


**CITY OF SOMERSWORTH**  
*Office of the City Manager*

**TO:** Mayor Dana Hilliard and City Council Members  
**FROM:** Robert M. Belmore, City Manager   
**DATE:** Friday, April 1, 2016  
**SUBJECT:** City Manager's Report for Monday, April 4, 2016  
City Council Agenda

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*5:30 p.m. – City Manager Presentation on FY 2016/2017 Budget*

*6:00 p.m. – Public Hearing on FY 2016/2017 Budget*

*6:45 p.m. – Public Hearing on Ordinance No. 15-16 Supplemental Appropriation for CTC*

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*Unfinished Business (under Section 13 of Agenda)*

**Ordinance**

- A. Ordinance No. 15-16 Supplemental Appropriation for Roof Replacement at the Somersworth Career Technical Center.** The Finance Committee met to discuss this with Joint Building Committee Members, School and City Staff. The recommendation is to appropriate the project amount from the General Fund's Fund Balance.

**Resolutions**

- A. Resolution No. 26-16 To Authorize the City Manager to Enter into a Contract with Manter Co., Inc. of Danvers, Massachusetts for the Maple Street Culvert Replacement Project.** Both Public Works & Environment and Finance Committee have met and have voted in support of the bid award. City Council has appropriated \$155,000. for this project in the General Fund and \$10,000. in the Wastewater Fund.

*New Business (under Section 14 of Agenda)*

**Ordinance**

**A. Ordinance No. 16-16 FY 2016-2017 Budget.**

**Resolutions**

- A. Resolution No. 29-16 To Amend Existing Pole Licenses and to Adopt a Pole License Form for all Future Pole Licenses.** The City's Legal Counsel (Attorney Jae Whitelaw from the Mitchell firm) has recommended the City change its Pole License Form due to recent Court rulings. It will also be necessary to amend past Pole Licenses. A Public Hearing is required with a 14-day notice timeline, therefore I recommend it be scheduled prior to the Council's scheduled meeting on May 2<sup>nd</sup> at 6:45 p.m.

Attached is a copy of the recommended forms for the Petition and Pole License as provided by City Attorney Jae Whitelaw.

- B. Resolution No. 30-16 Authorizing the City Manager to Accept a Fee Interest to a Conservation Parcel of Approximately 97 Acres Identified as Assessor's Map 20 Lot 5 and Located in the Sunningdale Subdivision Development.** Attached is information provided by the developer, Mr. Joe Falzone, Twelve Month, LLC. City Attorney Walter Mitchell is in the process of reviewing the Conservation Easement language; please note that City legal costs will be paid for by Mr. Falzone.

- C. Resolution No. 31-16. To Request that the United States Congress Pass S.2423, the Opioid and Heroin Epidemic Emergency Supplemental Appropriations Act.** This request was discussed at the recent Tri-City Mayors Summit on the Opioid Addiction Crisis. Attached are copies of information distributed at that meeting.

*City Manager's Items (under section 10 of Agenda)*

**A. Information Items:**

- 1. Hilltop School Assessment - Brownfield's Program.** The Strafford Regional Planning Commission (SRPC) received Grant Funds to provide engineering assistance to communities within the region to determine the extent of the contamination on selected sites. SRPC has hired an engineering firm to assist in this effort. I will be nominating the Hilltop School to determine any hazardous material removal costs such as asbestos or lead.

I will also be nominating Breton's Cleaners for this assistance as a back-up plan should our City Grant submittal not be awarded. Copies of the site nomination forms are attached.

***City Manager's Items "Continued" (under section 10 of Agenda)***

2. **Monday, April 18.** Presently, there is a Council Workshop scheduled for 6:00 p.m. and the scheduled Council monthly meeting at 7:00 p.m. With your permission, I will have Attorney Mark Beliveau meet with you for a brief Attorney-Client meeting at 5:30 p.m. to provide a summary of recent discussion with the Environmental Protection Agency (EPA) and NH Department of Environmental Services regarding the Superfund monitoring process.
3. **Serve with Liberty.** I am pleased to announce that Liberty Mutual employees will once again be assisting the City's efforts to maintain our recreational areas. Public Works Director Mike Bobinsky and Recreational Supervisor Kristen Ducharme will be leading this effort as we continue to work to button up the Mast Point Dam Recreational Trail and Boat Launch this spring. Serve with Liberty will occur in early May. Attached is Kristen's memorandum regarding this partnership with Liberty Mutual – *Thank you Liberty Mutual!!*

**B. Attachments:**

1. City Attorney Certifications (2).

ORDINANCE NO. 15 -16 SUPPLEMENTAL APPROPRIATION FOR ROOF  
REPLACEMENT AT THE SOMERSWORTH CAREER TECHNICAL CENTER.

Somersworth, NH  
March 21, 2016

THE CITY OF SOMERSWORTH ORDAINS THAT pursuant to Section 7.7(A) of the City Charter:

The annual budget for the City of Somersworth for Fiscal Year 15-16 is amended as follows:

Appropriate \$371,000 from General Fund Unassigned Fund Balance to the School Department section of the FY 15-16 General Fund budget as follows:

Original Budget	Amendment	Revised Budget
\$ 26,102,271	\$ 371,000	\$ 26,473,271

Approved as to Funding:

Recorded by:

Scott A. Smith  
Director of Finance and Administration

Trish Harris  
City Clerk

Background:

This ordinance appropriates the use of General Fund Unassigned Fund Balance for the purpose of providing funding to the School Department to replace the roof at the Somersworth Career Technical Center.

***This Ordinance requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing subject to Section 7.4.1 and .Section 7.7 (A) of the City Charter.***

Introduced by Councilors

David A. Witham  
Dale R. Sprague  
Martin Pepin  
Jennifer G. Soldati

Approved

City Attorney

RESOLUTION NO. 26 - 16 TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH MANTER CO., INC. OF DANVERS, MASSACHUSETTS FOR THE MAPLE STREET CULVERT REPLACEMENT PROJECT.

Somersworth, NH  
March 21, 2016

WHEREAS the City of Somersworth's Capital Improvement Plan includes a recommendation to replace the Maple Street culvert to address drainage and utility improvements in this area, and

WHEREAS the Somersworth fiscal year 15-16 adopted budget contains an appropriation to accomplish this project, and

WHEREAS the City requested sealed bids from qualified contractors for this project, and,

WHEREAS, the City's consultant engineer reviewed the bids received and recommends contracting with Manter Company, Inc. of Danvers, Mass at a cost of \$154,000 (One Hundred Fifty Four Thousand dollars), and

WHEREAS, the Public Works and Environment Committee for the City of Somersworth has reviewed the recommendation by the City's consultant engineer to award the contract to Manter Co., Inc., and supports the recommendation, and

WHEREAS, the Finance Committee for the City of Somersworth has reviewed the recommendation by the City's consultant engineer to award the contract to Manter Co., Inc., and supports the recommendation,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to enter into an agreement with Manter Co., Inc. of Danvers, Massachusetts for the Maple Street culvert replacement project at a cost not to exceed \$154,000 (One Hundred Fifty Four Thousand dollars) and take any and all other such actions relative to this project determined to be in the best interest of the City

Introduced by Councilors

David A. Witham  
Dale R. Sprague  
Martin Pepin  
Jennifer G. Soldati  
Denis Messier

Approved:

City Attorney

**ORDINANCE NO. 16 -16 FY2016-2017 BUDGET**

SOMERSWORTH, NH  
March 21, 2016

The City of Somersworth Ordains that Budgets for the City of Somersworth for the  
2016-2017 Fiscal Year shall be:

<b><u>DEPARTMENT</u></b>	<b><u>PROPOSED BUDGET</u></b>
<b><u>GENERAL FUND</u></b>	
Elected Leadership	\$121,311
City Management	487,879
Finance and Administration	1,190,239
Development Services	1,011,589
Police	3,631,125
Fire	2,209,592
Public Works	2,092,673
Other Expenses	1,300,279
Capital Outlay	205,909
Intergovt Assessments - County	2,409,243
School Department	25,973,820
<b>TOTAL GENERAL FUND</b>	<b>40,633,659</b>
<b><u>ENTERPRISE FUNDS</u></b>	
Wastewater Department	2,143,498
Water Department	2,040,717
Solid Waste	401,700
<b>TOTAL ENTERPRISE FUNDS</b>	<b>4,585,915</b>
<b><u>SPECIAL REVENUE FUND</u></b>	
Cable Fund	85,107
<b>TOTAL FY 2016-2017 APPROPRIATION</b>	<b>\$45,304,681</b>

This ordinance shall take effect upon its passage.

Introduced by:  
Mayor Dana S. Hilliard  
by request

Approved:

City Attorney

RESOLUTION NO. 29 - 16 TO AMEND EXISTING POLE LICENSES AND TO ADOPT A POLE LICENSE FORM FOR ALL FUTURE POLE LICENSES.

Somersworth, NH  
April 4, 2016

Whereas there is a need to amend all existing pole licenses within the City of Somersworth to include taxing language pursuant to RSA 72:23,I; and

Whereas there is also a need to adopt a form for all future pole licenses for the purpose of adding a taxation provision as required by the public good; and

Whereas pursuant to RSA 231:163, the City Council may amend all existing pole licenses whenever the public good requires and furthermore by adopting a revised Pole license form for the purposes of adding a taxation provision is consistent and required by the public good;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT, the City Council has found it to be in the best interests of the public good to amend all existing Somersworth pole licenses and to adopt a revised Pole License form to be used by the City of Somersworth effective April 19, 2016, that includes the following language for all future pole licenses to be issued in the City of Somersworth.

*In accordance with the requirement of RSA 72:23, I (b), this license is granted to the licensee(s) subject to the condition that the licensee(s) and any other entity using or occupying property of the municipality pursuant to this license shall be responsible for the payment of, and shall pay, all properly assessed real and personal property taxes no later than the due date. Failure of the licensee(s) to pay duly assessed personal and real property taxes when due shall be cause to terminate this license.*

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

*The Licensee is required to provide the town in writing the names and contact information for any additional provider(s) authorized now or in the future to place equipment at these location(s).*

Sponsored by Councilors

Dale Sprague  
David Witham  
Denis Messier  
Jennifer Soldati

Approved:

City Attorney

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

**CITY OF SOMERSWORTH, NH**  
**PETITION FOR USE OF PUBLIC RIGHTS-OF-WAY/POLE LICENSE**  
**UTILITY POLES/CONDUIT/ATTACHMENTS**

**DATE:** \_\_\_\_\_

**PETITIONER(S):**

(1) BUSINESS NAME: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_ EMAIL: \_\_\_\_\_

(2) BUSINESS NAME: \_\_\_\_\_

CONTACT PERSON: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

PHONE: \_\_\_\_\_ FAX: \_\_\_\_\_ EMAIL: \_\_\_\_\_

**Attached hereto:**

- Two signed copies of this "Petition for License"
- Location Plan, Land Survey, or Plan approved by the City of Somersworth Planning Board showing proposed location of utility pole(s) or underground conduit (if applicable)
- Check for \$10.00 made payable to the City of Somersworth (City Clerk filing fee)

**To the City Council, Somersworth, New Hampshire:**

Pursuant to NH RSA 231:161, I/we are requesting that a license to erect, install, and thereafter maintain the following described poles, structures, and/or conduits together with wires, cables, and associated sustaining, strengthening and protecting fixtures, be granted across and/or under the following public right(s)-of-way in said municipality: \_\_\_\_\_.

**EQUIPMENT DESCRIPTION: (check box & provide necessary information)**

☐ ☐ **POLE**

Being numbered \_\_\_\_\_, or set of Poles, being numbered \_\_\_\_\_ and as shown on plan titled \_\_\_\_\_ dated \_\_\_\_\_ attached hereto and made a part hereof.

☐ ☐ **UNDERGROUND CONDUIT**

Being described as \_\_\_\_\_ and as shown on plan titled \_\_\_\_\_ dated \_\_\_\_\_ attached hereto and made a part hereof.

☐ ☐ **ATTACHMENTS/CONDUIT/OTHER**

Being described as \_\_\_\_\_ and as shown on plan titled \_\_\_\_\_ dated \_\_\_\_\_ attached hereto and made a part hereof.



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

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

The above-described pole(s) or conduit shall support the equipment of the following named providers:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_

*The Licensee is required to provide the town in writing the names and contact information for any additional provider(s) authorized now or in the future to place equipment at these location(s).*

**LOCATION DESCRIPTION:**

\_\_\_\_\_ GPS Coordinates and location, with reference to the NH Plane Coordinate System: \_\_\_\_\_  
\_\_\_\_\_ ; and

further described on:

\_\_\_\_\_ Attached location plan or land survey or

\_\_\_\_\_ Plan as approved by the Somersworth Planning Board, on \_\_\_\_\_ (date)

for \_\_\_\_\_ drawn by \_\_\_\_\_  
(Name of Project)

dated \_\_\_\_\_ last revised \_\_\_\_\_

**NEAREST LICENSED STRUCTURES:**

The above-described equipment installation will commence at an existing licensed utility structure described by the following location and license information: \_\_\_\_\_

\_\_\_\_\_, and will terminate at an existing licensed utility structure described by the following location and license information: \_\_\_\_\_

Petitioner:

Petitioner:

By: \_\_\_\_\_  
Duly Authorized

By: \_\_\_\_\_  
Duly Authorized

Company: \_\_\_\_\_

Company: \_\_\_\_\_

**CITY REVIEW AND AUTHORIZATION:**

Reviewed and Recommended by the Public Works Director: \_\_\_\_\_

Signature

Date

Comments, Concerns and Recommendations: \_\_\_\_\_

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

Reviewed and Recommended by the City Engineer: \_\_\_\_\_

Signature

Date

Comments, Concerns and Recommendations: \_\_\_\_\_

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

Reviewed and Recommended by the Fire Chief: \_\_\_\_\_

Signature

Date

Comments, Concerns and Recommendations: \_\_\_\_\_

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

**CITY COUNCIL**

\_\_\_\_\_ APPROVED

\_\_\_\_\_ DENIED

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

**IF APPROVED THIS FORM SHALL BE ATTACHED TO THE ISSUED POLE LICENSE**

*If approved the applicant(s) are hereby granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Safety code in effect at the time of petition and/or license is granted.*

**POLE LICENSE**

To \_\_\_\_\_ [Applicant]:

We are in receipt of your Pole License Petition dated \_\_\_\_\_ and identified as \_\_\_\_\_ #: \_\_\_\_\_, to license one (\_\_\_\_) pole(s) or other equipment, \_\_\_\_\_ located on \_\_\_\_\_ in the City of Somersworth, NH.

Upon the foregoing petition and it appearing that the public good so requires, it is hereby

**ORDERED**

This \_\_\_\_ day of \_\_\_\_, 201\_\_, that, \_\_\_\_\_ be granted a license to erect and maintain poles and structures, with wires, cables, conduits and devices thereon, together with sustaining, strengthening and protecting fixtures, in the public ways covered by said petition. All of said wires, except such as are vertically attached to poles and structures, shall be placed in accordance with the National Electrical Safety Code in effect at the time of petition and/or license is granted.

The approximate location of the poles and structures shall be shown on plan marked " \_\_\_\_\_ " No. \_\_\_\_\_, dated \_\_\_\_\_, 201\_\_, attached to and made a part hereof.

In accordance with the requirement of RSA 72:23, I(b), this license is granted to the licensee(s) subject to the condition that the licensee(s) and any other entity using or occupying property of the municipality pursuant to this license shall be responsible for the payment of, and shall pay, all property assessed real and personal property taxes no later than the due date. Failure of the licensee(s) to pay duly assessed personal and real property taxes when due shall be cause to terminate this license.

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

***The Licensee is required to provide the City in writing the names and contact information for any additional provider(s) authorized now or in the future to place equipment at these location(s).***

CITY OF SOMERSWORTH, NEW HAMPSHIRE

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

By: \_\_\_\_\_

*Need  
9-signature  
lines  
fb*

Received and entered in the records of the City of Somersworth, New Hampshire, Book \_\_\_\_\_, Page \_\_\_\_\_

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

ATTEST: \_\_\_\_\_

City Clerk

[CITY LETTERHEAD]

**PUBLIC NOTICE**

**PUBLIC HEARING**

The Somersworth City Council will hold a public hearing on \_\_\_\_\_, \_\_\_\_\_, 2016 beginning at \_\_\_\_\_ A.M./P.M. at the \_\_\_\_\_, pursuant to the provisions of RSA 231:163, for the purpose of considering amending all existing pole licenses to include language regarding taxation pursuant to RSA 72:23.

The Board will also consider adopting a revised Pole and/or Conduit License form which will include language regarding taxation pursuant to RSA 72:23.

The hearing is being held to determine if it is in the best interests of the public good to amend the pole licenses so that they are consistent with the property taxation statutes (RSA 72:23).

RESOLUTION NO. 30-16 AUTHORIZING THE CITY MANAGER, TO ACCEPT A FEE INTEREST TO A CONSERVATION PARCEL OF APPROXIMATELY 97 ACRES IDENTIFIED AS ASSESSOR'S MAP 20 LOT 5 AND LOCATED IN THE SUNNINGDALE SUBDIVISION DEVELOPMENT.

Somersworth, NH  
April 4, 2016

Whereas, the City of Somersworth has determined that this parcel has significant natural resource value and is a benefit to the City to forever remain in an undeveloped and natural state; and

Whereas, the landowner has offered a fee interest to the City of a parcel consisting of approximately 97 acres identified as Assessor's Map 20 Lot 5 and located in Sunningdale Subdivision Development, which is to be conveyed to the city only after a conservation easement is placed on the property; and

Whereas, The Conservation Commission voted to support the acquisition of this PARCEL; and

Whereas, the United States Department of Agriculture (USDA) Natural Resource Conservation Service (NRCS) would be the easement holder, and furthermore the NRCS would be responsible for monitoring the conservation easement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH that the City Manager is authorized to accept the fee interest to the 97 acre conservation property, and to take, any and all necessary action determined to be in the best interest of the City for this purpose.

Sponsored by:

Mayor Dana S. Hilliard

Approved:

City Attorney

**Brenda Breda**

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**Subject:** FW: Council vote to take title to the 97 acres with federal conservation easement at Sunningdale Village Development  
**Attachments:** Twelve Month LLC Cons Ease presentation 030916.pdf; ATT00001.htm; WRE Warranty Easement Deed\_NRCS-LTP-30\_07\_2014.pdf; ATT00002.htm

**From:** Joe Falzone <jfalzone@weinvestinland.com>  
**Date:** March 15, 2016 at 6:27:04 PM EDT  
**To:** "Bob Belmore (bbelmore@somersworth.com)" <bbelmore@somersworth.com>  
**Cc:** Joe Falzone <jfalzone@weinvestinland.com>  
**Subject:** Council vote to take title to the 97 acres with federal conservation easement at Sunningdale Village Development

***Council Members***

The protection of this 97 acre parcel was discussed in detail for me to make application for federal funding to place a conservation easement on the 97 acre parcel. Strafford Regional, the conservation commission and the planning board supported unanimously for me to proceed on that course. It took almost two years and I am hopeful, given that it ranks so high for conservation protection it will get funded in 2016. There are no funds required from the city and the government monitors the easement at their expense. The public will have full access for passive recreation and the government funds trail systems and certain types of maintenance of the vegetation. I receive an additional 200 scoring points that increases my ranking to get me within funding range if the town holds the fee title which is my request.

This is a wonderful outcome based upon the original expectations of all involved in the permitting process and I request the council's vote to except title to the property only at the time the easement is placed on the property by NRCS. I have agreed to pay the cost for the review by town council of both the standard easement which I have seen no issue with any town in the past and any other related documents to convey the fee to the city.

I look forward to my development being an asset to the city of Somersworth and have made a huge investment to make that happen.

My Sincere Thanks,  
JOE  
Twelve Month, LLC

**Joseph Falzone**  
7B Emery Lane  
Stratham, NH 03885  
(O) 603-772-9400 (C) 617-510-6565 (F) 603-772-8999

[jfalzone@weinvestinland.com](mailto:jfalzone@weinvestinland.com)

## WARRANTY EASEMENT DEED IN PERPETUITY

AGRICULTURAL CONSERVATION EASEMENT PROGRAM –  
WETLAND RESERVE EASEMENT  
EASEMENT NO. \_\_\_\_\_

**THIS WARRANTY EASEMENT DEED** is made by and between \_\_\_\_\_ of

\_\_\_\_\_ (hereafter referred to as the  
“Landowner”), Grantor(s), and the **UNITED STATES OF AMERICA** and its assigns,  
(hereafter referred to as the “United States”), Grantee. The Landowner and the United States are  
jointly referred to as the “Parties”.

The United States of America is acquiring this property by and through the Commodity Credit  
Corporation (CCC) and the acquiring agency of the United States is the Natural Resources  
Conservation Service (NRCS), United States Department of Agriculture.

### Witnesseth:

Purposes and Intent. The purpose of this easement is to restore, protect, manage,  
maintain, and enhance the functional values of wetlands and other lands, and for the conservation  
of natural values including fish and wildlife and their habitat, water quality improvement, flood  
water retention, groundwater recharge, open space, aesthetic values, and environmental  
education. It is the intent of NRCS to give the Landowner the opportunity to participate in the  
restoration and management activities on the Easement Area.

Authority. This easement deed acquisition is authorized by Subtitle H of Title XII of the  
Food Security Act of 1985, as amended, for the Agricultural Conservation Easement Program -  
Wetland Reserve Easement.

**NOW THEREFORE**, for and in consideration of the terms of this mutual obligations  
and benefits recited herein to each party and the sum of \_\_\_\_\_

\_\_\_\_\_ Dollars  
(\$ \_\_\_\_\_), paid to Grantor(s), the receipt of which is hereby  
acknowledged, Grantor (s) hereby grants and conveys with general warranty of title to the  
**UNITED STATES OF AMERICA** and its assigns, (Grantee), in perpetuity, the lands comprising  
the Easement Area described in Part I and appurtenant rights of access to the Easement Area, but  
reserving to the Landowner only those rights, title, and interest in the lands comprising the

Easement Area expressly enumerated in Part II. It is the intention of the Landowner to convey and relinquish any and all other property rights not so reserved. This easement shall constitute a servitude upon the land so encumbered; shall run with the land for the duration of the easement; and shall bind the Grantor(s), their heirs, successors, assigns, lessees, and any other person claiming under them.

SUBJECT, however, to all valid rights of record, if any.

PART I. Description of the Easement Area. The lands encumbered by this easement deed, referred to hereafter as the Easement Area, are described on EXHIBIT A which is appended to and made a part of this easement deed.

TOGETHER with a right of access for ingress and egress to the Easement Area across adjacent or other properties of the Landowner. Such a right-of-way for access purposes is described in EXHIBIT B which is appended to and made a part of this easement deed.

PART II. Reservations in the Landowner on the Easement Area. Subject to the rights, title, and interest conveyed by this easement deed to the United States, including the restoration, protection, management, maintenance, enhancement, and monitoring of the wetland and other natural values of the Easement Area, the Landowner reserves:

- A. Title. Record title, along with the Landowner's right to convey, transfer, and otherwise alienate title to these reserved rights.
- B. Quiet Enjoyment. The right of the Landowner to enjoy the rights reserved on the Easement Area without interference from others.
- C. Control of Access. The right to prevent trespass and control access by the general public subject to the operation of State and Federal law.
- D. Recreational Uses. The right to undeveloped recreational uses, including undeveloped hunting and fishing and leasing of such rights for economic gain, pursuant to applicable State and Federal regulations that may be in effect at the time. Undeveloped recreational uses may include use of hunting or observation blinds that will accommodate no more than four people and are temporary, non-permanent and easily assembled, disassembled and moved without heavy equipment. Undeveloped recreational uses must be consistent with the long-term protection and enhancement of the wetland and other natural values of the Easement Area.
- E. Subsurface Resources. The right to oil, gas, minerals, and geothermal resources underlying the Easement Area, provided that any drilling or mining activities are to be located outside the boundaries of the Easement Area, unless activities within the boundaries are specified in accordance with the terms and conditions of EXHIBIT C which is appended to and made a part of this easement deed, if applicable.



- F. Water rights and water uses. The right to water uses and water rights identified as reserved to the Landowner in EXHIBIT D which is appended to and made a part of this Easement Deed, if applicable.

PART III. Obligations of the Landowner. The Landowner shall comply with all terms and conditions of this Easement, including the following:

- A. Prohibitions. Without otherwise limiting the rights of the United States acquired hereunder, it is expressly understood that the rights to carry out the following activities and uses have been acquired by the United States and, unless authorized by the United States under Part IV, are prohibited on the Easement Area:
1. haying, mowing, or seed harvesting for any reason;
  2. altering of grassland, woodland, wildlife habitat or other natural features by burning, digging, plowing, disking, cutting or otherwise destroying the vegetative cover;
  3. accumulating or dumping refuse, wastes, sewage, or other debris;
  4. harvesting wood or sod products;
  5. draining, dredging, channeling, filling, leveling, pumping, diking, impounding, or related activities, as well as altering or tampering with water control structures or devices, except as specifically set forth in EXHIBIT D, if applicable;
  6. diverting or causing or permitting the diversion of surface or underground water into, within, or out of the Easement Area by any means, except as specifically set forth in EXHIBIT D, if applicable;
  7. building, placing, or allowing to be placed structures on, under, or over the Easement Area; except for individual semi-permanent hunting or observation blinds for undeveloped recreational uses the external dimensions of which will be no more than 80 square feet and 8 feet in height, with the number, locations, and features of blinds approved by NRCS under Part IV;
  8. planting or harvesting any crop;
  9. grazing or allowing livestock on the Easement Area;
  10. disturbing or interfering with the nesting or brood-rearing activities of wildlife including migratory birds;
  11. use of the Easement Area for developed recreation. These uses include but are not limited to, camping facilities, recreational vehicle trails and tracks, sporting clay operations, skeet shooting operations, firearm range operations and the infrastructure to raise, stock, and release captive raised waterfowl, game birds and other wildlife for hunting or fishing;
  12. any activities which adversely impact or degrade wildlife cover or other habitat benefits, water quality benefits, or other wetland functions and values of the Easement Area; and
  13. any activities to be carried out on the Landowner's land that is immediately adjacent to, and functionally related to, the Easement Area if such activities

will alter, degrade, or otherwise diminish the functional value of the Easement Area.

- B. Noxious Plants and Pests. The Landowner is responsible for noxious weed control and emergency control of pests as required by all Federal, State, and local laws. A plan to control noxious weeds and pests must be approved in writing by the NRCS prior to implementation by the Landowner.
- C. Fences. Except for establishment cost incurred by the United States and replacement cost not due to the Landowner's negligence or malfeasance, all other costs involved in maintenance of fences and similar facilities to exclude livestock shall be the responsibility of the Landowner. The installation or use of fences which have the effect of preventing wildlife access and use of the Easement Area are prohibited on the Easement Area, easement boundary, or on the Landowner's land that is immediately adjacent to, and functionally related to, the Easement Area.
- D. Restoration. The Landowner shall allow the restoration and management activities NRCS deems necessary for the Easement Area.
- E. Access Maintenance. The Landowner is responsible to maintain any non-public portions of the access route described in Exhibit B such that the access route can be traversed by a standard four-wheel all-terrain vehicle at least annually.
- F. Use of water for easement purposes. The Landowner shall use water for easement purposes as set for in EXHIBIT D, which is appended to and made a part of this Easement Deed, if applicable.
- G. Protection of water rights and water uses. As set forth in EXHIBIT D, if applicable, the Landowner shall undertake actions necessary to protect any water rights and water uses for easement purposes.
- H. Taxes. The Landowner shall pay any and all real property and other taxes and assessments, if any, which may be levied against the land.
- I. Reporting. The Landowner shall report to the NRCS any conditions or events which may adversely affect the wetland, wildlife, and other natural values of the Easement Area.
- J. Survival. Irrelevant of any violations by the Landowner of the terms of this Easement Deed, this easement survives and runs with the land for its duration.
- K. Subsequent Conveyances. The Landowner agrees to notify NRCS in writing of the names and addresses of any party to whom the property subject to this Easement Deed is to be transferred at or prior to the time the transfer is consummated. Landowner and its successors and assigns shall specifically refer to this Easement

Deed in any subsequent lease, deed, or other instrument by which any interest in the property is conveyed.

PART IV. Compatible Uses by the Landowner.

- A. General. The United States may authorize, in writing and subject to such terms and conditions the NRCS may prescribe at its sole discretion, the temporary use of the Easement Area for compatible economic uses, including, but not limited to, managed timber harvest, periodic haying, or grazing.
- B. Limitations. Compatible use authorizations will only be made if, upon a determination by NRCS in the exercise of its sole discretion and rights, that the proposed use is consistent with the long-term protection and enhancement of the wetland and other natural values of the Easement Area. The NRCS shall prescribe the amount, method, timing, intensity, and duration of the compatible use. Compatible use authorizations do not vest any rights in the Landowner and can be revoked by NRCS at any time.

PART V. Rights of the United States. The rights of the United States include:

- A. Management activities. The United States has the right to enter the Easement Area to undertake, on a cost-share basis with the Landowner or other entity as determined by the United States, any activities to restore, protect, manage, maintain, enhance, and monitor the wetland and other natural values of the Easement Area. The United States may apply to or impound additional waters, in accordance with State water law, on the Easement Area in order to maintain or improve wetland and other natural values.
- B. Access. The United States has a right of reasonable ingress and egress to the Easement Area over the Landowner's property, whether or not the property is adjacent or appurtenant to the Easement Area, for the exercise of any of the rights of the United States under this Easement Deed. The authorized representatives of the United States may utilize vehicles and other reasonable modes of transportation for access purposes. To the extent practical, the United States shall utilize the access identified in EXHIBIT B. The United States may, in its discretion, conduct maintenance activities on the access route identified in Exhibit B to obtain physical access to the Easement Area for the exercise of any of the rights of the United States under this Easement Deed.
- C. Easement Management. The Secretary of Agriculture, by and through the NRCS, may delegate all or part of the management, monitoring or enforcement responsibilities under this Easement Deed to any Federal or State agencies authorized by law that the NRCS determines to have the appropriate authority, expertise and resources necessary to carry out such delegated responsibilities. State or federal agencies may utilize their general statutory authorities in the administration of any

delegated management, monitoring or enforcement responsibilities for this easement. The authority to modify, subordinate, exchange, or terminate this easement under Subtitle H of Title XII of the Food Security Act of 1985 is reserved to the Secretary of Agriculture in accordance with applicable law. If the United States at some future time acquires the underlying fee title in the property, the interest conveyed by this Easement Deed will not merge with fee title but will continue to exist and be managed as a separate estate.

D. Violations and Remedies - Enforcement. The Parties, Successors, and Assigns, agree that the rights, title, interests, and prohibitions created by this Easement Deed constitute things of value to the United States and this Easement Deed may be introduced as evidence of same in any enforcement proceeding, administrative, civil or criminal, as the stipulation of the Parties hereto. If there is any failure of the Landowner to comply with any of the provisions of this Easement Deed, the United States or other delegated authority shall have any legal or equitable remedy provided by law and the right:

1. To enter upon the Easement Area to perform necessary work for prevention of or remediation of damage to wetland or other natural values; and,
2. To assess all expenses incurred by the United States (including any legal fees or attorney fees) against the Landowner, to be owed immediately to the United States.

#### PART VI. General Provisions.

- A. Successors in Interest. The rights granted to the United States shall accrue to any of its agents or assigns. All obligations of the Landowner under this Easement Deed shall also bind the Landowner's heirs, successors, agents, assigns, lessees, and any other person claiming under them. All the Landowners who are parties to this Easement Deed shall be jointly and severally liable for compliance with its terms.
- B. Rules of Construction and Special Provisions. All rights in the Easement Area not reserved by the Landowner shall be deemed acquired by the United States. Any ambiguities in this Easement Deed shall be construed in favor of the United States to effect the wetland and conservation purposes for which this Easement Deed is being acquired. The property rights of the United States acquired under this easement shall be unaffected by any subsequent amendments or repeal of the Agricultural Conservation Easement Program. If the Landowner receives the consideration for this easement in installments, the Parties agree that the conveyance of this easement shall be totally effective upon the payment of the first installment.
- C. Environmental Warranty. "Environmental Law" or "Environmental Laws" means any and all Federal, State, local or municipal laws, orders, regulations, statutes,

ordinances, codes, guidelines, policies, or requirements of any governmental authority regulating or imposing standards of liability or standards of conduct (including common law) concerning air, water, solid waste, hazardous materials or substance, worker and community right-to-know, hazard communication, noise, radioactive material, resource protection, subdivision, inland wetlands and watercourses, health protection and similar environmental health, safety, building and land use as may now or at any time hereafter be in effect.

“Hazardous Materials” means any petroleum, petroleum products, fuel oil, waste oils, explosives, reactive materials, ignitable materials, corrosive materials, hazardous chemicals, hazardous wastes, hazardous substances, extremely hazardous substances, toxic substances, toxic chemicals, radioactive materials, infectious materials, and any other element, compound, mixture, solution or substance which may pose a present or potential hazard to human health or the environment.

Landowner warrants that it is in compliance with, and shall remain in compliance with, all applicable Environmental Laws. Landowner warrants that there are no notices by any government authority of any violation or alleged violation of, non-compliance or alleged non-compliance with or any liability under any Environmental Law relating to the operations or conditions of the Easement Area. Landowner further warrants that it has no actual knowledge of a release or threatened release of Hazardous Materials on, beneath, near or from the Easement Area..

- D. General Indemnification. Landowner shall indemnify and hold harmless the United States, its employees, agents, and assigns for any and all liabilities, claims, demands, losses, expenses, damages, fines, fees, penalties, suits, proceedings, actions, and cost of actions, sanctions asserted by or on behalf of any person or government authority, and other liabilities (whether legal or equitable in nature and including, without limitation, court costs, and reasonable attorneys’ fees and attorneys’ fees on appeal) to which the United States may be subject or incur relating to the Easement Area, which may arise from, but is not limited to, Landowner’s negligent acts or omissions or Grantor’s breach of any representation, warranty, covenant, or agreements contained in this Easement Deed, or violations of any Federal, State, local or municipal laws, including all Environmental Laws.

**TO HAVE AND TO HOLD**, this Warranty Easement Deed is granted to the United States of America and its assigns forever. The Landowner covenants that he, she, or they are vested with good title to the Easement Area and will warrant and defend the same on behalf of the United States against all claims and demands. The Landowner covenants to comply with the terms and conditions enumerated in this document for the use of the Easement Area and adjacent lands for access, and to refrain from any activity not specifically allowed or that is inconsistent with the purposes of this Easement Deed.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

Landowner(s): \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***ACKNOWLEDGMENT***

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

On this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, before me, the undersigned, a Notary Public in and for said State personally appeared \_\_\_\_\_, know or proved to me to be the person(s) described in and who executed the foregoing instrument, and acknowledged that \_\_\_\_\_ executed the same as \_\_\_\_\_ free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
\_\_\_\_\_

**ACCEPTANCE BY GRANTEE:**

I \_\_\_\_\_ (name), \_\_\_\_\_ (title),  
being the duly authorized representative of the United States Department of Agriculture, Natural  
Resources Conservation Service, do hereby accept this Warranty Easement Deed with respect to  
the rights and duties of the United States of America, Grantee.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

This instrument was drafted by the Office of General Counsel, U.S. Department of Agriculture,  
Washington, D.C. 20250-1400.

---

**NONDISCRIMINATION STATEMENT**

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its program and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (1202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410 or call (800) 705-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

**PRIVACY ACT STATEMENT**

The above statements are made in accordance with the Privacy Act of 1974 (U.S.C. 522a). Furnishing this information is voluntary; however, failure to furnish correct, complete information will result in the withholding or withdrawal of such technical or financial assistance. The information may be furnished to other USDA agencies, the Internal Revenue Service, the Department of Justice, or other State or Federal Law enforcement agencies, or in response to orders of a court, magistrate, or administrative tribunal.





# Conservation Easement Assessment Twelve Month, LLC

**Tracy Tarr, CWS, CWB, CESSWI**

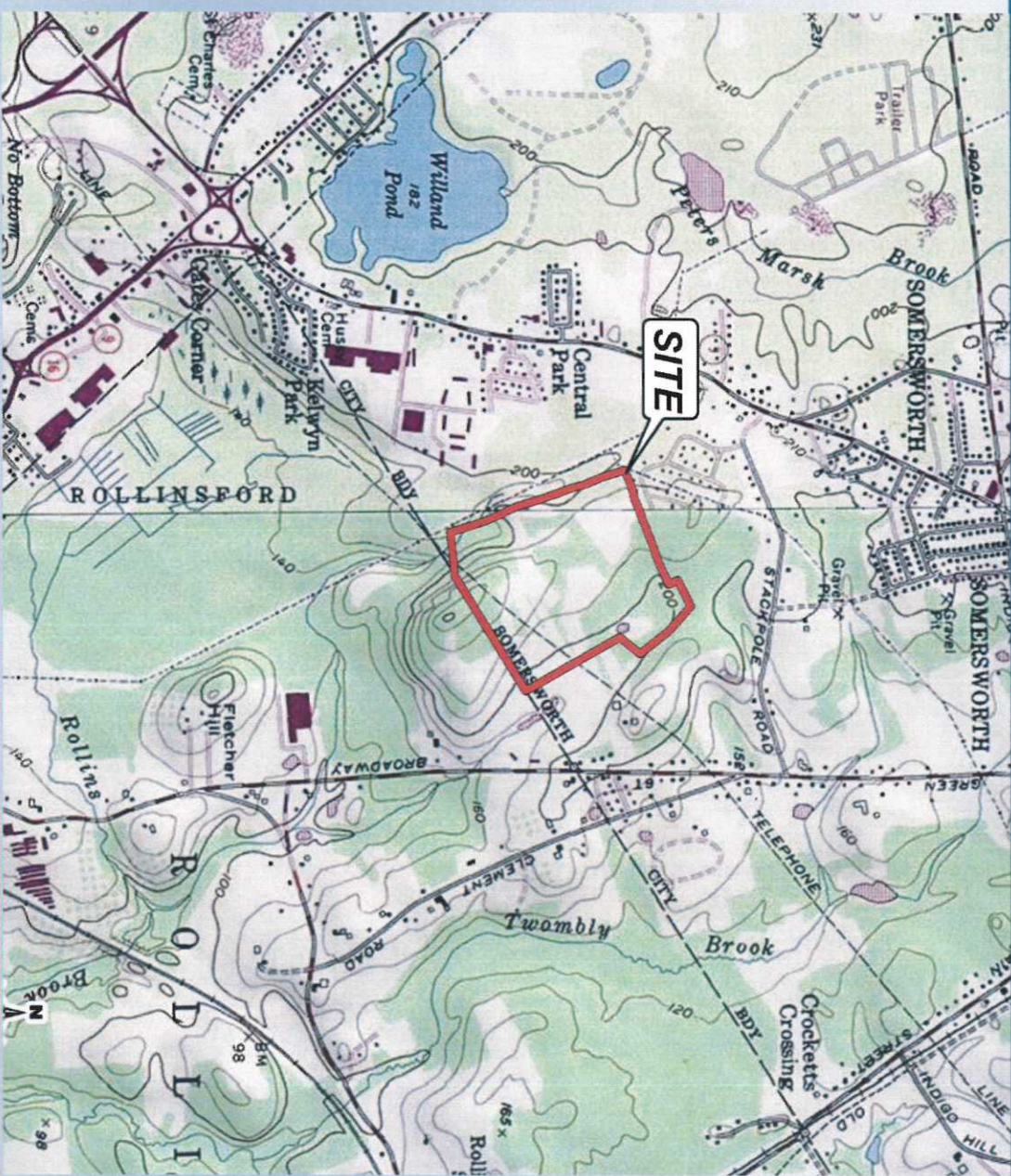
**Presentation to  
City of Somersworth  
Conservation Commission  
March 9, 2016**





# PROJECT HISTORY

- Residential subdivision approved (2014)
- Plan consisted of “Lot A” (61 ac) and “Lot B” (97 ac)
- Lot A (Phase 1-5) is currently being constructed
- Lot B was approved but was sought to be conserved



GEOTECHNICAL

ENVIRONMENTAL

ECOLOGICAL

WATER

CONSTRUCTION MANAGEMENT





# TEAM OVERVIEW

GEOTECHNICAL

ENVIRONMENTAL

ECOLOGICAL

WATER

CONSTRUCTION  
MANAGEMENT



## DEVELOPMENT PLAN

Current Owner – Twelve Month, LLC  
Engineer – Beals Associates, PLLC  
Wetland/Soil Scientist/Wildlife – GZA

## EASEMENT REVIEW

NH Fish and Game Department  
UNH Cooperative Extension  
Natural Resource Conservation Service











# TOWN REVIEW - 2014

GEOTECHNICAL

ENVIRONMENTAL

ECOLOGICAL

WATER

CONSTRUCTION  
MANAGEMENT











# PROPOSAL

GEOTECHNICAL

ENVIRONMENTAL

ECOLOGICAL

WATER

CONSTRUCTION  
MANAGEMENT



Twelve Month, LLC is seeking to conserve the property via the NRCS Wetland Reserve Easement Program



# Wetland Reserve ACEP Easements (WRE)



- NRCS would be the easement holder
- Preference is given for applications where the property is transferred to a “third party” like the City
- Third party ownership = 200 points in application ranking

[illegible]



# Why the City?



City ownership = highest level of public benefit

City has a stake in management

Monitoring responsibilities stay with NRCS





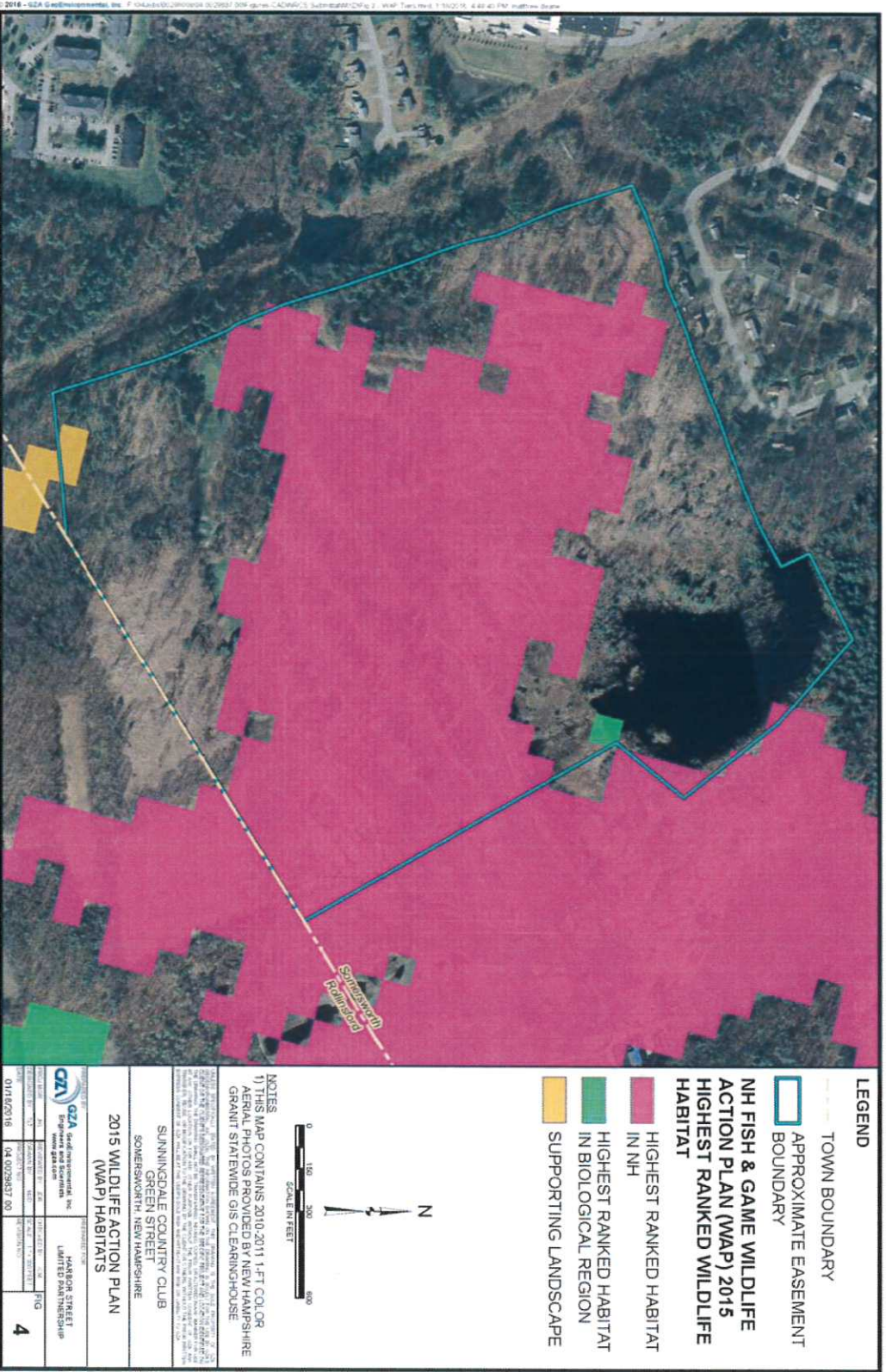
# Easement Attributes



- High Wetland Habitat diversity (six types)
- Wetlands – 10 functions and values
- Adjacency to existing conservation land
- Three upland habitat types (76 acres)
- Three “critical” habitat types
- Special concern species
- Endangered species habitat management
- Wetland and habitat restoration potential
- Management is practical and access is present











# Wetlands

GEOTECHNICAL

ENVIRONMENTAL

ECOLOGICAL

WATER

CONSTRUCTION  
MANAGEMENT



Wetland Description	Wetland Classification	Existing Habitat Size (Acres)
Beaver Pond	POWHb	9.0
Scrub-Shrub Wetland (seasonally saturated)	PSS1E	3.1
Scrub-Shrub Wetland (semi-permanently flooded)	PSS1F	1.2
Emergent Wetland (wet meadow)	PEM1E	7.2
Forested Wetland	PFO1/4E	0.7
Vernal Pool	PUB	0.2
Total Wetland Acreage		21.4 acres





# Vernal Pool







# Beaver Pond

GEOTECHNICAL

ENVIRONMENTAL

ECOLOGICAL

WATER

CONSTRUCTION  
MANAGEMENT







# Uplands

GEOTECHNICAL

ENVIRONMENTAL

ECOLOGICAL

WATER

CONSTRUCTION  
MANAGEMENT



Upland Description	Existing Habitat Size (Acres)
Hemlock-Beech-Oak-Pine	17.3
Upland Shrubland	15.5
Fairways (managed grassland)	43.2
Total Upland Acreage	76 acres







# Hemlock-Beech-Oak-Pine





# EARLY SUCCESSIONAL HABITATS







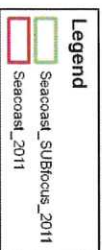
# NEW ENGLAND COTTONTAIL



DRAFT MAP - Seacoast Focus Areas



Thinglink.com

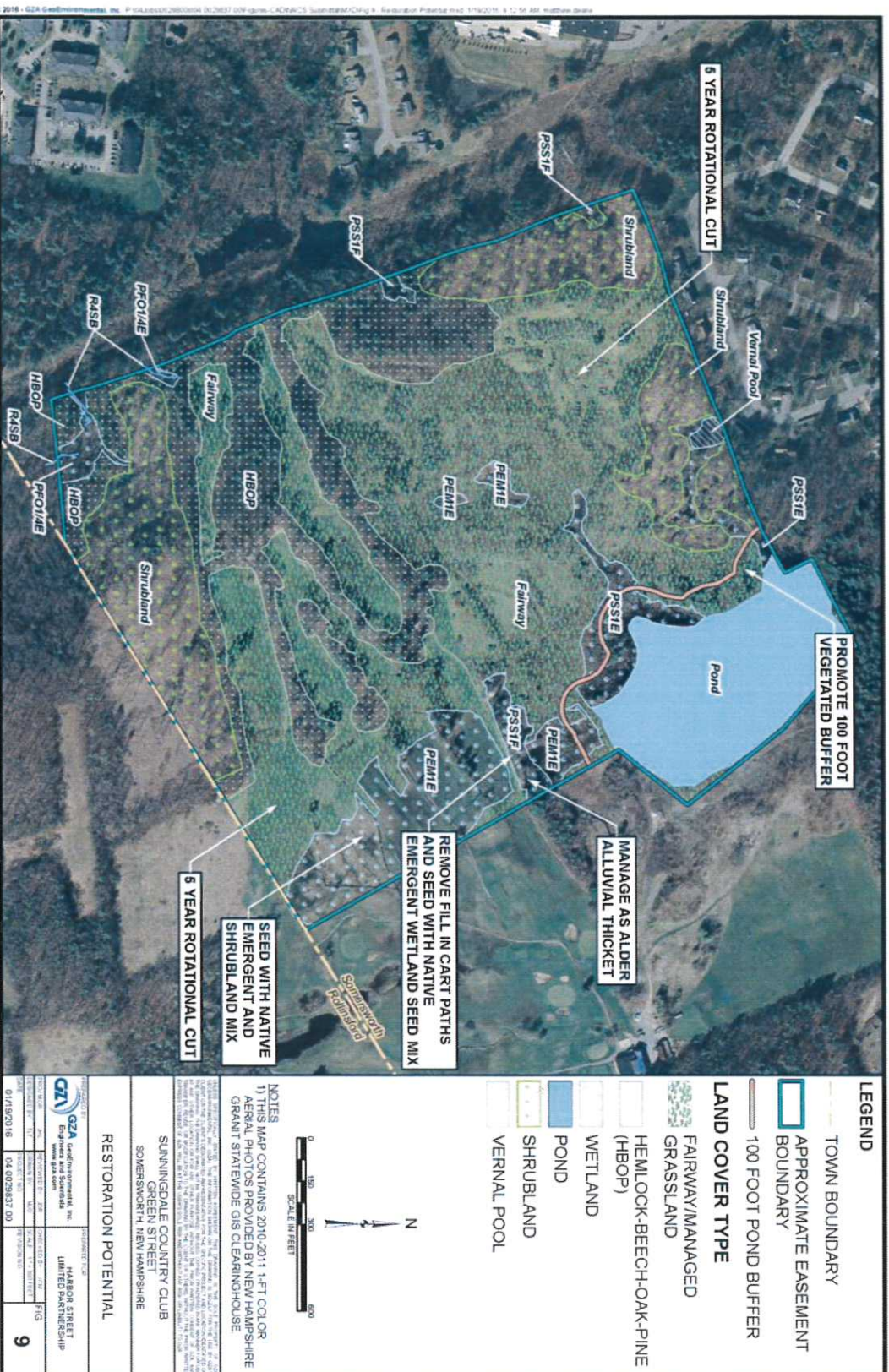


DRAFT  
Emma Carcagno  
UNH Cooperative Extension  
Not for survey purposes





# RESTORATION/MANAGEMENT







# Value to City

GEOTECHNICAL

ENVIRONMENTAL

ECOLOGICAL

WATER

CONSTRUCTION  
MANAGEMENT



HIGH EDUCATIONAL POTENTIAL  
(outdoor classroom – vernal pool,  
beaver pond)

HIGH PASSIVE RECREATIONAL POTENTIAL  
(existing trails/open areas)

MONITORING RESPONSIBILITIES STAY  
WITH NRCS







# OTHER EXAMPLES



**welcome to the**  
**ELLA STROUD**  
**MEMORIAL FOREST**  
*Climaxton, New Hampshire*

**Usage Guidelines**

This is a very special place, and the Town of Stark should be proud to have it. The forest is a very special place, and the town should be proud to have it. The forest is a very special place, and the town should be proud to have it.

**Usage Guidelines**

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**Usage Guidelines**

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**welcome to the**  
**COGSWELL MOUNTAIN**  
**CONSERVATION AREA**  
*Climaxton, New Hampshire*

**Usage Guidelines**

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**Usage Guidelines**

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# Any Questions?

GEOTECHNICAL

ENVIRONMENTAL

ECOLOGICAL

WATER

CONSTRUCTION  
MANAGEMENT



RESOLUTION NO. 31 - 16 TO REQUEST THAT THE UNITED STATES CONGRESS PASS S.2423,  
THE OPIOID AND HEROIN EPIDEMIC EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT

Somersworth, NH  
April 4, 2016

WHEREAS, The opioid and heroin abuse epidemic is a national public health emergency, which is having a direct and serious impact in the State of New Hampshire; and

WHEREAS, New Hampshire residents are dying and families and communities are being devastated by this epidemic; and

WHEREAS; Local public health and safety officials, including those within the City of Somersworth, are on the front lines of addressing this ever growing emergency; and

WHEREAS, New Hampshire Senator Jeanne Shaheen has introduced legislation in the United States Senate (S.2423) entitled the "Opioid and Heroin Epidemic Emergency Supplemental Appropriation Act," which would allocate \$600 million in emergency funding to address this national emergency; and

WHEREAS, The emergency funding would greatly assist public health and safety officials across the country, and in New Hampshire in combating opioid and heroin abuse; and

WHEREAS, Increased funding from the Federal Government is imperative if this epidemic is to be addressed on both a local and national level.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND SOMERSWORTH CITY COUNCIL THAT the City of Somersworth respectfully requests that the United States Congress pass S.2423, the Opioid and Heroin Epidemic Emergency Supplemental Appropriation Act, without further delay.

Sponsored by  
Mayor Dana S. Hilliard

Approved  
City Attorney

**Senator Jeanne Shaheen**  
**Opioid and Heroin Epidemic Emergency Supplemental Appropriations Act**  
**Background and Summary**

The opioid and heroin abuse epidemic is a national public health emergency. Every day communities across our country are being flooded with highly addictive and increasingly lethal drugs. Americans are dying; families and communities are being torn apart. Public health workers and law enforcement officials are being overwhelmed by demands for assistance, and continue to face declining budgets. We must do more to support their efforts. Emergency funding for public health outreach, treatment, recovery, and law enforcement will save American lives. We have a responsibility to act.

**BILL SUMMARY:**

Senator Shaheen's Opioid and Heroin Epidemic Emergency Supplemental Appropriations Act would allocate \$600 million in emergency funding to address this national emergency.

**Department of Justice**

- Edward Byrne Memorial Justice Assistance Grant Program - \$200 million increase to fund state and local programs including, law enforcement, prosecutions and court programs, drug treatment and enforcement programs, as well as prevention and education programs.
- COPS Anti-Heroin Task Force Grant - \$10 million to assist state and local law enforcement with high per capita levels of primary treatment admission for heroin and opioids, conduct drug enforcement initiatives and investigations. This program targets resources to support police operations on the ground.

**Department of Health and Human Services**

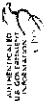
- Substance Abuse Prevention and Treatment Block Grant- \$225 million in additional funds to distribute to states to fund programs related to prevention, treatment, recovery support and other services. For many states, this is the primary source of federal programs to address the misuse of alcohol and drugs.
- Prescription Drug Overdose Prevention for States- \$50 million to support the Center for Disease Control and Prevention's work on prescription drug monitoring programs, community or insurer and health system interventions and rapid response projects.
- Public Health and Social Services Emergency Fund- \$40 million for the Secretary of Health and Human Services to better coordinate and respond to the national heroin and opioid drug abuse crisis.
- National Institute on Drug Abuse- \$35 million for targeted research on drug addiction and efforts to disseminate the results to improve prevention and treatment.
- Strategic Prevention Framework- Partnership for the Success- \$20 million to address underage drinking and prescription drug misuse and abuse among 12 to 25 year olds.
- Medication Assisted Treatment for Prescription Drug and Opioid Addiction - \$10 million will improve access in high risk communities to medication assisted treatment services for treating heroin and prescription opioids.

- Safe Schools/Healthy Students- \$5 million to support school and community partnerships in efforts to create safe, drug-free and respectful environments for learning and to promote the behavioral health of children and youth.
- Recovery Community Services Program- \$5 million to assist community organizations and develop organized statewide network for peer to peer recovery support including activities such as peer coaching, peer support groups, life skills workshops and peer-led housing and employment connector programs.

#### **BACKGROUND:**

- Drug overdose deaths have exceeded car crashes as the number one cause of injury death in the United States.
- Each day 120 Americans die of drug overdoses; two deaths every hour.
- In 2013 alone, overdoses from prescription pain medications killed more than 16,000 Americans.
- In 2012, 259 million prescriptions were written for these drugs, which is more than enough to give every American adult their own bottle of pills.
- Every day, 2,500 American youth (ages 12-17) abuse a prescription pain reliever for the first time.
- According to NIH, people who are addicted to opioid pain killers are 40 times more likely to be addicted heroin.
- About 8,000 Americans die annually from heroin overdoses, an increase of 244 percent from 2007.
- The 2015 National Drug Threat Assessment expects that “heroin use and overdose deaths are likely to continue to increase in the near term. Mexican traffickers are making a concerted effort to increase heroin availability in the U.S. market. The drug’s increased availability and relatively low cost make it attractive to a large number of opioid abusers.”
- Fentanyl is a Schedule II synthetic opioid that is approximately 80 to 100 times more potent than morphine and 25 to 40 times more potent than heroin.
- In March 2015, DEA issued a nationwide alert about the dangers of fentanyl stating “Fentanyl is commonly laced in heroin, causing significant problems across the country, particularly as heroin use has increased.
- From 2013 to 2014, there have been over 700 deaths related to fentanyl.
- The 2015 National Drug Threat Assessment states that “Fentanyl will remain a significant threat to law enforcement personnel and first responders as minute amounts – equivalent to a few grains of salt – can be lethal, and visually, can be mistaken for cocaine or white power heroin.”
- Fentanyl remains undetectable in most police field tests.





II

114TH CONGRESS  
1ST SESSION

**S. 2423**

Making appropriations to address the heroin and opioid drug abuse epidemic for the fiscal year ending September 30, 2016, and for other purposes.

## IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2015

Mrs. SCHARFEN introduced the following bill; which was read twice and referred to the Committee on Appropriations

## A BILL

Making appropriations to address the heroin and opioid drug abuse epidemic for the fiscal year ending September 30, 2016, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representatives*
- 2 *of the United States of America in Congress assembled,*
- 3 That the following sums are appropriated, out of any
- 4 money in the Treasury not otherwise appropriated, for the
- 5 fiscal year ending September 30, 2016, and for other pur-
- 6 poses, namely:

3

## TITLE I—LAW ENFORCEMENT

### PROGRAMS

#### DEPARTMENT OF JUSTICE

##### OFFICE OF JUSTICE PROGRAMS

##### STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

- 6 For an additional amount for "State and local law
- 7 enforcement assistance"; for the Edward Byrne Memorial
- 8 Justice Assistance Grant program as authorized by sub-
- 9 part 1 of part E of title I of the Omnibus Crime Control
- 10 and Safe Streets Act of 1968 (except that section 1001(c),
- 11 and the special rules for Puerto Rico under section 505(g)
- 12 of title I of such Act shall not apply for purposes of this
- 13 Act) for expenses relating to drug treatment and enforce-
- 14 ment programs, law enforcement programing, and drug
- 15 addiction prevention and education programs,
- 16 \$200,000,000, to remain available until expended: *Pro-*
- 17 *vided,* That such amount is designated by the Congress
- 18 as an emergency requirement pursuant to section
- 19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
- 20 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).
- 21 COMMUNITY ORIENTED POLICING SERVICES
- 22 COMMUNITY ORIENTED POLICING SERVICES PROGRAMS
- 23 For an additional amount for "Community Oriented
- 24 Policing Services Programs" for competitive grants to
- 25 State law enforcement agencies in States with high rates

•S 2423 IS

1 of primary treatment admissions for heroin or other  
 2 opioids, \$10,000,000, to remain available until expended;  
 3 *Provided*, That such amount is designated by the Congress  
 4 as an emergency requirement pursuant to section  
 5 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
 6 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

## 7 TITLE II—DEPARTMENT OF 8 HEALTH AND HUMAN SERVICES

### 9 DEPARTMENT OF HEALTH AND HUMAN

#### 10 SERVICES

#### 11 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES 12 ADMINISTRATION

##### 13 SUBSTANCE ABUSE TREATMENT

14 For an additional amount for "Substance Abuse  
 15 Treatment", \$240,000,000, to remain available until ex-  
 16 pended: *Provided*, That such amount is designated by the  
 17 Congress as an emergency requirement pursuant to sec-  
 18 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
 19 gency Deficit Control Act of 1985 (2 U.S.C.  
 20 901(b)(2)(A)(i)): *Provided further*, That of the amount  
 21 provided—

22 (1) \$225,000,000 is for the Substance Abuse  
 23 Prevention and Treatment block grant program  
 24 under subpart II of part B of title XIX of the Public  
 25 Health Service Act;

1 (2) \$10,000,000 is for the Medication Assisted  
 2 Treatment for Prescription Drug and Opioid Addic-  
 3 tion program of the Programs of Regional and Na-  
 4 tional Significance within the Center for Substance  
 5 Abuse Treatment; and

6 (3) \$5,000,000 is for the Recovery Community  
 7 Services program of the Programs of Regional and  
 8 National Significance within the Center for Sub-  
 9 stance Abuse Treatment.

#### 10 SUBSTANCE ABUSE PREVENTION

11 For an additional amount for "Substance Abuse Pre-  
 12 vention", \$20,000,000 for the Strategic Prevention  
 13 Framework/Partnership for Success Strategic Prevention  
 14 Framework Rx of the Programs of Regional and National  
 15 Significance within the Center for Substance Abuse Pre-  
 16 vention, to remain available until expended: *Provided*,  
 17 That such amount is designated by the Congress as an  
 18 emergency requirement pursuant to section  
 19 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
 20 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

#### 21 MENTAL HEALTH

22 For an additional amount for "Mental Health" for  
 23 the Project AWARE program of the Programs of Regional  
 24 and National Significance within the Center for Mental  
 25 Health Services, \$5,000,000, to remain available until ex-

1 pending. *Provided*, That such amount is designated by the  
 2 Congress as an emergency requirement pursuant to sec-  
 3 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
 4 gency Deficit Control Act of 1985 (2 U.S.C.  
 5 901(b)(2)(A)(i)).

#### 6 CENTERS FOR DISEASE CONTROL AND PREVENTION

##### 7 INJURY PREVENTION AND CONTROL

8 For an additional amount for "Injury Prevention and  
 9 Control" for expanding State-level prescription drug abuse  
 10 prevention efforts such as improving prescription drug  
 11 monitoring programs, data collection, and collaboration  
 12 among States, \$50,000,000, to remain available until ex-  
 13 pired: *Provided*, That such amount is designated by the  
 14 Congress as an emergency requirement pursuant to sec-  
 15 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-  
 16 gency Deficit Control Act of 1985 (2 U.S.C.  
 17 901(b)(2)(A)(i)).

#### 18 NATIONAL INSTITUTES OF HEALTH

##### 19 NATIONAL INSTITUTE ON DRUG ABUSE

20 For an additional amount for the "National Institute  
 21 on Drug Abuse" for carrying out section 301 and title IV  
 22 of the Public Health Service Act with respect to drug  
 23 abuse, \$30,000,000, to remain available until expended:  
 24 *Provided*, That such amount is designated by the Congress  
 25 as an emergency requirement pursuant to section

1 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
 2 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

#### 3 OFFICE OF THE SECRETARY

##### 4 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

##### 5 FUND

6 For an additional amount for the "Public Health and  
 7 Social Services Emergency Fund" to better coordinate and  
 8 respond to the national heroin and opioid drug abuse crisis  
 9 at the discretion of the Secretary of Health and Human  
 10 Services, \$40,000,000, to remain available until expended.  
 11 *Provided*, That such amount is designated by the Congress  
 12 as an emergency requirement pursuant to section  
 13 251(b)(2)(A)(i) of the Balanced Budget and Emergency  
 14 Deficit Control Act of 1985 (2 U.S.C. 901(b)(2)(A)(i)).

## **Actions You Can Take to Support S. 2423**

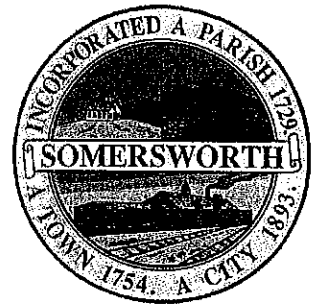
**Making appropriations to address the heroin and opioid drug abuse epidemic for the fiscal year ending September 30, 2016, and for other purposes.**

- Mayors can encourage the United States Conference of Mayors to endorse the bill.
- City Councils can pass resolutions demonstrating their support of the bill.
- Individuals can send personal stories of how addiction has impacted them as an individual or their family to Senator Jeanne Shaheen's office. Stories can be sent to

Christopher Scott  
Special Assistant for Policy & Projects  
Office of U.S. Senator Jeanne Shaheen  
1589 Elm Street, Suite 3  
Manchester, NH 03101  
Tel: 603.647.7500

- Individuals can send letter of support to the following individuals:

<b>Senate Leadership</b>	<b>Senate Appropriations Committee</b>
<b>Senator Mitch McConnell</b> United States Senate 317 Russell Senate Office Building Washington, DC 20510 Phone: (202) 224-2541	<b>Senator Thad Cochran</b> United States Senate 113 Dirksen Senate Office Building Washington, D.C. 20510-2402 Phone: 202-224-5054
<b>Senator Harry Reed</b> United States Senate 522 Hart Senate Office Building Washington , DC 20510 Phone: <u>202-224-3542</u>	<b>Senator Barbara Mikulski</b> United States Senate 503 Hart Senate Office Building Washington, D.C., 20510 Phone: (202) 224-4654



# Tri-City Mayors Summit on the Opioid Addiction Crisis

## AGENDA

**5:30 – Networking and Refreshments**

**6:00 - Welcome and Introductions**

**6:05 - Keynote Speaker – Senator Jeanne Shaheen**

**6:15 - Overview of Local Initiatives**

6:15 - Rochester - Mayor Caroline McCarley

- Rochester Police Department – Chief Michael Allen
- Bridging the Gaps Coalition - Molly Martuscello

6:25 - Somersworth - Mayor Dana Hilliard

- Somersworth Police Department - Lt. Timothy McLin
- Mayor's Drug Task Force and Somersworth Prevention Coalition – Mark Rideout

6:35 - Dover - Mayor Karen Weston

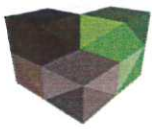
- Dover Police Department - Chief Anthony Colarusso
- Community Outreach Bureau/Dover Coalition for Youth – Vicki Hebert

6:45 – Regional Initiatives

- Strafford County Sheriff's Office - Sheriff David Dubois
- Goodwin Community Health - Janet Laatsch
- Wentworth-Douglass Hospital - Dr. Lukas Kolm

**7:00 - Group discussion on collaboration and what still needs to be done**

**7:50 – Closing Remarks by Tri-City Mayors**



Site Name: BRETTON CLEANERS Tax Map & Lot Number: 11 181A Property Size (Acres): .547

Site's Street Address: 1 WINTER ST. Town/City: SOMERSWORTH, NH

1. Former and Current Uses: FORMER USES- DRY CLEANER, HARDWARE STORE, STORAGE FACILITY
2. Are there structure(s) on the property? If so, please describe: (1) Building 3,444 GFA  
POOR CONDITION, UNUSABLE, ROTTING WOOD, EXCAVATED UP, VACANT FOR 15 YEARS
3. Are the building(s) occupied? ☐ Yes ☒ No If yes, partially or fully?: \_\_\_\_\_
  - a. If unoccupied or partially occupied, explain why: BUILDING IS UNUSABLE
4. Is the site known to be contaminated? ☒ Yes ☐ No ☐ I don't know
  - a. If yes, is the type of contamination known? ☒ Yes ☐ No ☐ I don't know
  - b. If yes, please explain: PCE CONCENTRATIONS EXCEED NHDES STANDARDS, NON FIBRILE ASBESTOS
5. Have studies been conducted to identify or assess contamination? ☒ Yes ☐ No ☐ I don't know
  - a. If yes, please explain (Please attach findings and other pertinent details): NOBIS ENGINEERING CONDUCTED TESTING AND COMPLETED A HAZARDOUS BUILDING MATERIAL AND SUBSURFACE INVESTIGATION
  - b. If no, what is the nature of suspected contamination (types of hazardous substances): \_\_\_\_\_
6. Are there plans for acquisition and/or redevelopment of the property? ☒ Yes ☐ No ☐ I don't know
  - a. If yes, please explain: IF FUNDING IS AVAILABLE THE CITY WOULD LOOK TO ACQUIRE PROPERTY BY TAX DEED. WE DO NOT HAVE A REUSE PLAN FINALIZED AT THIS TIME
7. Are there any other issues relevant to this property that should be considered during the nomination process? (e.g. back taxes, tax liens, foreclosure, abandoned by owner, or other legal issues)
  - a. If yes, please explain: CURRENT OWNERS ARE DELINQUENT IN EXCESS OF \$94,680 IN BACK PROPERTY TAXES.

Property Owner Information:

Name: MICHAEL + KATHLEEN BRETTON Signature: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: PO BOX 1062 MILTON, NH Email: \_\_\_\_\_

Nomination Submitted By:

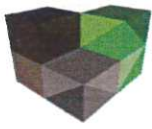
Name: \_\_\_\_\_ Signature: City Manager Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Email: \_\_\_\_\_

Return Site Nomination Form to:

**Matthew Sullivan**  
Strafford Regional Planning Commission  
150 Wakefield St.  
Suite 12  
Rochester, NH 03867  
Or by email to [msullivan@strafford.org](mailto:msullivan@strafford.org)

DRAFT



Site Name: HILLTOP SCHOOL Tax Map & Lot Number: 11 49 Property Size (Acres): 2.08

Site's Street Address: GRAND ST. Town/City: Somersworth, NH

1. Former and Current Uses: former use was a school
2. Are there structure(s) on the property? If so, please describe: (1) MAIN BUILDING ON PROPERTY
3. Are the building(s) occupied? ☐ Yes ☒ No If yes, partially or fully?: \_\_\_\_\_
  - a. If unoccupied or partially occupied, explain why: School closed in 2008 AND REMAINED UNOCCUPIED since
4. Is the site known to be contaminated? ☐ Yes ☐ No ☒ I don't know
  - a. If yes, is the type of contamination known? ☐ Yes ☐ No ☐ I don't know
  - b. If yes, please explain: N/A
5. Have studies been conducted to identify or assess contamination? ☐ Yes ☐ No ☒ I don't know
  - a. If yes, please explain (Please attach findings and other pertinent details): N/A
  - b. If no, what is the nature of suspected contamination (types of hazardous substances): \_\_\_\_\_  
Asbestos AND LEAD
6. Are there plans for acquisition and/or redevelopment of the property? ☒ Yes ☐ No ☐ I don't know
  - a. If yes, please explain: THE CITY DOES PLAN TO REDEVELOP THIS PROPERTY AND HAS completed two reuse studies. We are exploring options for this.
7. Are there any other issues relevant to this property that should be considered during the nomination process? (e.g. back taxes, tax liens, foreclosure, abandoned by owner, or other legal issues)
  - a. If yes, please explain: N/A

Property Owner Information:

Name: CITY OF Somersworth Signature: \_\_\_\_\_ Phone: \_\_\_\_\_

Mailing Address: 1 GOVERNMENT WAY Somersworth, NH Email: \_\_\_\_\_

Nomination Submitted By:

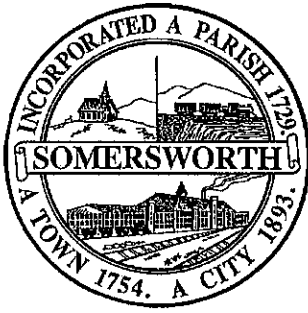
Name: \_\_\_\_\_ Signature: CITY MANAGER Phone: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ Email: \_\_\_\_\_

Return Site Nomination Form to:

Matthew Sullivan  
Strafford Regional Planning Commission  
150 Wakefield St.  
Suite 12  
Rochester, NH 03867  
Or by email to [msullivan@strafford.org](mailto:msullivan@strafford.org)

DRAFT



Kristen Ducharme  
Recreation Supervisor

Memorandum

**To:** Bob Belmore, City Manager  
**CC:** Mike Bobinsky, Director of Public Works and Utilities  
**From:** Kristen Ducharme, Recreation Supervisor  
**Date:** March 18, 2016  
**Subject:** Serve With Liberty

Liberty Mutual will once again be hosting Serve with Liberty during the weeks of May 2<sup>nd</sup>- May 13<sup>th</sup>. In order to participate we will need to register and provide a project outline and identify potential tasks. In speaking with our Public Works Department we have come up with a potential project at the Mast Point Dam Recreation Area site.

Potential project and task list:

Trail work at the Mast Point Dam Recreation Area

- Help spread wood chips throughout trail system
- Line the trail system with existing fallen trees
- Remove weeds and growth on the trail
- Clean up debris and litter near the entrance and along the trail system.

We estimate this project will take approximately 6-8 hours (1-day only) with 50 volunteers. Volunteers would work in a collaborative effort with the Recreation Supervisor and the Public Works Department. As part of the project we would need to supply all materials and tools needed.

Materials:

- Wood chips, rakes, shovels, clippers, trash bags, etc.

I'm available at your discretion to discuss further. Thank- you.

Sincerely,

Kristen Ducharme  
Recreation Supervisor