



# TOWN OF STRATHAM

INCORPORATED 1716

10 BUNKER HILL AVENUE • STRATHAM NH 03885

VOICE (603) 772-7391 • FAX (603) 775-0517

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**SELECT BOARD AGENDA  
OCTOBER 3, 2022  
7:00 P.M. Public**

**Hutton Room, Stratham Municipal Center  
10 Bunker Hill Avenue, Stratham, NH 03885**

**This meeting of the Select Board will be held in the Hutton Room of the Stratham Municipal Center**

The public may access this meeting at the date and time above using this conference call information. Please dial the conference number **(877) 205-7349** and input **2254** when prompted for a user pin/code.

If at any time during the meeting you have difficulty hearing the proceedings, please e-mail [dmoore@strathamnh.gov](mailto:dmoore@strathamnh.gov).

To access materials related to this meeting, please see this link:

<https://www.strathamnh.gov/select-board>

- I. Call to order
- II. Roll Call
- III. Consideration of Minutes – September 19, 2022
- IV. Treasurer Report (second meeting of the month)
- V. Department Reports & Presentations
- VI. Correspondence
  - A. NH Dot letter regarding culvert replacement meeting Oct. 13
- VII. Public Comment
- VIII. Public Hearings, Ordinances and/or Resolutions
  - A. Public Hearing

The Select Board reserves the right to take up business in any order deemed appropriate by the Chair. A motion to enter Non-Public Session in accordance with RSA 91-A:3 may occur at any time during the meeting. Submission of items to be placed on the Agenda must be to the Town Administrator by 4 pm the Wednesday before the scheduled meeting.



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- a. In accordance with RSA 31:95-b on the acceptance of a special one-time highway payment in the amount of \$151,428.12 in accordance with Senate Bill 401 – payment for maintenance, construction and reconstruction of Class IV and V highways.
- b. In accordance with RSA 31-95-b on the question of acceptance of a grant in the amount of \$25,727.50 from the National Highway Traffic Safety Administration, Office of Highway Safety to be used for traffic enforcement
- c. In accordance with RSA 41:14a on the question of acceptance of a donation from Richard and Marilyn Young of an 0.84 tract of land at 18 Jana Lane (Tax Map 24, Lot 31), currently assessed at \$17,200.

IX. Discussion of Monthly Reports – (second meeting of the month)

X. New Business and Action Items

- A. Steering Committee Discussion for Open Space Plan/Select Process Update
- B. General PFAS GMP – Town Center updates
- C. Workshop: Employment Manual
- D. Budget Process Updates
- E. Parks & Recreation Memorandum - Use of Pump Track Donation and Draft RFP
- F. Parks & Recreation Memorandum - Eco-counter install request

XI. Town Administrator Report

XII. Informational Items

- A. BTLA – Lindt
- B. PFAS Presentation from DES on MCLs
- C. Portsmouth Naval Shipyard Economic Impact Statement
- D. NHMA Municipal Budget Training Materials

XIII. Reservations, Event Requests & Permits

- A. Easter Seals request to use Front Pavilion 10/17 and request fee be waived
- B. Request from Scout BSA Troop 185 for use of SHP for Camp event May 2023

XIV. Review of Recent or Upcoming Board & Commissions Agendas

XV. Boards and Commissions Nominations & Appointments

- A. Appointments *for consideration*: None for this meeting



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B. Appointments *to be voted on*:

XVI. Miscellaneous & Old Business

XVII. Adjournment



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## MEMORANDUM

TO: Michael Houghton, Select Board Chair  
Allison Knab, Select Board Vice Chair  
Joe Anderson, Select Board

FROM: David Moore, Town Administrator

DATE: September 30, 2022

RE: Select Board Agenda and Materials for the October 3<sup>rd</sup> Regular Meeting

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Please allow this memorandum to serve as a guide to the Select Board Meeting agenda for Monday, October 3, 2022.

III. Consideration of Minutes – September 19, 2022

The minutes from your meeting on September 19, 2022 are included in your packet for your review and consideration for acceptance at your meeting.

IV. Treasurer Report (second meeting of the month)

V. Department Reports & Presentations

Department Presentations from Nate Mears and Tracy Abbot will take place at your meeting on October 17, 2022.

VI. Correspondence

- A. NH Dot letter regarding culvert replacement meeting Oct. 13

VII. Public Comment

VIII. Public Hearings, Ordinances and/or Resolutions

A. Public Hearing

- a. In accordance with RSA 31:95-b on the acceptance of a special one-time highway payment in the amount of \$151,428.12 in accordance with Senate

Bill 401 – payment for maintenance, construction and reconstruction of Class IV and V highways.

**Recommended Action: I recommend the Board accept a special one-time highway payment in the amount of \$151,428.12 in accordance with Senate Bill 401 – payment for maintenance, construction and reconstruction of Class IV and V highways.**

- b. In accordance with RSA 31-95-b on the question of acceptance of a grant in the amount of \$25,727.50 from the National Highway Traffic Safety Administration, Office of Highway Safety to be used for traffic enforcement

**Recommended Action: At this time, I recommend the Board postpone this public hearing to your next meeting in order to gather needed information from the Police Department.**

- c. In accordance with RSA 41:14a on the question of acceptance of a donation from Richard and Marilyn Young of an 0.84 tract of land at 18 Jana Lane (Tax Map 24, Lot 31), currently assessed at \$17,200.

**Recommended Action: At this time, I recommend the Board vote to accept the donation of land from Richard and Marilyn Young of a 0.84 tract of land at 18 Jana Lane (Tax Map 24, Lot 31).**

IX. Discussion of Monthly Reports – (second meeting of the Month)

X. New Business and Action Items

- A. Steering Committee Discussion for Open Space Plan/Select Process Update
- B. General PFAS GMP – Town Center updates
- C. Workshop: Employment Manual
- D. Budget Process Update
- E. Parks & Recreation Memorandum - Use of Pump Track Donation and Draft RFP
- F. Parks & Recreation Memorandum - Eco-counter install request

XI. Town Administrator Report

I will present developments associated with open items and other business of the Town. If any Board member has a specific request of an item I cover at the meeting, I welcome hearing from you at any time.

- A. Approval of Updated Town of Stratham Safety Plan
- B. Drought Status update and Review of Restriction Level
- C. Paid Family Medical Leave – See attached flyer regarding this benefit

- D. Political Signage
  - E. Fire Station – VOIP execution
  - F. New TA in Greenland
  - G. Lowes Impact Grant Funds – Parks & Recreation
- XII. Informational Items
- A. BTLA – Lindt
  - B. PFAS Presentation on MCLs
  - C. Portsmouth Naval Shipyard Economic Impact Statement
  - D. NHMA Municipal Budget Training Materials
- XIII. Reservations, Event Requests & Permits
- A. Easter Seals request to use Front Pavilion 10/17 and request fee be waived
  - B. Request from Scout BSA Troop 185 for use of SHP for camp event May 2023
- XIV. Review of Recent or Upcoming Board & Commissions Agendas
- XV. Boards and Commissions Nominations & Appointments
- A. Appointments *for consideration*: None
  - B. Appointments *to be voted on*: None
- XVI. Miscellaneous & Old Business
- XVII. Adjournment

## **MINUTES OF THE SEPTEMBER 19, 2022 SELECT BOARD MEETING**

Meeting held in the Hutton Room at the Stratham Municipal Center

**MEMBERS PRESENT:** Board Members Chair Mike Houghton, Vice Chair Allison Knab, Joe Anderson

**ALSO PRESENT:** Town Administrator David Moore, Finance Administrator Christiane McAllister

At 7:00 pm Mr. Houghton opened the meeting.

It was noted that the draft minutes of the Sept. 6 Select Board meeting weren't included in the packet. Mr. Moore asked to return to this item later in the meeting after he had a chance to gather them for the Board.

Mr. Houghton recognized Tyler Denton to describe his Eagle Scout Service project. Mr. Denton proposes installing two 8-foot granite posts with lights, to simulate the ground zero memorial with a plaque dedicated to the first responders who died in 9/11 and for those who still suffer from the effects of that day today. Ms. Knab asked about the plaque's language and maintenance. Mr. Moore said that he would put Mr. Denton in touch with the appropriate staff and requested Mr. Denton return to the Board for final approval. Mr. Anderson motioned to approve the Eagle Scout project as described by Tyler Denton subject to consultation with DPW, coordination with Fire and DPW on final location, and approval of plaque language. Ms. Knab seconded the motion. All voted in favor.

### **CORRESPONDENCE**

Mr. Moore summarized that the letter from One Sky was to promote an awareness of the need for long-term, supportive housing for people with disabilities. The Select Board ask Mr. Moore to share the letter with the Planning Board.

### **PUBLIC HEARING**

Mr. Moore explained that two public hearings are required for a land donation in accordance with RSA 41-14a and that this would be the first of two required public hearings. He noted the other required consultations had also been completed and were noted in the meeting packet. Mr. Houghton opened the public hearing for the 18 Jana Lane land donation. Mr. Anderson seconded the motion. All voted in favor. Mr. Houghton motioned to close the public hearing. Ms. Knab seconded the motion. All voted in favor.

Mr. Moore noted that he received a request for a proclamation to promote awareness of childhood cancer. Ms. Knab motioned to adopt the Childhood Cancer Awareness proclamation as drafted by staff. Mr. Anderson seconded the motion. All voted in favor.

Referring to the Fire Dept. Monthly Reports, Ms. Knab inquired about the replacement of Engine 1. Mr. Moore confirmed that it has been in spreadsheets that back-up the yearly CIP requests. We were on target as of the last review; however, inflation and availability may play a role. Mr. Moore will follow up. Mr. Anderson said that the department has been actively working on an

engine replacement but they are in the beginning stages. Mr. Houghton said other sources of funding could be explored.

Mr. Houghton directed attention to the 2023 budget topics and schedule. Mr. Moore gave an overview. Last year's schedule worked well; he proposed a schedule for 2023 Town Meeting preparation that was similar.

Mr. Moore had a conversation with the middle school principal regarding use of the auditorium at CMS for future Town Meetings. It is likely that there will consistently be a conflict with reserving the CMS auditorium for Town Meeting, the Saturday after town election. After discussion, they decided that Stratham Memorial School would be suitable for Town Meeting in 2023.

The Board requested Mr. Moore reach out to the Moderator to appoint the Budget Advisory Committee. Some of the preliminary budget drivers are: information technology; increasing energy costs; Police Dept. reorganization (wage impacts), and PFAS costs. Decreasing costs include retirement rates and interest costs for our bonds. Health insurance costs will be revealed in Oct. At one of the Age Friendly community discussions, a senior advocate raised the possibility in which a municipality could add a fee to car registrations which would go toward a Transportation Improvement Fund. Ms. Knab believes that support for such a fee should come from the residents or a group/committee. Mr. Houghton believes that because the Board supports the Master Plan of which transportation improvements are a part, the Board could support this fee. The money in the fund could remain until it was expended for its intended purpose. Mr. Moore noted that there are CIP contributions which have been made, which could be covered by the fund contemplated. The Board will take the idea under consideration. They continued to discuss the many ways in which the funds could be used. If it were to move forward, it would be a Warrant Article. They continued to discuss the merits of the initiative.

Referring to the handout, Mr. Moore gave an update on ARPA funds. We received a \$783,000 grant. We spent \$284,000 on the first four projects. In 2022, we intended to spend some of the funds on online permitting software, salt shed roof, and roadway capital investments. We unexpectedly received \$151,000 in a one-time grant for highway improvements from NH DOT. We plan to use that money first and retain ARPA funds that had been identified to support our annual pavement program investment. In addition, the salt shed roof bids came in lower than expected. We have \$384,000 left in ARPA funds which could be used for items such as an historic marker program, police ventilation upgrade, PFAS costs, etc. The funds must be committed by 2024 and expended by 2026. Ms. Knab asked about using some of the funds for the library renovation. Mr. Moore didn't think there was momentum around any particular approach at this time, but that it would be eligible.

Mr. Moore created a chart with five (3.59%) and ten (2.54%) year averages of the CPI. July was at 7%. He noted that the Board has not determined how to move forward with compensation adjustments for next year.

Ms. McAllister created a comprehensive cost worksheet to facilitate updates to the budget. She explained the worksheet which includes calculations for payroll taxes, NHRS contributions,



health insurance, disability, holiday pay, etc.). The spreadsheet can be easily updated by entering different percentages which will calculate the cost. She is working to incorporate the relevant detail for the Fire Department into the sheet. The Board expressed appreciation for the work and noted how helpful it will be in policy making and budget making and thanked Ms. McAllister.

Next, Mr. Moore provided a follow up from the Employee Meeting. Major topics from the meeting included Information Technology, the Employee Manual, and Compensation and Benefits. There was a staff group roundtable regarding IT. He is working on the employee manual with Ms. McAllister. Mr. Houghton asked for next steps. The IT RFP will be released in early October. During budget discussions a strategy for compensation adjustments for 2023 (approximately Nov./Dec. timeframe) will be decided. Ms. McAllister asked about possible changes to the compensation strategy. He and Ms. McAllister will write a memo to the Board for its consideration on October 3rd. The draft Employee Manual will include updates from HealthTrust and others. There is a list of policy issues on which the Board must decide. Ms. McAllister felt the manual needed reorganizing, which she has begun in coordination with Mr. Moore. Mr. Houghton asked to see the list of policies as soon as possible. Mr. Moore will have it to the Board at their Oct. 3<sup>rd</sup> meeting.

For his update on monthly goals, Mr. Moore referred to the updated Excel spreadsheet in the packet.

#### ADMINISTRATION

Director of Public Works Nate Mears was not available for this meeting. Mr. Moore will schedule him for October 3<sup>rd</sup> or October 17<sup>th</sup> for his departmental report.

Eight firms submitted proposals for the Open Space and Connectivity plan. Mr. Moore will meet with Mr. Connors and Mr. Hickey to make a staff recommendation for a firm. Representatives from interested boards and commissions will be on the steering committee to work with the selected firm.

Next Mr. Moore referred to the Aug 2022 budget report.

He and Ms. McAllister recommend moving forward with extending the agreement with Primex for the Contribution Assurance Plan program for both workers compensation and property liability. Seeing no downside, the Board agreed to move forward with the agreements.

Mr. Moore reported that the Rt. 33 Greenland NH DOT meeting on Sept. 14 was well attended, with 75 people in attendance, primarily Greenland residents who are very engaged with that roadway. Attendees spoke for and against the project. There was support for a corridor study. Ms. Knab also attended the meeting. She didn't feel Greenland was any more supportive of the project than Stratham. Mr. Moore would like to advocate for the most robust crossing point signage at Sandy Point that DOT can offer; the Board agreed to sign a letter to NH DOT including with this message, which Mr. Moore forwarded earlier in the day.

Mr. Moore reported on the Stevens Park conceptual design including parking lot improvements, court expansion and a pavilion. Bruce Scamman has offered to do pro bono work on the conceptual design. Ms. Knab motioned to move forward with design work at Stevens Park using up to \$3,000 in funding from the Town wide Recreation Improvements fund, if necessary. Mr. Anderson seconded the motion. All voted in favor. Mr. Houghton recalled past design issues had identified drainage issues. Abutters have in the past expressed concern about the issues.

#### INFORMATIONAL

Household Hazardous Waste Collection Day is on October 15<sup>th</sup> at the Exeter Public Works Garage.

NH Municipal Association is holding a Right to Know Workshop. We have received Right to Know requests. All requests go through Town Administration.

We are hosting a NH DOT meeting on October 13<sup>th</sup> regarding performance from an environmental perspective of the culverts under Squamscott Road. The Nature Conservancy is involved with this project. We identified two issues: not taking choice limiting action (accommodate bike and pedestrians) and to maintain the aesthetics of the area.

Ms. Knab motioned approval of the raffle permit request from the Stratham Volunteer Fire Dept. Association as a fundraiser for the First Responder Golf Tournament. Mr. Anderson seconded the motion. All voted in favor.

Mr. Moore called attention to items requiring Board signatures including two veterans' credits and two thank you letters

Mr. Moore recalled that it was observed at the start of the meeting that the minutes were inadvertently missing from the packet. He offered to print copies so the Board could review.

Ms. McAllister explained that the Treasurer's report had been reformatted to facilitate the banking transition process. Mr. Houghton expressed appreciation for the progress Ms. McAllister has been able to make. The group talked about performance bonds that should've been released. Ms. McAllister is working with Mr. Connors on them. Mr. Houghton suggested adopting a formal process for releasing the bonds. They discussed if there was a possible reason the funds were withheld. The Planning Board approves that the developer has met the requirements. The Select Board then approves release of the funds.

Ms. Knab motioned to accept the September 6, 2022 minutes as written. Mr. Anderson seconded the motion. All voted in favor.

At 8:56 pm Mr. Houghton motioned to go into a non-public session in accordance with RSA 91-A:3, II(a) and (c). Mr. Anderson seconded the motion. Roll call: Houghton – yes; Knab – yes; Anderson - yes

At 9:25 pm Mr. Houghton motioned to come out of the non-public session and seal the minutes noting failure to do so may render a proposed action ineffective. Mr. Anderson seconded the motion. All voted in favor.

9:25 pm Ms. Knab motioned to adjourn. Mr. Anderson seconded the motion. All voted in favor.

Respectfully submitted,

Karen Richard  
Recording Secretary

DRAFT



THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan  
Commissioner

William Cass, P.E.  
Assistant Commissioner

STRATHAM  
43001

Bureau of Highway Design  
Room 200  
Tel: (603) 271-2171  
Fax: (603) 271-7025

September 22, 2022

Mr. David Moore  
Town Administrator  
Town of Stratham  
10 Bunker Hill Ave.  
Stratham, NH 03885

Dear Mr. Moore,

Arrangements have been made for the New Hampshire Department of Transportation to hold a Public Informational/Public Officials Meeting. The project to be discussed proposes to replace and substantially upsize two 18 inch diameter concrete culverts under Squamscott Rd. in Stratham, located approximately 1,400 feet east of Route 108.

The purpose of this project is improvement of fish and other species passage. We will present the effects of increasing the structure size has on tidal flow, storm flow, and species passage. We will also outline our reasoning on how we arrived at our preferred size. Traffic control options will also be presented. Due to the narrow roadway at this location, ability to construct while keeping one lane of alternating traffic open is difficult. Road closure option will be discussed.

**The meeting is scheduled on Thursday, October 13, 2022, at 6:00 pm, at the Stratham Town Meeting Room A, 10 Bunker Hill Avenue, Stratham, NH.**

In anticipation that the Selectmen, Planning Board, and other municipal bodies will be in attendance, we suggest the meeting be posted to assure compliance with the State's Right to Know Law. In that regard, we have enclosed several notices of this meeting and would appreciate it if you would have them posted in prominent places in your Town to inform as many citizens as possible. We will also be advertising this meeting in the local, daily, and weekly newspapers.

The purpose of this meeting is to present citizens and public officials with information regarding the proposed project and to solicit public input to ensure that project decisions meet public transportation needs and community goals and protect and enhance the environment.



## NOTICE OF PUBLIC INFORMATIONAL MEETING

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THIS MEETING WILL BE TO DISCUSS THE CULVERT REPLACEMENT PROJECT LOCATED IN THE TOWN OF STRATHAM. THE TWO CULVERTS ARE LOCATED ON SQUAMSCOTT RD., 1,400 FEET EAST OF ROUTE 108. THE PURPOSE OF THIS PROJECT IS TIDAL HABITAT IMPROVEMENT, THEREFORE THESE TWO 18 INCH DIAMETER CULVERTS LOOK TO BE SUBSTANTIALLY UPSIZED. THERE WILL BE TRAFFIC CONTROL ASSOCIATED WITH THIS PROJECT.

The meeting will be held at:

**STRATHAM TOWN MEETING ROOM A  
10 BUNKER HILL AVE.  
STRATHAM, NH  
THURSDAY, OCTOBER 13, 2022  
6:00 PM**

The purpose of this meeting is to present citizens and public officials with information regarding the "Proposed Action" plan. The public will have an opportunity to ask questions and share their thoughts regarding potential improvements to ensure that the project decisions meet public transportation needs and community goals and protect and enhance the environment. Accordingly, NHDOT assures that this project will be administered according to the requirements of Title VI of the Civil Rights Act of 1964 and all related statutes to ensure nondiscrimination.

This project may have an effect on cultural or historic resources that are potentially eligible for or listed on the National Register of Historic Places. Individuals or organizations with a demonstrated interest in the potential impacts to historic resources have an opportunity to become Consulting Parties under Section 106 of the National Historic Preservation Act. Additional information will be made available at the public workshop.

Any individuals needing assistance or auxiliary communication equipment due to sensory impairment or other disability, should contact the Bureau of Right-of-Way, NHDOT, PO Box 483, Concord, New Hampshire 03302-0483 – TDD Access Relay NH 1-800-735-2964. Notification for the need of assistance should be made at the earliest convenience.

THE PUBLIC IS INVITED AND ENCOURAGED TO PARTICIPATE

**STRATHAM  
43001**

**2022 NHMA Budget and Finance Workshops  
September 20, 2022  
Derryfield Country Club, Manchester, NH**

- 9:00am**                                    **Introduction**                                    Margaret Byrnes, NHMA Executive Director
- 9:05am – 10:30 am**                    **Fundamentals of the Municipal Budget Process**  
Using the 2022 edition of NHMA’s *Basic Law of Budgeting* as a guide, this full-morning session will address all aspects of the municipal budget process focusing on appropriations, gross-basis budgeting, separate vs. special warrant articles, multi-year contracts, transfers, lapse of appropriations, spending limitations, no-means-no, duties of official budget committees, disallowed appropriations, special budget requirements under the SB 2 process (official ballot voting) including recent law changes, and other topics. This session is a must for members of governing bodies, budget committees, and other local officials involved in the budget process. Ample time will be provided for questions. Presented By: Stephen Buckley, NHMA Legal Services Counsel  
Jonathan Cowal, NHMA Municipal Services Counsel
- 10:30am – 10:45am**                    **Morning Break**
- 10:45am – 12:00**                      **Fundamentals of the Municipal Budget Process (continued)**
- 12:00 – 1:00pm**                        **Lunch Break**
- 1:00pm – 2:15pm**                      **You Have Questions? We Have Answers!**  
This always popular Q&A session will provide answers to your burning budget questions as well as inquiries posed by other participants. Bring those gnawing budget questions to the NHMA panel of experts. We’ll do our best to answer on the spot, and if we can’t (which happens on rare occasions) we promise to follow up with you after the workshop. Presented by: Stephen Buckley, NHMA Legal Services Counsel  
Jonathan Cowal, NHMA Municipal Services Counsel and Katherine Heck, NHMA Government Finance Advisor
- 2:15pm – 3:30pm**                      **Funding Infrastructure Projects in Your Community -  
Sewer/Water/Roads/Bridges/Broadband**  
Learn how to access and use to municipal benefit the Clean Water State Revolving Fund for sewer projects, and the Drinking Water State Revolving Fund for drinking water projects from NHDES; highway and bridge funding from NHDOT; and broadband deployment from SWRPC.  
Presented By: Beth L. Malcolm, NHDES  
Johnna McKenna, NHDES  
Bill Watson, NHDOT  
Henry Underwood, Southwest Regional Planning Commission
- 3:30pm – 3:45pm**                      **Afternoon Break**
- 3:45pm – 4:45pm**                      **Understanding State Aid to Municipalities**  
Review of municipal funding through the biennial state budget process, and additional one-time state aid, and how these funding sources affect the setting of the local tax rate. Presented By: Katherine Heck, NHMA Government Finance Advisor

<b>Account Number:</b>	683636
<b>Customer Name:</b>	Town Of Stratham
<b>Customer Address:</b>	Town Of Stratham 10 BUNKER HILL AVE. STRATHAM NH 03885
<b>Contact Name:</b>	Karen Richard
<b>Contact Phone:</b>	603-772-4741
<b>Contact Email:</b>	KRichard@StrathamNH.gov
<b>PO Number:</b>	10.3.22 PUB HEAR

<b>Date:</b>	09/21/2022
<b>Order Number:</b>	7822349
<b>Prepayment Amount:</b>	\$ 0.00

<b>Column Count:</b>	1.0000
<b>Line Count:</b>	55.0000
<b>Height in Inches:</b>	0.0000

**Print**

Product	#Insertions	Start - End	Category
NEO PRT Seacoast Daily	1	09/25/2022 - 09/25/2022	Govt Public Notices
NEO PRT seacoastonline.com	1	09/25/2022 - 09/25/2022	Govt Public Notices

<b>Total Order Confirmation</b>	<b>\$207.15</b>
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**STRATHAM SELECT  
BOARD  
PUBLIC HEARING  
NOTICE**

Stratham Municipal Center

10 Bunker Hill Avenue

Stratham, NH 03885

Meeting to be held in the

Hutton Room

Monday, October 3, 2022

7:00 pm

The Stratham Select Board will hold a public hearing in the Stratham Municipal Center to invite public comments on the following items:

- In accordance with RSA 31:95-b on the question of acceptance of a special one-time highway payment in the amount of \$151,428.12 in accordance with Senate Bill 401 Payment for Maintenance, Construction and Reconstruction of Class IV and V Highways.
- In accordance with RSA 31:95-b on the question of acceptance of a grant in the amount of \$25,727.50 from the National Highway Traffic Safety Administration, Office of Highway Safety to be used for speed enforcement, impaired driving enforcement, distracted driving, and high visibility mobilizations.
- In accordance with RSA 41:14a on the question of acceptance of a donation from Richard and Marilyn Young of a 0.84 tract of land at 18 Jana Lane (Tax Map 24 Lot 31), currently assessed at \$17,200.

To view materials associated with this public hearing, please visit the Town Administrator's office Mon. – Fri. from 8:00 am – 4:00 pm or visit [www.strathamnh.gov/select-board/pages/public-hearings-notices-special-meetings](http://www.strathamnh.gov/select-board/pages/public-hearings-notices-special-meetings)





THE STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION



Victoria F. Sheehan  
Commissioner

August 10, 2022

William Cass, P.E.  
Assistant Commissioner

Mike Houghton, Chair of Selectboard  
Town of Stratham  
10 Bunker Hill Avenue  
Stratham, NH 03885

**Re: Stratham Special One Time Highway Payment – in Accordance with Senate Bill 401  
Payment for Maintenance, Construction and Reconstruction of Class IV and V Highways**

Dear Mr. Houghton:

The following is notification of a one time highway payment being made available to your town in State Fiscal Year 2023 based on the passage of Senate Bill 401 effective in July 2022. SB 401 directs the department to divide and distribute a \$30 million one time payment between all New Hampshire municipalities based on the distribution methods of Block Grant Aid Apportionment A. This one time payment is separate from your regular quarterly payments.

This one time payment is anticipated to be available to the Town of Stratham during the month of August 2022 as follows:

August 2022 Actual Payment: \$151,428.12

In generalized terms and in accordance with statutory provisions for distribution of Block Grant Aid “Apportionment A” funds, this one time highway payment is based on the municipalities’ mileage of Class IV and Class V highways, as well as the municipalities’ population.

Please contact us at 271-3344 if you have any questions.

Sincerely,

*C. R. Willeke*

C. R. Willeke, PE  
Municipal Highways Engineer  
Bureau of Planning and Community Assistance

CRW/dmp

## OFFICE OF HIGHWAY SAFETY GRANT AGREEMENT

The State of New Hampshire and the Subrecipient hereby mutually agree as follows:

### GENERAL PROVISIONS

**Grant Agreement Title:**

**Grant Agreement #:**

1. Identification and Definitions.

<b>1.1. State Agency Name</b> New Hampshire Department of Safety Office of Highway Safety		<b>1.2. State Agency Address</b> 33 Hazen Drive, Room 208 Concord, NH 03305	
<b>1.3. Subrecipient Name</b>		<b>1.4. Subrecipient Address</b>	
<b>Chief of Police Name:</b>  <b>Grant Contact Name:</b>		<b>Chief of Police email:</b>  <b>Grant Contact's email:</b>	
<b>1.4.1 Subrecipient Type (State Govt, City/Town Govt, County Govt, College/University, Other (Specify))</b>		<b>1.4.2 UEI #</b>	<b>Exp Date:</b>
<b>1.5. Subrecipient Phone #</b>	<b>1.6. Effective Date</b>	<b>1.7. Completion Date</b>	<b>1.8. Grant Limitation</b>  (Total amount of Federal funds obligated to the Subrecipient ( <a href="#">2 CFR § 200.331(a)(1)(vii)</a> ))
<b>1.9. Grant Officer for State Agency</b>		<b>1.10. State Agency Telephone Number</b>	
<b>"By signing this form we certify that we have complied with any public meeting requirement for acceptance of this grant, including if applicable RSA 31:95-b." &amp; "RSA Chapter 37 - Chairman of Selectmen, Town/City Manager, Mayor, County Commissioners."</b>			
<b>1.11. Subrecipient Signature 1</b>		<b>1.12. Name &amp; Title of Subrecipient Signor 1</b>	
<b>Subrecipient Signature 2</b>		<b>Name &amp; Title of Subrecipient Signor 2</b>	
<b>Subrecipient Signature 3</b>		<b>Name &amp; Title of Subrecipient Signor 3</b>	
<b>1.13. Acknowledgment: State of New Hampshire, County of _____, on / / , before the undersigned officer, personally appeared the person(s) identified in block 1.12., known to me (or satisfactorily proven) to be the person(s) whose name is signed in block 1.11., and acknowledged that he/she executed this document in the capacity indicated in block 1.12.</b>			
<b>1.13.1. Signature of Notary Public or Justice of the Peace (Seal)</b>		<b>1.13.2 Name &amp; Title of Notary Public or Justice of the Peace</b>	
<b>1.14 State Agency Signature 1</b>  X _____ Date: _____		<b>1.15 Name &amp; Title of State Agency Signor 1</b> Robert L. Quinn, Commissioner - or Designee NH Department of Safety	
<b>1.16. Approval by Attorney General (Form, Substance and Execution) (if G &amp; C approval required)</b>  By: _____ Assistant Attorney General, On: / /			
<b>1.17. Approval by Governor and Council (if applicable)</b>  By: _____ On: / /			

2. SCOPE OF WORK In exchange for grant funds provided by the State of New Hampshire, acting through the Agency identified in block 1.1 (hereinafter referred to as "the State"), pursuant to RSA 21-P:55-63, the Subrecipient identified in block 1.3 (hereinafter referred to as "the Subrecipient"), shall perform that work identified and more particularly described in the scope of work attached hereto as EXHIBIT B (the scope of work being hereinafter referred to as "the Project").

3. AREA COVERED Except as otherwise specifically provided for herein, the Subrecipient shall perform the Project in, and with respect to, the State of New Hampshire. 4. EFFECTIVE DATE: COMPLETION OF PROJECT

4.1. This Agreement, and all obligations of the parties hereunder, shall become effective on the date of approval of this Agreement by the Governor and Council of the State of New Hampshire if required (block 1.17), or upon signature by the State Agency as shown in block 1.15.

4.2 Except as otherwise specifically provided herein, the Project, including all reports required by this Agreement, shall be completed in ITS entirety prior to the date in block 1.7 (hereinafter referred to as "the Completion Date").

5. GRANT AMOUNT: LIMITATION ON AMOUNT: VOUCHERS: PAYMENT

5.1. The Grant Amount is identified and more particularly described in EXHIBIT A, attached hereto.

5.2. The manner of, and schedule of payment shall be as set forth in EXHIBIT A.

5.3. In accordance with the provisions set forth in EXHIBIT A, and in consideration of the satisfactory performance of the Project, as determined by the State, and as limited by subparagraph 5.5 of these general provisions, the State shall pay the Subrecipient the Grant Amount. The State shall withhold from the amount otherwise payable to the Subrecipient under this subparagraph 5.3 those sums required, or permitted, to be withheld pursuant to N.H. RSA 80:7 through 7-c.

5.4. The payment by the State of the Grant amount shall be the only, and the complete payment to the Subrecipient for all expenses, of whatever nature, incurred by the Subrecipient in the performance hereof, and shall be the only, and the complete, compensation to the Subrecipient for the Project. The State shall have no liabilities to the Subrecipient other than the Grant Amount.

5.5. Notwithstanding anything in this Agreement to the contrary, and notwithstanding unexpected circumstances, in no event shall the total of all payments authorized, or actually made, hereunder exceed the Grant limitation set forth in block 1.8 of these general provisions.

6. COMPLIANCE BY SUBRECIPIENT WITH LAWS AND REGULATIONS In connection with the performance of the Project, the Subrecipient shall comply with all statutes, laws regulations, and orders of federal, state, county, or municipal authorities which shall impose any obligations or duty upon the Subrecipient, including the acquisition of any and all necessary permits.

7. RECORDS and ACCOUNTS

7.1. Between the Effective Date and the date three (3) years after the Completion Date the Subrecipient shall keep detailed accounts of all expenses incurred in connection with the Project, including, but not limited to, costs of administration, transportation, insurance, telephone calls, and clerical materials and services. Such accounts shall be supported by receipts, invoices, bills and other similar documents.

7.2. Between the Effective Date and the date three (3) years after the Completion Date, at any time during the Subrecipient's normal business hours, and as often as the State shall demand, the Subrecipient shall make available to the State all records pertaining to matters covered by this Agreement. The Subrecipient shall permit the State to audit, examine, and reproduce such records, and to make audits of all contracts, invoices, materials, payrolls, records of personnel, data (as that term is hereinafter defined), and other information relating to all matters covered by this Agreement. As used in this paragraph, "Subrecipient" includes all persons, natural or fictional, affiliated with, controlled by, or under common ownership with, the entity identified as the Subrecipient in block 1.3 of these provisions.

8. PERSONNEL

8.1. The Subrecipient shall, at its own expense, provide all personnel necessary to perform the Project. The Subrecipient warrants that all personnel engaged in the project shall be qualified to perform such Project, and shall be properly licensed and authorized to perform such Project under all applicable laws.

8.2. The Subrecipient shall not hire, and it shall not permit any subcontractor, sub grantee, or other person, firm or corporation with whom it is engaged in a combined effort to perform the Project, to hire any person who has a contractual relationship with the State, or who is a State officer or employee, elected or appointed.

8.3. The Grant Officer shall be the representative of the State hereunder. In the event of any dispute hereunder, the interpretation of this Agreement by the Grant Officer, and his/her decision on any dispute, shall be final.

9. DATA: RETENTION OF DATA: ACCESS

9.1. As used in this Agreement, the word "data" shall mean all information and things developed or obtained during the performance of, or acquired or developed by reason of, this Agreement, including, but not limited to, all studies, reports, files, formulae, surveys, maps, charts, sound recordings, video recordings, pictorial reproductions, drawings, analyses, graphic representations, performed, who exercises any functions or responsibilities in the review or computer programs, computer printouts, notes, letters, memoranda, paper, and documents, all whether finished or unfinished.

9.2. Between the Effective Date and the Completion Date the Subrecipient shall grant to the State, or any person designated by it, unrestricted access to all data for examination, duplication, publication, translation, sale, disposal, or for any other purpose whatsoever.

9.3. No data shall be subject to copyright in the United States or any other country by anyone other than the State.

9.4. On and after the Effective Date all data, and any property which has been received from the State or purchased with funds provided for that purpose under this Agreement, shall be the property of the State, and shall be returned to the State upon demand or upon termination of this Agreement for any reason, whichever shall first occur.

9.5. The State, and anyone it shall designate, shall have unrestricted authority to publish, disclose, distribute and otherwise use, in whole or in part, all data.

10. CONDITIONAL NATURE OR AGREEMENT Notwithstanding anything in this Agreement to the contrary, all obligations of the State hereunder, including, without limitation, the continuance of payments hereunder, are contingent upon the availability or continued appropriation of funds, and in no event shall the State be liable for any payments hereunder in excess of such available or appropriated funds. In the event of a reduction or termination of those funds, the State shall have the right to withhold payment until such funds become available, if ever, and shall have the right to terminate this Agreement immediately upon giving the Subrecipient notice of such termination.

11. EVENT OF DEFAULT: REMEDIES

11.1. Any one or more of the following acts or omissions of the Subrecipient shall constitute an event of default hereunder (hereinafter referred to as "Events of Default"):

11.1.1 Failure to perform the Project satisfactorily or on schedule; or

11.1.2 Failure to submit any report required hereunder; or

11.1.3 Failure to maintain, or permit access to, the records required hereunder; or

11.1.4 Failure to perform any of the other covenants and conditions of this Agreement.

11.2. Upon the occurrence of any Event of Default, the State may take any one, or more, or all, of the following actions:

11.2.1 Give the Subrecipient a written notice specifying the Event of Default and requiring it to be remedied within, in the absence of a greater or lesser specification of time, thirty (30) days from the date of the notice; and if the Event of Default is not timely remedied, terminate this Agreement, effective two (2) days after giving the Subrecipient notice of termination; and

11.2.2 Give the Subrecipient a written notice specifying the Event of Default and suspending all payments to be made under this Agreement and ordering that the portion of the Grant Amount which would otherwise accrue to the Subrecipient during the period from the date of such notice until such time as the State determines that the Subrecipient has cured the Event of Default shall never be paid to the Subrecipient; and

11.2.3 Set off against any other obligation the State may owe to the Subrecipient any damages the State suffers by reason of any Event of Default; and

11.2.4 Treat the agreement as breached and pursue any of its remedies at law or in equity, or both.

## 12. TERMINATION

12.1. In the event of any early termination of this Agreement for any reason other than the completion of the Project, the Subrecipient shall deliver to the Grant Officer, not later than fifteen (15) days after the date of termination, a report (hereinafter referred to as the "Termination Report") describing in detail all Project Work performed, and the Grant Amount earned, to and including the date of termination.

12.2. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall entitle the Subrecipient to receive that portion of the Grant amount earned to and including the date of termination.

12.3. In the event of Termination under paragraphs 10 or 12.4 of these general provisions, the approval of such a Termination Report by the State shall in no event relieve the Subrecipient from any and all liability for damages sustained or incurred by the State as a result of the Subrecipient's breach of its obligations hereunder.

12.4. Notwithstanding anything in this Agreement to the contrary, either the State or, except where notice default has been given to the Subrecipient hereunder, the Subrecipient, may terminate this Agreement without cause upon thirty (30) days written notice.

13. CONFLICT OF INTEREST No officer, member or employee of the Subrecipient, and no representative, officer or employee of the State of New Hampshire or of the governing body of the locality or localities in which the Project is to be performed, who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of such Project, shall participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership, or association in which he or she is directly or indirectly interested, nor shall he or she have any personal or pecuniary interest, direct or indirect, in this Agreement or the proceeds thereof.

14. SUBRECIPIENT'S RELATION TO THE STATE In the performance of this Agreement the Subrecipient, its employees, and any subcontractor or subgrantee of the Subrecipient are in all respects independent contractors, and are neither agents nor employees of the State. Neither the Subrecipient nor any of its officers, employees, agents, members, subcontractors or subgrantees, shall have authority to bind the State nor are they entitled to any of the benefits, workmen's compensation or emoluments provided by the State to its employees.

15. ASSIGNMENT AND SUBCONTRACTS The Subrecipient shall not assign, or otherwise transfer any interest in this Agreement without the prior written consent of the State. None of the Project Work shall be subcontracted or subgranted by the Subrecipient other than as set forth in EXHIBIT B without the prior written consent of the State.

16. INDEMNIFICATION The Subrecipient shall defend, indemnify and hold harmless the State, its officers and employees, from and against any and all losses suffered by the State, its officers and employees, and any and all claims, liabilities or penalties asserted against the State, its officers and employees, by or on behalf of any person, on account of, based on, resulting from, arising out of (or which may be claimed to arise out of) the acts or omissions of the Subrecipient or subcontractor, or subgrantee or other agent of the Subrecipient. Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State, which immunity is hereby reserved to the State. This covenant shall survive the termination of this agreement.

## 17. INSURANCE AND BOND

17.1. The Subrecipient shall, at its own expense, obtain and maintain in force, or shall require any subcontractor, subgrantee or assignee performing Project work to obtain and maintain in force, both for the benefit of the State, the following insurance:

17.1.1 Statutory workmen's compensation and employees liability insurance for all employees engaged in the performance of the Project, and

17.1.2 Comprehensive public liability insurance against all claims of bodily injuries, death or property damage, in amounts not less than \$1,000,000 per occurrence and

\$2,000,000 aggregate for bodily injury or death any one incident, and \$500,000 for property damage in any one incident; and

17.2. The policies described in subparagraph 17.1 of this paragraph shall be the standard form employed in the State of New Hampshire, issued by underwriters acceptable to the State, and authorized to do business in the State of New Hampshire. Each policy shall contain a clause prohibiting cancellation or modification of the policy earlier than ten (10) days after written notice thereof has been received by the State.

18. WAIVER OF BREACH No failure by the State to enforce any provisions hereof after any Event of Default shall be deemed a waiver of its rights with regard to that event, or any subsequent Event. No express waiver of any Event of Default shall be deemed a waiver of any provisions hereof. No such failure of waiver shall be deemed a waiver of the right of the State to enforce each and all of the provisions hereof upon any further or other default on the part of the Subrecipient.

19. NOTICE Any notice by a party hereto to the other party shall be deemed to have been duly delivered or given at the time of mailing by certified mail, postage prepaid, in a United States Post Office addressed to the parties at the addresses first above given.

20. AMENDMENT This Agreement may be amended, waived or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Council of the State of New Hampshire, if required or by the signing State Agency.

21. CONSTRUCTION OF AGREEMENT AND TERMS This Agreement shall be construed in accordance with the law of the State of New Hampshire, and is binding upon and inures to the benefit of the parties and their respective successors and assignees. The captions and contents of the "subject" blank are used only as a matter of convenience, and are not to be considered a part of this Agreement or to be used in determining the intent of the parties hereto.

22. THIRD PARTIES The parties hereto do not intend to benefit any third parties and this Agreement shall not be construed to confer any such benefit.

23. ENTIRE AGREEMENT This Agreement, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire agreement and understanding between the parties, and supersedes all prior agreements and understandings relating hereto.

## SPECIAL PROVISIONS

### U.S. Department of Transportation/NHTSA Grant Conditions:

As a result of participating in Federal highway safety grant programs administered by National Highway Traffic Safety Administration (NHTSA) and the US Department of Transportation (USDOT), highway safety subrecipients are required to comply with the following documents:

- Subrecipients agree to comply with all applicable elements of NHTSA's Memorandum: Use of NHTSA Highway Safety Grant Funds for Certain Purchases May 18, 2016 and found at the following Web link.: <https://www.nhtsa.gov/highway-safety-grants-program/resources-guide>. Subrecipients should pay particular attention to the sections on (1) allowable costs for equipment, travel, training, and consultant services; and (2) unallowable costs for equipment, facilities and construction, training and program administration.
- Subrecipients agree to comply with all applicable elements of 2 CFR 200 - the **Uniform Administrative Requirement for Grants, Cost Principles, and Audit Requirements** as promulgated by the U.S. Department of Transportation. This document is found at the following Web link <https://www.nhtsa.gov/highway-safety-grants-program/resources-guide>.
- Subrecipients agree to comply with all applicable Federal basic and incentive grant program requirements as outlined in the **Highway Safety Grant Management Manual** found at the following Web link: <https://www.nhtsa.gov/highway-safety-grants-program>. This document provides information on each of the grant programs.

The following additional provisions apply to highway safety subrecipients as a result of certifications and assurances provided to NHTSA by State Highway Safety Offices in their Highway Safety Plan:

## GENERAL REQUIREMENTS

The State will comply with applicable statutes and regulations, including but not limited to:

- 23 U.S.C. Chapter 4 Highway Safety Act of 1966, as amended
- Sec. 1906, Pub. L. 109-59, as amended by Sec. 4011, Pub. L. 114-94
- 23 CFR part 1300 Uniform Procedures for State Highway Safety Grant Programs
- 2 CFR part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- 2 CFR part 1201 Department of Transportation, Uniform Administrative Requirements,
- Cost Principles, and Audit Requirements for Federal Awards

## INTERGOVERNMENTAL REVIEW OF FEDERAL PROGRAMS

The State has submitted appropriate documentation for review to the single point of contact designated by the Governor to review Federal programs, as required by Executive Order 12372 (Intergovernmental Review of Federal Programs).

## FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

The State will comply with FFATA guidance, OMB Guidance on FFATA Subaward and Executive Compensation Reporting, August 27, 2010, ([https://www.fsrs.gov/documents/OMB\\_Guidance\\_on\\_FFATA\\_Subaward\\_and\\_Executive\\_Compensation\\_Reporting\\_08272010.pdf](https://www.fsrs.gov/documents/OMB_Guidance_on_FFATA_Subaward_and_Executive_Compensation_Reporting_08272010.pdf)) by reporting to [FSRS.gov](https://www.fsrs.gov) for each sub- grant awarded:

- Name of the entity receiving the award;
- Amount of the award;

- Information on the award including transaction type, funding agency, the North American Industry Classification System code or Catalog of Federal Domestic Assistance number (where applicable), program source;
- Location of the entity receiving the award and the primary location of performance under the award, including the city, State, congressional district, and country; and an award title descriptive of the purpose of each funding action;
- A Unique Entity identifier;
- The names and total compensation of the five most highly compensated officers of the entity if:
  - (i) the entity in the preceding fiscal year received—
    - (I) 80 percent or more of its annual gross revenues in Federal awards;
    - (II) \$25,000,000 or more in annual gross revenues from Federal awards; and
  - (ii) the public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986;
- Other relevant information specified by OMB guidance.

### **NONDISCRIMINATION**

**(applies to subrecipients as well as States)**

The State highway safety agency will comply with all Federal statutes and implementing regulations relating to nondiscrimination (“Federal Nondiscrimination Authorities”). These include but are not limited to:

- **Title VI of the Civil Rights Act of 1964** (42 U.S.C. 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin) and 49 CFR part 21;
- **The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**, (42 U.S.C. 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- **Federal-Aid Highway Act of 1973**, (23 U.S.C. 324 *et seq.*), **and Title IX of the Education Amendments of 1972**, as amended (20 U.S.C. 1681-1683 and 1685-1686) (prohibit discrimination on the basis of sex);
- **Section 504 of the Rehabilitation Act of 1973**, (29 U.S.C. 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability) and 49 CFR part 27;
- **The Age Discrimination Act of 1975**, as amended, (42 U.S.C. 6101 *et seq.*), (prohibits discrimination on the basis of age);
- **The Civil Rights Restoration Act of 1987**, (Pub. L. 100-209), (broadens scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal aid recipients, subrecipients and contractors, whether such programs or activities are Federally-funded or not);
- **Titles II and III of the Americans with Disabilities Act** (42 U.S.C. 12131-12189) (prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing) and 49 CFR parts 37 and 38;
- **Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations** (prevents discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations); and
- **Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency** (guards against Title VI national origin discrimination/ discrimination because of limited English proficiency (LEP) by ensuring that funding recipients take reasonable steps to ensure that LEP persons have meaningful access to programs (70 FR 74087-74100).

**The State highway safety agency—**

- Will take all measures necessary to ensure that no person in the United States shall, on the grounds of race, color, national origin, disability, sex, age, limited English proficiency, or membership in any other class protected by Federal Nondiscrimination Authorities, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any of its programs or activities, so long as any portion of the program is Federally-assisted;

- Will administer the program in a manner that reasonably ensures that any of its subrecipients, contractors, subcontractors, and consultants receiving Federal financial assistance under this program will comply with all requirements of the Non-Discrimination Authorities identified in this Assurance;
- Agrees to comply (and require its subrecipients, contractors, subcontractors, and consultants to comply) with all applicable provisions of law or regulation governing US DOT's or NHTSA's access to records, accounts, documents, information, facilities, and staff, and to cooperate and comply with any program or compliance reviews, and/or complaint investigations conducted by US DOT or NHTSA under any Federal Nondiscrimination Authority;
- Acknowledges that the United States has a right to seek judicial enforcement with regard to any matter arising under these Non-Discrimination Authorities and this Assurance;
- Agrees to insert in all contracts and funding agreements with other State or private entities the following clause:

"During the performance of this contract/funding agreement, the contractor/funding recipient agrees—

- a. To comply with all Federal nondiscrimination laws and regulations, as may be amended from time to time;
- b. Not to participate directly or indirectly in the discrimination prohibited by any Federal non-discrimination law or regulation, as set forth in appendix B of 49 CFR part 21 and herein;
- c. To permit access to its books, records, accounts, other sources of information, and its facilities as required by the State highway safety office, US DOT or NHTSA;
- d. That, in event a contractor/funding recipient fails to comply with any nondiscrimination provisions in this contract/funding agreement, the State highway safety agency will have the right to impose such contract/agreement sanctions as it or NHTSA determine are appropriate, including but not limited to withholding payments to the contractor/funding recipient under the contract/agreement until the contractor/funding recipient complies; and/or cancelling, terminating, or suspending a contract or funding agreement, in whole or in part; and
- e. To insert this clause, including paragraphs (a) through (e), in every subcontract and sub agreement and in every solicitation for a subcontract or sub-agreement that receives Federal funds under this program.

**THE DRUG-FREE WORKPLACE ACT OF 1988 (41 U.S.C. 8103)**

The State will provide a drug-free workplace by:

- a. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- b. Establishing a drug-free awareness program to inform employees about:
  1. The dangers of drug abuse in the workplace;
  2. The grantee's policy of maintaining a drug-free workplace;
  3. Any available drug counseling, rehabilitation, and employee assistance programs;
  4. The penalties that may be imposed upon employees for drug violations occurring in the workplace;
  5. Making it a requirement that each employee engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- c. Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will-
  1. Abide by the terms of the statement;
  2. Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
- d. Notifying the agency within ten days after receiving notice under subparagraph (c)(2) from an employee or otherwise receiving actual notice of such conviction;
- e. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.
  1. Taking appropriate personnel action against such an employee, up to and including termination;
  2. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- f. Making a good faith effort to continue to maintain a drug-free workplace through implementation of all of the paragraphs above.

**POLITICAL ACTIVITY (HATCH ACT)**

**(applies to subrecipients as well as States)**

The State will comply with provisions of the Hatch Act (5 U.S.C. 1501-1508), which limits the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

**CERTIFICATION REGARDING FEDERAL LOBBYING**

**(applies to subrecipients as well as States)**

**Certification for Contracts, Grants, Loans, and Cooperative Agreements**

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;
3. The undersigned shall require that the language of this certification be included in the award documents for all sub-award at all tiers (including subcontracts, sub grants, and contracts under grant, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

**RESTRICTION ON STATE LOBBYING**

**(applies to subrecipients as well as States)**

None of the funds under this program will be used for any activity specifically designed to urge or influence a State or local legislator to favor or oppose the adoption of any specific legislative proposal pending before any State or local legislative body. Such activities include both direct and indirect (e.g., "grassroots") lobbying activities, with one exception. This does not preclude a State official whose salary is supported with NHTSA funds from engaging in direct communications with State or local legislative officials, in accordance with customary State practice, even if such communications urge legislative officials to favor or oppose the adoption of a specific pending legislative proposal.

**CERTIFICATION REGARDING DEBARMENT AND SUSPENSION**

**(applies to subrecipients as well as States)**

**Instructions for Primary Tier Participant Certification (States)**

1. By signing and submitting this proposal, the prospective primary tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.



2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective primary tier participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary tier participant to furnish a certification or an explanation shall disqualify such person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default or may pursue suspension or debarment.
4. The prospective primary tier participant shall provide immediate written notice to the department or agency to which this proposal is submitted if at any time the prospective primary tier participant learns its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms *covered transaction*, *civil judgment*, *debarment*, *suspension*, *ineligible*, *participant*, *person*, *principal*, and *voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency may terminate the transaction for cause or default

**Certification Regarding Debarment, Suspension, and Other Responsibility Matters-Primary Tier Covered Transactions**

- (1) The prospective primary tier participant certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State, or local) terminated for cause or default.

- (2) Where the prospective primary tier participant is unable to certify to any of the Statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### **Instructions for Lower Tier Participant Certification**

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below and agrees to comply with the requirements of 2 CFR parts 180 and 1200.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms *covered transaction, civil judgment, debarment, suspension, ineligible, participant, person, principal, and voluntarily excluded*, as used in this clause, are defined in 2 CFR parts 180 and 1200. You may contact the person to whom this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Instructions for Lower Tier Participant Certification" including the "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions and will require lower tier participants to comply with 2 CFR parts 180 and 1200.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not proposed for debarment under 48 CFR part 9, subpart 9.4, debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant is responsible for ensuring that its principals are not suspended, debarred, or otherwise ineligible to participate in covered transactions. To verify the eligibility of its principals, as well as the eligibility of any prospective lower tier participants, each participant may, but is not required to, check the System for Award Management Exclusions website (<https://www.sam.gov/>).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is proposed for debarment under 48 CFR part 9, subpart 9.4, suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal government, the department or agency with which this transaction originated may pursue available remedies, including suspension or debarment

#### **Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -- Lower Tier Covered Transactions:**

1. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any Federal department or agency.
2. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

#### **BUY AMERICA ACT**

**(applies to subrecipients as well as States)**

The State and each subrecipient will comply with the Buy America requirement (23 U.S.C. 313) when purchasing items using Federal funds. Buy America requires a State, or subrecipient, to purchase with Federal funds only steel, iron and manufactured products produced in the United States, unless the Secretary of Transportation determines that such domestically produced items would be inconsistent with the public interest, that such materials are not reasonably available and of a satisfactory quality, or that inclusion of domestic materials will increase the cost of the overall project contract by more than 25 percent. In order to use Federal funds to purchase foreign produced items, the State must submit a waiver request that provides an adequate basis and justification for approval by the Secretary of Transportation.

## **PROHIBITION ON USING GRANT FUNDS TO CHECK FOR HELMET USAGE**

**(applies to subrecipients as well as States)**

The State and each subrecipient will not use 23 U.S.C. Chapter 4 grant funds for programs to check helmet usage or to create checkpoints that specifically target motorcyclists.

### **POLICY ON SEAT BELT USE**

In accordance with Executive Order 13043, Increasing Seat Belt Use in the United States, dated April 16, 1997, the Grantee is encouraged to adopt and enforce on-the-job seat belt use policies and programs for its employees when operating company-owned, rented, or personally-owned vehicles. The National Highway Traffic Safety Administration (NHTSA) is responsible for providing leadership and guidance in support of this Presidential initiative. For information and resources on traffic safety programs and policies for employers, please contact the Network of Employers for Traffic Safety (NETS), a public-private partnership dedicated to improving the traffic safety practices of employers and employees. You can download information on seat belt programs, costs of motor vehicle crashes to employers, and other traffic safety initiatives at [www.trafficsafety.org](http://www.trafficsafety.org). The NHTSA website ([www.nhtsa.gov](http://www.nhtsa.gov)) also provides information on statistics, campaigns, and program evaluations and references.

### **POLICY ON BANNING TEXT MESSAGING WHILE DRIVING**

In accordance with Executive Order 13513, Federal Leadership On Reducing Text Messaging While Driving, and DOT Order 3902.10, Text Messaging While Driving, States are encouraged to adopt and enforce workplace safety policies to decrease crashes caused by distracted driving, including policies to ban text messaging while driving company-owned or rented vehicles, Government-owned, leased or rented vehicles, or privately-owned vehicles when on official Government business or when performing any work on or behalf of the Government. States are also encouraged to conduct workplace safety initiatives in a manner commensurate with the size of the business, such as establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving, and education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

### **SECTION 402 REQUIREMENTS**

1. To the best of my personal knowledge, the information submitted in the Highway Safety Plan in support of the State's application for a grant under 23 U.S.C. 402 is accurate and complete.
2. The Governor is the responsible official for the administration of the State highway safety program, by appointing a Governor's Representative for Highway Safety who shall be responsible for a State highway safety agency that has adequate powers and is suitably equipped and organized (as evidenced by appropriate oversight procedures governing such areas as procurement, financial administration, and the use, management, and disposition of equipment) to carry out the program. (23 U.S.C. 402(b)(1)(A))
3. The political subdivisions of this State are authorized, as part of the State highway safety program, to carry out within their jurisdictions local highway safety programs which have been approved by the Governor and are in accordance with the uniform guidelines promulgated by the Secretary of Transportation. (23 U.S.C. 402(b)(1)(B))
4. At least 40 percent of all Federal funds apportioned to this State under 23 U.S.C. 402 for this fiscal year will be expended by or for the benefit of political subdivisions of the State in carrying out local highway safety programs (23 U.S.C. 402(b)(1)(C)) or 95 percent by and for the benefit of Indian tribes (23 U.S.C. 402(h)(2)), unless this requirement is waived in writing. (This provision is not applicable to the District of Columbia, Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.)
5. The State's highway safety program provides adequate and reasonable access for the safe and convenient movement of physically handicapped persons, including those in wheelchairs, across curbs constructed or replaced on or after July 1, 1976, at all pedestrian crosswalks. (23 U.S.C. 402(b)(1)(D))
6. The State will provide for an evidenced-based traffic safety enforcement program to prevent traffic violations, crashes, and crash fatalities and injuries in areas most at risk for such incidents. (23 U.S.C. 402(b)(1)(E))
7. The State will implement activities in support of national highway safety goals to reduce motor vehicle related fatalities that also reflect the primary data-related crash factors within the State, as identified by the State highway safety planning process, including:
  - Participation in the National high-visibility law enforcement mobilizations as identified annually in the NHTSA Communications Calendar, including not less than 3 mobilization campaigns in each fiscal year to –
    - Reduce alcohol-impaired or drug-impaired operation of motor vehicles; and
    - Increase use of seat belts by occupants of motor vehicles;
  - Sustained enforcement of statutes addressing impaired driving, occupant protection, and driving in excess of posted speed limits;
  - An annual Statewide seat belt use survey in accordance with 23 CFR part 1340 for the measurement of State seat belt use rates, except for the Secretary of Interior on behalf of Indian tribes;
  - Development of Statewide data systems to provide timely and effective data analysis to support allocation of highway safety resources;
  - Coordination of Highway Safety Plan, data collection, and information systems with the State strategic highway safety plan, as defined in 23 U.S.C. 148(a). (23 U.S.C. 402(b)(1)(F))
8. The State will actively encourage all relevant law enforcement agencies in the State to follow the guidelines established for vehicular pursuits issued by the International Association of Chiefs of Police that are currently in effect. (23 U.S.C. 402(j))
9. The State will not expend Section 402 funds to carry out a program to purchase, operate, or maintain an automated traffic enforcement system. (23 U.S.C. 402(c)(4))

**§ 200.216 Prohibition on certain telecommunications and video surveillance services or equipment.**

(a) Recipients and subrecipients are prohibited from obligating or expending loan or grant funds to:

- (1) Procure or obtain;
- (2) Extend or renew a contract to procure or obtain; or
- (3) Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in Public Law 115-232, section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

(i) For the purpose of public safety, security of government facilities, physical security surveillance of critical infrastructure, and other national security purposes, video surveillance and telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities).

(ii) Telecommunications or video surveillance services provided by such entities or using such equipment.

(iii) Telecommunications or video surveillance equipment or services produced or provided by an entity that the Secretary of Defense, in consultation with the Director of the National Intelligence or the Director of the Federal Bureau of Investigation, reasonably believes to be an entity owned or controlled by, or otherwise connected to, the government of a covered foreign country.

(b) In implementing the prohibition under Public Law 115-232, section 889, subsection (f), paragraph (1), heads of executive agencies administering loan, grant, or subsidy programs shall prioritize available funding and technical support to assist affected businesses, institutions and organizations as is reasonably necessary for those affected entities to transition from covered communications equipment and services, to procure replacement equipment and services, and to ensure that communications service to users and customers is sustained.

(c) See Public Law 115-232, section 889 for additional information.

(d) See also § 200.471.

**§ 200.317 Procurements by states.**

When procuring property and services under a Federal award, a State must follow the same policies and procedures it uses for procurements from its non-Federal funds. The State will comply with §§ 200.321, 200.322, and 200.323 and ensure that every purchase order or other contract includes any clauses required by § 200.327. All other non-Federal entities, including subrecipients of a State, must follow the procurement standards in §§ 200.318 through 200.327.

**§ 200.318 General procurement standards.**

(a) The non-Federal entity must have and use documented procurement procedures, consistent with State, local, and tribal laws and regulations and the standards of this section, for the acquisition of property or services required under a Federal award or subaward. The non-Federal entity's documented procurement procedures must conform to the procurement standards identified in §§ 200.317 through 200.327.

(b) Non-Federal entities must maintain oversight to ensure that contractors perform in accordance with the terms, conditions, and specifications of their contracts or purchase orders.

(c)

(1) The non-Federal entity must maintain written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts. No employee, officer, or agent may participate in the selection, award, or administration of a contract supported by a Federal award if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization which employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract. The officers, employees, and agents of the non-Federal entity may neither solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts. However, non-Federal entities may set standards for situations in which the financial interest is not substantial or the gift is an unsolicited item of nominal value. The standards of conduct must provide for disciplinary actions to be applied for violations of such standards by officers, employees, or agents of the non-Federal entity.

(2) If the non-Federal entity has a parent, affiliate, or subsidiary organization that is not a State, local government, or Indian tribe, the non-Federal entity must also maintain written standards of conduct covering organizational conflicts of interest. Organizational conflicts of interest means that because of relationships with a parent company, affiliate, or subsidiary organization, the non-Federal entity is unable or appears to be unable to be impartial in conducting a procurement action involving a related organization.

(d) The non-Federal entity's procedures must avoid acquisition of unnecessary or duplicative items. Consideration should be given to consolidating or breaking out procurements to obtain a more economical purchase. Where appropriate, an analysis will be made of lease versus purchase alternatives, and any other appropriate analysis to determine the most economical approach.

(e) To foster greater economy and efficiency, and in accordance with efforts to promote cost-effective use of shared services across the Federal Government, the non-Federal entity is encouraged to enter into state and local intergovernmental agreements or inter-entity agreements where appropriate for procurement or use of common or shared goods and services. Competition requirements will be met with documented procurement actions using strategic sourcing, shared services, and other similar procurement arrangements.

(f) The non-Federal entity is encouraged to use Federal excess and surplus property in lieu of purchasing new equipment and property whenever such use is feasible and reduces project costs.

(g) The non-Federal entity is encouraged to use value engineering clauses in contracts for construction projects of sufficient size to offer reasonable opportunities for cost reductions. Value engineering is a systematic and creative analysis of each contract item or task to ensure that its essential function is provided at the overall lower cost.

(h) The non-Federal entity must award contracts only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources. See also § 200.214.

(i) The non-Federal entity must maintain records sufficient to detail the history of procurement. These records will include, but are not necessarily limited to, the following: Rationale for the method of procurement, selection of contract type, contractor selection or rejection, and the basis for the contract price.

(j)

(1) The non-Federal entity may use a time-and-materials type contract only after a determination that no other contract is suitable and if the contract includes a ceiling price that the contractor exceeds at its own risk. Time-and-materials type contract means a contract whose cost to a non-Federal entity is the sum of:

(i) The actual cost of materials; and

(ii) Direct labor hours charged at fixed hourly rates that reflect wages, general and administrative expenses, and profit.

(2) Since this formula generates an open-ended contract price, a time-and-materials contract provides no positive profit incentive to the contractor for cost control or labor efficiency. Therefore, each contract must set a ceiling price that the contractor exceeds at its own risk. Further, the non-Federal entity awarding such a contract must assert a high degree of oversight in order to obtain reasonable assurance that the contractor is using efficient methods and effective cost controls.

(k) The non-Federal entity alone must be responsible, in accordance with good administrative practice and sound business judgment, for the settlement of all contractual and administrative issues arising out of procurements. These issues include, but are not limited to, source evaluation, protests, disputes, and claims. These standards do not relieve the non-Federal entity of any contractual responsibilities under contracts. The Federal awarding agency will not substitute its judgment for that of the non-Federal entity unless the matter is primarily a Federal concern. Violations of law will be referred to the local, state, or Federal authority having proper jurisdiction.

#### **§ 200.319 Competition.**

(a) All procurement transactions for the acquisition of property or services required under a Federal award must be conducted in a manner providing full and open competition consistent with the standards of this section and § 200.320.

(b) In order to ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. Some of the situations considered to be restrictive of competition include but are not limited to:

(1) Placing unreasonable requirements on firms in order for them to qualify to do business;

(2) Requiring unnecessary experience and excessive bonding;

(3) Noncompetitive pricing practices between firms or between affiliated companies;

(4) Noncompetitive contracts to consultants that are on retainer contracts;

- (5) Organizational conflicts of interest;
  - (6) Specifying only a “brand name” product instead of allowing “an equal” product to be offered and describing the performance or other relevant requirements of the procurement; and
  - (7) Any arbitrary action in the procurement process.
- (c) The non-Federal entity must conduct procurements in a manner that prohibits the use of statutorily or administratively imposed state, local, or tribal geographical preferences in the evaluation of bids or proposals, except in those cases where applicable Federal statutes expressly mandate or encourage geographic preference. Nothing in this section preempts state licensing laws. When contracting for architectural and engineering (A/E) services, geographic location may be a selection criterion provided its application leaves an appropriate number of qualified firms, given the nature and size of the project, to compete for the contract.
- (d) The non-Federal entity must have written procedures for procurement transactions. These procedures must ensure that all solicitations:
- (1) Incorporate a clear and accurate description of the technical requirements for the material, product, or service to be procured. Such description must not, in competitive procurements, contain features which unduly restrict competition. The description may include a statement of the qualitative nature of the material, product or service to be procured and, when necessary, must set forth those minimum essential characteristics and standards to which it must conform if it is to satisfy its intended use. Detailed product specifications should be avoided if at all possible. When it is impractical or uneconomical to make a clear and accurate description of the technical requirements, a “brand name or equivalent” description may be used as a means to define the performance or other salient requirements of procurement. The specific features of the named brand which must be met by offers must be clearly stated; and
  - (2) Identify all requirements which the offerors must fulfill and all other factors to be used in evaluating bids or proposals.
- (e) The non-Federal entity must ensure that all prequalified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, the non-Federal entity must not preclude potential bidders from qualifying during the solicitation period.
- (f) Noncompetitive procurements can only be awarded in accordance with § 200.320(c).

**§ 200.320 Methods of procurement to be followed.**

The non-Federal entity must have and use documented procurement procedures, consistent with the standards of this section and §§ 200.317, 200.318, and 200.319 for any of the following methods of procurement used for the acquisition of property or services required under a Federal award or sub-award. This content is from the eCFR and is authoritative but unofficial.

- (a) *Informal procurement methods.* When the value of the procurement for property or services under a Federal award does not exceed the simplified acquisition threshold (SAT), as defined in § 200.1, or a lower threshold established by a non-Federal entity, formal procurement methods are not required. The non-Federal entity may use informal procurement methods to expedite the completion of its transactions and minimize the associated administrative burden and cost. The informal methods used for procurement of property or services at or below the SAT include: (1) *Micro-purchases* –
- (i) *Distribution.* The acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (See the definition of micro-purchase in § 200.1). To the maximum extent practicable, the non-Federal entity should distribute micro-purchases equitably among qualified suppliers.
  - (ii) *Micro-purchase awards.* Micro-purchases may be awarded without soliciting competitive price or rate quotations if the non-Federal entity considers the price to be reasonable based on research, experience, purchase history or other information and documents it files accordingly. Purchase cards can be used for micro-purchases if procedures are documented and approved by the non-Federal entity.
  - (iii) *Micro-purchase thresholds.* The non-Federal entity is responsible for determining and documenting an appropriate micro-purchase threshold based on internal controls, an evaluation of risk, and its documented procurement procedures. The micro-purchase threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations. Non-Federal entities may establish a threshold higher than the Federal threshold established in the Federal Acquisition Regulations (FAR) in accordance with paragraphs (a)(1)(iv) and (v) of this section.
  - (iv) *Non-Federal entity increase to the micro-purchase threshold up to \$50,000.* Non-Federal entities may establish a threshold higher than the micro-purchase threshold identified in the FAR in accordance with the requirements of this section. The non-Federal entity may self-certify a threshold up to \$50,000 on an annual basis and must maintain documentation to be made available to the Federal awarding agency and auditors in accordance with §

200.334. The self-certification must include a justification, clear identification of the threshold, and supporting documentation of any of the following:

- (A) A qualification as a low-risk auditee, in accordance with the criteria in § 200.520 for the most recent audit;
- (B) An annual internal institutional risk assessment to identify, mitigate, and manage financial risks; or,
- (C) For public institutions, a higher threshold consistent with State law.

(v) *Non-Federal entity increase to the micro-purchase threshold over \$50,000.* Micro-purchase thresholds higher than \$50,000 must be approved by the cognizant agency for indirect costs. The non-federal entity must submit a request with the requirements included in paragraph (a)(1)(iv) of this section. The increased threshold is valid until there is a change in status in which the justification was approved.

(2) *Small purchases –*

(i) *Small purchase procedures.* The acquisition of property or services, the aggregate dollar amount of which is higher than the micro-purchase threshold but does not exceed the simplified acquisition threshold. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources as determined appropriate by the non-Federal entity.

(ii) *Simplified acquisition thresholds.* The non-Federal entity is responsible for determining an appropriate simplified acquisition threshold based on internal controls, an evaluation of risk and its documented procurement procedures which must not exceed the threshold established in the FAR. When applicable, a lower simplified acquisition threshold used by the non-Federal entity must be authorized or not prohibited under State, local, or tribal laws or regulations.

(b) *Formal procurement methods.* When the value of the procurement for property or services under a Federal financial assistance award exceeds the SAT, or a lower threshold established by a non-Federal entity, formal procurement methods are required. Formal procurement methods require following documented procedures. Formal procurement methods also require public advertising unless a non-competitive procurement can be used in accordance with § 200.319 or paragraph (c) of this section. The following formal methods of procurement are used for procurement of property or services above the simplified acquisition threshold or a value below the simplified acquisition threshold the non-Federal entity determines to be appropriate:

(1) *Sealed bids.* A procurement method in which bids are publicly solicited and a firm fixed-price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price. The sealed bids method is the preferred method for procuring construction, if the conditions.

(i) In order for sealed bidding to be feasible, the following conditions should be present:

- (A) A complete, adequate, and realistic specification or purchase description is available;
- (B) Two or more responsible bidders are willing and able to compete effectively for the business; and
- (C) The procurement lends itself to a firm fixed price contract and the selection of the successful bidder can be made principally on the basis of price.

(ii) If sealed bids are used, the following requirements apply:

- (A) Bids must be solicited from an adequate number of qualified sources, providing them sufficient response time prior to the date set for opening the bids, for local, and tribal governments, the invitation for bids must be publicly advertised;
- (B) The invitation for bids, which will include any specifications and pertinent attachments, must define the items or services in order for the bidder to properly respond;
- (C) All bids will be opened at the time and place prescribed in the invitation for bids, and for local and tribal governments, the bids must be opened publicly;
- (D) A firm fixed price contract award will be made in writing to the lowest responsive and responsible bidder. Where specified in bidding documents, factors such as discounts, transportation cost, and life cycle costs must be considered in determining which bid is lowest. Payment discounts will only be used to determine the low bid when prior experience indicates that such discounts are usually taken advantage of; and
- (E) Any or all bids may be rejected if there is a sound documented reason.

(2) *Proposals*. A procurement method in which either a fixed price or cost-reimbursement type contract is awarded. Proposals are generally used when conditions are not appropriate for the use of sealed bids. They are awarded in accordance with the following requirements:

- (i) Requests for proposals must be publicized and identify all evaluation factors and their relative importance. Proposals must be solicited from an adequate number of qualified offerors. Any response to publicized requests for proposals must be considered to the maximum extent practical;
- (ii) The non-Federal entity must have a written method for conducting technical evaluations of the proposals received and making selections;
- (iii) Contracts must be awarded to the responsible offeror whose proposal is most advantageous to the non-Federal entity, with price and other factors considered; and
- (iv) The non-Federal entity may use competitive proposal procedures for qualifications-based procurement of architectural/engineering (A/E) professional services whereby offeror's qualifications are evaluated and the most qualified offeror is selected, subject to negotiation of fair and reasonable compensation. The method, where price is not used as a selection factor, can only be used in procurement of A/E professional services. It cannot be used to purchase other types of services through A/E firms that are a potential source to perform the proposed effort.

(c) *Noncompetitive procurement*. There are specific circumstances in which noncompetitive procurement can be used. Noncompetitive procurement can only be awarded if one or more of the following circumstances apply:

- (1) The acquisition of property or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold (see paragraph (a)(1) of this section);
- (2) The item is available only from a single source;
- (3) The public exigency or emergency for the requirement will not permit a delay resulting from publicizing a competitive solicitation;
- (4) The Federal awarding agency or pass-through entity expressly authorizes a noncompetitive procurement in response to a written request from the non-Federal entity; or
- (5) After solicitation of a number of sources, competition is determined inadequate.

#### **§ 200.321 Contracting with small and minority businesses, women's business enterprises, and labor surplus area firms.**

(a) The non-Federal entity must take all necessary affirmative steps to assure that minority businesses, women's business enterprises, and labor surplus area firms are used when possible.

(b) Affirmative steps must include:

- (1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;
- (2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;
- (3) Dividing total requirements, when economically feasible, into smaller tasks or quantities to permit maximum participation by small and minority businesses, and women's business enterprises;
- (4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority businesses, and women's business enterprises;
- (5) Using the services and assistance, as appropriate, of such organizations as the Small Business Administration and the Minority Business Development Agency of the Department of Commerce; and
- (6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in paragraphs (b)(1) through (5) of this section.

#### **§ 200.322 Domestic preferences for procurements.**

(a) As appropriate and to the extent consistent with law, the non-Federal entity should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). The requirements of this section must be included in all subawards including all contracts and purchase orders for work or products under this award.

(b) For purposes of this section:

- (1) "Produced in the United States" means, for iron and steel products, that all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States.



(2) "Manufactured products" means items and construction materials composed in whole or in part of non-ferrous metals such as aluminum; plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

#### **§ 200.323 Procurement of recovered materials.**

A non-Federal entity that is a state agency or agency of a political subdivision of a state and its contractors must comply with section 6002 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act. The requirements of Section 6002 include procuring only items designated in guidelines of the Environmental Protection Agency (EPA) at 40 CFR part 247 that contain the highest percentage of recovered materials practicable, consistent with maintaining a satisfactory level of competition, where the purchase price of the item exceeds \$10,000 or the value of the quantity acquired during the preceding fiscal year exceeded \$10,000; procuring solid waste management services in a manner that maximizes energy and resource recovery; and establishing an affirmative procurement program for procurement of recovered materials identified in the EPA guidelines.

#### **§ 200.340 Termination**

(a) The Federal award may be terminated in whole or in part as follows:

(1) By the Federal awarding agency or pass-through entity, if a non-Federal entity fails to comply with the terms and conditions of a Federal award;

(2) By the Federal awarding agency or pass-through entity, to the greatest extent authorized by law, if an award no longer effectuates the program goals or agency priorities;

(3) By the Federal awarding agency or pass-through entity with the consent of the non-Federal entity, in which case the two parties must agree upon the termination conditions, including the effective date and, in the case of partial termination, the portion to be terminated;

(4) By the non-Federal entity upon sending to the Federal awarding agency or pass-through entity written notification setting forth the reasons for such termination, the effective date, and, in the case of partial termination, the portion to be terminated. However, if the Federal awarding agency or passthrough entity determines in the case of partial termination that the reduced or modified portion of the Federal award or subaward will not accomplish the purposes for which the Federal award was made, the Federal awarding agency or pass-through entity may terminate the Federal award in its entirety; or

(5) By the Federal awarding agency or pass-through entity pursuant to termination provisions included in the Federal award.

(b) A Federal awarding agency should clearly and unambiguously specify termination provisions applicable to each Federal award, in applicable regulations or in the award, consistent with this section.

(c) When a Federal awarding agency terminates a Federal award prior to the end of the period of performance due to the non-Federal entity's material failure to comply with the Federal award terms and conditions, the Federal awarding agency must report the termination to the OMB-designated integrity and performance system accessible through SAM (currently FAPIIS).

(1) The information required under paragraph (c) of this section is not to be reported to designated integrity and performance system until the non-Federal entity either –

(i) Has exhausted its opportunities to object or challenge the decision, see § 200.342; or

(ii) Has not, within 30 calendar days after being notified of the termination, informed the Federal awarding agency that it intends to appeal the Federal awarding agency's decision to terminate.

(2) If a Federal awarding agency, after entering information into the designated integrity and performance system about a termination, subsequently:

(i) Learns that any of that information is erroneous, the Federal awarding agency must correct the information in the system within three business days;

(ii) Obtains an update to that information that could be helpful to other Federal awarding agencies, the Federal awarding agency is strongly encouraged to amend the information in the system to incorporate the update in a timely way.

(3) Federal awarding agencies, must not post any information that will be made publicly available in the non-public segment of designated integrity and performance system that is covered by a disclosure exemption under the Freedom of Information Act. If the non-Federal entity asserts within seven calendar days to the Federal awarding agency who posted the information, that some of the information made publicly available is covered by a

disclosure exemption under the Freedom of Information Act, the Federal awarding agency who posted the information must remove the posting within seven calendar days of receiving the assertion. Prior to reposting the releasable information, the Federal agency must resolve the issue in accordance with the agency's Freedom of Information Act procedures.

(d) When a Federal award is terminated or partially terminated, both the Federal awarding agency or passthrough entity and the non-Federal entity remain responsible for compliance with the requirements in §§ 200.344 and 200.345.

#### **§ 200.414 Indirect (F&A) costs.**

(a) *Facilities and administration classification.* For major Institutions of Higher Education (IHE) and major nonprofit organizations, indirect (F&A) costs must be classified within two broad categories: "Facilities" and "Administration." "Facilities" is defined as depreciation on buildings, equipment and capital improvement, interest on debt associated with certain buildings, equipment and capital improvements, and operations and maintenance expenses. "Administration" is defined as general administration and general expenses such as the director's office, accounting, personnel and all other types of expenditures not listed specifically under one of the subcategories of "Facilities" (including cross allocations from other pools, where applicable). For nonprofit organizations, library expenses are included in the "Administration" category; for IHEs, they are included in the "Facilities" category. Major IHEs are defined as those required to use the Standard Format for Submission as noted in appendix III to this part, and Rate Determination for Institutions of Higher Education paragraph C. 11. Major nonprofit organizations are those which receive more than \$10 million dollars in direct Federal funding.

(b) *Diversity of nonprofit organizations.* Because of the diverse characteristics and accounting practices of nonprofit organizations, it is not possible to specify the types of cost which may be classified as indirect (F&A) cost in all situations. Identification with a Federal award rather than the nature of the goods and services involved is the determining factor in distinguishing direct from indirect (F&A) costs of Federal awards. However, typical examples of indirect (F&A) cost for many nonprofit organizations may include depreciation on buildings and equipment, the costs of operating and maintaining facilities, and general administration and general expenses, such as the salaries and expenses of executive officers, personnel administration, and accounting.

(c) *Federal Agency Acceptance of Negotiated Indirect Cost Rates.* (See also § 200.306.)

(1) The negotiated rates must be accepted by all Federal awarding agencies. A Federal awarding agency may use a rate different from the negotiated rate for a class of Federal awards or a single Federal award only when required by Federal statute or regulation, or when approved by a Federal awarding agency head or delegate based on documented justification as described in paragraph (c)(3) of this section.

(2) The Federal awarding agency head or delegate must notify OMB of any approved deviations.

(3) The Federal awarding agency must implement, and make publicly available, the policies, procedures and general decision-making criteria that their programs will follow to seek and justify deviations from negotiated rates. 2 CFR 200.414 (up to date as of 6/08/2022) Indirect (F&A) costs.

(4) As required under § 200.204, the Federal awarding agency must include in the notice of funding opportunity the policies relating to indirect cost rate reimbursement, matching, or cost share as approved under paragraph (e)(1) of this section. As appropriate, the Federal agency should incorporate discussion of these policies into Federal awarding agency outreach activities with non-Federal entities prior to the posting of a notice of funding opportunity.

(d) Pass-through entities are subject to the requirements in § 200.332(a)(4).

(e) Requirements for development and submission of indirect (F&A) cost rate proposals and cost allocation plans are contained in Appendices III-VII and Appendix IX as follows:

(1) Appendix III to Part 200 - Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Institutions of Higher Education (IHEs);

(2) Appendix IV to Part 200 - Indirect (F&A) Costs Identification and Assignment, and Rate Determination for Nonprofit Organizations;

(3) Appendix V to Part 200 - State/Local Governmentwide Central Service Cost Allocation Plans;

(4) Appendix VI to Part 200 - Public Assistance Cost Allocation Plans;

(5) Appendix VII to Part 200 - States and Local Government and Indian Tribe Indirect Cost Proposals; and

(6) Appendix IX to Part 200 - Hospital Cost Principles.

(f) In addition to the procedures outlined in the appendices in paragraph (e) of this section, any non-Federal entity that does not have a current negotiated (including provisional) rate, except for those non-Federal entities described in appendix

VII to this part, paragraph D.1.b, may elect to charge a de minimis rate of 10% of modified total direct costs (MTDC) which may be used indefinitely. No documentation is required to justify the 10% de minimis indirect cost rate. As described in § 200.403, costs must be consistently charged as either indirect or direct costs, but may not be double charged or inconsistently charged as both. If chosen, this methodology once elected must be used consistently for all Federal awards until such time as a non-Federal entity chooses to negotiate for a rate, which the non-Federal entity may apply to do at any time.

(g) Any non-Federal entity that has a current federally-negotiated indirect cost rate may apply for a one-time extension of the rates in that agreement for a period of up to four years. This extension will be subject to the review and approval of the cognizant agency for indirect costs. If an extension is granted the non-Federal entity may not request a rate review until the extension period ends. At the end of the 4-year extension, the non-Federal entity must re-apply to negotiate a rate. Subsequent one-time extensions (up to four years) are permitted if a renegotiation is completed between each extension request.

(h) The federally negotiated indirect rate, distribution base, and rate type for a non-Federal entity (except for the Indian tribes or tribal organizations, as defined in the Indian Self Determination, Education and Assistance Act, 25 U.S.C. 450b(1)) must be available publicly on an OMB-designated Federal website.

#### **Appendix II to Part 200 - Contract Provisions for Non-Federal Entity Contracts Under Federal Awards**

In addition to other provisions required by the Federal agency or non-Federal entity, all contracts made by the non-Federal entity under the Federal award must contain provisions covering the following, as applicable.

(A) Contracts for more than the simplified acquisition threshold, which is the inflation adjusted amount determined by the Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council (Councils) as authorized by 41 U.S.C. 1908, must address administrative, contractual, or legal remedies in instances where contractors violate or breach contract terms, and provide for such sanctions and penalties as appropriate.

(B) All contracts in excess of \$10,000 must address termination for cause and for convenience by the non-Federal entity including the manner by which it will be effected and the basis for settlement.

(C) Equal Employment Opportunity. Except as otherwise provided under 41 CFR Part 60, all contracts that meet the definition of "federally assisted construction contract" in 41 CFR Part 60-1.3 must include the equal opportunity clause provided under 41 CFR 60-1.4(b), in accordance with Executive Order 11246, "Equal Employment Opportunity" (30 FR 12319, 12935, 3 CFR Part, 1964-1965 Comp., p. 339), as amended by Executive Order 11375, "Amending Executive Order 11246 Relating to Equal Employment Opportunity," and implementing regulations at 41 CFR part 60, "Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor."

D) Davis-Bacon Act, as amended (40 U.S.C. 3141-3148). When required by Federal program legislation, all prime construction contracts in excess of \$2,000 awarded by non-Federal entities must include a provision for compliance with the Davis-Bacon Act (40 U.S.C. 3141-3144, and 3146-3148) as supplemented by Department of Labor regulations (29 CFR Part 5, "Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction"). In accordance with the statute, contractors must be required to pay wages to laborers and mechanics at a rate not less than the prevailing wages specified in a wage determination made by the Secretary of Labor. In addition, contractors must be required to pay wages not less than once a week. The non-Federal entity must place a copy of the current prevailing wage determination issued by the Department of Labor in each solicitation. The decision to award a contract or subcontract must be conditioned upon the acceptance of the wage determination. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency. The contracts must also include a provision for compliance with the Copeland "Anti-Kickback" Act (40 U.S.C. 3145), as supplemented by Department of Labor regulations (29 CFR Part 3, "Contractors and Subcontractors on Public Building or Public Work Financed in Whole or in Part by Loans or Grants from the United States"). The Act provides that each contractor or subrecipient must be prohibited from inducing, by any means, any person employed in the construction, completion, or repair of public work, to give up any part of the compensation to which he or she is otherwise entitled. The non-Federal entity must report all suspected or reported violations to the Federal awarding agency.

(E) Contract Work Hours and Safety Standards Act (40 U.S.C. 3701-3708). Where applicable, all contracts awarded by the non-Federal entity in excess of \$100,000 that involve the employment of mechanics or laborers must include a provision for compliance with 40 U.S.C. 3702 and 3704, as supplemented by Department of Labor regulations (29 CFR Part 5). Under 40 U.S.C. 3702 of the Act, each contractor must be required to compute the wages of every mechanic and laborer on the basis

of a standard work week of 40 hours. Work in excess of the standard work week is permissible provided that the worker is compensated at a rate of not less than one and a half times the basic rate of pay for all hours worked in excess of 40 hours in the work week. The requirements of 40 U.S.C. 3704 are applicable to construction work and provide that no laborer or mechanic must be required to work in surroundings or under working conditions which are unsanitary, hazardous or dangerous. These requirements do not apply to the purchases of supplies or materials or articles ordinarily available on the open market, or contracts for transportation or transmission of intelligence.

(F) Rights to Inventions Made Under a Contract or Agreement. If the Federal award meets the definition of "funding agreement" under 37 CFR § 401.2 (a) and the recipient or subrecipient wishes to enter into a contract with a small business firm or nonprofit organization regarding the substitution of parties, assignment or performance of experimental, developmental, or research work under that "funding agreement," the recipient or subrecipient must comply with the requirements of 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms Under Government Grants, Contracts and Cooperative Agreements," and any implementing regulations issued by the awarding agency.

(G) Clean Air Act (42 U.S.C. 7401-7671q.) and the Federal Water Pollution Control Act (33 U.S.C. 1251-1387), as amended - Contracts and subgrants of amounts in excess of \$150,000 must contain a provision that requires the non-Federal award to agree to comply with all applicable standards, orders or regulations issued pursuant to the Clean Air Act (42 U.S.C. 7401-7671q) and the Federal Water Pollution Control Act as amended (33 U.S.C. 1251-1387). Violations must be reported to the Federal awarding agency and the Regional Office of the Environmental Protection Agency (EPA).

(H) Debarment and Suspension (Executive Orders 12549 and 12689) - A contract award (see 2 CFR 180.220) must not be made to parties listed on the governmentwide exclusions in the System for Award Management (SAM), in accordance with the OMB guidelines at 2 CFR 180 that implement Executive Orders 12549 (3 CFR part 1986 Comp., p. 189) and 12689 (3 CFR part 1989 Comp., p. 235), "Debarment and Suspension." SAM Exclusions contains the names of parties debarred, suspended, or otherwise excluded by agencies, as well as parties declared ineligible under statutory or regulatory authority other than Executive Order 12549.

(I) Byrd Anti-Lobbying Amendment (31 U.S.C. 1352) - Contractors that apply or bid for an award exceeding \$100,000 must file the required certification. Each tier certifies to the tier above that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. Such disclosures are forwarded from tier to tier up to the non-Federal award.

(J) See § 200.323.

(K) See § 200.216.

(L) See § 200.322.

**I understand that failure to comply with applicable Federal statutes and regulations may subject State officials to civil or criminal penalties and/or place the State in a high risk grantee status in accordance with 2 CFR 200.**

**I sign these Certifications and Assurances based on personal knowledge, after appropriate inquiry, and I understand that the Government will rely on these representations in awarding grant funds.**

**Authorized Contract Signatory:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signors Printed Name:** \_\_\_\_\_ **Signors Title:** \_\_\_\_\_

EXHIBIT A

<b>OHS Grant Award</b>		
Project Titles	Federal Budget	Minimum Match Required
<b>SPEED ENFORCEMENT PATROLS</b>		
<b>DUI ENFORCEMENT</b>		
<b>DISTRACTED DRIVING</b>		
<b>PEDESTRIAN BICYCLE</b>		
<b>JOIN THE NH CLIQUE</b>		
<b>DRIVE SOBER OR GET PULLED OVER</b>		
<b>U DRIVE, U TEXT, U PAY</b>		
<b>E-CRASH EQUIPMENT (MDT)</b>		
<b>E-CRASH EQUIPMENT (Printers/Scanners/Receivers)</b>		
<b>SPEED EQUIPMENT</b>		
<b>C.A.R EQUIPMENT</b>		
<b>C.A.R TRAINING</b>		
<b>Community Outreach &amp; Betterment (COB) Grant</b>		
<b>Total</b> Total amount Federal funds obligated to the subrecipient, <a href="#">(2 CFR § 200.331(a)(1)(vii))</a> Project Costs: 80% Federal Funds, 20% Applicant Share (Minimum Match Required).		

<b>Awarding Agency:</b> Office of Highway Safety (OHS)
<b>Federal Awarding Agency:</b> National Highway Traffic Safety Administration (NHTSA), US DOT NHTSA Region 1 55 Broadway, RTV-8E Cambridge, MA 02142
<b>Budget period (new) –</b> <span style="float: right;"><b>10/01/2022 to 09/30/2023</b></span>
<b>Is This a Research and Development Project:</b> NO

EXHIBIT B  
GRANT REQUIREMENTS AND INFORMATION

- Officers funded during these overtime enforcement grants shall be dedicated in total to traffic law enforcement, except in the case of a criminal offense committed in the officer's presence, in the case of response to an officer in distress, or in the case of a riot where all available personnel must divert their attention.
- Officers may pull over drivers for any driving offense during patrols. This includes, but is not limited to, suspected drunk driving, speeding, school bus violations, CPS violations, traffic light/stop sign running, and distracted driving.
- Nothing in this grant shall be interpreted as a requirement, formal or informal that a law enforcement officer issue a specified or predetermined number of summons in pursuance of the department's obligation associated with the grant.
- If an officer makes an arrest during the patrol shift, but does not complete the arrest before the shift is scheduled to end, the officer can continue working under the grant to complete that arrest even if the time exceeds the scheduled patrol shift; however, the total request for reimbursement must not exceed the approved budget in the Grant Agreement.
- An officer who stops working a Highway Safety grant to assist with a Non-Highway Safety Grant related issue (i.e. crash, domestic dispute, criminal complaint, etc.), must not count such hours as hours worked on a Highway Safety Grant.
- Full-time officers will be reimbursed at an overtime rate of pay as established by the department and/or municipality for hours worked during the enforcement patrols. Part-time officers will be reimbursed at their normal hourly rate of pay.
- The Patrol Activity Report (HS-200) must be signed and dated by an authorized signatory (Police Chief or designee). Individuals working the enforcement patrol may not sign off on the Patrol Activity Report for themselves and if the Chief Law Enforcement Officer (CLEO) works an overtime enforcement patrol, they must comply with 29 CFR Part 541 as it relates to "exempt employees". This will require that the CLEO provide a waiver of 29 CFR, Part 541 from their governing body with any reimbursement requests in which the CLEO has worked. Additionally, the CLEO may not sign off on their own HS200 or that of a spouse, child or sibling who may work an enforcement patrol.
- If weather impedes a particular enforcement detail, this should be noted on the Patrol Activity Report (HS-200).
- Command staff may participate in and be compensated for enforcement details if acting in a traffic enforcement role rather than acting exclusively in a supervisory role overseeing officers engaged in traffic enforcement.
- Failure to comply with reporting requirements may result in non-reimbursement of funds or suspension of grant award.
- Non-participation or non-compliance with the performance measures may result in grant agreement suspension, termination and/non-reimbursement of expenses.

Reimbursement Schedule and Required Paperwork

- Reimbursements are due no later than 15 days after the close of the quarter. Due dates are as follows:
  1. **January 15<sup>th</sup>** for October-December (Quarter 1)
  2. **April 15<sup>th</sup>** for January-March (Quarter 2)
  3. **July 15<sup>th</sup>** for April-June (Quarter 3)
  4. **October 15<sup>th</sup>** for July-September (Quarter 4)
- See link for all the required forms - <https://www.nh.gov/hsafety/publications/index.htm>
- Over-Time enforcement patrol reimbursements shall include the following:
  1. Reimbursement Request Cover Letter (HS-1);
  2. Overtime Payroll Reimbursement Form (HS-20) for each project;
  3. Match Tracking Form (HS-22) for each project;
  4. Quarterly Summary Report (HS-100 QSR) for each project;
  5. Patrol Activity Reports (HS-200) for each project; and
  6. Updated Grant Application/Performance Tracking Tool (App/PTT)
- Equipment reimbursements shall include the following:
  1. Reimbursement Request Cover Letter (HS-1). **Note:** if submitting equipment reimbursement along with overtime enforcement patrol reimbursements only one (1) Reimbursement Request Cover Letter (HS-1) shall be submitted.
  2. Copy of the detailed equipment invoice (with all Serial #'s);
  3. Match Tracking Form (HS-22);
  4. Copy of Cancelled Check; and
  5. Final Equipment Report (HS-8E) (with all Serial #'s)

- If no enforcement patrols took place during the quarter you are required to submit the Reimbursement Cover Letter (HS-1) indicating that you are not seeking reimbursement by placing \$0 in the projects where you were awarded funding.
- Failure to file required reports by the submission due dates can result in grant termination or denial of future grants.
- All publications, public information, or publicity released in conjunction with this project shall state “This project is being supported in part through a grant from the NH Office of Highway Safety, with Federal funds provided by the National Highway Traffic Safety Administration” or related social media tag provided by our office.
- Grant agreements shall terminate in the event funds are exhausted and/or not made available by the federal government for this program. If the grantee makes obligations in anticipation of receiving funds under this grant, the grantee does so at their peril and the State of New Hampshire will be under no obligation to make payments for such performance.

#### SPECIAL PROVISION-NH OFFICE OF HIGHWAY SAFETY

- (A) In the event of any conflict or ambiguity between the provisions of the Subrecipient’s application and the provisions of the Office of Highway Safety Grant Agreement, including applicable EXHIBITS A and B, the provisions of the Grant Agreement shall govern.
- (B) The New Hampshire Office of Highway Safety (OHS) will review all reports and certifications received to ensure compliance. If findings specific to Highway Safety Programs are detected within an agency’s Single Audit, appropriate action shall be taken to ensure that identified sub recipient risks are being timely and appropriately corrected.

#### CASH MANAGEMENT

Cash draw-downs will be initiated only when actually needed for disbursement (i.e., as close as possible to the time of making disbursements). Cash disbursements and balances will be reported in a timely manner as required by NHTSA. 2 CFR Part 200.305.

For subrecipients, recipients must establish reasonable procedures to ensure the receipt of reports on subrecipients’ cash balances and cash disbursements in sufficient time to enable them to prepare complete and accurate cash transactions reports to the awarding agency. Recipients must monitor cash draw-downs by their subrecipients to assure that they conform substantially to the same standards of timing and amount as apply to advances to the recipients. 2 CFR 200.305.

Failure to adhere to these provisions may result in the termination of draw-down privileges.

#### OFFICE OF MANAGEMENT AND BUDGET GRANT CONDITIONS

The following documents issued by the Office of Management and Budget (OMB) apply to all Federal grants regardless of the Federal Department making them available:

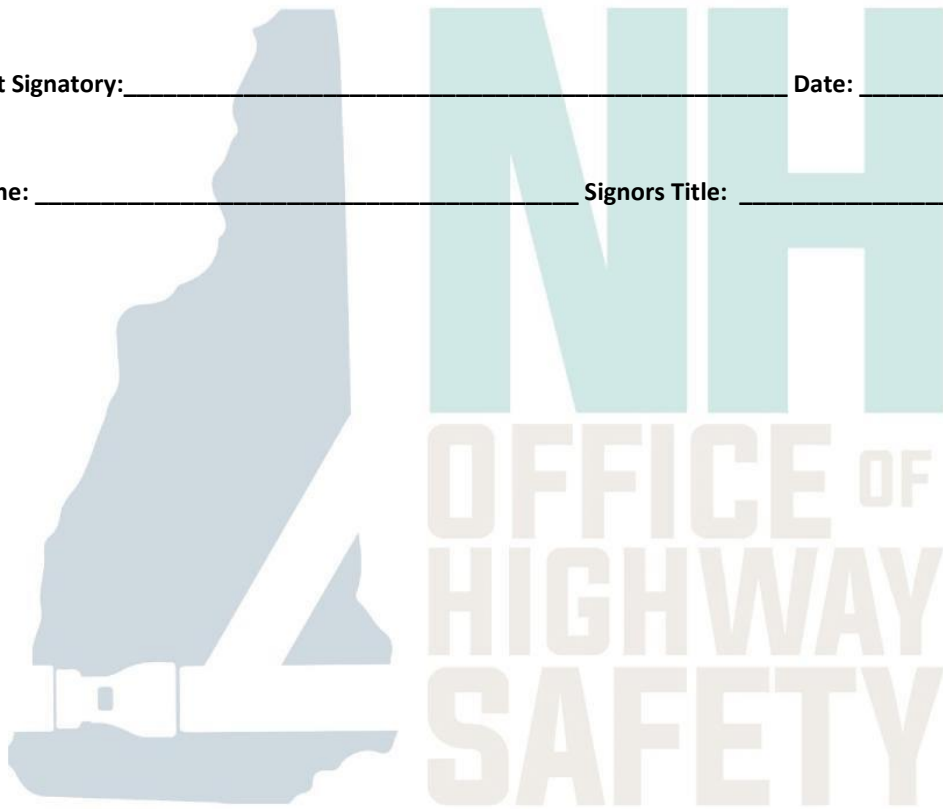
- **Audit Requirement of Federal Funds:** (2 CFR § 200.332(a)(5)) 2 CFR part 200, subpart F (formerly known as OMB Circular A-133) – These requirements apply to each non-profit organization, each institution of higher education, and local governments as a whole when they or one of their departments receives federal funds. Any non-profit organization, institution of higher education, or local government spending more than \$750,000 in federal funds from all sources within a 12-month period must have an audit performed on the use of the funds. OGR defines the 12-month period as July 1 to June 30. The following link provides the full text of this basic federal grant requirement: <https://www.nhtsa.gov/highway-safety-grants-program/resources-guide>.
- **Cost Principles for Federal Grants to State and Local Governments**
  - 2 CFR 200 subpart E – These requirements apply only to state and local government subrecipients. These regulations list and define general categories of costs that are both allowable and unallowable. Examples include the following:
  - The cost of alcoholic beverages is unallowable.
  - Costs incurred by advisory councils are allowable.
  - Audit costs are allowable.
  - Compensation costs are allowable so long as they are consistent with that paid for similar work in other activities of the local government.
  - Entertainment costs are unallowable.
  - Equipment costs are allowable with the prior approval of the HSO. Equipment having a useful life of more than one year or a current per-unit fair market value of \$5,000 or more must be tracked. When replacing equipment purchased with federal funds, the equipment to be replaced may be used as a trade-in or can be sold with the proceeds used to offset the cost of the replacement equipment. In addition, during the period of the contract with HSO, insurance on the equipment is allowable.

- Travel costs are allowable if pre-approved by the HSO and so long as they are consistent with those normally allowed in like circumstances for non-federally funded activities.
- **Cost Principles for Federal Grants to *Non-Profit Organizations and Institutions of Higher Education*** - These requirements apply to only the non-profit and higher education sub recipients. These document list and define general categories of costs that are allowable and unallowable. The link below provides the full text of these two basic federal grant requirements.
  - [eCFR :: 2 CFR Part 200 Subpart E -- Cost Principles](#)

**I sign these Grant Requirements based on personal knowledge, after appropriate inquiry, and I understand that the Government will rely on these representations in reimbursing grant funds.**

**Authorized Contract Signatory:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Signors Printed Name:** \_\_\_\_\_ **Signors Title:** \_\_\_\_\_





## Project Titles, PSP & Task, CFDA and FAIN Numbers

### **SPEED ENFORCEMENT PATROLS**

**PSP & Task** 23-02-04 FAST Act 402/Bil/Sup

**CFDA:** 20.600

**FAIN Number** (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752230S0P4020NH0, 69A3752330S0P4020NH0

### **SPEED EQUIPMENT**

**PSP & Task** 23-02-04 FAST Act 402/Bil/Sup

**CFDA:** 20.600

**FAIN Number** (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752230S0P4020NH0, 69A3752330S0P4020NH0

### **DUI ENFORCEMENT**

**PSP & Task** 23-07-04 FAST Act 402/Bil/Sup

**CFDA:** 20.600

**FAIN Number** (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752230S0P4020NH0, 69A3752330S0P4020NH0

### **DISTRACTED DRIVING**

**PSP & Task** 23-04-04 FAST Act 402/Bil/Sup

**CFDA:** 20.600

**FAIN Number** (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752230S0P4020NH0, 69A3752330S0P4020NH0

### **PEDESTRIAN BICYCLE**

**PSP & Task** 23-06-04 FAST Act 402/Bil/Sup

**CFDA:** 20.600

**FAIN Number** (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752230S0P4020NH0, 69A3752330S0P4020NH0

### **JOIN THE NH CLIQUE**

**PSP & Task** 23-01-04 FAST Act 402/Bil/Sup

**CFDA:** 20.600

**FAIN Number** (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752230S0P4020NH0, 69A3752330S0P4020NH0

### **DRIVE SOBER OR GET PULLED OVER**

**PSP & Task** 23-07-11 FAST Act 402/Bil/Sup

**CFDA:** 20.600

**FAIN Number** (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752230S0P4020NH0, 69A3752330S0P4020NH0

### **U DRIVE, U TEXT, U PAY**

**PSP & Task** 23-04-11 FAST Act 402/Bil/Sup

**CFDA:** 20.600

**FAIN Number** (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752230S0P4020NH0, 69A3752330S0P4020NH0

### **E-CRASH EQUIPMENT (MDT)**

**PSP & Task** 23-03-06 FAST Act 402/Bil/Sup

**CFDA:** 20.600

**FAIN Number** (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752230S0P4020NH0, 69A3752330S0P4020NH0

### **E-CRASH EQUIPMENT (Printers/Scanners/Receivers/C.A.R. Equipment/C.A.R. Training)**

**PSP & Task** 23-03-06 FAST Act 402/Bil/Sup

**CFDA:** 20.600

**FAIN Number** (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752230S0P4020NH0, 69A3752330S0P4020NH0

### **COMMUNITY OUTREACH & BETTERMENT (COB) GRANT**

**PSP & Task** 23-09-03 FAST Act 402/Bil/Sup

**CFDA:** 20.600

**FAIN Number** (Subaward): 69A37521300004020NH0, 69A37522300004020NH0, 69A37523300004020NH0, 69A3752230S0P4020NH0, 69A3752330S0P4020NH0

# Scope of Work

## SPEED ENFORCEMENT

For additional grant requirements please familiarize yourself with the section of the grant agreement titled, "Grant Requirements and Information".

- The locations as well as time and days of the Speed overtime enforcement patrols should support the problem statement identified in your grant application.
- Speed enforcement patrols should be no more than **4-hours** in duration. These hours shall be run consecutively without interruption.
- If the last stop of a grant-funded patrol results in an arrest that requires the patrol to exceed 4-hours, OHS will consider payment, after review of the dispatch log and Patrol Activity Report (HS-200). The dispatch log must show the arrest as the last stop of the patrol as well as showing the time the arrest was cleared.
- The OHS has an expectation that Departments will have a minimum of three documented stops/contacts per hour. Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists, pedestrians, and/or bicyclists, during the grant-funded patrol periods. Contacts are required to be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a monitoring review. If fewer than three stops/contacts per hour are made during a grant-funded patrol, an explanation must be provided on note section of the HS-200/Patrol Activity Report.
- To maximize grant funding, patrols must consist of **one grant-funded officer per cruiser**; however, multiple cruisers may be out at one time.
- All vehicles stopped should be visually checked for violations of the Child Passenger Restraint law. The total number of visual checks and any action taken should be noted on the HS-200 Patrol Activity Report.
- The NHOHS Highway Safety Commander may, and in their prolonged absence, the NHOHS program manager may, in consultation and conjunction with the Chief of Police, at their discretion, authorize adjustments in the duration of patrols and focus efforts in both location and area of enforcement, to help maximize the potential for success in meeting objectives and achieving overall goals.

Grantee Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

Grantee Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

Grantee Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

# Scope of Work

## Impaired Driving Enforcement (DUI)

For additional grant requirements please familiarize yourself with the section of the grant agreement titled, "Grant Requirements and Information".

- The locations as well as time and days of the Impaired Driving enforcement overtime patrols shall support the problem statement identified in your grant application.
- DUI enforcement patrols, including DUI saturation patrols, can be a minimum of **4-hours** or a maximum of **6-hours** in duration. These hours shall be run consecutively without interruption.
- With **written**, pre-approval, from the Office of Highway Safety, departments may conduct 6-hour Sobriety Check Points.
- If the last stop of a grant-funded patrol results in an arrest that requires the patrol to exceed 4-hours, OHS will consider payment, after review of the dispatch log and Patrol Activity Report (HS-200). The dispatch log must show the arrest as the last stop of the patrol as well as showing the time the arrest was cleared.
- The OHS has an expectation that Departments will have a minimum of three documented stops/contacts per hour. Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists, pedestrians, and/or bicyclists, during the grant-funded patrol period. Contacts are required to be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a monitoring review. If fewer than three stops/contacts per hour are made during a grant-funded patrol, an explanation must be provided on note section of the HS-200/Patrol Activity Report.
- To maximize grant funding, patrols must consist of **one grant-funded officer per cruiser**; however, multiple cruisers may be out at one time.
- All vehicles stopped should be visually checked for violations of the Child Passenger Restraint law. The total number of visual checks and any action taken should be noted on the HS-200 Patrol Activity Report.
- The NHOHS Highway Safety Commander may, and in their prolonged absence, the NHOHS program manager may, in consultation and conjunction with the Chief of Police, at their discretion, authorize adjustments in the duration of patrols and focus efforts in location, to help maximize the potential for success in meeting objectives and achieving overall goals.

Grantee Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

Grantee Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

Grantee Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

# Scope of Work

## Distracted Driving Enforcement

Distracted Driving enforcement patrols should focus on enforcing New Hampshire's Hands Free Electronic Device Law as well as other activities that occur behind the wheel that cause the driver to be distracted. **For additional grant requirements please familiarize yourself with the section of the grant agreement titled, "Grant Requirements and Information".**

- The locations, as well as time and days, of the distracted driving enforcement overtime patrols shall support the problem statement identified in your grant application.
- Distracted Driving enforcement patrols should be no more than **4-hours** in duration. These hours shall be run consecutively without interruption.
- If the last stop of a grant-funded patrol results in an arrest that requires the patrol to exceed 4-hours, OHS will consider payment, after review of the dispatch log and Patrol Activity Report (HS-200). The dispatch log must show the arrest as the last stop of the patrol as well as showing the time the arrest was cleared.
- The OHS has an expectation that departments will have a minimum of three documented stops/contacts per hour. Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists, pedestrians, and/or bicyclists, during the grant-funded patrol periods. Contacts are required to be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a monitoring review. If fewer than three stops/contacts per hour are made during a grant-funded patrol, an explanation must be provided as to why. **Note:** When conducting Distracted Driving enforcement patrols using a spotter technique (one officer in a cruiser and one officer outside the cruiser), 3 stops per hour per officer may be difficult to achieve. In this instance, please focus on effective enforcement rather than the stops/hour requirement. Please ensure that the spotter notes this on his/her Patrol Activity Report (HS-200).
- To maximize grant funding, patrols must consist of **one grant-funded officer per cruiser**; however, multiple cruisers may be out at one time. **Exception:** Two officers per cruiser when utilizing a spotter (one officer in a cruiser and one officer outside the cruiser), is allowed when a department is conducting strategic Distracted Driving patrols.
- All vehicles stopped should be visually checked for violations of the Child Passenger Restraint law. The total number of visual checks and any action taken should be noted on the HS-200 Patrol Activity Report.
- The NHOHS Highway Safety Commander may, and in their prolonged absence, the NHOHS program manager may, in consultation and conjunction with the Chief of Police, at their discretion, authorize adjustments in the duration of patrols and focus efforts in location, to help maximize the potential for success in meeting objectives and achieving overall goals.

Grantee Initials: \_\_\_\_\_

Date: \_\_\_\_\_

Grantee Initials: \_\_\_\_\_

Date: \_\_\_\_\_

Grantee Initials: \_\_\_\_\_

Date: \_\_\_\_\_

# Scope of Work

## High Visibility Mobilizations

Departments have an allowable budget to conduct overtime enforcement during each of the time periods listed below. Unspent funds from a campaign period cannot be rolled over into any other enforcement activity.

Grant-funded overtime enforcement activity shall occur on the required dates and primary enforcement efforts should be project specific; departments are encouraged to use their own internal data to conduct enforcement activity in their community hotspots.

The OHS has an expectation that Departments will have a minimum of three documented stops/contacts per hour. Documented stops/contacts are defined as any grant-funded patrol officer contact with motorists, pedestrians, and/or bicyclists, during the grant-funded patrol periods. Contacts are required to be supported by written or electronic records maintained at the police department. These records must be maintained in a manner that guarantees their accountability during a monitoring review. If fewer than three stops/contacts per hour are made during a grant-funded patrol, an explanation must be provided on note section of the HS-200/Patrol Activity Report.

**NOTE:** Please e-mail your Field Representative at [HWYSAFETYMAIL@dos.nh.gov](mailto:HWYSAFETYMAIL@dos.nh.gov), in advance, if a mobilization effort will not be conducted.

\*\*\*\*\*

**Join the NH Clique Enforcement Patrols- \$850 total:** The purpose of this mobilization is to enforce the Child Restraint Law for anyone under 18 years of age, as well as to educate unbelted occupants 18 years and older regarding the importance of wearing seatbelts. Patrols must be conducted during daylight hours at locations such as elementary schools, high schools, shopping centers, and/or locations where drivers and passengers up to the age of 18 are known to frequent. Officers conducting the "Join the NH Clique Patrols", are highly recommended to complete an Online training course; "Child Passenger", sponsored by Police Standards and Training.

- **Required Dates:**
  - One 3-4 hour patrol conducted on kickoff day - **Monday, May 15, 2023**
  - The remaining patrol hours shall be conducted between **May 16, 2023 - June 4, 2023, 3<sup>rd</sup> Quarter**

\*\*\*\*\*

**Drive Sober or Get Pulled Over-\$850 each:** The purpose of these **two** mobilizations will focus on the apprehension of the impaired driver. **Unspent funds from the first DSOGPO campaign may be rolled over to the second DSOGPO campaign.**

- **\$850- Required Dates** of the **first** mobilization:
  - One 3-4 hour patrol conducted on kickoff day - **Friday, December 16, 2022**
  - The remaining patrol hours shall be conducted between **December 17, 2022 - January 1, 2023, 1<sup>st</sup> Quarter**
- **\$850- Required Dates** of the **second** mobilization:
  - One 3-4 hour patrol conducted on kickoff day - **Wednesday, August 16, 2023**
  - The remaining patrol hours shall be conducted between **August 17, 2023 - September 4, 2023, 4<sup>th</sup> Quarter**

\*\*\*\*\*

**U Drive, U Text, U Pay-\$850 total:** The purpose of this mobilization is to enforce New Hampshire's Hands Free Electronic Device Law, as well as other activities that occur behind the wheel that cause the driver to be distracted.

- **Required Dates:**
  - One 3-4 hour patrol conducted on kickoff day – **Monday, April 3, 2023**
  - The remaining patrol hours shall be conducted between **April 4, 2023 – April 10, 2023, 3<sup>rd</sup> Quarter**

\*\*\*\*\*

Grantee Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

Grantee Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

Grantee Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

# Scope of Work

## Speed Enforcement Equipment

**NOTE: All equipment that is \$5,000.00 or more individually must meet the "BUY AMERICA" requirement and receive prior written approval from the National Highway Traffic Safety Administration (NHTSA) before it can be purchased. The Office of Highway Safety shall be under no obligation to provide reimbursement to a grantee for equipment purchased outside of these requirements.**

**Final written approval must be given prior to purchases of equipment.**

EQUIPMENT AWARDED IS INDICATED BY AN "X" NEXT TO THE PROJECT

- Speed enforcement equipment grants available to current speed enforcement grantees only.
- Funded enforcement grants **must be** conducted in order to obtain current speed enforcement equipment.
  - X Speed Radar Display Trailer W/ Statistical Software and Costs of Initial Year – 1 maximum
  - Movable Radar Speed Display Sign – 3 maximum
  - Hand Held LiDAR Unit – 5 maximum
  - X In Car Radar Unit – 5 maximum
  - Traffic Data Recording Device – 3 maximum
- Speed Enforcement Equipment shall be reimbursed at 75%.

### Other Important Requirements

- It is required that a speed enforcement efforts be conducted in problem areas identified by data produced by radar trailers and or radar display signs.
- Speed Radar Display Trailers and Movable Radar Speed display signs shall include data collection software so that data can be viewed to address problem areas. Grantees agree to maintain software license after initial equipment purchased. Data collected from equipment shall be submitted to the Office of Highway Safety as requested.
- At the request of the New Hampshire Office of Highway Safety, Speed Radar Display Trailers and display signs, will be utilized during national or state mobilization efforts for highway safety messaging. Please obtain a photo showing placement for a specific location.
- Speed display signs shall be movable and not permanently fixed (i.e. permanently secured to a pole, etc.) to help address problem areas occurring on roads traversing through the community.
- Speed radar trailers and signs shall be moved regularly within the community to address areas of highway safety concern.
- Hand held LiDAR and in car radar equipment must only be used by those officers trained and certified in the use of such equipment.
- Purchased equipment must be deployed within 30 days of receiving equipment.
- All equipment must be purchased prior to the end of the 3rd Quarter, June 30. Equipment Reimbursements must be submitted no later than July 15.

Grantee Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

Grantee Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

Grantee Initials: \_\_\_\_\_  
Date: \_\_\_\_\_

## MEMORANDUM

TO: Stratham Select Board  
FROM: Seth Hickey, Parks and Recreation Director  
DATE: September 29, 2022  
RE: Pump Track at Stratham Hill Park, DRAFT RFP

Seacoast Velo Kids approached the Town Stratham in January of 2021 regarding a renovation of the existing pump track at Stratham Hill Park. At that meeting, the Select Board granted approval for Seacoast Velo Kids to move forward with their plans to renovate the pump track, provided that more detailed information including a design proposal be approved prior to the Board signing off on the project. At the Select Board meeting on May 17<sup>th</sup>, 2021 the Board authorized the Town Administrator to work with Seacoast Velo Kids to formalize an agreement with the Town of Stratham. During that same meeting on May 17<sup>th</sup> the Select Board agreed to a construction estimate and design with Powder Horn LLC provided by Seacoast Velo Kids. On June 30<sup>th</sup>, 2021 the Town and Seacoast Velo Kids signed a Memorandum of Agreement and Right-of-Entry for the renovation of the existing pump track.

Between July 2021 and June of 2022, Seacoast Velo Kids raised \$14,740.51 towards the renovation of the pump track. The fundraising goal had been recorded at \$28,000 - \$33,000 in the Memorandum of Agreement and Right of Entry. On June 17<sup>th</sup>, 2022, Seacoast Velo Kids acknowledged that they had exhausted the fundraising efforts and they no longer had plans to pursue its rights under the right-of-entry agreement. With the fundraising effort of Seacoast Velo Kids falling short, the Stratham Recreation Commission, during their July 12<sup>th</sup>, 2022 meeting, voted to support the project with funds from the Recreation Revolving Fund. During the September 6<sup>th</sup>, 2022 Select Board meeting, the Board held a public hearing and accepted the funds raised by Seacoast Velo Kids.

With the Select Board accepting these funds, the right-of-entry with Seacoast Velo Kids has been terminated. The Stratham Parks and Recreation Department, in coordination with the Stratham Department of Public Works, would like to pursue the renovation project of the pump track. The Parks and Recreation Department has created a draft request for proposal for the Select Boards consideration.

REQUSET FOR PROPOSAL  
Design and Construction of Town of Stratham Pump Track and Skills Park  
2022 Request for Proposal- Pump Track/ Skills Park  
TOWN OF STRATHAM, NH

The Town of Stratham is soliciting written proposals from qualified parties to assist with the design and construction in the renovation of the existing pump track and bike skills area (.60 acres) at Stratham Hill Park. The purpose of this project is to design and install a progressive pump track and bike skills park to serve cyclists of multiple ages and abilities. Completion of this project should occur before June 1<sup>st</sup>, 2023. The new pump track will replace the existing pump track facility. The renovated pump track will fit within the existing pump track 'footprint'.

The existing pump track facility at Stratham Hill Park has been rebuilt through volunteer efforts over the last eight years. During that time the facility has been maintained, changed and improved by both volunteers and Town staff. The existing pump track is the busiest recreation asset in the Town of Stratham. Despite this, the pump track has never been brought to the highest bike park standards.

### **Objectives**

- Develop and design of a new pump track and skills area.
- Construct and install a new bike facility.
- Work cooperatively with Town of Stratham Public Works and volunteers organized by the Stratham Parks and Recreation Department to effectively complete the pump track/ skills area.

### **Goals**

- Design will upgrade the existing pump track surface.
- Improve drainage of the existing footprint.
- Improve flow to allow for variety of user groups to safely use the track simultaneously.
- Expansion of progressive features for more advanced riders.
- Expanded skills area to allow for proper progression of rider development.

### **Scope of Work**

The work entails creatively designing a pump track and skills area for the Stratham Pump Track site. The design must incorporate current site and topographical conditions.

Applicants must provide evidence of thorough knowledge and experience in this area and provide a project history to support this. The project design should maximize the fun factor for the pump track as skills park and should maximize the community benefit of the facility. Construction of the pump track and skills area will be accomplished by the selected contractor, but with the assistance of the Town of Stratham Public Works Department.

The contractor will provide training to a selected group of volunteers in how to properly shape and form the dirt features on the pump track.

Proposed project highlights include:



- Small basic pump track for kids and novice users.
- Separated advanced pump track or jump park with limited jump options.
- Progressive jump line descending from high point of the area.
- Wooden structures to create small progressive drop zone.
- Small skills area to include ladder feature, log rides and rock garden.

The Town of Stratham will provide the following project support:

- Leveling of existing pump track features.
- Volunteer crew to assist with the shaping of features under the direction of the selected contractor.
- Hauling dirt to the site and prepping the site for proper drainage.
- Access to water source.
- Long term maintenance.

### **Proposal Instructions**

All proposals shall be sealed and plainly marked "2023 RFP Design and Construction of Stratham Pump Track" and shall bear the name and address of the contractor.

**Deadline for submission of proposals shall be on noon on October 21<sup>st</sup>, 2023.**

All proposals shall include a description of the firm and project team, comparable projects and references, project understanding and approach, project schedule and cost and budget.

Any proposals received after the time and date established as the deadline for submission shall not be considered. Any proposal may be withdrawn prior to scheduled time for opening of proposals.

### Submission of Proposals

All proposals shall be submitted and delivered to:

Stratham Parks and Recreation Office  
Town of Stratham, NH  
10 Bunker Hill Avenue, Stratham, NH 03885

All questions should be directed to Seth Hickey, Parks and Recreation Director in writing to [shickey@strathamnh.gov](mailto:shickey@strathamnh.gov).

## MEMORANDUM

TO: Stratham Select Board  
FROM: Seth Hickey, Parks and Recreation Director  
DATE: September 29, 2022  
RE: EcoCounter Installation

For over a year, the TMAC has been working towards the purchase of an [EcoCounter](#) to be placed at a trailhead within the Stratham Hill Park trail network. The installation of an EcoCounter was on the list of goals for phase one for TMAC (*Purchase and install one user counting device to begin measuring foot traffic and use patterns.*)

The Recreation Commission committed their support of paying for half of one unit at their [November 9th, 2021](#) meeting. For nearly a year I have been working with Park Association to have them fund the other half.

During the Park Association meeting held on September 27th, I had shared the information captured from an EcoCounter I had set up for a few weeks in July/August. This system had been borrowed from Rockingham Planning Commission. Based on the data that was collected, the Park Association saw the value in the purchase of an EcoCounter for permanent installation at the Park. The Park Association has committed the remain half of the necessary funds for the purchase of one EcoCounter unit.

My last communication with the sales representative from EcoCounter had the total purchase price at \$5,400. I will be in touch with them to get an updated quote.

At the June 20<sup>th</sup>, 2022 Select Board meeting, the Board approved the installation of an Eco Counter for a trial period. That trial effectively went from July 20<sup>th</sup> to August 7<sup>th</sup>, 2022. During that trial period the counter tallied 8,020 passes in the bidirectional count, with highest daily count being 569. This far exceed the anticipated count during that period of time. The counter was installed at the entrance gate from the Jack Rabbit parking lot.

The installation of the next EcoCounter would be semi-permanent. The placement of this unit will be coordinated with representatives from EcoCounter to determine the best location based on traffic flow and device requirements. The system that will be installed consists of a buried inductive loop sensor and an infrared sensor that is enclosed in a wooden post. The only piece of equipment visible is the wooden post (4"x4" at approx. 4' tall), all other related equipment is buried underground and rated waterproof to IP68.

At this time, the Parks and Recreation Department would like the permission of the Stratham Select Board to install an EcoCounter as described above at the Stratham Hill Park Trail System.

## MEMORANDUM

TO: Stratham Select Board  
FROM: Seth Hickey, Parks and Recreation Director  
DATE: September 29, 2022  
RE: Lowe's Hometown Community Impact Project

The Store Manager of the Greenland Lowe's has reached out about a donation of materials for trail projects at Stratham Hill Park. The program is called: Hometown Community Impact project. The Lowe's Hometowns Community Impact Projects, reflects Lowe's focus on building the communities where we live and work.

The Greenland Lowe's will provide the Town with materials for targeted projects at the Stratham Hill Park Trail Network. They do not have the ability to help with labor because they are currently short staffed. TMAC, with my assistance, will coordinate volunteers for these projects.

TMAC has identified upcoming bridge projects as suitable for the scope of this program. The bridge would increase access to the park for all people and ensure current bridges are being maintained for safety. This would be an excellent opportunity to partner with a local business in providing additional support to TMAC's work. The materials will be stored in the Gifford barn until they are ready to be installed.

Lowe's been budgeted \$2,500 of supplies for community improvements. The store manager is from Stratham and has an appreciation for Stratham Hill Park and the important role it plays in the Seacoast community.

# State of New Hampshire

## Board of Tax and Land Appeals

Michele E. LeBrun, Chair  
Albert F. Shamash, Esq., Member  
Theresa M. Walker, Member  
-----  
Anne M. Stelmach, Clerk



Governor Hugh J. Gallen  
State Office Park  
Johnson Hall  
107 Pleasant Street  
Concord, New Hampshire  
03301-3834

September 12, 2022

To: Chairman, Board of Selectmen  
10 Bunker Hill Avenue  
Stratham, NH 03885

Re: Lindt & Sprungli, Inc. v. Town of Stratham  
Docket No.: 30556-21PT

Enclosed is an appeal for Tax Year 2021 filed pursuant to RSA 76:16-a.

**Complete and return the following to the BTLA within 30 days:**

(1) If a Tax Year 2021 Abatement Application was "Filed" (Tax 102.26) by the Taxpayer, what was the post-marked or hand-delivered date (*not the date received*)? \_\_\_\_\_  
**Attach a copy of the entire Abatement Application and Town response (without attachments).**

(2) If yes, list the property(ies) Filed for in the application. (Include each street address and tax map/lot number and attach additional sheets, if necessary.)

Map/Lot \_\_\_\_\_ Street \_\_\_\_\_  
Map/Lot \_\_\_\_\_ Street \_\_\_\_\_  
Map/Lot \_\_\_\_\_ Street \_\_\_\_\_

(3) List all property owned by the same Taxpayer, whether or not appealed, and **attach a copy of each assessment-record card**, indicating any lots in current use. \_\_\_\_\_

Map/Lot \_\_\_\_\_ Land \$ \_\_\_\_\_ Bldg. \$ \_\_\_\_\_ Total \$ \_\_\_\_\_  
Map/Lot \_\_\_\_\_ Land \$ \_\_\_\_\_ Bldg. \$ \_\_\_\_\_ Total \$ \_\_\_\_\_  
Map/Lot \_\_\_\_\_ Land \$ \_\_\_\_\_ Bldg. \$ \_\_\_\_\_ Total \$ \_\_\_\_\_

(4) Will this appeal be defended by someone contracted by the municipality? If yes, by whom?  
**Note:** *This information shall constitute an Appearance under Tax 201.08.*

Contracted Assessing Firm Name: \_\_\_\_\_  
Address and Phone Number: \_\_\_\_\_

*I certify a copy of this checklist and all attachments were mailed this date to the Taxpayer or Representative.*

Date: \_\_\_\_\_ Signature: \_\_\_\_\_

**Note:** Unless a timely filing issue is raised by the Municipality or the board, the appeal will proceed to mediation.

RSA 76:16-a PROPERTY TAX APPEAL TO BOARD OF TAX AND LAND APPEALS

TAX YEAR APPEALED: 2021
MUNICIPALITY: Stratham

SECTION A. Party(ies) Appealing (Owner(s)/Taxpayer(s))

Name(s): Lindt & Sprungli (USA) Inc.
Mailing Address(es): 1 Fine Chocolate Pl., Stratham, NH 03885
Telephone No.(s): (Home) (Cell) (Work) (Email)

SECTION B. Party's(ies)' Representative if other than Person(s) Appealing (Also Complete Section A)

Name(s): Todd Kratt - DuCharme, McMillen, & Associates, Inc.
Mailing Address: 205 Portland Street, Suite 200, Boston MA 02114
Telephone No.(s): (Home) 617-798-2840 (Cell) (Work) (Email) tkratt@dmainc.com

SECTION C. Property(ies) Appealed

List the tax map and lot number, the actual street address of each property appealed, a brief description and the assessment. (Attach additional sheets if needed.)

Table with 4 columns: Town Parcel ID#, Street Address/Town, Description, Assessment. Row 1: 3-1, 1 Fine Chocolate Pl, Stratham, Ind, \$48,730,200

Check the applicable box: [ ] Single family [x] Commercial/Industrial
[ ] Residential Condominium [ ] Residential Multi Unit [ ] Vacant, Unimproved land
[ ] Manufactured Home [ ] Manufactured Housing Park [ ] Other:

SECTION D. Pending Appeals

List any pending and/or prior appeals on file with this board. Attach additional sheets if needed.

Docket # Docket # Docket #

**SECTION E. Other Property(ies) Owned by the Taxpayer(s) which is (are) NOT Being Appealed**

List other property(ies) owned in the same name(s) in the municipality that is (are) not being appealed. (Attach additional sheets if needed.)

<u>Town Parcel ID#</u>	<u>Street Address/Town</u>	<u>Description</u>	<u>Assessment</u>

**SECTION F. Reasons for Appeal**

RSA 76:16 provides that an abatement may be granted for good cause shown. “Good cause” generally means: 1) establishing an assessment is disproportionate to market value and the municipality’s level of assessment; or 2) establishing poverty and inability to pay the tax. This form can be utilized for either basis of requesting an abatement. The taxpayer has the burden to prove good cause for an abatement.

- 1) If claiming disproportionality, state with specificity all the reasons supporting your application. Statements such as taxes too high, disproportionately assessed or assessment exceeds market value are insufficient. Generally, specificity requires the taxpayer to present material on the following (all may not apply):
  - 1. physical data - incorrect description or measurement of property;
  - 2. market data - the property’s market value on the April 1 assessment date, supported by comparable sales or a professional opinion of value; and/or
  - 3. level of assessment - the property’s assessment is disproportionate by comparing the property’s market value and the town-wide level of assessment.

**Note:** If you also intend to rely upon an appraisal as the grounds of your appeal, you shall so state in Section F, and if currently available, provide it with the appeal.

- 2) If claiming poverty or inability to pay, state in detail why abatement of taxes is appropriate as opposed to some other relief such as relocating, refinancing or obtaining some alternative public assistance. Ansara v. City of Nashua, 118 N.H. 879 (1978).

Your appeal will be limited to the grounds you list here. Tax 203.03(g). (Attach additional sheets if needed.)

Assessed market value is disproportionate to market value - see analysis enclosed.

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**SECTION G. Taxpayer's(s') Opinion of Market Value**

State your opinion of the market value of the property(ies) appealed as of April 1 of the year under appeal.

Town Parcel ID # 3-1 Appeal Year Market Value \$ 37,200,000

Town Parcel ID # \_\_\_\_\_ Appeal Year Market Value \$ \_\_\_\_\_

Explain the basis for your value opinion(s). (Attach additional sheets if necessary.)

Market data supports a lower value than current assessed market value - see enclosed.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**SECTION H. Comparable Properties**

List the properties you are relying upon to show overassessment of your property(ies).

Town Parcel ID#      Street Address/Town      Description      Assessment

Please see analysis enclosed

\_\_\_\_\_  
\_\_\_\_\_

**SECTION I. Certification by Party(ies)**

By signing below, the person(s) appealing certifies (certify) and swear(s) under the penalties of RSA Chapter 641 (**check off to ensure compliance**):

- a written abatement application was timely filed with the municipality, and the application included the property(ies) appealed;
- the municipality has responded to the abatement application, or July 1 has passed and the municipality has not provided a response to the abatement application; and
- the appeal has a good faith basis and the facts stated are true to the best of my/our knowledge.

Date: 8/23/2022      Signature: Tracy Shapiro

Print Name: Tracy Shapiro

Date: \_\_\_\_\_      Signature: \_\_\_\_\_

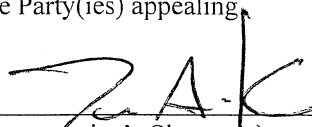
Print Name: \_\_\_\_\_

**SECTION J. Certification and Appearance by Representative (If other than Party(ies) Appealing)**

By signing below, the representative of the Party(ies) certifies and swears under penalties of RSA Chapter 641:

1. all certifications in Section I are true;
2. the Party(ies) appealing has (have) authorized this representation; and
3. a copy of this form was sent to the Party(ies) appealing.

Date: 8-30-22

  
(Representative's Signature)

TODD KRATT  
(Print Name)

**FILING INSTRUCTIONS**

Mail the completed appeal document, along with a **nonrefundable** \$65.00 check, payable to:  
"Treasurer, State of New Hampshire"

Board of Tax and Land Appeals  
Governor Hugh J. Gallen State Office Park  
107 Pleasant Street, Johnson Hall  
Concord, NH 03301

Web Site: [www.state.nh.us/btla](http://www.state.nh.us/btla)

**MAKE A COPY OF THIS DOCUMENT FOR YOUR OWN RECORDS**

**RECEIVED**

AUG 31 2022

FILED AD

NH Board of Tax & Land Appeals

**FOR BTLA USE ONLY**

Municipality: Stratham

Check #: 1625

Amount: \$65.00





AN EXTENSION OF YOUR TAX DEPARTMENT

August 30, 2022

VIA HAND DELIVERY

Ms. Anne Stelmach, Clerk  
NH Board of Tax and Land Appeals  
Johnson Hall  
107 Pleasant Street  
Concord, NH 03301

RECEIVED

AUG 31 2022

FILED *HD*  
NH Board of Tax & Land Appeals

RE: Tax Year 2021 Appeals

Dear Clerk Stelmach,

Enclosed, please find tax year 2021 appeals to be filed with the board for the following properties:

Lafayette Gilford LLC	17 MST Harris Shore Rd, Gilford
Giri Bow Inc	515 South Street, Bow
Giri Bethlehem, Inc	30 Arlington Street, Bethlehem
Creasy Realty, LLC	1900 Southwood Drive, Nashua
Burndy, LLC	150 Burndy Road, Littleton
Lindt & Sprungli (USA) Inc	1 Fine Chocolate Place, Stratham
Foss (NH) QRS 16-3 Inc	11 Merrill Industrial Dr, 390 Lafayette Rd, 380 Lafayette Rd – Hampton
Lafayette West Lebanon LLC	25 Airport Rd, Lebanon

Also enclosed, please find a check for the above reference appeals. Thank you for your attention to this matter.

Sincerely,

Todd Kratt  
Senior Manager, Property Tax

Received

DMA - DUCHARME, McMILLEN & ASSOCIATES, INC. | DMAINC.COM

205 Portland Street, Suite 200 | Boston, MA 02114 | 617-798-2840 | Fax: 617-671-0406

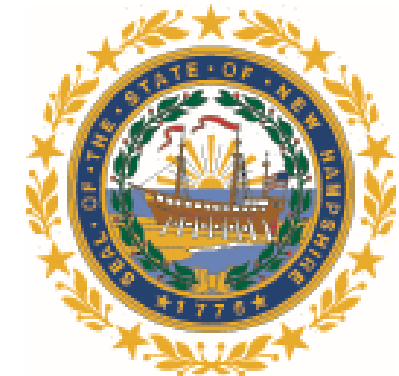
**2022 NHMA Budget and Finance Workshops**  
**September 20, 2022**  
**Derryfield Country Club, Manchester, NH**

- 9:00am**                                    **Introduction**                                    Margaret Byrnes, NHMA Executive Director
- 9:05am – 10:30 am**                        **Fundamentals of the Municipal Budget Process**  
Using the 2022 edition of NHMA's *Basic Law of Budgeting* as a guide, this full-morning session will address all aspects of the municipal budget process focusing on appropriations, gross-basis budgeting, separate vs. special warrant articles, multi-year contracts, transfers, lapse of appropriations, spending limitations, no-means-no, duties of official budget committees, disallowed appropriations, special budget requirements under the SB 2 process (official ballot voting) including recent law changes, and other topics. This session is a must for members of governing bodies, budget committees, and other local officials involved in the budget process. Ample time will be provided for questions. Presented By: Stephen Buckley, NHMA Legal Services Counsel  
Jonathan Cowal, NHMA Municipal Services Counsel
- 10:30am – 10:45am**                        **Morning Break**
- 10:45am – 12:00**                            **Fundamentals of the Municipal Budget Process (continued)**
- 12:00 – 1:00pm**                            **Lunch Break**
- 1:00pm – 2:15pm**                        **You Have Questions? We Have Answers!**  
This always popular Q&A session will provide answers to your burning budget questions as well as inquiries posed by other participants. Bring those gnawing budget questions to the NHMA panel of experts. We'll do our best to answer on the spot, and if we can't (which happens on rare occasions) we promise to follow up with you after the workshop. Presented by: Stephen Buckley, NHMA Legal Services Counsel  
Jonathan Cowal, NHMA Municipal Services Counsel and Katherine Heck, NHMA Government Finance Advisor
- 2:15pm – 3:30pm**                        **Funding Infrastructure Projects in Your Community - Sewer/Water/Roads/Bridges/Broadband**  
Learn how to access and use to municipal benefit the Clean Water State Revolving Fund for sewer projects, and the Drinking Water State Revolving Fund for drinking water projects from NHDES; highway and bridge funding from NHDOT; and broadband deployment from SWRPC. Presented By: Beth L. Malcolm, NHDES  
Johnna McKenna, NHDES  
Bill Watson, NHDOT  
Henry Underwood, Southwest Regional Planning Commission
- 3:30pm – 3:45pm**                            **Afternoon Break**
- 3:45pm – 4:45pm**                        **Understanding State Aid to Municipalities**  
Review of municipal funding through the biennial state budget process, and additional one-time state aid, and how these funding sources affect the setting of the local tax rate. Presented By: Katherine Heck, NHMA Government Finance Advisor

# The Implementation of State PFAS MCLs in New Hampshire

Brandon Kernen, Administrator  
Drinking Water & Groundwater Bureau  
New Hampshire Department of Environmental Services  
[Brandon.Kernen@des.nh.gov](mailto:Brandon.Kernen@des.nh.gov) / 603 271 1168

August 31, 2022



# Water Systems & PFAS

- Thank you to water system professionals
- Addressing PFAS has required you to rise to the occasion and:
  - Work extended hours
  - Expand dialogue with the community
  - Expend substantial resources
  - Manage increased stress due to health concerns, public communications, costs and uncertainty
  - Increase your knowledge and skills (technical, public relations, legal, financial, public health)
- Our work addressing PFAS is unfortunately still just getting started:
  - Revised standards
  - Source water protection
  - Mitigating exposure



# Water Systems & PFAS (continued)

- Difficulty of our work is compounded by:
  - Substantial PFAS contamination in NH
  - Lack of resources despite 500% increase in funding
  - Arsenic and manganese regulations
  - Lead and copper rule
  - Inflation
  - Supply chain breakdown
  - Lack of qualified workers
  - COVID
  - Concerned citizens
  - Diversity of opinions



# PFAS Exceedance

Perfluorochemical	Maximum Contaminant Level (MCL) / Ambient Groundwater Quality Standards (AGQS) (parts per trillion – ppt)
Perfluorooctanoic Acid (PFOA)	12
Perfluorooctanesulfonic Acid (PFOS)	15
Perfluorohexanesulfonic Acid (PFHxS)	18
Perfluorononanoic Acid (PFNA)	11

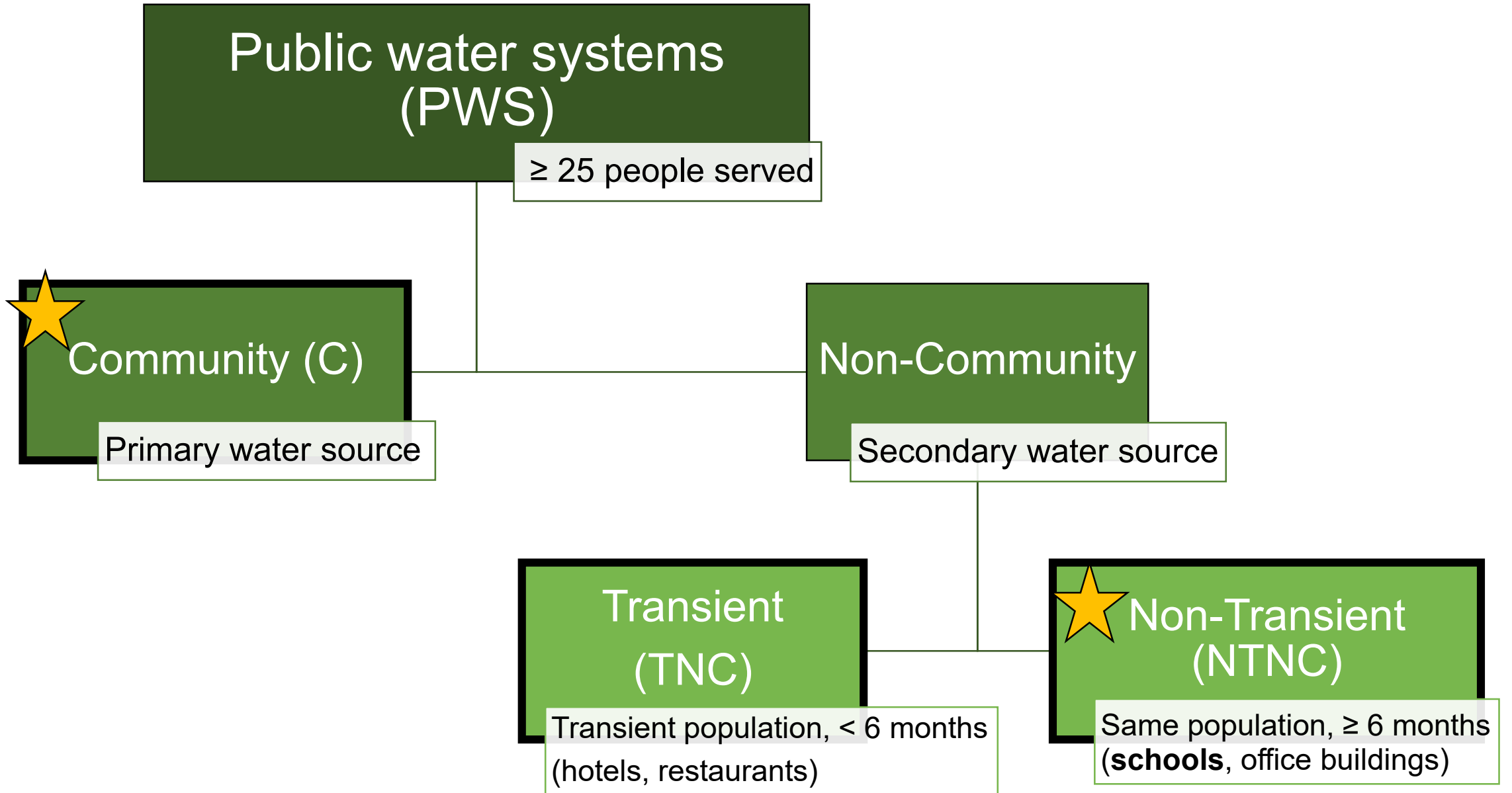
\* Enforced beginning September 30,2019. Passed into law July 28, 2020



# State MCLs for PFAS

Specific PFAS	NHDES	NJDEP	VT DEP	MI DHHS	MA DEP	NY DOH	RIDEM	WI DNR
PFOA	12	13	20* combined	8	20* combined	10	20* combined	70 combined
PFOS	15	14	*	16	*	10	*	*
PFHxS	18		*	51	*		*	
PFNA	11	13	*	6	*		*	
PFHpA			*		*		*	
PFDA					*		*	
GenX				370				
PFBS				420				
PFHxA				400,000				

All units are in part-per-trillion




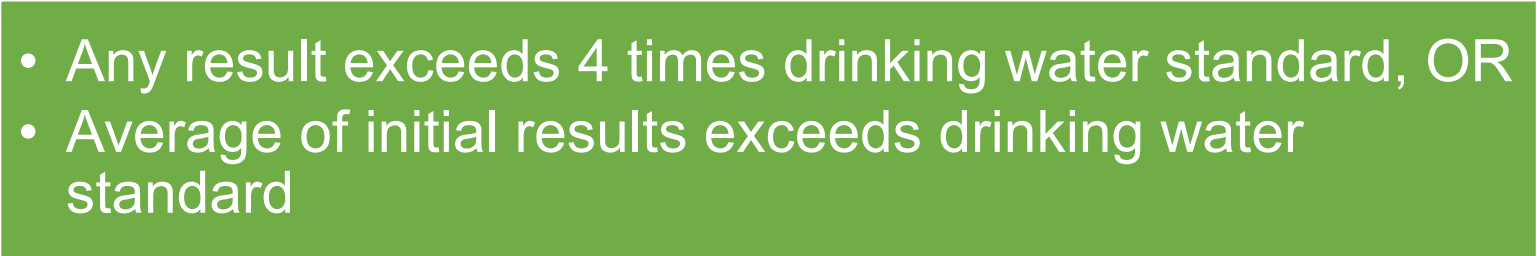
 **Required to sample for PFAS**




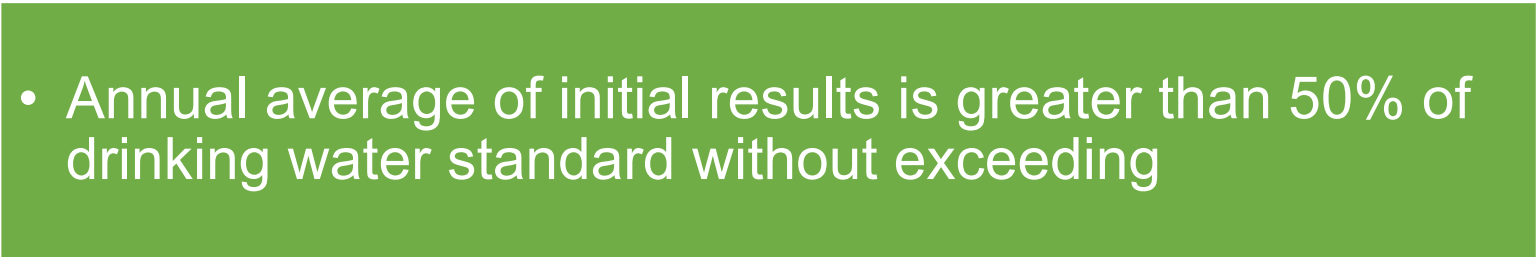
# PFAS sampling requirements for Public Water Systems

A. Beginning in 2019, all Community (C) and Non-Transient Non-Community (NTNC) Public Water Systems must sample for PFAS **quarterly for one year.**


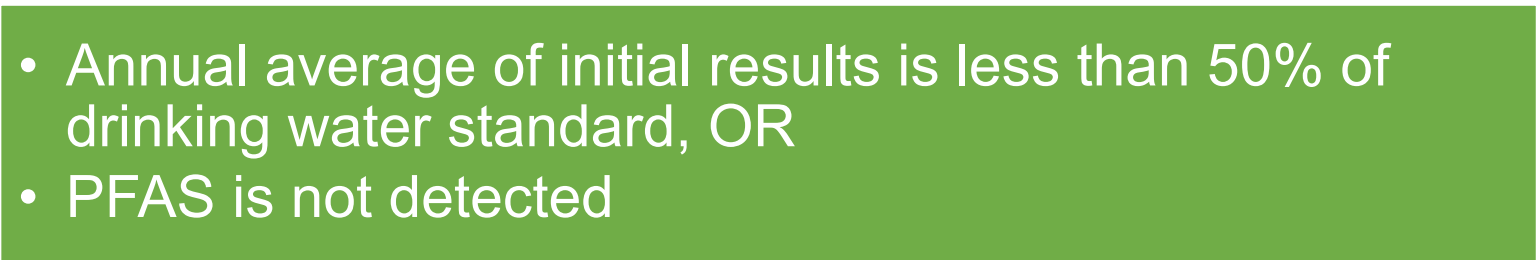
B. Subsequent sampling frequency is determined by results from (A)

Quarterly  if 

- Any result exceeds 4 times drinking water standard, OR
- Average of initial results exceeds drinking water standard

Annually  if 

- Annual average of initial results is greater than 50% of drinking water standard without exceeding

Every 3 years  if 

- Annual average of initial results is less than 50% of drinking water standard, OR
- PFAS is not detected

C. Any exceedance or treatment system installation resets sampling frequency to quarterly



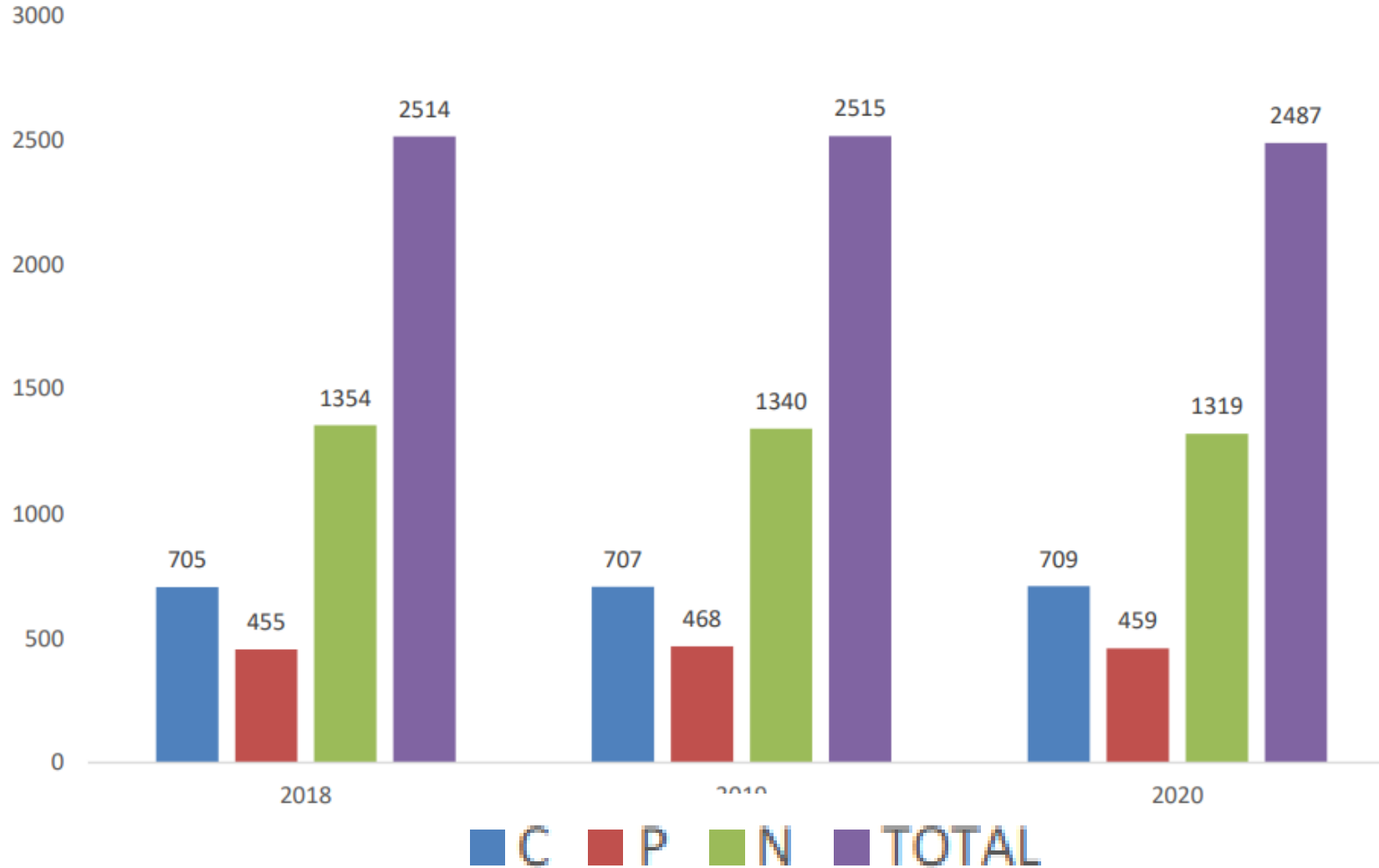
# Other Points About NH's MCLs

- Allow water systems to use Method 533 or 537
- Treat PFAS as a chronic contaminant. Vermont handles it as an acute
- Bottled water sold in NH must test for PFAS and demonstrate compliance with the MCL



As of December 31, 2020, the PWS inventory consists of 2,487 active systems, of which 709 are CWS serving a total population of 916,236. There are 459 NTNC systems and 1,319 TNC systems. Most (82% or 581) of New Hampshire's CWS systems are very small, serving a population of less than 500.

**Figure 2- Active Public Water Systems in NH**  
(by Calendar Year)

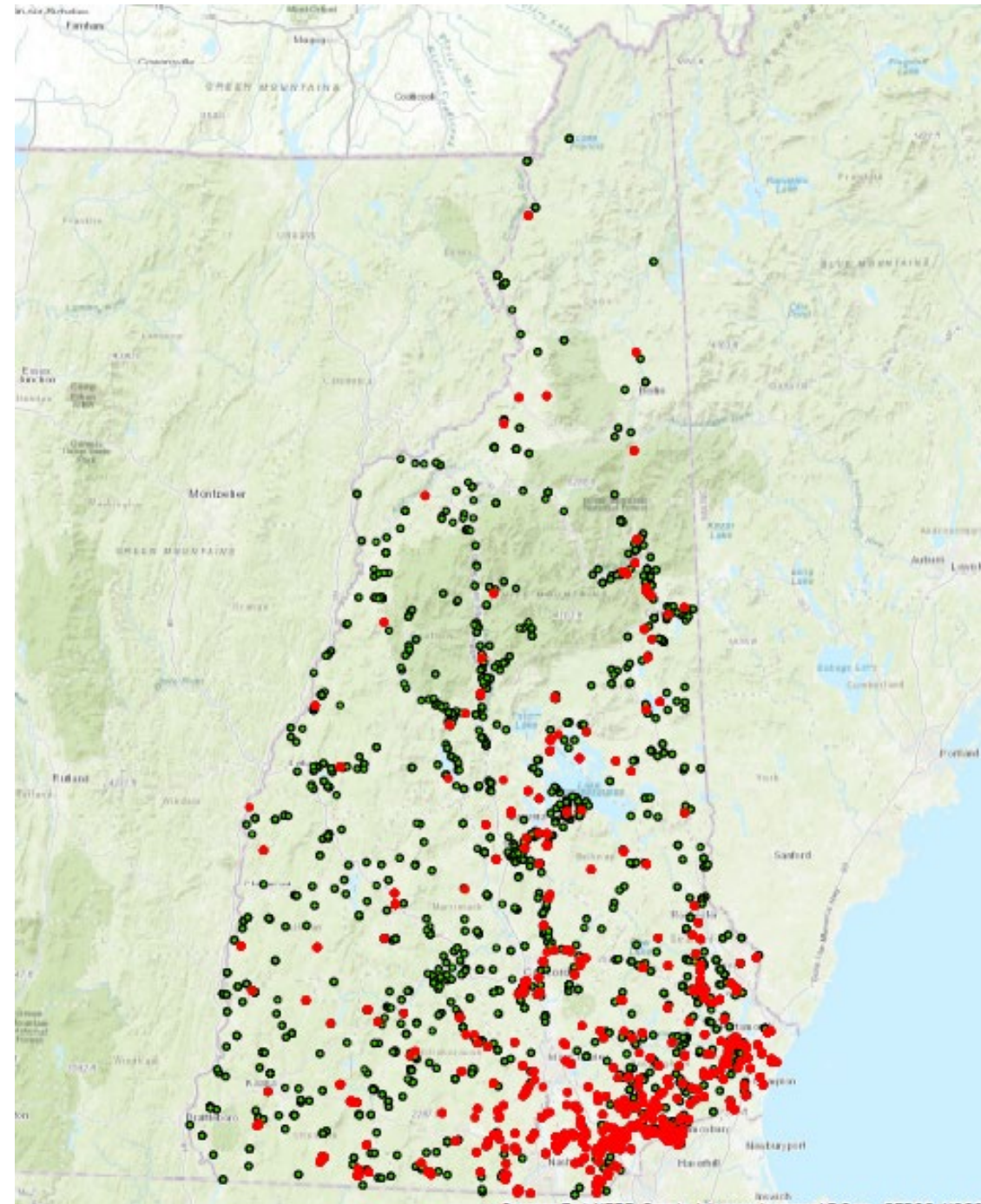


## Community Systems by Population Ranges

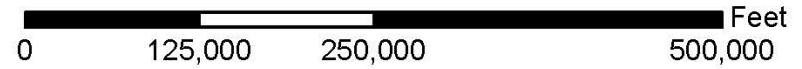
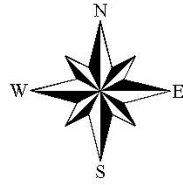
Population Categories	Population Ranges	# of Community Systems	Total Population Served
Large Systems	>50,000	2	220,932
Medium Systems	10,001 – 50,000	16	338,610
	3,301 – 10,000	25	144,259
Small Systems	1,001 – 3,300	50	97,213
	501 – 1,000	36	26,066
	251 - 500	62	21,026
	101 – 250	193	31,227
	25 – 100	306	18,367
	<25	19	455

# PFOA & PFOS in NH

- Unprecedented challenge & response by water systems & NHDES
- 1/3 of all sources of water for public water systems detect PFOA or PFOS – likely higher because NHDES gets mostly data over the reporting limit instead of detection limit
- Water systems and NHDES have worked tirelessly since 2016 to reduce/eliminate exposure to these compounds







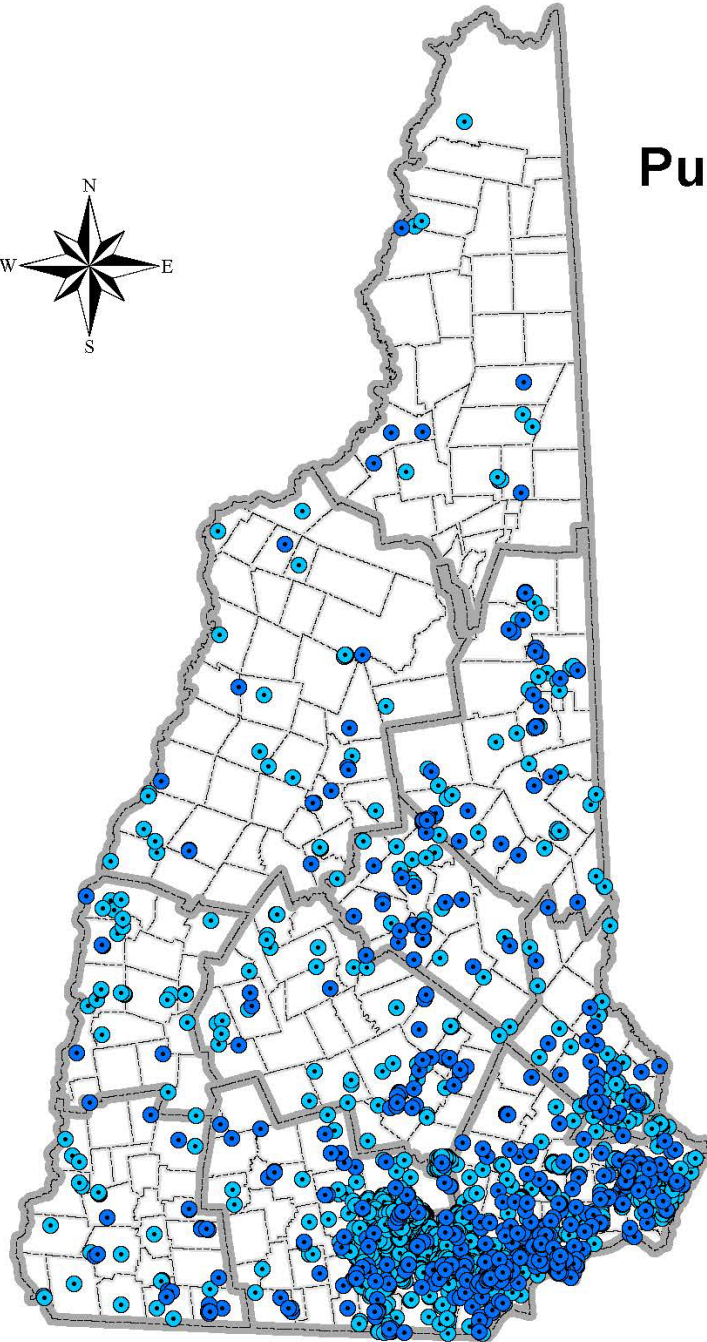
# Detections of PFOA or PFOS in Public Water Supplies & Private Wells



1 in = 125,000 feet

## Legend

-  PWS Detections of PFOA / PFOS
-  Private Well Detections of PFOA / PFOS
-  County Boundaries
-  Town Boundaries



The data presented is under constant revision as new sites or facilities are added. The data may not contain all of the potential or existing sites or facilities. NHDES is not responsible for the use or interpretation of this information. Not intended for legal purposes.

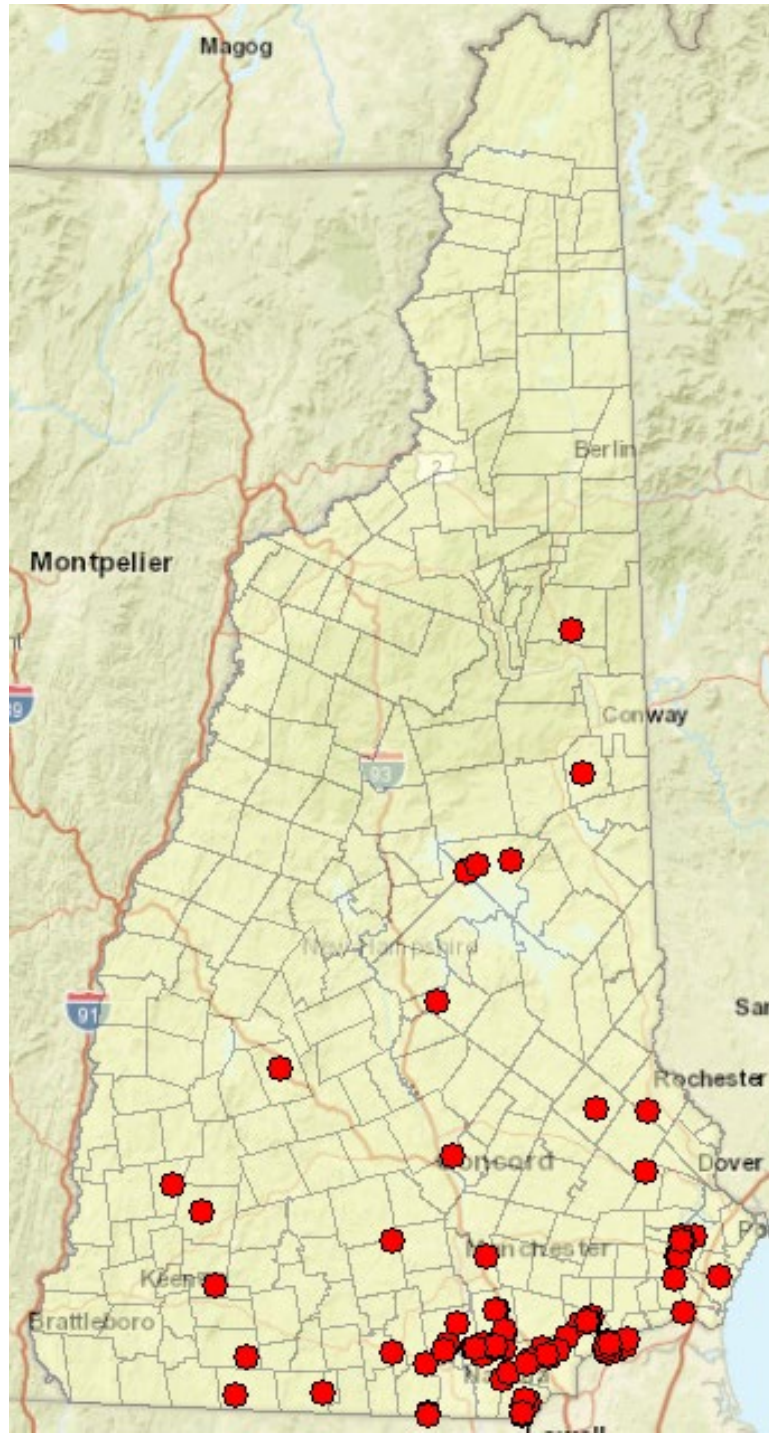


# PFAS Public Water Systems

SOURCES SAMPLED	SOURCES WITH PFAS DETECTIONS	SOURCES EXCEEDING NH PFAS MCL
1500	511	Approx. 150
	30%	10%

## NHDES MCLs for PFAS

- PFOA – 12 ppt;
- PFOS – 15 ppt;
- PFNA – 11 ppt;
- PFHxS – 18 ppt



# PFAS Treatment Systems

**ACTIVATED CARBON, GRANULAR**

**37**

**RESIN PFAS ADSORPTION**

**8**

**REVERSE OSMOSIS (POU)**

**6**

**FLOW MIX**

**2**

**INTERCONNECTIONS**

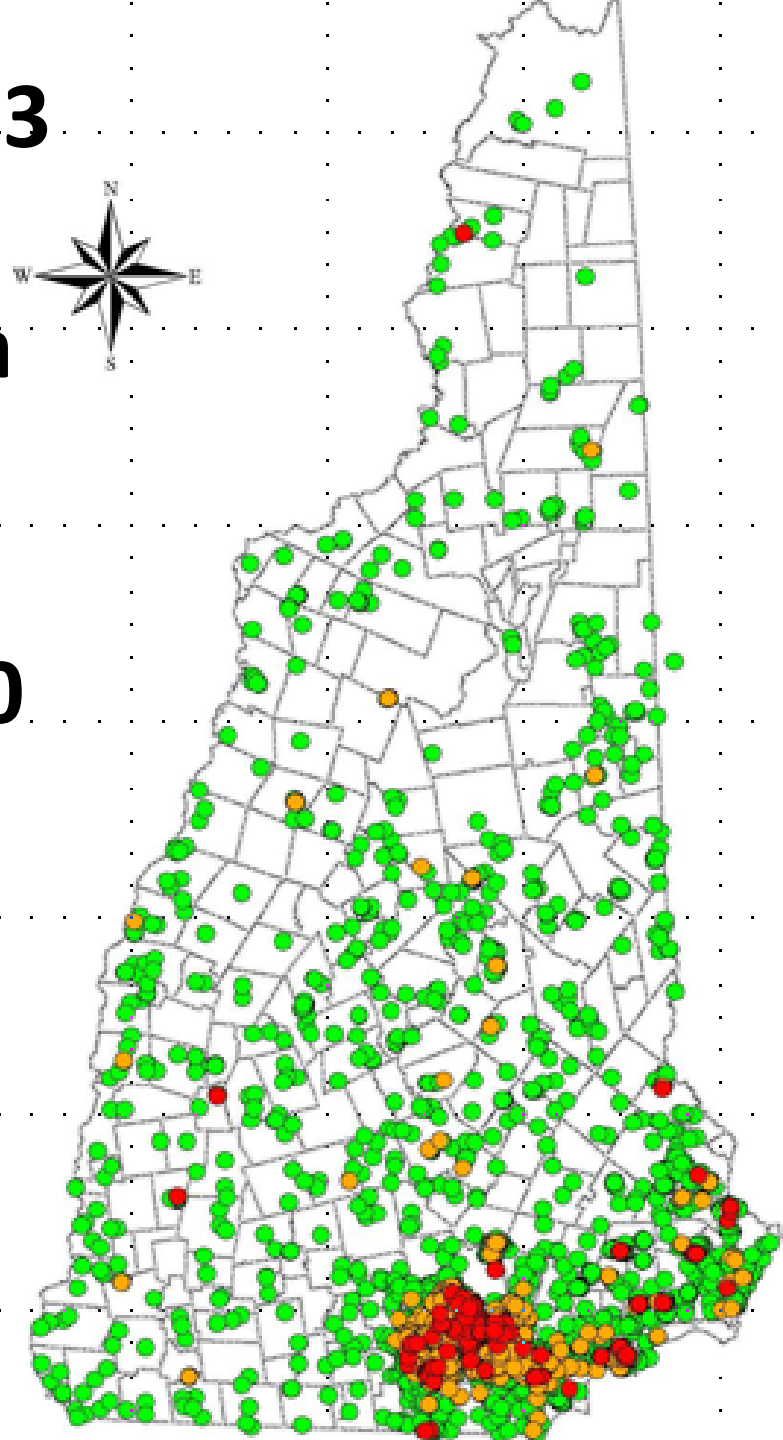
**DOZENS**





**2,785 out of 9,173 private wells sampled exceed a NH MCL**

**There are 275,000 private wells in NH**



### PFAS MCL Exceedances In Private Wells



1 in = 125,000 feet

#### Legend

- PFOA+PFOS > 70 ppt
- PFAS > MCL/AGQS
- PFAS ≤ MCL/AGQS
- Town Boundaries

The data presented is under constant revision as new sites or facilities are added. The data may not contain all of the potential or existing sites or facilities. NHDES is not responsible for the use or interpretation of this information. Not intended for legal purposes.



# USEPA's Advice - PFOA/PFOS and Public Water Systems

- 1) Sample public waters systems
- 2) Assess data
- 3) Notify public
- 4) Reduce PFOS/PFOA levels in drinking water
- 5) Identify and eliminate sources sources of PFAS

NHDES and Water Systems have been implementing the recommendations USEPA issued today for the past 6-8 years

# USEPA's Advice - PFOA/PFOS and Public Water Systems

- 1) Sample public waters systems
  - a) NH has sampled thousands of public and private wells using low reporting limits and an extended list of analytes since 2016
  - b) Mandatory sampling required beginning in 2019
- 2) Assess data
  - a) NH PFAS data viewer
  - b) NH Legislative summaries
  - c) NHDES Onestop & other summaries
- 3) Notify public
  - a) PFOA, PFOS, PFNA and PFHxS NH MCL exceedance notification regulations
  - b) Annual Consumer Confidence Report
- 4) Reduce PFOS/PFOA levels in drinking water
  - a) Financial Resources – NH DW Trust Fund, ARPA, SRF, Budget Surplus, PFAS WIIN Grant
  - b) Systems have installed treatment, changed sources or interconnected (exposure reduced for hundreds of thousands of NH residents).
- 5) Identify and eliminate sources sources of PFAS
  - a) Elevated detections of PFAS in public water systems are investigated
  - b) Active waste sites now have to sample and address PFAS exceedances



# PFAS Impacts are Present Throughout New Hampshire

Updated: April 11, 2022

## PFAS SAMPLES

Data in NHDES' Environmental Monitoring Database (EMD) ~ 18,651 samples

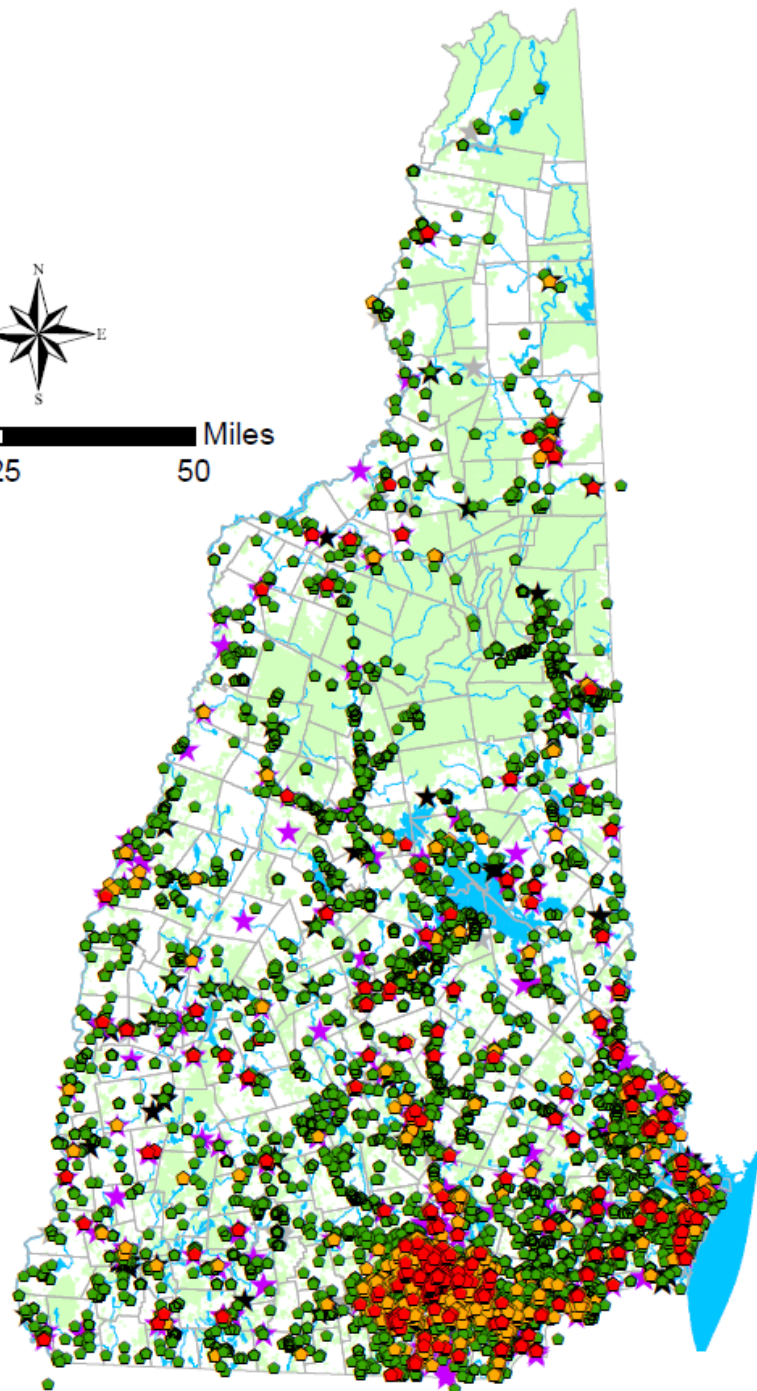
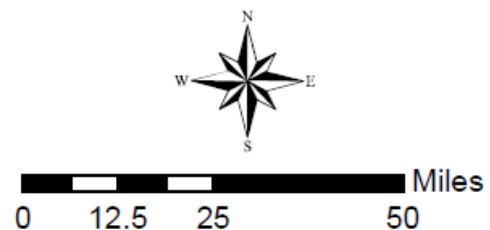
- ◆ PFOA+PFOS > 70 ppt
- ◆ PFAS > AGQS / MCL
- ◆ PFAS ≤ AGQS / MCL

## PFAS SITES

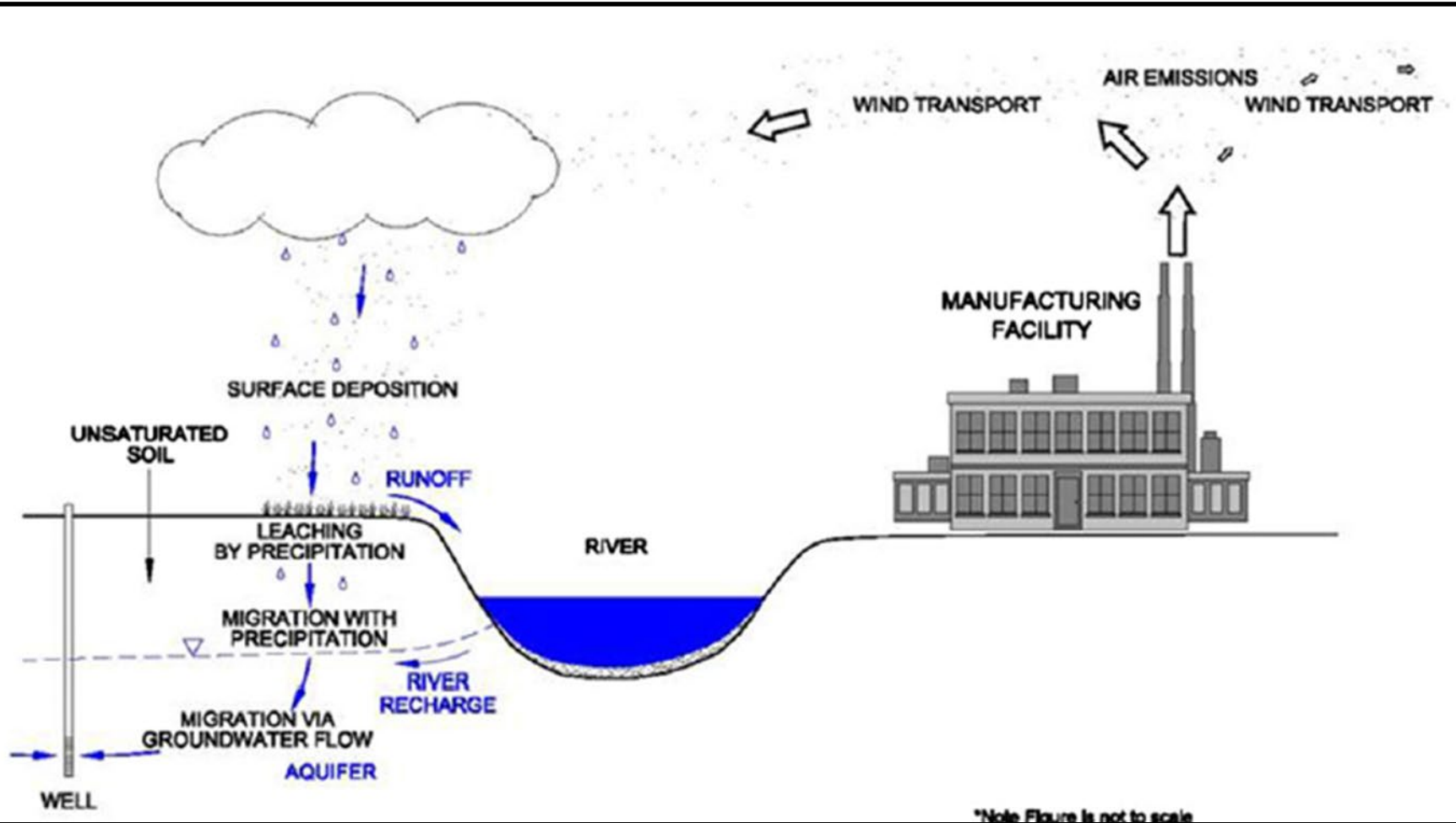
Data in NHDES' Onestop Database ~ 484 sites

- ★ Site with PFAS > AGQS
- ★ Site with PFAS Detections
- ★ Site with PFAS Screening No Detections

- Political Boundary
- Major Waterbody
- Conservation Land



# A Few Air Emission Sites Have Contaminated Hundreds of Square Miles in Southern NH

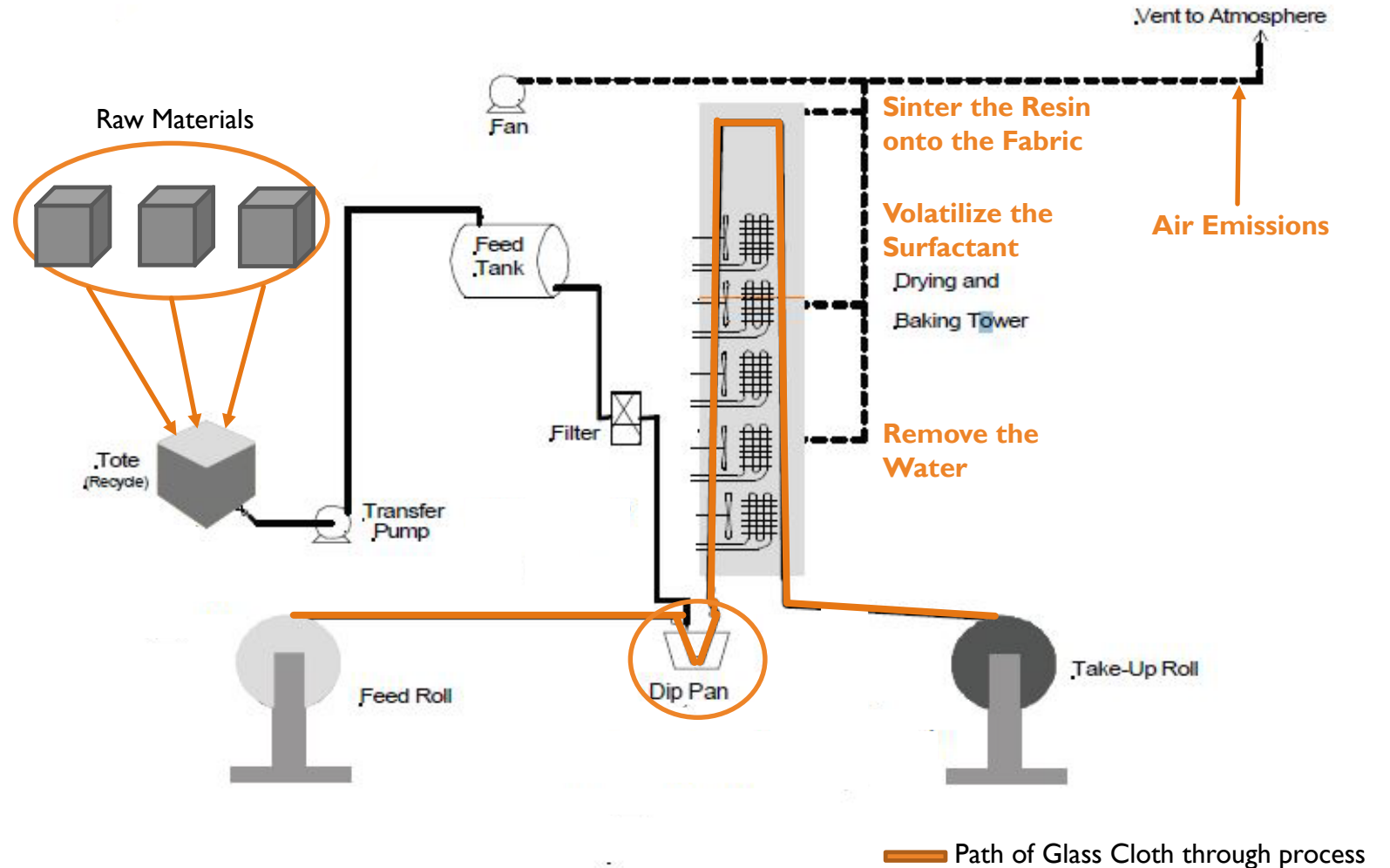




FACILITY  
OVERVIEW

FABRIC COATERS

## TYPICAL GLASS CLOTH PROCESS DIAGRAM



# PFAS Financial Assistance Programs- Private Wells

- A one-time rebate of up to **\$5,000** for the installation of PFAS treatment or up to **\$10,000** for a service connection to a public water system
- \$20M available (approximately 3,500 wells)
  - Funding comes from State surplus funds & a NH Trust Fund established with awards from MtBE litigation

## RESTRICTIONS

- The property may not already have an offer of alternate water from a third party.
- This program does not cover any expenses related to post installation operation and maintenance of the treatment system.
- Treatment or a service connection installed prior to September 30, 2019 are ***not*** eligible for the rebate program.

# **PFAS Financial Assistance Programs- Private Wells**

## **WHO CAN APPLY?**

- **Those living in a single-family or multi-unit residence (owner or tenant) on a private well**
- **Installation contractor**

**This rebate can be applied only once per residential address.**



# **PFAS TREATMENT DESIGN SERVICES REIMBURSEMENT**

<b>Eligibility</b>	<ul style="list-style-type: none"><li>- All schools &amp; childcare centers</li><li>- Transient PWS</li><li>- Non-Transient PWS &lt;1000 people</li></ul>
<b>What can be Funded?</b>	<b>Design of a PFAS point of use or point of entry treatment solution to address PFAS AGQS/MCL exceedances</b>
<b>Terms</b>	<b>Up to 26% of the total cost of the project</b>

# PFAS CONSOLIDATION STUDY PROGRAM

<b>Eligibility</b>	<ul style="list-style-type: none"><li>- Community PWS</li><li>- Non-profit, Non-Transient PWS</li><li>- Municipality</li></ul>
<b>What can be Funded?</b>	Engineering feasibility evaluation comparing interconnection to a larger community water system versus treating, maintaining, and operating a system's own water supply
<b>Terms</b>	100% Reimbursement program (\$10K mx)

## PFAS Remediation Loan Fund & Grant Program

### Eligibility

- Community PWS
- Non-profit, Non-Transient PWS
- Municipality

### What can be Funded?

Drinking water infrastructure projects to address AGQS/MCL exceedances

### Terms

- Low interest loan rates; Up to 30-year term for disadvantaged applicants; Up to 50% contingent reimbursement
- Grants at \$1.5M or 30% of the total cost of the project, whichever is greater

<b>SUMMARY OF NHDES FUNDING PROGRAMS FOR DRINKING WATER</b>				
<b>TRADITIONAL FUNDING</b>				
DWSRF	Annual (26% loan forgiveness)	\$20	M	Per Year
Drinking Water and Groundwater Trust Fund	Annual (grants and loans)	\$20	M	Per Year
<b>TOTAL TRADITIONAL ANNUAL FUNDING</b>		<b>\$40</b>	<b>M</b>	
<b>NEW FUNDING</b>				
ARPA	One-time (grant)	\$75	M	One-time
PFAS Remediation Grant	One-time (grant)	\$100	M	One-time
PFAS Remediation Loan	One-time (10%-50%?? Loan forgiveness)	\$50	M	One-time
2022 Emerging Contaminant	100% Loan Forgiveness	\$8	M	
2023 Emerging Contaminant	100% Loan Forgiveness	\$8	M	
2024 Emerging Contaminant	100% Loan Forgiveness	\$8	M	
2025 Emerging Contaminant	100% Loan Forgiveness	\$8	M	
2026 Emerging Contaminant	100% Loan Forgiveness	\$8	M	
2022 Lead Service Line	49% Loan Forgiveness	\$28	M	
2023 Lead Service Line	49% Loan Forgiveness	\$28	M	
2024 Lead Service Line	49% Loan Forgiveness	\$28	M	
2025 Lead Service Line	49% Loan Forgiveness	\$28	M	
2026 Lead Service Line	49% Loan Forgiveness	\$28	M	
2022 Supplemental SRF	49% Loan Forgiveness	\$18	M	
2023 Supplemental SRF	49% Loan Forgiveness	\$21	M	
2024 Supplemental SRF	49% Loan Forgiveness	\$23	M	
2025 Supplemental SRF	49% Loan Forgiveness	\$25	M	
2026 Supplemental SRF	49% Loan Forgiveness	\$25	M	
2022 Disadvantaged PFAS Grant	100% grant	\$10	M	
2023 Disadvantaged PFAS Grant	100% grant	\$10	M	
2024 Disadvantaged PFAS Grant	100% grant	\$10	M	
2025 Disadvantaged PFAS Grant	100% grant	\$10	M	
2026 Disadvantaged PFAS Grant	100% grant	\$10	M	
<b>TOTAL INCREASE IN FUNDING(2022-2026) &gt;&gt;&gt;&gt;</b>		<b>\$567</b>	<b>M</b>	

<b>DEMAND FOR DRINKING WATER INFRASTRUCTURE FUNDING</b>							
Aging Infrastructure			\$2,000 M		(probably higher)		
Lead Service Line Replacement			\$100 M				
PFAS Mitigation			\$200 M		(probably much higher)		
Manganese Treatment			\$60 M				
New Development			??				
<b>TOTAL</b>			<b>\$2,360 M</b>				

# Additional Challenges

- New federal funding contains Buy America Build America provisions
- Supply will continue to be low and demand will continue to increase (ARPA and Infrastructure \$\$ have yet to hit the markets)
- Interest rates for loans are increasing
- Lack of water system staff
- Lack of government workers
- Lack of contractors
- Lack of engineers
- High interest rates, high inflation, high labor costs, product scarcity, labor scarcity and global conflicts will complicate projects for the foreseeable future
- PFAS – shortage in treatment system components and media already exists and nationally very few states have enforceable standards. USPEA will be releasing a draft national standard soon. Demand for PFAS treatment will skyrocket.



**AGC**

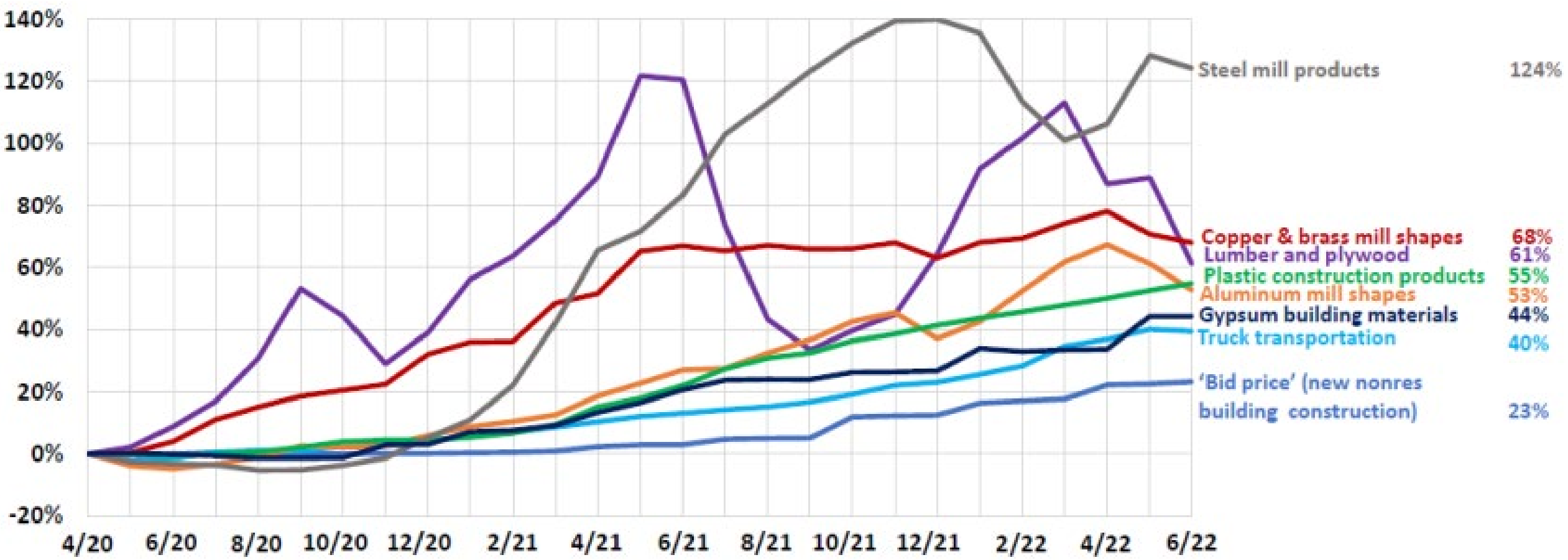
THE CONSTRUCTION  
ASSOCIATION

**APR**

**2022**

**CONSTRUCTION  
INFLATION ALERT**

**PPIs for construction bid prices and selected inputs**  
 cumulative change in PPIs, April 2020-June 2022 (not seasonally adjusted)

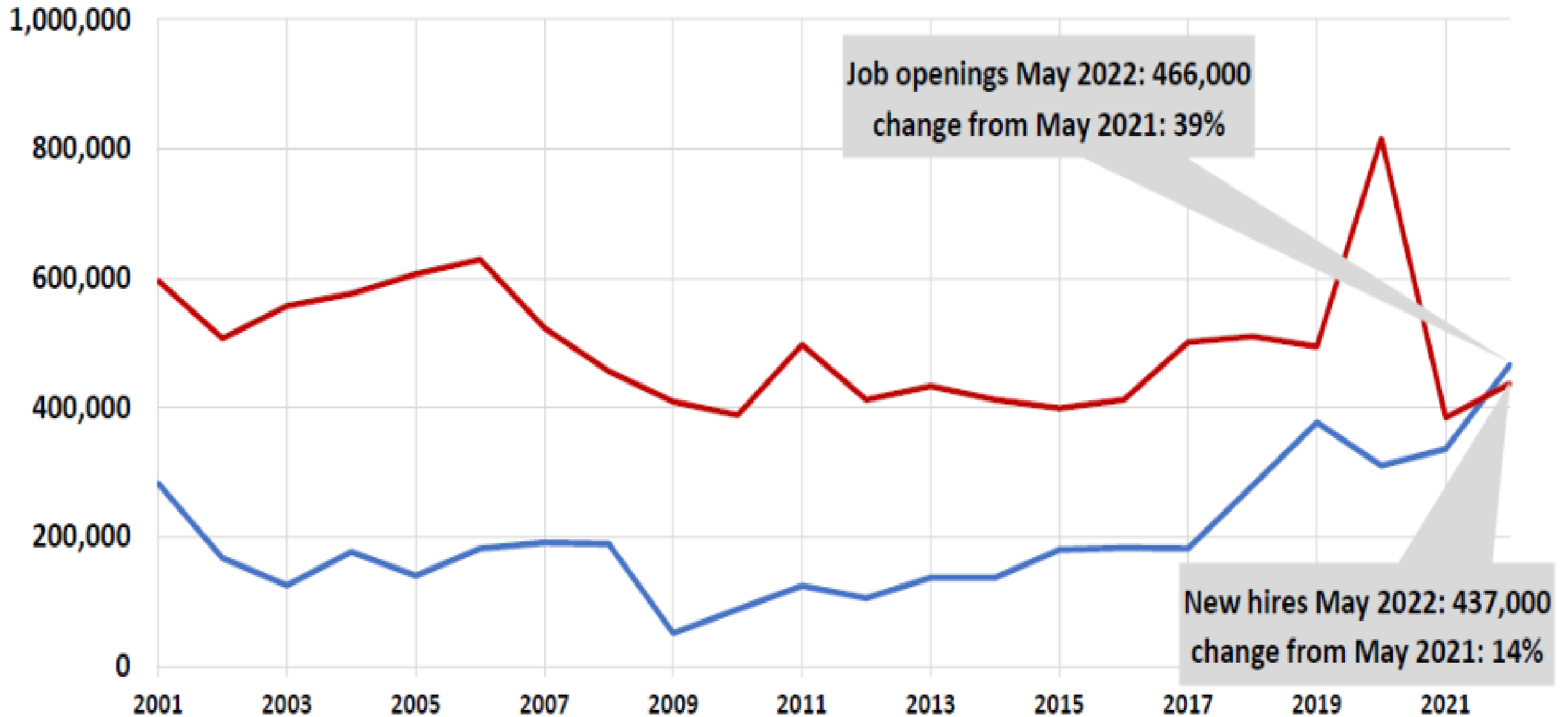


Source: Bureau of Labor Statistics, producer price indexes, [www.bls.gov/ppi](http://www.bls.gov/ppi)



# Construction job openings exceed hires, set record high for May

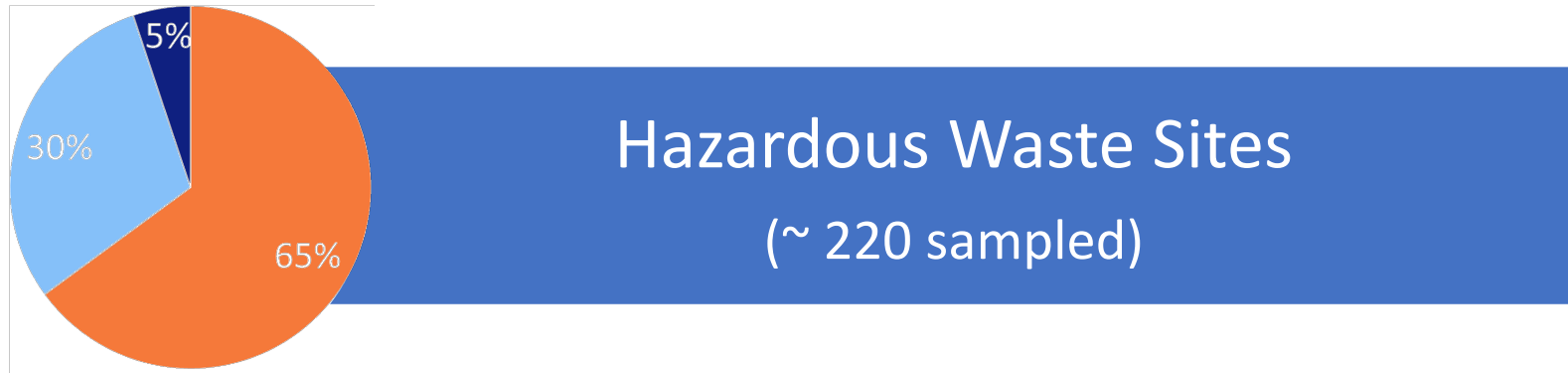
Job openings and hires, May 2001-May 2022, not seasonally adjusted



# Source Water Protection

- Air emission sources of contamination requires a whole new way of addressing source water protection
- Most “pre-PFAS” contamination sites in NH exceed NH’s PFAS MCLs. Hundreds of sites have been closed without looking for PFAS
- Wastewater is a source of PFAS contamination. Many public water systems in NH have wells and septic systems on the same property.
- Water systems, states and USEPA cannot ensure source water protection alone.

# PFAS Screening Compliance at Waste Sites

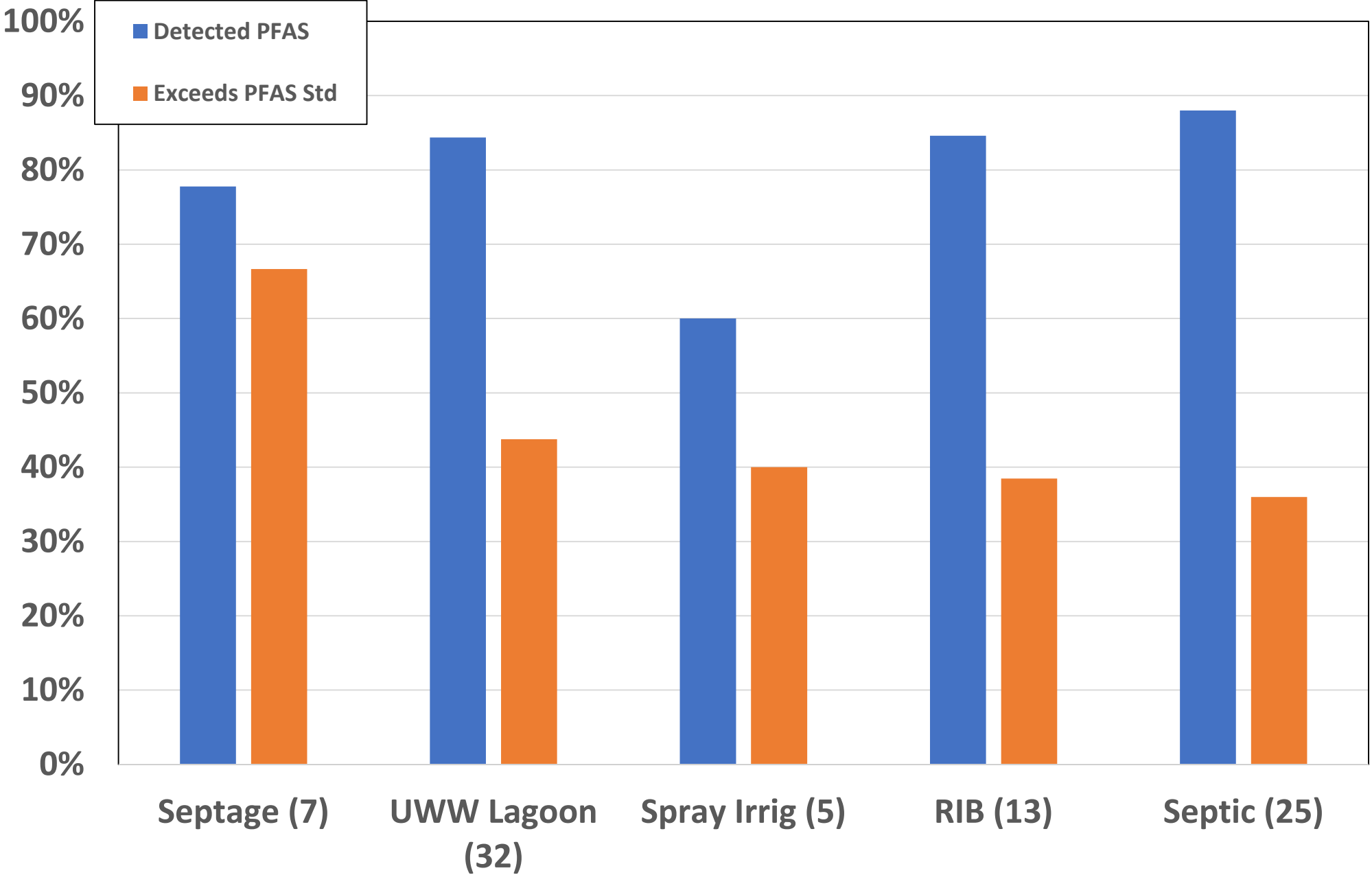


■ > NH MCL   ■ < NH MCL   ■ Non-Detect

Waste Sites/Sources	Sites Sampled	% Sites > AGQS (MCLs)	Max. PFOA (12 ppt)	Max. PFNA (11 ppt)	Max. PFHxS (18 ppt)	Max. PFOS (15 ppt)
AFFF	23	100%	130,000	25,000	31,000	490,000
Manufacturing - Coating (Paper, Textile, Tannery)	10	90%	69,500	2,960	2,400	2,560
Manufacturing - Other	20	65%	2,510	110	150	850
Commercial Products	4	100%	242	102	69	405
Waste Disposal	26	65%	3,200	161	89	4,750
Unlined Landfill	161	77%	3,700	828	663	1,700
Metal Working/ Plating/Machining	23	61%	1,070	31	806	7,080
Metal Recycling	12	67%	1,700	100	630	1,440
Mixed	24	79%	1,230	78	769	2,410
Drycleaning	24	78%	401	568	88	1,800
Unknown	64	50%	1,090	960	229	240
Lined Landfill	13	62%	350	30	88	79
WW/Biosolids	4	75%	560	13	81	230
Other	15	67%	129	9	24	470

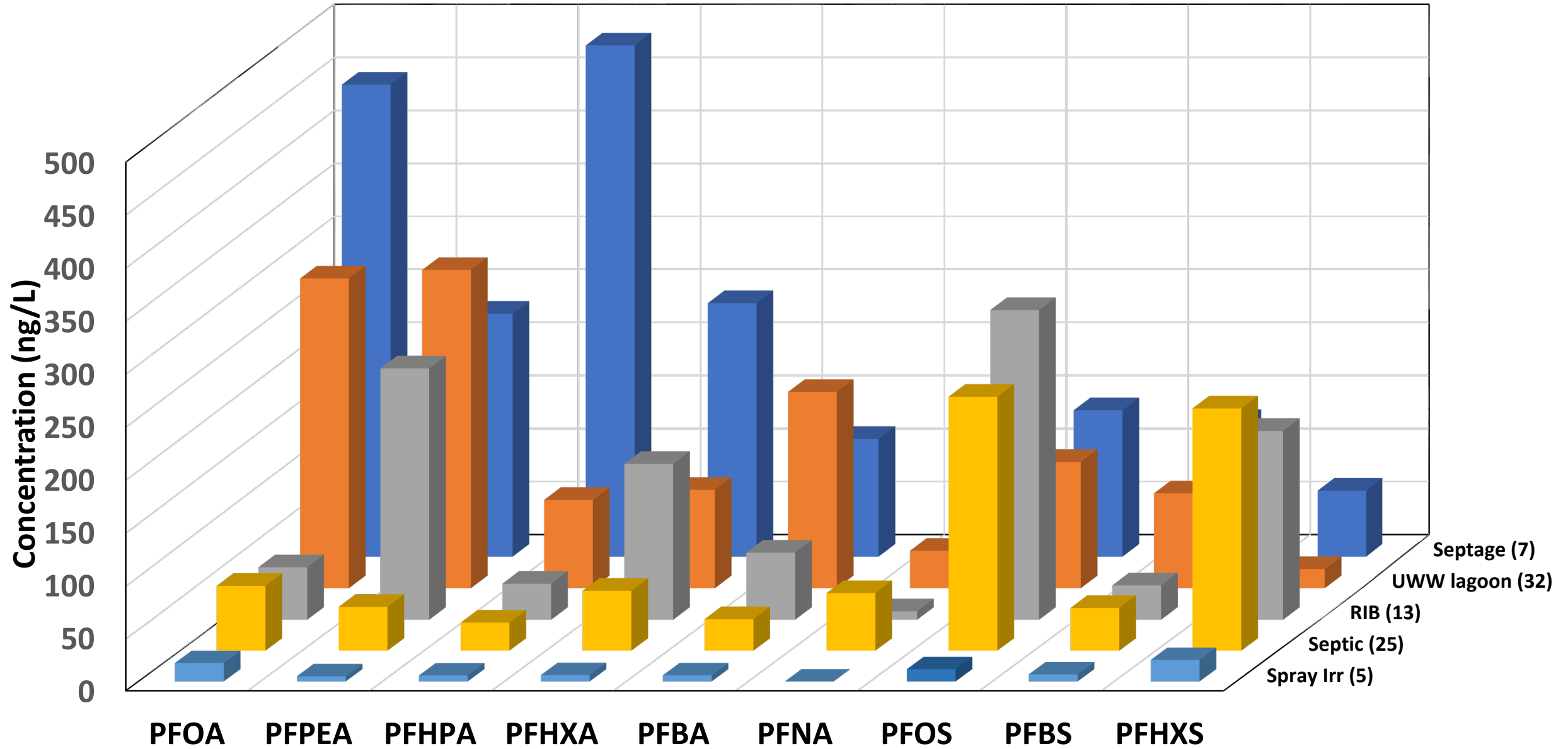
Approximate data through 6/1/2020

Groundwater Discharge Permit Program  
PFAS Detections in Groundwater Monitoring Wells



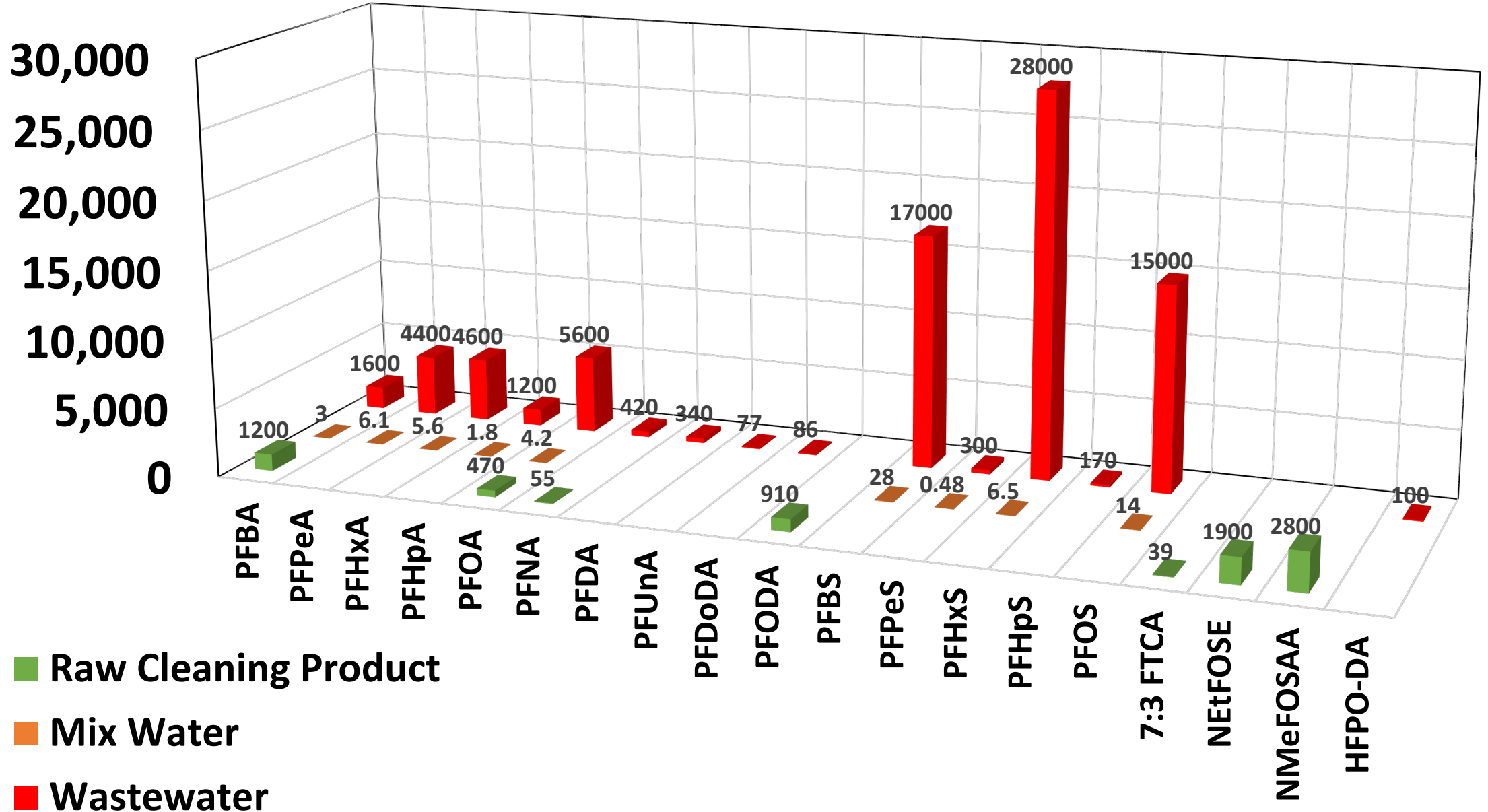
# Groundwater Discharge Permit Program

## Max PFAS Detections in Facility Monitoring Wells



# Commercial Carpet Cleaning Wastewater

Concentration (ng/L)



# Recommendations for PFAS/Class V Wells/Groundwater Discharges

- 1) Increase funding for states to administer the UIC programs.
  - Current funding for NH does not cover a full staff position
  - Funding has not changed for years
  - Funding does not facilitate the appropriate level of effort to adequately administer the UIC program – especially with new PFAS MCLs
- 2) Include other groundwater discharges other than just UICs
- 3) Consider revising federal UIC regulations to consider common sense provisions when regulating contaminants that are:
  - Regulated at the ppt or ppq levels
  - Widespread, mobile, persistent
  - Costly to remove from wastewater
- 4) Aggressive pollution prevention initiatives for PFAS – We cannot sample and regulate our way out of this problem.

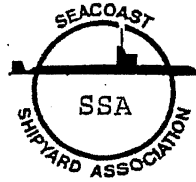




## 5) Complete a Follow-up to USEPA's 1999 Class V Underground Injection Control Study to include PFAS and 1,4-dioxane

• Agricultural Drainage Wells	• Special Drainage Wells	• Food Processing Disposal Wells	• Geothermal Direct Heat Return Flow Wells
• Stormwater Drainage Wells	• Experimental Wells	• Sewage Treatment Effluent Wells	• Heat Pump/Air Conditioning Return Flow Wells
• Carwashes Without Undercarriage Washing or Engine Cleaning	• Aquifer Remediation Wells	• Laundromats Without Dry Cleaning Facilities	• Saline Intrusion Barrier Wells
• Large-Capacity Septic Systems	• Geothermal Electric Power Wells	• Spent Brine Return Flow Wells Mine Backfill Wells	• Aquifer Recharge/Recovery Wells
• In-Situ Fossil Fuel Recovery Wells	• Solution Mining Wells	• Aquaculture Wells	• Subsidence Control Wells
• Non-contact Cooling Wells			

JOHN C. JOYAL  
 Chairman  
[www.saveourshipyard.org](http://www.saveourshipyard.org)  
[seacoastshipyard@metrocast.net](mailto:seacoastshipyard@metrocast.net)



**Seacoast Shipyard Association**

PO Box 1123  
 Portsmouth, NH 03802-1123  
**JULY 2022**

**PORTSMOUTH NAVAL SHIPYARD - ECONOMIC IMPACT – CY 2021  
 TOTAL \$1,322,611,898**

**CIVILIAN PAYROLL: \$670,722,530**

<u>STATE</u>	<u>PAYROLL</u>	<u>*ACTUAL NUMBER OF EMPLOYEES</u>	<u>NUMBER OF EMPLOYEES PAID</u>
Maine	\$380,693,850	4,066	4,410
New Hampshire	\$248,042,373	2,753	2,995
Massachusetts	\$ 18,609,858	177	216
Other States	\$ 23,376,449	261	328
Totals	\$670,722,530	**7,257	7,949

\*The employment level for 2021 was 7,257. The number of employees paid (7,949) is greater since in many cases more than one person occupied the same position.

\*\*7,257 includes: Shipyard –6,140; SUBMEPP - 216; NAVFAC – 271; DLA – 154; Base Support – 86; Other – 390

**MILITARY PAYROLL: \$48,741,064**

Navy	\$31,886,300	Coast Guard	\$16,854,764
------	--------------	-------------	--------------

**PURCHASED GOODS & SERVICES: \$133,774,294**

Shipyard Contracting Office	\$ 90,581,536
DLA Contracting Office	\$ 15,783,947
Shipyard Purchase Card	\$ 27,408,811

**CONTRACTED FACILITY SERVICES – (PUBLIC WORKS DEPT): \$469,374,010**

Maintenance/Alterations/Support	\$169,428,000
Military Construction	\$284,000,000
Utilities	\$ 15,946,010

**PAST YEARS' COMPARISON:**

	Employment Level	Civilian Payroll	Military Payroll	Purchases (Supply)	Contracts (Public Works)
CY 2021	7,257	670,722,530	48,741,064	133,774,294	469,374,010
CY 2020	7,639	671,863,110	49,272,743	123,201,765	87,350,843
CY 2019	7,310	594,905,713	45,502,134	123,166,628	395,439,594
CY 2018	6,972	548,036,970	44,349,057	120,731,514	169,496,193
CY 2017	6,450	525,164,253	43,309,628	104,768,623	78,602,360
CY 1998	3,648	192,008,527	12,705,138	39,620,496	25,618,115
CY 1989	8,700	268,409,364	28,600,000	60,000,000	----

**DEDICATED TO THE WELFARE AND DEVELOPMENT OF PORTSMOUTH NAVAL SHIPYARD**



**MAINE - 4,410 Civilian Employees were paid \$380,693,850**

<u>CITY/TOWN</u>		<u>ANNUAL PAYROLL</u>	<u>EMPLOYEES</u>
SANFORD/SPRINGVALE	\$	41,459,478	499
KITTERY/KITTERY POINT	\$	37,784,774	438
BERWICK	\$	37,195,505	437
SOUTH BERWICK	\$	32,301,170	363
ELIOT	\$	28,732,240	322
LEBANON	\$	26,909,041	307
WELLS	\$	21,416,200	245
NORTH BERWICK	\$	19,815,290	228
YORK	\$	17,378,170	187
BIDDEFORD	\$	15,615,136	186
SACO	\$	10,722,938	127
KENNEBUNK	\$	9,861,503	108
LYMAN	\$	8,027,437	91
ARUNDEL	\$	5,828,728	65
ACTON	\$	5,765,993	67
ALFRED	\$	5,063,327	58
SHAPLEIGH	\$	5,003,648	64
CAPE NEDDICK	\$	3,753,204	44
SCARBOROUGH	\$	3,270,021	34
N WATERBORO	\$	3,215,492	40
PORTLAND	\$	2,904,583	35
WATERBORO	\$	2,789,958	33
S PORTLAND	\$	2,270,455	28
DAYTON	\$	1,986,372	23
OLD ORCHD BCH	\$	1,932,985	23
E WATERBORO	\$	1,777,365	21
WEST NEWFIELD	\$	1,606,710	21
LIMERICK	\$	1,593,546	21
GORHAM	\$	1,471,123	16
HOLLIS CENTER	\$	1,444,599	17
BUXTON	\$	1,138,444	15
LIMINGTON	\$	988,826	13
WESTBROOK	\$	841,331	10
BRUNSWICK	\$	838,368	10
PARSONSFIELD	\$	716,370	9
STANDISH	\$	662,257	8
WINDHAM	\$	661,224	8
GRAY	\$	658,558	8
KENNEBUNKPORT	\$	623,004	8
CAPE ELIZ	\$	563,594	5
N SHAPLEIGH	\$	524,902	8
ALL OTHERS	\$	-	0



**NEW HAMPSHIRE - 2,995 Civilian Employees were paid \$248,042,373**

<u>CITY/TOWN</u>		<u>ANNUAL PAYROLL</u>	<u>EMPLOYEES</u>
ROCHESTER	\$	38,155,203	478
DOVER	\$	35,250,289	427
PORTSMOUTH	\$	21,826,504	254
SOMERSWORTH	\$	16,067,271	202
BARRINGTON	\$	13,487,874	157
FARMINGTON	\$	11,408,102	146
NEWMARKET	\$	8,248,565	102
MILTON/MILTON MILLS	\$	8,515,931	101
ROLLINSFORD	\$	6,041,960	70
STRAFFORD	\$	5,227,105	64
HAMPTON	\$	4,823,849	54
GREENLAND	\$	4,724,463	55
STRATHAM	\$	4,632,823	52
EXETER	\$	4,203,099	48
EPPING	\$	3,965,296	47
NOTTINGHAM	\$	3,923,170	43
SANBORNVILLE	\$	3,776,659	46
NORTHWOOD	\$	3,465,074	42
RAYMOND	\$	3,365,835	43
NEW DURHAM	\$	3,277,474	38
MANCHESTER	\$	2,168,189	27
MIDDLETON	\$	2,053,529	25
NORTH HAMPTON	\$	1,952,303	20
SEABROOK	\$	1,904,435	25
LEE	\$	1,869,340	22
RYE	\$	1,725,016	19
DURHAM	\$	1,696,803	17
BRENTWOOD	\$	1,631,621	19
MADBURY	\$	1,413,780	17
NEWTON	\$	1,234,802	15
FREMONT	\$	1,234,402	16
DERRY	\$	1,129,907	16
E WAKEFIELD	\$	958,317	13
WOLFEBORO	\$	945,051	9
DEERFIELD	\$	903,462	9
ALTON	\$	903,100	11
KINGSTON	\$	870,408	11
CTR BARNSTEAD	\$	765,846	10
NEWFIELDS	\$	712,153	8
NEWINGTON	\$	648,263	7
HAMPTON FALLS	\$	634,659	7
GOFFSTOWN	\$	607,107	8
ALL OTHERS	\$	-	0



# SEACOAST SHIPYARD ASSOCIATION

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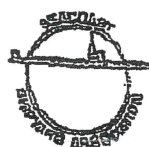
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STRATHAM NH 03885-2473



DEDICATED TO THE WELFARE AND DEVELOPMENT OF PORTSMOUTH NAVAL SHIPYARD

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CY 2021  
PORTSMOUTH NAVAL SHIPYARD  
ECONOMIC IMPACT  
Page 4 of 4

### MASSACHUSETTS - 216 Civilian Employees were paid \$18,609,858

<u>CITY/TOWN</u>	<u>ANNUAL PAYROLL</u>	<u>EMPLOYEES</u>
AMESBURY	\$ 2,661,837	29
HAVERHILL	\$ 2,202,395	28
NEWBURYPORT	\$ 1,484,358	16
SALISBURY	\$ 1,217,748	14
MERRIMAC	\$ 939,493	11
WEST NEWBURY	\$ 521,559	6
GROVELAND	\$ 500,361	6
NEWBURY	\$ 488,816	5
METHUEN	\$ 384,534	5
DANVERS	\$ 378,923	4
GEORGETOWN	\$ 368,751	4
ROWLEY	\$ 362,000	4
LOWELL	\$ 344,013	4
SALEM	\$ 328,561	4
NORTH ANDOVER	\$ 294,669	3
IPSWICH	\$ 269,471	4
BRADFORD	\$ 266,784	3
LAWRENCE	\$ 259,323	3
TOPSFIELD	\$ 240,621	3
MIDDLETON	\$ 238,714	2
BEVERLY	\$ 236,044	3
WILMINGTON	\$ 190,432	2
JAMAICA PLAIN	\$ 189,649	2
S HAMILTON	\$ 186,276	2
HANSON	\$ 181,913	3
PEABODY	\$ 167,908	2
ALL OTHERS	\$ -	0

ALL OTHER STATES - 328 Civilian Employees were paid \$23,376,449



# Stratham Scouts BSA Troop 185

Sponsored by the Stratham Volunteer Fire Department Association



September 28, 2022

Dear Stratham Select Board Members:

Stratham Troop 185 would like to host a Spring Camporee at Stratham Hill Park from May 12-14, 2023. The camporee involves scouts from local towns, all camping Friday and Saturday, and departing on Sunday morning. In the past, the scouts camped in one of the fields at the end of Jack Rabbit Lane, and conducted the majority of organized activities in the same area (fields). A few other activities like orienteering or hiking occurred in other parts of the park, as well as a campfire Saturday evening at the top of Stratham Hill. Most of the activities in the fields are scoutcraft challenges, such as travois race with approximately 7 to 9 stations where scouts compete in different activities. The camporee does not shut down the park, and the majority of activities take place in the back fields from Fri evening until Sunday early morning.

Troop 185 would like to ask for permission to host the camporee on May 12-14, 2023 and will work closely with the Recreation Department to ensure everyone's safety as well as to maintain the cleanliness of the park. We are happy to attend the Select Board meeting to answer any questions or to provide further details.

Respectfully,

Matt Sturtevant and Ron Ellis  
Troop 185 Scoutmasters