

## Minutes of City Council Meeting Monday, January 30, 2023

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### **ROLL CALL OF MEMBERS**

The meeting was called to order at 7:16 p.m. by Mayor Dana S. Hilliard and, upon roll call, the following Council members were present: Pepin, Vincent, Gibson, Austin, Michaud, Witham, Gerding, Cameron and Messier.

### **PLEDGE OF ALLEGIANCE**

Councilor Gerding led the Pledge of Allegiance.

### **RECOGNITION OF INDIGENOUS PEOPLE – OUR NATIVE ANCESTRAL AMERICANS**

Mayor Hilliard read the Recognition of Indigenous People – Our Native Ancestral Americans

### **PUBLIC HEARING**

- A. **Ordinance 10-23** – To Amend Chapter 14 Licenses and Permits, Sections 14.2 Permits, 14.3 Fees, 14.6 Applications, 14.7 and 14.8

No Comments

- B. **Ordinance 11-23** – To Amend Chapter 29 Administrative Code, Section 29.4.9 Traffic Safety Committee

No Comments

- C. **Ordinance 12-23** – To Amend Chapter 19 Zoning, Section 21 Circulation & Parking Regulations A.1 and A.2

No Comments

- D. **Ordinance 13-23** – To Amend Chapter 19 Zoning, Section 32 Form Based Codes

Richard Brooks, 18 Linden Street Ward 1, commented that he is on the Zoning Board and the Historic District Commission, but tonight he speaks as a resident. He commented on the proposal to shift control of dimensional requirements within form-based code zones pertaining to the conditional use section under the Planning Boards control. His understanding is that Conditional Use Permits are intended for development that would encroach onto wetlands only and that form-based codes were meant to make things simpler and more relaxed which would have worked had the existing use based zoning been removed at the same time which was not done and now making two layers of regulation on any development within those zones. Mr. Brooks added that another aspect of the situation is form based code zones are all with the Historic District which basically looks at the architectural appearance, the same essence that form based codes are intended to oversee. He asked that the Council also consider that form based codes zones are fully developed areas within the Historic District and those areas are unlikely but not impossible, to be redeveloped as preservation is a preferred rule concerning the existing buildings within those zones. Mr. Brooks believes that form-based codes have caused redundancy and overcomplicated several aspects of zoning in these areas with contradicting regulations by compounding dimensional zoning, on top of use-zoning, on top of appearance zoning.

Mr. Brooks believes that a more significant discussion needs to revolve around form based codes and their intent before adding additional and potentially more difficult changes are proposed and urges the Council to vote against Ordinance 13-23. He noted that he would be happy to sit down with any of the Councilors to discuss in detail, any of his thoughts and observations on this matter.

### **COMMENTS BY VISITORS**

Richard Brooks, 18 Linden Street Ward 1, commented that he is on the Agenda for the meeting for re-appointment to the Historic District Commission and appreciates his positions as a land use member and with his nine years on the Commission, he has never missed a meeting and is the current Secretary and responsible for recording of the meeting minutes. Mr. Brooks believes that he represents the intent and purpose of the Historic District regulations and welcomes the opportunity to discuss, not only the Historic District related concerns, but also zoning regulations that he has observed due to also being a Zoning Board of Adjustment member. He added that the City has several zoning regulations that deserve consideration and changes in his opinion and that any willing Councilor can feel free to reach out to him and he looks forward to continue serving the City as an Historic District Commission member.

### **CONSENT CALENDAR**

A. Approve Minutes of the City Council Meeting held on January 9, 2023

*Councilor Austin made a motion to approve all items in the Consent Calendar as presented. The motion was seconded by Councilor Pepin and passed by voice vote.*

### **COMMENTS BY CITY COUNCILORS**

There were no comments by Councilors.

### **COMMUNICATIONS**

There were no communications.

### **PRESENTATIONS OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE**

There were none.

### **MAYOR'S REPORT**

**Mayors Report for City Council Meeting January 30th, 2023**

Despite the fact that January is quickly coming to a close, the Hilltopper commitment to diversity and tolerance will continue. Tonight, as part of our annual celebration, I have invited Cody Donahue, Executive Director of the Somersworth Youth Connection, for a presentation on their recent work spreading the message of Martin Luther King's "I have a Dream" Speech and bringing it back to the Hilltop City of the next generation of carrying the torch of acceptance, diversity and tolerance.

Mr. Donahue offered opening comments by thanking the Council for inviting him and introduced himself as a Somersworth resident in Ward 1 as well as the Director of SYC, the K-8 extended learning program for Somersworth School and tonight representing the middle school and greater

Somersworth School district. He added that over the years, the schools are proud to celebrate the diversity within their building which is shown with the dozens of national flags that are hung throughout representing the students that are in the schools, to the murals hung for Hispanic Heritage month from the Indonesian traditional dancers seen at there community days and the school district theme over the last 2 years, “one”. Mr. Donahue went on to state that the students know that we are one, that we are one district, one student body and one community. For Diversity and Tolerance Month, and in observance of Martin Luther King Day, several years ago students were inspired to continue the message of Martin Luther King by reciting his famous “I Have a Dream” speech by way of video, students were again inspired to recreate that video to include kids throughout the district.

Mr. Donahue played the “I Have a Dream” speech video for all in attendance.

Mayor Hilliard thanked all of the students that participated in the making of the video.

**Under nominations, appointments and Elections; In accordance with Council Rule 17 Appointments**, the follow is being brought forward this evening for a confirmation vote;

**Chris Horton, Commissioner for the Strafford Regional Planning Commission, with a term to expire January 2027**

**Also Under nominations, appointments and Elections; In accordance with Council Rule 17 Appointments**, the follow is being brought forward this evening and placed in nomination;

**Richard Brooks re-appointment to the Historic District Commission with a term to expire in February 2026**

**In accordance with Council Rule 17, the nomination will remain open until the next regular scheduled meeting.**

**This respectfully concludes my January 30, 2023 Mayor’s Report.**

### **REPORT OF STANDING COMMITTEES**

*Finance Committee* – Councilor Witham reported that the Finance Committee met on January 11, 2023 and the first agenda item was the Fire Department vehicle extrication tools bid award. Chief Kramlinger solicited proposals from various extrication tool vendors and the department received demonstrations from each vendor and ultimately recommended to purchase the tools from Holmato being the best option for the City. The vendor recommendation was vetted through the Public Safety Committee who endorsed moving forward with Holmato E-Tool, the Finance Committee authorized the purchase of the E-Tool in the amount of \$50,011.

Councilor Witham reported on the next agenda item being Engineering Service Bids for the Main Street water main replacement and agreed moving forward with BETA Group, Inc. for an amount not to exceed \$100,000 which has done some work for the City including the Pavement Conditions Index for both the roads and sidewalks as well as receiving good references. He noted that the bid came in at \$94,462 and the Committee agreed to include contingency funds. Councilor Witham reported on the discussion of the Water Treatment Plant upgrades and the Committee agreed to move forward with Wright Pierce Engineering for an amount not to exceed \$130,000, he added that Wright Pierce Engineering has done most of the plant work for the City at both the Water and Wastewater Treatment Plants.

Councilor Witham noted that the most recent update on the Transportation Alternatives Process (TAP) Grant is moving forward and work is expected to begin in the Spring and largely consists of the sidewalks segment from Franklin Street to Washington Street with the overall project cost exceeding \$1,000,000 due to the extent of the retaining walls and elevation changes.

Councilor Witham reported that the Finance Committee authorized moving forward to purchase and replace some of the City's Government Access CCTV equipment out of the Cable Fund in an amount not to exceed \$55,000.

The Finance Committee received an update regarding the Library ADA and Expansion Study and suggested a presentation to full Council by Placework who is the architectural firm reviewing that project. Councilor Witham reported that the City received \$4,754.78 from COAST bus which was Somersworth's portion of the payout of accumulated Shelter Ad Revenue. He added that the Finance Committee agreed to continue with Credere Associates, LLC for the groundwater monitoring at the form Breton's Cleaners site for an amount of \$8,850 which includes the groundwater monitoring of possible PFAS contamination. Lastly, the Finance Committee discussed adding a potential tax deeding property list to a future meeting which has been scheduled for Friday, February 3<sup>rd</sup> at 8:00 a.m.

*Government Operations Committee* – Councilor Michaud reported that the next Committee meeting is scheduled for Wednesday, February 1<sup>st</sup> at 5:00 p.m.

*Economic Development Committee* – Councilor Austin reported that the Committee met on January 17<sup>th</sup> with the first agenda item being the approval of the previous meeting minutes which passed unanimously. The Committee discussed the application of Robert Previti's tax relief request pertaining to his 85 Elm Street project, Councilor Austin noted that the Planning Board has not approved the project as of yet but the owner was looking to gauge the "temperature" of the Economic Development Committee and Council as to whether all or a portion of his request would be approved before moving forward with the project; he added that the request was for a total of 11 years of tax relief but that the Committee did not think that the project would meet the criteria of the U.S. Secretary of Interior's Standard for Rehabilitation for the additional four years as the Committee considered whether the project would qualify for five or seven years depending on what the final specifications will look like, the Committee is pending additional information prior to providing Mr. Previti with further directions. The Economic Development Committee discussed City owned properties which was more of an informational discussion and the Committee took no action. Lastly, the Committee discussed new businesses that have opened or that are coming soon, he noted that the City Manager provided a lengthy list within his monthly report of the many businesses and that the City's economic development is vibrant and active.

*Public Works & Environment Committee* – Councilor Witham reported that the Committee met on January 11<sup>th</sup> with the Engineering Service bids which recommended moving forward with BETA Group, Inc. for the Main Street water main replacement project and with Wright Pierce on the Water Treatment Plant upgrades as he reported from the Finance Committee. He reported that the Committee received the same TAP grant update that he provided within his Finance Committee update and added that the work is being contracted through Northeast Earth Mechanics with that work starting in the Spring. There was additional discussion and a request for the contractor to provide an explanation of the traffic control that is anticipated for that project as that area of the City is a busy through way and the management of that is important. Councilor Witham reported that the Committee discussed the Complete Streets design which is underway by Wright Pierce pertaining to Constitutional Way and Main Street, the Committee requested that a full presentation detailing the project designs be presented to the full Council to have a visual of the project. The Committee discussed Coles Pond Road which has been determined to be a privately owned road, over the years the communication of who is responsible for the road maintenance has become convoluted. The

Committee agreed that they were going to continue with the plowing of the road for the remainder of the Winter season and the residents will be responsible for maintaining the road going forward, however, the Committee is open to discussions with the property owners pertaining to turning the road over to the City once it meets the required specifications similar to what was done with Nadeau Street. The discussion led to how many private roads are within the City and where are they, City staff is generating a list in order to flag the street signs with perhaps a yellow plaque that below or above the usual green street sign to identify the street as private. The school zone warning lights were discussed and it has been confirmed that the timing issue has been adjusted, however, the control mechanism of the lights on Maple Street is not working properly and flashes at any hour of day. Director Bobinsky assured the Committee that the lights are flashing during the appropriate school times and the cost of the repair is being researched albeit there is hesitation in approving costs as there was recently approval for new school zone warning lights.

Councilor Gibson asked if it is possible to manually switch the lights on and off as Public Works staff are on the road during the times the lights are needed and could perhaps control them manually until fixed, it could not be confirmed but can be looked into. He also asked how the City came to plowing Coles Pond Road, Councilor Witham explained that there was an agreement to plow a portion of the road in the event of an emergency but somehow along the way it was interpreted to plow the road always to keep it accessible in the event in an emergency.

*Recreation Committee* – Councilor Cameron reported that the Committee met on January 18<sup>th</sup> and spoke mainly of the Ash Street Park Butterfly project, they discussed the time frame of the project and if there were potential design changes. She reported that Director Bobinsky stated that, in an effort to keep costs low, Public Works staff could assist with the project where able to and also repurpose items for the park such as granite curbing. An additional request was made to have Director Bobinsky contact Home Depot to inquire about volunteers to assist with the plantings. Councilor Cameron notified the Committee of a \$4,000 grant award which staff recommended be utilized to purchase a bench and some educational signs for the park. The Committee agreed that completing the project over a 2-year period was a good decision.

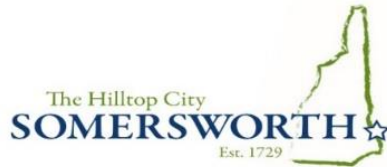
The Recreation Committee was provided updates from Recreation Supervisor, Kristen Davenport, including having multiple vendors provide her with recreation software demonstrations in an effort to increase communication and efficiencies with program participants, the youth basketball program having 110 co-ed players registered with coaching provided by parent volunteers and high school varsity coaches and players which is a great way to build up the program and provide quality practices. Councilor Cameron reported that the Annual Valentine's Dance is scheduled for Thursday, February 9<sup>th</sup> from 6:30 p.m. to 8:30 p.m. at the Idlehurst Café and that tickets must be purchased in advance and will not be sold at the door during the event. She added that Biddy Basketball is beginning on February 25<sup>th</sup> and will run through March 25<sup>th</sup> on Saturday mornings in two separate sessions. Lastly, Councilor Cameron reported that Recreation Supervisor Davenport is also the City's Wellness Coordinator and has been working with the Human Resources Director to plan an Employee Wellness Fair scheduled for April 13, 2023.

## **REPORT OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER**

*Eyes on 30 Committee* – Councilor Cameron reported that the Committee met on January 25<sup>th</sup> to review the Vision 2020 report and to begin the discussion of the City's 2030 goals. She noted the Mayor's recommendations to promote the 2030 visions to the City's residents via channels 95 and 22, the City Newsletter and social media platforms and to review the previous 2020 vision goals to determine if the Committee felt that some goals needed to remain or if any should be replaced with another goal. The Committee will start their vision process from 2030 by preparing broad goals to include culture,

education, lifestyle, diversity, sustainability, economy, preservation and more. Councilor Cameron reported that the Committee discussed identifying the City's Center where events could take place and invest funds into the maintenance of that Center as well as discussion pertaining to meeting with local partners that can provide ideas on how to move forward with events coming into the 2030 vision of the City. The Mayor suggested the Committee consider a goal that would preserve and maintain the City's approach and collaboration in our local government as it is unique and has relationships that provide an effective way of getting things accomplished. Lastly, the Committee decided to meet on the last Wednesday of the month with the exception of the upcoming meeting scheduled for February 15<sup>th</sup> at 3:00 p.m.

City Manager's Report –



**Office of the City Manager**

**TO: Mayor Dana S. Hilliard and City Council Members**  
**FROM: Robert M. Belmore, City Manager**  
**DATE: Friday, January 20, 2023**  
**SUBJECT: City Manager's Report for Monday, January 23, 2023 City Council Meeting  
Rescheduled to Monday, January 30, 2023 due to Winter Storm**

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5:30 p.m. - City Council Goal Setting Session  
6:30 p.m. - Non-meeting / Union Negotiations  
Re: Tentative Agreements

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**Lay on the Table (under Section 14 of Agenda)**

**Other**

- A. Vote to Approve Issuing a Request for Qualifications (RFQ) for the Purchase and Development of the National Guard Readiness Property for Residential Use (requested by the National Guard Building Reuse Commission).** The Council is meeting on Monday, January 23rd at 5:30 p.m. for a Goal Setting Workshop to discuss the reuse of the National Guard Readiness Property and other City owned properties.

**Unfinished Business (under Section 15 of Agenda)**

**Ordinances**

- A. Ordinance No. 10-23: To Amend Chapter 14, Licenses & Permits, Sections 14.2 Permits, 14.3 Fees, 14.6 Application. 14.7 and 14.8.** Again, the Government Operations Committee voted to recommend these Ordinance changes.

- B. Ordinance No. 11-23: To Amend Chapter 29, Administrative Code, Section 29.4.9, Traffic Safety Committee.** Again, the Government Operations Committee voted to recommend these Ordinance changes.
- C. Ordinance No. 12-23: To Amend Chapter 19 Zoning, Section 21 Circulation & Parking Regulations A.1 and A.2.** Again, the Planning Board approved these Zoning proposed changes at their November 16th meeting for Council consideration.
- D. Ordinance No. 13-23: To Amend Chapter 19 Zoning, Section 32 Form Based Codes.** Again, the Planning Board approved these Zoning proposed changes at their November 16th meeting for Council consideration.

#### **New Business (under Section 16 of Agenda)**

##### **Resolutions**

- A. Resolution No. 27-23: To Authorize the City Manager to Contract with Beta Group, Inc. for Engineering and Design Services for a Water Main Replacement Project on Main Street.** The Public Works & Environment Committee and the Finance Committee met on January 11th to discuss this Resolution. The City received three (3) proposals, and after review, the Committee accepted Staff's recommendation to award the contract to Beta Group, Inc. Interviews were conducted with all these Engineering Firms by Director Scott Smith, Director Mike Bobinsky, City Engineer Amber Hall and Water Distribution Foreman Mike Hoage and I. Council approved \$172,000 in the Water Enterprise Budget for this project. There is some small contingency added to the bid price. Please see attached Memorandum from Director Mike Bobinsky.
- B. Resolution No. 28-23: To Authorize the City Manager to Contract with Wright Pierce Engineering of Portsmouth, NH for Planning and Design Services Associated with Future Water Treatment Facility Upgrades.** The Public Works & Environment Committee and the Finance Committee met on January 11th to discuss this Resolution. The City received one (1) proposal, and after review, the Committee accepted Staff's recommendation to award the contract to Wright Pierce Engineering. The proposal was in the amount of \$130,000, however, \$20,000 was added for contingency. Should the City receive the Grant, the actual cost for both would be reduced. The Council approved \$100,000 in the Water Enterprise Budget for this project. Please see attached Memorandum from Director Mike Bobinsky.

*Please note:* We have not yet received notification from the NH Department of Environmental Services about our \$100,000 Asset Management Grant application.

*Manager Belmore stated that he received notification pertaining to the Asset Management Grant and it was not approved.*

##### **Other**

- A. Vote to Ratify the following 3-Year Wage and Working Agreements between the City of Somersworth and:**
1. Somersworth Association of Educators (SAE)
  2. Somersworth Firefighters Local #2320, International Association of Firefighters (IAFF)
  3. Water and Wastewater Employees Association

## City Manager's Items (under section 12 of Agenda)

### Informational Items

- A. Planning Grant.** I have authorized Michelle Mears, Director of Planning & Community Development to apply for a \$25,000 Planning Grant to address a Housing chapter component of our City's Master Plan. We will also be applying for a Regulatory Housing Audit to examine all our Zoning, Subdivision Regulations, and Ordinances to consider changes related to Housing. This Grant application will be for \$50,000. Both Grants do not require any City matching funds.
- B. Somersworth Public Library Grant.** Without objection, I will authorize the acceptance of Grant Funds for \$8,721 for Library use. Attached is a Memorandum from Librarian Rebecca Whitney detailing the programming use for these Funds from the NH Charitable Foundation. There is no City match for this Grant.
- C. AARP Community Challenge Grant.** Attached is a Memorandum from Michelle Mears, Director of Planning & Community Development regarding this \$4,000 Grant. There is no City match for this Grant.
- D. Reminder: City Council Workshop Meeting.** Monday, February 6 at 6:00 p.m. – Joint Meeting with School Board regarding the Fiscal Year 2023 School Budget.

### Attachments

- 1. Department Head Reports
- 2. City Attorney Certifications: Two (2)

## NOMINATIONS, APPOINTMENTS AND ELECTION

In accordance with Council Rules 17 Appointments, the following is being brought forward for a confirmation vote:

Chris Horton, Commissioner for the Strafford Regional Planning Commission, with a term to expire January 2027

*Councilor Austin motioned to appoint Chris Horton as Commissioner for the Strafford Regional Planning Commission. The motion was seconded by Councilor Messier and passed 9-0 by a voice vote.*

In accordance with Council Rules 17 Appointments, the following is being brought forward and placed in nomination:

Richard Brooks, re-appointment to the Historical District Commission with a term to expire February 2026

In accordance with Council Rules 17, the nomination will remain open until the next regular scheduled City Council meeting.

## LAY ON THE TABLE



*Councilor Gibson made a motion to remove item A. Vote to Approve Issuing a Request for Qualifications (RFQ) for the Purchase and Development of the National Guard Readiness Property for Residential and Recreational Use The motion was seconded by Councilor Pepin.*

Mayor Hilliard declared a brief recess to review Robert's Rules of Order pertaining to Councilor Witham questioning if the removing of an item from Lay on the Table is debatable.

Upon returning from the brief recess, Mayor Hilliard announced that the removing of an item from Lay on the Table is nondebatable.

*The motion passed 8-1 by a voice vote, Councilor Witham voted no.*

*Councilor Witham motioned to make an amendment to vote to approve issuing a request for proposal (RFP) and request for qualifications (RFQ) for the purchase and development of the National Guard Readiness Property for residential and recreational use. The motion was seconded by Councilor Gibson.*

*Discussion:*

*Councilor Witham commented that an RFQ is an appropriate tool when you have a specific goal in mind and whereas the Council doesn't have a specific goal in mind, he feels that RFP is necessary as well as the qualifications of developers.*

*The motion passed 8-1 by a voice vote, Councilor Messier voted no.*

*Councilor Pepin made a motion to vote to approve issuing a request for proposal (RFP) and request for qualifications (RFQ) for the purchase and development of the National Guard Readiness Property for residential and recreational use as amended. The motion was seconded by Councilor Austin.*

*Discussion:*

*Councilor Witham stated that he would not be supporting the motion until the Council is unified with a 9-0 vote as the property is too big and important of a property with too much of a potential impact to the community in many ways.*

*Councilor Austin commented that he feels it is important that the Council act on this item tonight and what is being done is approving the issuance of the RFP and RFQ without taking any action on a specific plan until there is one to approve. He added that issuing the requests is an important step in the process and that delaying this has no value and supports the motion.*

*Councilor Messier stated that he doesn't believe having the Council wait on all Councilors to be unified on this item since it isn't going to happen and that if the Councilors believe that issuing the RFP and RFQ is what they want to do, then an 8-1 vote is fine.*

*Councilor Pepin noted that the Council had a special workshop prior to the City Council meeting and doesn't feel the item should be delayed from removing from the table and moving*

*forward with the amendment. He agreed that the property needs to be put out there as an option to developers and see what comes back and have a discussion then.*

*Councilor Gibson commented that he was in agreement with Councilor Witham and the vote would be 7-2.*

*Councilor Vincent requested a point of clarification, he suggested during the special workshop prior to the Council meeting, regarding the potential for a cutout or buffer of the little league field from the proposed residential units and wondered if that was what was being voted on. Mayor Hilliard reconfirmed that the vote for Council is to issue the RFP and RFQ to see what comes back which could consist on multiple options pertaining to residential or recreation use, or both. Councilor Vincent stated he will support the motion.*

*Councilor Witham asked City Manager Belmore a hypothetical question, if the property was sold to a developer that wanted to purchase the National Guard building and wanted to have indoor batting cages, indoor pitching and other player development type things that are marketed and rented out to outside leagues, if that something that would be considered recreational use or business/commercial use that would require rezoning. Manager Belmore stated that he is unsure and would need to research the question. Councilor Witham stated that he cannot support the motion as the property may not be zoned appropriately.*

*Councilor Pepin reminded the Council that there is no plan in front of them and this vote is to gather ideas from developers. He expressed his frustrations and wants to move in a forward direction with this vote.*

*The motion passed 6-3. Councilors Gibson, Witham and Messier voted no.*

## **UNFINISHED BUSINESS**

### **ORDINANCES**

- A. **Ordinance 10-23** – To Amend Chapter 14 Licenses and Permits, Sections 14.2 Permits, 14.3 Fees, 14.6 Applications, 14.7 and 14.8

*Clerk LaPanne performed a second reading of Ordinance 10-23.*

*Councilor Austin made a motion to adopt Ordinance 10-23 as submitted. The motion was seconded by Councilor Gibson.*

### ***Discussion:***

*Councilor Witham asked the City Manager where the amendment reasoning originated. Manager Belmore explained that the Ordinance amendment went through the Government Operations Committee and is intended to add clarity regarding the Event/Sign Permit Application mostly pertaining to some of the larger events that would require traffic detours where the Police Department and Public Works staff would need to be made aware. The proposed amendments add language to the Event/Sign Permit Application which is information that City staff would normally gather upon receiving an application. Councilor Witham shared hesitation of supporting the entirety of the proposed Ordinance due to portions*

*that he doesn't necessarily agree with, he provided an example pertaining to item number 3 "Tag (donation solicitation) days" which he related being typically done by youth sports organizations attempting to raise money to support their programs by standing outside of a business and the fact that they would need to pay a fee and complete an application in order to do so. Manager Belmore noted that this listed reason for requiring a permit has existed for decades and that fees are generally waived for non-profits. Councilor Witham questioned, what is the value of obtaining the permit if fees are waived. Manager Belmore stated that having a permit is a matter of gathering information mainly for the Police Department to be aware and that the property/business owner gave permission to the solicitor; he added that it is a process that has been in place and has not received any pushback pertaining to the request for the application. Councilor Witham questioned if the Police Department confirms with the business that permission was granted; Manager Belmore responded that is generally verified by City staff and within the application.*

*Councilor Messier stated that if we waive fees for non-profits, it doesn't state that within the proposed Ordinance and would not be supporting it.*

*Councilor Vincent noted reading through the proposed changes and wondered if the City should increase the permit fees to be more comparable to surrounding cities. Manager Belmore acknowledged that the fee amount is probably less than the neighboring cities but that Director Smith, Chief McLin, Captain Duval and himself all met to look at what is actually happening before submitting recommendations to the Government Operations Committee. He added that an amendment to address the non-profit language pertaining to waiving fees could be addressed prior to moving forward if the Council wanted to do so.*

*Councilor Vincent reported looking into the fees of other local communities and noted that the City of Somersworth is significantly lower and that is not a bad amount to be at and that he has no problems with an amendment regarding the non-profit fees being waived. He added that the Lion's Club puts up signs yearly and has never been charged a permit fee to do so. Councilor Witham doesn't have concern with the current or proposed fee amounts but rather how far the City goes with the permitting process, he wonders should an organization like the Lion's Club need a permit to put out signs that they are selling Christmas trees or a little league organization need a permit to tag at a business who gives them permission to be there or else they would be asked to leave. He does agree that a permit is needed if an event is going to close the street, if tents are going to be erected or things of that nature.*

*Councilor Pepin stated that when this proposal first came up, he went over the proposed changes with a member of the Somersworth Festival Association (SFA) to gather feedback as to how it could affect them and their process and other than a miscommunication about needing written permission from the businesses within the Somersworth Plaza regarding the International Children's Festival which was cleared up, there was no issues presented from the member of the SFA.*

*Councilor Vincent stated the reasoning for permits when pertaining to signs, is that he recalled there being an instance where a sign was large and placed in a way where it blocked line of sight for some of the road traffic which is why the Police Department needs to be notified and this process is in place.*

*Clerk LaPanne was recognized to call the roll, the motion passed 8-1 by roll call vote. Councilor Messier voted no.*

- B. **Ordinance 11-23** – To Amend Chapter 29 Administrative Code, Section 29.4.9 Traffic Safety Committee

*Clerk LaPanne performed a second reading of Ordinance 11-23.*

*Councilor Austin made a motion to adopt Ordinance 11-23 as submitted. The motion was seconded by Councilor Michaud.*

*No Discussion.*

*Clerk LaPanne was recognized to call the roll, the motion passed 9-0 by roll call vote.*

- C. **Ordinance 12-23** – To Amend Chapter 19 Zoning, Section 21 Circulation & Parking Regulations A.1 and A.2

*Clerk LaPanne performed a second reading of Ordinance 12-23.*

*Councilor Witham made a motion to adopt Ordinance 12-23 as submitted. The motion was seconded by Councilor Cameron.*

*No Discussion.*

*Clerk LaPanne was recognized to call the roll, the motion passed 9-0 by roll call vote.*

- D. **Ordinance 13-23** – To Amend Chapter 19 Zoning, Section 32 Form Based Codes

*Clerk LaPanne performed a second reading of Ordinance 13-23.*

*Councilor Vincent made a motion to table Ordinance 13-23. The motion was seconded by Councilor Gibson.*

*Clerk LaPanne was recognized to call the roll, the motion failed 2-7 by roll call vote. Councilors Pepin, Austin, Michaud, Witham, Gerding, Cameron and Messier voted no.*

*Councilor Witham made a motion to adopt Ordinance 13-23 as submitted. The motion was seconded by Councilor Messier.*

**Discussion:**

Councilor Witham noted the public hearing comment pertaining to this Ordinance regarding conditional use permits applying to wetlands is typical reasoning and accurate, however, what the City is looking to do here is with regard to dimensional and density regulations, is to utilize that same approach within the downtown to allow for more flexibility by the Planning Board to address situations through a conditional use permit application.

Councilor Vincent stated that he sits on the Zoning Board of Adjustments with Mr. Brooks and wanted to give him the opportunity to provide a different opinion with a lot of experience and to hear him out before making a decision.

Councilor Messier stated that he supports the motion, adding that this streamlines the process and lessens the bureaucracy of zoning.

Councilor Witham stated that he values the input of Mr. Brooks as he offers an in-depth look into many things related to the City's zoning, adding that he appreciates his work on the Zoning Board which he will be up for nomination at the next Council meeting and plans to support him in that although he doesn't always agree with him on the Zoning Board, Mr. Brooks is articulate and provides a thoughtful perspective on why he votes the way he does. Councilor Witham continued that the form based codes is an area which the Council adopted which does overlay with the Historic District, admittedly it can get difficult with all of the overlays but the City has chosen to have a Historic District. Councilor Witham stated that he doesn't expect that this will come in to play too often but again, allows flexibility for potential developers.

*Clerk LaPanne was recognized to call the roll, the motion passed 7-2 by roll call vote. Councilors Vincent and Gibson voted no.*

## **NEW BUSINESS**

### **RESOLUTIONS**

- A. **Resolution 27-23** – To Authorize the City Manager to Contract with BETA Group, Inc. for Engineering and Design Services for a Water Main Replacement Project on Main Street

***Clerk LaPanne performed a first reading of Resolution 27-23.***

***Resolution 27-23 will remain in first reading until the call of the chair.***

- B. **Resolution 28-23** – To Authorize the City Manager to Contract with Wright Pierce Engineering of Portsmouth, NH for Planning and Design Services Associated with Future Water Treatment Facility Upgrades

***Clerk LaPanne performed a first reading of Resolution 28-23.***

***Resolution 28-23 will remain in first reading until the call of the chair.***

### **OTHER**

- A. Vote to Ratify the following 3-year Wage and Working Agreements between the City of Somersworth and:

1. Somersworth Association of Educators (SAE)

Councilor Witham shared his appreciation with the School Department coming together on a tentative agreement with the educator and school system, he plans to fully support the vote to ratify the agreement and feels that it is an appropriate measure and to reward the City's educators that are currently in the system for the fine work that they do and wanting to keep them here, as well as attracting new educators to the system when the needs arise. He noted that the agreement has a significant budgetary impact with just shy of a \$700,000 increase within the first year, however, he is prepared to deal with the impact to the budget challenge that come with that adding that it is important to support our school system.

Councilor Vincent agrees with Councilor Witham and added that putting this forward tonight or choosing to delay, pending the School Board Budget may be more comforting as he is not willing to override the City's Tax Cap that the residents voted for. He does value the school and the teachers and believes they deserve what is being proposed. He asked, if the Council delayed the authorizing of

the tentative agreement, what is the difference of voting now or when additional information pertaining to the budget is received.

Councilor Gibson agreed with both Councilor Witham's and Councilor Vincent's statements, he is supportive of voting to authorize the tentative agreement but does share some of the reservations similar to what Councilor Vincent expressed. Ultimately, Councilor Gibson feels it best to not delay the authorization and is in support of the contract agreement as submitted.

Councilor Austin is in support of the agreement and doesn't believe the process should be delayed. He added that the budgetary impact will be known soon enough as the School Department is currently working on their budget and the vote tonight is on the contract and not the budget.

Councilor Gerding is very proud to be in support of the contract agreement, that is of high quality and hits a lot of the points that have been discussed as ways to attract and retain teachers. He believes that with this contract agreement, the City of Somersworth is once again proving that we truly value our educators and education system. He added that he appreciates all of the work that went into the contract from the School Board members, Superintendent and the members of the Association. Councilor Gerding agrees that there is no reason to delay the vote pertaining to the agreement and has full faith in the School Board presenting a budget that the Council can work with.

Councilor Cameron stated that she is in support of the vote and the Contract will allow the City of Somersworth to be more competitive with surrounding cities and towns and helping to recruit and retain employees.

Councilor Vincent commented that Councilor Austin provided him with a valid point with asking him how can the Superintendent come up with budget figures if she doesn't have the numbers from the increase being presented tonight.

***The vote to ratify the following 3-year Wage and Working Agreements between the City of Somersworth and the Somersworth Association of Educators (SAE) passed 9-0 by voice vote.***

2. Somersworth Firefighters Local #2320, International Association of Firefighters (IAFF)

Councilor Witham commented that he is very happy to support this Agreement and the work of the Fire Department personnel is exemplary, he noted that two of the current Councilors used to serve in that Department and the work was hard then and different, today the work is still hard with higher call volume and the types of calls have changed. Councilor Witham believes that it is important to have a Contract that adequately provides for the current members of the department as well as providing the City with a tool to attract top quality candidates moving forward.

***The vote to ratify the following 3-year Wage and Working Agreements between the City of Somersworth and the Somersworth Firefighters Local #2320, International Association of Firefighters (IAFF) passed 9-0 by voice vote.***

3. Water and Wastewater Employees Association

Councilor Witham commented that the Water and Wastewater industries are not thought of as much because they are not front and center like other City departments but are just as important, because they provide us with clean drinking water and make sure that the water leaving the City goes back into the Salmon Falls River as it came out and probably better. He noted stories of other Community's water quality suffering and although it may not have anything to do with the employees, it goes to show how important the department is and wants to provide recognition to that industry and he is happy to support this agreement just as much as the others.

Councilor Vincent commented that the best part about this Contract agreement, is that it doesn't impact the tax rate and has to do with the fee amount charged on the water bill and supports the proposed agreement.

*The vote to ratify the following 3-year Wage and Working Agreements between the City of Somersworth and the Water and Wastewater Employees Association passed 9-0 by voice vote.*

### **COMMENTS BY VISITORS**

Lori Lane, Somersworth Superintendent, thanked the Council for their approval of the teacher Contract and stated that it was a long process. In speaking on behalf of the School Board, that this is going to allow them to retain teachers as it is a competitive contract and the Council should be proud that the School Board and Association was able to come forward and do this in partnership. Superintendent Lane thanked the Council for their comments and concerns, she appreciates the relationships between the Council and School Department and encourages anyone reach out to her to discuss any of the perimeters of the contract or as they go into the budget season.

### **CLOSING COMMENTS BY COUNCIL MEMBERS**

Councilor Pepin thanked the emergency services and highway department for their service during the latest winter storm, noting that they ran out of barricades due to multiple roads being closed and with all the trees that needed to be moved. He thanked the utility and cable companies for their efforts in keeping communications open during the storm.

Councilor Vincent commented on visiting Breakfast Station #319 and stated they had good quality food and he is happy to support local business.

Councilor Gibson reiterated the comments pertaining to first responders and emergency personnel and the way they have been taking care of this winter so far. He commented that he used to be a property owner in the City and understands how tax rates balance out for residential versus commercial property and with an amount of \$4.5 million sounding like a large amount, what the City actually gets from that figure is a small amount to cover the services of the City.

Councilor Austin commented on the contract agreements that were voted on during the meeting and feels that the Council took a giant step forward in supporting City Staff and recognized the difficulty in hiring and retaining staff. He congratulated the efforts that took place to negotiate and ratify the contracts.

Councilor Michaud thanked the first responders and public works for their work during the last few storms the City experienced.

Councilor Witham had no comments.

Councilor Gerding thanked Director Donahue for the video that was presented to the Council and thanked the children for participating. He wanted to alert the City Manager of a pothole on High Street along the new section in downtown and additionally, as the next budget season is upcoming, he was curious about Historic District Street signs that he recalled being budgeted previously. Councilor Gerding offered to volunteer on the Ash Street Park Project.

Councilor Cameron thanked the first responders and Public Works after their long night during the recent winter storm.

Councilor Messier thanked the Public Works and first responders and acknowledged thanks to Eversource for their efforts and mentioned being at a local restaurant where he spoke with some of their employees and learned they were from Tennessee and traveled this way to assist with the storm. He commented on 36-38 Market Street and shared that there is a piece of plywood over a door, the history of that is that the wind destroyed it and the property owner is having the door replicated. Councilor Messier observed on his way in to the meeting, dog feces in the middle of the sidewalk, he asks that dog owners take responsibility and clean it up. He added, concerning the upcoming budget discussions, the building near the new Fire Station is in rough condition and he would like to know what the plans for it is once the Fire Station is complete and could it potentially be a CIP item. Councilor Messier would like an update on the solar array that was planned for the landfill and pertaining to an article he recently read in the Fosters Daily Democrat, he would like more information on the energy consortium that other New Hampshire cities and towns are joining in an effort to save money on their resident's electricity bills and if that is something that the City of Somersworth could implement.

### **ADJOURNMENT**

*Councilor Michaud made a motion to adjourn the City Council meeting. The motion was seconded by Councilor Vincent and passed 9-0 by voice vote. The meeting adjourned at 9:07 p.m.*

Respectfully Submitted,

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Kristen LaPanne, City Clerk





## City of Somersworth – Ordinance

Ordinance No: **10-23**

**TO AMEND CHAPTER 14 LICENSES AND PERMITS, SECTIONS 14.2 PERMITS, 14.3 FEES, 14.6 APPLICATION, 14.7 and 14.8.**

January 9, 2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 14, Section 14.2 Permits, by deleting it in its entirety and replace with:

Persons or organizations shall obtain a permit from the Licensing Board for the following purposes:

1. Solicit funds for charitable purposes.
2. Erect banners or signs related to a special event.
3. Tag (donation solicitation) days.
4. Conduct parades or processions, festivals or races, walk-a-thons, public demonstration or protest on public property or highway.
5. Conduct a carnival, tent show, fair, circus, public dance, dance exhibition or demonstration, live music shows, disc jockey, karaoke, or other amplified music event in which the public is invited for pay to attend or attendance is free.
6. The temporary closing of any City street or temporary use of any City property for the purpose of community related or private events. A certificate of insurance in the amount of \$1,000,000, acceptable to the City, that names the City of Somersworth as an additional insured shall be required. The Licensing Board, at its discretion, may require additional conditions at no cost to the City to include, but not limited to, a higher insurance binder amount, police or fire details, or other measures to ensure the public safety.

Amend Chapter 14, Section 14.3 Fees, by deleting it in its entirety and replace with:

Each applicant shall pay in advance for such license, for the use of the City as follows:

1. There will be a \$25.00 fee for each license issued, unless otherwise stated in another section, for each day or event, unless specifically waived by the Licensing Board.
2. License fees for carnivals, circuses, traveling tent shows and the like, shall be determined by the Board within the limits of NH RSA 286.

Amend Chapter 14, Section 14.6 Application, by deleting it in its entirety and replace with:

A written application for a permit must be submitted 30 (thirty) days prior to the date of the event. The application shall contain the following information:

Name or Name of Organization  
Statement of permission from property owner  
Name, address and telephone number of Person in Charge  
Purpose  
Dates and times  
Specific location(s)  
Anticipated number of attendees  
Police detail secured if required  
Certificate of Insurance naming the City of Somersworth as additionally insured  
(if event is to take place on City property)  
Map of event set-up (tables, tents, stages, parking, restrooms, etc.)

Serving of alcoholic beverages shall require proof of proper State of NH Liquor Licensing permission and a police officer/s detail.

Any event requiring the use of a public way, publicly owned property, or any modification to parking regulations shall require a meeting with a Police Department representative as well as any necessary City staff as designated by the City Manager no later than 14 (fourteen) days prior to the event.

Amend Chapter 14, Section 14.7, by deleting it in its entirety and replace with:

If the request would require a temporary waiver of any Planning or Zoning Regulations of the City, the Licensing Board shall first refer the application to the appropriate staff or Board for review and recommendation prior to deciding on the application.

Amend Chapter 14, Section 14.8, by deleting it in its entirety and replace with:

The permit when issued shall contain the effective date, expiration date, the purpose and the name, address, telephone number and email address of the responsible person.

This Ordinance shall take effect upon passage.

Authorization	
<i>Sponsored by Councilors:</i> Richard R. Michaud Matthew Gerding Donald Austin Nancie Cameron	<i>Approved:</i> City Attorney

## City of Somersworth – Ordinance 10-23

### History

First Read Date:	1/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	1/30/2023		

### Discussion

*1/9/2023*

*Clerk LaPanne performed a first reading of Ordinance 10-23 by title only.*

*Ordinance 10-23 will remain in first reading until the call of the chair.*

*A Public Hearing is scheduled for the next regular scheduled City Council meeting.*

*1/30/2023*

*Clerk LaPanne performed a second reading of Ordinance 10-23.*

*Councilor Austin made a motion to adopt Ordinance 10-23 as submitted. The motion was seconded by Councilor Gibson.*

#### *Discussion:*

*Councilor Witham asked the City Manager where the amendment reasoning originated. Manager Belmore explained that the Ordinance amendment went through the Government Operations Committee and is intended to add clarity regarding the Event/Sign Permit Application mostly pertaining to some of the larger events that would require traffic detours where the Police Department and Public Works staff would need to be made aware. The proposed amendments add language to the Event/Sign Permit Application which is information that City staff would normally gather upon receiving an application. Councilor Witham shared hesitation of supporting the entirety of the proposed Ordinance due to portions that he doesn't necessarily agree with, he provided an example pertaining to item number 3 "Tag (donation solicitation) days" which he related being typically done by youth sports organizations attempting to raise money to support their programs by standing outside of a business and the fact that they would need to pay a fee and complete an application in order to do so. Manager Belmore noted that this listed reason for requiring a permit has existed for decades and that fees are generally waived for non-profits. Councilor Witham questioned, what is the value of obtaining the permit if fees are waived. Manager Belmore stated that having a permit is a matter of gathering information mainly for the Police Department to be aware and that the property/business owner gave permission to the solicitor; he added that it is a process that has been in place and has not received any pushback pertaining to the request for the application. Councilor Witham questioned if the Police Department confirms with the business that permission was granted; Manager Belmore responded that is generally verified by City staff and within the application.*

*Councilor Messier stated that if we waive fees for non-profits, it doesn't state that within the proposed Ordinance and would not be supporting it.*

*Councilor Vincent noted reading through the proposed changes and wondered if the City should increase the permit fees to be more comparable to surrounding cities. Manager Belmore acknowledged that the fee amount is probably less than the neighboring cities but that Director Smith, Chief McLin, Captain Duval and himself all met to look at what is actually happening before submitting recommendation to the Government Operations Committee. He added that an amendment to address the non-profit language pertaining to waiving fees could be addressed prior to moving forward if the Council approved doing so.*

*Councilor Vincent reported looking into the fees of other local communities and noted that the City of Somersworth is significantly lower and that is not a bad amount to be at and that he has no problems with an amendment regarding the non-profit fees being waived. He added that the Lion's Club puts up signs yearly and has never been charged a permit fee to do so. Councilor Witham doesn't have concern with the current or proposed fee amounts but rather how far the City goes with the permitting process, he wonders should an organization like the Lion's Club need a permit to put out signs that they are selling Christmas trees or a little league organization need a permit to tag at a business who gives them permission to be there or else they would be asked to leave. He does agree that a permit is needed if an event is going to close the street, if tents are going to be erected or things of that nature.*


*Councilor Pepin stated that when this proposal first came up, he went over the proposed changes with a member of the Somersworth Festival Association (SFA) to gather feedback as to how it could affect them and their process and other than a miscommunication about needing written permission from the businesses within the Somersworth Plaza regarding the International Children's Festival which was cleared up, there was no issues presented from the member of the SFA.*

*Councilor Vincent stated the reasoning for permits when pertaining to signs, is that he recalled there being an instance where a sign was large and placed in a way where it blocked line of sight for some of the road traffic which is why the Police Department needs to be notified and this process is in place.*

*Clerk LaPanne was recognized to call the roll, the motion passed 8-1 by roll call vote. Councilor Messier voted no.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		

<b>TOTAL VOTES:</b>				
On	1/30/2023	Ordinance 10-23	PASSED	FAILED

	<b>City of Somersworth – Ordinance</b>
	Ordinance No: <b>11-23</b>  <b>TO AMEND CHAPTER 29 ADMINISTRATIVE CODE, SECTION 29.4.9 TRAFFIC SAFETY COMMITTEE</b>

January 9, 2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 29, Section 29.4.9 Traffic Safety Committee, by deleting it in its entirety and replace with:

There is hereby established a Traffic Safety Committee consisting of eleven members, said membership constituted as follows:

- Chief of Police (or designee)
- Chief of Fire (or designee)
- Superintendent of Schools (or designee)
- Director of Public Works (or designee)
- City Engineer
- Director of Planning & Community Development (or designee)
- Two members at large
- City Council member

The members at large shall be appointed by the Mayor, with the consent of the City Council, for three-year staggered terms, beginning July 1st of their respective years. The City Council member shall be appointed by the Mayor as part of the normal assignment of Council Standing Committees.

The Mayor and City Manager shall be ex-officio members of the Committee, without a vote in the Committee's deliberations.

The Chairman of the Traffic Safety Committee shall be designated by the Mayor.

The Traffic Safety Committee is authorized to:

- (1) carry on a continuing study of the problems of highway safety and traffic law enforcement;
- (2) conduct conferences and hearings on various phases of highway safety;
- (3) appoint sub-committees to carry out designated responsibilities related to traffic safety;
- (4) develop and recommend highway safety programs to prevent motor vehicle accidents and enhance overall traffic safety;

- (5) review and make recommendations on all traffic safety and parking ordinances prior to action on those ordinances by the City Council;
- (6) submit a report of its activities to the Mayor and City Council by way of meeting minutes or Special Report.

This Ordinance shall take effect upon passage.

Authorization	
<i>Sponsored by Councilor:</i>	<i>Approved:</i>

Richard R. Michaud  
Matthew Gerding  
Donald Austin  
Nancie Cameron

City Attorney

## City of Somersworth – Ordinance 11-23

### History

First Read Date:	1/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	1/30/2023		

### Discussion

*1/9/2023*

*Clerk LaPanne performed a first reading of Ordinance 11-23.*

*Ordinance 11-23 will remain in first reading until the call of the chair.*

*A Public Hearing is scheduled for the next regular scheduled City Council meeting.*

*In accordance with Robert's Rules of Order and prior to the second reading, Ordinance 11-23 is assigned by Mayor Hilliard to the Clerk's Office for the recommended correction regarding the Committee's eleven (11) person membership. No Council objection.*

*1/30/2023*


*Clerk LaPanne performed a second reading of Ordinance 11-23.*

*Councilor Austin made a motion to adopt Ordinance 11-23 as submitted. The motion was seconded by Councilor Michaud.*

*No Discussion.*

*Clerk LaPanne was recognized to call the roll, the motion passed 9-0 by roll call vote.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		

At Large Councilor	Messier		
<b>TOTAL VOTES:</b>			
On	1/30/2023	Ordinance 11-23	PASSED FAILED
		City of Somersworth – Ordinance	
		Ordinance No: <b>12-23</b> <b>TO AMEND CHAPTER 19 ZONING, SECTION 21</b> <b>CIRCULATION &amp; PARKING REGULATIONS A.1 AND A.2</b>	

January 9, 2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 19 Section 21.A.1. by adding the following:

For properties containing commercial uses and/or multifamily sites (three (3) residential units or more) the parking requirements shall follow the Site Plan Review Regulations.

Amend Chapter 19 Section 21.A.2. by deleting it in its entirety.

This Ordinance shall take effect upon passage.

Authorization

January 30, 2023



*Sponsored by Councilor:*  
David A. Witham

*Approved:*  
City Attorney

## City of Somersworth – Ordinance 12-23

### History

First Read Date:	1/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	1/30/2023		

### Discussion

*1/9/2023*

*Clerk LaPanne performed a first reading of Ordinance 12-23.*

*Ordinance 12-23 will remain in first reading until the call of the chair.*

*A Public Hearing is scheduled for the next regular scheduled City Council meeting.*

*1/30/2023*

*Clerk LaPanne performed a second reading of Ordinance 12-23.*


*Councilor Witham made a motion to adopt Ordinance 12-23 as submitted. The motion was seconded by Councilor Cameron.*

*No Discussion.*

*Clerk LaPanne was recognized to call the roll, the motion passed 9-0 by roll call vote.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		

At Large Councilor	Messier		
<b>TOTAL VOTES:</b>			
On	1/30/2023	Ordinance 12-23	PASSED FAILED

	<b>City of Somersworth – Ordinance</b>
	Ordinance No: <b>13-23</b> <b>TO AMEND CHAPTER 19 ZONING, SECTION 32 FORM BASED CODES</b>

January 9, 2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 19, Section 32.F Dimensional Regulation by adding the following:

19.32.F.3 Where parcels that are not able to meet the dimensional regulations, an applicant may submit a Conditional Use Permit application.

19.32.F.4 Criteria for granting a Conditional Use Permit:

- a. Both public and private buildings and landscaping contribute to the aesthetic value of the right of way and provide civic spaces.
- b. Development adequately accommodates automobiles, while respecting the pedestrian and the spatial form of public areas.
- c. The design of streets and buildings reinforces a safe environment, but not at the expense of accessibility.
- d. The architecture and landscape designs are inspired by local climate, topography, history, and building practice.
- e. Civic spaces and public gathering places are provided as locations that reinforce community identity and activity

This Ordinance shall take effect upon passage.

Authorization

January 30, 2023

*Sponsored by Councilor:*  
David A. Witham

*Approved:*  
City Attorney

## City of Somersworth – Ordinance 13-23

### History

First Read Date:	1/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	1/30/2023		

### Discussion

*1/9/2023*

*Clerk LaPanne performed a first reading of Ordinance 13-23.*

*Ordinance 13-23 will remain in first reading until the call of the chair.*

*A Public Hearing is scheduled for the next regular scheduled City Council meeting.*

*1/30/2023*

*Clerk LaPanne performed a second reading of Ordinance 13-23.*

*Councilor Vincent made a motion to table Ordinance 13-23. The motion was seconded by Councilor Gibson.*

*Clerk LaPanne was recognized to call the roll, the motion failed 2-7 by roll call vote. Councilors Pepin, Austin, Michaud, Witham, Gerding, Cameron and Messier voted no.*

*Councilor Witham made a motion to adopt Ordinance 13-23 as submitted. The motion was seconded by Councilor Messier.*

#### Discussion:

Councilor Witham noted the public hearing comment pertaining to this Ordinance regarding conditional use permits applying to wetlands is typical reasoning and accurate, however, what the City is looking to do here is with regard to dimensional and density regulations, is to utilize that same approach within the downtown to allow for more flexibility by the Planning Board to address situations through a conditional use permit application.

Councilor Vincent stated that he sits on the Zoning Board of Adjustments with Mr. Brooks and wanted to give him the opportunity to provide a different opinion with a lot of experience and to hear him out before making a decision.


Councilor Messier stated that he supports the motion, adding that this streamlines the process and lessens the bureaucracy of zoning.

Councilor Witham stated that he values the input of Mr. Brooks as he offers an in-depth look into many things related to the City's zoning, adding that he appreciates his work on the Zoning Board which he will be up for nomination at the next Council meeting and plans to support him in that although he doesn't always agree with him on the Zoning Board, Mr. Brooks is articulate and provides a thoughtful perspective on why he votes the way he does. Councilor Witham continued that the form based codes are an area which the Council adopted which does overlay with the Historic District, admittedly it can get difficult with all of the overlays but the City has chosen to have a Historic District. Councilor Witham stated that he doesn't expect that this will come in to play to often but again, allows flexibility for potential developers.

*Clerk LaPanne was recognized to call the roll, the motion passed 7-2 by roll call vote. Councilors Vincent and Gibson voted no.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		

At Large Councilor	Cameron		
At Large Councilor	Messier		
<b>TOTAL VOTES:</b>			
On	1/30/2023	Ordinance 13-23	<div>PASSED</div> <div>FAILED</div>

	City of Somersworth – Resolution
	Resolution No: <b>27-23</b> <b>TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH BETA GROUP, INC. FOR ENGINEERING AND DESIGN SERVICES FOR A WATER MAIN REPLACEMENT PROJECT ON MAIN STREET</b>

January 23, 2023

WHEREAS, the City of Somersworth’s fiscal year 2022-2023 adopted Water Enterprise Budget contains an appropriation for engineering and design services for the replacement of the water main on Main Street; and

WHEREAS, City staff requested and received proposals for this project and recommends awarding the contract to BETA Group, Inc. of Manchester, New Hampshire for a cost not to exceed \$100,000 (One Hundred Thousand Dollars); and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with BETA Group, Inc. of Manchester, New Hampshire for engineering and design services for the replacement of the water main on Main Street for an amount not to exceed \$100,000 (One Hundred Thousand Dollars) and to take any actions relative to this project determined to be in the best interest of the City.

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

January 30, 2023

## City of Somersworth – Resolution 27-23

### History

First Read Date:	1/30/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			


### Discussion

*1/30/2023*

*Clerk LaPanne performed a first reading of Resolution 27-23.*

*Resolution 27-23 will remain in first reading until the call of the chair.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
<b>TOTAL VOTES:</b>			
On Resolution 27-23		PASSED	FAILED

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>28-23</b> <b>TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH  WRIGHT PIERCE ENGINEERING OF PORTSMOUTH, NH FOR  PLANNING AND DESIGN SERVICES ASSOCIATED WITH  FUTURE WATER TREATMENT FACILITY UPGRADES</b>

January 23, 2023

WHEREAS, the City of Somersworth’s fiscal year 2022-2023 adopted Water Enterprise Budget contains an appropriation for planning and design services associated with future Water Treatment Facility upgrades; and

WHEREAS, City staff requested and received a proposal for this project and recommends awarding the contract to Wright Pierce Engineering of Portsmouth, NH for a cost not to exceed \$150,000 (One Hundred Fifty Thousand Dollars); and

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract Wright Pierce Engineering of Portsmouth, NH for the planning and design of future Water Treatment Plant upgrades for an amount not to exceed \$150,000 (One Hundred Fifty Thousand Dollars) and to take any actions relative to this project determined to be in the best interest of the City.

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



## City of Somersworth – Resolution 28-23

### History

First Read Date:	1/30/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### Discussion

*1/30/2023*

*Clerk LaPanne performed a first reading of Resolution 28-23.*

*Resolution 28-23 will remain in first reading until the call of the chair.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
<b>TOTAL VOTES:</b>			
On Resolution 28-23		PASSED	FAILED