

**Town of Hooksett  
Town Council Meeting Minutes  
Wednesday, January 20, 2021**

1  
2 The Hooksett Town Council met on Wednesday, January 20, 2021 at 6:00 in the Hooksett Municipal  
3 Building.

4  
5 **CALL TO ORDER**

6 Chair Sullivan called the meeting of 20 Jan 2021 to order at 6:10 pm.

7  
8 **PROOF OF POSTING**

9 Human Resources Coordinator Donna Fitzpatrick provided proof of posting.

10

11 **ROLL CALL**

12 **In Attendance:** Councilor James Sullivan, Councilor John Durand, Councilor Randall Lapierre,  
13 Councilor David Boutin, Councilor Timothy Tsantoulis, Councilor Clark Karolian, and Councilor Alex  
14 Walczyk

15

16 **In Attendance Via Zoom Video Conferencing:** Councilor Roger Duhaime,

17

18 **Missing:** Councilor Clifford Jones

19

20 **PLEDGE OF ALLEGIANCE**

21 Chair Sullivan called for the Pledge of Allegiance.

22

23 **SCHEDULED APPOINTMENTS**

24 **Phil Carle and Atty. Mark Dunn (via Zoom) - Corriveau Drive**

25

26 **Eugene Moser, 81 Corriveau Drive and Steve Petrosky, 89 Corriveau Drive (in-person) -**  
27 **Corriveau Drive Future Driveway**

28

29 E. Moser: We seek to establish who owns the right of way, Corridor D. RSA 231:51 indicates that the  
30 town lost its ownership 20 years after establishing it as a paper street because it was not accepted by  
31 the town by the end of the 20 years. Also, the owner of Lot 27-4 has no easement over Corridor D  
32 because it did not come out of the same grantor as did the lots on Corriveau Drive.

33

34 S. Petrosky: This is the third time we have addressed the Council in the last few months on this issue of  
35 Corriveau Drive. We claim that the decision was not properly made or made prematurely. What should  
36 or should not be done with these rights of way?

37

38 Chair Sullivan: We are prepared to answer your questions.

39

40 P. Carle, 35 Corriveau Drive: I would like to introduce Attorney Mark Dunn, who has done research on  
41 our behalf.

42

43 M. Dunn, 24 Montgomery Street, Concord, NH: The Town Council needs to reexamine the law of  
44 implied easement which the town is relying upon. Lot 27-4, the ten acres to the north, has existed since  
45 1881. Since it did not come out of the same grantor as did the lots on Corriveau Drive, it does not have  
46 the same title history as the lots on Corriveau Drive and therefore does not have an implied easement  
47 or an easement of necessity. At one time, towns had an indefinite time to accept a paper road, but that  
48 is no longer the case. The town had 20 years from the establishment of the paper road in 1983-84 to

49 accept it. That expired in 2003-04. Since that time, the abutters – Lots 27-46-23 and 27-46-22 - have  
50 each owned Corridor D to their respective center lines. I have provided a letter to the Town Council  
51 members outlining my argument, citing the case history on this issue. RSA 231:51 addresses this issue  
52 of Dedicated Ways. I urge the Council not to take any affirmative action tonight about rescinding the  
53 driveway permit. Further discussion is needed.

54  
55 Leo Corriveau: I sold the land to 101 Realty for the Corriveau Road development. Three accesses were  
56 put there for me; I should own them. Part of deal I made with 101 Realty was that an easement would  
57 be available to the landlocked lot owned by my brother. The access roads should have been quit  
58 claimed to me. Also, my brother's lot should have been #3, but they put it to #4. Mr. Demers owns the  
59 property between 81 and 89 Corriveau Drive.

60  
61 C. Karolian: Is that the corridor between Lots 27-3 and 27-4?

62  
63 A. Garron: I ask all parties to supply me with any information you have, please. There is a lot of  
64 information from a variety of sources.

65  
66 L. Corriveau: I don't have anything in writing.

67  
68 C. Karolian: What property do you own on this map?

69  
70 L. Corriveau: I own several of them.

71  
72 John Baldi: The access roads are all given letter designations. It is best to refer to them by their letter  
73 designations. The access road where the construction vehicles have been parked belongs to Louis  
74 Marple.

75  
76 Paul Kenney, 101 Corriveau Drive: No mention is made that Mr. Corriveau had an arrangement  
77 regarding those right of ways. It is a good idea to open that back land. I suggest getting the Planning  
78 Board meeting minutes from May in 1983. Dick Marshall would be a good person to speak with.

79  
80 Thomas Armor: My property abuts all of the abandoned construction vehicles. The same problem is  
81 back. At one time, the Town of Hooksett and I were sued, and the case went to the Superior Court.  
82 Come to a definitive conclusion, please, and waste no more time.

83  
84 M. Dunn: Corridor B is owned by someone. The RSA is clear; the town had 20 years to make a plan,  
85 and the clock started in 1983 on Plan 7722.

86  
87 J. Baldi: There is a recorded quit claim deed giving access B to Louise Marple. Her family has been  
88 there for three generations. It is designated Agricultural & Forestry.

89  
90 **Atty. Brett Allard of Bernstein Shur (on behalf of Dennis Demers) (in-person) - #81 Corriveau**  
91 **Drive Future Driveway**

92  
93 B. Allard: On August 10, 2019, this town's legal counsel said Mr. Demers has legal right of access to  
94 the land north of Corriveau Drive known as Lot 27-4. This became final when it was not appealed. Mr.  
95 Demers is entitled to rely on this decision and its finality. It is an easement by necessity. This is not a  
96 legal issue, per se, but a fairness issue. He should not have to bear the burden of past transgressions. I  
97 want some time to review and respond to the material presented by Attorney Dunn. His interpretation of  
98 RSA 231:51 is not accurate. The RSA applies to public, not private, rights. There is a question of 'Who  
99 owns the dirt?' versus who has easement or access rights.

100

101 A. Garron: I need to correct you. The Council gave permission to build a driveway according to the  
102 town's specifications, not a legal right of access.

103  
104 B. Allard: I apologize; I stand corrected.

105  
106 A. Garron: Regarding the construction vehicles on Corridor B, Town Engineer Bruce Thomas and I had  
107 a discussion with the owner. There was a cease & desist order. He has an updated permit and will be  
108 moving the equipment off of the right of way and onto the property. We will check on the timeframe for  
109 that. As for the larger issue we are discussing, I need to get information from the town's attorney.

110  
111 ***D. Boutin motioned to table the discussion and action on this item, Corriveau Drive: 1) Lot 27-7***  
112 ***Trimbur Forestry Operations, 2) #81 Future Driveway and 3) Future Access Roads. T. Tsantoulis***  
113 ***seconded the motion.***

114  
115 **Roll Call Vote #2**

116 ***R. Duhaime Aye***

117 ***J Durand Aye***

118 ***C. Jones Not present***

119 ***R. Lapierre Aye***

120 ***A. Walczyk Aye***

121 ***D. Boutin Aye***

122 ***C. Karolian Aye***

123 ***T. Tsantoulis Aye***

124 ***J. Sullivan Aye***

125 ***Voted in favor (8-0).***

126

127 J. Baldi: The FBI will be here next week; you will be in jail.

128

129 J. Cameron: I abut another access road. I ask you to make a decision about all of them. It impacts my  
130 family directly. We like the peace and quiet of our home's location. If that changes, we might have to  
131 move.

132

133 D. Boutin: Mr. Chair, we shouldn't promise a definitive decision.

134

135 Chair Sullivan: I don't think I did that, but thank you. I didn't mean that.

136

137 T. Tsantoulis: We have three attorneys involved with this. Please bear with us as we work through the  
138 information so that we can reach the proper conclusion and take the correct action.

139

140

141 **Todd Rainier, Town Clerk; Cindy Robertson, Moderator; Don Riley, Assistant Moderator -**  
142 **Deliberative Session**

143

144 T. Rainier: At its meeting on January 19<sup>th</sup>, the School voted to have an in-person Deliberative Session  
145 on Friday evening, February 5<sup>th</sup>. We have scheduled a meeting for this Friday, January 22<sup>nd</sup>, to discuss  
146 pooling our resources, since our session will be on the morning of February 6<sup>th</sup>. Ms. Robertson, Mr.  
147 Riley and I are here to address any questions you have.

148

149 A. Garron: I had a conversation with the School Superintendent. They have an outside organization  
150 setting up a sound system, and they will leave it for our session.

151

152 Chair Sullivan: The gymnasium will hold 140 people and the cafeteria will hold 40.  
153  
154 A. Walczyk: I wish we could reconsider the remote option for the Deliberative Session. The pandemic  
155 needs to guide our decision. We could reach everyone via mail. We shouldn't have to decide on health  
156 versus participating in the voting process.  
157  
158 Chair Sullivan: If you wish to make a motion, it would be to rescind, not reconsider.  
159  
160 **A. Walczyk motioned to rescind the Town Council's decision to hold the Deliberative Session in**  
161 **person. C. Karolian seconded the motion.**  
162  
163 C. Karolian: I think a lot more people would participate if it is not held in person.  
164  
165 T. Tsantoulis: I agree with the concern about the pandemic. However, our past experience has been  
166 that attendance is poor for the Deliberative Session. The voters still have the right to vote in March. I  
167 don't want to spend the extra money on mailing information to every registered voter, and I don't want  
168 our election officials to have the additional work that is involved.  
169  
170 Chair Sullivan: We can safely accommodate those who attend, allowing for six feet of distance between  
171 them. In 2020, we had 102 people at the Deliberative Session. The highest number we have ever had  
172 is 119. And, these numbers include the members of the Town Council, Budget Committee members,  
173 and all others besides the general public. Very few changes are expected to be suggested on the  
174 warrant articles.  
175  
176 D. Boutin: I am sympathetic with the concerns of Councilor Walczyk, but I echo the comments of  
177 Councilor Tsantoulis and Chair Sullivan.  
178  
179 C. Karolian: It all depends upon who wants to debate about what. Many people watch the proceedings  
180 after the fact. COVID funds will probably cover the cost of the mailing. I am looking at the safety factor; I  
181 agree with Councilor Walczyk.  
182  
183 J. Durand: We discussed this at length at the last meeting.  
184  
185 R. Duhaime: I see this as an opportunity to start getting people involved electronically.  
186  
187 Chair Sullivan called for a roll call vote on the motion to rescind the action taken at the last meeting  
188 regarding the Deliberative Session.  
189  
190 **Roll Call Vote #3**  
191 **D. Boutin Nay**  
192 **C. Jones Not present**  
193 **A. Walczyk Aye**  
194 **J. Durand Nay**  
195 **R. Duhaime Aye**  
196 **T. Tsantoulis Nay**  
197 **R. Lapierre Nay**  
198 **C. Karolian Aye**  
199 **J. Sullivan Nay**  
200 **The motion failed (3-5).**  
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**CONSENT AGENDA**

**Acceptance of Donation to Fire-Recue**

**Donation of a check in the amount of \$25.00 from Walter and Judi-Wynne Wasowski to the Town of Hooksett for the Family Services Department to benefit children and families in need through the Hooksett Family Services Department per RSA 31:95-b, III (b).**

***T. Tsantoulis motioned to approve the Consent Agenda items. A. Walczyk seconded the motion.***

C. Karolian: There is no doubt in my mind about the intentions of those making donations to Fire-Rescue, but the appearance is not good. The firefighters are just doing their jobs. These donors could be asked to make a donation to a charity of their choice instead.

T. Tsantoulis: I see these donations as a tip for good service, for someone who goes the extra mile. If someone makes a delivery to my house and goes above and beyond to make to delivery as easy as possible, I might give them a tip.

**Roll Call Vote #4**

***A. Walczyk Aye***

***R. Lapierre Aye***

***C. Jones Not present***

***R. Duhaime Aye***

***J. Durand Aye***

***C. Karolian Aye (I am for one and against the other, so I voted Aye.)***

***T. Tsantoulis Aye***

***D. Boutin Aye***

***J. Sullivan Aye***

***Voted in favor (8-0).***

**TOWN ADMINISTRATOR'S REPORT**

A. Garron: The warrant has been approved. Only one item was not approved by the Budget Committee, and that was the one for the new union. The vote was (4-5).

A. Garron: Regarding COVID, the number of new cases is 49, down from 69 last week. The cumulative number is 847 cases. I am presenting for your approval a change to the COVID-19 Travel Policy, to be effective retroactively to January 15, 2021. The following employees do NOT have to follow steps 1-4 of the high-risk travel policy:

a) A person who is 14 days beyond the second dose of their COVID-19 vaccine (i.e., 14 days after full vaccination

b) A person who is within 90 days of a prior SARS-CoV-2 infection diagnosed by PCR or antigen testing.

***T. Tsantoulis motioned to approve the revision to the COVID-19 Travel Policy, effective January 15, 2021. C. Karolian seconded the motion.***

**Roll Call Vote #5**

***T. Tsantoulis Aye***

***C. Jones Not present***

***R. Duhaime Aye***

254 **A. Walczyk** *Aye*  
255 **R. Lapierre** *Aye*  
256 **C. Karolian** *Aye*  
257 **J. Durand** *Not present*  
258 **D. Boutin** *Aye*  
259 **J. Sullivan** *Aye*  
260 **Voted in favor (7-0).**

261

262 T. Tsantoulis: What is the status regarding the hiring of a Code Enforcement Officer?

263

264 A. Garron: We are very close.

265

266 **OLD BUSINESS**

267 **FY 2021-22 Budget and Warrant Review**

268

269 C. Soucie: I need three motions: one to recommend the Budget Committee's operating budget, one to  
270 sign the 2021 MS-DTB, and one to authorize the Council Chair and Secretary to sign the 2021 Town  
271 Warrant.

272

273 ***T. Tsantoulis motioned to recommend the Budget Committee's operating budget of \$20,805,931***  
274 ***for FY 2021-22. D. Boutin seconded the motion.***

275

276 **Roll Call Vote #6**

277 **J. Durand** *Aye*  
278 **R. Lapierre** *Aye*  
279 **C. Karolian** *Nay*  
280 **D. Boutin** *Aye*  
281 **C. Jones** *Not present*  
282 **T. Tsantoulis** *Aye*  
283 **A. Walczyk** *Nay*  
284 **R. Duhaime** *Nay*  
285 **J. Sullivan** *Aye*  
286 **Voted in favor (5-3).**

287

288 ***T. Tsantoulis motioned to sign the 2021 MS-DTB (State Default Budget Form) totaling***  
289 ***\$20,778,150. D. Boutin seconded the motion.***

290

291 **Roll Call Vote #7**

292 **C. Jones** *Not present*  
293 **C. Karolian** *Nay*  
294 **R. Lapierre** *Aye*  
295 **R. Duhaime** *Nay*  
296 **A. Walczyk** *Nay*  
297 **J. Durand** *Aye*  
298 **T. Tsantoulis** *Aye*  
299 **D. Boutin** *Aye*  
300 **J. Sullivan** *Aye*  
301 **Voted in favor (5-3).**

302

303 ***C. Karolian motioned to authorize the Council Chair and Secretary to sign the 2021 Town***  
304 ***Warrant. D. Boutin seconded the motion.***

305  
306 **Roll Call Vote #8**  
307 **R. Lapierre Aye**  
308 **R. Duhaime Aye**  
309 **T. Tsantoulis Aye**  
310 **A. Walczyk Aye**  
311 **J. Durand Aye**  
312 **C. Jones Not present**  
313 **D. Boutin Aye**  
314 **C. Karolian Aye**  
315 **J. Sullivan Aye**  
316 **Voted in favor (8-0).**  
317  
318 C. Soucie: Next, we need to confirm who is going to motion and second each of the Warrant Articles,  
319 beginning with Article 4.  
320  
321 The list follows:  
322  
323 Article 4: DPW Union Contract R. Lapierre – motion; J. Durand – second  
324  
325 Article 5: Special Town Meeting R. Lapierre – motion; J. Durand – second  
326  
327 Article 6: Other Union Contract J. Durand – motion; R. Lapierre – second  
328  
329 Article 7: Special Town Meeting J. Durand – motion; R. Lapierre – second  
330  
331 Article 8: Merrimack Riverfront Trail A. Walczyk – motion; T. Tsantoulis - second  
332  
333 Article 9: Replace Auto Truck T. Tsantoulis – motion; J. Sullivan – second  
334  
335 Article 10: Fire Apparatus CRF J. Sullivan – motion; D. Boutin – second  
336  
337 Article 11: DPW Vehicles CRF T. Tsantoulis – motion; J. Sullivan – second  
338  
339 Article 12: Front End Loader J. Sullivan – motion; T. Tsantoulis – second  
340  
341 Article 13: Retirement Expendable Trust J. Sullivan – motion; D. Boutin – second  
342  
343 Article 14: Non-Union Wage Increase J. Durand – motion; D. Boutin – second  
344  
345 Article 15: Town Bldg. Maintenance CRF T. Tsantoulis – motion; D. Boutin – second  
346  
347 Article 16: Fire Command Vehicle J. Sullivan – motion; T. Tsantoulis – second  
348  
349 Article 17: Fire Capital Reserves Funding T. Tsantoulis – motion; D. Boutin – second  
350 (Air Packs & Bottles; Fire Rescue Tools & Equipment)  
351  
352 Article 18: Emergency Radio Communications CRF J. Sullivan – motion; T. Tsantoulis – second  
353  
354 Article 19: Drainage Upgrades CRF J. Durand – motion; James Sullivan – second  
355

356  
357 Article 20: Automated Collection Equipment CRF T. Tsantoulis – motion; D. Boutin – second  
358  
359 Article 21: Parks & Rec. Facility Dev. CRF T. Tsantoulis – motion; J. Durand – second  
360  
361 Article 22: Revaluation CRF James Sullivan – motion; T. Tsantoulis – second  
362  
363 Article 23: Conservation CRF James Sullivan – motion; T. Tsantoulis - second  
364  
365

366 **NEW BUSINESS**

367 **Town Wide Roadway Crack Sealing Bid Acceptance**

368  
369 E. Labonte: Bids for this project were opened on December 17, 2020. Sealcoating, Inc. bid \$43,917.50;  
370 Superior Sealcoat bid \$35,940.00. This project will be funded out of the current FY 2020-21 budget and  
371 will be done in April or May of next year. It will take a week or two.

372  
373 ***T. Tsantoulis motioned to waive the three-bid competitive bid process rule. A. Walczyk***  
374 ***seconded the motion.***

375  
376 C. Karolian: Why do you only have only two bids?

377  
378 E. Labonte: This is the second year that we have had only two bids.

379  
380 D. Boutin called the question.

381  
382 **Roll Call Vote #9**

383 ***J. Durand Aye***  
384 ***D. Boutin Aye***  
385 ***C. Jones Not present***  
386 ***R. Duhaime Aye***  
387 ***C. Karolian Nay***  
388 ***A. Walczyk Aye***  
389 ***T. Tsantoulis Aye***  
390 ***R. Lapierre Aye***  
391 ***J. Sullivan Aye***  
392 ***Voted in favor (7-1).***

393  
394 ***T. Tsantoulis motioned to approve and consent to award the Town Wide Roadway Crack Sealing***  
395 ***bid to Superior Sealcoat for \$35,940.00 to be funded out of current FY 2020-2021 budget. A.***  
396 ***Walczyk seconded the motion.***

397  
398 **Roll Call Vote #10**

399 ***C. Karolian Nay***  
400 ***T. Tsantoulis Aye***  
401 ***R. Lapierre Aye***  
402 ***C. Jones Not present***  
403 ***D. Boutin Aye***  
404 ***J. Durand Nay***  
405 ***A. Walczyk Aye***  
406 ***R. Duhaime Nay***



407 **J. Sullivan Aye**  
408 **Voted in favor (5-3).**

409  
410 **ADJOURNMENT**

411 **T. Tsantoulis motioned to adjourn at 8:10 pm. D. Boutin seconded the motion.**  
412 **Voted unanimously in favor (8-0).**

413  
414 **Roll Call #11**

415 **T. Tsantoulis Aye**  
416 **R. Lapierre Aye**  
417 **J. Durand Aye**  
418 **C. Jones Not present**  
419 **C. Karolian Aye**  
420 **A. Walczyk Aye**  
421 **R. Duhaime Aye**  
422 **D. Boutin Aye**  
423 **J. Sullivan Aye**  
424 **Voted in favor (8-0).**

425  
426  
427 Respectfully submitted,

428  
429  
430 Recording Clerk  
431 Kathleen Donnelly

432  
433  
434 **Please see subsequent meeting minutes for any amendments to these minutes.**

435  
436  
437  
438