



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

**1. CALL TO ORDER**

Chairman Sullivan called the meeting to order at 6:10 p.m.

**2. PROOF OF POSTING**

Dr. Dean Shankle, Town Administrator provided proof that the meeting notice was posted on 3/21/18.

Chairman Sullivan called a moment of silence for Anthony Donati, a lifelong resident of Hooksett, who recently passed away. Mr. Donati was an accomplished accordionist and active in the Hooksett community. He established the Fire Department and served as a volunteer firefighter for many years.

**3. ROLL CALL #1**

**In attendance:** Councilor John Giotas, Councilor Timothy Tsantoulis, Councilor James Levesque, Councilor Alex Walczyk, Councilor Marc Miville, and Chairman James Sullivan

**Missed:** Councilor Donald Winterton, Councilor Robert Duhaime, Councilor David Ross

**4. PLEDGE OF ALLEGIANCE**

**5. SPECIAL RECOGNITIONS**

5.a Hooksett Municipal Employees – New Hires

Dr. Shankle reported that William Porter started work as a truck driver/laborer within the Department of Public Works.

**6. SCHEDULED APPOINTMENTS**

**7. APPROVAL OF MINUTES**

7.a Public: 02/28/18

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

*Councilor Tsantoulis moved, second by Councilor Levesque, to remove from the table approval of the February 28, 2018 meeting minutes. Motion passed unanimously, 6-0.*

*Councilor Tsantoulis moved, second by Councilor Levesque, to re-table approval of the February 28, 2018 meeting minutes. Motion passed unanimously, 6-0.*

7.b Public: 03/14/18

*Councilor Tsantoulis moved, second by Councilor Levesque, to approve the Town Council meeting minutes of March 14, 2018, as amended. Motion passed 5-0-1 [Councilor Tsantoulis abstained].*

## **8. AGENDA OVERVIEW**

## **9. PUBLIC HEARINGS**

## **10. CONSENT AGENDA**

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

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

[Audit & Grant terms.pdf](#)

*Councilor Miville moved, second by Councilor Levesque, to accept/approve the Consent Agenda as presented. Motion passed unanimously, 6-0.*

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

Dr. Shankle reported that 15 Mount St. Mary's Way, Unit #202 is subject to tax deeding for the unpaid property tax lien for the levy year of 2014. The property was given a tax waiver in May of 2017 by the Council while research was being conducted. The property owner has passed away and no probate has ever been opened for this property. Back taxes owed amount to \$22,068.74 and, according to the condominium association, there are approximately \$30,000 in condominium fees left unpaid. The condominium association has signed an agreement stating they are willing to work with the town during an auction process and will not charge the town for any condo fees for six months. Also, if the sale of the unit goes beyond six months, they are willing to work with the town so long as the town can demonstrate willingness to sell. Dr. Shankle said town counsel's recommendation is to sell Unit 202 at 15 Mount St. Mary's Way. Dr. Shankle said if the property is sold at auction with a minimum bid requirement the town would be able to recover all back property taxes as well as legal and auction fees. The amount of property taxes as of March 28, 2018 (\$22,069.74) is subject to daily interest. He expects the property will sell quickly.

*Councilor Levesque moved, second by Councilor Tsantoulis, to permit Dr. Shankle to work with the Town Attorney and an auction firm to sell 15 Mount St. Mary's Way, Unit 202 at auction, and work with the condo association if the process of sale takes more than six months. Motion passed unanimously, 6-0.*

Dr. Shankle indicated that Bonnie Smith was hired part-time as DPW secretary and one police officer, Michael Carpentier will be leaving. Mr. Carpentier was recently chosen as Officer of the Year. Donna Fitzpatrick will conduct an exit interview on April 2<sup>nd</sup>.

Donna Fitzpatrick reminded the Councilors of an upcoming Municipal Association workshop being held on several dates and locations. The closest to Hooksett will be held in Concord

on June 2<sup>nd</sup> from 9:00 a.m. to 4:00 p.m. The workshop is available to all elected and appointed officials of the town.

Ms. Fitzpatrick also indicated that the town will enjoy a 2.5 percent discount since the town is meeting its federal and state compliance with workmen's compensation claims which amounts to a total of \$11,000 in savings.

Dr. Shankle read a letter received from the Food Pantry Operating Committee thanking the Council for their continued generosity in allowing them to use space and reported on the numbers of people helped by the program.

Dr. Shankle reported that a letter from the Commissioner of the NH Department of Transportation was received indicating that Hooksett no longer has any town and state bridges on the "red list". Councilor Tsantoulis commented that the report likely doesn't include railroad bridges.

Dr. Shankle stated that there was a question raised on how a determination is made to close the town offices on snow days. He said they generally talk to Police and DPW; they watch weather reports and if enough snow is falling that requires plowing, he doesn't believe "we should be a traffic nuisance". He said recent March storms have all been major and in his six years with Hooksett, this is the first time there have been such a complaint. He said if the Council wishes to set a policy that "we're never going to be closed", the driveway will still need to be plowed. Donna Fitzpatrick added that administration also has to consider "risk management" to the town which could be very costly. Councilor Miville said a citizen commented: "why not open on Friday; there is work to be done". Dr. Shankle said that by closing early on Friday and staying open later on Wednesday, "everybody is still getting paid for the same number of hours". He said the difference is staff used to take a half hour of their lunch paid and the other half hour unpaid. Some are now not taking the half hour unpaid lunch. Dr. Shankle said he understands the change in hours on Wednesdays and Fridays is working out well.

On the matter of training, Dr. Shankle said if the Council doesn't like a decision that he has made, or feels he has made a mistake, that should not trigger a re-write of the policy as written on Page 36 of the Personnel Policy Manual. He said that while the Council may not like the Exchange Program, he doesn't feel there is a need to change a policy because of one incident that has occurred over the last six years. Chairman Sullivan said a motion was made at the Council meeting of March 14<sup>th</sup> having to do with definitions between personal and professional development. Dr. Shankle described the difference between personal and professional development and said he didn't see a need for a change.

Councilor Miville said it is a serious matter and he is concerned that the citizens are not benefitting by professional development that includes foreign travel. He suggested that the Council consider asking more precise questions about the paid off time trip and have a plan regarding personal and professional development. He said the Council needs to get more detailed description of proposed training that is being paid for by taxpayers. Chairman Sullivan read the motion made at the March 14<sup>th</sup> meeting and said if the Council wants to change the policy, a motion is required. Councilor Miville said he will drop the subject since he doesn't have the votes.



Councilor Miville said he will be attending a meeting tomorrow at the Legislative Office Building in Concord regarding SB 438 dealing with town moderators having local control during snow storms. The hearing is at 1:15 p.m. in Room 305. Dr. Shankle said the current law has no provision for anyone to change Election Day. He said he understands that the Secretary of State's position has been that he is not allowed to change the date of the election and this legislation would allow at least the Secretary of State to make that decision. Councilor Miville said that on bad weather days people should stay off the road and that RSA 40 allows for local control. Dr. Shankle said he believes the Secretary of State's point of view is that local control applies to town meetings. He said "once you're voting by ballot, you no longer have a town meeting; there is an election. Chairman Sullivan said that prior to the town charter, the town meeting day was to elect officers and a separate meeting was held to vote on warrant articles. Councilor Miville said "our election could have waited; safety has to take precedent".

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

## **13. NOMINATIONS AND APPOINTMENTS**

Chairman Sullivan said it was time to start preparing for nominations and appointments to committees/commissions. Councilor Miville asked if most elected positions started on May 1<sup>st</sup> or was it just the moderator position whose term expired on April 30<sup>th</sup>. Dr. Shankle said administration will look at the specifics. Donna Fitzpatrick referred to Section 11.3 of the Charter.

Councilor Miville said the moderator position starts May 1<sup>st</sup> so he will tender his resignation as Councilor effective April 30<sup>th</sup>, though his term as Councilor goes to June 30<sup>th</sup>. Chairman Sullivan said the Council will need to appoint a District 4 Councilor within 30 days of Councilor Miville's resignation in accord with Section 3.3 of the Charter and since one cannot serve as a Council member and moderator. He said Mr. Durand was certified as the winner. His intention would be to vote for Mr. Durand so that his term could extend beyond the two month period of May 1<sup>st</sup> through June 30<sup>th</sup> presuming Mr. Durand is willing to serve his three year term. Dr. Shankle advised to first find out if Mr. Durand intends to serve. Staff have been unable to reach him to date.

## **14. 15 MINUTE RECESS**

## **15. OLD BUSINESS**

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

Christine Soucie, Finance Director, came forward to indicate that the town is required to complete the State Form MS-232 that informs the state on the gross appropriations that were passed at town meeting. She said the revenues are reported to the state in the Fall.

*Councilor Tsantoulis moved, second by Councilor Miville, to accept and sign the 2018 MS-232 Report of Appropriations Actual vote totaled \$24,861,418. Motion passed unanimously, 6-0. All Councilors signed the form. Director Soucie said the estimated town share of the Tax Rate is \$7.01. This is an estimated increase of \$0.18 per \$1,000 over the current town share of \$6.83.*



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

Diane Boyce, DPW Director came forward to discuss with the Council the possibility of raising the tuition for the Fun in the Sun (FS) program. Director Boyce said that the Council voted to support the base tuition for the FS program for \$125 based on the budget which included a \$12,500 subsidy. The subsidy is not included in the default budget voted on by residents at the March 13<sup>th</sup> election. Director Boyce further stated that without the subsidy, tuition will have to be raised to \$135. She said if there is a deficit, funds can be taken from the recreation revolving fund. Registration for day camp will begin on Monday. Chairman Sullivan asked if the 2.5 percent savings in health could be used to cover most of the \$12,500 subsidy. Councilor Tsantoulis suggested that adding \$10 to the fee is still a viable option – still a good deal. Councilor Giotas said he was inclined to stick with the \$125 and perhaps cut out some of the more expensive trips.

Dr. Shankle said they haven't hired people; Director Boyce is still doing the work. He said the entire budget failed because of FS. This matter has frustrated him for years. He said adding FS program responsibilities to the position of DPW Director will limit the number of applicants for the position.

Councilor Miville said seeking sponsorships and fundraising could make it less costly. Parents do want the program to be self-funded. He said he is okay with using the health savings from the Parks and Recreation Revolving fund of \$12,000 provided it is a one-time occurrence. He added that parents need to start saving now. Councilor Giotas asked how much it cost to run the program. Director Boyce said with the new software program they are better able to monitor their time but she did not have a cost. Dr. Shankle said they are not hiring the people they need, and "we're talking about a 25 percent increase this year over last year – if that doesn't affect the number of people that come, we should raise the price." Chairman Sullivan said he was inclined to keep the fee at \$125 and decrease field trips as necessary. *Chairman Sullivan moved, second by Councilor Walczyk to maintain the cost to attend the FS at \$125. Motion passed unanimously, 6-0.*

Director Boyce said sign-up starts on Monday so that in September they will know what the costs are. Director Boyce said approximately 120 campers signed up last year for 4<sup>th</sup> of July week. Dr. Shankle said they will take everything they can out of the revolving fund and they will not subsidize.

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

Dr. Shankle stated that they are still working on getting bids but until "we know the costs, we can't decide what to do". Chairman Sullivan asked that the Council be kept updated on progress.

15.d Town Moderator - Town Board/Committee membership

Councilor Miville said he is an active participant in town affairs and he understands that as town moderator one must remain neutral but "I don't lose my right to speak". He said the town charter is prohibitive and more restrictive than state law and he will be restricted from



doing anything he wanted to do. Councilor Miville said he spoke with Attorney Steve Buckley last Friday and went over all the rules.

He said he would have liked to have stayed on the Economic Development Committee. Mr. Buckley advised that he could do some private work for the chamber of commerce. He said the Council can expect him to come and speak up. He understands the Council voted to not change the rule last year but he'd like the Council to offer a rule of reason applied to the statute. Chairman Sullivan said with Cindy Robinson it was clear that she could not serve as moderator at the same time as serving on the Conservation Commission. She preferred to continue her service on the Conservation Commission. Dr. Shankle said the charter and people have voted to have the moderator involved in nothing else in town and he doesn't think it is appropriate to start picking and choosing. Councilor Tsantoulis suggested the matter be taken up at a later date with the town attorney present.

## **16. NEW BUSINESS**

16.a Town Council Minutes - draft to final acceptance

[Staff Report - Town Council Minutes - Draft to Final Acceptance.docx](#)  
[RSA91A-TC Minutes 032818.pdf](#)

At its last meeting, the Council asked for clarification on the process and timeline in making corrections to meeting minutes. Chairman Sullivan asked specifically if we go back several weeks to make changes to the minutes. Donna Fitzpatrick went over the current process as listed on the attached staff report.

Councilor Miville said according to Attorney Buckley, approved minutes should be attached to draft minutes and when correcting an approved version of the minutes, the third version gets attached to the draft and approved copies. Councilor Miville read Robert's Rules but Chairman Sullivan said the Council does not act in accord with Robert's Rules..

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

Councilor Walczyk said they need nominations for Youth Achiever

Councilor Giotas said a conservator is coming to look at the Indian Mural to see if it needs to be cleaned.

Dr. Shankle said a question for the Heritage Commission and Historical Society is the notion that Mount St. Mary's was built as a private residence. The fact is it was built in 1906 by the Sisters of Mercy as Mount St. Mary's College and was the first private women's school in NH.

Councilor Miville said the Economic Development Committee met. It was a fascinating meeting. Mr. McEneny, a grant writer. The Parks and Recreation Advisory Board asked whether a part-time recreation director could be hired even though a full time director was not approved by residents. Dr. Shankle said the position would have to be paid for from the Recreation Revolving Fund. He said the Council approved the job but they couldn't find anyone to do it. Dr. Shankle said he would not consider doing that unless directed to do so by the Council.

Councilor Miville brought up the construction of a pavilion and that an official charge should be developed. Chairman Sullivan said the Parks and Recreation Advisory Board has been charged with considering the matter; its size, scope and cost.

Councilor Levesque said the Recycling Committee met last night. Residents have accepted pretty well placing glass with other trash. He said it seems to be "moving along all right".

#### **18. PUBLIC INPUT**

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

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

***J. Sullivan motioned to enter non-public session of 03/28/18 at 8:55pm. Seconded by T. Tsantoulis.***

#### **Roll Call**

M. Miville - yes

J. Levesque - yes

A. Walczyk - yes

J. Giotas - yes

T. Tsantoulis - yes

J. Sullivan - yes

***Vote 6 in favor.***

*T. Tsantoulis motioned to exit non-public session of 03/28/18 at 9:15pm. Seconded by J. Giotas. Vote unanimously in favor.*

*M. Miville motioned to seal the non-public minutes of 03/28/18. Seconded by T. Tsantoulis. Vote unanimously in favor.*

#### **PUBLIC SESSION CONTINUED AT 9:15pm**

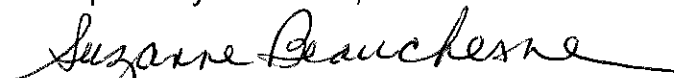
*J. Sullivan motioned that the Council, as recommended by the Town Administrator and per Town Charter Section 4.6, advises and consents to Abby Reeves for a conditional offer of employment as the new Family Services Director. Seconded by T. Tsantoulis. Vote unanimously in favor.*

#### **20. ADJOURNMENT**

*J. Sullivan motioned to adjourn the public session of 03/28/18 at 9:19pm. Seconded by T. Tsantoulis. Vote unanimously in favor.*

**NOTE:** The town website may have attachments to these Town Council minute 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,

A handwritten signature in black ink, reading "Suzanne Beauchesne". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Suzanne Beauchesne  
Recording Clerk