



AGENDA

Town of Hooksett Town Council

Wednesday, September 11, 2019 at 6:00 PM

A meeting of the Town Council will be held Wednesday, September 11, 2019 in the Hooksett Municipal Building commencing at **6:00 PM**.

Page

- 1. CALL TO ORDER**
- 2. PROOF OF POSTING**
- 3. ROLL CALL**
- 4. PLEDGE OF ALLEGIANCE**
- 5. SPECIAL RECOGNITION**
 - 5.1. Hooksett Municipal Employee - New Hire
- 6. SCHEDULED APPOINTMENTS**
 - 6.1. Tom Archer, Granite YMCA - Day Camp at Hooksett Summer 2019
- 7. APPROVAL OF MINUTES**
 - 7.1. Public: 08/28/19 5 - 29
[TC Minutes 082819-U](#)
 - 7.2. Non-Public: 07/24/19 (1st & 2nd motion to approve @ 8/28/19 TC Mtg, no vote pending amendments)
 - 7.3. Non-Public: 08/28/19
- 8. AGENDA OVERVIEW**
- 9. PUBLIC HEARINGS**
- 10. CONSENT AGENDA**
 - 10.1. Motion to accept donations totaling \$369.14 from the Hooksett Library (Collected at National Night Out), t-shirt sales through the Hooksett Police Association, and the Chevrette family 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. 31
[Staff Report - SR-19-144 - Pdf](#)
- 11. TOWN ADMINISTRATOR'S REPORT**
- 12. PUBLIC INPUT - 15 MINUTES**
- 13. NOMINATIONS AND APPOINTMENTS**
- 14. 15 MINUTE RECESS**
- 15. OLD BUSINESS**
 - 15.1. Project Status Report 33 - 34

Anyone requesting auxiliary aids or services is asked to contact the Administration Department five business days prior to the meeting.

[Staff Report - SR-19-153 - Pdf](#)

- 15.2. Surety Release- Summit View of Hooksett, LLC Well Radius Surety (tabled at 8/28/19 TC meeting) 35 - 44

[Staff Report - SR-19-152 - Pdf](#)

- 15.3. Administrative Code Updates - Cellular Phones in the Workplace - Reimbursement Allowances for Personal Cellular Phones (8/28/19 TC Mtg. motion & vote to revisit) 45 - 50

[Staff Report - SR-19-155 - Pdf](#)

- 15.4. Town Council Rules of Procedures Updates (Tabled at 8/28/19 TC Mtg) 51 - 61

[Staff Report - SR-19-156 - Pdf](#)

- 15.5. Town Administrator Goals FY 2019-2020 63 - 64

[Staff Report - SR-19-157 - Pdf](#)

- 15.6. Hooksett Old Home Day - September 21, 2019 - Town Council Booth

- 15.7. Hooksett Employee Appreciation Picnic - October 11, 2019 - Hosted by Town Council

16. NEW BUSINESS

- 16.1. Replacement of 2 DPW Pickups and Fleet Reduction 65 - 68

[Staff Report - SR-19-154 - Pdf](#)

17. SUB-COMMITTEE REPORTS

18. PUBLIC INPUT

19. NON-PUBLIC SESSION NH RSA 91-A:3 II (A-L, AS NEEDED)

20. ADJOURNMENT

PUBLIC INPUT

1. Two 15-minute Public Input sessions will be allowed during each Council Meeting. Time will be divided equally among those wishing to speak, however, no person will be allowed to speak for more than 5 minutes.
2. No person may address the council more than twice on any issue in any meeting. Comments must be addressed to the Chair and must not be personal or derogatory about any other person.
3. Any questions must be directly related to the topic being discussed and must be addressed to the Chair only, who after consultation with Council and Town Administrator, will determine if the question can be answered at that time. Questions cannot be directed to an individual Councilor and must not be personal in nature. Issues raised during Public Input, which cannot be resolved or answered at that time, or which require additional discussion or research, will be noted by the Town Administrator who will be responsible for researching and responding to the comment directly during normal work hours or by bringing to the Council for discussion at a subsequent meeting. The Chair reserves the right to end questioning if the questions depart from clarification to deliberation.
4. Council members may request a comment be added to New Business at a subsequent meeting.
5. No one may speak during Public Input except the person acknowledged by the Chair. Direct questions or comments from the audience are not permitted

Anyone requesting auxiliary aids or services is asked to contact the Administration Department five business days prior to the meeting.

during Public Input.

Anyone requesting auxiliary aids or services is asked to contact the Administration Department five business days prior to the meeting.

**Town of Hooksett
Town Council Meeting Minutes - Unofficial
Wednesday, August 28, 2019**

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The Hooksett Town Council met on Wednesday, August 28, 2019 at 6:00 in the Hooksett Municipal Building.

CALL TO ORDER

Chair Sullivan called the meeting of 28 Aug 2019 to order at 6:03 pm.

PROOF OF POSTING

Administrative Services Coordinator Donna Fitzpatrick provided proof of posting.

ROLL CALL

In Attendance: Councilor James Sullivan, Councilor John Durand, Councilor Avery Comai, Councilor James Levesque, Councilor Timothy Tsantoulis, Councilor Clark Karolian, and Councilor Alex Walczyk

Missed: Councilor Robert Duhaime and Councilor Clifford Jones

PLEDGE OF ALLEGIANCE

Chair Sullivan called for the Pledge of Allegiance.

SPECIAL RECOGNITION

Hooksett Police - Swearing-in Ceremony - New Police Patrol Officers

Chief Bouchard: Our new officers participated in the National Night Out on their second day here. We have a tradition of swearing in new Police Patrol Officers at Town Council meetings so that members of the community can watch. We welcome the family members and friends of our new officers. We are a family and will do our best to take care of your loved ones. Tonight, I am pleased to present three new officers: Eric Foley, Jacob Hall, and Schlieden Meneide. Eric Foley grew up in Derry and Goffstown. He attended Pinkerton Academy and received an associate's degree in Criminal Justice from NH Technical Institute in 2014. He worked as a supervisor at Alliance Landscaping before joining the Hooksett Police Department. Jacob Bell grew up in Bedford and Litchfield, attending Bedford High School. In 2018 he earned an associate's degree in Criminal Justice from NH Technical Institute and he worked at Bass Pro Shop until joining our police force. Schlieden Meneide was born and brought up in New Jersey, attending Roxbury Community College where he earned an associate's degree in Criminal Justice in 2015. He joined the Manchester NH police force and attended the 170th Police Academy. His supervisors describe him as highly motivated, calm, polite and professional.

Chief Bouchard administered the oath of office to the three new police patrol officers.

NH Retirement Certification

D. Fitzpatrick: I am circulating a NH Retirement Certification form for the Councilors' signatures.

44 **Hooksett Municipal Employee - New Hire**

45 A. Garron: Our new Town Assessor, Jon Duhamel, will begin work on September 3, 2019 and will be
46 introduced to the Council soon thereafter. Beatrice Couser is the new Head of Patron Services for the
47 Library. We welcome both of them.

48

49 **APPROVAL OF MINUTES**

50

51 **Public Meeting: 07/24/19**

52 ***A. Walczyk motioned to approve the minutes of the July 24, 2019 public meeting. J. Durand***
53 ***seconded the motion.***

54

55 Chair Sullivan called for a vote on the motion as amended.

56

57 ***Voted unanimously in favor (7-0).***

58

59 **Special Public Meeting: 07/31/19**

60 ***J. Levesque motioned to approve the minutes of the July 31, 2019 special public meeting. J.***
61 ***Durand seconded the motion.***

62

63 Chair Sullivan called for a vote on the motion as amended.

64

65 ***Voted in favor (5-0); 2 abstentions due to absence.***

66

67 **Special Public Meeting: 08/14/19**

68 ***A. Walczyk motioned to approve the minutes of the August 14, 2019 special public meeting. J.***
69 ***Levesque seconded the motion.***

70 ***Voted in favor (6-0); 1 abstention due to absence***

71

72 **Public Workshop Meeting: 08/14/19**

73 ***A. Walczyk motioned to approve the minutes of the August 14, 2019 public workshop meeting.***
74 ***J. Levesque seconded the motion.***

75 ***Voted in favor (6-0); 1 abstention due to absence***

76

77 **Non-Public Meeting: 07/24/19**

78 ***A. Walczyk motioned to approve the minutes of the July 24, 2019 non-public meeting. J.***
79 ***Levesque seconded the motion.***

80

81 Chair Sullivan: Amendments to this motion will be made in a non-public session.

82

83 **Non-Public Special Meeting: 07/31/19**

84 ***A. Walczyk motioned to approve the minutes of the July 31, 2019 special non-public meeting. J.***
85 ***Levesque seconded the motion.***

86 ***Voted in favor (5-0); 2 abstentions due to absence.***

87

88 **Non-Public Special Meeting: 08/14/19**

89 ***A. Walczyk motioned to approve the minutes of the August 14, 2019 special non-public meeting.***
90 ***J. Levesque seconded the motion.***

91 ***Voted in favor (6-0); 1 abstention due to absence.***

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AGENDA OVERVIEW

D. Fitzpatrick: The Knox Box discussion item under New Business should be moved to Old Business, since it was discussed at a prior meeting.

CONSENT AGENDA

Donation of school supplies from local residents and businesses to the Town of Hooksett for the Family Services Department Back to School Supply Program.

Motion to accept the donation of money/supplies for entertainment, food, drinks and paper products with a combined estimated value under \$3,000.00 from Hooksett Kiwanis, Merrimack County Savings Bank, Hooksett Police Association, Cup Cake Fairy USA, Prime Source Foods (Formerly Poultry Products Northeast), Frierhofer's Bakery Outlet, Hannaford Supermarket, Shaw's and Target, of Hooksett, NH, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-e:II

Motion to accept \$423.00 raised at our third annual National Night Out event held on August 6, 2019 to the Town of Hooksett through the Police Department for Hooksett families in need per RSA 31:95-b, III(b).

Motion to accept the donation of \$5,000.00 from PROCON, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-b, III (b) and return that amount to the Police Department's K9 Trust Fund.

Surety Release- Summit View of Hooksett, LLC Well Radius Surety

J. Levesque motioned to approve the first four items of the Consent Agenda. A. Walczyk seconded the motion.

Voted unanimously in favor (7-0).

A. Walczyk motioned to approve the last item of the Consent Agenda regarding the Surety Bond Release of \$6,000 for Summit View of Hooksett. Chair Sullivan seconded the motion.

B. Thomas: When this subdivision was done, the well radius on this property was two feet off of the lot, as indicated on this plan. The Planning Board issued a waiver and apparently NHDES was okay with it. Summit View is now requesting release of the bond.

C. Karolian: How did it come to light?

B. Thomas: I don't know. I am filling in here for Planning. Someone must have done a survey and found it was a little bit off.

C. Karolian: Plans are submitted for buildings on lots, septic systems or wells. For some reason the well was dug in a different spot than it was supposed to have been dug. Someone found out that it didn't conform to the 75-foot radius requirement. Was a bond requested or issued?

B. Thomas: We withheld the bond because of non-conformance with the subdivision plan. Now the Planning Board has granted a waiver and the staff is comfortable with releasing the bond.

141
142 C. Karolian: What was the purpose of the bond?
143
144 B. Thomas: The bond was to ensure compliance with development regulations.
145
146 Chair Sullivan: So, you held off on the release of the bond?
147
148 B. Thomas: Yes.
149
150 Chair Sullivan: And the Planning Board gave that waiver to meet that 75-foot requirement?
151
152 B. Thomas: Yes.
153
154 C. Karolian: So, does that have to go, after it is waived, to the State DES to make sure they have
155 signed off?
156
157 B. Thomas: According to the staff report, a well radius release form was used.
158
159 C. Karolian: Sequentially, does it go to the State after the waiver is granted?
160
161 B. Thomas: I am not sure of the order, but it does go to the State.
162
163 A. Garron: It is a requirement to get a waiver from the State and then go back to the Town to make
164 them aware. With the \$6,000 bond, if the well has to be moved, there is money for that. Usually the
165 landowner does that and then gets the \$6,000 back. Either way, they are in full compliance.
166
167 J. Levesque: Is the 75-foot radius a Town or a State regulation?
168
169 B. Thomas: I am not sure, but I think it is our regulation, based on the State regulation.
170
171 A. Garron: It is a State requirement and the towns generally adopt it.
172
173 J. Levesque: How much over the lot line is the radius?
174
175 B. Thomas: It is two feet over.
176
177 C. Karolian: Do we know if the abutter was notified and approved or objected to this? To me, it is
178 important that an abutter is made aware in case there is infringement upon their consumption of water.
179
180 B. Thomas: I don't know if they were notified or not.
181
182 Chair Sullivan: What requires the abutter to be notified? Is this done in every circumstance or only
183 certain ones?
184
185 B. Thomas: If there is a form, I assume the abutter would have to sign off. I don't know if that is the
186 case.
187
188 A. Garron: Is the building on an approved lot or is it a subdivision?

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B. Thomas: It is a subdivision.

A. Garron: Is that a blow-up of a certified plot plan? I assume it is because it shows setbacks.

C. Karolian: Are you saying that a waiver was granted prior to the well being put in?

A. Garron: No. It is the result of the well being placed two feet over the lot line.

C. Karolian: For a variance, an abutter should be notified and show up in favor or opposed. In order for me to make a decision, I have to know that. I don't see anything in the paperwork we were provided which indicates that an abutter has been contacted and has approved of the waiver.

Chair Sullivan: You have the option of placing this on the table.

A. Garron: They are looking for a CO. I believe the abutters have to know.

T. Tsantoulis: Our task is to release the funds. The Planning Board approved; this was green-lighted by the Planning Board. As the Town Administrator indicated, we might be holding up the owner's ability to move in.

C. Karolian: A temporary CO has been issued and I believe the building is occupied. The Planning Board is in charge but the BOS releases the bond. We need to verify that all was followed through with before releasing the bond.

J. Durand motioned to table this item until it is determined if the abutter was notified or if they had a question. C. Karolian seconded the motion.

J. Durand: We don't want this to come back on us later. We need to be sure the abutter is okay with this.

Chair Sullivan: We should verify what information is needed. We want to know if the process included abutter notification and if the abutter had comments. We also want to make sure that wells are properly placed going forward.

Chair Sullivan called for a vote on the motion to table.

Voted unanimously in favor (7-0).

D. Fitzpatrick: Anything that is tabled will be taken up at the next regular Council meeting, which is September 11, 2019. September 4th is specifically a budget review meeting.

TOWN ADMINISTRATOR'S REPORT

A. Garron: According to Chief Bouchard, National Night Out was a successful evening, with over 400 attendees and \$423 in donations received.

A. Garron: Donna Fitzpatrick brought to my attention that Earl Labonte has made significant efforts to see that safety protocols are being followed in his department. He meets regularly with his employees

237 and reviews the Town safety manual relative to the responsibilities of his employees. This minimizes
238 liability and Mr. Labonte is to be commended for his efforts, his commitment and his attention to detail.
239

240 A. Garron: Regarding the uranium issue on which I updated you at a meeting in July, Brendan
241 McKernan has been in contact with me, and DES is taking additional steps. The EPA has agreed to do
242 metal analysis on up to 100 samples for free, including volatile organic compounds. However, at a cost
243 of \$150 per sample, private homeowners may partner with a private lab to have other samples tested.
244 Lists of labs have been provided. DES has been very cooperative in providing resources and informing
245 the public. I have corresponded with them.
246

247 A. Garron: I had a good meeting with GE this week. I had a tour of the facility, which is impressive. The
248 approximately 1,000 employees take pride in ownership and creation. They provide items for the airline
249 business worldwide. I am trying to meet with large businesses, as I said I would.
250

251 A. Garron: We met with the Bow water precinct and sewer commission. We discussed the possibility of
252 Bow receiving sewer and water services from Hooksett. They have a TIF district which abuts the
253 Hooksett town line.
254

255 A. Garron: We had a really good TIF meeting last week and are slowly moving toward a plan of action
256 as far as where the infrastructure will go first. The consensus was that it will first be zones one and two.
257 Information on zone three will be provided at the October meeting. Members of EDAC attended, along
258 with the Sewer Commission, the Water Precinct and the Town of Bow. We are going in the right
259 direction.
260

261 A. Garron: You now have your budget books, and that process begins on September 4, 2019.
262

263 A. Garron: There was a request from a committee to add content to the Town Report. At first, I told
264 them this was under the purview of the Town Council; then I told them yes, and then decided to consult
265 with the Town Attorney as to who had authority over the content of the Town Report. I learned that the
266 Town Council has that authority, and I want to apologize for overstepping my authority. The Council has
267 been respectful of my authority and I want to reciprocate that respect.
268

269 T. Tsantoulis: Do you anticipate any further communication from the Budget Committee? The initial
270 question was from an individual; it was not a request on behalf of the committee. They thought they
271 were being pushed around a bit. I don't agree. The information they wished to add is included in some
272 town reports and not in others. We do not have to do what other towns do.
273

274 A. Garron: Content was not the issue; it was the process.
275

276 Chair Sullivan: Please let them know what we have discussed.
277

278 A. Garron: We have three people ending their employment with the town: Scott Eaton, a police
279 dispatcher; Serena Shuter, a police officer; and Lee Ann Moynihan from Assessing.
280

281 A. Garron: I met with Bruce Kudrick regarding new sewer hookups. He said the ultimate goal is to hook
282 up to sewer if it is within 100 feet of one's property. Sewer is brought to edge of property, and the
283 property owner completes the hookup. The Commission provides some relief regarding timing.
284

285 C. Karolian: We were left with the impression that businesses have to hookup but not residential
286 homes.

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A. Garron: There is no distinction between residential and non-residential. It applies to both. It is up to the discretion of sewer commission. They are willing to work with homeowners regarding the timing, and those with working septic systems are given time to make the connection.

PUBLIC INPUT

David Ross, 56 Sherwood Drive: I have been watching this meeting from home. Basic and extremely important things are being overlooked at your meetings, such as accurate attendance and roll call votes. Vote counts are not right. This is opening up every person in town to a liability. This is not a game or a club. This is serious stuff. If you want to be happy and do fun things, join Kiwanis or some other organization. This is the Town Council. You are entrusted with a responsibility which you are not taking seriously. You need to live up to this trust. The well radius is an issue that came here before. It is important. If you let someone skate over the edge a little, you are opening up to legal action in perpetuity. My thanks to Councilor Karolian who raised questions about votes and head counts. I don't see procedures being followed.

NOMINATIONS AND APPOINTMENTS

A. Walczyk motioned to appoint David Ross to the Conservation Commission, term expiring June 30, 2019. J. Durand seconded the motion. Voted unanimously in favor (7-0).

D. Fitzpatrick: Since all of the representatives to the Assessing Committee are her, the clerk has told me there is some confusion about which Councilor is the alternate. Maybe we could have a new motion now to settle this.

T. Tsantoulis: There is confusion about whether Councilor Walczyk or Councilor Comai is the alternate. Perhaps it can be settled by a gentlemen's agreement.

D. Fitzpatrick: Nick Germain's list says that Councilor Comai is the alternate and the meeting minutes say it is Councilor Walczyk.

Chair Sullivan: When this is settled, please let the Assessing Clerk know.

OLD BUSINESS

Discussion Regarding Knox Box System

Chief Burkush: Assistant Chief Colburn was on vacation when I made my presentation, and he has answers to some of your questions. I did not have all of the information, and two letters of support from businesses are in your packets.

Assistant Chief Colburn: As to how many Knox Boxes there are in Hooksett, there were 581 when I made my report, and we have added six or seven since that tally, so we have about 590. As to importance, the system we have is no longer supported by Knox. Parts are not available. In the vehicles, we are short by a couple units, and we have two new trucks on order. If we don't go down this path, we can't get the current ones fixed. The security level is greatly enhanced with the new Key

336 Secure 5 or 6 systems. The Secure 6 unit accommodates both the manual and electronic keys. We
337 currently have the Key Secure 3 units, and they are mostly 20 years old and are no longer supported.
338 Sometimes it is difficult for people to give up keys to the building. For drug stores and banks, this is
339 safer, and gives the comfort level they really need. With the electronic keys, they can be programed to
340 be inactive in any amount of time between five minutes and two days. The new software system will
341 only monitor Key Secure 5 or 6. GE has top secret government plans, and SNHU is very much in favor
342 of this because of the lack of security if a key is lost and the cost of replacing keys. Their letters of
343 support are in your packets. Whether you approve this now or we do this through the budget process, it
344 has to be done.

345

346 Chief Burkush: We are trying to save the taxpayers money by doing it via impact fees.

347

348 Chair: Will we be requirement to modify or change the ordinance?

349

350 Assistant Chief Colburn: No. The ordinance just clarifies the State law. We can't allow them to purchase
351 the new system until we have it in all of our vehicles.

352

353 Chair Sullivan: Do you require new businesses to have the new system?

354

355 Assistant Chief Colburn: No, and we can't let anyone order the new system until we have the new
356 boxes in all of our vehicles. We control what they can order. We would prepare fliers offering the
357 opportunity to upgrade. The Fire Department can install the new system in five minutes. A lot of people
358 will jump on this. The base units are \$1,091 each for the trucks and one demo. They have both
359 electronic and manual keys. This will limit the number of manual keys out there.

360

361 T. Tsantoulis: Would you please explain the steps?

362

363 Assistant Chief Colburn: A firefighter puts in a code to have access to all of the keys. These are specific
364 to Hooksett. A lot of multi-tenant buildings now use a to master key system. This causes apprehension
365 if a master key is lost.

366

367 T. Tsantoulis: You say the existing units in the vehicles are not supported. How many are broken?

368

369 Assistant Chief Colburn: Two out of 20 are broken.

370

371 T. Tsantoulis: What changes in the new system?

372

373 Assistant Chief Colburn: The key is programmed to be active for a set amount of time. It won't open
374 anything in town. This brings a level of security they don't have now.

375

376 T. Tsantoulis: If I found one of these keys, would I be able to identify it as a Knox key? Does it say
377 'Knox' on it?

378

379 Assistant Chief Colburn: No, and probably most people would not, but if they had seen one, they might
380 know. Knox has 80 to 90 % of this market, so their keys are everywhere.

381

382 T. Tsantoulis: The broken boxes could be taken from a vehicle least likely to be called to an
383 emergency.

384

385 Assistant Chief Colburn: We are doing that, but the vehicles have to be able to unlock many gates in
386 town as well. The new system brings security to a higher level. Our current drug boxes are similar to
387 the new system. Captain Stalker can control them and do weekly audits from his phone.
388
389 T. Tsantoulis: There is no specific emergency right now. The consensus among citizens I have spoken
390 with is that every time we turn around, the Fire Department wants something new.
391
392 Assistant Chief Colburn: Security is a big issue today. This provides a higher level of safety.
393
394 T. Tsantoulis: From what I have read, the cost for businesses to upgrade to the new boxes is minimal.
395
396 Assistant Chief Colburn: Yes, it is \$240 per cylinder. Unfortunately, there are costs to the town. We
397 have the cloud contract.
398
399 T. Tsantoulis: That is \$4,700 per year, correct?
400
401 Assistant Chief Colburn: No, that is a five-year contract. Also, we have instant access to make
402 changes. If there is a problem with an employee, we can go online and remove the PIN number.
403 Captain Stalker can do a weekly drug audit from a wireless device in about 30 seconds.
404
405 Chief Burkush: We have worked with Drummond Woodsum regarding using impact fees for this.
406
407 J. Durand: Who is ultimately responsible?
408
409 Assistant Chief Colburn: It is on the officer side. We can check the history to see who has accessed the
410 box. This is a manual process. With the new system, it can be accessed on line.
411
412 J. Durand: Are you saying the manual key and the electronic fob are both in the box?
413
414 Assistant Chief Colburn: Yes.
415
416 J. Levesque: How do you set the time for the electronic key to be active? Is the key a card?
417
418 Assistant Chief Colburn: The key has a battery in it. If it is lost, it is harmless. The worst-case scenario
419 is the cost of \$340 to replace the key.
420
421 C. Karolian: What is the reference to residential boxes?
422
423 Assistant Chief Colburn: That is apartment complexes.
424
425 C. Karolian: If this is approved, must two systems be carried on the truck? Will you never get rid of all of
426 the old ones?
427
428 Assistant Chief Colburn: All of the gates in town have Knox padlocks, so we will always need the old
429 system for these, unless Knox creates an electronic key for padlocks.
430
431 Chair Sullivan: Are the impact fees being used for truck units only?
432

433 Chief Burkush: Yes. Currently, there is \$82,000 in the impact fee fund.

434

435 Chair Sullivan: If 20 businesses never change, is that a problem?

436

437 Assistant Chief Colburn: No.

438

439 ***T. Tsantoulis motioned to allow sole source purchase under the Administrative Code 5.3.3 and***
 440 ***to purchase a Knox Box Lock System for \$36,555 using impact fees for the Fire-Rescue***
 441 ***Department. J. Levesque seconded the motion.***

442

443 C. Karolian: Are two out of 20 boxes broken?

444

445 Assistant Chief Colburn: Yes.

446

447 **Roll Call Vote #2**

448 **R. Duhaime Not present**

449 **J Durand No**

450 **C. Jones Not present**

451 **J. Levesque Yes**

452 **A. Walczyk No**

453 **A. Comai No**

454 **C. Karolian No**

455 **T. Tsantoulis No**

456 **J. Sullivan Yes**

457 **Voted not in favor (2-5).**

458

459 Chief Burkush: On another note, we had a house fire on Benton Road today. The crew did great job
 460 confining the fire to the bathroom. Luckily, we recently did a fire prevention gig for the people at this
 461 property and installed fire alarms.

462

463 **RECESS**

464 Chair Sullivan called for a recess at 8:09 pm.

465

466 Chair Sullivan called the meeting back to order at 8:15 pm.

467

468 **NEW BUSINESS**

469 **2019 MS-535 Financial Report of the Budget**

470 C. Soucie: I would like you to approve the MS-535 Financial & Budget Report for 2019. This is a
 471 revenue and expense summary from our balance sheet. It will go to the DRA so they can set the tax
 472 rate. They use fund balance information, which is on page 61 of your packet. The MS-535 includes
 473 School and County figures which you don't normally see. Expenses were forecast at \$57 million and
 474 actual expenses were \$49 million.

475

476 Chair Sullivan: Town General Fund, Wastewater and Library expenses were budgeted at \$24 million
 477 and only \$17 million was spent. Can you explain this?

478

479 C. Soucie: Yes. Most of that variation is a \$6.6 million Wastewater Department bond. The rest of the
 480 difference, \$735,000, is due to personnel positions not filled. Turning to revenue, it was budgeted at

481 \$57 million and actual was \$51 million. Again, the difference is in the Wastewater Department. On the
 482 town side, excess revenue totaled \$320,000. Adding this to the \$735,000 balance on the expense side,
 483 we are adding \$1 million to the unassigned fund balance. I can't provide the fund balance percentage
 484 until the tax rate is set. Last year it was six percent. Our goal is to have at least five percent, working
 485 toward eight percent.

486
 487 ***J. Durand motioned to authorize the Town Council to sign the 2019 MS-535 Financial Report of***
 488 ***the Budget for the period ending June 30, 2019 as presented. T. Tsantoulis seconded the***
 489 ***motion.***

490 ***Voted unanimously in favor.***

491
 492 **Purchase Two New Police Vehicles**

493 Chair Sullivan: Chief Bouchard, with three new officers, are you now fully staffed?

494
 495 Chief Bouchard: We still have two openings which should be filled in the next couple of months and
 496 then we will be fully staffed. I want to remind everyone that school starts tomorrow and we now have a
 497 full-time SRO. Rick Belanger, Dispatch Supervisor and Fleet Manager, is with me to present the yearly
 498 purchase of two replacement vehicles, which were approved as part of the operating budget in the
 499 spring. We will cycle two older vehicles out, so we are not adding to the fleet. This year, Ford has
 500 changed the motor and interior of the Explorer, and we want to reuse our equipment, so Rick found a
 501 leftover 2018 Explorer through MHQ. This is the first new vehicle. The second is a 2019 Chevy Tahoe,
 502 which can hold a lot of equipment and will be shared by the sergeants. The Fire Department reports
 503 that the Tahoe is very reliable. We are purchasing this from McMulkin. The total cost of the two
 504 vehicles, with equipment, is \$86,237.26. The budget amount is \$81,600, and we will find the difference
 505 of \$4,637 in our budget.

506
 507 ***T. Tsantoulis motioned to allow the purchase of two new police vehicles plus the purchase of all***
 508 ***related emergency equipment for a combined total of \$86,237.26. C. Karolian seconded the***
 509 ***motion.***

510
 511 J. Durand: You said the Ford Explorers have a new motor, right?

512
 513 R. Belanger: Yes. This is a complete redesign and we don't want to purchase it the first year it is out. It
 514 is a complete resign and is a hybrid. I found the leftover 2018 to save money.

515
 516 C. Karolian: When you are talking about a hybrid, is that gas and electric?

517
 518 R. Belanger: Yes. The hybrid is now standard; gas engines are special order now.

519
 520 Chief Bouchard: We would like to go with the hybrid next year.

521
 522 J. Durand: Is it better on gas?

523
 524 Chief Bouchard: We want to track it for one year.

525
 526 R. Belanger: The hybrid pays for itself in five years; it has extremely low maintenance costs.

527
 528 C. Karolian: Is the vehicle from MHQ a total package?

529

530 Chief Bouchard: Yes.

531

532 C. Karolian: Why did you go with the Tahoe versus the Ford?

533

534 Chief Bouchard: We want to stay away from a brand-new design and motor. The Tahoe has space for
535 the supervisors' equipment.

536

537 A. Comai: Did you look at the Tahoe hybrid?

538

539 R. Belanger: They do not have the police package.

540

541 Chair Sullivan called for a roll call vote on the motion to purchase two new police vehicles.

542

543 **Roll Call Vote #3**

544 **A. Comai Yes**

545 **C. Jones Not present**

546 **A. Walczyk Yes**

547 **J. Durand Yes**

548 **R. Duhaime Not present**

549 **T. Tsantoulis Yes**

550 **J. Levesque Yes**

551 **C. Karolian Yes**

552 **J. Sullivan Yes**

553 **Voted in favor (7-0).**

554

555 **Traffic/Roadway Impact Fees for Storm Drain Catch Basin Cleaning Vehicle**

556 E. Labonte: The town collects Traffic/Roadway Impact Fees from developers for the impacts their
557 development will have within the town. These fees are used for enhancements within the zones where
558 collected. We also have a commitment to inspect and clean all storm drain catch basins yearly.
559 Acquiring a basin cleaning truck would enable the department to maintain the storm drain system. The
560 Town Attorney approves of this use of impact fees for newly installed catch basins, and his letter of
561 support is in your packets. Therefore, I am asking that the Town Council obligate \$291,000.92 to come
562 from impact fees from each of the three zones at the rate of 57% for Zone Three, 30% for Zone Two,
563 and 13% for Zone One. The balance of \$61,000 would come from the storm drain MS-4 budget.

564

565 Chair Sullivan: How is this handled now? What is the yearly cost? What is the life expectancy of this
566 vehicle?

567

568 E. Labonte: We have used a contractor, and one of our employees must go with the contractor in his
569 truck. We estimate that it would cost \$280,000 to clean all of the 4,000 catch basins in Hooksett.

570

571 Chair Sullivan: Did you clean all of them last year?

572

573 E. Labonte: No. We cleaned less than one percent; 56 basins were done at a cost of \$7,000. Per the
574 MS-4, if they are inspected and are more than 25% full of debris for two years, we have to explain why.

575

576 T. Tsantoulis: Does the contractor take away the debris?

577

578 E. Labonte: Yes. It is taken to the wastewater plant, stored, then mixed with the materials the sludge
579 plant produces.

580

581 T. Tsantoulis: If the cleaning is required, why didn't you do all of them?

582

583 E. Labonte: I don't know. I was not here at the time. Some of them are owned by the State and some
584 are private. Of the 4,000 catch basins, the town owns about 2,200.

585

586 T. Tsantoulis: Do you have the manpower to do all of them?

587

588 E. Labonte: Yes.

589

590 Chair Sullivan: What is the life expectancy of the new vehicle?

591

592 E. Labonte: It is between 12 and 15 years. It will last longer if it is well maintained and has a dedicated
593 operator. The new vehicle has a street sweeper attachment as well, so we will not need to keep the one
594 we have now. We are required to sweep the streets annually.

595

596 C. Karolian: What is your \$280,000 based on?

597

598 E. Labonte: It is \$30 per basin.

599

600 C. Karolian: Was the cleaning of 56 basins last year at a cost of \$7,000 contracted?

601

602 E. Labonte: Yes. Last year we paid \$145 per hour for 16 hours. The cost depends upon the time to get
603 from one basin to another and how much debris is in the basins.

604

605 C. Karolian: The cost to clean all of the basins is \$280,000?

606

607 E. Labonte: At one time, that was the estimate. It varies. \$35 times 2,200 equals \$77,000. The
608 \$180,000 estimate is high. I don't know how that was calculated.

609

610 C. Karolian: You don't have to do 4,000 basins; you are not responsible for the State or private ones.

611

612 E. Labonte: I don't believe we are.

613

614 C. Karolian: I can't imagine anyone thinks we should do the State and private ones. The 2,200 town
615 basins would cost \$77,000.

616

617 E. Labonte: That is with one employee working with the contractor.

618

619 C. Karolian: It doesn't matter if the employee is in our truck or the contractor's truck. So, we cross off
620 the \$280,000 and we cross off the \$180,000. The cost is \$77,000. The cost of the new vehicle is
621 \$291,000.92. It is a VACALL Basin Cleaner and Street Sweeper. How did you choose this one? Did
622 you look at others?

623

624 E. Labonte: We looked at three demos. The others were \$350,000.

625

626 C. Karolian: Were these all through Sourcewell?
627
628 E. Labonte: Yes, but they were all different manufacturers. The others were sewer cleaners, which are
629 not as efficient for cleaning catch basins.
630
631 C. Karolian: Are you representing that you checked and all of the others came in higher? What were the
632 names of the others?
633
634 E. Labonte: One was Vactor. I can't remember the other names.
635
636 C. Karolian: One vehicle does both jobs – catch basin cleaning and street sweeping?
637
638 E. Labonte: Yes.
639
640 C. Karolian: And some of the others were sewer cleanout vehicles?
641
642 E. Labonte: Yes.
643
644 C. Karolian: I wonder why they would come in if you were looking for a catch basin cleaner. What is the
645 payback period, the breakeven point?
646
647 E. Labonte: It is about three years. We can eliminate the street sweeper we currently have, and we are
648 required to sweep the streets annually. The life of the machine can be extended with good care and
649 maintenance. Lebanon has one and the experience has been good. They take care of it.
650
651 C. Karolian: Is the reason you did not get three bids because you did this through Sourcewell?
652
653 E. Labonte: Yes.
654
655 C. Karolian: You did not include the others in the packet materials?
656
657 E. Labonte: No, according to the purchasing policy, that is not needed.
658
659 J. Levesque Will this clean the laterals?
660
661 E. Labonte: No, we don't have laterals. If we need that type of vehicle, the sewer department brings
662 over its sewer jet truck and lets us use it two or three days at a time. Street sweepers are very high
663 maintenance machines. They should have a dedicated operator. We spent \$7,000 last year on the
664 maintenance of our street sweeper. Since we have had it, we have spent \$36,000 on parts and \$2,000
665 on labor.
666
667 J. Levesque: The street sweeper you have is a 2005, right?
668
669 E. Labonte: Yes.
670
671 J. Levesque: So, this has not been done and now you are required to do it? This is a good investment.
672
673 A. Comai: What are you using now?

674
675 E. Labonte: We are contracting out the work.
676
677 A. Comai: Did you do research on both the basin cleaner and the street sweeper?
678
679 E. Labonte: Yes. I have done that.
680
681 A. Comai: If you are using the vehicle for both tasks, won't that boost the machine hours?
682
683 E. Labonte: Lebanon has the same machine and it has been a good investment for them.
684
685 A. Walczyk: Does your staff need training?
686
687 E. Labonte: Yes. We will have on site training for as many as we can free up.
688
689 A. Walczyk: Are you familiar with the vehicle?
690
691 E. Labonte: Yes. It is one of the best.
692
693 J. Labonte: Where are the private catch basins in Hooksett?
694
695 E. Labonte: They are mostly in condominium complexes.
696
697 J. Labonte: Perhaps you could clean the private ones and charge the homeowners.
698
699 E. Labonte: That is possible, if the charter allows it.
700
701 C. Karolin: You started with 4,000 catch basins and are down to 2,200. I did not come up with the
702 \$77,000. Let the record reflect that. It seems that 50% of the basins being State or privately owned is a
703 lot.
704
705 E. Labonte: There are a lot of State roads in Hooksett.
706
707 J. Durand: Could you be fined?
708
709 E. Labonte: We could. We have a permit to discharge into the water. The EPA could fine us. I don't
710 know the amount.
711
712 C. Karolian: You have a discharge permit?
713
714 E. Labonte: Yes.
715
716 C. Karolian: And you could be fined?
717
718 E. Labonte: Yes.
719
720 Chair Sullivan: You could be fined in relation to the street sweeping as well.
721

722 C. Karolian: Does the street sweeper remove crack sealing?

723

724 E. Labonte: Yes, if it is loose. It won't clean out the cracks.

725

726 C. Karolian: Where do you dispose of the street sweeping debris?

727

728 E. Labonte: It is mixed with other materials and can be spread.

729

730 J. Durand: Have we ever been fined?

731

732 E. Labonte: No, we have not.

733

734 **A. Walczyk motioned to obligate \$291,000.92 (to come from each Zone collected**
 735 **Traffic/Roadway Impact Fees at the rate of 57% in Zone Three (3), 30% in Zone Two (2) and 13%**
 736 **in Zone One (1), and \$61,000.92 from account 001-450-4312-430.0000, to be utilized to purchase**
 737 **a Drain Basin Cleaning/sweeping truck and to consent to the purchase of a catch**
 738 **basin/sweeping truck from Bahr Sales Inc. (Sourcewell contract) for \$291,000.92. T. Tsantoulis**
 739 **seconded the motion.**

740

741 **Roll Call Vote #4**

742 **A. Walczyk Yes**

743 **J. Levesque Yes**

744 **C. Jones Not present**

745 **R. Duhaime Not present**

746 **J. Durand No**

747 **C. Karolian No**

748 **T. Tsantoulis Yes**

749 **A. Comai Yes**

750 **J. Sullivan Yes**

751 **Voted in favor (5-2).**

752

753 **Pavement Management Presentation and Request to Award Consultant Contract**

754 B. Thomas: I would like to present a pavement management program, and I think it is time Hooksett did
 755 this. The program would rate every road in town and assign each a Pavement Condition Index (PCI)
 756 between 0 and 100%. This presentation will demonstrate how a pavement management program can
 757 save the town money. We issued an RFP on May 26, 2019 and received proposals from three
 758 consultants. We have selected BETA, not only because they had the lowest price (\$20,835) but also
 759 because their program is simple. It is less technical than some of the others. This program will provide
 760 a quantifiable measure of overall road conditions, a systematic approach to managing town roads,
 761 short- and long-term capital planning information, the ability to treat more miles of roads for less cost,
 762 and data to justify decision making. It will improve the overall conditions of our roads, save tax dollars
 763 by managing roads effectively, and improve communication between the town and utilities to coordinate
 764 street work. One dollar spent on early maintenance can cost between four and eight dollars if delayed.
 765 A new road will last about 20 years. Without timely maintenance, it must be completely reconstructed
 766 after 20 years.

767

768 Chair Sullivan: Why is this less costly?

769

770 B. Thomas: The next few slides should demonstrate that. With timely crack and chip sealing, milling,
771 overlay, pot hole repair and micro-surfacing, roads will last longer and maintain a higher PCI over time.
772
773 T. Tsantoulis: Is this yearly? Would the town pay the consulting fee every year?
774
775 B. Thomas: No, but the roads should be reassessed periodically.
776
777 T. Tsantoulis: Can you explain how this works?
778
779 B. Thomas: A camera is mounted on top of a car and it takes a picture every ten feet. This data is spot
780 checked in person as well. This will provide a systematic, objective evaluation of the roads. Based on
781 the amount budgeted for road repair, it can be decided what can be done. The more money available to
782 be spent, the higher the PCI.
783
784 T. Tsantoulis: Do all three of the consultants you evaluated have experience in this process?
785
786 B. Thomas: Yes. The technology has actually been around for quite a while.
787
788 A. Walczyk: Have you used one of these programs?
789
790 B. Thomas: No. A roadway management program was used in Manchester when I was working there,
791 but I did not work with it directly.
792
793 E. Labonte: This provides a systematic plan for repairing pot holes, chip sealing and milling. It
794 eliminates chasing the squeaky wheel.
795
796 A. Walczyk: Will BETA help with the scheduling and prioritizing of work, based on the amount budgeted
797 for road repairs?
798
799 B. Thomas: Yes, they will.
800
801 C. Karolian: For clarification, regarding chip sealing, the only one who ever mentioned chip sealing in
802 this forum is you, not me. I talked about crack sealing. You are looking at me like I am the one. It is all
803 you. Did these consultants provide references and were they checked?
804
805 B. Thomas: Yes, we checked the references for BETA, not the others. My old boss in Manchester is
806 switching to BETA.
807
808 Chair Sullivan: I think you have reversed the bids from IMS and Stantee Consulting on the staff report.
809
810 B. Thomas: Thank you. It is correct in my PowerPoint presentation but not on the staff report. I
811 apologize.
812
813 C. Karolian: Prior to this, who evaluated the roads?
814
815 E. Labonte: That would be the Public Works Director and the Town Engineer. In 2009, they developed
816 a program. It was not for all streets in town; just selected ones. Then it was trashed. I don't know why.
817
818 C. Karolian: How often would the roads have to be re-checked?

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17

819

820 B. Thomas: About every three to five years.

821

822 E. Labonte: Things do change.

823

824 B. Thomas: A lot of the cost is the initial set-up. The town has 89 miles of roads.

825

826 J. Durand: We all know that the weather changes and roads get potholes in different places. Also, a lot
827 of the roads in Hooksett are State roads.

828

829 A. Garron: This gives us a plan of attack. It is not haphazard. One of my charges is to revamp the CIP,
830 and the roadways are part of this.

831

832 T. Tsantoulis: We spend a lot of money repairing roads.

833

834 E. Labonte: Last year it was \$600,000. This program will help us to plan for the long term in an
835 organized fashion. This is money well spent.

836

837 C. Karolian: From what has been presented, this would have to be done yearly. Next year, the same
838 road could change drastically. What will have to happen is yearly follow-ups, if not every two years. I'm
839 inclined to be in the negative.

840

841 J. Labonte: One road can be very different from one year to the next.

842

843 B. Thomas: We do not see significant changes over time, but the program has flexibility. We can get
844 into it and change the PCI.

845

846 J. Labonte: I thought we hired a town engineer and a public works director to do this. We have the
847 expertise; we should do it in-house, not spend \$20,000 for a consultant.

848

849 A. Comai: Were they able to pinpoint how the program would save \$20,000 in a black and white way?

850

851 B. Thomas: If this is done annually, the way it is done now, it may not be consistent or objective. I
852 attended a conference on this. Interns were sent out to evaluate roads. Their morning evaluations were
853 reasonable, but by the afternoon, they were apparently tired and not as accurate. When automated, the
854 human factor is out. There was consistency when equipment was used. It was more scientific and gave
855 better results.

856

857 Chair Sullivan motioned to extend the meeting at 9:30 pm. A. Walczyk seconded the motion.

858

859 Voted in favor (6-1).

860

861 A. Walczyk: We hired Earl Labonte and Bruce Thomas for their expertise to do their jobs. They were
862 good at what they do wherever they worked before. They have been good here. I've seen a good
863 experience here and a good track record from both so far. They have done really well. We hired them
864 to do a particular job in their areas of expertise. The purpose of a municipality is to maintain roads and
865 infrastructure, with roads being one of the primary things. It is important to maintain roads. This is a
866 plan we can use and put in place. To your point, Mr. Thomas, removing the human factor we are
867 eliminating the problem of people getting tired through the day. We pay these guys to do this because
this is what they do all of the time. They are the experts. I can't imagine asking department heads or

868 even departments to survey all of the roads in the whole town. They have other jobs to do. I can't
 869 imagine them out there chasing potholes. We have to contract out that work. It's not something you do
 870 all of the time, not even every year. It would be every three to five years, and if it works well, it would
 871 not have to be done as often. It is a good idea to come up with a plan. Is it more of a proactive
 872 approach? They can forecast which roads are going to be a problem. It is not an exact science but it is
 873 a science. Billions of dollars are spent every year on roads. This is what these companies do every day,
 874 with no disrespect to the team in front of us. They are subject matter experts for our town. Most
 875 important, the consultant is going to give us objective data. As Mr. Thomas said, it takes out the human
 876 factor. It is data driven. With the previous administration, we had a lot of discussion about data driven
 877 decisions. This is data driven. Robots are doing the manual work we can't do. Then, we are coming
 878 together with department heads to decide what is best for Hooksett. It makes sense.

880 A. Garron: This is better, more efficient use of their time. This is a good planning tool. Roadways are
 881 major infrastructure. This consulting fee is a drop in the bucket for what we are looking at.

883 **C. Karolian motioned to call the question. A. Walczyk seconded the motion.**
 884 **Voted unanimously in favor.**

886 **T. Tsantoulis motioned to recommend the award of the Pavement Management Consultant**
 887 **contract to the BETA Group for \$20,835. A. Walczyk seconded the motion.**

889 **Roll Call Vote #5**

890 **T. Tsantoulis Yes**
 891 **C. Jones Not present**
 892 **R. Duhaime Not present**
 893 **A. Walczyk Yes**
 894 **J. Levesque No**
 895 **C. Karolian No**
 896 **J. Durand No**
 897 **A. Comai Yes**
 898 **J. Sullivan Yes**
 899 **Voted in favor (4-3).**

901 **Administrative Code Updates (8/14/19 Town Council Workshop)**

902 C. Soucie: The change regarding the fund balance policy is at the request of our new auditor, Vachon
 903 Clukay. It is the same policy, but its wording has been changed to follow what we are actually doing
 904 regarding the committed fund balance and a bit of the restricted fund balance. We have added the
 905 Wastewater Treatment Plant to the town assets, as opposed to enterprise assets. Regarding cell
 906 phones, this policy hasn't been reviewed since 2006. Fewer than ten employees have town cell
 907 phones, not including Police and Fire. We reimburse about five employees for their personal phones
 908 which they use for town business. The change in the reimbursement amount is a rounding correction.

910 C. Karolian: I would think that using a personal phone for town business would fall under or cause
 911 problems with the Freedom of Information Act. This is dangerous territory.

913 A. Garron: Yes. This is subject to Right to Know.

915 C. Karolian: If an employee leaves or is terminated, the town would not have access to the phone to
 916 retrieve information.

917

918 D. Fitzpatrick: We had a Right to Know request recently, going back to people who are not in town
919 anymore, including members of boards and committees. We had to make every effort to retrieve
920 information. Right to Know does not expire.

921

922 C. Karolian: If they don't want to relinquish their phones, we are out of luck. We shouldn't put the town
923 in that predicament. What if the phone is damaged in the line of duty?

924

925 Chair Sullivan: Perhaps we should look at going with town phones only. We should consult with our
926 attorney.

927

928 C. Karolian: Town business should be done with town equipment. We wouldn't ask employees to use
929 their own vehicles for town business.

930

931 A. Garron: Actually, we do, and we reimburse them for the mileage.

932

933 C. Karolian: They can erase town information if they own the phone, whereas with a town phone they
934 would be required to turn in the phone.

935

936 **Chair Sullivan motioned to revisit the cell phone issue. C. Karolian seconded the motion.**

937 **Voted unanimously in favor.**

938

939 **A. Walczyk motioned to approve amendments to the Administrative Code for items a. and b. A.**
940 **Comai seconded the motion.**

941 **Voted unanimously in favor.**

942

943 **Town Council Rules of Procedures Updates (8/14/19 Town Council Workshop)**

944 D. Fitzpatrick: At the Town Council Workshop, it was suggested that "Riggins" be changed to "Roberts"
945 in Section 1a and Section 2c1b. Next, 2a1 is the note regarding the Town Administrator filling in as
946 Chairman from July 1st until a chairman is elected.

947

948 C. Karolian: This is confusing. Perhaps we should run it by the Town Attorney for advice on how to
949 handle the Town Administrator filling in as chairman. The Town Administrator would be chair of none.

950

951 Chair Sullivan: The Council members take office July 1st but officers aren't elected until they hold their
952 first meeting.

953

954 C. Karolian: What type of action would be required?

955

956 Chair Sullivan: The Chair might have to sign some documents in the interim. Who would have the
957 authority? Let's get advice on that.

958

959 C. Karolian: That could wait until everyone is sworn in. The attorneys can answer that.

960

961 J. Levesque: Why don't we change the July schedule and hold a meeting as soon as possible? I have
962 been on the Council for ten years and I never remember this being an issue. Let's wait until it happens.

963

964 Chair Sullivan: Let's hold off and get some guidance. You never know what is going to happen.

965

966 C. Karolian: Meanwhile, we would still have the Town Administrator.
967
968 D. Fitzpatrick: Items a, b and c of Section 5 provide clarification for things we are doing now, such as
969 reading motions from staff reports when possible and repeating a motion if there is a long discussion. If
970 the vote is immediate, there is probably no need to repeat the motion, but sometimes discussions are
971 long – 15 minutes to an hour – and we lose track of the original motion.
972
973 C. Karolian: I think we are going down the wrong path with this, relying on department heads who are
974 coming forward with a motion that we are supposed to be creating. The Council decides to make a
975 motion, not a department head. That defeats the purpose of having the Council do what they do, which
976 is to make up motions and have them seconded. That is procedural and should be restricted to the
977 Council, not to a department head.
978
979 Chair Sullivan: That is correct. This is to make sure that a motion is stated in a certain way to comply
980 with State RSA's and regulations.
981
982 A. Garron: It saves time so Councilors don't have to make up the language as they go along. It is to
983 make your life easier. If you want to make up your own motion, you can do that. We are trying to be
984 helpful.
985
986 C. Karolian: I understand that, but when an issue is brought forward, it is up to a Town Councilor to
987 make a motion as opposed to being told what motion to make.
988
989 Chair Sullivan: This doesn't stop Councilors from making their own motions.
990
991 C. Karolian: I know it doesn't stop us. We can make any motion we want to make.
992
993 D. Fitzpatrick: You could change "shall" to "may." The point is to make sure that key elements are not
994 missed.
995
996 C. Karolian: Section 5b is prohibiting a Councilor from asking what the motion is and asking it to be
997 read prior to the vote. This is saying it doesn't need to be repeated unless requested by a Councilor or
998 a staff member.
999
1000 C. Karolian: This does not prevent a councilor from asking for a motion to be repeated.
1001
1002 J. Durand: It is just the opposite.
1003
1004 C. Karolian: What staff member would be asking other than the secretary taking the minutes?
1005
1006 A. Garron: I might ask if I do not fully understand the motion.
1007
1008 D. Fitzpatrick: I am sitting next to the minute taker who asks me questions all throughout the meeting,
1009 and I am trying to keep the Council on track. If I think something is missing, I may ask a question. I
1010 have been requested to be at these meetings.
1011
1012 Chair Sullivan: The administration helps us make sure the roll calls and votes are correct. The minutes
1013 are important. We need to be clear before we make a motion, and we need to repeat a motion if
1014 needed.

1015

1016 D. Fitzpatrick: There was a recent event when I spoke up, and if I had not, the Council would have had
1017 to have a special meeting the next night to take care of it.

1018

1019 C. Karolian: It is incumbent upon the Council to do Council work, and if they do not do what they are
1020 supposed to do, they suffer the ramifications, and if they have to have a special meeting, so be it. Let
1021 that be a lesson learned by the Council that they need to do what they are supposed to do.

1022

1023 Chair Sullivan: The actions of the Council require the assistance of the administration as well, because
1024 we all take our jobs seriously.

1025

1026 D. Fitzpatrick: Under Section 7, the first paragraph is new. The suggested changes to the Order of
1027 Business are designed to take up items involving staff and members of the public earlier in the meeting.
1028 Minutes would be taken up later because public and staff input are not required.

1029

1030 T. Tsantoulis: We always have the opportunity to change the agenda. Is this necessary?

1031

1032 D. Fitzpatrick: Under 8a, the agenda item regarding non-public sessions would include (a-l). This is
1033 because the agenda is posted one week prior to the Council meeting, and one or more additional items
1034 might need to be added over the course of the week. If the agenda indicates a non-public session
1035 under (c) and a need arises to also take up an issue which falls under (a), this could not be done. The
1036 advice of our Town Attorney is to post the citation without any designations of a-l or to put a-l in
1037 parenthesis.

1038

1039 C. Karolian: I know you had advice from legal counsel, but in the interest of Right to Know, this is not
1040 transparent. It needs to be cited. Once the minutes are sealed no one knows.

1041

1042 Chair Sullivan: Yes, they will. We will cite the specific letter when we motion to enter each non-public
1043 session.

1044

1045 C. Karolian: How was this done before?

1046

1047 Chair Sullivan: We posted what we knew and we could not add an item once the agenda was posted.
1048 We are just trying to solve this.

1049

1050 J. Levesque: Why do we have legal counsel? We asked and we got an answer.

1051

1052 ***T. Tsantoulis motioned to table this item. J. Levesque seconded the motion.***
1053 ***Voted unanimously in favor.***

1054

1055 **Town Administrator Goals FY 2019-2020**

1056 A. Walczyk: Regarding business and economic development, I would like to see partnerships with local
1057 Hooksett businesses and be on the same page with them. What are their problems? You could hold
1058 sessions with them to help them grow. This could be regional, involving other towns. You could find out
1059 some things the town could provide to businesses.

1060

1061 A. Garron: Business retention?

1062

1063 A. Walczyk: And growth.

1064

1065 T. Tsantoulis: I would like the Town Administrator to explore placing solar facilities on town property to
1066 defray electricity costs.

1067

1068 J. Durand: I would add streetlight conversion to LED.

1069

1070 A. Walczyk: I suggest streamlining the performance zone management process.

1071

1072 Chair Sullivan: That should not be limited to the performance zone.

1073

1074 A. Walczyk: We should find out what the process is with the Planning Board and the ZBA regarding
1075 landscaping and other items. I know this is a concern often expressed by Councilor Duhaime. I will add
1076 the possible revival of the CIP committee, as suggested by Joanne McHugh at a recent meeting. This
1077 should be explored in terms of issues with the Schools, the Planning Board and town roads. Last, I
1078 would like to look into having bee populations on town land in conjunction with solar. There are
1079 organizations that do both.

1080

1081 Chair Sullivan: My suggestion would be the coordination and improvement of economic development,
1082 including the TIF performance zone and the evaluation of town land for future needs and uses.
1083 Regarding Council meetings, I would like the Town Administrator to work on improving the audio and
1084 video aspects of the meeting to improve the flow of information to citizens. I would ask the Town
1085 Administrator to fine tune these goals and present them at the next meeting for approval.

1086

1087 **SUB-COMMITTEE REPORTS**

1088 A. Comai: We want to make sure everyone is scheduling around Old Home Day.

1089

1090 Chair Sullivan: We need your help to man the Town Booth.

1091

1092 J. Durand: The Hooksett Youth Achievers Committee met and picked a new Youth Achiever.

1093

1094 T. Tsantoulis: We cleaned up the Assessing business. There was a considerable amount of
1095 abatements.

1096

1097 A. Walczyk: Andy Janoz is the new chair of the Parks & Rec Committee, and Deb Miville is the
1098 secretary. The committee is looking at sign replacement at Donati Park. The plaques are falling apart
1099 and we need to get the historical background as to why the various trees were planted with the
1100 accompanying plaques. This is a request to the public. The committee also has a potential warrant
1101 article regarding a possible pavilion. The Town Administrator was at the meeting and he went through
1102 the time line.

1103

1104 Chair Sullivan: At the Economic Development Advisory Committee meeting, we discussed expansion of
1105 the Economic Revitalization Zone in the Alice Avenue area to just south of Mammoth Road.

1106

1107 C. Karolian: I would like to have clarification as to which committees Council members have been
1108 assigned, including the alternates.

1109

1110 Chair Sullivan: We should get an updated list of those assignments from the Town Administrator.

1111

1112 C. Karolian: I have not been able to attend the Thursday morning meetings for union negotiations.

1113
 1114 A. Garron: We are trying to get another date when everyone is available. We couldn't get a consensus.
 1115
 1116 C. Karolian: If that is the case, there is no way I can attend. I am available Thursday afternoon and
 1117 evening. Councilor Duhaime is also available then.
 1118
 1119 D. Fitzpatrick: Councilor Duhaime is the Council representative on the Budget Committee which will
 1120 soon begin meeting on Thursday evenings.
 1121
 1122 C. Karolian: Perhaps we could switch off so that one of us can be at each meeting. If it is etched in
 1123 stone that it has to be Thursday morning, that is a problem. I am sure the unions have flexibility.
 1124
 1125 A. Garron: I can ask again tomorrow.
 1126
 1127 Chair Sullivan: We should try again because you have an interest in this.
 1128
 1129 C. Karolian: I have experience. I have more times available on other days.
 1130
 1131
 1132 **NON-PUBLIC SESSION NH RSA 91-A:3 II**
 1133
 1134 (b) The hiring of any person as a public employee.

 1135 (c) Matters which, if discussed in public, would likely affect adversely the reputation of any
 1136 person, other than a member of the public body itself, unless such person requests an open
 1137 meeting. This exemption shall extend to any application for assistance or tax abatement or
 1138 waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

 1139 ***J. Sullivan motioned to enter non-public session of 08/28/19 at 10:47pm per NH RSA 91-A:3 II (b)***
 1140 ***and (c). Seconded by A. Walczyk.***
 1141
 1142 **Roll Call #6**
 1143 J. Durand – yes
 1144 J. Levesque – not present
 1145 C. Karolian – yes
 1146 A. Comai – yes
 1147 C. Jones – not present
 1148 T. Tsantoulis – yes
 1149 A. Walczyk – yes
 1150 R. Duhaime – not present
 1151 J. Sullivan - yes
 1152 ***Vote unanimously in favor (6-0).***
 1153
 1154 ***J. Sullivan motioned to exit non-public session of 08/28/19 at 11:13pm. Seconded by A. Comai.***
 1155 ***Vote unanimously in favor (6-0).***

 1156 **Back in public session at 11:14pm**
 1157

1158 ***J. Sullivan motioned to seal the non-public session minutes of 08/28/19. Seconded by T.***
1159 ***Tsantoulis.***

1160 ***Vote unanimously in favor (6-0).***

1161

1162 **ADJOURNMENT**

1163 ***J. Sullivan motioned to adjourn the public session of 08/28/19 at 11:14pm. Seconded by T.***
1164 ***Tsantoulis.***

1165 ***Vote unanimously in favor (6-0).***

1166

1167 Respectfully submitted,

1168

1169 *Kathleen Donnelly*

1170 Kathleen Donnelly

1171 Recording Clerk

Town Council

STAFF REPORT



To: Town Council
Title: Motion to accept donations totaling \$369.14 from the Hooksett Library (Collected at National Night Out), t-shirt sales through the Hooksett Police Association, and the Chevrette family 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.
Meeting: Town Council - 11 Sep 2019
Department: Police Department
Staff Contact: Jake Robie, Captain

BACKGROUND INFORMATION:

On April 25, 2018, the Town Council approved accepting donations to fund the K9 Program. As of August 14, 2019 we have received \$369.14 from the Hooksett Library, t-shirt sales through the Hooksett Police Association, and the Chevrette family.

FINANCIAL IMPACT:

None

SUGGESTED MOTION:

Motion to accept donations totaling \$369.14 from the Hooksett Library (Collected at National Night Out), t-shirt sales through the Hooksett Police Association, and the Chevrette family 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.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur

Town Council

STAFF REPORT



To: Town Council
Title: Project Status Report
Meeting: Town Council - 11 Sep 2019
Department: Community Development
Staff Contact: Bruce Thomas, Town Engineer

BACKGROUND INFORMATION:

1. Police Station Renovation Project

- a. The project has gone very smoothly.
- b. The new dispatch center has been operational since May
- c. It is within budget.
- d. It has been completed on schedule (although the schedule was extended due to addition of the rooftop units).
- e. The project management method using the Guaranteed Maximum Price worked out very well for this project
- f. Before and after photos will be presented at the Town Council meeting.

2. Library Column Repair Project

- a. Quotes were accepted to repair the front library columns, the rear columns, and repair the railing at the rear entrance to the building.
- b. The project was awarded to Miville Construction for \$14,580.
- c. During the project it was discovered that the columns were constructed of concrete and reinforcing steel. This required involvement of a structural engineer. We used Hoyle Tanner and Associates to provide guidance and plan details for \$1,000. In addition, a change order for \$1,400 was granted to Miville for the additional labor and materials required.
- d. Total cost of the project was \$16,980. Note that second quote initially received for the project was \$19,750 (nearly \$3,000 higher than Miville's final cost).
- e. Before and after photos will be presented at the Town Council meeting.

FINANCIAL IMPACT:

None

POLICY IMPLICATIONS:

None

RECOMMENDATION:

None. Report is for information only.

SUGGESTED MOTION:

None. Report is for information only.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur

Town Council

STAFF REPORT

To: Town Council
Title: Surety Release- Summit View of Hooksett, LLC Well Radius Surety (tabled at 8/28/19 TC meeting)
Meeting: Town Council - 11 Sep 2019
Department: Community Development
Staff Contact: Leann Fuller, Community Development Clerk

BACKGROUND INFORMATION:

At the August 28th meeting of the Town Council, the Council tabled the request to release the Summit View bond for a well radius encroachment at 24 Churchill Drive. The request was tabled because it wasn't clear that the abutters were notified of the encroachment and that the process followed wasn't entirely clear. The process is detailed below. Note that the abutters were notified by certified mail.

Prior to the issuance of a Certificate of Occupancy for 24 Churchill Drive, it was found that the 75 foot protective well radius was outside of the property lines on the as-built submitted to the Code Enforcement Officer.

An overlapping well radius is not allowed in the Town of Hooksett per Development Regulations 11.13 (3). This regulation states "Private wells shall include a 75-foot protective well radius...The entire well radius must be contained within the property lines." The developer was then informed they must submit a \$6,000 surety to ensure that this situation would be corrected to bring the project into compliance with the Development Regulations.

In order to address the situation, the developer must obtain a waiver from the Planning Board (note that anytime a project is not in compliance with the Development Regulations, a waiver must be obtained). The developer submitted the waiver form, abutters list and the fees associated with the abutters certified mailings. The abutters notices were sent out on June 25th, 2019 for the July 15th, 2019 Planning Board meeting. No abutters came forward at the Planning Board meeting for or against the waiver.

The developer has rectified this situation by obtaining a waiver from the Planning Board as well as recording the NH DES well radii release form (the NHDES was not involved in this process, but provides a standard form for recording this information).

RECOMMENDATION:

Recommend the release of the \$6,000 cash surety to Summit View of Hooksett, LLC.

SUGGESTED MOTION:

Motion to release the \$6,000 cash surety to Summit View of Hooksett, LLC.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur

ATTACHMENTS:

[24 Churchill Drive Well Radius Surety Release](#)

[24 Churchill As-Built Plan](#)



Town of Hooksett

COMMUNITY DEVELOPMENT DEPARTMENT
Code Enforcement Division
Matthew Lavoie, Code Enforcement Officer

July 22, 2019

Town Council

Re: Summit View Lot 24-34

Councilors,

The \$6,000 surety put in place to ensure compliance with the Development Regulations 11.13 (3) that states "Private wells shall include a 75-foot protective well radius... The entire well radius must be contained within the property lines" can be released.

Summit View of Hooksett, LLC has rectified the issue of an overlapping well radius by receiving a waiver from the Planning Board and recording the NH DES well radii release form.

Regards,

Matthew Lavoie
Code Enforcement Officer

From: Keith@My-Sterling-Home.com [<mailto:Keith@My-Sterling-Home.com>]
Sent: Thursday, July 18, 2019 8:29 AM
To: Nicholas Williams
Cc: 'Kathleen'
Subject: Lot 24-34 Churchill

Hi Nicholas!

This email is to request a return of the surety posted for the well radius overlap on the above referenced lot. As you know, the planning board granted a waiver to allow the well to remain as is and a permanent CO has been issued.

The surety can be returned to:

Summit View of Hooksett LLC
724 East Industrial Park Dr #13
Manchester, NH 03109

Any questions, you can reach us at 644-2400.

6 | Planning Board Meeting Minutes, July 17, 2019

location approved by the Fire Department outside of the snow storage area; 3) The location of the signage will be put on the plan; 4) The condominium documents will be reviewed and approved by the town attorney; 5) A letter of approval is received from the Sewer Commission; and 6) The standard condition of approval list is met. The Chairman will sign the site plan once these conditions have been met. Seconded by D. Boutin.

R. Duhaime: This is one of those things that if you just look at the spacing on the plan I would have motioned more of this if I had the support of Mr. Walsh if he was here last week. I see the landscape screen. Who is going to maintain that? I would encourage the applicant to move that building as far away from this property line as possible.

D. Marshall: Once the Town Planner calls me I will ask if the conditions have been met. If he says yes I will sign the plans.

Motion carried unanimously with a vote of 7-0.

WAIVER

3. SUMMIT VIEW #19-16 24 Churchill Drive, Map 12, Lot 24-34 Waiver for well radius

N. Williams: If you reference the letter from Matt Lavoie, Code Enforcement Officer that is dated June 19, 2019, we have collected a bond and issued a temporary CO due to the hardship that would have been imposed on the new homeowner. We are looking for motion from this Board to approve the waiver request in order to have the necessary documentation signed off and reported with the deed, which is the waiver request form from NHDES.

Keith Martel: It appears from this letter the CEO is okay with this waiver request.

N. Williams: It is less than 2'. I am okay with it.

D. Boutin motioned to approve the waiver for well radius for Summit View, #19-16, 24 Churchill Drive, Map 12, Lot 24-34. Seconded by T. Walsh.

P. Scarpetti: Having lots this tight this can become a problem. Has this been staked?

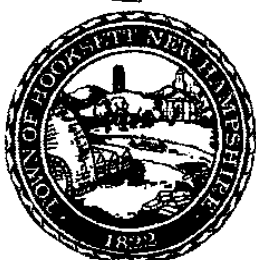
K. Martel: Yes.

Motion carried unanimously with a vote of 7-0.

BOARD DISCUSSION

4. COMMERCIAL ARCHITECTURAL DESIGN GUIDELINES SUBCOMMITTEE CHARGE

The member of the committee are:



Town of Hooksett

COMMUNITY DEVELOPMENT DEPARTMENT
Code Enforcement Division
Matthew Lavoie, Code Enforcement Officer

June 19, 2019

Summit view of Hooksett
724 Industrial Park Drive #13
Manchester NH 03109

RE: 24 Churchill Drive (Map12 Lot 24-34)

We are in receipt of your check for \$6,000.00.

This will serve as a cash bond for the above referenced property to ensure compliance with the directives set forth below, and will be deposited into an interest bearing account.

As you aware, an overlapping well radius is not allowed in the town of Hooksett per Development Regulation 11.13(3). As a result, the property identified in this letter is currently in violation of the Town of Hooksett Development Regulations, and you have been directed to apply for a waiver from the Planning Board, pursuant to Section 21.02 of the Development Regulations, for lot 12-24-34 for relief from this regulation. You also are required to record on the deed of lot 12-24-34 the NH-DES well radii release form. The waiver request to the Hooksett Development Regulations must be sought immediately.

Upon completion of this process with the Planning Board and also executing any actions from the Planning Board the full amount of the cash bond, plus interest, will be released back to the applicant. Please be advised that this department will not grant a Permanent Occupancy Permit for this lot at this time, and the authority to use and occupy the house on this property is conditional upon completion of the requirements set forth in this letter. Should you fail to complete these requirements, this department will be required to withdraw this conditional approval and proceed with enforcing the Development Regulations as authorized under Section 20 of the Development Regulations, which may include seeking an injunction to prohibit use and occupancy of the house, as well as the assessment of civil fines and penalties.

If you have any questions you may contact this department at your convenience.

Regards,

Matthew Lavoie
Code Enforcement Officer

Cc: Town Administrator
Town Planner

**DEVELOPMENT REGULATIONS/PZ ZONING ORDINANCES
WAIVER REQUEST FORM
Town of Hooksett, New Hampshire**

Name of Subdivision/Site Plan: Summit View / South Side Rd, Hooksett, NH

Street Address: 344 Church Hill Dr, Hooksett, NH 03103

I, Summit View of Hooksett hereby request that the Planning Board waive the requirements of item 11.13.3 Private Water Systems of the Development Regulations/PZ Zoning Ordinances in reference to a plan presented by Frederick C. Gray, Licensed Professional Engineer (name of surveyor and engineer) dated Aug 19, 2013, revised Aug 10, 2014 for property tax map(s) 10 and lot(s) 34-34 in the Town of Hooksett, NH.

As the aforementioned applicant, I, herein, acknowledge that this waiver is requested in accordance with the provisions set forth in RSA 674:36, II (n) (For Subdivisions) **OR** RSA 674:44, III (e) (For Site-Plans). Without the Planning Board granting said waiver, strict conformity would cause an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations, **OR**, the specific circumstances relative to the subdivision/site plan or conditions of the land in the subdivision/site plan indicate that the waiver will properly carry out the spirit and intent of the regulations.

Strict conformity would cause an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations:
See attached

OR:

Specific circumstances relative to the subdivision or conditions of the land in the subdivision indicate that the waiver will properly carry out the spirit and intent of the regulations:

Signed:

[Signature]
Applicant or Authorized Agent

Planning Board Action:

Waiver Granted _____

Waiver Not Granted _____

Development Regulations/PZ Zoning Ordinances Waiver Request Form Cont'd:

Subdivision: Summit View

Street Address: 24 Churchill Dr., Hooksett, NH (Lot # 24-34)

The subject lot in Summit View has the required 150' of frontage and is rectangular in shape. Local regulations require the radius to be totally on the current lot, despite State regulations allowing radii to overlap or be lessened from the 75' radius by recording a release at the Registry of Deeds informing owners. With a 150' width and a 75' radius the placement leaves no room for site conditions or layout deviations. This 75' is intended to distance water wells from septic leaching areas.

Upon final survey it was discovered that the subject well is 73.2' from the lot line and, as such, a 1.8' MAXIMUM depth of the radius overlaps the property line. This is allowable per DES regulations with the recording of the release. Drilling a new well despite conformance with DES regulations would cause an unnecessary hardship as the lot (including driveway paving and landscaping) are complete and established. In addition, a new well drilled 1.8' away from the current well would likely incur capillary action or stability issues within the hole which would result in the new conforming well being less stable within the bedrock and likely drawing the same water as the current well given it's extreme close proximity.

Most importantly, ENV 1008.04 requires a leach field setback to be a minimum of 10' from a property line. Applying that to the subject well would mean that the closest an abutting leach field could be constructed from our well in accordance with this would be 83.2' from the well, in excess of the required 75'. Therefor the current location does comply with the Spirit and Intent of the ordinance and the drilling of a new well would prove to be an unnecessary hardship.

201900009980 Recorded in Merrimack County, NH In the Records of Susan Cragin, Register
BK: 3634 PG: 2290, 6/19/2019 12:54 PM RECORDING \$10.00 SURCHARGE \$2.00



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES
Subsurface Systems Bureau
29 Hazen Drive, PO Box 95, Concord, NH 03302-0095
603-271-3501 FAX 603-271-6683



Release Form For Protective Well Radii
RSA 485-A:30-b

This form must be typewritten and all signatures must be in black ink

CHECK ONE: ☒ Non-conforming Original Placement ☐ Change in Well Location

For Property owned by Summit View of Hooksett, LLC

Owner mailing address 724 East Industrial Park Dr., Unit #13
24 Churchill Dr. Manchester, NH 03106

Property location Hooksett, NH

County of Merrimack, as described in deed dated June 14, 2014

Recorded at Book 3454, Page 1797, Tax Map 12, Lot 24-34

Subdivision Approval No. SA2014010395 Construction Approval No. CA2016123007-A

- I understand that my well will be located closer than the recommended extent of a protective well radius to my property line. (75' for up to 750 GPD if a dug/shallow or drilled well.)
- I understand that current state law does not protect my well beyond the boundary of my property and that the rules of the Department of Environmental Services allow a leachfield to be installed as close as 10 feet to the property line which may result in a leachfield on abutting property being installed closer than 75 feet to my well.
- I understand that I cannot prevent a leachfield from being installed on abutting property within 10 feet of the property boundary solely on the basis of my well location.
- I understand that with proper well construction, including drilling the well into bedrock, casing the well and sealing the casing, the risk of contamination from any leachfield closer than 75 feet to my well can be minimized.
- I understand that I have no cause of action against the State of New Hampshire or any owner of the abutting property if my well becomes contaminated as a result of the decreased setback distance.

Owner's Signature: _____

Keith Martel

Type or Print Name

6/19/19
Date

Owner's Signature: _____

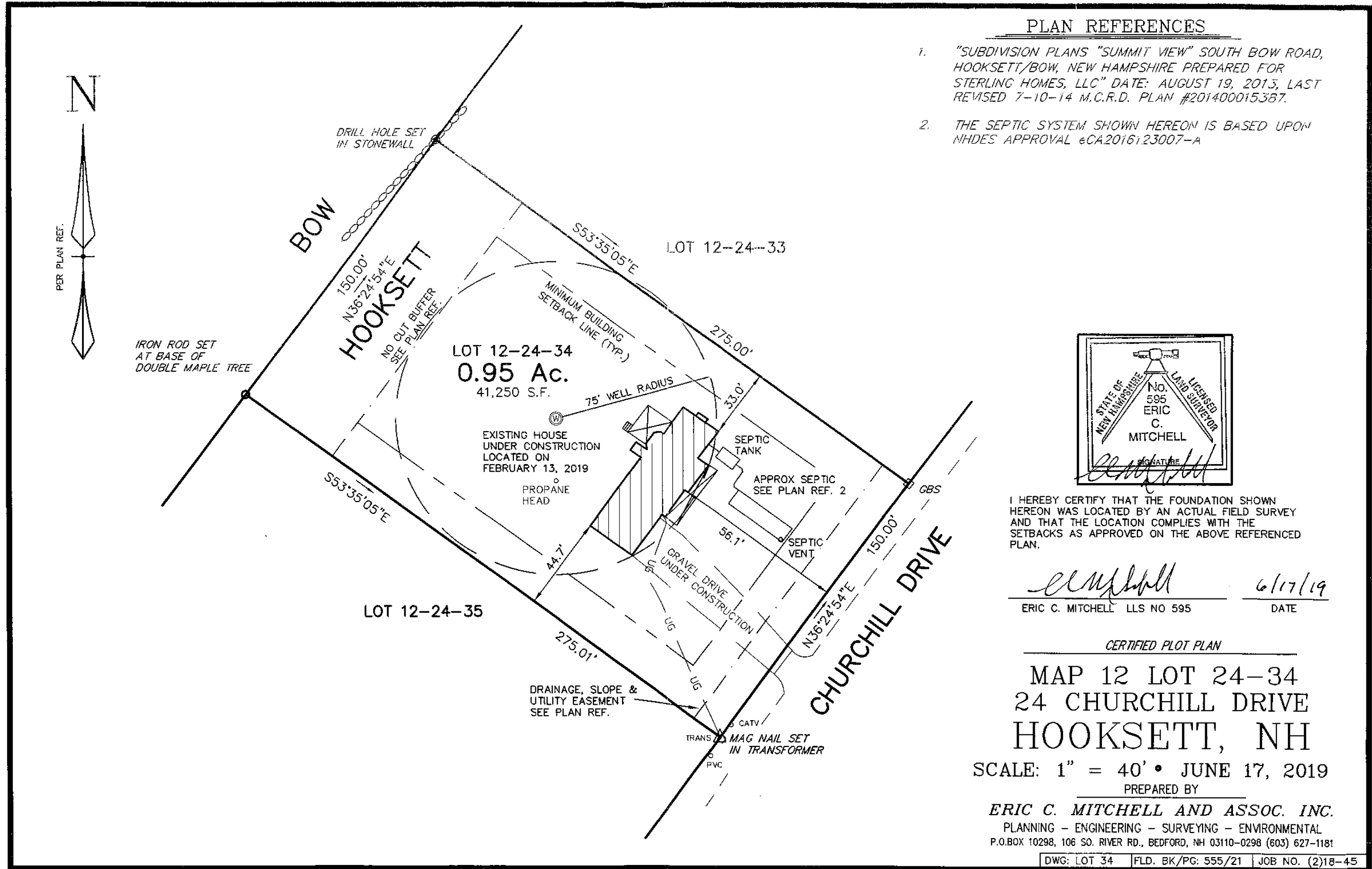
Date

Type or Print Name

*** IF THE ON-LOT PROTECTIVE WELL RADIUS IS LESS THAN THE OPTIMUM PRESCRIBED STANDARD, THIS RELEASE FORM SHALL BE RECORDED IN THE REGISTRY OF DEEDS. A COPY OF THE RECORDED FORM MUST BE SENT TO THE DEPARTMENT OF ENVIRONMENTAL SERVICES AND TO THE CODE ENFORCEMENT OFFICER OR OTHER MUNICIPAL OFFICIAL.

Rev. 11/99

M:\Organized LDD\18-45.dwg (LOT 34 PLOT PLAN.dwg, Model, 6/17/2019 2:17:56 PM)



Town Council

STAFF REPORT



To: Town Council
Title: Administrative Code Updates - Cellular Phones in the Workplace - Reimbursement Allowances for Personal Cellular Phones
Meeting: Town Council - 11 Sep 2019
Department: Administration
Staff Contact: Donna Fitzpatrick, Administrative Services Coordinator

BACKGROUND INFORMATION:

The Town Council, at their meeting of 08/28/19, discussed the Administrative Code section 6.5 Cellular Phones in the Workplace to correct section V Reimbursement Allowances for Personal Cellular Phones to read \$11.54 vs. \$11.53 (\$600/52 = \$11.538). The Council is seeking additional information:

1. 16 of Town owned phones assigned to employees for business use
2. 9 of employees receiving reimbursement allowance for personal cellular phones for business use
3. Town policy on determining 1 or 2 above - see attached Exhibit D
4. Right-to-know law - **BASIC RULE:** Any information concerning the business of a town or city, in any format, is a governmental record and must be made available to the public upon request

FINANCIAL IMPACT:

TBD

POLICY IMPLICATIONS:

TBD

RECOMMENDATION:

Approve correction to reimbursement amount to read \$11.54. Review items 1-4 above and add to future Council agenda for potential policy change.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Information request by Town council

ATTACHMENTS:

[ADM CODE EXHIBIT D](#)
[NHMA RTK FORMAT](#)

Exhibit D
Town of Hooksett

35 Main Street
 Hooksett, NH 03106

POLICY:
CELLULAR PHONES IN THE WORKPLACE

SECTION I: PURPOSE

The purpose of this policy is to establish guidelines and administrative procedures for employees who have been identified as needing cellular phones (both Town provided and reimbursed (via allowances) personal phones) during working hours and for other times as needed for the health, safety, welfare, or operational efficiency of the Town.

SECTION II: POLICY

It is the policy of the Town that if an employee's job duties require them to be readily accessible for frequent contact or critical contact with the Town staff or public, and the accessibility extends to time away from work or involves on-call responsibilities, then the eligible employee may have a choice to either use a Town-issued cellular phone, or provide their own cellular phone for which they will be compensated for business use pursuant to this Policy. The Town shall have the discretion to determine who is eligible as well as the service plan and features that will be provided, required, or otherwise reimbursed via allowances.

SECTION III: ELIGIBILITY

Employees whose job duties include the frequent need for a cellular phone may be provided a town issued cellular phone or, in lieu thereof, use their own personal cellular phone and receive a reimbursement allowance for business-related costs. Department heads may identify employees who hold positions that include the need for a cellular phone. The Town Administrator shall have final approval on all such determinations. Generally, an employee is eligible for a town issued cellular phone or a reimbursement allowance for using a personal cellular phone if at least one (1) of the following criteria are met:

- 1) The job function of the employee requires considerable time outside of his/her assigned office or work area and it is important to the Town that she/he is accessible during those times; or
- 2) The job function of the employee requires him/her to be accessible outside of scheduled or normal working hours where time sensitive decisions/ notifications are required.

If an employee is eligible for a town issued cellular phone or a reimbursement allowance for a personal cellular phone based on satisfaction of at least one of the above criteria, then if the employee also needs data access for health, safety, welfare or operational efficiency concerns, their town issued cellular phone or reimbursement allowance shall provide data access or provide for a data plan.

SECTION IV: LIMITATIONS ON TOWN PROVIDED CELLULAR PHONES

A. Personal Use: Occasional brief personal use is allowable; however, employees should always use their own personal cellular phones for personal use, if possible.

B. Text Messaging: Shall be limited whenever possible, unless the cellular phone has a service plan that provides for unlimited messaging or a messaging allowance and in either case, is approved for such use by the employee's department head.

C. Internet Access: Employees should use discretion when using their cellular phone to not access websites that would be in violation of the Town's Computer Use Policy found in the Personnel Plan. D. Directory Assistance: Employees should avoid using cellular directory assistance so as to avoid additional charges.

E. Reimbursement to the Town for Personal Use: If an employee's personal use of the Town's cellular phone results in an unreasonable charge to the Town, the user will be responsible for reimbursing the Town. This includes charges for text messaging, long distance and/or roaming charges, overage charges, multi-media charges, and charges for directory assistance.

F. Data Downloads: Employees should attempt to download data in wi-fi networks so as to minimize costs.

G. Any cellular phone that has data capabilities must be secured based on current security standards including password protection and encryption. If a cellular phone with data capabilities is stolen or missing, it must be reported to the employee's supervisor, the service provider, and to the Administration or IT Contactor as soon as possible.

H. Misuse: Use of the cellular phone in any manner contrary to local, state, or federal laws will constitute misuse, and may result in disciplinary action up to and including immediate termination.

I. No expectation of privacy: Town issued cellular phones shall remain the sole property of the Town and shall be subject to inspection or monitoring at any time. Employees who are issued town cellular phones must understand that there is no expectation of privacy when using such phones. The Town has the right to review all records related to Town issued cellular phones, including but not limited to phone logs, text messages, and internet usage logs. Users should further be aware that such records may be subject to discovery under RSA Chapter 91-A (aka, the "Right to Know" law).

J. Upon resignation or termination of employment, or at any time upon request, the employee will produce the device for return and inspection. Employees unable to present the device in good working condition will be expected to bear the cost of a replacement.

SECTION V: REIMBURSEMENT ALLOWANCES FOR PERSONAL CELLULAR PHONES

A. Allowance Amount: The amount shall be \$11.53 per week for cellular phones utilizing an unlimited data plan, e-mail, texting and internet access features. No further reimbursement for cellular phones is available to employees who receive an allowance.

B. The allowance is neither permanent nor guaranteed. The Town reserves the right to remove a participant from this plan or cancel the allowance for business reasons.

C. To receive the allowance, a "Personal Action Form" must be completed (see Appendix A).

D. Allowance Payment: The approved cellular phone reimbursement allowance will be paid to the employee each week in the employee's paycheck.

E. The employee is responsible for purchasing the cellular phone and establishing and maintaining a service contract with the cellular phone service provider of his/her choice. The cellular phone contract shall be in the name of the employee, who shall be solely responsible for all payments to the service provider. If the employee terminates the cellular phone contract at any point, s/he must notify his/her supervisor within five (5) business days.

F. Because the cellular phone is owned personally by the employee, the reimbursement allowance is not considered taxable income and the employee may use the cellular phone for both business and personal purposes, as needed. The employee may, at his or her own expense, add extra services or equipment features, as desired. If there are problems with service, the employee is expected to work directly with the service provider for resolution.

SECTION VI: LIMITATIONS ON PERSONAL CELLULAR PHONES

A. For a personal cellular phone approved for a reimbursement allowance under this policy, support from the Town's IT Contactor is limited to connecting the cellular phone to Town-provided services, such as e-mail, calendar, and contacts.

B. The Town does not accept any liability for claims, charges or disputes between the service provider and the employee. Use of the cellular phone in any manner contrary to local, state, or federal laws will constitute misuse, and may result in disciplinary action up to and including immediate termination if misused in furtherance of Town business, and then, depending on the nature of the misuse.

C. Any cellular phone that has data capabilities must be secured based on current security standards including password protection and encryption. If a cellular phone with data capabilities is stolen or missing, it must be reported to the employee's supervisor, the service provider, and to the IT Director as soon as possible.

D. Employees are expected to delete all Town data from the cellular phone when their employment with the Town is severed, except when legally required to maintain that data (e.g., litigation).

E. Note: Unlike Town provided cellular phones, users of personal cellular phones have an expectation of privacy and accordingly, if the Town desires to review the employee's cellular phone records, it will first obtain a search warrant or subpoena the relevant records pursuant to RSA Chapter 91-A (aka, the "Right to Know" law).

SECTION VII: EMPLOYEE RESPONSIBILITIES

A. Excessive use of cellular phones during the work day for personal use can interfere with employee productivity and be distracting to others. During paid work time, employees are expected to exercise the same discretion in using cellular phones as is expected for the use of any town telephone or computer. Cellular phones may not be used at any work site where the operation of the phone would create an unreasonable distraction to the public or other employees.

B. Employees are expected to make personal communications on non-work time, when possible. However, it is understood that occasional personal communications of short duration may be accomplished without disrupting others and without having an adverse effect on one's job performance. Personal calls, incoming and outgoing, must be kept to a minimum and must be incidental to business use. Employees should use good judgment when making personal communications and should recognize that the Town incurs costs for each minute of

air time on Town issued phones. Abuse of personal communications privileges may subject the employee to discipline.

C. In order to ensure a productive work day, the following uses of any cellular phone are prohibited during working hours:

- 1) Accessing the internet for non-work related purposes;
- 2) Playing games;
- 3) Watching movies, television, sports, etc.; and
- 4) Any activity that violates town policy.

D. Employees in possession of Town issued cellular phones are expected to protect them from loss, damage, or theft.

SECTION VIII: SAFETY IN USING CELLULAR PHONES

A. This section applies to all use of Town provided cellular phones, and to all use of personal cellular phones when used for Town business.

B. If use of their cellular phone is unavoidable, employees shall use hands-free options, abiding by applicable state laws. During hands-free operation, employees are expected to keep the usage to a minimum, refrain from discussions of complicated or emotional issues, and keep their eyes on the road. Special care should be taken in situations where there is heavy traffic, inclement weather or where the employee is driving in an unfamiliar area. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

C. With the exception of extraordinary circumstances, operators of authorized emergency vehicles are to comply with this Policy while driving.

D. Engaging in text or email communications, or accessing the internet while driving is not allowable under any circumstance. Note: safely pull over to the side of the road before setting a destination and selecting a route for GPS-related applications.

E. Employees who are charged with traffic violations resulting from the use of cellular phones while driving on duty may be subject to disciplinary action.

F. Employees who are charged with traffic violations resulting from the use of their cellular phone while driving will be solely responsible for all liabilities that result from such actions.

G. Violations of this Policy will be subject to discipline, up to and including dismissal.

SECTION IX: WAIVERS

The Town Administrator or Town Council may waive any portion of this policy for good cause shown.

SECTION X: AMENDMENTS

This policy may from time to time be amended by the vote of Town Council at a regularly scheduled meeting.

SECTION XI: EFFECTIVE DATE

This policy shall be effective 08/24/16 as per vote of the Town Council.

Right to Know Law



RSA
Chapter 91-A

GOVERNMENTAL RECORDS
(RSA 91-A:4 through 91-A:6)

BASIC RULE: Any information concerning the business of a town or city, in any format, is a governmental record and must be made available to the public upon request unless it is exempt from disclosure under RSA 91-A:5 or elsewhere in the law. (How long to keep records? RSA 33-A:3-a contains a detailed schedule.)

AVAILABILITY: Records must be available during regular business hours at the regular business premises of the public body or agency. If a record is not immediately available, the town or city must respond to the request within 5 business days by either providing the record, denying the request in writing with reasons, or providing a written acknowledgement of the request and a statement of the time necessary to deny or fulfill the request.

- **Copies:** Anyone may make notes, tapes or copies of governmental records. Records should never be handed over for copying or loaned out. Municipalities may make copies for citizens and charge them the actual cost of the copies.
- **Format:** Governmental records must be maintained in a manner that makes them accessible to the public. Electronic records must be produced in electronic format if requested and if it's reasonably practical to do so.
- **Motive of the Person Requesting a Record:** It is irrelevant and should not be questioned.
- **Raw Materials and Working Documents:** Raw materials (tapes, notes) used to compile official minutes are governmental records so long as they are retained. Preliminary documents are governmental records even if they are not in final form unless they are exempt for some other reason.

EXEMPTIONS TO THE DISCLOSURE REQUIREMENT INCLUDE:

- Records pertaining to internal personnel practices
- Medical, welfare, library user and videotape sales or rental records
- Confidential, commercial or financial information and any other records whose disclosure would be an invasion of privacy
- Notes or materials made for personal use which do not have an official purpose, including notes and materials made prior to, during or after a public proceeding
- Preliminary drafts, notes and memoranda and other documents not in their final form and not disclosed, circulated or available to a quorum of a public body
- Some law enforcement files (but not all)
- Written legal advice

PARTIAL RELEASE: If only part of a governmental record is exempt from disclosure, the part that is not protected should be released. Redact (obscure) the exempt portion(s).

DO NOT DESTROY A RECORD AFTER A REQUEST HAS BEEN MADE FOR IT.

Important note: This is a very simplified overview of the Right to Know Law. It is not intended to be legal advice and is provided for convenience only.

Please refer to RSA Chapter 91-A or legal counsel for further information.

New Hampshire Municipal Association
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Members Only: 800.852.3358
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Town Council STAFF REPORT



To: Town Council
Title: Town Council Rules of Procedures Updates (Tabled at 8/28/19 TC Mtg)
Meeting: Town Council - 11 Sep 2019
Department: Administration
Staff Contact: Donna Fitzpatrick, Administrative Services Coordinator

BACKGROUND INFORMATION:

The Town Council, at their meeting of 08/28/19, discussed the amendments to the Town Council Rules of Procedures to include sections:

1a - 2a1 - 5a,b,c - 7a

Note: 2a1 "Note" Council directed Administration to seek legal advice.

The Council tabled further review of sections 8a,e,g - 13f - 17 and tabled a decision on all amendments due to the overall length of the Council's meeting that evening.

FINANCIAL IMPACT:

None

POLICY IMPLICATIONS:

Streamline process and follow process endorsed by NHMA

RECOMMENDATION:

Motion to approve all amendments or specific sections.

SUGGESTED MOTION:

Motion to approve the amendments to the Town Council Rules of Procedures as presented
or
Motion to approve amendments to the Town Council Rules of Procedures for item(2) #x,x,x above.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur

ATTACHMENTS:

[TC Rules 091119](#)

Town of Hooksett
Town Council Rules of Procedures
Adopted as of: 01/10/2001
Amended as of: ~~08/22/18~~ 09/11/19

Resolved by the Town Council of the Town of Hooksett, NH that the following be and hereby are adopted as the Rules of the Hooksett Town Council.

1. The Following Rules shall be adopted by a majority of the Hooksett Town Council and these rules shall become effective immediately upon their adoption.
 - a. ~~Riggins Robert's~~ Rules "Parliamentary Law at a Glance" by E.C. Utter should be used as a guide when proper procedure is in question except where modified herein.
 - b. Acceptable Procedure is determined by the acting Chair.
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.

Note: The Town Administrator shall act in the role of Council Chair from July 1st until such time the new Town Council has their first meeting to choose their Chair, Vice Chair and a Secretary. The Town Administrator, as acting Council Chair, shall lead this meeting through Town Council Reorganization – Part I.

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 & sign 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 adopt the Family Services Guidelines.
10. Motion to have the Tax Collector sign payment plans for deedable properties.
11. Motion to have the Town Administrator approve payment plans for deedable properties (Town Administrator cannot forgive interest or principal).
12. Motion to have a Councilor work with Administration to coordinate the annual Town Council Old Home Day booth and Employee Appreciation Picnic

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- b. The above election shall be by majority vote of the Town Council present at the first meeting.
 - c. Duties of Officers
 - 1. Chair:
 - a. The Chair with the Town Administrator shall post all meetings and set meeting agenda.
 - b. Lead all meetings in an orderly manner using these procedures, Hooksett's Town Charter, Riggins Rules and Parliamentary Law as guides for appropriate protocol.
 - 2. Vice Chair:
 - a. In the absence of the Chair, the Vice Chair shall conduct the Council Meeting until such time as the Chair is present.
 - 3. Council Secretary:
 - a. The Council Secretary shall be responsible for recording the attendance of Council members by roll call at the beginning of each meeting.
 - b. The Council Secretary shall be responsible for polling and recording all roll call votes.
 - c. If the Council Secretary is absent, the chair shall ask for a volunteer. If there is no volunteer, the Chair shall appoint a Council member to act as Council Secretary until such time as the Council Secretary is present.
 - d. The Town Council Secretary shall act as clerk of the Council and shall review and approve (with or without edits) the draft (unofficial) minutes of the meeting recorded by the Recording Clerk. If there is no Recording Clerk present at meeting, the Town Council Secretary will be asked to keep minutes. Minutes will appear in the Town Council agenda packet. Minutes shall be posted on the Town website.
 - e. The Town Council Secretary shall perform such other duties in the meeting as may be requested by the presiding officer of Council.
 - f. In case of the absence of the Chair and the Vice Chair the Council Secretary shall call the Council to order and act as Chair.
3. Council Meetings
- a. The Council shall meet in regular session on the 2nd and 4th Wednesday of every month, except as noted on Town Calendar, at 6:00pm. When time permits, a regular meeting may be adjointed to a workshop session.
 - b. The place of meetings shall be the Council Chambers unless otherwise designated.
 - c. A quorum of the Council for the transaction of any business shall be two-thirds (2/3) of the members currently in office. The Council shall not recognize a Councilor's electronic method(s) of participation, attendance, or quorum.
 - d. The Council reserves the right to end meetings at 9:30. The Council shall motion to extend public session meetings past 9:30pm as follows "motion to extend public session until meeting is adjourned". Uncovered business will be included in the next meeting agenda. Meeting may be closed by a 2/3 roll call vote.
 - e. The Council may meet for an informal workshop session or special meetings by Council vote on an as needed basis, in accordance of Section 3.5 C of the Town Charter. The place of meeting shall be the Council Chambers.
 - f. When, after consultation with the Vice Chair and the Town Administrator, the Chair determines that the Council has insufficient business to warrant a meeting, the Chair may cancel said meeting after informing all councilors and receiving individual approval from 2/3 of the council members and shall not be inconsistent with the meeting provisions of

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the Town Charter. Agenda items scheduled for a meeting that is canceled shall be carried over to the next regular meeting.

- g. Council members shall be seated in Council Chambers as determined by consensus of the Council. The Chair and Vice-Chair shall be seated at the head of the Council table in Chambers. The Secretary shall be seated next to the Town Council Recording Clerk.
- h. Council members, staff and members of the general public participating in meetings shall address all questions or remarks through the Chair confine their remarks to the merit of pending questions; and shall not engage in personalities.
- i. Any member may leave the Council Chambers while in regular session after notice to the Chair of pressing business providing there is no loss of quorum as determined by the Chair.

4. Town Employees

- a. The Town Administrator will attend all regular meetings or request representation from a Town Department to attend in their place.
- b. The Town Administrator shall be responsible for providing the Council with necessary background information on all items of business before the Council.
- c. The Town Administrator may have the head of any department or division or other employee of the Town in attendance at any meeting when items within their responsibility or knowledge is being discussed. All questions shall be directed to the Town Administrator who may, when necessary, defer to a department head or employee. Staff should be made aware of all items on the agenda to be ready to discuss items in respect to their department or area of responsibility.

5. Voting

- a. Councilors may read suggested motions from staff reports to assure key elements of motions do not get missed.
- b. If a vote is immediate after a motion, the motion does not need to be repeated unless requested by a Councilor or staff.
- c. If there is a discussion after a motion, the motion should be repeated prior to the vote of the Council to assure all Councilors and the public are aware what is being voted on.
- d. Every member present, including the Chair, when a question is put shall vote either aye (yes) or nay (no) or abstain and give reason for abstaining, in accordance with the Town Charter.
- e. Council Members wishing to abstain from voting shall so indicate and give reason for doing so.
- f. All votes shall be voice votes unless determined to be a **roll call** vote.
- g. **Roll call** votes should be used anytime there is a motion based on 1) a public hearing item, 2) any monetary item over \$10,000 and 3) at the request of any Councilor for any matter.
- h. **Roll call** votes shall be in a random order with the Chair voting last.

6. Debate

- a. Council members must raise their hand to be recognized by the Chair.
- b. Rules of Debate on all motions shall be as follows:
 - 1. The council member, who introduces a motion, may speak to that motion. Thereafter, every council member may speak to the motion two times only. The sponsoring Council member may also address the motion two times, thereby allowing the sponsor the right to address his or her their motion a total of three times.
 - 2. If by 2/3 vote it is determined additional discussion is needed each council member may only speak an additional 2 times on a motion.

3. Decorum in debate: In order to assist in the carrying out of debate in an orderly and productive manner, Council members shall:
 - a. Address all questions and remarks through the Chair. Do not address audience or council members.
 - b. When commenting on another Councilor's statement or question, identify the speaker, statement and when the statement was made.
 - c. Confine remarks to the merits of the pending question.
 - d. Not engage in personalities or question the motives of other Councilors.
- c. Any member who wishes to force an end to debate must first obtain the floor by being duly recognized to speak by the chair and must then move the Previous Question. Such a motion must be seconded, and then adopted by a two-thirds vote, or by unanimous consent. It is not in order to interrupt a speaker with cries of "Question" or "Call the question.", and even if no one is speaking, it is still necessary to seek recognition.

7. Order of Business

The Town Council shall follow the below agenda order whenever possible for ease of transcription, audience participation and possible time restraints. The Council Chair, during the Agenda Overview, will inform the audience of any change in the agenda order for a particular meeting.

- a. Agenda Order of Council Meetings
 - I. Call to Order
 - II. Proof of Posting
 - III. Roll Call
 - IV. Pledge of Allegiance
 - V. Agenda Overview
 - VI. Public Hearings
 - VII. Special Recognitions
 - VIII. Scheduled Appointments
 - ~~IX. Approval of minutes~~
 - ~~X. Agenda Overview~~
 - ~~XI. Public Hearings~~
 - XII. Consent Agenda
 - XIII. Town Administrator's Report
 - XIV. Public Input
 - XV. Nominations/Appointments
 - ~~XVI. 15 Minute Recess-Brief Recess~~
 - XVII. Old Business
 - XVIII. New Business
 - ~~XIX. Approval of Minutes~~
 - XX. Subcommittee Reports
 - XXI. Public Input
 - XXII. Non-Public Session NH RSA 91-A:3 II (a – I, as needed)
 - XXIII. Adjournment
- b. Public Input
 1. Two 15-minute Public Input sessions will be allowed during each Council Meeting. Time will be divided equally among those wishing to speak; however, no person will be allowed to speak for more than 5 minutes.

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2. No person may address the council more than twice on any issue in any meeting. Comments must be addressed to the Chair and must not be personal or derogatory about any other person.
 3. Any questions must be directly related to the topic being discussed and must be addressed to the Chair only, who after consultation with Council and Town Administrator, will determine if the question can be answered at that time. Questions cannot be directed to an individual Councilor and must not be personal in nature. Issues raised during Public Input, which cannot be resolved or answered at that time, or which require additional discussion or research, will be noted by the Town Administrator who will be responsible for researching and responding to the comment directly during normal work hours or by bringing to the Council for discussion at a subsequent meeting. The Chair reserves the right to end questioning if the questions depart from clarification to deliberation.
 4. Council members may request a comment be added to New Business at a subsequent meeting.
 5. No one may speak during Public Input except the person acknowledged by the Chair. Direct questions or comments from the audience are not permitted during Public Input.
 - c. Nominations for all Board and Committee applicants may be made during the nominations/appointments portions of the Council meeting. Boards and Committees shall receive their respective applications and make recommendations for nominations. Appointment vote for a nominee will be scheduled at the next Council meeting. Nominations and appointments for new July terms shall be at the June Town Council meetings.
 - d. Scheduled Appointments
 1. A scheduled appointment shall have one person as a speaker when possible and follow the rules for addressing the Council.
 2. A scheduled appointment shall not exceed 15 minutes to address the Council unless the Council votes to extend.
 3. Board and Committee applicants shall be invited to attend a Council meeting as a scheduled appointment to state their interest. This meeting shall be either prior to or on the same night of their nomination.
 4. Boards and Committees shall meet at minimum once a year as a scheduled appointment to provide an overview of their activities and member attendance reports.
 - e. Old Business
 1. Business carried over from a previous meeting.
 - f. New Business
 1. New Business should be submitted to the Town Administrator or Council Chair.
 2. New Business submitted by end of business two Thursdays before a regular meeting may be considered for the next meeting by request. The Chair may schedule the topic on the Agenda under New Business as the schedule allows. Any new business brought forward at a council meeting shall not be acted upon at that meeting except by a motion to waive this rule by vote of 2/3rd of the members present.
 3. New Business submitted after end of business two Thursdays preceding a regular scheduled meeting will be considered for the next meeting agenda unless time sensitivity is determined by Town Administrator or Chair.
 8. Non-Public Session
 - a. **The Council Chair shall motion for the appropriate non-public session section of NH RSA 91-A:3 II (a – 1) when entering the non-public session based on the subject matter as**

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~~previously discussed with the Town Administrator. This motion must be seconded by a Councilor and have a roll call vote with the majority in the affirmative.~~

- b. The Council shall motion to exit in non-public., ~~then~~ In public session a motion is made to seal the minutes of the non-public session as appropriate.
- c. Non-public sessions do not require motions to extend the meeting past 9:30pm.
- d. A councilor not present at the time non-public session minutes are taken shall receive these sealed minutes along with the rest of the Council.
- e. Non-public minutes, per RSA 91-A:3, shall ~~consist of the subject matter and motions only. No minutes of the subject discussion shall be taken.~~ include the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions. Minutes are not verbatim.
- f. Non-public minutes and/or material in possession of Town Councilors at a Council meeting shall be handed into ~~the Administrative Services Coordinator~~ Administration at the end of the meeting for shredding of confidential information.
- g. All sealed non-public meeting minutes (discussions and materials included) are confidential until such time these minutes may be unsealed.
- h. Unsealing of the non-public session minutes for the current fiscal year (June 1st to May 31st) shall occur annually at the Council's last meeting in May when, in the opinion of a majority of members, the circumstances that sealed the minutes no longer apply in accordance with RSA 91:3 III.

9. Filing Agenda items

- a. Every item of business to come before the Council for action must be filed with the Town Administrator or Council Chair no later than end of business two Thursdays prior to the regular Council Meeting.
- b. The Agenda shall be posted by the close of business on the Wednesday prior to the regular Council Meeting.
- c. It shall be the duty of the Town Administrator to mail by first class postage said agenda and any available supporting documents to each Councilor (if not already picked-up) by Thursday of the week prior to the regular Council Meeting unless a Councilor requests, in writing, to receive it in electronic format only.

10. Addressing the Council

- a. Persons other than members of the Council shall not be permitted to address the Council except during the designated agenda Public Input or by invitation of the Chair.
- b. A time limit for addressing the Council may be established by the Chair.
- c. The speaker shall not enter into a debate with any person, the Chair or Council members.

11. Amendment To Rules

- a. Council rules may be suspended by a 2/3-majority vote of all Council members. The purpose for suspension must be clearly stated before the vote is taken and 2/3 of all Council members must declare the matter one of such priority that it would be detrimental to hold over until the next regular Council Meeting.
- b. The rules may be amended or new rules adopted by a 2/3 vote of all members of the Council. Any such proposed alteration or amendment by any Councilor shall be submitted in writing at a regular Council Meeting under the order of new business.

11. Community Outreach

- a. The Council Chair has the authority to act on the Council's behalf to present and/or sign letters of achievement for community outreach to include but not limited to Town of Hooksett departments, businesses, residents, and volunteer or membership groups. This

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authority is for times when the community outreach happens off-schedule to Town Council meetings.

12. Procedure for Adoption of Ordinances pursuant to Section 3.6 of the Charter.

a. Prior to a Council member introducing an ordinance, the Council shall discuss the contents which may include editorial revisions and textual modifications. An ordinance needing revisions based on this discussion will be brought back to the Council in a final format at their next scheduled meeting. The final version of an ordinance shall be introduced by one Councilor for a public hearing at the Council's next scheduled meeting. No second to a motion and/or vote is required to move an ordinance to a public hearing. The Council shall not take final action on any proposed ordinance until at least seven (7) days after said public hearing(s).

b. After the public hearing the Council shall put the proposed ordinance in final form, which may include editorial revisions and textual modifications resulting from the proceedings of that hearing. An additional public hearing shall be held if the ordinance is substantively altered by the Town Council after public hearing. Subsequent public hearings shall be held at least 14 days after the prior public hearing and with the notice provided in Section 3.5 (A) of the Charter. The Council shall not take final action on any proposed ordinance until at least seven (7) days after said public hearing(s).

13. Procedure for Town Administrator Annual Evaluation

- a. Council's first meeting in May – Council will receive Town Administrator's self-evaluation to include status on his/her goals with comments for period ending June 30th of the same fiscal year along with a blank evaluation form.
- b. Council's second meeting in May = Councilors are to complete and submit the Town Administrator evaluation form via e-mail to the Council Chair and cc: Administrative Services Coordinator (or hand deliver to same at meeting).
- c. First week in June = Administrative Services Coordinator and Council Chair consolidate each Councilor's Town Administrator evaluation data into one report.
- d. Council's first meeting in June – Councilors to review consolidated Town Administrator evaluation report for edits.
- e. Council's second meeting in June – Councilors and Town Administrator to receive Town Administrator evaluation report in agenda packet and review at this meeting.
- f. Council's ~~July~~ Annual July/August Workshop meeting – New council to establish goals for new fiscal year.

14. Standing Moment of Silence

- a. The Council Chair may call a moment of silence for the deceased with ascent of the Town Council at the beginning of the meeting

15. Special Recognition

- a. Special Recognition may include but is not limited to:
 - Hooksett Youth Achiever of the Month
 - Boston Post Cane Recipient
 - Retiring employees
 - Longevity employees (at Council's last regularly scheduled meeting each September)

16. Town Administrator's Report
 - a. New hires will be invited and encouraged to attend the Council meeting following his/her hire date when the Town Administrator will announce his/her Department, name and start date."
17. Approval of Minutes
 - a. Public minutes, per RSA 91-A:3, shall include the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions. Minutes are not verbatim.
 - b. Public minutes shall be posted (open to public inspection) not more than 5 business days after the meeting. These minutes, per RSA 91-A:3, shall be treated as permanent records of any public body.
 - c. ~~Council Final Acceptance (Approval) of Minutes: The Council, at their next regularly scheduled meeting, reviews and accepts (with or without edits (draft) of the prior meeting.~~
 - d. Councilors, public or staff identifying corrections to Town Council minutes shall submit their corrections to the Town Council Secretary on or before the start of the meeting scheduled for review. Corrections do not include changing or adding wording not stated at the meeting.
 - e. The Council Chair, at the "Approval of Minutes" agenda section, will request the following motion "Councilor #1 motion to approve the public minutes of Date. Seconded by Councilor #2."
 - f. The Council Chair shall inquire with the Town Council Secretary for any corrections to the minute; Secretary will read the corrections into the record, if applicable.
 - g. If there are corrections to the minutes, amend 17 e motion above "Councilor #1 I amend my motion to add "as corrected". Seconded by Councilor #2."
 - h. A vote of 17e or 17g above is taken (roll call not required).
 - i. ~~Council Correction to Previously Accepted (Approved) Minutes: If there are errors in motions identified in previously accepted minutes, the Council shall motion in their current meeting minutes to make the correction. The older incorrect minutes shall be updated & reposted as "corrected" and showing the date of the motion for the correction. Errors in minutes of descriptions of subjects discussed may be corrected if the description would change the motion of the subject. Serivener's errors (typos) may be corrected by the Recording Clerk without a motion of the Council. Minutes are not required to include stenographic or verbatim transcripts.~~
 - j. ~~Council Minutes for Town Archives: Draft, accepted and corrected minutes shall be submitted to the Town Clerk for archives. Town Council approved minutes are submitted to the Town Clerk for archives within one month from the Council's approval.~~
- i. If changes are made to minutes (17b above) at a subsequent meeting, the changes are detailed in the minutes of that second meeting. As the minutes are being prepared for permanent storage in paper format, the Town Clerk will add a notation to the permanent record of the first meeting that corrections were made, and give an exact reference to the page where the changes appear in the minutes of the subsequent meeting.

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18. Public Hearings

- a. The Town of Hooksett follows the NH State statutes (RSAs) and Town Charter in determining when a public hearing is required for agenda items before the Town Council.

Below are the items that require public hearings (these have a public notice in the Union Leader):

- **New or amended Town Ordinances** - notice is per Chapter 231:132-a of the NH Revised Statutes annotated, and section 3.6 of the Hooksett Town Charter
- **New or amended Town Charter** – notice is per NH RSA 49-B:5
- **Accept Donation/Grant/Reimbursement of Funds over \$10,000** – notice per RSA 31:95-b, III (a) (ex. 1) NHDOT Bridge Aid funds reimbursement for the Benton Road Culvert project, 2) FEMA funds for the reimbursement of February 8th, 9th, & 10th 2013 severe snowstorm expenses, 3) New Hampshire Highway Safety Agency grant to allow for 18 DWI/DUI overtime patrols)
- **Accept Donation of Property over \$5,000** – notice per RSA 31:95 e, II (ex. Catholic Medical Center in Manchester NH to the Hooksett Fire-Rescue Department and the Town of Hooksett in the amount of \$14,500.00 (Physio-Control LUCAS 2 device)
- **New or amended Hazard Mitigation Plan**
- **Town Roadway Improvements** – (ex. project alternatives for the roadway improvements design(s) at the Hooksett Hackett Hill Road and Rte. 3A intersection)
- **Discontinuance of Class VI Town Roadway**
- **Conservation Easements** – notice is per NH RSA 36-A & NH RSA 477:45-47

Note: Land use items require 10 day prior public notice in Union Leader and all other items require 7 days.

Public Hearings not required, however Town may conduct out of courtesy (these do NOT have a public notice in the Union Leader):

- **Establishing Town Roadway Speed Limits**
- **Renaming Town Roadways** - (ex. Water Works Drive, Hooksett, NH for the closed off portion/loop of Industrial Park Dr. that will be closed off due to the GE Expansion)
- **Potential Departmental Reorganizations**

Town Council Rules of Procedures

10

Town Council **STAFF REPORT**



To: Town Council
Title: Town Administrator Goals FY 2019-2020
Meeting: Town Council - 11 Sep 2019
Department: Administration
Staff Contact: Donna Fitzpatrick, Administrative Services Coordinator

BACKGROUND INFORMATION:

The Town Council, at their meeting of 8/28/19, verbally established goals for Town Administrator Garron for FY 2019-2020. These goals will be provided to the Council and the Town Administrator in written format for both to review and approve at the Council's meeting of 09/11/19.

FINANCIAL IMPACT:

TBD

POLICY IMPLICATIONS:

TBD

RECOMMENDATION:

Town Council Chair and Town Administrator execute the Town Administrator written goals for effective date September 11, 2019 through June 30, 2020.

SUGGESTED MOTION:

Motion to approve the Town Administrator written goals sheet for effective date September 11, 2019 through June 30, 2019 as presented and authorize Council Chair Sullivan to execute this goals sheet.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur

ATTACHMENTS:

[TA GOALS 091119-063020](#)

Town Administrator Tangible Goals for 09/11/19-06/30/20

Goal 1: Initiate a business retention and expansion program

Goal 2: Explore use of town owned property for solar facilities

Goal 3: Initiate a streetlight LED conversion program

Goal 4: Streamline the processes involved with development in the Performance Zone including follow through once development has occurred

Goal 5: Regroup the CIP committee and restart the CIP process

Goal 6: Continue to coordinate and improve the economic development effort in Hooksett with emphasis on the TIF District

Goal 7: Improve Council meeting presentations and flow of information to citizens

Town Administrator

Date

Town Council Chair

Date

Town Council STAFF REPORT



To: Town Council
Title: Replacement of 2 DPW Pickups and Fleet Reduction
Meeting: Town Council - 11 Sep 2019
Department: Public Works
Staff Contact: Earl Labonte, Director of Public Works

BACKGROUND INFORMATION:

Circumstances have change in fleet status since the Fleet Replacement Plan was developed to augment the budget process. In the past, the department has been the recipient of the castoff vehicles from Police and Fire. While this process has its benefits, it also has a down side. Police and Fire, based on their emergency response requirements requires them to remove some assets from service that still have a useful life under normal usage. The intent of accepting these castoffs was to assist the Public Works Department and Town Hall departments with an asset that could be used until it is no longer practical to keep. This process has helped to defray the purchase cost for Town Hall departments requiring vehicle support. Currently castoff vehicles are being utilized by the Town Administration for the Town Administrator, the Town Engineer and a pool vehicle controlled through the administrative section for use by the Assessor and other Town departments as needed.

While attempting to develop a life cycle/replacement plan for the Public Works Fleet we projected pickups for budgetary purposes to have a 13-year life expectancy, 20 years for larger trucks and equipment, 10 years for auto trucks (garage). Life expectancy was not set for trailers.

These life expectancies are for planning and budget purposes. Each asset would be evaluated annually or as needed for actual replacement time. Some would require earlier replacement others could be projected to remain in the fleet longer.

Circumstances have dictated that two assigned vehicle require replacement now. Also, as part of the fleet review we have decided that there are some additional vehicles that should be excessed and offered as part of a trade towards the purchase of new vehicles. There are 3 excess vehicles, which we would like to dispose of. They are a 1998 Chevy Tahoe, 2007 Ford Crown Vic, and a 2003 Ford F250. Also offered as part of the trade are the two DPW vehicles, a 2009 Ford F350 and a 2008 Ford F250. Details on trade and excess vehicles are attached.

Replacement vehicle would be from Grappone Ford and are provided as part of the State Bid. These vehicles are a F350 pickup priced at \$34,901 and a F350 utility bed truck for \$44,768 (see attached proposal). The attached proposal also has trade discounts of \$6,500. We will be withdrawing the F350 with a bad engine as we believe we could get more value for it selling on GovDeals. Trade in discounts would be \$5,500.

Replacing these vehicle would allow for improved productivity and efficient use of assigned assets. Not replacing would delay crews and result in larger or ineffective vehicles to be used. The utility bed

truck is the primary highway response repair vehicle and carries all required tools and equipment for immediate highway repairs not limited to signs, traffic lights and road repairs.

As part of our fleet review, status of assigned vehicle and an attempt to work on a fleet reduction we believe it is in the best interest of the Town to replace the two failed or failing vehicles with the two suggested and trim or remove the other three from the fleet.

FINANCIAL IMPACT:

Funding would come from the Public Works Vehicle Capital Reserve currently \$287,599.22 with \$179,955 obligated with a remaining balance of \$107,644.22. This purchase would require \$74,169 leaving \$33,475.22 in the fund.

POLICY IMPLICATIONS:

None.

RECOMMENDATION:

Approve the replacement of the failed vehicles and remove from service the castoffs while they still have some trade value.

SUGGESTED MOTION:

Motion to approve the purchase of two pickup trucks as presented from Grappone Ford for \$74,169, funding to come from the Public Works Vehicle Capital Reserve fund and to consent to the purchase.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur

ATTACHMENTS:

[Vehicle Replacement](#)

Vehicle Replacement

SUBJECT: Replacement of two DPW Pickups and fleet reduction

PURPOSE: This paper is to identify the requirement to replace two DPW assigned vehicles.

BACKGROUND: Fleet review.

DISCUSSION: Circumstances have change in fleet status since the Fleet Replacement Plan was developed to augment the budget process. In the past, the department has been the recipient of the castoff vehicles from Police and Fire. While this process has its benefits, it also has a down side. Police and Fire, based on their emergency response requirements requires them to remove some assets from service that still have a useful life under normal usage. The intent of accepting these castoffs was to assist the Public Works Department and Town Hall departments with an asset that could be used until it is no longer practical to keep. This process has helped to defray the purchase cost for Town Hall departments requiring vehicle support. Currently castoff vehicles are being utilized by the Town Administration for the Town Administrator, the Town Engineer and a pool vehicle controlled through the administrative section for use by the Assessor and other Town departments as needed.

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Replacing these vehicle would allow for improved productivity and efficient use of assigned assets. Not replacing would delay crews and result in larger or ineffective vehicles to be used. The utility bed truck is the primary highway response repair vehicle and carries all required tools and equipment for immediate highway repairs not limited to signs, traffic lights and road repairs.

Funding would come from the Public Works Vehicle Capital Reserve currently \$287,599.22 with \$179,955 obligated with a remaining balance of \$107,644.22. This purchase would require \$74,169 leaving \$33,475.22 in the fund.

CONCLUSION: As part of our fleet review, status of assigned vehicle and an attempt to work on a fleet reduction we believe it is in the best interest of the Town to replace the two failed or failing vehicles with the two suggested and trim or remove the other three from the fleet.

RECOMMENDATION: Motion to approve the purchase of two pickup trucks as presented from Grappone Ford for \$74,169, funding to come from the Public Works Vehicle Capital Reserve fund and to consent to the purchase.

Attachments: (Provided in Councilors Read Package)

1. Cover letter from Grappone Ford
2. Quote for F350 Pickup Truck
3. Quote for Additional equipment (Tommy Gate) Donovan
4. Quote for F350 W/Utility Bed Truck
5. Quote for Additional equipment (Utility Bed and Tommy Gate) Donovan
6. Email from Town Mechanic concerning excess vehicles
7. Excess vehicle inspection reports and fleet history