

**TOWN COUNCIL AGENDA
Regular Meeting
Wednesday, March 26, 2014**

1. **6:30 PM - CALL TO ORDER**
2. **ROLL CALL**
3. **PLEDGE OF ALLEGIANCE**
 - a. Youth Achiever of the Month
4. **APPROVAL OF MINUTES**
 - a. Public: March 12, 2014
 - b. Non-public: March 12, 2014
5. **AGENDA OVERVIEW**
6. **CONSENT AGENDA**
7. **TOWN ADMINISTRATOR'S REPORT**
8. **PUBLIC INPUT: 15 Minutes**
9. **NOMINATIONS AND APPOINTMENTS**
 - a. Health Officer Nomination: Matthew Lavoie
 - b. Economic Development Committee: Daryl Dreffs
 - c. Economic Development Committee: Ivan Gult
10. **SCHEDULED APPOINTMENTS**
 - a. Public Hearing: NH Highway Safety Agency Grant, overtime enforcement; \$7,436
 - b. Public Hearing: NH Highway Safety Agency Grant, DUI overtime patrols, \$10,003.50
 - c. Public Hearing: Mandatory Recycling Ordinance
 - d. Public Hearing: Pole License Amendment
 - e. Tom Walsh for Sign Committee to discuss sign ordinance
11. **15 MINUTE RECESS**
12. **OLD BUSINESS**
 - a. 14 – 004 Fire Station 1: Phase two of living space expansion project
13. **NEW BUSINESS**
 - a. 14 – 026 Discussion re: Deliberative session on Saturday April 5 at 9:00 am.
 - b. 14 – 027 Use of impact fees on old village bridge (aka Lilac Bridge)
14. **SUB-COMMITTEE REPORTS**
15. **PUBLIC INPUT**
16. **NON-PUBLIC SESSION**

NH RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her,

NH RSA 91-A:3 II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself.

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

17. ADJOURNMENT

Public Input

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

TOWN COUNCIL MEETING MINUTES
Wednesday, March 12, 2014

CALL TO ORDER

Chair Sullivan called the meeting to order at 6:35 pm.

ROLL CALL – ATTENDANCE

Chairman James Sullivan, Donald Winterton, David Ross (8:20 pm), Todd Lizotte, Adam Jennings, Susan Orr, Robert Duhaime, James Levesque, Nancy Comai, Dr. Dean E. Shankle, Jr. (Town Administrator)

PLEDGE OF ALLEGIANCE

a. Swearing in of Firefighter

J. Sullivan: Cassie Chamberlain comes to us from the Nottingham, NH Fire Dept. She completed her training in 2007, is an Advanced EMT and has her Associates degree in Fire Safety. She is also a staff Fire Instructor at the NH Fire Academy.

Chief Williams and Asst. Chief Jore swear in Cassie Chamberlain.

b. Public Hearing on Main Street Bridge

J. Sullivan: David Scott, In-house Design Chief, Bureau of Bridge Design, NH DOT

D. Scott: Jason Tremblay, senior project engineer for project is also with me tonight. The purpose of the project is the rehab of the bridge over the Merrimack River. This is a public information meeting to inform you of the project. We hope to advertise in the fall of this year and begin construction in the spring/summer/fall of next year. There is the potential for significant pedestrian and motor vehicle traffic. Jason will mention alternatives for traffic control. We are also looking for community input. You can contact me via email or phone with any questions or comments. *"The Bureau of Environment of the New Hampshire Department of Transportation has the responsibility of investigating the potential impacts that our projects will have the surrounding natural, cultural, and social environments. Identifying key resources early in the project development process enables the Department to avoid or minimize impacts as design proceeds. In accordance with Section 106 of the National Historic Preservation Act, the Department is in the process of reviewing the project area to determine if there are historical or archaeological resources within the area that would be impacted by the construction of this project. Historic properties can include buildings and structures fifty years or older as well as archaeological sites. In complement to this review, we are asking that if anyone has concerns about historical and/or archaeological resources in or immediately adjacent to the project area, they bring them to our attention tonight or contact Jon Evans, the Environmental Manager assigned to the project at 603-271-3226. Section 106 regulations offer owners of historic properties directly affected by the project or agencies that possess a direct interest in the historical resources, and opportunity to become more involved in an advisory role during project development. They may become what are known as Consulting Parties to the Section 106 process. Those interested should indicate so in writing to the Federal Highway Administration. Jon Evans can be contacted for more information on becoming a Consulting Party. In regard to potential impacts to other resources, this project is not expected to involve substantial impacts to noise levels, air quality, hazardous materials, or floodplains. As part of the project, the Department will secure all necessary environmental permits prior to construction, taking into consideration erosion and sediment controls.*

This bridge was built in 1976.

J. Tremblay: The bridge is located on Main St, over the Merrimack River, Riverside St and B&M Railroad. It is approx. 675 feet long, 42 feet wide, with 2 12-foot travel lanes, 2 5-foot shoulders, and a 5-foot sidewalk. It is a concrete deck on steel girders and is on a horizontal and vertical curve. The scope of work is to remove pavement membrane on the existing deck. We will check for deterioration and do partial and full deck repairs. Joint in north and south side showing age and those would be replaced. There are areas that go over Riverside St and the railroad. We would put up screening to protect those areas that aren't over the river. 2 approaches on the north end of the bridge will be replaced as well. This is on a state owned right of way so no private property will be affected. Water will not be impacted but we may have to work around an electrical conduit on the sidewalk. No impact to wetlands so no permits are needed. Traffic control is the main thing. We are trying to maintain the bridge with 2 lanes of traffic. With 34' between curves, the lanes were not desirable. We tried to remove the sidewalk and would only gain a couple feet and the cost/time would increase. Another option is to close the bridge

entirely but the detours seemed too long and unacceptable. The last option was to put a 14' lane in phase 1 and one in phase 2 to only allow southbound traffic and detour the northbound traffic (or vice versa) or alternate traffic with signals. There is a potential during peak travel hours to back up traffic. In the second phase, the sidewalk would be impacted so no pedestrian access during that phase. The construction duration is longer than if we shut the entire bridge down but not as long as doing it in 3 phases. This option is \$1.4M and takes one construction season (April to October). We are thinking about this option as the most feasible but it's still open for discussion.

D. Scott: With traffic on phase 1, you still have sidewalk access. When we move to phase 2, the sidewalk will be temporarily closed as contractors are replacing the expansion joints.

David Hess: The preference would be to have single lanes with traffic in both directions. I think that is most optimal in terms of convenience. I realize the traffic situation could be difficult as well as turning from Main onto the connector road, but I assume you could figure some way to work that out. I suspect that would be the preference of the Hooksett people.

Tom Walsh: I do agree; that is probably the second best choice. I share your concern with the signals. Why is the 34' not desirable?

D. Scott: The first alternative (don't take off sidewalk), the lane was only 9 ½ feet wide with traffic in both directions. You'd be likely to lose mirrors on big trucks. I wouldn't want to try that here.

T. Walsh: Screening – I'm concerned about the aesthetics. Are you looking at screens with big curves, and is that only over Riverside St or the whole bridge?

D. Scott: It would be 9.5' tall and only over Riverside St and the railroad tracks, not the whole bridge. We have not overlooked there is a fire station there. We will put temporary signals there.

T. Rainier: My property is off Merrimack St and there is a tremendous amount of traffic in the morning going toward 3A and coming back over the bridge in the evening. That's the artery to Allentown and Pembroke. Has there been consideration of a sign in Allentown at 28 and 3 saying bridge construction and advising delays and encouraging them to go to 93 and for the returning traffic? Main St and College Park Dr is pretty hectic right now. Seeing it every day those are my suggestions.

D. Scott: We expect an extensive sign package. We haven't formalized anything but we have that in our plan.

J. Tremblay: There are 6500 vehicles north and south bound each day, so approximately 13,000 per day.

Chief Williams: With Station 1, we do travel that bridge frequently.

D. Scott: It's an octagon system. We haven't worked out the location of the lights yet.

Chief Williams: So we can control them north and south? As long as at least one lane is open.

T. Praisol: I share concerns with regards to screens. Have there been problems in the past? I wonder if it's necessary.

D. Scott: Screens on the non-sidewalk side will prevent plows from knocking snow onto Riverside St. I haven't had a town say they don't want that. If you'd put that in a letter, we would be happy to consider it.

Carrie Hyde: Timing – fall of next year? So April 2015 would be when it closes and go through October?

D. Scott: Yes, it will impact school bus traffic.

C. Hyde: The traffic on the east side of the bridge will go into College park Dr. That is huge around 8 am weekdays. The sidewalk closure in the second phase - during the summer months, a lot of kids use that to go from the west side to the east side because that is where the playground is. You might want to make it so that the sidewalk is not closed during the summer months (June through August). The

screens, if the town puts them up, you want to put them on the river. Kids jump off the bridge into the river so you might want to put them along the whole length of the bridge to keep kids from doing that. If you alternate traffic on both sides, divert big rigs to help alleviate traffic on 3A going across the river. Traffic will get backed up on 3A in the evenings, coming from the south. If you were able to do the 2 lanes (9.5') you could do it if you divert the big rigs (dump trucks, etc.) It's not often school busses come by at the same time. Some people have capped it at the school bus weight and nothing over.

D. Scott: We considered shutting the big rigs out of the equation and we have no confidence we would be able to keep them out of the flow.

Doris Sorel, Hooksett Garden Club: We have a beautification program and we have put up flower boxes on the bridge. Will screening prevent us from doing that? We only put them on the non-sidewalk side.

D. Scott: We will have to consider that. We did not think of that. We can get in touch with you.

Karen Lessard: I would reiterate what Mr. Hess said that it would be better to not close off any traffic and use lights. 8 busses cross the bridge in the a.m. and p.m. so it would be a massive undertaking.

D. Hess: You don't think you could control large rigs going across the bridge. Signage about local trucks only is pretty effective. Why wouldn't you think signage wouldn't be adhered to?

D. Scott: Just from prior experience.

C. Hyde: Regarding the big rigs, it should work if you put signs far enough on 3A and 28. Even putting signs on the highways letting them know the bridge is closed to large trucks. If you put that size is an issue, they won't chance it. Most of them will communicate amongst themselves to keep them from doing that.

T. Walsh: If you were to restrict the size, I think the 2-lane, 2-direction would work. Regarding screens...it would save a ton of money to not do it and it's also part of our historic district. I think those screens will take away from it.

N. Comai: Reiterating signage should do it.

S. Orr: I understand the value of screens in some locations. Since I've lived here we haven't had any issues with snow or mischievous kids. That area of town is historical; I understand safety, but considering where the bridge is and what we are trying to do regarding preservation, I would vote for no screening. In terms of that being our historical center, I would say no to the screening.

R. Duhaime: The connector road has brought more traffic into this bridge. DOT has handed over Manchester St to the city of Concord. If they start construction on Manchester St that would impact us even more...maybe that should be coordinated. All the construction on DW Highway should be done before this starts. Hooksett has never asked for a waiver of toll booths but it forces a lot of traffic on our local roads and causes heavy traffic on all the side roads. If you were to give a discount to surrounding towns, you would encourage them to take tolls and avoid the traffic in Hooksett. 38 years with no fence, I have heard of nothing negative. I don't think putting a screen on that bridge would make you a lot of friends.

J. Levesque: When we were doing the 93 project, there were all kinds of questions but it worked like clockwork. Local people will find alternate routes. As far as the sidewalk, is it possible to put jersey barriers in the middle of the bridge and they could walk down the middle?

D. Scott: With the lane configuration, there isn't enough room for that.

J. Levesque: If we got the weigh station to be open, we'd make more money on tolls.

T. Lizotte: What is the purpose of screens? Debris?

D. Scott: To keep kids from throwing things over the rail and the snow falling over the other side onto Riverside St.

T. Lizotte: Where do we stand with the light on Hackett Hill? Is that going to come up?

J. Sullivan: They are looking at coming off the tolls and putting lights there. I'm not sure of timing. So you might want to check on that.

D. Winterton: I also think we shouldn't spend a lot of money to fix a problem we don't have. I'd hope you would devise a plan to keep it open both ways. Is it legal for them to go over a signed bridge? I'd think with proper signage and enforcement, I don't want the 99% of people to suffer for the 1% of people doing something illegal. I'd think if it's a state project, we could have some state troopers around. Even if we had lights and flaggers during high volume times that that could be arranged. I'd hope we could leave it open both ways. If trucks are the problem, let's deal with the problem.

R. Duhaime: Are state employees doing the job?

D. Scott: No this is going to be a contractor.

T. Walsh: Staging – have you thought about that? Across the street from the store and fire station is the tree we decorate for Christmas.

D. Scott: I was unaware the state owned that land. It's up to the contractor to find his own staging area.

C. Hyde: The timing of the signal lights turning off 3A going east toward the bridge so the light will let the cars off 3A going to Main St so there won't be a pile up (if it goes to one lane). I think that would help so the lights would turn green at the same time. If a light ends up at Hackett Hill, you might be able to trigger that one. The other thing is we have an old railroad bridge – could we make that a pedestrian bridge? They could walk across the old bridge. Who owns the Lilac Bridge? The town?

J. Sullivan: Yes, the sewer line is under that.

D. Scott: We'd appreciate a formal response from the town that will help us go forward with the front office. The other thing is we have a municipal work zone agreement. There are some towns that have ordinances that say when there is work done on town roads, town police are responsible for traffic control. It's DOT's understanding that DOT is responsible. We will call in town resources if necessary. We'd ask the town to sign an agreement saying we are on the same page. I'll leave it with the Town Administrator and if you have further questions, you can contact me.

J. Sullivan: DScott@dot.state.nh.us. Thank you very much for coming.

APPROVAL OF MINUTES

a. Public: 02/26/2014

T. Lizotte motioned to approve the public minutes with edits. Seconded by R. Duhaime. Vote unanimously in favor.

b. Non-public: 02/26/2014

J. Levesque motioned to approve the non-public minutes. Seconded by T. Lizotte. Vote unanimously in favor.

AGENDA OVERVIEW

Chair Sullivan provided an overview of tonight's agenda.

CONSENT AGENDA

a. Letter of credit release: Ritchie Brothers \$445,913.55

b. Check release: GE Aviation \$25,500.10

c. Donation from Heritage Commission: \$500

T. Lizotte motioned to approve the consent agenda. Seconded by N. Comai. Vote unanimously in favor.

TOWN ADMINISTRATOR'S REPORT

- Sewer bill continuing to move along; minor changes in house and going back to Senate; hoping for signature by end of March
- Meeting with Mr. Scarpetti on Friday re: land along the river
- Looking at new software for community development that will help us get a better handle on what permits are being done and when. Any property in town will start to get a history of what is being done.
- Joanne and I met with Rep from UNH Cooperative Extension to work on community input project.
- Starting to work on getting the word out on the budget.
- The Hooksett Community Development Department has a Facebook page – this will be updated and give people a chance to have input.

PUBLIC INPUT: 15 Minutes

David Hess: I wanted to let you know the Conservation Commission has received a total of \$130,000 and \$150,000 in grants from third parties to go toward the Merrimack riverfront project. This reduces our funding to approximately \$170,000. We have leveraged \$1 of town funds into \$3 of funds from other sources.

NOMINATIONS AND APPOINTMENTS

- a. Planning Board Alternate: Michael DiBietto Expiration 6/15
- b. Planning Board Alternate: Muamer Durakovic Expiration 6/14

J. Sullivan: We have a letter that the Planning Board has recommended both of them.

D. Winterton motioned to nominate Michael DiBietto and Muamer Durakovic to the Planning Board as alternates with an expiration date of 6/15 and 6/14 respectively. Seconded by R. Duhaime.

J. Sullivan: We will appoint at our next meeting.

D. Winterton motioned to waive the rules because there is an important meeting coming up that requires a quorum. Seconded by T. Lizotte.

T. Lizotte: I think it's more than justified.

D. Winterton: There are no alternates right now.

Vote unanimously in favor.

J. Levesque motioned to appoint both to the Planning Board in alternate positions. Seconded by A. Jennings.

Vote unanimously in favor.

D. Winterton: I'd like to congratulate them both and remind them they need to be sworn in before Monday's meeting at the Town Administrator's Office.

SCHEDULED APPOINTMENTS

- a. TF Moran Engineering: Hackett Hill Road Improvements

Nick Golon: We are working with DOT and town of Hooksett on the Hackett Hill Rd. intersection, and I want to give an update on the process, solicit feedback from Council and the public and move toward design alternatives. The Rte-3A/Hackett Hill Rd. intersection has heavy commuter volumes and a high crash rate. The project would address capacity and safety issues at this intersection. As part of the evaluation, we had a meeting with DOT to discuss appropriate options. Looking at the existing intersection, there are some components that make it difficult to redesign. As you come off the toll both, the sight line is fairly limited. There are also environmental considerations – the Merrimack River is on the other side of 3A. The geometry to the existing intersection and topographical features, there is a tremendous slope on all sides. Proximity of adjacent driveways of the farm stand has been a sticking

point. Is there an opportunity to relocate it on Hackett Hill Rd? We have come to a determination that the driveway can be relocated via an expedited means. If there is a steady flow of traffic, you are sitting there for a considerable amount of time. We considered a roundabout and how it could potentially fit. Signaling this intersection – 2 eastbound left hand turns and 2 northbound routes – adding more turning lanes on Hackett Hill and additional thru lanes on 3A. We took the roundabout design with 2-lanes and made it 1 lane. It takes up a lot of real estate. Trying to push it back up the hill can become problematic. We were able to find a geometric fit but with tremendous difficulty. We also evaluated the previous option to have a single lane on the south and 2 on the north. It's a balancing act of capacity and volume. We'd like to remedy both of those as much as possible. You are increasing cue length with signals. We looked at endangered species in the roundabout and modification of signaled section. There was another set of revisions requested by DOT to take out the existing rebuilt intersection and revising the center section to abutting property owners. We also looked at a new plan, concept A-7. Leave geometry essentially the same, with a small widening of the right hand turn and add one northbound thru lane. You could make a left off 3A and the driveway would be entirely relocated onto Hackett Hill. Several positives and negatives – you are not fixing capacity issues by not adding lanes. The three designs are A-5, A-6 and A7. A-6 is the roundabout, is the most expensive, takes the most amount of area and impacts abutters. Is it feasible? Yes. But it seems difficult to be successful from a construction standpoint. The level of service is good, but practicality doesn't seem appropriate with constructability and cost. The A-5 concept provides excellent levels of service; costs less than roundabout but still more expensive than what we have determined to be the most desirable option. The option of 2 northbound thru lanes, dedicated left hand turn lane for Hackett Hill, and a dedicated thru lane southbound. In order to pursue this design, you would need culvert extensions on both sides. Those can be very expensive. We are still in the design phase and it appears it can be repaired and extended instead of fully replaced. This is our breadwinner from service standpoint, but cost isn't the most efficient. A-7 leaves Hackett Hill Rd in its existing configuration. There would be a left and right turn lane on 3A and dedicated turn lane off Hackett Hill Rd and only requires culvert extension on one side and significantly less land to be purchased. The level of service is favorable for all but eastbound left hand turn. You are talking about going from 30 seconds of delay to 100 seconds of delay. With any signal configurations, there is the potential to see cueing. We see some cues extending southerly. Our only concern is potential of spill back from Main St. We want to make sure this won't create any negative impact on what we are trying to do. We are suggesting moving forward with this design. It's about \$600,000 less than roundabout and \$200-\$300,000 less than full scale lane additions. It will provide safety and capacity benefits but not to the same extent of adding thru lanes.

R. Duhaime: Head's Pond and DW highway traffic study – funneling. It shortens the cue but every intersection after that will fail. They all funnel from 2 lanes to 1 lane and there is less time for anyone else to sneak in. I don't think a traffic light will improve the situation. A lot of this is impact money so it will not cost the state as much. If one car would allow a car to go the roundabout might work. The other thing is a roundabout slows traffic on 3A. Cueing will not work – there is not enough length to time lights to not end up with a back-up heading into the village. We pay our tolls and still sit in traffic. I prefer the roundabout. As long as we use the state land, there should be surplus sand to be sold.

N. Golon: The southwest and northwest quadrants are owned by someone else so there would need to be coordination with them. We think we have resolved that. Providing access from the roundabout gave us a little issue. It becomes very difficult to build this option. It's an undertaking, just to signalize the intersection. We are trying to weigh all the pros and cons. If we put in the roundabout and it works smoothly, we still have to take into account what is happening at the Main St intersection. They will be cued all the way back into the intersection. A light will provide minimal additional cueing.

R. Duhaime: You'd have to put a stop sign on the Hackett Hill end like at the Massabesic Circle.

T. Lizotte: We came up with a simple light. As far as going forward, we have the money and I guess the light is what we are going to get.

R. Duhaime: This problem isn't going away. The state will have to spend money but there will be future capital from some of the state land that is there. We're going to pay for this and the state will gain in the long run.

N. Golon: Future build out is included with the traffic study.

J. Levesque: I've lived on Hackett Hill for 35 years and seen quite a change in traffic. Anything will help. Sometimes it's backed up to the toll booth. Coming north getting on to Hackett Hill, you only have one lane to cross. It's almost impossible to cross 2 lanes. Most local people go down to Cross Rd and get out that way. We need to do something, it gets worse every year.

N. Golon: We wanted to get a feel for what this group was leaning toward. We felt concept A-7 best fits the bill.

S. Orr: It's hard to make an informed decision when there are no hard numbers, there are just vague statements. The roundabout makes the most sense, but it's the most costly.

N. Golon: One of the biggest concerns with the roundabout is how it gets constructed and how costly that can become.

S. Orr: We need to consider the long term. Traffic has increased in the last 10 or 15 years and I assume that will continue. We need to consider seriously a fix that will work long term. I'm not sure adding a turning lane is a long term solution to that intersection. We need to figure what is the safest and best investment.

D. Winterton: Is A-7 a project or band aid?

N. Golon: It's a project. One of the resolutions we need to come up with is a safety issue. You are now providing an appropriate amount of time for someone to turn off Hackett Hill Rd.

D. Winterton: If we do this and in 5 years from now, is there a step 2 to A-7 to get us to A-5?

N. Golon: There is some level of master planning. We haven't fully mapped that out; if this seems like a reasonable solution to safety issue and some improved capacity, is there opportunity to further improve this? I think that does exist. Regarding long term evaluation – I think some additional coordination needs to be done to optimize the two lights to work together (Main St). I realize the geometry of that intersection is very small. Issues at that intersection will worsen the ability of this intersection to work appropriately. Will what is happening on Main St be detrimental to this intersection?

R. Duhaime: There were no improvements to the Main St intersection when we were talking to Cabela's. They were spending all this money to make all these improvements because they were going to get the tolls. I don't see how a light without choreographing with another light is going to make sense.

Nick: Funneling – once they go through the intersection, they merge back together and follow their path.

R. Duhaime: You are stacking traffic either way.

J. Sullivan: Is it this board's decision?

N. Golon: Your recommendations go to DOT and are weighed.

S. Orr: What is the separation of responsibility financially for this project? What's the percentage?

Dr. Shankle: I don't know but if you don't want the project done, you can say you don't want to spend any money.

N. Golon: You pay 1/3 and DOT pays 2/3 of cost.

Dr. Shankle: I don't think we have enough money for the roundabout.

N. Golon: It's about \$1.5M for roundabout and \$900,000 with what we are recommending. We want your feedback and will apply it to our design and present to the state.

J. Sullivan: A lot of the issues we thought 3A had were more prudent than the hourglass.

T. Lizotte: We all understand that T.F. Moran works for us. We say we want A-7, state tells us A-5 or we pay for it ourselves. Do we want the light and hope the ramifications are not there? Put a tie in with the light at the Main St intersection.

R. Duhaime: We are paying for engineering. It's not benefitting the town of Hooksett, but the state. If we can get our state reps to help us that would be good. They have been sending trucks down our local roads...there is no discount for us dealing with traffic. We get a large amount of traffic that we have to deal with on a daily basis. We are divided by a river that has a few bridges and 3 highways going through it. They are forcing traffic through town to avoid the toll and now we are going to help the state save money? Exit 10 was a TIFT district. We waived all taxes on that for several years to pay for improvements and state granted a limited access highway ramp when they sold surplus property for the state budget.

***T. Lizotte motioned to extend the discussion by 5 minutes. Seconded by N. Comai.
Vote unanimously in favor.***

T. Lizotte: Mr. Duhaime brought up a good point and I'm more inclined to support turning this back over to the state.

Consensus to allow resident to speak.

Gene McCarthy: 23 Barberry, Hooksett. This is an important issue and I have never seen any public notice of this. Has it been on any Planning Board or Town Council meetings?

Dr. Shankle: We've talked about this for the last few years. The hourglass was higher priority but this Council has talked about this several times.

G McCarthy: I've been waiting to hear about this publicly. I came to hear about the bridge and saw this on the agenda. I don't know that this has been publicized to the public.

J. Sullivan: We can always increase public input and we did follow proper procedure in posting. We have to gauge when we maximize public input for one issue over another.

T. Lizotte: We have discussed this several times but this is the first time we have seen plans.

Dr. Shankle: If you looked at the staff report, this was about getting \$8,000 so TF Moran can move forward.

G. McCarthy: I'm a highway engineer and pursued this project. I'm not here as a professional, but a resident who drives this often. I hope you put this off to get more input. I personally think it would be a travesty to put a light here. I don't think it's in the best interest of the town to continue putting up signals here. Cost is a big issue. Roundabout is the solution. It's a difficult site and does cause some issues, but to do something in the interim for less money we should be looking ahead at doing it right. The signal will be there forever. Going back is going to be problematic. It will be a problem with the Main St signal; you have to do something in the interim to make that function. Put a roundabout there too. Slow traffic down.

Dr. Shankle: Let's say this is no build or light. Where do we go with that? Will you rather see nothing happen as opposed to a light?

J. Sullivan: We need to bring this back up in the future to discuss because we don't want to make a decision now.

N. Golon: We do need to have a public meeting in order to move forward.

J. Sullivan: We should have a more defined public meeting.

Dr. Shankle: You are here to get change orders to finish the work and it came to you to approve the money.

D. Winterton: Does this \$8200 come out of impact fees?

Dr. Shankle: Yes.

D. Winterton motioned to approve 2 change orders to the TF Moran contract. Change order #1 in the amount of \$4,482 includes additional alternative analysis and endangered species evaluation. Change order #2 in the amount of \$3,891 includes additional alternative refinement. Seconded by T. Lizotte.

N. Comai: With the changes, how does the endangered species get affected if we put the light in vs. the roundabout?

N. Golon: It's needed regardless of what you choose.

Roll Call

S. Orr – Yes

A. Jennings – Yes

N. Comai – Yes

R. Duhaime – Yes

D. Winterton – Yes

D. Ross - Yes

J. Levesque – Yes

T. Lizotte – Yes

J. Sullivan – Yes

Vote unanimously in favor.

15 MINUTE RECESS

OLD BUSINESS

NEW BUSINESS

a. 14 – 022 2014 Tax Deeding: Tax Collector

Kim Blichmann, Tax Collector: I'm here to provide an overview of the process coming up this year. We issue tax deeds every year. I submit a list to Council to be reviewed and those properties will be inspected for environmental concerns or impacts to the town. Then on my tax deed date, I will be given directions to tax deed the property at Council's direction or tax deed waivers will be signed. 2010 tax liens are eligible to be deeded on May 28 and 2011 tax liens will be deeded on Aug 27. I'll be coming to you for 2 separate years that are eligible to be deeded. Unpaid taxes for prior year go to deed the following year. In 2014, I will be executing a tax lien on 2013 and 2 years and a day from my tax lien is when it becomes eligible for tax collector deed. Currently for 2010 we have 73 parcels that are eligible as of right now; for 2011 we have 110 parcels as of today.

N. Comai: Can I suggest that you put in the paper the general steps you just mentioned to allow the tax payers to know what that is since last year was the first year we actually enforced it. We don't want 73 units in front of us. We can nip it in the bud and educate the public to the process.

D. Winterton: The 73 and 110 are separate properties?

K. Blichmann: Some of them do overlap. They will have already been reviewed in 2010 so won't be looked at again for 2011.

T. Lizotte: How many parcels do we tax in the entire town?

K. Blichmann: I don't know. I think we send out over 6000 bills.

T. Lizotte: When we talk about 73 out of 6000, just bear in mind that it sounds like a pretty good tax paying compliance.

S. Orr: Seems smaller than what we dealt with when we first did this. What is your process?

K. Blichmann: I send out a notice of delinquency, required by law, whether current or old taxes. It does note that if it is not paid by 5/28 it's eligible for tax collectors deed. Then I'll send out a notice of intent to tax lien the current 2013 outstanding property taxes and that has the same verbiage about the upcoming tax collectors deed. Minimum of 30 days prior to tax collectors deed I send out another notice explaining the process saying if the amount is not paid by whichever date, it's eligible for tax collectors deed.

S. Orr: Do you define deeding to the tax payers?

K. Blichmann: The forms are standard from the system. There is a slight definition that could be clearer but I'm restricted by what I can put on that form. Along with what Ms. Comai said about putting it in the paper will help people understand.

Dr. Shankle: We started out last year with a big number and a lot of people did come in. I contacted every person last year and hope to do that again this year. There is an issue regarding tax deeding that Kim is scheduled to talk to you about in non-public.

b. 14 – 023 Quarterly Report: Finance Director, Christine Soucie

C. Soucie: When you look at the total operating budget, we are 50% spent which is consistent. The budgets for each of the fiscal years have gone like a roller coaster. In 11-12, budget was \$14M; Petersbrook property was in there and we were still paying on the Safety Center. 12-13, it was \$13.8M because those 2 were removed. This year we are up to \$14.2M due to the revaluation and NH retirement (every 2 years has a change in their rates to employer.) On the revenue side, we are consistent again. 59% collected (We get a large chunk of meals and rooms revenue that comes in December). Admin department is trending at 74% where it should be. Fire rescue is 51% spent, where they should be. I talked to the Chief and he feels he is going to be on budget this year, as he does every year. Police is 44% spent. I talked to that Chief and he will be on budget also. Public Works is 45% spent. As of 2/28 they are at 68% spent. There was a huge increase from December 31 to Feb 28. I talked to DPW director and we are watching his budget closely. He has a little flexibility in his paving line. Recycling & Transfer is 40% spent; they are coming in under budget as expected. Motor vehicles revenue is up again, second year in a row. There were an additional 448 new vehicles over last year. Interest and penalties is a little low because we haven't done the lien process. Building permits 85% collected, and should meet that budget. State revenue is on target. Ambulance – calls for service are level; expenditures are level at \$185,000 for each of the 2 years. The total collected is 78%, 82% in the prior year and 74% in the current year which averages to about 78%. Uncollected total is \$281,000. There is a process that collection people go through. Once it meets a certain threshold, it moves on to the collection agency. We haven't had very much luck with the collection agency.

N. Comai: Could you reiterate the last statement?

C. Soucie: They go to collections but what is going is harder to collect. No insurance, no addresses for people. It's hard to collect from those people. We are not receiving a lot of money from collections.

N. Comai: The collection agency is doing the job for us, but we can't collect from these people.

C. Soucie: For clarification, we have a billing agency that is collecting the 78%. What they can't collect moves over to the collection agency.

T. Lizotte: Are there numbers for ambulance for 2011?

C. Soucie: I don't have them. Prior to this for the first 6 months, the fire chief would probably have them, then Tri-Tech after that.

T. Lizotte: Gross commitments, contractual allowances. What is that?

C. Soucie: What Medicare won't pay.

R. Duhaime: I'm looking at professional services down \$5000, medical supplies down \$22,000 to \$14,000 and \$5000 more in OT.

C. Soucie: The bottom line is level.

T. Lizotte: Calls for service – 1447 calls. That is a good number of calls every day. I'm trying to look at that from the standpoint that we need to know when those calls are. The OT line is interesting. We need a little more breakdown. I'd like to revisit this as there is revenue being generated that is isolated from the general fund.

D. Ross: It was intended to be isolated. Jan 2012 is when they started the special revenue fund so there won't be any numbers prior. There will be some equipment they overbought and some things they under bought. I think there are some growing pains here. I'd say it's operating quite well, based on what we talked about when this first began.

C. Soucie: The Chief is thinking about replacing an ambulance in the next budget cycle.

D. Ross: On the OT, I think the staffing levels were not changed as a result of this service. They were utilizing the existing employees.

T. Lizotte: One of the things we talked about is a new fire station. A significant number of calls were ambulance calls. House fires were minimal, false alarms were significant. It was supposed to be self-funding. We pay \$185,000/year but it doesn't carry personnel. It's isolated.

c. 14 – 024 Budget Transfers: Finance Director

C. Soucie: We are reallocating health insurance lines between departments. Smaller departments had staff changes and the increase of 17% for second 6 months of the fiscal year. We are requesting \$60,000 be moved from Code Enforcement, Police Department, Parks and Rec, Recycling and Transfer and tax office to cover the shorted departments at the top.

**T. Lizotte motioned to approve the transfer of \$60,000 from health insurance lines which have available funds to cover shortfalls in other health insurance lines. Seconded by S. Orr.
Vote unanimously in favor.**

C. Soucie: The motion earlier about the use of impact fees, I wasn't sure if it said to use the impact fees.

D. Ross: I don't think we can use impact fees for planning, but construction only.

C. Soucie: I would have to check into it. I don't know about using it for design.

Dr. Shankle: We've done it in the past.

C. Soucie: We have done it with the fire station.

**D. Winterton motioned to amend previous motion to add funding will come from roadway impact fees. Seconded by T. Lizotte.
Vote unanimously in favor.**

C. Soucie: There were some questions about how donations are reported?

D. Ross: I think it was a suggestion as to where this money was deposited regarding fire department or police department. Does it go into general fund or a separate fund?

C. Soucie: It goes into the general fund as deferred revenue outside of budget. When a donation is received for a specific purchase, when the department purchases it, the revenue is reported in the general fund so the revenue and expense are both there and there is no tax impact. If it's a donation to thank you, the chief will determine what it gets spent on so they hold on to it until there is a specific need.

D. Winterton: Have you requested consultants for upcoming health contract?

C. Soucie: The contract is up in December. We would start the process in June or July. Now we are doing property liability and workers' comp. We should have quotes back by April.

d. 14 – 025 Street Name approval

**S. Orr motioned to approve the proposed name of Hollow Drive at the location of 99 Mammoth Road, Hooksett. Seconded by J. Levesque.
Vote unanimously in favor.**

SUB-COMMITTEE REPORTS

T. Lizotte: The budget went through last week without too much public input. Budget committee chairman motioned to add stipends but was voted down because of timing. This stipend issue should be brought up again.

J. Levesque: Board of Assessors met and granted a few abatements and denied a few. ZBA met and Lilac Park asked for extension to next month. They approved the project but need to have a site plan. We met with applicant from SNHU regarding wetlands crossing which is going to have a site walk and a buffer impact on a wetland.

D. Ross: Conservation Committee met and SNHU was discussed. We examined plans and the road didn't present any concerns. Second single sheet plan was incomplete with drainage so we held off on that. Properties on Merrimack River – Bailey property is closed and we have 6.1 acres of cornfield. ARM grant submitted, anticipate receiving \$150,000; we received \$131,200 from Society of NH Forests. Commissioner Hess presented preliminary plan proposals for trails that are occupying his property along the Merrimack. Kiwanis members would like to partner with town in creation and maintenance of trails. Edgewater Dr – something we are holding back and waiting for a legal opinion. There is some confusion if the town can give up that right of way even if we vote to give it up. We need to check with counsel. Event we are trying to put together with SNHU will be in the fall – there were no openings at SNHU. Summit View showed updated plans with elimination of strip and was well received. On the maintenance proposals for Clay Pond we got a 4th response. We've chosen 2 to continue with to bring to Council

D. Winterton: Hooksett Youth Achiever meeting will be held Friday morning and will be announced at our next meeting. Planning Board worked with sign for the Lilac project. We sent it back to ZBA. We were in favor originally but they have to come back with a site plan. We had a session with the project that abuts Bow in terms of lots in Hooksett vs. Bow and consistency of development. Their discussion ended abruptly and Joanne has corresponded with them. We did have public hearings for zoning amendments but because of timing we weren't able to make any changes. There is a second public hearing on Monday.

J. Sullivan: Old Town Hall still waiting for hazmat report; nothing for Heritage Commission.

N. Comai: Records retention committee met and Todd is moving things forward. Scope of work is building a policy and moving it into the next stage and task town employees to follow the policy. Next meeting is April 23. It is still in draft mode but it's moving relatively quickly.

S. Orr: Nothing to report.

R. Duhaime: Sewer commission meeting – Planning Board needs to have a copy of the sewer map on the wall to know where the sewer is in town. They are still negotiating the sewer line with rest area. There are no charges for water line. We sell water to Pennichuck Water Works. When you add water to a commercial property, the water line is being sold. Moving ahead on the north rest area; got approval for a temporary lunch truck (restaurant not open until Feb 2015); liquor store opens in Nov. SNHPC meeting was comments from other towns about development and growth issues. New Boston and Deerfield have limited commercial aspects and are mostly residential. Deerfield cell tower was to help with Candia.

A. Jennings: Nothing to report.

PUBLIC INPUT

NON-PUBLIC SESSION

NH RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her,

NH RSA 91-A:3 II (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself.

J. Sullivan motioned to enter non-public session at 9:14pm. Seconded by T. Lizotte.

Roll call

T. Lizotte – Yes

S. Orr - Yes

A. Jennings – Yes

N. Comai - Yes

R. Duhaime – Yes

D. Winterton – Yes

D. Ross - Yes

J. Levesque – Yes

J. Sullivan - Yes

Vote unanimously in favor.

S. Orr motioned to extend the meeting at 9:30pm to 9:40pm. Seconded by R. Duhaime.

Vote unanimously in favor.

D. Ross motioned to exit non-public at 9:40pm. Seconded by S. Orr.

Vote unanimously in favor.

D. Ross motioned to seal the non-public minutes of 3/12/14. Seconded by S. Orr.

Vote unanimously in favor.

D. Ross motioned to adjourn at 9:40pm. Seconded by S. Orr.

Vote unanimously in favor.

Respectfully Submitted,

Tiffany Verney



HEALTH AND DEPUTY HEALTH OFFICER APPOINTMENT FORM

AGENDA NO. monster 9 appointment
DATE: 3/26/14

Application Information:

Health Officer (HO)
Deputy Health Officer (DHO)

<input checked="" type="checkbox"/> New Appointment	<input type="checkbox"/> Renewal
<input type="checkbox"/> New Appointment	<input type="checkbox"/> Renewal

Please complete the form in its entirety. The information requested is vital to ensure the ability of the New Hampshire Division of Public Health Services (DPHS) to communicate with Health and Deputy Health Officers during local or statewide emergencies. Please note that appointment terms are three years and that Deputy Health Officer terms will run concurrently from the date of the Health Officer DPHS appointment.

Town Information

Town: TOWN OF HOOKSETT
County: MERRIMACK

Deputy/Health Officer Information

Name: MATTHEW LAVOIE
Date of Birth: _____
Home Mailing Address: _____

Board of Selectmen Information

Mailing Address: 35 MAIN STREET
City/State/Zip: HOOKSETT, NH 03106
Phone: 603-485-8472
Fax: 603-485-2439
Email: DSHANKLE@HOOKSETT.ORG

Daytime Phone: 603-485-4117
Cell Phone: _____
Night time Phone (emergency only) _____
Fax: 603-485-4118
Primary Email: MLAVOIE@HOOKSETT.ORG

If the Board of Selectmen (BOS) is serving as Health Officer, under BOS above, please identify one (1) person to serve as the contact with DPHS. Also, please list that person's home mailing address and day/evening phone numbers as requested.

This information is private and will not be released to, or shared with outside entities

Occupation-Check One

- MD
- PA
- Nurse/NP
- Other Health Professional
- EMT/Paramedic
- Code Enforcement/Building Inspector
- Town Administrator/Manager
- Town Welfare Officer
- Member -- Board of Selectmen
- Police
- Fire
- Licensed Septic System Design/Installer
- Other

Position Type - Check One

- Full time municipal employee as HO/DHO only
- Full time municipal employee with other responsibilities
- Per Diem
- Volunteer

Education Level - Check One

- High School/GED
- Associates Degree
- Bachelors Degree
- Masters Degree
- JD
- Other Doctoral Degree

Does the municipality indemnify the HO? Yes No
Salary to carry out HO responsibilities: \$ 0

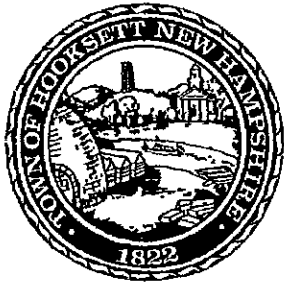
Board of Selectmen Signatures:

Deputy/Health Officer's Signature:
Date: 3/19/14

RETURN COMPLETED FORM TO:

Beverly Baer Drouin
Division of Public Health Services
Bureau of Public Health Protection
29 Hazen Drive - Concord, NH 03301-6504

For State Office Use Only		
Appointment Date:	Expiration Date:	New appt. (N) or Re-appt. (R)



AGENDA NO. Nomination Appointment
DATE: 3/26/14

Town of Hooksett

APPLICATION FOR APPOINTED TOWN BOARD POSITION

Date Submitted: 1/31/2014
Name: DARYL DREFFS Phone: 603 695 9628
Address: 182 WHITEHALL RD, HOOKSETT
Email Address: dreffs@live.com
Signature: *Daryl Dreffs*

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

- Conservation Commission
- Economic Development Study 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?

28 YEARS

Why are you seeking this position?

SNHU IS A MAJOR EMPLOYER IN HOOKSETT AND AS AN EMPLOYEE I BELIEVE I CAN BE A LIAISON BETWEEN SNHU AND ECONOMIC DEVELOPMENT OPPORTUNITIES.

Do you have any specific goals or objectives?

TO SHARE MY BUSINESS EXPERIENCE IN DEVELOPING ECONOMIC OPPORTUNITIES FOR HOOKSETT.

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

30 YEARS OF EMPLOYMENT AT SNHU INTERACTING WITH ALL LEVELS OF THE ORGANIZATION. SUBSTANTIAL EXPERIENCE WITH MANAGEMENT, SUPERVISION, BUDGETS, ETC

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

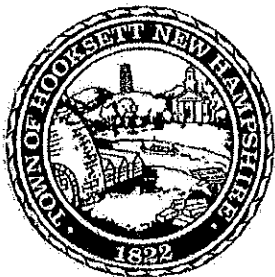
NONE

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

35 YEARS EXPERIENCE IN THE INFORMATION TECHNOLOGY INDUSTRY.

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

PLANNING BOARD 2006 - 2009



AGENDA NO. Nov. 6 Appointment
DATE: 3/26/14

Town of Hooksett

APPLICATION FOR APPOINTED TOWN BOARD POSITION

Date Submitted: January 8th, 2014
Name: Ivan Gult Phone: (603) 361-5577
Address: 19 Virginia Court, Hooksett, NH 03106
Email Address: ivan.gult.19@yahoo.com
Signature: [Signature]

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

- Conservation Commission
- Economic Development Study 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?

- About 7 years

Why are you seeking this position?

- I currently volunteer at emc, and I enjoy helping. I like Hooksett very much, and would like to help as much as I can. With more time in my

Do you have any specific goals or objectives?

- Help as much as I can help more as I can *schedule this spring*

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

- I am a team-player, I am easy to work with I am a good multi-tasker, communicate well with others. I am not afraid to talk in public or ^{with} people I don't know. I have many other little skills I can

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

- None at the moment

use to help such as being fluent in English, Spanish and Russian as well as good computer skills.

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

- I am a student at St. Anselm College, I volunteer at emc Hospital (off-site) and I do a lot of work at my church.

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

- None

Public Hearing
AGENDA NO. Sched. Report.
DATE: 3/26/14

Staff Report
Accept of Highway Safety Project Grant for overtime
Enforcement Patrols (Traffic)

March 26, 2014

Background: The Hooksett Police Department applied for a Grant pertaining to overtime Enforcement Patrols (Traffic) with the New Hampshire Highway Safety Agency.

Issue: To allow the Hooksett Police Department to accept a Grant from the New Hampshire Highway Safety Agency in order to deploy 22 overtime Enforcement Patrols (Traffic) in 4 hour time blocks.


Discussion: The Hooksett Police Department has been awarded a Grant from the New Hampshire Highway Safety Agency in the amount of \$7,436.00 to allow for 22 overtime Enforcement Patrols (Traffic) . By accepting the Enforcement Patrols Grant it will allow the department to deploy overtime patrols specifically to target motor vehicle violations while at the same time not affecting the normal staffing levels of patrol units in the community during these enforcement patrols.

Fiscal Impact: There is no fiscal impact to the town. This is a Grant in the amount of \$7,436.00 to cover the cost of the overtime enforcement patrols.

Recommendation: To accept the Grant from the New Hampshire Highway Safety Agency on behalf of the Hooksett Police Department in the amount of \$7,436.00 to cover 22 overtime Enforcement Patrols (Traffic).

Prepared by: Captain Jon Daigle, Hooksett Police Department

Town Administrator Recommendation: *concur*


Dean E. Shankle, Jr., Ph.D.
Town Administrator

**TOWN OF HOOKSETT
PUBLIC HEARING NOTICE**

The Hooksett Town Council will be holding a public hearing on Wednesday, March 26, 2014 @ 6:30pm at the Hooksett Town Hall Council Chambers, 35 Main Street, Hooksett, NH. The purpose of the public hearing is to accept a New Hampshire Highway Safety Agency grant in the awarded amount of \$7,436.00 to allow for 22 overtime enforcement patrols (traffic) per RSA 31:95-b, III (a). Questions should be directed to the Hooksett Police Department 603-624-1560.

AGENDA NO. Public Hearing
DATE: 3/26/14

Staff Report
Accept of Highway Safety Project Grant for overtime DWI/DUI Patrols

March 26, 2014

Background: The Hooksett Police Department applied for a Grant pertaining to overtime DWI/DUI Patrols with the New Hampshire Highway Safety Agency.

Issue: To allow the Hooksett Police Department to accept a Grant from the New Hampshire Highway Safety Agency in order to deploy 18 overtime DWI/DUI Patrols in 6 hour time blocks.

Discussion: The Hooksett Police Department has been awarded a Grant from the New Hampshire Highway Safety Agency in the amount of \$10,003.50 to allow for 18 DWI/DUI overtime patrols. By accepting the overtime DWI/DUI Grant it will allow the department to deploy overtime patrols to specifically target impaired drivers while at the same time not affecting the normal staffing levels of patrol units in the community during these enforcement patrols.

Fiscal Impact: There is no fiscal impact to the town. This is a Grant in the amount of \$10,003.50 to cover the cost of the overtime enforcement patrols.

Recommendation: To accept the Grant from the New Hampshire Highway Safety Agency on behalf of the Hooksett Police Department in the amount of \$10,003.50 to cover 18 overtime DWI/DUI Enforcement Patrols.

Prepared by: Captain Jon Daigle, Hooksett Police Department

Town Administrator Recommendation: *concur*


Dean E. Shankle, Jr., Ph.D.
Town Administrator

**TOWN OF HOOKSETT
PUBLIC HEARING NOTICE**

The Hooksett Town Council will be holding a public hearing on Wednesday, March 26, 2014 @ 6:30pm at the Hooksett Town Hall Council Chambers, 35 Main Street, Hooksett, NH. The purpose of the public hearing is to accept a New Hampshire Highway Safety Agency grant in the awarded amount of \$10,003.50 to allow for 18 DWI/DUI overtime patrols per RSA 31:95-b, III (a). Questions should be directed to the Hooksett Police Department 603-624-1560.



AGENDA NO. Public Hearing
DATE: 3/26/14

**TOWN OF HOOKSETT
RECYCLING AND TRANSFER DEPARTMENT**

210 WEST RIVER ROAD
HOOKSETT, NEW HAMPSHIRE 03106
(603) 669-5198
FAX (603) 624-0415

Staff Report
Public Hearing
Mandatory Recycling
March 26, 2014

Background:

In May of 2013, Hooksett residents voted to move forward to explore mandatory recycling through a warrant article.

Discussion:

In an effort to increase recycling both at the curb and at the facility, a "proposed" Recycling and Transfer ordinance has been brought to the Town Council several times for discussion. The "proposed" ordinance is basically the Recycling and Transfer Policy which was approved by the Town Council on October 12, 2011, with the addition of an enforcement section. I feel that we should move towards mandatory recycling for those residents who are not participating or who could be doing a better job. We will continue to send out our letters, which offer reminders of what can and can't be recycled. For those residents who refuse to recycle we will send "instructional" letters to them first, warnings second, and then possible fines. The goal is not to punish but to educate. I realize no one likes to be told what to do, but if everyone refuses to recycle it will cost the Town money that is saved on disposal fees.

Recommendation:

I recommend that the Town move forward with mandatory recycling and approve the "proposed" Recycling and Transfer Ordinance.

Prepared by: Diane Boyce

Town Administrator Recommendation:

I am concerned about the implementation and feel Council should make sure they are comfortable that this is the best way forward.

Dean E. Shankle, Jr.
Dean E. Shankle, Jr., Ph.D.

**TOWN OF HOOKSETT
PUBLIC HEARING NOTICE**

The Hooksett Town Council will be holding a public hearing on Wednesday, March 26, 2014 @ 6:30pm at the Hooksett Town Hall - Council Chambers, 35 Main Street, Hooksett, NH. The purpose of the public hearing is to adopt proposed Town Ordinance 2014-1 Recycling and Transfer Department Ordinance. This notice is per Chapter 231:132-a of the NH Revised Statutes annotated, and section 3.6 of the Hooksett Town Charter. The full text of the proposed ordinance is on file with the Town Clerk and via www.hooksett.org for your inspection. Questions should be directed to the Office of the Town Clerk at 485-9534.

***OTHER
ORDINANCES***

~~January 2014~~

Cost \$7.00

April 2014

2014-1

Proposed Recycling and Transfer Department Ordinance

This Policy is created to establish control of solid waste in the Town of Hooksett, implementing rules and regulations for the operation of the Transfer and Recycling Center (Center), curbside collection of trash and recycling, and setting of fees for the use of the facility. Control and regulation of solid waste will serve the public interest, protect health and safety of Town residents and conserve our natural resources.

SECTION 1 DEFINITIONS AND WORD USAGE

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

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

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

AUTOMATED COLLECTION CART – shall mean a specially designed cart with wheels, approved by the Town of Hooksett to be used for the storage of acceptable refuse or recyclables in the automated collection operation.

COMMERCIAL – Commercial entities doing business in the Town of Hooksett including but not limited to contractors, multifamily dwellings of more than four (4) units, commercial establishments of any size .

CONSTRUCTION DEBRIS – Non-putrescible waste building materials and rubble

CURB LINE – shall mean the area directly behind or adjacent to the curb; in the absence of a curb, the area adjacent to the edge of pavement or road.

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

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

DEMOLITION WASTE – See Construction Debris

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

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

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

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

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

MANDATORY – Officially required.

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

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

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

RECYCLABLE – Any item within the town recycling program which can be recycled with the intent of reusing that item.

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

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

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

RESIDENTIAL PROPERTY – shall mean a single-family or multi-family housing building that consists of four (4) or fewer dwelling units.

SOLID WASTE – Any matter consisting of putrescible material, refuse, and other discarded or abandoned material. It includes solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining and agricultural operations and from community activities. For the purposes of this Ordinance, it does not include hazardous waste as defined in RSA147A:2 or infectious waste as defined in this Section.

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

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

SECTION II

CURBSIDE AUTOMATED COLLECTION

It shall be required for curbside collection in the Town of Hooksett that all designated recyclable materials will be separated from the solid waste stream and disposed of in the approved recycling containers, either at the curb-side, in the mobile recycling trailer or at the Recycling and Transfer Center. The reason for separation is to help control the costs associated with the disposal and management of solid waste by diverting as many recyclables from the solid waste stream as possible. The listing of acceptable materials will be available at the Recycling and Transfer Center, or online at www.hooksett.org under the Recycling and Transfer Department.

- a. The purpose of this section is to establish minimum standards for the storage, collection, transportation and disposal of solid waste and recycling, utilizing an automated collection program to promote the health, safety, and welfare of the Town's residents, employees and environment, and to minimize the amount of trash generated in the Town.
- b. The Superintendent shall have the direct responsibility for the administration of this section subject to the direction and control of the Town Administrator and the Town Council.
- c. The Town will provide curbside collection of residential solid waste from public schools, municipal buildings, single family dwellings, multi-family dwellings (not more than 4 units)
- d. Two automated collection carts, one for trash, one for recycling, and instructions for use will be distributed for residents who receive collection services from the Town. Additional recycling carts may be issued in certain circumstances, upon recommendation of the Superintendent,

determination will be made on a case by case situation by the Recycling and Transfer Advisory Committee.

- e. It will be the resident's responsibility to assure that automated collection carts are placed in the appropriate location designated by the Town, by 7:00 am on collection day. The Superintendent or his/her designee shall have the authority to review and approve or disapprove placement of the collection carts. Alternative sites may be necessary to safeguard public safety and minimize risk of damage to public or private property during the collection process.
- f. It is the resident's responsibility to remove the automated cart from the curb line by the end of the collection day.
- g. It is prohibited to overload automated carts in a manner that is likely to cause damage to the collection vehicle, the automated cart or to create a litter condition or to impede collection. It shall be an infraction to place or deposit any refuse whatsoever in or around an automated cart owned or provided for the use of another customer without that customer's approval.
- h. The Town shall not be responsible for collection if there are any infractions of any section of this policy, or if there are any circumstances that are beyond the control of the Town. Infractions or circumstances include, but are not limited to, automated cart overload, unacceptable materials, improperly loaded automated cart, blocked access, automated cart inaccessibility, improper carts or dangerous situations.
- i. Automated Carts:
 - 1. All automated carts are the property of the Town of Hooksett and are not to be removed from the property even in the event of a change in ownership or resident status. All automated carts will be assigned to a street address and have an imprinted number for identification purposes. One cart shall be used for trash and one cart for mixed recyclables.
 - 2. Any repairs to the containers will be performed by the Town. The property owner/customer shall contact the Recycling and Transfer office to report damage and request a repair. Containers damaged beyond repair will be replaced by the Town. If the containers are subject to neglect or other preventable damage as determined by the Superintendent, the Superintendent will require a charge for the replacement. The property owners are the ultimate party responsible for all damages or removed containers by tenants. The owner shall pay the cost of \$50.00 for each replacement container. The owner should work to educate the household members on the proper use and maintenance of the containers.
 - 3. All trash and recyclables shall be placed into the appropriate containers so that the lid can be securely shut. No trash or recyclables placed on the ground or in any unapproved containers shall be picked-up by the town. The containers shall not be overfilled or arranged in any manner that will prevent the lid from

remaining closed at all times to prevent water from filling the container, and access by animals. In the event of overflow, residents may bring the extra material to the facility or must wait until their next scheduled collection day.

j. Placement of Carts

It shall be the duty of each customer to place the carts as follows:

1. Within two (2) feet of the curb line or where directed by the Town.
2. At least five (5) feet away from all objects such as fences, mailboxes, and utility poles, and clear of overhanging vegetation, utility wires, etc. to allow for the unimpeded operation of collection vehicles.
3. So that the automated cart handle is facing the dwelling unit.
4. At least two (2) feet from the other cart.
5. At least ten (10) feet away from parked vehicles.

k. Approved Materials for Automated Curbside Collection

1. All approved recyclables shall be placed in the containers loose. No plastic bags should be recycled or used to contain recyclable material. The complete list of acceptable recyclables will be prepared by the Superintendent and distributed to all residents. The list shall be available on the website at www.hooksett.org or at the Recycling and Transfer Department. The list may be modified given market conditions or other factors. Recyclable materials, such as cereal boxes, and cardboard boxes should be flattened so that the recycling container does not become overfilled too quickly during a given collection week. All recyclable items shall be empty
2. All household trash must be bagged before placing into the trash container. All materials must be separated and placed into the appropriate container for the automated curbside program.
3. ONLY recyclables and household trash will be collected at the curb. All other material for disposal must be brought to the Recycling and Transfer Center at 210 West River Rd.

ENFORCEMENT

Section II Collection

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

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

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

Fines –Further violations, after the written warning, may result in the issuance of fines. Violators will be fined \$50.00 for the first violation after the written warning and \$100 for each subsequent offense. The violator shall have the right to appeal to the Town Council.

SECTION III

CONDOMINIUMS

Condominiums will be required to provide for the collection and disposal of domestic trash within their communities. The Town will reimburse tonnage at a maximum of 31 pounds per unit per week at the Town budgeted rate (for trash disposal), paid semi-annually, upon submission and verification of paid invoices by the condominium association. The Town may rescind or amend this section at any time.

SECTION IV

RECYCLING AND TRANSFER CENTER

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

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

1. Prevent unauthorized entrance into and/or use of the Center;
2. Prohibit the disposal of illegal and/or unacceptable waste;
3. Control the disposal of authorized solid waste to facilitate compliance with operating standards, improve efficiency and productivity, require recycling and reuse of our resources, and maximize the life of the Center; and
4. Establish permit procedures.

The Superintendent of the Center is authorized to promulgate additional regulations subject to the approval of the Town Council which may include, but are not limited to, the following subjects:

1. Separation of solid wastes and other materials;
2. Inspection procedures;
3. Hours of operation; and
4. Establishing fees.

USE OF CENTER

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

A. Permit Required.

Permits will be issued for all residents who use the facility if the vehicle is registered in Hooksett. Residents who do not have a registered vehicle must show proof of residency in the way of a tax bill or license with Hooksett address.

B. Removal of material

No material shall be removed from the Center without authorization.

C. Designated Areas

Solid waste shall be disposed of only in the designated areas.

D. Unauthorized Entry

No person shall enter or attempt to enter the Center at times other than during the posted operating hours.

E. Acceptable Solid Waste

Solid waste which is allowed to be received at the Center includes refuse, recycling, construction debris and demolition waste, motor vehicle waste, yard waste, residential brush, appliances, and scrap metal. User fees may apply. See website at www.hooksett.org or call facility 669-5198.

1. Clean demolition, wood, sheetrock(kept separate), asphalt shingles (kept separate)
2. Furniture
3. Metal items and appliances will be accepted. Appliances with freon will be kept separately
4. Yard Waste (grass clippings, garden waste, leaves and branches no larger than 3" in diameter) must be brought to the designated area (compost pile). Yard waste brought in plastic bags must be emptied.
5. Some household hazardous wastes may be brought to the facility. Residents need to contact the facility to determine if it can be accepted.

F. Unacceptable Solid Waste

Materials which will not be accepted at the Center shall include, but not be limited to, the following:

1. Hazardous waste. Hazardous waste or material which the Town considers to be detrimental to the operation of the Center or which require special handling or disposal procedures.
2. Other. Infectious, pathological and biological waste, radioactive materials, oil sludges, hazardous refuse of any kind, or other substances which are now or are

hereafter considered harmful, inflammable, hazardous, or toxic, or which would pose a threat to health or safety, or which may cause damage to or adversely affect the operation of the Center.

3. Tires on rims.
- G. Stumps and Logs. Also branches greater than three inches in diameter or three feet in length.

ENFORCEMENT

Use of Recycling and Transfer Facility

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

Public
AGENDA NO. Ken
DATE: 3/26/14

**Staff Report
Public Hearing
Pole License Amendment
March 26, 2014**


Background: According to the Town's contract assessor, it is necessary to amend the pole licenses in order to avoid losing a consider amount of revenue that the town presently gets. Both the contract assessor and the town attorney have been working on this issue and are recommending this course of action.

Fiscal Impact: Potentially significant.

Recommendation: Amend the pole licenses to include wording as outlined in the attached letters from the Town Attorney.

Prepared by: Dean Shankle

Town Administrator's Recommendation: concur

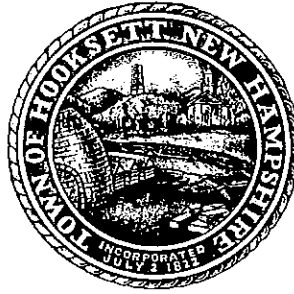


Dean E. Shankle, Jr., Ph. D.
Town Administrator

TOWN OF HOOKSETT

MUNICIPAL BUILDING

35 Main Street
Hooksett, New Hampshire 03106-1397
www.hooksett.org



603-485-8472	Administration
603-268-0003	Assessing
603-485-4117	Building
603-485-4117	Code Enforcement
603-485-8472	Conservation
603-485-8769	Family Services
603-485-4423	Fax
603-485-2017	Finance
603-268-0279	Planning
603-485-9534	Tax Collector
603-485-9534	Town Clerk
603-485-8472	Town Council
603-485-4117	Zoning

Public Notice

Pursuant to RSA 231:161-163, the Town Council of the Town of Hooksett shall hold a public hearing in conjunction with their regularly scheduled meeting on March 26, 2014 which starts at 6:30 PM in the Town Council Chambers at the Town Office Building, 35 Main Street., Hooksett, New Hampshire relative to the amending of all presently issued and outstanding pole licenses. This amendment shall seek to add the provisions of RSA 72:23 I, (b), providing for payment of properly assessed real and personal property taxes on Town owned property used by or under the license agreements and/or pole licenses issued to public utilities and other entities servicing the Town of Hooksett. The full text of the proposed pole license change is on file with Assessing Office and via www.hooksett.org for your inspection. Questions should be directed to the Assessing Office at 603-268-0003.

Jay L. Hodes, Esquire
Email: jhodes@hagehodes.com.
Telephone: (603) 668-2222 Ext. 112
Facsimile: (603) 641-6333

March 20, 2014

Dean E. Shankle, Jr., Ph.D
Hooksett Town Administrator
Town of Hooksett
35 Main St.
Hooksett, NH 03106

RE: Pole Licenses

Dear Dean:

I understand that the Town Council is going to hold its public hearing regarding the proposed Amendments to Pole Licenses on March 26, 2014.

Recently, in the assessors community, there has been significant discussion about the need to include language in pole licenses allowing towns to assess other users of the right of way. When I say "other users of the right of way" I mean companies like Comcast, optical companies, etc. These are companies that do not have independent licenses from the Town but rather, attach to the poles that are owned and operated by either FairPoint Communications or Public Service Company of New Hampshire. The reason this has become critical is because the City of Concord was severely criticized by the Superior Court for not taxing the other users within their right of way. In fact, the Superior Court rejected Concord's ability to tax FairPoint Communications because it was not taxing other companies. There were probably four or five other companies using the City's right of way and because of its failure to tax them, the tax bills issued to FairPoint Communications were declared to be null and void. That matter is under appeal to the NH Supreme Court and a decision is expected sometime in the near future.

Nevertheless, among the assessing community it has been decided that there should be language within the pole licenses indicating that anyone else using the poles of either FairPoint Communications or Public Service Company of New Hampshire, should be put on notice that they are going to be subject to the same taxes that are assessed against the pole owners for the use of the public right of way. Frankly, I think we have to send notice to those other users if, in fact, that action is taken by the Town of Hooksett.

Dean E. Shankle, Jr., Ph.D
Hooksett Town Administrator
Page 2
March 20, 2014

Accordingly, in order to try to resolve this matter, I have prepared an Amendment to the Petition that you submitted to the Town Council. The Amendment does not change the essence of the Petition. However, it does clarify that the Town has the right to tax other uses (people we call "attachers"). Furthermore, and this is somewhat important, it requires that the licensee (Public Service Company of New Hampshire and/or FairPoint Communications) provide the Town with notice of who is using their poles and wires. That way, the Town will be put on notice of the other users and can then send them the notification needed to assess the tax.

Dean, I have amended the two (2) documents I had previously sent you. One is the Petition that you have presented to the Town Council. Would you please offer this as an Amendment to the document that you have previously submitted. You may want to put it on your letterhead and sign the same. Then you can simply explain to the Town that based on advice of counsel, we have included an amendment. However, again, the essence of the Petition is the same and the purpose of the Amendment to the pole licenses is the same. The change appears in paragraphs 3 and 4 of the proposed Pole License Amendment.

I have done the same thing with the Order to be signed by the Town Council. Thus, I have changed that to reflect this new language. Once this is adopted and has become a part of the Town's records, I will then send some further instructions to Todd Haywood as to what steps I think he needs to take in order to assess taxes against the other users of the Town's right of way.

Dean, it would also be advisable for the Town Council to vote to make this amendment to the pole licenses effective immediately upon passage. I know with the adoption of ordinances, they have a policy where the effective date is seven (7) days after the vote. In this case, this is not necessarily an ordinance, but an amendment to the pole licenses that have been issued by the Town Council and/or their predecessors. I think they can easily make this effective immediately. The reason we want to do that is because we would like it to be in effect as of the new assessment date of April 1, 2014. I think you mentioned to Todd that the Town Council can suspend the rules by a two-thirds vote, so if that is what is necessary, I would ask that they consider the same.

Also Dean, I had sent you some background information on this topic. Particularly, my letter of February 10, 2014. Feel free to share that with the Town Council. If you want me to send anything else which is more specific or which addresses these issues, let me know.

Dean E. Shankle, Jr., Ph.D
Hooksett Town Administrator
Page 3
March 20, 2014

On one other point, I noticed from correspondence I had with Elayne Pearson that the Public Service Company of New Hampshire responded to the Notice of Hearing. That should be introduced into the record accordingly. The response by Public Service Company of New Hampshire does not contest the Town's right to amend the pole licenses. Public Service Company of New Hampshire just wants to make sure that it is not waiving any rights to contest the tax assessment if it chooses to do so in the future. Specifically, Public Service Company of New Hampshire says that it does "not intend to raise a legal objection to the amendment". So, again, this matter should be presented into the record at the time of the public hearing.

Dean, if you have any further questions or need me to follow up in any way, please let me know.

Sincerely yours,

HAGE HODES PROFESSIONAL ASSOCIATION

By: Jay L. Hodes
e-mail: jhodes@hagehodes.com

JLH/meg
Enclosures
cc: Todd Haywood, Assessor

February 10, 2014

Received

Dean E. Shankle, Jr., Ph.D
Hooksett Town Administrator
Town of Hooksett
35 Main St.
Hooksett, NH 03106

FEB 24 2014

Assessing Dept.
Town of Hooksett

RE: Pole Licenses

Dear Dean:

I know that you have some familiarity with the issue of pole licenses in the municipal context. After the famous decisions of Rochester v. Verizon, et al, it was decided that municipalities should amend their respective pole licenses previously issued to the utilities that service the Town. Pole licenses is to be broadly construed and would include street permits for gas companies, water companies and particularly, the pole license for the electric and telephone companies. The purpose of the amendment is to specify that the pole licenses are issued subject to the requirements of RSA 72:23 I (b). That statute as interpreted by the Supreme Court in the Rochester decisions, authorizes the taxation of public lands, including the right of way of municipal roadways to be assessed to the utility utilizing the same under a valid pole license, or other agreement. Accordingly, all town have been advised to amend their existing pole licenses, franchise agreements and other types of permits to include language requiring the payment of properly assessed real property taxes.

The Town issues pole licenses through its authority under RSA 231:161 through 163. Pursuant to RSA 231:163, the Town is authorized, after receiving a Petition, to amend or change any such license as "the public good requires". A public hearing has to be held and notice to the parties affected by the proposed change has to be provided.

Procedurally, what has to happen is that a petition has to be presented to the Town Council for their consideration. Typically in many towns the petition is either signed by the Director of Public Works, the Town Administrator and/or by the Town Assessor. So I will leave that decision to you. I have drafted a proposed petition for your consideration.

Dean E. Shankle, Jr., Ph.D
Hooksett Town Administrator
Page 2
February 10, 2014

What then happens is that once the petition is finalized and signed, it gets presented to the Town Council, who holds a public hearing on the same. At the public hearing the Town Council would consider the petition and the issue of whether or not the petition should be granted. As I've said, notice must be afforded all interested parties. That would specifically include the utilities that currently have licenses in the Town or otherwise use the public right of way. Dean, Todd Haywood has a list of utilities who use the Town's public right of way. So please make sure that each of those parties is provided with notice. I suggest sending the notices by certified mail. Likewise, publication of the public hearing should be held in accordance with your normal procedures for posting and publishing of a Town Council public hearing. The public hearing can be held as a separate hearing, or as part of your typical Town Council meeting where you set aside a period of time for such matters. I have also enclosed for your use, a proposed form of public notice. You can use that for publication and for sending out notices to the parties of interest. Feel free to edit the same.

At the time of the public hearing, statements should be made as to the basis for the petition. This would be a review of the case involving the New England Telephone & Telephone Company v. City of Rochester, (now known as Verizon v. Rochester, I, II and III). Again, those cases stand for the proposition that a town may assess a tax on the utilization of municipal property and specifically, the right of way if a pole license issued by the Town provides for the same. Thus, the amendment to the pole licenses is necessary in order to bring the Town into compliance with the state statute, RSA 72:23 I (b). In addition, it has been suggested that it may be appropriate for some evidence to be presented by the Town (presumably by the Department of Public Works) as to the nature, extent and the cost to the public caused by the non-governmental use of the Town's right of way. This would include areas such as snow removal, emergency response, maintenance of site lines, tree, brush and grass removal around and underneath the poles and right of way. This does not have to be an elaborate report, but some indication should be made that there is a burden on the municipal government and its departments in maintaining the rights of way and the areas around the poles. In addition, the Assessor can report that the Town has a right to tax the utilities for the use of the public right of way and that it is essential for the public good to so amend the pole licenses accordingly. The presentation should conclude that the public good would be served by inclusion of these amendments in the pole licenses and that there would be a fair share of the tax burden among the citizens of the Town and a more representative cost allocation.

Dean E. Shankle, Jr., Ph.D
Hooksett Town Administrator
Page 3
February 10, 2014

I am enclosing an article that was published by the NH Municipal Association on the history of the Rochester decisions and the conclusions regarding the same which are on pages 3 and 4. That would be helpful in the presentation of this matter.

As with any public hearing, the parties whose rights are being affected should be allowed to present evidence and to be heard at that time. In that context, I suspect that you may have a representative from the Public Service Company of New Hampshire, cable users, Comcast, FairPoint and any other utilities who the Town is aware of who are using or known users of the public right of way who may wish to make a presentation or a statement. Clearly, they should be allowed to do so. Obviously, at a public hearing any other party wishing to be heard should be allowed to do so.

After the hearing, the Town Council would then vote as to whether or not to grant the petition and thereby amend the pole licenses. I have prepared an Order that the Town Council can use if it decides to vote in the affirmative on the petition. Obviously, if the Town Council chooses not to vote in the affirmative, then the petition would simply be denied.

Assuming that the petition is granted and that the Town Council votes affirmatively, then the original Order of the Town Council should be signed. I assume that Jim Sullivan can sign the same as Chairman of the Council. However, if it is the policy for all members to sign, then by all means please have that provided for in the proposed Order. The Order would then become part of the Town's permanent records and in accordance with your procedures, please send a copy to the Town Clerk and/or add the same to the Town Code, as may be appropriate. It would also be appropriate to send a copy of the Order, if approved and signed by the Town Council, to the affected parties of record. When I say "parties of record" it would be anyone who currently holds a right of way/pole license from the Town. I would suggest that notices be sent by certified mail.

The whole purpose of this procedure is to authorize the Assessing Department to tax the right of way use in accordance with the Supreme Court's holdings in the Rochester decisions. What has brought this to the forefront is that the Town is engaged in litigation with FairPoint Communications. FairPoint Communications is obviously the successor to the Verizon Telephone Company. If a town has not amended its pole licenses there is definitely a question as to whether or not they can legitimately tax the right of way use in the Town. So that is a problem that we are facing with the current litigation. In fact, my belief is that FairPoint

Dean E. Shankle, Jr., Ph.D
Hooksett Town Administrator
Page 4
February 10, 2014

Communications is going to file a Motion for Summary Administration to avoid any tax on their use of the right of way that may have been assessed by the Town of Hooksett. Without the license having been previously amended, I think that motion may be appropriate. In order to avoid this scenario in the future, I think it is advisable for the Town to go forward with amending its current licenses and to include the specified language in all future licenses. Dean, that is an important issue. From now on, any time a license is going to be issued, it has to include the language that is being adopted by the Town Council. Obviously, I am assuming that the Town Council is going to adopt the proposed petition. So henceforth, any licenses that are issued should include at the bottom of the license, the notation of the matter that we are discussing in this letter and the language included in the proposed Order of the Town Council.

Dean, I have not gone through this process in a number of years. Accordingly, you may also want to contact the NH Municipal Association to see if they have any other suggested forms of notices, proposed Orders and language to be utilized. If they do, we can compare the same and then tailor it for the needs of the Town of Hooksett. Otherwise, I would like the Town to move forward on this as soon as possible. It would be best if this matter could be voted on by the Town Council before April 1, 2014. That is the date of the next assessment in the Town and accordingly, it would be best for the Town to have this in effect before that date.

Dean, I am going to be out of the office between February 12th and 25th. Accordingly, if you need follow up on this, please contact Steve Buckley. I will copy Steve on this material and he can follow up if need be. Also, Todd Haywood is familiar with these issues and he should be called upon for his assistance as well.

Sincerely yours,

HAGE HODES PROFESSIONAL ASSOCIATION

By: Jay L. Hodes
e-mail: jhodes@hagehodes.com

JLH/meg
Enclosures

cc: Stephen C. Buckley, Esquire
Todd Haywood, Assessor

Hooksett, New Hampshire

_____, 2014

TO THE TOWN COUNCIL OF THE TOWN OF HOOKSETT, NEW HAMPSHIRE:

The undersigned in his capacity as _____ of the Town of Hooksett, New Hampshire, being a person whose rights and/or interests in such capacity is affected by all existing and outstanding so-called, pole licenses issued pursuant to RSA 231:161, under the authority of the Town Council (or its predecessors), of the Town of Hooksett, hereby petitions the Town Council, acting pursuant to authority conferred upon the said Town Council of Hooksett, New Hampshire by virtue of the provisions of RSA 231:161 through 163 to adopt the following changes to all presently issued and outstanding pole licenses and other permits heretofore issued by or under the authority of the Town Council of the Town of Hooksett or by their predecessors in office, by adding the following language to all such pole licenses and permits, to wit:

“In accordance with the requirements of RSA 72:23, I (b) this licensee(s) and any other entity now or hereafter using or occupying municipal property pursuant to this license shall be responsible for the payment of, and shall pay, all properly assessed real and personal property taxes no later than the due date. Failure of the licensee(s) to pay duly assessed personal and real property taxes when due shall be cause to terminate this license.

In accordance with the requirements of RSA 72:23, I (b), the licensee(s) hereunder and any other entity using or occupying property of the municipality within the Town of Hooksett pursuant to this license shall be responsible for the payment of, and shall pay, both current and potential real and personal property taxes when due. Furthermore, in accordance with the requirements of RSA 72:23, I (b), the licensee(s) and any other entity using and/or occupying property of the municipality within the Town of Hooksett pursuant to this license shall (unless otherwise exempt under RSA 72) be obligated to pay real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the municipality within the Town of Hooksett pursuant to this license.

The changes to the within license set forth in the preceding two paragraphs shall take effect April 1, 2014 and shall remain in effect until changed in accordance with the requirements of RSA 231:161-163.”

Dated this _____ day of _____, 2014

By: _____
Town of Hooksett, New Hampshire
Petitioner

Public Notice

Pursuant to RSA 231:161-163, the Town Council of the Town of Hooksett shall hold a public hearing in conjunction with their regularly scheduled meeting on _____, 2014 which starts at _____ PM in the Town Council Chambers at Town Hall, 35 Main St., Hooksett, New Hampshire relative to the amending of all presently issued and outstanding pole licenses. This amendment shall seek to add the provisions of RSA 72:23 I, (b), providing for payment of properly assessed real and personal property taxes on Town owned property used by or under the license agreements and/or pole licenses issued to public utilities and other entities servicing the Town of Hooksett.

Verizon v. City of Rochester

Summary paraphrased from Rochester III

- *Verizon provides telecommunications services to the residents of the city. In accordance with RSA 231:161, Verizon obtained licenses from the city for the placement of its poles, wires, cables and other equipment on city-maintained highways.*
- *In March 1996, the city manager and the commissioner of public works petitioned the city council to amend Verizon's pole licenses to include language from RSA 72:23, I(b), and to require Verizon to pay real estate taxes for its use of the public ways. In August 1996, the mayor and the city council determined that the public good required the licenses to be amended and granted the petition*

RSA 72:23, I(b)

- All leases and other **agreements**, the terms of which provide for the use or occupation by others of real or personal property owned by the state or a city, town, school district, or village district, entered into after July 1, 1979, **shall provide for the payment of properly assessed real and personal property taxes** by the party using or occupying said property no later than the due date. This subparagraph shall not apply to leases of state-owned railroad properties which are subject to railroad taxes under the provisions of RSA 82 or which provide revenue to the state, a portion of which is distributed to cities and towns pursuant to RSA 228:69, I(a). All such leases and agreements shall include a provision that "failure of the lessee to pay the duly assessed personal and real estate taxes when due shall be cause to terminate said lease or agreement by the lessor." All such leases and agreements entered into on or after January 1, 1994, shall clearly state the lessee's obligations regarding the payment of both current and potential real and personal property taxes, and shall also state whether the lessee has an obligation to pay real and personal property taxes on structures or improvements added by the lessee.

Rochester I

New England Tel. & Tel. Co. v. Rochester, 144 N.H. 118
No. 97-647.
August 6, 1999.

- *The plaintiff's licenses thus represent agreements, in the usual sense of the term, to occupy and use public property. The terms of RSA 72:23, 1(b) are applicable to the plaintiff's pole licenses.*
- *Such land is therefore [A.2d 138] taxable through RSA 72:6. RSA 72:23, 1(b) simply requires the defendant to shift the tax burden imposed by RSA 72:6 to the plaintiff by making tax liability a condition of the pole licenses.*
- *We reverse the trial court's order insofar as it prohibits the defendant from amending the plaintiff's pole licenses to require the plaintiff, as a condition of licensure, to pay real estate taxes assessed on the land it uses and occupies thereunder.*

Rochester II

VERIZON NEW ENGLAND, INC. v. CITY OF ROCHESTER
No. 2003-572
Argued: June 10, 2004
Opinion Issued: July 16, 2004

- *Therefore, we conclude that, irrespective of the type of service to be provided, the legislature intended for leases and other agreements that permit the use or occupation of public property to include a provision requiring payment of properly assessed real estate taxes.*
- *For the reasons set forth above, we agree with the trial court's determination. We thus conclude that the trial court did not err when it ruled that the city could impose a tax on Verizon.*
- *Third, Verizon argues that because it has only an intangible right to use the public ways, as opposed to an interest in the occupation of the real property itself, its use of the public ways cannot properly be subject to the assessment of real estate taxes. We disagree... As we have already stated, when a city's real or personal property is used or occupied by someone other than the city, the lease or other agreement between the city and the user or occupier must provide for the payment of "properly assessed" real and personal property taxes. RSA 72:23, 1(b).*

Rochester III

- *It (Verizon) contends that the city has, without a rational basis, intentionally applied RSA 72:23, I, to only Verizon, even though other private utilities similarly use and occupy real estate on public ways.*
- *Simply because other utilities arguably may not have had the same "pole licenses" as Verizon does not mean they did not have "a mutual understanding and arrangement" with the city to use and occupy public property.*
- *"The equal protection clause protects [an entity] from state action which selects [it] out for discriminatory treatment by subjecting [it] to taxes not imposed on others of the same class." Allegheny Pittsburgh Coal Co. v. County Comm'n of Webster Cty., 488 U.S. 336, 345, 109 S.Ct. 633, 102 L.Ed.2d 688 (1989)*
- *Each utility also has an agreement or "harmonious understanding" with the city to use and occupy public ways: (1) the electric company has pole licenses; (2) the gas companies have consent from the city for their use and occupancy of the public ways, see RSA 231:184 (1993); and (3) the cable television company has a franchise agreement.*
- *...we can conceive of, no rational reason for selectively imposing this tax upon Verizon, and not upon other utilities that use and occupy public property in the same manner as Verizon.*

Conclusions

- Municipalities shall amend all agreements (i.e., pole licenses, franchise agreements, etc.) to include language requiring the payment of properly assessed property taxes; and
- Municipalities shall assess **all** users of the public right of way that are not otherwise exempt from taxation.

Petition to Amend Licenses

- To hear public comment on the petition brought before the Board of Selectmen by the Town Assessor, _____. The petition requests that the Board of Selectmen hold a duly noticed hearing and issue an order that states:
- That all outstanding pole licenses issued by or under the authority of the Board of Selectmen of the Municipality or their predecessors in office acting under the provisions of RSA 231:161 (b), or its predecessor statute(s), are hereby changed to incorporate in each such pole license in effect as of April 1, 2011, and effective as of such date, the following statement:
- In accordance with the requirements of RSA 72:23, 1(b), the licensee(s) and any other entity now or hereafter using or occupying municipal property pursuant to this license shall be responsible for the payment of, and shall pay, all properly assessed personal and real property taxes no later than the due date. Failure to pay duly assessed personal and real property taxes when due shall be cause to terminate this license.
- Further, all users of the public right of way, both current and future, that are authorized to use the public right of way under RSA 231 and who are not otherwise exempt from taxation under RSA 72 shall be subject to the above statement.
- Any pole licenses issued subsequent to April 1, _____ will include the above statement.

History and Valuation of Telephone Poles and Conduit

- RSA 72:8-a states: *Except as provided in RSA 72:8-b, all structures, poles, towers, and conduits employed in the transmission of telecommunication, cable, or commercial mobile radio services shall be taxed as real estate in the town in which such property or any part of it is situated. The valuation of such property shall be based on its value as real estate. Other devices and equipment, including wires, fiber optics, and switching equipment employed in the transmission of telecommunication, cable, or commercial mobile radio services shall not be taxable as real estate.*
- RSA 72:8-b exempted the poles and conduits from taxation; however, RSA 72:8-b was repealed, effective July 1, 2010.

**NOTICE OF CHANGES TO ALL POLE LICENSES ISSUED BY OR UNDER
THE AUTHORITY OF THE TOWN COUNCIL OF THE TOWN OF
HOOKSETT OR THEIR PREDECESSORS IN AUTHORITY AS OF APRIL 1,
2014**

Upon petition of _____, acting in his capacity as
_____ of the Town of Hooksett and after notice to:

as licensee(s) or as persons affected by said petition, and after hearing as required by the provisions of RSA 231:163, it appearing that the public good so requires, it is hereby:

ORDERED

That all outstanding pole licenses issued by or under the authority of the Town Council of the Town of Hooksett or their predecessors in office acting under the provisions of RSA 231:161, or its predecessor statute(s), are hereby changed to incorporate in each such pole license in effect as of April 1, 2014, and effective as of such date, the following changes as requested in the foregoing Petition by inserting therein the following language, to wit:

“In accordance with the requirements of RSA 72:23, I (b) this licensee(s) and any other entity now or hereafter using or occupying municipal property pursuant to this license shall be responsible for the payment of, and shall pay, all properly assessed real and personal property taxes no later than the due date. Failure of the licensee(s) to pay duly assessed personal and real property taxes when due shall be cause to terminate this license.

In accordance with the requirements of RSA 72:23, I (b), the licensee(s) hereunder and any other entity using or occupying

property of the municipality within the Town of Hooksett pursuant to this license shall be responsible for the payment of, and shall pay, both current and potential real and personal property taxes when due. Furthermore, in accordance with the requirements of RSA 72:23, I (b), the licensee(s) and any other entity using and/or occupying property of the municipality within the Town of Hooksett pursuant to this license shall (unless otherwise exempt under RSA 72) be obligated to pay real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the municipality within the Town of Hooksett pursuant to this license.

The license granted herein, and the duty to pay properly assessed real and personal property taxes, shall apply to any other entity, now or hereafter, using or occupying municipal property pursuant to this license. The duty to pay properly assessed real and personal property taxes shall apply both to the owner and joint owner of any such pole or conduit, or an attacher to or user of said pole or conduit, pursuant to permission or by agreement of the owner of said pole or conduit. Within 90 days of the adoption of this amendment, the licensee(s) and any other users, occupying or using municipal property pursuant to this license, shall be responsible for notifying the Clerk of the Town of Hooksett as to the use of the poles and conduits hereby licensed. Such notification shall include the following information: the identification number and location of all poles and conduits being used or occupied by any additional parties other than the named licensee; the property and equipment attached; and, the name and address of each such party using, attaching to, or occupying said poles or conduits.

As a condition of this license, the licensee shall, on an annual basis, beginning on April 1, 2015, provide the Clerk of the Town of Hooksett with a complete list of each entity attaching to, or using any pole or conduit licensed hereunder. Said list shall be updated annually and shall include the following information: the identification number and location of all poles and conduits being used or occupied by any additional parties other than the named licensee; the property and equipment attached; and, the name and address of each such party using, attaching to, or occupying said poles or conduits. In the event that attachments and/or equipment is removed during the course of the year, written notification, containing the specifics thereof, shall be provided to the Town Clerk.

The changes to the within license set forth in the preceding four paragraphs shall take effect April 1, 2014 and shall remain in effect until changed in accordance with the requirements of RSA 231:161-163.”

The foregoing changes to pole licenses having been authorized by vote of the Town Council of the Town of Hooksett, there being _____ votes in favor of said petition and _____ votes opposed to said petition on the _____ day of _____, 2014.

HOOKSETT TOWN COUNCIL

Dated: _____, 2014

By: James Sullivan, Chairman
Duly Authorized

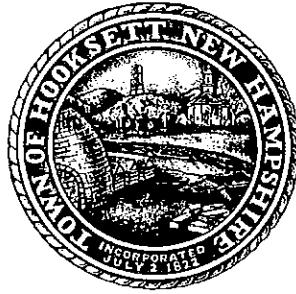
The foregoing amendment to pole licenses issued within the Town of Hooksett has this day been filed with the office of the Town Clerk for the Town of Hooksett, New Hampshire.

Town Clerk

TOWN OF HOOKSETT

MUNICIPAL BUILDING

35 Main Street
Hooksett, New Hampshire 03106-1397
www.hooksett.org



603-485-8472 Administration
603-268-0003 Assessing
603-485-4117 Building
603-485-4117 Code Enforcement
603-485-8472 Conservation
603-485-8769 Family Services
603-485-4423 Fax
603-485-2017 Finance
603-268-0279 Planning
603-485-9534 Tax Collector
603-485-9534 Town Clerk
603-485-8472 Town Council
603-485-4117 Zoning

Hooksett, New Hampshire

March 26, 2014

TO THE TOWN COUNCIL OF THE TOWN OF HOOKSETT, NEW HAMPSHIRE:

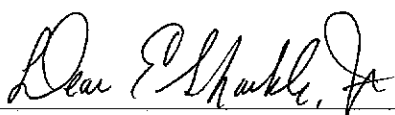
The undersigned in his capacity as Town Administrator of the Town of Hooksett, New Hampshire, being a person whose rights and/or interests in such capacity is affected by all existing and outstanding so-called, pole licenses issued pursuant to RSA 231:161, under the authority of the Town Council (or its predecessors), of the Town of Hooksett, hereby petitions the Town Council, acting pursuant to authority conferred upon the said Town Council of Hooksett, New Hampshire by virtue of the provisions of RSA 231:161 through 163 to adopt the following changes to all presently issued and outstanding pole licenses and other permits heretofore issued by or under the authority of the Town Council of the Town of Hooksett or by their predecessors in office, by adding the following language to all such pole licenses and permits, to wit:

“In accordance with the requirements of RSA 72:23, I (b) this licensee(s) and any other entity now or hereafter using or occupying municipal property pursuant to this license shall be responsible for the payment of, and shall pay, all properly assessed real and personal property taxes no later than the due date. Failure of the licensee(s) to pay assessed personal and real property taxes when due shall be cause to terminate this license.

In accordance with the requirements of RSA 72:23, I9b), the licensee(s) hereunder and any other entity using or occupying property of the municipality within the Town of Hooksett pursuant to this license shall be responsible for the payment of, and shall pay, both current and potential real and personal property taxes when due. Furthermore, in accordance with the requirements of RSA 72:23, I(b), the licensee(s) and any other entity using and/or occupying property of the municipality within the Town of Hooksett pursuant to this license shall (unless otherwise exempt under RSA 72) be obligated to pay real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the municipality within the Town of Hooksett pursuant to this license.

The changes to the within license set forth in the preceding two paragraphs shall take effect April 1, 2014 and shall remain in effect until changed in accordance with the requirements of RSA 231:161-163.”

Dated this 26th day of March , 2014.

By: 
Town of Hooksett, New Hampshire
Petitioner

AMENDED PETITION

Hooksett, New Hampshire

March 26, 2014

TO THE TOWN COUNCIL OF THE TOWN OF HOOKSETT, NEW HAMPSHIRE:

The undersigned in his capacity as Town Administrator of the Town of Hooksett, New Hampshire, being a person whose rights and/or interests in such capacity is affected by all existing and outstanding so-called, pole licenses issued pursuant to RSA 231:161, under the authority of the Town Council (or its predecessors), of the Town of Hooksett, hereby petitions the Town Council, acting pursuant to authority conferred upon the said Town Council of Hooksett, New Hampshire by virtue of the provisions of RSA 231:161 through 163 to adopt the following changes to all presently issued and outstanding pole licenses and other permits heretofore issued by or under the authority of the Town Council of the Town of Hooksett or by their predecessors in office, by adding the following language to all such pole licenses and permits, to wit:

“In accordance with the requirements of RSA 72:23, I (b) this licensee(s) and any other entity now or hereafter using or occupying municipal property pursuant to this license shall be responsible for the payment of, and shall pay, all properly assessed real and personal property taxes no later than the due date. Failure of the licensee(s) to pay duly assessed personal and real property taxes when due shall be cause to terminate this license.

In accordance with the requirements of RSA 72:23, I (b), the licensee(s) hereunder and any other entity using or occupying property of the municipality within the Town of Hooksett pursuant to this license shall be responsible for the payment of, and shall pay, both current and potential real and personal property taxes when due. Furthermore, in accordance with the requirements of RSA 72:23, I (b), the licensee(s) and any other entity using and/or occupying property of the municipality within the Town of Hooksett pursuant to this license shall (unless otherwise exempt under RSA 72) be obligated to pay real and personal property taxes on structures or improvements added by the licensee(s) or any other entity using or occupying property of the municipality within the Town of Hooksett pursuant to this license.


The license granted herein, and the duty to pay properly assessed real and personal property taxes, shall apply to any other entity, now or hereafter, using or occupying municipal property pursuant to this license. The duty to pay properly assessed real and personal property taxes shall apply both to the owner and joint owner of any such pole or conduit, or an attacher to or user of said pole or conduit, pursuant to permission or by agreement of the owner of said pole or conduit. Within 90 days of the adoption of this amendment, the licensee(s) and any other users, occupying or using municipal property pursuant to this license, shall be responsible for notifying

the Clerk of the Town of Hooksett as to the use of the poles and conduits hereby licensed. Such notification shall include the following information: the identification number and location of all poles and conduits being used or occupied by any additional parties other than the named licensee; the property and equipment attached; and, the name and address of each such party using, attaching to, or occupying said poles or conduits.

As a condition of this license, the licensee shall, on an annual basis, beginning on February 1, 2015, provide the Clerk of the Town of Hooksett with a complete list of each entity attaching to, or using any pole or conduit licensed hereunder. Said list shall be updated annually and shall include the following information: the identification number and location of all poles and conduits being used or occupied by any additional parties other than the named licensee; the property and equipment attached; and, the name and address of each such party using, attaching to, or occupying said poles or conduits. In the event that attachments and/or equipment is removed during the course of the year, written notification, containing the specifics thereof, shall be provided to the Town Clerk.

The changes to the within license set forth in the preceding two paragraphs shall take effect April 1, 2014 and shall remain in effect until changed in accordance with the requirements of RSA 231:161-163.”

Dated this 26th day of March, 2014

By: 
Town of Hooksett, New Hampshire
Petitioner

AGENDA NO. 14-004
DATE: 3/26/14

Staff Report
Fire Station # 1 expansion utilizing public safety impact fees,
Phase 2
March 26, 2014


Background: Hooksett Fire-Rescue is looking for approval to expend public safety impact fees to move forward with phase # 2 of the bidding process with the developed architectural plans and construction estimates which we have already acquired to expand our current Fire Station #1 which is located across from Robie's country store. Public safety impact fees can be utilized to design new or existing public safety buildings as outlined in the attachment.

Issue: Fire station # 1 was built 20 years ago. We are looking to expand the interior rear section of the apparatus bays to better accommodate our firefighters. Currently the Fire officer sleeps in the front office portion of the building, which would be converted into just an office; we would construct a new bunkrooms, dayroom, weight room, storage room, and training room to accommodate both male and female firefighters. Currently this facility does not accommodate both male and female firefighters appropriately.


Discussion: The discussion would be to allow us to move forward with phase # 2 of the project which is bidding it out to contractors with the architectural drawings and construction estimates we have already acquired to get bid prices on the entire project. Once bids are returned, we would bring them back to this body for approval to continue with the project. We will also put an option list together on the final bid in order to get final prices on changing the exterior color of the building, replacing the overhead doors, purchasing new commercial washer and dryer for our PPE, sealing the apparatus bay floors and purchasing new station lockers. These options can be randomly chosen to be added into the overall construction project if funds allow.

Fiscal Impact: Phase # 2 of the approved architect's proposal is to get this project placed out to bid with Architectural, structural and mechanical drawings. Once bids are returned, the final approval will be brought back to this body for construction approval. This Phase (Phase # 2) would cost \$23,000.00 which would come from public safety impact fees.

Recommendation: Motion to approve SMP Phase # 2 fees in the amount of \$23,000.00 for the architectural, structural and mechanical drawings to be placed out to bid utilizing public safety impact fees.

Prepared by: Fire Chief Michael Williams 

Town Administrator Recommendation: *concur*


Dean Shankle
Town Administrator



**Hooksett Fire-Rescue
Station 1 Renovation
Date: March 13, 2014**

Project Costs:	Low	Notes:
Land:		
Purchase	\$0	
Survey - Boundary and Topo	\$0	
Geotech investigation, Borings + test pits	\$0	
Other	\$0	
Sub Total	<u>\$0</u>	
Soft Costs:		
Feasibility (fundraising)	\$0	
Consulting (fundraising)	\$0	
Impact studies	\$0	
A/E fees Phase 1	\$0	
A/E fees Phase 2	\$23,000	
Permit preparation	\$0	
Permits & Impact Fees	\$0	
Legal Fees	\$0	
Construction Interest	\$0	
Financing Fees	\$0	
Builders Risk Insurance	\$0	
Bond /LOC.	\$0	
Owner Contingency	\$0	
Sub Total	<u>\$23,000</u>	
Construction		
Building Construction	\$347,702	No contingency
Testing	\$1,000	
Site	\$0	incl. in building construction
Landscaping	\$0	
Demolition	\$0	incl. in building construction
Utility Costs/Fees	\$0	
A/E fees Construction Administration	\$10,100	
Sub Total	<u>\$358,802</u>	
Furniture, Fixtures & Equipment		
Furniture	\$8,000	Per owner list
2 MDT Terminals	\$0	
Phone System	\$2,000	
Computer Systems	\$0	
Security Systems	\$0	
Equipment	\$2,000	
Moving	\$0	
Specialties	\$0	
Other	\$0	
Sub Total	<u>\$12,000</u>	
Cost Total	<u>\$393,802</u>	
TOTAL PROJECT BUDGET		
<u><u>\$393,802</u></u>		

HOOKSETT FIRE STATION #1
RIVERSIDE STREET
HOOKSETT, NH
REVISED PRELIMINARY BUDGET

BAUEN CORPORATION
PO BOX 1621
MEREDITH, NH 03253
MARCH 1, 2014

DESCRIPTION	TOTAL	\$ / SF	Notes
GENERAL CONDITIONS - 12 weeks	63,382	12.38	
DEMOLITION			
Demo. walls, floors, ceilings, cabinets, etc.	7,778	1.52	
Sawcutting	5,100	1.00	
Dust partitions	624	0.12	
SITWORK			
General sitework	2,350	0.46	
CONCRETE			
Slabwork	8,013	1.57	
Concrete accessories	822	0.16	
MASONRY - CMU patching	9,456	1.85	
METALS			
Masonry lintels, railings	8,994	1.76	
Misc. metals and fasteners	1,500	0.29	
WOOD AND PLASTICS			
Rough carpentry	22,699	4.43	
Finish carpentry, casework, & millwork	7,108	1.39	
FRP panels corner guards, bollard covers	1,402	0.27	
THERMAL AND MOISTURE PROTECTION			
Fiberglass insulation	3,428	0.67	
Caulking, fire sealants, and misc. flashings	1,004	0.20	
EDPM roofing - flash in new curb	0	0.00	No roof work currently planned
DOORS, WINDOWS, AND GLASS			
Doors, frames, borrowed lites, and hardware	12,735	2.49	
Fiberglass windows	8,460	1.65	reduce quantity?
Misc. glazing	1,600	0.31	no borrowed light into apparatus bay
FINISHES			
Drywall and Versaroc	16,863	3.29	
Acoustical panel ceilings	3,948	0.77	
Floor preparation	700	0.14	
Flooring - resilient, carpet, & mats	8,576	1.68	VCT in Fitness area
Resinous flooring	0	0.00	through general budget?
Painting	9,875	1.93	
SPECIALTIES			
Misc. specialties	0	0.00	
Signage	500	0.10	
Recessed entry grate	723	0.14	
Access doors, etc.	502	0.10	
EQUIPMENT AND FURNISHINGS			
Turnout gear lockers (12)	0	0.00	through general budget?
Personnel lockers (15) - Relocate existing	0	0.00	Owner relocate
Window treatments - 3 units	0	0.00	Owner supplied
Washer / extractor / gear dryer	0	0.00	through general budget?
MECHANICAL			
Plumbing	18,615	3.64	
HVAC	45,100	8.81	
Sprinkler system	7,321	1.43	
ELECTRICAL			
General wiring, lighting, data, and fire alarm	51,377	10.03	
Deduct new windows (4 total)	-5,600	-1.09	\$1400 average cost per opening
CONTINGENCY	0	0.00	Carry on Owner Side
SUBTOTAL	324,955	63.47	
OH & PROFIT	22,747	4.44	
TOTAL =	\$347,702	67.91	

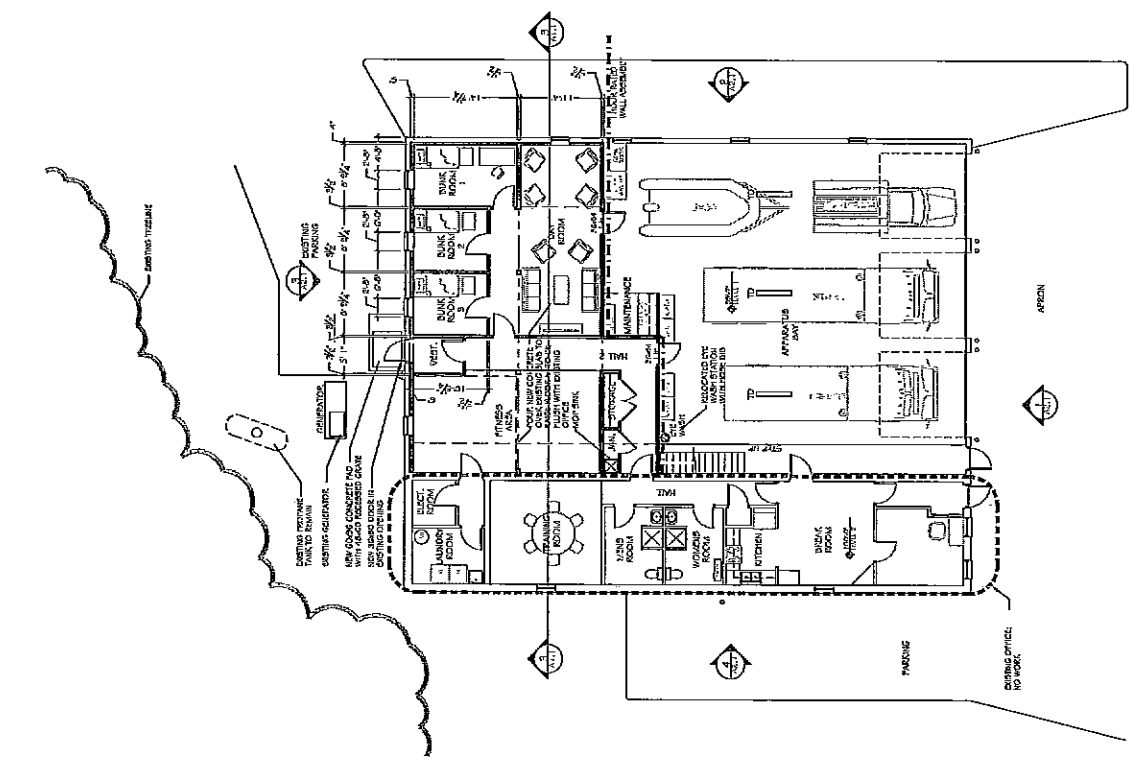
NOTES:

No winter conditions included.
Temporary heat and electricity by owner.
No furniture included.
No fire extinguishers included.
No landscaping costs carried.

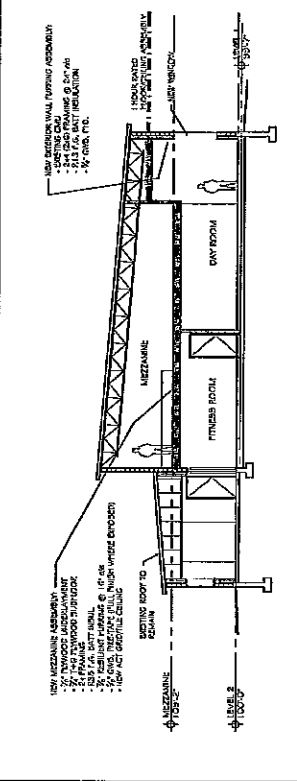
ALTERNATES:

Add new overhead doors	\$14,926
Add 1 hr rated borrowed lite in apparatus bay	\$2,000
Add fitness flooring in lieu of VCT	\$3,000
Add 12 turnout gear lockers	\$7,644
Add 15 personel lockers	\$6,510
Replace existing windows with new units	\$6,594
New aluminum entrances	\$13,126
New siding/insulation	\$92,797
Epoxy paint exterior	\$17,836

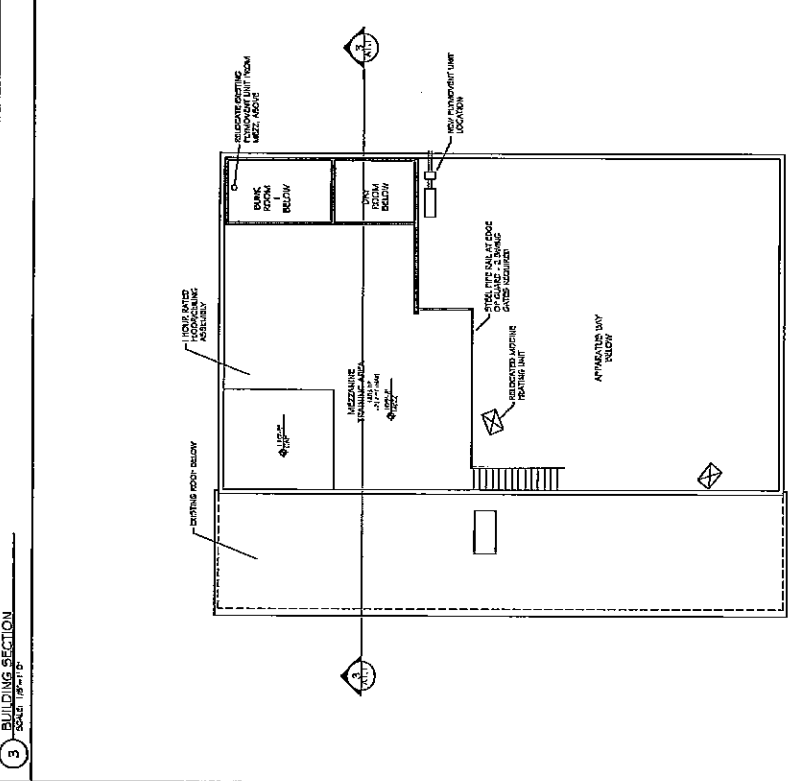
- SCOPE NOTES FOR BUDGET:**
1. NEW BUILDING BASED ON HIGH PERFORMANCE BUILDINGS
 2. NEW CONSTRUCTION IS BASED ON REPORT TOWARD WALK
 3. ALL AREA BASED ON X-HIGH RISE
 4. NEW WALL AT APPARATUS BAY SHALL HAVE INTERIOR FINISH
 5. ALL EXISTING OFFICES, WORKING AND STORAGE, INC. CHANGES SHALL TO REMAIN.



1 FLOOR PLAN
SCALE: 1/8"=1'-0"



3 BUILDING SECTION
SCALE: 1/8"=1'-0"



2 MEZZANINE PLAN
SCALE: 1/8"=1'-0"

GENERAL NOTES:

NOTE: IT IS THE G.P.'S, C.W.S AND SUB-CONTRACTORS RESPONSIBILITY TO REVIEW ALL DRAWINGS & SPECS. FOR COORDINATION PURPOSES AND TO ENSURE THAT ALL SCOPE OF WORK IS INCLUDED

smp ARCHITECTURE
PHON: 803.228.8880
FAX: 803.228.2281
WWW.SMPA.COM

HOOKSETT FIRE DEPARTMENT
STATION 1
RIVERSIDE STREET
SHEET TITLE

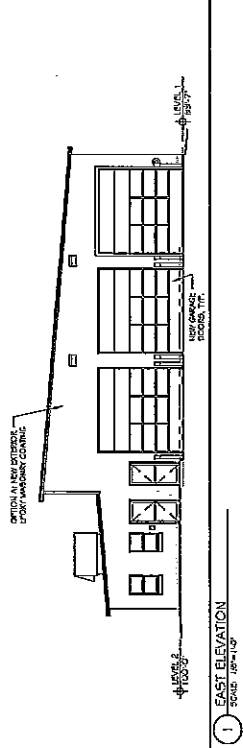
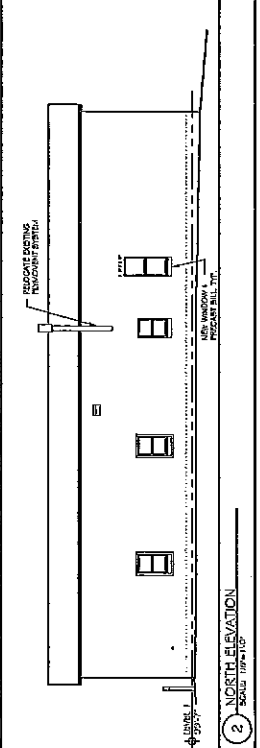
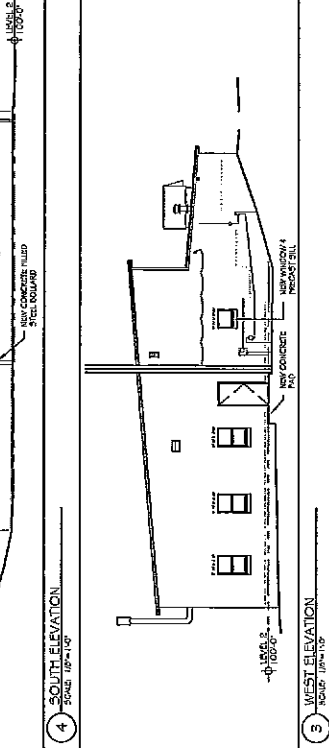
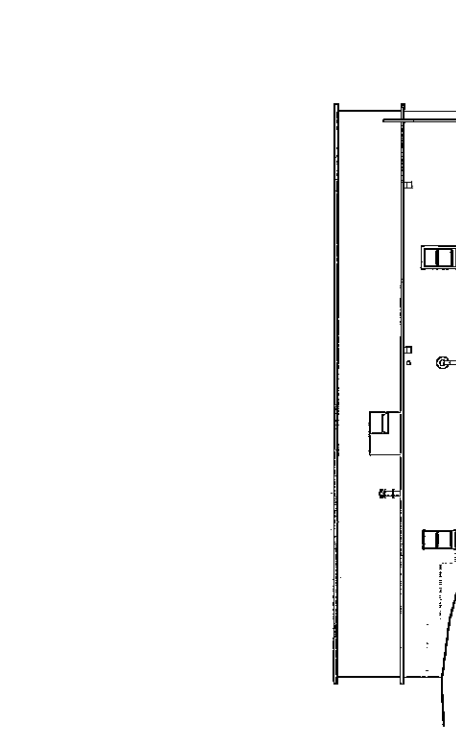
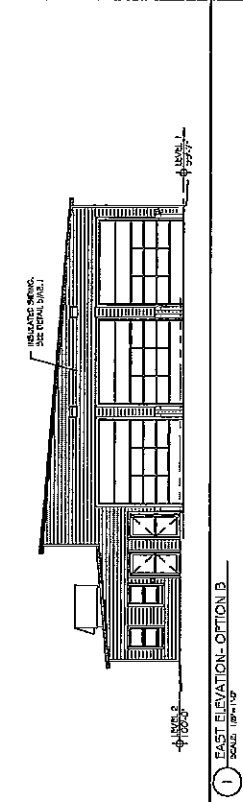
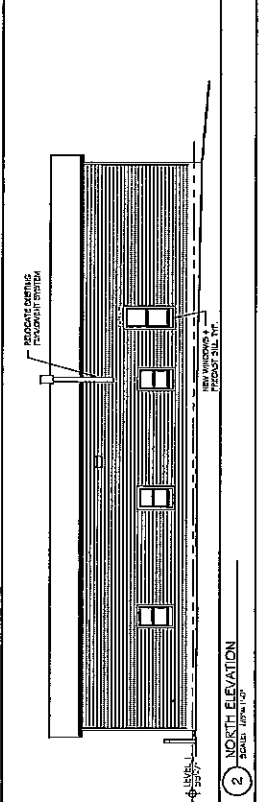
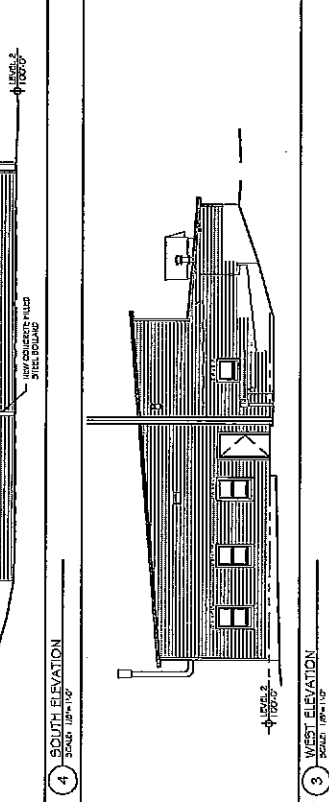
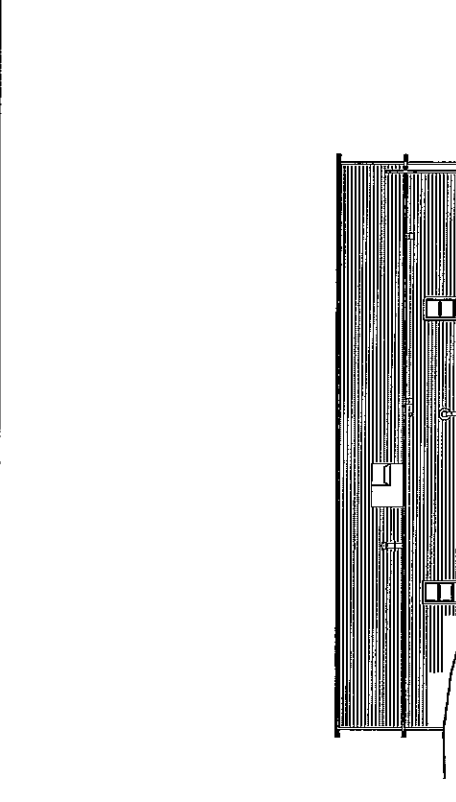
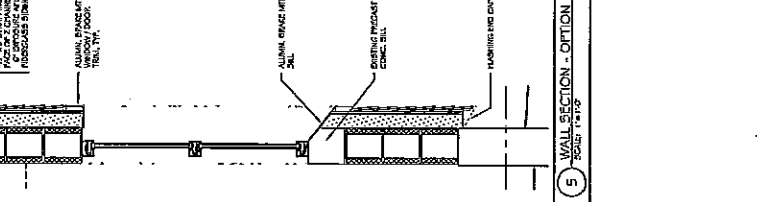
Job No.	1424
Block	Block
City	Hooksett
County	Rockingham
State	N.H.
Date	March 13, 2014
Project	Hooksett

A.I.I.
PROGRESS PRINT
FINAL BUDGET
March 18, 2014

NOTE: IT IS THE GC'S, CM'S AND SUB-CONTRACTORS RESPONSIBILITY TO REVIEW ALL DRAWINGS & SPECS. FOR COORDINATION PURPOSES AND TO ENSURE THAT ALL SCOPE OF WORK IS INCLUDED.

GENERAL NOTES:

1. FINISHES:
 - 1.1. PROVIDE KEY WINDOWS PER ILMU PER PLAN TO BE EXTERIOR FINISHES TO MATCH EXISTING.
 - 1.2. PROVIDE AND PRICE TO REPLACE EXISTING WINDOW SILL AND LINTEL WITH NEW EXTERIOR FINISHES TO MATCH EXISTING.
 - 1.3. CUT MASONRY WALLS AS REQUIRED.
 - 1.4. MATCH EXISTING CONCRETE WINDOW SILL TO EXISTING SILL.
2. WINDOW AND DOOR FINISHES:
 - 2.1. WINDOW AND DOOR FINISHES TO BE CONCRETE.
 - 2.2. CLASH BRIDGING PROVIDE.
 - 2.3. PROVIDE AND PRICE TO REPLACE EXISTING WINDOW SILL AND LINTEL WITH NEW EXTERIOR FINISHES TO MATCH EXISTING.
 - 2.4. PROVIDE AND PRICE TO REPLACE EXISTING WINDOW SILL AND LINTEL WITH NEW EXTERIOR FINISHES TO MATCH EXISTING.
 - 2.5. PROVIDE AND PRICE TO REPLACE EXISTING WINDOW SILL AND LINTEL WITH NEW EXTERIOR FINISHES TO MATCH EXISTING.
3. WINDOW AND DOOR FINISHES:
 - 3.1. PROVIDE AND PRICE TO REPLACE EXISTING WINDOW SILL AND LINTEL WITH NEW EXTERIOR FINISHES TO MATCH EXISTING.
 - 3.2. PROVIDE AND PRICE TO REPLACE EXISTING WINDOW SILL AND LINTEL WITH NEW EXTERIOR FINISHES TO MATCH EXISTING.
 - 3.3. PROVIDE AND PRICE TO REPLACE EXISTING WINDOW SILL AND LINTEL WITH NEW EXTERIOR FINISHES TO MATCH EXISTING.
4. AS A PROJECT ALTERNATE, PROVIDE ANY TECHNICAL SUPPORT AND CONSULT AND CLASH OF CONDITIONS.





Client Information

Hooksett Fire-Rescue
15 Legends Drive
Hooksett NH 03106
Attn: Chief Michael Williams
Phone: 603-623-7272
Email: Mwilliams@hooksetfire.org

Project Location

Station 1
Riverside Street
Hooksett, NH

Project understanding

Following the completion of our phase one design services, we will assemble the permit and construction documents for the project including consulting engineers. Our proposal is based on the conceptual design drawings, with minor adjustments, and includes architectural design, Structural engineering and schematic mechanical, electrical and plumbing (MEP) engineering suitable for competitive design-build proposals. Our team includes:

- Steffensen Engineering, Structural Engineer
- WV Engineering, MEP engineering

Proposed Fee:

Architectural, Structural and Mechanical permit drawings	\$ 23,000
Construction Administration Services	\$ 10,100

The above fee is a fixed amount for this scope of services and includes reimbursable expenses for travel and printing.

Alternate: Add full Mechanical Engineering \$ 8,800

Include WV Engineering to complete full mechanical, electrical, and plumbing engineering plans and specifications suitable for bidding and Construction administration services.

Design Services

Construction Documents Phase: 4 to 6 weeks

1. SMP and our consulting engineers will develop a set of Construction Documents; including, but not limited to:
 - a. Floor and Ceiling plans
 - b. Enlarged plans and details
 - c. Building sections and wall details
 - d. Interior & exterior elevations
 - e. Door, window and finish schedules
 - f. Structural engineering drawings through sub-consultant



- g. Mechanical, Electrical, Plumbing, and Fire Protection disciplines; work will be a schematic drawing and system narrative, issued for design build proposals by the contractor; (modified if alternate scope is selected)
2. Project manual limited to front end, division 1 bidding requirements
3. Outline Specifications on the drawings; basis of design products may be noted on the drawings;
4. Attend **up to 2 review meetings**;

Bidding and Negotiation: 4 weeks

SMP and our sub-consultants will provide the necessary support to the team during the subcontractor bidding.

1. Respond to RFI's and issue addenda and clarifications as needed;

Construction Administration: 12 weeks

SMP and our sub-consultants will provide the necessary support to the team during the construction phase.

1. Respond to RFI's and issue addenda and clarifications as needed;
2. Review product submittals and shop drawings;
3. SMP to attend **up to 5 project meetings**;
4. Sub consultants to perform site visits as required for their portion of work
5. Final walk-through and project punch list;
6. Review contractor's application(s) for payment;

Printing:

SMP has included costs for printing during the course of each phase of work as follows:

- Printing of in-house progress drawings for review and coordination, including our sub consultants;
- Printing of the final set for our use and file;
- We will provide you 1 printed set of progress drawings (up to 2 times) at major points in the development of the project;
- We will provide 1 printed set of the final construction documents and specifications for your use and file;
- We will provide electronic PDF's of the progress drawings for use and printing by you and/or the contractor;
- We will provide electronic PDF's of the drawings and specifications for the contractor's use for them to review and print bid and construction sets as they require;

Work Not Included in this Proposal:

- Permitting and Regulatory applications, meetings, hearings etc.
- Town Council meetings, presentations, etc.
- Interior Design and presentations;
- Surveying, Civil, Electrical, Mechanical, Plumbing and Fire Protection Engineering;
- Septic Design, Geo-Tech Consultants, Wetlands and/or Environmental Assessments;
- Archeological Study and NHSP0 Historic 106 Review;
- LEED Building Design Consultant or Building Systems Commissioning;
- Acoustical Engineering or Security Systems Design;

Hooksett Fire-Rescue
Station 1 Renovation - Phase 2 Fee Proposal
2.13.2014 - Rev. March 13, 2014



- Hazardous Material Assessments;
- IBC Special Inspections, and record drawings.

Signature

This proposal, with the attached Terms and Conditions is a firm offer and is good for **30 days**. If the Scope of Services, Schedule, and Fee meet with your approval, please sign below and return one copy to:

SMP Architecture
30 South Main Street, Building 2
Concord NH 03301

This signed agreement will constitute the complete agreement and will act as notice to proceed.

Respectfully,

A handwritten signature in black ink, appearing to read 'Jason LaCombe', written over a horizontal line.

Jason LaCombe ▪ AIA
Principal ▪ SMP Architecture

Approved for Hooksett Fire-Rescue

Date

Print name

Town Warrant

To the inhabitants of the Town of Hooksett, New Hampshire, in the county of Merrimack in said state, qualified to vote in Town affairs.

You are hereby notified to meet at the **David R. Cawley Middle School on Saturday, April 5, 2014 at 9:00 am** for the first session of the Town Meeting to discuss and amend, as required, warrant articles 3 through 16.

The final ballot vote for warrant articles will take place at **David R. Cawley Middle School on Tuesday, May 13, 2014**. The polls will be open from 6 am until 7 pm.

Article 1

To choose all necessary Town officers for the year ensuing.

Article 2

Zoning Amendments

Amendment No. 1

Are you in favor of the adoption of Amendment No. 1, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 4, Section A.2.; Article 5, Section A.4.; Article 5-A, Section A.2.; Article 6, Section A.2.; Article 10-A, Section G.2.g.7.; Article 13, Section G.3.d.; Article 16, Section G.4.d. and Article 21, Section C. to eliminate any reference to “churches, synagogues, convents and parish houses” and replace with “Religious Facilities (churches, synagogues, temples, mosques and other places of religious worship.)”

The purpose of Amendment No. 1 is to identify religious facilities generally.

Amendment No. 2

Are you in favor of the adoption of Amendment No. 2, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 22, Definitions, to include the definition of “Religious Facilities” as “Churches, synagogues, temples, mosques and other places of religious worship.”

The purpose of Amendment No. 2 is to add the definition of “religious facilities.”

Amendment No. 3

Are you in favor of the adoption of Amendment No. 3, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 22, Definitions, to include the definition of “abutter” as “Any landowner whose property abuts (touches, borders on, or shares a common property line with) a subject property, including any properties directly opposite the subject property separated by a thoroughfare (i.e. street, stream, railroad, etc.); or any abutting holder of a conservation, preservation or agricultural preservation restriction or easement. In the case of an abutting property being under a condominium or other collective form of ownership, the term ‘abutter’ means the officers of the collective or association. In the case of an abutting property being under a manufactured housing park form of ownership, the term ‘abutter’ includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of notification by a municipality of local land use hearing, in

the case of abutting properties owned by the applicant, notification to the applicant/owner is not required. Likewise, if an applicant abuts several properties owned by a single owner, only one notification per owner is required. For purposes of receiving testimony only, and not for purposes of notification, the term ‘abutter’ shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.”

The purpose of Amendment No. 3 is to add the definition of “abutter.”

Amendment No. 4

Are you in favor of the adoption of Amendment No. 4, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 6, High Density Residential District –HDR, Section D.2., which currently reads, “Building height shall not exceed thirty-five (35) feet in height (Amended 05/14/13),” and replace it with, “Building height shall not exceed sixty (60) feet in height.”

The purpose of Amendment No. 4 is to increase the height of buildings allowed in the High Density Residential District.

Amendment No. 5

Are you in favor of the adoption of Amendment No. 5, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to repeal Article 10-A, Section I. Performance Standards for Sign Installations; Article 20, Signs; and Article 20-A, Signs – Route 3A and replace with the Sign Ordinance as proposed to become the new Article 20, Signs.

The purpose of Amendment No. 5 is to replace the three existing sign ordinances with one new, comprehensive sign ordinance.

Amendment No. 6

(Passage of this Amendment is conditional of the passage of Amendment No. 5)

Are you in favor of the adoption of Amendment No. 6, as proposed by the Hooksett Planning Board, for the Hooksett Zoning Ordinance to amend Article 22, Definitions, to amend the definition of “signs,” which currently reads, “Any device, surface, logo, color scheme, pattern, object or feature; designed, erected, affixed, painted, illuminated, manufactured, lettered or maintained for the purpose of communicating a message,” and replace it with “Any device, display, structure, or part thereof, visible from a public place, which is used to advertise, identify, display, or attract attention to or communicate information about products, accommodations, services, or activities.”

The purpose of Amendment No. 6 is to redefine “signs.”

Article 3

Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles, the amounts set forth on the budget posted with the warrant, for the purposes set forth therein, and other appropriations voted separately totaling **\$16,681,262.00**. Should this article be defeated, the operating budget shall be **\$16,451,761.00**, which is the same as last year, with certain adjustments required by previous action of the Town meeting, or by law or the Town Council may hold one special meeting, to take up the issue of a revised operating budget only. Estimated tax rate impact \$6.73. Recommended by the Budget Committee (8-0)

Article 4

To see if the Town will vote to raise and appropriate the sum of **\$180,000.00** to purchase a 14 Yard Automated Collection Truck for the Recycling and Transfer Department and to authorize

the withdrawal from the Solid Waste Disposal Special Revenue Fund created for that purpose. No amount to be raised from taxation. Recommended by the Town Council (6-0), Recommended by the Budget Committee (8-0)

Article 5

To see if the Town will vote to raise and appropriate the sum of **\$100,000.00** to be placed in the Town Building Maintenance Capital Reserve Fund already established. Estimated tax rate impact \$0.06. Recommended by the Town Council (7-1), Recommended by the Budget Committee (8-0)

Article 6

To see if the Town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of purchasing Public Works Vehicles and to raise and appropriate the sum of **\$100,000.00** to be placed in this fund, and to name the Town Administrator as the agent to expend. Estimated tax rate impact \$0.06. Recommended by the Town Council (8-0), Recommended by the Budget Committee (8-0)

Article 7

To see if the Town will vote to raise and appropriate the sum of **\$91,884.00** for the salary and benefits for a full-time Town Engineer in the Community Development Department. Should this Article pass, the salary and benefits will be funded in subsequent operating budgets. Estimated tax rate impact \$0.06. Recommended by the Town Council (5-3), Recommended by the Budget Committee (8-0)

Article 8

To see if the Town will vote to approve the cost items included in the collective bargaining agreement reached between the Hooksett Town Council and the Hooksett Police Union Local 46, NEPBA which calls for the following increase in salaries and benefits at the current staffing level:

<u>Fiscal Year</u>	<u>Estimated increase over prior year</u>		
	<u>Salaries</u>	<u>Benefits</u>	<u>Estimated Increase</u>
2014-15	\$40,697	\$11,818	\$52,515

and further to raise and appropriate the sum of **\$52,515.00** for the current fiscal year, such sum represents the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels. Estimated tax rate impact \$0.03. Recommend by the Town Council (9-0), Recommended by the Budget Committee (8-0)

Article 9

Shall the Town, if article 8 is defeated, authorize the Town Council to call one special meeting, at its option, to address article 8 cost items only?

Article 10

To see if the Town will vote to raise and appropriate the sum of **\$50,000.00** to be placed in the Fire Apparatus Capital Reserve Fund already established. Estimated tax rate impact \$0.03. Recommended by the Town Council (7-1), Recommended by the Budget Committee (8-0)

Article 11

To see if the Town will vote to raise and appropriate the sum of **\$50,000.00** to be placed in the Drainage Upgrades Capital Reserve Fund already established. Estimated tax rate impact \$0.03. Recommended by the Town Council (8-0), Recommended by the Budget Committee (8-0)

Article 12

To see if the Town will vote to authorize the Town Council to enter into a seven year lease agreement for \$248,400.00 the purpose of leasing a Rubber Tire Excavator for the Public Works Department, and to raise and appropriate the sum of **\$41,433.00** for the first year's payment for that purpose. This lease agreement contains an escape clause. Estimated tax impact \$0.03. Recommended by the Town Council (8-0), Recommended by the Budget Committee (8-0)

Article 13

To see if the Town will vote to raise and appropriate the sum of **\$30,000.00** to be placed in the Revaluation Capital Reserve Fund already established. Estimated tax rate impact \$0.02. Recommended by the Town Council (7-1), Recommended by the Budget Committee (8-0)

Article 14

To see if the Town will vote to raise and appropriate the sum of **\$20,000.00** to be placed in the Air Pack and Bottles Capital Reserve Fund already established. Estimated tax rate impact \$0.01. Recommended by the Town Council (8-0), Recommended by the Budget Committee (8-0)

Article 15

To see if the Town will vote to raise and appropriate the sum of **\$20,000.00** to be placed in the Automated Collection Equipment Capital Reserve Fund already established. Estimated tax rate impact \$0.01 Recommended by the Town Council (5-3), Recommended by the Budget Committee (8-0)

Article 16

To see if the Town will vote to raise and appropriate the sum of **\$15,000.00** to be placed in the Parks and Recreation Facilities Development Capital Reserve Fund already established. Estimated tax rate impact \$0.01. Recommended by the Town Council (7-1), Recommended by the Budget Committee (8-0)

Given under our hands and seal, March , 2014.

On behalf of the entire Hooksett Town Council:

James Sullivan, Chairman

Robert Duhaime, Secretary

A True Copy of the Warrant – Attest:

James Sullivan, Chairman

Robert Duhaime, Secretary

2014 Town Meeting Deliberative Session

Article Number	Motion	Second
3		
4		
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Staff Report
Impact Fees- Old Town Bridge
March 26, 2014

AGENDA NO. 14-027
DATE: 3-26-14

Background:

Existing three span tussle bridge, which is the oldest and only one in the State still standing. Originally built in 1805 as a wooden cover bridge which was a toll bridge, was sold to the town 1853 for \$1640.00. bridge burned in 1857 and rebuild in 1859. New steel bridge built in 1909 and rebuilt after the 1936 flood. The bridge was posted a restricted weight limit in 1969 from a 12.5 ton bridge to a 6 ton limit. In 1976 the new bridge was opened and the old bridge was closed. In 1994 thoughts to rebuild the bridge as a walking bridge, and become part of the Heritage Trail of 230 plus or minus miles. This would be the river crossing for the trail. In 2000 thoughts were stopped for federal funds expired from the state.

Issue:

The purpose of the proposed project is to facilitate a safe, alternative pedestrian access route in the Town between the village area where there is a significant population, the town offices, dog park, Robie's Store (a local land mark) VFW, various historical buildings, and two Churches, Mount St. Mary Condo complex, and the University Heights multi-use residential and commercial development is located. This development is planned to have 4,400 residential units and over 150,00 SF of commercial development. The proposed Bridge repair will two existing sidewalks, at either end of this bridge. The addition of the bridge will invite pedestrian use to the Village area by connecting the residential neighborhoods. It is anticipated that the proposed bridge work will reduce the number of local vehicle trips thus reducing congestion and emissions, by increasing the number of pedestrian trips while also promoting physical activity for all residents and employees in this area of town.

Discussion:

Traffic patterns in the Village area are as stated: 14.5% decrease on South Main south of College Park Drive over 6 year period, in 2006 prior to the opening of College Park Drive – 6300, in 2012 after open of College Park Drive -5,500 (most current) 25.4% increase in traffic on College Park Drive over 3 years. 2013 most recent is 7400. Projected future annual traffic growth 2010 to 2012 South Main Street =0.26 % (negative) College Park Drive +0.51 %.

So based upon this traffic data and traffic projections we can make the following findings in support of bridge deck repairs:

1. Opening of College Park Drive has helped to decrease traffic on South Main Street and traffic on South Main Street is projected to continue to decrease in the future by 0.26 percent per year
2. Since opening of College Park Drive traffic has increased 25% in 3 years and is projected to continue to increase in the future by 0.51 percent per year
3. Decking the railroad bridge would help to reduce the increasing traffic growth on College Park Drive by removing cars from the road through pedestrian and bicycling and thus protecting the existing highway capacity of this corridor.

4. The bridge decking would also tie into existing sidewalks on College Park Drive and South Main Street providing for increased connectivity for pedestrian and bicycle access in the village center.

Fiscal Impact:


In using impact fees from zone 2 for the engineering study and reapplying for grants I would say that there will be at time no impact to the tax payer

Recommendation:

I would like to have Council put the impact fees of \$87,831.34 in zone 2 that are due to return if not used by July of this calendar year for the phase I of this project for the engineering and study of the Bridge. Then move forward for the repairs. We will chase grants if available and continue with the placement of impact fees in zone 2

Prepared by: Leo Lessard, Public Works Director

Town Administrator Recommendation: *concur*



Dr. Dean E. Shankle, Ph. D
Town Administrator



CMA ENGINEERS, INC.
CIVIL/ENVIRONMENTAL ENGINEERS

35 Bow Street
Portsmouth, NH 03801

Phone: 603.431.6186

Fax: 603.431.6186
Web Site: www.cmaengineers.com

March 12, 2014

Mr. Leo Lessard, Director of Public Works
Town of Hooksett
210 West River Road
Hooksett, NH 03106

**RE: Village Bridge over Merrimack River (NHDOT Br. No. 083/150)
Former NHDOT TE Project Hooksett 12651
CMA #909**

Dear Leo:

Thank you for inviting CMA Engineers to meet with you on March 4, 2014 regarding the Town's goal to re-open the subject bridge to pedestrian traffic. We understand that the project is important to the Town on multiple levels. There is functional and historical significance to maintaining the river crossing; the first modern connection for vehicular traffic within the village of Hooksett. Although currently closed to pedestrian and vehicular traffic, the bridge carries an active sewer utility across the river. In addition, there is an opportunity to restore the 1909 truss bridge, reportedly the last remaining bridge of its type in New Hampshire, for broad community use. Over the past week, we have made initial review and findings on the following items on behalf of the Town:

- From our initial meeting with you, we understand that the overall goal and desired outcome for the project is to provide pedestrian connectivity with appropriate guardrails and fencing across the former vehicular bridge. We understand that the Town may have flexibility on reducing the full 20 foot width of the former vehicular travel way to just what is reasonably needed for pedestrian access, and that phased span-by-span rehabilitation of the bridge may be of interest to the Town.
- CMA Engineers performed a cursory field review of the present bridge conditions, a review of recent and historic bridge inspection reports, the 1999 rehabilitation plans and correspondence provided by the Town. We also had a discussion with Nick Goulas at NHDOT Bridge Bureau, Existing Bridge Section regarding historic load rating information on file at NHDOT. There is no known rating capacity information known to be in the State's file, but there is substantial information in the state's files for the original construction of the bridge.
- The extent of reconstruction and whether the work is completed at one time or phased over a few years is dependent in part on availability of funding and in part on the desired use of the structure. We understand that the following measures are most likely to be required, at least in part, in the course of rehabilitating the bridge:
 - Updated bridge condition inspection to confirm structural integrity of the bridge

- Possible bridge analysis and load rating
 - Replacement of all structural timber
 - Installation of new protective railing systems
 - Partial replacement of most structural steel members that support the timber deck
 - Possible retrofitting and repairs to the main steel trusses
 - Possible rehabilitation of the abutments and river piers
 - Bridge painting
- CMA Engineers discussed the former Transportation Enhancement (TE) project for bridge rehabilitation with NHDOT Bridge Engineer, Joseph Patusky, P.E. Mr. Patusky was the engineer of record for the former rehabilitation project and may be of assistance in providing perspective on the former design such that the Town can build upon the former concept, with considerations for present-day bridge considerations and goals for the bridge usage and design life.
 - CMA Engineers also discussed the project history with Ms. Nancy Mayville., P.E., NHDOT Municipal Highways Engineer relative to project history and potential of including the project in the Transportation Alternatives Program (TAP), which supersedes the former TE program.

Regarding project history, Nancy Mayville has maintained a file on the project that is available for review. This file will be helpful to determine what steps were taken previously with resource and permitting agencies. Further, given the historic designation of the structure, knowledge of commitments made previously will be very helpful in determination of a course forward in a manner that is partnered with NHDOT, NHDES, and NHDHR.

The TAP program will provide federal funding through NHDOT for projects like the Village Bridge project. TAP is funded at \$2.5 million per year and municipalities will be asked to submit letters of interest in the spring 2014 for projects ranging from \$200,000-\$800,000, with awards by the end of the calendar year 2014. It's expected that project applications/selections will be made biannually. Municipalities will need to attend pre application workshops in order to be qualified to submit proposals once letters of interest are submitted. All funding will be 80% Federal / State and 20% Municipal. Funding in the TAP program, while not guaranteed, may be a very good opportunity for the Town to maximize scope that can be completed in the near term.

- The project was noted in 1999 project documents to be estimated at a construction cost of \$1.75 million. This estimate was based on a detailed construction plans and construction quantities for full deck replacement, significant structural steel repairs, and full bridge painting; a 'full scope' project. CMA Engineers understands that the Town solicited an opinion from a consultant in 2012 which resulted in an estimate of \$3.5 million for engineering and construction of a similar 'full scope' project. CMA Engineers suggests that based on inflation from 1999 to 2014 that the 'full scope' project may be at the mid range between the two costs provided. With implementation of innovative design and construction techniques, the Town may see considerable savings while still meeting core goals. Further analysis of the structure, confirmation of core goals, and confirmation on a time frame to meet the goals is needed to determine present day project costs with more certainty.

It is recommended for next steps that the Town move forward with engineering studies to appropriately determine the long-term load carrying capacity of the structure with consideration of partial and full width rehabilitation. The Town is also advised to work in parallel to gain local stakeholder support for the project and support through the Southern New Hampshire Planning Commission in an effort to bolster funding that the Town has set aside to-date with TAP or other Federal / State funding.

We are pleased to have had the opportunity to provide the Town of Hooksett with an initial review and findings for this very exciting project. We trust that the findings and recommendations herein will be useful to the Town in ongoing planning for interim and long-term solutions at the project site. We would be pleased conduct additional file review at NHDOT and meet with you and other Town officials as needed to outline the process for design, permitting, and construction processes of the project. If you have any questions, please feel free to contact me at 603-431-6196.

Very truly yours,
CMA ENGINEERS, INC.



Jason L. Gallant, P.E
Vice President and Project Manager

JLG/kao