

As of April 18, 2012

**TOWN COUNCIL AGENDA**  
**Regular Meeting**  
**Wednesday, April 25, 2012**

- I. **6:00 PM – Non-Public Session**  
**Per RSA 91-A:3, II (e)** *“Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.”*
- II. **6:30 PM - CALL TO ORDER**
- III. **ROLL CALL**
- IV. **PLEDGE OF ALLEGIANCE**
- V. **PROCLAMATION**  
12-34 May as National Heritage Month and May 20<sup>th</sup> as Hooksett Heritage Day
- VI. **APPROVAL OF MINUTES**  
April 7, 2012 Special Meeting  
April 11, 2012 Regular Meeting
- VII. **AGENDA OVERVIEW**
- VIII. **CONSENT AGENDA**  
12-35 Acceptance of \$300 Donation from Hooksett Kiwanis and \$100 Donation from Steve Clapp for the Veterans' Memorial Project per RSA 674:44-b  
12-36 Acceptance of Grant for Fire Department Training
- IX. **TOWN ADMINISTRATOR’S REPORT**
- X. **PUBLIC INPUT: 15 Minutes**
- XI. **NOMINATIONS AND APPOINTMENTS**  
ZBA Alternate member, exp. 6/2013
- XII. **SCHEDULED APPOINTMENTS**  
David Preece, SNHPC Presentation
- XIII. **15 MINUTE BREAK**
- XIV. **OLD BUSINESS**  
11-96 17 Granite Street – Wall Replacement  
12-10 Town Administrator Evaluation
- XV. **NEW BUSINESS**  
12-37 Independent Audit RFP  
12-38 Fraud Policy
- XVI. **SUB-COMMITTEE REPORTS**

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

As of April 18, 2012

**XVII. PUBLIC INPUT**

**XVIII. NON-PUBLIC SESSION**

**RSA 91-A:3, II (a)** *"The dismissal, promotion or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee effected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted."*

**RSA 91-A:3, II (d)** *"Consideration of the acquisition, sale, or lease of real or personal property, which if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community."*

**XIX. ADJOURNMENT**

**Public Input**

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

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





# Town of Hooksett, New Hampshire

## Proclamation

*WHEREAS*, historic preservation is an effective tool for managing growth, revitalizing neighborhoods, fostering local pride and maintaining community character while enhancing livability; and

*WHEREAS*, historic preservation is relevant for communities across the nation, both urban and rural, and for Americans of all ages, all walks of life and all ethnic backgrounds; and

*WHEREAS*, it is important to celebrate the role of history in our lives and the contributions made by dedicated individuals in helping to preserve the tangible aspects of the heritage that have shaped us as a people; and

*WHEREAS*, in celebration of this occasion, the Hooksett Heritage Commission, Hooksett Historical Society, and Robie's Country Store Historic Preservation Corp. will sponsor Hooksett Heritage Day on May 20, 2012;

*NOW, THEREFORE*, I, James Sullivan, Chairman, on behalf of the Town Council, do proclaim May as National Heritage Month in Hooksett and May 20, 2012, as Hooksett Heritage Day, and call upon the people of Hooksett to join their fellow citizens across the United States in recognizing and participating in this special observance.

Proclaimed on this, the 25<sup>th</sup> Day of April in the year Two Thousand and Twelve, A.D., by the Hooksett Town Council.

Respectfully,

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James Sullivan, Chairman  
Hooksett Town Council



**Staff Report**  
**Acceptance of Donation for the Veterans' Memorial Project**  
**April 25, 2012**

**Background:** Per RSA 674:44-b Heritage Commission shall receive gifts of money and property, both real and personal, in the name of the Town subject to the approval of the Town Council, such gifts to be managed and controlled by the commission for its proper purposes.

**Issue:** Acceptance of \$400.00 donation for the Veterans' Memorial fund.

**Discussion:** The donations came from Hooksett Kiwanis for \$300.00 and Mr. Steve Clapp, a member of the American Legion for \$100.00.

**Fiscal Impact:** \$400.00

**Recommendation:** Motion to accept the donation of \$400.00 per RSA 674:44-b.

**Prepared by:** Evelyn Horn, Administrative Assistant

**Town Administrator Recommendation:** Concur with recommendation.

  
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Dean E. Shankle, Jr., Ph.D.  
Town Administrator

**Staff Report**  
**Acceptance of Grant for Fire Department Training**  
**April 25, 2012**

**Background:** Per RSA 31:95-b, III (b) for such amount less than \$5,000. Council shall post notice in the agenda and shall include notice in the minutes of a Council meeting in which such moneys are discussed.

**Issue:** To accept grant funds for reimbursement of Fire Department operating costs and move those funds into the Fire Department overtime wage line.

**Discussion:** The New Hampshire Fire Academy acquired grant funds specifically for "boots on the ground training." This "one time" money will give the New Hampshire first responder community an outstanding opportunity to raise the training and preparedness levels of full time, call and volunteer first responders while keeping the training cost neutral to participating communities.

The unique "once-in-a-lifetime" funding of training is made possible by significant changes to the administering of funds from the Homeland Security Grant Program. Those taking part in a specific training program will be eligible for overtime and backfill costs. Full time department members will have the cost of their participation covered by overtime or backfill. Figures listed below include both wages and benefits costs.

Training programs offered under the \$4.4 million Homeland Security Grant Program will include a host of specific technical rescue courses which include rescue skills, technical trench rescue, technical rope rescue, technical confined space rescue, and swift water rescue, among others, will be conducted.

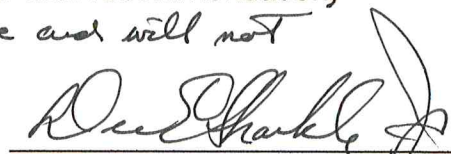
**Fiscal Impact:** Costs related to courses applied for April to this date equal approximately \$1,200.00. It is requested to move this amount to the Fire Department overtime wage line for reimbursement of expenses.

**Recommendation:** Motion to accept grant fund reimbursement for an approximate amount of \$1200.00 under RSA 31:95-b, III (b).

**Prepared by:** Assistant Fire Chief Dean Jore

**Town Administrator Recommendation:** Concur with recommendation,

*because this is unanticipated revenue and will not impact current budgets.*



Dean E. Shankle, Ph.D.  
Town Administrator

AGENDA NO. 11.96  
DATE: 4.25.12

**Staff Report**  
**17 Granite Street – Wall Replacement**  
**April 25, 2012**

**Background:** This area has a high incline in the back yards as well as fronts. Since the heavy rains from May 2009 the slope has failed and has been moving when rains are heavy. I have a letter from the home owner dated October 9, 2010 asking for the town to replace the existing wood wall that is coming down into the street. I was before you on September 28, 2011 and asked for \$22,101.50 to be approved for this project and it was.

**Issue:** Since I was last before the council I have looked into this project more and feel I have found a longer lasting fix to this issue with less cost. I would like to change the design from a block retaining wall to a carved concrete wall with a total cost of \$21,000.


**Discussion:** I would like to have council to approve the new plan to install a 90' x 5' carved concrete wall that is approximately 440 square feet. This will as include all of the site work. This wall also carries a 1 year warranty for all wall work and labor from the date of installation as well as a 5 year warranty to cover blow out or tip over of the wall.

**Fiscal Impact:** The impact would be felt in the construction materials line of the Public Works budget in the amount of \$21,000.

**Recommendation:** I recommend the Town Council approve this expenditure as it is a safety concern that needs to be addressed prior to the wall falling into the roadway.

**Prepared by:** Leo Lessard, Public Works Director

**Town Administrator Recommendation:** Concur with recommendation.

  
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Dean E. Shankle, Jr. Ph.D.  
Town Administrator





• LANDSCAPING • LAWN MAINTENANCE • HYDRO SEEDING

14 Star Drive ▲ Merrimack, New Hampshire 03054 ▲ T: (603) 886-7333 F: (603) 429-3796

<b>Town of Hooksett</b>	<b>3-28-2012</b>
<b>210 West River Road</b>	<b>Tel (603)668-8019</b>
<b>Hooksett, NH,03106</b>	<b>Fax (603)668-6850</b>

Raisanen Rock Designs, LLC hereby proposes to furnish all the materials and perform all the labor necessary for the completion of:

**Wall Location: Granite Street**  
**Wall Style: Carved concrete**  
**Rock Look:**

**Approximate wall Size:90'x5'**  
**Approximate # of Square Feet:440**

Excavate the proposed area for wall construction (lower side of wood retaining wall to 8' past second catch basin)

Plate compact the excavated trench to ensure maximum compaction to reduce settling

Deliver and install 3/4" road-base gravel for base and plate compact to minimize settling

Install# 4 rebar one foot on center to add extra strength to the wall

Construct the wall using Stone Maker high strength concrete mix

Concrete will be shaped, carved, textured and colored to look like a rock wall

Wall color will be accepted by Leo Lessard before sealed

Install silt fabric and crushed stone behind the wall for proper drainage

Backfill and grade behind the wall

Price \$24,750.00 Town discount \$3,750.00 Town Price \$21,000.00

Raisanen Rock Design would like to mount a plate 6" by 12" to the wall with our name and date on it.

Warrantee shall cover all wall work, and labor for a period of 1 year from the date of installation.

Warrantee does not cover "Acts of nature" Vandalism, Misuse, Auto or Plow Damage

Extended Warranty for the Town of Hooksett cover Blow out and tip over of the wall for 5 years

**Thank you for considering Raisanen Rock Designs. We appreciate your business.**

**PAYMENT TERMS; Balance due upon completion**

All material is guaranteed to be as set forth. All work to be completed in a workmanlike manner according to standard practices. Any changes from above specifications involving additional costs, will be made only by request in writing, and will be an additional charge over the original estimate. All agreements contingent upon strikes, accidents or Acts of God. Owner to carry fire, tornado, and other necessary insurance. The accompanying disclaimerform is hereby incorporated into and made part of this contract.

RAISANEN Rock Designs, LLC.

Authorized Signature/By: \_\_\_\_\_

*Acceptance of Proposal*

The above prices, specifications and conditions are satisfactory and are hereby accepted. Raisanen Landscaping LLC Is hereby authorized to do the work as specified. Payment will be made as outlined above.

Date \_\_\_\_\_

Signature \_\_\_\_\_

**Staff Report  
 Independent Audit RFP  
 April 25, 2012**

**Background:** The Town's Charter states in Sec. 5.9 Independent Audit, "At least once every five years the Council shall request that such audits be made by Certified Public Accountants other than those involved in such audits during any of the previous four years." The Town has utilized Vachon Clukay & Company to perform the last six independent audits.

**Discussion:** The chart below outlines the three bids received for the Town's Independent audits:

3 Year Costs	Plodzick & Sanderson	Graham & Graham	Melanson Heath & Company
Town	57,078.00		63,750.00
Sewer	11,175.00		24,000.00
Total Cost for 3 years	\$ 68,253.00	\$ 148,565.00	\$ 87,750.00

Plodzick & Sanderson has performed the Town's independent audit for many years prior to Vachon Clukay & Company. They perform approximately 150 municipal audits annually and participated in the American Institute of Certified Public Accountants Peer Review Program. A program designed to review systems of quality control and complying with it to provide communities with reasonable assurance of performing and reporting in conformity with applicable professional standards.

The Hooksett Public Library, the Sewer Department and the Treasurer have all worked with Plodzick & Sanderson in the past and are supportive of my recommendation to move forward with this firm.

**Fiscal Impact:** The RFP asked firms to estimate costs for three years, for both the Town and Sewer, with 2 one-year extensions. These are just estimates; the actual audit could be more or less depending on the circumstances.

Below is a breakdown of costs per year for Plodzick & Sanderson:

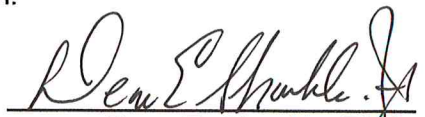
	FY 2012	FY 2013	FY 2014	Total
Town Audit	\$ 18,670.00	\$ 19,026.00	\$ 19,382.00	\$ 57,078.00
Sewer Audit	3,655.00	3,725.00	3,795.00	11,175.00

The Town's budget for FY 2012 is \$16,500.00 a short fall of \$2,170.00.

**Recommendation:** Motion to approve the Town Administrator to engage with the Plodzick and Sanderson PA for the Town's independent audit.

**Prepared by:** Christine Soucie, Finance Director

**Town Administrator Recommendation:** Concur with recommendation.

  
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 Dean E. Shankle, Ph.D.  
 Town Administrator



## Staff Report Fraud Policy April 25, 2012

**Background:** RSA 41:9 VI. Financial duties - "The selectmen (Council) shall be responsible for establishing and maintaining appropriate internal control procedures to ensure the safeguarding of all town assets and properties."

**Discussion:** The only effective response to fraud is prevention, and prevention requires all employees to 1) be aware of what fraud is and 2) understand what to do if they suspect fraud. The policy addresses both of these areas. Once this policy is adopted it will be reviewed with all current and future employees.

**Cash:** The Town already performs random petty cash audits annually, where I will select a date to visit departments and count their petty cash on hand.

The Town has a cash receipt policy, which requires the department to submit timely deposit to Finance. Each month Finance creates a log of all receipts by department and sends it to both the Treasurer and to the departments, so they can verify deposited amounts. Most departments account for their revenues in an excel spreadsheet and issue a receipt to customers using a receipt book. This is an area in which controls are weak.

**Inventory:** Inventory is the largest area in which internal controls are weak. Finance keeps inventories for insurance purposes only. Annually the list is reviewed by each of the responsible departments. Second independent counts to verify are not performed. The Town Administrator is leading discussions with departments about what resources are available and what are needed to safeguard these assets.

In March 2010, an Administrative Regulation for Surplus Materials was put into place; it outlines the procedures for disposing of Town property. Changes to the Administrative Regulation dealing with scrapped materials are being reviewed.


**Fiscal Impact:** The potential impact of fraud represents a significant risk to Hooksett's assets and reputation.

- Loss of revenue and associated increased costs;
- Reduced capacity to perform core Town activities.

**Recommendation:** Motion to adopt Town of Hooksett Fraud Policy as presented.

**Prepared by:** Christine Soucie, Finance Director

**Town Administrator Recommendation:** Concur with recommendation.

  
Dean E. Shankle Jr., Ph.D.  
Town Administrator

# *Town of Hooksett*

35 Main Street  
Hooksett, NH 03106

## **FRAUD POLICY**

### **Section 1. Introduction**

**1.1** Financial accountability is a top priority for the Town of Hooksett. The Town's fraud policy formalizes the expectations of personal honesty and integrity required of Town officials and employees. The Town of Hooksett is committed to protecting its revenue, property, information and other assets from any attempt, either by members of the public, contractors, sub-contractors, agents, intermediaries or its own employees, to gain by deceit, financial or other benefits.

### **Section 2. Purpose**

**2.1** The purpose of this document is to communicate municipal policy regarding the deterrence and investigation of suspected misconduct and dishonesty by employees and others, and to provide specific instructions regarding appropriate action in case of suspected violations.

### **Section 3. Definition**

**3.1** There are three major categories of fraud, Asset Misappropriation, Corruption and Fraudulent Statements.

1) **Asset Misappropriations** – Theft or misuse of an asset.

- Cash
  - Fraudulent Disbursements – Perpetrator causes the Town to disburse funds through some trick or device (e.g. submitting false invoices, timesheets, expense reimbursement schemes, check tampering, etc.), or prevents the timeliness of the disbursement of funds.
  - Embezzlement – Perpetrator appropriates monies fraudulently to one's own use, as money or property entrusted in one's care.
  - Skimming – Cash is stolen from the Town before it is recorded on the Town's books and records.
  - Cash Larceny – Cash is stolen from an organization after it has been recorded on the Town's books and records.
- Inventory and all other assets.



- Misuse – Misuse, misappropriation, misapplication, destruction, removal, or concealment of the Town’s inventory or assets for personal use (e.g. Town vehicles, computers, supplies, etc.)

- Larceny – Inventory or other assets are stolen from the Town.

2) **Corruption** – Wrongfully use influence in a business transaction in order to procure some benefits for themselves or another person, contrary to duty to employer or the rights of another.

- Conflicts of Interest – An undisclosed economic or personal interest in a transaction that adversely affects the Town.
- Bribery – The offering, giving, receiving or soliciting of anything of value to influence an official act or a business decision.
- Illegal Gratuities – A party who benefits from an official act or a business decision gives a gift to a person who made the decision. An illegal gratuity does not require proof of intent to influence.
- Economic Extortion – An employee demands that a vendor/contractor/etc. pay to influence an official act or a business decision.

3) **Fraudulent Statement** – Falsification of a Town record. Other similar irregularities is defined as any activity involving questionable behavior or business dealings by member of the public, contractors, vendors, agents or Town employees, that put Town revenue, property, information and other assets at the risk of waste or abuse.

## **Section 4. Zero Tolerance**

**4.1** The Town of Hooksett has adopted a zero tolerance policy regarding fraud. No employee of the Town shall remove any Town of Hooksett assets from the property without proper authorization from the Town Administrator, misuse any Town assets for ones personal gain, or willfully misappropriate any Town of Hooksett asset. Any evidence supporting fraud, theft or embezzlement of Town of Hooksett assets and equipment may be subject to the following actions including but not limited to: suspension, termination, restitution, and criminal charges.

## **Section 5. Reporting of Fraud or Corruption**

**5.1** Employees shall read and understand this policy. Additionally, suspected or known fraudulent acts by employees shall be reported to their respective Department Head. If the employee has reason to believe that their Department Head may be

involved, the employee shall notify the Town Administrator and/or Town Council Chair directly.

**5.2** Department Heads shall:

- 1) communicate the provisions of this policy to all staff,
- 2) take no action without consulting the Town Administrator,
- 3) recommend appropriate disciplinary action when there is evidence of wrongdoing.

**5.3** All participants in a fraud investigation shall keep the details and results of the investigation confidential.

## **Section 6. False Allegations**

**6.1** False allegations of suspected fraud with the intent to disrupt or cause harm to another may be subject to disciplinary action up to and including termination of employment.

**6.2** NH Whistleblowers' Protection Act (RSA 275-E) was established to protect the rights of employee who report violation of law, or refuse to execute illegal directives, participate in investigations or hearings. For a full explanation of these rights the remedies, employees should review this policy which should be displayed in a prominent location in their place of work.

## **Section 7. Prevention**

**7.1** Each department will maintain an internal control environment to protect the department and the Town from loss or other damages as a result of a fraudulent act.

## **Section 8. Corrective Actions and Discipline**

**8.1** Appropriate and timely action will be taken against those proven to have committed fraudulent act. These remedial actions may include, but are not limited to:

1. Disciplinary action (up to and including immediate termination of employment).
2. Restitution for all losses, including investigation and legal expenses, to the fullest extent of the law.
3. Forwarding information to the appropriate authorities for criminal prosecution.
4. Institution of civil action to recover losses.
5. Where the Town of Hooksett elects to take corrective or disciplinary action, it will proceed under the procedures in place under the Personnel Plan or under any collective bargaining agreement for the respective employment classification.
6. The Town of Hooksett may take corrective or disciplinary action without awaiting the resolution of criminal or civil proceedings arising from fraudulent conduct.



**Adopted by vote of the Council on this date, \_\_\_\_\_**

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*Town of Hooksett*

35 Main Street  
Hooksett, NH 03106

**FRAUD POLICY**

Recognition & Awareness Form

Acknowledgement:

My signature signifies that I have read the Town of Hooksett's Fraud Policy and that I understand my responsibilities related to the prevention, detection and reporting of suspected misconduct and dishonesty.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Department Head Signature: \_\_\_\_\_