



AGENDA

Town of Hooksett Town Council

Wednesday, June 8, 2022 at 5:30 PM

A meeting of the Town Council will be held Wednesday, June 8, 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. **PLEDGE OF ALLEGIANCE**
5. **NON-PUBLIC SESSION #1 NH RSA 91-A:3 II**
6. **PUBLIC SESSION WILL BEGIN IMMEDIATELY FOLLOWING THE NON-PUBLIC SESSION NOTED ABOVE**
7. **AGENDA OVERVIEW**
8. **PUBLIC HEARINGS**
9. **SPECIAL RECOGNITION**
 - 9.1. BICENTENNIAL MOMENT
 - 9.2. Hooksett Municipal Employee - New Hire
10. **PUBLIC INPUT - 15 MINUTES**
11. **SCHEDULED APPOINTMENTS**
 - 11.1. Annual Update from the Economic Development Advisory Committee - David Scarpetti, Chair 5
[Staff Report - SR-22-068 - Pdf](#)
 - 11.2. Annual Update from the Planning Board - Tom Walsh, Chair 7
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 - 11.3. Town Clerk, Todd Rainier - Civil Forfeiture 9 - 11
[Staff Report - SR-22-088 - Pdf](#)
 - 11.4. Martins Ferry Road Guardrail Repair and Speed Hump Removal - Meeting with Josif Bicja, Vice President / Senior Structural Engineer at Hoyle Tanner and Bruce Thomas, Town Engineer to Discuss Guardrail Replacement with Bridge Rail 13
[Staff Report - SR-22-091 - Pdf](#)
12. **CONSENT AGENDA**
13. **TOWN ADMINISTRATOR'S REPORT**
14. **NOMINATIONS AND APPOINTMENTS**
 - 14.1. Nominations and Appointments 15 - 21

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

15. BRIEF RECESS

16. OLD BUSINESS

- 16.1. Town Personnel Plan Updates (tabled at 04/13/22 TC Mtg) 23 - 35

[Staff Report - SR-22-020 - Pdf](#)

- 16.2. ARPA Committee Project List and Ranking (tabled at 5/25/22 meeting) 37 - 86

[Staff Report - SR-22-079 - Pdf](#)

- 16.3. 2022 Resurfacing 87 - 123

[Staff Report - SR-22-090 - Pdf](#)

- 16.4. Updated FY2022-2023 Town Council Meeting Schedule 125 - 126

[Staff Report - SR-22-092 - Pdf](#)

17. NEW BUSINESS

- 17.1. FY 2021-22 Budget Encumbrances Preview 127 - 129

[Staff Report - SR-22-089 - Pdf](#)

- 17.2. Adoption of RSA 41:14-a and amendment to the 2006 Town Council Resolution 131 - 134

[Staff Report - SR-22-086 - Pdf](#)

18. APPROVAL OF MINUTES

- 18.1. Public: 05/25/2022 135 - 147

[TC Minutes 05252022](#)

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

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

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

reserves the right to end questioning if the questions depart from clarification to deliberation.

4. Council members may request a comment be added to New Business at a subsequent meeting.
5. No one may speak during Public Input except the person acknowledged by the Chair. Direct questions or comments from the audience are not permitted during Public Input.

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

Town Council
STAFF REPORT



To: Town Council
Title: Annual Update from the Economic Development Advisory Committee - David Scarpetti, Chair
Meeting: Town Council - 08 Jun 2022
Department: Administration
Staff Contact: Leann McLaughlin, Project Coordinator

BACKGROUND INFORMATION:

Hooksett's Town Charter requires Town Boards and Committees to come before Town Council annually and report on their activity. The Economic Development Advisory Committee Chair, David Scarpetti, has requested June 8th to formally brief the council on the Commissions efforts, answer questions, and promote coordination between the two bodies.

RECOMMENDATION:

Listen to an update from the Economic Development Advisory Committee Chair, David Scarpetti and ask questions as necessary to be informed.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Listen to the update provided by the Economic Development Advisory Committee Chair.

Town Council
STAFF REPORT



To: Town Council
Title: Annual Update from the Planning Board - Tom Walsh, Chair
Meeting: Town Council - 08 Jun 2022
Department: Administration
Staff Contact: Leann McLaughlin, Project Coordinator

BACKGROUND INFORMATION:

Hooksett's Town Charter requires Town Boards and Committees to come before Town Council annually and report on their activity. The Planning Board Chair, Tom Walsh, has requested June 8th to formally brief the council on the Commissions efforts, answer questions, and promote coordination between the two bodies.

RECOMMENDATION:

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

TOWN ADMINISTRATOR'S RECOMMENDATION:

Listen to the update provided by the Planning Board Chair

Town Council

STAFF REPORT



To: Town Council
Title: Town Clerk, Todd Rainier - Civil Forfeiture
Meeting: Town Council - 08 Jun 2022
Department: Town Clerk's Office
Staff Contact: Todd Rainier, Town Clerk

BACKGROUND INFORMATION:

466:14 Warrants; Proceedings. – The town or city clerk shall annually, between June 1 and June 20, present to the local governing body a list of those owners of dogs that have failed to license or not renewed their dog licenses pursuant to RSA 466:1. The local governing body shall, within 20 days from June 20, issue a warrant to a local official authorized to issue a civil forfeiture for each unlicensed dog. The warrant may also authorize a local law enforcement officer to seize any unlicensed dog. The civil forfeiture may be sent by certified mail, or delivered in hand, or left at the abode of the dog owner. The cost of service shall not exceed \$7 and may be recovered by the city or town in addition to the amount of the civil forfeiture. If the unlicensed dog is seized, it shall be held in a town or city holding facility for a period of 7 days, after which time full title to the dog shall pass to the facility, unless the owner of the dog has, before the expiration of the period, caused the dog to be licensed. The owner shall pay the facility a necessary and reasonable sum per day, as agreed upon by the governing body of the town or city and the facility, for each day the dog has been kept and maintained by the facility, plus any necessary veterinary fees incurred by the facility for the benefit of the dog. Before a local law enforcement officer seizes any unlicensed dog, a written warning shall be given to the dog owner.

FINANCIAL IMPACT:

Unknown

RECOMMENDATION:

Sign warrant authorizing civil forfeiture process to commence.

SUGGESTED MOTION:

Motion for Town Council to sign warrant authorizing civil forfeiture process to commence.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the suggested motion

ATTACHMENTS:

[Dog Warrant 2022](#)



Town of Hooksett

Office of the Town Clerk

WARRANT FOR UNLICENSED DOGS

Presented to Hooksett Town Council by Todd Rainier, Hooksett Town Clerk, on
Wednesday, June 8, 2022

Pursuant to New Hampshire RSA 466:14 titled "Warrants: Proceedings", you are hereby directed to proceed with the issuance of a civil forfeiture for each unlicensed dog included in this warrant. The civil forfeiture may be sent by certified mail, delivered in hand, or left at the abode of the dog owner.

Pursuant to New Hampshire RSA 466:16 titled "Returns", this warrant must be returned on or before August 31 and state the number of owners who received and paid the civil forfeiture, the number of dogs in Hooksett that have been seized and held under the provisions of RSA 466:14, and the number of owners who have received summons to a district or municipal court for failure to pay the civil forfeiture pursuant to RSA 466:13 or to license the dog pursuant to RSA 466:1.

Hooksett, NH Town Council:

Signature	Print name	Date
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Town Council
STAFF REPORT



To: Town Council
Title: Martins Ferry Road Guardrail Repair and Speed Hump Removal - Meeting with Josif Bicja, Vice President / Senior Structural Engineer at Hoyle Tanner and Bruce Thomas, Town Engineer to Discuss Guardrail Replacement with Bridge Rail
Meeting: Town Council - 08 Jun 2022
Department: Community Development
Staff Contact: Bruce Thomas, Town Engineer

BACKGROUND INFORMATION:

The guardrail at the corner of Martins Ferry Road and North River Road was hit and needs to be replaced with a bridge rail. The Hoyle Tanner Engineering Firm has been asked to provide a proposal to design the bridge rail. They will be present to discuss the need for a bridge rail. Bruce Thomas will be present to discuss events leading up to the project and timing of the project. Also to be discussed are the implications of removing the speed hump.

FINANCIAL IMPACT:

None

POLICY IMPLICATIONS:

None

RECOMMENDATION:

None

SUGGESTED MOTION:

None Required

TOWN ADMINISTRATOR'S RECOMMENDATION:

For informational purposes only

Town Council
STAFF REPORT



To: Town Council
Title: Nominations and Appointments
Meeting: Town Council - 08 Jun 2022
Department: Administration
Staff Contact: Leann McLaughlin, Project Coordinator

BACKGROUND INFORMATION:

Robert Better has applied to become a full member on the Conservation Commission. He currently holds a position as an alternate.

Robert Schroeder has applied to continue to be a full member on the Recycle and Transfer Advisory Board.

RECOMMENDATION:

Nominate Robert Better to a full member of the Conservation Commission with a term expiring 06/30/2023.

Nominate Robert Schroeder to the Recycle and Transfer Advisory Board with a term expiring 06/30/2025.

SUGGESTED MOTION:

I motion to nominate Robert Better to a full member of the Conservation Commission with a term expiring 06/30/2023.

I motion to nominate Robert Schroeder to the Recycle and Transfer Advisory Board with a term expiring 06/30/2025.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the suggested motion

ATTACHMENTS:

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

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



Town of Hooksett

APPLICATION FOR APPOINTED TOWN BOARD POSITION

Date Submitted: 5/18/2022

Name: ROBERT T. BETTER Phone: 603-268-0608 LAND LINE

Address: 1465 HOOKSETT RD #143

Email Address: robcheri1@myfairpoint.net

Signature: 

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

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

BOARDS, COMMISSIONS & COMMITTEES

Role Preference

Alternate, Regular, or None?

☒ Conservation Commission

MEMBER

☐ Economic Development Advisory Committee

☐ Heritage Commission

☐ Parks & Recreation Advisory Board

☐ Planning Board

☐ Recycling & Transfer Advisory Committee

☐ Town Hall Preservation Committee

☐ Zoning Board of Adjustment

☐ Other (Please specify.) _____

How long have you been a resident of Hooksett?

14 YEARS

Why are you seeking this position?

VOLUNTEER ACTIVITIES

Do you have any specific goals or objectives?

DO WHAT I CAN

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

MUNICIPAL INS ADJUSTER FOR
LGC & PRIMEX 14 YEARS
PHOTOGRAPHY

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

NONE THAT I KNOW OF

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

HOOKSETT LIBRARY
KIDZARTS

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

ALTERNATE CONSERVATION
COMMISSION

Town of Hooksett

35 Main Street
Hooksett, NH 03106

FRAUD POLICY

Recognition & Awareness Form

Acknowledgement:

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

Signature: Robert T. Better

Print Name: ROBERT T BETTER

Date Signed: 5-18-2022

Department Head Signature: _____



Town of Hooksett

APPLICATION FOR APPOINTED TOWN BOARD POSITION

Date Submitted: MAY 19, 2022

Name: ROBERT SCHROEDER Phone: 603-485-3881

Address: 27 GOFFETOWN RD., HOOKSETT

Email Address: robertwschroeder@comcast.net

Signature: [Handwritten Signature]

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

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

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

BOARDS, COMMISSIONS & COMMITTEES

Role Preference
Alternate, Regular, or None?

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

Town of Hooksett

35 Main Street
Hooksett, NH 03106

FRAUD POLICY

Recognition & Awareness Form

Acknowledgement:

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

Signature: 

Print Name: ROBERT W. SCHROEDER

Date Signed: 05/18/2022

Department Head Signature: _____

Town Council STAFF REPORT



To: Town Council
Title: Town Personnel Plan Updates (tabled at 04/13/22 TC Mtg)
Meeting: Town Council - 08 Jun 2022
Department: Administration
Staff Contact: Donna Fitzpatrick, Human Resource Coordinator

BACKGROUND INFORMATION:

The Town Personnel Plan (TPP) was last updated with the Council on May 24, 2021. Thirteen (13) sections of the TPP are now being proposed to the Council for amendments to align with 1) current practice and/or 2) union contract(s). Non-union town management team provided their input and approve of the amendments. See attached for details (~~removed~~ and added) and below for summary:

SECTION 3 - EMPLOYMENT CONDITIONS

1. Policy on Hours of Work for Salaried Exempt Employees

- Amended content and retitled to "Policy on Town Business Hours" to align with current practice on business hours
- Operational management to keep Town offices open to provide services to the taxpayers
- Safety Center open 24/7 with renovation to move Dispatch to building entrance

2. Compensatory time

- Amended content to align with the Teamsters Local 633 Mid-Management CBA
- Police and Fire Union CBA have ability to swap their time
- Save on O.T. line by providing future bank of time vs. paying for O.T. hours worked with department head approval based on operational management

3. Flextime

- Amended content to align with the Teamsters Local 633 Mid-Management CBA
- Police and Fire Union CBA have ability to swap their time
- Work/Life balance to provide employees ability to adjust their work schedule on temporary basis for personal reasons or due to exceeding 40 hours at evening meetings or other work commitments with department head approval based on operational management

SECTION 4 - WORKPLACE CONDUCT

4. Drugs and alcohol in the workplace and testing - C. Post Accident

- Amended content to include Town Attorney language in first paragraph and waiver of process due to extenuating circumstances
- Risk management to minimize liability to the Town, while maintaining services to the taxpayers

SECTION 9 - LEAVES OF ABSENCE

5. Vacation Leave

- Amended 120 hour carry over content to align with: a) Teamsters Local 633 Mid-Management CBA, b) Teamsters Local 633 PW CBA and c) Fire CBA

- Amended salaried exempt accrual usage under 40 hours worked to match: a) Teamster Local 633 Mid-Management CBA
- Fire CBA a) have ability to swap their time; reducing need to use accruals and b) vacation denied, for reason beyond the employee's control, the Town of Hooksett shall buy those hours at the employees existing regular hourly rate - if more than 120 hours when they reach their anniversary date, overage hours will be paid.
- Police CBA a) have ability to swap their time; reducing need to use accruals and b) 42.5 hours of vacation may be carried over as of the employee's anniversary date of Town of Hooksett NH employment. Employee scheduled vacation cancelled by the Chief of Police, for the good of the department, employee may request to carry over to next fiscal year at Chief's decision.

6. Sick Leave

- Amended salaried exempt accrual usage under 40 hours worked to align with: a) Teamster Local 633 Mid-Management CBA

7. Unpaid Leave of Absence

- Amended content to align with current practice

SECTION 10 - INSURANCES

8. Health

- Amended content as outcome of Teamsters Local 633 Mid-Management CBA negotiations
- Administer cost effective health insurance premiums & HRA fees by limiting a town employee to enroll into a separate town plan when their spouse is enrolled on a town plan
- a) Teamsters Local 633 Mid-Management CBA, b) Fire CBA, c) Police CBA - Health on same terms and conditions as provided to other employees of the Town
- Teamsters Local 633 PW - Health on same terms and conditions as outlined in the Town's Personnel Plan.

9. Health insurance stipend agreement

- Amended content as outcome of Teamsters Local 633 Mid-Management CBA negotiations
- Administer cost effective health stipends by limiting a town employee who is on their spouse's town plan from receiving a stipend
- a) Teamsters Local 633 PW CBA, b) Police CBA - Health Insurance opt-out terms will be the same as non-union employees
- Teamsters Local 633 Mid-Management - health insurance stipend terms will be as described in the Personnel Plan.
- Fire CBA - Opt-out stipend on the same terms and conditions as provided to other employees of the Town

10. Dental

- Amended content as outcome of Teamsters Local 633 Mid-Management CBA negotiations
- Administer cost effective dental insurance premiums by limiting a town employee to enroll into a separate town plan when their spouse is enrolled on a town plan
- a) Teamsters Local 633 Mid-Management CBA, b) Fire CBA, c) Police CBA - Dental on same terms and conditions as provided to other employees of the Town
- Teamsters Local 633 PW - Dental on same terms and conditions as outlined in the Town's Personnel Plan.

11. Disability

- Amended content to align with current practice - Sick time and vacation time will not accrue when the employee is out of work and has been approved for short/long-term disability - BUT if the employee worked at least half the month the employee accrues for that month
- a) Teamsters Local 633 Mid-Management CBA, b) Fire CBA, c) Police CBA - Disability on same terms and conditions as provided to other employees of the Town

- Teamsters Local 633 PW - Disability on same terms and conditions as outlined in the Town's Personnel Plan.
- Fire CBA - although the language in their CBA is as noted above, an arbitrator sided with the union for these members to be able to accrue sick and vacation time when out-of-work through June 30, 2023

12. Workers' compensation

- Amended content to align with the Teamsters Local 633 Mid-Management CBA
- Employee's injured in the line of duty should be able to accrue vacation and sick time when out-of-work
- Fire CBA - workers' compensation on the same terms and conditions as provided to other employees of the Town
- a) Police CBA and B) Teamsters Local 633 PW CBA - no language to receive accruals while out-of-work on workers' compensation

SECTION 11 - END OF EMPLOYMENT CONDITIONS AND REQUIREMENTS

13. Benefits - end of employment

- Amended content to align with current practice

FINANCIAL IMPACT:

See above comments

POLICY IMPLICATIONS:

See attached to align with 1) current practice and/or 2) current union contract(s).

RECOMMENDATION:

4/13/22 Town Council meeting tabled "so that members have time to read and then discuss so that we have a more productive discussion."

1) At Town Council meeting of 5/25/22, motion failed to remove from the table. Chair Sullivan requested at the June 8, 2022 meeting for Councilors to take action; if there is a section(s) of the 13 proposed amendments that is holding up the full packet to hold that item and move forward with the others.

2) At Town Council meeting of 5/11/22, motion failed to remove from the table & there was a request from Councilor Ross for a non-public session on the Town Personnel Plan Updates at the Council's May 25, 2022 meeting

3) Remove from the table

4) 4/13/22 Town Council meeting "T. Tsantoulis motioned to approve the Town Personnel Plan updates as presented effective April 13, 2022. Seconded by J. Sullivan." no vote (and effective date will need to be changed to May 25, 2022)

SUGGESTED MOTION:

1) Remove from the table

2) 4/13/22 Town Council meeting "T. Tsantoulis motioned to approve the Town Personnel Plan updates as presented effective April 13, 2022. Seconded by J. Sullivan." no vote (and effective date will need to be changed to June 8, 2022)

TOWN ADMINISTRATOR'S RECOMMENDATION:

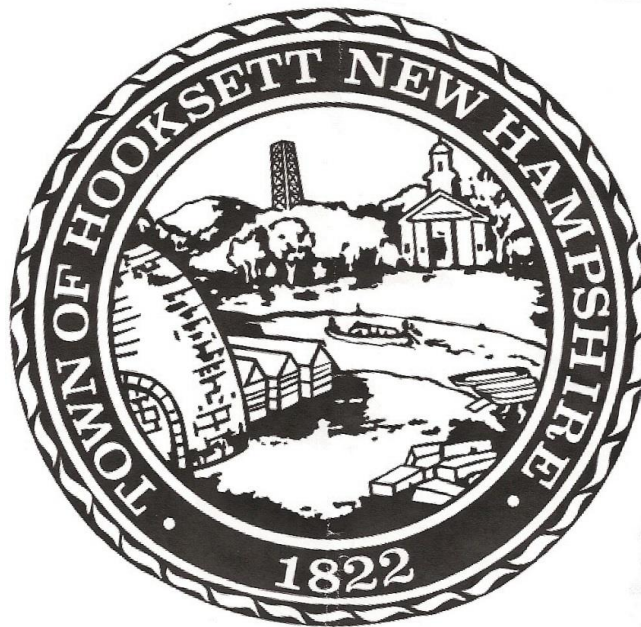
After review and consultation with staff, I am recommending we move forward with the Town Personnel Plan Updates as presented for Council consent and approval.

ATTACHMENTS:

[TPP UPDATES-TC MTG 06082022](#)

TOWN OF HOOKSETT

PERSONNEL PLAN



This document supersedes all personnel policies previously established or approved by the Town Council.

Approved - February 17, 2010

Latest revision – ~~March 24, 2021~~ June 8, 2022

REMOVE

ADD

3. EMPLOYMENT CONDITIONS - Policy on Hours of Work for Salaried Exempt Employees

Policy on Hours of Work for Salaried Exempt Employees Town Business Hours

~~Whereas the Town of Hooksett employees a number of salaried exempt employees in various managerial, professional and administrative positions; and~~

~~Whereas the Town Council desires to see that town government provides timely service to our residents, businesses and visitors in an effective and efficient manner; and~~

~~Whereas this service is provided by our town employees charged with this responsibility; and,~~

~~Whereas accountability of employees is guaranteed by, and their access to the information they may need is enhanced by, the presence of their supervisors; and,~~

~~Whereas we believe it is important for the safety of the employees, as well as the first responders, to know, as much as possible, who should be present in the building at any given time;~~

~~We, the Town Council therefore establish the following policy regarding the hours of work for all salaried exempt employees:~~

~~All Salaried exempt employees are generally expected to be present at their duty stations during Town business hours:~~

- ~~• Safety Center, DPW garage: between the hours of 8:00 am and 4:30 pm from Monday through Friday.~~
- ~~• Public Works Department: between the hours of 7:00am-3:30pm Monday through Friday~~
- ~~• Town Hall offices: between the hours of 8:00am and 4:30pm Monday, Tuesday and Thursday, Wednesday 8:00am-6:30pm, and Friday 8:00am-12:00pm.~~

~~Note: The Safety Center is open to the public 24/7 via the Dispatch window.~~

~~The department head is responsible to determine that staffing levels are adequate to meet the departmental operations.~~

~~It is understood that salaried exempt employees may be required to work additional hours for meetings or special events as part of their regular job duties.~~

~~If the employee's duties require them to be away from their primary duty station (e.g., for a meeting, workshop or other) they should inform their immediate supervisor. in writing and in advance.~~

~~Exceptions to this policy for specific positions may be granted by the Council if they feel that the position requires different hours or more flexibility in order to provide the Town of Hooksett with the best possible service. The process for requesting exceptions is as follows: The person presently in the position should write a request to the Council with a copy to the Town Administrator. The Town Administrator will put it on a Council agenda and the Town Administrator will include a recommendation as to whether the Council should or should not grant the exception. The requesting employee will be given a chance to address their request at the Council meeting. The Council's decision will be final.~~

~~We understand that an employee deviating from these hours cannot have his or her salary impacted, but rather that non-compliance is considered a disciplinary matter to be handled in accordance with the town personnel policy.~~

~~This policy will go into effect on 07/01/15, which will give employees time to request exemptions before it takes effect. Policy amended 01/24/18 for Town Hall office new hours.~~

3. EMPLOYMENT CONDITIONS – Compensatory time

Compensatory time. An employee who is classified as hourly (non-exempt) is eligible for compensatory time. An employee is eligible for compensatory time if their work hours during a single pay period exceed their regular work schedule. If the employee chooses compensatory time in lieu of overtime, approval must be obtained from their supervisor. The calculation of work hours includes all approved absences and does not include unapproved absences. Work conducted over the regular work schedule in a single pay period will be given to the employee at a rate of time and one half in the form of paid time off. Employees will be encouraged to use compensatory time as soon as possible after the time is accrued. In no case will an employee be allowed to accrue more than twenty (20) hours of compensatory time. Accrued compensatory time must be used during the fiscal year in which it was accrued. In the rare instance when an employee wants to carry over any unused compensatory time into the next fiscal year, approval must be received from the Town Administrator, otherwise, the leftover compensatory time is forfeited.

Each Department Head will decide if the compensatory time policy will apply to their department. If not allowed, the policy will remain as "not allowed" until the Department Head changes it. If allowed, it applies only to non-exempt hourly employees, per the provisions of the Fair Labor Standards Act.

When the employment of an employee ends, for any reason, the employee will be eligible for payment of accrued compensatory time up to the 20-hour cap.

An employee who is classified as hourly (non-exempt) is eligible for compensatory time. An employee is eligible for compensatory time if their work hours during a single pay period exceed their regular work schedule. If the employee chooses compensatory time in lieu of overtime, approval must be obtained from their supervisor. The calculation of work hours includes all hours paid, but does not include unscheduled sick and unapproved absences. Work conducted over the regular work schedule in a single pay period will be given to the employee at a rate of time and one half (1 ½) in the form of paid time off. Employees will be encouraged to use compensatory time as soon as possible after the time is accrued. In no case will an employee be allowed to accrue more than twenty (20) hours of compensatory time. Accrued compensatory time must be used during the fiscal year in which it was accrued. In the rare instance when an employee wants to carry over any unused compensatory time into the next fiscal year, approval must be received from the Town Administrator, otherwise, the leftover compensatory time is forfeited.

When the employment of an employee ends, for any reason, the employee will be eligible for payment of accrued compensatory time up to the 20-hour cap.

3. EMPLOYMENT CONDITIONS - Flextime

Flextime. Flextime is a schedule or arrangement by which an employee may work an alternate work schedule within specific limits dictated by the needs of the job, confirming to the requirements of the department, and is subject to department head review and approval. As an example, if an employee arrives to work 30 minutes beyond the regularly scheduled start time, but could work an additional 30 minutes at the end of the shift to make up the time, then the department head has the authority to allow that employee to work the additional 30 minutes on that day or another day as long as it's all during the same pay period. Alternatively, an employee who works an extra 30 minutes on a particular day, and wishes to leave work early by 30 minutes on the same day or another, may do so as long as it is within the same pay period and has approval of the department head. The end result being no overtime or comp time would be accrued or used, and the employee would be paid for their normal work week.

When a flextime schedule or arrangement is used, it is the department head's responsibility to ensure that staffing is always available to meet the operational requirements of the department as

well as the needs of the public during normal business hours. The department head has the discretion to determine if staffing coverage is adequate and sufficient to meet the operating requirements of the department. The department head may, at their discretion, implement, continue, discontinue or modify flextime work schedules. The department head has the right to return an employee to a standard work schedule. The department head ensures that flextime is administered consistently and equitably within the department. The employee must plan and organize their time to meet the job requirements established by the department head.

Flextime is a **temporary** schedule or arrangement by which an employee (exempt or non-exempt) may work different hours within the same pay period; subject to department head or designee approval. The end result being no overtime or comp time would be accrued or used, and the employee would be paid for their normal work week.

When a flextime schedule or arrangement is used, it is the department head or designee's responsibility to ensure that staffing is always available to meet the operational requirements of the department as well as the needs of the public during normal business hours. The department head or designee may, at their discretion, implement, continue, discontinue or modify flextime work schedules. The department head or designee has the right to return an employee to a standard work schedule. The department head or designee ensures that flextime is administered consistently and equitably within the department. The employee must plan and organize their time to meet the job requirements established by the department head or designee.

Flextime example: if an employee arrives to work 30 minutes beyond the regularly scheduled start time, but could work an additional 30 minutes at the end of the shift to make up the time, then the department head has the authority to allow that employee to work the additional 30 minutes on that day or another day as long it's all during the same pay period. Alternatively, an employee who works an extra 30 minutes on a particular day, and wishes to leave work early by 30 minutes on the same day or another, may do so as long as it is within the same pay period and has approval of the department head.

Different than flextime, a **permanent** alternate work schedule must be requested in writing by the employee to the Department Head with approval by the Town Administrator.

4. WORKPLACE CONDUCT – Drugs and alcohol in the workplace and testing – Post Accident

Drugs and alcohol in the workplace and testing

C. Post Accident.

When an employee is involved in an accident, it does not necessarily mean that the employee is at fault. For purposes of drug and/or alcohol testing, there is an element of materiality to whether an incident is an accident. Scraping a hubcap or purely cosmetic damage (scrapes, minor dents, flat tires) would generally be excluded from the definition of an accident. Incidents in the public right-of-way (plowing involving mailboxes, irrigation systems and other items) would generally be excluded from the definition of an accident. But if there is material damage to persons or property, then it would generally be considered an accident, whether or not the employee is ultimately determined to be at fault.

After an accident (as defined above) of any type (motor vehicle or non-motor vehicle), an employee may be subject to testing and/or disciplinary action based on reasonable cause. Testing is also required if the accident results in a fatality or injury of any sort, or if the employee is found to be at fault of the accident. The waiver of a post accident drug and/or alcohol testing is at the approval of the Town Administrator or designee based on case-by-case extenuating circumstances (hazardous weather conditions and other situations whereby the Town's consortium cannot provide the testing service on-site or the Town employee cannot be driven to the consortium or occupational testing facility).

See Federal Motor Carrier Safety Administration site: [https://www.fmcsa.dot.gov/regulations-for-current-regulations-regarding-DOT-CDL-\(commercial-motor-vehicle\)-drivers](https://www.fmcsa.dot.gov/regulations-for-current-regulations-regarding-DOT-CDL-(commercial-motor-vehicle)-drivers).

Drug testing must be performed as soon as practicable after the accident. Alcohol testing must be performed within two hours after an accident. If, for unavoidable reasons, alcohol testing is performed beyond two hours but before eight hours post accident, the Department Head must document why there was a delay in testing. If alcohol testing cannot be performed within eight hours post-accident, all attempts to an alcohol test shall stop. The Department Head must document why testing could not be done within the required period. Any employee that is involved in an accident in which alcohol testing is required must abstain from alcohol use until they are alcohol tested; or eight hours have elapsed post accident. Post accident alcohol testing may be performed or referred by trained law enforcement officials in lieu of a medical facility. If testing is performed post accident, follow the procedures outlined under "Reasonable Cause." The employee's supervisor will transport the employee or arrange to have the employee transported to the testing or collection site.

If an employee is injured, unconscious, or otherwise unable to consent to testing, all reasonable steps will be taken to obtain a sample. The Department Head will notify the hospital or medical treatment facility where the employee has been taken, of the need to obtain specimens for drug and alcohol testing. Necessary medical attention will not be delayed in order to collect any specimen and any injury to the employee should be treated first.

The consequence for a positive post accident test result is immediate discharge. An employee will be suspended without pay pending the result of post accident test(s). In the event that the test(s) are negative, the employee will be reinstated without loss of pay or benefits, unless other conduct warrants discipline under Town policy.

9. LEAVES OF ABSENCE – Vacation Leave

Vacation Leave. The purpose of vacation leave is to provide full-time employees the opportunity for a break in their work schedule. The amount of vacation time earned annually is based on the number of years employed (employee's anniversary date). Vacation time is accrued monthly. Vacation accruals are as follows effective July 1, 2019, available for August 1st:

Vacation leave shall be accrued at the following rates for full-time employees beginning with their first month of employment. The employee must start work by the 15th of the month in order to accrue in the first month.

Years of Service Completed	Vacation Time Accrual per month	Vacation Time Max Carry Over as of June 30 th each year
0-4.99 Years	7.79 hours	400 hours <u>120 hours</u>
5-9.99 Years	11.33 hours	
10-14.99 Years	14.88 hours	
15 Years +	17.71 hours	

Vac prior to 7/1/19. Vacation earned prior to July 1, 2019 will be tracked in a separate bank called "Vac prior to 7/1/19" and can be used at the employee's discretion. No more time can be added to this bank and no more than the following hours can be carried over as of June 30th each year for employees continuous service:

- 240 hours less than 15 years
- 320 hours 15 years or more

If accruals exceed the maximum caps listed above, the accrual overages are forfeited. No vacation leave shall be taken before accrual. Each month's accrual will be officially accrued once

the month has been completed and will be eligible for use on the first day of the following month. As an example, vacation time accrued for January will be available for use on February 1st. If a holiday occurs during a vacation, the employee may extend their vacation for one day or take the vacation day at another time. Use of vacation leave at a particular time is contingent upon whether the employee's services can be spared. Employees must submit their vacation requests as early as possible in the calendar year. Supervisors shall approve vacation requests taking into consideration that the remaining work force at all times will be adequate to cope with the expected work load. In cases where too many requests are made for a particular date, employees with the earliest request with sufficient accrued leave will be given preference.

Salaried exempt employees must use the appropriate leave(s) (vacation, sick, personal) for a workweek with less than 40 hours worked.

9. LEAVES OF ABSENCE – Sick leave

Sick Leave. Full-time employees will receive paid sick leave. The employee will accrue sick leave at a rate of eight hours per month. Full-time Police Sergeants will accrue sick leave at a rate of eight and ½ (8.50) hours per month. Sick leave may be accrued up to a 240-hour cap. At the end of the fiscal year, any sick leave over the 240-hour cap will be reimbursed to the employee at half pay.

Sick leave shall be accrued for full-time employees beginning with their first month of employment. The employee must start work by the 15th of the month in order to accrue in the first month.

No sick leave shall be taken before accrual. Each month's accrual will be officially accrued once the month has been completed and will be eligible for use on the first day of the following month. As an example, sick time accrued for January will be available for use on February 1st.

Sick leave may be used only to cover absences resulting from bona-fide sickness or injury; to cover absences required by exposure to contagious disease; to cover absences resulting from a necessity to attend to an ill member of the employees household or a family member; for a medical provider office visit; physical therapy; or, any type of medically related use. All sick leave must be approved by the supervisor.

In order to receive pay for sick leave, the Department Head or appropriate supervisor must be notified of the absence no later than fifteen minutes after the start of the employee's work day. Certain departments may have a more strict departmental policy in place for this, so the employee must check with the Department Head. Upon return to work, the employee must fill out the appropriate paperwork to use sick leave. The Town may require a doctor's note/statement for any sick leave absences of three days or more. The doctors note/statement must be provided upon request. The doctors note/statement may be required before being allowed to return to work.

Each fiscal year, 16 hours of annual sick leave will be considered 'personal leave' for the employee to use for personal reasons during the current fiscal year. These 16 hours will be taken from the employee's sick leave account when used. All personal leave will follow the same procedure as sick leave when applied for. At the end of the fiscal year, unused personal leave will be converted back to sick leave and will be carried over into the next fiscal year. This will result in the employee having a total of no more than 16 hours of personal time per fiscal year.

Chronic cases of absenteeism may be reviewed by the Department Head and a determination will be made regarding continued employment. If an employee is suspected or known to be misusing sick leave for reasons other than sickness or a medically related issue, the Department Head or designee may require a doctors note, and/or conduct an investigation into the alleged misuse. Upon conclusion of the investigation, the employee may or may not be required to reimburse the paid sick leave depending on the investigation results. If found to be misusing sick leave, discipline will be issued up to and including dismissal.

Salaried exempt employees must use the appropriate leave(s) (vacation, sick, personal) for a workweek with less than 40 hours worked.

9. LEAVES OF ABSENCE – Unpaid Leave of Absence

Unpaid Leave of Absence. Any employee who requests time off but has no accrued leave available may be granted an unpaid leave of absence. Unpaid leave of absence may be granted by the Department Head with concurrence of the Town Administrator for a period not to exceed 30 days. An employee who has taken an unpaid leave of absence will have no loss of insurance benefits or seniority but will not accrue leave benefits such as vacation, sick, etc. An exception to accruals is an employee who has worked for at least half of the month will accrue sick leave and vacation leave. Insurance benefits will be paid by the Town in accordance with the established level of contribution and the employee will be responsible to pay for their weekly payroll deductions and any previously agreed upon financial obligations. When the unpaid leave of absence ends, the employee will be reinstated to the position held before the leave was granted.

10. INSURANCES - Health

Health. The Town shall maintain health insurance for single, two-person, and family plans, paid by the Town to a maximum monthly premium and/or a percentage determined by the Town Council. The employee shall be responsible to pay the difference through payroll deductions. In the event the Town changes health carriers, this health section becomes null and void, and the new health policy will be adhered to. Employees with a spouse covered under the Town's health insurance plan are not eligible to enroll as a subscriber on a separate Town health insurance plan.

10. INSURANCES – Health insurance stipend agreement

Health insurance stipend agreement. The Town agrees to pay five-thousand dollars annually, disbursed per pay period at a rate of \$96.15, to each full-time regular employee not covered under the Town's health insurance plan, provided the employee does the following:

- Provides proof of equivalent coverage with another health insurance provider.
- Submits annually certification of equivalent coverage from the health insurance provider.
- Immediately notifies the Town of any changes in health insurance coverage or provider or of the termination of coverage.
- Receives no coverage under the Town's health insurance plan from a spouse or other relative employed by the Town and is not a subscriber on a separate Town health insurance plan.

10. INSURANCES - Dental

Dental. The Town shall maintain dental insurance for single, two-person, and family plans, paid by the Town to a maximum monthly premium and/or a percentage determined by the Town Council. The employee shall be responsible to pay the difference through payroll deductions. In the event the Town changes dental carriers, this dental section becomes null and void, and the new dental policy will be adhered to. Employees with a spouse covered under the Town's dental insurance plan are not eligible to enroll as a subscriber on a separate Town dental plan.

10. INSURANCES - Disability

Disability. The employees present disability plan provides benefits based on 67% (short-term disability) and 66 2/3% (long-term disability) of regular wages. Disability plan benefits are payable starting with the fifteenth (15th) day in the event of nonoccupational accident or sickness and continues for the duration of total disability, subject to a maximum duration.

- **During the 14-day wait period before the present disability plan will process the STD claim** for time missed from work, the employee must use their accrued sick time, comp time or holiday time (vacation time cannot be used per the disability plan requirements) – Per Town Personnel Plan an employee cannot have an unpaid leave of absence if they have accrued time available
- **While waiting for the STD claim to be processed by the disability Claim Rep.** the employee must use their accrued sick time, comp time or holiday time (vacation time cannot be used per the disability plan requirement) – Per Town Personnel Plan below an employee cannot have an unpaid leave of absence if they have accrued time available
- **Upon receiving disability payments from the insurance company,** the employee may use their accrued sick time, comp time or holiday time to make their wages whole (100%) – (vacation time cannot be used per the disability plan requirement) – this is an option to make wages whole and It is the employee's responsibility to notify the Finance Department of this choice.
The Town Personnel Plan unpaid leave of absence policy would not apply since employee is receiving an income.

This plan contains a nonduplication clause which stipulates that the 2/3 benefit will include any benefits from a statutory plan (i.e., social security, NH Retirement System, and/or disability, etc.).

In the event the Town changes disability carriers, this disability section becomes null and void, and the new disability policy will be adhered to.

Pay raises, sick leave, vacation leave and holiday pay will not accrue while on disability. An exception to accruals is an employee who has worked for at least half of the month will accrue sick leave and vacation leave.

While on disability all insurance benefits will continue and the employee will continue to be responsible for any payroll deductions associated with and required on health and dental insurances.

See Human Resources for more information on the current disability coverage.

10. INSURANCES – Workers' compensation

Workers' compensation. On-the-job injuries are covered by workers compensation insurance, which is provided at no cost to the employee. If an employee is injured on the job, no matter how slightly, the employee must report the incident immediately to their supervisor. Employees must complete the necessary workers compensation forms following any injury. Once a claim is approved, the employee will receive a dollar amount for a period of time from the workers compensation company, as specified by State law. Workers compensation is tax exempt and is not considered compensation under the New Hampshire Retirement System.

If an employee has applied for workers compensation and is awaiting approval, the employee may use any available accrued time in order to receive a paycheck. Examples of accrued time are sick, vacation, personal day, floater, etc. The employee must agree in writing that upon

receipt of workers compensation a reimbursement will be done to restore the accrued leave time that was used; and, to ensure the employee will not have been paid more than 100% of the employee's regular gross wages between workers comp and the Town. This process will be as follows: On the employee's next regular paycheck, the amount of accrued time previously used, will be reversed from their paycheck and placed back into their accrual account. If the amount of reversal is of a size that cannot be reversed from one paycheck, the amount will be divided up and reversed over multiple paychecks.

When the employee is approved for workers Compensation, the employee will keep their workers comp check/wages and the Town will supplement that workers comp payment with regular wages in an amount that will equal 100% of the employee's regular gross wages. This is known as the differential pay. The employee keeps the differential pay. The differential will be paid for up to a maximum of 15 weeks. Once the 15 week differential pay has been exhausted, the employee may use any accrued time he/she has in order to be compensated at 100%.

If the employee has been denied workers compensation, the employee has the right to appeal and continue to use any available accrued time in order to receive a paycheck while waiting for the appeal decision. Examples of accrued time are sick, vacation, personal day, floater, etc. If the appeal is won, the same reimbursement process would apply.

An employee who has sustained an on-the-job injury will be reinstated to his or her former position within eighteen months of the initial injury if the position exists and is available, and the employee is not disabled from performing the duties of the position. A fitness-for-duty certificate may be required before an employee is permitted to return to work.

Under New Hampshire law, an employee's reinstatement rights expire eighteen months from the date of injury. An employee also will not be reinstated if they have accepted a job with another employer at any time after the date of the injury, or if there is a medical determination that the employee cannot return to their former position. Other circumstances concerning reinstatement will be governed by the New Hampshire Department of Labor requirements.

Upon return to work the employee will receive any cost of living increase that would have normally occurred while on workers compensation.

Upon return to work the employee will receive, if qualified, any merit increase that was missed while on workers compensation. The same evaluation process will be used as is used for all other employees.

Sick leave and vacation leave ~~will accrue not be accrued~~ while on workers compensation.

Additional holiday pay above workers compensation payments will not be awarded while the employee is on workers compensation (except for Police Sergeants – see Holiday Leave – Police Department Sergeants for details).

11. END OF EMPLOYMENT CONDITIONS and REQUIREMENTS

Benefits – end of employment. Employees who are dismissed will receive all accrued vacation leave and shall forfeit any applicable sick leave which is normally paid over the 30-day cap at 50%.

Employees who retire, resign, or end their employment for reasons other than dismissal will receive all accrued vacation leave and applicable sick leave which is normally paid over the 30-day cap at 50%. Unused personal days will be converted back to sick days in order that they may be applied to the total accrual of sick days. Accrued sick leave will be to the date of separation from employment. Each month's accrual will be officially accrued once the month has been completed and will be eligible for use on the first day of the following month. Exception to the End of Employment accruals is an employee retiring under NHRS. These retirees would get their last monthly accruals on the last day of the month.

Town Council STAFF REPORT



To: Town Council
Title: ARPA Committee Project List and Ranking (tabled at 5/25/22 meeting)
Meeting: Town Council - 08 Jun 2022
Department: Administration
Staff Contact: Leann McLaughlin, Project Coordinator

BACKGROUND INFORMATION:

July 7, 2021

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

November 17, 2021

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

April 27, 2022

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

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

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

DEPARTMENT OF THE TREASURY

31 CFR Part 35

RIN 1505-AC77

Coronavirus State and Local Fiscal Recovery Funds

ARPA Subcommittee Process:

Sources of projects for consideration

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

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

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

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

FINANCIAL IMPACT:

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

RECOMMENDATION:

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

SUGGESTED MOTION:

Motion to remove from the table.

TOWN ADMINISTRATOR'S RECOMMENDATION:

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

ATTACHMENTS:

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

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

CALL TO ORDER

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

PROOF OF POSTING

Leann McLaughlin, Project Coordinator, provided proof of posting.

ATTENDANCE

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

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

PUBLIC INPUT

OLD BUSINESS

NEW BUSINESS

▪ **Ranking of Potential Projects**

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

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

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

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

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

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

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

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

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

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

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

APPROVAL OF MINUTES

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

PUBLIC INPUT

ADJOURNMENT

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

Minutes respectfully submitted by

Leann McLaughlin
Project Coordinator



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

U.S. DEPARTMENT OF THE TREASURY

January 2022



U.S. DEPARTMENT OF THE TREASURY

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

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



U.S. DEPARTMENT OF THE TREASURY

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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.

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

U.S. Department of the Treasury

4



U.S. DEPARTMENT OF THE TREASURY

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

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

Premium Pay

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

Water, Sewer & Broadband Infrastructure

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

FINAL RULE EFFECTIVE DATE

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

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



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Overview of the Program

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

Recipients may use SLFRF funds to:

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

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

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

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

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

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

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



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Replacing Lost Public Sector Revenue

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

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

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

DETERMINING REVENUE LOSS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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SPENDING ON GOVERNMENT SERVICES

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

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

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



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Responding to Public Health and Economic Impacts of COVID-19

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

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

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

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

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

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

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

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

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

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

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

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

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RESPONDING TO THE PUBLIC HEALTH EMERGENCY

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

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



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

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

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

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RESPONDING TO NEGATIVE ECONOMIC IMPACTS

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

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

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

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

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

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



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Assistance to Households

Impacted Households and Communities

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

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

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

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

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

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



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

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

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

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Disproportionately Impacted Households and Communities

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

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

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

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

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

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

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



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

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

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

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Assistance to Small Businesses

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

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

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

Impacted Small Businesses

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

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

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

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| ✓ Loans or grants to mitigate financial hardship, such as by supporting payroll and benefits, costs to retain employees, and mortgage, rent, utility, and other operating costs | ✓ Technical assistance, counseling, or other services to support business planning |
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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 operating in the U.S. territories
- ✓ Small businesses operated by Tribal governments or on Tribal lands

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
- ✓ Support for microbusinesses, including financial, childcare, and transportation costs
- ✓ Technical assistance, business incubators & grants for start-up or expansion costs for small businesses



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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:

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| ✓ 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: 2022 Resurfacing
Meeting: Town Council - 08 Jun 2022
Department: Public Works
Staff Contact: Thomas Bartula, Highway Crew Chief

BACKGROUND INFORMATION:

At the last Town Council meeting, the following bids were presented for approval. The bids included, Autumn Run, Corriveau Drive, Granite Street, Green Street, Scott Avenue, Old Mammoth Road, Old Town Hall, Harmony Lane, Hidden Ranch, Technology Drive and Valley View.

GMI Asphalt, LLC	\$1,235,779.41
Pike Industries, Inc.	\$1,340,555.40
Advanced Excavating & Paving, LLC	\$1,391,991.01
Busby Construction Co., Inc.	\$1,772,947.56

Total funds available for paving is approximately \$1,055,000.00. It was decided that Old Town Hall, Technology Drive and Valley View will be taken off the list for now. Total bids without said roads are as follows:

GMI Asphalt, LLC	\$1,047,059.66
Pike Industries, Inc.	\$1,130,224.50
Advanced Excavating & Paving, LLC	\$1,176,593.62
Busby Construction Co., Inc.	\$1,513,881.33

FINANCIAL IMPACT:

Approximately \$155,000.00 to come from FY 2021-2022 budget and the balance to come from FY 2022-2023 paving budget, currently at \$900,000.00.

POLICY IMPLICATIONS:

None.

RECOMMENDATION:

Approve and consent to award the 2022 Resurfacing Project to GMI Asphalt, LLC for a total of \$1,047,059.66, approximately \$155,000.00 to come from FY 2021-2022 budget and the balance to come from FY 2022-2023 budget currently at \$900,000.00.

SUGGESTED MOTION:

Motion to approve and consent to award the 2022 Resurfacing Project to GMI Asphalt, LLC for a total of \$1,047,059.66, approximately \$155,000.00 to come from FY 2021-2022 budget and the balance to come from FY 2022-2023 budget currently at \$900,000.00.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the suggested motion. GMI is the lowest acceptable bidder.

ATTACHMENTS:

[Resurfacing Bids](#)

[RFP 22-04 Resurfacing](#)

2022 Resurfacing Bids

	GMI Asphalt, LLC	Pike Industries	Advanced Excavation	Busby Construction
Autumn Run	\$ 326,175.85	\$ 336,369.00	\$ 358,720.45	\$ 472,491.25
Corriveau Drive	\$ 281,649.56	\$ 305,934.20	\$ 307,194.09	\$ 360,218.93
Granite Street	\$ 149,237.94	\$ 157,566.20	\$ 164,716.26	\$ 220,079.75
Green Street	\$ 35,756.71	\$ 43,401.60	\$ 38,503.96	\$ 58,120.70
Scott Avenue	\$ 87,359.42	\$ 97,669.90	\$ 101,277.94	\$ 125,615.60
Old Mammoth Road	\$ 17,338.31	\$ 23,723.70	\$ 34,510.96	\$ 33,038.50
Old Town Hall	\$ 26,937.63	\$ 32,748.00	\$ 35,995.41	\$ 43,612.80
Harmony Lane	\$ 107,709.42	\$ 114,803.70	\$ 121,390.50	\$ 171,415.20
Hidden Ranch	\$ 41,832.45	\$ 50,756.20	\$ 50,279.46	\$ 72,901.40
Techology Drive	\$ 125,121.15	\$ 133,772.10	\$ 131,118.30	\$ 164,278.95
Valley View	\$ 36,660.97	\$ 43,810.80	\$ 48,283.68	\$ 51,174.48
Total	\$ 1,235,779.41	\$ 1,340,555.40	\$ 1,391,991.01	\$ 1,772,947.56
Total w/out 3 roads	\$ 1,047,059.66	\$ 1,130,224.50	\$ 1,176,593.62	\$ 1,513,881.33

Town of Hooksett



February 2022

Prepared by:
DEPARTMENT OF PUBLIC WORKS
35 MAIN STREET
HOOKSETT, NH 03106
(603) 485-8471

REQUEST FOR PROPOSALS

HOOKSETT 2022 RESURFACING
Proposal #22-04

Acceptance Date: 11:00 AM, Friday, April 22, 2022

Sealed proposals, plainly marked, "Hooksett 2022 Resurfacing Proposal #22-04" on the outside of the mailing envelope as well as the sealed proposal envelope, address to Administration Department – Hooksett Town Hall; 35 Main Street; Hooksett, New Hampshire 03106 will be accepted until **Friday, April 22, 2022 at 11:00 am** when all proposals will be publicly opened and read aloud.

This proposal is for: 2022 Resurfacing to: Autumn Run, Corriveau Drive, Granite Street, Green Street, Scott Avenue, Old Mammoth Road, Old Town Hall, Harmony Lane, Hidden Ranch, Technology Drive, and Valley View.

Proposal packages may be obtained from the town's website: www.hooksett.org, by contacting the Administration Department at the above address, or by calling (603) 485-8472.

The Town of Hooksett reserves the right to reject any or all Proposals, to waive technical or legal deficiencies, and to accept any proposal that it may deem to be in the best interest of the Town.

HOOKSETT 2022 RESURFACING
Proposal #22-04

Contract Documents – Town of Hooksett 2022 RESURFACING

Introduction

The Town of Hooksett is seeking Proposals to perform resurfacing to: Autumn Rum, Corriveau Drive, Granite Street, Green Street, Scott Avenue, Old Mammoth Road, Old Town Hall, Harmony Lane, Hidden Ranch, Technology Drive, and Valley View. **No pavement shall be installed without a Town employee being on site to monitor.**

Scope of Work

The streets scheduled for resurfacing are described as follows:

1. Part A – Autumn Rum 4953 LF: Reclaimed Stabilized Base (16,510 SY) and 2,880 tons of bituminous pavement (base and wearing courses) and 60 sewer manholes/basins, 12 Water valves and 55 driveway aprons.
2. Part B – Corriveau Drive 1145 LF: Reclaimed Stabilized Base (16,653 SY) and 2904 tons of bituminous pavement (base and wearing courses), no sewer manholes/basins, no Water valves, and 36 driveway aprons.
3. Part C – Granite Street: Reclaimed Stabilized Base (7467 SY) and 1302 tons of bituminous pavement (base and wearing courses), 22 sewer manholes/basins, 8 Water valves, and 31 driveway aprons.
4. Part D – Green Street: Reclaimed Stabilized Base (1800 SY) and 314 tons of bituminous pavement (base and wearing courses), 0 sewer manholes/basins, no Water valves, and 7 driveway aprons.
5. Part E Scott Avenue: Reclaimed Stabilized Base (4667 SY) and 814 tons of bituminous pavement (base and wearing courses), 6 sewer manholes/basins, 2 Water valves, and 15 driveway aprons.
6. Part F – Old Mammoth Road: Reclaimed Stabilized Base (767 SY) and 127 tons of bituminous pavement (base and wearing courses), 0 sewer manholes/basins, 0 Water valves, and 0 driveway aprons.
7. Part G – Old Town Hall: Reclaimed Stabilized Base (1222 SY) and 213 tons of bituminous pavement (base and wearing courses), 0 sewer manholes/basins, 2 Water valves, and 0 driveway aprons.
8. Part H – Harmony Lane: Reclaimed Stabilized Base (5076 SY) and 885 tons of bituminous pavement (base and wearing courses and 23 sewer manholes/basins, 6 Water valves and 24 driveway aprons.
9. Part I – Hidden Ranch: Reclaimed Stabilized Base (2444 SY) and 426 tons of bituminous pavement (base and wearing courses and 0 sewer manholes/basins, 0 Water valves and 4 driveway aprons.
10. Part J – Technology Drive: Reclaimed Stabilized Base (6667 SY) and 1163 tons of bituminous pavement (base and wearing courses and 12 sewer manholes/basins, 4 Water valves and 4 driveway aprons.

11. Part K – Valley View: Reclaimed Stabilized Base (1883 SY) and 328 tons of bituminous pavement (base and wearing courses) and 0 sewer manholes/basins, 0 Water valves, 1 driveway aprons.

The Town may elect to award any or all of the parts listed depending upon available of funds and whatever is in the best interests of the Town.

Contract Requirements:

A typical Standard Contract is attached to this Request for Proposals. The contractor shall provide at the time of the contract signing Performance and Payment Bonds and a Certificate of Insurance with requirements as specified in this RFP naming the Town as additional insured. The Town will retain 10% of the contract amount until after final contract is completed and will retain 2% of the contract amount for the one-year warranty period. The Proposer shall provide a construction schedule at the time of the preconstruction meeting.

The Contractor, at the time of the preconstruction meeting, will be responsible to provide a detailed approach to complete the project including the staging area as part of the contract. In addition, the Contractor shall complete a Town Excavation Permit prior to the start of construction for each street. The application fee will be waived for the Contractor. Some streets will require a Driveway Permit from New Hampshire Department of Transportation.

The Town of Hooksett, Department of Public Works will oversee the proposals and construction of the project.

Vendor Qualifications

The Proposer shall list qualifications and financial stability and references on similar projects.

Criteria for Reviewing Proposals

In reviewing proposals, the Town will carefully weigh the following in making a determination which Proposal to award which will be in the best interests of the TOWN (not necessarily the lowers proposal):

1. Vendor's qualifications
2. Municipal experience
3. Pricing
4. Delivery of services

Proposals shall be valid for a 60-day period after date of the Proposal opening. It is expected that a contract approval will be made by within that 60-day period and award following Town Council approval, depending upon the available of funding and whatever is in the best interests of the Town.

Construction Schedule and Completion

The Resurfacing shall start within 30 days of the award and shall be complete by October 15, 2022.

Construction work shall be limited to Monday to Friday, 7:00 am to 5:00 pm excluding holidays.

Submission

Pricing must be inclusive, clear and concise, including such other information as requested or required. Be sure the proposal envelope is completely and properly identified. The face of the

envelope shall indicate the title of the RFP “**Proposal 22-04 Hooksett 2022 RESURFACING**”. Proposals must be received by the Town of Hooksett ON or BEFORE THE HOUR SPECIFIED ON THE ACCEPTANCE DATE. Proposals may be either mailed or hand delivered to the Town Hall, 35 Main Street, Hooksett, NH 03106, Attn: Town Administrator.

Inquiries

Inquiries pertaining to the Request for Proposal must cite the RFP title and acceptance date and be directed to Interim Public Works Director, Thomas Bartula at tbartula@hooksett.org or 603-668-8019.

Competition

It is the town’s intent that this RFP shall permit competition. It shall be the respondent’s responsibility to advise the Town Administrator, in writing if any language, requirement, specification, etc., or any combination thereof, inadvertently restricts or limits the requirements stated in this RFP to a single source. Such notification must be received not later than ten (10) days prior to the proposal acceptance date.

Reservation of Rights

The Town of Hooksett reserves the right to reject all or any part of any or all proposals, to waive technical or legal deficiencies, and to accept any proposal that it deems to be in the best interest of the Town.

Should the proposal amount exceed the approved budget line, the Town reserves the right to remove or cancel some of the requested streets to not exceed the approved budget line.

Firm Pricing

Proposed fees must be firm for the Town acceptance for 60 days from acceptance date of proposals.

Pricing must be inclusive, clear and concise, including such other information as requested or required.

Insurance

The awarded vendor at their cost will be required to provide certificate of liability insurance before installation can commence naming the Town of Hooksett as additional insured. The following standard insurance shall be required:

Umbrella Insurance Coverage	
Per Occurrence	\$1,000,000

Commercial General Liability Insurance	
Each Occurrence Limit	\$1,000,000
General Aggregate Limit	\$2,000,000
Products/Completed Operations Aggregate Limit	\$2,000,000
Personal and Advertising Limit	\$1,000,000

Commercial Automobile Insurance (for Owned, Hired, and Non-owned Autos:	
Bodily Injury and Property Damage Liability	
Combined Single Limit (Per Occurrence)	\$1,000,000

Workers Compensation/Employers Liability Insurance	
Bodily Injury by Accident Each Accident	

(Coverage B – Employer's Liability)	\$500,000
Bodily Injury by Disease Aggregate Limit	\$500,000
Bodily Injury by Disease- Each Employee (Coverage A – Statutory)	\$500,000

Items Addressed

The Proposal should address all the points outlined in the request for proposals. The proposal should be prepared simply and economically, providing a straightforward, concise description of the firm's capabilities to satisfy the requirements of the request for proposals. While additional data may be presented, the following subjects and questions must be addressed:

- a) Name, address, telephone number, fax number and e-mail address of the company
- b) Three (3) copies of the proposal must be submitted
- c) Name of contact person and telephone number for purposes of following up on proposal.
- d) Narrative including the qualifications of the company and municipal experience.
- e) Has the company been in bankruptcy, reorganization or receivership in the last five years? If so, please explain under what circumstances this disqualification or termination occurred.

Submission

The proposal container must be completely and properly identified. The face of the container shall be marked "**Hooksett 2022 RESURFACING Proposal #22-04**". Prospective Proposers must monitor the Town's website for any addendums.

Prospective Proposers must monitor the Town's website for any addendums.

Proposals must be received by the Town of Hooksett ON or BEFORE the hour specified on the acceptance date. Proposals may be either mailed to Town Administrator, 35 Main Street, Hooksett, NH 03106, or hand delivered to the Municipal Center, 35 Main Street, Hooksett, NH, Attention: Town Administrator.

LATE PROPOSALS WILL NOT BE ACCEPTED

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TOWN OF HOOKSETT and CONTRACTOR AGREEMENT

In Re: Project: #22-04 Hooksett 2022 RESURFACING

THIS CONTRACT AGREEMENT is made and entered into at **Hooksett, NH** this ____th day of _____, 2022 by and between the Town of Hooksett, NH hereinafter designated TOWN, and _____ herein after designated CONTRACTOR, as follows:

1. SCOPE OF WORK. CONSULTANT agrees to furnish professional services to prepare preliminary design services, final design services and Proposing services necessary for performance of the following portion of the work described in the Contract titled "Proposal #22-04 Hooksett 2022 RESURFACING" between TOWN and the CONTRACTOR.

2. SPECIAL CONDITIONS:

3. SCHEDULING. Time is of the essence of this Contract. CONTRACTOR shall start and complete its work under this Contract in accordance with the RFP's proposed Schedule. CONTRACTOR shall reimburse TOWN for any costs accumulated or penalties levied against TOWN due to the negligence or non-performance of the CONTRACTOR, and such costs or penalties may be deducted from the amount due to CONTRACTOR under this Contract.

4. TAXES, INSURANCE, PERMITS AND LICENSES. CONTRACTOR shall take out and pay for Workers' Compensation insurance as required by the State of New Hampshire. CONTRACTOR shall pay all sales taxes, excise taxes, old age benefit and unemployment compensation taxes on labor and material furnished under this Contract. CONTRACTOR shall obtain and comply with any permits or licenses necessary for the performance of its work under this Contract.

5. PRICE AND PAYMENT. TOWN shall pay CONTRACTOR for its performance of this Contract in accordance with the proposed scope of work as outlined for the sum of \$ _____. Progress payments on this Contract will be made once a month, based upon the Contractor's estimate of the percentage of the Contract performed, less **10 %** to be retained until the completion of CONTRACTOR's work and approval thereof by the TOWN. **Completion shall be defined as completion of the final overlay, and establishment of grass in 2022.** Retentions shall be paid to CONTRACTOR within 30 days after CONTRACTOR's work has been completed and approved by the TOWN and upon the receipt of a one-year Guaranty (see item 8 below). No payments other than on or about the 15th of each month unless expressly provided for here. **A 2% retainage shall be held by the Town for the one-year warranty period.**

6. EXTRA WORK. No claims for extra work beyond the scope of this Contract will be honored unless first authorized in writing by TOWN prior to the performance of any such extra work.

7. **GUARANTY.** The CONTRACTOR hereby provides a twelve (12) month guaranty to TOWN with respect to CONTRACTOR's work under this Contract after the date of final acceptance by the TOWN.

8. **DEFAULTS AND TERMINATION.** In the event CONTRACTOR interferes with the general progress of the general contract by negligence or delay, or CONTRACTOR abandons this contract or fails or refuses to complete the project required under the terms of this Contract, the TOWN may at its election terminate the contract. The CONTRACTOR agrees to reimburse the TOWN for any loss sustained thereby.

9. **INDEMNITY.** To the fullest extent of the law, CONTRACTOR agrees to defend, indemnify, and hold TOWN harmless and, if requested by TOWN, their CONTRACTORS, agents and employees or any of them, from and against any and all claims, suits, losses or liability, including attorney's fees and litigation expenses, for or on account of injury to or death of persons, including CONTRACTOR's employees, CONTRACTOR's Subcontractors or their employees, or damage to or destruction of property, or any bond obtained for same, as a result of contractors operations or completed operations, or by the operations of those acting on behalf of contractor. CONTRACTOR's indemnification and defense obligations hereunder shall extend to Claims occurring after this Agreement is terminated as well as while it is in force and shall continue until it is finally adjudicated that any and all actions against the Indemnified Parties for such matters which are indemnified hereunder are fully and finally barred by applicable Laws.

10. **ASSIGNMENT.** CONTRACTOR may not assign this Contract.

11. **SAFETY:** CONTRACTOR acknowledges and represents that he/she has made an on-site inspection of the Premises and the work area so as to be familiar with all conditions, which may affect the safety and health of its employees as well as those of its subcontractors. CONTRACTOR and all its employees shall follow all applicable safety and health laws and requirements pertaining to its work and the conduct thereof, but not limited to, compliance and all applicable laws, ordinances, rules, regulations, and orders issued by a public authority, whether federal, state or local, including OSHA and any safety measures required by TOWN. TOWN reserves the right, but not the obligation; to inspect the safety work performance of CONTRACTOR is to ascertain their compliance with these applicable safety provisions. Notwithstanding the forgoing, CONTRACTOR, as an independent contractor, is solely responsible for controlling the manner and means by which it performs the Work pursuant to this Agreement. Unless otherwise agreed to by the parties in writing, CONTRACTOR shall provide all safety equipment, materials, tools and personal protection equipment necessary to perform the work in a safe, healthful and workmanlike manner. CONTRACTOR shall immediately report to the TOWN all accidents, occupational injuries, and illness involving its employees or those of its subcontractors, relating to the Work of which cause any injury to a third party, or which cause damage to the property of TOWN or a third party. CONTRACTOR shall promptly furnish to TOWN copies of any worker's compensation report of injury or illness forms filed by any of its employees or those of its subcontractors and when requested, assist TOWN in any investigation it may conduct of any such accident, injury or illness. CONTRACTOR shall give prompt written notice to the TOWN of any accident involving bodily injury requiring a physician's care, any property damage exceeding Five Hundred Dollars (\$500) in value, or any failure that could result in serious bodily injury, whether or not such an injury was sustained.

12. INSURANCE AND LICENSE INFO:

Prior to starting work the CONTRACTOR shall provide a Certificate of Insurance confirming acceptable terms and limits of insurance (see below). This Certificate of Insurance will confirm that the TOWN is named as an Additional Insured on the CONTRACTOR's Comprehensive General Liability Insurance policy. The CONTRACTOR's policies must contain standard contractual liability insurance coverage as respects to contract agreements. The policy shall include "Continued Products and Completed Coverage" to remain in force for 2 years following completion of the construction.

The CONTRACTOR shall sign the Contract Insurance Requirements form with the Town. Insurance coverage and limits required by the CONTRACTOR are as follows:

Umbrella Insurance Coverage \$1,000,000 per Occurrence

Commercial General Liability Insurance

Each Occurrence Limit	\$1,000,000
General Aggregate Limit	\$2,000,000
Products/Completed Operations Aggregate Limit	\$2,000,000
Personal and Advertising Limit	\$1,000,000

Workers Compensation/Employers Liability Insurance

Bodily Injury by Accident	\$500,000	Each Accident
Bodily Injury by Disease	\$500,000	Aggregate Limit
Bodily Injury by Disease	\$500,000	Each Employee

Commercial Automobile Insurance (for Owned, Hired, and Non-owned Autos)

Bodily Injury and Property Damage Liability	
Combined Single Limit	\$1,000,000 Each Accident

The CONTRACTOR shall also provide a copy of its current NEW HAMPSHIRE CONTRACTOR's License; and Federal Id # (if a Corporation or Partnership) or Social Security # (if a sole proprietor).

13. PAYMENT TERMS: Application for Payment shall be submitted by the 30th of each month in order to facilitate payment on or about the 10th of the following month. Any payments due under this contract shall be subject to TOWN's receipt of all requirements in Paragraphs #'s 5 and 12. No payment shall be made unless TOWN is in receipt of same, or if TOWN should receive notice of cancellation of any required coverage. **No faxed invoices will be accepted.**

The CONTRACTOR shall provide a Release of Lien stating that payment to all subcontractors/vendors/suppliers have been paid in full prior to the TOWN releasing the final payment.

14. **WORK TIME FRAMES:** The CONTRACTOR shall provide a detailed schedule of the proposed work. Construction work to be started by _____, 2022 and shall be completed by October 15, 2022. **Work shall be performed Monday to Friday, 7 am to 5 pm only, excluding holidays. Weekend work shall not be permitted. No pavement shall be installed without a Town employee being on site to monitor.**

15. **BOND:** The CONTRACTOR shall provide a Performance Bond and a Payment Bond as part of this contract agreement.

16. **ATTORNEY FEES:** In the event that any suit or action is commenced by either party to enforce the terms or conditions of the Agreement, or for damages arising from breach of the Agreement, the prevailing party in such a suit or action shall be entitled to its reasonable attorney's fees, including fees incurred in investigating the basis for such an action or the grounds of a defense, prosecuting or defending such an action and enforcing any judgment rendered in such an action. A prevailing party under this provision will also be entitled to recover its costs and disbursements in bringing or defending such an action.

This Contract is accepted:

CONTRACTOR: _____

By: _____

Title: _____

Date: _____

Address: _____

Telephone: _____ Fax#: _____ Mobile#: _____

Town of Hooksett, NH, 35 Main Street 03106

By: _____

Town Administrator

Date: _____

CONTRACT INSURANCE REQUIREMENTS FOR THE TOWN OF HOOKSETT, NH:

1. The Consultant shall maintain insurance coverage in the following amounts on an ISO Occurrence Form or equivalent during the duration of this contract or any other subcontracts this year.

Umbrella Insurance Coverage

Per Occurrence	\$1,000,000
----------------	-------------

Commercial General Liability Insurance

Each Occurrence Limit	\$1,000,000
General Aggregate Limit	\$2,000,000
Products/Completed Operations Aggregate Limit	\$2,000,000
Personal and Advertising Limit	\$1,000,000

Commercial Automobile Insurance (for Owned, Hired, and Non-owned Autos:

Bodily Injury and Property Damage Liability Combined Single Limit (Per Occurrence)	\$ 1,000,000
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Workers Compensation/Employers Liability Insurance

Bodily Injury by Accident Each Accident (Coverage B – Employer's Liability)	\$500,000
Bodily Injury by Disease Aggregate Limit	\$500,000
Bodily Injury by Disease- Each Employee (Coverage A – Statutory)	\$500,000

2. Additionally, the Consultant shall carry, at his sole expense, all risk insurance for the full insurable value for damage or loss of personal property of contractor or under the control of or in the possession of contractor, including but not limited to materials, equipment, tools, supplies, scaffolding, and machinery.
3. Certificates of insurance shall be filed with the Consultant prior to the commencement of any work at the project location. The contractor's insurance policies under this provision must name the Town of Hooksett (TOWN) as an additional insured and must provide that such policies cannot be modified, cancelled or not renewed with less than thirty (30) day notice of such action by mail to the TOWN.
4. Failure to maintain adequate insurance coverage shall be deemed to be a material breach of this Contract and the TOWN shall be entitled to withhold any and all further payments claimed to be due or owing pursuant to this contract.
5. Consultant's general liability insurance policy shall provide that it affords primary insurance and that the insurance company's liability shall not be reduced by the existence of other insurance carried by the Consultant applicable to the loss. Certificates for the contractor's general liability coverage shall be written on an "occurrence" basis.
6. To the fullest extent permitted by law, the Consultant hereby acknowledges and agrees that it shall defend, indemnify and hold harmless the TOWN and any of its officers, directors, employees, agents, affiliates, subsidiaries, and partners from and against all claims, damages, judgments liability, losses and expenses, including attorney's fees arising out of or resulting from, in whole or in part, any act

or omission of the Consultant, its employees, agents, and subcontractors, anyone directly or indirectly employed by any of them, or anyone for whose acts any of them may be liable, provided that any such claim, damage, judgment liability, loss or expense is attributable to bodily injury, sickness, disease or death or to injury to or destruction of tangible property (other than services itself) including loss of use.

7. INCLUDE ON CERTIFICATE OF INSURANCE UNDER "DESCRIPTION OF OPERATIONS":

Town of Hooksett, New Hampshire, 35 Main Street 03106 is included as an additional insured on the General Liability Policy for various works throughout the policy term.

Signed and entered by duly authorized representatives of Town of Hooksett and Contractor as of the date first written.

Signature of Town of Hooksett's
Authorized Representative

Signature of Contractor's
Authorized Representative

Name (print or type)
Town Administrator
(603)-485-8472

Name (print or type)

Title/Telephone number

PART A PROPOSAL – Autumn Run, 4953 Linear feet**Proposal Sheet of Unit Prices – Page 13 of 34**

ITEM	UNIT	ESTIMATED QUANTITY	UNIT PROPOSAL PRICE DESCRIPTION	UNIT PROPOSAL PRICE	TOTAL
306.108	S.Y.	16,510	Reclaimed Stabilized Base Processed In Place 8 inch Deep _____ Dollars and _____ Cents		
403.11	TON	1920	Bituminous Pavement Base course – Machine Method) 2-inch thickness _____ Dollars and _____ Cents		
403.11	TON	960	Permanent Bituminous Wearing Course 1 inch thickness – Machine Method _____ Dollars and _____ Cents		
	EA	55	Driveway Aprons (up to 3 feet into apron)		
604	LS	60	Lower and Raise Sewer Manhole and drain basin Covers _____ Dollars and _____ Cents		
		12	Lower and raise Water shut Offs and Gas Valves _____ Dollars and _____ Cents		
619.1	LS	1	Traffic Control Plan and Maintenance of Traffic _____ Dollars and _____ Cents		
618.7	Hr.	60	Traffic Flaggers - Certified _____ Dollars and _____ Cents		
692	LS	1	Mobilization & Clean Up including dust control, and all other Miscellaneous Items _____ Dollars and _____ Cents		
1001	LS	1	Contingencies as Ordered and Approved by Town 10% of this part	10%	

Part A PROPOSAL AMOUNT: _____
(NUMERALS)

Part A PROPOSAL AMOUNT: _____
(WRITE OUT IN WORDS)

PART B PROPOSAL – Corriveau Drive, 1145 Linear feet

Proposal Sheet of Unit Prices – Page 14 of 34

ITEM	UNIT	ESTIMATED QUANTITY	UNIT PROPOSAL PRICE DESCRIPTION	UNIT PROPOSAL PRICE	TOTAL
306.108	S.Y.	16,653	Reclaimed Stabilized Base Processed in Place 8 inch Deep _____ Dollars and _____ Cents		
403.11	TON	1936	Bituminous Pavement Base course – Machine Method) 2-inch thickness _____ Dollars and _____ Cents		
403.11	TON	968	Permanent Bituminous Wearing Course 1 inch thickness – Machine Method _____ Dollars and _____ Cents		
	EA	36	Driveway Aprons (up to 3 feet into apron)		
604	LS	0	Lower and Raise Sewer Manhole and drain basin Covers _____ Dollars and _____ Cents		
		0	Lower and raise Water shut Offs and Gas Valves _____ Dollars and _____ Cents		
619.1	LS	1	Traffic Control Plan and Maintenance of Traffic _____ Dollars and _____ Cents		
618.7	Hr.	60	Traffic Flaggers - Certified _____ Dollars and _____ Cents		
692	LS	1	Mobilization & Clean Up including dust control, and all other Miscellaneous Items _____ Dollars and _____ Cents		
1001	LS	1	Contingencies as Ordered and Approved by Town 10% of this part	10%	

PART C PROPOSAL – Granite Street, 2800 Linear feet

Proposal Sheet of Unit Prices – Page 15 of 34

ITEM	UNIT	ESTIMATED QUANTITY	UNIT PROPOSAL PRICE DESCRIPTION	UNIT PROPOSAL PRICE	TOTAL
306.108	S.Y.	7467	Reclaimed Stabilized Base Processed in Place 8 inch Deep _____ Dollars and _____ Cents		
403.11	TON	868	Bituminous Pavement Base course – Machine Method) 2-inch thickness _____ Dollars and _____ Cents		
403.11	TON	434	Permanent Bituminous Wearing Course 1 inch thickness – Machine Method _____ Dollars and _____ Cents		
	EA	31	Driveway Aprons (up to 3 feet into apron)		
604	LS	22	Lower and Raise Sewer Manhole and drain basin Covers _____ Dollars and _____ Cents		
		8	Lower and raise Water shut Offs and Gas Valves _____ Dollars and _____ Cents		
619.1	LS	1	Traffic Control Plan and Maintenance of Traffic _____ Dollars and _____ Cents		
618.7	Hr.	60	Traffic Flaggers - Certified _____ Dollars and _____ Cents		
692	LS	1	Mobilization & Clean Up including dust control, and all other Miscellaneous Items _____ Dollars and _____ Cents		
1001	LS	1	Contingencies as Ordered and Approved by Town 10% of this part	10%	

Part A PROPOSAL AMOUNT: _____
(NUMERALS)

Part A PROPOSAL AMOUNT: _____
(WRITE OUT IN WORDS)

PART D PROPOSAL – Green Street, 675 Linear feet**Proposal Sheet of Unit Prices – Page 16 of 34**

ITEM	UNIT	ESTIMATED QUANTITY	UNIT PROPOSAL PRICE DESCRIPTION	UNIT PROPOSAL PRICE	TOTAL
306.108	S.Y.	1800	Reclaimed Stabilized Base Processed in Place 8 inch Deep _____ Dollars and _____ Cents		
403.11	TON	209	Bituminous Pavement Base course – Machine Method) 2-inch thickness _____ Dollars and _____ Cents		
403.11	TON	105	Permanent Bituminous Wearing Course 1 inch thickness – Machine Method _____ Dollars and _____ Cents		
	EA	7	Driveway Aprons (up to 3 feet into apron)		
604	LS	0	Lower and Raise Sewer Manhole and drain basin Covers _____ Dollars and _____ Cents		
		0	Lower and raise Water shut Offs and Gas Valves _____ Dollars and _____ Cents		
619.1	LS	1	Traffic Control Plan and Maintenance of Traffic _____ Dollars and _____ Cents		
618.7	Hr.	60	Traffic Flaggers - Certified _____ Dollars and _____ Cents		
692	LS	1	Mobilization & Clean Up including dust control, and all other Miscellaneous Items _____ Dollars and _____ Cents		
1001	LS	1	Contingencies as Ordered and Approved by Town 10% of this part	10%	

Part A PROPOSAL AMOUNT: _____
(NUMERALS)

Part A PROPOSAL AMOUNT: _____
(WRITE OUT IN WORDS)

PART E PROPOSAL – Scott Avenue, 2000 Linear feet**Proposal Sheet of Unit Prices – Page 17 of 34**

ITEM	UNIT	ESTIMATED QUANTITY	UNIT PROPOSAL PRICE DESCRIPTION	UNIT PROPOSAL PRICE	TOTAL
306.108	S.Y.	4667	Reclaimed Stabilized Base Processed in Place 8 inch Deep _____ Dollars and _____ Cents		
403.11	TON	543	Bituminous Pavement Base course – Machine Method) 2-inch thickness _____ Dollars and _____ Cents		
403.11	TON	271	Permanent Bituminous Wearing Course 1 inch thickness – Machine Method _____ Dollars and _____ Cents		
	EA	15	Driveway Aprons (up to 3 feet into apron)		
604	LS	6	Lower and Raise Sewer Manhole and drain basin Covers _____ Dollars and _____ Cents		
		2	Lower and raise Water shut Offs and Gas Valves _____ Dollars and _____ Cents		
619.1	LS	1	Traffic Control Plan and Maintenance of Traffic _____ Dollars and _____ Cents		
618.7	Hr.	60	Traffic Flaggers - Certified _____ Dollars and _____ Cents		
692	LS	1	Mobilization & Clean Up including dust control, and all other Miscellaneous Items _____ Dollars and _____ Cents		
1001	LS	1	Contingencies as Ordered and Approved by Town 10% of this part	10%	

Part A PROPOSAL AMOUNT: _____
(NUMERALS)

Part A PROPOSAL AMOUNT: _____
(WRITE OUT IN WORDS)

PART F PROPOSAL – Old Mammoth Road, 210 Linear feet**Proposal Sheet of Unit Prices – Page 18 of 34**

ITEM	UNIT	ESTIMATED QUANTITY	UNIT PROPOSAL PRICE DESCRIPTION	UNIT PROPOSAL PRICE	TOTAL
306.108	S.Y.	767	Reclaimed Stabilized Base Processed in Place 8 inch Deep _____ Dollars and _____ Cents		
403.11	TON	89	Bituminous Pavement Base course – Machine Method) 2-inch thickness _____ Dollars and _____ Cents		
403.11	TON	38	Permanent Bituminous Wearing Course 1 inch thickness – Machine Method _____ Dollars and _____ Cents		
	EA	0	Driveway Aprons (up to 3 feet into apron)		
604	LS	0	Lower and Raise Sewer Manhole and drain basin Covers _____ Dollars and _____ Cents		
		0	Lower and raise Water shut Offs and Gas Valves _____ Dollars and _____ Cents		
619.1	LS	1	Traffic Control Plan and Maintenance of Traffic _____ Dollars and _____ Cents		
618.7	Hr.	60	Traffic Flaggers - Certified _____ Dollars and _____ Cents		
692	LS	1	Mobilization & Clean Up including dust control, and all other Miscellaneous Items _____ Dollars and _____ Cents		
1001	LS	1	Contingencies as Ordered and Approved by Town 10% of this part	10%	

Part A PROPOSAL AMOUNT: _____
(NUMERALS)

Part A PROPOSAL AMOUNT: _____
(WRITE OUT IN WORDS)

PART G PROPOSAL – Old Town Hall, 5500 Linear feet

Proposal Sheet of Unit Prices – Page 19 of 34

ITEM	UNIT	ESTIMATED QUANTITY	UNIT PROPOSAL PRICE DESCRIPTION	UNIT PROPOSAL PRICE	TOTAL
306.108	S.Y.	1222	Reclaimed Stabilized Base Processed in Place 8 inch Deep _____ Dollars and _____ Cents		
403.11	TON	142	Bituminous Pavement Base course – Machine Method) 2-inch thickness _____ Dollars and _____ Cents		
403.11	TON	71	Permanent Bituminous Wearing Course 1 inch thickness – Machine Method _____ Dollars and _____ Cents		
	EA	0	Driveway Aprons (up to 3 feet into apron)		
604	LS	0	Lower and Raise Sewer Manhole and drain basin Covers _____ Dollars and _____ Cents		
		2	Lower and raise Water shut Offs and Gas Valves _____ Dollars and _____ Cents		
619.1	LS	1	Traffic Control Plan and Maintenance of Traffic _____ Dollars and _____ Cents		
618.7	Hr.	60	Traffic Flaggers - Certified _____ Dollars and _____ Cents		
692	LS	1	Mobilization & Clean Up including dust control, and all other Miscellaneous Items _____ Dollars and _____ Cents		
1001	LS	1	Contingencies as Ordered and Approved by Town 10% of this part	10%	

Part A PROPOSAL AMOUNT: _____
(NUMERALS)

Part A PROPOSAL AMOUNT: _____
(WRITE OUT IN WORDS)

PART H PROPOSAL – Harmony Lane, 1757 Linear feet

Proposal Sheet of Unit Prices – Page 20 of 34

ITEM	UNIT	ESTIMATED QUANTITY	UNIT PROPOSAL PRICE DESCRIPTION	UNIT PROPOSAL PRICE	TOTAL
306.108	S.Y.	5076	Reclaimed Stabilized Base Processed in Place 8 inch Deep _____ Dollars and _____ Cents		
403.11	TON	590	Bituminous Pavement Base course – Machine Method) 2-inch thickness _____ Dollars and _____ Cents		
403.11	TON	295	Permanent Bituminous Wearing Course 1 inch thickness – Machine Method _____ Dollars and _____ Cents		
	EA	24	Driveway Aprons (up to 3 feet into apron)		
604	LS	23	Lower and Raise Sewer Manhole and drain basin Covers _____ Dollars and _____ Cents		
		6	Lower and raise Water shut Offs and Gas Valves _____ Dollars and _____ Cents		
619.1	LS	1	Traffic Control Plan and Maintenance of Traffic _____ Dollars and _____ Cents		
618.7	Hr.	60	Traffic Flaggers - Certified _____ Dollars and _____ Cents		
692	LS	1	Mobilization & Clean Up including dust control, and all other Miscellaneous Items _____ Dollars and _____ Cents		
1001	LS	1	Contingencies as Ordered and Approved by Town 10% of this part	10%	

Part A PROPOSAL AMOUNT: _____
(NUMERALS)

Part A PROPOSAL AMOUNT: _____
(WRITE OUT IN WORDS)

PART I PROPOSAL – Hidden Ranch, 1000 Linear feet**Proposal Sheet of Unit Prices – Page 21 of 34**

ITEM	UNIT	ESTIMATED QUANTITY	UNIT PROPOSAL PRICE DESCRIPTION	UNIT PROPOSAL PRICE	TOTAL
306.108	S.Y.	2444	Reclaimed Stabilized Base Processed in Place 8 inch Deep _____ Dollars and _____ Cents		
403.11	TON	284	Bituminous Pavement Base course – Machine Method) 2-inch thickness _____ Dollars and _____ Cents		
403.11	TON	142	Permanent Bituminous Wearing Course 1 inch thickness – Machine Method _____ Dollars and _____ Cents		
	EA	4	Driveway Aprons (up to 3 feet into apron)		
604	LS	0	Lower and Raise Sewer Manhole and drain basin Covers _____ Dollars and _____ Cents		
		0	Lower and raise Water shut Offs and Gas Valves _____ Dollars and _____ Cents		
619.1	LS	1	Traffic Control Plan and Maintenance of Traffic _____ Dollars and _____ Cents		
618.7	Hr.	0	Traffic Flaggers - Certified _____ Dollars and _____ Cents		
692	LS	1	Mobilization & Clean Up including dust control, and all other Miscellaneous Items _____ Dollars and _____ Cents		
1001	LS	1	Contingencies as Ordered and Approved by Town 10% of this part	10%	

Part A PROPOSAL AMOUNT: _____
(NUMERALS)

Part A PROPOSAL AMOUNT: _____
(WRITE OUT IN WORDS)

PART J PROPOSAL – Technology Drive, 2000 Linear feet

Proposal Sheet of Unit Prices – Page 22 of 34

ITEM	UNIT	ESTIMATED QUANTITY	UNIT PROPOSAL PRICE DESCRIPTION	UNIT PROPOSAL PRICE	TOTAL
306.108	S.Y.	6667	Reclaimed Stabilized Base Processed in Place 8 inch Deep _____ Dollars and _____ Cents		
403.11	TON	775	Bituminous Pavement Base course – Machine Method) 2-inch thickness _____ Dollars and _____ Cents		
403.11	TON	388	Permanent Bituminous Wearing Course 1 inch thickness – Machine Method _____ Dollars and _____ Cents		
	EA	4	Driveway Aprons (up to 3 feet into apron)		
604	LS	12	Lower and Raise Sewer Manhole and drain basin Covers _____ Dollars and _____ Cents		
		4	Lower and raise Water shut Offs and Gas Valves _____ Dollars and _____ Cents		
619.1	LS	1	Traffic Control Plan and Maintenance of Traffic _____ Dollars and _____ Cents		
618.7	Hr.	60	Traffic Flaggers - Certified _____ Dollars and _____ Cents		
692	LS	1	Mobilization & Clean Up including dust control, and all other Miscellaneous Items _____ Dollars and _____ Cents		
1001	LS	1	Contingencies as Ordered and Approved by Town 10% of this part	10%	

Part A PROPOSAL AMOUNT: _____
(NUMERALS)

Part A PROPOSAL AMOUNT: _____
(WRITE OUT IN WORDS)

PART K PROPOSAL – Valley View 565 Linear feet

Proposal Sheet of Unit Prices – Page 23 of 34

ITEM	UNIT	ESTIMATED QUANTITY	UNIT PROPOSAL PRICE DESCRIPTION	UNIT PROPOSAL PRICE	TOTAL
306.108	S.Y.	1883	Reclaimed Stabilized Base Processed in Place 8 inch Deep _____ Dollars and _____ Cents		
403.11	TON	219	Bituminous Pavement Base course – Machine Method) 2-inch thickness _____ Dollars and _____ Cents		
403.11	TON	109	Permanent Bituminous Wearing Course 1 inch thickness – Machine Method _____ Dollars and _____ Cents		
	EA	1	Driveway Aprons (up to 3 feet into apron)		
604	LS	0	Lower and Raise Sewer Manhole and drain basin Covers _____ Dollars and _____ Cents		
		0	Lower and raise Water shut Offs and Gas Valves _____ Dollars and _____ Cents		
619.1	LS	1	Traffic Control Plan and Maintenance of Traffic _____ Dollars and _____ Cents		
618.7	Hr.	60	Traffic Flaggers - Certified _____ Dollars and _____ Cents		
692	LS	1	Mobilization & Clean Up including dust control, and all other Miscellaneous Items _____ Dollars and _____ Cents		
1001	LS	1	Contingencies as Ordered and Approved by Town 10% of this part	10%	

Part A PROPOSAL AMOUNT: _____
(NUMERALS)

Part A PROPOSAL AMOUNT: _____
(WRITE OUT IN WORDS)

(WRITE OUT IN WORDS)

These Resurfacing are described as follows:

1. Proposal Part A - Amount Autumn Run Avenue: _____
2. Proposal Part B – Amount Corriveau Drive: _____
3. Proposal Part C – Amount Granite Street: _____
4. Proposal Part D – Amount Green Street: _____
5. Proposal Part E – Amount Scott Avenue: _____
6. Proposal Part F – Amount Old Mammoth Road: _____
7. Proposal Part G – Amount Old Town Hall: _____
8. Proposal Part H – Amount Harmony Lane: _____
9. Proposal Part I – Amount Hidden Ranch: _____
10. Proposal Part J - Amount Technology Drive: _____
11. Proposal Part K – Amount Valley View: _____

TOTAL PART's A, B, C, D, E, G, H, I, J, and K– Proposal Amount:

DATE SUBMITTED: _____

RESPECTIVELY SUBMITTED: _____
(PLEASE PRINT PROPOSALDER / CONTRACTOR'S NAME)

Print Representative's Name and Title

Signature

Address / Street-City-Zip Code

Telephone Number and E-Mail Address

Person signing proposal must be a person in your company authorized to sign a contract with the Town of Hooksett, NH

Notes to Proposal providers

- All work included in this Proposal is dependent upon the Proposal amounts and available funding.
- Actual quantities are subject to change and will be based upon actual field measurements taken during construction.
- The Town may elect to award all or selected Parts depending upon available of funds and whatever are in the best interests of the Town.

**Town of Hooksett
Public Works Department**

MEMO

To: Excavators seeking to work on Town highways
From: Diane Boyce, Public Works Director
Date: August 7, 2015
Cc: Dr. Dean Shankle, Town Administrator

Re: Roadway Excavation Permits pursuant to Ordinance 13

Any excavation in a Town highway right of way requires a permit. Information relating to the permit is attached:

- A. Ordinance 00-13 Roadway Excavation (2 pages)
- B. "Town of Hooksett Street Opening Application and Permit regulations" (8 pages)
- C. Daytime Traffic Controlling (1 page)
- D. Warning Sign Package (1 page)
- E. State of NH DOT "AN APPROVED METHOD FOR PATCHING A TYPICAL PAVEMENT TRENCH" (applicable to most Town highways, 1 page)
- F. Street Opening Application and Permit (1 page)

Prior to grant of a permit the applicant must:

- 1. Pre-mark proposed location of utility to be installed on the pavement or stake if outside of pavement.
- 2. Submit completed Application with required dig safe number, drawing with utility company approval, schedule, insurance certificates, minimum \$5,000.00 bond, and \$100.00 check for fee, payable to Town of Hooksett.
- 3. List all contractors on the project (excavators, pipelayer/tapping firms, testing firms, pavers, drillers and blasters, strippers, etc.), with 24 hour emergency contact name and phone number.
- 4. Furnish Insurance Certificates listing the Town of Hooksett as additional insured, for all contractors to be working in right of way.
- 5. Furnish a bond, amount to be established by Public Works Director (for most common cuts a \$5000.00 amount is sufficient). Bond to cover 30 month period beyond completion of work.
- 6. Contact dig safe, and furnish number with application. Contact other Town utilities (water and sewer) for the location (these utilities are not members of DigSafe).
- 7. Have adequate, trained personnel to handle traffic control or arrange with Police Department for special duty to handle this responsibility.
- 8. Have adequate paddies, vests, signs, lights, barricades, etc. to properly direct traffic or install detours.
- 9. Furnish a drawing of the proposed cut showing existing and proposed utilities, extent of cut and patching, placement of traffic control signs, and detour signs, if a detour is required and permitted. Drawing to be approved by the utility company prior to submittal.
- 10. Furnish a schedule (work cannot begin until the permit is effective, and permanent patch cannot be installed until subgrade, base and subbase are approved).
- 11. Furnish an escrow for inspection and lab costs. Many permits will require inspection and testing of backfill/compaction and paving – This work will generally be performed by engineers and test labs hired for the project by the Town. The cost of this work is the responsibility of the applicant. The inspector's hourly fee is \$85.00 with a minimum of 4 hours, unused inspection escrow will be returned when approved final pavement is in place. If inspection is required, for most common cuts an \$800.00 amount is a sufficient deposit. If project is delayed or involved and escrow is depleted, it will be required to be increased, prior to release of bond.



Town of Hooksett

PUBLIC WORKS DEPARTMENT

Diane Boyce, Public
Works Director

ROADWAY EXCAVATION APPLICATION & PERMIT (PER ORDINANCE 00-13)

APPLICATION DATE: _____

You are hereby given permission to excavate, per NH RSA: 236-9, & Roadway Ordinance 00-13.
_____ for the purpose of:

_____ on (date): _____ at (time): _____. Work is to be
performed in accordance with the street opening Regulations with Special Conditions as noted
below:

_____ Check here if continued on another sheet

I hereby agree to perform the work in accordance with the Street Opening Regulations and the
above-stated Special Conditions.

My Dig Safe number is: _____. Valid after _____ (date & time). I
understand that this permit is not valid until then, and until signed by the Hooksett Public
Works Director.

Applicant Signature _____ Date _____

Applicant Address _____ Phone _____

APPROVED: _____
Public Works Director _____ Date _____

The following Departments have been notified of the above Street Opening and have indicated their
approval below:

Police Department _____ Fire Department _____

Water Precinct _____ Sewer Department _____

* There will be construction monitoring and fees assessed for any digging on a town road. This
monitoring will be done by the Town Of Hooksett by the Public Works Department.

• Page 2

Town of Hooksett
Public Works Department
210 W. River Rd.
Hooksett, NH 03106
Phone: (603) 668-8019 Fax: (603) 668-6850

ROADWAY EXCAVATION

APPLICATION AND PERMIT REGULATIONS

Roadway Excavation permits shall be issued by the Public Works Director. Anyone wishing to open or excavate in any street shall make an application for a permit on a form provided by the Highway Department Manager.

Work authorized by a permit shall be performed between the hours of 7:00am and 5:00pm weekdays, unless the Permittee obtains written consent from the Public Works Director to do the work during another time. Such permission shall be granted only in case of an emergency, the "Emergency Provisions" Section of this regulation shall apply.

The Permittee shall notify "Dig Safe" and receive confirmation of all utility locations. You can either call at 1-888-344-7233 or email your request to digsafe.com.

No opening or excavation in any street shall extend beyond the centerline of the street, before being backfilled and the surface of the street made passable to traffic.

No more than three hundred (300) feet measured longitudinally shall be opened in any street at one time, except by special permission of the Public Works Director.

Every Permittee shall be required to place around openings, excavations, encumbrances or obstructions, such barriers, barricades, lights, warning flags and danger signs as may be required by NH DOT, Town of Hooksett and the Public Works Director, to protect the safety of the general public. During the hours of darkness adequate artificial lighting devices are required to protect the public and call attention to and indicate the actual location of obstructions and hazards.

All barricades, warning signs lights, temporary signals and other protective devices shall conform with the edition of the "Manual on Uniform Traffic Control Devices for Street and Highway Administrator as the National Standard for all highways open to public travel.

Traffic control devices shall be set up prior to the start of construction or maintenance operations and shall remain in place only as long as needed, as required by the Public Works Director. Advertisements, notices and signs other than for traffic control shall not be displayed on or attached to any barricade or fence in any highway.

Street Opening Regulations:

A minimum of one lane of traffic shall be provided on all streets at all times. The minimum width for temporary traffic lanes is eleven (11) feet. Access shall be provided to all property at night and on weekends, and shall be provided to all places of business at all times.

• Page 3

If a complete street closure is necessary, at least seven (7) working days' notice is required to the Public Works Department, Police, and Fire Departments with confirmation of the proposed closure three (3) working days in advance of the actual street closure. The Public Works Director shall review and approve any detours required. If an emergency necessitates the complete closing of a street, the closing shall be governed by the "Emergency Provision" section of this regulation.

When the work area encroaches upon a sidewalk, walkway or crosswalk area; protective barriers, together with appropriate warning and guidance devices and signs, must be utilized so that the passageway for pedestrians is safe and well defined.

The location of all utility facilities shall be determined sufficiently ahead of trench excavation work and appropriately marked on the road or other location clearly visible to equipment operators, inspectors, and officials.

Property or street line monuments survey reference points and permanent survey bench marks shall not be moved or disturbed, unless specifically permitted in writing by the Public Works Director. In the event that a survey bound pin, bench mark, or other such permanent reference is disturbed it shall be replaced by a NH registered licensed surveyor and all cost paid by the applicant.

Provisions shall be made to provide for proper drainage during construction, and the Permittee shall be responsible for all claims for damage or injury, whatsoever, that may arise from the obstruction or use of any public sewer or drain in connection with the work contemplated under the permit.

Trees shall not be cut or trimmed without the approval of the property owner or the Town. Where excavations may affect the tree, provisions and care shall be taken to protect the tree. Permanently damaged and/or destroyed trees shall be replaced "in kind", size and type of tree, or as agreed by the property owner the Town.

Excavated material shall be replaced or backfilled in layers or courses not to exceed twelve (12) inches in compacted thickness; and shall be compacted at or near optimum moisture content using pneumatic tampers, vibratory compactors or other approved means. The material shall be compacted to not less than 98% maximum dry density as determined by the Standard Proctor Method in accordance with Standard Specifications.

Street Opening Regulations:

If unsuitable for backfill, excavated material shall be replaced granular backfill as specified in the "Standard Specifications for Road and Bridge Construction", State of New Hampshire Department of Public Works and Highways, hereinafter referred to as "The New Hampshire Standard Specifications". Water shall be uniformly applied during compaction in the amount necessary for proper consolidation, but puddling will not be allowed.

The minimum depth to any substance except manholes, vault entrance tubes, valve casing and catch basins shall be twenty four inches below the surface of the nearest edge of the traveled portion of the street, and no excavation shall be less than 20 inches in length or width.

Within the asphalt paved areas, crushed gravel (as described in New Hampshire Standard Specifications) equal to the existing gravel course shall be placed in layers not exceeding six (6) inches loose depth and thoroughly compacted. In no case shall the compacted depth of crushed gravel be less than twelve (12) inches.

In other areas, the present surface type shall be restored by placing similar materials on top of the trench to a depth equal to that existing before excavation. Any existing grassland, additionally, shall be fertilized and reseeded. Any asphalt or concrete sidewalk shall be replaced with equal width, depth, kind and quality material and as specified by the Public Works Director.

● Page 4

As the work progresses, all streets shall be thoroughly maintained and cleaned as necessary and at least daily of all rubbish, excess earth, rock and other debris resulting from such work.

As the work progresses, all streets shall be thoroughly maintained and cleaned as necessary and at least daily of all rubbish, excess earth, rock and other debris resulting from such work.

After an excavation is commenced, the work shall be prosecuted with diligence and expedition, and the road shall be maintained in a safe, well-marked, with required signage, and in a well graded condition to permit public travel and not obstruct public access or private places. The surface of the street shall be permanently restored to original or improved condition within a period of time not to exceed five (5) days from the date of completion of the project to the satisfaction of the Public Works Director.

The Public Works Director as a condition of the permit, reserves the right to restore the highway or cause the same to be restored under his directions, and the Permittee shall reimburse the Town for any or all liability and expense suffered by reason of such work. In the event that a bond, cash or other security is held by the Town for the work it shall be taken as a portion of the reimbursement.

Street Opening Regulations:

The Permittee further agrees to indemnify and save harmless the Town of Hooksett, New Hampshire, from all claims for damage or injury whatsoever, that may arise from the encumbrance, obstruction, or use of the aforesaid highway, the Town of Hooksett in no case, assuming any responsibility or liability by reason of granting this permit.

The person, partnership, firm, corporation, etc., who obtains the permit to excavate a town highway, shall be responsible for said excavation for thirty (30) months after all work contemplated under the permit has been completed and the Public Works Department so notified, and may be ordered by the Public Works Director at any time during the thirty (30) month period to improve or replace the work.

Each applicant for a permit shall be accompanied by a plan drawn to an approved scale, sufficient in detail to provide for easy field location of the work. Upon the completion of the pavement restoration, the Public Works Department shall be immediately notified as to the location and time of completion.

As a condition of this permit, the Permittee agrees that the excavation after being properly backfilled, shall have a permanent patch placed on the excavation under the patching guideline.

Patching Guideline:

Cuts shall be parallel or perpendicular to the line of the trench. In the case of transverse or diagonal trenching, the pavement shall be sawn to a two-foot minimum overlap on undisturbed material that will permit only one wheel of a vehicle at a time to strike the patch area. Within the sawn limits of the final patch, the existing pavement and any temporary patch material shall be removed and replaced with an equal depth of Type 1-1 asphaltic concrete laid and compacted to meet the existing pavement edge exactly. The face of all joints shall be painted with asphalt cement before the asphaltic concrete is placed.

In cases where multiple excavations are made in a street which would result in the edge patches being closer than 20 feet, the Public Works Director may require a continuous patch and/or complete overlay. The entire width of the road and a minimum of 25 feet each end beyond the outer limits of the trenches.

● Page 5

On surface treated gravel highways, feathering the edges of patches will be allowed. Within area of cement concrete or stone base overlaid with asphalt, the department will require the placement of the cement concrete or stone base with Class "A" Portland Cement Concrete, reinforced or non-reinforced, as specified in the New Hampshire Standard Specifications, to a depth equal to that removed and then overlay with Type 1-1, Asphaltic concrete as specified above.

The permittee agrees to furnish a continuing surety bond or cash in the amount of five thousand (\$5,000.00) (except that the Public Works Director may require up to ten (10) times the amount, depending on the volume of the work being performed by the permittee) guaranteeing the fulfillment of the provisions, instructions and regulations prescribed above and later instruction issued by the Department during the performance of the work and satisfactory maintenance of the disturbed areas for a period of thirty (30) months following the completion of the work. The permit shall be kept with the foreman of the applicant at the place where the work is being performed and shall be produced for examination upon request by Town officials.

The permittee, as a condition of the permit, shall agree to indemnify and protect the Town of Hooksett and its Departments, Commissions, and Agencies against all liability, claims, or demands for injuries or damage, including claims for loss or interruption of business in cases where the encumbrance or construction impedes the flow of traffic, to any person or property arising out of activities of the permittee, its servants, employees, agents, representatives or subcontractors.

The permittee, as a condition of the permit, shall agree to carry the following insurance:

- A. Comprehensive General Liability Insurance with limits not less than \$1,000.00 per occurrence for bodily injury and \$500,000.00 per occurrence for property damage and automobile liability insurance with limits not less than \$500,000.00 per person and \$1,000,000.00 per occurrence for bodily injury and \$500,000.00 per occurrence for property damage covering all activities of the permittee for the full period of the permit. Such insurance shall include the Town of Hooksett and the Public Works Department, including all officials and employees thereof. Such insurance shall include:
 - a) All activities including use of all vehicles.
 - b) Contractual liability covering this permit.
 - c) Coverage for the so-called "x,c,u," hazard i.e. collapse of building, blasting, and damage to underground property.
 - d) Complete operations hazard for a period of at least two years following the acceptance by the Highway Department of the completed permit.
 - e) "Personal" injury coverage (in addition to "Bodily Injury").
- B. The PERMITTEE shall carry Workmen's Compensation Insurance including Employer's Liability Insurance with limits of \$1000,000.00 whether or not required by the New Hampshire Revised Statutes Annotated, 1955, as amended, for all activities of the PERMITTEE during the period of the permit.
- C. Insurance similar to that required of the permittee shall be provided by, or on behalf of all independent contractors used by the PERMITTEE during the period of this permit. The PERMITTEE shall be held responsible for any modifications in these insurance requirements as they apply to independent contractors.

● Page 6

- D. Insurance certificates evidencing the above coverage are to be furnished to the Public Works Department prior to issuance of the permit, and shall provide for not less than thirty (30) days prior notice to the Public Works Department of any cancellation of major change in the policies.
- E. The purchase of the insurance required or the furnishings of the aforesaid certificates shall not be a satisfaction of permittee's liability hereunder or in way modify the Permittee's indemnification responsibilities to the Town of Hooksett.

The Public Works Department may revoke any permit issued under the regulation at any time.

Emergency Provisions:

Emergency requirement to excavate in or close to Town highways shall be done by emergency permit issued by the Public Works Director or his representatives.

If such an emergency exists, the Police, Fire, Water, Sewer and Public Works Departments, as a minimum, shall be notified immediately by telephone. At the earliest opportunity available, a representative of the Permittee shall obtain an emergency permit form. During the next business day, a regular permit form shall be applied for at the office of the Public Works Department.

The Public Works Director reserves the right to waive any of the provisions of this regulation in case of an emergency, and to impose such conditions as he may require, as part of an emergency permit.

Penalty:

Any person who violates any provisions of the regulations made under the authority thereof shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person; and subject to a fine not to exceed \$100.00 per day for each offense.

Town of Hooksett, New Hampshire

Public Works Department

WINTER CONSTRUCTION PROCEDURES FOR PAVEMENT RESTORATION

EFFECTIVE FROM NOVEMBER 15 THROUGH APRIL 1

1. If hot bituminous concrete asphalt is available, three (3) inches of temporary hot bituminous pavement (1/2" aggregate) shall be used.
2. When hot bituminous pavement is not available and when deemed necessary by the Highway Department, the following procedures to be adhered to:
 - A. A three (3) inch pavement of Class "A" (3000 p.s.i.) concrete shall be placed.
 - B. The concrete shall be placed over a prepared crushed gravel base.
 - C. The concrete shall have a one percent (1%) calcium chloride added in order to accelerate curing.
 - D. The concrete placed shall be brought up even with the elevation of the existing asphalt pavement.
 - E. The surface of the pavement will have a rough broom type finish placed perpendicular to the flow of traffic.
 - F. The concrete pavement shall be protected from freezing for a minimum of two days by covering it with polyethylene plastic or hay and polyethylene plastic. The length of protection and curing may be increased or decreased by the Public Works Department depending on the daily temperature.
3. The following spring, when hot bituminous pavement becomes available, the temporary concrete pavement shall be removed and replaced with pavement as required in the Public Works Department Street Opening Regulations.
4. The permittee shall maintain the temporary patch until permanent restoration can be performed.

DAYTIME TRAFFIC CONTROLLING

Traffic control is a vital public service.

Functions of Flagging.

- Guide traffic safely through work areas.
- Make every effort to give the traveling public the right of way.
- Protect the lives of workers.
- Avoid unreasonable delays to the traveling public or work crew.
- Answer reasonable questions courteously and late honestly.

Clothing and Equipment.*

- Hard hat (orange or other bright color)
- Safety vest
- Hand paddle "Stop/Slow" at least 18" wide with 5" letters (keep spare handy)
- Flashlight with 6" beam for right-of-way
- *All gear used at night must be reflectorized. Flagging station should be illuminated.

DO'S

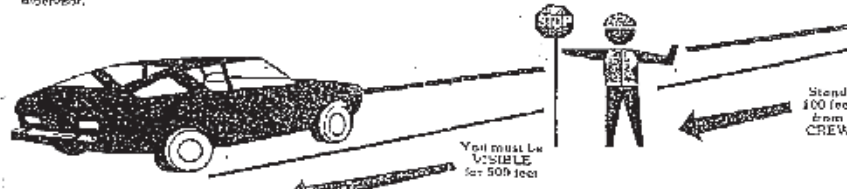
- Be alert.
- Wear equipment properly.
- Stand alert, in good view.
- Know plans.
- Treat every driver as you would like to be treated.

DON'TS

- Stand in open traffic lane.
- Turn your back on traffic.
- Walk between vehicles.
- Leave your position unattended.

STATION OR POSITION

The flagperson shall stand in a conspicuous position on the right edge of the traveled way FACING THE DIRECTION OF THE APPROACHING TRAFFIC. The position taken should be near enough to the workers being protected so that there is no doubt as to the flagperson's purpose, but not so close as to be mistaken for one of the workers. This position may vary up to 500 feet depending upon sight distances, etc. In urban areas the distance from the flagperson to the work site can be reduced. Special care must be taken to avoid long traffic delays that may "log up" the local street system. At a "spot" work site it may be necessary to stand on the shoulder of the left hand lane or opposite the work site in order to effectively control the traffic. Flagging positions must be adequately covered by proper advance warning signs and night time stations must have adequate illumination. A flagperson should not leave the flagging station to pick up or replace signs or barricades. This is the responsibility of the supervisor.



Traffic control procedures with paddles

- To stop traffic
 - Face the traffic
 - Extend the paddle to a vertical position so the "STOP" side is visible to oncoming driver
 - Make eye contact with driver
 - Raise and wave palm of free hand to indicate vehicle is required to stop
- To alert and slow traffic
 - Extend the sign paddle vertically with the "STOP" side visible to driver
 - Before vehicle comes to a complete stop, turn paddle to show "SLOW" side
 - For emphasis the free hand may be raised and lowered with the palm down
- To release traffic
 - Step to side of road
 - Show "SLOW" side of paddle
 - With free hand, motion traffic to proceed

Traffic Control With Flags

- Flags to be used only when paddles not available.
- To stop traffic
 - Face traffic and extend flag horizontally across the traffic lane in stationary position. Raise free hand, palm up, toward traffic.
- To alert or slow traffic
 - Face traffic and slowly wave flag in a sweeping motion of the extended arm from shoulder level to straight down, without raising the arm above the horizontal position.
- To release traffic
 - Stand on side of road with flag and arm lowered to your side. Motion traffic ahead with free hand.

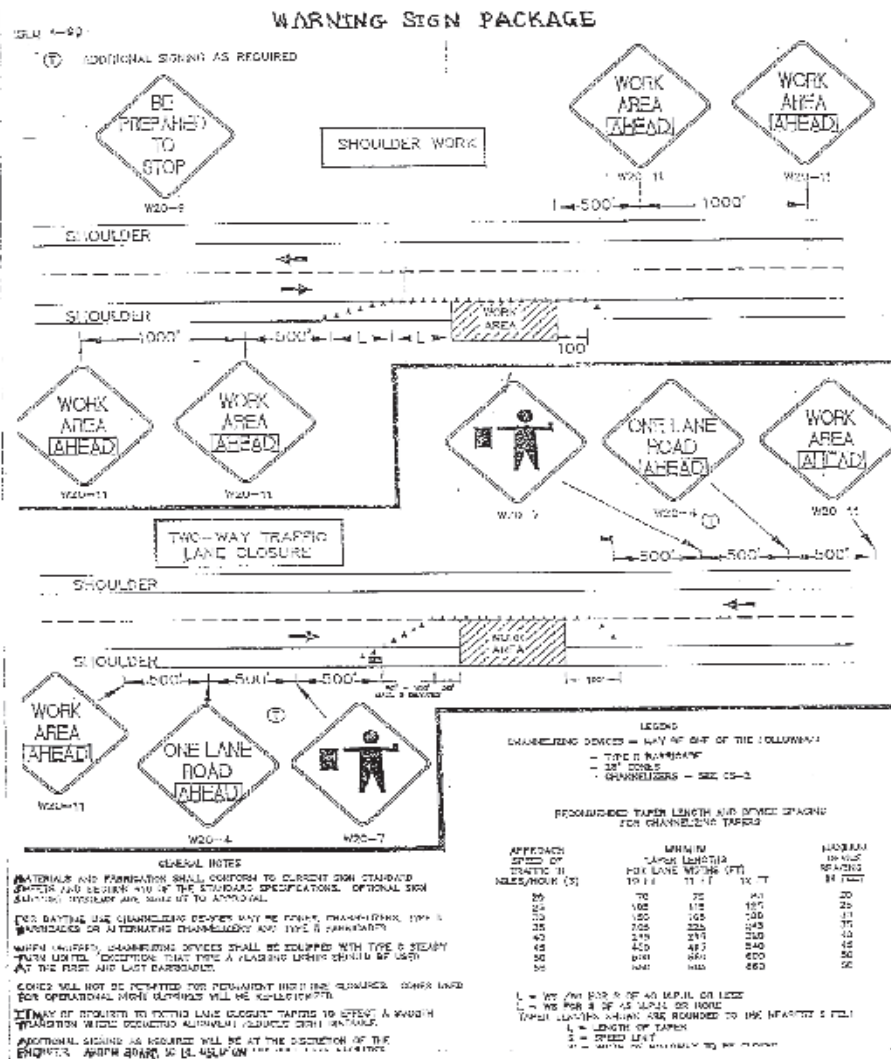
FLAGS SHALL NOT BE USED TO SIGNAL TRAFFIC TO PROCEED.

New Hampshire Department of Transportation

REMEMBER

THE FLAGPERSON SHOULD BE VISIBLE AT ALL TIMES
NEVER STAND IN AN OPEN TRAFFIC LANE
STAND ALONE AND DON'T PERMIT WORKERS TO GATHER AROUND YOU
DO NOT STAND NEAR EQUIPMENT
DO NOT WATCH THE OPERATIONS
NEVER TURN YOUR BACK TO THE TRAFFIC

Your job is to provide the motorists with guidance. You will lose their respect and add to their confusion by turning your back to them.



End of Request for Proposal

Town Council
STAFF REPORT



To: Town Council
Title: Updated FY2022-2023 Town Council Meeting Schedule
Meeting: Town Council - 08 Jun 2022
Department: Administration
Staff Contact: Donna Fitzpatrick, Human Resource Coordinator

BACKGROUND INFORMATION:

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

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

RECOMMENDATION:

Approve Updated FY2022-2023 Town Council Meeting Schedule as presented

SUGGESTED MOTION:

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

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the suggested motion

ATTACHMENTS:

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

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

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

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

AS OF 06/08/2022

Town Council **STAFF REPORT**



To: Town Council
Title: FY 2021-22 Budget Encumbrances Preview
Meeting: Town Council - 08 Jun 2022
Department: Finance
Staff Contact: Christine Tewksbury, Finance Director

BACKGROUND INFORMATION:

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

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

Attached are two lists of contracts/obligations that meet one of these exceptions. These lists are subject to change as items may be received/services rendered. Also additional items may need to be added. The first list titled "Encumbrances", I will review each of the items and answer questions. At your next Council Meeting June 22nd, I will be looking for a motion to encumber the items on this list. The second list titled "Non-budgetary Purchase Orders" is informational only and do not require any action.

FINANCIAL IMPACT:

I will provided the impact on the FY 2021-22 budget at the June 22nd Council meeting.

RECOMMENDATION:

This is a preview of the items that we may request be encumbered at the June 22nd Council Meeting.

SUGGESTED MOTION:

No motion needed at this meeting.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Informational purposes only

ATTACHMENTS:

[Encumbrances](#)

[Non-budgetary Purchase Orders](#)

Encumbrances

GASB 75 Full Valuation - 001-300.4150-321.000 - Contract with Aquarius Capital Solutions Group	\$ 4,000.00
PPE Gear Replacement - 001-350.4220-751.000 - Ordered with Bergeron Protective Clothing	\$ 8,133.35
Mobil Radios - 001-350.4220-751.000 - Ordered with Ossipee Mountain Electronics, Inc.	\$ 3,861.95
Road Line Striping - 001-450.4312-330.000 - Contract with Industrial Traffic Lines	\$ 29,604.97
Martins Ferry Road Wetland Consultant - 001-450.4312-330.010 - Contract with Sanborn, Head & Associates, Inc.	\$ 7,407.53
2021 Road Paving - 001-450.4312-720.000 - Retainage for 2021 paving with GMI Asphalt, LLC	\$ 26,913.83
2022 Road Paving - 001-450.4312-720.000 - Contract with	
SC Roof Top AC Unit - 001-451.4194-436.016 - Ordered with G & O Heating & Air Cond. Inc.	\$ 6,146.00
Landfill Monitoring - 001-500.4324-330.000 - Contract with Aries Engineering, LLC	\$ 8,850.00
Fire Command Car - 001-950.4220-752.000 - Ordered with Colonial Ford Inc.	\$ 42,704.80
Cabinet for Fire Command Car - 001-950.4220-752.000 - Ordered with Ossipee Mountain Electronics, Inc.	\$ 6,912.50
Equipment for Fire Command Car - 001-950.4220-752.000 - Ordered with MHQ, Inc.	\$ 14,464.83
Merrimack River Front Trail P3 - 001-950.4619-830.000 - Contract with Belko Landscaping, LLC	\$ 14,621.40
Grand Total Encumbrances	\$ 173,621.16

Non-budgetary Purchase Orders.

Forest Hills Drainage - 001-000.1310-007.005 - Contract with SBUSS Excavation, LLC	\$ 500.00
Tents & Staging Old Home Day - 001-000.1400-008.000 - Contract with Special Events of New England	\$ 3,221.00
Mobil Radios - Various - Ordered with Ossipee Mountain Electronics, Inc.	\$ 59,272.15
Fire Engine - 005-805.4220-752.000 - Ordered Rosenbauer Minnesota, LLC	\$ 665,456.00
Plow Truck - 005-805.4312-752.000 - Ordered with Liberty International Trucks	\$ 171,980.00
Trash Barrels - 005-805.4321-751.000 - Ordered with Wastequip, LLC	\$ 13,418.51
Conservation Stewardship Contract - 009-809.4912-330.000 - Contract with Bear-Paw Regional Greenways	\$ 6,600.00
Gun Rack - 013-813.4912-751.000 - Ordered with RC Welding	\$ 6,520.50
Police Detail Van - 014-814.4912-752.000 - Ordered with Grappone Auto Junction	\$ 32,000.00
Equipment for Police Detail Van - 014-814.4912-752.000 - Ordered with Ossipee Mountain Electronics, Inc.	\$ 7,419.50
Bicentennial Videos - 016-816.4912-330.018 - Contract with J Desharnais	\$ 3,000.00
Ambulance - 017-817.4912-752.000 - Ordered with Sugarloaf Ambulance/Rescue Vehicles	\$ 297,344.00
TIF Engineering - 023-823.4909-330.000 - Contract Underwood Engineers, Inc.	\$ 189,027.87
Car 5 Upfit - 025-825-4210-752.000 - Ordered with Ossipee Mountain Electronics, Inc.	\$ 11,265.75
Car 10 Upfit - 025-825-4210-752.000 - Ordered with Ossipee Mountain Electronics, Inc.	\$ 9,257.15
Total Non-budgetary Purchase Orders	\$ 1,476,282.43

Town Council
STAFF REPORT



To: Town Council
Title: Adoption of RSA 41:14-a and amendment to the 2006 Town Council Resolution
Meeting: Town Council - 08 Jun 2022
Department: Administration
Staff Contact: Leann McLaughlin, Project Coordinator

BACKGROUND INFORMATION:

RSA 41:14-a allows the Council to have authority to acquire or sell land, building or both. The Town Council adopted the provisions of RSA 41:14-a for the limited purpose of acquiring/purchasing land in 2006. In order to proceed with a full review of all town owned property and the possible sale of some town owned property, the Town Council must adopt the full provisions of RSA 41:14-a.

RECOMMENDATION:

Adopt the provisions of RSA 41:14-a and sign the revised resolution.

SUGGESTED MOTION:

Motion to adopt the provisions of RSA 41:14-a in its entirety.

TOWN ADMINISTRATOR'S RECOMMENDATION:

Concur with the suggested motion. In order to sell town owned land, in accordance with RSA 41:14-a, adopting all provisions of the law in required.

ATTACHMENTS:

[Aquisition or Saleof Land, Building, or both FY06 06](#)
[TC minutes adopting RSA](#)
[Town Council Resolution](#)



HOOKSETT TOWN COUNCIL
Resolution # FY 06-06

ADOPTION OF RSA 41:14-a

41:14-a Acquisition or Sale of Land, Buildings, or Both. -

I. If adopted in accordance with RSA 41:14-c, the Council shall have the authority to acquire or sell land, buildings, or both; provided, however, they shall first submit any such proposed acquisition or sale to the planning board and to the conservation commission for review and recommendation by those bodies, where a board or commission or both, exist. After the Council receives the recommendation of the planning board and the conservation commission, where a board or commission or both exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed acquisition or sale; provided, however, upon the written petition of 50 registered voters presented to the Council, prior to the Council's vote, according to the provisions of RSA 39:3, the proposed acquisition or sale shall be inserted as an article in the warrant for the town meeting. The Council's vote shall take place no sooner than 7 days nor later than 14 days after the second public hearing which is held.

II. The provisions of this section shall not apply to the sale of and the Council shall have no authority to sell:


(a) Town-owned conservation land which is managed and controlled by the conservation commission under the provisions of RSA 36-A.

(b) Any part of a town forest established under RSA 31:110 and managed under RSA 31:112.

(c) Any real estate that has been given, devised, or bequeathed to the town for charitable or community purposes.

The Council hereby adopts the provisions of RSA 41:14-a for the limited purpose of acquiring/purchasing land, in accordance with RSA 35:15 (attached).

This 22nd day of February, 2006.


Philip Fitanides
Hooksett Town Council, Secretary

Town Council Minutes
February 22, 2006

4

D. Savoie explained that the public hearing is only to set the TIF District boundaries. The TIF plan would state the purpose and the amount of the bond. This plan will be presented at a later date.

Chairman M. DiBitetto added that the motion is to approve the TIF District boundaries and not the plan.

Roll Call:

P. Fitanides	Yes	G. Longfellow	Yes		
J. Hyde	No	D. St. Pierre	Yes		
M. Jolin	Yes	S. Werksman	Yes		
P. Loiselle	Yes	Chairman M. DiBitetto	Yes	7-1	<u>Motion carried.</u>

Public Hearing, Striking of Fire Lane Ordinance

Chairman M. DiBitetto opened the public hearing at 8:45 pm.

Michael Williams, Fire Chief stated that rather than striking the ordinance completely, the Fire Department and the Building Inspector are recommending amending the Fire Lane Ordinance.

Council consensus was to continue the public hearing on the next Town Council meeting on March 8th, 2006.

V. Lembo: Why are we striking or amending this ordinance? Are we doing it to accommodate moving the Town Hall into the former Village School? Will this affect new developments?

Deputy Chief M. Hoisington: The amendment we are proposing is only for existing buildings changing to a less intense use.

OLD BUSINESS:

RSA 41:14-a- Town Council Resolution

Chairman M. DiBitetto read the resolution for the record. (Attached)

M. Jolin moved to adopt RSA 41:14-a and sign the resolution. Motion seconded by G. Longfellow. **Motion carried unanimously.**

Street Signs / Speed Limits Study

Stephen Agraftotis, Chief of Police submitted a street sign survey done as of October 3, 2005.

D. St. Pierre suggested forming a sub-committee with 3 councilors to submit a report and recommendation for posting for every street in Town. 35 MPH unless otherwise posted is the norm for communities. Some neighborhoods in Town are requesting 25 MPH. According to the Police Department, 25 MPH is unenforceable.

D. St. Pierre moved to form a sub-committee with 3 councilors for the purpose of street speed limits and signage. Motion seconded by P. Loiselle. **Motion carried unanimously.**

The Council appointed D. St. Pierre, P. Loiselle, S. Werksman and the Town Administrator as members.

Article # 21

"To see if the Town will vote to deposit 100% (percent) of the revenues collected from current use, but not to exceed \$100,000 per year, pursuant to RSA 79-A and deposit said money in the Conservation Current Use Fund already established, in accordance with RSA 36-A:5, III as authorized by RSA 79-A:25, II. **NOT RECOMMENDED BY TOWN COUNCIL (4-4)"**



HOOKSETT TOWN COUNCIL
Amendment to Resolution FY #06-06

ADOPTION OF RSA 41:14-A

41:14-a Acquisition or Sale of Land, Buildings, or Both; Demolition or Disposal of Buildings. –

I. If adopted in accordance with RSA 41:14-c, the select board shall have the authority to acquire or sell land, buildings, or both, and to demolish or otherwise dispose of buildings, provided, however, they shall first submit any such proposed acquisition, sale, demolition, or disposal to the planning board, the conservation commission, the heritage commission, and the historic district commission if the building lies within a defined district for review and recommendation by those bodies, where such board or commissions exist. After the select board receives the recommendation of the planning board, the conservation commission, the heritage commission, and the historic district commission if the building lies within a defined district, where such board or commissions exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed acquisition, sale, demolition, or disposal; provided, however, upon the written petition of 50 registered voters presented to the select board, prior to the select board's vote, according to the provisions of RSA 39:3, the proposed acquisition, sale, demolition, or disposal shall be inserted as an article in the warrant for the town meeting. The select board's vote shall take place no sooner than 7 days nor later than 14 days after the second public hearing which is held.

II. The provisions of this section shall not apply to the sale of and the selectmen shall have no authority to sell:

- (a) Town-owned conservation land which is managed and controlled by the conservation commission under the provisions of RSA 36-A.
- (b) Any part of a town forest established under RSA 31:110 and managed under RSA 31:112.
- (c) Any real estate that has been given, devised, or bequeathed to the town for charitable or community purposes except as provided in RSA 498:4-a or RSA 547:3-d.

III. The provisions of this section shall not apply to the demolition or disposal of, and the select board shall have no authority to demolish or dispose of, any real estate that has been given, devised, or bequeathed to the town for charitable or community purposes except as provided in RSA 498:4-a or RSA 547:3-d.

The Council hereby adopts the provisions of RSA 41:14-a.

This 8th day of June 2022.

James Sullivan
Hooksett Town Council Chair

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

1
2 The Hooksett Town Council met on Wednesday, May 25, 2022 at 5:30 in the Hooksett Municipal
3 Building.
4
5 **CALL TO ORDER**
6 Chair Sullivan called the meeting of 25 May 2022 to order at (5:30) pm.
7
8 **PROOF OF POSTING**
9 Human Resource Coordinator Donna Fitzpatrick provided proof of posting.
10
11 **ROLL CALL - ATTENDANCE**
12 **In Attendance:** Councilor James Sullivan, Councilor David Ross (left at 8:33), Councilor John Durand,
13 Councilor Randall Lapierre, Councilor Roger Duhaime, Councilor David Boutin, Councilor Timothy
14 Tsantoulis, Councilor Clark Karolian, and Councilor Alex Walczyk.
15
16 **PLEDGE OF ALLEGIANCE**
17
18 **NON-PUBLIC SESSION #1 NH RSA 91-A:3 II**
19
20 *J. Sullivan motioned to go into non-public session under NH RSA 91-A:3 II b. at 5:34 pm*
21 *seconded by R. Lapierre.*
22
23 (b) The hiring of any person as a public employee.
24
25 **Roll Call Vote #2**
26 *R. Duhaime NP*
27 *J Durand Aye*
28 *D. Ross NP*
29 *R. Lapierre Aye*
30 *A. Walczyk Aye*
31 *D. Boutin Aye*
32 *C. Karolian NP*
33 *T. Tsantoulis Aye*
34 *J. Sullivan Aye*
35
36 **Vote in Favor 6-0**
37
38 *J. Sullivan motioned to seal the minutes of May 25, 2022; seconded by R. Lapierre.*
39
40 **Roll Call Vote #4**
41 *A. Walczyk Aye*
42 *R. Lapierre Aye*
43 *D. Ross NP*
44 *R. Duhaime Aye*
45 *J. Durand Aye*
46 *C. Karolian Aye*
47 *T. Tsantoulis Aye*
48 *D. Boutin Aye*
49 *J. Sullivan Aye*

TC MINUTES

5-25-2022

1

Vote in favor 8-0

J. Sullivan motioned to leave non-public session of May 25, 2022, at 6:09 pm; seconded by D. Boutin.

Motion passed

AGENDA OVERVIEW

Chair Sullivan gave the overview of the agenda.

BICENTENNIAL MOMENT

Sky-Ray Hooksett Drive in Movie Theatre, opened May 7, 1949, opened by Armand Bourque and closed in 1985. The full PowerPoint presentation can be found on the Town Website.

Hooksett Bicentennial Vietnam War Moving Wall

J. Sullivan- in recognition of the bicentennial Vietnam War moving wall we would like to recognize Richard Caruso who attracted over 5,000 visitors. Richard reached out to many groups and did a job well done and gratitude cannot be expressed enough. We appreciate all that was done for this event. On behalf of the Town Richard was given a certificate of appreciation and a token of appreciation. Richard then presented the Town of Hooksett with the ceremonial flag to hang at Town Hall.

Hooksett Municipal Employee

A. Garron- no new hires to report at this time, at the next meeting we will. If the council is willing, I'd like to move up the discussion for the Town Clerk.

J. Sullivan- I invite Pam Sullivan up to talk as she has offered to step up to the position.

P. Sullivan- I know that you have a vacancy for Town Clerk, I have been a resident since the age of 7, and I would like to give back and do what I can for the town.

J. Sullivan- she is my sister; she does have many years of working with the State for 35 years in youth services as a Parole Officer.

P. Sullivan- I was a grant manager for the state, and oversaw the Juvenile Parole Board, and wore many hats, which I feel will serve me well in this position.

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

Vote all in favor 9-0

D. Boutin motioned to nominate and appoint Pamela Sullivan as the Town Clerk for a term to end in 2023; seconded by C. Karolian.

Vote all in favor 9-0

A. Garron- over the next month we will work to set up the office for the Town Clerk, I know that our existing TC is willing to work with Mrs. Sullivan, you also do have the ability to appoint a Deputy, which we do have funds for that.

P. Sullivan- Todd and I have been discussing this and I do plan to sit with him and get more details.

SCHEDULED APPOINTMENTS

TC MINUTES

5-25-2022

2

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

109
 110 D. Winterton- John has been a trustee since January and Clair who has been a Trustee for a long time.
 111 Henry unfortunately left before he was able to pass along the important information that he knew.

112
 113 Don discussed the Bearing Point Wealth Partners who help manage our finances. Don discussed the
 114 different accounts and how and where the accounts are invested. The desire is to be conservative and
 115 maintain capital.

116
 117 J. Ward- Don did a good overview. I am happy with what I am seeing from Three Bearings.

118
 119 C. Karolian- can you go over the fee structure.

120
 121 D. Winterton- they charge us .50% on the first \$2,000,000, .35% on the next \$3,000,000, .20% on the
 122 next \$5,000,000, and .05% on the assets above \$10,000,000. The last quarter we were billed
 123 \$7,857.31 and billed \$32,143.56 for the year.

124
 125 C. Lyons- the goal is to maintain capital. We have to make sure the money comes and goes into the
 126 right accounts. Using this firm was the best option to do what we need according to the RSA. We all
 127 understand investments and try to pay attention to everything that is going on around us in the world.

128
 129 **J. Durand offered a moment of silence for the lives lost at the Texas school shooting this week.**
 130 **Annual Update from the Recycle and Transfer Advisory Board - Richard Bairam, Member and**
 131 **Denise Cummings.**

132
 133 R. Bairam- 2020 January- review of source recycling at the transfer station. Had stopped curbside in
 134 October 2019 and residents still really wanted to recycle. Source recycling included cans, tin, metal,
 135 glass, paper, plastics 1-7 and cardboard. March, we lost Richard Blake as Crew chief and staffing was
 136 especially short after that loss. July, we replaced the 2000 Peterbilt tractor with new international
 137 tractor. The pandemic brought on higher volumes. September conversations started with HOA's
 138 receiving trash pickup, Clark especially attentive to the topic. A new baler was put into the CIP as well
 139 as a new building for Transfer. 2021- January we had changed the cardboard vendor. Staffing was
 140 down to 3 and assistance from parks crew chief needed. March we were fully staffed with exception of
 141 the crew chief. Recycling cardboard with new vendor Greif Inc. is working out well with their trailer and
 142 driver. Started looking at the trash disposal contracts. Loader replacement with DooSon Hi Lift. Looking
 143 at bodies for the new auto trash truck. April, we rented a Pinard truck for leaf pickup at a cost of \$1,200.
 144 In May we ordered barrels for Berry Hill per the DPW Director. We approved the McNeilus body on a
 145 Peterbilt chassis for the new auto trash truck started and discussion on solar arrays at the transfer
 146 station. July, new crew chief hired/promoted. Tracking delivery of Dooson, was waiting on a bucket for
 147 delivery. Thinking about revisiting single stream. In September we compared user fees against other
 148 surrounding towns, ours were low in comparison. November, leaf pickup 5k-6k per day needed help
 149 from highway. Fred bishop asked about changing ordinance to include 4-plex for trash pickup.
 150 December, NPR interview about recycling and neighborhood new article on Hooksett recycling. 2022
 151 January review of wheelabrator contract with Primex our insurance carrier and asked for legal review.
 152 Fred bishop asked about raising the reimbursement rate for trash pickup at condominium. March,
 153 Leann McLaughlin taking over looking at solar array for the town. Fee schedule is completed. Town
 154 involvement with Earth Day participation. May brought lots of discussion and public input about
 155 condominium trash pickup, which was tabled till June 28, 2022, special meeting for the advisory
 156 committee. Want to be consistent with Planning Board.

157

158 J. Sullivan- I am glad you are considering the ordinance. You mentioned re-introducing the single
159 stream recycling pick up. I know you need a certain threshold to do that. Of the items that are brought
160 to the facility is there one particular item that brings in a bigger return on investment?
161

162 D. Cummings- right now we are averaging \$115 a ton, and we are averaging about sending out 23 tons
163 a month. Plastics are actually more lucrative, but it takes a lot more to accumulate that each month. We
164 are currently stockpiling aluminum can bails, and plastic bails and are almost at capacity. It takes about
165 ¾ a year to gather enough material.
166

167 D. Ross- so we have to fill a trailer before we can send it off? And how are things going?
168

169 D. Cummings- yes and They are going well, thank you.
170

171 **Annual Update from the Parks and Recreation Advisory Board - Andrew Janosz, Chair**
172

173 A. Janosz- the pavilion has been erected. We are looking at doing fundraising for the pavers for the
174 sidewalk. We have been working on a sign project at Lambert Park. Deb has been working on the
175 history of the park. We have talked about replacing the small foot bridge at Donati Park.
176

177 R. Lapierre- there is an upper parking lot over at Donati and it looks like it has been expanded into dirt.
178 Are there any plans to pave that? The lines that striped are small.
179

180 R. Duhaime- I know years ago we talked about putting a park over on the west side of the river is there
181 any plans to bring that forward.
182

183 A. Janosz- as of now we do not have any, but plan to come to the council to ask for ideas.
184

185 **CONSENT AGENDA**
186

187 ***T. Tsantoulis motioned to approve the consent agenda item 12.1 as presented; seconded by D.***
188 ***Boutin.***
189

190 12.1- Accept a donation of 6 Box O' Joe's and 150 munchkins (cost estimate of \$130.00) to the Town of
191 Hooksett for the Volunteers of the Vietnam Moving Wall event on Friday, Saturday and Sunday per
192 RSA 31:95-e, II.
193

194 ***Vote in favor 9-0***
195

196 **TOWN ADMINISTRATOR'S REPORT**
197

198 A. Garron – covid 19 numbers have increased again we are up to 82 cases. DPW and the vendors
199 have done a great job installing the bathrooms over at Donati park. There already has been vandalism
200 on the interior of the bathroom with graffiti. Hopefully we can find those that did the damage.
201 The dog park by the Merrimack Street Court House will be closed for renovations from June 4th till the
202 8th. Martins Ferry Guardrail scheduled discussion is scheduled for June 8th. The guardrail replacement
203 requires engineering to allow it to do what it needs to do, and this will have implications for the speed
204 table. If higher speeds are occurring and an accident were to occur, it would put that guardrail in
205 jeopardy.
206

207 T. Tsantoulis- are you saying that the speed bump is considered a traffic control device? if the speed
208 table were removed then the guardrail wouldn't be considered sufficient?
209

210 A. Garron- the guardrail right now does not meet engineering standards right now. Even though that we
211 had to remove a portion of that guardrail to do the project, to put it back it won't meet the DOT
212 standards. And are finding that the structural integrity of the bridge needs to be addressed.
213

214 J. Durand- looks like someone dropped the ball. How did no one see the guardrail needed repair?
TC MINUTES

5-25-2022

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C. Karolian- the town is aware that the guardrails are deficient. Knowing that we have a deficient guardrail that is not going to stop a vehicle, should this road be closed?

A. Garron- I don't have an answer to that question.

C. Karolian- I thought this was all taken care of. Were we required to go through NHDOT or any other entity to see what else was needed. I think we need to do what is right. We wouldn't be the first community to put up jersey barriers and put up a portable flashing light. Why can't we have a one lane road.

D. Ross- when I first saw it begin, I was a little concerned and wondered if DOT has even seen what was done to it. Then when the speed bump got put in it exasperated the issue by putting the water over the road. I would hope that we would have the NHDOT engineer come down and see what is going on.

Police Dept vehicle update- Police Chief J. Bouchard showed a PowerPoint presentation giving an overview of the vehicles that are in the department and their uses and the state that they all are currently in. Chief also discussed anticipated new vehicles that they are waiting for delivery of and budget funds.

D. Ross- is there a reason for using hybrids? Do you have to use a hybrid?

R. Belanger- we don't have to, but when we go to the Ford Ride and Drive, and they talk about the latest and greatest, we opted to try the hybrids to try and save on money on gas and the maintenance. Ford has bumped the mileage covered in the warranty. If we keep up with the rotation, we won't hit the mileage limit before we trade it out.

J. Durand- what is the average mileage that they are getting out of a state trooper car?

R. Belanger- I would just be guessing I do not know.

C. Karolian- thank you for this presentation. I can't believe our Police Department has such older cars. I can't believe the fleet that you have to work with, and it is appalling. There are other departments that bump into councilors to be able to get what they want. I think the 2 in 2 out program is an excellent program to have. I'd recommend that you ask for more and get more, and I think it is sad what you are working with. This is public safety, and the officers need to be able to rely on the vehicles they are working with.

R. Duhaime- how many cars do you need on patrol each day.

J. Bouchard- it depends, needs change daily.

R. Duhaime- have you looked at motorcycles?

J. Bouchard- I am not opposed to it. It is difficult living in NH as the weather does not cooperate. We are limited on when we can take them, who can drive them. We cannot transport with them.

A. Garron- regarding the vehicles, in 2019 it included to maintain the replacement schedule of the vehicles. In 2020 was a covid year and FD and PD made cuts. We were able to get 1 car passed at the budget and 1 passed through ARPA funds.

C. Karolian- I am going to respectfully disagree with Rick on the cost of motorcycles and training costs. Harley Davidson runs a great lease program; it is minimal to outfit. It is a plus if you can add the manpower. The training is not that expensive time wise.

R. Duhaime- do you have any recommendations as far as security issues at the schools?

J. Bouchard- no I am not worried. We conduct a lot of training; we are well prepared.

NOMINATIONS AND APPOINTMENTS

277 **D. Boutin motioned to waive the rules of procedure and nominate and appoint in the same**
 278 **night; seconded by T. Tsantoulis.**

279
 280 **Vote all in favor 7-0**

281
 282 **D. Ross motioned to approve the full slate of nominations and appointments as presented in**
 283 **agenda item 14.1 below; seconded by D. Boutin.**

284
 285 **Peter Stoddard to the Economic Development Advisory Committee with a term expiring**
 286 **06/30/2025.**

287
 288 **Robert Duhaime as an Alternate to the Planning Board with a term expiring 06/30/2025.**

289
 290 **Robert Duhaime to the Southern New Hampshire Planning Commission with a term expiring**
 291 **06/30/2026.**

292
 293 **Andrew Janosz to the Parks and Recreation Advisory Board with a term expiring 06/30/2025.**

294
 295 **Paul Scarpetti to the Planning Board with a term expiring 06/30/2025.**

296
 297 **Vote in favor 7-0**

298
 299 L. McLaughlin- as of July 1st, 2022, we will have a new supervisor of the checklist vacancy. Birkhart
 300 expressed that he is honored to have served and represent Hooksett and the voters. He's learned so
 301 much during his time and built lifelong relationships.

302
 303 **OLD BUSINESS**

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

305
 306 **J. Sullivan motioned to remove agenda item 16.1 from the table Town Personnel Plan Updates**
 307 **(tabled at 04/13/22 TC Mtg); seconded by A. Walczyk.**

308
 309 **Roll Call Vote #5**

310 **T. Tsantoulis** *Nay*

311 **D. Ross** *Nay*

312 **R. Duhaime** *Nay*

313 **A. Walczyk** *Aye*

314 **R. Lapierre** *Nay*

315 **C. Karolian** *NP*

316 **J. Durand** *NP*

317 **D. Boutin** *Nay*

318 **J. Sullivan** *Aye*

319
 320 **Vote failed 2-5**

321
 322 J. Sullivan- at our next meeting if we can at least try and take care of this at the next meeting.

323
 324 **ARPA Committee Project List and Ranking**

325
 326 R. Lapierre- as chair of the ARPA subcommittee. The subcommittee provided a report and
 327 recommendation of a list of projects that were on the table for discussion. The idea of this report was

328 not to discuss each one in detail, it was to allow the council to look at the list and bring forth specific
329 items to bring forward for discussion and also bring on those who have more background and
330 information on the topics up for discussion, who can specifically answer questions.

331
332 C. Karolian- are these projects eligible for ARPA funds?
333

334 A. Garron- yes, they are as it was the way in which we accepted the ARPA funds, we used the
335 methodology of loss of revenues to justify the acceptance of the funds. It allows us a broader discretion
336 of municipal use, in such a way that we were allowed to use the funds for any municipal project.

337
338 C. Karolian- what is a future TIF project for \$600,000?
339

340 A. Garron- it is specific, I didn't use the wording future TIF funding. The funding that we were seeking
341 from beginning to present was \$600,000 that would go to meet our obligation for the sewer commitment
342 and the water precinct MOU.

343
344 R. Duhaime- the reason why they are not on this list specifically is because the voters already voted to
345 allocate funds from other sources. To go back and fund that through a different mechanism didn't seem
346 appropriate, in order to keep that same dollar amount for the TIF in the ranking what we said was in
347 the future there will be another project or multiple projects, and earmark that as a potential as a future
348 potential TIF usage. Not the current one as the money for those have already been allocated by other
349 special reserve funds.

350
351 A. Garron- I disagree I believe that you can use those funds within the TIF district.
352

353 D. Ross- revenue was not a big issue for us. The issue that I think is important for us all to look at, is
354 there needs to be another metric to gauge this. We need to look at projects that serve the community.
355 These are the things that we need to weight, and how is the money supposed to be used to better
356 affect the community. What do our residents need and want today. Clean water is a huge project that
357 many communities are using the money towards. What do our people need and want today. What is
358 important to them.

359
360 J. Sullivan- I suggest we address this list at our next meeting so that we can determine what is the best
361 use of these funds.

362
363 C. Karolian- I'd like to know how this list got compiled.

364
365 D. Ross- listen to the meeting and or read the minutes. I suggest everyone does.

366
367 ***J. Sullivan motioned to table this discussion; seconded by T. Tsantoulis.***

368
369 ***Vote in favor 8-1***

370
371 D. Ross left at 8:33 p.m.
372

373 **NEW BUSINESS**

374 **17.2 Town Wide Road Line Striping Bid Acceptance**

375
376 Bartoula- this is the same schedule that we had last season.
377

378

379 R. Lapierre- is this the same vendor that we have worked with in the past?

380

381 Bartoula- yes, we have worked with them in the past.

382

383 A. Walczyk- is there any changes to the crosswalks?

384

385 Bartoula- it is the same list as last year.

386

387 R. Duhaime- is it needed to do this every year?

388

389 Bartoula- they fade through the season and are hard to see and come off and yes, good to do every
390 year.

391

392 ***D. Boutin motioned to approve and consent to award the Town Wide Road Line Striping bid to***
393 ***Industrial Traffic Lines, Inc. for \$29,604.97 to be funded out of current FY 2021-2022 budget.***
394 ***Seconded by T. Tsantoulis.***

395

396 **Roll Call Vote #6**

397 ***J. Durand Aye***

398 ***R. Lapierre Aye***

399 ***C. Karolian Aye***

400 ***D. Boutin Aye***

401 ***D. Ross NP***

402 ***T. Tsantoulis Aye***

403 ***A. Walczyk Aye***

404 ***R. Duhaime Nay***

405 ***J. Sullivan Aye***

406

407 ***Vote in favor 7-1***

408

410 **17.3 District Court Roof Repair Bid Acceptance**

411

412 ***D. Boutin motioned to approve and consent to award the District Court Roof Repair bid to JJS***
413 ***Universal Construction Co. for \$75,000.00 to be funded out of Capital Reserves Town Building***
414 ***Maintenance, currently with a balance of \$682,000.00, seconded by T. Tsantoulis.***

415

416

417 **Roll Call Vote #7**

418 ***D. Ross NP***

419 ***C. Karolian Aye***

420 ***R. Lapierre Aye***

421 ***R. Duhaime Aye***

422 ***A. Walczyk Aye***

423 ***J. Durand Aye***

424 ***T. Tsantoulis Aye***

425 ***D. Boutin Aye***

426 ***J. Sullivan Aye***

427

428 ***Vote in favor 8-0***

429

430

432 **17.4 Corriveau Drive Drainage Improvements Project Award to Pichette Brothers Construction**
 433 **Company for \$49,454.00.**
 434

435 ***D. Boutin motioned to award the Drainage Improvements Project contract to Advanced***
 436 ***Excavating and Paving, LLC for the bid price of \$49,454.00 and pay for the project from the***
 437 ***Public Works Drainage Upgrades account, Seconded by C. Karolian.***
 438

439 R. Lapierre- did you try to contact Blue Bolt; it says that you were having a hard time interpreting their
 440 math.
 441

442 B. Thomas- yes, they were the low bidder on one project and the #2 bidder on another project and both
 443 times their math throughout their bids were wrong. I let them know that their numbers were wrong, and
 444 they sent in fixed ones and the numbers were still wrong and I felt confident that we should not move
 445 forward with them as a contractor as I do not find them qualified.
 446

447 R. Lapierre- is the Corriveau Drive drainage project that got in front of the ARPA committee that got top
 448 rank from the committee for funding? So if we move forward with this motion to pay for it out of the PW
 449 drainage upgrades account then we would not be able to fund it with ARPA funds.
 450

451 J. Sullivan- that would be correct.
 452

453 C. Karolian- I take note that the Corriveau Drive bid is more than what is on this list, and we need to talk
 454 about that.
 455

456 B. Thomas- I just want to point out that this is a sink hole in the middle of the street. The street is
 457 blocked off and there is some urgency to fix it.
 458

459 ***R. Lapierre moved to amend the motion to read that the \$49,454.00 will be funded by ARPA***
 460 ***funds seconded by T. Tsantoulis.***
 461

462 R. Lapierre- this drainage project is obviously important. If we fund it out of the drainage account, that
 463 leaves very little in the fund left.
 464

465 T. Tsantoulis- I support this as it is in my interest to move town business forward.
 466

467 C. Karolian- I can't believe we are trying to circumvent the ARPA funds. We tabled discussions. Now
 468 we are adding it to a motion that funds are coming from ARPA. It is obvious what is happening.
 469

470 R. Lapierre- when we made a motion to create a list of ARPA funds with a rank, I asked if creating a list
 471 will prohibit a councilor from making a motion to fund a project out of ARPA funds and the answer was
 472 of course, it won't.
 473

474 A. Walczyk- this vote is on the amendment to have it come from ARPA. If it fails, it goes back to the
 475 original motion.
 476

477 **Roll Call Vote #8**

478 ***R. Lapierre Aye***

479 ***R. Duhaime Nay***

480 ***T. Tsantoulis Aye***

481 ***A. Walczyk Nay***

482 ***J. Durand Nay***

TC MINUTES

5-25-2022

9

483 **D. Ross NP**
 484 **D. Boutin Nay**
 485 **C. Karolian Nay**
 486 **J. Sullivan Nay**

487
 488 **Vote fails 2-6**

489
 490 **Roll call vote on 17.4 motion**

491
 492 **Roll Call Vote #9**

493 **J. Durand Aye**
 494 **D. Boutin Aye**
 495 **D. Ross NP**
 496 **R. Duhaime Aye**
 497 **C. Karolian Aye**
 498 **A. Walczyk Aye**
 499 **T. Tsantoulis Aye**
 500 **R. Lapierre Aye**
 501 **J. Sullivan Aye**

502
 503 **Vote in favor 8-0**

~~504~~
~~505~~

507 **17.5 TIF District Easements – Purchase easements from three residential properties in the Exit**
 508 **11 area of the TIF District for \$14,500.**

509
 510 **D. Boutin motioned to purchase an easement from Damon, David S. and Damon, Suzanne E. at 1**
 511 **West Bank Road (17-17-15) for \$7,000. Motion to purchase an easement from Phil Paquette &**
 512 **Son at 15 Meadowcrest Road (17-21) for \$5,000. Motion to purchase an easement from the Van**
 513 **Dyne Rev Trust of 2003, Sandra M. Property at 3 Bayview Terrace Road (17-17-7) for \$2,500.**
 514 **Seconded by T. Tsantoulis.**

515
 516 C. Karolian- how will the properties that do not abut the sewer line connect?

517
 518 B. Thomas- the sewer line will have to be extended to go to those properties. The ones that are
 519 abutting can tie in, those that are not the sewer line will have to be extended.

520
 521 C. Karolian- that will take time, possibly years, and those will be out of luck if they do not abut it.

522
 523 B. Thomas- it is a matter of priority and funding.

524
 525 **Roll Call Vote #10**

526 **C. Karolian Nay**
 527 **T. Tsantoulis Aye**
 528 **R. Lapierre Aye**
 529 **D. Ross NP**
 530 **D. Boutin Aye**
 531 **J. Durand Nay**
 532 **A. Walczyk Aye**
 533 **R. Duhaime Aye**
 534 **J. Sullivan Aye**

535

536 **Vote in favor 6-2**

537

538 **17.6 Sherwood Drive Drainage Improvements Project - Award to Pichette Brothers Construction**
 539 **Company for \$27,790.00.**

540

541 ***T. Tsantoulis motioned to approve of the award the Drainage Improvements Project contract to***
 542 ***Advanced Excavating and Paving, LLC for the bid price of \$27,790.00, allow the Town***
 543 ***Administrator to sign the contract in July when additional funds are added to the Public Works***
 544 ***Drainage Upgrades account, and pay for the project from that account; seconded by D. Boutin.***

545

546 T. Tsantoulis- I am familiar with the project and I understand it is important.

547

548 R. Lapierre- in the staff report it says that the balance remaining will be \$23,255 will remain in the
 549 drainage account, is that still true

550

551 B. Thomas. No after this one it will be \$14,756.

552

553 **Roll Call #11**

554 ***T. Tsantoulis Aye***

555 ***R. Lapierre Nay***

556 ***J. Durand Aye***

557 ***D. Ross NP***

558 ***C. Karolian Aye***

559 ***A. Walczyk Aye***

560 ***R. Duhaime Aye***

561 ***D. Boutin Aye***

562 ***J. Sullivan Aye***

563

564 **Vote in favor 7- 1**

565

566 **17.7 Quarterly Financial Report as of March 31, 2022**

567

568 C. Tewksbury- this report is on the finance web page. I am going to tackle only what I feel is important
 569 at this time as the report is now 2 months old. The general fund operating budget is at 75% which is
 570 where we want to be. For revenues the budget has been increasing due to collecting more in revenue.
 571 The Town Clerk says that June is a high month for motor vehicle collections. Interest & penalties makes
 572 me nervous as I think we will fall short of the collections. Building permits, I think we will meet but not
 573 go over to much. Unspent budget gets returned to fund balance at the end of the year. Unspent budget
 574 and revenue collected all flow into our fund balance.

575

576 **17.8 Town Council Rules of Procedures Updates**

577

578 ***J. Sullivan motioned to approve the Town Council Rules of Procedures as presented in agenda***
 579 ***item 17.8; Seconded by D. Boutin.***

580

581 **Vote 6-2**

582

583 ***T. Tsantoulis motioned to the Unsealing of Council Non-Public session minutes (a) (b) (c) (d) (e)***
 584 ***(i) (I) (June 2021 - May 2022), if in the opinion of a majority of members, the circumstances that***
 585 ***sealed the minutes no longer apply in accordance with RSA 91A:3 III as presented in agenda***
 586 ***item 17.9; seconded by D. Boutin.***

587

588 **Vote in favor 6-2**

589

590 **APPROVAL OF MINUTES**

591

592 **D. Boutin motioned to approve the public minutes of the May 11, 2022, as amended, Seconded**
593 **J. Sullivan.**

594

595 Adjust line 578 to correct the spelling to Horne.

596

597 **Vote all in favor 8-0**

598

599 C. Karolian- did Donna just hand him the corrections now?

600

601 J. Sullivan – it was just a hard copy.

602

603 J. Sullivan- there is nothing stopping a citizen from reaching out to correct an error. That request was
604 then forwarded to the secretary.

605

606 **J. Sullivan motioned to amend the council rules and procedure to read “to allow any person**
607 **whom shall submit their corrections to minutes to either the Council Secretary or the Council**
608 **Administrative staff” seconded by C. Karolian.**

609

610 **Vote in favor 8-0**

611

612 **R. Duhaime motioned to discuss agenda item 17.1 as presented in Non- Public under RSA 91-**
613 **A:3 II C Seconded by C. Karolian.**

614

615 (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person,
616 other than a member of the public body itself, unless such person requests an open meeting. This
617 exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or
618 other levy, if based on inability to pay or poverty of the applicant.

618

619 **Roll Call Vote #12**

620

621 **D. Boutin Aye**

622

623 **A. Walczyk Aye**

624

625 **J. Durand Aye**

626

627 **C. Karolian Aye**

628

629 **R. Lapierre Aye**

630

631 **T. Tsantoulis Nay**

632

633 **R. Duhaime Aye**

634

635 **D. Ross NP**

636

637 **J. Sullivan Nay**

638

639 **Vote in favor 6-2**

640

641 **NON-PUBLIC SESSION NH RSA 91-A:3 II A&C**

642

643 **J. Sullivan motioned to go into non-public session under NH RSA 91-A:3 II (a & c),**

644

645 **seconded by C. Karolian.**

646

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

651

640 (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person,
641 other than a member of the public body itself, unless such person requests an open meeting. This
642 exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or
643 other levy, if based on inability to pay or poverty of the applicant.

644 ***J. Sullivan motioned to seal the non-public minutes of 5/25/2022; seconded by D. Boutin.***

645
646 **Vote in favor 6-0**

647
648 ***D. Boutin motioned to adjourn the non-public Session of 5/25/22 at 10:21 p.m.; seconded by T.***
649 ***Tsantoulis.***

650
651 **Vote in favor 6-0**

652
653 **ADJOURNMENT**

654
655 ***Chair Sullivan motioned to adjourn the meeting at 10:23 pm. Seconded by T. Tsantoulis***

656
657 Respectfully submitted,

658
659 *Alicia Jipson*

660
661 Alicia Jipson
662 Recording Clerk

663
664
665 Please see subsequent meeting minutes for any amendments to these minutes