



**TOWN COUNCIL MINUTES - OFFICIAL
Regular Meeting
Wednesday, July 11, 2018
5:30 PM
Council Chambers**

ITEMS 1-8 LED BY TOWN ADMINISTRATOR

1. CALL TO ORDER

Dr. Dean E. Shankle, Jr. called the meeting of 7/11/18 to order at 5:32pm.

2. PROOF OF POSTING

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

3. ROLL CALL - NON-PUBLIC SESSION #1

D. Ross motioned to enter non-public session of 07/11/18 at 5:35pm. Seconded by J. Giotas.

Roll Call #1

D. Winterton – yes

J. Giotas – yes

J. Levesque – yes

A. Walczyk – yes

R. Duhaime – yes

J. Durand – yes

D. Ross – yes

J. Sullivan - yes

Vote in favor (8-0).

4. NON-PUBLIC SESSION #1

4.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.

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

4.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.

*D. Ross motioned to exit non-public session #1 of 07/11/18 at 6:41pm. Seconded by D. Winterton.
Vote unanimously in favor (8-0).*

*D. Ross motioned to seal the non-public session #1 minutes of 07/11/18. Seconded by D. Winterton.
Vote unanimously in favor (8-0).*

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

Dr. Dean E. Shankle, Jr. called the public session of the meeting to order at 6:45 pm.

6. ROLL CALL (# 2) - PUBLIC SESSION

In attendance:

Councilor Donald Winterton, Councilor John Giotas, Councilor James Levesque, Councilor Robert Duhaime, Councilor David Ross, Chairman James Sullivan, Councilor Alex Walczyk, and Councilor John Durand.

Missed: Councilor Tim Tsantoulis.

7. PLEDGE OF ALLEGIANCE

8. TOWN COUNCIL REORGANIZATION - PART I

8.a Town Clerk swearing-in of all new Councilors as a group

Todd Rainier, Town Clerk, swearing-in of new Councilors. (Councilors John Durand & Alex Walczyk)

8.b Election of Chair, Vice-Chair and Secretary

Councilor Winterton motioned to nominate/appoint Councilor James Sullivan as Chair of the Council. Seconded by Councilor Duhaime, Vote 7 in favor 1 abstain (Sullivan).

Councilor Levesque motioned to nominate/appoint Councilor Robert Duhaime as Vice-Chair of the Council. Seconded by Councilor Giotas. Vote 7 in favor 1 abstain (Duhaime).

Councilor Ross motioned to nominate/appoint Councilor Tsantoulis as Secretary of the Council. Seconded by Councilor Walczyk. Vote in favor (8-0)

9. SPECIAL RECOGNITIONS

10. SCHEDULED APPOINTMENTS

10.a Town Clerk, Todd Rainier - Civil Forfeitures for Unlicensed Dogs (see new business item 21a for details)

Todd Ranier, Town Clerk distributed dog licensing report & sample civil forfeiture documents (see attached for details).

T. Rainer provided council a list that 148 dogs out of 1603 registered in Hooksett remain
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unregistered as of July 11, 2018. In January 2018, 1195 renewal reminder postcards were mailed & stated how licenses can be renewed and what's required and penalties that may follow. All information is on the town website. Rabies should be on file up & to date. Todd has been calling to follow up also. Todd met with Chief Bouchard HPD & it was very constructive. Trying to reach out to residents, what can they do to help? Police have social media which will get the word out and assist us. Todd requests direction on how to handle the remainder of the dogs. Send emails, postcards, signs in office? Based on notices sent a couple of people registered their dogs today. On the town clerks page on town website there is a dog status update form.

Councilor Levesque advised of a resident last week complaining about a \$25.00 late fee. Todd advised it was very late if it reached that amount since it is only \$1.00 a month starting June 1st every year & keeps accruing until paid. When is the earliest you can register your dog? Todd advised the first of January.

Councilor Ross said well-known resident last week was upset over a "not" friendly reminder and was threatened by stating police would be called? Resident claims it is not on notice about police. Todd is familiar with resident who explained process to resident & explained the process & penalties might be incurred. Notice from police department is one step then district court all by RSA if not paid it is supposed to be a process we follow.

Councilor Ross thinks more bedside manor/caution due to that resident being so upset over his dog being unlicensed. The level of frustration and anger was over the top for a dog license.

Councilor Duhaime questioning not as many notices sent last year.

Todd Ranier Town Clerk advised down to 18 unlicensed dogs by October last year so that was good. Hopefully not that long this year due to late fees. Todd how do you get the word out to people? What can we do that more that won't affect budgets?

Chair Sullivan saying it might be quirky but maybe K9 officer should make a video with chief showing him bringing dog into clerk to get licensed. He also suggested a workshop how to interact with a scheduled appointment.

17. PUBLIC INPUT – 15 MINUTES

Alan Stein of 17 Autumn Run Hooksett has a bicycle safety issue in the town. He would like the council's help to make it safer for bicyclists. He is a bicycle commuter. He commutes from his home at Autumn Run to his work. Only option is to go on route 28. Most people drive faster than speed limit. Few sections of the road there is no shoulder one at Campbell Hill & turn off to Main Street. He has to ride in traffic lane. It's the only North South Road on this side of the river to ride. Mr. Stein contacted DOT who told him to contact your town so he then contacted Diane Boyce at DPW. Diane said it's a state road & contact the state. He received a 30 page description on what can be done but needs help from council. How to help highway department to make it safer. Chair Sullivan will post something to the highway safety committee per Dr. Shankle. Mr. Stein will send information he received from the highway department to Dr. Shankle.

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21.a Civil Forfeitures for Unlicensed Dogs

[staff report - Dogs 2018-1.docx](#)

[Civil Forfeiture RSA 466 14.docx](#)

Dr Shankle distributed Dog License Civil forfeiture paper (See attached for details). He went through the law because it keeps coming up as an issue. Police Chief is on vacation & he advised her not to come to the meeting the council would make the decision. Other than Dr.Shankle's recommendation everything is direct quotes of the law. If we are going to try to follow the law we should follow the law. The highlights are his. The owner of the dog needs to be responsible. Dr. Shankle's recommendation is to not seize the dogs to not take up the police time in courts or sending them after unlicensed dogs. His opinion is this has gotten way too complicated. The number of dogs in the city or town that have been seized should be zero. The number of owners who have received a summons to a district or municipal court for failure to pay should be zero. He can't tell the town clerk what to do but he is going to tell the police chief this is how he wants it handled and if anyone wants to override it. He says it too late to do anything now.

Councilor Winterton as an inquiry if we want to follow the town administrator's recommendation. We don't have to do anything and it doesn't require a motion to tell him how to do his job. 91/92% compliance rate now on dogs and thinks we are ok. His feeling is to go with the town administrator's recommendation.

Councilor Ross agrees to not send police however we will get a list of people who have ignored the notice. There has to be a way everyone knows if a dog is safe or not if the owner does not get a license.

Councilor Winterton questioned chair Sullivan if we need still receive the list. Should be public list. It should be apparent and not paying the license.

Dr. Shankle advised we will have a running list of dogs unlicensed. Three years for taxes maybe follow the same for dog licenses.

Todd Ranier advised we have been following this process for 2 years and it works well. Dogs cannot be on a list that can be made public in response to Councilor Ross' statement. We do not have an animal control officer so the police department gets a list of licensed dogs & they don't have the list in database. Police chief did not want to grapple on the list this year or last year.

Dr. Shankle thinks the list becomes public with the civil forfeiture. He will check on it. People who don't pay their bills should be public. Taxes etc.

Todd advised taxes are different they are public. Motor vehicle and dogs are not public.

Chair Sullivan advised Todd to do what he is supposed to do. He asked Todd to come in

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June 12, 2019 to give us what's required.

Todd wants to know how to proceed this year? Notices have been sent. We have a list of dogs not registered. Should we just let it sit and let the late fees accrue?

Dr.Shankle said it's too late to get a warrant this year but advised Todd he can do whatever else he needs. Dr. Shankle advised we cannot the civil forfeiture process. This has never been an issue and we need to do it right despite of 46613 not in place?

Councilor Duhaime would like a list from last year showing this year who is still on it and would like a list next year. Nothing we are going to pursue this year.

Dr. Shankle advised Todd to do what he needs to being an elected official. You would help the people that voted for you.

Todd views his job as an elected official a little different than that but he gets the gist.

Chair Sullivan is impressed with this council and the way they address the issues in a proper way.

11. TOWN COUNCIL REORGANIZATION - PART II

11.a First meeting of the New Town Council, complete section 2a 3-11 of Town Council Rules of Procedures

[TC Rules 041118.pdf](#)

[Adm Code Annual Review 063018.pdf](#)

[Admin Code 080917.pdf](#)

[Hooksett s Post Issuance Compliance Policy.pdf](#)

***Councilor Winterton motioned to adopt section 2a 3-11 of the Town Council Rules of Procedures. Seconded by Councilor Giotas
Vote in favor (8-0)***

Councilor Winterton read section 2a 3-11 of the Town Council Rules of Procedures into the record:

2. Procedures for electing officers are as follows:
 - a. Annually, at the first meeting of the new Town Council:
 1. ~~The Town Clerk shall swear in all new Councilors as a group.
The members thereof shall:~~
 2. ~~Choose, from among their members, a Chair, a Vice Chair and a Secretary.
In addition to the powers conferred upon the Chair, the Vice Chair and the Secretary, they shall continue to have all the rights, privileges and immunities of a member of the Town Council.~~

3. Motion that the Town Council confirms by a roll call vote, that the Town of Hooksett will adopt RSA 31:104, 31:105 and 31:106 to provide immunity and indemnify all Town Councilors, other elected officials, employees, agents as well as appointed officials that serve on committees and boards within the Town of Hooksett; specifically covering immunity from civil liability for discretionary acts, according to RSA 31:104, indemnification for costs of defense of civil suits, according to RSA 31:105 and indemnification for civil rights claims, according to RSA 31:106.
4. Motion to have the Town Council Chair sign ancillary documents as agent to expend as a result of Town Council prior approval of the documents.
5. Motion to have the Town Council Chair complete the Council's section of the Annual Report.
6. Motion to have the Town Council Chair complete Tax Deed Waivers.
7. Motion to adopt the Town Council Rules of Procedures.
8. Motion to adopt the Administrative Code (which includes the Investment and Fund Balance Policies).
9. Motion to have the Tax Collector sign payment plans for deedable properties.
10. Motion to have the Town Administrator approve payment plans for deedable properties (Town Administrator cannot forgive interest or principal).
11. Motion to have a Councilor work with the Administrative Services Coordinator to coordinate the Town Council Old Home Day booth (3rd Saturday in September) and Employee Appreciation Picnic (Friday in October prior to Columbus Day holiday)

11.b Town Council Board/Committee Assignments for 2018-2019
[Staff Report - Council Assignments.docx](#)

Board of Assessors – Ross, Walczyk, Giotas Alternate - Durand
 Budget – Alternate Winterton (tabled to 8-22-18 town council meeting)
 Conservation Commission – Ross Alternate - Duhaime
 Economic Development Advisory Committee – Alternate Winterton (tabled to 8-22-18)
 Heritage – Sullivan, Giotas
 THPC – Sullivan, Giotas
 Hooksett Youth Achiever - Winterton, Walczyk, Tsantoulis
 Parks and Recreations Advisory Committee - Duhaime Alternate Durand
 Transfer & Recycling – Levesque Alternate Giotas
 Planning Board – Winterton Alternate Duhaime
 Sewer – Winterton Alternate Tsantoulis
 ZBA – Levesque
 Union Negotiations - Winterton/Duhaime Fire Rescue Winterton/Duhaime/Durand Police
 Perambulation - Duhaime
 Cable TV Franchise - None
 Record Retention Committee – Ross
 SNHU Relations Sub-Committee – Walczyk, Winterton Alternate Durand
 TIF – Winterton

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12. APPROVAL OF MINUTES

12.a Public: 06/20/18

[TC Minutes 062018-U.docx](#)

***Councilor Winterton motioned to approve the public minutes of 06/20/18 as edited. Seconded by Councilor Duhaime
Vote in favor (8-0)***

12.b Public: 06/27/18

***Councilor Sullivan motioned to table the public minutes of 06/27/18 to the Council 08/22/18 meeting. Seconded by Councilor Winterton
Vote in favor (8-0)***

12.c Non-Public: 06/20/18

***Councilor Winterton motioned to approve the non-public minutes of 06/20/18. Seconded by Councilor Levesque
Vote in favor (8-0)***

12.d Non-Public: 06/27/18

***Councilor Winterton motioned to approve the non-public minutes of 06/27/18. Seconded by Councilor Levesque
Vote in favor (8-0)***

13. AGENDA OVERVIEW

Chair Sullivan provided overview of tonight's agenda.

14. PUBLIC HEARINGS

14.a Public Hearing to accept \$11,951.44 in grant funds from the Merrimack Conservation Partnership Land Transaction Grant Program to the Town of Hooksett for the Conservation Easement known as the Heroux Property "Clay Pond III" project Heroux Property 73.5 acres, Tax Map 4, Lot 9 North Candia Road per RSA 31:95-b III (a) (see New Business item 21b for details).

[071118 CONCOM GRANT PH.doc](#)

Chair Sullivan read the public hearing into the record and opened the public hearing.

15. CONSENT AGENDA

15.a On April 25, 2018, the Town Council approved accepting donations to fund the K9 Program.

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Motion to accept the donation of \$1,985.00 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, K9 trust Fund.

[Staff Report K9 July 11.docx](#)

[20180627122211546.pdf](#)

***Councilor Duhaime motioned to accept the consent agenda. Seconded by Councilor Ross
Vote in favor (8-0)***

16. TOWN ADMINISTRATOR'S REPORT

Dr. Shankle provided the following overview:

- Interviewing for public works director position
- Recycling
- (Block 5) Working with new town IT contract
- Meeting with his new community Development Department and attended one of their master plan meetings
- Met Mayor Craig Manchester, NH (meet & greet)
- SNHU (CEDA) groundbreaking. He has invited the new town planner to future SNHU meetings
- Mount Saint Mary's condominium auction \$74,000. Condo association received \$35,000 in fees. Auctioneer was surprised it went for over \$40,000. If held onto for three years would have profited, kept all proceeds.
- Councilor Levesque argued with past town councilor that after three years of back taxes we can auction property.
- After new year technology (7-1-18)
- Recruiting DPW director & engineer
- Manchester water works increase 2 ½% in user fees
- Trimbur case (Corriveau Drive) – Town won the case
- Transcript for 4-25-18 town council minutes town received pedestrian bridge
- Council discussion on towns LED lighting further updates at council 8-22-18 meeting

17. PUBLIC INPUT - 15 MINUTES

(Moved up under 10A)

18. NOMINATIONS AND APPOINTMENTS

19. 15 MINUTE RECESS

20. OLD BUSINESS

20.a Budget Transfers

Christine Soucie, Finance Director distributed budget transfer request form (see attached for details). 3 transfer requests tonight last fiscal year moving health insurance lines. Rental rates for the hydrants also requested.

Councilor Winterton questioned if rental prices are negotiable?

Councilor Ross questioned have we ever compared other cities/towns?

Councilor Duhaime also questioned and compared. substantial increase.

Chair Sullivan questioned we don't own so if someone uses and we rent them?

Councilor Ross good to know what it's really worth.

Chair Sullivan agrees and requests they come in or have them send letter to explain.

C. Soucie advised transfer 5 overages public works resurfacing/fleet main department over because new employee hired higher than budget.

Under budgeting and doesn't know why will check with Dr. Shankle.

Chair Sullivan questioned admin can transfer within department.

C. Soucie says fleet is separate account transfer money so doesn't show negative.

Councilor Duhaime motioned to approve 3 budget transfers

#2018-04 131,000.00

#2018-05 220,298.00

#2018-06 55,750.00

Seconded by Councilor Giotas

Vote in favor (8-0)

NEW ITEM: PAVING CONTRACT CHANGE ORDER

Dr. Shankle advised as part of budget transfers above that Diane Boyce, PW Director, has a change order for paving.

Diane Boyce DPW Director stated paving change order for additional paving on Hackett Hill Rd. and additional paving for Cross Road (see attached for details).

Councilor Ross change order number #1 is for \$362,209.00

Councilor Duhaime questioned extending contract. More commuters on Hackett Hill Road these days request leave unpaved heavy truck traffic and need to protect residents. There should be a weight limit first year of paving full length of Hackett Hill.

Councilor Ross motioned to approve the change order #1 for 2018 paving contract for GMI Asphalt in the amount of \$362,209.00 (for a total contract of \$991,224.00)

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Seconded by Councilor Levesque

ROLL CALL # 3

**J. Giotas- yes
D. Ross- yes
A. Walczyk- yes
J. Durand- yes
R. Duhaime- yes
J. Levesque- yes
D. Winterton- yes
J. Sullivan- yes
Vote in favor (8-0)**

21. NEW BUSINESS

21.a Civil Forfeitures for Unlicensed Dogs
[staff report - Dogs 2018-1.docx](#)

[Civil Forfeiture RSA 466 14.docx](#)

21a was moved under section 10a.

Chair Sullivan closed the public hearing from 14a above. 8:45pm

21.b Accept \$11,951.44 in grant funds from the Merrimack Conservation Partnership Land Transaction Grant Program to the Town of Hooksett for the Conservation Easement known as the Heroux Property "Clay Pond III" project Heroux Property 73.5 acres, Tax Map 4, Lot 9 North Candia Road per RSA 31:95-b III (a).

[Staff Report - Clay Pond III - Staff Report.pdf](#)

[Conservation Grant - Clay Pond III.pdf](#)

Councilor Ross motioned to accept \$11,951.44 in grant funds from the Merrimack Conservation Partnership Land Transaction Grant Program to the Town of Hooksett for the Conservation Easement known as the Heroux Property "Clay Pond III" project Heroux Property 73.5 acres, Tax Map 4, Lot 9 North Candia Road per RSA 31:95-b III (a). Seconded by Councilor Duhaime

Roll Call # 4

***A. Walczyk- yes
J. Levesque- yes
D. Ross-yes
R. Duhaime- yes
J. Durand- yes
D. Winterton- yes
J. Giotas- yes
J. Sullivan- yes
Vote in favor (8-0)***

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21.c Street Name Approval off Post Road
[Staff Report-Street Name Approval off of Post Road.pdf](#)

Chief Burkush indicated Ok for 911.

***Councilor Levesque motioned to approve Pond View Drive as the road name to access Map 6, Lot 22-39. Seconded by Councilor Duhaime.
Vote in favor (8-0)***

21.d Town Report Business
[Staff Report - Council Report Business.docx](#)

Nick Germain, Project Coordinator, distributed draft Council Chair report. Councilors reviewed and made edit of draft report as appropriate. Nick provided town report cover pictures and themes to council.

COUNCIL CONCENSUS to approve the town report cover picture “Welcome To Hooksett” and Council Chair’s annual report and other relevant details.

21.e NHMA Annual Legislative Policy Process
[Staff Report NHMA Policies 2018.docx](#)

[NHMA POLICY 2018.pdf](#)

Donna Fitzpatrick, Administrative Services Coordinator (HR), provided an overview of the NHMA annual legislative policy process. At councils 8-22-18 meeting councilors should be prepared to vote on policy’s presented in tonight’s packet and designate a delegate to the 9-14-18 policy conference to vote on behalf of the full council.

22. SUB-COMMITTEE REPORTS

Councilor Levesque: At ZBA meeting Good Morning Sales site was denied to allow a body shop and replied for rehearing.

Councilor Ross: Need to schedule a Board of Assessor’s meeting.

Councilor Winterton: Unable to attend Sewer Commission meeting but understands they have contracted to start under river sewer lines with a goal of completion by spring 2019. Still in Fire-Rescue union negotiations.

23. PUBLIC INPUT

24. NON-PUBLIC SESSION #2

24.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.

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

24.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 07/11/18 at 9:12pm. Seconded by D. Winterton.

Roll Call #5

D. Ross – yes

R. Duhaime – yes

A. Walczyk – yes

J. Levesque – yes

D. Winterton – yes

J. Durand – (out of room)

J. Giotas – yes

J. Sullivan – yes

Vote in favor (7-0).

J. Sullivan motioned to exit non-public session #2 of 07/11/18 at 9:48pm. Seconded by J. Levesque. Vote unanimously in favor (8-0).

J. Sullivan motioned to seal the non-public session #2 minutes of 07/11/18. Seconded by D. Ross. Vote unanimously in favor (8-0).

PUBLIC SESSION CONTINUED AT 9:48pm

D. Winterton motioned that the Council, as recommended by the Town Administrator and per Town Charter Section 4.6, advises and consents to Earl Labonte for a conditional offer of employment as the new Public Works Director. Seconded by J. Levesque.

Vote unanimously in favor (8-0).

25. ADJOURNMENT

J. Sullivan motioned to adjourn the public session of 07/11/18 at 9:50pm. Seconded by R. Duhaime. Vote unanimously in favor (8-0).

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,

Paula Dalton
Recording Clerk

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