



**TOWN COUNCIL AGENDA  
Regular Meeting  
Wednesday, March 28, 2018  
6:00 PM  
Council Chambers**

**1. CALL TO ORDER**

**2. PROOF OF POSTING**

**3. ROLL CALL**

**4. PLEDGE OF ALLEGIANCE**

**5. SPECIAL RECOGNITIONS**

5.a Hooksett Municipal Employees – New Hires

**6. SCHEDULED APPOINTMENTS**

**7. APPROVAL OF MINUTES**

7.a Public: 02/28/18  
[TC Minutes 022818-U \(2\).docx](#)

7.b Public: 03/14/18  
[TC Minutes 031418-U.docx](#)

**8. AGENDA OVERVIEW**

**9. PUBLIC HEARINGS**

**10. CONSENT AGENDA**

10.a Motion to accept the grant of up to \$10,686.37 from the NH Department of Safety Homeland Security and Emergency Management, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-b: III(a) and to return the funds to the Police Department's 2017-2018 or 2018-2019 fiscal budget under the overtime line.

[Staff Report - Active Shooter.docx](#)

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

**11. TOWN ADMINISTRATOR'S REPORT**

**12. PUBLIC INPUT - 15 MINUTES**

**13. NOMINATIONS AND APPOINTMENTS**

**14. 15 MINUTE RECESS**

**15. OLD BUSINESS**

15.a DRA Form MS 232- Report of Appropriations Actually Voted  
[SR MS 232 2018.docx](#)

[2018 MS-232.pdf](#)

15.b Fun-in-the-Sun 2018 Camp Rates  
[Staff Report - Fun in the Sun Base Tuition.docx](#)

15.c Rte. 3A & Hackett Hill Road Roundabout Update

15.d Town Moderator - Town Board/Committee membership

**16. NEW BUSINESS**

16.a Town Council Minutes - draft to final acceptance  
[Staff Report - Town Council Minutes - Draft to Final Acceptance.docx](#)

[RSA91A-TC Minutes 032818.pdf](#)

**17. SUB-COMMITTEE REPORTS**

**18. PUBLIC INPUT**

**19. NON-PUBLIC SESSION**

19.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.

19.b NH RSA 91-A:3 II (b) The hiring of any person as a public employee.

19.c 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.

## **20. ADJOURNMENT**

### **Public Input**

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



## TOWN COUNCIL MINUTES - UNOFFICIAL

### Regular Meeting

Wednesday, February 28, 2018

6:00 PM

Safety Center 15 Legends Drive Hooksett NH 03106

#### 1. CALL TO ORDER

Chairman James Sullivan called the meeting to order at 6:04 p.m.

#### 2. PROOF OF POSTING

Donna Fitzpatrick provided the proof of posting.

A quorum was not yet available. Chairman Sullivan called on Fire Chief Burkush to provide a brief narrative about the Safety Center and the artifact placed outside of the center. Chief Burkush welcomed everyone on behalf of himself and Police Chief Bouchard. He was accompanied by Assistant Chief Colburn and Captain Robie. He said that several years ago the Fire Fighters Association worked with the Hooksett Happy Helpers in sponsoring an outside park that includes a piece of the fallen World Trade Center on 9/11/01. He said the work is still in progress. \$18,000 was given to the project and they hope to include the artifact as part of a commemorative monument. Assistant Chief Colburn said a number of communities in NH were successful in getting pieces from the World Trade Center. It is unknown whether the piece received by Hooksett was from the first or second tower but it did support a building window.

Chief Burkush said the Safety Center doubles as an Emergency Operations Center when needed that Fire and Police share. When activated, town officials have direct contact with the state WEBEOC. Assistant Chief Colburn said EOC has to have backup and be sustainable for an undetermined amount of time. He said a year ago they applied for a grant of \$67,000 for equipment. The building required substantial upgrades in IT, furniture and the like, and they wanted the ability to use the room for training so the tables can be stacked as necessary. Some equipment was donated and DPW helped with painting. The building had to be rewired for new computers and communications systems.

Assistant Chief Colburn said that Al Dion, former EOC Director, was very instrumental in setting up and designing WebEOC which was considered state-of-the-art technology in the 1990s. He said they are now trying to get one more grant from the state to add an additional dispatch terminal. Chairman Sullivan asked if the town has ever had to activate the system. Assistant Chief Coburn said the system was activated for the Mother's Day flood a few years back and two or three other times.

#### 3. ROLL CALL #1

**In attendance:** Councilor John Giotas, Councilor Timothy Tsantoulis, Councilor James Levesque, Councilor Alex Walczyk, Councilor Robert Duhaime, Councilor David Ross [arrived at 6:30 p.m.], and Chairman James Sullivan.

**Missed:** Councilor Donald Winterton, Councilor Marc Miville

51  
52 **4. PLEDGE OF ALLEGIANCE**

53  
54 After the pledge, Chairman Sullivan adjusted the agenda to take up Scheduled  
55 Appointments, the Public Hearing, Consent Agenda, and the tour of the center.  
56

57 **5. SPECIAL RECOGNITIONS**

58  
59 5.a Hooksett Municipal Employees – New Hires  
60

61 **6. SCHEDULED APPOINTMENTS**

62  
63 6.a Town Clerk, Todd Rainier and Moderator - March 13, 2018 Town Elections  
64

65 Todd Rainier, Town Clerk, and Cindy Robertson, Moderator, came forward stating that ballots  
66 have arrived for the March 13<sup>th</sup> election; absentee ballots have all been sent out. The  
67 Supervisors of the Checklist will hold their mandatory meeting on Saturday before the  
68 election where people can register to vote. Registering to vote will then only be possible at  
69 the polls. Voting will take place at the Cawley Middle School from 6:00 a.m. to 7:00 p.m. Mr.  
70 Rainier said he will need one Councilor at the polls during the day and three at the end of the  
71 day. Councilor Duhaime said he will be at the polls during the day since he is not on the  
72 ballot.  
73

74 At 6:27 p.m., Chairman Sullivan opened the public hearing (**Agenda Item 9.a**) and read the  
75 public hearing notice to notify and explain to the public that the following warrant article has  
76 been placed on the March 13<sup>th</sup>, 2018 ballot for the town elections: Article 22 “To see if the  
77 town will vote to allow the operation of KENO within the town pursuant to the provisions of  
78 NH RSA 284:41 through 51”. No comments were made on the matter. Chairman Sullivan  
79 will close the hearing later in the meeting.  
80

81 The Chairman adjusted the agenda to receive **Public Input (Agenda Item 12)**.  
82

83 John Cooperider, along with two of his neighbors, all residents of Brook Side Community,  
84 came forward to ask the Council to consider installing a traffic regulating device at the  
85 junction of State Route 3 and either Dartmouth Street or Hunt Street. Dartmouth Street is  
86 adjacent to the Brick House. Mr. Cooperider said that Brook Side is a 55-plus community  
87 with 93 homes. Most residents are in their 70s. He said getting in and out onto Route 3 has  
88 become more hazardous with the increased traffic, and especially so in the wintertime. Mr.  
89 Cooperider said he understood Route 3 is a state road and asked for the Council’s guidance  
90 in the matter. Chairman Sullivan asked Mr. Cooperider to get in touch with Administration  
91 who can help him and his neighbors work through the process. Administration can then get  
92 back to the Council with recommendations. Mr. Cooperider left a petition which is attached to  
93 these minutes.  
94

95 Chairman Sullivan then took up **Agenda Item 10 Consent Agenda**.  
96

97 Councilor Duhaime moved to remove item 10.c from the Consent Agenda.  
98

99 *Councilor Giotas moved, second by Councilor Levesque to approve Consent Agenda items*  
100 *10.a and 10.b as presented. Motion passed unanimously, 7-0.*

*Councilor Duhaime moved, second by Councilor Ross to approve Consent Agenda item 10.c to approve the recommendation of the Board of Assessors for Case Nos. 17-002 and 17-003. Motion passed unanimously, 7-0.*

Chairman Sullivan adjusted the agenda to address **Agenda Item 16.b Well Radius Encroachment Easement Request by Lamontagne Builders, Inc. on a town Right of Way – 48 Pine Street.**

Jim Donison, Assistant Director of Public Works and Town Engineer, through the staff report, indicated that a request was made for a well radius encroachment easement by Lamontagne Builders, Inc. (LBI) onto the Pine Street right-of-way as part of the construction of a residential house located at 48 Pine Street, Map/Lot 5/86. The existing lot is narrow and the 75 foot well radius will extend onto the roadway right-of-way.

Steven Keach, President of Keach-Nordstrom Associates came forward stating that 48 Pine Street came to exist in its current dimension and configuration several decades ago as a result of takings by the state for construction of I-93 and associated realignment of Pine Street. An entity of LBI acquired the parcel in 2017 with the intent of constructing a single family dwelling on the land. Prior to taking title, LBI contracted with a local septic system designer who updated the design plan which was approved by the NH Department of Environmental Services (NHDES). Hooksett's Code Enforcement Officer issued LBI a building permit for residential construction in 2017.

Mr. Keach does not believe that either NHDES or the town erred. He suggested a remedy could entail LBI executing and recording a NHDES Standard Release Form which both acknowledge the protective well radius at 48 Pine Street extending beyond the boundaries of the parcel and holds the owners of the abutting property harmless in the event the well becomes contaminated as a result of the decreased setback distance. Mr. Keach asked that the Council review and approve a draft copy of the Easement Deed. If acceptable, he will have LBI sign and record the original at the Merrimack County Registry of Deeds. Mr. Keach said this action is consistent and fully compliant with applicable statute.

*Councilor Ross moved, second by Councilor Duhaime, to approve a water well radius encroachment easement on the Pine Street right-of-way, with easement language to be approved by the Town Attorney, for a proposed well to be located on Map/Lot 5/86, 48 Pine Street. The well is to be constructed by Lamontagne Builders, Inc. as part of a new residential house. Councilor Tsantoulis asked if there could be ramifications later for the homeowner and whether septic was private. Mr. Keach said it's a sanitary radius; if road is discontinued it would foreclose the ability of the successor owner and that the septic is private. A vote on the motion was called. Motion passed unanimously, 7-0.*

Chairman Sullivan than took up **Agenda Item 16.d Hooksett Village Water Precinct Easement Across Town Land, Map 7/Lot 18.**

Mike Heidorn, Superintendent of the Hooksett Village Water Precinct, came forward. He was accompanied by Todd Smith, Chair of the Water Precinct, and Kent Brown of Brown Surveying and Engineering, who remained in the audience. Mr. Heidorn sought the Council's support in approving an agreement between the Hooksett Village Water Precinct and the town to acquire an easement across the town land designated at Tax Map 7, lot 18. The

easement will provide for the construction of a proposed water main extension from a new tank on the west side of Route 93 to Route 3A. Councilor Duhaime said he appreciated the precinct coming before the Council and asked for more cooperation from the precinct going forward. Mr. Heidorn said they do want to get out in front of the Council a lot more than has been the case in the past. He said they have also had public information sessions held at the library. In response to Councilor Tsantoulis, Mr. Heidorn said the purpose for the construction is twofold: pressure and storage. He said the tank will hold one million gallons – five times what they currently have – and water use triples in the summertime.

*Councilor Ross moved, second by Councilor Duhaime, to approve a 30-foot wide water main easement with Hooksett Village Water Precinct across town land, Map 7, Lot 18, upon review and approval by the town attorney. Motion passed unanimously, 7-0.*

6.b Town of Hooksett Fire-Rescue Dept. Administration - Emergency Operations Center Tour and CPR/AED/First Aid Town Council Training

6.c Town of Hooksett Police Dept. Administration - Proposed Renovations Tour

Councilors toured the facility and were provided with abbreviated CPR/AED training by Captain Stalker. Captain Stalker went over what CPR does and that CPR is used 360,000 a year countrywide; Hooksett does approximately 24 to 30 per year. He said increased research has shown that chest compressions, and not so much mouth-to-mouth, are keeping people alive. He said the Fire Department conducts 15 to 20 classes for the public every year and that CPR instruction is now built into the curriculum at Cawley Middle School, done when students are in the 7<sup>th</sup> grade.

Captain Stalker said that AEDs help the chance of survival when someone goes into cardiac arrest. He said if an AED is deployed within the first minute of cardiac arrest, chances are 90 percent. Hooksett has doubled the number of AEDs; they are at the town offices, in patrol cars, schools, courthouse, library and at SNHU. Chris McMurray came up to provide a demonstration on how AEDs work. He said the first thing to do is call 911 for help; they will know if an AED is accessible, then check for responsiveness; and position hands one over the other and compress to the beat of the song Staying Alive.

## **7. APPROVAL OF MINUTES**

7.a Public: 02/14/18  
[TC Minutes 021418-U.docx](#)

*Councilor Levesque moved, second by Councilor Tsantoulis, to approve the Town Council meeting minutes of February 14, 2018, as amended. Motion passed, 6-0 [Councilor Giotas abstained].*

7.b Non-Public: 02/14/18

*Councilor Levesque moved, second by Councilor Duhaime, to approve the Town Council meeting minutes of February 14, 2018, as presented. Motion passed 6-0 [Councilor Giotas abstained].*

## **8. AGENDA OVERVIEW**

202 **9. PUBLIC HEARINGS**

203  
204 9.a Public Hearing for the Town Council to notify and explain to the public that the following  
205 warrant article has been placed on the March 13, 2018 ballot for the town elections: Article 22 "To  
206 see if the town will vote to allow the operation of KENO within the town pursuant to the provisions  
207 of NH RSA 284:41 through 51".

208 [022818 KENO Public Hearing.doc](#)  
209 [KENO 2018.pdf](#)  
210

211 **10. CONSENT AGENDA**

212  
213 10.a Accept the donation of a \$250.00 donation from the Vietnam Veterans of America, Inc. to  
214 the Town of Hooksett, NH for the Hooksett Fire Rescue Department under RSA 31:95-b III (b).

215 [Staff Report - VVA donation.docx](#)  
216

217 10.b Motion to accept the reimbursement of \$972.98 from the State of New Hampshire  
218 Department of Safety, Homeland Security and Emergency Management Training & Exercise, to  
219 the Town of Hooksett for the Hooksett Police Department per RSA 31:95-b: III(b) and to return  
220 the funds to the Police Department's 2017-2018 fiscal budget under the training and dues line  
221 400-4210-294-000.

222 [Staff Report - Reimbursement.docx](#)  
223 [20180215134656402.pdf](#)  
224

225 10.c Assessing - Abatement(s) & Deferral(s)

226 [Abatements 02282018.docx](#)  
227

228 **11. TOWN ADMINISTRATOR'S REPORT**

229  
230 In Dr. Shankle's absence, Christine Soucie, Finance Director, reported the following:  
231

- 232 1) Health Trust will be hosting two meetings.  
233 2) The age-friendly community project went to Bedford, Chester, and Goffstown. AARP  
234 NH will be reaching out separately.  
235

236 Lee Ann Moynihan said the revaluation will start shortly, within the next couple of weeks. A  
237 press release will be issued to explain the process to the public and information will be  
238 available on the town website.  
239

240 **12. PUBLIC INPUT - 15 MINUTES**

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242 **13. NOMINATIONS AND APPOINTMENTS**

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244 **14. 15 MINUTE RECESS**

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246 **15. OLD BUSINESS**

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248 **16. NEW BUSINESS**

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250 16.a RFP for Telephone Services

251 [SR Telephone Services 2018.docx](#)  
252 [OTT Communications.pdf](#)  
253



Councilor Ross moved, second by Councilor Levesque, to waive the Council rules requiring three bids. Motion passed unanimously, 7-0.

Councilor Tsantoulis moved, second by Councilor Duhaime, to accept OTT Communications' three year bid for telephone services and have the Town Administrator enter into a contract with them. Motion passed unanimously, 7-0.

16.b Well Radius Encroachment Easement Request by Lamontagne Builders, Inc. (LBI) on Town Right of Way – 48 Pine Street – **Taken Up Earlier**

[staff report - 2-28-18 Well Radius Encroachment easement on Town right-of-way Pine Street - for lot 48 Pine Street.docx](#)

[48PineStreet.Well.020218.pdf](#)

[ISDS\\_eCA2017060501\\_Approved\\_Plan.pdf](#)

16.c Accept College Park Drive Sidewalk Project as complete

[staff report - feb 28 2018 Accept College Park Drive Sidewalk project as Complete.docx](#)

Councilor Tsantoulis moved, second by Councilor Duhaime, to accept the College Park Drive Sidewalk Project as complete. Motion passed unanimously, 7-0.

16.d Hooksett Village Water Precinct easement across Town of Hooksett land - Tax Map 7 Lot 18 – **Taken Up Earlier**

[staff report - feb 28 2018 HVWP easement across town land.docx](#)

[4100-02 Overall Proposed Pipeline 50-scale.pdf](#)

[4100-02 Overall Proposed Pipeline 100-scale.pdf](#)

[Letter to JDonison.pdf](#)

[Town of Hooksett Easement .pdf](#)

16.e Town Personnel Plan - Professional Development Policy for Town Employees

16.f Community Profile - 1) Pavillion and 2) Blight Properties

[Community Profile.pdf](#)

Councilor Levesque moved, second by Councilor Tsantoulis, to table agenda items 16.e and 16.f until such time that Councilor Miville is in attendance since these items were placed on the agenda at his request. Motion passed unanimously, 7-0.

Councilor Ross brought up the fact that the Animal Crackers building that has been vacant since 2001 has a roof hanging by itself and what is left of the building is a danger and something must be done about it. Chairman Sullivan asked that Administration review the regulations on properties considered abandoned and report back to the Council.

Chairman Sullivan closed the public hearing on KENO at 8:57 p.m.

## 17. SUB-COMMITTEE REPORTS

Councilor Levesque said the Recycle and Transfer Committee met last night. A gentleman from Casella attended and reported they changed their rules on what they will accept in recycled material. He said everyone is stuck with what to do with recycled material. They discussed a number of ideas but will continue with two separate pick ups. The feeling is that eventually things will ease up. Perhaps there will be no more recycling of glass because of its weight which is more expensive - \$45 a ton. Councilor Giotas said the town never made

money on glass and Diane Boyce, DPW Director, is working up some sort of public notification.

Councilor Ross again expressed his disagreement with having taken the recycling program in-house. He said it has been a “big waste of money” and has not “saved the town a dime”. He asked if any research had been done to privatizing the program. Councilor Levesque said that “once we privatize, we will never go back because we won’t have the set-up in place”. In addition, a private company will have to make a profit. Chairman Sullivan said the matter will require more discussion with Administration and the Advisory Committee and, at an appropriate time, he’ll ask the committee to be prepared for a discussion with the Council on the issue.

Councilor Giotas said that Kathie Northrup, Chair of the Heritage Commission, has done a lot of work on getting medallions done of the Lilac Bridge that come in three different colors and are for sale at \$10 each. Chairman Sullivan said the funds raised from the sale of the medallions and other items are used to finance other endeavors that the Heritage Commission has done over the years. Councilor Giotas also reported that the town has the copyright for the Hardy Book and the Commission has authorized 100 copies be printed. Chairman Sullivan said that May 20<sup>th</sup> has been designated Hooksett Heritage Day with activities planned from 11:00 to 2:00 to include a tour of the Old Town Hall and acknowledgement of Governor Head’s 100<sup>th</sup> birthday. He said Governor Head kept all the records on all veterans who served in the Civil War, he was friendly with a number of presidents, and instrumental in changing child labor laws while he was Governor. He ran for State Senate in 1878 and lost because people were writing in the wrong name Nate instead of Nathaniel, and those votes for Nate were not valid. Councilor Giotas said Joymark will convert DVDs to digital files at a lesser (more than half) cost than previously expected. Kathie Northrup has done a lot of work on this. Chairman Sullivan said Administration has been very helpful on working out the copyright issue.

Councilor Walczyk said they met with SNHU on February 15<sup>th</sup>. Brought up the issue of lights at nights and they were not aware; they are going to look into it. It was a good meeting that lasted about an hour. Toured the facilities to see what they may have to offer the town. They do want to work with the town more and keep the dialogue open. They have Career Services which might be an area to leverage. Dr. Shankle and Councilor Winterton were also in attendance.

Chairman Sullivan said two windows at the Old Town Hall came out very nice; a third window will be in very soon. The committee is looking at next steps and cost estimates for electrical, wall, and plumbing work before the end of the year. Things are moving along at a good pace.

Councilor Duhaime thanked Nick Germain for his presentation to the Parks and Recreation Advisory Committee who have a number of new members. There was a lot of emotion surrounding the fact that the Hooksett Youth Association has no one running for office. The survey is finished; there were 130-plus respondents.

Chairman Sullivan thanked Chiefs Burkush and Bouchard for hosting the meeting.

## **18. PUBLIC INPUT**

## **19. NON-PUBLIC SESSION**

356  
357 **20. ADJOURNMENT**  
358

359 *Councilor Tsantoulis moved, second by Chairman Sullivan, to adjourn the meeting at 9:20*  
360 *p.m. Motion passed unanimously, 7-0.*  
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362  
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366  
367 **Note:** The town website may have attachments to these Town Council minutes for  
368 documents referred to in the minutes, reading file materials, and/or ancillary documents that  
369 the Town Council has signed as agent to expend as a result of the Council's prior approval of  
370 the documents.  
371

372 Respectfully submitted,  
373

374  
375  
376 Suzanne Beauchesne  
377 Recording Clerk  
378  
379



**TOWN COUNCIL MINUTES - UNOFFICIAL**  
**Regular Meeting**  
**Wednesday, March 14, 2018**  
**6:00 PM**  
**Council Chambers**

**1. CALL TO ORDER**

Chairman James Sullivan called the meeting to order at 6:06 p.m.

**2. PROOF OF POSTING**

Finance Director, Christine Soucie, provided proof of posting.

**3. ROLL CALL #1**

**In attendance:** Councilor Donald Winterton, Councilor John Giotas, Councilor James Levesque, Councilor Marc Miville, Councilor David Ross, Chairman James Sullivan. Councilor Alex Walczyk arrived at 6:09.

**Missed:** Councilor Timothy Tsantoulis, Councilor Robert Duhaime

**4. PLEDGE OF ALLEGIANCE**

Following the pledge, Chairman Sullivan called a moment of silence for Lionel Duhaime, father of Councilor Duhaime, who recently passed away, and for the recent passing of Dr. Shankle's father-in-law.

**5. SPECIAL RECOGNITIONS**

**5.a Hooksett Municipal Employees – New Hires**

Chief of Police Bouchard came forward to introduce Scott Eaton, a new employee who is replacing Angela Bergeron. She said Mr. Eaton has 14 years of dispatching experience having worked in Hopkinton, Manchester, and Bow. On behalf of the Council, Chairman Sullivan welcomed Mr. Eaton to the Hooksett family and wished him good luck.

**6. SCHEDULED APPOINTMENTS**

**6.a Town Clerk, Todd Rainier and Moderator - March 13, 2018 Elections**

Town Clerk, Todd Rainier, came forward to report on Tuesday's Election Day as follows:

- there are 10,528 registered voters on the checklist
- 846 ballots were cast – up from 531 in 2017 and busier than expected for most of the day; four challenge votes where identification was needed; 71 absentee ballots were received
- supervisors registered 35 new voters at the polls and updated two names on the checklist

- election results were emailed to news outlets and posted to the town website shortly after 10:00 p.m. election night
- letters were mailed today to the 14 nominees; five are new to public office
- most ballot clerks called out due to the winter storm; special thanks to Pat Pipitone and Diane Moul who came in and worked their regular shift
- the day was a success due to the assistance of local election officials, including councilors, supervisors of the checklist, moderator Cindy Robertson (who was interviewed by Channel 9), and Billie Hebert.
- while the weather presented a challenge for the second year in a row, the Cawley School custodial staff was on hand all day and kept the walkways clear of snow and floors as dry as possible. The Hooksett highway crew dedicated at least one plow truck to the school

Mr. Rainier also thanked Matt Lavoie who worked all day. Don Riley joined the reconciliation crew to assist in the wrap-up process and, as always, was an invaluable resource. Councilor Miville said he heard that the election notices were buried. Councilor Ross said the real difficulty was that Whitehall Road was not plowed or treated. It took numerous calls and a long time before getting someone down there. Since the town is not allowed to plow a state road, he will bring this to the attention of Hooksett's state representatives. The Council thanked Mr. Rainier and all involved for their efforts in making the day a success.

6.b Annual Board Activity Update - Economic Development Advisory Committee - Delivered by Chairman David Scarpetti

Chairman of the Economic Development Advisory Committee, David Scarpetti, came forward stating that a lot was happening and they have a great group of committee members. He said Cathy Lawrence does a great job of communicating with all of the members. He said the main goal of the committee has been infrastructure on Route 3A and ensuring that current businesses stay and continue to grow. Two meetings were held at Bass Pro Shop in the Fall to discuss the sewer. Stu Arnett was available to discuss a number of options. He said Route 3A is shaped like a bone with Exit 10 and Exit 11 and a lot of undeveloped land in between. The Sewer Commission has stepped up and have become proactive. He said Steve Marro, Merrimack County Administrator, came to speak at a meeting and will be back on the 21<sup>st</sup> to discuss how he can help us. He'll be bringing one of his associates, Jim McCarry, county grant writer. The committee has been very busy. They meet on the third Wednesday of the month and all are welcomed to attend.

Councilor Miville said that Mr. Marro has advised the committee that there is a lot of federal money available for these kinds of projects and that's why he's getting the grants person involved. Mr. Scarpetti said the committee hopes to visit with businesses in town and learn how "we can help them". Councilor Ross asked if there had been any offers or willingness to participate financially. Mr. Scarpetti said once the sewer extension is in place, more businesses will come on board. Councilor Ross said that Walmart wanted to put in their own facility. This should be "watched carefully". Perhaps "they were allowed to do things that maybe they shouldn't have been". He continued stating that "it is not our job to help them financially to do what they want to do".

Councilor Winterton said Walmart did have a site plan that has expired so they cannot build their own wastewater treatment plant. There has been letters exchanged by the developer and the Sewer Commission. The developer needed a written commitment or letter of intent

that he would be involved. Councilor Winterton said it is a slow step process and funds cannot be committed without the approval of the voters so the earliest would be July 1, 2019 if there were any funds on the town side. Excited – this should be done and is being done in a measured process.

Councilor Miville said the Council's involvement is to encourage the sewer infrastructure that will help with the tax base. He is fully supportive. Chairman Sullivan suggested the committee work with the new town planner. Councilor Miville indicated that come May he will no longer be on the committee. Councilor Giotas said "if money is available, let's get it". Chairman Sullivan thanked Mr. Scarpetti and all of the committee members.

## **7. APPROVAL OF MINUTES**

7.a Public: 02/28/18

[TC Minutes 022818-U \(2\).docx](#)

Councilor Giotas moved, second by Councilor Levesque, to approve the Town Council meeting minutes of February 28, 2018, as amended. Councilor Ross said that a number of important points of discussion were not included in the minutes and he asked that the minutes be more thorough. Chairman Sullivan said that in accordance with the rules, the changes proposed will be included in the current meeting minutes. *Councilor Ross moved, second by Councilor Miville, to overrule the action of the Chairman.* Chairman Sullivan looked to Director Soucie for clarification. Director Soucie said the practice has been not to go back to the original minutes. Councilor Ross suggested the Chairman was not providing due diligence to an existing councilor. Chairman Sullivan said he was not disrespecting anyone but wanted to ensure that the Council was "doing it right". A vote on the motion was called. *Roll Call #2: Councilor Miville-yes, Councilor Ross-yes, Councilor Levesque-no, Councilor Walczyk-no, Councilor Giotas-yes, Councilor Winterton-abstained, Chairman Sullivan-no. Motion failed 3-3 with one abstention.*

## **8. AGENDA OVERVIEW**

## **9. PUBLIC HEARINGS**

9.a Public Hearing to accept the grant and overtime reimbursement of \$60,000.00 from the Department of Justice, Division of Public Protection, to the Town of Hooksett for the Hooksett Police Department for a public hearing at the Town Council meeting for the acceptance of this grant under RSA 31:95-b, III (a) and to return that amount to the police department's 2017-2018 fiscal budget salary and overtime lines.

[031418 DOJ Public Hearing.doc](#)

[DTF staff report 2018.docx](#)

Chairman Sullivan read the public hearing notice and opened the hearing at 7:21 p.m. and read the public hearing notice indicating the purpose of the hearing is to accept the grant and overtime reimbursement of \$60,000 from the NH Department of Justice to the town. Councilor Ross asked if the grant funds would cover overtime costs. Chief Bouchard reiterated what was indicated in the staff report that the town will continue to pay the officer's salary and benefits who will be assigned to the NH Attorney General's Drug Task Force. In return, the town will receive a \$60,000 grant plus any overtime reimbursement. Councilor Walczyk asked what the training entailed. Chief Bouchard said the officer is assigned to the task force even though he/she still works for Hooksett. The Chief said that assignments are

generally for three to five years and that the assigned officer is currently under cover. Councilor Giotas asked if a public hearing was necessary to accept grant funds and was informed "yes".

9.b Public Hearing to accept the grant of up to \$10,686.37 from the NH Department of Safety Homeland Security and Emergency Management, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-b: III(a) and to return the funds to the Police Department's 2017-2018 or 2018-2019 fiscal budget under the overtime line.

[031418 HSEEP Public Hearing.doc](#)  
[Staff Report - Active Shooter.docx](#)  
[Audit Grant terms.pdf](#)

Chairman Sullivan read the hearing notice indicating that the purpose of the hearing is to accept the grant of up to \$10,686.37 from the NH Department of Safety, Homeland Security and Emergency Management to the town. Councilor Ross asked if this was strictly for overtime only. Chief Bouchard said it was for overtime and supplies. Councilor Winterton asked if the grant was available even if the exercise didn't take place. Chief Bouchard said the training will definitely take place and they'll be using the school during the April vacation. Councilor Ross asked if the public was being informed and whether abutters had been provided with notices. Chief Bouchard said her department did want the public to know about the event but did not want to encourage people to watch. Chairman Sullivan closed the public hearing

*Councilor Miville moved, second by Councilor Giotas, to waive the rules to not take action until the next Council meeting.* Councilor Ross asked if action needed to take place right away or could it wait two weeks. Chief Bouchard said Council action would be better sooner rather than later. Councilor Winterton said he didn't remember waiting to the next meeting to accept funds. Finance Director Soucie said it has been the Council's practice to not take action on public hearings until the following meeting. Director Soucie said that while no one has been able to find this in the rules, waiving the rule has been practiced for more than half the time. Councilor Ross felt the practice was a good one since it allows people not attending the public hearing a chance to weigh in. Chief Bouchard said waiting to take action will not hold up anything in any substantive way. Chairman Sullivan asked that the matter be included on an upcoming Council agenda for further discussion. Councilor Winterton questioned why the staff report included a recommendation for Council action. *A vote on the motion to waive the rules was called. Motion passed 4-3 [Councilors Ross, Levesque, and Chairman Sullivan opposed].*

*Councilor Winterton moved, second by Councilor Miville, to accept the donation of \$60,000 from the Department of Justice, Division of Public Protection, to the town of Hooksett for the Hooksett Police Department for a public hearing at the Town Council meeting for the acceptance of this grant under RSA 31:95-b, III (a) and to return that amount to the Police Department's 2017-2018 fiscal budget salary and overtime lines.* Councilor Ross asked if a compliance audit was required for both small and large grants. Director Soucie said the town is obligated to include the compliance audit language regardless of the grant. Expenditure of federal funds totally \$750,000 requires a compliance audit. Councilor Ross asked if reaching that amount was anticipated. Director Soucie said "no".

Roll Call #3: Councilor Giotas-yes, Councilor Ross-yes, Councilor Walczyk-yes, Councilor Miville-yes, Councilor Levesque-yes, Councilor Winterton-yes, Chairman Sullivan-yes. Motion passed unanimously, 7-0.

The Council took no action on the Active Shooter training grant in the amount of \$10,686.37.

## 10. CONSENT AGENDA

10.a Site Surety Release - \$56,620 – SNHU Gustafson Welcome Center Project  
[staff report - Mar 14 2018 Site Surety Release \\$56620 SNHU Gustafson Welcome Site project.docx](#)

Councilor Winterton moved, second by Councilor Walczyk, to accept the Consent Agenda as presented. Motion passed unanimously, 7-0.

## 11. TOWN ADMINISTRATOR'S REPORT

In Dr. Shankle's absence, Finance Director Soucie provided the following report:

- In follow-up to the Council's last meeting, the Code Enforcement Officer did go out to the Animal Cracker property and re-opened enforcement action.
- Easement information from the town attorney on the encroachment matter has not yet been received.
- Jim Donison's last day will be Friday.

Councilor Ross asked what reopening the enforcement action meant. Director Soucie said the property owner was asked to shore up the property in 2016. After the Council's last meeting, a letter was sent to the owner asking that he respond within ten days. Councilor Ross said the property is in severe disrepair and it's been 17 years that the building has been vacant. He said the owner hasn't suffered any consequences and that concerns him since the whole town is affected. He said no demands have been made of the owner and that seems unreasonable to him.

Councilor Winterton said he didn't recall in the six years that he's been on the Planning Board that any site plans have come before the Board. He asked that Administration research the matter to see if there was any application made to the Planning Board. Chairman Sullivan recalled another property that took time to tear down because of the requirements of an ordinance.

## 12. PUBLIC INPUT - 15 MINUTES

## 13. NOMINATIONS AND APPOINTMENTS

## 14. 15 MINUTE RECESS

## 15. OLD BUSINESS

15.a Town Personnel Plan - Professional Development Policy for Town Employees (tabled from 02/28/18 Town Council Meeting)

Chairman Sullivan moved, second by Councilor Ross, to remove Town Personnel Plan, Professional Development Policy, from the table. Motion passed unanimously, 7-0.



Councilor Miville stated that town employees who go on trips with the use of grant money should only be allowable if the employee uses their own vacation time. Chairman Sullivan said more defined language needed to be developed and this item might be addressed during a workshop session.

Director Soucie said there is a section in the personnel plan on professional development. She read through Section 13 and said it only addresses reimbursement for someone who is taking classes; more specific to educational courses. In response to Councilor Winterton, Director Soucie said that each department has a training and development budget line and that when employees attend training they are on town time. If the training is outside normal business hours, the employee is given time and one half.

Councilor Ross said “training is training – development is not training”. He said he doesn’t see going to a foreign country as training. A clear policy must be developed beyond any contractual agreement.

Councilor Winterton suggested directing the Town Administrator to have staff investigate professional development and bring back a potential addition to the personnel plan and then the Council can discuss and decide what professional development is and perhaps add guidance to the Personnel Plan, or describe what the parameters of professional development are. *Councilor Winterton moved, second by Councilor Giotas, to have Administration bring back to the Council the definition of professional and personal development for possible inclusion on how professional development will be addressed and/or allocated.*

Councilor Miville said his point, regardless of definitions, is that employees on “professional development” trips should use their vacation time. Chairman Sullivan said more clarification is required on what professional development is and how it should be covered.

Councilor Winterton said he didn’t think this was something the Council could address tonight without more information. Councilor Miville said he is trying to address the concern of many citizens. Chairman Sullivan said that anyone sitting on the Council has the same desires and those concerns can best be addressed via the development of a personnel policy. Councilor Miville said employees should not be able to take vacation time when going on foreign trips.

*A vote on the motion was called. Motion passed 6-1 [Councilor Miville opposed].*

*Councilor Miville moved, second by Councilor Ross, that all town employees who are allowed to take trips using grant funds for personal development must use their personal, accrued leave time.* Councilor Miville said he doesn’t begrudge anyone using grant money for a trip but such trips must provide a public benefit for the citizens of Hooksett.

Councilor Ross said any contract starts with definitions; without definitions a contract is void and sick time is not something one should use for vacation. He said “we must be careful when passing rules, especially when it comes to dealing with people”. He cautioned “treading carefully when dealing with contracts”.

Councilor Giotas said he agreed with Councilor Miville concerning use of leave and trips out of the country. He said justification should be provided on how it impacts the town and the

employee. Councilor Levesque reminded everyone that the former Police Chief went to FBI training for an extended period and asked how that was paid for. He said any training or development should benefit the town. Councilor Winterton said he was hesitant to include language in the Personnel Plan that could put the town at risk. Certain statements must be evaluated by legal and human resources.

Chairman Sullivan said the intent is correct but more information is needed before voting. Councilor Miville said definitions are restrictive; these kinds of things are prurient; i.e., you know it when you see it that it is wrong. Councilor Ross said it has to be objective; “know it when you see it” is subjective. He said “we want it to be restrictive and when making a promise to someone, you need to tell them exactly what they have to do”.

Chairman Sullivan said “we don’t know what the definitions will be”. Once defined, then the Council can say this or that will or will not be allowed. Councilor Winterton said he is voting no on this motion which doesn’t mean he doesn’t care about taxpayers or that he will not have input when someone puts in a request.

*A vote on the motion was called. Roll Call #4: Councilor Walczyk-no, Councilor Levesque-no, Councilor Ross-no, Councilor Miville-yes, Councilor Winterton-no, Councilor Giotas-no, Chairman Sullivan-no. Motion failed 1-6 [Councilor Miville in favor].*

15.b Community Profile - 1) Pavillion and 2) Blight Properties (tabled from 02/28/18 Town Council Meeting)  
[Community Profile.pdf](#)

Councilor Miville said he received a request from a citizen to include crosswalk signs on Beauchesne Drive. Chairman Sullivan asked Administration to look into including cross walk signs at either Beauchesne Drive or Grant Street.

*Chairman Sullivan moved, second by Councilor Giotas, to remove this item from the table. Motion passed unanimously, 7-0.*

Councilor Miville said the Animal Crackers property is not the only blight property in town, and asked what the Code Enforcement Officer’s practice is on identifying such properties. *Councilor Winterton moved, second by Councilor Ross, to direct the Town Administrator to ask the Code Enforcement Officer to come before the Council to report on how he addresses blight properties. Motion passed unanimously, 7-0.* Councilor Ross said perhaps the establishment of an ordinance is needed.

Councilor Miville said he was following up on the erection of a pavilion at the request of a citizen and that came up in the Community Profile. Chairman Sullivan said such a venture would require a warrant article and perhaps the Parks and Recreation Advisory Committee should look into it. Councilor Miville said if the Parks and Recreation committee is charged now; a report could be ready by September.

## **16. NEW BUSINESS**

16.a March 13, 2018 Elections

Finance Director Soucie said the default budget totals \$18,250,895. She asked the Council what they wish to do about the Fun in the Sun rates. She said she will bring forward line item transfers as necessary. In response to Councilor Giotas, Director Soucie said there will be savings due to staff vacancies. Councilor Miville said he heard the town was out of funds for plowing. Director Soucie said that was not accurate; that at the end of February the sand and salt budget lines had about \$50,000 and Director Boyce expects that the town will spend that and be over by about \$10,000. March is heavy; April and May should be lower in cost. Director Soucie said "we have never taken from paving to cover plowing".

16.b Discussion on Recycling Markets  
[Staff Report - Recycling Markets-Glass.docx](#)

Diane Boyce, DPW Director, came forward indicating that the recycling market has totally crashed and Casella Waste wants the town to sign a contract. She said communities everywhere are trying to figure out what to do about budgets, and the continuance of recycling since the recycling of glass is a problem throughout New England. The only glass recycling market has closed its doors. She said glass recycling has always been an issue and it doesn't make sense to continue. If it can't be used, glass will ultimately be landfilled or incinerated. She sought the Council's guidance on whether it was time to ask residents to start throwing glass away with trash instead of recycling it.

Councilor Levesque said that glass is the heaviest in recycling and even if recycling comes back, they don't want glass. Councilor Winterton made note of the cost of recycling versus the cost of regular trash. He said "if we could reduce the number of trucks that go out, we could reduce costs". He suggested saving \$8 a ton until something changes.

Councilor Ross stated that people were told "we were going to save money and that hasn't come near to being true". He continued saying "here we are now; it's cheaper to get rid of trash rather than recycling".

The Council engaged in a lengthy discussion on the matter – from the trucks being used, costs and staffing. It was noted that cardboard is worth recycling. Director Boyce said she has an RFP prepared and is looking for guidance from the Council. Chairman Sullivan stated that between 2012 and now there have been savings in eliminating position(s). Councilor Winterton said "whatever we did in the past id in the past; we own recycling trucks today. When the decision was made to recycle, it was not made knowing that recycling would be more costly than trash. The question is what do we do today". He suggested allowing Director Boyce to send out RFPs since times have changed and the Council needs to look at options under a new environment.

In response to Councilor Ross, Director Boyce said trash tons amounted to approximately 300 a month and recycling 1,500 a year. Councilor Ross asked "do we continue to throw good money after bad?" Councilor Winterton said the issue is not recycling; it is where to dump it in the most cost-efficient way. Chairman Sullivan said he wants people to know what they are doing. Director Boyce said that every community is in the same boat. She recommended that the town begin to inform residents that glass waste be disposed of with the trash. The Council advised that Director Boyce proceed accordingly and in the best interest of the town.

16.c discussion of SNHU proposed large sign and ZBA application for a variance

[staff report - march 14 2018 Discuss SNHU large sign application for a variance to ZBA.docx](#)  
[SNHU Sign ZBA application 3-13-18 public hearing.pdf](#)  
[ZBA Applicant for a Variance - SNHU Proposed Sign Town Response Memo 3-5-18.pdf](#)

Director Soucie asked the Council if they had comments regarding SNHU's application for a variance in connection with the installation of a 200.8 SF roof sign. She said the sign was half way in Manchester and half way in Hooksett. Councilor Winterton questioned whether the sign would be taxable since it will sit on top of a dormitory. He suggested that the matter be discussed at a SNHU Subcommittee meeting. Councilor Ross said he doesn't like it because it impacts the appearance of the town negatively. He questioned whether fire fighters could reach the roof. *Councilor Winterton moved, second by Chairman Sullivan, to extend the meeting to 10:00 p.m. Motion passed unanimously, 7-0.* Councilor Winterton stated that SNHU is putting up the sign to follow upon the rest of their online campaign. Chairman Sullivan said the ordinance should stand as is and no exemptions should be granted; stick to the rules. That is the consensus of the Council.

## **17. SUB-COMMITTEE REPORTS**

Councilor Ross said the Conservation Commission met Monday night. Commission got grant money for the construction of a parking lot which was originally in one place that wasn't written into the easement. Moved to end of the road and were led to believe that would be acceptable. Abutter opposed.

Councilor Winterton said the Planning Board met and considered two items – one being a new bank in front of Granite Hill. He said Eckart and Johnson Plumbing is moving to Hooksett. They bought A&E off Londonderry Turnpike.

Chairman Sullivan talked about the progress on the Old Town Hall. Nick Germain provided photographs. The slides showed the work in progress. They are now discussing requirements for HVAC and electricity. Mr. Germain said he met with LCHIP today and that the project was going well so far.

Councilor Giotas said they were getting an estimate for some structural work and there was discussion about hiring a construction management service to help figure out what to do next – heating, lighting, plumbing, and flooring. Chairman Sullivan said there is still a lot of work to be done.

Councilor Giotas said Recycling and Transfer met. The Heritage Commission will meet next week.

## **18. PUBLIC INPUT**

## **19. NON-PUBLIC SESSION**

19.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.

19.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.

452 ***M. Miville motioned to enter non-public session of 03/14/18 at 10:10pm. Seconded by J. Sullivan.***  
453

454 **Roll Call**

455 A. Walczyk – yes

456 J. Levesque – yes

457 D. Ross – yes

458 D. Winterton – yes

459 J. Giotas – yes

460 M. Miville - yes

461 J. Sullivan - yes

462 ***Vote 7 in favor.***

463

464 ***J. Sullivan motioned to exit non-public session of 03/14/18 at 10:19pm. Seconded by D. Ross.***

465 ***Vote unanimously in favor.***

466 ***J. Sullivan motioned to seal the non-public minutes of 03/14/18. Seconded by D. Winterton.***

467 ***Vote unanimously in favor.***

468

469

470 **20. ADJOURNMENT**

471 ***J. Sullivan motioned to adjourn the public session of 03/14/18 at 10:20pm. Seconded by D. Ross.***

472 ***Vote unanimously in favor.***

473

474 **Note:** The town website may have attachments to these Town Council minutes for  
475 documents referred to in the minutes, reading file materials, and/or ancillary documents that  
476 the Town Council has signed as agent to expend as a result of the Council's prior approval of  
477 the documents.

478

479 Respectfully submitted,

480

481

482 Suzanne Beauchesne

483 Recording Clerk

484

## Staff Report

Title: Acceptance of Donation

Date: 3/28/18

Background Discussion of Issues
<p>The NH Department of Safety Homeland Security and Emergency Management has awarded the Hooksett Police Department an HSEEP (Homeland Security Exercise and Evaluation Program) grant for active shooter training. The total amount awarded by this grant will not exceed \$10,686.37. This money will be used to reimburse the Town of Hooksett the cost associated with the sworn personnel's overtime rate of pay working overtime to attend and cover shifts as a result of this exercise. This exercise is scheduled to be held on April 24, 25 and 26, 2018.</p>
Recommendation (Including Suggested motion, if appropriate)
<p>Motion to accept the donation of up to \$10,686.37 from the NH Department of Safety Homeland Security and Emergency Management, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-b: III(a) and to return the funds to the Police Department's 2017-2018 or 2018-2019 fiscal budget under the overtime line.</p>
Fiscal Impact
<p>No fiscal impact</p>
Prepared By: Lt. Sargent
Town Administrator's Recommendation
<p>Concur</p>

**ACCEPTANCE OF AUDIT REQUIREMENTS**  
**Homeland Security Exercise and Evaluation Program (HSEEP)**

We agree to have an audit conducted in compliance with OMB Circular A-133, *if applicable*. If a compliance audit is not required, at the end of each audit period we will certify in writing that we have not expended the total amount of federal funds that would require a compliance audit (\$750,000). If required, we will forward for review and clearance a copy of the completed audit(s) to the following:

NH Department of Safety  
Homeland Security and Emergency Management  
Attn: Exercise Training Officer  
33 Hazen Drive, Concord, NH 03305

The following is information on the next organization-wide audit which will include this agency:

1. Name of Grantee: Hooksett Police Project Title: ACTIVE SHOOTER

2. Audit Period (Grantee's fiscal or calendar year to be audited)

Beginning: 7/1/17 Ending: 6/30/18  
Date Date

3. Audit will be submitted to NH HSEM by:

(Date must be no later than the ninth month after the end of the audit period)

Date: 2/1/19

Additionally, we have or will notify our auditor of the above requirements prior to performance of the audit for the period listed above. We will also ensure that, if required, the entire grant period will be covered by a compliance audit which in some cases will mean more than one audit must be submitted. We will advise the auditor to cite specifically that the audit was done in accordance with OMB Circular A-133. We will also ensure that all records concerning this grant will be kept on file for a minimum of 4 years from the end of this audit period.

Information concerning the OMB Circular audit requirements can be obtained at:

[http://www.whitehouse.gov/omb/circulars/a133\\_compliance\\_supplement\\_2011](http://www.whitehouse.gov/omb/circulars/a133_compliance_supplement_2011)

**FAILURE TO COMPLETE THIS FORM WILL RESULT IN YOUR GRANT AWARD BEING DELAYED AND/OR CANCELLED.**

**Signatures:**

Dean E. Shankle, Jr.  
Authorized Local Official

DEAN E. SHANKLE, JR  
Print Name

2/6/18  
Date Signed

## Grant Terms and Conditions 2015

NOTE: The grant terms and conditions must be submitted with the grant application.

1. **Allowable Costs:** The allowability of costs incurred under any grant shall be determined in accordance with the general principles of allowability and standards for selected cost items as set forth in the applicable OMB Circulars and the FFY 2015 U.S. Department of Homeland Security, Grant Program Guidance and Application Kit.
2. **Freedom of Information Act (FOIA):** FEMA recognizes that much of the information submitted in the course of applying for funding under this program or provided in the course of its grant management activities may be considered law enforcement sensitive or otherwise important to national security interests. While this information under Federal control is subject to requests made pursuant to the Freedom of Information Act (FOIA), 5 U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the FEMA FOIA Office, and may likely fall within one or more of the available exemptions under the Act. The applicant is encouraged to consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application, needs assessment and strategic planning process. The applicant may also consult FEMA regarding concerns or questions about the release of information under State and local laws. The grantee should be familiar with the regulations governing Sensitive Security Information (49 CFR Part 1520), as it may provide additional protection to certain classes of homeland security information.
3. **Americans with Disabilities Act of 1990 (ADA):** The sub grantee must comply with all requirements of the Americans with Disabilities Act of 1990 (ADA), as applicable.
4. **Integrating Individuals with Disabilities into Emergency Planning:** Section 504 of the Rehabilitation Act of 1973, as amended, prohibits discrimination against people with disabilities in all aspects of emergency mitigation, planning, response, and recovery by entities receiving financial assistance from FEMA. In addition, Executive Order #13347, "Individuals with Disabilities in Emergency Preparedness" signed in July 2004, requires the Federal Government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism. Executive Order 13347 requires the Federal government to encourage consideration of the needs of individuals with disabilities served by State, local, and tribal governments in emergency preparedness planning.

FEMA has several resources available to assist emergency managers in planning and response efforts related to people with disabilities and to ensure compliance with Federal civil rights laws:

**Comprehensive Preparedness Guide 301 (CPG-301): Interim Emergency Management Planning Guide for Special Needs Populations:** CPG-301 is designed to aid tribal, State, territorial, and local governments in planning for individuals with special needs. CPG-301 outlines special needs considerations for: Developing informed Plans; Assessments and Registries; Emergency Public Information/Communication; Sheltering and Mass Care; Evacuation; Transportation; Human Services/Medical Management; Congregate Settings; Recovery; and Training and Exercises. CPG-301 is available at <http://www.fema.gov/pdf/media/2008/301.pdf>.

**Guidelines for Accommodating Individuals with disabilities in Disaster:** The Guidelines synthesize the array of existing accessibility requirements into a user friendly tool for use by response and recovery personnel in the field. The Guidelines are available at <http://www.fema.gov/oer/reference/>.

**Disability and Emergency Preparedness Resource Center:** A web-based "Resource Center" that includes dozens of technical assistance materials to assist emergency managers in planning and response efforts related to people with disabilities. The "Resource Center" is available at <http://www.disabilitypreparedness.gov>.

**Lessons Learned Information Sharing (LLIS) resource page on Emergency Planning for Persons with Disabilities and Special Needs:** This resource page provides more than 250 documents, including lessons learned, plans, procedures, policies, and guidance, on how to include citizens with disabilities and other special needs in all phases of the emergency management cycle. LLIS.gov is available to emergency response providers and homeland security officials from the Federal, State, and local levels. To access the resource page, log onto <http://www.LLIS.gov> and click on *Emergency Planning for Persons with Disabilities and Special Needs* under *Featured Topics*.

5. **Applicable Federal Regulations:** The Sub grantee must comply with the Office of Management and Budget (OMB) Circulars, as applicable: A-21 Cost Principles for Educational Institutions; A-87 Cost Principles for State and Local Governments; A-110 Uniform Administrative Requirements for Grants and Agreements with Institutions; and, A-122 Cost Principles for Non-Profit Organizations.
6. **Audit Requirements:** The sub grantee agrees to comply with the requirements of OMB Circular A-133.  
*Audit Threshold:*
  - ❖ Non-Federal entities that expend \$500,000 or more in federal funds (from all sources including pass-through sub awards) in the organizational fiscal year shall have a single organization-wide audit conducted in accordance with the provisions of OMB Circular A-133.



discrimination, including discrimination in employment, in any program or activity that receives or benefits from federal financial assistance. The recipient agrees it will ensure that requirements of the Rehabilitation Act of 1973 shall be included in the agreements with and be binding on all of its sub grantees, contractors, subcontractors, assignees or successors.

16. **Confidential Information:** Any reports, information, data, etc., given to, prepared or assembled by the sub grantee under this grant (which DOS requests to be kept confidential) shall not be made available to any individual or organization by the sub grantee without prior written approval of DOS.
17. **Protected Critical Infrastructure Information (PCII):** The PCII Program, established pursuant to the *Critical Infrastructure Information Act of 2002* (Public Law 107-296) (CII Act), created a new framework, which enables State and local jurisdictions and members of the private sector to voluntarily submit sensitive information regarding critical infrastructure to DHS. The Act also provides statutory protection for voluntarily shared CII from public disclosure and civil litigation. If validated as PCII, these documents can only be shared with authorized users who agree to safeguard the information.
18. The recipient must promptly refer to DHS/OIG any credible evidence that a principal, employee, agent, contractor, subgrantee, subcontractor, or other person has either 1) submitted a false claim for grant funds under the False Claims Act; or 2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct involving grant funds. This condition also applies to any sub recipient.
19. **Conflict Of Interest:** Personnel and other officials connected with this grant shall adhere to the requirements given below:  
*Advice.* No official or employee of a state or unit of local government or of non-government grantees/sub grantees shall participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which these funds are used, where to his knowledge he or his immediate family, partners, organization other than a public agency in which he is serving as officer, director, trustee, partner, or employee or any person or organization with whom he is negotiating or has any arrangement concerning prospective employment, has a financial interest.  
*Appearance.* In the use of these grant funds, officials or employees of state or local units of government and non-governmental grantees/sub grantees shall avoid any action which might result in, or create the appearance of the following:
  - Using his or her official position for private gain;
  - Giving preferential treatment to any person;
  - Losing complete independence or impartiality;
  - Making an official decision outside official channels; and/or
  - Adversely affecting the confidence of the public in the integrity of the government or the program.
20. **Consultants:** Billings for consultants who are individuals must include at a minimum: a description of services; dates of services; number of hours for services performed; rate charged for services; and, the total cost of services performed. Individual consultant costs must be within the prevailing rates, **not to exceed the maximum of \$550.00 per day. Permission for costs that exceed \$550 per day in total will need to be granted by DOS who must seek approval for DHS/FEMA for an increased rate.**
21. **Continuation:** The applicant agrees that if the requested project is funded continuation is not guaranteed.
22. **Contract Requirements:** The applicant agrees that no contract or agreement may be entered into by the sub grantee for execution of project activities or provision for services to a sub grant project (other than the purchase of supplies or standard commercial or maintenance services) which is not incorporated in the approved application. Any such arrangements will provide that the sub grantee will retain ultimate control and responsibility for the project and that the contractor will be bound by these conditions as well as the sub grantee.
23. **Data Collection:** The recipient agrees to cooperate with any assessments, national evaluation efforts, or information or data collection requests, including, but not limited to, the provision of any information required for the assessment or evaluation of any activities within this agreement.
24. **Debarment Certification:** With the signing of the grant application, the sub grantee agrees to comply with Federal Debarment and Suspension regulations as outlined in the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -Lower Tier Covered Transactions" form.
25. **Deobligation of Grant Funds:** All grants must be deobligated at the end of the end of the grant period. Failure to deobligate the grant in a timely manner will result in an automatic deobligation of the grant by DOS.

Initials MB DEI  
Date 2/15/18 2/16/18

32. **Fiscal Regulations:** The applicant assures that it will comply and all its sub grantees and contractors will comply, with the applicable provisions of the U.S. Department of Homeland Security, FFY 2014 Homeland Security Grant Program Guidance and Application Kit, and all other applicable federal laws, orders, circulars or regulations.
33. **Fraud:** The applicant understands that whoever embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property which are the subject of a sub grant or contract or other form of assistance, whether received directly or indirectly from DOS, may be fined or imprisoned or both. Whoever knowingly falsifies, conceals or covers up by trick, scheme or device, any material fact in any application for assistance or in any record required to be maintained, will be subject to prosecution under the provisions of Section 1001 of Title 18, United States Code. Any program or project underwritten in whole or in part by any subgrantee, or contract or other form of assistance, whether received directly or indirectly from DOS will be subject to the provisions of Section 371 of Title 18, United States Code.
34. **Interest and Other Program Income:** The applicant agrees to be accountable for all interest or other income earned by the subgrantee with respect to sub grant funds or as a result of conduct of the project (sale of publications, registration fees, service charges, etc.) All program income generated by this grant during the project must be reported to DOS quarterly and must be put back into the project or be used to reduce the grantor participation in the program. The use or planned use of all program income must have prior written approval from DOS.
35. **Interoperable Equipment:** Grantee is responsible for all license requirements resulting from a potential grant. Equipment must meet DHS/FEMA recommended P-25 compatible standards
36. **Legal Action:** The applicant agrees that should the NII Department of Safety - Grants Management Unit determine that it needs to take legal action against the applicant for actions arising out of the grant, the applicant will waive jurisdiction and have the case heard in either state or federal court in Concord, New Hampshire.
37. **National Energy Policy:** Compliance with the National Energy Conservation Policy and Energy Policy Acts. In accordance with the FY 2008 DHS Appropriations Act, all FY 2008 & forward grant funds must comply with the following two requirements:
- None of the funds made available shall be used in contravention of the Federal buildings performance and reporting requirements of Executive Order No. 13123, part 3 of title V of the National Energy Conservation Policy Act (42 USC 8251 et. Seq.), or subtitle A of title I of the Energy Policy Act of 2005 (including the amendments made thereby).
  - None of the funds made available shall be used in contravention of section 303 of the Energy Policy Act of 1992 (42 USC13212).
38. **Non-Supplanting Agreement:** The subgrantee shall not use grantor funds to supplant state or local funds or other resources that would otherwise have been made available for this program.
39. **Obligation of Grant Funds:** Grant funds may not be obligated prior to the effective date of the approved grant application and without advance written approval by DOS. No obligations are allowed after the end of the grant period and the final request for payment must be submitted no later than 30 calendar days before the end of the grant period.
40. **Performance:** This grant may be terminated or fund payments discontinued by DOS where it finds a substantial failure to comply with the provisions of the legislation governing these funds or regulations promulgated, including those grant conditions or other obligations established by DOS. In the event the subgrantee fails to perform the services described herein and has previously received financial assistance from DOS, the subgrantee shall reimburse DOS the full amount of the payments made. However, if the services described herein are partially performed, and the subgrantee has previously received financial assistance, the subgrantee shall proportionally reimburse DOS for payments made.
41. **Political Activity:** None of the funds, materials, property or services provided directly or indirectly under this contract shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office, or otherwise in violation of the provisions of the "Hatch Act."
42. **Project Implementation:** The subgrantee agrees to implement this project within 60 days following the grant award effective date or be subject to automatic cancellation of the grant.
43. **Property Control:** Effective control and accountability must be maintained for all personal property. Sub grantees must adequately safeguard all such property and must assure that it is used solely for authorized purposes. Sub grantees should exercise caution in the use, maintenance, protection and preservation of such property.
- (a) Title. Subject to the obligations and conditions set forth in this section, title to equipment acquired under a grant or sub grant will vest upon acquisition in the grantee or sub grantee respectively.

(b) States. A State will use, manage, and dispose of equipment acquired under a grant by the State in accordance with State

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Government or a third part named by the awarding agency when such a third party is otherwise eligible under existing statutes. Such transfers shall be subject to the following standards:

(1) The property shall be identified in the grant or otherwise made known to the grantee in writing.

(2) The Federal awarding agency shall issue disposition instruction within 120 calendar days after the end of the Federal support of the project for which it was acquired. If the Federal awarding agency fails to issue disposition instructions within the 120 calendar-day period the grantee shall follow? 13.32(e).

(3) When title to equipment is transferred, the grantee shall be paid an amount calculated by applying the percentage of participation in the purchase to the current fair market value of the property.

44. **Publications:** The subgrantee agrees that all publications created with funding under this grant agreement shall prominently contain the following statement: "This document was prepared under a grant from the NIH Department of Safety - Grants Management Unit (DOS) and the United States Department of Homeland Security. Points of view or opinions expressed in this document are those of the authors and do not necessarily represent the official position or policies of DOS or the U.S. Department of Homeland Security." Additionally, any publication created with funding under this agreement shall bear on it the logos of the NIH Department of Safety - Grants Management Unit and U.S. Department of Homeland Security.

The subgrantee also agrees that one copy of any such publication will be submitted to DOS to be placed on file and distributed as appropriate to other potential sub grantees or interested parties. DOS may waive the requirement for submission of any specific publication upon submission of a request providing justification from the subgrantee.

All recipients of financial assistance will comply with requirements that publications or other exercise of copyright for any work first produced under Federal financial assistance awards hereto related unless the work includes any information that is otherwise controlled by the Government (e.g., classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyright work based on or containing data first produced under this award, including those works published in academic, technical or professional journals, symposia proceedings, or similar works, the recipient grants the Government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for Government purposes in all such copyrighted works. The recipient shall affix the applicable copyright notices of 17 U.S.C. § 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under an award

All recipients of financial assistance must obtain DHS's approval prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

45. **Records:** The applicant will give the grantor agency or the Comptroller General, through any authorized representative, the access to and the right to examine all records, books, papers or documents related to the grant.
46. **Recording and Documentation of Receipts and Expenditures:** Sub grantee's accounting procedures must provide for accurate and timely recording of receipt of funds by source of expenditures made from such funds and unexpended balances. These records must contain information pertaining to grant awards, obligations, unobligated balances, assets, liabilities, expenditures and program income. Controls must be established which are adequate to ensure that expenditures charged to the sub grant activities are for allowable purposes. Additionally, effective control and accountability must be maintained for all grant cash, real and personal property and other assets. Accounting records must be supported by such source documentation as cancelled checks, paid bills, payrolls, time and attendance records, contract documents, grant award documents, etc.
47. **Reports:** The subgrantee shall submit, at such times and in such form as may be prescribed, such reports as DOS may reasonably require, including financial reports, progress reports, final financial reports and evaluation reports.
48. **Final and fiscal close-out Report:** The report is in addition to the cumulative progress reports and is also due 30 days after the end of the grant period.
49. **Copyright:** Except as otherwise provided in the terms and conditions of this grant, the sub-grantee or a contractor paid through this grant is free to copyright any books, publications or other copyrightable materials developed in the course of or under this grant. However, the federal awarding agency and/or state funding agency (NH DOS) reserve a royalty-free,

**2. Debarment, Suspension, and Other Responsibility Matters (Sub-Recipient)**

As required by Executive Order 12549, Debarment and Suspension, and implemented under the applicable CFR, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510.

1. The applicant certifies that it and its principals:
  - A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
  - B. Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - C. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph A(2) of this certification; and
  - D. Have not within a three-year period preceding this application had one or more public transactions (Federal, State or Local) terminated for cause or default; and
2. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

**3. Drug-Free Workplace (Grantees Other Than Individuals)**

As required by the Federal Drug-Free Workplace Act of 1988 and implemented at 28 CFR Part 67, Subpart F. The applicant certifies that it will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an on-going drug-free awareness program to inform employees about --
  - A. The dangers of drug abuse in the workplace;
  - B. The grantee's policy of maintaining a drug-free workplace;
  - C. Any available drug counseling, rehabilitation and employee assistance programs; and
  - D. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (1);
4. Notifying the employee in the statement required by paragraph (1) that, as a condition of employment under the grant, the employee will
  - A. Abide by the terms of the statement; and
  - B. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency, in writing within 10 calendar days after receiving notice under subparagraph (4) (b), from an employee or otherwise receiving actual notice of such conviction. Employers or convicted employees must provide notice, including position title, to the State Funding Agency. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (4)(b), with respect to any employee who is so convicted
  - A. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - B. Requiring such employee to participate satisfactorily in a drug abuse assistance rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (1), (2), (3), (4), (5) and (6).

**2014 Article I - Financial Guidelines**

The recipient and any subrecipient shall comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit Requirements. A non-exclusive list of regulations commonly applicable to FEMA grants are listed below:

**A. Administrative Requirements**

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Date 2/5/18 2/6/18

2. Our right to terminate unilaterally that is described in paragraph A.2 or B of this section:
  - a. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
  - b. Is in addition to all other remedies for noncompliance that are available to us under this award.

3. You must include the requirements of paragraph A.1 of this award term in any subaward you make to a private entity.

D. Definitions. For purposes of this award term:

1. "Employee" means either:
  - a. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
  - b. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
3. "Private entity" means:
  - a. Any entity other than a State, local government, Indian Tribe, or foreign public entity, as those terms are, defined in 2 CFR 175.25.
  - b. Includes:
    - i. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian Tribe at 2 CFR 175.25(b).
    - ii. A for-profit organization.
4. "Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

**Article V - Classified Security Condition**

A. "Classified national security information," as defined in Executive Order (EO) 12958, as amended, means information that has been determined pursuant to EO 12958 or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.

B. No funding under this award shall be used to support a contract, subaward, or other agreement for goods or services that will include access to classified national security information if the award recipient has not been approved for and has access to such information.

C. Where an award recipient has been approved for and has access to classified national security information, no funding under this award shall be used to support a contract, subaward, or other agreement for goods or services that will include access to classified national security information by the contractor, subawardee, or other entity without prior written approval from the DHS Office of Security, Industrial Security Program Branch (ISPB), or, an appropriate official within the Federal department or agency with whom the classified effort will be performed.

D. Such contracts, subawards, or other agreements shall be processed and administered in accordance with the DHS "Standard Operating Procedures, Classified Contracting by States and Local Entities," dated July 7, 2008; EOs 12829, 12958, 12968, as amended; the National Industrial Security Program Operating Manual (NISPOM); and/or other applicable implementing directives or instructions. All security requirement documents are located at: <http://www.dhs.gov/xoipbiz/grants/index.shtml>

F. Immediately upon determination by the award recipient that funding under this award will be used to support such a contract, subaward, or other agreement, and prior to execution of any actions to facilitate the acquisition of such a contract, subaward, or other agreement, the award recipient shall contact ISPB, or the applicable Federal department or agency, for approval and processing instructions.

DHS Office of Security ISPB contact information:

Telephone: 202-447-5346

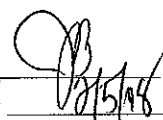
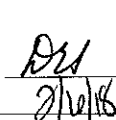
Email: [DD254AdministrativeSecurity@dhs.gov](mailto:DD254AdministrativeSecurity@dhs.gov)

Mail: Department of Homeland Security  
Office of the Chief Security Officer  
ATTN: ASD/Industrial Security Program Branch  
Washington, D.C. 20528

**Article VI - Central Contractor Registration and Universal Identifier Requirements**

A. Requirement for Central Contractor Registration (CCR)

Initials  
Date

   
2/15/18 2/16/18

1. Applicability and what to report. You must report total compensation for each of your five most highly compensated executives for the preceding completed fiscal year, if-
  - a. the total Federal funding authorized to date under this award is \$25,000 or more;
  - b. in the preceding fiscal year, you received-
    - i. 80 percent or more of your annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
    - ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
  - c. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)
2. Where and when to report. You must report executive total compensation described in paragraph b.1. of this award term:
  - a. As part of your registration profile at <http://www.ccr.gov>.
  - b. By the end of the month following the month in which this award is made, and annually thereafter.

C. Reporting of Total Compensation of Subrecipient Executives.

1. Applicability and what to report. Unless you are exempt as provided in paragraph d. of this award term, for each first-tier subrecipient under this award, you shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if-
  - a. in the subrecipient's preceding fiscal year, the subrecipient received-
    - i. 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and subawards); and
    - ii. \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts), and Federal financial assistance subject to the Transparency Act (and subawards); and
  - b. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/excomp.htm>.)
2. Where and when to report. You must report subrecipient executive total compensation described in paragraph c.1. of this award term:
  - a. To the recipient.
  - b. By the end of the month following the month during which you make the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e., between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

D. Exemptions

1. If, in the previous tax year, you had gross income, from all sources, under \$300,000, you are exempt from the requirements to report:
  - a. Subawards, and
  - b. The total compensation of the five most highly compensated executives of any subrecipient.

E. Definitions. For purposes of this award term:

1. Entity means all of the following, as defined in 2 CFR part 25:
  - a. A Governmental organization, which is a State, local government, or Indian tribe;
  - b. A foreign public entity;
  - c. A domestic or foreign nonprofit organization;
  - d. A domestic or foreign for-profit organization;
  - e. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
2. Executive means officers, managing partners, or any other employees in management positions.
3. Subaward:
  - a. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
  - b. The term does not include your procurement of property and services needed to carry out the project or program (for further explanation, see Sec. \_\_\_ .210 of the attachment to OMB Circular A-133, "Audits of States, Local Governments, and Non-Profit Organizations").
  - c. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
4. Subrecipient means an entity that:
  - a. Receives a subaward from you (the recipient) under this award; and
  - b. Is accountable to you for the use of the Federal funds provided by the subaward.

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 Date

All award recipients who collect PII are required to have a publically-available privacy policy that describes what PII they collect, how they use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate.

Award recipients may also find as a useful resource the DHS Privacy Impact Assessments:

[http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_guidance\\_june2010.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_guidance_june2010.pdf)

and

[http://www.dhs.gov/xlibrary/assets/privacy/privacy\\_pia\\_template.pdf](http://www.dhs.gov/xlibrary/assets/privacy/privacy_pia_template.pdf), respectively.

#### Article XVI - Activities Conducted Abroad

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

#### Article XVII- Acknowledgement of Federal Funding from DHS

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with Federal funds.

#### ***Reporting Requirement: Typing of Equipment and Training:***

The FY 2011 HSGP Guidance and 2014 FOA require that all grantees report equipment purchases and the typed capability the equipment supports (where such typing guidance exists); the number of people trained in a given capability to support a reported number of defined resource typed teams (e.g., 63 responders were trained in structural collapse to support 23 Type 2 USAR Teams); and the total number of a defined type of resource and capabilities built utilizing the resources of this grant. Grantees will specify the number of resources, capability supported, whether it is a NIMS or State/local typed resource, the cost, and whether the resource sustains current capabilities or adds new capabilities. The resources should be reported only after equipment is delivered or after training has occurred and the corresponding grant funds have been expended. GMU will advise further on format for reporting upon grant award.

#### **As a condition of the receipt of these funds:**

***Funding may be suspended or terminated for filing a false certification in this application or other reports or document as part of this program.***

#### **Tracking of Equipment:**

***Upkeep, maintenance, and training of and for equipment procured as part of the Homeland Security grant program is a local and/or grantee responsibility. The inventory of this equipment is a local responsibility and the recipient of such understands that inspections, auditing, and inventory accounting of this equipment may occur as a condition of this grant either from Federal, State or other appropriate level agency and agent.***

#### **Equipment valued over \$5,000:**

***To comply with OMB circular A-87 and 44 CFR 1, equipment valued at this level must inventoried and tracked locally and be reported to the State Department of Safety (DOS) – Grants Management Unit for 2 years or until the item carries a depreciated value of less than \$250. The disposition of the equipment must be reported. DOS recommends consulting with local auditors for GASB-34 compliance and disposition rules governing equipment procured with Federal funds.***

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Date 5/5/18 5/6/18

**CERTIFICATION BY PROGRAM MANAGER/CONTACT\***

I certify that: (1) I understand and agree to comply with the general and fiscal provisions of this grant application including the terms and conditions; (2) I understand and agree to comply with provisions of the regulations governing these funds and all other federal and state laws; (3) all information presented is correct; (4) there has been appropriate coordination with affected agencies; (5) I am duly authorized by the applicant to perform the tasks of Program Manager/Contact as they relate to the requirements of this grant application; (6) costs incurred prior to Grantee approval may result in the expenditures being absorbed by the sub-grantee; and, (7) the receipt of these grant funds through the Grantee will not supplant state or local funds.

Name: Janet Bouchard Title: Chief of Police  
Agency: Hooksett Police Department Mailing Address: 15 Legends Drive  
Phone Number: (603) 624-1500 x302 Hooksett, NH 03034  
Fax Number: (603) E-Mail Address: JBouchard@HooksettPolice.org  
Signature: Janet Bouchard

**CERTIFICATION BY FINANCIAL OFFICER\***

I certify that: (1) I understand and agree to comply with the general and fiscal provisions of this grant application including the terms and conditions; (2) I understand and agree to comply with provisions of the regulations governing these funds and all other federal and state laws; (3) all information presented is correct; (4) there has been appropriate coordination with affected agencies; (5) I am duly authorized by the applicant to perform the tasks of Financial Officer as they relate to the requirements of this grant application; (6) costs incurred prior to Grantee approval may result in the expenditures being absorbed by the sub-grantee; and, (7) the receipt of these grant funds through the Grantee will not supplant state or local funds.

Name: Christine Soucie Title: Finance Director  
Agency: Town of Hooksett Mailing Address: 35 Main St  
Phone Number: 603-485-2017 Hooksett, NH 03106  
Fax Number: E-Mail Address: CSoucie@hooksett.org  
Signature: Christine Soucie

Initials JB CS  
Date 2/15/18 2/16/18



Staff Report  
DRA Form MS 232- Report of Appropriations Actually Voted  
3/28/2018

Background Discussion of Issues
<p>The Town is required to complete the State Form MS-232 Report of Appropriations Actually Voted. This report informs the State on the gross appropriations that were passed at town meeting. Revenues are reported to the State in the fall.</p>
Recommendation (Including Suggested motion, if appropriate)
<p>Motion to accept and sign the "2018 MS-232 Report of Appropriations Actually Voted" totaling of \$24,861,418.</p>
Fiscal Impact
<p>Estimated Town share of the Tax Rate is \$7.01. This is an estimated increase of \$0.18 per \$1,000 over the current Town share of \$6.83.</p>
Prepared By: Christine Soucie, Finance Director
Town Administrator's Recommendation
Concur



**Report of Appropriations Actually Voted  
Hooksett**

For the period beginning July 1, 2018 and ending June 30, 2019

Form Due Date: **20 Days after the Annual Meeting**

**GOVERNING BODY CERTIFICATION**

This is to certify that the information contained in this form, appropriations actually voted by the town/city meeting, was taken from official records and is complete to the best of our knowledge and belief. Under penalties of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.

Name	Position	Signature
James Sullivan	At Large, Chair	
Robert Duhaime	District 2	
Marc Miville	District 4	
John Giotas	District 6	
James Levesque	District 3	
David Ross	At Large	
Timothy Tsantoulis	District 1	
Donald Winterton	District 5	
Alex Walczyk	At Large	

This form must be signed, scanned, and uploaded to the Municipal Tax Rate Setting Portal:  
<https://www.proptax.org/>

**For assistance please contact:**  
NH DRA Municipal and Property Division  
(603) 230-5090  
<http://www.revenue.nh.gov/mun-prop/>



**New Hampshire**  
Department of  
Revenue Administration

**2018**  
**MS-232**

**Appropriations**

Account	Purpose	Article	Appropriations As Voted
<b>General Government</b>			
4130-4139	Executive	08,09	\$427,759
4140-4149	Election, Registration, and Vital Statistics	08,09	\$36,227
4150-4151	Financial Administration	08,09	\$604,444
4152	Revaluation of Property	08,09	\$231,087
4153	Legal Expense	08	\$90,000
4155-4159	Personnel Administration	08	\$183,740
4191-4193	Planning and Zoning	08,09	\$390,446
4194	General Government Buildings	08,09	\$496,641
4195	Cemeteries	08	\$2,841
4196	Insurance	08	\$205,621
4197	Advertising and Regional Association	08	\$14,000
4199	Other General Government	08	\$1
<b>General Government Subtotal</b>			<b>\$2,682,807</b>
<b>Public Safety</b>			
4210-4214	Police	08,09	\$4,603,847
4215-4219	Ambulance		\$0
4220-4229	Fire	08,09	\$4,030,676
4240-4249	Building Inspection	08,09	\$92,366
4290-4298	Emergency Management	08	\$8,050
4299	Other (Including Communications)		\$0
<b>Public Safety Subtotal</b>			<b>\$8,734,939</b>
<b>Airport/Aviation Center</b>			
4301-4309	Airport Operations		\$0
<b>Airport/Aviation Center Subtotal</b>			<b>\$0</b>
<b>Highways and Streets</b>			
4311	Administration	08,09	\$223,163
4312	Highways and Streets	06,08,09	\$1,784,460
4313	Bridges	08	\$1
4316	Street Lighting	08	\$62,000
4319	Other	08,09	\$202,776
<b>Highways and Streets Subtotal</b>			<b>\$2,272,400</b>
<b>Sanitation</b>			
4321	Administration	08,09	\$149,682
4323	Solid Waste Collection	08,09	\$306,246
4324	Solid Waste Disposal	08,09,14	\$720,639
4325	Solid Waste Cleanup		\$0
4326-4329	Sewage Collection, Disposal and Other		\$0
<b>Sanitation Subtotal</b>			<b>\$1,176,567</b>



**New Hampshire**  
Department of  
Revenue Administration

**2018**  
**MS-232**

**Appropriations**

Account	Purpose	Article	Appropriations As Voted
<b>Water Distribution and Treatment</b>			
4331	Administration		\$0
4332	Water Services		\$0
4335-4339	Water Treatment, Conservation and Other		\$0
	<b>Water Distribution and Treatment Subtotal</b>		<b>\$0</b>
<b>Electric</b>			
4351-4352	Administration and Generation		\$0
4353	Purchase Costs		\$0
4354	Electric Equipment Maintenance		\$0
4359	Other Electric Costs		\$0
	<b>Electric Subtotal</b>		<b>\$0</b>
<b>Health</b>			
4411	Administration	08	\$2,000
4414	Pest Control		\$0
4415-4419	Health Agencies, Hospitals, and Other		\$0
	<b>Health Subtotal</b>		<b>\$2,000</b>
<b>Welfare</b>			
4441-4442	Administration and Direct Assistance	08,09	\$149,397
4444	Intergovernmental Welfare Payments	08	\$46,403
4445-4449	Vendor Payments and Other		\$0
	<b>Welfare Subtotal</b>		<b>\$195,800</b>
<b>Culture and Recreation</b>			
4520-4529	Parks and Recreation	08,09	\$559,776
4550-4559	Library	08,09	\$781,154
4583	Patriotic Purposes	08	\$2,945
4589	Other Culture and Recreation	08	\$13,250
	<b>Culture and Recreation Subtotal</b>		<b>\$1,357,125</b>
<b>Conservation and Development</b>			
4611-4612	Administration and Purchasing of Natural Resources	08	\$1,277
4619	Other Conservation		\$0
4631-4632	Redevelopment and Housing		\$0
4651-4659	Economic Development	08	\$500
	<b>Conservation and Development Subtotal</b>		<b>\$1,777</b>
<b>Debt Service</b>			
4711	Long Term Bonds and Notes - Principal		\$0
4721	Long Term Bonds and Notes - Interest	04,05	\$17,500
4723	Tax Anticipation Notes - Interest	08	\$1
4790-4799	Other Debt Service		\$0
	<b>Debt Service Subtotal</b>		<b>\$17,501</b>



**New Hampshire**  
*Department of*  
**Revenue Administration**

**2018**  
**MS-232**

**Appropriations**

Account	Purpose	Article	Appropriations	As Voted
<b>Capital Outlay</b>				
4901	Land	08		\$1
4902	Machinery, Vehicles, and Equipment	05		\$600,000
4903	Buildings	04		\$752,500
4909	Improvements Other than Buildings			\$0
<b>Capital Outlay Subtotal</b>				<b>\$1,352,501</b>
<b>Operating Transfers Out</b>				
4912	To Special Revenue Fund			\$0
4913	To Capital Projects Fund			\$0
4914A	To Proprietary Fund - Airport			\$0
4914E	To Proprietary Fund - Electric			\$0
4914O	To Proprietary Fund - Other			\$0
4914S	To Proprietary Fund - Sewer	03,07,08		\$6,643,001
4914W	To Proprietary Fund - Water			\$0
4915	To Capital Reserve Fund	10,11,12,16,1 7,18,19,20		\$425,000
4916	To Expendable Trusts/Fiduciary Funds			\$0
4917	To Health Maintenance Trust Funds			\$0
4918	To Non-Expendable Trust Funds			\$0
4919	To Fiduciary Funds			\$0
<b>Operating Transfers Out Subtotal</b>				<b>\$7,068,001</b>
<b>Total Voted Appropriations</b>				<b>\$24,861,418</b>

Staff Report  
Title: Fun in the Sun Budget  
Date: 3-28-18

Background Discussion of Issues
<p>Information .....</p> <p>The Council voted to support the base tuition for the Fun in the Sun Day Camp for \$125.00 based on the budget which included a \$12,500 subsidy. Now that we are in a default budget, that subsidy is not included. Registration for camp starts on 4/2.</p> <p>Without the subsidy camp tuition will have to be raised to \$135.00.</p> <p>The Council should discuss if tuition base fee should be changed.</p>
Recommendation (Including Suggested motion, if appropriate)
<p>Information ....</p> <p>I recommend that the Council discuss the possibility of raising the tuition for Fun In the Sun</p>
Fiscal Impact
<p>No impact ???????</p>
Prepared By: ?????? Diane Boyce
Town Administrator's Recommendation
Concur

## Staff Report

Title: Town Council Minutes – Draft to Final Acceptance

Date: 03/28/18

Background Discussion of Issues
<p>The Town Council, at their meeting of 03/14/18, discussed the subject matter of Town Council minutes from draft form to final acceptance. This subject matter has now been placed as a new business item on the Council's 03/28/18 agenda for clarification/change in process and to determine if the Town Council Rules of Procedures should be updated.</p> <p>RSA 91-A Right-to-Know (RTK) Law governs the process of public entity meeting minutes from draft form to the public body final acceptance. See attached Right-to-Know Law Memorandum sections e, f, g and h.</p> <p>The Town of Hooksett Town Council current minutes process:</p> <ol style="list-style-type: none"><li>1. <u>At Meeting</u>: Recording Clerk types minutes during the meeting (Wednesday night)</li><li>2. <u>Draft Minutes (within 5 business days of meeting)</u>: Recording Clerk, between Wednesday night and the following Wednesday by 8:00am, completes DRAFT version of minutes, posts on Town website, and submits to Administration for inclusion in Council's next agenda packet (this process, as appropriate, includes receiving public meeting minutes' attachments AND non-public meeting minutes enter/exit/seal motions from Administration).</li><li>3. <u>Council Final Acceptance of Minutes</u>: Council, at their next regularly scheduled meeting, reviews and accepts (with or without edits) the minutes of the prior meeting</li><li>4. <u>Recording Clerk Final Minutes</u>: Recording Clerk updates the DRAFT minutes with motion from #3 above and reposts as FINAL. Final minutes are submitted in paper version to the Town Clerk for archives to comply with RSA 33-A Record Retention. RTK has no time limit for this process; however Administration has notified Recording Clerk no later one month from #3 above.</li></ol> <p>RTK is silent on amending prior final accepted minutes by the public body. It is the Town's perspective that if there is an error in a final accepted motion, that the motion should be corrected and those minutes should be reposted. However, if there is an error in a final accepted discussion description, these errors should not be corrected.</p>
Recommendation (Including Suggested motion, if appropriate)
<p>Town Council to review the current Town Council minutes' process from draft to final acceptance in compliance with RSA 91-A Right-to-Know Law and motion to keep process as is OR motion for changes.</p>
Fiscal Impact
<p>None.</p>
Prepared By: Donna Fitzpatrick, Administrative Services Coordinator
Town Administrator's Recommendation
<p>Concur</p>

## RIGHT-TO-KNOW LAW MEMORANDUM

"Openness in the conduct of public business is essential to a democratic society. The purpose of this chapter is to ensure both the greatest possible public access to the actions, discussions and records of all public bodies, and their accountability to the people." RSA 91-A:1.

e. Meeting minutes must be kept and must include:

- (1) The names of the members present;
  - (2) The names of persons appearing before the body;
  - (3) A brief description of each subject discussed; and
  - (4) A description of all final decisions made, including all decisions to meet in non-public session. "Final decisions" include actions on all motions made, even if the motion fails. A clear description of the motion, the person making the motion, and the person seconding the motion should also be included.
- f. Minutes are not required to include stenographic or verbatim transcripts. *DiPietro v. City of Nashua*, 109 N.H. 174 (1968). However, there may be other statutes which require a verbatim record for certain types of public proceedings. *E.g.*, adjudicative hearings conducted under RSA 541-A:31, VII.
- g. Minutes are a permanent part of the body's records and must be written and open to public inspection not more than five business days after the meeting.<sup>11</sup> RSA 91-A:2, II. There are no exceptions to this requirement for the minutes of open meetings. Draft minutes can be used to satisfy this requirement, until the final minutes are completed and accepted, but they must be clearly marked "Draft."
- h. Each public body should adopt a uniform character for its minutes and decide, outside the context of any controversial issue, how detailed its minutes will be. Many public bodies choose to keep minutes that go beyond the requirements of the Right-to-Know law and include a summary of discussion or comments on most agenda items. While this practice is generally appropriate, the additional information voluntarily included in minutes is subject to the same disclosure requirements as the information required by the Right-to-Know law. *Orford Teachers Ass'n v. Watson*, 121 N.H. 118, 121 (1981) (Court rejected the contention that "public records" are only those records required to be kept by law) (citing *Menge v. Manchester*, 113 N.H. 533, 536-37 (1973)).