**TOWN COUNCIL MINUTES - OFFICIAL**

**Regular Meeting**

**Wednesday, May 11, 2016**

**6:30 PM**

**Council Chambers**

**1. CALL TO ORDER**

Chair Sullivan called the meeting to order at 5:30 p.m.

**ATTENDANCE:**

Chair James Sullivan, Nancy Comai, James Levesque, Marc Miville, Timothy Tsantoulis, David Ross, Robert Duhaime, Donald Winterton and Dr. Dean E. Shankle, Jr.  .

Missed:  Adam Jennings

**NON-PUBLIC SESSION**

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

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

***J. Sullivan motioned to enter non-public session at 5:32pm.  Seconded by T. Tsantoulis.*Roll Call**R. Duhaime – yes

M. Miville – yes

D. Ross – yes

J. Levesque – yes

N. Comai – yes

D. Winterton - yes

T. Tsantoulis - yes

J. Sullivan - yes

***Vote unanimously in favor.***

***J. Sullivan motioned to exit non-public at 6:20pm.  Seconded by D. Ross.
Vote unanimously in favor.***

***J. Sullivan motioned to seal the non-public minutes of 05/11/16. Seconded by J. Levesque. Vote unanimously in favor.***

***Chair Sullivan called for a 10 minute recess with public session to commence at 6:30pm.***

Chairman Sullivan called the public meeting to order at 6:30 p.m. In attendance: Chairman Sullivan, Councilors Robert Duhaime, Marc Miville, David Ross, James Levesque, Nancy Comai, Donald Winterton, and Tim Tsantoulis. Absent: Councilor Adam Jennings.

**5. PLEDGE OF ALLEGIANCE**

**6. SPECIAL RECOGNITIONS**

**7. APPROVAL OF MINUTES**

*Councilor Miville moved, second by Councilor Tsantoulis, to remove from the table the Town Council meeting minutes of April 13, 2016. Motion passed unanimously, 8-0.*

 7.a. Public: 04/13/2016

 [TC Minutes 041316-U.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/10603/TC_Minutes_041316-U.pdf)

*Chairman Sullivan moved, second by Councilor Miville, to approve the April 13, 2016 Town Council meeting minutes, as amended. Motion passed unanimously, 8-0.*

 7.b. Public: 04/27/2016

 [TC Minutes 04272016-U.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/11106/TC_Minutes_04272016-U.pdf)

*Councilor Duhaime moved, second by Councilor Miville, to approve the April 27, 2016 Town Council meeting minutes, as presented. Motion passed unanimously, 7-0-1 (Councilor Winterton abstained).*

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

*Councilor Ross moved, second by Councilor Levesque, to approve the April 27, 2016 Town Council non-public meeting minutes, as presented. Motion passed unanimously, 7-0-1 (Councilor Winterton abstained).*

**8. AGENDA OVERVIEW**

Chairman Sullivan went over the agenda and re-ordered agenda item 14.a Appearance by Moderator, Don Riley; 17.a. Discussion of Firebird Motel; and 17.d. Boston Post Cane Award. There were no objections.

**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](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/10784/051116_Memorial_Park.pdf)

Chairman Sullivan read the public hearing notice and opened the hearing at 6:40 p.m. Donna Fitzpatrick read a written statement from Chief of Police Bartlett who is outside the area attending training. [attached].

Councilor Ross asked who made the donation. It doesn’t say it came from Happy Helpers. Happy Helpers gave a check to the union and the union provided a gift to the town. Dr. Shankle said he’ll be more careful in wording public notices. He said “it was not clear to us where it [the donation] came from”. Chairman Sullivan said that the town is required to accept all donations to the town and is traditionally handled under “consent”. In this case, the donation is above the threshold amount of $15,000. The Chairman said “that is why we had a public hearing on the cardiac monitor”. Councilor Ross felt it was improperly posted and didn’t have enough information for the public to come participate and it needs to be amended. He also said there was missing paperwork and he wanted to see invoices. Dr. Shankle said there is no backup information because it was inaccurate and he pulled it before the notice was properly posted. All agreed to continue with the public hearing. Councilor Levesque said that if the donation was given to the union, wouldn’t that have had to be approved by the Town Council. Dr. Shankle said, no, the union is a separate group. He said originally it looked like this was suppose to be a town project and somehow the union interjected. Councilor Winterton was not comfortable with the discussion while the town was in current negotiations with the union and he felt the discussion should end. Councilor Miville said the Happy Helpers almost every year donates to the Fire Department with a lot of fanfare. The former chief accepted a defibrillator. Dr. Shankle said when he got to Hooksett he asked if this had been approved by the Town Council and was told “yes”. He was misled. Councilor Tsantoulis said he agreed with Councilor Winterton and since there are so many questions he suggested placing the matter on a back burner.

*Councilor Tsantoulis moved, second by Councilor Ross, to table the matter. Motion passed unanimously, 8-0. Chairman Sullivan closed the public hearing at 6:58 p.m.*

 14. SCHEDULED APPOINTMENTS – Don Riley, Moderator

Town Moderator Don Riley and Todd Grenier, Town Clerk, came forward. Mr. Riley thanked the Chairman for moving this item up on the agenda. He reported that there were 9834 registered voters for yesterday’s election; one registered yesterday. 359 voters cast votes; 8 were by absentee ballot. The volunteer team worked well. The checklist tally needs to agree with the tape and “we missed by one”. There were many write-ins – a tedious process to sort out. Councilor Ross received the most write-ins for the Councilor-at-Large position. In District 6 there were no candidates; four write-ins, each getting one vote. Mr. Riley said all was completed by 9:00 p.m. Mr. Riley said he appreciates the voters and volunteers being respectful of the process over the last five years. He said he appreciates the Town Council’s support. Council members have always been at the polls throughout the day and been there at the end of the day to provide the three required signatures on the sealed tape. He said he was glad Councilor Ross got written in because he is instrumental in the whole process. Within 30 minutes the signs were down and put away, thanks to Councilor Ross. He thanked the Department of Public Works for their support in setting up the booths. He said the booth vendor is no longer in business. Mr. Riley thanked the Police Department as well saying that three officers were in and out throughout the day. Thanks, too, went out to the School District. It was a school day and there was very little cross over between the two sides of the building. He thanked Dr. Shankle who every election day comes by, showing interest in what the team is doing and he expressed deep appreciation to the team whose execution gets better and better. Mr. Riley said he was not sad to leave his position. Chairman Sullivan thanked him for his good work. The Council expressed their thanks with applause.

Chairman Sullivan said that District 6 will have a vacancy and with the charter change

approval, both the town and the school will have the same election day. Todd Grenier gave a shout-out to Sally Humphries for her time and dedicated contributions to the team. Of the four write-ins in District 6, two are not qualified, one is an employee, and the fourth is closing on their house and will be moving out of town, which leaves Councilor Comai. If she is not willing to accept, she must formally decline in writing to the Town Council who will then appoint someone to the Councilor position within 30 days. Mr. Rainier said the Budget Committee vote produced a tie. He will reach out to both and schedule a time to flip a coin to break the tie. Councilor Miville thought the committee had jurisdiction. Mr. Rainier said he has to establish a winner and will keep everyone informed.

17. NEW BUSINESS – 17.a Firebird Motel

Police Captain Daigle came forward to provide an update on the situation at the Firebird as described by residents at the last Council meeting and in a letter to the Council dated April 22nd and signed by a number of residents. Captain Daigle said there has been an uptick in activity at the Firebird Motel. He has spoken with code enforcement and other members of the town and they are in compliance with rules and regulations and are current on their room and meals tax. The Police Department (PD) has put a lot of enforcement in the area. PD has been monitoring and trying to keep on top of what’s transpiring there. The last homicide in town occurred at the Firebird. During the first four months of 2016, the number of arrests made eclipsed the number of arrests for the entire year of 2015 and at least half of the arrests were based on proactive activity by officers. The PD has stepped up its efforts and there have been a lot of drug arrests. Manchester SWAT came to assist when an armed individual refused to come out. A subsequent search of the premises revealed a weapon that was loaded. Chairman Sullivan then opened the meeting to public comment.

Ian Cote of One West Stearns Avenue said it is unbelievable what is going on and it is not within residents’ grasp and needs to be handled at the town level. He said he lives in a residential area with a brothel 100 yards from his house. There are heroin needles sprinkled around. He asked if there is some way to see if the motel should be there at all. He said residents must have some rights. Dr. Shankle said PD has been working with code enforcement and the health officer and there are no violations; same thing with the Fire Department, they are up to code.

Councilor Duhaime suggested a site plan review since they access a town road, not a state road. Chairman Sullivan said a code review could be undertaken. He also wondered, given the opioid crisis, if the state could create a drug free zone. Councilor Ross stated that there use to be a chain-linked fence there that has disappeared and makes foot traffic easier. He asked if that was a violation and whether the fence could be put back up. Councilor Duhaime said the site plan review could get the land owner’s attention. Councilor Winterton said he would be happy to bring the situation to the attention of the Planning Board. Councilor Miville said the PD has been doing yeoman’s work and inquired whether the person assigned to the drug enforcement program could be utilized to help.

Captain Daigle said the chief has spent time in the Firebird Motel parking lot and they are renting by the hour. On one visit, the owner’s son was manning the desk and acknowledged tenants had local addresses but would have to check with his father on the exact price per hour.

Jackie Faucher of 3 West Stearns Avenue read through documentation describing a “public health nuisance”. She said in accordance with a NH Public Health Nuisance Guidance Document, “a public nuisance is a behavior that unreasonably interferes with the health, safety, peace, comfort or convenience of the general community”. Captain Daigle said that business people have actually participated in neighborhood watches that have led to arrests and he applauded residents for keeping PD apprised of goings-on in the area.

Matt Daust said last night 11 vehicles were in and out; 9 minutes, the longest; 3 minutes- the shortest.

Dan LaTouche of 16 Bell Avenue said that the motel is a series of rooms used as a convenience store for all types of illegal activity; it’s not used as a motel. It is the most dangerous place in Hooksett. Mr. Latouche asked “would your family feel safe living close to the motel”? He said he appreciates the efforts of the PD.

Councilor Winterton said it is a horrific situation and appreciated the courage it took for residents to come to the meeting tonight. The budget passed yesterday will allow for hiring 4 more police officers part-time and two full-time so hopefully more arrests can be made and more criminals taken off the streets. He encouraged everyone to call 911 to get as much cleaned up as we can. He made a personal commitment, and on behalf of the Council, “to do whatever we can do until the area is cleaned up”. Captain Daigle said the owner knows what’s going on and the activity is around the clock.

Catherine Rice said that since 1969 she’s operated a children’s learning center. She has 31 parents that come and go with 3, 4, 5 year old children and they are out doing practice fire drills and are in the playground in good weather. Quite a few parents have voiced their concerns about the neighborhood. She and her staff are responsible for the safety of the children.

Ron Latouche, father of Dan who spoke earlier, said his son lives in his rental house because he’s lost three tenants over the situation. It is difficult to get the property rented. The property was appraised and we have to deduct 20 percent off the value because of the Firebird. He thanked Captain Daigle for the PD’s efforts and said he hopes the PD and Council can help them.

Chairman Sullivan thanked everyone for coming in and giving the Council the prodding to push forward and check into all of the options mentioned. Councilor Tsantoulis said he had no idea that the Firebird presented such a problem. He commended the PD and said the Council will “put our heads together and come up with the right solution”. He urged residents to be patient and continue doing what they are doing. He said his youngster went to Mrs. Rice’s school and there are other good businesses in the area and “you have my support”.

Ian Cote said he has an eight year old son and 17 month old daughter. His son has already seen someone passed out. Cathy Brodsky said she lives in Manchester and is a Latouche friend. She said the area is close to Route 93 which makes it a state problem and a problem beyond Hooksett.

Councilor Duhaime said he is glad residents brought the matter to the Council’s attention and “we’ll make sure to get this fixed”. Councilor Comai said she didn’t realize the severity of the situation and thanked residents for the courage to step up and assured them the Council would do something about it. Councilor Miville said it is shocking to learn that the number of arrests made in four months eclipsed the number of arrests made for the whole of 2015. Councilor Ross pointed out the financial impact caused in addition to the safety, peace and quiet concerns and the town must hold their feet to the fire. Councilor Winterton thanked residents for bringing awareness to the entire Hooksett community. Chairman Sullivan thanked everyone for coming.

17.d BOSTON POST CANE AWARD

Chairman Sullivan stated that the Boston Post Cane recipient, Virginia Kalariotes, passed away on March 27th. The recipient is Sophie Dlugosz who recently celebrated her 99th birthday. 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, Councilor Miville’s district. The award will be presented to her at her residence.

*Councilor Miville moved, second by Councilor Duhaime, to present the Boston Post Cane Award to Sophie Dlugosz. Motion passed unanimously, 8-0.* Dr. Shankle will arrange a time for the presentation.

**11. TOWN ADMINISTRATOR'S REPORT**

Dr. Shankle reported as follows:

* He brought to the attention of the Council the television sets on the wall which will be tied to computers when done and new cameras where everyone can be seen.
* Volunteer Appreciation Night is scheduled for Friday, June 24th at 6:00 p.m. before the end of the fiscal year.
* Lilac Bridge, he said, has gotten interesting. There was one bid. He has met with the Historical Society who want more detail, and he’s working through the pile of steel on Jeff Larrabee’s property.
* There have been questions about community development and the planner leaving. Working with Jim Donison, Town Engineer, and he really wants to assist the planner that is left. The administrative assistant was moved to highway garage and the highway garage administrative assistant moved upstairs. Both are happy with the move. Originally when building and planning were combined the idea was to have one administrative assistant handle both sides. Jim Donison would like to let that settle in and see what we’ve got. Because of that, at the Planning Board meeting, the Master Plan came up. The next meeting of the Planning Board is May 23rd. Mr. Donison and Dr. Shankle will handle.
* The Hooksettites Annual Lunch will be held on May 19th at the Derryfield Country Club. Dr. Shankle and Councilor Duhaime plan to attend.
* Dr. Shankle said he has been invited to attend an ICMA (International City/County Management Association) program during the last two weeks in July in China. In response to Councilor Tsantoulis, Dr. Shankle said there would be no financial impact to the town. The cost is paid for by the university for two or three people per year.

 Councilor Ross indicated that moving the Lilac Bridge could be a massive expenditure and cautioned against placing too many restrictions or too much pressure on the person doing the project to not inhibit it. Preservation could be an Old Man on the Mountain attraction for Hooksett. Dr. Shankle said “the bid was for us to move it”. The matter hasn’t gone to the Planning Board and the state wants to make sure there is a 10-year timeframe to set up. Councilor Ross said “if we’re paying to move it, that’s our scrap”.

**12. PUBLIC INPUT - 15 MINUTES**

**13. NOMINATIONS AND APPOINTMENTS**

Councilor Winterton indicated that Leslie Bosniak will be nominated to the Southern NH

Planning Commission, pending communications with her. She hasn’t filled out the volunteer application.

**14. SCHEDULED APPOINTMENTS**

 14.a. Don Riley, Moderator – Taken up Earlier

**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](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/9417/042716_TC_LIFEPAK_DONATION_HFD.pdf)

 [Cardiac Monitor Donation.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/9381/Cardiac_Monitor_Donation.pdf)

 [LP Quote \_ 3-2016.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/9503/LP_Quote___3-2016.pdf)

*Councilor Ross moved, second by Councilor Levesque, to accept the donation from the New England Heart and Vascular Institute and Catholic Medical Center for the LifePac 15 Cardiac Monitor/Defibrillator for use by the Hooksett Fire Rescue Department. Motion passed unanimously, 8-0.* Councilor Ross suggested sending a letter of thanks to the Catholic Medical Center. Dr. Shankle will arrange.

 16.b Discussion of Town Meeting Results

**17. NEW BUSINESS**

 17.a 16-024 Firebird Motel 10 Bell Avenue -- Law Enforcement – Taken Up Earlier

 [BELL AVE LTR 042716.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/10965/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](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/11109/Court_case_on_forms_of_government_in_NH.pdf)

Dr. Shankle referenced the information provided from the NH Municipal Association. There appears to be a lot of flexibility within the law on changing the charter and the document does a good job explaining what can and can’t be done. Dr. Shankle will go over the document with Town Counsel. It is good that the town moved the election time. Councilor Winterton stated that 3.6 percent of the electorate is determining how the town should be run and that is troubling. He said all the work we do can be changed by less than 3.6 percent. People of Hooksett are familiar with Manchester and Concord who expect elected officials to do their job. Here they don’t come out. He is concerned by the ultra-minority and feels the Council should take a closer look at the issue.

Chairman Sullivan thought starting earlier working toward the election might help. Councilor Ross said some booths are handicapped and some had difficulty reading the type. Booths with magnifiers would be helpful. Councilor Miville said the Council really needs to focus on getting out the vote and informing the public in a proactive way; perhaps consider a newsletter prior to an election. Chairman Sullivan said that a public notice was put in the paper and the Union Leader reporter has put stories in. Councilor Winterton said he hasn’t heard back from Merchants Motors about putting something on their sign. He said it’s been suggested that maybe the town needs to spend the money on a postcard mailer before the election – similar to a “Save the Date” mailer, and maybe share the cost with the school district. Councilor Comai felt a postcard would be treated like junk mail and social media was the way to go. Chairman Sullivan said he doesn’t know what drives people to come out and vote but doesn’t want to spend money to get people to come out to vote. Councilor Comai said the Council should create a list of all electronic boards in town that could be accessed. Councilor Miville said there were four electronic boards in town that could be reserved for Public Service Announcements (PSA). Merchant Motors’ sign rotates its message every eight seconds.

 17.c 16-026 Town Newsletter

 [5112016 Newsletter Staff Report.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/10739/5112016_Newsletter_Staff_Report.pdf)

It has been the practice to place town newsletters in with the tax bill. It typically cost $600 to print and insert the newsletter in with the tax bill. A copy of the May 2016 newsletter was included in the Council packet for review and recommended changes.

Councilor Miville said more than half the first page is filled with information about the Southern New Hampshire Planning Commission and space could be better utilized by including information pertinent to the average voter. Councilor Comai suggested included the phrase SEE Something/SAY Something and perhaps including election results and that boards and committees still need volunteers. Councilor Ross suggested a blurb on calling authorities if syringes are found so that they can be properly disposed of. Dr. Shankle said that he and Katie were in the process of updating the town website. Suggested changes will be made to the newsletter.

*Councilor Tsantoulis moved, second by Councilor Duhaime, to allow the town newsletter to be inserted along with the May 2016 tax bill. Motion passed unanimously, 8-0.*

 [0516.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/10882/0516.pdf)

 17.d 16-027 Boston Post Cane Award – Taken Up Earlier

 [5112016 Boston Post Cane Staff Report.pdf](https://legistarweb-production.s3.amazonaws.com/uploads/attachment/pdf/10740/5112016_Boston_Post_Cane_Staff_Report.pdf)

**18. SUB-COMMITTEE REPORTS**

Councilor Ross said the Conservation Commission approved a change order. There was discussion to authorize the Chair to approve change orders. He opposed stating that even town administration has limits. He doesn’t agree that one person alone be making decisions with public money. He said Blue Ribbon Fencing got the low bid. There was discussion about putting additional signs besides Conservation Commission signs reminding people that it is a felony to damage public property, and that the post should be steel, not wood.

Hooksett Youth Achievers met today. Councilor Winterton suggested everyone be proactive in submitting nominations. The Planning Board is getting busy. SNHU is moving along with its 100 million dollars worth of projects and getting approvals for the new dorm and athletic field. Regarding tennis courts, six new NCAA qualified courts are being built as part of the complex. He said Victory Lane is open part-time. Dr. Shankle has been asked to have assessing come in to explain what parts of those buildings are taxable. SNHU really wants to be good neighbors. The site plan for the soccer field is approved, pending lighting plans and they are willing to contribute to the Martins Ferry Road bridge and sidewalk.

Bloomberg Self Storage by the library is looking for a reduction in impact fees. There are 20 trips in and out every day. They are hoping that the town will re-visit impact fees if they do what the town wants. The impact fees were set in 2005.

A mini golf course was approved as part of Lilac Development on Hackett Hill which will be under construction this summer. Next year, a smoke house restaurant will be attached. They extended the Beaver Brook application for another year. Berry Hill’s new owner bought a bunch of lots, 18 or 19 lots, for this over 55 community

Chairman Sullivan said the next meeting of the Heritage Commission will be on May 24. Councilor Comai said she will not be attending the next Council meeting.

Councilor Miville said Economic Development met last week. They are wrapping up the business survey. They tried to recruit 100 businesses in town – 31 responded. UNH Extension will conduct a campus review in July. Other reviews will occur and in September, businesses who participated in the survey will retreat and work down to five major projects. The report will be finalized and presented to Town Council in October.

The committee will review the impact fee structure. Councilor Miville suggested developing a list of potential businesses that Hooksett does not currently have; find open properties and recruit businesses proactively while retaining the businesses already here.

The Budget Committee will meet next Thursday and will probably have two or three meetings in the summertime. Old members and new will be invited. They are moving forward to improve the process and streamlining forms sent out – making them similar across the board.

Councilor Tsantoulis reiterated Councilor Winterton’s comments about Youth Achievers. He had nothing of note to report from the Board of Assessors and thanked the voters for electing him from his appointed position.

**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**

*Chairman Sullivan moved, second by Councilor Tsantoulis, to adjourn the meeting at 9:14 p.m. Motion passed unanimously, 8-0.*

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

Respectfully submitted,

Suzanne Beauchesne

Recording Clerk