

## MINUTES OF THE PUBLIC WORKS AND ENVIRONMENT COMMITTEE

City Council Chambers

December 1, 2020 3:45 p.m.

Committee Members present: Councilor David A. Witham, Chair  
Councilor Matt Gerding  
Councilor Martin Dumont

Administration/Staff present: City Manager Bob Belmore  
Finance Director Scott Smith  
Director of Public Works Michael Bobinsky  
City Clerk Jonathan Slaven  
City Engineer Amber Ferland  
Scott Orzechowski, Conservation Commission Chair

Absent: Councilor Kenneth Vincent

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Chairman Witham called the meeting to order at 3:45 p.m.

### MINUTES OF THE PREVIOUS MEETING ON NOVEMBER 5, 2020

*Councilor Dumont moved to approve the minutes of the November 5, 2020 meeting. The motion was seconded by Councilor Gerding and passed 3-0 by voice vote.*

### DRAFT ROAD RESURFACING BID – HIGH STREET ALTERNATIVE BID

Councilor Witham stated that the document before the Committee provides a detailed list of the streets to be resurfaced as approved by the full City Council. Councilor Witham said bid specifications are almost complete, however staff wanted some direction regarding the design of the sidewalk on High Street (from West High Street to Memorial Drive). He said there is a grass strip between the curbing and sidewalk approximately 2 feet in width. Staff was providing options to eliminate the strip and widening the sidewalk or road, for a potential bike lane or wider travel lanes. Councilor Witham said he would prefer to prepare the bid alternate to replace the curb and keep the profile the same. Councilor Gerding agreed to keeping the profile similar to the existing. Councilor Witham asked about the opportunity to plant trees in the grass strip between curb and sidewalk. Director Bobinsky stated that the strip of grass provides an area for snow load, and he and Ms. Ferland will look into possible minimal-maintenance, drought resistant grass. There was also a robust discussion regarding any change to the present profile requiring drainage work; finally, there was discussion on any potential to improve the sidewalk area at the corner of High and W High streets. The consensus was to not engage in including work at this area.

*Consensus reached to keep profile similar to perhaps add a few notions of aesthetics.*

#### HOPE ON HAVEN HILL, ROCHESTER, WATER SERVICE EXTENSION REQUEST

Manager Belmore said that Section 2 of the City's Water Ordinance, which specifies who our customers are, does not include the location in Rochester requesting expansion of the water service extension to their existing connection to the City of Somersworth's water system. Manager Belmore informed the Committee that when a number of homes in Rollinsford on Green Street were allowed to connect, the PW Committee had decided at that time there would be no more connection outside the City limits unless an intermunicipal agreement was in place. Manager Belmore posed the question to the Committee of whether they wanted to inform the applicant that a Rochester intermunicipal agreement or seek PUC's (Public Utilities Commission) after the fact approval. Councilor Witham said the intermunicipal agreement is what gives us leverage if they do not pay as we can't lien property in another community. Manager Belmore said we will contact the customer and discuss the alternatives. He also informed the Committee that either way would include legal fees which would need to be paid by the customer.

**Councilor Dumont made a motion to table the request pending staff returning with an update. The motion was seconded by Councilor Gerding and passed 3-0 by voice vote.**

#### DRAFT WETLANDS BUFFER ORDINANCE AMENDMENTS

Chairman of the Conservation Commission Scott Orzechowski stated that the primary driver of the amendments is that there are parts of the Ordinance that are hard to interpret. The essential changes made were cleaning up language and removing ambiguous language. Changes made include reduced minimum distance for the buffer to streams and water bodies to 50ft from 75ft to keep in line with the State RSA. He said he also added vernal pools to the protection of wetlands.

Councilor Witham said there is a balance between restrictive and protective and said his assumption is that we are not making this harder on developers, rather, making things clearer. Mr. Orzechowski replied in the affirmative and stated there was just too much ambiguity in the present language.

Councilor Gerding asked why the terminology of surface waters was removed. Mr. Orzechowski said it is a feature covered in the State RSA and out of our purview. Councilor Gerding also asked about why the language relating to tree removal was removed in addition to the entire management section of the Ordinance. Mr. Orzechowski said they are pertinent to the State RSA. and suggested in not being included in our Ordinance.

Councilor Dumont asked about issues of enforcing our Ordinance as it currently exists. Mr. Orzechowski said there are many places in the Ordinance that are unclear and could provide leverage in court to someone in violation. Councilor Dumont complimented Mr. Orzechowski on his job with the Commission.

Manager Belmore mentioned a necessary addition on page 3, in regards to stream gauging. It should be approved by a State agency rather than just the State.

Councilor Gerding noted on page 11, there seemed to be an incomplete edit regarding fertilizers. Mr. Orzechowski said it should read, “shall not be used”.

Councilor Witham said the next step would be to sponsor an Ordinance amendment. Manager Belmore said he would like to have legal review before bringing to Council.

**Councilor Dumont made a motion to sponsor an Ordinance amendment pending legal review. The motion was seconded by Councilor Gerding and passed 3-0 by voice vote.**

#### MISCELLANEOUS PROJECT UPDATES

Director Bobinsky stated he is receiving quotes to repair a sink hole on Winter Street, near Lincoln Street. He said the sinkhole is forming due to a failed catch basin which he has since had staff add in material to prevent further shifting. Quotes for this repair are due by December 3. Director Bobinsky also said he has received two quotes from engineering firms to design the repair of a culvert on Rocky Hill Rd. and a recommendation on which firm to select is forthcoming.

Director Bobinsky informed the Committee that the EPA adopted a new general permit for nitrogen discharge and communities will have a choice between adopting the standards within it or seek a separate individual permit from the EPA. He explained the City has until April 1, 2021 to make a decision. Director Bobinsky said he and staff are reviewing the guidelines and briefing Manager Belmore early next week.

#### ADJOURNMENT

*Motion to adjourn made by Councilor Gerding seconded by Councilor Dumont, motion passed by voice vote 3-0. Meeting adjourned at 4:35 p.m.*

Respectfully submitted,

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Jonathan Slaven, City Clerk