



AGENDA

Town of Hooksett Town Council

Wednesday, June 22, 2022 at 6:00 PM

A meeting of the Town Council will be held Wednesday, June 22, 2022 in the Hooksett Municipal Building commencing at **6:00 PM**.

Page

1. **CALL TO ORDER**
2. **PROOF OF POSTING**
3. **ROLL CALL**
4. **PLEDGE OF ALLEGIANCE**
5. **AGENDA OVERVIEW**
6. **PUBLIC HEARINGS**
7. **SPECIAL RECOGNITION**
 - 7.1. BICENTENNIAL MOMENT
 - 7.2. Councilor Clark Karolian 2019-2022
 - 7.3. Hooksett Municipal Employee - New Hire
8. **PUBLIC INPUT - 15 MINUTES**
9. **SCHEDULED APPOINTMENTS**
 - 9.1. Annual Update from the Library Trustees- Mary Farwell, Chair 5
[Staff Report - SR-22-085 - Pdf](#)
 - 9.2. Hooksett Sewer Commission - authority to file Clean Water State Revolving Loan Fund (SRF) application and enter into an American Rescue Plan Act Fund (ARPA) grant agreement NH DES. 7 - 8
[Staff Report - SR-22-101 - Pdf](#)
 - 9.3. Linda Bonney, Kiwanis - Hooksett Winter Carnival 2023
 - 9.4. Annual Update from the Zoning Board- Anne Stelmach, Chair 9
[Staff Report - SR-22-098 - Pdf](#)
 - 9.5. Anne Stelmach, ZBA Chair - Other Ordinances #OO-14 Adopted 03/08/1977 11 - 61
2022 ZBA Excavation Ordinance Proposed
[Hooksett Excavation Draft Regs - 6-3-22](#)
[Staff Report - SR-22-094 - Pdf](#)
[Sand & Gravel](#)
10. **CONSENT AGENDA**
 - 10.1. To accept donation in the amount of \$100.00 in memory of C. Schwieger, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-b, III (b) . 63

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

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- 10.2. To accept multiple donations totaling \$415.00 in memory of Richard (Dick) Pingree to the Town of Hooksett for the Fire-Rescue Department per RSA 31:95-b,III (b) 65

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11. TOWN ADMINISTRATOR'S REPORT

12. NOMINATIONS AND APPOINTMENTS

- 12.1. Nominations and Appointments 67 - 100

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13. BRIEF RECESS

14. OLD BUSINESS

- 14.1. ARPA Committee Project List and Ranking (tabled at 5/25/22 meeting) 101 - 150

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- 14.2. Updated FY2022-2023 Town Council Meeting Schedule 151 - 152

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- 14.3. FY 2021-22 Budget Encumbrances 153

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15. NEW BUSINESS

- 15.1. Acceptance of updated Local Emergency Operation Plan 155

[Staff Report - SR-22-087 - Pdf](#)

16. APPROVAL OF MINUTES

- 16.1. Public: 05/25/2022 157 - 158

[TC Minutes 05252022](#)

- 16.2. Public: 06/08/2022 159 - 169

[TC Minutes 06.08.22](#)

- 16.3. Non-Public: 05/25/2022

- 16.4. Non-Public: 06/08/2022

17. SUB-COMMITTEE REPORTS

18. PUBLIC INPUT

19. NON-PUBLIC SESSION NH RSA 91-A:3 II

20. ADJOURNMENT

PUBLIC INPUT

1. Two 15-minute Public Input sessions will be allowed during each Council Meeting. Time will be divided equally among those wishing to speak, however, no person will be allowed to speak for more than 5 minutes.
2. No person may address the council more than twice on any issue in any meeting. Comments must be addressed to the Chair and must not be personal or derogatory about any other person.

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

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
STAFF REPORT



To: Town Council
Title: Annual Update from the Library Trustees- Mary Farwell, Chair
Meeting: Town Council - 22 Jun 2022
Department: Administration
Staff Contact: Leann McLaughlin, Project Coordinator

BACKGROUND INFORMATION:

Hooksett Town Charter requires Town Boards and Committees to come before Town Council annual and report on their activity. The Library Trustees have requested June 22nd to formally brief the council on their efforts, answer questions and promote coordination between the two bodies.

RECOMMENDATION:

Listen to an update from the Library Trustees.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Listen to the update from the Library Trustees

Town Council
STAFF REPORT



To: Town Council
Title: Hooksett Sewer Commission - authority to file Clean Water State Revolving Loan Fund (SRF) application and enter into an American Rescue Plan Act Fund (ARPA) grant agreement NH DES.
Meeting: Town Council - 22 Jun 2022
Department: Sewer Department
Staff Contact: Donna Fitzpatrick, Human Resource Coordinator

BACKGROUND INFORMATION:

Staff report written by Linda O'Keefe and Guy Beloin at the Waster Water Treatment Plant (WWTP). Similar process completed by Council March 23, 2018.

Upon the approval of Article 5 of the March 8, 2022 Town election, to determine that the construction of certain works, generally described as: Construction of Wastewater Treatment Facility Solids Handling Upgrade is desirable and in the public interest, and to that end it is necessary to apply for assistance from the State Revolving Fund (SRF). It is also anticipated that the Town will receive up to \$450,000 in grants.

FINANCIAL IMPACT:

The loan debt service is to be paid from Hooksett Sewer Commission Wastewater Fund and the ARPA grant will reduce the cost of the project as described in Article 5.

RECOMMENDATION:

See attached for recommendation and motion

SUGGESTED MOTION:

See attached for recommendation and motion

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with recommendation and motion

ATTACHMENTS:

[WWTP staff report 06222022](#)

Staff Report

Title: Authority to file Clean Water State Revolving Loan Fund (SRF) application and enter into a American Rescue Plan Act Fund (ARPA) grant agreement NH D.E.S.

Date: June 1 2022

Background Discussion of Issues

Upon the approval of Article 5 of the March 8, 2022 Town election, to determine that the construction of certain works, generally described as:

Construction of Wastewater Treatment facility Solids Handling Upgrade

is desirable and in the public interest, and to that end it is necessary to apply for assistance from the State Revolving Fund (SRF). It is also anticipated that the Town will receive up to \$450,000.00 in grants.

Recommendation (Including Suggested motion, if appropriate)

The governing body of said Applicant, as follows:

1. That Sidney Baines, Chairman of the Hooksett Sewer Commission, is authorized on behalf of the Applicant to file an application for a loan to be made in accordance with New Hampshire Code of Administrative Rules Chapter Env-Wq 500 and enter into a ARPA grant agreement with the NHDES.
2. That if such loan be made, the Applicant agrees to repay the loan as stipulated in the loan agreement;
3. That Sidney Baines is hereby authorized to furnish such information and to take such other action as may be necessary to enable the Applicant to qualify for the loan and ARPA grant agreement.
4. That Sidney Baines is hereby authorized to execute any documents which may be necessary to effectuate this grant agreement
5. That Sidney Baines is designated as the authorized representative of the Applicant for the purpose of furnishing such information, data, and documents pertaining to the Applicant for a loan as may be required; and otherwise to act as the authorized representative of the Applicant in connection with the SRF loan application and ARPA grant agreement
6. That certified copies of this resolution be included as part of the application to be submitted for a loan;
7. That if such loan be made, the Applicant agrees to make provisions for assuming proper and efficient operation and maintenance of the facilities after completion of the construction.

Fiscal Impact

The loan debt service is to be paid from Hooksett Sewer Commission Wastewater Fund and the ARPA grant will reduce the cost of the project as described in Article 5

Prepared By: Linda O'Keefe and Guy Beloin

Town Administrator's Recommendation

Town Council
STAFF REPORT



To: Town Council
Title: Annual Update from the Zoning Board- Anne Stelmach, Chair
Meeting: Town Council - 22 Jun 2022
Department: Administration
Staff Contact: Leann McLaughlin, Project Coordinator

BACKGROUND INFORMATION:

Hooksett's Town Charter requires Town Boards and Committees to come before Town Council annually and report on their activity. The Zoning Board Chair, Anne Stelmach, has requested June 2nd to formally brief the council on the Commissions efforts, answer questions, and promote coordination between the two bodies.

RECOMMENDATION:

Listen to an update from the Zoning Board Chair and ask questions as necessary to stay informed.

TOWN ADMINISTRATOR'S RECOMMENDATION:

No recommendation required. ZBA Chair providing annual update on Zoning Board of Adjustments activities

TOWN OF HOOKSETT

Commercial Earth Excavation Regulations

SECTION I: AUTHORITY

Chapter 155-E of the New Hampshire Revised Statutes Annotated, as amended, stipulates that, with some exceptions, all earth excavations in the State are subject to regulations from the local municipality in which the operation occurs. Pursuant to the authority vested in RSA 155-E, the Hooksett Town Council adopts the following regulations to govern the excavation of earth materials in the Town of Hooksett.

SECTION II: PURPOSE AND SCOPE

The goal of these regulations are to: provide for reasonable and responsible opportunities for excavation; minimize safety hazards which can be created by open excavations; ensure that the public health and welfare will be safeguarded; protect natural resources and the environment; and maintain the aesthetic features of the Town. For achieving these goals, no earth materials in the Town shall be excavated except in conformance with these regulations.

These regulations supplement the provisions of RSA 155-E and provide further clarification of the statutory requirements and their application in the Town of Hooksett. They are adopted as provided in RSA 155-E:11. And, as adopted, whenever local regulations differ from the most recent provisions of RSA 155-E, those which impose greater restriction or high standard shall be controlling.

SECTION III: DEFINITIONS

- A. **ABUTTER** means (1) any person who property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. (2) For the purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. (3) In the case of an abutting property being under a condominium or other collective form of ownership, the term “abutter” means the officers of the collective form of ownership or association, as defined in RSA 356-B:3, XXIII.B. (4) For purposes of notification and receiving testimony, “abutter” means all affected towns, and the regional planning commission(s) in the case of a development having regional impact, as determined by the Board.
- B. **APPROVING ABUTTER** means an abutter who registers his or her approval to the Board during the public hearing process for the excavation permit. Absent such notice of approval, all abutters shall be considered disapproving abutters for the purposes of determining excavation setbacks. (See Section VI, A 2)

- C. AGRICULTURAL EXCAVATION** means excavation of earth by the owner of the land to be used on the owners' land exclusively for agricultural use.
- D. AGRICULTURAL USE** means land used for agriculture and farming, as defined by RSA 21:34-a, including dairying, pasturage, apiculture, horticulture, floriculture, silviculture and animal and poultry husbandry.
- E. APPLICANT** means the owner of the property to be excavated or the owner's agent, so designated in writing as part of the excavation application.
- F. BOARD** means the Town of Hooksett Zoning Board of Adjustment and regulator of excavation permits.
- G. COMMERCIAL EXCAVATION** means excavation of 1,000 cubic yards or more of earth intended for commerce.
- H. COMMERCIALLY USEFUL** means any earth material leaving the property intended to be sold or used in commerce or is 1,000 cubic yards or more.
- I. CONTIGUOUS** means land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, in the Town of Hooksett.
- J. DIMENSION STONE** means rock that is cut, shaped or selected for use in blocks, slabs, sheets, or other construction units of specified shapes or sizes and is used for external or interior parts of buildings, foundations, curbing, paving, flagging, bridges, revetments, or for other architectural or engineering purposes. Dimension stone includes quarry blocks from which sections of dimension stone are to be produced. Dimension stone does not include earth as defined below.
- K. EARTH** means sand, gravel, rock, soil, loam or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally-occurring unconsolidated materials that normally mask the bedrock.
- L. EXCAVATING** means extracting earth from a site that is in a natural state, or a site that is reclaimed or naturally reclaimed, by any method, such as dredging, blasting, digging out and removing, or forming a cavity or a hole in any land area. Excavating includes excavate.
- M. EXCAVATE** means a land area which is used, or has been used, for the commercial taking of earth, including all slopes.

- N. EXCAVATION AREA** means the surface area within an excavation site where excavation has occurred or is eligible to occur under the provisions of RSA 155-E. This is also known as the pit area.
- O. EXCAVATION SITE** means any area of contiguous land in common ownership upon which excavation takes place as approved by the Board.
- P. EXISTING EXCAVATION** means any excavation, as described in RSA-E:2, I, which lawfully existed as of August 24, 1979, from which earth material or sufficient weight or volume to be commercially useful has been removed during the 2-year period before August 24, 1979, and has submitted the report as required by RSA 155-E:2, I, (d).
- Q. EXPANSION** means excavation and disturbance of earth beyond the limits as shown on the plan as approved by the Board.
- R. INCIDENTAL EXCAVATION** means excavation that is subordinate or accessory to a primary use located on the same lot and conducted immediately prior to initiating the primary use. Incidental uses shall meet all the following criteria: 1. Will be completed within 90 days; 2. Will involve the removal from the site of less than 1,000 cubic yards; and 3. all required permits, including those for the proposed primary use, have been obtained prior to commencing the incidental excavation. Excavation that results in a high level of intensity or potential for safety concerns shall not be considered incidental.
- S. MINOR TOPOGRAPHICAL ADJUSTMENT** means a one-time removal of earth from the site of less than 1,000 cubic yards that is exclusively necessary to change the physical configuration of the land for a specified use or situation.
- T. NORMAL LANDSCAPING** means the on-site alteration and contouring of the land exclusively devoted to improving the function utility and planting of the grounds.
- U. PHASE EXCAVATION** means excavation over a limited part of the permitted area, with reclamation of that area to be inspected before expanding to a new portion of the permitted area.
- V. QUARRY** means an excavation in bedrock open to the surface excavated for the purpose of removing rock, minerals or metallic ores.
- W. RECLAMATION** means the restoration of an excavation site to an acceptable standard at least equal to those described in Section X of these regulations and as determined and approved by the Board.

X. STATIONARY MANUFACTURING AND/OR PROCESSING PLANTS means equipment and facilities, including a scale and scale house, which are placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying, weighing or processing excavated earth materials.

Y. VISUAL BARRIER means a human-made structure or natural vegetative growth, or a combination thereof, to provide a year-round method to absorb, neutralize, minimize, and conceal visual, noise, dust or other impacts. This includes but is not limited to natural or planted, berms, walls or opaque fences, vegetated fence rows, forested land whether managed or undisturbed (See Section VI A 7).

SECTION IV: COMPLIANCE WITH ZONING & PROJECTS REQUIRING A PERMIT

Prior to applying for an excavation permit, an Applicant must comply with all zoning ordinances and acquire any necessary variances, special exceptions or equitable waivers. Any excavation of earth unless specifically exempted by either RSA 155-E:2 or specifically accepted in Section V of these regulations requires a permit.

Excavation permits cease to be valid upon expiration. A new permit must be in place prior to continuing excavation activities beyond the expiration date. Permit holders wishing to continue to excavate beyond a permit expiration date should make a timely application for the new permit to avoid being unpermitted.

SECTION V: EXEMPTIONS FROM AN EXCAVATION PERMIT

A. The following projects are deemed to be exempt from a permit:

- 1) Site developments, construction activities, or other projects, that require excavation of earth and will not remove more than 1,000 cubic yards of earth from the site. If the project will result in the removal of more than 1,000 cubic yards from the site, the project will be considered incidental provided that all of the required state and local permits have been issued. In those instances, the Board may impose operational conditions and a non-lapsing performance bond as may be deemed necessary to insure completion of the proposed project.
- 2) Excavation of less than 1,000 cubic yards of earth for the alteration of a building or structure, parking lot or driveway on a portion of the premises where removal occurs, provided all local and state permits have been issued.
- 3) Excavation of earth that is incidental to agricultural activities, normal landscaping, or minor topographical adjustments as defined in Section III(R) of these regulations.
- 4) Excavation from a granite quarry for the purpose of producing dimension stone, if such excavation requires a permit under RSA 12-E (Mining and Reclamation).

- 5) An excavation performed exclusively for the lawful construction, reconstruction, or maintenance of Class I, II, III, IV, or V highway by a unit of government which has jurisdiction for the highway or an agent of the unit of government which has a contract for the construction, reconstruction, or maintenance of the highway, as regulated by RSA 155-E:2, IV.
- 6) A person owning land abutting a site which was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile earth taken from the construction site and may remove the earth later after written notification to the Board.
- 7) Existing excavations as defined in RSA 155-E:2, I, including the quarrying or crushing of bedrock do not require a permit, but are nevertheless subject to the Operation and Reclamation Standards of these regulations. Compliance with these Standards is mandatory to retain the non-permit status. The Board may require the owner/operator to come before the Board and submit such information as may be necessary to demonstrate compliance with said standards.
- 8) Stationary Manufacturing Plants. No permit shall be required under this chapter for excavation from an excavation site which on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants which were in operation as of August 24, 1979, and which use earth obtained from such excavation site. Such excavation shall be performed in compliance with the operational standards as expressly set forth in RSA 155-E:4-a and the reclamation standards as expressly set forth in RSA 155-E:5 and 155-E:5-a, which express standards shall be the sole standards with which such excavations must comply in order to retain their non-permit status as provided under this paragraph. Loss of such non-permit status shall be preceded by written notice from the Board that the excavation is not in compliance and the owner shall have failed to bring such excavation into compliance within 30 days of receipt of such notice. Such excavation may be expanded without a permit under this chapter to any contiguous lands which were in common ownership with the site of the plant on August 4, 1989, except as limited by RSA 155-E:4-a, I, II, and III.
 - (b) No further permit shall be required under this chapter for excavation from a site which on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants for which local or state permits have been granted since August 24, 1979, and before August 4, 1989, which use earth obtained from such site. It is further provided that their operation and reclamation shall continue to be regulated by such local or state permits and any renewals or extensions thereof by the permitting authority or authorities.

SECTION VI: PROHIBITED PROJECTS

A. The Board shall not grant a permit for any Prohibited Excavation Projects as defined in RSA 155-E:4.

- 1) No excavation below road level within fifty (50) feet of the right-of-way of any public highway as defined in RSA 229:1, except in those cases where the edge is not readily defined, then one hundred (100) feet from a road centerline.
- 2) No excavation within seventy-five (75) feet of the boundary of a disapproving abutter or within twenty-five (25) feet of an approving abutter.
- 3) No excavation shall be permitted within 100 feet of any pond, navigable river, or any other standing body of water 10 acres or more in or within 50 feet of any other stream, river or brook which normally flows throughout the year, or any naturally occurring standing body of water less than 10 acres, prime wetland as designated in accordance with RSA 485-A:15, I or any other wetland greater than 5 acres in area as defined by the Department of Environmental Services. Within 250 feet of water, shoreland permits may be required.
- 4) When the excavation cannot receive necessary approvals from state or federal agencies, such as, but not limited to the N.H. Department of Environmental Services Alteration of Terrain or Wetlands permits.
- 5) Where the excavation is not permitted by zoning or other applicable local ordinances and a variance or special exception has not been obtained as defined in RSA 155-E:4, II and required by the Town of Hooksett Zoning Ordinances and Section IV of this Ordinance.
- 6) Where the issuance of a permit would be unduly hazardous or injurious to the public welfare, including creating a nuisance or health or safety hazard. The Board shall give particular consideration to such factors as noise, dust, traffic, fumes or danger from operation.
- 7) Where the excavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.
- 8) The excavation will not cause a diminution in area property value or unreasonably change the character of the neighborhood.
- 9) Where existing visual barriers in the areas specified in RSA 155-E:3, III would be removed, except to provide access to the excavation.

- 10) Where the excavation would damage an aquifer, as designated by the United States Geological Survey.
- 11) Where the project cannot comply with the reclamation provisions of RSA 155-E:5 and 155-E:5-a or the operational standards of RSA 155-E:4-a.

SECTION VII: ABANDONED EXCAVATIONS

- A. Any excavation, to include both grandfathered and permitted pits, for which the affected area has not be brought into complete compliance with the reclamation standards of this regulations shall be considered abandoned if:
 - 1) No earth material of sufficient weight or volume to be commercially useful has been removed from the site during any 2-year period either before, on, or after August 4, 1989.
 - 2) The excavation is in use, but either has not been brought into compliance with the incremental reclamation standards of this regulation, or a bond has not been posted and a reclamation timetable has not been approved by the Board.
 - 3) Neither the owner nor the operator of the excavation has secured a permit pursuant to these regulations.
- B. In the event the Board determines that any abandoned excavation presents a hazard to the public health, safety or welfare, the owner may be required, following a public hearing, to comply with the timetable and bonding requirements outlined above, or to complete reclamation within a reasonable period. Should reclamation not be completed, the Board may request the Town to authorize reclamation at the Town's expense. The Town's cost shall constitute an assessment against the owner and shall create a lien against the property on which the excavation is located. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

SECTION VIII: EXCAVATION EXPANSIONS

When the scope of an approved permitted excavation is proposed to be altered as to affect either the size or location of the excavation, the rate of removal, or the plan for reclamation, the owner must submit a new application, plans and other required submission items for a new excavation permit hearing process. If the approved excavation previously required a special exception or variance, the proposed change must first be approved by the Board. The Board may then adjust the performance bond accordingly.

SECTION IX: OPERATIONAL STANDARDS

- A. All excavations requiring a permit must comply with the operational standards pursuant to RSA 155-E:4-a which are the minimum. In addition, all excavations must also comply with the following more stringent standards, which the Board may waive under certain defined circumstances:

- 1) All excavation operations, including trucking, shall be performed from 7:00 a.m. to 5:00 p.m., Monday through Friday with no operations on weekends or federal holidays. The Board may modify these hours during the permitting process.
- 2) No excavation of an area shall exceed (5) acres at any one time without reclamation.
- 3) A hauling plan shall be provided to the Board. This plan shall include, but is not limited to, hauling routes to be utilized, the type and weight of motor vehicles to be used, as well as the frequency and schedule of operations of said vehicles and shall be provided to the Board prior to the issuance of an excavation permit.
- 4) The Board reserves the right to conduct a traffic study, at the Applicant's expense, to ensure the public's safety, neighborhood compatibility and road capacity and conditions have been properly considered and are adequately addressed in the hauling plan.
- 5) Trucks operating on any roads with the Town of Hooksett will be limited to New Hampshire Department of Transportation statutory weights.
- 6) The Applicant shall be responsible for the restoration and repair of any existing Town road(s) which is damaged as a result of the hauling or excavation operation. This includes, but is not limited to, any roads which may access the excavation site.
- 7) A bond for road repair will be provided to the Town of Hooksett prior to excavation activity and after the appropriate amount is determined by Town staff.
- 8) All vehicles transporting excavated material shall have loads secured and covered at all times to prevent dust and spillage when loaded.
- 9) No fuels, lubricants or other toxic polluting chemicals or waste, building materials or rubble shall be stored or buried on-site unless in compliance with state and federal laws or rules pertaining to fuels and lubricants, or other toxic or polluting chemicals.
- 10) Prior to the removal of material at a new excavation site, topsoil material shall be stripped and stored for site restoration use when the excavation project is completed. This should be undertaken in a phased manner to minimize erosion potential. Topsoil shall be re-vegetated during the period of storage. In addition, prior to the removal of topsoil or other overburden material from any land area that has not yet been excavated, the excavator shall file a reclamation bond or other security as prescribed by the Board, sufficient to secure the reclamation of the land area to be excavated.

- 11) A visual barrier, no less than 6 feet in height, shall be maintained or provided within the buffer areas defined by Sections VI A 1), 2), and 3). Natural vegetation adjacent to neighboring properties on which excavation is not intended shall be maintained for the purposes of erosion control, dust control, screening, noise reduction, and property valuation. The Board shall have the authority to require additional screening (e.g. vegetation or fencing) where necessary. Where no effective barrier exists, planting or Board approved fencing may be required.
- 12) Where the depth of excavation will exceed fifteen (15) feet and temporary slopes will exceed 1.5:1 in grade a fence or other suitable barriers shall be erected to warn of danger or to limit access to the site.
- 13) Drainage shall be maintained so as to prevent the accumulation of free-standing water for prolonged period of time. Excavation practices which result in siltation in streams or degradation of any water supplies are prohibited.
- 14) Access roads leading to and/from the excavation site shall be paved a minimum of fifty (50) feet from the intersection of existing paved streets and roads at locations, that have been duly approved by state or local officials and in a manner that will not endanger the safety of highway users and local residents. The provisions of RSA 236:13-14 ("Highway Access") shall be adhered to by the applicant and shall be shown on the excavation plan.
- 15) The provisions for access under the development regulations of the Town shall be adhered to by the Applicant and shall be shown on the reclamation plan. Access over Class VI roads, bridges, or other public ways to be utilized in the proposed excavation shall be clearly shown on the reclamation plan. The maintenance and final condition of said roads, bridges and ways shall be defined in writing and made part of said plan. All roads must be properly maintained and swept accordingly to maintain safe access. There shall be a water truck onsite at all times for dust control.

B. Processing of Earth Material

- 1) Processing machinery shall be erected or maintained on the lot as approved within the operational plan and such machinery shall be removed from the lot upon expiration of the permit or as otherwise provided in the permit.
- 2) No earth material shall be stock piled or located outside the permitted area without prior approval by the Board.
- 3) No blasting shall occur without receiving prior approval during the permitting process.

- 4) Crushing may not be introduced without prior approval from the Board during the permitting process.

C. Backhauling, Importing and Storage of Material

- 1) Waste, building materials and rubble (i.e. “demolition and construction debris” or “C&D waste”) shall not be stored or buried on the site without written approval by the Board. If approved by the Board, the specific site location will be noted on the plan and performed in accordance with all local, state and federal regulations.
- 2) The site will not be used for storage of junk vehicles, machinery, etc. as defined in RSA 236:112.
- 3) Stumps and brush shall be allowed to be buried or stored on site so long as the stumps and tree parts are buried in a manner to preclude the development of sink hole and erosion of cover materials and will be protective of the environment, public health, and safety. Any burial or storage site must be at least 75 feet from any water supply, 25 feet from any property line, and at least 4 feet above the seasonal high water table. The burial or storage will be performed in accordance with all local, state and federal regulations. The site plan and property deed shall provide:
 - a. A statement that the property has been used for the disposal of stumps and tree parts.
 - b. The date the activity took place.
 - c. The location of the burial area(s) with sufficient specificity as to allow an independent third party to locate the area(s); and
 - d. The estimated quantity of waste disposed on the property.
- 4) Earth, concrete, and asphalt that did not originate from the site shall not be brought in, or stored upon, the site without prior approval by the Board.

D. Aquifers and Seasonal High Water Tables

- 1) Excavation over aquifers and seasonal high water tables shall be performed in accordance with the applicable Town of Hooksett Zoning Ordinance.
- 2) No excavation shall be permitted within eight (8) feet of the seasonal high water table. A waiver to such prohibition shall be granted if the applicant demonstrates that such excavation will not adversely affect water quality. Any written exception shall be recorded in the registry of deeds, one copy filed with the NH Department of Environmental Services (NHDES), and one copy filed with the Board.

- 3) The excavation shall not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants.
- 4) The excavation shall not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer.
- 5) The Board may require that the applicant provide data or reports prepared by a professional groundwater consultant to determine the seasonal high water table and to assess the potential aquifer damage caused by the proposed excavation project.

SECTION X: SITE RECLAMATION STANDARDS

- A. Within 12 months following the expiration date of a permit issued under these regulations, or of the completion of any excavation, whichever occurs first, the owner of the excavated area shall have completed the reclamation of the areas affected by the excavation to meet each of the minimum standards as detailed in RSA 155-E:5.
- B. For excavations requiring a permit, the standards contained in RSA 155-E:5 are the minimum standards, and the Board may require more stringent reclamation standards as deemed necessary by the nature and scope of the operation. The reclamation will be done in accordance with the approved plans and reclamation sequence.
 - 1) The Board, or its designee, shall periodically inspect the operations and shall perform a final reclamation inspection in order to ensure that the approved plans have been followed. Any costs associated with these inspections shall be the responsibility of the applicant.
 - 2) No slope in soil material shall be left steeper than 3:1 (three horizontal feet for each one foot of vertical drop) unless it can be demonstrated by the applicant that a steeper grade can be adequately vegetated and stabilized. In no case shall a soil material slope be left steeper than 2:1. Changes in slope shall not be abrupt but shall blend with the surrounding terrain.
 - 3) All debris, stumps, boulder, etc., shall be lawfully disposed of in a manner acceptable to the Board or its designee.
 - 4) Ground levels and grades shall be established as shown on the approved reclamation plan as soon as practical during site excavation, but not later than one year after excavation has been completed.

- 5) Stockpiled topsoil shall be spread over the disturbed area to a depth sufficient to allow establishment and maintenance of vegetation. Areas posing the most critical problems for revegetation shall be given first priority should available topsoil be limited. The disturbed area(s) shall be limed and fertilized, if necessary, and seeded with a grass or grass/legume mixture.
 - 6) If deemed necessary by the Board, suitable trees or shrubs may be planted in order to provide screening and natural beauty and to aid in erosion control. Such planted areas shall be protected from erosion during an appropriate establishment period by mulch and structural erosion control devices. All plantings must be successfully maintained for 2 years after planting.
 - 7) The character of the restored landscape shall blend with the surrounding natural features.
- C. Any excavation permit applicant that requires a RSA 485-A:17 Alteration of Terrain Permit (AOT) from the NHDES shall incorporate the requirements of these regulations, to the extent that they are more strictive, and not in conflict, with the AOT permit. Copies of all such AOT permits and update plans shall be filed with the Board.
 - D. For any excavation plan not requiring an Alteration of Terrain permit, the applicant may, in conjunction with a Town employee or agent, design a reclamation plan acceptable to the Town. Such a plan shall meet all of the criteria established by Section XII(B).
 - E. Incidental excavations that have received an exception from the Board to remove more than 1,000 cubic yards of earth shall reclaim the property in accordance with the specifications dictated by the Board.
 - F. Incremental Reclamation:

Except for excavation sites of operating stationary manufacturing plants, any excavated area of 5 contiguous acres or more which is depleted of commercial earth materials, excluded bedrock, or any excavation from which earth materials of sufficient weight or volume to be commercially useful have not been removed for a 2-year period, shall be reclaimed in accordance with RSA 155-E:5 within 12 months following such depletion of 2-year non-use, regardless of whether other excavation is occurring on adjacent land in contiguous ownership. A reclamation plan, including a reclamation timetable for the depleted areas with the reclamation site, shall be submitted to the Board for approval.

SECTION XI: PERFORMANCE GUARANTEE

- A. Prior to the granting of any permit, the applicant shall submit to the Hooksett Town Council a non-lapsing bond or other sufficient surety as determined by the Board in consultation with Town staff, or if the Board deems, a professional hired at the expense of the applicant. The purposes of the bond are to guarantee reclamation to the area, compliance with the permit

and any inspections. Off-site improvements for potential damage of Town roads or facilities caused by the transportation of earth materials shall be discussed at this stage and bonded as necessary. Surety will be reviewed at the time of periodic inspections.

- B. The surety may be phased to coincide with the phasing of work, in an amount sufficient to guarantee reclamation of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The surety shall not be released until the Board is satisfied that all conditions of the site reclamation plan have been complied with and that no erosion or die off has occurred for at least two years after closure. Areas used for stockpiling and processing machinery and other non-excavation uses shall not be included in surety requirements.
- C. There are four major acceptable forms of surety: Option 1) bond issued by surety (insurance) company, Option 2) letter of credit issued by a financial institution (bank), Option 3) cash held under “escrow” agreement (cash bond), or Option 4) escrow payment per ton (or yard) removed or stockpiled (incrementally) each year with the payment to be paid annually to the Town and retained in a Town managed escrow account. Other forms of surety may be acceptable by the Board but may not create a real or potential liability for the Town other than as defined herein.
- D. Surety provided by Section XI-C; Option 4 above shall be calculated as follows: The amount of surety required shall be based on the total cost of the proposed reclamation plan (limited to the current phase where phasing is used) less the value of the material needed for back fill and final cover, and the manpower and equipment needed to complete the closure, to the extent that this material, manpower and equipment is available on site. The final amount of surety will be divided by the total tons (or yards) anticipated for removal during the life of the plan (limited to the current phase where phasing is used) to create a tonnage (or yardage) payment OR the Town may establish a minimum payment to be raised each year based on the total closure cost that is purchased from others divided by the total years (limited to the current phase where phasing is used) of approval for the plan if the contributions from this formula are greater than the contributions from the per ton (or yard) payment. The use of owner provided offsets will greatly reduce the amount needed for closure surety. To assure the availability of the material and equipment and manpower, a security interest to the benefit of the Town may be required in the stockpiled reclamation material and equipment needed. That security interested shall also provide resources for manpower to complete the closure. In the event that this agreement is entered into, and surety is provided by on-site material and equipment, the Town determined at a future date that the original agreement is insufficient for closures, the Town may reopen the amount of the performance guarantee. This option may be used in conjunction with other options.

- E. In the granting of an exception for an incidental excavation project that will remove more than 1,000 cubic yards of earth from the site, the Board may require a performance surety to ensure compliance with reclamation specifications.
- F. Other than as provided in Section XI-C, Option 4 above, the performance guarantee will be calculated as \$20,000 per acre of the phased excavation area, unless it can be demonstrated to Town staff that less is required due to stockpiled material already on site.
- G. Exceptions
 - 1) Due to the diverse nature of excavation operations which vary in scale and scope, and due to the varying conditions of the land to be excavated, the Board may, upon application and following a duly-noticed hearing, grant any exception in writing to the standards contained in Section IX and X for good cause shown. The written decision shall state specifically what requirements are being waived and include any reasonable alternatives.

SECTION XII: APPLICATION SUBMISSION ITEMS

Unless exempted by RSA 155-E:2 or Section V, any owner or owner's designee shall, prior to excavation of the land, apply to the Board for a permit for excavation.

The applicant for an excavation permit shall submit to the Board a completed application form, including a current abutters list, an excavation plan and a reclamation plan, a completed checklist with written requests for waivers or written explanation for any item not provided, any other submission documents as requested and the filing fee. Twelve copies of the complete application, excavation plan and reclamation plan shall be filed. The plans shall be at a scale of 1"=100'.

Where a NHDES Alteration of Terrain permit is required, the applicant may submit a copy of that Alteration of Terrain application and/or permit to the Board. While the Alteration of Terrain contains most of the following, the applicant shall provide supplemental items to meet the requirements of the excavation plan and reclamation plan as described below.

A. EXCAVATION PLAN

- 1) A site plan prepared by a licensed surveyor or engineer shall, at a minimum, include all of the following:
 - a. Identifying title, date, bar scale, revision block, north arrow and location map, tax map lot number and zone.
 - b. Name and address of the owner and the excavator (if different from owner);
 - c. Name(s) and address of surveyor, and designer; name, license number and seal of the NH licensed land surveyor.
 - d. Names and tax map lot numbers of all abutters to the premises on which the excavation is proposed.

- e. Location and boundaries of the proposed and any existing excavation, the area in square feet and acres to be involved in the project and the municipalities and counties in which the project lies.
 - f. Zoning district boundaries (including overlay districts) of the proposed area within 200 feet of the boundary of the project.
 - g. All areas that are in current use.
 - h. Location of existing buildings, structures, septic systems, wells and catch basins within 200 feet of the boundary of the project.
 - i. Public streets, lot lines, driveways, intersections within 200 feet of the boundary of the project.
 - j. Existing and proposed rights of way, easements, and deed restrictions within 200 feet of the boundary of the project.
 - k. Topography at contour intervals of two (2) feet or less.
 - l. All existing surface drainage patterns including wetlands and standing water.
 - m. Existing and proposed access roads, including width and surface materials.
 - n. Breadth, depth and slope of the proposed excavation and estimated duration of the project.
 - o. Elevation of the highest annual average ground water table within or next to the proposed excavation.
 - p. Estimate of the total volume of earth to be excavated.
 - q. Proposed fencing, buffers or other visual barriers, including height and materials.
 - r. All measures to control erosion, sedimentation, water pollution, air pollution and any hazards to public safety.
- 2) The following items shall also be submitted with the application:
- a. Test pit data that extends to either the high-water table, ledge or a minimum of eight (8) feet below the maximum proposed excavation depth, including location and soils data in appropriate locations to adequately assess the highest annual average water table, to be submitted by a professional geologist or other qualified individual as determined by the Board. Boring logs may be submitted separately.
 - b. Plans for storm water management.
 - c. Plans for equipment maintenance.
 - d. Methods to prevent materials from the site from being tracked onto public roadways.
 - e. Copies of all necessary state and federal permits.
 - f. Specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety or unauthorized persons.
 - g. Such other information or other special investigative studies as the Board may be reasonable deem necessary. The Board may request these after the application submittal and prior to permit approval.

- h. Current photographs of access road(s) prior to the start of any excavation activity.
- 3) The board may also order a comprehensive environmental site assessment that may include onsite sampling at a cost to the applicant.

B. RECLAMATION PLAN

A plan for the reclamation of the area affected by the excavation at least in compliance with RSA 155-E:5 and RSA 155-E:5-a. Such plan shall address the effects of the proposed excavation on soil, surface water and groundwater, vegetation, overburden, topography and fill material and may address future land use consistent with the approved master plan and shall include a timetable for reclamation of fully depleted areas within the excavation site during said project. The Board may grant an exception to RSA 155-E:5 & RSA 155-E:5-a for good cause shown.

The reclamation plan shall also contain the following items:

- 1) Seal and signature of a licensed surveyor and engineer. The Board will accept copies of engineering drawings required by NHDES in lieu of additional drawings.
- 2) All boundaries of the area proposed for reclamation and the land within 200 feet of the boundary of the project area.
- 3) Existing topography of the project area proposed for excavation, at contour intervals of five feet or less.
- 4) Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities.
- 5) Timetable as to reclamation of fully depleted sites within the excavation area.
- 6) Schedule of final reclamation activities including seeding mixtures, cover vegetation, fertilizer types and application rates.
- 7) Final reclaimed topography of the excavation area at contour intervals of five feet or less.

C. OTHER INFORMATION

The Board reserves the right, per RSA 155-E:3, VII to request any other information it deems necessary to make an informed decision, or to have plans reviewed by an outside agency or other expert. According to the authority vested in the Board by RSA 155-E:11, III and RSA 675:5, IV, any reasonable expenses incurred for such information or reviews shall be charged to the applicant. Failure to pay such costs constitutes valid grounds for the Board to deny the application.

SECTION XIII: NOTICE OF EXCAVATION APPLICATION & HEARING

- A. Prior to the Board rendering a decision for an excavation permit, a public hearing shall be held, with due notifications of all abutters and the public. The procedure for holding these public hearings will be in compliance with the Rules of Procedure of the Board and in addition:
- 1) Applications for excavation permits shall be filed with the Board no later than 21 days before the next regularly scheduled Board meeting. A completed application shall consist of a completed application page, the required submission items, a completed abutters list, and the appropriate fees as required.
 - 2) A public hearing will be scheduled within 30 days after a completeness review has been completed by Town staff.
 - 3) All abutters will be notified by certified mail, not less than 5 days prior to the meeting, which the application will be submitted for acceptance. Names and address of abutters must be taken from Town records not more than five (5) days before filing the application.
 - 4) Public notice will appear in a newspaper of general circulation and in at least three public places not less than 5 days prior to the meeting.
 - 5) The notice must include the location and general description of the proposal, as well as the date, time and place of the meeting.
 - 6) If the Board determines, during the scheduled hearing, that a proposed excavation has a potential for regional impact, the Board shall not close the public hearing until after the Town has provided a copy of the application and proposed plans to the regional planning commission and all affected municipalities. All copies shall be provided by the applicant.
 - 7) Within 30 days of the close of the hearing on the application, or any continuation thereof, the Board shall make a decision approving or disapproving the application, with reasons given for disapproval. Notice of this decision shall be recorded in the minutes of the meeting and placed on file in the Town Office within 5 days.
 - 8) An applicant shall receive a copy of the decision. If the application was approved with special conditions, these conditions shall also be stated. In the event the application is disapproved, the reasons for the disapproval shall be given.

B. Fees

A filing fee to cover all administrative costs enumerated on the application shall be paid upon submission of an application for an excavation permit. Failure to pay such cost shall constitute grounds for the Board to not accept the application.

SECTION XIV: ADMINISTRATION AND ENFORCEMENT

A. Permits

- 1) Permits shall be issued only to the Applicant and shall not be transferable without the prior written consent of the Board. A copy of the permit shall be prominently displayed at the site or the principal access to the site.
- 2) A permit shall be valid for up to five years and the expiration date shall be specified. Permits may be amended in accordance with RSA 155-E: 6. A permit is automatically withdrawn if no substantial work is done on the site for a period of two years from the date of the issuance of the permit.
- 3) Excavation of earth without a valid permit is a violation of RSA 155-E and these regulations. Violators may be issued a cease-and-desist order for non-compliance.
- 4) The Board may include in the decision, permit and plan, any such reasonable conditions as are consistent with the purpose of these regulations.
- 5) The Board may establish a schedule by which all permitted sites are inspected at least annually or more frequently. Incidental excavation exceptions that will remove more than 1,000 cubic yards will have an inspection schedule as determined by the Board.
- 6) Town administration may audit the records and measure stockpiles to assure compliance with the collection of payments due under Section XI-C, method 4.

B. Conflicts

Where the provisions of this ordinance are in conflict with state or federal law or with other local regulations or ordinances, the more stringent shall apply.

C. Right of Entry & Inspections

Any permit issued hereunder or other order issued, the Board or its designee may enter upon the land and make periodic inspections of all excavation sites, or incidental excavations, to determine if the operations are in conformance with these regulations, the approved plans, or the exception criteria. The owner or operator will be contacted to arrange a mutually acceptable time for each inspection. A site inspection review letter

will be sent to the owner citing any deficiencies and providing a timeline for correction of the deficiency.

D. Written Notice of Violation

A written notice of violation shall be issued to the landowner by mail from Town staff should it be determined that conditions at the site are in violation of any of the standards or requirements of this ordinance or plans approved and that the violation is not an immediate threat to the public health, safety or welfare. The notice of violation shall:

- a. Specify the actions or conditions which violate the requirements of this ordinance or plans approved by the Board;
- b. Identify all corrective actions to be taken by the landowner;
- c. Specify a reasonable timeframe within which the violation(s) must be corrected; and,
- d. Be provided to the landowner with a copy to be kept in the official property file with the original permit.

E. Cease & Desist Order

A temporary cease & desist order may be issued to the landowner by Town staff if it is determined that conditions at the Excavation Site are in violation of any of the standards of this ordinance and the violation is:

- a. An immediate threat to public health, safety or welfare; or
- b. The landowner has failed to take corrective action as outlined in Section D above.

F. Suspensions and Revocations

The Board may suspend or revoke a permit if the Board determines that any provision of the permit has been violated, or a material misstatement made in the application upon which a permit was granted. The Board may suspend or revoke the exception for incidental excavation if the Board determines that any provision of the exception has been violated, or a material misstatement made in the exception application upon which an exception was granted. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with these regulations.

G. Appeals

Any person affected by the Board's decision to approve or disapprove an application or any amendment thereto or any suspension or revocation of a permit, may appeal to the Board for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall be filed within ten (10) days of such decision and shall fully specify every ground upon which it is alleged with that the decision or order complained of is unlawful or unreasonable. The Board shall either grant or deny the request for rehearing within ten (10) days, and if the request is granted, a rehearing shall be scheduled within thirty (30)

days. Any person affected by the Board's decision on a motion or rehearing may appeal in accordance with RSA 155-E:9 and RSA 677:4.

H. Penalties

Fines, penalties and remedies for violations of this regulation shall be as stated in RSA 155-E:10, II.

SECTION XV: SEPERABILITY

The invalidity of any provision, sentence, paragraph, etc. of this regulation shall not affect the validity of any other provision, sentence, paragraph, etc.

SECTION XVI: EFFECTIVE DATE

These regulations shall take effect upon adoption by the Board and as amended.

PUBLIC HEARING DATE _____

ADOPTED BY THE HOOKSETT TOWN COUNCIL DATE _____

Town Council
STAFF REPORT



To: Anne Stelmach ZBA - Chair
Title: Other Ordinances #OO-14 Adopted 03/08/1977 2022 ZBA Excavation Ordinance Proposed
Meeting: Town Council - 22 Jun 2022
Department: Community Development
Staff Contact: Dana Pendergast, Code Enforcement Officer

BACKGROUND INFORMATION:

Other Ordinances #OO-14 Adopted 03/08/1977

FINANCIAL IMPACT:

None

POLICY IMPLICATIONS:

Bring Ordinance to Current State Regulations Standards

RECOMMENDATION:

Approval to move the item to the next step, made by 1 Councilor

SUGGESTED MOTION:

Motion to move the item to the next step of posting Public Notice

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the recommended motion to move this item to the next step of the ordinance approval process.

ATTACHMENTS:

[Hooksett Excavation Draft Regs - 6-3-22](#)
[Sand & Gravel](#)

TOWN OF HOOKSETT

Commercial Earth Excavation Regulations

SECTION I: AUTHORITY

Chapter 155-E of the New Hampshire Revised Statutes Annotated, as amended, stipulates that, with some exceptions, all earth excavations in the State are subject to regulations from the local municipality in which the operation occurs. Pursuant to the authority vested in RSA 155-E, the Hooksett Town Council adopts the following regulations to govern the excavation of earth materials in the Town of Hooksett.

SECTION II: PURPOSE AND SCOPE

The goal of these regulations are to: provide for reasonable and responsible opportunities for excavation; minimize safety hazards which can be created by open excavations; ensure that the public health and welfare will be safeguarded; protect natural resources and the environment; and maintain the aesthetic features of the Town. For achieving these goals, no earth materials in the Town shall be excavated except in conformance with these regulations.

These regulations supplement the provisions of RSA 155-E and provide further clarification of the statutory requirements and their application in the Town of Hooksett. They are adopted as provided in RSA 155-E:11. And, as adopted, whenever local regulations differ from the most recent provisions of RSA 155-E, those which impose greater restriction or high standard shall be controlling.

SECTION III: DEFINITIONS

- A. ABUTTER** means (1) any person who property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration. (2) For the purposes of receiving testimony only, and not for purposes of notification, the term “abutter” shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration. (3) In the case of an abutting property being under a condominium or other collective form of ownership, the term “abutter” means the officers of the collective form of ownership or association, as defined in RSA 356-B:3, XXIII.B. (4) For purposes of notification and receiving testimony, “abutter” means all affected towns, and the regional planning commission(s) in the case of a development having regional impact, as determined by the Board.
- B. APPROVING ABUTTER** means an abutter who registers his or her approval to the Board during the public hearing process for the excavation permit. Absent such notice of approval, all abutters shall be considered disapproving abutters for the purposes of determining excavation setbacks. (See Section VI, A 2)

- C. AGRICULTURAL EXCAVATION** means excavation of earth by the owner of the land to be used on the owners' land exclusively for agricultural use.
- D. AGRICULTURAL USE** means land used for agriculture and farming, as defined by RSA 21:34-a, including dairying, pasturage, apiculture, horticulture, floriculture, silviculture and animal and poultry husbandry.
- E. APPLICANT** means the owner of the property to be excavated or the owner's agent, so designated in writing as part of the excavation application.
- F. BOARD** means the Town of Hooksett Zoning Board of Adjustment and regulator of excavation permits.
- G. COMMERCIAL EXCAVATION** means excavation of 1,000 cubic yards or more of earth intended for commerce.
- H. COMMERCIALLY USEFUL** means any earth material leaving the property intended to be sold or used in commerce or is 1,000 cubic yards or more.
- I. CONTIGUOUS** means land whose perimeter can be circumscribed without interruption in common ownership except for roads or other easements, in the Town of Hooksett.
- J. DIMENSION STONE** means rock that is cut, shaped or selected for use in blocks, slabs, sheets, or other construction units of specified shapes or sizes and is used for external or interior parts of buildings, foundations, curbing, paving, flagging, bridges, revetments, or for other architectural or engineering purposes. Dimension stone includes quarry blocks from which sections of dimension stone are to be produced. Dimension stone does not include earth as defined below.
- K. EARTH** means sand, gravel, rock, soil, loam or construction aggregate produced by quarrying, crushing or any other mining activity or such other naturally-occurring unconsolidated materials that normally mask the bedrock.
- L. EXCAVATING** means extracting earth from a site that is in a natural state, or a site that is reclaimed or naturally reclaimed, by any method, such as dredging, blasting, digging out and removing, or forming a cavity or a hole in any land area. Excavating includes excavate.
- M. EXCAVATE** means a land area which is used, or has been used, for the commercial taking of earth, including all slopes.

- N. EXCAVATION AREA** means the surface area within an excavation site where excavation has occurred or is eligible to occur under the provisions of RSA 155-E. This is also known as the pit area.
- O. EXCAVATION SITE** means any area of contiguous land in common ownership upon which excavation takes place as approved by the Board.
- P. EXISTING EXCAVATION** means any excavation, as described in RSA-E:2, I, which lawfully existed as of August 24, 1979, from which earth material or sufficient weight or volume to be commercially useful has been removed during the 2-year period before August 24, 1979, and has submitted the report as required by RSA 155-E:2, I, (d).
- Q. EXPANSION** means excavation and disturbance of earth beyond the limits as shown on the plan as approved by the Board.
- R. INCIDENTAL EXCAVATION** means excavation that is subordinate or accessory to a primary use located on the same lot and conducted immediately prior to initiating the primary use. Incidental uses shall meet all the following criteria: 1. Will be completed within 90 days; 2. Will involve the removal from the site of less than 1,000 cubic yards; and 3. all required permits, including those for the proposed primary use, have been obtained prior to commencing the incidental excavation. Excavation that results in a high level of intensity or potential for safety concerns shall not be considered incidental.
- S. MINOR TOPOGRAPHICAL ADJUSTMENT** means a one-time removal of earth from the site of less than 1,000 cubic yards that is exclusively necessary to change the physical configuration of the land for a specified use or situation.
- T. NORMAL LANDSCAPING** means the on-site alteration and contouring of the land exclusively devoted to improving the function utility and planting of the grounds.
- U. PHASE EXCAVATION** means excavation over a limited part of the permitted area, with reclamation of that area to be inspected before expanding to a new portion of the permitted area.
- V. QUARRY** means an excavation in bedrock open to the surface excavated for the purpose of removing rock, minerals or metallic ores.
- W. RECLAMATION** means the restoration of an excavation site to an acceptable standard at least equal to those described in Section X of these regulations and as determined and approved by the Board.

X. STATIONARY MANUFACTURING AND/OR PROCESSING PLANTS means equipment and facilities, including a scale and scale house, which are placed on a site for the purposes of sorting, washing, screening, crushing, classifying, drying, weighing or processing excavated earth materials.

Y. VISUAL BARRIER means a human-made structure or natural vegetative growth, or a combination thereof, to provide a year-round method to absorb, neutralize, minimize, and conceal visual, noise, dust or other impacts. This includes but is not limited to natural or planted, berms, walls or opaque fences, vegetated fence rows, forested land whether managed or undisturbed (See Section VI A 7).

SECTION IV: COMPLIANCE WITH ZONING & PROJECTS REQUIRING A PERMIT

Prior to applying for an excavation permit, an Applicant must comply with all zoning ordinances and acquire any necessary variances, special exceptions or equitable waivers. Any excavation of earth unless specifically exempted by either RSA 155-E:2 or specifically accepted in Section V of these regulations requires a permit.

Excavation permits cease to be valid upon expiration. A new permit must be in place prior to continuing excavation activities beyond the expiration date. Permit holders wishing to continue to excavate beyond a permit expiration date should make a timely application for the new permit to avoid being unpermitted.

SECTION V: EXEMPTIONS FROM AN EXCAVATION PERMIT

A. The following projects are deemed to be exempt from a permit:

- 1) Site developments, construction activities, or other projects, that require excavation of earth and will not remove more than 1,000 cubic yards of earth from the site. If the project will result in the removal of more than 1,000 cubic yards from the site, the project will be considered incidental provided that all of the required state and local permits have been issued. In those instances, the Board may impose operational conditions and a non-lapsing performance bond as may be deemed necessary to insure completion of the proposed project.
- 2) Excavation of less than 1,000 cubic yards of earth for the alteration of a building or structure, parking lot or driveway on a portion of the premises where removal occurs, provided all local and state permits have been issued.
- 3) Excavation of earth that is incidental to agricultural activities, normal landscaping, or minor topographical adjustments as defined in Section III(R) of these regulations.
- 4) Excavation from a granite quarry for the purpose of producing dimension stone, if such excavation requires a permit under RSA 12-E (Mining and Reclamation).

- 5) An excavation performed exclusively for the lawful construction, reconstruction, or maintenance of Class I, II, III, IV, or V highway by a unit of government which has jurisdiction for the highway or an agent of the unit of government which has a contract for the construction, reconstruction, or maintenance of the highway, as regulated by RSA 155-E:2, IV.
- 6) A person owning land abutting a site which was taken by eminent domain or by any other governmental taking upon which construction is taking place may stockpile earth taken from the construction site and may remove the earth later after written notification to the Board.
- 7) Existing excavations as defined in RSA 155-E:2, I, including the quarrying or crushing of bedrock do not require a permit, but are nevertheless subject to the Operation and Reclamation Standards of these regulations. Compliance with these Standards is mandatory to retain the non-permit status. The Board may require the owner/operator to come before the Board and submit such information as may be necessary to demonstrate compliance with said standards.
- 8) Stationary Manufacturing Plants. No permit shall be required under this chapter for excavation from an excavation site which on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants which were in operation as of August 24, 1979, and which use earth obtained from such excavation site. Such excavation shall be performed in compliance with the operational standards as expressly set forth in RSA 155-E:4-a and the reclamation standards as expressly set forth in RSA 155-E:5 and 155-E:5-a, which express standards shall be the sole standards with which such excavations must comply in order to retain their non-permit status as provided under this paragraph. Loss of such non-permit status shall be preceded by written notice from the Board that the excavation is not in compliance and the owner shall have failed to bring such excavation into compliance within 30 days of receipt of such notice. Such excavation may be expanded without a permit under this chapter to any contiguous lands which were in common ownership with the site of the plant on August 4, 1989, except as limited by RSA 155-E:4-a, I, II, and III.
 - (b) No further permit shall be required under this chapter for excavation from a site which on August 4, 1989, was contiguous to or was contiguous land in common ownership with stationary manufacturing and processing plants for which local or state permits have been granted since August 24, 1979, and before August 4, 1989, which use earth obtained from such site. It is further provided that their operation and reclamation shall continue to be regulated by such local or state permits and any renewals or extensions thereof by the permitting authority or authorities.

SECTION VI: PROHIBITED PROJECTS

A. The Board shall not grant a permit for any Prohibited Excavation Projects as defined in RSA 155-E:4.

- 1) No excavation below road level within fifty (50) feet of the right-of-way of any public highway as defined in RSA 229:1, except in those cases where the edge is not readily defined, then one hundred (100) feet from a road centerline.
- 2) No excavation within seventy-five (75) feet of the boundary of a disapproving abutter or within twenty-five (25) feet of an approving abutter.
- 3) No excavation shall be permitted within 100 feet of any pond, navigable river, or any other standing body of water 10 acres or more in or within 50 feet of any other stream, river or brook which normally flows throughout the year, or any naturally occurring standing body of water less than 10 acres, prime wetland as designated in accordance with RSA 485-A:15, I or any other wetland greater than 5 acres in area as defined by the Department of Environmental Services. Within 250 feet of water, shoreland permits may be required.
- 4) When the excavation cannot receive necessary approvals from state or federal agencies, such as, but not limited to the N.H. Department of Environmental Services Alteration of Terrain or Wetlands permits.
- 5) Where the excavation is not permitted by zoning or other applicable local ordinances and a variance or special exception has not been obtained as defined in RSA 155-E:4, II and required by the Town of Hooksett Zoning Ordinances and Section IV of this Ordinance.
- 6) Where the issuance of a permit would be unduly hazardous or injurious to the public welfare, including creating a nuisance or health or safety hazard. The Board shall give particular consideration to such factors as noise, dust, traffic, fumes or danger from operation.
- 7) Where the excavation will not unreasonably accelerate the deterioration of highways or create safety hazards in the use thereof.
- 8) The excavation will not cause a diminution in area property value or unreasonably change the character of the neighborhood.
- 9) Where existing visual barriers in the areas specified in RSA 155-E:3, III would be removed, except to provide access to the excavation.

10) Where the excavation would damage an aquifer, as designated by the United States Geological Survey.

11) Where the project cannot comply with the reclamation provisions of RSA 155-E:5 and 155-E:5-a or the operational standards of RSA 155-E:4-a.

SECTION VII: ABANDONED EXCAVATIONS

- A. Any excavation, to include both grandfathered and permitted pits, for which the affected area has not be brought into complete compliance with the reclamation standards of this regulations shall be considered abandoned if:
 - 1) No earth material of sufficient weight or volume to be commercially useful has been removed from the site during any 2-year period either before, on, or after August 4, 1989.
 - 2) The excavation is in use, but either has not been brought into compliance with the incremental reclamation standards of this regulation, or a bond has not been posted and a reclamation timetable has not been approved by the Board.
 - 3) Neither the owner nor the operator of the excavation has secured a permit pursuant to these regulations.
- B. In the event the Board determines that any abandoned excavation presents a hazard to the public health, safety or welfare, the owner may be required, following a public hearing, to comply with the timetable and bonding requirements outlined above, or to complete reclamation within a reasonable period. Should reclamation not be completed, the Board may request the Town to authorize reclamation at the Town's expense. The Town's cost shall constitute an assessment against the owner and shall create a lien against the property on which the excavation is located. Such assessment and lien may be enforced and collected in the same manner as provided for real estate taxes.

SECTION VIII: EXCAVATION EXPANSIONS

When the scope of an approved permitted excavation is proposed to be altered as to affect either the size or location of the excavation, the rate of removal, or the plan for reclamation, the owner must submit a new application, plans and other required submission items for a new excavation permit hearing process. If the approved excavation previously required a special exception or variance, the proposed change must first be approved by the Board. The Board may then adjust the performance bond accordingly.

SECTION IX: OPERATIONAL STANDARDS

- A. All excavations requiring a permit must comply with the operational standards pursuant to RSA 155-E:4-a which are the minimum. In addition, all excavations must also comply with the following more stringent standards, which the Board may waive under certain defined circumstances:

- 1) All excavation operations, including trucking, shall be performed from 7:00 a.m. to 5:00 p.m., Monday through Friday with no operations on weekends or federal holidays. The Board may modify these hours during the permitting process.
- 2) No excavation of an area shall exceed (5) acres at any one time without reclamation.
- 3) A hauling plan shall be provided to the Board. This plan shall include, but is not limited to, hauling routes to be utilized, the type and weight of motor vehicles to be used, as well as the frequency and schedule of operations of said vehicles and shall be provided to the Board prior to the issuance of an excavation permit.
- 4) The Board reserves the right to conduct a traffic study, at the Applicant's expense, to ensure the public's safety, neighborhood compatibility and road capacity and conditions have been properly considered and are adequately addressed in the hauling plan.
- 5) Trucks operating on any roads with the Town of Hooksett will be limited to New Hampshire Department of Transportation statutory weights.
- 6) The Applicant shall be responsible for the restoration and repair of any existing Town road(s) which is damaged as a result of the hauling or excavation operation. This includes, but is not limited to, any roads which may access the excavation site.
- 7) A bond for road repair will be provided to the Town of Hooksett prior to excavation activity and after the appropriate amount is determined by Town staff.
- 8) All vehicles transporting excavated material shall have loads secured and covered at all times to prevent dust and spillage when loaded.
- 9) No fuels, lubricants or other toxic polluting chemicals or waste, building materials or rubble shall be stored or buried on-site unless in compliance with state and federal laws or rules pertaining to fuels and lubricants, or other toxic or polluting chemicals.
- 10) Prior to the removal of material at a new excavation site, topsoil material shall be stripped and stored for site restoration use when the excavation project is completed. This should be undertaken in a phased manner to minimize erosion potential. Topsoil shall be re-vegetated during the period of storage. In addition, prior to the removal of topsoil or other overburden material from any land area that has not yet been excavated, the excavator shall file a reclamation bond or other security as prescribed by the Board, sufficient to secure the reclamation of the land area to be excavated.

- 11) A visual barrier, no less than 6 feet in height, shall be maintained or provided within the buffer areas defined by Sections VI A 1), 2), and 3). Natural vegetation adjacent to neighboring properties on which excavation is not intended shall be maintained for the purposes of erosion control, dust control, screening, noise reduction, and property valuation. The Board shall have the authority to require additional screening (e.g. vegetation or fencing) where necessary. Where no effective barrier exists, planting or Board approved fencing may be required.
- 12) Where the depth of excavation will exceed fifteen (15) feet and temporary slopes will exceed 1.5:1 in grade a fence or other suitable barriers shall be erected to warn of danger or to limit access to the site.
- 13) Drainage shall be maintained so as to prevent the accumulation of free-standing water for prolonged period of time. Excavation practices which result in siltation in streams or degradation of any water supplies are prohibited.
- 14) Access roads leading to and/from the excavation site shall be paved a minimum of fifty (50) feet from the intersection of existing paved streets and roads at locations, that have been duly approved by state or local officials and in a manner that will not endanger the safety of highway users and local residents. The provisions of RSA 236:13-14 ("Highway Access") shall be adhered to by the applicant and shall be shown on the excavation plan.
- 15) The provisions for access under the development regulations of the Town shall be adhered to by the Applicant and shall be shown on the reclamation plan. Access over Class VI roads, bridges, or other public ways to be utilized in the proposed excavation shall be clearly shown on the reclamation plan. The maintenance and final condition of said roads, bridges and ways shall be defined in writing and made part of said plan. All roads must be properly maintained and swept accordingly to maintain safe access. There shall be a water truck onsite at all times for dust control.

B. Processing of Earth Material

- 1) Processing machinery shall be erected or maintained on the lot as approved within the operational plan and such machinery shall be removed from the lot upon expiration of the permit or as otherwise provided in the permit.
- 2) No earth material shall be stock piled or located outside the permitted area without prior approval by the Board.
- 3) No blasting shall occur without receiving prior approval during the permitting process.

- 4) Crushing may not be introduced without prior approval from the Board during the permitting process.

C. Backhauling, Importing and Storage of Material

- 1) Waste, building materials and rubble (i.e. “demolition and construction debris” or “C&D waste”) shall not be stored or buried on the site without written approval by the Board. If approved by the Board, the specific site location will be noted on the plan and performed in accordance with all local, state and federal regulations.
- 2) The site will not be used for storage of junk vehicles, machinery, etc. as defined in RSA 236:112.
- 3) Stumps and brush shall be allowed to be buried or stored on site so long as the stumps and tree parts are buried in a manner to preclude the development of sink hole and erosion of cover materials and will be protective of the environment, public health, and safety. Any burial or storage site must be at least 75 feet from any water supply, 25 feet from any property line, and at least 4 feet above the seasonal high water table. The burial or storage will be performed in accordance with all local, state and federal regulations. The site plan and property deed shall provide:
 - a. A statement that the property has been used for the disposal of stumps and tree parts.
 - b. The date the activity took place.
 - c. The location of the burial area(s) with sufficient specificity as to allow an independent third party to locate the area(s); and
 - d. The estimated quantity of waste disposed on the property.
- 4) Earth, concrete, and asphalt that did not originate from the site shall not be brought in, or stored upon, the site without prior approval by the Board.

D. Aquifers and Seasonal High Water Tables

- 1) Excavation over aquifers and seasonal high water tables shall be performed in accordance with the applicable Town of Hooksett Zoning Ordinance.
- 2) No excavation shall be permitted within eight (8) feet of the seasonal high water table. A waiver to such prohibition shall be granted if the applicant demonstrates that such excavation will not adversely affect water quality. Any written exception shall be recorded in the registry of deeds, one copy filed with the NH Department of Environmental Services (NHDES), and one copy filed with the Board.

- 3) The excavation shall not detrimentally affect the quality of the groundwater contained in the aquifer by directly contributing to pollution or by increasing the long-term susceptibility of the aquifer to potential pollutants.
- 4) The excavation shall not cause a significant reduction in the long-term volume of water contained in the aquifer or in the storage capacity of the aquifer.
- 5) The Board may require that the applicant provide data or reports prepared by a professional groundwater consultant to determine the seasonal high water table and to assess the potential aquifer damage caused by the proposed excavation project.

SECTION X: SITE RECLAMATION STANDARDS

- A. Within 12 months following the expiration date of a permit issued under these regulations, or of the completion of any excavation, whichever occurs first, the owner of the excavated area shall have completed the reclamation of the areas affected by the excavation to meet each of the minimum standards as detailed in RSA 155-E:5.
- B. For excavations requiring a permit, the standards contained in RSA 155-E:5 are the minimum standards, and the Board may require more stringent reclamation standards as deemed necessary by the nature and scope of the operation. The reclamation will be done in accordance with the approved plans and reclamation sequence.
 - 1) The Board, or its designee, shall periodically inspect the operations and shall perform a final reclamation inspection in order to ensure that the approved plans have been followed. Any costs associated with these inspections shall be the responsibility of the applicant.
 - 2) No slope in soil material shall be left steeper than 3:1 (three horizontal feet for each one foot of vertical drop) unless it can be demonstrated by the applicant that a steeper grade can be adequately vegetated and stabilized. In no case shall a soil material slope be left steeper than 2:1. Changes in slope shall not be abrupt but shall blend with the surrounding terrain.
 - 3) All debris, stumps, boulder, etc., shall be lawfully disposed of in a manner acceptable to the Board or its designee.
 - 4) Ground levels and grades shall be established as shown on the approved reclamation plan as soon as practical during site excavation, but not later than one year after excavation has been completed.

- 5) Stockpiled topsoil shall be spread over the disturbed area to a depth sufficient to allow establishment and maintenance of vegetation. Areas posing the most critical problems for revegetation shall be given first priority should available topsoil be limited. The disturbed area(s) shall be limed and fertilized, if necessary, and seeded with a grass or grass/legume mixture.
 - 6) If deemed necessary by the Board, suitable trees or shrubs may be planted in order to provide screening and natural beauty and to aid in erosion control. Such planted areas shall be protected from erosion during an appropriate establishment period by mulch and structural erosion control devices. All plantings must be successfully maintained for 2 years after planting.
 - 7) The character of the restored landscape shall blend with the surrounding natural features.
- C. Any excavation permit applicant that requires a RSA 485-A:17 Alteration of Terrain Permit (AOT) from the NHDES shall incorporate the requirements of these regulations, to the extent that they are more strictive, and not in conflict, with the AOT permit. Copies of all such AOT permits and update plans shall be filed with the Board.
 - D. For any excavation plan not requiring an Alteration of Terrain permit, the applicant may, in conjunction with a Town employee or agent, design a reclamation plan acceptable to the Town. Such a plan shall meet all of the criteria established by Section XII(B).
 - E. Incidental excavations that have received an exception from the Board to remove more than 1,000 cubic yards of earth shall reclaim the property in accordance with the specifications dictated by the Board.
 - F. Incremental Reclamation:

Except for excavation sites of operating stationary manufacturing plants, any excavated area of 5 contiguous acres or more which is depleted of commercial earth materials, excluded bedrock, or any excavation from which earth materials of sufficient weight or volume to be commercially useful have not been removed for a 2-year period, shall be reclaimed in accordance with RSA 155-E:5 within 12 months following such depletion of 2-year non-use, regardless of whether other excavation is occurring on adjacent land in contiguous ownership. A reclamation plan, including a reclamation timetable for the depleted areas with the reclamation site, shall be submitted to the Board for approval.

SECTION XI: PERFORMANCE GUARANTEE

- A. Prior to the granting of any permit, the applicant shall submit to the Hooksett Town Council a non-lapsing bond or other sufficient surety as determined by the Board in consultation with Town staff, or if the Board deems, a professional hired at the expense of the applicant. The purposes of the bond are to guarantee reclamation to the area, compliance with the permit

and any inspections. Off-site improvements for potential damage of Town roads or facilities caused by the transportation of earth materials shall be discussed at this stage and bonded as necessary. Surety will be reviewed at the time of periodic inspections.

- B. The surety may be phased to coincide with the phasing of work, in an amount sufficient to guarantee reclamation of the applicable section, to be released as sections are completed. Prior to a new section being opened, new securities shall be posted. The surety shall not be released until the Board is satisfied that all conditions of the site reclamation plan have been complied with and that no erosion or die off has occurred for at least two years after closure. Areas used for stockpiling and processing machinery and other non-excavation uses shall not be included in surety requirements.
- C. There are four major acceptable forms of surety: Option 1) bond issued by surety (insurance) company, Option 2) letter of credit issued by a financial institution (bank), Option 3) cash held under “escrow” agreement (cash bond), or Option 4) escrow payment per ton (or yard) removed or stockpiled (incrementally) each year with the payment to be paid annually to the Town and retained in a Town managed escrow account. Other forms of surety may be acceptable by the Board but may not create a real or potential liability for the Town other than as defined herein.
- D. Surety provided by Section XI-C; Option 4 above shall be calculated as follows: The amount of surety required shall be based on the total cost of the proposed reclamation plan (limited to the current phase where phasing is used) less the value of the material needed for back fill and final cover, and the manpower and equipment needed to complete the closure, to the extent that this material, manpower and equipment is available on site. The final amount of surety will be divided by the total tons (or yards) anticipated for removal during the life of the plan (limited to the current phase where phasing is used) to create a tonnage (or yardage) payment OR the Town may establish a minimum payment to be raised each year based on the total closure cost that is purchased from others divided by the total years (limited to the current phase where phasing is used) of approval for the plan if the contributions from this formula are greater than the contributions from the per ton (or yard) payment. The use of owner provided offsets will greatly reduce the amount needed for closure surety. To assure the availability of the material and equipment and manpower, a security interest to the benefit of the Town may be required in the stockpiled reclamation material and equipment needed. That security interested shall also provide resources for manpower to complete the closure. In the event that this agreement is entered into, and surety is provided by on-site material and equipment, the Town determined at a future date that the original agreement is insufficient for closures, the Town may reopen the amount of the performance guarantee. This option may be used in conjunction with other options.

- E. In the granting of an exception for an incidental excavation project that will remove more than 1,000 cubic yards of earth from the site, the Board may require a performance surety to ensure compliance with reclamation specifications.
- F. Other than as provided in Section XI-C, Option 4 above, the performance guarantee will be calculated as \$20,000 per acre of the phased excavation area, unless it can be demonstrated to Town staff that less is required due to stockpiled material already on site.
- G. Exceptions
 - 1) Due to the diverse nature of excavation operations which vary in scale and scope, and due to the varying conditions of the land to be excavated, the Board may, upon application and following a duly-noticed hearing, grant any exception in writing to the standards contained in Section IX and X for good cause shown. The written decision shall state specifically what requirements are being waived and include any reasonable alternatives.

SECTION XII: APPLICATION SUBMISSION ITEMS

Unless exempted by RSA 155-E:2 or Section V, any owner or owner's designee shall, prior to excavation of the land, apply to the Board for a permit for excavation.

The applicant for an excavation permit shall submit to the Board a completed application form, including a current abutters list, an excavation plan and a reclamation plan, a completed checklist with written requests for waivers or written explanation for any item not provided, any other submission documents as requested and the filing fee. Twelve copies of the complete application, excavation plan and reclamation plan shall be filed. The plans shall be at a scale of 1"=100'.

Where a NHDES Alteration of Terrain permit is required, the applicant may submit a copy of that Alteration of Terrain application and/or permit to the Board. While the Alteration of Terrain contains most of the following, the applicant shall provide supplemental items to meet the requirements of the excavation plan and reclamation plan as described below.

A. EXCAVATION PLAN

- 1) A site plan prepared by a licensed surveyor or engineer shall, at a minimum, include all of the following:
 - a. Identifying title, date, bar scale, revision block, north arrow and location map, tax map lot number and zone.
 - b. Name and address of the owner and the excavator (if different from owner);
 - c. Name(s) and address of surveyor, and designer; name, license number and seal of the NH licensed land surveyor.
 - d. Names and tax map lot numbers of all abutters to the premises on which the excavation is proposed.

- e. Location and boundaries of the proposed and any existing excavation, the area in square feet and acres to be involved in the project and the municipalities and counties in which the project lies.
 - f. Zoning district boundaries (including overlay districts) of the proposed area within 200 feet of the boundary of the project.
 - g. All areas that are in current use.
 - h. Location of existing buildings, structures, septic systems, wells and catch basins within 200 feet of the boundary of the project.
 - i. Public streets, lot lines, driveways, intersections within 200 feet of the boundary of the project.
 - j. Existing and proposed rights of way, easements, and deed restrictions within 200 feet of the boundary of the project.
 - k. Topography at contour intervals of two (2) feet or less.
 - l. All existing surface drainage patterns including wetlands and standing water.
 - m. Existing and proposed access roads, including width and surface materials.
 - n. Breadth, depth and slope of the proposed excavation and estimated duration of the project.
 - o. Elevation of the highest annual average ground water table within or next to the proposed excavation.
 - p. Estimate of the total volume of earth to be excavated.
 - q. Proposed fencing, buffers or other visual barriers, including height and materials.
 - r. All measures to control erosion, sedimentation, water pollution, air pollution and any hazards to public safety.
- 2) The following items shall also be submitted with the application:
- a. Test pit data that extends to either the high-water table, ledge or a minimum of eight (8) feet below the maximum proposed excavation depth, including location and soils data in appropriate locations to adequately assess the highest annual average water table, to be submitted by a professional geologist or other qualified individual as determined by the Board. Boring logs may be submitted separately.
 - b. Plans for storm water management.
 - c. Plans for equipment maintenance.
 - d. Methods to prevent materials from the site from being tracked onto public roadways.
 - e. Copies of all necessary state and federal permits.
 - f. Specific actions to be taken on the site relative to fuel and chemical handling and storage, dust control, traffic, noise control and abatement, and comprehensive site safety or unauthorized persons.
 - g. Such other information or other special investigative studies as the Board may be reasonable deem necessary. The Board may request these after the application submittal and prior to permit approval.

- h. Current photographs of access road(s) prior to the start of any excavation activity.
- 3) The board may also order a comprehensive environmental site assessment that may include onsite sampling at a cost to the applicant.

B. RECLAMATION PLAN

A plan for the reclamation of the area affected by the excavation at least in compliance with RSA 155-E:5 and RSA 155-E:5-a. Such plan shall address the effects of the proposed excavation on soil, surface water and groundwater, vegetation, overburden, topography and fill material and may address future land use consistent with the approved master plan and shall include a timetable for reclamation of fully depleted areas within the excavation site during said project. The Board may grant an exception to RSA 155-E:5 & RSA 155-E:5-a for good cause shown.

The reclamation plan shall also contain the following items:

- 1) Seal and signature of a licensed surveyor and engineer. The Board will accept copies of engineering drawings required by NHDES in lieu of additional drawings.
- 2) All boundaries of the area proposed for reclamation and the land within 200 feet of the boundary of the project area.
- 3) Existing topography of the project area proposed for excavation, at contour intervals of five feet or less.
- 4) Final surface drainage pattern, including the location and physical characteristics of all artificial and/or modified drainage facilities.
- 5) Timetable as to reclamation of fully depleted sites within the excavation area.
- 6) Schedule of final reclamation activities including seeding mixtures, cover vegetation, fertilizer types and application rates.
- 7) Final reclaimed topography of the excavation area at contour intervals of five feet or less.

C. OTHER INFORMATION

The Board reserves the right, per RSA 155-E:3, VII to request any other information it deems necessary to make an informed decision, or to have plans reviewed by an outside agency or other expert. According to the authority vested in the Board by RSA 155-E:11, III and RSA 675:5, IV, any reasonable expenses incurred for such information or reviews shall be charged to the applicant. Failure to pay such costs constitutes valid grounds for the Board to deny the application.

SECTION XIII: NOTICE OF EXCAVATION APPLICATION & HEARING

- A. Prior to the Board rendering a decision for an excavation permit, a public hearing shall be held, with due notifications of all abutters and the public. The procedure for holding these public hearings will be in compliance with the Rules of Procedure of the Board and in addition:
- 1) Applications for excavation permits shall be filed with the Board no later than 21 days before the next regularly scheduled Board meeting. A completed application shall consist of a completed application page, the required submission items, a completed abutters list, and the appropriate fees as required.
 - 2) A public hearing will be scheduled within 30 days after a completeness review has been completed by Town staff.
 - 3) All abutters will be notified by certified mail, not less than 5 days prior to the meeting, which the application will be submitted for acceptance. Names and address of abutters must be taken from Town records not more than five (5) days before filing the application.
 - 4) Public notice will appear in a newspaper of general circulation and in at least three public places not less than 5 days prior to the meeting.
 - 5) The notice must include the location and general description of the proposal, as well as the date, time and place of the meeting.
 - 6) If the Board determines, during the scheduled hearing, that a proposed excavation has a potential for regional impact, the Board shall not close the public hearing until after the Town has provided a copy of the application and proposed plans to the regional planning commission and all affected municipalities. All copies shall be provided by the applicant.
 - 7) Within 30 days of the close of the hearing on the application, or any continuation thereof, the Board shall make a decision approving or disapproving the application, with reasons given for disapproval. Notice of this decision shall be recorded in the minutes of the meeting and placed on file in the Town Office within 5 days.
 - 8) An applicant shall receive a copy of the decision. If the application was approved with special conditions, these conditions shall also be stated. In the event the application is disapproved, the reasons for the disapproval shall be given.

B. Fees

A filing fee to cover all administrative costs enumerated on the application shall be paid upon submission of an application for an excavation permit. Failure to pay such cost shall constitute grounds for the Board to not accept the application.

SECTION XIV: ADMINISTRATION AND ENFORCEMENT

A. Permits

- 1) Permits shall be issued only to the Applicant and shall not be transferable without the prior written consent of the Board. A copy of the permit shall be prominently displayed at the site or the principal access to the site.
- 2) A permit shall be valid for up to five years and the expiration date shall be specified. Permits may be amended in accordance with RSA 155-E: 6. A permit is automatically withdrawn if no substantial work is done on the site for a period of two years from the date of the issuance of the permit.
- 3) Excavation of earth without a valid permit is a violation of RSA 155-E and these regulations. Violators may be issued a cease-and-desist order for non-compliance.
- 4) The Board may include in the decision, permit and plan, any such reasonable conditions as are consistent with the purpose of these regulations.
- 5) The Board may establish a schedule by which all permitted sites are inspected at least annually or more frequently. Incidental excavation exceptions that will remove more than 1,000 cubic yards will have an inspection schedule as determined by the Board.
- 6) Town administration may audit the records and measure stockpiles to assure compliance with the collection of payments due under Section XI-C, method 4.

B. Conflicts

Where the provisions of this ordinance are in conflict with state or federal law or with other local regulations or ordinances, the more stringent shall apply.

C. Right of Entry & Inspections

Any permit issued hereunder or other order issued, the Board or its designee may enter upon the land and make periodic inspections of all excavation sites, or incidental excavations, to determine if the operations are in conformance with these regulations, the approved plans, or the exception criteria. The owner or operator will be contacted to arrange a mutually acceptable time for each inspection. A site inspection review letter

will be sent to the owner citing any deficiencies and providing a timeline for correction of the deficiency.

D. Written Notice of Violation

A written notice of violation shall be issued to the landowner by mail from Town staff should it be determined that conditions at the site are in violation of any of the standards or requirements of this ordinance or plans approved and that the violation is not an immediate threat to the public health, safety or welfare. The notice of violation shall:

- a. Specify the actions or conditions which violate the requirements of this ordinance or plans approved by the Board;
- b. Identify all corrective actions to be taken by the landowner;
- c. Specify a reasonable timeframe within which the violation(s) must be corrected; and,
- d. Be provided to the landowner with a copy to be kept in the official property file with the original permit.

E. Cease & Desist Order

A temporary cease & desist order may be issued to the landowner by Town staff if it is determined that conditions at the Excavation Site are in violation of any of the standards of this ordinance and the violation is:

- a. An immediate threat to public health, safety or welfare; or
- b. The landowner has failed to take corrective action as outlined in Section D above.

F. Suspensions and Revocations

The Board may suspend or revoke a permit if the Board determines that any provision of the permit has been violated, or a material misstatement made in the application upon which a permit was granted. The Board may suspend or revoke the exception for incidental excavation if the Board determines that any provision of the exception has been violated, or a material misstatement made in the exception application upon which an exception was granted. Such suspension or revocation shall be subject to a motion for rehearing thereon and appeal in accordance with these regulations.

G. Appeals

Any person affected by the Board's decision to approve or disapprove an application or any amendment thereto or any suspension or revocation of a permit, may appeal to the Board for a rehearing on such decision or any matter determined thereby. The motion for rehearing shall be filed within ten (10) days of such decision and shall fully specify every ground upon which it is alleged with that the decision or order complained of is unlawful or unreasonable. The Board shall either grant or deny the request for rehearing within ten (10) days, and if the request is granted, a rehearing shall be scheduled within thirty (30)

days. Any person affected by the Board's decision on a motion or rehearing may appeal in accordance with RSA 155-E:9 and RSA 677:4.

H. Penalties

Fines, penalties and remedies for violations of this regulation shall be as stated in RSA 155-E:10, II.

SECTION XV: SEPERABILITY

The invalidity of any provision, sentence, paragraph, etc. of this regulation shall not affect the validity of any other provision, sentence, paragraph, etc.

SECTION XVI: EFFECTIVE DATE

These regulations shall take effect upon adoption by the Board and as amended.

PUBLIC HEARING DATE _____

ADOPTED BY THE HOOKSETT TOWN COUNCIL DATE _____

**SAND AND GRAVEL
ORDINANCE # OO-14**

**SECTION 1
PURPOSE**

In order to protect the environment and to insure the public health, safety, and welfare, this ordinance is hereby adopted a means to make the land useful after and eliminate hazardous conditions during earth removal operations.

**SECTION 2
PERMIT REQUIRED**

No owner shall permit any removal of sod, loam, clay, sand, gravel or other natural or inorganic material from his premises without an excavation permit unless such removal is 1) incidental to the lawful construction or alteration of a building or structure, or the lawful construction of a parking lot or way (including driveway) on a portion of the premises where removal occurs; or 2) incidental to agricultural activities, normal landscaping or minor topographical adjustments. Otherwise, the removal of such materials or any of them from any premises in Hooksett is prohibited unless the owner is granted an excavation permit by the Board of Adjustment. When loam is being stripped from any area, a sufficient amount must be left on site to support vegetation at the end of the excavation period. This amount is to be determined by the Board of Adjustment.

**SECTION 3
APPLICATION OF PERMIT**

An applicant for an excavation permit must be signed and dated by the owner of the premises wherein any excavation is proposed and must contain at least the following information.

- A. The name and address of the owner of the land to be excavated, the person who will actually do the excavating and all abutters to the premises on which the excavation is proposed.
- B. A plan and description of the location and boundaries of the proposed excavation and the number of acres to be involved in the project.
- C. A plan and description of the access to public highways to be utilized in the proposed excavation.
- D. The breadth, depth and slope (not to be greater than 3:1 except in quarry excavations or in excavation of soil types conducive to steeper slopes) of the proposed excavation and estimated duration of the project.

- E. A statement that no excavation will be made below the elevation of the lowest abutting highway.
- F. A mining plan (i.e., the order in which the pit will be excavated).
- G. The elevation of the highest annual groundwater table within or next to the proposed excavation.
- H. A plan including the final contours of the property for the restoration of the area affected by the excavation at least in compliance with SECTION 5 including a timetable therefore as to fully depleted sites within the excavation area during said project.
- I. Such other information as the Board of Adjustment may reasonably require.

SECTION 4 PROHIBITED PROJECTS

The Board of Adjustment shall not issue an excavation permit:

- A. When the excavation would be unduly hazardous, injurious or unsightly to the public either during or after the pit operation.
- B. When the excavation is not permitted by zoning or other applicable ordinances except where the Board of Adjustment feels that a variance is warranted.
- C. For excavation within 50 feet of any public way or boundary of an objecting abutter unless a suitable screen, as determined by the Board of Adjustment, is erected so that the operation is not offensive to the public.
- D. Where existing visual barriers in the buffer strips referred to in paragraph C would be removed, except to provide access to the excavation.
- E. Where the excavation would substantially damage a known water bearing stratum so designated by the United States Soil Conservation Service or United States Geological Survey.
- F. When excavation is planned beneath or adjacent to inland surface water in such a manner that a permit is required from the Water Supply and Pollution Control Commission, the Water Resources Board, the special board on Dredge and Fill, or other state and federal agencies with jurisdiction over the premises, but the Board of Adjustment may approve the application when all necessary permits have been obtained.
- G. Where the project cannot comply with the restoration provisions of the SECTION 5.

SECTION 5 RESTORATION

Within 12 months after the expiration date of the permit therefore or the completion of each section of the mining plan, whichever occurs first, the owner of the excavated land shall restore, or cause to be restored, the area affected by the excavation to meet each of the following minimum conditions:

- A. Restoration must be safe, and sightly and must not be in conflict with the natural state of the surrounding area.
- B. All slopes must be regraded to natural repose with the type of soil, which they are composed (except quarry operations).
- C. The site must be contoured to eliminate any standing bodies of water created by the excavation, which may constitute a hazard to health or safety.
- D. Except for exposed ledge, said area shall be covered with vegetation suitable to prevent erosion and covered with soil suitable to sustain vegetation.
- E. Debris resulting from the excavation, including stumps and boulders, shall be buried or removed.

SECTION 6 PROJECT PERMIT

The Board of Adjustment may grant to the applicant conditional approval subject to a public hearing being held on the proposal as provided by SECTION 8. Following the public hearing, and excavation permit shall be issued if the Board of Adjustment determines that a permit is warranted. Said permit shall be valid for the duration of the project or until amended as specified in SECTION 7, or revoked as specified in SECTION 10. such permit may be issued subject to conditions established by the Board of Adjustment including the provision of visual barriers at the site. Upon disapproval of an application for an excavation permit, the Board of Adjustment shall state the reasons for denial, in writing, to the applicant.

SECTION 7 APPLICATION FOR AMENDMENT

When the scope of a project for which an excavation permit has been issued is proposed to be altered so as to affect either the size or location of the excavation, the rate of removal, or the amendment of his excavation permit; which application shall be subject to approval in the addition that an inspection of the current site must be made by the Board of Adjustment.

SECTION 8 HEARING

After the Board of Adjustment conditionally approves an application for an excavation permit or an application for an amended excavation permit, a public hearing shall be held on such decision or any matter determined thereby. A notice of said hearing shall be sent to all abutters, as well as the Conservation Commission, by the certified mail, return receipt requested and shall specify the grounds for the hearing as well as the date, time and place. All costs incurred for the public hearing shall be the

responsibility of the owner or agent acting on behalf of the owner and payable to the hearing.

SECTION 9 APPEAL

If the Board of Adjustment approves or disapproves an application for an excavation permit or an application for an amended permit, any person aggrieved by such decision may appeal to the Board of Adjustment for a re-hearing on such decision or any matter determined thereby. The motion for re-hearing shall fully specify every ground upon which it is alleged that the decision or order complained of is unlawful or unreasonable and said appeal shall be filed within ten (10) days of the date of the decision appealed from. The Board of Adjustment shall either grant or deny the request for a re-hearing within ten (10) days and if the request is granted a re-hearing shall be scheduled within 30 days. If the aggrieved party, in the case of a denial for re-hearing is issued, feels the reasons given are invalid, suit may be filed with the Superior Court. No excavation will be allowed until the issue is settled.

SECTION 10 REVOCATION OF PERMIT

The Board of Adjustment shall have the power to revoke a permit if the permit holder allows a change in operation of the excavation site without obtaining an amendment to his permit, pursuant to SECTION 7, or fails to comply with any of the conditions subject to which his permit was issued, or is found to have made a material misstatement in or has failed to comply with the terms of the application on which the granting of the permit is based, or fails to remit the annual permit fee. Such revocation shall be subject to a motion for a hearing thereon and appeal in accordance with the provisions of SECTIONS 8 and 9.

When a permit is revoked, the permittee shall be required to immediately comply with the conditions of the permit regarding restoration. Failure to do so shall be considered a violation of this ordinance and SECTION 13 shall apply.

SECTION 11 PERMIT FEE

A fee not to exceed Fifty Dollars (\$50.00) per year shall be charges for an excavation permit or any amended permit.

SECTION 12 BOND REQUIRED

The permits shall post a bond or other negotiable securities with the Treasurer of the Town in an amount approved by the Board of Adjustment and sufficient to guarantee conformity with SECTION 5 of this ordinance.

SECTION 13 ENFORCEMENT AND PENALTY

Any owner of land violating any provision or provisions of this ordinance shall for each day of violation, upon condition thereof, be fined and apply a penalty of not more than Fifty Dollars (\$50.00) per day for each day of violation. In addition, the Board of Adjustment or any person aggrieved thereby may seek an order that the violator cease and desist from violation of any provision of this ordinance and take such action as may be necessary to be in compliance with his permit and this ordinance.

**SECTION 14
HIGHWAY PROJECTS**

Excavation sites operated by the New Hampshire Department of Public Works and Highways, or the Highway Department of the Town of Hooksett, shall be subject to regulation by State guidelines.

**SECTION 15
EXISTING OPERATIONS**

Any owner of an existing excavation site in use as of the effective date of this ordinance shall apply for an excavation permit as provided in SECTION 3. The Board of Adjustment may issue a temporary permit, which shall be valid for 90 days and shall be issued solely to allow the owner of an existing operation to comply with this ordinance. The Board of Adjustment may grant an extension of time up to 12 months for operations considered to large to comply within the stated 90 day period.

**SECTION 16
MANUFACTURING AND PROCESSING PLANTS**

Existing manufacturing and processing plants which use earth taken from areas contiguous to such plants may be exempted from SECTION 4 but shall submit, within 60 days after the taking of earth from a new excavation site on said areas, a plan for restoration thereof in compliance with SECTION 5 and shall subject to the other requirements of this ordinance insofar as their new excavation sites are concerned.

**SECTION 17
REVIEW**

The Board of Adjustment or its agent shall conduct a site review of all outstanding excavation permits at least once every six (6) months to verify compliance with the permit as issued or amended.

**SECTION 18
EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days after passage.

ADOPTED: 03/08/77

**SAND AND GRAVEL
ORDINANCE # OO-14**

**SECTION 1
PURPOSE**

In order to protect the environment and to insure the public health, safety, and welfare, this ordinance is hereby adopted a means to make the land useful after and eliminate hazardous conditions during earth removal operations.

**SECTION 2
PERMIT REQUIRED**

No owner shall permit any removal of sod, loam, clay, sand, gravel or other natural or inorganic material from his premises without an excavation permit unless such removal is 1) incidental to the lawful construction or alteration of a building or structure, or the lawful construction of a parking lot or way (including driveway) on a portion of the premises where removal occurs; or 2) incidental to agricultural activities, normal landscaping or minor topographical adjustments. Otherwise, the removal of such materials or any of them from any premises in Hooksett is prohibited unless the owner is granted an excavation permit by the Board of Adjustment. When loam is being stripped from any area, a sufficient amount must be left on site to support vegetation at the end of the excavation period. This amount is to be determined by the Board of Adjustment.

**SECTION 3
APPLICATION OF PERMIT**

An applicant for an excavation permit must be signed and dated by the owner of the premises wherein any excavation is proposed and must contain at least the following information.

- A. The name and address of the owner of the land to be excavated, the person who will actually do the excavating and all abutters to the premises on which the excavation is proposed.
- B. A plan and description of the location and boundaries of the proposed excavation and the number of acres to be involved in the project.
- C. A plan and description of the access to public highways to be utilized in the proposed excavation.
- D. The breadth, depth and slope (not to be greater than 3:1 except in quarry excavations or in excavation of soil types conducive to steeper slopes) of the proposed excavation and estimated duration of the project.

- E. A statement that no excavation will be made below the elevation of the lowest abutting highway.
- F. A mining plan (i.e., the order in which the pit will be excavated).
- G. The elevation of the highest annual groundwater table within or next to the proposed excavation.
- H. A plan including the final contours of the property for the restoration of the area affected by the excavation at least in compliance with SECTION 5 including a timetable therefore as to fully depleted sites within the excavation area during said project.
- I. Such other information as the Board of Adjustment may reasonably require.

SECTION 4 PROHIBITED PROJECTS

The Board of Adjustment shall not issue an excavation permit:

- A. When the excavation would be unduly hazardous, injurious or unsightly to the public either during or after the pit operation.
- B. When the excavation is not permitted by zoning or other applicable ordinances except where the Board of Adjustment feels that a variance is warranted.
- C. For excavation within 50 feet of any public way or boundary of an objecting abutter unless a suitable screen, as determined by the Board of Adjustment, is erected so that the operation is not offensive to the public.
- D. Where existing visual barriers in the buffer strips referred to in paragraph C would be removed, except to provide access to the excavation.
- E. Where the excavation would substantially damage a known water bearing stratum so designated by the United States Soil Conservation Service or United States Geological Survey.
- F. When excavation is planned beneath or adjacent to inland surface water in such a manner that a permit is required from the Water Supply and Pollution Control Commission, the Water Resources Board, the special board on Dredge and Fill, or other state and federal agencies with jurisdiction over the premises, but the Board of Adjustment may approve the application when all necessary permits have been obtained.
- G. Where the project cannot comply with the restoration provisions of the SECTION 5.

SECTION 5 RESTORATION

Within 12 months after the expiration date of the permit therefore or the completion of each section of the mining plan, whichever occurs first, the owner of the excavated land shall restore, or cause to be restored, the area affected by the excavation to meet each of the following minimum conditions:

- A. Restoration must be safe, and sightly and must not be in conflict with the natural state of the surrounding area.
- B. All slopes must be regraded to natural repose with the type of soil, which they are composed (except quarry operations).
- C. The site must be contoured to eliminate any standing bodies of water created by the excavation, which may constitute a hazard to health or safety.
- D. Except for exposed ledge, said area shall be covered with vegetation suitable to prevent erosion and covered with soil suitable to sustain vegetation.
- E. Debris resulting from the excavation, including stumps and boulders, shall be buried or removed.

SECTION 6 PROJECT PERMIT

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The Board of Adjustment shall have the power to revoke a permit if the permit holder allows a change in operation of the excavation site without obtaining an amendment to his permit, pursuant to SECTION 7, or fails to comply with any of the conditions subject to which his permit was issued, or is found to have made a material misstatement in or has failed to comply with the terms of the application on which the granting of the permit is based, or fails to remit the annual permit fee. Such revocation shall be subject to a motion for a hearing thereon and appeal in accordance with the provisions of SECTIONS 8 and 9.

When a permit is revoked, the permittee shall be required to immediately comply with the conditions of the permit regarding restoration. Failure to do so shall be considered a violation of this ordinance and SECTION 13 shall apply.

SECTION 11 PERMIT FEE

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SECTION 12 BOND REQUIRED

The permits shall post a bond or other negotiable securities with the Treasurer of the Town in an amount approved by the Board of Adjustment and sufficient to guarantee conformity with SECTION 5 of this ordinance.

SECTION 13 ENFORCEMENT AND PENALTY

Any owner of land violating any provision or provisions of this ordinance shall for each day of violation, upon condition thereof, be fined and apply a penalty of not more than Fifty Dollars (\$50.00) per day for each day of violation. In addition, the Board of Adjustment or any person aggrieved thereby may seek an order that the violator cease and desist from violation of any provision of this ordinance and take such action as may be necessary to be in compliance with his permit and this ordinance.

**SECTION 14
HIGHWAY PROJECTS**

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**SECTION 15
EXISTING OPERATIONS**

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**SECTION 16
MANUFACTURING AND PROCESSING PLANTS**

Existing manufacturing and processing plants which use earth taken from areas contiguous to such plants may be exempted from SECTION 4 but shall submit, within 60 days after the taking of earth from a new excavation site on said areas, a plan for restoration thereof in compliance with SECTION 5 and shall subject to the other requirements of this ordinance insofar as their new excavation sites are concerned.

**SECTION 17
REVIEW**

The Board of Adjustment or its agent shall conduct a site review of all outstanding excavation permits at least once every six (6) months to verify compliance with the permit as issued or amended.

**SECTION 18
EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days after passage.

ADOPTED: 03/08/77

Town Council
STAFF REPORT



To: Town Council
Title: to Accept donation in the amount of \$100.00 in memory of C. Schwieger, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-b, III (b) .
Meeting: Town Council - 22 Jun 2022
Department: Police Department
Staff Contact: Janet Bouchard, Police Chief

BACKGROUND INFORMATION:

In January, 2022, C. Schwieger tragically passed away in Hooksett. His wife, T. Schwieger contacted Chief Bouchard and asked if donations could be made to the Hooksett Police Department in Mr. Schwieger's memory, in lieu of flowers. Mrs. Schwieger and Chief Bouchard decided together that the K9 Trust Fund would be appropriate. One additional check has been received in the amount of \$100.00

FINANCIAL IMPACT:

None

POLICY IMPLICATIONS:

None

SUGGESTED MOTION:

Motion to Accept donation in the amount of \$100.00 in memory of C. Schwieger, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-b, III (b) .

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the suggested motion

Town Council
STAFF REPORT



To: Town Council
Title: To accept multiple donations totaling \$415.00 in memory of Richard (Dick) Pingree to the Town of Hooksett for the Fire-Rescue Department per RSA 31:95-b,III (b)
Meeting: Town Council - 22 Jun 2022
Department: Fire and Rescue
Staff Contact: Regina Howard, Administrative Assistant

BACKGROUND INFORMATION:

The following donations were made to the Town of Hooksett Fire-Rescue Department in memory of Richard (Dick) Pingree of Hooksett, NH: \$50.00 by Roberta & Donald Skillins; \$10.00 by Affinity Investment Group, LLC; \$50.00 by Alan & Madeline Saulnier; \$50.00 by Virginia Littlefield & family; \$50.00 by Susan Ford & Paul Paoletti; \$50.00 by Douglas & Janet Stoddard; \$40.00 by Linda & Kevin Allen; \$25.00 by Joan & Henry Stenquist.

FINANCIAL IMPACT:

\$415.00 in donations to the Town of Hooksett Fire-Rescue Department

POLICY IMPLICATIONS:

None

RECOMMENDATION:

To accept the donation

SUGGESTED MOTION:

Motion to accept multiple donations totaling \$415.00 in memory of Richard (Dick) Pingree to the Town of Hooksett for the Fire-Rescue Department per RSA 31:95-b,III (b)

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the suggested motion to accept the dotation in the amount of \$415.00.

Town Council

STAFF REPORT



To: Town Council
Title: Nominations and Appointments
Meeting: Town Council - 22 Jun 2022
Department: Administration
Staff Contact: Leann McLaughlin, Project Coordinator

BACKGROUND INFORMATION:

Mike Somers has applied for a term renewal on the TIF Committee.
 Matthew Barrett has applied for a term renewals as a Business representative to the Economic Development Advisory Committee.
 John Giotas has applied for a term renewal on the Heritage Commission.
 John Pieroni has applied for a term renewal as an Alternate on the Conservation Commission.
 Philip Fitanides has applied for a term renewal as a member on the Conservation Commission.
 Mark Chagnon has applied for a term renewal as a Resident member to the Economic Development Advisory Committee.
 Richard Bairam has applied for a term renewal as a member of the Recycling and Transfer Advisory Committee.
 Gerald Hyde has applied for a term renewal as a member of the Zoning Board of Adjustment.
 Alexander Glennon has applied for a term renewal as an alternate of the Zoning Board of Adjustment.

RECOMMENDATION:

Waive Town Council rules and nominate and appoint in the same evening due to term expirations of June 30, 2022.

SUGGESTED MOTION:

Motion to waive the Town Council rules and nominate and appoint at the same meeting.
 Motion to nominate and appoint Mike Somers to the TIF Committee with a term expiring June 30, 2025.
 Motion to nominate and appoint Matthew Barrett to the Economic Development Advisory Committee with a term expiring June 30, 2025.
 Motion to nominate and appoint John Giotas to the Heritage Commission with a term expiring June 30, 2025.
 Motion to nominate and appoint John Pieroni as an Alternate to the Conservation Commission with a term expiring June 30, 2025.
 Motion to nominate and appoint Philip Fitanides to the Conservation Commission with a term expiring June 30, 2025.
 Motion to nominate and appoint Mark Chagnon to the Economic Development Advisory Committee with a term expiring June 30, 2025.
 Motion to nominate and appoint Richard Bairam to the Recycling and Transfer Advisory Committee with a term expiring June 30, 2025.
 Motion to nominate and appoint Gerald Hyde to the Zoning Board of Adjustment with a term expiring

June 30, 2025.

Motion to nominate and appoint Alexander Glennon as an Alternate to the Zoning Board of Adjustment with a term expiring June 30, 2025.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the suggested motions to nominate and appoint all of the residents for the committee positions as requested.

ATTACHMENTS:

[M. Somers Application and Fraud Policy](#)

[M. Barrett Application and Fraud Policy](#)

[J. Giotas Application and Fraud Policy](#)

[J. Pieroni Application and Fraud Policy](#)

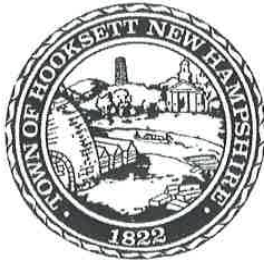
[P. Fitanides Application and Fraud Policy](#)

[M. Chagnon Application and Fraud Policy](#)

[R. Bairam Application and Fraud Policy](#)

[G. Hyde Application and Fraud Policy](#)

[A. Glennon Application and Fraud Policy](#)



Town of Hooksett

APPLICATION FOR APPOINTED TOWN BOARD POSITION

Date Submitted: 6/2/2022

Name: MIKE SOMERS Phone: 603 486-7146

Address: 64 AUBURN ROAD HOOKSETT NH 03106

Email Address: MSOMERS@NHLRA.COM

Signature: [Handwritten Signature]

Return completed form to: Town of Hooksett, 35 Main Street, Hooksett NH 03106,

Attn: Administration Department or email to lmclaughlin@hooksett.org.

I am willing to serve on the following Town Boards/Committees/Commissions. I understand if appointed, I am required to attend the regular meetings.

BOARDS, COMMISSIONS & COMMITTEES

Role Preference
Alternate, Regular, or None?

| | |
|--|-------------------|
| <input type="checkbox"/> Conservation Commission | _____ |
| <input type="checkbox"/> Economic Development Advisory Committee | _____ |
| <input type="checkbox"/> Heritage Commission | _____ |
| <input type="checkbox"/> Parks & Recreation Advisory Board | _____ |
| <input type="checkbox"/> Planning Board | _____ |
| <input type="checkbox"/> Recycling & Transfer Advisory Committee | _____ |
| <input type="checkbox"/> Town Hall Preservation Committee | _____ |
| <input type="checkbox"/> Zoning Board of Adjustment | _____ |
| <input checked="" type="checkbox"/> Other (Please specify.) | <u>TIF BOARD.</u> |

2

How long have you been a resident of Hooksett?

17 YRS.

Why are you seeking this position?

CURRENTLY HOLD

Do you have any specific goals or objectives?

Please list special skills, talents or experience pertinent to the position sought:

Please list any potential conflicts of interest you may have if appointed for a board or commission:

Please list any work, volunteer, and/or educational experience you would like to have considered:

Please list any current/prior Town board membership and the dates of service:

TIF

PLANNING BOARD

Town of Hooksett

35 Main Street
Hooksett, NH 03106

FRAUD POLICY

Recognition & Awareness Form

Acknowledgement:

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

Signature: _____

Print Name: _____

Date Signed: _____

Department Head Signature: _____

Town of Hooksett

35 Main Street
Hooksett, NH 03106

FRAUD POLICY

Section 1. Introduction

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

Section 2. Purpose

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

Section 3. Definition

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

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

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

Town of Hooksett

35 Main Street
Hooksett, NH 03106

FRAUD POLICY

Recognition & Awareness Form

Acknowledgement:

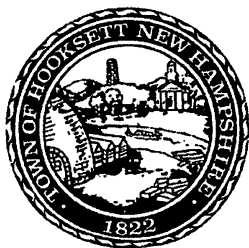
My signature signifies that I have read the Town of Hooksett's Fraud Policy and that I understand my responsibilities related to the prevention, detection and reporting of suspected misconduct and dishonesty.

Signature:  _____

Print Name: Matthew Barrett

Date Signed: 6/6/22

Department Head Signature: _____



Town of Hooksett

APPLICATION FOR APPOINTED TOWN BOARD POSITION

Date Submitted: 6/6/22
 Name: Matthew Barrett Phone: 603-668-0680 x308
 Address: 265 Timell Hill Rd., Coiffstown NH 03045
 Email Address: Matt@Barrett-Insurance.com
 Signature: [Handwritten Signature]

Return completed form to: Town of Hooksett, 35 Main Street, Hooksett NH 03106,
 Attn: Administration Department or email to lmclaughlin@hooksett.org.

I am willing to serve on the following Town Boards/Committees/Commissions. I understand if appointed, I am required to attend the regular meetings.

BOARDS, COMMISSIONS & COMMITTEES

Role Preference
 Alternate, Regular, or None?

| | |
|---|----------------|
| <input type="checkbox"/> Conservation Commission | _____ |
| <input checked="" type="checkbox"/> Economic Development Advisory Committee | <u>Regular</u> |
| <input type="checkbox"/> Heritage Commission | _____ |
| <input type="checkbox"/> Parks & Recreation Advisory Board | _____ |
| <input type="checkbox"/> Planning Board | _____ |
| <input type="checkbox"/> Recycling & Transfer Advisory Committee | _____ |
| <input type="checkbox"/> Town Hall Preservation Committee | _____ |
| <input type="checkbox"/> Zoning Board of Adjustment | _____ |
| <input type="checkbox"/> Other (Please specify.) | _____ |

2

How long have you been a resident of Hooksett?

Don't. Own Barnett Insurance. In town 51 years.

Why are you seeking this position?

Business owner in town and need to keep on top of growth in town.

Do you have any specific goals or objectives?

Grow town responsibly. Good mix of business and residential in town. Create a good tax base.

Please list special skills, talents or experience pertinent to the position sought:

Hooksett Kiwanis since 2000. Chamber member. BRT group in Manchester for past 11 years. Networking and good business skills.

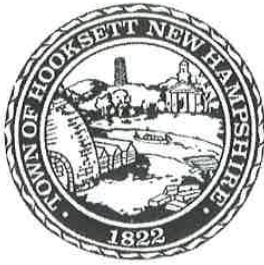
Please list any potential conflicts of interest you may have if appointed for a board or commission:

None

Please list any work, volunteer, and/or educational experience you would like to have considered:

Please list any current/prior Town board membership and the dates of service:

Economic Development Advisory Committee
2021-22.



Town of Hooksett

APPLICATION FOR APPOINTED TOWN BOARD POSITION

Date Submitted: 6/06/2022
 Name: John Giotas Phone: 603-493-6169
 Address: 306 Bicentennial Dr
 Email Address: john.giotas@gmail.com
 Signature: John Giotas

Return completed form to: Town of Hooksett, 35 Main Street, Hooksett NH 03106,
 Attn: Administration Department or email to lmclaughlin@hooksett.org.

I am willing to serve on the following Town Boards/Committees/Commissions. I understand if appointed, I am required to attend the regular meetings.

BOARDS, COMMISSIONS & COMMITTEES

| | Role Preference Alternate, Regular, or None? |
|--|--|
| <input type="checkbox"/> Conservation Commission | _____ |
| <input type="checkbox"/> Economic Development Advisory Committee | _____ |
| <input checked="" type="checkbox"/> Heritage Commission | <u>Reg.</u> |
| <input type="checkbox"/> Parks & Recreation Advisory Board | _____ |
| <input type="checkbox"/> Planning Board | _____ |
| <input type="checkbox"/> Recycling & Transfer Advisory Committee | _____ |
| <input type="checkbox"/> Town Hall Preservation Committee | _____ |
| <input type="checkbox"/> Zoning Board of Adjustment | _____ |
| <input type="checkbox"/> Other (Please specify.) | _____ |

Town of Hooksett

35 Main Street
Hooksett, NH 03106

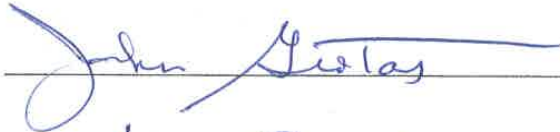
FRAUD POLICY

Recognition & Awareness Form

Acknowledgement:

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

Signature: _____



Print Name: _____



Date Signed: _____



Department Head Signature: _____



Town of Hooksett

APPLICATION FOR APPOINTED TOWN BOARD POSITION

Date Submitted: 6/7/2022
 Name: John Pieroni Phone: 603 785 2438
 Address: 26 Autumn Run
 Email Address: J.Pieroni@Comcast.net
 Signature: [Handwritten Signature]

Return completed form to: Town of Hooksett, 35 Main Street, Hooksett NH 03106,
 Attn: Administration Department or email to lmclaughlin@hooksett.org.

I am willing to serve on the following Town Boards/Committees/Commissions. I understand if appointed, I am required to attend the regular meetings.

BOARDS, COMMISSIONS & COMMITTEES

| | <u>Role Preference</u> Alternate, Regular, or None? |
|--|--|
| <input checked="" type="checkbox"/> Conservation Commission | <u>Alternate</u> |
| <input type="checkbox"/> Economic Development Advisory Committee | _____ |
| <input type="checkbox"/> Heritage Commission | _____ |
| <input type="checkbox"/> Parks & Recreation Advisory Board | _____ |
| <input type="checkbox"/> Planning Board | _____ |
| <input type="checkbox"/> Recycling & Transfer Advisory Committee | _____ |
| <input type="checkbox"/> Town Hall Preservation Committee | _____ |
| <input type="checkbox"/> Zoning Board of Adjustment | _____ |
| <input type="checkbox"/> Other (Please specify.) | _____ |

2

How long have you been a resident of Hooksett?

33 years

Why are you seeking this position?

Interested in conserving natural settings in the town

Do you have any specific goals or objectives?

No

Please list special skills, talents or experience pertinent to the position sought:

many years on different positions in the town

Please list any potential conflicts of interest you may have if appointed for a board or commission:

None

Please list any work, volunteer, and/or educational experience you would like to have considered:

Please list any current/prior Town board membership and the dates of service:

Conservation Com. Alternate

Town of Hooksett

35 Main Street
Hooksett, NH 03106

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Signature: _____

Print Name: _____

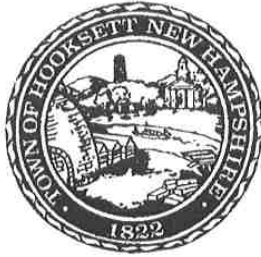
Date Signed: _____

Department Head Signature: _____

06/07/2022 12:15PM 6036062827

HOOKSETT TRADINGPOST

PAGE 05/07



Town of Hooksett

APPLICATION FOR APPOINTED TOWN BOARD POSITION

Date Submitted: _____

Name: PHILIP FITANIDES Phone: _____

Address: 1407 HOOKSETT ROAD, HOOKSETT, NH 03106

Email Address: DOCTOR NITRO10@gmail.com

Signature: Philip Fitandes 603-308 NHASP

Return completed form to: Town of Hooksett, 35 Main Street, Hooksett NH 03106,

Attn: Administration Department or email to lfuller@hooksett.org.

I am willing to serve on the following Town Boards/Committees/Commissions. I understand if appointed, I am required to attend the regular meetings.

BOARDS, COMMISSIONS & COMMITTEES

Role Preference
Alternate, Regular, or None?

☒ Conservation Commission

REGULAR

☐ Economic Development Advisory Committee

☐ Heritage Commission

☐ Parks & Recreation Advisory Board

☐ Planning Board

☐ Recycling & Transfer Advisory Committee

☐ Town Hall Preservation Committee

☐ Zoning Board of Adjustment

☐ Other (Please specify.)

06/07/2022 12:15PM 6036062827

HOOKSETT TRADINGPOST

PAGE 06/07

2

How long have you been a resident of Hooksett?

FIFTY ONE (51) YEARS

Why are you seeking this position?

PRESERVE HOOKSETT'S NATURE TRAILS
AND BIRD SANCTUARY

Do you have any specific goals or objectives?

MAKE HOOKSETT QUIETER PLACE TO LIVE
AND MORE NATURE CONSERVANCY

Please list special skills, talents or experience pertinent to the position sought:

NINETEEN YEARS (19) ON HOOKSETT
CONSERVATION COMMISSION

Please list any potential conflicts of interest you may have if appointed for a board or commission:

NONE

Please list any work, volunteer, and/or educational experience you would like to have considered:

ANY THE CHAIR WOULD LIKE ASSIGNED
AND MOSQUITO NATURALLY CONTROLLED
AND TICKS WITH DRAGONFLIES.

Please list any current/prior Town board membership and the dates of service:

HOOKSETT CONSERVATION COMMISSION

06/07/2022 12:15PM 6036062827

HOOKSETT TRADINGPOST

PAGE 07/07

Town of Hooksett

35 Main Street
Hooksett, NH 03106

FRAUD POLICY

Recognition & Awareness Form

Acknowledgement:

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Signature: *Philip Fitanides* 603-308-2125

Print Name: PHILIP FITANIDES

Date Signed: 06052022

Department Head Signature: _____



Town of Hooksett

APPLICATION FOR APPOINTED TOWN BOARD POSITION

Date Submitted: June 7, 2022
 Name: Mark Chagnon Phone: 603-341-8143
 Address: 27 Lindsay Rd
 Email Address: CHAGNONK4@AOL.COM
 Signature: Mark A Chagnon

Return completed form to: Town of Hooksett, 35 Main Street, Hooksett NH 03106,
 Attn: Administration Department or email to lmclaughlin@hooksett.org.

I am willing to serve on the following Town Boards/Committees/Commissions. I understand if appointed, I am required to attend the regular meetings.

BOARDS, COMMISSIONS & COMMITTEES

Role Preference
 Alternate, Regular, or None?

| | |
|---|----------------|
| <input type="checkbox"/> Conservation Commission | _____ |
| <input checked="" type="checkbox"/> Economic Development Advisory Committee | <u>Regular</u> |
| <input type="checkbox"/> Heritage Commission | _____ |
| <input type="checkbox"/> Parks & Recreation Advisory Board | _____ |
| <input type="checkbox"/> Planning Board | _____ |
| <input type="checkbox"/> Recycling & Transfer Advisory Committee | _____ |
| <input type="checkbox"/> Town Hall Preservation Committee | _____ |
| <input type="checkbox"/> Zoning Board of Adjustment | _____ |
| <input type="checkbox"/> Other (Please specify.) | _____ |

2

How long have you been a resident of Hooksett?

30+ years

Why are you seeking this position?

To help with positive development of this community

Do you have any specific goals or objectives?

To ensure proper growth of our town

Please list special skills, talents or experience pertinent to the position sought:

Please list any potential conflicts of interest you may have if appointed for a board or commission:

NONE

Please list any work, volunteer, and/or educational experience you would like to have considered:

Please list any current/prior Town board membership and the dates of service:

Edac, Parks & rec committees

Town of Hooksett

35 Main Street
Hooksett, NH 03106

FRAUD POLICY

Recognition & Awareness Form

Acknowledgement:

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

Signature: Mark L Chagnon

Print Name: Mark L. Chagnon

Date Signed: June 7, 2022

Department Head Signature: _____

Town of Hooksett

35 Main Street
Hooksett, NH 03106

FRAUD POLICY

Section 1. Introduction

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Section 2. Purpose

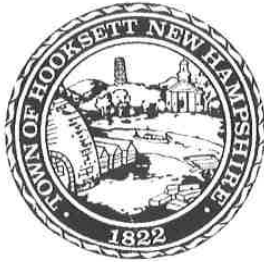
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Section 3. Definition

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

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

- Cash
 - Fraudulent Disbursements – Perpetrator causes the Town to disburse funds through some trick or device (e.g. submitting false invoices, timesheets, expense reimbursement schemes, check tampering, etc.), or prevents the timeliness of the disbursement of funds.
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 - Skimming – Cash is stolen from the Town before it is recorded on the Town's books and records.
 - Cash Larceny – Cash is stolen from an organization after it has been recorded on the Town's books and records.



Town of Hooksett

APPLICATION FOR APPOINTED TOWN BOARD POSITION

Date Submitted: 6/7/22

Name: RICHARD D BAIRAK Phone: 603-6233219

Address: 7 Farmington Rd

Email Address: R BAIRAK @ COMCAST.NET

Signature: Richard Bairak

Return completed form to: Town of Hooksett, 35 Main Street, Hooksett NH 03106,

Attn: Administration Department or email to .

I am willing to serve on the following Town Boards/Committees/Commissions. I understand if appointed, I am required to attend the regular meetings.

BOARDS, COMMISSIONS & COMMITTEES

Role Preference
Alternate, Regular, or None?

| | |
|---|-------|
| <input type="checkbox"/> Conservation Commission | _____ |
| <input type="checkbox"/> Economic Development Advisory Committee | _____ |
| <input type="checkbox"/> Heritage Commission | _____ |
| <input type="checkbox"/> Parks & Recreation Advisory Board | _____ |
| <input type="checkbox"/> Planning Board | _____ |
| <input checked="" type="checkbox"/> Recycling & Transfer Advisory Committee | _____ |
| <input type="checkbox"/> Town Hall Preservation Committee | _____ |
| <input type="checkbox"/> Zoning Board of Adjustment | _____ |
| <input type="checkbox"/> Other (Please specify.) | _____ |

2

How long have you been a resident of Hooksett?

81 yrs

Why are you seeking this position?

To help Hooksett

Do you have any specific goals or objectives?

NO

Please list special skills, talents or experience pertinent to the position sought:

Please list any potential conflicts of interest you may have if appointed for a board or commission:

Please list any work, volunteer, and/or educational experience you would like to have considered:

Please list any current/prior Town board membership and the dates of service:

ZBA CURRENT

SEWER COMMISSION 2008 - PRESENT

CENTRAL WATER 2016 - PRESENT

Town of Hooksett

35 Main Street
Hooksett, NH 03106

FRAUD POLICY

Recognition & Awareness Form

Acknowledgement:

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

Signature: Richard Bairam

Print Name: RICHARD BAIRAM

Date Signed: 6/9/22

Department Head Signature: _____

Town of Hooksett

35 Main Street
Hooksett, NH 03106

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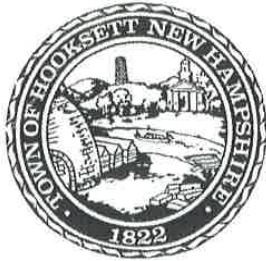
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Town of Hooksett

APPLICATION FOR APPOINTED TOWN BOARD POSITION

Date Submitted: 6/8/22
 Name: Gerald Hyde Phone: 603-289-4234
 Address: 49 Presco Heights Rd., Hooksett NH 03106
 Email Address: gedonred76@comcast.net
 Signature: [Signature]

Return completed form to: Town of Hooksett, 35 Main Street, Hooksett NH 03106,
 Attn: Administration Department or email to lmclaughlin@hooksett.org.

I am willing to serve on the following Town Boards/Committees/Commissions. I understand if appointed, I am required to attend the regular meetings.

BOARDS, COMMISSIONS & COMMITTEES

| | Role Preference Alternate, Regular, or None? |
|--|--|
| <input type="checkbox"/> Conservation Commission | _____ |
| <input type="checkbox"/> Economic Development Advisory Committee | _____ |
| <input type="checkbox"/> Heritage Commission | _____ |
| <input type="checkbox"/> Parks & Recreation Advisory Board | _____ |
| <input type="checkbox"/> Planning Board | _____ |
| <input type="checkbox"/> Recycling & Transfer Advisory Committee | _____ |
| <input type="checkbox"/> Town Hall Preservation Committee | _____ |
| <input checked="" type="checkbox"/> Zoning Board of Adjustment | <u>regular</u> |
| <input type="checkbox"/> Other (Please specify.) | _____ |

How long have you been a resident of Hooksett?

15 yrs.

Why are you seeking this position?

Been doing it for a long time, would like to continue.
I don't plan on leaving Hooksett and would like to do
my part for the town

Do you have any specific goals or objectives?

Doing what's best for land owners and the town.

Please list special skills, talents or experience pertinent to the position sought:

12 yrs on this board, 10 yrs Real Estate title examination

Please list any potential conflicts of interest you may have if appointed for a board or commission:

N/A

Please list any work, volunteer, and/or educational experience you would like to have considered:

BS History Philosophy
10 yrs as real estate title examination

Please list any current/prior Town board membership and the dates of service:

ZBA 2007-2010?
2010 ?

Town of Hooksett

35 Main Street
Hooksett, NH 03106

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Signature: _____

Print Name: _____

Date Signed: _____

Department Head Signature: _____

Town of Hooksett

35 Main Street
Hooksett, NH 03106

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Town of Hooksett

APPLICATION FOR APPOINTED TOWN BOARD POSITION

Date Submitted: June 8th, 2022
 Name: Alexander Glenon Phone: 603-203-4180
 Address: 10 Sunnyside St. Hooksett, NH 03106
 Email Address: ALEXXG2080@gmail
 Signature: [Signature]

Return completed form to: Town of Hooksett, 35 Main Street, Hooksett NH 03106,
 Attn: Administration Department or email to lmclaughlin@hooksett.org.

I am willing to serve on the following Town Boards/Committees/Commissions. I understand if appointed, I am required to attend the regular meetings.

BOARDS, COMMISSIONS & COMMITTEES

| | <u>Role Preference</u> Alternate, Regular, or None? |
|--|--|
| <input type="checkbox"/> Conservation Commission | <u> </u> |
| <input type="checkbox"/> Economic Development Advisory Committee | <u> </u> |
| <input type="checkbox"/> Heritage Commission | <u> </u> |
| <input type="checkbox"/> Parks & Recreation Advisory Board | <u> </u> |
| <input type="checkbox"/> Planning Board | <u> </u> |
| <input type="checkbox"/> Recycling & Transfer Advisory Committee | <u> </u> |
| <input type="checkbox"/> Town Hall Preservation Committee | <u> </u> |
| <input checked="" type="checkbox"/> Zoning Board of Adjustment | <u>Alternate</u> |
| <input type="checkbox"/> Other (Please specify.) | <u> </u> |

How long have you been a resident of Hooksett?

2.5 years

Why are you seeking this position?

To continue to remain active within the Town's zoning regulations. Additionally, contribute to decisions which will have a positive impact on the Town's well-being of the public.

Do you have any specific goals or objectives?

To continue to learn about the zoning ordinance and ZBA regulations. Actively participate in discussions and decisions pertaining to zoning.

Please list special skills, talents or experience pertinent to the position sought:

My ability to objectively listen to applicants requests.

I have been serving on the Hooksett ZBA for the past year and have learned a considerable amount about zoning regulations.

Please list any potential conflicts of interest you may have if appointed for a board or commission:

None.

Please list any work, volunteer, and/or educational experience you would like to have considered:

B.S. - Plymouth State University: Business Administration

Please list any current/prior Town board membership and the dates of service:

Current alternate on the Hooksett Zoning Board of Adjustment.
- July 2021 to June 2022

Town of Hooksett

35 Main Street
Hooksett, NH 03106

FRAUD POLICY

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Signature: _____

Print Name: _____

Date Signed: _____

Department Head Signature: _____

Town of Hooksett

35 Main Street
Hooksett, NH 03106

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Town Council STAFF REPORT



To: Town Council
Title: ARPA Committee Project List and Ranking (tabled at 5/25/22 meeting)
Meeting: Town Council - 22 Jun 2022
Department: Administration
Staff Contact: Leann McLaughlin, Project Coordinator

BACKGROUND INFORMATION:

July 7, 2021

R. Lapierre motioned to accept the Local Fiscal Recovery Funds in the amount of \$1,522,397.00 354 of the American Rescue Plan Act in accordance with NH RSA 31:95-b. seconded by D. Boutin.

November 17, 2021

J. Sullivan motioned to form a subcommittee to review, research and suggest appropriate 795 projects to be funded from the ARPA funds seconded by C. Karolian.

April 27, 2022

D. Boutin motioned that we get a complete list of projects proposed by the subcommittee 292 seconded by J. Durand.

“Final Rule” guidance from the U.S. Treasury on January 27, 2022

“...funds may only be used for costs incurred within a specific time period, beginning March 3, 2021, with all funds obligated by December 31, 2024 and all funds spent by December 31, 2026.”

DEPARTMENT OF THE TREASURY

31 CFR Part 35

RIN 1505–AC77

Coronavirus State and Local Fiscal Recovery Funds

ARPA Subcommittee Process:

Sources of projects for consideration

- Public Input
- CIP Plan
- Town Administrator
- Other town committees
- Individual councilors

Rank of projects conducted at May 6, 2022 Subcommittee meeting:

| Project | Projected Cost | Rank |
|-------------------------------|----------------|------|
| Sherwood Drainage Project | 30000 | 1 |
| Corriveau Dr Drainage Project | 40000 | 2 |

| Project | Projected Cost | Rank |
|--|----------------|------|
| Petersbrook Scoreboard Install | 18500 | 3 |
| River Walk Phase IV | 270000 | 4 |
| DPW Van Replacement | 40000 | 5 |
| Town Offices Projects - Automatic Generator Switch | 25000 | 6 |
| Lincoln Heights Drainage Study | 150000 | 7 |
| Sherwood Drainage Phase II Study | 100000 | 8 |
| Farmer Rd Water Project | 400000 | 9 |
| Petersbrook Lighting Phase II | 400000 | 10 |
| Petersbrook Clubhouse | 500000 | 11 |
| Solar Project Phase I Study | 75000 | 12 |
| Donati Bridge Replacement | 100000 | 13 |
| Future TIF Project | 600000 | 14 |
| Town Council Sound Project | 6000 | 15 |
| Town Offices Optimization | 10000 | 16 |
| Old Town Hall Project Planning | 20000 | 17 |
| Tax Office Software Upgrade | 45000 | 18 |
| Safety Dept Gyms Upgrades | 46000 | 19 |

FINANCIAL IMPACT:

The town has allocated \$107,500 of the \$1,522,397, the remainder of which needs to be obligated by December 31, 2024 and expended by December 31, 2026.

RECOMMENDATION:

Remove from the table and then discuss the projects presented and ask questions to the appropriate representatives for each project.

SUGGESTED MOTION:

Motion to remove from the table.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Review and discuss the results of the ARPA Committee's recommendations for the use of the remaining ARPA funds allocated to Hooksett in 2021 and 2022.

ATTACHMENTS:

[ARPA Subcommittee Minutes 05.06.22](#)
[SLFRF-Final-Rule-Overview](#)

**ARPA – Local Fiscal Recovery Fund Subcommittee
Town of Hooksett Municipal Building
Council Chambers
Friday, May 6, 2022
Meeting Minutes**

CALL TO ORDER

Chair Lapierre called the meeting to order at 9:02 am.

PROOF OF POSTING

Leann McLaughlin, Project Coordinator, provided proof of posting.

ATTENDANCE

Chairman Councilor Randall Lapierre, Councilor Tim Tsantoulis, Councilor David Ross

Staff: Leann McLaughlin- Project Coordinator; Christine Tewksbury- Finance Director; Thomas Bartula, Acting Director – DPW

PUBLIC INPUT

OLD BUSINESS

NEW BUSINESS

▪ **Ranking of Potential Projects**

Councilor Randall Lapierre offered to present a rundown of the proposed projects to Council Ross since this is his first meeting. Councilor Ross expressed his disappointment that he did not receive any background information prior to the meeting. Councilor Lapierre explained that Departments and Committees have provided backup multiple times to the members of the subcommittee. He reminded the group that the full Town Council requested a ranking of the projects be presented at the second meeting in May. Since the full Town Council requested that information, the rankings must be completed at this meeting to provide that to the Town Council on May 25.

Councilor Ross is concerned with the methods used to determine which projects should be on the list. Councilor Ross explained his understanding of the use of the ARPA funds. The funds are for relief for people who suffered because of the shutdowns. For example, police vehicles were held back because there were concerns about funding. The people in town are the ones who have possession of these funds. Councilor Ross states that projects with benefits to residents should be priority. As far as community items, Councilor Ross asked if anyone had thought about the Churches or reached out to them. Due to less attendance, donations dropped off, but incoming bills did not.

Councilor Lapierre thanked Councilor Ross for his input. Council Lapierre then explained the items that were included and why. The use of ARPA funds can't be used for projects that were already committed through a Warrant Article because the funding sources for those projects were explicitly discussed on the Warrant Article. On the list, there is a "Future TIF Project". It was determined that if money is put towards the TIF expansion of water and sewer, \$600,000 would be earmarked for a future project that is undefined and pay for that project with the ARPA funds. Remembering that they must be committed by

the end of 2024 and utilized by the end of 2026. Councilor Lapierre requested to complete the ranking by reading each project on the list and each Councilor will vote if the project seems high or low on the priority list.

Councilor Ross explained that he did not feel comfortable ranking any projects today because he has not heard any discussions and does not know how these projects were presented. He did not receive a copy of previous minutes or an actual copy of the defined funds and uses as provided by the government. Councilor Lapierre stated that all that information is online. Councilor Ross said that paper is his preferred method of receiving information. Councilor Ross felt unprepared and said it was not his fault. Councilor Tsantoulis agreed with the unprepared part but does not agree that it is at the fault of the subcommittee. There is a responsibility of the individual to do their homework. Councilor Tsantoulis explained that the subcommittee's goal of this meeting is to rank these projects. Councilor Ross felt that it was an exercise of utility, and he was just there to fill a seat. The reason he agreed to be on the subcommittee is because he cares about this. Councilor Ross stated that this does not need to be done in a hurry. In November, he suggested to create a subcommittee to slow down the process. Councilor Lapierre agreed that this should not be rushed. However, the full Town Council voted to request a ranking by the second meeting in May. There is a deadline to meet based on the Town Council vote and the subcommittee is bound by that.

- Future TIF Project \$600,000
 - Councilor Ross: Low; Councilor Tsantoulis: High; Councilor Lapierre: Low
- Town Gyms Upgrades (Safety Center and Station 1) \$46,000
 - Councilor Ross: Low; Councilor Tsantoulis: Low; Councilor Lapierre: Low
- Farmer Rd Water Project \$400,000
 - Councilor Ross: High; Councilor Tsantoulis: Low; Councilor Lapierre: Low
- Petersbrook Lighting Phase II \$400,000
 - Councilor Ross: Low; Councilor Tsantoulis: Low; Councilor Lapierre: High
- Petersbrook Scoreboard Installation \$18,500
 - Councilor Ross: High; Councilor Tsantoulis: High; Councilor Lapierre: High
- Town Office Generator Automatic Transfer Switch \$25,000
 - Councilor Ross: High; Councilor Tsantoulis: High; Councilor Lapierre: Low
- Old Town Hall Project \$20,000
 - Councilor Ross: Low; Councilor Tsantoulis: Low; Councilor Lapierre: Low
- Council Chambers Sound Project \$6,000
 - Councilor Ross: Low; Councilor Tsantoulis: High; Councilor Lapierre: Low
- Town Clerk/Tax Collector Software Upgrade \$45,000
 - Councilor Ross: Low; Councilor Tsantoulis: Low; Councilor Lapierre: Low
- Merrimack Riverwalk Trail Phase IV \$270,000
 - Councilor Ross: High; Councilor Tsantoulis: High; Councilor Lapierre: High
- DPW Van \$40,000
 - Councilor Ross: High; Councilor Tsantoulis: High; Councilor Lapierre: Low
- Administration Offices Project \$10,000
 - Councilor Ross: Low; Councilor Tsantoulis: Low; Councilor Lapierre: Low
- Sherwood Drive Drainage Issue \$30,000
 - Councilor Ross: High; Councilor Tsantoulis: High; Councilor Lapierre: High
- Corriveau Drive Drainage Issue \$40,000
 - Councilor Ross: High; Councilor Tsantoulis: High; Councilor Lapierre: High

- Sherwood Drive Drainage #2 \$100,000
 - Councilor Ross: Abstained; Councilor Tsantoulis: High; Councilor Lapierre: Low
- Lincoln Heights Drainage \$150,000
 - Councilor Ross: Abstained; Councilor Tsantoulis: Low; Councilor Lapierre: High
- Donati Bridge \$100,000
 - Councilor Ross: Low; Councilor Tsantoulis: High; Councilor Lapierre: Low

(Tom Bartula explained that the Town Engineer is working on possible donations from the Sewer Commission and other businesses to replace the bridge. Councilor Lapierre recommended staff come back to the subcommittee should they need a smaller amount of funds to complete the project.)

- Petersbrook Clubhouse \$500,000
 - Councilor Ross: Low; Councilor Tsantoulis: High; Councilor Lapierre: Low
- Solar Project Design \$75,000
 - Councilor Ross: Low; Councilor Tsantoulis: High; Councilor Lapierre: Low

The subcommittee then reviewed which projects were rated at the highest level and which were the lowest. The subcommittee completed the following ranking:

| Project | Projected Cost | Rank |
|--------------------------------|----------------|------|
| Sherwood Drainage #1 | 30000 | 1 |
| Corriveau Dr Drainage | 40000 | 2 |
| Petersbrook Scoreboard Install | 18500 | 3 |
| River Walk Phase IV | 270000 | 4 |
| DPW Van | 40000 | 5 |
| Town Offices Projects - Gen | 25000 | 6 |
| Lincoln Heights Drainage | 150000 | 7 |
| Sherwood Drainage #2 | 100000 | 8 |
| Farmer Rd Water Project | 400000 | 9 |
| Petersbrook Lighting Phase II | 400000 | 10 |
| Petersbrook Clubhouse | 500000 | 11 |
| Solar Project Phase I | 75000 | 12 |
| Donati Bridge | 100000 | 13 |
| Future TIF Project | 600000 | 14 |
| Town Council Sound Project | 6000 | 15 |
| Town office upgrade | 10000 | 16 |
| Old Town Hall Project | 20000 | 17 |
| Tax Office Software Upgrade | 45000 | 18 |
| Safety Dept Gyms Upgrades | 46000 | 19 |

APPROVAL OF MINUTES

Staff was unable to provide the minutes prior to the meeting. The April 15, 2022, minutes will be reviewed and voted on at the next meeting.

PUBLIC INPUT

ADJOURNMENT

R. Lapierre motioned to adjourn at 9:53 am. T. Tsantoulis seconded the motion. Voted unanimously in favor.

Minutes respectfully submitted by

Leann McLaughlin
Project Coordinator



Coronavirus State & Local Fiscal Recovery Funds: Overview of the Final Rule

U.S. DEPARTMENT OF THE TREASURY

January 2022



U.S. DEPARTMENT OF THE TREASURY

The Overview of the Final Rule provides a summary of major provisions of the final rule for informational purposes and is intended as a brief, simplified user guide to the final rule provisions.

The descriptions provided in this document summarize key provisions of the final rule but are non-exhaustive, do not describe all terms and conditions associated with the use of SLFRF, and do not describe all requirements that may apply to this funding. Any SLFRF funds received are also subject to the terms and conditions of the agreement entered into by Treasury and the respective jurisdiction, which incorporate the provisions of the final rule and the guidance that implements this program.



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Introduction

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF), a part of the American Rescue Plan, delivers \$350 billion to state, local, and Tribal governments across the country to support their response to and recovery from the COVID-19 public health emergency. The program ensures that governments have the resources needed to:

- Fight the pandemic and support families and businesses struggling with its public health and economic impacts,
- Maintain vital public services, even amid declines in revenue, and
- Build a strong, resilient, and equitable recovery by making investments that support long-term growth and opportunity.

EARLY PROGRAM IMPLEMENTATION

In May 2021, Treasury published the Interim final rule (IFR) describing eligible and ineligible uses of funds (as well as other program provisions), sought feedback from the public on these program rules, and began to distribute funds. The IFR went immediately into effect in May, and since then, governments have used SLFRF funds to meet their immediate pandemic response needs and begin building a strong and equitable recovery, such as through providing vaccine incentives, development of affordable housing, and construction of infrastructure to deliver safe and reliable water.

As governments began to deploy this funding in their communities, Treasury carefully considered the feedback provided through its public comment process and other forums. Treasury received over 1,500 comments, participated in hundreds of meetings, and received correspondence from a wide range of governments and other stakeholders.

KEY CHANGES AND CLARIFICATIONS IN THE FINAL RULE

The final rule delivers broader flexibility and greater simplicity in the program, responsive to feedback in the comment process. Among other clarifications and changes, the final rule provides the features below.

Replacing Lost Public Sector Revenue

The final rule offers a standard allowance for revenue loss of up to \$10 million, allowing recipients to select between a standard amount of revenue loss or complete a full revenue loss calculation. Recipients that select the standard allowance may use that amount – in many cases their full award – for government services, with streamlined reporting requirements.

Public Health and Economic Impacts

In addition to programs and services, the final rule clarifies that recipients can use funds for capital expenditures that support an eligible COVID-19 public health or economic response. For example, recipients may build certain affordable housing, childcare facilities, schools, hospitals, and other projects consistent with final rule requirements.

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In addition, the final rule provides an expanded set of households and communities that are presumed to be “impacted” and “disproportionately impacted” by the pandemic, thereby allowing recipients to provide responses to a broad set of households and entities without requiring additional analysis. Further, the final rule provides a broader set of uses available for these communities as part of COVID-19 public health and economic response, including making affordable housing, childcare, early learning, and services to address learning loss during the pandemic eligible in all impacted communities and making certain community development and neighborhood revitalization activities eligible for disproportionately impacted communities.

Further, the final rule allows for a broader set of uses to restore and support government employment, including hiring above a recipient’s pre-pandemic baseline, providing funds to employees that experienced pay cuts or furloughs, avoiding layoffs, and providing retention incentives.

Premium Pay

The final rule delivers more streamlined options to provide premium pay, by broadening the share of eligible workers who can receive premium pay without a written justification while maintaining a focus on lower-income and frontline workers performing essential work.

Water, Sewer & Broadband Infrastructure

The final rule significantly broadens eligible broadband infrastructure investments to address challenges with broadband access, affordability, and reliability, and adds additional eligible water and sewer infrastructure investments, including a broader range of lead remediation and stormwater management projects.

FINAL RULE EFFECTIVE DATE

The final rule takes effect on April 1, 2022. Until that time, the interim final rule remains in effect; funds used consistently with the IFR while it is in effect are in compliance with the SLFRF program.

However, recipients can choose to take advantage of the final rule’s flexibilities and simplifications now, even ahead of the effective date. Treasury will not take action to enforce the interim final rule to the extent that a use of funds is consistent with the terms of the final rule, regardless of when the SLFRF funds were used. Recipients may consult the *Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule*, which can be found on Treasury’s website, for more information on compliance with the interim final rule and the final rule.



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Overview of the Program

The Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program provides substantial flexibility for each jurisdiction to meet local needs within the four separate eligible use categories. This Overview of the Final Rule addresses the four eligible use categories ordered from the broadest and most flexible to the most specific.

Recipients may use SLFRF funds to:

- **Replace lost public sector revenue**, using this funding to provide government services up to the amount of revenue loss due to the pandemic.
 - Recipients may determine their revenue loss by choosing between two options:
 - A standard allowance of up to \$10 million in aggregate, not to exceed their award amount, during the program;
 - Calculating their jurisdiction's specific revenue loss each year using Treasury's formula, which compares actual revenue to a counterfactual trend.
 - Recipients may use funds up to the amount of revenue loss for government services; generally, services traditionally provided by recipient governments are government services, unless Treasury has stated otherwise.
- **Support the COVID-19 public health and economic response** by addressing COVID-19 and its impact on public health as well as addressing economic harms to households, small businesses, nonprofits, impacted industries, and the public sector.
 - Recipients can use funds for programs, services, or capital expenditures that respond to the public health and negative economic impacts of the pandemic.
 - To provide simple and clear eligible uses of funds, Treasury provides a list of enumerated uses that recipients can provide to households, populations, or classes (i.e., groups) that experienced pandemic impacts.
 - Public health eligible uses include COVID-19 mitigation and prevention, medical expenses, behavioral healthcare, and preventing and responding to violence.
 - Eligible uses to respond to negative economic impacts are organized by the type of beneficiary: assistance to households, small businesses, and nonprofits.
 - Each category includes assistance for "impacted" and "disproportionately impacted" classes: impacted classes experienced the general, broad-based impacts of the pandemic, while disproportionately impacted classes faced meaningfully more severe impacts, often due to preexisting disparities.
 - To simplify administration, the final rule presumes that some populations and groups were impacted or disproportionately impacted and are eligible for responsive services.

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- Eligible uses for assistance to impacted households include aid for re-employment, job training, food, rent, mortgages, utilities, affordable housing development, childcare, early education, addressing learning loss, and many more uses.
- Eligible uses for assistance to impacted small businesses or nonprofits include loans or grants to mitigate financial hardship, technical assistance for small businesses, and many more uses.
- Recipients can also provide assistance to impacted industries like travel, tourism, and hospitality that faced substantial pandemic impacts, or address impacts to the public sector, for example by re-hiring public sector workers cut during the crisis.
- Recipients providing funds for enumerated uses to populations and groups that Treasury has presumed eligible are clearly operating consistently with the final rule. Recipients can also identify (1) other populations or groups, beyond those presumed eligible, that experienced pandemic impacts or disproportionate impacts and (2) other programs, services, or capital expenditures, beyond those enumerated, to respond to those impacts.
- **Provide premium pay for eligible workers performing essential work**, offering additional support to those who have and will bear the greatest health risks because of their service in critical sectors.
 - Recipients may provide premium pay to eligible workers – generally those working in-person in key economic sectors – who are below a wage threshold or non-exempt from the Fair Labor Standards Act overtime provisions, or if the recipient submits justification that the premium pay is responsive to workers performing essential work.
- **Invest in water, sewer, and broadband infrastructure**, making necessary investments to improve access to clean drinking water, to support vital wastewater and stormwater infrastructure, and to expand affordable access to broadband internet.
 - Recipients may fund a broad range of water and sewer projects, including those eligible under the EPA’s Clean Water State Revolving Fund, EPA’s Drinking Water State Revolving Fund, and certain additional projects, including a wide set of lead remediation, stormwater infrastructure, and aid for private wells and septic units.
 - Recipients may fund high-speed broadband infrastructure in areas of need that the recipient identifies, such as areas without access to adequate speeds, affordable options, or where connections are inconsistent or unreliable; completed projects must participate in a low-income subsidy program.

While recipients have considerable flexibility to use funds to address the diverse needs of their communities, some restrictions on use apply across all eligible use categories. These include:

- **For states and territories:** No offsets of a reduction in net tax revenue resulting from a change in state or territory law.

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- **For all recipients except for Tribal governments:** No extraordinary contributions to a pension fund for the purpose of reducing an accrued, unfunded liability.
- **For all recipients:** No payments for debt service and replenishments of rainy day funds; no satisfaction of settlements and judgments; no uses that contravene or violate the American Rescue Plan Act, Uniform Guidance conflicts of interest requirements, and other federal, state, and local laws and regulations.

Under the SLFRF program, funds must be used for costs incurred on or after March 3, 2021. Further, funds must be obligated by December 31, 2024, and expended by December 31, 2026. This time period, during which recipients can expend SLFRF funds, is the “period of performance.”

In addition to SLFRF, the American Rescue Plan includes other sources of funding for state and local governments, including the [Coronavirus Capital Projects Fund](#) to fund critical capital investments including broadband infrastructure; the [Homeowner Assistance Fund](#) to provide relief for our country’s most vulnerable homeowners; the [Emergency Rental Assistance Program](#) to assist households that are unable to pay rent or utilities; and the [State Small Business Credit Initiative](#) to fund small business credit expansion initiatives. Eligible recipients are encouraged to visit the Treasury website for more information.



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Replacing Lost Public Sector Revenue

The Coronavirus State and Local Fiscal Recovery Funds provide needed fiscal relief for recipients that have experienced revenue loss due to the onset of the COVID-19 public health emergency. Specifically, SLFRF funding may be used to pay for “government services” in an amount equal to the revenue loss experienced by the recipient due to the COVID-19 public health emergency.

Government services generally include any service traditionally provided by a government, including construction of roads and other infrastructure, provision of public safety and other services, and health and educational services. Funds spent under government services are subject to streamlined reporting and compliance requirements.

In order to use funds under government services, recipients should first determine revenue loss. They may, then, spend up to that amount on general government services.

DETERMINING REVENUE LOSS

Recipients have two options for how to determine their amount of revenue loss. Recipients must choose one of the two options and cannot switch between these approaches after an election is made.

- 1. Recipients may elect a “standard allowance” of \$10 million to spend on government services through the period of performance.**

Under this option, which is newly offered in the final rule Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund “government services.” The standard allowance provides an estimate of revenue loss that is based on an extensive analysis of average revenue loss across states and localities, and offers a simple, convenient way to determine revenue loss, particularly for SLFRF’s smallest recipients.

All recipients may elect to use this standard allowance instead of calculating lost revenue using the formula below, including those with total allocations of \$10 million or less. Electing the standard allowance does not increase or decrease a recipient’s total allocation.

- 2. Recipients may calculate their actual revenue loss according to the formula articulated in the final rule.**

Under this option, recipients calculate revenue loss at four distinct points in time, either at the end of each calendar year (e.g., December 31 for years 2020, 2021, 2022, and 2023) or the end of each fiscal year of the recipient. Under the flexibility provided in the final rule, recipients can choose whether to use calendar or fiscal year dates but must be consistent throughout the period of performance. Treasury has also provided several adjustments to the definition of general revenue in the final rule.

To calculate revenue loss at each of these dates, recipients must follow a four-step process:

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- a. Calculate revenues collected in the most recent full fiscal year prior to the public health emergency (i.e., last full fiscal year before January 27, 2020), called the *base year revenue*.
- b. Estimate *counterfactual revenue*, which is equal to the following formula, where n is the number of months elapsed since the end of the base year to the calculation date:

$$\text{base year revenue} \times (1 + \text{growth adjustment})^{\frac{n}{12}}$$

The *growth adjustment* is the greater of either a standard growth rate—5.2 percent—or the recipient's average annual revenue growth in the last full three fiscal years prior to the COVID-19 public health emergency.

- c. Identify *actual revenue*, which equals revenues collected over the twelve months immediately preceding the calculation date.

Under the final rule, recipients must adjust actual revenue totals for the effect of tax cuts and tax increases that are adopted after the date of adoption of the final rule (January 6, 2022). Specifically, the estimated fiscal impact of tax cuts and tax increases adopted after January 6, 2022, must be added or subtracted to the calculation of actual revenue for purposes of calculation dates that occur on or after April 1, 2022.

Recipients may subtract from their calculation of actual revenue the effect of tax increases enacted prior to the adoption of the final rule. Note that recipients that elect to remove the effect of tax increases enacted before the adoption of the final rule must also remove the effect of tax decreases enacted before the adoption of the final rule, such that they are accurately removing the effect of tax policy changes on revenue.

- d. Revenue loss for the calculation date is equal to *counterfactual revenue* minus *actual revenue* (adjusted for tax changes) for the twelve-month period. If actual revenue exceeds counterfactual revenue, the loss is set to zero for that twelve-month period. Revenue loss for the period of performance is the sum of the revenue loss on for each calculation date.

The supplementary information in the final rule provides an example of this calculation, which recipients may find helpful, in the Revenue Loss section.



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SPENDING ON GOVERNMENT SERVICES

Recipients can use SLFRF funds on government services up to the revenue loss amount, whether that be the standard allowance amount or the amount calculated using the above approach. **Government services generally include *any service traditionally provided by a government***, unless Treasury has stated otherwise. Here are some common examples, although this list is not exhaustive:

- ✓ Construction of schools and hospitals
- ✓ Road building and maintenance, and other infrastructure
- ✓ Health services
- ✓ General government administration, staff, and administrative facilities
- ✓ Environmental remediation
- ✓ Provision of police, fire, and other public safety services (including purchase of fire trucks and police vehicles)

Government services is the most flexible eligible use category under the SLFRF program, and funds are subject to streamlined reporting and compliance requirements. Recipients should be mindful that certain restrictions, which are detailed further in the Restrictions on Use section and apply to all uses of funds, apply to government services as well.



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Responding to Public Health and Economic Impacts of COVID-19

The Coronavirus State and Local Fiscal Recovery Funds provide resources for governments to meet the public health and economic needs of those impacted by the pandemic in their communities, as well as address longstanding health and economic disparities, which amplified the impact of the pandemic in disproportionately impacted communities, resulting in more severe pandemic impacts.

The eligible use category to respond to public health and negative economic impacts is organized around the types of assistance a recipient may provide and includes several sub-categories:

- public health,
- assistance to households,
- assistance to small businesses,
- assistance to nonprofits,
- aid to impacted industries, and
- public sector capacity.

In general, to identify eligible uses of funds in this category, recipients should (1) identify a COVID-19 public health or economic impact on an individual or class (i.e., a group) and (2) design a program that responds to that impact. Responses should be related and reasonably proportional to the harm identified and reasonably designed to benefit those impacted.

To provide simple, clear eligible uses of funds that meet this standard, Treasury provides a non-exhaustive list of enumerated uses that respond to pandemic impacts. Treasury also presumes that some populations experienced pandemic impacts and are eligible for responsive services. In other words, recipients providing enumerated uses of funds to populations presumed eligible are clearly operating consistently with the final rule.¹

Recipients also have broad flexibility to (1) identify and respond to other pandemic impacts and (2) serve other populations that experienced pandemic impacts, beyond the enumerated uses and presumed eligible populations. Recipients can also identify groups or “classes” of beneficiaries that experienced pandemic impacts and provide services to those classes.

¹ However, please note that use of funds for enumerated uses may not be grossly disproportionate to the harm. Further, recipients should consult the Capital Expenditures section for more information about pursuing a capital expenditure; please note that enumerated capital expenditures are not presumed to be reasonably proportional responses to an identified harm except as provided in the Capital Expenditures section.

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| Step | 1. Identify COVID-19 public health or economic impact | 2. Design a response that addresses or responds to the impact |
|---------------------------------|--|--|
| Analysis | <ul style="list-style-type: none"> Can identify impact to a specific household, business or nonprofit or to a class of households, businesses, or nonprofits (i.e., group) Can also identify disproportionate impacts, or more severe impacts, to a specific beneficiary or to a class | <ul style="list-style-type: none"> Types of responses can include a program, service, or capital expenditure Response should be related and reasonably proportional to the harm Response should also be reasonably designed to benefit impacted individual or class |
| Simplifying Presumptions | <ul style="list-style-type: none"> Final Rule presumes certain populations and classes are impacted and disproportionately impacted | <ul style="list-style-type: none"> Final Rule provides non-exhaustive list of enumerated eligible uses that respond to pandemic impacts and disproportionate impacts |

To assess eligibility of uses of funds, recipients should first determine the sub-category where their use of funds may fit (e.g., public health, assistance to households, assistance to small businesses), based on the entity that experienced the health or economic impact.² Then, recipients should refer to the relevant section for more details on each sub-category.

While the same overall eligibility standard applies to all uses of funds to respond to the public health and negative economic impacts of the pandemic, each sub-category has specific nuances on its application. In addition:

- Recipients interested in using funds for capital expenditures (i.e., investments in property, facilities, or equipment) should review the Capital Expenditures section in addition to the eligible use sub-category.
- Recipients interested in other uses of funds, beyond the enumerated uses, should refer to the section on “Framework for Eligible Uses Beyond Those Enumerated.”

² For example, a recipient interested in providing aid to unemployed individuals is addressing a negative economic impact experienced by a household and should refer to the section on assistance to households. Recipients should also be aware of the difference between “beneficiaries” and “sub-recipients.” Beneficiaries are households, small businesses, or nonprofits that can receive assistance based on impacts of the pandemic that they experienced. On the other hand, sub-recipients are organizations that carry out eligible uses on behalf of a government, often through grants or contracts. Sub-recipients do not need to have experienced a negative economic impact of the pandemic; rather, they are providing services to beneficiaries that experienced an impact.

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RESPONDING TO THE PUBLIC HEALTH EMERGENCY

While the country has made tremendous progress in the fight against COVID-19, including a historic vaccination campaign, the disease still poses a grave threat to Americans' health and the economy. Providing state, local, and Tribal governments the resources needed to fight the COVID-19 pandemic is a core goal of the Coronavirus State and Local Fiscal Recovery Funds, as well as addressing the other ways that the pandemic has impacted public health. Treasury has identified several public health impacts of the pandemic and enumerated uses of funds to respond to impacted populations.

- **COVID-19 mitigation and prevention.** The pandemic has broadly impacted Americans and recipients can provide services to prevent and mitigate COVID-19 to the general public or to small businesses, nonprofits, and impacted industries in general. Enumerated eligible uses include:
 - ✓ Vaccination programs, including vaccine incentives and vaccine sites
 - ✓ Testing programs, equipment and sites
 - ✓ Monitoring, contact tracing & public health surveillance (e.g., monitoring for variants)
 - ✓ Public communication efforts
 - ✓ Public health data systems
 - ✓ COVID-19 prevention and treatment equipment, such as ventilators and ambulances
 - ✓ Medical and PPE/protective supplies
 - ✓ Support for isolation or quarantine
 - ✓ Ventilation system installation and improvement
 - ✓ Technical assistance on mitigation of COVID-19 threats to public health and safety
 - ✓ Transportation to reach vaccination or testing sites, or other prevention and mitigation services for vulnerable populations
 - ✓ Support for prevention, mitigation, or other services in congregate living facilities, public facilities, and schools
 - ✓ Support for prevention and mitigation strategies in small businesses, nonprofits, and impacted industries
 - ✓ Medical facilities generally dedicated to COVID-19 treatment and mitigation (e.g., ICUs, emergency rooms)
 - ✓ Temporary medical facilities and other measures to increase COVID-19 treatment capacity
 - ✓ Emergency operations centers & emergency response equipment (e.g., emergency response radio systems)
 - ✓ Public telemedicine capabilities for COVID-19 related treatment



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- **Medical expenses.** Funds may be used for expenses to households, medical providers, or others that incurred medical costs due to the pandemic, including:
 - ✓ Unreimbursed expenses for medical care for COVID-19 testing or treatment, such as uncompensated care costs for medical providers or out-of-pocket costs for individuals
 - ✓ Paid family and medical leave for public employees to enable compliance with COVID-19 public health precautions
 - ✓ Emergency medical response expenses
 - ✓ Treatment of long-term symptoms or effects of COVID-19

- **Behavioral health care, such as mental health treatment, substance use treatment, and other behavioral health services.** Treasury recognizes that the pandemic has broadly impacted Americans' behavioral health and recipients can provide these services to the general public to respond. Enumerated eligible uses include:
 - ✓ Prevention, outpatient treatment, inpatient treatment, crisis care, diversion programs, outreach to individuals not yet engaged in treatment, harm reduction & long-term recovery support
 - ✓ Enhanced behavioral health services in schools
 - ✓ Services for pregnant women or infants born with neonatal abstinence syndrome
 - ✓ Support for equitable access to reduce disparities in access to high-quality treatment
 - ✓ Peer support groups, costs for residence in supportive housing or recovery housing, and the 988 National Suicide Prevention Lifeline or other hotline services
 - ✓ Expansion of access to evidence-based services for opioid use disorder prevention, treatment, harm reduction, and recovery
 - ✓ Behavioral health facilities & equipment

- **Preventing and responding to violence.** Recognizing that violence – and especially gun violence – has increased in some communities due to the pandemic, recipients may use funds to respond in these communities through:
 - ✓ Referrals to trauma recovery services for victims of crime
 - ✓ Community violence intervention programs, including:
 - Evidence-based practices like focused deterrence, with wraparound services such as behavioral therapy, trauma recovery, job training, education, housing and relocation services, and financial assistance
 - ✓ In communities experiencing increased gun violence due to the pandemic:
 - Law enforcement officers focused on advancing community policing
 - Enforcement efforts to reduce gun violence, including prosecution
 - Technology & equipment to support law enforcement response

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RESPONDING TO NEGATIVE ECONOMIC IMPACTS

The pandemic caused severe economic damage and, while the economy is on track to a strong recovery, much work remains to continue building a robust, resilient, and equitable economy in the wake of the crisis and to ensure that the benefits of this recovery reach all Americans. While the pandemic impacted millions of American households and businesses, some of its most severe impacts fell on low-income and underserved communities, where pre-existing disparities amplified the impact of the pandemic and where the most work remains to reach a full recovery.

The final rule recognizes that the pandemic caused broad-based impacts that affected many communities, households, and small businesses across the country; for example, many workers faced unemployment and many small businesses saw declines in revenue. The final rule describes these as “impacted” households, communities, small businesses, and nonprofits.

At the same time, the pandemic caused disproportionate impacts, or more severe impacts, in certain communities. For example, low-income and underserved communities have faced more severe health and economic outcomes like higher rates of COVID-19 mortality and unemployment, often because pre-existing disparities exacerbated the impact of the pandemic. The final rule describes these as “disproportionately impacted” households, communities, small businesses, and nonprofits.

To simplify administration of the program, the final rule presumes that certain populations were “impacted” and “disproportionately impacted” by the pandemic; these populations are presumed to be eligible for services that respond to the impact they experienced. The final rule also enumerates a non-exhaustive list of eligible uses that are recognized as responsive to the impacts or disproportionate impacts of COVID-19. Recipients providing enumerated uses to populations presumed eligible are clearly operating consistently with the final rule.

As discussed further in the section Framework for Eligible Uses Beyond Those Enumerated, recipients can also identify other pandemic impacts, impacted or disproportionately impacted populations or classes, and responses.

However, note that the final rule maintains that general infrastructure projects, including roads, streets, and surface transportation infrastructure, would generally not be eligible under this eligible use category, unless the project responded to a specific pandemic public health need or a specific negative economic impact. Similarly, general economic development or workforce development – activities that do not respond to negative economic impacts of the pandemic but rather seek to more generally enhance the jurisdiction’s business climate – would generally not be eligible under this eligible use category.



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Assistance to Households

Impacted Households and Communities

Treasury presumes the following households and communities are impacted by the pandemic:

- ✓ Low- or-moderate income households or communities
- ✓ Households that experienced unemployment
- ✓ Households that experienced increased food or housing insecurity
- ✓ Households that qualify for the Children's Health Insurance Program, Childcare Subsidies through the Child Care Development Fund (CCDF) Program, or Medicaid
- ✓ *When providing affordable housing programs:* households that qualify for the National Housing Trust Fund and Home Investment Partnerships Program
- ✓ *When providing services to address lost instructional time in K-12 schools:* any student that lost access to in-person instruction for a significant period of time

Low- or moderate-income households and communities are those with (i) income at or below 300 percent of the Federal Poverty Guidelines for the size of the household based on the most recently published poverty guidelines or (ii) income at or below 65 percent of the area median income for the county and size of household based on the most recently published data. For the vast majority of communities, the Federal Poverty Guidelines are higher than the area's median income and using the Federal Poverty Guidelines would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the response they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$65,880 per year.³ In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is impacted by the pandemic and eligible for services to respond. Additionally, by following the steps detailed in the section Framework for Eligible Uses Beyond Those Enumerated, recipients may designate additional households as impacted or disproportionately impacted beyond these presumptions, and may also pursue projects not listed below in response to these impacts consistent with Treasury's standards.

³ For recipients in Alaska, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$82,350 per year. For recipients in Hawaii, the income limit for 300 percent of the Federal Poverty Guidelines for a household of three is \$75,780 per year.



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Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to impacts of the pandemic on households and communities:

- ✓ Food assistance (e.g., child nutrition programs, including school meals) & food banks
- ✓ Emergency housing assistance: rental assistance, mortgage assistance, utility assistance, assistance paying delinquent property taxes, counseling and legal aid to prevent eviction and homelessness & emergency programs or services for homeless individuals, including temporary residences for people experiencing homelessness
- ✓ Health insurance coverage expansion
- ✓ Benefits for surviving family members of individuals who have died from COVID-19
- ✓ Assistance to individuals who want and are available for work, including job training, public jobs programs and fairs, support for childcare and transportation to and from a jobsite or interview, incentives for newly-employed workers, subsidized employment, grants to hire underserved workers, assistance to unemployed individuals to start small businesses & development of job and workforce training centers
- ✓ Financial services for the unbanked and underbanked
- ✓ Burials, home repair & home weatherization
- ✓ Programs, devices & equipment for internet access and digital literacy, including subsidies for costs of access
- ✓ Cash assistance
- ✓ Paid sick, medical, and family leave programs
- ✓ Assistance in accessing and applying for public benefits or services
- ✓ Childcare and early learning services, home visiting programs, services for child welfare-involved families and foster youth & childcare facilities
- ✓ Assistance to address the impact of learning loss for K-12 students (e.g., high-quality tutoring, differentiated instruction)
- ✓ Programs or services to support long-term housing security: including development of affordable housing and permanent supportive housing
- ✓ Certain contributions to an Unemployment Insurance Trust Fund⁴

⁴ Recipients may only use SLFRF funds for contributions to unemployment insurance trust funds and repayment of the principal amount due on advances received under Title XII of the Social Security Act up to an amount equal to (i) the difference between the balance in the recipient's unemployment insurance trust fund as of January 27, 2020 and the balance of such account as of May 17, 2021, plus (ii) the principal amount outstanding as of May 17, 2021 on any advances received under Title XII of the Social Security Act between January 27, 2020 and May 17, 2021. Further, recipients may use SLFRF funds for the payment of any interest due on such Title XII advances. Additionally, a recipient that deposits SLFRF funds into its unemployment insurance trust fund to fully restore the pre-pandemic balance may not draw down that balance and deposit more SLFRF funds, back up to the pre-pandemic balance. Recipients that deposit SLFRF funds into an unemployment insurance trust fund, or use SLFRF funds to repay principal on Title XII advances, may not take action to reduce benefits available to unemployed workers by changing the computation method governing regular unemployment compensation in a way that results in a reduction of average weekly benefit amounts or the number of weeks of benefits payable (i.e., maximum benefit entitlement).

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Disproportionately Impacted Households and Communities

Treasury presumes the following households and communities are disproportionately impacted by the pandemic:

- ✓ Low-income households and communities
- ✓ Households receiving services provided by Tribal governments
- ✓ Households residing in Qualified Census Tracts
- ✓ Households residing in the U.S. territories or receiving services from these governments
- ✓ Households that qualify for certain federal benefits⁵

Low-income households and communities are those with (i) income at or below 185 percent of the Federal Poverty Guidelines for the size of its household based on the most recently published poverty guidelines or (ii) income at or below 40 percent of area median income for its county and size of household based on the most recently published data. For the vast majority of communities, the Federal Poverty Guidelines level is higher than the area median income level and using this level would result in more households and communities being presumed eligible. Treasury has provided an easy-to-use spreadsheet with Federal Poverty Guidelines and area median income levels on its website.

Recipients can measure income for a specific household or the median income for the community, depending on whether the service they plan to provide serves specific households or the general community. The income thresholds vary by household size; recipients should generally use income thresholds for the appropriate household size but can use a default household size of three when easier for administration or when measuring income for a general community.

The income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$40,626 per year.⁶ In other words, recipients can always presume that a household earning below this level, or a community with median income below this level, is disproportionately impacted by the pandemic and eligible for services to respond.

⁵ These programs are Temporary Assistance for Needy Families (TANF), Supplemental Nutrition Assistance Program (SNAP), Free- and Reduced-Price Lunch (NSLP) and/or School Breakfast (SBP) programs, Medicare Part D Low-Income Subsidies, Supplemental Security Income (SSI), Head Start and/or Early Head Start, Special Supplemental Nutrition Program for Women, Infants, and Children (WIC), Section 8 Vouchers, Low-Income Home Energy Assistance Program (LIHEAP), and Pell Grants. For services to address educational disparities, Treasury will recognize Title I eligible schools as disproportionately impacted and responsive services that support the school generally or support the whole school as eligible.

⁶ For recipients in Alaska, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$50,783 per year. For recipients in Hawaii, the income limit for 185 percent of the Federal Poverty Guidelines for a household of three is \$46,731 per year



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Treasury recognizes the enumerated projects below, which have been expanded under the final rule, as eligible to respond to disproportionate impacts of the pandemic on households and communities:

- ✓ Pay for community health workers to help households access health & social services
- ✓ Remediation of lead paint or other lead hazards
- ✓ Primary care clinics, hospitals, integration of health services into other settings, and other investments in medical equipment & facilities designed to address health disparities
- ✓ Housing vouchers & assistance relocating to neighborhoods with higher economic opportunity
- ✓ Investments in neighborhoods to promote improved health outcomes
- ✓ Improvements to vacant and abandoned properties, including rehabilitation or maintenance, renovation, removal and remediation of environmental contaminants, demolition or deconstruction, greening/vacant lot cleanup & conversion to affordable housing⁷
- ✓ Services to address educational disparities, including assistance to high-poverty school districts & educational and evidence-based services to address student academic, social, emotional, and mental health needs
- ✓ Schools and other educational equipment & facilities
- ✓ Responses available to respond to impacts of the pandemic on households and communities (including those listed on page 18)

⁷ Please see the final rule for further details and conditions applicable to this eligible use. This includes Treasury's presumption that demolition of vacant or abandoned residential properties that results in a net reduction in occupiable housing units for low- and moderate-income individuals in an area where the availability of such housing is lower than the need for such housing is ineligible for support with SLFRF funds.

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Assistance to Small Businesses

Small businesses have faced widespread challenges due to the pandemic, including periods of shutdown, declines in revenue, or increased costs. The final rule provides many tools for recipients to respond to the impacts of the pandemic on small businesses, or disproportionate impacts on businesses where pre-existing disparities like lack of access to capital compounded the pandemic's effects.

Small businesses eligible for assistance are those that experienced negative economic impacts or disproportionate impacts of the pandemic and meet the definition of "small business," specifically:

1. Have no more than 500 employees, or if applicable, the size standard in number of employees [established](#) by the Administrator of the Small Business Administration for the industry in which the business concern or organization operates, and
2. Are a small business concern as defined in section 3 of the Small Business Act⁸ (which includes, among other requirements, that the business is independently owned and operated and is not dominant in its field of operation).

Impacted Small Businesses

Recipients can identify small businesses impacted by the pandemic, and measures to respond, in many ways; for example, recipients could consider:

- | | |
|---------------------------------------|--|
| ✓ Decreased revenue or gross receipts | ✓ Capacity to weather financial hardship |
| ✓ Financial insecurity | ✓ Challenges covering payroll, rent or mortgage, and other operating costs |
| ✓ Increased costs | |

Assistance to small businesses that experienced negative economic impacts includes the following enumerated uses:

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|---|--|
| ✓ Loans or grants to mitigate financial hardship, such as by supporting payroll and benefits, costs to retain employees, and mortgage, rent, utility, and other operating costs | ✓ Technical assistance, counseling, or other services to support business planning |
|---|--|

Disproportionately Impacted Small Businesses

Treasury presumes that the following small businesses are disproportionately impacted by the pandemic:

⁸ 15 U.S.C. 632.



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- ✓ Small businesses operating in Qualified Census Tracts
- ✓ Small businesses operated by Tribal governments or on Tribal lands
- ✓ Small businesses operating in the U.S. territories

Assistance to disproportionately impacted small businesses includes the following enumerated uses, which have been expanded under the final rule:

- ✓ Rehabilitation of commercial properties, storefront improvements & façade improvements
- ✓ Technical assistance, business incubators & grants for start-up or expansion costs for small businesses
- ✓ Support for microbusinesses, including financial, childcare, and transportation costs



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Assistance to Nonprofits

Nonprofits have faced significant challenges due to the pandemic's increased demand for services and changing operational needs, as well as declines in revenue sources such as donations and fees.

Nonprofits eligible for assistance are those that experienced negative economic impacts or disproportionate impacts of the pandemic and meet the definition of "nonprofit"—specifically those that are 501(c)(3) or 501(c)(19) tax-exempt organizations.

Impacted Nonprofits

Recipients can identify nonprofits impacted by the pandemic, and measures to respond, in many ways; for example, recipients could consider:

- ✓ Decreased revenue (e.g., from donations and fees)
- ✓ Financial insecurity
- ✓ Increased costs (e.g., uncompensated increases in service need)
- ✓ Capacity to weather financial hardship
- ✓ Challenges covering payroll, rent or mortgage, and other operating costs

Assistance to nonprofits that experienced negative economic impacts includes the following enumerated uses:

- ✓ Loans or grants to mitigate financial hardship
- ✓ Technical or in-kind assistance or other services that mitigate negative economic impacts of the pandemic

Disproportionately Impacted Nonprofits

Treasury presumes that the following nonprofits are disproportionately impacted by the pandemic:

- ✓ Nonprofits operating in Qualified Census Tracts
- ✓ Nonprofits operated by Tribal governments or on Tribal lands
- ✓ Nonprofits operating in the U.S. territories

Recipients may identify appropriate responses that are related and reasonably proportional to addressing these disproportionate impacts.



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Aid to Impacted Industries

Recipients may use SLFRF funding to provide aid to industries impacted by the COVID-19 pandemic. Recipients should first designate an impacted industry and then provide aid to address the impacted industry's negative economic impact.

This sub-category of eligible uses does not separately identify disproportionate impacts and corresponding responsive services.

1. **Designating an impacted industry.** There are two main ways an industry can be designated as "impacted."
 1. If the industry is in the travel, tourism, or hospitality sectors (including Tribal development districts), the industry is impacted.
 2. If the industry is outside the travel, tourism, or hospitality sectors, the industry is impacted if:
 - a. The industry experienced at least 8 percent employment loss from pre-pandemic levels,⁹ or
 - b. The industry is experiencing comparable or worse economic impacts as the national tourism, travel, and hospitality industries as of the date of the final rule, based on the totality of economic indicators or qualitative data (if quantitative data is unavailable), and if the impacts were generally due to the COVID-19 public health emergency.

Recipients have flexibility to define industries broadly or narrowly, but Treasury encourages recipients to define narrow and discrete industries eligible for aid. State and territory recipients also have flexibility to define the industries with greater geographic precision; for example, a state may identify a particular industry in a certain region of a state as impacted.

2. **Providing eligible aid to the impacted industry.** Aid may only be provided to support businesses, attractions, and Tribal development districts operating prior to the pandemic and affected by required closures and other efforts to contain the pandemic. Further, aid should be generally broadly available to all businesses within the impacted industry to avoid potential conflicts of interest, and Treasury encourages aid to be first used for operational expenses, such as payroll, before being used on other types of costs.

⁹ Specifically, a recipient should compare the percent change in the number of employees of the recipient's identified industry and the national Leisure & Hospitality sector in the three months before the pandemic's most severe impacts began (a straight three-month average of seasonally-adjusted employment data from December 2019, January 2020, and February 2020) with the latest data as of the final rule (a straight three-month average of seasonally-adjusted employment data from September 2021, October 2021, and November 2021). For parity and simplicity, smaller recipients without employment data that measure industries in their specific jurisdiction may use data available for a broader unit of government for this calculation (e.g., a county may use data from the state in which it is located; a city may use data for the county, if available, or state in which it is located) solely for purposes of determining whether a particular industry is an impacted industry.

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Treasury recognizes the enumerated projects below as eligible responses to impacted industries.

- ✓ Aid to mitigate financial hardship, such as supporting payroll costs, lost pay and benefits for returning employees, support of operations and maintenance of existing equipment and facilities
- ✓ Technical assistance, counseling, or other services to support business planning
- ✓ COVID-19 mitigation and infection prevention measures (see section Public Health)

As with all eligible uses, recipients may pursue a project not listed above by undergoing the steps outlined in the section Framework for Eligible Uses Beyond Those Enumerated.



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PUBLIC SECTOR CAPACITY

Recipients may use SLFRF funding to restore and bolster public sector capacity, which supports government's ability to deliver critical COVID-19 services. There are three main categories of eligible uses to bolster public sector capacity and workforce: Public Safety, Public Health, and Human Services Staff; Government Employment and Rehiring Public Sector Staff; and Effective Service Delivery.

Public Safety, Public Health, and Human Services Staff

SLFRF funding may be used for payroll and covered benefits for public safety, public health, health care, human services and similar employees of a recipient government, for the portion of the employee's time spent responding to COVID-19. Recipients should follow the steps below.

1. Identify eligible public safety, public health, and human services staff. Public safety staff include:

- ✓ Police officers (including state police officers)
- ✓ Sheriffs and deputy sheriffs
- ✓ Firefighters
- ✓ Emergency medical responders
- ✓ Correctional and detention officers
- ✓ Dispatchers and supervisor personnel that directly support public safety staff

Public health staff include:

- ✓ Employees involved in providing medical and other physical or mental health services to patients and supervisory personnel, including medical staff assigned to schools, prisons, and other such institutions
- ✓ Laboratory technicians, medical examiners, morgue staff, and other support services essential for patient care
- ✓ Employees of public health departments directly engaged in public health matters and related supervisory personnel

Human services staff include:

- ✓ Employees providing or administering social services and public benefits
- ✓ Child welfare services employees
- ✓ Child, elder, or family care employees

2. Assess portion of time spent on COVID-19 response for eligible staff.

Recipients can use a variety of methods to assess the share of an employees' time spent responding to COVID-19, including using reasonable estimates—such as estimating the share of time based on discussions with staff and applying that share to all employees in that position.

For administrative convenience, recipients can consider public health and safety employees entirely devoted to responding to COVID-19 (and their payroll and benefits fully covered by SLFRF) if the

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employee, or his or her operating unit or division, is “primarily dedicated” to responding to COVID-19. Primarily dedicated means that more than half of the employee, unit, or division’s time is dedicated to responding to COVID-19.

Recipients must periodically reassess their determination and maintain records to support their assessment, although recipients do not need to track staff hours.

3. **Use SLFRF funding for payroll and covered benefits for the portion of eligible staff time spent on COVID-19 response.** SLFRF funding may be used for payroll and covered benefits for the portion of the employees’ time spent on COVID-19 response, as calculated above, through the period of performance.

Government Employment and Rehiring Public Sector Staff

Under the increased flexibility of the final rule, SLFRF funding may be used to support a broader set of uses to restore and support public sector employment. Eligible uses include hiring up to a pre-pandemic baseline that is adjusted for historic underinvestment in the public sector, providing additional funds for employees who experienced pay cuts or were furloughed, avoiding layoffs, providing worker retention incentives, and paying for ancillary administrative costs related to hiring, support, and retention.

- **Restoring pre-pandemic employment.** Recipients have two options to restore pre-pandemic employment, depending on the recipient’s needs.
 - *If the recipient simply wants to hire back employees for pre-pandemic positions:* Recipients may use SLFRF funds to hire employees for the same positions that existed on January 27, 2020 but that were unfilled or eliminated as of March 3, 2021. Recipients may use SLFRF funds to cover payroll and covered benefits for such positions through the period of performance.
 - *If the recipient wants to hire above the pre-pandemic baseline and/or would like to have flexibility in positions:* Recipients may use SLFRF funds to pay for payroll and covered benefits associated with the recipient increasing its number of budgeted FTEs up to 7.5 percent above its pre-pandemic baseline. Specifically, recipients should undergo the following steps:
 - a. Identify the recipient’s budgeted FTE level on January 27, 2020. This includes all budgeted positions, filled and unfilled. This is called the *pre-pandemic baseline*.
 - b. Multiply the pre-pandemic baseline by 1.075. This is called the *adjusted pre-pandemic baseline*.
 - c. Identify the recipient’s budgeted FTE level on March 3, 2021, which is the beginning of the period of performance for SLFRF funds. Recipients may, but are not required to, exclude the number of FTEs dedicated to responding to the COVID-19 public health emergency. This is called the *actual number of FTEs*.
 - d. Subtract the *actual number of FTEs* from the *adjusted pre-pandemic baseline* to calculate the number of FTEs that can be covered by SLFRF funds. Recipients do not have to hire for the same roles that existed pre-pandemic.

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Recipients may use SLFRF funds to cover payroll and covered benefits through the period of performance; these employees must have begun their employment on or after March 3, 2021. Recipients may only use SLFRF funds for additional FTEs hired over the March 3, 2021 level (i.e., the *actual number of FTEs*).

- **Supporting and retaining public sector workers.** Recipients can also use funds in other ways that support the public sector workforce.¹⁰ These include:
 - **Providing additional funding for employees who experienced pay reductions or were furloughed** since the onset of the pandemic, up to the difference in the employee's pay, taking into account unemployment benefits received.
 - **Maintaining current compensation levels to prevent layoffs.** SLFRF funds may be used to maintain current compensation levels, with adjustments for inflation, in order to prevent layoffs that would otherwise be necessary.
 - **Providing worker retention incentives, including reasonable increases in compensation** to persuade employees to remain with the employer as compared to other employment options. Retention incentives must be entirely additive to an employee's regular compensation, narrowly tailored to need, and should not exceed incentives traditionally offered by the recipient or compensation that alternative employers may offer to compete for the employees. Treasury presumes that retention incentives that are less than 25 percent of the rate of base pay for an individual employee or 10 percent for a group or category of employees are reasonably proportional to the need to retain employees, as long as other requirements are met.
- **Covering administrative costs associated with administering the hiring, support, and retention programs above.**

Effective Service Delivery

SLFRF funding may be used to improve the efficacy of public health and economic programs through tools like program evaluation, data, and outreach, as well as to address administrative needs caused or exacerbated by the pandemic. Eligible uses include:

- **Supporting program evaluation, data, and outreach through:**

¹⁰ Recipients should be able to substantiate that these uses of funds are substantially due to the public health emergency or its negative economic impacts (e.g., fiscal pressures on state and local budgets) and respond to its impacts. See the final rule for details on these uses.

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- ✓ Program evaluation and evidence resources
 - ✓ Data analysis resources to gather, assess, share, and use data
 - ✓ Technology infrastructure to improve access to and the user experience of government IT systems, as well as technology improvements to increase public access and delivery of government programs and services
 - ✓ Community outreach and engagement activities
 - ✓ Capacity building resources to support using data and evidence, including hiring staff, consultants, or technical assistance support
- **Addressing administrative needs, including:**
 - ✓ Administrative costs for programs responding to the public health emergency and its economic impacts, including non-SLFRF and non-federally funded programs
 - ✓ Address administrative needs caused or exacerbated by the pandemic, including addressing backlogs caused by shutdowns, increased repair or maintenance needs, and technology infrastructure to adapt government operations to the pandemic (e.g., video-conferencing software, data and case management systems)



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CAPITAL EXPENDITURES

As described above, the final rule clarifies that recipients may use funds for programs, services, and capital expenditures that respond to the public health and negative economic impacts of the pandemic. Any use of funds in this category for a capital expenditure must comply with the capital expenditure requirements, in addition to other standards for uses of funds.

Capital expenditures are subject to the same eligibility standard as other eligible uses to respond to the pandemic's public health and economic impacts; specifically, they must be related and reasonably proportional to the pandemic impact identified and reasonably designed to benefit the impacted population or class.

For ease of administration, the final rule identifies enumerated types of capital expenditures that Treasury has identified as responding to the pandemic's impacts; these are listed in the applicable sub-category of eligible uses (e.g., public health, assistance to households, etc.). Recipients may also identify other responsive capital expenditures. Similar to other eligible uses in the SLFRF program, no pre-approval is required for capital expenditures.

To guide recipients' analysis of whether a capital expenditure meets the eligibility standard, recipients (with the exception of Tribal governments) must complete and meet the requirements of a written justification for capital expenditures equal to or greater than \$1 million. For large-scale capital expenditures, which have high costs and may require an extended length of time to complete, as well as most capital expenditures for non-enumerated uses of funds, Treasury requires recipients to submit their written justification as part of regular reporting. Specifically:

| If a project has total capital expenditures of | and the use is enumerated by Treasury as eligible, then | and the use is beyond those enumerated by Treasury as eligible, then |
|--|---|--|
| Less than \$1 million | No Written Justification required | No Written Justification required |
| Greater than or equal to \$1 million, but less than \$10 million | Written Justification required but recipients are not required to submit as part of regular reporting to Treasury | Written Justification required and recipients must submit as part of regular reporting to Treasury |
| \$10 million or more | Written Justification required and recipients must submit as part of regular reporting to Treasury | |

A Written Justification includes:

- *Description of the harm or need to be addressed.* Recipients should provide a description of the specific harm or need to be addressed and why the harm was exacerbated or caused by the public health emergency. Recipients may provide quantitative information on the extent and the type of harm, such as the number of individuals or entities affected.

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- *Explanation of why a capital expenditure is appropriate.* For example, recipients should include an explanation of why existing equipment and facilities, or policy changes or additional funding to pertinent programs or services, would be inadequate.
- *Comparison of proposed capital project against at least two alternative capital expenditures and demonstration of why the proposed capital expenditure is superior.* Recipients should consider the effectiveness of the capital expenditure in addressing the harm identified and the expected total cost (including pre-development costs) against at least two alternative capital expenditures.

Where relevant, recipients should consider the alternatives of improving existing capital assets already owned or leasing other capital assets.

Treasury presumes that the following capital projects are generally ineligible:

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| ✖ Construction of new correctional facilities as a response to an increase in rate of crime | ✖ Construction of convention centers, stadiums, or other large capital projects intended for general economic development or to aid impacted industries |
| ✖ Construction of new congregate facilities to decrease spread of COVID-19 in the facility | |

In undertaking capital expenditures, Treasury encourages recipients to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages recipients to prioritize in their procurements employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws.



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FRAMEWORK FOR ELIGIBLE USES BEYOND THOSE ENUMERATED

As described above, recipients have broad flexibility to identify and respond to other pandemic impacts and serve other populations that experienced pandemic impacts, beyond the enumerated uses and presumed eligible populations. Recipients should undergo the following steps to decide whether their project is eligible:

| Step | 1. Identify COVID-19 public health or economic impact | 2. Design a response that addresses or responds to the impact |
|----------|---|--|
| Analysis | <ul style="list-style-type: none"> Can identify impact to a specific household, business or nonprofit or to a class of households, businesses or nonprofits (i.e., group) Can also identify disproportionate impacts, or more severe impacts, to a specific beneficiary or to a class | <ul style="list-style-type: none"> Types of responses can include a program, service, or capital expenditure Response should be related and reasonably proportional to the harm Response should also be reasonably designed to benefit impacted individual or class |

1. Identify a COVID-19 public health or negative economic impact on an individual or a class.

Recipients should identify an individual or class that is “impacted” or “disproportionately impacted” by the COVID-19 public health emergency or its negative economic impacts as well as the specific impact itself.

- “Impacted” entities are those impacted by the disease itself or the harmful consequences of the economic disruptions resulting from or exacerbated by the COVID-19 public health emergency. For example, an individual who lost their job or a small business that saw lower revenue during a period of closure would both have experienced impacts of the pandemic.
- “Disproportionately impacted” entities are those that experienced disproportionate public health or economic outcomes from the pandemic; Treasury recognizes that pre-existing disparities, in many cases, amplified the impacts of the pandemic, causing more severe impacts in underserved communities. For example, a household living in a neighborhood with limited access to medical care and healthy foods may have faced health disparities before the pandemic, like a higher rate of chronic health conditions, that contributed to more severe health outcomes during the COVID-19 pandemic.

The recipient may choose to identify these impacts at either the individual level or at a class level. If the recipient is identifying impacts at the individual level, they should retain documentation supporting the impact the individual experienced (e.g., documentation of lost revenues from a small business). Such documentation can be streamlined in many cases (e.g., self-attestation that a household requires food assistance).

Recipients also have broad flexibility to identify a “class” – or a group of households, small businesses, or nonprofits – that experienced an impact. In these cases, the recipients should

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first identify the class and the impact that it faced. Then, recipients only need to document that the individuals served fall within that class; recipients do not need to document a specific impact to each individual served. For example, a recipient could identify that restaurants in the downtown area faced substantial declines in revenue due to decreased foot traffic from workers; the recipient could develop a program to respond to the impact on that class and only needs to document that the businesses being served are restaurants in the downtown area.

Recipients should keep the following considerations in mind when designating a class:

- **There should be a relationship between the definition of the class and the proposed response.** Larger and less-specific classes are less likely to have experienced similar harms, which may make it more difficult to design a response that appropriately responds to those harms.
- **Classes may be determined on a population basis or on a geographic basis,** and the response should be appropriately matched. For example, a response might be designed to provide childcare to single parents, regardless of which neighborhood they live in, or a response might provide a park to improve the health of a disproportionately impacted neighborhood.
- **Recipients may designate classes that experienced disproportionate impact,** by assessing the impacts of the pandemic and finding that some populations experienced meaningfully more severe impacts than the general public. To determine these disproportionate impacts, recipients:
 - May designate classes based on academic research or government research publications (such as the citations provided in the supplementary information in the final rule), through analysis of their own data, or through analysis of other existing data sources.
 - May also consider qualitative research and sources to augment their analysis, or when quantitative data is not readily available. Such sources might include resident interviews or feedback from relevant state and local agencies, such as public health departments or social services departments.
 - Should consider the quality of the research, data, and applicability of analysis to their determination in all cases.
- **Some of the enumerated uses may also be appropriate responses to the impacts experienced by other classes of beneficiaries.** It is permissible for recipients to provide these services to other classes, so long as the recipient determines that the response is also appropriate for those groups.
- **Recipients may designate a class based on income level, including at levels higher than the final rule definition of "low- and moderate-income."** For example, a recipient may identify that households in their community with incomes above the final rule threshold for low-income nevertheless experienced disproportionate impacts from the pandemic and provide responsive services.

2. **Design a response that addresses or responds to the impact.** Programs, services, and other interventions must be reasonably designed to benefit the individual or class that experienced

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the impact. They must also be related and reasonably proportional to the extent and type of impact experienced. For example, uses that bear no relation or are grossly disproportionate to the type or extent of the impact would not be eligible.

“Reasonably proportional” refers to the scale of the response compared to the scale of the harm, as well as the targeting of the response to beneficiaries compared to the amount of harm they experienced; for example, it may not be reasonably proportional for a cash assistance program to provide a very small amount of aid to a group that experienced severe harm and a much larger amount to a group that experienced relatively little harm. Recipients should consider relevant factors about the harm identified and the response to evaluate whether the response is reasonably proportional. For example, recipients may consider the size of the population impacted and the severity, type, and duration of the impact. Recipients may also consider the efficacy, cost, cost-effectiveness, and time to delivery of the response.

For disproportionately impacted communities, recipients may design interventions that address broader pre-existing disparities that contributed to more severe health and economic outcomes during the pandemic, such as disproportionate gaps in access to health care or pre-existing disparities in educational outcomes that have been exacerbated by the pandemic.



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Premium Pay

The Coronavirus State and Local Fiscal Recovery Funds may be used to provide premium pay to eligible workers performing essential work during the pandemic. Premium pay may be awarded to eligible workers up to \$13 per hour. Premium pay must be in addition to wages or remuneration (i.e., compensation) the eligible worker otherwise receives. Premium pay may not exceed \$25,000 for any single worker during the program.

Recipients should undergo the following steps to provide premium pay to eligible workers.

- 1. Identify an “eligible” worker.** Eligible workers include workers “needed to maintain continuity of operations of essential critical infrastructure sectors.” These sectors and occupations are eligible:

- | | |
|--|---|
| ✓ Health care | ✓ State, local, or Tribal government workforce |
| ✓ Emergency response | ✓ Workers providing vital services to Tribes |
| ✓ Sanitation, disinfection & cleaning | ✓ Educational, school nutrition, and other work required to operate a school facility |
| ✓ Maintenance | ✓ Laundry |
| ✓ Grocery stores, restaurants, food production, and food delivery | ✓ Elections |
| ✓ Pharmacy | ✓ Solid waste or hazardous materials management, response, and cleanup |
| ✓ Biomedical research | ✓ Work requiring physical interaction with patients |
| ✓ Behavioral health | ✓ Dental care |
| ✓ Medical testing and diagnostics | ✓ Transportation and warehousing |
| ✓ Home and community-based health care or assistance with activities of daily living | ✓ Hotel and commercial lodging facilities that are used for COVID-19 mitigation and containment |
| ✓ Family or child care | |
| ✓ Social services | |
| ✓ Public health | |
| ✓ Mortuary | |
| ✓ Critical clinical research, development, and testing necessary for COVID-19 response | |

Beyond this list, the chief executive (or equivalent) of a recipient government may designate additional non-public sectors as critical so long as doing so is necessary to protecting the health and wellbeing of the residents of such jurisdictions.

- 2. Verify that the eligible worker performs “essential work,”** meaning work that:

- Is not performed while teleworking from a residence; and
- Involves either:
 - a. regular, in-person interactions with patients, the public, or coworkers of the individual that is performing the work; or
 - b. regular physical handling of items that were handled by, or are to be handled by, patients, the public, or coworkers of the individual that is performing the work.

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3. Confirm that the premium pay “responds to” workers performing essential work during the COVID-19 public health emergency. Under the final rule, which broadened the share of eligible workers who can receive premium pay without a written justification, recipients may meet this requirement in one of three ways:

- Eligible worker receiving premium pay is earning (with the premium included) at or below 150 percent of their residing state or county’s average annual wage for all occupations, as defined by the Bureau of Labor Statistics’ [Occupational Employment and Wage Statistics](#), whichever is higher, on an annual basis; or
- Eligible worker receiving premium pay is not exempt from the Fair Labor Standards Act overtime provisions; or
- If a worker does not meet either of the above requirements, the recipient must submit written justification to Treasury detailing how the premium pay is otherwise responsive to workers performing essential work during the public health emergency. This may include a description of the essential worker’s duties, health, or financial risks faced due to COVID-19, and why the recipient determined that the premium pay was responsive. Treasury anticipates that recipients will easily be able to satisfy the justification requirement for front-line workers, like nurses and hospital staff.

Premium pay may be awarded in installments or lump sums (e.g., monthly, quarterly, etc.) and may be awarded to hourly, part-time, or salaried or non-hourly workers. Premium pay must be paid in addition to wages already received and may be paid retrospectively. A recipient may not use SLFRF to merely reimburse itself for premium pay or hazard pay already received by the worker, and premium pay may not be paid to volunteers.



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Water & Sewer Infrastructure

The Coronavirus State and Local Fiscal Recovery Funds may be used to make necessary investments in water and sewer infrastructure. State, local, and Tribal governments have a tremendous need to address the consequences of deferred maintenance in drinking water systems and removal, management, and treatment of sewage and stormwater, along with additional resiliency measures needed to adapt to climate change.

Recipients may undertake the eligible projects below:

PROJECTS ELIGIBLE UNDER EPA'S CLEAN WATER STATE REVOLVING FUND (CWSRF)

Eligible projects under the CWSRF, and the final rule, include:

- ✓ Construction of publicly owned treatment works
- ✓ Projects pursuant to implementation of a nonpoint source pollution management program established under the Clean Water Act (CWA)
- ✓ Decentralized wastewater treatment systems that treat municipal wastewater or domestic sewage
- ✓ Management and treatment of stormwater or subsurface drainage water
- ✓ Water conservation, efficiency, or reuse measures
- ✓ Development and implementation of a conservation and management plan under the CWA
- ✓ Watershed projects meeting the criteria set forth in the CWA
- ✓ Energy consumption reduction for publicly owned treatment works
- ✓ Reuse or recycling of wastewater, stormwater, or subsurface drainage water
- ✓ Security of publicly owned treatment works

Treasury encourages recipients to review the EPA handbook for the [CWSRF](#) for a full list of eligibilities.

PROJECTS ELIGIBLE UNDER EPA'S DRINKING WATER STATE REVOLVING FUND (DWSRF)

Eligible drinking water projects under the DWSRF, and the final rule, include:

- ✓ Facilities to improve drinking water quality
- ✓ Transmission and distribution, including improvements of water pressure or prevention of contamination in infrastructure and lead service line replacements
- ✓ New sources to replace contaminated drinking water or increase drought resilience, including aquifer storage and recovery system for water storage
- ✓ Green infrastructure, including green roofs, rainwater harvesting collection, permeable pavement
- ✓ Storage of drinking water, such as to prevent contaminants or equalize water demands
- ✓ Purchase of water systems and interconnection of systems
- ✓ New community water systems

Treasury encourages recipients to review the EPA handbook for the [DWSRF](#) for a full list of eligibilities.

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ADDITIONAL ELIGIBLE PROJECTS

With broadened eligibility under the final rule, SLFRF funds may be used to fund additional types of projects— such as additional stormwater infrastructure, residential wells, lead remediation, and certain rehabilitations of dams and reservoirs — beyond the CWSRF and DWSRF, if they are found to be “necessary” according to the definition provided in the final rule and outlined below.

- ✓ Culvert repair, resizing, and removal, replacement of storm sewers, and additional types of stormwater infrastructure
- ✓ Infrastructure to improve access to safe drinking water for individual served by residential wells, including testing initiatives, and treatment/remediation strategies that address contamination
- ✓ Dam and reservoir rehabilitation if primary purpose of dam or reservoir is for drinking water supply and project is necessary for provision of drinking water
- ✓ Broad set of lead remediation projects eligible under EPA grant programs authorized by the Water Infrastructure Improvements for the Nation (WIIN) Act, such as lead testing, installation of corrosion control treatment, lead service line replacement, as well as water quality testing, compliance monitoring, and remediation activities, including replacement of internal plumbing and faucets and fixtures in schools and childcare facilities

A “necessary” investment in infrastructure must be:

- (1) responsive to an identified need to achieve or maintain an adequate minimum level of service, which may include a reasonable projection of increased need, whether due to population growth or otherwise,
- (2) a cost-effective means for meeting that need, taking into account available alternatives, and
- (3) for investments in infrastructure that supply drinking water in order to meet projected population growth, projected to be sustainable over its estimated useful life.

Please note that DWSRF and CWSRF-eligible projects are generally presumed to be necessary investments. Additional eligible projects generally must be responsive to an identified need to achieve or maintain an adequate minimum level of service. Recipients are only required to assess cost-effectiveness of projects for the creation of new drinking water systems, dam and reservoir rehabilitation projects, or projects for the extension of drinking water service to meet population growth needs. Recipients should review the supplementary information to the final rule for more details on requirements applicable to each type of investment.

APPLICABLE STANDARDS & REQUIREMENTS

Treasury encourages recipients to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages recipients to prioritize in their procurements employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws.

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Broadband Infrastructure

The Coronavirus State and Local Fiscal Recovery Funds may be used to make necessary investments in broadband infrastructure, which has been shown to be critical for work, education, healthcare, and civic participation during the public health emergency. The final rule broadens the set of eligible broadband infrastructure investments that recipients may undertake.

Recipients may pursue investments in broadband infrastructure meeting technical standards detailed below, as well as an expanded set of cybersecurity investments.

BROADBAND INFRASTRUCTURE INVESTMENTS

Recipients should adhere to the following requirements when designing a broadband infrastructure project:

1. **Identify an eligible area for investment.** Recipients are encouraged to prioritize projects that are designed to serve locations without access to reliable wireline 100/20 Mbps broadband service (meaning service that reliably provides 100 Mbps download speed and 20 Mbps upload speed through a wireline connection), but are broadly able to invest in projects designed to provide service to locations with an identified need for additional broadband investment. Recipients have broad flexibility to define need in their community. Examples of need could include:
 - ✓ Lack of access to a reliable high-speed broadband connection
 - ✓ Lack of affordable broadband
 - ✓ Lack of reliable service

If recipients are considering deploying broadband to locations where there are existing and enforceable federal or state funding commitments for reliable service of at least 100/20 Mbps, recipients must ensure that SLFRF funds are designed to address an identified need for additional broadband investment that is not met by existing federal or state funding commitments. Recipients must also ensure that SLFRF funds will not be used for costs that will be reimbursed by the other federal or state funding streams.

2. **Design project to meet high-speed technical standards.** Recipients are required to design projects to, upon completion, reliably meet or exceed symmetrical 100 Mbps download and upload speeds. In cases where it is not practicable, because of the excessive cost of the project or geography or topography of the area to be served by the project, eligible projects may be designed to reliably meet or exceed 100/20 Mbps and be scalable to a minimum of symmetrical 100 Mbps download and upload speeds.

Treasury encourages recipients to prioritize investments in fiber-optic infrastructure wherever feasible and to focus on projects that will achieve last-mile connections. Further, Treasury encourages recipients to prioritize support for broadband networks owned, operated by, or affiliated with local governments, nonprofits, and co-operatives.

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3. **Require enrollment in a low-income subsidy program.** Recipients must require the service provider for a broadband project that provides service to households to either:

- ✓ Participate in the FCC's Affordable Connectivity Program (ACP)
- ✓ Provide access to a broad-based affordability program to low-income consumers that provides benefits commensurate to ACP

Treasury encourages broadband services to also include at least one low-cost option offered without data usage caps at speeds sufficient for a household with multiple users to simultaneously telework and engage in remote learning. Recipients are also encouraged to consult with the community on affordability needs.

CYBERSECURITY INVESTMENTS

SLFRF may be used for modernization of cybersecurity for existing and new broadband infrastructure, regardless of their speed delivery standards. This includes modernization of hardware and software.

APPLICABLE STANDARDS & REQUIREMENTS

Treasury encourages recipients to adhere to strong labor standards, including project labor agreements and community benefits agreements that offer wages at or above the prevailing rate and include local hire provisions. Treasury also encourages recipients to prioritize in their procurements employers with high labor standards and to prioritize employers without recent violations of federal and state labor and employment laws.



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Restrictions on Use

While recipients have considerable flexibility to use Coronavirus State and Local Fiscal Recovery Funds to address the diverse needs of their communities, some restrictions on use of funds apply.

OFFSET A REDUCTION IN NET TAX REVENUE

- **States and territories may not use this funding to directly or indirectly offset a reduction in net tax revenue resulting from a change in law, regulation, or administrative interpretation beginning on March 3, 2021, through the last day of the fiscal year in which the funds provided have been spent.** If a state or territory cuts taxes during this period, it must demonstrate how it paid for the tax cuts from sources other than SLFRF, such as by enacting policies to raise other sources of revenue, by cutting spending, or through higher revenue due to economic growth. If the funds provided have been used to offset tax cuts, the amount used for this purpose must be repaid to the Treasury.

DEPOSITS INTO PENSION FUNDS

- **No recipients except Tribal governments may use this funding to make a deposit to a pension fund.** Treasury defines a “deposit” as an extraordinary contribution to a pension fund for the purpose of reducing an accrued, unfunded liability. While pension deposits are prohibited, recipients may use funds for routine payroll contributions connected to an eligible use of funds (e.g., for public health and safety staff). Examples of extraordinary payments include ones that:

| | |
|--|--|
| <ul style="list-style-type: none"> ✗ Reduce a liability incurred prior to the start of the COVID-19 public health emergency and occur outside the recipient's regular timing for making the payment | <ul style="list-style-type: none"> ✗ Occur at the regular time for pension contributions but is larger than a regular payment would have been |
|--|--|

ADDITIONAL RESTRICTIONS AND REQUIREMENTS

Additional restrictions and requirements that apply across all eligible use categories include:

- **No debt service or replenishing financial reserves.** Since SLFRF funds are intended to be used prospectively, recipients may not use SLFRF funds for debt service or replenishing financial reserves (e.g., rainy day funds).
- **No satisfaction of settlements and judgments.** Satisfaction of any obligation arising under or pursuant to a settlement agreement, judgment, consent decree, or judicially confirmed debt restructuring in a judicial, administrative, or regulatory proceeding is itself not an eligible use. However, if a settlement requires the recipient to provide services or incur other costs that are an eligible use of SLFRF funds, SLFRF may be used for those costs.
- **Additional general restrictions.** SLFRF funds may not be used for a project that conflicts with or contravenes the purpose of the American Rescue Plan Act statute (e.g., uses of funds that

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undermine COVID-19 mitigation practices in line with CDC guidance and recommendations) and may not be used in violation of the Award Terms and Conditions or conflict of interest requirements under the Uniform Guidance. Other applicable laws and regulations, outside of SLFRF program requirements, may also apply (e.g., laws around procurement, contracting, conflicts-of-interest, environmental standards, or civil rights).



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Program Administration

The Coronavirus State and Local Fiscal Recovery Funds final rule details a number of administrative processes and requirements, including on distribution of funds, timeline for use of funds, transfer of funds, treatment of loans, use of funds to meet non-federal match or cost-share requirements, administrative expenses, reporting on use of funds, and remediation and recoupment of funds used for ineligible purposes. This section provides a summary for the most frequently asked questions.

TIMELINE FOR USE OF FUNDS

Under the SLFRF, funds must be used for costs incurred on or after March 3, 2021. Further, costs must be obligated by December 31, 2024, and expended by December 31, 2026.

TRANSFERS

Recipients may undertake projects on their own or through subrecipients, which carry out eligible uses on behalf of a recipient, including pooling funds with other recipients or blending and braiding SLFRF funds with other sources of funds. Localities may also transfer their funds to the state through section 603(c)(4), which will decrease the locality's award and increase the state award amounts.

LOANS

Recipients may generally use SLFRF funds to provide loans for uses that are otherwise eligible, although there are special rules about how recipients should track program income depending on the length of the loan. Recipients should consult the final rule if they seek to utilize these provisions.

NON-FEDERAL MATCH OR COST-SHARE REQUIREMENTS

Funds available under the "revenue loss" eligible use category (sections 602(c)(1)(C) and 603(c)(1)(C) of the Social Security Act) generally may be used to meet the non-federal cost-share or matching requirements of other federal programs. However, note that SLFRF funds may not be used as the non-federal share for purposes of a state's Medicaid and CHIP programs because the Office of Management and Budget has approved a waiver as requested by the Centers for Medicare & Medicaid Services pursuant to 2 CFR 200.102 of the Uniform Guidance and related regulations.

SLFRF funds beyond those that are available under the revenue loss eligible use category may not be used to meet the non-federal match or cost-share requirements of other federal programs, other than as specifically provided for by statute. As an example, the Infrastructure Investment and Jobs Act provides that SLFRF funds may be used to meet the non-federal match requirements of authorized Bureau of Reclamation projects and certain broadband deployment projects. Recipients should consult the final rule for further details if they seek to utilize SLFRF funds as a match for these projects.

ADMINISTRATIVE EXPENSES

SLFRF funds may be used for direct and indirect administrative expenses involved in administering the program. For details on permissible direct and indirect administrative costs, recipients should refer to Treasury's [Compliance and Reporting Guidance](#). Costs incurred for the same purpose in like circumstances must be treated consistently as either direct or indirect costs.

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REPORTING, COMPLIANCE & RECOUPMENT

Recipients are required to comply with Treasury’s [Compliance and Reporting Guidance](#), which includes submitting mandatory periodic reports to Treasury.

Funds used in violation of the final rule are subject to remediation and recoupment. As outlined in the final rule, Treasury may identify funds used in violation through reporting or other sources. Recipients will be provided with an initial written notice of recoupment with an opportunity to submit a request for reconsideration before Treasury provides a final notice of recoupment. If the recipient receives an initial notice of recoupment and does not submit a request for reconsideration, the initial notice will be deemed the final notice. Treasury may pursue other forms of remediation and monitoring in conjunction with, or as an alternative to, recoupment.

REVISIONS TO THE OVERVIEW OF THE FINAL RULE:

- January 18, 2022 (p. 4, p. 16): Clarification that the revenue loss standard allowance is “up to” \$10 million under the Replacing Lost Public Sector Revenue eligible use category; addition of further information on the eligibility of general infrastructure, general economic development, and worker development projects under the Public Health and Negative Economic Impacts eligible use category.
- March 17, 2022 (p. 18): Specified that provision of child nutrition programs is available to respond to impacts of the pandemic on households and communities.

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Town Council
STAFF REPORT



To: Town Council
Title: Updated FY2022-2023 Town Council Meeting Schedule
Meeting: Town Council - 22 Jun 2022
Department: Administration
Staff Contact: Donna Fitzpatrick, Human Resource Coordinator

BACKGROUND INFORMATION:

The Council, at their meeting of May 11, 2022 approved the FY2022-2023 Town Council Meeting Schedule. Updates to this schedule now include:

- October 12, 2022 - last date for Council to hold public hearing(s) for Town Charter Changes for March 2023 ballot
- March 14, 2023 - confirmed date for March Town election

RECOMMENDATION:

Approve Updated FY2022-2023 Town Council Meeting Schedule as presented

SUGGESTED MOTION:

Motion to approve Updated FY2022-2023 Town Council Meeting Schedule as presented

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the suggested motion

ATTACHMENTS:

[2022-23 TC MEETING SCHEDULE 06082022](#)

TOWN COUNCIL MEETING SCHEDULE @ 6:00 pm
July 2022 – June 2023

| | | |
|---|--|--|
| July 6, 2022 | Regular Meeting | Council Chambers |
| July 27, 2022 | Regular Meeting | Council Chambers |
| August 10, 2022 | Workshop | Council Chambers |
| August 24, 2022 | Regular Meeting | Council Chambers |
| September 7, 2022 | Budget Review | Council Chambers |
| September 14, 2022 | Regular Meeting | Council Chambers |
| September 21, 2022 | Budget Review | Council Chambers |
| September 28, 2022 | Regular Meeting | Council Chambers |
| *October 12, 2022 | Regular Meeting | Council Chambers |
| *last date for Council to hold public hearing(s) for Town Charter Changes for March 2023 ballot | | |
| October 26, 2022 | Regular Meeting | Council Chambers |
| November 2, 2022 | Regular Meeting | Council Chambers |
| November 16, 2022 | Regular Meeting | Council Chambers |
| December 7, 2022 | Regular Meeting | Council Chambers |
| December 14, 2022 | Special Meeting (union contracts) | Council Chambers |
| January 4, 2023 | Regular Meeting | Council Chambers |
| January 11, 2023 | Special Meeting (monetary warrant items) | Council Chambers |
| January 18, 2023 | Regular Meeting | Council Chambers |
| February 4, 2023 | Town Meeting | Cawley School 9:00am |
| February 4, 2023 | Special Meeting (amended warrants from Town Meeting) | Cawley School – immediately following Town Meeting |
| February 8, 2023 | Regular Meeting | Council Chambers |
| February 22, 2023 | Regular Meeting | Council Chambers |
| March 8, 2023 | Regular Meeting | Council Chambers |
| March 14, 2023 | Town Election | Cawley School (6:00am-7:00pm) |
| March 22, 2023 | Regular Meeting | Council Chambers |
| April 12, 2023 | Regular Meeting | Council Chambers |
| April 26, 2023 | Regular Meeting | Council Chambers |
| May 10, 2023 | Regular Meeting | Council Chambers |
| May 24, 2023 | Regular Meeting | Council Chambers |
| June 14, 2023 | Regular Meeting | Council Chambers |
| June 28, 2023 | Regular Meeting | Council Chambers |

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

AS OF 06/08/2022

Town Council STAFF REPORT



To: Town Council
Title: FY 2021-22 Budget Encumbrances
Meeting: Town Council - 22 Jun 2022
Department: Finance
Staff Contact: Christine Tewksbury, Finance Director

BACKGROUND INFORMATION:

In accordance with RSA 32:7, all appropriations shall lapse at the end of the fiscal year unless it meets one of six exceptions:

- I. Encumbered by a legally enforceable obligation created by contract
- II. Capital Reserve Funds and Trust Funds
- III. Issuance of Bonds or Notes
- IV. Anticipated Grants from State, Federal or private sources
- V. Special warrant article at properly noticed meeting for which appropriations is available
- VI. Special warrant articles that are written longer than one year, but not over five years

An updated list of contracts/obligations that meet one of these exceptions will be emailed to each Councilor on Thursday, June 16th and provided at the meeting.

Items listed on the Non-budgetary Purchase Orders list do not need to be voted on. This list is provided for your information only and are funded from other funds, such as, Capital Reserves with agents to expend, Conservation, Drug Forfeiture, Police Detail, Ambulance, ARPA and TIF Funds.

FINANCIAL IMPACT:

Budget Summary with encumbrances will be emailed to each Councilor on Thursday, June 16th and provided at the meeting.

RECOMMENDATION:

Recommend approving all of the items listed on the encumbrance list. This motion will move the budget for these items from FY 2021-22 to the new budget that starts July 1, 2022.

SUGGESTED MOTION:

Motion to encumber items #1 to 14 on the "Encumbrances" list in the amount of \$_____ from the FY 2021-22 budget under RSA 32:7.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the recommended motion for the items and total amount on the encumbered list

Town Council
STAFF REPORT



To: Town Council
Title: Acceptance of updated Local Emergency Operation Plan
Meeting: Town Council - 22 Jun 2022
Department: Fire and Rescue
Staff Contact: Regina Howard, Administrative Assistant

BACKGROUND INFORMATION:

The Hooksett Fire-Rescue Department/EMD received grant funding to update the Local Emergency Operations Plan for the Town of Hooksett. A committee of department heads and a consultant from Hubbard Consulting have met over the last year to complete the update. This final version is presented to the Council for review and acceptance.

FINANCIAL IMPACT:

Most state and federal grants are contingent upon having a current/updated LEOP.

POLICY IMPLICATIONS:

None

RECOMMENDATION:

To accept final draft of the LEOP plan update as presented by the Chief and his committee.

SUGGESTED MOTION:

Motion to accept final draft of the LEOP plan update as presented by the Chief and his committee.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the recommendation to accept the final draft of the Local Emergency Operations Plan

**Town of Hooksett
Town Council Meeting Minutes
Wednesday, May 25, 2022**

The Hooksett Town Council met on Wednesday, May 25, 2022 at 5:30 in the Hooksett Municipal Building.

CALL TO ORDER

Chair Sullivan called the meeting of 25 May 2022 to order at (time) pm.

PROOF OF POSTING

Town Administrator, Dr. Dean E. Shankle, Jr., provided proof of posting.

ROLL CALL - ATTENDANCE

In Attendance: Councilor James Sullivan, Councilor Clifford Jones, Councilor John Durand, Councilor Randall Lapierre, Councilor Roger Duhaime, Councilor David Boutin, Councilor Timothy Tsantoulis, Councilor Clark Karolian, and Councilor Alex Walczyk

Absent:

PLEDGE OF ALLEGIANCE

NON-PUBLIC SESSION #1 NH RSA 91-A:3 II

PUBLIC SESSION WILL BEGIN IMMEDIATELY FOLLOWING THE NON-PUBLIC SESSION NOTED ABOVE

AGENDA OVERVIEW

PUBLIC HEARINGS

SPECIAL RECOGNITION

BICENTENNIAL MOMENT

Hooksett Bicentennial Vietnam War Moving Wall - Richard Caruso

Hooksett Municipal Employee - New Hire

PUBLIC INPUT - 15 MINUTES

Enter public input comments here

SCHEDULED APPOINTMENTS

Annual Update from the Trustees of the Trust Funds - Claire Lyons, Donald Winterton and John Ward

Annual Update from the Recycle and Transfer Advisory Board - Richard Bairam, Member

Annual Update from the Parks and Recreation Advisory Board - Andrew Janosz, Chair

CONSENT AGENDA

Accept a donation of 6 Box O' Joe's and 150 munchkins (cost estimate of \$130.00) to the Town of Hooksett for the Volunteers of the Vietnam Moving Wall event on Friday, Saturday and Sunday per RSA 31:95-e, II.

TOWN ADMINISTRATOR'S REPORT

NOMINATIONS AND APPOINTMENTS

Nominations and Appointments

BRIEF RECESS

OLD BUSINESS

Town Personnel Plan Updates (tabled at 04/13/22 TC Mtg)

Impacts of Potential Town Clerk Vacancy

ARPA Committee Project List and Ranking

NEW BUSINESS

2022 Resurfacing

Town Wide Road Line Striping Bid Acceptance

District Court Roof Repair Bid Acceptance

Corriveau Drive Drainage Improvements Project Award to Pichette Brothers Construction Company for \$49,454.00

TIF District Easements – Purchase easements from three residential properties in the Exit 11 area of the TIF District for \$31,900.

Sherwood Drive Drainage Improvements Project - Award to Pichette Brothers Construction Company for \$27,790.00.

Quarterly Financial Report as of March 31, 2022

Town Council Rules of Procedures Updates

Unsealing of Council Non-Public session minutes (a) (b) (c) (d) (e) (i) (l) (June 2021 - May 2022), if in the opinion of a majority of members, the circumstances that sealed the minutes no longer apply in accordance with RSA 91A:3 III

APPROVAL OF MINUTES

Public: May 11, 2022

SUB-COMMITTEE REPORTS

PUBLIC INPUT

NON-PUBLIC SESSION NH RSA 91-A:3 II

ADJOURNMENT

NOTE: The town website may have attachments to these Town Council minutes for documents referred to in the minutes, reading file materials, and/or ancillary documents that the Town Council has signed as agent to expend as a result of the Council's prior approval of the documents.

PUBLIC INPUT

Name, Recording Secretary

**Town of Hooksett
Town Council Meeting Minutes
Wednesday, June 8, 2022**

The Hooksett Town Council met on Wednesday, June 8, 2022, at 5:30 in the Hooksett Municipal Building for a non-meeting with Town Council.

CALL TO ORDER

Chair Sullivan called the public meeting of 08 Jun 2022 to order at (6:25) pm.

PROOF OF POSTING

Human Resource Coordinator Donna Fitzpatrick provided proof of posting.

ROLL CALL-ATTENDANCE

In Attendance: Councilor James Sullivan, Councilor David Ross, Councilor John Durand, Councilor Randall Lapierre, Councilor Roger Duhaime (arrived at 6:54), Councilor David Boutin, Councilor Timothy Tsantoulis, Councilor Clark Karolian, and Councilor Alex Walczyk.

PLEDGE OF ALLEGIANCE

AGENDA OVERVIEW

Chair J. Sullivan gave an overview of the agenda.

BICENTENNIAL MOMENT

Chair Sullivan gave a PowerPoint presentation on The Farm Kitchen a restaurant in Hooksett, which was established in 1927 and founded by Mabel Manzer at 1574 Hooksett Road. The Farm Kitchen closed in 1958 according to Town records. The full PowerPoint presentation can be found on the town website.

Hooksett Municipal Employee New Hires

J. Sullivan motioned to unseal the non-public minutes of the advice and consent of the hiring of the new Highway Director; seconded by D. Boutin.

Vote in favor 8-0

A. Garron announced that, Ben Berthiaume has been hired as the new DPW Director. Ben comes from the private sector as a Project Manager. He has lots of experience working on Town and City projects. He will be starting on June 27th.

PUBLIC INPUT - None

SCHEDULED APPOINTMENTS

11.1 Annual Update from the Economic Development Advisory Committee - David Scarpetti, Chair and Town Planner Nicholas Williams.

D. Scarpetti- we have had a busy year here. We've been busy in the revitalization zones. There are 6 different zones. It gives businesses the opportunity to come to town. They get a state \$250,000 tax credit over 5 years, if they build or expand in Hooksett.

50 N. Williams- the grand total of revitalization applications is 12 over the last 4 years.
 51 D. Scarpetti- we have been busy with the project at exit 11, with the new 500,000 sq warehouse
 52 building and getting sewer pumpstations to that portion of the town.
 53

54 D. Boutin- the water district is going to bring a line down route 3 and Hackett Hill Road and then the
 55 developer is going to bring it up their site.
 56

57 D. Scarpetti- amazon has been working on their site and other businesses have been working on
 58 expanding in the area. In order for us to expand to the exit 10 side we had to add a pump station. We
 59 have talked to Market Basket and Walmart, and they are interested in accessing the water and sewer.
 60 There is also a lot happening on the East side of the river.
 61

62 N. Williams- we are aiding SNPC in their regional housing needs assessment, which will produce a
 63 more specific document with the exact housing needs of Hooksett.
 64

65 **11.2 Annual Update from the Planning Board - Tom Walsh, Chair, and Town Planner Nicholas**
 66 **Williams.**
 67

68 T. Walsh- there is a lot of overlap between EDAC and us.
 69

70 N. Williams- it's not been quite a year since we were here last. Since July of last year, we have had 32
 71 formal applications consisting of, 6 subdivisions, 3 lot line adjustments, 8 commercial site plans, 3
 72 amended commercial site plans, 1 change of use, 3 performance zone waiver requests, 3 lot mergers,
 73 4 extension requests, 1 residential site plan, Various conceptual discussions, public hearings.
 74

75 C. Karolian- for Black Diamond Auto Wash how will they contain the water run off?
 76

77 N. Williams- it will be self-contained and we are working out those details.
 78

79 D. Ross- one thing about car washes is in the winter there are ice slicks. To have that ROW on the
 80 main road that is close to a school seems like a safety issue.
 81

82 T. Walsh- that is a good point that we will take that under consideration.
 83

84 R. Lapierre- to continue that thought, I have brought this up to DPW before. Between Memorial Drive
 85 and Hooksett Road there is already a sink hole. That is an area of concern with the road there.
 86 Technically the asphalt that is falling away is on Memorial Drive.
 87

88 N. Williams- in residential development we have a number of developments that are nearing
 89 completion. Berry Hill has 10 units, Brookview is in final c/o, Walnut Hill also is in its final c/o. Carriage
 90 Manor final building, Churchill Drive approx. 8 lots, Autumn Frost 3 lots, University approx. 15 lots. For
 91 ongoing projects, we have the following: Forest Oaks, University Commons, Hemlock Hill estates. We
 92 issued 84 c/o so far this year. ADU have seen an increase at 9 requests this year, and 8 conversions.
 93 Occupancy reviews are down this year. We conducted 16 reviews so far. For long-range planning we
 94 are still working on the master plan working through it. We have 2 transportation planning projects
 95 underway. Working with SNHPC on a comprehensive inventory and assessment of the Town's housing
 96 needs through 2030. Working with EDAC to develop a vision for the vacant parcel of the corner of
 97 College Park and Route 3.
 98

99 J. Sullivan- when are you expecting the Master Plan to go through Planning Board review?
 100

101 T. Walsh- we kept putting the master plan on our agendas, and the meetings just kept getting longer.
102 With the new collaboration with SNHPC and the house needs assessment we decided to hold off, so
103 that we didn't just have bits and pieces. We did revise some sections over the years.

104

105 R. Duhaime- I did not see in your report the Manchester Sand & Gravel project.

106

107 N. William- you are right, it is an ongoing project.

108

109 R. Duhaime- we cannot support anymore housing without fixing our roads. This is a lot of homes.

110

111 T. Walsh- I agree with you. We do look at the ones approved already even if they have not been built
112 out yet.

113

114 N. Williams- we have a large industrial project proposed at 10 Eastpoint Drive. A fortune 100 company
115 is looking to purchase the Ritchie Bros Site. Two industrial drive pad sites proposed at 400 technology
116 drive, 200 Technology Drive has a proposed redevelopment plan for a national retailer. 1821 Hooksett
117 Road mixed use development for an age restricted assisted living facility.

118

119 T. Walsh- in regard to the project at exit 11 that the TC spent extensive time signing an MOU. That
120 water & sewer is just one part of the project. I heard it many times that the traffic contributions by the
121 applicant is going to be about a million dollars, that is not how this ll happened and the Planning Board
122 never accepted this. This applicant came to us many times with no solutions on the traffic patterns.
123 Again, we said no to the million dollars as their fair share, as we can't determine what the
124 improvements are going to look like. They requested us to give them the conditional approval as they
125 said DOT was more responsive to a conditional approval. Before any sewer and water is built over
126 there you have to get through the traffic over there.

127

128 **11.3 Town Clerk, Todd Rainier - Civil Forfeiture**

129

130 ***T. Tsantoulis motioned for the Town Council to sign the warrant for the civil forfeitures process***
131 ***to commence; seconded by C. Karolian.***

132

133 ***Vote all in favor 9-0***

134

135 T. Rainer- we have 283 unregistered dogs. We have been trying to do a number of things to try to get
136 residents to register their dogs. Having Timbers picture out front has helped and been successful. We
137 have been trying to capture email addresses to send reminder notices.

138

139 D. Ross- when you get returned mail that says undeliverable would that cause you to purge that from
140 the list?

141

142 T. Rainer- yes if we are notified.

143

144 D. Ross- is their any monetary fine beside taking the dog?

145

146 T. Rainer- there is a \$25 fine for each unregistered dog.

147

148 T. Rainer- you have already met Pamela Sullivan who will be our next Town Clerk. I think she will work
149 out ok. I ask if you would get Pamela started and trained. I ask that you get her appointed as Assistant
150 Town Clerk for the purpose of accessing State elections training offered in June.

151

C. Karolian motioned to waive the rules of procedure to nominate and appoint in the same night seconded by D. Boutin.

Vote in favor 9-0

D. Ross motioned to appoint Pamela Sullivan as the Assistant Town Clerk from June 8 to June 30, 2022; seconded by R. Duhaime.

Vote in favor 9-0

11.4 Martins Ferry Road Guardrail Repair and Speed Hump Removal - Meeting with Josif Bicja, Vice President / Senior Structural Engineer at Hoyle Tanner and Sean James Senior VP at Hoyle Tanner and Bruce Thomas, Town Engineer to Discuss Guardrail Replacement with Bridge Rail.

B. Thomas- there was a sequence of events that occurred. Several months ago, the guardrail at the corner failed at the same time we had the erosion project. I told DPW to hold off on the guardrail repairs in hope to combine the repairs in with the erosion project to save money. At the beginning of the project, we asked Advanced Excavation for a quote to repair the erosion and that was for \$27,000 and that was basically to go in and line the slope and built it up. However, I knew we needed a wetland permit, and talked to a few people as to what it would require and ultimately, we went through an RFP process. We hired Sanborn for the wetlands for the design of repairs. They completed the design, and we advertised to bid and awarded to SUR west construction. SUR removed and replaced the railings according to the contract but did not remove the post, then they told us they could not replace the guardrail on the corner. I contacted CWS a guardrail company named, and they told me they could not repair it without a bridge rail design. The town has repaired that guardrail 2x already. Because of the general deterioration of the area, it has risen to a new level. This is not a bridge it is a culvert but looks like a bridge. I put out an RFP for a bridge rail design with no responses at all. I contacted Hoyle Tanner and asked them to give me a proposal for the project. Again, the project has gotten more complicated.

C. Karolian- who did the initial design of the repair?

B. Thomas- Sanborn did.

B. Thomas- these are really 2 unrelated projects that got merged into one and seems to have caused some angst.

J. Bicja- in the picture you can see that the post is not there anymore, the curbing is non existing. You are actually missing a post. You can see on the right side of the photo you can see the post on the side. That post has been hit and damaged and the rail has been flattened out and does not meet the standard. In order to repair it you can't really attach it to the concrete as the concrete is beyond repairs and has deteriorated away so much. Replacing the curb, you can replace it in kind and that will be very time consuming. The other option is to remove the outer panel and fabricate it offsite with a precast curb already attached to it.

D. Ross- the project needs to be handled as a whole total project. We need DOT and DES to go to the site and see what is going on. The guardrail is not stable, the company that did the repair did not even cut off the bolts, it was a rush job and showed complete disregard. The wall that was done 15 years ago held up fine.

J. Sullivan- you told us we need to fix a problem I thought you were going to tell us how to fix it. So, the guardrail was not part of the original project? This is not part of the erosion?

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4

205 B. Thomas- I was hoping I could get him to do it.

206

207 R. Duhaime- this corner has always been a nightmare. It seems like they did not make this bridge wide
208 enough. If you have other suggestions as to what to do here, I'd like to hear it.

209

210 J. Bicja- part of the curb is in the travel lane. Cars are trying to make that turn and they are just hitting it.
211 It is a ripple effect to replace the rail because then you have to fix the curb then the deck slab
212 underneath. The underneath of the slab has leakage as the waterproof membrane is failing. While you
213 are replacing the rail, you need to address all those other things and that is the reason why we
214 recommended all those things in our proposal.

215

216 S. James- we haven't really reviewed the projects that were beforehand. There are things you can do
217 but it is based on time and effort that you want to put into it.

218

219 J. Sullivan- the project that you are looking to address is more than just replacing the guardrails. It is
220 guardrails and culvert repairs and the erosion that is beyond what was fixed.

221

222 A. Garron – what is before us now is to fix the guardrail but in order to fix the guardrail we need to fix
223 the decking below it.

224

225 B. Thomas- there was an RFP that went out and Hoyle Tanner was the only one to bid.

226

227 C. Karolian- let's just do it the right way.

228

229 A. Garron- I just want to take the council back the erosion problem was immediate, and we responded
230 immediately, and we addressed that issue, and these issues arose from that. It was an erosion problem
231 and we reacted to that and from that we are seeing these results. I take it from the council that you
232 want us to look at all issues associated with this issue.

233

234 R. Duhaime- this needs to be sealed, the pavement needs to come up, and we have a lot of project
235 going on here that needs to be addressed. I think the whole crossing is too narrow and I think it needs to
236 be widened and seal the leakage.

237

238 ***T. Tsantoulis motioned to allow the Town Administrator and the Town Engineer to come up with***
239 ***a comprehensive repair plan that includes guardrails, decking, decking membrane and anything***
240 ***else that would make this safer and makes this a one size fits all and to cover the entire project;***
241 ***seconded by D. Boutin.***

242

243 T. Tsantoulis- if we use that approach the engineers in front of us can come back with a plan that we
244 need to do and we can move forward on that.

245

246 J. Bicja- our proposal that we submitted earlier does not include that it only includes the rail, curbing,
247 and the deck. As far as we are concerned you hired and paid another firm for the erosion.

248

249 R. Duhaime- we have a new DPW director starting soon, and I don't want to rush this, and I want him to
250 be involved in this.

251

252 **Roll Call Vote #2**

253 ***R. Duhaime Aye***

254 ***J Durand Aye***

255 ***D. Ross Aye***

256 ***R. Lapierre Aye***

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5

257 **A. Walczyk Aye**
 258 **D. Boutin Aye**
 259 **C. Karolian Aye**
 260 **T. Tsantoulis Aye**
 261 **J. Sullivan Aye**

262
 263 **Vote in favor 9-0**

264
 265
 266 **TOWN ADMINISTRATOR'S REPORT**
 267

268 A. Garron- covid numbers have gone down to 64 since our last meeting. New cases in town are
 269 dropping. As of June 6th, there were no new cases in NH. June 18th is the Touch a Truck event and the
 270 Summer Reading Kick Off event. June 24th is the New Legacy Swing Band @ Cawley Middle School.
 271 July 2 is the Town of Hooksett Birthday Celebration. The Civil War Encampment on July 1st to 2nd.
 272 Seeking a waiver of the curfew at Donati Park. The Governor's Executive Council meeting at the library
 273 is scheduled tentatively July 13th or 14th. The DOT transportation plan as I indicated earlier, we were
 274 successful in getting the Hackett Hill and Route 3a and including Main Street in the 10-year plan. The
 275 DOT is soliciting from the Town any projects that we may have that we would like to see on the next
 276 10-year plan. If anyone has any ideas that we should be submitting the deadline is July 29th.

277
 278 A. Garron- we sent out the newsletter along with the tax bills. It is also available on the town website.
 279

280 T. Tsantoulis- I got a request from some residents on some pop-up buildings. It seems there are some
 281 businesses putting storage containers on the sides of their building, and I believe that those concerns
 282 should be addressed by our Code Enforcement Officer.
 283

284 **J. Sullivan motioned to waive the curfew at Donati park for the Civil War Encampment;**
 285 **seconded by D. Boutin.**
 286

287 **Vote in favor 7-0**
 288

289 **NOMINATIONS AND APPOINTMENTS**
 290

291 **D. Ross motioned to waive the rules of procedure and nominate and appoint in the same night;**
 292 **seconded by D. Boutin.**
 293

294 **All in favor 8-0**
 295

296 **R. Lapierre motioned to nominate and appoint Robert Better as a full member of the**
 297 **Conservation Commission with a term expiring 06/30/2023; seconded by D. Boutin.**
 298

299 **Vote in favor 8-0**
 300

301 **R. Lapierre motioned to nominate Robert Schroeder to the Recycle and Transfer Advisory Board**
 302 **with a term expiring 06/30/2025; seconded by D. Boutin.**
 303

304 **Vote in favor 8-0**
 305

306 R. Lapierre asked that we move up agenda item 16.3
 307

308 J. Sullivan motioned to remove the 2022 resurfacing item from the table seconded by R.
309 Lapierre.

310
311 **Vote in favor 7-0**

312
313 **16.3 2022 Resurfacing**

314
315 T. Tsantoulis motioned to approve and consent to award the 2022 Resurfacing Project to GMI
316 Asphalt, LLC for a total of \$1,047,059.66, approximately \$155,000.00 to come from FY 2021-2022
317 budget and the balance to come from FY 2022-2023 budget currently at \$900,000.00. seconded
318 by D. Boutin.

319
320 T. Tsantoulis- the comment that I have in support of this and given the issues that we have had in the
321 past that they can not work unless they have on sight supervision and if that cannot be provided then
322 they should not be working.

323
324 J. Sullivan- I believe direct oversight was addressed in the contract.

325
326 R. Lapierre- it says no payment shall be installed without a town employee being on sight to monitor.

327
328 R. Duhaime- I've already talked about this contractor. I don't know why we are talking about this. We
329 are rushing. We have a new DPW director lets get him in here and see his opinion. Again, about the
330 contractor, I don't want to get into, I think it is a rash decision.

331
332 **C. Karolian motion that we table this until the new DPW is on board. Seconded by D. Boutin.**

333
334 **Roll Call Vote #3**

335 **D. Boutin Nay**
336 **D. Ross Aye**
337 **A. Walczyk Nay**
338 **J. Durand Aye**
339 **R. Duhaime Aye**
340 **T. Tsantoulis Nay**
341 **R. Lapierre Nay**
342 **C. Karolian Aye**
343 **J. Sullivan Nay**

344
345 **Vote fails 4-5**

346
347 **Moton to call the question on the original motion.**

348
349 **Roll Call Vote #4**

350 **A. Walczyk Aye**
351 **R. Lapierre Aye**
352 **D. Ross Nay**
353 **R. Duhaime Nay**
354 **J. Durand Nay**
355 **C. Karolian Nay**
356 **T. Tsantoulis Aye**
357 **D. Boutin Aye**
358 **J. Sullivan Aye**

359 **Vote in favor 5-4**

360

361 **OLD BUSINESS**

362

363 **16.1 Town Personnel Plan Updates (tabled at 04/13/22 TC Mtg)**

364

365 **J. Sullivan motioned to remove 16.1 Town Personnel Plan Update from the table Seconded by D.**
 366 **Ross.**

367

368 **Vote in favor 9-0**

369

370 J. Sullivan- is there any questions on items 1-13?

371

372 C. Karolian- I need clarification, it is my understanding that the TA concurs with the recommendations
 373 with what is being done. Who is on the non-union town management team that is referenced in the staff
 374 report? According to the staff report the non-union management team as they added their input and
 375 approve of the amendments that are being suggested.

376

377 A. Garron- it includes myself, Finance Director, HR Director, Police Chief and Fire Chief.

378

379 D. Fitzpatrick- there is more as Andre mentioned. This is non-union the management is incorporated of
 380 others but the only ones who reviewed and approved this were TA Garron, Finance Director, HR
 381 Director, Assessor, Fire Chef and acting DPW Director, Police Chief, Code Enforcement, Library
 382 Director, Tax Collector, Project Coordinator, Family Services, Myself, Source Super.

383

384 C. Karolian- so that is all non-union management staff, under the FSLA are they FSLA exempt?

385

386 D. Fitzpatrick- yes, we have salaried employees that are exempt. TA is contracted and exempt, Finance
 387 Direct is exempt, HR Coordinator is exempt, Code Enforcement is Non-Exempt, Tax Collector exempt,
 388 Project Coordinator is exempt, Fire Chief is contracted and exempt, Library Director exempt, Source
 389 Super exempt, Police Chief Contract exempt, Assessor exempt, Family Services Non-exempt PT,
 390 acting PWD hourly but position is exempt.

391

392 C. Karolian- who on the list are on the town negotiating team who negotiating contracts with the
 393 unionized employees.

394

395 D. Fitzpatrick- typically TA Garron, Finance Direct and myself are on the negotiating team and then the
 396 respecting depending on what is being negotiated the dept head is there.

397

398 C. Karolian- are any that are on the team beneficiaries to the proposed plan?

399

400 D. Fitzpatrick- the answer could be construed as yes; however, I would like to comment on that. When
 401 we are talking about carrying over 120 of vacation time vs our current 100 hours. we've earned that
 402 time so to say benefit from that we are just transferring over time we have earned.

403

404 C. Karolian- the people that are on the town negotiating team that you listed, they will benefit from the
 405 changes that are being proposed now?

406

407 A. Garron – some are. Contracted employees would not benefit from the changes to the personnel plan
 408 changes.

409

410 C. Karolian – the core team would benefit from the proposal being put forth from the team.

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8

411 D. Fitzpatrick- the chiefs would also bring 2nd in line to negotiations, but they are not part of the
412 management team that brought this forward.

413
414 C. Karolian- if this were to go through then the people that are negotiating on behalf of the town will be
415 benefitting so the question comes up how is it that we know that the negotiations being done in good faith
416 when the people are negotiating on behalf of the town are proposing to get the same benefits as the
417 union contract gets, how do we know that this is going to be done in good faith?

418
419 ***C. Karolian motioned that we go into non-public per RSA 91: A II (a) immediately seconded by J.***
420 ***Durand.***

421 (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such
422 employee, or the investigation of any charges against him or her, unless the employee affected (1) has
423 a right to a meeting and (2) requests that the meeting be open, in which case the request shall be
424 granted.

425
426 **Roll Call Vote #5**

427 ***T. Tsantoulis Aye***

428 ***D. Ross Aye***

429 ***R. Duhaime Aye***

430 ***A. Walczyk Aye***

431 ***R. Lapierre Aye***

432 ***C. Karolian Aye***

433 ***J. Durand Aye***

434 ***D. Boutin Nay***

435 ***J. Sullivan Nay***

436

437 ***Vote in favor 6-3***

438

439 **Town Council entered Non-Public at 8:35 pm and came back into public session at 9:07 pm.**

440

441 ***R. Lapierre motioned to seal the non-public minutes of June 8, 2022; seconded by C. Karolian.***

442

443 **Roll Call Vote #6**

444 ***J. Durand Aye***

445 ***R. Lapierre Aye***

446 ***C. Karolian Aye***

447 ***D. Boutin Aye***

448 ***D. Ross Aye***

449 ***T. Tsantoulis Aye***

450 ***A. Walczyk Aye***

451 ***R. Duhaime Aye***

452 ***J. Sullivan Aye***

453

454 ***Vote in favor 9-0***

455

456 ***J. Sullivan motioned to leave non-public session of June 8, 2022, at 9:02 pm; seconded by C.***
457 ***Karolian.***

458

459 ***Vote in favor 9-0***

460

461 **C. Karolian motioned to table the discussions for the Town Personal Plan; seconded by D.**
 462 **Ross.**

463
 464 **Roll Call Vote #7**

465 **D. Ross Aye**

466 **C. Karolian Aye**

467 **R. Lapierre Nay**

468 **R. Duhaime Aye**

469 **A. Walczyk Nay**

470 **J. Durand Nay**

471 **T. Tsantoulis Nay**

472 **D. Boutin Nay**

473 **J. Sullivan Nay**

474

475 **Vote 3-6 motion fails**

476

477 **J. Sullivan motioned to make an amendment and vote on #1, #4 separately; seconded by T.**
 478 **Tsantoulis.**

479

480 J. Sullivan- I believe #1 & #4 does not reflect some of the concerns in regard to other ones.

481

482 R. Lapierre- point of order.

483

484 J. Sullivan removed motion from the table and T. Tsantoulis offered up a new motion as motions had
 485 gotten complicated.

486

487 **T. Tsantoulis motioned to approve the Town Personnel Plan in its entirety as presented;**
 488 **seconded by J. Sullivan.**

489

490 **Roll Call Vote #8**

491 **R. Lapierre Nay**

492 **R. Duhaime Nay**

493 **T. Tsantoulis Aye**

494 **A. Walczyk Nay**

495 **J. Durand Nay**

496 **D. Ross Nay**

497 **D. Boutin Nay**

498 **C. Karolian Nay**

499 **J. Sullivan Aye**

500

501 **Motion fails 2-7**

502

503 **NEW BUSINESS**

504

505 **17.1 FY 2021-22 Budget Encumbrances Preview**

506

507 C. Tewksbury- I won't be at your next meeting if you have any questions, please bring them forward to
 508 Andre. I revised the list anything in yellow is a revision. Non-Budgetary is just a reference. What the
 509 encumbrances does is move the list of current projects or items to carry forward so that you can finish
 510 the projects next year. This list is fairly similar to last year.

511

512 **17.2 Adoption of RSA 41:14-a and amendment to the 2006 Town Council Resolution**
513
514 ***J Sullivan motioned to adopt the provisions of RSA 41:14-a in its entirety; seconded by D.***
515 ***Boutin.***
516
517 ***Vote in favor 8-1***
518
519 **ADJOURNMENT**
520
521 ***R. Duhaime motioned to adjourn the meeting at 9:19 pm. Seconded by J. Durand.***
522
523 ***Vote in favor 7-2***
524
525 Respectfully submitted,
526
527 *Alicia Jipson*
528
529 Alicia Jipson
530 Recording Clerk