



**TOWN COUNCIL MINUTES - OFFICIAL
Regular Meeting
Wednesday, June 13, 2018
5:30 PM
Council Chambers**

1. CALL TO ORDER – NON-PUBLIC SESSION #1

Chair Sullivan called the meeting of 6/13/18 to order at 5:50pm.

2. PROOF OF POSTING

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

3. ROLL CALL – NON-PUBLIC SESSION #1

J. Sullivan motioned to enter non-public session of 06/13/18 at 5:50pm. Seconded by D. Winterton.

Roll Call #1

D. Winterton – yes

J. Giotas – yes

T. Tsantoulis – yes

A. Walczyk – yes

J. Durand – yes

J. Sullivan - yes

Vote in favor (6-0).

Councilor Duhaime arrived at 6:00pm.

4. NON-PUBLIC SESSION #1

4.a 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 exit non-public session #1 of 06/13/18 at 6:15pm. Seconded by D. Winterton. Vote unanimously in favor (7-0).

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

D. Winterton motioned to seal the non-public session #1 minutes of 06/13/18. Seconded by J. Giotas. Vote unanimously in favor (7-0).

6. ROLL CALL #1 – PUBLIC SESSION

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

Absent: Councilor David Ross and Councilor James Levesque

7. PLEDGE OF ALLEGIANCE

Following the pledge, Chairman Sullivan called for a moment of silence on the passing of Doris Gryval.

8. SPECIAL RECOGNITIONS

8.a Hooksett Youth Achiever of the Month

From the podium, Councilor Tsantoulis asked Camden Normand, a 13 year old seventh grader at Cawley School, to come forward. Councilor Tsantoulis said Camden's achievements were many to include being on the national junior honor society, participating in numerous public service projects, attaining the order of arrow boy scouts, helping tutor kids through the Boys Club, participating on the robotics team and serving as patrol leader. To the applause of attendees, Councilor Tsantoulis presented Camden with the Hooksett Youth Achiever of the Month certificate and pin. On behalf of the Council, Chairman Sullivan congratulated Camden and wished him continued success.

8.b Hooksett Municipal Employees – New Hires

Dr. Shankle said a new employee, Paula Dalton, started as a part-time administrative aide; another staff person left a part-time position to accept a full-time position.

9. SCHEDULED APPOINTMENTS

9.a Ava & Lily Burke, Presentation of Donations to fund the Hooksett K-9 Program

Police Chief Bouchard came forward with Ava and Lily Burke, young daughters of Matt Burke who has worked for Hooksett for 14 years. Chief Bouchard said that Ava and Lily weighed 1.11 ounces at birth and were given a 50 percent chance of survival. Today, as could be observed, the girls are vibrant and lively and on their birthdates, rather than accept gifts, they raise and donate funds to a charity. They raised \$1,620 for the K9 program. Council members expressed their thanks.

9.b Appointment with 1989 Charter Commission members Mary Farwell & Don Riley and former Supervisor's of the Checklist member Mike Horne Regarding Removal of Voting Districts

1989 charter commission members Mary Farwell, Don Riley (former commissioner), and Mike Horne (former Supervisor of the checklist) came forward to provide a history of why voting districts were created and their recommendations on the issue. The Council expects to discuss the matter at their next workshop meeting.

In 1989, Don Riley was Chair of the Commission. He read through a passage establishing a Council composed of nine members; 6 in districts; 3 at large. He said the big issue surrounding that topic back then was Granite Hill which currently doesn't seem to be the case. He continued saying that Hooksett is spreading out and the reason for district representation doesn't seem to be as strong an interest today. Councilor Winterton thanked Mrs. Farwell, Mr. Riley and Mr. Horne for coming. He said the Council intends to discuss the matter in an upcoming workshop meeting. Mrs. Farwell said Mr. Riley's recollection mirrors

hers. She said there was a lot of time spent talking about Granite Hill and the fact that they've had an elected School Board without districts. She said as a citizen she doesn't just call on her district representative and that people don't have a huge allegiance to their Councilor. She opined that the current process is preventing enthusiastic people from running for office.

Mike Horne said "it is a challenge that comes up every ten years during census years". He said trying to come up with six districts, plus or minus ten percent of each other, based on the census is very challenging. Having no districts would eliminate this exercise. He said he's been in town since 1984 and has never felt a need for the districts. Councilor Winterton asked about the students at SNHU where there is a potential 1,500 voters; staying with districts doesn't seem to be the right thing to do. Chairman Sullivan said perhaps a warrant article needs to be put in or a petition warrant. Mr. Riley is unaware of any community such as Hooksett that has had districts and he will find out if any dissolved. He will verify that information with the Secretary of State and keep the Council informed. Mrs. Farwell said it would be more powerful if the Council brought forward a warrant rather than by petition.

9.c Planning Board Activity Update. Richard Marshall, Chair

Richard Marshall, Chairman of the Planning Board shared some statistics. He said the Board has received a lot of applications, new and amended site plans, subdivisions, lot line adjustments and so on, all indicative of the ongoing growth of the town. He said the vast majority of building permits issued over the last year were residential; though the Council may like to see more commercial applications.

Mr. Marshall said the Planning Board has struggled with lack of support staff but they are now in a better position with the hiring of a town planner and contracting for engineering services. The Board meets three times a month; one meeting to be devoted to updating the master plan. Three chapters of the Master Plan are scheduled to be completed by July 1st. The Board has agreed on a process for the adoption of each chapter. Three chapters will go to a public information meeting or hearing. The Planning Board will then approve the plan as a whole prior to presenting it to the Council. Mr. Marshall said it is the Planning Board who actually votes to adopt the Master Plan. It will be close to the end of the year before completion.

Councilor Winterton, as the liaison Council member on the Planning Board, commended Mr. Marshall for his chairmanship. He said the culture of the Planning Board has made it a welcoming place for developers to come. Chairman Sullivan asked how many chapters made up the entire Master Plan. Mr. Marshall said ten chapters are required under statute. In response to Councilor Duhaime on funding, Mr. Marshall said "a lot we can do with impact fees now". Chairman Sullivan expressed thanks to Mr. Marshall and the entire Planning Board.

10. APPROVAL OF MINUTES

10.a Public: 05/23/18

[TC Minutes 052318-U.docx](#)

10.b Non-Public Minutes: 05/23/18

Councilman Walczyk inquired as to the location of the Roll Call #4 which was called to seal the Non-Public Minutes.

Councilor Tsantoulis moved, second by Councilor Giotas, to approve the Town Council meeting minutes of May 23, 2018, as amended. Motion passed unanimously, 7-0.

Councilor Winterton moved, second by Councilor Tsantoulis, to approve the non-public Town Council meeting minutes of May 23, 2018, as presented. Motion passed unanimously, 7-0.

11. AGENDA OVERVIEW

12. PUBLIC HEARINGS

13. CONSENT AGENDA

13.a Donation of \$1,125.00 from the Hooksett Kiwanis Foundation to the Town of Hooksett for the Family Services Department for the Fun-in-the Sun summer camp program to sponsor one child for the full nine weeks of camp per RSA 31:95-b III (b).

[Staff Report - Kiwanis Donation FITS.docx](#)

13.b Donation of a \$25.00 Walmart gift card from the Hooksett Fire Department Chaplain to the Town of Hooksett to be given to a family in need that is served by the Hooksett Family Services Department per RSA 31:95-b III (b).

[Staff Report - Hooksett Fire Walmart GC.docx](#)

Councilor Duhaime moved, second by Councilor Tsantoulis, to accept the Consent Agenda, as presented. Motion passed unanimously, 7-0. Councilor Durand asked if a camper had yet been selected to attend the Fun in the Sun program. Dr. Shankle said he talked with Family Services and they have identified someone.

14. TOWN ADMINISTRATOR'S REPORT

Town Administrator, Dr. Dean Shankle, reported the following:

- Fun in the Sun is now full at its maximum of 130 children registered.
- The Hooksettite luncheon was held and the Boston Cane Award was presented to the oldest citizen in Hooksett, Harris Langile
- Staff are analyzing bids for legal services and technology
- A meeting was held with state officials from DOT and DOJ regarding the bridge. The Army Corps of Engineers was represented as well.
- Summary for May on 11,006 interactions mentioning Hooksett on social media; four percent were negative; 78 percent positive.
- Contract with the Police Department – pay is based on going up a step plus the New England region CPI; amounts to a 1.7 percent increase plus 2.2 percent COLA on top of their step increase.
- Fifth graders at Hooksett Memorial put out QR codes on the Riverwalk. They did this in conjunction with the Conservation Commission.
- Offered training yesterday out of Cambridge, MA. Staff and representatives of boards and committees were invited; two showed up – Mrs. Miville and Trustee Claire Lyons. Everybody enjoyed it.

15. PUBLIC INPUT - 15 MINUTES

Mary Farwell of 24 Grant Drive came forward regarding reduced franchise fees from Comcast. She read an email from Brian Christianson of Comcast that stated they were “always willing to lower the franchise fee”. Paperwork needs to be done. Chairman Sullivan said the matter would be addressed at the Council’s next workshop meeting. There was mention that the Council might form a subcommittee to negotiate with Comcast when the contract renews on July 11th. Mrs. Farwell said the contract could be changed now. Councilor Winterton suggested including the issue as an agenda item so that the public would know about it and could weigh in.

Mrs. Farwell then asked if there was public WIFI in the building and was informed “no”. Former Council member Marc Miville of 42 Main Street said public WIFI would provide the same as internet access to the town’s website. He also mentioned several times as a Council member that the Comcast agreement could be re-negotiated right now. He said money should be going back to taxpayers via an escrow account.

16. NOMINATIONS AND APPOINTMENTS

16.a Nominations and (Re)Appointments
[Open Appointed Board and Committees \(2018\).docx](#)
[June 2018 Nominations and Appointments.doc](#)
[reappointment - gult, Ivan.pdf](#)
[reappointment - raymond bonney.pdf](#)
[reappointment - david scarpetti.pdf](#)
[Lizotte reappointment.pdf](#)
[CRobertson Reappointment.pdf](#)
[dboutin reappointment.pdf](#)
[rbairam reappointment papers.pdf](#)
[d.marshall reappointment papers.pdf](#)
[A.Stelmach appointment.pdf](#)

Nick Germain said three additional persons have been added to those listed above – Roger Duhaime (full member) and Don Pare (Alternate) for Economic Development, and Deb Miville as a full member in Parks and Recreation. All terms will expire on June 30, 2021. Mr. Germain said that all necessary paperwork has been received.

Councilor Winterton noted that except for one appointment those listed are all renominations and can be voted on tonight. Mr. Germain said the Zoning Board of Adjustment had trouble getting a quorum last night. *Councilor Winterton moved to nominate Anne Stelmach to the Zoning Board. Councilor Winterton then moved, second by Councilor Duhaime, to waive the rule to appoint Mrs. Stelmach tonight. Motion passed unanimously, 7-0.* Mrs. Stelmach came forward. She stated that she is a lifelong resident of Hooksett. Her husband is on the Planning Board. Her kids are getting older and she is now able “to do for the town”. *Councilor Winterton moved, second by Councilor Duhaime, to appoint Anne Stelmach as an alternate to the Zoning Board of Adjustment with a term to expire on June 30, 2021. Motion passed unanimously, 7-0.* Chairman Sullivan thanked Mrs. Stelmach.

Councilor Winterton moved to nominate all those listed for reappointment and appointment as presented. Chairman Sullivan said a motion to appoint will be made at the Council’s next meeting.

17. 15 MINUTE RECESS

18. OLD BUSINESS

18.a On April 25, 2018, the Town Council approved accepting donations to fund the K9 Program. 1) Update on K-9 Program and 2) Motion to accept the donation of \$6,670.00 from citizens and business owners, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-b, III (b) and return that amount to the Police Departments budget, K-9 trust Fund.

[Staff Report K9 June13.docx](#)
[20180531150516151.pdf](#)

Police Chief Janet Bouchard came forward to explain that she decided to do the K9 program after talking with a lot of officers; it would offer new things for them to do. She said there were four incidents last week “where we could have used the K9”. Her department has seven black and white patrol cars equipped with computers, etc. Another four vehicles are used for other duties; one new car is on order for the Fall. There are two non-patrol cars which leaves one detail car and one for the School Resource Officer. She said the car to be used for K9 will be stripped of computer and radar that will be put into another car so there will be no need to buy another car. They will have seven cars for patrols. The Chief said that “eventually we will have to look into getting another car since we have more people now”.

Chief Bouchard did look into whether there would be an increase in Insurance costs and was informed there would be no increased costs for insurance. She said business owners have been supportive and she’ll have donations to report at the next two Council meetings. The t-shirts have proven to be very popular. To date, they have raised \$20,000. She also reported having received a \$25,000 Stanton Foundation grant. This grant will fund 14 weeks of patrol training and she expects this will fund the K9 program for almost ten years.

Chairman Sullivan asked the Chief how her department handled the four situations she mentioned earlier. Chief Bouchard said they would ordinarily call on Manchester or handle it themselves as best they can.

Councilor Walczyk moved, second by Councilor Winterton, to accept the donation of \$6,670 from citizens and business owners to the town for the Hooksett Police Department per RSA 31:95-b, III (b) and return that amount to the Police Department’s budget K9 Trust Fund. Motion passed unanimously, 7-0.

Chairman Sullivan adjusted the agenda to take up agenda item 16.b Purchase of a Sokkia Robotic Total Station.

Chairman Sullivan moved, second by Councilor Duhaime, to authorize the purchase from the Police Department’s unexpended full time wage line for fiscal year 2017-18 a Sokkia Robotic Total Station from Maine Technical Source to include accessories, and training and the purchase of CAD (Computer Aid Design and Drafting) software through Dirigo Software for a combined total of \$31,334.66.

Chief Bouchard was joined by Sgt. Valerie Lamy. She indicated that the Police Department had formed an Accident Reconstruction Team (ART) to respond to and investigate serious motor vehicle accidents. Currently, two members of the ART, Sgt. Lamy and Sgt. Joseph Ducharme have each completed 240 hours of training to become Accident Reconstructionists

and have completed an additional 40 hours in supplemental training. While the ART has received the required training for their certifications, they are lacking the equipment to adequately complete investigations, and the department still relies on assistance from NH State Police at complex scenes or crashes that may involve criminal charges.

In response to Council member questions, Chief Bouchard and Sgt. Lamy said:

- the State Police use this model and have had it for years; Manchester uses the Sokkia brand
- if used daily, maintenance would cost about \$1,000 per year; it will not be used daily so an annual cost over two years is estimated at \$500
- it's a small piece of equipment at a large cost; it would save on overtime, regular man hours, shorten road closure time and time to investigate
- a number of towns our size rely on State Police; counties have regional teams
- the equipment allows for mapping and taking measurements; an investigation could be handled by one person rather than the minimum of three now required
- these are specialized machines so it was not possible to get a quote from three vendors; State Police has recommended the Sokkia

Councilor Walczyk asked how many criminal charges were brought because of accidents. Chief Bouchard said it is difficult to prove negligence unless it is a DWI. The Chief said they tried to get a grant but were unable to show the number of accidents that have occurred over a period of time since they don't have the machine to be able to review what they would be able to uncover. Councilor Winterton asked if this would be impact fee eligible. Finance Director Christine Soucie said it needs to be related to growth.

Councilor Winterton moved, second by Councilor Duhaime, to table the matter until the Council's next meeting in order to determine the most appropriate source of funding. Motion passed unanimously, 7-0.

18.b New Pedestrian Bridge Update (Change Order #2 tabled from 5/9/18 Town Council Meeting)

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

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

[Chronology of Events - ED Swett - last 8 pages.pdf](#)

[ED Swett #6 notice of material breach.pdf](#)

Councilor Winterton moved, second by Chairman Sullivan, to remove this issue from the table. Motion passed unanimously, 7-0. Darren Benoit and Bob Durfee of Dubois & King came forward to discuss Change Order #2. Given that this matter has been discussed several times, Mr. Benoit suggested that he and Mr. Durfee take questions from the Council. Dr. Shankle suggested that Council members ask all of their questions but not take action until after speaking with the town attorney which will take place at the last Council meeting in June.

Chairman Sullivan said the Change Order work has already been done. He asked if there was still more work to be done and when would the bridge be available for public use. Mr. Benoit said the bridge is substantially complete and the decision to open the bridge or not is the town's decision. He said that "punch list" items remain to be done that is more aesthetics than a safety component. The procurement period was extended for the fence requested by

the Heritage Commission. He expects the work to be done on that by June 29th. Historical elements remain and it was decided to move that outside of the bridge project.

Mr. Durfee reminded the town that there is a timeline with the Division of Historic Resources to develop, build, and install a historical display; perhaps two years, and is one of the conditions for the town receiving \$800,000 from the state. Councilor Winterton asked what the cost was of replacing the span that is not like the other two. Mr. Benoit said “we’re taking that request under advisement”. The contractor has backed out and there are relationship issues.

Councilor Walczyk asked how the work got started on Charge Order 2 without approval. Mr. Durfee said the order was negotiated. They received input from Jim Donison and changes were made based on the town’s input. Councilor Walczyk asked again how the work started without an agreement. Mr. Benoit said all the steps are in the contractor timeline and the work was done at the direction of Jim Donison and your attorney. Dr. Shankle said that he and Jim Donison would not have approved a \$200,000 plus change order without bringing it to Council. Mr. Benoit said it was not appealed within the requisite amount of time to which Dr. Shankle said “it was not appealed because it was not approved”.

Chairman Sullivan referred to the first page of Change Order 2 and noted the document was not signed by the town but was signed by Mr. Benoit and Mr. Robert, indicating that the town did not approve the change order. Mr. Benoit said once the document was signed by him and Mr. Robert it becomes official and then the 30-day clock for the town to appeal starts. Chairman Sullivan again asked if it’s not signed by the town, whose responsibility is it to get that signature. Mr. Benoit said it was their responsibility to receive the signature and Jim Donison’s responsibility to get the town’s. They received a verbal go ahead. Dr. Shankle said there was no verbal go ahead. *Councilor Winterton moved, second by Councilor Duhaime, to table the item until the June 27th Council meeting. Motion passed 6-0-1 [Councilor Tsantoulis abstained].*

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

Dr. Shankle said they had a meeting with the state; DPW Director Boyce and engineers were in attendance. The state concurred with the town’s recommendation to not encumber funds this year and to bid the job out in the Fall. The state believes a better price could be had then. Dr. Shankle said they don’t want to release the impact fees dedicated to the project. In response to Councilor Winterton, Finance Director Soucie said not all encumbered fees are from impact fees.

19. NEW BUSINESS

19.a FY 2017-18 Budget Encumbrance Review [SR Encumbrance 2018 - Review.docx](#) [20180605163902461.pdf](#)

Finance Director Soucie provided a list of encumbrances as of June 11, 2018 which totaled \$1,105,269.57 [see attachment]. She went over a number of items on the list; some that had been removed. Director Soucie also provided a list of non-budgetary purchase orders. These items are outside of the General Fund. An RFP was put out last week for the Old Town Hall structural repairs. Three good bids were received today. The terms called for a

bid to be approved before the end of the year but would give the contractor up to 12 months to do the work. Chairman Sullivan said there are three components requiring engineering work at the Old Town Hall. Finance Director Soucie will look for Council action at the last meeting (June 27th) of the fiscal year.

19.b Motion to allow the Hooksett Police Department to purchase from their unexpended full time wage line (fiscal year 2017/2018) a Sokkia Robotic Total Station from Maine Technical Source, Yarmouth, Maine, to include accessories, and training and purchase CAD (Computer-Aid Design and Drafting) software through Dirigo Software for a combined total of \$31,334.66.
[20180524095616263.pdf](#)

19.c Council Signature for Designation of Authorities for Clean Water SRF Loan
[Staff Report - Authorization of agent for Stormwater Asset Management System Loans.docx](#)

Public Works Director, Diane Boyce, stated that the town voted to raise and appropriate the sum of \$30,000 for the purpose of developing an Asset Management program for the Stormwater System that will qualify the town for federal and state funds to authorize the issuance of not more than \$30,000 of bonds and notes in accordance with the provisions of the Municipal Finance Act.

Councilor Winterton moved, second by Councilor Tsantoulis, to authorize the Town Administrator, on behalf of the town, to provide information, data, disbursements, and documents pertaining to the town for administration of the Clean Water State Revolving Fund loan program as may be required, and act as the authorized representative of the town in connection with the loan. Motion passed unanimously, 7-0.

19.d Town of Hooksett, NH and New England Police Benevolent Association, INC. (NEPBA) LOCAL 46 OF NEW HAMPSHIRE 070117-063020 - Contract Amendment – **will be addressed in non-public.**

20. SUB-COMMITTEE REPORTS

Councilor Winterton said the Planning Board had a wonderful meeting with only one item on the agenda. Fire Chief Burkush was in attendance. The issue discussed was a regulation change regarding sprinkler system requirements. The town ordinance and state law don't mesh.

The Sewer Commission met and they want to proceed as rapidly as possible with finding out what is under the river. They are going forward with major improvements at the Waste Water plant.

21. PUBLIC INPUT

22. NON-PUBLIC SESSION #2

22.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.

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

22.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 #2 of 06/13/18 at 8:56pm. Seconded by D. Winterton.

Roll Call #2

R. Duhaime – yes

J. Durand – yes

A. Walczyk – yes

J. Giotas – yes

D. Winterton – yes

T. Tsantoulis – yes

J. Sullivan - yes

Vote in favor (7-0).

J. Sullivan motioned to exit non-public session #2 of 06/13/18 at 10:35pm. Seconded by D. Winterton. Vote unanimously in favor (7-0).

PUBLIC SESSION CONTINUED AT 10:35pm

J. Sullivan motioned to seal the non-public session #2 minutes of 06/13/18. Seconded by T. Tsantoulis. Vote unanimously in favor (7-0).

19.d Town of Hooksett, NH and New England Police Benevolent Association, INC. (NEPBA)
LOCAL 46 OF NEW HAMPSHIRE 070117-063020 - Contract Amendment

D. Winterton motioned to accept the K-9 program sidebar to the Town of Hooksett, NH and New England Police Benevolent Association, INC. (NEPBA) LOCAL 46 OF NEW HAMPSHIRE 070117-063020 collective bargaining agreement as presented and signed by the Police Union and Town Council. Seconded by R. Duhaime. Vote unanimously in favor (7-0).

D. Winterton motioned that the overtime cost(s) associated with the K-9 program sidebar be taken out of the K-9 Trust Fund. Seconded by T. Tsantoulis. Vote unanimously in favor (7-0).

23. ADJOURNMENT

J. Sullivan motioned to adjourn the public session of 06/13/18 at 10:40pm. Seconded by A. Walczyk. Vote unanimously in favor (7-0).

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