

BOARD OF SELECTMEN MEETING
October 17, 2023
MINUTES

Present: Jason Somero (Acting Chair), Lou Alvarez, Debbie Deaton (Town Administrator)

Also present: Steve Beaulieu

5:00 Open Meeting with the Pledge of Allegiance

Shawn thanked everyone (volunteers, town departments, vendors and residents) for a very successful Autumnfest. It was a well rounded community day. There were about 30-40 volunteers on the day of, along with many vendors. The donations benefitted many charities, schools, churches, etc. We would like to build on that for next year. If there are any vendors or volunteers that would like to be part of it next year, please reach out.

5:05 Police Chief Mike Abel:

Chief Abel stated he wanted to follow up on his email regarding a retention stipend for officers. We are losing officers to other agencies due to pay and benefits/incentives. He said he drafted a sample agreement between the Town and employee if the Board agrees to the stipend. He went on to say he recommends serious consideration of this to retain officers. The 2023 salary line will have a surplus so it would cover this. The agreement can be adopted or adapted by the Board.

Chief added one officer has already left, another one will be leaving in March and another will be leaving in 2-3 weeks. Chief is trying to come up with creative ways that would incentivize officers to stay. Debbie asked how many officers would be receiving the \$10,000 stipend. Chief replied one.

Shawn said he definitely sees the importance of this and the fact that the salary line would cover it.

Jason mentioned the 2014 Warrant Articles that had passed regarding not giving bonuses or pay raises. Shawn stated we had received legal advice stating that warrant article was advisory only and not binding but it passed so we need to consider the opinion of the Town. Shawn suggested, because it was approved, we should hold a Public Hearing to get the opinion of the community now so we could do this in good faith. He added he understands where that warrant article came from but we are in different times now.

Chief said he probably wouldn't even ask for this if he was getting any applicants but there haven't been any viable candidates. We need to make it attractive for people to work here.

Lou asked if there was a stipulation when we received ARPA funds, it included bonuses. Debbie replied we could have used it for bonuses but the stipulation was, if you give a bonus to one employee, you have to give the same bonus to all employees.

Jason said this warrant article is a big hurdle when situations arise that we need to act on, especially in these times. Chief added it's much easier to retain people than it is to hire someone. Jason also said this falls in line with the housing crisis, etc. People can't afford to buy houses on their current salaries, not to mention groceries and other bills.

Shawn said Mike has put a lot of hard work into building the department and now other towns are offering either more incentives/benefits and/or higher salaries. Jason asked what the cost of training a new officer is. Chief replied approximately \$75,000-\$100,000 from start to finish. He went on to say this includes advertising, academy, outfitting, training with another officer and the resources needed are extensive. Therefore, it's much less costly to give incentives than to hire and train officers.

Jason asked if there was any direct contact from other towns contacting the officers. Mike replied he didn't believe there is any intentional direct targeting of officers by other towns.

Lou added he felt other towns are bartering with potential officers to make it more attractive. Jason asked if the incentive worked for Rindge. Chief said it did, to his knowledge, only one officer left. Shawn stated he likes the option and we should have a public hearing to let the residents weigh in. Shawn made a motion to hold a public hearing on November 7, 2023 at 7:00pm on employee hiring and retention initiatives in light of the warrant article of 2014. Lou seconded the motion and it passed unanimously. Debbie will check with Craig Reynolds to see if it can be held at the Mascenic auditorium. If that isn't available, we will need to have it at the Town Office. Debbie will also post the public hearing in the Monadnock Ledger, the website and Facebook.

Chief Abel said he will be there to field questions and feels this is a good idea.

Jason asked if this is going to open the floodgates for other departments. Lou agreed. Shawn said he believes the Board should have this flexibility and they are responsible enough to exercise this in a responsible way. Debbie added by having a public hearing, you are getting the current public opinion. Shawn added we are giving them a chance to speak their opinions.

Jason said he feels if that warrant article wasn't in place, this Board would probably approve this specific instance.

Detail Ordinance:

Chief Abel said the PD hasn't changed any Detail fees since 2013 and has drawn up a Police Detail Ordinance he would like the Board to review. He feels the increases are justified because of increased costs and are consistent with surrounding towns. Jason asked if we should review as a Board and send it to legal. Chief Abel said he copied the ordinance from Rindge and assumes they already vetted it.

The Board reviewed the ordinance. Jason said it's very easy to understand. Shawn made a motion to accept the Police Detail Ordinance. Lou seconded the motion and it passed unanimously. The Board signed the ordinance. Debbie will give it to the Town Clerk for her signature and return it to Chief Abel.

There was some discussion regarding police details and how would a resident know they would need one. Chief replied they should call the PD if they think they are having an event that could potentially require a detail. He added there is a penalty if an event requires a detail and the resident/organizer doesn't comply.

Cruiser Issue:

Chief Abel updated the Board on the cruiser leak he has been dealing with. The PD paid MHQ to fix the issue and it's still leaking. Chief Abel spoke to the original shop to see if they will be willing to pay part of the repair. He asked the shop to look at it again to make sure this doesn't happen again in the future and found it was still leaking. Chief asked MHQ to come pick it up again. He has been without the cruiser in rotation for over 5 weeks.

Shawn asked if he could contact Ford to find out if there's a recall or they can figure out how to fix it. He replied he hadn't yet. He's waiting to hear back from MHQ. He just wanted keep the Board up to date on this. He's still trying to find a solution.

6:00 DPW- Peter Somero:

Peter stated he hasn't been doing any aggressive advertising for the open positions but he is not getting many applicants. He wondered if he could change the starting pay to \$24-\$26/hour depending on experience and qualifications and if he could do some kind of sign on bonus and reimbursement for CDL licensing.

Shawn asked what he was thinking as far as the budget goes for 2024. Peter replied he is keeping it status quo without COLA. He has 3 open positions and would like to start people at the \$24-\$26. He has looked into

other towns and they are offering approximately \$21+ per hour but are paying 100% of health insurance. Jason said it would cost approximately \$10,000 to train a new DPW worker without a CDL.

Jason asked how much it is to get a CDL license. Peter replied for a CDL B is between \$4,000 and \$5,450. The CDL A is approximately \$9,450. Jason asked if the Town owns any equipment that would require a CDL A. Peter replied we do not with the exception of the tag trailer.

Jason also asked if the town would be paying the employee for their time while taking the class. Peter replied they would. Peter added the classes are backlogged until March right now.

Shawn said we offer benefits so that adds value to the complete package. Debbie stated a lot of employees just look at their hourly wage and not the value of the benefits we offer. Shawn said we should see what that number is and state the value.

Jason said Chief Abel has agreement forms for the incentive and Peter should have that for the CDL license. Debbie will help with that.

The Board agreed this topic could also be discussed at the public hearing on November 7th. Shawn said Peter should have an information packet put together for the public hearing.

Peter said he would look into more aggressive advertising.

Transfer Station:

Peter asked if we had to accept concrete at the Transfer Station. Concrete is very heavy and we have to pay to get rid of it. Peter said they usually crush it and use it but there is more there than they can use. The Board agreed they didn't have to accept concrete.

Shawn mentioned he had a question from a resident about why we charge for metal disposal if we get paid for it. Peter said we were not getting paid previously for the metal. We have just started getting money for it. Steve said it depends on what type of metal it is. If it's a refrigerator, washer, dryer or something that has material other than metal we charge for it. If it's strictly metal such as brake rotors, we don't charge.

Peter said he is also looking into whether or not we should put money into our transfer station if Shaw's will be opening theirs soon.

Steve said he had spoken to Brownie regarding the recycling plant Shaw's is opening in Greenville. He said the facility should be opening in May/June and he is planning on opening it up to residents and municipalities. Brownie didn't know how many days or the hours they will be opening. Steve explained our situation to him and Brownie suggested we don't spend a lot of money on it if we're planning on getting out of the transfer station business.

Steve asked if we could find a used trailer/office for the employees to work out of. If we decide to close the transfer station, the trailer/office could be used at the DPW. Peter said he will look into a construction office trailer.

Peter said they definitely need to replace the roof over the demo container because it's ready to collapse. Shawn said to put together a plan with price quotes for each item and bring them back to the Board.

Peter mentioned there are some saplings growing close to the buildings at the transfer station and would like to cut them down before mold starts growing and the roots start getting into the foundation.

Shawn said he had heard from the residents on Stowell Road and appreciates the quick response to addressing the issue.

Roofing:

Peter submitted a quote for the pool and filter roofs. Shawn said we need at least 3 quotes. If he can't get more quotes, submit a list of the places he called and the responses and also where the money is going to come from.

Peter mentioned it could come from the GGB maintenance fund. Shawn asked him to keep in mind there are repairs at the Fire Department that were promised.

Jim asked if the dead limb on Wilson Hill Road can be addressed.

6:45 Jim Coffey:

Jim said he wanted to make sure the Board of Selectmen knew they couldn't issue a Betterment tax warrant for the Old Beaver residents, that is the responsibility of the Board of Assessors and they should be included in the conversation. He was assured they are aware of that and Shawn informed Jim of the Public Hearing on October 24th at 7:00pm.

Jim also mentioned alternates on Boards (ZBA & Planning) should not be allowed to sit at the table with Board members unless they are appointed as members for that meeting. They should be sitting in the audience. Shawn said they are aware of this and have made name plaques for each person on the Planning Board and their position on the Board. If an alternate is appointed as a member, they turn their plaque around to show they are a member for the evening.

Mr. Coffey said the Board should look into the ZBA overstepping their responsibilities and basically conducting a site plan review while they are reviewing cases for Special Exceptions and Variances which is the responsibility of the Planning Board. Shawn said it still occurs but it has been noted and observed.

7:16 Round Table Discussion:

- Debbie said she had spoken to the DRA today and got the preliminary tax rate. She informed the Board it will take \$50,757 to reduce the tax rate by 50 cents. Shawn asked for the comprehensive report.
- She also spoke to Bentti regarding the outfitting of a donated fire truck. There was discussion among the Trustees of the Trust funds regarding using the Capital Reserve fund for this and they decided there should be a warrant article asking for the amount it would take to outfit the truck and reduce the Capital Reserve by the same amount so the net would be \$0. Shawn said the Fire Department will present a full plan for this.
- Jason asked if we should pay for a title search to find out if we can sell the Antique Fire Brigade building or use it for another purpose due to the old deed Debbie found stating it can only be used for Fire Department purposes. Debbie will get quotes for a title search.
- Jason asked for an update on the Brownfield project for the old highway garage. Debbie said she had received an email today stating the grant had been approved for the ground penetrating radar and we will be contacted within the next few weeks.
- Shawn asked about any updates on the cell tower. Debbie said she sent the signed Class VI road agreement and the TUA via FedEx out today. Vertex will be recording these at the Registry of Deeds. They will be getting a building permit soon.
- Shawn mentioned a resident had spoken to him about a tattered flag near the pool. Debbie will ask Peter to take it down and dispose of it properly. A new one will be flown if we have one. He mentioned speaking to the new Memorial Day committee about keeping an eye on all of the flags. Jason said the DPW takes care of the roadside flags and the Memorial Day committee usually does the flags at the cemeteries.
- Jason mentioned it will be nice to have a renewed Memorial Day Committee. Jason added we need to have a meeting for the interested parties. He also said we should rename it the Patriotic Committee.
- Jason said he talked to the Historical Society at Autumnfest about the 275th Anniversary of the Town and they would like to be involved in the planning of the celebration. Shawn said he spoke to someone also and mentioned closing down Main Street for the celebration and they liked the idea. We need to come up with a plan. Debbie mentioned Jaffrey just had their anniversary this year and she will be talking to their Town Administrator. Debbie also mentioned we should have a warrant article to raise funds for the celebration.

At 7:37, Jason made a motion to adjourn. Shawn seconded the motion and it passed unanimously.


Respectfully submitted,

Debbie Deaton
Town Administrator

Minutes approved by BOARD OF SELECTMEN

Shawn Talbot, Chairman: 

Jason Somero: 

Lou Alvarez: 



TOWN OF NEW IPSWICH

Employment Agreement

THIS AGREEMENT, made and entered into this 10th day of October, 2023, by and between _____(Employee)_____, of ____ (City, State)_____, hereinafter "Employee" and the Town of New Ipswich, New Hampshire, hereinafter "Town of New Ipswich".

WHEREAS, the parties are subject to an employment agreement dated _____; and

WHEREAS, it is the desire of the Employee to remain employed by the Town of New Ipswich; and

WHEREAS, it is the desire of the Employer to retain the Employee;

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties agree as follows:

Section 1. The following Employment Agreement dated October 10, 2023:

- A. Employee agrees to remain employed as a Full Time Police Officer/Sergeant/Chief with the Town of New Ipswich through October 10, 2024.
- B. Employer agrees to pay Employee a one-time retention stipend of \$10,000.00, subject to taxation.
- C. Employee agrees to accept the retention stipend with the stipulation that if he/she resigns from the Town of New Ipswich prior to October 10, 2024, said \$10,000.00 retention stipend is to be repaid to the Town of New Ipswich in full, including taxation.
- D. Employee understands that he/she is not obligated to accept the terms of the agreement and may, instead, forgo receipt of the \$10,000.00 retention stipend.

Section 2. All other provisions remain unchanged.

Section 3. This agreement shall become effective immediately and Employee shall issue said retention stipend within seven (7) days of receipt.

The foregoing provisions are understood and agreed to by the undersigned.

IN WITNESS WHEREOF, the parties have agreed to and executed this AGREEMENT at New Ipswich, New Hampshire.

Date

Employee's Signature

Employee's Date of Birth

Date

Chief of Police or Designee

Town of New Ipswich Board of Selectmen

Shawn Talbot, Chairperson

Jason Somero

Lou Alvarez



**TOWN OF NEW IPSWICH
TOWN ORDINANCE
POLICE DETAILS**

Adopted October XX, 2023

No. 2023-1

- 1.0 Statement of Purpose:
- 2.0 Authority:
- 3.0 Procedures:
- 4.0 Cancellation:
- 5.0 Exemptions:
- 6.0 Detail Rates:
- 7.0 Billing:
- 8.0 Penalty:
- 9.0 Appeal Process:

References: Appendix A --NH RSA105:9 Police Attendance at Public Meetings or Functions
Appendix B-NHDOT Flagger and Uniformed Officer Use in Work Zones

1.0 Statement of Purpose

The purpose of this ordinance is to establish guidelines for when a police detail is required to provide safety and security for the general public at public meetings or functions and when road projects impede the flow of traffic. This ordinance will also set forth cost and billing procedures for police details.

2.0 Authority

New Hampshire RSA 105:9, Police Attendance at Public Meetings or Functions, governs police attendance at public meetings or functions.

3.0 Procedure

3.1 When in the course of emergency repairs or construction on Public Ways in the Town of New Ipswich, vehicles are forced over the center of the street, or the flow of traffic must be detoured, or the flow of vehicular or pedestrian traffic is impeded, a certified flagger or uniformed police officer(s) may be required. The Chief of Police shall determine if traffic control is necessary and if so, what type of traffic control is appropriate. When deciding which is appropriate, the Police Chief may reference the "NHDOT Flagger and Uniformed Officer in Work Zones Guidelines."

3.2 A police detail may be required when any individual, group, corporation, or organization holds a public meeting or function of any kind in which the general public is allowed to attend. The Chief of Police, depending on the type of activity and number of persons in attendance, will determine whether a detail is necessary and if so, the number(s) of officers required.

3.3 Details shall be offered on a rotation, and assignments are voluntary. In the event that no New Ipswich officers take a detail, it may be offered to other Police Departments.

4.0 Cancellation

Any entity which needs to cancel a detail must do so a minimum of (2) hours prior to the starting time of said detail. Failure to do so shall result in a charge for four (4) hours of detail pay and the minimum cost of the cruiser(s).

5.0 Exemptions

The following uses and activities shall be exempt from the Detail Policy for the Town of New Ipswich.

5.1 Non-profit and civic groups, whose event is deemed to enhance the Town's sense of community as defined by the Board of Selectmen. If traffic control is deemed necessary by the Police Chief, these groups shall pay the wages and associated benefits of full-time officers at the overtime rate, rather than the detail rate, or part-time officers at the overtime rate, if no full-time officers are available.

5.2 Any event or project sponsored by the Town of New Ipswich. If traffic control is deemed necessary by the Police Chief, the Police Department will provide staffing for such at the overtime rate.

6.0 Detail Rates

6.1 Town billing rate for details is \$85.00 an hour, with a four (4) hour minimum, and \$127.50 an hour for any hours beyond 8 on a given day.

6.2 Cruiser usage is billed at \$15.00 an hour, with a four (4) hour minimum and no maximum (may be waived by the Police Chief).

6.3 Officer(s) rate of pay is \$60.00 per hour, with a four (4) hour minimum, for the first 8 hours and \$90.00 per hour for any hours worked beyond 8 on a given day.

6.4 Details worked on holidays or weekends will be billed at the detail overtime rate of \$90.00 per hour for the duration of the detail, with a four (4) hour minimum at the Chief's Discretion.

7.0 Billing

7.1 The Police Department will submit invoices upon the conclusion of the detail, or on a weekly basis for an ongoing detail.

7.2 Payment is due within (30) days of billing. A late fee of 12% of the outstanding balance may be assessed for each following 30-day period, up to 60 days. After that period the late fee will be assessed at the rate of 24% for each 30-day period, up to 120 days from the original date of

billing. The overdue party will be subject to court and reasonable attorney fees for arrears beyond 120 days.

7.3 The Police Chief, in his/her sole discretion, reserves the right to require a deposit or payment in full, for any detail.

7.4 Ongoing details, for which payment is in arrears, shall be withdrawn.

7.5 All revenues derived pursuant to the ordinance shall be deposited in the Police Detail Revolving Fund.

8.0 Penalty

Any person, firm, or corporation who violates the provisions of this ordinance shall be guilty of a civil violation for each offense and shall be subject to a fine of three hundred (\$300) dollars for a first offense. Second and subsequent offenses shall be subject to a fine of six hundred (\$600) dollars.

9.0 Appeal Process

An individual, company, or group may appeal the Police Chief's decision to require a detail officer or flagger to the Board of Selectmen within 15 days of the decision. The appealing party must demonstrate to the Board why the Chief's recommendation should not be followed and how all safety concerns and requirements would be met in order to ensure the safety of all those within the work zone and those traveling through the work zone.

Reviewed this 17th day of October, 2023 Michael J. Abel
Michael J. Abel, Chief of Police

Adopted by the Board of Selectmen this 17th day of October, 2023.

Shawn Talbot
Shawn Talbot, Chairperson

Jason Somero
Jason Somero

Lou Alvarez
Lou Alvarez

Received and recorded this 17th day of October, 2023.

Lisa M. Carbone
Lisa Carbone, Town Clerk

New Ipswich Police Department

Detail Fees

Current Billing Rate:

Admin Fee: \$20 per hour

Officers paid: \$50 per hour

Total Billing Rate: \$70 per hour

Cruiser Fee: \$10 per hour

Proposed Billing Rate:

Admin Fee: \$25 per hour

Officers paid: \$60 per hour

Total Billing Rate: \$85 per hour

Cruiser Fee: \$15 per hour

TITLE VII

SHERIFFS, CONSTABLES, AND POLICE OFFICERS

CHAPTER 105

POLICE OFFICERS AND WATCHMEN

Section 105:9

105:9 Police Attendance at Public Meetings or Functions. –

I. Any person desiring to conduct a public dance, circus or carnival shall make application for police attendance at that function. Any person who conducts a public dance, circus, or carnival without first making application for police attendance at that function is guilty of a violation.

II. The chief of police in any city or town, subject to the written approval of the mayor and board of aldermen, board of selectmen, or licensing board shall examine applications for police attendance at public dances, circuses and carnivals and determine if such attendance is necessary. If the chief of police decides police attendance is necessary, he shall detail one or more police officers to attend whose services shall be paid for by the applicant.

III. The chief of police shall have the authority to assign police details to attend any public meetings or functions which he determines may potentially:

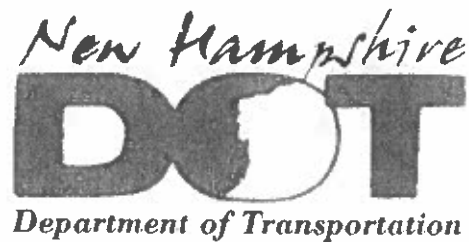
- (a) Involve traffic-related problems; or
- (b) Lead to a public disturbance or public nuisance; or
- (c) Endanger public health, safety or welfare.

III-a. The applicant or sponsor of any public meeting or function may be charged for the services of any police officers that may be detailed or assigned to that meeting or function, unless charges authorized by this section for the services of a police officer are waived by the chief of police when in his judgment such authorization does not conflict with an existing local ordinance or policy.

IV. The chief of police, the police department, and any city, town, or political subdivision shall not be held liable for any decision not to detail police officers to attend any public meeting or function.

Source. 1925, 124:1. PL 363:9. RL 422:9. RSA 105:9. 1971, 108:1. 1973, 528:36; 529:16. 1983, 290:1. 1985, 5:1. 1986, 72:1, eff. July 11, 1986.

11
R




FLAGGER AND UNIFORMED OFFICER USE IN WORK ZONES

GUIDELINES

June 5, 2009
Revised February 5, 2013

Approved:



David J. Brillhart, P.E.
Chief Engineer

Rev. Date: 2/5/13

(Written in support of NHDOT policy: *Flagger and Uniformed Officer Use in Work Zones*)

NHDOT FLAGGER AND UNIFORMED OFFICER GUIDELINES

02/05/2013

TABLE OF CONTENTS

I.	GENERAL GUIDANCE.....	2
	A. TRAFFIC CONTROL OPERATIONS.....	2
	B. PRESENCE.....	3
	C. ENFORCEMENT.....	4
	D. EMERGENCY ASSISTANCE.....	4
II.	MWZA AND EARLY COORDINATION GUIDANCE	5
III.	FIELD USE GUIDANCE.....	6
IV.	UNIFORMED OFFICER TRAINING	7
V.	FLAGGER TRAINING.....	7
VI.	UNIFORMED OFFICER REIMBURSEMENT.....	7
VII.	SAMPLE MUNICIPAL WORK ZONE AGREEMENT (MWZA)...	8
VIII.	SAMPLE DISTRICT RESURFACING LETTER.....	9

NHDOT FLAGGER AND UNIFORMED OFFICER GUIDELINES

02/05/2013

I. GENERAL GUIDANCE:

The following guidelines for the use of flaggers and uniformed officers were developed by the NHDOT in cooperation with FHWA. The goal of these guidelines is to reduce the likelihood of injuries and fatalities to workers and road users in NHDOT Work Zones, while maintaining a fiscally responsible approach in their use. These guidelines provide parameters to identify the appropriate need and consistent use of flaggers and uniformed officers addressed by the following categories:

- A. Traffic control** (guiding and directing traffic in, through, and around a work zone).
 - B. Presence** (deter speeding and aggressive driving, encourage drivers to cautiously proceed through the work zone)
 - C. Enforcement** (actively enforce traffic laws within the work zone on an as needed basis to gain driver awareness rather than as a full-time operation).
 - D. Emergency assistance** (assist and coordinate activities at accident sites within the work zone, report accidents)
- A. TRAFFIC CONTROL OPERATIONS:** Flaggers shall be used to the greatest extent possible for "dynamic" traffic control operations. However, the use of uniformed officers may be necessary in some instances.

Examples of dynamic traffic control operations where **flaggers** should be used include:

1. Alternating 1-way traffic (stop/slow paddles must be used).
2. Directing traffic through low volume intersections.
3. Assisting trucks and equipment in and out of work areas.
4. Providing coverage at side roads and driveways during mobile operations (i.e. paving, striping, etc.).
5. Directing pedestrians and bicyclists through the work zone.
6. Providing detour guidance beyond work zone limits.

Examples of dynamic traffic control operations where **uniformed officers** may be used include:

1. Directing traffic through complex intersections, especially where signals are being overridden.
2. Assisting construction vehicles and equipment in and out of work areas on high speed, high volume facilities. Note: If an access area is anticipated to be in place for an extended period of time and it is determined that assistance is required for the safe exit and entry of construction vehicles, then a cost analysis should be completed to determine if stationary measures (i.e. signals) would be more cost effective than officers or flaggers.
3. Rolling roadblock operations on interstate and turnpike facilities and other multi-lane L.A.R.O.W. highways.
4. If a uniformed officer is already on site for other needs (**enforcement** or **presence**), then the officer may be asked to supplement these duties by providing limited duration traffic control that would otherwise be covered by a flagger. However, the officer must be adequately trained for the flagger operation to be performed and must use appropriate equipment and techniques (which may include the use of stop/slow paddles).

NHDOT FLAGGER AND UNIFORMED OFFICER GUIDELINES

02/05/2013

- B. PRESENCE:** The use of flaggers or uniformed officers for **presence** should only be used when there is an added safety risk to the workers and road users due to speeding, other aggressive driving behaviors, and/or high traffic crash/incident rates attributed to other features such as poor highway geometrics.

Uniformed officers may be used for **presence** on high-speed facilities when workers are unprotected and in close proximity to high volume traffic for extended periods of time or where unique work zone conditions require a higher level of driver awareness to ensure safety.

Facilities where this application may be appropriate include, but are not necessarily limited to:

1. Interstate facilities
2. F.E. Everett Turnpike
3. Spaulding Turnpike (Middleton (Exit 18) south)
4. NH 101 corridor (Manchester East)
5. Roads with a posted speed of 45 mph or higher **and** an average daily traffic (ADT) volume of 15,000 vpd or greater.

Flaggers may be used for **presence** on projects involving roads with a posted speed of less than 45 mph or ADT volumes less than 15,000 vpd to alert and slow traffic with the use of hand signals and hand-signaling devices as described in Chapter 6E of the MUTCD.

Though typically not necessary, **flaggers** may be used for **presence** on roads with posted speeds of greater than 45 mph or ADT volumes more than 15,000 vpd if the NHDOT determines that a **flagger presence** is desired to address safety.

If all work is behind barrier, neither officers nor flaggers are typically necessary.

The use of police vehicles should be considered for nighttime operations in most instances as the use of flashing blue lights, visible from 360 degrees, has been proven to deter aggressive driving behavior. However, the manner of their use during nighttime operations should be carefully considered as police vehicle lights provide no positive direction to motorists traveling through the work zone and are often overpowering and distractive. Excessive use of police vehicles with lights at night, or the inappropriate positioning of these vehicles, may actually detract from the positive guidance the work zone traffic control devices (TCDs) provide. When used for nighttime work, flashing blue lights shall be dimmed if capable.

Though typically not necessary, **uniformed officers** may also be used for **presence** on roads with posted speeds of less than 45 mph or ADT volumes less than 15,000 vpd if the NHDOT determines that a **police presence** is needed to address a specific safety issue. Examples of traffic control safety issues where a uniformed officer may be needed include:

1. A work zone with a high rate of crashes.
2. A work zone with vehicles traveling at excessive speeds.
3. A work zone with poor highway geometrics.
4. A work zone with excessive East-West sun glare.

NHDOT FLAGGER AND UNIFORMED OFFICER GUIDELINES

02/05/2013

NOTE: Using the flashing blue lights from a police vehicle to slow traffic approaching a work zone with poor visibility (i.e. East-West sun glare) or poor sight distance due to geometric features should be considered only after other measures have been determined to be ineffective.

- C. ENFORCEMENT:** The following guidelines are recommended to reduce the likelihood of injuries and fatalities to workers and road users by enforcing traffic laws within work zones. **Enforcement** can only be performed by uniformed officers.

Enforcement may be used during work zone operations where excessive speed and/or other aggressive driving behaviors are likely to jeopardize the safety of the workers and other road users.

Enforcement may be used on an as needed basis within a work zone where another officer is being used for **presence** to improve that officer's effectiveness.

Uniformed officers being used for **presence** should typically not be used for **enforcement** except for flagrant violations of traffic law.

If an arrest is necessary, the work-zone detail uniformed officer shall call in, and turn the arrest over to, an on-duty officer.

- D. EMERGENCY ASSISTANCE** While on site, work-zone detail uniformed officers may offer immediate assistance in emergency situations. However, on-duty police should be called to respond to vehicle crashes and other incidents within the work zone to allow the work-zone detail uniformed officers to resume their previously assigned duties.

During development of the project within the Design Bureaus, these guidelines should be used as a first step in identifying initial need, to be further developed and refined through coordination with the Bureau of Construction and the Traffic Control Committee. This will ensure consistency and conformity over all projects. These guidelines should also be used in the development of the contract documents. The Contract Administrator with the District Construction Engineer should be involved in the development of the contract plans, Prosecution of Work (POW), and Traffic Control Plan (TCP) narrative as much as possible, such that an appropriate cost for flaggers and uniformed officers is provided in the contract.

II. MUNICIPAL WORK ZONE AGREEMENT (MWZA) AND EARLY COORDINATION GUIDANCE:

Prior to the construction of a project, the municipality in which the work is being performed shall be notified of the NHDOT's intentions regarding the use of flaggers and/or uniformed officers within the work zone. A Municipal Work Zone Agreement (MWZA) is required on all projects, except for those done exclusively on Class I roads (interstate) or the NH Turnpike system; nor are they required for routine maintenance operations.

In order for work (final design, construction, etc.) to progress, the municipality will be required to sign a MWZA. The MWZA shall be the primary means of communicating to the municipalities the NHDOT's commitment and jurisdiction to control traffic on an upcoming construction project. The NHDOT shall present the MWZA to town or city officials for signature during the public participation process (public

NHDOT FLAGGER AND UNIFORMED OFFICER GUIDELINES

02/05/2013

hearings or informational meetings) to allow for execution prior to advertising of the project. Signature of the MWZA should be obtained prior to commencement of the Final Design phase. For those projects that do not go through a formal public participation process, a MWZA shall be presented to the affected municipalities and signed as soon as practicable and appropriate. A signed copy of the MWZA is to be included in the contract documents. No project shall be advertised for bids until the MWZA has been signed. See part VI of this document for a sample MWZA.

Early on in the public participation process, the NHDOT shall ask the police, fire, and other appropriate town officials for their input regarding current or past experiences related to traffic control issues within the vicinity of the proposed project limits. Topics of discussion may include, but are not limited to the following:

1. Accident history
2. Commuter traffic patterns
3. Traffic volume increases at certain times of day (i.e. school or factory letting out)
4. Traffic volume increases at certain times of year (tourist season)
5. Special town events (fairs, Old Home Days, etc.)

Advance notice of the meeting agenda or a follow-up meeting with public officials may be necessary to allow officials to give thoughtful feedback to these questions.

Near the end of the design phase and prior to advertising, the Project Manager shall meet with municipal officials to communicate the NHDOT's proposed traffic control plan. Elements of this discussion shall address earlier concerns raised by the municipalities during the public participation process and spell out the NHDOT's intentions regarding the use of flaggers and/or uniformed officers.

On District Resurfacing contracts, the District Engineer may elect to use a standard notification letter in lieu of a MWZA if the anticipated project impacts on the municipality are negligible. The standard notification letter will include the following paragraph:

"Please be aware that the State Legislature has delegated the Commissioner of the Department with the full authority to control traffic in highway/bridge construction work zones on Class I, II and III highways. Prior to commencement of the work, the Department will send notice of a preconstruction meeting. You are invited to attend this meeting as project schedule and anticipated traffic control measures are among the topics discussed."

See section VII of this document for a sample district resurfacing letter.

If Bridge or Highway Maintenance operations are likely to require work in an area for an extended period of time (i.e. one month or more), then a notice is to be sent to the town similar to the District Resurfacing letter outlining the NHDOT's intent. Executing a MWZA with the affected municipality should also be considered if the project's anticipated impacts warrant one.

If the NHDOT is overseeing work on Class IV or Class V roads (town roads), a separate municipal agreement will need to be written for signature by the municipality and language should be included in that agreement to address the NHDOT's traffic control authority and intentions during the life of that project. An example of this added language may be:

NHDOT FLAGGER AND UNIFORMED OFFICER GUIDELINES

02/05/2013

The DEPARTMENT will be responsible for the management and operation of these facilities throughout the duration of the construction of the project. The TOWN delegates to the DEPARTMENT the authority to control traffic within the TOWN road construction zones of this project.

III. FIELD USE GUIDANCE:

If the NHDOT determines that a uniformed officer is needed within the work zone, the following guidelines should also be followed:

1. Use State Police Troopers on interstate and turnpike facilities. County Sheriffs or local police should only be used on interstate or turnpike facilities if they have jurisdictional authority and State Police Troopers are unavailable.
2. Use local police on non-interstate and non-turnpike facilities. County Sheriffs and State Police Troopers may be used if local police are unavailable.
3. If the work zone extends into multiple towns on non-interstate or non-turnpike facilities and there is no mutual aid agreement between the neighboring police departments granting them authority to enforce traffic laws within the work zone, then the County Sheriffs or State Police Troopers are to be used.
4. If a police vehicle is required and the local police department is unable to provide a vehicle meeting the requirements of NHDOT specification 618.2.1, then the County Sheriffs or State Police Troopers are to be used. Private vehicles are not acceptable. Special duty vehicles, such as D.A.R.E. and animal control are also not acceptable.
5. If a uniformed officer is on site for **traffic control** or **presence** and work zone operations are unexpectedly suspended due to weather or other unforeseen reasons, then the uniformed officer may be used for **enforcement** of traffic laws within the work zone until the minimum payment time is reached as directed by the NHDOT on NHDOT projects.
6. If a police department chooses to split one work shift into two, no "minimum show-up time" payment will be made for the "2nd" officer shift if work ends early.
7. No "minimum show-up time" payment will be made to any police department for any uniformed officer that did not actually show-up on site.
8. Flaggers and/or uniformed officers are not to use cell phones or other mobile devices for personal use.
9. All traffic control personnel shall wear high-visibility safety apparel meeting the requirements of the most current MUTCD edition or Federal regulation 23 CFR 634, as appropriate.
10. STOP/SLOW paddles shall be used in accordance with the MUTCD and other state regulations.

IV: UNIFORMED OFFICER TRAINING:

Effective April 1, 2013, all Uniformed officers working on all NHDOT funded, including municipally managed, projects shall have successfully completed a NHDOT approved course on *The Safe and Effective Use of Law Enforcement Personnel in Work Zones*. This course shall be taken once every four years. Proof of successful course completion shall be supplied upon request.

NHDOT FLAGGER AND UNIFORMED OFFICER GUIDELINES

02/05/2013

Sources of NHDOT approved training can be found on the NHDOT website under work zone safety at www.NHDOT.gov

V: FLAGGER TRAINING:

Flaggers working on contract work for the NHDOT are required to meet the flagger training specifications listed under Section 618 of the NHDOT Standard Specifications for Road and Bridge Construction.

VI. UNIFORMED OFFICER REIMBURSEMENT AGREEMENTS/PAYMENT:

Reimbursement of uniformed officers on NHDOT contract work are to be as outlined under Section 618 of the NHDOT Standard Specifications for Road and Bridge Construction.

NHDOT FLAGGER AND UNIFORMED OFFICER GUIDELINES

02/05/2013

VII. SAMPLE MUNICIPAL WORK ZONE AGREEMENT (MWZA):

MUNICIPAL WORK ZONE AGREEMENT

FOR

(CITY / TOWN)

STATE PROJECT: _____

FEDERAL PROJECT: _____

THIS AGREEMENT, executed in *triplicate*, made and entered into this _____ day of (month) (year), between the New Hampshire Department of Transportation, hereinafter called the "DEPARTMENT" and the City / Town of (City / Town), hereinafter called the "CITY / TOWN".

WITNESSETH that,

WHEREAS, the DEPARTMENT will be (description of project);

WHEREAS, The State Legislature has delegated the Commissioner of the DEPARTMENT with full authority to control traffic in highway/bridge construction work zones on Class I, II, and III highways; RSA 228:21, 236:1, and 228:37;

WHEREAS, The Department intends to use a combination of flaggers and/or uniformed officers, as appropriate, to control traffic and ensure public and worker safety.

NOW, THEREFORE, in consideration of the above premises, it is mutually agreed as follows:

- A. The DEPARTMENT shall construct project (project name, number and description).
- B. The DEPARTMENT will be responsible for the management and operation of the highway throughout the duration of the construction of the project. This includes the authority to determine the most appropriate way to control traffic within the construction work zone limits of the project.
- C. The Department, as of April 1, 2013, will only compensate for the use of police officers that have successfully completed an NHDOT approved course on the Safe and Effective Use of Law Enforcement in Work Zones

IN WITNESS WHEREOF, the parties here have affixed their signatures, the (City / Town) of _____, New Hampshire, on this _____ day of _____, _____, and the Department of Transportation on this _____ day of _____, _____.

NEW HAMPSHIRE DEPARTMENT OF
TRANSPORTATION

CITY / TOWN OF

By: _____
For Christopher D. Clement, Sr.
Commissioner, Department of Transportation

By: _____
(Mayor / Chairperson of the Selectboard)

City Councilor / Selectboard Member

City Councilor / Selectboard Member

cc: Police Chief

NHDOT FLAGGER AND UNIFORMED OFFICER GUIDELINES

02/05/2013

VIII. SAMPLE DISTRICT RESURFACING LETTER:

April 17, 2009

«TownName»

«Address1»

«City», «State» «PostalCode»

RE: Highway Maintenance District « # »
Proposed Resurfacing Program CY 2009

For your planning information, the New Hampshire Department of Transportation has tentatively programmed the state road(s) on the attached list in your town for paving during the coming season. I hope this information will assist you in coordinating maintenance activities such as crosswalk striping, underground utility projects, trenching, and curb or sidewalk work. This is particularly important for manholes and other structures within the paving limits as significant depressions can develop if they are not set to the proper grade. If appropriate, please advise local utilities to prepare for the proposed resurfacing since it will be their responsibility to make adjustments as required to accommodate the paving.

Please be aware that the State Legislature has delegated the Commissioner of the Department with the full authority to control traffic in highway/bridge construction work zones on Class I, II and III highways. Prior to commencement of the work, the Department will send notice of a preconstruction meeting. You are invited to attend this meeting as project schedule and anticipated traffic control measures are among the topics discussed.

The Department, as of April 1, 2013, will only compensate for the use of police officers that have successfully completed an NHDOT approved course on the Safe and Effective Use of Law Enforcement in Work Zones

Should the program be changed due to funding considerations or pavement conditions, I will contact you. Once a contract and schedule of work has been approved, the Contractor is required to provide written notice to your town between 7 and 14 work days in advance of the final paving.

In addition to this work, District maintenance forces will grader-shim various sections of the secondary highway system as part of our routine maintenance program.

Should you have any questions, please feel free to call at the number listed below.

Sincerely,

«D.E. Name», P.E.

District Engineer

Phone # _____

New DPW Employee Wage and Benefit Proposal

- Starting pay \$24-\$26 per hour depending on qualifications and experience.
- \$1,000 sign-on bonus. A new employee would receive \$500 after 6 months from date of hire and the other \$500 after 1 year.
- The town would also reimburse any new employee without a CDL B license for their CDL schooling upon receiving their CDL within one year from date of hire. If the new employee wanted to get their CDL A, the town would only pay for CDL B license and the difference in cost would be the responsibility of the employee. New employees who obtain a CDL through the New Ipswich DPW would sign a contract to stay with the New Ipswich DPW for five years.