



# AGENDA

## Town of Hooksett Town Council

### Wednesday, November 3, 2021 at 6:00 PM

A meeting of the Town Council will be held Wednesday, November 3, 2021 in the Hooksett Municipal Building commencing at **6:00 PM**.

- |   | Page    |
|---|---------|
| <b>1. CALL TO ORDER</b>   |         |
| <b>2. PROOF OF POSTING</b>  |         |
| <b>3. ROLL CALL</b>   |         |
| <b>4. PLEDGE OF ALLEGIANCE</b>  |         |
| <b>5. AGENDA OVERVIEW</b>   |         |
| <b>6. PUBLIC HEARINGS</b>   |         |
| <b>7. SPECIAL RECOGNITION</b>   |         |
| 7.1. Hooksett Municipal Employee - New Hire   |         |
| <b>8. PUBLIC INPUT - 15 MINUTES</b>   |         |
| <b>9. SCHEDULED APPOINTMENTS</b>  |         |
| 9.1. NHDOT Presentation of Hooksett Road Route 3 Widening - Tobey Reynolds -<br>NHDOT Traffic Bureau  | 5       |
| <a href="#">Staff Report - SR-21-179 - Pdf</a>  |         |
| 9.2. Dave Mercier, Underwood Engineering & Peter Bartash, Port One Companies<br>- Tax Increment Finance District (TIF) –Funding Agreement between Town and<br>Granite Woods Developer (ON 11/3/2021 COUNCIL AGENDA IN THE EVENT<br>IT IS CONTINUED, TABLED, ETC. FROM 10/27/2021 COUNCIL MEETING)   |         |
| <b>10. CONSENT AGENDA</b>   |         |
| 10.1. Accept Federal Grant Funds (FEMA-PA) awarded to the Town of Hooksett, NH<br>in the amounts of: \$80,619.28 for Hooksett Fire Rescue Department overtime<br>staffing from October, 2020 - December, 2020, and \$41,576.08 for Hooksett<br>Fire Rescue Department overtime staffing from January, 2021-February, 2021,<br>per RSA 21-P:43.                                  | 7       |
| <a href="#">Staff Report - SR-21-169 - Pdf</a>  |         |
| 10.2. To accept the grant in the amount of \$2,782.50 from the Bureau of Justice<br>Assistance; Patrick Leahy Bulletproof Vest Partnership, to the Town of<br>Hooksett for the Hooksett Police Department per RSA 31:91-b: III(b) and return<br>the funds to the Police Department's, 2021-2022, 2022-2023 and/or 2023-2024<br>fiscal budgets under the uniform equipment line. | 9       |
| <a href="#">Staff Report - SR-21-176 - Pdf</a>  |         |
| 10.3. Summit View Development/Churchill Street (off South Bow Road) Partial<br>Surety Release of \$329,347.69 to the Developer  | 11 - 13 |
| <a href="#">Staff Report - SR-21-178 - Pdf</a>  |         |

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

<b>11.</b>	<b>TOWN ADMINISTRATOR'S REPORT</b>	
<b>12.</b>	<b>NOMINATIONS AND APPOINTMENTS</b>	
<b>13.</b>	<b>BRIEF RECESS</b>	
<b>14.</b>	<b>OLD BUSINESS</b>	
14.1.	FY 2022-23 Budget and Warrant Articles	15 - 19
	<a href="#">Staff Report - SR-21-172 - Pdf</a>	
<b>15.</b>	<b>NEW BUSINESS</b>	
15.1.	Unassigned General Fund Balance History and Tax Rate	21 - 23
	<a href="#">Staff Report - SR-21-174 - Pdf</a>	
15.2.	Quarterly Financial Report as of September 30, 2021	25 - 42
	<a href="#">Staff Report - SR-21-173 - Pdf</a>	
15.3.	Transfer Station Holiday Schedule	43 - 44
	<a href="#">Staff Report - SR-21-171 - Pdf</a>	
15.4.	Recycling & Transfer Advisory Board Duties Clarification	45 - 52
	<a href="#">Staff Report - SR-21-177 - Pdf</a>	
15.5.	Juneteenth Holiday	53 - 57
	<a href="#">Staff Report - SR-21-175 - Pdf</a>	
15.6.	Town Charter Amendments March 2022 - a) Zoning Amendments (Councilor Boutin) & b) see attached - Sections 8.2 Initiative Petitions & 8.6 Recall of Officeholders (Councilor Walczyk)	59 - 83
	<a href="#">2015 LTR</a>	
	<a href="#">SOC 2021-10-15</a>	
	<a href="#">Town Charter Section 8 Adjustments</a>	
	<a href="#">town charter amendments Article 8</a>	
15.7.	Town Newsletter	
<b>16.</b>	<b>APPROVAL OF MINUTES</b>	
<b>17.</b>	<b>SUB-COMMITTEE REPORTS</b>	
<b>18.</b>	<b>PUBLIC INPUT</b>	
<b>19.</b>	<b>NON-PUBLIC SESSION NH RSA 91-A:3 II</b>	
<b>20.</b>	<b>ADJOURNMENT</b>	
	<b>PUBLIC INPUT</b>	
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.	

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

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.

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



Town Council  
**STAFF REPORT**



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**To:** Town Council  
**Title:** NHDOT Presentation of Hooksett Road Route 3 Widening - Tobey Reynolds - NHDOT Traffic Bureau  
**Meeting:** Town Council - 03 Nov 2021  
**Department:** Community Development  
**Staff Contact:** Bruce Thomas, Town Engineer

**BACKGROUND INFORMATION:**

Tobey Reynolds of the New Hampshire Department of Transportation will make a presentation regarding potential improvements to the Route 3 (Hooksett Road) corridor from Alice Avenue to Martins Ferry Road.

There are two possible scenarios for the improvements. One is redesigning a three lane highway through the corridor. The other is a five lane highway through the corridor. Each will have sidewalks and bike lane areas on both sides of the street. Both projects will include intersection improvements including turn lane additions and timing improvements. A roundabout will be discussed as an option at the Mammoth Road intersection.

Additional information regarding this project can be found at the State project website located at <https://www.nh.gov/dot/projects/hooksett29611/index.htm>

**FINANCIAL IMPACT:**

None

**POLICY IMPLICATIONS:**

None

**RECOMMENDATION:**

None. For information only

**SUGGESTED MOTION:**

None. For information only

**TOWN ADMINISTRATOR'S RECOMMENDATION:**

Informational only



Town Council  
**STAFF REPORT**



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**To:** Town Council  
**Title:** Accept Federal Grant Funds (FEMA-PA) awarded to the Town of Hooksett, NH in the amounts of: \$80,619.28 for Hooksett Fire Rescue Department overtime staffing from October, 2020 - December, 2020, and \$41,576.08 for Hooksett Fire Rescue Department overtime staffing from January, 2021-February, 2021, per RSA 21-P:43.  
**Meeting:** Town Council - 03 Nov 2021  
**Department:** Fire and Rescue  
**Staff Contact:** Regina Howard, Administrative Assistant

**BACKGROUND INFORMATION:**

FEMA- Public Assistance Grants were sought to reimburse eligible overtime incurred during the pandemic/public health emergency for the Hooksett Fire-Rescue Department as requested by the Emergency Management Director.

**FINANCIAL IMPACT:**

+\$122,195.36

**POLICY IMPLICATIONS:**

None.

**RECOMMENDATION:**

Accept Federal Grant Funds (FEMA-PA) awarded to the Town of Hooksett, NH in the amounts of: \$80,619.28 for Hooksett Fire Rescue Department overtime staffing from October, 2020 - December, 2020, and \$41,576.08 for Hooksett Fire Rescue Department overtime staffing from January, 2021-February, 2021, per RSA 21-P:43.

**SUGGESTED MOTION:**

Motion to Accept Federal Grant Funds (FEMA-PA) awarded to the Town of Hooksett, NH in the amounts of: \$80,619.28 for Hooksett Fire Rescue Department overtime staffing from October, 2020 - December, 2020, and \$41,576.08 for Hooksett Fire Rescue Department overtime staffing from January, 2021-February, 2021, per RSA 21-P:43.

**TOWN ADMINISTRATOR'S RECOMMENDATION:**

Concur



Town Council  
**STAFF REPORT**



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**To:** Town Council  
**Title:** To accept the grant in the amount of \$2,782.50 from the Bureau of Justice Assistance; Patrick Leahy Bulletproof Vest Partnership, to the Town of Hooksett for the Hooksett Police Department per RSA 31:91-b: III(b) and return the funds to the Police Department's, 2021-2022, 2022-2023 and/or 2023-2024 fiscal budgets under the uniform equipment line.  
**Meeting:** Town Council - 03 Nov 2021  
**Department:** Police Department  
**Staff Contact:** Jake Robie, Captain

**BACKGROUND INFORMATION:**

The Bureau of Justice Assistance (BJA) has awarded the Hooksett Police Department under the Fiscal Year (FY) 2021 Patrick Leahy Bulletproof Vest Partnership (BVP) solicitation, \$2,782.50. The FY 2021 award will be used for National Institute of Justice (NIJ) compliant armored vests which were ordered after April 1st, 2021. The deadline to request payments from the FY 2021 award is August 31st, 2023, or until all available funds have been requested. The grant covers 50% of the cost of each newly NIJ compliant "uniquely fitted vests" duty vest that our officers are required to wear while on duty.

**FINANCIAL IMPACT:**

None

**POLICY IMPLICATIONS:**

None

**SUGGESTED MOTION:**

Motion to accept the grant in the amount of \$2,782.50 from the Bureau of Justice Assistance; Patrick Leahy Bulletproof Vest Partnership, to the Town of Hooksett for the Hooksett Police Department per RSA 31:91-b: III(b) and return the funds to the Police Department's, 2021-2022, 2022-2023 and/or 2023-2024 fiscal budgets under the uniform equipment line.

**TOWN ADMINISTRATOR'S RECOMMENDATION:**

Concur



Town Council  
**STAFF REPORT**



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**To:** Town Council  
**Title:** Summit View Development/Churchill Street (off South Bow Road) Partial Surety Release of \$329,347.69 to the Developer  
**Meeting:** Town Council - 03 Nov 2021  
**Department:** Community Development  
**Staff Contact:** Bruce Thomas, Town Engineer

**BACKGROUND INFORMATION:**

The Developer of the Summit View Subdivision (Churchill Drive) off South Bow Road, has requested a partial release of Surety being held on the subdivision.

The current road bond is for Old Mill Road is \$483,771.69. I recommend reducing the surety to \$154,424.00, returning \$329,347.69 to the developer.

Note: The Town is holding a check from "Baxter Financial Group LLC, 724 E. Industrial Park, Manchester, NH for the amount of \$483,771.69. In order to reduce the surety, the Town would release this check upon receipt of a new check for the revised surety amount of \$154,424.00.

The bulk of the work remaining includes:

- Curb installation
- Final pavement wearing course,
- Install fence around Detention basins,
- Catch basin frame adjustments,
- Street trees,
- Clean drainage system,
- Monumentation, and
- As-built drawings.

The attached spreadsheet further defines what has been completed and what remains to be completed.

**POLICY IMPLICATIONS:**

None

**RECOMMENDATION:**

Recommend the release of \$329,347.69 surety to the developer by releasing the current check for \$483,771.69 to the Baxter Financial Group upon receipt of a new check for the revised surety amount of \$154,424.00.

**SUGGESTED MOTION:**

Motion to release of \$329,347.69 surety to the developer by releasing the current check for \$483,771.69 to the Baxter Financial Group upon receipt of a new check for the revised surety amount of \$154,424.00.

**TOWN ADMINISTRATOR'S RECOMMENDATION:**

Concur

**ATTACHMENTS:**

[Bond Release 10-25-21](#)

**Summit View Bond Reduction  
Old Mill Lane (Off Churchill Street)  
B.A.T., October 25, 2021**

<b>Item</b>	<b>Quantity</b>	<b>Unit Cost</b>	<b>Item Cost</b>	<b>Current Retainage</b>	<b>Completed Items</b>
Clearing and Grubbing	2.4	\$5,250	\$12,600.00	\$12,600.00	\$12,600.00
Slit Sock	1100	\$4	\$4,818.00	\$4,818.00	\$4,818.00
Silt Fence	800	\$3	\$2,024.00	\$2,024.00	\$2,024.00
Dandy Bag	10	\$200	\$2,000.00	\$2,000.00	
Common Excavation	1200	\$11	\$13,416.00	\$13,416.00	\$10,000.00
Common Borrow	800	\$10	\$8,000.00	\$8,000.00	\$8,000.00
Catch Basin	10	\$2,560	\$25,600.00	\$25,600.00	\$22,600.00
Drain Manhole	1	\$3,550	\$3,550.00	\$3,550.00	\$3,250.00
15" HDPE	530	\$31	\$16,430.00	\$16,430.00	\$16,430.00
18" HDPE	388	\$36	\$13,871.00	\$13,871.00	\$13,871.00
30" HDPE	260	\$60	\$15,600.00	\$15,600.00	\$15,600.00
6" Underdrain	791	\$19	\$14,704.69	\$14,704.69	\$14,704.69
Underground Utilities	1053	\$50	\$52,650.00	\$52,650.00	\$52,650.00
Sand	1700	\$26	\$44,200.00	\$44,200.00	\$44,200.00
Bank run Gravel	1700	\$29	\$49,300.00	\$49,300.00	\$49,300.00
Crushed Gravel	460	\$35	\$16,100.00	\$16,100.00	\$16,100.00
Binder Pavement	400	\$108	\$43,200.00	\$43,200.00	\$43,200.00
Wearing Course Pavement	280	\$115	\$32,200.00	\$32,200.00	
Sidewalk Gravel	110	\$35	\$3,850.00	\$3,850.00	
Bit. Sidewalk	440	\$45	\$19,800.00	\$19,800.00	
Straight Granite Curb	1840	\$28	\$51,888.00	\$51,888.00	
Turf Establishment	7145	\$1	\$7,145.00	\$7,145.00	
Street Trees	14	\$300	\$4,200.00	\$4,200.00	
Driveway Aprons	14	\$1,000	\$14,000.00	\$14,000.00	
Monumentation	44	\$250	\$11,000.00	\$11,000.00	
Signs	3	\$125	\$375.00	\$375.00	
Thermoplastic stop bar	1	\$250	\$250.00	\$250.00	
No Cut Buffer Plaques	1	\$1,000	\$1,000.00	\$1,000.00	
<b>Total</b>			<b>\$483,771.69</b>		<b>\$329,347.69</b>
Current Retainage:			\$483,771.69		
Work Completed:					\$329,347.69
<b>Proposed Retainage:</b>			<b>\$154,424.00</b>		



Town Council  
**STAFF REPORT**



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**To:** Town Council  
**Title:** FY 2022-23 Budget and Warrant Articles  
**Meeting:** Town Council - 03 Nov 2021  
**Department:** Finance  
**Staff Contact:** Christine Tewksbury, Finance Director

**BACKGROUND INFORMATION:**

**1) Update budget to address increase in Property & Liability and Workers' Compensation.**

On Tuesday October 19th, the Town received the Property & Liability and Workers' Compensation renewal rates for FY 2022-23 from Primex3.

The Property & Liability's Not to Exceed amount is \$274,899 and in the proposed budget is \$250,000, a short fall of \$24,899.

Workers' Compensation Not to Exceed amount is \$248,671 and in the proposed budget is \$210,000, a short fall of \$38,671.

Attached are the detail explanations from Primex3 that explain the increases, in summary the Property & Liability increased due to higher reinsurance rates and the Workers' Compensation increased due to higher payroll costs.

**2) Review potential warrant articles**

**FINANCIAL IMPACT:**

Increase the FY 2022-23 budget by \$63,570 estimated impact of 2 cents.

**SUGGESTED MOTION:**

Motion to increase the FY 2022-23 Town Councils' recommended budget by \$63,570 to cover the changes in Property & Liability and Workers' Compensation costs. Total recommended budget will be \$\_\_\_\_\_. (amount will be provided at meeting)

**TOWN ADMINISTRATOR'S RECOMMENDATION:**

Concur

**ATTACHMENTS:**

[Primex Property & Liability](#)

[Primex Worker's Compensation](#)



October 15, 2021

Christine Tewksbury, Director of Finance  
 Town of Hooksett  
 35 Main Street  
 Hooksett, NH 03106-1377

**RE: Not-To-Exceed (NTE) FY 2023 Property & Liability Program Renewal**

Dear Christine:

As you prepare your budget for the coming year, we thank you for your continued trust and partnership in our Property & Liability Program. Our goal in all of our programs is to provide our members with the best service, value, and coverage through our core values: **Trust. Excellence. Service.**

**Property & Liability rates are increasing for 2022.** The Property & Liability rates are increasing due to higher-than-expected general liability, property, auto physical damage, and cyber claim costs for members and an increase in the cost of property & liability reinsurance.

**Renewal Highlights:**

- The property reinsurance market remains hard due to US-based and worldwide catastrophic weather-related events (e.g. wildfires, hurricanes, thunderstorms), and is further aggravated by the pandemic.
- Overall, property reinsurance rates increased by 30% this year. We experienced a 15% increase in reinsurance costs for last year's renewal. Primex's favorable performance with reinsurers permits us to still actively quote the market and place coverage competitively.
- Actuarially determined loss estimates for property & liability claims increased in the high single digits for 2022.

Enclosed is your Not-To-Exceed (NTE) FY 2023 Property & Liability Member Contribution Summary. The intent of the Summary is to build awareness of your member contribution and how performance, payroll changes and exposure changes, such as buildings or vehicles affect your contribution. The final contribution summary sheet will be issued by April 15, 2022 and will not exceed the amount shown on the enclosed NTE.

The Primex<sup>3</sup> Membership Agreement and Public Entity Coverage Document have a 45-day written notice requirement in the event that you elect to terminate membership in the Property & Liability Program. **This notice must be provided on official letterhead to the Chief Executive Officer of Primex<sup>3</sup> by 4:30 PM on May 15, 2022 and must specify a final decision regarding your participation in the program.** Please carefully review your Public Entity Coverage Document, General Conditions, Section L, regarding notice of termination.

Please contact your Member Services Consultant or me if you have any questions regarding your contribution and performance in the Property & Liability Program.

Sincerely,

Carl Weber  
 Director of Member Services

**Trust. Excellence. Service.**

Bow Brook Place, 26 Donovan Street ■ Concord, NH 03301-2524  
 (603) 225-2841 ■ (800) 698-2364 ■ nhprimex.org



October 15, 2021

**PROPERTY & LIABILITY PROGRAM  
MEMBER CONTRIBUTION SUMMARY  
JULY 1, 2022 THROUGH JUNE 30, 2023 RENEWAL  
NOT TO EXCEED**

**MEMBER: Town of Hooksett  
MEMBER NUMBER: 204**

**FY 2021/2022**

**FY 2022/2023**

		Contribution Assurance Program (CAP)	No
		PRIME <sup>3</sup> Program	Yes
Member Contribution	\$241,776	Member Contribution	\$274,899

Your 2021/2022 Property Values	\$64,341,112
Your 2022/2023 Property Values (Exposures Valued as of 9/23/2021)	\$65,513,511
Change in Property	1.8%
Your 2021/2022 Payroll (CY 2019 Reported)	\$8,472,650
Your 2022/2023 Payroll (CY 2020 Reported)	\$9,336,921
Change in Payroll	10.2%
Your 2021/2022 Loss Ratio Adjustment Factor	0.84
Your 2022/2023 Loss Ratio Adjustment Factor	0.76
Change in Loss Ratio Adjustment Factor	-9.5%
Change from 2021/2022 to 2022/2023:	
Contribution Amount Change	\$33,123
Contribution Percent Change	13.7%

Please contact the Primex<sup>3</sup> Member Services Team if you have any questions or comments.  
Final contribution summary sheets will be issued by April 15, 2022

**Trust. Excellence. Service.**

Bow Brook Place, 46 Donovan Street ■ Concord, NH 03301-2624  
(603) 225-2841 ■ (800) 698-2364 ■ nhprimex.org



October 15, 2021

Donna Fitzpatrick, Admin. Services Coordinator  
Town of Hooksett  
35 Main Street  
Hooksett, NH 03106

**RE: Not-To-Exceed (NTE) FY 2023 Workers' Compensation Program Renewal**

Dear Donna:

As you prepare your budget for the coming year, we thank you for your continued trust and partnership in our Workers' Compensation Program. Our goal in all of our programs is to provide our members with the best service, value, and coverage through our core values: **Trust. Excellence. Service.**

**Workers' Compensation rates are moderately increasing for 2022.** The increase in Workers' Compensation rates is primarily due to an increase in actuarially determined loss estimates for compensable claims and the cost of Workers' Compensation reinsurance.

Enclosed is your No: To Exceed (NTE) FY 2023 Workers' Compensation Member Contribution Summary. The intent of the Summary is to build awareness of your member contribution and how performance and payroll changes affect your contribution. The final contribution summary sheet will be issued by April 15, 2022 and will not exceed the amount shown on the enclosed NTE.

The Primex<sup>3</sup> Membership Agreement and Public Entity Coverage Document have a 45-day written notice requirement in the event that you elect to terminate membership in the Workers' Compensation Program. **This notice must be provided on official letterhead to the Chief Executive Officer of Primex<sup>3</sup> by 4:30 PM on May 15, 2022 and must specify a final decision regarding your participation in the program.** Please carefully review your Public Entity Coverage Document, General Conditions, Section L regarding notice of termination.

Please contact your Member Services Consultant or me if you have any questions regarding your contribution and performance in the Workers' Compensation Program.

Sincerely,

A handwritten signature in black ink, appearing to read "Carl Weber".

Carl Weber  
Director of Member Services

**Trust. Excellence. Service.**

Bow Brook Place, 46 Donovan Street ■ Concord, NH 03301-2624  
(603) 225-2841 ■ (800) 698-2364 ■ [nhprimex.org](http://nhprimex.org)





Town Council  
**STAFF REPORT**



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**To:** Town Council  
**Title:** Unassigned General Fund Balance History and Tax Rate

**Meeting:** Town Council - 03 Nov 2021  
**Department:** Finance  
**Staff Contact:** Christine Tewksbury, Finance Director

**BACKGROUND INFORMATION:**

Attached is the history of the Unassigned General Fund Balance. As of June 30, 2021 the Town had 8.19% or \$4,475,196.

The Town's Unassigned Fund Balance Policy is to maintain a minimum balance of 5% with a target balance of 8%. It is essential that the Town maintains an adequate level of unassigned fund balance to mitigate financial risk that can occur from emergencies and economic downturns.

Large swings in the use of Unassigned Fund Balance from year to year can create a roller coaster effect on the tax rate. I would recommend applying a consistent amount each year to the tax rate until the Town meets the 8% target balance. Once the target is met, then anything above the 8% should be used to reduce the tax rate.

We are still waiting on NH Department of Revenue to review information with regards to setting the tax rate.

**FINANCIAL IMPACT:**

Unassigned fund balance used to off-set taxes lowers the tax rate.

**RECOMMENDATION:**

I recommend applying \$1 million to the 2021 tax rate. This would leave \$3,475,196 or 6.36%, which is slightly higher than the 5.69% held last year and is in compliance with our policy to target 8%. The million dollars is \$400,000 less than what was applied last year, which does mean an increase in the tax rate. Based on the current information available and the million is applied to the tax rate, I anticipate the total rate to increase by 30 cents from \$22.51 to \$22.81.

**TOWN ADMINISTRATOR'S RECOMMENDATION:**

Concur with long term financial plan and short term application of fund balance.

**ATTACHMENTS:**

[Unassigned General Fund Balance History](#)



## Town of Hooksett Unassigned General Fund Balance History

Year	Beginning Balance	*Current year Increase	Warrant Articles	Used to Reduce Tax Rate	Ending Balance	% of FB Retained
2000	1,000,000	1,022,779	a	(60,000)	660,000	-
2001	660,000	1,195,605	-	(1,355,605)	500,000	1.85%
2002	500,000	1,550,431	b	(37,000)	963,000	3.40%
2003	963,000	1,794,830	c	(22,980)	1,400,000	5.00%
2004	1,400,000	1,775,797	-	(1,649,300)	1,526,497	5.00%
2005	1,526,497	1,504,609	-	(1,600,000)	1,431,106	3.80%
2006	1,431,106	1,863,542	c	(500,000)	1,444,648	2.65%
2007	1,444,648	1,785,347	-	(1,500,000)	1,729,995	4.90%
2008	1,729,995	1,867,302	-	(1,500,000)	2,097,297	5.18%
2009	2,097,297	295,371	e	(194,000)	1,323,668	2.80%
2010	1,323,668	203,789	-	(300,000)	1,227,457	3.12%
2011	1,227,457	802,977	-	(260,000)	1,770,434	4.41%
2012	1,770,434	666,248	-	-	2,436,682	6.00%
2013	2,436,682	733,354	-	-	3,170,036	7.87%
2014	3,107,036	1,348,547	-	(767,363)	3,688,220	8.00%
2015	3,688,220	1,575,465	-	(1,647,814)	3,615,871	8.00%
2016	3,615,871	1,325,418	-	(500,000)	4,441,289	9.34%
2017	4,441,289	1,384,377	f	(2,160,917)	2,664,749	5.20%
2018	2,664,749	702,887	-	(300,000)	3,067,636	6.18%
2019	3,067,636	1,356,133	-	(1,385,094)	3,038,675	5.97%
2020	3,038,675	1,420,693	-	(1,400,000)	3,059,368	5.69%
2021	3,059,368	1,415,828	-	-	4,475,196	8.19%

\* Current year increase are from actual revenues higher than estimated and expense lower than budgeted and changes in overlay.

- a - Warrant article #18 Transfer Station Front-End Loader Fund.
- b - Warrant article #13 Emergency Radio Communication System.
- c - Warrant article #32 Police Computer Development Fund.
- d - Warrant article #20 Renovation of Former Village School.
- e - Warrant article #8 & 9 Town Building maintenance (\$130,000) and Martin Ferry Wall Repairs (\$84,000).
- f - Warrant article #8 Visionary Plan for Sewer and Other Infrastructure Improvements (\$100,000) and Emergency appropriation for Lilac Bridge (\$2,060,917)

**DRA's Guidance as stated on Surplus Retention form.**

"Responsible long term financial planning requires an adequate level of general fund unreserved fund balance to mitigate future risks and to ensure stable tax rates. The GFOA suggests municipalities retain between 8% and 17% of regular general fund operating revenues or no less than 2 months of general fund operating expenditures. In NH, this is calculated by adding the municipality's general fund operating appropriations, the state education tax amount, the local school net tax commitment, and the county appropriations. Based on our best available information, the suggested levels for your municipality for 2021 would be:

5% \$2,730,821                      8% \$4,369,314                      10% \$5,461,642                      17% \$9,234,792

FINANCE\DRA Forms\Fund Balance history



Town Council  
**STAFF REPORT**



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**To:** Town Council  
**Title:** Quarterly Financial Report as of September 30, 2021  
**Meeting:** Town Council - 03 Nov 2021  
**Department:** Finance  
**Staff Contact:** Christine Tewksbury, Finance Director

**TOWN ADMINISTRATOR'S RECOMMENDATION:**

Quarterly review

**ATTACHMENTS:**

[PP Quarterly Financial Report for September 30, 2021](#)

# Quarterly Financial Report for September 30, 2021

FIRST QUARTER OF FY 2021-22

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UNAUDITED

# COVID 19

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Direct expenses related to COVID-19 for the Town’s operating budget are shown below. These do not include Ambulance, Library, Vaccination Aid funding:

Grant	FY 2019-20	FY 2020-21
FEMA	\$ 35,146	\$ 286,999
DOJ	31,625	180,870
GOFERR	81,435	236,316
Cares First Responder Stipend	140,743	-
CARES - Elections	-	25,438
Totals	\$ 288,948	\$ 729,624

The Town expects additional funding from FEMA to cover direct expense related to the COVID-19 pandemic.

American Rescue Plan Act State and Local Fiscal Recovery Funds \$1,522,397 ... See next slide

# State and Local Fiscal Recovery Funds

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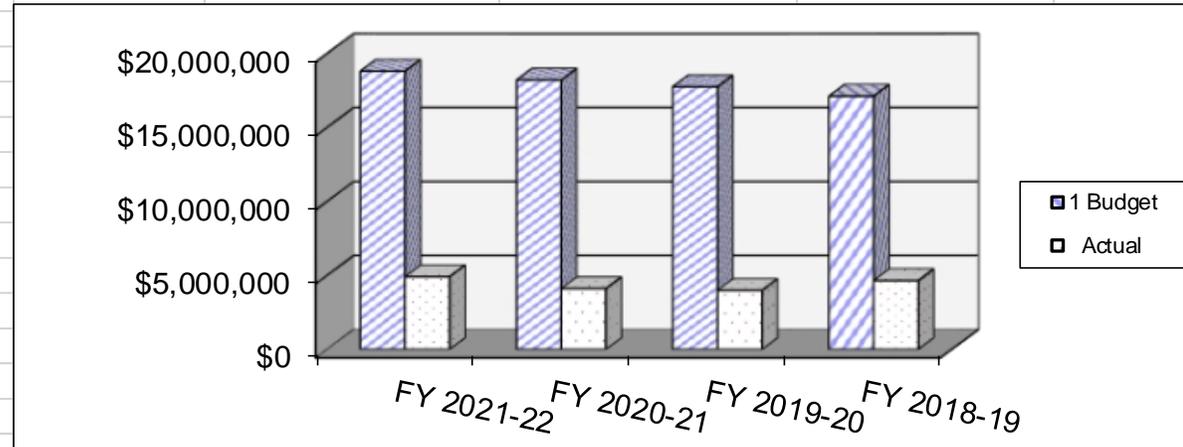
**Frequent Asked Question of the Coronavirus State and Local Fiscal Recovery Funds states “ 3.8 Once a recipient has identified a reduction in revenue, are there any restrictions on how recipients use funds up to the amount of the reduction?”**

The Interim Final Rule gives recipients broad latitude to use funds for the provision of government services to the extent of reduction in revenue. Government services can include, but are not limited to, maintenance of infrastructure or pay-go spending for building new infrastructure, including roads; modernization of cybersecurity, including hardware, software, and protection of critical infrastructure; health services; environmental remediation; school or educational services; and the provision of police, fire, and other public safety services.

However, paying interest or principal on outstanding debt, replenishing rainy day or other reserve funds, or paying settlements or judgments would not be considered provision of a government service, since these uses of funds do not entail direct provision of services to citizens.

# General Fund Operating Budget

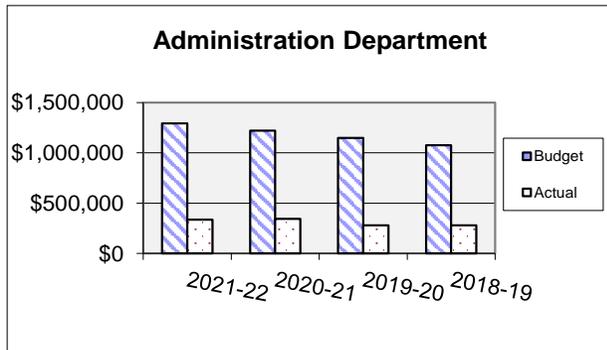
Year	<sup>1</sup> Budget	Actual	Remaining Budget	%
FY 2021-22	\$18,809,649	\$4,911,857	\$13,897,792	26%
FY 2020-21	18,210,284	4,110,342	14,099,942	23%
FY 2019-20	17,750,209	3,995,661	13,754,548	23%
FY 2018-19	17,122,180	4,653,949	12,468,231	27%



1) Budget amounts include transfers, grants, donations and prior year encumbrances approved by Council.

# Administration Department Expenditures

Administration Department			
Year	Budget	Actual	%
2021-22	\$1,293,017	\$335,719	26%
2020-21	1,219,340	344,044	28%
2019-20	1,146,823	279,753	24%
2018-19	1,074,363	279,807	26%



This department is responsible for large, town-wide expenditures, such as property liability insurance, workers compensation, legal services and computers.

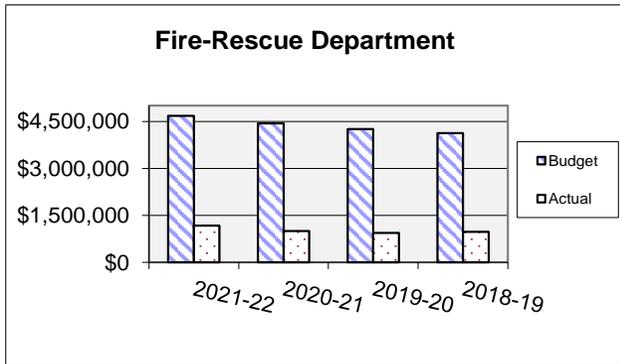
The budget has increased just over \$70,000 each year for various reasons. In FY 2021-22 there was an increase for the Bicentennial Celebration and software. In FY 2020-21 the increase was for staffing changeover, and in FY 2019-20 it was for computer equipment and liability insurance.

FY 2018-19 was a default budget year, but did include about \$60,000 for encumbrances related to IT projects.

As of September 30<sup>th</sup>, the legal line was 12% spent. This compares to last year when the legal line was 6% spent and September 30, 2019 when it was 9%.

# Fire-Rescue Department Expenditures

Fire-Rescue Department			
Year	Budget	Actual	%
2021-22	\$4,677,604	\$1,175,476	25%
2020-21	4,432,945	999,961	23%
2019-20	4,255,331	941,310	22%
2018-19	4,122,214	971,443	24%

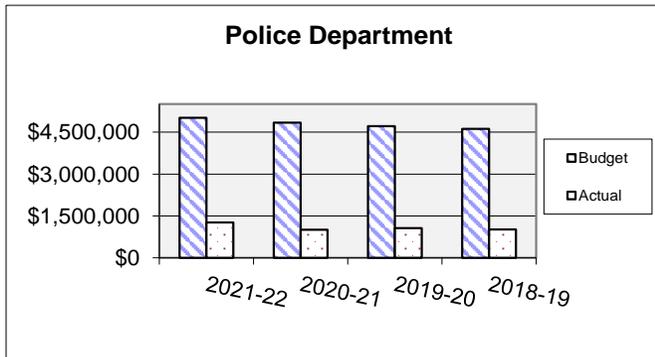


Over the last four fiscal years, this budget has increased \$555,390 or 13.5%. This increase is largely due to an 8.5% increase in wages and overtime; a 3% increase in the employer share of NH Retirement and health insurance costs and another 2% increase in general operations for items such as hydrant rentals, vehicle maintenance and new equipment.

The spending has stayed within September's benchmark of 25% each year, with the highest year in FY 2021-22. This is due to extra shifts being filled due to COVID-19. Transporting patients and disinfecting ambulances and equipment requires more resources. These extra costs are being reimbursed by FEMA.

# Police Department Expenditures

Police Department			
Year	Budget	Actual	%
2021-22	\$5,015,491	\$1,265,426	25%
2020-21	4,836,607	1,011,585	21%
2019-20	4,709,950	1,064,388	23%
2018-19	4,615,012	1,019,649	22%



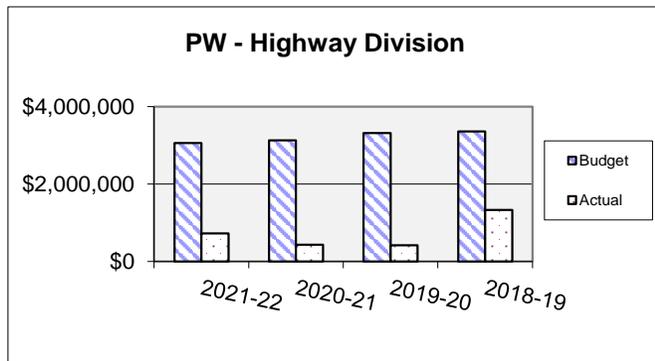
The overall increase in the Police budget for the last four fiscal years was just over \$400,000 or 9%. Wages and overtime increased 4.5%; health insurance increased 2.5%; employer's share of retirement has increased 3% and general operations decreased 1%.

The department historically underspends its budget due to vacant positions. Since April of 2021, the department has been fully staffed, which explains why the current budget is at 25% 😊

General operations has decreased, largely due to the fact that the Town has historically replaced two cruiser each year. When preparing the FY 2021-22 budget, Council was concerned about the economic impacts of the COVID pandemic and reduced the replacement to one cruiser.

# PW – Highway Division Expenditures

PW- Highway Division			
Year	Budget	Actual	%
2021-22	\$3,057,520	\$721,906	24%
2020-21	3,130,375	433,584	14%
2019-20	3,317,107	417,492	13%
2018-19	3,355,371	1,329,307	40%



This division of Public Works includes Administration, Roads, Fleet and Building Maintenance.

Each year part of the budget is encumbered into the following year’s budget for projects like road paving and building maintenance.

### Encumbrances:

FY 2021-22 budget includes \$122,522 from FY 2021-21.  
 FY 2020-21 budget includes \$174,091 from FY 2019-20.  
 FY 2019-20 budget includes \$374,540 from FY 2018-19.  
 FY 2018-19 budget includes \$644,908 from FY 2017-18.

If you remove all of the encumbrances from each of the budget years, the actual budget has **decreased** \$300,000 or 9% over the four years.

# PW – Highway Division Expenditures, continued

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The \$300,000 or 9% breaks down as follows: 4% on wages and overtime; 0.5% increase in health insurance; a 1.5% increase in employer share of NH Retirement and \$500,000 or 15% decrease in general operations.

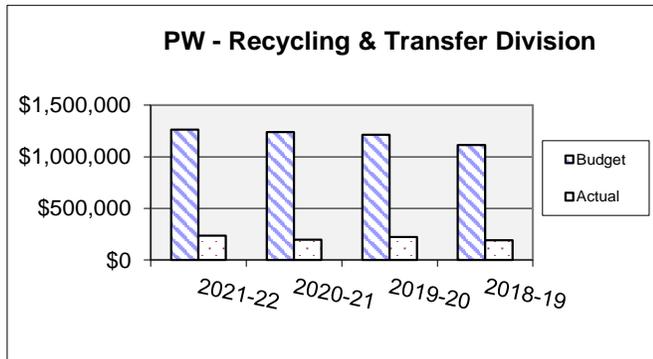
General operations decreased \$500,000 over the four budget years. The largest decrease was in FY 2021-22's paving line, which was a cut of \$300,000. This is related to the end of the FY 2016-17 warrant article that added \$300,000 to the operating budget for paving.

Year-to-date actuals are 24% of the budget due to timing of the fall paving work. Fall paving for the current year has been completed and paid for. In FY 2020-21 and FY 2019-20 fall paving was started but was paid for after September of those years. In FY 2018-19 fall paving had been completed and paid for as of September 2018.

Staffing levels for the Highway Division have remained level for the past four years. Currently there are two truck driver positions vacant.

# PW – Recycling & Transfer Division Expenditures

PW - Recycling & Transfer Division			
Year	Budget	Actual	%
2021-22	\$1,262,096	\$235,649	19%
2020-21	1,240,149	196,848	16%
2019-20	1,213,158	222,719	18%
2018-19	1,114,714	192,719	17%



This budget has increased \$150,000 or 13.5% over the past four years. Wages and overtime have increased 3%. The Town added one full-time Administrative Assistant in the FY 2020-21 budget as approved by the voters. Health insurance has increased by 1%. The Town's share of NH Retirement has increased 1.5%. General operations have increased by \$90,000 or 8%, largely due to tipping fees.

Position vacancies explain why actuals are at 19% and the September benchmark is 25%. Currently there are two vacant positions, one truck driver and one heavy equipment operator. These positions have been vacant all year, and the Administrative Assistant's position has been vacant for two months.

## PW – Recycling & Transfer Division Expenditures, continued

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The cost to dispose of trash has increased for three reasons:

First, the contractual rate for tipping fees has increased. The Town is in a long term contract to dispose of trash. The rate was \$71.77 per ton in 2018 and is now \$76.16 which is a 4.5% increase in four years.

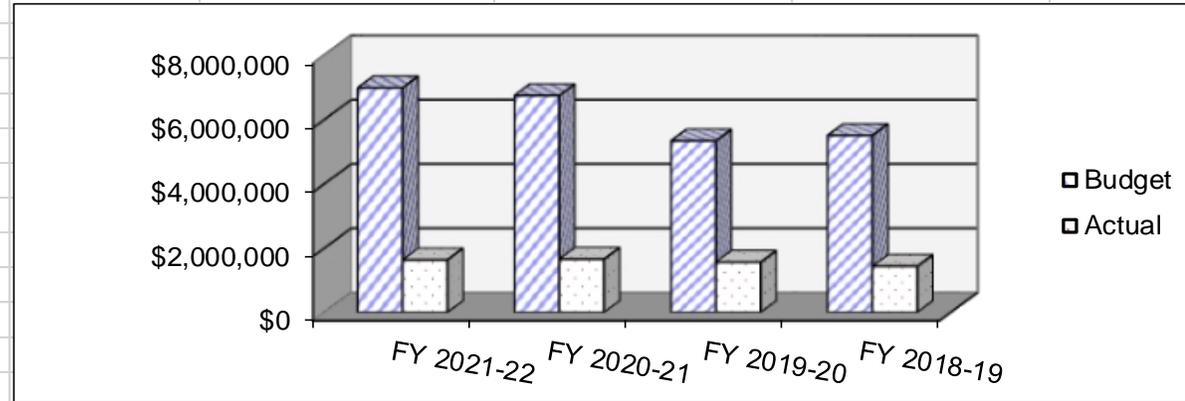
Second, more trash is being disposed of due to the change in the recycling market. For many years recycling was less expensive than trash to dispose of. Currently it costs more to recycle materials than to dispose of as trash, which led the Town to end single stream curbside collection on April 10, 2019.

Finally, the Town is picking up at 200 more single family homes since 2018.

Cardboard recycling is mandatory as of November 3, 2019, and the Town still recycles items such as metals and aluminum cans whenever possible.

# General Fund Revenues

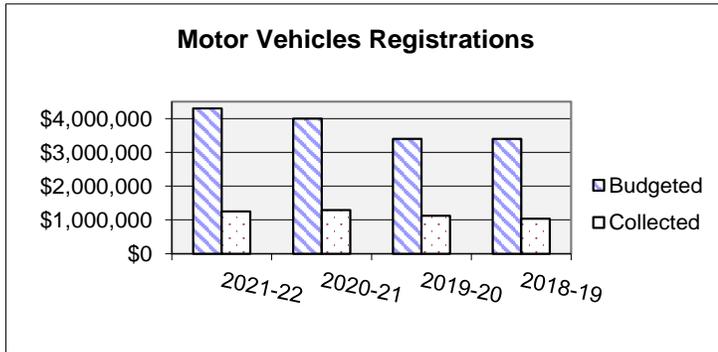
Year	<sup>1</sup> Budget	Actual	Under Budget	%
FY 2021-22	\$6,988,114	\$1,634,835	(5,353,279)	23%
FY 2020-21	6,743,539	1,658,923	(5,084,616)	25%
FY 2019-20	5,335,489	1,563,866	(3,771,623)	29%
FY 2018-19	5,504,796	1,435,435	(4,069,361)	26%



1) Budget amounts include transfers, grants, donations and prior year encumbrances approved by Council.

# Motor Vehicle Registration Revenues

Motor Vehicle Registration			
Year	Budget	Actual	%
2021-22	\$4,300,000	\$1,252,413	29%
2020-21	4,000,000	1,291,290	32%
2019-20	3,400,000	1,124,836	33%
2018-19	3,400,000	1,033,368	30%



The top revenue source for the Town is fees collected for registering motor vehicles. The budget increases are based on year-end collections. In 2020 the number of fleet registrations increased.

As of June 2021 the Town collected \$4,460,804

June 2020 collections were \$4,082,084

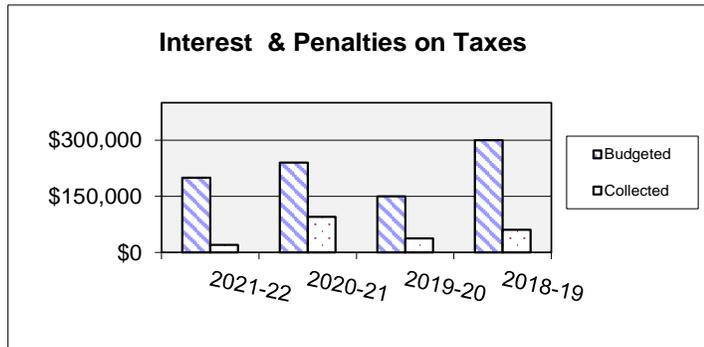
June 2019 collections were \$3,873,297

June 2018 collections were \$3,481,730

FY 2021-22 budget will be increased to \$4,500,000 in November when the tax rate is set.

# Interest & Penalties on Tax Revenues

Interest & Penalties on Taxes			
Year	Budget	Actual	%
2021-22	\$200,000	\$20,235	10%
2020-21	240,000	95,298	40%
2019-20	150,000	37,680	25%
2018-19	300,000	60,446	20%



This interest comes from property taxes not being paid on time, and the penalties are fees to execute liens and notices. Many property owners pay off delinquent taxes in the spring to avoid the Town deeding their property and also when they want to sell their property.

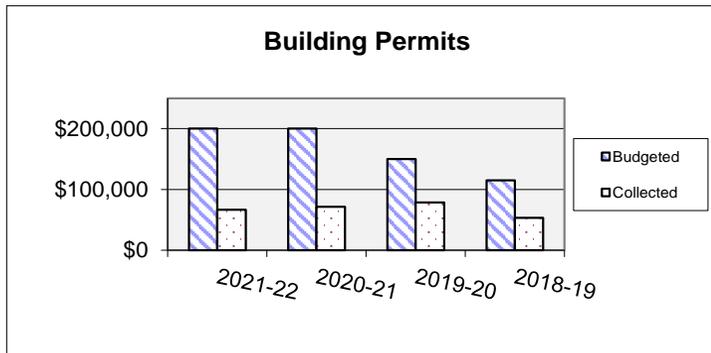
Collections for the last four years are as follows

June 2021	\$287,072
June 2020	\$188,143
June 2019	\$304,891
June 2018	\$171,195

When the tax rate is set, this budget will be revised to \$250,000, based on actuals.

# Building Permit Revenues

Building Permits			
Year	Budget	Actual	%
2021-22	\$200,000	\$66,754	33%
2020-21	200,000	71,691	36%
2019-20	150,000	78,397	52%
2018-19	115,000	53,140	46%



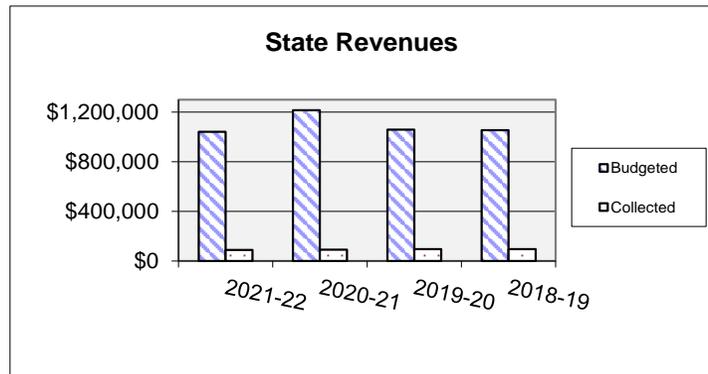
These fees are paid for residential and commercial construction. Collections have increased over the last four fiscal years, topping at \$258,592 last year. In FY 2020-21 the town issued permits for Strabucks and the Sports Dome.

Number of permits issued in the first quarter of the year are as follows:

- 7/1/21 to 9/30/21 430
- 7/1/20 to 9/30/20 461
- 7/1/19 to 9/30/19 325
- 7/1/18 to 9/30/18 281

# State of NH Revenues

State Revenues			
Year	Budget	Actual	%
2021-22	\$1,042,346	\$91,987	9%
2020-21	1,214,749	91,446	8%
2019-20	1,057,180	96,277	9%
2018-19	1,053,783	94,678	9%

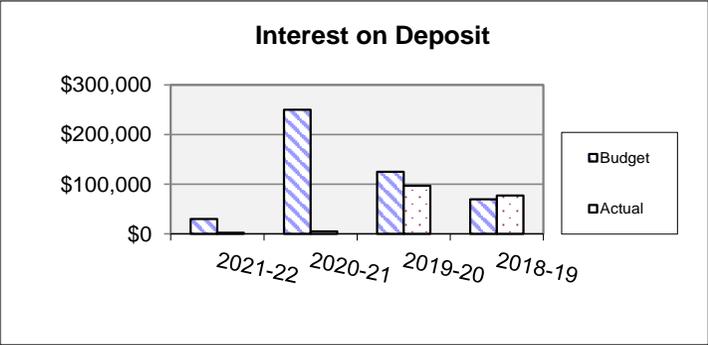


The Meals & Rooms Tax first enacted in 1967 was intended to be split. 60% of collections was to go to the State and 40% to municipalities. Since 2001, municipalities have received between 18% and 29% yearly. House Bill 2 of this year changed the split from 60/40 to 70/30, but the State has funded the 30%, which means Hooksett will see an increase of \$255K in the next fiscal year. Also, the Meals and Rooms Tax rate was increased from 8.5% to 9% effective October 1, 2021.

FY 2020-21 reflect approximately \$150,000 in Municipal Aid from the State. This payment was a one-time allocations.

# Interest on Deposit Revenues

Interest on Deposit			
Year	Budget	Actual	%
2021-22	\$30,000	\$2,186	7%
2020-21	250,000	5,057	2%
2019-20	125,000	97,121	78%
2018-19	70,000	77,476	111%



This revenue is the interest the Town earns on the cash in our bank accounts. The Treasurer invests excess cash in accordance with the Town’s investment policy.

Collections have roller-coasted over the last four years to finish each year as follows:

- June 2021 \$20,406
- June 2020 \$196,697
- June 2019 \$256,393
- June 2018 \$148,706

Town Council  
**STAFF REPORT**



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**To:** Town Council  
**Title:** Transfer Station Holiday Schedule  
**Meeting:** Town Council - 03 Nov 2021  
**Department:** Public Works  
**Staff Contact:** Earl Labonte, Director of Public Works

**BACKGROUND INFORMATION:**

This year's Christmas day and next year's New Year's Day both fall on a Saturday, observed on Friday prior, therefore a holiday. Transfer Station is usually open on a Saturday following a holiday. In these instances, the actual holiday is Saturday. This is to request to close the facility on the Saturdays following the observed holidays to give the Recycling and Transfer staff the time to celebrate these holidays. The assigned personnel have each year requested the Transfer Station be closed to allow the crew the same three day break as all other department personnel have.

**FINANCIAL IMPACT:**

Town will not have to pay Recycling & Transfer staff for the 2 Saturdays of overtime after the holidays.

**POLICY IMPLICATIONS:**

Transfer Station will be closed this year over the 3-day weekend in observance of Christmas and New Year's Day.

**RECOMMENDATION:**

To approve closing Transfer Station this year over the 3-day weekend in observance of Christmas and New Year's Day.

**SUGGESTED MOTION:**

Motion to approve closing Transfer Station this year over the 3-day weekend in observance of Christmas and New Year's Day.

**TOWN ADMINISTRATOR'S RECOMMENDATION:**

Concur

**ATTACHMENTS:**

[holidays 2021](#)



2021 HOLIDAY SCHEDULE

All Town offices (with the exception of emergency services) will be closed on the below dates in observance of the associated holidays.

A holiday that falls on a Saturday will be observed the day before on Friday.

A holiday that falls on a Sunday will be observed the following day on Monday.

<u>Holiday</u>	<u>Date closed</u>
<u>New Year's Day (observed)</u>	<u>Friday, January 1, 2021</u>
<u>Martin Luther King Jr/Civil Rights Day</u>	<u>Monday, January 18, 2021</u>
<u>Washington's Birthday/Presidents' Day</u>	<u>Monday, February 15, 2021</u>
<u>Memorial Day</u>	<u>Monday, May 31, 2021</u>
<u>Independence Day</u>	<u>Monday, July 5, 2021</u>
<u>Labor Day</u>	<u>Monday, September 6, 2021</u>
<u>Columbus Day</u>	<u>Monday, October 11, 2021</u>
<u>Veterans' Day (observed)</u>	<u>Thursday, November 11, 2021</u>
<u>Thanksgiving Day</u>	<u>Thursday, November 25, 2021</u>
<u>Day after Thanksgiving</u>	<u>Friday, November 26, 2021</u>
<u>Christmas Day (observed)</u>	<u>Friday, December 24, 2021</u>
<u>New Year's Day 2022 (observed)</u>	<u>Friday, December 31, 2021</u>

Town Council  
**STAFF REPORT**



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**To:** Town Council  
**Title:** Recycling & Transfer Advisory Board Duties Clarification  
**Meeting:** Town Council - 03 Nov 2021  
**Department:** Public Works  
**Staff Contact:** Earl Labonte, Director of Public Works

**BACKGROUND INFORMATION:**

Currently on the Town website the Recycling & Transfer Advisory Committee has posted the following:

Composition: Five full members and two alternate members, appointed by the Town Council.

Duties: Authorize and advise the department superintendent on landfill, transfer and recycling functions as well as budget preparation, equipment purchases, major repairs, acceptance of demolition materials, setting of tipping fees and the final closure of the landfill.

It references the Town Administrative Code under Section 4.12: Advise the Council on matters related to the management of municipal solid waste and recycling.

This topic was placed on the agenda for the committee to address at their September 28th meeting. The committee was presented with the information as currently posted on the town website and a proposed change for the committee to review. For the most part the web posting only needed the duties to be amended (the current duties referenced closing the landfill that was closed in the 80s) a draft of the duties was prepared by the department for the committee to review. The following was provided:

Duties: Advise the department on landfill, transfer and recycling functions as well as provide input on budget preparation, equipment purchases, major repairs, acceptance of demolition materials, setting of tipping fees.”

The committee edited the duties and held a vote on what they felt the duties of the committee should be:

Duties: Authorize and advise the department director on landfill, transfer and recycling functions as well as budget preparation, equipment purchases, major repairs, acceptance of demolition materials, setting of tipping fees.

The recommended duties that I proposed would be more in line with an advisory committee, however after reading the town charter an advisory committee should be providing advice to the Town Council not necessarily the Department Director. The duties that the committee is recommending is more in line with a regular board not an advisory committee. As a result of this review, the committee’s

recommendations and the Town Charter I would recommend the duties be reviewed by the council and be accepted as follows:

Duties: Advise the department and the Town Council on landfill, transfer and recycling functions as well as provide input on budget preparation, equipment purchases, major repairs, acceptance of demolition materials, setting of tipping fees.”

**FINANCIAL IMPACT:**

None.

**POLICY IMPLICATIONS:**

Clarify the duties and responsibilities of the advisory committee.

**RECOMMENDATION:**

Select one recommendation from below 2 options:

Public Works Director Recommendation:

1. Approve the duties as suggested by the department:

Duties: Advise the department and the Town Council on landfill, transfer and recycling functions as well as provide input on budget preparation, equipment purchases, major repairs, acceptance of demolition materials, setting of tipping fees.”

Recycling & Transfer Advisory Board Recommendation:

2. Approve the duties as recommended by Recycling & Transfer Advisory Committee:

Duties: Authorize and advise the department director on landfill, transfer and recycling functions as well as budget preparation, equipment purchases, major repairs, acceptance of demolition materials, setting of tipping fees.

**SUGGESTED MOTION:**

Select one motion from below 2 options:

Public Works Director Recommendation:

1. Approve the duties as suggested by the department:

Duties: Advise the department and the Town Council on landfill, transfer and recycling functions as well as provide input on budget preparation, equipment purchases, major repairs, acceptance of demolition materials, setting of tipping fees.”

Recycling & Transfer Advisory Board Recommendation:

2. Approve the duties as recommended by Recycling & Transfer Advisory Committee:

Duties: Authorize and advise the department director on landfill, transfer and recycling functions as well as budget preparation, equipment purchases, major repairs, acceptance of demolition materials, setting of tipping fees.

**TOWN ADMINISTRATOR'S RECOMMENDATION:**

Review the recommendation from the DPW Dept. and Solid Waste Advisory Committee

**ATTACHMENTS:**

[Recycling & Transfer Advisory Committee Hooksett NH  
Admin Code 4.12](#)



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Department/Board Home Page *Recycling & Transfer Advisory Committee* has been updated.



[Home](#) » [Boards & Committees](#)

## Recycling & Transfer Advisory Committee

**Composition:** Five full members and two alternate members, appointed by the Town Council.

**Duties:** Authorize and advise the department superintendent on landfill, transfer and recycling functions as well as budget preparation, equipment purchases, major repairs, acceptance of demolition materials, setting of tipping fees and the final closure of the landfill.

### Administrative Code:

**Section 4.12:** Advise the Council on matters related to the management of municipal solid waste and recycling.

### Staff Contacts

Name	Title
Denise Cumings <a href="#">[edit]</a>	R&T Crew Chief

## Board Members

Name	Title
Richard Bairam <a href="#">[edit]</a>	Member (06/2022)
Sean McDonald <a href="#">[edit]</a>	Member (06/2023)
Raymond Bonney <a href="#">[edit]</a>	Member (06/2024)
Robert Schroeder <a href="#">[edit]</a>	Member (06/2022)
John Giotas	Member, 6/30/2024
Clark Karolian	Council Representative
Alex Walczyk	Alt. Council Representative



### ▼ Create Content

## Contact Info

**Phone:**

(603)669-5198

**Meetings - When:** January 26, 2021; March 23, 2021; May 25, 2021; July 27, 2021; September 28, 2021; November 23, 2021

**Meetings - Where:** Town Hall

**Meetings - Time:** 6:30 pm

## Key Contacts

Denise Cumings

[\[edit\]](#)

603-669-5198

## News & Announcements

Parks & Recreation Department



- [March 23,2021 Advisory Committee Meeting Minutes](#)  
March 23, 2021

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- 4.9 **Parks and Recreation Advisory Board** (Appointed) - Under the jurisdiction of the Town Council, assist the Public Works Department in an advisory capacity on recreational projects, recreational budgetary items, recreational capital improvements, and with the submittal of applications for federal, state, and other grant monies relating to parks and/or recreation. Develop plans and work with the Conservation Commission in obtaining and receiving land for recreational purposes.
- 4.10 **Planning Board** (Appointed) - Prepare and amend the Master Plan, review and recommend Zoning Ordinance amendments to the local legislative body and review and act on all subdivision and site plan applications.
- 4.11 **Record Retention Committee** (Appointed) - In accordance with RSA 33-A:3, The Town will establish and maintain a Municipal Records Committee charged with governing the retention and disposition of municipal records.
- 4.12 **Recycling and Transfer Advisory Committee** (Appointed) - Advise the Council on matters related to the management of municipal solid waste and recycling.
- 4.13 **Sewer Commission** (Elected) - Make regulations and decisions as may be necessary for the proper functioning of the sewer system and overall operation of the Sewer Department, levy special assessments upon land benefited by the sewer, establish sewer charge procedures for defraying the cost of plant and system operations and manage the maintenance and repair of sewer systems.
- 4.14 **Supervisor of the Checklist** (Elected) - Care for the checklist in compliance with Federal HAVA (Help America Vote Act); determine whether or not each individual is qualified to vote; and amending the districts within two (2) years of the census.
- 4.15 **Town Clerk** (Elected) - Record and maintain all permanent documents and perform all other related functions per state statute.
- 4.16 **Town Council** (Elected) - Consists of nine elected members, one from each District and three At-Large members. Is the governing body of the Town and directed by the specifications of the Town Charter. Prepares and passes ordinances, submits a proposed budget to the Budget Committee and gives direction to the Town through the Town Administrator and appointed Boards and Committees.
- 4.17 **Town Hall Preservation Committee** (Appointed) – Work toward the preservation of the old Town Hall.

Town Council  
**STAFF REPORT**



**To:** Town Council  
**Title:** Juneteenth Holiday  
**Meeting:** Town Council - 03 Nov 2021  
**Department:** Administration  
**Staff Contact:** Donna Fitzpatrick, Human Resource Coordinator

**BACKGROUND INFORMATION:**

Town Administration seeking Council to add Juneteenth (June 19) to Town paid holiday list in Town Personnel Plan and union contracts.

On June 17, 2021 President Joe Biden signed S. 475, the Juneteenth National Independence Day Act, into law. S. 475 passed the House of Representatives on June 16 and the Senate on June 15. The House companion measure was H.R. 1320. "Juneteenth" is a new federal holiday in the United States commemorating the emancipation of African-American slaves.

Reference: [Federal Holidays for 2022](#), for the United States **official** holiday schedule.  
[&lt;&lt; 2021 2023 &gt;&gt;](#)

Date	Federal Holiday	# Day's
Saturday, January 1	<a href="#">New Years Day 2022</a>	73
Monday, January 17	<a href="#">Martin Luther King Day 2022</a>	89
Monday, February 21	<a href="#">Presidents Day 2022 *</a>	124
Monday, May 30	<a href="#">Memorial Day 2022</a>	222
Sunday, June 19	<a href="#">Juneteenth 2022</a>	242
Monday, June 20	<a href="#">Juneteenth 2022 (observed)</a>	241
Monday, July 4	<a href="#">Independence Day 2022</a>	257
Monday, September 5	<a href="#">Labor Day 2022</a>	320
Monday, October 10	<a href="#">Columbus Day 2022 **</a>	355
Friday, November 11	<a href="#">Veterans Day 2022</a>	387
Thursday, November 24	<a href="#">Thanksgiving 2022</a>	400
Sunday, December 25	<a href="#">Christmas Day 2022</a>	431
Monday, December 26	<a href="#">Christmas Day 2022 (observed)</a>	432

**Federal Holidays by Year:** [20212022202320242025](#)

The federal holidays listed above are designated by the United States Congress in Title V of the United States Code (5 U.S.C. 6103). Congress has the authority to designate holidays for government (federal) institutions so many other state and private institutions like businesses, banks, schools, and post offices have followed along and have included federal holidays as paid days off for their workers. Many state and local governments will have additional holidays off for their workers depending on their own local culture and history. The first official federal holidays began back on June 28th 1870 when congress wanted to correspond to state holidays that were in place and made federal holidays for federal employees located in the District of Columbia law. Later in 1885 the first four Federal Holidays (New Year's Day, Independence Day, Thanksgiving Day, Christmas Day) where extended to all federal employees in the country.

**NH TITLE XXV HOLIDAYS CHAPTER 288**

**288:1 Holidays.** – January 1; the third Monday in January, known as Martin Luther King, Jr. Civil Rights Day; the third Monday in February, known as Washington's Birthday; the last Monday in May, known as Memorial Day or, on a date to coincide with the federal observance if it is held on a different day; July 4, known as Independence Day; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day; the day on which the biennial election is held; November 11, known as Veterans Day; Thanksgiving Day, whenever appointed; and Christmas Day are legal holidays.

**Source.** 1899, 11:1. PL 313:2. 1929, 11:1. RL 367:2. 1949, 270:1. RSA 288:1. 1955, 145:1. 1969, 35:1. 1973, 89:1. 1991, 206:2. 1993, 134:2. 1999, 105:2, eff. Aug. 6, 1999; 106:2, eff. Aug. 6, 1999.

**NH Governor Sununu signed Proclamation June 19, 2020 as Juneteenth Day (see attached)**

**Town Personnel Plan- non-union (Mid-Management Union follows TPP)**

**Holiday Leave.** Full-time employees and non-union Police Department personnel, with the exception of Police Sergeants, are entitled to the paid holidays listed below. Holidays are observed in accordance with the laws of the State of New Hampshire. The following list of holidays are observed by the Town of Hooksett.

- New Year's Day
- Martin Luther King Jr./Civil Rights Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Columbus Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

**Holiday Leave – Police Department Sergeants.** Police Sergeants shall be granted a floating holiday in lieu of the Day after Thanksgiving holiday. This day is to be granted in accordance with the employee's preference and the needs of the Department.

**Fire-Rescue Union Contract**

**ARTICLE 15**

**HOLIDAYS**

**The following holidays are recognized by the parties to this Agreement:**

- New Year's Day
- Martin Luther King Jr. Day
- Presidents' Day
- Memorial Day
- Independence Day (July 4)
- Labor Day
- Columbus Day
- Veterans' Day
- Thanksgiving
- Christmas

**Police Union Contract**

**ARTICLE 8**

**HOLIDAYS**

1. Patrol Officers, and Dispatchers shall receive holiday pay for the number of hours worked or assigned in their normal workday (shift) for each of the following holidays:
  - o New Year's Day (January 1)

- President's Day
- Civil Rights Day
- Memorial Day
- Independence Day (July 4 )
- Labor Day
- Columbus Day
- Veterans Day (November 11)
- Thanksgiving
- Day After Thanksgiving
- Christmas (December 25)

In addition to the above, the Department will recognize one (1) floating holiday each year. Said floating holiday is to be granted in accordance with the employee's preference and the needs of the Department. Request for the use of the floating holiday can be made at any time by Patrol Officers, and Dispatchers. The above-listed holidays (other than the floating holiday) will be observed on the date specified in RSA 288:1 (specifically excluding the provisions of RSA 288:2) recognizing that Civil Rights Day is referred to therein as "Martin Luther King, Jr. Civil Rights Day" and President's Day is referred to therein as "Washington's Birthday".

**Public Works Union Contract**

**ARTICLE 10**

**HOLIDAYS**

10.1 All employees covered by this Agreement shall be paid for the following named holidays:

- |                      |                        |
|----------------------|------------------------|
| New Year's Day       | Columbus Day           |
| MLK/Civil Rights Day | Veterans' Day          |
| Presidents' Day      | Thanksgiving Day       |
| Memorial Day         | Day after Thanksgiving |
| Independence Day     | Christmas Day          |
| Labor Day            |                        |

Recycle and Transfer employees are required to work the day after Thanksgiving and can either be paid at the rate of time and one-half (1 ½) or use hours worked on this day for compensatory time to be used within the fiscal year in which it was accrued.

**FINANCIAL IMPACT:**

Cost for safety personnel to work holidays per union contracts.

**POLICY IMPLICATIONS:**

Town Personnel Plan and Union Contracts (4)

**RECOMMENDATION:**

Review staff report & back material and listen to Town Administrator comments. Should Town Council decide to replace (vs. add) Juneteenth with an existing Town paid holiday in union contracts, this may open negotiations.

**SUGGESTED MOTION:**

Motion to add Juneteenth to town paid holiday list in Town Personnel Plan and union contracts effective June 2022.

**TOWN ADMINISTRATOR'S RECOMMENDATION:**

Concur- Juneteenth is state and federally recognized holiday and should be added to the list of paid holidays in Hooksett.

**ATTACHMENTS:**

[juneteenth-day-2020](#)

*The State of New Hampshire  
By His Excellency  
Christopher T. Sununu, Governor*

*A Proclamation*

In the year of our Lord Two Thousand and Twenty

**JUNETEENTH DAY  
JUNE 19, 2020**

**WHEREAS**, Juneteenth commemorates the end of slavery in the United States. Dating back to 1865, it was on June 19th that the Union soldiers, led by Major General Gordon Granger, landed at Galveston, Texas with news that the war had ended and that the enslaved were now free; and

**WHEREAS**, this news of freedom was two and a half years after President Abraham Lincoln signed his historic Emancipation Proclamation, which became an official Executive Order on January 1, 1863; and

**WHEREAS**, New Hampshire has a long history and involvement in the emancipation and abolishment of slavery. Notably, John P. Hale advocated for the abolition of slavery many years before the Civil War and our state was home to historic places like the James Wood Farm on the Croydon Turnpike in Lebanon that served as a stop on the Underground Railroad and Wood himself who was identified as the station keeper for New Hampshire’s Hillsborough County; and

**WHEREAS**, New Hampshire, long before the enactment of President Lincoln’s Executive Order, worked for the freedom of all citizens; and

**WHEREAS**, in 1857 an act was passed stating that “no person, because of decent, should be disqualified from becoming a citizen of the state,” and at the time there were no slaves listed in the U.S. Census for the State of New Hampshire; and

**WHEREAS**, Juneteenth today, celebrates African American freedom and achievement, while encouraging continuous self-development and respect for all cultures;

**NOW, THEREFORE, I, CHRISTOPHER T. SUNUNU, GOVERNOR** of the State of New Hampshire, do hereby proclaim **JUNE 19, 2020** as **NEW HAMPSHIRE JUNETEENTH DAY** in the State of New Hampshire and call this day to the attention of all citizens.

**IN TESTIMONY WHEREOF**, I have hereunto set my hand and caused the Seal of the State of New Hampshire to be affixed this 4<sup>th</sup> day of June, 2020.



*Chit T. Sununu*  
Christopher T. Sununu  
Governor



**ATTORNEY GENERAL  
DEPARTMENT OF JUSTICE**

33 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6397

JOSEPH A. FOSTER  
ATTORNEY GENERAL



ANN M. RICE  
DEPUTY ATTORNEY GENERAL



December 2, 2015

Todd Rainier, Town Clerk  
35 Main Street  
Hooksett, NH 03106

Re: *Proposed Amendments to the Hooksett Town Charter*

Dear Mr. Rainier:

On behalf of the Attorney General, the Secretary of State and the Commissioner of the Department of Revenue Administration this letter provides notice that we have completed our review pursuant to RSA 49-B:4-a of the proposed amendments to the Hooksett Town Charter. We have determined the proposed charter amendments are consistent with state law. There are, however, two issues we would like to bring to your attention.

The proposed amendment to Section 3.1, changes the election date for councilors from the second Tuesday in May to the Second Tuesday in March but the date councilors take office remains the following July 1<sup>st</sup>. Section 10.2.B, as proposed states, “[u]nless otherwise set forth in this Charter all elected officials in town shall take or continue office on the first day in May.” The proposed amendment to Section 10.2.B changes the word July to May. While we have no objection to the charter designating a different date than other elected town officials for councilors to take office, we felt it was worth bringing this potential discrepancy to your attention in the event it is unintentional.

Section 8.6 of the current town charter allows for the recall of office holders who have served at least six months of their term. While there is no proposed amendment to this section we would like to advise you that the Rockingham Superior Court (*McHugh, J.*) ruled that a similar recall provision in the charter for the Town of Seabrook was invalid, finding that the provision was not explicitly or impliedly authorized by the legislature and was inconsistent with the comprehensive statutory scheme governing the removal of elected town officials. See *Knowles et al v. Latham et al*, No. 218-2004-E-0361(March 7, 2005).

If you have any questions regarding our review, please contact me at (603) 271-3650.

Sincerely,



Stephen G. LaBonte  
Assistant Attorney General  
Civil Bureau  
(603) 271-3658  
Fax: (603) 223-6296

Cc: David Scanlan, Deputy, Secretary of State's Office  
Stephan Hamilton, DRA  
Jay L. Hodes, Esq., Hage Hodes, PA

THE STATE OF NEW HAMPSHIRE  
 ROCKINGHAM, SS. SUPERIOR COURT

Asa H. Knowles and Cora E. Stockbridge

v.

Owen Latham, Leroy Southier, Bonnie Fowler, Bruce Brown,  
 Gary Fowler, Richard Fowler and Paul Kelly

04-E-0361

ORDER

Before the Court is respondent Bonnie Fowler's Motion for Summary Judgment, requesting that the Court declare the recall provision of the Seabrook Town Charter to be valid and vacate the temporary injunction issued on July 21, 2004. Petitioners object and have filed a Cross-Motion for Summary Judgment, contending that the recall provision of the charter is invalid and requesting the Court require the Town of Seabrook to amend its charter by removing the recall provision. Upon consideration of the parties' arguments and the applicable law, the Court finds and rules as follows.

The following facts are undisputed. By vote of the Town Meeting in 1983, the Town of Seabrook ("the Town") adopted a town charter pursuant to RSA chapter 49-B. Section C-26 of the charter provides for the recall of elected officials. Under this provision, "[a]ny qualified voter of the Town may file with the Town Clerk an affidavit containing the name of the official sought to be recalled and a statement of the grounds of recall." The Town Clerk then supplies the voter with petitions containing the name of the person sought to be recalled and the grounds for the recall. The voter must then collect signatures from ten percent (10%) of all registered voters. Once the petitions are

certified, the Board of Selectmen provides written notice to the official of the recall. If the official does not subsequently resign from office, a recall election is held.

On or about May 11, 2004 and May 28, 2004, respondents Owen Latham and Leroy Southier began circulating petitions for the recall of Selectmen Knowles and Knight. On June 23 and 24, 2004, the Town's Supervisors of the Checklist met and certified that the petition calling for the recall of Selectman Knowles contained the requisite number of signatures. The Court is unaware whether the petition seeking the recall of Selectman Knight has been certified.

On July 1, 2004, petitioners, in their capacity as the Board of Selectmen of the Town, filed the instant petition for declaratory judgment and injunctive relief, claiming the Town's recall provision is invalid. Following a hearing, the Court (Perkins, J.) granted petitioners request for preliminary injunctive relief, enjoining any recall elections pending final judgment by the Court. (Doc. 9.) Respondent Fowler now moves for summary judgment, contending that there are no issues of material fact and that the sole issue for the Court is whether the recall provision of the charter is valid.

"Municipalities have only powers that are expressly granted to them by the legislature and such as are necessarily implied or incidental thereto." Simonsen v. Town of Derry, 145 N.H. 382, 385-86 (2000) (quotations and citation omitted). In this case, the parties dispute whether the home-rule provision of the New Hampshire Constitution and RSA chapter 49-B expressly or impliedly granted the Town the power to adopt the recall provision in its charter. In 1966, the citizens of New Hampshire adopted the following amendment to the state's constitution:

No law changing the charter or form of government of a particular city or town shall be enacted by the legislature except to become effective upon

the approval of the voters of such city or town upon a referendum to be provided for in said law.

The legislature may by general law authorize cities or towns to adopt or amend their charters or forms of government in any way which is not in conflict with general law, provided that such charters or amendments shall become effective only upon the approval of the voters of each such city or town on a referendum.

N.H. Const. pt. I, art. 39. Part 1, Article 39 was adopted to place certain limitations upon the traditional plenary control by the Legislature over municipalities

by insuring that any changes in the charter or form of government of a particular city or town should be made by the Legislature only with the consent of the governed, and that any change instituted by the municipalities themselves, under general legislative authority, should similarly become effective only with like consent.

Opinion of the Justices (Municipal Bonds), 145 N.H. 680, 682 (2001) (quotations and citation omitted). Thus, "[t]he extent of home-rule power granted by Part 1, Article 39 is 'the prerogative to choose' one of the statutorily specified forms of municipal government." Id. (citation omitted).

As this article was not self-executing, in 1979 the Legislature enacted legislation authorizing municipalities to adopt and amend charters that established a form of local government. See RSA ch. 49-B. RSA 49-B:2 (1979) provided:

Any incorporated city or town, regardless of population, shall be entitled to exercise the home rule powers granted by article 39, part first, of the New Hampshire constitution, through this chapter, to create a charter commission and present to its inhabitants by referendum a municipal charter, which may establish any one of the following generally-described forms of municipal government as utilized in the New England states:

- I. Board of selectmen – town meeting
- II. Mayor – board of aldermen or mayor-council
- III. City council – city manager
- IV. Town council – town manager, with or without budgetary town meeting
- V. Elected first selectmen – board of selectmen – town meeting

While limited to the adoption of one of the above-described basic forms of government, the voters of a municipality may adopt a charter which, in their opinion, specifically meets the needs of their municipality as to such matters of local concern as number of elected officials; at-large or district representation; manner of filling vacancies; powers of nomination, appointment and confirmation; and terms of office.

The remainder of RSA chapter 49-B, as enacted in 1979, set out the procedure for towns to follow when adopting, revising or amending their charters. In addition, RSA 49-B:11 (1979) stated that the chapter should be liberally construed. This statute remained in effect in 1983 when the Town chose its form of government, the board of selectmen-town meeting form, and adopted its charter, including the disputed recall provision.

Respondent first contends that the recall provision was explicitly authorized by RSA 49-B:2. Specifically, respondent maintains the recall provision was authorized by the authority granted to municipalities to adopt charter provisions concerning the "terms of office" of elected officials. The Court disagrees. In Town of Hooksett v. Baines, 148 N.H. 625, 630 (2002), the New Hampshire Supreme Court construed the phrase "terms of office" to mean "the duration of time during which an elected official holds an office" and distinguished between regulating the length of a term of office and regulating the qualifications for office by imposing term limits on elected officials. The Court is not persuaded by respondent's claim that the express authority to regulate the duration of time during which an elected official holds office encompasses the power to recall those officials. If the Legislature had intended to explicitly grant municipalities the power to recall elected officials, it could have done so by adding that power to those listed in RSA 49-B:2. See JTR Colebrook, Inc. v. Town of Colebrook, 149 N.H. 767, 771-72 (2003)

(holding that statute granting municipalities authority to ban smoking for purposes of sanitation does not grant authority to regulate for purposes of public health).

Next, respondent argues the Town had implied authority to adopt the recall provision in its charter. In support of this argument, respondent points to the language of Part 1, Article 39, which granted the Legislature the power to authorize municipalities "to adopt or amend their charters or forms of government in any way which is not in conflict with general law." However, implied authority granted to municipalities must be necessary implied or incidental to express authority. Here, RSA chapter 49-B grants municipalities express authority to adopt a form of government and sets out procedures that ensure consent by the citizens of municipalities when those municipalities revise or amend their charters. The recall of elected officials is not necessarily implied from such authority.

Furthermore, legislative history provides evidence of legislative intent to not provide municipalities with the authority to include recall or removal procedures in their charters. House Bill 292 originally granted municipalities authority to adopt charters governing the "[n]umber, powers, election and removal of officials." The version of this bill ultimately adopted as RSA 49-B:2, however, does not include language concerning the removal of officials. If the Legislature had intended to authorize municipalities to include removal or recall provisions in their charters, it could have done so by adopting the proposed language.

Respondent also relies upon Harriman v. City of Lebanon, 122 N.H. 477 (1982), in support of her arguments. In Harriman, the Supreme Court considered whether the City of Lebanon could amend its city charter under RSA chapter 49-B to include citizen

initiative and referendum provisions. The Supreme Court held that such an amendment was permissible because the petition to amend the charter followed the procedures of RSA chapter 49-B and the proposed amendment "neither intrudes into matters reserved for the city council under RSA ch. 47, nor contravenes the general laws or constitution." Id. at 483.

In contrast, the Supreme Court invalidated the town of Hooksett's charter provision imposing term limits on locally elected officials in Town of Hooksett v. Baines, supra. The Court reached this decision after finding the Legislature has neither expressly nor impliedly granted towns the authority to impose such limits. Baines, 148 N.H. at 630-31. In addition, the Court concluded that a comprehensive statutory scheme governing the field of elections existed. Id. "As a result, the town's term limits provision is preempted by statutory law and Part 1, Article 11 of the State Constitution." Id. at 631.

In this case, petitioners contend that a comprehensive statutory scheme governing the removal of elected officials existed when the Town adopted its recall provision and that this statutory scheme preempts the recall provision. "It is well settled that towns cannot regulate a field that has been preempted by the State." Id. at 627 (citation omitted). "[P]reemption will occur when local legislation either expressly contradicts a statute or otherwise runs counter to the legislative intent underlying a statutory scheme." Id. (citation omitted). "Generally, a detailed and comprehensive State statutory scheme governing a particular field is demonstrative of the State's intent to preempt that field by placing exclusive control in the State's hands." Id. (citation omitted).

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P. 307

Petitioners cite several sections of RSA chapter 41 and RSA 31:39, all of which were in effect in 1983, to show that the Legislature preempted the field of removal of elected town officials. According to petitioners, these statutes evidence a legislative intent to assert complete control over the removal of officials from office. The Court agrees. These statutes set out reasons why elected officials may be removed from office and generally provide a procedure for doing so. For example, under RSA 31:39-a the legislature grants municipalities the authority to adopt an ordinance regulating conflicts of interest of local officers. These ordinances may also establish "conditions under which prohibited conflicts of interest shall require removal from office." RSA 31:39-a. In addition, the statute grants the superior court jurisdiction over any removal proceedings instituted under any such ordinance. Id.

RSA 41:16-c governs the removal of town clerks. As in the statute discussed above, this statute provides reasons for which a town clerk may be removed and outlines the proceedings a governing body shall institute to undertake a removal. In like manner, RSA 41:26-d governs the removal of municipal treasurers and RSA 41:40 controls the removal of tax collectors. None of these statutes, nor any other in effect in 1983, grants municipalities any additional authority to utilize recall proceedings. In fact, the sole statute, to the Court's knowledge, granting a municipality authority to recall its officials is RSA 49-D:3, I(e) (Supp. 2004). This statute, however, was not in effect in 1983 and applies only to those towns that choose a town council-town manager form of government. Thus, the Court finds that the Town's recall provision, which allows recall of elected officials without cause and without a hearing or judicial review, is inconsistent with expressed legislative intent to remove such officials only for cause and with

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P. 006

procedural safeguards. As the recall provision was not explicitly or impliedly authorized by the Legislature and is inconsistent with a comprehensive statutory scheme governing the removal of elected town officials, the recall provision is invalid.

Petitioners also request injunctive relief permanently barring further recall proceedings in this case and requiring the Town to delete the recall provision from its charter. "Whether to grant an injunction is within the trial court's sound discretion, exercised after consideration of all the circumstances and controlled by established principals of equity." Smith v. New Hampshire Bd. of Psychologists, 138 N.H. 548, 550 (1994) (citation omitted). The Court may grant an injunction if there "is an immediate danger of irreparable harm to the party seeking injunctive relief, and there is no adequate remedy at law." UniFirst Corp. v. City of Nashua, 130 N.H. 11, 14 (1987) (citations omitted). The alleged harm to the petitioner must outweigh any harm to the defendant if the injunction is granted. New Hampshire Donuts, Inc. v. Skipitaris, 129 N.H. 774, 781 (1987). Here, two members of the Board of Selectmen are in danger of being recalled from their elected offices under a charter provision that has now been declared invalid. The harm to the Board and to the Town if an illegal recall election were to go forward greatly outweighs any possible harm to respondents. Furthermore, there is no adequate remedy at law for such harm. Thus, the Court finds injunctive relief appropriate in this case and grants petitioners' request for a permanent injunction. The Court enjoins respondents from taking any steps in furtherance of a recall election. In addition, the Board is ordered to begin amendment procedures under RSA 49-B:5 to delete the recall provision.

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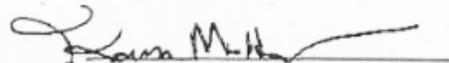
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P. 009

For the reasons stated above, the Court finds and rules that the Town's recall provision in its charter is invalid. Additionally, the Court finds petitioners' request for injunctive relief appropriate in this case. Accordingly, respondent's Motion for Summary Judgment is DENIED and petitioners' Cross-Motion for Summary Judgment is GRANTED. If the citizens of Seabrook wish to remove Selectman Knowles as a Selectman they must do so as the Constitution intended, by voting him out of office when his term expires.

So ORDERED.

March 7, 2005  
DATE

  
KENNETH R. MOHUGH  
Presiding Justice



TOWN OF HOOKSETT  
Public Meeting

A meeting with members of the Hooksett Supervisors of the Checklist and the Town Clerk will be held on Friday, October 15, 2021 at 12:30PM in Room 204 in the Town Municipal Building, 35 Main Street, Hooksett, NH.

1. Roles and responsibilities
  - a. Town Clerk
  - b. Supervisors of the Checklist
2. Town Charter
  - a. Section 8.2, Initiative petitions
  - b. Section 8.6, Recall of Officeholders

Attendees

- Todd Rainier, Town Clerk
- Alex Walczyk, Town Councilor at Large
- Supervisors of the Checklist
  - Barbara Brennan
  - Stephen Burkhart
  - Kim Daggett

Todd - Explained a high level of the required process for making Charter changes (per the town Charter). He noted that if an item impacts the budget - it goes to the voters. This is applicable for Petitions.

Roles and responsibilities (between Supervisors of the Checklist and Town Clerk)

- Supervisors of the Checklist
  - The Supervisors of the Checklist shall have such powers and duties as are specified under New Hampshire law and in this Charter.
- Town Clerk
  - The Town Clerk shall have such powers and duties as are specified by this charter and state law. The Town Clerk may assign duties to his/her designee. To the extent there is any conflict between the powers and duties of the Town Clerk as are specified by this charter and state law, state law shall control.

**The group concluded that there was no need to make adjustments to the Town Charter at this time.**

Two sections of the Town Charter were discussed, Section 8.2 and Section 8.6.

Stephen referenced the Charter Amendments starting on page 33 of the Hooksett Town Charter (Effective July 1, 2019). The group discussed Charter amendments that are related and were made effective July 1, 2011:

- 8.2.A, 8.2.B

- 8.7 was deleted

For Section 8.2

Steven [and Todd] mentioned that Paragraph 2 should come in line with what the state Statute says. Changes noted below - replace the words "Town Clerk" in Paragraph 2 with "Supervisors of the Checklist".

Sec. 8.2. Initiative Petitions.

A. The Council shall hold a public hearing and act, by taking a vote, on the merits of every initiative petition, which concerns a matter in which the Town is empowered to act. The petition shall be addressed to the Council, shall contain a request for passage or repeal of a particular measure set forth in the petition and shall be signed by not less than two percent (2%) of the registered voters of the Town.

The initiative petition shall include the personal signature and legible name and address of each petitioner and shall be filed with the Town Clerk as one instrument of endorsement. The ~~Town Clerk~~ **Supervisors of the Checklist** shall verify the number of registered voters signing the petition and shall attach thereto a certificate showing the result of such examination. Within seven (7) business days, the Town Clerk shall transmit the petition and certificate to the Town Council and shall send a copy of the certificate to the first signer of the petition.

The petition shall be considered valid following certification unless written objection regarding the number of signatures certified is made by a voter no more than seven (7) business days after the certificate has been issued. The validity of any such objection shall be determined by the Council.

For Section 8.6

Stephen - Provided information regarding the laws on verification that the person whose signature is on a petition is a registered voter in the town / city vary. And that the board of Selectmen bear the ultimate responsibility for determining if a petition satisfies the laws' requirements. Or at the request the clerk or supervisors can perform the verification.

Stephen also provided information from RSA 39:3 Articles that explicitly assigns the responsibility to the Supervisors of the Checklist, but does authorize a city clerk to perform the verification in a city.

Stephen provided and referenced RSA 655:41 Certification which explicitly states that the supervisors of the checklist shall certify whether or not the signer is a registered voter in said town or ward.

However, it also states that the clerk may perform responsibilities of the supervisors of the checklist under this section [RSA 655:41].

Todd - There was a relatively recent court case Rockingham Superior Court 04-E-0361 (case was in 2015). This had to do with the recall of elected officials - in that case, the ruling was found that the Town's recall provision in its charter was invalid.

After further discussion the group effectively **concluded that Section 8.6 should be stricken from the Hooksett Town Charter.**

Next steps:

- Todd?
  - Have Legal review Section 8.2 and determine if it conflicts with state law.
  - Could we have Section 8.2 simply reference a State Statute RSA 39:3 Articles and RSA 655:41 Certification?
  - Ask legal: Can we put both Section 8.2 and 8.6 on the same ballot? For example in the next election, or should they be on separate ballots (separate elections)?



Town Charter proposed changes for Article 8:

Change the language of the Town Charter to change the tasks from the Town Clerk to the Supervisors of the Checklist.

The Town Clerk is one person vs the SoC, which is 3 people. The Supervisors of the Checklist Duties are:

- Registration of qualified voters;
- Responsible for determining if a person is a qualified voter;
- Keeping records of voters' registration forms;
- Updating records of voters' registration forms, i.e., mailing address;
- Posting of current checklist at the Town Hall

Excerpt from Section 8.6 - Recall of Officeholders

- B. The ~~Town Clerk~~ **Supervisors of the Checklist** shall verify the names of the registered voters and promptly issue blank petitions for recall. Each petition shall be addressed to the Council, be dated, include the grounds for recall as stated in the request, the name of the registered voter to whom it is issued, the signature of the ~~Town Clerk~~ **Supervisors of the Checklist**, and the Town Seal. The recall petitions bearing the signatures and legible names and addresses of at least twenty percent (20%) of the registered voters of the Town or of the district shall be returned to the ~~Town Clerk~~ **Supervisors of the Checklist** within twenty (20) days. The ~~Town Clerk~~ **Supervisors of the Checklist** shall promptly certify the number of registered voters who signed the petitions.
- C. If the petitions are certified to be sufficient by the ~~Town Clerk~~ **Supervisors of the Checklist**, he/she shall submit them to the Council together with his/her certification. The Council shall forthwith give written notice of the petition and certification to the officer whose recall is sought. If this officer does not resign within five (5) days after delivery of this notice, the Council shall order a recall election to be held not less than thirty (30) days nor more than sixty (60) days after the date the ~~Town Clerk~~ **Supervisors of the Checklist** certified the petitions. If, however, any other town election is scheduled within ninety (90) days of the date of the certification, the Council shall hold the recall election on the same date as any other town election. The filing of candidates and the conduct of the election shall be in accordance with the provisions of this Charter and the election laws of the State of New Hampshire.



# **TOWN CHARTER**



# **HOOKSETT NEW HAMPSHIRE**

July 1, 2019

PRICE: \$5.00

No compensation shall be paid without certification by the Administrator, or such others as he/she may direct, that the recipients are employed by the Town and that their rates of compensation comply with approved pay schedules.

**ARTICLE 7  
Conduct of Officials**

Sec. 7.1. Conditions for Holding Office.

- A. The Council shall declare a vacancy in the event that a member is finally convicted of committing a federal or state crime punishable by imprisonment.
- B. No compensated employee of the Town shall be eligible to serve as a councilor.
- C. Any person elected moderator or councilor shall not simultaneously hold another Town office, board membership, commission membership or trusteeship unless otherwise required by law or this Charter.
- D. Except as otherwise provided by this Charter, no department head nor regular employee of the Town shall be appointed to a Town office, board membership, commission membership or trusteeship. They may, however, serve as advisors to such boards, committees and commissions.
- E. The Zoning Board of Adjustment shall not have any members who also serve on the Planning Board or Conservation Commission.

Sec. 7.2. Conflicts of Interest.

- A. Any elected or appointed officer or employee of the Town who has a direct or indirect interest, or whose family members have a direct or indirect interest, in any planned or existing contract, job, work or sale of goods, real estate or services or who has an interest in any permit, application or matter pending before a board shall not sit, advise, vote or otherwise participate in consideration of said matter or transaction.
- B. For the purpose of this section, the word "family" shall mean an individual's spouse or domestic partner, his/her lineal ascendants and lineal descendants, and his or her spouse or domestic partner's siblings and their offspring.
- C. For the purpose of this section, "Direct or indirect interest" shall exist where a potential exists for a public officer or employee of the town to influence the outcome of a matter in which he/she has a personal or pecuniary interest in the matter under consideration which is greater than that of any other citizen or taxpayer. Such personal or pecuniary interest must however be immediate, definite and capable of demonstration, and not so remote, uncertain, contingent

and speculative that people of ordinary capacity and intelligence would not be influenced by it. Further, a conflict of interest shall not arise where an officer or employee is acting in his/her legislative capacity.

- D. When uncertainty arises as to the application of this section to an elected or appointed officer or employee of the Town in particular circumstances, upon the request of any member, the committee, commission or board shall vote on the question of whether that member should be disqualified. Any such request and vote shall be made prior to or at the commencement of any required public meeting, or in the event that the uncertainty arises during a meeting, as soon as possible thereafter.

Sec. 7.3. Private Use of Town Property and Personnel.

No elected or appointed officer or employee shall devote any Town property or labor to private use except as may be provided by authority of the Council.

Sec. 7.4. Acceptance of Gifts and Gratuities.

No elected or appointed officer or employee of the Town shall solicit or accept any gift or gratuity which could, in any manner, be construed to affect or influence the performance of his official duties.

Sec. 7.5. Disposition of Fees.

No elected or appointed officer or employee of the Town shall collect any fees, salaries or other payments in connection with his official duties for his own use, except as provided for by ordinance or state law.

Sec. 7.6. Misuse of Information.

No elected or appointed officer or employee of the Town shall utilize or dispense information gained through said office or employment for his or another's personal profit.

**ARTICLE 8**  
**Citizen Concerns; Initiative Petition; Referendum; Recall**

Sec. 8.1. Citizen Concerns.

- A. Individual citizen concerns shall be directed to the Administrator to be relayed to the appropriate department(s) or individual(s) for consideration.

Acknowledgment of the concern(s) may be made to the citizen directly or in writing.

- B. Any citizen wishing to appear before a regularly scheduled Council meeting may request to be placed on the agenda of a regular Council meeting. The citizen shall be notified of the date, time and place of the meeting in which he/she will be heard. Otherwise, the Administrator shall notify the citizen if the Council is not empowered to act on his/her request.

Sec. 8.2. Initiative Petitions.

- A. The Council shall hold a public hearing and act, by taking a vote, on the merits of every initiative petition, which concerns a matter in which the Town is empowered to act. The petition shall be addressed to the Council, shall contain a request for passage or repeal of a particular measure set forth in the petition and shall be signed by not less than two percent (2%) of the registered voters of the Town.

The initiative petition shall include the personal signature and legible name and address of each petitioner and shall be filed with the Town Clerk as one instrument of endorsement. The Town Clerk shall verify the number of registered voters signing the petition and shall attach thereto a certificate showing the result of such examination. Within seven (7) business days, the Town Clerk shall transmit the petition and certificate to the Town Council and shall send a copy of the certificate to the first signer of the petition.

The petition shall be considered valid following certification unless written objection regarding the number of signatures certified is made by a voter no more than seven (7) business days after the certificate has been issued. The validity of any such objection shall be determined by the Council.

- B. The Council shall hold a public hearing within 30 days of the date of certification of any measure proposed in any petition signed by two percent (2%) of the registered voters. If the measure may not be lawfully passed by the Council, it shall be returned to the petitioners with an explanation.

The Town Clerk shall mail notice of the hearing to the (10) petitioners whose names appear first on each petition at least seven (7) business days prior to the hearing. Notice by publication in two (2) widely circulated newspapers, posting in each of the six (6) districts at a public location and the official Town website of a summary of contents of the petitions at least seven (7) business days prior to all such hearings shall also be made, and shall be at public expense.

Hearings on two or more petitions filed under this section and addressing different substantive issues may be held at the same place and time. No hearing

shall be held upon more than one petition containing the same subject matter in any given twelve (12) month period.

- C. Following the public hearing, the Council may: (1) pass said measure without alteration or with amendment, or (2) deny said measure with stated reasons.

Sec. 8.3.                    Referendum Petitions.

- A. Referendum petitions must be filed with the Town Clerk within thirty (30) days after action by the Council on any measure or any part thereof sought to be reconsidered. Referendum petitions must be signed by at least twenty percent (20%) of the registered voters Town. The procedures of Sec. 8.2. A. shall apply to referendum petitions.
- B. When a referendum petition is filed with the Town Clerk, the measure or part thereof sought to be reconsidered shall be suspended from taking effect. Such suspension shall terminate when: (1) there is a final determination of insufficiency of the petition, or (2) the filers of the petition withdraw it.
- C. When a referendum petition has been finally determined sufficient, the Council shall submit the referred measure or part thereof protested to the voters of the Town at a special election to be held on a date fixed by the Council. Such special election shall be held not less than thirty (30) nor more than ninety (90) days after the date of certificate heretofore mentioned; provided that if any election is to occur within one hundred twenty (120) days after the date of said certificate, the Council may, at its discretion, omit the calling of a special election and submit the referred measure or part thereof to the voters at such approaching election.

The ballot used when voting upon a proposed measure under this section shall state the nature of the referred measure or part thereof protested in terms sufficient to show its substance.

Sec. 8.4.                    Submission of Proposed Measure to Voters.

The Council of its own motion may submit any measure or proposition for repeal or amendment of a measure to the voters at any regular or special town election.

Sec. 8.5.                    Measure with Conflicting Provisions.

If two or more proposed measures passed at the same election contain conflicting provisions, only the one receiving the greater number of affirmative votes shall take effect.

Sec. 8.6. Recall of Officeholders.

Any individual elected official who has completed at least six months of his term of office may be recalled therefrom by the voters as follows:

- A. Three percent (3%) or more registered voters of the Town may file a request for a recall petition with the Town Clerk for an office holder elected at-large; three percent (3%) of the registered voters in a district for a district Councilor. This request shall include the name of the officer and the grounds for which the recall is sought together with the signature and a legible name and address of each voter.

**This might need to be changed to Supervisors of the Checklist, not "Town Clerk shall verify..."**

- B. The Town Clerk shall verify the names of the registered voters and promptly issue blank petitions for recall. Each petition shall be addressed to the Council, be dated, include the grounds for recall as stated in the request, the name of the registered voter to whom it is issued, the signature of the Town Clerk, and the Town Seal. The recall petitions bearing the signatures and legible names and addresses of at least twenty percent (20%) of the registered voters of the Town or of the district shall be returned to the Town Clerk within twenty (20) days. The Town Clerk shall promptly certify the number of registered voters who signed the petitions.

- C. If the petitions are certified to be sufficient by the Town Clerk, he/she shall submit them to the Council together with his/her certification. The Council shall forthwith give written notice of the petition and certification to the officer whose recall is sought. If this officer does not resign within five (5) days after delivery of this notice, the Council shall order a recall election to be held not less than thirty (30) days nor more than sixty (60) days after the date the Town Clerk certified the petitions. If, however, any other town election is scheduled within ninety (90) days of the date of the certification, the Council shall hold the recall election on the same date as any other town election. The filing of candidates and the conduct of the election shall be in accordance with the provisions of this Charter and the election laws of the State of New Hampshire.

- D. The proposition on the ballot shall be "For the recall of" or "Against the recall of (name of officer)".
- E. If the incumbent is not recalled he/she shall continue in office for the remainder of his/her unexpired term and may not again during that term be subject to recall. If he/she is recalled he/she shall be deemed removed from office on the day after the recall election and the vacancy filled as provided by this Charter.
- F. A separate recall petition, requiring the signatures of three percent (3%) of the registered voters of the Town or the district to initiate and twenty percent (20%) to be certified, shall be required for each elected official who is the subject of a

recall; and, each official's recall shall be voted on as a separate question at the recall election.

**ARTICLE 9**  
**Town Report; Town Meeting**

Sec. 9.1. Town Report.

Each year the Town Administrator shall prepare a town report which shall include: (1) a statement of the past year's financial activities and a comparative statement of the previous and present budget, and (2) a review of all major Council actions, including a summary of ordinances enacted; (3) Town vital statistics and (4) annual reports of Town boards and departments; (5) the prior year's audited financial statements; (6) a summary of the updated capital improvement plan with estimated costs; and (7) the warrant from the annual meeting. There shall be a section, which presents any actions, which are in progress or pending before Town boards, or departments and the Town Council. The effective date of the report shall be at the end of the fiscal year and the report shall be made available to the voters of the town no later than (60) days after the close of the fiscal year.

Sec. 9.2. Annual Town Meeting.

- A. At the first session of the Annual Town Meeting the Town Moderator shall summon the voters of the Town to discuss and amend the budget and other warrant articles.
- B. At the second session of the Annual Town Meeting to be held on the second Tuesday in March, all elected town officials shall be chosen; the voters shall vote whether to raise and appropriate the total sum of money for the town budget and other warrant articles as may have been amended and placed on the official ballot by the voters at the first session of the annual or special town meeting.

**ARTICLE 10**  
**General Provisions**

Sec. 10.1. Certificate of Election and Appointment.

Except as otherwise provided by law, before performing any act under this election or appointment, each person elected shall take and subscribe to an oath to qualify him/her to enter upon the duties of office. A record of the taking of such oath shall be made by the Town Clerk. Any oath required by this section may be administered by any officer authorized by law to administer oaths.

Sec. 10.2. Term Commencement; Notice of Election or Appointment.