

**CITY OF SOMERSWORTH**  
*Office of the City Manager*

**TO:** Mayor Dana Hilliard and City Council Members  
**FROM:** Robert M. Belmore, City Manager *RB*  
**DATE:** Friday, November 4, 2016  
**SUBJECT:** City Manager's Report for Monday, November 7, 2016  
City Council Agenda

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***6:15pm: Workshop – FERC License Renewal and Information on the Sale of the Hydroelectric Plant by the Present Operators.***

*Attached are materials that will be presented by Enel Green Power North America.*

***6:45pm: Public Hearing of Ordinance No. 4-17 Supplemental Appropriation for Engineering Service for Improvements at the Somersworth Wastewater Treatment Facility.***

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***Unfinished Business (under Section 13 of Agenda)***

**Ordinances**

- A. Ordinance No. 4-17 Supplemental Appropriation for Engineering Services for Improvements at the Somersworth Wastewater Treatment Facility.** Again, the Public Works & Environment Committee and Finance Committee voted to support the project as proposed as well as the funding source. Approval will also require a 2/3<sup>rd</sup>'s majority vote of City Council.

**Resolutions**

- A. Resolution No. 19-17 To Authorize the City Manager to Contract with Wright Pierce Engineers of Portsmouth, N. H. for Engineering Services at the Somersworth Wastewater Treatment Facility.** Again, both the Public Works & Environment Committee and Finance Committee voted to support this Resolution.

*New Business (under Section 14 of Agenda)*

**Resolutions**

- A. Resolution No. 20-17 Authorize the Somersworth Housing Authority to Sell Property Located at 35 Bartlett Avenue to the Somersworth Early Learning Center.** The Finance Committee met on October 13<sup>th</sup> to discuss this potential sale. The Committee voted to endorse the sale contingent on a payment in lieu of taxes (PILOT) being maintained and the client base serving low and moderate income families keeping the operation in line with the original State Grant requirements. Attached is a copy of the proposed Purchase & Sales Agreement. Please note "Section 3-Covenant", which addresses these issues.
- B. Resolution No. 21-17 To Authorize the City Manager to Execute a Letter of Intent with NH Solar Garden of Portsmouth, NH to Develop a Solar Project Pursuant to RSA 362-A on the Somersworth Sanitary Landfill on Blackwater Road.** The Finance Committee met on October 13<sup>th</sup> and Public Works & Environment met on October 26<sup>th</sup> to discuss this proposal. The Committee members requested the City Manager to continue negotiations with the developer. Attached is a copy of the developer's proposed "Letter of Intent". As you will read this Agreement does not bind the City to any final build or contract terms.
- C. Resolution No. 22-17 Naming Sunningdale Drive, Firefly Circle and Assigning Addresses, if Required.** The E911 Committee met on October 18<sup>th</sup> and approved these Street Names in both Resolutions No. 22-17 & No. 23-17. Attached are copies of maps depicting the Streets on both of these Resolutions. Please note that these Resolutions ONLY designate Street Names and they DO NOT authorize acceptance as a City maintained road.
- D. Resolution No. 23-17 Naming Bears Way, Wolfs Lane and Dudley Court at Regan Estates, Route 108 and Assigning Addresses, if Required.** See above.

**Other**

- A. Request to Waive Excavation Moratorium Period for a Water Service Improvement to 472 High Street (City Ordinance Ch. 12 Streets & Sidewalks).** Attached are copies of the request as well as a recommendation on certain conditions to be met from Public Works Director Mike Bobinsky should the City Council grant the waiver. A copy of the pertinent section of the City Ordinance has also been provided.

***City Manager's Items (under section 10 of Agenda)***

**A. Informational Items**

1. **Tax Rate.** The Department of Revenue Administration has set the City's 2016 Tax Rate at \$32.12. This is a decrease of (\$.13) over last year's rate of \$32.25. Attach is a copy of the total City Tax Rate breakdown: City, School and County.
2. **New City Utility Bills.** I have provided a "*draft*" copy of the new City Utility Bill (water/sewer). Perhaps of particular note is the graph that tracks customers' monthly usage, which should be of interest to our Community members.
3. **Phase II Brownfields/Former Police Station Site.** I am pleased to report that Phase II environmental assessment will be completed under the Strafford Regional Planning Commission (SRPC) regional Brownfield's Grant funding.

**B. Attachments:**

1. City Attorney Certifications Four (4).
2. Department Head Monthly Reports.



# Lower Great Falls Hydro Project

11/07/2016 Somersworth, NH



## Introductions



- Conrad St. Pierre – Director of Hydro Operations & Maintenance
- Randald Bartlett – Northeast Operations Manager
- Kevin Webb – Hydro Licensing Manager

## Lower Great Falls Hydroelectric Project

### Aerial



01/11/2016

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## Lower Great Falls Hydroelectric Project

### Overview



- Lower Great Falls Hydroelectric Project (a.k.a. Somersworth Hydro) owned by City of Somersworth and Somersworth Hydro Company, Inc.
- Operated and maintained by Somersworth Hydro Company, Inc.
- Lease signed on 4/21/1981 and expires on with the FERC license.
- FERC License is held by Somersworth Hydro Company, Inc. and City of Somersworth, NH as co-licensees. FERC number 4451
- FERC License expires on 4/30/2022
- Project was originally redeveloped by the Lessee

01/11/2016

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## Lower Great Falls Hydroelectric Project

### Current Operations



- Supported by a team of local operators and maintenance technicians
- Operated in conjunction with two other hydro projects on the Salmon Falls River in Rollinsford, NH and South Berwick, ME
- Managed by Operations Supervisor and Maintenance Manager located in Sanford, ME
- Engineering, Administration, and Upper Management support out of Andover, MA

11/4/2016 Presentation for IPT. Please do not rely on content of this slide.

## Lower Great Falls Hydroelectric Project

### Lease Payments



- PILOT Payments:
  - \$25,000 per year, split into semi-annual payments
- Lease payments calculated based on net income
  - Net Income = Gross Revenue - Debt Payments - Taxes - O&M Costs\*
  - Lease Payment = 25% of Net Income
  - \* O&M Costs are capped at 12.5% of Gross Revenue
- Lease Payment History:

Year	Annual Payment
2010	\$79,946
2011	\$58,855
2012	\$91,462
2013	\$74,598
2014	\$56,636
2015	\$20,902

11/4/2016 Presentation for IPT. Please do not rely on content of this slide.

## Lower Great Falls Hydroelectric Project FERC License



- Project is operated under a license issued by the Federal Energy Regulatory Commission (FERC)
- The FERC License is held by the City of Somersworth and Somersworth Hydro Company, Inc.
- License expires on 4/30/2022, along with the lease to SHCI
- Licensed project includes the dam, impoundment, penstocks, powerhouse, 4 generating units @ 1,280 kW total capacity
- License specifies operating conditions
  - "Run-of-river" operation; outflow = inflow; cannot pulse outflows
  - Minimum of 6.05 cfs / inflow released at dam (bypass flow)

03-17-2016 | Presentation to FERC regarding the proposed license renewal

## Lower Great Falls Hydroelectric Project FERC Relicensing



- Licensees must formally declare their intention to seek a new license between 5 and 5 ½ years before current license expires
  - between Nov. 1, 2016 and April 30, 2017
    - Notice of Intent (NOI)
    - Pre Application Document (PAD)
    - 2-6 months required to develop NOI & PAD
- License application must be filed no later than 2 years before current license expires – i.e., by April 30, 2020

03-17-2016 | Presentation to FERC regarding the proposed license renewal

## Lower Great Falls Hydroelectric Project FERC Relicensing



- Relicensing requires consultation with stakeholders - federal and state resource agencies, members of the public, NGOs.
- Studies will likely be performed to help define existing environmental resources, impacts caused by existing project operations, potential need for mitigation, e.g.:
  - Water quality,
  - Minimum flows
  - Fisheries
  - Recreation and public access
  - Historic and archaeological resources

04/15/2016 Presentation: Lower Great Falls Hydroelectric Project Relicensing

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## Lower Great Falls Hydroelectric Project Relicensing Roles



- SHCI's Role
  - Lead in managing relicensing process
  - SHCI has retained Gomez and Sullivan Engineers of Henniker, NH
  - Draft NOI and PAD have been prepared
- City of Somersworth's Role
  - Can participate to the extent interested
  - Will need to sign final license application as co-applicant

04/15/2016 Presentation: Lower Great Falls Hydroelectric Project Relicensing

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ORDINANCE NO. 4-17 SUPPLEMENTAL APPROPRIATION FOR ENGINEERING SERVICES FOR IMPROVEMENTS AT THE SOMERSWORTH WASTEWATER TREATMENT FACILITY.

Somersworth, NH  
October 17, 2016

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 16-17 is amended as follows:

Appropriate \$343,800 from Sewer Utility Fund budget as follows:

Original Budget	Amendment	Revised Budget
\$ 2,133,671	\$ 343,800	\$ 2,477,471

Approved as to Funding:

Scott A. Smith  
Director of Finance and Administration

Recorded by:

Trish Harris  
City Clerk

Background:

This ordinance appropriates the use of the Sewer Utility Funds for the purpose of providing funding for a facility planning study, and engineering design services for essential improvements at the Somersworth Wastewater Treatment Facility.

*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.*

Sponsored by Councilors

Dale R. Sprague  
David A. Witham  
Denis Messier  
Martin Pepin  
Martin P. Dumont, Sr.

Approved

City Attorney

RESOLUTION NO. 19-17 TO AUTHORIZE THE CITY MANAGER TO CONTRACT  
WITH WRIGHT-PIERCE ENGINEERS OF PORTSMOUTH, N.H. FOR  
ENGINEERING SERVICES AT THE SOMERSWORTH WASTEWATER  
TREATMENT FACILITY.

Somersworth, NH  
October 17, 2016

WHEREAS, Wright-Pierce Engineers were retained by the City of Somersworth to evaluate the impact of future real estate property developments on the Wastewater Treatment Facility and to assess the facility's ability to treat influent flows and loads, and

WHEREAS, the Engineering evaluation identified certain recommended improvements at the Wastewater Treatment Facility that will increase the treatment capacity and help address the facility's ability to treat influent flows and loads, and

WHEREAS, Wright-Pierce has provided the City a proposal to provide engineering services to complete a plant facility assessment as well as engineering and design specifications for certain recommended improvements for a cost not to exceed \$343,800 (Three Hundred Forty Three Thousand Eight Hundred dollars), and

WHEREAS, the City Council's Finance and Public Works & Environment Committees have reviewed this engineering proposal with staff and recommend authorizing the contract utilizing available funds from the Sewer Utility Fund;

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, N.H. for engineering services at the Somersworth Wastewater Treatment Facility for an amount not to exceed \$343,800 (Three Hundred Forty Three Thousand Eight Hundred dollars), and to take any other action related to this contracted project determined to be in the best interest of the City.

Sponsored by Councilors:

Dale R. Sprague  
David A. Witham  
Denis Messier  
Martin Pepin  
Martin P. Dumont, Sr.

Approved

City Attorney

RESOLUTION NO. 20-17 AUTHORIZE THE SOMERSWORTH HOUSING AUTHORITY TO SELL  
PROPERTY LOCATED AT 35 BARTLETT AVENUE TO THE SOMERSWORTH EARLY  
LEARNING CENTER.

Somersworth, NH

November 7, 2016

WHEREAS, The City of Somersworth, as “Grantee”, and the Somersworth Housing Authority (SHA), as “Sub-recipient”, entered into an agreement with the Community Development Finance Authority for a grant to expand the facility at 35 Bartlett Ave. used by the Somersworth Early Learning Center (SELC), and

WHEREAS, on January 1, 2014 the SELC separated from the SHA and established their own non-profit status, and has now entered into an purchase and sales agreement with the SHA for this property, and

WHEREAS, pursuant to the CDFA grant agreement, the SHA as a sub-recipient must seek approval from the City of Somersworth to enter into this purchase and sale agreement, and

WHEREAS, the City Council believes any sale must be subject to the creation of an agreement to make a payment in lieu of taxes (PILOT), and the deed be amended to stipulate that the facility retain the requirement to provide child care services to low and moderate income households,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Somersworth Housing Authority is authorized to sell the facility at 35 Bartlett Ave. to the Somersworth Early Learning Center, subject to the requirement that the purchase and sales agreement provide the covenants that the buyer make a payment in lieu of taxes to the City of Somersworth and the property shall continue to be used as a child care facility to be made available to low and moderate income households.

Sponsored by Councilors

David A. Witham  
Martin Pepin  
Martin P. Dumont, Sr.

Approved:

City Attorney

PURCHASE AND SALES AGREEMENT

THIS AGREEMENT made this \_\_\_\_ day of \_\_\_\_\_ 2016, by and between Somersworth Housing Authority of 25 Bartlett Avenue in the City of Somersworth, County of Strafford and State of New Hampshire (hereinafter referred to as the **SELLER**) and Somersworth Early Learning Center of 35 Bartlett Avenue also in said City of Somersworth, County of Strafford and State of New Hampshire, (hereinafter referred to as the **BUYER**).

WITNESSETH:

The SELLER agrees to convey and the BUYER agrees to buy certain land with the buildings and improvements thereon situate in the City of Somersworth, New Hampshire known as the Somersworth Early Learning Center at 35 Bartlett Avenue and more specifically described in a deed to the SELLER dated January 24, 1991 and recorded in the Strafford County Registry of Deeds in Book 1539 at Page 0504 ("premises").

1. **SELLING PRICE:** is Four Hundred and Fifty Thousand Dollars (\$450,000.00) which shall be paid in full at the time of transfer of title. There will be no earnest money deposit to be paid.
2. **DEED:** The SELLER agrees that the property shall be conveyed by a good and sufficient warranty deed, and shall be free and clear of all encumbrances, except those noted on record and usual public utilities servicing the property. This agreement shall be binding upon the heirs, executors, administrators and assigns of all parties.
3. **COVENANT:** It is agreed between the parties that the property shall continue to be used as a child care facility and shall continue to be made available to low and moderate income households for the remainder of the benefit period as established in a Grant Agreement (#07-218-CDPF) Attachment II, Subrecipient Agreement dated November 6, 2007 until such time as it expires (as it is set to do on June 30, 2029), such time as the Grant may otherwise be terminated, or such time as BUYER no longer occupies the premises. This covenant shall run with the land and be included in the deed. The BUYER further agrees to make a payment in lieu of taxes to the City of Somersworth as mutually agreed by BUYER and by the City.
4. **CONDITIONS PRECEDENT:** This Agreement shall be subject to the following conditions precedent:
  - a. **Repairs to be made by SELLER.** Prior to Closing, SELLER shall (i) replace the three natural gas boilers located on the premises; (ii) replace the air conditioning unit in the Multi-Purpose Room; and (iii) replace the flooring in the crib area of the infant room.
  - b. **Financing.** This Agreement is contingent upon BUYER obtaining financing through the Strafford Economic Development Corporation on terms acceptable to BUYER in its sole discretion. BUYER agrees to act diligently and in good faith in obtaining such financing. If written evidence of inability to obtain financing is provided

within 45 days of the date of execution of this Agreement, BUYER shall have the option of declaring this Agreement null and void. Responsibility to provide SELLER with written evidence as outlined herein, shall be solely the BUYERS.

c. Title. BUYER shall have 45 days from the execution of this Agreement to examine title to the premises. If upon examination of title, title to the property is found to be not marketable (except liens to be paid at closing from sale proceeds), SELLER shall have a reasonable time, not to exceed thirty (30) days from the date of notification of defect, to remedy such defect. Should SELLER be unable to provide marketable title within thirty (30) days, BUYER may rescind this Agreement at BUYER's sole option, and both parties shall be released from any further obligations hereunder. SELLER hereby agrees to make a good faith effort to correct title defects within a thirty (30) day period once notification of said defect is received. The cost of examination of title shall be borne by BUYER.

5. SELLER'S REPRESENTATIONS: SELLER represents and warrants to BUYER that the following are true as of the date of this Agreement and agrees that the same will be true as of Closing:

a. Other than items of record, there are no outstanding pending or threatened liens, claims, rights of first refusal, licenses or encumbrances against or affecting the Property which would affect title or use of the premises.

b. To the extent not already paid by BUYER, all outstanding mortgages, bills, property taxes, utilities, and/or accounts payable concerning the premises are either paid or will be paid prior to or at the time of Closing.

c. To the best of SELLER's knowledge, there are no outstanding claims, losses or demands against SELLER by any person with respect to SELLER's ownership of the premises.

d. SELLER is duly organized and validly exists under the laws of the State of New Hampshire and is duly authorized to enter into this Agreement and to transfer all of the premises and consummate or cause to be consummated the transaction contemplated by this Agreement. The person signing this agreement on behalf of SELLER is authorized to do so. Performance of this agreement by SELLER will not result in any breach of or constitute any default under or result in the imposition of a lien or encumbrance under any agreement or other instrument to which SELLER is a party or by which SELLER or the premises might be bound.

e. SELLER has not received any written notice and has no knowledge of any pending or threatened condemnation of the premises.

f. SELLER is not aware of and does not have in its possession any reports regarding environmental and/or hazardous materials located on, in or at the Property. To the best of

the SELLER's knowledge, no hazardous materials and/or underground storage tanks are present on any portion of the Property.

g. That as of the date hereof, SELLER is not in receipt of any written notice from any federal, state or municipal authority alleging any existing fire, health, safety, building pollution or environmental violation of law, statute, code, encumbrance or regulation with respect to the Property or any part thereof.

All of the above representations and warranties shall survive the Closing. In the event any of the foregoing representations and warranties which would affect BUYER's title or use of the premises are untrue as of the date of this Agreement or as of Closing, BUYER shall have the right to terminate this Agreement and neither party shall have any remaining obligation hereunder.

6. **BUYER'S REPRESENTATIONS:** BUYER represents and warrants to SELLER that:

a. BUYER has the requisite power and authority to execute, deliver and perform this Agreement and to consummate the transactions contemplated hereby and has taken all action required by law to authorize such execution, delivery and performance. This Agreement is the valid and legally binding obligation of BUYER and is enforceable against BUYER in accordance with its terms.

b. The execution, delivery and performance of this Agreement and the consummation of the transactions contemplated hereby will not result in a breach or violation of, or a default under any Agreement to which BUYER is a party or by which BUYER is bound, or any fiduciary duty or any order, judgment, decreed, rule or regulation of any court or any governmental agency or body by which BUYER is bound.

All of these representations and warranties shall survive Closing.

7. **TRANSFER OF TITLE:** The parties agree that the transfer of title ("Closing") shall take place on or before December 29, 2016 at a time and place mutually agreeable to the parties.

8. **POSSESSION:** It is agreed that all personal property located on the premises is personal property of the BUYER. This conveyance shall include all fixtures located on the premises. The SELLER makes no warranties of fitness and/or merchantability either expressed or implied as to the property. The BUYER acknowledges that it has had ample opportunity to inspect the property and that it is satisfied with the physical condition of the property. With the exception of an examination of title as referenced in Paragraph 4(c) of this Agreement to ensure marketable title, or as may be otherwise required to obtain the financing referenced in Paragraph 4(b), the sale of this property is not subject to any further inspections or testing but rather is being sold "as is."

9. **RISK OF LOSS:** Between the date hereof and the Closing, the risk of loss shall be on SELLER. SELLER agrees to maintain the current casualty insurance on the premises. In

the event of any fire or other casualty, BUYER may (i) purchase the premises for the Purchase Price and SELLER shall assign all insurance proceeds to BUYER, or (ii) terminate this Agreement and neither party shall have any further obligation hereunder.

- 10. **BROKERS:** The parties acknowledge that no brokers or realtors participated in this sale as representatives of either party and that this sale shall be concluded without the payment of any real estate commission. Should any broker or realtor claim a commission as a result of this transaction, the party said broker and/or realtor claims to represent shall indemnify and hold harmless the other party from any claimed commission.
- 11. **CLOSING COSTS AND TRANSFER TAX:** The parties will each pay the cost of their respective attorneys and other consultants. The parties agree that they shall each pay one-half of any and all transfer taxes imposed in connection with the transfer of the premises to BUYER, which transfer taxes shall be paid as part of Closing.
- 12. **PRIOR STATEMENTS:** All representations, statement and agreements heretofore made between the parties hereto are merged in this agreement, which alone fully and completely expresses their respective obligations.
- 13. **EFFECTIVE DATE:** The effective “date of this Agreement” shall be the date the last party executed a counterpart of this Agreement.

A copy of this agreement is to be received by all parties and, by signature, receipt of a copy is hereby acknowledged. This agreement shall be binding upon the heirs, executors, administrators and assigns of both parties.

Dated:

SOMERSWORTH HOUSING AUTHORITY

By: \_\_\_\_\_

Deborah Evans, Executive Director

SOMERSWORTH EARLY LEARNING CENTER

Dated:

By: \_\_\_\_\_

William Griffith, Chairman Board of Directors

Warranty Deed

KNOW ALL MEN BY THESE PRESENTS, That Somersworth Housing Authority [Grantor] a New Hampshire corporation duly created under 203:4 with a principal place of business at 25 Bartlett Avenue in the City of Somersworth, County of Strafford and State of New Hampshire

for consideration paid, grants to Somersworth Early Learning Center [Grantee] a New Hampshire Corporation with a principal place of business at 35 Bartlett Avenue in the City of Somersworth, County of Strafford and State of New Hampshire

with warranty covenants

Beginning at a granite bound to be set at the Southeasterly corner of the land herein conveyed and the corners of Bartlett Avenue and Cass Street; thence running N 59° 22' 12" W a distance of 90.22 feet; thence turning and running N 75° 25' 57" W a distance of 181.50 feet to a granite bound to be set; thence turning and running N 04° 03' 23" W a distance of 211.05 feet to a granite bound to be set; thence turning and running S 75° 25' 57" E a distance of 412.15 feet to a granite bound to be set; thence turning and running S 33° 21' 33" W a distance of 237.67 feet to the point of beginning as shown on an Existing Conditions Plan, Somersworth Housing Authority made by TerraScan dated November 16, 1990 and recorded in the Strafford County Registry of Deeds on January 24, 1991.

The property shall be utilized as a child care facility and shall continue to be made available to low and moderate income households until June 30, 2029. This covenant shall run with the land.

Meaning and intending to convey the same premises conveyed to Somersworth Housing Authority by Warranty Deed of James E. Pawnell and Marie B. Pawnell dated January 24, 1991 and recorded in the Strafford County Registry of Deeds in Book 1539 at Pages 0504 & 0505.

Signed this \_\_\_\_ day of \_\_\_\_\_, 2016

Witness Somersworth Housing Authority By: Deborah Evans, Executive Director

State of New Hampshire County of Strafford \_\_\_\_\_, 2016

Personally appeared Deborah Evans, in her capacity as Executive Director of the Somersworth Housing Authority and known to me, or satisfactorily proven, to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained.

Before me, \_\_\_\_\_ Justice of the Peace - Notary Public



RESOLUTION NO. 21-17 TO AUTHORIZE THE CITY MANAGER TO EXECUTE A LETTER OF INTENT WITH NH SOLAR GARDEN OF PORTSMOUTH, NH TO DEVELOP A SOLAR PROJECT PURSUANT TO RSA 362-A ON THE SOMERSWORTH SANITARY LANDFILL ON BLACKWATER ROAD.

Somersworth, NH  
November 7, 2016

WHEREAS, the City of Somersworth solicited proposals from qualified companies to design, engineer, install, monitor, evaluate, maintain, finance and decommission community solar projects pursuant to the New Hampshire Group Net Metering statute, RSA 362-A and locate them on the closed sanitary landfill site on Blackwater Road, and

WHEREAS, the request for proposal required qualified companies to build the most economical, cost beneficial system that will maximize the power generating capacity of the site and provide the highest and best economic benefit to the City of Somersworth, and

WHEREAS, one proposal was submitted by NH Solar Garden and city staff has reviewed the proposal and interviewed this company, and

WHEREAS, the Finance Committee and the Public Works and Environment Committee of the City Council reviewed the proposal with staff and recommends executing the letter of intent with NH Solar Garden,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute a letter of intent with NH Solar Garden of Portsmouth, NH to develop solar projects pursuant to RSA 362-A on the Somersworth Sanitary Landfill on Blackwater Road and take any and all other such actions relative to this letter of intent determined to be in the best interest of the City.

Sponsored by Councilors:

David A. Witham  
Dale R. Sprague  
Martin Pepin  
Martin P. Dumont, Sr.  
Jennifer G. Soldati

Approved:

City Attorney



Stellar

**LETTER OF INTENT FOR SOLAR POWER PROJECT AGREEMENT**

**NhSolarGarden.com, LLC (NHSG)&/or assignees**

**and The City of Somersworth (Somersworth)**

The City of Somersworth and NhSolarGarden.com, LLC hereby express their mutual intent as of the date hereof to enter into a solar photovoltaic project land Lease, Solar Rebate or PILOT agreement ("agreements") relating to a solar electric generation facility consisting of (a) photovoltaic panels, and associated equipment and construction with an estimated nameplate capacity of up to 2 megawatts (MW) to be located at:

**The City landfill, Blackwater Road, Somersworth, NH 03878**

Final specific size for each system will be determined based on site conditions, local permitting and the party's mutual agreement to develop up to 2 MWs.

This Letter of Intent acknowledges the intent of the Parties to pursue in good faith a Lease, Solar Rebate or PILOT reflecting the business terms below:

- TERM: 20 year base term with two (2) additional 5 year extension options by (NHSG)&/or assignees
- LEASE RATES \$7,500 per year
- SOLAR REBATES \$0.01 per kWh discount
- PILOT RATES \$2,800 per year

This proposal does not constitute a binding offer to enter into a Lease, Solar Rebate or PILOT agreement, shall not form the basis for an agreement by estoppel or otherwise, and any actions taken by a Party in reliance on the terms set forth herein or on statements made during negotiations shall be at that Party's own risk. Once Lease, Solar Rebate & PILOT agreements have been executed between the Parties, no Party shall have any other legal obligations relating to the subject matter hereof, expressed or implied, or arising in any other manner or in the course of negotiations, other than the obligations arising under the penultimate paragraph of this Letter of Intent.

The final execution of the Lease, Solar Rebate & PILOT agreement will include completion by the parties of mutual and reasonable due diligence investigation on the parties and facility and terms will be finalized at such time. Due diligence shall include, but not limited to, electrical and site engineering, interconnections, local entitlements, financial assessments, and other related items.

**I. Confidentiality & Exclusivity:**

To the extent that either Party reveals information that it considers to be confidential, it will clearly mark or otherwise designate such information with a confidentiality notice. Until such time as the Lease, Solar Rebate & PILOT are executed, all price terms shall be considered confidential information. Each Party shall maintain in confidence all such designated information, and

shall not disclose such information other than on a need to know basis to affiliates, advisors, regulators or consultants subject to a confidentiality obligation or where required by law. As to non-confidential information, the Parties agree to fully participate in any permitting process, as necessary, to build local and other support for the Photovoltaic Project approval, and may disclose the fact that the Parties are pursuing Lease arrangements.

II. Costs

Each party shall bear their own costs and expenses in connection with the Lease, Solar Rebate & PILOT agreement.

III. Entire Agreement

These provisions in this Letter constitute the entire agreement between the parties, and supersede all prior oral or written agreements, understandings, representations and warranties, and courses of conduct and dealing between the parties on the subject matter hereof. Except as otherwise provided herein, this Letter may be amended or modified only by writing, executed by both parties.

IV. Governing Law

The Binding Provisions will be governed by the laws of New Hampshire.

V. No Liability

The paragraphs and provisions of Part One of this Letter do not constitute and will not give rise to any legally binding obligation on the part of any of the parties. Moreover, except as expressly provided in the Binding Provisions (or as expressly provided in any binding written agreement that the parties may enter into in the future), no past or future action, course of conduct, or failure to act relating to the Possible Transaction, or relating to the negotiation of the terms of the Possible Transaction or of any Definitive Agreement, will give rise to or serve as a basis for any obligation or other liability on the part of the parties.

Dated: October 5, 2016

NhSolarGarden.com, LLC

By:



Name: Andrew Kellar  
Title: Manager

By:

Name:

Title:

RESOLUTION NO. 22-17 NAMING SUNNINGDALE DRIVE, FIREFLY CIRCLE AND  
ASSIGNING ADDRESSES, IF REQUIRED

Somersworth, NH  
November 7, 2016

Be it Resolved by the City Council of the City of Somersworth that the following roadways be  
named and addresses assigned, if required;

<u>NAME</u>	<u>REASONS/EXPLANATIONS</u>
"Sunningdale Drive"	Names for these proposed roadways in the Sunningdale Development Project. Sunningdale Drive beginning off of Stackpole Road and ending on Green Street, and Firefly Circle being the first right off Sunningdale Drive from Stackpole Road. These are private ways. E911/Street Name & Address Committee approved these names at their October 18, 2016 meeting.
"Firefly Circle"	

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT this action is in accordance with RSA 231:133; RSA 231:133-a; RSA 106-H; State of NH, Department of Safety, Division of Emergency Communications Addressing Standards, and Chapter 19, Section 23, City of Somersworth Ordinances; and that this action does not constitute "acceptance" of the above named roadways by the City of Somersworth City Council.

Sponsored by Councilor  
Martin Pepin

Approved:

City Attorney

RESOLUTION NO. 23-17 NAMING BEARS WAY, WOLFS LANE AND DUDLEY COURT  
AT REGAN ESTATES, ROUTE 108 AND ASSIGNING ADDRESSES, IF REQUIRED

Somersworth, NH  
November 7, 2016

Be it Resolved by the City Council of the City of Somersworth that the following roadways be named and addresses assigned, if required;

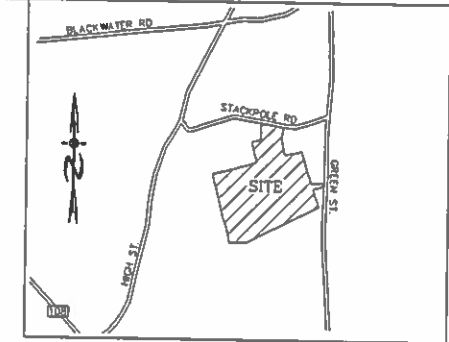
<u>NAME</u>	<u>REASONS/EXPLANATIONS</u>
"Bears Way"	Names for these proposed roadways for a private mobile home park, Regan Estates located off of Route 108 across from Midway Buick, with homes bordering Route 108 (Bears Way), homes within an inner Courtyard area (Dudley Court), and homes along a north facing drive (Wolfs Lane). These are private ways. E911/Street Name & Address Committee approved these names at their October 18, 2016 meeting.
"Wolfs Lane"	
"Dudley Court"	

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT this action is in accordance with RSA 231:133; RSA 231:133-a; RSA 106-H; State of NH, Department of Safety, Division of Emergency Communications Addressing Standards, and Chapter 19, Section 23, City of Somersworth Ordinances; and that this action does not constitute "acceptance" of the above named roadways by the City of Somersworth City Council.

Sponsored by Councilor  
  
Martin Pepin

Approved:  
  
City Attorney

# THE VILLAGES AT SUNNINGDALE



LOCATION MAP  
1"=3000'



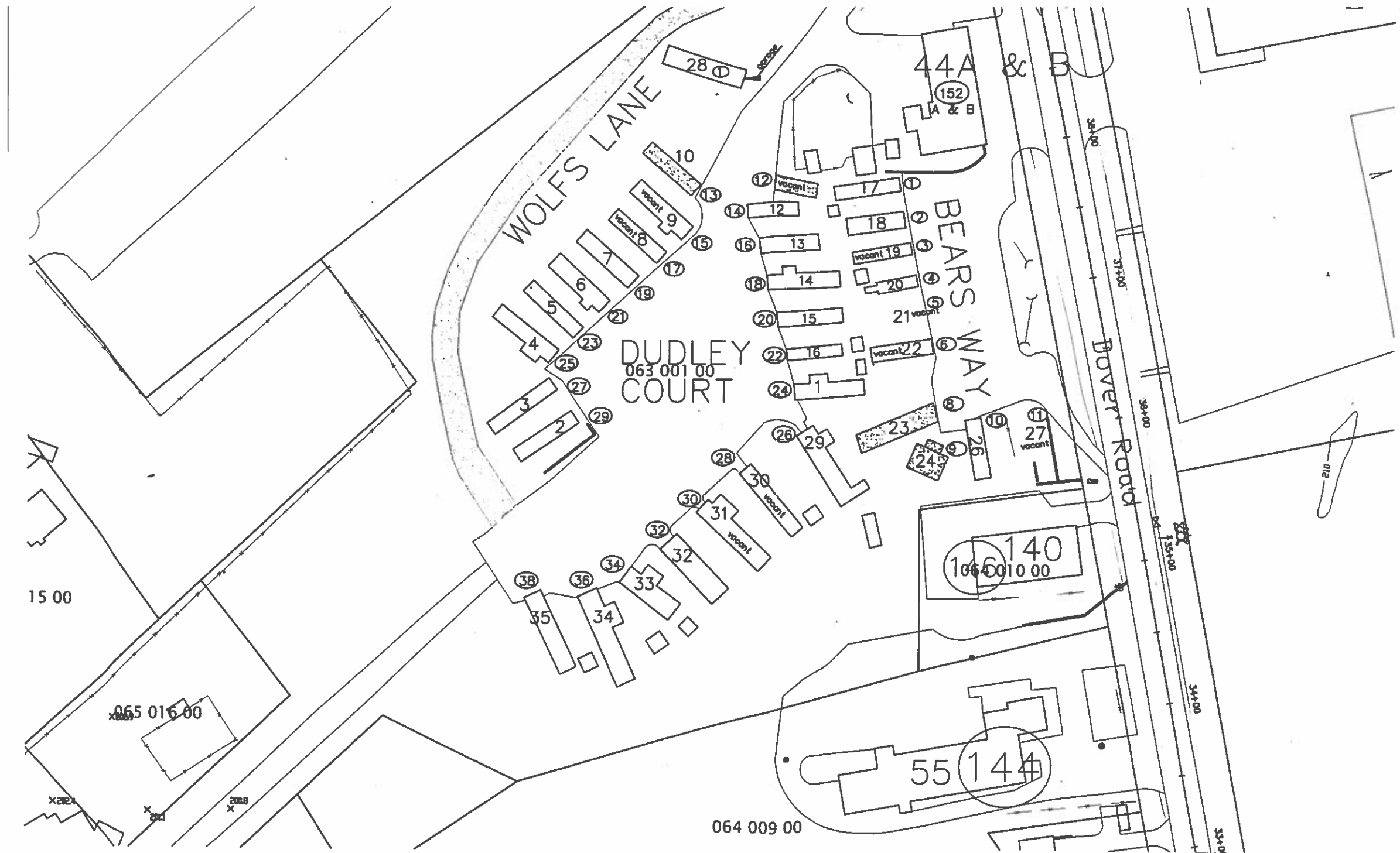
PREPARED FOR:  
TWELVE MONTH, LLC.  
7B EMERY LANE,  
STRATHAM N.H. 03885

**BEALS ASSOCIATES PLLC**

70 PORTSMOUTH AVE, STRATHAM, N.H. 03885  
PHONE: 603-583-4860, FAX: 603-583-4863

over a

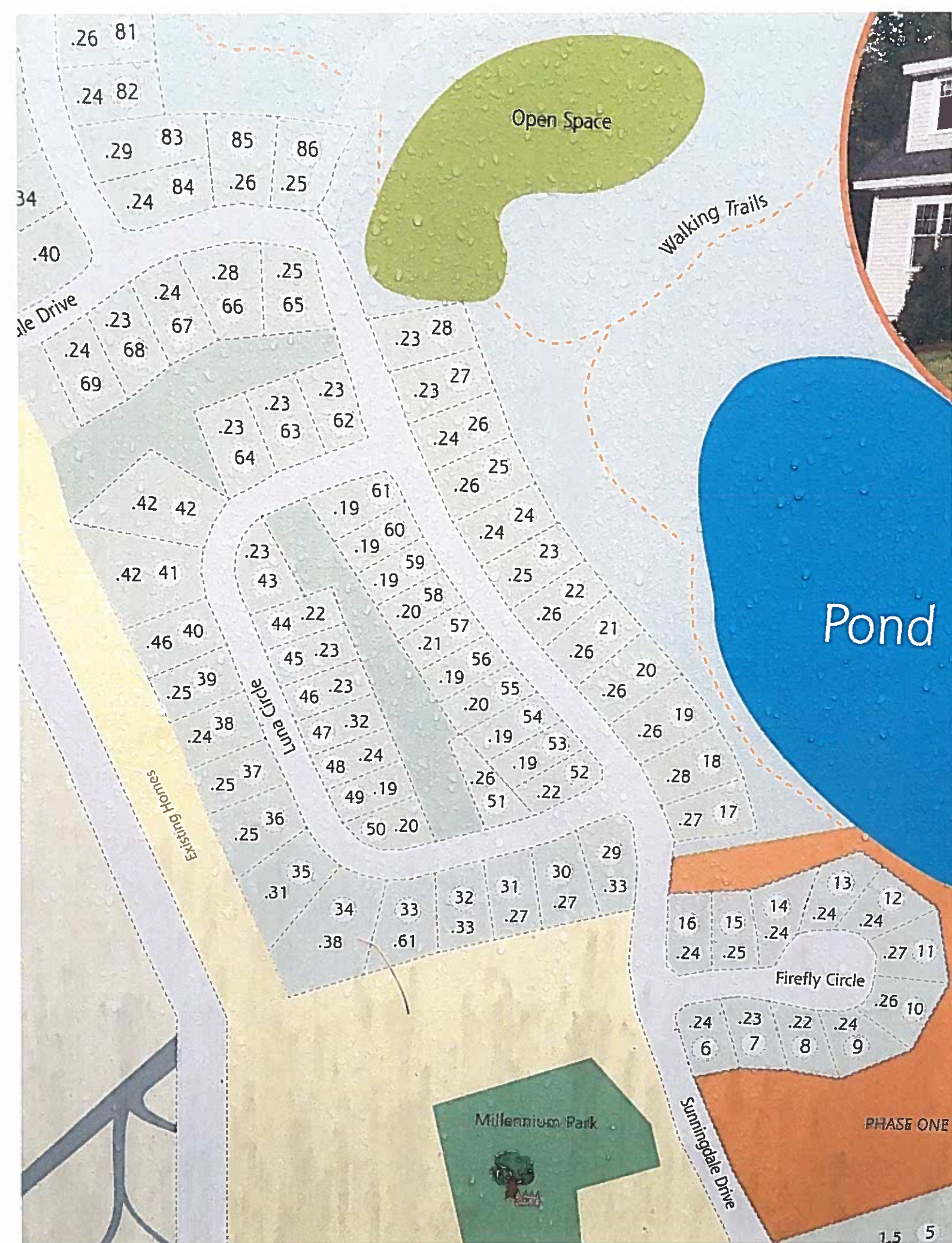
# REGAN Estates



- 1) Homes that are hatched were drawn in by the engineering staff.
- 2) Homes that are listed as vacant do not exist at the date this plan was prepared.

RENAMING & NUMBERING PLAN  
JACK & JILL M.H. COMMUNITY  
FOR  
CITY OF SOMERSWORTH N.H.









## MEMORANDUM from Director Public Works & Utilities

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Date: November 3, 2016

To: Bob Belmore, City Manager

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

Re: Background on request to waive pavement moratorium on High Street at Tri City Road

---

The City has received a request by the owner of 472 High Street as well as the potential tenant Bonfire Rehabilitation Center, to waive the moratorium for the property to accommodate the installation of a new 4" water service to support a fire suppression system. Water Distribution personnel met with the developer/applicant and offered options to include accessing an existing 2" water service stub installed just before the road surface was repaved, and/or installing a run of 4" water line to the back of the property and connecting with an existing 8" water line near Tara Fields Residential development. According to the applicant, the existing 2" water service stub off of the City water main is not large enough to serve the new fire suppression system, and states the most cost effective option for installing a new 4" water service is off of the City's water main located in the middle of High Street. This requires excavating a trench in High Street at approximately 472 High Street.

The Department of Public Works and Utilities has confirmed that this section of High Street was repaved in September of 2014. As indicated in Chapter 12, Section 12.1 of the City Ordinance a moratorium period restricting street excavations for five (5) years is placed on any street from the date that it has been reconstructed, reclaimed or newly built. Therefore given when this section of High Street was rebuilt the moratorium restriction applies and will be from the fall of 2014 to September 2019. An exception to the moratorium is granted to repair an emergency such as a utility line and or if City Council waives this Ordinance restriction.

To the extent the City Council approves the exception to the moratorium, the Department will consider conditions that will be needed. Our initial thinking includes the following requirements:

- Given current weather and seasonal conditions, the contractor will be required to conduct two openings. Restoration of the trench opening to include milling out 10' on either side of the trench opening, backfill and install asphalt mix; allow settlement and return in later spring 2017 and excavate out all material plus an additional 10' on other side and replace the pavement with new material. The result will be a total of 40' of excavation (20') on either side of the trench, to preserve the integrity of the newly paved street. Repairs to the sidewalk and curbing will be required as well.

- The contractor will be responsible for paying all costs associated with the trench opening, utility connection and street restoration, and will be required to have liability insurance and post bonds. Using current construction rates, the estimated cost for the trench opening and street-sidewalk restoration as described above is approximately \$28,000.
- Close communications with Department staff including Highway and Water personnel for site and utility inspections.
- Submit and follow an approved traffic control plan approved by the City. All costs shall be borne by the developer/property owner.

Please advise should you have any questions or need additional information.

October 28, 2016

Dear City Manager and Members of the City Council,

Bonfire Recovery was unable to start construction for the upstart of their new venture in the City of Somersworth due an appeal made to the Superior Court by The Flatley Company. On October 24<sup>th</sup>, MDHF LLC (owners of 472 High Street) were notified that the Superior Court up held the Zoning Board's decision to grant Bonfire Recovery a variance.

On October 26<sup>th</sup>, Andrew West and I met with Scott McGlynn to discuss how and where to obtain the required 4-6 " water supply to feed the commercial grade fire suppression system which is a condition made by the Planning Board prior to Bonfire obtaining Certificate of Occupancy.

The building currently has a one-year-old 1" water main supplying the existing property for domestic water. The city requires separate water lines to supplies domestic and fire suppression.

We have two issues, one being a moratorium on High Street and the other being a November 15<sup>th</sup> dead line for digging. We have contracted an excavation company who will install the water line prior to November 15<sup>th</sup> deadline but we would need the City Council's consent to dig on High Street approximately 12 feet to connect to the city water main. (See Attached Plan, Application and letter from Bonfire Recovery.)

This property has been 100% vacant for nearly 4 months and will continue to be until the time we can install the needed water main and complete the conditions of the Zoning Board and Planning Board approvals. This has been a timely and expensive endeavor and we appreciate the concessions made by the various city Boards and Council. To complete this project, we are requesting permission to dig on High Street. In granting our request, we will be able to comply with the conditions of the variance and allow Bonfire to house many people in our community who desperately need assistance.



David Francoeur and Michael Hill  
Owners of 472 High Street, Somersworth NH  
MDHF, LLC



To: Somersworth City Council  
RE: 472 High St. request to tap water line

10/27/2016

Dear council members,

I'm writing to formally request permission to tap into the 6" water line on High St. in Somersworth to supply water sprinkler / fire suppression to the group care facility to be opened at 472 High St. We were instructed by planning board that receiving our certificate of occupancy was contingent on installing the sprinkler system.

We met with Scott McGlynn, Chief Water Distribution Operator for the City of Somersworth on Wednesday, 10/26/16 and he informed us that the best water line capable of feeding the sprinkler system (which requires a minimum 4" or 6" line) is located directly in front of 472 High Street. Mr. McGlynn was extremely helpful and knowledgeable.

Gagnon Construction from Rollinsford, NH will oversee the job which is expected to take less than a day to complete, with minimal interruption to High St. They are available to dig between November 8<sup>th</sup>-15<sup>th</sup>. Once approval is received we can schedule the exact date and time.

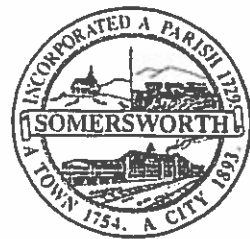
There is concern that if this request is not approved by the council during the November meeting we will need to wait until May to dig when the ground thaws. I was told the city does not allow digging after November 15<sup>th</sup>. A delay would push our opening date back to May or June of 2017.

I thank you for your time and consideration in this important matter.

Warmest Regards,

Andrew West

Managing Director  
Bonfire Recovery Services



# Water/Sewer Connection Permit

City of Somersworth, New Hampshire  
Water Division  
One Government Way, Somersworth NH 03878  
Telephone: (603) 692-9523

(Office Use Only)

Permit #: \_\_\_\_\_

Issue Date: \_\_\_\_\_

Map # 410

Lot # 04

Site Address: 472 High Street Somersworth NH 03878  
Property Owner: MDHF LLC Phone: 603-834-4180  
Mailing Address: 48 Blue Heron Drive Cell #: 714-2096  
City: Somersworth State: NH Zip Code: 03878 Email: DAVE@ALLREALESTATE.NH.COM  
IN CARE OF David Franklin

Contractor: Canon Construction Phone: \_\_\_\_\_  
Mailing Address: Rollisford NH Cell #: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_ Email: \_\_\_\_\_

Check all that apply for this property:

- |  |  |   |                                     |
|--|--|---|-------------------------------------|
| <input type="checkbox"/> New Construction              | <input type="checkbox"/> Single-Family Home    | <input type="checkbox"/> Irrigation System                  | <input type="checkbox"/> City Water |
| <input checked="" type="checkbox"/> Existing Structure | <input type="checkbox"/> Multi-Family Home     | <input checked="" type="checkbox"/> Fire Suppression System | <input type="checkbox"/> Well       |
| <input type="checkbox"/> Change of Use                 | <input checked="" type="checkbox"/> Commercial | <input type="checkbox"/> Pool                               | <input type="checkbox"/> City Sewer |
|  | <input type="checkbox"/> Industrial            |   | <input type="checkbox"/> Septic     |

Description of work to be performed: TAP into High street 6" Line  
And supply 472 High Street with sprinkler fire suppression

## WATER CONNECTION

### FOR RESIDENTIAL UNITS:

Size of water line: 6" N/A  
Backflow Device\* required? Y/N

### FOR COMMERCIAL / INDUSTRIAL UNITS:

Size of water line: 6"  
Backflow Device\* required? YES

## SEWER CONNECTION

### FOR RESIDENTIAL UNITS:

Number of Bedrooms: \_\_\_\_\_

### FOR COMMERCIAL / INDUSTRIAL UNITS:

GPD Flow Volume: \_\_\_\_\_  
Further information may be required to accurately calculate the sewer connection fee, depending on the type of use.

Permit must be entirely completed and the connection fees of \$ \_\_\_\_\_ must be paid in full before this permit will be approved and granted. Water and/or Sewer work shall not begin until permit is approved.

This application to connect to the City of Somersworth Water and/or Sewer System is made by the undersigned who agrees, as the authorized representative or owner and for future owners, to indemnify the City from any loss or damage that may directly or indirectly be occasioned by said connection to the system. The City of Somersworth in no case, assumes any responsibility or liability by reason of granting this permit. The applicant also understands and agrees that with the approval of this permit, and the completion of connection, a water/sewer account will be created or adjusted in accordance with the request of this permit. If the information provided by the applicant is incorrect, the applicant understands and agrees that there could be additional fees based on the fees outlined on the back-side of this application and in the ordinance. The undersigned further acknowledges that he/she is familiar with and agrees to abide by the City of Somersworth Water and Sewer Ordinances.

David Franklin  
Authorized Signature

26 OCT 2016  
Date

Return completed permit application to:  
Somersworth Water Department  
City Hall  
One Government Way  
Somersworth, NH 03878

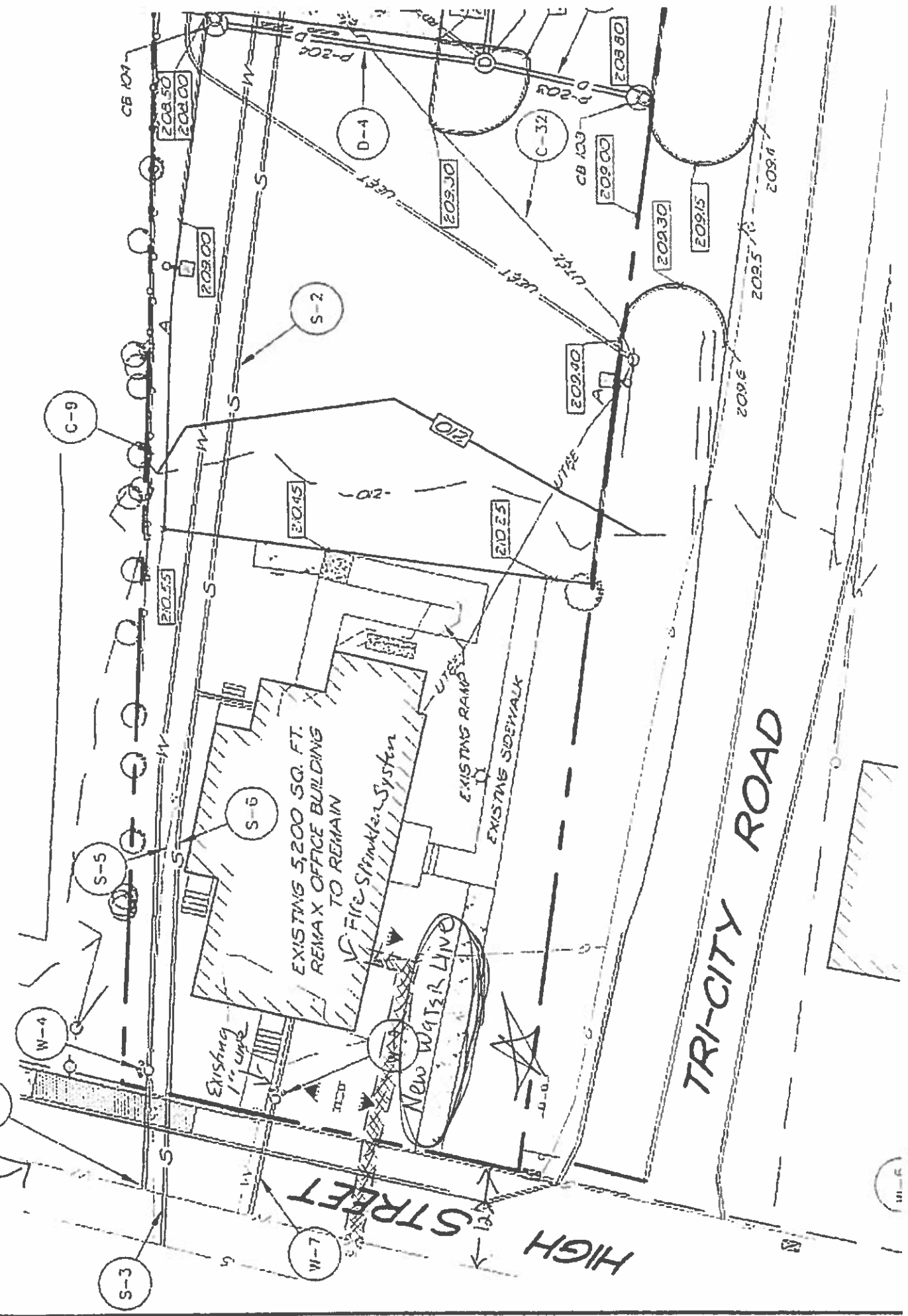
Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

Contact the Somersworth Water Department  
to schedule Connection after approval.  
603-692-9523

6" WATER LINE EXISTING APPROX 12 FT FROM SIDE WALK  
 New Water Line (Fire Suppression)

10. INSTALL P-205, 140' - 12" HOSE FROM DMH 503 TO DMH 50  
 IN/IN = 203.60, IN/OUT = 202.70 S = 0.010 FT/FT



**BACKFILLING, PAVING, DUST CONTROL, AND TRAFFIC CONTROL:** These items will be done in accordance with the Somersworth Construction Standards.

**INSPECTIONS:** The City Engineer or his designee may inspect the site prior to the commencement of backfill, during the backfill operation, prior to the commencement of paving and during the paving operation. It shall be the responsibility of the licensee to arrange for these inspections during normal working hours, and he shall provide a 24-hour notice.

**MORATORIUM PERIOD:** The moratorium period limiting excavations is as follows:

- For roads that have been overlayed the moratorium shall be three (3) years.
- For roads that have been reclaimed, reconstructed, or are newly constructed, the moratorium period shall be five (5) years.

**INSURANCE:** As a condition of this permit, the Permittee shall agree to provide insurance to indemnify the City of Somersworth and the Department of Public Works and Utilities, including all officials and employees thereof. Required policies shall include, but not be limited to, Comprehensive General Liability and Workman's Compensation. The requirements of the policies will be according to the Somersworth Construction Standards.

**REVOCATION OF PERMIT:** The City of Somersworth, Department of Public Works and Utilities, or the City Engineer may revoke any permit issued under this regulation at any time.

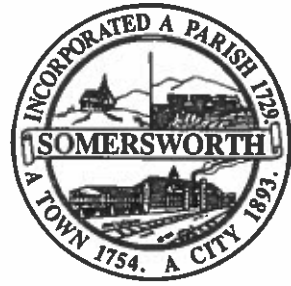
#### Section 12.2 - Use of Sidewalks

No person shall drive any vehicle or equipment on any sidewalk in the City, except for strollers, wagons, carriages, or other methods of transporting small children.

#### Section 12.3 - Signs and Awnings

No person shall place, establish or maintain any sign, awning or shade before his or her place of business, dwelling house or tenement, over any part of any street or sidewalk, unless the same be safely fixed and supported so as in no way to incommode or endanger persons passing upon such street or sidewalk and so that the lowest part of such sign, awning or shade shall be at least seven and one-half feet above the sidewalk; nor shall any person hang, affix, fasten, place or allow to remain upon the outer edge of any sidewalk, any sign or showcase except in conformance with the requirements of the Zoning Ordinance.

(Amended 7/18/1994.)

**MEMORANDUM**

To: Bob Belmore, City Manager  
From: Scott Smith, Director of Finance and Administration  
Date: October 20, 2016

**Re: Tax Rate**

---

We received official notification from the Department of Revenue Administration today on the City's 2016 tax rate. The State of New Hampshire has set the City's tax rate at \$32.12.

The comparison to the 2015 tax rate breaks down as follows:

	<u>2016 Tax Rate</u>	<u>2015 Tax Rate</u>	<u>Increase/(Decrease)</u>
City	9.72	10.12	(0.40)
Local School	17.26	16.83	0.43
State School	2.37	2.45	(0.08)
County	<u>2.77</u>	<u>2.85</u>	<u>(0.08)</u>
 Totals	 32.12	 32.25	 (0.13)

If you need any additional information, please let me know.

Cc: Pam Constance, Assistant Finance Director

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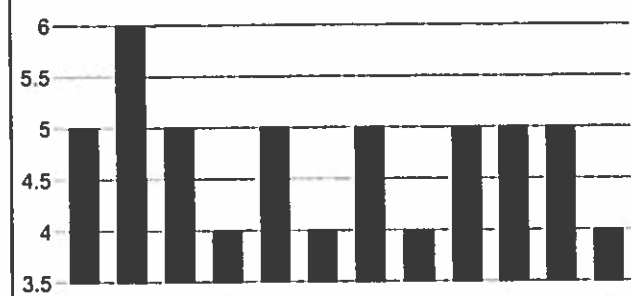
City of Somersworth  
One Government Way  
Somersworth, NH 03878-3192  
(603) 692-9523

**DRAFT**

**UTILITY BILL**  
Keep this copy for your records

Customer Name				Service Address				
Bill Number	Bill Date	Account Number		Customer Number		Current Billing Due Date		
5158	10/14/2016			1481		11/08/2016		
Charge Description	Meter Number	Previous Read Date	Previous Reading	Current Read Date	Current Reading	Read Code	Units (1,000 gals.)	Charge Amount
WATER	1400048746	09/12/2016	810	10/11/2016	815	A	5	20.51
WATER SERVICE CHARGE								2.51
SEWER								27.51
SEWER SERVICE CHARGE								5.61

Munis\_mu\_test Version: 11.1.0.0 Date: 10/28/2016 Time: 15:10 User: kmoulton

Monthly Usage  CURR 09/16 08/16 07/16 06/16 05/16 04/16 03/16 02/16 01/16 12/15 11/15	<b>READ CODE</b> A = Actual E = Estimate F = Final	<b>Total Current Billing</b>	56.21
		<b>Previous Balance</b>	0.00
		<b>Adjustments</b>	0.00
		<b>Less Payments Received</b>	0.00
		<b>Total Due</b>	<b>\$56.21</b>
1 Unit = 100 cu. ft. or 748 gallons			
WATER RATE IS \$4.11 PER UNIT. SEWER RATE IS \$5.50 PER UNIT THE PENALTY ON YOUR BILL IS APPLIED ON A DAILY BASIS AFTER THE DUE DATE. THE RATE IS 12% PER YEAR.			

✂ Detach and return the portion below with your payment ✂



City of Somersworth  
One Government Way  
Somersworth, NH 03878-3192

**UTILITY BILL**  
**REMIT PORTION**

Please write your Account Number on your check  
and enclose this portion of bill with your payment

Service Address	Bill Number	Account Number	Customer Number	Due Date	Amount Due
	5158		1481	11/08/2016	<b>\$56.21</b>

**MITCHELL MUNICIPAL GROUP, P.A.**

ATTORNEYS AT LAW  
25 BEACON STREET EAST  
LACONIA, NEW HAMPSHIRE 03246

WALTER L. MITCHELL  
JUDITH E. WHITELAW  
LAURA SPECTOR-MORGAN  
STEVEN M. WHITLEY

TELEPHONE (603) 524-3885  
FACSIMILE (603) 524-0745

October 31, 2016

**CERTIFICATION**

Re: City of Somersworth, New Hampshire

Resolution No. 20-17

Title: TO AUTHORIZE THE SOMERSWORTH HOUSING AUTHORITY TO  
SELL PROPERTY LOCATED AT 35 BARTLETT AVENUE TO  
THE SOMERSWORTH EARLY LEARNING CENTER

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: 10/31/16

By: 

**MITCHELL MUNICIPAL GROUP, P.A.**

ATTORNEYS AT LAW  
25 BEACON STREET EAST  
LACONIA, NEW HAMPSHIRE 03246

WALTER L. MITCHELL  
JUDITH E. WHITEHEAD  
LAURA SPECTOR-MORGAN  
STEVEN M. WHITLEY

TELEPHONE (603) 524-3885  
FACSIMILE (603) 524-0745

October 31, 2016

**CERTIFICATION**

Re: City of Somersworth, New Hampshire

Resolution No. 21-17

Title: TO AUTHORIZE THE CITY MANAGER TO EXECUTE A LETTER OF  
INTENT WITH NH SOLAR GARDEN OF PORTSMOUTH, NH TO  
DEVELOP A SOLAR PROJECT PURSUANT TO RSA 362-A ON THE  
SOMERSWORTH SANITARY LANDFILL ON BLACKWATER ROAD

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: 10/31/16

By: 

**MITCHELL MUNICIPAL GROUP, P.A.**

ATTORNEYS AT LAW  
25 BEACON STREET EAST  
LACONIA, NEW HAMPSHIRE 03246

WALTER L. MITCHELL  
JUDITH E. WHITELAW  
LAURA SPECTOR-MORGAN  
STEVEN M. WHITLEY

TELEPHONE (603) 524-3885  
FACSIMILE (603) 524-0745

November 2, 2016

**CERTIFICATION**

Re: City of Somersworth, New Hampshire

Resolution No. 23-17

**Title: NAMING BEARS WAY, WOLFS LAND AND DUDLEY COURT**  
**AT REGAN ESTATES, ROUTE 108 AND ASSIGNING ADDRESSES,**  
**IF REQUIRED**

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: 11/2/16

By: 

**MITCHELL MUNICIPAL GROUP, P.A.**

ATTORNEYS AT LAW  
25 BEACON STREET EAST  
LACONIA, NEW HAMPSHIRE 03246

WALTER L. MITCHELL  
JUDITH E. WHITELAW  
LAURA SPECTOR-MORGAN  
STEVEN M. WHITLEY

TELEPHONE (603) 524-3885  
FACSIMILE (603) 524-0745

November 2, 2016

**CERTIFICATION**

Re: City of Somersworth, New Hampshire

Resolution No. 22-17

Title: **NAMING SUNNINGDALE DRIVE, FIREFLY CIRCLE AND  
ASSIGNING ADDRESSES, IF REQUIRED**

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.

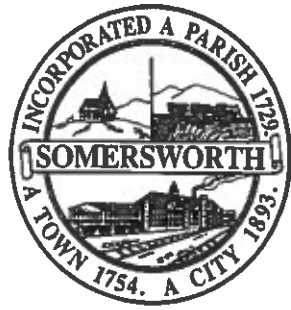
**MITCHELL MUNICIPAL GROUP, P.A.**  
City Attorney

Date: \_\_\_\_\_

11/2/16

By: \_\_\_\_\_





## MEMORANDUM

---

To: Bob Belmore, City Manager

From: Scott Smith, Director of Finance and Administration

Date: November 2, 2016

Re: **Monthly Report**

### Finance Department:

- Received Property Tax Rate of \$32.12 from State of NH, a reduction of .13 cents from the prior year.
- Worked on Utility Billing conversion to new software. Conversion date still anticipated to be early January 2017.
- Worked with Departments on FY2018-2023 Capital Improvement Program.
- Upcoming Bids:
  - Hilltop School Re-use – November 10, 2016
  - Snow Plowing/Hauling Services – November 10, 2016

### City Clerk:

- Prepared for and took minutes at two scheduled City Council meetings, various workshops, public hearings, and standing committee meetings during the month.
- Prepared for general election, to be held on November 8, 2016.

### Tax Collector:

- Motor vehicle registrations were a total of \$140,164 during the month.
- Collected \$4,985 for Municipal Transportation Fund during month.
- Tax Bills were mailed with a due date of December 1.

### Library

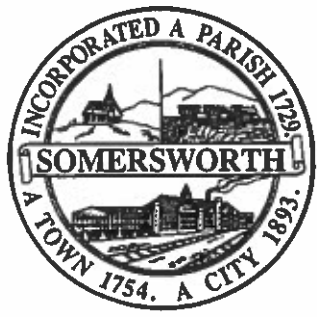
- The Friends of the Library purchased 3 long folding tables to be used primarily for their book sale.
- The Library provided 10 programs this month in addition to reading stories to over 150 children at this year's PumpkinFest.

### Human Services:

- Total assistance for the month was \$10,536. That compares to \$16,085 for the month of September 2016 and \$7,078 for October 2015.
- 7 new cases were opened compared to 3 in 2015.
- 26 cases were approved for varying levels of assistance, with 9 cases still pending, and 6 denials. 23 cases were referred to other agencies for support.

### Information Technology

- Spent time in general server maintenance, checked systems, checked and cleared logs.
- Assisted with evaluation of City Hall phone bids.



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## DEPARTMENT OF DEVELOPMENT SERVICES

Date: October 14, 2016

From: Shanna B. Saunders  
Director of Planning & Community Development

Re: October 2016 Monthly Report

---

In addition to the Department's various activities listed in the attached staff reports, I attended the following Land Use Board meetings:

- Zoning Board – October 7
- Conservation Commission – October 12
- Planning Board – October 19
- Historic District Commission – October 26

And attended the following Special Meetings:

- SRTC- October 5
- SRPC Transportation Advisory Committee – October 7
- NH DOT LPA Training – October 19
- Economic Development Committee Meeting- October 27



**Office of Assessing- October:**

- Sales Verification inspections have taken place in the month of October.
- Permit inspections have begun in conjunction with the Cycled Inspections. Any changes that result will be for the 2017 tax year
- This office began the 2017 Cycled Inspections in September; these are set to include approximately 1,400 parcels.
- This office has finished with the first round of cycled inspections. We will be sending out letters in the beginning of November to schedule appointments for inspections on properties that were not inspected during the first round.
- In response to abatement denials, this office has received one BTLA case, which is under review.
- The tax rate was set, the Tax Warrant was signed by all members of the Board of Assessors and tax bills were mailed to all property owners in the City.
- Preparations were made to gather information for the Equalization Ratio.

Property Maintenance and Code Enforcement- October:

Property Maintenance and Code Enforcement Activity Report for October 2016						
Incident Location		Origin of Complaint	Responsible person notified	Compliance	Nature of Concern	Date of Complaint
2	Hawthorne Cir.	DDS	yes	pending	trash/pool/grass	10/7/16
198	Main St.	DDS	yes	pending	trash	10/7/16
290	Main St.	DDS	yes	pending	window trim	10/10/16
294	Main St.	DDS	yes	yes	trash	10/10/16
10	Garden St.	DDS	yes	yes	grass	10/10/16
1	Marion Ln.	DDS	yes	yes	trash/bulky	10/18/16
15	Silver St.	DDS	yes	pending	trash/bulky	10/18/16
9	Nash Pkwy.	DDS	yes	yes	no permit	10/20/16
93	Indigo Hill Rd.	DDS	yes	pending	no permit	10/20/16
108-110	Franklin St	DDS	yes	pending	trash	10/27/16
112	Franklin St	DDS	yes	pending	no permit	10/27/16
43	High St.	DDS	yes	pending	trash	10/27/16
61	Franklin St	DDS	yes	pending	walkway	10/27/16
24	Washington St.	DDS	yes	pending	window	10/28/16
17	Crystal Springs Way	DDS	yes	pending	no permit	10/28/16
In addition to new complaints received work continues on the Work in Progress (WIP) files from past months						
*Of the 11 pending complainants from September, have complied, are in progress of complying and are still pending*						

**Building and Health Departments:**

**Major Building Permits Applied for in October 2016:**                      **Construction cost**                      **Fee**

14	Indigo Hill Rd	New Construction	\$120,000.00	\$970.00
610	Sherwood Glen MHP	Manufactured home set	\$32,500.00	\$270.00
6	Wolf's Ln	Manufactured home set	\$6,500.00	\$62.00
3	Wolf's Ln	Slab	\$2,500.00	\$30.00
184	Tri-City Plaza	New Construction	\$325,000.00	\$2,610.00
9	Firefly Circle	New Construction	\$225,000.00	\$1,810.00

**Minor Building Permits Applied for in October 2016:**

500	High	siding	\$1,000.00	\$25.00
19	High	Roof	\$30,000.00	\$250.00
61	Stackpole Rd	Shed	\$3,000.00	\$34.00
17	Laurel Ln	Deck/Deck Stairs	\$2,000.00	\$26.00
371	Main	Roof	\$8,795.00	\$82.00
200	Rt. 108	Remodel (Remove + upgrade)	\$60,000.00	\$490.00
13	Bourque	Window replacement	\$4,261.00	\$44.00
22	Cornfield Dr	Roof	\$6,000.00	\$58.00
311	Rt. 108	Wall /new or re-construction	\$29,850.00	\$248.80
140	Green	Door	\$1,000.00	\$25.00
21	Highland	Fence	\$50.00	\$25.00
30	Page	roof	\$2,200.00	\$58.00
16	Myrtle	Other/See notes	\$10,000.00	\$90.00
311	Rt. 108	Shed	\$2,200.00	\$28.00
8	Laurel Ln	addition	\$85,500.00	\$694.00
21	Grove	Fence	\$360.00	\$25.00
9	Nash Pkw	Fence	\$300.00	\$25.00
21	Grand	Roof	\$13,000.00	\$0.00
187	Rt. 108	siding	\$125,000.00	\$1,010.00
21	Grand	Water damage	\$15,000.00	\$0.00
6	Fall Ct	Other/See notes	\$1,000.00	\$25.00

PERMIT RECEIPTS						
	2013	2014	2015	2016	DIFFERENCE this year to last	% OF CHANGE
January	\$1,387.72	\$1,820.00	\$2,157.00	\$6,148.85	\$3,991.85	185.1%
February	\$1,922.02	\$3,864.00	\$2,408.00	\$4,440.00	\$2,032.00	84.4%
March	\$2,974.00	\$2,191.64	\$5,287.28	\$27,399.40	\$22,112.12	418.2%
April	\$2,470.38	\$4,768.15	\$8,277.80	\$6,583.52	-\$1,694.28	-20.5%
May	\$6,979.20	\$26,049.95	\$7,194.16	\$12,089.70	\$4,895.54	68.0%
June	\$3,609.52	\$24,286.88	\$4,234.80	\$5,107.95	\$873.15	20.6%
July	\$3,968.83	\$3,646.20	\$4,914.41	\$14,315.00	\$9,400.59	191.3%
August	\$13,916.92	\$6,156.50	\$6,829.37	\$4,998.00	-\$1,831.37	-26.8%
September	\$8,522.70	\$6,224.10	\$4,438.20	\$3,980.40	-\$457.80	-10.3%
October	\$4,336.68	\$6,880.63	\$4,652.40	\$10,423.80	\$5,771.40	124.1%
November	\$2,930.29	\$2,377.78	\$18,322.40			
December	\$2,990.12	\$2,338.80	\$7,886.00			
Year total	\$56,008.37	\$90,604.63	\$76,601.82	\$95,486.61	\$45,093.20	89.5%
Difference of change this year to last (completed months only)						

Total Permits 2013 to Present							
	2013	2014	2015	2016	DIFFERENCE this year to last	% OF CHANGE	
January	31	26	30	33	3	10.0%	
February	39	29	24	49	25	104.2%	
March	44	29	48	71	23	47.9%	
April	60	48	58	56	-2	-3.4%	
May	65	66	55	60	5	9.1%	
June	77	66	73	77	4	5.5%	
July	54	47	51	89	38	74.5%	
August	62	55	67	77	10	14.9%	
September	72	67	69	69	0	0.0%	
October	60	63	58	56	-2	-3.4%	
November	50	47	64				
December	42	38	52				
YTD Totals	656	581	649	637	104	19.5%	

#### Land Use Boards:

##### **Conservation Commission October 2016:**

The Commission held a workshop meeting for a final update on the Natural Resource Inventory. At this meeting the Commission also discussed renewing their membership to the Southeast Land Trust of New Hampshire.

##### **Historic District Commission October 2016:**

At the regular meeting the Commission discussed the following:

- 2<sup>nd</sup> Green Property Management, LLC, 19 High Street, Assessor's Map 11, Lot 68, HDC # 17-2016. Application for window replacement was **approved**.
- Andrew & Karen Goldstein, 21 Grove Street, Assessor's Map 11, Lot 31, HDC #19-2016. Application for exterior repairs was **approved with conditions**.

##### **Planning Board October 2016:**

At the regular meeting the Board reviewed the following:

- Cumberland Farms, Inc., 208 & 216 Route 108, Assessor's Map 62, Lots 09 & 13, SUB #03-2016 and SITE # 10-2016. Application for a lot line adjustment and site plan for a retail motor fuel outlet with associated site improvements was **tabled** until the November meeting at the applicant's request.
- The Tin Shed, Willand Drive, in the Commercial Industrial (CI) District, Assessor's Map 43, Lot 1L, SITE # 08-2016. The applicant asked for a waiver from third party review of their drainage analysis and their traffic analysis. The Board voted to **deny** the request for review of the drainage and **approved** the request for review of traffic.
- TCD Realty, Inc. 189 Route 108, in the Commercial Industrial (CI) District, Assessor's Map 44, Lot 26, SITE # 11-2016. Application for a site plan to construct a new building for auto detailing was **approved**.
- The Board discussed a possible Zoning Ordinance amendment for the use of Mirco Flats.

##### **Zoning Board October 2016:**

At the regular meeting the Board reviewed the following:

- Todd & Jennie Berry for 29 Lil Nor Avenue, Assessor's Map 24, Lot 36, ZBA #21-2016. Application for an appeal from an administrative decision regarding the use was **denied**.
- Marc & Karen Hiller, 3 Lenox Street, in the Residential Duplex (R2) District, Assessor's Map 22, Lot 57-2Z, ZBA # 23-2016. Application for a variance to increase a nonconforming structure was **approved**.

## Parks and Recreation

- The boat launch construction at Mast Point Dam began on October 25<sup>th</sup>. Contractor Wayne McKay will perform the work with the help of DPW. The boat launch and culvert replacement are expected to take 1-2 weeks depending on weather.
- The Dept. is currently looking into parking signage and trail signage for Mast Point Dam.
- Water has been shut off at Millennium Park and Noble Pines Park. Both parks have been winterized by the City's Water Dept.
- The 5<sup>th</sup> security camera at Noble Pines Park is currently being installed. This camera will face the stairway from West High Street and should be operational by Mid-November.
- The 2016 Senior Picnic was a huge success with over 100 attendees.
- Planning is underway for the 2016/2017 Youth Travel Basketball League. This League is for children in grades 3-6 and they must be currently enrolled in our Saturday morning Rec program to be eligible to play. Tryouts will be held as necessary in December with team selections to follow. This season runs December-March
- The Dept. held our annual Trick or Treat event at City Hall on Monday, October 31<sup>st</sup>. This year we had 40 children participate. This is a free event for children ages 6 and under. We had so much fun dressing up with the staff at City Hall. Big thanks to all who participated in this fun event.



## MEMORANDUM from Director Public Works & Utilities

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**TO:** Robert M. Belmore, City Manager

**DATE:** November 3, 2016

**SUBJECT:** Public Works Department Monthly Report for September/October 2016

**FROM:** Michael Bobinsky, Director of Public Works & Utilities

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### DIRECTOR'S COMMENTS

The Department has been involved with several projects and operational programs over the past month. The following are highlights:

- The Department continues to manage and inspect several key projects that are underway including the Indigo Hill Road improvements from Main Street to Green Street and Mast Point Dam canoe launch, parking lot and trail improvements.
- Attended a planning meeting with officials from the Town of Berwick, Granite State Water Association, NHDES, Maine Rural Water Association, on a future emergency response exercise protecting the drinking water supply in the Salmon Falls River.
- Planning for winter operations.
- Met with the representative of NH Solar Farm on their proposal to build a solar array on the former Blackwater Road Superfund landfill site. Discussed their proposal with the Finance Committee and the Public Works and Environment Committee.
- Provided assistance to the annual Pumpkin Festival in early October
- Toured the Sunningdale Development Phase 1b site to view the developers proposed location of outside electrical and cable transformers
- Participated in the Skyhaven Regional Airport Social and Board meeting event
- Arranged with Heritage Monument to reset and re-install the 10 Commandments monument at the traffic island at Government Way and High Street. Installation of the monument is set to occur by mid-November; flag poles on either side of the monument will also be installed as part of the site improvements.
- Lisa Mausolf, Historic Planner, presented her report on National Register of Historic Places for Forest Glade Cemetery to the City Council. Cemetery Trustees consider other preservation projects in the future.
- Toured examples of rain gardens and low impact design features in parking lots at the Town of Durham with staff from the Town of Durham, Strafford Regional Planning Commission and Shanna Saunders.
- Participated in a site walk with natural resource associates from UNH, Shanna Saunders and representatives of the Conservation Commission, at the Malley Farm open space.
- Participated in the Sustainability Committee, Public Works and Environment Committee and Finance Committee.

## **HIGHWAY DIVISION**

### ***Operations/Maintenance:***

- Snow plow and sander maintenance
- Mounted & mobilized leaf vacuum truck
  - Fall clean-ups at city hall, library & parks
  - Leaf debris removal from roadside ditches, swales & curb lines
- Continued roadside brush cutting
- Street & Sidewalk Sweeping
- Jetted and cleared debris from storm water catchment channels along Stackpole Rd. adjacent Idlehurst School
- Curbside brush picked up 10/17 - 10/21; Curbside bagged leaf pickup - 10/24 thru 10-28

### ***Completed Work:***

- Reconstructed curb & sidewalk adjacent #68 Myrtle Street
- Mast Point Dam
  - Provided labor & trucking in conjunction with Wayne McKay's excavation services to complete the canoe launch installation, additional work on gravel entrance road and parking to occur in by mid-November.
- Indigo Hill Road
  - Monitored repairs to sewer and storm water collections
  - Provided pruning of vegetation within ROW abutting new sidewalk construction
  - Coordinate jetting of sewer & drain lines once Severino raises structures after paving
- Annual Catch Basin Vacuuming
  - Hartigan Co. cleaning 200 basins 10/31 thru 11/4

### ***Emergency Responses:***

- Sewer Blockages
  - #212 Maple St.
    - Homeowner reported slow drain and back up occurring within home
    - Jetted main line
    - Coordinated with Hartigan Co to clean and vacuum sewer line.
- Traffic Signals
  - Responded to intersection of High St / Blackwater Rd. & Indigo Hill Rd.
  - Plans underway to replace the loop detectors in the intersection of Blackwater Road and High Street to improve cycle time.

## **WASTEWATER DIVISION**

### ***Operations/Maintenance:***

- Switched over to the winter seasonal operation mode (A2O). This process is used to treat Biochemical Oxygen Demand (BOD), Total Suspended Solids (TSS) and ammonia. This seasonal operational change is related to our discharge permit.
- Experienced a high flow event on 10/28 which resulted in a daily max flow exceeding 5 million gals/day.
- Experienced an underground water line break to the influent headworks building on 10/31. Water Distribution and Highway completed the repairs on 11/1.
- Treated a total of 56,050 gallons of septage from residents not on city sewer.



**Safety:**

- Tri-State Fire completed the annual inspection of (22) fire extinguishers at the Plant and Pump stations. Three (3) required service repairs.

**Compliance:**

- Preparing monthly reports to US-EPA and NH-DES.
- Treated a total of 37-million gallons of wastewater during the month.

**Industrial Pretreatment Program:**

- Stephanie attended the annual Industrial Pretreatment Program Regional Conference on 9/25-9/26.
- Contitech Thermopol met a permit deadline to install a flow meter.

**Capital Improvements Plan Items:**

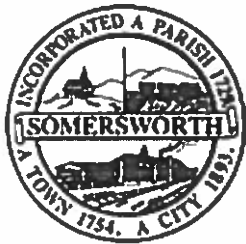
- Blackwater Rd pump station upgrade –Plans and Specifications for the Pump Station upgrade are being reviewed by DES at this time. We anticipate construction to start in the spring of 2017.
- Replacement vehicle purchase – Ordered the replacement Ford F350; Delivery is expected in November

**WATER DIVISION****Items completed this month:**

- Pumped 42,415,375 gallons of raw water
- Filtered and pumped to the city 38,306,438 of finished water
- Made contact with the vendor on the new water intake pumps, arranging installation.
- Completed chemical bids for 2017 SMRWC chemical purchasing co-op
- Attended drought conference at Madbury water plant with southern New Hampshire water purveyors
- Completed Quarterly water quality report to NHDES
- Had excessive water flow from Salmons River due to 2 large rain events, required specific treatment applications during a short period.
- Conducted Chlorine level survey on High St from Washington Street to Blackwater Rd.
- Liquivision Technology attempted to inspect Hamilton St water tank, Unable to enter with their equipment set-up, looking to have next bidder complete the inspection

**Action items:**

- Rotated the storage of lagoon sludge as part of normal maintenance.



*Somersworth Police Department*  
12 Lilac Lane  
Somersworth, NH 03878  
Business: (603) 692-3131 Fax: (603) 692-2111

David B. Kretschmar  
Chief of Police

## MEMORANDUM

Memo To: Bob Belmore, City Manager  
From: David Kretschmar, Chief of Police  
Date: November 1, 2016  
Subject: Monthly Report – Month of October 2016

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Bob:

Below are some of the activities of our Department for the month of October:

### COMMUNITY POLICING:

- The Department participated in the DEA sponsored Drug Take Back Day where unwanted prescription medications were turned in by residents for safe disposal.
- Officer Tony DeFrancesco, a certified former UNH police officer, was sworn in and is currently in field training.
- Kindergarten students from Maplewood Elementary School toured the police station and a police cruiser.
- The new Ford F150 Pickup Truck for Parking Enforcement has been outfitted with graphics and will soon have communication equipment and be on the road.
- The third Ford SUV cruiser has received the graphics package from Wayne Chaloux's and is currently being outfitted at 2-Way Communications. It should be on the road soon.
- Training was received for Operation Granite Hammer. This is a multi-agency law enforcement initiative that targets drug dealers.



# City of Somersworth

## Fire Department

195 Maple Street – Somersworth, NH 03878-1594



**Keith E. Hoyle**  
Fire Chief & Emergency Management Director  
[khoyle@somersworth.com](mailto:khoyle@somersworth.com)

**Business: (603) 692-3457**  
**Fax: (603) 692-5147**  
[www.somersworth.com](http://www.somersworth.com)

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### OCTOBER 2016 MONTHLY REPORT

#### EMERGENCY ACTIVITIES

Building Fires:	6
Vehicle Fires:	0
Outside Fires:	2
Emergency Medical:	53
Motor Vehicle Crash:	6
Malfunction/false alarm:	12
Accidental/public service:	42
Hazardous Condition:	9
Hazardous Materials:	2

#### NON-EMERGENCY ACTIVITIES

Burning Permits:	10
Fireworks Permits:	3
Oil Burner Permits:	1
Place of Assembly Permits:	3
Fire Safety Inspections:	12
Fire Drills:	10

#### CALLS FOR SERVICE

- We responded to 5 more emergency calls this October (132) than in October 2015 – an increase of 4%.
- We responded to mutual aid fires in Dover (2), Newington and Rochester.
- A severe storm passed through the city on October 14 causing power outages downtown and many flooded basements.
- American Ambulance continues to provide excellent EMS services to the city with an average response time that is approximately 4 minutes.

#### PLANNING/PROJECTS/GRANTS

- A/Lt. Mike Spinney was promoted to Lieutenant effective October 11.
- Still awaiting the appointment of a Strafford County representative by NH Homeland Security so we can pursue a state COOP grant.
- Met with municipal Emergency Management Directors in conjunction with "Ready Strafford" organization.

- Presented FY18-23 CIP items for consideration.
- Witnessed final test and approved fire protection systems at 475 High Street and Rogers Auto Body.
- Attended pre-construction meeting for Dairy Queen.
- Agreed with DPW on a new fireboat launch area downstream of the water intake to the Plant.
- Granite State Waterways Inc. will be applying for a grant to test Somersworth, Berwick and South Berwick's ability to contain a hazardous materials spill in the Salmon Falls River from reaching the water intakes of our respective water plants.
- Landlord reporting to the city clerk on requirements of RSA 540: 1-c is proceeding after our mailing to 330 building owners in September.

#### **TRAINING/MEETINGS**

- Continued training 4 new career firefighters on shift.
- Firehouse Inc. – our software vendor – presented a 1 day training session to all Officers.
- Career crews performing vehicle extrication training on duty all month.
- Attended new NH Fire Code training at UNH.
- 1 career firefighter attending EMT-Advanced course.
- 2 call firefighters completed EMT-basic course (paid for by federal grant).
- Attended "SRTC" meeting.
- Attended meeting of the "Traffic Safety Committee".
- Attended "Public Safety Committee" meeting.
- Attended "9-1-1 Committee" meeting.
- Attended Seacoast Fire Chiefs Association meeting.

#### **COMMUNITY SERVICE**

- Held Annual Open House at fire station on October 15.
- Many schoolkids visited the fire station during National Fire Prevention Week.
- We conducted fire safety training for the entire Middle School on October 11.
- Assisted with annual Seniors Picnic at Flanagan Center.
- Participated at Hilltop Chevrolet "Kids Day" on October 29.

Respectfully Submitted:  
Keith E. Hoyle, Fire Chief/EMD

