

MINUTES OF THE PUBLIC WORKS AND ENVIRONMENT COMMITTEE
EXECUTIVE CONFERENCE ROOM
July 30, 2020 – 9:00 AM

Committee Members present: Councilor David A. Witham, Chair
 Councilor Matt Gerding
 Councilor Kenneth Vincent

Administration/Staff present: City Manager Bob Belmore
 Finance Director Scott Smith
 Director of Public Works Michael Bobinsky
 City Engineer Gary Lemay
 Planning Secretary Dana Crossley

Chairman Witham called the meeting to order at 9:26AM

Chairman Witham stated due to the State of Emergency declared by the Governor and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically. This meeting will be held via Zoom online platform. The public is asked to submit comments via email to jslaven@somersworth.com or bbelmore@somersworth.com. Comments must be received by Wednesday, July 29, 2020 at 12 noon. The public can access the meeting and listen live by telephoning any of the numbers posted on the agenda.

Chairman Witham stated that all votes will be taken by a roll call vote.

Roll call attendance was taken, Councilors Witham, Vincent, and Gerding were remotely present and by themselves. Councilor Dumont was excused.

City Manager Belmore stated who was present in Council Chambers which is noted above.

MINUTES OF THE PREVIOUS MEETING

Motion made by Councilor Gerding, seconded by Councilor Vincent, to approve the minutes of the July 07, 2020 meeting. Motion was approved 3-0 by a roll call vote.

NADEAU STREET REPAIRS/ACCEPTANCE UPDATE

Manager Belmore stated there have been continued conversations with the property owners. He stated the City Attorney has begun review of the project. He stated the attorney requested

clarification from the property owners if the cost share would be a 3-way split or a 4-way split due to the fact that one of the lot owners owns two lots with frontage on Nadeau Street that could be subdivided into 2 lots. He stated after discussion with the property owners the consensus was that the cost would stay at a 3-way split.

Manager Belmore stated the property owners are still looking to move forward with the process of creating the Betterment Assessment. He stated they have expressed concern of the cost since it is estimated to be around \$100,000. He stated the property owners have requested that the City consider a form of cost sharing for the project since they have been tax payers and residents of the City for many years.

Manager Belmore stated this project will create a Betterment Assessment. He stated this will not be a bonded project and will be funded by appropriated cash. He stated there are options the Council could consider to assist the residents of Nadeau St., such as they could cost share a portion or back out any interest that is to be applied. He stated rather than require the property owners to pay the estimated \$11,000 in interest, the City could back out the interest. He stated he is looking for this Committee's input on the City cost sharing topic.

Councilor Witham stated he has spoken with at least one of the property owners. He said the property owner who has reached out to him has been very polite, courteous and understanding, and he applauds that attitude. He stated they have received a plea from those residents for City assistance with the fee of the project but are still willing to move forward with the Betterment Assessment. He inquired what the fee would have been if they had moved forward with completing the shim and overlay before the ownership of Nadeau St. was brought to their attention.

Councilor Gerding stated he would also be interested in learning the cost associated with a shim and overlay. He stated he has also had discussion with one of the Nadeau St. residents and had a similar interaction as Councilor Witham relayed. He stated the property owner was very polite and was an advocate for himself and neighbors. He stated he is open to discussing ways to cost share.

Councilor Vincent stated he has thought about cost sharing with the property owners and was going to propose that the City take on \$20,000. He stated he is in favor of cost sharing and understands there was a misunderstanding between plowing and maintenance of the road.

Councilor Witham stated by taking on the cost of what they would have paid for a shim and overlay it would be a justifiable amount to other residents in the City.

Manager Belmore stated City Engineer Lemay provided an estimate and it would have been about \$15,000 for a shim and overlay of Nadeau St.

Councilor Witham stated to complete the shim and overlay it would be about \$15,000. He stated if the City considered them a 4th party of the Betterment Assessment the amount they would responsible for would be about \$25,000.

Manager Belmore stated if we are to consider ourselves a party in this, he would suggest waiving the interest.

The Committee was in favor of Manager Belmore's suggestion.

Councilor Vincent, seconded by Councilor Gerding moved to support a Resolution where the City will contribute \$26,000 (\$11,000 waived interest fees and \$15,000 as the estimated for a shim and overlay) to the Betterment District of Nadeau Street.

Discussion:

Councilor Vincent inquired what happens if the Betterment fee is paid off early.

Director Smith stated if there is interest it would have an effect, but with no interest the lien would just be released.

Roll call vote, 3-0 in favor.

INDIGO HILL RD. – SEVERINO REPAIR

Councilor Witham stated they have had previous discussion of the depression on Indigo Hill Road and is seeking an update on the repair of that.

Manager Belmore stated they have had discussions with Severino and they have stated it will be completed no later than the end of next week (8/07/2020). He stated that is barring any unexpected circumstances.

Councilor Witham stated the City has been pretty happy with the work completed by Severino and appreciates this fix outside of the pavement warranty.

Manager Belmore stated Severino has seemed to be sincere in their apologies for how long it has taken to address this depression.

PIKE PUNCH LIST UPDATE

Director Bobinsky stated they have been working with Pike over the last several weeks to complete the punch list items. He stated the major areas identified have been addressed.

City Engineer Lemay stated the only outstanding items are the core samples. He explained that Pike will extract the core sample and it will be inspected by a third party (S.W. Cole) to ensure the

pavement is meeting the City compaction standards. He stated they will schedule that and there will be some marks in the road to identify where the samples will be taken from. Pike will be responsible for the patching repairs from where the samples are drawn.

Councilor Witham stated pavement line striping on Franklin and High St were covered up due to the pavement repairs. He inquired if those crosswalks will be re-painted and striped.

Director Bobinsky stated yes.

Councilor Witham stated the punch list items that have been completed pass the 'ride-ability' test and are well done.

CMAQ GRANT – PROJECT AMENDMENT

Manager Belmore stated a letter to NH DOT project engineer has been drafted and wanted this Committee to review and receive their support before sending it. He stated to update 5 traffic signals along High Street by adding the retroreflective backplate would cost \$30,000 in total. He stated the City's portion of that \$30,000 would be \$3,000 (90/10 split) and the City would be able to cover that cost. He stated he wanted to bring this to the Committee's attention and receive their support.

Councilor Witham stated he was in support and is glad it is being addressed. He stated \$3,000 is a small price for significant work.

Councilor Vincent, seconded by Councilor Gerding moved to support the CMAQ Grant Project Amendment to install the retroreflective backplates installed at 5 intersections along High Street, with the City's cost share portion being \$3,000. The motion carries by a 3-0 roll call vote.

ORD. 5-21 ZONING AMENDMENT – AGRICULTURE

Manager Belmore stated the Mayor referred Ordinance 5-21 Zoning Amendment to this committee. He stated the proposal is to remove the term 'apiculture' which is the keeping of bees from the definition of agriculture. He stated there have been a series of instances that Code has had to shut down bee keeping activities outside of the Agriculture District. He stated one of those people sought a variance but was denied.

Councilor Witham asked if this amendment would in result allow apiculture in any zone within the City or just the Agriculture District.

Manager Belmore stated it would allow for apiculture in any zone. He stated that Director Saunders agreed with that interpretation as well prior to her departure.

Councilor Gerding stated that if handled correctly by the property owner bee keeping is fairly safe. He stated that there is only a threat to the public if one was to go up to the hive, but if the hive is on private property the general public should not be approaching it. He stated the responsibility would be upon the property owner to maintain the bees adequately. He stated he supports this ordinance change from an environmental standpoint and that it will help the agricultural community.

Councilor Vincent stated he agrees that the bee population is decreasing. He inquired if there is a limit to how many hives people can keep and how that is measured.

Councilor Witham stated bees are beneficial and sees their importance for the environment. He stated in general he is in support of the amendment. He stated he does not think it would be appropriate to have bees on properties with apartments, rental units or commercial areas. He stated he thinks there should be a limit on the zones and number of hives kept.

Councilor Gerding stated he thinks that removing the term 'apiculture' from the definition of agriculture is the first step. He stated he agreed that there should not be bee hives in front of businesses. He stated adding language to the ordinance to create guidance for the practice of apiculture would be beneficial.

Councilor Witham stated the best approach at this time would be to table this topic and have staff work on the amendment.

Manager Belmore stated he has done some research and will work with staff on some options for an amendment. He stated he will share the draft with the committee and council before the next meeting of this committee.

Councilor Gerding, seconded by Councilor Vincent, motioned to table Ord. 5-21 Zoning Amendment – Agriculture to allow staff time to complete research for a possible revision. The motion carried by a 3-0 roll call vote.

MISC.

Manager Belmore stated that Coolidge Law Firm has submitted a notice of a sidewalk deficiency for the sidewalk in front of their property at 98 High St. He stated the first issue of degradation was the sidewalk area in front of the Coolidge Law Firm dumpster. This deficiency has been addressed. He stated Coolidge Law Firm has expressed that the entire sidewalk on Constitutional Way is in disrepair. City Staff has gone out and done some repairs. He stated that he will communicate with

them to inform them of the temporary repairs. He stated this sidewalk is part of the complete streets project and will be repaired fully during that project in the future.

Councilor Witham inquired if the temporary repairs have addressed the property owner's immediate concerns.

Manager Belmore stated Public Works is comfortable and will continue to monitor the sidewalk.

Councilor Gerding inquired if the goats will be returning this year to address the knotweed.

Councilor Witham stated Public Works staff put down roadway millings behind the fence at the Noble Pines Park. He stated although it has not eliminated it has kept the knotweed at bay. He stated there has been discussion about using the roadside mower up there but there is a steep slope to consider.

Manager Belmore stated this year they did not move forward with having the goats come back. He stated he will consider it in the future for other certain areas.

There was a brief discussion of the knotweed growth cycle and alternate methods of removal.

Councilor Witham noted that he understands they are looking to include crack sealing in the pavement program and would like to see that done before winter this year.

ADJOURNMENT

Motion to adjourn made by Councilor Gerding seconded by Councilor Vincent, motion passed 3-0 roll call vote. Meeting adjourned at 10:10AM

Respectfully submitted,

Dana Crossley, Planning Secretary