

**TOWN COUNCIL AGENDA  
Regular Meeting  
Wednesday, May 13, 2015**

- 1. 6:30 PM - CALL TO ORDER**
- 2. ROLL CALL**
- 3. PLEDGE OF ALLEGIANCE**
- 4. SPECIAL RECOGNITIONS**
- 5. APPROVAL OF MINUTES**
  - a. Public: 04/22/2015, 04/29/2015
  - b. Non-public: 04/22/2015, 04/29/2015
- 6. AGENDA OVERVIEW**
- 7. PUBLIC HEARINGS**
- 8. CONSENT AGENDA**
  - a. \$352.47 donation from Comcast for Town Earth Day Clean-up 4/25/15
  - b. \$2,341.66 Homeland Security Grant Funds Reimbursement to Fire Dept.
  - c. \$5,824.00 bond release to Regency Mortgage for 2 yr. landscape surety
  - d. \$54,431.55 bond release to Pike Industries for site plan improvements
- 9. TOWN ADMINISTRATOR'S REPORT**
- 10. PUBLIC INPUT: 15 Minutes**
- 11. NOMINATIONS AND APPOINTMENTS**
  - a. Appointment - Matt Barrett to EDAC
- 12. SCHEDULED APPOINTMENTS**
  - a. Brian Dobson, Director of Military & Veteran Services – presentation of flag
- 13. 15 MINUTE RECESS**
- 14. OLD BUSINESS**
  - a. 14 - 046 Merrimack Reserve (Edgewater Drive)
  - b. 14 – 050 Departmental Oversight Committee
  - c. 15 – 021 Reorganization of Department of Public Works
  - d. 14 – 066 Lilac Bridge Update
- 15. NEW BUSINESS**
  - a. 15 – 027 Discussion of 5/12/15 Town Election Results
  - b. 15 – 028 Newsletter
  - c. 15 - 029 Policy on Hours of Work for Salaried Exempt Employees
- 16. SUB-COMMITTEE REPORTS**
- 17. PUBLIC INPUT**

#### 18. NON-PUBLIC SESSION

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

**NH RSA 91-A:3 II (c)** Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself.

#### 19. ADJOURNMENT

#### Public Input

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

**TOWN COUNCIL MEETING MINUTES**  
**Wednesday, April 22, 2015**

**CALL TO ORDER**

Chair Sullivan called the meeting to order at 6:37 pm.

**ROLL CALL – ATTENDANCE**

Donald Winterton, Nancy Comai, Todd Lizotte, James Levesque, Robert Duhaime, David Ross, Chairman James Sullivan, Dr. Dean E. Shankle, Jr. (Town Administrator)  
Missed: Adam Jennings, Susan Orr

**PLEDGE OF ALLEGIANCE**

**SPECIAL RECOGNITIONS**

**APPROVAL OF MINUTES**

a. Public: April 8, 2015

***J. Levesque motioned to accept the public minutes of April 8, 2015 with edits. Seconded by R. Duhaime.***

***Vote unanimously in favor. T. Lizotte abstained due to prior absence.***

b. Non-public: April 8, 2015

***D. Ross motioned to accept the non-public minutes of April 8, 2015. Seconded by R. Duhaime. Vote unanimously in favor. T. Lizotte abstained due to prior absence.***

**AGENDA OVERVIEW**

Chair Sullivan provided an overview of tonight's agenda.

**PUBLIC HEARINGS**

**CONSENT AGENDA**

**TOWN ADMINISTRATOR'S REPORT**

- I've been working with the Highway Department for the last several weeks; they are working on several projects such as the Fun In the Sun program, paving, keeping up with the bridge, which we will talk about more later.
- Fun In the Sun had a registration night last Wednesday and another one last night (April 21); they already have over 110 kids registered for summer. This was pre-registration for previous attendees before it opens to the public. We have a good group of counselors lined up. CIT (Counselors In Training) program will begin again this year.

T. Lizotte: When are you announcing the CIT program in terms of signing up? I know a few kids that are interested. What do they need to do?

Dr. Shankle: They should send an email; we will be doing something more formal. We are finding that we can't take people who are 13 in the program, but they can't start CIT until 14 so we have those details to work out. Send contact info for anyone who is interested to me and I'll make sure they are in the queue.

- The POW-MIA chair dedication went well.
- Robie's open house was nice; a lot of people were in attendance.
- We had several meetings on the Main St. Bridge project; the sidewalk will be closed at certain times, so please be aware of that.
- The Fire Chief is leaving; he has taken a job in the private sector. I've had meetings down there to discuss the transition. Dean Jore is acting Chief until we figure out what we are doing next.
- I received an invitation to the Golden Age luncheon – they would like to know who is going to be attending from Council so they can put your name on the program. It is May 8 at the Derryfield Country Club. 11:00am social hour, luncheon at noon. They need to know before April 24.

J. Sullivan: I will attend, so please let them know.

- There will be a speed limit evaluation on Martins Ferry Rd.; that road is posted at 25 mph without the necessary study to legally make it 25 mph. The police department doesn't like to enforce signs that are not legal. After this study, whatever they say is what will be posted.
- I received a letter from Chief Bartlett; there was a World Affairs Council at SNHU and he was invited to speak about police work in NH.
- Community Development Department (in conjunction with Conservation Commission) will have a Conservation Easement summer intern for 8-weeks and will be overseen by Carolyn Cronin.
- I got a letter from Empire Beauty Schools; (they expanded a place in Shaw's Plaza not long ago). He was complimenting the town staff on their outstanding professionalism during the build-out of new programs.
- A bear was seen in a backyard at Prescott Heights; please remember to remove bird feeders and garbage. There are bears in town and we don't want to encourage them to stay.
- It's that time of year for you to do my annual evaluation. Last year I took the previous year's goals and commented on them. My intent is to do that again. I just want to kickstart the process since there will be some Council turnover in July.

D. Fitzpatrick: I have an update on the Health Insurance Committee: the Chair is Mathew Bose (from the library). We will be meeting in 2-hour slots twice a month from now until August. We welcome everyone to attend; on April 27 Health Trust will come in to explain our claims experience. Some members have asked for an update on the Affordable Care Act so they will provide an update on that. In May and June we have some brokers who will come out for presentations. We have 3 plan designs currently. The Committee wants to stay as close to that as possible and will ask the brokers to see how they compare with their options. We don't currently have domestic partners on our riders. There is no cost to add the rider, but it would open it up to a wider audience (going from single to family plans) for contributions. The Committee wanted to research that rider and bring to you for future options. We are researching the \$2,400 annual stipend. There are currently no details on how to research, perhaps reaching out to other communities. In July we are looking at hiring a consultant to look at the data so we can have a data-driven analysis sheet to bring to you. The final meeting is in August and we plan to present to Council at the second meeting in August. The union contracts have opt out language in their contract that by September they need to decide to opt out starting July 1, 2016 or take Council's recommendation.

N. Comai: "Open enrollment" is based on which insurances you choose or is it always the first week of December?

D. Fitzpatrick: Our current contract is calendar year; if we were to come out of that contract (with a 60-day notice) we can either go on a calendar or fiscal year basis.

#### **PUBLIC INPUT: 15 Minutes**

Harold Murray, 311 Hackett Hill Road: I have 2 questions: Where do we stand on the town perambulation for the Hackett Hill Manchester/Hooksett area? I'd like to state that you are over 14 years from registering a town bound and you have to do this every 7 years by state statute so something should get done. About 2 years ago I addressed Council about the town forests. I haven't heard anything and wonder where that stood. There is money the town could get and I don't think it's happening.

J. Sullivan: Dr. Shankle will contact you and let you, and us, the status.

#### **NOMINATIONS AND APPOINTMENTS**

##### **SCHEDULED APPOINTMENTS**

a. Don Riley – Moderator

D. Riley: We have an election scheduled for May 12. I'd encourage you to be present. I do need 3 Councilors at the close so we can properly seal the ballots. It's encouraging to constituents if Councilors are present during the day. You have a couple of weeks to think about it and get your schedules to Katie or Donna. I have heard nothing further regarding the camera issue on taking pictures for voters who do not have ID's. There is some discussion about not allowing money to be expended from the state general fund but have HAVA (Help America Vote) Agency pay for cameras. The House is trying to get something in place so that won't happen. I am staying on top of this because I don't want to take pictures.

J. Sullivan: We will get a schedule to you as soon as we can.

b. Jeff Larrabee

J. Larrabee: I am here with my attorney, Michael Walls. There was an article that came out last week, prematurely, and we had wanted to present it to Council before it became public. I've been working on a project at Exit 11 (Festival Park with hotel/restaurant/botanical gardens) and in the process an opportunity presented itself to become a much bigger venue and would put Hooksett on the map, not only locally but nationally. If the town was interested in pursuing this company and the surplus property the state has, I think it's possible the town could land this. It would be great for Hooksett, and the music/entertainment industry in NH. This venue would be a festival park, not an outdoor amphitheater. It would be the largest in New England. We are going to meet with them again to see if this is something they would let go of. It means future revenue for the town in one form or another. We envision a 500+ acre festival park with 2 camping festivals per year. This would bring attention to NH's music industry – it would also be beneficial to Meadowbrook, the Verizon, etc. It would be all self-contained, which is really important for the neighborhood, separate from what I am doing. We aren't here asking for anything, we just wanted to let you know of this opportunity that is seemingly presenting itself to Hooksett. We want you to consider this, but we have to move pretty quickly. There are other towns that would love to have this and we have first crack at it. We will continue to work with DOT and Council, if you are interested.

Dr. Shankle: Staff liked the concept, but there is still a lot of work to be done before coming to Council for any decisions.

J. Sullivan: Dr. Shankle will keep us updated and we'll have you back when we're ready to make any decisions.

D. Winterton: As the Council member of the Economic Development Committee, clearly this is somewhat premature; one of the questions in the article was looking for support from elected officials. What kind of support would you like from us to get this moving? This body isn't ready to approve, Planning isn't ready to approve. From an Economic Development point of view, how can we help you?

M. Walls: We will meet with the state soon. If they aren't going to declare the large parcel of land as surplus, then this goes nowhere. Right now, just be receptive to the information we provide.

J. Sullivan: Thank you for coming in, and don't hesitate to work with Dr. Shankle on this project.

**OLD BUSINESS**

a. 14-066 Lilac Bridge Update & Memorandum of Agreement

Dr. Shankle: We got the go-ahead to start the process of doing something with the bridge. We put out RFQ's as required by the state. They are due back in on May 1 at 1:00 pm. That process is moving along to get an engineer. The real stipulations start on page 2. These are things we are agreeing to do since we are taking down a historic resource. The resource documentation will be done according to ACOE standards. Once we get a plan they want to see it, but I feel confident that the Heritage Commission will do a good job with the public education. The biggest issue with Public Outreach is they don't want it to look horrible and ruin the whole look of the area.

K. Northrup: I'm representing the Heritage Commission and the Historical Society. I have reviewed the material and I'd like to urge your support for this project. These conditions are reasonable compared to other towns that have gone through similar experiences. We have until July 2017 to complete Public Education & Outreach. We have the flexibility of using pieces of the trusses in the display area and we have the opportunity to review plans for the new bridge to ensure it goes with the look of the village. I am pleased that someone is watching out for these pieces of NH history. I hope you will vote to allow the Chair to sign on behalf of the town.

***N. Comai motioned to allow the Council Chair to sign the Memorandum of Agreement. Seconded by T. Lizotte.***

***Vote unanimously in favor.***

D. Ross: Should there be a roll call on this?

J. Sullivan: It's not going to hurt to do a roll call, just in case. We can recall the last vote and do a roll call.

N. Comai: Why do you need a roll call if there isn't an amount?

T. Lizotte: We have already approved the work on the bridge and the amount. This is just an agreement between the parties.

J. Sullivan: I will ask the secretary for a re-vote as a roll call.

**Roll Call**

R. Duhaime – Yes

D. Ross – Yes

J. Levesque – Yes

N. Comai – Yes

D. Winterton – Yes

T. Lizotte – Yes

J. Sullivan – Yes

***Vote unanimously in favor.***

J. Sullivan: Perhaps in the future, anything regarding this bridge project, we should have a roll call.

b. 15-021 Reorganization of Department of Public Works

J. Sullivan: We have just received a package containing the requested information.

Dr. Shankle: I am requesting reorg of the DPW as per the staff report. There is a lot here and I would certainly understand if you would like to hold off on voting until your next meeting. Since we don't have a Highway Crew Chief at the moment, Phil Arnone is acting Highway Crew Chief as well as Parks & Rec Crew Chief; he has really stepped up. I want to emphasize my changes in red on the classification pay plan. You did ask for an org chart, which is also attached. Everybody will report to the Deputy Director who will report to the DPW Director.

D. Winterton: I prepared a slightly different org chart and my concern is that our DPW Director would only have one direct report. In terms of hiring a Deputy Director/Engineer we may find a really good engineer with good engineering skills and poor management skills, which I think may not be ideal as this person has all of the reports. There may be instances where Community Development or Economic Development need the resources of that engineer. Using those skills for a different department may remove that person from having contact with their direct reports. I'd hope we could look at the Deputy Director or Engineer report to the DPW Director and the heads of various departments report directly to the DPW Director.

J. Sullivan: Isn't there someone in between the general laborer and the foreman? Would that be part of the reporting process?

Dr. Shankle: That is what already exists. I wanted to look at the very top positions. We already have a Crew Chief, and in some departments, Assistant Crew Chiefs. How we organized those 2 divisions would be a separate issue.

J. Sullivan: In Mr. Winterton's version, the division heads would report to the DPW Director

Dr. Shankle: The Deputy Director would have nobody reporting to them; they would only be the engineer. We envisioned the Deputy Director overseeing projects. At the highest level, the DPW Director would set plans, make sure resources are available, make sure the employees are taken care of. They would be the hands-on person telling the crew chiefs what to do and the crew chiefs would make sure it would get done. In Merrimack, the foreman ran jobs. You want them to do what needs to be done. They need to be pointed in the direction, and that is what the Deputy Director would do after seeing the high level plan that comes from the DPW director.

N. Comai: Might I suggest that become a long-term goal. This Deputy Director is potentially new to the town and all of that is potentially overwhelming. Our acting Director is very well-versed in what is going on. I like both ideas, but I think we need time to digest them both.

R. Duhaime: It's interesting how you have two levels and need someone in between to make sure the job actually gets done. The engineer is not only to consult on projects but inspect and enforce later on. Putting him in charge of all these people right away might not be in our best interest and might discourage someone from coming on.

D. Ross: It seems that we are reinventing the wheel and I don't think it's a good idea. This was sprung on us at the last meeting, and it seems we are creating barriers between those who get the work done and those who need to know how to get it done. I don't like the idea of pyramids in town government. Recycling & Transfer is unique to itself, just like Fire and Police. At the worker's level, they have to go through all these levels since we don't have an HR director, per se. How do you gauge efficiency of different departments through one funnel? Regarding the engineer, how are we going to get our money back? The case has been made well that the town would benefit from having an engineer. DPW is what it is – keeping road and infrastructure in place. I think it's better to keep them separate to gauge efficiencies and not putting too much on one or two people. This is something we brought to the voters and I don't think it's something we should rush into. It's like we are rearranging the way the town does business and I think we are acting too quickly.

R. Duhaime: Each department has a crew chief; the expectations on the Deputy Director/Engineer – one is looking at it from an engineering point of view and the other is looking at it from a hands-on perspective. The engineer wouldn't report to the Town Administrator but to the DPW Director.

T. Lizotte: I agree with Mr. Ross; when it was voted in, it was supposed to be an engineering position. I think there are things that have happened over the years where this structure makes sense. That portion of the town has been running open loop – we have no data to benchmark against. The implementation of the time clock - you can see what the true cost is for doing certain jobs. If it costs twice as much as if we outsource it, you have to look at it in terms of the tax payer. We are a policy board so our Town Administrator is putting forward what he sees as his view. I think with some modification, we can get to where he likes. I'd like to see the engineering position off to the side and not have that much responsibility, more like Mr. Winterton's version. I don't mind seeing change. There is an opportunity for our employees to cross-train and maybe we can find ways to reduce costs.

J. Sullivan: It appears we want to put the engineer separate; the Deputy Director would still fall in between the Director and the lower levels.

T. Lizotte: I'm thinking the Deputy Director/Engineer for the Highway Division and have Recycling & Transfer report to DPW Director. Recycling & Transfer is a contained unit.

J. Levesque: The Deputy Director and engineer is one person? I can see the engineer being pulled in different directions. I think they should be more flexible than reporting to the DPW Director.

Dr. Shankle: Originally when we created the engineer position, it was going to report to the town planner; they were always going to report to someone other than me.

D. Winterton: I think we are all moving in the same kind of direction. We do have some time to think this through and try to figure out the best way to do it. My primary concern is the engineering expertise may not also include management of people expertise. Maybe it's the Deputy Director of Public Works and Project Director. It could be a Project Director/Engineer. We have an opportunity to work on creating a culture within DPW and all other areas under that. An engineer that all those people report to may not be the right person right now.

J. Sullivan: If there was a change to separate these positions, would there be a change in classification pay codes?

D. Winterton: I think we are looking at one position, not two separate ones.

T. Lizotte: Can we make the DPW Director an engineer and isolate them from the Deputy Director which handles the operations side? That way you'd have that person isolated from a managerial position, it's more strategic.

R. Duhaime: I recall that we did have a high turnover in Highway, a new Town Administrator and a new Public Works Director and we don't want to repeat that again.

N. Comai: I am surprised that we would put this person in the range of 24, instead of closer to 21, 22, 23. In my opinion, this is a little high to start out.

R. Duhaime: In the future, we are looking to grow into that number. Is that the idea?

Dr. Shankle: The money that we have now, we have enough to get someone that is good. We don't want someone who will mess things up. We need to remember that the only way the money works is if we eliminate the superintendent position, and we have someone in that position now. It would be easier to keep things the way they are and just hire a DPW Director and not an engineer.

D. Winterton: I don't have a problem with the pay classification; you get what you pay for. And if you look at the qualifications, I don't have a problem at all.

Dr. Shankle: I understand what you want; I need to sit down with people to see if it's possible. We will see what we can do.

J. Sullivan: When we get to the point where we need to make a decision, we are approving job description(s), pay classification plan and the Administrative Code. Do they all have to be approved together?

Dr. Shankle: Yes, they all work together.

D. Ross: This plan eliminates the superintendent at the Transfer facility, correct?

Dr. Shankle: Yes, otherwise this plan will not work.

D. Ross: There are still growing pains going on there and there is still no analysis on where we are. Has this proven to be a good thing? This is based on numbers we can easily get. There have been no major changes to indicate any anomalies or major differences. We need to look at those numbers to make sure we are going in the right direction. I think the superintendent position is an important position to have.

J. Sullivan: We will have the follow up scheduled on a future agenda.

T. Lizotte: I agree with Mr. Ross. This is not the first time he has brought up the analysis. Their monthly report can be compiled and brought forward so I think that should be a priority.

J. Sullivan: Dr. Shankle will be providing that information for us.

N. Comai: Wouldn't that be something for the committee that Mr. Jennings is trying to start? A separate pair of eyes for each department to do what Mr. Ross said.

T. Lizotte: That data exists. Administration has been doing data collection. Areas we wanted to see, we were in the midst of union negotiations. Since we have ended negotiations, Adam will be proceeding.

R. Duhaime: Can we have a time frame this can happen?

Dr. Shankle: The reports are already done; I can have them at your next meeting.

*5 MINUTE RECESS*

**NEW BUSINESS**

a. 15-022 Budget Transfers

***T. Lizotte motioned to have the Council Chair sign Budget Transfer Requests #2015-02 as recommended by the Town Administrator. Seconded by D. Winterton.***



C. Soucie: We are asking for money to be transferred into DPW (\$91,500) to cover engineering costs for the Lilac Bridge which was unanticipated when we started the project. It is coming from Fire Department health insurance and Police Department health insurance lines. It is split 50/50 and is a result of the favorable premiums we received (2.5% vs. 10% that was budgeted).

**Roll Call**

N. Comai – Yes

D. Ross – Yes

R. Duhaime – Yes

T. Lizotte – Yes

J. Levesque – Yes

D. Winterton – Yes

J. Sullivan – Yes

***Vote unanimously in favor.***

b. 15-023 Quarterly Financial Report

C. Soucie: This is the third quarter; you'll notice we are at 68% spent which is a little less than the prior year. This is because of the 2 contracts (worker's comp and property liability) – the new contracts are paid monthly instead of all at once at the beginning of the year. Revenue is 78% collected as we are still waiting for a few things to happen: the automated collection truck revenue and the engineering revenue is not in there yet either. The Assessing Department is showing at 61% spent – savings is due to budgeting the assessor at 2 days/week and we really only need him 1 day a week. Community Development is down due to the engineer position not being filled. Family Services is at 51% spent because the welfare is at \$10,000 less than last year. We had a small hit with the condo roof collapse but we are doing well in the welfare line. Administration budget – did not see anticipated increase in property liability and workers comp. The increase was lower due to the fact that we changed our deductibles around employment relations – we went from \$1000 to \$15,000; we are seeing a savings but have more exposure. Workers' comp had a 9% increase and it was anticipated at 37%. Legal line by the end of the year, we will be close to spent. Fire-rescue is consistent with prior 2 years. They have had 4 firefighter turnovers which is unusual. They use an eligibility list to fill positions so they don't stay vacant very long which is why the savings isn't larger.

D. Winterton: What do you mean by turnover? How many of the 4 are retirees?

C. Soucie: There was one retirement and 3 turnovers. Police lost 4 patrol officers and 3 dispatch positions which is why their actuals are so much lower than budget. DPW is 68% spent. The first reason is paving. Historically, the RFP is put out in the fall and ½ is done in fall and the other ½ in spring. Due to the winter we had last year, the previous director was going to do it all in the spring, so there was none done in the fall. Highway division saw 7 employee turnovers which is the savings in health insurance. Vehicle is over budget and should finish \$80,000 above budget. Salt and sand will be about \$20,000 above budget. Another area of concern is building maintenance. We did a lot of work at the Safety Center, Fire Station #1, lighting and ventilation systems.

T. Lizotte: Fire Station #1 is near Robie's? If that was recently refurbished, what is the maintenance?

Dr. Shankle: Part of the work was done with impact fees and some of the work done could not use impact fees.

C. Soucie: The former director anticipated that Public Works would come in on budget by the end of the year, but we are still focusing on it to hopefully stay on budget. Recycle & Transfer is 62% spent; this is one of the years they have pretty much had a full staff. The area we are watching is vehicle maintenance and hazardous waste. Town tipping fee line is on track; the last 2 months of the year are very busy for tipping fees and that is when we catch up. Motor Vehicle revenue is 77% collected; we anticipate meeting, even exceeding, the budget. Interest & Penalties is at 68% and we will meet our budget. We still have to do the liening and deeding. Building Permits does not look good; we are at 50% collected and it's unlikely we will meet the expectations. State revenues are 95% collected, we are missing the final highway block grant coming in at the end of this quarter.

T. Lizotte: We pay for the condo associations to pick up their garbage; we don't see anything with their recycling. We are at 37% recycling; is there any point where we can reduce (in the ordinance) the amount we reimburse based on recycling?

Dr. Shankle: It's my understanding it's just a number they came up with. You can do anything you want, and it's justified by the recycling.

T. Lizotte: Can we put that on the agenda? Someone should think about reducing that.

J. Levesque: They don't recycle; they bring in a trailer once or twice a week. There is no formal recycling like we have in the rest of the town.

D. Ross: Health insurance savings – is this to be expected going forward? Are we over-budgeting that line?

C. Soucie: We trend rates over a 3-year period and that is what we base the increase on. Depending on what our rates are, we guess on the increase for the 6 months that are unknown.

R. Duhaime: State revenues for 2014-2015, it jumped from last year.

C. Soucie: The state changed the formula due to the gas tax, and we saw an increase. There is one more year of increase coming, I believe. The increase should stay at that level; I don't think it will keep increasing. Meals & Rooms tax is not based on location; it's population.

c. 15-024 Economic Development Advisory Committee Rules, Charge & Membership

J. Sullivan: We have some information in our packet.

D. Winterton: At our last meeting, there was some concern about non-resident members so the Economic Development Committee drafted new recommendations that we hope Council will adopt. Matt Barrett's letter speaks as to why we are trying to expand membership. We don't want it to be dominated by non-Hooksett residents. We amended our request to state that 4 members must be town residents and 3 may be involved in the business community. 6 of the 9 will always be Hooksett residents and we would like the opportunity to have 3 non-Hooksett residents.

J. Sullivan: I see where you changed the wording on the quorum.

D. Winterton: We got attorney feedback that we would be OK with this change.

J. Sullivan: Meeting attendance – 3 consecutive meetings is similar to Council but a total of 5 in 12 months; that seems high.

D. Winterton: One of the problems is it meets at 4:00 on Tuesdays and those people involved in Economic Development are at work, so we tend to be a little more lenient.

***D. Ross motioned to accept the Economic Development Committee's recommendation to allow 3 of the 9 total members to be non-resident business owners to serve as voting members of the EDC as part of their Rules of Procedure. Seconded by R. Duhaime.***

D. Winterton: The change says 3 members shall be involved in the Hooksett business community. Council will still recommend or not recommend and will still have some vetting of that.

***Vote 6-1 in favor.***

d. 15-025 Town Report & Volunteer Appreciation Dinner

Dr. Shankle: As part of my goals, you wanted me to look at the relationships we have with the independent groups in town. I think it's important to clarify our relationships and how we do some of this.

K. Rosengren: There is no current policy on which groups contribute to the town report or receive invitations to the dinner. I think the need for a policy has arisen. I think it would be a good discussion to

have; I am about to send out memos to groups to begin thinking about reports and sending out invitations to the dinner.

Dr. Shankle: I think both should only include people associated with town government and exclude any 501(c)(3) groups or any others that don't report to town government. We need to draw it back to the real people who are associated with town government and not just the town. There is a difference.

N. Comai: On the volunteer guest list from last year, are there groups on there you envision not being included this year?

Dr. Shankle: HYAA and Hooksett-ites Happy Helpers.

J. Sullivan: I can see why Historical Society may have been invited because there is a portion of the town budget given to them. The Hooksett-ites is also funded thorough the town to some extent. The Happy Helpers may have been an off-shoot of that.

Dr. Shankle: There was a question as to why we weren't inviting the Food Pantry; they are a Kiwanis group. We might give some money to groups; we let others use town property because they are doing wonderful things for the town. They are not volunteers of the town; they are part of the community and that is the distinction we would like to make.

N. Comai: Are there any groups on here that need to be added? Is there anyone on the TOC that belongs on the list who is not on the list?

Dr. Shankle: The ones we are eliminating is the issue.

J. Levesque: I think the Hooksett-ites and Happy Helpers should be separate. The Happy Helpers donates the clothes but the Hooksett-ites donate a lot of money to the Fire Department. They are volunteers.

J. Sullivan: I agree, but the key is all those funds go to one department (which is their choice). I'd think we should invite those who volunteer for a town group who get direct town funding, but that is 2 different things.

Dr. Shankle: We give funds to a lot of different groups. Whose budgets are we responsible for is one way to think about it. It's easy to know who is part of us and who is not. If you are going to open up the volunteer dinner to any 501(c)(3) group in town that makes sense. You can have a community dinner but that would be a bigger affair than what you currently have. You could have an appreciation dinner for community groups, but you would need to open it up. Inviting only municipal groups should close it down.

T. Lizotte: There is a board at HYAA that governs all the sports groups that belong to HYAA. They should have their own volunteer appreciation dinner, if that is what they want. Same thing for Kiwanis.

N. Comai: It would be helpful to Katie to come to a consensus on the appreciation dinner and on another night, narrow down the TOC for the town report. If we are including groups that we shouldn't, we would be saving money on the printing costs.

***N. Comai motioned to create a policy to invite only municipal groups whose budget goes through town books to the Volunteer Appreciation Dinner. Seconded by T. Lizotte.***

R. Duhaime: I'd like to find a way to wean ourselves. I want to find a more diplomatic solution.

N. Comai: Then you have to open it up to everybody, that's the solution.

D. Ross: There is something to be said for tradition and heritage. How much money is expended on this dinner?

K. Rosengren: Last year, the dinner cost \$2,209.33.

J. Sullivan: Someone from the audience is asking to make a comment; he is the Budget Chairperson.

*Consensus to allow Budget Chair to speak.*

M. Miville: PSNH contributes quite a bit to that dinner.

K. Rosengren: Not this past year; previously they have contributed.

D. Ross: To avoid hard feelings, to pick these 2 out of the list would be a bad thing. This is a small amount of money and I think we are creating a tempest in a teapot.

D. Winterton: I don't think it's the issue of who came, it's the issue of "why didn't I get invited" and then it becomes who did we miss and who will we upset by not inviting? I understand our quandary; I appreciate the historic comments tremendously.

J. Sullivan: Is it worth bad publicity to not invite groups we have always invited? It's a delicate balance.

D. Ross: Has anyone voiced dismay on not being invited?

K. Rosengren: Yes.

R. Duhaime: There will be future Councils who will wonder why we didn't address this. We have to start something new to phase into that. It seems kinder and gentler.

N. Comai: We would like to have a lot more people at the deliberative session and on the ballots. Why not have a luncheon and have them be recognized in front of the community while getting a free lunch.

***T. Lizotte removed second.***

T. Lizotte: I think it's important we have a unanimous vote; I would vote in favor.

***D. Winterton seconded the original motion.***

*D. Winterton called the question.*

***Motion fails 4-3.***

***J. Sullivan motioned to maintain using the list from last year and any new additions will be from any municipal groups whose budget goes through town books. Seconded by J. Levesque.***

**Roll Call**

J. Levesque – Yes

D. Ross – Yes

R. Duhaime – Yes

D. Winterton – No

T. Lizotte – No

N. Comai – No

J. Sullivan - Yes

***Motion carries 4-3.***

***J. Sullivan motioned to have town reports from departments whose budgets go through town books. Seconded by D. Ross.***

K. Rosengren: Can I get clarification? There are a couple items that technically aren't reports such as Citizen of the Year and Kiwanis awards.

J. Sullivan: Those would be special recognitions.

Dr. Shankle: Those aren't an issue right now. Those are things the Council puts in, so it's the other groups we are talking about.

D. Ross: Do all town-appointed committees and boards have funding?

Dr. Shankle: We put the water precincts in and they don't go through our books. I don't know why; they should do their own annual report. We put the schools in also.

N. Comai: I think we should put in only what is necessary, and print what is needed, from a fiscal perspective.

D. Ross: I think the school should print their own report.

J. Sullivan: If any group wants to include a report, they should pay a per page fee to be included.

K. Rosengren: The school already pays for their portion; the water districts do not. I need to check the statute; I can't remember if it is required by statute or not.

D. Winterton: I'd like to offer that anyone else on here that doesn't run through our budgetary process buys their page.

Dr. Shankle: Regardless of whether we need to put them in or not, we need to let them pay for their share (water precincts). You want the governmental agencies in the town of Hooksett who are willing to pay their own way.

J. Sullivan: I will amend my motion to include that statement.

***Vote unanimously in favor.***

#### **SUB-COMMITTEE REPORTS**

J. Levesque: ZBA met and had one applicant; someone wanted to build an in-law apartment that was the same size as the house. Neighbors were opposed so it did not pass.

D. Winterton: Economic Development is working with UNH Cooperative Extension on the survey. We need volunteers. POW-MIA ceremony was held Sunday and it was wonderful. We have a letter from Sen. Ayotte to display. There is a video of the program that is on You Tube. I'd like to ask if Council thinks it appropriate to put a link to it on the town website.

***J. Sullivan motioned to add a link on town website to the You Tube POW-MIA ceremony. Seconded by N. Comai.***

D. Ross: A copy of the video can be put on the website, not a link through You Tube.

***J. Sullivan motioned to request a copy of the video to be accessed through the proper town website mechanics with proper videographer credits. Seconded by N. Comai.***

***Vote unanimously in favor.***

***D. Winterton motioned to nominate Matt Barrett to Economic Development Committee.***

J. Sullivan: We will appoint at the next meeting. The POW-MIA chair is a nice addition to the town and the ceremony was great.

D. Winterton: I mentioned the potential of getting another flag pole at Veteran's park for the POW-MIA flag. Sen. Boutin mentioned he would see if there was funding at the state level for that.

J. Sullivan: What is the protocol for placing that flag under the US flag?

D. Ross: I can find out.

D. Winterton: If that flag is up all night, it is supposed to be lit.

J. Sullivan: The American flag that is up now is lit. We replaced the bulb when we did the restoration of the park.

***T. Lizotte motioned to extend the meeting from 9:30pm to 9:45pm. Seconded by R. Duhaime. Vote unanimously in favor.***

J. Sullivan: Heritage Day is coming up in May.

N. Comai: Nothing to report, but I want to mention that soon we will be coming to you from the Retention Committee to purge non-public minutes from sealed to un-sealed. It's my understanding Council has to vote on each item. I don't know how far back we want to go, or just go from this point forward to be compliant. Perambulation – we also need to revisit that and what are we doing about Mr. Murray's forestry piece? We still need a list that we can look at to check stuff off, because we are missing things. We need to do that as the Board is changing; where are we today and where do we want to go and what do we still need to accomplish?

J. Sullivan: We need to do our due diligence to put these issues brought up into some sort of list so we don't forget about them.

D. Winterton: Regarding perambulation, there is an issue Mr. Murray was discussing on the border between Manchester and Hooksett on Hackett Hill Rd. There is a housing project in Manchester that wants to exit off Hackett Hill Rd and there is some question about where the border is. They asked for an extension since we might be asking them to do some improvements on our road. Harold has volunteered to help out with that.

D. Ross: Didn't we have somebody assigned?

Dr. Shankle: We were working with the city of Manchester engineers and they said they would work on that for us. I've sent a couple emails and they have not responded. How much money do we want to spend on it? The two municipalities have to agree on something and bring it to the legislature. There is no clear answer or we wouldn't be playing around with it for 14 years. They put a state highway through the middle, that's what kicked it off.

D. Ross: If we can't agree on the property line, there is a dispute. Until we make a claim as to where it is, there is no dispute. If we don't stop them from doing what they want to do, they are going to do it.

R. Duhaime: Nothing to report.

T. Lizotte: Nothing to report.

#### **PUBLIC INPUT**

M. Miville, 42 Main St: On the Town Report – does Community Profile need a report to be included? I will write one if you want me to, or not if you don't want me to. Volunteer dinner – you need to create criteria, not just grandfathered, for what constitutes a volunteer. There are Boards invited to the dinner who get stipends. These volunteer people don't get paid. If you get paid by the town, are you a volunteer? Maybe consider that a criteria. For Kiwanis and HYAA, they should have their own volunteer meeting and not be invited to this. HYAA sponsors the town recognition barbecue for employees. I watched the POW-MIA ceremony and you did a great job on that. I also wanted to mention that the election is May 12.

#### **NON-PUBLIC SESSION**

- **NH RSA 91-A:3 II (a)** The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her.
- **NH RSA 91-A:3 II (c)** Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself.

***J. Sullivan motioned to enter non-public session at 9:43pm. Seconded by T. Lizotte.***

**Roll Call**

T. Lizotte - yes  
D. Ross - yes  
R. Duhaime - yes  
J. Levesque - yes  
D. Winterton - yes  
N. Comai - yes  
J. Sullivan - yes

***Vote unanimously in favor.***

***J. Sullivan motioned to exit non-public at 9:54pm. Seconded by R. Duhaime.***

***Vote unanimously in favor.***

***J. Sullivan motioned to seal the non-public minutes of 4/22/15. Seconded by T. Lizotte.***

***Vote unanimously in favor.***

***J. Sullivan motioned to adjourn at 9:54pm. Seconded by J. Sullivan.***

***Vote unanimously in favor.***

**NOTE:** The Town website [www.hooksett.org](http://www.hooksett.org) may have attachments to these Town Council minutes for documents referred to in the minutes, reading file material, and/or ancillary documents that the Town Council Chair has signed as agent to expend as a result of the Council's prior approval of the documents.

Respectfully Submitted,

Tiffany Verney  
Recording Clerk

**TOWN COUNCIL SPECIAL MEETING MINUTES**  
**Wednesday, April 29, 2015**

**NON-PUBLIC SESSION**

***J. Sullivan motioned to enter into non-public at 7:04pm. Seconded by J. Levesque.***

**Roll Call:**

N. Comai – Yes

T. Lizotte – Yes

J. Levesque – Yes

R. Duhaime – Yes

D. Ross – Yes

J. Sullivan – Yes

***Vote unanimously in favor.***

***J. Sullivan motioned to exit non-public at 7:41pm. Seconded by T. Lizotte.***

***Vote unanimously in favor.***

***D. Ross motioned to seal the non-public minutes of 4/29/15. Seconded by J. Levesque.***

***Vote unanimously in favor.***

**CALL TO ORDER**

Chair Sullivan called the public session to order at 7:43 pm.

**ROLL CALL – ATTENDANCE**

Nancy Comai, David Ross, Robert Duhaime, Todd Lizotte, James Levesque, Chairman James Sullivan, Dr. Dean E. Shankle, Jr. (Town Administrator)

Missed: Donald Winterton, Adam Jennings, Susan Orr

**PLEDGE OF ALLEGIANCE**

**NEW BUSINESS**

a. 15-026 Proclamation – Citizen of the Year 2015

J. Sullivan: We had a request for the Proclamation for Citizen of the Year 2015. Joanne McHugh has been named the 2015 Citizen of the Year. She has served the community for over 40 years on various boards, commissions and committees. Her main focus has been with school children where she has served as a School Board member for a total of 22 years; 10-year volunteer with the PTA/PTO; member of various school district subcommittees; she also served as a member of the Police Commission, Planning Board for 2 terms, Budget Committee and Capital Improvement Committee. She was also a member of the Salvation Army and the local Hooksett Emergency Relief Committee. In 2008 she was named by the NH School Administrators Association as the South Central Regional Champion for children. On May 15 there is a celebration; please let the committee know if you would like to attend.

***N. Comai motioned to authorize the Chair to present the Citizen of the Year proclamation as read to Joanne McHugh at the 2015 Citizen of the Year dinner and ceremony. Seconded by T. Lizotte.***

***Vote unanimously in favor.***

**OLD BUSINESS**

a. 15-021 Reorganization of Department of Public Works

J. Sullivan: We talked about this at our last meeting and Dr. Shankle has an update for us.

Dr. Shankle: At the last meeting, I brought forth a proposal that would affect Recycle & Transfer, Public Works and the Engineer in the Community Development Department. There were 7 people here; not one Councilor supported that proposal so I am withdrawing my proposal and don't intend to bring forth another one.

J. Sullivan: I assume we will be entertaining that discussion at our next meeting?

Dr. Shankle: There is no discussion, I've withdrawn my proposal. There is nothing to discuss.



J. Sullivan: With the current situation, we will maintain the current status which is what?

Dr. Shankle: I would plan on putting out a call for a Public Works Director and it would go back to the way it was.

R. Duhaime: And still look for the engineer position?

Dr. Shankle: That's what we have. That's ongoing.

D. Ross: I think that given time, there are a lot of people that are semi-retired that may take the position that would have the expertise we need, and sometimes people coming right out of school would be good as well.

R. Duhaime: To be a municipal engineer you need to have your PE and be certified. You have to offer them some money, that's what I'm trying to tell you.

D. Ross: Then that should have been something we dealt with at the beginning of this. I understood the amount we budgeted was going to be half a year anyway and that would be added to the following year and that would have been more reasonable. Maybe that is something we need to talk about and readdress and perhaps we need to increase the compensation we offer the engineer. How we could afford the engineer would come from construction and construction has been slack but is turning around in a big way.

N. Comai: At this moment we have an acting director, in a dual role as the superintendent and the engineer that is on the books is still under Community Development?

Dr. Shankle: Yes. One of the things that did happen at the last meeting, I think, is that there did seem to be Council support for Councilor Winterton's recommendation. There is no reason that the Council can't go ahead and do that without my recommendation. Under the Charter, it's your responsibility to do things like that. I'd like to know if you are going to do that so I don't advertise for a Public Works Director, if you are still inclined to make those changes that Councilor Winterton suggested.

J. Levesque: So the engineer would work for the Community Development group; would he also be able to oversee jobs being done by contractors around town to make sure the roads are being built properly?

Dr. Shankle: Yes, of course. That is still the idea.

J. Levesque: They aren't the type of people to tell people what to do. They have a project and they go work on that project. As far as the engineer being the Deputy Director and telling people what to do, I don't think that is going to work.

T. Lizotte: It's true; if you have an engineer who is an engineer, they are going to focus on their projects. One of the biggest problems for an engineer is distractions; as soon as you get them off task, the original project takes 10-20% longer even though there was a small derivation. Either they are an engineer or they are a manager of engineers, but they can't do both. I like Councilor Winterton's idea of that being an offshoot of the director, but not in the linkage of the chain of command.

N. Comai: I think we should instruct Dr. Shankle to start the process of looking for people to see what the market does bear and then we can make a decision later of organization. I think Dr. Shankle should find out if there is someone out there we can hire and then we assess the situation again.

J. Sullivan: One of the reasons for the proposal was the funding for the engineer; you had indicated that the amount we were willing to pay for that position was lower and that was causing some problems. If we go with Mr. Winterton's approach, regardless of his responsibilities, there is still the question of the amount we can pay. Is there a necessity for us to create a Deputy Public Works Director? Is it possible just to have the Public Works Director? If you did eliminate the direct link from the divisions up to the director without the deputy there would be some funds available to transfer that would allow us to hire an engineer because the figure is low. Could that be a possibility? We still have an engineer that is now

almost a year out that we haven't hired yet, at the direction of the voters, so we need to solve that. If the same problem exists now that Dr. Shankle couldn't find an engineer for that position in the last year, there is a reason for that. We need more funds from somewhere; can you hire an engineer with more funds without doing any changes to the Department of Public Works? Where would those funds come from? That is the crutch; if we can get the engineer, we would be in good shape but we don't have an engineer because there aren't enough funds to cover that.

Dr. Shankle: That's why I'm not suggesting that. It made sense to me to do it in the context of more responsibilities. There is a reason I did things the way I did; to just take money from somewhere else and just have an engineer when the warrant article was pretty clear about what we were willing to pay for that, I would feel uncomfortable with that. You can do that.

T. Lizotte: Since Councilor Winterton isn't here, I think we should hold off until the next meeting. Dr. Shankle is saying we still need a director of DPW; on the engineer side we are only advertising in NH correct? There might be an ability to go a bit further than that, to expand on that. Maybe find a network and get into it.

J. Levesque: You said if we hire a new Director of Public Works, things would go back to the way they were. I see Recycle & Transfer is now going to be under the Director of Public Works.

Dr. Shankle: No, that's Councilor Winterton's proposal.

J. Sullivan: Let's talk about the engineer at this point.

R. Duhaime: I was hoping to see some different alternatives. I wasn't going to make a decision looking at those alternatives; I see no reason we can't wait a couple of weeks and do some more research in the meantime. Let's start with the engineer and then see if we can find a Public Works Director, but we have to see what the market will bear.

J. Levesque: I have a thought, but it might require going into non-public because it's about a specific individual.

J. Sullivan: To go into non-public to talk about your thoughts, we have no authority as a Council to influence or direct the hiring of any other position other than the department head, according to the Charter.

J. Levesque: I can always talk to the Town Administrator later.

D. Ross: I want to go back to the beginning of the discussion with the engineer in the first place. The whole reason behind it was to bring funding into the town from developers – they have to pay for the engineering and we paid Stantec or whoever else was doing the oversight on these projects. Nothing in that regard has changed at all. We don't have a job that's not being done, it's just not being done the way we thought it would be. Times have changed and let's see what the next construction season brings. If we find out that at the end of this year we can put out \$200,000 that we can pass through then maybe we have a case that can be made to the voters again, if need be, to increase that amount of money. In my opinion, we haven't given it enough time to bear fruit. The first thing is to get a Director of Public Works back in that seat because there is a lot of work to be done.

N. Comai: It's my understanding that we can, as a Council, increase that wage line. Is that correct?

Dr. Shankle: You set the wage rates for department heads; the engineer would not be a department head.

N. Comai: This would allow the opportunity to put out a job description, but we don't know what that is.

Dr. Shankle: We have a job description for both the engineer and the Director of Public Works.

J. Sullivan: It's not the job description for the engineer, it's the amount we are willing to pay for that job. Can we increase that wage for that position approved by the voters? Regardless of where the

economy is, we thought the increased business would cover the cost. We need to increase that wage somehow, but we need to come up with the additional funding. How can we do that, as a Council, within the Charter?

Dr. Shankle: We would have to move money from somewhere else. We are talking about July 1 at this point so it would be next year's budget. If people want to go for an engineer, we could put out the ad without putting a dollar value on it and see what happens. If we find who we want we can see if we can pay what they want. That is another way to do it.

D. Ross: Or even start as a part time position.

J. Levesque: I'd think we want to hire a DPW Director first and then look for an engineer. He is going to have to work with him along with Joanne. Maybe we will find a DPW Director who has an engineering background. I think that should be the first step.

N. Comai: Then there is the consideration of where the engineer lands as far as a direct report or not. If it's a \$90,000 position, that would probably not fit under Community Development, in my opinion. Instead, it would be in one of these buckets like the Director.

J. Sullivan: Would the engineer report directly to the Town Administrator?

Dr. Shankle: That isn't the plan at this point. IF the way people want to go is get a DPW Director and then go from there, it would be possible, if you are looking for justification to raise it, if you did create an engineering department you could have the engineer as the department head. I did think of that but then you would need some kind of administrative help, so that is why I was avoiding that.

J. Sullivan: At this point, is there a possibility you can come back with various scenarios including tweaking your original proposal?

Dr. Shankle: There is no easy way to do that. If you like what Councilor Winterton did, which most of you did, then we can go with that. Or we can keep things the way they are. I don't want to bring back something that will create more problems down the road. That's what I am trying to avoid.

J. Levesque: Transfer has been fine; there are no problems down there. If we had a good leader in DPW, we won't have all these problems.

J. Sullivan: Correct; we have to have the right people in the organization. If we have a Director that is doing the job we expect of them, then we will be all set. Let's put the discussion on next meeting's agenda and there may be another solution you come up with in the meantime.

N. Comai: So you are going to reach out for a DPW Director, which makes sense.

Dr. Shankle: I'll put out an ad but it won't be due until after your next Council meeting anyway. I won't make an irrevocable decision between now and your next meeting. But I will start the process.

J. Sullivan: So we will put this on the agenda which will give Dr. Shankle an opportunity to update us and we can discuss further with other suggestions. Councilor Winterton will be back. That's how we will proceed.

N. Comai: My thought about the Volunteer Dinner is to perhaps pass this year. We don't have the funding coming in from the sponsor and there was such an upheaval over invitees. The thought would be to not have one this year and to regroup and possibly have a lunch at the deliberative session or have something at Old Home Day so that everybody can be included, or not, and take a break and save the \$2,000. Someone mentioned there were only 45 people that came last year, so if it's not highly attended, then maybe we take a year off.

***N. Comai motioned to postpone the 2015 Volunteer Appreciation Dinner with the possibility of reinstating in 2016. Seconded by T. Lizotte.***

T. Lizotte: I think we should continue to do what we have done. If it's well attended or not, it's an ebb and flow. This is a situation where we are influencing our policies and methods based on one person who was upset over not being invited.

N. Comai: It's \$2,000 of our money vs. sponsorship money.

J. Sullivan: If we continue with our approach, it doesn't say this requires us to have a sit-down meal. If we tweak how we do it and still have a gathering we could find ways to be more practical and prudent but still show our appreciation. As a town group, we need to recognize those who volunteer for government operations. I think we should proceed that way, and make changes as necessary.

J. Levesque: For the \$2,500 it costs, and all the work these people provide for the town, it's really cheap money. I think it's bad not to have it; it's not an extravagant dinner.

R. Duhaime: It's funny that we were looking for more community involvement and now we're talking about not having the volunteer appreciation dinner. It's interesting that I'm in this leadership position, and this decision falls on me. If someone volunteers for the town concern that we are trying to manage and we are at the top and if we can't take the time or money to thank them, then I'm not doing a very good job managing. It's reflecting on the Chair, as he sits at the very top of the chain. The least we can do is say thank you; how we do that is what we are discussing. We need to do it in a thoughtful way that shows we appreciate their work.

***T. Lizotte removed his second.***

***N. Comai motioned to adjourn at 8:20pm. Seconded by R. Duhaime.  
Vote unanimously in favor.***

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Respectfully Submitted,

Tiffany Verney  
Recording Clerk

**Staff Report  
Consent Agenda Item  
May 13, 2015**

AGENDA NO. Consent 8

DATE: 5/13/15

**Background:** Per RSA 31:95-b, III (b) for such amount less than \$5,000.00, the 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 donated items from Comcast for the Earth Day Clean Up on Saturday, April 25, 2015.

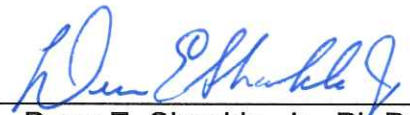
**Discussion:** This year's Earth Day Clean Up was in collaboration with Comcast Cares Day, in which Comcast-NBC Universal employees volunteer their time to give back to the local communities where their customers and employees live and work. Through this partnership, Comcast was able to provide volunteers and supplies to help clean up Lambert's Park, the riverfront and Merrimack Street. Volunteers built flower boxes, gardened, mulched, picked up trash and removed branches and brush. Comcast donated mulch (\$10.00), lumber/screws (\$160.80), flowers (\$97.72), donuts/coffee (\$75.95), and bottled water (\$8.00), totaling \$352.47 in donated supplies and refreshments.

**Fiscal Impact:** These funds do not require any matching amounts or other financial obligation by the Town of Hooksett.

**Recommendation:** Motion to accept the donated items from Comcast valued at \$352.47, under RSA 31:95-b, III (b).

**Prepared by:** Carolyn Cronin, Assistant Planner

**Town Administrator Recommendation:** *Consent*

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

**Staff Report  
Consent Agenda Item  
May 13, 2015**

AGENDA NO. consent  
DATE: 5/13/15

**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 to give the New Hampshire first responder community the opportunity to gain awareness and skills in fireground survival techniques while keeping the training cost neutral to participating communities.

The funding for this training is made possible by the administering of funds from the Homeland Security Grant Programs. Those taking part in these training programs will be eligible for overtime and backfill costs. Full time department members will have the cost of their participation covered by overtime and/or backfill. Figures listed below include both wages and benefits costs. Hooksett Fire members attending and participating in the training program are indicated by the training location. Hooksett Fire members providing shift coverage are indicated as coverage location.

**Fiscal Impact:** Costs related to grant funded course applications for the timeframe of March 2015, equal \$2341.66. 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 in the amount of \$2341.66, under RSA 31:95-b, III (b).

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

**Town Administrator Recommendation:** 

  
\_\_\_\_\_  
Dean E. Shankle, Ph.D.  
Town Administrator

**Grant funded program Costs; March 2015; backfill, overtime & benefits estimates**

**Firefighter Anthony Alvino: IAFF Fire Ground Survival program**

**Training location: NH Fire Academy**

Course Cost: No Cost- Grant funded

Course dates & times: March 16, 17, 18, 2015; 8:00am-5:00pm

Overtime: March 16, 17, 18; OT: 27 hours @ \$27.99/hr. = \$755.73

Benefits expenses (FICA, Medicare, W/C, Unemp., NH Retirement): \$266.61

***Total hourly wage expense approximation: ..... \$755.73***  
***Benefits expenses: ..... \$266.62***  
***Total training cost reimbursement requested for this individual: ..... \$1022.35***

**Firefighter Joshua Grover: IAFF Fire Ground Survival program**

**Training location: NH Fire Academy**

Course Cost: No Cost- Grant funded

Course dates & times: March 16, 17, 18, 2015; 8:00am-5:00pm

Overtime: March 16, 18; OT: 18 hours @ \$31.46/hr. = \$566.28

Benefits expenses (FICA, Medicare, W/C, Unemp., NH Retirement): \$199.78

***Total hourly wage expense approximation: ..... \$566.28***  
***Benefits expenses: ..... \$199.78***  
***Total training cost reimbursement requested for this individual: ..... \$766.06***

**Firefighter John Hill: Backfill Shift coverage**

**Coverage location: Hooksett Fire Station 1**

Coverage dates & times: March 17, 2015; 7:00am-6:00pm

Overtime: March 17; OT: 12 hours @ \$/34.08hr. = \$408.96

Benefits expenses (FICA, Medicare, W/C, Unemp., NH Retirement): \$144.28

***Total hourly wage expense approximation: ..... \$408.96***  
***Benefits expenses: ..... \$144.29***  
***Total backfill shift coverage reimbursement requested for this individual: ..... \$553.25***

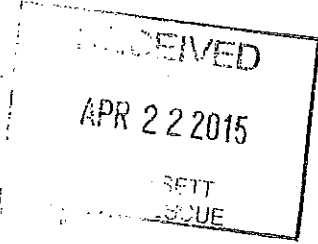
***Total requested reimbursement to HFR overtime Wage line: ..... \$2341.66***

Hourly wage rates taken from Fire Department Overtime Worksheet, FY 2014/2015.  
Department Member's overtime payroll rates are used for above calculations

**State of New Hampshire**  
Vendor Payments

Check Number: 2233229  
STATEMENT OF REMITTANCE

2537576	032615	DOS-IAFF FIREGROUND SURVIVAL	(603) 271-7781 apsharedservices@nh.gov	03/26/15	2,341.6
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If you have further payment questions, reference the contact information provided next to the line item in question. Page 1 of 1 **TOTAL 2,341.6**

**QUESTIONS ON YOUR PAYMENT?**  
Please use the contact information provided above in the fourth column from the left.

REMOVE DOCUMENT ALONG THIS PERFORATION

State of New Hampshire Office of State Treasurer 25 Capitol Street - Rm. 121 Concord, NH 03301	<b>State of New Hampshire</b> Vendor Payments	Bank of America Concord, NH 61-447-119
		04/17/15 <b>2233229</b>
PAY EXACTLY <i>Two Thousand Three Hundred Forty One and 66/100 Dollars</i>		\$ ****2,341.66
PAY TO THE ORDER OF	<b>TOWN OF HOOKSETT                  FIRE RESCUE DEPT                  15 LEGENDS DR                  HOOKSETT NH 03106</b>	 Authorized Signature

⑈02233229⑈ ⑆011900445⑆ 00000011123⑈



Staff Report  
Surety Bond Release – Regency Mortgage  
May 13, 2015

AGENDA NO. Casat  
DATE: Casat  
5-13-15

**Background:** In August of 2011, Regency Mortgage was required to put a bond in the amount of \$59,930.00 into place for the Site Surety and Plan compliance to start the project. This project was for the completion of the Regency Mortgage building located at 26 Londonderry Turnpike. This project was completed and a bond reduction in the amount of \$53,566 was released. This left a remaining balance of \$5,824 to be held for the 2 year landscaping bond that is required per the Development Regulations.

**Discussion:** After completing a site visit and reviewing the site landscape I feel the project has been completed.

**Fiscal Impact:** None

**Recommendation:** I recommend the Town Council approve the release of the \$5,824 bond to cover the two year required landscape surety.

**Prepared by:** Diane Boyce, Interim Director of Public Works

**Town Administrator Recommendation:** Casat



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

Staff Report  
Surety Bond Release – Pike Industries  
May 13, 2015

AGENDA NO. Consent  
DATE: 5/13/15

**Background:** In December of 2013, Pike Industries was required to put a bond in the amount of \$54,431.55 for Site Plan Improvements surety for the property off Hackett Hill Rd, to replace two existing plants with one new asphalt plant.


**Discussion:** Project is completed and all information has been reviewed.

**Fiscal Impact:** None

**Recommendation:** I recommend the Town council approve the release of the bond.

**Prepared by:** Diane Boyce, Interim Director of Public Works

**Town Administrator Recommendation:** *Consent*

  
\_\_\_\_\_  
Dr. Dean E. Shankle, Jr. Ph.D.  
Town Administrator

**Staff Report  
Merrimack Reserve  
Easement Deed to Town of Hooksett  
May 13, 2015**

AGENDA NO. 14-046  
DATE: 5-13-15

**Background:**

Merrimack Reserve consists of a five lot subdivision located on Map 1, lots 4, 6, 8 & 9. The land is located between the end of the Class 5 portion of Edgewater Drive, along the Merrimack River and the Bow town line. The site is zoned Medium Density Residential and consists of 13.55 acres. The owner had previously met with the Town Council and requested them to discontinue the Class 6 portion of Edgewater Drive, as well as giving up the Town's rights to lot 6. The Town Council had requested that Planning Board approval be sought prior to their final vote on this matter.

**Issue:**

The Planning Board granted conditional approval on February 3, 2015. The motion read as follows: D. Marshall moved that the Chairman approve the Merrimack Reserve, Edgewater Drive, Map 1, lots 4, 6, 8 & 9, conservation subdivision plan to convert the existing property into a five unit condominium, conditionally waiting the decision by Fish and Game as to the location of the proposed roadway. An email was received on May 6, 2015 from Kim Tuttle, Certified Wildlife Biologist with NH Fish and Game, stating that they are okay with the White Pine Regrowth Monitoring Manual and the language changes in the Easement document per the request of the Hooksett Conservation Commission. Also, per attached emails, the Conservation Commission has also approved the Easement language.

**Recommendation:**

I recommend that Council approve the discontinuance of the Class VI portion of Edgewater Drive and approve the acceptance of the Easement Deed of Jocelyn Scarpetti to the Town of Hooksett.

**Prepared by:** Jo Ann Duffy, Town Planner

**Town Administrator Recommendation:**

*Based on recommendations of  
PB, CC and Town Planner - concur.*

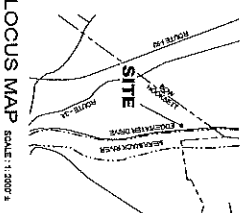
  
Dr. Dean E. Shankle, Ph. D.  
Town Administrator

**PLAN REFERENCES:**  
 1) CONDOMINIUM & RESIDENTIAL SUBDIVISION BY JOSEPH M. WICHETA, ARCHITECT,  
 NEW HAMPSHIRE, DATED DATE 19, 2009. LAYOUT ADDRESS: PREVIOUSLY  
 BY THIS OFFICE, UNDER PLAN NUMBER.

**TAKMAP 1, LOT 2**  
 JOSEPH T. KATYIK & SON  
 THE HOOKSETT TRUST &  
 THE HOOKSETT TRUST  
 1200 BEECH STREET  
 HOOKSETT, NH 03044  
 V. 2001, P. 1300  
 ZONE: H-1 USE: 3300  
 USE: SINGLE FAMILY

**TAKMAP 1, LOT 24**  
 FLOUNDER SAND & GRAVEL CO.  
 3800 RIVER AVENUE  
 BOSTON, MA 02126  
 ZONE: H-1 USE: SAND & GRAVEL

**WESTVARS CORPORATION**  
 5735 S. SHADY CREST RD  
 SUITE 100  
 WESTVARS ENVIRONMENTAL CONSULTANTS, L.L.C. 0727 ROUTE  
 30  
 BOX 100  
 A. HUNT, N.H. 03043  
 ZONE: H-1 USE: RECREATION  
 WITH A DEVELOPMENT OF 100 ACRES  
 WITH A DEVELOPMENT OF 100 ACRES  
 WITH A DEVELOPMENT OF 100 ACRES  
 WITH A DEVELOPMENT OF 100 ACRES



**NOTES:**

1) THE PLANS ARE THE RESULT OF AN ACTUAL FIELD SURVEY PERFORMED BY THE  
 OFFICE OF REGISTERED PROFESSIONAL ENGINEERS AND SURVEYORS OF THE STATE OF NEW HAMPSHIRE  
 ON MARCH 28, 2011. THE SURVEY WAS CONDUCTED BY JOHN W. WILSON, L.S., AND  
 MARY ANN WILSON, L.S., AND THE PLANS ARE BASED ON THE DATA COLLECTED ON THAT DATE.  
 2) THE PLANS ARE THE RESULT OF AN ACTUAL FIELD SURVEY PERFORMED BY THE  
 OFFICE OF REGISTERED PROFESSIONAL ENGINEERS AND SURVEYORS OF THE STATE OF NEW HAMPSHIRE  
 ON MARCH 28, 2011. THE SURVEY WAS CONDUCTED BY JOHN W. WILSON, L.S., AND  
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 MARY ANN WILSON, L.S., AND THE PLANS ARE BASED ON THE DATA COLLECTED ON THAT DATE.

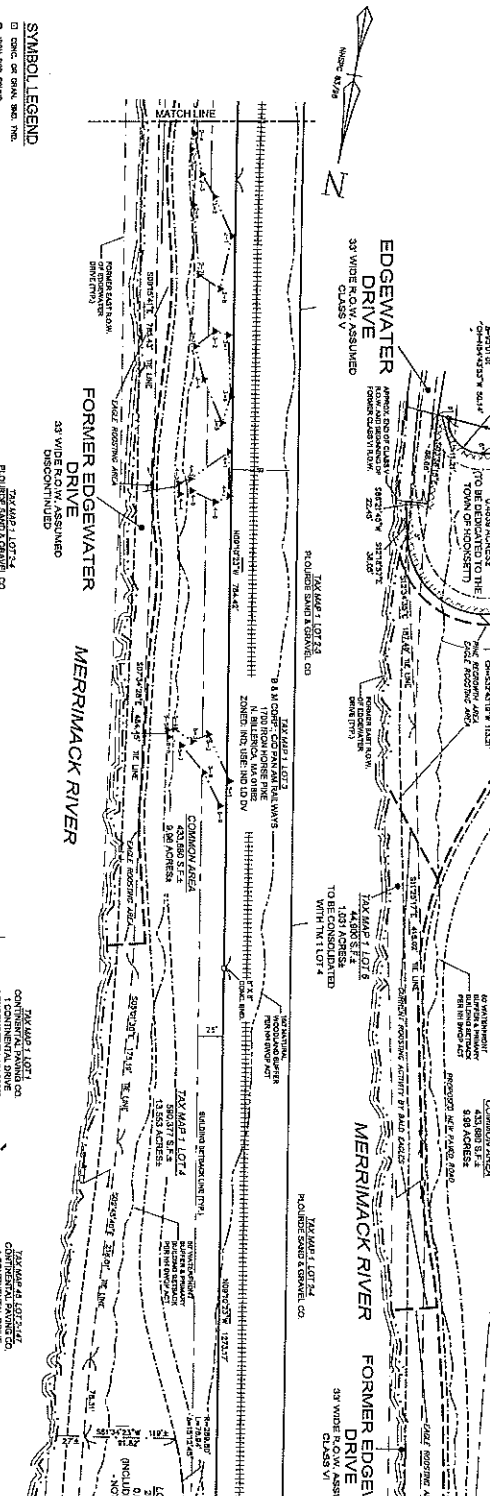
**SYMBOL LEGEND**

- ( ) SPIC OF ROAD, SPEC. NOS.
- ( ) ROAD ROW
- ( ) ROAD W/20' TO BE SET
- ( ) ROAD SPEC. TO BE SET
- ( ) WETLAND LINE
- RAILROAD TRACKS
- SPECIAL DRAIN PIPE
- RAILROAD TRACKS

NO.	DATE	REVISION
1	12/27/10	ISSUE
2	01/27/11	REVISE
3	3/28/11	ADD EDGE AREAS

(\*) SIGNIFY THAT THE PLAN FULLY AND ACCURATELY  
 REPRESENTS ALL CONDITIONS AS FOUND, WHETHER  
 RECORDED OR UNRECORDED, AND THAT THE  
 ENGINEER HAS CONDUCTED A REASONABLE  
 INVESTIGATION AND SURVEY AND THAT THE  
 PLANS FULLY AND ACCURATELY REPRESENT  
 THE CONDITIONS AS FOUND.

**13 MAR, 2011**  
 JOSEPH M. WICHETA, L.L.C.



**CONDOMINIUM SITE PLAN FOR  
 MERRIAMACK RESERVE, A CONDOMINIUM  
 OWNED BY: JOCELYN C. SCARRETTI  
 TAX MAP 1 LOTS 4, 6, 8 & 9  
 82 EDGEWATER DRIVE  
 HOOKSETT, NEW HAMPSHIRE**

DATE: NOVEMBER 20, 2014

SCALE: 1" = 40'

CONDOMINIUM SITE PLAN BY:  
 802 HARBEST STREET  
 MANCHESTER, NH 03104  
 TEL: (603) 867-4252 OR 788-2200  
 WEB: WWW.JMWS.COM

**Joseph M. Wicheta**  
 LICENSED LANDSCAPE ARCHITECT

SHEET C1 SHEET 3 OF 8

DATE OF APPROVAL: \_\_\_\_\_ DATE OF SIGNATURE: \_\_\_\_\_

APPROVED BY THE TOWN OF HOOKSETT PLANNING BOARD ON: 2/15/15

CHAIRMAN: \_\_\_\_\_

DATE OF APPROVAL: \_\_\_\_\_ DATE OF SIGNATURE: \_\_\_\_\_

JOHN WILSON, L.S. 11 NAVD 88

**EASEMENT DEED**

JOCELYN SCARPETTI, of 7 Marcel Way, Hooksett, New Hampshire 03106 (the "Grantor"), for consideration paid, grants to the TOWN OF HOOKSETT, a municipality organized and existing under the laws of the State of New Hampshire, with a principal address of 35 Main Street, Hooksett, New Hampshire 03110 (the "Grantee"), with WARRANTY COVENANTS, the following:

**I. ACCESS AND UTILITY EASEMENT**

A perpetual and non-exclusive easement, upon the terms and conditions hereinafter set forth, over a certain driveway on property of the Grantor situated in Hooksett, Merrimack County, New Hampshire, identified as "\_\_\_\_\_"(the "Driveway") on a plan entitled "\_\_\_\_\_" and recorded in the Merrimack County Registry of Deeds as Plan No. \_\_\_\_\_ (the "Plan) for (i) access by pedestrians and non-motorized traffic over such Driveway, except as provided in this Deed; and (ii) the installation, maintenance, repair and replacement of any and all utilities, services and related appurtenances over, under, upon and through the Driveway as required by the Grantee, and for all other purposes incidental thereto.

**CONSTRUCTION/MAINTENANCE AND REPAIR OF DRIVEWAY.** The Grantor shall be responsible for constructing, maintaining, operating, altering, repairing the Driveway, whether currently existing or hereinafter installed, at its sole cost and expense, except any repairs necessitated by the willful, reckless or negligent conduct of the Grantee. In the event of such work, the Grantor shall restore the affected portions of the Driveway to a condition consistent with any and all municipal permits, regulations and approvals applicable to the Driveway, or otherwise to its condition prior to such work, to the extent reasonably possible, reasonable wear and tear excepted.

**UTILITIES.** The Grantor shall be responsible for the installation, maintenance, repair and replacement of utilities required by Grantor for the development of Grantor's land adjacent to the Driveway, unless and until such time as such utilities are accepted by a public or municipal utility. The Grantee shall be responsible for maintaining, operating, altering, repairing, removing, changing the size of or replacing any other utilities and related appurtenances it elects to locate within the Driveway, whether currently existing or hereinafter installed, at its sole cost and expense. In the event of such work, the Grantee shall be permitted to access the Driveway by men, machines, vehicles and equipment, as necessary, and shall restore the affected portions of the Driveway to its condition prior to such work, to the extent reasonably possible. All such

work shall be carried out in a manner consistent with good engineering and construction practices, and in compliance with any applicable permits, approvals, law, rules and regulations. Except in the event of an emergency, the Grantee shall provide the Grantor, its successors and assigns, with at least ninety (90) days written notice of any work to be performed within the Driveway. The Grantee shall ensure that any and all contractors and subcontractors performing labor or supplying materials on behalf of the Grantee are paid in a timely manner.

## II. RECREATIONAL - OPEN SPACE EASEMENT

A perpetual and non-exclusive easement, upon the terms and conditions hereinafter set forth, over and upon the common open space portions of property of the Grantor known or to be known as Merrimack Reserve, A Condominium (the "Condominium"), situated in Hooksett, Merrimack County, New Hampshire, identified as "\_\_\_\_\_ " (the "Open Space") on a plan entitled "\_\_\_\_\_ " and recorded in the Merrimack County Registry of Deeds as Plan No. \_\_\_\_\_ (the "Plan"). The easement shall not include ~~detention/retention areas, the Driveway, or any property subdivided into lots, limited common area lots, lot leases or such other lot delineations created as part of a development of the residential community known as Merrimack Reserve, on land of the Grantor.~~ The parties acknowledge that the Open Space is also part of the common area of the Merrimack Reserve Condominium community.

A. USE OF OPEN SPACE. The Grantee, and its residents and their guests and invitees may use the Open Space for recreational purposes consisting of walking, biking, running, ~~cross-country skiing, hiking, fishing and similar passive recreational uses, together with public parking adjacent to the Open Space, as shown on said Plan. Certain winter recreational activities, including cross-country skiing and snowshoeing, are permitted, subject to the conservation restrictions, below.~~ The Open Space contains a picnic area for use by the Grantee, its residents and their guests and invitees, as illustrated on the Plan, which area shall be not less than fifty feet (50') in length and shall be located between the Driveway and the top of the westerly bank of the Merrimack River. Use of the Open Space by motorized vehicles, including off-highway recreational vehicles and snowmobiles, is prohibited. The public parking adjacent to the Open Space may be accessed by licensed, registered motorized vehicles. The Open Space may not be used for any hunting or camping activities, and such activities are prohibited within the Open Space. No structures may be erected within the Open Space without the written consent of the Grantor. However, picnic tables and covered (but not enclosed) picnic shelters with an aggregate area not to exceed four hundred (400) square feet, may be established in the Open Space west of the Driveway, at locations mutually and reasonably agreeable to the Grantor and Grantee, provided no trees (saplings and brush excepted) are removed to accommodate such tables and shelters. The use or consumption of alcoholic beverages or controlled substances is also prohibited within the Open Space. The Grantor shall be entitled to post signs at the northern and southern boundaries of the Open Space, at its sole cost and expense, to identify such permitted and prohibited uses and activities in the Open Space, and to instruct the Grantee's residents, their guests and invitees to properly carry out or dispose of trash in designated containers in the Open Space.

B. CONSERVATION RESTRICTION WITHIN OPEN SPACE. The Open Space is subject to the following conservation restrictions created for the purpose of protecting, preserving and enhancing bald eagle roosting areas observed within the Open Space:

(1) Eagle Roosting Areas: There shall be no removal of white pines in excess of 8" in diameter, measured at four (4) feet above ground level, within the following areas (the "Eagle Roosting Areas"), without the prior written approval of the New Hampshire Department of Fish and Game:

a. An area within the Open Space marked "Current Roosting Activity by Bald Eagles" as shown on the Plan (the "Current Roosting Area"); and

b. ~~Areas~~An area within the Open Space located between the easterly sideline of the Driveway and the Merrimack River, all collectively marked as "Eagle Roosting Area" on the Plan (the "Riverside Roosting Areas"); and

c. The area lying northerly of Unit 4-5 as shown on the Plan extending northerly from the terminus of the Driveway to the Bow Town Line, ~~marked as shown on the Plan as the~~ "Northern Eagle Roosting Area", (the "Northern Eagle Roosting Area"); and

d. Areas designated for the re-growth and re-planting of white pines, marked as the "Pine Regrowth Area/Eagle Roosting Area" and the "Proposed Eagle Replanting Area", respectively, ~~as shown on the Plan~~ (the "White Pine Regrowth and Replanting Areas").

The Current Roosting Area, the Riverside Roosting Areas, the Northern Eagle Roosting Area and the White Pine Regrowth and Replanting Areas are all collectively defined as the "Eagle Roosting Areas" in this Easement Deed.

(2) Activity Restrictions in Eagle Roosting Areas: ~~The In addition to the restriction, above,~~ the following further activity restrictions ~~further restrictions~~ shall apply in the Open Space in order to enhance the environment for bald eagles:

(a.) There shall be no mowing or grounds maintenance in and around the tree stands in any of the Eagle Roosting Areas in order to discourage recreational activity which would tend to disturb roosting eagles in and immediately adjacent to such areas; and

b.(ii) In the areas on the Plan designated as the White Pine Regrowth and Replanting Areas ~~as areas for the re-growth of white pines,~~ all trees and shrubs, including white pines in those areas, shall not be removed, and shall be preserved for the purpose of establishing additional white pine roosting areas for eagles.

(c) Winter recreational activities, including cross-country skiing and snowshoeing shall be permitted in the Northern Eagle Roosting Area for those users of the Open Space who access the Open Space from properties northerly of the Open Space in the Town of Bow, as well as residents of the property on which this Easement Deed has been granted. Winter recreational activities shall not be permitted in any of the other Eagle Roosting Areas, but shall be permitted on the remainder of the Open Space.

(32) Areas Reserved from Eagle Roosting Area Restrictions. The restrictions set forth above shall not apply to (a) the removal of hazardous or diseased trees, (b) the construction, maintenance, repair and replacement of the Driveway, as located on the Plan, (c) the construction, maintenance, repair and replacement of the residences within the land unit envelopes designated on the Plan, and (d) areas in and adjacent to the drainage detention/retention areas serving the Merrimack Reserve Condominium. The restrictions regarding mowing and grounds maintenance shall not prevent the cutting and trimming of undergrowth for the establishment and maintenance of walking paths in the Northern Eagle Roosting Area, as shown on the Plan, but shall prohibit the removal of white pines in that area, as set forth in Subsection (1), above, ~~extending northerly from the terminus of the Driveway to the Bow Town Line, as said paths are shown on the Plan.~~

(43) Signs identifying the Eagle Roosting Areas and the restrictions on activity in the Open Space shall be installed and maintained by the Grantor, its successors and/or assigns, at the pedestrian entrances located on the north and south ends of the Open Space. Likewise, conservation placards shall be placed every 75 feet, more or less, along the easterly sideline of the Driveway (except in front of the building envelopes, as shown on the Plan) and at the terminus of the Driveway.

(5) Except in the event of an emergency, construction on the cul-de-sac, as shown on the Plan, or the Driveway, shall be prohibited during the months of January, February and March.

C. MAINTENANCE OF OPEN SPACE. Subject to the terms and conditions of this Easement Deed, ~~the~~ Grantor shall be responsible for the maintenance of the Open Space, including the picnic area, at its sole discretion and sole cost and expense.

(The Driveway and Open Space are sometimes collectively referred to as the "Easement Areas").

### III. GENERAL CONDITIONS

A. COMPLIANCE WITH EASEMENT CONDITIONS AND LAW. The Grantee shall use reasonable efforts to ensure that its residents and their guests and invitees shall use the Easement Areas and conduct activities on the Easement Areas in accordance with the terms and conditions of this Easement Deed, and all applicable federal, state and municipal laws, rules, regulations, codes and ordinances.



B. INDEMNIFICATION. In consideration of the foregoing grant and the privileges herein specified, the Grantee shall hold harmless, defend and indemnify the Grantor for all suits, demands, claims, losses, damages, causes of action and expenses, including reasonable attorney's fees, arising out of the actions or omissions of any and all agents, representatives, employees, contractors or subcontractors, guests or invitees of the Grantee using the Easement Areas pursuant to the rights and privileges granted in this Deed. The foregoing indemnification by the Grantee shall not apply to any matters arising out of the Grantor's conduct or any conduct attributable to the Grantor. The Grantor, in her sole discretion, may assume the defense of any and all such suits, demands, claims, losses, damages, causes of action and expenses at her sole cost and expense. The Grantor shall provide timely notice of any and all suits, demands, claims, losses, damages, causes of action and expenses to permit Grantee to conduct the defense. The indemnity shall not be effective in the event of suits, demands, claims, losses, damages, causes of action and expenses caused by the Grantor's negligent, reckless, willful or wanton conduct.

C. PROHIBITION ON MOTORIZED VEHICLES. The prohibitions in this deed pertaining to the use of motorized vehicles shall not apply to access by the State of New Hampshire, the Town of Hooksett or any other law enforcement or municipal agency with proper jurisdiction, to the areas herein conveyed in the event of emergencies.

D. WELL RADII; SEWAGE LOADING - OPEN SPACE. Notwithstanding anything in this Easement to the contrary, portions of the Open Space may be designated to be a part of the protective well radii required for wells, as well as nitrate setbacks, receiving layers, fill extensions, and related appurtenances and improvements necessary for individual sewage disposal systems and effluent disposal areas for Units in the Condominium. Areas dedicated for such uses shall be identified on the Site Plan, and the use, occupancy, maintenance and improvement of such areas shall be subject to all applicable federal, state and local laws, rules, regulations, ordinances and statutes governing such uses.

E. BINDING EFFECT. The rights, duties and obligations of the Grantor and Grantee are binding upon their respective successors and assigns.

*(The signature page follows.)*

DATED this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Jocelyn Scarpetti

STATE OF NEW HAMPSHIRE  
COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_ day of \_\_\_\_\_, 2015, by Jocelyn Scarpetti.

\_\_\_\_\_  
Notary Public/Justice of the Peace

My Commission Expires: \_\_\_\_\_

(SEAL)

51192020.v6

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Official

**HOOKSETT PLANNING BOARD MEETING  
HOOKSETT TOWN HALL CHAMBERS (Room 105)**

**35 Main Street**

**Monday, February 23, 2015**

**MEETING CALLED TO ORDER AT 6:03 P.M.**

**PLEDGE OF ALLEGIANCE**

**INTRODUCE MEMBERS OF THE BOARD**

**PRESENT: D. Rogers (Chairman), Dick Marshall (Vice-Chairman), and P. Scarpetti.**

**EXCUSED: F. Kotowski, T. Prasol, T. Walsh, and D. Winterton (Town Council Rep.)**

**ALTERNATES: Michael DiBitetto and Muamer Durakovic.**

**STAFF: JoAnn Duffy (Town Planner), Carolyn Cronin (Assistant Town Planner), and Leo Lessard (Dept. of Public Works).**

**APPROVAL OF MINUTES OF 2/18/15**

**February 18, 2015 Regular Meeting** – Minutes to be approved at the next regularly scheduled meeting.

**PUBLIC HEARINGS**

**1. MERRIMACK RESERVE (plan #13-35)**

**Edgewater Dr., Map 1, Lots 4, 6, 8 & 9**

Conservation subdivision plan to convert the existing property into a 5-unit condominium.

*P. Scarpetti stepped down.*

Jennifer McCourt (McCourt Engineering Associates): The location of this project is between the end of the Class 5 portion of Edgewater Drive, along the Merrimack River, and the Bow town line. The plan shows how long and skinny the project is. It is a challenging site. It is zoned MDR and has 13.55 acres. That includes the Class 6 portion of Edgewater Drive that we have gone before Town Council to ask them to discontinue, and also give up their rights to Lot 6 which is between the Class 6 portion of Edgewater Drive and the Merrimack River. It amounts to small pieces of peninsula going out into the river. The Scarpetti's own Lot 9 that is at the northern end which also has only small pieces remaining. The lot is about 3,600' from north to south and about 230' wide. It quickly narrows down to about 90' and widens out to over 160'. On the north end, where we are planning on putting the units, there is a large field. The rest of the lot is wooded. The Class 5 portion of Edgewater Drive ends just at the southern end, and there is a gravel hammerhead turn around that Mr. Scarpetti built for the DPW workers to turn around. We are encumbered by the shoreland protection with a 50' waterfront buffer and a 150' woodland buffer. The existing Class 6 portion of Edgewater Drive is within the waterfront

buffer, as well as parts of the existing gravel access to get from the Class 5 portion of Edgewater up to the field area that runs on the Scarpetti's land. There is a 100-year flood plain which, at the narrowest point, comes into the lot and crosses under the two culverts that are in the middle of parcel. On December 9, 2014, the ZBA granted a variance because there are 13.5 acres and the requirement is for 20 acres. We are proposing a 0 lot line and 100' of frontage is required. We are going to provide a cul-de-sac to Hooksett standards which will give us 491.77' of frontage. At the center of the cul-de-sac, we put in eight spaces to provide for the public to park because the Scarpetti's will be allowing pedestrian traffic to use the open space. They are not asking for the Conservation Commission to take over the open space. They are keeping it private and will keep those rights. They will also be providing a picnic area closer to the cul-de-sac. Proposed are five single family homes on the north end. They are served by wells and septic. The northern woodland buffer provides a buffer to the industrial area in Bow. With a conservation sub-division, it allows us to minimize the alteration of terrain. I designed the roadway so all of the road sheets to the west so it can be treated mainly through vegetative buffers before it gets to the wetlands. I put in a drainage ditch between the houses and the river and it goes down into a retention/detention pond that is 2' deep, which also provides for flood mitigation and then overflows into the river where it flows now. It would be constructed within the field area so we will not be cutting any trees. We are only cutting trees to the south end and that is up for discussion. We are working with Fish and Game on the eagles because they have been known to roost in that area by the cul-de-sac. I should have an answer from them whether we need to move that or not. If we don't we will probably be planting some pine trees where the existing road is. If we do we would be shifting the road just where it bubbles over to the cul-de-sac towards the east to avoid the pine trees. Each of the houses will have sprinkler systems, underground utilities from the cul-de-sac to the houses, the houses will be a maximum height of 35', and the minimum lot size is 21,780'. These are 0 lot lines, but I tried to go with the spirit, and the smallest limited common area around each of the units is 25,300 sq. ft. They are 160' wide so that we could contain the well radius on each of the sites. The septic systems would be between the house and driveway access. We will have a gate at the cul-de-sac with pedestrian access through there. When we went to TRC they said they would allow the 18' wide drive access to the houses. We decided that, except where we have the wetland impacts, we would put 20' wide, especially from the cul-de-sac up to the wetland impact, to provide more room for pedestrian access through there. Being that close to the river we did not want to pave it anymore than we had to. The open space requirement is 50% at 6.775 acres. We provided 71.6% at 9.7 acres. It will be private and professionally protect the waterfront buffer. The way the road is designed will help with the erosion on the banks that is caused by the site itself. The wetland impacts are minimized at 925 sq. ft. and we got a special exception for that. Where the existing gravel access drive crosses the wetlands, we are expanding to between 2' and 5' to accommodate the access drive. Each of the units will have two outside parking spaces. Most of the units are proposed to have garages. The minimum separation between them is 60'. Most are more than that and the requirement is 40'. The density allowed is for six homes and we are proposing 5 due to the environmental sensitivity and the way the project was coming together. We had another unit by the cul-de-sac, but the Scarpetti's decided not to go forward with that unit to make a better development.

***J. McCourt read the criteria for the special use permit into record.***

J. Duffy: Regarding the realignment of the roadway, both Leo and I looked at the new alignment and there is not much of a difference. I was not sure if you could approve the plan tonight and, if Fish and

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Game want the trees preserved they would go with this new alignment, and if not they would stay with what they have, or if the applicant has to come back one more time.

D. Rogers: The new alignment would straighten the road?

J. Duffy: Yes.

D. Rogers: That does not interfere with the existing pine trees that Fish and Game is concerned about?

J. Duffy: Correct. Right now the roadway goes through that group of pine trees.

J. McCourt: I got an email from Fish and Game late Friday saying not to realign the driveway because they may want us to leave it the way it is and plant pines where the existing driveway is instead. A concern was brought up by the engineers that, even though it has never been shown that light traffic bothers eagles, they may want to have the road farther away from the river and have pines planted in that area so the road doesn't bisect between the pines and the river. I am not sure which way they are going to go, but it is a minor change. I can meet all of the regulations so I would be asking for conditional approval and have both Leo and JoAnn review. It will be dictated by Fish and Game. Right now I have the Wetlands Bureau, Alteration of Terrain, Shoreland, and Sub-Surface Sub-division waiting for Fish and Game to tell me which way to go.

D. Marshall: How long before they make a decision?

J. McCourt: They promised me the beginning of this week. I have to answer the Wetlands Bureau by the 11<sup>th</sup>.

D. Marshall: The Chairman cannot sign the plans until the conditions are met, if we approve with conditions.

J. McCourt: I understand he cannot sign the plan until this is resolved.

D. Rogers: How tall are the pines that would be potentially removed?

J. McCourt: The diameter is approximately 4' above the ground, and that was measured in the snow.

D. Rogers: How tall is a tree with a 20" diameter?

J. McCourt: Approximately 50' or 60'.

D. Rogers: I assume any pines that would be planted would not be that tall at the outset.

J. McCourt: Correct.

**Open public hearing.**  
No public comments

**Close public comments.**

*D. Marshall motioned that the Chairman approve Merrimack Reserve (plan #13-35), Edgewater Dr., Map 1, Lots 4, 6, 8 & 9, conservation subdivision plan to convert the existing property into a 5-unit condominium, conditionally, awaiting the decision by Fish and Game as to the location of the proposed roadway.*

D. Rogers: Is that the only thing that is outstanding? Is the Town Council okay with everything?

J. McCourt: No. We had to get your approval first and we have to go to the Conservation Commission one last time to get their comments on this. Then we need to go back to the Town Council.

D. Rogers: That will all happen before I would sign anything?

J. McCourt: Correct.

*Seconded by M. Durakovic. **Motion carried unanimously.***

*P. Scarpetti returned.*

**2. GE AVIATION (plan #14-16)**

**21 & 30 Industrial Park Dr., Map 18, Lot 43 & Map 24, Lot 34**

Amended site plan for a 55,000 square foot addition to GE Aviation Plant #2.

➤ **Waiver Request** from the following:

**Part I General Development Regulations**

**11.01 Easements** – To provide utility easements as a subsequent condition of approval for utilities relocated as part of the partial discontinuance of Industrial Park Dr.

**11.08 Driveways, Entrances & Exits** – To allow the DPW Director or designee to approve a driveway to slope towards the road at 2% for the first 10 ft. and then transition to a vertical curve versus 2% for the first 20 ft. as stated in the regulations.

**11.09 Legal Documents** – To provide easement deeds for the proposed cul-de-sac as a subsequent condition of approval.

**11.12.1 Drainage Design Criteria, Rainfall Intensity** – To use the NRCC rainfall intensity rates as required by NHDES Alteration of Terrain.

**11.12.1 2) (t) Drainage Design Criteria** – To allow less than 2 fps minimum velocity during the 2-year storm event for 4 pipes.

**11.18 Wetland Buffer Delineation Markers** – To provide wetland conservation type markers every 50 ft. on wetland buffers in areas outside the limits of work.

**15.01 Parking** – To permit a 21-space visitor parking lot without further calculation of additional parking needed.

**Part III Site Plan Regulations**

**3.08 Wetlands** – To allow wetland and wetland buffer impacts in accordance with submittals made to the ZBA and pending submittals to NHDES Wetland Bureau.

Dave Colburn (Project Manager at GE Aviation): We are here regarding a project to add 55,000 sq. ft.

S. Couture: I want to thank you for the time and effort to develop the map. It's going to be really helpful, not only for Bear-Paw but for the Town too. It's a great resource.

M. West: It helps you see where a bunch of important things are located together. We did it for all the towns. Thanks for being a member.

S. Couture: Thank you.

D. Hess: I put in a request to Dan Kern to see whether Bear-Paw would be interested in taking executory interest in a number of lots on the west side of the Merrimack River. Would you know about that?

M. West: Yes, it did come up. It was three weeks ago and there was snow everywhere and we wanted to do a site walk. We will be scheduling a site walk, probably in April, to take a look at it. The maps weren't clear and we wanted to take a closer look.

S. Couture: We have the full wetlands applications on file if it's something you want to look at.

M. West: We voted to consider the properties, which means Dan can spend time on it but we need site walks. We will get you an update before the end of the month.

**c. Jennifer McCourt, Merrimack Reserve, Map 1, Lots 4, 6, 8 & 9**

J. McCourt: Good afternoon, I'm Jennifer McCourt with McCourt Engineering and with me are Richard Uchida from Hinckley Allen and Paul Scarpetti. We are here to go through the plans to show you what's happened through the Planning Board process and the state approval process. Planning Board gave us conditional approval with the major condition being compliance with our state approvals. The big things we were working through at that time were the Wetlands Bureau, AOT and Shoreland and they all referred back to Kim Tuttle regarding the threatened and endangered species, mainly the eagles. Kim Tuttle sent it out to an eagle biologist. We went out and mapped the pine trees in the area. At first we were going to shift the road towards the river, but the eagle biologist said they would rather have the road as far away from the river as possible and replant the area it's in now with pine trees. That's shown on the plan. You can see starting from the cul-de-sac, anywhere from the driveway and the river to the detention pond and houses, is roosting area for bald eagles. There is a re-planting area and roosting area. This has fewer pine trees but we are still protecting it. Then there's the retention area, where no trees will be cut. We have the five house lots that we had shown you before. We have the northern roosting area included in the easement that's being granted to the town. It's also referenced in the condo docs. We will be creating a path through the woods, but we will not be cutting any pine trees. One other change that we made was the level spreader at the edge of the condo property to treat the water before it gets into the detention pond. Everything else (the road, the cul-de-sac, the

houses) have all remained the same. We resubmitted back to all the state agencies and expect permits soon. Along with the eagle roosting area will be a sign saying that it is there. Also every 75 feet there will be placards explaining there's a conservation area there. We removed the picnic area because they didn't want concentrated foot traffic.

S. Couture: In the roosting area specifically?

J. McCourt: Right, they didn't want a specific picnic area there. We won't be doing the cul-de-sac work between January and March.

D. Hess: Do we have a copy of the bald eagle report?

J. McCourt: We don't have a report but there is an email thread from Kim Tuttle. It was mainly just comments from her. After she met with the eagle biologist and Mike Marchand, she came back and told us what to do. We had an arborist tell us when the planting should be done.

S. Couture: As far as the open space that's non-roost restoration area, I noticed in the easement deed under "Use of Open Space," there are instructions that no structures should be built without permission from the grantor. I understand why the picnic area is not where it was originally, but one of the benefits to the Town was that we'd have this area where people could enjoy the scenery. I was wondering if you had given any thought to that: instead of us asking permission in the deed, we get permission on the front end with what we can do with the open space area.

P. Scarpetti: I'm not concerned about a picnic table, but if someone were to try to build a building or a tree fort, we wouldn't want something like that to be built without asking. Is it picnic tables you'd be asking for?

S. Couture: For example, I was at Watson Park in Merrimack and they have a couple picnic tables and a gazebo area and I thought that it might be nice for the town to have something like that, so that's why I'm asking.

J. McCourt: As long as it's not on the east side of the road. It would need to be on the west side of the road. It would probably need to be chained to a tree so it wouldn't move to the east side. I'm just not sure how much traffic you'll get down there.

P. Scarpetti: It's been a balancing act with the state. I'm amazed at what we went through with Fish & Game, as far as the kind of restrictions. If you wanted to cut trees down for a gazebo, we'd have to go back to Fish & Game for permission.



R. Uchida: You could put something next to that sentence that talks about the ability to place a picnic table on the west side of the driveway. That's out of the eagle roosting areas. That's somewhat easy to specify in terms of where that is.

S. Couture: There's enough open space to do that without cutting trees?

P. Scarpetti: There are some areas.

S. Couture: I do appreciate the conservation you are putting forth for the bald eagles.

P. Scarpetti: I have no problem with that at all. Jocelyn and I had envisioned that people would use it for that. That's why we're here.

R. Uchida: We will specify that you can't cut trees to get the table in there.

D. Hess: I understand that the roosting area occupies almost the entire length of the conservation area on the river side.

J. McCourt: Yes, except for where the detention pond is.

P. Scarpetti: The only time that they are trying to be restrictive is January, February, March.

S. Couture: That northern corner is all designated roosting area?

J. McCourt: Correct.

R. Uchida: That's the one area they will allow the winter activities (snowshoeing, hiking). They won't allow it further down.

S. Couture: It will be tough to enforce but hopefully the signs will work.

P. Scarpetti: Right, there will be placards and signs and also the people living there will enforce and maintain it.

J. McCourt: Just to reinforce the main issue, Paul went out last week and someone had cut a tree down and took the main portion and left the top.

P. Scarpetti: I'd call the police about it, but it's just an ongoing problem.

S. Couture: You're still waiting for a final response from Fish & Game?

J. McCourt: She just wanted verification that we weren't going to cut anything.

D. Hess: You mention in the email chain that the public parking will be in the center of the cul-de-sac and all winter activity will be west of the driveway. How will parking fit in the center of the cul-de-sac?

P. Scarpetti: It will be wider and it will be striped.

J. McCourt: We widened the center of the cul-de-sac by nine feet and added parking.

S. Couture: Just to go over the process again, you came to us first for a recommendation to the Zoning Board, then Zoning Board approval, then Planning Board approval, then to us because we have approval per the Town Council, and then the final decision is the Town Council and they will have all the input to consider for the discontinuance of the road. That's the process that the Council set up a year ago. One other item to bring up is that we did put into regulations how we usually treat stewardship fees and they had already gone through the Planning Board process before it was codified. At the same time we have the ability to ask for a stewardship fee and it's going to be a lower fee because of the conservation easement deed. I think it's very applicable as it's going to be a high maintenance property as far as making sure the natural resources are protected over time. Jennifer did a quick calculation on this and I believe it was under \$2,000 so we have that opportunity as well. We communicated back and forth so I'm providing background to the other members that Jennifer and I had a conversation about it. Does anyone have any other thoughts or concerns?

D. Hess: I think everyone knows my concerns and so I will be voting no.

P. Scarpetti: I would think that because it's an eagle roosting area that you could appreciate that we are trying to conserve the property.

D. Hess: I wasn't aware of the eagle issue until tonight, but it doesn't change my feeling.

S. Couture: So that we are all on the same page, could you remind us of your position?

D. Hess: As I mentioned in my email of August 11<sup>th</sup>, "From a conservation perspective, I strongly oppose any iteration of the Scarpetti project as proposed. I believe that the highest and best conservation use of the property in this area is for the Town to retain ownership of the Class VI extension of Edgewater Drive and Lot 6 as it exists along the River in their present locations – right along the banks of the Merrimack River. This provides an exceptional opportunity to develop a trail from the southern terminus of the Town-owned land to the Bow town line on the west side of the river, immediately along the river's edge. It also preserves the natural viewscape of the rivershed in this immediate area much better than if five additional residential units were to be constructed along this stretch of the river. The proffered exchange for giving up this conservation gem – a "pocket park" of barely ½ an acre in size isolated from any other conservation lands – is, for all intents and purposes, worthless from a conservation perspective. It is small, isolated, fragmented, and has much less conservation value, in my opinion, than the land currently held by the Town in this location. I realize some people believe that a property owner should be entitled to use his/her property as he/she wishes as long as it is permitted by local land use regulations. I share that general philosophy. However, the Scarpetti proposal does not warrant this consideration. Granting their proposal would significantly and substantially expand, enlarge and intensify the permitted uses on this property over what is currently allowed, and what was allowed when the Scarpettis purchased it. They don't own the property; they want to acquire it from the Town. As such, rejecting this proposal does not diminish their rights as a property owner. It merely limits them to those they currently possess. Please thank all of the Commission members for considering these thoughts. David W. Hess, Member."

R. Uchida: You may recall that parts of that road are eroding into the river and pieces of that Lot 6 are stranded due to the erosion. Our proposal is to open up the entire parcel rather than just the isolated pieces of the road. I appreciate Mr. Hess's position. I thought that opening up that parcel in a broader way for the recreational use might make it more of a public benefit over the long haul.

S. Couture: Getting back to the stewardship fee, do we have a copy of the calculations?

R. Uchida: The stewardship fee was based off of the 3.5% for a conservation easement, not the 1% for deed restrictions.

S. Couture: Correct, it should be based off the 1%. In this scenario, the owners still have responsibility.

P. Scarpetti: We plan on having an active role in maintaining the property and it's in our documents so I think we went that one step further of what most people do because we will be maintaining it.

S. Couture: I saw that and I appreciate that. One reason we have the stewardship fee is so that the town can make sure its responsibility is met, to make sure things are being maintained.

C. Robertson: I respect Dave's position and I hear it, but I respectfully disagree with him. I think you've done a really nice job in developing this property. I think this is a good use to try to create something that the town can use. People will now have access when they didn't have it all the way down before. I appreciate the protection of the eagles. I recognize you were required to do that but it's still going to be nice. I don't have a problem with that. I think it's fine and I plan to vote in favor of it.

P. Scarpetti: Thank you.

S. Couture: I do appreciate Dave's comments and position. I have committed a lot of consideration over time. At the same time, I am encouraged to an extent that the natural resource characteristics of this property have come to our attention, so some restoration is occurring that we would not have thought of otherwise. It does limit our access which is one of the things we focused on in the beginning. In the end it seems like we have a good balance. I do appreciate the time and effort that you put into the process, and how many times it's come before us. Two items that I think I've already mentioned: the stewardship fee is something we should recommend. The other is to give us some leeway as far as creating a picnic area without a lot of restrictions. If we want to build a covered area and it doesn't take down any trees, I think giving us some flexibility instead of trying to negotiate it right now would be my preference.

D. Hess: What is the current size of the proposed open space easement?

J. McCourt: The complete open space area is 9.7 acres.

S. Couture: As far as the deed language, generally what we do is we send it to the town attorney for review, specifically the attorney that we work with on conservation issues, so I just want to make sure you're aware of that.

P. Scarpetti: I gave the condo docs and the final plans to Dr. Shankle so he could review them for the Town Council.

J. McCourt: My only concern is that hopefully there are no big changes as we have already been through Fish and Game and I don't want to have to go back there again.

P. Scarpetti: I'm fine with the stewardship fee. As far as a building, what size are you looking at if we were to put the language in there?

S. Couture: Maybe a 20-foot by 20-foot space if that's available.

P. Scarpetti: Yes, we could do that, we just want to make sure that we protect the trees.

J. McCourt: You may want to put it in square footage instead in case you need to go long and narrow or make it around a tree, or something like that.

S. Couture: That's a good recommendation.

P. Scarpetti: We'll put 400 square feet in there.

***S. Couture motioned to approve the Merrimack Reserve (Map 1, Lots 4, 6, 8 & 9) as presented to the Conservation Commission this evening for consideration by the Town Council with the following conditions: 1. A 1% stewardship fee be calculated according to the Planning Board Fee Schedule for the conservation area that's protected by the deed, 2. Deed language be amended to include the right for the Town to have a 20 ft. by 20 ft. picnic area within the open space area that's not restricted due to eagle roosting habitat, 3. The deed language be reviewed by the Conservation Commission Attorney and upon a positive response and approval by the Attorney, that the package then move to Town Council. Seconded by C. Robertson. Opposed by D. Hess. Motion passed.***

J. McCourt: What is the time frame? We have a meeting on May 13<sup>th</sup> with the Town Council so I want to make sure we have an answer.

D. Hess: I recommend sending it to Mark Dunn directly and tell him it is urgent.

J. McCourt: Great, we will email it and make sure everyone is copied on it.

P. Scarpetti: Thank you very much. It's been a pleasure working with all of you on this Board.

## Jo Ann Duffy

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**From:** Tuttle, Kim <Kim.Tuttle@wildlife.nh.gov>  
**Sent:** Wednesday, May 06, 2015 1:39 PM  
**To:** McCourt Engineering Associates, PLLC  
**Subject:** RE: Merrimack Reserve Wetlands Bureau File #2014-03474

Jenn,

The NHFG Nongame and Endangered Species Program is okay with the White Pine Regrowth Monitoring Manual and language changes in the Easement document per request of the Hooksett Conservation Commission. Also, Mike Marchand spoke with Mark Dunn earlier this afternoon by phone and answered any questions that he had regarding the easement and eagle use of the roost areas.

Regards,

Kim Tuttle  
Certified Wildlife Biologist  
NH Fish and Game  
11 Hazen Drive  
Concord, NH 03301  
603-271-6544

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**From:** McCourt Engineering Associates, PLLC [<mailto:mccourtengineering@tds.net>]  
**Sent:** Wednesday, May 06, 2015 9:21 AM  
**To:** Tuttle, Kim  
**Subject:** RE: Merrimack Reserve Wetlands Bureau File #2014-03474

Kim I sent the wrong document and resent a new one but here are both of the current documents.  
Jenn

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**From:** Tuttle, Kim [<mailto:Kim.Tuttle@wildlife.nh.gov>]  
**Sent:** Wednesday, May 06, 2015 9:16 AM  
**To:** McCourt Engineering Associates, PLLC  
**Subject:** RE: Merrimack Reserve Wetlands Bureau File #2014-03474

I can't read the condominium declaration, can you send it over in another format?

---

**From:** McCourt Engineering Associates, PLLC [<mailto:mccourtengineering@tds.net>]  
**Sent:** Wednesday, May 06, 2015 9:05 AM  
**To:** Tuttle, Kim; Thomas, William; 'Tom Sokoloski'; 'Peter S Schauer'  
**Cc:** Sommer, Lori; 'Kern, Mark'; 'Keddell, David M NAE'; [pscarpetti@comcast.net](mailto:pscarpetti@comcast.net); 'Uchida, Richard Y.'  
**Subject:** RE: Merrimack Reserve Wetlands Bureau File #2014-03474

Kim:  
Please find attached the revised Pine Regrowth Monitoring Manual where "1' minimum tall" is added to the white pine seedling description under Planting.  
Also, I am attaching the Easement document that we made changes per the request of the Hooksett Conservation Commission. The changes are in yellow which include removing the drive and

**Jo Ann Duffy**

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**From:** Uchida, Richard Y. <ruchida@hinckleyallen.com>  
**Sent:** Wednesday, May 06, 2015 7:35 AM  
**To:** 'McCourt Engineering Associates, PLLC'  
**Cc:** pscarpetti@comcast.net  
**Subject:** RE: Hooksett Conservation Commission

Pine by me.

**From:** McCourt Engineering Associates, PLLC [mailto:mccourtengineering@tds.net]  
**Sent:** Wednesday, May 06, 2015 7:14 AM  
**To:** Uchida, Richard Y.  
**Cc:** pscarpetti@comcast.net  
**Subject:** RE: Hooksett Conservation Commission

Richard, may I request one addition for clarity? See below in red.  
Jenn

**From:** Uchida, Richard Y. [mailto:ruchida@hinckleyallen.com]  
**Sent:** Tuesday, May 05, 2015 6:33 PM  
**To:** Jennifer McCourt  
**Cc:** pscarpetti@comcast.net  
**Subject:** FW: Hooksett Conservation Commission

Jenn:

Let's add a note to the condo site plan that states as follows:

The Recreational Open Space easement shall not include detention/retention areas, the site driveway, or any property subdivided into lots or limited common area lots.

**From:** markdunnlaw@comcast.net [mailto:markdunnlaw@comcast.net]  
**Sent:** Tuesday, May 05, 2015 6:26 PM  
**To:** Uchida, Richard Y.  
**Cc:** stevedeb4@comcast.net  
**Subject:** Re: Hooksett Conservation Commission

Dear Rich:

have the plans been approved by the Planning Board?. If not can a Note be put in describing the Open area as all of the area outside of the envelopes, the road and the detention pond. I agree that any sort of cross hatching on the plan will cause the Registry to get al upset so forget that.

Sincerely

Mark

**From:** "Richard Y. Uchida" <ruchida@hinckleyallen.com>  
**To:** "stevedeb4@comcast.net" <stevedeb4@comcast.net>  
**Cc:** "Mark Dunn" <markdunnlaw@comcast.net>, "Carolyn Cronin" <CCronin@hooksett.org>, "Jennifer McCourt" <mccourtengineering@tds.net>, pscarpetti@comcast.net  
**Sent:** Tuesday, May 5, 2015 5:46:39 PM  
**Subject:** RE: Hooksett Conservation Commission

Mr. Couture:

I sent an e-mail to Mark (who is copied on this e-mail), which contains an e-mail from Kim Tuttle, confirming that she is fine with the language in the deed. We had actually cleared the language with her before we brought the Commission the last version of the deed.

So I am on the same page with everyone, Mark mentioned a day or two ago that he might like to include a note on the plan explaining the location of the open space, as well as a delineation of the location of the open space on the plan. Because the Registry can be somewhat cantankerous about plan details that jumble up a plan, I didn't want to proceed with this work (and likely the drafting of an additional plan) if you are all set. Let me know (or have Mark let me know) so we can wrap this up as soon as possible. Thank you.

Richard Uchida

**From:** stevedeb4@comcast.net [mailto:stevedeb4@comcast.net]  
**Sent:** Tuesday, May 05, 2015 3:58 PM  
**To:** Uchida, Richard Y.  
**Cc:** Dunn, Mark; Cronin, Carolyn; Jennifer McCourt; pscarpetti@comcast.net  
**Subject:** Re: Hooksett Conservation Commission

Richard,

Attorney Dunn has completed his review and we have no concerns with the language. The last due diligence step before we go to Town Council is to ensure NHF&G approves of the language. Please make that request and upon confirmation of F&G's approval we will forward our recommendation to Town Council.

Steve Couture

**From:** "Richard Y. Uchida" <ruchida@hinckleyallen.com>  
**To:** "markdunnlaw@comcast.net" <markdunnlaw@comcast.net>  
**Cc:** "CCronin@hooksett.org" <CCronin@hooksett.org>, "stevedeb4@comcast.net" <stevedeb4@comcast.net>, "Jennifer McCourt" <mccourtengineering@tds.net>, pscarpetti@comcast.net  
**Sent:** Tuesday, April 14, 2015 3:27:06 PM  
**Subject:** Hooksett Conservation Commission

Mark:

I hope that this e-mail finds you well.

At yesterday's Conservation Commission meeting in Hooksett, my clients, Jocelyn and Paul Scarpetti, presented an open space deed associated with the development of a five home project to the Commission for comment and approval. While the Commission expressed its approval of the project, it conditioned its approval on a review of the deed by you. The Commission suggested I could e-mail you directly with the document. I am also attaching the proposed site plan for context. The Plan at Page 4 is the one you need to examine.



By way of explanation, the red-lining in the document consists, in large part, of changes sought by New Hampshire Fish & Game to protect eagle roosting areas on the site. The yellow highlighting consists of a change sought by the Commission at yesterday's meeting. The Commission has not seen the change itself, but laid out the parameters of what it was seeking. I have tried to import those thoughts into the document.

We would deeply appreciate it if you could review this matter at your earliest convenience. We need to provide revised documents, as approved by the Commission, to the Town of Hooksett Town Council, because the project also involves the discontinuance of a Class VI road. (The Council's own attorney will also review this document, especially the access and utility easement.) The Council hopes to conduct that hearing on May 13, so it needs adequate lead time.

I look forward to any comments or questions. Please note I have copied Ms. Cronin and the chair of the Commission at their request.

**Richard Y. Uchida**

*Partner*

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1.1 South Main Street, Suite 400  
Concord, NH 03301-4846  
p: 603-545-6168 | f: 603-224-8350  
ruchida@hinckleyallen.com

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Version: 2012.0.2250 / Virus Database: 4311/9198 - Release Date: 05/05/15

AGENDA NO. 15-028

DATE: 5-13-15

**Staff Report**  
**Discussion of Newsletter in Tax Bill**  
**May 13, 2015**

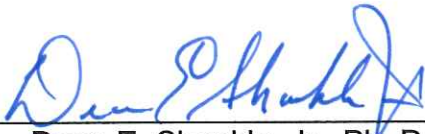
**Background:** It has been the practice to place Town newsletters in with the tax bill.

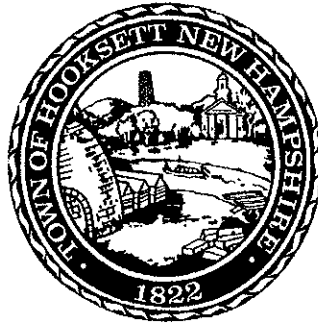
**Issue:** Council approval to allow this practice for the May 2015 tax bill.

**Recommendation:** Motion to allow the Town newsletter to be inserted along with the May 2015 tax bill.

**Prepared by:** Katie Rosengren, Project Coordinator

**Town Administrator's Recommendation:**

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



May 2015

# TOWN OF HOOKSETT NEWSLETTER

## CELEBRATE HERITAGE DAY

In celebration of Preservation Month, the Heritage Commission, Historical Society, Robie's Country Store Historic Preservation Corp., Town Hall Preservation Committee, and the Head School Society will cosponsor the 11th Annual Hooksett Heritage Day on **Sunday, May 31, 2015**, with activities from 9 a.m. to 3 p.m.

- Meet and greet the Schoolmarms of the Head School Society at Head School, 16 Pleasant Street, from 11 a.m. to 2 p.m. The marms will be showing and telling--toys of the 1840s.
- The Arah W. Prescott Historical Library, home of the Historical Society, located in front of the old town hall, will be open for visitors from 10 a.m. to 2 p.m. You'll be surprised to see the great collection of Hooksett artifacts on display.
- From 10 a.m. to 1 p.m. members of the Town Hall Preservation Committee and Heritage Commission will be available at the old town hall to talk about the history and future of this treasured building. Come and see the progress that's been made and take a look at drawings of possible layouts of the interior.
- Robie's Country Store Historic Preservation Corp. will be hosting an open house at the store from 9 a.m. to 3 p.m. Visit, have a luncheon special, and buy your Robie's cheese from the wheel. Robie's and Heritage Commission merchandise available.

## BORROW POPULAR MAGAZINES FOR YOUR TABLET

The New Hampshire Downloadable Books Consortium now offers free digital magazines, officially known as "Nook Periodicals." The digital magazines are now featured along with the growing collection of eBooks and eAudiobooks. Download the latest issue of *Good Housekeeping*, *Eating Well*, *Newsweek*, *Popular Science*, *Sports Illustrated*, and many more, to read on your tablet or mobile device. Visit [www.hooksettlibrary.org](http://www.hooksettlibrary.org) for more information and ask a friendly library staff member for assistance if you need it.

## BOARD & COMMITTEE OPENINGS

Would you like to serve on the Planning Board, Economic Development Committee, Parks & Recreation Advisory Board, Heritage Commission or other town boards? Check out Hooksett's Board & Committee openings found on the Available Positions page under Human Resources at [www.hooksett.org](http://www.hooksett.org) (this information is updated throughout the year), or contact the Administration Department at 485-8472.



## HOOKETT HAS AMAZING VOLUNTEERS!!



We would like to thank the MANY volunteers in Hooksett who make a difference every day. Your hard work and dedication help make this community a great place to live and work.

We are fortunate to have so many volunteers that we couldn't list them all here, but some recent examples of volunteers hard at work in town include:

- Cummings Printing and C.J.D Dirt works repaired a damaged fence at Petersbrook Park owned by the Town of Hooksett that was damaged during a storm.

-Residents & representatives from Comcast cleaned up Lambert Park on Earth Day

- Maria Johnson and the Friends of the Kids Kaboose donated \$1,794.57 for cleanup and maintenance of the Kids Kaboose Playground.

-The Community Profile Committee launched a successful two day Community Profile event

Keep up the good work, it is certainly noticed and appreciated!

## TOUCH A TRUCK @ YOUR LIBRARY

Join us for our annual Touch a Truck & Summer Reading Kick Off event on **Saturday, June 13<sup>th</sup>** from 11 a.m. – 2 p.m.

Ideal for children and family members of all ages. Get up close to police cars and fire trucks, and construction vehicles! Hands-on fun and crafts for the entire family. This event is sponsored by the Friends of the Library.

## ALARM PERMITS

The Hooksett Police Department would like to remind all residents and business owners about the new alarm permit ordinance #00-27 that went into effect July 1, 2014. Alarm permits need to be renewed annually in the month of December. Residents who have current alarm systems but have not applied for a permit are encouraged to do so. An initial \$25 fee will be charged. The ordinance is designed so alarm owners ensure that their alarms are working and serviced properly and officers are not tied up at false alarms for extended periods of time. Permits are available at the Police Department or at [www.hooksettpolice.com](http://www.hooksettpolice.com). Thank you for your cooperation.

## MAGICIAN, COMEDIAN, ENTERTAINER - LIVE PERFORMANCE BY NORMAN NG

Join us for an exciting, hilarious, and magical event from Norman Ng on **July 7<sup>th</sup>** at 6:30 p.m. Norman will wow us with magic and humor with his hour-long performance where he will encourage audience participation.

Norman Ng (Pronounced "ing") has been performing his exciting and unique brand of magic for over 23 years. He has performed live for more than 500,000 people throughout North America. All ages are welcome to attend this fun event for the entire family!