



**TOWN COUNCIL MINUTES - OFFICIAL  
Regular Meeting  
Wednesday, April 11, 2018  
6:00 PM  
Council Chambers**

**1. CALL TO ORDER**

Chairman James Sullivan called the meeting to order at 6:02 p.m.

**2. PROOF OF POSTING**

Dr. Shankle provided the proof of posting.

**3. ROLL CALL #1**

**In attendance:** Councilor Donald Winterton, Councilor Timothy Tsantoulis, Councilor James Levesque, Councilor Robert Duhaime, Councilor Marc Miville, Councilor David Ross, Chairman James Sullivan. Councilors John Giotas [arrived at 6:26] and Alex Walczyk [arrived at 6:06]

**4. PLEDGE OF ALLEGIANCE**

**5. SPECIAL RECOGNITIONS**

5.a Hooksett Municipal Employees - New Hires

**6. SCHEDULED APPOINTMENTS**

6.a Conservation Commission Activity Update

Steve Couture, Chair of the Conservation Commission came forward. He indicated that he had served on the Conservation Commission for 19 years and thanked the Council for their continued support over the years.

Councilor Alex Walczyk arrived at 6:06

Mr. Couture highlighted a number of projects included in the Conservation Commission's 2017-18 Annual Report [attached]: Bio Control and New Benches for Hooksett Riverwalk Trail, Trail Enhancement Plan and Kiosk, Pinnacle Park, Clay Pond Conservation Area, Kiosk and Easements, and Timber Harvest at Laurel Road Conservation Property. Councilor Winterton asked if students outside of Hooksett could participate in educational site visits on the Riverwalk Trail. Mr. Couture said "we'd have to put some work into it but they could work with the Society for the Protection of NH Forests". He suggested that any teachers interested should contact him directly. Chairman Sullivan thought that retired teachers might be interested in helping out. In response to Councilor Levesque, Mr. Couture said the trail was not suitable for off-road vehicles.

Mr. Couture went over the proposed parking easement on Chester Turnpike that was negotiated through the Planning Board process then fell through. The Commission still

wanted to develop parking and discussed the situation with the then town engineer [see attached design]. The commission received a legal opinion stating that within the right-of-way, they could create eight parking spaces on the Class VI road and classify a certain section for emergency access. He said abutters expressed concerns at their March meeting. Mr. Couture said that at their meeting on Monday night, the commission decided they wanted to move forward to develop the parking area within the Class VI road and at an appropriate time bring to the Council for approval. He said a lot of issues were brought up that need to be considered. If they are able to move forward, they will need to hire a consultant and make sure of what the commission/town can and can't do.

Councilor John Giotas arrived at 6:26.

Dr. Shankle said that he and Director Boyce have concerns and since the issue is not on the agenda, the Council, per its rules, is unable to discuss the matter tonight. He and staff will work with the commission. Mr. Couture said it wasn't his intent to get Council discussion tonight.

Councilor Miville asked again about the possibility of getting a park bench or picnic table on top of the Pinnacle. Mr. Couture said they continue to work with the stewardship plan and haven't gotten to that point yet. Councilor Ross said that David Hess is stepping down from serving on the commission. Mr. Couture said because of the amount of time served, recognition from the Council would be appreciated.

Chairman Sullivan thanked Mr. Couture for a thorough report and expressed appreciation for all of the work done by the Conservation Commission.

6.b Zoning Board of Adjustment Activity Update – No Appearance

6.c Matt Lavoie, Code Enforcement Officer - Hooksett Blight Properties

Matt Lavoie, Code Enforcement Officer, came forward. Chairman Sullivan said the Council was interested in learning the process taken relative to abandoned homes/buildings. Mr. Giotas added that the Council was also interested in how properties that are not abandoned but have become a public nuisance are handled – and many are still paying taxes.

Mr. Lavoie said that he's been with Hooksett for five years come August and when he was hired he was directed to not go looking for things like this and his plate is full. He said he follows state law and he was hesitant to go into details in such a public forum. He said people do have property rights and while some live in blighted or ugly homes, he first checks if there is a violation of any zoning regulations. Then he checks if taxes have been paid and for most such properties, taxes are being paid. He said some work sites are in bad condition but he has to take a look at the town as a whole. It's a case-by-case situation.

Councilor Tsantoulis cautioned about being careful with personal property, especially if they are paying taxes. He said it is not this body's responsibility to police appearance; hazard is another issue. Councilor Ross said there is a difference with commercial properties where "we do have a say on how it looks". Sign ordinances must be followed, for example. Mr. Lavoie said appearance is not covered by state law. Unless it is a violation, he doesn't actively go looking for violations because it takes a lot of time. Councilor Miville said if a business closes, it is required for them to take down their sign. Mr. Lavoie said "no, it is not.

The Supreme Court has ruled that you can't ban a sign on content". Dr. Shankle said they encourage them to keep the signs up so the next owner can use it.

Chairman Sullivan thanked Mr. Lavoie for coming in.

## **7. APPROVAL OF MINUTES**

7.a Public: 02/28/18

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

7.b Non-Public: 03/14/18

*Chairman Sullivan moved, second by Councilor Ross, to remove from the table the Town Council meeting minutes of February 28, 2018. Motion passed unanimously, 9-0.*

*Chairman Sullivan moved, second by Councilor Ross, to approve the Town Council meeting minutes of February 28, 2018, as amended. Motion passed, 7-0-2 [Councilors Winterton and Miville abstained].*

7.c Public: 03/28/18

[TC Minutes 032818-U.docx](#)

7.d Non-Public: 03/28/18

*Councilor Giotas moved, second by Councilor Winterton, to approve the Town Council meeting minutes of March 28, 2018, as amended. Motion passed 6-0-3 [Councilors Ross, Winterton, and Duhaime abstained].*

*Councilor Miville moved, second by Councilor Giotas, to approve the Town Council non-public meeting minutes of March 28, 2018, as presented. Motion passed 6-0-3 [Councilors Ross, Winterton, and Duhaime abstained].*

## **8. AGENDA OVERVIEW**

## **9. PUBLIC HEARINGS**

## **10. CONSENT AGENDA**

10.a Motion 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.

*Councilor Winterton moved, second by Councilor Duhaime to table 10.a. Motion passed*

[Staff Report - PSTC Stipend Reimbursement.docx](#)  
[20180323145852161.pdf](#)

10.b Accept the donation of a Cheever Painting valued under \$5,000 from the Hooksett School Administrative Unit to the Town of Hooksett per RSA 31:95-e II

*Councilor Winterton moved, second by Councilor Duhaime. Motion passed.*

[staff report - accept painting donation.docx](#)

The Chairman adjusted the agenda to take up public input prior to the Town Administrator's Report.

## 12. PUBLIC INPUT - 15 MINUTES

Mr. Frank Jones of Arrowhead Drive in Bow came forward on behalf of his elderly in-laws who are lifelong residents of Hooksett, District 4 (Green Street). Mr. Jones said he is a professor of law enforcement and asked that the Council reconsider actions taken and noted in the minutes of the Council meeting of November 16, 2016 wherein the Council decreased the asset limit for Elderly Exemptions from \$350,000 to \$160,000 to be effective with the 2018 revaluation. Mr. Jones read the three votes taken at the November 16, 2016 Council meeting as follows:

As a veteran he thanked the Council for increasing the veterans tax credit but he was predominantly concerned about the first two motions and asked the Council to reconsider their vote and look at threshold not that it go back to the \$350,000 but that it be a more reasonable figure. He went on to say that many elderly have stagnant income levels and don't have opportunities to increase their income.

Chairman Sullivan thanked Mr. Jones for his comments.

Mr. Stan Stark of Chester Turnpike came forward. He read a prepared statement [attached] opposed to the parking on Chester Turnpike. He said interacting with the Conservation Commission has been great and asked the Council to reconsider where the parking area will be placed.

## 11. TOWN ADMINISTRATOR'S REPORT

Dr. Shankle reported as follows:

- At the Council's request, a letter was drafted for the Zoning Board of Adjustments to forward their recommendation against the SNHU sign. ZBA met last night and SNHU withdrew their proposal.
- The Police Chief would like to be involved with the SNHU Committee. Councilor Winterton will follow up.
- There will be leadership training for staff on May 22<sup>nd</sup> in Cambridge. They offer training for committees as well on how to facilitate meetings.
- There have been two new hires; Alex Diaz as a full time DPW truck driver. He started on Monday. Police Officer Carpentier went to Salem for a better salary. He received DPW Director Boyce's resignation effective January 9<sup>th</sup>, 2019.
- Dylan LaCoste of Troop 292 will be presented with the rank of Eagle Scout on May 19<sup>th</sup> at 5:30 p.m. A certificate will be prepared. Councilors should let Donna Fitzpatrick know if they are able to attend.
- All got an email regarding Old Home Day. The committee wants to do the fireworks on Friday evening instead of Saturday. Dr. Shankle has talked with staff and they will do it on Saturday night if the Council is okay with that. *Councilor Tsantoulis moved, second by Councilor Duhaime, to authorize DPW staff to handle the fireworks on Saturday. Motion passed unanimously, 9-0.*

- Finance Director, Christine Soucie, has recommended financing the Safety Center improvements for \$752,500 and the Fire Pumper Truck for \$350,000 both of which were approved at the March town meeting using the NH Municipal Bond Bank. Bids came in as follows:

Institution	SC Improvements	Fire Pumper Truck
NH Municipal Bond Bank	2.75%	2.75%
City National Bank	3.49%	3.49%
Northway Bank	3.65%	3.625%
Tax Exempt Leasing	3.90%	3.68%
Citizens Bank – State Bank	4.31%	4.21%

*Councilor Winterton moved, second by Councilor Duhaime, to authorize using the NH Municipal Bond Bank to finance the Safety Center improvements and the Fire Pumper Truck. Roll Call #2: Councilor Duhaime-yes, Councilor Miville-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 read a letter sent to Fire Chief Burkush commending a number of departmental staff and Bass Pro Shop regarding an incident of cardiac arrest on March 18<sup>th</sup>.
- Fun in the Sun registration has been open since last Monday – highest week had 75; lowest 51. Registration are not coming in as quickly as in the past. Registration for out of town folks will open on May 1<sup>st</sup>. In response to Councilor Winterton, Director Boyce said they had found a Fun in the Sun Director.
- Councilor Miville submitted his resignation from the Hooksett Town Council effective April 30, 2018 in order to start elected term as Town Moderator. *Councilor Winterton moved, second by Councilor Walczyk, to accept Councilor Miville’s resignation with appreciation and regret. Motion passed unanimously, 9-0.*

The Council packet included Councilor Miville’s written resignation wherein he suggested a number of Charter changes be considered at the Council’s July workshop. Councilor Winterton suggested a review of all Charter recommendations. He said one that he will support is eliminating district voting for councilors. Councilor Winterton said district voting is not benefitting the town and eliminates some residents who would like to be of service. Donna Fitzpatrick indicated that in the July workshop the full Council reviews the Charter and other policies. Chairman Sullivan said to proceed with the normal process.

Chairman Sullivan stated that the Kiwanis Club chose Donna Fitzpatrick as “Employee of the Year”. Councilors applauded this honor and thanked Donna for her dedicated efforts.

Councilor Miville brought up the cable company contract for franchise fees be placed on the next meeting agenda for discussion. Dr. Shankle said the way the town handles the franchise fee is that it goes on the budget as income; it’s revenue to the town and those funds reduces the tax rate by whatever amount. He said some want to spend the money for

specific things so that means the tax rate will go up, and it has never been separated at all. It's just another revenue source.

Councilor Ross weighed in stating that money has been spent on cameras, online programs, etc.. He said he understands the concern on earmarking but perhaps a separate budget line should be included. Councilor Miville said he would like to be done with the franchise fee which is a bookkeeping accounting maneuver. He questioned how Hooksett citizens are benefitting; they would be paying taxes on the \$140,000. He said "escrow it or put it in a specific fund to be committed to lowering the tax rate". Comcast subscribers are currently assessed a fee for the sole purpose to reduce tax rate.

Chairman Sullivan said if the town is collecting access fees, the intent is to provide cable access. He said "if they don't have to take it out, we can take a percentage". Councilor Ross said "it's an unfair hidden tax and our own people are paying this money; not the cable company". Chairman Sullivan said the topic requires additional discussion and asked that it be included as an agenda item at a future meeting.

Councilor Miville said he is "not happy with ten year thing and three percent". He said the matter was voted down four times by residents.

### **13. NOMINATIONS AND APPOINTMENTS**

### **14. 15 MINUTE RECESS**

### **15. OLD BUSINESS**

15.a 48 Pine Street Map 5 Lot 86

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

Diane Boyce, DPW Director came forward to indicate that the Council had been approached about a well located at 48 Pine Street that does not comply with the requirements of the town's development regulations because the entire 75' well radius was not located entirely within the boundaries of the premises. The town attorney has suggested that the town accept the well radii release form in lieu of the previously approved well radii easement. Chairman Sullivan said there was no need to rescind the February 28<sup>th</sup> motion on the matter since the motion was conditional; hence, it becomes null and void.

Councilor Ross said his concern with allowing this is that others will do the same thing. Councilor Tsantoulis said he was more concerned with the ramifications to the homeowner. Dr. Shankle asked why this was coming to the Council without a recommendation from the Planning Board.

*Councilor Winterton moved, second by Chairman Sullivan, to direct the Town Administrator to send a note to the Planning Board to provide an opinion on the matter. Chairman Sullivan moved, second by Councilor Ross, to table the motion. Motion passed unanimously, 9-0.*

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

Mr. Shankle said that DPW Director Boyce has the final design submission which must be sent to the state for their approval. Expects to go out to bid in the middle of May and is concerned we'll not be able to encumber funds if there is no contract before July 1<sup>st</sup>.

Councilor Winterton suggested that the Town Administrator send a letter to their state senator and representatives as well as the Department of Transportation and perhaps the Governor. Dr. Shankle said he'll draft a letter to the engineer who is going to be doing the review and copy all others. All were in favor.

#### 15.c New Pedestrian Bridge Update

Diane Boyce, DPW Director, said work should be completed in two weeks. She said the town has received two more requests for conduits. Both companies would work with DuBois and King. Chairman Sullivan asked why that would be allowed without a fee. Councilor Tsantoulis said that companies pay dearly to have access to utility polls so it is advantageous for the town since they can charge them to use that at some point in the future. *Councilor Winterton moved, second by Councilor Walczyk, to direct the Town Administrator to work with the consultant engineer to bring back a proposal for any additional conduit added to the bridge.* Councilor Winterton said "we have a valuable piece of property; we shouldn't give away to commercial entity without charging a fair price". He continued saying that all resident have paid to put up that bridge and a vendor would be surprised if we didn't charge for this access. *Motion passed unanimously, 9-0.*

### 16. NEW BUSINESS

#### 16.a Discussion on Town Event Permitting Process [Staff Report - Event Permitting Process Discussion.docx](#)

DPW Director, Diane Boyce, said that she and Dr. Shankle met with Andy Janosz who asked if there might be a better way to keep town hall neighbors better informed of special events and changes made in the Donati Park area, possibly by adding to the application and permit process. The neighbors are looking to add approval by the Town Council which would require a public hearing; hence, providing neighbors with an opportunity to express their concerns and ideas. Dr. Shankle is opposed to the idea as this process would be applicable to all event applications and politicize every permit. Diane Boyce suggested having Mr. Janosz come forward. He said he and his neighbors would like to be notified of any special events occurring in the Donati Field area. Councilor Miville said that properties abutting Donati Field makes their situation unique and they have now developed their own group to inform each other. He said for the football jamboree, the place swells and the neighborhood is not informed.

Dr. Shankle said the football jamboree and other such events are HYAA events. Director Boyce said all HYAA events are on the town website. Councilor Ross said the jamboree and other such events should be on the town website in the event calendar section. Mr. Janosz said once it's on the calendar, it has already been approved. He said he and his neighbors are looking for a more formal process.

Dr. Shankle asked where is the breakdown and what problems have not been addressed? Councilor Winterton thanked Mr. Janosz for coming in and indicated that there is a concern that if the Council starts picking out groups that want to be notified of all events, "are we

putting ourselves at risk”. He suggested that Mr. Janosz’ input, as well as his neighbors’ input is when you vote. He said no one put their names on the ballot for District 4.

Dr. Shankle said any event permits they receive will be placed on the website. Councilor Tsantoulis said he feels Dr. Shankle is heading in the right direction in that this is a “shared responsibility”. Residents needs to be more diligent in finding the information and he encouraged Mr. Janosz and his neighbors to go on the website. This will be a lot easier for everyone. Councilor Walczyk said he agreed with Councilor Tsantoulis and was not entirely sure how he feels about permits appearing on the website.

16.b Public Works Director Job Description  
[Staff Report PW Director Job Description 041118.docx](#)  
[PW DIR 041118.docx](#)

Councilor Tsantoulis moved, second by Councilor Duhaime, to approve the Public Works Director job description as presented. The Council reviewed the document and made the following suggested change: add “preferred” to the CDL requirement and a blurb such as “or an equivalent combination of education and licenses” and to include oversight of the Fun in the Sun program as part of the “other duties as assigned”.

Councilor Winterton indicated that it doesn’t make sense that a DPW Director is running a summer program and he was concerned that qualified people would not apply for the position for this reason. This prompted more discussion about the Fun in the Sun program and the amount of staff time devoted to the program. *A vote to amend the job description was called. Roll Call #3: Councilor Giotas-yes, Councilor Ross-yes, Councilor Walczyk-yes, Councilor Miville-no, Councilor Duhaime-yes, Councilor Tsantoulis-yes, Councilor Levesque-no, Councilor Winterton-yes, Chairman Sullivan-yes. Motion passed 7-2 [Councilors Miville and Levesque opposed].* Dr. Shankle said he is leaving the Town Engineer position open until the DPW Director position is filled.

A motion was made to extend the meeting.

16.c Town Council Public Hearings & Roll Call Votes  
[Staff Report - Town Council Public Hearings-Roll Call Votes 041118.docx](#)  
[PH NHMA 041118.docx](#)

Chairman Sullivan noted that a councilor may request a roll call vote at anytime and that there is a financial threshold requiring a public hearing; that is, \$10,000 to accept donations, grants and reimbursement of funds and \$5,000 to accept donations of property.

*Chairman Sullivan moved, second by Councilor Winterton, to change the town council rules to reflect adding a roll call vote for any items \$10,000 plus, where the subject matter has had a public hearing, and at a councilor’s request. Roll Call #4: Councilor Walczyk-yes, Councilor Levesque-yes, Councilor Ross-yes, Councilor Duhaime-yes, Councilor Miville-yes, Councilor Winterton-yes, Councilor Tsantoulis-yes, Councilor Giotas-yes, Chairman Sullivan-yes. Motion passed unanimously, 9-0.*

*Chairman Sullivan moved, second by Councilor Winterton, that at the conclusion of a public hearing, the Council shall move to adopt the subject of the hearing unless it is tabled. Motion passed unanimously, 9-0.*



16.d Legislative Update - SB384 Town Meetings  
[Legislative Public Hearing SB 438.docx](#)

Councilor Miville went over a written document [attached] he prepared regarding a public hearing on Senate Bill 438 relative to the postponement of local elections.

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

Councilor Miville said the Economic Development Committee has another meeting next week which will be his last meeting. The Parks & Recreation will meet next Tuesday. They will be touring pavilions.

Chairman Sullivan said there was good discussion at the Old Town Hall committee meeting. They are holding off doing additional work until engineering bid has been completed. This prompted discussion about the second floor, engineering bids, and next steps. Chairman Sullivan said the Council may want to consider issuing a warrant article.

Councilor Winterton said fire union negotiation begins a week from tomorrow.

## **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**

*Councilor Levesque moved, second by Councilor Winterton, to adjourn the meeting at 10:11 p.m. Motion passed unanimously, 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