



AGENDA

Town of Hooksett Town Council

Wednesday, July 27, 2022 at 5:30 PM

A meeting of the Town Council will be held Wednesday, July 27, 2022 in the Hooksett Municipal Building commencing at **5:30 PM**.

Page

1. **CALL TO ORDER**
2. **PROOF OF POSTING**
3. **ROLL CALL-ATTENDANCE**
4. **NON-PUBLIC SESSION #1 NH RSA 91-A:3 II**
5. **PUBLIC SESSION WILL BEGIN IMMEDIATELY FOLLOWING THE NON-PUBLIC SESSION NOTED ABOVE**
6. **PLEDGE OF ALLEGIANCE**
7. **AGENDA OVERVIEW**
8. **PUBLIC HEARINGS**
 - 8.1. Public Hearing to amend the Recycling and Transfer Ordinance #00-31 to change the definition of Multi-Family Residential from 3 to 4 dwelling units in a building. This notice is per Chapter 231:132-a of the NH Revised Statutes annotated.
[Staff Report - SR-22-122 - Pdf](#) 5 - 29
9. **SPECIAL RECOGNITION**
 - 9.1. BICENTENNIAL MOMENT
 - 9.2. Hooksett Municipal Employee - New Hire
10. **PUBLIC INPUT - 15 MINUTES**
11. **SCHEDULED APPOINTMENTS**
 - 11.1. TIF District Sewer Amendment No. 4 – Construction Administration and Inspection by Underwood Engineering for \$606,000. David Mercier from Underwood Engineering will be present to answer any questions regarding the Amendment.
[Staff Report - SR-22-113 - Pdf](#) 31 - 46
12. **CONSENT AGENDA**
 - 12.1. Motion to allow the Hooksett Police Department to accept donations of money, gift cards, and other items with a combined estimated value less than \$5,000.00 from Residents and Businesses, to the Town of Hooksett for the Hooksett Police Departments L.E.A.D. Raffle/Program at National Night Out, per RSA 31:95-e:II and 31:95-b, III(b).
[Staff Report - SR-22-124 - Pdf](#) 47

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

12.2.	Motion to accept 5 sets of rain guards (vent visors) from Lund International at no charge, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-e:II. Staff Report - SR-22-108 - Pdf	49
12.3.	To accept a donation totaling \$50.00 in memory of Donald Skillins to the Town of Hooksett for the Fire-Rescue Department per RSA 31:95-b,III (b) Staff Report - SR-22-112 - Pdf	51
12.4.	Donation of \$100.00 Check from George A. Bureau & Daniel A. Bureau to the Town of Hooksett for the Hooksett Family Services Dept. programs under RSA 31:95-b III (b). Staff Report - SR-22-125 - Pdf	53
13.	TOWN ADMINISTRATOR'S REPORT	
14.	NOMINATIONS AND APPOINTMENTS	
14.1.	Town Council Assignments- Budget Committee and Sewer Commission Staff Report - SR-22-127 - Pdf	55 - 56
15.	BRIEF RECESS	
16.	OLD BUSINESS	
16.1.	ARPA Committee Project List and Ranking (tabled at 7/6/22 meeting) Staff Report - SR-22-079 - Pdf	57 - 106
17.	NEW BUSINESS	
17.1.	Presentation of the Capital Improvement Plan approved by the Planning Board on June 20, 2022. Staff Report - SR-22-110 - Pdf	107 - 120
17.2.	To allow Hooksett Fire Rescue Department members access to NHFA funded training classes eligible for overtime and backfill reimbursement for the period of the next two years ending in 2024 Staff Report - SR-22-109 - Pdf	121
17.3.	Budget Transfer #2022-02 in the amount of \$102,800.00 to the Police budget from Fire and DPW's budgets. Staff Report - SR-22-123 - Pdf	123 - 125
17.4.	Updates to Town Council Rules of Procedures Staff Report - SR-22-126 - Pdf	127 - 138
17.5.	Town Council Annual Report council 2021 2022 town report	139 - 142
18.	APPROVAL OF MINUTES	
18.1.	Public: 06/30/2022 Special Meeting TC Minutes 06302022	143 - 144
18.2.	Public: 07/06/2022 TC Minutes 07062022	145 - 156
18.3.	Non-Public: 07/06/2022	

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

- 19. SUB-COMMITTEE REPORTS**
- 20. PUBLIC INPUT**
- 21. NON-PUBLIC SESSION #2 NH RSA 91-A:3 II**
- 22. ADJOURNMENT**

PUBLIC INPUT

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

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: Public Hearing to amend the Recycling and Transfer Ordinance #00-31 to change the definition of Multi-Family Residential from 3 to 4 dwelling units in a building. This notice is per Chapter 231:132-a of the NH Revised Statutes annotated.
Meeting: Town Council - 27 Jul 2022
Department: Public Works
Staff Contact: Denise Cumings, Recycle and Transfer Crew Chief

BACKGROUND INFORMATION:

During the June 22, 2022 Council Meeting, Councilor Karolian made a motion to rescind the vote of the Town Council that was done on May 27, 2020, to the Recycling and Transfer Ordinance amendment 00-31 that changed the number of dwellings in 1 building from 3 to 4 units. This is to be on the 7-27-2022 Town Council Agenda. · Change the definition of Multi-Family Residential. MULTI-FAMILY RESIDENTIAL PROPERTY - Shall mean more than one (1) but not more than ~~three (3)~~ four (4) dwelling units in a building.

The Hooksett Town Council will hold a public hearing on Wednesday, July 27, 2022, at 6:00 p.m. in Council Chambers of Hooksett Town Hall, 35 Main Street, Hooksett, NH. The purpose of this public hearing is to amend the Recycling and Transfer Ordinance 00-31 to change the definition of Multi-Family Residential from 3 to 4 dwelling units in a building. Questions should be directed to the Recycling and Transfer Division of the Public Works Department at (603) 668-5198.

FINANCIAL IMPACT:

NONE

POLICY IMPLICATIONS:

To be consistent with all Town Ordinances

RECOMMENDATION:

6/22/2022 Town Council motion to rescind vote of Council May 27, 2020 to the recycling and transfer ordinance amendments specifically town ordinance 00.31 that changed the number of dwellings in 1 building from 3 to 4 that was a vote that was taken and I motion that we rescind that vote - vote failed 3-3. Chair Sullivan schedule public hearing for 7/27/2022 with the Town Administrator re-write of the ordinance.

SUGGESTED MOTION:

Motion for Town Council review Recycle and Transfer Advisory Committee input and to review the entire Recycle and Transfer Ordinance 00-31 revisions at the next Town Council meeting schedule August 24, 2022.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Town Council directed the Town Administration to prepare an amendment to the Solid Waste Ordinance changing the definition of a multifamily unit from 3 to 4 units. That proposal is before you tonight. The Recycling and Transfer Committee was asked for their input to this change. They had a meeting scheduled for July 26, 2022, I did not have their input prior to this proposed amendment given the time that Council directed me to put this on the agenda for public hearing. The Recycling and Transfer Committee is requesting that Council review this proposed amendment and the other suggested amendments to the Solid Waste ordinance at its August 24, 2022 mtg.

ATTACHMENTS:

[Public Hearing Notice-Recycling and Transfer Other Ordinance](#)
[Ordinance 00-31 WithProposedEdit](#)
[Ordinance 00-31 EditedTo4Units](#)

**TOWN OF HOOKSETT
PUBLIC HEARING NOTICE**

The Hooksett Town Council will hold a public hearing on Wednesday, July 27, 2022, at 6:00 p.m. in Council Chambers of Hooksett Town Hall, 35 Main Street, Hooksett, NH. The purpose of this public hearing is to amend the Recycling and Transfer Ordinance 00-31 to change the definition of Multi-Family Residential from 3 to 4 dwelling units in a building. Questions should be directed to the Recycling and Transfer Division of the Public Works Department at (603) 668-5198.

**RECYCLING & TRANSFER
ORDINANCE # 00-31**

The Town of Hooksett ordains that, pursuant to the authority granted under Section 3.6 of the Hooksett Town Charter, the following ordinance is hereby enacted in the Town of Hooksett:

INTRODUCTION

An Ordinance is hereby created establishing control of solid waste in the Town of Hooksett (Town), implementing rules and regulations for the operation of the Transfer and Recycling and Transfer Center (Center), curbside collection of trash and setting fees for the use of the facilities thereof.

Whereas, the control and regulation of solid waste will serve the public interest, protect the health and safety of Town residents, and conserve our natural resources, and,

Whereas the Town has authority pursuant to State law and the Town Charter to establish rules and regulations for the control of solid waste, to establish permit regulations, and to prescribe penalties for the violations thereof, and,

Whereas it is necessary to establish the rules and regulations for the acceptance of solid waste, therefore be it ordained by the Town of Hooksett, the County of Merrimack, and the State of New Hampshire, that a solid waste ordinance is hereby established setting forth regulations governing the use of the Center and requiring that permits be obtained and fees paid.

**SECTION I
DEFINITIONS AND WORD USAGE**

As used in this Ordinance, the following terms shall have the following meanings:

ACCEPTABLE WASTE – Household garbage, trash, rubbish and refuse originating within the boundaries of the Town, normally collected or disposed of as a result of residential pickups or deliveries.

AUTOMATED COLLECTION – Shall mean a method of collecting refuse and recycling through the use of mechanical collection equipment and special carts issued for the storage and collection of rubbish and recyclables.

AUTOMATED COLLECTION CART – Shall mean a specially designed cart with wheels and town seal, issued by the town of Hooksett to be used for the storage of acceptable refuse or recyclables in the automated collection operation.

CENTER - The Town of Hooksett Transfer and Recycling and Transfer Center situated off Route 3A.

COMMERCIAL - Any and all nonresidential activities.

COMMERCIAL RESIDENTS – Residential abode with more than 3 units.

CONDOMINIUM - Individually owned multi-family units

CONSTRUCTION DEBRIS - Non-putrescible waste building materials and rubble.

CURB LINE – shall mean the area directly behind or adjacent to the curb; in the absence of a curb, the area adjacent to the edge of pavement or road within 5 feet traveled portion of roadway.

CURBSIDE COLLECTION – Shall mean the pickup of acceptable trash and recyclables at certain residences in the Town.

CUSTOMER – Shall mean any resident who delivers waste to the facility or receives trash and or recycling service from the Town.

DEMOLITION WASTE - See Construction Debris.

DESIGNATED COLLECTION POINT – Shall mean the place where the automated cart shall be placed for service, as determined by the Recycling and Transfer Department.

DISPOSAL - The discharge, deposit, injection, dumping, spilling, leaking, or placement of any solid waste into or onto any land or water so that such solid waste or any constituent of it may enter the environment, be emitted into the air, or be discharged into any water, including groundwater.

EXTRA REFUSE – Shall mean any refuse placed on, or around automated collection cart in excess capacity of the automated cart.

HAZARDOUS WASTE - Any material which has been identified as hazardous waste by the New Hampshire Department of Environmental Services. Such wastes include, but are not limited to, those which are ignitable, irritants, or strong sensitizers, or which generate pressure through decomposition, heat, or other means. Such term also encompasses any solid, semisolid, liquid or contained gaseous waste, or any combination of these wastes which, because of either quantity, concentration, or physical, chemical or infectious characteristics may: a) cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; and/or b) pose a present or potential threat to humans or the environment when improperly treated, stored, transported, disposed of, or otherwise mismanaged.

HOUSEHOLD HAZARDOUS WASTE – Hazardous waste generated from non-commercial usage by persons in their living abodes.

INFECTIOUS WASTE - Any waste which, because of its infectious nature, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HOUSEHOLD HAZARDOUS WASTE - Hazardous waste generated from non-commercial usage by persons in their living abodes.

MANDATORY – Officially required.

METAL GOODS (METAL) - Metal goods include household appliances, air conditioners, aluminum lawn chairs, aluminum windows, outside grills, hot water tanks, and other metallic items that can be readily recycled and marketed.

MOTOR VEHICLE WASTE - Used motor oil, motor vehicle batteries, antifreeze, and tires from motorized vehicles.

MULTI-FAMILY RESIDENTIAL PROPERTY – Shall mean more than one (1) but not more than ~~three (3)~~ dwelling units in a building.

~~FOUR (4)~~

RECYCLABLES - Any item within the Town recycling program which can be recycled with the intent of reusing that item.

RECYCLING - The collection, storage processing, and redistribution of separated solid waste so as to return material to the marketplace.

REFUSE - Any solid waste product which is composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes, organic wastes, and domestic solid wastes.

RESIDENT - A person who is domiciled or has a place of abode in the Town of Hooksett and who has, through all of his or her actions, demonstrated a current intent to designate that place of abode as his or her principal place of physical presence for the indefinite future to the exclusion of all others.

SOLID WASTE - Any matter consisting of putrescible material, refuse, and other discarded or abandoned material. It includes solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities. For the purposes of this Ordinance, it does not include hazardous waste as defined in RSA 147A:2, infectious waste as defined in this Section, solid or dissolved materials and irrigation return flows, or municipal and industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, or source special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended. Solid waste includes municipal solid waste (MSW) as defined in State Solid Waste Rule ENV-Wm 103.23.

USER FEE - A charge usually by a municipality to users of a service.

YARD WASTE - Leaves, grass clippings, weeds, hedge clippings, garden waste, and twigs.

SECTION II **CURBSIDE AUTOMATED COLLECTION**

Currently any recyclable materials (see current list at hooksett.org) that can be removed from the waste stream at the curb and recycled at the CENTER, will help in waste and cost avoidance. The reason for separation is to help control the costs associated with the disposal and management of solid waste by diverting as many recyclables from the solid waste stream as possible. The listing of acceptable materials will be available at the Recycling and Transfer Center, or online at www.hooksett.org under the Recycling and Transfer Department.

1. The purpose of this section is to establish minimum standards for the storage, collection, transportation and disposal of solid waste and recycling, utilizing an automated collection program to promote the health, safety, and welfare of the Town's residents, employees and environment, and to minimize the amount of trash generated in the Town.
2. The Crew Chief shall have the direct responsibility for the administration of this section subject to the direction and control of the Town Administrator and the Town Council.
3. The Town will provide curbside collection of residential solid waste from municipal buildings, single family dwellings, multi-family dwellings (3 units or less).

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4. Two automated collection carts, one for trash, one for recycling, and instructions for use will be distributed for residents who receive collection services from the Town. Currently the town does not do curbside recycling, the recycling cart may be used for normal trash until curbside recycling is resumed.
5. It will be the resident's responsibility to assure that automated collection carts are placed in the appropriate location designated by the Town, by 7:00 am on collection day. The Crew Chief or his/her designee shall have the authority to review and approve or disapprove placement of the collection carts. Alternative sites may be necessary to safeguard public safety and minimize risk of damage to public or private property during the collection process.
6. It is the resident's responsibility to remove the automated cart from the curb line by the end of the collection day.
7. It is prohibited to overload automated carts in a manner that is likely to cause damage to the collection vehicle, the automated cart or to create a litter condition or to impede collection. It shall be an infraction to place or deposit any refuse whatsoever in or around an automated cart owned or provided for the use of another customer without that customer's approval.
8. The Town shall not be responsible for collection if there are any infractions of any section of this policy, or if there are any circumstances that are beyond the control of the Town. Infractions or circumstances include, but are not limited to, automated cart overload, unacceptable materials, improperly loaded automated cart, blocked access, automated cart inaccessibility, improper carts or dangerous situations.
9. Automated Carts:
 - a) All automated carts are the property of the Town of Hooksett and are not to be removed from the property even in the event of a change in ownership or resident status. All automated carts will be assigned to a street address and have an imprinted number for identification purposes. One cart shall be used for trash and one cart for mixed recyclables.
 - b) Any repairs to the containers will be performed by the Town. The property owner/customer shall contact the Recycling and Transfer office to report damage and request a repair. Containers damaged beyond repair will be replaced by the Town. If the containers are subject to neglect or other preventable damage as determined by the Crew Chief, the Crew Chief will require a charge for the replacement. The property owners are the ultimate party responsible for all damages or removed containers by tenants. The owner shall pay the cost of \$50.00 for any replacement containers. The owner should work to educate the household members on the proper use and maintenance of the containers.
 - c) All trash and recyclables shall be placed into the appropriate containers so that the lid can be securely shut. No trash placed on the ground or in any unapproved containers shall be picked-up by the town. The containers shall not be overfilled or arranged in any manner that will prevent the lid from remaining closed at all times to prevent water from filling the container, and access by animals. In the event of overflow, residents may bring the extra material to the facility or must wait till the next scheduled collection day.
10. Placement of Carts - It shall be the duty of each customer to place the carts as follows:

- a) Within two (2) feet of the curb line not more than 5 feet from traveled portion of roadway or where directed by the Town.
- b) At least five (5) feet away from all objects such as fences, mailboxes, and utility poles, and clear of overhanging vegetation, utility wires, etc. to allow for the unimpeded operation of collection vehicles.
- c) So that the automated cart handle is facing the dwelling unit.
- d) At least two (2) feet from the other cart.
- e) At least ten (10) feet away from parked vehicles.

11. Approved Materials for Automated Curbside Collection

- a) All household trash must be bagged before placing into the trash container for the automated curbside program.
- b) ONLY household trash will be collected at the curb. All other material for disposal must be brought to the Recycling and Transfer Center at 210 West River Rd.

12. Enforcement - Collection

It is the intention of the Department to educate residents as to the value of recycling and the appropriate procedures for doing so. If, however, a resident or tenant violates any provision of this section (Section II) it may result in the issuance of notices, warnings and possible loss of services.

First Violation – A courtesy notice will be issued. If the violation is the disposal of any unacceptable material, the cost of disposal (user fee) will be incurred.

Second Violation – A written warning will be issued. If the violation is the disposal of any unacceptable material the cost of the disposal (user fee) will be incurred.

Third Violation – A third violation will result in the loss of collection privileges, for an amount of time determined by the Crew Chief, with approval by the Town Administrator. The violator shall have the right to appeal to the Town Council.

SECTION III
CONDOMINIUMS

Condominiums will be required to provide for the collection and disposal of domestic trash within their communities. The Town will reimburse tonnage at a maximum of 21 pounds per unit per week at the Town budgeted rate (for trash disposal), paid semi-annually, upon submission and verification of paid invoices by the condominium association. The Town may rescind or amend this section at any time.

SECTION IV
RECYCLING AND TRANSFER CENTER

The Center is operated and maintained in accordance with RSA 149-M:17 solely to receive, transport, and dispose of authorized solid waste generated within the geographical boundaries of the Town.

These regulations have been recommended by the Recycling and Transfer Advisory Committee and adopted by the Town Council pursuant to the authority granted the Council by RSA 149-M:17, II and 31:39, I (f). These regulations are intended to:

1. Prevent unauthorized entrance into and/or use of the Center;
2. Prohibit the disposal of illegal and/or unacceptable waste;
3. Control the disposal of authorized solid waste to facilitate compliance with operating standards, improve efficiency and productivity, require recycling and reuse of our resources, and maximize the life of the Center; and
4. Establish permit procedures.
5. The Crew Chief of the Center is authorized to promulgate additional regulations subject to the approval of the Town Council which may include, but are not limited to, the following subjects:
 - a) Separation of solid wastes and other materials;
 - b) Inspection procedures;
 - c) Hours of operation; and,
 - d) Establishing fees.

SECTION V
USE OF CENTER

It is mandatory, that residents, who use the facility to drop off material, will separate all designated recyclable materials from the solid waste stream and dispose of them in the approved recycling containers. The reason for separation is to help control the costs associated with the disposal and management of solid waste by diverting as many recyclables from the solid waste stream as possible. The listing of acceptable materials will be available at the Recycling and Transfer Center, or online at www.hooksett.org under the Recycling and Transfer Department.

1. Permit Required.
 - a) Permits will be issued for all residents who use the facility if the vehicle is registered in Hooksett.
 - b) Permits will not be issued to residents who do not have a registered vehicle. Access will be granted with proof of residency in the way of a bill or license with Hooksett address.

- c) Contractors working for Hooksett residences or businesses, must present letter documentation from property/business owners they are working for. Documentation must contain name, address, phone number, signature and current date for each trip to the CENTER. Charges and all rules will apply.
- 2. Removal of material: No material shall be removed from the Center without authorization.
- 3. Designated Areas: Solid Waste shall be disposed of only in the designated areas.
- 4. Unauthorized Entry: No person shall enter or attempt to enter the Center at times other than during the posted operating hours.
- 5. Acceptable Solid Waste
Solid waste which is allowed to be received at the Center includes refuse, recycling, construction debris and demolition waste, motor vehicle waste, yard waste, appliances, and scrap metal. Not all Commercial solid waste is acceptable, please call ahead for approval. User fees may apply. See website at www.hooksett.org or call facility at 603-669-5198.
 - a) Clean demolition, wood, sheetrock (kept separate), asphalt shingles (kept separate and free of trash)
 - b) Furniture
 - c) Metal items and appliances will be accepted. Appliances with freon will be kept separately
 - d) Yard Waste (grass clippings, garden waste, leaves and branches no larger than 3" in diameter) must be brought to the designated area (compost pile). Yard waste brought in plastic bags must be emptied. No brush clearing will be accepted.
 - e) Some household hazardous wastes may be brought to the facility. Residents need to contact the facility to determine if it can be accepted.
- 6. Unacceptable Solid Waste
Materials which will not be accepted at the Center shall include, but not be limited to, the following:
 - a) Hazardous waste. Hazardous waste or material which the Town considers to be detrimental to the operation of the Center or which require special handling or disposal procedures.
 - b) Other. Infectious, pathological and biological waste, radioactive materials, oil sludges, hazardous refuse of any kind, or other substances which are now or are hereafter considered harmful, inflammable, hazardous, or toxic, or which would pose a threat to health or safety, or which may cause damage to or adversely affect the operation of the Center.
 - c) Tires on rims.

- d) Stumps, logs, and branches greater than three inches in diameter or three feet in length.

7. ENFORCEMENT

Use of Recycling and Transfer Facility

It is the intention of the Department to educate residents as to the value of recycling and the appropriate procedures for doing so. If, however, a resident, tenant or Hooksett Commercial Business violates any provision of this section it may result in the issuance of notices, warnings and possible loss of privileges at the facility.

SECTION VI RECYCLING

The policy of the Center is to promote and encourage recycling within the Town. The recycling program is intended to facilitate the reuse of resources, reduce operating costs through avoidance of tipping fee rates, and provide additional income to the Town (when applicable). Residents, who use the facility, will be required to recycle cardboard. Cardboard is easily accepted in an area clearly marked. The recycling of other materials is strongly encouraged.

SECTION VII PERMIT PROCEDURES

In General, Permits may be obtained during normal business hours at the Center, 210 West River Road, Hooksett, New Hampshire. All permits shall be nontransferable. Each vehicle intended for transport of solid waste to the Center must be permitted. Permits must be prominently displayed on the window of the passenger side of the vehicle, which is bearing solid waste to be disposed of at the Center.

1. Residential.

- i. Any person applying for a permit must present a vehicle registration showing residence in the Town.
- ii. Permits are issued free of charge.

2. Commercial.

- i. Any commercial entity must call the office for permission to enter the premises and has proper identification of legal Hooksett address.
- ii. Permits will not be issued.
- iii. Hooksett commercial entities may use the facility only to bring in solid waste that is generated in Hooksett.

3. Revocation of Permit:

The Crew Chief may revoke the permit of any holder when a written finding is made that the holder of the permit or the holder's agent has violated any provisions of these regulations or any regulations promulgated hereunder. The Crew Chief will provide written notice of the revocation to the holder of the permit by certified mail. Any person with such notice of revocation may request a hearing before the Town Administrator

within fifteen (15) days of the receipt of such notice. The Town Administrator will affirm, reverse, or modify the action of the Crew Chief. The revocation of the permit will be stayed during the pendency of the appeal.

SECTION VIII **VIOLATIONS AND PENALTIES**

Any person or commercial entity violating any provision of this ordinance or any regulation adopted pursuant to this Ordinance shall:

1. Be subject to a civil penalty not to exceed \$3, 000 for each act constituting a violation of this Ordinance or the regulations adopted pursuant hereto;
2. Be subject to revocation of permission to use the Center;
3. Be liable for all costs incurred by the Town resulting from the violation and enforcement of this Ordinance, including attorney's fees; and,
4. Be liable for all costs of removal of solid waste improperly disposed of and all costs incurred by the Town resulting from the improper disposal of waste at the Center.

SECTION IX **FEES**

The following disposal fees (user fees) are designed to defray some of the expense incurred by the Town in administering and operating the Center. The Town reserves the right to update these fees. Current Disposal Fees can be obtained by calling the office at 603-669-5198 or checking the website at www.hooksett.org, Recycling and Transfer Division page.

The following charges and restrictions are in effect as of 3/25/2020.

For Hooksett Residents

No mixed loads. Must be placed in proper location.

Construction/demolition debris - \$100.00 per ton/\$.05 per pound; \$2.00 minimum load (wood, insulation, bathroom fixtures, cabinets, siding, flooring, roofing , etc.) No asbestos or hazardous material will be accepted.

Vinyl Siding / plastic pipe must be kept separate and under 4' in length.

Asphalt Shingles must be kept separate and clean no wood, trash or metal.

Sheetrock must be kept separate.

Large plastic and fiberglass items must be cut up to be less than 4' x 4'.

Concrete – Bricks – Asphalt – etc. \$10.00 per pickup load.

Furniture - \$100.00 per ton (\$.05 per pound)

Twin/full mattresses \$3.00

Recliner \$5.00

Queen mattresses \$4.00

Stuffed chair \$4.00

King mattresses \$5.00	Sleep sofa \$7.00 Sofa \$6.00 Loveseat \$5.00	Sofa W/ recliners \$5.00 per recliner
Office chair \$2.00		

Carpet - \$100.00 per ton \$.05 per pound. (Must be cut into 3-4' square sections)

Metal - Units with FREON (refrigerators, freezers, A/C's, dehumidifiers)
\$11.00 per unit. DOORS MUST BE REMOVED

White goods - washers, dryers, dishwashers, stoves, hot water heaters, \$5.00 per unit. No charge other metal (oil, gas and antifreeze must be removed)

Electronics - Please refer to website or Center for current rate per pound.
Small computer drive \$2.00, personal printer \$2.00, 13"computer monitor \$5.00, laptop \$2.00, 17"computer monitor \$7.00, 19"TV \$9.00, 13"TV \$4.00, (Electronics to include: copy machines, fax machines.) All flat monitors less than 20" \$4.00. For TVs and monitors over 19" fee based per pound. Call facility for other electronic fees.

Propane Tanks - 20lb., \$4.00 each; 30lb, \$6.00; 100lb., \$20.00; 1 lb., no charge

Recycling - No charge.

Tires - No charge for the first four tires per year per Hooksett registered vehicle. Thereafter, a charge of \$2.00 for each tire. Must be off rims.

Yard Waste - No charge for leaves and grass.
No land clearing, no tree cutting. See attendant for list of place to go with larger loads, stumps, logs. INVASIVE PLANTS must be kept separate. SEE ATTENDANT. No stumps will be accepted

Any resident bringing material from outside Hooksett will have their permit revoked.

For Commercial Users

Construction/demolition debris - \$100.00 per ton/\$.05 per pound; \$2.00 minimum load. (wood, insulation, bathroom fixtures, cabinets, siding, flooring, roofing, etc.) No asbestos or hazardous material will be accepted.

Vinyl siding / plastic pipe must be kept separate and under 4' in length.

Asphalt Shingles must be kept separate and clean no wood, trash or metal.

Sheetrock must be kept separate.

Large plastic and fiberglass items must be cut up to be less than 4' x 4'.

Solid Waste/trash - \$100 per ton

Furniture - \$100.00 per ton \$.05 per pound. All solid wood furniture \$100.00 per ton.

Carpet - \$100.00 per ton \$.05 per pound. Must be cut into 3-4' square sections.

Metal - Units with FREON (refrigerators, freezers, A/C's, dehumidifiers)
20.00 per unit. DOORS MUST BE REMOVED

White goods - washers, dryers, dishwashers, stoves, hot water heaters, \$5.00 per unit (oil, gas and antifreeze must be removed)

Electronics - Please refer to website or Center for current rate per pound.

Florescent tubes - \$.25 per foot, compact lights \$1 Each, Ballast \$2 each

Propane Tanks - 20lb, \$4.00 each; 30lb, \$6.00; 100lb, \$20.00; 1 lb, no charge

Recycling - Cardboard No Charge; Paper/glass, \$45 per ton.

Tires - Not accepted from commercial

Yard Waste - \$15 per load (Based on 1 ton truck).

Hazardous materials are not accepted from commercial accounts.

No stumps will be accepted

Any businesses bringing materials from outside Hooksett will have their dumping privileges revoked.

Adopted: 6/11/1997

Amended: 3/10/2010

Amended: 10/8/2014

Amended: 5/27/2020

James Sullivan
Town Council Chair

Todd Rainier
Town Clerk

**RECYCLING & TRANSFER
ORDINANCE # 00-31**

The Town of Hooksett ordains that, pursuant to the authority granted under Section 3.6 of the Hooksett Town Charter, the following ordinance is hereby enacted in the Town of Hooksett:

INTRODUCTION

An Ordinance is hereby created establishing control of solid waste in the Town of Hooksett (Town), implementing rules and regulations for the operation of the Transfer and Recycling and Transfer Center (Center), curbside collection of trash and setting fees for the use of the facilities thereof.

Whereas, the control and regulation of solid waste will serve the public interest, protect the health and safety of Town residents, and conserve our natural resources, and,

Whereas the Town has authority pursuant to State law and the Town Charter to establish rules and regulations for the control of solid waste, to establish permit regulations, and to prescribe penalties for the violations thereof, and,

Whereas it is necessary to establish the rules and regulations for the acceptance of solid waste, therefore be it ordained by the Town of Hooksett, the County of Merrimack, and the State of New Hampshire, that a solid waste ordinance is hereby established setting forth regulations governing the use of the Center and requiring that permits be obtained and fees paid.

**SECTION I
DEFINITIONS AND WORD USAGE**

As used in this Ordinance, the following terms shall have the following meanings:

ACCEPTABLE WASTE – Household garbage, trash, rubbish and refuse originating within the boundaries of the Town, normally collected or disposed of as a result of residential pickups or deliveries.

AUTOMATED COLLECTION – Shall mean a method of collecting refuse and recycling through the use of mechanical collection equipment and special carts issued for the storage and collection of rubbish and recyclables.

AUTOMATED COLLECTION CART – Shall mean a specially designed cart with wheels and town seal, issued by the town of Hooksett to be used for the storage of acceptable refuse or recyclables in the automated collection operation.

CENTER - The Town of Hooksett Transfer and Recycling and Transfer Center situated off Route 3A.

COMMERCIAL - Any and all nonresidential activities.

COMMERCIAL RESIDENTS – Residential abode with more than 3 units.

CONDOMINIUM - Individually owned multi-family units

CONSTRUCTION DEBRIS - Non-putrescible waste building materials and rubble.

CURB LINE – shall mean the area directly behind or adjacent to the curb; in the absence of a curb, the area adjacent to the edge of pavement or road within 5 feet traveled portion of roadway.

CURBSIDE COLLECTION – Shall mean the pickup of acceptable trash and recyclables at certain residences in the Town.

CUSTOMER – Shall mean any resident who delivers waste to the facility or receives trash and or recycling service from the Town.

DEMOLITION WASTE - See Construction Debris.

DESIGNATED COLLECTION POINT – Shall mean the place where the automated cart shall be placed for service, as determined by the Recycling and Transfer Department.

DISPOSAL - The discharge, deposit, injection, dumping, spilling, leaking, or placement of any solid waste into or onto any land or water so that such solid waste or any constituent of it may enter the environment, be emitted into the air, or be discharged into any water, including groundwater.

EXTRA REFUSE – Shall mean any refuse placed on, or around automated collection cart in excess capacity of the automated cart.

HAZARDOUS WASTE - Any material which has been identified as hazardous waste by the New Hampshire Department of Environmental Services. Such wastes include, but are not limited to, those which are ignitable, irritants, or strong sensitizers, or which generate pressure through decomposition, heat, or other means. Such term also encompasses any solid, semisolid, liquid or contained gaseous waste, or any combination of these wastes which, because of either quantity, concentration, or physical, chemical or infectious characteristics may: a) cause or contribute to an increase in mortality or an increase in irreversible or incapacitating reversible illness; and/or b) pose a present or potential threat to humans or the environment when improperly treated, stored, transported, disposed of, or otherwise mismanaged.

HOUSEHOLD HAZARDOUS WASTE – Hazardous waste generated from non-commercial usage by persons in their living abodes.

INFECTIOUS WASTE - Any waste which, because of its infectious nature, may cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness, or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HOUSEHOLD HAZARDOUS WASTE - Hazardous waste generated from non-commercial usage by persons in their living abodes.

MANDATORY – Officially required.

METAL GOODS (METAL) - Metal goods include household appliances, air conditioners, aluminum lawn chairs, aluminum windows, outside grills, hot water tanks, and other metallic items that can be readily recycled and marketed.

MOTOR VEHICLE WASTE - Used motor oil, motor vehicle batteries, antifreeze, and tires from motorized vehicles.

MULTI-FAMILY RESIDENTIAL PROPERTY – Shall mean more than one (1) but not more than ~~four~~ (4) dwelling units in a building.

RECYCLABLES - Any item within the Town recycling program which can be recycled with the intent of reusing that item.

RECYCLING - The collection, storage processing, and redistribution of separated solid waste so as to return material to the marketplace.

REFUSE - Any solid waste product which is composed wholly or partly of such materials as garbage, swill, sweepings, cleanings, trash, rubbish, litter, industrial solid wastes, organic wastes, and domestic solid wastes.

RESIDENT - A person who is domiciled or has a place of abode in the Town of Hooksett and who has, through all of his or her actions, demonstrated a current intent to designate that place of abode as his or her principal place of physical presence for the indefinite future to the exclusion of all others.

SOLID WASTE - Any matter consisting of putrescible material, refuse, and other discarded or abandoned material. It includes solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations and from community activities. For the purposes of this Ordinance, it does not include hazardous waste as defined in RSA 147A:2, infectious waste as defined in this Section, solid or dissolved materials and irrigation return flows, or municipal and industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, or source special nuclear or by-product material as defined by the Atomic Energy Act of 1954, as amended. Solid waste includes municipal solid waste (MSW) as defined in State Solid Waste Rule ENV-Wm 103.23.

USER FEE - A charge usually by a municipality to users of a service.

YARD WASTE - Leaves, grass clippings, weeds, hedge clippings, garden waste, and twigs.

SECTION II **CURBSIDE AUTOMATED COLLECTION**

Currently any recyclable materials (see current list at hooksett.org) that can be removed from the waste stream at the curb and recycled at the CENTER, will help in waste and cost avoidance. The reason for separation is to help control the costs associated with the disposal and management of solid waste by diverting as many recyclables from the solid waste stream as possible. The listing of acceptable materials will be available at the Recycling and Transfer Center, or online at www.hooksett.org under the Recycling and Transfer Department.

1. The purpose of this section is to establish minimum standards for the storage, collection, transportation and disposal of solid waste and recycling, utilizing an automated collection program to promote the health, safety, and welfare of the Town's residents, employees and environment, and to minimize the amount of trash generated in the Town.
2. The Crew Chief shall have the direct responsibility for the administration of this section subject to the direction and control of the Town Administrator and the Town Council.
3. The Town will provide curbside collection of residential solid waste from municipal buildings, single family dwellings, multi-family dwellings (~~4~~ units or less).

4. Two automated collection carts, one for trash, one for recycling, and instructions for use will be distributed for residents who receive collection services from the Town. Currently the town does not do curbside recycling, the recycling cart may be used for normal trash until curbside recycling is resumed.
5. It will be the resident's responsibility to assure that automated collection carts are placed in the appropriate location designated by the Town, by 7:00 am on collection day. The Crew Chief or his/her designee shall have the authority to review and approve or disapprove placement of the collection carts. Alternative sites may be necessary to safeguard public safety and minimize risk of damage to public or private property during the collection process.
6. It is the resident's responsibility to remove the automated cart from the curb line by the end of the collection day.
7. It is prohibited to overload automated carts in a manner that is likely to cause damage to the collection vehicle, the automated cart or to create a litter condition or to impede collection. It shall be an infraction to place or deposit any refuse whatsoever in or around an automated cart owned or provided for the use of another customer without that customer's approval.
8. The Town shall not be responsible for collection if there are any infractions of any section of this policy, or if there are any circumstances that are beyond the control of the Town. Infractions or circumstances include, but are not limited to, automated cart overload, unacceptable materials, improperly loaded automated cart, blocked access, automated cart inaccessibility, improper carts or dangerous situations.
9. Automated Carts:
 - a) All automated carts are the property of the Town of Hooksett and are not to be removed from the property even in the event of a change in ownership or resident status. All automated carts will be assigned to a street address and have an imprinted number for identification purposes. One cart shall be used for trash and one cart for mixed recyclables.
 - b) Any repairs to the containers will be performed by the Town. The property owner/customer shall contact the Recycling and Transfer office to report damage and request a repair. Containers damaged beyond repair will be replaced by the Town. If the containers are subject to neglect or other preventable damage as determined by the Crew Chief, the Crew Chief will require a charge for the replacement. The property owners are the ultimate party responsible for all damages or removed containers by tenants. The owner shall pay the cost of \$50.00 for any replacement containers. The owner should work to educate the household members on the proper use and maintenance of the containers.
 - c) All trash and recyclables shall be placed into the appropriate containers so that the lid can be securely shut. No trash placed on the ground or in any unapproved containers shall be picked-up by the town. The containers shall not be overfilled or arranged in any manner that will prevent the lid from remaining closed at all times to prevent water from filling the container, and access by animals. In the event of overflow, residents may bring the extra material to the facility or must wait till the next scheduled collection day.
10. Placement of Carts - It shall be the duty of each customer to place the carts as follows:

- a) Within two (2) feet of the curb line not more than 5 feet from traveled portion of roadway or where directed by the Town.
- b) At least five (5) feet away from all objects such as fences, mailboxes, and utility poles, and clear of overhanging vegetation, utility wires, etc. to allow for the unimpeded operation of collection vehicles.
- c) So that the automated cart handle is facing the dwelling unit.
- d) At least two (2) feet from the other cart.
- e) At least ten (10) feet away from parked vehicles.

11. Approved Materials for Automated Curbside Collection

- a) All household trash must be bagged before placing into the trash container for the automated curbside program.
- b) ONLY household trash will be collected at the curb. All other material for disposal must be brought to the Recycling and Transfer Center at 210 West River Rd.

12. Enforcement - Collection

It is the intention of the Department to educate residents as to the value of recycling and the appropriate procedures for doing so. If, however, a resident or tenant violates any provision of this section (Section II) it may result in the issuance of notices, warnings and possible loss of services.

First Violation – A courtesy notice will be issued. If the violation is the disposal of any unacceptable material, the cost of disposal (user fee) will be incurred.

Second Violation – A written warning will be issued. If the violation is the disposal of any unacceptable material the cost of the disposal (user fee) will be incurred.

Third Violation – A third violation will result in the loss of collection privileges, for an amount of time determined by the Crew Chief, with approval by the Town Administrator. The violator shall have the right to appeal to the Town Council.

SECTION III
CONDOMINIUMS

Condominiums will be required to provide for the collection and disposal of domestic trash within their communities. The Town will reimburse tonnage at a maximum of 21 pounds per unit per week at the Town budgeted rate (for trash disposal), paid semi-annually, upon submission and verification of paid invoices by the condominium association. The Town may rescind or amend this section at any time.

SECTION IV
RECYCLING AND TRANSFER CENTER

The Center is operated and maintained in accordance with RSA 149-M:17 solely to receive, transport, and dispose of authorized solid waste generated within the geographical boundaries of the Town.

These regulations have been recommended by the Recycling and Transfer Advisory Committee and adopted by the Town Council pursuant to the authority granted the Council by RSA 149-M:17, II and 31:39, I (f). These regulations are intended to:

1. Prevent unauthorized entrance into and/or use of the Center;
2. Prohibit the disposal of illegal and/or unacceptable waste;
3. Control the disposal of authorized solid waste to facilitate compliance with operating standards, improve efficiency and productivity, require recycling and reuse of our resources, and maximize the life of the Center; and
4. Establish permit procedures.
5. The Crew Chief of the Center is authorized to promulgate additional regulations subject to the approval of the Town Council which may include, but are not limited to, the following subjects:
 - a) Separation of solid wastes and other materials;
 - b) Inspection procedures;
 - c) Hours of operation; and,
 - d) Establishing fees.

SECTION V
USE OF CENTER

It is mandatory, that residents, who use the facility to drop off material, will separate all designated recyclable materials from the solid waste stream and dispose of them in the approved recycling containers. The reason for separation is to help control the costs associated with the disposal and management of solid waste by diverting as many recyclables from the solid waste stream as possible. The listing of acceptable materials will be available at the Recycling and Transfer Center, or online at www.hooksett.org under the Recycling and Transfer Department.

1. Permit Required.
 - a) Permits will be issued for all residents who use the facility if the vehicle is registered in Hooksett.
 - b) Permits will not be issued to residents who do not have a registered vehicle. Access will be granted with proof of residency in the way of a bill or license with Hooksett address.

- c) Contractors working for Hooksett residences or businesses, must present letter documentation from property/business owners they are working for. Documentation must contain name, address, phone number, signature and current date for each trip to the CENTER. Charges and all rules will apply.
- 2. Removal of material: No material shall be removed from the Center without authorization.
- 3. Designated Areas: Solid Waste shall be disposed of only in the designated areas.
- 4. Unauthorized Entry: No person shall enter or attempt to enter the Center at times other than during the posted operating hours.
- 5. Acceptable Solid Waste
Solid waste which is allowed to be received at the Center includes refuse, recycling, construction debris and demolition waste, motor vehicle waste, yard waste, appliances, and scrap metal. Not all Commercial solid waste is acceptable, please call ahead for approval. User fees may apply. See website at www.hooksett.org or call facility at 603-669-5198.
 - a) Clean demolition, wood, sheetrock (kept separate), asphalt shingles (kept separate and free of trash)
 - b) Furniture
 - c) Metal items and appliances will be accepted. Appliances with freon will be kept separately
 - d) Yard Waste (grass clippings, garden waste, leaves and branches no larger than 3" in diameter) must be brought to the designated area (compost pile). Yard waste brought in plastic bags must be emptied. No brush clearing will be accepted.
 - e) Some household hazardous wastes may be brought to the facility. Residents need to contact the facility to determine if it can be accepted.
- 6. Unacceptable Solid Waste
Materials which will not be accepted at the Center shall include, but not be limited to, the following:
 - a) Hazardous waste. Hazardous waste or material which the Town considers to be detrimental to the operation of the Center or which require special handling or disposal procedures.
 - b) Other. Infectious, pathological and biological waste, radioactive materials, oil sludges, hazardous refuse of any kind, or other substances which are now or are hereafter considered harmful, inflammable, hazardous, or toxic, or which would pose a threat to health or safety, or which may cause damage to or adversely affect the operation of the Center.
 - c) Tires on rims.

- d) Stumps, logs, and branches greater than three inches in diameter or three feet in length.

7. ENFORCEMENT

Use of Recycling and Transfer Facility

It is the intention of the Department to educate residents as to the value of recycling and the appropriate procedures for doing so. If, however, a resident, tenant or Hooksett Commercial Business violates any provision of this section it may result in the issuance of notices, warnings and possible loss of privileges at the facility.

SECTION VI RECYCLING

The policy of the Center is to promote and encourage recycling within the Town. The recycling program is intended to facilitate the reuse of resources, reduce operating costs through avoidance of tipping fee rates, and provide additional income to the Town (when applicable). Residents, who use the facility, will be required to recycle cardboard. Cardboard is easily accepted in an area clearly marked. The recycling of other materials is strongly encouraged.

SECTION VII PERMIT PROCEDURES

In General, Permits may be obtained during normal business hours at the Center, 210 West River Road, Hooksett, New Hampshire. All permits shall be nontransferable. Each vehicle intended for transport of solid waste to the Center must be permitted. Permits must be prominently displayed on the window of the passenger side of the vehicle, which is bearing solid waste to be disposed of at the Center.

1. Residential.

- i. Any person applying for a permit must present a vehicle registration showing residence in the Town.
- ii. Permits are issued free of charge.

2. Commercial.

- i. Any commercial entity must call the office for permission to enter the premises and has proper identification of legal Hooksett address.
- ii. Permits will not be issued.
- iii. Hooksett commercial entities may use the facility only to bring in solid waste that is generated in Hooksett.

3. Revocation of Permit:

The Crew Chief may revoke the permit of any holder when a written finding is made that the holder of the permit or the holder's agent has violated any provisions of these regulations or any regulations promulgated hereunder. The Crew Chief will provide written notice of the revocation to the holder of the permit by certified mail. Any person with such notice of revocation may request a hearing before the Town Administrator

within fifteen (15) days of the receipt of such notice. The Town Administrator will affirm, reverse, or modify the action of the Crew Chief. The revocation of the permit will be stayed during the pendency of the appeal.

SECTION VIII **VIOLATIONS AND PENALTIES**

Any person or commercial entity violating any provision of this ordinance or any regulation adopted pursuant to this Ordinance shall:

1. Be subject to a civil penalty not to exceed \$3, 000 for each act constituting a violation of this Ordinance or the regulations adopted pursuant hereto;
2. Be subject to revocation of permission to use the Center;
3. Be liable for all costs incurred by the Town resulting from the violation and enforcement of this Ordinance, including attorney's fees; and,
4. Be liable for all costs of removal of solid waste improperly disposed of and all costs incurred by the Town resulting from the improper disposal of waste at the Center.

SECTION IX **FEES**

The following disposal fees (user fees) are designed to defray some of the expense incurred by the Town in administering and operating the Center. The Town reserves the right to update these fees. Current Disposal Fees can be obtained by calling the office at 603-669-5198 or checking the website at www.hooksett.org, Recycling and Transfer Division page.

The following charges and restrictions are in effect as of 3/25/2020.

For Hooksett Residents

No mixed loads. Must be placed in proper location.

Construction/demolition debris - \$100.00 per ton/\$.05 per pound; \$2.00 minimum load (wood, insulation, bathroom fixtures, cabinets, siding, flooring, roofing , etc.) No asbestos or hazardous material will be accepted.

Vinyl Siding / plastic pipe must be kept separate and under 4' in length.

Asphalt Shingles must be kept separate and clean no wood, trash or metal.

Sheetrock must be kept separate.

Large plastic and fiberglass items must be cut up to be less than 4' x 4'.

Concrete – Bricks – Asphalt – etc. \$10.00 per pickup load.

Furniture - \$100.00 per ton (\$.05 per pound)

Twin/full mattresses \$3.00

Recliner \$5.00

Queen mattresses \$4.00

Stuffed chair \$4.00

King mattresses \$5.00	Sleep sofa \$7.00 Sofa \$6.00	Sofa W/ recliners \$5.00 per recliner
Office chair \$2.00	Loveseat \$5.00	

Carpet - \$100.00 per ton \$.05 per pound. (Must be cut into 3-4' square sections)

Metal - Units with FREON (refrigerators, freezers, A/C's, dehumidifiers)
\$11.00 per unit. DOORS MUST BE REMOVED

White goods - washers, dryers, dishwashers, stoves, hot water heaters, \$5.00 per unit. No charge other metal (oil, gas and antifreeze must be removed)

Electronics - Please refer to website or Center for current rate per pound.
Small computer drive \$2.00, personal printer \$2.00, 13" computer monitor \$5.00, laptop \$2.00, 17" computer monitor \$7.00, 19" TV \$9.00, 13" TV \$4.00, (Electronics to include: copy machines, fax machines.) All flat monitors less than 20" \$4.00. For TVs and monitors over 19" fee based per pound. Call facility for other electronic fees.

Propane Tanks - 20lb., \$4.00 each; 30lb, \$6.00; 100lb., \$20.00; 1 lb., no charge

Recycling - No charge.

Tires - No charge for the first four tires per year per Hooksett registered vehicle. Thereafter, a charge of \$2.00 for each tire. Must be off rims.

Yard Waste - No charge for leaves and grass.
No land clearing, no tree cutting. See attendant for list of place to go with larger loads, stumps, logs. INVASIVE PLANTS must be kept separate. SEE ATTENDANT. No stumps will be accepted

Any resident bringing material from outside Hooksett will have their permit revoked.

For Commercial Users

Construction/demolition debris - \$100.00 per ton/\$.05 per pound; \$2.00 minimum load. (wood, insulation, bathroom fixtures, cabinets, siding, flooring, roofing, etc.) No asbestos or hazardous material will be accepted.

Vinyl siding / plastic pipe must be kept separate and under 4' in length.

Asphalt Shingles must be kept separate and clean no wood, trash or metal.

Sheetrock must be kept separate.

Large plastic and fiberglass items must be cut up to be less than 4' x 4'.

Solid Waste/trash - \$100 per ton

Furniture - \$100.00 per ton \$.05 per pound. All solid wood furniture \$100.00 per ton.

Carpet - \$100.00 per ton \$.05 per pound. Must be cut into 3-4' square sections.

Metal - Units with FREON (refrigerators, freezers, A/C's, dehumidifiers)
20.00 per unit. DOORS MUST BE REMOVED

White goods - washers, dryers, dishwashers, stoves, hot water heaters, \$5.00 per unit (oil, gas and antifreeze must be removed)

Electronics - Please refer to website or Center for current rate per pound.

Florescent tubes - \$.25 per foot, compact lights \$1 Each, Ballast \$2 each

Propane Tanks - 20lb, \$4.00 each; 30lb, \$6.00; 100lb, \$20.00; 1 lb, no charge

Recycling - Cardboard No Charge; Paper/glass, \$45 per ton.

Tires - Not accepted from commercial

Yard Waste - \$15 per load (Based on 1 ton truck).

Hazardous materials are not accepted from commercial accounts.

No stumps will be accepted

Any businesses bringing materials from outside Hooksett will have their dumping privileges revoked.

Adopted: 6/11/1997
Amended: 3/10/2010
Amended: 10/8/2014
Amended: 5/27/2020

James Sullivan
Town Council Chair

Todd Rainier
Town Clerk

Town Council STAFF REPORT



To: Town Council
Title: TIF District Sewer Amendment No. 4 – Construction Administration and Inspection by Underwood Engineering for \$606,000. David Mercier from Underwood Engineering will be present to answer any questions regarding the Amendment.
Meeting: Town Council - 27 Jul 2022
Department: Community Development
Staff Contact: Bruce Thomas, Town Engineer

BACKGROUND INFORMATION:

Background Information:

The Town needs to hire a consultant to provide construction administration and inspection services for the Tri-Town Arena Pump Station, and the sewer and water installation work for the Granite Woods project. This work is already part of Underwood's contract. The intent all along was for Underwood to provide a cost proposal for this portion of the work after the design is completed. It is necessary to complete the design in order to understand the scope of the work to be provided. Underwood has provided this proposal for \$606,000. The proposal covers the cost of inspection and construction management of the Tri-town Pump Station, and the sewer and water main installation work.

Ultimately, although the contract with Underwood is with the Town, **this work will be done at no cost to the Town.** The Granite Woods development has agreed to provide escrow funds to the Town to pay for the work. Typically, the Sewer Commission and the HVWP would each have an escrow for their own utilities, but due to the nature of this project, it was determined that the Town will be responsible for the inspection, so we will handle the escrow.

I am recommending that the Town continue with Underwood Engineering for this work, rather than pursuing another Consultant. I've justified my position below.

The amendment changes the amount of the contract as follows:

Current Contract:	
Preliminary Design:	\$431,800
Amendment #1- Final Design:	\$772,800
Amendment #2 – Pump Station Relocation:	\$40,800
Amendment #3 – Pump Station Redesign:	\$37,400
Total Current Contract:	\$1,282,800
Proposed Amendment #4 – Const. Management and Inspection:	\$606,400
Total Cost with Amendment:	\$1,889,200

Reasons to Continue with Underwood

1. They are already under contract to do this work. The design had to be completed before getting their cost proposal for this portion of the work.

2. They have done an excellent job to date.
3. To put out an RFP would require time, and time is of the essence.
4. Since Underwood did the design, they have "Ownership", and could readily resolve design issues.
5. If another consultant is hired for the inspection work, and extra level of communication between Underwood and the new consultant would be required during construction to resolve issues that come up. This will take time and cost money.
6. Underwood is intimately familiar with the design. Another consultant is not and would have to be brought up to speed.
7. Ken Conaty, Superintendent of the Hooksett Sewer Commission, and Mike Heidorn of the Hooksett Village Water Precinct agree and are comfortable with the work Underwood has done and agree with continuing the project with them.

Recommendation:

Approve of the Town Administrator signing Amendment No. 4 of Underwood Engineering's contract with the Town.

Suggested Motion:

Motion to approve of the Town Administrator signing Amendment No. 4 of Underwood Engineering's contract with the Town to increase the existing contract by \$606,400 for a new contract amount of \$1,889,200.

FINANCIAL IMPACT:

None

POLICY IMPLICATIONS:

None

RECOMMENDATION:

Approve of the Town Administrator signing Amendment No. 4 of Underwood Engineering's contract with the Town.

SUGGESTED MOTION:

Motion to approve of the Town Administrator signing Amendment No. 4 of Underwood Engineering's contract with the Town to increase the existing contract by \$606,400 for a new contract amount of \$1,889,200.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the motion to approve of the Town Administrator signing Amendment No. 4 of Underwood Engineering's contract with the Town to increase the existing contract by \$606,400 for a new contract amount of \$1,889,200.

ATTACHMENTS:

[001 Amendment No 4 Const Ph Eng Contr](#)

**ENGINEERING CONSTRUCTION PHASE
CONTRACT FOR PROFESSIONAL SERVICES
FOR
TREATMENT WORKS**

TOWN OF HOOKSETT, NEW HAMPSHIRE

This AGREEMENT made and entered into at Merrimack County, New Hampshire, this ____ day of _____ 2022 , by and between **TOWN OF HOOKSETT, NH** hereinafter called the OWNER, and **UNDERWOOD ENGINEERS, INC.,** hereinafter called the ENGINEER.

WITNESSETH:

WHEREAS, the OWNER intends to construct Treatment Works:
Route 3A Infrastructure Improvements – Contracts 2 and 2A. See Attachment A.

hereinafter called the PROJECT, and

WHEREAS, professional sanitary engineering services will be required for construction administration, resident engineering and related services, and

WHEREAS, such services are of a distinct professional nature and hence not subject to the bidding process,

NOW THEREFORE, in consideration of these premises and of the mutual covenants herein set forth, the OWNER hereby employs the ENGINEER to furnish the following engineering services in connection with the proposed PROJECT; and it is agreed by and between the OWNER and the ENGINEER as follows:

NHDES Rev 9/2020

N:\PROJECTS\HOOKSETT, NH\REALNUM\2447 TIF Sewer Expansion\CONTRACT\Constr Ph Contract Rte 3A Infrast Improv - 2 and 2A.docx
5/25/2022

ENGINEERING CONSTRUCTION PHASE CONTRACT
For Professional Services for Treatment Works

Page 2 of 7

I. SERVICES TO BE PERFORMED BY THE ENGINEER

- A. Upon execution of this AGREEMENT, the ENGINEER shall proceed with the general administration of construction and fulltime inspection by qualified personnel of the contractor's work to assure compliance with the contract documents and any coincident or subsequent changes or change orders for the construction of the treatment works for the (Town) of Hooksett, NH. Said services shall include, but shall not necessarily be limited to:
1. General Construction Administration
 - a. Updating and modifications of contract documents to meet changed site and project conditions or variations in State or Federal requirements.
 - b. Assistance in securing construction bids, conduct bid opening, tabulation and analysis of bids, and recommendation regarding award of contract. A copy of the bid analysis will be furnished to the Department of Environmental Services, Water Division, hereinafter called the DIVISION, and EPA. (Where applicable)
 - c. Completion of formal contract documents for the award of contracts.
 - d. Checking detail construction, shop and erection drawings submitted by the contractor.
 - e. Reviewing laboratory, shop, and mill test reports of materials and equipment.
 - f. Preparation of drawings and technical material as required to supplement and/or clarify the contract documents.
 - g. Review, verification, and approval of estimates for periodic and final payments to the contractors for submittal to the OWNER and the DIVISION.
 - h. Periodic inspection of work and final inspection.
 - i. Observing and reporting performance and qualifying tests required by specifications.
 - j. Keeping daily records of construction progress and compiling same into progress reports for submission to the OWNER and DIVISION.
 - k. Verifying and keeping records of construction items of work accomplished for use as a basis of checking contractors' monthly estimates.
 - l. Consultation and advise during construction.
 - m. Determination of need for and preparation of change orders for approval by the OWNER and DIVISION based on conditions found during construction and/or additions or modifications to the work requested by the OWNER and approved by the ENGINEER and the DIVISION and implemented at a price recommended by the ENGINEER as equitable. For change order items exceeding \$10,000, the ENGINEER shall prepare an independent cost estimate.
 - n. Determination of "equality" for substitution of materials and equipment specified and securing DIVISION approval thereof.
 - ~~o. Provide and maintain construction control lines and grades. For sewers offset lines and grade elevations, with cut depths at manholes; at treatment plant and pumping station sites base lines for layout and benchmarks.~~
 - p. Preparation of application, supporting and associated documents for Federal, State, and other grant or loan programs, including monthly reimbursement requests.
 - q. Preparation of certificate of substantial completion and contract completion.
 - r. Assist the OWNER in obtaining the required project related approvals of State and Federal agencies.

ENGINEERING CONSTRUCTION PHASE CONTRACT
For Professional Services for Treatment Works

Page 3 of 7

2. Resident Inspection and Other Special Services

- a. The ENGINEER agrees to provide at least one Registered Professional Civil Engineer on the project site and one or more inspectors as necessary (full or part time) to assist the ENGINEER in the work of General Administration as described under I(A) and in observing construction activity for compliance with the contract documents and any associated change orders. The DIVISION shall be notified in writing of the name of the resident engineer, assistant engineers, and construction inspectors, and shall be provided with a brief history of the resident engineer's construction experience. The resident engineer and his inspectors shall be in the employ of and under direct control of the ENGINEER. It is further agreed that failure of the resident engineer to administer the PROJECT to the satisfaction of the DIVISION or OWNER is deemed to be sufficient basis for his removal from the PROJECT and replacement.
- b. The ENGINEER agrees to provide supervision of initial startup and operation and for services during the twelve-month warranty period and to prepare the Project Performance Certification and associated documentation.
- c. Preparation of an Operation and Maintenance Manual for approval by the DIVISION. After DIVISION approval, the ENGINEER agrees to supply four (4) sets of the completed manual to the OWNER, and an electronic version of the document for the DIVISION.
- d. Preparation of record drawings of the work as constructed. Two (2) sets of prints to be furnished to the OWNER, and an electronic version of the stamped and signed drawings for the DIVISION.

II. THE OWNER'S RESPONSIBILITIES

- A. Assist the ENGINEER by placing at his disposal all available information pertinent to the PROJECT, including previous reports and other data relative to the reports.
- B. Make provisions for the ENGINEER to enter upon public and private lands, municipal facilities and industrial establishments as required to perform work under this AGREEMENT.
- C. The OWNER also agrees to comply with DIVISION and Federal (Where applicable) requirements as they relate to this project.

III. COMPENSATION TO BE PAID THE ENGINEER

A. Method of Payment Amount of Fee

1. Payment to the ENGINEER, for services rendered, shall be according to the following schedule:
Statements will be rendered (with modifications if necessary) monthly with billing by the hour and rate by labor category with mark up and incidental expenses in accordance with the attached fee schedule.
2. The OWNER agrees to pay and the ENGINEER agrees to accept for all services under this AGREEMENT, a fee not to exceed **Six Hundred and Six Thousand, Four Hundred Dollars (\$606,400.00)**.

B. Limits of All Payment

1. The ENGINEER further agrees that the following fee for his services under I (A)(1), for Construction Administration on this PROJECT, (exclusive of work performed by resident engineering staff) is adequate to complete the work and shall not exceed **One Hundred Seventy-One Thousand, Two Hundred Dollars (\$171,200.00)**.
2. Payment to the ENGINEER for resident engineering and other special services shall be as follows:

ENGINEERING CONSTRUCTION PHASE CONTRACT
For Professional Services for Treatment Works

Page 4 of 7

- a. Resident engineering and supporting staff (as agreed to by the OWNER and DIVISION) as described under I (A)(2)(a) for a period of **372.5** working days, an amount not to exceed **Three Hundred Seventy-Two Thousand, Nine Hundred Dollars (\$372,900.00)**.
- b. Overtime shall be converted to equivalent fractions of 8-hour days. If the number of working days for inspection personnel stated above is not sufficient to provide adequate inspection of the PROJECT, it is agreed that the additional cost of resident services may be negotiated with the OWNER and the DIVISION.
- c. For supervision of initial start-up and operation of the project and Project Performance Certification as described under I (A)(2)(b), during a period of twelve (12) months, an amount not exceed **Twenty-Three Thousand, Seven Hundred Dollars (\$23,700.00)**.
- d. For preparation of the Manual as described under I (A)(2)(c) and instructions on its use, an amount not to exceed **Nineteen Thousand, Five Hundred Dollars (\$19,500.00)**.
- e. For special services, an amount equal to the actual cost of such work. The actual cost shall include compensation to the ENGINEER for his work on these services. The ENGINEER also assures the OWNER that the moneys to be paid under this item are adequate for the work proposed and shall not exceed **N/A**.
- f. For preparation of the Record Drawings as described under I (A)(2)(d), an amount not to exceed **Nineteen Thousand, One Hundred Dollars (\$19,100.00)**.

IV. ADDITIONAL COVENANTS

- A. The ENGINEER agrees to provide in active charge of this PROJECT for the life of the contract a Project Engineer who is a permanent employee of the ENGINEER and who is a "qualified sanitary engineer" as defined under the DIVISION'S "Rules and Regulations for the Prequalification of Consulting Engineers." The Project Engineer shall be*

David J. Mercier, P.E., Underwood Engineers, Inc., 99 North State Street, Concord, NH 03301

** Resume clearly describing the candidate's qualifications for the assignment is appended for convenience of reference or is on file with NHDES.*

Any proposed change in identity of the Project Engineer on the PROJECT shall first be approved by the DIVISION before transfer of responsibility is made. Failure of the Project Engineer to administer the PROJECT to the satisfaction of the OWNER and/or DIVISION is deemed sufficient basis for his removal and replacement.

- B. The ENGINEER agrees to be solely responsible for all bills or claims for payment for services rendered by others and for all services and materials employed in his work, and to indemnify and save harmless the OWNER, and all the OWNER'S officers, agents and employees against all suits, claims or liability of every name and nature arising out of or in consequence of the negligent acts or failures to act of the ENGINEER or others employed by him in the performance of the work covered by this AGREEMENT.
- C. The ENGINEER further agrees to procure and maintain at his expense such workmen's compensation insurance as is required by the statutes and public liability insurance in amounts adequate to provide reasonable protection from claims for bodily injury, death or property damage which may arise from his performance and the performance of his employees under this AGREEMENT.
- D. All documents, including original drawings, design calculations, work sheets, field notes, estimates, and other data shall remain the property of the OWNER; they shall be transmitted to the OWNER in clean and orderly condition on demand by the OWNER; however, these may be left in the possession of the ENGINEER at the OWNER'S discretion.

ENGINEERING CONSTRUCTION PHASE CONTRACT
For Professional Services for Treatment Works

Page 5 of 7

- E. The ENGINEER shall not sublet, assign or transfer any part of the ENGINEER's services or obligations (except special services) under this AGREEMENT without the prior approval and written consent of the OWNER, and the contract shall be binding upon and inure to the benefit of the parties, their successors and assigns.
- F. It is further agreed that before any construction is undertaken the ENGINEER will assist the OWNER or his authorized agent in providing the DIVISION with clear documentation certifying that the purchases of land have been secured to provide for location of the treatment works and other associated structures and equipment as shown on the construction plans or described in the specifications. Similar documentation shall be submitted on approvals from the State Highway Department regarding location of the treatment works and other project related facilities within rights-of-way and other lands under its jurisdiction.
- G. The ENGINEER also agrees to provide in active residence and full time control at the site of the proposed construction a DIVISION approved registered civil engineer and DIVISION approved inspectors (full time, part time) as needed with the experience and other approved background to assist the ENGINEER in the work of General Administration and to assure contractor's conformance with the plans and specifications and any approved coincident or subsequent changes or change orders related to the PROJECT. The resident registered engineer for the life of this contract shall be

TBD

(Name and Address)

(Append resume describing Candidate's qualifications or is on file with NHDES)

Any Proposed change in the identity of the resident engineer on this PROJECT must first be approved by the DIVISION before transfer of responsibility is made. Additionally, if it is found by the DIVISION that a resident engineer (or inspector) cannot or will not administer the PROJECT in a manner satisfactory to the DIVISION, the ENGINEER agrees to replace him promptly upon receipt of a written request from the DIVISION with a qualified resident engineer who will acceptably administer the PROJECT. It is further agreed that failure of the ENGINEER to abide by the above covenant is sufficient cause for removal from the DIVISION'S Roster of Prequalified Engineers.

V. TERMINATION

- A. The OWNER shall have the right at any time for any reason whatsoever to interrupt or terminate the work required of the ENGINEER under this AGREEMENT, with a seven (7) day written notice of such interruption or termination transmitted to the ENGINEER by the OWNER. In the event of termination of this AGREEMENT, without fault on the part of the ENGINEER, the ENGINEER shall be entitled to compensation as determined by the DIVISION for all work performed to the satisfaction of the DIVISION and the OWNER, and pursuant to this AGREEMENT. In order that the ENGINEER shall receive payment under termination notice, all plans, drawings, tracings, field notes, estimates, specifications, proposals, sketches, diagrams, and calculations, together with all other materials and data prepared in connection with the PROJECT shall be transmitted to the OWNER in a form acceptable to the OWNER and DIVISION.

ENGINEERING CONSTRUCTION PHASE CONTRACT
For Professional Services for Treatment Works

Page 6 of 7

IN WITNESS WHEREOF, the parties hereto have affixed their hand and seals at Merrimack County, New Hampshire, the day, month, and year first above written.

ENGINEER:¹ **UNDERWOOD ENGINEERS, INC.**

By: **Keith A. Pratt, P.E., President**
(Authorized Representative¹)

Date: _____

By: **David J. Mercier, P.E., Vice President**
(Authorized Representative¹)

Date: _____

OWNER:¹

By: **Andre Garron, Town Administrator**
(Authorized Representative¹)

Date: _____

APPROVED:²

DEPARTMENT OF ENVIRONMENTAL SERVICES: Water Division

By: **Dennis J. Greene, P.E.**
(Authorized Representative¹)

Date: _____

¹ Signatures should be supported by appropriate document.

² It is agreed that as an act in furtherance of its statutory authority to approve engineering agreements for treatment works, the DIVISION's approval does not impose any contractual obligation or liability on the State of New Hampshire, the Department of Environmental Services or the Division.

ENGINEERING CONSTRUCTION PHASE CONTRACT
For Professional Services for Treatment Works

Page 7 of 7

Approved as to form:

Town Counsel

At a meeting of the Partners/Directors of Underwood Engineers, Inc., held on 2/8/22, at which all the Partners/Directors were present, except _____, it was

VOTES: That all contracts may be signed by either of the following combinations:

Keith A. Pratt, President or W. Steven Clifton, Senior Vice President or David J. Mercier, Vice President

A true copy

Colleen A. Morrow
Attest: Colleen A. Morrow, Secretary/Treasurer

Place of Business: 25 Vaughan Mall, Portsmouth, NH 03801-4012

Date of this Contract: _____

I hereby certify that I, Colleen A. Morrow, am the Secretary/Treasurer of Underwood Engineers, Inc., that Keith A. Pratt is the duly elected President, W. Steven Clifton is the duly elected Senior Vice President and David J. Mercier is the duly elected Vice President and that the above vote has not been amended or rescinded and remains in full force and effect as of this date.

Colleen A. Morrow

Colleen A. Morrow, Secretary/Treasurer

**ADDENDUM
TO
PROFESSIONAL ENGINEERING SERVICES CONSTRUCTION CONTRACT
FOR
TREATMENT WORKS**

THIS ADDENDUM to the ENGINEERING CONTRACT FOR PROFESSIONAL SERVICES FOR TREATMENT WORKS (the “Agreement”) made effective this ____ day of ____ 2022, by the TOWN OF HOOKSETT, NH, hereinafter referred to as the “**Owner**”, and UNDERWOOD ENGINEERS, INC. hereinafter referred to as the “**Engineer**”, a New Hampshire corporation with its principal place of business at 25 Vaughan Mall, Portsmouth, New Hampshire 03801-4012.

-- WITNESSETH --

RECITALS

WHEREAS, the **Owner** requires, and the **Engineer** agrees to provide certain professional engineering services (the “Services”) in connection with construction of treatment works (hereinafter referred to as the “Project”) at Hooksett, New Hampshire;

WHEREAS, the Addendum is incorporated into the Agreement by reference herein and made part thereof.

NOW THEREFORE, in consideration of the undertakings of the parties hereinafter set forth, the Owner and the Engineer, agree as follows:

Limitation of Liability

Owner agrees to limit the liability of **Engineer** to **Owner** and to all construction Contractors or Subcontractors on the project, due to negligent acts, errors or omissions by **Engineer**, such that the total aggregate liability to all those named shall not exceed \$50,000 or the total fee for services rendered on this project by **Engineer**, whichever is the greater.

IN WITNESS WHEREOF, the parties hereto have affixed their hand and seals at Merrimack County, New Hampshire, the day, month, and year first above written.

ENGINEER: UNDERWOOD ENGINEERS, INC.

By: **Keith A. Pratt, P.E., President**

(Authorized Representative)

Date: _____

By: **David J. Mercier, P.E., Vice President**

(Authorized Representative)

Date: _____

OWNER: TOWN OF HOOKSETT, NH

By: **Andre Garron, Town Administrator**

(Authorized Representative)

Date: _____

ATTACHMENT A

Route 3A Infrastructure Improvements – Contracts 2 and 2A Town of Hooksett, New Hampshire

ENGINEERING SERVICES - CONSTRUCTION PHASE SCOPE OF SERVICES

The proposed scope of work is based on the following parameters:

- This scope of services is in accordance with the NHDES Engineering Construction Phase Contract for Professional Services for Treatment Works, and is supplemented by this Attachment A.
- The level of manpower is based on a sixteen (16) month construction period for off-site improvements and four (4) month construction period for on-site improvements. (Note: On-site services only include resident observation of water and sewer main installation.)

Bid Procurement Services

Underwood will assist the Town / Granite Woods (GW) with the procurement of contractor bids for construction. Our services will include the following:

1. Recommend contractors to solicit for prequalification statements that are experienced in the type of work required for both Contracts 2 and 2A.
2. Assist the Town with preparation of contractor prequalification statement packages and review.
3. Prepare and distribute up to twenty (20) hard copy sets of plans and specifications for use in the bidding process. This includes 1 set to HSC, and 2 sets to the Town, HVWP and GW. Electronic PDF copies will also be made available.
4. Distribute sets of contract plans and specifications to prequalified bidders.
5. Conduct pre-bid meeting, respond to prospective bidder inquiries, and issue addenda.
6. Attend the bid opening and prepare bid tabulation of all bidders.
7. Review bids received for errors, accuracy and completeness and create a formal bid tabulation.
8. Prepare Notice of Award, Contract, and Notice to Proceed for execution by GW and Contractor.

Construction Services

Underwood will provide construction services including construction administration and resident observation services. Field personnel will observe critical aspects of the project, track daily quantities, collect record drawing information; administer project meetings and review and process contractor payment applications. This work will also include project closeout tasks. Services include the following:

1. Conduct pre-construction conference and prepare minutes.
2. Review shop drawing submittals except water submittals which will be reviewed by HVWP and sewer submittals which will be reviewed by HSC. Underwood will review the pump station related submittals.
3. Contract administration including processing contractor pay requisitions.

ATTACHMENT A

4. Conduct progress meetings with the Contractor, the Town, HSC, HVWP and GW regarding Construction related issues. A total of 16 meetings are budgeted.
5. Review and process sixteen (16) pay requisitions.
6. Preparation of Change Orders that may be required.
7. Obtain and field verify record drawing information.
8. Preparation of substantial completion inspection paperwork including project punch list.
9. Preparation of final completion inspection paperwork.
10. Revisit punch list and project closeout services including final acceptance of the project.
11. Resident Project Representation:
 - a. Perform resident observation during construction using a Senior Resident Engineer.
 - Resident engineering services – 2980 hours (full-time for 16 months at 40 hours per week and part-time for 4 months at 12 hours per week).
 - Notes: This includes 4 months of full-time inspection for GW on-site water and sewer mains. It assumes a single resident will be able to cover both the water and sewer work as well as the Tri-Town Pump Station foundation and building shell inspection; if it becomes necessary to put a second resident on site during heavy construction periods Underwood reserves the right to request an amendment to match the actual level of effort expended.
 - Observe construction activities for compliance with the contract documents and associated change orders.
 - Field measurement of quantities.
 - Preparation of daily field reports.
 - Attend weekly construction progress scheduling meetings.
 - Attend monthly progress meetings.
 - Review and recommend progress payments based on quantities installed and/or stored on site.
 - Preparation of punch list at substantial and final completion.
 - Review of punch list completion status.
 - b. UE will use their professional judgement as to the appropriate times for the RPR to be on-site based on the Contractor's schedule and stage of construction, but the intent is to be on-site whenever work is taking place.

Startup Services

Provide supervision of initial startup and operation of the Tri-Town Pump Station and water and sewer pipelines, and for services during the twelve (12) month warranty period. Prepare the project closeout documentation.

Operation and Maintenance Manual

Underwood will review equipment manufacturer's O&M submittals and compile the final manuals into binders for the HSC and HVWP as appropriate. We will also prepare a Tri-Town Pump Station site specific operation and maintenance manual for review and approval by HSC. Submit four (4) hard copies of final site specific manual to HSC and an electronic copy to HSC and NHDES.

ATTACHMENT A

Record Drawings

Underwood will complete record drawings for both Contracts 2 and 2A based on field observations, Engineer's Supplemental Information (ESI) documents, change orders, and contractor redlines drawings. Submit two (2) full-size copies of the drawings to HSC and HVWP. Also provide an electronic copy to the Town, HSC, HVWP, GW and NHDES.

COST OR PRICE SUMMARY FORMAT FOR SUBAGREEMENTS UNDER NH SAG & SRF				Form Approved DES 11/00
PART I - GENERAL				
1. GRANTEE / LOANEE Conway Village Fire District, Conway, NH			2. GRANT/LOAN NO.	
3. NAME OF CONTRACTOR OR SUBCONTRACTOR Underwood Engineers, Inc.			4. DATE OF PROPOSAL May 24, 2022	
5. ADDRESS OF CONTRACTOR OR SUBCONTRACTOR (Include ZIP) 25 Vaughan Mall, Portsmouth, New Hampshire 03801-4012			6. TYPE OF SERVICE TO BE FURNISHED Rte 3A Infrast Improve Contract 2and2A Construction Phase	
PART II - COST SUMMARY				
7. DIRECT LABOR (Specify labor categories)	HOURS	HOURLY RATE	ESTIMATED COST	TOTALS
Principal	8	\$70.00	\$560.00	
Sr. Project Manager	110	\$58.00	\$6,380.00	
Project Manager	246	\$50.00	\$12,300.00	
Sr. Project Engineer	0	\$47.00	\$0.00	
Project Engineer	624	\$35.00	\$21,840.00	
Project Engineer (II)	0	\$35.00	\$0.00	
Sr. Resident Engineer	2980	\$40.00	\$119,200.00	
Resident Engineer	0	\$28.00	\$0.00	
Technician	72	\$38.00	\$2,736.00	
Clerical	226	\$24.50	\$5,537.00	
DIRECT LABOR TOTAL:				\$168,553.00
8. INDIRECT COSTS (Specify indirect cost pools)	RATE	x BASE =	ESTIMATED COST	
	1.76	\$168,553.00	\$296,653.28	
INDIRECT COST TOTAL:			\$296,653.28	
9. OTHER DIRECT COSTS				
a. TRAVEL			ESTIMATED COST	
(1) TRANSPORTATION			\$575.15	
(2) PER DIEM			\$13,942.60	
TRAVEL COSTS TOTAL:			\$14,517.75	
b. EQUIPMENT, MATERIALS, SUPPLIES (Specify categories)			ESTIMATED COST	
Copies, prints, phone, fax, postage, misc.	1	\$5,948.65	\$5,948.65	
	0	\$0.00	\$0.00	
	0	\$0.00	\$0.00	
	0	\$0.00	\$0.00	
EQUIPMENT SUBTOTAL:			\$5,948.65	
c. SUBCONTRACTS			ESTIMATED COST	
Geotech, Survey, Architectural, Structural, Mechanical, Electrical, Instrumentation			\$70,400.00	
			\$0.00	
			\$0.00	
SUBCONTRACTS SUBTOTAL:			\$70,400.00	
d. OTHER (Specify categories)			ESTIMATED COST	
			\$0.00	
			\$0.00	
OTHER SUBTOTAL:			\$0.00	
e. OTHER DIRECT COSTS TOTAL:			\$90,866.40	
10. TOTAL ESTIMATED COST				\$556,072.68
11. PROFIT				\$50,327.32
12. TOTAL PRICE				\$606,400.00

[illegible]

comments:

Town Council

STAFF REPORT



To: Town Council

Title: Motion to allow the Hooksett Police Department to accept donations of money, gift cards, and other items with a combined estimated value less than \$5,000.00 from Residents and Businesses, to the Town of Hooksett for the Hooksett Police Departments L.E.A.D. Raffle/Program at National Night Out, per RSA 31:95-e:II and 31:95-b, III(b).

Meeting: Town Council - 27 Jul 2022

Department: Police Department

Staff Contact: Jake Robie, Captain

BACKGROUND INFORMATION:

SRO Bergeron is in the process of obtaining donations to support the L.E.A.D. (Law Enforcement Against Drugs) program she teaches to Hooksett students in the class room. The donations of money and gifts will be used to purchase T-shirts and other material to promote and support the program. At this time some donations have been received and are awaiting Town Council approval before they are used/given away at National Night Out on August 2, 2022.

FINANCIAL IMPACT:

None

POLICY IMPLICATIONS:

None

RECOMMENDATION:

Approve the motion

SUGGESTED MOTION:

Motion to allow the Hooksett Police Department to accept donations of money, gift cards, and other items with a combined estimated value less than \$5,000.00 from Residents and Businesses, to the Town of Hooksett for the Hooksett Police Departments L.E.A.D. Raffle/Program at National Night Out, per RSA 31:95-e:II and 31:95-b, III(b).

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the motion to allow the Hooksett Police Department to accept donations of money, gift cards, and other items with a combined estimated value less than \$5,000.00 from Residents and Businesses, to the Town of Hooksett for the Hooksett Police Departments L.E.A.D. Raffle/Program at National Night Out, per RSA 31:95-e:II and 31:95-b, III(b).

Town Council
STAFF REPORT



To: Town Council
Title: Motion to accept 5 sets of rain guards (vent visors) from Lund International at no charge, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-e:II.
Meeting: Town Council - 27 Jul 2022
Department: Police Department
Staff Contact: Jake Robie, Captain

BACKGROUND INFORMATION:

Lund International offers free rain guards (vent visors) to law enforcement for fleet vehicles. Our fleet manager put in the request for the rain guards and they sent us 5 sets. The exact value of each set is unknown but we estimate them to be under \$100.00 each for a combined estimated value of less than \$500.00.

FINANCIAL IMPACT:

None

POLICY IMPLICATIONS:

None

RECOMMENDATION:

Approve the motion.

SUGGESTED MOTION:

Motion to accept 5 sets of rain guards (vent visors) from Lund International at no charge, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-e:II.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the motion to accept 5 sets of rain guards (vent visors) from Lund International at no charge, to the Town of Hooksett for the Hooksett Police Department per RSA 31:95-e:II.

Town Council
STAFF REPORT



To: Town Council
Title: To accept a donation totaling \$50.00 in memory of Donald Skillins to the Town of Hooksett for the Fire-Rescue Department per RSA 31:95-b,III (b)
Meeting: Town Council - 27 Jul 2022
Department: Fire and Rescue
Staff Contact: Regina Howard, Administrative Assistant

BACKGROUND INFORMATION:

Douglas and Janet Stoddard made a memorial donation in honor of Donald Skillins to the Hooksett Fire Rescue Department in the amount of \$50.00

FINANCIAL IMPACT:

none

POLICY IMPLICATIONS:

none

RECOMMENDATION:

Accept donated funds

SUGGESTED MOTION:

Motion to accept the donation totaling \$50.00 in memory of Donald Skillins to the Town of Hooksett for the Fire-Rescue Department per RSA 31:95-b,III (b)

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with motion to accept the donation totaling \$50.00 in memory of Donald Skillins to the Town of Hooksett for the Fire-Rescue Department per RSA 31:95-b,III (b)

Town Council
STAFF REPORT



To: Town Council
Title: Donation of \$100.00 Check from George A. Bureau & Daniel A. Bureau to the Town of Hooksett for the Hooksett Family Services Dept. programs under RSA 31:95-b III (b).
Meeting: Town Council - 27 Jul 2022
Department: Family Services
Staff Contact: Peter Flynn, Family Services Director

BACKGROUND INFORMATION:

The Family Services Dept. received a \$100.00 Check from George A. Bureau & Daniel A. Bureau as regular donors for Family Services programs.

RECOMMENDATION:

Accept Donation of \$100.00 Check from George A. Bureau & Daniel A. Bureau to the Town of Hooksett for the Hooksett Family Services Dept. programs under RSA 31:95-b III (b).

SUGGESTED MOTION:

Motion to accept Donation of \$100.00 Check from George A. Bureau & Daniel A. Bureau to the Town of Hooksett for the Hooksett Family Services Dept. programs under RSA 31:95-b III (b).

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the motion to accept Donation of \$100.00 Check from George A. Bureau & Daniel A. Bureau to the Town of Hooksett for the Hooksett Family Services Dept. programs under RSA 31:95-b III (b).

Town Council **STAFF REPORT**



To: Town Council
Title: Town Council Assignments- Budget Committee and Sewer Commission
Meeting: Town Council - 27 Jul 2022
Department: Administration
Staff Contact: Leann McLaughlin, Project Coordinator

BACKGROUND INFORMATION:

At the July 6 meeting, Town Council representative assignments were conducted. There were two Committee's that have no representatives at this time, the Budget Committee and the Sewer Commission.

The Budget Committee starts meeting in September and will meet every Thursday from October through beginning of January at 6:30pm in the Council Chambers.

The Sewer Commission meets the 1st and 3rd Tuesday of every month at 12:00pm.

RECOMMENDATION:

Review and appoint a Town Council Representative to the Budget Committee and Sewer Commission.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Volunteer needed the Sewer commission meetings

ATTACHMENTS:

[Council Assignments 7.6.22](#)

BOARD NAME	COUNCIL REP	ALTERNATE
HOOKSETT TOWN COUNCIL ASSIGNMENTS - JULY 6, 2022		
Chairperson: James Sullivan		
Vice-Chair: Timothy Tsantoulis		
Secretary: Randall Lapierre		
Board of Assessors	Alexander Walczyk, Timothy Tsantoulis & John Durand	Randall Lapierre
Budget Committee		
Conservation Commission	Alexander Walczyk	
Economic Development Advisory Committee	James Sullivan	
Heritage Commission	Roger Duhaime	
Hooksett Youth Achiever of the Month	John Durand, Timothy Tsantoulis & Randall Lapierre	
Parks and Recreation Advisory Board	Keith Judge	Alexander Walczyk
Planning Board	David Boutin	
Recycling and Transfer Advisory Board	Alexander Walczyk	Randall Lapierre
Sewer Commission		
Route 3A TIF District Advisory Board (Non-voting Currently)	David Boutin	Roger Duhaime
Town Hall Preservation Committee	James Sullivan	
Zoning Board of Adjustment	Roger Duhaime	
Misc. Assignments		
Union Negotiations		
Fire	John Durand	Randall Lapierre
Police	John Durand	Randall Lapierre
Public Works		
SNHU Subcommittee	John Durand	

Town Council STAFF REPORT



To: Town Council
Title: ARPA Committee Project List and Ranking (tabled at 7/6/22 meeting)
Meeting: Town Council - 27 Jul 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	4
Corriveau Dr Drainage Project	40000	2

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

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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U.S. DEPARTMENT OF THE TREASURY

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:

- | | |
|---|--|
| ✓ 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, elder, or family care employees
- ✓ Child welfare services 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
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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: Presentation of the Capital Improvement Plan approved by the Planning Board on June 20, 2022.
Meeting: Town Council - 27 Jul 2022
Department: Finance
Staff Contact: Christine Tewksbury, Finance Director

BACKGROUND INFORMATION:

Town Administrator Garron will present an overview of the Capital Improvement Plan(CIP) approved by the Planning Board on June 20, 2022.

The CIP is a planning document which identifies projects anticipated in the next six years. While all six years are important, the focus of this overview will be on the first year of the plan known as the "Capital Budget Year".

The Capital Improvement Plan is available at www.hooksett.org/capitalimprovementplan.page. Councilors will have access to a paper copy in their FY 2023-24 budget books.

FINANCIAL IMPACT:

Total Capital Budget for FY 2023-24 is \$6,802,361.00 of this amount \$5,006,400.00 comes from other revenues sources, \$314,961.00 comes from Capital Reserves and \$1,481,000.00 from tax dollars.

For comparison, the approved Capital Budget last year was \$8,786,647.00. The funding breaks down as follows: \$7,048,731.00 from other revenues sources, \$685,000.00 came from Capital Reserves and \$1,052,916.00 from tax dollars.

TOWN ADMINISTRATOR'S RECOMMENDATION:

I recommend that Town Council accept the 20224-2029 Capital Improvement Program Plan

ATTACHMENTS:

[2024-2029 CIP Presentation](#)

2024-2029 CAPITAL IMPROVEMENTS PLAN DRAFT UPDATE

Presented for Planning Board
Review

06/20/22



CAPITAL IMPROVEMENTS PLAN COMMITTEE 2022

- Town Administrator
 - Finance Director
 - Town Planner
 - Planning Board Representative
 - Town Council Representative
 - Budget Committee Representative
 - Sewer Representative
 - School Board Representative
- 4 Meeting Dates
 - 5/4/22
 - 5/18/22
 - 5/31/22
 - 6/8/22

CAPITAL YEAR PROJECTS 2023-2024

Hooksett Riverwalk Trail Phase IV

Project includes the final phase of the Riverwalk Trail which began in 2015, including construction of 3,240 feet of gravel trail and a 26-foot-long bridge to complete the trail project to the Allenstown town line.

- Total Estimated Cost: \$385,000
- Funding Source(s):

Capital Reserve (\$35,000)

Grant Funding

CAPITAL YEAR PROJECTS 2023-2024

Solar Farm Feasibility Study

Project includes hiring a consultant to perform a cost-benefit analysis and to determine the financial feasibility of installing solar panels at the current DPW facility of West River Road.

- Total Estimated Cost: \$75,000
- Funding Source(s):

Taxation

CAPITAL YEAR PROJECTS 2023-2024

Police Cruiser Replacement Program

Program allows for the replacement of 3 police cruisers in fiscal year 2023-2024. Costs include all emergency equipment, graphics, warranties, and installation of equipment.

- Total Estimated Cost: \$153,000
- Funding Source(s):

Taxation

CAPITAL YEAR PROJECTS 2023-2024

Police Taser Replacement Program

Program allows for the replacement of 32 police taser units with more updated, user-friendly models.

- Total Estimated Cost: \$68,000
- Funding Source(s):

Taxation

CAPITAL YEAR PROJECTS 2023-2024

Route 3A TIF Project

Project includes working with the developers of 47 Hackett Hill Road to extend sewer from Tri-Town Ice Arena across Route 3A to Cross Road, then to Hackett Hill Road.

- Total Estimated Cost: \$4,656,400 (Exit 11)

NOTE* Total project cost of 3A sewer project is estimated at \$28,000,000

- Funding Source(s):

Developer Contribution

TIF Funds

Bond

CAPITAL YEAR PROJECTS 2023-2024

Sherwood Drive/Lincoln Heights Drainage Upgrades

- Total Estimated Cost: \$250,000

Funding Source(s):

ARPA Grant Funding

Taxation

These projects will identify and repair/replace worn corrugated metal pipes which facilitate drainage in both neighborhoods. DPW has reported ongoing drainage problems associated with pipe failures in both locations.

CAPITAL YEAR PROJECTS 2023-2024

Town-Wide Paving Project

- Total Estimated Cost: \$900,000

Funding Source(s):

Operating Budget

Ongoing program to maintain existing quality of Town roads through planned repaving and maintenance.

CAPITAL YEAR PROJECTS 2023-2024

Plow Truck/Sander T1-03 Replacement

- Total Estimated Cost: \$214,961

Funding Source(s):

Public Works Capital Reserve

Current vehicle is approximately 20 years old
with 52,000 miles and an average annual
maintenance cost of \$6,500.

CAPITAL YEAR PROJECTS 2023-2024

Sewage Pump Station Radio Controls

- Total Estimated Cost: \$100,000

Funding Source(s):

Wastewater Capital Reserve

Retrofitting all 5 sewage pumps stations with radio controls, which will eliminate the old copper phone line system and allow the pump stations to be controlled remotely and with a quicker response time.

FUNDING BY YEAR – TAXATION AND BONDS

	Funding Method	Capital Budget 2023-24	2024-25	2025-26	2026-27	2027-28	2028-29
Taxes							
Full Revaluation 2028 - Revaluation CR	Taxation	30,000	30,000	30,000	30,000	30,000	30,000
GIS Digital Parcel Recompile	Taxation	100,000	150,000	150,000			
Feasibility Study for a Solar Farm at Landfill	Taxation	75,000					
Solar Farm at Landfill	Bond						5,000,000
Financial & Personnel Software Update	Taxation			60,000			
Safety Center Remodel	Taxation						800,000
Fire Apparatus CR	Taxation	250,000	250,000	250,000	250,000	250,000	250,000
Car #2 Replacement	Taxation				75,000		
Car #4 Replacement	Taxation		80,000				
Utility #1 Replacement	Taxation					75,000	
Boat #1 Replacement	Taxation					25,000	
ATV Gator #1 Replacement	Taxation				65,000		
Cruiser Replacements	Taxation	153,000	105,060	108,211	111,457	114,801	118,245
Taser Replacement Program	Taxation	68,000					
South Bow Tower Replacement (Emergency Radio CR)	Taxation	62,500	62,500				
Rte. 3A Corridor Improvement Study	Taxation		80,000				
Town Wide Paving	Taxation	900,000	900,000	900,000	900,000	900,000	900,000
PW Vehicles CR	Taxation	200,000	200,000	200,000	200,000	200,000	200,000
Town Building Maintenance CR	Taxation	200,000	200,000	200,000	200,000	200,000	200,000
Historical Old Town Hall	Bond						3,000,000
R&T Scale House/Office Replacement	Taxation		150,000	150,000	150,000		
Parks & Recreation Facilities Development CR	Taxation	25,000	25,000	25,000	25,000	25,000	25,000
Pedestrian Bridget at Donati Park Replacement	Taxation						100,000
Automated Collection CR	Taxation	30,000	30,000	30,000	30,000	30,000	30,000
Subtotal - Taxes		\$ 2,093,500	\$ 2,262,560	\$ 2,103,211	\$ 2,036,457	\$ 1,849,801	\$ 10,623,245

FUNDING BY YEAR – OTHER FUNDING

Other Revenues								
Hooksett Riverwalk Trail Phase IV	Grants & CR	385,000						
GIS Digital Parcel Recompile CR	CR			137,000				
Ambulance #2 Replacement	Ambulance Fund					275,000		
Ambulance #3 Replacement	Ambulance Fund		275,000					
Rte. 3A TIF Project	Developer	4,656,400						
Drainage Upgrades - Sherwood Dr. and Lincoln Heights	Grants	250,000						
Rte. 3A Corridor Improvement Study	State		320,000					
Hackett Hill, Rte. 3A and Main Street Improvements	State, TIF, Grant			5,280,000				
Concession Stand at Petersbrook Park	CR & IF				252,484			
Field Lighting at Petersbrook Park	Impact Fees							463,710
Trailer Dump SW-T1 Replacement	Solid Waste SR		84,875					
Truck Tractor SW-401 Replacement	Solid Waste SR		153,480					
Trailer Live Body SW-T4 Replacement	Solid Waste SR			92,882				
Auto #3 Upsize	Solid Waste SR			334,209				
Bailer Replacement	Solid Waste SR			98,643				
Dump Truck Replacement 10-Wheel	CR & User Fees				211,000			
Sewage Pump Station Radio Controls	CR	100,000						
Golden Gate & Merrimack St Pump Station Updates	SRF Loan & Grant			1,100,000				
Pick-up Truck Replacement 3/4 Ton	User Fees			55,000				
Subtotal - Other Revenues		\$ 5,006,400	\$ 833,355	\$ 7,097,734	\$ 463,484	\$ 275,000	\$ 463,710	

Town Council
STAFF REPORT



To: Town Council
Title: To allow Hooksett Fire Rescue Department members access to NHFA funded training classes eligible for overtime and backfill reimbursement for the period of the next two years ending in 2024
Meeting: Town Council - 27 Jul 2022
Department: Fire and Rescue
Staff Contact: David Nadeau, Assistant Chief

BACKGROUND INFORMATION:

The New Hampshire Fire Academy announced State funded technical training class. Department members can attend these class at no cost to the Town, with overtime and backfill being reimbursed from the State of NH

FINANCIAL IMPACT:

none

POLICY IMPLICATIONS:

none

RECOMMENDATION:

To approve participation in this program

SUGGESTED MOTION:

To allow Hooksett Fire Rescue Department members access to NHFA funded training classes eligible for overtime and backfill reimbursement for the period of the next two years ending in 2024

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the motion to allow Hooksett Fire Rescue Department members access to NHFA funded training classes eligible for overtime and backfill reimbursement for the period of the next two years ending in 2024

Town Council
STAFF REPORT



To: Town Council
Title: Budget Transfer #2022-02 in the amount of \$102,800.00 to the Police budget from Fire and DPW's budgets.
Meeting: Town Council - 27 Jul 2022
Department: Finance
Staff Contact: Christine Tewksbury, Finance Director

BACKGROUND INFORMATION:

This transfer is for the fiscal year ending June 2022. Charter requires budget transfer when a department is over spent. The transfer is needed to cover Police's Department overages in health insurance, vehicle maintenance and fuel lines. Funds to come from savings in Fire and DPW's health insurance lines due to vacancies.

FINANCIAL IMPACT:

No fiscal impact

SUGGESTED MOTION:

Motion to authorize the Chairman to sign budget Transfer #2022-02 in the \$102,800.00 to the Police budget from Fire and DPW's budgets.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the motion to authorize the Chairman to sign budget Transfer #2022-02 in the \$102,800.00 to the Police budget from Fire and DPW's budgets.

ATTACHMENTS:

[Transfer #2022-02](#)

**TOWN OF HOOKSETT
BUDGET TRANSFER REQUEST FORM**

TRANSFER # 2022-02

Please explain the purpose of this transfer request: Transfer needed cover Police's Department overages in the health insurance, vehicle maintenance and fuel lines. Funds to come from savings in Fire and DPW's health insurance line due to vacancies.

**NEED OF FUNDS
WHERE WILL THE MONEY GO?**

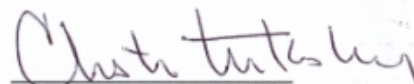
Account #	Description	Current Budget	Amount Added	New Budget
001-400.4210-210.000	PD Health Insurance	649,447.00	56,300.00	705,747.00
001-400.4210-434.000	PD Vehicle Maintenance	26,750.00	17,000.00	43,750.00
001-400.4210-626.000	PD Fuel	36,060.00	29,500.00	65,560.00
Total		5,051,050.00	102,800.00	5,153,850.00

**SOURCES OF FUNDS
WHERE WILL YOU GET THE MONEY FROM?**

Account #	Description	Current Budget	Amount Reduced	New Budget
001-350.4220-210.000	FD Health Insurance	613,753.00	(28,000.00)	585,753.00
001-450.4312-210.000	RD MNT Health Insurance	162,233.00	(40,000.00)	122,233.00
001-450.4520-210.000	P&R Health Insurance	109,225.00	(30,000.00)	79,225.00
001-500.4321-210.000	R&T Admin Health Ins	25,481.00	(4,800.00)	20,681.00
Total			(102,800.00)	

Recommended by:


Town Administrator


Finance Director

Approved by:

Town Council

Council Meeting Date

07/12/2022 02:06 PM
 User: Ctekwbury
 DB: Hooksett
 EXPENDITURE REPORT FOR TOWN OF HOOKSETT
 PERIOD ENDING 06/30/2022
 Page: 1/1

GL NUMBER	DESCRIPTION	2021-22 AMENDED BUDGET	YTD BALANCE 06/30/2022 NORMAL (ABNORMAL)	ACTIVITY FOR MONTH 06/30/2022 INCREASE (DECREASE)	AVAILABLE BALANCE NORMAL (ABNORMAL)	% BDGT USED
Fund 001 - General Fund						
Expenditures						
Dept 400.4210 - Police Department Expenses		2,903,701.00	2,854,891.99	307,986.64	48,809.01	98.32
001-400.4210-111.000 PD Full-Time Employees		32,232.00	37,665.99	4,109.15	(5,433.99)	116.86
001-400.4210-113.000 PD Part-Time Employees		164,447.00	184,445.36	14,839.97	(20,345.36)	112.40
001-400.4210-130.000 PD Overtime		649,447.00	705,683.69	64,578.72	(56,236.69)	108.66
001-400.4210-210.000 PD Health Insurance		13,223.00	15,261.07	1,265.32	(2,038.07)	115.41
001-400.4210-212.000 PD Dental Insurance		37,600.00	37,564.07	3,135.37	35.93	99.90
001-400.4210-214.000 PD Life & Disability Ins		89,366.00	90,684.51	9,728.17	(1,318.51)	101.48
001-400.4210-220.000 PD FICA Taxes		851,774.00	862,597.10	90,740.09	(10,823.10)	101.27
001-400.4210-230.000 PD NH Retirement		8,000.00	5,673.60	0.00	2,326.40	70.92
001-400.4210-240.000 PD Education (contractual)		45,734.00	40,069.36	0.00	5,664.64	87.61
001-400.4210-290.000 PD Uniforms		39,323.00	41,353.55	889.28	(2,030.55)	105.16
001-400.4210-294.000 PD Training & Dues		1,570.00	0.00	0.00	1,570.00	0.00
001-400.4210-298.002 PD Selection Process		3,231.00	2,197.00	528.00	1,034.00	68.00
001-400.4210-330.000 PD Professional Services		21,694.00	20,178.27	330.32	1,515.73	93.01
001-400.4210-332.000 PD Communication Maintenance		18,338.00	18,208.14	0.00	129.86	99.29
001-400.4210-342.000 PD Software & Programs		1,200.00	1,649.52	540.00	(449.52)	137.46
001-400.4210-430.000 PD Equipment Maintenance		26,750.00	43,306.95	821.86	(16,556.95)	161.90
001-400.4210-434.000 PD Vehicle Maintenance		10,192.00	10,634.06	1,731.96	(442.06)	104.34
001-400.4210-440.000 PD Rental & Leases		250.00	0.00	0.00	250.00	0.00
001-400.4210-506.000 PD Animal Control Operation		12,120.00	11,144.41	1,361.78	975.59	91.95
001-400.4210-530.000 PD Telephone		1,400.00	2,260.88	376.78	(860.88)	161.48
001-400.4210-532.000 PD Internet Services		1,000.00	972.97	86.80	27.03	97.30
001-400.4210-550.000 PD Printing		1,200.00	531.30	0.00	668.70	44.28
001-400.4210-560.000 PD Postage		1.00	0.00	0.00	1.00	0.00
001-400.4210-580.000 PD Mileage		4,500.00	3,790.73	321.75	709.27	84.24
001-400.4210-600.000 PD Office Supplies		1.00	0.00	0.00	1.00	0.00
001-400.4210-600.012 PD K-9 Supplies		1,500.00	2,010.87	390.00	(510.87)	134.06
001-400.4210-614.000 PD Public Relations		36,060.00	65,535.09	14,298.85	(29,475.09)	181.74
001-400.4210-626.000 PD Fuel		2,350.00	2,966.35	544.92	(616.35)	126.23
001-400.4210-630.000 PD Meals & Food		2,000.00	1,757.00	0.00	993.00	63.89
001-400.4210-751.000 PD New Equipment		4,728.00	6,601.33	334.96	(1,873.33)	139.62
001-400.4210-751.002 PD Police Equipment		65,715.00	69,390.85	0.00	(3,675.85)	105.59
001-400.4210-752.000 PD Vehicle & Related Purchases						
Total Dept 400.4210 - Police Department Expenses		5,051,050.00	5,139,025.81	518,940.69	(87,975.81)	101.74
TOTAL EXPENDITURES						
		5,051,050.00	5,139,025.81	518,940.69	(87,975.81)	101.74
Fund 001 - General Fund:						
TOTAL EXPENDITURES		5,051,050.00	5,139,025.81	518,940.69	(87,975.81)	101.74
TOTAL EXPENDITURES - ALL FUNDS						
		5,051,050.00	5,139,025.81	518,940.69	(87,975.81)	101.74

Town Council **STAFF REPORT**



To: Town Council
Title: Updates to Town Council Rules of Procedures
Meeting: Town Council - 27 Jul 2022
Department: Administration
Staff Contact: Donna Fitzpatrick, Human Resource Coordinator

BACKGROUND INFORMATION:

Updates to Town Council Rules of Procedures:

- amend section 7c Nominations & Appointments: need to waive rules and do both in same meeting & tabling
- add new section 23. Town Charter Amendments

POLICY IMPLICATIONS:

TBD

RECOMMENDATION:

Approve updates to Town Council Rules of Procedures as presented

SUGGESTED MOTION:

Motion to Accept updates to Town Council Rules of Procedures as presented

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with motion to accept updates to Town Council Rules of Procedures

ATTACHMENTS:

[TC Rules TC Updates 07142022](#)

Town of Hooksett
Town Council Rules of Procedures
Adopted as of: 01/10/2001
Amended as of: ~~05/25/2022~~ 07/27/2022

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

1. The Following Rules shall be adopted by a majority of the Hooksett Town Council and these rules shall become effective immediately upon their adoption.
 - a. Robert's Rules "Parliamentary Law at a Glance" by E.C. Utter should be used as a guide when proper procedure is in question except where modified herein.
 - b. Acceptable Procedure is determined by the acting Chair.
2. Procedures for electing officers are as follows:
 - a. Annually, at the first meeting of the new Town Council:
 1. The Town Clerk shall swear-in all new Councilors as a group.

Note: The Town Administrator shall act in the role of Council Chair from July 1st until such time the new Town Council has their first meeting to choose their Chair, Vice Chair and a Secretary. The Town Administrator, as acting Council Chair, shall lead this meeting through Town Council Reorganization – Part I.

The members thereof shall:

2. Choose, from among their members, a Chair, a Vice Chair and a Secretary. In addition to the powers conferred upon the Chair, the Vice Chair and the Secretary, they shall continue to have all the rights, privileges and immunities of a member of the Town Council.
3. Motion that the Town Council confirms by a roll call vote, that the Town of Hooksett will adopt RSA 31:104, 31:105 and 31:106 to provide immunity and indemnify all Town Councilors, other elected officials, employees, agents as well as appointed officials that serve on committees and boards within the Town of Hooksett; specifically covering immunity from civil liability for discretionary acts, according to RSA 31:104, indemnification for costs of defense of civil suits, according to RSA 31:105 and indemnification for civil rights claims, according to RSA 31:106.
4. Motion to have the Town Council Chair sign ancillary documents as agent to expend as a result of Town Council prior approval of the documents.
5. Motion to have the Town Council Chair complete the Council's section of the Annual Report.
6. Motion to have the Town Council Chair complete & sign Tax Deed Waivers.
7. Motion to adopt the Town Council Rules of Procedures.
8. Motion to adopt the Administrative Code (which includes the Investment and Fund Balance Policies).
9. Motion to adopt the Family Services Guidelines.
10. Motion to have the Tax Collector sign payment plans for deedable properties.
11. Motion to have the Town Administrator approve payment plans for deedable properties (Town Administrator cannot forgive interest or principal).
12. Motion to have a Councilor work with Administration to coordinate the annual Town Council Old Home Day booth and Employee Appreciation Picnic

Town Council Rules of Procedures

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- b. The above election shall be by majority vote of the Town Council present at the first meeting.
 - c. Duties of Officers
 - 1. Chair:
 - a. The Chair with the Town Administrator shall post all meetings and set meeting agenda.
 - b. Lead all meetings in an orderly manner using these procedures, Hooksett's Town Charter, Riggins Rules and Parliamentary Law as guides for appropriate protocol.
 - 2. Vice Chair:
 - a. In the absence of the Chair, the Vice Chair shall conduct the Council Meeting until such time as the Chair is present.
 - 3. Council Secretary:
 - a. The Council Secretary shall be responsible for recording the attendance of Council members by roll call at the beginning of each meeting.
 - b. The Council Secretary shall be responsible for polling and recording all roll call votes.
 - c. If the Council Secretary is absent, the chair shall ask for a volunteer. If there is no volunteer, the Chair shall appoint a Council member to act as Council Secretary until such time as the Council Secretary is present.
 - d. The Town Council Secretary shall act as clerk of the Council and shall review and approve (with or without edits) the draft (unofficial) minutes of the meeting recorded by the Recording Clerk. If there is no Recording Clerk present at meeting, the Town Council Secretary will be asked to keep minutes. Minutes will appear in the Town Council agenda packet. Minutes shall be posted on the Town website.
 - e. The Town Council Secretary shall perform such other duties in the meeting as may be requested by the presiding officer of Council.
 - f. In case of the absence of the Chair and the Vice Chair the Council Secretary shall call the Council to order and act as Chair.
3. Council Meetings
- a. The Council shall meet in regular session on the 2nd and 4th Wednesday of every month, except as noted on Town Calendar, at 6:00pm. When time permits, a regular meeting may be adjointed to a workshop session.
 - b. The place of meetings shall be the Council Chambers unless otherwise designated.
 - c. A quorum of the Council for the transaction of any business shall be two-thirds (2/3) of the members currently in office. The Council shall not recognize a Councilor's electronic method(s) of participation, attendance, or quorum.
 - d. The Council reserves the right to end meetings at 9:30. The Council shall motion to extend public session meetings past 9:30pm as follows "motion to extend public session until meeting is adjourned". Uncovered business will be included in the next meeting agenda. Meeting may be closed by a 2/3 roll call vote.
 - e. The Council may meet for an informal workshop session or special meetings by Council vote on an as needed basis, in accordance of Section 3.5 C of the Town Charter. The place of meeting shall be the Council Chambers.
 - f. When, after consultation with the Vice Chair and the Town Administrator, the Chair determines that the Council has insufficient business to warrant a meeting, the Chair may cancel said meeting after informing all councilors and receiving individual approval from 2/3 of the council members and shall not be inconsistent with the meeting provisions of

Town Council Rules of Procedures

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the Town Charter. Agenda items scheduled for a meeting that is canceled shall be carried over to the next regular meeting.

- g. Council members shall be seated in Council Chambers as determined by consensus of the Council. The Chair and Vice-Chair shall be seated at the head of the Council table in Chambers. The Secretary shall be seated next to the Town Council Recording Clerk.
- h. Council members, staff and members of the general public participating in meetings shall address all questions or remarks through the Chair confine their remarks to the merit of pending questions; and shall not engage in personalities.
- i. Any member may leave the Council Chambers while in regular session after notice to the Chair of pressing business providing there is no loss of quorum as determined by the Chair.

4. Town Employees

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

5. Voting

- a. Councilors may read suggested motions from staff reports to assure key elements of motions do not get missed.
- b. If a vote is immediate after a motion, the motion does not need to be repeated unless requested by a Councilor or staff.
- c. If there is a discussion after a motion, the motion should be repeated prior to the vote of the Council to assure all Councilors and the public are aware what is being voted on.
- d. Every member present, including the Chair, when a question is put shall vote either aye (yes) or nay (no) or abstain and give reason for abstaining, in accordance with the Town Charter.
- e. Council Members wishing to abstain from voting shall so indicate and give reason for doing so.
- f. All votes shall be voice votes unless determined to be a **roll call** vote.
- g. **Roll call** votes should be used anytime there is a motion based on 1) a public hearing item, 2) any monetary item over \$10,000 and 3) at the request of any Councilor for any matter.
- h. **Roll call** votes shall be in a random order with the Chair voting last.

6. Debate

- a. Council members must raise their hand to be recognized by the Chair.
- b. Rules of Debate on all motions shall be as follows:
 - 1. The council member, who introduces a motion, may speak to that motion. Thereafter, every council member may speak to the motion two times only. The sponsoring Council member may also address the motion two times, thereby allowing the sponsor the right to address his or her their motion a total of three times.
 - 2. If by 2/3 vote it is determined additional discussion is needed each council member may only speak an additional 2 times on a motion.

3. Decorum in debate: In order to assist in the carrying out of debate in an orderly and productive manner, Council members shall:
 - a. Address all questions and remarks through the Chair. Do not address audience or council members.
 - b. When commenting on another Councilor's statement or question, identify the speaker, statement and when the statement was made.
 - c. Confine remarks to the merits of the pending question.
 - d. Not engage in personalities or question the motives of other Councilors.
- c. Any member who wishes to force an end to debate must first obtain the floor by being duly recognized to speak by the chair and must then move the Previous Question. Such a motion must be seconded, and then adopted by a simple majority vote. It is not in order to interrupt a speaker with cries of "Question" or "Call the question.", and even if no one is speaking, it is still necessary to seek recognition.

7. Order of Business

The Town Council shall follow the below agenda order whenever possible for ease of transcription, audience participation and possible time restraints. The Council Chair, during the Agenda Overview, will inform the audience of any change in the agenda order for a particular meeting.

- a. Agenda Order of Council Meetings
 - I. Call to Order
 - II. Proof of Posting
 - III. Roll Call
 - IV. Pledge of Allegiance
 - V. Agenda Overview
 - VI. Public Hearings
 - VII. Special Recognitions
 - VIII. Public Input
 - IX. Scheduled Appointments
 - X. Consent Agenda
 - XI. Town Administrator's Report
 - XII. Nominations/Appointments
 - XIII. Brief Recess
 - XIV. Old Business
 - XV. New Business
 - XVI. Approval of Minutes
 - XVII. Subcommittee Reports
 - XVIII. Public Input
 - XIX. Non-Public Session NH RSA 91-A:3 II
 - XX. Adjournment
- b. Public Input
 1. Two 15-minute Public Input sessions will be allowed during each Council Meeting. Time will be divided equally among those wishing to speak; however, no person will be allowed to speak for more than 5 minutes.
 2. No person may address the council more than twice on any issue in any meeting. Comments must be addressed to the Chair and must not be personal or derogatory about any other person.

3. Any questions must be directly related to the topic being discussed and must be addressed to the Chair only, who after consultation with Council and Town Administrator, will determine if the question can be answered at that time. Questions cannot be directed to an individual Councilor and must not be personal in nature. Issues raised during Public Input, which cannot be resolved or answered at that time, or which require additional discussion or research, will be noted by the Town Administrator who will be responsible for researching and responding to the comment directly during normal work hours or by bringing to the Council for discussion at a subsequent meeting. The Chair reserves the right to end questioning if the questions depart from clarification to deliberation.
 4. Council members may request a comment be added to New Business at a subsequent meeting.
 5. No one may speak during Public Input except the person acknowledged by the Chair. Direct questions or comments from the audience are not permitted during Public Input.
- c. Nominations for all Board and Committee applicants may be made during the nominations/appointments portions of the Council meeting. Boards and Committees shall receive their respective applications and make recommendations for nominations. Appointment vote for a nominee will be scheduled at the next Council meeting. **The Council may waive this procedure and nominate & appointment in the same meeting for time sensitive matters. Councilors concerned with a nomination may table the nomination pending additional information.** Nominations and appointments for new July terms shall be at the June Town Council meetings.
- d. Scheduled Appointments
1. A scheduled appointment shall have one person as a speaker when possible and follow the rules for addressing the Council.
 2. A scheduled appointment shall not exceed 15 minutes to address the Council unless the Council votes to extend.
 3. Applicants for Board and Committee positions shall be invited to attend a Council meeting as a scheduled appointment to state their interest. This meeting shall be either prior to or on the same night of their nomination.
 4. Boards and Committees shall meet at minimum once a year as a scheduled appointment to provide an overview of their activities and member attendance reports.
 5. Board & Committee and non-Town employee items for presentation and/or items requiring action of the Council will be placed under Scheduled Appointment.
 6. Town employee items for presentation and/or items requiring action of the Council will be placed under New Business/Old Business.
- e. Old Business
1. Business carried over from a previous meeting.
- f. New Business
1. New Business should be submitted to the Town Administrator or Council Chair.
 2. New Business submitted by end of business two Thursdays before a regular meeting may be considered for the next meeting by request. The Chair may schedule the topic on the Agenda under New Business as the schedule allows. Any new business brought forward at a council meeting shall not be acted upon at that meeting except by a motion to waive this rule by vote of 2/3rd of the members present.

3. New Business submitted after end of business two Thursdays preceding a regular scheduled meeting will be considered for the next meeting agenda unless time sensitivity is determined by Town Administrator or Chair.

8. Non-Public Session

- a. The Council Chair shall motion for the appropriate non-public session section of NH RSA 91-A:3 II (a – l) when entering the non-public session based on the subject matter as previously discussed with the Town Administrator. This motion must be seconded by a Councilor and have a roll call vote with the majority in the affirmative. This by no means restricts any Town Councilor from motioning to go into non-public session with the appropriate citation.
- b. The Council shall motion to exit in non-public. In public session a motion is made to seal the minutes of the non-public session as appropriate.
- c. Non-public sessions do not require motions to extend the meeting past 9:30pm.
- d. A councilor not present at the time non-public session minutes are taken shall receive these sealed minutes along with the rest of the Council.
- e. Non-public minutes, per RSA 91-A:3, shall include the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions. Minutes are not verbatim.
- f. Non-public minutes and/or material in possession of Town Councilors at a Council meeting shall be handed into Administration at the end of the meeting for shredding of confidential information.
- g. All sealed non-public meeting minutes (discussions and materials included) are confidential until such time these minutes are unsealed.
- h. Unsealing of the non-public session minutes for the current fiscal year (June 1st to May 31st) shall occur annually at the Council's last meeting in May when, in the opinion of a majority of members, the circumstances that sealed the minutes no longer apply in accordance with RSA 91:3 III.

9. Filing Agenda items

- a. Every item of business to come before the Council for action must be filed with the Town Administrator or Council Chair no later than end of business two Thursdays prior to the regular Council Meeting.
- b. The Agenda shall be posted by the close of business on the Wednesday prior to the regular Council Meeting.
- c. It shall be the duty of the Town Administrator to mail by first class postage said agenda and any available supporting documents to each Councilor (if not already picked-up) by Thursday of the week prior to the regular Council Meeting unless a Councilor requests, in writing, to receive it in electronic format only.
- d. Items not on the agenda that are requested by a Councilor(s) to be addressed may be added at the end of all scheduled agenda items at the same meeting or scheduled for a future meeting.

10. Addressing the Council

- a. Persons other than members of the Council shall not be permitted to address the Council except during the designated agenda Public Input or by invitation of the Chair with consensus by Council.
- b. A time limit for addressing the Council may be established by the Chair.
- c. The speaker shall not enter into a debate with any person, the Chair or Council members.

11. Amendment To Rules

- a. Council rules may be suspended by a 2/3-majority vote of all Council members. The purpose for suspension must be clearly stated before the vote is taken and 2/3 of all

Town Council Rules of Procedures

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

11. Community Outreach

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

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

- a. Prior to a Council member introducing an ordinance, the Council shall discuss the contents which may include editorial revisions and textual modifications. An ordinance needing revisions based on this discussion will be brought back to the Council in a final format at their next scheduled meeting. The final version of an ordinance shall be introduced by one Councilor for a public hearing at the Council's next scheduled meeting. No second to a motion and/or vote is required to move an ordinance to a public hearing. The Council shall not take final action on any proposed ordinance until at least seven (7) days after said public hearing(s).
- b. After the public hearing the Council shall put the proposed ordinance in final form, which may include editorial revisions and textual modifications resulting from the proceedings of that hearing. An additional public hearing shall be held if the ordinance is substantively altered by the Town Council after public hearing. Subsequent public hearings shall be held at least 14 days after the prior public hearing and with the notice provided in Section 3.5 (A) of the Charter. The Council shall not take final action on any proposed ordinance until at least seven (7) days after said public hearing(s).

13. Procedure for Town Administrator Annual Evaluation

- a. Council's first meeting in May – Council will receive Town Administrator's self-evaluation to include status on his/her goals with comments for period ending June 30th of the same fiscal year along with a blank evaluation form.
- b. Council's second meeting in May- Councilors are to have completed and submitted their town administrators evaluation form via e-mail to the council chair prior to, or are to hand deliver it at the beginning of the meeting. Councilors will then discuss in non-public, the evaluations and will finalize them into one report by a simple majority vote. Only town councilors will be in attendance during this non-public session to discuss and finalize the evaluation of the Town Administrator. The Town Administrator will receive the evaluation from the council at this meeting
- c. Council's first meeting in June - Council will discuss the evaluation report with the Town Administrator

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- d. Annually at the first meeting in July the Administrator's goals will be an agenda item.
The Council and the Administrator shall define such goals and performance objectives which they determine necessary for the proper operation of the Town and the attainment of the Council's policy objectives and shall further establish a relative priority among those various goals and objectives, said goals and objectives to be reduced in writing. They shall generally be attainable within the time limitations as specified and the annual operating capital budgets and evaluation. If goals are not concluded, the Council will hold a special meeting a week later to finalize the goals.
14. Standing Moment of Silence
 - a. The Council Chair may call a moment of silence for the deceased with ascent of the Town Council at the beginning of the meeting
15. Special Recognition
 - a. Special Recognition may include but is not limited to:
 - Hooksett Youth Achiever of the Month
 - Boston Post Cane Recipient
 - Retiring employees
 - Longevity employees (at Council's last regularly scheduled meeting each September)
16. Town Administrator's Report
 - a. New hires will be invited and encouraged to attend the Council meeting following his/her hire date when the Town Administrator will announce his/her Department, name and start date."
17. Approval of Minutes
 - a. Public minutes, per RSA 91-A:3, shall include the names of members, persons appearing before the public bodies, and a brief description of the subject matter discussed and final decisions. Minutes are not verbatim.
 - b. Public minutes shall be posted (open to public inspection) not more than 5 business days after the meeting. These minutes, per RSA 91-A:3, shall be treated as permanent records of any public body.
 - c. Councilors, public or staff identifying corrections to Town Council minutes shall submit their corrections to the Town Council Secretary on or before the start of the meeting scheduled for review. Corrections do not include changing or adding wording not stated at the meeting.
 - d. The Council Chair, at the "Approval of Minutes" agenda section, will request the following motion "Councilor #1 motion to approve the public minutes of Date. *Seconded by Councilor #2.*"
 - e. The Council Chair shall inquire with the Town Council Secretary for any corrections to the minutes; Secretary will read the corrections into the record, if applicable.
 - f. If there are corrections to the minutes, amend 17d motion above "Councilor #1 I amend my motion to add "as corrected". *Seconded by Councilor #2.*"
 - g. A vote of 17d or 17f above is taken (roll call not required).

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- h. If changes are to be made to minutes (17b above), changes are detailed in the minutes of the subsequent meeting. As the minutes are being prepared for permanent storage in paper format, the Town Clerk will add a notation to the permanent record of the first meeting that corrections were made, and give an exact reference to the page where the changes appear in the minutes of the subsequent meeting.

18. Public Hearings

- a. The Town of Hooksett follows the NH State statutes (RSAs) and Town Charter in determining when a public hearing is required for agenda items before the Town Council.

Below are the items that require public hearings (these have a public notice in the Union Leader):

- **New or amended Town Ordinances** - notice is per Chapter 231:132-a of the NH Revised Statutes annotated, and section 3.6 of the Hooksett Town Charter
- **New or amended Town Charter** – notice is per NH RSA 49-B:5
- **Accept Donation/Grant/Reimbursement of Funds over \$10,000** – notice per RSA 31:95-b, III (a) (ex. 1) NHDOT Bridge Aid funds reimbursement for the Benton Road Culvert project, 2) FEMA funds for the reimbursement of February 8th, 9th, & 10th 2013 severe snowstorm expenses, 3) New Hampshire Highway Safety Agency grant to allow for 18 DWI/DUI overtime patrols)
- **Accept Donation of Property over \$5,000** – notice per RSA 31:95 e, II (ex. Catholic Medical Center in Manchester NH to the Hooksett Fire-Rescue Department and the Town of Hooksett in the amount of \$14,500.00 (Physio-Control LUCAS 2 device)
- **New or amended Hazard Mitigation Plan**
- **Town Roadway Improvements** – (ex. project alternatives for the roadway improvements design(s) at the Hooksett Hackett Hill Road and Rte. 3A intersection)
- **Discontinuance of Class VI Town Roadway**
- **Conservation Easements** – notice is per NH RSA 36-A & NH RSA 477:45-47

Note: Land use items require 10 day prior public notice in Union Leader and all other items require 7 days.

Public Hearings not required, however Town may conduct out of courtesy (these do NOT have a public notice in the Union Leader):

- **Establishing Town Roadway Speed Limits**
- **Renaming Town Roadways** - (ex. Water Works Drive, Hooksett, NH for the closed off portion/loop of Industrial Park Dr. that will be closed off due to the GE Expansion)
- **Potential Departmental Reorganizations**

19. Tabling an agenda item

- a. Any Councilor may make the motion to table.
- b. Tabling is needed when more information on the subject matter is needed for the Council to make a decision.
- c. Tabling of an agenda item should indicate the date certain of the next time the item is to appear on the Council's agenda and what information the Council is seeking at that meeting.
- d. Tabling an agenda item takes precedence over any main motion not yet stated by the Chair.
- e. When the item tabled is to be discussed again, Council first needs to make a motion to remove from the table.

20. Rescinding of a prior vote

- a. If a motion is needed by the Council to change a dollar amount for the same vendor, that is an amendment to a prior vote not a rescinding of a prior vote.
- b. If a motion is needed by the Council to change a vendor from a prior vote, rescinding of that prior vote is needed.
- c. Any Councilor may make the motion to rescind. Whenever possible, have the section of the Town Council minutes stating the original motion.

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- d. Any action, no matter how old, may be rescinded, except where action has been taken that cannot be undone.
 - e. Revoking is the same as rescinding.
21. Reconsideration of a prior vote
- a. The reconsideration of a vote can only be made at the same meeting of the original vote
 - b. A Councilor on the prevailing side of the original vote can only make the motion to reconsider
22. Consent Agenda
- a. Gift Cards – the Town Administrator can accept and track gift cards donated to the Town up to and including \$1,000 without consent and adoption by the Town Council effective as of 10/28/2020 Council vote.
23. Town Charter Amendments

Town Charter:

Section 10.8 “Amendments to this Charter may be initiated either by the Council or by initiative petition, public hearing, and voter election pursuant to New Hampshire 49-B:5.”

49-B:5 Charter Amendments, Procedure. –

1. The municipal officers may determine that one or more amendments to the municipal charter are necessary and shall, by order, provide for notice and hearing on them. The notice of the hearing shall be published in a newspaper having general circulation in the municipality at least 7 days prior to the hearing, and shall contain the text of the proposed amendment and a brief explanation. The hearing shall be conducted by the municipal officers or a committee appointed by them. If substantive changes are made to the proposed amendment, a hearing on the modified amendment shall be held. Notice of the hearing and the conduct thereof shall be as provided in this paragraph.

(a) Within 7 days after the last public hearing, the municipal officers or the committee appointed by them shall file with the municipal clerk a report containing the proposed amendment. In the case of a report of an appointed committee, a copy shall be filed with the municipal officers.

(b) Within 7 days after receiving approval from the secretary of state, the attorney general, and the commissioner of the department of revenue administration under RSA 49-B:4-a, the municipal officers may order the proposed amendment to be placed on a ballot at the next regular municipal election. In the case of municipalities with biennial elections, the municipal officers may order amendments to be placed on the ballot at either the next regular municipal election or at a special municipal election that occurs not less than 60 days after the order.

Town Charter Amendments are coordinated through the Town Clerk – see below for example for the 2023 Charter Amendments for the March 2023 ballot:

A. Council review proposed language - submission by August 11, 2022

- No later than August 24, 2022 Town Council Agenda
- Deadline to submit in Icompass is 2 Thursdays prior to Council Meeting
- August 24, 2022 deadline = August 11, 2022

B. Town Attorney review of Council comments from step A above – submission by September 15, 2022

- Allow up to 2 weeks with Town Attorney

C. Public Hearing of Town Attorney approved language from step B above – submission by September 29, 2022

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- Deadline to submit in Icompass is 2 Thursdays prior to Council Meeting
- October 12, 2022 deadline = September 29, 2022

D. State of NH DRA, AG and SOS Offices review public hearing language from step C above – submission by October 13, 2022

- These State offices can take up to 45 days from receipt of Charter Amendments to approve/amend

E. Council motion to place NH DRA, AG and SOS approved language from step D above on March 2023 ballot – submission by December 22, 2022

- Deadline to submit in Icompass is 2 Thursdays prior to Council Meeting
- January 4, 2023 = December 22, 2022

NOTE: THE ABOVE PROCESS IS TO MEET THE DEADLINES TO GET ON THE MARCH 2023 BALLOT. SUBMISSIONS MAY BE MADE LATER, HOWEVER THERE WILL BE THE RISK OF MISSING THE DEADLINE TO GET ON THE BALLOT.

I pray Heaven to bestow the best of Blessings on this House and all that shall hereafter inhabit it. -President John Adams

This report respectively submitted to our Town Citizens on behalf of Town Council, reflects the activities and actions taken by the board in the last year of our Town's 2nd Century. We as Council in paraphrasing President John Adam's, "*pray to Heaven to bestow the Best of Blessings for our Citizens and all that shall hereafter inhabit it.*"

As required by Town Charter, the Council has performed its duties and has adhered to its role. We are secure in the fact that we have lived up to the tenants of our Town Charter. The Council has continued to meet challenges and opportunities with open and tenacious debate, sensitive deliberations, and the attempts to build a community that brings all aspects of Hooksett together. as we began to Celebrate the bicentennial year of 2022

This report, as archived in the minutes of our council meetings of the past year, will reflect those decisions. The list below reflects the actions taken by your Council the year 2021-2022:

- Approved Pawnbroker and Secondhand Dealers Ordinance 2014-1 and Intoxicating Beverages Ordinance # 00-9
- Accepted 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 and authorized funds for a water Feasibility Study and purchase of two police cruisers and cable expansion
- Accepted Federal Grant Funds (FEMA-PA) for fire and Police overtime
- Signed a Cable Television Franchise Agreement for (8 years)
- Authorized investigations into Councilor's behavior and attendance. Reprimand two councilors and removed Councilor Jones for violating 3.2 for attendance
- Acted on the tax Increment Finance District (TIF) items including Agreements with Hooksett Sewer Commission to Fund Martin's Ferry Road Pump Station Upgrades, easements and engineering addendums and water expansion on n
- Approve items for our fleet of vehicles; new fire engine, Ford Explorer PIU Hybrid, Ford Expedition SSV for the Fire Rescue Department, Ambulance Rescue Vehicles, Plow Truck

- Accepted budget transfers, donations, citations, and recognitions. bond releases, admin code, personnel plan, rules of procedure, speed limits, grants
- Received grant from the Bureau of Justice Assistance, Patrick Leahy Bulletproof Vest Partnership for the Hooksett Police Department
- Agreed to a new civil forfeitures process
- Approved two Eagle Scout projects
- Entered a funding agreement/MOU between the Town of Hooksett and Granite Woods.
- Signed deed land to School as result of voters' approval of land transfer from School district to Sewer Commission
- Honored the Little League Manchester North Hooksett team with their accomplishment winning the New England title and achieving success at the Little League World Series and reaching the final 8
- Approved new ADA compliant bathroom facilities at Donati park
- Moved Illicit Discharge Detection and Elimination (IDDE), Salt Reduction, Stormwater Management Program plans and update hazard mitigation
- Authorized operating budget for FY 2022-2023 of \$21,657,131
- Designate the pedestrian bridge spanning the Merrimack River as Lilac Crossing
- Approve the updated classification pay plan to include the MRI wage study.
- Extended Contracts for 3 years to Town Administrator Garron, Police Chief Janet Bouchard and advised and Consented to Ben Berthiaume as DPW department head
- Accepted health insurance surplus
- Moved 1.2 million dollars to the unassigned fund balance to the 2021
- Approved "Welcome to Hooksett" signs and supported the Town Administrator in getting the Rt. 3A/Hackett Hill Road program reinstated in the State 10-year plan
- Established subcommittee to review, research and suggest appropriate projects to be funded from the ARPA funds
- Supported the National Opioid settlement; House bill "The Property Tax Relief act of 2022".
- Adopted the amendment to RSA 79-E on Definition of Qualifying Structures "Historic Structure" for listing on the National Register of Historic Places or the state register of historic places.

- Authorized the Town Administrator to sign the 36-month Master Natural Gas Sale Agreement “contract, Local Emergency Operation Plan
- Accepted Drainage Improvements Project
- Accepted the agreement between the Town of Hooksett and Teamsters Local 633 for the Mid-Management contract
- Held Bicentennial moments for Town Celebrations
- Discussed planning reorganization, June tenth, Solar Project, route 3 widening project and Charter changes for recall of officers, increasing zoning board numbers and zoning authority
- Approved Martins Ferry Road Erosion Repair Project and other improvements including removing of speed bump
- Sought 3rd party funding s grants or federal funds to fund the water issues on Farmer Roads
- Granted the expansion of the Hooksett Village Water Precinct
- Authorize mobile radios new command car, new ambulance, and new engine.
- Allowed Merrimack Valley Trail Riders to use ATVs on town Roads
- Granted Hometown Heroes Banners to be displayed
- Approved Granite YMCA 2022 Summer Day Camp
- Appointed David Ross as at large Councilor and approved appointments of others to board, committees, and Commissions
- Approve a Memorandum of Understanding between the Town of Hooksett and Hooksett Youth Athletic Association, re: Maintenance of Scoreboards at all Town Fields
- Accepted Waste Innovation 10-year contract for rubbish collection and 2022 Resurfacing Projects
- Moved Vietnam Moving Wall Remembrance Days Proclamation
- Approve joining The Greater Boston Police Council and adding them to the list of Approved Cooperative Purchasing Programs
- Adoption of RSA 41:14-a and amendment to the 2006 Town Council Resolution
- Granted authority to file Clean Water State Revolving Loan Fund (SRF) application and entered an American Rescue Plan Act Fund (ARPA) grant agreement NH DES

Throughout 2021-2022 your Town Council, working with the Town's Administrator, departments, staff, and all aspects of the community, has made every effort to improve public services, increase town accountability, provide transparency, and foster community building.

The Town of Hooksett has a proud history of our accomplishments, of dedicated citizens; each serving their community through elected roles, committee involvement, and civic activity with one goal in mind of moving Hooksett forward to improve our lives

We Congratulate all those who have volunteered, planned, and attended our Bicentennial events including the Lilac Crossing dedication, Vietnam Moving Wall, Concerts, and special programs. We honor our past and to a better and even brighter future to make Hooksett a better place in which to live. In conclusion, we extend Best Blessings on our Citizens today and in the future

Respectfully submitted on behalf of Hooksett Town Council

James A Sullivan

**Town of Hooksett
Town Council Special Meeting Minutes
Thursday, June 30, 2022**

The Hooksett Town Council met on Thursday, June 30, 2022, at 4:30 in the Hooksett Municipal Building for a special meeting.

CALL TO ORDER

Chair Sullivan called the special meeting of 30 Jun 2022 to order at (4:35) pm.

PROOF OF POSTING

Human Resource Coordinator Donna Fitzpatrick provided proof of posting.

ROLL CALL-ATTENDANCE

In Attendance: Councilor James Sullivan, Councilor Randall Lapierre, Councilor Roger Duhaime, Councilor David Boutin, Councilor Timothy Tsantoulis, and Councilor Alex Walczyk.

Absent: Councilor David Ross, Councilor John Durand, Councilor Clark Karolian.

PLEDGE OF ALLEGIANCE

OLD BUSINESS

6.1 FY 2021-2022 Budget Encumbrances

D. Boutin motioned to encumber items #1-14 on the "Encumbrances" list in the amount of \$484,735.77 from the FY 2021-2022 budget under RSA 32:7. Seconded by A. Walczyk.

Roll Call Vote #2

R. Duhaime Aye

J Durand NP

D. Ross NP

R. Lapierre Aye

A. Walczyk Aye

D. Boutin Aye

C. Karolian NP

T. Tsantoulis Aye

J. Sullivan Aye

Vote in favor 6-0

PUBLIC INPUT

J. Sullivan- July 2nd is out 200th Birthday here at Donati Field. The governor will be in attendance. Some of our councilors will be presenting.

J. Sullivan motioned to adjourn the special meeting at 4:38 pm. Seconded by T. Tsantoulis.

Vote in favor 6-0

48 Respectfully submitted,
49 *Alicia Jipson*
50
51 Alicia Jipson
52 Recording Clerk

**Town of Hooksett
Town Council Meeting Minutes
Wednesday, July 6, 2022**

1
2 The Hooksett Town Council met on Wednesday, July 6, 2022, at 5:30 in the Hooksett Municipal
3 Building.
4
5 **ITEMS 1-8 LED BY TOWN ADMINISTRATOR**
6
7 **CALL TO ORDER**
8 Town Administrator Andre Garron called the meeting of 06 Jul 2022 to order at (5:30) pm.
9
10 **PROOF OF POSTING**
11 Human Resource Coordinator Donna Fitzpatrick provided proof of posting.
12
13 **ROLL CALL-ATTENDANCE**
14 **In Attendance:** Councilor James Sullivan, Councilor John Durand, Councilor Randall Lapierre,
15 Councilor Roger Duhaime, Councilor David Boutin, Councilor Timothy Tsantoulis, Councilor Keith
16 Judge, and Councilor Alex Walczyk.
17
18 **Absent:** Councilor David Ross.
19
20 **NON-PUBLIC SESSION #1 NH RSA 91-A:3 II**
21
22 **PLEDGE OF ALLEGIANCE**
23 TA Garron asked those present and able to stand for the pledge of allegiance.
24
25 **TOWN COUNCIL REORGANIZATION - PART I**
26
27 **8.1 Town Clerk swearing-in of all new Councilors**
28
29 Town Clerk Pamela Sullivan swore in new Council member Keith Judge and Randall Lapierre as new
30 Councilors.
31
32 **8.2 Election of Council Chair, Vice-Chair and Secretary**
33
34 ***J. Durand motioned to nominated J. Sullivan to serve as Chairman of the Town Council***
35 ***seconded by D. Boutin.***
36
37 ***Vote in favor 7-1***
38
39 ***D. Boutin motioned to nominate T. Tsantoulis as Vice Chairman of the Town Council;***
40 ***seconded by J. Durand.***
41
42 ***Vote in favor 7-1***
43
44 ***D. Boutin motioned to nominate R. Lapierre to serve as Secretary of the Town Council;***
45 ***seconded by A. Walczyk.***
46
47 ***Vote in favor 8-0***
48
49 **AGENDA OVERVIEW**

TC MINUTES

7-6-2022

1

J. Sullivan gave a brief agenda overview.

BICENTENNIAL MOMENT

J. Sullivan gave a presentation on the Hooksett Village Depots. We had 2 Hooksett Depots, the Village Depot and the Martins Ferry Depot. They were served by the Boston and Maine railroad. They also served the Concord and Portsmouth railroad as well a Suncook valley. At peak 20 trains stopped, and you could get a ride for 5 cents. In 1910 the extension was removed. The full PowerPoint presentation can be found on the Town website.

SPECIAL RECOGNITION

Todd Rainier was given special recognition for serving as Town Clerk for 10 years.

Billie Hebert was given special recognition for serving as Deputy Town Clerk for 12 years.

Hooksett Municipal Employees

A. Garron- Ben Berthiaume our New DPW Director has already started on 6/27/22. Wendy Baker our new Executive Admin will start next week on 7/11/22. Andrew Howe and Thomas Holiday have resigned from the Fire Department.

SCHEDULED APPOINTMENTS

13.1 Hooksett Kiwanis 5K Road Race - Sue Willey and Bob Willey, Co-Chairs of the 5K Race

S. Willey- we are here to get approval to have the 5K Road Race scheduled for September 17, 2022. We've gotten approvals from the surrounding businesses. We request from the Town police traffic control, emergency response medics, use of town roads- University Circle, College Heights, Blackwater Road, and other roads as necessary, porta potties and waste receptacles, use of Heads Pond Trail & Conservation Easement.

T. Tsantoulis- are you looking for the Town to pay for this?

S. Willey- typically this is on OHD, and the services are already there we just ask that you direct them to our event first.

R. Lapierre motioned to authorize the use of town land for the Hooksett Kiwanis 5K Road Race on Saturday September 17th, 2022, and direct Town staff to facilitate additional support for the event; seconded by D. Boutin.

Vote in favor 8-0

13.2 Discussion with NHDOT officials to review options of the Hooksett Road/Route 3 (Alice Drive to Whitehall Road) widening project.

A. Garron- as a appoint of reference this PowerPoint has to do with a 10-year project on Route 3 on Alice Drive and Whitehall Road and includes the intersection of route 3 and Mammoth Road. We've been working with DOT on this, now we are getting into the design elements. DOT is here and we are going to discuss the alternatives.

101 Tobey Reynolds NH DOT- I'm the project manager with the DOT, we've enlisted WSP Consulting, and I
 102 have Matt Grody here with me. We had a public information meeting here were we presented a few
 103 alternatives. We also sent out a survey for those who did not want to speak in person. As a reminder at
 104 the beginning of the project we created a project study committee. We also created a purpose and
 105 needs to address congestion, safety, access management, bicycle & pedestrian traffic, and intersection
 106 improvements. On February 22, 2022, we had our first meeting and a good turnout of attendance 30
 107 attended in person, 20 via zoom. We received 125 surveys back. The survey was open from February
 108 to March. The top 3 corridor priorities were: improve roadway safety, minimize congestion, and
 109 minimize construction duration. The signal with added turn lanes favored over roundabout. 3 and 5
 110 lanes favored equally. 3-lane comments were that it may not alleviate the congestion, will this improve
 111 the safety, and protected bike lanes prefers. 5-lane comments were looks like bike/pedestrian terror,
 112 alleviates congestion, matches route 3 past Whitehall Road. The impact on the 5 lanes will have a large
 113 impact vs a 3 lane. We anticipate things are going to grow and we factor that in.

114
 115 R. Duhaime- we haven't seen the increase due to the road that the developer put in. But we do see
 116 future development.

117
 118 T. Reynolds- I do have that on there to show and represent it. 5-lane will be better for commuter route,
 119 promotes vehicular traffic flow, higher speeds, lower potential for use by pedestrians and bikes. 3-lane
 120 local route, balances need of all modes of transportation, lower speeds, lower stress on pedestrians
 121 and bikes. Our next step is DOT needs to select what we are going to do. And start to move forward
 122 with an alternative. I think the sidewalks we can still talk about, we have time. The planning Board has
 123 voted to support the DOT and their recommendation is 5-lane option, majority vote for the traffic rotary/
 124 roundabout, majority for sidewalks on one side of the highway vs 2 sides.

125
 126 D. Boutin- in terms of takings, do you know how many buildings you will be taking.

127
 128 T. Reynolds- I don't have the exact number, I believe it is possibly 5 or 6. There may also be loss of
 129 parking spaces, and or display area.

130
 131 D. Boutin- what about in the vicinity of where the cinema is?

132
 133 T. Reynolds- I don't think there is any significant impact there. We have looked at shifting the road to
 134 the East, but the National Guard development has water quality structures and there is not a lot of room
 135 for us to move it over there.

136
 137 T. Tsantoulis- I didn't quite hear your solutions on the impact on the overhead utility.

138
 139 T. Reynolds- we have not really quantified utility impact. With the 3-way, or with 5-way.

140
 141 D. Boutin- are you going to move the poles and put new, or go underground?

142
 143 T. Reynolds- that is up to the utilities, it is up to them they will typically build new, unless asked to go
 144 under by the Town, but that would be a cost to the town.

145
 146 R. Duhaime- what improvements will be had at Whitehall? And Alice Ave?

147
 148 Matt Grody of WSP Consulting- we are adding a left lane by the CVS. All the traffic movements will be
 149 replicated. All of the sidewalks that will have the associated impacts going northbound. At Alice Ave we
 150 are adding a right-hand turn lane northbound onto Alice and we are splitting the west bound approach
 151 into a left turn lane and a thru lane.

152

153 D. Boutin- what is the life of the 3-lane vs 5-lane?

154

155 T. Reynolds- that is the million-dollar question. The level of movement in segment. in a 5 lane it gets to
156 a level of service D in 2045.

157

158 D. Boutin- I see the Alice Road and Mammoth Road back up and if we are going to do it right then we
159 should do the 5 lane and not do 3, then think we can do 5 in the future. This is our 1 shot to do it and do
160 it right.

161

162 T. Reynolds- when you see a backup, are you seeing it from the Mammoth Road backup que?

163

164 D. Boutin- no the backup is from Hooksett Road.

165

166 R. Lapierre- that's how I get home every day. It seems to get backed up when we are waiting for a red
167 cycle for mammoth and then the green left turn only, and then they are waiting double and it can't catch
168 up. Alice is residential and it does get busy.

169

170 J. Sullivans- what would you say the rating is now?

171

172 T. Reynolds- in the pm peaks is a D.

173

174 A. Garron- I know the roundabout is catching on in NH and was wondering what impact the roundabout
175 has on a 3 lane vs 5 lane.

176

177 T. Reynolds- they both function out well to the design year.

178

179 J. Sullivan- this was information only, when would you be seeking a vote from us?

180

181 T. Reynolds- it's not really a vote needed, just your input on any hang-ups that you see.

182

183 ***D. Boutin motioned that the Town Council support the 5-lane project; seconded by R. Lapierre.***

184

185 ***Vote in favor 8-0***

186

187 ***J. Durand motioned to recommend that the sidewalks in the project are 1 sided; seconded by D.***
188 ***Boutin.***

189

190 ***Vote in favor 5-3***

191

192 D. Boutin- is the bike lanes going to be on 1 or 2 sides?

193

194 T. Reynolds- we will propose it as 2 sides.

195

196 **CONSENT AGENDA**

197

198 ***D. Boutin motioned to approve the consent agenda items 14.1 and 14.2 as presented; seconded***
199 ***by T. Tsantoulis.***

200

201 ***14.1 Osborne's Agway Landscape Letter of Credit Release of \$6.938.02 to Farm Credit East,***
202 ***ACA, and 14.2 Accept a donation of a granite monument in the shape of New Hampshire***

203 (estimated value of \$3,000) from the Belisle's to the Town of Hooksett for the Heritage
204 Commission per RSA 31:95-e,II.

205
206 **Vote in favor 8-0**

207
208 **TOWN COUNCIL REORGANIZATION - PART II**

209
210 **15.1 First meeting of the New Town Council, motion for section 2a (3-12) of Town Council Rules**
211 **of Procedures.**

212
213 *R. Lapierre motioned that the Town Council confirms by a roll call vote, that the Town of Hooksett*
214 *will adopt RSA 31:104, 31:105 and 31:106 to provide immunity and indemnify all Town Councilors,*
215 *other elected officials, employees, agents as well as appointed officials that serve on committees*
216 *and boards within the Town of Hooksett; specifically covering immunity from civil liability for*
217 *discretionary acts, according to RSA 31:104, indemnification for costs of defense of civil suits,*
218 *according to RSA 31:105 and indemnification for civil rights claims, according to RSA 31:106.;*
219 *seconded by D. Boutin.*

220
221 **Roll Call Vote #2**

222 **R. Duhaime Aye**
223 **J Durand Aye**
224 **D. Ross NP**
225 **R. Lapierre Aye**
226 **A. Walczyk Aye**
227 **D. Boutin Aye**
228 **K. Judge Aye**
229 **T. Tsantoulis Aye**
230 **J. Sullivan Aye**

231
232 **Vote in favor 8-0**

233
234 **R. Lapierre motioned to approve and adopt the Town Council Rules of Procedure 2a (4-12),**
235 **seconded by D. Boutin.**

- 236
237 **4. Motion to have the Town Council Chair sign ancillary documents as agent to expend as**
238 **a result of Town Council prior approval of the documents.**
239 **5. Motion to have the Town Council Chair complete the Council's section of the Annual**
240 **Report.**
241 **6. Motion to have the Town Council Chair complete & sign Tax Deed Waivers.**
242 **7. Motion to adopt the Town Council Rules of Procedures.**
243 **8. Motion to adopt the Administrative Code (which includes the Investment and Fund**
244 **Balance Policies).**
245 **9. Motion to adopt the Family Services Guidelines.**
246 **10. Motion to have the Tax Collector sign payment plans for deedable properties.**
247 **11. Motion to have the Town Administrator approve payment plans for deedable**
248 **properties (Town Administrator cannot forgive interest or principal).**
249 **12. Motion to have a Councilor work with Administration to coordinate the annual Town**
250 **Council Old Home Day booth and Employee Appreciation Picnic.**

251
252 **Vote in favor 8-0**

253
254 **15.2 Town Council Representative Assignments**

255
TC MINUTES

7-6-2022

5

256 **Board of Assessors-** Councilor Timothy Tsantoulis, Councilor Alex Walczyk, Councilor John Durand
 257 and Councilor Randall Lapierre as alternate.
 258 **Budget Committee- None appointed today**
 259 **Conservation Committee-** Councilor Alex Walczyk
 260 **Economic Development Advisory Committee-** Councilor James Sullivan
 261 **Heritage Commission-** Councilor Roger Duhaime
 262 **Hooksett Youth Achiever of the Month-** Councilor Timothy Tsantoulis, Councilor Randall Lapierre, J.
 263 Durand
 264 **Parks & Rec Advisory Board-** Councilor Keith Judge and Councilor Alex Walczyk as alternate
 265 **Planning Board-** Councilor David Boutin
 266 **Recycling & Transfer Advisory Board-** Councilor Alex Walczyk and Councilor Randall Lapierre as
 267 alternate.
 268 **Sewer Commission- None appointed today**
 269 **Route 3A TIF District Advisory Board-** Councilor David Boutin and Councilor Roger Duhaime
 270 **Town Hall Preservation Committee-** Councilor James Sullivan
 271 **Zoning Board of Adjustment-** Councilor Roger Duhaime
 272 **Union Negotiations-** Councilor Randall Lapierre and Councilor John Durand
 273 **Bicentennial Committee-** Councilor James Sullivan
 274
 275 **TOWN ADMINISTRATOR'S REPORT**
 276
 277 A. Garron- covid cases have doubled since our last meeting. We are up to 46 cases. The bicentennial
 278 event on July 2nd was a great event. We had a great turnout. Staff helped a lot in setting up. The
 279 governor showed up in attendance and gave a speech. The event was well planned out by the
 280 committee. It was brought up at a past meeting about the mobile storage workshops popping up. The
 281 Planning Board and Code Enforcement are looking into it. The scheduled TC August workshop, I really
 282 want to facilitate a discussion on what the town council goals are. I really want to home in on those
 283 goals.
 284
 285 J. Sullivan- Primex has offered to help and facilitate that discussion and I think it will be worthwhile
 286 having this workshop.
 287
 288 A. Garron- on July 12th we will be hosting the Governor & Council meeting at the Hooksett Library. The
 289 meeting that will be open to the public at 10:00 am. I also want to pass around a contact list, so that we
 290 can update the contacts of all members to contact when needed. The next step in the town owned
 291 property given that we amended RSA 41:14 we want to advance the project forward. And start with an
 292 initial list of properties.
 293
 294 J. Durand- it was a big concern as it is the towns people land to sell and not up to us alone to make the
 295 decision.
 296
 297 A. Garron- not one person will make the decision, the council will with input in from departments.
 298
 299 T. Tsantoulis- we want to be careful and that we don't put ourselves into a corner. We don't want to
 300 lose important business that can be brought into town. Some parcels have little to no value as it is. We
 301 have a town vote 1x a year not 365.
 302
 303 A. Garron- Marmon Aerospace & Defense Groundbreaking Ceremony July 21, 2022
 304
 305 T. Tsantoulis- I have a few questions on the parking of construction of construction equipment. Is that
 306 activity that we discussed is that illegal or legal according to our ordinance?
 307
 308 A. Garron- I know when residents have complained about that, the request has been that the truck
 309 move onto the property.
 310

311 T. Tsantoulis- there is a whole lot going on there. It is in a residential area, and they are running a
312 business out of there. As we know the vehicles on the trucks can be damaged and leak fluids.
313

314 R. Duhaime- what is the status of the Martins Ferry Road?
315

316 A. Garron- we are doing a full extensive review of it.
317

318 **NOMINATIONS AND APPOINTMENTS**

319]

320 *R. Lapierre motioned to waive the Town Council rules and nominate and appoint at the same*
321 *meeting; seconded by A. Walczyk.*
322

323 *R. Lapierre motioned to nominate and appoint Mike Somers to the TIF Committee with a term*
324 *expiring June 30, 2025. Seconded by D. Boutin.*
325

326 *R. Lapierre motioned to nominate and appoint Matthew Barrett to the Economic Development*
327 *Advisory Committee with a term expiring June 30, 2025; seconded by D. Boutin.*
328

329 *R. Lapierre motioned to nominate and appoint John Giotas to the Heritage Commission with a*
330 *term expiring June 30, 2025; seconded by D. Boutin.*
331

332 *R. Lapierre motioned to nominate and appoint John Pieroni as an Alternate to the Conservation*
333 *Commission with a term expiring June 30, 2025; seconded by D. Boutin.*
334

335 *R. Lapierre motioned to nominate and appoint Philip Fitanides to the Conservation Commission*
336 *with a term expiring June 30, 2025; seconded by D. Boutin.*
337

338 *R. Lapierre motioned to nominate and appoint Mark Chagnon to the Economic Development*
339 *Advisory Committee with a term expiring June 30, 2025; seconded by D. Boutin.*
340

341 *R. Lapierre motioned to nominate and appoint Richard Bairam to the Recycling and Transfer*
342 *Advisory Committee with a term expiring June 30, 2025; seconded by D. Boutin.*
343

344 *R. Lapierre motioned to nominate and appoint Gerald Hyde to the Zoning Board of Adjustment*
345 *with a term expiring June 30, 2025; seconded by D. Boutin.*
346

347 *R. Lapierre motioned to nominate and appoint Alexander Glennon as an Alternate to the Zoning*
348 *Board of Adjustment with a term expiring June 30, 2025; seconded by D. Boutin.*
349

350 *R. Lapierre motioned to nominate and appoint Gloria Levasseur as a member of the Heritage*
351 *Commission with a term expiring June 30, 2025; seconded by D. Boutin.*
352

353 *R. Lapierre motioned to nominate and appoint Deborah Miville as a member of the Conservation*
354 *Commission with a term expiring June 30, 2025; seconded by D. Boutin.*
355

356 *R. Lapierre motioned to nominate and appoint Alden Beauchemin as a member of the TIF*
357 *Committee with a term expiring June 30, 2025; seconded by D. Boutin.*
358

359 **Vote all in favor 8-0**
360

361 L. McLaughlin- Matt Reed didn't decide to renew his position on the Planning Board as he is moving out
362 of town. Russ Latinder on the TIF Committee has decided not to renew his term. The contact list going

363 around, I want to see what the consensus of the Board is to have it on the website. I want to bring up
364 that not everyone can be contacted by their constituents.

365
366 J. Durand- what does it matter they never put their address up.
367

368 D. Boutin- with regards to the TIF Advisory Board, I'd ask that the TC leave that position vacant until
369 mid-September.
370

371 **OLD BUSINESS**

372 373 **19.1 ARPA Committee Project List and Ranking (tabled at 5/25/22 meeting)** 374

375 ***T. Tsantoulis motioned to remove ARPA Committee project list and ranking from the table;***
376 ***seconded by K. Judge.***
377

378 **Vote 7-1**

379
380 J. Sullivan- we have the list created by the committee, my suggestion on how we address is take them
381 in order of how they were ranked by the committee as we requested, get explanations as to why they
382 are there.
383

384 R. Lapierre- I don't think that is advisable. I will make a point that the items that were ranked 1st and 2nd
385 have been allocated out of reserve funds. There is a lot of background info on all these projects. I am
386 not qualified to repeat this information verbatim that I heard on these projects. I think we should provide
387 the champion of those projects in front of the TC. I think it should be appropriately costed out.
388

389 J. Durand- I was just reading through this and in determining revenue loss there was 2 options, you
390 could show revenue loss or take the standard deduction, is that the option that we went with?
391

392 R. Lapierre- there was a formula that the federal government offered, along with an allocation and what
393 the formula showed for a revenue loss, was that the revenue loss was enough to justify the calculation
394 in the formulation.
395

396 C. Tewksbury- originally when it all came out there was guidance on following the revenue loss. When
397 the final interpretations came out it allowed the communities the standard deduction avenue.
398

399 J. Durand- when I look at the rules and what we can spend the money on, some of the items they look
400 like they are not under the allowable uses. I don't want to get into trouble and later have to pay back the
401 money. I think we should stick to the rules.
402

403 J. Sullivan- your concerns are a good reason to table the discussion.
404

405 R. Lapierre- in your packet is the final ruling on how these funds can be used and under how we
406 received the funds the only area we cannot expend these funds is to offset taxation.
407

408 K. Judge- I want to agree that we spend the money appropriately. On page 99 it specifies that this is
409 not an exhausted list, how do we confirm we are spending the money appropriately?
410

411 ***D. Boutin motioned to table the discussion on the ARPA Committee project list and ranking;***
412 ***seconded by T. Tsantoulis.***
413

414 **Vote in favor 8-0**

TC MINUTES

7-6-2022

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R. Lapierre- my suggestion is that we stop tabling and un-tabling the entire list. if councilors want to talk about specific items, they should email the chair and get it on the agenda as an item.

J. Durand- R. Lapierre makes a good point. Some projects are clear projects that seem to meet the criteria and we could move on those.

Updated FY2022-2023 Town Council Meeting Schedule

D. Boutin motioned to approve Updated FY2022-2023 Town Council Meeting Schedule presented; seconded T. Tsantoulis.

Vote in favor 8-0

A. Walczyk- the date last day for the Town Council to hold a public hearing is that a hard date?

C. Tewksbury- if you have a public hearing after that date, there is no guarantee that it will go through you can and we've done it in the past. If you use that date as your hard and fast date there is a guarantee that you will get it back.

J. Sullivan- if there are any suggested charter changes that may come forward this year we need to get that started as soon as possible. To make sure there is time for review.

NEW BUSINESS

20.1 Budget Transfer #2023-01 in the amount of \$5,141.00 from Town Clerk's budget to Tax Collector's budget.

D. Boutin motioned to authorize the Chairman to sign Budget Transfer #2023-01 in the \$5,141.00 from Town Clerk's budget to Tax Collector's budget; seconded by T. Tsantoulis.

Vote in Favor 8-0

20.2 Block 5 Contract

T. Tsantoulis motioned to approve the Town Administrator to sign the contract with Block 5 in the amount of \$83,100. Seconded by D. Boutin.

Roll Call Vote #3

D. Boutin Aye

D. Ross NP

A. Walczyk Aye

J. Durand Aye

R. Duhaime Aye

T. Tsantoulis Aye

R. Lapierre Aye

K. Judge Aye

J. Sullivan Aye

Vote in favor 8-0

Town Administrator Goals July 1, 2022-June 30, 2023

- 10-year master plan approved

TC MINUTES

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9

- 469 • Increase familiarity with lower-level goings on in each department
- 470 • Successful negotiation on new union contract
- 471 • Work with Town boards and property owners to plan development of land north of College Park
- 472 Drive
- 473 • Determine need for Community Development director/dept head
- 474 • Reduce fire budget by 10 %
- 475 • Demonstrate how Administrative Assistant position will be a force multiplier for the Town
- 476 • Look at potential re org on Tax Collector's office
- 477 • Complete Town land review and deposition of land and process

478
479

480 J. Sullivan- I think we should identify the top three goals. My opinion is #9, #1, #4.
481 Take this and send it to me, rate the list and send it to me. Then those will be the goals of the
482 administrator.

483
484

APPROVAL OF MINUTES

485
486

D. Boutin motioned to approve the public minutes of the May 25, 2022, meeting; Seconded T. Tsantoulis.

487
488

Vote in favor 8-0

489
490

491 *D. Boutin motioned to approve the public minutes of the June 8, 2022, meeting; Seconded T.*
492 *Tsantoulis.*

493
494

Vote in favor 8-0

495
496

D. Boutin motioned to approve the public minutes of the June 22, 2022, meeting, seconded K. Judge.

497
498

Vote in favor 8-0

499
500

501 *J. Sullivan motioned to approve the non-public minutes of the May 25, 2022, meeting; Seconded*
502 *R. Lapierre.*

503
504

Vote in favor 8-0

505
506

T. Tsantoulis motioned to approve the non-public minutes of the June 8, 2022, meeting;
507 *Seconded R. Lapierre.*

508
509

Vote in favor 8-0

510
511

SUB-COMMITTEE REPORTS

512
513

T. Tsantoulis- nothing to report, however we are still looking for youths for the Hooksett Youth Achievers Awards and are looking for nominations.

514
515

PUBLIC INPUT

516
517

Ed Groves- 59 Sherwood Drive- I am planning on running for State Rep as an undeclared independent, which requires me to get 150 legal registered signatures. I will be sending you all an email letting you know a bit about me. If you don't mind giving me your email address so that I may contact, you.

518
519
520

TC MINUTES

7-6-2022

10

521
522 **J. Sullivan motioned to enter non-public session #2 NH RSA 91-A:3 II (a) at 8:25 pm; seconded**
523 **by D. Boutin.**

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

527 **Roll Call Vote #4**

528 **A. Walczyk Aye**
529 **R. Lapierre Aye**
530 **D. Ross NP**
531 **R. Duhaime Aye**
532 **J. Durand Aye**
533 **K. Judge Aye**
534 **T. Tsantoulis Aye**
535 **D. Boutin Aye**
536 **J. Sullivan Aye**

537
538 **Vote in favor 8-0**
539

540 ***T. Tsantoulis motioned to seal the non-public minutes of 7/6/2022 with the exception of the***
541 ***following vote ; seconded by A. Walczyk.***

542
543 ***T. Tsantoulis motioned to deny the grievance seconded by R. Duhaime.***
544 **Roll Call Vote #5**

545 **T. Tsantoulis Aye**
546 **D. Ross Np**
547 **R. Duhaime Aye**
548 **A. Walczyk Aye**
549 **R. Lapierre Aye**
550 **K. Judge NP**
551 **J. Durand Nay**
552 **D. Boutin Nay**
553 **J. Sullivan Aye**

554
555 **Vote in favor 5-2**
556

557 **Roll Call Vote #6**

558 **J. Durand Aye**
559 **R. Lapierre Aye**
560 **K. Judge NP**
561 **D. Boutin Aye**
562 **D. Ross NP**
563 **T. Tsantoulis Aye**
564 **A. Walczyk Aye**
565 **R. Duhaime Aye**
566 **J. Sullivan Aye**

567
568 **Vote in favor 7-0**
569

570 ***T. Tsantoulis motioned to adjourn the non-public session of 7/6/2022 at 9:25 p.m.; seconded by A.***
571 ***Walczyk.***

TC MINUTES

7-6-2022

11

572

573 ***Vote in favor 7-0***

574

575 **ADJOURNMENT**

576

577 ***Chair Sullivan motioned to adjourn the meeting at 9:25 pm. Seconded by R. Lapierre.***

578

579 ***All in favor 7-0***

580

581 Respectfully submitted,

582

583 *Alicia Jipson*

584

585 Alicia Jipson

586 Recording Clerk