



TOWN COUNCIL AGENDA
Regular Meeting
Wednesday, July 27, 2016
6:30 PM
Council Chambers

1. CALL TO ORDER

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. SPECIAL RECOGNITIONS

4.a Lieutenant Michael Labrecque - Hooksett Police Dept.

5. APPROVAL OF MINUTES

5.a Public: 07/13/2016

[TC Minutes 071316-U.pdf](#)

5.b Non-public: 07/13/2016

6. AGENDA OVERVIEW

7. PUBLIC HEARINGS

7.a Public Hearing per RSA 31:95-b III (a) for Town Council to accept a donation of \$25,000 from SNHU to the Town of Hooksett towards the construction costs of the Martins Ferry Road pedestrian bridge over Messer Brook Tax Map 29, Lot 34 in Hooksett, NH
[072716 SNHU BRIDGE.doc](#)

[Staff Report 7-27-16 Accept SNHU \\$25000 donation for Pedestrian bridge on Martins Ferry Road.pdf](#)

7.b Public hearing for the Town Council to accept a \$13,418.00 AFG grant from FEMA to the Town of Hooksett for the Hooksett Fire-Rescue Dept. to purchase and install structural fire gear washer/extractor and dryer per RSA 31:95-b, III (a).
[072716 AFG GRANT HFD.doc](#)

[Staff report - PPE Extractor & Dryer.pdf](#)

[DHS-AFG Approval letter.pdf](#)

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

[Equipment costs and narratives.pdf](#)

[Price quotes - Extractor - Dryer.pdf](#)

8. CONSENT AGENDA

8.a Acceptance of Donation of Microwave from Jim Rozzi to the Town of Hooksett for the Fun in the Sun Recreation Camp Program valued at \$50.00 under RSA 31:9-3 II, acceptance of gifts less than \$5,000

[Staff Report Donation of Microwave.pdf](#)

9. TOWN ADMINISTRATOR'S REPORT

10. PUBLIC INPUT - 15 MINUTES

11. NOMINATIONS AND APPOINTMENTS

12. SCHEDULED APPOINTMENTS

13. 15 MINUTE RECESS

14. OLD BUSINESS

14.a Land Use Agreement with Jason Pritchard DBA Pritchard Farms or land off of Merrimack Street

[Staff Report 7-27-16 Land Lease Agreement with Pritchard Farms.pdf](#)

[Pritchard Farms Ag Lease Land Agreement July 28 2016.pdf](#)

14.b Appointment of Councilors to Sub-Committees

[TC subcom 060816.pdf](#)

14.c Adopt the Town Council Rules of Procedures

[TC Rules 081215.pdf](#)

15. NEW BUSINESS

15.a Town Council to accept a \$13,418.00 AFG grant from FEMA to the Town of Hooksett for the Hooksett Fire-Rescue Dept. to purchase and install structural fire gear washer/extractor and dryer per RSA 31:95-b, III (a).

15.b Change Order to RFP#16-3 Roadway Improvements Contract with Advanced Excavating and Paving

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

Staff Report 7-27-16 Change Order \$150,000 with Advanced Excavating and Paving.pdf

15.c Amend Town Council Meeting Schedule

Staff Report Amend Council Meeting Schedule.pdf

15.d Town Council to accept 25' x 100' parking area from CTH Building and Development LLC to the Town of Hooksett located at Tax Map 15, Lot 3 northern end of the Class 5 section of Chester Turnpike east side of roadway Hooksett, NH.

071316 TC CTH.doc

Staff Report 7-27-16 Accept Clay Pond Parking Area Easement.pdf

15.e Administrative Code Review and Adoption

Staff Report - Administrative Code Changes.pdf

Admin Code Section 5.5.3.docx

Admin Code Section 5.7.doc

Admin Code Investment Policy Section IV.docx

Cell Phone Policy.docx

16. SUB-COMMITTEE REPORTS

17. PUBLIC INPUT

18. NON-PUBLIC SESSION

18.a 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,

18.b 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.

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

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

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



TOWN COUNCIL MINUTES -- UNOFFICIAL
Regular Meeting
Wednesday, July 13, 2016
6:30 PM
Council Chambers

ITEMS 1-6A LED BY TOWN ADMINISTRATOR

1. CALL TO ORDER

Dr. Dean Shankle, Town Administrator, called the meeting to order at 6:50 p.m.

2. PLEDGE OF ALLEGIANCE

3. CEREMONY - SWEARING IN OF NEW COUNCILORS BY TOWN CLERK

Dr. Shankle announced July 1st as the turnover date of the Town Council. All incumbent councilors have been sworn in.

4. ROLL CALL #1

In attendance: Councilors Donald Winterton, James Levesque, Robert Duhaime, Marc Miville, David Ross, and Chairman James Sullivan. Absent: Councilors Timothy Tsantoulis and Adam Jennings.

5. TOWN COUNCILOR DISTRICT 6 - NOMINATION, APPOINTMENT & SWEARING IN

Town Council District 6 Application - John Giotas

[DISTRICT 6 TC 070116.doc](#)

[Giotas App.pdf](#)

Chairman Sullivan moved, second by Councilor Levesque, to waive the rule for appointing a councilor. Motion passed unanimously, 6-0.

Mr. John Giotas of 306 Bicentennial Drive applied for the one-year appointment as Town Councilor for District 6. Mr. Giotas rose and stated that he had lived in Hooksett for close to 40 years and would be honored to serve the people of District 6. He said he was a retired public school teacher having taught math at Hillside Middle School and was co-owner of a landscaping business since the late 80s. Mr. Giotas said that his family has owned property in Hooksett since the early 1940s.

Councilor Levesque moved, second by Councilor Ross to appoint John Giotas to a one year term, through June 30, 2017, as Councilor of Hooksett's District 6. Motion passed unanimously, 6-0.

Town Clerk, Todd Rainier, conducted the swearing-in of Mr. Giotas. To the applause and congratulations of those in attendance, Councilor Giotas assumed his position as a duly appointed voting member of the Council.

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6. TOWN COUNCIL REORGANIZATION - PART I

Election of Chair, Vice-Chair and Secretary

Councilor Duhaime moved, second by Councilor Winterton, to nominate Councilor Sullivan as Chair. Motion passed unanimously, 7-0.

Councilor Levesque moved, second by Councilor ???, to nominate Councilor Duhaime as Vice Chair. Motion passed unanimously, 7-0.

Councilor Duhaime moved, second by Councilor ???, to nominate Marc Miville as Secretary. Motion passed unanimously, 7-0.

7. SPECIAL RECOGNITIONS

8. APPROVAL OF MINUTES

Public: 0622/2016

[TC Minutes 062216-U.pdf](#)

Councilor Duhaime moved, second by Councilor Levesque, to approve the June 22, 2016 meeting minutes, as amended. Motion passed 6-0-1 [Councilor Giotas abstained].

Public: 06/29/2016

[TC Minutes 06292016-U.pdf](#)

Councilor Levesque moved, second by Councilor Winterton, to approve the June 29, 2016 meeting minutes, as presented. Motion passed 5-0-2 [Councilors Ross and Giotas abstained].

Non-Public 06/8/2016

Non-public: 06/29/2016

9. AGENDA OVERVIEW

10. PUBLIC HEARINGS

Public hearing for Town Council to accept 25' x 100' parking area from CTH Building and Development LLC to the Town of Hooksett located at Tax Map 15, Lot 3 northern end of the Class 5 section of Chester Turnpike east side of roadway Hooksett, NH (tabled from 6/22/16 Town Council Meeting)
[071316 TC CTH.doc](#)

In accord with NH RSA 36-A and NH RSA 477:45-47, Chairman Sullivan opened the public hearing at 7:13 p.m. and read the posting. The purpose of the public hearing is for the Town Council to accept a 25' x 100' parking area from CTH Building and Development, LLC to the Town of Hooksett located at Tax Map 15, Lot 3 northern end of the Class 5 section of Chester Turnpike on the east side of the roadway. This easement will service the Clay Pond Conservation area. Jim Donison, Town Engineer, said that the town agreed, as part of construction, to maintain the lot. Dr. Shankle said part of the reason for wanting the area is to allow people to have access and to allow people to park legally. There will be 10 parking

TC Minutes 071316-U

102 spots. In response to Councilor Miville on whether the lot would be paved and if there was an
103 incline, Mr. Donison said the lot would be gravel up to the incline so there would be no
104 leveling necessary. Mr. Donison said the cost is approximately \$20,000 but there are no
105 funds to do the work right now. Councilor Ross said this matter has been ongoing for awhile
106 and significant discussion has occurred about how to maintain the lot and there may only be
107 nine spaces available. Mr. Donison said a public hearing was required because it was
108 thought to be a conservation easement. It has turned out not to be a conservation easement
109 but a regular easement that doesn't have to come to the Council.

110
111 Chairman Sullivan left the public hearing open, and adjusted the meeting agenda, taking up
112 Agenda Item 16 prior to continuing here.

113
114 **11. TOWN COUNCIL REORGANIZATION - PART II**

115
116 Adopt RSA 31:104,31:105 and 31:106 to provide immunity and indemnification
117 Motion to have the Town Council Chair sign ancillary document as agent to expend
118 Adopt the Town Council Rules of Procedures
119 [TC Rules 081215.pdf](#)

120
121 *Councilor Winterton moved, second by Councilor Miville, to adopt RSA 31:104, 31:105 and*
122 *31:106 to provide immunity and indemnify all Town Councilors, other elected officials,*
123 *employees, agents as well as appointed officials that serve on committees and boards within*
124 *the Town of Hooksett. Motion passed unanimously, 7-0.*

125
126 *Councilor Duhaime moved, second by Councilor Winterton, to have the Town Council Chair*
127 *sign ancillary documents as agent to expend as a result of Town Council prior approval of the*
128 *documents. Motion passed unanimously, 7-0.*

129
130 Appointment of Councilors to Sub-Committees – tabled to 07/17/16 Town Council Meeting
131 [TC subcom 060816.pdf](#)

132
133 Adopt the Administrative Code - tabled to 07/27/16 Town Council Meeting

134
135 **12. CONSENT AGENDA**

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137 **13. TOWN ADMINISTRATOR'S REPORT**

138
139 Dr. Shankle announced that he would not be attending the next Council meeting since he will
140 be out of the country. He reminded the Council that Fire Rescue and Police Departments will
141 hold a forum on the opioid epidemic in NH on August 3rd, at 6:30 at the Hooksett Public
142 Library. The presentation will be led by Lt. Joseph Stalker, EMS officer and paramedic, and
143 Sgt. Janet Bouchard, supervisor of the Detective Bureau.

144
145 Dr. Shankle received a letter of resignation from Michael Labrecque who has retired from full
146 time status to take a part time position as Canterbury's Chief. The Council expressed thanks
147 to Mr. Labrecque for his service.

148
149 Councilor Miville, Chairman Sullivan, and Dr. Shankle attended the Governor & Council
150 meeting earlier in the day and the breakfast at Robie's Country Store prior to the meeting.

- 152 **14. PUBLIC INPUT - 15 MINUTES**
153
154 **15. NOMINATIONS AND APPOINTMENTS**
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156 **16. SCHEDULED APPOINTMENTS**
157

158 Kathie Northrup - Heritage Commission
159 [Heritage Commission - Veterans' Park.pdf](#)
160

161 Kathie Northrup, Chair of the Heritage Commission, and Frank Silva of the American Legion
162 came forward. Materials provided in the Council packet indicated that the Heritage
163 Commission was asked to formulate some recommendations for additions to Veterans Park
164 at Jacob Square. Ms. Northrup said there were two new requests: Battle of the Bulge and
165 Gold Star Mothers. The Battle of the Bulge request was withdrawn since placing their
166 monument at the Holy Rosary Church fit their needs more appropriately. Ms. Northrup said
167 she had done a lot of research including visiting the Veterans Cemetery in Boscawen. Ms.
168 Northrup referenced information provided in the Council packet. She indicated that any
169 monuments installed prior to adoption of guidelines will be grandfathered and Veterans Park
170 will be closed to any future monuments to preserve the unity, historical character, and
171 aesthetics of the park. She said the park now honors all servicemen and women who served
172 in individual wars up through Vietnam, an area dedicated to all who served and their families,
173 and POW/MIAs. Ms. Northrup said the Commission considered alternate sites. A sketch of
174 Veterans Park was provided; it is recommended that the Gold Star monument be placed near
175 the tree line symbolizing mothers and families and would apply to all wars. Ms. Northrup said
176 1/3 of the park belongs to the Congregational Church and in a 2013 agreement, plants could
177 be on their land but all permanent markings would be on town land. Ms. Northrup also
178 indicated that a history of when things happened was included in the Council packet.
179

180 Mr. Silva showed the Councilors a picture of what the Gold Star Mothers insignia looks like.
181 He said at the time this project was approved, the American Legion had no objection to
182 coordinating with the Heritage Commission on location and size. His Board approved the
183 location and size. The only problem that arose was changing the verbiage on the monument
184 since the legionnaires solicited funds for a monument dedicated to Gold Star Mothers. Mr.
185 Silva said the Gold Star Mothers was formed in the U.S. shortly after World War I and
186 chartered by the United States Congress in 1984. The Heritage Commission's
187 recommendation is to include a family dedication, the Blue Star Mothers. Mr. Silva brought
188 the recommendation to his Board and they were adamant about that not being what monies
189 were raised for. The monument is for Gold Star Mothers and that is what they got the permit
190 for from the town. He said they had no problem with the location and size but the text should
191 be left to the American Legion of Hooksett.
192

193 Councilor Levesque said if that is what the money was collected for, it should stay as is. Ms.
194 Northrup said the Heritage Commission was unaware of the Legion's fundraising and they
195 were simply looking to be more inclusive. Councilor Ross said Veterans Park is a memorial
196 park and if someone is currently serving, they are not being memorialized. Councilor
197 Duhaime asked Ms. Northrup what made her want to include the Blue Star. Ms. Northrup
198 said she saw it in Boscawen and they were looking to be all inclusive. Mr. Silva said that
199 when Ms. Northrup mentioned it to him he thought it was a great idea but it was too late.
200

201 There was discussion about closing Veterans Park to additional monuments, alternate
202 locations and guidelines about the size and look of monuments to try to honor without
203 detracting. Ms. Northrup said some people don't want the park to look like a cemetery since
204 Veterans Park is not a memorial park. The Commission was just trying to be more inclusive.
205

206 Mr. Silva distributed a copy of what the monument would look like that reads "Honor and
207 Remember To Honor All Gold Star Mothers of Hooksett – Freedom is Not Free" The bottom
208 of the monument included the date of November 11, 2015 and the words "Erected by Post 37
209 American Legion and the People of Hooksett, NH". Mr. Silva was anxious to proceed
210 pending the Council's approval. The value of the Legion's donation was estimated at \$3,500.
211

212 *Councilor Ross moved, second by Councilor Duhaime, to approve the location of the Gold
213 Star Mothers monument as recommended by the Heritage Commission and as presented by
214 the American Legion at Veterans Park. Motion passed unanimously, 7-0. Chairman Sullivan
215 felt the location of the monument was appropriate since mothers overlook others.*
216

217 *Councilor Winterton moved, second by Councilor Levesque, to accept, with thanks, the
218 donation of a monument valued under \$5,000. Motion passed unanimously, 7-0.*
219

220 Don Riley, Moderator
221

222 Town Moderator, Don Riley, congratulated the newly and re-elected councilors and reminded
223 Councilors of the State Primary being held in 60 days and Presidential Election in 120 days.
224 He said he needs all the help he can get and hopes Councilors will continue to be gracious
225 with their time.
226

227 Mr. Riley said he didn't anticipate being the moderator beyond June 30th and he, too, was not
228 aware that Cindy Robinson would be precluded from serving as Moderator while she served
229 on the Planning Board. He said he talked with two other charter committee members and it
230 seems there was no burning issue on any of their minds that caused that wording when the
231 carter was written. Mr. Riley said one of the reasons he chose not to run for Moderator is that
232 he is not going to be here in September. He, the town clerk and the chair of checklist
233 supervisors talked before he threw in a name as alternative. Mr. Riley said he had not yet
234 formally appointed someone but expects to have Cindy Robinson serve as *pro tem*
235 moderator on September 13th. He said Cindy Robinson is very qualified and is as up-to-date
236 as anyone else in town to serve in that capacity. He has met with Cindy Robinson and will do
237 so again, and he feels the integrity of the team will be in tact whether he is there or not.
238 Councilor Ross asked if the state had a say in the decision. Mr. Riley said "no" by state law,
239 the moderator can appoint. The Council thanked Mr. Riley for his service.
240

241 **17. 15 MINUTE RECESS**
242

243 **18. OLD BUSINESS**
244

245 14.a. Annual Town & School Report
246 [Staff Report 71316 Town Report.pdf](#)
247 [Town Council.pdf](#)
248

249 In accordance with the Town Charter, each year the Town Council includes a report in the
250 Annual Town & School Report. The Council, at its last meeting, authorized the Chair to draft
TC Minutes 071316-U

251 the Council's annual report which was included in the Council packet. Councilors reviewed
252 the report prepared by Chairman Sullivan and recommended a number of changes noted by
253 Katie Ambrose, Project Coordinator.

254
255 *Councilor Winterton moved, second by Councilor Duhaime, to approve the Council's Annual*
256 *Report, as amended, and to include it in the 2015-2016 Annual Town & School Report.*

257
258 A draft cover of the 2015-2016 Annual Town and School Report was provided to the Council
259 for approval. It was mentioned that the cover was put together by Kathie Northrup.

260
261 *Councilor Ross moved, second by Councilor Levesque, to approve the report cover and*
262 *theme, as presented. Motion passed unanimously, 7-0.*

263
264 **19. NEW BUSINESS**

265
266 15.b. Contract Award RFP#16-0 Peters Brook Athletic Field
267 Staff Report 7-13-16 Contract Award RFP#16-09 Peters Brook Athletic Field Construction.pdf
268

269 Jim Donison, Assistant DPW and Town Engineer, said that one bid was received on July 8th
270 for RFP#16-09 for the Peters Brook Athletic Fields construction. The contract is for an
271 irrigation system, lighting pole bases and electrical conduits and loam and establishment of
272 grass for one full size soccer field, one reduced size soccer field, one lacrosse field and three
273 smaller soccer "nipper" fields. The project includes: 6,000 LF of irrigation piping, nine lighting
274 pole bases, 2,200 LF of electrical conduit and loam and Establishment of Grass with Athletic
275 Field Mix. The base bid is for Establishment of Grass using a Slice Seeder Method
276 (preferred) and Bid Alternate No. 1 is for Establishment of Grass using Hydroseed Method.
277 The establishment of grass portion included bid item 18 for 1,000 tons of additional loam.
278 The existing quantity of loam presently on site will provide at least six inches of loam which is
279 acceptable to establish grass for the athletic fields. As a result, this item valued at \$31,000
280 can be deleted from the bid award. The project completion date is October 8th, 2016.

281
282 Mr. Donison recommends that the Town Council vote to approve the award and contract to
283 Alvin J. Coleman & Sons, Inc. of Conway, NH for the amount of \$211,619 which is the base
284 bid amount of \$242,619 less the bid item no. 18 valued at \$31,000. The funds for this
285 contract are from Parks and Recreation impact fees that has an available balance of
286 \$217,000.

287
288 Councilor Ross asked why the RFP wasn't sent out separately. Mr. Donison said they
289 wanted one general contractor to do everything; loaming, pole setting, etc. and have it done
290 by September. Councilor Ross said perhaps that's why only one bid was received since it is
291 too big of a job for one contractor. In the future, he recommends breaking the project apart.
292 In this case, "we might have gotten three bids and maybe ended up with a better project at a
293 cheaper price". Councilor Miville pointed out that having too many contractors would delay
294 the project since one contractor would have to finish their work before another could start.
295 Mr. Donison acknowledged that the cost might be greater by making one contractor
296 responsible for getting it done on time. Councilor Ross suggested if a problem occurs with
297 electronics, subcontracting could enter into the mix. Mr. Donison said the company has a
298 performance warranty. Councilor Levesque said he could see the pros and cons of both
299 approaches but having one contractor saves a lot of finger pointing. If the warranty is on the

300 general contractor, the town can have building inspector oversight. Mr. Donison said he will
301 be responsible for inspecting the work. Councilor Ross asked if impact fees being used were
302 about to expire. Public Works Director, Diane Boyce, said the fees have already been
303 designated.

304

305 *Chairman Sullivan moved, second by Councilor Winterton, to waive the requirement for*
306 *getting three bids. Motion passed 6-1 [Councilor Ross opposed].* Mr. Donison said a second
307 bid was received three minutes too late and a third bid was too late as well.

308

309 *Councilor Miville moved, second by Chairman Sullivan, to award the RFP #16-09 to Alvin J.*
310 *Coleman & Sons, Inc. of Conway NH for the amount of \$211,619 for Peters Brook Athletic*
311 *Fields construction project.*

312

313 Councilor Ross said having heard that two bids were late, he wondered whether there is an
314 opportunity to get these bids by putting out a second call, especially since the Council is
315 looking to expend \$200,000 of taxpayers' money. Chairman Sullivan said there is a process
316 for bidding. Dr. Shankle said the RFP can be re-bid, but he understood the HYA was in a
317 rush to get this field in. Director Boyce stated that it takes HYA two years to establish a field
318 ready. She said if the field is not done this year, HYA will have to wait two years before the
319 grass is put in.

320

321 Dr. Shankle said he didn't have strong feelings on the matter but to re-bid would require re-
322 posting in the newspaper and handling of other procedural matters. Chairman Sullivan said
323 that the project cannot go out for re-bidding if there is no change in requirement. Jim
324 Donison said he could change the completion date to next June. Councilor Winterton asked
325 if anyone was planning on playing on these fields until two years from now, the fall of 2018.
326 Director Boyce said HYA has lost a field and are struggling with play time now.

327

328 Councilor Miville and Chairman Sullivan withdrew their motion. At Dr. Shankle's suggestion,
329 *Councilor Levesque moved, second by Councilor Duhaime, to re-consider the vote on*
330 *waiving the rule of requiring a minimum of three bids on RFPs. Roll Call #3: Councilor*
331 *Giotas-yes, Councilor Ross-yes, Councilor Miville-yes, Councilor Duhaime-yes, Councilor*
332 *Levesque-yes, Councilor Winterton-yes, Chairman Sullivan-yes. Motion passed*
333 *unanimously, 7-0.*

334

335 *Councilor Winterton moved, second by Councilor Duhaime, to waive the rule of getting a*
336 *minimum of three bids on RFPs. Roll Call #4: Councilor Levesque-no, Councilor Ross-no,*
337 *Councilor Duhaime-no, Councilor Miville-no, Councilor Winterton-no, Councilor Giotas-no,*
338 *Chairman Sullivan-no. Motion failed, 0-7.*

339

340 15.c. Sidewalk Easement with Cigna on College Park Drive
341 [Staff Report 7-13-16 College Park Dr Sidewalk Easement with Cigna-Healthsource Properties.pdf](#)
342 [3633B EASE PLAN \(5-2-16\).pdf](#)

343

344 Jim Donison, Assistant DPW/Town Engineer, stated that the College Park Drive sidewalk
345 project is ready to be advertised for construction bids in late July with construction scheduled
346 for the fall 2018. This project is a NHDOT Congestion Mitigation and Air Quality (CMAQ)
347 project to improve pedestrian facilities. A 5,105 square foot sidewalk easement will be
348 necessary as part of the project. In accordance with NHDOT requirements and prior to their

349 approval to proceed with the advertisement for bids, the town is required to certify that all
350 easements have been obtained. The sidewalk easement with Health Source properties
351 (Cigna) is required. The town's assessed value of the easement which has been approved
352 by NHDOT is \$4,143.60 based upon an easement value of \$0.90/sf. Cigna has challenged
353 this assessed value and is requesting 90 percent of \$4.00/sf or \$18,374.40. Construction
354 costs are estimated at \$336,900. As part of the CMAQ program, the project costs are shared
355 80% state/20% town; however, NHDOT will only participate in the cost sharing portion of the
356 approved assessed value of \$4,143.60. Mr. Donison said the town responsibility is 20
357 percent of the total project costs of the approved amount of \$4,143.60. The balance of the
358 easement costs with Cigna for the College Park Drive sidewalk easement will be from impact
359 fees.

360
361 In response to Chairman Sullivan, Mr. Donison stated that the town assessor has looked at
362 the matter. Councilor Miville asked for confirmation that Cigna was demanding \$18,374 for
363 the easement. Mr. Donison confirmed that fact and said the easement is valued at 90
364 percent of \$4.00/sf, or \$18,374. Councilor Duhaime asked if the setback from the roadway
365 wouldn't put the sidewalk further back on Cigna land. Mr. Donison said, yes, the setback
366 from the roadway would put the sidewalk further back on Cigna's land and take less from
367 state land. Councilor Winterton asked if the impact fees are coming from roadway impact
368 fees in that zone. Mr. Donison said "yes". The Council discussed restrictions in accepting
369 federal funds such as a CMAQ grant.

370
371 *Chairman Sullivan moved, second by Councilor Duhaime, to authorize the Town*
372 *Administrator to negotiate and execute a 5,105 square foot sidewalk easement with Health*
373 *Source Properties (Cigna) for an amount not to exceed \$18,374 and that the amount over the*
374 *NHDOT approved cost shared value of \$4,143.60 be appropriated/allocated from impact*
375 *fees. Roll Call #5: Councilor Ross-yes, Councilor Duhaime-yes, Councilor Levesque-yes,*
376 *Councilor Winterton-yes, Councilor Miville-yes, Councilor Giotas-yes, Chairman Sullivan-yes.*
377 *Motion passed unanimously, 7-0.*

378
379 15.e. Amendment to CMA Engineers, Inc contract for Construction Phase Engineering services
380 - College Park Drive Sidewalk Project
381 [Staff Report 7-13-16 CMA Engineering Contract Admendment.pdf](#)
382

383 Jim Donison indicated that the College Park Drive sidewalk project is ready to be advertised
384 for construction bids in late July with construction scheduled for the fall 2016. CMA
385 Engineers is currently under contract for the engineering design phase of the project. In
386 accordance with NHDOT requirements and prior to their approval to proceed with the
387 advertisement for bids, the town is required to enter into a contract amendment with CMA
388 Engineers for the construction phase of the project. Their current engineering contract
389 amount is \$60,878. The construction phase engineering services cost is \$70,562.
390 Construction costs are estimated at \$336,900. The total project costs are estimated at
391 \$486,483 compared to the original approved amount of \$370,649. The town's 20 percent
392 portion of this increase will be \$94,496 compared to the original commitment amount of
393 \$74,129.80 reflecting a \$20,366.80 increase plus the cost of the non-participating sidewalk
394 easement cost of \$14,000 with Cigna. Mr. Donison noted that funds for this College Park
395 Drive sidewalk are from impact fees. Councilor Winterton confirmed that there would be
396 sufficient impact fees to cover the costs.

397

398 *Councilor Duhaime moved, second by Councilor Winterton, to approve a contract*
399 *amendment with CMA Engineers for the amount of \$70,562 for construction phase*
400 *engineering services and that they authorize a \$20,366.80 increase in the town's 20 percent*
401 *total project share from the original approved amount of \$74,129.80 to \$94,496. Roll Call #6:*
402 *Councilor Miville-yes, Councilor Levesque-yes, Councilor Winterton-yes, Councilor Giotas-*
403 *yes, Councilor Ross-yes, Councilor Duhaime-yes, Chairman Sullivan-yes. Motion passed*
404 *unanimously, 7-0.*

405

406 15.h. Land Use Agreement with Jason Pritchard DBA Pritchard Farms or land off of Merrimack
407 Street

408 [2016-22 Hooksett Land Use Agreement with Pritchard Farms.pdf](#)

409

410 Jim Donison, Assistant DPW and Town Engineer, presented the Council with a proposed
411 Land Lease Agreement between Jason Pritchard d/b/a Pritchard Farms and the Town of
412 Hooksett to allow Pritchard to use Hooksett's land off of Merrimack Street and surrounding
413 fields for agricultural purposes. Legal counsel has reviewed the proposed agreement and
414 has suggested including the address and lot number. Councilor Ross said this has been an
415 ongoing thing and that the property has been farmed all along and the state wants to
416 encourage agricultural use. He said it is a benefit for the town to allow this to continue.

417

418 Councilor Levesque asked where the hay went. Councilor Miville asked if proposed changes
419 had been negotiated with Mr. Pritchard. Mr. Donison said no. Dr. Shankle pointed out that
420 the town is not changing anything that has yet been signed by Mr. Pritchard. *Chairman*
421 *Sullivan moved, second by Councilor Ross, to table the matter pending discussion with legal*
422 *counsel.*

423

424 *Chairman Sullivan moved, second by Councilor Ross, to extend the meeting to 10:00 p.m.*
425 *Motion passed unanimously, 7-0.*

426

427 15.i. Sidewalk Easement with McDonalds Martins Ferry Road

428 [Staff Report 7-13-16 Sidewalk Easement with McDonalds.pdf](#)

429 [Sidewalk NHDOT-Hooksett-McDonalds Project No 12537A US Rte 3 sheet 8 of 21 10-15-2010.pdf](#)

430

431 Jim Donison, Assistant DPW/Town Engineer, indicated that as part of the proposed sidewalk
432 construction on Martins Ferry Road a 270 square foot sidewalk easement will be necessary.
433 He provided the Council with a plan illustrating the location of the easement area.

434

435 *Councilor Miville moved, second by Councilor Ross, to authorize the Town Administrator to*
436 *negotiate and accept a sidewalk easement with McDonald's for a sidewalk on Martins Ferry*
437 *Road. Motion passed unanimously, 7-0.* Dr. Shankle indicated that there may be need for a
438 public hearing dependent on the in-kind value.

439

440 Acceptance of 140 acres of conservation easement land from Pike Industries, Inc. to the Town of
441 Hooksett locate at Tax Map 7, Lots 23, 24 & 25 Off Hackett Hill Road & F.E. Everett Turnpike in
442 Hooksett, NH

443 [Staff Report 7-13-16 Accept 140 acre conservation easement from Pike Industries inc.pdf](#)

444 [Pike Industries Conservation Easement Letter of Truck Affidavit 7-5-16.pdf](#)

445 [Pike Industries Conservation Easement Pending Items Truck Tire removal 7-5-16.pdf](#)

446 [Pike Industries Conservation Easement Stamped survey plan 7-5-16.pdf](#)

447

448 Ryan Crosbie of Pike Industries and Robert Dietel of Gallagher, Callahan & Gartrell Law
449 came forward. Mr. Crosbie indicated that the remaining conditions required by the
450 Conservation Commission have been addressed. One condition was blazing the entire
451 perimeter of the conservation land. Mr. Crosbie provided a slide of what blazing looks like.
452

453 A final version of the Easement Deed was provided for the Council's review and approval.
454 Mr. Crosbie said the Conservation Commission and NH Department of Environmental
455 Service (NHDES) have reviewed the document. Matt Serge, Town Counsel, provided some
456 comments to the document but found it acceptable.
457

458 Councilor Duhaime indicated that the black and white checkered area on the colored property
459 expansion map didn't line up with the yellow property line and the vernal pool will not exist
460 anymore. Mr. Crosbie said the wetlands permit allowed them to remove the pools and the
461 property boundary includes that portion. He said the original permit for the quarry did not
462 include the wetlands and he referenced everything included as part of the new 140 acres
463 conservation area. Councilor Duhaime also noted that the Public Service has a right-of-way
464 through the property. Mr. Crosbie confirmed that Eversource did have that right.
465

466 Mr. Crosbie said the Conservation Commission will be receiving a stewardship check which
467 is ready to be provided once approval and acceptance of the conservation easement is
468 granted. Councilor Ross moved, second by Councilor Duhaime, to approve the acceptance
469 of the conservation easement as presented from Pike Industries of approximately 140 acres.
470

471 There was concern that the easement deed had to be with the Conservation Commission as
472 a legal document with DES. Councilor Ross said it prohibits the town from doing anything
473 else with this property. Chairman Sullivan was concerned that the Council did not have
474 authority. Mr. Dietel indicated that the Council is not authorizing the Conservation
475 Commission but rather accepting the Conservation Commission's recommendation. He
476 indicated that town counsel, Matt Serge, has reviewed the file and believes that the Council
477 can approve the agreement. He also stated that they don't want to run up against NHDES
478 deadlines. Councilor Duhaime indicated that the land is strictly for conservation. Councilor
479 Miville noted that the money is being granted to the Conservation Commission for
480 maintenance of the property. Councilor Ross said the Conservation Commission has been
481 looking at this for a long time and the town needs to get it done. Chairman Sullivan said he
482 was concerned about the process since the Council has only seen the documentation twice.
483 Councilor Ross said David Hess has been over this from the beginning and would have
484 expressed his concern if he had any.
485

486 *Councilor Ross moved, second by Councilor Duhaime, to approve/accept the conservation*
487 *easement deed as presented by Pike Industries, Inc. Rolls Call #2: Councilor Duhaime-yes,*
488 *Councilor Miville-yes, Councilor Ross-yes, Councilor Levesque-yes, Councilor Giotas-yes,*
489 *Councilor Winterton-yes and Chairman Sullivan-abstained. Motion passed, 6-0-1 [Chairman*
490 *Sullivan abstained].*
491

492 Roadway name for Bluebird Self Storage driveway
493 [Staff Report 7-13-16 Roadway Name Blue Bird Self Storage.pdf](#)
494 [Staff Report 7-13-16 Roadway Name Blue Bird Self Storage APPROVAL FORM.pdf](#)
495 [Street Names request July 6 2016.pdf](#)
496 [Street Names request July 6 2016.pdf](#)

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Jim Donison, Assistant DPW/Town Engineer, indicated that in accord with 9-1-1 compatibility, five street names are proposed for the private access roadway serving the Blue Bird Self Storage site. Police, Fire, Code Enforcement, and Highway/Public Works have approved the five names. It is the responsibility of Town Council to select one of the names. The five proposed names are: Scholar Way, Hall Road, Academy Drive, Major Drive and Bursar Road. Mr. Donison said there were no costs associated with the roadway name. The developer will be responsible to the street sign and installation cost.

Councilor Duhaime moved, second by Councilor Miville, to approve the naming of Bursar Road for the private roadway serving the Blue Bird Self Storage site. Motion passed unanimously, 7-0.

20. SUB-COMMITTEE REPORTS

Councilor Winterton said the TIF Committee met yesterday. Katie Ambrose is spearheading the group along with Town Engineer, Jim Donison. The Committee will meet every two weeks on a 90-day schedule. Councilor Winterton will keep the Council updated.

Councilor Miville said the Budget Committee meeting scheduled for July 14th was cancelled.

At 9:54 p.m., Chairman Sullivan closed the public hearing on accepting the parking area from CTH Building and Development to the Town.

Councilor Ross suggested working up a form of recognition for Officer Labrecque. Donna Fitzpatrick said she is working on that and will include it as subject matter for the Council's workshop.

21. PUBLIC INPUT

22. 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 9:55pm. Seconded by J. Levesque.

Roll Call

D. Ross – yes
D. Winterton – yes
J. Levesque – yes
R. Duhaime – yes
M. Miville – yes
J. Giotas - yes
J. Sullivan - yes

Vote unanimously in favor.

547 **J. Sullivan motioned to exit non-public at 10:10 pm. Seconded by Councilor D. Ross.**
548 **Vote unanimously in favor.**

549 **J. Sullivan motioned to seal the non-public minutes of 07/13/16 at 10:11pm**
550 **Seconded by Councilor D. Ross.**
551 **Vote unanimously in favor.**

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556 **23. ADJOURNMENT**

557

558 **Motion to adjourn the public session by J. Sullivan, at 10:12pm Seconded by J,**
559 **Levesque.**

560 **Vote unanimously in favor.**

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566 **Note:**

567

568 **The town website may have attachments to these Town Council minutes for**
569 **documents referred to in the minutes, reading file material, and/or ancillary documents**
570 **that the Town Council Chair has signed as agent to expend as a result of the Council's**
571 **prior approval of the documents.**

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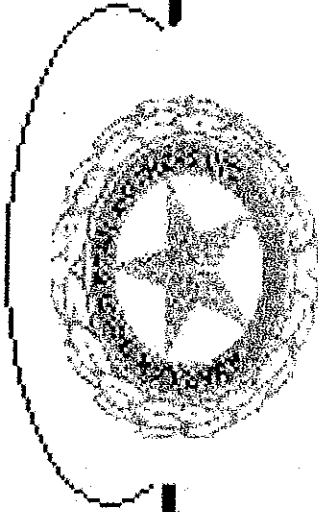
577 **Respectfully submitted,**

578

579

580 **Suzanne Beauchesne**

581



Honor and Remember

To Honor All
Gold Star Mothers of Hooksett

Freedom is Not Free

Erected by Post 57 American Legion
and the People of Hooksett, NH

November 11, 2015

Staff Report

Title: Contract Award RFP#16-09 Peters Brook Athletic Fields

Date: 07/13/2016

Background and Discussion of Issues

One bid was received on 7/8/16 for RFP#16-09 for the Peters Brook Athletic Fields construction. The contract is for an Irrigation System, Lighting Pole bases and electrical conduits and Loam and establishment of grass for one full size soccer field, one reduced size soccer field, one lacrosse field and 3 smaller soccer "Nipper" fields. Project includes: 6,000 LF of irrigation piping, 9 Lighting pole bases, 2,200 LF of electrical conduit and Loam and Establishment of Grass with Athletic Field Mix. The base bid is for Establishment of Grass with using a Slice Seeder Method and Bid Alternate No 1 is for Establishment of Grass using Hydroseed Method. The bidder is Alvin J. Coleman & Sons, Inc., Conway, NH with a Total Base bid amount of \$242,619.00 and Total Bid Alt No 1 amount of \$246,919.00.

The establishment of grass portion included bid item 18 for 1,000 tons of additional loam. The existing quantity of loam presently on site will provide at least 6 inches of loam which is acceptable to establish grass for the athletic fields. As a result this item valued at 31,000 can be deleted from the bid award.

Recommendation (including suggested motion, if appropriate)

It is recommended that the Town Council vote to approve the award of only one bid for this project. It is recommended that the Town Council award and approve a contract with Alvin J. Coleman & Sons, Inc., Conway, NH for the amount of \$211,619.00 which is the base bid amount of \$242,619.00 less the bid item no 18 valued at \$31,000 for RFP#16-09 Peters Brook Athletic Fields Construction Project.

Fiscal Impact

The funds for this contract is from Parks and Rec impact fees which has an available amount of \$217,000.

Prepared by: James Donison, Asst DPW/Town Eng

Town Administrator Recommendation

Concur

Staff Report

Title: College Park Driveway Sidewalk Easement with CIGNA

Date: 07/13/2016

Background and Discussion of Issues

The College Park Drive sidewalk project is ready to be advertised for construction bids in late July with construction scheduled for the fall 2016. This project is a NHDOT Congestion Mitigation and Air Quality (CMAQ) project to improve pedestrian facilities. A 5,105 sq. ft. sidewalk easement will be necessary as part of the project. In accordance with NHDOT requirements and prior to their approval to proceed with the advertisement for bids, the Town is required to certify that all easements have been obtained. A 5,105 sq. ft. sidewalk easement with Health Source properties (Cigna) is required. The town's assessed value of the easement which has been approved by NHDOT is \$4,143.60 based upon an easement value of \$0.90/sf. Cigna has challenged this assessed value and is requesting 90% of \$4.00/sf or \$18,374.40. Construction costs are estimated at \$336,900. As part of the CMAQ program, the project costs are shared 80/20 between the state and the town (Town pays 20%), however NHDOT will only participate in the cost sharing portion of the approved assessed value of \$4,143.60.

Recommendation (including suggested motion, if appropriate)

It is recommended that the Town Council authorize the Town Administrator to negotiate and execute a 5,105 sq. ft. sidewalk easement with Health Source Properties (Cigna) for an amount not to exceed of \$ 18,374, and that the amount over the NHDOT approved cost shared value of \$4,143.60 be appropriated/allocated from Impact fees.

Fiscal Impact

The Town responsibility is 20% of total project costs of the approved amount of \$4,143.60. The balance of the easement costs with Cigna for the College Park Drive sidewalk easement will be from impact fees.

Prepared by: James Donison, Asst DPW/Town Eng

Town Administrator Recommendation

Concur

Staff Report

Title: Construction Phase Contract with CMA Engineers - College Park Driveway Sidewalk

Date: 07/13/2016

Background and Discussion of Issues

The College Park Drive sidewalk project is ready to be advertised for construction bids in late July with construction scheduled for the fall 2016. This project is a NHDOT Congestion Mitigation and Air Quality (CMAQ) project to improve pedestrian facilities. CMA Engineers is current under contract for the engineering design phase of the project. In accordance with NHDOT requirements and prior to their approval to proceed with the advertisement for bids, the Town is required to enter into a contract amendment with CMA Engineers for the Construction Phase of the project. Their current engineering contract amount is \$60,878. The construction phase engineering services cost is \$70,562. Construction costs are estimated at \$336,900. As part of the CMAQ program, the project costs are shared 80/20 between the state and the town (Town pays 20%).

In addition, the total project costs are estimated at \$486,483 compared to the original approved amount of \$370,649. The Town 20% portion of this increase will be \$94,496 compared to the original commitment amount of \$74,129.80 reflecting a \$20,366.80 increase plus the cost of the non-participating sidewalk easement cost of \$14,000 with Cigna.

Note the total project costs reflects an easement cost with Cigna of \$18,000 which is the topic of a separate staff report.

Recommendation (including suggested motion, if appropriate)

It is recommended that the Town Council approve a contract amendment with CMA Engineers for the amount of \$70,562 for construction phase engineering services and that they authorize a \$20,366.80 increase in the Town's 20% total project share from the original approved amount of \$74,129.80 to \$94,496.

Fiscal Impact

The Town responsibility is 20% of total project costs. The funds for this College Park Drive sidewalk is from impact fees.

Prepared by: James Donison, Asst DPW/Town Eng

Town Administrator Recommendation

Concur

THIS IS A NON-CONTRACTUAL CONVEYANCE PURSUANT TO
NEW HAMPSHIRE RSA 78-B:2 AND IS EXEMPT FROM THE NEW HAMPSHIRE REAL ESTATE TRANSFER
TAX

CONSERVATION EASEMENT DEED

Pike Industries, Inc., having an address of 3 Eastgate Park Rd., Belmont, NH 03220 and owning a tract of land at 38 Hackett Hill Rd., Hooksett, County of Merrimack, State of New Hampshire (hereinafter referred to as the "Grantor," which, where the context requires, includes the plural and shall, unless the context clearly indicates otherwise, include the Grantor's executors, administrators, legal representatives, devisees, heirs, successors, and assigns), for consideration, with quitclaim covenants, grants in perpetuity to the Town of Hooksett, by and through its Conservation Commission, 35 Main Street, Hooksett, New Hampshire 03106 (hereinafter referred to as the "Grantee"), the Conservation Easement (herein referred to as the "Easement") hereinafter described with respect to that certain portion of land (herein referred to as the "Property") being undeveloped land situated on the north of Hackett Hill Road and east of South Bow Road in the Town of Hooksett, County of Merrimack, State of New Hampshire, more particularly bounded and described in Appendix "A" attached hereto and made a part thereof. And with a Third Party Right of Enforcement therein granted to the STATE OF NEW HAMPSHIRE acting through its DEPARTMENT OF ENVIRONMENTAL SERVICES, an administrative agency duly organized and existing under the laws of the State of New Hampshire, with a principal place of business at 29 Hazen Drive, City of Concord, County of Merrimack, State of New Hampshire, 03302, (the "Third Party Holder")

1. PURPOSES

- A. This Easement is being conveyed as a portion of a mitigation package to offset environmental impact relating to a permit issued by the New Hampshire Department of Environmental Services (hereinafter "DES"), File Number 2012-3271 (the "Permit").
- B. The Easement hereby granted is pursuant to NH RSA 477:45-47, exclusively for the following conservation purposes:

The preservation and conservation of open spaces, particularly the conservation of the 140 acres, plus or minus, of forest land of which the land area subject to the Easement granted hereby consists, and of the wildlife habitat on the property, and the scenic and recreational enjoyment of the general public.

The preservation, conservation, and protection of watershed areas of Brickyard Brook, a tributary to public water supply within the town of Hooksett.

- C. These purposes are consistent with the Hooksett Conservation Commission's clearly communicated open space conservation goals and objectives, and the Southern New Hampshire Planning Commission's wellhead protection goals as communicated in their Wellhead Protection Program report accepted by the Hooksett Town Council on June 27, 2007.

- D. Such purposes are further consistent with New Hampshire RSA Chapter 79-A:1, which states in pertinent part: "It is hereby declared to be in the public interest to encourage the preservation of open space, thus providing a healthful and attractive outdoor environment for work and recreation of the state's citizens, maintaining the character of the state's landscape, and conserving the land, water, forest, agricultural and wildlife resources."
- E. The preservation of the land subject to the Easement granted hereby for outdoor recreation by and/or the education of the general public, through the auspices of the Grantor and Grantee.
- F. All of these purposes are consistent and in accordance with the US Internal Revenue Code, Section 170(h).

2. USE LIMITATIONS (Subject to reserved rights specified in Section 3 below)

The Easement hereby granted with respect to the property is as follows:

- A. The Property shall be maintained in perpetuity as open space without there being conducted thereon any industrial or commercial activities.
- B. The Property shall not be subdivided.
- C. No structure or improvement shall be constructed, placed, or introduced onto the Property, with the exception of informational kiosks and educational signs and related similar small structures such as sheds, bridges, and fences may be constructed, placed, or introduced onto the Property only as necessary in the accomplishment of the forestry, conservation, habitat management, or noncommercial outdoor recreational uses of the Property and provided that they are not detrimental to the purposes of this Easement.
- D. No removal, filling, or other disturbances of soil surface, nor any changes in topography, surface or subsurface water systems, wetlands, or natural habitat shall be allowed, except as necessary to construct, maintain and improve a trails system and its appurtenant kiosks and small structures, and which:
 - i. are commonly necessary in the accomplishment of the forestry, conservation, habitat management, or noncommercial outdoor recreational uses of the Property; and
 - ii. do not harm state or federally recognized rare, threatened, or endangered species, such determination of harm to be based upon information from the New Hampshire Natural Heritage Inventory or the agency then recognized by the State of New Hampshire as having responsibility for identification and/or conservation of such species; and
 - iii. are not detrimental to the purposes of this Easement.
- E. No outdoor advertising structure such as signs and billboards shall be displayed on the Property except as desirable or necessary in the accomplishment of the forestry, conservation, or noncommercial outdoor recreational uses of the Property, and provided such signs are not detrimental to the purposes of this Easement.

- F. There shall be no mining, quarrying, excavation, or removal of rocks, minerals, gravel, sand, topsoil, or other similar materials on the Property, except in connection with any improvements made pursuant to the provisions of sections 2. C., D., or E., above. No such rocks, minerals, gravel, sand, topsoil, or other similar materials shall be removed from the Property.
- G. There shall be no dumping, injection, burning, or burial of man-made materials or materials then known to be environmentally hazardous including vehicle bodies or parts.

3. RESPECTIVE RIGHTS

- A. Grantor reserves the right, in consultation with the Grantee, to post against hunting and fishing, as Grantor may desire from time to time.
- B. Both Grantor and Grantee independently reserve the right, in consultation with each other, to unilaterally permit or forbid the use of motorized recreational vehicles of all kinds.
- C. Grantee reserves the right to construct, manage, use, and maintain trails as public foot paths and signs associated with such trails, as Grantee may desire from time to time.
- D. Grantee reserves the right to conduct limited forestry activities that shall be performed, to the extent reasonably practicable, , between August 15 and April 15, to take into consideration habitat and for the Northern long-eared bat and in a manner not detrimental to the Purposes of this Easement.

The goals are:

- protection of wetlands, riparian zones, and water quality;
 - maintenance of soil productivity;
 - protection of unique or fragile natural areas;
 - conservation of native plant and animal species;
 - maintenance or improvement of the overall quality of forest products;
 - protection of unique historic and cultural features.
- i. Such forestry shall be performed in accordance with a written forest management plan consistent with this Easement, prepared by a licensed professional forester, or by other qualified person approved in advance and in writing by the DES. Said Plan shall have been prepared not more than ten years prior to the date any harvesting is expected to commence, or shall have been reviewed and updated as required by such a forester or other qualified person at least thirty (30) days prior to said date.
- ii. Such forestry shall be carried out in accordance with the applicable local, state, federal, and other governmental laws and regulations, and, to the extent reasonably practicable, in accordance with then current, generally accepted best management practices for the sites, soils, and terrain of the Property. For references, see "Best Management Practices for Erosion Control on Timber Harvesting Operations in New Hampshire 2004", and "Good Forestry in the Granite State: Recommended Voluntary Forest Management Practices for

New Hampshire” (Good Forestry in the Granite State Steering Committee, 2010), or similar successor publications.

- iii. At least thirty (30) days prior to harvesting, Grantee shall submit to DES a written certification, signed by a licensed professional forester, or by other qualified person approved in advance, that such forest management plan has been prepared in compliance with the terms of this Easement. Upon request by the DES, the Grantee shall submit the plan itself to DES within ten (10) days of such request, with acknowledgment that the plan’s purpose is to guide forest management activities in compliance with this Easement, and that the actual activities will determine compliance therewith.
- E. Grantor reserves the right to access the Property for any purpose required pursuant to its Permit, its other applicable permits, or other requirement by a government agency having jurisdiction (“Regulators”), including: (1) wetlands monitoring and sampling; (2) vegetation inspections, sampling and inventory; (3) restoration or remediation of areas inadvertently disturbed by Grantor to the extent required by Regulators; (4) forestry management, and (5) maintenance of created turtle nesting and other wildlife habitat.

4. NOTIFICATION OF TRANSFER, TAXES, AND MAINTENANCE

- A. Grantee shall be under no obligation to maintain or insure the Property or pay any taxes or assessments thereon.

5. BENEFITS, BURDENS, AND ACCESS

- A. The burden of the Easement conveyed hereby shall run with the Property and shall be enforceable against all future owners and tenants in perpetuity. The benefits of this Easement shall not be appurtenant to any particular parcel of land but shall be in gross and assignable or transferable only to the State of New Hampshire, the U.S. Government, or any subdivision of either of them, consistent with Section 170(c)(1) of the U.S. Internal Revenue Code of 1986, as amended, or to any qualified organization within the meaning of Section 170(h)(3) of said Code, which organization has among its purposes the conservation and preservation of land and water areas and agrees to and is capable of enforcing the conservation purposes of this Easement. Any such assignee or transferee shall have like power of assignment or transfer.
- B. The Grantee shall have reasonable access to the Property and all of its parts for such inspection as is necessary to determine compliance with and to enforce this Easement and exercise the rights conveyed hereby, fulfill the responsibilities, and carry out the duties assumed by the acceptance of this Easement.
- C. The Grantee shall have the right to install and maintain signs that identify and further the conservation or preservation purposes of the Property, or for identification of conservation partners, provided the purposes and obligations of Grantee under this Easement are not impaired.

- D. With the consent of Grantor, which shall not be unreasonably withheld, the Grantee may transfer and assign all or a portion of its rights and responsibilities hereunder to a conservation organization organized under the laws of the State of New Hampshire.

6. ACKNOWLEDGEMENT OF GRANTOR'S OPERATIONS

- A. Nothing herein shall be interpreted to restrict or interfere with Grantor's operation of its adjacent rock, sand, and gravel crushing operations not subject to or part of this Easement pursuant to Grantors Permit and other applicable permits and rights of operation as the same may be issued, renewed, or otherwise amended from time to time so long as such activities of the Grantor are not detrimental to the purposes of this Easement.
- B. Grantee hereby acknowledges that Grantor's operation may generate disturbance or other impacts customarily associated with industrial property usage and, specifically, the operation of a rock, sand, and gravel crushing operation and its related activities.
- C. Provided Grantor operates said rock, sand, and gravel crushing operation and its related activities in compliance with its Permit and its other applicable permits, as the same may be issued, renewed, or otherwise amended from time to time, Grantee hereby acknowledges that it will not oppose, protest or object to Grantor's operations so long as such activities are not detrimental to the purposes of this Easement.

7. COSTS, LIABILITY, AND INDEMNIFICATION

- A. Immunity. Grantor and Grantee understand that New Hampshire statutes (including but not limited to RSA 231- A:8, RSA 212:34; and RSA 508:4) currently provide conditional immunity from liability for both Grantor and Grantee, and the parties shall seek to act under this Easement so that the immunities shall apply to both parties.
- B. The Grantee shall hold harmless, indemnify, and defend the Grantor, and its directors, officers, employees, agents, and contractors and the heirs, personal representatives, successors and assigns of each of them (collectively, "Grantor Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with injury to or the death of any person, or physical damage to any property resulting from any act or omission of or attributable to the Grantee where the general public are granted access, subject to the limitations on liability under law and as set forth in Paragraph C. Grantor shall similarly hold harmless, indemnify, and defend Grantee from and against such exposures to the extent that such exposure results from any act or omission of or attributable to the Grantor, subject to the same limitations and exceptions. Said cross-indemnifications shall also apply in the event that one or both parties are found partially or comparatively at fault, in which case the non-fault or other party shall be indemnified for the respective portion of fault caused by the indemnitor.
- C. Limited Indemnification. Accordingly, the parties agree that any obligation to hold harmless, indemnify and defend the other party under the Easement shall exist only where such immunity may not apply and only to the extent that the liability of the party is due to or attributable to the conduct of the indemnifying party.

- D. Grantee Actions. Grantee may place and maintain signage and/or publicly post or communicate notices seeking to prevent the general public from accessing inherently dangerous areas on the Property, and for complying with use regulations adopted by the Grantee.
- E. Blasting Notifications. Grantor shall provide a map depicting areas that may be potentially dangerous or hazardous due to Grantor's blasting or other hazardous activities upon its adjoining or near-by premises. Upon receiving notice of Grantor's intent to engage in blasting or other hazardous activities on its adjoining or near-by properties, Grantee shall seek to post appropriate notices and warnings for users, but Grantee shall not be held responsible for any lack or insufficiency in such notice. Grantor shall not be responsible for any failure by Grantee to post any notices under this paragraph.

8. AMENDMENTS

- A. Any amendments hereto shall be in writing and acknowledged by all parties, or their successors. Amendments may be agreed upon for any or no reason, including State legislative amendments to the immunities afforded pursuant to RSA 231-A:8, RSA 212:34, and RSA 508:14.

9. NOTICES

- A. All notices, requests, and other communications, required or permitted to be given under this Easement shall be in writing, except as otherwise proved herein, and shall be delivered in hand or sent by certified mail, return receipt requested to the appropriate address set forth above or at such other address as the Grantor or the Grantee may hereafter designate by notice given in accordance herewith. Notice shall be deemed to have been given when so delivered or so mailed.

10. SEVERABILITY

- A. If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid by a court of competent jurisdiction, by confirmation of an arbitration award or otherwise, the remainder of the provisions of this Easement or the application of such provision to persons or circumstances other than those to which it is found to be invalid, as the case may be, shall not be affected thereby.

11. CONDEMNATION

- A. Whenever all or part of the Property is taken in exercise of eminent domain by public, corporate, or other authority so as to abrogate in whole or in part the Easement conveyed hereby, the Grantor and the Grantee shall thereupon act jointly to recover the full damages resulting from such taking with all incidental or direct damages and expenses incurred by them thereby to be paid out of the damages recovered.
- B. The balance of the land damages recovered (including, for purposes of this subsection, proceeds from any lawful sale, in lieu of condemnation, of the Property unencumbered by the

restrictions hereunder) shall be divided between the Grantor and the Grantee in proportion to the fair market value of their respective interests in that part of the Property condemned on the date of execution of this Easement. For this purpose, the Grantee's interest shall be the amount by which the fair market value of the Property immediately prior to the execution of this Easement is reduced by the use limitations imposed hereby. The values of the Grantor and Grantee interest shall be determined by an appraisal prepared by a qualified appraiser at the time of condemnation.

- C. The Grantee shall use its share of the proceeds in a manner consistent with and in furtherance of one or more of the conservation purposes set forth herein.

12. MERGER

- A. The Grantor and Grantee explicitly agree that it is their express intent, forming a part of the consideration hereunder, that the provisions of the Easement set forth herein are to last in perpetuity, and that to that end no purchase or transfer of the underlying fee interest in the Property by or to the Grantee or any successor or assignee shall be deemed to eliminate the Easement, or any portion thereof, granted hereunder under the doctrine of "merger" or any other legal doctrine.

13. THIRD PARTY RIGHT OF ENFORCEMENT

- A. If the Easement Holder ceases to enforce the Easement conveyed hereby or fails to enforce it within thirty (30) days after receipt of written notice from the Third Party Holder requesting such, then the notifying Third Party Holder shall have all the rights heretofore granted to the Easement Holder to enforce this Easement. All reasonable costs of such enforcement shall be paid by the Easement Holder.
- B. The interests held by the Third Party Holder are assignable or transferable to any party qualified to become the Easement Holder's or Third Party Holder's assignee or transferee as specified in Section 7 above. Any such assignee or transferee shall have like power of assignment or transfer. Any holder of an interest in this Easement desiring to transfer or assign its interest shall send written notice describing said intention to all other holders of any interest in this Easement at least thirty (30) days prior to such transfer or assignment taking effect.

14. SEPARATE PARCEL

- A. The Property shall in no way be used to satisfy the density, frontage, or setback requirements of any applicable zoning ordinance or subdivision regulation with respect to the development of any other property.

07/13/2016

The Grantee, by accepting and recording this Easement, agrees to be bound by and to observe and enforce the provisions hereof and assumes the rights and responsibilities herein granted to and incumbent upon the Grantee, all in the furtherance of the conservation purposes for which this Easement is delivered.

Meaning and intending to describe and convey this Easement on, over, and across property conveyed to Grantor by deed of _____, dated _____, and recorded in the Merrimack County Registry of Deeds at Book ___ Page ___.

IN WITNESS WHEREOF, Grantor has hereunto set his/her hand this _____ day of _____, 20__.

GRANTOR

PIKE INDUSTRIES, INC.

By: _____

Title: _____
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK, ss

On this _____ day of _____, 20__, before me personally appeared _____, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and acknowledged that (s)he executed the same as his/her free act and deed for the purposes therein contained.

Notary Public/Justice of the Peace

GRANTEE

TOWN OF HOOKSETT, BY AND THROUGH ITS
CONSERVATION COMMISSION

By: _____

Title: _____
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK, ss

On this _____ day of _____, 20__, before me personally appeared _____, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and acknowledged that (s)he executed the same as his/her free act and deed for the purposes therein contained.

Notary Public/Justice of the Peace

NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES

By: _____

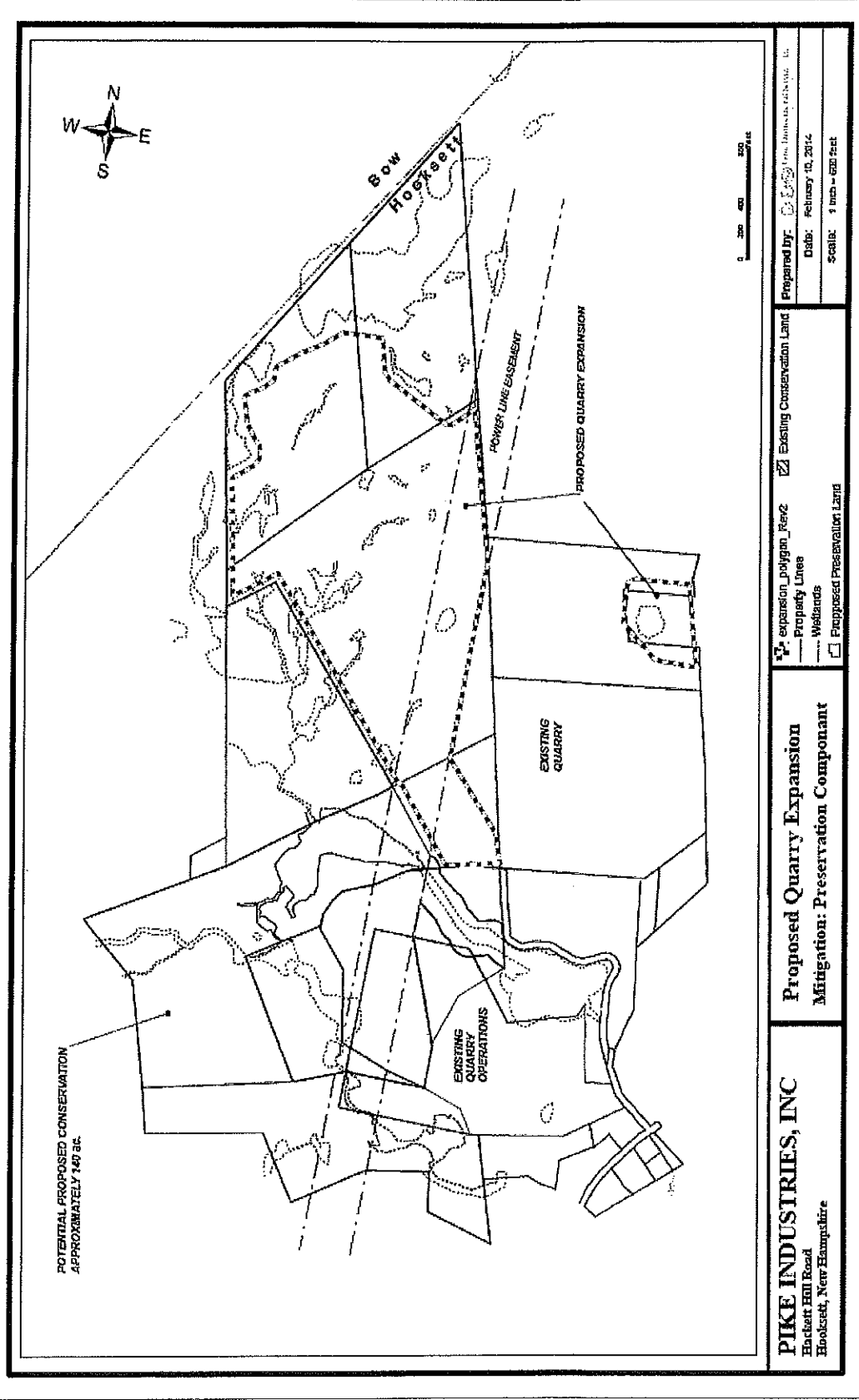
Title: _____
Duly Authorized

STATE OF NEW HAMPSHIRE
COUNTY OF MERRIMACK, ss

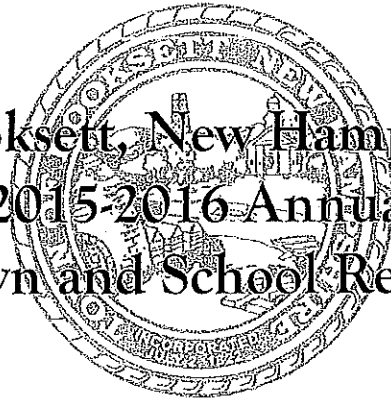
On this _____ day of _____, 20__, before me personally appeared _____, known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument, and acknowledged that (s)he executed the same as his/her free act and deed for the purposes therein contained.

Notary Public/Justice of the Peace

Appendix A



Hooksett, New Hampshire 2015-2016 Annual Town and School Report



*Cate Farm, circa 1899, Hackett Hill Road.
Ira Cate and Rosa Belle Cate Otterson, brother and sister. The house and barn still stand.*

Remembering Hooksett's Agricultural Heritage

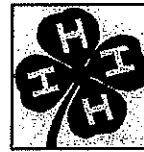
About the Cover

Remembrances from Hooksett Heritage Commission's Oral History Interviews

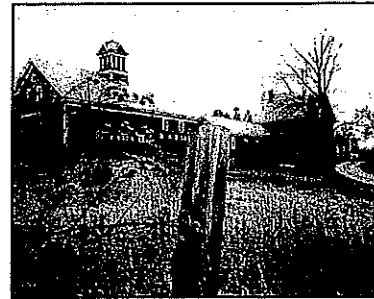
- ▶ As you turn into Harvest Drive on the right is a big old farmhouse. That was the original farmhouse, and the rest of Harvest Drive was nothing but farm.
- ▶ I was born during the Depression, well, we were one of the lucky ones because my dad raised chickens and goats. So we had goats' milk, cheese and butter. And goat meat. And we had chickens and eggs. So we were blessed, because we had all that stuff, so it wasn't too bad.
- ▶ It was a typical farmhouse, churned butter, made butter, separated milk. I never had pasteurized milk until high school.
- ▶ Just down the road we had Jaskolka's chicken farm where the interstate highway is now. Across the street from Jaskolkas was Pepin's pig farm.
- ▶ Both Jaskolka and Pepin signed contracts with Heinz two years in a row for the little cucumbers to make gherkin pickles. As kids we used to pick them for fifty cents a bushel.
- ▶ And Anooka farm was quite the showplace of Hackett Hill and a lot of New Hampshire. And Tommy raised prize cattle and showed them at the state fairs and so forth.
- ▶ He would have in the garden squashes and cabbage and carrots and potatoes and beans. Once a week, he'd load up a horse and wagon with all these vegetables, and he would go down to Manchester to the markets.
- ▶ So they had a major dairy operation. They had about 20 cows, milking cows, all the time. He had a 40-mile milk route that he ran. I used to work on that with him.
- ▶ It was all fields--there were a lot of fruit trees there, and then they had all strawberries.
- ▶ She'd put up about two hundred quarts of tomatoes, string beans, shell beans, corn, succotash, and pickles.
- ▶ All that land up there it was all pasture land and now there's about 100 houses up there.
- ▶ Mrs. Burbank raised the tomato plants, about 10,000, that were set out by the young people of the family. Up to 12,000 bottles of ketchup could be made from the season's harvest.
- ▶ The Grange was very important to the small family farms. You learned about birds, animals, what you grow on the farm and the importance of being honest and those kind of things.

*Granite Monthly, November 1878, said of Natt Head,
Hooksett resident, NH Governor 1879-1881:*

Few men in the State are more extensively engaged in agricultural operations, and certainly no one has done more to promote the interests of the cause of agriculture. The Head farm contains some two hundred acres of cultivated land upon which is cut, annually, from two hundred to two hundred and fifty tons of hay.



Selectmen's Report, f/y/e 1/31/1923
Inventory of the Town
Horses, 232
Cows, 365
Sheep, 26
Hogs, 48
Fowls, 1,525



Stobie, Merrimack Street



Anooka Farm, Goffstown Rd

*Photos and oral history excerpts
from Hooksett Heritage Commission collection.*

Town of Hooksett, New Hampshire

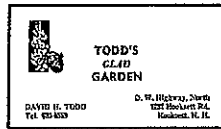
<u>Department/Division</u>	<u>Address</u>	<u>Phone #</u>	<u>Office Hours</u>
Administration	35 Main Street	485-8472	M-F 8:00 am – 4:30 pm
Assessing	35 Main Street	268-0003	M-F 8:00 am – 4:30 pm
Emergency Management	15 Legends Drive	623-7272	
Family Services	35 Main Street	485-8769	M-F 10:00 am – 4:30 pm Wednesdays - Closed
Finance	35 Main Street	485-2017	M-F 8:00 am – 4:30 pm
Fire (Emergency – 911)	15 Legends Dr. 10 Riverside St.	623-7272 485-9852	M-F 7:00 am – 5:00 pm
Library	31 Mount Saint Mary's Way	485-6092	M-W 9:00 am – 8:00 pm Thursday 11:00 am – 8:00 pm Fri & Sat 9:00 am – 5:00 pm Sunday – Closed
Police (Emergency – 911)	15 Legends Dr.	624-1560	M-F 8:00 am – 4:30 pm
Public Works			
-Highway	210 West River Rd.	668-8019	M-F 7:00 am – 3:30 pm
-Parks & Recreation			
-Recycling & Transfer		669-5198	M-F 7:00 am – 3:30 pm Saturday 8:00 am – 1:00 pm
-Community Development	35 Main Street	268-0279	M-F 8:00 am – 4:30 pm
--Building, Code Enforcement, Health		485-4117	M-F 8:00 am – 4:30 pm
Sewer	1 Egawes Dr.	485-4112	M-F 8:00 am – 4:00 pm
Town Clerk/Tax Collector	35 Main Street	485-9534	M-F 8:00 am – 4:30 pm Pls. call for evening hours.
Central Water Precinct	32 Industrial Park	624-0608	M-Thurs 8:30 am – 4:00 pm Friday 8:30 am – 2:00 pm
Superintendent's Office	90 Farmer Road	622-3731	M-F 8:00 am – 4:00 pm
Cawley Middle School	89 Whitehall Road	518-5047	M-F 7:40 am – 2:30 pm
Hooksett Memorial School	5 Memorial Drive	485-9890	M-F 9:00 am – 3:25 pm
Underhill School	2 Sherwood Drive	623-7233	M-F 9:00 am – 3:20 pm
Village Water Precinct	7 Riverside St.	485-3392	M-F 8:00 am – 4:00 pm
Hooksett District Court	101 Merrimack St.	1-855-212-1234	M-F 8:00 am – 4:00 pm



Dlugosz, Whitehall Road



Dlugosz, Whitehall Road



Hooksett Road



Allen, North River Road



Garos, Pleasant Street



Letendre, Hooksett Road, South Hooksett



Whitehall Road at Route 28 Intersection



Otterson, Hooksett Road



Last Oxen Pair in Hooksett, 1946

**TOWN OF HOOKSETT
PUBLIC HEARING NOTICE**

The Hooksett Town Council will be holding a public hearing on Wednesday, July 27, 2016 @ 6:30pm at the Hooksett Town Hall Council Chambers, 35 Main Street, Hooksett, NH. The purpose of the public hearing is to accept a donation of \$25,000 from SNHU to the Town of Hooksett, NH towards the construction costs of the Martins Ferry Road pedestrian bridge over Messer Brook Tax Map 29, Lot 34 in Hooksett, NH per RSA 31:95-b III (a). Bridge documents are available for viewing in the Community Development Division of Public Works. Questions should be directed to the Administration Department at 603-485-8472.

Staff Report

Title: SNHU Donation of \$25,000 to Pedestrian Bridge on Martins Ferry Road

Date: 7/27/16

Background and Discussion of Issues

SNHU has offered to donate \$25,000 towards the construction costs of a Pedestrian Bridge crossing Messer Brook as part of the Martins Ferry Road roadway and sidewalk project. The bid price by Advanced Excavating and Paving as part of Bid# 16-03 for the pedestrian bridge is \$50,410.

Recommendation (including suggested motion, if appropriate)

Recommend that the Town accept the \$25,000 Pedestrian Bridge donation from SNHU.

Fiscal Impact

This is a donation of \$25,000, therefore no fiscal impact.

Prepared by: James J Donison, Asst DPW/Town Eng.

Town Administrator Recommendation

Concur

**TOWN OF HOOKSETT
PUBLIC HEARING NOTICE**

The Hooksett Town Council will be holding a public hearing on Wednesday, July 27, 2016 @ 6:30pm at the Hooksett Town Council Chambers, 35 Main Street, Hooksett, NH. The purpose of the public hearing is to accept a \$13,418.00 AFG (Assistance to Firefighters Grant) from FEMA (Federal Emergency Management Administration) to the Town of Hooksett for the Hooksett Fire-Rescue Dept. to purchase and install structural fire gear washer/extractor and dryer per RSA 31:95-b, III (a). The described project is \$14,088.00 and the federal grant award is 95% to equal \$13,418.00 FEMA-AFG grant information is available by contacting the Hooksett Fire-Rescue Dept. at 603-623-7272. Questions should be directed to the Administration Dept. at 603-485-8472.

Staff Report

Title: Acceptance of AFG Grant for PPE Extractor & Dryer and installation

Date: July 27, 2016

Background and Discussion of Issues

The Federal Emergency Management Administration (FEMA) Department of Homeland Security (DHS) annually provides funding for a competitive grant which invites and considers requests to fund the improvement in operation and equipment for fire service agencies such as Hooksett Fire-Rescue Department (HFRD). This grant is known as the Assistance to Firefighters Grant (AFG). Hooksett Fire-Rescue was selected to receive a grant award from the 2015 grant submission program. HFRD requested funding for the purchase and installation of a structural fire gear washer/extractor and dryer. As a result of this grant submission, the DHS has approved our request and will award 95% of the funds necessary to implement this. The cost of the equipment is provided in the quote and the approval letter states their intention. Any donation greater than \$10,000.00 requires a public hearing, as per RSA 31:95-b III (a).

Recommendation (including suggested motion, if appropriate)

Recommend the Hooksett Town Council approve and accept the Grant fund donation from DHS, as well as allow \$670.00 to be expended from the Town building maintenance line to assist with the purchase and installation of a PPE Gear Washer/Extractor and Dryer for use by the Hooksett Fire-Rescue Department.

Fiscal Impact

The described project request is for \$14,088.00. The granted Federal share award is 95% and equals \$13,418.00. This grant requires a 5% fund match, which equals \$670.00.

Prepared by: Assistant Fire Chief Dean Jore

Town Administrator Recommendation

Concur.

Dean Jore

From: firegrants@dhs.gov
Sent: Friday, July 08, 2016 4:56 AM
To: Dean Jore
Subject: Award Notification (Application Number: EMW-2015-FO-06791)

Congratulations!

Your grant application submitted under the Grant Programs Directorate's (DHS) FY 2015 Assistance to Firefighters Grant Program has been approved for award. Please go to <https://portal.fema.gov> to accept or decline your award. This will take you to the Assistance to Firefighters eGrants system.

Enter your User Name and Password as requested on the login screen. Your User Name and Password are the same as those used to complete the application on-line.

Once you are in the system, the Status page will be the first screen you see. On the right side of the Status screen, you will see a column entitled Action. In this column, please select the View Award Package from the drop down menu. Click Go to view your award package and indicate your acceptance or declination of award. PLEASE NOTE: your period of performance has begun. If you wish to accept your grant, you should do so immediately. When you have finished, we recommend printing your award package for your records.

If you accept your award, you will see a link on the left side of the screen that says Update 1199A in the Action column. Click this link. This link will take you to the SF-1199A, Direct Deposit Sign-up Form. Please complete the SF-1199A on-line if you have not done so already. When you have finished, you must submit the form electronically. Then, using the Print 1199A Button, print a copy and take it to your bank to have the bottom portion completed. Make sure your application number is on the form. After your bank has filled out their portion of the form, you must fax a copy of the form to FEMA's SF-1199 Processing Staff at 301-998-8699. You should keep the original form in your grant files. After the faxed version of your SF 1199A has been reviewed you will receive an email indicating the form is approved. After which you will be able to request payments online. If you have any questions regarding your SF-1199A, please call 1-866-274-0960.

FY 2015 Assistance to Firefight Grant Program

Session Time out in 28 mins

Mail Center | Edit Profile | Change Pass

Select section to review

Select section to review

Budget

Go

- [1. Applicant's Acknowledgements](#)
- [2. Overview](#)
- [3. Contact Information](#)
- [4. Applicant Information](#)
- [5. Applicant Characteristics \(I\)](#)
- [6. Applicant Characteristics \(II\)](#)
- [7. Department Call Volume](#)
- [8. Request Information](#)
- [9. Request Details](#)
- [10. Budget](#)
- [11. Assurances and Certifications](#)
- [12. Review Application](#)
- [13. Submit Application](#)

[Print Application](#)
[Return to Status](#)
[Logout](#)

[Privacy Statement](#)
[Disclaimers](#)

Budget Object Class

a. Personnel	\$ 0
b. Fringe Benefits	\$ 0
c. Travel	\$ 0
d. Equipment	\$ 12,888
e. Supplies	\$ 0
f. Contractual	\$ 0
g. Construction	\$ 1,200
h. Other	\$ 0
i. Indirect Charges	\$ 0
j. State Taxes	\$ 0
Federal and Applicant Share	
Federal Share	\$ 13,418
Applicant Share	\$ 670
Applicant Share of Award (%)	5

* Non-Federal Resources (The combined Non-Federal Resources must equal the Applicant Share of \$ 670)

a. Applicant	\$ 670
b. State	\$ 0
c. Local	\$ 0
d. Other Sources	\$ 0

If you entered a value in Other Sources other than zero (0), include your explanation below. You can use this space to provide information on the project, cost share match, or if you have an indirect cost agreement with a federal agency.

Total Budget \$ 14,088

Select section to review

Go

* Section # 1 Project Description: In the space provided below, include clear and concise details regarding your organization's project's description and budget. This includes providing local statistics to justify the needs of your department and a detailed plan for how your department will implement the proposed project. Further, please describe what you are requesting funding for, including budget descriptions of the major budget items, i.e., personnel, equipment, contracts, etc. *4000 characters

Grant funds will be used for the purchase, delivery and installation of a PPE gear washer/extractor and gas dryer for our Central Fire Station. At the Central station we currently have a gear washer that has been modified to allow for the proper injection of cleaning during turnout washing. This washing machine is over 20 years old. It is used frequently, as required per our PPE maintenance standard operating guideline (SOG), and the cleaning frequency is increasing as we pay closer attention to the cancer awareness information. The increased knowledge and awareness regarding contamination, particularly carcinogenic contaminants, has inspired and increased our members to pay closer attention to the condition of their turnout gear. Today's firefighters begin their 25+ year career concerned about the condition and cleanliness of their personal protective gear, and justifiably so. Just as the fire service wised up to keep the pollutants out of their insides with vehicle exhaust removal systems, the fire service is now also paying attention to removing the same carbon particles off their outsides, eliminating them from their PPE. This new gear washer/extractor would be installed in place of the 20 year old hand working machine. Our existing SOGs would be revised to reflect the operation of this new equipment. The proposed washer/extractor has a load capacity able to wash 3 sets (6 pieces) of gear, which is typically the same as the number of staff on duty at this Station. While structure fires may be less in number, we regularly conduct training other than live fire training, which still simulates firefighting activities in which we contact dirty surfaces or crawl through tight maze structures and companies understand the need to clean their gear after these activities as well. It is apparent that responders are paying attention to the message that cleaner turnout gear protects better and reduces exposure from contact or off-gassing from harmful toxins. Good for us. Also apparent is that the likelihood to obtain funding for more efficient washing or drying machines for these purposes has not improved. The objective of a quick and safe return to service for our member's PPE would be ideally served through the purchase and installation of a PPE dryer for our Central station. This station does not currently possess PPE drying equipment and firefighters have for years simply draped their PPE in any available warm area inside the apparatus bays. This station utilizes natural gas and only a minimal amount of pipe fitting would be required to connect a gas heated dryer. We have a formal PPE inspection program along with trained inspectors and we have been successful in the past to purchase quality PPE which can last 10 years and meet current standards. Funds for items such as washer/extractors and dryers continue to fall outside our Capital Improvement Plans (CIP) selection. It is accepted that our operating budget will increase significantly due to benefits and contractual obligations, but then is typically reduced in other operating areas, including higher cost equipment such as this. The value of these items continue to remain a low priority when discussion of their funding occur. The concern of receiving another default budget, especially when requesting a few of these modest cost items, increases significantly. Costs for the requested items are as follows:
Quantity of one Milnor Model MWR18X4 45 lb. Washer with Gear Guardian formulas: \$7734.00. This includes delivery and installation. A heavy duty steel base is required to be installed for the Washer; part cost: \$375.00
Quantity of one Milnor Model M756V 75 lb. 110V gas dryer: \$4779.00. Installation costs include setting the washer/extractor base and connection to the existing natural gas pipe inside the building will require size and pressure reductions and through-wall penetrations. Estimates are approximately \$1200.00 to complete the connections and installation.

* Section # 2 Cost/Benefit: In the space provided below please explain, as clearly as possible, what will be the benefits your department or your community will realize if the project described is funded (i.e. anticipated savings and/or efficiencies)? Is there a high benefit for the cost incurred? Are the costs reasonable? Provide justification for the budget items relating to the cost of the requested items. *4000 characters

The main benefit of the requested PPE gear washer/extractor and dryer is more efficiently cleaned personal protective gear, and because the PPE is cleaner, there is both a long and short term reduction of cross contamination or exposure potential to toxic elements. Achieving this, objective number one is

met, decreasing hazards and improving safety before, during and after a response. Our existing gear washing machine simply has a setting for "HOT" water. The hot setting exceeds the recommended NFPA temperature of 105 degrees and can damage reflective trim and Velcro. The existing washing machine was not designed specifically for turnout gear; they were originally designed for commercial laundry. When these machines start their wash cycle, they begin to spin prior to being full of water. This means that the turnout gear, reflective trim, and hardware, is abrading on the drum of the machine, which is detrimental to our PPE. A controlled temperature setting for only "warm" water will allow for heating fuel cost savings and possible PPE damage reduction. Further, doing more with less water and electricity, in order to complete 3 sets of PPE per load versus the current 1 set PPE per wash load, there will also be energy, water and cost savings realized by the department and Town. The costs for this specialized equipment are very reasonable and will create the capability for all members of the department to accomplish this task without leaving their assigned stations. Keeping responders in their assigned districts is very important to us. This PPE washing equipment will be less damaging during wash cycles and increase the service life of the costly PPE worn by all members of the department. Purchasing this NFPA compliant, high quality washer/extractor and dryer that will outlast the PPE it cleans, is smart planning and establishes the level of care we wish to afford for the firefighting protective ensembles and the wearers. The washing machine currently in use was progressive at the time of installation, but does not meet today's standards. We also hope that the demonstration of effort towards obtaining an award of these grant funds will promote an awareness of our desire for fiscal responsibility and enhance the positive public perception of the Fire department throughout our community as well.

* Section # 3 Statement of Effect: How would this award impact the daily operations of your department? How would this award impact your department's ability to protect lives and property in your community? *4000 characters

Hooksett Fire-Rescue members wear their structural turnout gear every day. If that PPE improves our responders safety by maintaining high visibility, better loft, and insulation quality, less damage to Velcro closure items or insuring PPE is fully dry when returned to service, we have delivered on the expectation of providing maintenance and care for our quality PPE. And that is what a specialized PPE washer/extractor and gear dryer will do. This specialized equipment will remove carcinogenic toxins or pathogens while reducing the damage to reflective trim, fabric or coatings and Velcro, caused by use of our older, noncompliant washing machine. While use of our existing gear washer varies, past history shows an approximate use by most members of about 8-15 times per year. With our 35 responding members using our existing washing machine, that averages over 400 wash loads annually. With the requested washer/extractor, we could expect that number to be reduced by more than 50%, due to the larger capacity and improved operation. With the larger load capacity of the new washer/extractor and dryer, a crew can get their primary PPE back in service quicker. That alone is a significant benefit that we cannot overstate. Cleaned PPE can be returned to service the same day that it was machine washed. We have not had that as an option at this station before. This equipment will make that the norm. Our Standard Operating Guidelines require machine washing, in alignment with NFPA 1851, twice a year of all issued primary structural firefighting PPE. Meticulous and detailed gear inspections occur then as well, and less damage caused by the wear and tear of machine washing and controlled drying environment would reduce the expenses we always incur, for the repairs to leather and reflective trim, Velcro or other types of closures. Additionally, training conducted with live fire events or SCBA competency drills will occur several times a year. Beyond that, monthly drills of pulling hose loads, motor vehicle accidents or auto extrication as well as turnout gear use during hot summer months contribute considerably for the requirement of improved cleaning by machine washing. Our structural turnout gear is part of what allows us to protect lives and property. PPE is core equipment for any first responder. Any improvement towards increasing protection from heat exposure, carcinogenic toxins, pathogen transmission, and maintaining the reflective trim quality for any response day or night, is extremely beneficial to us. We recognize that when our PPE better serves its purpose, our ability to enter a hazardous environment and accomplish our mission of saving a life, beginning with the responder, improves as well for all others. That illustrates a wise use of department resources and tax dollars in order to join forces towards keeping the focus on service to our community.

QUOTATION

No.: 200732

Doc. Date : 07/15/2016
 Payment Terms : NET30
 Valid Until: 10/30/2016
 Customer PO:
 Salesperson : Mark Wholey
 Page : Page 1 of 1



a limited liability company
 1024 Suncook Valley Hwy., Unit 5-D
 Epsom NH, 03234
 TEL: 603.736.8500
 www.BergeronProtectiveClothing.com

Bill To :
 Hooksett Fire Department
 FF Ian Tewksbury
 15 Legends Street
 Hooksett NH 03106

Ship To :
 FF Ian Tewksbury
 15 Legends Street
 Hooksett NH 03106

Pricing includes freight, delivery, set in place, leveling, bolting, made ready for utility connections by other, start-up, and operator training.

Quantity	Style	Description	Your Cost
1	MWR18X4	Milnor Model MWR18X4 45 lb. Washer W/ Gear Guardian Formulas Capacity to wash 3 sets of gear (6 pieces). Pricing includes delivery & installation. 8" Heavy Duty Steel base Required	7,734.00
1	BASE	Drain Trough 3'L x 16" W x 12"H W/ Sump Hole Option: Only needed if drain location is located on the wall and not near the floor. Add \$699.00	385.00
1	DRNTR	Sump Pump With 1.5 Outlet, 1/2 HP, w/ Level Switch Option: Only needed if using a drain trough Add \$550.00	
1	LP257	Milnor M758V 75 lb Gas Dryer 110V 39.25" wide x 48" deep x 75.12" high (same dryer as installed at Village Station) Size is appropriate to be used with 45# extractor Drying time approximately 20-30 minutes	4,776.99

Subtotal 12,897.99
 Total 12,897.99

Financing options available on some turnout gear purchases. Prices quoted do not include shipping and handling. Shipping is FOB factory. This quote is based on current prices which are subject to change by the Manufacturer without notice. TERMS are NET 30 DAYS.

Staff Report

Title: Donation of Microwave to Fun In Sun

Date: 7-27-16

Background and Discussion of Issues

A microwave valued at \$50.00 has been donated by Jim Rozzi, a parent of a Fun In the Sun camper to the Town of Hooksett for Fun In the Sun.

Recommendation (including suggested motion, if appropriate)

I recommend that the Council accept the donation of a microwave from Jim Rozzi, to the Town of Hooksett, Fun in the Sun program, valued at \$50.00 per RSA 31:9-3 II, acceptance of gifts less than \$5,000.

Fiscal Impact

\$0

Prepared by: Diane Boyce, DPW Director

Town Administrator Recommendation

I concur.

Staff Report

Title: Land lease agreement with Jason Pritchard DBA Pritchard Farms for agricultural use _____

Date: 07/27/2016

Background and Discussion of Issues

Jason Pritchard DBA Pritchard Farms and The Town of Hooksett, NH have an agreement to allow Pritchard Farms to use Hooksett's land off of Merrimack Street and surrounding fields, in Hooksett, NH for agricultural purposes (161 Merrimack Street, Tax Map 1/Lot 34). Pritchard Farms will start utilizing the land in 2016. Pritchard will hay the open fields 2 to 3 times per year, including mowing, tedding, raking, and baling the hay. In doing so, he also agrees to keep the land clean and fertile, and to be used solely for agricultural purposes. Pritchard also agrees to trim any limbs that lean over the field and remove any natural debris. Any termination of the land lease must be submitted by either party with at least 30 days' advance written notice. Pritchard Farms will provide the Town with a Certificate of Insurance listing the Town as additional insured. Jason Pritchard has agreed to these terms.

Recommendation (including suggested motion, if appropriate)

It is recommended that the Town sign a land use agreement with Pritchard Farms to allow them to use Town land off located at 161 Merrimack Street - Tax Map 1/Lot 34, for agricultural purposes with the understanding that either party can terminate the lease with at least 30 days advance written notice and with the understanding that Pritchard Farms will have a Certificate of Insurance listing the Town as additional insured.

Fiscal Impact

No financial impact to the Town.

Prepared by: James Donison, Asst DPW/Town Eng

Town Administrator Recommendation

Concur

Jason Pritchard DBA Pritchard Farms

326 Buck Street

Pembroke, NH 03275

(603) 828-1307

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

Town of Hooksett, NH

35 Main Street

Hooksett, NH 03106

[Redacted]

July 28, 2016

Land Lease Agreement

161 Merrimack Street, Tax Map 1 Lot 34

Between the Town of Hooksett and Pritchard Farms

Jason Pritchard DBA Pritchard Farms and The Town of Hooksett, NH have an agreement to allow Pritchard to use Hooksett's land off of Merrimack Street and surrounding fields, in Hooksett, NH for agricultural purposes. Pritchard Farms will start utilizing the land in 2016 [Redacted]

[Redacted]. Pritchard will hay the open fields 2 to 3 times per year, including mowing, tedding, raking, and baling the hay. In doing so, he also agrees to keep the land clean and fertile, and to be used solely for agricultural purposes. Pritchard also agrees to trim any limbs that lean over the field and remove any natural debris.

Any termination of the land lease must be submitted by either party with at least 30 days' advance written notice.

Further Pritchard Farms agrees to provide the Town with a Certificate of Insurance listing the Town as additional insured.

Jason Pritchard

Town of Hooksett Representative

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

TOWN COUNCIL SUBCOMMITTEES

As of 6/8/16

BOARD OF ASSESSORS: (Per RSA 41:2-g)

Members: Nancy Comai, Jim Levesque, Timothy Tsantoulis, Don Winterton, David Ross

BUDGET COMMITTEE: (Per RSA 32:15, Voting Member)

Council Reps: Marc Miville, David Ross (alternate)

Members: Jason Hyde, David Pearl, Richard Boisvert, Tabitha Jennings, Kevin Van Horn, Chris Morneau, Patrick Gosselin, John Pieroni, Steven Peterson

CABLE FRANCHISE ADVISORY BOARD: (formed 5/23/12)

Council Rep: Nancy Comai, Marc Miville **Members:** Peter Farwell, Matt Mercier, David Pearl

CONSERVATION COMMISSION: (Per RSA 36-A:3, Voting Member)

Council Reps: David Ross, Robert Duhaime (alternate)

Members: Steve Couture, Cindy Robertson, David Hess, JoCarol Woodburn, Philip Fitanides, Deborah Miville

COUNCIL DEPARTMENTAL OVERSIGHT SUBCOMMITTEE: **Members:** Adam Jennings, Marc Miville, Robert Duhaime (alternate)

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE: (formed 3/28/07)

Council Rep: Marc Miville, Robert Duhaime (alternate)

Members: David Scarpetti, Steve Smith, Ivan Gult, Muamer Durakovic, Planning Board Rep, Matthew Barrett (Business Rep)

Advisory Members: Nicholas Mercier, Mike Reed

HERITAGE COMMISSION: (Per RSA 673:4-a, Voting Member) **Council Rep:** Jim Sullivan **Members:** Kathleen Northrup

HOOKSETT YOUTH ACHIEVER OF THE MONTH: **Members:** Timothy Tsantoulis, Don Winterton, Robert Duhaime

PARKS AND RECREATION ADVISORY BOARD: (Per RSA 35-B:4, **Nonvoting Member**)

Council Rep: Adam Jennings **Members:** David Elliott, Richard Cote, Deborah Miville, Steve Smith, Jacqueline McCartin (alternate)

PERAMBULATION: (Charge 7/22/92 - pg. 6) - to walk bounds of Hooksett with the bordering towns/cities.

Council Rep: Robert Duhaime **Members:** Harold Murray

PLANNING BOARD: (Per RSA 673:2,6, Voting Member)

Council Reps: Don Winterton, Robert Duhaime (alternate)

Members: Frank Kotowski, Paul Scarpetti, Thomas Prasol, Tom Walsh, Richard Marshall, Muamer Durakovic, Michael DiBitto (alternate), Denise Grafton (alternate)

RECORD RETENTION COMMITTEE

Council Rep: Nancy Comai, Don Winterton (alternate)

Members: Town Clerk, Tax Collector, Assessor, Finance Rep, Administration Rep, Treasurer, Community Development Rep, Police Rep, Public Works Rep, Recycling & Transfer Rep, Sewer Rep

RECYCLING & TRANSFER ADVISORY COMMITTEE: (Per 1986 Warrant Article #30, voting member) (Name changed from Solid Waste Advisory Board, 10/25/06)

Council Rep: Jim Levesque

Members: Richard Bairam, Sean McDonald, Raymond Bonney, Jim Gorton, Robert Schroeder (alternate)

SEWER COMMISSION: (Council Rep Appointed 8/22/07) **Council Rep:** Don Winterton, Robert Duhaime (alternate)

Members: Sidney Baines, Frank Kotowski, Roger Bergeron

TOWN HALL PRESERVATION COMMITTEE (Formed 6/10/09) **Council Rep:** Jim Sullivan **Members:** Kathleen Northrup

FIRE UNION NEGOTIATIONS: (Charge 7/22/92 - pg. 6)

Council Reps: Robert Duhaime, Don Winterton, Adam Jennings **Members:** Town Administrator, Fire Chief, Administrative Services Coordinator

PUBLIC WORKS/ RECYCLING & TRANSFER UNION NEGOTIATIONS: - (Appointed 12/14/11)

Council Reps: Robert Duhaime, Don Winterton, Nancy Comai

Members: Public Works Director, Town Administrator, Administrative Services Coordinator

POLICE UNION NEGOTIATIONS:

Council Reps: Robert Duhaime, Don Winterton, Nancy Comai **Members:** Police Chief, Police Captain, Town Administrator, Administrative Services Coordinator

ZONING BOARD OF ADJUSTMENT: (Per RSA 673:3, Non-Voting Member)

Council Rep: Jim Levesque **Members:** Gerald Hyde, Don Pare, Chris Pearson, Roger Duhaime, Richard Bairam, Michael Simoneau (alternate), Phil Denbow (alternate)

Town of Hooksett
Town Council Rules of Procedures
Adopted as of: 01/10/2001
Amended as of: 08/12/2015

Resolved by the Town Council of the Town of Hooksett, NH that the following be and hereby are adopted as the Rules of the Hooksett Town Council.

1. The Following Rules shall be adopted by a majority of the Hooksett Town Council and these rules shall become effective immediately upon their adoption.
 - a. Riggins Rules and Parliamentary Law at a Glance by E.C. Utter should be used as a guide when proper procedure is in question except where modified herein.
 - b. Acceptable Procedure is determined by the acting Chair.
2. Procedures for electing officers are as follows:
 - a. Annually, at the first meeting of the new Town Council:
 1. The Town Clerk shall swear-in all new Councilors as a group.
The members thereof shall:
 2. Choose, from among their members, a Chair, a Vice Chair and a Secretary. In addition to the powers conferred upon the Chair, the Vice Chair and the Secretary, they shall continue to have all the rights, privileges and immunities of a member of the Town Council.
 3. Motion that the Town Council confirms by a roll call vote, that the Town of Hooksett will adopt RSA 31:104, 31:105 and 31:106 to provide immunity and indemnify all Town Councilors, other elected officials, employees, agents as well as appointed officials that serve on committees and boards within the Town of Hooksett; specifically covering immunity from civil liability for discretionary acts, according to RSA 31:104, indemnification for costs of defense of civil suits, according to RSA 31:105 and indemnification for civil rights claims, according to RSA 31:106.
 4. Motion to have the Town Council Chair sign ancillary documents as agent to expend as a result of Town Council prior approval of the documents.
 5. Motion to adopt the Town Council Rules of Procedures.
 6. Motion to adopt the Administrative Code.
 - b. The above election shall be by majority vote of the Town Council present at the first meeting.
 - c. Duties of Officers
 1. Chair:
 - a. The Chair with the Town Administrator shall post all meetings and set meeting agenda.

- b. Lead all meetings in an orderly manner using these procedures, Hooksett's Town Charter, Riggins Rules and Parliamentary Law as guides for appropriate protocol.
2. Vice Chair:
 - a. In the absence of the Chair, the Vice Chair shall conduct the Council Meeting until such time as the Chair is present.
 3. Council Secretary:
 - a. The Council Secretary shall be responsible for recording the attendance of Council members by roll call. (If available taped voice vote may be used) at the beginning of each meeting.
 - b. The Council Secretary shall be responsible for polling and recording all roll call votes.
 - c. If the Council Secretary is absent, the chair shall ask for a volunteer. If there is no volunteer, the Chair shall appoint a Council member to act as Council Secretary until such time as the Council Secretary is present.
 - d. The Town Council Secretary shall act as clerk of the Council and shall approve unofficial minutes of the meeting recorded by the Recording Clerk. If there is no Recording Clerk present at meeting, the Town Council Secretary will be asked to keep minutes. The posted minutes shall include a reference of the page number where the attachment of the overview sheet of the Council reading file and Council Chair signed ancillary documents can be found.
 - e. The Town Council Secretary shall perform such other duties in the meeting as may be requested by the presiding officer of Council.
 - f. In case of the absence of the Chair and the Vice Chair the Council Secretary shall call the Council to order and act as Chair.
3. Council Meetings
 - a. The Council shall meet in regular session on the 2nd and 4th Wednesday of every month, except as noted on Town Calendar, at 6:30 pm. When time permits, a regular meeting may be adjoined to a workshop session.
 - b. The place of meetings shall be the Council Chambers unless otherwise designated.
 - c. A quorum of the Council for the transaction of any business shall be two-thirds (2/3) of the members currently in office. The Council shall not recognize a Councilor's electronic method(s) of participation, attendance, or quorum.
 - d. The Council reserves the right to end meetings at 9:30. Uncovered business will be included in the next meeting agenda. Meeting may be closed by a 2/3 roll call vote.

- e. The Council may meet for an informal workshop session or special meetings by Council vote on an as needed basis, in accordance of Section 3.5 C of the Town Charter. The place of meeting shall be the Council Chambers.
- f. When, after consultation with the Vice Chair and the Town Administrator, the Chair determines that the Council has insufficient business to warrant a meeting, the Chair may cancel said meeting after informing all councilors and receiving individual approval from 2/3 of the council members and shall not be inconsistent with the meeting provisions of the Town Charter. Agenda items scheduled for a meeting that is canceled shall be carried over to the next regular meeting.
- g. Council members shall be seated in Council Chambers as determined by consensus of the Council. The Chair, Vice-Chair and Secretary shall be seated at the head of the Council table in Chambers.
- h. Council members, staff and members of the general public participating in meetings shall address all questions or remarks through the Chair confine their remarks to the merit of pending questions; and shall not engage in personalities.
- i. Any member may leave the Council Chambers while in regular session after notice to the Chair of pressing business providing there is no loss of quorum as determined by the Chair.

4. Town Employees

- a. The Town Administrator will attend all regular meetings or request representation from a Town Department to attend in their place.
- b. The Town Administrator shall be responsible for providing the Council with necessary background information on all items of business before the Council.
- c. The Town Administrator may have the head of any department or division or other employee of the Town in attendance at any meeting when items within their responsibility or knowledge is being discussed. All questions shall be directed to the Town Administrator who may, when necessary, defer to a department head or employee. Staff should be made aware of all items on the agenda to be ready to discuss items in respect to their department or area of responsibility.

5. Voting

- a. Every member present, including the Chair, when a question is put shall vote either aye (yes) or nay (no) or abstain and give reason for abstaining, in accordance with the Town Charter.
- b. Council Members wishing to abstain from voting shall so indicate and give reason for doing so.
- c. Roll call votes shall be in a random order with the Chair voting last.
- d. All votes shall be voice votes unless Town funds are being voted on which will always require roll call vote. Any Councilor may call for a roll call vote on any matter.

6. Debate

- a. Council members must raise their hand to be recognized by the Chair.
- b. Rules of Debate on all motions shall be as follows:
 1. The council member, who introduces a motion, may speak to that motion. Thereafter, every council member may speak to the motion two times only. The sponsoring Council member may also address the motion two times, thereby allowing the sponsor the right to address his or her their motion a total of three times.
 2. If by 2/3 vote it is determined additional discussion is needed each council member may only speak an additional 2 times on a motion.
 3. Decorum in debate: In order to assist in the carrying out of debate in an orderly and productive manner, Council members shall:
 - a. Address all questions and remarks through the Chair. Do not address audience or council members.
 - b. When commenting on another Councilor's statement or question, identify the speaker, statement and when the statement was made.
 - c. Confine remarks to the merits of the pending question.
 - d. Not engage in personalities or question the motives of other Councilors.
- c. Any member who wishes to force an end to debate must first obtain the floor by being duly recognized to speak by the chair and must then move the Previous Question. Such a motion must be seconded, and then adopted by a two-thirds vote, or by unanimous consent. It is not in order to interrupt a speaker with cries of "Question" or "Call the question.", and even if no one is speaking, it is still necessary to seek recognition.

7. Order of Business

- a. Agenda Order of Council Meetings
 - I. Call to Order
 - II. Roll Call
 - III. Pledge of Allegiance
 - IV. Special Recognitions
 - V. Approval of minutes
 - VI. Agenda Overview
 - VII. Public Hearings
 - VIII. Consent Agenda
 - IX. Town Administrator's Report
 - X. Public Input
 - XI. Nominations/Appointments
 - XII. Scheduled Appointments
 - XIII. 15 Minute Recess
 - XIV. Old Business
 - XV. New Business
 - XVI. Subcommittee Reports
 - XVII. Public Input

XVIII. Non-Public Session

XIX. Adjournment

b. 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.

c. Nominations for all Board and Committee applicants may be made during the nominations/appointments portions of the Council meeting. Boards and Committees shall receive their respective applications and make recommendations for nominations. Appointment vote for a nominee will be scheduled at the next Council meeting. Nominations and appointments for new July terms shall be at the June Town Council meetings.

d. Scheduled Appointments

1. A scheduled appointment shall have one person as a speaker when possible and follow the rules for addressing the Council.
2. A scheduled appointment shall not exceed 15 minutes to address the Council unless the Council votes to extend.
3. Board and Committee applicants shall be invited to attend a Council meeting as a scheduled appointment to state their interest. This meeting shall be either prior to or on the same night of their nomination.
4. Boards and Committees shall meet at minimum once a year as a scheduled appointment to provide an overview of their activities and member attendance reports.

e. Old Business

1. Business carried over from a previous meeting.
- f. New Business
 1. New Business should be submitted to the Town Administrator or Council Chair.
 2. New Business submitted by noon the Wednesday before a regular meeting may be considered for the next meeting by request. The Chair may schedule the topic on the Agenda under New Business as the schedule allows. Any new business brought forward at a council meeting shall not be acted upon at that meeting except by a motion to waive this rule by vote of 2/3rd of the members present.
 3. New Business submitted after noon the Wednesday preceding a regular scheduled meeting will be considered for the next meeting agenda unless time sensitivity is determined by Town Administrator or Chair.
8. Non-Public Session
 - a. The Council shall motion to exit in non-public, then motion to seal the minutes of the non-public session as appropriate.
 - b. Non-public minutes shall consist of the subject matter and motions only. No minutes of the subject discussion shall be taken.
 - c. A councilor not present at the time non-public session minutes are taken shall receive these sealed minutes along with the rest of the Council.
 - d. Unsealing of the non-public session minutes for the current fiscal year (June 1st to May 31st) shall occur annually at the Council's last meeting in May when, in the opinion of a majority of members, the circumstances that sealed the minutes no longer apply in accordance with RSA 91:3 III.
9. Filing Agenda items
 - a. Every item of business to come before the Council for action must be filed with the Town Administrator or Council Chair.
 - b. The Agenda shall be posted by the close of business on the Wednesday prior to the regular Council Meeting.
 - c. It shall be the duty of the Town Administrator to mail by first class postage said agenda and any available supporting documents to each Councilor (if not already picked-up) by Thursday of the week prior to the regular Council Meeting unless a Councilor requests, in writing, to receive it in electronic format only.
10. Addressing the Council
 - a. Persons other than members of the Council shall not be permitted to address the Council except during the designated agenda Public Input or by invitation of the Chair.
 - b. A time limit for addressing the Council may be established by the Chair.
 - c. The speaker shall not enter into a debate with any person, the Chair or Council members.
11. Amendment To Rules

- a. Council rules may be suspended by a 2/3-majority vote of all Council members. The purpose for suspension must be clearly stated before the vote is taken and 2/3 of all Council members must declare the matter one of such priority that it would be detrimental to hold over until the next regular Council Meeting.
- b. The rules may be amended or new rules adopted by a 2/3 vote of all members of the Council. Any such proposed alteration or amendment by any Councilor shall be submitted in writing at a regular Council Meeting under the order of new business.

11. Community Outreach

- a. The Council Chair has the authority to act on the Council's behalf to present and/or sign letters of achievement for community outreach to include but not limited to Town of Hooksett departments, businesses, residents, and volunteer or membership groups. This authority is for times when the community outreach happens off-schedule to Town Council meetings.

12. Procedure for Adoption of Ordinances pursuant to Section 3.6 of the Charter.

- a. Prior to a Council member introducing an ordinance, the Council shall discuss the contents which may include editorial revisions and textual modifications. An ordinance needing revisions based on this discussion will be brought back to the Council in a final format at their next scheduled meeting. The final version of an ordinance shall be introduced by one Councilor for a public hearing at the Council's next scheduled meeting. No second to a motion and/or vote is required to move an ordinance to a public hearing. The Council shall not take final action on any proposed ordinance until at least seven (7) days after said public hearing(s).

- b. After the public hearing the Council shall put the proposed ordinance in final form, which may include editorial revisions and textual modifications resulting from the proceedings of that hearing. An additional public hearing shall be held if the ordinance is substantively altered by the Town Council after public hearing. Subsequent public hearings shall be held at least 14 days after the prior public hearing and with the notice provided in Section 3.5 (A) of the Charter. The Council shall not take final action on any proposed ordinance until at least seven (7) days after said public hearing(s).

13. Procedure for Town Administrator Annual Evaluation

- a. Council's first meeting in May – Council will receive Town Administrator's self-evaluation to include status on his/her goals with comments for period ending June 30th of the same fiscal year along with a blank evaluation form.
- b. Council's second meeting in May = Councilors are to complete and submit the Town Administrator evaluation form via e-mail to the Council Chair and cc: Administrative Services Coordinator (or hand deliver to same at meeting).

- c. First week in June = Administrative Services Coordinator and Council Chair consolidate each Councilor's Town Administrator evaluation data into one report.
- d. Council's first meeting in June – Councilors to review consolidated Town Administrator evaluation report for edits.
- e. Council's second meeting in June – Councilors and Town Administrator to receive Town Administrator evaluation report in agenda packet and review at this meeting.
- f. Council's July Workshop meeting – New council to establish goals for new fiscal year.

Town Council Rules of Procedures

Adopted: 01/10/2001

Amendments

Date Amended	Section Amended
August 14, 2003	Added Section 7-c. Added Section 7-b-1, 2 & 3. Added Section 7-f-2.
January 27, 2010	Changed Section 7-a Scheduled Appointments – added 7 pm. Changed Section 7 - Order of Business - moved Non-Public Session towards the end of the meeting.
March 9, 2011	Changed Section 7 - Order of Business – added Consent Agenda after Agenda Overview and deleted Scheduled Appointment time (7:00 pm). Scheduled Appointments to start immediately after Nominations/Appointments.
October 12, 2011	Added Section 6-c.
November 30, 2011	Changed Section 7-a Agenda Order – Moved “Town Administrator’s Report” up before “Public Input”.
February 22, 2012	Changed Section 7-b Public Input (See file)
August 14, 2013	Changed Section 5. d. sentence 2 “The Chair” to “Any Councilor” Removed Section 5.d. sentence 3 Changed Section 7. d. “spokesman” to “speaker” Added to Section 7.d. “when possible” after “spokesman” Changed Section 7. f. 3. “only if” to “unless” Added Section 8. c. at end, “unless a Councilor requests, in writing, to receive it in electronic format only.”
December 18, 2013	Added Section 11 Community Outreach
May 28, 2014	Added Section 12 Procedure for Adoption of Ordinances pursuant to Section 3.6 of the Charter.
August 13, 2014	<ul style="list-style-type: none"> • <u>Section 2.a - Annually, at the first meeting of the new Town Council – added:</u> <ul style="list-style-type: none"> ○ 1. The Town Clerk shall swear-in all new Councilors as a group. ○ 3. Motion that the Town Council confirms by a roll call vote, that the Town of Hooksett will adopt RSA 31:104, 31:105 and 31:106 to provide immunity and indemnify all Town Councilors, other elected officials, employees, agents as well as appointed officials that serve on committees and boards within the Town of Hooksett; specifically covering immunity from civil liability for discretionary acts, according to RSA 31:104, indemnification for costs of

- defense of civil suits, according to RSA 31:105 and indemnification for civil rights claims, according to RSA 31:106.
- 4. Motion to have the Town Council Chair sign ancillary documents as agent to expend as a result of Town Council prior approval of the documents.
 - 5. Motion to adopt the Town Council Rules of Procedures.
- Section 2.c.3 – Council Secretary:
 - d. Changed - Administrative Assistant to Recording Clerk and Added - The posted minutes shall have an attachment of the overview sheet of the Council reading file and Council Chair signed ancillary documents.
 - Section 3 – Council Meetings:
 - c. Added - A quorum of the Council for the transaction of any business shall be two-thirds (2/3) of the members currently in office. The Council shall not recognize a Councilor's electronic method(s) of participation, attendance, or quorum.
 - Section 5 – Voting
 - c. removed – ~~On roll call votes, Council Members shall vote alphabetically by last name, said name to be called on a rotating basis so that the name first called at the previous vote shall be name last called for the next vote, with the Chair voting last.~~ Added - Roll call votes shall be in a random alternate order with the last Councilor who made a motion to be the first Councilor to vote on the next roll call.
 - Section 7 – Order of Business added:
 - IV. Special Recognitions (after Pledge of Allegiance) and VII. Public Hearings
 - c. changed appointments to applicants and added - Boards and Committees shall receive their respective applications and make recommendations for nominations. Appointment vote for a nominee will be scheduled at the next Council meeting. Nominations and appointments for new July terms shall be at the June Town Council meetings.
 - d. added: -
 - ✓ 2. A scheduled appointment shall not exceed 15 minutes to address the Council unless the Council votes to extend.
 - ✓ 3. Board and Committee applicants shall be invited to attend a Council meeting as a scheduled appointment to state their interest. This meeting shall be either prior to or on the same night of their nomination.
 - ✓ 4. Boards and Committees shall meet at minimum once a year as a scheduled appointment to provide an overview of their activities and member attendance reports.
 - New Section 8 – Non-Public Session – Added:
 - a. The Council shall motion to exit in non-public, then motion to seal the minutes of the non-public session as appropriate.

September 10, 2014

Changed Section Section 5 – Voting c. reworded: Roll call votes shall be in a random order with the Chair voting last.

August 12, 2015

- Section 2.A.6 add: Motion to adopt Administrative Code.
- Section 2.C.3.d add: The Town Council Secretary shall act as clerk of the Council and shall approve unofficial minutes of the meeting recorded by the Recording Clerk. The posted minutes shall include a reference of the page number where the attachment of the overview sheet of the Council reading file and Council Chair signed ancillary documents can be found.
- Section 3.g. delete: Council members shall be seated in Council Chambers as determined by consensus of the Council ~~advice of the Chair.~~
- Section 3.g. add: The Chair, Vice-Chair and Secretary shall be seated at the head of the Council table in Chambers.
- Section 8.b. add: Non-public minutes shall consist of the subject matter and motions only. No minutes of the subject discussion shall be taken.
- Section 8.c. add: A councilor not present at the time non-public session minutes are taken shall receive these sealed minutes along with the rest of the Council.
- Section 8.d. add: Unsealing of the non-public session minutes for the current fiscal year (June 1st to May 31st) shall occur annually at the Council's last meeting in May when, in the opinion of a majority of members, the circumstances that sealed the minutes no longer apply in accordance with RSA 91:3 III.
- Section 13. Add: Procedure for Town Administrator Annual Evaluation

Staff Report

Title: _____

Change Order to RFP#16-03 Roadway Improvements Contract with Advanced Excavating & Paving

Date: 7/27/16

Background and Discussion of Issues

The Town has awarded a contract to Advanced Excavation and Paving for roadway improvements to Martins Ferry Road and Main Street - BID#16-03. The contract is for the amount \$763, 206. Advanced Excavating & Paving provided excellent unit prices for paving and has agreed to perform additional paving. Additional streets/roads that are proposed to be paved as part of a change order to their contract with a shim and overlay include Corriveau Drive (5,500 lf), the driveway on Mt. St. Mary property to access the library (550 lf), a portion of Pinnacle Street off of Rte 3A (500 lf) and an area at the intersection of Vista Drive and Summit Drive. The cost for the paving of these streets is estimated at \$150,000. The Town will negotiate with Mt St. Marys Condo Assoc. for their share of the driveway improvements.

Recommendation (including suggested motion, if appropriate)

Recommend that the Town issue a change order to BID#16-03 with Advanced Excavating and Paving for the amount of \$150,000 to increase their contract amount from \$763,206 to \$913,206 for perform roadway paving improvements.

Fiscal Impact

This \$150,000 will be from the current DPW roadway improvement budget.

Prepared by: James J Donison, Asst DPW/Town Eng.

Town Administrator Recommendation

Concur

Staff Report

Title: Amend Council Meeting Schedule

Date: July 27 2016

Background and Discussion of Issues

1) Schedule Deliberative Session: RSA 40:13,III between 1st and 2nd Saturdays following the last Monday in January. School Deliberative Session is Friday February 10th with a snow date of Saturday February the 11th.

2) Add September 7th and September 21st to the meeting schedule for budget reviews.

Recommendation (including suggested motion, if appropriate)

Motion to scheduled Town Deliberative Session on Saturday February 4th with Saturday January 11th as the snow date.

Motion to add September 7th and September 21st to the meeting schedule for budget reviews.

Fiscal Impact

None

Prepared by: Christine Soucie, Finance Director

Town Administrator Recommendation

Concur

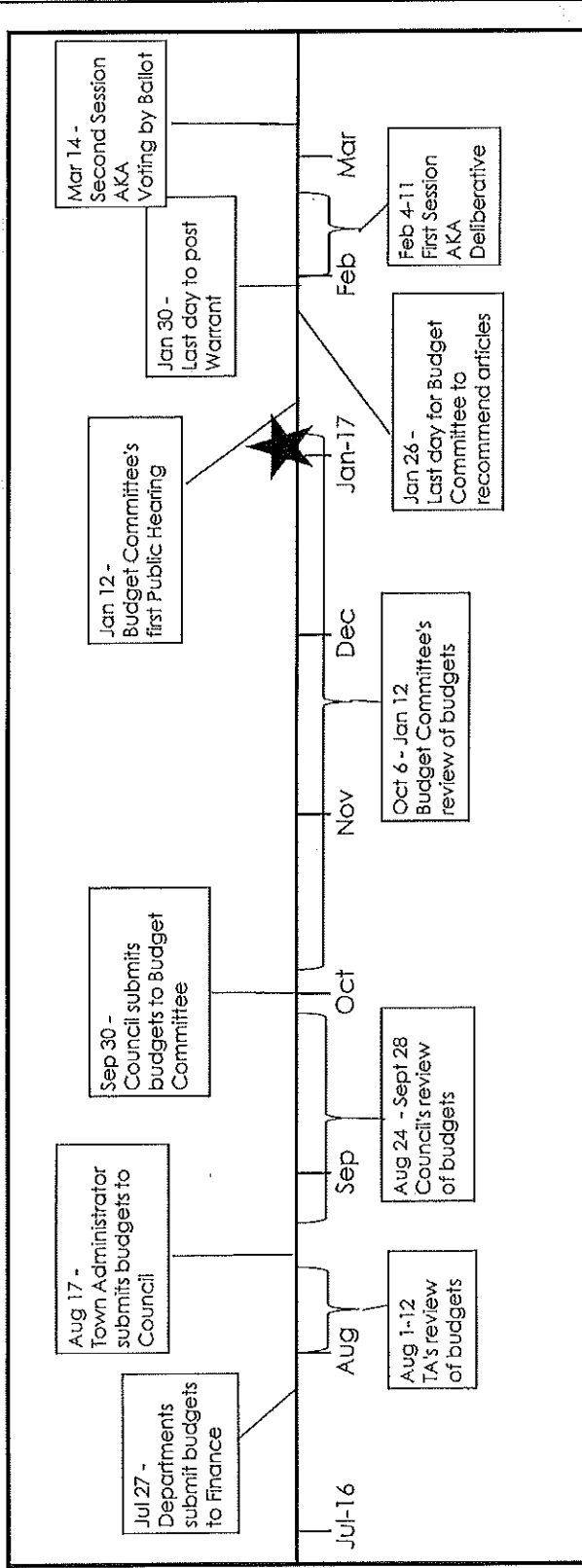
TOWN COUNCIL MEETING SCHEDULE
July 2016 – June 2017
Council Chambers @ 6:30 pm

July 13, 2016	Regular Meeting	Council Chambers
July 27, 2016	Regular Meeting	Council Chambers
August 10, 2016	Workshop	Council Chambers
August 24, 2016	Regular Meeting	Council Chambers
September 14, 2016	Regular Meeting	Council Chambers
September 28, 2016	Regular Meeting	Council Chambers
October 12, 2016	Regular Meeting	Council Chambers
October 26, 2016	Regular Meeting	Council Chambers
November 9, 2016	Regular Meeting	Council Chambers
November 16, 2016	Regular Meeting	Council Chambers
December 14, 2016	Regular Meeting	Council Chambers
January 11, 2017	Regular Meeting	Council Chambers
January 25, 2017	Regular Meeting	Council Chambers
February 8, 2017	Regular Meeting	Council Chambers
February 22, 2017	Regular Meeting	Council Chambers
March 8, 2017	Regular Meeting	Council Chambers
March 14, 2017	Town Election	Cawley School
March 22, 2017	Regular Meeting	Council Chambers
April 12, 2017	Regular Meeting	Council Chambers
April 26, 2017	Regular Meeting	Council Chambers
May 10, 2017	Regular Meeting	Council Chambers
May 24, 2017	Regular Meeting	Council Chambers
June 14, 2017	Regular Meeting	Council Chambers
June 28, 2017	Regular Meeting	Council Chambers

*Meetings are subject to change with at least a week's notice.

Town of Hooksett

FY 2017-18 Budget Development Timeline



★ January 10, 2017 - Last day to for petitioned warrant articles and union negotiations cost items.

- RSA 40:13, II-a (b), 33:8-a
 - RSA 40:13, II-a (a), 32:5,I
 - RSA 40:13, II-a (a), 33:8-a
 - RSA 40:13, II-a (b), 39:3
 - RSA 40:13, II-a (b), 273-A:1
 - RSA 40:13, II-a (c)
 - RSA 40:13, II-a (c), 33:8-a
 - RSA 40:13, II-a (c), 32:16, IV
 - RSA 40:13, II-a (d), 39:5
 - RSA 40:13, III
 - RSA 40:13, VII
- Last day for petitioned bond articles over \$100,000
 - Last day to post notice of budget hearing; 2nd Tuesday in January
 - Last day to post notice of bond hearing; 2nd Tuesday in January
 - Last day for petitioned warrant articles; 2nd Tuesday in January
 - Last day for negotiated cost items to be finalized; 2nd Tuesday in January
 - Last day to hold at least one budget hearing; On or before the 3rd Tuesday in January
 - Last day for bond hearing; On or before the 3rd Tuesday in January
 - Last day for BC to deliver budget recommendations; Thursday before the last Monday in January
 - Last day to post warrant, budget and default; On or before the last Monday in January
 - First Session - Deliberative; between 1st and 2nd Saturdays following the last Monday in January
 - Second Session - Voting; Second Tuesday in March

**TOWN OF HOOKSETT
PUBLIC HEARING NOTICE**

The Hooksett Town Council will be holding a public hearing on Wednesday, ~~June 22~~ July 13, 2016 @ 6:30pm at the Hooksett Town Hall Council Chambers, 35 Main Street, Hooksett, NH. The purpose of the public hearing is for the Town Council to accept 25' x 100' Parking Area ~~Conservation Easement~~ from CTH Building and Development LLC to the Town of Hooksett located at Tax Map 15, Lot 3 northern end of the Class 5 section of Chester Turnpike on the east side of the roadway in Hooksett, NH. This easement will service the Clay pond Conservation area. This notice is per NH RSA 36-A & NH RSA 477:45-47. Boundary survey and easement plan are available for viewing in the Community Development Department. Questions should be directed to the Administration Department 603-485-8472.

Staff Report

Title: Clay Pond Parking Area Parking Easement

Date: 7/27/16

Background and Discussion of Issues

The Conservation Commission voted on 6/13/16 to recommend that the Town accept an easement for a 25'x100' parking area to service the Clay Pond Conservation Land. This parking area will be located at the northern end of the Class 5 section of Chester Turnpike on the east side of the roadway. The easement was provided to the Town by CTH Building and Development LLC who recently was approved for a four lot subdivision directly across the road from the proposed parking area. It is expected that a grant will be applied for this year with Department of Recreation and Economic Development for the purpose of constructing the gravel parking lot improvements. The construction costs are estimated at \$17,500.

Recommendation (including suggested motion, if appropriate)

Recommend that the Town accept the Clay Pond Parking area 25'x100' Parking Lot Easement.

Fiscal Impact

Costs to construct the parking area will either be from Conservation Funds or from a Department of Resources and Economic Development (DRED) - Recreation Trail Program (RTP) grant.

Prepared by: James J Donison, Asst DPW/Town Eng.

Town Administrator Recommendation

Concur

Staff Report

Title: Administrative Code Changes

Date: July 27, 2016

Background and Discussion of Issues

Section 5.5.3 Special Exceptions - Consider adding exception to the competitive bid requirement for Cooperative Purchasing Program.

Section 5.7 Budget Development - Consider changes to section to better describe the current process.

Investment Policy Section IV Delegation of Authority - Consider adding additional wording for clarification.

Add Section 5.13 Cellular Phone in the Workplace Policy.

Fund Balance Policy - No change.

Recommendation (including suggested motion, if appropriate)

Motion to amend Administrative Code Section 5.5.3 & 5.7; Section IV of the Investment policy as presented; to add Section 5.13 Cellular Phones in the Workplace Policy and to readopt the Fund Balance Policy with no changes.

Fiscal Impact

Sec 5.5.3 has minimal cost savings in staff time and advertising costs. No fiscal impact with the other amendments.

Prepared by: Christine Soucie, Finance Director

Town Administrator Recommendation

Concur

5.5.3 Special Exceptions.

“No Competitive bids shall be required when purchasing through a Cooperative Purchasing Program.”

Explanation:

Add an exception to the competitive bid requirements for Cooperative Purchasing Programs. Cooperative purchasing program are arrangements to agree to aggregate demand to get lower prices from selected suppliers. Co-ops are doing competitive bidding for the governments. The co-op's fees are payed by the contractor's.

It is often used by government agencies to reduce costs of procurement and makes the procurement process more efficient.

An example of a local co-op is the Southern NH Planning Energy Consortium, which Hooksett is currently looking into for electric rates.

An example of a national co-op is the Houston-Galveston Area Council which provides emergency and public works vehicles and equipment. Concord, Keene, Manchester, Nashua, Salem, and Hudson all are participants.

Final Draft

5.7 Budget Development. The Town Administrator will set a budget schedule for the year, to include department submittal dates, Town Administrator and Town Council review dates. Each individual department or committee shall submit their budgetary requests to the Finance Office. These requests will include the account number, account descriptions and a written justification for each line item. This information shall be consolidated into a report to be submitted to the Town Administrator for his/her recommendations. The Council shall receive copies of each departmental budget one week before their scheduled review. All information will be tracked and updated by the Finance Department who will ultimately produce a report to the entire Town including the following information:

- Prior Year Appropriation
- Prior Year Expenditures
- Current Year Appropriation
- Current Year Expenditures
- Department Request
- Town Administrator Recommended
- Town Council Recommended
- Budget Committee Recommended
- Variance in Dollars
- Variance as a percentage
- Default

Town Council's submittal date to the Budget Committee is set by the Budget Committee. The Budget Committee should conclude its meetings as prescribed by the Town Charter.

IV. DELEGATION OF AUTHORITY

1. In accordance with RSA 41:29 VI, the responsibility for conducting investment transactions resides with the Town Treasurer. The Town Treasurer may delegate authority, with approval of Town Council.

Explanation:

For clarification the underlined words are suggested. Without the additional words, it sounds like Town Council needs to approval all investment transaction.

RSA 41:29 VI. Reads “ The treasurer may delegate deposit, investment, recordkeeping, or reconciliation functions to other town officials or employees provided such delegation is in writing and includes written procedures acceptable to the selectmen, or in the case of a town operating under RSA 37, to the town manager, and is agreeable to all parties involved. However any such delegation shall only be made to a town official or employee bonded in accordance with RSA 41:6 and rules adopted by the commissioner of revenue administration under RSA 541-A. Such delegation shall not eliminate the responsibility of the treasurer to comply with all statutory duties required by law.”

**POLICY:
CELLULAR PHONES IN THE WORKPLACE**

SECTION I: PURPOSE

The purpose of this policy is to establish guidelines and administrative procedures for employees who have been identified as needing cellular phones (both Town provided and reimbursed (via allowances) personal phones) during working hours and for other times as needed for the health, safety, welfare, or operational efficiency of the Town.

SECTION II: POLICY

It is the policy of the Town that if an employee's job duties require them to be readily accessible for frequent contact or critical contact with the Town staff or public, and the accessibility extends to time away from work or involves on-call responsibilities, then the eligible employee may have a choice to either use a Town-issued cellular phone, or provide their own cellular phone for which they will be compensated for business use pursuant to this Policy. The Town shall have the discretion to determine who is eligible as well as the service plan and features that will be provided, required, or otherwise reimbursed via allowances.

SECTION III: ELIGIBILITY

Employees whose job duties include the frequent need for a cellular phone may be provided a town issued cellular phone or, in lieu thereof, use their own personal cellular phone and receive a reimbursement allowance for business-related costs. Department heads may identify employees who hold positions that include the need for a cellular phone. The Town Administrator shall have final approval on all such determinations. Generally, an employee is eligible for a town issued cellular phone or a reimbursement allowance for using a personal cellular phone if at least one (1) of the following criteria are met:

- 1) The job function of the employee requires considerable time outside of his/her assigned office or work area and it is important to the Town that she/he is accessible during those times; or
- 2) The job function of the employee requires him/her to be accessible outside of scheduled or normal working hours where time sensitive decisions/ notifications are required.

If an employee is eligible for a town issued cellular phone or a reimbursement allowance for a personal cellular phone based on satisfaction of at least one of the above criteria, then if the employee also needs data access for health, safety, welfare or operational efficiency concerns, their town issued cellular phone or reimbursement allowance shall provide data access or provide for a data plan.

SECTION IV: LIMITATIONS ON TOWN PROVIDED CELLULAR PHONES

A. Personal Use: Occasional brief personal use is allowable; however, employees should always use their own personal cellular phones for personal use, if possible.

B. Text Messaging: Shall be limited whenever possible, unless the cellular phone has a service plan that provides for unlimited messaging or a messaging allowance and in either case, is approved for such use by the employee's department head.

C. Internet Access: Employees should use discretion when using their cellular phone to not access websites that would be in violation of the Town's Computer Use Policy found in the Personnel Plan. D. Directory Assistance: Employees should avoid using cellular directory assistance so as to avoid additional charges.

E. Reimbursement to the Town for Personal Use: If an employee's personal use of the Town's cellular phone results in an unreasonable charge to the Town, the user will be responsible for reimbursing the Town. This includes charges for text messaging, long distance and/or roaming charges, overage charges, multi-media charges, and charges for directory assistance.

F. Data Downloads: Employees should attempt to download data in wi-fi networks so as to minimize costs.

G. Any cellular phone that has data capabilities must be secured based on current security standards including password protection and encryption. If a cellular phone with data capabilities is stolen or missing, it must be reported to the employee's supervisor, the service provider, and to the Administration or IT Contactor as soon as possible.

H. Misuse: Use of the cellular phone in any manner contrary to local, state, or federal laws will constitute misuse, and may result in disciplinary action up to and including immediate termination.

I. No expectation of privacy: Town issued cellular phones shall remain the sole property of the Town and shall be subject to inspection or monitoring at any time. Employees who are issued town cellular phones must understand that there is no expectation of privacy when using such phones. The Town has the right to review all records related to Town issued cellular phones, including but not limited to phone logs, text messages, and internet usage logs. Users should further be aware that such records may be subject to discovery under RSA Chapter 91-A (aka, the "Right to Know" law).

J. Upon resignation or termination of employment, or at any time upon request, the employee will produce the device for return and inspection. Employees unable to present the device in good working condition will be expected to bear the cost of a replacement.

SECTION V: REIMBURSEMENT ALLOWANCES FOR PERSONAL CELLULAR PHONES

A. Allowance Amount: The amount shall be \$11.53 per week for cellular phones utilizing an unlimited data plan, e-mail, texting and internet access features. No

further reimbursement for cellular phones is available to employees who receive an allowance.

B. The allowance is neither permanent nor guaranteed. The Town reserves the right to remove a participant from this plan or cancel the allowance for business reasons.

C. To receive the allowance, a "Personal Action Form" must be completed (see Appendix A).

D. Allowance Payment: The approved cellular phone reimbursement allowance will be paid to the employee each week in the employee's paycheck.

E. The employee is responsible for purchasing the cellular phone and establishing and maintaining a service contract with the cellular phone service provider of his/her choice. The cellular phone contract shall be in the name of the employee, who shall be solely responsible for all payments to the service provider. If the employee terminates the cellular phone contract at any point, s/he must notify his/her supervisor within five (5) business days.

F. Because the cellular phone is owned personally by the employee, the reimbursement allowance is not considered taxable income and the employee may use the cellular phone for both business and personal purposes, as needed. The employee may, at his or her own expense, add extra services or equipment features, as desired. If there are problems with service, the employee is expected to work directly with the service provider for resolution.

SECTION VI: LIMITATIONS ON PERSONAL CELLULAR PHONES

A. For a personal cellular phone approved for a reimbursement allowance under this policy, support from the Town's IT Contactor is limited to connecting the cellular phone to Town-provided services, such as e-mail, calendar, and contacts.

B. The Town does not accept any liability for claims, charges or disputes between the service provider and the employee. Use of the cellular phone in any manner contrary to local, state, or federal laws will constitute misuse, and may result in disciplinary action up to and including immediate termination if misused in furtherance of Town business, and then, depending on the nature of the misuse.

C. Any cellular phone that has data capabilities must be secured based on current security standards including password protection and encryption. If a cellular phone with data capabilities is stolen or missing, it must be reported to the employee's supervisor, the service provider, and to the IT Director as soon as possible.

D. Employees are expected to delete all Town data from the cellular phone when their employment with the Town is severed, except when legally required to maintain that data (e.g., litigation).

E. Note: Unlike Town provided cellular phones, users of personal cellular phones have an expectation of privacy and accordingly, if the Town desires to review the

employee's cellular phone records, it will first obtain a search warrant or subpoena the relevant records pursuant to RSA Chapter 91-A (aka, the "Right to Know" law).

SECTION VII: EMPLOYEE RESPONSIBILITIES

A. Excessive use of cellular phones during the work day for personal use can interfere with employee productivity and be distracting to others. During paid work time, employees are expected to exercise the same discretion in using cellular phones as is expected for the use of any town telephone or computer. Cellular phones may not be used at any work site where the operation of the phone would create an unreasonable distraction to the public or other employees.

B. Employees are expected to make personal communications on non-work time, when possible. However, it is understood that occasional personal communications of short duration may be accomplished without disrupting others and without having an adverse effect on one's job performance. Personal calls, incoming and outgoing, must be kept to a minimum and must be incidental to business use. Employees should use good judgment when making personal communications and should recognize that the Town incurs costs for each minute of air time on Town issued phones. Abuse of personal communications privileges may subject the employee to discipline.

C. In order to ensure a productive work day, the following uses of any cellular phone are prohibited during working hours:

- 1) Accessing the internet for non-work related purposes;
- 2) Playing games;
- 3) Watching movies, television, sports, etc., and
- 4) Any activity that violates town policy.

D. Employees in possession of Town issued cellular phones are expected to protect them from loss, damage, or theft.

SECTION VIII: SAFETY IN USING CELLULAR PHONES

A. This section applies to all use of Town provided cellular phones, and to all use of personal cellular phones when used for Town business.

B. If use of their cellular phone is unavoidable, employees shall use hands-free options, abiding by applicable state laws. During hands-free operation, employees are expected to keep the usage to a minimum, refrain from discussions of complicated or emotional issues, and keep their eyes on the road. Special care should be taken in situations where there is heavy traffic, inclement weather or where the employee is driving in an unfamiliar area. Under no circumstances are employees allowed to place themselves at risk to fulfill business needs.

C. With the exception of extraordinary circumstances, operators of authorized emergency vehicles are to comply with this Policy while driving.

D. Engaging in text or email communications, or accessing the internet while driving is not allowable under any circumstance. Note: safely pull over to the side of the road before setting a destination and selecting a route for GPS-related applications.

E. Employees who are charged with traffic violations resulting from the use of cellular phones while driving on duty may be subject to disciplinary action.

F. Employees who are charged with traffic violations resulting from the use of their cellular phone while driving will be solely responsible for all liabilities that result from such actions.

G. Violations of this Policy will be subject to discipline, up to and including dismissal.

SECTION IX: WAIVERS

The Town Administrator or Town Council may waive any portion of this policy for good cause shown.

SECTION X: AMENDMENTS

This policy may from time to time be amended by the vote of Town Council at a regularly scheduled meeting.

SECTION XI: EFFECTIVE DATE

This policy shall be effective upon a vote of the Town Council.

DRAFT