



## STAFF REPORT

*Public Hearing 3-5-24*

AGENDA ITEM #: 24-16  
COUNCIL MTG OF: February 20, 2024  
FROM: Dave Caron, Town Administrator  
OFFERED BY: Michael A. Fowler, P. E., Director of Public Works  
PREPARED BY: Michael A. Fowler, P. E., Director of Public Works  
SUBJECT: Approval of Utility Agreement – NHDOT Contract 13065B A005(207) (Exit 4A)

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### PURPOSE

The purpose of this document is to seek Town Council approval of a NHDOT grant of \$126,730.58 for engineering services to address water and sewer utility conflicts within the Exit 4A "B" Contract limits.

### TOWN ADMINISTRATOR COMMENTS

The Council is urged to accept these funds after the March 5 public hearing, as the work is necessary to resolve any conflicts between town owned utilities and the Exit 4A corridor.

### BACKGROUND

New Hampshire Department of Transportation (NHDOT) is preparing plans and specifications for the 2<sup>nd</sup> phase of the Exit 4A Project marked Derry-Londonderry, 13065B, A005(207) anticipated to be advertised in May of 2024. This "B" contract will extend from the I93 Exit 4A ramp through Madden and Folsom Roads to Manchester Road.

In August 2023, Derry received a letter from NHDOT noting that the "B" Project design, which will involve associated roadway and drainage improvements along Derry owned and operated roads including Folsom Road, Tsienneto Road and other adjacent roadways, resulted in conflicts with Derry-owned water and sewer utilities along the project route. Derry has been tasked with developing design resolutions to these conflicts to be incorporated into the NH DOT "B" Project. NH DOT has affirmed that the design work associated with the resolution of these conflicts within the Town-maintained roads is fully reimbursable by the Project. At the Town's request, our Engineers, Underwood Engineering, reviewed the conflict list and prepared a scope of design services and fee estimate. An Engineering Services Request Agreement between Derry and Underwood Engineers was drafted with an estimated cost of \$126,730.58.

### DISCUSSION

The proposed engineering agreement between Derry and Underwood Engineers was reviewed and approved by NH DOT. NH DOT has drafted a Utility Agreement (copy attached) to be executed between Derry and NH DOT. Under the Agreement, Derry will be responsible for the preliminary engineering for the relocation of the water and sewer facilities necessary to resolve the Project conflicts and the State agrees to reimburse Derry for these costs up to \$126,730.58.

The Underwood's Engineering Services Agreement includes the development of technical specifications for the replacement or relocation of existing water and sewer utilities and developing an engineering opinion of probable cost and Bid Schedule for construction of the proposed utility conflict resolutions which is to be included in the Exit 4A "B" Project.

### FISCAL IMPACT

All costs for engineering services work incurred by Derry is to be reimbursed by NH DOT.

RECOMMENDED ACTION BY COUNCIL

Staff recommends that the Town Council approve receipt of unanticipated revenues in the amount of \$126,730.58 for the Engineering Services Request No. 29 (NHDOT 13065B Derry-Londonderry Project Utility Conflicts) with Underwood Engineers, and

Authorize the Town Administrator to execute the attached Utility Agreement (Derry-Londonderry 13065B A005(207) Design Engineering) with NH DOT thereby accepting reimbursement of engineering related expenses up to \$126,730.58.

RECOMMENDED MOTION

See Attached Resolution 24-011



# RESOLUTION

## Number 2024-011

To Accept Unanticipated Revenues from NHDOT and Authorize a Utility Agreement  
for the Exit 4A Project

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WHEREAS, Section 9.15 of the Town Charter authorizes the Town Council to accept grant funding; and

WHEREAS, the Town has partnered with NHDOT and the Town of Londonderry on the Exit 4A project, which includes extensive road improvements in Derry; and

WHEREAS, the Town operates and maintains water and wastewater utilities in Derry, including in the project area; and

WHEREAS, professional services are required to resolve any conflicts between the utilities and the Exit 4A corridor design; and

WHEREAS, all related engineering expenses for this work are to be reimbursed by the State of New Hampshire.

NOW, THEREFORE, BE IT RESOLVED IN COUNCIL, pursuant to RSA 31:95-b, that the Town Administrator is hereby authorized to accept up to \$126,730.58 from NHDOT as reimbursement for professional services to design resolutions to these conflicts.

FURTHER, to authorize the Town Administrator to execute the Utility Agreement with the State of New Hampshire, Department of Transportation which will govern this work.

This Resolution shall take effect immediately upon its passage.

Adopted: March 5, 2024

Attest:

X \_\_\_\_\_  
Charles Foote, Council Chair  
Date: \_\_\_\_\_

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Cristina Guilford, Town Clerk  
Date: \_\_\_\_\_