

**TOWN COUNCIL MEETING MINUTES**  
**Wednesday, August 13, 2014**

**CALL TO ORDER**

Chair Sullivan called the meeting to order at 6:30 pm.

**ROLL CALL – ATTENDANCE**

Nancy Comai, Robert Duhaime (arrived 6:31pm), Donald Winterton, David Ross, James Levesque, Todd Lizotte, Susan Orr, Chairman James Sullivan, Dr. Dean E. Shankle, Jr. (Town Administrator)  
Missed: Adam Jennings

**PLEDGE OF ALLEGIANCE**

**SPECIAL ITEMS**

Youth Achiever of the Month

T. Lizotte: Tonight we are going to recognize Karina Ithier for the month of August. She manages to balance good grades, school activities and community service while still pursuing her passions for acting and writing. She is going into her junior year at West High School, and this past May was elected president of her Key Club. Her achievements are a great reflection on the youth of Hooksett. She was the Francis Wayland Parker scholar of the month in November 2013. She was asked by Assistant Superintendent David Ryan of the Manchester School District to be a keynote speaker at the Verizon Wireless Arena for teachers and staff. That is a great endorsement of her abilities and her involvement with the Manchester School District. Overall she is a very well-rounded student and we are very proud of her.

*Presentation of certificate and pin.*

**APPROVAL OF MINUTES**

a. Public: July 23, 2014

***T. Lizotte motioned to accept the public minutes of July 23, 2014 with edits. Seconded by J. Levesque.***

***Vote unanimously in favor. D. Winterton abstained due to prior absence.***

b. Non-public: July 23, 2014

***T. Lizotte motioned to accept the non-public minutes of July 23, 2014. Seconded by J. Levesque.***

***Vote unanimously in favor. D. Winterton abstained due to prior absence.***

**AGENDA OVERVIEW**

Chair Sullivan provided an overview of tonight's agenda.

**CONSENT AGENDA**

a. Cawley Middle School Builders Club donation to Fun in Sun: \$150

b. John Brock and Martha Deering donation to Town Hall Preservation Committee: \$100

***T. Lizotte motioned to accept the consent agenda as written. Seconded by D. Winterton.***

***Vote unanimously in favor.***

**TOWN ADMINISTRATOR'S REPORT**

- Started Fire Department union negotiations and will be on the same schedule as the last time
- Council workshop was held and several agenda items are a result of that workshop
- I met with some reps from Amoskeag Rowing Club regarding issues
- About a month ago I went to look at the new welcome center. The General Manager met with me and showed me around. There has been a tremendous amount of change in the last month. Beginning to open in early September.
- Working on getting software packages and we have a schedule for Community Development; looking to be online by November. HR is moving along as well.
- The Heritage Commission applied for Moose Plate Grant and they received a \$10,000 grant to fix up the tin ceiling at the Old Town Hall. The balance is only about \$2,000. Council has to have a public hearing on it at the next meeting then it goes to the Governor and Executive Council for official approval.

- Joy from Family Services reported that last fiscal year they had 115 fewer recipients from the previous year (approx. 377) – about 1/3 reduction.
- Received a letter (to Billie Hebert in Town Clerk's office) complimenting her on her help and service.  
*"Dear Billie, I just wanted to thank you for all of your efforts. You have gone above and beyond to make me feel like a welcomed and safe resident of the Town of Hooksett. You really went the extra mile, and I cannot sing your praises enough. I am so proud to live in Hooksett! Thank you for the major role you played in that. Sincerely yours, Sarah Derian."*
- We have an idea of the valuation for the coming year; the valuation of the town from year to year has gone up \$17,148,888.

**PUBLIC INPUT: 15 Minutes**

None

**NOMINATIONS AND APPOINTMENTS**

- a. Jackie Roy to SNHPC Board

J. Roy: I am here for a position on SNHPC to represent the town of Hooksett and to answer any questions you may have for me.

D. Ross: The recommendations speak for themselves.

R. Duhaime: Have you been involved with the planning previously?

J. Roy: I understand the planning process and as I looked over other committee members, I have worked with some of them in the past. I think it would be great for me to blend in.

***D. Ross motioned to appoint Jackie Roy to a position on the SNHPC Board. Seconded by J. Levesque.***

***Vote unanimously in favor.***

**SCHEDULED APPOINTMENTS**

- a. Rev. Dr. George Robie regarding donation of secretary

G. Robie: I have donated to the town of Hooksett the wooden secretary on which the town charter was written. After the charter was hammered out, it was signed and ratified at the town meeting at the Pinnacle Inn. The glass in the doors of the secretary came from NE Glass Co in Sandwich, MA. That was the predecessor of the Boston Sandwich Glass Co. which produced bullet glass. Several of the panes are in poor repair. The drawer pulls are large pewter and the crystal pulls and are not original. In terms of future maintenance, never try to change the finish and if you are going to do any cleaning, don't use furniture polish. I am the 6<sup>th</sup> generation of Robie's to own that piece. My great-great-great grandfather, Henry Robie, purchased the piece when the Jones Tavern went out of business and it has gone to the oldest son ever since. I am placing this on loan to the town until the end of my natural days and upon my demise, it becomes the property of the town.

***D. Ross motioned to authorize the Town Administrator to accept the Donation Agreement, subject to the approval of Mr. Robie. Seconded by T. Lizotte.***

***Vote unanimously in favor.***

- b. Sewer Commission regarding fees

Frank Kotowski and Bruce Kudrick, Sewer Commission

F. Kotowski: I would encourage you to add the letter you received to the official minutes. I want to thank Mr. Duhaime for having the good sense to put an end to the discussion. We worked hard with the applicants and our role is to make sure when we see a plan that includes an in-law apartment, that it is a legal apartment. We did some research and found it was not. Some years ago a former building inspector made comments indicating it was OK to put in a sink, which is a far cry from an apartment. Mr. Levesque, we don't mean any ill will toward you. As public figures, when we make comments in public, we need to make sure they are accurate and that we don't give out public opinion as to whether something is legal or illegal. In times when we appear before a court, if comments are made by a public official, we wouldn't win. I would caution all of you to try not to bring personal feelings and rely on records and people in the other departments to work together. We are just trying to avoid unfortunate publicity.

B. Kudrick: Our regulations say it's \$3000 per unit which goes to upgrade the sewer system. By putting in a kitchen, that made this a unit. We treat everyone the same way. When it came to my attention, I notified my office and did some investigating. I went to the Board and we proceeded by the rules and regulations of the Board. Please feel free to contact me when you have any questions.

J. Levesque: I apologize for voicing my opinion. When the ZBA meets, they are at the mercy of what info they have. They didn't have any info from the Sewer commission. That may have helped and this whole thing could have been avoided with more information.

F. Kotowski: You are correct and we take that to heart. I happen to be the Planning Board rep for Conservation Commission and it is difficult for me to make all the meetings. Rob Duhaime has been the liaison for the Sewer Commission but I would encourage you, if you take on that responsibility, try to attend the meetings.

R. Duhaime: The impact fee may sometimes be confused with the system development fee

N. Comai: I'm the Councilor for this district. You mention they didn't pay for 2 units but I believe they have paid their bill.

B. Kudrick: There is a gallonage charge (read by the meter) that was paid. We also have a unit charge (\$44/unit/quarter). (*\*\*This was amended by Mr. Kudrick after the meeting adjourned to \$33/unit/quarter.*) We were only charging for the house. We didn't recoup the unit charge for the apartment for the past years; we just started from when we found out.

N. Comai: Thank you for the clarification and your help. We are very happy to put this one to bed.

c. NH DOT Dave Scott regarding Main St. bridge traffic control

David Scott, Bridge Design Chief for DOT  
Jason Tremblay

D. Scott: The traffic control that DOT would be pursuing would consist of alternating one-way traffic flow. We are open to feedback, but a lot of this is set and not able to be negotiated. There is some room for slight tweaking. This alternating one-way traffic control is not going to work well if 25-30% of motorists currently using the bridge today do not find an alternate route. In that case, we have developed an alternative plan which we will discuss. There are over 100 signs going up warning motorists of the upcoming construction and guiding them through the construction zone. We've hired a consultant to work on smart signs for the highway so real time travel delays are communicated. We have budgeted for uniformed police officers to assist with traffic flow. If traffic becomes too unbearable, we will be able to quickly implement the contingency plan. We will get your feedback prior to making any decisions regarding that contingency plan.

J. Tremblay: In order to alleviate congestion on 3-A and Main Street, we will send them down Riverside St, coming to a temporary signal and head east to College park Dr. At location B, we are closing the right turn ramp so anyone heading north on 3-A will go through the intersection. There are 2 separate cues to give us more storage capacity on 3-A and Riverside St. The existing signal at the intersection of 3-A and Main St are synced with the temporary signal. Vehicles heading east or west across Main St will get across the bridge in one cycle. There are 3 phases – eastbound, westbound and vehicles on Riverside and Rosedale. We are trying to extend typical signal timing to accommodate more vehicles. At location D – we are removing the left turn on College Park Dr and allow left turns off College Park Dr for people heading west to head south on S Main to access the town offices, ball fields, etc. The left off S. Main to go west across the bridge will be shut down as well to lessen the volume. Signs for locations E and F will be indicating local traffic only, no through traffic. The left off Merrimack Street will be closed as well. Because of these restrictions, we are going to have to assign detours: anyone heading up S. Main would stay across and continue east on college Park Dr and take a left at the signal. There is another detour that takes them on Granite St to Merrimack St. We can't sign U-turns but some vehicles may use that option. Trucks can take Pleasant to Merrimack. These detours will be signed appropriately. There will be local traffic only at Rt 3 and 28 and Pleasant View Dr. The contingency plan would be northbound traffic only across the bridge. With the contingency plan, we would have pre-emption for police, fire and school buses. We are trying to maintain signage that would work for both plans.

N. Comai: Would a posted police officer be at location D?

D. Scott: We are anticipating an officer at Rt 3 and College Park Dr, 3-A and Main St. We were not anticipating an officer at location D but there is some flexibility. We might possibly need an officer at Hackett Hill.

N. Comai: It appears to me that when you make adjustments to people's natural pattern, you might want to post one there, even just at the beginning, at location D. You did a great job on this.

D. Ross: The police presence is to keep people obedient. During peak times, would there be contractors or police to communicate cue flow?

D. Scott: We anticipate that to be the role of the police which is above and beyond the flaggers.

D. Ross: With regard to parking at Robie's', there is hardly any parking there now.

D. Scott: The biggest issue is people nose-in wanting to back out will have to rely on the graciousness of the people in the cue to allow them to have space.

J. Levesque: Riverside will be a one-way?

D. Scott: Exclusive right at the south end; real change is at location D.

J. Tremblay: Riverside will still have 2-way traffic. It looked like parking at Robie's was parallel, so parking across the road would be nose-in.

R. Duhaime: The advisory warning sign – is that a solar sign with the printed letters?

D. Scott: This is going to give motorists a heads up as to the amount of time to get to the bridge. They will be posted on Rt 93 to advise motorists of the time of the delay to give them a choice of which route to take.

R. Duhaime: The cars are stacked at Merrimack St. Are you doing anything to not block that intersection?

D. Scott: We can put a "Do Not Block Intersection" sign at that location. We didn't want to close it off entirely.

D. Winterton: You have 3 officers. What is the schedule?

D. Scott: Shift is 4 hours so rush hours, morning and night.

D. Winterton: Can you use Hooksett as the first choice department?

D. Scott: We try to get details from local officers first then to surrounding towns. My one concluding comment is that 25-30% is a lot of traffic to divert. We aren't offering any guarantees unless there is a huge movement of people first.

T. Lizotte: Is there any timeline on how long to complete?

D. Scott: We are expecting 2 phases and 2 months per phase. I don't have an exact start date.

T. Lizotte: Have the bid packages gone out?

D. Scott: No, it's going out before the end of October. We are targeting bridge contractors that are on a state-approved list.

R. Duhaime: I would hope you would keep tractor trailers in mind when you detour the traffic into neighborhoods.

D. Scott: Yes, thank you.

d. Conservation Commission Land acquisition public hearing

J. Sullivan: The purpose of the public hearing is for the purchase of two parcels of land to total 35 acres identified as Tax Map 4, lot 34 and 35 using \$49,000 in mitigation funds. The land will have a conservation easement to be held by Bear-Paw Regional Greenways. Boundary survey and easement plan are available for viewing in the Community Development Department. I declare the hearing open. Seeing no comments, we will continue and close the hearing later on.

e. Edgewater Driver class VI road discontinuation public hearing

J. Sullivan: The purpose of the public hearing is to make a determination whether or not to discontinue the Class VI portion of Edgewater Drive in Hooksett, NH Map 1, Lots 4, 6, 8 & 9. Boundary exhibits are available for viewing In the Community Development Department I declare the hearing open.

T. Lizotte: At the Conservation Commission meeting there was a vote taken in regards to recommendations. Since then, there was one member who did not attend that meeting but presented some other information to be considered. The vote was taken with a quorum and moved. The info presented by the absent member is their opinion as they were not present at the meeting to convey that opinion. I may need to go over to the public side to address this information.

J. Sullivan: The official vote was for the Town Council support the discontinuation of the Class VI road.

T. Lizotte: *The motion was from Steve Couture to recommend that the Town Council support the discontinuance of the class VI road, Edgewater Drive, with the following points:*

- 1. That the Conservation Commission supports the creation of open space on this property with public access for town residents.*
  - 2. That the property be held by the Homeowners Association and with the open space protected with a conservation easement held by the Town.*
  - 3. The Conservation Commission is supportive of partial ownership of some part of the property if the Town Council feels it is necessary.*
  - 4. Access specifics and alignment of the new road can be determined through normal Planning Board, Conservation Commission, and Zoning Board development processes with the exception of the six lots to the north and the location of the cul-de-sac.*
  - 5. An access point for non-motorized boats should be part of the open space access with details to be specified in the easement language.*
  - 6. As part of the normal development process, a stewardship fee is required and expected for the conservation easement with the amount to be determined later.*
- Seconded by T. Lizotte. Motion passed. I have also been asked to read this letter. Do you want me to read it from my seat?*

J. Sullivan: I don't have a problem with you reading it into the record.

T. Lizotte: This is a letter from David Hess: *Dear Mr. Chairman (Steve Couture), I will be unable to attend the Conservation Commission meeting tonight. However, I wanted to share my thoughts with the Commission members about the proposed Scarpetti project on Edgewater Drive. From a conservation perspective, I strongly oppose any iteration of the Scarpetti project as proposed. I believe that the highest and best conservation use of the property in this area is for the Town to retain ownership of the Class 6 extension of Edgewater Drive and Lot 6 as it exists along the River, in their present locations- right along the banks of the Merrimack River. This provides an exceptional opportunity to develop a trail from the southern terminus of the Town-owned land to the Bow Town line on the west side of the River immediately along the River's edge. It also preserves the natural viewscape of the Rivershed in this immediate area much better than if five additional residential units were to be constructed along this stretch of the River. The proffered exchange for giving up this conservation gem - a "pocket park" of barely 1/2 acre in size isolated from any other conservation lands - is, for all intents and purposes, worthless from a conservation perspective. It is*

*small, isolated, fragmented, and has much less conservation value, in my opinion, than the land currently held by the Town in this location. I realize some people believe that a property owner should be entitled to use his/her property as he/she wishes as long as it is permitted by local land use regulations. I share that general philosophy. However, the Scarpetti proposal does not warrant this consideration. Granting their proposal would significantly and substantially expand, enlarge and intensify the permitted uses on this property over what is currently allowed, and what was allowed when the Scarpettis purchased it. They don't own the property; they want to acquire it from the Town. As such, rejecting this proposal does not diminish their rights as a property owner. It merely limits them to those they currently possess. Please thank all of the Commission members for considering these thoughts.*

D. Ross: What was the vote count from Conservation?

T. Lizotte: It was unanimous and there were 5 members present of a 7 member board.

Richard Uchida, attorney for Paul Scarpetti: We have been before you previously to see if we can reach an acceptable proposal for the discontinuance of the Class VI portion of Edgewater Drive. I want to go over options available to you this evening. Parts of this road have eroded into the river. The southern 2/3 has lot 6 which town maps show the town owns however there is no deed to the town on record. We are looking for a proposal that discontinues the Class VI portion of Edgewater Drive and the conveyance of any rights the town may have in regards to lot 6. If we do not get approval for the discontinuance, no transfer takes place and we stay where we are today. We will move forward with the design once we receive approval from Council. We have 3 options for consideration in exchange for the discontinuance and the release of any rights to lot 6: First is the original proposal to grant the town land, access and utility easement to preserve rights of townspeople to traverse the area for access into the area. Secondly, in addition to the previous elements, granting 10,000 sq ft parcel in fee to the town to make up for the 8700 sq ft parcel that comprises lot 6. Thirdly, this was in response to concerns from some Councilors that the town's rights should be confined to the end of the Class V road. The access and utility easement goes away but Hooksett gets the land for cul de sac, 10,000 sq ft parcel and an additional 17,000 sq ft parcel near the cul de sac eliminating the town's responsibility for any other part of the land. We also offered an installation of a dock. Mr. Scarpetti has written a letter indicating that is not a desirable way to go. He has pulled the proposal for the dock off the table. This is a conditional discontinuance so if the project never goes through, everything stays the same as it is today. Our preference is the original proposal and the second option is also favorable to us.

P. Scarpetti: I did hear what Joe Slemp had to say. Edgewater is a country setting and we got away from what we wanted to do. That's why I thought it would be more of a hindrance. The Hooksett boat launch is right across the river and that is the proper place for launching.

J. Slemp: I am still against it. It was zoned for one house 10 years ago. My neighbors are against it also. The road is not fit for another 5 houses. It is not meant for 2-way traffic. The town is going to have to fix this road if the development goes through. Let's think of the amount of traffic on this road that you already can't get a fire truck through. With the canoe rental business, there isn't enough parking for that but there is no enforcement of that.

J. Sullivan: Can we ask Leo Lessard to join us?

N. Comai: Are you in agreement with what has been said regarding the discontinuance?

L. Lessard: All we do is go down Edgewater and stop where it turns into a Class VI.

N. Comai: The way the road is now, is it built to town specs?

L. Lessard: Not according to today's standards. It's only 18-20' wide. There are houses there now that were able to be built. I see no problem with this. They don't even know if they can do this without going through Planning. What is there now is fine for 5 houses. I agree that the width doesn't support the canoe business but it's been there for a while.

S. Orr: You said you plow up to a certain point then turns around. Those are big vehicles so there is room to turn around?

L. Lessard: He does a 3-point turn now. By adding a cul de sac it would make it easier. When it goes through planning stages, it will have to be built to today's standards to accommodate for safety vehicles.

S. Orr: Is there a planning standard of how many vehicles are generated per new home that is available? How many vehicles, realistically, can we expect to add to these 6 homes?

L. Lessard: 12 vehicles twice a day and on weekends, it goes down to 1.5. I'd average 2.5 vehicles per household.

R. Duhaime: How wide is the Class V road?

L. Lessard: 18 – 19 feet.

R. Duhaime: What's the width of the easement?

L. Lessard: 40 to 50 feet. What is being traveled on is a pathway.

R. Duhaime: The town easement would have been 25-30 feet wide. Mr. Hess brings up a good point. If you give up this right of way, you will be able to see these houses on the other side of the river.

D. Ross: Have we gotten anything specific from fire and police how they feel about discontinuing the road?

Dr. Shankle: I talked to the fire chief and at this point, they have accessed it from the Bow side when necessary. As long as they can continue to do that, they don't have an issue.

N. Comai: Regarding the Conservation letter from Steve – these 6 points are very open-ended. I'm really glad Mr. Hess stated his piece because this board has not had a chance to discuss the bigger picture where we are going with conservation. We started to talk about it in our workshop but I would like to have stated that I am so in favor of the wholeness of the conservation piece and we haven't talked about what we might do with the land.

S. Orr: I'm thinking we are balancing private property rights and town regulations. We want this to be a welcoming place. The other part I'm focused on is this property is being trashed on a daily basis by youth destroying the property. We have a private citizen who is proposing taking this piece of land that is gradually becoming a dump and make it a lovely piece of land for his family and to create public access to a river. We don't use this road now anyway and it's being misused. This feels like an opportunity for us to make this land mixed use and build it up to be usable and beautiful.

D. Winterton: One thing we need to remember is all we are discussing is to discontinue a portion of this road. Planning and Zoning are responsible for the input of other departments. If the requirement is to fix the road, that will be determined in the future. As an aside, we just learned we are 17million dollars in valuation ahead of where we were before, and we all applauded when he stated that.

T. Lizotte: I concur with Ms. Orr and Mr. Winterton. I believe the Conservation Commission was looking at this from a perspective of balance or a swap – if we give something we get something. The idea of having the easement across – here is the development but a very large portion of that is access. With the discontinuance of the road, I believe the planning process will flesh out most of the things. Before this came before us, we didn't know this road existed. I think there is a happy medium, with the claw back provisions.

D. Marple: Did the town of Hooksett lay out Edgewater Drive? If there were no damages paid, that is a prescriptive highway and this council doesn't have any jurisdiction over this as far as discontinuing it.

R. Uchida: The road was laid out in 1771 by the town as a 2-rod road. There is not a 30' swath of land through the middle of this land separating the property from the river. It's in pieces and dribs and drabs.

The quality of the town's access today is questionable. In terms of the Class V portion, that is the Planning Board's purview. In terms of land preservation, I want to reiterate that we, the association, maintain all of the open space, subject to the direction of the Conservation Commission.

N. Comai: If this board chooses to vote in the negative, wouldn't then the 30' need to be left alone? If I vote to discontinue or not discontinue, what would happen in front of the houses?

R. Uchida: There are state laws regarding protections along the shore of the river, irrespective of your vote. We would have to look and see what we could design if you vote not to discontinue the road.

P. Scarpetti: A lot of that 30' area is washed away. We have maintained our own driveway and we encourage people to walk on it.

Dr. Shankle: The town doesn't agree with the statement that it is washed away. There is some debate about that. I was able to walk the entire way on the town right of way. There is some right of way there; the entire shoreline is presently owned by the town, only if it's 3' in some parts. That is the part you are giving up.

#### **5 MINUTE RECESS**

f. Richard Marple re Assessing Department

J. Sullivan: We have received your information and reviewed it. I'd encourage you to present any additional information. We believe we are correct and there may be a higher authority that may address your concern because we believe we are proceeding accordingly.

D. Marple: I'd like to review the NH Constitution. The seal of the corporation is subordinate to the seal of the Republic. We became a state in 1784. The form of government is a corporation. This is a municipal corporation and you represent we the people because we elect you. I want to thank you for your service. RSA 640:2 II states that Mr. Haywood is a public servant; that was being ignored. Section 5, item 10 of the charter states that he needs to be bonded and take an oath of office. He did submit a liability insurance policy but the named insured is Mr. Haywood and the Hooksett Finance Department is the party who is protected, but they don't protect we the people. We have a lot of anomalies here that are being overlooked. I am looking for accountability and I haven't received it. The tax bill is defined as a presentment. In order for the Town of Hooksett to do business with me, you have to have a contract. You don't have a contract with me. I don't give consent for the excessive \$4000 that Mr. Haywood added to my tax bill. When I turned 70, I took part in the elderly exemption. Every 5 years, this exemption automatically increases. We have an individual violating the Constitution retrospective. What is the financial cost to this town for him to send out those packages to over 140 people? He is being paid \$50/hour. Did you, Councilors, give him authorization to do what he did or did he do that of his own volition?

J. Sullivan: The gist of your concern is that Mr. Haywood, under the Hooksett Town Charter section 3.11, did not act within his authority. We are acting according to the Charter and it doesn't mention a board of assessors. According to this Council and the way we are proceeding, he is an agent of the Town Council, he meets the requirements and we are acting according to the laws. If you disagree, you need to seek answers to your grievances through a proper channel which would be the Supreme Court. Everything Mr. Haywood has done has been approved by the Council as our agent.

*Discussion ensued regarding definition of public servant and agent.*

D. Marple: Title 18, section 241 "Conspiracy Against the Rights of Citizens:" *If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same.* That is exactly what Mr. Haywood has done.

J. Sullivan: I am representing the Council; everything you have requested has been done. We are at loggerheads and at this point I'm going to ask you to step down so we can continue.



**OLD BUSINESS**

a. 14 – 060 Conservation Commission Land Acquisition

J. Sullivan: Since I see no further interest in speaking on this, I am going to declare this public hearing closed.

***T. Lizotte motioned to waive the rules requiring a delay on making a decision on Conservation Commission Land Acquisition from next meeting to this meeting. Seconded by R. Duhaime. Vote unanimously in favor.***

***T. Lizotte motioned to authorize the Chair to sign the closing documents for tax lots 4-34 (\$11,978.30) and 4-35 (\$20,812.17). Seconded by R. Duhaime.***

**Roll Call**

T. Lizotte – Yes

S. Orr – Yes

N. Comai – Yes

R. Duhaime – Yes

D. Winterton – Yes

D. Ross – Yes

J. Levesque – Yes

J. Sullivan – Yes

***Vote unanimously in favor.***

b. 14 – 046 Edgewater Drive Discussion

J. Sullivan: Does anyone want to add anything?

N. Comai: Regardless of the vote, it doesn't take anything away from the property owner, in my opinion. The property is in the same condition as when it was purchased.

J. Sullivan: With that, I'm going to declare the public hearing on the discontinuation of Edgewater Drive as a Class VI road closed. Can we waive the rules and make a decision tonight?

Dr. Shankle: I think what would be best is if you come up with and vote on individual provisions I can put it in a motion and you can vote on it. If there are conditions, now is the time to do that.

J. Sullivan: The final vote will be at our next meeting. What are the conditions we'd like? We can give Dr. Shankle some indication of what our motion would include.

D. Winterton: I'd suggest including Councilor Lizotte's claw back provision, the information from the Conservation Commission, and we use the original plan. If I could make a motion, that would be it.

S. Orr: We are at the point where we want Dr. Shankle to come up with some wording for our next meeting. We need to bring up some suggestions and we will look at it next time and decide if we include it all in the vote.

D. Winterton: I'd like something in there about this property not being conveyed to another developer.

R. Duhaime: It's too bad we didn't have a joint meeting with Conservation in the beginning. What is the reason the town wants to discontinue this road? Where is the benefit to the town? In the future, I think a joint meeting with Planning and Conservation would give us all the knowledge to vote.

T. Lizotte: The problem I'm having is this board doesn't trust the planning process. In this case, all we are talking about is the road.

***D. Ross motioned to extend the meeting for 10 minutes. Seconded by T. Lizotte. Vote 6-2 in favor.***

T. Lizotte: Conservation saw the same 3 options and were looking for guidance in that area. They aren't trying to say anything specific, just give general guidance. They want an easement for the open space.

D. Ross: There are still some things that need to be thought about such as the road being laid out but I'd like to see it validated in writing. The question is how much is the town's property? Is there an issue with mitigating erosion? We are talking about giving up rights that don't belong to us; we are entrusted with doing the right thing. Let's come to the next meeting educated and ready to make a good decision.

J. Levesque: I'd like to see us maintain the riverfront property where the houses aren't going to be built and divert the right of way on the new road. Maybe we gain enough land in the front to make it a wider road.

J. Sullivan: We need to make sure that procedures are properly followed. I think based on public input, I would not require the dock because we have access in other areas in Hooksett. This will help maintain the area and allow proper development that will not be intrusive to the existing scenery. I'd be leaning toward the original proposal. It maintains the trail and allows the people owning it to maintain it.

Dr. Shankle: Is there a time limit we want to put on them to get through the process?

D. Winterton: I'd ask the applicant what he would require.

J. Sullivan: We are hearing 1 year. So Dr. Shankle has a template for us to discuss.

D. Ross: The issue of preventing the transfer of property – is that something we can enforce? Also, when we do this, we are discontinuing a public right of way. Is that something we can do or undo? I'm not clear on that.

J. Sullivan: There will be a final vote on this in 2 weeks.

***D. Winterton motioned to extend meeting for 30 minutes. Seconded by T. Lizotte. Vote unanimously in favor.***

#### **NEW BUSINESS**

a. 14 – 061 Purchase of 10-wheeled dump truck

L. Lessard: We only received one bid. The truck is \$136,408 and with the body, sander and plow equipment it adds \$88,148 for a grand total of \$224,556. This would be a 10-wheeler and we have all 6-wheelers now. That would replace 1.5 trucks so we are saving fuel and an employee. He will be out sanding and plowing longer as it can hold more.

***R. Duhaime motioned to approve the bid for a 10-wheeled dump truck from McDevitt Trucks, Inc. in the amount of \$224,556. Seconded by S. Orr.***

S. Orr: There were no other responses to your RFP?

L. Lessard: It was in the paper and on the website.

S. Orr: How long was it out for bid?

L. Lessard: About 3 weeks.

R. Duhaime: The sewer department has 2 10-wheelers that are Peterbilt.

L. Lessard: Maybe the specs are different than theirs?

*Discussion of specs/sizes.*

N. Comai: What do we do with the leftover money?

L. Lessard: It stays in the fund.

T. Lizotte: Is there any difference in regards to licensing between 6 and 10 wheels?

L. Lessard: No, the only difference in licensing is automatic vs. standard.

**Roll Call**

D. Ross – Yes  
J. Levesque – Yes  
T. Lizotte – Yes  
S. Orr – Yes  
N. Comai – Yes  
R. Duhaime – Yes  
D. Winterton – Yes  
J. Sullivan – Yes

***Vote unanimously in favor.***

b. 14 – 062 Proposed changes to Administrative Code and Council Rules of Procedure  
***J. Levesque motioned to adopt the amendments to the Administrative Code as presented for sections 5.5 to 5.6. Seconded by T. Lizotte.***

Dr. Shankle: One of the things discussed on page 13 is changing the purchasing approval limit from \$2,000 to \$3,000.

***T. Lizotte motioned to modify Section 5.5.2 from a \$2000 limit to a \$3000 limit throughout the document. Seconded by J. Levesque.  
Vote unanimously in favor.***

***N. Comai motioned to approve Section 5.9 with exhibit A effective 8/13/14. Seconded by T. Lizotte.  
Vote unanimously in favor.***

***Vote unanimously in favor.***

***D. Ross motioned to adopt the amendments to Section 2 of the Town Council Rules of Procedures as presented effective 8/13/14. Seconded by T. Lizotte.  
Vote unanimously in favor.***

***D. Ross motioned to adopt the amendments to Section 3 of the Town Council Rules of Procedures, excluding letter "G." Seconded by S. Orr.  
Vote 7-1 in favor.***

***J. Sullivan motioned to adopt the amendments to Section 5 of the Town Council Rules of Procedures. Seconded by S. Orr.  
Vote unanimously in favor.***

S. Orr: Is there anything anywhere that prevents somebody from being verbally abusive to our Chair? It puts the Chair in an awkward position.

*Discussion and consensus is it is not necessary to add.*

Dr. Shankle: Should we move Public Hearings up if you want to open them early and get people out.

D. Ross: Maybe it should go after agenda overview?

***R. Duhaime motioned to adopt the amendments to Section 7 of the Town Council Rules of Procedures with the addition of Public Hearings to VII. Seconded by S. Orr.  
Vote unanimously in favor.***

***J. Sullivan motioned to adopt the amendments to Section 8 of the Town Council Rules of Procedures. Seconded by N. Comai.  
Vote unanimously in favor.***

c. 14 – 063 Town Engineer Job Description

**J. Sullivan motioned to table agenda item 14 – 063 until the next meeting. Seconded by S. Orr. Vote unanimously in favor.**

Dr. Shankle: I'd just like to ask you to please think about the NH professional engineers' license - if you want them to have it or give them a year to get it.

*Consensus to require applicants to have license.*

d. 14 – 064 Discussion of acceptance of gift of secretary from Rev. Dr. George Robie

J. Sullivan: We have already discussed this.

**SUB-COMMITTEE REPORTS**

J. Levesque: ZBA met and Severino came to extend their permit on Pine St for one year and it was extended. They told us what they were going to do and they did it. Now all the neighbors are happy.

J. Sullivan: Heritage Commission – part of the efforts to promote the Moose Plate Grant is a wooden cut out of town hall. All proceeds donate the town hall preservation. They are for sale for \$15 in the town clerk's office. Look for 2 more to come in the collection.

**PUBLIC INPUT**

Marc Miville, 42 Main St: I'd ask the Council, as part of your Rules and Procedures, relative to Scheduled Appointments, that anything brought up should be Hooksett-related not state or national related. It should be something brought to you so you can take action. Other than that we are just wasting your time.

**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 10:20pm. Seconded by T. Lizotte.**

**Roll Call**

R. Duhaime- Yes  
D. Winterton -Yes  
D. Ross- Yes  
J. Levesque- Yes  
T. Lizotte - Yes  
S. Orr- Yes  
N. Comai- Yes  
J. Sullivan- Yes

**Vote unanimously in favor.**

**D. Ross motioned to extend the meeting from 10:20pm to 10:55pm. Seconded by T. Lizotte. Vote unanimously in favor.**

**D. Ross motioned to exit non-public at 10:55pm. Seconded by S. Orr. Vote unanimously in favor.**

**D. Ross motioned to seal the non-public minutes of 8/13/14. Seconded by J. Levesque. Vote unanimously in favor.**

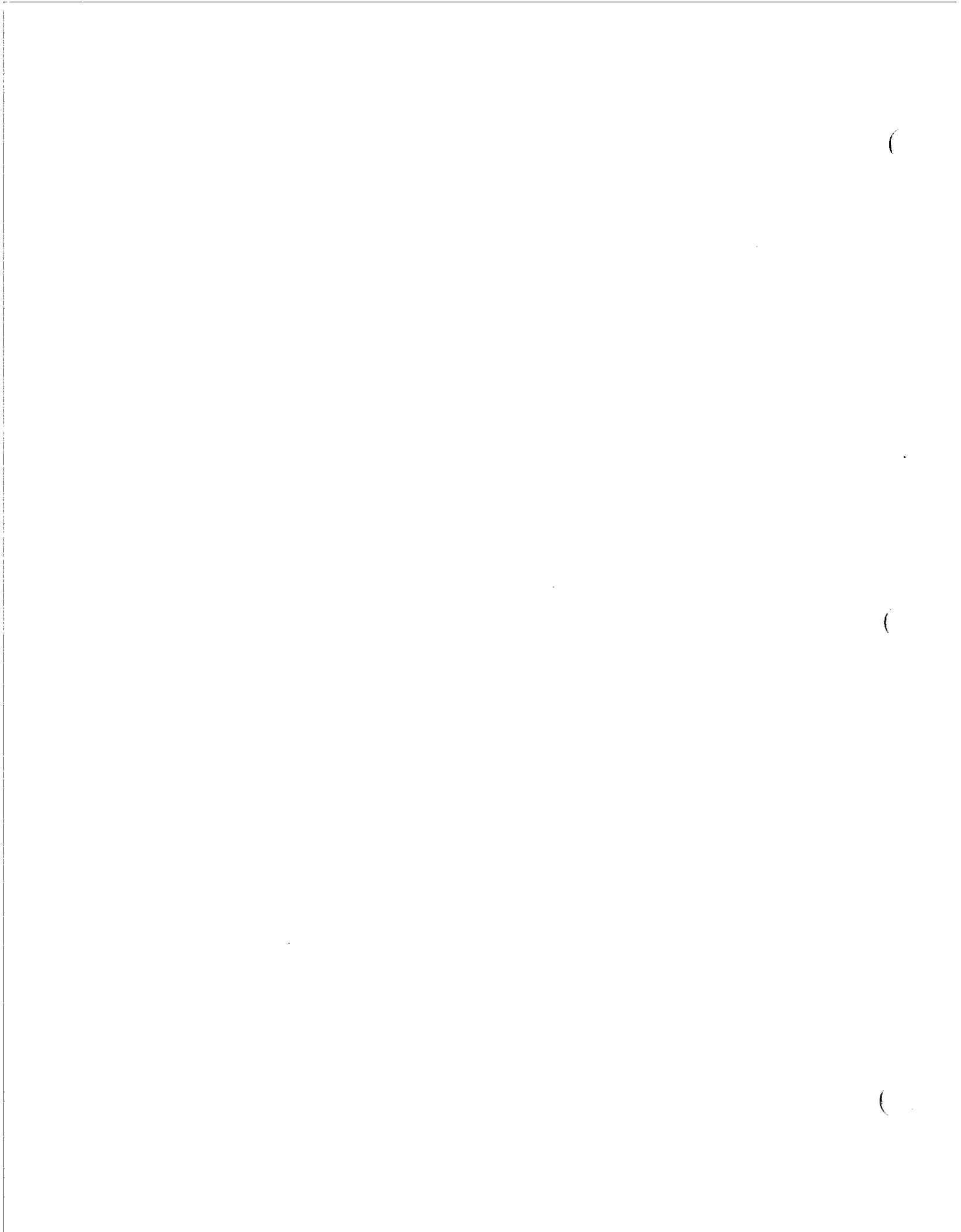
**S. Orr motioned to adjourn at 10:55pm. Seconded by T. Lizotte. Vote unanimously in favor.**

**NOTE:**

Attached is an overview sheet of the Town Council reading file material, documents referred to in tonight's meeting minutes, and ancillary documents that the Town Council Chair has signed as agent to expend as a result of the Council's prior approval of the documents.

Respectfully Submitted,

Tiffany Verney



**Town Council  
August 13, 2014  
Reading File Items**

- Hooksett Happy Helpers monthly financial statement for June 2014
- Sorel Gift Letter to Hooksett Public Library dated 07-18-14
- Hooksett Finance Director memo to Town Council Chair for requests to sign as agent to expend dated 08-04-14



Hooksett Sewer Commission  
1 Egawes Drive  
Hooksett, NH 03106

August 11, 2014

James Sullivan,  
Chairman of the Hooksett Town Council  
35 Main Street  
Hooksett, NH 03106

Dear Mr. Sullivan,

This letter is to confirm our telephone conversation of Monday, August 4, 2014 relative to what was discovered to be inaccuracies in the published July 9, 2014 minutes of the Hooksett Town Council. We would like the council to know that the Sewer Commission has spent considerable time and effort to assure the legality and justification of our actions concerning the Scott Blevens/29 Francis Avenue issue.

Unfortunately, several errors were reported in those minutes which shed an underserved and unfavorable light on the Sewer Commission. The Sewer Commission believes that the minutes need to be corrected to set the public record straight.

The major areas of concern are:

- a. It was reported that the Sewer Commission wanted \$3000.00 for past use of sewer. This statement is false. The \$3000 was to cover the system development fee for an UNPERMITTED, UNINSPECTED apartment that was recently discovered as a result of Mr. Blevens having filed for a lot line adjustment through the planning department.
- b. The Council Representative to the ZBA stated "he (Mr. Blevens) cannot afford to take this to court because it would cost as much as the Sewer Commission wants" "But I think he would win if he took it to court". This is pure speculation on the representative's part, and should be avoided in public forums. The Sewer Commission has never lost a case of this nature, and there have been several. For the Council Representative to state Mr. Blevens would win, without knowing any of the facts is irresponsible, and additionally, he does not make the same comments in the ZBA minutes regarding this issue.



- c. The Council Representative also stated that "the Sewer Commission approved what they (Mr. Blevens) did". This again is a false statement. Attached with this letter are numerous documents that justify our position.

A review of the entire situation will show that the Sewer Commission actions in this matter are fully justified and in keeping with all by-laws and regulations. This was an unfortunate incident which should not happen again, Hooksett needs good publicity, not bad.

The Sewer Commission highly recommends that all Town Representatives do their homework and avoid offering personal viewpoints in matters where they are not fully informed. Thankfully, the Council Representative to the Sewer Commission looked into the matter and provided justification for the position the Sewer Commission had taken in this matter, but unfortunately this was done after the Town Council minutes were made public. We respectfully request that the Commission be contacted in the future should the Council have any questions regarding our actions, as it would help prevent future incidents of this kind. Having the Town Council Representative to the Sewer Commission present at our meetings would be quite helpful towards this goal, though we understand work schedules and the like might make it unmanageable.

Superintendent Bruck Kudrick as well as one of the Sewer Commissioners will be in attendance at the August 13<sup>th</sup> meeting of the Town Council and will be more than happy to address any questions or concerns that the Council may have in this matter.

Respectfully Submitted,

The Board of Sewer Commissioners  
Sidney Baines, Chair  
Roger Bergeron, Commissioner  
Frank Kotowski, Commissioner

Enclosures



# Town of Hooksett

Board of Sewer Commissioners  
1 Egawes Drive  
Hooksett, NH 03106

June 16, 2014

Mr. and Mrs. Scott A Blevens  
29 Francis Ave  
Hooksett NH 03106

RE: 29 Francis Avenue

Dear Mr. and Mrs. Blevens:

In reviewing a recent lot line adjustment application on Coaker and Francis Avenues I noticed that there is an in-law apartment listed at 29 Francis Avenue. Upon further investigation and inspection of your piece of property, along with the Town's Code Enforcement Officer, I found that there is an apartment located over the garage that is connected to the Town sewer.

Per the Sewer Department's regulations, this is considered a dwelling/customer unit. I have checked our records and find that you never applied for a sewer permit and have not paid any sewer rent fees for this dwelling unit.

A number of Department regulations have been violated: Section 2.2-B (Sewer Use Requirements) which states that a written permit is required from the Sewer Department; Section 2.3 B/1, C, & D (Permits), all of which reference the need for a permit at a cost of \$50.00; Section 2.4 F (Construction of Sewers) which states that all building sewers shall be inspected by the Sewer Department; Section 10 Q (Charges) System Development Fee is \$3000.00 per dwelling unit.

You will be billed \$3,050.00 (\$3,000.00 for the System Development Fee and \$50.00, for the sewer permit). The permit is enclosed. From this point on you will be billed for two units at 29 Francis Avenue.

If you have questions, please contact me at 485-7000.

Respectfully,

Bruce M. Kudrick  
Superintendent

BMK  
Enclosure

1 Egawes Drive • Hooksett, New Hampshire 03106 • Tel (603) 485-7000 or 485-4112  
• Fax (603) 485-4306

Email: [hooksettsewer@comcast.net](mailto:hooksettsewer@comcast.net)  
Website: [www.hooksettsewer.com](http://www.hooksettsewer.com)

- ☐ **CWA** - The Clean Water Act (formerly referred to as the Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended by Pub. L. 95-217 and Pub. L. 95-576; 33 U.S.C 1252 et seq.
- ☐ **Daily Discharge** - The discharge of a pollutant measured during a calendar day or any 24-hour period that reasonably represents the calendar day for purpose of sampling. For pollutants with limitations expressed in units of mass, the daily discharge is calculated as the total mass of the pollutant discharged over the day. For pollutants with limitations expressed in other units of measurements, the daily discharge is calculated as the average measurement of the pollutant over the day.
- ☐ **Department** - The New Hampshire Department of Environmental Services.
- ☐ **Department, DES, Division, or NHDES** - The New Hampshire Department of Environmental Services.
- ☐ **Design-year Usage** - The method used by the Board to equitably apportion POTW, administrative, and replacement costs among communities.
- ☐ **Dilute** - Reduce in concentration, thin down, or weaken by mixing with water or other liquids.
- ☐ **Division** - The New Hampshire Department of Environmental Services Water Supply and Pollution Control Division.
- ☐ **Domestic Wastewater or Sewage** - The normal water-carried household and toilet wastes or waste from sanitary conveniences of residences, commercial buildings, and industrial plants. This EXCLUDES ground, surface or storm water that contains no industrial wastes.
- ☐ **Dwelling Unit** - A building or portion of a building in which no more than one family lives.
- ☐ **Easement** - An acquired legal interest for a specific and limited use of land owned by others.
- ☐ **Environmental Protection Agency (EPA)** - The U.S. Environmental Protection Agency or, where appropriate; the Regional Water Management Division Director, or other duly authorized official of said agency.
- ☐ **Existing Source** - Any source of discharge, the construction, or operation of which commenced prior to the publication by EPA of proposed categorical pretreatment standards, which will be applicable to such source if the standard is thereafter promulgated in accordance with Section 307 of the Act.
- ☐ **Facilities** - All structures, pipes, and conduits for the purpose of collecting, treating, neutralizing, stabilizing, or disposing of domestic wastewater and/or industrial or other wastewaters by means of such structures and conduits, including treatment and disposal works, necessary intercepting, outflow and outlet sewers, and pumping stations integral to such facilities with sewers, equipment, furnishings thereof and all other appurtenances connected therewith.

- ❑ **Categorical Pretreatment Standard or Categorical Standard** - Any regulation containing pollutant discharge limitations promulgated by EPA in accordance with Sections 307(b) and (c) of the Act (33 U.S.C. 1317) that apply to a specific category of users and that appear in 40 CFR Chapter 1, Subchapter N, Parts 405-471.
- ❑ **Clean Water Act** - The Federal Clean Water Act, 33 U.S.C. §§ 1251 to 1387, as amended.
- ❑ **Code Enforcement Officer** - The duly appointed Code Enforcement Officer for the Town of Hooksett.
- ❑ **Combined Sewer** - A sewer intended to receive both wastewater and storm water or surface water.
- ❑ **Commercial Use** - Premises used for financial gain, including but not limited to, businesses, restaurants, shops, bed and breakfasts, motels, hotels, retail shopping malls, professional offices, hospitals, and any other business of similar use.
- ❑ **Commissioner** - The Commissioner of the New Hampshire Department of Environmental Services, or the commissioner's duly appointed agent.
- ❑ **Compatible Pollutant** - Biochemical oxygen demand, suspended solids, pH, and fecal coliform bacteria.
- ❑ **Composite Sample** - A sample that is collected over time, formed either by continuous sampling, or by mixing discrete samples. The sample may be composited either as a time composite sample composed of discrete sample aliquots collected in one container at constant time intervals providing representative samples irrespective of stream flow; or as a flow proportional composite sample: collected either as a constant sample volume at time intervals proportional to stream flow, or collected by increasing the volume of each aliquot as the flow increases while maintaining a constant time interval between the aliquots.
- ❑ **Contractor** - An individual, partnership, or corporation, and the proper agents and representatives thereof performing work or providing supplies under an established contract.
- ❑ **Control Authority** - The Regional Administrator of the EPA.
- ❑ **Control Manhole** - A structure allowing industrial wastes to be monitored and sampled.
- ❑ **Cooling Water** - The clean wastewater from air conditioning, industrial cooling, condensing and similar apparatus, and from hydraulically-powered equipment which is sufficiently clean, uncontaminated, and unpolluted that it can be discharged without treatment or purification to a natural open stream or watercourse, subject to the conditions of a National Pollutions Discharge Elimination System (NPDES) permit.
- ❑ **Customer Units** - Each Mercantile, Commercial, Industrial, or other unit equipped with independent sewer facilities, and each Apartment, Mobile Home, Condominium, or other separate family unit when such units are equipped with their own kitchen facilities.

- H. No person shall discharge into any Town of Hooksett sewer or any other fixture that thereafter discharges into any public sewer, any waste or substance until all applicable federal, state and local permits have been obtained.

## ~~2.2~~ SEWER USE REQUIREMENTS

- A. General prohibitions: No user shall introduce or cause to be introduced into the POTW any pollutant or wastewater which causes pass through or interference. These general prohibitions apply to all users of the POTW whether or not they are subject to categorical pretreatment standards or any other national, state, or local pretreatment standards or requirements.
- ~~B.~~ No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenances thereof without first obtaining a written permit from the Superintendent.
- C. It shall be unlawful for any person to construct any private sewer or sewage system that will discharge, either directly or indirectly, into any sewer or other wastewater facility maintained and operated by the Board without having obtained a written permit from the Superintendent.
- D. No person(s) shall discharge or cause to be discharged to the sanitary sewer any stormwater, surface water, groundwater, artesian well water, roof runoff, subsurface drainage, non-contact cooling water, swimming pool water, condensate, deionized water, or unpolluted industrial waters.
- E. No discharge into the sewer system shall pass through or interfere with operation or performance of the POTW and the POTW Residuals Management Program. Bypass is prohibited except where the bypass is unavoidable to prevent loss of life, personal injury, or severe property damage. Notification shall be given to the Board and Fire Department immediately in the event of any bypass.
- F. Each Property Owner connecting to the public sewers shall cease and desist from all further discharge of sewage and/or industrial wastes into any other conduit or pre-existing system, whether privately or publicly owned.
- G. Where a public sanitary sewer is not available, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of RSA 485-A:29-44. The owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, at no expense to the Town. At no time shall any quantity of industrial waste be discharged to a private domestic wastewater disposal facility.
- H. Existing building sewers may be used in connection with new buildings only when they are found on examination and test by the Superintendent to meet all requirements of these ordinances.

- I. No person(s) shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance or equipment that is part of the POTW.

## **2.0 PERMITS**

- A. No person(s) shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Board.

**2.1** There are three (3) classes of building sewer permits.

1. Residential - Application to Superintendent.
2. Commercial - Application to Board except for change in ownership in which case to Superintendent.
3. Industrial - Application to Board except for change in ownership in which case to Superintendent.

**2.2** In all cases, the Owner or the Owner's Agent shall submit an application form furnished by the Sewer Commission Office. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Superintendent. A minimum permit and inspection fee for a residential, commercial, or industrial permit under this Article shall be paid to the Sewer Commission Office at the time the application is filed. Fees for additional inspections required by the nature of the application or construction shall be payable in advance but, in any event, prior to the physical connection of the sewer service to any public sewer. Permits shall not be transferred or reassigned. Permit fees as provided in Appendix D and Appendix D of these ordinances.

**2.3** There will be no final sign off of any unit until all fees have been paid to the Hooksett Sewer Commission.

- B. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the Owner(s). The Owner(s) shall indemnify and hold harmless the Board from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer when the Owner(s) or their Agents perform such work.

- F. A separate and independent sewer service shall be provided for every dwelling unit which is, or is intended to be, under separate ownership (i.e., Condominium, Town House, or any unit which there is a separate title to the dwelling unit). An exception is where one building stands at the rear of another on an interior lot and no private sewer is available, or could be constructed. The front building sewer may then be extended to the rear building and the whole considered as one building sewer, but two separate dwelling units. The Board does not and will not assume any obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

- G. Old building sewers may, at the discretion of the Superintendent, be used in connection with new buildings if the Superintendent finds the connection to meet all requirements of these Rules and Regulations.
- H. During construction of a new sanitary sewer, the Hooksett Sewer Commission may construct the service connections for existing buildings to the curb, property line, or the edge of the right of way. Construction of the building sewer, including connection to the structures served, shall be the responsibility of the property owner to be connected. The owner shall indemnify and save harmless the Town of Hooksett, its officers, and agents from all loss or damage that may result, directly or indirectly due to the construction of a building sewer on his/her premises or its connection to the service connection. The owner shall thereafter be obligated to pay all costs and expenses of operation, repair, maintenance and reconstruction (if needed) of the building sewer connection.

#### **CONSTRUCTION OF SEWERS**

- A. The construction of the sewer lines shall conform to all requirements of the building and plumbing codes as well as sewer construction portion of these ordinances and/or other applicable rules and regulations the Board and noted on submitted plans. In the absence of code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the ASTM, WEF Manual of Practice No. 9, and/or Division Standards of Design for Sewerage and Wastewater Facilities shall apply.
- B. The connection of the building sewer into public sewer shall be six (6) inch diameter to the property line and made at the "Y" branch, if such branch is available at a suitable location; if not available, a saddle shall be used. In no event will the diameter be less than four (4) inches and the slope of such pipe shall not be less than one-eighth inch per foot. A smooth, neat joint shall be made and the connection made secure and watertight. All connections shall be made gas and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation. The Board reserves the right to impose particular standards depending on the project.
- C. Whenever possible, the sewer will be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) ft of any bearing wall, which might thereby be weakened. The sewer shall be laid at uniform grade and in straight alignment insofar as possible. Changes in direction shall be made only with properly curved pipe and fittings. 90° bends are not permitted. Building sewers shall contain cleanouts as required by the Board in its standards for materials and construction. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such a drain will be lifted by means approved by the Board and discharged to the building sewer at the Owner's expense. There will be clean out every 75 ft.
- D. The connection of floor drains is not allowed where located below the 100-year flood elevation. Any drains that are likely to convey any oil or gas shall be piped through an external oil/gas trap in accordance with the Board Design and Construction Standards for Sewer Works. The trap shall be owned and maintained by the Property Owner and approved by the board.

E. No person shall obstruct the free flow of air through any drain or soil pipe.

~~4. All excavations~~ All excavations required for the installation of a building sewer shall be open trench work unless otherwise approved by the Superintendent. Pipe laying and backfill shall be performed in accordance with ASTM specifications. No backfill shall be placed until the work has been inspected by the Superintendent. Such inspection(s) shall in all cases be a prerequisite to approval of building sewers. Any uncovering ordered by the Superintendent for such inspection shall be the responsibility of and at the expense of the building sewer owner.

G. The Applicant for the building sewer permit shall notify the Superintendent 24 hours before the building sewer is ready for inspection. There will not be any inspections on Saturdays, Sundays, or Holidays. The Superintendent will make the inspection within sixteen (16) working hours from the time of notification unless delayed by unforeseen circumstances. The connection and testing shall be made under supervision of the Superintendent. Any violators will be charged all costs incurred by the Sewer Department to make inspection and any correction.

H. The building sewer shall be tested for infiltration/exfiltration according to Env-Ws 703.04 or as directed by the Superintendent. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazards. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Superintendent at the Owner's expense when the Owner(s) or their Agents perform such work.

I. The connection of the building sewer into the public sewer shall conform to all building and plumbing codes or other applicable rules and regulations of the Town of Hooksett. Connections can also be subjected to procedures set forth in appropriate specifications of the ASTM and the WEF Manual of Practice No. FD-5. All such connections shall be made gas and watertight and verified by proper testing. Any deviation from the prescribed procedures and materials must be approved by the Superintendent before installation.

J. Any person proposing a new discharge into the system or an increase in the volume, beyond limits previously permitted, or in the strength or character of pollutants that are discharged into the system, will make an application to the Board for a modification of their permit at least sixty (60) days prior to the proposed change or connection. No person shall operate with such an increase or change without first having applied for and received a modification to their permit.

K. Proposed new discharges from residential or commercial sources involving loading exceeding 50 population equivalents (5,000 gpd), any new industrial discharge, or any alteration in either flow or waste characteristics in industrial discharge, must be approved by the Board and the Division.

L. All costs and expenses for repairs and maintenance of the building sewer from the wall of the building to the public sewer shall be borne by the Owner. If the building sewer needs to be excavated in a State or Town right of way, the owners of the building sewer may ask the Board for assistance. Requests for assistance must be made prior to any excavation.



## ~~1001~~ CHARGES FOR SEWER SERVICE

### ~~1001~~ SEWER USE CHARGES AND FEES

- A. Pursuant to RSA 149-I:8, a system of sewer rent charges and fees are hereby established and assessed for paying the cost of construction, management, maintenance, replacement, operation, and repair of the Town of Hooksett's Wastewater Treatment Facilities.
- B. The Board will review the user charges at least annually and revise the rates as necessary to ensure that adequate revenues are generated to pay the costs of O&M (including replacement) and that the system continues to provide for the proportional distribution of O&M including replacement costs among users and user classes.
- C. RSA 149-I:10 Sewer Funds – The funds received from the collection of sewer rents, Superintendent inspection fees and permit fees shall be kept in a separate and distinct fund known as the sewer fund. Any surplus in such fund may, as determined by the Board, be used for the enlargement or replacement of the wastewater treatment facilities. Sewer funds may be used to pay previous expansion or improvements of wastewater treatment facilities or for any purpose provided in this section.
- D. User Charges Established – Each person discharging wastewater to a public sewer shall be subject to a sewer user charge. The user charge shall be based on the quantity, strength, and characteristics of the wastewater discharged to a public sewer.
- ~~E. RSA 149-I:8 Sewer Rent – Sewer Rent for residential premises, commercial establishments, and industrial establishments shall be paid by the owner of the real estate having any structure containing one or more customer units that discharge sewage into Hooksett's sewer system. For the purpose of this subsection, each mobile home, condo unit, and apartment unit shall be considered a separate structure. Sewer rent is composed of service charges and use charges.~~
- F. Service Rental Charge – Service Rental Charges shall be payable by the Owner of the real estate whether or not the premises are occupied. Service rental charges are a base charge for each hookup regardless of use quantities. All service rental charges shall be at the rate determined by the Board. In the case of structures containing more than one customer unit, a separate service rental charge shall be payable for each customer unit.
- G. Sewer Commission customers may contact the office at any time to inquire about rates for both the Rent and Charge portions of their bills. Customers may also learn more information on the Sewer Commission website at [www.hooksettsewer.com](http://www.hooksettsewer.com).
- H. Fees may be assessed for monitoring, inspection, and surveillance procedures including the cost of collection and analyzing a user's discharge, and reviewing monitoring reports submitted by users.
- I. Fees may be assessed for reviewing and responding to accidental discharge procedures and construction.
- J. Fees may be assessed for filing appeals.

K. Other fees as the Board may deem necessary to carry out the requirements contained herein. These fees relate solely to the matters covered by these ordinances and are separate from all other fees, fines, and penalties chargeable by the Board.

L. Charges for sewer service may include charges for construction, which are fixed costs, and charges for O&M that are variable costs that may change from year to year in proportion to the quantity of wastewater collected and treated.

M. Charges for construction or fixed costs may be applied to pay for principal and interest payments on the bonded indebtedness.

~~2.2.2.~~ The amounts of the System Development Fees are established by the Board and published separately as a part of the Board user charge system. Such entrance and expansion fees shall be determined so that the total of such charges will be adequate to service the debt and encourage the use of the system. These fees are deposited in a separate fund and used only to pay the costs incurred in constructing the sewerage system, including the portion of the building sewers in public streets and rights-of-way, collection sewers, pumping stations, wastewater treatment facilities and other appurtenances.

O. Sewer user charges: Each user connected to the sewerage system shall pay a sewer user charge to cover the costs of management, maintenance, operation and repair, including replacement of the wastewater system. Sewer user charges shall be based on water use.

1. Sewer surcharges may be levied upon users who discharge wastewaters to the system that are above normal strength. The discharge of septage is an example of assigning a surcharge for O&M. For the purpose of determining the surcharge, normal domestic wastewater shall be considered to each have a BOD and suspended solids concentration of 250 mg/L.

2. Any user contributing more than 5,000 gallons per day and whose discharge strength is greater than 400 mg/L BOD or 300 mg/L TSS shall prepare and file with the Board a report that shall include pertinent data relating to the wastewater characteristics, including the methods of sampling and measurement to obtain this data, and these data shall be used to calculate the user charge for that user. The Board shall have the right to gain access to the waste stream and take its own samples.

P. Use Charges:

1. Use charges for all customer units shall be based on the consumption of water as determined by the customer's water meter reading, and will be billed quarterly.

2. For non-metered premises, the national average consumption of 20,000 gallons shall be used as a basis for billing. Such Owners may, at their own expense, have approved metering facilities installed to give actual usage readings to the Billing Office for their bills.

3. In the event a premise discharges into the sewage system wastes which, in the opinion of the Sewer Commission, contains unduly high concentrations or any substances which add to the normal costs of the sewage disposal plant or sewage system, then the Sewer Commission may elect to establish special rates or charges based on the quantity of these

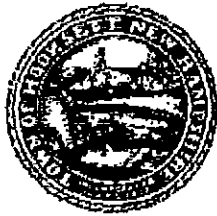
circumstances, which rate of charge may be established in such a manner as the Sewer Commission may elect.

#### 4. Deduct Water Meter

- a. Rebate credits for Customers/Owners are available for irrigation and other extraneous water uses. For units in the Manchester Water area, an application for a Deduct Meter must be filled out and submitted to the Hooksett Sewer Commission Office along with a \$50 inspection fee. Customers in the Village District and Central Hooksett Water District areas DO NOT have to have this permit.
- b. In order to receive rebate credits, the Customer/Owner must install a deduct meter in accordance with conditions established by their water department, and have the meter inspected by a representative from that water department to ensure proper installation.
- c. If the residence or business is serviced by either the Central Hooksett Water Precinct or Village Water Precinct, rebate credits will start the first billing period of each year. Manchester Water customers will get credits every quarter when used. Failure to comply with all conditions, or any attempt to defraud the billing system, as determined by the Board will result in revocation of the right to use the deduct meter.

#### ~~2.2~~ New POTW system development fees:

1. No provision in these Rules and Regulations shall prevent the Board from assessing fees in order to derive the cost of expanding or enlarging sewer or treatment plant capacity to accommodate the additional wastewater contribution generated by development.
2. In order to be considered for approval, a proposed applicant will be required to pay the Board a System Development Fee (SDF) sum equal to a minimum of \$3,000.00 per new equivalent dwelling unit (NEDU) to be served by the proposed sewer extension.
3. For the purpose of this subsection, one flow unit equals 225 gallons per day. Fractional flow units shall be rounded to the nearest whole number with a minimum flow unit of 1 for each service.
4. An exception to section 3 above is for dwelling units specified for 55 and older ONLY. These flow units will be charged for 110 gallons per day.
5. Existing single-family dwelling units serviced by the sewer shall be exempt. The first dwelling unit, or equivalent, for existing multi family dwelling units shall also be exempt.
6. Commercial and Industrial units will not have any exemptions.
7. Upon payment of the System Development Fee, the Board will commit or reserve sufficient treatment plant capacity to accommodate the applicant and reserve the same for a five (5) year period of time. If a change in the use of the property occurs which will increase the water consumption/sewer discharge after the System Development Fee has been paid, the SDF for the additional use must be paid. If after the project is completed it is found that the project is using more gallonage than paid for, the Sewer Commission has the right to bill the project for the additional System Development Fees.



## Town of Hooksett

Board of Sewer Commissioners  
1 Egawes Drive  
Hooksett, NH 03106

June 24, 2014

Ms. Evelyn F. Horn  
Town of Hooksett  
Zoning Board of Adjustment  
35 Main Street  
Hooksett NH 03106

RE: 29 Francis Avenue

Dear Ms. Horn

In reviewing a recent lot line adjustment application on Coaker and Francis Avenues I noticed that there is an apartment listed at 29 Francis Avenue. Upon further investigation and inspection of this piece of property along with the Town's Code Enforcement Officer I found that there is an apartment located over the garage that is connected to the Town sewer.

Per the Wastewater Department's regulations, this is considered a dwelling/customer unit. I have checked our records and find that the property owner never applied for a sewer permit and has not paid any sewer rent fees for this dwelling unit.

A number of our regulations have been violated: Section 2.2 (Sewer Use Requirements) B which states that a written permit is required from the Sewer Department; Section 2.3 B/1, C, & D (Permits), all of which reference the need for a permit at a cost of \$50.00; Section 2.4 F (Construction of Sewers) which states that all building sewers shall be inspected by the Sewer Department; Section 10 Q (Charges) System Development Fee is \$3,000.00 per dwelling unit.

The Wastewater Department is requesting that the Zoning Board attach a condition to any approval that the landowner at 29 Francis Avenue shall pay all fees due to the Wastewater Department before any final approval. The total amount due is \$3,050.00.

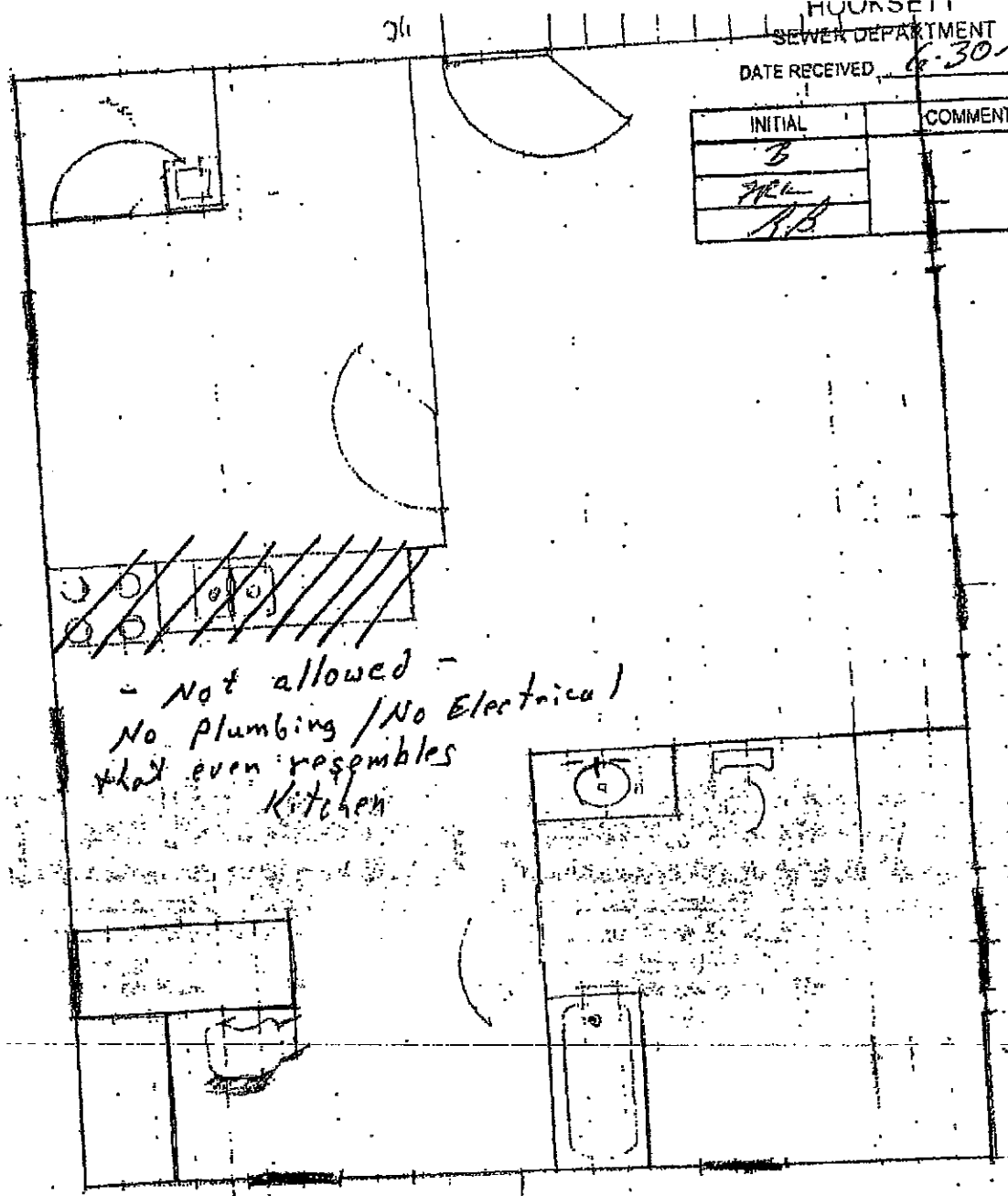
If you have questions, please contact me at your earliest convenience at 485-7000.  
Thank you for your attention to this matter.

Respectfully,

Bruce M. Kudrick  
Superintendent

HOORSE II  
SEWER DEPARTMENT  
DATE RECEIVED 6-30-14

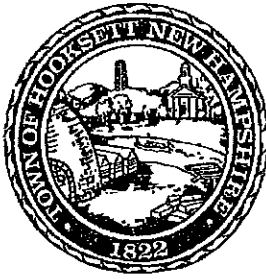
INITIAL	COMMENTS
B	
AKL	
AB	



- Not allowed -  
No Plumbing / No Electrical  
that even resembles  
Kitchen


32'

2.6'



# Town of Hooksett

## FINANCE MEMORANDUM

To: Linda Courtemanche, Town Treasurer  
From: Christine Soucie, Finance Director   
Date: July 24, 2014  
Subject: Transfer from the Ambulance Service Fund  
Copy: Michael Williams, Fire Chief

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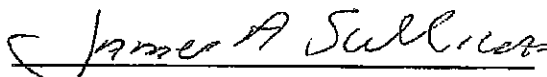
Please transfer from the People's United Bank Ambulance Service account \$49,761.97 to the Citizens General Fund to reimburse the Town of Hooksett for the following:

April 2014 expenses	\$ 16,752.74
May 2014 expenses	12,740.96
June 2014 expenses	20,768.27
Revenue Received Town of Bow	(500.00)
Total	\$ 49,761.97

Attached is a detail breakdown of each month's expenses and copies of all invoices can be found in the Council's read file.

The Town of Hooksett uses Comstar Inc. to issue bills to the users of this service. Comstar has billed \$100,225.06 for the 2nd Quarter of 2014 and collected payments in the amount of \$99,216.94. The total uncollected balance is \$308,983.88 as of June 30, 2014.

If you should have any additional questions, please do not hesitate to call me. Thank you for your assistance in this matter.



Agent to Expend:  
James Sullivan  
Town Council Chairman



Agent to Expend:  
Dean E. Shankle Jr.  
Town Administrator