



**TOWN COUNCIL MINUTES - OFFICIAL
Regular Meeting
Wednesday, May 09, 2018
6:00 PM
Council Chambers**

1. CALL TO ORDER

Chairman James Sullivan called the meeting to order at 6:00 p.m.

2. PROOF OF POSTING

Town Administrator, Dr. Dean Shankle, indicated that the meeting post was done on May 2nd, 2018 by Donna Fitzpatrick.

3. ROLL CALL #1

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

4. PLEDGE OF ALLEGIANCE

Following the pledge, Chairman Sullivan welcomed new Council member, John Durand, and reminded everyone to speak into the microphones.

5. SPECIAL RECOGNITIONS

5.a Hooksett Municipal Employees - New Hires – None to report today.

5.b 2018 Citizen of the Year - Jeff Scott
[Staff_Report_2018_COY.docx](#)
[COY.pdf](#)

The Hooksett Lions Club has selected Jeff Scott as the 2018 Hooksett Citizen of the Year. A celebratory ceremony will be held on May 18th at the Puritan Conference Center. *Councilor Ross moved, second by Councilor Tsantoulis, to authorize the Chair or his designee to present the Citizen of the Year Proclamation as read at the May 18th Citizen of the Year Dinner and Ceremony. Motion passed unanimously, 9-0.*

6. SCHEDULED APPOINTMENTS

6.a Annual Activity Update - Trustees of the Trust Fund

The three Trustees of the Trust Fund, Henry Roy, Claire Lyons, and the newest member, Linda Krewson, appeared before the Council to provide an annual activity update. Mr. Roy said they are statutorily controlled under RSA 31-25 and their mission is to surpass inflation

and conserve capital which has been done this past year. He said the annual inflation rate was 2.4 percent; their return at year end March 2018 was 3.69 percent and 7.01 for the trust funds. He said the financial advisor engaged by the town seven years ago has done a “decent job for us”. Mr. Roy reported the status and earnings on various accounts. Councilor Tsantoulis thanked the Board members and welcomed the newest trustee. In response to Councilor Duhaime, Mr. Roy said that last year was a better year but they’ve managed to surpass inflation again this year. He added that the rates of return are after fees are paid.

6.b Christine Soucie, Finance Director - Quarterly Financial Report for the Third Quarter of FY 2017-18.

[Quarterly Financial Report 3-31-18.pdf](#)

Finance Director, Christine Soucie, went over the quarterly financial report included in the Council packet. She said the total operating budget is at 73 percent where it should be; total revenue collected amounts to \$5,259,978, or 72 percent. The budget amounts include encumbrances, transfers, grants, and donations approved by Council as of March 31 of each year. Director Soucie went through departmental budgets noting that:

Administration: Actuals are a little lower than last year due to the timing of the liability insurance payment for March. The largest change in the budget is an increase in property liability insurance of \$25,000. The legal line is most volatile, having spent 82 percent of the legal account.

Fire-Rescue: 73 percent spent. The FY17-18 budget has increased just over \$300,000, largely due to a three percent increase in wages and overtime, a one percent increase in the employer share of NH Retirement, two percent increase in health insurance costs, and another two percent in general operations. The department is struggling with vehicle maintenance. Director Soucie said she expects any overage will come from their savings so there shouldn’t be a need for a transfer.

Police Department: trending where they should be; have had six officer turnovers; have four openings currently and the dispatcher position has been filled.

Public Works – Highway Division: budget has increased by \$350,000 over the last three years, with the majority (\$300,000) due to road reconstruction (warrant passed in 2016). Director Soucie anticipates there will be enough funds to cover any shortages

Public Works – Recycling & Transfer Division: this budget has increased \$75,000 over the past three years primarily due to staffing. Health insurance has increased five percent due to employee plan changes and increase in premiums. Director Soucie said there is concern about vehicle maintenance and “we might squeeze by on tipping fees”.

Director Soucie said revenues are looking good; she has no concerns. Motor vehicle registration will hit \$3.4 million; interest and penalties may fall short. State revenue is less in a number of areas; such as, rooms and meals taxes, retirement. Councilor Winterton asked about the impact fee contributions. Director Soucie said road impact fees are collected from developers and homeowners. Councilor Winterton also noted that the Fire-Rescue increase would have been greater had not firefighters been moved to ambulance service. Councilor Duhaime asked about the highway block grant; \$260,000 is waiting to be used. Chairman

Sullivan said a decision on use of those funds will be made within the fiscal year. Director Soucie said there was no chance of losing the funds.

6.c Gianna Valentino

Gianna Valentino of 125 Chester Turnpike came forward to provide her opinion on the resurrection of the K9 unit within the Police Department, and animal control. She referred to meeting minutes of October 11, 2017 and explained the reason why she was not at that meeting. She listed a number of reasons why she feels the town is putting the cart before the horse regarding the K9 Officer position and an Animal Control staffer. She said she'd like to see more data, outcomes, history of incidents, cost-benefit of both positions, and how often canines are used.

6.d Police Chief Janet Bouchard - General Discussion

Police Chief, Janet Bouchard, came forward to answer any questions the councilmen may have. The Chief said in October she didn't want to devote and say they would do it, if they could not. Chairman Sullivan read the relevant section of the October 11, 2017 meeting minutes. The Chief said she was not opposed to an Animal Control Officer but that position and the K9 Officer position are totally separate jobs. She feels that a K9 Officer is more important right now given the drug epidemic throughout the state and in Hooksett. Chief Bouchard said it is a new program being put forth; it is still being established and has the support from the public. Councilor Winterton indicated that Administration and the Council have attempted to limit full time employees at a lean level while providing optimal customer services and since tonight is the first time a citizen has expressed her opinion that an animal control officer is needed, he suggested that Administration evaluate the matter and bring it back to the Council for consideration. Councilor Tsantoulis said it is his understanding that the PD has been doing an outstanding job with the task and it would be difficult to fund such a position. He would need more data to convince him that the position of Animal Control Officer was necessary. Chairman Sullivan said "whether we have animal control and K9, they are separate".

Chairman Sullivan asked the Chief if she had an update on the Firebird Motel situation. She said things were status quo; there has been no uptick in activity.

7. APPROVAL OF MINUTES

7.a Public: 04/25/18
[TC Agenda 042518.docx](#)

Councilor Levesque moved, second by Councilor Tsantoulis, to approve the Town Council meeting minutes of April 25, 2018. Following some discussion, *Councilor Ross moved, second by Councilor Winterton, to table the minutes of April 25, 2018, so that a verbatim transcription could be developed related to the question and answer section on the Lilac Bridge. Motion passed unanimously, 9-0.*

7.b Public: 04/30/18
[TC Minutes 043018-U.docx](#)

Councilor Tsantoulis moved, second by Councilor Walczyk, to approve the Town Council meeting minutes off April 30, 2018, as presented. Motion passed unanimously, 9-0.

8. AGENDA OVERVIEW

9. PUBLIC HEARINGS

10. CONSENT AGENDA

10.a Motion to accept the donation of \$2,500.00 from Monique Cote-Melendez, 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 2017-2018/2018-2019 fiscal budget, Donation line.

[Staff Report - Cote-Melendez K9 Donation.docx](#)

Councilor Winterton, as requested at a previous meeting on a different matter, asked where the donor lives since it may have relevance. The issue will be placed on the Council Workshop agenda. *Councilor Ross moved, second by Councilor Winterton, to accept the donation of \$2,500 from Monique Cote-Melendez to the town for the Hooksett Fire Department per RSA 31:95-b, III (b) and return that amount to the Police Department's 2017-18 and 2018-19 fiscal budget donation line.*

Councilor Winterton said since the Council is discussing a K9 program being self-funded, it would make sense to establish a separate fund or account where donations can go into so that donations are not intermingled with the budget. Chairman Sullivan said it could be handled "as we did with Old Town Hall funds". Finance Director Soucie said they could establish an expendable trust where trustees would hold the funds and be signed off on by an agent. Donations go into a balance sheet account that is not reported on until yearend. Funds can be tracked to make sure money is being spent as the donor wishes.

Councilor Winterton said telling citizens of Hooksett that the K9 program will be self-funded by the community is more transparent. Councilor Ross asked how such an account would be liquidated if the K9 program fails to be established. Director Soucie was unsure on trust dissolution. Dr. Shankle stated that "what we are talking about is not the officer but those things to take care of a dog". *Councilor Ross moved, second by Councilor Winterton, to table the motion. Motion passed unanimously, 9-0.*

11. TOWN ADMINISTRATOR'S REPORT

Dr. Shankle reported the following:

- Hooksettites luncheon is scheduled for May 25th at the Derryfield Country Club. Chairman Sullivan and Dr. Shankle will plan to attend.
- Old Town Hall work is moving ahead. Engineer is putting together an RFP to figure out structural engineering needing to be done and will need to be bid out. Hopes to encumber from this year's budget so that work can be done this summer.
- Chester Turnpike – he, the engineer, Diane Boyce, Steve Couture and neighbors have gotten together. Parking will now be provided along the road. More information will be provided to the Council at the meeting after next.
- Meeting was held at courthouse once a month. The last meeting was held – rodent situation has been rectified and there are no longer complaints about the cold. Chairman Sullivan suggested finding use for the empty space.

- Meeting was held at the pedestrian bridge with the Attorney General's office and the NH Department of Environmental Services. A meeting with the town attorney and the AG's office has been set for May 30th. The Army Corps is interested and they were at the meeting.
- Met with SNHU President again and keeping up with what is going on. According to Councilor Winterton, the new dorm has been put on hold and the old dorm will not be torn down. There is concern that wooden buildings might not be the safest places. They have decided not to build another dorm this year. Police Chief Bouchard was there and discussed a lot of safety issues. They were impressed with the town doing active shooter training. They don't have a police force and their security doesn't carry firearms. Chief Bouchard is taking a leadership course offered by the university and they have offered to waive the course fee because it would be advantage to the town and school, Chairman Sullivan said the school district has a good relationship with the school. Dr. Shankle said the school is waiting for a list on what the town could use interns for and he is working on getting an auctioneer for the Dartmouth Street property and condo at St. Mary's.

12. PUBLIC INPUT - 15 MINUTES

13. NOMINATIONS AND APPOINTMENTS

The Planning Board has requested guidance from the Council on removing a committee/commission member for lack of attendance at meetings and what the procedure is to remove a member and replace with an alternate member. Chairman Sullivan thought the Board would mimic the Council's procedures.

Donna Fitzpatrick indicated that the Planning Board has its own rules. Councilor Winterton will follow up. Chairman Sullivan said "if they don't have their own attendance rules, the Board should revert back to the requirements of the charter". Councilor Ross said the right thing to do is to ask for their resignation. Councilor Duhaime said this has happened before and they moved to the alternate member.

14. 15 MINUTE RECESS

15. OLD BUSINESS

15.a New Pedestrian Bridge Update - (\$240,134.01 Change Order tabled from 4/25/18 Town Council Meeting)

[Staff Report - Lilac Pedestrian Bridge - Change order 2.docx](#)

[Lilac Pedestrian Bridge Change Order 2.pdf](#)

[LilacBridge#2.Memo - S. Keach.pdf](#)

Councilor Duhaime moved, second by Councilor Giotas, to remove this item from the table. Motion passed unanimously, 9-0.

Diane Boyce, Public Works Director, provided the Council with updated information pertaining to Change Order 2, less the shop drawings, but including a memorandum dated April 5, 2018 from Steven Keach of Keach Nordstrom Associates. It seems the scope of additional work covered under the Change Order is the result of a stop work order issued by the town and the town's subsequent request for a work plan and subsequent corresponding cost proposal for supplemental work items. Director Boyce said they are learning that there are more sections

TC Draft Minutes 050918-O

of the Change Order that were realized costs and should be included in the payment. Director Boyce said town attorney, Matt Serge, has advised the town “go forward and pay”.

Director Boyce recommended that the Council approve partial payment of Change Order 2 in the amount of \$155,526.76 to cover the following costs:

- 2.1 Winter temporary bypass of sewer system \$17,714.54
- 2.2 Temporary bypass sewer system \$68,181.82
- 2.3 Demobilization (Winter 2018) \$5,000
- 2.4 Install site security measurers for winter shutdown \$3,000
- 2.6.1 Increased efforts required to install sewer line in cold weather \$44,736
- 2.6.2 Increased efforts required to install water line under bridge in cold weather \$16,894.40

In response to Chairman Sullivan, Director Boyce said the stop work order was issued on October 6, 2017. Councilor Duhaime noted that nothing was itemized. Councilor Levesque agreed that there was not enough of a breakdown of costs. Councilor Ross said he did not want to accept and suggested tabling or voting down the matter. Councilor Winterton questioned whether the Town Administrator, in fact, concurred with the staff recommendation. Dr. Shankle said he did not concur and, further, he would not sign off on this size a Change Order before bringing it before the Council. He said the contractor kept working without anyone approving the work.

Chairman Sullivan moved, second by Councilor Winterton, to table the matter. Motion passed unanimously, 9-0.

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

Dr. Shankle reported that, as requested by the Council, he contacted elected officials to expedite approval of the Hackett Hill Roundabout work. Executive Councilor Pappas and State Representative Leavitt responded that they would look into it.

16. NEW BUSINESS

16.a Post-Issuance Tax Compliance Policy and Procedures for Tax-Exempt Obligations

Finance Director, Christine Soucie, said this policy is needed to determine compliance with the requirements of the Internal Revenue Code regarding bond issuers (the town) having adopted written procedures focused on maintaining compliance with code provisions applicable to tax exempt bonds and notes. Director Soucie said the policy has been reviewed by the town's bond counsel and the financial auditor Matt Angell.

Councilor Duhaime moved, second by Councilor Tsantoulis, to approve the Post-Issuance Tax Compliance Policies and Procedures for Tax Exempt Obligations and to include it in the town's administrative code. Motion passed unanimously, 9-0.

16.b 15 Cross Road, LLC - Memorandum of Agreement for subdivision improvements at 15 Cross Road Tax Map 17, Lot 37

[SR 15 Cross Road.docx](#)

[MOU Cross Road.12.04.17.CLEAN.DOCX](#)

Councilor Duhaime moved, second by Councilor Tsantoulis, to have the Chairman sign the Memorandum of Agreement with 15 Cross Road, LLC, where the town will provide the bond proceeds to 15 Cross Road LLC and they will complete the subdivision improvements at 15 Cross Road Tax Map 17, Lot 37.

Dr. Shankle indicated that this was developed in 2007 and took a bond for completion. The original developers sold the property unfinished and the only way to get the work finished is to call the bond and provide money to the new owners. Councilor Ross pointed out that the intent of securing these bonds with the developer is to make sure they finish the job; since they didn't finish, they are technically forfeiting the bond. He suggested having the job finished then releasing the bond to them. He said that would be the proper order. Finance Director Soucie said this is an agreement with the new owners so that they can finish the project; they don't get money until the project is completed. *Councilors Duhaime and Tsantoulis agreed to amend the motion to read "to have the Chairman sign the Memorandum of Agreement with 15 Cross Road LLC where the town will provide the bond proceeds to 15 Cross Road LLC **after** they complete the subdivision improvements at 15 Cross Road, Tax Map 17, Lot 37. Motion passed unanimously, 9-0.*

16.c 2018 Paving Bids

[Staff Report - 2018 Road Paving Bids.docx](#)

[2018 Advanced Paving Bid.pdf](#)

[2018 GMI Asphalt Paving Bid.pdf](#)

[2018 Brox Paving Bid.pdf](#)

[2018 Pike Paving Bid.pdf](#)

DPW Director, Diane Boyce, presented four bids to do work on various roads in town. She said \$428,000 will be encumbered from this year's budget and will receive another \$600,000 as budgeted in July. *Councilor Tsantoulis moved, second by Councilor Ross, to approve the bid from the lowest bidder, GMI Asphalt, for the amount of \$629,015. 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.*

16.d Comcast Renewal

[Comcast Letter 041018.pdf](#)

The Council packet included a "commencement of renewal process" with Comcast. Dr. Shankle suggested the establishment of a small subcommittee of the Council. Chairman Sullivan said the subcommittee could be appointed in July. Dr. Shankle will inform Brian Christensen of the Council's intent.

16.e Hooksett Shuttle Program - Status Update and Proposed Rider Criteria Changes

[staff report - shuttle program.docx](#)

Project Coordinator, Nick Germain, provided a detailed staff report regarding the Hooksett Shuttle Program. He said the Manchester Transit Authority has proposed to change ridership criteria. Staff recommends that Hooksett implement provisional rule changes that are comparatively less radical than that proposed by the Manchester Transit Authority; that is, for one day each week (Tuesday or Thursday), restrict the transportation to Hooksett-Manchester and medical appointments to Bedford and Concord. Allow staff time to collect

data, monitor the situation, and provide a more comprehensive report and possible permanent rule changes at the net workshop. This service is provided at no charge to riders.

Councilor Ross moved, second by Councilor Winterton, to approve temporary changes to the Hooksett Shuttle Program and consider approving the implementation of more stringent ridership rules at the Council's workshop. Motion passed unanimously, 9-0.

16.f Approval of a Town Newsletter - Spring Tax Bill Insert
[Staff Report - Tax Bill Newsletter.docx](#)

Councilor Tsantoulis moved, second by Councilor Levesque, to approve the newsletter, as presented, that will be included in the tax bill mailing. Motion passed unanimously, 9-0.

16.g Fire Chief Employment Contract Amendment – To Be Discussed in Non-Public Session
[FIRE CHIEF BURKUSH CONTRACT AMEND 042617.pdf](#)

17. SUB-COMMITTEE REPORTS

Councilor Tsantoulis said the Hooksett Youth Achievers Committee met tonight.

Councilor Giotas said neither Heritage Commission or Transfer Committee met.

Councilor Levesque said the Zoning Board of Adjustments met last night. They considered quite a few items. The owner of a proposed bed and breakfast had no paperwork so the matter was continued to next month. The owner of the GM real state wants to lease out the whole building to a body shop. There was a big turnout by abutters; very negative. The matter was put to a vote; Councilor Duhaime recused. Motion failed. Dr. Shankle suggested that if there is an appeal, the Board ought to listen to the appeal rather than deny it especially since there was no minute taker and the recording turned off prior to the end of the discussion. Matt Lavoie took minutes.

Councilor Ross said the Conservation Commission will meet next week.

Councilor Winterton said they continue negotiations with the Fire Union. The Sewer Commission met on Monday. They've contracted with Stantec who is doing drillings across the river to see what is under the river. He said the Planning Board had a quick meeting; had one approval of a waiver.

Chairman Sullivan said the Old Town Hall Committee is looking to conduct an engineering analysis. Hall will be opened on May 20th for Heritage Day where there will be a 190th birthday celebration for Governor Nat Head. Chairman Sullivan stated that Dr. Shankle indicated the engineering analysis of the items of concern were discussed: main hall floor joist backs in the cellar in the back and in the front under the bathrooms may need to be addressed; the annex roof (the 1938 Bldg) the roof framing is going to be engineered; the mason walls attached to the roofs. It is hoped the '38 addition would be done first if they can't complete all 4 at the same time. Estimate is \$100,000 at the most for all.

A new Union Leader correspondent was recognized. He came forward and introduced himself, Travis Morin, indicating that he just started two weeks ago; his first story was the K9 story.

18. PUBLIC INPUT

19. NON-PUBLIC SESSION

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

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

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

J. Sullivan motioned to enter non-public session of 05/09/18 at 9:00 pm. Seconded by T. Tsantoulis.

Roll Call #3

J. Giotas – yes

D. Ross – yes

A. Walczyk – yes

J. Durand – yes

R. Duhaime – yes

T. Tsantoulis – yes

J. Levesque – yes

D. Winterton - yes

J. Sullivan - yes

Vote unanimously in favor.

J. Sullivan motioned to exit non-public session of 05/09/18 at 9:35pm. Seconded by T. Tsantoulis. Vote unanimously in favor.

J. Sullivan motioned to seal the non-public minutes of 05/09/18. Seconded by D. Winterton. Vote unanimously in favor.

PUBLIC SESSION CONTINUED AT 9:35pm

D. Winterton motioned to amend Fire Chief James Burkush's employment contract for a 2% raise in base salary effective May 1, 2018 and to amend paragraphs 3 & 4 of his contract to reflect this wage increase as appropriate. Seconded by D. Ross.

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 unanimously in favor.

20. ADJOURNMENT

D. Ross motioned to adjourn the public session of 05/09/18 at 9:37pm. Seconded by J. Levesque. Vote unanimously in favor.

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