

CITY OF SOMERSWORTH
AGENDA FOR MONDAY, MARCH 16, 2020

7:00pm City Council Meeting
Unveiling of former Mayor McLin Portrait
after the Pledge of Allegiance

6:30pm Workshop Session with City Attorney Mark Beliveau
regarding Landfill Superfund Site – Financial Assurance

-
1. Roll Call of Members
 2. Pledge of Allegiance
 3. Public Hearings
 - A. **Ordinance No. 16-20** - Supplemental Appropriation to Construct a Veterans Memorial and Associated Improvements at Stein Park
 4. Comments by Visitors
 5. Consent Calendar
 - A. Approve Minutes of the Somersworth Housing Authority Workshop held on March 2, 2020
 - B. Approve Minutes of the City Council Meeting held on March 2, 2020
 - C. Letter from Donald R. Routhier regarding Zoning Board of Adjustment resignation
 6. Comments by City Councilors
 7. Communications
 8. Presentations of Petitions and Disposal Thereof by Reference or Otherwise
 - A. Vision 2020 Presentation on Vision 2019 Accomplishments
 9. Mayor's Report
 10. Report of Standing Committees
 11. Report of Special Committees, City Officers and City Manager
 12. Nominations, Appointments and Elections
 13. Lay on the Table

14. Unfinished Business

ORDINANCES

- A. **Ordinance No. 16-20** - Supplemental Appropriation to Construct a Veterans Memorial and Associated Improvements at Stein Park

RESOLUTIONS

- A. **Resolution No. 33-20** - To Authorize the City Manager to Contract with Emery and Garrett Groundwater Investigations of Meredith, NH to Provide an Assessment of the Rocky Hill Road Wellfield
- B. **Resolution No. 34-20** - To Authorize the City Manager to Contract with Wright-Pierce Engineers of Portsmouth, NH to Provide a Water Storage Assessment, Water Tank Condition Assessment of the Hamilton Street Water Tank, and a Distribution System Master Plan Update
- C. **Resolution No. 35-20** - To Authorize the City Manager to Enter into a Five-Year Contract Amendment (7/1/2020 – 6/30/2025) with Waste Management of New Hampshire, Inc. for Collection and Disposal of Municipal Solid Waste, Municipal Recycling, and Wastewater Treatment Sludge Disposal
- D. **Resolution No. 36-20** - To Authorize the City Manager to Contract with Apex Construction of Somersworth, NH for the Construction of Wastewater Treatment Facility Upgrades
- E. **Resolution No. 37-20** - To Authorize the City Manager to Sign a Contract with Wright-Pierce Engineers of Portsmouth, NH to Provide Resident Inspection and Contract Administration Services Associated with the Construction of the Upgrades at the Wastewater Treatment Facility

15. New Business

ORDINANCES

- A. **Ordinance No. 17-20** - Fiscal Year 2020-2021 Budget

RESOLUTIONS

- A. **Resolution No. 38-20** - To Authorize the City Manager to Enter into a Grant Agreement with the New Hampshire Department of Safety to Acquire a Generator for Emergency Power for the Public Safety Radio Transmitter Located at 17 Grand Street
- B. **Resolution No. 39-20** - To Authorize the City Manager to Enter into a Grant Agreement with the State of New Hampshire Department of Environmental Services for a New Hampshire Drinking Water and Groundwater Trust Fund Grant for the Conservation Commission to Purchase Land in the Lily Pond Watershed

- C. **Resolution No. 40-20** - To Authorize the City Manager to Amend the Contract with Ironwood Design Group of Newmarket, NH to Provide Construction Administration Services for the Construction of a Veterans Memorial at Stein Park
- D. **Resolution No. 41-20** - To Authorize the City Manager to Contract with Rye Beach Landscaping of Exeter, NH for the Construction of a Veterans Memorial at Stein Park Including Improvements to the Sidewalk Abutting Stein Park on Main Street
- E. **Resolution No. 42-20** – To Authorize the City Manager to Execute and Deliver to the United States Environmental Protection Agency, Pursuant to Paragraph 48.F. of the Rd/Ra Consent Decree for the Somersworth Sanitary Landfill Superfund Site, a Financial Assurance “Letter of Authorization” in the Amount of \$9 Million Dollars

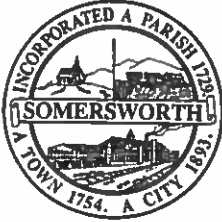
16. Comments by Visitors

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: 16-20

SUPPLEMENTAL APPROPRIATION TO CONSTRUCT A VETERANS MEMORIAL AND ASSOCIATED IMPROVEMENTS AT STEIN PARK

March 2, 2020

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 19-20 is amended as follows:

Appropriate \$235,000 from unanticipated City revenue to the Capital Outlay section of the FY19-20 General Fund budget as follows:

Original Budget	Amendment	Revised Budget
\$ 157,913	\$ 235,000	\$ 392,913

Approved as to Funding:

Scott A. Smith
Director of Finance and Administration

Recorded by:

Trish Harris
City Clerk

Background:

This Ordinance appropriates funding to construct a new Veterans Memorial and associated improvements to include a new sidewalk at Stein Park. The City will be receiving bids for this project on March 5, 2020. The funding for this project is provided by a combination of donations received and unanticipated/unrestricted State aid provided in Fiscal Year 19-20.

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.

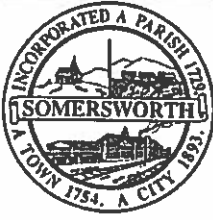
Authorization

Sponsored by Councilors:

David A. Witham
Martin P. Dumont, Sr.
Donald Austin
Martin Pepin
Richard R. Michaud
Matt Gerding

Approved:

City Attorney



City of Somersworth – Ordinance

Ordinance No: 17-20

FISCAL YEAR 2020-2021 BUDGET

March 16, 2020

The City of Somersworth Ordains that Budgets for the City of Somersworth for the 2020-2021 Fiscal Year shall be:

<u>DEPARTMENT</u>	<u>ADOPTED BUDGET</u>
<u>GENERAL FUND</u>	
Elected Leadership	\$149,236
City Management	503,830
Finance and Administration	1,478,774
Development Services	893,828
Police	4,080,433
Fire	2,248,812
Public Works	3,264,251
Other Expenses	1,090,127
Capital Outlay	303,269
Intergovt Assessments - County	2,766,770
School Department	29,047,242
TOTAL GENERAL FUND	45,826,572
<u>ENTERPRISE FUNDS</u>	
Wastewater Department	2,343,470
Water Department	2,178,516
Solid Waste	466,720
TOTAL ENTERPRISE FUNDS	4,988,706
<u>SPECIAL REVENUE FUND</u>	
Cable Fund	60,839
TOTAL FY 2020-2021 APPROPRIATION	\$50,876,117

This ordinance shall take effect upon its passage.

Authorization

Sponsored by Request:

Mayor Dana S. Hilliard

Approved:

City Attorney



City of Somersworth – Resolution

Resolution No: 33-20

TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH EMERY AND GARRETT GROUNDWATER INVESTIGATIONS OF MEREDITH, NH TO PROVIDE AN ASSESSMENT OF THE ROCKY HILL ROAD WELLFIELD

March 2, 2020

WHEREAS, the City owns two wells off Rocky Hill Road that are not actively utilized as part of the water distribution system and the City would like to have a qualified consultant conduct a feasibility study on the value of these wells and the cost/benefit to bring these wells on-line as a secondary water source, and

WHEREAS, the Fiscal Year 2019-2020 adopted budget contains an appropriation for this project, and

WHEREAS, City staff requested and received proposals for this project and recommends awarding the contract to Emery and Garrett Groundwater Investigations of Meredith, NH for a total contract amount of \$68,500 (Sixty Eight Thousand Five Hundred dollars) , and

WHEREAS, the Public Works and Environment Committee has reviewed the recommendation with city staff and supports the recommendation, and

WHEREAS, the Finance Committee has reviewed the recommendation with City staff and supports the recommendation,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with Emery and Garrett Groundwater Investigations of Meredith, NH for a contract amount of \$68,500 (Sixty Eight Thousand Five Hundred dollars) to provide an assessment of the Rocky Hill Road wellfield, and to take any actions relative to this project determined to be in the best interest of the City.

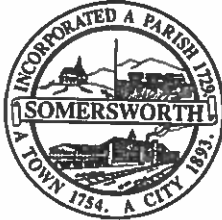
Authorization

Sponsored by Councilors:

David A. Witham
Martin P. Dumont, Sr.
Richard R. Michaud
Donald Austin
Martin Pepin

Approved:

City Attorney



City of Somersworth – Resolution

Resolution No: 34-20

TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH WRIGHT-PIERCE ENGINEERS OF PORTSMOUTH, NH TO PROVIDE A WATER STORAGE ASSESSMENT, WATER TANK CONDITION ASSESSMENT OF THE HAMILTON STREET WATER TANK, AND A DISTRIBUTION SYSTEM MASTER PLAN UPDATE

March 2, 2020

WHEREAS, the Somersworth Capital Improvement Program for Fiscal Years 2021 through 2026 contains a recommendation to assess the condition of the Hamilton Street water tank and provide an assessment of the City's overall water storage needs, and

WHEREAS, the City has been notified of a NH Department of Environmental Services Asset Management Grant in the amount of \$20,000 that can be used to update the Water Distribution Master Plan, and

WHEREAS, the Fiscal Year 2019-2020 adopted budget contains an appropriation for this project, and

WHEREAS, City staff requested and received proposals for this project and recommends awarding the contract to Wright-Pierce Engineers of Portsmouth, NH for a total contract amount of \$54,700 (Fifty Four Thousand Seven Hundred dollars) , and

WHEREAS, the Public Works and Environment Committee has reviewed the recommendation with City staff and supports the recommendation, and

WHEREAS, the Finance Committee has reviewed the recommendation with City staff and supports the recommendation,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with Wright-Pierce Engineers of Portsmouth, NH for a contract amount of \$54,700 (Fifty Four Thousand Seven Hundred dollars) to provide a water storage assessment, water tank condition assessment of the Hamilton Street water tank, a distribution system mater plan update, and to take any actions relative to this project determined to be in the best interest of the City.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Martin P. Dumont, Sr. Richard R. Michaud Donald Austin Martin Pepin	<i>Approved:</i> City Attorney



City of Somersworth – Resolution

Resolution No: 35-20

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A FIVE-YEAR CONTRACT AMENDMENT (7/1/2020 – 6/30/2025) WITH WASTE MANAGEMENT OF NEW HAMPSHIRE, INC. FOR COLLECTION AND DISPOSAL OF MUNICIPAL SOLID WASTE, MUNICIPAL RECYCLING, AND WASTEWATER TREATMENT SLUDGE DISPOSAL

March 2, 2020

WHEREAS, the present contract with Waste Management of New Hampshire, Inc. for the collection and disposal of municipal solid waste, municipal recycling, and wastewater treatment sludge, expires on June 30, 2020, and

WHEREAS, City staff negotiated proposed five-year contract extensions with Waste Management of New Hampshire, Inc. for these purposes, and

WHEREAS, the City Council's Finance Committee has reviewed the proposed contract extensions with City staff and supports authorizing the City Manager to enter into a contract with Waste Management of New Hampshire, Inc. for these purposes, and

WHEREAS, the City Council's Public Works and Environment Committee has reviewed the proposed contract extensions with City staff and supports authorizing the City Manager to enter into a contract with Waste Management of New Hampshire, Inc. for these purposes,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to enter into five year contract extensions (7/1/2020 – 6/30/2025) with Waste Management of New Hampshire, Inc. for the collection and disposal of municipal solid waste, municipal recycling, and wastewater treatment sludge disposal, and to take any actions relative to this contract determined to be in the best interest of the City.

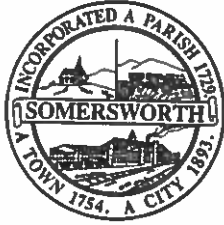
Authorization

Sponsored by Councilors:

David A. Witham
Martin P. Dumont, Sr.
Richard R. Michaud
Donald Austin
Martin Pepin

Approved:

City Attorney



City of Somersworth – Resolution

Resolution No: 36-20

TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH APEX CONSTRUCTION OF SOMERSWORTH, NH FOR THE CONSTRUCTION OF WASTEWATER TREATMENT FACILITY UPGRADES

March 2, 2020

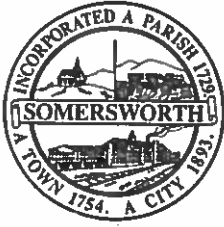
WHEREAS, the Somersworth City Council adopted Resolution No. 1-19 to appropriate funds from the State Revolving Loan Fund for upgrades to the Wastewater Treatment Facility, and

WHEREAS, the City has solicited bids through their consultant engineer for the construction of these improvements, and

WHEREAS, the City's consultant engineer has reviewed the results and recommends awarding the contract to APEX Construction of Somersworth, NH for an amount of \$10,880,600 (Ten Million Eight Hundred Eighty Thousand Six Hundred dollars),

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with APEX Construction of Somersworth, NH for the construction of upgrades to the Wastewater Treatment Facility for an amount of \$10,880,600 (Ten Million Eight Hundred Eighty Thousand Six Hundred dollars), and to take any actions relative to this contract determined to be in the best interest of the City.

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



City of Somersworth – Resolution

Resolution No: 37-20

TO AUTHORIZE THE CITY MANAGER TO SIGN A CONTRACT WITH WRIGHT-PIERCE ENGINEERS OF PORTSMOUTH, NH TO PROVIDE RESIDENT INSPECTION AND CONTRACT ADMINISTRATION SERVICES ASSOCIATED WITH THE CONSTRUCTION OF THE UPGRADES AT THE WASTEWATER TREATMENT FACILITY

March 2, 2020

WHEREAS, the Somersworth City Council adopted Resolution No. 1-19 to appropriate funds from the State Revolving Loan Fund for upgrades to the Wastewater Treatment Facility, and

WHEREAS, Wright-Pierce Engineers have provided the City with pre-construction services such as design and bid specifications for the upgrades to the Wastewater Treatment Facility, and

WHEREAS, the City has received bids from qualified contractors for the construction of the upgrades at the Wastewater Treatment Facility and will require resident inspection and construction administration services associated with the construction of these upgrades, and

WHEREAS, Wright-Pierce Engineers have provided a proposal in the amount of \$1,295,000 (One Million Two Hundred Ninety-Five Thousand dollars) to provide resident inspection and contract administration services,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to sign a contract with Wright-Pierce Engineers of Portsmouth, N.H. to provide resident inspection and construction administration services associated with the construction of the upgrades at the Wastewater Treatment Facility, and to take any other action related to this contract determined to be in the best interest of the City.

Authorization

Sponsored by Councilor:

David A. Witham

Approved:

City Attorney



City of Somersworth – Resolution

Resolution No: 38-20

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE NEW HAMPSHIRE DEPARTMENT OF SAFETY TO ACQUIRE A GENERATOR FOR EMERGENCY POWER FOR THE PUBLIC SAFETY RADIO TRANSMITTER LOCATED AT 17 GRAND STREET

March 16, 2020

WHEREAS, the City of Somersworth has been notified of the availability of the 2020 New Hampshire EMPG Grant through the New Hampshire Department of Safety; and

WHEREAS, the City of Somersworth is eligible to receive \$8,900 (eight thousand nine hundred dollars) toward the purchase of a back-up generator for emergency power for the Public Safety radio transmitter located at 17 Grand Street; and

WHEREAS, the City of Somersworth is required to provide a 50/50 match, but in-kind communications equipment purchased by the City in Fiscal Year 20 is allowed as a match (\$52,545 spent on portable and mobile radios in the Fire Department);

EXPLANATION OF TOTAL PROJECT GRANT BREAKDOWN

EMPG GRANT	=	\$8,900
CITY MATCH	=	\$8,900 (In-kind)
TOTAL PROJECT AWARD	=	\$8,900

WHEREAS, the Grant will allow the City of Somersworth to maintain public safety radio communications when normal electrical power has failed – therefore continuing to provide essential public safety services to citizens;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute any documents, agreements and take any and all such actions necessary for the Grant's execution, and take any all other such actions relative to this Grant determined to be in the best interest of the City.

Authorization

Sponsored by Councilors:

David A. Witham
Martin Pepin
Donald Austin

Approved:

City Attorney



City of Somersworth – Resolution

Resolution No: 39-20

TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE STATE OF NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES FOR A NEW HAMPSHIRE DRINKING WATER AND GROUNDWATER TRUST FUND GRANT FOR THE CONSERVATION COMMISSION TO PURCHASE LAND IN THE LILY POND WATERSHED

March 16, 2020

WHEREAS, the City of Somersworth has been notified of the award of a New Hampshire Drinking Water and Groundwater Trust Fund Grant for the Conservation Commission to purchase land in the Lily Pond watershed, and

WHEREAS, the City of Somersworth is eligible to receive up to \$100,000 (one Hundred Thousand dollars) requiring a local match of up to \$120,000 (One Hundred Twenty Thousand dollars), and

WHEREAS, the City's local match for this grant will come from funding available in the Conservation Fund along with Grant proceeds from the Great Bay Resource Protection Partnership Grant authorized by Resolution 37-19, and

WHEREAS, the Grant requirements are the City must obtain an appraisal of the property, conduct an environmental hazards assessment, obtain a survey of the property, provide legal services, recording fees, and any title expenses required in the transfer of said property, and

EXPLANATION OF TOTAL PROJECT GRANT BREAKDOWN

Grant	=	\$100,000
City Cash	=	\$120,000
<u>Total Project Award</u>	<u>=</u>	<u>\$220,000</u>

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute any documents and agreements necessary for the grant's execution, expend the grant proceeds in accordance with the grant documents, and take any and all other such actions relative to this grant determined to be in the best interest of the City.

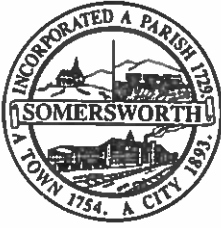
Authorization

Sponsored by Councilors:

David A. Witham
Martin Pepin
Donald Austin

Approved:

City Attorney



City of Somersworth – Resolution

Resolution No: 40-20

TO AUTHORIZE THE CITY MANAGER TO AMEND THE CONTRACT WITH IRONWOOD DESIGN GROUP OF NEWMARKET, NH TO PROVIDE CONSTRUCTION ADMINISTRATION SERVICES FOR THE CONSTRUCTION OF A VETERANS MEMORIAL AT STEIN PARK

March 16, 2020

WHEREAS, the City Council adopted Resolution 24-19 to authorize the City Manager to contract with Ironwood Design Group to provide a conceptual design for a Veterans Memorial at Stein Park, and

WHEREAS, the City Council adopted Resolution 2-20 to authorize the City Manager to amend the contract with Ironwood Design Group to provide a final design and bid specifications for a Veterans Memorial at Stein Park, and

WHEREAS, the City accepted bids from qualified contractors for this project and is prepared to begin construction, and

WHEREAS, the City will require construction administration services for this project and Ironwood Design Group has prepared a quote of \$9,475 (Nine Thousand Four Hundred Seventy Five dollars) to provide 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 Ironwood Design Group of Newmarket, NH to provide construction administration services for the construction of a Veterans Memorial at Stein Park for a cost of \$9,475 (Nine Thousand Four Hundred Seventy Five dollars), and to take any other actions relative to this project determined to be in the best interest of the City.

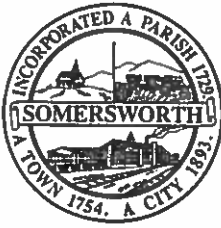
Authorization

Sponsored by Councilors:

David A. Witham
Martin Pepin
Donald Austin

Approved:

City Attorney



City of Somersworth – Resolution

Resolution No: 41-20

TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH RYE BEACH LANDSCAPING OF EXETER, NH FOR THE CONSTRUCTION OF A VETERANS MEMORIAL AT STEIN PARK INCLUDING IMPROVEMENTS TO THE SIDEWALK ABUTTING STEIN PARK ON MAIN STREET

March 16, 2020

WHEREAS, on June 4, 2018, Mayor Dana S. Hilliard announced the formation of the Veterans Park Commission to re-design Stein Park so that it may become a living tribute to all the brave men and women who answered the call of defending this great nation, and

WHEREAS, as a result of the work done by the Veterans Commission, the City Council authorized the City Manager to contract with Ironwood Design Group of Newmarket, NH to provide conceptual design services, final design services, and bid specifications for the construction of a Veterans Memorial at Stein Park, and

WHEREAS, on March 5, 2020 bids were accepted from qualified contractors and they were reviewed by Ironwood Design Group and they recommend awarding the contract to Rye Beach Landscaping of Exeter, NH for a cost of \$370,525 (Three Hundred Seventy Thousand Five Hundred Twenty Five dollars), which includes improvements to the section of sidewalk abutting Stein Park on Main Street and adding trees and boulders to act as fencing along the park, and

WHEREAS, during the review of the bids it has been determined that there may be opportunities to reduce the total cost of this project by allowing the City Manager to amend the contract with Rye Beach Landscaping downward and direct purchase some of the supplies for construction, negotiate and contract directly with contractors for the sidewalk improvements and other improvements associated with this project, and allowing the Department of Public Works to participate in the construction by hauling away fill, and

WHEREAS, these recommendations were presented to the Finance Committee and they support these recommendations,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with Rye Beach Landscaping of Exeter, NH for construction of a Veterans Memorial at Stein Park, including improvements to the section of sidewalk abutting Stein Park on Main Street and adding trees and boulders to act as fencing along the park for a cost of \$370,525 (Three Hundred Seventy Thousand Five Hundred Twenty Five dollars), and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager may amend the contract downward with Rye Beach Landscaping and contract with other vendors without further City Council action to directly purchase supplies for construction, and to negotiate and contract directly with contractors for the sidewalk improvements or other improvements

associated with this project, and to allow the Department of Public works to participate in construction by hauling away fill, or to take any other action associated with this project determined to be in the best interest of the City.

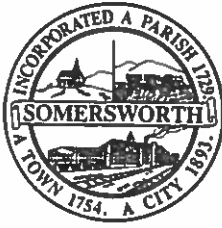
Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Martin Pepin Donald Austin	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 41-20

History			
First Read Date:	03/16/2020	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 41-20	PASSED FAILED



City of Somersworth – Resolution

Resolution No: 42-20

TO AUTHORIZE THE CITY MANAGER TO EXECUTE AND DELIVER TO THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY, PURSUANT TO PARAGRAPH 48.F. OF THE RD/RA CONSENT DECREE FOR THE SOMERSWORTH SANITARY LANDFILL SUPERFUND SITE, A FINANCIAL ASSURANCE “LETTER OF AUTHORIZATION” IN THE AMOUNT OF \$9 MILLION DOLLARS

March 16, 2020

WHEREAS, the City of Somersworth (“City”) is the owner of certain property located on Blackwater Road in Somersworth, which property is the location of the former Somersworth Sanitary Landfill (“Landfill”), and

WHEREAS, on September 8, 1983, the Landfill, pursuant to federal law, was added to the National Priorities List and the City, along with many local businesses and certain federal and state departments and agencies, were required to investigate and cleanup contamination at the Landfill; and

WHEREAS, on September 28, 1995, the City, along with many local businesses and certain federal and state departments and agencies, entered into the RD/RA Consent Decree for the Somersworth Sanitary Landfill Superfund Site (“Consent Decree”) with the U. S. EPA and the State, wherein they agreed to be responsible for the cleanup of the Landfill; and

WHEREAS, pursuant to the Consent Decree, all settling parties, except the City and General Electric Company, paid a sum certain and “cashed-out” under the Consent Decree and the cash-out payments have been applied towards the cost of the cleanup; and

WHEREAS, the City and General Electric Company, as the performing parties under the Consent Decree, have diligently performed their obligations under the Consent Decree for the past 25 years; and

WHEREAS, the City and General Electric Company have overseen and paid the cost of the cleanup of the Landfill including, without limitation, the design, construction, operation and maintenance of the chemical treatment wall, the landfill cover, the bedrock extraction system and the landfill gas venting system; and

WHEREAS, as between the City and General Electric Company, all costs incurred related to the cleanup of the Landfill are split on a 50.5% (City) and 49.5% (General Electric Company) basis; and

WHEREAS, the U.S. EPA has determined that the cleanup remedy for the landfill currently protects human health and the environment and, for the remedy to be protective in the long term, groundwater cleanup levels specified in the Record of Decision must be attained and final closure of the Landfill must be completed by the acceptance of the existing soil cap as the final landfill cap or the selection and construction of a new final landfill cap; and

WHEREAS, Paragraph 48. of the Consent Decree requires the City and General Electric Company to establish and maintain financial security in the amount of \$16 million (the original projected cost of the cleanup of the Landfill), to assure the performance of the cleanup remedy; and

WHEREAS, Paragraph 48 of the Consent Decree allows various ways to provide financial security including a surety bond, irrevocable letter of credit, trust fund, corporate guarantee, financial test or a “letter of authorization” from the Somersworth City Council; and

WHEREAS, Paragraph 49 of the Consent Decree provides that if the City seeks to demonstrate its financial ability to complete all or a portion of the cleanup of the Landfill by means of a municipal authorization pursuant to Paragraph 48. f. then, in such event, the City shall submit to U.S. EPA each year its annual budget, annual financial reports, and a letter stating that the Somersworth City Council authorization remains in force; in addition, the City would be required to submit its current bond rating, if any, and the bond rating package, if any, and any other information used to support bond issuance, for the most recent bond issuance and for each bond issuance during the performance of the cleanup of the Landfill; and

WHEREAS, the City has agreed to provide financial security to meet the estimated future cost of the final cover for the Landfill; and

WHEREAS, U.S. EPA has determined that at this time the appropriate amount of financial security for the final cover for the Landfill is \$9 million; and

WHEREAS, the City Finance Committee has received a presentation from the City Manager and his staff on this matter, including a draft copy of the proposed “letter of authorization”, a copy of which is attached to this Resolution, and recommend adoption thereof.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute the letter of authorization attached to this Resolution and deliver it to the U.S. EPA in satisfaction of the financial security requirements set forth in Paragraphs 48 and 49 of the Consent Decree.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Martin Pepin Donald Austin	<i>Approved:</i> City Attorney

LAW OFFICES OF
DONALD R. ROUTHIER, P.A.
THE WENTWORTH HOUSE
217 HIGH STREET • P.O. BOX 071
SOMERSWORTH, N.H. 03878-0071

DONALD R. ROUTHIER*
*MEMBER MAINE & NH BARS
E-Mail
routhier-lawoffice@comcast.net

TELEPHONE
603-692-3655
FAX
603-692-3960

February 22, 2020

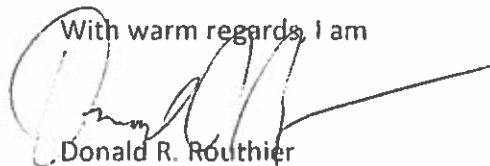
Mayor Dana Hilliard
One Government Way
Somersworth, NH 03878

Dear Dana:

I recently retired from the practice of law and as consequence I am spending about half of the year in Fort Lauderdale, Florida. Therefore, I respectfully request that you do not submit my name for another term on the Zoning Board of Adjustment when my current term expires in April.

It has been an honor and a pleasure to serve on the Somersworth Board of Adjustment the past four years. I am very grateful for the opportunity that you and the City Council gave me to serve the people of the City of Somersworth.

With warm regards, I am



Donald R. Routhier

DRR/der