




CITY OF SOMERSWORTH
Office of the City Manager

TO: Mayor Dana S. Hilliard and City Council Members
FROM: Robert M. Belmore, City Manager 
DATE: Friday, February 2, 2018
SUBJECT: City Manager's Report for Monday, February 5, 2018
City Council Agenda

New Business (under section 14 of Agenda)

Ordinances

- A. Ordinance 3-18 Amending Chapter 4, Personnel Rules & Regulations, Section 6. Hiring, Promotion, Transfer and Layoff and Appendix 1, Assignment of Class to Grade.** The Government Operations Committee met on January 24th to discuss this recommended amendment as well as a couple of other Personnel Rules & Regulations revisions. The Committee reviewed information provided by the City Manager to include the structure and pay of comparable positions in various NH and surrounding municipalities. The Committee voted to support the establishment of this designation and associated pay. I also attached copies of related sections of this Ordinance Chapter 4 and Chapter 6 regarding Council Standing Committees that outline some of the process for amending this particular Ordinance governing certain standards and pay for non-union affiliated City employees.

I recommend the City Council schedule a Public Hearing regarding this Ordinance as well as the forthcoming Supplemental Appropriation Ordinance 4-18, prior to the next regular scheduled meeting on Tuesday, February 20th starting at 6:45pm.

- B. Ordinance 4-18 Supplemental Appropriation for Engineering Services for Improvements at the Somersworth Wastewater Treatment Facility.** This Supplemental Appropriation as well as the following Wright Pierce Engineering Contract Amendment was discussed at recent meetings held by both the Finance Committee & Public Works Committee; both Committees voting to support both action items. These actions are also a result of a recent Council workshop where consensus was provided to expand the Wastewater Treatment Facility upgrade several millions of dollars from \$3M plus to \$10M plus. City funding for the contract Amendment is available from available funds in the Sewer (Utility) Enterprise Fund. Just a Note: Funding to complete the actual WWTF improvement is being pursued through the NH State Revolving Fund (SRF).

Resolutions

- A. Resolution 22-18 To Authorize the City Manager to Amend the Contract with Wright Pierce Engineers of Portsmouth, NH to Include Additional Engineering Services at the Somersworth Wastewater Treatment Facility.** I have attached a Draft copy of the Amendment (No. 1) to the Agreement as well as information provided by the Wright Pierce Engineering Project Team that explains the increase and rationale for it being related to the additional scope of the project.
- B. Resolution 23-18 To Authorize the City Manager to Enter into the Contribution Assurance Program with Primex of Concord, NH for Property and Liability Insurance.** The Finance Committee met on January 12th and voted to support this 3-year Extended Agreement and CAP Program. I want to point out that the City has been very satisfied with the services provided by Primex that not only includes coverage but an extensive series of safety & risk management prevention training. The training crosses all facets of municipal services and we have taken full advantage of it over the years; it has included police, fire, highway training as well as human resources and legal support.
- C. Resolution 24-18 To Authorize the City Manager to Order One SUV Style Police Cruiser Which Will Be Funded by A Lease Purchase Agreement.** The Public Safety Committee met on January 30th and voted to support this action item. The City Council has passed a similar Resolution for several years now and the early ordering process has served the police department operations and cruiser maintenance well. The present estimate for a 2018 Ford Explorer Police SUV fully equipped is approximately \$37,115; it has increased some since the CIP was submitted. This would continue to be a State Bid purchase of the Ford then the City would handle the equipment outfitting such as emergency lights, radio, etc.; finally, this is a lease – purchase arrangement projected to be a 5-year lease, at which time, the City would own the vehicle.

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

A. Informational Items.

- 1. NH DOT Safety Audit Program.** The City has been informed that the State HSIP Committee has given preliminary approval for funding our Old Rochester Road (Rte. 16B) – Blackwater Road intersection safety improvement request. Staff continues to excel in moving us to the top of the list for (limited) funds available through grants and assistance programs. Congratulations to our City team led by Traffic Safety Committee Chairman, Captain Timmons.
- 2. City Council Goal Session.** Mayor Hilliard is proposing a Session be considered for Saturday, March 24th. We usual start at 8:30am. Please confirm your availability.

B. Attachments.

- 1. City Attorney Certifications**

1. Purpose

The Personnel Rules and Regulations provide for the appointment, promotion, training, transfer, layoff, discipline, removal, compensation and conditions of employment for employees of the City of Somersworth except for employees of the School Department. These rules apply to all employees for whom wages, hours and conditions of employment are not provided in a collective bargaining agreement. Where a collective bargaining agreement exists, no part of these rules and regulations shall apply to employees covered by the agreement unless specifically and explicitly provided for in the agreement.

The provisions and benefits of this Chapter are deemed to be exclusive and no employment agreement of any kind shall be binding or valid unless first proposed by the City Manager and adopted by the City Council. (Passed 2/4/1991.)

2. Administration

2.1 Existing Conditions

It is the intention of these rules that any person employed on the date the rules become effective will not lose any benefit to which he or she was entitled on that date. Any person receiving such a benefit must inform the City Manager of that fact within 60 days of the effective date of these rules. The employee and the City Manager will write out the terms of those benefits which will then continue in effect until a change in the employee's status justifies discontinuing the benefits. Benefits of this kind are to a specific individual and not to the position.

2.2 Separability

The sections and parts of these Rules and Regulations are separable. If any portion of them is held to be invalid, the remainder will continue in effect.

2.3 Pledge Against Discrimination

The City of Somersworth shall apply all rules and regulations and carry out all dealings with its personnel, without discrimination as to age, marital status, race, color, creed, national origin, sex, political affiliation, mental disability, physical disability, sexual orientation, or gender identity. All employees are expected to act in a like manner in all performance of their duties as City employees. (Amended 06/05/2006, 01/03/2017.)

The amendment by reference to mental and physical disability shall be effective as of July 26, 1992, relative Federal law claims and 1975 relative State statute claims, pursuant to RSA 354-A. (Passed 1/4/1992.) (Amended 1/4/1993.)

3. Definitions

3.1 Anniversary Date

The anniversary date of an employee is the first full day of the employee's current employment by the City and is used to calculate length of service. The date normally will be adjusted to correct for unpaid leaves of absence, broken service or, with the consent of the employee, for other good cause.

Section 6.7.1 Members of **standing committees** shall be appointed by the Mayor from amongst the membership of the City Council.

Section 6.7.1.1 Committee Chairperson

The Chair of any Standing Committee shall be appointed by the Mayor as spelled out by Council Rules. In the absence of the Chair and provided there is a quorum, the Committee members will appoint a temporary Chair.

(Passed 02/21/2006.)

Section 6.7.1.2 Committee Minutes

Standing Committees shall take meeting minutes and make them available in accordance with State of New Hampshire RSA 91-A, the so-called Public Right-to-Know Law. Committee minutes shall be approved by the Standing Committee at a subsequent Committee meeting.

(Passed 02/21/2006.)

Section 6.7.2 The function and duties of the standing committees shall be as follows:

Section 6.7.2.1 Government Operations Committee

The purpose of the Committee is to consider and recommend to the City Council changes in government operating policies and/or procedures where the Council has approval authority, facilitate annually the City Manager's performance evaluation process, to recommend changes to the City Council Rules and regulations as needed, and to review and recommend to the City Council changes to the City Personnel Plan as proposed by the City Manager as well as other matters referred to it.

(Amended 02/21/2006.)

Section 6.7.2.2 Finance Committee

The purpose of the Committee is to examine and recommend expenditures to the full Council, to authorize expenditures within its approved spending authority, to consider matters relating to the financial interest and budget of the City, as well as other matters referred to it.

Section 6.7.2.3 Recreation Committee

The purpose of the Committee is to consider matters relating to parks and recreational opportunities for all, recreational facilities and to assist in guiding the development of current and future recreational programs, as well as other matters referred to it.

Section 6.7.2.4 Public Safety Committee

The purpose of the Committee is to consider matters relating to Police and Fire services and other emergency response needs of the City, as well as other matters referred to it.

Section 6.7.2.5 Economic Development Committee

The purpose of the Committee is to be a liaison to the public and business community in regards to the economic conditions of commerce and industry within the City, to consider matters relating to the economic development of the City, and matters relating to the promotion and marketing of the City, as well as other matters referred to it. To review and recommend to the City Council any changes regarding property maintenance and enforcement, housing code review and compliance, and overall housing related issues.

(Amended 06/21/2010.)

Section 6.7.2.6 Public Works and Environment

The purpose of the Committee is to consider policy and ordinance matters and initiatives relating to City infrastructure including roads, buildings, and environmental matters such as water and wastewater treatment facilities, and municipal solid waste. It has the authority to recommend agreed upon policy, ordinance and/or initiative changes to the full City Council as well as other matters referred to it.

(Sections 6.7.2.2 through 6.7.2.6 passed 02/20/2006.)

Section 6.8 City Council Salaries. (Effective 1/1/1992).

Section 6.8.1 Each member of the City Council of the City of Somersworth shall receive an annual salary of \$1053 for attendance at all regular meetings of the City Council. If any member shall fail to attend any regular meetings of the Council, the sum of \$50 shall be deducted from his/her annual salary.

(Section 6.8.1 amended 07/14/2008.)

(Section 6.8.1 amended 07/13/2009.)

Section 6.8.2 City Council Meetings. The Council shall meet in regular session on the first and third Mondays of each month at 7:00 p.m., unless otherwise agreed on by a majority of the members of the Council. When Monday is a holiday, the regular meeting shall be held on Tuesday following at the same

AMENDMENT NO. 1
TO
AGREEMENT BETWEEN
CITY OF SOMERSWORTH
AND
WRIGHT-PIERCE
FOR
ENGINEERING DESIGN PHASE
CONTRACT FOR PROFESSIONAL SERVICES
FOR TREATMENT WORKS

This Amendment made the _____ day of _____, 20__, by and between CITY OF SOMERSWORTH, (hereinafter called OWNER), and WRIGHT-PIERCE (hereinafter called ENGINEER).

WHEREAS, an Agreement was entered on December 8, 2016 between the OWNER and ENGINEER, which Agreement is entitled ENGINEERING DESIGN PHASE CONTRACT FOR PROFESSIONAL SERVICES FOR TREATMENT WORKS (hereinafter referred to as AGREEMENT) for the Facility Planning and Aeration, Dewatering, and Influent Screening Systems Upgrade.

WHEREAS, the AGREEMENT contained an Additional Services provision to provide assistance to the OWNER for additional services which are not included in the basic scope or services, yet are related to the Facility Planning and Aeration, Dewatering, and Influent Screening Systems Upgrade project, as described in the attached Scope of Services.

NOW, THEREFORE, in consideration of said AGREEMENT and other good and valuable considerations, it is hereby agreed and acknowledged by and between OWNER and ENGINEER to amend the AGREEMENT as follows:

1. The AGREEMENT shall be amended to include this Amendment, a copy of which shall be attached thereto and made a part thereof.
2. The Compensation Paid to the ENGINEER Method of Payments – Amount of Fees (Article IV.A.2) shall have a fee limit increased by \$519,200.00, from \$343,800.00 to \$863,000.00.
3. The Compensation Paid to the ENGINEER Method of Payments – Amount of Fees (Article IV.A.2) shall have a total fee limit increased by \$519,200.00, from \$343,800.00 to \$863,000.00.

IN WITNESS WHEREOF, the parties hereto have made and executed this AMENDMENT to said AGREEMENT as of the day and year first above written.

OWNER: CITY OF SOMERSWORTH, NH

ENGINEER: WRIGHT-PIERCE

By: _____

By: _____

Title: _____

Title: _____

Date: _____

Date: _____

APPROVED: DEPARTMENT OF ENVIRONMENTAL SERVICES

By: _____

Title: _____

Date: _____

TO: Bob Belmore, Scott Smith, Michael Bobinsky, Jamie Wood – City of Somersworth **DATE:** 1/9/2018

FROM: Tim Vadney, Kattie Hartwell, Lindsey Shields – Wright-Pierce **PROJECT NO.:** 13694A

SUBJECT: Comprehensive Wastewater Treatment Facility Plan and Influent Screenings, Aeration and Dewatering Systems Upgrade Project
Additional Project Scope

As requested by the City, this memorandum outlines the estimated construction costs, engineering technical services costs, and total project costs for the Influent Screenings, Aeration and Dewatering Systems Upgrade project and the “additional scope” project presented to the City Council on December 4, 2017.

INFLUENT SCREENINGS, AERATION AND DEWATERING SYSTEMS UPGRADE TOTAL PROJECT COST (as presented in the Preliminary Design Report, December 2017)	
Construction Cost	\$3,210,000
Technical Services – Facility Planning	\$85,000
Technical Services – Engineering Design Phase (8.1%)	\$258,800
Technical Services – Engineering Bidding & Construction Phase (10%)	\$321,000
Construction Contingencies & Allowances	\$325,200
Total Project Cost	\$4,200,000

ADDITIONAL SCOPE¹ TOTAL PROJECT COST	
Construction Cost	\$4,900,000
Technical Services – Engineering Design Phase ² (10.6%)	\$519,200
Technical Services – Engineering Bidding & Construction Phase (10%)	\$488,000
Construction Contingencies & Allowances	\$432,800
Total Project Cost	\$6,340,000

1. Additional project scope includes:
 - a. Capacity Expansion Upgrade: Third Secondary Clarifier
 - b. Operations Building: Sprinkler System, NFPA 820¹ Ventilation Systems and Misc. Code-Related Upgrades
 - c. Sludge Pumping and Grinding Systems Upgrade
 - d. Aeration Tank Nos. 1 and 2 Upgrade
2. Design Phase includes \$17,900 in subcontracts.

Please note that the “additional scope” project is substantially more complicated than the Influent Screenings, Aeration and Dewatering Systems Upgrade project. The Influent Screenings, Aeration and Dewatering Systems Upgrade project includes mostly equipment replacement/addition, while the “additional scope” project has the added complexity of new concrete structures (third secondary clarifier, secondary distribution structure) which will require extensive wetlands permitting, survey, and geotechnical work, and a number of improvements to the Operations Building which will require attention from our entire project team (i.e. architectural, structural, mechanical, electrical, and process).

This project (both the base project and the additional scope) would be executed under the terms of our existing agreement with the City. This agreement structures the billings as a time-charged project (not lump sum) in accordance with NHDES rules for a SRF funded project.

We appreciate this potential opportunity to provide additional wastewater engineering services to the City. Once you have had an opportunity to review Amendment No. 1 and this memorandum, please do not hesitate to call us to discuss any aspect further.

¹ NFPA 820: Standard for Fire Protection in Wastewater Treatment and Collection Facilities

Property & Liability Program
Contribution Assurance Program (CAP) Agreement
THIS AGREEMENT AMENDS AND EXTENDS YOUR MEMBERSHIP AGREEMENT
PLEASE READ CAREFULLY

Primex³ is offering members in our **Property & Liability Program** an opportunity to stabilize their annual contributions through participation in our Contribution Assurance Program (CAP). CAP is offered to members who qualify, providing them predictability by limiting the annual contribution increase during a defined period of years (CAP Period). By signing this Agreement, you agree to extend your Membership Agreement for three (3) years and Primex³ agrees to guarantee that your annual contribution increase will not exceed seven percent (7%) of the prior year's contribution. Because performance matters with Primex³, you may realize an annual increase that is less than the CAP through sound risk management and stable underwriting exposures. The annual member contribution will be based upon your exposure base, members' loss experience, and the rates established each year by the Primex³ Board of Trustees.

We are offering this opportunity so that our members can extend their commitment to pooling through the Primex³ programs. Participation in CAP for each year of the CAP Period is conditioned upon a three-year commitment to participation in the Primex³ Property & Liability Program.

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

FY 2020 July 1, 2019 through June 30, 2020
(maximum 7% increase over July 1, 2018 through June 30, 2019 contribution)

FY 2021 July 1, 2020 through June 30, 2021
(maximum 7% increase over July 1, 2019 through June 30, 2020 contribution)

FY 2022 July 1, 2021 through June 30, 2022
(maximum 7% increase over July 1, 2020 through June 30, 2021 contribution)

By signing this Agreement, the **City of Somersworth** agrees to extend its risk pool membership and participation in the Primex³ **Property & Liability Program** for three coverage period years, through June 30, 2022. The **City of Somersworth** agrees and understands it remains bound by and subject to the terms and conditions of the Membership Agreement, Public Entity Coverage Documents and Trust Agreement, and all Trust by-laws, policies and procedures.

The **City of Somersworth** agrees that the seven percent (7%) maximum increase currently available for this CAP Period does not apply to any other year or period of years, and upon expiration of the CAP Period in this Agreement, any subsequent participation in a Primex³ CAP will be subject to underwriting review, membership criteria, CAP criteria, determination of contribution and the maximum increase in place for the subsequent CAP Period.

The **City of Somersworth** further acknowledges that by extending its Membership Agreement for three (3) coverage period years, the Public Entity Coverage Documents, General Conditions Section (L) ("Terminating Participation in Our Program(s)") is suspended during year one (1) and year two (2) of the three (3) year term, as there is no right to cancel or terminate during year one (1) and year two (2) but shall be reinstated for the end of year three (3).

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

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

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

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

Duly Authorized Representative

Title

Date

Print Name

MITCHELL MUNICIPAL GROUP, P.A.
ATTORNEYS AT LAW
25 BEACON STREET EAST
LACONIA, NEW HAMPSHIRE 03246

WALTER L. MITCHELL
JUDITH E. WHITELAW
LAURA SPECTOR-MORGAN
STEVEN M. WHITLEY

TELEPHONE (603) 524-3885
FACSIMILE (603) 524-0745

February 2, 2018

CERTIFICATION

Re: City of Somersworth, New Hampshire

Ordinance No. 3-18

Title: AMENDING CHAPTER 4, PERSONNEL RULES & REGULATIONS,
SECTION 6, HIRING, PROMOTION, TRANSFER AND LAYOFF
AND APPENDIX 1, ASSIGNMENT OF CLASS TO GRADE.

This is to confirm that in accordance with Somersworth City Council Rules and Regulations #17 (D)1, we have reviewed the above referenced ordinance, after it passed a first reading. To our examination it is in correct technical form, and to our understanding is not repugnant to the laws and constitution of the State of New Hampshire nor the Charter and Ordinances of the City of Somersworth.

MITCHELL MUNICIPAL GROUP, P.A.
City Attorney

Date: 2/2/18

by: 

MITCHELL MUNICIPAL GROUP, P.A.
ATTORNEYS AT LAW
25 BEACON STREET EAST
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February 2, 2018

CERTIFICATION

Re: City of Somersworth, New Hampshire

Ordinance No. 4-18

Title: **SUPPLEMENTAL APPROPRIATION FOR ENGINEERING SERVICES
FOR IMPROVEMENTS AT THE SOMERSWORTH WASTEWATER
TREATMENT FACILITY.**

This is to confirm that in accordance with Somersworth City Council Rules and Regulations #17 (D)1, we have reviewed the above referenced ordinance, after it passed a first reading. To our examination it is in correct technical form, and to our understanding is not repugnant to the laws and constitution of the State of New Hampshire nor the Charter and Ordinances of the City of Somersworth.

MITCHELL MUNICIPAL GROUP, P.A.
City Attorney

Date: 2/2/18

by: 

MITCHELL MUNICIPAL GROUP, P.A.

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February 2, 2018

CERTIFICATION

Re: City of Somersworth, New Hampshire

Resolution No. 22-18

Title: TO AUTHORIZE THE CITY MANAGER TO AMEND THE
CONTRACT WITH WRIGHT PIERCE ENGINEERS OF PORTSMOUTH, NH
TO INCLUDE ADDITIONAL ENGINEERING SERVICES AT THE
SOMERSWORTH WASTEWATER TREATMENT FACILITY.

This is to confirm that in accordance with Somersworth City Council Rules and Regulations #17 (D)1, we have reviewed the above referenced resolution. To our examination it is in correct technical form, and to our understanding is not repugnant to the laws and constitution of the State of New Hampshire nor the Charter and Ordinances of the City of Somersworth.

Date: 2/2/18

MITCHELL MUNICIPAL GROUP, P.A.
City Attorney

By: 

MITCHELL MUNICIPAL GROUP, P.A.

ATTORNEYS AT LAW
25 BEACON STREET EAST
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February 2, 2018

CERTIFICATION

Re: City of Somersworth, New Hampshire

Resolution No. 23-18

Title: TO AUTHORIZE THE CITY MANAGER TO ENTER INTO THE CONTRIBUTION
ASSURANCE PROGRAM WITH PRIMEX OF CONCORD, NH FOR
PROPERTY AND LIABILITY INSURANCE.

This is to confirm that in accordance with Somersworth City Council Rules and Regulations #17 (D)1, we have reviewed the above referenced resolution. To our examination it is in correct technical form, and to our understanding is not repugnant to the laws and constitution of the State of New Hampshire nor the Charter and Ordinances of the City of Somersworth.

MITCHELL MUNICIPAL GROUP, P.A.

City Attorney

Date: _____

2/2/18

By: _____

MITCHELL MUNICIPAL GROUP, P.A.

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February 2, 2018

CERTIFICATION

Re: City of Somersworth, New Hampshire

Resolution No. 24-18

Title: TO AUTHORIZE THE CITY MANAGER TO ORDER ONE
SUV STYLE POLICE CRUISER WHICH WILL BE FUNDED
BY A LEASE PURCHASE AGREEMENT.

This is to confirm that in accordance with Somersworth City Council Rules and Regulations #17 (D)1, we have reviewed the above referenced resolution. To our examination it is in correct technical form, and to our understanding is not repugnant to the laws and constitution of the State of New Hampshire nor the Charter and Ordinances of the City of Somersworth.

Date: 2/2/18

MITCHELL MUNICIPAL GROUP, P.A.
City Attorney

By: 