



TOWN COUNCIL AGENDA
Regular Meeting
Wednesday, May 11, 2016
5:30 PM
Council Chambers

1. 5:30PM CALL TO ORDER

2. ROLL CALL

3. 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,

4. PUBLIC SESSION WILL BEGIN IMMEDIATELY FOLLOWING THE NON-PUBLIC SESSION ABOVE.

5. PLEDGE OF ALLEGIANCE

6. SPECIAL RECOGNITIONS

7. APPROVAL OF MINUTES

7.a. Public: 04/13/2016
[TC Minutes 041316-U.pdf](#)

7.b. Public: 04/27/2016
[TC Minutes 04272016-U.pdf](#)

7.c. Non-Public: 04/27/2016

8. AGENDA OVERVIEW

9. PUBLIC HEARINGS

9.a. Public Hearing for the donations to cover the cost of irrigation/landscape/hardscape material with labor, signage, and ceremonial bell valued at \$20,483.36 for the Hooksett Safety Center Memorial Park to the Town of Hooksett per RSA 31:95-b III(a) & RSA 31:95-e II.
[051116 Memorial Park.pdf](#)

Anyone requesting auxiliary aids or services is asked to contact the Administration Department five business days prior to the meeting.

10. CONSENT AGENDA

11. TOWN ADMINISTRATOR'S REPORT

12. PUBLIC INPUT - 15 MINUTES

13. NOMINATIONS AND APPOINTMENTS

14. SCHEDULED APPOINTMENTS

14.a. Don Riley, Moderator

15. 15 MINUTE RECESS

16. OLD BUSINESS

16.a Donation of a LifePak 15 Cardiac Monitor/Defibrillator from The New England Heart & Vascular Institute (CMC Hospital) valued at \$28,321.82 to the Hooksett Fire-Rescue Dept. as per RSA 31:95-e II.

[042716 TC LIFEPAK DONATION HFD.doc](#)

[Cardiac Monitor Donation.pdf](#)

[LP Quote 3-2016.pdf](#)

16.b Discussion of Town Meeting Results

17. NEW BUSINESS

17.a 16-024 Firebird Motel 10 Bell Ave. Hooksett, NH - Law Enforcement

[BELL AVE LTR 042716.pdf](#)

17.b 16-025 Other Ways to Govern the Town of Hooksett

[Court case related to forms of government in NH.pdf](#)

17.c 16-026 Town Newsletter

[5112016 Newsletter Staff Report.pdf](#)

[0516.pdf](#)

17.d 16-027 Boston Post Cane Award

[5112016 Boston Post Cane Staff Report.pdf](#)

Anyone requesting auxiliary aids or services is asked to contact the Administration Department five business days prior to the meeting.

18. SUB-COMMITTEE REPORTS

19. PUBLIC INPUT

20. NON-PUBLIC SESSION

20.a 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,

20.b 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.

21. 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.

Anyone requesting auxiliary aids or services is asked to contact the Administration Department five business days prior to the meeting.



TOWN COUNCIL -- UNOFFICIAL
Regular Meeting
Wednesday, April 13, 2016
6:30 PM
Council Chambers

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7
8 **1. CALL TO ORDER**

9
10 Chairman James Sullivan called the meeting to order at 6:30 p.m.

11
12 **2. ROLL CALL #2**

13
14 In attendance: Chairman Sullivan, Councilors Robert Duhaime, Marc Miville, David Ross,
15 James Levesque, Adam Jennings, Nancy Comai, Donald Winterton, and Tim Tsantoulis

16
17 **3. PLEDGE OF ALLEGIANCE**

18
19 **4. SPECIAL RECOGNITIONS**

20
21 4.a Police Department - swearing in of new Patrol Officer

22
23 Chairman Sullivan introduced Captain Daigle who came forward to swear in Eric Perreault as
24 Hooksett's newest Patrol Officer. Captain Daigle said he was proud to swear in Officer
25 Perreault in front of his Hooksett Police Department colleagues, his family and friends.
26 Officer Perreault was raised in Lowell, MA and went to Salem High School. He took some
27 business management courses at Keene State College and is an exceptional baseball player
28 having been a free agent for the Arizona Diamondbacks. From there he served as an
29 Account Manager for MicroTech. Mr. Perreault joined the Captain and took his oath of office.
30 His mother came forward and proudly pinned his badge to the applause of friends, family,
31 and colleagues. On behalf of the Council, Chairman Sullivan offered congratulations to
32 Officer Perreault and advised him to "stay safe".

33
34 **5. APPROVAL OF MINUTES**

35
36 5.a Public: 03/23/2016
37 [TC Minutes 03.23.16-U.docx](#)

38
39 *Councilor Duhaime moved, second by Councilor Jennings, to approve the March 23, 2016*
40 *Town Council meeting minutes as amended. Motion passed 8-0-1 (Councilor Comai*
41 *abstained).*

42
43 5.b Public: 04/02/2016
44 [TC MINUTES 040216-U.pdf](#)

45
46 *Councilor Jennings moved, second by Councilor Duhaime, to approve the April 2, 2016 Town*
47 *Council special meeting as presented. Motion passed unanimously, 9-0.*

48
49 **6. AGENDA OVERVIEW**

51 **7. MARTINS FERRY ROAD - PUBLIC INPUT (30 MINUTES)**

52
53 7.a Extended public input for the Town to provide the public with information on Martins
54 Ferry Road for proposed sidewalks and traffic calming measures and for the Town to
55 receive public comments on this proposal.

56 [2016 Roadway Construction Project april 13 2016 town council mtg.pdf](#)

57
58 Town Engineer, Jim Donison, followed up on the Martins Ferry Road construction project that
59 was discussed at the Council's last meeting. Mr. Donison noted on overhead slides where
60 two stakes and bump-outs would be located. Trees will be cut and the sidewalk will be
61 immediately adjacent to the curb. If a property owner wants trees down, "we'll meet with
62 individual property owners". Bump-outs are a slight indent in the road and will be marked so
63 that snow plow drivers see them. It was mentioned again that fire and police do not like
64 speed tables. Mailboxes were discussed previously, as well. Mr. Donison had a slide placing
65 the mailboxes sideways at the edge of the sidewalk which would work and not require
66 homeowners to cross the street to get their mail. Mr. Donison will make sure this is
67 acceptable to the Postmaster. Councilor Ross asked about the costs of removing the
68 mailboxes that exist and reinstalling new ones. Councilor Ross asked if the town was paying
69 for the material, labor, etc. He also pointed out that one or two mailboxes are on granite
70 posts. Mr. Donison said the granite posts will have to be replaced. He said, "people need to
71 know who is paying for it and where it's going to be".

72
73 In response to David Smith about the width of driveways, Mr. Donison said the roadway
74 would go from 22 to 20 feet. Mr. Smith said he's interested in safety, slower speeds, and
75 peaceful living and proposed four bump-outs. Mr. Smith asked whether or not the four part-
76 time officers had been approved. Dr. Shankle said the Council approved four part-time
77 officers and will be filled if the budget is passed. Two other officers are on a separate
78 warrant article. Mr. Smith said he's looking to get the police officers in the area; limiting the
79 speed hasn't helped.

80
81 Michael Stachura of Benton Road pointed out on the slide the area of concern to him. His
82 house is at the corner and asked how speeding traffic can be slowed going down Benton
83 Road. He said it is a dangerous intersection and asked if it wouldn't be better to put a stop
84 sign at that corner on Martins Ferry. Mr. Donison said they tried to space out the bump-outs
85 evenly along Martins Ferry Road but questioned whether that would prevent drivers from
86 whipping around the corner. It is an enforcement issue. Dr. Shankle suggested turning it into
87 a T intersection. Mr. Donison thought that is a possibility. Mr. Stachura was not sure that
88 would help. Mr. Stachura said Benton Road was supposed to have been widened but it was
89 never done. He said people cannot get out that road onto Martins Ferry Road and a three
90 way stop sign may be the ideal solution.

91
92 Chairman Sullivan asked if it couldn't be brought back to a T rather than a Y intersection. Mr.
93 Donison said that is something the Safety Committee took a look at. Three way stops are not
94 preferred for speed control. Mr. Donison said he'll take a look at the area again. Councilor
95 Winterton said he appreciated Mr. Stachura's input and asked him to get in touch with
96 neighbors to support the Council's budget that includes funding for four part-time officers.

97
98 Matt Harding of 32 Martins Ferry Road said he supports the proposal and appreciates the
99 effort. He said he feels strongly about making the road "feel more like a community". He said

100 last Friday he went to see the baseball game at SNHU with his daughter who wanted to walk
101 the ¼ mile trip to the field, so his daughter supports having a sidewalk.

102
103 Councilor Ross suggested placing a concrete cone in the middle of the road, or crosswalk.
104 He said UNH uses them and “you can’t cut corners”. He said that occurs on Sherwood Drive
105 as well. Chairman Sullivan said they would have to be removed during the winter months.
106 Councilor Duhaime said for now calming measures should be installed and marked for review
107 in a year from now to see how it’s working.

108
109 Mr. Donison said there is a pedestrian bridge across the brook. He spoke with SNHU about
110 the cost of the superstructure and indicated that the town would pay for abutment costs. A
111 representative from SNHU, Mr. Maldini, said the matter is under advisement and the school
112 will see what they can do. He said it’s at the leadership desk and “we are looking at it”. Dr.
113 Shankle asked if students would use sidewalks. Mr. Maldini said “probably” but they haven’t
114 done a study. In response to a Council member, Mr. Donison said there is no cost to Sewer.

115
116 Councilor Miville said it has been a long process and thanked everyone for providing a lot of
117 input. He is in support of the plan and feels it “accomplishes what we need”. Mr. Donison
118 said he expects to advertise the bid in mid-May and award it by mid-June. Work should
119 begin in July and will last three months.

120
121 **8. PUBLIC HEARINGS**

122
123 **9. CONSENT AGENDA**

124
125 9.a Donation of Approximate total dollar amount for materials \$215.00 and Donation of
126 labor will not exceed monetary value requiring a public hearing for the Hooksett Fire
127 Station 1 Cub Scout Garden Project. This is in compliance with RSA 31:95-e II.
128 [Station 1 Cub Scout Garden project - Staff report.pdf](#)

129
130 [Station 1 garden picture.JPG](#)

131
132 **10. TOWN ADMINISTRATOR'S REPORT**

133
134 Dr. Shankle reported the following:

- 135
136
- 137 • Audit was received. There were no major issues.
 - 138 • Received email from Councilor Levesque about a resident's interest in a guardrail.
139 Director of Public Works, Diane Boyce, and Deputy, Jim Donison, looked at it and didn't
140 recommend it; guardrails are generally placed so “you don’t go down an embankment”.
 - 141 • Attended a two day workshop on economic development and land use matters.
 - 142 • Planning Board toured SNHU’s new facilities. It was interesting.
 - 143 • Conservation Commission worked through impact fees issues.
 - 144 • Bid opening for Lilac Bridge reclamation. Got one bid – interested in sections of the
145 Bridge.

146 Donna Fitzpatrick provided a brief update on the Wellness Program. Ms. Fitzpatrick
147 reminded Council members that Harvard Pilgrim offers quarterly incentives and spoke to
148 the importance of learning more about being a consumer. Active employees can avail
149 themselves of the options in services which drives down costs. In May, the town will

150 launch a major water hydration challenge. Participation for the whole month of May
151 provides a \$75 incentive check.

152
153 Chairman Sullivan said there was a satisfactory conclusion to the Benton Road property.
154 Administrator Shankle said the work is not quite finished. The front yard is a mud hole.
155 Work continues on the property. In response to Councilor Levesque, Chairman Sullivan
156 said they are doing the work with the court's permission.

157
158 **11. PUBLIC INPUT - 15 MINUTES**

159
160 **12. NOMINATIONS AND APPOINTMENTS**

161
162 **13. SCHEDULED APPOINTMENTS**

163
164 13.a Planning Board

165
166 Scott Petty, Denise Craft, and Richard Marshall, members and Chair of the Planning Board
167 came forward to provide an annual update of the Planning Board's activities. Mr. Marshall
168 said the Planning Board had been very active over the past year to include zoning
169 amendments to be presented to voters in May, raising chickens, solar energy systems and
170 SNHU's proposed development who are working on a Master Plan for campus. Since
171 January 1 four site applications have been received in comparison to last year's one site plan
172 application.

173
174 They are beginning work on updating the Master Plan which hasn't been done since 2004. It
175 has been slow going with the loss of staff but they have contracted with Southern NH
176 Planning Commission to assist with Master Plan. Funds should be sufficient for technical
177 assistance as long as not sidetracked. Mr. Marshall said the development of the Master Plan
178 is under the purview of the Planning Board in accord with statute. Councilor Comai asked
179 about attendance at their meetings. Mr. Marshall said attendance has been very good; it's
180 always been good because volunteers take it seriously and they have alternates to replace
181 full members when absent. In response to Councilor Miville, Mr. Marshall said appeals are
182 made directly to the Supreme Court. If new information is provided on a case, it can be
183 appealed to the Board.

184
185 Councilor Duhaime asked who makes sure the Master Plan gets done. Mr. Marshall said the
186 Board sets goals and objectives. To accomplish those goals, zoning changes must be
187 developed and that continues all the time. Mr. Marshall said they are continually updating the
188 plan and are always cognizant of the Master Plan which gets updated every ten years and
189 gets amended from time-to-time. Currently, several chapters really need to be updated.
190 Sometimes the Board just re-affirms particular sections. Councilor Levesque asked if
191 proposed zoning changes are made available to the public. Mr. Marshall said they are
192 posted. Chairman Sullivan mentioned a new TIF plan. Mr. Marshall said he would love to
193 discuss it if somebody would come to the Planning Board to discuss it. Councilor Comai
194 suggested clarification on who stewards the Master Plan. Mr. Marshall said the Planning
195 Board and the Planning Department staff is responsible for that. Mr. Marshall said the
196 amendments are recorded by date. He's done four Master Plans.

197
198 **14. 15 MINUTE RECESS**

199

200 **15. OLD BUSINESS**

201
202 15.a Richard Fitz Proposal for Selective Timber Cut

203
204 Dr. Shankle said that Richard Fitz made a proposal regarding cutting timber on town land.
205 The Council asked Dr. Shankle to do due diligence and bring back information so the Council
206 could make a decision. According to the state who both assess timber and keep an eye on
207 timber cuts, it seems the prices Mr. Fitz is proposing paying are reasonable. The only issue
208 that was raised was whether the Town's property could be clearly delineated. Dr. Shankle
209 asked the Town Engineer to work with Mr. Fitz on the entrance to the area and the bounds.

210
211 Pending the resolution of the expressed concerns, *Councilor Winterton moved, second by*
212 *Councilor Jennings, to authorize the Town Administrator to sign the Timber Contract with*
213 *R.A. Fitz & Son, Inc. provided all boundaries of the town-owned property, Map 23, Lot 14, are*
214 *agreed to and satisfied. Motion passed unanimously, 9-0.*

215
216 Jim Donison said that the parcel is 33 acres and Mr. Fitz will survey the parcel before the cut
217 is actually done. Councilor Comai said Mr. Fitz was supposed to talk to abutters. Mr.
218 Donison said Mr. Fitz has contacted everyone. Councilor Comai wanted assurance that the
219 town would not be liable for any damages. Mr. Donison said that had to be addressed in the
220 agreements reached. Town Administrator Shankle said "he may not get permission to go in".
221 Councilor Levesque suggested keeping the contractor to the letter of the agreement.

222
223 Councilor Winterton recalled that Mr. Fitz is doing a property in the area, not contiguous, and
224 if trees don't come off the property now, "we'll never have access to that property again". He
225 continued saying that the parcel is land locked and no one will go in again. A forest will re-
226 grow. Councilor Winterton stands by his motion authorizing the Town Administrator to sign a
227 contract with the caveat as included in the motion. Councilor Comai said it should be a clear
228 cut. Councilor Duhaime said every county has its own forester. Once Mr. Donison knows the
229 boundary, the forester will be happy to take a look. Councilor Ross said it's town property
230 and a clear cut is generally not a good thing to do; and it's ugly too. It's a selective cut
231 because it's still a forest; not conservation property. Councilor Winterton said no one
232 advocated a clear cut, someone asked about a clear cut. Councilor Levesque said selective
233 cut is the thing to do. There can be another harvest in 50-75 years from now, and sometimes
234 hard wood comes back better. Chairman Sullivan said the concerns will be addressed. The
235 motion passed unanimously, 9-0.

236
237 15.b Deliberative Session 04/02/16

238
239 Chairman Sullivan welcomed any comments on how the deliberative session went. He
240 thought it went very well. Councilor Winterton said it is important to recognize that there were
241 eight citizens who attended that were not on any committee and "that's very troubling". He
242 said warrant articles changing the dates of the deliberative session and town meeting and
243 that is a good thing. He said that Hooksett has 9,865 voters. Under SB 2, "we could be
244 subject by governance motivated by a minority". He said weeks of hard work gets changed
245 by a very vocal minority.

246
247 Councilor Winterton said SB 2 today is a "troubling way to govern ourselves". He said in
248 2016 we are asking citizens of Hooksett to go to a deliberative session or ballot box seven
249 times this year. Motivated citizens will go seven times a year – we have eight of them. Only

250 eight citizens have perfect attendance. Councilor Winterton suggested that the Council direct
251 the Town Administrator to confer with counsel on other ways Hooksett could govern itself and
252 provide descriptions of various forms of government and ask the citizens if that is the way
253 they want to govern. Chairman Sullivan asked that the matter be included on next month's
254 Council meeting agenda. Councilor Ross suggested letting the people weigh in on the
255 warrant article first. Councilor Winterton said he was not proposing anything. SB 2 is not
256 serving the people of Hooksett. Chairman Sullivan said it could be voter apathy. Councilor
257 Miville said at times when there is no controversy, there's no reason to show up. "We need
258 to get out the vote". Election will be held on May 10th and the word needs to get out.
259 Chairman Sullivan said that other than lack of attendance, the explanations were clear and
260 answers were provided and "we continue to improve". Councilor Levesque said the Voters
261 Guide doesn't have zoning amendments in it. Dr. Shankle thought they were included.

262

263 **16. NEW BUSINESS**

264

265 16.a 16-015 Contract Award for Architectural Services for the Hooksett Safety Complex
266 - 2016 Police Station Renovations RFP#16-02
267 [Staff Report April 13 2016 Town Council RFP 16-02 Police Station.pdf](#)
268

269

270 Town Engineer, Jim Donison, on behalf of Chief Bartlett, reviewed the results of the RFP for
271 architectural services in renovating the town's Safety Complex. The scope of work will
272 include relocating the dispatch room, improving a number of rooms, and the like. Four
273 interested firms submitted their proposal. The Selection Committee interviewed three of
274 them. The fourth firm was not interviewed because their quote of \$97,500 was substantially
275 higher than the other three firms. The Selection Committee chose SMP Architecture because
276 they provided the most detailed information though their price of \$54,125 was not the lowest.
277 Mr. Donison also stated that SMP Architecture has done work for the town previously.

278

279 *Councilor Comai moved, second by Councilor Jennings, to award RFP #16-02 Proposal for*
280 *Architectural Services for the Town's Safety Complex to SMP Architecture for the amount of*
281 *\$54,125. It was noted that funding for the project will come from the already approved Police*
282 *Impact Fee account approved by the Town Council on October 28, 2015.*

283

284 Councilor Ross was concerned about what was not included in the scope of services and that
285 more meetings, if necessary, would add to the cost. Mr. Donison said specifics were
286 included and the Police Chief is comfortable with the five meetings proposed to include
287 critical milestone meetings, and will supply drawings. Dr. Shankle said SMP Architecture is
288 the firm that did Station 1. Councilor Ross said the comparison of the two buildings is stark.
289 Councilor Tsantoulis recalled the Chief talking about small scope items; not a total
290 rehabilitation and asked whether the quoted price was fair compensation. Mr. Donison said
291 "yes". Councilor Miville asked what the difference was between SMP and the next lowest
292 price quote of \$42,800 provided by Dennis Mires, P.A. Mr. Donison said the proposal
293 submitted by SMP was very detailed. They provided very detailed sketches in comparison to
294 the others who were very generic.

295

296 *Roll Call # 3 was called: Comai-yes, Ross-yes, Jennings-yes, Miville-yes, Duhaime-yes,*
297 *Tsantoulis-yes, Levesque-yes, Winterton-yes, Sullivan-yes. Motion passed unanimously, 9-*
298 *0.*

299

300

300 [SMP Architecture proposal RFP 16-02 Police Station Improvements.pdf](#)

301

302 16.b 16-016 Contract Award for Fire Alarm System for Hooksett Old Town Hall

303 [Staff Report - Fire Alarm system Old town Hall.pdf](#)

304

305 Councilor Ross recused himself on this matter. Dr. Shankle mentioned that normally if an
306 award is for less than \$15,000 it would not come before the Council.

307

308 *Councilor Comai moved, second by Councilor Duhaime, to concur with DPW's*
309 *recommendation and award the contract to D.P. Ross Home Electronics at a cost of \$9,700.*

310 *Roll Call #4: Jennings-yes, Levesque-yes, Ross-abstained, Duhaime –yes, Miville-yes,*
311 *Winterton-yes, Tsantoulis-yes, Comai-yes, Sullivan-no. Motion passed, 8-0-1.*

312

313 [D. Ross bid - Old Town Hall.pdf](#)

314

315 [Hampshire Fire Bid Old Town Hall.pdf](#)

316

317 [Tyco Bid Old Town Hall.pdf](#)

318

319 16.c 16-017 Town Administrator Annual Performance Review Process

320 [Staff Report TA Eval 041316.pdf](#)

321

322 Town Administrator Shankle removed himself from the discussion. Councilors were asked to
323 approve the timeline and process for the Town Administrator's annual evaluation for period
324 7/1/15 – 6/30/16. Chairman Sullivan said he was comfortable with the format. Dr. Shankle
325 will provide his self-evaluation on May 11th instead of April 27th. Councilor Winterton said he
326 is a firm believer in self evaluation and he was comfortable with the accelerated timeline.
327 May 25th will now be May 11th. Ms. Fitzpatrick said that it use to be done closer to May or the
328 end of June. Chairman Sullivan said that in June, the Council will give the Town
329 Administrator established goals. Donna Fitzpatrick said she will send out an updated
330 schedule. Councilor Jennings asked if there were any recommendations on the form itself.
331 Ms. Fitzpatrick said that goals for this round included more technology. Councilor Miville
332 asked if there was an area for suggestions for improvement. Ms. Fitzpatrick said that under
333 each item there is a section for general comments.

334

335 16.d 16-018 Old Home Day Town Council Booth - 09/17/16

336 [STAFF REPORT 2016 OLD HOME DAY TC BOOTH.pdf](#)

337

338 Annually the Council has hosted an Old Home Day Town Council booth. Additionally, to
339 promote town collaboration the Conservation Commission and Heritage Commission have
340 booths on either side to share their respective information. Councilors volunteer their time to
341 work the booths. Councilor Winterton suggested filling in the volunteer sign-in sheet after the
342 election since the Council composition may change.

343

344 *Councilor Jennings moved, second by Councilor Tsantoulis, to approve the 2016 Old Home*
345 *Day Town Council booth as presented. Motion passed unanimously, 9-0.*

346

347 [2016 Vendor Registration.pdf](#)

348

349 [2016 OHD vendor guidelines.pdf](#)

350

351 16.e 16-019 Heritage Day Proclamation 05/21/2016

10

Chairman Sullivan read a Preservation Month 2016, Proclamation by Hooksett Town Council proclaiming May as National Preservation Month in Hooksett and May 21, 2016 as Hooksett Heritage Day.

Councilor Levesque moved, second by Councilor Jennings, to accept the proclamation as presented. Motion passed unanimously, 9-0.

17. SUB-COMMITTEE REPORTS

Councilor Tsantoulis said the Assessors Committee met tonight and there is nothing out of the ordinary to report.

Councilors Jennings, Duhaime, Comai, and Miville had no report.

Chairman Sullivan reported on the Conservation Commission. He said during demolition of the old town hall, they discovered items to be preserved -- the old arch of the window of the front door; spiral stair case, the shade. The coating is still in good shape. Commission is almost ready to go out for bids for the replacement of the windows.

Councilor Winterton said the Sewer Commission met last Monday. As mentioned by Dr. Shankle earlier, the Planning Board met at SNHU. In attendance were five or six representatives of SNHU. They've had a lot of new hires. It was a really productive discussion and their growth is rapid; tearing down two buildings. Their proposal to the town will be a \$36 million dorm to house students that currently live in Manchester. That will be taxable property for Hooksett. They are also building the Gustafson Welcome Center and 1500 seat soccer facility and field. They need to provide the Planning Board with more information. It was a very positive meeting. Councilor Winterton suggested Councilor take time to go through and around the property and see the spectacular growth. New buildings are all "green".

Councilor Ross said they came to the Conservation Commission with preliminary plans for the new soccer field. He lives on Sherwood Drive and he can see the end of the tree line. There is noise pollution and music at the softball field. He hopes planning will address some of these issues -- noise and traffic are a problem. He also found drainage arrangements a bit short. Councilor Ross said there may be extra money for trail projects. He also commented on the elderly exemption qualifications; i.e., the asset level/income level are out of whack and the veterans tax credit totals \$500.

Councilor Levesque said the Zoning Board met last night. On Harmony Place, they passed variance to change from 63 units to 76 units which passed.

18. PUBLIC INPUT

19. NON-PUBLIC SESSION

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.

402 ***J. Sullivan motioned to enter non-public session at 9:30pm. Seconded by D.***
403 ***Winterton.***

404
405 **Roll Call**

406 T. Tsantoulis – yes

407 D. Ross – yes

408 R. Duhaime – yes

409 A. Jennings – yes

410 J. Levesque – yes

411 D. Winterton – yes

412 M. Miville – yes

413 N. Comai - yes

414 J. Sullivan - yes

415 ***Vote unanimously in favor.***

416

417 ***J. Sullivan motioned to exit non-public at 9:37pm. Seconded by D. Winterton.***

418 ***Vote unanimously in favor.***

419 ***J. Sullivan motioned to seal the non-public minutes of 04/13/16. Seconded by T.***

420 ***Tsantoulis.***

421 ***Vote unanimously in favor.***

422

423

424 **20. ADJOURNMENT**

425

426 *Councilor Ross moved, second by Councilor Tsantoulis, to adjourn the public session of the*
427 *meeting at 9:38 p.m. Motion passed unanimously, 9-0.*

428

429

430

431

432 **Note:** The town website may have attachments to these Town Council minutes for
433 documents referred to in the minutes, reading file material, and/or ancillary documents that
434 the Town Council Chair has signed as agent to expend as a result of the Council's prior
435 approval of the documents.

436

437 Respectfully submitted,

438

439

440 Suzanne Beauchesne

441 Recording Clerk

442



TOWN COUNCIL MINUTES -- UNOFFICIAL
Regular Meeting
Wednesday, April 27, 2016
6:30 PM
Council Chambers

1. CALL TO ORDER

Chairman James Sullivan called the meeting to order at 6:30 p.m.

2. ROLL CALL #1

In attendance: Chairman Sullivan, Councilors Robert Duhaime, Marc Miville, David Ross, James Levesque, Adam Jennings, Nancy Comai, and Tim Tsantoulis

Absent – Councilor Donald Winterton and Town Administrator, Dr. Dean Shankle.

3. PLEDGE OF ALLEGIANCE

4. SPECIAL RECOGNITIONS

4.a Swearing-in Ceremony for new Hooksett Fire Chief James Burkush

Chairman Sullivan thanked Assistant Chief, Dean Jore, and read through Chief James Burkush's biography. He welcomed family and friends in attendance, and recognized Councilor Comai. Assistant Chief Jore and Deputy Chief Michael Hoisington joined Chief Burkush and Councilor Comai who read the Firefighters Pledge and administered the oath of office to Chief Burkush.

Deputy Chief Hoisington asked Chief Burkush to be generous with passing on his knowledge and said that every Manchester firefighter he spoke to said "you've got a good one" and "you're going to like this guy". Both he and Assistant Chief Jore said they looked forward to working for and with Chief Burkush. Both offered congratulations and a "welcome aboard". Chief Burkush's son, a firefighter himself in Manchester, pinned the badge on him. Father and son exchanged a hug and the Chief said to his son "it was not that long ago, I was pinning this badge on you". Chief Burkush thanked the Council and the administrative staff. He introduced his family including his 90-year-old Mom, his wife, Anne, of 34 years, his two children, son TJ, and daughter, Kendall, his son-in-law Travis Mannon, and Manchester Assistant Fire Chief, Dan Goonan and his wife. He recognized Al Murray who taught him to dive way back. He said he met the Fire Department staff last week and looks forward to working with them, and to this new endeavor. He said he hopes to be able to "add something to this fine group here". Chairman Sullivan welcomed Chief Burkush and wished him well during his career in Hooksett. The Chairman also offered thanks to all the firefighters in attendance for their good work.

5. APPROVAL OF MINUTES

5.a Public: 04/13/2016
[TC Minutes 04.13.16-U.pdf](#)

52 *Chairman Sullivan moved to table the public minutes of the April 13th, 2016 Council meeting.*
53 *Second by Councilor Comai and passed unanimously, 8-0.*

54
55 5.b Non-Public: 04/13/2016

56
57 *Councilor Duhaime moved, second by Councilor Comai, to approve the non-public minutes of*
58 *the Council meeting of April 13, 2016. Motion passed unanimously, 8-0.*

59
60 **6. AGENDA OVERVIEW**

61
62 **7. PUBLIC HEARINGS**

63
64 7.a Public hearing for a donation of a LifePak 15 Cardiac Monitor/Defibrillator from The New
65 England Heart & Vascular Institute (CMC Hospital) valued at \$28,321.82 to the Hooksett Fire-
66 Rescue Dept. as per RSA 31:95-e II.
67 042716 TC LIFEPAK DONATION HFD.doc
68 Cardiac Monitor Donation.pdf
69 LP Quote 3-2016.pdf

70
71 At 6:48 p.m. Chairman Sullivan read the meeting notice and opened the public hearing to
72 accept a donation of a LifePak 15 Cardiac Monitor/Defibrillator from the New England Heart &
73 Vascular Institute (CMC Hospital) valued at \$28,321.82 to the Hooksett Fire-Rescue
74 Department per RSA 31:95-e, II.

75
76 Acting Fire Chief Dean Jore along with Firefighter/EMT-Paramedic Joe Stalker came forward.
77 Chief Jore said that Firefighter Stalker served as the technical expert on the project. He
78 originated the idea and wrote the grant request. Pictures of the equipment were handed out.
79 FF Stalker said the LifePak is the newest in the field today and transmits cardiac rhythms. FF
80 Stalker said the current equipment will be obsolete by September 2016 and Physio-Control
81 will no longer service these monitors, nor will they produce any products or parts for them.
82 FF Stalker said the town transports to three hospitals – Concord, Catholic Medical Center
83 (CMC), and the Elliot. FF Stalker said the equipment allows for advanced care that can start
84 more quickly from the field to the cat lab. Councilor Miville said it "looks heavy". FF Stalker
85 said its got a shoulder strap and stays in the ambulance. In response to Councilor Duhaime
86 who asked about the cost of maintenance, FF Stalker said they have a service contract
87 where they come in every year and do a systems check. The contract is worth its weight in
88 gold.

89
90 Councilor Levesque said as a patient of CMC and a survivor, he said they hook you up to this
91 monitor; it's fantastic and great for the town. FF Stalker said they bring the equipment right
92 into the house depending on symptoms and get on as soon as possible.

93
94 Chief Jore mentioned that another feature of the equipment is that it records the time
95 medication is administered and when certain procedures are done. FF Stalker said they
96 have the ability to select what is transmitted to the hospital; i.e., cardiac rhythm, vital signs.
97 FF Stalker said one machine has been traded in; they hope to trade the other two. The Chief
98 mentioned that the other machines are getting near the end of their serviceable life.
99 Councilor Miville asked if the "weakest one" gets replaced first. FF Stalker said they are all
100 weak. Councilor Ross thanked CMC and said he looks forward to having the modern
101 technology. He also urged staff to "keep up the good work and ask again [for grant funds]".
102 Councilor Levesque asked if CMC had informed us of the grant or did the department pursue

103 it. FF Stalker said in 2013 he had heard that the philanthropic department had done this sort
 104 of grant. At the time, Hooksett was in need of a chest compression device. Fast forward to
 105 2015, the department figured they'd try the same avenue and lucked out again. Michael
 106 Kelley from CMC came forward. Chairman Sullivan thanked him and CMC for their generous
 107 donation. Mr. Kelley said it is CMC's pleasure to donate the device to area fire departments
 108 and other organizations in need of this and other life saving equipment. Chairman Sullivan
 109 said the donation would be formally accepted at the Council's next meeting.

110 111 **8. CONSENT AGENDA**

112
 113 8.a Donation of a circa 1900 black and silver parlor stove from Bob Schroeder valued under
 114 \$5,000 to the Hooksett Heritage Commission for eventual use at the old town hall.
 115 Stove Donation 042716.pdf

116
 117 *Councilor Ross moved, second by Councilor Miville, to accept a donation to the Hooksett*
 118 *Heritage Commission of a silver parlor stove from Bob Schroeder valued under \$5,000.*
 119 *Motion passed unanimously.*

120
 121 8.b Landscape surety release in the amount of \$36,762.62 to PSNH/Eversource (off Legends
 122 Drive)
 123 Staff Report - PSNH landscape release.pdf

124
 125 *Councilor Jennings moved, second by Councilor Comai, to approve a landscape surety*
 126 *release in the amount of \$36,762.62 to PSNH/Eversource. Motion passed, 7-0-1 (Councilor*
 127 *Tsantoulis abstained).*

128
 129 8.c Landscape surety release in the amount of \$10,500.00 to Manco, LLC (Dunkin Donuts -
 130 Benton Road)
 131 Staff Report - Dunkin Donuts Landscape Surety Release..pdf

132
 133 *Councilor Duhaime moved, second by Councilor Jennings, to approve a landscape surety*
 134 *release in the amount of \$10,500 to Manco, LLC. Motion passed unanimously, 8-0.*

135 136 **9. TOWN ADMINISTRATOR'S REPORT**

137
 138 In Dr. Shankle's absence, Christine Soucie, Finance Director, indicated the Hooksettites
 139 invited one Council member to attend and say a few words at an event to be held on
 140 Thursday, May 19th at the Derryfield Country Club. Chairman Sullivan said they will make
 141 arrangements to have someone attend. Director Soucie then reported that NH Motor
 142 Speedway has offered Council members a 20 percent discount at two events to be held on
 143 July 17th and September 25th. There is no conflict and no action is required by the Council.

144 145 **10. PUBLIC INPUT - 15 MINUTES**

146
 147 Ronald Latouche of Bell Avenue came forward and presented a petition letter regarding
 148 ongoing activity at the Firebird Motel. Mr. Latouche read the petition letter which is attached
 149 to these minutes.

150
 151 Chairman Sullivan said the Chief has kept him posted on what's going on at the motel. He is
 152 aware of the concern and asked that Town Administrator Shankle ask the Police Chief to
 153 come in at the Council's next meeting to discuss plans to address citizens' concerns. Donna

154 Fitzgerald mentioned that the Chief was out at training. The issue will be placed on the May
 155 11th meeting agenda. Councilor Miville asked what course of action Mr. Latouche is
 156 proposing. Mr. Latouche said that he and his neighbors would like the motel shut down;
 157 there is prostitution, murder, and stabbings there. Recently, syringes were picked up and
 158 now people are parking at the Fairfield and walking to the Firebird. He said all they care
 159 about is taking in cash. Chairman Sullivan said "we'll find out what else can be done to
 160 alleviate the situation".

161
 162 **11. NOMINATIONS AND APPOINTMENTS**

163
 164 **12. SCHEDULED APPOINTMENTS**

165
 166 12.a Don Riley, Moderator

167
 168 Town Moderator, Don Riley, on behalf of the Board of Elections thanked the Council for their
 169 tremendous support over the last five years. He said that he and his team of volunteers have
 170 "raised the bar" and everyone should be thanked for what they do. He suggested maintaining
 171 the Council representative to the Board of Elections, currently held by Councilor Ross. The
 172 town election will be held on May 10th, and Mr. Riley encouraged Council members to sign up
 173 to volunteer on Election Day except those on the ballot. Mr. Riley said he'll need three
 174 Council members to be available at the end of the day to sign the seal for the ballot.

175
 176 Moderator Riley said there was a Union Leader article recently on an electronic voter
 177 checklist system. He and Scott attended demonstrations that were conducted over the last
 178 several weeks. He said it is exciting technology that will eliminate lines and minimize errors.
 179 The "Poll Pad" tablets allow voters to swipe their driver's licenses on a card reader to check
 180 in. If the information that comes up is correct (home address, polling location), the voter can
 181 sign his or her name on the tablet, which the poll worker then matches to signatures already
 182 on file with election officials. The tablet then prints out a slip that can be given to election
 183 workers in exchange for a ballot. Senator Boutin developed an amendment which calls for
 184 pilot programs in September and November. Manchester City Clerk, Matt Normand, is
 185 hoping to get approval of the system as a first step to have the technology implemented
 186 statewide.

187
 188 Mr. Riley stated that he and Todd attended the NH Senate's Public and Municipal Affairs
 189 Committee and there seemed to be lots of support for the legislation. If passed by the
 190 Senate, it will need to go back to the House for approval. Three communities in NH could be
 191 participating in the pilot program in September and November – Manchester, Durham, and
 192 Hooksett at no cost to the town. Mr. Riley said that votes can be counted in 15 minutes,
 193 rather than two hours. Councilor Miville asked if ballots still get counted. Mr. Riley said that
 194 the machine counts the ballots. Workers look at ballots for write-ins. Councilor Ross said
 195 "anything getting rid of lines is a great idea", and asked if a log is maintained. Mr. Riley said
 196 that it was all captured and uploaded to the Cloud; very secure. Mr. Riley said that 10 states
 197 are using this technology. Councilor Miville asked if more volunteers would be required. Mr.
 198 Riley said its likely fewer people will be required. The new technology cost about \$1,200 per
 199 Poll Pad, and if all materializes, funding will be an issue.

200
 201 Chairman Sullivan indicated that the Memorandum of Understanding (MOU) will need to be
 202 signed. A final schedule of Councilor participation on election day will be sent to Mr. Riley.

203

204 **13. 15 MINUTE RECESS**

205

206 **14. OLD BUSINESS**

207

208 **15. NEW BUSINESS**

209

210 15.a 16-020 Quarterly Financial Update for March 2016

211 [Quarterly March 2016.pdf](#)

212

213 Finance Director Christine Soucie went over highlights of the third quarter financial report
214 ending March 31, 2016 as follows:

215

- 216 • total operating budget is 68 percent spent
- 217 • total revenue figure shows 78 percent collected which is very comparative to the last
- 218 two years
- 219 • percent expended is very low for family assistance
- 220 • administration has expended close to 84 percent to date; Ms. Soucie expects to come
- 221 in below or at budget
- 222 • Fire-Rescue's budget as of March 31st is 69 percent spent, which is slightly lower than
- 223 the prior two years and primarily due to vacant positions
- 224 • One thing running through each department is turnover, a 30 percent rate

225

226 Chairman Sullivan asked what is an average turnover rate and are there concerns about why,
227 why are people leaving. Director Soucie said the hardest department hit was Public Works
228 and Fire-Rescue and there are a number of factors as to why people are leaving. Donna
229 Fitzpatrick mentioned that her office does exit interviews with all departing employees no
230 matter why they are leaving. Councilor Tsantoulis said that unemployment is low and more
231 people feel comfortable leaving jobs but it not unique to municipal employees.

232

233 Other highlights include:

234

- 235 • while there were not many snow events this year, those that did occur were on
- 236 weekends or holidays so staff had to be paid overtime; hired contractors plow school
- 237 parking lots to ease the burden on staff
- 238 • \$64,781 as of March 31st, has been spent for engineering costs on the Lilac Bridge
- 239 which was not budgeted for
- 240 • The Recycling and Transfer Division is 62% spent and is keeping pace with prior years
- 241 spending; tipping fees are up

242

243 Councilor Ross stated that "we need to look at this recycling; we're not saving money". He
244 said the town was losing money given the cost of the vehicles, fuel, and maintenance items,
245 and the vehicles are only three years old. Chairman Sullivan said the matter needed to be
246 brought back on the agenda. Councilor Ross said he would like specifics from Administrator
247 Shankle. Councilor Duhaime stated that turnover of staff also takes a toll on equipment.
248 Chairman Sullivan repeated that the issue should be placed on the agenda and have Dr.
249 Shankle address the question. Councilor Ross said he would like numbers in a simple format
250 of the cost per ton to get rid of trash now versus a few years ago. The bottom line, he said, is
251 how much does it take to get the trash out of town.

252

253

254
 255 15.b 16-021 Declare Vacancy - Parks & Recreation Advisory Board
 256 PRAB Vacancy.pdf

257
 258 *Councilor Jennings move, second by Councilor Duhaime, to authorize posting a vacancy for*
 259 *the Parks and Recreation Advisory Board. This vacancy is created by Richard Cote lack of*
 260 *attendance and participation on the Advisory Board. Motion passed unanimously, 8-0.*

261
 262 15.c 16-022 Proclamation - Citizen of the Year 2016
 263 COY 16 Staff Report.pdf
 264 Citizen of the Year Proclamation 2016.doc

265
 266 The Lions Club has selected Frank Kotowski as the 2016 Hooksett Citizen of the Year. Each
 267 year the Town Council presents a proclamation at the recipient of the Citizen of the Year
 268 ceremony which will be held on May 13th this year at the Puritan. Chairman Sullivan read the
 269 proposed proclamation. A typographical error was pointed out to change "her" to "him" in the
 270 third paragraph.

271
 272 *Councilor Jennings moved, second by Councilor Miville, to authorize the Chair to present the*
 273 *Citizen of the Year proclamation as read to Frank Kotowski at the 2016 Citizen of the Year*
 274 *dinner and ceremony. Motion passed unanimously, 8-0.*

275
 276 15.d 16-023 Donati & Frasier Tennis Courts for Pickleball Use
 277 Pickle Ball lines in Tennis Courts.pdf

278
 279 Diane Boyce, Director of the Public Works Department, indicated that presently the town is
 280 leasing the gym during the day to a pickle ball group. Pickle ball has become one of the
 281 fastest growing sports and the group has requested that the town put pickle ball lines in the
 282 tennis courts along with the tennis lines for the courts. The town could place a lighter purple
 283 line in one of the two courts at Donati and on one of the two courts at Fraser Field. Those
 284 courts could then be used by both tennis players and pickle ball players. It seems the Town
 285 of Merrimack had the same issue that caused a conflict with tennis players that created a
 286 need for more tennis courts. Director Boyce said that Dr. Shankle feels the tennis courts are
 287 being regularly used and re-purposing them is inappropriate. Director Boyce has gone by the
 288 courts on several occasions and has found that they are not regularly used. She said she
 289 went by seven times over the weekend and did not find anyone using the courts. A resident
 290 showed Council members the racquet and ball used in the game. Director Boyce is asking
 291 that the Council allow pickle ball lines to be painted on two of the four tennis courts in town at
 292 a cost of \$400. Councilor Tsantoulis said that town property should be shared and enjoyed
 293 by all residents. Councilor Jennings said if scheduling becomes an issue, perhaps that may
 294 serve as a good Eagle Scout project.

295
 296 *Councilor Jennings moved, second by Councilor Ross, to allow two of the four tennis courts*
 297 *in town to be painted with pickle ball lines. Motion passed unanimously, 7-0 [Councilor*
 298 *Levesque stepped outside of the meeting room at the time of the vote].*

299
 300 **16. SUB-COMMITTEE REPORTS**

301
 302 Councilors Tsantoulis, Jennings, Duhaime, and Miville has no reports. Councilor Comai said
 303 she will not be on the Council going forward and members may want to consider filling her

304 position on the Board of Assessors, Cable Advisory Board, Retention Committee, and Union
305 Negotiations. Councilor Ross is also on those committees.

306
307 Chairman Sullivan said he had nothing to report on the Old Town Hall Committee other than
308 documentation to go out for bid for windows is on its way. Heritage Commission Day will be
309 held on May 21st. The Chairman will report back to the Council on Guidelines on Monuments
310 and discussed bid opening for Lilac Bridge.

311
312 Councilor Ross said there was no Conservation Commission meeting. He said there were no
313 surprises for the Old Town Hall Committee; heat detectors were all found operational.

314
315 Councilor Miville said town elections will be held May 10th. Remind everyone to come out
316 and vote. Appreciate everyone showing up at McCauley Middle School. Please come vote.

317
318 Councilor Levesque said the Transfer Committee met but he was not able to attend. He will
319 provide information at next meeting.

320
321 Councilor Duhaime – T-shirts – Chairman Sullivan said they have a multitude of items: t-shirts,
322 blankets, maps, all available from the Town Clerk, Town Hall, or Robie's Store. Proceeds
323 benefit the Heritage Commission endeavors.

324
325 Councilor Ross moved, second by Councilor Tsantoulis, to place an ad in the newspaper, at
326 a cost not to exceed \$200, to "Get Out The Vote" and remind people how important it is to
327 vote and to post a similar public service announcement at the Library. Motion passed
328 unanimously, 8-0.

329
330 Councilor Miville suggested writing up a press release as well to be included in the Hooksett
331 Banner and/or the Union Leader. Councilor Jennings asked if other towns held elections in
332 May. Chairman Sullivan said not many and indicated that holding town and school elections
333 at the same time would help

334
335 Chairman Sullivan closed the Public Hearing on LifePak.

336

337 17. PUBLIC INPUT

338

339 18. NON-PUBLIC SESSION

340

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

343

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

346

347 ***J. Sullivan motioned to enter non-public session at 8:29pm. Seconded by A. Jennings.***

348

349 Roll Call

350 R. Duhaime – yes

351 M. Miville – yes

352 D. Ross – yes

353 J. Levesque – yes

354 A. Jennings – yes
355 N. Comai – yes
356 T. Tsantoulis - yes
357 J. Sullivan – yes

358
359 ***Vote unanimously in favor.***

360
361 ***J. Sullivan motioned to exit non-public at 8:58pm. Seconded by J. Levesque.***
362 ***Vote unanimously in favor.***

363 ***D. Ross motioned to seal the non-public minutes of 04/27/16. Seconded by M. Miville.***
364 ***Vote unanimously in favor.***

365
366 **19. ADJOURNMENT**

367
368 ***R. Duhaime motioned to adjourn 04/27/16 public session at 9:00pm. Seconded by D.***
369 ***Ross. Vote unanimously in favor.***

370
371
372
373
374
375
376

377 **Note:** The Town website may have attachments to these Town Council minutes for
378 documents referred to in the minutes, reading file material, and/or ancillary documents that
379 the Town Council Chair has signed as agent to expend as a result of the Council's prior
380 approval of the documents.

381
382 Respectfully submitted,

383
384 Suzanne Beauchesne
385 Recording Clerk

14 Bell Ave.
Hooksett, NH 03106-1036
Res: 603-669-2674
Cell: 603-396-5168
email: rondens@comcast.net

April 22, 2016

Hooksett Town Council
Hooksett, New Hampshire 03106

Re: Firebird Motel
10 Bell Ave., Hooksett, NH

TO WHOM IT MAY CONCERN:

We, the undersigned, are abutters and/or neighbors residing and/or working in the area of the above captioned motel.

Since attending the Neighborhood Watch program in 2015, we have noticed an up-tick/ proliferation of activity in the coming & going of clients at the Firebird. To our dis-like, there seems to be a lack of "preventive maintenance" on management's part that might otherwise preclude a number of incidents, now increasing in intensity and frequency.

While the Police Department should be commended for its vigilance in attempting to keep some measure of safety in & around our neighborhood, and we so appreciate its untiring efforts, we remain reactive to what is transpiring at that address, rather than being pro-active in deterring malicious behavior.

We will appreciate an open discussion at the town council regarding steps that can be initiated to regain our appreciation of living in this section of Hooksett.

Sincerely,

Ronald A. Katouche
Ronald A. Katouche

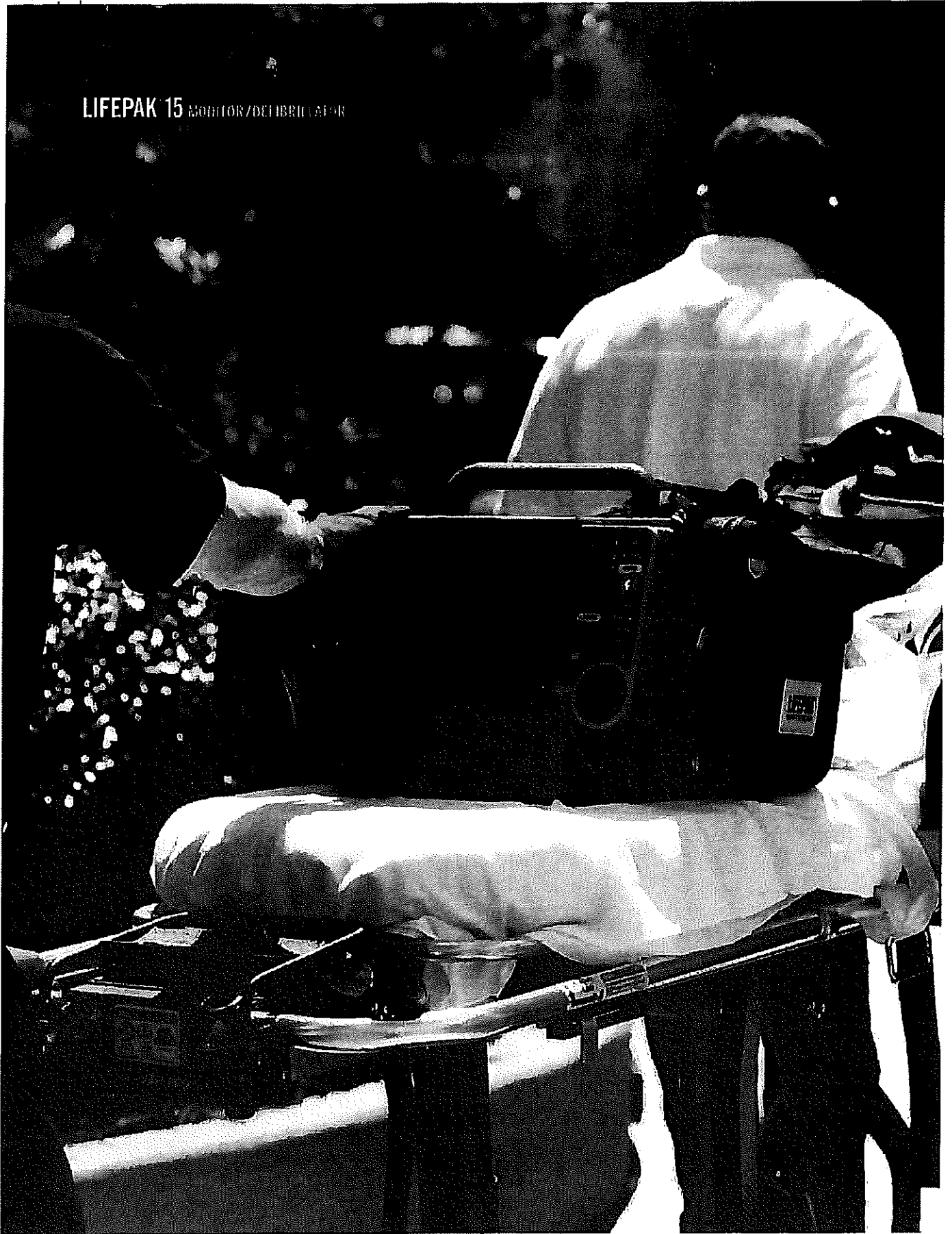
- Denise Datoche* 14/18 Bell Ave. Hooksett
- Catherine Rice* Children's Country Learning Ctr.
- Carl and Audrey Carter* 5 Bell Ave Hooksett
- IAN & Candice Cote* 1 WEST STEWENS AVE HOOKSETT
- John & Lynn King* 7 Bell Ave Hooksett
- Maudette L. Surber* 6 Bell Stearns Ave Hooksett NH
- Paul King Jr* 3 W STEWENS AVE HOOKSETT NH
- Don Kestner* 16 BELL AVE. HOOKSETT
- Phyllis* 14 BELL AVE. PAW PRINTZ DOG GROOMING

PHYSIO
CONTROL



LIFEPAK[®] 15 MONITOR/DEFIBRILLATOR
For Emergency Medical Services

LIFEPAK 15 MONITOR/DEBRILLATOR

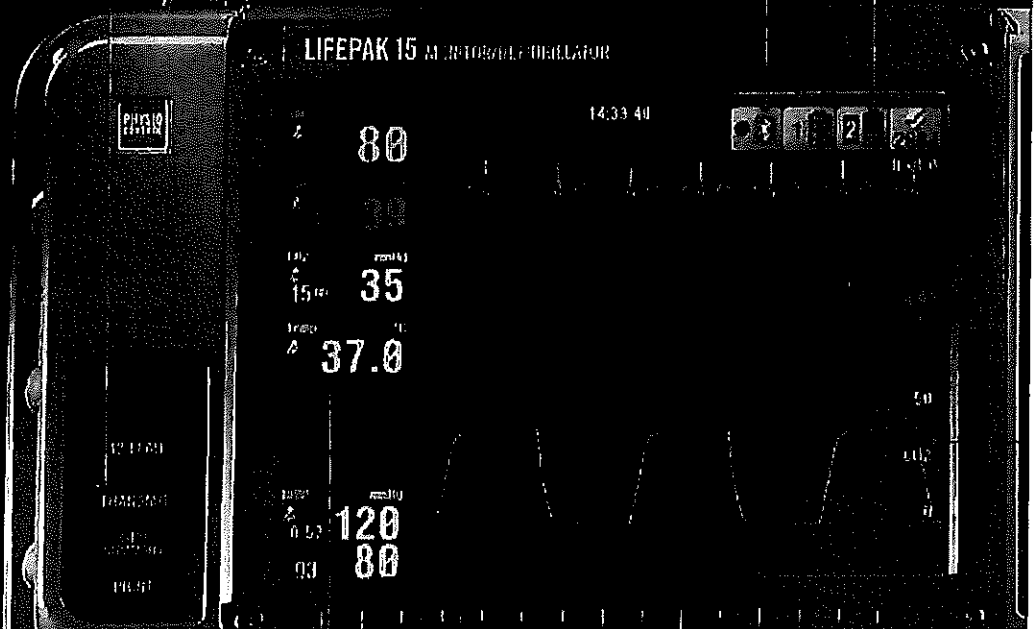


The Life Lithium-ion battery technology and dual battery system allow for nearly 24-hour runtime, when the user has selected external power and batteries, an 11-hour approximate two-year replacement cycle.

Try one-touch Bluetooth® data transmission.

12-lead ECG transmission via PhysioNet™, built-in and optional external transmitters make the LIFEPAK 15 device a vital part of detecting and treating life-threatening cardiac conditions.

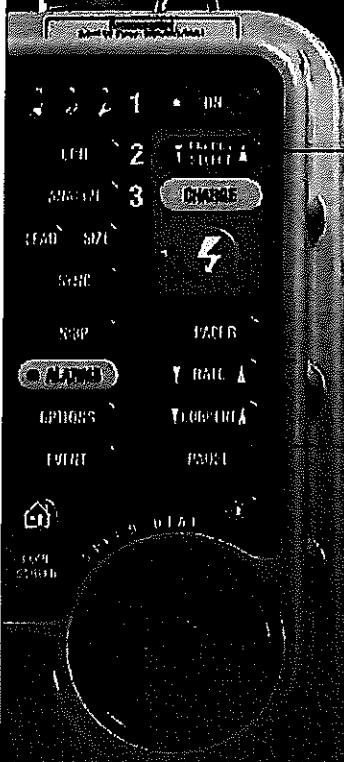
Integrated Carbon Monoxide and Hemoglobin monitoring.



On-screen temperature display in either Celsius or Fahrenheit.

Large screen for better visibility and easy monitoring and one touch to switch from LCD color view to SunVue mode for best viewing in sunlight.

Ergonomically designed handle has built-in shock absorbers for cushion and life. Two placed hand, for easy grip.

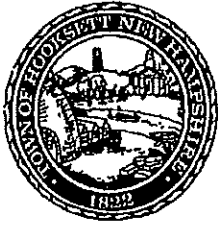


CPR Motion is a proven technology that is designed for use. A continuous count is available without the need for extra external hardware.

Integrate I or Non ECG provides waveform analysis. For a 0-10 mmHg to help identify RDSO or pulse CPR quality, consistent with the AHA guidelines.


The LIFEPAK 15 monitor/defibrillator at a glance.

Redesigned cable connector gives you the confidence to secure therapy delivery.



Town of Hooksett

FINANCE MEMORANDUM

To: James Sullivan, Town Council Chairman
 From: Christine Soucie, Finance Director 
 Date: April 20, 2016
 Subject: Requests for your signature as Agent to Expend

The following is a summary of the requests for you to sign as the agent to expend on April 27, 2016:

<u>Fund</u>	<u>Amount</u>
Ambulance Service	\$ 58,097.31
Fire Details	489.32
Public Recreation Impact Fees	100.00
Police Details	33,275.04
Roadway Impact Fees	21,295.68
Sanitary Landfill Capital Reserve	2,988.68

Each request includes copies of invoices and other supporting documents, if applicable. As always, if you have any questions, please do not hesitate to contact me.

Thanks

**TOWN OF HOOKSETT
PUBLIC HEARING NOTICE**

The Hooksett Town Council will be holding a public hearing on Wednesday, May 11, 2016 @ 6:30pm at the Hooksett Town Hall Council Chambers, 35 Main Street, Hooksett, NH. The purpose of the public hearing is to accept donations to cover the cost of irrigation/landscape/hardscape material with labor, signage, and ceremony bell valued at \$20,483.36 for the Hooksett Safety Center Memorial Park to the Hooksett Fire-Rescue Dept. per RSA 31:95-b III(a) & RSA 31:95-e II. Questions should be directed to the Administration Department at 603-485-8472.

Staff Report

Title: Cardiac Monitor/Defibrillator donation from CMC

Date: April 27, 2016

Background and Discussion of Issues

The New England Heart and Vascular Institute (CMC Hospital) invites and considers requests to purchase and donate equipment such as cardiac monitor/defibrillators, to improve the critical care service provided by local EMS agencies such as Hooksett Fire-Rescue. One of our members, Firefighter/EMT-Paramedic Joe Stalker, felt that this would be a way to improve the cardiac care that we provide to our residents and patients. FF Stalker stated in his request to the New England Heart Institute "We, the Hooksett Fire Rescue Department, will need to replace our cardiac monitor / defibrillators with more updated versions. According to the Physio-Control company, the LifePak 12s (monitor/defib) we currently have will be obsolete by September of 2016. Physio-Control will no longer service these monitors, nor will they produce any products or parts for them."

As a result of this need and request, the CMC has generously approved our request and is purchasing a new LifePak 15 for the Hooksett Fire-Rescue Service. The cost of the equipment is provided in the quote and the approval letter states their intention. The value of this donation is greater than \$5000.00 and requires a public hearing, as per RSA 31:95-e II.

Recommendation (including suggested motion, if appropriate)

Recommend Council approving and accepting the donation from the New England Heart and Vascular Institute & Catholic Medical Center for the LifePac 15 Cardiac Monitor/Defibrillator for use by the Hooksett Fire-Rescue Department.

Fiscal Impact

This is a donation from the CMC & NE Heart & Vascular Institute. The equipment comes with a 1-Year warranty.

Prepared by: Acting Fire Chief Dean Jore

Town Administrator Recommendation

Concur.

**TOWN OF HOOKSETT
PUBLIC HEARING NOTICE**

The Hooksett Town Council will be holding a public hearing on Wednesday, April 27, 2016 @ 6:30pm at the Hooksett Town Hall Council Chambers, 35 Main Street, Hooksett, NH. The purpose of the public hearing is to accept a donation of a LifePak 15 Cardiac Monitor/Defibrillator from the New England Heart & Vascular Institute (CMC Hospital) valued at \$28,321.82 to the Hooksett Fire-Rescue Dept. per RSA 31:95-e, II. Questions should be directed to the Administration Department at 603-485-8472.



Physio-Control, Inc
 11811 Willows Road NE
 P.O. Box 97006
 Redmond, WA 98073-9706 U.S.A.
 www.physio-control.com
 tel 800.442.1142
 fax 800.732.0956

To Joe Stalker
 HOOKSETT FD
 15 LEGENDS DR
 HOOKSETT,NH 03106

jstalker@hooksettfire.org

Quote Number 00030493
 Revision # 1
 Created Date 3/2/2016
 Sales Consultant Peter Landry
 FOB Redmond, WA
 Terms All quotes subject to credit approval and the following terms and conditions
 NET Terms NET 30

 Expiration Date 4/15/2016

Product	Product Description	Quantity	List Price	Unit Discount	Unit Sales Price	Total Price
99577-001957	LIFEPAK 15 V4 Monitor/Defib, Adaptive Biphasic, Manual & AED, Color LCD, 100mm Printer, Noninvasive Pacing, Metronome, Trending, SpO2, NIBP, 12-Lead ECG, EtCO2, Carbon Monoxide, Bluetooth INCLUDED AT NO CHARGE: 2 PAIR QUIK-COMBO ELECTRODES PER UNIT - 11996-000091, TEST LOAD - 21330-001365, IN-SERVICE DVD - 21330-001486, SERVICE MANUAL CD- 26500-003612 (one per order) and SHIP KIT (RC Cable) 41577-000288 INCLUDED. HARD PADDLES, BATTERIES AND CARRYING CASE NOT INCLUDED.	1.00	34,960.00	-4,544.80	30,415.20	30,415.20
21330-001176	LP 15 Lithium-ion Battery 5.7 amp hrs	3.00	453.60	-58.97	394.63	1,183.90
11140-000052	LP15 REDI-CHARGE Adapter Tray	1.00	198.50	-25.81	172.70	172.70
11171-000049	Rainbow DCI Adt Reusable Sensor, 1/box	1.00	637.00	-82.81	554.19	554.19
11171-000046	M-LNCS DCI, Adult Reusable Sensor, 1/box	1.00	301.00	-39.13	261.87	261.87
21300-008147	NIBP HOSE BAYONET-LP15,9FT	1.00	62.00	-8.06	53.94	53.94
11160-000011	NIBP CUFF BAYONET-REUSEABLE,INFANT	1.00	21.00	-2.73	18.27	18.27
11160-000013	NIBP CUFF BAYONET-REUSEABLE,CHILD	1.00	24.00	-3.12	20.88	20.88
11160-000017	NIBP CUFF BAYONET-REUSEABLE,LARGE ADULT	1.00	33.00	-4.29	28.71	28.71
11160-000019	NIBP CUFF BAYONET-REUSEABLE,XL ADULT	1.00	48.00	-6.24	41.76	41.76
11220-000028	Carry case top pouch for use w/LIFEPAK 12 or LIFEPAK 15	1.00	54.60	-7.10	47.50	47.50
11260-000039	LIFEPAK 15 Carry case back pouch	1.00	79.20	-10.30	68.90	68.90
11577-000002	LIFEPAK 15 Basic carry case w/ right & left pouches INCLUDED AT NO CHARGE: 11577-000001 Shoulder Strap	1.00	309.20	-40.20	269.00	269.00
Trade-in product	Trade in of LIFEPAK 12 Biphasic - 3 Feature towards the purchase of Lifepak 15	1.00	0.00	0.00	-5,000.00	-5,000.00

Subtotal

USD 28,136.82

Estimated Tax	USD 0.00
Estimated Shipping & Handling	USD 185.00
<hr/>	
Grand Total	USD 28,321.82

Pricing Summary Totals

List Price Total	USD 38,088.31
Total Contract Discounts Amount	USD 0.00
Total Discount	USD -4,951.49
Trade In Discounts	USD -5,000.00
Tax + S&H	USD 185.00

GRAND TOTAL FOR THIS QUOTE
USD 28,321.82

PHYSIO-CONTROL, INC. REQUIRES WRITTEN VERIFICATION OF THIS ORDER. A PURCHASE ORDER IS REQUIRED ON ALL ORDERS \$10,000 OR GREATER BEFORE APPLICABLE FREIGHT AND TAXES. THE UNDERSIGNED IS AUTHORIZED TO ACCEPT THIS ORDER IN ACCORDANCE WITH THE TERMS AND PRICES DENOTED HEREIN.

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NAME

TITLE

DATE

Reference Number PL/07019101/3278

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14 Bell Ave.
Hooksett, NH 03106-1036
Res: 603-669-2674
Cell: 603-396-5168
email: rondens@comcast.net

April 22, 2016

Hooksett Town Council
Hooksett, New Hampshire 03106

Re: Firebird Motel
10 Bell Ave., Hooksett, NH

TO WHOM IT MAY CONCERN:

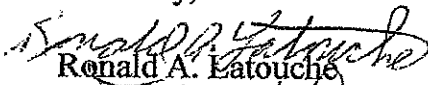
We, the undersigned, are abutters and/or neighbors residing and/or working in the area of the above captioned motel.

Since attending the Neighborhood Watch program in 2015, we have noticed an up-tick/proliferation of activity in the coming & going of clients at the Firebird. To our dis-like, there seems to be a lack of "preventive maintenance" on management's part that might otherwise preclude a number of incidents, now increasing in intensity and frequency.

While the Police Department should be commended for its vigilance in attempting to keep some measure of safety in & around our neighborhood, and we so appreciate its untiring efforts, we remain reactive to what is transpiring at that address, rather than being pro-active in deterring malicious behavior.

We will appreciate an open discussion at the town council regarding steps that can be initiated to regain our appreciation of living in this section of Hooksett.

Sincerely,

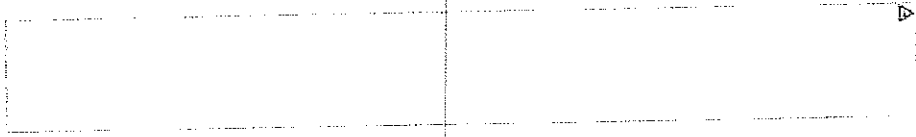

Ronald A. Katouche

Denise L. Katouche 14/18 Bell Ave. Hooksett
Catherine Rice Children's Country Learning CTR.
Carl and Audrey Carter 5 Bell Ave Hooksett
IAN & CANDICE COLE 1 WEST STEARNS AVE HOOKSETT
Mary Ellen & Ben Kranner 7 Bell Ave Hooksett
Meredith L. Burkhardt 6 Bell Stearns Ave Hooksett NH
Paul Finkler 3 W. STEARNS AVE HOOKSETT NH
Don Robertson 16 BELL AVE. HOOKSETT
Glenn 14 BELL AVE PAW PRINZ DOG GROOMING

FOR DISCUSSION: OVERVIEW OF OPTIONS

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CITY OF MANCHESTER SCHOOL DISTRICT v. CITY OF MANCHESTER
CITY OF MANCHESTER SCHOOL DISTRICT v. CITY OF MANCHESTER

Print Font size: A A Read

Supreme Court of New Hampshire.
CITY OF MANCHESTER SCHOOL DISTRICT and another v. CITY OF MANCHESTER.

No. 2003-303.

Decided: March 15, 2004

Wadleigh, Starr & Peters, P.L.L.C., of Manchester (Dean B. Eggert and Jennifer L. Murphy on the brief, and Mr. Eggert orally), for the plaintiffs. Thomas I. Arnold, III, deputy city solicitor, of Manchester, on the brief and orally, for the defendant.

In this declaratory judgment action, the defendant, City of Manchester (city), appeals an order of the Superior Court (Mangones, J.) granting summary judgment in favor of the plaintiffs, Manchester School District and School Administrative Unit # 37 (collectively, the school district). The court ruled that the city acted without authority when, by charter amendment, it merged the school district with the municipal corporation thereby making the school district a city department. See RSA ch. 49-B (2003). We affirm.

The trial court found the following facts. In December 1999, the school district filed a petition for declaratory judgment, seeking a determination that it was not a department of city government. The Superior Court (J. Nadeau, C.J.) ruled that because the school district functions as a "substantially independent governmental entity," it was not a city department.

The board of mayor and aldermen then proposed an amendment to the city charter. The effect of the amendment was to merge the school district with the municipal corporation and make it a city department. The amendment also gave the mayor and aldermen authority to develop procedures for the administration of the school department budget. On November 6, 2001, Manchester voters approved the charter amendment.

In response, the school district filed a second petition for declaratory judgment, seeking a declaration that the charter amendment was unlawful. Both parties filed motions for summary judgment. The Trial Court (Mangones, J.) granted the school district's motion for summary judgment and concluded that "a specific legislative act must be in effect for a City to create a school department in derogation of general law on the issue." This appeal followed.

In reviewing the trial court's grant of summary judgment, we consider the affidavits and other evidence, and all properly drawn inferences in the light most favorable to the non-moving party. *Big League Entm't v. Brox Indus.*, 149 N.H. 480, 482, 821 A.2d 1054 (2003). If our review of that evidence discloses no genuine issue of material fact, and if the moving party is entitled to judgment as a matter of law, we will affirm the grant of summary judgment. *Id.* We review the trial court's application of the law to the facts de novo. *Id.*

The sole issue for our review is whether the city had the authority to adopt a charter amendment that merges the school district with the municipal corporation, thus making the school district a city department. In deciding this issue, we consider our constitution, the home rule statutes and statutes governing the operation of school districts.

Under our constitution, the legislature has plenary control over municipalities. See *State v. Goffstown*, 100 N.H. 131, 133, 121 A.2d 317 (1956). Thus, "[municipalities] have only the powers which the State grants to them." *Id.* (quotation omitted). The legislature has authorized municipalities to adopt charters, which transfer power from the legislature and invest it in the governing body of the municipality. See 13 P. Loughlin, *New Hampshire Practice, Local Government Law* § 31, at 19 (1995).

In New Hampshire, prior to 1966, municipal charters "could be amended or repealed at the discretion of the legislature." *Id.* § 33, at 22. In 1966, Part I, Article 39, the home rule amendment, was added to the New Hampshire Constitution. *Id.* § 33, at 23. It provides:

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No law changing the charter or form of government of a particular city or town shall be enacted by the legislature except to become effective upon the approval of the voters of such city or town upon a referendum to be provided for in said law.

The legislature may by general law authorize cities and towns to adopt or amend their charters or forms of government in any way which is not in conflict with general law, provided that such charters or amendments shall become effective only upon the approval of the voters of each such city or town on a referendum.

N.H. CONST. pt. 1, art. 39.

The first paragraph of the amendment "prevents the legislature from altering the form of municipal government, as provided in any municipal charter without a referendum vote." Loughlin, *supra* § 33, at 23. "The second paragraph of Article 39 is not self-executing and did not become operative until the enactment of legislation setting out the method of exercising such home rule powers." *Id.* § 63, at 48. The power available to municipalities under the second paragraph of Article 39 has been described as limited. See *id.* In stark contrast to the "unlimited legislative powers that some other states have granted to municipalities," the power available to cities and towns under New Hampshire's home rule amendment "is limited to the specified processes by which their charters or forms of government are adopted or amended." *Id.*

In 1979, the legislature enacted legislation to implement Part I, Article 39. *Id.* § 34, at 24. The current versions of the home rule statutes were adopted in 1991. *Id.* § 35, at 26. Together, these three statutes, RSA chapters 49-B, 49-C and 49-D, constitute a detailed, comprehensive scheme for the establishment and operation of local government. RSA chapter 49-B gives municipalities explicit authority to choose a form of government. Their choices, however, are limited. RSA 49-B:2, III (2003) limits a city's choice to the forms of government outlined in RSA chapter 49-C. See RSA 49-C:8 (2003) (explaining mayor-aldermen and council-manager plans). Likewise, RSA 49-B:2, II (2003) limits a town's choice to the forms of government outlined in RSA chapter 49-D. See RSA 49-D:2,3 (2003 & Supp.2003) (explaining town council-town manager plan and optional types of legislative bodies). Similarly, the structure of the form of government selected is dictated by RSA chapters 49-C and 49-D.

RSA chapter 49-B is the starting point for the formation of a local government. It "provides the statutory framework through which cities and towns may amend their actual forms of government, and grants them the power necessary to carry out such changes." Loughlin, *supra* § 34, at 24. RSA 49-B:1 (2003) states:

It is the purpose of this chapter to implement the home rule powers recognized by article 39, part first, of the constitution of the state of New Hampshire. To that end, the general court hereby provides a vehicle whereby a municipality may adopt a form of government that best addresses local needs. At the same time, however, the general court recognizes a need to require uniform procedures and practices when there is a corresponding state interest. Therefore, this chapter is intended only to provide a procedural framework by which a city or town may amend its actual form of government. Nothing in this chapter shall be construed to create any power in, or confer any power upon, any city or town beyond that necessary to carry out the amendment of a charter or form of government as set forth in this chapter. The general laws of this state shall remain in full force and effect, and they shall be construed to be consistent with this chapter to the greatest extent possible in the effectuation of this chapter's stated purpose. Accordingly, this chapter shall be strictly interpreted to allow towns and cities to adopt, amend, or revise a municipal charter relative to their form of government so long as the resulting charter is neither in conflict with nor inconsistent with the general laws or the constitution of this state.

RSA chapter 49-B then sets forth exceptionally detailed requirements for the adoption, amendment and revision of charters. To begin the process of adopting a charter, the municipality must establish a charter commission comprised of nine elected members. RSA 49-B:3,4 (Supp.2003). The commission is required to hold a public meeting within fourteen days of its own organizational meeting. RSA 49-B:4. The commission must issue a preliminary report within 180 days of its establishment and a final report within 225 days. *Id.* The statute also prescribes the procedure by which the charter, charter amendment or revision is submitted to the voters. RSA 49-B:6 (2003).

Here, the municipal charter denominates Manchester as a city. Therefore, the charter must adhere to the framework set forth in RSA chapter 49-C. See RSA 49-B:2, III. RSA chapter 49-C permits a city to select either the mayor-board of aldermen plan or the city council-manager plan as a form of government. RSA 49-C:8. Manchester has opted for the mayor-board of aldermen form of government. RSA chapter 49-C sets forth an exhaustive blueprint for this form of government.

The statute provides that the mayor, who is "the chief administrative officer and the head of the administrative branch of the city government," must be selected from the city-at-large. RSA 49-C:8,16 (2003). The mayor is required to "devote full time to mayoral duties" and "shall preside" over meetings of the aldermen. RSA 49-C:11,12 (2003). Additional powers and duties of the mayor are detailed in RSA 49-C:16.

The statute further states that the municipal charter must provide for the appointment of officers, as well as the establishment of departments, divisions and bureaus. Specifically, under RSA 49-C:20 (2003):

The charter shall provide for the appointment of a city clerk, a treasurer, one or more assessors, a fire chief, a police chief, a health officer, a city solicitor, a general assistance administrator, and such other officers as may be necessary to administer all departments which the elected body and the charter shall establish.

Moreover, with respect to departments, RSA 49-C:21 (2003) provides:

The city shall have departments, divisions, and bureaus as may be established by the charter or as the elected body may establish by ordinance. It shall be the duty of the first chief administrative officer, under the provisions of the charter to draft and submit to the elected body within 9 months after assuming office, an ordinance consistent with the charter which provides for the division of the administrative service of the city into departments, divisions and bureaus and define the functions and duties of each.

In this case, the city relies primarily upon RSA 49-C:21 to argue that it has "clear authority" to transform the school district into a city department. We disagree.

We interpret legislative intent from the statute as written and, therefore, we will not consider what the legislature might have said or add words that the legislature did not include. *JTR Colebrook v. Town of Colebrook*, 149 N.H. 767, 770, 829 A.2d 1089 (2003). When construing a statute, we first examine the language found in the statute. *Id.* "Although we give undefined language its plain and ordinary meaning, we must keep in mind the intent of the legislation, which is determined by examining the construction of the statute as a whole, and not simply by examining isolated words and phrases found therein." *Id.* (quotation omitted). We construe statutory provisions in a manner that is consistent with the spirit and objectives of the legislation as a whole. *Id.* at 770-71, 829 A.2d 1089.

Our task is to construe the scope of RSA 49-C:21. The city argues, and we agree, that we must look at RSA 49-B:1 to accomplish this task. The overarching purpose of RSA chapter 49-B is to provide "the statutory framework through which cities and towns may amend their actual forms of government, and grant[] them the power necessary to carry out such changes." *Loughlin*, *supra* § 34, at 24. RSA chapters 49-C and 49-D work in conjunction with RSA chapter 49-B by providing a limited list of forms of government that are available to municipalities. See RSA 49-C:8; RSA 49-D:2,3. Thus, RSA 49-B:1 provides a framework for construing not only RSA chapter 49-B, but also RSA chapters 49-C and 49-D. Therefore, we consider RSA 49-B:1 in determining the scope of authority granted to municipalities by RSA 49-C:21.

The legislative directive in RSA 49-B:1 provides that "this chapter shall be strictly interpreted to allow towns and cities to adopt, amend, or revise a municipal charter relative to their form of government so long as the resulting charter is neither in conflict with nor inconsistent with the general laws or the constitution of this state." In light of this legislative directive, we have recognized that RSA chapter 49-B "provides the statutory framework through which cities and towns may amend their actual forms of government, and grants them the power necessary to carry out such changes." *Town of Hooksett v. Baines*, 148 N.H. 625, 628, 813 A.2d 474 (2002) (quotation omitted). We have, however, cautioned that "the constitutional authority supporting RSA chapter 49-B in no way provides or suggests that the towns, cities or other subdivisions of this State should have the right to exercise supreme legislative authority." *Id.* (quotation omitted). In other words, when a municipality exceeds the authority granted by RSA chapter 49-B, it intrudes into the legislative authority of the general court. See *id.* We have thus held that "RSA chapter 49-B grants a municipality only the power necessary to amend its form of government." *Id.* at 629, 813 A.2d 474.

Consistent with these limitations, we have held that RSA chapter 49-B permits a municipality with a city council-city manager form of government to adopt a process of citizen initiative and referendum. *Harriman v. City of Lebanon*, 122 N.H. 477, 482-83, 446 A.2d 1158 (1982). Nonetheless, we noted that, if adopted, a citizen initiative and referendum process could not "intrude" into matters reserved for the city council, and could not contravene the general laws or the constitution. *Id.* at 483, 446 A.2d 1158.

On the other hand, we have held that a town does not have the authority to enact a rent control ordinance. *Girard v. Town of Allenstown*, 121 N.H. 268, 271-73, 428 A.2d 488 (1981) (quotation and brackets omitted). We stated that "towns only have such powers as are expressly granted to them by the legislature and such as are necessarily implied or incidental thereto." *Id.* at 271, 428 A.2d 488 (quotation omitted). We also declined to interpret RSA chapter 49-B "broadly and literally." *Id.* at 272, 428 A.2d 488. Instead, we held that the statute "was intended only to provide a statutory framework by which the cities and towns may amend their actual form of government and that RSA 49-B:8 grants only the power necessary to carry out such changes." *Id.* at 272-73, 428 A.2d 488.

More recently, we held that RSA chapter 49-B did not authorize the city of Manchester to alter its retirement system by amending the city charter. *Appeal of Barry*, 143 N.H. 161, 165-66, 720 A.2d 977 (1998). In *Barry*, the retirement board argued that "Part I, Article 39 of the New Hampshire Constitution and RSA chapter 49-B authorize[d] the city to amend the retirement system because it is part of the city charter, its form of government." *Id.* at 164, 720 A.2d 977. We squarely rejected the argument that the city's retirement system was part of its form of government and stated that "RSA 49-B:2 clearly limits the forms of government a municipality may choose, rather than grants a municipality unbridled authority to amend its charter." *Id.* at 165, 720 A.2d 977.

Finally, in *Baines*, 148 N.H. at 630, 813 A.2d 474, we held that RSA chapter 49-B did not authorize a town to amend its charter to impose term limits on city officials. We specifically rejected the town's argument that because former RSA 49-B:2, IV authorized municipalities to regulate "terms of office," the town was authorized to amend its charter to impose term limits. *Id.* at 629-30, 813 A.2d 474. In line with our previous holdings, we said that "RSA chapter 49-B grants a municipality only the power necessary to amend its form of government." *Id.* at 629, 813 A.2d 474.

In sum, our cases demonstrate that RSA chapter 49-B authorizes municipalities to amend their actual forms of government. See *Harriman*, 122 N.H. at 482-83, 446 A.2d 1158. Our cases also demonstrate that RSA chapter 49-B does not provide municipalities with the authority to enact rent control ordinances, amend their retirement systems or impose term limits on elected officials because, in doing so, municipalities impermissibly

intrude into the legislative authority of the general court. See Girard, 121 N.H. at 271-73, 428 A.2d 488; Barry, 143 N.H. at 165, 720 A.2d 977; Baines, 148 N.H. at 629-30, 813 A.2d 474. In the present case, when the city amended its charter to make the school district into a city department, it did not amend its actual form of government and, therefore, it acted outside of the scope of authority granted to it by RSA chapter 49-B.

Moreover, there is a comprehensive statutory scheme that evidences a legislative intent not to permit municipalities to exercise broad control over the establishment, powers and functioning of school districts. School districts exist as separate entities because the legislature has determined that all school "districts legally organized shall be corporations, with power to sue and be sued, to hold and dispose of real and personal property for the use of the schools therein, and to make necessary contracts in relation thereto." RSA 194:2 (1999). School districts have extensive powers, including the power to raise money, procure land, build schoolhouses, obtain insurance, purchase vehicles and pay debts. RSA 194:3 (1999). In addition, the legislative scheme includes a list of superintendent services that must be provided by each school district, as well as a list of procedures that school districts must follow when adopting a budget. RSA 194-C:4, 9 (1999 & Supp. 2003). The legislature has also created a state board of education that has the authority to manage, supervise and direct the public schools in the State. RSA 186:5 (1999). This comprehensive statutory scheme suggests that, at least with respect to the structure and functioning of school districts, the legislature did not intend to wholly abdicate its supervisory control to municipalities. Accordingly, it would be inconsistent with this legislative intent to adopt the city's argument that the legislature intended to provide municipalities with the authority to merge a school district with the municipal corporation by simply amending the city charter. Cf. Baines, 148 N.H. at 631, 813 A.2d 474 (explaining that it "would be repugnant to the implied intent of the statutory scheme" to allow a municipality to impose term limits where the "legislature has created a comprehensive statutory scheme governing elections and has defined the scope of qualifications necessary to obtain elected office").

RSA 49-C:20 provides additional evidence of the legislature's intent not to permit municipalities to exercise broad control over school districts. The statute specifically states that a charter "shall provide for" the appointment of numerous officers, including a city clerk, a treasurer, an assessor, a fire chief and a police chief.

The statute does not give the city the authority to appoint the superintendent of a school district. Rather, the legislature has expressly given this authority to the local school board. See RSA 194-C:5, 11(a) (1999).

The absence of any reference to municipal authority over school districts in RSA chapter 49-C, and the existence of a comprehensive statutory scheme for school districts in RSA chapter 194, raises considerable doubt that the legislature intended to cede authority to municipalities to merge school districts with the city government without explicit legislative approval.

To summarize, our cases have narrowly construed the scope of authority conferred upon municipalities by RSA chapter 49-B in light of the legislative directive that it be strictly interpreted. To construe the home rule statutes as broadly as the city suggests would run afoul of our previous decisions holding that RSA chapter 49-B only provides municipalities with the statutory framework through which they can choose and amend their form of government. See Baines, 148 N.H. at 628, 813 A.2d 474. "RSA chapter 49-B in no way provides or suggests that the towns, cities or other subdivisions of this State should have the right to exercise supreme legislative authority." *Id.* (quotation omitted). We thus conclude that the home rule statutes do not give the city the authority to merge the school district with the municipal corporation.



Finally, the city points to Nashua, Portsmouth and Rochester as examples of municipalities that have created school districts that are city departments. As the trial court correctly noted, however, the Nashua, Portsmouth and Rochester school departments were created by special legislative act. See Laws 1923, ch. 227:2 (Nashua); Laws 1905, ch. 212 (Portsmouth); Laws 1891, ch. 241:4 (Rochester). If anything, this suggests that when a municipality seeks to transform the school district into a city department, it must obtain legislative approval. In light of this history, we conclude that in order to merge the school district with the municipal corporation and make the school district a city department, the city is required to obtain legislative authority.

Because legislative authority had not been obtained for the city to amend its charter to make the school district a city department, we hold that the trial court correctly determined that the school district was entitled to judgment as a matter of law.

Affirmed.

DUGGAN, J.

BRODERICK, C.J., and NADEAU and DALIANIS, JJ., concurred.

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Staff Report

Title: Discussion of Newsletter in Tax Bill

Date: May 11, 2016

Background and Discussion of Issues

It has been the practice to place Town newsletters in with the tax bill. In order to allow this practice for the May 2016 tax bill, Council will need to pass a motion to approve.

Recommendation (including suggested motion, if appropriate)

Motion to allow the Town newsletter to be inserted along with the May 2016 tax bill.

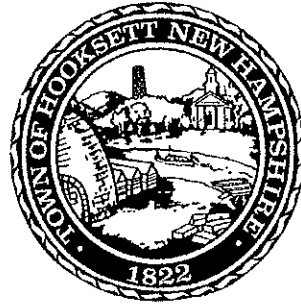
Fiscal Impact

It typically costs \$600 to print and insert the newsletter in with the tax bill.

Prepared by: Katie Ambrose, Project Coordinator

Town Administrator Recommendation

Concur



TOWN OF HOOKSETT NEWSLETTER

JOIN THE SOUTHERN NEW HAMPSHIRE PLANNING COMMISSION!

The Planning Board is looking for two volunteers to serve as Hooksett representatives to the Southern New Hampshire Planning Commission (SNHPC). For more information, please contact Community Development at (603) 268-0279 or email jduffy@hooksett.org.

What is the SNHPC?

The SNHPC region includes the City of Manchester & the towns of Auburn, Bedford, Candia, Chester, Deerfield, Derry, Frankestown, Goffstown, Hooksett, Londonderry, New Boston, Raymond, Weare & Windham. Executive Order Number Fifteen, issued by former Governor Peterson, delineated the SNHPC region. The main functions of the SNHPC are to increase communication; promote intergovernmental cooperation & coordination between planning boards & local officials; promote coordinated development of the region; prepare & adopt regional plans, including policies and strategies for the region; & perform other acts or functions as deemed appropriate to fulfill its duties.

Why was the SNHPC established?

In the early 1960s, representatives from Manchester, Auburn, Bedford, Goffstown, Hooksett & Londonderry recognized the need for, & the value of, comprehensive transportation & land use planning. That cooperative venture, assisted by the state & federal governments, led to the formal organization of the SNHPC in August, 1966 under the provisions of NH RSA, Chapter 36, as a means of establishing an on-going planning process. Since that time, additional communities have joined the Commission.

Who governs the Commission?

A board of 46 local representatives, called the Board of Commissioners governs the SNHPC. The Commissioners are appointed by the governing bodies of the member municipalities upon the recommendation of their respective planning boards, as outlined in RSA 36:46. An Executive Committee, consisting of 15 members, is elected from the membership of the full Board to provide overall policy direction and guidance, & to administer the financial and operational affairs. An Executive Director is appointed by the Commission to manage and supervise the day-to-day operations and staff under the general direction provided by the Executive Committee & the Board of Commissioners.

ALARM PERMITS

The Hooksett Police Department would like to remind all residents & business owners about the alarm permit ordinance #00-27 that went into effect July 1, 2014. Alarm permits need to be renewed annually in the month of December. Residents who have current alarm systems but have not applied for a permit are encouraged to do so. An initial one-time fee of \$25 will be charged. The ordinance is designed so alarm owners ensure that their alarms are working and serviced properly and officers are not tied up at false alarms for extended periods of time. Permits are available at the Police Department or at www.hooksettpolice.com. Thank you for your cooperation.

HOOKSETT OLD HOME DAY 2016

Hooksett Old Home Day is September 17th.

For further information visit:
www.hooksettoldhomeday.org.

DRUG COLLECTION DROP BOX

The Hooksett Police Department wishes to remind all residents that the department has a Drug Collection Drop Box located in the front lobby of the James H. Oliver Safety Center located at 15 Legends Drive. The Drug Collection Box provides residents with a safe and environmentally responsible way to dispose of unwanted, unused or expired medication, including controlled substances.

The Drug Collection Box is intended to reduce the amount of unneeded medicine in residents' homes and decrease prescription drug abuse, which has soared in recent years, especially among teenagers. More than 70 percent of teenagers say it is easy to get prescription drugs from their parents' medicine cabinets, according to a 2014 Partnership for Drug-Free Kids study.

The Drug Collection Box will also help to prevent the contamination of local landfills and water supplies from unused medication.

The Hooksett Police Department is proud to have partnered with CVS/pharmacy to obtain the Drug Collection Box to help Hooksett residents reduce the amount of unneeded medicine in our community.

The Drug Collection Box is accessible to the public 24 hours a day, 7 days a week. There are no questions asked and no forms to fill out. You simply drop the medications in the Collection Box. Please consider using the Drug Collection Box to dispose of unwanted, unused or expired medication, including controlled substances.

NEW HERITAGE COMMISSION MERCHANDISE

New to the Heritage Commission merchandise line is an 11" x 14" parchment-colored 1892 map of Hooksett. It locates houses (with family names), schools & some businesses. Suitable for framing & only \$10. Available in the Town Clerk's Office or Robie's Country Store. All proceeds benefit the work of the commission.

LIBRARY NEWS

New Discount Passes for Area Attractions

Save money when you visit the New England Aquarium, Boston Children's Museum, Squam Lake Science Center, Charmingfare Farm, Canterbury Shaker Village and 12 other area attractions, by borrowing the Library's museum passes. Discounts range from 50% off to FREE admission! New discount passes to the U.S.S. Constitution Museum and the Merrimack Repertory Theatre have been added to the collection. Visit www.hooksetlibrary.org for more details and to reserve your passes today!

Classes, Social Groups & Cultural Events

Learn how to use your computer, tablet or smartphone by attending weekly technology classes. Attend group meetings for digital photography, painting, knitting, Mah Jongg, writer's, or Zumba! Join community members at cultural events such as author visits, historical talks, humanities presentations and more. Your Library provides educational and entertainment opportunities for community members of all ages. Check us out online at www.hooksetlibrary.org to learn what we offer for you.

Over 30,000 eBooks, eAudiobooks & eMagazines

The library's downloadable collection continues to grow and there are popular titles for people of all ages to borrow. Enjoy listening to and reading books by best-selling authors, and perusing popular magazines like Good Housekeeping, Eating Well, Discover, Newsweek and over 60 other choices! Please visit www.hooksetlibrary.org for more information, and speak to a library staff member for assistance using the services with your smart phone, tablet, laptop or other electronic device.

Staff Report

Title: Boston Post Cane Award

Date: May 11, 2016

Background and Discussion of Issues

The Boston Post Cane recipient, Virginia Kalariotes, sadly passed away on March 27th. To our knowledge, the next recipient should be Sophie Dlugosz. She just recently celebrated her 99th birthday as she was born on April 23, 1917. Sophie moved to Hooksett after marrying her husband and Hooksett native Rudolph, and together they operated R.J. Dlugosz Oil Company. They raised two children in town, and although she currently resides in Manchester she still owns their family home in Hooksett's district 4. Sophie belonged to the Hooksett Women's Club, the Hooksett-ites and the Grange. Her award ceremony would need to be held during the daytime at her residence in Manchester in the coming weeks.

Recommendation (including suggested motion, if appropriate)

To award the Boston Post Cane to Sophie Dlugosz, and to present the award at her residence.

Fiscal Impact

N/A

Prepared by: Katie Ambrose, Project Coordinator

Town Administrator Recommendation

Concur