



**TOWN COUNCIL MINUTES -- OFFICIAL**  
**Regular Meeting**  
**Wednesday, March 23, 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, Tim Tsantoulis, James Levesque, Adam Jennings, Marc Miville, and David Ross. Dr. Dean Shankle was also in attendance. Councilor Robert Duhaime arrived shortly after the roll call.

Absent: Councilor Comai.

**3. PLEDGE OF ALLEGIANCE**

**4. SPECIAL RECOGNITIONS**

**4.a Hooksett Youth Achiever**

Councilor Winterton presented this month's Hooksett Youth Achiever award to Zachary Denbow. Councilor Winterton said the award was very special for him because Zach is a swimmer and he was a swimmer with Zach's coach who has coached hundreds of kids. Zach is one of the best breaststrokers in the area. Zach is getting this award because he has done something special. Zach has been swimming competitively since he was five years old and competes at a high level all over New England and New York and has qualified for the Eastern Zone Sectional Championships for the last three years. Councilor Winterton noted that Zach only got his license last April and prior to that Mom and Dad got Zach to practice. Zach acknowledged that he's been successful and couldn't have done it without the support of his Mom and Dad, grandmother and friends. Zach swims at Pinkerton and in 2015 he helped lead the Astros to a Division 1 state championship. In 2016 he won the 100 yard breast stroke, came in second in the 200 individual medley and swam on two relays, breaking four school records at the high school championships. All over NE and NY Zach Denbow represents Hooksett. Academically, Zach is an Honor Roll student and member of the National Honor Society. Councilor Winterton presented Zach with the Youth Achiever Award certificate and pin and suggested Zach look at the pin 20 years from now to remember the pride with which this honor was awarded. On behalf of the Council and to the applause of those in attendance, Councilor Winterton offered Zach sincere congratulations for his many special efforts.

**5. APPROVAL OF MINUTES**

5.a Public: 03/09/2016

[TC MINUTES 03.09.16-U.pdf](#)

51  
52 *Councilor Duhaime moved, second by Councilor Jennings to approve the March 9, 2016*  
53 *Town Council meeting minutes, as amended. Motion passed 6-0-2 (Councilors*  
54 *Levesque and Ross abstained).*

55  
56 **6. AGENDA OVERVIEW**

57  
58 **7. PUBLIC HEARINGS**

59  
60 **8. CONSENT AGENDA**

61  
62 *Councilor Winterton asked that 8.e be removed from the Consent Agenda. Chairman*  
63 *Sullivan moved, second by Councilor Duhaime, to approve Consent Agenda items 8.a*  
64 *through 8.d as presented. Motion passed unanimously, 8-0.*

65  
66 8.a Decrease Cash Surety for SNHU Depot Road Improvements from \$116,903.25 to  
67 \$20,000.

68 [Staff Report Cash Surety Reduction SNHU Depot Road Improvements.pdf](#)

69  
70 8.b Decrease Cash Surety for SNHU Depot Road Parking Lot Improvements from  
71 \$43,550 to \$10,000.

72 [Staff Report Cash Surety Reduction SNHU Depot Road Parking Lot Improvements.pdf](#)

73  
74 8.c Decrease Cash Surety for SNHU North River Road Parking Lot Improvements from  
75 \$146,970 to \$10,000.

76 [Staff Report Bond Reduction SNHU North River Rd Parking Lot Improvements.pdf](#)

77  
78 8.d Decrease Cash Surety for SNHU East Side Drive to Alice Road Connector Road  
79 Improvements from \$90,095 by \$70,095 to \$20,000.

80 [Staff Report Bond reduction SNHU connector rd at east side drive.pdf](#)

81  
82 8.e Release Bond No 0109940 for Berry Hill Estates, Off-Site Improvements to Berry  
83 Hill Road for the amount of \$225,000.

84 [Staff Report Release Bond Berry Hill estates March 2016.pdf](#)

85 [Thibeault Corp Bond Reduction request Berry Hill Road Oct 2015.pdf](#)

86  
87 Chairman Sullivan stated that he and other Council members received an email regarding  
88 the subject bond. Councilor Tsantoulis said the email was with regard to the transfer of  
89 ownership of property with bonds in place that have not been addressed. He asked ~~what~~  
90 ~~will happen to those bonds?+~~ One bond relates to paving of the main road; the other to  
91 Route 27 where the original bond amount may have been sufficient ten years ago but is  
92 now an insufficient amount carried over or passed on to the new owner. Dr. Shankle said  
93 the turn lane has been done and the issue is between the owner and the state because it  
94 is a state road, and is kicked off by building a certain number of houses. When the 51<sup>st</sup>  
95 house is built, work must be performed based on an agreement between the developer  
96 and the NH Department of Transportation. Thirty six homes have been built but there  
97 hasn't been anything formalized. Chairman Sullivan stated that the release of the  
98 \$225,000 bond would not impact the two bonds being talked about that are still in effect.

99  
100 Jim Donison, Town Engineer said the \$225,000 work on Berry Hill Road only has been

101 completed. He asked the Council to release the Performance Bond No. 0109940 for the  
102 amount of \$225,000.

103  
104 *Councilor Ross moved, second by Councilor Duhaime, to release the Performance Bond*  
105 *No. 0109940 which is for the amount of \$225,000.*

106  
107 Mr. Donison said that everything on the attached itemized list has been completed. It  
108 was mentioned that if anyone wants to re-visit other bonds, they must go before the  
109 Planning Board. Counselor Tsantoulis wants to make sure that Project DH# 7140013.03  
110 . Berry Hill Offsite Improvements dated April 5, 2005 deals with Berry Hill only and not  
111 the estate. Chairman Sullivan said the offsite improvements do not affect the other roads.  
112 Councilor Tsantoulis asked if the President of the Homeowners Association could  
113 address the Council. Chairman Sullivan said in accordance with the rules he could  
114 entertain the question with a majority vote and would do so momentarily. Councilor  
115 Tsantoulis maintained that materials are still being hauled out of the area which could  
116 impact the roadway. He asked how the town could be protected from Route 27 to the  
117 entrance. Mr. Donison said nobody anticipated that this project would last ten years.

118  
119 Councilor Duhaime asked how many years ago was the paving done. Council members  
120 discussed the fact that more construction on the estate is necessary which requires the  
121 need for heavy trucks and possible damage to the road within the development.  
122 Councilor Miville said if there was more construction on the estate, another bond will have  
123 to be sought. Councilor Levesque said he had talked with residents of Berry Hill who  
124 were satisfied with the work performed. Chairman Sullivan repeated that the bond  
125 release has nothing to do with the estate.

126  
127 Councilor Ross said people that did come in were satisfied as Councilor Levesque  
128 mentioned. The bond work has already been done. As these projects get permitted,  
129 that's the time to build in the safety mechanism. If the road is built to specifications, then  
130 it should be able to handle traffic. Dr. Shankle said ~~we're~~ very clear on what you are  
131 interested in seeing and we will do what we can. It is not a complicated site . one way in  
132 and one way out. We~~d~~ look into that+. Councilor Tsantoulis said there are two separate  
133 issues and materials continue to be removed from the area. He is concerned that  
134 releasing the bond and then later the road is damaged, leaving the town financially  
135 unprotected. Dr. Shankle said staff will look to see if ~~we~~ can put some bond in place+.  
136 This was for work that's been done, and the Council needs to release the bond for what  
137 they did. Councilor Tsantoulis asked again what assurances could be provided to  
138 townspeople if damage is done. Dr. Shankle said if the town doesn't get a bond, it's  
139 the town's responsibility to fix the road.

140  
141 Councilor Duhaime followed up on Councilor Tsantoulis's concern stating that ~~we~~ had this  
142 happen in '89 and '90 and we are still going over bonds that should have been released  
143 six years ago. Chairman Sullivan said perhaps there was need for a different approach.  
144 Dr. Shankle said the Planning Board had no reason to think when it approved this that it  
145 would take this long.

146  
147 Mr. Martel, President of the Homeowners Association said that when they saw this on the  
148 agenda and researched it, they sent an email to their representative on the Council  
149 stating that they did not have any issue with releasing the \$225,000 bond. Mr. Martel is

concerned with protecting Crown Hill, Thorn Hill, Shaker Hill and up. Chairman Sullivan asked Mr. Martel to get in touch with Dr. Shankle with any concerns that he might have.

*The motion was passed by a vote of 7-0-1 (Councilor Duhaime abstained).* Councilors Tsantoulis and Miville felt they may have to revisit the matter.

## 9. TOWN ADMINISTRATOR'S REPORT

Town Administrator, Dr. Shankle, reported as follows:

- indicated that the meeting with the state regarding the Lilac Bridge went well. The room was full. He read parts of a letter received from the state indicating that they had no concerns other than doing things according to the plan. The other issue was on the utility licenses. Dr. Shankle sought counsel's advice on whether the utilities that have been using the old bridge could re-negotiate their license transfer to the new bridge. According to counsel, the utilities have rights to the property as easement holders. It would not open the doors to re-negotiate by itself. The engineer would like a letter stating the town's position. Councilor Ross said the nature of the crossing has changed and the town shouldn't have to pay for this. Dr. Shankle said we're just giving them an easement. Councilor Tsantoulis said his question was who is taking responsibility for the conduit. If the two utilities pay, that's the way it should be. Dr. Shankle will send a letter.
- Fire Department Captain, Fred Debow, retired after 20 years. He was presented with a clock.
- Received a timber contract from Mr. Fitz. Will do some due diligence and bring back to the Council at its next meeting.

Councilor Miville asked when bids were due on the bridge sale. Donna Fitzpatrick responded that the bridge sale bids are due April 5, 2016 at 2:00 p.m.

## 10. PUBLIC INPUT - 15 MINUTES

Michael Stachura of Michaels Road said a couple of days ago signs were changed and asked why residents weren't given a chance to comment. He said Benton Road is still a drag strip and he heard there will be a re-design of the Martins Ferry Road. Dr. Shankle has to find out if a speeding study has been done. Diane Boyce, DPW Director, said they have been changing signs from 30 to 25 mph speed limits and Benton Road has been 25 mph before. changed about a week and a half ago to 30 mph, and no one was notified. People on Martin's Ferry Road have been notified. Dr. Shankle said that residents of Martins Ferry Road came to the town. Police had a concern that they couldn't enforce any speed limit. DPW is changing the signs around town. Mr. Stachura said he is fine with 30 mph speed limit but somebody should enforce it. Also, there are no sidewalks and he has a 7 year old grandson and just trying to have a safe street. Councilor Miville asked that a list of street sign changes be distributed to Council members so that they are aware. Director Boyle will follow up.

## 11. NOMINATIONS AND APPOINTMENTS

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## 12. SCHEDULED APPOINTMENTS

12.a Don Riley, Town Moderator - Deliberative Session

[Motions.doc](#)

[Council Report.docx](#)

Town Moderator, Don Riley, came forward asking who will be making Warrant Article motions and seconds at the deliberative session to be held on April. Assignments were agreed to as follows:

- Article 3: Councilor Miville will move, second by Chairman Sullivan
- Article 4: Councilor Duhaime will move, second by Councilor Jennings.
- Article 5: Councilor Jennings (Ryan) will move, second by Councilor Levesque.
- Article 6: Chairman Sullivan will move, second by Councilor Duhaime
- Article 7: Councilor Winterton will move, second by Councilor Miville
- Article 8: Councilor Comai will move, second by Councilor Ross
- Article 9: Councilor Levesque will move, second by Councilor Jennings
- Article 10: Councilor Tsantoulis will move, second by Councilor Duhaime
- Article 11: Councilor Miville will move, second by Councilor Winterton
- Article 12: Councilor Ross will move, second by Councilor Levesque (or Sullivan)
- Article 13: Councilor Ross will move, second by Councilor Winterton
- Article 14: Councilor Jennings will move, second by Councilor Tsantoulis
- Article 15: Councilor Duhaime will move, second by Councilor Tsantoulis
- Article 16: Councilor Comai will move, second by Councilor Winterton
- Article 17: Chairman Sullivan will move, second by Councilor Jennings

Town Moderator Riley asked if Town Counsel and the Department of Revenue Administration had reviewed the warrants. He was informed that Attorney Matt Serge will be in attendance during the deliberative session. Mr. Riley said in the past, it was helpful to have the balance of the Capital Reserves included in the votersqguide and hopes that will continue because it eliminates many questions. Chairman Sullivan stated that the VotersqGuide design will be the same as in the past. Mr. Riley indicated that he had three charter changes with the latest revision of the charter being July 1<sup>st</sup>, 2013. Some paragraphs are incorrect. He went through sections of the Charter as referenced in Article 17.

- 1.6 section . a and a b . b is affected . importance is insignificant . section has no mention of the election . 1.6 is not incorrect, just not specific
- 5.3 a b c . a b not affected
- 5.3 a b c doesn't exist . 5.4 does
- 9.2 ok
- 10.2.b is affected

Chairman Sullivan said he will offer an amendment. Councilor Miville stated that next year's election will be held on March 14<sup>th</sup>; the deliberative session on February 4<sup>th</sup>. Mr. Riley, whose term ends in June 2016, asked who was going to run the election. He said he and Todd [Town Clerk] have done some preliminary research and the most logical way to proceed is that the Town Moderator has responsibility for the election. The assistant is generally the School Moderator. At the end of the evening, school ballots are

249 given to the school moderator.

250  
251 Chairman Sullivan indicated that a short form and long form which explains the articles  
252 more thoroughly will be available to voters. On the long form, section 5.3 is removed and  
253 replaced with 5.3 a b c. Chairman Sullivan will explain each aspect and there may not be  
254 a need to offer an amendment. Chairman Sullivan said that Hooksett is organized,  
255 thanks to Mr. Riley. Moderator Riley said the whole team is top notch. He said he and  
256 Todd were going to a presentation in Manchester to discuss electronic processing of  
257 ballots which is done by 32 states and is much more accurate. The deliberative session  
258 will be held on April 2<sup>nd</sup>. Council members went through a draft letter to the citizens and  
259 voters of Hooksett and made suggested changes: The first sentence of the second  
260 paragraph should read: The official ballot will include the election of town officers and will  
261 also have zoning amendments. In paragraph four, include ~~and~~ Budget Committee after  
262 Town Council. The second sentence of the fifth paragraph should begin as ~~The~~ Budget  
263 Committee approved the Town Council budget without change and it is \$51,869. In  
264 the sixth paragraph, remove the word ~~about~~ before \$8,917. In the seventh paragraph,  
265 the word ~~decreases~~ should be singular, not plural, and before \$39,976, remove the  
266 word ~~about~~. The ninth paragraph should read: ~~There~~ are five new (non-traditional)  
267 warrant articles due to additional personnel, road repairs and improvements on  
268 conservation lands. These are requests for two full-time police patrol officers to meet the  
269 full complement of officers originally approved in 2004, a 5-year program ..conservation  
270 land, be applied to the already established conservation fund, and ~~o~~ .+ *Councilor*  
271 *Tsantoulis moved, second by Councilor Winterton, to approve the letter to citizens, as*  
272 *amended. Motion passed unanimously, 8-0.*

273

274 **13. 15 MINUTE RECESS**

275

276 **14. OLD BUSINESS**

277

278 14.a 15-047 Martins Ferry Road . Discussion of Sidewalks and Traffic Calming  
279 measures for 2016 Roadway Improvements

280 [Staff Report Martins Ferry Road 2016 Improvements.pdf](#)

281 [Martins Ferry Rd 2016 Project.pdf](#)

282

283 Jim Donison, Town Engineer, came forward to report back to the Town Council on the  
284 proposed design improvements to Martins Ferry Road to address the previous comments  
285 made regarding traffic speed issues. Martins Ferry Road is scheduled for roadway  
286 improvements in 2016. Alternatives include extending 7 inch high reveal bituminous  
287 curbing along both sides of the roadway, 5 feet bituminous sidewalk along the north side  
288 for the entire length from Route 3 to North River Road/SNHU, a wooden bridge crossing  
289 Messer Brook. The assumptions on the wooden bridge are that SNHU will provide an  
290 easement for the location and will contribute to paying for at least the superstructure.  
291 Additional alternatives also include extending the sidewalk up Sherwood Drive to the  
292 entrance of Fred C. Underhill School on the west side of the roadway and continuing with  
293 the sidewalk on North River Road in front of SNHU continuing to the existing sidewalk.

294

295 traffic calming measures involve four proposed ~~bum~~ bump-outs which are raised curbing  
296 extensions on each side of the roadway, approximately 10 feet in length, extending out  
297 into the roadway by one foot on each side creating a narrowing of the roadway from 24  
298 feet to 22 feet . all within the right-of-way. Property owners will need to be approached to

299 discuss the new sidewalk and cutting of trees with the 50-foot right-of-way. A number of  
300 Councilors and Dr. Shankle mentioned that it is important to delineate the right-of-way  
301 and make clear that the sidewalk is all on the right-of-way. Mr. Donison said the bump-  
302 outs will not have a dramatic taper . a one foot taper, and curbing will be painted yellow.  
303 Councilor Ross said he thinks the bump-outs are a terrible idea that will not slow people  
304 down and the school buses need the full length. Councilor Duhaime said that bump-outs  
305 do work. Councilor Ross said the bottom of the road is rapidly deteriorating and needs to  
306 be stabilized. The bump-outs are another maintenance nightmare.

307  
308 The Council discussed putting up stakes along the roadway within the town right-of-way.  
309 Mr. Donison said the curbing will not be granite given the cost difference. Speed tables  
310 were brought up and Mr. Donison said police and fire departments are not in favor of  
311 speed tables because when they are responding to a call they have to slow down with a  
312 speed table. Councilor Miville said he has talked with residents and high speeds are  
313 worse on the west side of Cemetery Road than the east side and suggested the speed  
314 bump be closer to the hairpin turn.

315  
316 Mr. Donison provided a PowerPoint presentation on the proposed re-construction. He  
317 said a fifth bump-out could be added. Councilor Ross mentioned the need to relocate  
318 mailboxes and asked how that would be coordinated. Mr. Donison said that mailboxes  
319 would have to be relocated on the opposite side of the roadway. Chairman Sullivan said  
320 having to cross the street to get mail may be an issue. Mr. Donison said you could put in  
321 mailboxes so they don't have to cross the road.

322  
323 Mr. Donison said the proposed roadway improvements, including roadway mill, shim,  
324 overlay, curbing, sidewalks, bump-outs and the wooden pedestrian bridge, is estimated at  
325 \$400,000. The available roadway funding is \$300,000 and there is presently \$74,000  
326 available in impact fees for this zone which can be applied towards the sidewalk costs.  
327 The \$24,000 shortfall may require that the wooden bridge that crosses the Messer Brook,  
328 the sidewalks on Sherwood Drive and North River Road not be constructed at this time.  
329 The advertisement for bids will be structured to allow flexibility in awarding the contract  
330 and eliminating these items.

331  
332 Councilor Ross noted that the sidewalks that go up behind the library are plowed by the  
333 town. Chairman Sullivan said there is a requirement that the town plow sidewalks. Dr.  
334 Shankle stated that there has been a court ruling stating that if you put sidewalks in, it is  
335 your responsibility to maintain. The Council discussed the need for bump-outs and where  
336 they should be placed and speed tables. Councilor Jennings said that widening the  
337 roadway will encourage higher speeds. Councilor Tsantoulis said that widening requires  
338 different construction standards and may cost more.

339  
340 Councilor Ross feels that the work will benefit SNHU more than residents so they should  
341 bear the costs. Councilor Winterton noted that with the projects going on at SNHU . the  
342 Gustafson athletic center and proposed new dorm -- impact fees will be generated.  
343 Councilor Duhaime said SNHU wanted to build a walking campus. They took out a huge  
344 parking lot. They want their kids to walk.

345  
346 Mr. Donison said he hopes to be able to advertise for bids earlier in order to get more  
347 favorable prices. Dr. Shankle suggested making copies for the deliberative session. In  
348 response to Councilor Miville, Mr. Donison confirmed that funds would come out of this

349 year's budget. This road plus Main Street will be available July 1<sup>st</sup>, conditioned on the  
350 warrant article passing.

351

## 352 **15. NEW BUSINESS**

353

354 15.a 16-013 2013 Tax Deeding overview

355 [2013 Tax Deed Staff Report for TC 3-23-2016.pdf](#)

356

357 The tax deed date for the unpaid 2013 tax liens is May 25, 2016. *Councilor Ross moved,*  
358 *second by Councilor Jennings, to authorize the Town Administrator to accept payment*  
359 *plans for the 2013 Tax Deed as long as there is not forgiveness of principal or interest*  
360 *amounts. Motion passed unanimously, 8-0.*

361

362 15.b 16-014 Merchants Request for Reimbursement of Legal Bills \$477.50 for 18  
363 Benton Road, Hooksett, NH

364 [Merchants Letter 030816.pdf](#)

365

366 Dr. Shankle referred to a letter received from Merchants Fleet Management seeking  
367 reimbursement for legal fees in the amount of \$477.50 that resulted from their :trying to  
368 help the Town resolve the issue of cleaning up the unsightly debris in the yard of 18  
369 Benton Road+. Dr. Shankle said a court order was in effect to clean up the area and the  
370 author of the letter, Michael Sydney, %asked me to put the request forward+. *Councilor*  
371 *Winterton moved, second by Councilor Duhaime, to place the letter on file and directed*  
372 *the Town Administrator to inform Mr. Sydney of the Council's decision. Motion passed*  
373 *unanimously, 8-0.*

374

## 375 **16. SUB-COMMITTEE REPORTS**

376

377 Councilor Levesque said he couldn't attend the transfer station meeting but had talked  
378 with DPW Director; recycling has gone down and regular garbage has remained the  
379 same.

380

381 Councilor Ross indicated that the Conservation Commission had a meeting and  
382 workshop. He was not able to attend the workshop. Northrup trail sign and historic  
383 marker . scheduling site walk one of the property acquiring.

384

385 Councilor Winterton stated that the Planning Board had met on Monday. SNHU asked  
386 for their new soccer field but must come back to the Board. Harmony Place that is not  
387 too far from here has issues about a new million dollar water tank. The Zoning Board of  
388 Adjustment is asking for opinions/comments from the Planning Board. The Planning  
389 Board replied to both questions. They'd have to come back to the Planning Board.

390

391 Chairman Sullivan said the Heritage Commission discussed recommendations for  
392 guidelines for the bridge monument. Heritage Day in May will be scheduled. He had  
393 nothing to report on the old town hall . moving slowly but steadily.

394

395 Councilor Miville said the Budget Committee's work is done. Economic Development is  
396 meeting tomorrow at 5:00 p.m., but Councilor Miville cannot attend. They haven't met  
397 since October.

398

399 Councilor Duhaime had nothing to report but asked if the Planning Board had two open  
400 positions.

401  
402 Councilor Jennings said the Recreation Committee was updating its 5-year plan, bidding  
403 on lights and building outfield.

404  
405 Councilor Tsantoulis said the Assessors Meeting met in early March. Councilor  
406 Tsantoulis asked about Amendment 2 on the warrant regarding Lindsay Road and the  
407 fact that homes are being built which have not yet been approved. Councilor Winterton  
408 said they had gotten a waiver to build from the ZBA.

409  
410 Councilor Winterton asked if exit interviews were being conducted from retiring  
411 personnel. Dr. Shankel said ~~yes~~.

412

413 **17. PUBLIC INPUT**

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415 **18. NON-PUBLIC SESSION**

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417 **19. ADJOURNMENT**

418

419 *Chairman Sullivan moved, second by Councilor Winterton, to adjourn the meeting at 9:25*  
420 *p.m. Motion passed unanimously, 8-0*

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422

423

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

428

429

430

431 Respectfully submitted,

432

433

434 Suzanne Beauchesne

435 Recording Clerk

436