



City of Somersworth
City Council Meeting
Monday, April 5, 2021

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. This meeting is open to the Public; however, the Public is not encouraged to attend. The Public is asked to submit comments via email to jslaven@somersworth.com or bbelmore@somersworth.com. Comments must be received not later than 4:00 p.m. the day of the City Council meeting. The meeting can be viewed via the Local Government Cable Access Ch. 22 (Comcast) as well as via live stream at the City's website www.somersworth.com. The Public can access the meeting and listen live by telephoning any of the following numbers and then adding webinar I.D # **827 5354 3026**

1 (312) 626-6799 or, 1(646) 558-8656 or, 1 (301) 715-8592 or, 1 (346) 248-7799 or,
1 (669) 900-9128 or, 1 (253) 215-8782

* If any member of the public has difficulty accessing the meeting by phone or viewing the meeting on the Local Government Access Channel or live stream, please call 603-692-3131 to report the issue.

6:00 p.m. Budget Presentation

7:00 p.m. City Council Meeting

1. Roll Call of Members

2. Pledge of Allegiance

3. Public Hearing

A. Ordinance No. 13-21 – FY 2021-2022 Budget

4. Comments by Visitors

5. Consent Calendar

A. Approve Minutes of the City Council Meeting held on March 15, 2021

6. Comments by City Councilors

7. Communications

A. Letter from Cemetery Road Residents, Edward Fuller and Paul Vallee

8. Presentations of Petitions and Disposal Thereof by Reference or Otherwise
9. Mayor's Report
10. Report of Standing Committees
11. Report of Special Committees, City Officers and City Manager
12. Nominations, Appointments and Elections

Mayoral Appointments Not Requiring a Council Vote:

Donald Austin for Appointment as City Council Representative to the Somersworth School Board with a term to expire January, 2022

Martin P. Dumont, Sr. for Appointment as City Council Representative to the COAST Board of Directors with a term to expire January, 2022

13. Lay on the Table

ORDINANCES

- A. Ordinance No. 13-21 – FY 2021-2022 Budget

14. Unfinished Business

15. New Business

ORDINANCES

- A. Ordinance No. 14-21 – To Amend Chapter 8A, Sewer Ordinance, Definitions Article II & Industrial Pretreatment Article IV

RESOLUTIONS

- A. Resolution No. 34-21 – To Authorize the City Manager to Contract with S.U.R. Construction of Rochester, NH for Road, Sidewalk, Drainage, Water, Sewer, and Other Improvements to Cemetery Road
- B. Resolution No. 35-21 – To Authorize the City Manager to Amend the Contract with Wright-Pierce Engineers of Portsmouth, NH to Provide Contract Administration and Construction Observation Services Associated with the Cemetery Road Project

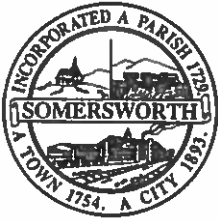
16. Comments by Visitors

17. Closing Comments by Council Members

18. Future Agenda Items

19. Nonpublic Session (as necessary, pending roll call vote by Council)

20. Adjournment



City of Somersworth – Ordinance

Ordinance No: 13-21

FISCAL YEAR 2021-2022 BUDGET

March 15, 2021

THE CITY OF SOMERSWORTH ORDAINS THAT BUDGETS FOR THE CITY OF SOMERSWORTH FOR THE 2021-2022 FISCAL YEAR SHALL BE:

<u>DEPARTMENT</u>	<u>ADOPTED BUDGET</u>
<u>GENERAL FUND</u>	
Elected Leadership	\$149,236
City Management	518,197
Finance and Administration	1,540,478
Development Services	908,566
Police	4,525,987
Fire	2,300,734
Public Works	3,241,916
Other Expenses	1,137,086
Capital Outlay	78,475
Intergovt Assessments - County	2,742,364
School Department	27,680,522
TOTAL GENERAL FUND	44,823,561
<u>ENTERPRISE FUNDS</u>	
Wastewater Department	2,544,607
Water Department	2,402,519
Solid Waste	547,873
TOTAL ENTERPRISE FUNDS	5,494,999
<u>SPECIAL REVENUE FUND</u>	
Cable Fund	105,896
TOTAL FY 2021-2022 APPROPRIATION	\$50,424,456

This Ordinance will take effect upon passage.

Authorization

Sponsored by:
Mayor Dana S. Hilliard
by request

Approved:
City Attorney

City of Somersworth – Ordinance 13-21

History			
First Read Date:	03/15/2021	Tabled:	03/15/2021
Public Hearing:		Removed from Table:	
Second Read:	03/15/2021		

Discussion

03/15/2021

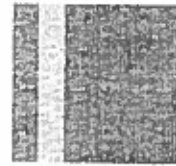
Councilor Witham made a motion to suspend Council rules to allow Ordinance 13-21 to be read by title only. The motion was seconded by Councilor Vincent and passed 9-0 by roll call vote. City Clerk Slaven performed a first reading of Ordinance 13-21 by title only.

Councilor Witham made a motion to suspend Council rules to allow for a second reading of Ordinance 13-21. The motion was seconded by Councilor Vincent and passed 9-0 by roll call vote. City Clerk Slaven performed a second reading of Ordinance 13-21 by title only.

Councilor Witham made a motion to lay Ordinance 13-21 upon the table. The motion was seconded by Councilor Vincent and passed 9-0 by roll call vote.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On / / Ordinance 13-21		PASSED	FAILED

Edward Fuller
50 Cemetery Road
Somersworth NH 03878
603-692-2476



March 31, 2021

Robert Belmore/Somersworth City Council
City Of Somersworth
One Government Way
Somersworth NH 03878

Dear Robert Belmore/Somersworth City Council,

We the undersigned are writing to you regarding the Cemetery Road reconstruction project as we understand it. Our concern is our sewer line connection. Presently we are tied into the sewer by pumping to it. Our lines run along the side of the street and we are concerned that with the installation of a sidewalk that they will need to be moved. We do not want to be responsible for digging up the street or a sidewalk if there is a break or clog.

We feel the solution at this time would be to extend the sewer line to the end of Cemetery Road or at least further down the road and closer to our property. This would allow us to tie into the sewer closer to our property line and eliminate any need to dig up the street or sidewalk in the future.

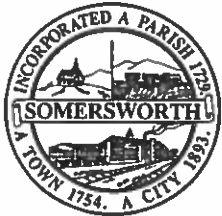
There is also a concern of the dumping of additional storm water runoff into the wetlands behind our houses. A review of this project by those being impacted would be nice as it does have an impact on our property values.

We have brought this to the attention of the city several times, at the sidewalk meeting, call to the city engineer, the public works director and Councilor Vincent. We are looking for an amicable solution and a review of this solution before the awarding of this project proceeds.

Edward Fuller

Paul Vallee





City of Somersworth – Ordinance

Ordinance No: 14-21

TO AMEND CHAPTER 8A, SEWER ORDINANCE, DEFINITIONS ARTICLE II & INDUSTRIAL PRETREATMENT ARTICLE IV

April 5, 2021

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 8A, Sewer Ordinance:

1. Amend Definitions Article II by adding:

Section 5. Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 2.1 A and B [40 CFR 403.5(a)(1) and (b)]. BMPs include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage. [Note: BMPs also include alternative means (i.e., management plans) of complying with, or in place of certain established categorical Pretreatment Standards and effluent limits.]

Section 10. Categorical Pretreatment Standard or Categorical Standard. Any regulation containing pollutant discharge limits promulgated by EPA in accordance with sections 307(b) and (c) of the Act (33 U.S.C. section 1317) that apply to a specific category of Users and that appear in 40 CFR Chapter I, Subchapter N, Parts 405-471.

Section 35. New Source. (1) Any building, structure, facility, or installation from which there is (or may be) a discharge of pollutants, the construction of which commenced after the publication of proposed Pretreatment Standards under section 307 (c) of the Act that will be applicable to such source if such Standards are thereafter promulgated in accordance with that section, provided that: (a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or (b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an Existing Source; or (c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an Existing Source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the Existing Source, should be considered. (2) Construction on a site at which an Existing Source is located results in a modification rather than a New Source if the construction does not create a new EPA Model Pretreatment Ordinance 6 building, structure, facility, or installation meeting the criteria of Section (1)(b) or (c) above but otherwise alters, replaces, or adds to existing process or production equipment. (3) Construction of a New Source as defined under this paragraph has commenced if the owner or operator has: (a) Begun, or caused to begin, as part of a continuous onsite construction program (i) any placement, assembly, or

installation of facilities or equipment; or (ii) significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or (b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this paragraph.

Section 44. Pretreatment Standards Shall mean prohibited discharge standards, categorical Pretreatment Standards, and Local Limits.

2. Amend Definitions Article II by deleting Section 66 in its entirety.

3. Amend Industrial Pretreatment Article IV by deleting Section 2. Industrial User Permit (IUP), Subsection B (9) and B (10) in their entirety.

4. Amend Industrial Pretreatment Article IV by deleting Section 2. Industrial User Permit (IUP), Subsection C (5) and replace with the following:

(5) Criminal prosecution against violators will be in accordance with 40 CFR 403.B
(f)(1)(iii)(B)(5)

5. Recodify entire Ordinance as required.

This Ordinance will take effect upon passage.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Martin P. Dumont Kenneth S. Vincent Matthew Gerding	<i>Approved:</i> City Attorney

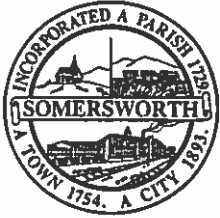
City of Somersworth – Ordinance 14-21

History

First Read Date:	04/05/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

Discussion

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On / / Ordinance 14-21		PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 34-21

TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH S.U.R. CONSTRUCTION OF ROCHESTER, NH FOR ROAD, SIDEWALK, DRAINAGE, WATER, SEWER, AND OTHER IMPROVEMENTS TO CEMETERY ROAD

April 5, 2021

WHEREAS, the Somersworth City Council adopted Resolution 48-20 to authorize a bond to construct road, sidewalk, drainage, water, sewer, and other improvements on Cemetery Road (collectively, the “Project”), and

WHEREAS, City staff prepared a request for proposals with the City’s consulting engineer and solicited responses from qualified contractors for the Project, and

WHEREAS, the City received six responses which were reviewed by the City’s consultant engineer, and

WHEREAS, after completing review of the responses, the City’s consultant engineer recommends awarding the contract for the Project to S.U.R. Construction of Rochester, NH, and

WHEREAS, the Public Works and Environment Committee reviewed the recommendation with the City’s Consultant Engineer and City staff and supports the recommendation to award the contract for the Project to S.U.R. Construction for an amount of \$3,403,765 (Three Million Four Hundred Three Thousand Seven Hundred Sixty-Five dollars), and

WHEREAS, the Public Works and Environment Committee further recommends including the award of Alternate 1 of the bid proposal which is shimming and overlaying the access road behind the Career Technical Center that connects Cemetery Road to Memorial Drive for an amount of \$73,920 (Seventy Three Thousand Nine Hundred Twenty dollars), thereby making the entire contract award \$3,477,685 (Three Million Four Hundred Seventy-Seven Thousand Six Hundred Eighty-Five dollars),

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with S.U.R. Construction of Rochester, NH for an amount not to exceed \$3,477,685 (Three Million Four Hundred Seventy-Seven Thousand Six Hundred Eighty-Five dollars) for the Project on Cemetery Road, including Alternate 1, and to take any further action relative to this contract determined to be in the best interest of the City.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Martin P. Dumont, Sr. Kenneth Vincent Matthew Gerding	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 34-21

History			
First Read Date:	04/05/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

Discussion

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On //	Resolution 34-21	PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 35-21

TO AUTHORIZE THE CITY MANAGER TO AMEND THE CONTRACT WITH WRIGHT-PIERCE ENGINEERS OF PORTSMOUTH, NH TO PROVIDE CONTRACT ADMINISTRATION AND CONSTRUCTION OBSERVATION SERVICES ASSOCIATED WITH THE CEMETERY ROAD PROJECT

April 5, 2021

WHEREAS, the City Council adopted Resolution 18-18 authorizing the City Manager to contract with Wright-Pierce Engineers to provide engineering services for various complete streets projects including Cemetery Road, and

WHEREAS, the design of the Cemetery Road project is complete and the City has requested and received bids and is prepared to award a construction contract, and

WHEREAS, the project requires additional services such as contract administration and construction observation, and

WHEREAS, Wright-Pierce Engineers has provided the City a quote in the amount of \$323,147 (Three Hundred Twenty-Three Thousand One Hundred Forty-Seven Dollars) to provide these services, and

WHEREAS, the Public Works and Environment Committee reviewed this quote with Wright-Pierce Engineers and City staff and recommends amending the contract to include these services,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to amend the contract with Wright-Pierce Engineers at a cost not to exceed \$323,147 (Three Hundred Twenty-Three Thousand One Hundred Forty Seven dollars) to provide contract administration and construction observation services associated with the Cemetery Road project and take any and all other such actions relative to this project determined to be in the best interest of the City.

Authorization

Sponsored by Councilors:

David A. Witham
Martin P. Dumont, Sr.
Kenneth Vincent
Matthew Gerding

Approved:

City Attorney

City of Somersworth – Resolution 35-21

History

First Read Date:	04/05/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

Discussion

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On //	Resolution 35-21	PASSED	FAILED