



TOWN COUNCIL MINUTES - UNOFFICIAL
Regular Meeting
Wednesday, March 09, 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 Donald Winterton, Nancy Comai, Tim Tsantoulis, Adam Jennings, Robert Duhaime, and Marc Miville. Dr. Dean Shankle was also in attendance.

Absent: Councilors James Levesque and David Ross

3. PLEDGE OF ALLEGIANCE

4. SPECIAL RECOGNITIONS

5. APPROVAL OF MINUTES

5.a Workshop: 02/17/2016
[TC Minutes WS 02.17.16.pdf](#)

Council Secretary Miville reviewed the vote tallies and confirmed their accuracy. Councilor Miville moved, second by Councilor Winterton, to approve the February 17, 2016 Town Council meeting minutes, as amended. *Chairman Sullivan moved, second by Councilor Winterton, to table the February 17, 2016 meeting minutes. Motion passed unanimously, 7-0.*

5.b Public: 02/24/2016
[TC Minutes 022416-U.pdf](#)

5.c Non-Public: 02/24/2016

Councilor Duhaime moved, second by Councilor Tsantoulis, to approve the February 24, 2016 Town Council public meeting minutes, as amended. Motion passed unanimously, 7-0. Councilor Miville moved, second by Councilor Duhaime, to approve the February 24, 2016 Town Council non-public meeting minutes, as presented. Motion passed unanimously, 7-0.

6. AGENDA OVERVIEW

7. PUBLIC HEARINGS

[030916 DOJ GRANT HPD.pdf](#)

In accord with RSA31:95-b, III (a), Chairman Sullivan opened a public hearing at 6:43 p.m. to accept a Department of Justice (DOJ) grant for the Hooksett Police Department

to assist with drug trafficking investigations; grant is in the amount of \$40,000 per year. Chairman Sullivan welcomed Police Chief Peter Bartlett and Commander Scott Sweet from the NH Attorney General's office. Chief Bartlett indicated that Hooksett has not been immune to the devastating effects that the Heroin crisis has on the state of NH. Commander Sweet stated that the Attorney General's Drug Task Force grant program was founded in 1986 to help combat the drug crisis in Merrimack County. The officer chosen for the position will work in Concord dealing with the day-to-day selling of controlled drugs and people buying them. Commander Sweet said that he and Chief Bartlett have had ongoing discussion over the last couple of months. There is a need in Hooksett and the assistance the grant will provide is important to the Police Department and the town. The grant of \$40,000 covers the salary and benefits of the officer assigned. The task force is responsible for the costs of training – in-state and out of state -- to gain experience. A vehicle is provided, overtime and operating expenses are covered and no additional funds would be necessary for the town for that officer. If there is a large town event and the officer is pulled, that would have to be discussed and planned. Chief Bartlett would temporarily duty assign the officer. The Merrimack County team leader would be responsible for coordinating day-to-day activity.

Chairman Sullivan asked the Chief about the extent of the problem. Chief Bartlett said Hooksett Fire Rescue and Hooksett Police responded to thirty one uses of NARCAN and three overdose related deaths in 2015 and this grant would be utilized to offset costs for an undercover officer to be assigned to the Drug Task Force for a three to five year commitment. The Chief said that Hooksett cannot do this alone and can pool its resources with the help of the task force. Chairman Bartlett said it is a great opportunity for the town and the chosen officer. Chairman Sullivan noted that the Police Department has been very involved in addressing this issue.

Councilor Comai asked if the officer assigned would be a new officer or someone within the department. Chief Bartlett said that given the amount invested by the Task Force, they are looking for an extended commitment of at least a year and a half to two years for the officer to get involved and fully trained. Chief Bartlett will choose the officer. Councilor Miville stated that during the budget discussion, the department said they needed an additional officer so with an officer being assigned to the task force, would the department be gaining or losing an officer. Chief Bartlett said the 30 officer complement will allow his department to combat these issues in addition to keeping the patrol. The Chief assured Councilor Miville that he would not be back seeking an additional officer.

In response to Councilor Miville, Commander Sweet repeated that the \$40,000 grant is an annual grant. Councilor Duhaime asked if the funds were federal dollars or state dollars. Commander Sweet said 2/3 of the funds come from federal DOJ; 1/3 of the funds are state appropriated. Councilor Duhaime asked whether the assigned officer would cover the entire Merrimack County. Commander Sweet said he would see to it that Hooksett "get your money's worth". The team may be tasked with helping another team. It's all fluid. The Commander added that if accepted by the Council, the grant award still has to go through Governor & Council (G&C) scheduled for March 23rd. Councilor Winterton asked if this was a new grant. Commander Sweet said it has been in existence since 1986; Hooksett is a new recipient and after this year, the annual \$40,000 will get rolled over. Commander Sweet said federal dollars are shrinking so they have to be very selective as to where the dollars are assigned. Councilor Miville asked if the assigned officer would be reporting to the Commander 100% of the time.

Commander Sweet said the assigned officer will remain an employee of the town. It is up to the Chief. At least on a weekly basis, if not daily, the officer would report to the team leader housed in the Task Force office. Councilor Miville asked what happens if the drug activity lessens and Hooksett is no longer in need of additional help. Commander Sweet said “we’re in for the long haul” but can’t assure there will be immediate results in three to six months. Chairman Sullivan asked if a public hearing would be required every year. Dr. Shankle said it “depends how the grant is written”. Chairman Sullivan closed the public hearing at 7:04 p.m.

Councilor Miville moved, second by Councilor Duhaime, to waive the rules on accepting the grant. Roll Call #2: Duhaime-yes, Miville-yes, Jennings-yes, Comai-yes, Winterton-yes, Tsantoulis-yes, Sullivan-yes. Motion passed unanimously, 7-0.

Councilor Winterton moved, second by Councilor Comai, to accept the donation of the \$40,000 grant to the Hooksett Police Department and to authorize Town Administrator Shankle to sign off on all related documents. Roll Call #3: Comai-yes, Jennings-yes, Miville-yes, Duhaime-yes, Tsantoulis-yes, Levesque-yes, Winterton-yes, Sullivan-yes. Motion passed unanimously, 7-0.

8. CONSENT AGENDA

9. TOWN ADMINISTRATOR'S REPORT – Dr. Dean Shankle

- interviewing is ongoing to fill a Town Clerk employee vacancy
- the Budget Committee met for its final meeting
- there is a Cultural Resource meeting at the DOT tomorrow morning at 9:00 to 9:45 a.m. – the office is located on Hazen Drive in Concord.
- the Town Hall project was featured in LCHIP newsletter (Katie distributed)

Councilor Miville said the Robie’s opening was well-attended and excellent. Councilor Comai asked if someone could replace her as Alternate to the Retention Committee. Councilor Winterton volunteered to serve in that capacity.

10. PUBLIC INPUT - 15 MINUTES

11. NOMINATIONS AND APPOINTMENTS

11.a Appointment for Planning Board Alternate
[Stelmach PB App.pdf](#)

Councilor Duhaime moved, second by Councilor Tsantoulis, to appoint Christopher Stelmach as Alternate to the Planning Board. Motion passed unanimously, 7-0. Mr. Stelmach was reminded to get sworn in prior to attending the next Planning Board meeting.

An email was received from Carolyn Cronin of the Southern NH Planning Commission regarding an appointment to the Commission from the Planning Board. Councilor Winterton, the Council representative to the Planning Board, thought the matter should come before the Town Council. Mr. Marshall has indicated that he would be interested in another term and thinks the Planning Board is looking for another appointment. Dr.

Shankle reminded the Council that perhaps the second person who had indicated an interest in serving on the Planning Board might be interested in serving in that capacity. Councilor Winterton said Ms. Cronin will approach that person.

[BOARDS COMMITTEES Open February 2016.pdf](#) – Included in Town Council packet.

12. SCHEDULED APPOINTMENTS

12.a Richard Fitz Proposal for Selective Timber Cut [FITZ PROPOSAL.pdf](#)

Dr. Shankle stated that the Council has been talking about managing its lands and an opportunity recently arose to help toward that end. Mr. Richard Fitz came forward a month ago saying he is doing work near where the town has some land. Dr. Shankle thought it is more efficient to have someone already working in an area and, at the same time, support a business person in town. Mr. Fitz submitted a letter asking if the town would be interested in having a selective timber cut done on a land locked parcel off of Hackett Hill Road. The 33-acre parcel has no access and is shown on Map 23/Lot 14.

Councilor Comai said the discussion, originally brought forward by Councilor Lizotte, was to 'maintain' the land and maintaining it properly. In the past, a lot of trees were taken out that shouldn't have been

Mr. Fitz said he is working on two other house lots. The parcel is one mile back in the woods and the timber would have to be yarded for truck pick up. The procedure would be to do a timber contract with a time period defined, usually within 60 days once started. It's possible it could be delayed from mud season or cut during winter months. Selective cut means taking trees over 10 feet. It takes 50 years to get a 10 foot tree – tops would be chipped and cleaned up. Mr. Fitz said he has been doing this for 40 years and timbering has changed a lot in the last 10 years. Skidders are still used and much of the work is automated. An excavator holds the tree, small brush is cut and brought out with a grapple skidder to be picked up by trucks. Once logs go into a mill, they are scaled and measured and graded for quality. At the end of each week, everyone gets a copy of the scale slips and it takes about two and a half to three weeks to get the first check then they come weekly.

Dr. Shankle will verify insurance coverage. Councilor Winterton asked how much money is made through 33 acres. Mr. Fitz said it depends on volume and quality; i.e., oak is worth more than pine. Every tree has a specific price listed on a timber appraisal sheet that gets updated every six months. Mr. Fitz said the appraisal sheet price is the price he pays. A permit is required and the Council would know the price prior to the operation starting. Dr. Shankle said the state gets their share.

Councilor Tsantoulis did not question Mr. Fitz' capability, but brought up the lack of competitive bidding should the Council decide to award the contract to Mr. Fitz. He advised "threading lightly" and the Council should prepare to answer questions about not going by the rules. Dr. Shankle said he understood the concern and while he would not suggest doing it all of the time, in this case, it is something the town has been wanting to do and there are efficiencies to be had since Mr. Fitz is working in the area. Councilor

Duhaime suggested giving the Conservation Commission a chance to review since Mr. Fitz is not a forester.

Councilor Comai suggested keeping the Conservation Commission management of land separate and, to Dr. Shankle's point, there are other lands that people can pitch for. This is lot with no access and not buildable. Mr. Fitz said that In order to do this he must cross the land of three homeowners to get the wood out to Hackett Hill Road. The state has a forester who oversees all these timber operations and comes onto the lots for inspection. Everything is written out in the contract. Mr. Fitz said he has worked several hundred lots and never had a problem; everyone has been satisfied.

Chairman Sullivan said some town lands do not fall under the Conservation Commission's control. Councilor Winterton said the town has owned the land for 22 years, has received no taxes, it is land locked, and can't be used for anything else. He asked Mr. Fitz how confident he might be in getting the approval from landowners. His one concern is to make sure the town has no liability to other towns while crossing over property but otherwise, feels it is the right thing to do and while the bid process is paramount, there is equipment and staff nearby. In response to a question from Councilor Miville, Dr. Shankle said the land is not a part of anything and there was no owner of record when the town took the land for back taxes. Mr. Fitz said it is a mile or more to get to the area. Councilor Miville noted that the town share from the cut should be placed in the general fund. Mr. Fitz said the parcel can never be built on unless it is developed at some point. The adjacent lot was logged off years ago. Councilor Comai asked that a specific timeline be provided. Mr. Fitz said the timing will be included in the contract which will be done in April.

Councilor Winterton moved, second by Councilor Jennings, to allow the Town Administrator to negotiate a contract with Richard Fitz for a selective timber cut on a 33 acre land locked parcel shown as Map 23, Lot 14 off of Hackett Hill Road. Motion passed unanimously, 7-0.

13. 15 MINUTE RECESS

14. OLD BUSINESS

14.a 15-092 Budgets, CIP and Warrant Articles

[Budget Committee's Operating Budget.pdf](#)

[WARRANT FIRE.pdf](#)

Dr Shankle indicated that as a charter community, Hooksett has the right to set the timing on receiving petitioned warrant articles which has traditionally been set at 25 days before the town's annual meeting. It was noted that traditionally, the Budget Committee has held their hearing the Thursday before the annual meeting and the budget submission date the week before that. The town attorney says it makes sense. The Warrant Article to create four new firefighter positions was not submitted timely. Chairman Sullivan read it. The deadline was February 25th and the petition was delivered too late to be included on the ballot.

Councilor Miville said the Budget Committee has maintained the same timeline but the actual dates change and they leave a little leeway to get one extra week. Twenty-five people signed the petition. Councilor Miville told the person delivering the petition that the deadline had passed. His daughter gave him the article that was signed.

Councilor Winterton said the discussion should be limited to what our attorney has said for any petition article and not about who, what, and where. He continued saying that “our decision on whether we accept the petition or not should be based on our attorney’s advice and our charter”. He said go back to the Hooksett vs. Thomas decision. Hooksett’s charter supersedes all; it’s about timing and dates. Chairman Sullivan agreed that this is not a discussion on merit but on process and rules. Councilor Comai read the last paragraph of Attorney Matthew Serge’s letter as follows:

“That said, please note that in reviewing the Town of Hooksett Charter, I noticed only one reference to petitioned articles (see Section 5.4(C)) and that section cites to RSA 39:3, which is the section that allows petitioned articles to be submitted no later than five Tuesdays before the annual meeting. This Section states that the second Tuesday in May shall be the annual meeting date for purposes of hearings, notices, and petitioned warrant articles under RSA 39:3. Given the timing for submission of petitioned articles under RSA 39:3, and the Charter’s provision that the budget hearing is at least 25 days before the first session in April, it would not be possible to wait until the deadline under RSA 39:3 to submit a petitioned article pertaining to a budgetary item. As a result, this further supports the distinction drawn by the Town between budgetary and non-budgetary petitioned articles. Moreover, that the Town also posted the full schedule for hearings, notices and petitioned articles months ago, the citizens have been on notice, either actually and/or constructively, of the deadline to submit budgetary petitioned warrant articles.” Councilor Tsantoulis said the legal opinion is cut and dry.

Chairman Sullivan moved to deny the receipt of the petition article regarding additional firefighters because it does not meet the charter requirements for deadline. Councilor Winterton seconded and the motion passed unanimously, 7-0.

Dr. Shankle brought up the Proposed Charter Amendment #1 seeking to revise sections of the Hooksett Charter to change the annual meeting from May to March. Town Counsel has suggested including a longer explanation of the amendment into the Voters Guide and the shorter version on the ballot.

Councilor Comai moved, second by Councilor Jennings, to include the summary of the amendment on the ballot and the longer explanation on the Voters Guide. Councilor Winterton noted that the amendment changes all May dates to March dates for town elections. Chairman Sullivan said the longer explanation provides more information to the electorate. Councilor Jennings noted that March dates coincide with school elections. Councilor Miville said deadlines would remain the same and be less confusing vis-à-vis the school timeline. Chairman Sullivan asked that the information be posted at the polls.

Councilor Comai moved, second by Councilor Jennings, to modify the previous motion to include the verbiage “as listed in the voters guide and summarized herein”. Motion passed unanimously, 7-0.

In response to Councilor Jennings' past questions on what is included in the estimated tax rate, Dr. Shankle prepared a comparison of the 2015 tax rate with the 2016 estimated tax rate demonstrating that the rate was pennies over what people voted on last year. Dr. Shankle pointed out that the reason the tax rate didn't spike is because the Council voted to take money out of fund balance.

Councilor Comai cautioned included too much information. Councilor Jennings said the second section 'repeated warrant articles' was the information is was looking for. Councilor Miville noted that nothing was mentioned about the school district that has the largest impact on the tax rate. Residents may not feel the sting because the town is lessening the impact. Dr. Shankle reminded Council members that a bridge is being built so funds may not be as readily available going forward. Chairman Sullivan pointed out that the Council presents its budget; if the School Board needs to explain theirs, let them do it. This is important and requires both boards to really sharpen their pencil. The War Service Credit is the veterans' exemption that gets included as a credit, unlike the elderly exemption which is reduced off property taxes. Chairman Sullivan suggested explaining the War Service Credit on the comparison document.

Dr. Shankle reminded the Council Chairman and Secretary that they will need to sign warrants next week which will be posted by March 18th. Determining who will motion and second motions will be discussed when the moderator is in attendance.

The Budget Committee was aware that the operating budget of \$17,206,349 would be decreased by the sum saved by the fire chief benefits budget line. *Councilor Miville moved, second by Councilor Winterton, to approve an operating budget of \$17,206,349 less the fire departments benefits budget line. Motion passed unanimously, 7-0.*

Chairman Sullivan said the Council can approve the Voters Guide at the next meeting and asked that the moderator be invited to attend. Councilor Comai will not be able to attend on March 23rd. Chairman Sullivan asked Councilor Comai to let Dr. Shankle know which articles she'd like to motion. Councilor Comai suggested discussion of the exemption comparison for veterans and elderly when Councilors Levesque and Ross are in attendance.

15. NEW BUSINESS

15.a 16-008 Library Elevator Bid

[Staff Report - award bid to stanley Elevator Co to town council mtg March 1 2016.pdf](#)

[Staff Report Library Elevator Award RFP 16-01.pdf](#)

[Stanley Elevator Proposal Bid 16-01.pdf](#)

Diane Boyce, DPW Director, came forward to provide background information and recommend awarding the bid for upgrading the Hooksett Public Library elevator. Ms. Boyce said that Jim Donison, Assistant DPW Director and Town Engineer, "did all the work on this". The elevator must be repaired and brought up to code. It is recommended that the town approve the bid as received from Stanley Elevator Company, Inc. for the total project amount of \$100,905.00. Ms. Boyce mentioned that Stanley Elevator installed the elevator in 1969 and still had design drawings of the elevator. It was also stated that funding for this contract will be coming from the Town Building Maintenance Capital Reserve Fund (CRF).

Councilor Jennings moved, second by Councilor Winterton, to award the bid for the repair and upgrade of the Hooksett Public Library elevator to Stanley Elevator Company, Inc. for the total project amount of \$100,905.00 for Parts A, B and C, and to authorize Town Administrator Shankle to sign all related documents. Roll Call #4: Jennings-yes, Duhaime-yes, Miville-yes, Winterton-yes, Tsantoulis-yes, Comai-yes, Sullivan-yes. Motion passed unanimously, 7-0. In response to a question posed by Councilor Duhaime, Director Boyce said that Otis Elevator did not wish to bid on the project. Dr. Shankle also mentioned that he had informed Jim Donison that his presence was not required at tonight's meeting.

15.b 16-009 Fun In Sun Increase in Camp Rates

[Staff Report - Fun in the Sun rate increases.pdf](#)

[FITS 2016 School Info Sheet.doc](#)

Director Boyce said that the Fun in the Sun program was wonderful and much has been done to improve the program. Her office is proposing to increase the rates for the 2016 season. She said the rates for Fun in the Sun have not increased in the past three years. The basic camp fee will be increased by \$15 per week to cover the increase in field trips, t-shirts and buses. The current fee of \$85 will increase to \$100 a week.

Councilor Duhaime moved, second by Councilor Tsantoulis, to authorize a \$15 per week increase for the Fun in the Sun program during the 2016 season. Motion passed unanimously, 7-0.

In response to Councilor Jennings, Director Boyce said the before care and after care prices have not increased. New to the camp are registration fees. Director Boyce said that the Counselor-in-Training (CIT) program began in 2015 and consisted of several young teenagers who were helpers to the program. The town charged \$50 for the entire summer. They would like to charge \$250 for the season this year to cover the cost of T-shirts and field trips. Councilor Winterton said the program consist of two field trips to Hampton Beach State Park and is a good program. A bit of investigation reveals that after school care in Manchester costs as much as \$100. Councilor Winterton asked if only Hooksett kids could register for the summer camp. Director Boyce said that in the past just submitting an application secured a spot. If a camper did not show, there were no penalties. This year, a waiting list will be kept and if there are enough counselors and space, out of town applications can be entertained. Councilor Miville asked if parents have signed up. Director Boyce said "no, starting tomorrow information will be sent out". Councilor Miville asked if the recreation staffer was considered a town employee and what his salary was. Dr. Shankle said the recreation program has to be self-funded. Director Boyce said the employee makes \$12 per hour which comes from registrations.

15.c 16-010 Proposed Other Ordinance - Traffic Control in Construction Work Zones

[ORDINANCE TRAFFIC-CONSTRUCTION.pdf](#)

[Staff Report- Traffic Control and Safety.pdf](#)

15.d 16-011 Acceptance of a Department of Justice grant for the Hooksett Police Dept. to assist with drug trafficking investigations; grant is in the amount of \$40,000 per RSA 31:95-b, III (a)

[Staff Report Drug Task Force Officer Grant.pdf](#)

15.e 16-012 Mechanical Repair Authorization for Aerial Ladder Truck

[Truck 1 Staff report.pdf](#)

[Compiled Aerial Repair Information.pdf](#)

Councilor Miville moved, second by Councilor Jennings to authorize the expenditure of funds from the Fire Department Vehicle Maintenance budget line to cover the aerial apparatus repairs to the aerial ladder truck.

Acting Fire Chief Dean Jore stated that fire department conducts annual performance testing of the Aerial Ladder Truck following the NFPA 1911 Chapter 19 Standard. A certified outside agency is contracted to conduct this testing. During the 2015 annual aerial apparatus exam, it was discovered that the frame rails were corroded to the point that the examiner would not complete the exam due to concerns that structural failure could occur. The manufacturer, KME, was contacted to discuss needed repairs and the warranty. While there, other repairs were identified that are needed. The frame corrosion being repaired is under warranty. A quote was compiled and is significant and not covered by warranty.

Captain Colburn, a qualified mechanic able to work on pumps and emergency vehicles came forward to discuss the specifics of the repairs. He said that "it will only get worse as time goes on and now is the cheapest time to do it". The repairs can push out a few more years before the department has to come back to ask for \$700,000 for a new ladder truck.

Councilor Winterton asked about mutual aid provided to towns that don't have a ladder truck or are not willing to invest in one. The Acting Fire Chief said if called "it's to replace their ladder". Captain Colburn said when the truck was purchased, "we knew it was going to happen. If the warranty wasn't what it is, we'd be asking for more money. Once corrosion starts, it's hard to stop." The annual certification will have to be redone. Acting Chief Jore said the truck will be out of service for three or more weeks. *Councilor Winterton moved, second by Councilor Duhaime, to authorize the expenditure of funds from the FD Vehicle Maintenance line to cover the aerial apparatus repairs not to exceed \$26,868. Roll Call #5: Tsantoulis-yes, Duhaime-yes, Jennings-yes, Winterton-yes, Miville-yes, Comai-yes, Sullivan-yes. Motion passed unanimously, 7-0.*

16. SUB-COMMITTEE REPORTS

Councilor Winterton said the Youth Achievement Committee has met. Award to be presented at the next Council meeting. Planning Board news: SNHU is building a new soccer field and will be back for a dorm. The commercial side is perculating; a 23,000 square foot welcoming center is being proposed on Route 3A. Will be meeting with SNHU to try to figure out their long term plans. Chicken ordinance has been moved to the ballot.

Councilor Comai thanked Councilor Winterton for being willing to serve on the Committee as Alternate. She believes the next meeting is on March 23rd.

Councilor Miville said the Budget Committee has completed its work and Economic Development has not met.

17. PUBLIC INPUT

18. NON-PUBLIC SESSION

19. ADJOURNMENT

Chairman Sullivan moved, second by Councilor Jennings, to adjourn the meeting at 9:02 p.m. Motion passed unanimously, 7-0.