

**Town of Hooksett
Town Council Meeting Minutes - Official
Wednesday, April 10, 2019**

The Hooksett Town Council met on Wednesday, April 10, 2019 at 6:00 in the Hooksett Municipal Building.

CALL TO ORDER

Chair Sullivan called the meeting of 10 Apr 2019 to order at 6:02 pm.

PROOF OF POSTING

Administrative Services Coordinator Donna Fitzpatrick provided proof of posting.

ROLL CALL

In Attendance: Councilor James Sullivan, Councilor Robert Duhaime, Councilor John Durand, Councilor John Giotas, Councilor James Levesque, Councilor David Ross, Councilor Timothy Tsantoulis, and Councilor Alex Walczyk

PLEDGE OF ALLEGIANCE

Chair Sullivan called for the Pledge of Allegiance.

SCHEDULED APPOINTMENTS

Scheduled Activity Update - Cemetery Commission

Michael Horne, Chairman of the Cemetery Commission: I have distributed a Cemetery Commission Update. The Commission has three members: Sharron Champagne, Denise Cascio Bolduc and myself as Chair. On May 1, 2019 Nancy Philbrick will fill the position being vacated by Denise Cascio Bolduc. I have met with her and she is very excited about this position. The update includes the Cemetery Commission duties, a reference to the Hooksett Administrative Code Section 4.2, and the roles of two town departments – Community Development and Parks, Recreation & Cemeteries. Hooksett has two cemeteries with vacant lots for sale: Martins Cemetery on Cemetery Road off Martins Ferry Road and Head Cemetery on Pleasant Street. Together they have almost 500 grave lots available. Casket graves are being divided for cremations. The Highway Department does grave openings and closings. The cemetery files are in Community Development. We would like to get them in better shape going forward. We found some old deeds in file drawers at the Highway Department. We are requesting some administrative help for assistance in taking meeting minutes and maintaining the permanent cemetery files.

R. Duhaime: Are you looking for administrative help regarding minutes and filing?

M. Horne: Yes. Maybe someone has some spare time to validate and organize historic records.

APPROVAL OF MINUTES

Public: 03/13/19

T. Tsantoulis made a motion to approve the minutes of the March 13, 2019 public session as amended. R. Duhaime seconded the motion.

Voted unanimously in favor.

Public: 03/27/19

J. Levesque made a motion to approve the minutes of the March 27, 2019 public session as amended. R. Duhaime seconded the motion.

Voted unanimously in favor.

AGENDA OVERVIEW

D. Fitzpatrick: I would like to request that we take up agenda item 16.3 right after 15.2 in order to accommodate a presenter.

Chair Sullivan: We can do that. We have a full agenda of both old and new business tonight.

PUBLIC HEARING

Public Hearing for Acceptance of the Extension of Hills Road

Chair Sullivan: Pursuant to RSA 674:40-a, a notice is hereby given of a public hearing to be held by the Hooksett Town Council on Wednesday, April 10th, 2019 @ 6:00pm at the Hooksett Town Hall Council Chambers, 35 Main Street, Hooksett, NH. The Town Council shall hold the public hearing under RSA 674:40-a for the acceptance of a new portion of Hills Road that was built to connect the previous end of Hills Road in Auburn to Park Lane in Hooksett. This plan is available for viewing in the Community Development office at the address above.

B. Thomas: I have inspected the work and I have found it to be acceptable. I have the plans with me. I recommend that the town accept the extension of Hills Road.

T. Tsantoulis: What is the distance from the Hooksett/Auburn line to Park Lane?

B. Thomas: It is about 300 feet.

Chair Sullivan: Mr. Germain will bring up the map before we close the public hearing.

CONSENT AGENDA

Hills Road Surety Release

R. Duhaime motioned to release the cash surety #0185 for Hills Road in the amount of \$36,417.00 to the developer. T. Tsantoulis seconded the motion.

D. Ross: Why is the developer not named?

B. Thomas: Scott Bussiere is the developer.

R. Duhaime: That is All State Builders.

B. Thomas: I met with Mr. Bussiere, but I don't know if it is All State Builders.

D. Ross motioned to table this motion until the name of the developer is verified. J. Giotas seconded the motion.

Voted in favor (6-1), with T. Tsantoulis voting nay.

TOWN ADMINISTRATOR'S REPORT

J. Bouchard: I want to thank everyone in town who has been helpful in making this a smooth transition for me into the position of Acting Town Administrator. That includes all department heads and especially Donna Fitzpatrick. I have approved repairs to some town buildings, including the columns on the front of the library. Mold has been found at the Safety Center and remediation will be done. Some

citizens want to volunteer to do some landscaping around town property, and Mrs. Fitzpatrick is checking on property and liability coverage, as well as workers comp. On April 16, 2019 a public meeting will be held here regarding renumbering of the homes at Meadowset Village. This is related to 911 codes, and the meeting will be video-streamed for those who wish to watch it from home. On April 17, 2019, I plan to attend a ribbon cutting ceremony at the new Urgent Care facility at Cinemagic Way, if the Council members would like me to do that.

Chair Sullivan: We would like to have you represent us for that.

J. Bouchard: Attorney Serge sent me a communication regarding defeated warrant articles to share with the Council. First, he advises that no money should be spent on any projects that were defeated, such as the Roundabout. Bruce Thomas has sent letters to appropriate parties at the State level to indicate that Hooksett has ceased work on the Roundabout. Further, easements discussed will not be purchased. Attorney Serge also advises that the Preservation Committee should not spend money on Old Town Hall unless it is to safeguard or secure the building. The Town plans to check the building twice a month and will deal with other issues (vandalism, as an example) on a case by case basis. I want to read verbatim Attorney Serge's opinion regarding the issues surrounding the defeat of Article 12.

"As for article 12 (I think that was the recreation director article), my feeling is that the hiring of the part-time, seasonal, recreation coordinator earlier this year did not violate the article. First, the article pertains to the upcoming fiscal year starting on July 1, so any actions taken during the current budget cycle do not violate that vote. I am aware that the same article failed last year as well, but even then I do not see a part-time, seasonal, employee as violating a vote not to fire a full-time (with benefits) recreation director. Generally, when a court reviews an article it will consider the record developed through the public hearing process and town meeting, and of course focus on the actual language of the warrant article. While I have not reviewed the record from the public hearings, my understanding is that the focus has been on a full-time recreation director, and that there was no discussion of Article 12 pertaining to any and all recreation positions, including a part-time seasonal position. Given the language of the warrant article, which is limited to the full-time position, I feel a court would find that hiring the part-time employee did not violate the article.

That said, the Town Council has the authority to override a decision of the Town Administrator (or Acting Administrator). Section 4.7 of the Charter provides that "the Council may, by majority vote, overrule any action or lack of action normally under the control of the Administrator." We discussed whether the Section pertains to a majority of the Councilors present at the meeting, or a majority of all Councilors. I believe that 4.7 requires only a majority of those in attendance at the particular meeting. I say this because the preceding Section of the Charter, Section 4.6.A provides that to override an Administrator's decision concerning employee discipline, there must be a vote of two-thirds of "the full Council." Similarly, in both Sections 4.1 and 4.3, the Charter provides that a vote of "at least five (5) members of the Council" is required to hire a Town Administrator or to discipline an Administrator. Although the words "full council" are not used in these Sections, I feel a court would interpret them similarly. We have to remember that the Charter has been amended at various times, and often the language pertaining to voting procedure changes, which can lead to some confusion.

Finally, while the Council has the authority to override the former Acting Town Administrator's decision to hire the part-time, seasonal, recreation coordinator, I recommend against such action. First, as stated previously, I do not believe the part-time hire violates the vote not to hire a full-time director. Second, the part-time position will end on June 30, which is less than 3 months from now. Once that ends, the Council can then see that no further part-timers are hired, if that is the will of the Council. Third, while the employee is part-time, if the Council overrides the hire the employee will essentially be laid off, which could have unforeseen consequences. Not knowing the employee, I cannot say whether this person may have tried to claim that the decision to override the Acting Administrator's decision somehow violated her rights due to disability, age, etc. I am also not aware of any fiscal impacts that may be triggered due to a layoff of this nature."

J. Giotas: Some residents at Meadowset Village might want to keep their addresses. Will there be public input?

Chief Burkush: The Town Council has total authority regarding naming streets and numbering buildings. 911 is coming in for the meeting. The owners want to go with the 911 recommended changes. The impetus is due to delivery services and postal service. The Fire Department has had issues with addresses for quite a while.

D. Ross: We will meet next Tuesday?

Chief Burkush: No. This meeting is at the request of the owners and residents.

PUBLIC INPUT - 15 MINUTES

Donna Fitzpatrick, 47 Lindsey Road: Because I am a Hooksett resident, I have been asked to read a thank you letter from some employees to Don Winterton. It was signed by multiple employees. I have presented a copy of this letter to Chairman Sullivan.

Dear Don,

Thank you for the time, talent, and devotion you have given the Town of Hooksett, NH as our Acting Town Administrator for period January 7, 2019 through April 3, 2019.

You have made a difference in our community through your lead, ideas and commitment to see things through to the end which have assisted us in making valid improvements to our community to include:

- The Granite YMCA Day Camp of Hooksett @ Hooksett Memorial School for our children to experience a safe and diverse summer camp at a new location in town where the children are separated from the general public
- The purchase of a used Hooksett Fire Ladder Truck to meet our development needs for construction of buildings in Town while being sensitive to the fiscal impact of used vs. new truck and all for the safety of our residents and business owners
- Tax Increment Finance District for sewer expansion and economic development on the west side of our Town to continue to meet the needs of growth in our Town

You have made a difference in our municipal employees through opening communication both internally and externally. You reached out to individual employees to see what they do on a day-to-day basis, and also educated the local boards & committees and general public on the same to bridge communication gaps and remove silos. Your words "*I have your back*" or a simple "*good morning employee name*" boosted employee morale in a positive direction.

Don, on behalf of the following employees, again we thank you and wish you the best.

Sincerely,

Town of Hooksett Employees (by signature)

NOMINATIONS AND APPOINTMENTS

Nominations and Appointments - April 2019

Chair Sullivan: Brett Scott was nominated as an alternate member of the Planning Board and the Economic Development Committee at our last meeting.

D. Ross motioned to appoint Brett Scott as an alternate member of the Planning Board and the Economic Development Committee. Both terms ending June 30, 2022. A. Walczyk seconded the motion.

Voted unanimously in favor.

D. Ross nominated David Hess to serve as an alternate member for the Conservation Commission through June 30, 2020.

T. Tsantoulis nominated Clark Karolian to fill the District 5 vacancy on the Town Council.

R. Duhaime nominated Alden Beauchemin to the Tax Increment Financing Advisory Committee.

N. Germain: There have been questions about whether the Tax Increment Financing Advisory Committee is still in existence. It was established in March of 2017 and is still in existence. On February 7, 2019 the Administration Department sent a letter to the current members asking if they remain interested in serving. Ryan Audley said he must resign because he is too busy; Larry Maloney has moved out of town; Bob Pope and James Lamp have not responded to the letter. This is a seven-member committee; there are three current members.

Chair Sullivan motioned to accept the resignations of Mr. Audley and Mr. Maloney from the Tax Increment Financing Advisory Committee. R. Duhaime seconded the motion.

Voted unanimously in favor.

Chair Sullivan motioned to declare the positions of Mr. Pope and Mr. Lamp vacant. R. Duhaime seconded the motion.

Voted unanimously in favor.

N. Germain: Four members must live in or own property in the TIF district. Four must be Hooksett residents.

NEW BUSINESS

Police Emergency Radio Communication upgrade and replace end of life radio equipment.

Captain Robie: I am joined by Dispatcher Rick Belanger and Brian Porusta of Ossipee Mountain Electronics. Each year a warrant article is presented to the voters adding \$50,000 to a Capital Reserve Fund for radio equipment. The last replacements made to the system were in 2014 as a result of a lightning strike. It was initially planned to add \$50,000 per year in order to afford a brand-new complete system in 2024 (\$500,000 over 10 years). Due to rapidly changing technology and our current equipment that is outdated and at its end of life, it was recommended to us by our vendor to begin making replacements in phases, as opposed to one complete replacement. The items being replaced in this phase were NOT replaced during the 2014 incident. The major components that will be replaced now are two Quantar Radios and one Digital Interface Unit (DIU). Hardware and Software will be upgraded, and the components will be relocated to the new dispatch center. This price also includes adding an additionally required radio antenna to the existing tower. All equipment, parts, software, hardware and labor for installation are included. The Capital Reserve Fund for radio equipment now has a balance of \$193,000 and \$50,000 will be added for the new fiscal year, bringing the total to \$243,000. The cost of the Motorola Solutions radio equipment at State Bid pricing is \$37,683.89. Per the Administrative Code 5.3.5, the Competitive Bid Process was followed to obtain quotes for the installation and maintenance. The RFP was posted in the Union Leader and on the Town website for the required seven days. One bid was received from Ossipee Mountain Electronics (OME) in the

amount of \$28,749.00. Ossipee Mountain is our current radio maintenance contractor, knows our system inside and out, and therefore we would like to proceed with OME to complete this work.

D. Ross motioned to spend \$66,432.89 out of the Emergency Radio Communication Capital Reserve Fund to upgrade and replace end of life radio equipment. A. Walczyk seconded the motion.

J. Levesque: Is the radio equipment from Motorola to be installed and maintained by OME?

Captain Robie: That is correct.

A. Walczyk: Thank you for putting this together and coming in. Can you explain what these components do? I assume it will be better than what we have.

R. Belanger: We have two Quantar radios as a backup system for the Police Department. One is on the radio tower at the Police Station and the other is on the South Bow Tower. The Digital Interface Unit (DIU) enables the digital radios to talk with the old ones.

A. Walczyk: Analog versus digital?

R. Belanger: Yes. The Quantars are at end of life, and we can't get parts. The DIU keeps going bad and we can't get parts. Ossipee has been lending parts/units to us.

A. Walczyk: Will this provide more up time?

R. Belanger: Our system never goes down because we have two radios. However, we will be 100% digital.

J. Durand: You said these radios are old and out of date. When do the new ones go out of date?

R. Belanger: They will last up to ten years, with parts and maintenance available. This is only the two Quantar radios and the DIU. The cruiser radios were replaced in 2014, some more recently.

B. Porusta: These are just backup radios. In 2014, the main unit for the dispatch console was replaced.

R. Duhaime: Of course, using money from the Capital Reserve Fund now means you will have less in 2024.

A roll call vote was taken on the motion:

Roll Call Vote #2

R. Duhaime Yes

J Durand Yes

D. Ross Yes

J. Levesque Yes

A. Walczyk Yes

J. Giotas Yes

T. Tsantoulis Yes

J. Sullivan Yes

Voted unanimously in favor (8-0).

OLD BUSINESS

Police Station Renovations

B. Thomas. The renovations are going really well. I will bring pictures next time. The dispatch center and small bathroom will be done soon. The Guaranteed Maximum Price (GMP) is \$645,753.31, and the project is \$98,000 below that. I would like to get approval of the GMP.

J. Giotas motioned to approve the GMP of \$645,753.31 as recommended by the Town Engineer and the Police Chief and to authorize the appropriate person to sign the GMP contract.

A. Walczyk: Can the preconstruction costs be paid out of the \$98,000 which has not been spent?

B. Thomas: No. It is not part of the GMP.

A roll call vote was taken on the motion.

Roll Call Vote #3

J. Giotas ***Yes***

D. Ross ***Yes***

A. Walczyk ***Yes***

J. Durand ***Yes***

R. Duhaime ***Yes***

T. Tsantoulis ***Yes***

J. Levesque ***Yes***

J. Sullivan ***Yes***

Voted unanimously in favor (8-0).

Town of Hooksett NH and Teamsters Local 633 Collective Bargaining Agreement (approved by voters 03/12/19 for effective date 07/07/19-06/30/2021)

D. Fitzpatrick: This is a public signing of the Collective Bargaining Agreement approved by the voters at the March election. I would like to introduce Teamsters Local 633 Business Agent Keith Judge and Public Works employees Sean Timon and Robert Hebert. The negotiation team also included Councilor Duhaime and myself. Mr. Judge says he has never been to anything like this, and it is a good time to talk about the successful negotiations.

R. Duhaime: I am thankful that it all worked out. It is important to keep our truck drivers.

K. Judge: It is good to see improving conditions in Hooksett. At the same time, Hooksett's ability to attract and retain good workers is improving.

The Town of Hooksett and Hooksett Permanent Firefighters Association, Local 3264, IAFF (approved by voters 03/12/19 for effective date 07/01/19-06/30/2020)

D. Fitzpatrick: This is a public signing of the Collective Bargaining Agreement approved by the voters at the March election. I would like to introduce David Nadeau and Ian Tewksbury of the Firefighters Association. Others would be here but they are responding to a call. Councilor Duhaime was on this negotiation team also.

Chief Burkush: I am proud every day of the men and women of the Hooksett Fire Department. They are community oriented. I hear all of the time about how much they care about Hooksett.

Chair Sullivan: This is a great group.

Recycling at the Transfer Station

E. Labonte: I would like to introduce Richard Blake of the Recycling and Transfer Station and Richard Bairam, who is a member of the Recycling and Transfer Station Advisory Committee. You will recall that we discontinued curbside recycling in August or September of 2018. As of now, residents can still bring their recycling to the Transfer Station. As single stream recycling costs continue to skyrocket, we would like to discontinue single stream recycling completely until it is reasonable again. We will continue to recycle separated aluminum, metal and cardboard. The price for disposing of single-stream recycling is now \$130/ton, versus \$72/ton for regular trash.

D. Ross: I thought we discontinued single-stream recycling already.

E. Labonte: No, just curbside pick-up. Residents had called and wanted to be able to bring their recycling to the transfer station. It is a habit.

D. Ross: Single stream recycling was always a mistake. It was a bad idea. It only works with wood and metal. Burning is better than recycling.

J. Levesque: Will you explain this to the residents?

R. Blake: Yes. That is part of what we discussed at our meeting.

D. Ross motioned to change the recycling process and discontinue single stream recycling due to high costs. J. Levesque seconded the motion.

T. Tsantoulis: I have heard that you are purchasing new containers. What about people like me who do not need a new one?

E. Labonte: If you don't need one, you won't get one. You can use both of your barrels for regular trash now.

R. Blake: If a barrel is damaged and a resident caused it, we charge them. We ask that if a barrel is hit by a car, call the Police Department.

A. Walczyk: Thanks for coming in. What happens to cardboard, aluminum and metal?

R. Blake: We bundle and deliver cardboard to Manchester when we have about 20 tons, and we get \$50 per ton. Cans go to scrap metal.

A. Walczyk: Do they actually recycle it?

R. Blake: Yes, they do.

J. Giotas: In talking with people, I know that with single stream there was a lot of contamination. I would like to be sure that separated cardboard, aluminum and metal will be recycled.

D. Ross: It doesn't matter. These motions are only seen by a handful of people. Taking a couple of boxes to the Transfer Station costs more in gas than the value of the recycled items.

R. Duhaime: It is doing the right thing. It is a nice thing to do, keeping the environment clean, but the cost is making it impossible.

J. Giotas motioned to amend the current motion, adding that recycling of separated aluminum, metal and cardboard will continue at the Transfer Station only. A. Walczyk seconded the motion. Voted unanimously in favor.

A roll call vote was taken on the motion to discontinue single stream recycling due to high costs.

Roll Call Vote #4

A. Walczyk Yes

J. Levesque Yes

D. Ross Yes

R. Duhaime Yes

J. Durand Yes

T. Tsantoulis Yes

J. Giotas Yes

J. Sullivan Yes

Voted unanimously in favor (8-0).

Chair Sullivan: Would it be possible to stay open a little longer on Wednesdays?

R. Blake: We did that before, staying open from 3:30 pm until 7:00 pm from Memorial Day until Labor Day, and we had only between 12 and 15 people per night.

District #5 Town Council Seat

D. Fitzpatrick: At the April 3rd meeting, the District #5 Town Council seat was declared vacant. We said we would nominate on April 24th. However, we can't wait until the May 8th meeting to appoint because we must appoint by May 3rd. You can either waive the rules or hold a special meeting.

N. Germain: We will accept nominations until the end of the day, April 23rd. Also, if the Council fails to appoint three times, a special election must be held within 30 days.

Town Administrator Search Update

D. Fitzpatrick: We are anxiously awaiting the selection of a permanent Town Administrator and appreciate the work of the Acting Town Administrator. Each Councilor has a confidential packet with information about the five candidates and the procedure. Don Jutton of MRI will be with us throughout the process and has included in this packet an overview of the process, the essays of the five candidates, sample questions provided by himself and Chair Sullivan, and a scoring sheet. The interviews will be held on April 17th and April 18th from 5:30 until 9:30 pm. Three candidates will be interviewed on the first night and two on the second. The interviews will be held at ProCon at 1359 Hooksett Road, Unit 5. Agendas will be posted, per RSA 91-A:3, but the Council will be going immediately into non-public session.

T. Tsantoulis: Are all of the candidates currently employed?

D. Fitzpatrick: Yes, they are.

J. Bouchard: ProCon is kind to let us use the building, which looks amazing with its upgrades. They are keeping it open late for us, and I want to thank them.

D. Fitzpatrick: Just as the candidates will be presenting their selling points, this is an opportunity to showcase Hooksett to the candidates.

Personnel Plan Proposal

D. Fitzpatrick: On March 27th, we proposed a personnel plan. I haven't received any questions or suggestions from anyone, so please let me hear from you if you have input or questions.

J. Bouchard: I started working on this before I was the Acting Town Administrator and want to complete it while I am still in this position. We are adding Earl Labonte to the group and we want to hear everybody out to complete this in the next two weeks.

Reconsideration of Vote on Part-time Recreation Coordinator

J. Levesque: I was going to bring up for reconsideration the vote taken two meetings ago on a part-time recreation coordinator. After hearing the letter from Attorney Serge tonight, I am not sure. I would like to ask Mrs. Fitzpatrick is this part-time recreation coordinator would receive unemployment benefits if laid off.

D. Fitzpatrick: We haven't had a layoff here for 15 or 20 years, so I would have to research that.

J. Levesque motioned to reconsider the vote on a part-time recreation coordinator of March 27, 2019. A. Walczyk seconded the motion.

J. Levesque: I am torn after listening to the letter, yet feeling that the voters didn't want a recreation director.

A. Walczyk: I too am torn with this situation that we are in. From what I understand, it was more than just the YMCA; it was actually going to improve the services that are available to the town, based on what their tasks would have been had we kept the position. That is why I am reconsidering it tonight. I understand that there is more than meets eye, as opposed to just seeing it as a recreational director or a way to get around the vote. I do not think that is the whole truth; I think it is part of the story, but I do not think it is all of the story.

R. Duhaime: The attorney's letter confirms what I thought regarding the part-time, temporary employee.

T. Tsantoulis: The unfortunate reality is that this item grew a set of legs and sucked up oxygen in the room. A small group of malcontents made a lot more noise than necessary. All that Don Winterton did was done in the spirit and intent of the charter. He was in charge and was able to do it. He should not be micromanaged by people who can't have their way. I have been told that some people don't like Don Winterton, and this was more about him and who made the decision. I have received zero complaints about this. Many people thought it was foolish. The part-time, temporary position ending June 30th had nothing to do with the full-time recreation director position on the warrant article.

J. Durand: I still hold to the facts. This was done a week prior to the vote. The optics were wrong.

J. Giotas: Other legal problems may arise. Ramifications may pop up. I don't know what they might be.

D. Fitzpatrick: At our non-meeting with the attorney, he told us what the ramifications would be. You were not at that meeting.

D. Ross: We are not supposed to be personal. I don't vote because I like or dislike someone. It is the optics, a week after the vote.

J. Levesque: The position was for ten weeks only.

Chair Sullivan: Speaking as a member who has only one vote like all other members and as chairman running the meetings, optics and timing are valid concerns. We always have the ability to change decisions, according to the charter. The important thing is that all was done according to the charter, which is now almost 30 years old.

A roll call vote was taken on the motion to reconsider.

Roll Call Vote #5

T. Tsantoulis No

D. Ross No

R. Duhaime No

A. Walczyk No

J. Levesque No

J. Durand Yes

J. Giotas No

J. Sullivan No

The motioned failed (1-7).

NEW BUSINESS

Chair Sullivan closed the public hearing on the Hills Road extension at 8:01 pm.

Acceptance of Hills Road extension

R. Duhaime motioned to accept the extension of Hills Road from the previous end in Auburn to Park Lane in Hooksett. A. Walczyk seconded the motion.

A roll call vote was taken on the motion.

Roll Call Vote #6

J. Durand Yes

J. Levesque Yes

J. Giotas Yes

D. Ross Yes

T. Tsantoulis Yes

A. Walczyk Yes

R. Duhaime Yes

J. Sullivan Yes

Voted unanimously in favor (8-0).

Hackett Hill Estates - Future Access

N. Williams: I am Nick Williams, the Town Planner, and I would like to introduce Attorney Greg Michaels and property owner Dennis Demers. We are looking at Lot 27-4. This is a simple request to construct a driveway to access a landlocked parcel via a future access deed, an implied easement. Legal counsel has advised making a motion to allow the driveway to be constructed per the specs of the town.

R. Duhaime: What is the size of the lot?

D. Demers: It is 12 acres, a rectangle.

D. Ross: This easement crosses wetlands. Why is this not before the Conservation Commission?

N. Williams: This is a drainage easement; it is not wetlands.

R. Duhaime: Mr. Labonte will be sure that the drainage easement is managed when it is filled.

J. Levesque: I would like to postpone this vote until we have a better map. And what about the abutters? We had trouble with another right of way on this road.

G. Michaels: The right of way is for this purpose. It is the use originally planned by the town. The Planning Board laid this out for potential future development. It is a dedicated way.

D. Ross: Could it be a road?

G. Michaels: That is a hypothetical question. It is allowed by law.

R. Duhaime: Some easements are for larger parcels. This is a driveway for a single-family home.

G. Michaels: Yes.

Ross: With access to a 12-acre lot, do they intend to have more than one residence?

G. Michaels: Then they would have to come back and the whole process would start again with Planning and Zoning.

D. Ross: We need to be equitable to everyone. Another party was contacted about how they intended to use a parcel.

G. Michaels: You've asked and I've answered.

N. Williams: This is a signed, recorded plan. It is dedicated but not accepted. This is a paper road.

G. Michaels: This is laid out as dedicated way.

A. Walczyk: Is there an address?

G. Michaels: That won't happen unless something is built.

T. Tsantoulis: If we vote in favor, what is the next step? Is there still an opportunity to reject it?

N. Williams: If a subdivision is proposed, the Planning Board would be involved.

J. Levesque: If we are going to grant a right of way, we shouldn't give town land a way. We should make it a town road.

R. Duhaime: It would be a driveway now, with the easement, and it could be a town road later.

G. Michaels: That is a good analysis. The town could still build a road over that area.

D. Ross: Who owns the property now? We should find out with specificity the intent of the original implied easement. We should seek legal counsel.

G. Michaels: It doesn't matter who owns it.

Chair Sullivan: I have a communication from Attorney Serge addressed to Nicholas Williams, the Town Planner. He says he agrees that the next step is to bring this to the Town Council for consideration. This is dedicated but not accepted, and thus a paper street, with an implied easement. The Council would require the property owner to comply with the standards of the town regarding the construction of driveways.

A. Walczyk Is there a timeline associated with this?

G. Michaels: Probably sometime in the next few months.

T. Tsantoulis: It sounds like the landowner and his representative are well within their rights. Matt Serge greenlighted this driveway.

R. Duhaime motioned to allow the property owner of Map 27, Lot 4 to construct a driveway to Town specifications in the area labeled Future Access D on the plans titled Hackett Hill Estates. T. Tsantoulis seconded the motion.

R. Duhaime: Will the town easement be paved? It is better than dirt because of the drainage easement. It saves future problems.

G. Michaels: We will follow the recommendations of Public Works.

J. Levesque offered an amendment to the motion, changing 'driveway' to 'roadway.' There was no second to the motion.

D. Ross: The attorney did not greenlight this. There are other lots back here. What if they want to use the driveway? It is effectively private property now.

G. Michaels: You are not giving up town rights.

A. Walczyk motioned to move the question. R. Duhaime seconded the motion. Voted unanimously in favor.

A roll call vote was taken on the motion to allow the construction of a driveway for Map 27, Lot 4.

Roll Call Vote #7

D. Ross No
J. Levesque No
R. Duhaime Yes
A. Walczyk Yes
J. Durand Yes
T. Tsantoulis Yes
J. Giotas Yes
J. Sullivan Yes
Voted in favor (6-2).

Command Vehicle Purchase for Fire-Rescue

Chief Burkush: At the 2019 Town Meeting, the voters approved the purchase of a Command vehicle. MacMulkin Chevrolet is the NH State Bid dealer. The cost, with the longest warranty possible, is \$36,445.

D. Ross motioned to approve the purchase of a 2019 Chevy Tahoe for \$36,445 from MacMulkin Chevrolet for the Town of Hooksett Fire-Rescue Department. R. Duhaime seconded the motion.

J. Giotas: What about the balance remaining on the warrant article amount?

Chief Burkush: That will be used for Emergency Lighting, Radios and Equipment. I will come with quotes on those.

A roll call vote was taken on the motion.

Roll Call Vote #8

J. Levesque Yes

R. Duhaime Yes

T. Tsantoulis Yes

A. Walczyk Yes

J. Durand Yes

D. Ross Yes

J. Giotas Yes

J. Sullivan Yes

Voted unanimously in favor (8-0).

Asphalt Hot Box

E. Labonte: This is for storing hot asphalt for patching and paving small areas. It lasts up to two days. There is an asphalt plant in Massachusetts which is open year-round. Patches done in the winter last at least two times longer than cold patches. This is not for large areas.

J. Levesque motioned to approve and consent the purchase of Falcon Asphalt Hot Box Machine from HP Fairfield's for \$27,424. \$24,951 will come from the NH DOT Highway Block Grant and the remaining \$2,473 would come out of the current Highway budget line. A. Walczyk seconded the motion.

A. Walczyk: Is two tons enough?

E. Labonte: For a vehicle larger than two tons, a Class A CDL license is needed. That would limit who could drive.

T. Tsantoulis: Will you tend to use this even in better weather?

E. Labonte: Yes, we will.

J. Durand: What is the life of the box?

E. Labonte: It is at least 15 to 20 years.

R. Duhaime: Given the urgency of paving, if it starts to rain, you can put the asphalt in the Hot Box. It is easier to manage your staff and time.

A. Walczyk: How much area than would two tons cover?

E. Labonte: Maybe a few cubic yards.

R. Duhaime: Tonnage is different from cubic yards.

A roll call vote was taken on the motion to authorize the purchase of an asphalt hot box.

Roll Call Vote #9

J. Durand Yes

J. Giotas Yes

D. Ross Yes

R. Duhaime Yes

A. Walczyk Yes

T. Tsantoulis Yes

J. Levesque Yes

J. Sullivan Yes

Voted unanimously in favor (8-0).

6 Wheel Plow Truck

E. Labonte: I am bringing this up now because it takes one year to get the truck. The warrant article for this passed at the Town election. Earlier this year, one of the plow trucks failed state inspection. It was 20 years old and beyond economical repair. Plowing service would decrease without it. We have a proposal for the replacement truck from Liberty International using State Bid pricing for \$170,955.

T. Tsantoulis: What would this \$180,000 truck cost if not purchased via the State Bid pricing?

E. Labonte: We saved between \$30,000 and \$40,000.

Chair Sullivan: Would this involve an encumbrance?

E. Labonte: No, but it could be next year.

A. Walczyk motioned to purchase and provide consent to purchase a new 6-wheel plow truck from Liberty International for \$179,955. J. Levesque seconded the motion.

R. Duhaime: All Mac trucks in the past ran 15 to 20 years. Did you look at a Mac truck?

E. Labonte: Mac doesn't have a State bid and they are more costly.

A roll call vote was taken on the motion.

Roll Call Vote #10

T. Tsantoulis Yes

J. Levesque Yes

D. Ross Yes

J. Giotas Yes

J. Durand Yes

A. Walczyk Yes

R. Duhaime Yes

J. Sullivan Yes

Voted unanimously in favor (8-0).

House Bill 365 relative to net energy metering limits for customer generators - Future of Hooksett Hydro Facility Expansion

Chair Sullivan: We will hold off on this item. The delegation was split on this.

J. Bouchard: We don't know what the outcome would be of supporting this.

D. Ross: It is complicated.

Heritage Day Proclamation

Chair Sullivan read the following proclamation:

PRESERVATION MONTH 2019

PROCLAMATION BY THE HOOKSETT TOWN COUNCIL

WHEREAS, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and WHEREAS, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and WHEREAS, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that have shaped us as a people; and WHEREAS, the National Trust for Historic Preservation has designated May 2019 as National Preservation Month; and WHEREAS, in celebration of this occasion, the Hooksett Heritage Commission, Hooksett Historical Society, and Head School Society will sponsor Hooksett Heritage Day on May 18, 2019; NOW, THEREFORE, I, James A. Sullivan, Chair, on behalf of the Town Council, do proclaim May as National Preservation Month in Hooksett and May 18, 2019, as Hooksett Heritage Day, and call upon the people of Hooksett to join their fellow citizens across the United States in recognizing and participating in this special observance.

R. Duhaime motioned to proclaim May as National Preservation Month in Hooksett and May 18, 2019, as Hooksett Heritage Day, and call upon the people of Hooksett to joint their fellow citizens across the United States in recognizing and participating in this special observance. A.

Walczyk seconded the motion.

Voted unanimously in favor.

District #6 Town Council Seat

D. Fitzpatrick: Councilor Giotas' term ends June 30th. No one was on the ballot of the March 12th election and there were only scatter write-ins. Chair Sullivan would like to have an appointment made and a Councilor sworn in by July 1st. Therefore, toward the end of May, a request for nominations should be posted. Nominations should be made at the June 4th meeting and an appointment made at the meeting of June 19th.

SUB-COMMITTEE REPORTS

D. Ross: The Conservation Commission wants Jason Pritchard (DBA Pritchard Farms) of 326 Park Street to have a license to plant and mow the conservation land in the areas of Riverwalk Way. They would like the Council to authorize the Acting Town Administrator to sign the license.

D. Fitzpatrick: I want to point out that this is not an agenda item and should not be voted upon until it is presented on an agenda.

Chair Sullivan: We will hold off on this until the next meeting.

D. Ross: The former chairman of the Conservation Commission is now working for Bear Paw. We have a contract with them for maintenance of a portion of our conservation land. This is great for us because the former chairman knows this land well.

D. Ross: The Student Conservation of New Hampshire Corp (SCNH) does projects such as trails and bridges for towns. They are non-profit and work for 11-day hitches, camping on site.

D. Ross: The Amoskeag Rowing Club has a rough plan for temporary docks. My concern is that antique stonework there is held together by vegetation. Litter is concern; this could become a hangout, with beer cans and cigarette butts. They will come back with an actual plan.

T. Tsantoulis: We have a youth achiever. The completed form has been given to Mrs. Fitzpatrick.

Chair Sullivan: Councilor Durand volunteered at the last meeting to fill the position vacated by Mr. Winterton.

NON-PUBLIC SESSION

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

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

NH RSA 91-A:3 II (l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.

J. Sullivan motioned to enter non-public session of 04/10/19 at 9:09pm per NH RSA 91-A:3 II (a) (b) & (l). Seconded by A. Walczyk.

Roll Call #11

T. Tsantoulis – yes

J. Levesque – yes

J. Durand – yes

D. Ross – yes

A. Walczyk – yes

R. Duhaime – yes

J. Giotas – yes

J. Sullivan - yes

Vote in favor (8-0).

R. Duhaime motioned to exit non-public session of 04/10/19 at 9:38pm. Seconded by T. Tsantoulis. Vote unanimously in favor (8-0).

***J. Sullivan motioned to seal the non-public session minutes of 04/10/19. Seconded by R. Duhaime.
Vote unanimously in favor (8-0).***

PUBLIC SESSION, CONTINUED

***T. Tsantoulis motioned to authorize the Council Chair to sign an employment agreement with Acting Town Administrator Janet Bouchard. Seconded by A. Walczyk.
Vote unanimously in favor (8-0).***

J. Sullivan: The signed employment agreement with Acting Town Administrator Janet Bouchard will be posted on the Town's website www.hooksett.org

ADJOURNMENT

***T. Tsantoulis motioned to adjourn the public session of 04/10/19 at 9:40pm. Seconded by J. Giotas.
Vote unanimously in favor (8-0).***

Respectfully submitted,

Kathleen Donnelly

Kathleen Donnelly