



TOWN COUNCIL AGENDA
Regular Meeting
Wednesday, June 27, 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

6.a Chris Pierson, Chair - Delivering an Activity Update on Behalf of the Zoning Board of Adjustment

7. APPROVAL OF MINUTES

7.a Public: 06/13/18
[TC Minutes 061318-U.docx](#)

7.b Non-Public: 06/13/18

8. AGENDA OVERVIEW

9. PUBLIC HEARINGS

10. CONSENT AGENDA

11. TOWN ADMINISTRATOR'S REPORT

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

12. PUBLIC INPUT - 15 MINUTES

13. NOMINATIONS AND APPOINTMENTS

13.a June 2018 Nominations and Appointments

14. 15 MINUTE RECESS

15. OLD BUSINESS

15.a New Pedestrian Bridge Update (Change Order #2 tabled from 6/13/18 Town Council Meeting)

[Staff Report - Lilac Pedestrian Bridge Discussion 6-13-18.docx](#)

15.b FY 2017-18 Budget Encumbrances and Budget Transfers

15.c Comcast Renewal

[Comcast Letter 041018.pdf](#)

15.d Town of Hooksett Municipal Reorganization (tabled from 06/20/18 Town Council Meeting)

[Reorganization proposal 2018.docx](#)

16. NEW BUSINESS

16.a Town Administrator Contract for effective date 07/01/2018

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.

19.d NH RSA 91-A:3 II (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those in the general community.

20. ADJOURNMENT

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

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, June 13, 2018
5:30 PM
Council Chambers

1. CALL TO ORDER – NON-PUBLIC SESSION #1

Chair Sullivan called the meeting of 6/13/18 to order at 5:50pm.

2. PROOF OF POSTING

Town Administrator, Dr. Dean E. Shankle, Jr., provided proof of posting.

3. ROLL CALL – NON-PUBLIC SESSION #1

J. Sullivan motioned to enter non-public session of 06/13/18 at 5:50pm. Seconded by D. Winterton.

Roll Call #1

D. Winterton – yes

J. Giotas – yes

T. Tsantoulis – yes

A. Walczyk – yes

J. Durand – yes

J. Sullivan - yes

Vote in favor (6-0).

Councilor Duhaime arrived at 6:00pm.

4. NON-PUBLIC SESSION #1

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

J. Sullivan motioned to exit non-public session #1 of 06/13/18 at 6:15pm. Seconded by D. Winterton. Vote unanimously in favor (7-0).

5. CALL TO ORDER – PUBLIC SESSION WILL BEGIN IMMEDIATELY FOLLOWING THE NON-PUBLIC SESSION NOTED ABOVE.

D. Winterton motioned to seal the non-public session #1 minutes of 06/13/18. Seconded by J. Giotas. Vote unanimously in favor (7-0).

6. ROLL CALL #1 – PUBLIC SESSION

In Attendance: Councilor Donald Winterton, Councilor John Giotas, Councilor Timothy Tsantoulis, Councilor Alex Walczyk, Councilor Robert Duhaime, Councilor John Durand, and Chairman James Sullivan.

51 **Absent:** Councilor David Ross and Councilor James Levesque

52

53 **7. PLEDGE OF ALLEGIANCE**

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55 Following the pledge, Chairman Sullivan called for a moment of silence on the passing of
56 Doris Gryval.

57

58 **8. SPECIAL RECOGNITIONS**

59

60 8.a Hooksett Youth Achiever of the Month

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62 From the podium, Councilor Tsantoulis asked Camden Normand, a 13 year old seventh
63 grader at Cawley School, to come forward. Councilor Tsantoulis said Camden's
64 achievements were many to include being on the national junior honor society, participating
65 in numerous public service projects, attaining the order of arrow boy scouts, helping tutor kids
66 through the Boys Club, participating on the robotics team and serving as patrol leader. To
67 the applause of attendees, Councilor Tsantoulis presented Camden with the Hooksett Youth
68 Achiever of the Month certificate and pin. On behalf of the Council, Chairman Sullivan
69 congratulated Camden and wished him continued success.

70

71 8.b Hooksett Municipal Employees – New Hires

72

73 Dr. Shankle said a new employee, Paula Dalton, started as a part-time administrative aide;
74 another staff person left a part-time position to accept a full-time position.

75

76 **9. SCHEDULED APPOINTMENTS**

77

78 9.a Ava & Lily Burke, Presentation of Donations to fund the Hooksett K-9 Program

79

80 Police Chief Bouchard came forward with Ava and Lily Burke, young daughters of Matt Burke
81 who has worked for Hooksett for 14 years. Chief Bouchard said that Ava and Lily weighed
82 1.11 ounces at birth and were given a 50 percent chance of survival. Today, as could be
83 observed, the girls are vibrant and lively and on their birthdates, rather than accept gifts, they
84 raise and donate funds to a charity. They raised \$1,620 for the K9 program. Council
85 members expressed their thanks.

86

87 9.b Appointment with 1989 Charter Commission members Mary Farwell & Don Riley and former
88 Supervisor's of the Checklist member Mike Horne Regarding Removal of Voting Districts

89

90 1989 charter commission members Mary Farwell, Don Riley, and Mike Horne came forward
91 to provide a history of why voting districts were created and their recommendations on the
92 issue. The Council expects to discuss the matter at their next workshop meeting.

93

94 In 1989, Don Riley was Chair of the Commission. He read through a passage establishing a
95 Council composed of nine members; 6 in districts; two at large. He said the big issue
96 surrounding that topic back then was Granite Hill which currently doesn't seem to be the
97 case. He continued saying that Hooksett is spreading out and the reason for district
98 representation doesn't seem to be as strong an interest today. Councilor Winterton thanked
99 Mrs. Farwell, Mr. Riley and Mr. Horne for coming. He said the Council intends to discuss the
100 matter in an upcoming workshop meeting. Mrs. Farwell said Mr. Riley's recollection mirrors
101 hers. She said there was a lot of time spent talking about Granite Hill and the fact that

102 they've had an elected School Board without districts. She said as a citizen she doesn't just
103 call on her district representative and that people don't have a huge allegiance to their
104 Councilor. She opined that the current process is preventing enthusiastic people from
105 running for office.

106
107 Mike Horne said "it is a challenge that comes up every ten years during census years". He
108 said trying to come up with six districts, plus or minus ten percent of each other, based on the
109 census is very challenging. Having no districts would eliminate this exercise. He said he's
110 been in town since 1984 and has never felt a need for the districts. Councilor Winterton
111 asked about the students at SNHU where there is a potential 1,500 voters; staying with
112 districts doesn't seem to be the right thing to do. Chairman Sullivan said perhaps a warrant
113 article needs to be put in or a petition warrant. Mr. Riley is unaware of any community such
114 as Hooksett that has had districts. He will verify that information with the Secretary of State
115 and keep the Council informed. Mrs. Farwell said it would be more powerful if the Council
116 brought forward a warrant rather than by petition.

117
118 9.c Planning Board Activity Update. Richard Marshall, Chair
119

120 Richard Marshall, Chairman of the Planning Board shared some statistics. He said the Board
121 has received a lot of applications, new and amended site plans, subdivisions, lot line
122 adjustments and so on, all indicative of the ongoing growth of the town. He said the vast
123 majority of building permits issued over the last year were residential; though the Council may
124 like to see more commercial applications.

125
126 Mr. Marshall said the Planning Board has struggled with lack of support staff but they are now
127 in a better position with the hiring of a town planner and contracting for engineering services.
128 The Board meets three times a month; one meeting to be devoted to updating the master
129 plan. Three chapters of the Master Plan are scheduled to be completed by July 1st. The
130 Board has agreed on a process for the adoption of each chapter. Three chapters will go to a
131 public information meeting or hearing. The Planning Board will then approve the plan as a
132 whole prior to presenting it to the Council. Mr. Marshall said it is the Planning Board who
133 actually votes to adopt the Master Plan. It will be close to the end of the year before
134 completion.

135
136 Councilor Winterton, as the liaison Council member on the Planning Board, commended Mr.
137 Marshall for his chairmanship. He said the culture of the Planning Board has made it a
138 welcoming place for developers to come. Chairman Sullivan asked how many chapters
139 made up the entire Master Plan. Mr. Marshall said ten chapters are required under statute.
140 In response to Councilor Duhaime on funding, Mr. Marshall said "a lot we can do with impact
141 fees now". Chairman Sullivan expressed thanks to Mr. Marshall and the entire Planning
142 Board.

143
144 **10. APPROVAL OF MINUTES**

- 145
146 10.a Public: 05/23/18
147 [TC Minutes 052318-U.docx](#)
148 10.b Non-Public Minutes: 05/23/18
149

150

151 *Councilor Tsantoulis moved, second by Councilor Giotas, to approve the Town Council*
152 *meeting minutes of May 23, 2018, as amended. Motion passed unanimously, 7-0.*

153
154 *Councilor Winterton moved, second by Councilor Tsantoulis, to approve the non-public Town*
155 *Council meeting minutes of May 23, 2018, as presented. Motion passed unanimously, 7-0.*
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157 **11. AGENDA OVERVIEW**

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159 **12. PUBLIC HEARINGS**

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161 **13. CONSENT AGENDA**

162
163 13.a Donation of \$1,125.00 from the Hooksett Kiwanis Foundation to the Town of Hooksett for
164 the Family Services Department for the Fun-in-the Sun summer camp program to sponsor one
165 child for the full nine weeks of camp per RSA 31:95-b III (b).

166 [Staff Report - Kiwanis Donation FITS.docx](#)

167
168 13.b Donation of a \$25.00 Walmart gift card from the Hooksett Fire Department Chaplain to the
169 Town of Hooksett to be given to a family in need that is served by the Hooksett Family Services
170 Department per RSA 31:95-b III (b).

171 [Staff Report - Hooksett Fire Walmart GC.docx](#)

172
173 *Councilor Duhaime moved, second by Councilor Tsantoulis, to accept the Consent Agenda,*
174 *as presented. Motion passed unanimously, 7-0. Councilor Durand asked if a camper had yet*
175 *been selected to attend the Fun in the Sun program. Dr. Shankle said he talked with Family*
176 *Services and they have identified someone.*

177
178 **14. TOWN ADMINISTRATOR'S REPORT**

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180 Town Administrator, Dr. Dean Shankle, reported the following:

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 - Fun in the Sun is now full at its maximum of 130 children registered.
 - The Hooksettite luncheon was held and the Boston Cane Award was presented to the
184 oldest citizen in Hooksett, Harris Langile
 - Staff are analyzing bids for legal services and technology
 - A meeting was held with state officials from DOT and DOJ regarding the bridge. The
187 Army Corps of Engineers was represented as well.
 - Summary for May on 11,006 interactions mentioning Hooksett on social media; four
188 percent were negative; 78 percent positive.
 - Contract with the Police Department – pay is based on going up a step plus the New
191 England region CPI; amounts to a 1.7 percent increase plus 2.2 percent COLA on top
192 of their step increase.
 - Fifth graders at Hooksett Memorial put out QR codes on the Riverwalk. They did this in
193 conjunction with the Conservation Commission.
 - Offered training yesterday out of Cambridge, MA. Staff and representatives of boards
196 and committees were invited; two showed up – Mrs. Miville and Trustee Claire Lyons.
197 Everybody enjoyed it.

198
199 **15. PUBLIC INPUT - 15 MINUTES**

200

201 Mary Farwell of 24 Grant Drive came forward regarding reduced franchise fees from
202 Comcast. She read an email from Brian Christianson of Comcast that stated they were
203 “always willing to lower the franchise fee”. Paperwork needs to be done. Chairman Sullivan
204 said the matter would be addressed at the Council’s next workshop meeting. There was
205 mention that the Council might form a subcommittee to negotiate with Comcast when the
206 contract renews on July 11th. Mrs. Farwell said the contract could be changed now.
207 Councilor Winterton suggested including the issue as an agenda item so that the public
208 would know about it and could weigh in.

209
210 Mrs. Farwell then asked if there was public WIFI in the building and was informed “no”.
211 Former Council member Marc Miville of 42 Main Street said public WIFI would provide the
212 same as internet access to the town’s website. He also mentioned several times as a
213 Council member that the Comcast agreement could be re-negotiated right now. He said
214 money should be going back to taxpayers.

215 216 **16. NOMINATIONS AND APPOINTMENTS**

- 217
218 16.a Nominations and (Re)Appointments
219 [Open Appointed Board and Committees \(2018\).docx](#)
220 [June 2018 Nominations and Appointments.doc](#)
221 [reappointment - gult, Ivan.pdf](#)
222 [reappointment - raymond bonney.pdf](#)
223 [reappointment - david scarpetti.pdf](#)
224 [Lizotte reappointment.pdf](#)
225 [CRobertson Reappointment.pdf](#)
226 [dboutin reappointment.pdf](#)
227 [rbairam reappointment papers.pdf](#)
228 [d.marshall reappointment papers.pdf](#)
229 [A.Stelmach appointment.pdf](#)

230
231 Nick Germain said three additional persons have been added to those listed above – Roger
232 Duhaime (full member) and Don Pare (Alternate) for Economic Development, and Deb Miville
233 as a full member in Parks and Recreation. All terms will expire on June 30, 2021. Mr.
234 Germain said that all necessary paperwork has been received.

235
236 Councilor Winterton noted that except for one appointment those listed are all renominations
237 and can be voted on tonight. Mr. Germain said the Zoning Board of Adjustment had trouble
238 getting a quorum last night. *Councilor Winterton moved to nominate Anne Stelmach to the*
239 *Zoning Board. Councilor Winterton then moved, second by Councilor Duhaime, to waive the*
240 *rule to appoint Mrs. Stelmach tonight. Motion passed unanimously, 7-0.* Mrs. Stelmach
241 came forward. She stated that she is a lifelong resident of Hooksett. Her husband is on the
242 Planning Board. Her kids are getting older and she is now able “to do for the town”.
243 *Councilor Winterton moved, second by Councilor Duhaime, to appoint Anne Stelmach as an*
244 *alternate to the Zoning Board of Adjustment with a term to expire on June 30, 2021. Motion*
245 *passed unanimously, 7-0.* Chairman Sullivan thanked Mrs. Stelmach.

246
247 *Councilor Winterton moved to nominate all those listed for reappointment and appointment as*
248 *presented.* Chairman Sullivan said a motion to appoint will be made at the Council’s next
249 meeting.

250 251 **17. 15 MINUTE RECESS**

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18. OLD BUSINESS

18.a On April 25, 2018, the Town Council approved accepting donations to fund the K9 Program. 1) Update on K-9 Program and 2) Motion to accept the donation of \$6,670.00 from citizens and business owners, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-b, III (b) and return that amount to the Police Departments budget, K-9 trust Fund.

[Staff Report K9 June13.docx](#)
[20180531150516151.pdf](#)

Police Chief Janet Bouchard came forward to explain that she decided to do the K9 program after talking with a lot of officers; it would offer new things for them to do. She said there were four incidents last week “where we could have used the K9”. Her department has seven black and white patrol cars equipped with computers, etc. Another four vehicles are used for other duties; one new car is on order for the Fall. There are two non-patrol cars which leaves one detail car and one for the School Resource Officer. She said the car to be used for K9 will be stripped of computer and radar that will be put into another car so there will be no need to buy another car. They will have seven cars for patrols. The Chief said that “eventually we will have to look into getting another car since we have more people now”.

Chief Bouchard did look into whether there would be an increase in Insurance costs and was informed there would be no increased costs for insurance. She said business owners have been supportive and she’ll have donations to report on the next two meeting agenda. The t-shirts have proven to be very popular. To date, they have raised \$20,000. She also reported having received a \$25,000 Stanton Foundation grant. This grant will fund 14 weeks of patrol training and she expects this will fund the K9 program for almost ten years.

Chairman Sullivan asked the Chief how her department handled the four situations she mentioned earlier. Chief Bouchard said they would ordinarily call on Manchester or handle it themselves as best they can.

Councilor Walczyk moved, second by Councilor Winterton, to accept the donation of \$6,670 from citizens and business owners to the town for the Hooksett Police Department per RSA 31:95-b, III (b) and return that amount to the Police Department’s budget K9 Trust Fund. Motion passed unanimously, 7-0.

Chairman Sullivan adjusted the agenda to take up agenda item 16.b Purchase of a Sokkia Robotic Total Station.

Chairman Sullivan moved, second by Councilor Duhaime, to authorize the purchase from the Police Department’s unexpended full time wage line for fiscal year 2017-18 a Sokkia Robotic Total Station from Maine Technical Source to include accessories, and training and the purchase of CAD (Computer Aid Design and Drafting) software through Dirigo Software for a combined total of \$31,334.66.

Chief Bouchard was joined by Sgt. Valerie Lamy. She indicated that the Police Department had formed an Accident Reconstruction Team (ART) to respond to and investigate serious motor vehicle accidents. Currently, two members of the ART, Sgt. Lamy and Sgt. Joseph Ducharme have each completed 240 hours of training to become Accident Reconstructionists

302 and have completed an additional 40 hours in supplemental training. While the ART has
303 received the required training for their certifications, they are lacking the equipment to
304 adequately complete investigations, and the department still relies on assistance from NH
305 State Police at complex scenes or crashes that may involve criminal charges.
306

307 In response to Council member questions, Chief Bouchard and Sgt. Lamy said:
308

- 309 • the State Police use this model and have had it for years; Manchester uses the Sokkia
310 brand
- 311 • if used daily, maintenance would cost about \$1,000 per year; it will not be used daily
312 so an annual cost over two years is estimated at \$500
- 313 • it's a small piece of equipment at a large cost; it would save on overtime, regular man
314 hours, shorten road closure time and time to investigate
- 315 • a number of towns our size rely on State Police; counties have regional teams
- 316 • the equipment allows for mapping and taking measurements; an investigation could be
317 handled by one person rather than the minimum of three now required
- 318 • these are specialized machines so it was not possible to get a quote from three
319 vendors; State Police has recommended the Sokkia
320

321 Councilor Walczyk asked how many criminal charges were brought because of accidents.
322 Chief Bouchard said it is difficult to prove negligence unless it is a DWI. The Chief said they
323 tried to get a grant but was unable to show the number of accidents that have occurred over
324 a period of time since they don't have the machine. Councilor Winterton asked if this would
325 be impact fee eligible. Finance Director Christine Soucie said it needs to be related to
326 growth.
327

328 *Councilor Winterton moved, second by Councilor Duhaime, to table the matter until the*
329 *Council's next meeting in order to determine the most appropriate source of funding. Motion*
330 *passed unanimously, 7-0.*
331

332 18.b New Pedestrian Bridge Update (Change Order #2 tabled from 5/9/18 Town Council
333 Meeting)
334 [Staff Report - Lilac Pedestrian Bridge Discussion 6-13-18.docx](#)
335 [Lilac Pedestrian Bridge Change Order 2.pdf](#)
336 [Chronology of Events - ED Swett - last 8 pages.pdf](#)
337 [ED Swett #6 notice of material breach.pdf](#)
338

339 *Councilor Winterton moved, second by Chairman Sullivan, to remove this issue from the*
340 *table. Motion passed unanimously, 7-0.* Darren Benoit and Bob Durfee of Dubois & King
341 came forward to discuss Change Order #2. Given that this matter has been discussed
342 several times, Mr. Benoit suggested that he and Mr. Durfee take questions from the Council.
343 Dr. Shankle suggested that Council members ask all of their questions but not take action
344 until after speaking with the town attorney which will take place at the last Council meeting in
345 June.
346

347 Chairman Sullivan said the Change Order work has already been done. He asked if there
348 was still more work to be done and when would the bridge be available for public use. Mr.
349 Benoit said the bridge is substantially complete and the decision to open the bridge or not is
350 the town's decision. He said that "punch list" items remain to be done that is more aesthetics
351 than a safety component. The procurement period was extended for the fence requested by

352 the Heritage Commission. He expects the work to be done on that by June 29th. Historical
353 elements remain and it was decided to move that outside of the bridge project.

354
355 Mr. Durfee reminded the town that there is a timeline with the Division of Historic Resources
356 to develop, build, and install a historical display; perhaps two years, and is one of the
357 conditions for the town receiving \$800,000 from the state. Councilor Winterton asked what
358 the cost was of replacing the span that is not like the other two. Mr. Benoit said “we’re taking
359 that request under advisement”. The contractor has backed out and there are relationship
360 issues.

361
362 Councilor Walczyk asked how the work got started on Charge Order 2 without approval. Mr.
363 Durfee said the order was negotiated. They received input from Jim Donison and changes
364 were made based on the town’s input. Councilor Walczyk asked again how the work started
365 without an agreement. Mr. Benoit said all the steps are in the contractor timeline and the
366 work was done at the direction of Jim Donison and your attorney. Dr. Shankle said that he
367 and Jim Donison would not have approved a \$200,000 plus change order without bringing it
368 to Council. Mr. Benoit said it was not appealed within the requisite amount of time to which
369 Dr. Shankle said “it was not appealed because it was not approved”.

370
371 Chairman Sullivan referred to the first page of Change Order 2 and noted the document was
372 not signed by the town but was signed by Mr. Benoit and Mr. Robert, indicating that the town
373 did not approve the change order. Mr. Benoit said once the document was signed by him
374 and Mr. Robert it becomes official and then the 30-day clock for the town to appeal starts.
375 Chairman Sullivan again asked if it’s not signed by the town, whose responsibility is it to get
376 that signature. Mr. Benoit said it was their responsibility to receive the signature and Jim
377 Donison’s responsibility to get the town’s. They received a verbal go ahead. Dr. Shankle
378 said there was no verbal go ahead. *Councilor Winterton moved, second by Councilor*
379 *Duhaime, to table the item until the June 27th Council meeting. Motion passed 6-0-1*
380 *[Councilor Tsantoulis abstained].*

381
382 18.c Rte. 3A & Hackett Hill Road Roundabout Update
383

384 Dr. Shankle said they had a meeting with the state; DPW Director Boyce and engineers were
385 in attendance. The state concurred with the town’s recommendation to not encumber funds
386 this year and to bid the job out in the Fall. The state believes a better price could be had
387 then. Dr. Shankle said they don’t want to release the impact fees dedicated to the project. In
388 response to Councilor Winterton, Finance Director Soucie said not all encumbered fees are
389 from impact fees.

390
391 **19. NEW BUSINESS**
392

393 19.a FY 2017-18 Budget Encumbrance Review
394 [SR Encumbrance 2018 - Review.docx](#)
395 [20180605163902461.pdf](#)
396

397 Finance Director Soucie provided a list of encumbrances as of June 11, 2018 which totaled
398 \$1,105,269.57 [see attachment]. She went over a number of items on the list; some that had
399 been removed. Director Soucie also provided a list of non-budgetary purchase orders.
400 These items are outside of the General Fund. An RFP was put out last week for the Old
401 Town Hall structural repairs. Three good bids were received today. The terms called for a

402 bid to be approved before the end of the year but would give the contractor up to 12 months
403 to do the work. Chairman Sullivan said there are three components requiring engineering
404 work at the Old Town Hall. Finance Director Soucie will look for Council action at the last
405 meeting (June 27th) of the fiscal year.

406
407 19.b Motion to allow the Hooksett Police Department to purchase from their unexpended full
408 time wage line (fiscal year 2017/2018) a Sokkia Robotic Total Station from Maine Technical
409 Source, Yarmouth, Maine, to include accessories, and training and purchase CAD (Computer-Aid
410 Design and Drafting) software through Dirigo Software for a combined total of \$31,334.66.
411 [20180524095616263.pdf](https://www.dirigo.com/Products/20180524095616263.pdf)

412
413 19.c Council Signature for Designation of Authorities for Clean Water SRF Loan
414 [Staff Report - Authorization of agent for Stormwater Asset Management System Loans.docx](#)
415

416 Public Works Director, Diane Boyce, stated that the town voted to raise and appropriate the
417 sum of \$30,000 for the purpose of developing an Asset Management program for the
418 Stormwater System that will qualify the town for federal and state funds to authorize the
419 issuance of not more than \$30,000 of bonds and notes in accordance with the provisions of
420 the Municipal Finance Act.

421
422 *Councilor Winterton moved, second by Councilor Tsantoulis, to authorize the Town*
423 *Administrator, on behalf of the town, to provide information, data, disbursements, and*
424 *documents pertaining to the town for administration of the Clean Water State Revolving Fund*
425 *loan program as may be required, and act as the authorized representative of the town in*
426 *connection with the loan. Motion passed unanimously, 7-0.*

427
428 19.d Town of Hooksett, NH and New England Police Benevolent Association, INC. (NEPBA)
429 LOCAL 46 OF NEW HAMPSHIRE 070117-063020 - Contract Amendment – **will be addressed**
430 **in non-public.**

431 **20. SUB-COMMITTEE REPORTS**

432
433
434 Councilor Winterton said the Planning Board had a wonderful meeting with only one item on
435 the agenda. Fire Chief Burkush was in attendance. The issue discussed was a regulation
436 change regarding sprinkler system requirements. The town ordinance and state law don't
437 mesh.

438
439 The Sewer Commission met and they want to proceed as rapidly as possible with finding out
440 what is under the river. They are going forward with major improvements at the Waste Water
441 plant.

442 **21. PUBLIC INPUT**

443 **22. NON-PUBLIC SESSION #2**

444
445
446
447 22.a NH RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee
448 or the disciplining of such employee, or the investigation of any charges against him or her.

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

451
452 22.c NH RSA 91-A:3 II (c) Matters which, if discussed in public, would likely affect adversely the
453 reputation of any person, other than a member of the public body itself.

454
455 *J. Sullivan motioned to enter non-public session #2 of 06/13/18 at 8:56pm. Seconded by D.*
456 *Winterton.*

457
458 **Roll Call #2**

459 R. Duhaime – yes
460 J. Durand – yes
461 A. Walczyk – yes
462 J. Giotas – yes
463 D. Winterton – yes
464 T. Tsantoulis – yes
465 J. Sullivan - yes

466 ***Vote in favor (7-0).***

467
468 *J. Sullivan motioned to exit non-public session #2 of 06/13/18 at 10:35pm. Seconded by D.*
469 *Winterton. Vote unanimously in favor (7-0).*

470 **PUBLIC SESSION CONTINUED AT 10:35pm**

471
472 *J. Sullivan motioned to seal the non-public session #2 minutes of 06/13/18. Seconded by T.*
473 *Tsantoulis. Vote unanimously in favor (7-0).*

474
475 19.d Town of Hooksett, NH and New England Police Benevolent Association, INC. (NEPBA)
476 LOCAL 46 OF NEW HAMPSHIRE 070117-063020 - Contract Amendment

477
478 *D. Winterton motioned to accept the K-9 program sidebar to the Town of Hooksett, NH and*
479 *New England Police Benevolent Association, INC. (NEPBA) LOCAL 46 OF NEW*
480 *HAMPSHIRE 070117-063020 collective bargaining agreement as presented and signed by*
481 *the Police Union and Town Council. Seconded by R. Duhaime. Vote unanimously in favor*
482 *(7-0).*

483
484 *D. Winterton motioned that the overtime cost(s) associated with the K-9 program sidebar be*
485 *taken out of the K-9 Trust Fund. Seconded by T. Tsantoulis. Vote unanimously in favor (7-*
486 *0).*

487
488 **23. ADJOURNMENT**

489
490 *J. Sullivan motioned to adjourn the public session of 06/13/18 at 10:40pm. Seconded by A.*
491 *Walczyk. Vote unanimously in favor (7-0).*

492
493 **NOTE:** The town website may have attachments to these Town Council minutes for
494 documents referred to in the minutes, reading file materials, and/or ancillary documents that
495 the Town Council has signed as agent to expend as a result of the Council's prior approval of
496 the documents.

497 Respectfully submitted,

498
499
500 Suzanne Beauchesne
501 Recording Clerk

Staff Report

Title: Lilac Pedestrian Bridge Change Order 2 Discussion

Date: 6/13/18

| |
|---|
| Background Discussion of Issues |
| <p>This agenda item has been to the Council several times. On May 25, 2018 Darren Benoit, and Bob Durfee from Dubois and King came to the meeting to discuss Change Order 2 for the lilac Bridge along with myself and Steve Keach who is our contract engineer at this time. The Council requested more information. On 5/9/18, there was another discussion regarding change order 2. Council requested the change order be broken down more, with more information. On 5/28/18 The Council received a Chronology of Events from ED Swett. Dubois and King could not attend the meeting so it was tabled. Diane was informed that the chronology did not include the last 8 pages, the 8 pages have been included for this meeting. Dubois and King have been requested to attend the meeting and discuss the change order again.</p> |
| Recommendation (Including Suggested motion, if appropriate) |
| <p>I recommend that the Council discuss the additional information that should be received from Dubois and King regarding change order 2.</p> |
| Fiscal Impact |
| |
| Prepared By: Diane Boyce, Public Works Director |
| Town Administrator's Recommendation |
| Concur |



Comcast
676 Island Pond Road
Manchester, NH 03109
Phone: 603-695-1400
Facsimile: 603-628-3303
www.comcast.com
www.comcastcorporation.com

April 10, 2018

Via Overnight Delivery

Town of Hooksett
Town Council
35 Main Street
Hooksett, NH 03106

Re: Commencement of Renewal Process

Dear Chair and Members of the Select Board:

Over the years, we at Comcast have appreciated the opportunity to serve the citizens of the Town of Hooksett (the "Town"). We have done our best to provide the high quality cable television service the Town and its residents demand, and we anticipate being able to provide that service to our subscribers in the Town for many years to come. Therefore, we are taking this step to ensure the renewal of our agreement with you.

The Cable Communications Policy Act of 1984 encourages issuing authorities and cable companies to reach agreement on a renewal agreement at any time through an informal process of discussion. However, Section 626 of the Act also provides for a contemporaneous alternative formal renewal procedure with specific substantive and procedural requirements. If either the issuing authority or the cable company does not initiate the formal process within a certain time frame, the protections of that process may be lost. To that end, Comcast hereby notifies the Town that the renewal period for our agreement under Section 626 is now open, and we request the start of renewal proceedings pursuant to the Section 626(a)(1).

This letter is not intended to preclude informal negotiations, but instead is intended only to preserve the rights of Comcast under the formal renewal process. Comcast has every reason to believe that the Town and Comcast will reach a mutually agreeable renewal of the cable television agreement through good-faith negotiations, thus making many of the Act's formal procedures unnecessary. The relevant provision of Section 626 on the informal process is brief and reads as follows:

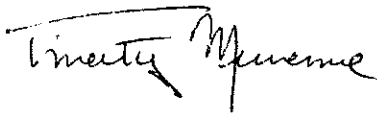
"(h) . . . [A] cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after formal proceedings pursuant to this section have commenced) . . ."

The "formal" process generally includes the following steps:

1. Within six (6) months of the submission of this letter, the Town conducts an ascertainment proceeding which affords residents an opportunity to a) identify the future cable-related needs, and b) review Comcast's performance under the current agreement.
2. At your request or on our own, Comcast submits a renewal proposal with a draft cable television agreement.
3. Within four (4) months of the Town's receipt of Comcast's proposal, the public is afforded "adequate notice and opportunity to comment on the renewal proposal" and the Town must choose to renew the agreement or issue a preliminary denial, which triggers a further formal process.

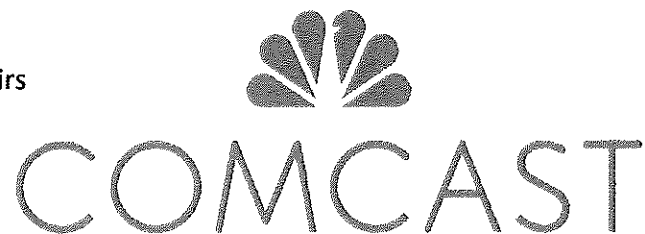
I am attaching a copy of Section 626 of the Cable Act for your review. Bryan Christiansen will be in contact with you soon to arrange a meeting with the Town to discuss informally negotiating a renewal agreement. Please feel free to contact Bryan at 603-224-1871 x202 at any time. Comcast looks forward to meeting with the Town in the near future and continuing the long relationship that, we believe, has benefited both the community and the residents of the Town of Hooksett.

Sincerely,



Timothy Murnane
Vice President, Government and Regulatory Affairs

TM/cam
Attachment



cc: Cable Advisory Committee
Town Manager
Bryan Christiansen – Comcast Government & Regulatory Affairs

17

The Communications Act of 1934, as amended
(47 USC Sec. 546-Renewal)

Section 626. Renewal

(a) Commencement of proceedings; public notice and participation -

- (1) A franchising authority may, on its own initiative during the 6-month period which begins with the 36th month before the franchise expiration, commence a proceeding which affords the public in the franchise area appropriate notice and participation for the purpose of (A) identifying the future cable-related community needs and interests, and (B) reviewing the performance of the cable operator under the franchise during the then current franchise term. If the cable operator submits, during such 6-month period, a written renewal notice requesting the commencement of such a proceeding, the franchising authority shall commence such a proceeding not later than 6 months after the date such notice is submitted.
- (2) The cable operator may not invoke the renewal procedures set forth in subsections (b) through (g) of this section unless -
 - (A) such a proceeding is requested by the cable operator by timely submission of such notice; or
 - (B) such a proceeding is commenced by the franchising authority on its own initiative.

(b) Submission of renewal proposals; contents; time -

- (1) Upon completion of a proceeding under subsection (a) of this section, a cable operator seeking renewal of a franchise may, on its own initiative or at the request of a franchising authority, submit a proposal for renewal.
- (2) Subject to section 544 of this title, any such proposal shall contain such material as the franchising authority may require, including proposals for an upgrade of the cable system.
- (3) The franchising authority may establish a date by which such proposal shall be submitted.

(c) Notice of proposal; renewal; preliminary assessment of nonrenewal; administrative review; issues; notice and opportunity for hearing; transcript; written decision -

- (1) Upon submittal by a cable operator of a proposal to the franchising authority for the renewal of a franchise pursuant to subsection (b) of this section, the franchising authority shall provide prompt public notice of such proposal and, during the 4-month period which begins on the date of the submission of the cable operator's proposal pursuant to subsection (b) of this section, renew the franchise or, issue a preliminary assessment that the franchise should not be renewed and, at the request of the operator or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceeding, in accordance with paragraph (2) to consider whether -
 - (A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;
 - (B) the quality of the operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix or quality of cable services or other services provided over the system, has been reasonable in light of community needs;
 - (C) the operator has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the operator's proposal; and
 - (D) the operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.
- (2) In any proceeding under paragraph (1), the cable operator shall be afforded adequate notice and the cable operator and the franchise authority, or its designee, shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under subsection (a) of this section), to require the production of evidence, and to question witnesses. A transcript shall be made of any such proceeding.
- (3) At the completion of a proceeding under this subsection, the franchising authority shall issue a written decision granting or denying the proposal for renewal based upon the record of such proceeding, and transmit a copy of such decision to the cable operator. Such decision shall state the reasons therefor.

(d) Basis for denial -

Any denial of a proposal for renewal that has been submitted in compliance with subsection (b) of this section shall be based on one or more adverse findings made with respect to the factors described in subparagraphs (A) through (D) of subsection (c)(1) of this section, pursuant to the record of the proceeding under subsection (c) of this section. A franchising authority may not base a denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)(A) of this section or on events considered under subsection (c)(1)(B) of this section in any case in which a violation of the franchise or the events considered under subsection (c)(1)(B) of this section occur after the effective date of this subchapter unless the franchising authority has provided the operator with notice and the opportunity to cure, or in any case in which it is documented that the franchising authority has waived its right to object, or the cable operator gives written notice of a failure or inability to cure and the franchising authority fails to object within a reasonable time after receipt of such notice.

(e) Judicial review; grounds for relief

- (1) Any cable operator whose proposal for renewal has been denied by a final decision of a franchising authority made pursuant to this section, or has been adversely affected by a failure of the franchising authority to act in accordance with the procedural requirements of this section, may appeal such final decision or failure pursuant to the provisions of section 555 of this title.
- (2) The court shall grant appropriate relief if the court finds that -
 - (A) any action of the franchising authority, other than harmless error, is not in compliance with the procedural requirements of this section; or
 - (B) in the event of a final decision of the franchising authority denying the renewal proposal, the operator has demonstrated that the adverse finding of the franchising authority with respect to each of the factors described in subparagraphs (A) through (D) of subsection (c)(1) of this section on which the denial is based is not supported by a preponderance of the evidence, based on the record of the proceeding conducted under subsection (c) of this section.

(f) Finality of administrative decision -

Any decision of a franchising authority on a proposal for renewal shall not be considered final unless all administrative review by the State has occurred or the opportunity therefor has lapsed.

(g) "Franchise expiration" defined -

For purposes of this section, the term "franchise expiration" means the date of the expiration of the term of the franchise, as provided under the franchise, as it was in effect on October 30, 1984.

(h) Alternative renewal procedures -

Notwithstanding the provisions of subsections (a) through (g) of this section, a cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings pursuant to this section have commenced). The provisions of subsections (a) through (g) of this section shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsections (a) through (g) of this section.

(i) Effect of renewal procedures upon action to revoke franchise for cause - Notwithstanding the provisions of subsections (a) through (h) of this section, any lawful action to revoke a cable operator's franchise for cause shall not be negated by the subsequent initiation of renewal proceedings by the cable operator under this section.

Staff Report by the Town Administrator

Hooksett Town Charter Sec. 10.12: Proposed Reorganization Plans by the Administrator.

The Administrator may prepare and submit to the Council proposed reorganization plans which may, subject to applicable law and this Charter, reorganize, consolidate or abolish any Town agency in whole or in part, or establish new Town agencies as he/she deems necessary or expedient. Such reorganization plans shall be accompanied by explanatory messages when submitted.

In accordance with this provision in the Charter, I propose the following reorganization:

I propose that the Community Development Division of the Department of Public Works be separated from that department and become the Community Development Department. The new department would contain the same functions as the current division: Planning, Zoning, Code Enforcement, Building, Health and Engineering.

The new Community Development Department would have as its official head the Economic and Community Development Director, this position to be filled by the Town Administrator and made part of the Town Administrator's official duties.

My reasoning for this is that I believe Hooksett is presently at a very important juncture. The potential development of the Route 3A corridor, the updating of the Master Plan, the employment of a new Town Planner, the growth of SNHU are just some of the major opportunities we have before us. I believe that this reorganization will provide some needed stability while at the same time streamlining the internal processes that will allow us to take advantage of these opportunities.

I will happily answer any questions that you have.