

TOWN COUNCIL MEETING MINUTES
Wednesday, November 12, 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, R. Duhaime (arrived 6:33 pm), Susan Orr (arrived 6:39 pm), David Ross, Chairman James Sullivan, Dr. Dean E. Shankle, Jr. (Town Administrator)

Missed: Adam Jennings

PLEDGE OF ALLEGIANCE

SPECIAL RECOGNITIONS

APPROVAL OF MINUTES

- a. Public: October 22, 2014

T. Lizotte motioned to accept the public minutes of October 22, 2014 with edits. Seconded by J. Levesque.

Vote unanimously in favor. R. Duhaime abstained due to prior absence.

- b. Non-public: October 22, 2014

T. Lizotte motioned to accept the non-public minutes of October 22, 2014. Seconded by J. Levesque.

Vote unanimously in favor. R. Duhaime abstained due to prior absence.

AGENDA OVERVIEW

Chair Sullivan provided an overview of tonight's agenda.

PUBLIC HEARINGS

None

CONSENT AGENDA

- a. Donation from Heritage Commission to the THPC: \$238
- b. Donation from Kathie Northrup from sale of t-shirts to THPC: \$190
- c. Acceptance of donation in Honor of Robert Willard to Fire-Rescue: \$140

Dr. Shankle: I received an email from Kathie Northrup that at the Community Profile event; they sold 3 more T-shirts to make the total \$220 to THPC (instead of \$190).

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

TOWN ADMINISTRATOR'S REPORT

- Working on union negotiations – ongoing
- Tuesday was the Veteran's Day holiday; I was here for arbitration for a union member.
- Today and tomorrow, Town Hall and DPW are short staffed due to the NH Municipal Association Convention.
- As previously mentioned, Comcast has a low cost internet access program; they have since changed the terms. The cost is \$9/month, but customers needed to be current on their Comcast bill. They are currently waiving that condition. We also got a \$38,000 franchise fee check. (*Dr. Shankle passed the information to J. Sullivan as a member of the school board.*)
- Email received from fire chief to let Council know they have a good policy in place in case of an Ebola outbreak. Working with SNHU regarding international students in attendance.
- We talked about the tax bill newsletter last time – we thought the tax bill would go out before the Community Profile event, but we still aren't ready to send tax bills out. We removed that section and inserted a blurb on the Salvation Army bell ringers. It was in the newsletter last year and was replaced with the Community Profile information. I hope you will approve this change.

J. Sullivan: When is this going to be sent out? It also mentions an event on November 15 which announces the Library Book and Bake Sale. We apologize to the Library for missing the notification of this event.

***D. Ross motioned to approve changes to the newsletter. Seconded by T. Lizotte.
Vote unanimously in favor.***

- The estimated tax rate is here. It's not final yet, but hopefully we will have it by Friday and can send out bills early next week. The current tax rate is \$23.48; next year's is \$24.83. One thing you gave us authority to do was to apply any portion of our fund balance over 8% to the tax rate, so we did. \$767,363 was applied to that in this number; otherwise it would have been higher. The town's portion of the tax rate decreased from \$6.88 to \$6.49 (6.49% decrease).

D. Ross: I think it would be good to see the actual increase prior to the fund balance.

C. Soucie: It would have been 50 cents higher.

D. Winterton: Can you give us the other increases?

Dr. Shankle: Town went from \$6.88 to \$6.49; school went from \$11.44 to \$12.90; state portion of school tax went from \$2.40 to \$2.36; county portion went from \$2.76 to \$3.08.

J. Sullivan: Since we did the revaluation, is this impact tempered for private citizens since the average property value went down?

Dr. Shankle: Christine looked at it from the median household; the average home value is \$231,000; the overall tax rate increase was 5.75%; the dollar increase on a \$231,000 house from this year to last is \$311.

PUBLIC INPUT: 15 Minutes

Vincent Lembo, 56 Main St: Are you going to open up comments from the public for the 3-A and Hackett Hill Rd intersection portion of the meeting?

J. Sullivan: We can ask Council if they will accept public comment at that time, during Old Business 14-90.

Consensus to allow public comment during Old Business 14-90.

V. Lembo: And I'd like to say thank you to all our Veterans who are here and throughout the town, seeing yesterday was Veteran's Day.

Doris Sorel, 54 Cross Rd, Chairman of the Memorial Bridge Flower Committee for the Hooksett Garden Club: I spoke to you about flowers on the Memorial Bridge for spring and summer 2014. As a result of the meeting with Dr. Shankle, DPW Director, and Parks & Rec foreman we were successful in placing flowers on the Memorial Bridge this spring and summer. I'd like the minutes to reflect our thanks to Dr. Shankle, Leo Lessard, foreman of Parks & Rec and all Parks & Rec employees who made it possible for the flowers this year. Thanks from the Hooksett Garden Club to all town employees involved in this beautification project.

Marc Miville, 42 Main St: I want to mention that the Community Profile meeting was a great success; we had over 150 citizens in attendance and had great cooperation from businesses in town. It was a terrific "Taste of Hooksett" food sampling and everyone enjoyed it. We had 79 door prizes worth over \$2000, and almost everyone walked out with something. I'd like to send a brief thank you to the Council as this is a precursor to the community building initiative by hiring UNH Cooperative Extension to facilitate this event. There will be a final report; the steering committee is meeting December 9 and the final report will be presented to the committee and posted on the town website.

J. Sullivan: Thank you and the steering committee for your work.

NOMINATIONS AND APPOINTMENTS

None

SCHEDULED APPOINTMENTS

- a. Library Trustees Update (Mary Farwell, Mac Broderick, Tammy Hooker, Barbara Davis, and Linda Kleinschmidt)

M. Farwell: We just completed a landscape project in the median and sent a letter to Leo Lessard, thanking him and his employees for their assistance. I'd ask that notices be placed in the employee's personnel files. There were no tax dollars involved, and we could not have done it without the DPW and Parks & Rec employees.

Heather Rainier, Director: Not only are they fabulous, they are a pleasure to work with. They take great pride in the work they do. I was really impressed; they did it all with a smile. This is our library book report – we are very proud of our IT Specialist, Mark Glisson, who received the NH Library Association References and Adult Services Librarian of the year. It was very well deserved and almost as much as he deserved this, the community outpouring of support for him was overwhelming. We have been focusing on the STEM (Science, Technology, Engineering and Mathematics) program. We have started with a grant from FIRST, a Junior FIRST Lego Club. It has been a fabulous program. We had 30 slots, and they were filled in the first week. Thank you to FIRST for the \$2500 donations. There is a gap in the 9-12 year old group, so we hope that next year we can fill that. Thanks to the Friends of the Hooksett Library, we are the first library EVER to lend Lego sets. It has been such a great success. The Friends group is officially a 501(c)(3) which allows us to lend the Lego kits; they sponsored the summer reading program, and I could keep going on about what they have done for us. In the last 3 years, we have doubled our attendees for adult programs. We have a huge demand for computer and technology support from all ages and all walks of life. I'm really proud of my staff and we are making a difference in the community.

M. Farwell: Library Ambassador Program – we have been working on this for 6 months. Our local business community is under-served by the library. We are going out in the community and meeting with businesses. We have a lot to offer. We are hoping that once something is more formalized for the business community, our brochure can be included as a benefit to having a business in Hooksett. We have talked to several businesses and they had no idea of what we have to offer. There is a more formal outreach through Economic Development and we'd love to be a part of that.

M. Broderick: We have been working on a review of compensation for library employees. We have been comparing to other towns, and hopefully we will be able to present our findings to Council soon.

R. Duhaime: I think it's great to offer your services to the businesses in town.

H. Rainier: We hope to find new ways to support businesses in our community.

N. Comai: At the Community Profile event, I got the impression there were a lot of people who aren't as connected to the community as they'd like to be. The library received a lot of accolades from our residents at the event.

J. Levesque: I'm impressed with your Lego program; can children from surrounding communities take them home?

H. Rainier: It is limited to Hooksett residents, same with STEM program. We have a \$55 annual fee for an out of town family to get a Hooksett library card.

M. Farwell: Just want to remind you that the Salvation Army bell ringing website is open for sign-ups.

OLD BUSINESS

- a. 14 – 090 Hooksett Hackett Hill Road and Rte. 3A intersection improvement design

Dr. Shankle: If you are going to re-open the public hearing, we should do that up front.

J. Sullivan: I'd like to open a public input session on the Hackett Hill Rd and Rte. 3A intersection. We are not required to post this, we are allowing for the general public to participate in this meeting. I think we

need to make a motion to allow the general public to participate in our meeting, so I'd like to withdraw my prior statement.

D. Winterton motioned to extend the public input (per section 10 of the agenda) at this time. Seconded by T. Lizotte. Vote unanimously in favor.

Nick Golon, TF Moran: We have reviewed 3 options, and it appears option A6 is the direction you want to head. Looking at the pros, it offers the best level of service, best value for both opening year and future years (20 years), best cues, etc.; however, it does have the highest cost of the 3 options and slightly higher property impacts, the majority of which are DOT-owned. Abutters are comfortable with this proposal. Traffic control is more invasive and added costs are built in to account for that.

J. Sullivan: Could you talk about the 4-lane proposal again?

N. Golon: It provides better level of service by adding more volume. Whenever you add a signal, you are stopping the main line such that the people on Hackett Hill Rd have the opportunity to exit safely. It helps with cueing and safety. There is some blocking of the heavy right turn movement by southbound through queues during the 95th percentile am peak. However, it does accommodate the 50th percentile queue, and it is the longest practical storage bay length given the steep slope constraint to the south of Sta. 115+00. From the right hand turn lane onto Hackett Hill Rd, the cue can back all the way up past the turn lane. That is the unexpected consequence of that option, which is not really desirable.

J. Levesque: The right hand turn onto Hackett Hill can hold how many cars?

N. Golon: We have storage of 350' so about 19 cars; there are also environmental concerns on Brickyard culvert - we would need to extend culvert on the opposite side so there is an additional cost.

J. Levesque: Turning left on Hackett Hill, how many cars do you anticipate getting through that light change?

N. Golon: I don't know I have that answer at this point, but it will get fine-tuned. In option A7, you end up waiting 100 seconds to make the left hand turn. The level of service would not be a desirable consideration. In option A5, your opening level of service is B and goes to C or D in the future years. It's the left hand turns we are trying to address getting safely onto the road.

J. Sullivan: What are the safety issues of A6 compared to A5?

N. Golon: People are taking chances, but comparatively you are given a specified amount of time to make that turn. With the roundabout, you have gaps, but it allows continuous flow of traffic at a slower pace.

J. Levesque: What is the anticipated speed limit in the roundabout?

N. Golon: 25-35 mph would seem most appropriate but that will need some further study and evaluation.

D. Ross: Wouldn't signaling offer more ability to augment controls further down the road? With tractor trailer trucks going through this roundabout, you would have potential gridlock at rush hour. I'd like to see a signal instead of a roundabout.

N. Golon: We do simulations on all options to make sure a 53' trailer has the opportunity to make all the turns. We would design with that intent and create a larger geometry of the intersection. We are including slip lanes, which is a second lane allowing you to move through that intersection unimpeded. All the radiuses have been designed to accommodate the larger sized vehicles.

D. Ross: The ability to signalize that allows more control because there is another light further down the road. You can cue up traffic as you need to.

N. Golon: It does allow that, to its benefit and detriment. You are providing drivers on Hackett Hill Rd the ability to enter, but it creates an impediment to those traveling north and south on the through lanes.

J. Duffy: As part of the process, NH DOT had reviewed the designs from TF Moran and have approved any of the proposed options.

T. Lizotte: My concern is the cue is going to stack up vehicles; there is continuous motion with the slip lanes on the roundabout. I understand about the trucks, but they want to get off the highway, so if it's an impediment to them, I'm not overly concerned about it. The cue on Hackett Hill coming down, you can be stacked up to the light to the single northbound lane. When the light hits, they will stack up and I don't know how many cars can come off Hackett Hill.

R. Duhaime: The northbound lane is bowed in to slow traffic down. In the 4-lane proposal, the 2 lanes north (after the traffic light) go about 150' then funnel back into 1 lane. You stop the lane at the culvert.

N. Golon: We had to balance the environmental and property impact. The 2 lanes are great for getting people through, but they do have to merge back into one lane.

D. Winterton: If I am coming down Hackett Hill Rd at the roundabout and there is a car heading south in the roundabout, that car has the right of way, correct? If there is nobody in the way and I'm heading north, if there is someone in the slip lane, we have to merge?

N. Golon: It's about 200', a full 2 lanes up to the brook to merge. This is the engineering phase. We haven't had the opportunity to put pencil to paper and take the design further.

D. Winterton: Heading south on 3A and going to Hackett Hill, there is nothing in my way, but I'd have to yield to anyone in the roundabout.

D. Winterton: Since this is considered public input, we could not have a dialog, correct?

J. Sullivan: If it requires comment from Nick that is OK, but if it requires comments by us we can play it by ear.

V. Lembo: I researched some of the things we discussed when I was on Council and it's my understanding that we already voted to have a light here. On February 13, 2013 we had a staff report listing a traffic light and a recommended motion to cover the staff report, in my opinion. I read some more subsequent minutes and everything we discussed was a traffic light. I'm asking you to think about a reconsideration vote for the roundabout, since we already voted on a traffic light. I think 6 of the current Councilors were on the Council at this time. I was told it was going to either be started or completed in the spring of 2014. I don't know if it is proper to change that vote without reconsideration.

J. Sullivan: I'd address this to Nick: when did you get involved and was a traffic light even a consideration at this point? I'd like to find out how we got from a single light to a roundabout.

D. Winterton: The minutes from that meeting do say "improving the intersection."

V. Lembo: The staff report we were working from indicated a traffic light. In my mind, that was what I was voting on. I want to make sure the process is done properly and maybe you should consider this information; perhaps you might want to vote for a reconsideration of the original vote.

J. Sullivan: If the motion did not specifically mention lights, the official vote does not indicate lights. That would be my interpretation.

Dr. Shankle: He is referencing the staff report from that meeting, but to reconsider would reconsider the contract and impact fees, but it didn't mention the traffic light anyway. That is why we do studies so we have the information to make a proper decision.

J. Sullivan: Unless you are not comfortable with proceeding, we should make a motion at this point since Dr. Shankle is asking us not to proceed with reconsideration.

D. Ross: Are we the final decision makers on this since it is a state owned road?

N. Golon: Yes, it's your decision. NH DOT has approved all 3 options presented to you. Relative to the contract the town signed, a roundabout concept was included as part of the evaluation.

V. Lembo: All dialog in subsequent meetings mentioned traffic lights. The cover letter from TF Moran mentioned a traffic light. I thought I was voting on a traffic light.

J. Sullivan: I voted on whatever the motion was. Whatever my reasoning was back then, I don't recall.

N. Comai: I appreciate you taking the time to research this and make sure we are doing this correctly. The "improvements" word is allowing me the comfort that if we solidify anything, we haven't done anything wrong.

S. Orr: I remember quite a bit of that conversation. My leaning was always toward a roundabout there. I recall asking about it at the time. I think that's why we worded it the way we did, so a roundabout could be one of the options to make that intersection safer (lights and roundabout being 2 of the options).

D. Ross: My concern is since the public hearing has closed, if Mr. Lembo is opposed, I don't know if it's proper to ask him his opinion.

V. Lembo: I don't care either way. The first I heard of the roundabout was in October. I was surprised the light wasn't up.

J. Levesque: I'm quite pleased with Dr. Shankle's explanation of the vote and what we voted for. We voted for the study and one of the options is a roundabout. We voted to find out options and that happens to be one of the options. I don't think we need to reconsider the vote. I have mixed feelings on both options.

T. Lizotte: The first concern I had when this discussion first came up was the stacking of traffic and I wanted to see safety data. Community Development brought some data, but I have always had a concern about a light. In the future, the roundabout feeds into a wider set of lanes going through the north. You aren't going to expand it to a 4-lane highway; it's always going to be a 2-lane road, not anything greater than it is now.

M. Miville: Council has done due diligence with the process. We appreciate Mr. Lembo's examination of the process, and I appreciate the consensus of the Council to recognize that. The current Board does not have to be beholden to the previous Board's decisions. I think it's appropriate to discuss other options, and I think you've done that so thank you for that.

J. Duffy: The staff report is mentioned under the background information. When we looked at this intersection and hourglass area, we had to go to the state to get their buy in and Stantec had done some work; the roundabout didn't come up until later when we hired TF Moran. The state requires you to look at traffic lights but also provide a roundabout design. They looked at all 3 and said any of them would be fine. When the staff report was submitted, that was the only option we had at the time.

R. Duhaime: The state mandated a study of this intersection and we had to choose between the hourglass and this intersection.

J. Duffy: The state will only allow the town to have one project using those funds that is why they called it one project, in 2 phases. This was supposed to be started in spring 2014, but we had delays with the state, environmental issues, and cueing details that have pushed everything back. With the bridge work coming up in spring 2015, this is getting pushed back even further.

Gene McCarthy, 23 Barberry St: I am here as a citizen, but I'm also a highway engineer. The idea of a roundabout isn't new. Putting a traffic light here would be a disaster, in my professional opinion. The roundabout is going to give you the best performance. I will disagree that the roundabout is safer. It's not my opinion, it's a fact. It is by far safer than a traffic light. Trucks complain about roundabouts because it makes them slow down. After they learn, they function very well. It will cost a little more to build, but you

don't have a traffic light to maintain. At off peak times, there is less delay and is simpler. The next project should be looking at a roundabout at Main St. If you put them in a series, they work much better. I am working on projects where communities have eliminated traffic signals in favor of roundabouts, as many as 4 of them. A signal makes no sense at this location.

Alden Beauchemin, Keyland Properties: We have been following the concepts and we are excited to see the roundabout concept. I think it's important for everyone to understand the full scope of what is to follow in the near future. We see this as a gateway to the Village. It's the most desirable option to us. We now have state approval for a seaplane landing in the river. Once we get final Planning Board approvals, we will be able to fly from Hooksett to Pittsburgh, NH in 60 minutes.

R. Duhaime: Is there any room for a pedestrian or bike lane?

N. Golon: We can look into it, but I don't think it would be the most appropriate. The primary objective is the safety of vehicular traffic.

N. Comai: When you first mentioned the culvert, is the size conducive to your project design? Can it incorporate the size Mr. Beauchemin is looking for?

N. Golon: It would require a complete replacement of the culvert.

N. Comai motioned to accept the roundabout option (A6). Seconded by D. Ross.

N. Golon: We will keep you in the process and will come back to you with updates.

Dr. Shankle: They will have to come back for further votes on final numbers.

S. Orr: I'd suggest we not mention Alternative A6, as it is designated as a single lane roundabout. We need to broaden the language to just say the roundabout option.

N. Golon: Typically you only bring forth one concept for a vote; we felt it appropriate to give you the 3 options. You are approving the plan for the roundabout, designated as A6. It may be slightly modified, but this is what you are approving us to move forward with so we can develop a schematic plan.

Roll Call

R. Duhaime – Yes

S. Orr – Yes

D. Ross – Yes

J. Levesque – Yes

N. Comai – Yes

D. Winterton – Yes

T. Lizotte – yes

J. Sullivan – Yes

Vote unanimously in favor.

J. Sullivan: Come back when you need to and please keep Dr. Shankle updated on the progress.

b. 14 – 066 Village/Lilac Bridge Update

Dr. Shankle: The meeting with the state is tomorrow at 10 am so I will have an update on the state's reaction to the letter we submitted at our meeting next week.

c. 14 – 091 University Heights Bond Release

N. Comai motioned to release the site bond of \$449,913.00 to Pilot Construction. Seconded by T. Lizotte. (The landscaping bond of \$192,647.00 is in hand.)

R. Duhaime: Is it a 2 or 3 year bond?

J. Sullivan: Leo Lessard indicated 2 years.

Vote unanimously in favor.

NEW BUSINESS

a. 14 – 092 Merrimack St. Retaining Wall

Dr. Shankle: The pictures show how important it is to stabilize this before the snow and ice get under there.

J. Sullivan: We voted previously and you installed a retaining wall on the opposite side up further.

L. Lessard: There is a retaining wall holding up the road and it's been deteriorating over the years. Now we have to replace the wall before it collapses into the house and we lose the road.

D. Ross: This wall is all town property? The town installed the wall?

L. Lessard: Yes, the town owns it. I don't know who installed it, I assume the town did. There is no documentation.

T. Lizotte motioned to approve the bid by Viking Construction in the amount of \$23,115 to erect the retaining wall. Seconded by D. Winterton.

R. Duhaime: I noticed later in the agenda you have a request for an excavator lease. Can you wait for that and do it yourself?

L. Lessard: We would be better off having someone doing it that has the expertise; it's near a hydrant and a home. I was thinking of shutting the road down last year because I was worried about it.

D. Ross: What are you doing with the old granite?

L. Lessard: We are keeping it and will find another use for it.

Roll Call

N. Comai – Yes

D. Ross – 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 – 093 DPW Excavator Lease

D. Ross motioned to accept the lease purchase of an excavator through Tax-Exempt Leasing Corp. at a rate of 2.87%. Seconded by T. Lizotte.

Roll Call

J. Levesque – Yes

D. Ross – Yes

R. Duhaime – Yes

S. Orr – Yes

D. Winterton – Yes

T. Lizotte – Yes

N. Comai – Yes

J. Sullivan – Yes

Vote unanimously in favor.

c. 14 – 094 Primex contract renewal

Dr. Shankle: We would like to extend the contract until 6/30/17; we are presuming less than a 10% cap/year.

T. Lizotte motioned to allow the Town Council Chair to sign the extension for workers' compensation coverage with Primex³ ending June 30, 2017. Seconded by N. Comai.

Roll Call

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

Vote unanimously in favor.

d. 14 – 095 OTT contract extension

Dr. Shankle: We entered into the contract in 2011, which expires in April. We'd like to extend it by a little more than 18 months to June 30, 2017. They are willing to do that without any increase. After that, we will bid it out with our fiscal year.

D. Winterton: Putting this in line with our fiscal year makes sense to me.

D. Ross motioned to allow the Town Administrator to sign the extension for telephone services with OTT Communications ending June 30, 2017. Seconded by D. Winterton.

J. Sullivan: Why are you asking the Chair to sign the Primex contract, and this is designating the Town Administrator to sign?

C. Soucie: Primex is requesting specifically that the Chair sign their contract.

Roll Call

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

Vote unanimously in favor.

e. 14 – 096 Health Insurance contract

T. Lizotte motioned to allow the Town Administrator to sign the one year contract with HealthTrust for health and dental insurance ending December 31, 2015. Seconded by R. Duhaime.

Dr. Shankle: It increases by 2.5%. This is going out until 12/31/15 so this wouldn't interfere with union negotiations.

Roll Call

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

Vote unanimously in favor.

f. 14 – 097 Technology Services contract

T. Lizotte motioned to award the technology services contract to Spaulding Hill Networks, LLC. Seconded by R. Duhaime.

Dr. Shankle: It came up last year and we said we would bid it out this year, which we did. There was a committee that looked at it and they agreed. The deciding factor is the unlimited hours in their quote is within our budget and they offer unlimited hours.

R. Duhaime: It's interesting to note that our current provider is the highest bid in this quote. Everyone else is well under Mainstay.

N. Comai: Given the space between the quotes, are we getting what we pay for? Have we checked into their references? That is a huge difference.

Dr. Shankle: We talked to a couple of towns that use them.

C. Soucie: An employee here that lives in Weare called the town and got a good reference.

D. Winterton: Where are they located?

C. Soucie: Nashua.

D. Ross: How long have they been in business?

K. Rosengren: I don't know exactly, but they bid on our services in 2010, and they have expanded since then and are better equipped to handle more business.

N. Comai: It appears that the second person on the list is a Hooksett business.

Dr. Shankle: We went with the lowest bid as well as the unlimited hours. We require 24-hour service.

N. Comai: Is there a loophole, so if they don't come through we can get out of it?

Dr. Shankle: It's only a contract for one year.

T. Lizotte: Do we have an average number of hours we demand of these vendors?

K. Rosengren: Mainstay provided a breakdown of our hours: 174 hours for Town Hall/Public Works/Transfer & Recycling; 200 hours for Fire; 219 hours for Police (annually) – that's where the 600 hours come in. When it says per hour after hours, that's an additional cost above and beyond the annual.

Dr. Shankle: We will have someone here on site for one day per week so we can get things lined up for them to do when we know they will be here.

Roll Call

J. Levesque – Yes

R. Duhaime – Yes

T. Lizotte – Yes

S. Orr – Yes

D. Ross – Yes

N. Comai – No

D. Winterton – Yes

J. Sullivan - Yes

Vote 7-1 in favor.

g. 14 – 098 2015 Holiday Schedule

T. Lizotte motioned to adopt the 2015 Holiday Schedule and approve its distribution to all staff. Seconded by J. Levesque. Vote unanimously in favor.

SUB-COMMITTEE REPORTS

J. Levesque: ZBA doesn't meet until next week; Recycle & Transfer – truck has been ordered (\$189,410) and will be delivered in March. They have a new employee who is working out well. Recycling is up; mandatory cardboard recycling is going off without a hitch. Board of Assessors met last Thursday and it was a nonpublic meeting. We granted 2 abatements instead of going to court.

D. Ross: I wanted to report on the election. It was quite a feat for our volunteers. Over 5100 voters went through in 13 hours. We may want to consider opening the second door with the general election coming up to alleviate some of those long lines. Considering the turnout, I anticipate a greater turnout in the election coming up 2 years from now. More help could have been used. We do need volunteers.

D. Winterton: Budget met once and I was unable to attend. Economic Development has not met. Planning Board met and Attorney Campbell came, representing Manchester Sand & Gravel to talk about the parkway easement and if it will be feasible the way it is now. They are suggesting we should let it go forward with no further thought of the parkway. There is no money and SNHU doesn't want to do it. We need to take care of Rt 3 first.

N. Comai: Based on the Community Profile event, it was mentioned that an Economic Development coordinator position was thought of and vetted through the people in attendance. Can you give a little background as to why that was served up? This board should give more thought to how the Economic Development Committee is failing at their duties.

D. Winterton: Since I have been involved, it's been in disarray and the members know it. The UNH Cooperative Extension has presented a program that will be very helpful.

J. Sullivan: We should ask them to come in for an update.

Dr. Shankle: They are coming in next week and the contract with UNH Cooperative Extension is on the agenda.

J. Sullivan: Old Town Hall Preservation met with architects who presented multiple schematic designs. They could offer a 3-D model for an additional cost. These include putting a stage back in the Old Town Hall, bathroom facilities and maybe a kitchen area. In each phase, they are providing general cost estimates on each aspect so we can go through this each step depending on the resources. We can provide more detail at our next meeting, if necessary.

N. Comai: Community Profile event was a success. Community is looking for a Community Center and I always thought the Library was providing that. From what I heard, it was more of a place to hang out for the day. Old Town Hall could very well be phase 1 of a community center before spending millions of dollars on a community center.

J. Sullivan: That could be one of the uses for that building. And with the handicapped ramp it would be convenient. I will bring that to the Committee.

N. Comai: DPW negotiations are progressing nicely; other 2 groups are ongoing.

S. Orr: I have been behind on getting out the Hooksett Youth Achiever mailings. I have a preliminary list done and I'll be looking for help from staff to finish the list. We talked about adding camps to that list. I found some great camps online. Once we finalize the list, we can get the letter out.

J. Sullivan: Have we received any nominations?

S. Orr: I haven't seen any.

R. Duhaime: Sewer Commission: Brox is donating 5 acres of land to sewer department in lieu of engineering on how to get the sand out. Brox has a crushing plant and need sand. Sewer is looking for additional land to build another plant. They are looking for this Board's support. They didn't get the volume or quality the town will need in the future. They haven't heard back from Walmart because they released the bond. The under the river line would service the other side of town. We will have to bring it

back to the table. Walmart and Bass Pro were supposed to do the line under the river that would service the other side of town. They can only stay in the leach field so long. They are worried about the bridge line. They are getting pricing for a storage tank on the north side of the river in case something happened and they would be able to pump it.

T. Lizotte: Conservation Commission met and there were updates on the Merrimack Riverfront Trail. They are bringing forth a warrant article and are getting that formatted. They are looking to Parks & Rec to tap into impact fees for the trail system. Pike Industries is finalizing a conservation easement and will come to Council for approval. Mr. Beauchemin came in regarding his plan to develop the area near Hackett Hill. Jennifer McCourt came in regarding Edgewater Dr with a new set of plans (removing one of the houses); looking for a recommendation in regards to permits and special exemptions they needed with DES. Hooksett Youth Achiever – we have 2 people in the hopper and we have had issues scheduling a meeting. Looks like we will be able to schedule something and Susan is looking at ways to increase the number of applications we are getting.

N. Comai: To add to your list of places to post your applications – there are local condo associations with common areas with bulletin boards. I think Matt Barrett from Barrett Insurance will allow us to use his electronic board, I'm sure Merchants might too.

J. Levesque: Next Tuesday at the ZBA meeting, Edgewater Dr has a couple variances on wetland crossings.

D. Winterton: Budget did meet since our last meeting. I was unable to attend but they did choose a chairman and the school came in and we are waiting for them to come back.

PUBLIC INPUT

Marc Miville, 42 Main St: Budget did meet on October 30. Typically on our first meeting the Town Council rep starts the meeting since there is no Chairman, but we got through it. We approved the calendar and budget. The school superintendent showed up to review the school budget. Our next meeting is on December 4. Community Profile – frustration with Economic Development was that they have no teeth. It's an advisory committee. The ideas brought out were to give them more teeth. We understand that the Town Council should oversee the Economic Development Committee. There was a suggestion to create a position to focus on Economic Development in the town. Everything comes from that and you can accomplish some of the ideas citizens have. Another suggestion was to revise the welcome packet for the Economic Development Committee. Regarding the electronic boards – we used Library, Merchants, DPW and Barrett Insurance. It can help the residents stay informed on what is going on in town. Regarding the parkway, there is \$56,000 in the fund balance – you might want to consider removing that if you are going to be removing that parkway consideration. Regarding senior/community center I suggested purchasing Dot Robie's house across from Town Hall and call it the Dot Robie Community Center.

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 8:58 pm. Seconded by R. Duhaime.

Roll Call

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

Vote unanimously in favor.

***D. Ross motioned to extend the meeting from 9:30pm to 9:40pm. Seconded by D. Winterton.
Vote unanimously in favor.***

***D. Ross motioned to extend the meeting from 9:40pm to 10:00pm. Seconded by D. Winterton.
Vote unanimously in favor.***

***J. Sullivan motioned to exit non-public at 10:00pm. Seconded by J. Levesque.
Vote unanimously in favor.***

***D. Ross motioned to seal the non-public minutes of 11/12/14. Seconded by T. Lizotte.
Vote unanimously in favor.***

***J. Sullivan motioned to adjourn at 10:03pm. Seconded by R. Duhaime.
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

Staff Report
50 Merrimack Street – Retaining wall
November 12 2014

AGENDA NO. 14-092
DATE: 11/12/14

Background:

The back yard of 50 Merrimack Street has an existing retaining wall which most likely was installed years ago to build Granite Street. The existing granite slab wall is in failer and in need of replacement.

Issue:

The wall through the years of frost thaw along with vertical pressure of vehicles and trucks is in failer at this time. As you can see from the pictures it has been repaired with shims. At this time the wall being only two and half feet from the hose is falling in against the house. The slant of the wall is about 18" inwards. If this wall was to collapse it would do significant damage to the home. It would also collapse the road way which may disrupt utilities such as the sewer main and water main.

Discussion:

I have worked with Keach Nordstrom Engineering and Michie Corp to engineer a new retaining wall for this area. With months of back and forth we have a design a product for the wall. We will use ready blocks from Michie Corp. the plan and face block is attached. I have also gone out for bids on the erection of the wall the department will assist in some of the process to try and keep the cost down. At that this time the department has invested a total of \$4862.58 in design fees and \$8570.50 in a purchase order waiting for purchase from Michie Corp. a total of \$13,433.08 thus far.

Fiscal Impact:


At this time the three bids for the erection of the wall is Viking Constriction at \$23,115.00 Pichette Brothers Construction at \$44,240.00 and Leighton A. White at \$34,817.00. See attached bids

Recommendation:

I would like to recommend the Town Council approve the bid to Viking Construction in the amount of \$23,115.00 which is also the low bid. I would like to also state that this wall has been in failer for some time and I would like to get this done before the winter months. This is a large safety concern and needs to be attended to as soon as possible.

Prepared by: Leo Lessard, Public Works Director

Town Administrator Recommendation: *concur*


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



Leighton A White, Inc.
468 Route 13 South
Milford, NH 03055
Phone: 603-673-2294
Fax: 603-672-8320
Website: www.leightonawhite.com

PROPOSAL/CONTRACT #2548

Date: October 16, 2014

To: Leo Lessard, Public Works Director
Address: Town of Hooksett
210 West River Road
Hooksett, NH 03106

Telephone: 603-668-8019 **Cell:** 603-732-8952

E-mail: llessard@hooksett.org

Project: Town of Hooksett Granite Street Redi-Rock Wall Installation

Owner: Town of Hooksett, NH

SCOPE OF WORK: Subject to the exclusions and notes shown below, all equipment and labor required to complete the following work on the above referenced project (the "work"):

This proposal has been priced from the following information. Documents include:

1. Site plan labeled S1.0 by SFC Engineering Partnership Inc. of Auburn, NH titled "Retaining Wall Reconstruction Granite Street Hooksett, NH Redi-Rock Wall Design Drawings" dated 9/23/14.

Items listed below only represent work priced.

This proposal is for Labor & Equipment ONLY.

REDI-ROCK WALL INSTALLATION

- Saw cut pavement
- Remove and dispose 4" pavement
- Structural excavation for redi-rock wall
- Deliver stone and gravel to site from Town DPW Yard
- Install stone under redi-rock wall blocks
- Place redi-rock wall blocks according to sheet S1.0
- Install geotextile material as required by wall design
- Structural backfill for redi-rock wall
- Installation of foundation drain

MISCELLANEOUS

- Mobilization
- Supervision

Total: \$34,817.00

Note 1. Street to be closed during construction

Note 2. Town to install asphalt berm across road to direct water away from work site

Note 3. All asphalt pavement repair by others

Note 4. Town of Hooksett to supply all materials for this project

Note 5. Michie Corporation will provide the engineered wall design

We have excluded from this bid:

- Initial control points and layout
- Licensed Land Surveyor and/or Professional Engineer (by others)
- SWPPP preparation, reporting and/or monitoring
- Wetland delineation and marking
- Soils or environmental engineering and/or testing
- Blasting, rock excavation and Hoe Ram rental
- Removal of hazardous or contaminated materials &/or Petroleum laced material
- Asbestos inspection, reporting and monitoring (NESHAP)
- Asbestos abatement and removal
- Removal and replacement of unsuitable materials
- Shoring, bracing and/or pinning
- Permits and fees associated
- Utility service and connection fees
- Underground gas utilities, any and all work related
- Unload redi-rock wall blocks and stack on project site
- Bollards
- Fence and/or guardrail
- Stairs and/or deck
- Remove, hold and/or relocate existing utility poles, guy wires or over-head wires
- Transformer pads, sector cabinets, telephone manholes, pull boxes and wire - by others
- All concrete flat work and ADA detectable warning plates
- Concrete conduit encasement
- Flowable fills-furnished and/or placed
- Rigid insulation, vapor barrier and/or drainage board
- Landscape plantings, beds, bark mulch, pavers or hardscapes
- Sod, any and all work related
- Site irrigation and/or sleeves
- Lawn seed watering & growth maintenance
- Snow plowing and winter provisions

Escalation Clause: Pavement prices are quoted based on the current cost index of liquid asphalt materials. Prices are subject to increase at anytime as they are not guaranteed by the suppliers. The price index used for the preparation of this quote is \$622.00 per liquid ton, and will be the basis of escalation for this project.

Price Disclaimer: This proposal is valid for 30 days from date shown above.

Leighton A. White, Inc. and the contractor shall mutually agree on a scheduled start and completion date for said project.

**PICHETTE BROTHERS CONSTRUCTION
1650 ELM STREET
MANCHESTER N.H. 03101
603 625 6756 PHONE
603 625 9059 FAX**

TOWN OF HOOKSETT MICHIE WALL AT GRANITE STREET

October 14, 2014

Saw Cut Road		
Remove Existing Asphalt		
Set up Jersey Barriers		
Remove Existing Cable in Work Area		
Remove Existing Retaining Wall		
Base Prep for Upper Wall		
Set Upper Wall Base		
Set Upper Wall Mid and Tops		
Base Prep for Lower Wall		
Set Lower Wall Base		
Set Lower Wall Mid and Tops		
Stone for Drainage Area		
Structural Backfill		
Filter Fabric		
Unloading of Trailers		
Shim Gravels		
Base Pave		
Top Coat		
	\$	44,240.00

NO WALL FROM MICHIE INCLUDED

NO GRANITE CURB INCLUDED

GRAVELS ARE IN THE WALL BACK FILL PRICE

NO GUARD RAIL

NO SEWER REPAIR

NO FENCING

NO TRAFFIC CONTROL

All work to be done from Granite Street. Road Closurers by others.

This work will take approx 1 week to complete. We will need both lanes for day work but can move the barriers to allow for 1 lane at night for safety reasons.

Viking Excavation LLC

118 Palmer Road
Candia, NH 03034

Estimate

Date	Estimate #
10/10/2014	131

Name / Address
Town of Hooksett-DPW 210 West River Road Hooksett, NH 03106

				Project
Description	Qty	U/M	Rate	Total
Excavate and remove existing retaining wall			4,300.00	4,300.00
Sawcut and remove existing pavement			4,300.00	4,300.00
Install retaining wall per plan			12,875.00	12,875.00
Install underdrain per plan			140.00	140.00
Construction clean up and finish			1,500.00	1,500.00
			Total	\$23,115.00

NOVEMBER 12, 2014

GOOD EVENING CHAIRMAN SULLIVAN

DR. SHANKLE AND MEMBERS OF THE COUNCIL

MY NAME IS DORIS SOREL AND I LIVE AT 54 CROSS ROAD.

I AM CHAIRMAN OF THE MEMORIAL BRIDGE FLOWER COMMITTEE OF THE HOOKSETT GARDEN CLUB. I CAME BEFORE YOU EARLIER THIS YEAR WITH TINA PAQUETTE TO SPEAK WITH YOU ABOUT THE FLOWERS ON THE MEMORIAL BRIDGE FOR THE SPRING AND SUMMER SEASON OF 2014.

I WANT TO REPORT TO YOU THIS EVENING THAT AS THE RESULT OF A MEETING WITH DR. SHANKLE, THE PUBLIC WORKS DIRECTOR, AND THE FOREMAN OF PARKS & RECREATION DEPARTMENT, THE HOOKSETT GARDEN CLUB WAS SUCCESSFUL IN PLACING FLOWERS ON THE MEMORIAL BRIDGE THIS PAST SUMMER.

THE PUBLIC WORKS DIRECTOR, AND THE PARKS & REC DEPARTMENT FOREMAN, WERE VERY RESPONSIVE TO THE WATERING NEEDS OF THE FLOWERS, AND PROVIDED A REGULAR WATERING SCHEDULE FOR THEM.

I REQUEST THAT THE MINUTES OF THIS MEETING REFLECT
RECOGNITION AND THANK YOU'S TO DR. SHANKLE, THE PUBLIC
WORKS DIRECTOR, THE FOREMAN OF THE PARKS & REC, AND ALL
THE EMPLOYEES FROM PARKS & REC WHO MADE IT POSSIBLE FOR
THE SUCCESS OF THE FLOWERS ON THE MEMORIAL BRIDGE THIS
YEAR. THEIR COOPERATION AND ATTENTION TO THIS JOINT
VENTURE BETWEEN THE HOOKSETT GARDEN CLUB AND THE TOWN
OF HOOKSETT WAS PARAMOUNT IN THE SUCCESS OF THIS ANNUAL \\
BEAUTIFICATION PROJECT.

MAY I REPEAT, PLEASE PASS OUR THANK YOU FROM THE HOOKSETT
GARDEN CLUB, AND ALSO PROVIDE YOUR RECOGNITION AND
THANK YOU, TO ALL THE TOWN EMPLOYEES INVOLVED IN THIS
JOINT VENTURE BEAUTIFICATION PROJECT.

RESPECTFULLY

DORIS A. SOREL CHAIRMAN

HOOKSETT GARDEN CLUB

MEMORIAL BRIDGE FLOWERS COMMITTEE..

OUR INTEREST IN THIS JOB. For 35 years our employees have been respecting our sincere desire to do quality work for our clients. We have always been very careful in selecting subcontractors and always use quality materials and supplies. These are the reasons we have no problem guaranteeing our workmanship.

LEIGHTON A. WHITE, INC. HAS A SAFETY PLAN AND IS FULLY INSURED FOR YOUR PROTECTION.

AS A MEMBER OF ABC, IN MAY OF 1999 THROUGH 2005, 2007, 2009 AND 2011, WE RECEIVED THE FIRST PLACE SAFETY AWARD IN CATEGORY SIC CODE 16 WE HAVE HAD THE HONOR OF RECEIVING THE AWARD OF EXCELLENCE FOR OUR WORK ON THE FRANKLIN PIERCE COLLEGE NCAA BASEBALL FIELD AND ARE THE RECIPIENTS OF THE 2005 NATIONAL SAFETY EXCELLENCE AWARD AND 2008 NATIONAL SAFETY MERIT AWARD

EXCLUSIONS:

Excavation and removal of ledge or large boulders; removal and replacement of unsuitable materials; excessive or unusual dewatering; removal or remediation of hazardous materials; latent subsurface conditions; unidentified or misidentified underground utilities; delay, damage or other problems caused by winter conditions; initial layout and benchmarks; required bonds; fees and costs associated with testing, including compaction tests; and obtaining any required permits.

TERMS OF PAYMENT: Contractor and/or Owner represent that financing for the above referenced project has been obtained and funds sufficient to pay the contract price stated above will be available for payment to Leighton White, Inc. in accordance with the terms and conditions of this Proposal. Payment terms shall be 50% upon job start and Balance due upon completion. Interest shall accrue at 1 ½% per month on the outstanding balance. Should enforcement of these terms become necessary, the Contractor and/or Owner agree to pay the costs of collection, including court costs and reasonable attorneys fees.

AUTHORIZATION TO PROCEED: The Contractor/Owner accepts and agrees to the terms and conditions of this Proposal and authorizes Leighton A. White, Inc. to proceed with the Work. The above terms shall be incorporated by reference into any subsequent contract executed between the parties. To the extent that any conflict exists between this Proposal and any such contract, the terms of this Proposal shall control.

Dated: October 16, 2014

By:


Dale A. White, President
Leighton A. White, Inc.

Dated:

By:


Name and Title of duly authorized officer

M:\0-Current-Bids\2548 Hooksett Granite Street Redi-Rock Wall Installation_LAW-Proposal-2548.doc

"You Can Always Get A Cheaper Price But You Can Not Get A Better Job -

We Move Mountains To Serve You"



OTT Telecommunications Corp.

AGREEMENT AND STATEMENT OF SERVICES

Sales Rep Name Art Hanson

Date October 15, 2014

Referred By (if applicable) _____

Multiple Locations? Yes or No Recast of Services List Site Locations Here _____

CUSTOMER PHYSICAL LOCATION ADDRESS

Customer Name Town of Hooksett Contact Name Christine Soucie
 Address 35 Main ST City Hooksett State NH Zip Code 03106
 Primary Phone Number _____ Alternate Phone Number _____
 Email Address: csoucie@hooksett.org

BILLING ADDRESS (if different than physical address)

Billing Name _____ Phone Number _____
 Address _____ City _____ State _____ Zip Code _____

TECHNICAL CONTACT (VENDOR, IT CONTACT, ETC.)

Technical Contact _____ Phone # _____ Cell # _____
 Address _____ City _____ State _____ Zip _____

BUSINESS INFORMATION

Type of Business Proprietorship Corporation Partnership LLC Non-Profit
 Social Security Number _____ Fed Tax ID Number _____
 Bank Nar _____ Tax Exempt Yes No If no: _____

SERVICES AND CHARGES

Location	Telecommunications Services	Term MTHS	Quantity	Installation Fee	Price Each	Recurring Price
	Resale Lines	36	15		\$26.00	\$ 390.00
	Business Lines	36	26		\$26.00	\$ 676.00
	Hosted Enhanced User	36	5		\$25.00	\$ 125.00
	Hosted Standard User	36	8		\$16.00	\$ 128.00
	Hosted Basic User	36	3		\$10.00	\$ 30.00
	T1 Local Access	36	1		\$210.00	\$ 210.00
	Internet 1.5	36	1		\$30.00	\$ 30.00
	10 User Hosted Bundle	36	1		\$278.99	\$ 278.99
	3 User Hosted Bundle	36	1		\$98.99	\$ 98.99
	Business Line Feature Pack	36	1		\$15.00	\$ 15.00
			0		\$0.00	\$ -
						\$ -
						\$ -
						\$ -

One Time Installation Charges \$0.00 Total month recurring charges \$1,981.98
 One Time Expedite Fee (if necessary) _____ (does not include long distance charges, taxes or surcharges)

Notes Contract is to term on June 30,2017 on the the Town's physical year end

****Upload speeds are subject to qualification of Customer's circuit achievable speeds may vary and are subject to many factors and are not guaranteed.

Terms of Agreement

- 1. By signing below, I agree to the terms and conditions contained in the attached Telecommunications Service Agreement.
2. Customer understands that this binding Agreement is for a minimum Monthly Recurring Charge of: \$1,981.98
3. To the extent that this Agreement continues services subject to an Earlier agreement, any new rates adopted in this Agreement will not go into effect until the Customer's next billing cycle.
4. Customer will pay remaining monthly charges for the Term should the contract be terminated early (Early Termination Fee) pursuant to Paragraph 6 of the Telecommunications Service Agreement.
5. Customer understands that OTT Communications* is not liable or responsible in any way for any charges on my phone bill that are a result of any entity or individual gaining unlawful access into my network or system, including any long distance charges, whether they be domestic or international charges.

6. International and Offshore Call Blocking (does not include calls to Canada)

International calls require dialing 011 and a country code.
Offshore calls are made to Caribbean Islands using traditional 1+ 10 digit dialing.

- a. Customer requests that OTT Communications place international and offshore call blocking on all lines. Initials
or
b. Customer specifically requests that OTT Communications allow international and offshore calling on some or all of Customer's lines and hereby assumes liability for any and all unauthorized international calls. Initials
For Non-Hosted Services Only:
c. Customer requests that OTT Communications place international call blocking on all lines. Customer specifically requests that OTT Communications allow offshore calling on some or all of the Customer's lines and hereby assumes liability for any and all unauthorized offshore calls. Initials
or
d. Customer requests that OTT Communications place offshore call blocking on all lines. Customer specifically requests that OTT Communications allow international calling on some or all of Customer's lines and hereby assumes liability for any and all unauthorized international calls. Initials

CUSTOMER UNDERSTANDS AND AGREES THAT CUSTOMER IS RESPONSIBLE FOR DISCONNECTION OF SERVICES WITH CURRENT PROVIDER. CUSTOMER MUST NOTIFY CURRENT SERVICE PROVIDER THAT SERVICES SHOULD BE TERMINATED AT TIME SERVICES ARE MOVED TO OTT COMMUNICATIONS.

Authorized Customer Signature: Dean E. Shankle Jr. Title: Town Administrator Customer Printed Name: Dean E. Shankle Jr. Date: 11/14/2014
Authorized OTT Signature: Title: OTT Representative Printed Name: Date:

*OTT Communications includes Mid Maine Telplus LLC and CRC Communications LLC.

OTT Communications is an Equal Opportunity Employer and complies with Executive Order 11246 and 13496 and hereby provides notice of its compliance with FAR 52-222-26,29 C.F.R. 471, Appendix A to Subpart A, 41 C.F.R. 60-1.4, 41 C.F.R. 60-250.5, and 41 C.F.R. 60-741.5, which are hereby incorporated by reference.

**Workers' Compensation Program
Contribution Assurance Program (CAP) Agreement
THIS AGREEMENT AMENDS AND EXTENDS YOUR MEMBERSHIP AGREEMENT
PLEASE READ CAREFULLY**

Primex³ is offering members in our **Workers' Compensation Program** an opportunity to stabilize their annual contributions through participation in our Contribution Assurance Program (**CAP**). **CAP** is offered to members who qualify, providing them predictability by limiting the annual contribution increase during a defined period of years (**CAP Period**). By signing this Agreement, you agree to extend your Membership Agreement for **two (2) years** and Primex³ agrees to guarantee that your annual contribution increase will not exceed ten percent (10%) of the prior year's contribution. Because performance matters with Primex³, you may realize an annual increase that is less than the **CAP** through sound risk management and stable underwriting exposures. The annual member contribution will be based upon your exposure base, members' loss experience, and the rates established each year by the Primex³ Board of Trustees.

We are offering this opportunity so that our members can extend their commitment to pooling through the Primex³ programs. Participation in **CAP** for each year of the **CAP Period** is conditioned upon a two-year commitment to participation in the Primex³ Workers' Compensation Program.

The following **CAP Period** years qualify for the Contribution Assurance Program (**CAP**):

FY 2016 July 1, 2015 to June 30, 2016
(maximum 10% increase over July 1, 2014 to June 30, 2015 contribution)

FY 2017 July 1, 2016 to June 30, 2017
(maximum 10% increase over July 1, 2015 to June 30, 2016 contribution)

By signing this Agreement, the **Town of Hooksett** agrees to extend its risk pool membership and participation in the Primex³ **Workers' Compensation Program** for two coverage period years, through **June 30, 2017**. The **Town of Hooksett** agrees and understands it remains bound by and subject to the terms and conditions of the Membership Agreement, Public Entity Coverage Documents and Trust Agreement, and all Trust by-laws, policies and procedures.

The **Town of Hooksett** agrees that the ten percent (10%) maximum increase currently available for this **CAP Period** does not apply to any other year or period of years, and upon expiration of the **CAP Period** in this Agreement, any subsequent participation in a Primex³ **CAP** will be subject to underwriting review, membership criteria, **CAP** criteria, determination of contribution and the maximum increase in place for the subsequent **CAP Period**.

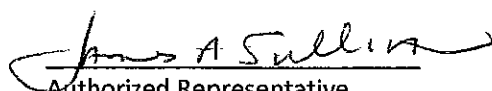
The **Town of Hooksett** further acknowledges that by extending its Membership Agreement for two (2) coverage period years, the Public Entity Coverage Documents, General Conditions Section (L) ("Terminating Participation in Our Program(s)") is suspended during year one (1) of the two (2) year term, as there is no right to cancel or terminate during year one (1) but shall be reinstated for the end of year two (2).

The **Town of Hooksett** agrees that failure to provide notice in strict accordance with the Public Entity Coverage Documents, General Conditions Section (L) shall result in automatic renewal of risk management pool membership and continuation in the Primex³ Workers' Compensation Program, but not continuation of **CAP** which must be separately offered and accepted.

Primex³ acknowledges that the Member is a NH public entity which receives budgetary authorization for appropriations from an annual meeting of its legislative body and pertains to a fiscal year which commences on the following January 1 or July 1, of any given year. The Member also acknowledges that it is legally required to carry insurance coverage. As such, if the legislative body, at such annual meeting for any years that are within the anticipated term of the contract, fails to approve such appropriation, and there are no other lawful means of funding the coverage, this contract may be terminated by the Member by notice to Primex³ made within 30 days of the legislative action at which such funding initiative was defeated and such cancellation shall be effective as of the commencement on the following fiscal year or on the anniversary of the policy, whichever first occurs.

The Member, however, agrees that it shall seek the requisite appropriations in good faith and that the availability of lower cost or otherwise preferable coverage alternatives during the term of this Agreement shall not constitute a good faith and permissible basis on which to fail to pursue the appropriations or assert that appropriations are unavailable. In the event of an early termination, the Member agrees to return the difference between the **CAP** increase and the uncapped contribution.

By affixing my signature below, I am attesting, representing and warranting that I am a duly authorized representative of the governing body of the **Town of Hooksett** with legal authority to contractually bind the **Town of Hooksett** to the terms of this Agreement, and that I understand the commitment being made to membership in the Primex³ risk management pool and participation in the Workers' Compensation Program.

 _____ Authorized Representative of the Governing Body	<u>Council Chair</u> _____ Title	<u>11/12/14</u> _____ Date
<u>Jim Sullivan</u> _____ Print Name		

**RESOLUTION TO ENTER PRIMEX³
Workers' Compensation Contribution Assurance Program (CAP)**

RESOLVED: To hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex³) to enter into its **Workers' Compensation Contribution Assurance Program (CAP)** as of the date of the adoption of this resolution, and to be contractually bound to all of the terms and conditions of Primex³ risk management pool membership during the term of the **Workers' Compensation Contribution Assurance Program (CAP)**. The coverage provided by Primex³ in each year of membership shall be as then set forth in the Coverage Documents of Primex³.

I attest that the foregoing is a true copy of the Resolution of the Governing Board of the **Town of Hooksett** adopted on 11/12/14.

Board: James A Sullivan
Title of Board
Signature: Town Council
Name: James A Sullivan
Title: Chairman duly authorized
Date: 11/12/2014