



**TOWN COUNCIL AGENDA
Regular Meeting
Wednesday, August 22, 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 Youth Achiever of the Month

5.b Hooksett Police - Swearing-in ceremony new Police Officers

5.c Hooksett Fire-Rescue - Swearing-in ceremony new Firefighters/AEMTs and promotions

5.d Hooksett Municipal Employees – New Hires

6. SCHEDULED APPOINTMENTS

6.a Todd Rainier, Town Clerk and Marc Miville, Moderator - September 11, 2018 primary elections

7. APPROVAL OF MINUTES

7.a Public: 04/25/18 (tabled from 05/09/18 Town Council Meeting pending verbatim minutes on pedestrian bridge)

[TC Minutes 042518-U.docx](#)

7.b Public: 06/27/18 (tabled from 07/11/18 Town Council Meeting)

[TC Minutes 062718-U.docx](#)

7.c Public: 07/11/18

[TC Minutes 071118-U.docx](#)

7.d Public: 08/08/18 Workshop

[TC WORKSHOP Minutes 080818-U.docx](#)

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

7.e Non-Public: 07/11/18

8. AGENDA OVERVIEW

9. PUBLIC HEARINGS

9.a Public hearing to accept the donation of \$19,688 (\$11,000 from the Hooksett School District, \$4,344 from HYAA Baseball and \$4,344 from HYAA Softball) to the Town of Hooksett for the Parks, Recreation & Cemetery Division of Public Works for the purchase of a Toro 3040 Sandpro (a baseball infield machine) per RSA 31:95-b III (a).

[082218 PW DONATION PH-1.doc](#)

[Staff Report - Donation of Sand pro.docx](#)

9.b Public hearing to accept a \$25,000.00 grant from the Stanton Foundation, to the Town of Hooksett for the Hooksett Police Department at the Town Council meeting for the acceptance of this grant under RSA 31:95-b, III (a) and to return said amount to the police department K-9 trust fund.

[082218 HPD GRANT PH.doc](#)

[Staff Report - K9 \\$25,000.docx](#)

[20180731101538738.pdf](#)

9.c Public hearing to accept \$10,596.43 donations (\$5,000 SNHU and \$5,596.43 citizens, business owners and the Hooksett Police Association) to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-b, III (a) and to return said amount to the police department K-9 trust fund.

[082218 HPD K-9 DONATION PH.doc](#)

[Staff_Report_K9_August_22.docx](#)

[Staff_Report_K9_August_22a.docx](#)

[K-9_donations_for_8-22_meeting.docx](#)

10. CONSENT AGENDA

10.a Motion to accept the donation of the food, drinks and paper products with a combined estimated value of less than \$2,000.00 from Cup Cake Fairy USA, Poultry Products Northeast, Freirhofer's Bakery Outlet, Walmart, Hannaford Supermarket, Shaw's and Target, of Hooksett, NH, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-e:II

[Staff Report - 2nd annual NNO event.docx](#)

10.b Accept the donation of twelve (12) 'Stop the Bleed' kits from Catholic Medical Center to the Town of Hooksett for the Hooksett Fire Rescue Department – EMS, valued at \$660.00 under RSA 31:95-e II.

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[Staff_Report_STB-donation.docx](#)

10.c Accept donation of back-to-school supplies from local businesses and residents with a value not to exceed \$5,000 to the Town of Hooksett for the Family Services Department Back-to-School Supply Program per RSA 31:95-e II.

[Staff Report - Back to School Supplies Donations.docx](#)

10.d Release the Severino Trucking Co. surety in the amount of \$33,500 for the gravel pit located at 39 Pine Street

[Staff Report-39 Pine Street Bond Release.pdf](#)

[Backup for Staff Report 39 Pine Street.pdf](#)

11. TOWN ADMINISTRATOR'S REPORT

12. PUBLIC INPUT - 15 MINUTES

13. NOMINATIONS AND APPOINTMENTS

13.a August Nominations and Appointments

[Open Appointed Board and Committees \(2018\).docx](#)

[credentials - August Nominations and Appointments.pdf](#)

[august 2018 Nominations and Appointments.doc](#)

14. 15 MINUTE RECESS

15. OLD BUSINESS

15.a Town Council Board/Committee Assignments for 2018-2019

[Staff_Report - Final Council Assignments.docx](#)

15.b NHMA Annual Legislative Policy Process

[Staff Report NHMA Policies 2018.docx](#)

[NHMA POLICY 2018.pdf](#)

16. NEW BUSINESS

16.a Carol Andersen, Town Treasurer - establish banking relationship with Norway Bank

[SR Banking.docx](#)

16.b Accept a \$25,000.00 grant from the Stanton Foundation, to the Town of Hooksett for the Hooksett Police Department at the Town Council meeting for the acceptance of this grant under

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RSA 31:95-b, III (a) and to return said amount to the police department K-9 trust fund. (see item 9b for attachment details)

16.c Motion to accept the donation of \$5,000.00 from Southern New Hampshire University, 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, K9 trust Fund.

16.d Motion to accept the donation of \$5,596.43 from citizens, business owners, and the Hooksett Police Association 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, K9 trust Fund.

16.e Accept donation of \$19,688 (\$11,000 from the Hooksett School District, \$4,344 from HYAA Baseball and \$4,344 from HYAA Softball) to the Town of Hooksett for the Parks, Recreation & Cemetery Division of Public Works for the purchase of a Toro 3040 Sandpro (a baseball infield machine) per RSA 31:95-b III (a) (see item 9a for attachment details)

16.f GMI Paving Change Order - Shoulder Work on Hackett Hill Rd.

16.g Acceptance of Qualifications for Storm Water Asset Management firm
[Staff Report - Stormwater Asset Management.docx](#)

16.h MS 535 Financial Report
[SR MS-535 2018.docx](#)

[Reconciliation of MS 535 to June 30, 2018 Budget Summary.pdf](#)

[MS 535.pdf](#)

16.i Budget Transfers FY 2018-19
[SR Budget Transfers FY 2018-19.docx](#)

[Transfer #2019-01.pdf](#)

16.j Fire Lane Ordinance Waiver Request (Northeast Credit Union site plan Map 25 Lot 52)
[Staff Report Fire Lane Ordinance Waiver Request 082218.pdf](#)

16.k Mutual Aid Agreement for Building Inspection Duties (Town of Pembroke, NH)
[Staff Report Mutual Aid Agreement-Pembroke 082218.pdf](#)

16.l Hooksett Family Services Guidelines
[Staff Report - Hooksett General Assistance Guidelines.docx](#)

[General Assistance Guidelines.pdf](#)

16.m Proposed Town Charter Changes for March 2019 ballot (8/8/18 Town Council Workshop)
[Staff Report Town Charter Updates 082218.docx](#)

[Town Charter Updates 082218.pdf](#)

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16.n Administrative Code Updates (8/8/18 Town Council Workshop)

[Staff Report Administrative Code 082218.docx](#)

[Admin Code 082218.docx](#)

16.o Town Council Rules of Procedures Updates (8/8/18 Town Council Workshop)

[Staff Report TC Rules of Procedures 082218.docx](#)

[TC Rules 082218.doc](#)

16.p Town Administrator Goals July 2018-June 2019 (8/8/18 Town Council Workshop)

[Staff Report TA Goals 2018-2019 082218.docx](#)

[TA GOALS 070118-063019.docx](#)

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 (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**

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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 Meeting – April 25, 2018



TOWN COUNCIL Regular Meeting Wednesday, April 25, 2018 6:00 PM Council Chambers MINUTES

CALL TO ORDER

Chairman Sullivan called the meeting to order at 6:00 pm.

PROOF OF POSTING

Dr. Shankle provided proof of posting.

ATTENDANCE

Chairman James Sullivan, Councilor Robert Duhaime, Councilor John Giotas, Councilor Marc Miville, Councilor James Levesque, Councilor David Ross, Councilor Timothy Tsantoulis, and Councilor Donald Winterton.

Absent: Councilor Alex Walczyk,

PLEDGE OF ALLEGIANCE

SPECIAL RECOGNITIONS

Hooksett Municipal Employees - New Hires

Town Council - District #4 Councilor Marc Miville

Councilor Marc Miville is resigning to become Town Moderator. A plaque was presented to him in recognition of his years of service.

SCHEDULED APPOINTMENTS

Kiwanis - September Trail Race

Mike Horne: Kiwanis is planning to do the race with Old Home Day. It will be called "Book It to the Library." They would like approval. Kiwanis will get insurance for \$1 million. They will get permission from property owners that are crossed. They are looking to borrow some traffic barricades and cones. We hope the Council will support this. This is a family event where it is a walk/run event. This is an opportunity to use and see the trail that is available in the town.

Donald Winterton motioned that the Council recommend the Staff does whatever is necessary to facilitate at the race on September 15. Seconded by David Ross.

Vote unanimously in favor

Police Chief Bouchard - new department program

The Chief was joined by Officer Jordan McCluskey and Sergeant Michael Zappala. Both officers were recently recognized by the American Legion.

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Chief Bouchard: We are keeping the department moving forward and implementing new programs. I have been speaking to employees and residents and have found there is an interest in getting a K-9 unit in Hooksett. We are looking for the Council's support.

(See PowerPoint)

D. Winterton motioned that the Council support the Chief and the Police Department in their Fundraising efforts to bring the K-9 Program back to the Hooksett Police Department.

Seconded by D. Ross

Vote unanimously in favor.

APPROVAL OF MINUTES

Public: 04/11/18

R. Duhaime motioned to approve the minutes of April 4, 2018. Seconded by J. Giotas.

Vote unanimously in favor with corrections

CONSENT AGENDA

D. Winterton motioned to accept the donation of \$250.00 from Wal-Mart to the Town of Hooksett for the Hooksett Fire-Rescue Dept. per RSA 31:95 b III (b). Seconded by D. Winterton.

Vote unanimously in favor

[Staff Report Walmart 042518.docx](#)

D. Winterton motioned to accept the donation of \$250.00 (two \$125.00 checks) from the Wing family to the Town of Hooksett under RSA 31:95-b III (b). These funds will be applied to the Town fund and reported as revenue which will increase the Town's fund balance used to offset taxes. Seconded by R. Duhaime.

Vote unanimously in favor

[SR Unanticipated Rev under 10K.docx](#)

[Wing Family Donation.pdf](#)

D. Winterton expressed concern that addresses are not provided from the person making the donation.

Staff will provide clarification on how the donation process works.

TOWN ADMINISTRATOR'S REPORT

- Working on the Fire Union negotiations.
- Attended a meeting at the American Legion
- Attended a meeting with SNHU
- In the process of advertising for the DPW Director position.
- There are two new hires
Ricky Demers-Park and Rec Driver/Laborer and
Joseph Devarenne – Driver/Laborer (part time)
- Resignation
One (1) Driver/Laborer left for a \$7/hr. increase.
- One (1) application was received for the Fun in the Sun Health Care position

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- Currently searching for Secretary (Part time) in Administration
- A letter was received from Comcast.

The Letter was read to the Council regarding renewal of their agreement. (see 5/9/18 agenda & minutes)

Comcast will be placed on the next agenda to discuss how the Council would like to move forward.

- Our Police Chief will be going into a Leadership in Public Service Certificate Program. At SNHU this morning, they agreed to scholarship that program.
- The Fun in the Sun Program is not full and there is still plenty of space for campers.
- We were accepted to the Municipal Bond bank for the Safety Center bond. We will need a special meeting next Monday night to accept it. It must be done by the 8th of May.

A meeting will be scheduled for April 30th at 6:00 pm.

- We will discuss the issue of discontinuing Districts for Councilors at the annual workshop.
Mr. Miville stated he is in favor of eliminating Districts.
- State Law permits people to carry weapons, even on School Property. This is particularly concerning during an election. With school in session, I don't know if the School Board has addressed that.

Mr. Sullivan: There is a School policy that restricts weapons of any type. I suggest you reach out to the Superintendent. It may be an issue that the town and school need to work out.

- The Hooksett Police Department is conducting an active shooter drill at the Cawley Middle School this week.

Chief Bouchard: The training is going well. All the officers will participate over three (3) days. It is a very realistic training with students involved as actors. We are shooting blanks and the first exercise with live shooting of blanks raises the intensity of the training. There is no down time. CBS news in Boston is interested in filming this training.

- The Hooksett Preservation has requested a proclamation for Preservation Month, May 2018. (read letter – see attached)

M. Miville motioned to proclaim May 20th as Preservation Day in Hooksett. Seconded by D. Ross.

Vote unanimously in favor.

PUBLIC INPUT - 15 MINUTES

Jo Ann McHugh, 14 Jefferson St: I was the town individual who spoke to the Town Administrator and the Superintendent regarding the incident that happened at the election. I Spoke to Chief Bartlett at the time and I didn't know that public law is if a State has open carry, that rules the day; therefore they have the right to come in and open carry at the election. It is the concern of both the student and community and what protocol is in place to insure that nothing

Town Council Meeting – April 25, 2018

happens. People have suggested they close school every time they vote. That is fine but when adding snow days, the calendar gets extended. What about locking the whole section of the school? I just brought it up as a concerned parent, grandmother and citizen and I think a decision has to be made between the town and the school. Are we forced to hold our election in another location? I appreciate Dr. Shankle taking the time to discuss this and I ask that you work with the school on this matter.

Peter Salvitti, representing Utility Service Assistance: We submitted a bid for street lighting that will be voted on tonight. We saw bid numbers and about three (3) weeks later we were asked to show our fixtures. I've learned that it is possible that the low bid is going to be accepted by the Board which is Pine Ridge Technologies. I have been in touch with Diane and asked Pine Ridge to provide me with the name of the fixtures to compare apples to apples. We compare the wattage so you have enough light. They said they don't know what manufacturer they are using. I called Pine Ridge to get the manufacturers name. I just received it on the way here. The company, Leo Tech, uses components from different manufacturers. The company I represent is Philips Lighting. I noticed in the parking lots that they are using 18 watt in place of a 50 watt. That brings the cost much lower than I can provide at a 25 watts. There was no wattage requested by the town. I heard they were going to come in with 15 watt fixtures and undercut us. My suspicion is when a union company comes here from Mass with a bid of \$9000 lower than mine which has been worked on to give a reduced cost, my conclusion is with the information on the fixtures they are using, I hoping we can postpone the bid finalization and I can take another look. My fixtures have a smart tag. There is a code that can be scanned and goes on a GIS map. It has location, date of installation and wattage. It is a feature no one else offers. We build all of our fixtures. I don't know how long Leo Tech has been around. This fixture alone will show why it is worth more money. If you can give me some more time before you award the bid, I can prepare the information.

Peter Farrwell, 24 Grant Drive: I want to thank Councilor Miville for his work on the Council. He has always worked for our neighborhood.

I've talked to several people about the roundabout at 3A and I haven't found anyone who is aware of it and secondly, are in favor of it. They are more concerned about the traffic at Main and 3A. I've done an informal survey and I see little back-up where the roundabout is going to be except for at 4 or 5 o'clock. The infusion of the construction when it is being built including the increase in trucks from Route 93 will be huge. Ask the State to go two (2) years with a traffic light and if it doesn't work then you can take it out.

Since we have had the Franchise fee with Comcast; the Farrwells have paid \$600 in fees. Not everyone pays it. If you have Direct TV, you don't pay; so only the Comcast people are paying it and that is unfair.

A couple months ago the Kiwanians spoke to you about the splash pad and they worked very hard to bring forward a great plan. You slammed the door in their face. Here is an organization that worked very hard. Those that are on the Council next term should look at a Rec. Hall for the town. I realize there is a cost and insurance but this is a chance for all in the community to work together and look at Rec. Hall.

With the Union Leader not having a representative here and the limited Banner, we get little information on what is happening here. I talked to Dr. Shankle about asking other directors to write weekly articles in the Banner. The story of the K-9 officer is great and we don't hear about

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it. Maybe we can get an intern to do some publicity for us.

I was disturbed at the recyclable cost. If it is costing us so much, maybe it is time to get rid of the program and discontinue the truck. We should just have one truck to take care of everything.

OLD BUSINESS

Stipend reimbursement (tabled from 04/11/18 Town Council Meeting)

D. Winterton motioned to remove this from the table. Seconded by R. Duhaime.

Vote unanimously in favor

D. Winterton motioned to accept the contract stipend reimbursement of \$4,995 from the State of New Hampshire Police Standards and Training Council, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-b: III(b) and to return the funds to the Police Department's 2017-2018 fiscal budget under the wage line

Seconded by T. Tsantoulis

Vote unanimously in favor

[Staff Report - PSTC Stipend Reimbursement.docx](#)

[20180323145852161.pdf](#)

48 Pine Street Map 5 Lot 86 (4/11/18 Town Council Motion for Planning Board Review)

[Staff Report - 48 Pine St..docx](#)

J. Sullivan motioned to remove this item from the table. Seconded by D. Winterton.

Vote unanimously in favor

Dr. Shankle: The Planning Board met with Matt Surge. Per the minutes, the Planning Board should send a letter to Council recommending approval. The opinion of the Planning Board was the town's liability was removed.

D. Winterton motioned to accept the well radii release form in lieu of the previously approved well radii easement. Seconded by R. Duhaime

D. Ross: My concern is the town's liability. Where is the document that says the town is removed forever from causing infiltration to the well?

Dr. Shankle: The Town's legal counsel says we will not be liable but I agree with Mr. Ross.

D. Ross: This is only a legal opinion. It is advice. There is also a precedent for someone else to be allowed to do this as well. Without a document that says we cannot be held liable, I can't support this.

M. Miville: What is the liability? Should we vote no?

Dr. Shankle: If you vote no, they can't drill a well. I don't know what they will do. There is water near it. There will be a cost. My thoughts are based on the fact that you will never get out of the liability and we will spend money defending ourselves in court.

T. Tsantoulis: My concern is for the town and the homeowners as the process plays forward.

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The well radii is needed to keep the well away from contaminants. I understand the contractor's concern and they assumed they could put a well in and since found out they can't. I don't like putting the town at a future risk because of a water issue down the line. And since there is a remedy, although at a great cost, that would be the best thing to do. I would not be in favor of the motion.

J. Levesque: I agree with Dr. Shankle and I think we should adhere to our regulations.

J. Sullivan: I don't know why it is under the authority of the Council to overrule regulations. I don't think the Council has ever ruled against a regulation. I will agree with the recommendation of the Planning Board.

D. Winterton: The Planning Board grants waivers and the Zoning Board grants variances. This is neither.

Roll Call Vote

<i>R. Duhaime</i>	<i>No</i>
<i>M. Miville</i>	<i>No</i>
<i>D. Ross</i>	<i>No</i>
<i>J. Levesque</i>	<i>No</i>
<i>J. Giotas</i>	<i>No</i>
<i>D. Winterton</i>	<i>Yes</i>
<i>T. Tsantoulis</i>	<i>No</i>
<i>J. Sullivan</i>	<i>Yes</i>

Vote 2:6 motion failed

Rte. 3A & Hackett Hill Road Roundabout Update

Dr. Shankle sent a letter last week as requested by the Council.

New Pedestrian Bridge Update

[Staff Report - Change order 2 - ED Swett.docx](#)

[Transfer #2018-03.pdf](#)

Diane Boyce introduced Steve Keach, Town consulting engineer and Darin Benoit and Bob Durfee from Dubois and King.

Darin Benoit: The bridge section is in place. The structural concrete is done. The sewer line is done. They are working on the water line which is not in service yet but should be in a week. The next step is to bring in the communication lines. There are four (4) underground ducts of which two (2) will be full and two (2) are for future use. The plan is for completion on May 13, 2018. The final completion date of the contract is June 1, 2018.

D. Boyce: With this change order we are asking for payments tonight.

ED Swett submitted Change Order #2 in the amount of [\\$240,134.01](#). of this \$240,134.01, \$100,000 will be coming from contingency money built into the project; the State of NH DOT is providing the Town with an additional \$100,000 for their share of the project.

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J. Sullivan: What is the need for the change?

S. Keach: I came into the project after the change on April 2nd when I attended a meeting with Diane and others on the project. I then got the project documents. The Change Order #2 was issued on January 18th and was a request of a change, not a change in material as much as the logistics of the project. They include winterize the sewer system by- pass, demobilization for winter shutdown, installation of site security for shut down, demobilization and increased effort to install line and water under-bridge during winter condition and increased effort to install timber decking. This results from the temporary shutdown in October. There was a shutdown for 19 days.

Dr. Shankle: That is incorrect. There was not a shut down. At one point, I asked them if they could stop work on that end and they said yes, we can work on the other end, this will not hold us up.

S. Keach: That is contrary to what I was told. Per the contract documents, if there was a shutdown of work which was not caused by the contractor, and there was a delay in the work at a critical time, which the record showed the installation of accommodations for water and sewer; the contract is entitled to remedy. The remedy entitled to the contractor per the contract documents were to quantify that cost through a change order and submitted by the contractor on January 8th and processed by Dubois and King on January 18th. There are six pages of breakdown that relate to them. I will leave the matter of the shutdown to Dr. Shankle because he is familiar with it and Diane and I are not. Based on the material aspect of the change order, I was asked to comment by Diane on Change Order #2 which I wrote on April 5th.

I have 3 bullets, two are factual and the third is my opinion (read from report)

Darin Benoit: This was supposed to be done in December, so these costs are for storage.

Dr. Shankle: Can you tell me they had everything they needed on site on December 9th because I know that it is not true.

Darin Benoit: The role of Dubois and King... there is an understanding that there is an adversarial condition. We are just instituting the contract. We started working on this Change Order #2 on December 5th. We established the format for this with town staff. When this was put in place it was outside of the 30 days we had to put it in place. The contract says after a certain amount of item, we don't wait for future pricing. It is unfair and outside the spirit to look at real costs 4 months later. The contractor is taking the risk. We are not trying to put the contractor at a disadvantage. We are an arbiter. We verified these costs. Working for the town, we verified the numbers. Looking back at the documents, we had regular construction meeting and we said we were not working on the water line with these conditions. Month after month they didn't work on the water line. That was agreed by the team. Now you are going outside the bounds of fairness.

S. Keach: The preparation of Change Order 2 was based on the Town's record and done at the request of the Town Engineer at the time and in the time frame requested.

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Dr. Shankle: One of the issues had been the town attorney has told us not to pay the bills and to only consider paying Change Order# 2 if it will impact the Town's ability to receive State funding. Have we found out if that is true? The State is not involved in the building of the bridge. They were involved in tearing down the old bridge. Do we know that the State has an issue with us not paying Change Order #2?

Darin Benoit: The State letter has 3 items. The State doesn't check all the records and they have paid \$340,000. They look at the demo and the sewer by-pass. Without us being able to build the by-pass, we cannot do that. Demobilization of the sewer line is the third item. Those items have been completed and invoiced and have not been paid. The State is looking for those receipts.

Dr. Shankle: What about a partial payment?

Darin Benoit: The issue is you need the contractor to invoice appropriately to make a partial payment.

R. Duhaime: I would like more information to make this decision. We hired you as the engineers to look out for us. As an engineering firm, there should be some cost savings; where did you save us money? You have been clerk of the works; where were our savings? Instead you are looking for more money. You should show us more information on where we are and where we going. These are speculative numbers and there are no hours and numbers and you are saying the forecasts look about right. Where is the breakdown of the extra hours due to winter?

S. Keach: I believe the information is in the change order.

Darin Benoit: If you look at the work that has been done, we are very close to our budget. But when we did the shutdown that changed. We are not looking to be under budget, we have a budget and that is how we worked. They were not able to conclude this project in December. They demobilized and remobilized with a difficult winter. That delta went from a smooth project to these problems.

R. Duhaime: Before work was hindered, was there anything ahead of schedule before this happened?

Dr. Shankle: I just didn't decide it was time to stop the project. We never got what we ordered and we still haven't gotten close and don't what it will cost to fix it and we have been asking for that since December.

D. Winterton: Are you saying that if we had sat silent in October that the bridge would have been up and operational in December?

Bob Durfee: At the time of the stop work order being issued, on October 10th, we were on schedule and on budget to complete in December.

D. Winterton: Was it what we contracted for? There is no one here that thinks we got what we contracted for. And who signed the stop order?

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Bob Durfee: It was issued by the town and it was signed by either Dean Shankle or Jim Donison.

D. Winterton: Can we get a copy of that document?

Daren Benoit: Yes and the town should have a copy since they wrote it.

J. Sullivan: There was one span which is not the way we wanted it. That is the root cause. When we were told of that discrepancy, we asked for a stop work on that span and asked for work to be done outside that area. Of this change order, which is a 19 day stop order, that is where I am confused.

Bob Durfee: The stop work order was issued by the town and worded to stop work on the north span. That stop work order was in effect for 10 weeks before it was lifted and the contractor resumed. That is approximately 10 weeks. That is what this change order is about; the effect of that change on the contractor. After the stop work order was issued, we convened a meeting of the team, the town, the contractor the engineer, the water precinct and the sewer commission and the purpose was to discuss the implications of the stop order and what work the contractor would stop work on and what items the engineer and contractor could continue with. At that meeting we came to an agreement on several items we wouldn't continue and some we would continue on. Minutes of those meetings have been published.

J. Sullivan: Of the items that could not be done; those are reflected in this \$240,000 or are there other items?

Bob Durfee: They are in the \$240,000 Change Order. There are some items included that we determined had to continue because of the extended schedule, for example, because of the 10 week delay, the contractor still had to do the by-pass pumping and pay electric bills. In that Change Order there are cost for some items that were agreed to be stopped under the stop work order but when they resumed there was additional cost, for example, we stopped installation of the water pipe on the bridge and also stopped installing the timber deck on the bridge in its entirety because it will be less cost if we stop those items completely. Those costs are in this Change Order for the delay and restart up costs. Also, we stopped work on installing the water lines. Those are not the best examples of work that was stopped. There were items that once started were under winter conditions like digging in frost and concrete that must now be heated.

D. Winterton: Why did the State decide to pony-up an extra \$100,000?

Bob Durfee: Because the engineer you hired prepared very good bid documents. The DOT agreed to reimburse on three (3) items: demolish the old bridge, pay for the cost of the by-pass sewer pumping and mobilization and demobilization of demolishing the bridge and put in the by-pass. We estimated the cost for those 3 items at \$650,000 and we provided our estimate to the DOT and they agreed to that \$650,000. It went out to bid and then Swett came in with \$750,000 and the State agreed to pay the extra \$100,000 which is the actual cost and not the estimate.

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D. Ross: We need to know who ok'd the dimensional changes in the span. I have yet to see another bridge with dimensional changes because of the span. Who ok'd those dimensional changes?

Bob Durfee: The fabricator, Big R Bridges submitted drawings showing the detail and it showed different sizes for the north span. Shop drawings are submitted to the engineer and we reviewed and accepted it.

D. Ross: Are there others that look like that?

Bob Durfee: The original bridge had different dimensions. We accepted the shop drawings because they conformed to the contract.

D. Ross: During the meeting with the town regarding stopping work, was the cost presented to the town's representative?

Bob Durfee: No, at this meeting the engineer and contractor recommended what items should not be discontinued. At a previous meeting, when the team had and the town was inquiring about the appearance of the north span, the town's response was we are going to stop work on this project. The recommendation from the engineer was to continue and deal with the change in the span once the contract was complete.

D. Ross: The issue with DES and the change you made without informing them. Instead of using the barges, a lot of extra expense was used with barges. What about those cost and why should the town pay that and who approved that?

Darin Benoit: A project manager on the contractor staff. That person was terminated and the new staff person raised his hand. The contractor was the one that self-notified and contacted DES. At that time everyone was aware of the situation.

Bob Durfee: The contract went to competitive bid and bids came in and bid evaluation awarded to the lowest bidder which was Swett. That recommendation was reviewed by DOT and they concurred. We scheduled a signing and pre-construction meeting and at that time the contract was signed. Approximately 5-7 days before that meeting, we were forwarded a notice from the town, from Eversource that they were lowering the river. We brought that to the signing meeting. The contractor said we will have to do something different. We were going to use barges and bridges but now we will have to do a causeway. The contractor said we are not predicting additional costs for the barges and to date they have not included any additional costs for that. At the signing meeting, the contractor said he would prepare the permit application for the causeway.

D. Ross: Was it your responsibility to make sure that happened?

Darin Benoit: We were working with the town and their engineer. Mr. Donison saw the application and it was signed by the town.

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J. Sullivan: The contractor said they would apply for the permit; was it done?

Bob Benoit: It was done but not in a timely manner. The contractor indicated he was going to do a change and build a causeway and a permit was needed from DES for that revision. At that pre-construction meeting, the contractor said that. The next meeting was a month later for a construction progress meeting. At that time, with the contractor and the town, we had a new project manager from the contractor and he apologized and said he learnt that they never applied for the permit. The contractor took full responsibility for that error and would now apply and deal with the consequences. The contractor had already started construction of the causeway because they believed from the old manager that they had a permit. They admitted the error and were going to fix it.

Dr. Shankle: My recollection, there was specifically a conversation that they had a permit for so many cubic yards and they believed, and you agreed, that the permit that they already had was adequate for what they were going to need to do. That was my understanding. I asked Mr. Donison and he said there is no reason to doubt them. So we were told specifically, because the question was asked; “Is this the same and will this work?”, and both you and the contractor said yes.

Bob Durfee: We had that conversation. The town had a permit for the original work in the contract and that permit allowed the town and town’s contractor to disturb a certain areas of the river bottom, length and width. The contractor thought he could build his barge within that foot print and he could construct that causeway in that footprint. The engineer agreed that if he could do that it would be ok. They came back and said they can’t build the causeway in the footprint because it is too close to the project so we will have to go for an amended permit to extend the footprint. Some could be built under the original permit.

Dr. Shankle: The contractor never said he needed a new permit until the State came and said he was in violation and needed a new permit.

Bob Durfee: The town, Jim Donison, promised all the support the town could offer to get the amended permit which include going before the Conservation Commission. When the contractor eventually filled a permit for the causeway and sent it to DES; my recollection is DES rejected that permit application and that the town and the contractor are in violation of water regulation rules by putting the causeway in the river. They went ahead with the construction of the causeway assuming they were going to get the permit eventually.

D. Ross: The contractor said he was basing it on square footage not on the footprint. It is in the minutes. He thought he could rearrange the square footage. You can’t rearrange. Then the permit was denied and they were told to stop but they went ahead without a permit and removed it. That is called a dredging and needs a dredge permit. We don’t know what the town will be fined and what the penalty will be. You saw the road in the river. The State would never approve that. You were there too. We live in NH; what are winter conditions? Relocating the sewer was always part of the contract. We shouldn’t be paying a dime. This wasn’t our fault. This is in the center of town and the biggest concern from the beginning was how it would look. I am not impressed with SWETT or your outfit. And now to ask us for another \$240,000 is ridiculous.

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Information needed:

R. Duhaime: Our town engineer doesn't build bridges, you were the bridge engineers. Did you have someone there daily overseeing this operation?

Bob: We have a contract that spells out the time and the town was to provide supplemental inspections.

R. Duhaime: We have a town engineer that could do some inspections but when there are savings, the contract defines who gets the cost savings. If you don't want to lay the whole deck for costs and now you are doing the whole thing later and you want us to pay the increase. Maybe you should have done 2/3 and then done the rest. What he didn't do in the fall may have saved him costs. You are now saying you have over runs. You are supposed to be protecting the town. I would expect a log.

Bob Durfee: That information is available. The Change Order is six (6) pages and breaks down all the costs.

Darin Benoit: The information you requested for equipment on and off the job, that isn't done.

Bob Durfee: You need to see the complete Change Order which was proposed by the contractor. Under the contract, the engineer reviews it and we had our staff review the costs, the quantities and times and we found this request fair and reasonable. We found that the contractor had provided enough justification that it was fair, reasonable and accurate.

R. Duhaime: The contractor said it wasn't cost prohibitive to do this. That is the list I want.

Bob Durfee: You need to get the copy of the meeting minutes where we discussed the implications of the stop work order.

S. Keach: There is a very complete project record, and without you all having that, you will not make a good decision. Your engineers Dubois and King have copious minutes. The other thing that is revealing; this project is set up with a critical document. Mr. Durfee advised that the dispute and the interruption was clearly initiated by the town (October 6th) and concluded on November 14th. You should have a copy of the project schedule that was in place in October and you will see where the project was tracking then. After the interruption, if you compare the two, you will see the result of the true interruption. You will see what was allowed to continue and what Mr. Durfee said concurs with the meeting minutes. I understand I'm coming in as the Monday morning quarter back, but I see two areas that bore the frustration; the structural issues with the north span and the environmental issue. In terms of economy, if you have a span that is shorter than the other two, you wouldn't spend the money for the extra steel. I also understand there was a tremendous effort to make the new Lilac Bridge resemble the old Lilac Bridge including making it look rusty. I also heard that the section of the shorter old span was different as well. That was news to me but if it were true, maybe that is what someone wanted. I don't know. What is important isn't where we were. We are trying to deliver this bridge; if not, I don't belong here. This bridge needs to be finished. These matters of payment must be resolved if that

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is going to happen. If that is not, we need to put up some orange fence around it tomorrow. We need to resolve this as quickly and cost effectively as possible. The only way this can happen is with town officials, Dubois and King and Swett. The State needs to be dealt with separately because we don't control that outcome. If we want the bridge done and May is Heritage month, isn't that the spirit of the project.

J. Sullivan: We will table this and the entire document will be made available in the Planning Department.

S. Keach: As you read this, use the analytics to figure out how to bring this to successful fruition. We know what went wrong; we don't want someone in a black robe telling us who is at fault.

Dr. Shankle: It would be helpful if we got what we asked for since the fall. We want a number of what it will cost to fix it.

Bob Durfee: The reason the town doesn't have that is because of the mistrust. When the contractor was asked for a budget, they said "you're asking for that budget number so that is the value of the lawsuit in a claim, so why should I provide that". The contractor's attorney has contacted the town's attorney that if the contractor provided that number they don't want it used against them.

D. Ross motioned to extend the meeting. Seconded by D. Winterton.

R. Duhaime: You keep saying what the problems are but I haven't heard what the solutions are. Who is going to pay for the solutions? Not just the town. I am so uninformed; I am nowhere near ready to make a decision. After tonight, I feel I don't trust you.

M. Miville: I don't recall any discussion by the Council on having a different metal on the short span. I never even knew there was shorter span. We heard about the color and the deck but never the span. It is a goof up on the town because we paid someone big bucks but now it is a joke. I am now ashamed of that bridge. It looks like a bridge it shouldn't look like. I don't want to look at it. You need to be accountable for this. Either you or the contractor but it isn't us.

J. Levesque: We were led to believe there would be three (3) spans that would be the same. I would think you could use the same outside diameter with a lighter metal. We all thought the bridge would have symmetry. We understand it was cheaper but I don't think you were looking out for our best interest. Why wasn't that brought to us. Maybe we should have had more meetings and recorded them. It didn't come out like it was supposed to. I am disappointed; it can be fixed but at a big cost.

D. Ross: Was the consideration taken that steel has color? The color of the steel is different on the north section. Will that equalize with time or is it going to get worst?

Bob Durfee: The steel for the south, center and north are all the same. Depending on when it was fabricating, it is rusting at different times. It is the same steel. It should be weatherizing the same. Eventually it should look the same with the exception if it weathers with exposure to air, sunlight

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and water. The RR Bridge is providing shade to some sections differently so they may not weatherize the same throughout.

D. Winterton: When the shop drawings came in, were they shown to anyone at the town?

Bob Durfee: No, that was not part of the contract.

D. Winterton: The first night this issue came to the Council, I said having gone through the sewer situation in this town, it took eight (8) years to come to a settlement. It will come down to who has the best lawyer and that is sad.

R. Duhaime motioned to table the motion. Seconded by D. Winterton, Vote unanimously in favor (T. Tsantoulis abstained)

NEW BUSINESS

Acceptance of Bid for Installing Town wide LED Street Lights

[Staff Report - Town wide LED Street lights.docx](#)

[Transfer #2018-04.pdf](#)

[LED Bid Spreadsheet.pdf](#)

[Pine Ridge LED Bid.pdf](#)

[Power Secure LED Lighting.pdf](#)

[Affinity LED Lighting.pdf](#)

[Utility Service - Low LED Bid.pdf](#)

Dr. Shankle recommends throwing out all the bids and starting again.

D. Boyce: We wanted to encumber the funds so we want to move quickly.

J. Sullivan: We followed the bid process and we don't have to always go with the low bid.

Dr. Shankle: The issue they raised was whether the wattage of the lights will do what we want. If we put those lights up and they are not as bright as we expect we will be disappointed. S. Keach stated that we didn't put the wattage we wanted in the bid. One bidder gave the cheapest way.

D. Winterton: I suggest since we contract engineers, we should hire a lighting engineer to help us with this bid process.

T. Tsantoulis: I sat in on the presentations by the bidders. The LED is not that different. Currently we have vapor lights and RPS which take a lot of energy with a refractor that gets dirty. When they came up with LED, they can have open bottom with clear white light. You can't replace the LED with the same wattage that you had or you get too much light. You also want to keep light out of peoples' windows. If you didn't reduce the wattage, you wouldn't get the savings. When Manchester went to LED, they used Philips they got complaints that they were too bright. You always get complaints. I liked USA and would like to see them closer to what we want. LED lights have a 10 year warrantee because not much goes wrong except for an accident or tree limbs. In Manchester, 90% of the lights are on. If you looked prior to LED's

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75% were on. They are different but you will get used to it. I'm in favor of the bid but I'm ok with postponing it. You will save over a short period of time.

J. Giotas: My concern is there didn't seem to be an apple to apple comparison so I'm in favor of postponing this.

Dr. Shankle: If we are going to get someone to write the specs, I don't think we should try and do it this year.

R. Duhaime: Just ask everyone to rebid with the same wattage. They don't have to redo the whole bid.

D. Winterton: When a business comes in for approval from the Planning Board, we have regulation on the light and the lumens and we require them to get that from an engineer. We should do the same.

D. Ross: It is not just costs; it is how it will look. Having a numerical equivalency is important. We may want to consider the look. To encumber funds is a bad idea to push something through.

D. Winterton motioned to accept the recommendation of the DPW Director of awarding Pine Ridge Technology Inco the bid for the Town wide LED streetlights.

Seconded by D. Ross.

Vote 0:8 motion failed

D. Winterton motioned to reject all other bids for LED streetlights. Seconded by T. Tsantoulis.

Vote unanimously in favor

D. Winterton motioned to direct the Town Administrator to engage in a new bid project and engage a lighting engineer to assist in the process. Seconded by J. Levesque.

J. Levesque: I would like to see a sample of the complete model.

Vote unanimously in favor

Acceptance of Bid for Crack Sealing

[Staff Report - 2018 Crack Seal Bids.docx](#)

[2018 Crack seal bid-Superior Sealcoat.pdf](#)

[2018 Crack seal Bid-Sealcoating, Inc..pdf](#)

D. Winterton motioned to accept the lowest bid from Superior Sealcoat in the amount of \$38,300 for the 2018 roadway crack sealing project. Seconded by D. Ross.

Roll Call

J. Giotas ***Yes***

D. Ross ***Yes***

M. Miville ***Yes***

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R. Duhaime *Yes*
T. Tsantoulis *Yes*
J. Levesque *Yes*
D. Winterton *Yes*
J. Sullivan *Yes*
Vote unanimously in favor

Natural Gas Supply Bids [SR Natual Gas Bid 2018.docx](#)

D. Winterton motioned to have the Town Administrator sign a natural gas contract for 36 months with UMB Bulk Energy as the agent. Seconded by R. Duhaime
Vote unanimously in favor

Volunteer Appreciation Day Dinner - Selecting a Date [Volunteer appreciation 2018.pdf](#)

Nick Germaine: Last year and in previously years it has been a Friday in June.

D. Winterton motioned to set the date for the Volunteer Dinner as Friday, June 15, 2018.
Seconded by T. Tsantoulis
Vote unanimously in favor

Town Personnel Plan Update(s) - Town Drug Testing Program [Staff Report TPP 042518.docx](#) [DRAFT Personnel Plan 042518.docx](#)

R. Duhaime motioned to approve the amendments to the Town Personnel Plan as presented effective April 25, 2018. Seconded by T. Tsantoulis.

D. Fitzpatrick: The testing will be change to opioids to comply with the US Department of Transportation.

D. Ross: Will these tests cost more?

D. Fitzpatrick: They are one dollar more with six randomly selected each quarter.

Vote unanimously in favor

District #4 Town Councilor Vacancy as of 05/01/18 [Staff Report TC District #4 Vacancy 050118.docx](#)

D. Ross motioned to declare the vacancy of Councilor in District #4 as of May 1st per Charter 3.3. Seconded by M. Miville.
Vote unanimously in favor

D. Ross motioned to appoint John Durand to fill the District #4 Council seat vacancy through

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June 30, 2018 per Town Charter Section 3.3. Seconded by M. Miville.

Vote 7:1

Subcommittee

J. Levesque: The transfer station met regarding the glass and decided to continue as is and see what the other towns do.

D. Winterton: The Planning Board challenged a subdivision but the Board did allow it. The new dorm proposed at SNHU has been postponed.

The meeting with SNHU today included a public safety meeting which included Chief Bouchard. It was effective and included internships with students. SNHU was very impressed with the active shoot drills conducted by the Hooksett PD. The leadership class that the Chief will take was granted a scholarship during our meeting. The proposed SNHU sign has been cancelled.

R. Duhaime: Fire Union negotiations are off to a good start.

M. Miville: I distributed a document from the Local Officials workshop I attended in Peterborough. There is some valuable information.

At the Economic Development meeting they discussed the sewer and zoning on the 28 By-Pass. Park and Rec Advisory Board- There is another Eagle Scout project proposed for a practice wall for Lacrosse.

HYAA said there was a request from Amoskeag Rugby Team to use the field.

HYAA is looking to fundraise \$200,000 for lighting for the Peterbrook Fields.

The Board is also looking for Hooksett email addresses in light of the Right to Know law.

Marc Miville thanked the Council and has enjoyed his time on the Board.

D. Winterton: The Sewer Commission has a workshop scheduled for Monday, April 30th at 10 am.

D. Winterton motioned to appoint Alex Walczyk as Council Secretary. Seconded by D. Ross. Vote unanimously in favor

PUBLIC INPUT

No public comment.

ADJOURNMENT

R. Duhaime motioned to adjourn at 10:45 pm. Seconded by D. Winterton.

Vote unanimously in favor.

Respectfully submitted,

Lee Ann Moynihan



TOWN COUNCIL MINUTES - UNOFFICIAL
Regular Meeting
Wednesday, June 27, 2018
6:00 PM
Council Chambers

1. CALL TO ORDER

Chairman Sullivan called the meeting to order at 6:50 p.m.

2. PROOF OF POSTING

Dr. Dean Shankle, Town Administrator, reported that Donna Fitzpatrick posted the meeting notice on June 22, 2018.

3. ROLL CALL #1

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

4. PLEDGE OF ALLEGIANCE

5. SPECIAL RECOGNITIONS

5.a Hooksett Municipal Employees

Dr. Shankle reported that there were no new hires; one retirement from Lt. John Drew.

6. SCHEDULED APPOINTMENTS

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

Chris Pierson and Roger Duhaime, Chair and Vice Chair respectively of the Zoning Board of Adjustments, came forward to provide an annual report to the Council on the Board's activities. Mr. Pierson and Mr. Duhaime commented that it was nice to have at least one new fresh member of the Board and mentioned the length of service of other members. Everyone was happy to finally have a full complement of members on the Zoning Board.

Mr. Pierson said 2017 was a light year with only 19 applications having been received. With the economy picking up, 2018 has already proven to be busier with 14 applications received to date. Mr. Duhaime thanked the Council for giving the Board an opportunity to provide input on the SNHU sign.

The two Board members indicated that they are seeing a lot more activity with in-law apartments, or accessory dwellings, as they are sometimes called. Chairman Sullivan asked if this might require zoning ordinances to address the matter. Mr. Pierson said the zoning regulations were solid. He also said they have shortened the length of approval time on festival grounds. When asked how many times they visit pits by Councilor Duhaime, Mr. Pierson said they monitor pits very closely and welcomed any Council member to join them

on future site walks. Councilor Ross asked if assessing was notified about accessory apartments. Dr. Shankle said the Code Enforcement Officer would notify assessing and sewer after signing off but he will check on that.

7. APPROVAL OF MINUTES

7.a Public: 06/13/18

[TC Minutes 061318-U.docx](#)

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

Councilor Tsantoulis moved, second by Councilor Winterton, to approve the Town Council meeting minutes of June 13, 2018, as amended. Motion passed 7-0-2 [Councilors Levesque and Ross abstained].

Councilor Levesque moved, second by Councilor Winterton, to approve the non-public Town Council meeting minutes of June 13, 2018, as presented. Motion passed 7-0-2 [Councilors Levesque and Ross abstained].

8. AGENDA OVERVIEW

9. PUBLIC HEARINGS

10. CONSENT AGENDA

11. TOWN ADMINISTRATOR'S REPORT

Dr. Shankle reported the following:

- The last three weeks, with a Council meeting every week, has been busy. Earlier in the week, SNHU held a groundbreaking for their new Engineering building.
- There was an auction on Friday for the Mount St. Mary's property – hope to make money on that.
- Attended the Economic Development Committee meeting last night. A representative on the committee is to be appointed at the July Council meeting.
- A bid went out on Monday for the Old Town Hall structural repairs. It will come up later under discussion of encumbrances.

Diane Boyce, DPW Director, came forward to state that an RFP was quickly put together for the Old Town Hall repairs. Two bids were received – from Target and Broadview -- at a higher cost than anticipated. TF Moran went over the bids and it is administration's recommendation to hold off on making the repairs and place the matter on the ballot as a warrant article in February at which time the Council can decide to fund the project with tax dollars or from the Fund Balance.

Councilor Giotas asked why Target did not address reinforcing underneath the stage that was outlined in the bid. Dr. Shankle suggested that perhaps in their mind anything on the plan they would do but "we don't know that since we don't have it in writing". Chairman Sullivan said looking at the project as a whole the goal of the Council was to complete the restoration by the time the building turns 200 years old. He said he would prefer to use surplus funds rather than additional funds. A lot of funds have already been committed to the project and, if done now, funds can be encumbered. Chairman Sullivan said "do we commit to funds or

hold off and if we hold off until next year, nothing can be done; then we have an empty building that we've committed funds to".

Councilor Ross said he loves the building and fought to not have the building sold but a lot has been done, town employees have worked on it, but this is a \$100,000 question which is way too much to jump into quickly. He said "we shouldn't be in a big hurry to spend \$100,000 and voters deserve an opportunity to weigh in". He suggested an architectural person review the plan and provide advice. In response to Councilor Giotas, Dr. Shankle said the bidders were informed they could wait until next year to do the work. Chairman Sullivan said this covers three projects and perhaps it would make sense to take it in smaller steps and do the work in portions. Councilor Duhaime said this is winter work and contractors would be glad to be inside. Dr. Shankle said that is why they were given a year to do the work. He said a lot of money went into studies and at the start the engineer didn't think the work was a big deal so it was put off. He continued saying "if we would have known it was this extensive, we wouldn't have put in that much money into it; now, all this work needs to be done and if not done, the building could have a problem". He said "we've been spending money out of building repair because that's a building the town is trying to keep up...we had no idea it would be this much". Chairman Sullivan said the Council needed to make a commitment on how to approach this. Dr. Shankle said "if we don't do this now then there's no use for it; we're on notice that this building has structural problems and have created a liability for ourselves".

Councilor Ross asked if there were structural problems in terms of being occupied or that the building will fall down. Dr. Shankle said he did not know but they were not trying to bring it to 20th century standards. Councilor Ross said most of the money spent was received through fundraising and he did not feel comfortable spending \$100,000. Councilor Winterton echoed what Councilor Ross said and feels it is the Council's responsibility to the taxpayers to tell them how much this will cost and let them decide". He is reluctant to spend more not knowing what else will go into the project. Councilor Tsantoulis said it was not the right time to spend another \$100,000 and since "construction is very expensive right now, [he] can't support this at this time".

Chairman Sullivan said he didn't know how much was spent already and he/the Council should have told the voters what the cost will be. Councilor Giotas said "wait and see what the voters want to do". Councilor Levesque said given what was in that building long ago, if it was going to cave in, it would have then. *Councilor Winterton moved, second by Councilor Ross, to reject all bids received for the structural repairs to the Old Town Hall. Motion passed 8-1 [Chairman Sullivan opposed].*

12. PUBLIC INPUT - 15 MINUTES

Mr. Dan Belanger of 13 Corriveau Drive came forward to express his objection to the town's new procedure on registration of dogs. He said there was no prior notice of the increase to \$25 as an administrative fee to have the police come to his home. He said his wife went online to register the dog which cost \$6.50 plus an online fee of \$4.00 which he finds too extravagant. He suggested the Council look at this and think about the time and effort of having the town clerk call (as he did again tonight) to let him know that the police will be coming. He said the expense of taking him to court will be a lot more than it is to collect \$25. He asked that the Council look into this and thanked the Councilors for their time.

154 **13. NOMINATIONS AND APPOINTMENTS**

155
156 13.a June 2018 Nominations and Appointments

157
158 Nick Germain said a last minute application for an Alternate to the Zoning Board was
159 received from Sasha DeYoung of 34 Sterling Drive. Not all forms have been completed.
160 Councilor Winterton said he'd prefer going through the standard process and make the
161 nomination when all necessary information/forms are provided. He thanked the citizen for
162 being willing to serve. The matter will be addressed at the next Council meeting.

163
164 **14. 15 MINUTE RECESS**

165
166 **15. OLD BUSINESS**

167
168 15.a New Pedestrian Bridge Update (Change Order #2 tabled from 6/13/18 Town Council
169 Meeting)

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

171
172 *Councilor Ross moved, second by Councilor Giotas, to remove the matter from the table.*
173 *Motion passed unanimously, 9-0.*

174
175 *Councilor Winterton moved, second by Councilor Ross, to escrow funds in the amount of*
176 *\$210,936.50 for invoice numbers 9, 10, and 11. These funds are withheld pursuant to the*
177 *towns claim set off against payments due to potential litigation by the NH Department of*
178 *Environmental Services. Motion passed 8-0-1 [Councilor Tsantoulis abstained due to a*
179 *conflict of interest].*

180
181 *Councilor Winterton moved, second by Councilor Ross, to escrow funds in the amount of*
182 *\$218,615.08 for invoice numbers 12 and 13 to be held in escrow until the town examines*
183 *verification of said invoices. Motion passed 8-0-1 [Councilor Tsantoulis abstained due to a*
184 *conflict of interest].*

185
186 Dr. Shankle indicated that his office has received requests about when the bridge will open.
187 He wanted to make sure everyone understood that the bridge will not be open until legal
188 issues have been taken care of. Chairman Sullivan asked that this information be placed on
189 the town website.

190
191 15.b FY 2017-18 Budget Encumbrances and Budget Transfers

192
193 Christine Soucie, Finance Director, went over the list of encumbrances which are attached to
194 these minutes. Director Soucie pointed out the Council's earlier vote to contract with Block 5
195 for IT services and that a portion of needed funds will be rolled over.

196
197 *Councilor Winterton moved, second by Councilor Duhaime, to encumber \$1,700 for the Old*
198 *Town Hall alarm panel. Motion passed 7-1-1 [Chairman Sullivan opposed; Councilor Ross*
199 *abstained].*

200
201 Chairman Sullivan asked what the difference was between the list of encumbrances and the
202 list of purchase orders. Director Soucie said the list of purchase orders were obligations
203 outside of the operating budget.

Councilor Winterton moved, second by Councilor Levesque, to approve all encumbrances as presented, except for #12, the Old Town Hall alarm panel, in the amount of \$12,888,768.65. Roll Call #2: Councilor Duhaime-yes, Councilor Durand-yes, Councilor Ross-yes, Councilor Levesque-yes, Councilor Walczyk-yes, Councilor Giotas-yes, Councilor Winterton-yes, Councilor Tsantoulis-yes, Chairman Sullivan-yes. Motion passed unanimously, 9-0.

Dr. Shankle referred to the purchase order listed for the library door and stated that the library staff was aware that they don't technically need to do this but wanted to be as transparent as possible and have it be on record.

15.c Comcast Renewal
[Comcast Letter 041018.pdf](#)

Dr. Shankle indicated that the main issue with the Comcast renewal is eliminating the franchise fees and whether to extend the Comcast contract that Dr. Shankle is opposed to. Councilor Ross moved, second by Councilor Winterton, to instruct the Town Administrator to advise Comcast that the town will no longer receive franchise fees and that the town will sign a first amendment to the 12/16/12 contract. Councilor Tsantoulis asked what benefit this was for individuals in town and was informed by Councilor Winterton "three percent of their bill". Councilor Ross added that cable customers are being charged a fee for something they don't use. Chairman Sullivan said it adds up to about \$36.00 a year per customer. Dr. Shankle said that according to Finance Director Soucie getting rid of the revenue will add about ten cents to the tax bill. Motion passed 8-1 [Councilor Tsantoulis opposed].

15.d Town of Hooksett Municipal Reorganization (tabled from 06/20/18 Town Council Meeting)
[Reorganization proposal 2018.docx](#)

Dr. Shankle proposed separating out a Community Development Division since it will relieve the Public Works Director and will allow the Town Planner to focus on planning rather than on budgets and other administrative matters. Chairman Sullivan said it makes sense to have the Town Administrator serve as the Community Development Director. Councilor Tsantoulis moved, second by Councilor Winterton, to accept the reorganization proposal as presented.

Councilor Ross said he is not against this proposal but is concerned as to the blurring of the lines. He said "we need to be cautious about making changes". Councilor Tsantoulis said nothing is cast in stone. Dr. Shankle said the reorganization could be temporary but would provide stability now. The motion passed unanimously, 9-0.

16. NEW BUSINESS

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

Chairman Sullivan stated that Dr. Shankle's three-year contract expires on June 30th. Councilor Winterton moved, second by Councilor Tsantoulis, to offer Dr. Shankle a one-year contract as presented, a copy of which is to be included on the town website and as part of these meeting minutes, and to approve the Chairman sign the contract on behalf of the Council. The benefits included in the current contract are similar to those in the Town Administrator's last contract and includes an increase of about 2.5 percent which is in line with other employees increases. Dr. Shankle said he'd been with the town for seven years and he has enjoyed his time here. He said he appreciates the Council's willingness to give him another contract and he looks forward to the next year and what "we'll do well together".

Dr. Shankle suggested putting copies of his previous contract and current contract on the web so that people could compare.

Roll Call #3: Councilor Giotas-yes, Councilor Ross-yes, Councilor Walczyk-yes, Councilor Durand-yes, Councilor Duhaime-yes, Councilor Tsantoulis-yes, Councilor Levesque-yes, Councilor Winterton-yes, Chairman Sullivan-yes. Motion passed unanimously, 9-0.

17. SUB-COMMITTEE REPORTS

Councilor Levesque said Recycling Committee met last night. Diane Boyce will be putting a letter out suspending recycling because of cost: \$114.85/ton versus \$72/ton for trash and suggesting residents bring cardboard and aluminum cans to the station. Councilor Winterton commended the committee for taking this hard step given what their goals have been. Councilor Levesque said the committee will be thankful to be backed by the Council. Chairman Sullivan questioned whether this required a Council vote. Dr. Shankle said at an earlier meeting Council told Administration that they could use their own judgment on getting rid of trash/recycling. *Councilor Winterton moved, second by Councilor Giotas, to support the Administration's and Recycling Committee's action. Motion passed unanimously, 9-0.*

Councilor Giotas attended a preservation alliance workshop; budget is being prepared for the Heritage Commission. Chairman Sullivan said there have been suggestion that the "lilac pedestrian bridge" continue with that moniker. Councilor Ross said that deserves some discussion.

Councilor Ross said two trucks from Maine have been using fire hydrants and he wasn't sure it was legitimate. Dr. Shankle said they do get keys from the village district who moves the meters around.

18. PUBLIC INPUT

Marc Miville came forward stating that as Councilor he worked on the Comcast fee matter for six years. He thanked the Council for their actions saying the citizens will be thrilled. Dr. Shankle told Mr. Miville that Comcast will handle the matter as quickly as they can. Mr. Miville said he was surprised the Council gave the Town Administrator just a one year contract. Mr. Miville was also informed that all recycling is metal, aluminum cans, and cardboard; everything else is trash.

Donna Fitzpatrick announced that the Council only has one meeting in July on July 11th that will start with a non-public session at 5:30 p.m.

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.

J. Sullivan motioned to enter non-public session of 06/27/18 at 8:55pm. Seconded by R. Duhaime.

Roll Call #4

A. Walczyk – yes
J. Levesque – yes
D. Ross – yes
R. Duhaime – yes
J. Durand – yes
D. Winterton – yes
T. Tsantoulis – yes
J. Giotas - yes
J. Sullivan - yes
Vote in favor (9-0).

D. Winterton motioned to exit non-public session of 06/27/18 at 9:20pm. Seconded by R. Duhaime. Vote unanimously in favor (9-0).

J. Sullivan motioned to seal the non-public session minutes of 06/27/18. Seconded by R. Duhaime. Vote unanimously in favor (9-0).

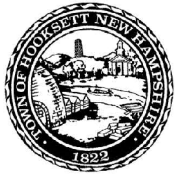
20. ADJOURNMENT

J. Sullivan motioned to adjourn the public session of 06/27/18 at 9:20pm. Seconded by D. Ross. Vote unanimously in favor (9-0).

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

Respectfully submitted,

Suzanne Beauchesne
Recording Clerk



TOWN COUNCIL MINUTES - UNOFFICIAL
Regular Meeting
Wednesday, July 11, 2018
5:30 PM
Council Chambers

ITEMS 1-8 LED BY TOWN ADMINISTRATOR

1. CALL TO ORDER

Dr. Dean E. Shankle, Jr. called the meeting of 7/11/18 to order at 5:32pm.

2. PROOF OF POSTING

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

3. ROLL CALL - NON-PUBLIC SESSION #1

D. Ross motioned to enter non-public session of 07/11/18 at 5:35pm. Seconded by J. Giotas.

Roll Call #1

D. Winterton – yes

J. Giotas – yes

J. Levesque – yes

A. Walczyk – yes

R. Duhaime – yes

J. Durand – yes

D. Ross – yes

J. Sullivan - yes

Vote in favor (8-0).

4. NON-PUBLIC SESSION #1

4.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.

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

4.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.

D. Ross motioned to exit non-public session #1 of 07/11/18 at 6:41pm. Seconded by D. Winterton.

Vote unanimously in favor (8-0).

D. Ross motioned to seal the non-public session #1 minutes of 07/11/18. Seconded by D. Winterton.

Vote unanimously in favor (8-0).

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

50
51 Dr. Dean E. Shankle, Jr. called the public session of the meeting to order at 6:45 pm.

52
53 **6. ROLL CALL (# 2) - PUBLIC SESSION**

54
55 **In attendance:**

56 Councilor Donald Winterton, Councilor John Giotas, Councilor James Levesque, Councilor
57 Robert Duhaime, Councilor David Ross, Chairman James Sullivan, Councilor Alex Walczyk,
58 and Councilor John Durand.

59
60 Missed: Councilor Tim Tsantoulis.

61
62 **7. PLEDGE OF ALLEGIANCE**

63
64 **8. TOWN COUNCIL REORGANIZATION - PART I**

65
66 8.a Town Clerk swearing-in of all new Councilors as a group

67
68 Todd Rainier, Town Clerk, swearing-in of new Councilors. (Councilors John Durand & Alex
69 Walczyk)

70
71 8.b Election of Chair, Vice-Chair and Secretary

72
73 ***Councilor Winterton motioned to nominate/appoint Councilor James Sullivan as Chair***
74 ***of the Council. Seconded by Councilor Duhaime,***
75 ***Vote 7 in favor 1 abstain (Sullivan).***

76
77 ***Councilor Levesque motioned to nominate/appoint Councilor Robert Duhaime as Vice-***
78 ***Chair of the Council. Seconded by Councilor Giotas.***
79 ***Vote 7 in favor 1 abstain (Duhaime).***

80
81 ***Councilor Ross motioned to nominate/appoint Councilor Tsantoulis as Secretary of***
82 ***the Council. Seconded by Councilor Walczyk.***
83 ***Vote in favor (8-0)***

84
85 **9. SPECIAL RECOGNITIONS**

86
87 **10. SCHEDULED APPOINTMENTS**

88
89 10.a Town Clerk, Todd Rainier - Civil Forfeitures for Unlicensed Dogs (see new
90 business item 21a for details)

91
92 Todd Ranier, Town Clerk distributed dog licensing report & sample civil forfeiture documents
93 (see attached for details).

94
95 T. Rainer provided council a list that 148 dogs out of 1603 registered in Hooksett remain
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unregistered as of July 11, 2018. In January 2018, 1195 renewal reminder postcards were mailed & stated how licenses can be renewed and what's required and penalties that may follow. All information is on the town website. Rabies should be on file up & to date. Todd has been calling to follow up also. Todd met with Chief Bouchard HPD & it was very constructive. Trying to reach out to residents, what can they do to help? Police have social media which will get the word out and assist us. Todd requests direction on how to handle the remainder of the dogs. Send emails, postcards, signs in office? Based on notices sent a couple of people registered their dogs today. On the town clerks page on town website there is a dog status update form.

Councilor Levesque advised of a resident last week complaining about a \$25.00 late fee. Todd advised it was very late if it reached that amount since it is only \$1.00 a month starting June 1st every year & keeps accruing until paid. When is the earliest you can register your dog? Todd advised the first of January.

Councilor Ross said well-known resident last week was upset over a "not" friendly reminder and was threatened by stating police would be called? Resident claims it is not on notice about police. Todd is familiar with resident who explained process to resident & explained the process & penalties might be incurred. Notice from police department is one step then district court all by RSA if not paid it is supposed to be a process we follow.

Councilor Ross thinks more bedside manner/caution due to that resident being so upset over his dog being unlicensed. The level of frustration and anger was over the top for a dog license.

Councilor Duhaime questioning not as many notices sent last year.

Todd Ranier Town Clerk advised down to 18 unlicensed dogs by October last year so that was good. Hopefully not that long this year due to late fees. Todd how do you get the word out to people? What can we do that more that won't affect budgets?

Chair Sullivan saying it might be quirky but maybe K9 officer should make a video with chief showing him bringing dog into clerk to get licensed. He also suggested a workshop how to interact with a scheduled appointment.

17. PUBLIC INPUT – 15 MINUTES

Alan Stein of 17 Autumn Run Hooksett has a bicycle safety issue in the town. He would like the council's help to make it safer for bicyclists. He is a bicycle commuter. He commutes from his home at Autumn Run to his work. Only option is to go on route 28. Most people drive faster than speed limit. Few sections of the road there is no shoulder one at Campbell Hill & turn off to Main Street. He has to ride in traffic lane. It's the only North South Road on this side of the river to ride. Mr. Stein contacted DOT who told him to contact your town so he then contacted Diane Boyce at DPW. Diane said it's a state road & contact the state. He received a 30 page description on what can be done but needs help from council. How to help highway department to make it safer. Chair Sullivan will post something to the highway safety committee per Dr. Shankle. Mr. Stein will send information he received from the highway department to Dr. Shankle.

144
145
146 **21.a Civil Forfeitures for Unlicensed Dogs**

147 [staff report - Dogs 2018-1.docx](#)

148
149 [Civil Forfeiture RSA 466 14.docx](#)
150

151 Dr Shankle distributed Dog License Civil forfeiture paper (See attached for details). He went
152 through the law because it keeps coming up as an issue. Police Chief is on vacation & he
153 advised her not to come to the meeting the council would make the decision. Other than
154 Dr.Shankle's recommendation everything is direct quotes of the law. If we are going to try to
155 follow the law we should follow the law. The highlights are his. The owner of the dog needs to
156 be responsible. Dr. Shackle's recommendation is to not seize the dogs to not take up the
157 police time in courts or sending them after unlicensed dogs. His opinion is this has gotten
158 way too complicated. The number of dogs in the city or town that have been seized should be
159 zero. The number of owners who have received a summons to a district or municipal court for
160 failure to pay should be zero. He can't tell the town clerk what to do but he is going to tell the
161 police chief this is how he wants it handled and if anyone wants to override it. He says it too
162 late to do anything now.

163
164
165 Councilor Winterton as an inquiry if we want to follow the town administrator's
166 recommendation. We don't have to do anything and it doesn't require a motion to tell him how
167 to do his job. 91/92% compliance rate now on dogs and thinks we are ok. His feeling is to go
168 with the town administrator's recommendation.

169
170 Councilor Ross agrees to not send police however we will get a list of people who have
171 ignored the notice. There has to be a way everyone knows if a dog is safe or not if the owner
172 does not get a license.

173 .
174 Councilor Winterton questioned chair Sullivan if we need still receive the list. Should be public
175 list. It should be apparent and not paying the license.

176
177 Dr. Shankle advised we will have a running list of dogs unlicensed. Three years for taxes
178 maybe follow the same for dog licenses.

179
180 Todd Ranier advised we have been following this process for 2 years and it works well. Dogs
181 cannot be on a list that can be made public in response to Councilor Ross' statement. We do
182 not have an animal control officer so the police department gets a list of licensed dogs & they
183 don't have the list in database. Police chief did not want to grapple on the list this year or last
184 year.

185
186 Dr. Shankle thinks the list becomes public with the civil forfeiture. He will check on it. People
187 who don't pay their bills should be public. Taxes etc.

188
189 Todd advised taxes are different they are public. Motor vehicle and dogs are not public.

190
191 Chair Sullivan advised Todd to do what he is supposed to do. He asked Todd to come in

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June 12, 2019 to give us what's required.

Todd wants to know how to proceed this year? Notices have been sent. We have a list of dogs not registered. Should we just let it sit and let the late fees accrue?

Dr.Shankle said it's too late to get a warrant this year but advised Todd he can do whatever else he needs. Dr. Shankle advised we cannot the civil forfeiture process. This has never been an issue and we need to do it right despite of 46613 not in place?

Councilor Duhaime would like a list from last year showing this year who is still on it and would like a list next year. Nothing we are going to pursue this year.

Dr. Shankle advised Todd to do what he needs to being an elected official. You would help the people that voted for you.

Todd views his job as an elected official a little different than that but he gets the gist.

Chair Sullivan is impressed with this council and the way they address the issues in a proper way.

11. TOWN COUNCIL REORGANIZATION - PART II

11.a First meeting of the New Town Council, complete section 2a 3-11 of Town Council Rules of Procedures

[TC Rules 041118.pdf](#)

[Adm Code Annual Review 063018.pdf](#)

[Admin Code 080917.pdf](#)

[Hooksett s Post Issuance Compliance Policy.pdf](#)

***Councilor Winterton motioned to adopt section 2a 3-11 of the Town Council Rules of Procedures. Seconded by Councilor Giotas
Vote in favor (8-0)***

Councilor Winterton read section 2a 3-11 of the Town Council Rules of Procedures into the record:

2. Procedures for electing officers are as follows:

a. Annually, at the first meeting of the new Town Council:

~~1. The Town Clerk shall swear in all new Councilors as a group.~~

~~The members thereof shall:~~

~~2. Choose, from among their members, a Chair, a Vice Chair and a Secretary.~~

~~In addition to the powers conferred upon the Chair, the Vice Chair and the Secretary, they shall continue to have all the rights, privileges and immunities of a member of the Town Council.~~

3. Motion that the Town Council confirms by a roll call vote, that the Town of Hooksett will adopt RSA 31:104, 31:105 and 31:106 to provide immunity and indemnify all Town Councilors, other elected officials, employees, agents as well as appointed officials that serve on committees and boards within the Town of Hooksett; specifically covering immunity from civil liability for discretionary acts, according to RSA 31:104, indemnification for costs of defense of civil suits, according to RSA 31:105 and indemnification for civil rights claims, according to RSA 31:106.
4. Motion to have the Town Council Chair sign ancillary documents as agent to expend as a result of Town Council prior approval of the documents.
5. Motion to have the Town Council Chair complete the Council's section of the Annual Report.
6. Motion to have the Town Council Chair complete Tax Deed Waivers.
7. Motion to adopt the Town Council Rules of Procedures.
8. Motion to adopt the Administrative Code (which includes the Investment and Fund Balance Policies).
9. Motion to have the Tax Collector sign payment plans for deedable properties.
10. Motion to have the Town Administrator approve payment plans for deedable properties (Town Administrator cannot forgive interest or principal).
11. Motion to have a Councilor work with the Administrative Services Coordinator to coordinate the Town Council Old Home Day booth (3rd Saturday in September) and Employee Appreciation Picnic (Friday in October prior to Columbus Day holiday)

11.b Town Council Board/Committee Assignments for 2018-2019

[Staff Report - Council Assignments.docx](#)

Board of Assessors – Ross, Walczyk, Giotas Alternate - Durand
Budget – Alternate Winterton (tabled to 8-22-18 town council meeting)
Conservation Commission – Ross Alternate - Duhaime
Economic Development Advisory Committee – Alternate Winterton (tabled to 8-22-18)
Heritage – Sullivan, Giotas
THPC – Sullivan, Giotas
Hooksett Youth Achiever - Winterton, Walczyk, Tsantoulis
Parks and Recreations Advisory Committee - Duhaime Alternate Durand
Transfer & Recycling – Levesque Alternate Giotas
Planning Board – Winterton Alternate Duhaime
Sewer – Winterton Alternate Tsantoulis
ZBA – Levesque
Union Negotiations - Winterton/Duhaime Fire Rescue Winterton/Duhaime/Durand Police
Perambulation - Duhaime
Cable TV Franchise - None
Record Retention Committee – Ross
SNHU Relations Sub-Committee – Walczyk, Winterton Alternate Durand
TIF – Winterton

287
288 **12. APPROVAL OF MINUTES**
289

290 12.a Public: 06/20/18

291 [TC Minutes 062018-U.docx](#)
292

293 ***Councilor Winterton motioned to approve the public minutes of 06/20/18 as edited.***
294 ***Seconded by Councilor Duhaime***
295 ***Vote in favor (8-0)***
296

297 12.b Public: 06/27/18
298

299 ***Councilor Sullivan motioned to table the public minutes of 06/27/18 to the Council***
300 ***08/22/18 meeting. Seconded by Councilor Winterton***
301 ***Vote in favor (8-0)***
302

303
304 12.c Non-Public: 06/20/18
305

306 ***Councilor Winterton motioned to approve the non-public minutes of 06/20/18.***
307 ***Seconded by Councilor Levesque***
308 ***Vote in favor (8-0)***
309

310 12.d Non-Public: 06/27/18
311

312 ***Councilor Winterton motioned to approve the non-public minutes of 06/27/18.***
313 ***Seconded by Councilor Levesque***
314 ***Vote in favor (8-0)***
315

316 **13. AGENDA OVERVIEW**

317 Chair Sullivan provided overview of tonight's agenda.
318

319 **14. PUBLIC HEARINGS**
320

321 14.a Public Hearing to accept \$11,951.44 in grant funds from the Merrimack
322 Conservation Partnership Land Transaction Grant Program to the Town of Hooksett for
323 the Conservation Easement known as the Heroux Property "Clay Pond III" project
324 Heroux Property 73.5 acres, Tax Map 4, Lot 9 North Candia Road per RSA 31:95-b III (a)
325 (see New Business item 21b for details).

326 [071118 CONCOM GRANT PH.doc](#)
327

328 Chair Sullivan read the public hearing into the record and opened the public hearing.
329

330 **15. CONSENT AGENDA**
331

332 15.a On April 25, 2018, the Town Council approved accepting donations to fund the K9
333 Program.
334

Motion to accept the donation of \$1,985.00 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, K9 trust Fund.

[Staff Report K9 July 11.docx](#)

[20180627122211546.pdf](#)

Councilor Duhaime motioned to accept the consent agenda. Seconded by Councilor Ross
Vote in favor (8-0)

16. TOWN ADMINISTRATOR'S REPORT

Dr. Shankle provided the following overview:

- Interviewing for public works director position
- Recycling
- (Block 5) Working with new town IT contract
- Meeting with his new community Development Department and attended one of their master plan meetings
- Met Mayor Craig Manchester, NH (meet & greet)
- SNHU (CEDA) groundbreaking. He has invited the new town planner to future SNHU meetings
- Mount Saint Mary's condominium auction \$74,000. Condo association received \$35,000 in fees. Auctioneer was surprised it went for over \$40,000. If held onto for three years would have profited, kept all proceeds.
- Councilor Levesque argued with past town councilor that after three years of back taxes we can auction property.
- After new year technology (7-1-18)
- Recruiting DPW director & engineer
- Manchester water works increase 2 ½% in user fees
- Trimbur case (Corriveau Drive) – Town won the case
- Transcript for 4-25-18 town council minutes town received pedestrian bridge
- Council discussion on towns LED lighting further updates at council 8-22-18 meeting

17. PUBLIC INPUT - 15 MINUTES

(Moved up under 10A)

18. NOMINATIONS AND APPOINTMENTS

19. 15 MINUTE RECESS

20. OLD BUSINESS

20.a Budget Transfers

382 Christine Soucie, Finance Director distributed budget transfer request form (see attached for
383 details). 3 transfer requests tonight last fiscal year moving health insurance lines. Rental
384 rates for the hydrants also requested.

385
386 Councilor Winterton questioned if rental prices are negotiable?

387
388 Councilor Ross questioned have we ever compared other cities/towns?

389
390 Councilor Duhaime also questioned and compared. substantial increase.

391
392 Chair Sullivan questioned we don't own so if someone uses and we rent them?

393
394 Councilor Ross good to know what it's really worth.

395
396 Chair Sullivan agrees and requests they come in or have them send letter to explain.

397
398 C. Soucie advised transfer 5 overages public works resurfacing/fleet main department over
399 because new employee hired higher then budget.

400 Under budgeting and doesn't know why will check with Dr. Shankle.

401
402 Chair Sullivan questioned admin can transfer within department.

403
404 C. Soucie says fleet is separate account transfer money so doesn't show negative.

405
406
407 ***Councilor Duhaime motioned to approve 3 budget transfers***

408 ***#2018-04 131,000.00***

409 ***#2018-05 220,298.00***

410 ***#2018-06 55,750.00***

411 ***Seconded by Councilor Giotas***

412 ***Vote in favor (8-0)***

413

414 **NEW ITEM: PAVING CONTRACT CHANGE ORDER**

415

416 Dr. Shankle advised as part of budget transfers above that Diane Boyce, PW Directgor, has a
417 change order for paving.

418
419 Diane Boyce DPW Director stated paving change order for additional paving on Hackett Hill
420 Rd. and additional paving for Cross Road (see attached for details).

421
422 Councilor Ross change order number #1 is for \$362,209.00

423
424 Councilor Duhaime questioned extending contract. More commuters on Hackett Hill Road
425 these days request leave unpaved heavy truck traffic and need to protect residents. There
426 should be a weight limit first year of paving full length of Hackett Hill.

427
428 ***Councilor Ross motioned to approve the change order #1 for 2018 paving contract for***
429 ***GMI Asphalt in the amount of \$362,209.00 (for a total contract of \$991,224.00)***

Seconded by Councilor Levesque

ROLL CALL # 3

J. Giotas- yes

D. Ross- yes

A. Walczyk- yes

J. Durand- yes

R. Duhaime- yes

J. Levesque- yes

D. Winterton- yes

J. Sullivan- yes

Vote in favor (8-0)

21. NEW BUSINESS

21.a Civil Forfeitures for Unlicensed Dogs

[staff report - Dogs 2018-1.docx](#)

[Civil Forfeiture RSA 466 14.docx](#)

21a was moved under section 10a.

Chair Sullivan closed the public hearing from 14a above. 8:45pm

21.b Accept \$11,951.44 in grant funds from the Merrimack Conservation Partnership Land Transaction Grant Program to the Town of Hooksett for the Conservation Easement known as the Heroux Property "Clay Pond III" project Heroux Property 73.5 acres, Tax Map 4, Lot 9 North Candia Road per RSA 31:95-b III (a).

[Staff Report - Clay Pond III - Staff Report.pdf](#)

[Conservation Grant - Clay Pond III.pdf](#)

Councilor Ross motioned to accept \$11,951.44 in grant funds from the Merrimack Conservation Partnership Land Transaction Grant Program to the Town of Hooksett for the Conservation Easement known as the Heroux Property "Clay Pond III" project Heroux Property 73.5 acres, Tax Map 4, Lot 9 North Candia Road per RSA 31:95-b III (a). Seconded by Councilor Duhaime

Roll Call # 4

A. Walczyk- yes

J. Levesque- yes

D. Ross-yes

R. Duhaime- yes

J. Durand- yes

D. Winterton- yes

J. Giotas- yes

J. Sullivan- yes

Vote in favor (8-0)

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21.c Street Name Approval off Post Road
[Staff Report-Street Name Approval off of Post Road.pdf](#)

Chief Burkush indicated Ok for 911.

***Councilor Levesque motioned to approve Pond View Drive as the road name to access Map 6, Lot 22-39. Seconded by Councilor Duhaime.
Vote in favor (8-0)***

21.d Town Report Business
[Staff Report - Council Report Business.docx](#)

Nick Germain, Project Coordinator, distributed draft Council Chair report. Councilors reviewed and made edit of draft report as appropriate. Nick provided town report cover pictures and themes to council.

COUNCIL CONSENSUS to approve the town report cover picture "Welcome To Hooksett" and Council Chair's annual report and other relevant details.

21.e NHMA Annual Legislative Policy Process
[Staff Report NHMA Policies 2018.docx](#)

[NHMA POLICY 2018.pdf](#)

Donna Fitzpatrick, Administrative Services Coordinator (HR), provided an overview of the NHMA annual legislative policy process. At councils 8-22-18 meeting councilors should be prepared to vote on policy's presented in tonight's packet and designate a delegate to the 9-14-18 policy conference to vote on behalf of the full council.

22. SUB-COMMITTEE REPORTS

Councilor Levesque: At ZBA meeting Good Morning Sales site was denied to allow a body shop and replied for rehearing.

Councilor Ross: Need to schedule a Board of Assessor's meeting.

Councilor Winterton: Unable to attend Sewer Commission meeting but understands they have contracted to start under river sewer lines with a goal of completion by spring 2019. Still in Fire-Rescue union negotiations.

23. PUBLIC INPUT

24. NON-PUBLIC SESSION #2

24.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.

526
527 24.b NH RSA 91-A:3 II (b) The hiring of any person as a public employee.
528

529 24.c NH RSA 91-A:3 II (c) Matters which, if discussed in public, would likely affect
530 adversely the reputation of any person, other than a member of the public body itself.
531

532 *J. Sullivan motioned to enter non-public session #2 of 07/11/18 at 9:12pm. Seconded by D.*
533 *Winterton.*
534

535 **Roll Call #5**

536 D. Ross – yes

537 R. Duhaime – yes

538 A. Walczyk – yes

539 J. Levesque – yes

540 D. Winterton – yes

541 J. Durand – yes

542 J. Giotas – yes

543 J. Sullivan – yes

544 *Vote in favor (8-0).*
545

546 *J. Sullivan motioned to exit non-public session #2 of 07/11/18 at 9:48pm. Seconded by J. Levesque.*
547 *Vote unanimously in favor (8-0).*

548 *J. Sullivan motioned to seal the non-public session #2 minutes of 07/11/18. Seconded by D. Ross.*
549 *Vote unanimously in favor (8-0).*
550

551 **PUBLIC SESSION CONTINUED AT 9:48pm**
552

553 *D. Winterton motioned that the Council, as recommended by the Town Administrator and per Town*
554 *Charter Section 4.6, advises and consents to Earl Labonte for a conditional offer of employment as*
555 *the new Public Works Director. Seconded by J. Levesque.*
556 *Vote unanimously in favor (8-0).*
557

558 **25. ADJOURNMENT**
559

560 *J. Sullivan motioned to adjourn the public session of 07/11/18 at 9:50pm. Seconded by R. Duhaime.*
561 *Vote unanimously in favor (8-0).*
562

563 **NOTE:** The town website may have attachments to these Town Council minutes for documents
564 referred to in the minutes, reading file materials, and/or ancillary documents that the Town Council has
565 signed as agent to expend as a result of the Council's prior approval of the documents.
566

567 Respectfully submitted,
568

569
570 Paula Dalton

571 Recording Clerk
572



TOWN COUNCIL Minutes - Unofficial
Workshop
Wednesday, August 08, 2018
6:00 PM
Council Chambers

1. CALL TO ORDER

1.a The purpose of the public session is to have the Town Council's annual workshop. They will be discussing various topics including but not limited to, the Town Charter, Council Rules of Procedures and Administrative Code.

Chair Sullivan called the meeting of 8/8/18 to order at 6:03 pm.

2. PROOF OF POSTING

Town Administrator, Dr. Dean E. Shankle, Jr, provided proof of posting on 8/1/18.

3. ROLL CALL #1

Roll Call - Attendance

Chairman James Sullivan and Councilors Donald Winterton, John Giotas, James Levesque, Alex Walczyk, Robert Duhaime, Tim Tsantoulis, John Durand and David Ross.

4. PLEDGE OF ALLEGIANCE

5. WORKSHOP ITEMS

Chair Sullivan states we do not have a place for public input at workshops, but have a request and will keep it within our guidelines.

Mr. Marc Miville of 42 Main St has comments on 2-3 issues he wants to bring up again as he has in the past when he was a councilor back in February, March, April. He distributed three papers to the council. 1.) Title LXIII Elections Chapter 669 Town Elections General Provisions Section 669:7 Incompatibility of Offices. 2.) Title III Towns, Cities, Village Districts, and Unincorporated Places Chapter 49-D Local Option-Town Charters Section 49-D: 3 Optional Forms of Legislative Body. 3.) Title III Towns, Cities, Village Districts, and Unincorporated Places Chapter 31 Power and Duties of Towns Power to Make Bylaws Section 31:39- a Conflict of Interest Ordinances. First item on agenda is #5a Serving on multiple Boards-conflicts of interest. He believes he was the one who instituted it and wanted it placed on the agenda. He claims terms were different and he is concerned, because he wanted to stay on Town Council until July 1st but he was denied. He also can't serve just as moderator. He is reading what a moderator can and can't do (RSA 49.D.3, 669.7, and Town Charter 7.1.C). He is in agreement, but it seems the Town is much more restrictive. What is the conflict that the moderator can't join another commission? It doesn't make sense to him. Why? What's the conflict that he can't be on the Heritage committee? He wanted to stay active. Mary Farwell wrote it 30 years ago and he asked her why did that? They didn't give it a second thought back then. He would like council to reconsider 7.1.C for a Charter change?

Chair Sullivan advised no comments today. This is a workshop only and Council can listen to public, but not comment.

Mr. Miville said he was surprised he couldn't volunteer anywhere else in town on boards and committees. He also stated this board (see Town Charter 10.2.B) is the only one that starts July 1st; other boards start May 1st. Claiming again he was forced to resign. He suggests either bring town council to May 1st or bring all other positions to July 1st.

Mr. Miville advised stipends are next issue (see Administrative Code 5.8). He had to leave council in April, so he served 4 months and didn't get paid in July. He thinks something should be done about it and referred to Adam Jennings who he claims didn't get paid for 6 months as Councilor. Stipends should be prorated to whatever someone has served. His final point he started speaking about personnel plan.

Chair Sullivan and Donna Fitzpatrick, Administrative Services Coordinator (HR), advised the personnel plan is not on the workshop agenda.

1. Town Charter Updates

- a. Update Article 3.1 – remove Councilor districts/at-large (pg.3)
- b. Update Article 3.2 – remove Councilor districts/at-large (pg. 4)
- c. Update Article 3.3 – remove Councilor districts/at-large (pg. 4)
- d. Update Article 5 Finance (pgs. 12 – 17) & Article 11 Administrative and Judicial Boards (pg. 29) – discussion on proposal to remove Budget Committee

Chair Sullivan facilitated Town Charter discussion on items a,b,c above (3.1, 3.2, 3.3 removing Councilor districts/at-large).

Councilor Ross believes issues are legitimate. Town is broken onto 6 districts which is fairly reasonable. Hooksett Road has different needs than other districts. He questioned how districts get redrawn?

Councilor Tsantoulis agrees with Councilor Ross on the concept about assigning districts. He thinks it works well. Why people would be opposed to doing anything differently? He is not big on changing things just for the sake of changing things.

Councilor Winterton thinks it would be a good change, and says that we should ask the voters if they want it changed.

Chair Sullivan stated the districts were a change in 1989 when the Town wanted to keep zoning. In 2011 the Town did an extensive Town Charter review. Chair Sullivan and Councilor Levesque made many changes in the Town Charter at that time.

Councilor Giotas agrees with Councilor Winterton and thinks it's an unfair restriction on people who want to serve.

Councilor Levesque stated if it isn't broken don't fix it. Look at how many times we have an empty seat that someone in the district will put their name in. He doesn't understand why there is an issue. He likes the 6 districts and 3 at large. What's wrong with the system we have now?

Councilor Winterton knows people who wanted to serve, but live on the other side of the street. A previous Councilor couldn't serve after the new districting.

Councilor Ross stated it needs to be addressed with the Supervisors of the Checklist.

Councilor Duhaime is worried about all roads in town just not his district. Granite Hill condos have 400 units and at the time they were built wealthy people moved in. Older citizens felt threatened at the time without districts. In his district University Heights and Head's Pond developments are already approved for hundreds of homes. It is only a matter of time before everything in his district gets built. He stated there is a shortage of people on boards. He is not on either side of whether there should or should not be districts, but rather let the citizens decide.

Dr. Shankle states there are times when someone can't run. Now, there can't be two at-large Councilors from the same district.

Councilor Ross where is the public outcry? Some districts have low voter turnout. Demographics not very ambulatory. Some sections of town don't vote. The needs in Town are different from the valley than on the hill and on the west side and this side of the river. Districting is smart and wise. We have nine councilors here all the time and we are here to serve because we really care. Why change the Charter when only a couple of people are requesting a change out of 14,000?

Councilor Winterton has a compromise discussion eliminating the number of at-large Councilors per district. At-large Councilors have never been a majority of this board. He states it's sad when they (candidate) live on the wrong side of the street and can't serve the Town.

Chair Sullivan states the removal of districts was recommended by three individuals. Maybe Councilor Winterton is onto something about eliminating districts for at-large?

Councilor Winterton states the term at-large is not accurate.

Chair Sullivan states maybe we need a motion?

Donna Fitzpatrick reminded Chair Sullivan that there are no motions at workshops, however a consensus of the Council may be taken.

Chair Sullivan is questioning to eliminate the sentence in the Town Charter 3.2 "No two councilors elected at-large or appointed to fill a position at large shall be residents of the same district.

Councilor Ross says neighborhoods should be in the same district.

Chair Sullivan stated redistricting has to be done every ten years. The voters can petition a warrant on the ballot to remove the districts from the Town Charter.

Chair Sullivan facilitated Town Charter discussion on item d above (5 & 11 proposal to remove Budget Committee)

Councilor Winterton states Dr. Shankle brings budget here and we are responsible and spend a lot of time on its review. The Budget Committee then takes the Town Administrator and Town Council budget and reviews that for sixteen Thursday nights in a row. There are fourteen members on the Budget Committee. Last year the Budget Committee changed our budget by .43%; they agreed with our budget 99.57%. The Budget Committee sixteen meetings are at least two hours each. The Budget committee is elected. Many members have left this committee. This Council does its job and he does not think the Budget Committee is needed in 2018. No one from the Town Council wants to become the Budget Committee representative.

Councilor Tsantoulis stated the Budget Committee process appears redundant.

Councilor Ross stated it is supposed to be hard to spend money. Change is supposed to be difficult. The Budget Committee's job is to check on us. They serve a purpose. We should put the removal of the Budget Committee on the ballot and let the voters decide, but he can't see it passing.

Chair Sullivan stated in all his years here he only recalls one major change from the Budget Committee. There is no public outcry to remove the Budget Committee. This committee has term limits. He thinks there is a good purpose to the Budget Committee.

Councilor Duhaime states it is a system that does a double check on the budget. The size of the committee and number of meetings may need to be reduced so people on the committee show up.

Chair Sullivan facilitated other Town Charter recommended changes as follows:

Chair Sullivan question on 3.5.3 roll call?

Councilor Ross stated maybe last sentence could be removed in Town Charter **3.5.3** "All votes shall be recorded by roll call except votes on procedural matters".

Chair Sullivan question on judicial vs. administrative boards?

Councilor Ross states one makes decision and one takes action.

Dr. Shankle states the restrictions of Moderator servicing on other Boards/Committees has come before you twice before for changes to the Town Charter, but you decided not to move forward with any changes. If I recall when the woman came before you, it was unanimously not recommended for change...

Councilor Duhaime states a Moderator would be in conflict with being on a Budget Committee, Planning Board and others..

Councilor Ross states Moderator should not service on ZBA.

Councilor Winterton states that Moderator may be able to serve on advisory Boards/Committees that have no voting power.

Dr. Shankle states by having a Moderator on an advisory Board/Committee you are putting someone on who has an outside impact on that Board/Committee.

Councilor Ross states there is also the appearance to the public of the Moderator on a Board/Committee.

Dr. Shankle reminds the Council the reason we kept Councilors on the July 1st term is to complete their budget cycle.

Councilor Winterton states July 1st terms for everyone makes sense.

Councilor Tsantoulis states July 1st terms for all Boards/Committees could result in attendance issues. The current member(s) finds out he/she was not re-elected in March, but he/she still needs to complete their term through June 30th.

Councilor Winterton states there are rules for attendance whereby a member can be removed if missing a certain number of meetings.

Councilor Ross states **7.1.C** add " . . . unless otherwise requires or allowed by law or this Charter."

Chair Sullivan states **7.1.F** new section "F" "Any person elected as Moderator shall not simultaneously be on any other judicial or administrative board.

Chair Sullivan states **10.2.B** update " . . . elected officials in the Town shall take or continue on the first day of July next following their election . . . "

In Summary, motions on the following to be addressed at 8/22/18 Town Council Meeting:

Councilor Districts/At-Large

1. 3.1 – remove Councilor districts/at-large
2. 3.2 – remove Councilor districts/at-large
3. 3.3 - remove Councilor districts/at-large

TC WORKSHOP Minutes 080818-U

Note: 1,2,3 above, if recommended by Council, remove any other language in Town Charter associated with Councilor districts/at-large.

Councilor At-Large

4. 3.2 – only remove paragraph 3 "~~No two councilors elected at large or appointed to fill a position at large shall be residents of the same district~~".

Note: Recommending only #4 above would keep districts, but remove restricts from at-large seats.

Roll Call Votes

5. 3.5.d – remove "~~All votes shall be recorded by roll call except votes on procedural matters.~~"

Budget Committee

6. 5 & 11 – remove Budget Committee

Note: If #5 above recommended, remove any other language in Town Charter associated with Budget Committee.

Moderator

7. 7.1.C – add " . . . unless otherwise required or allowed by law or this Charter."
8. 7.1.F – add new section "F" "Any person elected as Moderator shall not simultaneously be on any other judicial or administrative board."

Elected Officials First Day in Office

9. 10.2.B – update " . . . all elected officials in the Town shall take or continue in office on the first day of ~~May~~ July next following their election . . ."

2. Administrative Code Updates

- a. Update Section 2 – Departmental Organization – add "Community Development" (pg. 4)
- b. Update Section 3 – Departmental Functions
 - i. Add 3.3 "Community Development Department" (pg. 5)
 - ii. Update 3.4 – Family Services add "and Guidelines adopted by the Town Council" (pg. 5)
 - iii. Remove 3.7 "Community Development" from Public Works Department (pgs. 6 & 7)
- c. Update 5.3.3 – Special Exceptions – add GSA Purchases (Town Council approved 01/10/18) (pg. 13)
- d. Add New Section 5.9 - Post-Issuance Tax Compliance Policy and Procedures for Tax-Exempt Obligations (Town Council Approved 5/9/18) (pgs. 15 & 16)

Chair Sullivan facilitated discussion on Administrative Code items above:

- Items a, b i, biii – updates due to Community Development Department reorganization
- Item b ii – update due to recommendation by Town Financial Auditor
- Items c, d – updates already approved by Town Council at previous meetings this year

D. Fitzpatrick provided overview of Community Development Department reorganization.

Chair Sullivan questions the Parks, Recreation & Cemetery Division of Public Works and if the recreation should be taken out of any descriptions of this division.

D. Fitzpatrick recommends we table the Parks, Recreation & Cemetery Division discussion to a future Town Council meeting, since there are personnel changes coming to the Public Works Department.

Chair Sullivan requests to add the recreation discussion on a future agenda.

D. Fitzpatrick provided overview of Family Services Guidelines as recommended by Town Finance Auditor.

Dr. Shankle doesn't know if the Town Council has ever adopted these guidelines. This will be added to the Council's next meeting for the Council to adopt.

D. Fitzpatrick recommends we add to the Council's Rules of Procedures to adopt at their first meeting in July.

Chair Sullivan questions on Library and Wastewater as departments of the Town.

Dr. Shankle confirms yes Library and Wastewater fall under the Town Administrator although they have trustees/commissioners in between.

Chair Sullivan states section **5.8 stipends**, how should they be paid .. prorated?

Councilor Ross recommends quarterly stipends.

In Summary, motions on the following to be addressed at 8/22/18 Town Council Meeting:

1. 2 – Departmental Organization – add “Community Development” “Economic and Community Development Director”
2. 3 – Departmental Functions (renumber appropriately)
 - a. Add “Community Development Department”
 - b. Remove “Community Development” from Public Works Department
3. 3.4 - Family Services – add “and Guidelines adopted by the Town Council”
4. 5.3.3 – Special Exceptions – add GSA Purchases (Town Council approved 01/10/18)
5. 5.8 – update “Stipends paid . . . shall be made ~~bi-annually~~ quarterly ~~in the second pay date of December and June. . .~~”
6. Add New Section 5.9 - Post-Issuance Tax Compliance Policy and Procedures for Tax-Exempt Obligations (Town Council Approved 5/9/18)

3. Town Council Rules of Procedures Updates

- a. Update Section 2.a.11 – reword for Administration (pg. 1)
- b. Update Section 2.c.3.d – remove minutes “attachments” (pg. 2)
- c. Review Section 7.b – public input (pg. 4) Best practices to oversee the public speaking before the Council.
- d. Review Section 7.d – scheduled appointments (pg. 5) Best practices to oversee the appointments speaking before the Council.
- e. Review Section 7.f – new business (pg. 5) new business should not be presented and addressed the night of the meeting via public input or scheduled appointment, but rather introduced and determined by the Council for a future new business agenda item.
- f. Update Section 7.f.2 – new business submission deadline clarified (pg. 5)
- g. Update Section 9.a – filing agenda items submission deadline clarified (pg. 5)
- h. Review Section 10 – addressing the Council (pg. 6) Best practices to oversee individuals speaking before the Council.

Chair Sullivan facilitated discussion on Town Council Rules of Procedures' items above:

D. Fitzpatrick states posting attachments to minutes is very time consuming. The attachments are coming from various sources in different formats and then need to be consolidated into one paper version to then scan as one document to post on the Town's website. Attachments that would be posted are available at Town Hall should someone request a copy.

Chair Sullivan questions if attachments are permanent records.

D. Fitzpatrick replies yes per RSA 33A and someone requesting a document may receive via hard copy or e-mail attachment.

Councilor Winterton states the Council should revisit section **3.c** Council electronic method(s) of participation, attendance, or quorum at Council meetings.

Councilor Ross doesn't think a Councilor should be voting if he is not here.

Councilor Walczyk states he believes it's a Hooksett Town thing regarding restrictions on electronic attendance at meetings.

Dr. Shankle states the electronic meeting restrictions could be a state law and he will bring information at the Council's next meeting.

D. Fitzpatrick states it may be difficult for the minutes taker to hear (live or video) to transcribe minutes if attendance via electronic methods.

Chair Sullivan states section **3.g** add "The Secretary shall be seated next to the Town Council Recording Clerk." This may help with the transcribing of the minutes.

Council consensus on **public input (7.b) and scheduled appointments (7.d)** is to keep current rules and have the Council Chair monitor times with speakers for compliance with these rules. Some Councilors recommended timers.

D. Fitzpatrick provides overview of agenda submission deadline process:

- Two Thursday's end of business day prior to Council meeting is the deadline for submitting items
- Two Friday's prior to meeting draft agenda sent to Council Chair and Town Administrator for review
- Two Monday's prior to meeting Council Chair and Town Administrator approved agenda to departments heads for their final review
- Two Tuesday's prior to meeting final edits to agenda
- Wednesday prior to meeting add in previous meetings draft minutes and process final agenda packets, post on Town website and e-mail & US Postal Mail to Councilors

In Summary, motions on the following to be addressed at 8/22/18 Town Council Meeting:

1. 2.a – add "Motion to adopt the Family Services Guidelines"
2. 2.a – update item 12 for general "Administration" and "annual" vs. specific position and dates
3. 2.c.3.a – remove "~~if available taped voice vote may be used~~"
4. 2.c.3.d – remove "~~Minutes and attachments shall be posted separately from each other.~~"
5. 2.c.3.d – add "Minutes shall be posted on the Town website."
6. 3.c – update "The Council shall ~~not~~ recognize a Councilor's electronic method(s) of participation, attendance, or quorum."
7. 3.g – update "The Chair and Vice-Chair ~~and Secretary~~ shall be seated at the head of the Council table in Chambers.
8. 3.g – add "The Secretary shall be seated next to the Town Council Recording Clerk."
9. 7.f.2 – update "New Business submitted by ~~noon the Wednesday~~ end of business two Thursdays"
10. 7.f.3 - update "New Business submitted after ~~noon the Wednesday~~ end of business two Thursdays"
11. 9.a – update "no later than ~~noon the Wednesday~~ end of business two Thursdays"

4. Town Administrator Goals for July 1, 2018 – June 30, 2019

Chair Sullivan facilitated discussion on Town Administrator Goals for period July 1, 2018 – June 30, 2019. Even if some of the goals have been met (since it is now 08/08/18), the goals should be listed.

In Summary, motions on the following to be addressed at 8/22/18 Town Council Meeting:

Goal 1: Old Town Hall – complete project sooner.

Goal 2: Find new Director of Public Works and Town Engineer.

Goal 3: Solve Parks & Recreation despite no full-time Director – solutions.

Goal 4: Evaluate new hires under probationary period.

Goal 5: Evaluate the current Town Fire Department needs based on data on number of fires and ambulance calls.

Goal 6: Work with SNHU to determine if PILOT (payment in lieu of taxes) is appropriate.

Goal 7: Create a Community Development guidebook for developers as a checklist for compliance with Hooksett requirements to promote continuity of developments in town.

Goal 8: Promote Hooksett to “go green”. Evaluate the potential to expand for expanding alternate providers for utilities in Town (i.e. alternate to Comcast).

Goal 9: Work with the Hooksett Sewer Commission on the evaluation of a warrant article for a TIF District.

5. Other

a. Serving on multiple Boards/Committees – conflicts of interests (J. Sullivan)

See previous discussion at beginning of this workshop.

b. Town Shuttle Bus Program Restrictions (J. Sullivan)

D. Fitzpatrick provides an overview of the Town's shuttle program. The grant funds and shuttle program are managed through the MTA. Our Town Planner has informed us that an issue with one rider monopolizing the system is no longer.

c. Town Council Budget Committee Rep. – create guidelines/rules (J. Sullivan)

Chair Sullivan states that this item is pending the outcome of the Town Charter proposal to remove the Budget Committee.

M. Miville states the Budget Committee received letters from the water precinct lawyers that the precincts would not be in attendance at any Budget Committee meetings; therefore the committee has a by-law not to include them in their quorum numbers. The committee quorum is 11 members. I see the guidelines for the Council Budget Committee Rep. as defending the Council's budget and explaining to the committee why the numbers are there. When he was the rep. and voted twice against what the Council had voted for, he informed the Council why.

d. LED lighting (D. Ross)

Councilor Ross says if we are going to do LED lighting across Town we need to know the correct details before we bid. The last bid was inaccurate. Councilor Tsantoulis is knowledgeable in this area and could assist us with creating a correct bid.

Councilor Tsantoulis states now that he is retired from Eversource, he is does not have a conflict of interest and can assist in developing the bid.

e. **Miscellaneous**

Councilor Duhaime requests the Community Development Department create a development guide “checklist” book to promote consistency in Town for developers to comply with building standards.

Dr. Shankle states the standards exists, however if the Planning Board waives them this causes the inconsistency. He will look into a guide book.

ADJOURNMENT

***J. Sullivan motioned to adjourn the meeting at 9:00pm. Seconded by R. Duhaime.
Vote unanimously in favor (9-0).***

**TOWN OF HOOKSETT
PUBLIC HEARING NOTICE**

The Hooksett Town Council will be holding a public hearing on Wednesday, August 22, 2018 @ 6:00pm at the Hooksett Town Hall Chambers, 35 Main Street, Hooksett, NH. The purpose of the public hearing is to accept the donation of \$19,688 (\$11,000 from the Hooksett School District, \$4,344 from HYAA Baseball and \$4,344 from HYAA Softball) to the Town of Hooksett for the Parks, Recreation & Cemetery Division of Public Works for the purchase of a Toro 3040 Sandpro (a baseball infield machine) per RSA 31:95-b III (a). For documentation or questions contact the Hooksett Public Works Department at 603-668-8019.

Staff Report
Donations towards the purchase of Sandpro Infield Groomer
8/22/18

Background Discussion of Issues
<p>The Parks and Recreation Department has an aging sandpro infield groomer that needs to be replaced. The following organizations will donate the following funds to put towards the groomer. The cost of the machine is \$22,488</p> <p>SAU (Cawley School) will donate \$11,000.00 HYAA Softball will donate \$ 4,344.00 HYAA Baseball will donate \$ 4,344.00</p> <p>The Town will have to pay \$2,800 from the Parks and Recreation Budget</p>
Recommendation (Including Suggested motion, if appropriate)
<p>I recommend that the Council accept the donation of \$19,688 (\$11,000 from the Hooksett School District, \$4,344 from HYAA Baseball and \$4,344 from HYAA Softball) to the Town of Hooksett for the Parks, Recreation and Cemetery Division of Public Works for the purchase of a Toro 3040 Sandpro (a baseball infield machine) per RSA 31:95-b III(a).</p>
Fiscal Impact
<p>\$2,800 will come from Parks and Recreation Budget</p>
Prepared By: Diane Boyce
Town Administrator's Recommendation
Concur

**TOWN OF HOOKSETT
PUBLIC HEARING NOTICE**

The Hooksett Town Council will be holding a public hearing on Wednesday, August 22, 2018 @ 6:00pm at the Hooksett Town Hall Chambers, 35 Main Street, Hooksett, NH. The purpose of the public hearing is to accept a \$25,000.00 grant from the Stanton Foundation, to the Town of Hooksett for the Hooksett Police Department at the Town Council meeting for the acceptance of this grant under RSA 31:95-b, III (a) and to return said amount to the police department K-9 trust fund. For documentation or questions contact the Hooksett Police Department at 603-624-1560.

Staff Report

Title: Acceptance of Donation / Grant Funding

Date: 08/22/2018

Background Discussion of Issues
The Stanton Foundation has awarded the Hooksett Police Department with a \$25,000.00 K-9 Grant. The grant is provided to enable the Town to establish a K-9 Unit and is intended to cover the costs associated with such a program.
Recommendation (Including Suggested motion, if appropriate)
Public hearing to accept a \$25,000.00 grant from the Stanton Foundation, to the Town of Hooksett for the Hooksett Police Department at the Town Council meeting for the acceptance of this grant under RSA 31:95-b, III (a) and to return said amount to the police department K-9 trust fund.
Fiscal Impact
None
Prepared By: Captain Jake Robie
Town Administrator's Recommendation

STANTON FOUNDATION

July 24, 2018

Janet Bouchard, Chief
Hooksett Police Department
15 Legends Drive
Hooksett, NH 03106

Dear Chief Bouchard,

Following receipt of Hooksett's completed grant agreement, the Stanton Foundation is pleased to provide a grant of \$25,000 to support the creation of a K-9 unit at the Hooksett Police Department. A Stanton Foundation check and a countersigned grant agreement are enclosed; please confirm that you have received them to Kate.Dumeer@thestantonfoundation.org.

As explained in the grant agreement, the core grant of \$25,000 may only be used for items listed in the model budget. A copy of the model budget is included with this letter for your convenience. Assistance with the cost of having an officer in training will be provided through supplemental Foundation programs. Please see the enclosed description for information regarding eligibility and terms of these supplemental grants.

It is our understanding that patrol training will take place at the Boston Police Canine Academy K-9 Training Program.

We are very pleased that you have successfully completed the application process and we look forward to seeing the K-9 at work in Hooksett after his training is completed this spring.

Sincerely,



Elisabeth Allison
Co-director



Andrew Weiss
Co-director

Cc: Kate Dumeer, Program Officer

Encl. (4)

**TOWN OF HOOKSETT
PUBLIC HEARING NOTICE**

The Hooksett Town Council will be holding a public hearing on Wednesday, August 22, 2018 @ 6:00pm at the Hooksett Town Hall Chambers, 35 Main Street, Hooksett, NH. The purpose of the public hearing is to accept \$10,596.43 donations (\$5,000 Southern New Hampshire University and \$5,596.43 citizens, business owners and the Hooksett Police Association) to the Town of Hooksett for the Hooksett Police Department at the Town Council meeting for the acceptance of these donations under RSA 31:95-b, III (a) and to return said amount to the police department K-9 trust fund. For documentation or questions contact the Hooksett Police Department at 603-624-1560.

Staff Report
Title: K9 Program Donation
Date: 08/22/2018

Background Discussion of Issues
Southern New Hampshire University has donated \$5000.00 to the Hooksett Police Department. The money donated is to be used to help fund the K9 Program.
Recommendation (Including Suggested motion, if appropriate)
On April 25, 2018, the Town Council approved accepting donations to fund the K9 Program. Motion to accept the donation of \$5,000.00 from Southern New Hampshire University, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-b, III (a) and return that amount to the Police Departments budget, K9 trust Fund.
Fiscal Impact
None
Prepared By: Captain Jake Robie
Town Administrator's Recommendation

Staff Report
Title: K9 Program Donation
Date: 08/22/2018

Background Discussion of Issues
Citizens, business owners, and the Hooksett Police Association have donated a combined total of \$5,596.43 to the Hooksett Police Department. The money donated is to be used to help fund the K9 Program. Attached is a list of the citizens and business owners who have donated.
Recommendation (Including Suggested motion, if appropriate)
On April 25, 2018, the Town Council approved accepting donations to fund the K9 Program. Motion to accept the donation of \$5,596.43 from citizens, business owners, and the Hooksett Police Association to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-b, III (a) and return that amount to the Police Departments, K9 trust Fund.
Fiscal Impact
None
Prepared By: Captain Jake Robie
Town Administrator's Recommendation

Donations to be accepted at the 8/22/18 meeting

Sharon Smith	Hooksett, NH	50.00
Madison & Travis Harressy	Hooksett, NH	15.00
Hooksett Kiwanis Foundation	Hooksett, NH	500.00
Donations at Concessions for NNO	Hooksett, NH	178.00
Donations from the		
Hooksett Police Association		
T-Shirt Sales on-line and GoFund Me	Hooksett, NH	4,192.43
Grill Raffle and T-shirt sales at NNO	Hooksett, NH	661.00
TOTAL		\$ 5,596.43

Staff Report
Title: Donations
Date: 08/22/2018

Background Discussion of Issues
Cup Cake Fairy USA, Poultry Products Northeast, Freirhofer's Bakery Outlet, Walmart, Hannaford Supermarket, Shaw's and Target of Hooksett, NH donated food, drinks and paper products to the Hooksett Police Department for our 2nd annual National Night Out event. The event was held on August 7, 2018.
Recommendation (Including Suggested motion, if appropriate)
Motion to accept the donation of the food, drinks and paper products with a combined estimated value of less than \$2,000.00 from Cup Cake Fairy USA, Poultry Products Northeast, Freirhofer's Bakery Outlet, Walmart, Hannaford Supermarket, Shaw's and Target, of Hooksett, NH, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-e:II
Fiscal Impact
None
Prepared By: Captain Jake Robie
Town Administrator's Recommendation

Staff Report

Title: Donation from Catholic Medical Center

Date: 8/22/2018

Background and Discussion of Issues
The Hooksett Fire Rescue Department recently received a donation of twelve (12) 'Stop the Bleed' kits to be distributed around the town of Hooksett. The intention of these kits to provide bystanders with life-saving medical equipment in the event of an active shooter event. These kits will be placed at various town buildings including the schools, the library, town offices and the transfer station.
Recommendation (including suggested motion, if appropriate)
Accept the donation of twelve (12) 'Stop the Bleed' kits from Catholic Medical Center to the Town of Hooksett for the Hooksett Fire Rescue Department – EMS, valued at \$660.00 under RSA 31:95-e II.
Fiscal Impact
None
Report prepared by: Captain Joseph P Stalker
Town Administrator's Recommendation
Click here to enter text.

Staff Report

Title: Back to School Supplies Donations

Date: 8/22/2018

Background Discussion of Issues
Annually, the Family Services Department coordinates a Back to School Supply Program where local businesses and residents donate school supplies for Hooksett children in need. The acceptance of donations will not be for a specific amount, as we will continue to receive donations leading up to the event. A list of the supplies and residents/businesses who donated can be provided upon request.
Recommendation (Including Suggested motion, if appropriate)
Motion to accept these school supply donations, not to exceed the value of over \$5,000, from local residents and businesses, to the Town of Hooksett for the Family Services Department Back to School Supply Program, per RSA 31:95-e, II.
Fiscal Impact
N/A
Prepared By: Abby Reeves, Family Services Director
Town Administrator's Recommendation

Staff Report

Title: Gravel Pit Bond Release for 39 Pine Street

Date: 08/22/2018

Background Discussion of Issues
<p>Severino Trucking, Co. has requested the release of their surety. The surety was put into place in 2015 when they began the reclamation process of 39 Pine Street. Steve Keach completed an on-site inspection and recommended a full release of the surety as the site has been fully and properly stabilized and reclaimed.</p>
Recommendation (Including Suggested motion, if appropriate)
<p>Recommend to release the Severino Trucking, Co. surety in the amount of \$33,500.00 for the gravel pit located at 39 Pine Street.</p>
Fiscal Impact
<p>None</p>
Prepared By: Leann Fuller, Administrative Assistant
Town Administrator's Recommendation



June 29, 2018

Ms. Leann Fuller
 Hooksett Community Development Department
 35 Main Street
 Hooksett, New Hampshire 03106

Subject: **Severino Trucking Co., Inc. Excavation Site**
39 Pine Street (Map 7 – Lots 3 & 3-2); Hooksett, New Hampshire
 KNA Project No. 18-0628-1

Dear Ms. Fuller:

Pursuant to your recent request, on the morning of June 26th I performed an on-site inspection of the subject premises for the purposes of assessing the current status of reclamation/restoration efforts completed over that portion of the property upon which commercial earth excavation activities had previously been permitted. We understand your Department's directive to undertake this inspection was given in response to the applicant's request for release of a surety, which has been held by the Town since June 30, 2015, as a performance guarantee for full and final completion of required reclamation efforts.

Based upon our recent site inspection we are pleased to report that we found the site has been fully and properly stabilized and reclaimed. On that basis we believe full and final release of the applicant's performance guarantee would be appropriate at this time.

We trust you will find the content of this brief correspondence responsive to your recent request. As always, please contact this writer in the event you should have specific questions or further instructions related to this matter.

Sincerely:

Steven B. Keach, P.E.
 President
 Keach-Nordstrom Associates, Inc.

Civil Engineering

Land Surveying

Landscape Architecture

10 Commerce Park North, Suite 3B

Bedford, NH 03110

Phone (603) 627-2881

Fax (603) 627-2915

Town of Hooksett

Available Appointed Positions

Conservation Commission
Alternate, Term Expiring 6/30/2021

Heritage Commission
Full Member, Term Expiring 6/30/2021
Full Member, Term Expiring 6/30/2020
Alternate, Term Expiring 6/30/2021
Alternate, Term Expiring 6/30/2021

Planning Board
Full Member, Term Expiring 6/30/2021

Recycling and Transfer Advisory Committee
Alternate, Term Expiring 6/30/2021

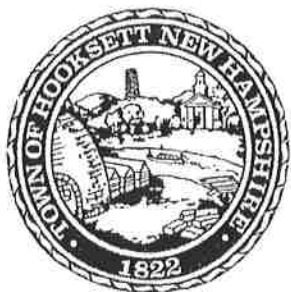
Southern New Hampshire Planning Committee
Hooksett's Representative, term expiring 6/30/2022

Zoning Board of Adjustment
Alternate, Term Expiring 6/30/2019

Town Hall Preservation Committee
Full Member, Term Expiring 6/30/2021
Full Member, Term Expiring 6/30/2021
Full Member, Term Expiring 6/30/2021

These are unpaid volunteer positions. If interested in being nominated for an appointed position, please fill out the volunteer application form and send it to:

Town of Hooksett, Administration Department, 35 Main Street, Hooksett, NH 03106



Town of Hooksett

APPLICATION FOR APPOINTED TOWN BOARD POSITION

Date Submitted: 6/20/18

Name: Sasha DeSang Phone: 603-340-4125

Address: 34 Stirling ave, Hooksett NH 03106

Email Address: Sashadesang2@gmail.com

Signature: [Handwritten Signature]

Return completed form to: Town of Hooksett, 35 Main Street, Hooksett NH 03106,

Attn: Administration Department or email to NGermain@hooksett.org

I am willing to serve on the following Town Boards/Committees/Commissions. I understand if appointed, I am required to attend the regular meetings.

BOARDS, COMMISSIONS & COMMITTEES

Role Preference


Alternate, Regular, or None?

<input type="checkbox"/> Conservation Commission	_____
<input type="checkbox"/> Economic Development Advisory Committee	_____
<input type="checkbox"/> Heritage Commission	_____
<input type="checkbox"/> Parks & Recreation Advisory Board	_____
<input type="checkbox"/> Planning Board	_____
<input type="checkbox"/> Recycling & Transfer Advisory Committee	_____
<input type="checkbox"/> Town Hall Preservation Committee	_____
<input checked="" type="checkbox"/> Zoning Board of Adjustment	<u>Alternate</u>
<input type="checkbox"/> Other (Please specify.) _____	_____
_____	_____
_____	_____



Town of Hooksett

APPLICATION FOR APPOINTED TOWN BOARD POSITION

Date Submitted: 2-14-2017
Name: CHRIS STELMACH Phone: 268-0380 ^{HOME} 672-4197 ^{CELL}
Address: 22 ROY RD HOOKSETT, NH 03106
Email Address: CPS TRANSPORT @ COMCAST.NET
Signature: 

Return completed form to: Town of Hooksett, 35 Main Street, Hooksett NH 03106,
Attn: Administration Department or email to NGermain@hooksett.org

I am willing to serve on the following Town Boards/Committees/Commissions. I understand if appointed, I am required to attend the regular meetings.

BOARDS, COMMISSIONS & COMMITTEES

- ☐ Conservation Commission
- ☐ Economic Development Study Committee
- ☐ Heritage Commission
- ☐ Parks & Recreation Advisory Board
- ☒ Planning Board
- ☐ Recycling & Transfer Advisory Committee
- ☐ Town Hall Preservation Committee
- ☐ Zoning Board of Adjustment
- ☐ Other (Please specify.)

How long have you been a resident of Hooksett?

47 YEARS

Why are you seeking this position?

I AM INTERESTED IN CONTINUING ON THE
PLANNING BOARD TO PRESERVE & PROTECT
THE CHARACTER OF HOOKSETT.

Do you have any specific goals or objectives?

TO CONTINUE TO REVIEW PROJECTS, LAND USE
AND ECONOMIC DEVELOPMENT IN HOOKSETT.

Please list special skills, talents or experience pertinent to the position sought:

SITE PLANNING
CONSTRUCTION BACKGROUND
EXCAVATION

Please list any potential conflicts of interest you may have if appointed for a board or commission:

NONE

Please list any work, volunteer, and/or educational experience you would like to have considered:

PRIOR SERVING ON PLANNING BOARD &
HOOKSETT CUB SCOUT VOLUNTEER

Please list any current/prior Town board membership and the dates of service:

ON CURRENT PLANNING BOARD FOR HOOKSETT
ALTERNATE POSITION 3-9-16 TO 6-30-2017
EXPIRES

Town of Hooksett

35 Main Street
Hooksett, NH 03106

FRAUD POLICY

Recognition & Awareness Form

Acknowledgement:

My signature signifies that I have read the Town of Hooksett's Fraud Policy and that I understand my responsibilities related to the prevention, detection and reporting of suspected misconduct and dishonesty.

Signature: 

Print Name: CHRIS STELMACH

Date Signed: 2-13-2017

Department Head Signature: _____

Nominations

Sasha DeJong, Zoning Board of Adjustment, Alternate

Christopher Stelmach, Planning Board, Full-Member

Appointments

None at this time

Date: 8/22/2018

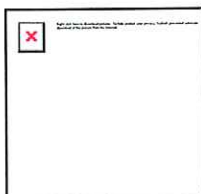
Concur

Staff Report
Title: NHMA Policies 2019-2020
Legislative Policy Process
Date: 7/11/2018

Background Discussion of Issues
<p>Annually, the New Hampshire Municipal Association (NHMA) requests members to review and vote on legislative policies:</p> <p>Floor Policies (07/11/18 Town Council Meeting): Our Town, approved by a majority vote of the governing body, may propose a policy to include: 1) to see if the NHMA will support/oppose, 2) the municipal interest to be accomplished by the proposal and 3) an explanation on the proposal. These floor policies are due to the NHMA by 08/10/18. See attached Floor Policy Proposal form.</p> <p>Voting on NHMA Policies (08/22/18 Town Council Meeting): The Town Council will vote on the attached "Final Policy Recommendations for Legislative Policy Conference" and provide direction to a Council delegate who will attend the Friday, September 14, 2018 9:00am conference and cast our municipality's vote.</p>
Recommendation (Including Suggested motion, if appropriate)
<p>07/11/18 1) receive NHMA policy packet and begin reviewing, and 2) create any floor policies from the Town of Hooksett, if applicable.</p> <p>08/22/18 1) Vote on all NHMA policies in packet, 2) identify who will be the Council delegate to the 09/14/18 NHMA conference, and 3) provide Council delegate direction on voting at the conference.</p>
Fiscal Impact
To be determined based on final outcome of 09/14/18 NHMA conference.
Prepared By: Donna Fitzpatrick, Administrative Services Coordinator
Town Administrator's Recommendation

Donna Fitzpatrick

From: NH Municipal Association <governmentaffairs@nhmunicipal.org>
Sent: Wednesday, June 20, 2018 11:57 AM
To: Donna Fitzpatrick
Subject: NHMA 2019-2020 Legislative Policy Process Important Dates!



NEW HAMPSHIRE MUNICIPAL ASSOCIATION

2019-2020 Legislative Policy Process Important Dates!

FLOOR POLICIES DUE: August 10 ♦ **POLICY CONFERENCE: September 14**

7/11/18 Council Meeting

June 20, 2018

Contact Information

Judy A. Silva

Executive Director

Cordell A. Johnston

Government Affairs Counsel

Barbara T. Reid

Government Finance Advisor

Timothy W. Fortier

Communications &
Member Services Coordinator

25 Triangle Park Drive
Concord NH 03301
Tel: 603.224.7447

Email:
governmentaffairs@nhmunicipal.org

Website:
www.nhmunicipal.org

The Legislative Policy Process is moving forward! Please click [here](#) to see the policy recommendations made by NHMA's three policy committees. This document will be posted on NHMA's website, www.nhmunicipal.org, and we also have sent a hard copy of this memo and the policy recommendations to each member municipality.

The policy recommendations are listed by committee: (1) General Administration and Governance; (2) Finance and Revenue; and (3) Infrastructure, Development, and Land Use. Each committee's recommendations are listed in order of priority, as "action," "priority," or "standing" policy recommendations. Click [here](#) for a list of NHMA's Legislative Principles, which also will be considered for re-adoption.

We urge each municipality's governing body, prior to the Legislative Policy Conference, to vote a position on the recommendations and floor proposals (see below) to provide direction to your voting delegate at the conference. Otherwise, your delegate is free to cast your municipality's vote as he or she chooses. For more information about the legislative policy process and the Legislative Policy Conference, please click [here](#).

NOTE: Please do not send your governing body's vote results or opinions to NHMA. Your governing body's discussions and votes are only for the direction

8/22/18 Council Meeting

of your voting delegate. The only way a municipality may vote on these policies is to send a voting delegate to the policy conference on September 14.

Floor Proposals

The deadline for submitting floor proposals is **Friday, August 10**. A floor proposal will be accepted only if it is *approved by a majority vote of the governing body* (Board of Selectmen, Aldermen, or Council) of the town or city submitting the proposal, is submitted in writing, and is received **no later than August 10**. We will mail all floor proposals to each municipality so there will be an opportunity to take a position on them before the Policy Conference. Floor proposals should be in the same format as proposals submitted to the policy committees.

You can find the floor policy form [here](#). To submit a floor proposal, please send it to NHMA, 25 Triangle Park Drive, Concord, NH 03301, or e-mail it to governmentaffairs@nhmunicipal.org.

Legislative Policy Conference

The 2019-2020 Legislative Policy Conference is scheduled for **Friday, September 14, 2018, at 9:00 a.m. at NHMA's office, 25 Triangle Park Drive in Concord**. We will include with the floor proposal mailing a card for each town or city to return indicating who has been appointed as the municipality's voting delegate.

Please call the Government Affairs Department at 800-852-3358 if you have any questions.

NH Municipal Association, 25 Triangle Park Drive, Concord, NH 03301

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**New Hampshire Municipal Association
2019-2020 Legislative Policy Process**

Floor Policy Proposal

Submitted by (name) _____ Date _____

City or Town _____ Title of Person Submitting Policy _____

Floor Policy Proposal approved by vote of the governing body on (date) _____

To see if NHMA will SUPPORT/OPPOSE:

Municipal interest to be accomplished by proposal:

Explanation:

A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Mail to 25 Triangle Park Drive, Concord, NH 03301; or email to governmentaffairs@nhmunicipal.org.
Must be received by August 10, 2018.

**New Hampshire Municipal Association
Legislative Policy Process 2019-20**

**Final Policy Recommendations for Legislative Policy Conference
September 14, 2018**

General Administration and Governance

Action Policy Recommendations

1. Funding for the Police Standards and Training Council

To see if NHMA will SUPPORT the continued operation of the New Hampshire Police Academy and the high-quality uniform training it provides for all law enforcement officers in the state, including municipal police officers, which aids in the delivery of quality policing services and interagency cooperation to the benefit of all citizens. As part of this, **to see if NHMA will SUPPORT** continued funding at the state level for the Police Academy and the Police Standards and Training Council. Local law enforcement agencies produce considerable funds through fines and penalty assessment monies which accrue to the State and are used for State purposes. Further, **to see if NHMA will OPPOSE** any increase in municipal costs for police officers to participate in the training, recognizing that municipalities now pay salary, benefits, and all employment-related costs for trainees while at the Academy, as well as providing staff and instructors at no cost to the Academy. **Existing policy, revised by the committee.**

2. Absentee Voting Expansion

To see if NHMA will SUPPORT allowing absentee voting without requiring a reason.

Explanation: At present, 27 states plus the District of Columbia permit absentee voting without requiring an excuse. Maine and Vermont are among the 27. Why not New Hampshire? People are kept from the polls because they are reluctant to say they are “disabled” (especially when they are just elderly) or otherwise find it difficult to vote in person. Voting should not require having to struggle with one’s conscience over whether they fit into one of the state-approved “legitimate” reasons for an absentee ballot. **Submitted by Gail Cromwell, Co-chair, Temple Select Board.**

3. Electronic Poll Books

To see if NHMA will SUPPORT legislation that would enable the use of electronic poll-books for municipalities, with funding coming from the HAVA funds made available to the New Hampshire Secretary of State by the United States Election Assistance Commission specifically for the purpose of improvement to the administration of federal elections in the state, as well as supporting legislative changes to statutes to make the use permissible under state laws. **Existing policy.**

Priority Policy Recommendations

4. Building Plans Under RSA Chapter 91-A

To see if NHMA will **SUPPORT** an amendment to RSA 91-A:5, IV to specifically add building plans/construction drawings contained within a building permit file and/or building plans/construction drawings submitted as part of a building permit application as an exempt record under the statute. **Existing policy.**

5. Municipal Regulation of Firearms

To see if NHMA will **SUPPORT** legislation that would allow for limited local authority regarding possession and use of firearms on municipal property.

- Legislation that would allow municipalities to regulate or limit the use of firearms on municipal property.
- Legislation that would allow municipalities to regulate the carrying of firearms by employees while they are performing the functions of their office or employment.

Explanation: Local governing bodies are best positioned to determine the most appropriate use of municipal land and the actions of their employees. **Submitted by Joan Dargie, Town Clerk, Milford, and revised by the committee.**

6. Welfare Lien Priority

To see if NHMA will **SUPPORT** legislation to give liens for local welfare payments arising under RSA 165:28 a higher priority position, so that those liens fall immediately after the lien for the first mortgage. **Existing policy.**

7. Municipal Departments and MV Information

To see if NHMA will **SUPPORT** legislation to make it clear that municipalities may obtain information about motor vehicles registered to an individual for all governmental purposes such as verifying asset levels when the individual is applying for general assistance or asset-based tax relief and in order to determine the ownership of vehicles for official purposes. **Existing policy.**

Standing Policy Recommendations

8. SB 2 Adoption Process

To see if NHMA will **SUPPORT** amending RSA 40:14, III, regarding adoption of the official ballot referendum (SB 2) form of town meeting, to provide that the question shall be voted on by ballot at the annual meeting, but shall not be placed on the official ballot.

Explanation: Adoption of the official ballot referendum form of town meeting is a fundamental change in a town's governance. It is an action that should be undertaken only after thorough discussion and debate, with an opportunity for the legislative body to be fully informed. Current law requires that the question be placed on the official ballot, so that it is voted on in the voting booth on election day, with no opportunity for discussion or debate. The statement of the question is simply, "Shall we adopt the provisions of RSA 40:13 (known as SB 2) to allow official ballot voting on all issues before the town on the second Tuesday of March?" This provides almost no information about how the SB 2 form of meeting works.

Although the current law does require a public hearing on the question between 15 and 30 days before town meeting, those hearings are poorly attended, so the overwhelming majority of those voting on the question will have heard little or no discussion, and many of them will have a very poor understanding of the issue. Other matters of profound importance to town governance—such as establishing a budget committee and adoption of a tax cap—are voted on at the business session, rather than by official ballot. Adoption of SB 2 is an even more serious step and should be subject to at least a similar level of consideration. Discussion and debate at the business session will help to ensure that voters understand the issues better before voting on the question. **Submitted by Jim Belanger, Moderator, Hollis, and Frank Sterling, Selectman, Jaffrey.**

9. Allowing Towns to Adopt Ordinances Under City Statutes

To see if NHMA will SUPPORT legislation giving towns the same authority to adopt ordinances that cities have under RSA 47:17.

Explanation: State law (RSA 44:2, 47:1) gives cities all of the authority that towns have, but there is no reciprocal statute giving towns the authority that cities have. City councils have broad authority to adopt ordinances under RSA 47:17. Town ordinance authority is governed primarily by RSA 31:39, which grants more limited authority. There seems to be no logical reason for cities to have broader ordinance authority than towns. When towns want to exercise authority that cities already have, it is necessary to amend RSA 31:39 or add a new section in RSA 39. This policy would avoid that necessity and eliminate illogical distinctions between municipal ordinances, which are especially troublesome when a town is unable to adopt the same ordinance that the city next door has adopted. This would not eliminate all distinctions between cities and towns—just the difference between their respective ordinance powers. **Submitted by Tom Irving, Planning Director, Conway.**

10. Public Area "No Smoking" Local Option

To see if NHMA will SUPPORT legislation to authorize the designation of "No Smoking" zones in public areas by local option.

Explanation: Municipalities are charged with the responsibility for provision of the services and to ensure safe secure access to those services. Currently, some services may not be as accessible as they should due to the presence of smoke. There are also the associated costs in keeping areas litter free. The legislation would allow municipalities to define No Smoking zones in a way that meets the community's needs and would include the ability to implement them for health purposes.

Currently New Hampshire permits municipalities to enact ordinances for fire safety and sanitation purposes, but not health purposes, and New Hampshire's state smoking law preempts local

governments from doing so. Access to services is obstructed by the presence of smokers and their associated litter, and that litter might constitute a sanitation issue. The presence of smoke where non-smokers need to pass is objectionable and not supportive of a community's healthy community goal. Each community would have the opportunity for itself to enact local legislation on this issue. Submitted by Andrew Bohanan, Parks, Recreation, and Facilities Director, and Nancy Vincent, Library Director, Keene.

11. Public Notice Requirements

To see if NHMA will SUPPORT legislation to amend all public notice requirements to allow the choice of electronic notification and/or newspaper print, as well as posting in public places, for official public legal notification. Existing policy.

12. Appointment of Town Clerks or Town Clerk/Tax Collectors

Legislative Body: To see if NHMA will SUPPORT legislation to allow the legislative body to authorize the governing body to appoint town clerks and town clerk/tax collectors.

Charter Towns: To see if NHMA will SUPPORT legislation allowing towns that have adopted a charter under RSA chapter 49-D to determine how the town will choose its town clerk.

Existing policy, revised by the committee.

13. Consolidated Policy on Collective Bargaining Items

Evergreen Clause: To see if NHMA will OPPOSE legislation to enact a mandatory so-called "evergreen clause" for public employee collective bargaining agreements.

Binding Arbitration: To see if NHMA will OPPOSE mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining.

Right to Strike: To see if NHMA will OPPOSE a right to strike for public employees.

Mandated Employee Benefits: To see if NHMA will OPPOSE any proposals to mandate employee benefits, including any proposal to enhance retirement system benefits that may increase employer costs in future years, for current or future employees.

Contracted Services: To see if NHMA will SUPPORT legislation to give public employers greater flexibility to privatize or use contracted services.

Existing policy, revised by the committee.

14. Maintenance and Policing of State-Owned Property

To see if NHMA will SUPPORT legislation requiring the State to maintain and adequately support operations on state properties so those properties do not place undue burdens on the host municipalities. This would include legislation

- to enable municipalities to recover expenses of providing municipal services on state-owned property, such as policing relative to illegal activities and allowing municipalities to receive reimbursement/compensation from individuals engaged in the illegal activity; and
- to require the state to adequately maintain its property, including the removal/remediation of abandoned, deficient, hazardous, or blighted structures/facilities.

Existing policy, revised by the committee.

15. Independent Redistricting Commission

To see if NHMA will **SUPPORT** the establishment of an independent redistricting commission for the appointment of representative, senatorial, executive council, and congressional districts. **Existing policy.**

Finance and Revenue

Action Policy Recommendations

1. Use of RSA 83-F Utility Values

To see if NHMA will:

- a) **SUPPORT** legislation that clarifies, under RSA 83-F, that no determination of utility value by the Department of Revenue Administration can be used in any way by the utility taxpayer in any application for abatement of tax under RSA 76:16 or any appeal thereof under RSA 76:16-a or RSA 76:17;
- b) **OPPOSE** any mandate that calls for the exclusive use of the unit method of valuation in the appraisal of utility property, by either administrative or legislative action; and
- c) **SUPPORT** the continuing right of municipalities to use any method of appraisal upheld by the courts.

Revised by the committee to combine two existing policies.

2. New Hampshire Retirement System (NHRS)

To see if NHMA will **SUPPORT** the continuing existence of a retirement system for state and local government employees that is strong, secure, solvent, fiscally healthy, and sustainable, that both employees and employers can rely on to provide retirement benefits for the foreseeable future. Further, to see if NHMA will **SUPPORT** continuing to work with legislators, employees, and the NHRS to accomplish these goals.

To that end, to see if NHMA will:

- a) **SUPPORT** legislation that will strengthen the health and solvency of the NHRS, ensure the long-term financial sustainability of the retirement system for public employers, and consider options and alternatives that provide reasonable changes in contribution rates;
- b) **OPPOSE** any legislation that: 1) expands benefits and would result in increases to municipal employer costs; 2) assesses additional charges beyond NHRS board-approved rate changes on employers; or 3) expands the eligibility of NHRS membership to positions not currently covered;
- c) **SUPPORT** the restoration of the state's 35% share of employer costs for police, teachers, and firefighters in the current defined benefit plan and any successor plan;
- d) **SUPPORT** the inclusion of municipal participation on any legislative study committee or commission formed to research alternative retirement system designs and the performance of a complete financial analysis of any alternative plan proposal in order to determine the full impact on employers and employees; and
- e) **OPPOSE** any action to further restrict municipalities' ability to employ NHRS retirees in part-time positions, either through hours restrictions or through imposition of new fees/costs.

Existing policy, revised by the committee.

3. Expansion of Local Authority to Institute Fees

To see if NHMA will **SUPPORT** legislation that allows a municipality to exercise local control of non-property tax revenue streams with local legislative body approval to meet demands for services and/or infrastructure. Examples of such legislation may include such actions as: (a) allowing a municipal to adopt an additional surcharge under the meals and rooms tax on hotel occupancy within the municipality; and (b) allowing a municipality to increase the maximum optional fee for transportation improvements when collecting motor vehicle registration fees. **Existing policy, revised by the committee (existing policy supports a local option meals and rooms tax surcharge).**

Priority Policy Recommendations

4. Enforcement of Motor Vehicle Registration Laws

To see if NHMA will **SUPPORT** amending motor vehicle registration laws to strengthen the enforcement of those laws (through stepping up law enforcement and increasing penalties, including fines) to ensure collection of all state and local registration fees owed by New Hampshire residents.

Explanation: Municipalities are realizing a significant and growing annual revenue loss of motor vehicle permit fees and other fees, due to NH residents registering their automobiles, trucks and all other types of trailers through non-government agents in the State of Maine. Currently, RSA 261:140

only requires a \$100 fine for these violations, an insignificant amount when compared to the much greater savings a resident realizes when obtaining low-cost “multi-year” registrations (up to a 12-year period) through the State of Maine. Municipalities all over the state are vulnerable to online registrations. Businesses with fleets are specifically targeted. **Submitted by Portsmouth City Council.**

5. Lien for Uncollected Ambulance/EMS Billings

To see if NHMA will SUPPORT legislation to ensure the collection of unpaid bills for ambulance and other emergency services.

Explanation: Municipal EMS, unlike hospitals and home health care providers, have no remedy available for the collection of unpaid billing for ambulance service except through a collection agency (@33% fee) or small claims court. These mechanisms do not guarantee the municipality will be made whole and can be punitive to the responsible party when they can least tolerate it. Ambulance service has evolved dramatically from simply transporting individuals to the hospital. Today, early medical intervention significantly increases a patient’s survival probability; therefore municipal EMS is expected to provide costly basic and advanced life support before and during transport. Currently when faced with an unpaid ambulance billing, municipalities have to choose between sending the bill to collections, small claims court, or writing off the bill. Collections or small claims potentially exposes the responsible party to a burden at an inopportune time. To write off the debt unfairly places the financial burden on the taxpayers of the responding municipality. **Submitted by: Barbara Lucas, Town Administrator, and Neil Irvine, Selectman, Town of New Hampton.**

6. Ownership Name Changes

To see if NHMA will SUPPORT legislation requiring entities to file name changes and ownership changes at the registry of deeds to ensure that property taxes are assessed to the proper owner.

Explanation: Presently, name changes and property acquisitions by stockholders are not filed at the registry of deeds. Municipalities don’t know if ownership has changed, resulting in bills and other notices going to improper property owners. **Submitted by: Kathryn Temchack, Director of Real Estate Assessments, City of Concord**

7. Collection of Delinquent Taxes on Manufactured Housing

To see if NHMA will SUPPORT legislation to create a study commission to address municipal concerns regarding delinquent property taxes and/or municipal utility fees on manufactured housing on land of another. Such commission to include appropriate interested stakeholders. **Existing policy.**

8. Tax Exemptions for Charitable Organizations

To see if NHMA will SUPPORT creating a commission to study reimbursement through payments in lieu of taxes (PILOTs) for municipal services provided to exempt charitable properties, including charitable non-profit housing projects under RSA 72:23-k, and **SUPPORT** reimbursement from the state for the costs of municipal services provided to state-owned properties. **Revised by the committee to combine two existing policies.**

9. Clarification of Elderly Exemption, Prorating Disabled, Deaf and Blind Exemptions

To see if NHMA will SUPPORT

- a) Changes in RSA 72:39-a, 72:29, and 72:39-b to define “household income” for elderly exemption qualification consistent with the definition of “household income” used by the state in qualifying residents for the Low & Moderate-Income Homeowners Property Tax Relief Program under RSA 198:56-57 and Rev 1200; and
- b) Legislation prorating the disabled, deaf and blind exemptions under RSA 72:37, 37-b, and 38-b when a person entitled to the exemption owns a fractional interest in the residence, in the same manner as is allowed for the elderly exemption under RSA 72:41.

Revised by the committee to combine two existing policies.

Standing Policy Recommendations

10. Assessment Methodology for Big Box Stores

To see if NHMA will SUPPORT legislation clarifying the assessment methodology for big box stores if used and occupied for the purpose for which they were built. This methodology would not employ comparisons to “dark store” properties abandoned or encumbered with deed restrictions on subsequent use.

Explanation: Large box stores such as Walmart, Lowe’s, Home Depot, Target, etc. have been successful in other states in obtaining large assessment reductions by using comparable sales or rentals of abandoned or deed-restricted properties. **Submitted by: Kathryn Temchack, Director of Real Estate Assessments, City of Concord.**

11. Income Approach on Appeal

To see if NHMA will SUPPORT legislation that prohibits the use of the income approach by a taxpayer in any appeal of value if the taxpayer, after request by the municipality, has not submitted the requested information. **Existing policy.**

12. Charitable Definition and Mandated Property Tax Exemptions

To see if NHMA will OPPOSE legislation that expands the definition of “charitable” in RSA 72:23-1, unless the state reimburses municipalities for the loss of revenue. **Existing policy.**

13. Sale of Tax Deeded Property

To see if NHMA will SUPPORT amending RSA 80:89 to require proof that the municipality *sent* the required notice of impending tax deed rather than proof that the taxpayer actually *received* the notice. **Existing policy.**

14. State Revenue Structure and State Education Funding

To see if NHMA will **SUPPORT** asking the state to use the following principles when addressing the state's revenue structure in response to its responsibility to fund an adequate education:

- That revenues are sufficient to meet the state's responsibilities as defined by constitution, statute, and common law;
- That revenue sources are predictable, stable, and sustainable and will meet the long-term needs and financial realities of the state;
- That changes to the revenue structure are least disruptive to the long-term economic health of the state;
- That the revenue structure is efficient in its administration;
- That changes in the revenue structure are fair to people with lower to moderate incomes.

Further, to see if NHMA will **SUPPORT** legislation prohibiting retroactive changes to the distribution formula for adequate education grants after the notice of grant amounts has been given. **Existing policy.**

15. Changes to the Official Ballot Process and Default Budget

To see if NHMA will **OPPOSE** changes to the official ballot process (SB2) including changes to the calculation of the default budget, unless such changes are a local option presented to the legislative body for approval. **Revised by the committee (existing policy opposed any increase in the 60% bond vote requirement in SB 2 municipalities).**

Infrastructure, Development and Land Use

Action Policy Recommendations

1. Municipal Use of Structures in the Right-of-Way

To see if NHMA will **SUPPORT** legislation granting municipalities a designated space to use for any purpose, including leasing to a private entity, upon all poles, conduit, and other structures within the rights-of-way without paying make-ready costs. This includes a requirement that the owners of utility poles and conduit do the necessary work to make that space available. **Existing policy, revised by the committee.**

2. Municipal Authority to Adopt More Recent Codes

To see if NHMA will SUPPORT legislation enabling municipalities at their discretion to adopt more recent editions of national/international building and fire codes than the current state-adopted editions.

Explanation: Allowing municipalities to adopt current codes will promote best practices for health, safety, and welfare. **Submitted by Portsmouth City Council.**

3. Municipal Cooperation

To see if NHMA will SUPPORT legislation clarifying that municipalities and other political subdivisions may cooperate to perform together any functions that they may perform individually, including but not limited to providing services, raising revenue, constructing and maintaining infrastructure, and engaging in economic development efforts. **Existing policy.**

Priority Policy Recommendations

4. Regulation of Short-Term Rentals

To see if NHMA will SUPPORT legislation authorizing municipalities to regulate short-term rental of residential properties, including licensing requirements and health and safety protections. This should not be interpreted to limit existing authority to regulate such uses through municipal zoning ordinances and land use regulations.

Explanation: Municipalities across the country are increasingly forced to address problems associated with short-term rental of residential housing units, which are typically facilitated through the online platforms of AirBnB, VRBO, Home Away, and others. Problems arise often in single-family residential neighborhoods, in which transient residential occupancy introduces instability and conflict (e.g., noise complaints with no recourse other than to call the police).

Some jurisdictions have already addressed this through legislation, sometimes accompanied by comprehensive agreements with the online platform operators to submit to regulation. A related issue is whether the state is able to collect meals and rooms tax for such temporary uses, which are similar in some regards to B&B operations and hotels/motels. **Submitted by Ben Frost, Planning Board Chairman, Town of Warner.**

5. Highway Funding

To see if NHMA will SUPPORT a state transportation policy that ensures adequate and sustainable funding for state and municipal highways and bridges to promote safe and reliable transportation and corridors and economic development for the citizens of our state and for the travelling public. The policy should include:

- Maintenance of the proportionate share of the state highway fund that is distributed to cities and towns under current law;

- No further diversion of state highway funds for non-highway purposes; and
- Increased funding, which may include the state road toll, highway tolls, local option fees, user assessments, and other revenue sources as necessary.

Existing policy, revised by the committee.

6. Water Quality and Infrastructure

To see if NHMA will SUPPORT legislation that ensures adequate and sustainable investment to maintain or make necessary improvements to the state's critical water infrastructure (public drinking water, wastewater, and stormwater systems, and dams); that works to provide affordable water, wastewater, and stormwater services; that encourages regional and innovative solutions to water, wastewater, and stormwater issues; that supports decisions that rely on science-based standards; that supports local decision making; and that supports economic progress in the state while protecting public health and safety. **Combination of existing policies, revised by the committee.**

7. State Adoption of Building and Fire Codes

To see if NHMA will SUPPORT a policy encouraging the state to: (1) adopt updated editions of national/international building and fire codes; (2) streamline the code adoption process while facilitating examination of changes that benefit the state economy; (3) encourage training opportunities for local code enforcement personnel.

Explanation: Multiple versions of codes are confusing for all parties. The state's adoption of updated codes would simplify municipal decision making in scheduling code ordinance updates. The quality of enforcement varies significantly among municipalities due to different levels of experience and training. Better training would lead to more consistent enforcement. **Submitted by Portsmouth City Council.**

Standing Policy Recommendations

8. Current Use

To see if NHMA will OPPOSE any legislative attempt to undermine the basic goals of the current use program and **OPPOSE** any reduction in the 10-acre minimum size requirement for qualification for current use, beyond those exceptions now allowed by the rules of the Current Use Board. **Existing policy.**

9. Scientific/Technical Standards for Regulatory Legislation

To see if NHMA will OPPOSE regulatory legislation that is not based on relevant scientific and technical standards that are broadly accepted by peer review and feasibly achieved.

Explanation: In the past legislative session, bills were filed that attempted to supersede standards set by regulatory agencies without the applicable deliberation and processes associated with creating regulations. **Submitted by Portsmouth City Council.**

10. Land Use and Environmental Regulation and Preemption

To see if NHMA will SUPPORT legislation that (a) recognizes municipal authority over land use and environmental matters, (b) limits the establishment of comprehensive statutory schemes that supersede local regulation, and (c) recognizes that even when local environmental regulation is preempted, compliance with other local laws, such as zoning and public health ordinances and regulations, is still required. **Existing policy.**

11. Energy, Renewable Energy and Energy Conservation

To see if NHMA will SUPPORT legislation encouraging state and federal programs that provide incentives and assistance to municipalities to adopt energy use and conservation techniques that will manage energy costs and environmental impacts, promote the use of renewable energy sources, and promote energy conservation, and **OPPOSE** any legislation that overrides local regulation. **Existing policy.**

12. Oppose Statewide Zoning Mandates

To see if NHMA will SUPPORT a policy recognizing the legislature's authority to establish statewide priorities in zoning and land use regulation, but **OPPOSE** legislation that limits reasonable local control in implementing those priorities, or that unreasonably mandates specific criteria that municipalities must follow. **Existing policy, revised by the committee.**

13. Conservation Investment

To see if NHMA will SUPPORT permanent funding for the Land and Community Heritage Investment Program and **OPPOSE** any diversion of such funds to other uses. **Existing policy.**

Staff Report
Northway Bank
8/22/2018

Background Discussion of Issues

Currently the Town has relationships with Citizens Bank, TD Bank, People's United Bank, NH Investment Pool, Merrimack County Savings Bank; Optima Bank and Trust and Century Bank.

The Treasurer would like to open a new relationship with Northway to be able to invest excess funds. Northway is chartered bank and will issue the Town a letter of credit for collateral.

The following are current interest rates for each bank:

Citizens Bank	1.60%
TD Bank	2.10%
People's United Bank	2.00%
Century	2.10%
Optima Bank and Trust	1.98%
Merrimack County Savings Bank	1.60%
Northway	2.25%

The Town's investment policy states that no more than 80% of Town funds can be invested with any one financial institution. The Treasurer plans to invest the excess fund from the June's tax bills at Northway.

Motion to authorize the Town Treasurer to establish a banking relationship with Northway for the Town of Hooksett and authorize the Council Chair to sign the resolution if necessary.

Fiscal Impact

Prepared By: Christine Soucie, Finance Director

Town Administrator's Recommendation

Staff Report

Title: Stormwater Asset Management

Date: 8/22/18

Background Discussion of Issues
<p>The Town received bids to provide engineering services related to stormwater asset management and compliance with the National Pollutant Discharge and Elimination System Municipal Separate Storm Sewer System. The Town of Hooksett was awarded \$30,000 NH DES (forgivable) loan to support the development of this program. The following bidders submitted their qualifications.:</p> <p>Hoyle, Tanner and Associates Comprehensive Environmental Inc. Wright-Pierce Weston and Sampson</p>
Recommendation (Including Suggested motion, if appropriate)
<p>All 4 companies are highly qualified for developing this program. They all have the same goals to comply with water quality regulatory requirements and will assist the Town with GIS mapping assistance, developing workflows to capture information needed for MS4 compliance and reporting and training employees. They will help create an inventory for future capital improvement projects.</p> <p>I am recommending Hoyle, Tanner and Associates. They have been helpful as they are presently working with the Hooksett Sewer in preparing these documents, and their bid package was specific to Hooksett.</p> <p>I Recommend the Town Council accept the qualifications from Hoyle, Tanner & Associates for the Stormwater Asset Management Program.</p>
Fiscal Impact
<p>The Program is funded by the NHDES State Revolving loan (\$30,000)</p>
Prepared By: Diane Boyce, Director DPW
Town Administrator's Recommendation
Concur

Staff Report
MS - 535 Financial Report
8/22/2018

Background Discussion of Issues
<p>The Town is required to complete the State's Form MS-535 <i>Financial Report of the Town Budget</i> prior to setting the Tax Rate. This report is prepared following the NH Department of Revenue Administration Rev 1700 Rules, Financial Accounting for Cities and Towns.</p> <p>The Finance Director using the unaudited trial balance for the period ending June 30, 2018 completed this form and believes it to be in accordance with the NH Department of Revenue Administration Rev 1700 Rules.</p> <p>See attached reconciliation of the MS-535 to the June 30, 2018 Budget Summary.</p>
Motion to authorize the Town Council to sign the 2018 MS-535 <i>Financial Report of the Budget</i> for period ending June 30, 2018 as presented.
Fiscal Impact
Prepared By: Christine Soucie, Finance Director
Town Administrator's Recommendation

Reconciliation of form MS 535 to June 30, 2018 Budget Summary

	Adjusted Budget	Actual Expenditures
Total General Fund Expenditures (from page 5 of the MS 535)	\$ 49,310,987	\$ 51,796,398
County Payment	(5,535,834)	(5,535,834)
Local & State School Payment	(26,504,919)	(26,504,919)
Wastewater	2,093,341	-
Encumbrance from 2016-17	3,777,796	-
Grants	114,600	-
2017-18 Grand Total from Budget Summary	\$ 23,255,971	\$ 19,755,645

	Approved Revenues	Actual Revenues
Total General Fund Revenues (from page 7 of the MS 535)	\$ 48,497,031	\$ 50,328,617
Property Taxes	(42,803,236)	(42,803,236)
Wastewater	2,093,341	-
Lilac Bridge Revenues	1,793,030	-
Grants	(149,865)	-
Other revenues received after Budget Summary was prepared	-	18,327
2017-18 Total Revenues from Budget Summary	\$ 9,430,301	\$ 7,543,708

TOWN OF HOOKSETT - BUDGET SUMMARY FY 2017-18

June 30, 2018

Unaudited as of 7/30/18

Department	2017-18 Approved Budget	Budget Transfers	* Budget Increases	2017-18 Adjusted Budget	Encumbrances	2017-18 Actual YTD	(Over) Under Expended YTD	Percent Expended
Administration	1,316,801	(178,077)	22,669	1,161,393	60,576	1,025,441.09	75,376	93.15%
Assessing	173,623	(2,277)	0	171,346	0	157,500.25	13,846	91.92%
Family Services	194,951	(455)	0	194,496	0	120,465.76	74,030	61.94%
Finance	236,697	6,271	0	242,968	5,900	216,366.82	20,701	91.27%
Fire-Rescue	3,924,067	129,748	73,517	4,127,332	82,379	4,033,582.22	11,370	99.72%
Police	4,638,745	(119,737)	43,694	4,562,702	0	4,114,563.22	448,139	90.18%
**Public Works	4,877,708	157,185	3,768,094	8,802,987	644,908	8,321,468.16	(163,389)	102.00%
Tax Collection	265,896	7,442	0	273,338	0	234,811.62	38,526	85.91%
Town Clerk & Elections	29,167	(40)	0	29,127	0	28,775.51	351	98.79%
Administration's Budget	15,657,655	60	3,907,974	19,565,689	793,763	18,252,974.65	518,951	97.24%
Budget Committee	7,956	(60)	0	7,896	0	6,556.05	1,340	83.03%
Capital Leases	67,474	0	0	67,474	0	67,369.28	105	99.84%
Cemetery Commission	841	0	0	841	0	673.50	168	80.08%
Conservation Commission	1,277	0	0	1,277	0	1,277.00	0	100.00%
Debt Principal	0	0	0	0	0	0.00	0	0.00%
Debt Interest	0	0	0	0	0	0.00	0	0.00%
Debt Tax Anticipation Note (TAN)	1	0	0	1	0	0.00	1	0.00%
Library	779,452	0	0	779,452	0	779,452.00	0	100.00%
Total General Fund Operating Budget	16,514,656	0	3,907,974	20,422,630	793,763	19,108,302.48	520,564	97.35%
Wastewater Department	2,093,341	0	0	2,093,341	0	0.00	2,093,341	0.00%
Sewer and/or other infrastructure on Westside	100,000	0	0	100,000	92,406	7,594.38	(0)	100.01%
New Command Style 4x4 for Fire	50,000	0	0	50,000	0	50,000.00	0	100.00%
Refurbish Fire Engine 5	50,000	0	0	50,000	0	49,747.87	252	99.50%
Public Works Vehicles CR	200,000	0	0	200,000	0	200,000.00	0	100.00%
Automated Collection Equipment CR	30,000	0	0	30,000	0	30,000.00	0	100.00%
Drainage Upgrades CR	50,000	0	0	50,000	0	50,000.00	0	100.00%
Parks & Recreation Facilities Development CR	15,000	0	0	15,000	0	15,000.00	0	100.00%
Town Building Maintenance CR	75,000	0	0	75,000	0	75,000.00	0	100.00%
Air Pack and Bottles CR	20,000	0	0	20,000	0	20,000.00	0	100.00%
Fire Apparatus CR	50,000	0	0	50,000	0	50,000.00	0	100.00%
Emergency Radio Communications	50,000	0	0	50,000	0	50,000.00	0	100.00%
Revaluation CR	30,000	0	0	30,000	0	30,000.00	0	100.00%
Master Plan CR	10,000	0	0	10,000	0	10,000.00	0	100.00%
Conservation Land Improvements CR	10,000	0	0	10,000	0	10,000.00	0	100.00%
2017-18 Grand Totals	19,347,997	0	3,907,974	23,255,971	886,169	19,755,644.73	2,614,157	88.31%

* Includes prior year encumbrances of \$3,777,796

** Public Works								
Community Development	506,301	(43,884)	0	462,417	0	362,486	99,931	78.39%
Highway	2,696,490	200,957	3,768,094	6,665,541	644,908	6,360,276	(339,643)	105.64%
Parks, Recreation & Cemeteries	566,877	(20,907)	0	545,970	0	513,776	32,194	94.10%
Recycling & Transfer	1,108,040	21,019	0	1,129,059	0	1,084,929	44,130	96.09%
Total Public Works	4,877,708	157,185	3,768,094	8,802,987	644,908	8,321,468	(163,389)	102.00%

TOWN OF HOOKSETT - REVENUE REPORT
June 30, 2018

GL Numbers	Account Description	2017-18 Budget	July	August	September	October	November	December	January	February	March	April	May	June	2017-18 YTD Total	Over(Under) YTD Budget
TAX COLLECTION																
550.3185-905.000	Yield (Timber) Tax	10,000	0	8,400	0	0	0	0	0	0	0	0	2,601	651	18,019.94	8,019.94
550.3187-907.000	Activity (Gravel, Excavation) Tax	7,500	0	0	0	0	0	0	0	0	0	0	9,101	0	9,101.14	1,601.14
550.3190-910.000	Interest & Penalties on Taxes	300,000	12,788	8,097	9,705	9,589	7,578	13,999	8,958	12,184	10,960	20,663	88,141	(31,467)	171,195.12	(128,804.88)
550.3200-912.000	Motor Vehicle Permit Fee	3,400,000	246,585	375,402	257,048	274,158	255,836	229,844	377,774	277,806	225,085	248,059	375,929	338,203	3,481,729.60	81,729.60
550.3220-912.002	Details	42,000	3,478	3,760	3,688	3,303	3,203	3,043	3,615	3,343	3,185	3,865	4,500	4,013	42,992.50	992.50
550.3509-941.000	Miscellaneous Income	1,500	112	17	1,878	249	72	(831)	(221)	459	(325)	280	48	2,938	4,676.45	3,176.45
	TOTAL TAX COLLECTION	3,761,000	262,962	395,676	272,320	287,298	266,688	246,054	390,126	300,160	238,905	272,867	480,320	314,337	3,727,714.75	(3,285.25)
TOWN CLERK																
600.3210-911.000	Pawn Shop Licenses	1	0	0	0	0	0	0	0	0	0	0	0	0	500.00	499.00
600.3290-914.002	Dog License	6,000	730	1,815	751	509	560	155	675	723	1,049	2,343	1,153	5,737	16,196.20	10,196.20
600.3290-914.006	Filing Fees	0	0	0	0	0	250	0	0	0	0	0	0	22	22.00	22.00
600.3290-914.008	Vitals	3,000	412	421	352	303	235	236	272	290	197	254	392	330	3,694.00	694.00
600.3290-914.010	UCC	3,500	0	0	0	0	0	0	1,410	1,185	0	0	0	1,110	3,705.00	205.00
600.3509-941.000	Miscellaneous Income	250	21	35	26	52	11	0	8	4	10	25	13	91	297.08	47.08
601.3359-925.008	State Wide Election Check List	1	0	0	0	0	0	0	0	0	0	0	0	0	0.00	(1.00)
601.3401-927.040	Election Check List	1	0	0	0	0	0	0	0	0	0	0	0	0	0.00	(1.00)
	TOTAL TOWN CLERK	12,753	1,163	2,271	1,129	863	1,055	391	2,365	2,201	1,256	2,622	1,308	7,290	24,414.28	11,561.28
ASSESSING																
150.3401-927.002	Map Copies	30	0	0	2	0	4	0	0	0	2	2	14	0	24.00	(6.00)
150.3506-939.006	Elderly Lien Payoff	1	0	0	0	0	0	0	0	0	0	0	0	0	0.00	(1.00)
150.3509-941.000	Assessing Miscellaneous Income	250	0	0	29	0	34	7	58	0	14	9	24	0	175.00	(75.00)
	TOTAL ASSESSING	281	0	0	31	0	38	7	58	0	16	11	38	0	199.00	(82.00)
POLICE																
400.3290-914.000	Pistol Permits	3,000	40	40	90	60	60	70	100	20	120	90	70	40	800.00	(2,200.00)
400.3290-914.014	Alarm Permits	3,000	125	75	225	150	100	125	225	75	150	100	75	75	1,500.00	(1,500.00)
400.3359-917.000	Police Grants - Federal	13,092	0	0	0	(3,492)	0	0	0	973	1,082	398	1,193	10,121	10,273.77	(2,818.23)
400.3359-925.004	Police Grants - State	30,698	0	0	0	0	5,607	0	0	0	0	0	4,995	25,703	36,304.24	5,606.24
400.3401-927.030	Insurance Reports	11,000	475	445	1,498	844	741	784	1,465	884	1,046	942	1,387	968	11,469.00	469.00
400.3504-938.000	Parking Tickets	750	0	0	0	0	0	20	340	120	30	55	0	0	565.00	(185.00)
400.3504-938.002	Court Fines	900	0	0	0	0	0	0	0	0	0	0	0	0	900.00	(900.00)
400.3504-938.004	Alarm Billing Fees	12,000	475	0	1,000	325	1,525	1,400	3,000	350	775	100	475	0	9,425.00	(2,575.00)
400.3509-941.000	Miscellaneous Income	5,000	864	30	288	78	93	160	65	57	96	1,218	173	2,208	5,329.75	329.75
	TOTAL POLICE	79,440	1,979	590	3,091	(2,085)	8,126	2,359	5,195	2,479	3,299	2,903	8,367	39,115	75,666.76	(3,773.24)
FIRE-RESCUE																
350.3319-917.014	Fire Federal Grants	0	0	394	0	0	0	0	0	0	0	0	0	0	394.00	394.00
350.3319-917.020	Fire Federal EOC Grant	67,389	0	0	0	0	0	0	0	0	0	0	0	62,144	62,143.94	(5,245.06)
100.3356-923.000	State & Federal Forest Land	578	0	0	0	0	0	0	0	0	0	0	0	0	567.03	(10.97)
350.3359-925.002	Fire State Grants	1	0	0	0	0	0	0	0	0	0	0	0	0	0.00	(1.00)
350.3401-927.010	Oil Burner Fees	512	35	35	0	0	35	175	0	70	70	35	70	70	595.00	83.00
350.3401-927.012	Gas Permits	14,500	1,355	3,050	1,645	1,140	1,830	1,165	0	75	300	225	0	70	10,255.00	(4,245.00)
350.3401-927.014	Fire Alarm Permits	2,500	0	0	100	125	250	75	0	75	300	225	0	275	1,425.00	(1,075.00)
350.3401-927.016	Explosive Permits	400	200	0	0	0	0	0	0	0	250	0	0	225	675.00	275.00
350.3401-927.018	Sprinkler Permits	2,000	100	0	475	275	50	0	50	175	0	225	300	0	1,650.00	(350.00)
350.3401-927.020	Fire Incident Reports	0	0	0	165	45	45	0	75	15	45	45	0	0	435.00	435.00
350.3401-927.022	Fire Details	2,500	230	0	0	0	59	341	0	0	0	0	0	59	688.80	(1,311.20)
350.3401-927.024	Plan Review	5,000	350	600	100	0	0	500	0	100	100	100	725	925	3,500.00	(1,500.00)
350.3401-927.026	Blasting Fees	900	225	225	0	0	0	0	0	0	0	0	0	0	450.00	(450.00)
350.3401-927.028	Fire Assembly Fee	1,800	305	180	180	0	180	60	0	60	1,020	0	0	60	2,045.00	245.00
350.3509-941.000	Miscellaneous Income	2,000	0	45	322	0	203	0	0	0	1,271	75	60	0	1,976.30	(23.70)
	TOTAL FIRE-RESCUE	100,080	2,800	4,529	2,987	1,585	2,652	2,316	125	495	3,056	1,272	1,214	1,625	86,800.07	(13,279.93)
PUBLIC WORKS																
Community Development Division																
200.3401-927.000	Engineering Services	45,000	2,340	0	4,160	520	3,250	2,430	8,768	0	1,560	260	260	0	23,547.50	(21,452.50)
200.3401-927.004	Ordinance Copies	1	0	0	0	0	0	0	0	0	0	0	0	0	0.00	(1.00)
201.3401-927.006	Planning Board Hearings	18,000	0	440	2,470	1,940	1,990	4,830	290	880	1,800	1,935	820	880	17,875.00	(125.00)
202.3230-913.000	Building Permits	100,000	10,543	13,940	5,015	10,326	6,629	3,020	7,043	5,950	27,051	1,985	20,133	16,426	128,061.51	28,061.51
203.3401-927.006	Zoning Board Hearings	3,000	480	360	347	300	820	66	327	170	579	1,043	487	203	5,180.71	2,180.71
	Subtotal Community Development	166,001	13,363	14,740	11,992	13,085	12,289	10,346	16,427	7,000	30,990	5,223	21,700	17,509	174,664.72	8,663.72
Highway Division																

TOWN OF HOOKSETT - REVENUE REPORT
June 30, 2018

GL Numbers	Account Description	2017-18 Budget	July	August	September	October	November	December	January	February	March	April	May	June	2017-18 YTD Total	Over(Under) YTD Budget
450.3353-920.000	Highway Block Grant	307,603	92,281	0	0	92,281	0	0	61,521	0	0	0	61,345	0	307,427.86	(175.34)
450.3401-927.032	Grave Services	3,500	300	300	400	800	300	0	0	0	0	2,400	600	300	5,400.00	1,900.00
450.3401-927.034	Plowing	4,000	0	0	0	0	0	0	5,000	0	0	1,000	0	0	6,000.00	2,000.00
450.3401-927.036	Roadway Excavation Inspection Fee	1,000	0	0	0	0	0	0	0	0	0	100	0	100	200.00	(800.00)
450.3509-941.000	Miscellaneous Income	3,000	1,949	2	14	0	0	161	0	318	955	247	7,252	378	11,275.35	8,275.35
	Subtotal Highway Division	319,103	94,530	302	414	93,081	300	161	66,521	318	955	3,747	69,197	778	330,303.01	11,200.01
	TOTAL PUBLIC WORKS	485,104	107,893	15,042	12,406	106,166	12,589	10,507	82,947	7,318	31,945	8,969	90,897	18,287	504,967.73	19,863.73
INTEREST ON INVESTMENTS																
300.3502-936.000	Interest on Deposits	50,000	6,549	15,819	8,183	7,612	18,790	17,884	9,978	14,885	15,185	19,247	2,557	12,017	148,706.01	98,706.01
	TOTAL INTEREST ON INVESTMENTS	50,000	6,549	15,819	8,183	7,612	18,790	17,884	9,978	14,885	15,185	19,247	2,557	12,017	148,706.01	98,706.01
OTHER																
100.3319-917.000	FEMA	0	0	0	0	0	0	0	0	0	0	0	0	0	0.00	0.00
100.3352-919.000	Meals & Rooms Tax	745,580	0	0	0	0	0	745,580	0	0	0	0	0	0	745,579.92	(0.08)
100.3359-925.000	Rail Road Tax	590	590	0	0	0	0	0	0	0	0	0	0	0	589.78	(0.22)
100.3359-925.006	State Grants	700,000	0	0	0	0	0	0	350,000	0	0	0	0	0	700,000.00	0.00
100.3501-935.000	Sale of Town Property	1,500	0	0	0	0	5,000	106,892	0	0	0	0	490	23,015	135,397.27	133,897.27
100.3503-937.000	Rental of Town Hall	2,600	200	200	0	0	0	0	0	0	0	0	0	0	400.00	(2,200.00)
100.3503-937.002	Court House Lease	75,000	12,394	6,290	6,290	6,290	6,290	6,290	0	12,580	6,290	6,290	6,290	0	75,293.02	293.02
100.3506-939.000	Workers' Comp Dividends	1	0	0	0	0	0	0	0	0	0	0	0	0	0.00	(1.00)
100.3506-939.004	Insurance Dividends & Reimb	1	0	0	0	0	0	0	0	0	0	0	0	0	0.00	(1.00)
100.3508-940.000	Gifts & Grants	39,000	0	0	6	0	0	0	875	0	15,200	250	0	3,800	20,130.65	(18,869.35)
100.3509-941.000	Miscellaneous Income	599,030	14	69	19	269	123	37	39	593,030	13	53	54	221	593,937.89	(5,092.11)
100.3509-941.002	Cable Franchise Fees	175,000	0	0	0	0	45,394	0	0	44,146	0	0	41,986	41,925	173,450.44	(1,549.56)
250.3506-939.008	Welfare Reimbursements	5,000	0	180	0	1,502	0	0	0	0	3,344	0	3,846	709	9,580.74	4,580.74
	TOTAL OTHERS	2,343,302	13,197	6,738	6,314	8,061	56,806	853,799	350,914	649,756	24,846	6,593	52,666	419,670	2,454,359.71	111,057.71
FROM OTHER FUNDS																
875.3914-945.000	Wastewater Department	2,093,341	0	0	0	0	0	0	0	0	0	0	0	0	0.00	(2,093,341.00)
875.3914-945.000	Wastewater Department (Bridge)	500,000	0	0	0	0	0	0	0	0	0	0	0	452,937	452,937.00	(47,063.00)
845.3916-947.000	Cemetery	5,000	0	0	0	0	0	0	0	0	0	0	0	3,957	3,956.97	(1,043.03)
800.3915-946.000	Capital Reserves	0	0	63,985	0	0	0	0	0	0	0	0	0	0	63,985.32	63,985.32
	TOTAL FROM OTHER FUNDS	2,598,341	0	63,985	0	0	0	0	0	0	0	0	0	456,894	520,879.29	(2,077,461.71)
	TOTAL REVENUES	9,430,301	396,544	504,651	306,462	409,551	366,744	1,138,516	841,708	977,295	318,508	314,484	637,366	1,309,451	7,543,707.60	(1,886,593.40)



2018
MS-535

Financial Report of the Budget

Hooksett

For the period ending June 30, 2018

GOVERNING BODY CERTIFICATION

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.

[illegible]

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/>



Expenditures

Account	Purpose	Voted Appropriations	Actual Expenditures
General Government			
4130-4139	Executive	\$610,661	\$375,590
	<i>Explanation: Budget Transfer (\$224,754)</i>		
4140-4149	Election, Registration, and Vital Statistics	\$29,167	\$28,776
	<i>Explanation: Budget Transfer (\$40)</i>		
4150-4151	Financial Administration	\$629,183	\$602,029
	<i>Explanation: Budget Transfer \$49,203</i>		
4152	Revaluation of Property	\$173,623	\$157,500
	<i>Explanation: Budget Transfer (\$2,277)</i>		
4153	Legal Expense	\$90,000	\$96,413
	<i>Explanation: Budget Transfer \$20,000</i>		
4155-4159	Personnel Administration	\$201,808	\$158,153
	<i>Explanation: Budget Transfer (\$9,073)</i>		
4191-4193	Planning and Zoning	\$504,151	\$280,174
	<i>Explanation: Budget Transfer (\$35,002)</i>		
4194	General Government Buildings	\$495,446	\$532,084
	<i>Explanation: Budget Transfer (\$2,009)</i>		
4195	Cemeteries	\$2,841	\$870
4196	Insurance	\$265,000	\$219,925
4197	Advertising and Regional Association	\$14,000	\$13,837
4199	Other General Government	\$1	\$378
General Government Subtotal		\$3,015,881	\$2,465,729
Public Safety			
4210-4214	Police	\$4,638,745	\$4,114,563
	<i>Explanation: Budget Transfer (\$119,737) Grants \$43,694</i>		
4215-4219	Ambulance	\$0	\$0
4220-4229	Fire	\$4,047,035	\$4,137,150
	<i>Explanation: Budget Transfer \$129,748 Grants \$47,549</i>		
4240-4249	Building Inspection	\$100,150	\$89,906
	<i>Explanation: Budget Transfer (\$8,882)</i>		
4290-4298	Emergency Management	\$8,050	\$27,094
	<i>Explanation: Grant \$26,018</i>		
4299	Other (Including Communications)	\$0	\$0
Public Safety Subtotal		\$8,793,980	\$8,368,713
Airport/Aviation Center			
4301-4309	Airport Operations	\$0	\$0
Airport/Aviation Center Subtotal		\$0	\$0



Expenditures

Account	Purpose	Voted Appropriations	Actual Expenditures
Highways and Streets			
4311	Administration	\$221,187	\$196,670
	<i>Explanation: Budget Transfer (\$4,866)</i>		
4312	Highways and Streets	\$1,758,730	\$1,508,161
	<i>Explanation: Budget Transfer \$183,191</i>		
4313	Bridges	\$1	\$3,879,708
	<i>Explanation: Emergency Expenditure Approved 6/22/17</i>		
4316	Street Lighting	\$62,000	\$61,221
4319	Other	\$195,582	\$218,889
	<i>Explanation: Budget Transfer \$24,641</i>		
Highways and Streets Subtotal		\$2,237,500	\$5,864,649
Sanitation			
4321	Administration	\$147,913	\$145,729
	<i>Explanation: Budget Transfer (\$564)</i>		
4323	Solid Waste Collection	\$305,605	\$321,516
	<i>Explanation: Budget Transfer \$28,698</i>		
4324	Solid Waste Disposal	\$654,522	\$617,684
	<i>Explanation: Budget Transfer (\$7,115)</i>		
4325	Solid Waste Cleanup	\$0	\$0
4326-4329	Sewage Collection, Disposal and Other	\$0	\$0
Sanitation Subtotal		\$1,108,040	\$1,084,929
Water Distribution and Treatment			
4331	Administration	\$0	\$0
4332	Water Services	\$0	\$0
4335-4339	Water Treatment, Conservation and Other	\$0	\$0
Water Distribution and Treatment Subtotal		\$0	\$0
Electric			
4351-4352	Administration and Generation	\$0	\$0
4353	Purchase Costs	\$0	\$0
4354	Electric Equipment Maintenance	\$0	\$0
4359	Other Electric Costs	\$0	\$0
Electric Subtotal		\$0	\$0
Health			
4411	Administration	\$2,000	\$0
4414	Pest Control	\$0	\$0
4415-4419	Health Agencies, Hospitals, and Other	\$0	\$0
Health Subtotal		\$2,000	\$0



Expenditures

Account	Purpose	Voted Appropriations	Actual Expenditures
Welfare			
4441-4442	Administration and Direct Assistance	\$148,548	\$93,111
<i>Explanation: Budget Transfer (\$455)</i>			
4444	Intergovernmental Welfare Payments	\$46,403	\$27,355
4445-4449	Vendor Payments and Other	\$0	\$0
Welfare Subtotal		\$194,951	\$120,466
Culture and Recreation			
4520-4529	Parks and Recreation	\$564,878	\$513,579
<i>Explanation: Budget Transfer (\$20,907)</i>			
4550-4559	Library	\$779,452	\$779,452
4583	Patriotic Purposes	\$2,945	\$2,945
4589	Other Culture and Recreation	\$13,250	\$13,250
Culture and Recreation Subtotal		\$1,360,525	\$1,309,226
Conservation and Development			
4611-4612	Administration and Purchasing of Natural Resources	\$1,277	\$1,277
4619	Other Conservation	\$0	\$0
4631-4632	Redevelopment and Housing	\$0	\$0
4651-4659	Economic Development	\$500	\$656
<i>Explanation: Budget Transfer \$200</i>			
Conservation and Development Subtotal		\$1,777	\$1,933
Debt Service			
4711	Long Term Bonds and Notes - Principal	\$0	\$0
4721	Long Term Bonds and Notes - Interest	\$0	\$0
4723	Tax Anticipation Notes - Interest	\$1	\$0
4790-4799	Other Debt Service	\$0	\$0
Debt Service Subtotal		\$1	\$0
Capital Outlay			
4901	Land	\$1	\$0
4902	Machinery, Vehicles, and Equipment	\$0	\$0
4903	Buildings	\$0	\$0
4909	Improvements Other than Buildings	\$0	\$0
Capital Outlay Subtotal		\$1	\$0



Expenditures

Account	Purpose	Voted Appropriations	Actual Expenditures
Operating Transfers Out			
4912	To Special Revenue Fund	\$15,578	\$0
4913	To Capital Projects Fund	\$0	\$0
4914A	To Proprietary Fund - Airport	\$0	\$0
4914E	To Proprietary Fund - Electric	\$0	\$0
4914O	To Proprietary Fund - Other	\$0	\$0
4914S	To Proprietary Fund - Sewer	\$2,093,341	\$2,093,341
4914W	To Proprietary Fund - Water	\$0	\$0
4915	To Capital Reserve Fund	\$540,000	\$540,000
4916	To Expendable Trusts/Fiduciary Funds	\$0	\$0
4917	To Health Maintenance Trust Funds	\$0	\$0
4918	To Non-Expendable Trust Funds	\$0	\$0
4919	To Fiduciary Funds	\$0	\$0
Operating Transfers Out Subtotal		\$2,648,919	\$2,633,341
Payments to Other Governments			
4931	Taxes Assessed for County	\$0	\$5,535,834
4932	Taxes Assessed for Village District	\$0	\$0
4933	Taxes Assessed for Local Education	\$0	\$22,354,979
4934	Taxes Assessed for State Education	\$0	\$4,149,940
4939	Payments to Other Governments	\$0	\$0
Payments to Other Governments Subtotal			\$32,040,753
Total Before Payments to Other Governments		\$19,363,575	\$21,848,986
Plus Payments to Other Governments			\$32,040,753
Plus Commitments to Other Governments from Tax Rate		\$32,040,753	
Less Proprietary/Special Funds		\$2,093,341	\$2,093,341
Total General Fund Expenditures		\$49,310,987	\$51,796,398



Revenues

Account	Source of Revenues	Estimated Revenues	Actual Revenues
Taxes			
3110	Property Taxes	\$0	\$42,803,237
3120	Land Use Change Tax - General Fund	\$0	\$0
3121	Land Use Change Taxes (Conservation)	\$0	\$0
3180	Resident Tax	\$0	\$0
3185	Yield Tax	\$10,000	\$18,020
3186	Payment in Lieu of Taxes	\$0	\$0
3187	Excavation Tax	\$7,500	\$9,101
3189	Other Taxes	\$0	\$0
3190	Interest and Penalties on Delinquent Taxes	\$300,000	\$171,195
9991	Inventory Penalties	\$0	\$0
Taxes Subtotal		\$317,500	\$43,001,553
Licenses, Permits, and Fees			
3210	Business Licenses and Permits	\$1	\$500
3220	Motor Vehicle Permit Fees	\$3,442,000	\$3,524,722
3230	Building Permits	\$100,000	\$128,062
3290	Other Licenses, Permits, and Fees	\$18,500	\$25,917
3311-3319	From Federal Government	\$0	\$72,812
<i>Explanation: Grants - \$80,481</i>			
Licenses, Permits, and Fees Subtotal		\$3,560,501	\$3,752,013
State Sources			
3351	Shared Revenues	\$0	\$0
3352	Meals and Rooms Tax Distribution	\$745,580	\$745,579
3353	Highway Block Grant	\$307,603	\$307,428
3354	Water Pollution Grant	\$0	\$0
3355	Housing and Community Development	\$0	\$0
3356	State and Federal Forest Land Reimbursement	\$578	\$567
3357	Flood Control Reimbursement	\$0	\$0
3359	Other (Including Railroad Tax)	\$593	\$736,894
<i>Explanation: Grants -\$30,697 Bridge \$700,000</i>			
3379	From Other Governments	\$0	\$0
State Sources Subtotal		\$1,054,354	\$1,790,468
Charges for Services			
3401-3406	Income from Departments	\$115,644	\$91,415
3409	Other Charges	\$0	\$0
Charges for Services Subtotal		\$115,644	\$91,415



Revenues

Account	Source of Revenues	Estimated Revenues	Actual Revenues
Miscellaneous Revenues			
3501	Sale of Municipal Property	\$1,500	\$117,070
3502	Interest on Investments	\$50,000	\$148,706
3503-3509	Other	\$309,253	\$906,513
<i>Explanation: Grants \$19,000 Bridge \$593,030</i>			
Miscellaneous Revenues Subtotal		\$360,753	\$1,172,289
Interfund Operating Transfers In			
3912	From Special Revenue Funds	\$15,578	\$0
3913	From Capital Projects Funds	\$0	\$0
3914A	From Enterprise Funds: Airport (Offset)	\$0	\$0
3914E	From Enterprise Funds: Electric (Offset)	\$0	\$0
3914O	From Enterprise Funds: Other (Offset)	\$0	\$0
3914S	From Enterprise Funds: Sewer (Offset)	\$2,093,341	\$2,546,278
<i>Explanation: Bridge \$500,000</i>			
3914W	From Enterprise Funds: Water (Offset)	\$0	\$0
3915	From Capital Reserve Funds	\$0	\$63,985
3916	From Trust and Fiduciary Funds	\$5,000	\$3,957
3917	From Conservation Funds	\$0	\$0
Interfund Operating Transfers In Subtotal		\$2,113,919	\$2,614,220
Other Financing Sources			
3934	Proceeds from Long Term Bonds and Notes	\$0	\$0
Other Financing Sources Subtotal		\$0	\$0
Less Proprietary/Special Funds		\$2,093,341	\$2,093,341
Plus Property Tax Commitment from Tax Rate		\$43,067,701	
Total General Fund Revenues		\$48,497,031	\$50,328,617



Balance Sheet

Account	Description	Starting Balance	Ending Balance
Current Assets			
1010	Cash and Equivalents	\$15,423,381	\$12,884,442
1030	Investments	\$6,929,345	\$10,975,635
1080	Tax Receivable	\$4,337,812	\$2,630,169
1110	Tax Liens Receivable	\$1,693,177	\$1,819,972
1150	Accounts Receivable	\$50,140	\$49,149
1260	Due from Other Governments	\$8,634	\$445,451
1310	Due from Other Funds	\$364,220	\$586,402
1400	Other Current Assets	\$35,787	\$53,406
1670	Tax Deeded Property (Subject to Resale)	\$633,220	\$607,012
Current Assets Subtotal		\$29,475,716	\$30,051,638
Current Liabilities			
2020	Warrants and Accounts Payable	\$838,186	\$669,631
2030	Compensated Absences Payable	\$465,583	\$421,623
2050	Contracts Payable	\$0	\$50
2070	Due to Other Governments	\$2,100	\$1,005
2075	Due to School Districts	\$0	\$0
2080	Due to Other Funds	\$0	\$0
2220	Deferred Revenue	\$21,678,120	\$23,357,851
2230	Notes Payable - Current	\$0	\$0
2270	Other Payable	\$105,190	\$682,723
Current Liabilities Subtotal		\$23,089,179	\$25,132,883
Fund Equity			
2440	Non-spendable Fund Balance	\$669,015	\$660,650
2450	Restricted Fund Balance	\$0	\$0
2460	Committed Fund Balance	\$0	\$0
2490	Assigned Fund Balance	\$2,052,772	\$890,469
2530	Unassigned Fund Balance	\$3,664,749	\$3,367,636
Fund Equity Subtotal		\$6,386,536	\$4,918,755



Tax Commitment

Source	County	Village	Local Education	State Education	Other	Property Tax
MS-535	\$5,535,834	\$0	\$22,354,979	\$4,149,940	\$0	\$42,803,237
Commitment	\$5,535,834	\$0	\$22,354,979	\$4,149,940		\$43,067,701
Difference	\$0	\$0	\$0	\$0		(\$264,464)

General Fund Balance Sheet Reconciliation

Total Revenues	\$50,328,617
Total Expenditures	\$51,796,398
Change	(\$1,467,781)
<hr/>	
Ending Fund Equity	\$4,918,755
Beginning Fund Equity	\$6,386,536
Change	(\$1,467,781)



Long Term Debt

Description (Purpose)	Original Obligation	Annual Installment	Rate	Final Payment	Start of Year	Issued	Retired	End of Year
SRF Loan (Upgrade Wasterwater Plant)	\$3,500,000	\$0	2.728	2030	\$2,602,815	\$0	\$154,339	\$2,448,476
SRF Loan (ARRA) (Upgrade Wastewater Plant)	\$6,212,940	\$0	1.104	2013	\$2,174,529	\$0	\$155,323	\$2,019,206
	\$9,712,940				\$4,777,344	\$0	\$309,662	\$4,467,682

Staff Report
Budget Transfer 2018-19
8/22/2018

Background Discussion of Issues
<p>Transfer funds from Town Administration Full-time Employees line to the departments for the discretionary wage adjustment pool approved by the voters. There was seven positions that received adjustments: Police Sergeant, Bookkeeper, Technical Services Assistant at the Library, Administrative Services Coordinator, Finance Director, one laborer and Code Enforcement Officer. The remaining funds were distributed to non-union full-time and part-time employees, which provided an increase of 20 cents per hour.</p>
Recommendation (Including Suggested motion, if appropriate)
<p>Motion to have the Chairman sign Budget Transfer #2019-01 in the amount of \$43,289.00 to allocate the discretionary wage adjustment pool for non-union employees as approved in article #9 in March 2018.</p>
Fiscal Impact
<p>The budget transfers has no fiscal impact.</p>
Prepared By: Christine Soucie, Finance Director
Town Administrator's Recommendation
Concur

TOWN OF HOOKSETT

BUDGET TRANSFER REQUEST FORM

TRANSFER # 2019-01

Please explain the purpose of this transfer request: Transfer funds from Town Administration Full-time Employees line to the departments for the discretionary wage adjustment pool approved by the voters. There was seven positions that received adjustments: Police Sergeant, Bookkeeper, Technical Services Assistant at the Library, Administrative Services Coordinator, Finance Director, one laborer and Code Enforcement Officer. The remaining funds were distributed to non-union full-time and part-time employees, which provided an increase of 20 cents per hour.

NEED OF FUNDS WHERE WILL THE MONEY GO?

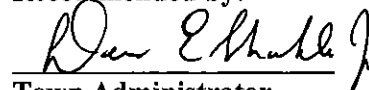
Account #	Description	Current Budget	Amount Added	New Budget
001-100.4130-113.000	ADMIN Part-time Employee	9,000.00	208.00	9,208.00
001-100.4130-220.000	ADMIN FICA Taxes	18,233.00	177.00	18,410.00
001-100.4130-230.000	ADMIN NH Retirement	24,510.00	239.00	24,749.00
001-150.4152-111.000	ASSG Full-time Employee	97,809.00	832.00	98,641.00
001-150.4152-220.000	ASSG FICA Taxes	7,659.00	64.00	7,723.00
001-150.4152-230.000	ASSG NH Retirement	11,336.00	95.00	11,431.00
001-200.4191-111.000	CD Full-time Employees	238,986.00	832.00	239,818.00
001-200.4191-113.000	CD Part-time Employees	5,308.00	208.00	5,516.00
001-200.4191-220.000	CD FICA Taxes	18,956.00	80.00	19,036.00
001-200.4191-230.000	CD NH Retirement	27,692.00	95.00	27,787.00
001-202.4240-111.000	CEO Full-time Employees	62,608.00	1,241.00	63,849.00
001-202.4240-220.000	CEO FICA Taxes	4,789.00	95.00	4,884.00
001-202.4240-230.000	CEO NH Retirement	7,124.00	142.00	7,266.00
001-300.4150-111.000	FIN Full-time Employees	118,960.00	4,373.00	123,333.00
001-300.4150-220.000	FIN FICA Taxes	10,799.00	336.00	11,135.00
001-300.4150-230.000	FIN NH Retirement	13,432.00	497.00	13,929.00
001-350.4220-111.002	FD Full-time Employee Ad	230,153.00	832.00	230,985.00
001-350.4220-220.000	FD FICA Taxes	41,990.00	12.00	42,002.00
001-350.4220-230.000	FD NH Retirement	663,695.00	265.00	663,960.00
001-400.4210-111.000	PD Full-time Employees	2,607,287.00	8,408.00	2,615,695.00
001-400.4210-113.000	PD Part-time Employees	56,009.00	416.00	56,425.00
001-400.4210-220.000	PD FICA Taxes	85,911.00	313.00	86,224.00
001-400.4210-230.000	PD NH Retirement	702,515.00	2,028.00	704,543.00
001-450.4311-111.000	DPW ADMIN Full-time	123,534.00	832.00	124,366.00
001-450.4311-220.000	DPW ADMIN FICA Taxes	9,642.00	64.00	9,706.00
001-450.4311-230.000	DPW ADMIN NH Retire	14,342.00	95.00	14,437.00
001-450.4312-111.000	RD MNT Full-time Employ	346,102.00	4,576.00	350,678.00
001-450.4312-220.000	RD MNT FICA Taxes	33,105.00	351.00	33,456.00
001-450.4312-230.000	RD MNT NH Retirement	49,246.00	521.00	49,767.00
001-450.4319-111.000	FLEET Full-time Employee	97,592.00	832.00	98,424.00
001-450.4319-220.000	FLEET FICA Taxes	8,613.00	64.00	8,677.00
001-450.4319-230.000	FLEET NH Retirement	12,814.00	95.00	12,909.00
001-450.4520-111.000	P&R Full-time Employees	266,263.00	2,080.00	268,343.00
001-450.4520-220.000	P&R FICA Taxes	23,898.00	159.00	24,057.00
001-450.4520-230.000	P&R NH Retirement	33,033.00	237.00	33,270.00
001-451.4194-113.000	TB Part-time Employees	35,032.00	416.00	35,448.00
001-451.4194-220.000	TB FICA Taxes	6,495.00	32.00	6,527.00

001-500.4321-111.000	R&T ADMIN Full-Time E	80,427.00	416.00	80,843.00
001-500.4321-220.000	R&T ADMIN FICA Taxes	7,903.00	32.00	7,935.00
001-500.4321-230.000	R&T ADMIN NH Retirement	9,856.00	47.00	9,903.00
001-500.4323-111.000	R&T COLL Full-Time E	109,368.00	1,248.00	110,616.00
001-500.4323-220.000	R&T COLL FICA Taxes	9,279.00	95.00	9,374.00
001-500.4323-230.000	R&T COLL NH Retirement	13,803.00	142.00	13,945.00
001-500.4324-111.000	R&T Full-time Employees	88,171.00	416.00	88,587.00
001-500.4324-113.000	R&T Part-time Employees	9,053.00	624.00	9,677.00
001-500.4324-220.000	R&T FICA Taxes	8,159.00	80.00	8,239.00
001-500.4324-230.000	R&T NH Retirement	11,106.00	47.00	11,153.00
001-550.4150-111.000	TAX Full-time Employees	157,909.00	1,622.00	159,531.00
001-550.4150-220.000	TAX FICA Taxes	12,415.00	124.00	12,539.00
001-550.4150-230.000	TAX NH Retirement	18,105.00	185.00	18,290.00
001-600.4140-111.000	TC Full-time Employees	3,506.00	42.00	3,548.00
001-600.4140-220.000	TC FICA Taxes	699.00	3.00	702.00
001-600.4140-230.000	TC NH Retirement	465.00	5.00	470.00
001-650.4150-113.000	BC Part-time Employees	5,260.00	208.00	5,468.00
001-650.4150-220.000	BC FICA Taxes	498.00	16.00	514.00
001-650.4150-230.000	BC NH Retirement	599.00	24.00	623.00
001-684-4550-830.002	LIB Appropriation	781,154.00	5,771.00	786,925.00
Total			43,289.00	

SOURCES OF FUNDS
WHERE WILL YOU GET THE MONEY FROM?

Account #	Description	Current Budget	Amount Reduced	New Budget
001-100.4130-111.000	ADMIN Full-time Employ	263,874.00	(43,289.00)	220,585.00
Total			(43,289.00)	

Recommended by:


Town Administrator


Finance Director

Approved by:

Town Council

Council Meeting Date

Staff Report

Title: Fire Lane Ordinance Waiver request

Date: 08/22/2018

Background Discussion of Issues
<p>Northeast Credit Union has received approval for their site plan for a building on map 25 lot 52. On the night they received the approval they submitted an application to the Planning Board requesting a waiver of the Fire Lane Ordinance (attached). The ordinance requires any building in which the fire department will not have access to all four sides to install a sprinkler system.</p> <p>Since the approved plan only indicates access on two sides they requested a waiver so they would not need to install the sprinklers. The plan, as originally applied for, and approved, included the sprinklers and this issue was not raised until the day of the final vote.</p> <p>Since the Fire Lane Ordinance was passed by the Town Council the Planning Board sent the applicant to Town Council.</p>
Recommendation (Including Suggested motion, if appropriate)
<p>I recommend that you reject this waiver request. The Fire Lane Ordinance (unlike some ordinances) does not provide a method for any amendments or waivers by any individual or town body, including the Town Council. This ordinance has been in effect since 1999 (with an amendment in 2006) and there apparently has never been an exception made.</p> <p>Of course, the Council may, if they think the ordinance should be amended, go through the process of doing that. Given that this is a long-standing ordinance that applies to a safety issue I would hope that the Council would approach such an amendment with the careful deliberation I believe it deserves.</p> <p>I have also attached a note from Fire Chief Burkush that indicates he opposes reducing safety standards and he believes the fact that the applicant has options eliminates the need for a change.</p>
Fiscal Impact
None to the town.
Prepared By: Dean E. Shankle, Jr.
Town Administrator's Recommendation
See above

Please see the attached waiver request received in my office on 08/06/18 at noon. The Planning Board met at 6 PM the same day. After speaking with Steve Colburn and Dick Marshall, it was determined that this fell out of the purview of the Planning Board, and I was advised that it would need to go before Town Council for consideration. The applicant is required to install sprinklers under the provisions of the fire lane ordinance due to the fact that the design of the building does not allow 4-sided access. The applicant's other waiver requests were granted, and the site plan was also approved. The approved drawings include plans for a fire suppression system.

Nicholas B. Williams

Town Planner

Hooksett, New Hampshire

603.268.0458

nwilliams@hooksett.org

**DEVELOPMENT REGULATIONS/PZ ZONING ORDINANCES
WAIVER REQUEST FORM
Town of Hooksett, New Hampshire**

Name of Subdivision/Site Plan:

18-13

Street Address:

1289 Hooksett Road Hooksett, NH

I David N Lapp on behalf of Northeast Credit Union hereby request that the Planning Board waive the requirements of item Building Fire Suppression of the Development Regulations/PZ Zoning Ordinances in reference to a plan presented by Berry Engineering (name of surveyor and engineer) dated 7/11/18 for property tax map(s) 25 and lot(s) 52 in the Town of Hooksett, NH.

As the aforementioned applicant, I, herein, acknowledge that this waiver is requested in accordance with the provisions set forth in RSA 674:36, II (n) (For Subdivisions) **OR** RSA 674:44, III (e) (For Site-Plans). Without the Planning Board granting said waiver, strict conformity would cause an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations, **OR**, the specific circumstances relative to the subdivision/site plan or conditions of the land in the subdivision/site plan indicate that the waiver will properly carry out the spirit and intent of the regulations.

Strict conformity would cause an **unnecessary hardship** to the applicant and waiver would not be contrary to the spirit and intent of the regulations:

Parking would need to be removed for Northeast CU not to be required to install a fire suppression system. This parking would be next to the building and would include the handicap parking which would cause a hardship in that the parking would be across a drive lane. There is also a financial hardship in that a fire suppression system was not contemplated in the budgeting and would add the cost of the system, fire line, tap and tap fees.

OR:

Specific circumstances relative to the subdivision or conditions of the land in the subdivision indicate that the waiver will properly **carry out the spirit and intent of the regulations**:

The building currently is showing site clearance all 4 sides for fire truck access and also street frontage on both Hooksett Road and Londonderry Turnpike. The building is single story, construction type 2-B and the occupancy (B). This allows for 23,000 sf per floor of allowable area with an allowable increase due to open frontage of 17,250 sf for a total of 40,250 sf per story. The building is one story and 3,120sf in area which is 8% of the allowable square footage. Based on building usage, the calculated occupant load is 32 occupants. The building has 2 exits, one single door and one double door. Combined, the door areas allow for egress capacity for 510 occupants. The building will have a fire alarm system as part of the monitored building alarm system and will also have 2 fire extinguishers located strategically. All of these factors place the building will below the thresholds required for fire suppression systems.

Signed:

David N Lapp SPM "Agent for Northeast CU"

Applicant or Authorized Agent

Planning Board Action:

Waiver Granted _____

Waiver Not Granted _____

Dr. Shankle and Town Council,

Re: Fire Lane Ordinance #00-29 (in place for nearly 20 years)

The purpose of this Ordinance is to assure reasonable fire safety and to facilitate provision of fire extinguishment and rescue services in the Town of Hooksett.

Fire suppression and alarm systems that meet nationally recognized standards are also recognized as one of the most effective means to provide safety.

Accordingly, a degree of flexibility for certain premises with such systems is provided in this Ordinance. In my opinion the Fire Chief has no authority to grant a waiver of "Fire Lane Ordinance #00-29" nor would I support a waiver.

Chief James Burkush

FIRE LANE ORDINANCE ORDINANCE # 00-29

SECTION 1

Abbreviations and Standards:

AASHTO - American Association of State Highway and Transportation Officials

NFPA - National Fire Protection Association

HFD - Hooksett Fire Department

When a standard is referred to herein, it shall be the latest published standard. Regulations adopted by HFD pursuant to this Ordinance shall be distributed to the Town Clerk, Town Planner, Code Enforcement Officer and Town Engineer and shall take effect one week after the required distribution.

SECTION 2

Purpose

The purpose of this Ordinance is to assure reasonable fire safety and to facilitate provision of fire extinguishment and rescue services from premises in the Town of Hooksett. Fire suppression and alarm systems that meet nationally recognized standards are recognized as one of the most effective means to provide fire safety. Accordingly, a degree of flexibility for certain premises with such systems is provided in this Ordinance.

SECTION 3

Restrictions on Parking and Other Obstructions

It shall be unlawful to park, stop or stand a motor vehicle on or to otherwise obstruct at any time, a designated fire lane or the access path to a Fire Lane, as described below, by any means, including but not limited to, snow, trash, boxes, furniture, debris, etc.. It shall be unlawful to park, stop or stand a motor vehicle on a traveled roadway within fifteen feet of, or in front of, or to otherwise obstruct access to any fire hydrant, by any means including, but not limited to, snow, trash, boxes, furniture, debris, etc.

SECTION 4

General Requirements for Fire Lanes and Access Paths

Fire Lanes shall be provided for all new premises, with the exception of one and two family dwellings as defined by NFPA and HFD and townhouses that have a two hour separation between units and automatic fire suppression systems as long as they do not exceed twelve (12) units per structure. Such Fire Lanes shall be in accordance with this Ordinance and such additional regulations as may be adopted by the HFD.

Fire Lanes shall include an access path, which connects the Fire Lane to a public highway. Such access path shall meet the same standards as the Fire Lane travel

surface with respect to construction details, geometry and clearance, and maintenance, and is subject to the same restrictions on obstruction.

Fire Lanes and the access to Fire Lanes shall consist of a travel surface a minimum of twenty (20) feet in width, plus an area between the travel surface and the structure to be protected, referred to herein as the "building band".

Access path and Fire Lane travel surfaces shall support an AASHTO H20 loading in all seasons, and shall be surfaced with materials acceptable to the HFD. Access path and Fire Lane travel surfaces shall have a height clearance of at least 13'6". Access path and Fire Lane travel surface geometry, including intersections with highways and turnaround areas, shall be designed and constructed to allow for turning of fire apparatus with adequate clearances for wheels and overhangs.

As a minimum, geometry shall conform to "Minimum Turning Path for SU Design Vehicle" as established by AASHTO, figure II-2 in A Policy on Geometric Design of Highways and Streets. Any dead end access path shall be provided with a turn around acceptable to the HFD. Slope of travel surface and access path shall not exceed ten percent (10%) and shall be designed and constructed with adequate smooth transitions to assure that vehicle overhangs do not contact surfaces.

Fire Lanes travel surface and access path shall be marked with signs erected in plain view and not more than 100 feet apart, stating "Fire Lane No Parking" and shall be clearly marked with continuously repeated yellow lettering on the surface with the legend "Fire Lane No Parking". Where surfaces adjacent to an access path or Fire Lane travel surface are not designed to the same standard outlined herein, the limits of the access path or Fire Lane travel surface shall also be physically marked, with curbing, raised markers, or other means to distinguish them from adjacent surfaces which are not designed to support fire apparatus.

SECTION 5

Fire Lanes for Premises that have a Complete Monitored Suppression System

Premises that have a complete, monitored suppression system as defined by NFPA and HFD are required to have "two side access" to the building, except that the following shall have "two and a half side" access:

1. Industrial occupancies over 12,000 square feet.
2. Multi family dwellings with more than 12 units.
3. Detention and correctional with occupancy of more than 6.
4. Assembly occupancies over 5,000 square feet, except a house of worship shall only require "two sides" access.

"Two side access" shall consist of Fire Lanes along two sides of the structure, and at least one Fire Lane shall include the primary access to the structure. The Fire Department connection shall be accessed from one of these Fire Lanes.

"Two and a half side" access shall consist of Fire Lanes along two and one half sides of the structure, and at least one Fire Lane shall include the primary access to the

structure. The Fire Department connection shall be accessed from one of these Fire Lanes.

The two descriptions immediately above contemplate rectangular, uniform structures. In the case of non-rectangular structures, or other unusual configurations, the intent as outlined above shall be followed by the HFD in determining the Fire Lane requirements.

A turnaround for fire apparatus shall be provided for any Fire Lane travel surface in excess of one hundred (100) feet. Only one access can end in a turnaround requiring a reversing maneuver, any other turnaround must allow for circular traffic flow, i.e. without any reversing maneuver.

The "building band" shall not be less than ten (10) feet and not more than thirty (30) feet in width. For premises that have a complete, monitored suppression system as defined by NFPA and HFD, the building band may be occupied by parked vehicles and landscaping, and may be reasonably sloped, provided however that building fire equipment and certain windows as selected by the HFD shall not be obstructed.

SECTION 6

Fire Lanes for other Premises

Fire Lanes shall access all sides of the building and allow for apparatus to drive completely around the building.

The edge of the Fire Lane travel surface shall be ten (10) feet from the building, and the "building band" shall be clear of all obstructions except for minor landscaping which shall not be placed in front of windows or building fire equipment, and shall be maintained at a height of less than four (4) feet. The building band shall be level or sloped not greater than twenty percent (20%).

SECTION 7

Maintenance Responsibilities for Fire Lanes and Access Paths

Fire Lane travel surfaces and access paths shall be maintained accessible and usable in all weather conditions in accordance with regulations of the HFD.

The owner and any tenant occupant of the premises shall be jointly and severally responsible for maintenance of the Fire Lane travel surfaces and access paths.

SECTION 8

Additions to Existing Premises

This Ordinance shall apply in full to existing structures which are expanded, provided however, that the HFD may allow exceptions to any portion of the Ordinance which in its sole discretion cannot reasonably be met due to unique circumstances at the site of such an existing structure. Any such exception, including the reason it was granted, shall be documented by the HFD and such documentation shall be distributed to the Town Clerk, Town Planner, Code Enforcement

Officer and Town Engineer, and shall be maintained with the permanent Building Department file for the structure.

SECTION 9

Enforcement and Penalties

Administrative Enforcement of Parking Violations, Ordinance #00-28, shall apply for violations of this Ordinance relating to parking of vehicles. The Police Department shall enforce such violations.

Enforcement of other terms of this Ordinance shall be in accordance with the regulations of the HFD and the State Fire Code enforced by the HFD.

ADOPTED: 06/23/99

AMENDED: 03/22/06

Staff Report

Title: Mutual Aid Agreement for Building Inspection Duties

Date: August/ 22/2018

Background Discussion of Issues
<p>The idea of working with neighboring towns to cooperate in areas that are mutually beneficial is something the Council has supported for years. This proposed inter-municipal agreement will do just that.</p> <p>Presently, when the town's building inspector is not available (primarily due to vacations) the town contracts with someone to do the required inspections. This inter-municipal agreement with the Town of Pembroke would eliminate this need and reduce our costs.</p>
Recommendation (Including Suggested motion, if appropriate)
<p>Proposed motion:</p> <p>"I move that the Town Council authorizes the Town Administrator to execute the inter-municipal agreement with the Town of Pembroke for building inspector duties as presented."</p>
Fiscal Impact
<p>The sharing of services should have a positive impact in that it should eliminate our need (in most cases) to contract out this service during times when our building inspector is out of the office.</p>
Prepared By: Dean Shankle
Town Administrator's Recommendation
<p>I certainly support this.</p>

MUTUAL AID AND ASSISTANCE AGREEMENT BETWEEN THE TOWNS OF PEMBROKE AND HOOKSETT

This Agreement is entered into by each of the entities that executes and adopts the understandings, commitments, terms and conditions contained herein:

WHEREAS, Chapter 53-A of the New Hampshire Revised Statutes Annotated, permits municipalities to make the most efficient use of their powers by enabling them to co-operate with other municipalities on a basis of mutual cooperation; and

WHEREAS, the towns of Pembroke and Hooksett wish to provide mutual aid and assistance to one another in the area of building inspection duties at appropriate times.

THEREFORE, pursuant to RSA 53-A:3, I, the Town of Pembroke and Hooksett enter into this Agreement for reciprocal building inspection duties, with this Agreement embodying the understandings, commitments, terms and conditions for said aid and assistance, as follows:

As this is a reciprocal contract, it is recognized that any party to this Agreement may be requested by another party to be a Provider. It is mutually understood that each party's foremost responsibility is to its own citizens. The provisions of the Agreement shall not be construed to impose an unconditional obligation on any party to this Agreement to provide aid and assistance pursuant to a request from another party. Accordingly, when aid and assistance have been requested, a party may in good faith withhold the resources necessary to provide reasonable and adequate protection for its own community, by deeming itself unavailable to respond and so informing the party setting the request.

Pursuant to RSA 53-A, all functions and activities performed under this Agreement are hereby declared to be governmental functions. Functions and activities performed under this Agreement are carried out for the benefit of the general public and not for the benefit of any specific individual or individuals. Accordingly, this Agreement shall not be construed as or deemed to be an agreement for the benefit of any third parties or persons and no third parties or persons shall have any right of action under this Agreement for any cause whatsoever. All immunities provided by law shall be fully applicable as elaborated upon in Section VI of this Agreement.

SECTION I: LENGTH OF TIME FOR AID AND ASSISTANCE; RENEWABILITY

- A. Unless otherwise provided, the duration of Provider's assistance shall be presumed to be for an initial period of one week. Thereafter, assistance may be extended as the situation warrants for periods agreed upon by the towns for a period not to exceed thirty (30) days.
- B. As noted previously, Provider's personnel, equipment or other resources shall remain subject to recall by the Provider to provide for its own citizens if circumstances so warrant. Provider shall make a good faith effort to provide at least twenty-four (24) hours advance notice to Recipient of its intent to terminate portions or all assistance, unless such notice is not practicable, in which case, as much notice as is reasonable under the circumstances shall be provided.

SECTION II: COST DOCUMENTATION AND REIMBURSEMENT FOR COVERAGE THAT EXTENDS 30 DAYS OR MORE

- A. Personnel – Provider shall continue to pay its employees according to its then prevailing rules and regulations. At the conclusion of the period of assistance, the Provider shall document all additional direct and indirect payroll costs plus any taxes and employees benefits which are measured as a function of payroll (i.e.: FICA, unemployment, retirement, health insurance, etc.) incurred as a result of the assistance. Recipient shall reimburse Provider within 30 days of receiving the statement of expenses.
- B. Vehicle – Provider shall document any expense incurred for the use of either a municipally-provided vehicle or a private vehicle utilized by the Building Inspector. In either event, mileage incurred for the service provided will be documented and calculated at the rate allowed by the U.S. Internal Revenue Service. Recipient shall reimburse Provider within 30 days of receiving the statement of expenses.

SECTION III: RIGHTS AND RESPONSIBILITIES OF THE PROVIDER'S EMPLOYEES

Whenever Provider's employees are rendering aid and assistance pursuant to this Agreement, such employees shall retain the same powers, duties, immunities and privileges they would ordinarily possess if performing their duties within the geographical limits of the Provider. Provider's employees shall be supervised and managed by the Town Administrator while working in the Town of Pembroke or by the Town Administrator while working in the Town of Hooksett. However the individual employees shall be subject to the personnel rules, policies and procedures of their employing community. Any performance, compensation, benefits or disciplinary issues arising during the period of the mutual aid assignment shall be addressed to the employing municipality of the individual, to be handled by that employing municipality.

SECTION IV: COMPLIANCE WITH RSA 53-A:3

- A. The duration of this Agreement is two years. It may be renewed by mutual agreement of all parties, under such terms as all parties may agree upon.
- B. There is no separate legal entity, or organization being established. The Towns are interested in formally sharing existing building inspector and code enforcement personnel and other resources, and seek to establish the framework to accomplish that.
- C. The purpose of the Mutual Aid Agreement is to formally allow the Building Inspectors of the Town of Pembroke and the Town of Hooksett to fill in for each other as may be needed within the jurisdictions of Pembroke and Hooksett, to ensure the two communities building inspection and code enforcement functions are covered during times of prolonged illness; vacations; extended leaves, etc.

- D. The financing of the existing building inspection/code enforcement functions are handled individually within the operating budgets of the Towns of Pembroke and Hooksett. This will not change under this Agreement. The Mutual Aid Agreement provides a framework for reimbursement of expenses for services provided by one community to another.
- E. By written notice from one governing board to another, this Agreement may be terminated with 30 days notice. There will be no jointly owned property, so there will be no property to be disposed of should the agreement be terminated. Upon termination, the only obligation will be for each town to pay for any services provided or expenses incurred prior to the termination date.
- F. This Mutual Aid Agreement shall be administered by the governing boards of Pembroke and Hooksett, or their designees. The Pembroke Board of Selectmen and the Hooksett Town Council designate the Town Administrators of their respective towns as the parties responsible for administering the cooperative undertaking set forth herein.
- G. There will be no acquiring, holding and disposing of real and personal property jointly by the Towns of Pembroke and Hooksett as a result of this Mutual Aid Agreement. Both communities will utilize existing resources owned individually by either the Town of Pembroke or the Town of Hooksett.

SECTION V: WORKER'S COMPENSATION AND LIABILITY COVERAGE

Provider shall furnish worker's compensation coverage for its employees during their performance of mutual aid services under this Agreement. Recipient shall not be responsible for reimbursing any amounts paid or due as benefits to Provider's employee due to personal injury or death occurring during the period of time such employee is engaged in the rendering of aid and assistance under this Agreement. It is mutually understood the Recipient and Provider shall be responsible for payment of such worker's compensation benefits only to their respective employees. Further, it is mutually understood the Recipient and Provider will be entirely responsible for the payment of worker's compensation premiums for their own respective employees.

Provider shall furnish liability coverage for its employees performing services under this Agreement, and shall be solely responsible for the premiums.

SECTION VI: IMMUNITY

Pursuant to RSA 53-A, all activities performed under this Agreement are hereby declared to be governmental functions. The parties to this Agreement and their respective employees retain all governmental immunities, protections and defenses as may be available under law.

SECTION VII: PARTIES MUTUALLY AGREE TO HOLD EACH OTHER HARMLESS

Each party (as indemnitor) agrees to protect, defend, indemnify, and hold harmless the other party (as indemnitee), and its officers, employees, and agents, free and harmless for and against any and all losses, penalties, damages, assessment, costs, charges, professional fees, and other expenses or liabilities of every kind and arising out of or relating to any and all claims, liens, demands, obligations, actions,

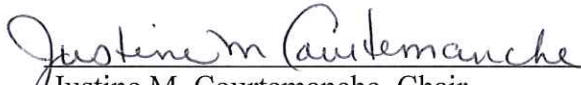
proceedings, or causes of action of every kind in connection with or arising out of indemnitor's negligent acts, errors and/or omissions. Indemnitor further agrees to investigate, handle, respond to, provide defense for, and defend any such claims, etc., at indemnitor's sole expense and agrees to bear all other costs and expenses related thereto. To the extent that immunity does not apply, each party shall bear the risk of its own actions, as it does with its day-to-day operations, and determine for itself what kinds of insurance, and in what amounts, it should carry. Each party understands and agrees that any insurance protection obtained shall in no way limit the responsibility to indemnify, keep and save harmless the other parties pursuant to this Section of this Agreement.

SECTION VIII: EFFECTIVE DATE

This Agreement shall take effect upon its approval by the governing boards of the Towns of Pembroke and Hooksett and upon proper execution hereof, and its filing with the Secretary of State and the Clerks of the Town of Pembroke and the Town of Hooksett. This Agreement shall remain in effect for two years after its execution, and can be renewed by joint action of the two governing boards.

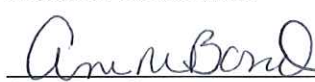
IN WITNESS WHEREOF, each of the parties have caused this Mutual Aid Agreement to be duly executed and approved, as of the date set forth in this Agreement.

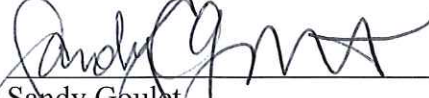
Pembroke Board of Selectmen:


Justine M. Courtemanche, Chair


Vincent E. Greco


Michael Crockwell


Ann Bond


Sandy Goulet

Date filed with the Pembroke Town Clerk: _____

Date filed with the Hooksett Town Clerk: _____

Date filed with the Secretary of State: _____

Effective Date: _____

Hooksett Town Administrator:

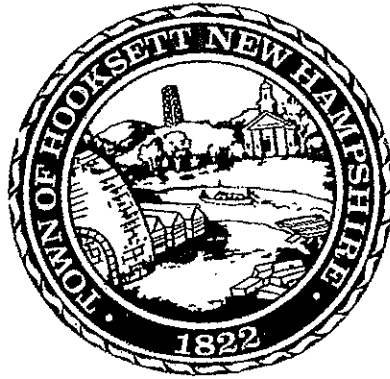
Dean E. Shankle, Jr., Ph.D.

Staff Report

Title: Family Services General Assistance Guidelines

Date: 8/22/2018

Background Discussion of Issues
The recommendation of the Town Auditor is to have the Hooksett Town Council review the Town of Hooksett General Assistance Guidelines, and to adopt the Welfare Guidelines Allowances (Appendix J) annually. The Hooksett Family Services Director is updating the Hooksett General Assistance Guidelines, which includes the Welfare Guidelines Allowances, and they are ready for review by the Town Attorney.
Recommendation (Including Suggested motion, if appropriate)
Motion to accept the Town of Hooksett General Assistance Guidelines.
Fiscal Impact
None
Prepared By: Abby Reeves, Family Services Director
Town Administrator's Recommendation



HOOKSETT FAMILY SERVICES DEPARTMENT

GENERAL ASSISTANCE GUIDELINES

MISSION STATEMENT

This Department provides assistance to individuals, families and households who lack adequate resources to meet their basic needs. Those in need are referred to relief agencies, i.e., federal, state, non-profit, etc. in an effort to save Hooksett tax payer dollars whenever possible. We strive to promote self-reliance, independence, and self-sufficiency.

Town of Hooksett General Assistance Guidelines Approved on 2008

GENERAL ASSISTANCE GUIDELINES

INTRODUCTION

The local governing body, as defined in RSA 672:6, of every town and city in the state shall adopt written guidelines relative to General Assistance. These guidelines shall include, but not be limited to, the following:

- (a) The process for application for General Assistance.
- (b) The criteria for determining eligibility.
- (c) The process for appealing a decision relative to the granting of General Assistance.

ROLES OF WELFARE COMMISSIONER & LOCAL GOVERNING BODY

The responsibility for the day-to-day administration of the General Assistance Program shall be vested in the Family Services Director of the Town of Hooksett. The Family Services Director shall administer the General Assistance Program in accordance with federal legislation, RSA 165 and the Town of Hooksett General Assistance Guidelines. The local governing body (Town Council) is responsible for the adoption of the Guidelines relative to General Assistance. RSA 165:1 (II).

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I. DEFINITIONS

As used in these Guidelines, the following terms have the indicated meaning:

ADVERSE ACTION: A Notice of Decision documenting suspension, denial, or reduction of assistance.

APPLICANT: A person or persons expressing a desire to receive General Assistance. In these Guidelines, the term "Applicant" is used to designate one or more persons.

APPLICATION FOR ASSISTANCE (APPLICATION): The form by which a person requests assistance from a welfare official.

ARREARAGES: Past due amounts on bills for basic needs.

ASSETS: All cash, real estate property, personal property and future interests owned by the applicant; including annuities, insurance awards, tax refunds, retroactive government and insurance payments, expectancies, etc.

AVAILABLE LIQUID ASSETS: Assets readily convertible to cash. See exclusions enumerated in "Determination of Eligibility" section of these Guidelines. **Available liquid assets include, but are not limited to:** bank accounts, credit union accounts, stocks, bonds, brokerage accounts, securities, tax refunds, tax sheltered funds (IRA 401K, 403B accounts, etc.), retirement funds, pension funds, insurance policies with a loan value. Non-essential personal property shall be considered as available liquid assets when they have been converted into cash.

BASIC NEEDS: The essential maintenance and support requirements of a person, as determined by a welfare official under the "standard of need" described in the "Determination of Eligibility" section of these Guidelines.

CASE RECORD: Official Town of Hooksett Family Services Department files containing forms, documents, correspondence and narrative records pertaining to the application. Case files include: determination of eligibility, reasons for decisions and action by the welfare official, types of assistance requested and assistance provided. Cases are held open for six (6) months after the date of last contact with the client.

CASEWORKER: See Welfare Official.

CLAIMANT: A client who has requested a Fair Hearing, either in person or through a duly authorized representative.

CLIENT: A person or persons with an open case at Hooksett Family Services. In these Guidelines, the term "Client" is used to designate one or more persons.

CLIENT INFORMATION UPDATE SHEET: The form utilized for providing the welfare official with any and all changes affecting the client's household circumstances since the last time the client was seen by a welfare official.

COMPLIANCE: Fulfilling all official requirements, conditions and adhering to these Guidelines.

CONTACT SHEET: The form utilized to obtain basic information to determine the applicant's present circumstances.

DENIAL: A determination made by a welfare official that a person does not meet the criteria for assistance.

DEPARTMENT: The Town of Hooksett, New Hampshire Family Services Department.

ELIGIBILITY: Determination by a welfare official in accordance with RSA 165 and with the assistance of these Guidelines, of a person's need for General Assistance.

FAIR HEARING: An inquiry, in accordance with the standards described in the "Fair Hearings" section of these Guidelines, which the person has requested to contest an adverse action. A hearing will be held before an impartial person (Fair Hearing Officer) having no prior knowledge of the case.

FAIR HEARING REQUEST FORM: The Town of Hooksett Family Services Department form that is to be completed in writing by the claimant and submitted to the welfare official to request a Fair Hearing.

FAMILY UNIT: The applicant/client and any related or unrelated person(s) residing with the applicant/client. Family unit includes, but is not limited to:

- a) A person "in loco parentis", that is, one who intentionally accepts the rights and duties of a natural parent with respect to a child not his/her own and who has lived with the child long enough to form a psychological family.
- b) Two unmarried adults who live together and who have produced a child.

GENERAL ASSISTANCE: The term used for local welfare programs administered and funded by each city and town in New Hampshire.

HOME VISIT: A visit to the home of any applicant or client.

HOUSEHOLD: The total number of persons living together who share in or benefit from shelter and other expenses and services. The individuals share living quarters, but are not financially liable for each other unless they request to be treated as such. Expenses which benefit the household (rent, utilities, etc.) are divided pro rata for the purposes of calculating the applicant's need, based on the total number of persons in the household. However, the total shelter cost must approximate the Rental Allowance Guidelines (Appendix – J) amounts for the household size. (For example, three unrelated adults share an apartment, one applies for assistance, rental assistance is determined as one-third of the total shelter cost for three people and the total shelter cost for all three must approximate the Guideline amounts for a household of three.)

INTAKE: The initial interview at which time the application is reviewed by a welfare official to determine eligibility.

LANDLORD: The property owner or the property owner's authorized agent of a valid rental property.

LIABILITY FOR SUPPORT: Those legally liable relatives deemed under RSA 165:19 to have financial responsibility for anyone applying for General Assistance.

MINOR: A person who has not attained the age of eighteen (18) years.

NEED: The basic maintenance and support requirements of a person, as determined by a welfare official under the standards described in the "Determination of Eligibility" section of these Guidelines.

NON-RESIDENT: A person temporarily in Hooksett while his/her residence is elsewhere.

NORMAL WORKING HOURS: The posted office hours of the Town of Hooksett Family Services Department.

NOTICE OF APPLICATION CONTACT: The form used to detail the status of an applicant's request.

NOTICE OF DECISION: The form used to detail the determinations made by the welfare official, i.e., approved, denied, pending, suspended, or withdrawn.

REAL ESTATE: Land, structures and fixtures attached to it.

REFERRAL: Any health, social service or other entity to which the Town has referred a client for additional resources and/or assistance.

REIMBURSEMENT: Repayment of assistance rendered by the Town, pursuant to RSA chapter 165, by clients who are financially able.

RELIEVE AND MAINTAIN: The sustaining of basic needs necessary to the health and welfare of the household.

RESIDENCE: Residence or residency shall mean an applicant's/client's place of abode or domicile. The place of abode or domicile is that place designated by an applicant/client as his/her principal place of physical presence for the indefinite future to the exclusion of all others. Such residence or residency shall not be interrupted or lost by temporary absence from it, if there is an intent to return to such residence or residency as the principal place of physical presence. RSA 165:1 (I); RSA 21:6-a.

RESIDENTIAL UNIT: All persons physically residing with the applicant, including persons in the applicant's household and those not within the household.

ROOMMATE: A person(s) who is/are financially responsible for himself/themselves and living with a client of Hooksett Family Services. Persons living together as if married are expected to be responsible for each other to the extent that they are able.

SHELTER: A temporary housing location, which provides an individual or family with emergency housing.

SUSPENSION: Period of ineligibility for assistance due to noncompliance with the Hooksett, N.H. Family Services Department General Assistance Guidelines. See RSA 165:1-b.

TOWN: The Town of Hooksett, New Hampshire.

UTILITY: Any service such as electric, gas, oil, water or sewer necessary to maintain the health and welfare of the household.

VENDOR/PROVIDER: Any landlord, utility company, store or other business that provides goods or services, needed by the applicant/client.

VERIFIABLE GOOD CAUSE: Includes, but is not limited to a verified medical emergency, or other verified unforeseen emergency circumstances which precludes the individual from fully complying with mandated requirements.

VOUCHER SYSTEM: The system whereby a welfare official issues vouchers (authorizations for payment) directly to vendors rather than cash to the client(s). RSA 165:1 (III). (See "Disbursements" section of these Guidelines).

WELFARE OFFICIAL: The official of the town, or his/her designee, who performs the function of administering General Assistance. Such person has the authority to make all decisions regarding the granting of assistance under RSA 165.

WORK PROGRAM: The Town of Hooksett Family Services Department program established in accordance with RSA 165.

II. MAINTENANCE OF RECORDS

- A.** The Family Services Director is required by law to keep complete records of General Assistance in addition to general statistical records concerning the number of persons given assistance and the cost for such support. Separate case records shall be established for each individual or household applying for General Assistance.
- B.** The purposes for keeping such records are to:
 - 1. Provide a valid basis of accounting for expenditure of the Town of Hooksett's funds;
 - 2. Support decisions concerning the applicant's/client's eligibility;
 - 3. Assure availability of information if the applicant or client seeks administrative or judicial review of the welfare official's decision;
 - 4. Provide the welfare official with accurate statistical information, and
- C.** The welfare official shall maintain case records containing the following information:
 - 1. The completed Application For Assistance.
 - 2. Written grounds for approval, suspension, reduction or denial of an application, contained in a Notice of Decision.
 - 3. A narrative history recording the need for relief, the results of home visits, if any, collateral information, referrals and changes in status.
 - 4. The results of the verification and investigation of information.
- D.** The Application For Assistance form and any documents submitted by the applicant/client to the Family Services Department will be retained as part of the applicant/client case record and become the property of the Town of Hooksett in accordance with the written Guidelines adopted by the Town Council. RSA 165:1 II.
- E.** Copies of case records will be provided to clients or their duly authorized representative. A service charge for processing the request will be assessed.

III. CONFIDENTIALITY OF INFORMATION

Information given by or about an applicant for, or client of General Assistance is confidential and privileged, and is not a public record under the provisions of RSA 91-A:5 (See Appendix – N). Such information will not be published, released or

discussed with any individual except when disclosure is required by law, or when necessary to carry out the purpose of RSA 165. RSA 165:2-c.

IV. RIGHT TO APPLY

A. Screening Process

Individuals contacting or presenting themselves at the Town of Hooksett Family Services Department will be processed in the manner described below. The Family Services Department utilizes a screening process to identify, expedite and prioritize emergency need(s) such as food, shelter, heat (during the winter months), utilities, and emergency medication. This process may involve the individual seeking assistance to complete a Contact Sheet to determine the extent of the emergency and the availability of resources and referrals. Based on the above information it may be necessary for the individual to complete the Application For Assistance and be seen by the welfare official who will conduct the intake interview.

Individuals requesting General Assistance who as a result of the screening process are not considered to be in an emergency situation may be instructed to:

1. return another day for an appointment;
2. be referred to an appropriate agency or resource;
3. be provided with an appointment time to see the welfare official.

B. Application Process

1. Anyone may apply for General Assistance by appearing in person or through an authorized representative at the Hooksett Family Services Department, and by completing a written Application For Assistance form. If more than one adult resides in a household, each adult is required to appear at the Welfare office to apply for assistance, unless one or more of the adults is working, or otherwise has verifiable just cause for his/her absence.
2. The Application For Assistance must be signed by all adult members of the household, when applicable. When multiple adults comprise a household seeking General Assistance from the Town of Hooksett Family Services Department, each adult member of the household must sign where required on the Application For Assistance

Any adult household member who cannot come into the Welfare office to sign the Application For Assistance, must sign the required areas on where indicated and may be required to have his/her signature notarized.

3. The welfare official shall not be required to accept an Application For Assistance from a person who is subject to a suspension pursuant to RSA 165: 1b, provided that any person who contests a determination of continuing noncompliance with these Guidelines may request a Fair Hearing.
4. A client whose case has been closed must file a new application in order to be considered for assistance.

5. The application process may be deferred if an applicant appears to be under the influence of alcohol, drugs or other substances, or appears incapable of comprehending and/or completing the application/interview process.
6. An application is considered withdrawn if the applicant withdraws the application prior to the intake interview.
7. If an applicant/client refuses to sign the Notice of Decision, the applicant/client is still responsible to observe and/or fulfill the requirement(s) listed in the Notice of Decision.

C. Applicant/Client Responsibilities

IMPORTANT NOTICE

For safety and health reasons, applicants, clients and anyone accompanying them in the Department's waiting room must immediately inform the welfare official of all: communicable diseases; contagious diseases; infestations; and any other health hazards. These include, but are not limited to: conjunctivitis, flu, lice, bed bugs, chicken pox, hepatitis, tuberculosis, etc.

At the time of the initial application, and as long as a client is receiving assistance or the case is open, the client shall comply with each of the following responsibilities:

1. To submit an Application For Assistance, all releases of information signed, including any supporting documentation, that is complete, accurate and truthful in all respects and to comply with all requirements set forth in each Notice of Decision, for example, client must provide proof of all household income and dated receipts for all household expenses;
2. To provide accurate and complete information without misrepresentation or omission concerning needs and resources. To cooperate fully and completely in answering all questions asked by the welfare official, including providing information regarding all legally liable relatives (RSA 165:19). Refusing to answer all questions asked by the welfare official may result in a denial of the requested assistance.
3. To report to the welfare official, within three (3) working days, any and all changes in circumstances, particularly the receipt of any financial resources from any source;
4. To apply for and accept any benefit or resource (public or private) that reduces or eliminates the need for local General Assistance upon application and within seven (7) days after the date of the interview;
5. To cooperate fully and completely with the welfare official in verifying all information that has been provided and is necessary to determine eligibility and to notify the welfare official, within three (3) working days, of any changes which differ from the information provided on the Application For Assistance or on the Client Reporting Form;
6. To cooperate fully and completely with the welfare official when the welfare official(s) make(s) a home visit;

7. To keep all appointments as scheduled unless a verifiable emergency prevents keeping the scheduled appointment. In such an event, promptly providing verifiable documentation of the emergency;
8. To provide records and other required information and access to such records and information, when requested;
9. To provide the Request for Medical Information form completed by a medical doctor or physician's assistant as to the level of work that can be performed by the client if claiming an inability to work due to medical problems. Chiropractors and psychologists are not considered licensed medical providers for purposes of these Guidelines;
10. To immediately report the theft and/or loss of any money, voucher or other valuable property to the appropriate entity and/or law enforcement authority and to the welfare official with proof of the report to law enforcement;
11. To diligently search for employment;
12. To provide verifiable documentation of work search (the number of work search contacts to be determined by the welfare official), to accept employment when offered (except for documented reasons of good cause (RSA 165:1-d), and to maintain such employment once assistance has been granted. RSA 165:1-b, I(c);
13. To participate fully in the Welfare Work Program, if physically and mentally able. RSA 165:1-b I (b);
14. To cooperate fully and completely with the welfare official to obtain reimbursement to the Town of Hooksett for assistance provided by any means authorized by law, and to notify the welfare official of any pending civil judgment(s), law suit(s), inheritance(s), financial settlement(s), insurance claim(s) and any other financial award(s);
15. To make reimbursement of any assistance granted when and if returned to income status and if such reimbursement can be made without financial hardship. RSA 165:20-b;
16. To read and sign a copy of the "Responsibilities of Applicant/Client" document which has been provided.

Interviews and/or appointments may be deferred if the applicant/client appears to be under the influence of alcohol, drugs or other substances, or otherwise appears incapable of comprehending/completing the application/interview process.

A client may be suspended or denied assistance for failure to fulfill any of the above responsibilities without verifiable good cause.

Any assistance provided by the Town of Hooksett Family Services Department may be denied for up to six (6) months in accordance with the "Misrepresentation" section of the Town of Hooksett's General Assistance Guidelines, and that person or persons may be prosecuted for a criminal offense, should that client obtain, or attempt to obtain, any Town assistance to which they are not entitled by means of misrepresentation or false statement, impersonation or any other fraudulent act, omission or device of any kind or nature. (RSA 641:3)

NOTE: Assistance will come to an end if a client is suspended, denied or withdraws the request for assistance. Upon subsequent request for assistance, the aid requested will not be provided retroactively.

D. Welfare Official's Responsibilities

The welfare official shall inform the client of those pertinent sections enumerated below, when appropriate.

1. The requirement that a completed application contains all necessary information including: the applicant's signatures agreeing to the reimbursement, the signatures allowing the Department to contact all necessary sources for investigation and verification, and that they have given, read and understood (or the application has been read to them) all information. An incomplete application may be grounds for denial of assistance.
2. To describe eligibility requirements, including a general description of the Guidelines and the eligibility standard, as necessary.
3. To refer an applicant/client requiring emergency assistance to agencies or resources which have agreed to provide emergency, temporary assistance which will meet the needs of the applicant/client until an appointment can be arranged.
4. The requirement to provide the applicant/client with a scheduled appointment.
5. The responsibility of the welfare official to verify all documentation requirements made by the welfare official and provided by the applicant/client, including, but not limited to: identification for all household members, receipts for expenditures, documentation of employment, documentation of application for other programs which would reduce or eliminate the need for General Assistance, documentation of income, loss of employment and any other similar claims affecting eligibility.
6. The need to relocate to more affordable housing based on the applicant's present and projected verifiable income. Effort will be made to maintain an applicant/client in his/her own housing if it is within the department's rental allowance guidelines, unless it is clear that to do so would probably require an unreasonable period of continuing subsidy from the Welfare Department. In determining whether or not continuing subsidy is warranted the department shall consider, among other relevant factors:
 - a. efforts by the client to increase household income or obtain less expensive housing;
 - b. the applicant/client's prospects of obtaining other forms of rental assistance;
 - c. special consideration will be given to helping an applicant/client residing in federally subsidized housing or other substantially below market rate housing to retain such housing.
7. The amount of assistance provided will be negotiated with vendors whenever possible. The Department will always attempt to provide what is necessary for the least cost possible. If negotiation is not possible, the least expensive appropriate alternative will be sought.
8. The Department will not pay charges, which do not directly represent an actual service, for example, late charges, security deposits, key charges, damages, eviction fees, etc.
9. The welfare official may make home visits to verify information when necessary.
10. Families or individuals currently without housing and/or income may be referred to a shelter.

11. Verification will be conducted in order to further substantiate facts and statements as presented by the applicant/client, and that this investigation will be ongoing while the case is open.
12. The client's right to request a Fair Hearing, and the process by which to do so.
13. The statutory requirement of placing liens. See "Liens" section of these Guidelines.
14. The requirement to pursue reimbursement of all assistance in accordance with RSA 165.
15. The applicant's/client's right to review the Guidelines, and the responsibilities as set forth in the Guidelines.
16. To provide the client with a copy of the "Responsibilities of Applicant/Client" document which he/she signed as set forth in the "Right to Apply" section of these Guidelines.

V. VERIFICATION OF INFORMATION

The welfare official will verify all information.

- A. Verification will normally be required of, but not limited to, the following:
 1. Applicant's/client's address.
 2. Names of persons in applicant's household residential unit or family unit.
 3. Picture identification(s), birth certificate(s), and social security card(s). Immigration and Naturalization Service documentation for applicant(s) and household members, when applicable.
 4. Marriage certificate(s), divorce decree(s), child support order(s), custody papers, proof of guardianship, and physical custody of children.
 5. Applicant's/client's and household's/family unit's income and assets.
 6. Applicant's/client's and household's/family unit's financial obligations.
 7. The physical and mental condition of household/family unit members, only when relevant to their receipt of assistance, such as ability to work, determination of needs or referrals to other forms of assistance.
 8. Any special circumstances claimed by applicant.
 9. Applicant's/client's employment status and availability for employment.
 10. Names, addresses, employment and financial status of legally liable relatives. RSA 165:19.
 11. Utility costs.
 12. Housing costs.
 13. Facts relevant to the applicant's/client's residence.
 14. Proof of application and/or benefits from other agencies.
 15. Any other additional information deemed necessary to be verified by the welfare official.
- B. The welfare official shall inform the client which records are necessary and that the client is required to produce these records within seven (7) days after the date of the interview.
- C. Should the applicant/client refuse to provide requested information and/or indicate an unwillingness to have the welfare official seek further information

that is necessary, assistance will be denied for lack of compliance with the Guidelines.

VI. HOME VISITS

A visit to the home of any applicant or client may be made whenever there is a necessity for such a visit. Such a home visit may be made to verify any information regarding the applicant/client.

The home visit shall be conducted in a professional manner. The individual(s) conducting the home visit shall not knowingly mention or discuss the application with, or within the listening area of, anyone who is not a member of the family unit or household. This confidentiality requirement shall not prevent the individual(s) conducting the home visit from providing identification upon request.

All home visits shall be upon notice and shall take place during normal business hours.

VII. DETERMINATION OF ELIGIBILITY

A. Legal Standard and Interpretation

"Whenever a person in any town is poor and unable to support himself/herself, he/she shall be relieved and maintained by the Overseers of Welfare of such town, whether or not he/she has residence there." RSA 165:1. For the purposes of these General Assistance Guidelines:

1. A person cannot be denied assistance solely because he/she is not a resident.
2. "Whenever" means at any or whatever times that person is poor and unable to support himself/herself
 - a. The welfare official shall be available during normal working hours.
 - b. The eligibility of an applicant for General Assistance shall be determined within 72 hours if an emergency exists (see Actions On Application Section), or seven (7) days after the date of the interview.
3. "Poor and unable to support" means that an individual lacks income and available liquid assets to adequately provide for the basic needs for himself/herself or family as determined by the Guidelines.
4. "Relieved" means a person shall be assisted, as the welfare official shall determine, to meet those basic needs.
5. "Maintained" means to be continued on assistance as long as eligible.

B. RSA 167:27 Assistance, Exclusive

"No person receiving old age assistance or aid to the permanently and totally disabled under this chapter or RSA 161 shall at the same time receive any other relief from the state, or from any political subdivision thereof, except for medical and surgical assistance, and the acceptance of such relief shall operate as a revocation of old age assistance or aid to the permanently and totally disabled..."

C. Eligibility Standards

1. **Minors** - Minor applicants shall be referred to Protective Services of the Division of Children, Youth, and Families for case management. Minors have the residence of their parent(s) or legal guardian(s). Minors are the financial responsibility of their parent(s) or legal guardian(s). A minor who is married is considered an adult.
2. **Eligibility for Other Program Assistance** - A client, who may be eligible for any other assistance programs, must apply for such assistance immediately, but no later than seven (7) days after being required to do so by the welfare official. Failure to do so may result in the suspension of assistance.
3. **Employment** - A person who is employed full time, but whose income and assets are not sufficient to meet basic needs expenses, may be eligible to receive General Assistance. However, a client who without verifiable good cause refuses a job offer or referral to employment, participation in the Welfare Work Program (RSA 165:31), or who voluntarily leaves a job (RSA 165:1 d) may be ineligible for continuing General Assistance in accordance with the procedures for suspension outlined in these Guidelines. The welfare official shall first determine whether there is verifiable good cause for such refusal, taking into account the ability and physical and mental capacity of the person, transportation problems, working conditions that might involve risks to health or safety, or the lack of adequate child care. These employment requirements shall extend to all adult members of the household/family unit.
4. **Work Search** - Immediately upon being granted assistance all unemployed clients and adult members of their household, when applicable, shall pursue all available means of securing employment and within seven (7) days after having been granted assistance, shall provide proof that they are pursuing all available means of securing employment in accordance with the Applicant/Client Responsibilities listed in the "Right to Apply" section of these Guidelines. These work search requirements apply unless the client or other adult member of the household is:
 - a. Employed full-time.
 - b. A dependent eighteen (18) years of age or under who is regularly attending school.
 - c. Unable to work due to illness or to a mental or physical disability of himself/herself verified by a licensed medical provider's note.
 - d. Unable to work due to the necessity to care for a disabled family/household member verified by a licensed medical provider's note.
 - e. In a multi-adult family/household only one (1) adult will be exempt from the work search due to caregiver responsibilities.
5. **Voluntary Quit Law** - A client who voluntarily terminates employment shall be ineligible to receive assistance pursuant to the provisions of RSA 165:1-d.
6. **Students** - Clients enrolled in General Equivalency Diploma (GED) or higher education programs must be employed full time or be

available for full time employment; participate in the Department's Welfare Work Program, and/or undertake a diligent, verifiable job search, as assigned by the welfare official to be considered eligible for General Assistance. Full time students are usually considered ineligible as their schooling prevents them from meeting these requirements.

D. Available Assets

1. **Available Liquid Assets** - See Definitions section of these Guidelines. All readily available liquid assets shall be converted immediately. For all other available liquid assets, the welfare official shall allow a reasonable time for such conversion. However, tools of a trade, livestock and farm equipment, and necessary and ordinary household goods are essential items of personal property, which shall not be considered as available assets.
2. **Motor Vehicle Possession**- Possession of a new vehicle, luxury vehicle, or multiple motor vehicles is usually considered as a liquid asset and may be required to be converted to cash prior to eligibility for anything other than an extreme emergency.
3. **Insurance** - The ownership of life insurance policies could affect eligibility. When a policy has cash or loan value, the client will be required to obtain and/or borrow all available funds, which shall then be considered available assets. Premium payment shall not be included as "need" in determining eligibility or amount of aid. Motor vehicle insurance premiums and/or SR22 insurance premiums are not normally included as "need" in determining eligibility or amount of aid.
4. **Real Estate** - The type and amount of real estate owned by a client may not affect eligibility, although rent or other such income from property should be considered as available to meet need. A client owning real estate property, other than that occupied as a home, shall be expected to make reasonable efforts to dispose of it at fair market value. A client shall be informed that a lien covering the amount of any General Assistance received shall be placed against any real estate he/she owns. (RSA 165:28). The welfare official shall not make mortgage payments when the client has a co-signer on the note.
5. **Property Transfers** - No person who is otherwise eligible for assistance under this chapter shall receive such assistance if he/she has made an assignment, transfer or conveyance of property for the purpose of rendering himself/herself eligible for assistance within three (3) years immediately preceding his/her application. RSA 165:2b.

E. Standard of Need – Basic Needs Policy

NOTE: A client must first and foremost utilize resources for basic needs: which are: rent, food (minus Food Stamp Allotment), cleaning and personal hygiene items, utilities, prescriptions, diapers, and gas for a vehicle (when

vehicle is used for medical and work purposes only). Documented child care costs and court ordered child support payments may be considered. Clients must provide legitimate dated and signed receipts. Credit card payments, rent-to-own items, cable service, Internet service, repayment of personal loans, payment of traffic citations, bail, court fines and court ordered restitution are examples of non-basic needs. The above-cited examples are not all inclusive of non-basic needs. Any income used for basic needs must be accounted for with legitimate dated receipts. Any income used for non-basic needs and/or unaccounted for will be considered available when determining eligibility.

The basic financial requirement for General Assistance is that a person be unable to support himself/herself and has insufficient available income/assets to provide payment for any of the following:

1. Rent/Mortgage

The amount to be included for housing is the cost of rent or mortgage to provide shelter.

- a. Rental assistance is determined by the client's ability to afford housing based on present and projected verifiable income.
- b. Arrearages are not normally included. The welfare official may assist in the least costly manner, or may provide alternate means to accommodate the health and safety of the household unit.
- c. Whenever a relative of a client is also the landlord for the client, that landlord will be presumed able to assist his/her relatives pursuant to RSA 165:19, and must prove an inability to assist before any aid payment for shelter is made.
- d. In cases in which the Town of Hooksett has made an appropriate referral for emergency temporary shelter and the applicant/client refuses to accept such a referral, the Town will not be liable for alternative housing, but may consider other forms of assistance to which he/she is otherwise eligible.
- e. Rental/mortgage assistance may be denied for any period in which the client(s) is/are not occupying the housing. The necessity for the absence from the housing will be considered when determining eligibility. While rental/mortgage assistance during hospitalization may be considered, absences for vacation or other non-essential purposes will not.

2. Utilities

When utility costs are not included in the rent/mortgage expense, the client's most recent monthly utility bill will be included by the welfare official in determining the standard of need. Arrearages will not normally be included, except as set forth below. Utilities must be in the client's legal name in order for the welfare official to render assistance.

- a. Arrearages – May be included when deemed necessary to insure the health and safety of the client household/family unit or to prevent termination of utility service.
- b. Restoration of Service - When utility service has been terminated and the welfare official has determined that alternative utility service is not available and alternative shelter is not feasible, the welfare

official may pay the current bill and/or may attempt to arrange a repayment plan entered into by the client and the utility company to restore service. If applicable, the welfare official will negotiate with the utility company to pay the least amount possible towards the sum of the arrears owed by the client.

NOTE: The Welfare Department will abide by the current Chapter PUC 1200 Rules and Regulations for NH UTILITIES enforced by the STATE OF NEW HAMPSHIRE PUBLIC UTILITIES COMMISSION.

3. Shelter

- a. In cases in which the welfare official has made an appropriate referral for emergency shelter, and the applicant/client refuses to accept such a referral, the welfare official at that time is under no obligation to pay for alternative housing/shelter.
- b. If the client fails to comply with Notice of Decision requirements and/or the Guidelines, all assistance, including his/her shelter stay, can be suspended in accordance with the Notice of Adverse Action section of these Guidelines. Information may be provided to the client so that he/she may pursue alternate shelter.
- c. If the client fails to comply with Notice of Decision requirements and/or the Guidelines, all assistance, including his/her shelter stay, can be denied in accordance with the Notice of Adverse Action section of these Guidelines. Information may be provided to the client so that he/she may pursue alternate shelter.

4. Food

The amount allowable for food purchases will be in accordance with the most recent standard food stamp allotment, as determined under the food stamp program administered by the New Hampshire Department of Health and Human Services. The food stamp allotment may be modified if a licensed medical provider has stated in writing that one or more members of the household requires a special diet, the cost of which is greater than can be purchased with the client's allotment of food stamps.

5. Telephone

A telephone or cell phone is not considered a basic need, however if the absence of a phone would create a significant risk to the client's health or safety (verifiable in writing by a licensed medical provider) or for other verifiable good cause as determined by the welfare official, the lowest available basic monthly rate will be allowed. The phone service must be in the legal name of the applicant/client.

6. Transportation

If the welfare official determines that transportation is necessary (e.g., for medical reasons, to maintain employment, to comply with conditions of assistance, or to return a person to his/her residence pursuant to RSA 165:1-c), the cost of transportation will be allowed

unless alternative arrangements (care givers, etc.) are made by the welfare official that minimize the cost to the Town.

The purchase/rental/leasing costs and maintenance of a necessary vehicle must be appropriate to the client's current and projected income. The possession of one motor vehicle by a client or his/her dependent(s) does not affect eligibility if it is essential for: medical or rehabilitation services, transportation to and from employment, or it is essential for use necessary to the maintenance of the individual or family. Essential means that there is no other transportation available.

7. Maintenance of Medical Insurance

In the event that the Family Services Director determines that the maintenance of medical insurance is essential, a client may be allowed the reasonable cost of such premiums.

8. Other Expenses

In the event that the client has the following current expenses, the cost shall be considered when determining eligibility and amount of assistance:

- a. **Medical Expenses** - The welfare official shall not include nor provide payment for medical, prescription, dental or eye services unless the client or applicant can verify that all other resources have been pursued and exhausted, and that there is no means of assistance other than local Welfare. (Other resources include, but are not limited to state and federal programs, local and area clinics, area service organizations and area hospital programs designed for such needs.) When a person applies for medical service, dental service or optometry / ophthalmology service to the local welfare official, he/she must provide written documentation from a licensed medical provider in the area, indicating that these services are absolutely necessary and cannot be postponed without creating a life threatening situation. The welfare official may accept oral verification from the provider, but shall require written confirmation. Whenever possible, the client will seek service from a Medicaid licensed medical provider. If advance payment is required for such medical services, the welfare official may approve payment of the fee up to the reimbursable amount established for the procedure by the New Hampshire Medicaid Program.

- (1) **Prescriptions** - Generic medications must be used unless specified otherwise by a licensed medical provider. The Town of Hooksett Family Services Department will not normally authorize assistance for medications which would not meet the criteria of treating a diagnosed life threatening medical condition or illness, including, but not limited to, birth control medication and devices, addiction cessation products and programs, etc.

- (2) Dental – The Town of Hooksett Family Services Department may provide payment for emergency extractions when all other resources have been pursued and exhausted.
- (3) Hospitalization – The Town of Hooksett Family Services Department does not provide payment for hospitalization or any other medical services incurred without written prior authorization from the welfare official.

b. **Legal Expenses**

No legal expenses will be included except for those specifically required by statute.

c. **Clothing**

If the applicant/client has an emergency clothing need which cannot be met in a timely fashion by other community resources (e.g., Salvation Army, Red Cross, church groups, etc.), the cost of the emergency clothing need will be included.

d. **Miscellaneous**

Normally, cost to prevent repossession of any kind, vehicle payments, vehicle registration or licensing costs, and moving expenses, and any other non-essential expenses as determined by the welfare official shall not be considered allowable expenses. Storage charges and household items are not a basic need and are normally not considered an allowable expense. Decisions regarding storage charges and household items are made on a case by case basis.

e. **Home Ownership Expenses**

Where the client owns a home and is otherwise eligible for assistance, payment for property taxes, homeowner insurance, sewer/water fees and essential repairs may be made as deemed necessary by the Family Services Director or her designee to prevent foreclosure, preserve the home, and maintain the health and safety of the client. A lien shall be placed on the property according to RSA 165:28. The welfare official shall not make mortgage payments when the client has a co-signer on the note.

9. **Shared Expenses**

- a. If the client's household/family unit shares shelter, utility, or other expenses with a non-applicant/client (i.e., is part of a residential unit), then "need" should be determined on a pro-rata share, based on the total number of adults in the residential unit and that all pro-rata expenses have been verified to be current (e.g., three (3) persons in a residential unit, but only one applies for assistance. Shelter need is 1/3 of shelter allowance for a household of three (3) persons).
- b. Personal arrangements between two or more parties concerning financial agreements, e.g., rent, food, utilities, medication, loaning of money, or other goods and services (bartering) which is being rendered by one party to the other

party are not normally recognized as allowable expenses when determining eligibility for assistance (basic needs).

NOTE: Payment Level Determination. The payment level for any particular allowable expense shall be based on local market conditions and costs. The payment levels shall be reviewed by the Family Services Director, and if warranted, will be updated to reflect changes in the market.

F. Income

In determining eligibility and the amount of assistance, the applicant's/client's standard of need, as determined under Section D-"Available Assets" of these Guidelines, shall be compared to the available income/assets. The following items will be included in the computation:

1. Earned Income - Income in cash, tips, or in-kind earned by the applicant/client or any member of his/her family or household through wages, salary, commissions, or profit, whether self-employed or as an employee, is to be included as income. Rental income and business profits are included in this category. With respect to self-employment, subtracting business expenses from gross income in accordance with standard accounting principles as reported on the client's 1099 form will be considered when determining eligibility. When income consists of wages, the amount computed should be that available after income taxes, social security and other payroll deductions required by state, federal, or local law. Child care costs, court ordered support payments and work-related clothing costs will be deducted from income when made through payroll deduction. Garnished wages not available to the client or his/her dependents will not be included as income.
2. Income or Support From Other Sources - Contributions from relatives, other household members or other sources shall be considered as income. The income of non-household members paid to the client shall be counted as income.
3. Income From Other Assistance or Insurance Programs -
 - a. State categorical assistance benefits, Social Security payments, VA benefits, unemployment insurance benefits, and payments from other government and/or private sources shall be considered income.
 - b. Food Stamps cannot be counted as income pursuant to federal law. 7 USC 2017 (b).
 - c. Fuel Assistance also cannot be counted as income pursuant to federal law. 42 USC 8624 (f) (1).
4. Court-Ordered Support Payments - Alimony and child support shall be considered income only if actually received by the client.
5. Income from Other Sources - Tax refunds, payment from pension and trust funds and any other financial resources shall be considered income. Any income actually available to the client from members of his/her household shall be considered as income.
6. Deemed Income - The welfare official shall deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII, as set forth in RSA 165:1-e. When a client receiving benefits through the Division of Human Services is sanctioned by a reduction in benefits for noncompliance, the amount of income considered available would be the amount the client was receiving prior to the sanction.

G. Residents of Domestic Violence Shelters

An applicant/client residing in a shelter for victims of domestic violence who has income, and/or owns resources jointly with the abusive member of the applicant's/client's household, shall be required to cooperate with normal procedures for purposes of verification. Such resources and income may be excluded from eligibility determinations unless the applicant/client has safe access to joint resources. The normal procedures taken in accordance with these guidelines to recover assistance granted shall not delay such assistance.

An applicant/client required to leave a domestic violence shelter will be provided with the telephone numbers of the Domestic Violence Hotline and/or the Homeless Hotline so that the person may pursue alternate safe shelter.

H. Long-Term Treatment Programs

Organizations administering long-term programs that treat individuals to overcome addictions **and restrict the individuals from working while in such a program are totally responsible for the individuals' basic needs.** Individuals participating in long-term treatment programs cannot be referred to the Welfare Department for assistance. By accepting individuals into their long-term programs, organizations affirm a financial commitment to support the individuals while the individuals are in such programs.

VIII. MISREPRESENTATION

Misrepresentation of information by a client is grounds for denial of all Town assistance for up to six (6) months. Misrepresentation of information by a client may result in prosecution.

IX. ACTIONS ON APPLICATIONS

A. Decision

The welfare official has up to seven (7) days after the date of the interview to make a decision concerning client eligibility. A written Notice of Decision shall be delivered or mailed on the same day or next working day following the making of the decision. The Notice of Decision shall specify the type and amount of assistance issued, the time period covered, the required documentation to be provided by the client at the next appointment, or that the request(s) is/are pending, approved, suspended or denied. The Notice of Decision identifies the adverse action(s) upon which the client has the right to request a Fair Hearing.

B. Emergency Assistance

1. At the time of initial contact, if the applicant/client demonstrates and verifies that an immediate need exists in which the threat to life or health (such as loss of shelter, heat sources in winter, lack of food or prescriptions which are an immediate medical necessity), then temporary aid to fill such immediate need(s) shall be given no later than seventy-two (72) hours from the time of the request. If a determination regarding utility assistance cannot be made immediately, a referral to shelter can be offered until such time as eligibility can be determined. Such emergency assistance shall not obligate the welfare official to provide further assistance after the application process is completed.
2. When an applicant/client submits a completed application for assistance with a Notice to Quit for non-payment of rent, prior to the date on which the Notice to Quit expires, the welfare official shall make a reasonable effort to:
 - a. process the application/request in a manner which, if determined eligible and assistance is granted, would enable the applicant/client to tender a voucher in the amount necessary to defeat eviction by the day the Notice to Quit expires; or
 - b. obtain a commitment from the landlord that he/she will agree to accept welfare assistance paid on behalf of the applicant/client and will wait for a decision from the Welfare Department and not pursue the eviction unless a specified date following the expiration of the Notice to Quit passes without the landlord receiving a commitment to pay from the department.
 - c. In no case shall the decision on the application for rental assistance to cure a Notice to Quit for non-payment of rent be issued later than 72 hours from the time of the application or by the date of the expiration of the Notice to Quit, whichever is later.
 - d. This process does not apply to a client who is presently in the suspension or denial status.

C. Temporary Assistance

In emergency circumstances where required records are not available, the welfare official may give temporary assistance to an

applicant/client pending receipt of required documents. Temporary status shall not extend beyond one week.

D. Withdrawn Application

An application is considered withdrawn if the applicant withdraws the application prior to the intake interview.

E. Withdrawn Request

A request is considered withdrawn if during the intake interview or at any other appointment, the client indicates that he/she has changed his/her mind and does not want assistance. A Notice of Decision would be issued indicating that the request for assistance has been withdrawn and that the case will be held open for six (6) months during which time the client must use his/her funds for basic needs and that the client is to contact the Welfare Department if he/she reconsiders requesting assistance.

X. DISBURSEMENTS

- A. The Town of Hooksett pays vouchers directly to vendors up to the dollar amount designated on the voucher, or for the actual amount listed on an itemized bill or register tape if less than the voucher amount. The Town of Hooksett will not pay any amount in excess of the amount listed on the voucher. Alterations, reproductions and/or misuse of vouchers will be reported to the appropriate law enforcement agency(ies). A client must sign the voucher and present valid identification to insure proper usage. Tobacco products, alcoholic beverages, pet food, magazines, plants, cards, and children's toys cannot be purchased with vouchers. It is the responsibility of the client to safeguard from theft, loss or misuse of any voucher he/she receives. No replacement voucher will be issued if the original is lost, stolen, misplaced, or misused unless authorized by the Family Services Director.
- B. All disbursements will be in the form of vouchers or checks directly payable to the vendor providing the service, and in accordance with the general regulations below:
 - 1. Rent may only be made payable to the owner of the property unless the Department is in receipt of a notarized Agent Authorization Form supplied to the client by the Department which allows otherwise. No rent payment will be made until a Landlord Form generated by the Department has been completed. Forms not generated by this Department will not be honored. Only property owners or authorized agents as noted above will be recognized as having the authority to complete the Landlord Form. To be issued payment, the vendor must be on the Town of Hooksett's vendor file. To be placed on this file, the vendor must supply the Welfare Department with a completed current W-9 form and any other documentation required by the Town's Finance Department. **Vouchers for rental payment will be made to**

landlords who possess a current Certificate of Compliance issued by the Town Building Department where required by Ordinance.

2. The rental assistance form is to be considered a legal document upon which the Department relies in determining eligibility. The information must be accurate and true. Forms which misrepresent or inaccurately report information for the purposes of obtaining assistance which otherwise may not be issued will be grounds for stopping payment. Legal action may also be taken. Vouchers must be used within the time period as stated on the voucher. Stores allowing prohibited items to be purchased will not be reimbursed for those items. All stores receiving vouchers must attach the cash register tape to the voucher in order to be reimbursed. Only the amount used will be reimbursed.
3. All vouchers are one time only, each voucher requires an individual approval.
3. The vendor has sixty (60) days in which to return the voucher for payment. None will be honored after that time.

C. Revocation of Assistance Granted

A voucher previously issued, but not yet paid, may be revoked and voided under certain circumstances. If facts are discovered that would negate such issuance, or fraud is determined, the voucher will be cancelled promptly. If the voucher has been processed for payment, the client will be contacted to immediately reimburse the Welfare Department. If fraud is involved, the facts surrounding the matter will be given to the appropriate law enforcement authorities for action. The revocation of assistance is not meant to replace the suspension process for issues of noncompliance.

XI. WELFARE WORK PROGRAM

A. Participation

Any client receiving General Assistance who is able to work but is not gainfully employed full time may be required to work for the Town of Hooksett or an appropriate local service agency at any available bona fide job that is within his/her capacity (RSA 165:31) for the purpose of reimbursement of assistance received. Participants in the Work Program are not considered employees of the Town of Hooksett, and any work performed by the Work Program participants does not give rise to any employee-employer relationship between the Work Program participant, Work Program agency and the Town of Hooksett.

B. Reimbursement Rate

The Work Program participant shall be allotted the prevailing municipal wage for work performed, but in no case less than the minimum wage. No cash compensation shall be paid for Work Program participation; the wage value of all hours worked shall be used to reimburse the Town of Hooksett for assistance given. No Work Program participant shall be required to work more hours than necessary to reimburse aid rendered. The reimbursement rate shall be reviewed by the Family Services Director, and if warranted, will be updated to reflect changes in the market.

C. Continuing Financial Liability

If, due to the lack of available work or other verifiable good cause, a client does not work a sufficient number of hours to fully reimburse the Town of Hooksett for the amount of his/her aid, the amount of aid received less the value of the Work Program hours completed shall still be owed to the Town of Hooksett.

D. Allowance for Work Search

The Town shall provide reasonable time during working hours for the Work Program participant to conduct a documented employment search, as determined by the Welfare Official.

E. Work Program Attendance

With prior notice to the welfare official, a client may be excused from Work Program participation if he/she provides verifiable documentation that he/she:

1. Has a conflicting job interview;
2. Has a conflicting interview at a service or welfare agency;
3. Has a medical appointment or illness, as verified by a licensed medical provider;
4. As a parent or person "in loco parentis" must care for a child under the age of five (5). A client responsible for a child age five (5) but under twelve (12) shall not be required to work during hours the child is not in school, if there is no responsible person available to provide care, and no other care is available;
5. Is unable to work due to mental or physical disability, as verified by a licensed medical provider;
6. Must remain at home because of illness or disability to another member of the household, as documented by a licensed medical provider; or
7. Does not possess the materials or tools required to perform the task and the Town of Hooksett fails to provide them.

F. Work Program Hours

Work Program hours will be assigned by the Work Program Coordinator and the Work Program site supervisor. Failure of the participant to adhere to the agreed Work Program hours (except for the reasons listed above) will result in a suspension of assistance. Work performed outside of assigned hours is not authorized by the Town of Hooksett Family Services Department and is outside the jurisdiction of the Town of Hooksett's Work Program, therefore it will not be covered by Workers' Compensation, nor will it reduce the reimbursement obligation to the Town.

G. Workers' Compensation

The Town of Hooksett shall provide workers' compensation coverage to participants in the Work Program in accordance with New Hampshire Revised Statutes Annotated. See RSA 281:a.

XII. NOTICE OF ADVERSE ACTION

All persons have a constitutional right to be free of unfair, arbitrary or unreasonable action taken by local government. This includes clients of General Assistance whose aid has been denied, suspended or reduced.

A. Suspension For Noncompliance With The Guidelines

1. Compliance - A client must comply with these Guidelines and requirements of each Notice of Decision. Welfare officials must enforce the Guidelines while ensuring that each client receives due process. Each client will be given a Notice of Decision listing the requirements for eligibility and be advised that noncompliance may result in suspension, denial or reduction of assistance. In order to be eligible or remain eligible, a client will be given a seven (7) day period within which to comply.
2. Requirements - Any person otherwise eligible for assistance shall become ineligible under RSA 165:1 b if he/she fails to comply with the requirements of the Notice of Decision and/or the Guidelines as delineated in "Applicant/Client Responsibilities" section.
3. Noncompliance - If a client fails to come into compliance after the seven (7) day period, or persists in noncompliance, the welfare official shall give the client a Notice of Suspension.
4. Notice of Suspension - Written notice to a client that he/she is suspended from assistance due to failure to comply with the requirements in a Notice of Decision. The Notice of Decision shall include:
 - a. A list of the requirements with which the client is not in compliance and a description of those actions necessary for compliance;
 - b. The period of suspension (see paragraph B below);
 - c. Notice of the right to request a Fair Hearing to address the reason(s) for noncompliance and that such request must be made in writing on a form provided by the Welfare Department and presented to the Welfare Department staff member within five (5) working days of receipt of the Notice of Suspension; a statement that if assistance is currently being received it may continue upon request until the Fair Hearing decision is made. However, if the client fails to prevail at the Fair Hearing, the suspension will start after the Fair Hearing decision and such aid must be repaid by the client.

B. Suspension Periods

1. Seven (7) Day Suspension - The initial period of ineligibility for failure to comply with the Notice of Decision and/or the Guidelines. If a client has had a prior suspension within the past six (6) months, and again fails to comply with the Guidelines, the period of ineligibility will be fourteen (14) days.
2. Fourteen (14) Day Suspension - The period of ineligibility for continued noncompliance after the seven (7) day suspension has expired.
3. On-going Suspension - Continued noncompliance after the fourteen (14) day suspension period has expired will result in continued ineligibility until the client complies with the Notice of Decision and/or the Guidelines. A client whose suspension has continued for six (6) months due to noncompliance may file a new application after six (6) months of not requesting financial assistance from Hooksett Family Services Department.
4. Compliance After Suspension - A client who has been subject to a suspension and who has now complied shall have his/her assistance initiated or resumed after the period of ineligibility, provided he/she is still otherwise eligible. The Notice of Decision stating that assistance has been initiated or resumed should again set forth the actions required to remain eligible for assistance, but need not provide a seven (7) day period for compliance unless new requirements have been imposed.
5. Required Compliance With Guidelines - The failure of a client to comply with Guideline IV.C. Responsibilities of Applicant/Client in a manner, which the client cannot correct, will not be used for suspending a client from eligibility to receive assistance on more than one occasion. Failure of a client to comply with the same guideline responsibility(ies) during different periods of time, during which the client is given the opportunity to comply, may be the basis for more than one suspension. Failure to comply with a guideline responsibility(ies) when a client is able to do so despite past failure to comply shall also be the basis for more than one suspension.

C. Denial of Assistance

1. Denial for non-cooperation - A client who fails to cooperate fully and completely in answering all questions asked by the welfare official may have the request for assistance denied.
2. Denial for misrepresentation/omission - Misrepresentation/omission of information by a client is grounds for denial or termination of all Town assistance for up to six (6) months and may result in prosecution.
3. Other - A denial of assistance and/or a reduction in the amount of assistance provided will occur when the welfare official determines that such action is necessary. The reasons for denial or reduction typically include, but are not limited to: the client's ability to meet their own need(s) based on available income/resources, the request is for a non-basic need, a client's misuse of his/her income/resources, or that rent is unaffordable and/or over the Department's rental allowance guidelines.

XIII. FAIR HEARINGS.

A. Requests And Time Limits For Hearings

1. A client may only request a Fair Hearing based on the receipt of an adverse action on a Notice of Decision. A client requesting a Fair Hearing must complete the Town of Hooksett's Family Services Department's Fair Hearing Request form. The form must be completed by the client or any person duly authorized to act on his/her behalf. A completed Fair Hearing Request form submitted to the welfare official indicates that the client wants an opportunity to present his/her case to a Fair Hearing Officer to contest a notice of adverse action made by the welfare official. A request for a Fair Hearing must be received within five (5) days starting with the date of the Notice of Decision at issue.
2. Fair Hearings requested by claimants must be held within seven (7) working days of the receipt of the request. The welfare official shall give notice to the claimant setting forth time and location of the hearing. The notice must be given to the claimant at least forty-eight (48) hours in advance of the hearing or mailed to the claimant's last known address at least seventy-two (72) hours in advance of the hearing.

B. Fair Hearing On Continuing Noncompliance

A client who is under suspension for continuing noncompliance with the notices of adverse action may request a Fair Hearing to determine whether or not he/she has satisfactorily complied. No assistance shall be available under 165:1-b,VI. The burden of proof lies with the claimant to show that he/she has complied with the requirements set forth in the notices of adverse action.

C. The Fair Hearing Officer

The Fair Hearing Officer shall be assigned by the Town Administrator or his designee. The Fair Hearing Officer presiding over the Fair Hearing request must:

1. Not have participated in the decision being contested.
2. Be impartial.
3. Be sufficiently skilled in interviewing to be able to obtain evidence and facts necessary for a fair determination.
4. Be capable of evaluating all evidence fairly and realistically, to explain to the claimant the laws and regulations under which the welfare official operated and to interpret to welfare officials any evidence of unsound, unclear practices, or actions.

D. Fair Hearing Procedures

A Fair Hearing Officer shall be appointed to review the case record or other material relating to the appeal. The decision of the Fair Hearing Officer must be based on the case record, RSA 165 and these Guidelines. Evidence, both written and oral, which is admitted at the hearing, shall be limited to facts pertaining to the claimant's appeal. The Fair Hearing Officer shall not review the case record or other materials prior to their introduction at the Fair Hearing.

1. All Fair Hearings shall be conducted in such a manner as to ensure that both parties are treated impartially. Fair Hearings shall not be conducted according to strict rules of evidence. The burden of proof shall be on the claimant, who shall be required to establish his/her case by a preponderance of the evidence.
2. The claimant must complete a "Power of Attorney, General" form (see Appendix - K) and provide the completed form to the welfare official if the claimant desires to be represented by another at the Fair Hearing. If a claimant has submitted a completed "Power of Attorney, General" form to the welfare official and then decides to revoke the power of attorney, the claimant must submit a completed "Power of Attorney, Revocation" form (see Appendix - L) to the welfare official.
3. The welfare official responsible for the disputed decision and/or duly authorized representative(s) shall attend the Fair Hearing and testify to the reasons his/her actions were taken.
4. The parties may stipulate to any facts.
5. A claimant has the right to examine, prior to the Fair Hearing by appointment only, all records, papers and documents from the claimant's case record related to the adverse action pertaining to the Fair Hearing request.
6. The welfare official and/or duly authorized representative(s) shall have the right to examine prior to the Fair Hearing all records, papers and documents on which the claimant and/or his/her duly authorized representative(s) plan(s) to rely on at the Fair Hearing.
7. Both parties must disclose all new evidence which is to be introduced at the Fair Hearing that is not contained in the case record, no later than one (1) working day before the scheduled Fair Hearing. Failure to adhere to this time frame will prohibit the introduction of such evidence.
8. Both parties shall be given the opportunity to offer evidence and explain their positions fully and completely. The claimant shall have the option, with the aid of others, to bring witnesses, to establish all pertinent facts, to advance any arguments without undo interference, to question or refute testimony or evidence, including the opportunity to confront and cross-examine adverse witnesses. The welfare official and/or his/her duly authorized representative shall have the same rights as those enumerated above for the claimant.
9. Any claimant may withdraw his/her request for a Fair Hearing at any time up to the time of the Fair Hearing in writing using the Department's Fair Hearing Request Withdrawal form.

10. **REQUESTS FOR POSTPONEMENTS**

A claimant who has verifiable good cause to request a postponement of a scheduled Fair Hearing shall contact the welfare official at the earliest possible time prior to the Fair Hearing. Upon receiving documentation deemed by the welfare official to be verifiable good cause, the Fair Hearing will be rescheduled at the earliest available date. A claimant shall provide documentation of such verifiable emergency circumstances to the welfare official within three (3) working days of the date that the request for postponement has been made. Claimants are entitled to only one (1) such postponement per Fair Hearing request.

VERIFIABLE GOOD CAUSE

Shall include, but not be limited to, a verified medical emergency, or other verified unforeseen emergency circumstances, which precludes the claimant from attending the Fair Hearing.

REQUESTS FOR POSTPONEMENT PRIOR TO THREE (3) DAYS OF THE FAIR HEARING DATE

If a claimant requests a postponement earlier than three (3) working days of the Fair Hearing date, and documentation deemed by the welfare official to be verifiable good cause is not provided to the welfare official within the three (3) working days, the scheduled Fair Hearing date will be honored.

If the claimant provides documentation deemed by the welfare official to be verifiable good cause within the three (3) working days, the Fair Hearing will be rescheduled at the earliest available date.

REQUESTS FOR POSTPONEMENT WITHIN THREE (3) DAYS OF THE FAIR HEARING DATE

If a claimant makes a request for postponement within three (3) working days of a Fair Hearing date, the scheduled Fair Hearing will be held in abeyance pending receipt of documentation deemed to be verifiable good cause by the welfare official. The documentation must be provided to the welfare official within three (3) working days of the date of the request for postponement.

If the claimant provides documentation deemed by the welfare official to be verifiable good cause within the three (3) working days, the Fair Hearing will be rescheduled at the earliest available date.

If the claimant does not provide documentation deemed by the welfare official to be verifiable good cause within the three (3) working days, the Fair Hearing will not be rescheduled and the request for the Fair Hearing shall be deemed to be withdrawn by the claimant. The notice of adverse action at issue will be upheld.

11. A claimant who fails to appear for any scheduled Fair Hearing shall be deemed to have lost his/her appeal by default.
12. None of the Fair Hearing procedures specified herein shall limit any right of the claimant to subsequent court action to review or challenge an adverse Fair Hearing decision.

E. Decisions

1. Fair Hearing decisions shall be rendered within seven (7) working days of the hearing. Decisions shall be in writing, setting forth the reasons for the decision. Fair Hearing decisions will be rendered on findings of fact, RSA 165 and these Guidelines. A copy of the decision shall be mailed or delivered to the claimant and to the welfare official.
2. The Fair Hearing decision will determine which party prevails. If the claimant prevails, the welfare official shall set forth the appropriate relief based on the Fair Hearing decision. If the Welfare Department prevails at the Fair Hearing, the assistance given pending the Fair Hearing shall be a debt owed by the individual(s) to the Town of Hooksett.
3. The Welfare Department shall keep all Fair Hearing decisions on file in chronological order.
4. A claimant and/or his/her authorized representative who fails to appear for any scheduled Fair Hearing within 15 minutes after its scheduled starting time without verifiable good cause shall be deemed to have lost his/her appeal by default and shall be notified of such default judgment in writing by the Fair Hearing Officer.

XIV. RECOVERY OF ASSISTANCE

The welfare official shall seek to recover money expended to assist a former client and/or a current client in accordance with RSA 165:25.

A. Recovery from Legally Liable Relatives

The amount of money spent by a municipality to assist a client who has legally liable relatives of sufficient ability to also support the client, may be recovered from those legally liable relatives. Sufficient ability shall be deemed to exist when relatives' weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. The welfare official may determine that "in kind" assistance or the provision of products/services to the client is acceptable as a relative's response to liability for support. Written notice of money spent in support of a client must be given to the legally liable relatives. The welfare official shall attempt to give such written notice prior to the giving of aid, but aid to which a client is eligible under these Guidelines, shall not be delayed due to inability to contact potentially legally liable relatives. Inability to contact potentially legally liable relatives must not be the result of clients' failure to provide the information. See RSA 165:19.

B. Recovery from the Municipality of Residence

The welfare official shall seek to recover from the municipality of residence the amount of money spent by the Town of Hooksett to assist a client who has a residence in another municipality. Written notice of the money spent in support of a client must be given to the welfare official of the municipality of residence. In any civil action for recovery brought under RSA 165:20, the court shall award costs to the prevailing party. RSA 165:19 and 20. (See RSA 165:20-a providing for arbitration of such disputes between communities.) The procedure followed will be in accordance with RSA 165:19, RSA 165:20 and RSA 165:20-a.

C. Recovery From Former/Current Client's Income

A former/current client who is returned to an income status after receiving assistance may be required to reimburse the municipality for the assistance provided, if such reimbursement can be made without financial hardship. The procedure followed will be in accordance with RSA 165:20-b.

D. Recovery From State and Federal Sources

The amount of money spent by a municipality to support a client who has applied for SSI and has signed NHH&HS FORM 151 "AUTHORIZATION FOR REIMBURSEMENT OF INTERIM ASSISTANCE" shall be recovered through the SSA and the New Hampshire Department of Health and Human Services. Prescription expenses paid by the municipality for a client who has applied for Medicaid can be recovered through the New Hampshire Department of Health and Human Services if and when the client is approved for medical coverage.

XV. LIENS

A. Real Estate

In accordance with RSA 165:28 a lien for General Assistance received may be placed on any real estate owned by an assisted person except for verifiable just cause approved by the Hooksett Town Council.

B. Civil Judgments (RSA 165:28a)

The Town of Hooksett shall be entitled to a lien upon property passing under the terms of a will or by intestate succession, a property settlement, or a civil judgment for personal injuries awarded any person granted assistance by the Town of Hooksett under RSA 165 for the amount of assistance granted by the Town of Hooksett. See RSA 165:28a.

XVI. APPLICATION OF RENTS PAID BY THE Town of Hooksett

- A. Whenever the owner of property rented to a person receiving assistance from the Town of Hooksett is in arrears in sewer, water, tax payments or other debts owed to the Town, the Town may apply the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. (RSA 165:4-a)
- B. A payment shall be considered in arrears if more than thirty (30) days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13. (RSA 165:4-a)
- C. Delinquent property tax balances will be first priority, followed by delinquent sewer/water balances and other Town-owned debts.

* Funeral home must agree to write off
* Phoned 157 in Manchester

XVII. BURIALS/CREMATIONS

The welfare official shall provide for burial or cremation of **eligible persons** found in the Town of Hooksett at time of death. In such cases where the deceased, at the time of death, had a residence in another city, town or state, the next of kin or other responsible party will be referred to contact the appropriate agency. In cases where the deceased was a resident of Hooksett, the next of kin or other responsible party must apply for assistance on behalf of the deceased. **The application must be made before any burial or cremation expenses are incurred.** Payment for burial/cremation is limited to \$750.00 on total expenses that do not exceed \$1,500. All resources available, e.g., relatives, other persons, the State of New Hampshire, Social Security or other sources as per RSA 165:3 I, II, will be applied toward reduction of the Welfare Department's cost. The family or person(s) handling final arrangements does not have the right to insist on something other than the least expensive arrangements. The Constitution does not require special religious rites, etc. to be paid for at public expense.

XVIII. NON-RESIDENTS

No persons shall be refused assistance solely on the basis of residence. RSA 165:1. An application will be processed in accordance with the Town of Hooksett Guidelines.

NOTE: The Town of Hooksett Family Services Department complies with the New Hampshire Local Welfare Administrators Association's ethics resolution. See Appendix E.

XIX. IMMIGRATION POLICY

The Welfare Department acts in accordance with state and federal laws concerning assistance to immigrants. Hooksett Family Services Department utilizes the Department of Homeland Security's SAVE Program (Systematic Alien Verification for Entitlements) to determine the Qualified Alien Status thereby ensuring only qualified applicants/clients apply for and receive General Assistance.

XX. DEPARTMENT FRAUD POLICY

Cases of suspected fraud, including but not limited to false statements regarding income, employment status, residence, household members and bank accounts or other assets, shall be reported to any other agency and/or person(s) for such action as may be appropriate. When making such reports the Department will provide all appropriate records and documents in its possession to that agency and/or person(s).

XXI. DEPARTMENT THREAT POLICY

Applicants/clients who make threatening statements and/or actions against Family Services staff members may be prohibited from returning to the Family Services Department. In such cases, applicants/clients may be required to conduct all business with this department via phone, fax, and/or mail. The Family Services

Director will implement, when necessary, appropriate measures to insure Family Services Department and other Town personnel are not placed in harm's way.

XXII. PRE-APPROVAL TO SUPERCEDE GUIDELINES

If through emergency, necessity or unusual circumstances, these Guidelines need to be superceded, the welfare official must obtain pre-approval from the Town Administrator or Town Council.

XXIII. SEVERABILITY

If any provision of these Guidelines is held at law to be invalid or inapplicable to any person or circumstances the remaining provisions will continue in full force and effect.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:1-c

165:1-c Nonresidents. — Any person, poor and unable to support himself, who is temporarily in a town or city which is not his residence, and who does not intend to make it his residence, shall be provided such temporary assistance as is reasonable and necessary by such town or city. Such town or city may, if requested, cause such person to be returned to his residence.

Source. 1985, 380:4, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:1-d

165:1-d Disqualification for Voluntary Termination of Employment. —

I. Any person eligible for assistance under this chapter, who voluntarily terminated employment within the 60-day period before filing an application for assistance, shall be ineligible to receive assistance for 90 days from the date of employment termination, provided the following conditions are met:

- (a) The person received general assistance within the last 365 days and was given notice that voluntary termination of employment without good cause could lead to disqualification from receiving general assistance in the future.
- (b) There are no minor or dependent children in the person's household which the person is legally responsible for supporting.
- (c) At the time of termination of employment, the person did not have a mental or physical impairment which caused such person to be unable to work.
- (d) The employment that the person voluntarily terminated consisted of at least 20 hours of work per week, and the person has not become reemployed for at least 2 weeks at a level consisting of at least 20 hours of work per week.
- (e) The person did not have good cause for terminating the employment, as defined in paragraph II.

II. Good cause for terminating employment shall include any of the following:

- (a) Discrimination by an employer based on age, race, sex, physical or mental disability, religion, or national origin.
- (b) Work demands or conditions that render continued employment unreasonable.
- (c) Retirement by a person 62 years of age or over or resignation by a person under 62 years of age which is recognized by the employer as retirement.
- (d) Employment which becomes unsuitable following the applicant's acceptance of such employment.
- (e) Leaving a job in order to accept a bonafide job offer which, because of circumstances beyond the control of the applicant, subsequently either does not materialize or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage multiplied by 20 hours.
- (f) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun.

- (g) Leaving a job because of circumstances, such as lack of transportation or a household emergency, which are beyond the control of the applicant to remedy as determined by the overseer of public welfare and which make continued employment impracticable.
- (h) Termination of employment for other good cause.

- III. The applicant shall be responsible for demonstrating good cause. The welfare officer may offer assistance in obtaining necessary information.
- IV. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report for work without good cause, as defined in paragraph II, resulting in the termination of the applicant's employment. An applicant who is fired or resigns from a job at the request of the employer due to the applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment.
- V. No person shall be found ineligible for assistance due to a voluntary employment termination unless the applicant has been given a written application for assistance and a written notice stating the reason for the denial of assistance and the specific actions which must be taken in order to reinstate eligibility, along with a written notice of the opportunity to request a hearing within 5 days.
- VI. Notwithstanding a voluntary termination without good cause, assistance under this chapter may be given if the welfare officer determines that denial of assistance will put that person or members of the person's household at substantial risk of injury to health or other serious harm, which cannot be avoided or mitigated by other public or private resources.
- VII. The provisions of RSA 165:1-b, II-VI shall not apply to persons found ineligible for assistance because of voluntary termination of employment without good cause. However, if at any time during the disqualification period, there is a dispute whether a person has satisfactorily complied with the requirements set forth in the written notice provided for by paragraph V, the person shall be given an opportunity to request a hearing to determine that issue only.

Source. 1995, 221:1, eff. Aug. 11, 1995.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:1-e

165:1-e Option to Treat a Qualified State Assistance Reduction as Deemed Income. – The local governing body of a town or city may permit the welfare administrator to deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII. The following criteria shall apply to any action to deem income under this section:

- I. The authority to deem income under this section shall terminate when the qualified state assistance reduction no longer is in effect.
- II. Applicants for general assistance may be required to cooperate in obtaining information from the department of health and human services as to the existence and amount of any qualified state assistance reduction. No applicant for general assistance may be considered to be subject to a qualified state assistance reduction unless the existence and amount of the reduction has been confirmed by the department of health and human services.
- III. The welfare administrator shall provide the applicant with a written decision which sets forth the amount of any deemed income used to determine eligibility for general assistance.
- IV. Whenever necessary to prevent an immediate threat to the health and safety of children in the household, the welfare administrator shall waive that portion, if any, of the qualified state assistance reduction as is necessary.

Source. 1996, 175:3, eff. Aug. 2, 1996.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:2

165:2 Administration of General Assistance. — The administrator of town or city welfare in each town or city shall administer general assistance to all persons who are eligible for such assistance as provided under RSA 165:1-a and RSA 165:1-c.

Source. 1875, 7:3. GL 269:20. PS 84:7. PL 106:7. RL 124:2. RSA 165:2. 1985, 380:5. 1988, 180:1, eff. June 25, 1988.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:2-a

165:2-a Expense of General Assistance. — The financial responsibility for general assistance for assisted persons shall be the responsibility of the town or city in which the person making application resides, except as otherwise provided in RSA 165:1-c and 165:20-c.

Source. 1985, 380:6. 1988, 180:1. 1993, 229:2, eff. July 1, 1993.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:2-b

165:2-b Disqualification for Certain Property Transfers. — No person who is otherwise eligible for assistance under this chapter shall receive such assistance if he has made an assignment, transfer or conveyance of property for the purpose of rendering himself eligible for such assistance within 3 years immediately preceding his application for such assistance.

Source. 1985, 380:6, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:2-c

165:2-c Withholding Names of Recipients of Aid. — Notwithstanding any other provision of law to the contrary, no town, city or county official shall publish or disclose or allow to be published or disclosed in the annual report of the town, city or county, or in any other document or letter, except as is necessary for and connected with the administration of this chapter, the name, address or any other identifying information of any recipient who is receiving assistance or aid; provided, however, that any taxpayer shall be allowed to see the itemized account of such aid furnished. Any person violating any provision of this section shall be guilty of a violation.

Source. 1985, 380:6, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:3

165:3 Burial or Cremation. —

- I. If an assisted person shall die in any town or city the overseers of public welfare shall cause such person to be decently buried or cremated at the expense of the town or city.
- II. Notwithstanding any provision of paragraph I to the contrary, if an assisted person dies in a county nursing home, the overseers of public welfare shall cause such person to be decently buried or cremated at the expense of the town or city in which the assisted person was a resident, as that term is defined in RSA 21:6, on the date on which the assisted person entered the county nursing home.

Source. RS 66:7. CS 70:7. GS 74:7. GL 82:7. PS 84:8. PL 106:8. RL 124:3. RSA 165:3. 1985, 380:45, 47. 1993, 308:3. 2000, 202:1, eff. Jan. 1, 2001.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:4

165:4 Information Regarding Bank Deposits. — A cashier of a national bank and a treasurer of a savings bank and a trust company may, when requested by an overseer of public welfare of a town or city in the state, furnish to said overseer any information asked relative to the deposit of a person receiving or applying for public support.

Source. 1933, 116:1. RL 124:4. RSA 165:4. 1985, 380:45, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:4-a

165:4-a Application of Rents Paid by the Municipality. — Whenever the owner of property rented to a person receiving assistance under this chapter is in arrears in sewer, water, electricity, or tax payments to the municipality, the municipality may apply, upon approval of the governing body, the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. For purposes of this section, a payment shall be considered "in arrears" if more than 30 days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13.

Source. 1992, 184:2, eff. July 11, 1992.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:4-b

165:4-b Process for Application of Rents Paid by the Municipality. — Prior to utilizing the optional offset provisions of RSA 165:4-a, the governing body shall adopt, as part of the guidelines required under RSA 165:1, II, rules governing the process, including a policy which specifically sets out which bill shall be offset first and any further priority of such offset payments and a procedure for notifying the landlord.

Source. 1992, 184:2, eff. July 11, 1992.

APPENDIX A

State of New Hampshire Revised Statutes Chapter 165: Aid to Assisted Persons

Section 165:1 Who Entitled; Local Responsibility
Section 165:1-a Assisted Person Defined; Local Responsibility
Section 165:1-b Disqualification for Noncompliance with Guidelines
Section 165:1-c Nonresidents
Section 165:1-d Disqualification for Voluntary Termination of Employment
Section 165:1-e Option to Treat a Qualified State Assistance Reduction as Deemed Income
Section 165:2 Administration of General Assistance
Section 165:2-a Expense of General Assistance
Section 165:2-b Disqualification for Certain Property Transfers
Section 165:2-c Withholding Names of Recipients of Aid
Section 165:3 Burial or Cremation
Section 165:4 Information Regarding Bank Deposits
Section 165:4-a Application of Rents Paid by the Municipality
Section 165:4-b Process for Application of Rents Paid by the Municipality
Section 165:5 Who Entitled
Section 165:6 Limitations [Repealed]
Section 165:7-11 [Repealed]
Section 165:12 Withholding Names of Certain Recipients of Aid
Section 165:13 Inspection of Account [Repealed]
Section 165:14 Penalty [Repealed]
Section 165:15 Admission to Home [Repealed]
Section 165:16 Burial Expenses
Section 165:17 Definition of Terms
Section 165:18 Limitation [Repealed]
Section 165:19 Liability for Support
Section 165:20 Recovery of Expense
Section 165:20-a Settlement of Disputes
Section 165:20-b Recovery from Recipients
Section 165:20-c Reimbursement From the State of New Hampshire
Section 165:21-24 [Repealed]
Section 165:25 Limitation of Action
Section 165:26 Transfer of Action
Section 165:27 Recovery From Estates
Section 165:27-a Assignment for Funeral and Burial or Cremation Expenses
Section 165:28 Liens on Real Property
Section 165:28-a Liens on Civil Judgments
Section 165:29 Enforcement of Liens
Section 165:30 Relative Priority
Section 165:31 Work Program Requirements for Assisted Persons
Section 165:32 Employment of Relatives
Section 165:33 City or Town Districts
Section 165:34 City or Town May Contract with County
Section 165:35 Rulemaking

APPENDIX B

State of New Hampshire Revised Statutes Chapter 641: Falsification in Official Matters

Section 641:1 Perjury

Section 641:2 False Swearing

Section 641:3 Unsworn Falsification

Section 641:4 False Reports to Law Enforcement

Section 641:5 Tampering With Witnesses and Informants

Section 641:6 Falsifying Physical Evidence

Section 641:7 Tampering With Public Records or Information

Section 641:8 False Filing With the Director of Charitable Trusts.

TITLE LXII CRIMINAL CODE

CHAPTER 641 FALSIFICATION IN OFFICIAL MATTERS

Section 641:3

641:3 Unsworn Falsification. – A person is guilty of a misdemeanor if:

- I. He or she makes a written or electronic false statement which he or she does not believe to be true, on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or
- II. With a purpose to deceive a public servant in the performance of his or her official function, he or she:
 - (a) Makes any written or electronic false statement which he or she does not believe to be true; or
 - (b) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or
 - (c) Submits or invites reliance on any writing which he or she knows to be lacking in authenticity; or
 - (d) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he or she knows to be false.
- III. No person shall be guilty under this section if he or she retracts the falsification before it becomes manifest that the falsification was or would be exposed.

Source. 1971, 518:1, eff. Nov. 1, 1973. 2003, 158:2, eff. June 17, 2003.

TITLE LXII CRIMINAL CODE

CHAPTER 641 FALSIFICATION IN OFFICIAL MATTERS

Section 641:4

641:4 False Reports to Law Enforcement. – A person is guilty of a misdemeanor if he:

- I. Knowingly gives or causes to be given false information to any law enforcement officer with the purpose of inducing such officer to believe that another has committed an offense; or
- II. Knowingly gives or causes to be given information to any law enforcement officer concerning the commission of an offense, or the danger from an explosive or other dangerous substance, knowing that the offense or danger did not occur or exist or knowing that he has no information relating to the offense or danger.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII CRIMINAL CODE

CHAPTER 641 FALSIFICATION IN OFFICIAL MATTERS

Section 641:5

- 641:5 Tampering With Witnesses and Informants.** — A person is guilty of a class B felony if:
- I. Believing that an official proceeding, as defined in RSA 641:1, II, or investigation is pending or about to be instituted, he attempts to induce or otherwise cause a person to:
 - (a) Testify or inform falsely; or
 - (b) Withhold any testimony, information, document or thing; or
 - (c) Elude legal process summoning him to provide evidence; or
 - (d) Absent himself from any proceeding or investigation to which he has been summoned; or
 - II. He commits any unlawful act in retaliation for anything done by another in his capacity as witness or informant; or
 - III. He solicits, accepts or agrees to accept any benefit in consideration of his doing any of the things specified in paragraph I.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII CRIMINAL CODE

CHAPTER 641 FALSIFICATION IN OFFICIAL MATTERS

Section 641:6

- 641:6 Falsifying Physical Evidence.** — A person commits a class B felony if, believing that an official proceeding, as defined in RSA 641:1, II, or investigation is pending or about to be instituted, he:
- I. Alters, destroys, conceals or removes any thing with a purpose to impair its verity or availability in such proceeding or investigation; or
 - II. Makes, presents or uses any thing which he knows to be false with a purpose to deceive a public servant who is or may be engaged in such proceeding or investigation.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII CRIMINAL CODE

CHAPTER 641 FALSIFICATION IN OFFICIAL MATTERS

Section 641:7

641:7 Tampering With Public Records or Information. — A person is guilty of a misdemeanor if he:

- I. Knowingly makes a false entry in or false alteration of any thing belonging to, received, or kept by the government for information or record, or required by law to be kept for information of the government;
or
- II. Presents or uses any thing knowing it to be false, and with a purpose that it be taken as a genuine part of information or records referred to in paragraph I; or
- III. Purposely and unlawfully destroys, conceals, removes or otherwise impairs the verity or availability of any such thing.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII CRIMINAL CODE

CHAPTER 641 FALSIFICATION IN OFFICIAL MATTERS

Section 641:8

641:8 False Filing With the Director of Charitable Trusts. — A person shall be guilty of a class B felony if he knowingly makes a false entry in or false alteration of any registration statement, annual report or other information required to be filed with the director of charitable trusts.

Source. 1992, 239:3, eff. July 1, 1992.

APPENDIX - C

Town of Hooksett, NH Family Services Department

16 Main Street
Hooksett, N. H. 03106
Phone: 603-485-8769 Fax: 603-485-4423

NOTICE OF RIGHTS OF ANYONE REQUESTING AND/OR RECEIVING ASSISTANCE FROM THE TOWN OF HOOKSETT, NH FAMILY SERVICES DEPARTMENT

You have the following rights:

1. You have the RIGHT to make a written application for assistance;
2. You have the RIGHT to receive a timely written notice regarding your request for assistance;
3. You have the RIGHT to be treated fairly;
4. You have the RIGHT to be given a written Notice of Decision detailing the determinations made by the welfare official, i.e., pending, approved, suspended or denied;
5. You have the RIGHT to request a Fair Hearing if assistance has been reduced, denied or suspended based on an adverse action stated on a Notice of Decision;
6. Your RIGHT to request a Fair Hearing must be made in writing on the Fair Hearing Request Form (Form 1007) within five (5) days starting with the date of the Notice of Decision at issue;
7. You have the RIGHT to be represented at the Fair Hearing at your own expense;
8. You have the RIGHT to request to have your assistance continued if you are already receiving assistance when you request a Fair Hearing;
9. You have the RIGHT to review, by appointment only, the Notices of Decision and documentation related to the adverse action pertaining to your Fair Hearing request;
10. You have the RIGHT to review the Town of Hooksett, NH Family Services Department General Assistance Guidelines used by the welfare official in making decisions on your application.
11. You have the RIGHT to review your case record by appointment.

Appendix D

Explanation for Disqualification for Noncompliance with Guidelines

NH RSA 165:1-b

The following is written to help explain and standardize the process of "Disqualification for Noncompliance with Guidelines," RSA 165:1-b. Manchester utilizes a **Notice of Decision** form.

Once you determine that an applicant is eligible and you provide assistance, you can impose conditions on the person's continued receipt of assistance. The conditions may require the recipient to comply with written guidelines relating to:

- 1) Disclosure of income and resources,
- 2) Participation in a work program,
- 3) Conducting an adequate work search, and/or
- 4) Applying for public assistance through other agencies as outlined in the Guidelines.

Willful failure to comply with the conditions imposed can lead to the suspension of a recipient's assistance, but there is a process which must be followed. Prior to suspension, a recipient must be given written notice from the local welfare office of the specific actions which must be taken and the recipient must be given at least seven (7) days in which to comply prior to suspension. There can be no exception.

The **Notice of Decision** form is used to grant an assistance application and *simultaneously* give notice of the conditions imposed on the recipient's continued receipt of assistance. The **Notice of Decision** form is used to give notice of the conditions that must be complied with, if that notice was not given at the time assistance was granted or if the conditions to be complied with have changed.

If a recipient does not comply with the conditions in the time period allowed, he/she can be "sanctioned" and his/her assistance suspended. How long the suspension lasts depends on whether there have been other suspensions within the previous 6 months and whether there are actions the recipient can take to come into compliance. A written decision (the **Notice of Decision** form) must be given notifying the recipient of the term of the suspension, the specific reason(s) for the suspension citing the guidelines, any action(s) which must be taken to come back into compliance, and notice of the right to request a fair hearing within 5 days of receipt of the notice.

If this is a first sanction, assistance may be suspended for seven (7) days. If it is possible for the recipient to take action(s) to come into compliance, then assistance can remain suspended after the seven (7) day period *and until* such time as the recipient takes the action(s) required to come into compliance (e.g. recipient only made 3 work search contacts instead of 10-the recipient must complete 7 more work search contacts; e.g. the recipient failed to apply for food stamps-if the recipient applies within the initial 7 day suspension, then the suspension ends after 7 days, otherwise, the suspension continues until the recipient applies). After the 7 day suspension period, the sanction must be lifted upon compliance with the condition.

If this is the second sanction (or more) for the recipient within a 6 month period, assistance may be suspended for 14 days. The reason for the sanction need not relate to previous sanctions to extend the suspension period to 14 days. If it is possible for the recipient to take action to come into compliance, then assistance can remain suspended after the 14 day period and until compliance, as described above.

If more than six months elapses between the first and second sanctions, follow the procedures for a first sanction.

All notices of decision telling a recipient that he/she has been suspended must provide an opportunity for the recipient to request a fair hearing. If the recipient timely requests a hearing, the welfare official must provide the recipient with the option of continuing to receive assistance consistent with any prior eligibility determination until the Fair Hearing decision is made. If there is a dispute over whether the recipient has taken the actions required to come back into compliance, the recipient must be provided the opportunity for a Fair Hearing on that issue, but there shall be no assistance provided pending the outcome of that hearing.

The welfare official is not required to accept applications for assistance during a period of suspension.

Appendix E

ADOPTED ETHICS RESOLUTION ON RESPONSIBILITY FOR PERSONS WHO CHANGE THEIR RESIDENCE WHILE, OR AS A RESULT OF, APPLYING FOR LOCAL WELFARE

(New Hampshire Local Welfare Administrators Association)

- I. "Dumping" is hereby declared to be an unethical practice. For purposes of this resolution, "dumping" consists of attempting to end, or avoid acquiring, a local welfare financial responsibility by encouraging, persuading or pressuring a client:
 - A. not to establish, or to discontinue, a residence in the town which he/she has applied for assistance, or
 - B. to establish a residence in another town.

- II. In order to avoid "dumping" the following standards should be observed:

A welfare administrator should not encourage, direct, or knowingly allow a client who has applied for assistance in his/her town to apply for assistance in another town without making a good faith effort to contact the welfare administrator in that other town to explain why the person is coming to the other town. This applies whether or not the welfare administrator has accepted initial financial responsibility for the person (i.e. treat him/her as a resident) unless:

- A. he/she has an established place of abode (specific address, place to sleep) in another town which he/she intends to return to (even for just one night – i.e., hasn't moved out of yet), or
- B. he/she has NO established place of abode ANYWHERE, (i.e., any prior specific address was in some other town and has been abandoned) AND has a specific intent to go somewhere else rather than staying in the town for any time.

(Even when an applicant falls into A. or B. above, some temporary, non-resident assistance may be necessary, depending on the circumstances, in order to send the person on his/her way.)

- III. Where a town has accepted initial financial responsibility under paragraph II above, the welfare administrator should not grant any assistance which he/she knows will be used so as to help establish the recipient's residence in another town, unless:

- A. a good faith effort is made to explore local resources, after which it is discovered that none within reason is available, or
- B. unless the client has indicated an intent to move to another town for some non-welfare-related reason.

In either case the welfare administrator who has accepted initial financial responsibility should contact the official of the other town and offer to pay up to one month's assistance following the move if necessary.

Towns must avoid "special" treatment. If a town never pays security deposits, the town must not pay security deposits in special instances to establish a client's residence elsewhere. The sending town should pay actual allowable shelter costs as determined by the receiving town's guidelines.

IV. Residency

According to RSA 126-A:43-h, persons receiving emergency housing (shelter) shall continue to maintain their legal residence as it existed at the time of entering the emergency housing facility. When a person leaves the originating shelter of their own free will, the liability no longer remains the responsibility of the original town. A person does not gain or lose residency while in a shelter, hospital or treatment center.

Persons who are sanctioned by local welfare, and arrive in another community, are not the liability of the community where the sanction originated. However, arrangements may be made between the two communities to have the sanction resolved.

Appendix F

NEW HAMPSHIRE WELFARE BENEFIT PROGRAMS

BENEFIT ADMINISTERS	PERSONS PROGRAM STANDARDS	SOURCE ELIGIBLE	GOV'T WHICH OF FUNDS	GOV'T WHICH SETS
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TOWN

1. Town Welfare RSA 165:1, I	Poor and in need	Local Property Tax	Town	Town
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STATE

2. APTD Aid to the Permanently & Totally Disabled RSA 167:6, VI	Low income Adults 18-64 Permanently & Totally Disabled	County & State	State	State
3. OAA Old Age Assistance RSA 167:6, I	Low Income Adults, 65 and over	County & State	State	State
4. ANB Aid to Needy Blind RSA 167:6, IV	Low Income Blind Adults	State	State	State
5. TANF State Temporary Assistance to Needy Families 42 USC §601 RSA 167:6, V	Low Income Families with Dependent Children	State & Federal	State	Federal &

FEDERAL

6. Food Stamps 7 USC §2011	Lower Income	Federal Households	State	Federal
7. SSI Supplemental Security Income 42 USC §1831	Low Income	Federal	Federal	Federal

Appendix G

TITLE X PUBLIC HEALTH

CHAPTER 126-A DEPARTMENT OF HEALTH AND HUMAN SERVICES

Emergency Shelter Program

Section 126-A:30

126-A:30 Residency. — Persons receiving short-term emergency housing under this subdivision shall continue to maintain their legal residence as it existed at the time of entering the emergency shelter.
Source. 1995, 310:1, eff. Nov. 1, 1995.

Town of Hooksett, NH Family Services Department
16 Main Street, Hooksett, NH 03106
Phone: 603-485-8769 Fax: 603-485-4423

Applicant/Client Responsibilities

IMPORTANT NOTICE

For safety and health reasons, applicants, clients and anyone accompanying them to the Family Services Department must immediately inform the Family Services Director of all: communicable diseases; contagious diseases; infestations; and any other health hazards. These include, but are not limited to: conjunctivitis, flu, lice, bed bugs, chicken pox, hepatitis, tuberculosis, etc.

At the time of the initial application, and as long as a client is receiving assistance or the case is open, the client shall comply with each of the following responsibilities:

1. To submit an Application For Assistance, all releases of information signed, including any supporting documentation, that is complete, accurate and truthful in all respects and to comply with all requirements set forth in each Notice of Decision, for example, client must provide proof of all household income and dated receipts for all household expenses;
2. To provide accurate and complete information without misrepresentation or omission concerning needs and resources. To cooperate fully and completely in answering all questions asked by the welfare official, including providing information regarding all legally liable relatives (RSA 165:19). Refusing to answer all questions asked by the welfare official may result in a denial of the requested assistance.
3. To report to the welfare official, within three (3) working days, any and all changes in circumstances, particularly the receipt of any financial resources from any source;
4. To apply for and accept any benefit or resource (public or private) that reduces or eliminates the need for local General Assistance upon application and within seven (7) days after the date of the interview;
5. To cooperate fully and completely with the welfare official in verifying all information that has been provided and is necessary to determine eligibility and to notify the welfare official, within three (3) working days, of any changes which differ from the information provided on the Application For Assistance or on the Reporting Form;
6. To cooperate fully and completely with the welfare official when the welfare official(s) make(s) a home visit;
7. To keep all appointments as scheduled unless a verifiable emergency prevents keeping the scheduled appointment. In such an event, promptly providing verifiable documentation of the emergency;
8. To provide records and other required information and access to such records and information, when requested;
9. To provide the completed Request for Medical Information from a licensed medical provider as to the level of work that can be performed by the client if claiming an inability to work due to medical problems. Chiropractors and psychologists are not considered licensed medical providers for purposes of these Guidelines;

Hooksett Family Services Department
35 Main Street, Hooksett, NH 03106
Phone: 603-485-8769 Fax: 603-485-4423

Fair Hearing Request

Date: _____

Name: _____

Address: _____

Contact Phone Number: _____

I hereby request a fair hearing to appeal the decision dated _____

regarding my application for general assistance.

Reason for Fair Hearing Request:

IF YOU ARE CURRENTLY RECEIVING ASSISTANCE, COMPLETE THIS SECTION.

I ___want ___ do not want my current assistance to continue until my appeal has been decided. I understand that if I lose my appeal, I will be obligated to repay the assistance provided to me by the Town of Hooksett during the time the appeal is being decided.

In order to request a fair hearing, this form must be completed and returned to the Town of Hooksett, N. H. Family Services Department within five (5) days starting with the date of the Notice of Decision at issue. Within seven (7) working days of receipt of this request by the Welfare Official a hearing will be scheduled. You will be notified in writing of the place, date and time of the hearing.

Applicant/Recipient Signature

Date

ALLOWANCE GUIDELINES

Allowance Guideline figures for the Town of Hooksett as established by vote of the Town Council on November 18, 2008.

A. Burial \$750.00 per person

B. Maintenance

<u>HH Size</u>	<u>Week</u>	<u>Month</u>
1	\$6.75	\$27.00
2	\$8.25	\$33.00
3	\$9.75	\$39.00
4	\$11.25	\$45.00
5	\$12.75	\$51.00

Each additional person is a case by case determination. The maintenance allowance will be apportioned according to the actual need at the time of the application. Special circumstances may be considered in allowing allotments which exceed the above guidelines.

C. Food

<u>HH Size</u>	<u>Week</u>	<u>Month</u>
1	\$44.00	\$176.00
2	\$80.75	\$323.00
3	\$115.75	\$463.00
4	\$147.00	\$588.00
5	\$174.50	\$698.00

Each additional person is \$101.00/month

D. Shelter

<u>HH Size</u>	<u>With Heat</u>	<u>Without Heat</u>
1	\$747.00	\$697.00
2	\$896.00	\$846.00
3	\$1046.00	\$996.00

Apartments for families that do not include utilities will be reviewed individually based on ability to pay and availability of units including utilities. Special circumstances may be considered in determining allowable rental amounts, however, it is the intent of the Town of Hooksett to pay the least amount of rent whenever possible for all applicants or recipients.

ALLOWANCE GUIDELINES (continued)

E. Return to Residence \$100 per person

F. Baby Necessities \$15.00 per week per child for diapers
\$25.00 per week per child for food

Note: up to and including 6 month old babies only

G. Veteran Death Benefit \$250.00 per person

APPENDIX - K

Town of Hooksett, NH Family Services Department
16 Main Street
Hooksett, N. H. 03106
Phone: 603-485-8769 Fax: 603-485-4423

Power of Attorney, General

I, _____ ("Declarant"),
(Claimant's Name)

residing at _____
(Address)

hereby appoint _____ (Agent)

of _____, as
(Address)

my attorney-in-fact ("Agent") to exercise the powers and discretions described below.

My Agent shall have full power and authority to act on my behalf in matters and decisions relative to my request for a Fair Hearing dated: _____

This Power of Attorney shall become effective immediately, and shall not be affected by my disability or lack of mental competence, except as may be provided otherwise by an applicable state statute. This is a Durable Power of Attorney. This Power of Attorney may be revoked by me at any time by providing written notice to my Agent and the Town of Hooksett Family Services Department.

Declarant/ Claimant's Signature

Date: _____

APPENDIX - L**Power of Attorney, Revocation**

I, _____ ("Declarant"), of _____ (Address),
through my Power of Attorney dated _____ ("Power of Attorney") made and
appointed _____, my true and lawful attorney in fact for the purposes, and
with the powers set forth in the document.

I hereby give notice that I have revoked and canceled, and hereby do revoke and cancel, the
Power of Attorney, and all powers and authority given, provided or implied therein to in that
Power of Attorney.

I have signed this Notice of Revocation of Power of Attorney on _____ (Date).

Revoker of Power of Attorney

Town of Hooksett Family Services Department

16 Main Street, Hooksett, NH 03106

Phone: 603-485-8769 Fax: 603-485-4423

Fair Hearing Request Withdrawal

Date: _____

Client/Claimant Name: _____

Client/Claimant Address: _____

Client/Claimant Contact Phone Number: (_____) _____

I hereby withdraw my request for a Fair Hearing to appeal the adverse action on the Notice of Decision issued to me dated _____ regarding my application for general assistance.

Client/Claimant Signature_____
Date_____
Client/Claimant's Authorized Representative Signature_____
Date

APPENDIX - N

TITLE VI

PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A

ACCESS TO PUBLIC RECORDS AND MEETINGS

Section 91-A:5

91-A:5 Exemptions. – The following records are exempted from the provisions of this chapter:

- I. Records of grand and petit juries.
- II. Records of parole and pardon boards.
- III. Personal school records of pupils.
- IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.
- V. Teacher certification records, both hard copies and computer files, in the department of education, provided that the department shall make available teacher certification status information.
- VI. Records pertaining to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.
- VII. Unique pupil identification information collected in accordance with RSA 193-E:5.
- VIII. Any notes or other materials made for personal use that do not have an official purpose, including notes and materials made prior to, during, or after a public proceeding.
- IX. Preliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed, circulated, or available to a quorum or a majority of those entities defined in RSA 91-A:1-a.

Source. 1967, 251:1. 1986, 83:6. 1989, 184:2. 1990, 134:1. 1993, 79:1, eff. June 22, 1993. 2002, 222:4, eff. Jan. 1, 2003. 2004, 147:5, eff. Aug. 1, 2004; 246:3, 4, eff. Aug. 14, 2004.

10. To immediately report the theft and/or loss of any money, voucher or other valuable property to the appropriate entity and/or law enforcement authority and to the welfare official with proof of the report to law enforcement;
11. To diligently search for employment;
12. To provide verifiable documentation of work search (the number of work search contacts to be determined by the welfare official), to accept employment when offered (except for documented reasons of good cause (RSA 165:1-d), and to maintain such employment once assistance has been granted. RSA 165:1-b, I(c);
13. To participate fully in the Welfare Work Program, if physically and mentally able. RSA 165:1-b I (b);
14. To cooperate fully and completely with the welfare official to obtain reimbursement to the Town of Hooksett for assistance provided by any means authorized by law, and to notify the welfare official of any pending civil judgment(s), law suit(s), inheritance(s), financial settlement(s), insurance claim(s) and any other financial award(s);
15. To make reimbursement of any assistance granted when and if returned to income status and if such reimbursement can be made without financial hardship. RSA 165:20-b;
16. To read and sign a copy of the "Responsibilities of Applicant/Client" document which has been provided.

Interviews and/or appointments may be deferred if the applicant/client appears to be under the influence of alcohol, drugs or other substances, or otherwise appears incapable of comprehending/completing the application/interview process.

A client may be suspended or denied assistance for failure to fulfill any of the above responsibilities without verifiable justification.

Any assistance provided by the Town of Hooksett Family Services Department may be denied for up to six (6) months in accordance with the Town of Hooksett, New Hampshire's General Assistance Guidelines Section VIII, and that person or persons may be prosecuted for a criminal offense, should that client obtain, or attempt to obtain, any Town assistance to which they are not entitled by means of misrepresentation or false statement, impersonation or any other fraudulent act, omission or device of any kind or nature. (RSA 641:3)

NOTE: Assistance will come to an end if a client is suspended, denied or withdraws the request for assistance. Upon subsequent request for assistance, the aid requested will not be provided retroactively.

_____ (Signature of Applicant/Recipient)	_____ Date
_____ (Signature of Applicant/Recipient)	_____ Date
_____ (Signature of Applicant/Recipient)	_____ Date
_____ (Signature of Applicant/Recipient)	_____ Date

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:30

165:30 Relative Priority. — Any lien arising under RSA 165:28 shall be subordinate to mortgages and other valid liens, recorded with the register of deeds prior to the recording of the notice of the lien referred to in RSA 165:28.

Source. 1965, 42:1. 1981, 503:5, eff. Aug. 28, 1981.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:31

165:31 Work Program Requirements for Assisted Persons. —

- I. The overseer of public welfare may require any person who is receiving support under this chapter and who is physically able to work, to participate in the municipality's work program as a condition of continued eligibility for assistance. The overseer of public welfare of the town or city may require the person receiving aid to work for the town or city at any job which it has available that is within the capacity of the person receiving support. Such persons shall receive aid in return for such required work at a rate of exchange equivalent to the prevailing wage for the kind of work they are required to perform in the community from which they receive support, as determined by the municipality's pay schedules prevailing at the time of application for assistance. The amount an assisted person may be required to reimburse the town or city for aid received shall be reduced by the credits received from participation in the municipal work program.
- II. The overseer of public welfare of the town or city may require the person receiving aid to perform services for a nonprofit organization if that organization has agreed to participate as a municipal work program, and has been approved by the overseer of public welfare, provided the person is credited according to the prevailing wage scale of that institution.
- III. In no case shall participation in a work program be required of the following persons as a condition of receiving assistance:
 - (a) Single parents with children under the age of 5 years; and
 - (b) Persons with mental or physical disabilities, as determined by the overseer of public welfare.

Source. 1965, 321:1. 1977, 59:1. 1985, 380:18. 1987, 261:1. 1996, 213:2, eff. Aug. 9, 1996.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:32

165:32 Employment of Relatives. — No person who is otherwise eligible for support under this chapter shall receive such support unless and until all able-bodied adults under the age of 65 years, except those regularly attending school, who are related to such person, regularly residing in the same household as such person, legally liable to contribute to the support of such person and not prevented from maintaining employment and contributing to the support of such person by reason of physical or mental disability or other substantial or other justifiable cause, are employed on a full-time basis. The amount or amounts earned by the persons obligated to maintain employment under this section shall be taken into consideration in determining the level of need for town or city support. Nothing in this section shall be so construed to deny to any minor dependent child any needed support to which he would otherwise be entitled. Unrelated adults living in the same household in loco parentis as to any such person seeking town or city support shall be obligated to contribute to the poor person's support to the same extent as the parent of such person, and in default thereof, shall be subject to the same penalties as the parent of such person would be in such case.

Source. 1969, 451:2. 1985, 380:19, eff. Jan. 1, 1986.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:33

165:33 City or Town Districts. — Any city or town may contract with one or more cities or towns to form districts. Such districts shall administer general assistance for which the respective city or town is responsible. The districts are authorized to establish the rate which will be paid to the districts by the respective city or town and to establish written guidelines under which general assistance shall be administered.

Source. 1985, 380:20, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:34

165:34 City or Town may Contract With County. — Any city or town may contract with its respective county to permit the county to act as its agent in administering general assistance for which the city or town is responsible. The city or town and the county are further authorized to establish the rate which will be paid by the cities or towns to the counties and to establish written guidelines under which general assistance shall be administered.

Source. 1985, 380:20, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:35

165:35 Rulemaking. — The commissioner of health and human services shall adopt rules, pursuant to RSA 541-A, relative to:

- I. Establishing forms for claims under RSA 165:20-c.
- II. Processing and validating claims under RSA 165:20-c.
- III. Any other matter necessary for the administration of this chapter.

Source. 1993, 229:3, eff. July 1, 1993.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:17

165:17 Definition of Terms. — The following terms as used in RSA 165:16 shall be construed to mean service between the following dates:

- I. "Spanish War" between April 21, 1898 and April 11, 1899.
- II. "Philippine Insurrection" between April 12, 1899 and July 4, 1902 extended to July 15, 1903 for service in the Moro Provinces.
- III. "Boxer Rebellion" between June 16, 1900 and May 12, 1901.
- IV. "World War I" between April 6, 1917 and November 11, 1918 extended to April 1, 1920 for service in Russia, provided that military or naval service on or after November 12, 1918 and before July 2, 1921 where there was prior service between April 6, 1917 and November 11, 1918, shall be considered as World War I service.
- V. "World War II" between December 7, 1941 and December 31, 1946.
- VI. "Korean Conflict" between June 25, 1950 and January 31, 1955.
- VII. "Viet Nam Conflict" between August 5, 1964 and May 7, 1975.

Source. 1949, 167:5. 1951, 176:1. RSA 165:17. 1965, 69:1. 1967, 171:2. 1988, 180:4, eff. June 25, 1988.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:18

165:18 Limitation. — [Repealed 1988, 180:5, eff. June 25, 1988.]

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:19

165:19 Liability for Support. — The relation of any poor person in the line of father, mother, stepfather, stepmother, son, daughter, husband, or wife shall assist or maintain such person when in need of relief. Said relation shall be deemed able to assist such person if his weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. Should a relation refuse to render such aid when requested to do so by a county commissioner, selectman, or overseer of public welfare, such person or persons shall upon complaint of one of these officials be summoned to appear in court. If, after hearing, it is found that the alleged poor person is in need of assistance, and that the relation is able to render such assistance, the court shall enter a decree accordingly and shall fix the amount and character of the assistance which the relation shall furnish. If the relation neglects or refuses to comply with the court order without good cause, as determined by the court at a hearing, or by refusing to work or otherwise voluntarily places himself in a position where he is unable to comply, he shall be deemed to be in contempt of court and shall be imprisoned not more than 90 nor fewer than 60 days. If a poor person has no relation of sufficient ability, the town or city in which he resides shall be liable for his support.

Source. RS 66:8. CS 70:8. GS 74:8. GL 82:8. PS 84:12. 1925, 112:1. PL 106:22. 1933, 65:1. RL 124:18. RSA 165:19. 1973, 115:1. 1985, 380:11, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:20

165:20 Recovery of Expense. — If a town, city, or county acting as agent for a town under RSA 165:34 spends any sum for the support, return to his home, or burial of an assisted person having a residence in another town or city, or for an assisted person having relations able to support him under RSA 165:19, such sum may be recovered from the town, city or relation so chargeable or from a county acting as agent for the town under RSA 165:34. In any civil action brought under this section to recover such sum, the court shall award costs to the prevailing party.

Source. RS 66:9. CS 70:9. GS 74:9. 1875, 7:4. GL 82:10; 269:21. PS 84:13. PL 106:23. RL 124:19. RSA 165:20. 1967, 192:3. 1977, 152:2; 367:1. 1985, 380:12, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:1

165:1 Who Entitled; Local Responsibility. –

I. Whenever a person in any town is poor and unable to support himself, he shall be relieved and maintained by the overseers of public welfare of such town, whether or not he has residence there. For the purposes of this chapter the term "residence" shall have the same definition as in RSA 21:6-a.

II. The local governing body, as defined in RSA 672:6, of every town and city in the state shall adopt written guidelines relative to general assistance. The guidelines shall include, but not be limited to, the following:

(a) The process for application for general assistance.

(b) The criteria for determining eligibility.

(c) The process for appealing a decision relative to the granting of general assistance.

(d) The process for the application of rents under RSA 165:4-b, if the municipality uses the offset provisions of RSA 165:4-a.

(e) A statement that qualified state assistance reductions under RSA 167:82, VIII may be deemed as income, if the local governing body has permitted the welfare administrator to treat a qualified state assistance reduction as deemed income under RSA 165:1-e.

III. Whenever a town provides assistance under this section, no such assistance shall be provided directly to a person or household in the form of cash payments.

Source. RS 66:1. CS 70:1. GS 74:1. GL 82:1. PS 84:1. PL 106:1. RL 124:1. RSA 165:1. 1979, 243:1; 351:2. 1985, 380:2. 1986, 5:2. 1991, 355:56. 1992, 184:1. 1996, 175:2, eff. Aug. 2, 1996.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:1-a

165:1-a Assisted Person Defined; Local Responsibility. – Any person in a town or city who is poor and unable to support himself shall be known as a town or city assisted person, and shall be relieved and maintained at the expense of the town or city of residence.

Source. 1977, 336:1. 1985, 380:3, eff. Jan. 1, 1986.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Section 165:1-b

165:1-b Disqualification for Noncompliance With Guidelines. –

- I. Any person otherwise eligible for assistance under this chapter shall become ineligible to receive such assistance if he willfully fails to comply with written guidelines adopted by the governing body of the town or city relating to:
 - (a) Disclosure of income, resources, or other material financial data;
 - (b) Participation in a work program authorized under this chapter;
 - (c) Reasonable work search; or
 - (d) Application with other public assistance agencies.
- II. No person shall be found ineligible for assistance or suspended from assistance pursuant to paragraph I until he has been given:
 - (a) A written notice stating those specific actions he must take in order to comply; and
 - (b) A 7-day period within which to comply after receiving such notice.
- III. If a person does not comply within the 7 days, the town or city may issue to the person a written notice that the person is ineligible for assistance or suspended from assistance. The written notice shall include a list of the guidelines with which the person is not in compliance, those actions necessary for compliance, and written notice of the opportunity to request a hearing within 5 days.
- IV. If such person requests a hearing, the town or city shall give him an opportunity to continue to receive assistance, pending the outcome of the hearing, in accordance with any prior eligibility determination.
- V. The period of ineligibility or suspension pursuant to this section shall be 7 days; provided, however, that any such suspension within 6 months after the end of any prior suspension period shall be for 14 days; and provided further that if upon the expiration of the 7-day or 14-day disqualification period the person continues to fail to carry out the specific actions set forth in the notice required in paragraph III, the disqualification shall continue until the person complies.
- VI. The overseers of public welfare shall not be required to accept an application for general assistance from a person who is subject to disqualification or suspension under this section; provided, however, that in the event such disqualification or suspension continues beyond the 7 or 14-day period due to continued noncompliance pursuant to paragraph IV, and there is a dispute over a contention by such person that he has satisfactorily complied with the requirements set forth in the notice required by paragraph III, such person shall be given an opportunity to request a hearing to determine that issue, but paragraph IV shall not apply to such a hearing.

Source. 1985, 106:1. 1986, 142:1, eff. Jan. 1, 1987.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:20-a

165:20-a Settlement of Disputes. –

- I. In any case where a town, city, county or the state seeks to recover a sum spent on assistance to a person and there is a dispute between a town, city, county or the state as to the liability for such assistance, the voluntary arbitration system established by this section shall be available.
- II. The department of health and human services shall maintain a roster of the selectmen and welfare administrators of the cities, towns, and counties of the state. If a town, city, county or the state decides to avail itself of the voluntary arbitration system, the commissioner of the department of health and human services or his designee shall randomly select a panel of 3 persons from the roster to arbitrate the dispute. No selectman or welfare administrator shall serve on any panel resolving a dispute concerning his own city, town or county.
- III. Any such voluntary arbitration session shall be held at a time and place to be determined by the commissioner of health and human services.
- IV. The costs of such voluntary arbitration shall be equally divided between the town, city, county or the state involved in the dispute.
- V. Any town, city, county or the state choosing the forum of the voluntary arbitration system shall lose the right to litigate the issue, and the decision of the panel of arbitrators shall be final.

Source. 1977, 373:1. 1979, 228:1. 1983, 291:1. 1985, 380:13. 1995, 310:176, 181, 182, eff. Nov. 1, 1995.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:20-b

165:20-b Recovery From Recipients. – Any town or city furnishing assistance to any person who is returned to an income status after receiving the assistance which enables him to reimburse the town or city without financial hardship may recover from such person the amount of assistance provided.

Source. 1981, 503:8. 1985, 380:45, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:20-c

165:20-c Reimbursement From the State of New Hampshire. –

I. If any person receiving general assistance from a town or city under the provisions of this chapter is deemed to be eligible for assistance under the provisions of RSA 167, the commissioner of health and human services shall reimburse such town or city the amount of assistance provided by the town or city as a result of the commissioner of health and human services' delays in processing within the federally mandated time periods.

II. Any claims for reimbursement under this section shall be held until the end of the fiscal year. If the total of all claims for reimbursement does not exceed \$100,000, all validated claims shall be paid in full. If such total exceeds \$100,000, claims shall be reimbursed on a prorated basis so that the total paid out for claims shall not exceed \$100,000.

Source. 1993, 229:1. 1995, 310:179, eff. Nov. 1, 1995.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:21-24

165:21 to 165:24 Repealed. – [Repealed 1967, 192:10, eff. Jan. 1, 1968.]

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:25

165:25 Limitation of Action. — Actions by towns and cities to recover the expense of support, return to his home, or burial of a poor person may be brought within 6 years after the cause of action accrued and not afterward.

Source. RS 66:14. CS 70:14. GS 74:14. GL 82:15. PS 84:18. PL 106:28. RL 124:24. RSA 165:25. 1967, 192:4. 1981, 503:4. 1985, 380:14, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:26

165:26 Transfer of Action. — Whenever a county in which an action for the support of an assisted person is pending may eventually be liable for such support, the court, on motion, shall transfer the action to an adjoining county for adjudication.

Source. RS 66:15. CS 70:15. GS 74:15. GL 82:16. PS 84:19. PL 106:29. RL 124:25. RSA 165:26. 1985, 380:47, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:27

165:27 Recovery From Estates. — Towns and cities may recover from the estates of persons assisted in like manner as counties under RSA 166:19.

Source. 1903, 42:1. PL 106:30. RL 124:26. RSA 165:27. 1985, 380:15, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:27-a

165:27-a Assignment for Funeral and Burial or Cremation Expenses. —

- I. Except when a town or city assisted person has made arrangements for a prepaid funeral, if the total of his liquid assets at death are less than \$1,000, there shall be an automatic assignment to the funeral director or the person who paid for the funeral and burial or cremation of the deceased to the extent of funeral and burial or cremation expenses up to \$1,000.
- II. The funeral director or the person who paid for the funeral and burial or cremation expenses may submit a notarized statement to the effect that he has paid the expenses, together with an itemized list of the expenses, to the entity holding the assets. Upon submission of the statement and the list, the person shall receive payment to the extent of the expenses authorized under this section.
- III. The entity making the payment shall provide a receipt and shall send a copy of the receipt to the town selectmen or city council of the appropriate town or city.
- IV. If no assets remain after a payment is made under this section, the entity making the payment shall so notify the probate court having jurisdiction over the estate.

Source. 1981, 253:2. 1985, 380:16. 2000, 202:3, eff. Jan. 1, 2001.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:28

165:28 Liens on Real Property. — The amount of money spent by a town or city to support an assisted person under this chapter shall, except for just cause, be made a lien on any real estate owned by the assisted person. The liens are effective until enforced as provided in this chapter, or until released by the selectmen or city council; provided that there shall be no enforcement of the lien so long as the real estate is occupied as the sole residence of the assisted person, his surviving spouse, or his surviving children who are under age 18 or blind or permanently and totally disabled. Interest at the rate of 6 percent per year shall be charged on the amount of money constituting such lien commencing one year after the date of the filing of the lien unless a majority of the selectmen in the town or the councilmen in the city vote to waive such interest. The selectmen or council may file a notice of the lien or an acknowledgment of satisfaction of the lien with the register of deeds of the county in which the assisted person owns real property. A notice of lien which contains the owner's name and a description of the real property sufficient to identify it is a valid lien on the property. The register of deeds shall keep a suitable record of such notices without charging any fee therefor, and he shall enter an acknowledgment of satisfaction of the lien upon written request of the selectmen or the council without fee.

Source. 1965, 42:1. 1975, 303:1. 1985, 380:17. 1988, 180:2, eff. June 25, 1988.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:28-a

165:28-a Liens on Civil Judgments. —

I. A town or city shall be entitled to a lien upon property passing under the terms of a will or by intestate succession, a property settlement, or a civil judgment for personal injuries awarded any person granted assistance by the town or city under RSA 165 for the amount of assistance granted by the town or city.

II. The town or city shall be entitled to the lien only if the assistance was granted no more than 6 years before the receipt of the inheritance or the award of the property settlement or civil judgment, provided that this section shall not apply to inheritances, property settlements, or civil judgments awarded before August 28, 1981.

III. This lien shall take precedence over all other claims.

Source. 1981, 503:1. 1985, 380:45, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:29

165:29 Enforcement of Liens. — Liens arising under RSA 165:28 or RSA 165:28-a may be enforced by a bill in equity.

Source. 1965, 42:1. 1981, 503:3, eff. Aug. 28, 1981.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:5

165:5 Who Entitled. — Whenever any person, resident in this state, who served in the armed forces of the United States, in any war, insurrection, campaign, or expedition, in which the United States was engaged, and who received an honorable discharge, not being under guardianship or legal restraint, shall become poor and unable to provide maintenance for himself and his dependent family, such person, his wife, widow, or minor children, shall be supported at the public expense in the town or city of their abode, at their own home or such place, other than a town or county almshouse, as the overseers of public welfare or the county commissioners shall deem proper.

Source. 1885, 41:1, 2. 1887, 45:1. 1889, 81:1. 1891, 38:2. PS 84:9. 1901, 116:1. 1921, 104:1. PL 106:9. 1933, 78:1. RL 124:5. RSA 165:5. 1959, 98:1, eff. July 13, 1959.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:6

165:6 Limitations. — [Repealed 1985, 380:51, II, eff. Jan. 1, 1986.]

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:7-11

165:7 to 165:11 Repealed. — [Repealed 1988, 180:5, eff. June 25, 1988.]

TITLE XII
PUBLIC SAFETY AND WELFARE

CHAPTER 165
AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:12

165:12 Withholding Names of Certain Recipients of Aid. — [Repealed 1985, 380:51, III, eff. Jan. 1, 1986.]

TITLE XII
PUBLIC SAFETY AND WELFARE

CHAPTER 165
AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:13

165:13 Inspection of Account. — [Repealed 1985, 380:51, IV, eff. Jan. 1, 1986.]

TITLE XII
PUBLIC SAFETY AND WELFARE

CHAPTER 165
AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:14

165:14 Penalty. — [Repealed 1988, 180:5, eff. June 25, 1988.]

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:15

165:15 Admission to Home. — [Repealed 1985, 380:51, V, eff. Jan. 1, 1986.]

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:16

165:16 Burial Expenses. — Whenever any person, a resident in this state, who served in the armed forces of the United States in any of the wars or conflicts defined in RSA 165:17 for a total of 90 days, unless sooner released from such service by reason of disability incurred in service, and whose services were terminated under conditions other than dishonorable, dies and did not leave sufficient estate to pay the expenses of his funeral, or was an assisted person, the overseers of public welfare shall cause him to be decently buried at the expense of the municipality in which he died. Funds received from the

Department of Veterans Affairs towards burial expenses shall be retained by the municipality. The municipality shall make a request to the Department of Veterans Affairs to provide a suitable monument.

Source. 1909, 130:1. 1911, 31:1. 1919, 135:1. 1921, 63:1. 1925, 93:1. PL 106:20. 1929, 28:1. RL 24:16. 1943, 102:1. 1945, 88:1. 1947, 214:1. 1949, 28:1; 167:4. RSA 165:16. 1959, 77:1. 1965, 87:1. 1967, 171:1. 1988, 180:3, eff. June 25, 1988.

TITLE LXII CRIMINAL CODE

CHAPTER 641 FALSIFICATION IN OFFICIAL MATTERS

Section 641:1

641:1 Perjury. –

I. A person is guilty of a class B felony if in any official proceeding:

- (a) He makes a false material statement under oath or affirmation, or swears or affirms the truth of a material statement previously made, and he does not believe the statement to be true; or
- (b) He makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the defendant to be true.

II. "Official proceeding" means any proceeding before a legislative, judicial, administrative or other governmental body or official authorized by law to take evidence under oath or affirmation including a notary or other person taking evidence in connection with any such proceeding. "Material" means capable of affecting the course or outcome of the proceeding. A statement is not material if it is retracted in the course of the official proceeding in which it was made before it became manifest that the falsification was or would be exposed and before it substantially affected the proceeding. Whether a statement is material is a question of law to be determined by the court.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE LXII CRIMINAL CODE

CHAPTER 641 FALSIFICATION IN OFFICIAL MATTERS

Section 641:2

641:2 False Swearing. – A person is guilty of a misdemeanor if:

- I. He makes a false statement under oath or affirmation or swears or affirms the truth of such a statement previously made and he does not believe the statement to be true if:
 - (a) The falsification occurs in an official proceeding, as defined in RSA 641:1, II, or is made with a purpose to mislead a public servant in performing his official function; or
 - (b) The statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or
- II. He makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false but only that one or the other was false and not believed by the defendant to be true.
- III. No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.

Source. 1971, 518:1, eff. Nov. 1, 1973.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Section 165:1-c

165:1-c Nonresidents. — Any person, poor and unable to support himself, who is temporarily in a town or city which is not his residence, and who does not intend to make it his residence, shall be provided such temporary assistance as is reasonable and necessary by such town or city. Such town or city may, if requested, cause such person to be returned to his residence.

Source. 1985, 380:4, eff. Jan. 1, 1986.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Section 165:1-d

165:1-d Disqualification for Voluntary Termination of Employment. —

I. Any person eligible for assistance under this chapter, who voluntarily terminated employment within the 60-day period before filing an application for assistance, shall be ineligible to receive assistance for 90 days from the date of employment termination, provided the following conditions are met:

- (a) The person received general assistance within the last 365 days and was given notice that voluntary termination of employment without good cause could lead to disqualification from receiving general assistance in the future.
- (b) There are no minor or dependent children in the person's household which the person is legally responsible for supporting.
- (c) At the time of termination of employment, the person did not have a mental or physical impairment which caused such person to be unable to work.
- (d) The employment that the person voluntarily terminated consisted of at least 20 hours of work per week, and the person has not become reemployed for at least 2 weeks at a level consisting of at least 20 hours of work per week.
- (e) The person did not have good cause for terminating the employment, as defined in paragraph II.

II. Good cause for terminating employment shall include any of the following:

- (a) Discrimination by an employer based on age, race, sex, physical or mental disability, religion, or national origin.
- (b) Work demands or conditions that render continued employment unreasonable.
- (c) Retirement by a person 62 years of age or over or resignation by a person under 62 years of age which is recognized by the employer as retirement.
- (d) Employment which becomes unsuitable following the applicant's acceptance of such employment.
- (e) Leaving a job in order to accept a bonafide job offer which, because of circumstances beyond the control of the applicant, subsequently either does not materialize or results in employment of fewer than 20 hours per week or weekly earnings of less than the state or federal hourly minimum wage multiplied by 20 hours.
- (f) Leaving a job in connection with patterns of employment in which workers frequently move from one employer to another, such as migrant farm labor or construction work, even though employment at the new site has not actually begun.

(g) Leaving a job because of circumstances, such as lack of transportation or a household emergency, which are beyond the control of the applicant to remedy as determined by the overseer of public welfare and which make continued employment impracticable. 202
(h) Termination of employment for other good cause.

- III. The applicant shall be responsible for demonstrating good cause. The welfare officer may offer assistance in obtaining necessary information.
- IV. An applicant shall be considered to have voluntarily terminated employment if the applicant fails to report for work without good cause, as defined in paragraph II, resulting in the termination of the applicant's employment. An applicant who is fired or resigns from a job at the request of the employer due to the applicant's inability to maintain the employer's normal work productivity standard shall not be considered to have voluntarily terminated employment.
- V. No person shall be found ineligible for assistance due to a voluntary employment termination unless the applicant has been given a written application for assistance and a written notice stating the reason for the denial of assistance and the specific actions which must be taken in order to reinstate eligibility, along with a written notice of the opportunity to request a hearing within 5 days.
- VI. Notwithstanding a voluntary termination without good cause, assistance under this chapter may be given if the welfare officer determines that denial of assistance will put that person or members of the person's household at substantial risk of injury to health or other serious harm, which cannot be avoided or mitigated by other public or private resources.
- VII. The provisions of RSA 165:1-b, II-VI shall not apply to persons found ineligible for assistance because of voluntary termination of employment without good cause. However, if at any time during the disqualification period, there is a dispute whether a person has satisfactorily complied with the requirements set forth in the written notice provided for by paragraph V, the person shall be given an opportunity to request a hearing to determine that issue only.

Source. 1995, 221:1, eff. Aug. 11, 1995.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Section 165:1-e

165:1-e Option to Treat a Qualified State Assistance Reduction as Deemed Income. — The local governing body of a town or city may permit the welfare administrator to deem as income all or any portion of any qualified state assistance reduction pursuant to RSA 167:82, VIII. The following criteria shall apply to any action to deem income under this section:

- I. The authority to deem income under this section shall terminate when the qualified state assistance reduction no longer is in effect.
- II. Applicants for general assistance may be required to cooperate in obtaining information from the department of health and human services as to the existence and amount of any qualified state assistance reduction. No applicant for general assistance may be considered to be subject to a qualified state assistance reduction unless the existence and amount of the reduction has been confirmed by the department of health and human services.
- III. The welfare administrator shall provide the applicant with a written decision which sets forth the amount of any deemed income used to determine eligibility for general assistance.
- IV. Whenever necessary to prevent an immediate threat to the health and safety of children in the household, the welfare administrator shall waive that portion, if any, of the qualified state assistance reduction as is necessary.

Source. 1996, 175:3, eff. Aug. 2, 1996.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:2

165:2 Administration of General Assistance. — The administrator of town or city welfare in each town or city shall administer general assistance to all persons who are eligible for such assistance as provided under RSA 165:1-a and RSA 165:1-c.

Source. 1875, 7:3. GL 269:20. PS 84:7. PL 106:7. RL 124:2. RSA 165:2. 1985, 380:5. 1988, 180:1, eff. June 25, 1988.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:2-a

165:2-a Expense of General Assistance. — The financial responsibility for general assistance for assisted persons shall be the responsibility of the town or city in which the person making application resides, except as otherwise provided in RSA 165:1-c and 165:20-c.

Source. 1985, 380:6. 1988, 180:1. 1993, 229:2, eff. July 1, 1993.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:2-b

165:2-b Disqualification for Certain Property Transfers. — No person who is otherwise eligible for assistance under this chapter shall receive such assistance if he has made an assignment, transfer or conveyance of property for the purpose of rendering himself eligible for such assistance within 3 years immediately preceding his application for such assistance.

Source. 1985, 380:6, eff. Jan. 1, 1986.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Section 165:2-c

165:2-c Withholding Names of Recipients of Aid. — Notwithstanding any other provision of law to the contrary, no town, city or county official shall publish or disclose or allow to be published or disclosed in the annual report of the town, city or county, or in any other document or letter, except as is necessary for and connected with the administration of this chapter, the name, address or any other identifying information of any recipient who is receiving assistance or aid; provided, however, that any taxpayer shall be allowed to see the itemized account of such aid furnished. Any person violating any provision of this section shall be guilty of a violation.

Source. 1985, 380:6, eff. Jan. 1, 1986.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Section 165:3

165:3 Burial or Cremation. —

- I. If an assisted person shall die in any town or city the overseers of public welfare shall cause such person to be decently buried or cremated at the expense of the town or city.
 - II. Notwithstanding any provision of paragraph I to the contrary, if an assisted person dies in a county nursing home, the overseers of public welfare shall cause such person to be decently buried or cremated at the expense of the town or city in which the assisted person was a resident, as that term is defined in RSA 21:6, on the date on which the assisted person entered the county nursing home.
- Source.** RS 66:7. CS 70:7. GS 74:7. GL 82:7. PS 84:8. PL 106:8. RL 124:3. RSA 165:3. 1985, 380:45, 47. 1993, 308:3. 2000, 202:1, eff. Jan. 1, 2001.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:4

165:4 Information Regarding Bank Deposits. — A cashier of a national bank and a treasurer of a savings bank and a trust company may, when requested by an overseer of public welfare of a town or city in the state, furnish to said overseer any information asked relative to the deposit of a person receiving or applying for public support.

Source. 1933, 116:1. RL 124:4. RSA 165:4. 1985, 380:45, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:4-a

165:4-a Application of Rents Paid by the Municipality. — Whenever the owner of property rented to a person receiving assistance under this chapter is in arrears in sewer, water, electricity, or tax payments to the municipality, the municipality may apply, upon approval of the governing body, the assistance which the property owner would have received in payment of rent on behalf of such assisted person to the property owner's delinquent balances, regardless of whether such delinquent balances are in respect of property occupied by the assisted person. For purposes of this section, a payment shall be considered "in arrears" if more than 30 days have elapsed since the mailing of the bill, or in the case of real estate taxes, if interest has begun to accrue pursuant to RSA 76:13.

Source. 1992, 184:2, eff. July 11, 1992.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Section 165:4-b

165:4-b Process for Application of Rents Paid by the Municipality. — Prior to utilizing the optional offset provisions of RSA 165:4-a, the governing body shall adopt, as part of the guidelines required under RSA 165:1, II, rules governing the process, including a policy which specifically sets out which bill shall be offset first and any further priority of such offset payments and a procedure for notifying the landlord.

Source. 1992, 184:2, eff. July 11, 1992.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:5

165:5 Who Entitled. — Whenever any person, resident in this state, who served in the armed forces of the United States, in any war, insurrection, campaign, or expedition, in which the United States was engaged, and who received an honorable discharge, not being under guardianship or legal restraint, shall become poor and unable to provide maintenance for himself and his dependent family, such person, his wife, widow, or minor children, shall be supported at the public expense in the town or city of their abode, at their own home or such place, other than a town or county almshouse, as the overseers of public welfare or the county commissioners shall deem proper.

Source. 1885, 41:1, 2. 1887, 45:1. 1889, 81:1. 1891, 38:2. PS 84:9. 1901, 116:1. 1921, 104:1. PL 106:9. 1933, 78:1. RL 124:5. RSA 165:5. 1959, 98:1, eff. July 13, 1959.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:6

165:6 Limitations. — [Repealed 1985, 380:51, II, eff. Jan. 1, 1986.]

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:7-11

165:7 to 165:11 Repealed. — [Repealed 1988, 180:5, eff. June 25, 1988.]

TITLE XII
PUBLIC SAFETY AND WELFARE

CHAPTER 165
AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:12

165:12 Withholding Names of Certain Recipients of Aid. — [Repealed 1985, 380:51, III, eff. Jan. 1, 1986.]

TITLE XII
PUBLIC SAFETY AND WELFARE

CHAPTER 165
AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:13

165:13 Inspection of Account. — [Repealed 1985, 380:51, IV, eff. Jan. 1, 1986.]

TITLE XII
PUBLIC SAFETY AND WELFARE

CHAPTER 165
AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:14

165:14 Penalty. — [Repealed 1988, 180:5, eff. June 25, 1988.]

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:15

165:15 Admission to Home. — [Repealed 1985, 380:51, V, eff. Jan. 1, 1986.]

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:16

165:16 Burial Expenses. — Whenever any person, a resident in this state, who served in the armed forces of the United States in any of the wars or conflicts defined in RSA 165:17 for a total of 90 days, unless sooner released from such service by reason of disability incurred in service, and whose services were terminated under conditions other than dishonorable, dies and did not leave sufficient estate to pay the expenses of his funeral, or was an assisted person, the overseers of public welfare shall cause him to be decently buried at the expense of the municipality in which he died. Funds received from the Department of Veterans Affairs towards burial expenses shall be retained by the municipality. The municipality shall make a request to the Department of Veterans Affairs to provide a suitable monument.

Source. 1909, 130:1. 1911, 31:1. 1919, 135:1. 1921, 63:1. 1925, 93:1. PL 106:20. 1929, 28:1. RL 24:16. 1943, 102:1. 1945, 88:1. 1947, 214:1. 1949, 28:1; 167:4. RSA 165:16. 1959, 77:1. 1965, 87:1. 1967, 171:1. 1988, 180:3, eff. June 25, 1988.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:17

165:17 Definition of Terms. — The following terms as used in RSA 165:16 shall be construed to mean service between the following dates:

- I. "Spanish War" between April 21, 1898 and April 11, 1899.
- II. "Philippine Insurrection" between April 12, 1899 and July 4, 1902 extended to July 15, 1903 for service in the Moro Provinces.
- III. "Boxer Rebellion" between June 16, 1900 and May 12, 1901.
- IV. "World War I" between April 6, 1917 and November 11, 1918 extended to April 1, 1920 for service in Russia, provided that military or naval service on or after November 12, 1918 and before July 2, 1921 where there was prior service between April 6, 1917 and November 11, 1918, shall be considered as World War I service.
- V. "World War II" between December 7, 1941 and December 31, 1946.
- VI. "Korean Conflict" between June 25, 1950 and January 31, 1955.
- VII. "Viet Nam Conflict" between August 5, 1964 and May 7, 1975.

Source. 1949, 167:5. 1951, 176:1. RSA 165:17. 1965, 69:1. 1967, 171:2. 1988, 180:4, eff. June 25, 1988.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Veterans' Relief

Section 165:18

165:18 Limitation. — [Repealed 1988, 180:5, eff. June 25, 1988.]

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:19

165:19 Liability for Support. — The relation of any poor person in the line of father, mother, stepfather, stepmother, son, daughter, husband, or wife shall assist or maintain such person when in need of relief. Said relation shall be deemed able to assist such person if his weekly income is more than sufficient to provide a reasonable subsistence compatible with decency and health. Should a relation refuse to render such aid when requested to do so by a county commissioner, selectman, or overseer of public welfare, such person or persons shall upon complaint of one of these officials be summoned to appear in court. If, after hearing, it is found that the alleged poor person is in need of assistance, and that the relation is able to render such assistance, the court shall enter a decree accordingly and shall fix the amount and character of the assistance which the relation shall furnish. If the relation neglects or refuses to comply with the court order without good cause, as determined by the court at a hearing, or by refusing to work or otherwise voluntarily places himself in a position where he is unable to comply, he shall be deemed to be in contempt of court and shall be imprisoned not more than 90 nor fewer than 60 days. If a poor person has no relation of sufficient ability, the town or city in which he resides shall be liable for his support.

Source. RS 66:8. CS 70:8. GS 74:8. GL 82:8. PS 84:12. 1925, 112:1. PL 106:22. 1933, 65:1. RL 124:18. RSA 165:19. 1973, 115:1. 1985, 380:11, eff. Jan. 1, 1986.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:20

165:20 Recovery of Expense. — If a town, city, or county acting as agent for a town under RSA 165:34 spends any sum for the support, return to his home, or burial of an assisted person having a residence in another town or city, or for an assisted person having relations able to support him under RSA 165:19, such sum may be recovered from the town, city or relation so chargeable or from a county acting as agent for the town under RSA 165:34. In any civil action brought under this section to recover such sum, the court shall award costs to the prevailing party.

Source. RS 66:9. CS 70:9. GS 74:9. 1875, 7:4. GL 82:10; 269:21. PS 84:13. PL 106:23. RL 124:19. RSA 165:20. 1967, 192:3. 1977, 152:2; 367:1. 1985, 380:12, eff. Jan. 1, 1986.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:20-a

165:20-a Settlement of Disputes. —

- I. In any case where a town, city, county or the state seeks to recover a sum spent on assistance to a person and there is a dispute between a town, city, county or the state as to the liability for such assistance, the voluntary arbitration system established by this section shall be available.
- II. The department of health and human services shall maintain a roster of the selectmen and welfare administrators of the cities, towns, and counties of the state. If a town, city, county or the state decides to avail itself of the voluntary arbitration system, the commissioner of the department of health and human services or his designee shall randomly select a panel of 3 persons from the roster to arbitrate the dispute. No selectman or welfare administrator shall serve on any panel resolving a dispute concerning his own city, town or county.
- III. Any such voluntary arbitration session shall be held at a time and place to be determined by the commissioner of health and human services.
- IV. The costs of such voluntary arbitration shall be equally divided between the town, city, county or the state involved in the dispute.
- V. Any town, city, county or the state choosing the forum of the voluntary arbitration system shall lose the right to litigate the issue, and the decision of the panel of arbitrators shall be final.

Source. 1977, 373:1. 1979, 228:1. 1983, 291:1. 1985, 380:13. 1995, 310:176, 181, 182, eff. Nov. 1, 1995.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:20-b

165:20-b Recovery From Recipients. — Any town or city furnishing assistance to any person who is returned to an income status after receiving the assistance which enables him to reimburse the town or city without financial hardship may recover from such person the amount of assistance provided.

Source. 1981, 503:8. 1985, 380:45, eff. Jan. 1, 1986.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:20-c

165:20-c Reimbursement From the State of New Hampshire. —

I. If any person receiving general assistance from a town or city under the provisions of this chapter is deemed to be eligible for assistance under the provisions of RSA 167, the commissioner of health and human services shall reimburse such town or city the amount of assistance provided by the town or city as a result of the commissioner of health and human services' delays in processing within the federally mandated time periods.

II. Any claims for reimbursement under this section shall be held until the end of the fiscal year. If the total of all claims for reimbursement does not exceed \$100,000, all validated claims shall be paid in full. If such total exceeds \$100,000, claims shall be reimbursed on a prorated basis so that the total paid out for claims shall not exceed \$100,000.

Source. 1993, 229:1. 1995, 310:179, eff. Nov. 1, 1995.

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 165

AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:21-24

165:21 to 165:24 Repealed. — [Repealed 1967, 192:10, eff. Jan. 1, 1968.]

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:25

165:25 Limitation of Action. — Actions by towns and cities to recover the expense of support, return to his home, or burial of a poor person may be brought within 6 years after the cause of action accrued and not afterward.

Source. RS 66:14. CS 70:14. GS 74:14. GL 82:15. PS 84:18. PL 106:28. RL 124:24. RSA 165:25. 1967, 192:4. 1981, 503:4. 1985, 380:14, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:26

165:26 Transfer of Action. — Whenever a county in which an action for the support of an assisted person is pending may eventually be liable for such support, the court, on motion, shall transfer the action to an adjoining county for adjudication.

Source. RS 66:15. CS 70:15. GS 74:15. GL 82:16. PS 84:19. PL 106:29. RL 124:25. RSA 165:26. 1985, 380:47, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:27

165:27 Recovery From Estates. — Towns and cities may recover from the estates of persons assisted in like manner as counties under RSA 166:19.

Source. 1903, 42:1. PL 106:30. RL 124:26. RSA 165:27. 1985, 380:15, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:27-a

165:27-a Assignment for Funeral and Burial or Cremation Expenses. –

I. Except when a town or city assisted person has made arrangements for a prepaid funeral, if the total of his liquid assets at death are less than \$1,000, there shall be an automatic assignment to the funeral director or the person who paid for the funeral and burial or cremation of the deceased to the extent of funeral and burial or cremation expenses up to \$1,000.

II. The funeral director or the person who paid for the funeral and burial or cremation expenses may submit a notarized statement to the effect that he has paid the expenses, together with an itemized list of the expenses, to the entity holding the assets. Upon submission of the statement and the list, the person shall receive payment to the extent of the expenses authorized under this section.

III. The entity making the payment shall provide a receipt and shall send a copy of the receipt to the town selectmen or city council of the appropriate town or city.

IV. If no assets remain after a payment is made under this section, the entity making the payment shall so notify the probate court having jurisdiction over the estate.

Source. 1981, 253:2. 1985, 380:16. 2000, 202:3, eff. Jan. 1, 2001.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:28

165:28 Liens on Real Property. – The amount of money spent by a town or city to support an assisted person under this chapter shall, except for just cause, be made a lien on any real estate owned by the assisted person. The liens are effective until enforced as provided in this chapter, or until released by the selectmen or city council; provided that there shall be no enforcement of the lien so long as the real estate is occupied as the sole residence of the assisted person, his surviving spouse, or his surviving children who are under age 18 or blind or permanently and totally disabled. Interest at the rate of 6 percent per year shall be charged on the amount of money constituting such lien commencing one year after the date of the filing of the lien unless a majority of the selectmen in the town or the councilmen in the city vote to waive such interest. The selectmen or council may file a notice of the lien or an acknowledgment of satisfaction of the lien with the register of deeds of the county in which the assisted person owns real property. A notice of lien which contains the owner's name and a description of the real property sufficient to identify it is a valid lien on the property. The register of deeds shall keep a suitable record of such notices without charging any fee therefor, and he shall enter an acknowledgment of satisfaction of the lien upon written request of the selectmen or the council without fee.

Source. 1965, 42:1. 1975, 303:1. 1985, 380:17. 1988, 180:2, eff. June 25, 1988.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:28-a

165:28-a Liens on Civil Judgments. —

I. A town or city shall be entitled to a lien upon property passing under the terms of a will or by intestate succession, a property settlement, or a civil judgment for personal injuries awarded any person granted assistance by the town or city under RSA 165 for the amount of assistance granted by the town or city.

II. The town or city shall be entitled to the lien only if the assistance was granted no more than 6 years before the receipt of the inheritance or the award of the property settlement or civil judgment, provided that this section shall not apply to inheritances, property settlements, or civil judgments awarded before August 28, 1981.

III. This lien shall take precedence over all other claims.

Source. 1981, 503:1. 1985, 380:45, eff. Jan. 1, 1986.

TITLE XII PUBLIC SAFETY AND WELFARE

CHAPTER 165 AID TO ASSISTED PERSONS

Liability for Support, and Recovery Over

Section 165:29

165:29 Enforcement of Liens. — Liens arising under RSA 165:28 or RSA 165:28-a may be enforced by a bill in equity.

Source. 1965, 42:1. 1981, 503:3, eff. Aug. 28, 1981.

Hooksett Family Services Department
35 Main Street, Hooksett, NH 03106
Phone: 603-485-8769 Fax: 603-485-4423

Fair Hearing Request

Date: _____

Name: _____

Address: _____

Contact Phone Number: _____

I hereby request a fair hearing to appeal the decision dated _____
regarding my application for general assistance.

Reason for Fair Hearing Request:

IF YOU ARE CURRENTLY RECEIVING ASSISTANCE, COMPLETE THIS SECTION.

I ___ want ___ do not want my current assistance to continue until my appeal has been decided. I understand that if I lose my appeal, I will be obligated to repay the assistance provided to me by the Town of Hooksett during the time the appeal is being decided.

In order to request a fair hearing, this form must be completed and returned to the Town of Hooksett, N. H. Family Services Department within five (5) days starting with the date of the Notice of Decision at issue. Within seven (7) working days of receipt of this request by the Welfare Official a hearing will be scheduled. You will be notified in writing of the place, date and time of the hearing.

Applicant/Recipient Signature

Date

ALLOWANCE GUIDELINES

Allowance Guideline figures for the Town of Hooksett as established by vote of the Town Council on November 18, 2008.

A. Burial \$750.00 per person

B. Maintenance

<u>HH Size</u>	<u>Week</u>	<u>Month</u>
1	\$6.75	\$27.00
2	\$8.25	\$33.00
3	\$9.75	\$39.00
4	\$11.25	\$45.00
5	\$12.75	\$51.00

Each additional person is a case by case determination. The maintenance allowance will be apportioned according to the actual need at the time of the application. Special circumstances may be considered in allowing allotments which exceed the above guidelines.

C. Food

<u>HH Size</u>	<u>Week</u>	<u>Month</u>
1	\$44.00	\$176.00
2	\$80.75	\$323.00
3	\$115.75	\$463.00
4	\$147.00	\$588.00
5	\$174.50	\$698.00

Each additional person is \$101.00/month

D. Shelter

<u>HH Size</u>	<u>With Heat</u>	<u>Without Heat</u>
1	\$747.00	\$697.00
2	\$896.00	\$846.00
3	\$1046.00	\$996.00

Apartments for families that do not include utilities will be reviewed individually based on ability to pay and availability of units including utilities. Special circumstances may be considered in determining allowable rental amounts, however, it is the intent of the Town of Hooksett to pay the least amount of rent whenever possible for all applicants or recipients.

ALLOWANCE GUIDELINES (continued)

- E. Return to Residence** \$100 per person
- F. Baby Necessities** \$15.00 per week per child for diapers
 \$25.00 per week per child for food

Note: up to and including 6 month old babies only

- G. Veteran Death Benefit** \$250.00 per person

APPENDIX - K

Town of Hooksett, NH Family Services Department
 16 Main Street
 Hooksett, N. H. 03106
 Phone: 603-485-8769 Fax: 603-485-4423

Power of Attorney, General

I, _____ ("Declarant"),
 (Claimant's Name)

residing at _____
 (Address)

hereby appoint _____ (Agent)
 (Agent's Name)

of _____, as
 (Address)

my attorney-in-fact ("Agent") to exercise the powers and discretions described below.

My Agent shall have full power and authority to act on my behalf in matters and

decisions relative to my request for a Fair Hearing dated: _____

This Power of Attorney shall become effective immediately, and shall not be
 affected by my disability or lack of mental competence, except as may be

provided otherwise by an applicable state statute. This is a Durable Power of

Attorney. This Power of Attorney may be revoked by me at any time by

providing written notice to my Agent and the Town of Hooksett Family Services

Department.

 Declarant/ Claimant's Signature Date: _____

APPENDIX - L

Power of Attorney, Revocation

I, _____ ("Declarant"), of _____ (Address),
through my Power of Attorney dated _____ ("Power of Attorney") made and
appointed _____, my true and lawful attorney in fact for the purposes, and
with the powers set forth in the document.

I hereby give notice that I have revoked and canceled, and hereby do revoke and cancel, the
Power of Attorney, and all powers and authority given, provided or implied therein to in that
Power of Attorney.

I have signed this Notice of Revocation of Power of Attorney on _____ (Date).

Revoker of Power of Attorney

Town of Hooksett Family Services Department
16 Main Street, Hooksett, NH 03106
Phone: 603-485-8769 Fax: 603-485-4423

Fair Hearing Request Withdrawal

Date: _____

Client/Claimant Name: _____

Client/Claimant Address: _____

Client/Claimant Contact Phone Number: (_____) _____

I hereby withdraw my request for a Fair Hearing to appeal the adverse action on the Notice of Decision issued to me dated _____ regarding my application for general assistance.

Client/Claimant Signature

Date

Client/Claimant's Authorized Representative Signature

Date

APPENDIX - N

TITLE VI

PUBLIC OFFICERS AND EMPLOYEES

CHAPTER 91-A

ACCESS TO PUBLIC RECORDS AND MEETINGS

Section 91-A:5

91-A:5 Exemptions. — The following records are exempted from the provisions of this chapter:

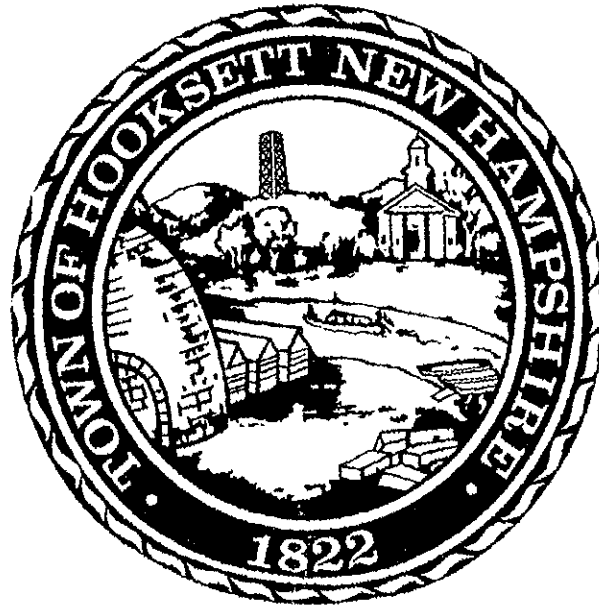
- I. Records of grand and petit juries.
 - II. Records of parole and pardon boards.
 - III. Personal school records of pupils.
 - IV. Records pertaining to internal personnel practices; confidential, commercial, or financial information; test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examinations; and personnel, medical, welfare, library user, videotape sale or rental, and other files whose disclosure would constitute invasion of privacy. Without otherwise compromising the confidentiality of the files, nothing in this paragraph shall prohibit a body or agency from releasing information relative to health or safety from investigative files on a limited basis to persons whose health or safety may be affected.
 - V. Teacher certification records, both hard copies and computer files, in the department of education, provided that the department shall make available teacher certification status information.
 - VI. Records pertaining to matters relating to the preparation for and the carrying out of all emergency functions, including training to carry out such functions, developed by local or state safety officials that are directly intended to thwart a deliberate act that is intended to result in widespread or severe damage to property or widespread injury or loss of life.
 - VII. Unique pupil identification information collected in accordance with RSA 193-E:5.
 - VIII. Any notes or other materials made for personal use that do not have an official purpose, including notes and materials made prior to, during, or after a public proceeding.
 - IX. Preliminary drafts, notes, and memoranda and other documents not in their final form and not disclosed, circulated, or available to a quorum or a majority of those entities defined in RSA 91-A:1-a.
- Source.** 1967, 251:1. 1986, 83:6. 1989, 184:2. 1990, 134:1. 1993, 79:1, eff. June 22, 1993. 2002, 222:4, eff. Jan. 1, 2003. 2004, 147:5, eff. Aug. 1, 2004; 246:3, 4, eff. Aug. 14, 2004.

Staff Report
Title: Town Charter UPDATES
Date: 08/22/2018

Background Discussion of Issues
<p>The Town Council, at their annual workshop of 08/08/18, discussed amendments to the Town Charter to include Articles:</p> <p><u>Councilor Districts/At-Large</u></p> <ol style="list-style-type: none">1. 3.1 – remove Councilor districts/at-large2. 3.2 – remove Councilor districts/at-large3. 3.3 - remove Councilor districts/at-large <p><u>Note:</u> 1,2,3 above, if recommended by Council, remove any other language in Town Charter associated with Councilor districts/at-large.</p> <p><u>Councilor At-Large</u></p> <ol style="list-style-type: none">4. 3.2 – only remove paragraph 3 "No two councilors elected at large or appointed to fill a position at large shall be residents of the same district". <p><u>Note:</u> Recommending only #4 above would keep districts, but remove restricts from at-large seats.</p> <p><u>Roll Call Votes</u></p> <ol style="list-style-type: none">5. 3.5.d – remove "All votes shall be recorded by roll call except votes on procedural matters." <p><u>Budget Committee</u></p> <ol style="list-style-type: none">6. 5 & 11 – remove Budget Committee <p><u>Note:</u> If #5 above recommended, remove any other language in Town Charter associated with Budget Committee.</p> <p><u>Moderator</u></p> <ol style="list-style-type: none">7. 7.1.C – add “ . . . unless otherwise required or allowed by law or this Charter.”8. 7.1.F – add new section “F” “Any person elected as Moderator shall not simultaneously be on any other judicial or administrative board.” <p><u>Elected Officials First Day in Office</u></p> <ol style="list-style-type: none">9. 10.2.B – update “ . . . all elected officials in the Town shall take or continue in office on the first day of May July next following their election . . .”
Recommendation (Including Suggested motion, if appropriate)
Motion to recommend amendments to the Town Charter for Article(s) #x,x,x above for the March 2019 ballot.
Fiscal Impact
To be determined.
Prepared By: Donna Fitzpatrick, Administrative Services Coordinator
Town Administrator’s Recommendation

TOWN CHARTER

Adopted July 1, 1989



HOOKSETT NEW HAMPSHIRE

Amended
~~July 1, 2018~~ July 1, 2019

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ARTICLE 1
Incorporation; Town Form of Government; Power

Sec. 1.1. Incorporation.

The legal residents of the Town of Hooksett shall continue to be a body politic and corporate under the name of the "Town of Hooksett" and as such to enjoy all the rights, immunities, powers and privileges and be subject to all duties and liabilities now appertaining to or incumbent upon them as a municipal corporation. All existing property of the Town shall remain vested in it, and all its existing debts and obligations shall remain obligatory upon it under this chapter.

Sec. 1.2. Town Form of Government.

The administration of the fiscal, prudential, municipal and other affairs of the Town, with the governance thereof, shall be vested in an executive branch to consist of a Town Administrator and the various departments of the Town as established by this Charter and from time to time by the Town Council. Legislative powers, not otherwise vested in another body as provided by this Charter, shall be vested in the Town Council and the Budgetary Town Meeting. Except as expressly authorized by this Charter, no Councilor shall participate in the conduct of the administrative affairs of the Town.

Sec. 1.3. Construction.

The powers of the municipality under this Charter are to be construed liberally in favor of the Town, and the specific mention of particular powers is not intended to limit any way the general powers of the municipality as stated in Sec. 1.1.

Sec. 1.4. Intergovernmental Relations.

Subject only to express limitations in the provisions of the New Hampshire Statutes, the Town may exercise any of its powers or perform any of its functions under this Charter and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with the State of New Hampshire, or any political subdivision or agency thereof, or the United States of America or any agency thereof.

Sec. 1.5. Initial Districting.

Upon adoption of this Charter, the Board of Selectmen of Hooksett shall on or before 07/15/88 prepare preliminary district boundaries. After public hearings held thereon, the selectmen shall finalize district boundaries by 10/15/88 and publish and disseminate district maps.

The Town shall be divided into six (6) voting districts; each established to consist of as nearly as possible an equal number of residents. The largest district shall be no

more than 10% greater than the smallest district. Each district shall have well defined boundaries.

Sec. 1.6. Changes in Districting.

- A. No later than two years after the official publication of the decennial United States of America census, the Supervisors of the Checklist (defined in 2.2 hereof) shall establish new district boundaries so as to establish six (6) equal (population-based) districts. The Supervisors of the Checklist may establish their own rules and procedures to conduct redistricting; however, they shall have at least one public hearing on its proposed new district boundaries.
- B. Upon the written petition signed by at least ten percent (10%) of the registered voters in the Town, the Town election officers shall include on the ballot at the next Town annual election the following question: "Shall the Supervisors of the Checklist be directed to establish new district boundaries for the Town no later than one (1) year from the passage of this question? Yes or No". However, no petition for redistricting shall be accepted within three (3) years of any previous action to redistrict. If a majority at that March election vote "Yes", then the Supervisors of the Checklist shall establish new equal districts for the Town pursuant to its redistricting rules and procedures and based on such population and census data as the Supervisors of the Checklist finds fair and reliable; however they shall have at least one public hearing on their proposed new district boundaries.

ARTICLE 2

Elections: Election Officials; Conduct of Elections

Sec. 2.1. Moderator.

There shall be a Moderator of the Town who shall have all the powers and duties granted to him/her by this Charter and state law. He/She shall be elected on an at large basis to a term of two (2) years at the first Town election following adoption of this Charter. Without limitation to the foregoing, for election purposes, the Moderator shall have the power to appoint all election officials except those, which must be elected or otherwise appointed. The Moderator shall determine whether all ballots from all polling places are to be counted in one or more locations.

Sec. 2.2. Supervisors of the Checklist.

- A. There shall be three (3) Supervisors of the Checklist who shall hold office for six (6) years (and until their successors are elected and qualified) on a staggered basis so that one Supervisor is elected every two years at the Town election.

- B. Vacancies in the Supervisors of the Checklist shall be filled pursuant to RSA 669:64. The person so appointed shall hold office until the vacancy for the unexpired term is filled at the next Town election.
- C. The Supervisors shall elect a chair for a term of two (2) years. He/She may not succeed himself/herself.

Sec. 2.3. Duties and Sessions of the Supervisors of the Checklist.

The Supervisors of the Checklist shall have such powers and duties as are specified under New Hampshire law and in this Charter.

Sec. 2.4. Duties of the Town Clerk

The Town Clerk shall have such powers and duties as are specified by this charter and state law. The Town Clerk may assign duties to his/her designee. To the extent there is any conflict between the powers and duties of the Town Clerk as are specified by this charter and state law, state law shall control.

Sec. 2.5. Composition of Board of Election Officers

The Supervisors of the Checklist, the Moderator and the Town Clerk shall constitute the Board of Election Officers. The Moderator shall be Chair. The Town Clerk shall serve as the Clerk of the Board.

Sec. 2.6. Conduct of Elections.

- A. The election officers shall conduct regular and special elections as detailed in the election laws of the State of New Hampshire.
- B. Town Council shall establish policy delineating election dates, polling place(s), and balloting hours.

ARTICLE 3 Town Council

Sec. 3.1. Membership; Term of Office.

Except as otherwise provided in this Charter, all of the powers of the Town shall be vested in a Town Council (hereinafter sometimes referred to as "Council") of nine (9) Councilors, as provided in Sec. 1.2. Councilors shall be elected on the second Tuesday in March for three (3) year terms. Three (3) Councilors shall be elected each year - ~~two (2) from districts and one (1) at-large~~. Councilors shall take office July 1st next following their election and shall hold office until successors are duly elected and qualified.

Sec. 3.2. Qualifications of Councilors.

Only voters who at all times during their term of office are and remain residents of the Town shall be eligible to hold the office of Councilor. Eligible candidates will be registered voters and will have resided in Hooksett for at least one year immediately before the election. Councilors elected ~~from districts~~ must be legal residents ~~of that district~~ at the time of election. ~~If a Councilor shall move from his/her said district and shall remain a resident of the Town, he/she shall remain the elected district's Councilor until the next election.~~ The Council is the sole judge of qualification for office. A majority of the Council may after investigation and hearing declare a vacancy if a member is ultimately convicted of a violation of the Town Charter. Council may also declare a vacancy if a member has missed three (3) regularly scheduled meetings in sequence, or has missed one quarter (1/4) of all meetings within one (1) calendar year, or has interfered with Administration, or falsified records, misapplied Town funds or property, or has been ultimately convicted of a Federal or State crime as a felon.

No Councilor shall, during his/her term and for one year thereafter, be eligible to hold a paid office. Notwithstanding the foregoing, a Councilor may be appointed to "acting town administrator" by a vote of at least seven (7) members of the council for one period not to exceed six (6) months.

~~No two councilors elected at large or appointed to fill a position at large shall be residents of the same district.~~

At the time any candidate for councilor files his/her declaration of candidacy for said office, the Town Clerk shall determine if said candidate is qualified for office under Section 3.2 of the Charter. If the candidate is not so qualified, the Town Clerk shall notify the candidate and the Town Moderator within 24 hours of disqualification and said candidate's name shall not appear on the ballot.

Sec. 3.3. Vacancies.

Vacancies occurring in the office of Councilor at any time shall be filled by a duly qualified member ~~of said District~~ by appointment by affirmative vote of the Council within thirty (30) days of a declared vacancy. If a tie vote is maintained after three (3) calls by the Council Chair, a special election will be held within thirty (30) days to fill such vacancy. Such appointed or elected appointee shall hold office until the next regular election. ~~No appointments for councilor at large shall be in contradiction of Section 3.2.~~

Sec. 3.4. Compensation.

Councilors shall receive as compensation the sum of one thousand five hundred dollars (\$1,500.00) per year. The Chair shall receive an additional five hundred dollars (\$500.00) per year. Councilors shall receive reimbursement for reasonable mileage and

expenses incurred in the performance of Town business outside the Town limits of Hooksett according to rules of the Council.

Sec. 3.5. Exercise of Powers; Meetings; Rules of Procedure: Appropriations.

- A. Exercise of Powers. Except as otherwise prohibited by law or this Charter, the powers of the Council may be exercised in a manner determined by it.
- B. A quorum of the Council for the transaction of any business shall be two-thirds (2/3) of the members currently in office. However a smaller number may adjourn the meeting to another time or date.
- C. Meetings. All meetings of the Council shall be public as required by the State "Right to Know Law" (RSA Ch. 91-A). Regular meetings (minimum one per month) shall be held on such day or days of each month at such time as the Council shall by ordinance or resolution direct. Agendas shall be prepared and posted one week in advance of each regular meeting. Special meetings may be called by the Chair. Special meetings also may be called at the written request of the Town Administrator or at least six (6) Councilors, and upon such request the Chair of the Council shall call such special meeting. Written notice of said special meeting shall be delivered to each Councilor at least twenty-four (24) hours prior to the call of the special meeting. The method of delivery of notice for special meetings shall be established by Council rule.
- D. Rules of Procedure. The Council shall establish rules for its proceedings not inconsistent with this Charter. Every matter coming before the Council for action shall be put to a vote and all members shall vote "aye", "nay", or abstain and give a reason for abstaining. The results of such voting shall be duly recorded. ~~All votes shall be recorded by roll call except votes on procedural matters.~~

Sec. 3.6. Ordinances.

- A. An ordinance may be introduced by any member at any regular or special meeting of the Council. Upon introduction of any ordinance, the Town Clerk or designee shall distribute a copy to each Councilor and to the Town Administrator, file a reasonable number of copies in the office of the Town Clerk, post a copy in such other public places as the Council may designate, and provide for publication in a local newspaper or newspapers of their choice seven (7) days prior to the public hearing on said ordinance. The full text of the proposed amendment or ordinance need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice. Final action on said ordinance shall not be taken by the Town Council until at least seven (7) days after said public hearing.

- B. Every proposed ordinance of the Council shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. Each ordinance shall be identified by a number and a short title. The enacting clause shall be "The Town of Hooksett ordains ...". Any ordinance which repeals or amends an existing ordinance shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matter to be omitted by enclosing it in brackets or by strikeout type, and shall indicate new matter by underscoring or by italics.
- C. Every ordinance, including zoning ordinances and building codes, shall take effect upon passage and publication as ordinances required by law or at a later date as specified by the ordinance. No ordinance shall be introduced and adopted during the same meeting, except emergency ordinances.
- D. All ordinances, including any amendments thereto, shall be recorded in full, uniformly and permanently, by the Town Clerk, and each ordinance so recorded shall be authenticated by affixing the signatures of the Council Chair and the Town Clerk and the Town Seal, and kept on file in the office of the Town Clerk. The Town Clerk shall be responsible for the systematic indexing, printing, publication and maintenance of the ordinances of the Town. Copies of any or all ordinances shall be available to the public, and the Town Clerk may charge a reasonable fee to defray the printing costs.
- E. Upon passage, the ordinance shall be published in a newspaper of general circulation in the Town and posted on the official Town website.
- F. Creation of, or amendments to, Zoning ordinances, historic district ordinances or building codes may be petitioned for by no less than two percent (2%) of the voters of the town and shall be established or amended in accordance with the procedures outlined under RSA 675:4. Any Zoning Ordinance, Historic District Ordinance or Building Code or amendment to an existing Zoning Ordinance or Building Code proposed by the Council or the Planning Board shall be submitted to the voters of the Town in accordance with the provisions of RSA 675:3.

Sec. 3.7. Emergency Ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by a public utility for its services or authorize the borrowing of money except as provided in Sec. 3.8 of this Charter. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at

which it is introduced, but the two-thirds (2/3) affirmative vote of those present and voting shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance, except one made pursuant to Sec. 3.8 of this Charter, shall automatically stand repealed as of the 61st day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Sec. 3.8. Emergency Appropriations.

The raising of emergency appropriations is to be governed by RSA 31:5 & 5a and RSA 32:4.

Sec. 3.9. Codification of Ordinances.

The Town Council, not later than eighteen (18) months after taking office under this Chapter and at least every fifth year thereafter, shall direct the Town Clerk to prepare and publish a revision or codification of the ordinances of the Town.

Sec. 3.10. Existing Ordinances.

All by-laws, ordinances, rules, restrictions and regulations of the Town of Hooksett which are in effect as of the date of adoption of this Charter, and not inconsistent with this Charter, shall remain in effect after the adoption of this Charter until they expire by their terms or are repealed, modified or amended by the Council.

Sec. 3.11. Powers and Duties.

Except as herein otherwise provided, the Town Council shall have all the powers and discharge all the duties conferred or imposed upon town councils, town meetings, boards of mayor and aldermen, and selectmen of towns by law. Except as otherwise provided in this Charter, all members of all boards, commissions and committees, and vacancies thereto shall be appointed by the Council from among town residents.

Sec. 3.12. Delegation of Powers.

The Council may delegate to one or more Town agencies or officials the powers vested in the Council by this Charter and State and Federal Law to grant and issue licenses and permits, and may regulate the granting and issuing of licenses and permits by any such Town agency, and may in its discretion, rescind any such delegation without prejudice to any prior action which has been taken.

Sec. 3.13. Inquiries and Investigations.

The Council by majority vote may require of any appointed Town official, department head or employee, official appointed or confirmed by the Council, or member of an appointed Town board or commission to appear before it, and give such information as it may require in relation to this office, its function, and performance. The Council shall give at least forty-eight (48) hours written notice of the general scope of the inquiry which is to be made to any person it shall require to appear before it under this section. The Council may make investigation into the affairs of the Town and into the conduct of any Town agency or department, and for this purpose may administer oaths and require the production of evidence.

Sec. 3.14. Board Procedures.

Except as expressly prohibited by state statute the Council shall establish rules of attendance and forfeiture of office for all Town appointed boards and commissions.

ARTICLE 4 Administration of Government

Sec. 4.1. Town Administrator.

The chief administrative officer of the Town shall be the Town Administrator (hereinafter called the "Administrator"). Council shall appoint as Administrator, a person who receives the votes of at least five (5) members of the Council. The Administrator shall serve at the pleasure of the Council for a fixed term of employment not to exceed three years. The seated Administrator may be reappointed for subsequent terms by a favorable vote of at least five councilors. Council shall fix Administrator's salary and other terms of employment.

Sec. 4.2. Qualifications.

The Administrator shall be chosen solely on the basis of executive and administrative qualifications and experience and need not be a resident of the Town or the state at the time of appointment.

Sec. 4.3. Reprimand or Removal from Office.

The Administrator may be reprimanded or removed for cause by the affirmative vote of at least five (5) members of the Council.

Sec. 4.4. Acting Administrator.

If the Administrator is unable to act for any cause, Council may declare the office temporarily vacant and may appoint an Acting Administrator. The Acting Administrator

shall serve for not more than ninety (90) days or such lesser time as Council determines. If the position is still vacant after ninety (90) days, Council shall evaluate the temporary vacancy. If it appears that the vacancy shall continue for more than another ninety (90) days, then the Council shall initiate a search for a permanent replacement.

The Acting Administrator shall have all the powers and perform all the duties of the Administrator except to the extent that said powers and duties may be specifically restricted by Council resolution. Said Acting Administrator shall be paid such salary for his/her services hereunder as may be prescribed by the Town Council. The Acting Administrator may be reappointed for one additional term of ninety (90) days.

Sec. 4.5. Powers and Duties of Administrator.

The Administrator shall be the chief administrative officer of the Town and supervise and be responsible for the administrative and financial affairs of the Town and shall carry out the policies enacted by the council. He/She shall be charged with the preservation of the health, safety and welfare of persons and property and shall see to the enforcement of the ordinances of the Town, this Charter and the laws of the State of New Hampshire. He/She shall supervise and direct the administration of all of the Town departments and personnel therein. He/She shall be responsible for:

- (a) maintaining accounting control over the finances of the Town;
- (b) making financial reports and performing such other related duties as may be required by the Administrative Code;
- (c) assuring the audit and approval of authorized claims against the Town before paying the same;
- (d) keeping the Council informed of the condition of the needs of the Town and making such reports and recommendations as he/she may deem advisable or may be requiring of him/her;
- (e) the rental and use of all Town facilities under his/her control;
- (f) the maintenance and repair of all Town property under his/her control;
- (g) a full and complete inventory of all property of the Town, both real and personal;
- (h) the collection, accounting, deposit and periodic reporting of all town revenues and expenditures in a secure and business-like manner in accordance with generally accepted accounting practices;

(i) to appoint upon merit and fitness alone, and to remove, all subordinate officers and employees under his/her control, and to fix all subordinate officers and employees compensation other than department heads.

He/she shall perform such other duties as may be prescribed by this Charter or required of him/her by ordinance or resolution of the Council, not inconsistent with this Charter. He/She shall have and perform such other powers and duties not inconsistent with the provisions of this Charter as now are or hereafter may be conferred by municipal ordinance or conferred upon mayors of cities and selectmen of towns by general laws. He/She shall have the right to take part in the discussion of all matters coming before the Council, but not the right to vote.

Sec. 4.6. Appointment of Department Heads.

The Administrator shall have the power to appoint and remove, subject to the provisions of this Charter, all town department heads. Such appointments shall be on merit and fitness alone and with the advice and consent of the council.

Sec. 4.6.A. Disciplinary Action.

The Administrator, for just cause, may suspend or dismiss department heads or take other appropriate disciplinary action. Said suspension, dismissal or other disciplinary action shall be effected only upon the Administrator's presentation department head of written specification of the reasons therefore. The said department head involved may within five (5) business days in writing request to schedule a hearing before the Council. Further, the Council must schedule a hearing within two (2) regular Council meeting days and render a decision within thirty (30) days of the hearing. The Administrator may suspend said department head from duty during said period with or without pay. Such hearing shall be either private or public, allowed under RSA 91-A, at the aggrieved party's request. The Council, by a vote of two-thirds (2/3) of the full Council, may override the Administrator's decision.

Sec. 4.7. Non-Interference with Town Administration.

Except as expressly provided elsewhere in this Charter, no councilor shall direct or request the appointment of any person to office or employment; removal; suspension; discipline; or adjustment in pay, benefits, or working condition; by the Administrator of any of the town department heads. However, nothing in this Charter shall be construed to prohibit the Council, as a body, from exercising any powers granted to it by statute or charter. Furthermore the Council may, by majority vote, overrule any action or lack of action normally under the control of the Administrator. Councilors may act as liaison with the Administrator on behalf of their constituents.

No Councilor shall give orders to or interfere with the performance of the duties of any of the administrative officers or employees, either publicly or privately except that the council chairman may direct any employee who is charged with assisting in the

conduct of council business. Nothing contained in this section shall prohibit the Council from meeting with the Administrator to discuss the operation or conduct of any department head or employee and to recommend an investigation and report by the Administrator of any complaint nor shall anything in this section be deemed to prohibit any councilor and/or any employee from discussing the operations of the town government. Any violation of the provisions of this section by a Councilor shall constitute grounds for forfeiture of office under the provisions of Sec. 3.2.

Sec. 4.8. Departments.

The administrative service of the Town shall by ordinance, be divided into such other departments or other agencies as are necessary for the proper and efficient management of the affairs of the Town. Said ordinance shall define the function and duties of each Town department or agency and shall be known as the "Administrative Code". The Town Council may, by amendment to the Administrative Code Ordinance, create, consolidate or abolish departments or agencies within their control and define or alter their functions and duties.

Sec. 4.9. Treasurer.

The Town Administrator shall appoint, based on merit and fitness with the advice and consent of the Council, a Treasurer who shall have the powers and duties prescribed by this Charter and state law, provided however that in making investments of Town funds he/she shall follow the written investment policy as adopted or modified by the Town Council.

Sec. 4.10. Tax Collector.

The Town Administrator shall appoint, based on merit and fitness with the advice and consent of the Council, a Tax Collector who shall have the powers and duties prescribed by this Charter and state law.

Sec. 4.11. Overseer of the Public Welfare.

The functions, duties and responsibilities of the office of Overseer of the Public Welfare shall be carried out by a Town employee designated by the Town Administrator.

Sec. 4.12. Trustees of the Library.

There shall be five (5) Library Trustees elected on an at-large basis, who shall serve for a three (3) year term and be responsible for carrying out all duties prescribed by the law for said Trustees.

Sec. 4.13 Town Attorney

The Council shall engage as needed such attorneys as are deemed in the best interest of the Town to provide legal advice to the Council, Town Administrator, Town departments, and other agencies and represent the Town in any legal proceeding, criminal prosecutions, and traffic violations. Such attorneys shall, either, on Council direction or through direction of the Town Administrator, perform any other duties prescribed by this Charter or by ordinance.

ARTICLE 5 Finance

Sec. 5.1. Fiscal Year.

The fiscal and budget year of the Town shall begin on the first day of July and end on the thirtieth day of June.

Sec. 5.2. Budget Procedure.

At such time as may be requested by the Administrator or specified by the Administrative Code, each department head shall submit an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his/her control to the Administrator. The Administrator shall, based on these estimates and other data, prepare a recommended budget, which he/she shall, together with these department estimates, submit, to the Council. The Library Trustees shall submit their budgets directly to the Town Council. The Council shall then present their budget to the Budget Committee and subsequent actions shall follow the Municipal Budget Act, RSA Chapter 32.

Sec. 5.3. Budget Hearings.

- A. The Budget Committee shall hold hearings as specified in RSA 32:5 and hearings under RSA 33:8-a shall be held on or before the third Tuesday in January. One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing. In a political subdivision that has adopted a municipal budget committee pursuant to RSA 32:14, the last day for the budget committee to deliver copies of the final budget and recommendations to the governing body pursuant to RSA 32:16, IV shall be the Thursday before the last Monday in January.
- B. The final date for posting notice of budget hearings under RSA 32:5 and hearings under RSA 33:8-a shall be the second Tuesday in January.

- C. The "budget submission date" as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in January, provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday.

Sec. 5.4. Use of the Official Ballot.

- A. Notwithstanding RSA 39: 3-d, RSA 40: 4-e, the Town of Hooksett shall utilize the official ballot for voting on all budgetary issues before the voters.
- B. The warrant under RSA 39:5 and budgets for any annual meeting shall be posted and copies available to the general public on or before the last Monday in January and shall prescribe the place, date and hour for each of two separate session of the meeting.
- C. The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot shall be held between the first and the second Saturdays following the last Monday in January, inclusive of those Saturdays, at a time prescribed by the Town Council. The second Tuesday in March shall be deemed the annual meeting, to elect officers of the local political subdivision by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all budgetary warrant articles from the first session on official ballot.
- D. The first session of the meeting, governed by the provisions of RSA 40: 4, 40: 4a, 40: 4-b, 40: 4-f and 40: 6-10, shall consist of explanation, discussion, and debate of each warrant article. Warrant articles may be amended, subject to the following limitations:
 - (1) Warrant articles whose wording is prescribed by law shall not be amended.
 - (2) Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.
- E. All budgetary warrant articles shall be placed on the official ballot for a final vote.
- F. The second session of the annual meeting, to elect officers of the Town by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot, shall be held on the second Tuesday in March.
- G. The Town Clerk shall prepare an official ballot, which may be separate from the official ballot used to elect officers, for all warrant articles. Wording shall be substantively the same as the main motion, as it was made or amended at the

first session, with only such minor textual changes as may be required to cast the motion in the form of a question to voters.

- H. Operating budget as used in this section means "budget" as defined in RSA 32:3, III, exclusive of "special warrant articles", as defined in RSA 32:3,V and exclusive of other appropriations voted separately.
- I. If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, or the Town Council may hold a special meeting to take up the issue of a revised operating budget only; provided that RSA 31:5 shall not apply to such a special meeting. If no operating budget article is adopted the estimated revenues shall nevertheless be deemed to have been approved.
- J. The wording of the article on the operating budget shall be as follows: "Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles, the amounts set forth on the budget posted with the warrant, for the purposes set forth therein, and other appropriations voted separately totaling
- A. \$_____. Should this article be defeated, the operating budget shall be \$_____, which is the same as last year, with certain adjustments required by previous action of the Town meeting, or by law or the Town Council may hold one special meeting, to take up the issue of a revised operating budget only."
- K. Voting at the second session shall conform to the procedures for the nonpartisan ballot system as set forth in RSA 669:19-29, including all requirements pertaining to absentee voting, polling place and polling hours.
- L. Approval of all warrant articles shall be by simple majority except for questions, which require a 3/5ths (60%) majority vote by law, contract, or written agreement.
- M. Votes taken at the second session shall be subject to recount under RSA 669:30-33 and RSA 40: 4-c.
- N. Votes taken at the second session shall not be reconsidered except by warrant article at a subsequent annual or special meeting.
- O. The warrant for any special meeting shall prescribe the date, place and hour for both a first and second session. The second session shall be warned for a date not fewer than 28 days nor more than 60 days following the first session. The first and second sessions shall conform to the provision of this subdivision pertaining to the first and second sessions of annual meetings. Special meetings shall be subject to RSA 31:5, 39:3 provided that no more than one special

meeting may be held to raise and appropriate money in any one calendar year or fiscal year, whichever applies, and further provided that any special meeting held pursuant to this section shall not be subject to RSA 31:5 and shall not be counted toward the number of special meetings which may be held in a given calendar or fiscal year.

Sec. 5.5. Budget Reports; Reductions.

At the beginning of each month during the fiscal year, and more often if required by the Council, the Administrator or his/her designee shall submit to the Council financial reports (format of reports agreed to by Council and Administrator) showing the relation between the budgeted and actual income and expenses to date, together with estimated future expenses to year end and outstanding indebtedness; and if it shall appear that the income is less than anticipated, the Administrator, with Council approval, may reduce the appropriation for any item or items in the budget, except amounts required for debt, interest charges and other fixed costs, to such a degree as may be necessary to keep expenditures within the cash income. At any time, the Administrator may provide for monthly allotments of appropriations to departments, funds or agencies under such rules, as he/she shall prescribe.

Sec. 5.6. Transfer.

After the budget has been adopted, no money shall be drawn from the treasury of the Town nor shall any obligation for the expenditure of money be incurred except pursuant to a budget appropriation. The Administrator, with the approval of the Council, may transfer any unexpended balance or any portion thereof from any appropriation within one department to any appropriation within any other department. The transfer of appropriations shall comply with RSA 32:10.

Sec. 5.7. Capital Improvement Plan.

- A. The Town Administrator, after consultation with the Planning Board, shall prepare and submit to the Council a capital improvement plan at least one (1) month prior to the final date for submission of the budget. All town departments and agencies (including school district and water precincts) shall participate in preparing input for the capital improvement plan. The capital improvement program shall include:

(1) A clear summary of its contents.

(2) A list of all capital improvements which are proposed to be undertaken during at least the next six (6) fiscal years, including, but not limited to equipment, sewer, roads, sidewalks, bicycle paths or lanes, public open spaces and recreation facilities, new police and/or fire stations, and other new public facilities and major items of equipment, with appropriate supporting information as to the necessity for such improvements.

(3) Cost estimates, methods of financing and recommended time schedule for each such improvement.

(4) The estimated annual cost of operating and maintaining the facilities to be constructed or acquired.

- B. The capital improvement plan shall be based on a period of not less than six (6) years and shall include reference to or be influenced by, where appropriate, the Town Master/Comprehensive Plan.
- C. The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.
- D. The Town Council and Town Planning Board shall meet annually in preparation for and review of the capital improvement plan in a manner determined from time to time by the Town Council.
- E. A summary of the updated capital improvement plan with estimated costs shall be included in the town report and such portions of the year's costs, as the Council deems appropriate, included in the town budget.

Sec. 5.8. Lapse of Appropriations.

Every appropriation shall lapse at the close of the fiscal year to the extent that it has not been expended or encumbered, with exceptions allowed by RSA 32.7.

Sec. 5.9. Independent Audit.

Independent compliance and financial audits shall be made of all accounts of the Town at least annually and more frequently if deemed necessary by the Council. Such audits shall be conducted in accordance with auditing standards generally accepted in the United States and other such procedures which may be necessary under the circumstances by certified public accountants experienced in municipal accounting. The results of such audits shall be made public. Council shall request a new auditing firm perform an Independent Audit of the Town every five (5) years. An annual report of the Town's audit for the preceding year shall be made available to the public not later than sixty days after the close of the fiscal year.

Sec. 5.10. Bonding of Officials.

Any Town officer elected or appointed by authority of this Charter shall be bonded in an amount as required by state law or dictated by prudent fiscal practice for the faithful performance of the duties of his/her office. The Administrator and all officers receiving or disbursing Town funds shall be so bonded, and the premiums thereon shall be paid by the Town. Such bonds shall be filed with the Town Clerk.

Sec. 5.11. Borrowing Procedure.

- A. All borrowing procedures shall be in accordance with State law.
- B. Council may borrow in anticipation of taxes.

Sec. 5.12. Purchasing Procedure.

The Administrative Code shall establish purchasing and contract procedure, including the assignment of all responsibility for purchasing to the Administrator or his/her designee, and the combination purchasing of similar articles by different departments. The Council shall establish dollar limits for purchases and contracts, which must be by competitive bid and shall establish the bidding procedures. No competitive bids shall be required when purchasing through the State of New Hampshire or at State of New Hampshire bid prices. Requirements for bids may be waived in specific instances by a two-thirds (2/3) vote of the Council. The Council shall establish dollar amounts for purchases and contracts, over which no purchases shall be made or contracts entered into without the affirmative vote of a majority of the Council. If the Council has voted to make a purchase or enter into a contract, the Administrator shall carry out the vote of the Council and enter into such transaction on behalf of the Town.

Sec. 5.13. Trust Funds.

- A. Trustees of the Trust Funds. There shall be three (3) Trustees of the Trust Funds who shall hold office for three (3) years and until their successors are elected and qualified on a staggered basis so that one Trustee is elected at each Town election. They shall have all the powers and duties granted to trustees of trust funds by this Charter, state law, and the Administrative Code.
- B. Investments. Trust funds, except where otherwise provided by the instrument creating such trust, shall be kept separate and apart from all other funds and shall be invested by the Trustees in legal investments.
- C. Vacancy. In the event of a vacancy in office, the Council shall fill such vacancy by appointment, such appointment to be effective until a successor to fill the unexpired term is elected at the next Town election and is then qualified to serve.

Sec. 5.14. Gifts and Grants

The Council may, in accordance with the provisions of State law, apply for, accept and expend, without further action by the town meeting, money or gifts of personal property, which may be offered for any public purpose, from the state, federal or other governmental unit or a private source, which becomes available during the fiscal year.

<p style="text-align: center;">ARTICLE 6 Personnel Policies</p>

Sec. 6.1. Appointments.

Appointments and promotions to all positions in the service of the Town, other than those covered by an employee representative contract, shall be made solely on the basis of merit and only after consideration of the applicant's ability in accordance with procedures set forth in the Personnel Plan.

Sec. 6.2. Personnel Plan.

There shall be a set of rules and regulations providing for the establishment of a system of personnel administration known as the "Personnel Plan". The Plan shall include provisions with regard to classification, compensation, selection, training, promotion, grievances, discipline, vacations, retirement and any other matters necessary to the maintenance of efficient service and proper working conditions. The Personnel Plan shall continue in force, subject to amendments submitted from time to time by the Administrator, which shall become effective upon Town Council's approval. The Personnel Plan shall not apply to any elected officials, board and commission members. Each employee shall be provided with a written job description prepared by the Administrator.

Sec. 6.3. Compensation.

- A. The compensation of all elected and appointed officials and department heads shall be established and modified by express resolution of the Council.
- B. The rate of compensation of Council members may be changed by an ordinance approved by a majority of the Council subject to an assenting vote of the Town at the next election. Compensation paid any member of the Council may not be initiated until the assenting vote is received.
- C. The compensation of all Town employees not fixed by other provisions of this Charter or collective bargaining shall be fixed in the Personnel Plan by a schedule of pay which shall include a minimum and maximum and such intermediate rates as may
 - A. be deemed desirable for each class of position provided for in said plan.
- D. In recommending the Town budget, the Council shall not increase or decrease any individual compensation item but shall act solely with respect to total salaries in the various departments of the Town.

Sec. 6.4. Certification of Payroll.

No compensation shall be paid without certification by the Administrator, or such others as he/she may direct, that the recipients are employed by the Town and that their rates of compensation comply with approved pay schedules.

<p style="text-align: center;">ARTICLE 7 Conduct of Officials</p>

Sec. 7.1. Conditions for Holding Office.

- A. The Council shall declare a vacancy in the event that a member is finally convicted of committing a federal or state crime punishable by imprisonment.
- B. No compensated employee of the Town shall be eligible to serve as a councilor.
- C. Any person elected moderator or councilor shall not simultaneously hold another Town office, board membership, commission membership or trusteeship unless otherwise required by law or this Charter.
- D. Except as otherwise provided by this Charter, no department head nor regular employee of the Town shall be appointed to a Town office, board membership, commission membership or trusteeship. They may, however, serve as advisors to such boards, committees and commissions.
- E. The Zoning Board of Adjustment shall not have any members who also serve on the Planning Board or Conservation Commission.

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Sec. 7.2. Conflicts of Interest.

- A. Any elected or appointed officer or employee of the Town who has a direct or indirect interest, or whose family members have a direct or indirect interest, in any planned or existing contract, job, work or sale of goods, real estate or services or who has an interest in any permit, application or matter pending before a board shall not sit, advise, vote or otherwise participate in consideration of said matter or transaction.
- B. For the purpose of this section, the word "family" shall mean an individual's spouse or domestic partner, his/her lineal ascendants and lineal descendants, and his or her spouse or domestic partner's siblings and their offspring.
- C. For the purpose of this section, "Direct or indirect interest" shall exist where a potential exists for a public officer or employee of the town to influence the outcome of a matter in which he/she has a personal or pecuniary interest in the matter under consideration which is greater than that of any other citizen or taxpayer. Such personal or pecuniary interest must however be immediate, definite and capable of demonstration, and not so remote, uncertain, contingent

F. Any Person elected as Moderator shall not simultaneously be on any other judicial or administrative board.

and speculative that people of ordinary capacity and intelligence would not be influenced by it. Further, a conflict of interest shall not arise where an officer or employee is acting in his/her legislative capacity.

- D. When uncertainty arises as to the application of this section to an elected or appointed officer or employee of the Town in particular circumstances, upon the request of any member, the committee, commission or board shall vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public meeting, or in the event that the uncertainty arises during a meeting, as soon as possible thereafter.

Sec. 7.3. Private Use of Town Property and Personnel.

No elected or appointed officer or employee shall devote any Town property or labor to private use except as may be provided by authority of the Council.

Sec. 7.4. Acceptance of Gifts and Gratuities.

No elected or appointed officer or employee of the Town shall solicit or accept any gift or gratuity which could, in any manner, be construed to affect or influence the performance of his official duties.

Sec. 7.5. Disposition of Fees.

No elected or appointed officer or employee of the Town shall collect any fees, salaries or other payments in connection with his official duties for his own use, except as provided for by ordinance or state law.

Sec. 7.6. Misuse of Information.

No elected or appointed officer or employee of the Town shall utilize or dispense information gained through said office or employment for his or another's personal profit.

<p style="text-align: center;">ARTICLE 8 Citizen Concerns; Initiative Petition; Referendum; Recall</p>

Sec. 8.1. Citizen Concerns.

- A. Individual citizen concerns shall be directed to the Administrator to be relayed to the appropriate department(s) or individual(s) for consideration.

Acknowledgment of the concern(s) may be made to the citizen directly or in writing.

- B. Any citizen wishing to appear before a regularly scheduled Council meeting may request to be placed on the agenda of a regular Council meeting. The citizen shall be notified of the date, time and place of the meeting in which he/she will be heard. Otherwise, the Administrator shall notify the citizen if the Council is not empowered to act on his/her request.

Sec. 8.2. Initiative Petitions.

- A. The Council shall hold a public hearing and act, by taking a vote, on the merits of every initiative petition, which concerns a matter in which the Town is empowered to act. The petition shall be addressed to the Council, shall contain a request for passage or repeal of a particular measure set forth in the petition and shall be signed by not less than two percent (2%) of the registered voters of the Town.

The initiative petition shall include the personal signature and legible name and address of each petitioner and shall be filed with the Town Clerk as one instrument of endorsement. The Town Clerk shall verify the number of registered voters signing the petition and shall attach thereto a certificate showing the result of such examination. Within seven (7) business days, the Town Clerk shall transmit the petition and certificate to the Town Council and shall send a copy of the certificate to the first signer of the petition.

The petition shall be considered valid following certification unless written objection regarding the number of signatures certified is made by a voter no more than seven (7) business days after the certificate has been issued. The validity of any such objection shall be determined by the Council.

- B. The Council shall hold a public hearing within 30 days of the date of certification of any measure proposed in any petition signed by two percent (2%) of the registered voters. If the measure may not be lawfully passed by the Council, it shall be returned to the petitioners with an explanation.

The Town Clerk shall mail notice of the hearing to the (10) petitioners whose names appear first on each petition at least seven (7) business days prior to the hearing. Notice by publication in two (2) widely circulated newspapers, posting in each of the six (6) districts at a public location and the official Town website of a summary of contents of the petitions at least seven (7) business days prior to all such hearings shall also be made, and shall be at public expense.

Hearings on two or more petitions filed under this section and addressing different substantive issues may be held at the same place and time. No hearing

shall be held upon more than one petition containing the same subject matter in any given twelve (12) month period.

- C. Following the public hearing, the Council may: (1) pass said measure without alteration or with amendment, or (2) deny said measure with stated reasons.

Sec. 8.3. Referendum Petitions.

- A. Referendum petitions must be filed with the Town Clerk within thirty (30) days after action by the Council on any measure or any part thereof sought to be reconsidered. Referendum petitions must be signed by at least twenty percent (20%) of the registered voters Town. The procedures of Sec. 8.2. A. shall apply to referendum petitions.
- B. When a referendum petition is filed with the Town Clerk, the measure or part thereof sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when: (1) there is a final determination of insufficiency of the petition, or (2) the filers of the petition withdraw it.
- C. When a referendum petition has been finally determined sufficient, the Council shall submit the referred measure or part thereof protested to the voters of the Town at a special election to be held on a date fixed by the Council. Such special election shall be held not less than thirty (30) nor more than ninety (90) days after the date of certificate heretofore mentioned; provided that if any election is to occur within one hundred twenty (120) days after the date of said certificate, the Council may, at its discretion, omit the calling of a special election and submit the referred measure or part thereof to the voters at such approaching election.

The ballot used when voting upon a proposed measure under this section shall state the nature of the referred measure or part thereof protested in terms sufficient to show its substance.

Sec. 8.4. Submission of Proposed Measure to Voters.

The Council of its own motion may submit any measure or proposition for repeal or amendment of a measure to the voters at any regular or special town election.

Sec. 8.5. Measure with Conflicting Provisions.

If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

Sec. 8.6. Recall of Officeholders.

Any individual elected official who has completed at least six months of his term of office may be recalled therefrom by the voters as follows:

- A. Three percent (3%) or more registered voters of the Town may file a request for a recall petition with the Town Clerk for an office holder elected at-large; three percent (3%) of the registered voters in a district for a district Councilor. This request shall include the name of the officer and the grounds for which the recall is sought together with the signature and a legible name and address of each voter.
- B. The Town Clerk shall verify the names of the registered voters and promptly issue blank petitions for recall. Each petition shall be addressed to the Council, be dated, include the grounds for recall as stated in the request, the name of the registered voter to whom it is issued, the signature of the Town Clerk, and the Town Seal. The recall petitions bearing the signatures and legible names and addresses of at least twenty percent (20%) of the registered voters of the Town or of the district shall be returned to the Town Clerk within twenty (20) days. The Town Clerk shall promptly certify the number of registered voters who signed the petitions.
- C. If the petitions are certified to be sufficient by the Town Clerk, he/she shall submit them to the Council together with his/her certification. The Council shall forthwith give written notice of the petition and certification to the officer whose recall is sought. If this officer does not resign within five (5) days after delivery of this notice, the Council shall order a recall election to be held not less than thirty (30) days nor more than sixty (60) days after the date the Town Clerk certified the petitions. If, however, any other town election is scheduled within ninety (90) days of the date of the certification, the Council shall hold the recall election on the same date as any other town election. The filing of candidates and the conduct of the election shall be in accordance with the provisions of this Charter and the election laws of the State of New Hampshire.
- D. The proposition on the ballot shall be "For the recall of" or "Against the recall of (name of officer)".
- E. If the incumbent is not recalled he/she shall continue in office for the remainder of his/her unexpired term and may not again during that term be subject to recall. If he/she is recalled he/she shall be deemed removed from office on the day after the recall election and the vacancy filled as provided by this Charter.
- F. A separate recall petition, requiring the signatures of three percent (3%) of the registered voters of the Town or the district to initiate and twenty percent (20%) to be certified, shall be required for each elected official who is the subject of a

recall; and, each official's recall shall be voted on as a separate question at the recall election.

ARTICLE 9 Town Report; Town Meeting
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Sec. 9.1. Town Report.

Each year the Town Administrator shall prepare a town report which shall include: (1) a statement of the past year's financial activities and a comparative statement of the previous and present budget, and (2) a review of all major Council actions, including a summary of ordinances enacted; (3) Town vital statistics and (4) annual reports of Town boards and departments; (5) the prior year's audited financial statements; (6) a summary of the updated capital improvement plan with estimated costs; and (7) the warrant from the annual meeting. There shall be a section, which presents any actions, which are in progress or pending before Town boards, or departments and the Town Council. The effective date of the report shall be at the end of the fiscal year and the report shall be made available to the voters of the town no later than (60) days after the close of the fiscal year.

Sec. 9.2. Annual Town Meeting.

- A. At the first session of the Annual Town Meeting the Town Moderator shall summon the voters of the Town to discuss and amend the budget and other warrant articles.
- B. At the second session of the Annual Town Meeting to be held on the second Tuesday in March, all elected town officials shall be chosen; the voters shall vote whether to raise and appropriate the total sum of money for the town budget and other warrant articles as may have been amended and placed on the official ballot by the voters at the first session of the annual or special town meeting.

ARTICLE 10 General Provisions
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Sec. 10.1. Certificate of Election and Appointment.

Except as otherwise provided by law, before performing any act under this election or appointment, each person elected shall take and subscribe to an oath to qualify him/her to enter upon the duties of office. A record of the taking of such oath shall be made by the Town Clerk. Any oath required by this section may be administered by any officer authorized by law to administer oaths.

Sec. 10.2. Term Commencement; Notice of Election or Appointment.

- A. Written notice of the election or appointment to any Town office or board shall be mailed to the individual involved by the Town Clerk, within forty-eight (48) hours after the appointment is made or the results of any vote are certified by the Moderator to the Council.
- B. Unless otherwise set forth in this Charter all elected officials in the Town shall take or continue in office on the first day in ~~May~~ ^{July} next following their election and shall hold office until their successors are elected and qualified.

Sec. 10.3. Vacancies.

In addition to other provisions of this Charter, a vacancy shall be deemed to exist in any department, office or board whenever an officer, member or employee dies, resigns, is removed for just cause, is permanently physically or mentally incapacitated to the degree that he/she is unable to perform his duties, is judicially declared to be mentally incompetent, or for board members where residence in the town is required, he/she moves from the town. Unless otherwise provided in this Charter, vacancies occurring under this section shall be declared to exist by the Council for board members, the Administrator for department heads, and by the department heads for departmental personnel.

Sec. 10.4. Public Records and Meetings.

All records of the Town and all meetings of the Council, boards, committees, commissions, authorities or other municipal bodies shall be open to the public, and their minutes and other records shall be available to the public in accordance with the provisions of The Right to Know Law, RSA 91-A.

Sec. 10.5. Agreements with Other Municipalities.

The Council is authorized, as provided by New Hampshire law, to enter into agreements and regional compacts with neighboring cities and towns, state agencies, or private nonprofit corporations for the purpose of resolving their common problems for the mutual advantage and benefits of the town and its neighboring cities and towns.

Sec. 10.6. Specific Provisions to Prevail.

To the extent that any specific provision contained in this Charter conflicts with any provision expressed in general terms the specific provision shall prevail.

Sec. 10.7. Severability.

The sections of this Charter and the parts thereof are separable. If any portion or section of this Charter or the application thereof to any person or circumstance shall be held invalid by a court of competent jurisdiction, the remainder of the Charter shall not

be affected thereby. If a clause, portion of or section of this Charter is so held invalid, then the applicable provisions of state law, if any, shall govern.

Sec. 10.8. Charter Amendments.

Amendments to this Charter may be initiated either by the Council or by initiative petition, public hearing, and voter election pursuant to New Hampshire RSA 49-B:5.

Sec. 10.9. Violations and Penalties.

All willful violations of provisions of this Charter, unless otherwise provided, are hereby declared to be misdemeanors, and all such violations and all violations of town ordinances for which no other punishment is provided shall be punishable by a fine in accord with state statutes.

Sec. 10.10. Rules and Regulations.

A copy of all rules and regulations adopted by any Town agency, board, commission shall be filed in the office of the Town Clerk and made available for review by any person who requests such information.

Sec. 10.11. Reorganization Plans.

Except for those agencies established by this Charter or as otherwise prohibited by state law, the Council may reorganize consolidate, or abolish any existing Town agency in whole or in part; establish new Town agencies and prescribe the functions of any Town agencies; provided that such action shall not eliminate the statutory duties of Town officials.

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.

Sec. 10.13. Indemnification of Town Officers, Board Members, and Employees.

The Town shall undertake to indemnify and save harmless all its officers, officials, volunteers, boards, commissions, and employees from personal loss and expense, including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of negligent acts or omissions if the indemnified person was acting in the scope of his/her office or employment and in good faith in accord with the provisions of state law. In addition, the Town shall undertake to

indemnify and save harmless all its officers, officials, volunteers, boards, commissions and employees from personal loss and expense, including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of any act or omission constituting violation of the civil rights of any person if such act or omission was not committed with malice, and if indemnified person at the time of such act or omission was acting in the scope of his office or employment. If state statutes provide further indemnification in the future, this paragraph shall expand in definition to be consistent with that statute.

Sec. 10.14. Prohibition.

- A. No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to, any Town position or appointed Town administrative office because of age, race, sex, political or religious opinions or affiliations.
- B. No person shall willfully make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment.
- C. No person who seeks appointment or promotion with respect to any Town position or appointed Town administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his/her test, appointment, proposed appointment, promotion or proposed promotion.
- D. No person who runs for Town office shall orally, by letter, or otherwise, solicit or assist in soliciting any assessment, subscription or contribution for any political party or political purpose whatever from any person holding any compensated appointed Town position.
- E. No member of the executive or legislative branch shall appear as counsel, agent or advisor before any agency of the Town of Hooksett.

Sec. 10.15. Procedures.

- A. Meetings. All properly constituted authorities, boards, commissions, committees or other municipal bodies (hereafter called committees) of the Town whether elected or appointed or otherwise constituted, shall meet regularly at such times and public places within the town as they may prescribe except when meeting with representatives in other towns or cities on mutually beneficial agreements. Except in emergencies, special meetings of these committees shall be held on the call of the respective chair or by one-third of the members thereof by written notice delivered to the residence or place of business of each member at least forty-eight (48) hours in advance of the time set or by any other method determined by that municipal body. A copy of the said notice shall also be posted on the Town bulletin board(s). Except in cases of emergency otherwise

authorized by the general laws, all meetings of these committees shall be open and public; however, these committees may meet in a closed or executive session as permitted by the Right to Know Law.

- B. **Committee Organization.** Each committee shall determine its own rules of procedures and order of business unless otherwise provided by the Charter or by law. The agenda and minutes shall be kept as required by the Right to Know Law. A chair and secretary shall be elected annually in accord with the committee's rules of procedure.
- C. **Quorum.** A majority of the members of a committee shall constitute a quorum, but a smaller number may adjourn from time to time until a quorum is achieved. No other action taken by a number of members smaller than the quorum shall be valid or binding.
- D. **Council.** The provisions of Sec. 10.16 shall not apply to the Council to the extent that they are inconsistent with other provisions of this Charter.

Sec. 10.16. Succession.

ARTICLE 11 Administrative and Judicial Boards
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Sec. 11.1. Administrative Committees.

- A. **Planning Board.** There shall be a Planning Board consisting of seven (7) members and three (3) alternates as provided by state statute. Six (6) of these members shall be appointed by the Council for terms of three (3) years, such terms to be staggered. A member of the Town Council appointed annually by the Town Council at their first meeting shall be an ex-officio member. The Council shall fill any vacancy for the period of the unexpired term. The Planning Board shall have all the powers granted to planning boards by state law.
- B. **Conservation Commission.** There shall be a Conservation Commission consisting of seven (7) members. The five (5) appointed by the Town Council shall be appointed for terms of three (3) years, such terms to be staggered. The Planning Board and Town Council shall each appoint a representative to the Conservation Commission annually at their first meetings. These representatives shall have all the rights of membership except the right to hold office on the Conservation Commission. The Council shall fill any vacancy for the period of the unexpired term. The Conservation Commission shall have all the powers granted to conservation commissions by state law.

- C. Budget Committee. The Budget Committee shall consist of nine (9) members, elected at-large for three (3) year terms (terms to be staggered so that three (3) members are elected each year); one (1) member chosen by the school board of each school district; one (1) member chosen by the Town Council; one (1) member chosen by the commissioners of each water precinct. Refer to RSA Chapter 32.
- D. Other Administrative Committees. Other administrative boards and committees may be established as necessary by the Town Council.
- E. At least annually, and more often if Town affairs warrant, the Town Council shall meet with the chairs of all standing town committees to review significant actions taken by the committees, projects currently under discussion, and anticipated activity for the coming year.
- F. Alternates of any committee, board or commission shall be considered first when a vacancy of a regular member occurs.
- G. Board of Assessors. There shall be a Board of Assessors consisting of three (3) members and one (1) alternate who shall be appointed by the Council annually at the Council's first meeting. Each member of the Board shall be a sitting Town Councilor. The Board of Assessors is empowered by the Town Charter and guided by State Statute, Department of Revenue and local legislation.

Sec. 11.2. Judicial Board.

Zoning Board of Adjustments. There shall be a Zoning Board of Adjustment appointed by the Council, consisting of five (5) members each serving a three (3) year term and three (3) alternates each serving a three (3) year term. Such terms shall be staggered. The Council shall fill any vacancy for the period of the unexpired term. The Zoning Board of Adjustment shall have all the powers granted to such boards under state law.

Sec. 11.3. Terms of Office.

The terms of office of all members of appointed boards shall begin on July 1 and end on June 30. If an appointee receives an appointment subsequent to July 1 of the year in which the term of office originally commenced, the term to which the person was appointed will end June 30 in the year that it was scheduled to end.

Sec. 11.4. Vacancies in Elected Office.

Unless otherwise specified in this Charter, in the event of a vacancy in an elected office, board or commission of the Town, the Council shall fill that vacancy by appointment, such appointment to continue until the next Town election.

Sec. 11.5. Board Membership Restriction.

Unless otherwise provided by law, no member or alternate member of an administrative or judicial board of the Town shall serve on any other administrative or judicial board of the Town.

Sec. 11.6. Cemetery Commissioners.

Cemetery commissioners shall continue to perform their duties as prescribed by law.

<p style="text-align: center;">ARTICLE 12 Transitional Provisions</p>

Sec. 12.1. Continuation of Government.

All members of Town agencies, except for those abolished by this Charter, shall continue to perform their duties until reappointed, reelected, or until successors to their respective positions are duly appointed or elected or their duties have been transferred. The Council shall take whatever measures are necessary to effectuate an orderly transition and shall take whatever actions are necessary to enable such transitions in office to comply with the provisions of this Charter.

Sec. 12.2. Continuation and Compensation of Personnel.

- A. Until expressly changed after the effective date of this Charter, the compensation of all officers, department heads and employees of the Town shall be the same as that in effect on June 30, 1988.
- B. Any person holding an office or position in the administrative service of the Town, or any person serving in the employment of the Town shall retain such office or position and shall continue to perform his/her duties until provisions shall have been made in accordance with the Charter for the performance of the said duties by another person or agency; provided, however, that no person in the permanent full-time service or employment of the Town shall forfeit his pay grade or time in service. All such persons shall be retained in a capacity as similar to their former capacity as is practical.

Sec. 12.3. Transfer of Records and Property.

All records, property, and equipment of any Town agency, the powers and duties of which are assigned in whole or part to another Town agency, shall be transferred forthwith to the Town agency to which such powers and duties are assigned.

Sec. 12.4. Effect on Obligations. Taxes and Other Legal Acts.

All official bonds, recognizance's, obligations, contracts and other instruments entered into or executed by or to the Town before its adoption of the Charter; all taxes, special assessments, fines, penalties, forfeitures incurred or imposed, due or owing to the Town, shall be enforced and collected, and all writs, prosecutions, actions and causes of action, except as herein otherwise provided, shall continue without abatement and remain unaffected by the Charter; and no legal act done by or in favor of the Town shall be rendered invalid by the adoption of the Charter.

Sec. 12.5. Effective Date.

- A. This Charter shall take effect on July 1, 1989 except as otherwise herein provided. Prior to that date, the Selectmen shall prepare for the transition to the new form of government.
- B. The provisions of Sec. 5.4 establishing a final date for budget adoption shall be suspended only for the 1989 budget and the Town shall adopt an eighteen month budget at the March, 1989 town meeting for the period January 1, 1989 to June 30, 1990.

Sec. 12.6. Abolition of Boards and Officers.

- A. The Board of Selectmen shall be abolished effective midnight June 30, 1989.
- B. The Road Agent shall be abolished effective midnight June 30, 1989.
- C. The Overseer of the Public Welfare is abolished effective midnight June 30, 1989.

Sec. 12.7. Council.

This subsection applies only to the election of Councilors at the election, which shall be held on the second Tuesday in May 1989. At this election, Councilors shall be elected by lots as follows: two (2) district Councilors and one (1) at-large Councilor shall be elected to hold office for terms of three (3) years, two (2) district Councilors and one (1) at-large Councilor shall be elected to hold office for terms of two (2) years, and two (2) district Councilors and one (1) at-large Councilor shall be elected to hold office for a term of one (1) year.

Sec. 12.8. First Election.

All election officers holding office prior to and at the time of the first election held under this Charter shall conduct such election and shall have all the powers granted to them under State law for such purposes and shall have all the powers that are granted to their successors under this Charter which are necessary to conduct properly such first election.

AMENDMENTS

DATE	SECTION AMENDED
May 9, 1989	Sec. 3.6. Ordinances (paragraph F)
July 1, 1989	Town Charter was adopted.
May 14, 1991	Sec. 11.6. Police Commissioners and Cemetery Commissioners
May 12, 1992	Sec. 7.1. Conditions of Holding Office (paragraph A) Sec. 9.1. Town Report
May 11, 1993	Sec. 3.3. Vacancies Sec. 4.5. Powers and Duties of Administrator (paragraph I) Sec. 4.10. Tax Collector Sec. 4.11. Overseer of the Public Welfare. Original Sec. 4.11 (Deleted) Sec. 10.17. Succession
May 9, 1995	Sec. 3.2 Qualifications of Councilors (add sentence) Sec. 3.2. (add sentence) Sec. 3.2. (2nd paragraph) Sec. 3.2. (4th paragraph) Sec. 3.3. (1st paragraph) Sec. 4.7. Non-Interference with Town Administration (1st paragraph) Sec. 10.17. Succession (amendment)
May 14, 1996	Sec. 5.4. Use of Official Ballot (Adopted RSA 40:13 Ballot Voting)
March 10, 1998	Sec. 2.5. Conduct of Elections (amendment) Sec. 3.1. Membership; Term of Office (amendment) Sec. 3.2. Qualifications of Councilors (amendment) Sec. 3.6.A. Ordinances (amendment) Sec. 4.6. Appointment of Department Heads (amendment) Sec. 4.6.A. Disciplinary Action Sec. 5.3. Budget Hearings (amendment) Sec. 5.4. Use of the Official Ballot (amendment) Sec. 5.8. Lapse of Appropriations (amendment) Sec. 5.9. Independent Audit (amendment) Sec. 5.10. Bonding of Officials (amendment) Sec. 9.2. Annual Town Meeting (amendment)

March 9, 1999	Sec. 2.5 Conduct of Elections (amendment) Sec. 3.1 Membership; Term of Office (amendment) Sec. 5.3 Budget Hearings (amendment) Sec. 5.4 Use of the Official Ballot (entire section replaced) Sec. 9.2 Annual Town Meeting (entire section replaced)
May 8, 2001	Sec. All Pronouns amended to gender neutral Sec. 4.3 Reprimand or Removal from Office (amendment) Sec. 4.13 Administration of Government (new) Sec. 5.4L Budget Procedure (amendment) Sec. 5.14 Gifts and Grants (amendment) Sec. 7.2a Conflicts of Interest (amendment) Sec. 7.2b Conflicts of Interest (amendment) Sec. 7.2c Conflicts of Interest (amendment) Sec. 7.2d Conflicts of Interest (new) Sec. 7.3 Disqualification from the Decision-Making Process (entire section deleted) (section combined with 7.2) Sect.10.17 Succession (amendment)
May 13, 2003	Sec. 4.3 Reprimand or Removal from Office (amendment) Sec. 4.6 Disciplinary Action Sec. 4.7 Non-Interference with Town Administration
May 9, 2006	Sec. 4.12 Trustees of the Library
July 1, 2009	Gender neutral amendments.
July 1, 2010	Sec. 3.2 Qualification of Councilors
July 1, 2011	Sec. 2.4 (Added section.) Sec. 2.5 (Renumbered.) Sec. 2.6 (Renumbered.) Sec. 3.6.E Sec. 3.8 Sec. 4.6.A Sec. 4.8 Sec. 4.9 Sec. 4.10 Sec. 4.13 Sec. 5.2 Sec. 5.6 Sec. 5.7.A(2) Sec. 5.9 Sec. 5.13 Sec. 5.14 Sec. 6.2 Sec. 7.2.D Sec. 8.2.A Sec. 8.2.B Sec. 8.7 (Deleted.) Sec. 10.4 Sec. 10.8 (Deleted.) Sec. 10.9 Sec. 10.11 Sec. 10.16.A

	Sec. 10.16.B Sec. 11.1.D
July 1, 2013	<p>Sections 5.2 & 11.6 – Removed Police Commission per 5/14/13 Town Vote and legislation</p> <p>Section 5.4.C – added "inclusive of those Saturdays" per 5/14/13 Town Vote</p> <p>Section 11.1.A – changed to seven (7) members and removed Town Administrator and one other member of the Town Administration appointed by the Town Administrator shall serve as ex-officio members per 5/14/13 Town Vote</p>
July 1, 2016	<p>Section 1.6 - Changed "May" to "March"</p> <p>Section 3.1 - Changed "May" to "March"</p> <p>Section 5.3 – Removed the entire section and replaced with the following: "A. The Budget Committee shall hold hearings as specified in RSA 32:5 and hearings under RSA 33:8-a shall be held on or before the third Tuesday in January. One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing. In a political subdivision that has adopted a municipal budget committee pursuant to RSA 32:14, the last day for the budget committee to deliver copies of the final budget and recommendations to the governing body pursuant to RSA 32:16, IV shall be the Thursday before the last Monday in January. B. The final date for posting notice of budget hearings under RSA 32:5 and hearings under RSA 33:8-a shall be the second Tuesday in January. C. The "budget submission date" as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in January, provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday."</p> <p>Section 5.4.F - Changed "May" to "March"</p> <p>Section 5.4.B – Removed the entire section and replaced with the following: The warrant under RSA 39:5 and budgets for any annual meeting shall be posted and copies available to the general public on or before the last Monday in January and shall prescribe the place, date and hour for each of two separate session of the meeting."</p> <p>Section 5.4.C – Removed the entire section and replaced with the following: The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot shall be held between the first and the second Saturdays following the last Monday in January, inclusive of those Saturdays, at a time prescribed by the Town Council. The second Tuesday in March shall be deemed the</p>

annual meeting, to elect officers of the local political subdivision by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all budgetary warrant articles from the first session on official ballot."

Section 5.9 – ~~At least once every five (5) years the Council shall request that such audits be made by Certified Public Accountants other than those involved in such audits during any of the previous four years.~~

Replaced with the following: *Council shall request a new auditing firm perform an Independent Audit of the Town every five (5) years.*

Section 5.4F – Changed "May" to "March"

July 1, 2016 Continued

Section 9.1 – Added the following: *(5) the prior year's audited financial statements; (6) a summary of the updated capital improvement plan with estimated costs; and (7) the warrant from the annual meeting.*

Section 9.2.B - Changed "May" to "March"

Section 10.2.B – Changed "July" to "May"

July 1st 2018

Section 11.1 – Added the following: "G. Board of Assessors. There shall be a Board of Assessors consisting of three (3) members and one (1) alternate who shall be appointed by the Council annually at the Council's first meeting. Each member of the Board shall be a sitting Town Councilor. The Board of Assessors is empowered by the Town Charter and guided by State Statute, Department of Revenue and local legislation."

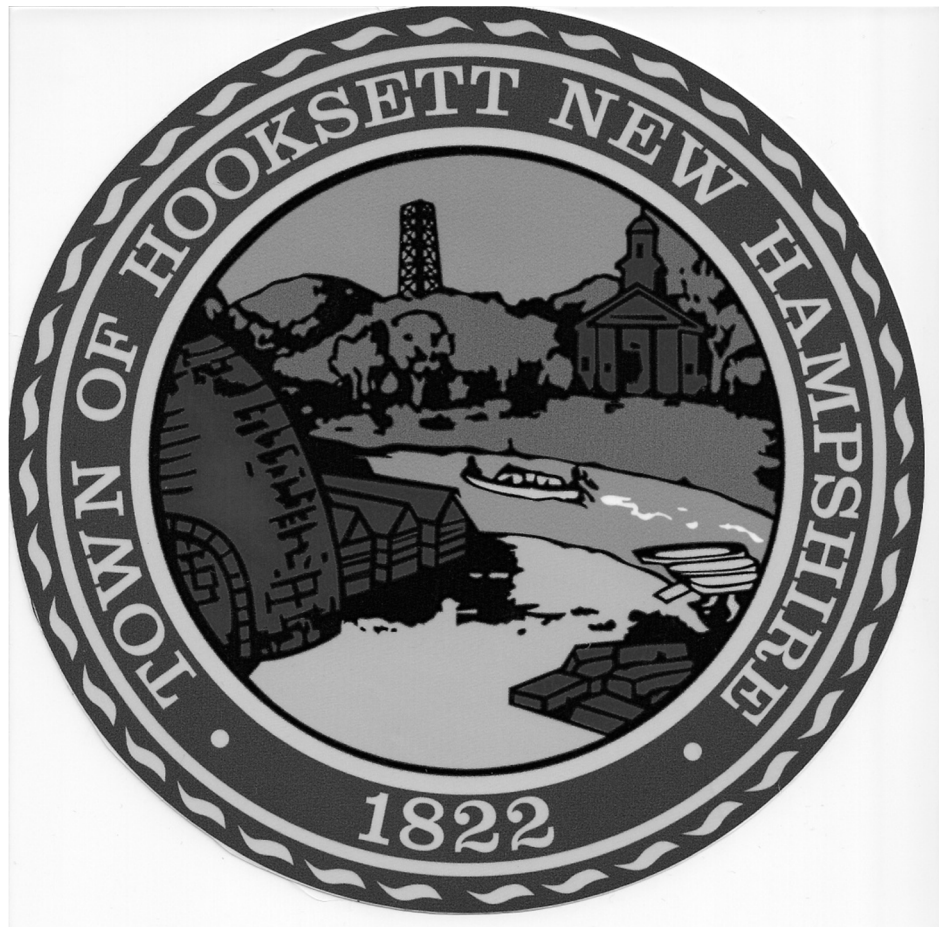
Staff Report
Title: Administrative Code UPDATES
Date: 08/22/2018

Background Discussion of Issues
<p>The Town Council, at their annual workshop of 08/08/18, discussed amendments to the Administrative Code to include sections:</p> <ol style="list-style-type: none">1. 2 – Departmental Organization – add “Community Development” “Economic and Community Development Director”2. 3 – Departmental Functions (renumber appropriately)<ol style="list-style-type: none">a. Add “Community Development Department”b. Remove “Community Development” from Public Works Department3. 3.4 - Family Services – add “and Guidelines adopted by the Town Council”4. 5.3.3 – Special Exceptions – add GSA Purchases (Town Council approved 01/10/18)5. 5.8 – update “Stipends paid . . . shall be made bi-annually quarterly in the second pay date of December and June. . .”6. Add New Section 5.9 - Post-Issuance Tax Compliance Policy and Procedures for Tax-Exempt Obligations (Town Council Approved 5/9/18)
Recommendation (Including Suggested motion, if appropriate)
<p>Motion to approve the amendments to the Administrative Code as presented.</p> <p>OR</p> <p>Motion to approve amendments to the Administrative Code for item(s) # x,x,x above.</p>
Fiscal Impact
<p>Item #4 GSA purchases are federal rates for municipal purchases.</p> <p>Item #5 quarterly stipends will increase staff processing time.</p>
Prepared By: Donna Fitzpatrick, Administrative Services Coordinator
Town Administrator’s Recommendation

TOWN OF HOOKSETT

ADMINISTRATIVE CODE

Adopted: January 29, 1992



Amended
~~August 9, 2017~~ **August 22, 2018**

ADMINISTRATIVE CODE (Adopted January 29, 1992)

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1. PURPOSE.

This Administrative Code is hereby established for the Town of Hooksett for the purpose of dividing the administrative service of the Town into departments, divisions and bureaus, and for the purpose of defining the functions and duties of each such department, division and bureau.

1.1 Severability.

The sections of this Administrative Code and the parts hereof are separable. If any portion or section of the Code of the application thereof to any person or circumstance shall be held invalid by a court of competent jurisdiction, the remainder of the Code shall not be affected thereby. If a clause, portion of or section of this Code is so held invalid, then the applicable provisions of State law, if any, shall govern.

1.2 Review.

This document will be reviewed at the beginning of each fiscal year by all included Town organizations. Recommended changes will be submitted to the Town Administrator within 30 days.

2. DEPARTMENTAL ORGANIZATION.

Department

Administration

Assessing

Community Development

Family Services

Finance

Fire-Rescue

Public Works

Library

Police

Tax Collector

Wastewater

Official Head

Town Administrator

Town Administrator or Assessor

Economic and Community

Development Director

Family Services Director

Finance Director

Fire Chief

Public Works Director

Library Director

Chief of Police

Tax Collector

Superintendent

3. DEPARTMENTAL FUNCTIONS.

3.1 Administration Department:

The Town Administrator shall supervise and be responsible for the administrative and financial affairs of the Town and shall carry out the policies enacted by the Council. His/her office shall be charged with the preservation of the health, safety and welfare of persons and property and shall see to the enforcement of the ordinances of the Town, the Town Charter and the laws of the State of NH. The Town Administrator shall supervise and direct the administration of all Town departments included under Section 3 of this ordinance and the personnel therein.

The Administration Department shall consist of the Town Administrator and other support staff as required; recommended by the Town Administrator and approved by the Council.

3.2 Assessing Department:

The Assessing Department is responsible for establishing and maintaining the value of all real property in the Town of Hooksett, for the purpose of taxation. The department is responsible for working with the Town Council, Board of Assessors and Department of Revenue Administration. This department shall prepare all tax warrants and bills, and provide assessing information to the general public.

The Department shall be under the supervision of the Town Administrator, if the Assessor position is contracted. If the Assessor position is filled by a hired employee, the department shall be under the supervision of the Assessor and shall consist of other support staff as required.

3.3 Community Development Department:

The Community Development Department shall be responsible for planning, engineering, and code enforcement. Planning and engineering shall be responsible for all business relating to land use and will be instrumental in the development and implementation of a comprehensive plan for the orderly growth and development of the Town. Code Enforcement shall be responsible for addressing the enforcement of all building codes, ordinances, regulations and laws, where such enforcement is not specifically granted to other parties. Code Enforcement shall also be responsible for the review of applications and plans for all construction projects in the Town and subsequent inspections in accordance with all local and State rules and regulations.

The Community Development Department shall be under the supervision of the Economic and Community Development Director and shall consist of other support staff as required.

3.4 Family Services Department:

The Family Services Department administers General Assistance to families in need under RSA 165 and guidelines adopted by the Town Council. It shall assess, investigate and authorize requests for assistance and refer applicants to other social services as needed.

Family Services shall be under the direction of the Family Services Director and shall consist of support staff as required.

3.5 Finance Department:

The Finance Department's major areas of responsibility include budget management, accounts payable, cash management and financial reporting.

The Department shall be under the supervision of the Finance Director and shall consist of other support staff as required.

3.6 Fire-Rescue Department:

The Fire-Rescue Department shall protect the lives and property of the inhabitants of the Town of Hooksett from the adverse effects of fire, sudden medical emergencies or exposure to dangerous conditions created by either man or nature.

The Fire-Rescue Department shall implement fire suppression, emergency response, rescue, prevention, inspection, haz-mat, Emergency Management, and investigation throughout the Town of Hooksett and as needed through Mutual Aid.

The Department shall be under the supervision of the Fire Chief with additional support staff as required.

3.7 Public Works Department:

The Public Works Department shall be responsible for the Divisions of Highway, Recycling & Transfer, and Parks, Recreation, & Cemeteries, and ~~Community Development~~ and shall provide support services to other Town departments as necessary.

The Highway Division shall be responsible for road maintenance, fleet maintenance, building maintenance and support services to other town departments as necessary.

The Recycling & Transfer Division shall be responsible for solid waste collection, recycling and transportation to solid waste disposal sites. The division shall also maintain and operate the transfer station, recycling center and post-closure of the Town's landfill site.

The Parks, Recreation & Cemeteries Division is responsible for the maintenance of all public playgrounds, athletic fields, parks, equipment, and related facilities as well as the grounds of all Town owned property. This Division is ~~also~~ responsible for the planning and coordination of recreational activities, and providing supervision of Town sponsored recreational activities. This Division also coordinates activities with the Cemetery Commission and funeral directors, mows, trims the grass and excavates graves in town cemeteries.

~~The Community Development Division shall be responsible for planning, engineering, and code enforcement. Planning and engineering shall be responsible for all business relating to land use and will be instrumental in the development and implementation of a comprehensive plan for the orderly growth and development of the Town. Code Enforcement shall be responsible for addressing the enforcement of all building codes, ordinances, regulations and laws, where such enforcement is not specifically granted to~~

~~other parties. Code Enforcement shall also be responsible for the review of applications and plans for all construction projects in the Town and subsequent inspections in accordance with all local and State rules and regulations.~~

The Highway, Recycling & Transfer, and Parks, Recreation, & Cemeteries Divisions shall be under the supervision of the Public Works Director and shall consist of other support staff as required. ~~The Community Development Division shall be under the supervision of the Assistant Public Works Director/Engineer and shall consist of other support staff as required. The Assistant Public Works Director/Engineer shall be under the supervision of the Public Works Director.~~

3.8 Library Department:

The Library shall provide services in accordance with RSA 202A.

The Department shall be under the supervision of the Library Director and shall consist of other support staff as required.

3.9 Police Department:

The Police Department is responsible for the enforcement of the laws, maintaining order in the community, protecting life and property, and assisting the public-at-large in a manner consistent with the rights and dignity of all persons as provided for by the law and under the Constitution of the United States and the State of New Hampshire.

The Department shall be under the supervision of the Police Chief with additional support staff as required.

3.10 Tax Collector Department:

The Tax Collector shall be responsible for issuing all tax notices, maintaining documents of reported payment, depositing monies in a timely fashion, assessing tax liens on delinquent accounts and issuing all licenses and permits, including motor vehicle permits, while collecting all fees and all other duties as required.

The Department shall be under the supervision of the Tax Collector and shall consist of other support staff as required.

3.11 Wastewater Department:

The Wastewater Department shall manage the treatment of wastewater within the Town of Hooksett and all collection and treatment systems.

The Department shall be under the supervision of a Superintendent, under the general supervision of the Sewer Commission, and shall consist of other support staff as required.

4. Boards, Commissions, Committees and other Officials
(to include elected or appointed officials.)

The appropriate State laws, The Town Charter, and Town Ordinances, direct the listed Boards, Commissions, Committees and other Officials. The following descriptions are for guidance only in the daily conduct of business.

- 4.1 **Budget Committee** (9 Elected and 4 Appointed) - Review annual budgets submitted by the Town Council, School Board, all Precincts and the Sewer Department. Submit recommended budgets to the Town Voters and periodically review all expenditures.
- 4.2 **Cemetery Trustees** (Elected) - Arrange for cemetery lot visits and sales, maintain vital records relative to burials, manage day-to-day care of cemeteries, and manage expenditures of allocated funds.
- 4.3 **Conservation Commission** (Appointed) - Research and catalog all open space, natural, ecological, wetland or aesthetic areas within the Town; develop a program to protect listed areas; and obtain land in the name of the Town through gift, purchase, grant, bequest or other legitimate means for continued preservation.
- 4.4 **Economic Development Committee** (Appointed) – Enhance the vitality of the local economy by retaining existing businesses and attracting new ones.
- 4.5 **Health Officer** (Appointed) – Enforce the state public health rules and laws as well as local ordinances and regulations. Serve as a liaison between state officials and the local community on issues concerning local public health.
- 4.6 **Heritage Commission** (Appointed) – Handle transactions relating to all cultural resources including hiring consultants and contractors as needed and receiving gifts of money and property, both real and personal, in the name of the Town, subject to the approval of the Town Council. Such gifts shall be managed and controlled by the commission for their proper use.
- 4.7 **Library Trustees** (Elected) - Manage the Town Library and all property of the Town Library; control expenditures of funds received from Town appropriations, fines, gifts, and copying charges; and appoint and remove with due process the Librarian and other Library staff.
- 4.8 **Moderator** (Elected) - Preside over town meetings, regulate the business thereof, decide questions of order, and make a public declaration of every vote passed. May prescribe rules of procedure, but such rules may be altered by the town.

- 4.9 **Parks and Recreation Advisory Board** (Appointed) - Under the jurisdiction of the Town Council, assist the Public Works Department in an advisory capacity on recreational projects, recreational budgetary items, recreational capital improvements, and with the submittal of applications for federal, state, and other grant monies relating to parks and/or recreation. Develop plans and work with the Conservation Commission in obtaining and receiving land for recreational purposes.
- 4.10 **Planning Board** (Appointed) - Prepare and amend the Master Plan, review and recommend Zoning Ordinance amendments to the local legislative body and review and act on all subdivision and site plan applications.
- 4.11 **Record Retention Committee** (Appointed) - In accordance with RSA 33-A:3, The Town will establish and maintain a Municipal Records Committee charged with governing the retention and disposition of municipal records.
- 4.12 **Recycling and Transfer Advisory Committee** (Appointed) - Advise the Council on matters related to the management of municipal solid waste and recycling.
- 4.13 **Sewer Commission** (Elected) - Make regulations and decisions as may be necessary for the proper functioning of the sewer system and overall operation of the Sewer Department, levy special assessments upon land benefited by the sewer, establish sewer charge procedures for defraying the cost of plant and system operations and manage the maintenance and repair of sewer systems.
- 4.14 **Supervisor of the Checklist** (Elected) - Care for the checklist in compliance with Federal HAVA (Help America Vote Act); determine whether or not each individual is qualified to vote; and amending the districts within two (2) years of the census.
- 4.15 **Town Clerk** (Elected) - Record and maintain all permanent documents and perform all other related functions per state statute.
- 4.16 **Town Council** (Elected) - Consists of nine elected members, one from each District and three At-Large members. Is the governing body of the Town and directed by the specifications of the Town Charter. Prepares and passes ordinances, submits a proposed budget to the Budget Committee and gives direction to the Town through the Town Administrator and appointed Boards and Committees.
- 4.17 **Town Hall Preservation Committee** (Appointed) – Work toward the preservation of the old Town Hall.

- 4.18 **Town Treasurer** (Appointed) – The Treasurer shall have custody of all monies belonging to the Town, and shall pay out the same only on orders of the body designated by the Town to expend such funds. The Treasurer shall deposit such funds in institutions and in such a manner as designated by law, and according to the Town's investment policy, keep suitable records, reconcile the General Fund, and subsidiary account bank statements monthly, and perform all other related functions per state statute.
- 4.19 **Trustees of the Trust Fund** (Elected) - Maintain custody of all trust funds held by the Town. Invest the monies as limited by RSA 31 and other state statutes as they apply.
- 4.20 **Zoning Board of Adjustment** (Appointed) - Hear appeals; and administer special provisions of the Zoning Ordinance dealing with variances, special exceptions and administrative decisions. Act as the Building Code Board of Appeals per RSA 673:I-V.

5. Administrative Financial Policies and Procedures.

5.1 Cooperation between Departments. If possible, it is the duty of every department, subject to approval of the Administrator, to furnish to any other department such service, equipment, labor and materials as may be needed to perform necessary operations. Expenses will be assigned to the appropriate budget when such considerations are germane.

5.2 Payment of Monies. All monies withdrawn from the Town General Fund shall be authorized by the Town Administrator and/or his/her designee. Withdrawals may be in the form of a check, wire transfer, ACH transfer or other type of electronic banking format used by the Town Treasurer.

5.3 Purchasing Procedures. The purchase of all equipment and supplies not taken out of petty cash fund may require the use of standardized purchase orders and varying levels of control dependent upon the dollar amounts.

5.3.1 Purchase Orders. Purchase orders shall be used for all purchases of goods and services, including contractual, that in aggregate or individually are \$3,001 or more as required by the Town Administrator or recommended by the Finance Director. It is the responsibility of the department head to complete an electronic purchase order and submit it to the Town Administrator or his/her designee for approval, along with a description of, and reason for, the purchase. This applies to all items whether being purchased by grant, operating budget, warrant article, capital reserve or other funds.

5.3.2 Approval of Purchases. The level of approval required on a specific purchase shall vary depending upon its dollar amount. Total contract or job amounts should be used when determining thresholds. The thresholds do not include costs for shipping/freight.

Artificial Division Prohibited – Purchases shall not be artificially divided so as to create lower purchase amounts and therefore avoid some requirement of this policy. Whether or not a proposed purchase constitutes artificial division shall be determined by the Town Administrator.

Amount

\$0 - \$3,000

Approval Level

Department Head

Purchase up to \$3,000 – The Department Head shall have full authority to make department purchases of goods or services up to \$3,000, which are

identified within the department's annual budget. Electronic purchase orders are not required for purchases up to \$3,000.

Amount

\$3,001 - \$15,000

Approval Level

Town Administrator after three competitive quotes or bids required.

Purchases between \$3,001 and \$15,000 – The Department Head shall contact as many vendors as necessary in order to obtain at least three (3) written or verbal quotations or shall issue a request for proposals if required by the Town Administrator. All verbal quotes shall be documented by date, vendor contact information and dollar amounts. The Department Head shall prepare a purchase order for authorization by the Town Administrator, thereby requesting approval of their recommended vendor. In the event less than three (3) quotations are available; evidence of the attempt to obtain them should be attached.

Amount

\$15,001 and over

Approval Level

Town Council after three competitive bids

Purchases Above \$15,001 – Purchases having an estimated cost in excess of \$15,001 shall be bid pursuant to the Competitive Bid Process established in this regulation under Section 5.3.5.

The results of the three competitive quotes or bids required for purchases and contracts over \$15,000 shall be attached to the purchase order request to the Town Administrator. If Council's approval is required, the Town Administrator in conjunction with the requesting Department Heads shall present the bids for Council review and disposition.

If the Council has voted to make a purchase or enter into a contract, the Administrator shall carry out the vote of the Council and enter into such transaction on behalf of the Town.

5.3.3 Special Exceptions. No purchase orders are required for the following items:

- Utilities (telephone, propane, heating fuel, cable, electricity, etc.)
- Welfare payments
- Vehicle repairs
- Human service agencies and associations that have their own line item within the approved budget.

No competitive bids shall be required when only one known sources of purchase, and there is no comparable substitute product or services; written documentation supporting the sole source may be required by the Town Administrator.

No competitive bids shall be required when purchasing through the State of New Hampshire or at State of New Hampshire bid prices per Section 5.12 of the Town Charter

No competitive bids shall be required when purchasing through a Town Council approved Cooperative Purchasing Program. Cooperative purchasing programs are arrangements to agree to aggregate demand to get lower prices from selected suppliers. Co-ops are doing competitive bidding for the government. The co-op's fees are paid by the contractors. It is often used by government agencies to reduce costs of procurement and makes the procurement process more efficient.

No competitive bids shall be required for GSA Purchases – Federal Supply Service GSA Advantage www.GSAAdvantage.gov and www.fss.gsa.gov authorized Federal Supply Schedule Price List.

Requirements for three competitive bids may be waived in specific instances by a 2/3 vote of the Council per Section 5.12 of the Town Charter.

5.3.4 Emergency Procurements Emergency procurements may be made when a threat to public health, welfare or safety exists, provided that such emergency procurement shall be made with such competition as is practical under the circumstances.

In case of an emergency requiring immediate purchase of materials, supplies, equipment or services, the Town Administrator hereby authorizes the Department Heads to approve such emergency purchase if the situation permits. The Town Administrator shall be notified as soon as possible as to the emergency and the associated purchases. A written determination for the basis of the emergency and for the selection of the particular contractor or vendor shall accompany the purchase order and voucher. As soon as is practicable, standard purchasing procedures will be reinstated.

5.3.5 Competitive Bid Process. A competitive bid process must be followed if the procurement of goods or services involves expenditures of more than \$15,000.

A. The Administration Department is responsible for the release of all bids. The Town Administrator shall ensure that the requesting department provides all relevant information for the time preparation and release of bids to be forwarded to the Finance Department.

B. The Request for Proposal (RFP) must include:

- a. Listing of required specifications.
 - b. Adequate public notice, of a minimum of seven (7) calendar days prior to the date set for the opening of the bids; notice shall include the town website and newspaper advertisement.
 - c. Dates for release of bid, return of bid and public bid opening.
 - d. A statement reserving the right to cancel or reject a bid.
- C. The bid shall be awarded to the lowest bidder that meets the specifications and submits proper bond requirements if applicable. The low bidders will receive the award unless supporting information presented recommends another bid. The Town Administrator shall make the final decision if supporting information justifies other than the low bid be awarded. Local advantage will be considered, but not mandated.
- D. The RFP, invitation to bid, as well as the bid award notices shall be sent from the Department to the Bid Winner, Finance Department and the Town Administrator.
- E. The Town of Hooksett may accept guaranteed rates for goods or services; however it is not obligated to purchase from the guaranteed rate vendor if a lower price is available.

5.4 Payment for Goods or Services. Request for payment for any product or service shall be sent to the Finance Department.

Payment for any purchase over \$3,001 will NOT be processed without a Purchase Order that must accompany the invoice.

Departments are responsible for obtaining new vendor information through form W-9.

If any item or service purchased is not acceptable, arrangements must be made for a return for credit or an exchange. A cash refund is prohibited unless the vendor insists that a refund must be by cash, and then the funds must be returned immediately to the Finance Department for deposit to the Town of Hooksett.

5.5 Budget Development. The Town Administrator will set a budget schedule for the year, to include department submittal dates, Town Administrator and Town Council review dates. Each individual department or committee shall submit their budgetary requests to the Finance Office. These requests will include the account number, account description and a written justification for each line item. This information shall be consolidated into a report to be submitted to the Town Administrator for his/her recommendations. The Council shall receive copies of each

departmental budget one week before their scheduled review. All information will be tracked and updated by the Finance Department who will ultimately produce a report for the entire Town including the following information:

Prior Year Appropriation
Prior Year Expenditures
Current Year Appropriation
Current Year Expenditures
Department Request
Town Administrator Recommended
Town Council Recommended
Budget Committee Recommended
Variance in Dollars
Variance as a percentage
Default

Town Council's submittal date to the Budget Committee is set by the Budget Committee. The Budget Committee should conclude its meetings as prescribed by the Town Charter.

- 5.6 Investment Policy.** In accordance with RSA 41:9 VII, the Council shall annually review and adopt an investment policy for the investment of public funds in conformance with applicable statutes and shall advise the treasurer of such policies. ***See exhibit B for policy details.***
- 5.7 Fund Balance Policy.** The Council shall review and adopt the Fund Balance Policy annually. The general purpose of this policy is to maintain an adequate level of Unassigned Fund Balance to mitigate financial risks that can occur from unforeseen revenue fluctuation and unanticipated expenditures. ***See exhibit C for policy details.***
- 5.8 Stipends paid to Boards, Commissions and Committees.** Stipends paid to Boards, Commissions, and Committees shall be made ~~bi-annually~~ **quarterly** ~~in the second pay date of December and June~~ for those members currently sitting on the Board, Commission, or Committee on that date. The amounts of the stipends are set by the Town Charter for the Town Council and by the current budget for all other Boards, Commissions and Committees.
- 5.9 Post-Issuance Tax Compliance Policy and Procedures for Tax-Exempt Obligations.** The purpose of this Tax-Exempt Obligation Post Issuance Compliance Policy and Procedures is to establish policies and procedures in connection with tax-exempt bonds and notes (the "Bond" or "Bonds") issued by the Town of Hooksett, New Hampshire (the "Issuer") so as to maximize the likelihood that all

applicable post-issuance requirements of federal income tax law needed to preserve the tax-exempt status of the Bonds are met. **See exhibit E for policy details.**

6. Administrative Operational Policies and Procedures.

- 6.1 Departmental Records and Reports.** Reports of the major activities of each Department shall be made to the Town Administrator each month, and an annual written report shall be filed with the Administrator within ten days of the end of the fiscal year. Such reports shall be in proper form and of sufficient detail for proper control of departmental activities and for publication in the Annual Town Report.
- 6.2 Preservation of Public Records.** Each Department Head shall be responsible for the preservation of all public records under the department's jurisdiction and shall provide a system of filing and indexing of same. No public records, reports, correspondence or other data shall be removed permanently, unless authorized by law or ordinance, or without the knowledge and approval of the Administrator.
- 6.3 New Ordinances.** The Town Council approves new ordinances. The Town Clerk, or designee, codifies each new ordinance and distributes copies of the new ordinance to appropriate departments, boards and commissions.
- 6.4 Record Retention Policy.** In accordance with RSA 33-A:3, the Town will establish and maintain a Municipal Records Committee charged with governing the retention and disposition of municipal records. **See exhibit A for policy details.**
- 6.5 Cellular Phones in the Workplace.** The purpose of this policy is to establish guidelines and administrative procedures for employees who have been identified as needing cellular phones (both Town provided and reimbursed (via allowances) personal phones) during working hours and for other times as needed for the health, safety, welfare, or operational efficiency of the Town. **See exhibit D for policy details.**

AMENDMENTS

<u>Date</u>	<u>Section(s) Amended</u>
January 1, 1995	Section(s) 2 & 3 – Departments/Positions changes.
June 26, 2002	Section 2 – minor changes to correspond with department reorganization. Section 3 – entire section replaced. Section 4 – minor changes Section 5 – minor changes to correspond with department reorganization.
January 12, 2005	Section 3 – minor changes to correspond with Department reorganization.
April 13, 2005	Section 5.4
September 9, 2009	Section 5.5.2 – Increased Town Administrator's approval level to \$15,000. Minor housekeeping changes.
September 8, 2010	Section 4.12 – Deleted " <i>Appoint or remove police personnel as necessary, while make and enforce all necessary rules for the orderly running of the department.</i> " Section 4.15 – Added " <i>...amending the district within 2 years of the census</i> ". Minor housekeeping items.
January 1, 2012	Changes to eliminate the Building Department and create the Code Enforcement Division under Public Works Department. Minor housekeeping items.
February 13, 2013	Section 3.6 Fire Department – addition of "Emergency Management" to first paragraph. Section 4.5 Emergency Management Director – deletion of entire section.

AMENDMENTS, Continued

<u>Date</u>	<u>Section(s) Amended</u>
June 26, 2013	Section 3.1 removed Human Resource Coordinator, Section 3.3 added Code Enforcement, and section 3.7 removed Code Enforcement to correspond with Department reorganization. Section 3.9 and section 4.10 removed Police Commission to correspond with the legislative abolishment of the commission. Section 5.5.2 added contracts to correspond with Town Charter. Minor housekeeping items.
August 13, 2014	Section 5.5 to 5.6 reworded entire sections and increased department head approval level for purchases up to \$3,000. Section 5.9 added new section Record Retention Policy with new exhibit A
September 24, 2014	Section 5.10 added new section Investment Policy with new exhibit B Section 5.11 added new section Fund Balance Policy with new exhibit C
May 27, 2015	Section 2 removed departments Community Development AND Recycling & Transfer Section 3.3 removed Community Development Department Section 3.7 added division Recycling & Transfer AND Community Development Section 3.10 removed Recycling and Transfer Department
August 12, 2015	Section 4 – add: Record Retention Committee and renumber section for alphabetical listing. Section 5 – add: Stipends paid to Boards, Commissions and Committees

AMENDMENTS, Continued

Date

August 24, 2016

Section(s) Amended

Section 5.3.3 – updated to add policy on Cooperative Purchasing Program

Section 5.5 – clarified Budget Development

Section 5.6 – updated Investment Policy exhibit B policy details to clarify IV Delegation of Authority

Section 5.13 – new section to add policy on Cellular Phones in the Workplace

August 9, 2017

Section 5.7 Fund Balance Policy. Remove “In accordance with Governmental Accounting Standards Board (GASB)”.

- 1) Exhibit B Investment Policy Section II. Scope. Last paragraph last sentence “This investment policy does not apply to the Town of Hooksett’s Trust Funds, Capital Reserves or Library Funds.” The Library funds are held by the Library Trustees and not the Town Treasurer per RSA 202-A:23.

Exhibit C Fund Balance Policy Section 4. Deficit Fund Balance. Remove the entire section and replace with “The Town will follow RSA 32:11 Emergency expenditures and over expenditures for situations which may cause an over expenditure of the total appropriations in the Town’s General Fund.”

August 22, 2018

1. 2 – Departmental Organization – add “Community Development” “Economic and Community Development Director”
2. 3 – Departmental Functions (renumber appropriately)
 - a. Add “Community Development Department”
 - b. Remove “Community Development” from Public Works Department
3. 3.4 - Family Services – add “and Guidelines adopted by the Town Council”
4. 5.3.3 – Special Exceptions – add GSA Purchases (Town Council approved 01/10/18)
5. 5.8 – update “Stipends paid . . . shall be made ~~bi-annually~~ quarterly ~~in the second pay date of December and June. . .~~”
6. Add New Section 5.9 - Post-Issuance Tax Compliance Policy and Procedures for Tax-Exempt Obligations (Town Council Approved 5/9/18)

Exhibit A

Record Retention Policy Town of Hooksett New Hampshire 2014

SECTION I: PURPOSE:

The purpose of this Records Retention Policy is to ensure compliance with all applicable State and Federal laws and regulations regarding record retention including, but not limited to those listed in RSA 33-A; while simultaneously recognizing the Town of Hooksett's (hereby referred to as The Town) administrative need to manage its' records and provide for their systematic destruction after all legal requirements have been satisfied and the record no longer has value to The Town or its' constituents.

SECTION II: AUTHORITY:

This policy is adopted in accordance with the Town Charter and the governing laws of the State of New Hampshire: RSA 33-A (Appendix A).

SECTION III: APPLICABILITY:

This policy applies to all physical records generated in the course of The Towns' operation, including original, traceable reproductions as recorded with the Town Clerk, and electronic records.

SECTION IV: DEFINITIONS:

MUNICIPAL RECORD – As used herein, shall refer to all municipal records, whether in paper, electronic or any other form, prepared or received by The Town in connection with the conduct of its' official governmental function. A department that creates a record shall be considered the primary owner of that particular record as defined in RSA 33-A.

SECTION V: MUNICIPAL RECORDS COMMITTEE:

- A. In accordance with RSA 33-A:3, The Town will establish and maintain a Municipal Records Committee charged with governing the retention and disposition of municipal records. Said Committee shall be comprised of the following: A member of Town Council or designee; Town Clerk; Tax Collector; Treasurer; Town Assessor, and representatives from each of the following departments:
 1. Administration
 2. Community Development
 3. Police Department
 4. Public Works
 5. Recycling & Transfer
 6. Wastewater
- B. The Town has adopted a Town-wide Record Retention Schedule (Appendix B) detailing the initial maintenance, retention and disposal schedule for municipal records of The Town in accordance with RSA 33-A. To ensure that this Schedule is followed, the Committee shall:
 1. Monitor local, State and Federal laws affecting record retention, and;

2. Modify the Record Retention Schedule as necessary to ensure that it complies with Local, State and Federal laws and/or addresses the appropriate document and record categories for the Town.
- C. The Municipal Records Committee shall monitor compliance with (Section VI - Storage, Retention, and Disposal of Municipal Records) of this policy and, if necessary, develop additional operational procedures to ensure that records are properly stored and accessible.
1. Any such additional procedures will be developed in a manner which takes into account the organizations' operational capabilities. The Municipal Records Committee may elect to use electronic methods of document storage, where appropriate.
 2. Any such additional procedures and/or storage processes will be incorporated as an Appendix to this Policy and be periodically reviewed by the Committee in order to ensure their level of efficiency and adequacy.
- D. The Committee shall monitor compliance with (Section VI, C – Destruction of Municipal Records) of this policy and, if necessary, develop additional operational procedures to ensure that records are consistently disposed of in a proper manner.
1. Any such procedures shall take into account:
 - i. Statutory requirements.
 - ii. The Towns' operational capabilities.
 - iii. That certain records contain sensitive and/or confidential information, and, as a result, must be destroyed, unless Section VII (Suspension of Record Disposal) applies, and eliminated with particular care.
 2. These destruction processes will be periodically reviewed in order to ensure their adequacy and level of efficiency.
- E. The Committee shall review, in February/March of each year, the Record Retention Policy as a whole, including the Town-wide Record Retention Schedule (Appendix B) and recommend amendments as appropriate to comply with regulatory requirements and/or procedural changes.

SECTION VI: STORAGE, RETENTION, AND DISPOSAL OF MUNICIPAL RECORDS:

- A. Minimum Storage Procedures: Each department shall store their archived records in a box or cabinet and provide the following information on the exterior of the storage device: the department name, box number, retention period, scheduled disposition date, authority granting or allowing the disposition, and a general description of the contents. It is recommended a master list of each location and box contents be maintained by each department head.
- B. Retention of Municipal Records: The Town-wide Records Retention Schedule (Appendix B) details the retention period for specific types and categories of records in order to ensure legal compliance. In addition, this schedule is designed to accomplish other objectives such as the preservation of confidential and valuable administrative information, cost effectiveness, and space management. Scheduled records are those that, by Town, State and Federal Regulations, need only be retained for a stated period.

The Municipal Records Committee may determine that such records (i.e., grants from State, Federal or private agencies) are to be maintained by The Town for a period longer than the minimum required period. If so, such determination shall be made a matter of record by incorporation into the Town-Wide Records Retention Schedule.

C. Destruction of Municipal Records:

1. Documents to be destroyed shall first be reviewed by the applicable Department Head. If no reason exists to maintain the record beyond the retention schedule, the documents shall then be destroyed as follows:
 - i. Non-Confidential Documents – shall be disposed of with other paper recycled products or shredded.
 - ii. Confidential Documents – shall be shredded or burned.
 - iii. Electronic Files – shall be deleted from the individuals' computer as well as any backup or permanent media storage.
2. Each Department Head is responsible for maintaining a Document Destruction Log which shall contain the following minimum information:
 - i. Department destroying the record
 - ii. What record was destroyed
 - iii. The date the record was destroyed
 - iv. Who destroyed the record
 - v. RSA or authority giving the right to destroy the record

- D. Unauthorized Activities: All Municipal Records belong to The Public in perpetuity and shall not be destroyed, maliciously damaged, or retained by any person not entitled to do so by local, State and/or Federal regulations.

SECTION VII: SUSPENSION OF RECORD DISPOSAL:

In the event any official or employee of The Town is served with any subpoena or Right-to-Know request; or becomes aware of an investigation or audit concerning The Town or commencement of any litigation against or concerning The Town; such individual shall ensure that all records are preserved, regardless of Retention Schedule, until The Town's legal counsel determines that the records are no longer needed.

SECTION VIII: ADOPTION:

The Town of Hooksett has adopted this Record Retention Policy effective ____August 13__ 2014.

Town of HOUSSETT MUNICIPAL
Municipal RECORDS LISTING
Please refer to RSA 33-A for clarification

Number	Record	Official Record Owner	Administration	Budget Committee	Community Development	Conservation Commission	Family Services	Fire-Rescue	Police	Recycling & Transfer	Town Clerk	Trustees of Trust Funds	Notes/Outdated Medium?	Location	Last Review	RSA 33-A Retention Timeline
I	Accounts	Assessing Finance														5 years
II	Accounts Receivables	Assessing Finance														until audited + 1 year
III	Aerial Photographs	Finance														permanently
IV	Airport Inspections - annual	Finance														permanently
V	Animal Agreements	Finance														10 years
VI	Annual Audit Report	Finance														6 months
VII	Annual Reports, town warrants, deliberative session minutes	Finance														10 years
VIII	Archives	Finance														permanently
IX	Articles of Agreements or Incorporation	Finance														permanently
X	Blue Prints - Architectural Plans	Finance														permanently
XI	Bonds and Continuation Certificates	Finance														permanently
XII	Budgets	Finance														permanently
XIII	Budgets committee -drafts	Finance														permanently
XIV	Building Permits-applications and approvals	Community Development														life of building
XV	Building Permits-issued	Community Development														permanently
XVI	Building Permits-withdrawn or denied	Community Development														permanently
XVII	Building Permits-appeals	Community Development														permanently
XVIII	Building Permits-appeals require accountability...	Community Development														permanently
XIX	Checks	Finance														permanently
XX	Code Enforcement Specifications	Community Development														permanently
XXI	Complaint Log	Community Development														permanently
XXII	Contracts	Community Development														permanently
XXIII	Contracts Unsuccessful Bids	Community Development														permanently
XXIV	Correspondence by to Municipality - Admin. Records	Community Development														permanently
XXV	Correspondence by to Municipality - Program Records	Community Development														permanently
XXVI	Current Use applications and maps	Assessing														permanently
XXVII	Current Use release	Assessing														permanently
XXVIII	Deeds grantee/grantor listing from registry or copies of deeds	Assessing														permanently
XXIX	Dredge and Fill Permits	Finance														permanently
XXX	Emergency Medical Services run reports	Community Development														permanently
XXXI	Emergency Medical Services run reports	Community Development														permanently
XXXII	Electrons - ward maps	Community Development														permanently
XXXIII	Electrons - ward maps	Community Development														permanently
XXXIV	Electrons - ward maps	Community Development														permanently
XXXV	Electrons - ward maps	Community Development														permanently
XXXVI	Electrons - ward maps	Community Development														permanently
XXXVII	Electrons - ward maps	Community Development														permanently
XXXVIII	Electrons - ward maps	Community Development														permanently
XXXIX	Electrons - ward maps	Community Development														permanently
XL	Emergency Medical Services run reports	Community Development														permanently
XLII	Emergency Medical Services run reports	Community Development														permanently
XLIII	Emergency Medical Services run reports	Community Development														permanently
XLIV	Emergency Medical Services run reports	Community Development														permanently
XLV	Emergency Medical Services run reports	Community Development														permanently
XLVI	Emergency Medical Services run reports	Community Development														permanently
XLVII	Emergency Medical Services run reports	Community Development														permanently
XLVIII	Emergency Medical Services run reports	Community Development														permanently
XLIX	Emergency Medical Services run reports	Community Development														permanently
L	Health - Complaints	Community Development														permanently
LI	Health - Complaints	Community Development														permanently
LII	Health - Complaints	Community Development														permanently
LIII	Health - Complaints	Community Development														permanently
LIV	Health - Complaints	Community Development														permanently
LV	Health - Complaints	Community Development														permanently
LVI	Health - Complaints	Community Development														permanently
LVII	Health - Complaints	Community Development														permanently
LVIII	Health - Complaints	Community Development														permanently
LIX	Health - Complaints	Community Development														permanently
LX	Health - Complaints	Community Development														permanently

Please refer to RSA 33-A for clarification

Please refer to RSA 33-A for clarification

Page 2

Town of HOKSETT MUNICIPAL
Municipal Records Inventory
Please refer to RSA 33-A for clarification

Number	Record	Official Records Owner	Assessing	Budget Committee	Cemetery Commission	Conservation Commission	Finance	Fire-Rescue	Police	Public Works	Recycling & Transfer	Town Clerk	Trustees of Trust Funds	Notes/Outdated Medium?	Location	Last Review	RSA 33-A Retention Timeline
CXX	School records	Community Development															until replaced or removed
CXXI	Records of permits and plans	Community Development															7 years
CXXII	Sewer system filtration study	Community Development															action/appeal time has expired+1 yr
CXXIII	Sign inventory	Community Development															appeal period plus one year
CXXIV	Site plan review	Community Development															20 years
CXXV	Site plan review withdrawn or not approved	Community Development															10 years
CXXVI	Special assessment/betterment of property	Community Development															action/appeal period expires+1yr
CXXVII	Street acceptances	Community Development															permanently
CXXVIII	Subdivision applications/traffic lights/maintenance records	Community Development															permanently
CXXIX	Subdivision applications successful and final plan	Community Development															expiration of appeal period
CXXX	Subdivision applications withdrawn or not approved	Community Development															one year
CXXXI	Subdivision applications withdrawn or not approved	Community Development															permanently
CXXXII	Subdivision applications withdrawn or not approved	Community Development															4 years
CXXXIII	Summary inventory of valuation of property	Assessing															permanently
CXXXIV	Tax maps	Assessing															4 years
CXXXV	Tax Receipts paid, including taxes on land use change prop...	Tax Office															life of vehicle plus 2 years
CXXXVI	Tax Receipts paid, including taxes on land use change prop...	Tax Office															permanently
CXXXVII	Tax Receipts paid, including taxes on land use change prop...	Finance															permanently
CXXXVIII	Trust fund minutes, quarterly reports & blank statements	Finance															permanently
CXXXIX	Vehicle Maintenance Records	Public Works															permanently
CXL	Voter check-in records	Town Clerk															permanently
CXLI	Vouchers and treasurers receipts	Town Clerk															permanently
CXLII	Warrants-land use change and book or list	Finance															permanently
CXLIII	Warrants-property tax and book or list	Tax Office															permanently
CXLIV	Warrants-property tax and book or list	Tax Office															permanently
CXLV	Warrants-property tax and book or list	Town Clerk															permanently
CXLVI	Warrants-Treasurer	Finance															permanently
CXLVII	Warrants-Utility and Betterment tax	Tax Office															permanently
CXLVIII	Warrants-yield tax and book or list	Tax Office															permanently
CXLIX	Warrants-yield tax and book or list	Tax Office															permanently
CCL	Work program fees	Work															permanently
CCLI	Work program fees	Work															permanently
CCLII	Work program fees	Work															permanently
CCLIII	Work program fees	Work															permanently
CLIV	ZBA applications, decisions & permits-unsuccessful	Assessing															current year plus 6 years
CLV	ZBA applications, decisions & permits-unsuccessful	Assessing															expiration of appeal period+1 year
CLVI	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLVII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLVIII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLIX	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLX	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXI	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXIII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXIV	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXV	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXVI	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXVII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXVIII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXIX	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXX	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXXI	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXXII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXXIII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXXIV	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXXV	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXXVI	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXXVII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXXVIII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXXIX	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXXX	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
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CLXXXV	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXXXVI	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXXXVII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXXXVIII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CLXXXIX	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CXXXX	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CXXXXI	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CXXXXII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
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CXXXXVII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
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CXXXXXXIX	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CXXXXXXX	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
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CXXXXXXXVIII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
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CXXXXXXXVIII	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CXXXXXXXIX	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CXXXXXXX	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CXXXXXXXI	ZBA applications, decisions & permits-unsuccessful	Assessing															permanently
CXXXXXXXII	ZBA applications																

Exhibit B
Town of Hooksett

35 Main Street
Hooksett, NH 03106

INVESTMENT POLICY

I. PREFACE

The investment policy establishes a framework for the safe and prudent investment of public funds. While attempting to achieve the best possible results, an investment program must consider the safety and liquidity necessary to effectively meet the operational needs of the Town.

It also provides guidance and direction for the Town Treasurer in the daily conduct of investing activity in addition to improving consistency, creating and defining accountability and in ensuring that laws are followed.

II. SCOPE

The investment policy applies to all financial assets in the custody of the Town Treasurer of the Town of Hooksett, New Hampshire. These funds are accounted for in the Town's annual audited financial reports and include the following:

- General Fund
- Special Revenue Funds
- Capital Project Funds
- Proprietary Funds
- Fiduciary Funds
- Any new funds created by the Town, unless specifically exempted by the governing body, in accordance with law, or by-law.

Furthermore, the investment policy applies to all transactions involving the financial assets and related activity of all the foregoing funds. This investment policy does not apply to the Town of Hooksett Trust Funds, Capital Reserves or Library Funds. The Library funds are held by the Library Trustees and not the Town Treasurer per RSA 202-A:23.

III. OBJECTIVES

The priority of investment objectives shall be safety, liquidity, and yield:

1. **Safety** of principal is the foremost objective of the investment program. Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The objective will be to mitigate credit risk and interest rate risk.

a) **Credit Risk** is the risk of loss due to the financial failure of the security issuer or backer. The Town will minimize credit risk by:

- Limiting exposure to poor credits and concentrating the investments in the safest types of securities.
- Pre-qualifying the financial institutions, broker/dealers, intermediaries, and advisers with which the Town will do business.
- Diversifying the investment portfolio so that potential losses on individual securities will be minimized.
- Actively monitoring the investment portfolio holdings for ratings changes, changing economic/market conditions, etc.

b) **Interest Rate Risk** The Town will minimize the risk that the market value of securities in the portfolio will fall due to changes in general interest rates, by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity.
- Investing operating funds primarily in shorter-term securities or short-term investment pools.

2. **Liquidity** The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands. Furthermore, since all possible cash demands cannot be anticipated, the portfolio should consist largely of securities with active secondary or resale markets.

3. **Yield** The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives described above. The majority of the portfolio is limited to highly rated/low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall not be sold prior to maturity with the following exceptions:

- A security with declining credit may be sold early to minimize loss of principal.
- A security swap would improve the quality, yield, or target duration in the portfolio.
- Liquidity needs of the portfolio require that the security be sold.

4. **Legality** The investment portfolio shall remain in conformance with Federal, State and other legal requirements.

IV. DELEGATION OF AUTHORITY

The investment policy delegation of authority is stated below:

1. In accordance with RSA 41:29 VI, the responsibility for conducting investment transactions resides with the Town Treasurer. The Town Treasurer may delegate authority, with the approval of Town Council.

RSA 41:29 VI – in addition to this state RSA language, the Town Council adds “and the Town Treasurer shall be for a specific term.”

2. No person may engage in an investment transaction except as provided under the terms of this policy and the internal procedures and controls hereby established.

V. PRUDENCE

The investment policy will be conducted in accordance with the "prudent person" standard which requires that:

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

The Town Treasurer involved in the investment process shall refrain from personal business activity that could conflict (or appear to conflict) with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

The Town Treasurer shall disclose to the Town Council any material financial interest in financial institutions that conduct business within this jurisdiction, and they shall further disclose any large personal financial/investment positions that could be related to the performance of this jurisdiction's portfolio.

The Town Treasurer shall subordinate their personal investment transactions to those of this jurisdiction, particularly with regard to the timing of purchases and sales.

VI. INVESTMENT INSTRUMENTS

In accordance with RSA 41:29 II and IV funds of the Town of Hooksett may be invested in the following:

1. Deposits, including money market accounts or certificates of deposit, of federally insured banks chartered under the laws of New Hampshire or the federal government with a branch within the state; or funds may be deposited in federally insured banks outside the state if such banks pledge and deliver to a third party custodial bank or the federal reserve bank collateral security for such deposits of the following types:
 - a. United States government obligations;
 - b. United States government agency obligations; or
 - c. Obligations of the state of New Hampshire in value at least equal to the amount of the deposit in each case.

2. New Hampshire Public Deposit Investment Pool (NHPDIP) established pursuant to RSA 383:22.
3. Obligations fully guaranteed as to principle and interest by the United States government. The obligations may be held directly or in the form of securities of or other interests in any open-end or closed-end management-type investment company or investment trust registered under 15 U. S.C. section 80a-1 et seq., if the portfolio of the investment company or investment trust is limited to such obligations.
4. Other instruments as may be specifically authorized by amendments to the State Law.

VII. MATURITY AND DIVERSIFICATION

Investment maturities for operating funds shall be scheduled to coincide with projected cash flow needs, taking into account large routine expenditures (school district remittances, payroll and accounts payable) as well as anticipated revenue inflows. However, the maturity characteristics of the portfolio should comply with the following schedule:

<u>Total Portfolio Investments Maturing</u>	<u>Required Minimum Percentage of Total Portfolio</u>
180 Days or Under	100%

No more than 80% of the total investment portfolio shall be invested with any one financial institution.

VIII. COMPETITIVE SELECTION OF INVESTMENT INSTRUMENTS

Competitive quotes shall be requested from qualified financial institutions for various options with regards to terms and instrument, and provided to the Finance Director. The Town Treasurer will accept the quote(s) which provide(s) the highest rate of return, within the maturity required, and within the parameters of this policy, taking into consideration all associated costs, requirements and capabilities.

IX. PERFORMANCE EVALUATION

The Town shall require, from any institution in which investing activity is conducted, sufficient routine reports/documentation to enable an accurate evaluation to be made as to the results of the Town's investment program as it relates to the Town's stated objectives, guidelines and policies, and to assist in revealing areas for potential improvement.

X. SAFEKEEPING AND COLLATERALIZATION

In accordance with RSA 41:29 V, the Town Treasurer shall ensure that prior to acceptance of any moneys for deposit or investment, including repurchase agreements, the federally insured bank shall have such funds, at the time of deposit or investment, secured by collateral having a market value at least equal to 102% of the amount deposited or invested over the FDIC limits. Such collateral shall be held by a third party custodian and segregated for the exclusive benefit of the Town. Only securities defined by the bank commissioner as provided by rules adopted pursuant to RSA 386:57 shall be eligible to be pledged as collateral.

The banking institution shall provide the Town Treasurer with at least monthly reports of the Town's collateral position. In addition, collateral agreements shall comply with provisions set forth in the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), which require that the collateral agreement be:

1. in writing;
2. approved by the Board of Directors of the depository or its loan committee;
3. has been, continuously, from the time of its execution, an official record of the depository institution.

A Certificate of Insurance is not considered to be adequate collateralization.

XI. INTERNAL CONTROLS

The internal controls for the Town of Hooksett shall be designed to prevent losses of public funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, imprudent actions by employees and officers of the Town.

1. Indemnification: In accordance with RSA 41:6 (Surety Bond Required).

"Town Treasurers...Shall be bonded by position under a blanket bond from a surety company authorized to do business in this state. The bond shall indemnify against losses through:

- (a) The failure of officers covered to faithfully perform their duties or to account properly for all moneys or property received by virtue of their positions, or
 - (b) Fraudulent or dishonest acts committed by the covered officers."
2. The Town Treasurer conducts investment transactions via written instructions including Internet and reviews the bank statements daily to ensure that the appropriate transactions were made per the instructions. All bank balances will be reconciled monthly by the Town Treasurer and reported to the Finance Director on a monthly basis.
3. The Finance Director, on a monthly basis, reviews and reconciles all bank account activity and records the investment transactions in the general ledger.

XII. REPORTING

The Town Treasurer shall submit quarterly to the Town Administrator an investment report that summarizes recent market conditions, economic development and anticipated investment

conditions. The report shall summarize the investment strategies employed, and describe the portfolio in terms of investment securities, maturities, risk characteristics and other features. The report shall explain the total investment return and compare the return with budgetary expectations. The report shall include an appendix that discloses all transactions during the past quarter.

XIII. OTHER

This policy shall be reviewed at least annually by Town Council, or its designee, with changes made as warranted, followed by re-adoption by the governing body.

The Town Council reserves the right to implement changes to this policy without prior notice if it is deemed in the Town's best interest.

This policy is available for public review and inspection. A copy may be obtained by contacting the Town Administrator.

XIV. POLICY APPROVAL/AMENDMENTS

The Council approved adoption of the Town of Hooksett Investment Policy at their October 12, 2005 meeting.

Town Council approved amendments of the Town of Hooksett Investment Policy at their September 9, 2009 meeting.

Town Council approved amendments of the Town of Hooksett Investment Policy at their September 8, 2010 meeting.

Town Council approved the Town of Hooksett Investment Policy at their September 14, 2011 meeting.

Town Council approved amendments of the Town of Hooksett Investment Policy at their October 10, 2012 meeting.

Town Council approved the Town of Hooksett Investment Policy at their September 25, 2013 meeting.

Town Council approved amendments of the Town of Hooksett Investment Policy at their September 24, 2014 meeting.

Exhibit C
Town of Hooksett

35 Main Street
Hooksett, NH 03106

FUND BALANCE POLICY

SECTION 1. PURPOSE

The Town hereby establishes and will maintain reservations of Fund Balance, as defined herein, in accordance with Governmental Accounting Standards Board Statement No. 54, *Fund Balance Reporting and Governmental Fund Types Definitions*. This policy shall only apply to the Town's governmental funds. Fund balance shall be composed of nonspendable, restricted, committed, assigned and unassigned amounts.

The general purpose of this policy is to improve the Town of Hooksett's financial stability by protecting itself against emergencies and economic downturns. Unassigned fund balance is an important measure of economic stability. It is essential that the Town maintain adequate levels of unassigned fund balance to mitigate financial risk that can occur from unforeseen revenue fluctuations, unanticipated expenditures, and similar circumstances. The fund balance also provides cash flow liquidity for the Town's general operations.

SECTION 2. DEFINITIONS

2.1) Nonspendable Fund Balance - includes amounts that are not in a spendable form (such as inventory, tax deeded property subject to resale or prepaid expenses) or are required to be maintained intact (such a principal of an endowment fund).

2.2) Restricted Fund Balance – includes amounts that can be spent only for the specific purposes stipulated by external resource providers (such as grantors) or laws or regulations of other governments or imposed by law through constitutional provisions or through enabling legislation (the annual Town meeting). Restrictions may be changed or lifted only with the consent of the resource providers or the enabling legislation. Non-lapsing warrant articles, library, income portion of permanent funds and Capital Project funds would be considered restricted.

2.3) Committed Fund Balance – includes amounts that can be used only for the specific purposes determined by a formal action of the Town's highest level of decision making authority (Town Council). Commitments may be changed or lifted only by the Town Council taking the same formal action that imposed the constraint originally. The Town Council's actions must either be approved or rescinded, as applicable, prior to the last day of the fiscal year for which the commitment is made. The amount subject to the constraint may be determined in the subsequent period. This classification also includes contractual obligations to the extent that existing resources have been specifically committed for use in satisfying those contractual obligations.

Expendable trust funds and legislative body votes relative to the use of unassigned fund balance at year-end are included in this classification.

2.4) Assigned Fund Balance – includes amounts the Town *intends* to be used for specific purposes. For all governmental funds other than the General Fund, any remaining positive amounts are to be classified as “assigned”. The Town Council expressly delegates this authority to the Town Administrator. Items that would fall under this type of fund balance would be Police and Fire Details, Ambulance Fund and Conservation Fund etc. The Town also has assigned funds consisting of encumbrances in the general fund at year-end.

2.5) Unassigned Fund Balance – is the residual classification of the general fund and includes all amounts not contained in other classifications. Unassigned amounts are technically available for any purpose. Any deficit fund balance of another governmental fund is also classified as unassigned.

SECTION 3. SPENDING PRIORITIZATIONS

3.1) When expenditures are incurred for purposes for which both restricted and unrestricted fund balance is available, restricted fund balance is considered to have been spent first.

3.2) When expenditures are incurred for purposes for which amounts in any of the unrestricted fund balance classification can be used, committed amount should be reduced first, followed by assigned amounts and then unassigned amounts.

SECTION 4. DEFICIT FUND BALANCE

The Town will follow RSA 32:11 Emergency expenditures and over expenditures for situations which may cause an over expenditure of the total appropriations in the Town’s General Fund.

SECTION 5. UNASSIGNED FUND BALANCE – GENERAL FUND

As recommended by the New Hampshire Department of Revenue, the Town shall strive to maintain an unassigned fund balance in its General Fund equal to 8-17% of the total annual appropriations of the community (which includes the Town, County, School District and Precincts).

5.1) Minimum Balance – The Town shall maintain a minimum unassigned fund balance of 5% of the general fund’s annual appropriations of the community.

5.2) Target Balance - The Town shall work toward maintaining an unassigned fund balance of 8% of the general fund’s annual budget, including Town, School and County appropriations.

SECTION 6. ANNUAL REVIEW

Town Council shall review and approve this policy annually.

SECTION 7. POLICY APPROVAL/AMENDMENTS

Town Council approved adoption of the Town of Hooksett's Fund Balance policy at their May 13, 2009 meeting.

Town Council amended the Town of Hooksett's Fund Balance policy at their September 14, 2011 meeting.

Town Council amended the Town of Hooksett's Fund Balance policy at their October 10, 2012 meeting.

Town Council amended the Town of Hooksett's Fund Balance policy at their September 25, 2013 meeting.

Town Council amended the Town of Hooksett's Fund Balance policy at their September 24, 2014 meeting.

Exhibit D
Town of Hooksett

35 Main Street
Hooksett, NH 03106

POLICY:
CELLULAR PHONES IN THE WORKPLACE

SECTION I: PURPOSE

The purpose of this policy is to establish guidelines and administrative procedures for employees who have been identified as needing cellular phones (both Town provided and reimbursed (via allowances) personal phones) during working hours and for other times as needed for the health, safety, welfare, or operational efficiency of the Town.

SECTION II: POLICY

It is the policy of the Town that if an employee's job duties require them to be readily accessible for frequent contact or critical contact with the Town staff or public, and the accessibility extends to time away from work or involves on-call responsibilities, then the eligible employee may have a choice to either use a Town-issued cellular phone, or provide their own cellular phone for which they will be compensated for business use pursuant to this Policy. The Town shall have the discretion to determine who is eligible as well as the service plan and features that will be provided, required, or otherwise reimbursed via allowances.

SECTION III: ELIGIBILITY

Employees whose job duties include the frequent need for a cellular phone may be provided a town issued cellular phone or, in lieu thereof, use their own personal cellular phone and receive a reimbursement allowance for business-related costs. Department heads may identify employees who hold positions that include the need for a cellular phone. The Town Administrator shall have final approval on all such determinations. Generally, an employee is eligible for a town issued cellular phone or a reimbursement allowance for using a personal cellular phone if at least one (1) of the following criteria are met:

- 1) The job function of the employee requires considerable time outside of his/her assigned office or work area and it is important to the Town that she/he is accessible during those times; or
- 2) The job function of the employee requires him/her to be accessible outside of scheduled or normal working hours where time sensitive decisions/ notifications are required.

If an employee is eligible for a town issued cellular phone or a reimbursement allowance for a personal cellular phone based on satisfaction of at least one of the above criteria, then if the employee also needs data access for health, safety, welfare or operational efficiency concerns, their town issued cellular phone or reimbursement allowance shall provide data access or provide for a data plan.

SECTION IV: LIMITATIONS ON TOWN PROVIDED CELLULAR PHONES

A. Personal Use: Occasional brief personal use is allowable; however, employees should always use their own personal cellular phones for personal use, if possible.

B. Text Messaging: Shall be limited whenever possible, unless the cellular phone has a service plan that provides for unlimited messaging or a messaging allowance and in either case, is approved for such use by the employee's department head.

C. Internet Access: Employees should use discretion when using their cellular phone to not access websites that would be in violation of the Town's Computer Use Policy found in the Personnel Plan. D. Directory Assistance: Employees should avoid using cellular directory assistance so as to avoid additional charges.

E. Reimbursement to the Town for Personal Use: If an employee's personal use of the Town's cellular phone results in an unreasonable charge to the Town, the user will be responsible for reimbursing the Town. This includes charges for text messaging, long distance and/or roaming charges, overage charges, multi-media charges, and charges for directory assistance.

F. Data Downloads: Employees should attempt to download data in wi-fi networks so as to minimize costs.

G. Any cellular phone that has data capabilities must be secured based on current security standards including password protection and encryption. If a cellular phone with data capabilities is stolen or missing, it must be reported to the employee's supervisor, the service provider, and to the Administration or IT Contactor as soon as possible.

H. Misuse: Use of the cellular phone in any manner contrary to local, state, or federal laws will constitute misuse, and may result in disciplinary action up to and including immediate termination.

I. No expectation of privacy: Town issued cellular phones shall remain the sole property of the Town and shall be subject to inspection or monitoring at any time. Employees who are issued town cellular phones must understand that there is no expectation of privacy when using such phones. The Town has the right to review all records related to Town issued cellular phones, including but not limited to phone logs, text messages, and internet usage logs. Users should further be aware that such records may be subject to discovery under RSA Chapter 91-A (aka, the "Right to Know" law).

J. Upon resignation or termination of employment, or at any time upon request, the employee will produce the device for return and inspection. Employees unable to present the device in good working condition will be expected to bear the cost of a replacement.

SECTION V: REIMBURSEMENT ALLOWANCES FOR PERSONAL CELLULAR PHONES

A. Allowance Amount: The amount shall be \$11.53 per week for cellular phones utilizing an unlimited data plan, e-mail, texting and internet access features. No further reimbursement for cellular phones is available to employees who receive an allowance.

B. The allowance is neither permanent nor guaranteed. The Town reserves the right to remove a participant from this plan or cancel the allowance for business reasons.

C. To receive the allowance, a "Personal Action Form" must be completed (see Appendix A).

D. Allowance Payment: The approved cellular phone reimbursement allowance will be paid to the employee each week in the employee's paycheck.

E. The employee is responsible for purchasing the cellular phone and establishing and maintaining a service contract with the cellular phone service provider of his/her choice. The cellular phone contract shall be in the name of the employee, who shall be solely responsible for all payments to the service provider. If the employee terminates the cellular phone contract at any point, s/he must notify his/her supervisor within five (5) business days.

F. Because the cellular phone is owned personally by the employee, the reimbursement allowance is not considered taxable income and the employee may use the cellular phone for both business and personal purposes, as needed. The employee may, at his or her own expense, add extra services or equipment features, as desired. If there are problems with service, the employee is expected to work directly with the service provider for resolution.

SECTION VI: LIMITATIONS ON PERSONAL CELLULAR PHONES

A. For a personal cellular phone approved for a reimbursement allowance under this policy, support from the Town's IT Contactor is limited to connecting the cellular phone to Town-provided services, such as e-mail, calendar, and contacts.

B. The Town does not accept any liability for claims, charges or disputes between the service provider and the employee. Use of the cellular phone in any manner contrary to local, state, or federal laws will constitute misuse, and may result in disciplinary action up to and including immediate termination if misused in furtherance of Town business, and then, depending on the nature of the misuse.

C. Any cellular phone that has data capabilities must be secured based on current security standards including password protection and encryption. If a cellular phone with data capabilities is stolen or missing, it must be reported to the employee's supervisor, the service provider, and to the IT Director as soon as possible.

D. Employees are expected to delete all Town data from the cellular phone when their employment with the Town is severed, except when legally required to maintain that data (e.g., litigation).

E. Note: Unlike Town provided cellular phones, users of personal cellular phones have an expectation of privacy and accordingly, if the Town desires to review the employee's cellular phone records, it will first obtain a search warrant or subpoena the relevant records pursuant to RSA Chapter 91-A (aka, the "Right to Know" law).

SECTION VII: EMPLOYEE RESPONSIBILITIES

A. Excessive use of cellular phones during the work day for personal use can interfere with employee productivity and be distracting to others. During paid work time, employees are expected to exercise the same discretion in using cellular phones as is expected for the use of any town telephone or computer. Cellular phones may not be used at any work site where the operation of the phone would create an unreasonable distraction to the public or other employees.

B. Employees are expected to make personal communications on non-work time, when possible. However, it is understood that occasional personal communications of short duration may be accomplished without disrupting others and without having an adverse effect on one's job performance. Personal calls, incoming and outgoing, must be kept to a minimum and must be incidental to business use. Employees should use good judgment when making personal communications and should recognize that the Town incurs costs for each minute of

air time on Town issued phones. Abuse of personal communications privileges may subject the employee to discipline.

C. In order to ensure a productive work day, the following uses of any cellular phone are prohibited during working hours:

- 1) Accessing the internet for non-work related purposes;
- 2) Playing games;
- 3) Watching movies, television, sports, etc.; and
- 4) Any activity that violates town policy.

D. Employees in possession of Town issued cellular phones are expected to protect them from loss, damage, or theft.

SECTION VIII: SAFETY IN USING CELLULAR PHONES

A. This section applies to all use of Town provided cellular phones, and to all use of personal cellular phones when used for Town business.

B. If use of their cellular phone is unavoidable, employees shall use hands-free options, abiding by applicable state laws. During hands-free operation, employees are expected to keep the usage to a minimum, refrain from discussions of complicated or emotional issues, and keep their eyes on the road. Special care should be taken in situations where there is heavy traffic, inclement weather or where the employee is driving in an unfamiliar area. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

C. With the exception of extraordinary circumstances, operators of authorized emergency vehicles are to comply with this Policy while driving.

D. Engaging in text or email communications, or accessing the internet while driving is not allowable under any circumstance. Note: safely pull over to the side of the road before setting a destination and selecting a route for GPS-related applications.

E. Employees who are charged with traffic violations resulting from the use of cellular phones while driving on duty may be subject to disciplinary action.

F. Employees who are charged with traffic violations resulting from the use of their cellular phone while driving will be solely responsible for all liabilities that result from such actions.

G. Violations of this Policy will be subject to discipline, up to and including dismissal.

SECTION IX: WAIVERS

The Town Administrator or Town Council may waive any portion of this policy for good cause shown.

SECTION X: AMENDMENTS

This policy may from time to time be amended by the vote of Town Council at a regularly scheduled meeting.

SECTION XI: EFFECTIVE DATE

This policy shall be effective 08/24/16 as per vote of the Town Council.

Exhibit E
Town of Hooksett

35 Main Street
Hooksett, NH 03106

**POST-ISSUANCE TAX COMPLIANCE POLICY AND PROCEDURES FOR
TAX-EXEMPT OBLIGATIONS**

SECTION I: PURPOSE

The purpose of this Tax-Exempt Obligation Post Issuance Compliance Policy and Procedures is to establish policies and procedures in connection with tax-exempt bonds and notes (the “Bond” or “Bonds”) issued by the Town of Hooksett, New Hampshire (the “Issuer”) so as to maximize the likelihood that all applicable post-issuance requirements of federal income tax law needed to preserve the tax-exempt status of the Bonds are met.

SECTION II: COMPLIANCE COORIDATOR

- A. The Finance Director shall serve as the Compliance Coordinator (“Coordinator”) and be responsible for monitoring post-issuance compliance.
- B. The Coordinator will maintain a copy of the transcript of proceedings in connections with the issuance of any tax-exempt obligations. The Coordinator will obtain such records as are necessary to meet the requirements of this policy.
- C. The Coordinator shall consult with bond counsel, a rebate consultant, financial advisors, Internal Revenue Services (“IRS”) publications and other resources as are necessary to understand and meet the requirements of this policy.
- D. Training and education of the Coordinator and his/her staff will be sought and implemented upon the occurrence of new developments and upon the hiring of new personnel to implement this policy.

SECTION III: RECORD-KEEPING

- A. Financing Transcripts – The Coordinator shall confirm the proper filing with the IRS of an 8038 Series return, and maintain a transcript of proceedings for all tax-exempt obligations issued by the Issuer, including but not limited to all tax-exempt bonds, notes and lease-purchase contracts. Each transcript shall be maintained for as long as the Bonds are outstanding, plus three (3) years after the final redemption date of the Bonds. Said transcript may be maintained in electronic format and shall include at a minimum:
 - 1. Form 8038s;
 - 2. Minutes, resolutions, and certificates;
 - 3. Certifications of issue price from the underwriter, if applicable;
 - 4. Formal elections required by the IRS;
 - 5. Trustee statements, if applicable;
 - 6. Records of refunded bonds, if applicable;
 - 7. Correspondence relating to bond financing;

8. Reports of any IRS examinations for bond financing;
 9. Documents related to governmental grants associated with construction, renovation, or purchase of bond financed facilities, if applicable;
 10. Publications, brochures, and newspaper articles, where applicable.
- B. Modification to Financing Documents – The Coordinator shall determine if there is any “significant modification” to bond documents resulting in reissuance under Treasury Regulation §1.1001-3, in consultation with bond counsel and any other legal counsel and financial advisor. The Coordinator shall retain proof of filing new Form 8038 and relevant documentation plus final rebate calculation on pre-modification bonds.

SECTION IV: PROPER USE OF PROCEEDS

- A. The Coordinator shall review the resolution authorizing issuance for each tax-exempt obligation issued by the Issuer and shall:
1. Obtain a computation of the yield on such issue from the Issuer’s financial advisor;
 2. Create a separate Project Fund (with as many sub-funds as shall be necessary to allocate proceeds among the projects being funded by the issue) and a separate Cost of Issuance Fund as necessary to allocate proceeds to Bond issuance costs into which the proceeds of the issue shall be deposited, as applicable;
 3. Review all requisitions, draw schedules, draw requests, invoices and bills requesting payment from the Project Fund;
 4. Determine whether payment from the Project Fund is appropriate, and if so, make payment from the Project Fund (and appropriate sub-fund if applicable);
 5. Maintain records of the payment requests and corresponding records showing payments;
 6. Maintain records showing the earnings on, and investment of, the Project Fund;
 7. Ensure that all investments acquired with proceeds are purchased at fair market value;
 8. Identify bond proceeds or applicable debt service allocations that must be invested with a yield-restriction and monitor the investments of any yield-restricted funds to ensure that the yield on such investments does not exceed the yield to which such investments are restricted;
 9. Maintain records related to any investment contracts, credit enhancement transactions, and the bidding of financial products related to the proceeds;
 10. Monitor and maintain records of the reimbursement of costs previously expended by the Issuer to ensure that such reimbursement occurs not more than 18 months after the later of (i) the dates of the expenditures or (ii) the date the project/asset was placed in service (but not more than 3 years after the original expenditures were paid) except with respect to those expenditures for which the Issuer obtained a

certificate of licensed engineer/architect to the effect that (I) at least five (5) years were necessary to complete the construction of the part of the project for which such expenditures were required; and (II) such expenditures shall be reimbursed not more than five (5) years after the date that the original expenditures were paid.

SECTION V: ARBITRAGE/REBATE COMPLIANCE AND TIMELY EXPENDITURE OF PROCEEDS

- A. The Coordinator shall review the No Arbitrage and Tax Certificate (or equivalent) (the “Certificate”) for each tax-exempt obligation issued by the Issuer and the expenditure records provided in Section III of this policy, above, and shall ensure that the Issuer takes the following actions:
1. Monitor and ensure that proceeds of each such issue are spent within the temporary period set forth in the Certificate;
 2. If at the time of issuance, it appears that the Bonds will qualify for the small issuer exception to the rebate requirement, the Coordinator will monitor the amount of subsequent tax-exempt obligations issued or proposed to be issued in the calendar year in which the Bonds closed to ensure that the Issuer does not exceed the \$5 million or \$15 million threshold, as applicable, in such calendar year;
 3. If at the time of issuance, based on reasonable expectations set forth in the Certificate, it appears likely that the issue will qualify for an exemption from the rebate requirement, the Issuer may defer taking any of the actions set forth in subsection (4) below. Not later than the time of completion of construction or acquisition of the project, and depletion of all funds from the Project Fund, the Issuer shall make a determination if the expenditure of the Bond proceeds qualified for an exemption from the rebate requirements based on spending within a 6 month, 18 month or 2 year period after issuance. If a rebate exemption is determined to be applicable, the Issuer shall prepare and keep in the permanent records of the issue a memorandum evidencing this conclusion together with records of expenditure to support such conclusion. If the transaction does not qualify for rebate exemption, the Issuer shall initiate the steps set forth in (4) below;
 4. If at the time of issuance it appears likely that arbitrage rebate calculations will be required, or upon determination that calculations are required pursuant to (3) above, the Issuer shall:
 - a. Engage the service of expert advisors (each a “Rebate Service Provider”) to assist in the calculation of arbitrage rebate payable in respect of the investment of Bond proceeds, or else shall ensure that it has adequate financial, accounting and legal resources of its own to make such calculations, and prior to each rebate calculation date, cause the trustee or other financial institution investing bond proceeds to deliver periodic

- statements concerning the investment of Bond proceeds to the Rebate Service Provider;
- b. Provide to the Rebate Service Provider additional documents and information reasonable requested by the Rebate Service Provider;
 - c. Monitor efforts of the Rebate Service Provider;
 - d. Assure payment of required rebate amounts, if any, no later than 60 days after each 5-year anniversary of the issue date of the Bonds, and no later than 60 days after the last Bond of each issue is redeemed.
 - e. During the construction period of each capital project financed in whole or in part by Bonds, monitor the investment and expenditure of Bond proceeds and consult with the Rebate Service Provider to determine compliance with any applicable exceptions from the arbitrage rebate requirements during each 6-month spending period up to 6 months, 18 months or 2 years, as applicable, following the issue date of the Bonds.
 - f. Retain copies of all arbitrage reports, trustee statements and other documents as required herein;
 - g. In lieu of engaging an outside Rebate Service Provider, the Issuer may make a determination that it has sufficient capabilities using its own personnel, supported by its regular accounting and legal advisers, to be able to make the required rebate calculations. Such determination shall be evidenced in writing with specific reference to the personnel and advisers to carry out the calculations, and such written determination shall be maintained in the records of the bond transaction.

SECTION VI: PROPER USE OF BOND FINANCED ASSETS

- A. The Coordinator shall maintain appropriate records and a list of all bond financed assets. Such records shall include the actual amount of the proceeds (including investment earnings) spent on each of the bond financed assets.
- B. With respect to each bond financed asset, the Coordinator will monitor and confer with bond counsel with respects to all proposed:
 - 1. Management contracts;
 - 2. Service agreements;
 - 3. Research contracts;
 - 4. Naming rights contracts;
 - 5. Lease or sub-leases;
 - 6. Joint venture, limited liability or partnership arrangements;
 - 7. Sale of property or;
 - 8. Any other change in use of such asset.
- C. Section 141 of the Code sets forth private activity tests for the purpose of limiting the volume of tax-exempt bonds that finance activities of persons other than state and local governmental entities. These tests serve to identify arrangements that

actually or reasonably expect to transfer the benefits of tax-exempt financing to non-governmental persons, including the federal government. The Coordinator shall provide to the users of any bond financed property a copy of this Compliance Policy and other appropriate written guidance advising that:

1. "Private business use" means use by any person other than the Issuer, including business corporations, partnerships, limited liability companies, associations, non-profits corporations, natural persons engaged in trade or business activity, and the United States of America and any federal agency, as a result of ownership of the property or use of the property under a lease, management or service contract (except for certain "qualified" management or service contracts), "naming rights" contract, "public-private partnership" arrangement, or any similar use arrangement that provides special legal entitlements for the use of the bond financed property;
 2. No more than 10% of the proceeds of any tax-exempt bond issued (including the property financed with the Bonds) may be used for private business use, of which no more than 5% of the proceeds of the tax-exempt bond issued (including the property financed with the bonds) may be used for any "unrelated" private business use - that is, generally, a private business use that is not functionally related to the government's purposes of the Bonds; and no more than the lesser of \$5,000,000 or 5% of the proceeds of a tax-exempt bond issued may be used to make or finance a loan to any person other than a state or local government unit;
 3. Before entering into a special use arrangement with a non-governmental person that involves the use of bond financed property, the Coordinator will consult with bond counsel, provide bond counsel with a description of the proposed non-governmental use arrangement, and determine whether that use arrangement, if put into effect, will be consistent with the restrictions on private business use of the bond financed property;
 4. In connection with the evaluation of any proposed non-governmental use arrangement, the Issuer will consult with bond counsel to obtain federal tax advice in whether that use arrangement, if put into effect, will be consistent with the restrictions on private business use of the bond financed property, and if not, whether any "remedial action" permitting under §141 of the Code may be taken as means of enabling that use arrangement to be put into effect without adversely affecting the tax-exempt status of the Bonds.
- D. The Coordinator shall maintain a copy of any such proposed agreement, contract, lease or arrangement, together with the response by bond counsel with respect to said proposal for at least three (3) years after retirement of all tax-exempt obligations issued to fund all or any portion of bond financed assets.
- E. The Coordinator shall consult with bond counsel and other legal counsel and advisers in the review of any change in use of bond-financed or refinanced assets to ensure compliance with all covenants and restriction set forth in the Certificate.
- F. The Coordinator shall confer at least annually with other personnel responsible for bond-financed or refinanced assets, to identify and discuss any existing or planned use of bond-financed or refinanced assets, to ensure that those uses are consistent with all covenants and restrictions set forth in the Certificate.

- G. To the extent that the Coordinator discovers that any applicable tax restrictions regarding use of bond proceeds and bond-financed or refinanced assets will or may be violated, the Coordinator shall consult promptly with bond counsel and other legal counsel and advisers to determine a course of action to remediate all nonqualified bonds, if such counsel advises that a remedial action is necessary.

SECTION VII: BANK QUALIFICATION

If the Bonds are issued in a par amount of \$10 million or less and designated by the Issuer as “bank qualified” under Section 265(b)(3) of the Code, the Coordinator will monitor the amount of subsequent tax-exempt obligations issued or proposed to be issued in the calendar year in which the Bonds closed to ensure that the Issuer does not exceed the \$10 million threshold in such calendar year.

SECTION VIII: GENERAL PROJECT RECORDS

- A. For each project financed with tax-exempt obligations, the Coordinator shall maintain a copy of all material documents relating to capital expenditures financed or refinanced by tax-exempt proceeds, until three (3) years after retirement of the tax-exempt obligations or obligations issued to refund those obligations including (without limitation), the following:
1. Appraisals, demand surveys or feasibility studies;
 2. Applications, approvals and other documentation of grants;
 3. Depreciation schedules;
 4. Contracts respecting the project, including construction contracts;
 5. Purchase order;
 6. Invoices,
 7. Trustee requisitions and payment records;
 8. Documents relating to costs reimbursed with Bond proceeds;
 9. Records identifying the assets or portion of assets that are financed or refinanced with Bond proceeds, including a final allocation of proceeds.

SECTION IX: ADVANCE REFUNDINGS

- A. The Coordinator, shall be responsible for the following current, post issuance and record retention procedures with respect to advance refunding bonds:
1. Identify and select bonds to be advance refunded and advice from internal financial personnel, and a financial advisor.
 2. The Coordinator shall identify, with advice from the financial advisor and bond counsel, any possible federal tax compliance issues prior to structuring any advance refunding.
 3. The Coordinator shall review the structure with the input of the financial advisor and bond counsel, of advance refunding issues prior to the issuance to ensure:

- a. That the proposed refunding is permitted pursuant to applicable federal tax requirements if there has been a prior refunding of the original bond issues;
 - b. That the proposed issuance complies with federal income tax requirements which might impose restrictions on the redemption date of the refunded bonds;
 - c. That the proposed issuance complies with federal income tax requirements which allows for the proceeds and replacement proceeds of an issue to be invested temporarily in higher yielding investments without causing the advance refunding bonds to become “arbitrage bonds”;
 - d. That the proposed issuance will not result in the issuer’s exploitation of the difference between tax exempt and taxable interest rates to obtain a financial advantage nor overburden the tax exempt market in a way that might be considered an abusive transaction for federal tax purposes;
 - e. That the proposed refunding complies with applicable State law.
4. The Coordinator shall collect and review data related to arbitrage yield restriction and rebate requirements for advance refunding bonds. To ensure such compliance, the Coordinator shall engage a rebate consultant to prepare a verification report in connection with the advance refunding issuance. Said report shall ensure said requirements are satisfied.
 5. The Coordinator shall, whenever possible, purchases SLGS to size each advance refunding escrow. The financial advisor and/or bond counsel shall be included in the process of subscribing SLGS. To the extent SLGS are not available for purchase, the Coordinator shall, in consultation with bond counsel and the financial advisor, comply with IRS regulations.
 6. To the extent the Issuer elects to purchase a guaranteed investment contract, the Coordinator shall ensure, after input from bond counsel, compliance with any bidding requirements set forth by the IRS regulations.
 7. In determining the issue price for any advance refunding issuance, the Coordinator shall obtain and retain issue price certification by the purchasing underwriter at closing.
 8. After the issuance of an advance refunding issue, the Coordinator shall ensure timely identification of violations of any federal tax requirements and engage bond counsel in attempt to remediate same in accordance with IRS regulations.

SECTION X: CONTINUING DISCLOSURE

- A. The Coordinator shall assure compliance with each continuing disclosure certificate and annually, per continuing disclosure agreements, file audited annual financial statements and other information required by each continuing disclosure agreement. The Coordinator will monitor material events as described in each continuing disclosure agreement and assure compliance with material event disclosure. Events to be reported shall be reported promptly, but in no event not later than ten (10) Business Days after the day of the occurrence of the event. Currently, such notice shall be given in the event of:
 1. Principal and interest payment delinquencies;

2. Non-payment related defaults, if material;
3. Unscheduled draws on debt service reserves reflecting financial difficulties;
4. Unscheduled draws on credit enhancements relating to the bonds reflecting financial difficulties;
5. Substitution of credit or liquidity providers, or their failure to perform;
6. Adverse tax opinions, the issuance by the Internal Revenue Service of proposed or final determinations of taxability, Notices of Proposed Issue (IRS Form 5701-TEB) or other material notices or determinations with respect to the tax-exempt status of the bonds, or material events affecting the tax-exempt status of the bonds;
7. Modifications to rights of Holders of the Bonds, if material;
8. Bond calls (excluding sinking fund mandatory redemptions), if material, and tender offers;
9. Defeasances of bonds;
10. Release, substitution, or sale of property securing repayment of the bonds, if material;
11. Rating changes on the bonds;
12. Bankruptcy, insolvency, receivership or similar event of the Issuer;
13. The consummation of a merger, consolidation, or acquisition involving the Issuer or the sale of all or substantially all of the assets of the Issuer, other than in the ordinary course of business, the entry into a definitive agreement to undertake such an action or the termination of a definitive agreement relating to any such actions, other than pursuant to its terms, if material;
14. Appointment of a successor or additional trustee or the change of name of a trustee, if material.

SECTION XI: DUE DILIGENCE AND REMEDIAL ACTIONS

In all activities related to the Issuer's Bonds, the Coordinator and his/her staff will exercise due diligence to comply with the Code provisions governing tax-exempt obligations. The Issuer is aware of (a) the Voluntary Closing Agreement Program (known as "VCAP") operated by the IRS which allows issuers to voluntarily enter into a closing agreement in the event of certain non-compliance with the Federal tax requirements and (b) the remedial actions available under Section 1.141-12 of the Income Tax Regulations for private use of bond financed property which was not expected at the time the Bonds were issued.

SECTION XII: PERIODIC REVIEW

The Issuer will monitor compliance with the guidelines contained in this policy as well as any other covenants not specifically included herein and will review and update these guidelines at least annually and whenever necessary due to changes in the law and circumstances.

Staff Report
Title: Town Council Rules of Procedures UPDATES
Date: 08/22/2018

Background Discussion of Issues
<p>The Town Council, at their annual workshop of 08/08/18, discussed amendments to the Town Council Rules of Procedures to include sections:</p> <ol style="list-style-type: none">1. 2.a – add “Motion to adopt the Family Services Guidelines”2. 2.a – update item 12 for general “Administration” and “annual” vs. specific position and dates3. 2.c.3.a – remove “if available taped voice vote may be used”4. 2.c.3.d – remove “Minutes and attachments shall be posted separately from each other.”5. 2.c.3.d – add “Minutes shall be posted on the Town website.”6. 3.c – update “The Council shall not recognize a Councilor’s electronic method(s) of participation, attendance, or quorum.”7. 3.g – update “The Chair and Vice-Chair and Secretary shall be seated at the head of the Council table in Chambers.8. 3.g – add “The Secretary shall be seated next to the Town Council Recording Clerk.”9. 7.f.2 – update “New Business submitted by noon the Wednesday end of business two Thursdays”10. 7.f.3 - update “New Business submitted after noon the Wednesday end of business two Thursdays”11. 9.a – update “no later than noon the Wednesday end of business two Thursdays”
Recommendation (Including Suggested motion, if appropriate)
<p>Motion to approve the amendments to the Town Council Rules of Procedures as presented.</p> <p>OR</p> <p>Motion to approve amendments to the Town Council Rules of Procedures for item(s) # x,x,x above.</p>
Fiscal Impact
None.
Prepared By: Donna Fitzpatrick, Administrative Services Coordinator
Town Administrator’s Recommendation

Town of Hooksett
Town Council Rules of Procedures
Adopted as of: 01/10/2001
Amended as of: ~~04/11/18~~ 08/22/18

Resolved by the Town Council of the Town of Hooksett, NH that the following be and hereby are adopted as the Rules of the Hooksett Town Council.

1. The Following Rules shall be adopted by a majority of the Hooksett Town Council and these rules shall become effective immediately upon their adoption.
 - a. Riggins Rules and Parliamentary Law at a Glance by E.C. Utter should be used as a guide when proper procedure is in question except where modified herein.
 - b. Acceptable Procedure is determined by the acting Chair.
2. Procedures for electing officers are as follows:
 - a. Annually, at the first meeting of the new Town Council:
 1. The Town Clerk shall swear-in all new Councilors as a group.
The members thereof shall:
 2. Choose, from among their members, a Chair, a Vice Chair and a Secretary. In addition to the powers conferred upon the Chair, the Vice Chair and the Secretary, they shall continue to have all the rights, privileges and immunities of a member of the Town Council.
 3. Motion that the Town Council confirms by a roll call vote, that the Town of Hooksett will adopt RSA 31:104, 31:105 and 31:106 to provide immunity and indemnify all Town Councilors, other elected officials, employees, agents as well as appointed officials that serve on committees and boards within the Town of Hooksett; specifically covering immunity from civil liability for discretionary acts, according to RSA 31:104, indemnification for costs of defense of civil suits, according to RSA 31:105 and indemnification for civil rights claims, according to RSA 31:106.
 4. Motion to have the Town Council Chair sign ancillary documents as agent to expend as a result of Town Council prior approval of the documents.
 5. Motion to have the Town Council Chair complete the Council's section of the Annual Report.
 6. Motion to have the Town Council Chair complete Tax Deed Waivers.
 7. Motion to adopt the Town Council Rules of Procedures.
 8. Motion to adopt the Administrative Code (which includes the Investment and Fund Balance Policies).
 9. **Motion to adopt the Family Services Guidelines.**
 10. Motion to have the Tax Collector sign payment plans for deedable properties.
 11. Motion to have the Town Administrator approve payment plans for deedable properties (Town Administrator cannot forgive interest or principal).
 - ~~12.~~ Motion to have a Councilor work with **Administration** ~~the Administrative Services Coordinator~~ to coordinate the **annual** Town Council Old Home Day booth (~~3rd Saturday in September~~) and Employee Appreciation Picnic (~~Friday in October prior to Columbus Day holiday~~)
 - b. The above election shall be by majority vote of the Town Council present at the first meeting.
 - c. Duties of Officers
 1. Chair:

- a. The Chair with the Town Administrator shall post all meetings and set meeting agenda.
 - b. Lead all meetings in an orderly manner using these procedures, Hooksett's Town Charter, Riggins Rules and Parliamentary Law as guides for appropriate protocol.
2. Vice Chair:
 - a. In the absence of the Chair, the Vice Chair shall conduct the Council Meeting until such time as the Chair is present.
3. Council Secretary:
 - a. The Council Secretary shall be responsible for recording the attendance of Council members by roll call. ~~(If available taped voice vote may be used)~~ at the beginning of each meeting.
 - b. The Council Secretary shall be responsible for polling and recording all roll call votes.
 - c. If the Council Secretary is absent, the chair shall ask for a volunteer. If there is no volunteer, the Chair shall appoint a Council member to act as Council Secretary until such time as the Council Secretary is present.
 - d. The Town Council Secretary shall act as clerk of the Council and shall review and approve (with or without edits) the draft (unofficial) minutes of the meeting recorded by the Recording Clerk. If there is no Recording Clerk present at meeting, the Town Council Secretary will be asked to keep minutes. ~~Minutes and attachments shall be posted separately from each other. Only the Minutes section~~ will appear in the Town Council agenda packet. **Minutes shall be posted on the Town website.**
 - e. The Town Council Secretary shall perform such other duties in the meeting as may be requested by the presiding officer of Council.
 - f. In case of the absence of the Chair and the Vice Chair the Council Secretary shall call the Council to order and act as Chair.
3. Council Meetings
 - a. The Council shall meet in regular session on the 2nd and 4th Wednesday of every month, except as noted on Town Calendar, at 6:00pm. When time permits, a regular meeting may be adjointed to a workshop session.
 - b. The place of meetings shall be the Council Chambers unless otherwise designated.
 - c. A quorum of the Council for the transaction of any business shall be two-thirds (2/3) of the members currently in office. The Council shall ~~not~~ recognize a Councilor's electronic method(s) of participation, attendance, or quorum.
 - d. The Council reserves the right to end meetings at 9:30. The Council shall motion to extend public session meetings past 9:30pm as follows "motion to extend public session until meeting is adjourned". Uncovered business will be included in the next meeting agenda. Meeting may be closed by a 2/3 roll call vote.
 - e. The Council may meet for an informal workshop session or special meetings by Council vote on an as needed basis, in accordance of Section 3.5 C of the Town Charter. The place of meeting shall be the Council Chambers.
 - f. When, after consultation with the Vice Chair and the Town Administrator, the Chair determines that the Council has insufficient business to warrant a meeting, the Chair may cancel said meeting after informing all councilors and receiving individual approval from 2/3 of the council members and shall not be inconsistent with the meeting provisions of the Town Charter. Agenda items scheduled for a meeting that is canceled shall be carried over to the next regular meeting.

- g. Council members shall be seated in Council Chambers as determined by consensus of the Council. The Chair ~~and Vice-Chair and Secretary~~ shall be seated at the head of the Council table in Chambers. **The Secretary shall be seated next to the Town Council Recording Clerk.**
 - h. Council members, staff and members of the general public participating in meetings shall address all questions or remarks through the Chair confine their remarks to the merit of pending questions; and shall not engage in personalities.
 - i. Any member may leave the Council Chambers while in regular session after notice to the Chair of pressing business providing there is no loss of quorum as determined by the Chair.
4. Town Employees
- a. The Town Administrator will attend all regular meetings or request representation from a Town Department to attend in their place.
 - b. The Town Administrator shall be responsible for providing the Council with necessary background information on all items of business before the Council.
 - c. The Town Administrator may have the head of any department or division or other employee of the Town in attendance at any meeting when items within their responsibility or knowledge is being discussed. All questions shall be directed to the Town Administrator who may, when necessary, defer to a department head or employee. Staff should be made aware of all items on the agenda to be ready to discuss items in respect to their department or area of responsibility.
5. Voting
- a. Every member present, including the Chair, when a question is put shall vote either aye (yes) or nay (no) or abstain and give reason for abstaining, in accordance with the Town Charter.
 - b. Council Members wishing to abstain from voting shall so indicate and give reason for doing so.
 - c. All votes shall be voice votes unless determined to be a **roll call** vote.
 - d. **Roll call** votes should be used anytime there is a motion based on 1) a public hearing item, 2) any monetary item over \$10,000 and 3) at the request of any Councilor for any matter.
 - e. **Roll call** votes shall be in a random order with the Chair voting last.
6. Debate
- a. Council members must raise their hand to be recognized by the Chair.
 - b. Rules of Debate on all motions shall be as follows:
 - 1. The council member, who introduces a motion, may speak to that motion. Thereafter, every council member may speak to the motion two times only. The sponsoring Council member may also address the motion two times, thereby allowing the sponsor the right to address his or her their motion a total of three times.
 - 2. If by 2/3 vote it is determined additional discussion is needed each council member may only speak an additional 2 times on a motion.
 - 3. Decorum in debate: In order to assist in the carrying out of debate in an orderly and productive manner, Council members shall:
 - a. Address all questions and remarks through the Chair. Do not address audience or council members.
 - b. When commenting on another Councilor's statement or question, identify the speaker, statement and when the statement was made.
 - c. Confine remarks to the merits of the pending question.

- d. Not engage in personalities or question the motives of other Councilors.
- c. Any member who wishes to force an end to debate must first obtain the floor by being duly recognized to speak by the chair and must then move the Previous Question. Such a motion must be seconded, and then adopted by a two-thirds vote, or by unanimous consent. It is not in order to interrupt a speaker with cries of “Question” or “Call the question.”, and even if no one is speaking, it is still necessary to seek recognition.

7. Order of Business

a. Agenda Order of Council Meetings

- I. Call to Order
- II. Proof of Posting
- III. Roll Call
- IV. Pledge of Allegiance
- V. Special Recognitions
- VI. Scheduled Appointments
- VII. Approval of minutes
- VIII. Agenda Overview
- IX. Public Hearings
- X. Consent Agenda
- XI. Town Administrator’s Report
- XII. Public Input
- XIII. Nominations/Appointments
- XIV. 15 Minute Recess
- XV. Old Business
- XVI. New Business
- XVII. Subcommittee Reports
- XVIII. Public Input
- XIX. Non-Public Session
- XX. Adjournment

b. 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.
- c. Nominations for all Board and Committee applicants may be made during the nominations/appointments portions of the Council meeting. Boards and Committees shall receive their respective applications and make recommendations for nominations. Appointment vote for a nominee will be scheduled at the next Council meeting. Nominations and appointments for new July terms shall be at the June Town Council meetings.
- d. Scheduled Appointments
 1. A scheduled appointment shall have one person as a speaker when possible and follow the rules for addressing the Council.
 2. A scheduled appointment shall not exceed 15 minutes to address the Council unless the Council votes to extend.
 3. Board and Committee applicants shall be invited to attend a Council meeting as a scheduled appointment to state their interest. This meeting shall be either prior to or on the same night of their nomination.
 4. Boards and Committees shall meet at minimum once a year as a scheduled appointment to provide an overview of their activities and member attendance reports.
- e. Old Business
 1. Business carried over from a previous meeting.
- f. New Business
 1. New Business should be submitted to the Town Administrator or Council Chair.
 2. New Business submitted by ~~noon the Wednesday~~ **end of business two Thursdays** before a regular meeting may be considered for the next meeting by request. The Chair may schedule the topic on the Agenda under New Business as the schedule allows. Any new business brought forward at a council meeting shall not be acted upon at that meeting except by a motion to waive this rule by vote of 2/3rd of the members present.
 3. New Business submitted after ~~noon the Wednesday~~ **end of business two Thursdays** preceding a regular scheduled meeting will be considered for the next meeting agenda unless time sensitivity is determined by Town Administrator or Chair.
8. Non-Public Session
 - a. The Council shall motion to exit in non-public, then motion to seal the minutes of the non-public session as appropriate.
 - b. Non-public sessions do not require motions to extend the meeting past 9:30pm.
 - c. Non-public minutes shall consist of the subject matter and motions only. No minutes of the subject discussion shall be taken.
 - d. A councilor not present at the time non-public session minutes are taken shall receive these sealed minutes along with the rest of the Council.
 - e. Non-public minutes and/or material in possession of Town Councilors at a Council meeting shall be handed into the Administrative Services Coordinator at the end of the meeting for shredding of confidential information.
 - f. Unsealing of the non-public session minutes for the current fiscal year (June 1st to May 31st) shall occur annually at the Council's last meeting in May when, in the opinion of a majority of members, the circumstances that sealed the minutes no longer apply in accordance with RSA 91:3 III.
9. Filing Agenda items

- a. Every item of business to come before the Council for action must be filed with the Town Administrator or Council Chair no later than ~~noon on the Wednesday~~ **end of business two Thursdays** prior to the regular Council Meeting.
- b. The Agenda shall be posted by the close of business on the Wednesday prior to the regular Council Meeting.
- c. It shall be the duty of the Town Administrator to mail by first class postage said agenda and any available supporting documents to each Councilor (if not already picked-up) by Thursday of the week prior to the regular Council Meeting unless a Councilor requests, in writing, to receive it in electronic format only.

10. Addressing the Council

- a. Persons other than members of the Council shall not be permitted to address the Council except during the designated agenda Public Input or by invitation of the Chair.
- b. A time limit for addressing the Council may be established by the Chair.
- c. The speaker shall not enter into a debate with any person, the Chair or Council members.

11. Amendment To Rules

- a. Council rules may be suspended by a 2/3-majority vote of all Council members. The purpose for suspension must be clearly stated before the vote is taken and 2/3 of all Council members must declare the matter one of such priority that it would be detrimental to hold over until the next regular Council Meeting.
- b. The rules may be amended or new rules adopted by a 2/3 vote of all members of the Council. Any such proposed alteration or amendment by any Councilor shall be submitted in writing at a regular Council Meeting under the order of new business.

11. Community Outreach

- a. The Council Chair has the authority to act on the Council's behalf to present and/or sign letters of achievement for community outreach to include but not limited to Town of Hooksett departments, businesses, residents, and volunteer or membership groups. This authority is for times when the community outreach happens off-schedule to Town Council meetings.

12. Procedure for Adoption of Ordinances pursuant to Section 3.6 of the Charter.

- a. Prior to a Council member introducing an ordinance, the Council shall discuss the contents which may include editorial revisions and textual modifications. An ordinance needing revisions based on this discussion will be brought back to the Council in a final format at their next scheduled meeting. The final version of an ordinance shall be introduced by one Councilor for a public hearing at the Council's next scheduled meeting. No second to a motion and/or vote is required to move an ordinance to a public hearing. The Council shall not take final action on any proposed ordinance until at least seven (7) days after said public hearing(s).
- b. After the public hearing the Council shall put the proposed ordinance in final form, which may include editorial revisions and textual modifications resulting from the proceedings of that hearing. An additional public hearing shall be held if the ordinance is substantively altered by the Town Council after public hearing. Subsequent public hearings shall be held at least 14 days after the prior public hearing and with the notice provided in Section 3.5 (A) of the Charter. The Council shall not take final action on any proposed ordinance until at least seven (7) days after said public hearing(s).

13. Procedure for Town Administrator Annual Evaluation

- a. Council's first meeting in May – Council will receive Town Administrator's self-evaluation to include status on his/her goals with comments for period ending June 30th of the same fiscal year along with a blank evaluation form.
- b. Council's second meeting in May = Councilors are to complete and submit the Town Administrator evaluation form via e-mail to the Council Chair and cc: Administrative Services Coordinator (or hand deliver to same at meeting).
- c. First week in June = Administrative Services Coordinator and Council Chair consolidate each Councilor's Town Administrator evaluation data into one report.
- d. Council's first meeting in June – Councilors to review consolidated Town Administrator evaluation report for edits.
- e. Council's second meeting in June – Councilors and Town Administrator to receive Town Administrator evaluation report in agenda packet and review at this meeting.
- f. Council's July Workshop meeting – New council to establish goals for new fiscal year.

14. Standing Moment of Silence

- a. The Council Chair may call a moment of silence for the deceased with ascent of the Town Council at the beginning of the meeting

15. Special Recognition

- a. Special Recognition may include but is not limited to:
 - Hooksett Youth Achiever of the Month
 - Boston Post Cane Recipient
 - Retiring employees
 - Longevity employees (at Council's last regularly scheduled meeting each September)

16. Town Administrator's Report

- a. New hires will be invited and encouraged to attend the Council meeting following his/her hire date when the Town Administrator will announce his/her Department, name and start date."

17. Approval of Minutes

- a. Council Final Acceptance (Approval) of Minutes: Council, at their next regularly scheduled meeting, reviews and accepts (with or without edits) the minutes (draft) of the prior meeting.
- b. Council Correction to Previously Accepted (Approved) Minutes: If there are errors in *motions* identified in previously accepted minutes, the Council shall motion in their current meeting minutes to make the correction. The older incorrect minutes shall be updated & reposted as "corrected" and showing the date of the motion for the correction. Errors in minutes of *descriptions of subjects discussed* may be corrected if the description would change the motion of the subject. Scrivener's errors (typos) may be corrected by the Recording Clerk without a motion of the Council. Minutes are not required to include stenographic or verbatim transcripts.
- c. Council Minutes for Town Archives: Draft, accepted and corrected minutes shall be submitted to the Town Clerk for archives.

18. Public Hearings

- a. The Town of Hooksett follows the NH State statutes (RSAs) and Town Charter in determining when a public hearing is required for agenda items before the Town Council.

Below are the items that require public hearings (these have a public notice in the Union Leader):

- **New or amended Town Ordinances** - notice is per Chapter 231:132-a of the NH Revised Statutes annotated, and section 3.6 of the Hooksett Town Charter
- **New or amended Town Charter** – notice is per NH RSA 49-B:5
- **Accept Donation/Grant/Reimbursement of Funds over \$10,000** – notice per RSA 31:95-b, III (a) (ex. 1) NHDOT Bridge Aid funds reimbursement for the Benton Road Culvert project, 2) FEMA funds for the reimbursement of February 8th, 9th, & 10th 2013 severe snowstorm expenses, 3) New Hampshire Highway Safety Agency grant to allow for 18 DWI/DUI overtime patrols)
- **Accept Donation of Property over \$5,000** – notice per RSA 31:95 e, II (ex. Catholic Medical Center in Manchester NH to the Hooksett Fire-Rescue Department and the Town of Hooksett in the amount of \$14,500.00 (Physio-Control LUCAS 2 device)
- **New or amended Hazard Mitigation Plan**
- **Town Roadway Improvements** – (ex. project alternatives for the roadway improvements design(s) at the Hooksett Hackett Hill Road and Rte. 3A intersection)
- **Discontinuance of Class VI Town Roadway**
- **Conservation Easements** – notice is per NH RSA 36-A & NH RSA 477:45-47

Note: Land use items require 10 day prior public notice in Union Leader and all other items require 7 days.

Public Hearings not required, however Town may conduct out of courtesy (these do NOT have a public notice in the Union Leader):

- **Establishing Town Roadway Speed Limits**
- **Renaming Town Roadways** - (ex. Water Works Drive, Hooksett, NH for the closed off portion/loop of Industrial Park Dr. that will be closed off due to the GE Expansion)
- **Potential Departmental Reorganizations**

Town Council Rules of Procedures

Adopted: 01/10/2001

Amendments

Date Amended	Section Amended
August 14, 2003	Added Section 7-c. Added Section 7-b-1, 2 & 3. Added Section 7-f-2.
January 27, 2010	Changed Section 7-a Scheduled Appointments – added 7 pm. Changed Section 7 - Order of Business - moved Non-Public Session towards the end of the meeting.
March 9, 2011	Changed Section 7 - Order of Business – added Consent Agenda after Agenda Overview and deleted Scheduled Appointment time (7:00 pm). Scheduled Appointments to start immediately after Nominations/Appointments.
October 12, 2011	Added Section 6-c.
November 30, 2011	Changed Section 7-a Agenda Order – Moved “Town Administrator’s Report” up before “Public Input”.
February 22, 2012	Changed Section 7-b Public Input (See file)
August 14, 2013	Changed Section 5. d. sentence 2 “The Chair” to “Any Councilor” Removed Section 5.d. sentence 3 Changed Section 7. d. “spokesman” to “speaker” Added to Section 7.d. “when possible” after “spokesman” Changed Section 7. f. 3. “only if” to “unless” Added Section 8. c. at end, “unless a Councilor requests, in writing, to receive it in electronic format only.”
December 18, 2013	Added Section 11 Community Outreach
May 28, 2014	Added Section 12 Procedure for Adoption of Ordinances pursuant to Section 3.6 of the Charter.
August 13, 2014	<ul style="list-style-type: none"> • <u>Section 2.a - Annually, at the first meeting of the new Town Council – added:</u> <ul style="list-style-type: none"> ○ 1. The Town Clerk shall swear-in all new Councilors as a group. ○ 3. Motion that the Town Council confirms by a roll call vote, that the Town of Hooksett will adopt RSA 31:104, 31:105 and 31:106 to provide immunity and indemnify all Town Councilors, other elected officials, employees, agents as well as appointed officials that serve on committees and boards within the Town of Hooksett; specifically covering immunity from civil liability for discretionary acts, according to RSA 31:104, indemnification for costs of defense of civil suits, according to RSA 31:105 and indemnification for civil rights claims, according to RSA 31:106. ○ 4. Motion to have the Town Council Chair sign ancillary documents as agent to expend as a result of Town Council prior approval of the documents. ○ 5. Motion to adopt the Town Council Rules of Procedures.

- Section 2.c.3 – Council Secretary:
 - d. Changed - Administrative Assistant to Recording Clerk and Added - The posted minutes shall have an attachment of the overview sheet of the Council reading file and Council Chair signed ancillary documents.
- Section 3 – Council Meetings:
 - c. Added - A quorum of the Council for the transaction of any business shall be two-thirds (2/3) of the members currently in office. The Council shall not recognize a Councilor's electronic method(s) of participation, attendance, or quorum.
- Section 5 – Voting
 - c. removed – ~~On roll call votes, Council Members shall vote alphabetically by last name, said name to be called on a rotating basis so that the name first called at the previous vote shall be name last called for the next vote, with the Chair voting last.~~ Added - Roll call votes shall be in a random alternate order with the last Councilor who made a motion to be the first Councilor to vote on the next roll call.
- Section 7 – Order of Business added:
 - IV. Special Recognitions (after Pledge of Allegiance) and VII. Public Hearings
 - c. changed appointments to applicants and added - Boards and Committees shall receive their respective applications and make recommendations for nominations. Appointment vote for a nominee will be scheduled at the next Council meeting. Nominations and appointments for new July terms shall be at the June Town Council meetings.
 - d. added: -
 - ✓ 2. A scheduled appointment shall not exceed 15 minutes to address the Council unless the Council votes to extend.
 - ✓ 3. Board and Committee applicants shall be invited to attend a Council meeting as a scheduled appointment to state their interest. This meeting shall be either prior to or on the same night of their nomination.
 - ✓ 4. Boards and Committees shall meet at minimum once a year as a scheduled appointment to provide an overview of their activities and member attendance reports.
- New Section 8 – Non-Public Session – Added:
 - a. The Council shall motion to exit in non-public, then motion to seal the minutes of the non-public session as appropriate.

September 10, 2014

Changed Section Section 5 – Voting c. reworded: Roll call votes shall be in a random order with the Chair voting last.

August 12, 2015

-Section 2.A.6 add: Motion to adopt Administrative Code.
 -Section 2.C.3.d add: The Town Council Secretary shall act as clerk of the Council and shall approve unofficial minutes of the meeting recorded by the Recording Clerk. The posted minutes shall include a reference of the page number where the attachment of the overview sheet of the Council reading file and Council Chair signed ancillary documents can be found.
 -Section 3.g. delete: Council members shall be seated in Council Chambers as determined by consensus of the Council ~~advice of the Chair.~~
 -Section 3.g. add: The Chair, Vice-Chair and Secretary shall be seated at the head of the Council table in Chambers.
 -Section 8.b. add: Non-public minutes shall consist of the subject

	<p><u>matter and motions only. No minutes of the subject discussion shall be taken.</u></p> <p>-Section 8.c. add: <u>A councilor not present at the time non-public session minutes are taken shall receive these sealed minutes along with the rest of the Council.</u></p> <p>-Section 8.d. add: <u>Unsealing of the non-public session minutes for the current fiscal year (June 1st to May 31st) shall occur annually at the Council's last meeting in May when, in the opinion of a majority of members, the circumstances that sealed the minutes no longer apply in accordance with RSA 91:3 III.</u></p> <p>-Section 13. Add: <u>Procedure for Town Administrator Annual Evaluation</u></p>
August 24, 2016	<p>Section 2a – added 5,6, 8,9,10,11</p> <p>Section 2c1 d – “Minutes and attachments . . . agenda packet.”</p> <p>Section 3d – added “The Council shall motion . . . meeting is adjourned”</p> <p>Section 8b – added “Non-public . . . past 9:30pm.”</p> <p>Section 9a – added “no later than . . . regular Council Meeting.”</p> <p>Section 14 – new section “Moment of Silence”</p> <p>Section 15 – Clarified “Special Recognition”</p>
November 9, 2016	Section 7 – Order of Business – moved Scheduled Appointments under Special Recognitions
August 9, 2017	<p>Section 7 – Order of Business – added II <u>Proof of Posting</u></p> <p>Section 14 – Added “<u>Standing</u>” to Moment of Silence</p> <p>Section 16 – Reworded: New hires will be invited <u>and encouraged</u> to attend <u>a the Council meeting following his/her hire date</u> when the Town Administrator will announce his/her Department, name and start date with “Welcome to the Hooksett Family”</p>
January 24, 2018	Section 8 Non-Public Session – Added: “Non-public minutes and/or material in possession of Town Councilors at a Council meeting shall be handed into the Administrative Services Coordinator at the end of the meeting for shredding of confidential information.”
March 28, 2018	<p>Section 2c3d – Council Secretary – further defined responsibility to review draft (unofficial) minutes</p> <p>Section 17 – Approval of Minutes – added entire section to further defined Council process to approve minutes</p>
April 11, 2018	<p>Section 5c,d,e – Roll Call Votes – further defined Council roll call votes</p> <p>Section 18 – Public Hearings – added entire section to define Council public hearings</p>

Staff Report

Title: Town Administrator Goals 07/01/18-06/30/19

Date: 08/22/2018

Background Discussion of Issues
The Town Council, at their annual workshop of 08/08/18, discussed the Town Administrator's goals for period 07/01/18 – 06/30/19; nine (9) goals were drafted.
Recommendation (Including Suggested motion, if appropriate)
Motion to establish the Town Administrator's goals for fiscal year 07/01/18 – 06/30/19 as presented.
Fiscal Impact
To be determined.
Prepared By: Donna Fitzpatrick, Administrative Services Coordinator
Town Administrator's Recommendation

ADDENDUM TO TOWN ADMINISTRATOR EVALUATION FOR PERIOD JULY 1, 2017 – JUNE 30, 2018

Town Administrator Tangible Goals for 2018/2019.

Goal 1: Old Town Hall – complete project sooner.

Goal 2: Find new Director of Public Works and Town Engineer.

Goal 3: Solve Parks & Recreation despite no full-time Director – solutions.

Goal 4: Evaluate new hires under probationary period.

Goal 5: Evaluate the current Town Fire Department needs based on data on number of fires and ambulance calls.

Goal 6: Work with SNHU to determine if PILOT (payment in lieu of taxes) is appropriate.

Goal 7: Create a Community Development guidebook for developers as a checklist for compliance with Hooksett requirements to promote continuity of developments in town.

Goal 8: Promote Hooksett to “go green”. Evaluate the potential to expand for expanding alternate providers for utilities in Town (i.e. alternate to Comcast).

Goal 9: Work with the Hooksett Sewer Commission on the evaluation of a warrant article for a TIF District.

Town Administrator

Date

Town Council Chair

Date