



**TOWN COUNCIL Minutes - Official
Workshop
Wednesday, August 08, 2018
6:00 PM
Council Chambers**

1. CALL TO ORDER

1.a The purpose of the public session is to have the Town Council's annual workshop. They will be discussing various topics including but not limited to, the Town Charter, Council Rules of Procedures and Administrative Code.

Chair Sullivan called the meeting of 8/8/18 to order at 6:03 pm.

2. PROOF OF POSTING

Town Administrator, Dr. Dean E. Shankle, Jr, provided proof of posting on 8/1/18.

3. ROLL CALL #1

Roll Call - Attendance

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

4. PLEDGE OF ALLEGIANCE

5. WORKSHOP ITEMS

Chair Sullivan states we do not have a place for public input at workshops, but have a request and will keep it within our guidelines.

Mr. Marc Miville of 42 Main St has comments on 2-3 issues he wants to bring up again as he has in the past when he was a councilor back in February, March, April. He distributed three papers to the council. 1.) Title LXIII Elections Chapter 669 Town Elections General Provisions Section 669:7 Incompatibility of Offices. 2.) Title III Towns, Cities, Village Districts, and Unincorporated Places Chapter 49-D Local Option-Town Charters Section 49-D: 3 Optional Forms of Legislative Body. 3.) Title III Towns, Cities, Village Districts, and Unincorporated Places Chapter 31 Power and Duties of Towns Power to Make Bylaws Section 31:39- a Conflict of Interest Ordinances. First item on agenda is #5a Serving on multiple Boards-conflicts of interest. He believes he was the one who instituted it and wanted it placed on the agenda. He claims terms were different and he is concerned, because he wanted to stay on Town Council until July 1st but he was denied. He also can't serve just as moderator. He is reading what a moderator can and can't do (RSA 49.D.3, 669.7, and Town Charter 7.1.C). He is in agreement, but it seems the Town is much more restrictive. What is the conflict that the moderator can't join another commission? It doesn't make sense to him. Why? What's the conflict that he can't be on the Heritage committee? He wanted to stay active. Mary Farwell wrote it 30 years ago and he asked her why did that? They didn't give it a second thought back then. He would like council to reconsider 7.1.C for a Charter change?

Chair Sullivan advised no comments today. This is a workshop only and Council can listen to public, but not comment.

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Mr. Miville said he was surprised he couldn't volunteer anywhere else in town on boards and committees. He also stated this board (see Town Charter 10.2.B) is the only one that starts July 1st; other boards start May 1st. Claiming again he was forced to resign. He suggests either bring town council to May 1st or bring all other positions to July 1st.

Mr. Miville advised stipends are next issue (see Administrative Code 5.8). He had to leave council in April, so he served 4 months and didn't get paid in July. He thinks something should be done about it and referred to Adam Jennings who he claims didn't get paid for 6 months as Councilor. Stipends should be prorated to whatever someone has served. His final point he started speaking about personnel plan.

Chair Sullivan and Donna Fitzpatrick, Administrative Services Coordinator (HR), advised the personnel plan is not on the workshop agenda.

1. Town Charter Updates

- a. Update Article 3.1 – remove Councilor districts/at-large (pg.3)
- b. Update Article 3.2 – remove Councilor districts/at-large (pg. 4)
- c. Update Article 3.3 – remove Councilor districts/at-large (pg. 4)
- d. Update Article 5 Finance (pgs. 12 – 17) & Article 11 Administrative and Judicial Boards (pg. 29) – discussion on proposal to remove Budget Committee

Chair Sullivan facilitated Town Charter discussion on items a,b,c above (3.1, 3.2, 3.3 removing Councilor districts/at-large).

Councilor Ross believes issues are legitimate. Town is broken onto 6 districts which is fairly reasonable. Hooksett Road has different needs than other districts. He questioned how districts get redrawn?

Councilor Tsantoulis agrees with Councilor Ross on the concept about assigning districts. He thinks it works well. Why people would be opposed to doing anything differently? He is not big on changing things just for the sake of changing things.

Councilor Winterton thinks it would be a good change, and says that we should ask the voters if they want it changed.

Chair Sullivan stated the districts were a change in 1989 when the Town wanted to keep zoning. In 2011 the Town did an extensive Town Charter review. Chair Sullivan and Councilor Levesque made many changes in the Town Charter at that time.

Councilor Giotas agrees with Councilor Winterton and thinks it's an unfair restriction on people who want to serve.

Councilor Levesque stated if it isn't broken don't fix it. Look at how many times we have an empty seat that someone in the district will put their name in. He doesn't understand why there is an issue. He likes the 6 districts and 3 at large. What's wrong with the system we have now?

Councilor Winterton knows people who wanted to serve, but live on the other side of the street. A previous Councilor couldn't serve after the new districting.

Councilor Ross stated it needs to be addressed with the Supervisors of the Checklist.

Councilor Duhaime is worried about all roads in town just not his district. Granite Hill condos have 400 units and at the time they were built wealthy people moved in. Older citizens felt threatened at the time without districts. In his district University Heights and Head's Pond developments are already approved for hundreds of homes. It is only a matter of time before everything in his district gets built. He stated there is a shortage of people on boards. He is not on either side of whether there should or should not be districts, but rather let the citizens decide.

Dr. Shankle states there are times when someone can't run. Now, there can't be two at-large Councilors from the same district.

Councilor Ross where is the public outcry? Some districts have low voter turnout. Demographics not very ambulatory. Some sections of town don't vote. The needs in Town are different from the valley than on the hill and on the west side and this side of the river. Districting is smart and wise. We have nine councilors here all the time and we are here to serve because we really care. Why change the Charter when only a couple of people are requesting a change out of 14,000?

Councilor Winterton has a compromise discussion eliminating the number of at-large Councilors per district. At-large Councilors have never been a majority of this board. He states it's sad when they (candidate) live on the wrong side of the street and can't serve the Town.

Chair Sullivan states the removal of districts was recommended by three individuals. Maybe Councilor Winterton is onto something about eliminating districts for at-large?

Councilor Winterton states the term at-large is not accurate.

Chair Sullivan states maybe we need a motion?

Donna Fitzpatrick reminded Chair Sullivan that there are no motions at workshops, however a consensus of the Council may be taken.

Chair Sullivan is questioning to eliminate the sentence in the Town Charter 3.2 "No two councilors elected at-large or appointed to fill a position at large shall be residents of the same district.

Councilor Ross agrees neighborhoods should be in the same district but issue should be brought to Supervisor of Check List.

Chair Sullivan stated redistricting has to be done every ten years. The voters can petition a warrant on the ballot to remove the districts from the Town Charter.

Chair Sullivan facilitated Town Charter discussion on item d above (5 & 11 proposal to remove Budget Committee)

Councilor Winterton states Dr. Shankle brings budget here and we are responsible and spend a lot of time on its review. The Budget Committee then takes the Town Administrator and Town Council budget and reviews that for sixteen Thursday nights in a row. There are fourteen members on the Budget Committee. Last year the Budget Committee changed our budget by .43%; they agreed with our budget 99.57%. The Budget Committee sixteen meetings are at least two hours each. The Budget committee is elected. Many members have left this committee. This Council does its job and he does not think the Budget Committee is needed in 2018. No one from the Town Council wants to become the Budget Committee representative.

Councilor Tsantoulis stated the Budget Committee process appears redundant.

Councilor Ross stated it is supposed to be hard to spend money. Change is supposed to be difficult. The Budget Committee's job is to check on us. They serve a purpose. We should put the removal of the Budget Committee on the ballot and let the voters decide, but he can't see it passing.

Chair Sullivan stated in all his years here he only recalls one major change from the Budget Committee. There is no public outcry to remove the Budget Committee. This committee has term limits. He thinks there is a good purpose to the Budget Committee.

Councilor Duhaime states it is a system that does a double check on the budget. The size of the committee and number of meetings may need to be reduced so people on the committee show up.
Chair Sullivan facilitated other Town Charter recommended changes as follows:

Chair Sullivan question on 3.5.3 roll call?

Councilor Ross stated maybe last sentence could be removed in Town Charter **3.5.3** "All votes shall be recorded by roll call except votes on procedural matters".

Chair Sullivan question on judicial vs. administrative boards?

Councilor Ross states one makes decision and one takes action.

Dr. Shankle states the restrictions of Moderator servicing on other Boards/Committees has come before you twice before for changes to the Town Charter, but you decided not to move forward with any changes. If I recall when the woman came before you, it was unanimously not recommended for change...

Councilor Duhaime states a Moderator would be in conflict with being on a Budget Committee, Planning Board and others..

Councilor Ross states Moderator should not service on ZBA.

Councilor Winterton states that Moderator may be able to serve on advisory Boards/Committees that have no voting power.

Dr. Shankle states by having a Moderator on an advisory Board/Committee you are putting someone on who has an outside impact on that Board/Committee.

Councilor Ross states there is also the appearance to the public of the Moderator on a Board/Committee being of greater influence.

Dr. Shankle reminds the Council the reason we kept Councilors on the July 1st term is to complete their budget cycle.

Councilor Winterton states July 1st terms for everyone makes sense.

Councilor Tsantoulis states July 1st terms for all Boards/Committees could result in attendance issues. The current member(s) finds out he/she was not re-elected in March, but he/she still needs to complete their term through June 30th.

Councilor Winterton states there are rules for attendance whereby a member can be removed if missing a certain number of meetings.

Councilor Ross states **7.1.C** add ". . . unless otherwise requires or allowed by law or this Charter."

Chair Sullivan states **7.1.F** new section "F" "Any person elected as Moderator shall not simultaneously be on any other judicial or administrative board.

Chair Sullivan states **10.2.B** update ". . . elected officials in the Town shall take or continue on the first day of July next following their election . . ."

In Summary, motions on the following to be addressed at 8/22/18 Town Council Meeting:

Councilor Districts/At-Large

1. 3.1 – remove Councilor districts/at-large

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2. 3.2 – remove Councilor districts/at-large
 3. 3.3 - remove Councilor districts/at-large
- Note:** 1,2,3 above, if recommended by Council, remove any other language in Town Charter associated with Councilor districts/at-large.

Councilor At-Large

4. 3.2 – only remove paragraph 3 "~~No two councilors elected at large or appointed to fill a position at large shall be residents of the same district~~".
- Note:** Recommending only #4 above would keep districts, but remove restricts from at-large seats.

Roll Call Votes

5. 3.5.d – remove "All votes shall be recorded by roll call except votes on procedural matters."

Budget Committee

6. 5 & 11 – remove Budget Committee
- Note:** If #5 above recommended, remove any other language in Town Charter associated with Budget Committee.

Moderator

7. 7.1.C – add " . . . unless otherwise required or allowed by law or this Charter."
8. 7.1.F – add new section "F" "Any person elected as Moderator shall not simultaneously be on any other judicial or administrative board."

Elected Officials First Day in Office

9. 10.2.B – update " . . . all elected officials in the Town shall take or continue in office on the first day of ~~May~~ July next following their election . . ."

2. Administrative Code Updates

- a. Update Section 2 – Departmental Organization – add "Community Development" (pg. 4)
- b. Update Section 3 – Departmental Functions
 - i. Add 3.3 "Community Development Department" (pg. 5)
 - ii. Update 3.4 – Family Services add "and Guidelines adopted by the Town Council" (pg. 5)
 - iii. Remove 3.7 "Community Development" from Public Works Department (pgs. 6 & 7)
- c. Update 5.3.3 – Special Exceptions – add GSA Purchases (Town Council approved 01/10/18) (pg. 13)
- d. Add New Section 5.9 - Post-Issuance Tax Compliance Policy and Procedures for Tax-Exempt Obligations (Town Council Approved 5/9/18) (pgs. 15 & 16)

Chair Sullivan facilitated discussion on Administrative Code items above:

- **Items a, b i, biii – updates due to Community Development Department reorganization**
- **Item b ii – update due to recommendation by Town Financial Auditor**
- **Items c, d – updates already approved by Town Council at previous meetings this year**

D. Fitzpatrick provided overview of Community Development Department reorganization.

Chair Sullivan questions the Parks, Recreation & Cemetery Division of Public Works and if the recreation should be taken out of any descriptions of this division.

D. Fitzpatrick recommends we table the Parks, Recreation & Cemetery Division discussion to a future Town Council meeting, since there are personnel changes coming to the Public Works Department.

Chair Sullivan requests to add the recreation discussion on a future agenda.

D. Fitzpatrick provided overview of Family Services Guidelines as recommended by Town Finance Auditor.

Dr. Shankle doesn't know if the Town Council has ever adopted these guidelines. This will be added to the Council's next meeting for the Council to adopt.

D. Fitzpatrick recommends we add to the Council's Rules of Procedures to adopt at their first meeting in July.

Chair Sullivan questions on Library and Wastewater as departments of the Town.

Dr. Shankle confirms yes Library and Wastewater fall under the Town Administrator although they have trustees/commissioners in between.

Chair Sullivan states section **5.8 stipends**, how should they be paid .. prorated?

Councilor Ross recommends quarterly stipends.

In Summary, motions on the following to be addressed at 8/22/18 Town Council Meeting:

1. 2 – Departmental Organization – add “Community Development” “Economic and Community Development Director”
2. 3 – Departmental Functions (renumber appropriately)
 - a. Add “Community Development Department”
 - b. Remove “Community Development” from Public Works Department
3. 3.4 - Family Services – add “and Guidelines adopted by the Town Council”
4. 5.3.3 – Special Exceptions – add GSA Purchases (Town Council approved 01/10/18)
5. 5.8 – update “Stipends paid . . . shall be made ~~bi-annually~~ quarterly ~~in the second pay date of December and June. . .~~”
6. Add New Section 5.9 - Post-Issuance Tax Compliance Policy and Procedures for Tax-Exempt Obligations (Town Council Approved 5/9/18)

3. Town Council Rules of Procedures Updates

- a. Update Section 2.a.11 – reword for Administration (pg. 1)
- b. Update Section 2.c.3.d – remove minutes “attachments” (pg. 2)
- c. Review Section 7.b – public input (pg. 4) Best practices to oversee the public speaking before the Council.
- d. Review Section 7.d – scheduled appointments (pg. 5) Best practices to oversee the appointments speaking before the Council.
- e. Review Section 7.f – new business (pg. 5) new business should not be presented and addressed the night of the meeting via public input or scheduled appointment, but rather introduced and determined by the Council for a future new business agenda item.
- f. Update Section 7.f.2 – new business submission deadline clarified (pg. 5)
- g. Update Section 9.a – filing agenda items submission deadline clarified (pg. 5)
- h. Review Section 10 – addressing the Council (pg. 6) Best practices to oversee individuals speaking before the Council.

Chair Sullivan facilitated discussion on Town Council Rules of Procedures' items above:

D. Fitzpatrick states posting attachments to minutes is very time consuming. The attachments are coming from various sources in different formats and then need to be consolidated into one paper version to then scan as one document to post on the Town's website. Attachments that would be posted are available at Town Hall should someone request a copy.

Chair Sullivan questions if attachments are permanent records.

D. Fitzpatrick replies yes per RSA 33A and someone requesting a document may receive via hard copy or e-mail attachment.

Councilor Winterton states the Council should revisit section **3.c** Council electronic method(s) of participation, attendance, or quorum at Council meetings.

Councilor Ross doesn't think a Councilor should be voting if he is not here.

Councilor Walczyk states he believes it's a Hooksett Town thing regarding restrictions on electronic attendance at meetings.

Dr. Shankle states the electronic meeting restrictions could be a state law and he will bring information at the Council's next meeting.

D. Fitzpatrick states it may be difficult for the minutes taker to hear (live or video) to transcribe minutes if attendance via electronic methods.

Chair Sullivan states section **3.g** add "The Secretary shall be seated next to the Town Council Recording Clerk." This may help with the transcribing of the minutes.

Council consensus on **public input (7.b) and scheduled appointments (7.d)** is to keep current rules and have the Council Chair monitor times with speakers for compliance with these rules. Some Councilors recommended timers.

D. Fitzpatrick provides overview of agenda submission deadline process:

- Two Thursday's end of business day prior to Council meeting is the deadline for submitting items
- Two Friday's prior to meeting draft agenda sent to Council Chair and Town Administrator for review
- Two Monday's prior to meeting Council Chair and Town Administrator approved agenda to departments heads for their final review
- Two Tuesday's prior to meeting final edits to agenda
- Wednesday prior to meeting add in previous meetings draft minutes and process final agenda packets, post on Town website and e-mail & US Postal Mail to Councilors

In Summary, motions on the following to be addressed at 8/22/18 Town Council Meeting:

1. 2.a – add "Motion to adopt the Family Services Guidelines"
2. 2.a – update item 12 for general "Administration" and "annual" vs. specific position and dates
3. 2.c.3.a – remove "~~if available taped voice vote may be used~~"
4. 2.c.3.d – remove "~~Minutes and attachments shall be posted separately from each other.~~"
5. 2.c.3.d – add "Minutes shall be posted on the Town website."
6. 3.c – update "The Council shall ~~not~~ recognize a Councilor's electronic method(s) of participation, attendance, or quorum."
7. 3.g – update "The Chair and Vice-Chair ~~and Secretary~~ shall be seated at the head of the Council table in Chambers.
8. 3.g – add "The Secretary shall be seated next to the Town Council Recording Clerk."
9. 7.f.2 – update "New Business submitted by ~~noon the Wednesday~~ end of business two Thursdays"
10. 7.f.3 - update "New Business submitted after ~~noon the Wednesday~~ end of business two Thursdays"
11. 9.a – update "no later than ~~noon the Wednesday~~ end of business two Thursdays"

4. Town Administrator Goals for July 1, 2018 – June 30, 2019

Chair Sullivan facilitated discussion on Town Administrator Goals for period July 1, 2018 – June 30, 2019. Even if some of the goals have been met (since it is now 08/08/18), the goals should be listed.

In Summary, motions on the following to be addressed at 8/22/18 Town Council Meeting:

Goal 1: Old Town Hall – complete project sooner.

Goal 2: Find new Director of Public Works and Town Engineer.

Goal 3: Solve Parks & Recreation despite no full-time Director – solutions.

Goal 4: Evaluate new hires under probationary period.

Goal 5: Evaluate the current Town Fire Department needs based on data on number of fires and ambulance calls.

Goal 6: Work with SNHU to determine if PILOT (payment in lieu of taxes) is appropriate.

Goal 7: Create a Community Development guidebook for developers as a checklist for compliance with Hooksett requirements to promote continuity of developments in town.

Goal 8: Promote Hooksett to “go green”. Evaluate the potential to expand for expanding alternate providers for utilities in Town (i.e. alternate to Comcast).

Goal 9: Work with the Hooksett Sewer Commission on the evaluation of a warrant article for a TIF District.

5. Other

a. **Serving on multiple Boards/Committees – conflicts of interests (J. Sullivan)**

See previous discussion at beginning of this workshop.

b. **Town Shuttle Bus Program Restrictions (J. Sullivan)**

D. Fitzpatrick provides an overview of the Town’s shuttle program. The grant funds and shuttle program are managed through the MTA. Our Town Planner has informed us that an issue with one rider monopolizing the system is no longer.

c. **Town Council Budget Committee Rep. – create guidelines/rules (J. Sullivan)**

Chair Sullivan states that this item is pending the outcome of the Town Charter proposal to remove the Budget Committee.

M. Miville states the Budget Committee received letters from the water precinct lawyers that the precincts would not be in attendance at any Budget Committee meetings; therefore the committee has a by-law not to include them in their quorum numbers. The committee quorum is 11 members. I see the guidelines for the Council Budget Committee Rep. as defending the Council’s budget and explaining to the committee why the numbers are there. When he was the rep. and voted twice against what the Council had voted for, he informed the Council why.

d. **LED lighting (D. Ross)**

Councilor Ross says if we are going to do LED lighting across Town we need to know the correct details before we bid. The last bid was inaccurate. Councilor Tsantoulis is knowledgeable in this area and could assist us with creating a correct bid.

Councilor Tsantoulis states now that he is retired from Eversource, he does not have a conflict of interest and can assist in developing the bid.

e. **Miscellaneous**

Councilor Duhaime requests the Community Development Department create a development guide "checklist" book to promote consistency in Town for developers to comply with building standards.

Dr. Shankle states the standards exist, however if the Planning Board waives them this causes the inconsistency. He will look into a guide book.

ADJOURNMENT

***J. Sullivan motioned to adjourn the meeting at 9:00pm. Seconded by R. Duhaime.
Vote unanimously in favor (9-0).***

Respectfully,

Paula Dalton
Recording Clerk