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The State of New Hampshire
Department of Environmental Services

Robert R. Scott, Commissioner

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NOV 12 2025

October 17, 2025

Her Excellency, Governor Kelly A. Ayotte
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the New Hampshire Department of Environmental Services (NHDES) to amend a Sewer Overflow and Stormwater Reuse Municipal Grant (PO#1095891) to the City of Berlin, NH (VC# 177362 B003), by extending the completion date from December 1, 2025, to December 31, 2026, to address Combined Sewer Overflows (CSO), effective upon Governor & Council approval. The original grant was approved by Governor and Council on October 4, 2023, Item #59. This is a no cost time extension. 100% federal funds.

EXPLANATION

We are requesting approval of this amendment to provide the City of Berlin additional time to complete the agreed upon scope of services. As part of the design phase, the city has been completing a required detailed survey of the project area so that drawings outlining the scope of work can be completed. With the completion of the survey, engineering can move forward in design. This project is in progress, but through the information collected so far, the city needs to complete the design and then bid and construct the project. Therefore, the city requires the time extension to complete the design, bidding, and construction phases and utilize the entire grant amount. To date, \$98,764 of the original \$1,047,951 grant has been spent.

In the event federal funds become no longer available, general funds will not be requested to support this program. This grant amendment has been approved by the Attorney General's Office as to form, substance and execution.

We respectfully request your approval of this item.

Robert R. Scott
Commissioner

Grant Agreement with the City of Berlin
OSG Grant CS-335111-01
Amendment No. 1

This Agreement (hereinafter called the Amendment) dated this 6 day of October, 2025, is by and between the State of New Hampshire, acting by and through its Department of Environmental Services (hereinafter referred to as the State) and the City of Berlin acting by and through its City Manager, Phillip L. Warren, Jr. (hereinafter referred to as the Grantee).

WHEREAS, pursuant to an Agreement (hereinafter called the Agreement) approved by the Governor and Council on October 4, 2023, the Grantee agreed to perform certain services upon the terms and conditions specified in the Agreement and in consideration of payment by the State of certain sums as specified therein; and

WHEREAS, The Grantee and the State have agreed to amend the Agreement in certain respects;

NOW THEREFORE, in consideration of the foregoing, and the covenants and conditions contained in the Agreement and set forth herein, the parties hereto do hereby agree as follows:

1. Amendment and Modification of Agreement: The Agreement is hereby amended as follows:

(A) The Completion Date as set forth in sub-paragraph 1.7 of the Agreement shall be changed from December 1, 2025 to December 31, 2026.

All other conditions outlined in the contract shall remain in effect.

2. Effective Date of Amendment: This Amendment shall take effect upon the date of approval of this Amendment by the Governor and Executive Council of the State of New Hampshire.
3. Continuance of Agreement: Except as specifically amended and modified by the terms and conditions of this Amendment, the Agreement, and the obligations of the parties thereunder, shall remain in full force and effect in accordance with the terms and conditions set forth therein.

IN WITNESS WHEREOF, the parties have hereunto set their hands as of the day and year first above written.

City of Berlin

By [Signature]
Phillip L. Warren, Jr., City Manager

STATE OF NEW HAMPSHIRE
COUNTY OF Coos

On this the 6 day of October, before the undersigned officer, personally appeared Phillip L. Warren Jr. who acknowledged himself to be the person who executed the foregoing instrument for the purpose therein contained.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[Signature: Danielle D. Rioux]
My Commission Expires:



THE STATE OF NEW HAMPSHIRE
Department of Environmental Services

By: [Signature: Robert R. Scott] 10/21/25
Robert R. Scott, Commissioner Date

Approved by Attorney General this 22nd day of October 2025, as to form, substance and execution.

OFFICE OF ATTORNEY GENERAL

[Signature: Melissa Fejes]
Assistant Attorney General



CERTIFICATE OF VOTE OF AUTHORIZATION
GRANTS ONLY



Sewer Overflow and Stormwater Reuse Municipal Grants Program

A Certificate of Vote of Authorization (COV) is a certificate that states that a grantee is willing to enter into a grant agreement with the State of NH Department of Environmental Services (NHDES) and that whoever signs the Grant Agreement (provided under separate cover) has the authority to do so. Do not complete this form until you have received a Grant Agreement from NHDES. Follow the steps below:

- 1. Following a funding offer from NHDES, obtain the authority to accept grant funds and assign an Authorized Representative (AR) from the grantees governing body. This will likely require a vote at a meeting of the governing body. A vote may take place any time prior to execution of the Grant Agreement.
2. Once the Grant Agreement has been received from NHDES, someone other than the AR (who can certify actions taken at the referenced meeting) completes and signs the COV. The AR cannot sign the COV. The COV must be signed and notarized on the same date as, or within 30 days of, when the AR signs the Grant Agreement. The 30-day window applies to either side of the execution date.
3. The AR signs the Grant Agreement and initials and dates the bottom of each page including the Exhibits.
4. Mail original COV and Grant Agreement documents to program contact at NHDES.

Certificate of Vote of Authorization

City of Berlin
168 Main Street, Berlin NH 03570

I, Robert Cone of the City of Berlin do hereby certify that at a meeting held on 10-6-2025, the City Council voted to apply to submit an amendment request to extend a certain Sewer Overflow and Stormwater Reuse Municipal Grant Program (OSG) grant agreement with the New Hampshire Department Environmental Services to fund a Wastewater improvement project, as approved by Governor and Council on October 4, 2023.

The City of Berlin further authorized the City Manager, Phillip Warren, Jr. to execute any documents which may be necessary to effectuate this grant agreement.

IN WITNESS WHEREOF, I have hereunto set my hand as Mayor of the City of Berlin, the 6 day of October 2025.

Robert Cone, Mayor

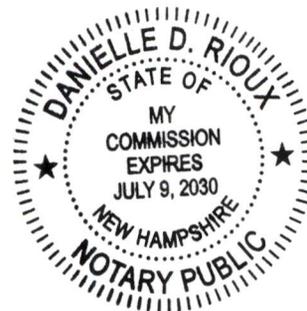
Signature:

[Handwritten signature of Robert Cone]

On this 6 day of October 2025, Danielle Rioux, before me (Notary Public) the undersigned Officer, personally appeared. Robert Cone, who acknowledged himself to be the Mayor of the City of Berlin, being authorized so to do, execute the foregoing instrument for the purpose therein contained.

In witness thereof, I have set my hand and official seal.

Notary Public [Handwritten signature of Danielle Rioux] My commission expires:



www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • TDD Access: Relay NH 1-800-735-2964



CERTIFICATE OF COVERAGE

The New Hampshire Public Risk Management Exchange (Primex³) is organized under the New Hampshire Revised Statutes Annotated, Chapter 5-B, Pooled Risk Management Programs. In accordance with those statutes, its Trust Agreement and bylaws, Primex³ is authorized to provide pooled risk management programs established for the benefit of political subdivisions in the State of New Hampshire.

Each member of Primex³ is entitled to the categories of coverage set forth below. In addition, Primex³ may extend the same coverage to non-members. However, any coverage extended to a non-member is subject to all of the terms, conditions, exclusions, amendments, rules, policies and procedures that are applicable to the members of Primex³, including but not limited to the final and binding resolution of all claims and coverage disputes before the Primex³ Board of Trustees. The Additional Covered Party's per occurrence limit shall be deemed included in the Member's per occurrence limit, and therefore shall reduce the Member's limit of liability as set forth by the Coverage Documents and Declarations. The limit shown may have been reduced by claims paid on behalf of the member. General Liability coverage is limited to Coverage A (Personal Injury Liability) and Coverage B (Property Damage Liability) only, Coverage's C (Public Officials Errors and Omissions), D (Unfair Employment Practices), E (Employee Benefit Liability) and F (Educator's Legal Liability Claims-Made Coverage) are excluded from this provision of coverage.

The below named entity is a member in good standing of the New Hampshire Public Risk Management Exchange. The coverage provided may, however, be revised at any time by the actions of Primex³. As of the date this certificate is issued, the information set out below accurately reflects the categories of coverage established for the current coverage year.

This Certificate is issued as a matter of information only and confers no rights upon the certificate holder. This certificate does not amend, extend, or alter the coverage afforded by the coverage categories listed below.

Participating Member: City of Berlin City Hall 168 Main Street Berlin, NH 03570	Member Number: 120	Company Affording Coverage: NH Public Risk Management Exchange - Primex ³ PO Box 23 Hooksett, NH 03106-9716
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	Type of Coverage	Effective Date (mm/dd/yyyy)	Expiration Date (mm/dd/yyyy)	Limits - NH Statutory Limits May Apply, If Not:	
<input checked="" type="checkbox"/>	General Liability (Occurrence Form) Professional Liability (describe) <input type="checkbox"/> Claims Made <input type="checkbox"/> Occurrence	7/1/2025	7/1/2026	Each Occurrence	\$ 2,000,000
				General Aggregate	\$ 10,000,000
				Fire Damage (Any one fire)	
				Med Exp (Any one person)	
<input checked="" type="checkbox"/>	Automobile Liability Deductible Comp and Coll: \$1,000 <input type="checkbox"/> Any auto	7/1/2025	7/1/2026	Combined Single Limit (Each Accident)	\$2,000,000
				Aggregate	\$10,000,000
<input checked="" type="checkbox"/>	Workers' Compensation & Employers' Liability	7/1/2025	7/1/2026	<input checked="" type="checkbox"/> Statutory	
				Each Accident	\$2,000,000
				Disease – Each Employee	\$2,000,000
				Disease – Policy Limit	
<input checked="" type="checkbox"/>	Property (Special Risk includes Fire and Theft)	7/1/2025	7/1/2026	Blanket Limit, Replacement Cost (unless otherwise stated)	Deductible: \$1,000

Description: Proof of Primex Member coverage only. Pollution and hazardous waste related liabilities, expenses and claims are excluded from coverage in the coverage document.

CERTIFICATE HOLDER:	Additional Covered Party	Loss Payee	Primex³ – NH Public Risk Management Exchange
			By: <i>Mary Beth Purcell</i>
			Date: 9/26/2025 mpurcell@nhprimex.org
State of New Hampshire Department of Environmental Services 29 Hazen Drive, PO Box 95 Concord, NH 03302-0095			Please direct inquires to: Primex³ Claims/Coverage Services 603-225-2841 phone 603-228-3833 fax



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

August 23, 2023

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

APPROVED G & C

DATE 10/4/2023
ITEM # 59

REQUESTED ACTIONS

Authorize the Department of Environmental Services to award a Sewer Overflow and Stormwater Reuse Municipal Grant (OSG) to the City of Berlin (VC# 177362 B003), NH in an amount not to exceed \$1,047,951 to address Combined Sewer Overflows (CSO), effective upon Governor & Council approval through December 1, 2025. 100% Federal Funds.

Funding is available in the following account:

03-44-44-442010-6362-072-500574
Dept. Environmental Services, OSG Program, Grants Federal

FY 2024
\$1,047,951

EXPLANATION

Grant funding totaling \$1,049,000 has been made available to New Hampshire Department of Environmental Services (NHDES) through The America's Water Infrastructure Act of 2018 which amended section 221 of the Clean Water Act (CWA) to reauthorize the Sewer Overflow and Stormwater Reuse Municipal Grants Program. This program provides funds to the State to provide subawards to local municipalities for costs associated with the planning, design, and construction of combined sewer overflows (CSOs), sanitary sewer overflows (SSOs), and stormwater management projects. In 2021, the Bipartisan Infrastructure Law (BIL) amended the program to add a focus on funding projects in rural and financially distressed communities while also eliminating project cost share requirements for these communities.

As approved by EPA, NHDES proposed to use the funds to focus on addressing CSOs. After further refinement by the 2021 BIL amendments, it was determined that only one of NH's CSO communities meets the designation of a rural and financially distressed community. Subsequently, Berlin's Infiltration/Inflow (I/I) Reduction Project Phase 2 Contract 2 project from the 2022 CWSRF PPL which ranked 13 overall was selected as a project that meets the program's requirements.

The City of Berlin requested a total of \$1,047,951 in funding for the Infiltration and Inflow (I/I) Reduction Phase 2 Contract 2 project. This project is consistent with Berlin's 2014 Long Term Control Plan to reduce I/I in its wastewater collection system, reducing CSO discharges to the Androscoggin River.

The city will use the grant funding to identify and separate sources of I/I which may include re-routing illicit inflow connections, rehabilitating or replacing select manholes and sewer mains, and constructing new storm drains and sewer mains to eliminate combined sewers. This is an allowable use of OSG funds under CWA section 221(a)(1) to make necessary investments in sewer infrastructure.

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
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In the event that grant funds no longer become available, General funds will not be requested to support this program. This agreement has been approved by the Attorney General's Office as to form, substance and execution.

We respectfully request your approval of this item.



Robert R. Scott, Commissioner