

I, Scott Delibac of 6 Falcon Dr in Merrimack, would like to formally ask the Town council for permission to tap Maple Trees in Wasserman Park for the purpose of making maple syrup.

There is an area to the left side of the road entrance off of Naticook that I would like to tap as it allows ease of access to tap and to also collect the sap. (Diagram attached) The area includes a stone walled portion and I plan to tap within the stone walled area. I will not be using tubing or a pump system, I will use either traditional metal buckets with metal taps or the more modern PVC sap collector with blue collection sack. The "Tapping" would occur approximately the last week of February or the 1st week of March depending on weather conditions. The taps and collection devices would be removed NLT 4/15, again depending on weather conditions but traditionally the sap season is over by that time. For the permission to use the trees I will donate ½ gallon of syrup to one of the local civil groups in the community designated by the Town Council which they can use or raffle if I am able to realize a good yield from the trees. I will also be taking part in the traditional New Hampshire "Maple Weekend" where I will open the sugaring operation up to anyone who would like to come see the process.

Pictures attached to show the collection devices and boiling process.

Respectfully Submitted:

Scott M. Delibac
6 Falcon Dr
Merrimack NH
978-815-6476





Naticook Rd

Naticook Rd

Wasserman Heights

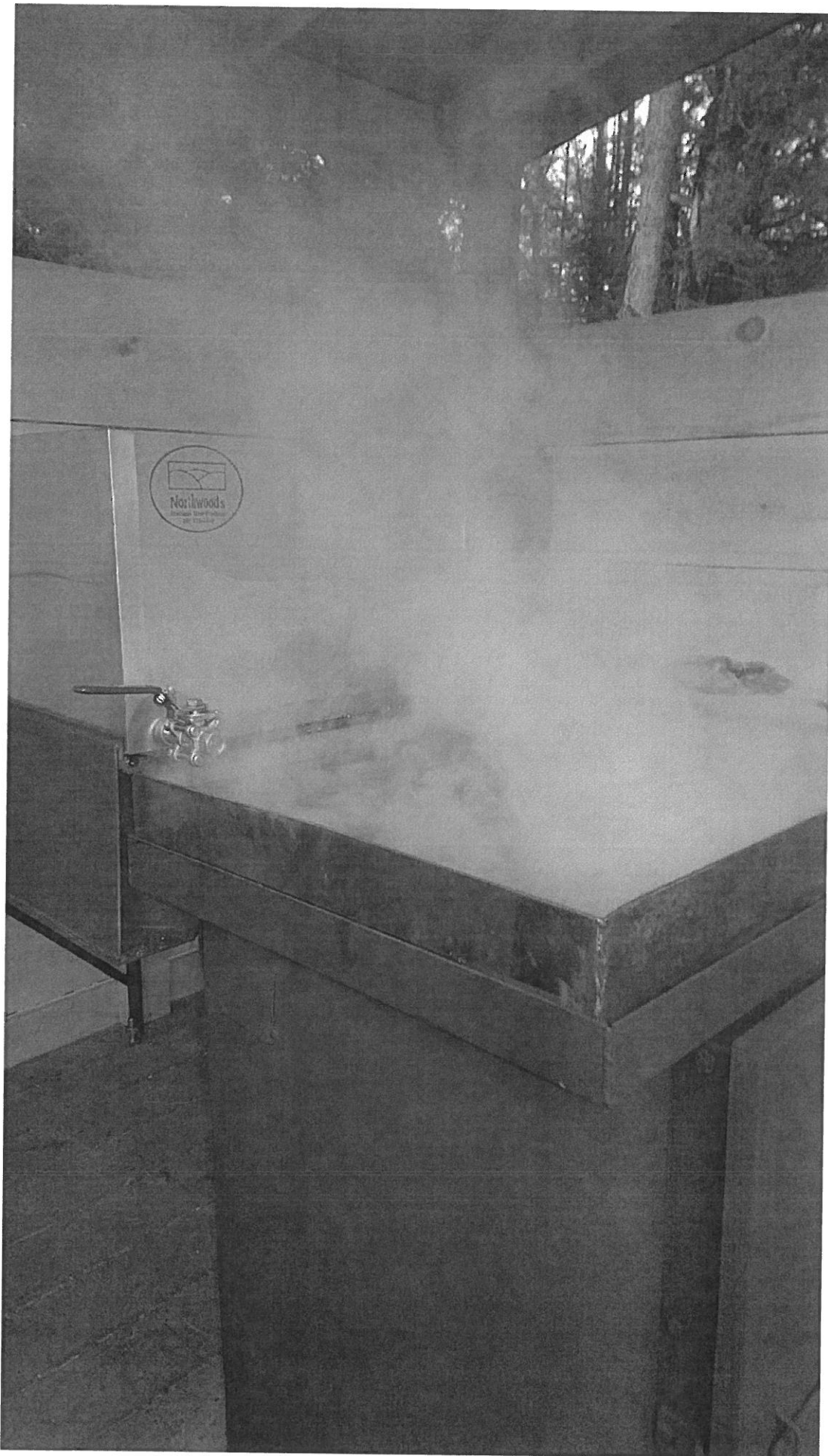
Naticook Day Camp

Naticook Rd

Area to be tapped

Scott





Approved: May 13, 2010

Posted: May 14, 2010

- The New Hampshire Supreme Court issued its opinion this morning on Nashua's appeal of the PUC approval of its purchase of Pennichuck's assets. Nashua appealed the PUC decision on the basis that the PUC valuation of \$203 million (the amount they have to pay for the system) was too high. Nashua valued the system at \$82 million. Nashua also appealed the PUC finding that there be an additional amount of money paid by Nashua in order to compensate the remaining utility customers that were not purchased by Nashua for rate support in the amount of \$43 million. The Supreme Court upheld the PUC order in all respects. The City has 90 days to ratify its taking of Pennichuck and to issue the bonds to do so. The bonds will have to include an amount equal to the capital additions Pennichuck has made since the PUC decision. Therefore, the total acquisition funds will exceed \$243 million by a significant amount.

- He has been asked by BAE to make a presentation to its employees regarding current events in Merrimack tomorrow afternoon. The presentation will include a review of the Town Warrant, approved and proposed developments and an update on the airport access road construction.

Chairman Mahon asked for a status update for the proposal to adopt RSA 79E and an update on the Route 3 traffic studies. Town Manager Keith Hickey believes that Mr. Warren will be before the Council in April to present the traffic studies.

Old Business

1. Tapping Maple Trees Along Horse Hill Nature Preserve Property Line Submitted by Gregg Kennedy

The Town Council considered abutter Greg Kennedy's request to tap maple trees along the property line he shares with the Horse Hill Nature Preserve. Town Manager Keith Hickey stated that the Council asked that he check with the Town's insurance company who provided an indemnification language for an agreement with Mr. Kennedy. He stated that if the Council agrees to provide Mr. Kennedy access, he would develop an agreement for the Town's attorney to review.

Councilor Tenhave asked if Mr. Kennedy would be willing to conduct educational sessions, giving the public an opportunity to learn about maple sugaring. Mr. Kennedy confirmed that he would be willing to participate in something like that. Councilor Tenhave stated that the area is managed by the Conservation Commission and he suggested asking the MCC to work with Mr. Kennedy to oversee and manage the operation. Councilor Rothhaus asked if this would be an annual agreement. Chairman Mahon stated that had not been discussed. Councilor Harrington expressed concern regarding precedence that this could start for other Town owned properties. Chairman Mahon echoed Councilor Harrington's comments. Councilor McCarthy indicated that he shares those concerns as well. Councilor Yakuboff expressed the same concerns. Mr. Kennedy stated that it is unlikely that anyone else in Town would request access to this location to tap the trees. Councilor Harrington clarified that her concerns are not just aimed at tapping trees, but any activities requiring special approval. Vice Chair Koenig stated that he could support this request if the agreement was crafted appropriately. He believes that the impact to the land would be minor. Mr. Kennedy advised the Council that he has spoken with people in the area who have not expressed a negative opinion towards his request. Chairman Mahon stated that he sees this request as a request for the Town Council to grant Mr. Kennedy a franchise. Councilor Tenhave stated that he understands the concern regarding precedence but recent approval for a community garden has altered his opinion on this matter. He indicated that he could support the request as long as limits and boundaries are defined. He suggested granting a temporary approval to see how it goes. Mr. Kennedy stated that he would agree to that. Councilor Tenhave made a few suggestions; grant approval on an experimental basis, lines need to be above head (6 to 8 feet), lines need to be within 20 feet of the common boundary. Councilor McCarthy would like to include language that gives the Town the ability to retract the agreement should complaints from other people begin. Mr. Kennedy stated that he could accept those terms. Councilor Harrington indicated that she could support the request with the MCC's involvement, established parameters and an opportunity for Mr. Kennedy to give back to the Town. Chairman Mahon stated that the agreement should be in place prior to granting approval. Vice Chair Koenig stressed that Mr. Kennedy should be responsible for providing the Council with specifics relative to the distance that he intends to encroach. Town Manager Keith Hickey asked for a better definition of size of the area that Mr. Kennedy would be allowed to tap. Chairman Mahon

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instructed him to identify the trees that Mr. Kennedy wants to tap. Vice Chair Koenig stated that he would prefer limiting the encroachment to 15 to 20 feet into the property. Councilor Rothhaus stated that he could support the request with parameters. Councilor Tenhave urged Mr. Kennedy to accept the 20 foot limit. Councilor McCarthy suggested 50 feet into the property and no closer than 20 feet from a trail. Mr. Kennedy and the Council agreed on 50 feet into the property and no closer than 20 feet from a trail.

New Business

1. Approval for the Police Department to Apply for Grants Submitted by Captain Peter Albert

Police Chief Milligan and Deputy Chief Doyle came before the Council requesting approval to apply for three grants; a grant of approximately \$11,000.00 from the NH Attorney General's Office of Juvenile Justice for Underage Drinking Patrols and Enforcement, a grant of approximately \$2,600.00 from the NH Dept. of Fish and Game for OHRV patrols within Town and a grant of approximately \$2,500.00 from the NH Highway Safety Agency for the DWI Program. Deputy Chief Doyle advised the Council that the Police Department has been awarded the grant for the last two years and they have seen fairly good results from their enforcement efforts. Deputy Chief Doyle stated that the New Hampshire Safety Agency grant is for an aggressive DWI program to be conducted this summer. Deputy Chief Doyle explained that the OHRV grant is to conduct patrols in recreational areas to educate and enforce existing laws. He advised the Council that they have found in the past that the majority of riders are safe riders and abide by the laws. Councilor Rothhaus asked if roadblocks would be included in any of the patrols. Deputy Chief Doyle stated that road blocks are not included.

Police Chief Milligan spoke about the importance of addressing the underage drinking problem. He stressed to the community the seriousness and the dangers that underage drinking can have. Chairman Mahon echoed the comments of Police Chief Milligan. Councilor Tenhave spoke about the importance of the education factor relative to the OHRV grant and the necessity for the DWI grants.

MOTION was made by Councilor Tenhave and seconded by Councilor Yakuboff to support the Police Department in going forward with the three grants. MOTION CARRIES 7-0-0

Town Manager Keith Hickey asked the Council if they would be willing to accept the two grants under \$5,000 by consent agenda should the Police Department be awarded the grants. The Council agreed.

2. Acceptance of a gift of a K-9 Ballistic Vest by the Town Council from the class of the 15th Citizen's Academy Submitted by Captain Peter Albert

Police Chief Milligan asked the Town Council to consider the acceptance of a gift of a K-9 Ballistic Vest, value of \$725.00, to be donated to the Town for the Police Department to be used for Police Canine, Gunny. He advised the Council that the vest would be worn during specific operations to protect Gunny. Police Chief Milligan expressed his appreciation to participants of the Citizen's Academy for their generosity. Mrs. Lynn DesGrosseilliers and Jeanne Reed spoke highly of the Citizen's Academy and the Merrimack Police Department. Councilor Yakuboff stated that he has heard great praise from residents who have attended the Citizen's Academy.

MOTION was made by Councilor Yakuboff and seconded by Councilor Harrington to accept the K-9 Ballistic Vest, value of \$725.00, donated by the 15th Citizen's Academy to the Town for the Police Department to be used for Police Canine, Gunny. MOTION CARRIES 7-0-0

3. Fourth of July Midway Presentation Submitted by Kevin Lemos

Mr. Kevin Lemos presented his proposal to the Town Council to operate the Fourth of July Midway. He stated that he has been involved with the midway in past years. He acknowledged the budget constraints but feels that he can do it for much less by himself. He stated that he owns the equipment which will reduce the cost. He did disclose that it is a profitable event for him. Mr. Lemos intends to put together a midway similar to what has been done in the past. Mr. Lemos would like to plan a barbeque after the parade.