

TOWN COUNCIL MEETING MINUTES
Wednesday, October 8, 2014

CALL TO ORDER

Chair Sullivan called the meeting to order at 6:30 pm.

ROLL CALL – ATTENDANCE

Donald Winterton, Nancy Comai, Todd Lizotte, James Levesque (arrived 6:37 pm), Adam Jennings, Robert Duhaime (arrived 6:51 pm), Susan Orr, David Ross, Chairman James Sullivan, Dr. Dean E. Shankle, Jr. (Town Administrator)

PLEDGE OF ALLEGIANCE

SPECIAL RECOGNITIONS

APPROVAL OF MINUTES

a. Public: September 24, 2014

T. Lizotte motioned to accept the public minutes of September 24, 2014 with edits. Seconded by S. Orr

Vote unanimously in favor.

b. Non-public: September 24, 2014

T. Lizotte motioned to accept the non-public minutes of September 24, 2014. Seconded by A. Jennings.

D. Ross motioned to table discussion of the non-public minutes until the non-public session later on or at the next meeting. Seconded by D. Winterton.

Vote unanimously in favor.

AGENDA OVERVIEW

Chair Sullivan provided an overview of tonight's agenda.

PUBLIC HEARINGS

a. Main Street Bridge Discussion with Representatives from NH DOT

Dr. Shankle: They don't seem to be here yet; we intentionally posted as a public hearing so the public would have a chance for their input.

J. Sullivan: We will hold off on opening this public hearing until the representatives are in attendance.

CONSENT AGENDA

a. Acceptance of gift cards for Employee Picnic

b. Release surety for SNHU Library Learning Commons for \$157,650

T. Lizotte motioned to accept the consent agenda as written. Seconded by N. Comai.

Vote unanimously in favor.

TOWN ADMINISTRATOR'S REPORT

- You have asked me to look for places where we can save even little amounts of money. I know it's important to have the backup documents attached to the minutes. Is it important to copy and mail all of these attachments? They are available on the website as pdf's. It costs a lot of money to print and mail, so if it is OK with everyone, we will only mail out the minutes and the necessary backup.

D. Ross: If there is any background pertaining to the meeting at hand, those hard copies should be in the packet.

J. Sullivan: Addendums to the minutes will be available on the website for all to access.

S. Orr: Can there be a notation at the end of the minutes so we know there are other documents associated with the minutes?

J. Sullivan: OK, we can do that. I don't see the need to make any changes to our Procedures.

- I received a notice you need to sign. It reads, “*STATE OF NEW HAMPSHIRE To the inhabitants of the Town of Hooksett in the county of Merrimack, New Hampshire. You are hereby notified to meet at the David R. Cawley Middle School, 89 Whitehall Road, on Tuesday, November 4, 2014. The polls will be open between the hours of 6:00AM and 7:00 PM to act upon the following subjects: To bring in your votes for Governor, United States Senator, United States Representative, Executive Councilor, State Senator, State Representatives and County Officers. Given under our hands and seal, this 8th day of October, in the year of Our Lord two thousand and fourteen. We hereby certify that we gave notice to the inhabitants within named, to meet at the time and place for the purpose within mentioned, by posting an attest copy of the above named Warrant at the place of meeting and at the office of the Town Clerk on the 8th day of October, 2014.*” I do have in writing from the Town Clerk that was done.

J. Sullivan: I don't recall doing that 2 years ago?

Dr. Shankle: You probably had to do something – that goes to the Secretary of State.

- For those that don't usually go past Fire Station #1, you might want to get with the Chief and go through it. They are doing a tremendous job. We are always concerned about making sure the stations are manned when possible. I found out that they are putting a training room in and they will be able to do training in house (they currently go to Central Station) via an online video feed. From 8/1/14 – 8/31/14 they did a total of 34 training classes totaling 233 hours (132 attendees) at Central, so nobody was at the station #1 for that amount of time. The other thing I found out was last year from 1/1/13 – 12/31/13 there were 379 overlapping incidents (when people are out of both stations so both would be unstaffed). That is almost once per day. The positive thing is with the training room it will relieve some of the staffing issues. The outside is going to fit much better into the village than before. They won't be able to do all the training via the video feed because some has to be hand on.

S. Orr: Do they bring in someone from the outside for training?

Dr. Shankle: These are done at Central Station. They won't be able to do all training via video as some needs to be hands-on. I suspect some of them are brought in from the outside and I'd also suspect that there are some within the fire service that are trained to train others. I don't know what the mix is.

S. Orr: Are these paid for as a package or per session?

Dr. Shankle: I don't know but I suspect it's a combination. Some are required for keeping certifications on the medical side. I can find out how it's broken down.

J. Sullivan: It seems like a lot of training (34 classes per month). It would be interesting to find out how they are paid.

Dr. Shankle: For example, some are 90 minutes, some are 15 hours, 10.5 hours – there are different times depending on the type of training. Some are: Safety Procedures, SCBA Testing and Filling Procedures, Building Construction and Fire Behavior, Driver Training - Street knowledge, Vehicle orientation and driver familiarization, Driver training – District familiarization, Cardiac Arrest Management, EMS Documentation, Toxicology, Fundamentals of Fire Suppression, Apparatus Pumping Ops & Review, Water Supply - non hydrant - Rural Water Supply, Strategic and Tactical Operations, Building familiarization & walk through, Water , Swiftwater , Coldwater rescue training.

- I've been spending time on the Village/Lilac Bridge, Main St Bridge, and union negotiations.

PUBLIC INPUT: 15 Minutes

Senator David Boutin, 1465 Hooksett Rd: It appears maybe DOT is not coming. I'd like to read into the record an email trail I had with Commissioner Clement after I learned they may be potentially changing their plan. I received this from Comm. Clement on October 6. “*Dear Senator Boutin, Department staff on Wednesday October 8th, 2014 will brief the Town on detailed anticipated construction timeframes and details. The department will advertise the project calling for alternating one-way traffic under signal control across the bridge, as previously discussed. There are provisions in the contract for smart work zones,*

extensive advance signing, and additional uniformed officers, all in an attempt to make this traffic control successful. The meeting Wednesday will discuss that there may be work on the bridge during the 8 month timeframe (April-October), but the plan is to restrict the contractor to the approximately 4 month lane closure. The department and contractor are committed to make the traffic control process work. However, there is trepidation that if there is not sufficient diversion of traffic away from this area, there could be significant traffic issues. If that is the case, there is a contingency plan (fall back plan) of operating a single lane over the bridge, (northbound only) with provisions for southbound pre-emption by emergency vehicles and school buses. Implementation of the contingency plan would not take place without discussion and concurrence from the Town that the preferred alternating one-way configuration was too problematic. There is no plan to close the bridge down entirely. We have made commitments to the Town as outlined above and that is what is going forward. Please feel free to contact me at any time. Regards, Commissioner Chris Clement.” They have radio capability in case of emergency to clear traffic. I thought that was very important. They are saying they are committing to having the bridge open to 2 lanes in 4 months. They might still have work to do but will open the lanes to traffic. That is the communication sent to me and I wanted to share it with you and have it on the record in case anything changes down the road. I made it clear that we keep a lane open for safety. Just as important is the impact to Robie’s and the Legion in that area if they were to close both lanes. It’s unfortunate they are not here tonight but you have it on record.

J. Sullivan: We are going to open the public hearing now that the representatives have arrived. Sen Boutin read into the record an email from Commissioner Clement. Can you please give us an update from your side?

David Scott, NH DOT: I apologize; I thought it was a 7 pm start. With regards to the email regarding the possible bridge closure for a contingency plan, I don’t know where that started. The May 6 correspondence stated we were pursuing the alternating traffic. Full closure is not being considered by us.

J. Sullivan: Dr. Shankle sent a note that you felt the project would take additional time. I’m going to ask Councilor Lizotte to speak to this.

T. Lizotte: When they were here last, one of the gentlemen indicated if we failed to redirect 30-35% of the traffic, they would need to shut down the bridge.

D. Scott: That was never our intention – contingency plan would be northbound only with southbound preemption for emergency vehicles and school buses.

T. Lizotte: If we cannot redirect 30-35% of the traffic, we are in a gridlock. If a bus with a transponder on it is in the end of a long line of traffic, it’s not going to be able to meander its way up and get into position to get across the bridge. The only preemptive ability is probably only an emergency vehicle with lights and sirens. We want to make sure we understand it so we aren’t miscommunicating with the public and don’t want kids stuck on a bus for 2-3 hours.

D. Scott: We looked into the bus schedule as of today and our position is if we institute northbound only, traffic flow will be better. Southbound traffic on 3-A has no need to back up for a left hand turn because there won’t be any. When the bus hits the transmitter, the light will cycle and they will get through.

J. Sullivan: We are going to let you give your presentation regarding additional time frames.

D. Scott: When I was here previously I said 2 months per phase and at our pre-advertisement meeting, and those overseeing the project, Paul Metcalfe and Greg Tedeschi who are here with me tonight, suggested it might be aggressive and I wanted to correct myself as quickly as possible so we didn’t promise something we can’t deliver. There will be 18 weeks allowed for alternating one-way traffic, essentially 4 months. Outside that 4 month window, the contractor will have other things to do but will be out of the way of traffic and it should be restored to the configuration that it is today. Contingency plan is northbound and will be the decision of Greg Tedeschi (contract administrator) in conjunction with you so there will be communication. If it is his opinion that this needs to be discussed, we will consider Dr. Shankle our point of contact. If southbound buses tripped signal, cross, and we don’ think it will be an issue. We can take it into consideration once the plan is in place.

J. Sullivan: We posted this as a public hearing to get information from the public so if you have anything to add, please come up.

Tom Walsh: I'm a state rep for Hooksett and owner of Robie's Country Store. The 30-35% traffic diversion keeps coming up. Is that what is needed to prevent the northbound only lane contingency?

D. Scott: Traffic modeling that has been done suggests if we don't have 30% seeking alternate routes, gridlock will back up to 3-A with regularity. We have a contingency plan set and signs in place in case this becomes a reality. We are pursuing the alternating one-way as you requested.

Marc Miville: I need clarification because the last I heard was that the project has changed so that you are going to rip up the road more than originally expected and it would cost an additional \$2 million. Can you also clarify how it will extend to 8 months?

D. Scott: We don't know the condition of the bridge yet. There aren't a lot of areas that look like they need significant action, but until you get the pavement off and you can really look at it, we don't know for certain. I was concerned that the statements I made were too aggressive but we have since reconsidered and limited the contractor to 18 weeks and that will force the contractor to bring in as many forces as necessary to take care of whatever he finds.

M Miville: Cost will not go up unless there is more damage?

D. Scott: We pay per sq yard of deteriorated area so the contractor will get paid for what he fixes. It is not a cost to the town it is a cost between the state and the Federal Government. Hooksett is not incurring any costs.

M. Miville: I thought that pending approval by the Council; we would pay a portion of that.

J. Sullivan: That is regarding the Lilac Bridge; this is in reference to the Main St. Bridge.

Vincent Lembo, 56 Main St: Can you have them introduce themselves and their titles and their roles?

D. Scott: I am David Scott, and I work for DOT Bureau of Bridge Design. I oversee Engineers and Technicians who develop plans. Jason Tremblay is the Senior Project Engineer for this project; Paul Metcalfe, District Construction Engineer, oversees this geographical area. Greg Tedeschi is the contract administrator on site and is currently on site for the Route 3 project.

T. Lizotte: Timing in regards to the 8 months, your build season – when you write the RFP what are you looking for in terms of a start date?

D. Scott: Any time after April 1 and be wrapped up by Oct. 30. There are some logistical things such as replacing expansion joints and it's not clear if he will have that all done so he will be ready to do productive work by April 1.

T. Lizotte: With an 8 month season and a little over 4 months for the project, will there be preliminary work for a few months setting up?

D. Scott: The sign work and signals is outside that 4-month window. Until he puts up barriers and ties up traffic, that is the 4 month window.

R. Duhaime: Will the contingency plan be constant running?

D. Scott: It will have to be constant, even on the weekends. There is no way for us to implement a northbound only for rush hour and then turn it back around. There will be plenty of signage. We are putting out over 100 signs.

J. Tremblay: The coordination of the signals with 3-A, if we go to the northbound only so certain vehicles going through get the green at certain times to go back and forth, it would not be feasible.

J. Sullivan: You indicated certain turns that exist now would be eliminated to go across the bridge. Will that start in March so they will get used to it? And the signs will be up early enough to tell people to seek alternate routes?

D. Scott: We will have some signs saying "plan to seek alternate routes" as of certain dates. Until that work zone is in place, those signs will be covered.

J. Tremblay: That left turn off S. Main St. will have detour signs sending the traffic right to the lights at 28 and 3 heading north. They have to take a bit of a detour to get across, but all the movements will still allow them across the bridge. They are all in a straight line, so no one will try to turn into the queue and back it up more.

J. Sullivan: Everyone should be thinking to go up to University, not Main St.

D. Scott: Yes, but that is not implemented until the alternating one-way is established on the bridge.

D. Winterton: Sen. Boutin mentioned having officers on duty. Can you elaborate?

D. Scott: Minimum shift is 4 hours so we will have them during the morning and afternoon rush hours.

J. Tremblay: We will have 4 officers during alternating one-way in the beginning to see how it's moving. There will be one at Rt. 3 and Main St, Rt 3 and 28, Hackett Hill Rd. I've accounted for those 4 officers, 8 hours a day, 5 days per week for 5 weeks. It winds up being about \$60,000 for this project.

D. Winterton: Hooksett would get first dibs on those details?

G. Tedeschi: Yes that is typically how it works.

Dr. Shankle: I'd like to thank them for coming. The process is moving and the coordination has been good. I hope it keeps moving forward smoothly.

A. Jennings: Can you say again how many signs and some of the tentative locations? How far out will they be placed?

J. Tremblay: Detour signs for northbound only directs people to the south; we will have signs about 3-4 weeks ahead of time with the date once the contractor decides when they will start the alternating traffic and a lot of people should see these signs in the first 3-4 weeks and, if heeded, go around Main St. Bridge.

D. Scott: My final emphasis is that the contingency plan is northbound only.

T. Lizotte: When bid packages go out, can we get a copy of the general requirements? I'm not sure how big it will be, but it can be sent to the Town Administrator and we can view it.

J. Tremblay: I can send you the proposal package as well as the bridge plans. I'd like to thank Karen Lessard. I've been in touch with her regarding the bus schedule and she worked very well with me and that meant a lot to me.

J. Sullivan: She was appreciative of the transponder. She seems to be very happy also.

N. Comai: Could you please clarify the steps taken to evaluate if you have to go to the contingency plan? Will you come back here?

D. Scott: We will not implement the contingency plan without coming back to you first. I think it will be driven by Hooksett residents, assuming we don't get the 30% conversion.

N. Comai: I believe we will be fine if you place the signs as you mentioned and we communicate, communicate, communicate, common sense will kick in.

V. Lembo: Cars coming north on Main St will not be able to take a left at the stop sign in front of the church?

D. Scott: Yes and there will be a sign at the end of Main St that says local traffic only.

V. Lembo: I'm wondering about the tractor trailers getting to the stop sign wondering what to do. They don't want to come down Main St. but GPS brings them there. When they get dumped on Main St, there is going to be a traffic jam at that stop sign; we have signs there now for local traffic only and they ignore it.

J. Sullivan: Are police officers allowed to ticket truck drivers when they know they are not local traffic.

Dr. Shankle: I have to believe that if they accidentally come upon this mess one time, they won't come back. Why would they intentionally drive into gridlock?

V. Lembo: GPS takes them there, even if there is signage, and they follow it because they don't want to get lost. They wind up coming down Main St.

J. Tremblay: With the officers there in the beginning, they could direct them to take a right and follow the signs. If we need to put them in different locations as work progresses to make sure signs are being followed, we can.

V. Lembo: It's going to put him somewhere he shouldn't be trying to turn around to go over that bridge; can anyone do anything with GPS?

Dr. Shankle: If they look at Google Maps, they will see red where they are trying to go. GPS should alert them to the construction area.

S. Orr: I have visualization that if you are detouring right off Main St to College Park Dr and down Merrimack St, there are signs with arrows directing them how to get back over the bridge. That should hopefully resolve any issues with the truckers because there is an obvious detour that will lead them back.

T. Walsh: I looked at the traffic flow plan, and I thought 3-A north traffic would be detoured down Riverside St and up to that intersection. If the contingency plan comes into play, is that still the case or does it get re-opened at 3-A and Riverside is out of it?

J. Tremblay: Northbound 3-A would go back to northbound only.

J. Sullivan: Thank you for coming and we appreciate all your hard work.

NOMINATIONS AND APPOINTMENTS

None

SCHEDULED APPOINTMENTS

OLD BUSINESS

- a. 14 – 065 Discussion Proposed Amendment to Town Ordinance #00-31 Solid Waste

J. Sullivan: We had the public hearing 2 weeks ago. Are there any new comments?

J. Levesque motioned to accept the Recycling & Transfer Ordinance #00-31. Seconded by S. Orr.

J. Levesque: It's a pretty simple thing. They either do it or lose use of the facility.

Vote unanimously in favor.

- b. 14 – 066 Village (Lilac) Bridge Update and/or acceptance of funding from NH DOT

J. Sullivan: I just want to recognize that the Chairman of the Sewer Commission, as well as the Superintendent and another member are here as well because this is affecting them as well.

Dr. Shankle: We have been working closely with the Sewer Commission and they have been talking to the engineers (CMA). We had a public hearing to accept funding from state. Funding is still being offered; we had some bids going out for what we could do to stabilize that. I received a letter from our engineer that may give you an idea of where you want to go with this. This is from Jason Gallant who is the Town Engineer to Leo. *"Dear Mr. Lessard: CMA Engineers, Inc. recently completed the review of bids received for the subject project including the construction of a shoring system for the three-span truss bridge, removal of the bridge deck, installation of a gravity sewer line supported by the shoring structure and selective repairs to the truss bridge. A detailed list of bid items including the final Engineer's estimate of \$874,630 is attached for reference. Bids were due September 26, 2014 and the Town received a bid from a single firm as follows: Apparent low bidder: CPM Constructors of Freeport, ME for \$1,954,300.00 Subsequent to the bid opening, CMA Engineers conducted a review of the bid and supporting documentation on behalf of the Town of Hooksett. The single bid received is deemed not responsive as the contractor did not bid on all items as required in the Instructions to Bidders. As a result of the bid review, it is recommended that the contract not be awarded, that CPM Constructors' bid be rejected, and that their bid bond be returned. CMA Engineers is continuing to support the Town in evaluation of interim and ultimate alternatives for stabilization, rehabilitation, replacement, and /or removal of the bridge structure. This effort includes ongoing coordination with the Hooksett Sewer Commission regarding an action plan to bypass the active gravity sewer line supported on the bridge. Please feel free to pass any questions or additional requests to me at 431-6196 if questions arise during the review of this material."* We need Council to reject the bid as not responsive so we can return the bid bond.

D. Ross motioned to reject the bid submitted by CPM Constructors of Freeport, Maine as it did not meet the bid requirements and return the bid bond. Seconded by T. Lizotte. Vote unanimously in favor.

Dr. Shankle: We still have the same issue; CMA is working on alternatives we can bring to the state. Where we see this potentially going is taking the bridge down. Stabilizing and fixing would be around \$6M. Taking it down is around \$2M. I'm not sure the town is willing to put that kind of money into it. We are not giving up on the idea of a walking bridge. We are still going to have to do something with the sewer and we will work with them on that. In the meantime, it could take 6-8 months to go through the process to get approval from the state on what the next step is. They are still willing to commit the \$500,000 toward whatever we decide to do. We could need to bring in teams of people with large equipment to work on that bridge while the state is working on the Main St. Bridge. You might want to give the Sewer Commission a chance to speak on what they have been doing.

J. Sullivan: Based on the bid being rejected and the letter indicating the bridge is in critical condition, if the process goes 8 months and the impact of heavy, multiple snow storms is there a concern that the bridge may collapse? What is the impact and the cost of that?

Dr. Shankle: I instructed the engineer to make it clear in all of their interactions with the state that the town is willing and able to move as quickly as we possibly can; we can't take any actions without their blessing. We need a wetlands permit to put somebody in there to get that out of there. We are all concerned about it. Sewer Commission has contingency plans; if it falls into the river, we need to take it out of the river. We are somewhat at the mercy of the state at this point.

J. Sullivan: Is there any authority that can waive all those requirements if we have to go through the state because of this situation?

Dr. Shankle: If anybody could the Governor could. It's a historic structure so the state historic people need to weigh in on it. We believe that part of the reason the bid came in so high was the timing restrictions we put on it. We only got one bid and it was non-responsive. We will keep moving as fast as everybody lets us move and we are preparing as much as we can. Sewer is doing what they can to minimize any pollution into the river.

D. Winterton: If this is an environmental challenge and if these delays cause this potential environmental catastrophe does this put the town at increased liability for not doing this right away? Secondly, is there no Federal Agency (EPA?) or congressional delegations we could go to and see if there are funds available to accelerate this?

Dr. Shankle: I don't know if the EPA would move faster than the state. Our engineers are looking into their funding. We can't do anything until the state gives us approval. I think we have gotten as much liability off of us by communicating that we are ready, willing and able to move as quickly as we can.

D. Winterton: How is that communicated to the state?

Dr. Shankle: We have communicated it directly, through our engineers, and every time it comes up I keep saying it.

D. Winterton: What documentation do we have that we are doing it?

Dr. Shankle: I'll make sure we gather the documentation that CMA is sending.

S. Orr: They are saying they don't believe the bridge will last and the critical piece is the sewer line. We can't work on the bridge but can we work on making sure the sewer line is being taken care of? Even if we don't have the full budget to address the bridge issue, can we at least move on making sure the environmental hazard is taken care of? I don't know what the sewer Commission budget is but it seems the sewer line is the critical piece. We are taking care of that environmental impact and can address the bridge later.

J. Sullivan: Can we ask the Sewer Commission to come up and address that?

Sid Baines: Thanks for bringing this up and your concerns are the same as ours. We are ready to go to work tomorrow but it's your bridge and you need to decide what you are going to do. We will adapt to what you do. If you are going to shore it up and hold it there, that isn't something we want to do. If we move the pipe, we will make it permanent in nature. If we are going to put a couple hundred thousand dollars into it, we want to make sure we don't have to come back in a couple years and do it again. The ball is in your court – you tell us what you are going to do with the bridge and we will tell you what we are going to do with the sewer.

S. Orr: Do we need to wait for the state or can we work independently on the sewer lines?

Dr. Shankle: We don't know what is going to happen with the bridge until we go through the state process. What is your contingency plan if the bridge goes down?

F. Kotowski: We had a meeting Monday and to move forward, all the contingencies have to be looked at. What happens if the bridge goes? How well are you prepared to mitigate environmental problems? We consulted with the engineers – have to consider flows from the new rest areas, the flow that existed originally. We would have pump trucks running back and forth like crazy. You'd have to have piping prepared, people on standby (which we do). The engineers are looking at the overall situation to see the most efficient and cost effective way to get all this done. We hope to have that in a couple of weeks. A real hang up is that one of our contingencies was if something happened and we had to act quickly, we would go across the railroad bridge. The contractors would refuse because it belongs to the railroad company. There are a lot of things that are going to take a little time. Our thought at this time is you need to decide what you want to do with the bridge and when. You have a government agency concerned about the historic nature of the bridge and they called an emergency meeting to stabilize the bridge. Now we have to go through a process for 6-8 months after they told us we had to fix it tomorrow. We can't say with any certainty when or if that bridge is going to go in the water and that is why we need the engineering completed before you make a good decision. The state can't punish us for due diligence. It will be more economical for us to move the pipe one time to a permanent spot than to toss back and forth. We are on top of it and Dean has done a great job of getting everyone together. DOT is saying you have to get it done tomorrow and another group is saying 8 months. If there were an emergency what would we do?

B. Kudrick: I'd put a 2000 gallon tank at the north end of the bridge (price pending). The sewer lines are only 2' deep and there is no holding capacity. The new rest areas give us 14,000 gallons/day and the trucks can only haul 2500. I need the storage capacity. The contractors will not go across the Railroad Bridge for liability. I have to deal with B&M Railroad and will talk to them next week on what permissions I need. That would be the easiest way. It's up to EPA and DES – I can only take care of so much.

S. Baines: If it happens with the 2000 gallon tank in place, we will do what we have to do to make sure the waste doesn't get into the river.

N. Comai: You're saying the new rest area sewer goes across the bridge. Was it brought to your attention that kind of massive quantity was going to exist?

B. Kudrick: They originally gave us 16,000 per day. They average 14,000 gallons per day now and they are only ¼ open. I've got to haul that or pump it. I'm meeting with a contractor next week for different options to consider.

N. Comai: Do you ever need to expand what is going across the bridge?

B. Kudrick: No that is fine the way it is. The problem is I need to haul it now and if the bridge goes down I need to haul or pump it around.

N. Comai: Regarding the removal of the Lilac Bridge, at what point do our constituents have a say in that? I feel more comfortable if the public chimes in to say they either do or don't want to afford it. It is in the state's hands as to what we can do to it historically.

Dr. Shankle: We will put together a report on alternatives. If you don't want to make that decision, we can put together a warrant article saying we need \$6M to rehab the bridge. I don't want them to hold us to stabilizing the bridge for \$1.9M which only will hold for 5 years at which time we would have to tear it down or rehab it.

J. Sullivan: At the 1994-1995 Town Meeting there was a warrant article to dismantle the bridge for \$35,000. Another Councilor indicated we can't because it's deemed historical. That was soundly defeated. There was some indication back then of saving it. NH Historic Resources says you can't tear it down, the concern of the sewer line causing EPA and DES great concern and the environmental impact of that, and the Liquor Commission with the Welcome Centers which is the marquee of New Hampshire (and would affect the Liquor Commission). We have all these state agencies and commissions affected by the decision we make. Not everyone will be happy with what we decide. There is some political pressure. There are 3 agencies in the state that need to support financially to saving the bridge if that is what needs to happen. The state needs to be aware of it.

F. Kotowski: I'll suggest the state is well aware of it and there will be meetings with them and us that will address the kinds of things we are all concerned about. I can't say whether or not one agency or another will cooperate with all the other agencies. At least we are taking a stab at buying some time to make sure when we move ahead we are doing the right thing. We will all know how much it will cost and how much time it will take.

D. Ross: There comes a point where steel is useless. We see substantial metal fatigue with this bridge. When you have the entire structure fatigued, I don't see it being possible to make that bridge what it was before. The issue of the sewer line, the piers of the bridge appear to be in fine shape. I'd suggest getting the pipe on the piers now – do the engineering and get the cost to do that. We can't step foot on the bridge now but does that mean we can't work on the piers? We are going to need every dime from the state. We need to move to accept this money; every week is another week we are left wondering if the bridge is going to be up the following week.

D. Ross motioned to accept state bridge aid program funding of \$560,000 to be utilized for completing whatever project the town decides to undertake for the Village/Lilac Bridge. Seconded by N. Comai.

N. Comai: We are accepting this relating to bridge stabilization. Is there a restriction on the dollars if we are going to take it down versus stabilize it?

D. Ross: I believe Dr. Shankle mentioned that wasn't a concern.

Dr. Shankle: Just make sure it's clear in the motion that you are just accepting it for whatever project the town decides to move forward on.

D. Ross: The first part of the project is the engineering study and the contingency plan. That's where I believe the money would go. First we need to have a plan.

Dr. Shankle: They don't give money for planning. It would be for whatever the actual project is that comes out of the process.

J. Sullivan: Is the money still there if we remove the bridge? Will we get the money regardless of whether we keep it, stabilize it, restore it or dismantle it?

Dr. Shankle: We send them a letter telling them what we have decided to do and if they decide not to give us the money for what we have decided to do, they can send us a letter.

S. Orr: Is the work on the sewer line considered under the same umbrella as the bridge work so that money can be used toward the line? If we take the money meant for the bridge and use it for the sewer, are we mis-spending these funds?

D. Ross: I would contend the sewer lines are part of the bridge.

D. Winterton: I think it should always be the bridge project – the Lilac Bridge Project – so we are talking about the project and not the bridge. The sewer is part of the project, taking it down would be part, stabilizing it would be part of the project.

A. Jennings: The Sewer Commission wants us to shore up the bridge then they would work on their line. You consider it two different things? You want us to shore up the bridge then you will do the repairs to the sewer line.

S. Baines: No, we said you need to decide what you are going to do and we will address our plans accordingly.

T. Lizotte: The expenditures, the sewer is separate from the town. Is your portion being expensed out of the sewer side and the bridge being expensed out of the town? Regarding funding, is sewer putting up the money for the sewer transfer and shoring up the line?

S. Baines: We discussed removing the old bridge, putting in a walking bridge and affixing the sewer line to the walking bridge that we will contribute to.

S. Orr: Is there a specific proposal from the state attached to this money they were offering to give us?

Dr. Shankle: They sent a letter and we talked about the stabilization project we were considering. They have indicated verbally they are willing to work with us on whatever we decide to do. If you accept it, we will tell them that and they can react to that. I don't think we shouldn't accept money they are willing to give us as long as there aren't any strings attached.

S. Orr: I'd want to make that clear that we are accepting these funds and what our intentions are regarding the use of the funds: they may go toward a walking bridge, sewer lines, etc. We are accepting it with the understating that we are still considering what to do with it. We don't want them to think we are doing one thing with the money when we would really be using it for something else.

Dr. Shankle: You don't need to accept this money tonight. With everything pushed out, if you want to hold off until we get a final project, we can.

S. Orr: Will the offer go away?

Dr. Shankle: If it is, it will go away whether we accept it or not. If we are concerned we are tying ourselves up into something we don't want to be tied to, we don't need to do this now.

N. Comai: We have a motion on the floor that accepts the bridge project aid money. The opposite is this fiscal impact shows we will be reimbursed 80% of the total project cost. It doesn't mean \$560,000; to me it means 80%. Are they are just estimating it at \$700,000?

N. Comai moved the motion to accept the money regardless of what the final total is.

S. Orr: We need to amend the motion to say 80% of what the total amount is; right now it says \$560,000. I think accepting it is premature.

J. Sullivan: It's capped at \$560,000. I think if we are going to get 80% of the full project, we'd lean toward saving it. If we vote to dismantle it, the Historical Resources cannot stop us unless there is an injunction. Are we able to do whatever we want with the bridge?

Dr. Shankle: No we can't. That is why we are waiting for an answer from the state.

J. Sullivan: We need to speed up the process and look to the person who can get this project done sooner.

Dr. Shankle: It might be better to let it go through the process. We want to get the right answer instead of the easy answer. Pushing them might not be the best way.

R. Duhaime: Will we have more info in 2 weeks?

Dr. Shankle: Hopefully we will have numbers but we won't be able to make a decision until the state reacts. We might also find out if the state is willing to bend their rules and time frame to work with us. We need to keep doing what we can do and I'm not sure pushing other people is profitable.

N. Comai: Are you saying we shouldn't vote to accept this money?

N. Comai removed the second from the motion made by Councilor Ross.

D. Ross: We need to get on the list for state funding. Whether we take the money or not we can decide that later. If they have already offered it and we did discuss the strings attached and the assurance was no, there weren't any. I think we want to get on the list.

J. Sullivan: The engineer could give us a different number so let's wait for more information.

D. Winterton: I concur with Councilor Ross. If they are committed to giving us \$560,000 for the bridge project and if they attach strings we don't like, we send it back. If we demonstrate due diligence and move forward, I think we should take this money now.

Motion seconded by T. Lizotte.

Roll Call

R. Duhaime – Yes

S. Orr – No

D. Ross – Yes

J. Levesque – Yes

A. Jennings – yes

N. Comai – Yes

D. Winterton – Yes

T. Lizotte – Yes

J. Sullivan – Yes

Vote 8-1 in favor.

J. Levesque: Can we take the use of the Railroad Bridge by eminent domain?

NEW BUSINESS

a. 14 – 079 Purchase of Collection Truck for Recycling & Transfer Dept

D. Boyce: We got 4 bids for the smaller collection truck; we are proposing the purchase of the Labrie Minimax with a Liberty International 7500 truck. We have \$180,000 from the special revenue fund and with the warranty it comes to \$189,490.00. It's a little bit over but the prices of trucks are all going up. I'm pretty sure my budget will be able to handle the overage.

N. Comai motioned to allow Recycle & Transfer to purchase a Labrie Minimax with a Liberty International 7500 truck for the total cost of \$189,490 with the additional money to come from the bottom line 2014-2015 Recycle and Transfer budget. Seconded by J. Levesque.

Roll Call

N. Comai – Yes
D. Ross – Yes
A. Jennings – Yes
S. Orr – Yes
R. Duhaime – Yes
T. Lizotte – Yes
J. Levesque – Yes
D. Winterton – Yes
J. Sullivan – Yes

Vote unanimously in favor.

b. 14 – 080 Halloween

J. Sullivan: We do this to let the police department and residents know we have a recognized date.

Dr. Shankle: I'd hope you agree to do it on Halloween (Oct 31) from 6-8 pm.

D. Winterton motioned to recognize Halloween on 10/31/14 from 6-8 pm. Seconded by J. Levesque.

Vote unanimously in favor.

c. 14 – 081 Budget Committee Stipends

Dr. Shankle: The information you have includes elected and appointed officials compared for stipends. The other sheets are all boards and committees and whether or not they get anything. We figured you might want to see all the committees not just Budget.

J. Sullivan: Other than Budget, are any other elected officials not receiving anything? Beyond Budget and Cemetery, are there any others?

R. Duhaime: It doesn't say how much time/how often the Budget Committee members meet.

J. Sullivan: Based on last year's budget cycle, how many meetings did you have?

M. Miville, Budget Committee Chairman: We had 16 meetings last year and the year before 19. We average about 3 hours per meeting. Our first meetings are in September typically and end in May at the Town Deliberative Session. This year is October to May.

J. Sullivan: Planning Board receives \$200 quarterly – do you know how many meetings they have?

D. Winterton: Sometimes they run long/sometimes short. I'd say the average is 1.5 – 2 hours.

J. Sullivan: They average about 36 hours so clearly Budget meets more than the Planning Board.

D. Winterton: The total committee is how many members?

M. Miville: 9 elected members, plus 4 representatives (one from the School Department, one from Town Council and the 2 water departments that don't show up).

D. Winterton: And those reps wouldn't get a stipend?

M. Miville: I wouldn't think so.

S. Orr: Are all the seats filled?

M. Miville: Yes.

S. Orr: Historically are they all filled?

M. Miville: Either filled by the election or filled subsequent to the election.

S. Orr: Do you have a difficult time filling vacant seats?

M. Miville: One year we had 4 openings and couldn't find anyone. At the last election, we had 41 write-ins. Most had one or two votes and the person who won got 14 votes.

N. Comai: I was on the Budget Committee a few years ago, and there was a need to have 9 members due to the workload

M. Miville: This is my seventh year coming up and there have always been 9.

N. Comai: It's in the Charter that there are 9 members?

M. Miville: Yes I believe it is.

J. Sullivan: 9 each year are elected correct?

M. Miville: They rotate 3 every year.

J. Sullivan: I'm going to ask Katie for any insight since she put this together/

K. Rosengren: I just want to clarify that the Planning Board stipend was calculated based off reimbursement for fuel for driving to site walks, not based on meetings or hours.

J. Sullivan: What about Zoning?

M. Miville: Same thing.

N. Comai motioned to consider a stipend for the Budget Committee at \$200 per member and \$250 for the Chairperson per year. Seconded by R. Duhaime.

J. Sullivan: So this would be \$1850/year.

M. Miville: This will go for the 2015-2016 fiscal year.

J. Sullivan: Is this under the Budget Committee or Administration?

T. Lizotte: Budget.

A. Jennings: Can we take that \$1850 out of other committees?

M. Miville: My point wasn't to focus on the Budget Committee; this current fiscal year is my last year for this term so I may or not serve next year. There seems to be a disparity between how stipends are passed out. I had asked Council to look at why Zoning only gets \$200 when others get \$600 or \$1500.

N. Comai: I think there are different ways each Committee serves – time, travel. It seemed to me that Budget, as elected officials, was missed. All other elected have a stipend.

M. Miville: My suggestion back then was any Board/Committee member should be paid per diem. If they don't make a meeting they don't get the stipend for that meeting.

S. Orr: If we use those criteria, we have the Cemetery Commission who is elected and does not receive a stipend. We should be consistent across the board.

J. Sullivan: We should look at the Cemetery Commission.

D. Ross: I don't think we want to have a knee jerk response to this information we just received. This is how things start and keep growing. People don't do this for the money; they do it out of civic duty. My concern is we should be thoughtful about it but there have not been any specific requests for it that I'm aware of. It is not a lot of money, but this isn't our money. These are tough times and we have so many other unknown emergencies coming up now, I think we should consider it more.

A. Jennings moved to amend the motion to take the \$250/year for the Budget Committee Chair out of the Town Council Chair stipend and the \$200/year for the other Budget Committee members out of the Town Council positions.

J. Sullivan: Unfortunately you can't do that because the Charter specifically states dollar amounts for Council. I don't think the motion is allowed because we can't change the Charter.

N. Comai: I hear you Mr. Ross, but the statement that has to be made is Budget Committee meets in the dead of winter; it's difficult to do that. The stipend has been in the air for about 3 years now. It's not new as of tonight, it has been discussed previously. If you look at the list, it is one of the only elected official committees that don't have one. I am a big proponent of this. We put a lot of stock in their time to go over numbers.

D. Winterton: Having been an alternate to the Planning Board, I didn't know what to do with a check from the town for \$19 or \$21. My feeling is I'd rather take the numbers down than up. The cost of keeping track and mailing these tiny checks doesn't make any sense to me. If we don't, I think the Budget Committee should be compensated as the other committees are. If you are doing the work, you aren't doing it for the money at \$200/year.

R. Duhaime: Seeing us spend money on all these things – fire departments, safety center, etc. We are only talking about \$1800. How about one month of healthcare for one town employee? These people live in town and pay taxes in this town. If it puts a smile on their face when they get that check that is great. Let's move on.

A. Jennings: NH prides itself on citizen legislature. State reps get \$100 and do more work and put in more hours than we do here; I'd like to see it go down or make it more neutral.

D. Winterton: We are going to enter a severe budget cycle; we are in the middle of 3 union contracts. I would love to amend the charter as Mr. Jennings has suggested. I agree with Councilor Duhaime. We are talking about pennies and nickels.

D. Ross: Talking about stipends – if you incur expenses (paper, printer ink), there is nothing wrong with bringing those expenses to the Committee. They have budgets. This began as reimbursement for mileage and now we have created something that costs more than what nets to anyone else. I'm not being a cheapskate but it's our job to watch the pennies.

**S. Orr called the vote. Seconded by N. Comai.
Vote in favor 7-2; Chair ruled it has passed.**

Roll Call

T. Lizotte – Yes

D. Ross – No

R. Duhaime - Yes

A. Jennings – No

J. Levesque – No

D. Winterton – No

S. Orr – Yes

N. Comai – yes

J. Sullivan – yes

Vote in favor 5-4.

J. Sullivan: Looking at that, it is an elected position and it was requested we look at it. Granted we need to be careful of the pennies we spend, the budget we are proposing, which ultimately becomes the

Budget Committee's budget, deals with a \$46M budget (school and town); the responsibility the Committee has is to make recommendation the voters listen to, I think \$1800 is something that is justified. This goes on to the budget for next year and will take effect in 2015-2016 if it meets approval of the budget. If it is a default budget, Council would have to decide if this is something we want. Since we passed this, we should carefully look at the others as well.

d. 14 – 082 Acceptance of Pearl Drive

D. Ross motioned to accept the Pearl Drive roadway of the first 600' from All State Builders with the maintenance bond to be set at \$32,593.00. Seconded by R. Duhaime.

L. Lessard: We have been working on getting it finished up for the acceptance. I did the last inspection and everything is in, paperwork is complete. All we need is acceptance of Council so I can proceed with the deeds.

Vote unanimously in favor.

e. 14 – 083 Acceptance of Quimby Mountain Road/Pearl Drive

**R. Duhaime motioned to accept the remaining 950' of Pearl Drive starting at station 6+00 to station 16+50 and Quimby Mountain Road starting at station 20+00 to station 34+00 for a total of 1400' with a two year maintenance bond of \$7,275.19. Seconded by T. Lizotte.
Vote unanimously in favor.**

f. 14 – 084 Acceptance of Post Road and North View Terrace/Bond Reduction

R. Duhaime motioned to accept the 5950' of Post Road from station 300+00 to station 359+50 and 1195' of North View Terrace from station 20+00 to station 31+95 for a total of 7145' of roadway from Manchester Sand and Gravel. The maintenance bond of \$33,000 should be held for two years. Seconded by A. Jennings.

T. Lizotte: I have had concern about that rock face on Post Road, and I know they have drilled it. Recently a 600 lb stone came off of it. I see it in the morning, but magically it disappears when I come back. It's unstable and I'm concerned about that.

L. Lessard: They spent a lot of time on it last year. It's the type of rock that will always fall and not be stabilized. It's far enough away from the road it won't fall onto the road. I'll talk with Manchester Sand to see if we can do something with it.

T. Lizotte: The other concern I have about posting – I've seen people ice climbing it every year. I don't know if we can post for no climbing?

Vote 8-0 in favor. T. Lizotte abstained due to residing on Post Road.

g. 14 – 085 Acceptance of Black Water Drive, University Drive and Campus Drive

R. Duhaime motioned to accept the 5714' of road that includes University Circle 2364' from station 0+00 to 23+64, Campus Drive 2150' station 100+00 to 121+50 and Blackwater Road 1200' station 0+00 to 12+00 of road and a two year maintenance bond in the amount of \$53,549.89. Seconded by A. Jennings.

J. Sullivan: Someone asked about second coat of paving and you were going to hold off on that?

L. Lessard: That is on Crawford Lane and that has been taken care of.

Vote unanimously in favor.

h. 14 – 086 Usage of Road Impact Fees for Morrill Drive

L. Lessard: Impact fees in zone 3 are due to expire today and we will have to give them back to developers. Next year for paving, Morrill Dr is in my plan to rehab – drainage and guard rail. We can't use impact fees to pave but we can use them for drainage and guard rail improvements due to growth.

T. Lizotte motioned to obligate \$8,131.00 from zone 3 impact fees to be utilized on Morrill Drive to help pay for additional items from growth in the area. Seconded by A. Jennings. Vote unanimously in favor.

SUB-COMMITTEE REPORTS

J. Levesque: Nothing to report.

D. Ross: Nothing to report.

D. Winterton: Economic Development met and scheduled the next meeting; we are doing a poll on what time is best. Planning Board met Monday. There was a ping pong issue with Zoning – they asked for a recommendation on the Animal Cracker property. Planning sent back to Zoning. A gentleman wants to put apartments there but it is in a performance zone. He can't put the driveway on DW Highway but he has a spot of land that he can take it out to Mammoth Rd. Zoning has to look at it first then it comes back to Planning.

N. Comai: Nothing to report.

S. Orr: Nothing to report.

R. Duhaime: Nothing to report.

A. Jennings: Nothing to report.

T. Lizotte: Conservation Commission is having a dinner on 10/24 at 6:30 pm at the SNHU dining facility; invites have been sent out. It is \$24.00 per person. The purpose is to see what has been met in terms of the Master Plan from 2004 and to look at the future. They don't do a lot of events so this is one where they could use some support.

J. Sullivan: Heritage Day is Oct. 19 at 2 pm is the Mt. St. Mary's marker dedication; Mr. Lizotte is speaking on behalf of Council. I would encourage you to attend. Also attending are: Mr. Shapiro, former president of NH College, Mt. St. Mary's alumni and the last president of Mt. St. Mary's. There will be a reception in the old reception hall. Old Town Hall Preservation – I mentioned that there was a possible option for a way to raise funds and that is the fire department thought there was a need to change the driveway into Donati Park because of the 2 buildings there (Parks & Rec and the concession stand). They don't have an issue either way; it could either be a number off of Main St. or change the street name altogether making it easier for 911 responses. He didn't have a preference to make it a new street name or a number off Main St. Since it is town property it was suggested that naming rights to that road permanently could be offered and donors would bid on the name in perpetuity. Is that something Council gives guidance on? Do we have authority to use that as a fundraiser? We can put it on the agenda for later.

PUBLIC INPUT

None

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 9:22pm. Seconded by T. Lizotte.

Roll Call

S. Orr- yes

J. Levesque- yes

D. Winterton - yes

N. Comai -yes

D. Ross -yes
T. Lizotte - yes
A. Jennings - yes
R. Duhaime - yes
J. Sullivan -yes

Vote unanimously in favor.

***J. Sullivan motioned to extend the meeting from 9:30pm to 9:40pm. Seconded by T. Lizotte.
Vote unanimously in favor.***

***D. Ross motioned to extend the meeting from 9:40pm to 9:50pm. Seconded by J. Levesque.
Vote unanimously in favor.***

***J. Sullivan motioned to exit non-public at 9:59pm. Seconded by R. Duhaime.
Vote unanimously in favor.***

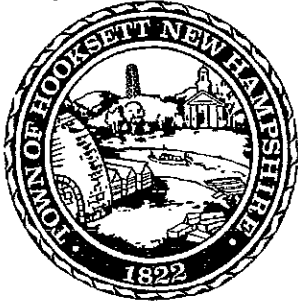
***D. Ross motioned to seal the non-public minutes of 10/08/14. Seconded by T. Lizotte.
Vote unanimously in favor.***

***S. Orr motioned to adjourn at 10:00pm. Seconded by T. Lizotte.
Vote Unanimously in favor.***

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

Respectfully Submitted,

Tiffany Verney
Recording Clerk



Town of Hooksett

OFFICE OF THE TOWN CLERK

STATE OF NEW HAMPSHIRE

To the inhabitants of the Town of Hooksett in the county of Merrimack, New Hampshire.

You are hereby notified to meet at the David R. Cawley Middle School, 89 Whitehall Road, on Tuesday, November 4, 2014. The polls will be open between the hours of 6:00 AM and 7:00 PM to act upon the following subjects:

To bring in your votes for Governor, United States Senator, United States Representative, Executive Councilor, State Senator, State Representatives and County Officers

Given under our hands and seal, this 8th day of October, in the year of Our Lord two thousand and fourteen.

James A. Levesque
James A. Sullivan
Nancy Conner

Robert Levesque
Robert Levesque

Hooksett Town Council

October 8, 2014

We hereby certify that we gave notice to the inhabitants within named, to meet at the time and place for the purpose within mentioned, by posting an attest copy of the above named Warrant at the place of meeting and at the office of the Town Clerk on the 8th day of October, 2014.

James A. Levesque
James A. Sullivan
Nancy Conner

Robert Levesque
Robert Levesque

Hooksett Town Council

***OTHER
ORDINANCES***

**October 2014
Cost \$7.00**

**SOLID WASTE
ORDINANCE #00-31**

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

INTRODUCTION

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

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

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

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

**SECTION 1
DEFINITIONS AND WORD USAGE**

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

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

COMMERCIAL. Any and all nonresidential activities.

CONSTRUCTION DEBRIS. Non putrescible waste building materials and rubble.

DEMOLITION WASTE. See Construction Debris

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

HAZARDOUS WASTE. Any material which has been identified as hazardous waste by the New Hampshire Department of Environmental Services. Such wastes include, but are not limited to, those which are ignitable, irritants, or strong sensitizers, or 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.

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

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

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.

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

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

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

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

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

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

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

SECTION II
STATUTORY AND REGULATORY AUTHORITY

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 solid waste;
3. control the disposal of authorized solid waste to facilitate compliance with operating standards, improve efficiency and productivity, encourage 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.

SECTION III
USE OF CENTER

A. Permit Required

No resident shall dispose of solid waste at the Center without having obtained a permit for such activity. In the event, the vehicle being used is not registered in Hooksett, paperwork disclosing the residential address must be submitted.

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 posted operating hours.

SECTION IV
RECYCLING

The policy of the Center is to promote and encourage recycling within the Town. The recycling program is intended to facilitate the reuse of resources, reduce operating costs through the avoidance of high tipping fee rates, and provide additional income to the Town (when applicable).

Residents, who use the facility, will be required to recycle cardboard. Cardboard is easily accepted in an area clearly marked. The recycling of other materials is strongly encouraged.

SECTION V
SOLID WASTE POLICIES

A. Acceptable Solid Waste

Solid waste which is allowed to be received at the Center includes refuse, construction debris and demolition waste, motor vehicle waste, yard waste residential brush, appliances, and scrap metal. user fees may apply, see Section VIII.

Clean demolition will be accepted: sheetrock (must be kept separate) wood, asphalt shingles (must be kept separate) and bricks (must be kept separate).

Metal items and appliances will be accepted. Appliances with Freon will be kept separate.

Yard waste (grass clippings, garden waste, and leaves) must be brought to the designated area (compost pile) and must be free from branches. Material brought in plastic bags must be emptied.

Some household hazardous wastes may be brought to the facility. Residents need to contact the facility to determine if it can be accepted.

B. 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 materials 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 otherwise not normally be allowed for burial under New Hampshire Department of Environmental Services or U.S. Environmental Protection Agency regulations, or which would be likely to 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. Also see Section VII, Fees.
4. Stumps; Logs. Stumps and logs greater than three inches in diameter or three feet in length.

SECTION VI
PERMIT PROCEDURES

A. In General.

Permits may be obtained during normal business hours at the Center, 210 West River road, Hooksett, New Hampshire.

All permits shall be nontransferable.

Each vehicle intended for transport of solid waste to the Center must be permitted.

Permits must be prominently displayed on the window of the passenger side of the vehicle, which is bearing solid waste to be disposed of at the Center.

1. Residential
 - a. Any person applying for a permit must present a vehicle registration showing residence in the Town.
 - b. Permits are issued free of charge.
2. Commercial.

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

B. Revocation of Permit

The Superintendent may revoke the permit of any holder when a written finding is made that the holder of the permit or the holder's agent has violated any provisions of these regulations or any regulations promulgated hereunder. The Superintendent will provide written notice of the revocation to the holder of the permit by certified mail. Any person with such notice of revocation may request a hearing before the Town Administrator within fifteen (15) days of the receipt of such notice. The Town Administrator will affirm, reverse, or modify the action of the Superintendent. The revocation of the permit will be stayed during the pendency of the appeal.

SECTION VII
VIOLATIONS AND PENALTIES

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

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

SECTION VIII
FEES

The following disposal fees (user fees) are designed to defray some of the expense incurred by the Town in administering and operating the Center. This list is not meant to be all inclusive and additional information can be obtained by calling the office at 669-5198 or

checking the website at www.hooksett.org and checking under the Recycling and Transfer Department

Demolition. \$100.00 per ton

Furniture. \$100.00 per ton

Carpet. \$100.00 per ton (must be cut into 4' lengths).

Electronics. \$.11 per pound

Metal. Fee assessed per unit.
Metal with refrigerants (per unit) Resident \$11.00 Commercial \$20.00
Appliances (per unit) \$5.00

Recycling No fee

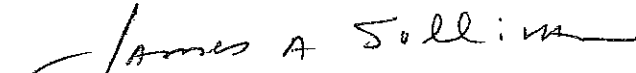
Solid Waste Resident \$0 Commercial \$100.00 per ton

Tires (not on rims)

Resident – No charge for the first four tires (passenger tires) per year per registered Hooksett vehicle, thereafter a charge of \$2.00 for each tire. Not accepted from commercial entities.

Yard Waste Fee assessed per load, one –ton truck.
Resident \$0 Commercial \$15.00

Adopted: 6/11/97
Amended: 3/10/10
Amended: 10/8/2014


James Sullivan

Town Council Chair



Todd Rainier
Town Clerk