


Office of the City Manager

TO: Mayor Dana S. Hilliard and City Council Members
FROM: Robert M. Belmore, City Manager 
DATE: Friday, January 6, 2023
SUBJECT: City Manager's Report for Monday, January 9, 2023 City Council Meeting

Lay on the Table (under Section 14 of Agenda)

Other

- A. **Vote to Approve Issuing a Request for Qualifications (RFQ) for the Purchase and Development of the National Guard Readiness Property for Residential Use (requested by the National Guard Building Reuse Commission).** The Council is scheduled to meet on Monday, January 23rd at 5:30 p.m. for a Goal Setting Workshop to discuss the reuse of the National Guard Readiness Property and other City owned properties.

Unfinished Business (under Section 15 of Agenda)

Ordinances

- A. **Ordinance No. 9-23: Supplemental Appropriation to Replace the School Zone Warning Lights on Maple Street and High Street.** Again, the Public Works & Environment Committee and the Finance Committee voted to recommend replacing these School Zone Warning Lights.

Resolutions

- A. **Resolution No. 20-23: To Authorize the City Manager to Prepare Bid Specifications for Crack Sealing of Selected Streets.** Again, the Public Works & Environment Committee voted to recommend the crack sealing of these selected streets.
- B. **Resolution No. 21-23: To Authorize the City Manager to Accept the New Hampshire Department of Environmental Services Cybersecurity Implementation Grant.** Again, the Finance Committee voted to recommend accepting this Grant.
- C. **Resolution No. 23-23: To Authorize the City to Use Funding from the Municipal and Transportation Fund to Replace the School Zone Warning Lights on Maple Street and High Street.** Again, the Public Works & Environment Committee and the Finance Committee voted to recommend replacing the School Zone Warning Lights based on the SUR proposal.
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New Business (under Section 16 of Agenda)

Ordinances

- A. **Ordinance No. 10-23: To Amend Chapter 14, Licenses & Permits, Sections 14.2 Permits, 14.3 Fees, 14.6 Application. 14.7 and 14.8.** The Government Operations Committee met on November 3rd and the Committee voted to recommend these Ordinance changes. I have attached a *red-line* of suggested changes to amend this Ordinance. Prior to presenting these changes to the Government Operations Committee, Staff met to craft changes that align to actual information needed and attempt to avoid problems that have occurred in the past. Staff involved included: Finance Director Scott Smith, Police Chief Tim McLin, Captain Matt Duval and the City Clerk. I recommend a Public Hearing be scheduled for the next regular Council meeting on Monday, January 23, 2023.
- B. **Ordinance No. 11-23: To Amend Chapter 29, Administrative Code, Section 29.4.9, Traffic Safety Committee.** The Government Operations Committee met on November 3rd and the Committee voted to recommend this Ordinance change. I have attached a *red-line* of suggested changes to amend this Ordinance. Prior to presenting these changes to the Government Operations Committee, Staff met to craft changes that align to present practices. Staff involved included: Finance Director Scott Smith, Police Chief Tim McLin, Captain Matt Duval and the City Clerk. I recommend a Public Hearing be scheduled for the next regular Council meeting on Monday, January 23, 2023.
- C. **Ordinance No. 12-23: To Amend Chapter 19 Zoning, Section 21 Circulation & Parking Regulations A.1 and A.2.** Attached is a Memorandum from Development Services Manager Michelle Mears that provides an explanation of the change as well as Planning Board minutes when these Zoning changes were discussed. I recommend a Public Hearing be scheduled for the next regular Council meeting on Monday, January 23, 2023.
- D. **Ordinance No. 13-23: To Amend Chapter 19 Zoning, Section 32 Form Based Codes.** Attached is a Memorandum from Development Services Manager Michelle Mears that provides an explanation of the change as well as Planning Board minutes when these Zoning changes were discussed. I recommend, a Public Hearing be scheduled for the next regular Council meeting on Monday, January 23, 2023.

Resolutions

- A. **Resolution No. 24-23: To Authorize the City Manager to Enter into an Amended Project Agreement with the New Hampshire Department of Transportation to Increase the Transportation Alternatives Program Grant Award.**
- B. **Resolution No. 25-23: To Authorize the City to use Funding from the Municipal and Transportation Fund for the Local Match of Additional Finding for the Transportation Alternatives Program Grant.**
- C. **Resolution No. 26-23: To Authorize the City Manager to Award Contracts for the Construction and Construction Engineering for the Improvements Associated with the Transportation Alternatives Program Grant.**
Attached is a Memorandum from Public Works Director Mike Bobinsky regarding this TAP Grant project as well as copies of the Amended Grant Agreement.

New Business Continued (under Section 16 of Agenda)

Other

- A. Update on the Emergency Warming Center Operation and a Request for Sunday Operations.**
Presently, County Commissioner George Maglaras and Mayors Bob Carrier and Paul Callaghan plan to attend.

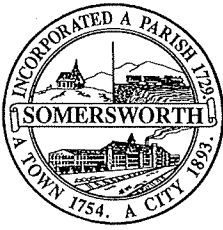
City Manager's Items (under section 12 of Agenda)

Informational Items

- A. Body-Worn Camera's Update.** Attached is a Memorandum from Police Chief Tim McLin that provides an update on the implementation of the Department's use of Police Officer Body Cameras.
- B. Assistance to Firefighters Grant (AFG).** Without objection, I intend to give authorization to Fire Chief George Kramlinger to apply for an AFG Grant to replace the Department's Technical Rescue Equipment in the amount of approximately \$50,000 of Grant funding and a 5% City match of approximately \$2,500. Attached is an email from the Chief regarding this request.

Attachments

- 1. City Attorney Certifications: Seven (7)**



City of Somersworth – Ordinance

Ordinance No: 9-23

SUPPLEMENTAL APPROPRIATION TO REPLACE THE SCHOOL ZONE WARNING LIGHTS ON MAPLE STREET AND HIGH STREET

December 12, 2022

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 22-23 is amended as follows:

Appropriate \$40,000 (Forty Thousand dollars) from the Municipal and Transportation Fund to the Capital Outlay Budget as follows;

Original Budget	Amendment	Revised Budget
\$ 167,459	\$ 40,000	\$ 207,459

Approved as to Funding:

Scott A. Smith
Director of Finance and Administration

Recorded by:

Kristen LaPanne
City Clerk

Background:

This Ordinance appropriates funding from the Municipal and Transportation Fund for the replacement of School Zone Warning lights on Maple Street and High Street.

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.

This Ordinance shall take effect upon passage.

Authorization	
<i>Sponsored by Councilor:</i> David A. Witham Donald Austin Matthew Gerding Richard R. Michaud	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 9-23

History

First Read Date:	12/12/2022	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

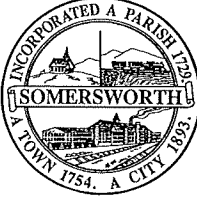
Discussion

12/12/2022

Clerk LaPanne performed a first reading of Ordinance 9-23.

Ordinance 9-23 will remain in first reading until the call of the Chair.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On / / Ordinance 9-23		PASSED	FAILED

	<p style="text-align: center;">City of Somersworth – Resolution</p> <p>Resolution No: 20-23</p> <p style="text-align: center;">TO AUTHORIZE THE CITY MANAGER TO PREPARE BID SPECIFICATIONS FOR CRACK SEALING OF SELECTED STREETS</p>
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December 12, 2022

WHEREAS, the City of Somersworth’s Capital Improvement Plan recommends road preventative and general maintenance of streets in the City; and

WHEREAS, the City has prioritized street repair using the BETA Pavement Condition Assessment Program; and

WHEREAS, the Public Works and Environment Committee reviewed staff recommended streets to be included for crack sealing preventative maintenance, and now, therefore, supports the following:

Maple Street (Backwater Road to Linden Street)
Hillside Street (Winter Street to Maple Street)
Washington Street (High Street to Main Street)
Kilda Street (Route 108 to Cecile Street)
Cecile Street (Blackwater Road to Kilda Street)
Blackwater Road (Dover Line to High Street)
Salmon Falls Road (Eddy Bridge to Rochester Line)
High Street (section between Stackpole Road and Commercial Drive)

NOW, THEREFORE, BE IT RESOLVED THAT BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to prepare bid specifications and solicit bids from qualified contractors for crack sealing of the aforementioned streets and take any other actions relative to this project determined to be in the best interest of the City.

Authorization	
<p><i>Sponsored by Councilors:</i></p> <p>David A. Witham Denis Messier Martin Pepin Kenneth S. Vincent</p>	<p><i>Approved:</i></p> <p>City Attorney</p>

City of Somersworth – Resolution 20-23

History

First Read Date:	12/12/2022	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

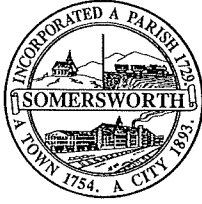
Discussion

12/12/2022

Clerk LaPanne performed a first reading of Resolution 20-23.

Resolution 20-23 will remain in first reading until the call of the Chair.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On / / Resolution 20-23		PASSED	FAILED



City of Somersworth – Resolution

Resolution No: **21-23**

TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES CYBERSECURITY IMPLEMENTATION GRANT

December 12, 2022

WHEREAS, the City contracted with ATOM Group to conduct a Cybersecurity Audit at the City's Water and Wastewater Treatment Facilities and the City was provided a list of recommendations to increase security, titled "SCADA Testing Results"; and

WHEREAS, the City of Somersworth applied for an American Rescue Plan Act (ARPA) Cybersecurity Implementation Grant Program through the New Hampshire Department of Environmental Services to address the list of recommendations provided in the City's cybersecurity assessment; and

WHEREAS, the City of Somersworth has been notified that they have been awarded a Grant, with no local match required, in the amount of \$41,966 (Forty-One Thousand Nine Hundred Sixty-Six Dollars) to implement the recommendations identified in the City's cybersecurity assessment at the City's Water and Wastewater Treatment Facilities; and

WHEREAS, the Finance Committee reviewed this Grant award with City staff at their November 29, 2022 meeting and recommends acceptance of the Grant;

NOW, THEREFORE, BE IT RESOLVED THAT BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to accept the New Hampshire Department of Environmental Services Cybersecurity Implementation Grant and take any other actions relative to this project determined to be in the best interest of the City.

Authorization

Sponsored by Councilors:

David A. Witham
Donald Austin
Matthew Gerding
Richard R. Michaud

Approved:

City Attorney

City of Somersworth – Resolution 21-23

History

First Read Date:	12/12/2022	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

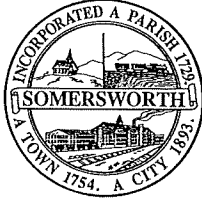
Discussion

12/12/2022

Clerk LaPanne performed a first reading of Resolution 21-23.

Resolution 21-23 will remain in first reading until the call of the Chair.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On / / Resolution 21-23		PASSED	FAILED



City of Somersworth – Resolution

Resolution No: **23-23**

TO AUTHORIZE THE CITY TO USE FUNDING FROM THE MUNICIPAL AND TRANSPORTATION FUND TO REPLACE THE SCHOOL ZONE WARNING LIGHTS ON MAPLE STREET AND HIGH STREET

December 12, 2022

WHEREAS, the School Zone Warning lights on Maple Street and High Street are aged and in poor condition; and

WHEREAS, City Staff solicited quotes to replace the School Zone Warning lights with modern equipment utilizing present day standards and powered using solar technology; and

WHEREAS, City Staff recommends contracting with S.U.R. Construction of Rochester, NH to replace the School Zone Warning lights utilizing software that is consistent with the other school zones in the City; and

WHEREAS, the Public Works and Environment Committee reviewed this recommendation with City Staff and supports contracting with S.U.R. Construction; and

WHEREAS, the Finance Committee reviewed this recommendation with City Staff and supports contracting with S.U.R. Construction for an amount not to exceed \$40,000 (Forty Thousand dollars); and

WHEREAS, the Finance Committee recommends utilizing the Municipal and Transportation Fund for this project; and

WHEREAS, the City Council is designated as agents to expend these funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City may utilize an amount not to exceed \$40,000 (Forty Thousand dollars) from the Municipal and Transportation Fund to replace the School Warning lights on Maple Street and High Street.

Authorization

Sponsored by Councilors:

David A. Witham
Donald Austin
Richard R. Michaud
Kenneth S. Vincent
Martin Pepin
Matthew Gerding
Denis Messier

Approved:

City Attorney

City of Somersworth – Resolution 23-23

History

First Read Date:	12/12/2022	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

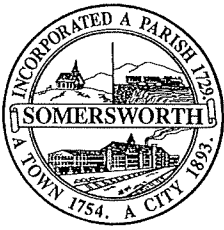
Discussion

12/12/2022

Clerk LaPanne performed a first reading of Resolution 23-23.

Resolution 23-23 will remain in first reading until the call of the Chair.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On / / Resolution 23-23		PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: **10-23**

TO AMEND CHAPTER 14 LICENSES AND PERMITS, SECTIONS 14.2 PERMITS, 14.3 FEES, 14.6 APPLICATION, 14.7 and 14.8.

January 9, 2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 14, Section 14.2 Permits, by deleting it in its entirety and replace with:

Persons or organizations shall obtain a permit from the Licensing Board for the following purposes:

1. Solicit funds for charitable purposes.
2. Erect banners or signs related to a special event.
3. Tag (donation solicitation) days.
4. Conduct parades or processions, festivals or races, walk-a-thons, public demonstration or protest on public property or highway.
5. Conduct a carnival, tent show, fair, circus, public dance, dance exhibition or demonstration, live music shows, disc jockey, karaoke, or other amplified music event in which the public is invited for pay to attend or attendance is free.
6. The temporary closing of any City street or temporary use of any City property for the purpose of community related or private events. A certificate of insurance in the amount of \$1,000,000, acceptable to the City, that names the City of Somersworth as an additional insured shall be required. The Licensing Board, at its discretion, may require additional conditions at no cost to the City to include, but not limited to, a higher insurance binder amount, police or fire details, or other measures to ensure the public safety.

Amend Chapter 14, Section 14.3 Fees, by deleting it in its entirety and replace with:

Each applicant shall pay in advance for such license, for the use of the City as follows:

1. There will be a \$25.00 fee for each license issued, unless otherwise stated in another section, for each day or event, unless specifically waived by the Licensing Board.
2. License fees for carnivals, circuses, traveling tent shows and the like, shall be determined by the Board within the limits of NH RSA 286.

Amend Chapter 14, Section 14.6 Application, by deleting it in its entirety and replace with:

A written application for a permit must be submitted 30 (thirty) days prior to the date of the event. The application shall contain the following information:

- Name or Name of Organization
- Statement of permission from property owner
- Name, address and telephone number of Person in Charge
- Purpose
- Dates and times
- Specific location(s)
- Anticipated number of attendees
- Police detail secured if required
- Certificate of Insurance naming the City of Somersworth as additionally insured (if event is to take place on City property)
- Map of event set-up (tables, tents, stages, parking, restrooms, etc.)

Serving of alcoholic beverages shall require proof of proper State of NH Liquor Licensing permission and a police officer/s detail.

Any event requiring the use of a public way, publicly owned property, or any modification to parking regulations shall require a meeting with a Police Department representative as well as any necessary City staff as designated by the City Manager no later than 14 (fourteen) days prior to the event.

Amend Chapter 14, Section 14.7, by deleting it in its entirety and replace with:

If the request would require a temporary waiver of any Planning or Zoning Regulations of the City, the Licensing Board shall first refer the application to the appropriate staff or Board for review and recommendation prior to deciding on the application.

Amend Chapter 14, Section 14.8, by deleting it in its entirety and replace with:

The permit when issued shall contain the effective date, expiration date, the purpose and the name, address, telephone number and email address of the responsible person.

This Ordinance shall take effect upon passage.

Authorization	
<i>Sponsored by Councilors:</i> Richard R. Michaud Matt Gerding Don Austin Nancie Cameron	<i>Approved:</i> City Attorney
City of Somersworth – Ordinance 10-23	

CHAPTER 14

LICENSES AND PERMITS

LAST AMENDED 11/16/2020

Section 14.1. A Licensing Board for the City of Somersworth is hereby constituted under the provisions of RSA 286 and any other powers granted by State statute, to consist of the Mayor, the Chief of Police and the City Manager or his/her designee.

(Section 14.1 amended 11/16/2020)

Section 14.1.1. The Board shall investigate and decide the question of granting licenses and permits, and may grant revocable blanket licenses to fraternal and other like organizations, the subject matter of which is within the jurisdiction of this chapter. The Board may also hear and decide applications for permits to conduct organized activities on or about public properties. The Board may also grant licenses and permits on private property when the regulations of the show, event or dance thereon is authorized by State statute.

(Revised 02/01/1999.)

Section 14.2 Permits. Persons or organizations shall obtain a permit from the Licensing Board for the following purposes:

1. Solicit funds for charitable purposes.
2. Erect banners or signs related to a special event. (Revised 11/17/2003.)
3. Tag (donation solicitation) days.
4. Conduct parades or processions, festivals or races, walk-a-thons, public demonstration or protest on public property or highway.
5. Conduct a carnival, tent show, fair, circus, public dance, dance exhibition or demonstration, ~~or any open-air public meeting~~, live music shows, disc jockey, karaoke, or other amplified music event in which the public is invited for pay to attend or attendance is free. (Revised 02/01/1999.)

~~6. Movie theater.~~

~~7.6.~~ The temporary closing of any City street or temporary use of any City property for the purpose of community related or private events. A certificate of insurance in the amount of \$1,000,000, acceptable to the City, that names the City of Somersworth as an additional insured shall be required. The Licensing Board, at its discretion, may require additional conditions at no cost to the City to include, but not limited to, a higher insurance binder amount, police or fire details, or other measures to ensure the public safety. (Added 06/15/2015.)

Section 14.2A Public Dance Definition/Fees.

Public Dance Definition – any dance or ball to which admission may be had by the payment of a fee or which the public may gain admission without payment of a fee, or a dance which is held as part of any other public entertainment, amusement or exhibit.

Annual Fee – a yearly license may be issued for an annual fee of \$500.00 for dances held in all places, including restaurants, bars and lounges. Annual fees for dances shall only apply to the ordinary and usual dance referred to in the license. A license for a single public dance in any place may be issued for a daily fee of \$15.00. Any sexually explicit dancing shall not be included within the annual dance fee and requires separate application.

(Section 14.2A passed 02/01/1999.)

Section 14.3 Fees. Each applicant shall pay in advance for such license, for the use of the City as follows:

1. There will be a ~~\$25.00~~~~15.00~~ fee for each license issued, unless otherwise stated in another section, for each day or event, unless specifically waived by the Licensing Board.
2. License fees for carnivals, circuses, traveling tent shows and the like, shall be determined by the Board within the limits of NH, RSA 286~~said Chapter 286 RSA.~~
- ~~3. The annual license fee for each billiard or pool table shall be \$10.00~~
- ~~4. The annual license fee for a movie theater shall be \$150.00.~~
~~————(Passed 02/01/1999.)~~

Section 14.4. Licenses granted shall be issued by the Licensing Board, and annual licenses shall be valid for one year, expiring on the 31st of December, unless specified in Chapter 286.

Section 14.5 Taxi. It shall be unlawful for any person to operate a motor vehicle for the transportation of passengers for hire upon the public streets and highways of the City of Somersworth unless the owner or operator thereof shall procure a license so to do from said Licensing Board, and no license shall be issued until the applicant therefore has posted evidence with said Board that all vehicles to be operated are fully protected by insurance with some reliable insurance company licensed to do business in the State of New Hampshire. The annual fee for said license shall be \$25.00 for one vehicle, \$50.00 for two vehicles and \$75.00 per year for three or more vehicles.

Section 14.6 Application. A written application for a permit must be submitted 30 (thirty)-seven days prior to the date of the event. The application shall contain the following information:

Name or Name of Organization

Statement of permission from property owner

Name, address and telephone number of Person in Charge

Purpose

Dates and times

Specific location(s)

Anticipated number of attendees

Police detail secured if required

Certificate of Insurance naming the City of Somersworth as additionally insured (if event is to take place on City property)

Map of event set-up (tables, tents, stages, parking, restrooms, etc.)

Serving of alcoholic beverages shall require proof of proper State of NH Liquor

Licensing permission and a police officer/s detail. ~~Names of authorized people and participants~~

Any event requiring the use of a public way, publicly owner property, or any modification to parking regulations shall require a meeting with a Police Department representative as well as any necessary City staff as designated by the City Manager no later than 14 (fourteen) days prior to the event.

(Revised 02/01/1999.)

Section 14.7. If the request would require a temporary ~~waiver~~ waiving of any Planning ~~and~~ Zoning ~~Regulations ordinances~~ of the City, ~~of Somersworth,~~ the Licensing Board shall first refer the application to the appropriate staff or Board applicable board for review and recommendation prior to deciding on the application.

Section 14.8. The permit when issued shall contain the effective date, expiration date, the purpose and the name, address, ~~and~~ telephone number and email address of the responsible person.

Section 14.9. Permits and licenses issued under this chapter are not transferable and are of limited duration unless otherwise specified in the permit or license.

Permits and licenses issued may be rescinded or revoked at any time.

A police officer(s) may be assigned to a particular function when deemed necessary and proper in the interest of public safety. The expenses shall be borne by the individual or organization sponsoring the event.

Section 14.9A. All dances, public exhibitions and shows set forth herein shall be discontinued and the hall and location closed on or before the hour of 1:30 a.m. unless otherwise waived by the Chief of Police for good cause.

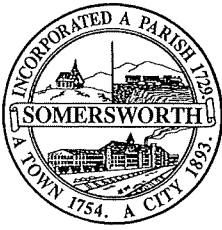
(Passed 02/01/1999.)

Section 14.10 Penalty. Any person, organization or corporation who violates any of the provisions of this chapter shall be fined not less than \$100.00 for each offense.

Section 14.11 Severability. It is the intention of the City Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein and it is further the intention of the City Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

Revised Chapter 14 passed 05/02/1994.

Chapter 14 revised 02/01/1999.



City of Somersworth – Ordinance

Ordinance No: 11-23

TO AMEND CHAPTER 29 ADMINISTRATIVE CODE, SECTION 29.4.9 TRAFFIC SAFETY COMMITTEE

January 9, 2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 29, Section 29.4.9 Traffic Safety Committee, by deleting it in its entirety and replace with:

There is hereby established a Traffic Safety Committee consisting of ten members, said membership constituted as follows:

- Chief of Police (or designee)
- Chief of Fire (or designee)
- Superintendent of Schools (or designee)
- Director of Public Works (or designee)
- City Engineer
- Director of Planning & Community Development (or designee)
- Two members at large
- City Council member

The members at large shall be appointed by the Mayor, with the consent of the City Council, for three-year staggered terms, beginning July 1st of their respective years. The City Council member shall be appointed by the Mayor as part of the normal assignment of Council Standing Committees.

The Mayor and City Manager shall be ex-officio members of the Committee, without a vote in the Committee's deliberations.

The Chairman of the Traffic Safety Committee shall be designated by the Mayor.

The Traffic Safety Committee is authorized to:

- (1) carry on a continuing study of the problems of highway safety and traffic law enforcement;
- (2) conduct conferences and hearings on various phases of highway safety;
- (3) appoint sub-committees to carry out designated responsibilities related to traffic safety;
- (4) develop and recommend highway safety programs to prevent motor vehicle accidents and enhance overall traffic safety;

- (5) review and make recommendations on all traffic safety and parking ordinances prior to action on those ordinances by the City Council;
- (6) submit a report of its activities to the Mayor and City Council by way of meeting minutes or Special Report.

This Ordinance shall take effect upon passage.

Authorization	
<i>Sponsored by Councilor:</i> Richard R. Michaud Matt Gerding Don Austin Nancie Cameron	<i>Approved:</i> City Attorney

29.4.7 Somersworth Housing Authority

This Administration Code affirms the creation of the Somersworth Housing Authority by previous action of the City Council under the provisions of New Hampshire Revised Statutes Annotated Chapter 203 and its successors. The Somersworth Housing Authority shall be governed by the board specified in the statutes and shall have and shall exercise the powers and functions enumerated in the statutes.

29.4.8 Library Trustees

There shall be a board of five trustees of the Somersworth Public Library appointed for five year overlapping terms who shall be residents of the City. The trustees shall exercise the powers of library boards of trustees for cities as contained in state law (New Hampshire Revised Statutes Annotated Chapter 202-A and its successors).

29.4.9 Traffic Safety Committee

There is hereby established a Traffic Safety Committee consisting of ten members, said membership constituted as follows:

Chief of Police (or ~~his~~ designee)
 Chief of Fire (or ~~his~~ designee)
 Superintendent of Schools (or ~~his~~ designee)
 Director of Public Works (or ~~his~~ designee)
 City Engineer (or ~~his~~ designee)
 Director of Planning & ~~Community Development~~~~Economic Development~~ (or ~~his~~ designee)
~~Three~~ Two members ~~ss~~ at large ~~(or their designees)~~
 City Council member ~~(or his designee)~~
 (Amended 07/17/1995.)

The members at large shall be appointed by the Mayor, with the consent of the City Council, for three-year staggered terms, beginning July 1st of their respective years. The City Council member shall be appointed by the Mayor as part of the normal assignment of Council ~~Standing~~ Committees ~~and boards~~.

The Mayor and City Manager shall be ex-officio members of the Committee, without a vote in the Committee's deliberations.

The Chairman of the Traffic Safety Committee shall be designated by the Mayor, ~~annually on or before July 1st. The Committee shall choose a Clerk from among its members, to serve indefinitely, at the pleasure of the Committee.~~
 (Amended 02/06/1989.)

The Traffic Safety Committee is authorized to:

(1) carry on a continuing study of the problems of highway safety and traffic law enforcement;

(2) conduct conferences and hearings on various phases of highway safety;

(3) appoint sub-committees to carry out designated responsibilities related to traffic safety;

(4) develop and recommend highway safety programs to prevent motor vehicle accidents and enhance overall traffic safety;

(5) review and make recommendations on all traffic safety and parking ordinances prior to action on those ordinances by the City Council;

~~(6) establish a liaison with the Planning Board to insure proper consideration of traffic safety issues during the review process for developments and site changes; and~~

(67) submit a ~~monthly~~ report of its activities to the Mayor and City Council by way of meeting minutes or Special Report.

(Amended 06/06/1988.)

29.4.10 Supervisors of the Checklist

The Supervisors of the Checklist shall be appointed in accordance with Article 2.3 of the 1985 Somersworth City Charter and shall perform their duties as prescribed by State law (New Hampshire Revised Statutes Annotated Chapter 654 and its successors).

29.4.11 Trustees of Trust Funds

The Trustees of Trust Funds shall consist of three persons appointed for three-year overlapping terms as provided by New Hampshire Revised Statutes Annotated Chapter 31 and its successors and shall have the duties and responsibilities as provided by state law (RSA 31:19 et seq. and its successors).

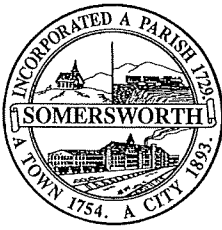
29.4.12 Industrial Development Authority

This administrative Code affirms adoption of the provisions of New Hampshire Revised Statutes Annotated Chapter 162-G and its successors and the creation of the Somersworth Industrial Development Authority as provided by New Hampshire Revised Statutes Annotated Chapter 162-G: 15-a and its successor.

The Somersworth Industrial Development Authority:

1) Shall consist of nine members plus the Mayor as ex-officio member, and no more than two members may be members of the City Council, and no more than two members may be members of the Planning Board.

2) Shall elect its Chairman from its membership, and fill such other offices as it may deem necessary for its work. The term of the Chairman and other officers shall be for one year with eligibility for re-election. The Authority shall meet regularly, and shall adopt rules for the transaction of business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. Said Authority shall submit annually to the Mayor and City Council a report of the preceding year's activities.



City of Somersworth – Ordinance

Ordinance No: 12-23

TO AMEND CHAPTER 19 ZONING, SECTION 21 CIRCULATION & PARKING REGULATIONS A.1 AND A.2

January 9, 2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 19 Section 21.A.1. by adding the following:

For properties containing commercial uses and/or multifamily sites (three (3) residential units or more) the parking requirements shall follow the Site Plan Review Regulations.

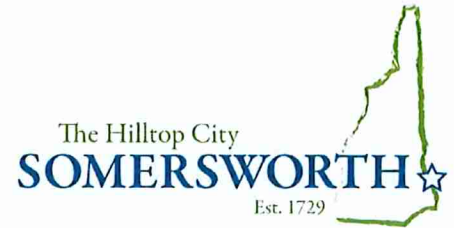
Amend Chapter 19 Section 21.A.2. by deleting it in its entirety.

This Ordinance shall take effect upon passage.

Authorization

Sponsored by Councilor:
David A. Witham

Approved:
City Attorney



DATE: December 28, 2022
TO: Robert Belmore, City Manager
City Council
FROM: Michelle Mears, AICP
Director of Planning and Community Development

Re: Zoning Amendment: Section 21 Circulation & Parking Regulations

BACKGROUND: In 2019, the City revised the Zoning and Site Plan Regulations regarding parking. This revision created the Special Downtown Overlay and moved some of the parking regulations from the Zoning Ordinance into the Site Plan Regulations. However, it left residential, including multi-family, parking requirements within the Zoning Ordinance which requires two parking spaces per unit.

Planning Board supported these proposed zoning changes at the November 16, 2022 meeting and voted to recommend the changes to City Council.

CURRENT ORDINANCE:

Section 21 Circulation & Parking Regulations

19.21.A. GENERAL REGULATIONS.

19.21.A.1. In all districts permitting residential uses, except where otherwise dictated below, a minimum of two (2) parking spaces per dwelling unit shall be provided on the lot which they are required to serve.

19.21.A.2. Parking shall be located and arranged so that vehicles will not need to back out into the street.

PROPOSAL: Staff is proposing that all multi-family parking regulations be within the Site Plan Review Regulations while keeping the single family and duplex (2-unit) regulations within the Zoning Ordinance. Multi-family (3 units or more) residential uses will be required to go to the Planning Board for Site Plan review. This revision to the Zoning Ordinance would allow the Board to grant waivers as they deem appropriate based off information provided by the applicant and location of the projects rather than requiring them to seek a variance from the Zoning Board of Adjustment.

Single Family and Duplex uses would still be required to have 2 parking spaces per unit and would require a variance if they could not meet this standard.

PROPOSED REVISIONS RED LINE:

Section 21 Circulation & Parking Regulations



19.21.A. GENERAL REGULATIONS.

19.21.A.1. In all districts permitting residential uses, except where otherwise dictated below, a minimum of two (2) parking spaces per dwelling unit shall be provided on the lot which they are required to serve.

For properties containing commercial uses and/or multifamily sites three (3) residential units or more the parking requirements shall follow the Site Plan Review Regulations.

~~19.21.A.2. Parking shall be located and arranged so that vehicles will not need to back out into the street.~~

Legend

-  Special Parking District
-  Parcel Boundaries



0 125 250 500 750 1,000 Feet

Kay inquired what kind of information does the Board need if the AC units are on the roof. The units themselves are about 3' tall which is why they are doing the 4' tall wall.

There was brief discussion on the roof top units. Determined that so long as they are shielded from public view are acceptable.

Site Plan Motion: Guptill stated I move that the request of Summa Humma Realty-Somersworth for site plan amendment for revisions to the architecture be APPROVED WITH THE FOLLOWING CONDITIONS:

1. All prior conditions of approval attached to SITE#02-2022 from the April 2022 Planning Board Approval shall remain in effect.

DURATION OF APPROVAL: All conditional approvals shall be valid for a period of 120 days in which time all precedent conditions must be met or the approval shall be null and void. The applicant may request an extension no later than 14 days prior to expiration.

EXTENSIONS: All requests for extension must be submitted in writing to the Department of Development Services no later 14 days prior to expiration with the appropriate fees. Failure to comply with the deadline dates without submission of a written request for extension will result in the approval being null and void.

APPEAL PROCESS: Pursuant to RSA 677:15, an aggrieved party may appeal this decision to the Strafford County Superior Court within 30 days of the date the Board voted to approve or disapprove the application, or to the ZBA pursuant to RSA 676:5, III within 30 days of the date the Board made its decision.

The MOTION is SECONDED by Witham. The MOTION CARRIES 9-0.

5. **WORKSHOP BUSINESS**

a. **Proposed Zoning Amendments**

- i. **Section 21 Circulation and Parking: to move the Multifamily parking regulations to the Site Plan Review Regulations**

Mears reviewed background of the proposal. Stated in 2019, the City revised the Zoning and Site Plan Regulations regarding parking. This revision created the Special Downtown Overlay and moved some of the parking regulations from the Zoning Ordinance into the Site Plan Regulations. However, it left residential, including multifamily, parking requirements within the zoning ordinance which requires two parking spaces per unit.

Mears stated the proposal is that all multifamily parking regulations be within the Site Plan Review Regulations and keep the single family and duplex (2-unit) regulations within the Zoning Ordinance. Multifamily (3 or more) residential uses are required to go to the Planning Board for site plan review. This revision to the Zoning Ordinance would allow the Board to grant waivers as they deem appropriate based off information provided by the applicant and location of the projects rather than requiring them to seek a variance from the Zoning Board. Single Family and Duplex uses would still be required to have 2 parking spaces per unit and would require a variance if they could be meet this standard.

Mears stated at a recent ZBA meeting the Zoning Board indicated they would like staff to review the section of the parking requirements that state:

19.21.A.2. Parking shall be located and arranged so that vehicles will not need to back out into the street.

Explained this is difficult when it comes to onsite actions by residents. Staff is able to express that plans for parking areas need to be designed in a way that is compliant to the ordinance. But in practice this is not something that we are able to track to ensure that people are following it in practice.

Witham stated he likes both proposals, by having the multifamily parking regulations in the site plan regulations allows a lot more latitude of the nuances of parking. There are no two projects that are the same. Stated it being in the Zoning Ordinance would work for projects like Tara Fields which started with a large blank space, but not for the majority of the City, which is irregular lots. Some areas have on street parking or parking on another lot. It would allow the City as a whole and the Planning Board to work with the property owners for the specific need. The second part in regards to backing out, understand how that is difficult to enforce. If designing from scratch, could address so it is not an issue, but if in downtown may be very difficult and even if designed in how does it get enforced. In support of the proposal.

Horton stated he concurs with Witham's statement. Would staff be looking to remove 19.21.A.2 or relocating it into the Site Review Regulations.

Mears stated to remove from the Zoning Ordinance. If the Board wants to add that to the Site Plan Regs it can be done, but it is difficult to enforce.

Horton stated he would be in favor of removing it.

Rhodes stated removing it makes more sense, more cars are incorporating safety features to track oncoming traffic as technology advances.

Belmore inquired if they wanted it left in the Ordinance so it could be discussed rather than a design requirement. Using language such as 'should' instead of 'shall'.

Horton stated he is favorable either way, but think traffic flow and direction would be considered by engineers in the designs.

Richardson suggested it being stated that parking to be designed in a safe manner.

Witham stated safe manner could be nebulous because it would be subjective. Projects go before the SRTC and feel it could be discussed during that level of parking design. Comfortable removing it and allowing it to just be a discussion.

MOTION: Belmore stated I move to recommend to the City Council a zoning amendment to amend Section 19.21.A.1 as shown in the redline memo dated 11-10-2022 and remove Section 19.21.A.2.

The MOTION is SECONDED by Witham.

Discussion: Witham stated if this passes, he would be happy to sponsor it.

The MOTION CARRIES 9-0.

- ii. **Section 32 Form Based Codes: to allow for a conditional use permit for dimensional regulations within the Form Based Codes Districts**

Mears stated the Form Based Codes (FBC) were adopted in 2020. There are 5 subareas within the FBC. Each subarea has dimensional regulations and if an applicant is not able to meet those, they would currently need to seek a variance through the Zoning Board. The proposal is to allow for the Planning Board to grant Conditional Use Permits for the dimensional requirements if the applicant is seeking relief from those. The FBC allows for the PB to grant a CUP for uses that are not specifically listed in the ordinance.

Witham asked for more information on the dimensional requirements.

Mears stated height of buildings, rear setbacks, front and side build to lines and overall build out on the frontage requirement. The Business District which is the underlying district for most of the FBC area, does not have any dimensional regulations for setbacks. FBC is more restrictive except in Sub-Area 5 which is the Millyard area.

Witham stated it is odd to him that the FBC is more restrictive because as a Councilor who voted for them thought the intent was to be less restrictive. Feels that if this change makes it less restrictive it would make it more in line with the intent of the FBC.

Horton inquired if the ZBA has received many variance applications for this issue.

Mears stated at this point the ZBA has not received any applications for variances from these requirements. The underlying zoning district, Business, was less restrictive.

Horton stated he would be in favor of incorporating the provided staff recommendations.

MOTION: Robidas moved to recommend a Zoning Ordinance amendment to City Council to amend Section 32 Form Based Codes as indicated in the November 10, 2022 staff memo, that would allow for conditional use permits to be granted by the Planning Board regarding dimensional requirements.

The MOTION is SECONDED by Rhodes.

Discussion: Witham stated FBC are in the downtown area, the idea was to allow for a lot of flexibility. The desire was to have buildings built to the street line and not set back, have them of a different scale and create street scape. The limitations seem to fly in the face of what they were trying to achieve. This is in line with what was envisioned to allow for more discussion of the project between the Board and the developer.

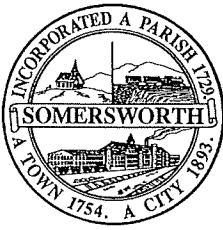
The MOTION CARRIES 9-0.

b. Site Plan Review Regulations

i. EV Chargers

Mears stated the Board requested this item be scheduled for a workshop meeting. Stated the proposal is to add EV Charging Stations to the Zoning Ordinance as an accessory use (Table 4.A.3) and to the definition of Auto Convenience Market. In theory an applicant could come in for just a 'vehicle recharging station' rather than a gas station. Proposing to also add to the Site Plan Review Regulations that include language within the Site Plan Review Regulations regarding requirement of EV stations within appropriate sites. This would be located within the parking requirements for a site and be specific to certain uses. Also, to revise the Site Plan Review Regs to allow for applicants who have an existing approved site plan to be able to install EV charging stations without additional site plan review, so long as the integrity of the site plan and existing parking is not compromised. Any impacted landscaping shall be relocated on the site so that there is not a reduction in landscaping.

Richardson inquired if there would be anything to address issues of people who use the spaces for parking and not charging.



City of Somersworth – Ordinance

Ordinance No: 13-23

TO AMEND CHAPTER 19 ZONING, SECTION 32 FORM BASED CODES

January 9, 2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 19, Section 32.F Dimensional Regulation by adding the following:

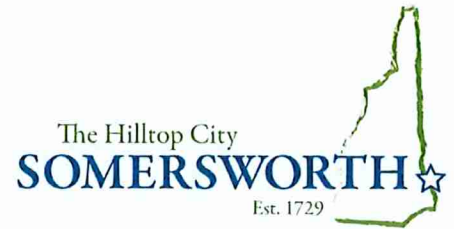
19.32.F.3 Where parcels that are not able to meet the dimensional regulations, an applicant may submit a Conditional Use Permit application.

19.32.F.4 Criteria for granting a Conditional Use Permit:

- a. Both public and private buildings and landscaping contribute to the aesthetic value of the right of way and provide civic spaces.
- b. Development adequately accommodates automobiles, while respecting the pedestrian and the spatial form of public areas.
- c. The design of streets and buildings reinforces a safe environment, but not at the expense of accessibility.
- d. The architecture and landscape designs are inspired by local climate, topography, history, and building practice.
- e. Civic spaces and public gathering places are provided as locations that reinforce community identity and activity

This Ordinance shall take effect upon passage.

Authorization	
<i>Sponsored by Councilor:</i> David A. Witham	<i>Approved:</i> City Attorney



DATE: December 28, 2022
TO: Robert Belmore, City Manager
City Council
FROM: Michelle Mears, AICP
Director of Planning and Community Development

Re: Zoning Amendment: Section 32 Form Based Codes – Conditional Use Permit

BACKGROUND: Form-Based Codes (FBC) were adopted in 2020.

CURRENT ORDINANCE: The current FBC Section 19.32.E.3 Ordinance allows for the Planning Board to grant conditional use permits for uses not specifically called out in the Permitted Uses Table.

A variance is currently required if dimensional standards are not met. The dimensional standards in the FBC are more restrictive than in the underlining Business District, which has no setback requirements.

The FBC has 'build to lines' requiring a site to be built out to a certain extent. This is applicable to the fronts and sides. Frontage is considered any portion of the lot that is along a street. This creates an issue when on-site parking is also required. This proposed change will allow for more flexibility with design of sites within the Form-Based Codes.

See attached FBC Section of the Zoning Ordinance.

Planning Board supported these proposed zoning changes at the November 16, 2022 meeting and voted to recommend the changes to City Council.

PROPOSED REVISIONS RED LINE:

19.32.F. Dimensional Regulation

19.32.F.1 The dimensional regulations to be utilized within the Form Based Codes Overlay District are shown on the front of the five (5) Area Sub-District Sheets (Areas 1 – 5) at the end of this section.

19.32.F.2 Anything cited as "per ordinance" refers to Table 5.A.1 in the Zoning Ordinance entitled "Dimensional and Density Regulations".

19.32.F.3 Where parcels are not able to meet the dimensional regulations, an applicant may submit a Conditional Use Permit application.

19.32.E.4 Criteria for granting a Conditional Use Permit:

- a. Both public and private buildings and landscaping contribute to the aesthetic value of the right of way and provide civic spaces.
- b. Development adequately accommodates automobiles, while respecting the pedestrian and the spatial form of public areas.
- c. The design of streets and buildings reinforces a safe environment, but not at the expense of accessibility.
- d. The architecture and landscape designs are inspired by local climate, topography, history, and building practice.
- e. Civic spaces and public gathering places are provided as locations that reinforce community identity and activity

ADDITIONAL DISCUSSION: The conditional use criteria we are proposing is the same criteria currently in the FBC allowing for a CUP application regarding uses.

19.32.E Permitted Uses

19.32.E.1 The standards for use and dimensions to be utilized within the Form Based Codes Overlay District are shown on the front of the five (5) Area Sub-District Sheets (Areas 1 – 5) at the end of this section.

19.32.E.2 Determination of Use Category - The Director of Development Services or their designee shall determine in which use category, in the Permitted Uses Table, on each district sheet, a proposed use is located. When a use is not specifically listed, the Director of Development Services or their designee is authorized to determine if the use is similar enough to be placed in a category or if the use is prohibited by this Chapter.

19.32.E.3 Uses - Where uses are not specifically called out in the Permitted Use Table an applicant may submit a Conditional Use Permit for their proposed use.

19.32.E.4 Criteria for granting a Conditional Use Permit:

- a. Both public and private buildings and landscaping contribute to the aesthetic value of the right of way and provide civic spaces.
- b. Development adequately accommodates automobiles, while respecting the pedestrian and the spatial form of public areas.
- c. The design of streets and buildings reinforces a safe environment, but not at the expense of accessibility.
- d. The architecture and landscape designs are inspired by local climate, topography, history, and building practice.
- e. Civic spaces and public gathering places are provided as locations that reinforce community identity and activity.

19.32.F Dimensional Regulations

19.32.F.1 The dimensional regulations to be utilized within the Form Based Codes Overlay District are shown on the front of the five (5) Area Sub-District Sheets (Areas 1 – 5) at the end of this section.

19.32.F.2 Anything cited as “per ordinance” refers to Table 5.A.1 in the Zoning Ordinance entitled “Dimensional and Density Regulations”.

19.32.G Architectural Standards

19.32.G.1 The architectural standards to be utilized within the Form Based Codes Overlay District are shown on the back of the five (5) Area Sub-District Sheets (Areas 1 – 5) at the end of this section.

19.32.G.2 Waivers may be used to adjust the architectural standards, but designs must still meet the intent of these standards. In the case of Commercial or Multifamily use waivers shall be granted by the Planning Board if appropriate. In the case of Single family or duplex development waivers shall be granted by the Director of Development Services or their designee, if appropriate.

Mears stated at a recent ZBA meeting the Zoning Board indicated they would like staff to review the section of the parking requirements that state:

19.21.A.2. Parking shall be located and arranged so that vehicles will not need to back out into the street.

Explained this is difficult when it comes to onsite actions by residents. Staff is able to express that plans for parking areas need to be designed in a way that is compliant to the ordinance. But in practice this is not something that we are able to track to ensure that people are following it in practice.

Witham stated he likes both proposals, by having the multifamily parking regulations in the site plan regulations allows a lot more latitude of the nuances of parking. There are no two projects that are the same. Stated it being in the Zoning Ordinance would work for projects like Tara Fields which started with a large blank space, but not for the majority of the City, which is irregular lots. Some areas have on street parking or parking on another lot. It would allow the City as a whole and the Planning Board to work with the property owners for the specific need. The second part in regards to backing out, understand how that is difficult to enforce. If designing from scratch, could address so it is not an issue, but if in downtown may be very difficult and even if designed in how does it get enforced. In support of the proposal.

Horton stated he concurs with Witham's statement. Would staff be looking to remove 19.21.A.2 or relocating it into the Site Review Regulations.

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Belmore inquired if they wanted it left in the Ordinance so it could be discussed rather than a design requirement. Using language such as 'should' instead of 'shall'.

Horton stated he is favorable either way, but think traffic flow and direction would be considered by engineers in the designs.

Richardson suggested it being stated that parking to be designed in a safe manner.

Witham stated safe manner could be nebulous because it would be subjective. Projects go before the SRTC and feel it could be discussed during that level of parking design. Comfortable removing it and allowing it to just be a discussion.

MOTION: Belmore stated I move to recommend to the City Council a zoning amendment to amend Section 19.21.A.1 as shown in the redline memo dated 11-10-2022 and remove Section 19.21.A.2.

The MOTION is SECONDED by Witham.

Discussion: Witham stated if this passes, he would be happy to sponsor it.

The MOTION CARRIES 9-0.

- ii. **Section 32 Form Based Codes: to allow for a conditional use permit for dimensional regulations within the Form Based Codes Districts**

Mears stated the Form Based Codes (FBC) were adopted in 2020. There are 5 subareas within the FBC. Each subarea has dimensional regulations and if an applicant is not able to meet those, they would currently need to seek a variance through the Zoning Board. The proposal is to allow for the Planning Board to grant Conditional Use Permits for the dimensional requirements if the applicant is seeking relief from those. The FBC allows for the PB to grant a CUP for uses that are not specifically listed in the ordinance.

Witham asked for more information on the dimensional requirements.

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Horton inquired if the ZBA has received many variance applications for this issue.

Mears stated at this point the ZBA has not received any applications for variances from these requirements. The underlying zoning district, Business, was less restrictive.

Horton stated he would be in favor of incorporating the provided staff recommendations.

MOTION: Robidas moved to recommend a Zoning Ordinance amendment to City Council to amend Section 32 Form Based Codes as indicated in the November 10, 2022 staff memo, that would allow for conditional use permits to be granted by the Planning Board regarding dimensional requirements.

The MOTION is SECONDED by Rhodes.

Discussion: Witham stated FBC are in the downtown area, the idea was to allow for a lot of flexibility. The desire was to have buildings built to the street line and not set back, have them of a different scale and create street scape. The limitations seem to fly in the face of what they were trying to achieve. This is in line with what was envisioned to allow for more discussion of the project between the Board and the developer.

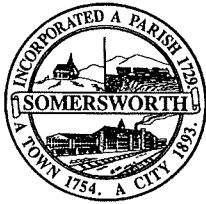
The MOTION CARRIES 9-0.

b. Site Plan Review Regulations

i. EV Chargers

Mears stated the Board requested this item be scheduled for a workshop meeting. Stated the proposal is to add EV Charging Stations to the Zoning Ordinance as an accessory use (Table 4.A.3) and to the definition of Auto Convenience Market. In theory an applicant could come in for just a 'vehicle recharging station' rather than a gas station. Proposing to also add to the Site Plan Review Regulations that include language within the Site Plan Review Regulations regarding requirement of EV stations within appropriate sites. This would be located within the parking requirements for a site and be specific to certain uses. Also, to revise the Site Plan Review Regs to allow for applicants who have an existing approved site plan to be able to install EV charging stations without additional site plan review, so long as the integrity of the site plan and existing parking is not compromised. Any impacted landscaping shall be relocated on the site so that there is not a reduction in landscaping.

Richardson inquired if there would be anything to address issues of people who use the spaces for parking and not charging.



City of Somersworth – Resolution

Resolution No: **24-23**

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AMENDED PROJECT AGREEMENT WITH THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION TO INCREASE THE TRANSPORTATION ALTERNATIVES PROGRAM GRANT AWARD

January 9, 2023

WHEREAS, the City Council adopted Resolution 43-17 on June 5, 2017 to authorize the City Manager to enter into a project agreement with the New Hampshire Department of Transportation for a Transportation Alternatives Program (TAP) Grant award; and

WHEREAS, the City requested bids from qualified contractors for the construction of the TAP project, however, the bid in conjunction with other costs associated with the project is in excess of the TAP Grant award by \$324,686 (Three Hundred Twenty Four Thousand Six Hundred Eighty Six dollars); and

WHEREAS, after review, the New Hampshire Department of Transportation informed the City that additional Grant funding has been made available and has amended the Grant award to the City by an additional \$259,749 (Two Hundred Fifty Nine Thousand Seven Hundred Forty Nine dollars) toward the project, such amount being 80% of the additional project costs; and

WHEREAS, the City will be responsible for the remaining 20% of the additional project costs, such amount being \$64,937 (Sixty Four Thousand Nine Hundred Thirty Seven dollars);

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to enter into an amended project agreement with the New Hampshire Department of Transportation to increase the Transportation Alternatives Program Grant award, and to take any and all other such actions relative to this grant and this project's completion determined to be in the best interest of the City.

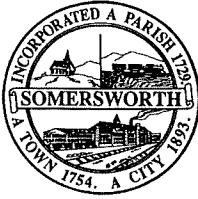
Authorization

Sponsored by Councilors:

David A. Witham
Donald Austin
Nancie Cameron
Denis Messier
Matthew Gerding
Richard R. Michaud

Approved:

City Attorney

**MEMORANDUM from Director Public Works & Utilities**

Date: January 4, 2023

To: Bob Belmore, City Manager

From: Michael J. Bobinsky, Director of Public Works and Utilities

Cc: Scott Smith, Deputy City Manager –Director of Finance
Amber Hall, PE, City Engineer

Re: NH DOT Local Public Agency (LPA) TAP Grant - Sidewalk Project Approval Award

The following summarizes the TAP grant project award status:

The TAP Grant contractor recommended for award is Northeast Earth Mechanics. The submitted bid plus two (2) alternates is \$1,071,879.25 which is 34% higher than the engineers' estimate of \$801,510 for the base bid and the alternates. State DOT approved construction phase funding is \$871,500; the bid is over budget by \$200,379. The State DOT reviewed and approved the additional funds to cover the increased cost of the project. State DOT project managers have recommended award of the bid for the construction and increase of funds.

Construction Engineering and Inspection (CEI) consultant for TAP Grant project has been recommended as The Engineering Corp. (TEC) and CMA for the Construction Engineering and Inspection (CEI) work.

The City has received approval from the New Hampshire Department of Highways for an Amended TAP Grant Project Agreement and authorization to proceed with contract awards for construction engineering with TEC and CMA engineers, and with Northeast Earth Mechanics for construction of the High Street, Memorial Drive, sidewalk improvements and Maplewood Middle School Walking Path.

The following NHDOT documents are attached with this memorandum to serve as supporting documents for the City Council Resolutions in consideration of the project award:

- -Notice to Proceed –Contract Award for TEC's and CMA for CEI construction inspection services and Northeast Earth Mechanics for construction of the sidewalk improvements.
- -Amended Project Grant Agreement

**TRANSPORTATION ALTERNATIVES PROGRAM
AMENDED PROJECT AGREEMENT
FOR
CITY OF SOMERSWORTH**

STATE PROJECT #: 41363
FEDERAL PROJECT #: X-A004(606)
STATE VENDOR #: 177476
UNIQUE ENTITY IDENTIFIER #: ML4APHRG3K85

THIS AMENDED AGREEMENT, is made and entered into this ____ day of _____, 20__, between the State of New Hampshire, acting through its Department of Transportation, hereinafter called the "DEPARTMENT", and the City of Somersworth, hereinafter called the "PROJECT SPONSOR".

WHEREAS, the DEPARTMENT and the PROJECT SPONSOR have determined that a project to construct sidewalks on High Street, upgrade pedestrian crosswalk across High Street, construct sidewalks on Memorial Drive and construct a multi-use path between elementary and middle school in the City of Somersworth is an eligible project for funding under the Federal Aid Transportation Alternatives Program created under the Federal Bipartisan Infrastructure Law (BIL); and

WHEREAS, the Parties now wish to amend and replace the previous Agreement dated June 20, 2017, which will become null and void with the execution of this AMENDED AGREEMENT; and

WHEREAS, the DEPARTMENT has established Project #41363 (the "Project") for the aforesaid project, with the Based on Bids project funding represented in the table below; and

Bid Analysis Approval Date	Participating Federal Share 80 %	Participating Local Share 20 %	Additional Non- Participating Funds	Total Budget
8/31/2022	\$1,048,948.52	\$262,237.13	\$0.00	\$1,311,185.65

Additional Administrative Documentation Information: If this information is not available at the time of the Agreement signing, documentation will be sent to the PROJECT SPONSOR by the DEPARTMENT as soon as the information is available:

FEDERAL FAIN #: 33A004606M302, 693JJ22030000Z302NHA004606, 693JJ22230000Z3E2NHA004606
CFDA #20.205 and DESCRIPTIONL: Highway Planning and Construction

SUBAWARD Period of performance start date: April 2, 2018

SUBAWARD Period of performance end date: October 15, 2024

NHDOT Managed: Yes ____ No X

NHDOT Indirect Rate: N/A X 10% ____

Is award Research & Development: Yes ____ No X

WHEREAS, the PROJECT SPONSOR has submitted an Application 16-35TAP to sponsor the Project (the "Application") and the DEPARTMENT has accepted the Application; and

WHEREAS, the Application, by reference, is hereby incorporated and made a part of this AMENDED AGREEMENT; and

WHEREAS, the PROJECT SPONSOR desires to act as Sponsor and Manager of the Project; and

WHEREAS, the DEPARTMENT desires to cooperate with the PROJECT SPONSOR in accomplishing the Project;

NOW, THEREFORE, in consideration of the above premises and in further consideration of the agreement herein set forth by and between the parties hereto, it is mutually agreed as follows:

I. DUTIES AND RESPONSIBILITIES OF THE PROJECT SPONSOR:

- A. The PROJECT SPONSOR shall comply with all Federal and State of New Hampshire laws and rules, regulations, and policies as applicable under the Federal-Aid Highway Program for Federal Aid Construction Contracts.
- B. The PROJECT SPONSOR shall manage the design, environmental study, right-of-way acquisition and construction of the Project. This management is described in the current version of the DEPARTMENT's document titled "Local Public Agency Manual for the Development of Projects", as it may be amended from time to time, and, by reference, is hereby incorporated and made a part of this AMENDED AGREEMENT.
- C. The PROJECT SPONSOR shall provide or cause to provide for both the maintenance of the Project during construction and subsequent maintenance of all Project elements together with the maintenance of sidewalks, which includes winter snow and ice removal in accordance with the requirements of 23 CFR 1.27 and 28 CFR 35.133, once the work under this AMENDED AGREEMENT is completed. Should operational adjustments be necessary, the PROJECT SPONSOR agrees that no changes will be made without prior approval of the DEPARTMENT and the Federal Highway Administration.
- D. The PROJECT SPONSOR shall submit monthly progress reports and invoices to the DEPARTMENT for reimbursement of its share of the amounts paid to engineering, environmental and/or right-of-way consultants and construction contractors for the performance of the work set forth in the Application or agreed upon at the scoping meeting. The invoice structure shall include details of work completed consistent with the Scope of Work as defined in the Application, as well as backup information to support the charges. The PROJECT SPONSOR shall certify that the invoices properly represent payment for work that has been completed and paid for by the PROJECT SPONSOR.
- E. The PROJECT SPONSOR is required to maintain all project and financial records pertinent to the development of the Project for three (3) years beyond the date of the DEPARTMENT's final voucher. The DEPARTMENT will send a letter to the PROJECT SPONSOR with the date of this approval. If there is a failure to maintain this documentation, NHDOT and/or Federal Highway Administration could take an action up to and including requesting a refund of all reimbursed project costs. Any and all of these project and financial records must be made available to the DEPARTMENT and Federal Highway Administration at their request.
- F. The PROJECT SPONSOR shall defend, indemnify and hold harmless the DEPARTMENT and its officials, agents and employees from and against any and all claims, liabilities or suits arising from (or which may be claimed to arise from) any act or omission of the PROJECT SPONSOR or its subcontractors in the performance of this AMENDED AGREEMENT. Notwithstanding the foregoing, nothing herein contained shall be deemed to constitute a waiver of the sovereign immunity of the State of New Hampshire or the DEPARTMENT, which immunity is hereby reserved. This covenant shall survive the termination of this AMENDED AGREEMENT.

G. Non-Discrimination:

1. The PROJECT SPONSOR agrees, for itself, its assignees and successors in interest, that it will comply with Title VI of the Civil Rights Act of 1964 (referred to as the ACT), and all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Part 21 (referred to as the "REGULATIONS"), the Federal-aid Highway Act of 1973, and other pertinent directives, to the end that no person shall on the grounds of race, color, religion, national origin, sex, age, sexual orientation, disability, or handicap, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity for which the PROJECT SPONSOR receives Federal financial assistance extended by the State of New Hampshire. The ACT and the REGULATIONS are herein incorporated by reference and made a part of this AMENDED AGREEMENT. This AMENDED AGREEMENT obligates the PROJECT SPONSOR for the period during which Federal financial assistance is extended.
2. The PROJECT SPONSOR hereby gives assurance as required by subsection 21.7(a)(1) of the REGULATIONS that it will promptly take any measures necessary to effectuate this AMENDED AGREEMENT, including but not limited to the following specific assurances:
 - a. That each "program" and each "facility" as defined in subsections 21.23(e) and 21.23(b) of the REGULATIONS will be conducted or operated in compliance with all requirements of the REGULATIONS.
 - b. That the PROJECT SPONSOR shall insert the following notification in all solicitations for negotiated agreements or bids for work or material made in connection with this Project: *The PROJECT SPONSOR hereby notifies all bidders that it will affirmatively insure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, religion, national origin, sex, age, sexual orientation, disability or handicap in consideration for an award.*
 - c. That the PROJECT SPONSOR shall not discriminate on the basis of race, color, religion, national origin, sex, age, sexual orientation, disability or handicap in the award and performance of any DEPARTMENT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. The PROJECT SPONSOR shall take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of DEPARTMENT-assisted contracts. The DEPARTMENT's DBE program, as required by 49 CFR part 26 and as approved by the United States Department of Transportation, is incorporated by reference in this AMENDED AGREEMENT. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this AMENDED AGREEMENT. Upon notification to the PROJECT SPONSOR of its failure to carry out its approved program, the DEPARTMENT may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 *et seq.*

- d. That the PROJECT SPONSOR shall include the following assurance in each contract signed with a contractor and each subcontract the prime contractor signs with a subcontractor: *The contractor or subcontractor shall not discriminate on the basis of race, color, religion, national origin, sex, age, sexual orientation, disability or handicap in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DEPARTMENT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of the contract or such other remedy, as the recipient deems appropriate.*
- 3. The PROJECT SPONSOR shall insert a copy of the required provisions of Federally-assisted construction contracts in accordance with Executive Order 11246, Equal Employment Opportunity, and 41 CFR Part 60-4, Affirmative Action Requirements, in each contract entered into pursuant to this AMENDED AGREEMENT. Required Federal contract provisions can be obtained through the DEPARTMENT's Labor Compliance Office (271-6612) or Online at:
<http://www.nh.gov/dot/org/administration/ofc/documents.htm>
- H. The PROJECT SPONSOR certifies by entering into this Agreement that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from entering into this Agreement by any federal agency or by any department, agency or political subdivision of the State of New Hampshire. The term "principal" for purposes of this Agreement means an officer, director, key employee or other person with primary management or supervisory responsibilities, or a person who has critical influence on or substantive control over the operations of the PROJECT SPONSOR. The PROJECT SPONSOR also certifies that it will verify the state and federal suspension and debarment status for all parties (consultant/vendor/contractor, etc.) receiving funds under this Agreement as a sub-Agreement and shall be solely responsible for any recoupment, penalties or costs that might arise from use of a suspended or debarred party. The PROJECT SPONSOR shall immediately notify the Department if any sub-Agreement party is debarred or suspended, and shall, at the DEPARTMENT'S request, take all steps required by the State to terminate its sub-Agreement relationship with the party for work to be performed under this Agreement.
- I. If the PROJECT SPONSOR defaults on any element of this AMENDED AGREEMENT, the PROJECT SPONSOR shall be required to reimburse the DEPARTMENT and/or the Federal Highway Trust Fund for all funds expended under this Project.

II. DUTIES AND RESPONSIBILITIES OF THE DEPARTMENT:

- A. The DEPARTMENT shall review the Project engineering plans, environmental documents and contract documents applicable to the Federal Highway Administration and State of New Hampshire requirements for a Federally-funded project and submit appropriate documentation to the Federal Highway Administration to receive Federal approval.
- B. The DEPARTMENT shall reimburse its share to the PROJECT SPONSOR after receipt and approval of properly documented invoices that have been certified by the PROJECT SPONSOR as properly representing work that has been completed and paid for by the PROJECT SPONSOR.

- C. The DEPARTMENT shall use its best efforts to obtain authorization of the Project from the Federal Highway Administration.

III. IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN THE DEPARTMENT AND THE PROJECT SPONSOR:

- A. That the PROJECT SPONSOR will not incur any Project costs nor enter into any agreement with any third party, including but not limited to consultants, contractors, or engineers until such time that it receives a written notice to proceed from the DEPARTMENT to do so.
- B. That the maximum amount of funds available for this Project for reimbursement under this AMENDED AGREEMENT from the DEPARTMENT shall be as set forth in the Table on page 1 herein. This Based on Bids cost will reflect the maximum amount of DEPARTMENT funding to be made available for the project. As the construction of the Project is finalized, should the costs for the Project exceed the amount budgeted, the DEPARTMENT agrees to review Project costs for consideration of additional funding. Neither the DEPARTMENT nor the Federal Highway Administration will be responsible for any expenses or costs incurred by the PROJECT SPONSOR under this AGREEMENT in excess of the above amounts unless the DEPARTMENT expressly authorizes additional funding prior to the work being performed.
- C. That the PROJECT SPONSOR shall invoice the DEPARTMENT for incurred costs on a monthly basis and the DEPARTMENT will process these invoices for payment in an expeditious manner.
- D. That the PROJECT SPONSOR agrees to commence construction in Federal fiscal year 2023 unless earlier terminated as provided herein and complete the Project on or BEFORE the SUBAWARD Period of Performance END date on page 1. The PROJECT SPONSOR may apply to the DEPARTMENT for an extension of Period of Performance END date. Such application for extension must be made in writing, providing an explanation of the reasons for the delay, and proposing a revised schedule. Failure to meet any deadline without good cause may cause the DEPARTMENT to cancel its participation in this Project at its sole discretion, in which case any remaining funds will be forfeited. The PROJECT SPONSOR is responsible for informing and coordinating a new Project completion date that will need to be approved by the DEPARTMENT if any condition arises that may result in deadline being unattainable.
- E. This AMENDED AGREEMENT may be amended to incorporate changes in project scope, schedule, and/or budget that may arise through the development and design stages of the project, pursuant to approval by the Governor and the Executive Council as Item No. 47 on March 23, 2022. Such amendments will be effective upon execution of an instrument in writing signed by both parties hereto. Otherwise, this AMENDED AGREEMENT may be amended, waiver or discharged only by an instrument in writing signed by the parties hereto and only after approval of such amendment, waiver or discharge by the Governor and Executive Council of the State of New Hampshire unless no such approval is required under the circumstances pursuant to State law, rule or policy.

- F. That this AMENDED AGREEMENT is contingent upon the appropriation of sufficient funds from the State of New Hampshire Legislature and/or the Federal Highway Administration. If sufficient funds are not appropriated, the DEPARTMENT may terminate this AGREEMENT upon thirty (30) days' written notice to the PROJECT SPONSOR. Such termination shall relieve the DEPARTMENT and the PROJECT SPONSOR from obligations under this AGREEMENT after the termination date.
- G. Pursuant to authorization by the Governor and the Executive Council, as Item No. 47 on March 23, 2022, this AMENDED AGREEMENT is effective upon the date shown on page one of this AMENDED AGREEMENT. The DEPARTMENT will include a record of this AMENDED AGREEMENT in its annual report to the Governor and the Executive Council on the status of all active Federal Local Public Agency (LPA) projects.

IN WITNESS WHEREOF, the parties have executed this AMENDED AGREEMENT on the date first written above.

**NEW HAMPSHIRE DEPARTMENT
OF TRANSPORTATION**

CITY OF SOMERSWORTH

By: _____

Signature: _____

Commissioner
State of New Hampshire
Department of Transportation

Name (typed): _____

Title: _____



William Cass, P.E.
Assistant Commissioner

THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION



Andre Briere
Deputy Commissioner

December 6, 2022

Michael Bobinsky
Public Works Director
City of Somersworth
1 Government Way
Somersworth, NH 03878

RE: SOMERSWORTH, X-A004(606), #41363
High Street, Memorial Drive and Cemetery Road
Transportation Alternatives Program (TAP)
NOTICE TO PROCEED CONSTRUCTION ENGINEERING (TEC AND CMA)
NOTICE TO PROCEED TO AWARD LOW BID
"BASED ON BIDS" AMENDED AGREEMENT FOR CITY SIGNATURE
CERTIFICATE OF AUTHORITY (REQUIRED)

Dear Mr. Bobinsky:

The Department has reviewed the Scope of Work and Fee Proposal dated November 1, 2022, as submitted by TEC, Inc., as well as the City's Independent Government Estimate (IGE) dated November 1, 2022, for the above-referenced project and finds them to be satisfactory. The total Construction Engineering (CE) fee approved is \$62,019.65. TEC's approved overhead rate is fixed at **181.73%** for the life of the contract. **Please submit a copy of the signed scope and fee document to this office for our records.**

In addition, because CMA Engineers is the Design Engineer of Record, the Department recognizes their services will also be needed as part of the CE effort. The Department has reviewed the Scope of Work and Fee Proposal dated August 2, 2022, as submitted by CMA Engineers, as well as the City's IGE dated August 2, 2022, and finds them to be satisfactory. The total CE fee approved is \$11,915.00. CMA's approved overhead rate is fixed at **2.0232%** for the life of the contract. **Please submit a copy of the signed scope and fee document to this office for our records.**

IMPORTANT: The date of this letter marks the end of Preliminary Engineering (PE) phase and the beginning of the Construction phase including the beginning of the CE phase.

The Department has reviewed the bid analysis dated August 16, 2022 and has determined the bids to be competitive. The Department approves the award of the low bid to Northeast Earth Mechanics, LLC in the amount of \$1,071,879.25.

IMPORTANT: Please inform this office when the contract is executed by submitting a copy of the signed Contract Agreement for our files. Both a member of our Office Federal Compliance and myself are mandatory attendees at the pre-construction meeting.

If changes to the project are needed as the project proceeds, a change order will be required in advance of any purchase or work. Only pre-approved change orders will allow for reimbursement from federal funds.

Upon final completion of work, I will be required to field review the project for conformity with the approved plans. An electronic (PDF) submittal of as-built plans will be required.

Attached is a copy of the checklist "Project Closeout, Part 1". You will need to fill this out and return it with all the supporting documents for the final reimbursement request.

The following table lists the eligible project costs for the project:

PHASE	*PARTICIPATING FUNDS	COMMENTS
Preliminary Engineering	\$135,371.00	Total Engineering Approved
Right-Of-Way	\$30,000.00	Total ROW approved
Construction	\$62,019.65	Construction Engineering Services TEC, Inc.
Construction	\$11,915.00	Engineer of Record CE Services CMA Engineers
Construction	\$1,071,880.00	Low Bid Northeast Earth Mechanics, LLC
Total	\$1,311,185.65	

*Participating funds are shared 80% Federal and 20% Local Match

Attached is a "Based on Bids" Amended Agreement between the Department and the City of Somersworth that will need to be signed by the City and returned to NHDOT. **Please leave the date back on the first page on this Amended Agreement.**

Along with the signed Amended Project Agreement, one other item is required to execute this Amended Project Agreement – Certificate of Authority as described below.

We need a "Certificate of Authority" from the City that shows that the person signing the agreement has the right and authority to sign the agreement.

Examples of what this could be...

- There may be meeting minutes that identify that the City Council has authorized the City Engineer or designee to sign contracts and agreements
- It may be in the City charter or other City guiding documents
- If other options are not possible, then we request a notarized statement on a standardized form

If there are any questions, please contact me.

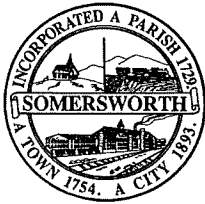
Sincerely,



Thomas E. Jameson, PE
Project Manager
Bureau of Planning and Community Assistance
Telephone: (603) 271-3462

TEJ/dmp
Attachments

cc via email: Amber Hall, City of Somersworth, Jason Beaudet, CMA Engineers, Inc., Jody Trunfio, TEC, Inc., C.R. Willeke, NHDOT, Courtney Collins, NHDOT, Laura Guimont, NHDOT



City of Somersworth – Resolution

Resolution No: **25-23**

**TO AUTHORIZE THE CITY TO USE FUNDING FROM THE
MUNICIPAL AND TRANSPORTATION FUND FOR THE LOCAL
MATCH OF ADDITIONAL FUNDING FOR THE
TRANSPORTATION ALTERNATIVES PROGRAM GRANT**

January 9, 2023

WHEREAS, the City Council adopted Resolution 44-17 on June 5, 2017 to authorize the use of \$197,300 (One Hundred Ninety Seven Thousand Three Hundred dollars) from the Municipal and Transportation Fund for the local match of a Transportation Alternatives Program Grant (TAP Grant); and

WHEREAS, the City Council has been notified that the New Hampshire Department of Transportation has amended the Grant agreement to provide additional funding for the TAP Grant; and

WHEREAS, the Grant award requires an additional local match in the amount of \$64,937 (Sixty Four Thousand Nine Hundred Thirty Seven dollars); and

WHEREAS, the City Council intends to utilize funding for the additional matching funds from the Municipal and Transportation Fund; and

WHEREAS, the City Council is designated as agents to expend these funds;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City may utilize \$64,937 (Sixty Four Thousand Nine Hundred Thirty Seven dollars) for the additional local match of a Transportation Alternatives Program Grant (TAP Grant) through the New Hampshire Department of Transportation.

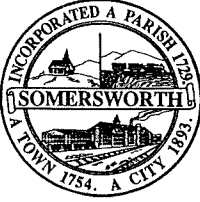
Authorization

Sponsored by Councilors:

David A. Witham
Donald Austin
Nancie Cameron
Denis Messier
Matthew Gerding
Richard R. Michaud

Approved:

City Attorney



City of Somersworth – Resolution

Resolution No: **26-23**

**TO AUTHORIZE THE CITY MANAGER TO AWARD CONTRACTS
FOR THE CONSTRUCTION AND CONSTRUCTION ENGINEERING
FOR THE IMPROVEMENTS ASSOCIATED WITH THE
TRANSPORTATION ALTERNATIVES PROGRAM GRANT**

January 9, 2023

WHEREAS, the Somersworth City Council adopted Resolution 43-17 on June 5, 2017 to authorize the City Manager to enter into a grant agreement with the New Hampshire Department of Transportation for a Transportation Alternatives Program (TAP) Grant award for sidewalk improvements on High Street, Memorial Drive, and pathway improvements between Maplewood Elementary and Somersworth Middle School; and

WHEREAS, the City's consultant engineer for the project solicited proposals from qualified contractors to construct these improvements; and

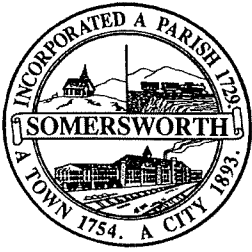
WHEREAS, City staff solicited proposals from qualified consultants for the construction engineering and project inspection of these improvements; and

WHEREAS, these contracts for construction and construction engineering have been reviewed and authorized for award by the State of New Hampshire Department of Transportation as follows;

- Northeast Earth Mechanics, LLC of Pittsfield, NH for the construction of the TAP improvements for an amount of \$1,071,879 (One Million Seventy One Thousand Eight Hundred Seventy Nine dollars); and
- TEC, Inc. of Hampton, NH for construction engineering inspection for an amount of \$62,020 (Sixty Two Thousand Twenty dollars); and
- CMA Engineers of Portsmouth, NH for construction engineering design oversight for an amount of \$11,915 (Eleven Thousand Nine Hundred Fifteen dollars);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to award the contracts for the construction and construction engineering for the improvements associated with the Transportation Alternatives Program Grant and to take any other action relative to the grant and to this project determined to be in the best interest of the City.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Donald Austin Nancie Cameron Denis Messier Matthew Gerding Richard R. Michaud	<i>Approved:</i> City Attorney



Somersworth Police Department

12 Lilac Lane

Somersworth, NH 03878

Business: (603) 692-3131 Fax: (603) 692-2111

Timothy J. McLin
Chief of Police

Memo To: Robert Belmore, City Manager
From: Timothy McLin, Chief of Police
Date: January 5, 2023
Subject: Body Camera Status

Bob,

Our Body Cameras were ordered through Motorola on 9/15/22. In mid-December we were advised that they were on back order, and it was possible they may ship sometime in January, 2023. On 1/5/23, we received several packages of body camera equipment from Motorola via Fedex. Our representative will be here on 1/9/23 to ensure we have received all the items we need for implementation.

Backbay Networks has already installed the new server associated with this project, and they will need to manually switch the server over, and work with Watchguard to implement the Body Cameras. Also, each police cruiser will be cycled through to Two-Way Communications, to install a kit to integrate the current Watchguard system with the new body cameras.

Once we confirm we have everything we need, we will make the necessary appointments to complete the implementation work.

Brenda Breda

From: George D. Kramlinger
Sent: Friday, January 6, 2023 12:00 PM
To: Bob Belmore
Cc: Scott A. Smith; Brenda Breda; George D. Kramlinger; Ellen Spicer
Subject: Request to Apply for Assistance to Firefighters Grant (AFG)

Good morning Mr. Manager

As indicated at the staff meeting, the latest Assistance to Firefighters Grant (AFG) application period opens on Monday 9 January and will close on 21 January.

This is the same type and category of grant we earned for the vehicle extrication tools.

I am requesting to apply for a new AFG micro grant – maximum of \$50K – to purchase technical rescue equipment – ropes, pulleys, harnesses, confined space ventilation and breathing air systems, tripod, victim rescue harnesses and litters, etc.

Tech rescue equipment is a high priority category for this AFG. The majority of our equipment is currently 12 years old or older. FEMA rates tech rescue equipment that is 8 – 14 years old as a high priority for replacement.

The combination of priority associated with this AFG round and the age of our existing equipment gives us a high probability (but no guarantee) of success.

City contribution will be approximately \$2500 (5% match).

Request authorization to proceed.

Thank you

George Kramlinger
Fire Chief/EMD
City of Somersworth
(603) 692-3457

MITCHELL MUNICIPAL GROUP, P.A.

ATTORNEYS AT LAW
25 BEACON STREET EAST
LACONIA, NEW HAMPSHIRE 03246
www.mitchellmunicipalgroup.com

WALTER L. MITCHELL
LAURA A. SPECTOR-MORGAN
JOSEPH H. DRISCOLL, IV
NAOMI N. BUTTERFIELD – OF COUNSEL

TELEPHONE (603) 524-3885

January 4, 2023

CERTIFICATION

Re: City of Somersworth, New Hampshire

Ordinance No. 10-23

Title: **TO AMEND CHAPTER 14, LICENSES AND PERMITS,**
SECTIONS 14.2 PERMITS, 14.3 FEES, 14.6 APPLICATION,
14.7 AND 14.8

This is to confirm that in accordance with Somersworth City Council Rules and Regulations #17 (D)1, we have reviewed the above referenced ordinance. 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: 1/4/23

By: 

MITCHELL MUNICIPAL GROUP, P.A.

ATTORNEYS AT LAW
25 BEACON STREET EAST
LACONIA, NEW HAMPSHIRE 03246
www.mitchellmunicipalgroup.com

WALTER L. MITCHELL
LAURA A. SPECTOR-MORGAN
JOSEPH H. DRISCOLL, IV
NAOMI N. BUTTERFIELD – OF COUNSEL

TELEPHONE (603) 524-3885

January 4, 2023

CERTIFICATION

Re: City of Somersworth, New Hampshire

Ordinance No. 11-23

Title: TO AMEND CHAPTER 29 ADMINISTRATIVE CODE,
SECTION 29.4.9 TRAFFIC SAFETY COMMITTEE

This is to confirm that in accordance with Somersworth City Council Rules and Regulations #17 (D)1, we have reviewed the above referenced ordinance. 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: 1/4/23

By: 

MITCHELL MUNICIPAL GROUP, P.A.

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NAOMI N. BUTTERFIELD — OF COUNSEL

TELEPHONE (603) 524-3885

January 4, 2023

CERTIFICATION

Re: City of Somersworth, New Hampshire

Ordinance No. 12-23

Title: **TO AMEND CHAPTER 19 ZONING, SECTION 21 CIRCULATION
& PARKING REGULATIONS A.1 AND A.2**

This is to confirm that in accordance with Somersworth City Council Rules and Regulations #17 (D)1, we have reviewed the above referenced ordinance. 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: 1/4/23

MITCHELL MUNICIPAL GROUP, P.A.
City Attorney

By: 

MITCHELL MUNICIPAL GROUP, P.A.

ATTORNEYS AT LAW
25 BEACON STREET EAST
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NAOMI N. BUTTERFIELD – OF COUNSEL

TELEPHONE (603) 524-3885

January 4, 2023

CERTIFICATION

Re: City of Somersworth, New Hampshire

Ordinance No. 13-23

Title: TO AMEND CHAPTER 19 ZONING, SECTION 32
FORM BASED CODES

This is to confirm that in accordance with Somersworth City Council Rules and Regulations #17 (D)1, we have reviewed the above referenced ordinance. 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: 1/4/23

MITCHELL MUNICIPAL GROUP, P.A.
City Attorney

By: 

MITCHELL MUNICIPAL GROUP, P.A.

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NAOMI N. BUTTERFIELD – OF COUNSEL

TELEPHONE (603) 524-3885

January 5, 2023

CERTIFICATION

Re: City of Somersworth, New Hampshire

Resolution No. 24-23

Title: **TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN
AMENDED PROJECT AGREEMENT WITH THE NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION TO INCREASE THE
TRANSPORTATION ALTERNATIVES PROGRAM GRANT AWARD**

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: 1/5/23

By: 

MITCHELL MUNICIPAL GROUP, P.A.

ATTORNEYS AT LAW
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JOSEPH H. DRISCOLL, IV
NAOMI N. BUTTERFIELD – OF COUNSEL

TELEPHONE (603) 524-3885

January 5, 2023

CERTIFICATION

Re: City of Somersworth, New Hampshire

Resolution No. 25-23

Title: **TO AUTHORIZE THE CITY TO USE FUNDING FROM THE
MUNICIPAL AND TRANSPORTATION FUND FOR THE LOCAL MATCH
OF ADDITIONAL FUNDING FOR THE TRANSPORTATION ALTERNATIVES
PROGRAM GRANT**

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: 1/5/23

MITCHELL MUNICIPAL GROUP, P.A.

City Attorney

By: 

MITCHELL MUNICIPAL GROUP, P.A.

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January 5, 2023

CERTIFICATION

Re: City of Somersworth, New Hampshire

Resolution No. 26-23

Title: **TO AUTHORIZE THE CITY MANAGER TO AWARD CONTRACTS FOR
THE CONSTRUCTION AND CONSTRUCTION ENGINEERING FOR THE
IMPROVEMENTS ASSOCIATED WITH THE TRANSPORTATION
ALTERNATIVES PROGRAM TAP GRANT**

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: 1/5/23

MITCHELL MUNICIPAL GROUP, P.A.

City Attorney

By: 