



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

1. CALL TO ORDER

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

2. PROOF OF POSTING

Finance Director, Christine Soucie, provided proof of posting.

3. ROLL CALL #1

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

Missed: Councilor Timothy Tsantoulis, Councilor Robert Duhaime

4. PLEDGE OF ALLEGIANCE

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

5. SPECIAL RECOGNITIONS

5.a Hooksett Municipal Employees – New Hires

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

6. SCHEDULED APPOINTMENTS

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

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

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

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

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

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

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

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

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

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

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

7. APPROVAL OF MINUTES

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

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

8. AGENDA OVERVIEW

9. PUBLIC HEARINGS

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

[031418 DOJ Public Hearing.doc](#)
[DTF staff report 2018.docx](#)

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

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

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

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

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

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

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

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

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

10. CONSENT AGENDA

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

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

11. TOWN ADMINISTRATOR'S REPORT

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

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

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

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

12. PUBLIC INPUT - 15 MINUTES

13. NOMINATIONS AND APPOINTMENTS

14. 15 MINUTE RECESS

15. OLD BUSINESS

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

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

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

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

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

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

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

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

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

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

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

Councilor Giotas said he agreed with Councilor Miville concerning use of leave and trips out of the country. He said justification should be provided on how it impacts the town and the employee. Councilor Levesque reminded everyone that the former Police Chief went to FBI training for an extended period and asked how that was paid for. He said any training or development should benefit the town. Councilor Winterton said he was hesitant to include language in the Personnel Plan that could put the town at risk. Certain statements must be evaluated by legal and human resources.

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

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

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

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

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

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

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

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

16. NEW BUSINESS

16.a March 13, 2018 Elections

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

16.b Discussion on Recycling Markets

[Staff Report - Recycling Markets-Glass.docx](#)

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

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

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

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

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

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

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

17. SUB-COMMITTEE REPORTS

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

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

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

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

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

18. PUBLIC INPUT

19. NON-PUBLIC SESSION

At 10:10, the Board went into non-public session.

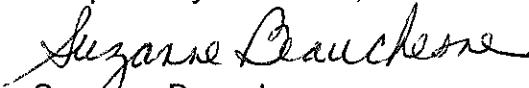
19.a NH RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her.

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

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