

## Minutes of City Council Meeting Monday, May 15, 2023

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### **ROLL CALL OF MEMBERS**

The meeting was called to order at 7:00 p.m. by Mayor Hilliard and, upon roll call, the following Council members were present: Pepin, Vincent, Gibson, Austin, Michaud, Gerding, Cameron and Messier.

Councilor Witham was excused.

### **PLEDGE OF ALLEGIANCE**

Councilor Pepin 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 19-23** – To Amend Chapter 32, Water Ordinance, Section 4.1.E, Service

There were no public comments.

### **COMMENTS BY VISITORS**

Susan Tierney, Ward 3, thanked the City's leadership for allowing residents to hold an observance for the National Day of Prayer on May 4<sup>th</sup>. She commented that the observance consisted of prayers and scriptural readings by four different faith-based communities. The event was sponsored by the local Catholic Parish of St. Ignatius of Loyola and shared a beautiful example of bringing different beliefs together in shared prayer and hope which she believes the Country needs in this moment in time. Ms. Tierney added that during the event, they collected almost 200lbs. of non-perishable food items which they donated to the Somersworth Community Food Pantry. She again thanked Mayor Hilliard for his participation and support for the event, as well as Councilor Michaud and Jenne Holmes for their efforts. She is hopeful that this event becomes a yearly tradition for the Hilltop City.

### **CONSENT CALENDAR**

- A. Approve Minutes of the City Council Meeting held on May 1, 2023
- B. Approve Minutes of the City Council and Eyes on 30 Committee Joint Workshop held on May 8, 2023
- C. Letter of Resignation from Conservation Commission Board Member Angela Ficco

*Councilor Austin made a motion to adopt the Consent Calendar as presented. The motion was seconded by Councilor Pepin and passed 8-0 by voice vote.*

### **COMMENTS BY CITY COUNCILORS**

There were no opening comments by Councilors.

## **COMMUNICATIONS**

- A. Special Legal Counsel Kate Miller, Esq., Renewal Cable Television Franchise Agreement between the City of Somersworth and Comcast of Maine/New Hampshire, Inc.

Kate Miller, Esq., stated that she has been working with City Manager Belmore and with Comcast to come up with a Renewal Franchise Agreement for the Comcast Cable TV Franchise. She added that she was here not long ago for the Breezeline Cable TV Franchise Agreement. Ms. Miller commented that they have worked out a slightly better Franchise Agreement with the terms that they are able to negotiate, but what is most frustrating to the Municipality or residents, is the non-negotiable items such as pricing or program packaging and content. Ms. Miller stated that they were successful in getting a new public access channel for the local TV in high-definition scheduled to be online in 2025. She provided a memorandum outlining a few other tweaks that will benefit the residents of the City of Somersworth, adding that she feels it is a strong agreement considering the current circumstances.

Councilor Austin had thought that the high-definition channel would be available sooner than 2025. Ms. Miller agreed that she thought that as well during initial conversation with Comcast but then was later told it would be pushed out due to the Comcast budgeting cycle.

Councilor Messier questioned the fees within the Franchise Agreement going up from 3% to 5%. Ms. Miller clarified that the fees can go up to 5%, but that it is currently at 3% and will remain at 3% unless the City Council takes action to raise it above that amount.

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

There were no presentations of petitions and disposal thereof by reference or otherwise.

## **MAYOR'S REPORT**

Mayors Report for City Council Meeting May 15<sup>th</sup>, 2023

Where there is honor, there is a Police Officer.

Where there is bravery, there is a Police Officer.

Where there is valor, sacrifice, hope and peace, there is a Police Officer.

The protection of our homes, community, democracy, and lives rest upon those willing to answer the call to wear the badge and shield. In a society that has lost sight of the mission and oath they swear upon, know that within the 10 square mile Community you protect, that the Hilltop City stands by you and honors your service.

With the raising of the rose and shield flag last week, we re-commit. We re-commit ourselves to support you on your mission to support us, to keep us safe. We honor those who carry forth each day to "serve and protect". We honor those who have made the final call and remember our own Hilltopper Officer Donald Kowalski, who left us on September 4, 1979, at the young age of 24. Officer Kowalski, you will forever be remembered for your dedication and protection to Somersworth's "Proud Past" while ensuring its "Bright Future".

A grateful Hilltop City says thank you to all members of the law enforcement community. Thank you, each day, that you recommit yourself to the values of your profession. The values of neighbor

helping neighbor, the values of putting others before oneself and the values of life, liberty and justice for all.

Know that the Mayor's Office, City Manager, and all of the City Council members stand by you with pride each day, as you continue to keep the homes we love and all citizens safe.

May the guiding hand of the supreme chief, God, protect you each day as you fulfill your mission.

May those who have departed us in the line of duty be honored through your actions of you, ensuring that freedom, liberty and justice for all will prevail throughout all communities and our Nation. As a community let us continue, officers and citizens, to bring our city motto to life each day, "Proud Past" and "Bright Future".

The rose and shield flag will continue to wave proudly at Citizens Places in honor of all of our brave and dedicated Hilltop law enforcement officers throughout Office Memorial Week.

Tonight, we also recognize the often-unsung workers of our City. Throughout the year our Community continues to be "On the Move" because of the dedication and hard work of our Public Works employees. From keeping our drinking water safe, to plowing roads, keeping our parks accessible and our cemetery maintenance up-to-date, and to all the other knows and unknowns that it takes to maintain a community. From sunrise to sunset, the vehicles and workers of our Public Works Department can be seen throughout our Community as a testament to their dedication and commitment to our "Proud Past" and "Bright Future". Tonight, we say thank you. Thank you for all that you do, thank you for the late nights and early mornings, and thank you for never giving up on Community, Somersworth.

**In honor of Public Works week, Mayor Hilliard presented Director of Public Works and Utilizes, Michael Bobinsky, with a Proclamation declaring May 21<sup>st</sup> through May 27<sup>th</sup> National Public Works Week in the City of Somersworth. Mayor Hilliard read the following proclamation:**

**WHEREAS**, Public Works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the Citizens of Somersworth; and,

**WHEREAS**, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees, who are responsible for rebuilding, improving and protecting our Nation's public infrastructure that is essential for our citizens; and,

**WHEREAS**, it is in the public interest for Citizens and Civic Leaders in the Hilltop Community to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs;

**NOW THEREFORE BE IT KNOWN**, that I Dana S. Hilliard, Mayor of the City of Somersworth, on behalf of all of its Citizens do hereby proclaim May 21 – 27, 2023 as National Public Works Week.

Under Nominations, Appointments and Elections:

Under nominations, appointments and Elections; In accordance with Council Rule 17 Appointments, the following are being brought forward this evening and placed in nomination:

- Dale Smith-Kenyon for re-appointment to the Conservation Commission with a term to expire June 2026
- Jeremy Rhodes for re-appointment to the Conservation Commission with a term to expire June 2026
- Douglas Bryar for appointment to the Conservation Commission with a term to expire June 2026

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

This respectfully concludes my May 15, 2023 Mayors Report.

### **REPORT OF STANDING COMMITTEES**

*Government Operations Committee* – Councilor Michaud reported that there is a tentative meeting of the Committee scheduled on Wednesday, May 24<sup>th</sup>.

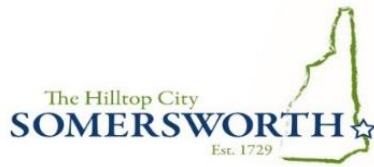
*Economic Development Committee* – Councilor Austin reported that there is a tentative meeting of the Committee scheduled on Wednesday, May 24<sup>th</sup>.

*Recreation Committee* – Councilor Cameron reported that the Committee was scheduled to meet on May 10<sup>th</sup> but there was not a quorum, however, there were updates discussed. Councilor Cameron stated that the Recreation Division is working on getting their RecDesk software online by June 1<sup>st</sup>. The Softball Field at Malley Farm will be utilized for a tournament hosted by Seacoast Softball Tournament in July. She reported that Director Bobinsky will be reaching out to Home Depot regarding flowers and other planting for the Ash Street Monarch Park improvements and have been working on a grant to purchase a bench and other small improvements. Councilor Cameron commented that the NH Track and Field will be held in Tilton this year on June 17<sup>th</sup> and there are currently 16 applicants.

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

*School Board* – Councilor Austin reported on the School Board meeting that was held on May 9<sup>th</sup> in Council Chambers. He reminded the Council of the Senior Graduation scheduled on June 8<sup>th</sup> at the UNH Whittemore Center and he reported the last day of school for the City is June 22<sup>nd</sup>. Councilor Austin reported that the Somersworth Youth to Youth program is working to revitalize and grow their current program. He stated that a small, but very passionate, group of students presented to the Board and they shared that the program was awarded a grant that will allow them to develop a PSA on the impacts of vaping.

*Eyes on 30 Committee* – Councilor Cameron reported that the City Council and Eyes on 30 Committee had a joint workshop on May 8<sup>th</sup>. She stated that more ideas and goals were discussed as well as the addition of new goals. Next steps for the Committee are to discuss how the goals can be measured and then begin to put them into motion.



***Office of the City Manager***

**TO:** Mayor Dana S. Hilliard and City Council Members  
**FROM:** Robert M. Belmore, City Manager  
**DATE:** Friday, May 12, 2023  
**SUBJECT:** City Manager's Report for Monday, May 15, 2023 City Council Meeting

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***6:15 p.m. City Council Workshop  
Constitutional Way Complete Streets Design Presentation by Britt Eckstrom of Wright-  
Pierce Engineering***

Attached is the Presentation provided by Wright-Pierce Engineering.

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

**Ordinance**

- A. Ordinance No. 19-23: To Amend Chapter 32, Water Ordinance, Section 4.1.E, Service.** Again, the Public Works & Environment Committee recommends this Ordinance change.

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

**Ordinance**

- A. Ordinance No. 20-23: To Amend Chapter 4, Personnel Rules and Regulation Compensation Schedule.** The Government Operations Committee met on April 26<sup>th</sup> and voted to recommend this Ordinance amendment to the full Council. If adopted, this action would provide non-union staff with a 7% Cost of Living Adjustment (COLA) to their wages. Please note that the Water/Wastewater Union would receive the same increase as the Collective Bargaining Agreement has a "me too" clause so that any changes to COLA wage adjustment given to Non-Union employees carries over to these Union employees. There are 32 Non-Union employees and 13 Water/Wastewater employees that would receive the wage adjustment.

I recommend a Public Hearing be scheduled for the next regular Council meeting on Monday, June 5, 2023.

*There was no objection from Council, the Public Hearing for Ordinance No. 20-23 is scheduled for the next regular Council meeting on Monday, June 5, 2023.*

- B. Ordinance No. 21-23: To Amend Chapter 4, Personnel Rules and Regulations, Section 11.4.4 Longevity.** The Government Operations Committee met on April 26<sup>th</sup> and voted to recommend this Ordinance amendment to the full Council. I recommend a Public Hearing be scheduled for the next regular Council meeting on Monday, June 5, 2023.

*There was no objection from Council, the Public Hearing for Ordinance No. 21-23 is scheduled for the next regular Council meeting on Monday, June 5, 2023.*

- C. Ordinance No. 22-23: Supplemental Appropriation for the Replacement of the Public Works Building Roof.** The Finance Committee met on May 4<sup>th</sup> and recommended using ARPA funds to fund this expense. I recommend a Public Hearing be scheduled for the next regular Council meeting on Monday, June 5, 2023.

*There was no objection from Council, the Public Hearing for Ordinance No. 22-23 is scheduled for the next regular Council meeting on Monday, June 5, 2023.*

#### **Resolutions**

- A. Resolution No. 44-23: To Authorize the City Manager to Amend the Renewal Cable Television Franchise Agreement between the City of Somersworth and Comcast of Maine/New Hampshire, Inc.** The Government Operations Committee met on April 26<sup>th</sup> and voted to move a Renewal Agreement to the full City Council for a vote. Attached is a summary from Attorney Kate Miller of the major components and considerations in structuring this Renewal. Attorney Miller will be in attendance to answer any questions. I recommend a Public Hearing be scheduled for the next regular Council meeting on Monday, June 5, 2023.

*There was no objection from Council, the Public Hearing for Resolution No. 44-23 is scheduled for the next regular Council meeting on Monday, June 5, 2023.*

- B. Resolution No. 45-23: To Authorize the City Manager to Contract with Triple Construction, LLC, of Hudson, New Hampshire for the Replacement of the Department of Public Works Building Roof.** The Finance Committee met on May 4<sup>th</sup> to discuss the only bid received for the roof replacement at the Public Works Building. After review, the Committee accepted Staff's recommendation to award the contract to Triple Construction, LLC of Hudson, New Hampshire. Attached are the materials provided to the Finance Committee.

#### **Other**

- A. Discuss HB-75 and HB-270 (Requested by Councilor Ken Vincent).** Attached is a copy of a letter addressed to Senator Jeb Bradley.

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

### **Informational Items**

- A. Catch Basin Cleaning.** Attached is a Memorandum from City Engineer Amber Hall with the results of the four (4) bids received. I have approved moving forward to contract with Wind River Environmental dba Eastern Pipe. This company was the low bid and has performed well with the City in the past. We budgeted \$10,000 for this MS4 required work, which will allow us to clean approximately 180 basins.
- B. Malley Farm Softball Fields.** I have approved the rental of the two (2) fields to the Seacoast Softball League for their League Tournament in July. They will rent the fields for two (2) weekends at a total rental fee of \$2,000. Attached is a copy of the Standard Agreement that staff has developed for use of City Fields.
- C. Bulletproof Vest Grant.** Without objection, I will authorize Police Chief Tim McLin to apply for funding from the Bulletproof Vest Grant. Police staff have been successful in this Grant Program in the past. A copy of Chief McLin's Memorandum is attached.
- D. Serve with Liberty.** A "shoutout" to Liberty Mutual for their continued involvement with the City. Liberty employees continue to volunteer and recently assisted in clean-up activities at the Forest Glade Cemetery. Attached is a Memorandum from Director Mike Bobinsky regarding their services.

### **Attachments**

- 1. **Department Head Reports**
- 2. **City Attorney Certifications: Five (5)**

### **NOMINATIONS, APPOINTMENTS AND ELECTION**

In accordance with Council Rules 17 Appointments, the following are being introduced for a Council confirmation vote:

- A. Dale Smith-Kenyon for re-appointment to the Conservation Commission with a term to expire June 2026
- B. Jeremy Rhodes for re-appointment to the Conservation Commission with a term to expire June 2026

- C. Douglas Bryar for appointment to the Conservation Commission with a term to expire June 2026

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

### **LAY ON THE TABLE**

No items Lay on the Table.

### **UNFINISHED BUSINESS**

#### **ORDINANCES**

- A. **Ordinance 19-23** – To Amend Chapter 32, Water Ordinance, Section 4.1.E, Service

*Clerk LaPanne performed a second reading of Ordinance 19-23.*

*Councilor Austin made a motion to adopt Ordinance 19-23 as presented. The motion was seconded by Councilor Gerding.*

*Discussion:*

*Councilor Messier asked for clarification on the reason for the Ordinance change. City Manager Belmore stated that the current Ordinance doesn't allow for the Public Works Director or himself to make a judgement call on the service meters. Currently, there is only an allowance for one service line and this change would allow flexibility for two service lines if deemed necessary and is beneficial to both the City and landlords.*

*Councilor Vincent questioned if the fees are the same for each meter. Manager Belmore confirmed the fees are the same.*

*The motion passed 8-0 by roll call vote.*

### **NEW BUSINESS**

#### **ORDINANCES**

- A. **Ordinance 20-23** – To Amend Chapter 4, Personnel Rules & Regulations, Compensation Schedule

*Councilor Austin made a motion to suspend Council rules to allow for a reading of Ordinance 20-23 by title only. The motion was seconded by Councilor Gibson and passed 8-0 by voice vote.*

*Clerk LaPanne performed a first reading of Ordinance 20-23 by title only.*

- B. **Ordinance 21-23** – To Amend Chapter 4, Personnel Rules & Regulations, Section 11.4.4 Longevity

*Clerk LaPanne performed a first reading of Ordinance 21-23.*

*Ordinance 21-23 will remain in first reading until the call of the Chair.*

- C. **Ordinance 22-23** – Supplemental Appropriation for the Replacement of the Public Works Building Roof

*Clerk LaPanne performed a first reading of Ordinance 22-23.*

*Ordinance 22-23 will remain in first reading until the call of the Chair.*

Mayor Hilliard called the Council to a brief recess at 7:32 p.m.

Mayor Hilliard returned the Council from recess at 7:34 p.m. and explained the reason for the call of a recess. He stated that the Council has been offered an amendment of Resolution 44-23 and in order to accept the amendment, the Council must follow parliamentary procedure by having the first reading of the Resolution followed with a request to suspend Council rules to allow for a second reading which must happen before the amendment may be offered. Once the amendment is adopted, Council can then move to table Resolution 44-23 which will allow for a required Public Hearing to take place at the next Council meeting on June 5<sup>th</sup> as required.

#### RESOLUTIONS

- A. **Resolution 44-23** – To Authorize the City Manager to Amend the Renewal Cable Television Franchise Agreement Between the City of Somersworth and Comcast of Maine / New Hampshire, Inc.

*Clerk LaPanne performed a first reading of Resolution 44-23.*

*Councilor Gerding made a motion to suspend Council Rules to allow for a second reading of Resolution 44-23. The motion was seconded by Councilor Austin and passed 8-0 by voice vote.*

*Clerk LaPanne performed a second reading of Resolution 44-23.*

*Councilor Cameron made a motion to amended Resolution 44-23 and replace it in its entirety with the revised Resolution 44-23 provided by the special legal counsel, Kate Miller, Esq. The motion was seconded by Councilor Pepin.*

#### **Discussion:**

Councilor Gerding felt it was important for the viewers at home to hear the amendments to Resolution 44-23 and read the following:

*WHEREAS, Comcast of Maine/New Hampshire, Inc. is the duly authorized holder of a Renewal Cable Television Franchise to operate a cable television system in the City of Somersworth, New Hampshire pursuant to NH RSA 53-C, as amended, said Renewal Franchise having commenced on June 18th, 2013; and*

*WHEREAS, Said Franchise shall expire on June 17th, 2023; and*

*WHEREAS, Comcast representative and representatives of the City have negotiated a new Franchise Agreement, with an effective date of June 18, 2023, and*

*WHEREAS, the City Council of the City of Somersworth as Franchising Authority is authorized to renew the Franchise, subject to a public hearing to allow members of the public to ask questions about the proposed new Franchise Agreement;*

*NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT: The City Manager is authorized to renew the Cable Television Franchise with Comcast of Maine/New Hampshire, Inc., subject to a Public Hearing on June 5, 2023, and the proposed Franchise Agreement shall be available to the public at the City Clerk's office, prior to that hearing, and the City Manager is authorized to execute the Franchise Agreement and all other documents necessary and convenient to renew the Cable TV Franchise Agreement with Comcast of Maine/New Hampshire, Inc.*

Councilor Gibson asked for clarification on the reasoning of the amendment. City Manager Belmore stated that special legal counsel, Attorney Kate Miller, reworked what the City drafted and provided the amended language that she recommends. Councilor Gibson questioned if the amended language would fully replace Resolution 44-23 or if it would be in addition to it. Mayor Hilliard confirmed that the amendment is meant to replace the Resolution in its entirety. Councilor Gibson wanted to ensure that the Council should not be concerned with the removal of the language of Section 2.2. Manager Belmore does not believe there is reason to worry, he added that the legal counsel who provided the recommendation, has great knowledge of Cable Television Federal and State regulations and have worked with multiple other municipalities on these types of agreements.

Manager Belmore stated that he provided each of the Council members with a copy of the new proposed 10-year franchise agreement and noted that the amendment states that the agreement is available in the City Clerk's office for review prior to the scheduled Public Hearing.

*The motion passed 8-0 by voice vote.*

*Councilor Gerding made a motion to table Resolution 44-23 as amended. The motion passed 8-0 by voice vote.*

- B. **Resolution 45-23** – To Authorize the City Manager to Contract with Triple Construction, LLC. of Hudson, New Hampshire for the Replacement of the Public Works Building Roof

*Clerk LaPanne performed a first reading of Resolution 45-23.*

*Resolution 45-23 will remain in first reading until the call of the Chair.*

#### OTHER

- A. Discuss HB75 and HB270 (Requested by Councilor Kenneth Vincent)

Councilor Vincent explained that HB270 did not pass and was retained by the Government Affairs Committee at the State level, he stated that HB270 was then added to the recently introduced HB75 which was approved by the Senate. Councilor Vincent added that it is legal to introduce a bill pertaining to one specific topic and then add a completely separate topic within that same bill's language.

Councilor Vincent stated that HB270's language is to redistrict the Strafford County Commissioners and only in Strafford County. HB75 having passed through the Senate, is up to be concurred at the State House at an undetermined time. He commented on his feeling

of the State playing what he described as “political games” and is not happy with their processes. He reiterated that this is only happening in Strafford County and the purpose for adding this to the Agenda, was to educate the Council and members of the public as to what is going on with these bills. He believes that these bills have come to fruition due to the discussion of the new elderly care facility being proposed within Strafford County. Councilor Vincent feels that Strafford County sets the pace for the remainder of the State giving examples of the drug court program and parental programs that get parents repaying child support as opposed to suspending licenses or placing them in jail.

Councilor Vincent hopes that the Council and public will reach out to their representatives to express their thoughts on the issue of HB75.

Mayor Hilliard commented that the City Council prides themselves on governing in a non-partisan manner and explained that the reason he agreed to place this discussion on the Agenda was to discuss the principle of what had occurred within the legislature. He added that the principle of this discussion is due to the fact the redistricting of County Commissioners is to occur only in Strafford County. Mayor Hilliard stated that he has signed on to a multitude of letters regarding this issue that have been sent to the Governor’s Office and feels that if there is a legislative change, it should encompass all of the NH Counties, he further stated that as a citizen and elected official, he is concerned that members of other counties would have a say in how Strafford County should do their business.

Mayor Hilliard shared that he has supported bills that he later had to direct the House to reject due to adding in a *rider amendment* such as the situation happening with HB270 and HB75. He commented that it is the State process and that the City of Somersworth is part of the process and will be impacted by the redistricting directly. He feels that the County has been operating with the history of electing at-large Commissioners since its inception to represent the best interests of the entire County and does not personally see a need to change that form of governing at the County level.

Councilor Austin questioned the State’s procedure of passing legislation and asked if it goes through a legal process such as the City having Ordinances and Resolutions reviewed for their legality before introducing to the City Council. Mayor Hilliard confirmed that bills are drafted by attorneys at the State level and it is up to legislators to pass bills. He added that bills can be introduced that are unconstitutional but are not deemed as such until a Judicial Court makes that decision.

Councilor Gerding does not view this issue as Democrat versus Republican but rather another example of the State forcing local government to do what they want. He feels that the process is dark in his mind, he compared the State issue with HB270 and HB75 with how the Council handled Resolution 44-23 by reading the amendment allowed in an effort to be transparent with the public which was not done by the State. Councilor Gerding has concerns that the House asked to retain a bill and then the Senate took the same piece of legislation and slipped it into another bill to be passed quickly. He is hopeful that the bill will go through Committee of Conference which will allow the County time to come together and organize around HB75 and will happily support any letter or effort that the City puts together in an effort to oppose the bill. He feels that, just as the City does, there are multiple processes that a change, such as redistricting, needs to go through to ensure that the changes are effective and fair with public input.

Mayor Hilliard explained the process of Committee of Conference being established when two sides bring forth a bill that is not agreed upon, meaning that if the House concurs, the bill then moves on to the Governor, if they non-concur, it then lies within a Committee of

Conference where the members must come to an agreement or the bill does not move forward. He commented that the bill is still active for this reason.

Councilor Gibson agrees with all things discussed so far and believes that the proposed bill to redistrict the County Commissioners only in Strafford County is unconstitutional. He is bothered by the amount of money that would be spent by the State on this issue should it go to the courts.

Councilor Pepin stated that he is an independent and the reason is because he has gotten tired of hearing the political parties go back and forth to defeat each other and feels they have forgotten who they are supposed to be representing. Councilor Pepin likes the forum within the City Council, there are disagreements but they get resolved with the best interest for the City and its residents. He is interested in supporting and signing a letter if the City draft one to send to the State on this issue.

Councilor Cameron also agrees with all that has been said by the Councilors. She commented on Councilor Vincent's mention of the County's elderly living facility and wonders if the redistricting came about due to the Commissioner's being in favor of the new facility. She added that she is also an independent and is in support of signing a letter if it comes forward.

Mayor Hilliard stated that the City Manager and Mayor's office will work together to draft a letter to send to the leadership of the House and Senate, Governor's Office and members of the County Delegation. Once the letter has been drafted, the City Manager will send it around to the Council members for their signature of support if they wish to do so.

### **COMMENTS BY VISITORS**

Ken Hilton, Ward 4, commented that all the Counties across the State elect their Commissioners by district except for Strafford County. He suggested inviting Representative Turcotte to a meeting to give his side of the story before the City sends a letter to the State representing everyone.

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

Councilor Pepin commented that in honor of National Police Week, he wanted to remind the public about his effort to see more blue lights in support of our Police Department. He also commented on the significant number of calls heard over the emergency dispatch radio and via the City Manager's Department reports, he wanted to give his thanks and public recognition to the Public Safety Departments of the City for all that they do and contribute to our Community.

Councilor Vincent commented that as he has been recently driving around the City, many roadways and sidewalks are looking really good and he is happy, and proud of the way the City is coming around. He also commented positively about the new school warning lights and potholes that have been filled. Councilor Vincent thanked Ken Hilton for coming up and sharing his thoughts, he would be interested in having a conversation with Representative Turcotte but still does not understand why a bill would be retained and snuck back into another. He thanked the all of the Public Safety and City Services Departments.

Councilor Gibson agrees with the comments made by Councilors Pepin and Vincent adding that he wished that nonpartisan primaries and elections could become the norm. He feels that it has been proven to filter out the extremists from both sides of the political parties.

Councilor Austin gave kudos to the Public Safety Departments for all of their hard work and protecting the City. He also commented on the recent physical attack of a local official in the State of

Virginia with a baseball bat, he added that he sees no fault in the political parties as that is the way that we operate, but what he does blame is that communication and compromise is lacking on both sides. He feels that the Country cannot continue in this way and needs to make some serious changes. Councilor Austin expressed his gratefulness for the way that the City of Somersworth governs and though doesn't know that it is possible for it to become a National model any time soon, he hopes that everyone will begin communicating and compromising at the State and Federal levels.

Councilor Michaud thanked all of the City employees from the City Manager and down for coming to work every day and continuing in their efforts to make the City look good.

Councilor Gerding commented that after hearing Mr. Hilton's comments, he researched NH County Districting as he felt it important to do so before writing a letter regarding HB270 and HB75, and found that his comments were correct according to the Secretary of States website which confirms that Strafford County is the only NH County to have three at-large elected County Commissioners positions. Councilor Gerding believes that the way the bill came about is upsetting and would still be in support of a letter that directly spoke to the process, especially with very little input from the County residents, voters and municipalities. He added that Strafford County is the smallest county in NH with having only 13 communities, he shared his thoughts on why that may have been the reasoning for the County having three at-large positions rather than separating into districts as other counties do.

Councilor Cameron thanked the City's Public Safety Departments. She shared a recent personal story where she needed to call 911 due to someone choking and commended the first responders for their help adding that the services within the Community are remarkable.

Councilor Messier commented that his research shows that Grafton and Hillsboro County also do not have districts regarding their County Commissioners. He stated that what bothers him, is that some politicians don't get what they want and then figure out other ways to get what they want. He is not interested in speaking with Representative Turcotte and believes that the County does not need redistricting, adding that he feels that the current County Commissioners have done well for the County. Councilor Messier asked that the letter continue to be drafted as he remains in support of it.

## **ADJOURNMENT**

*Councilor Michaud made a motion to adjourn the City Council meeting. The motion was seconded by Councilor Cameron and passed 8-0 by voice vote. The meeting adjourned at 8:05 p.m.*

Respectfully Submitted,

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Kristen LaPanne, City Clerk



## City of Somersworth – Ordinance

Ordinance No: **19-23**

### **TO AMEND CHAPTER 32, WATER ORDINANCE, SECTION 4.1.E, SERVICE**

May 1, 2023

THE CITY OF SOMERSWORTH ORDAINS THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 32, Water Ordinance, by deleting Section 4.1. e., Service., paragraph i., in its entirety and replace it with the following:

Section 4.1 e. Service.

- i. Customer shall be provided service through a Utility owned Service Pipe and Curb Stop/Curb Shut Off. The Utility reserves the right to determine the number of water service connections per legally subdivided lot. Customer may at Customer's own expense separately meter individual buildings and tenants as Customer determines.

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

## City of Somersworth – Ordinance 19-23

### History

First Read Date:	5/1/2023	Tabled:	
Public Hearing:	5/17/2023	Removed From Table:	
Second Read:	5/17/2023		

### Discussion

5/1/2023

*Deputy Clerk Ramsey performed the first reading of Ordinance 19-23.*

*Ordinance 19-23 will remain in first read until the call of the Chair.*

5/17/2023

*Clerk LaPanne performed a second reading of Ordinance 19-23.*

*Councilor Austin made a motion to adopt Ordinance 19-23 as presented. The motion was seconded by Councilor Gerding.*

#### *Discussion:*

Councilor Messier asked for clarification on the reason for the Ordinance change. City Manager Belmore stated that the current Ordinance doesn't allow for the Public Works Director or himself to make a judgement call on the service meters. Currently, there is allowance for one service line and this change would allow flexibility for two service lines if deemed necessary and is beneficial to both the City and landlords.

Councilor Vincent questioned if the fees are the same for a single meter versus two meters. Manager Belmore confirmed the fees are the same.

*The motion passed 8-0 by roll call vote.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	EXCUSED	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier	X	
<b>TOTAL VOTES:</b>		<b>8</b>	<b>0</b>
On 05/17/2023	Ordinance 19-23	<b>PASSED</b>	<b>FAILED</b>



## City of Somersworth – Ordinance

Ordinance No: **20-23**

### **TO AMEND CHAPTER 4, PERSONNEL RULES & REGULATIONS, COMPENSATION SCHEDULE**

May 15, 2023

THE CITY OF SOMERSWORTH ORDAINS THAT, the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 4 by deleting the Compensation Schedule in its entirety and replacing it with the following Compensation Schedule:

#### **Personnel Rules and Regulations FY2023-2024 Compensation Schedule Effective July 1, 2023 - 7% Increase**

<b>GRADE</b>	<b>HIRE</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>
<b>6</b>	13.08	13.60	14.15	14.71	15.30	15.91	16.54	17.21
<b>7</b>	13.71	14.25	14.83	15.42	16.04	16.68	17.34	18.04
<b>8</b>	14.40	14.98	15.58	16.20	16.85	17.53	18.22	18.95
<b>9</b>	15.13	15.74	16.36	17.02	17.70	18.40	19.14	19.91
<b>10</b>	15.87	16.50	17.16	17.85	18.56	19.30	20.07	20.89
<b>11</b>	16.68	17.34	18.04	18.77	19.52	20.30	21.11	21.96
<b>12</b>	17.53	18.23	18.96	19.72	20.50	21.33	22.18	23.06
<b>13</b>	18.40	19.14	19.90	20.70	21.53	22.40	23.28	24.21
<b>14</b>	19.28	20.05	20.85	21.69	22.56	23.45	24.40	25.37
<b>15</b>	20.29	21.10	21.95	22.82	23.73	24.68	25.67	26.70
<b>16</b>	21.25	22.10	22.98	23.90	24.86	25.85	26.89	27.96
<b>17</b>	22.35	23.25	24.17	25.15	26.15	27.20	28.28	29.41
<b>18</b>	23.47	24.41	25.38	26.40	27.45	28.55	29.69	30.88
<b>19</b>	24.60	25.58	26.61	27.67	28.78	29.93	31.13	32.37
<b>20</b>	25.92	26.95	28.03	29.15	30.31	31.53	32.80	34.10
<b>21</b>	27.18	28.27	29.39	30.57	31.79	33.06	34.39	35.76
<b>22</b>	28.58	29.72	30.91	32.15	33.44	34.78	36.17	37.61
<b>23</b>	29.98	31.18	32.43	33.73	35.07	36.48	37.93	39.45
<b>24</b>	31.45	32.71	34.02	35.37	36.79	38.26	39.79	41.39
<b>25</b>	33.03	34.35	35.73	37.15	38.64	40.19	41.79	43.46
<b>26</b>	34.72	36.11	37.56	39.06	40.62	42.24	43.93	45.69
<b>27</b>	36.38	37.84	39.34	40.93	42.56	44.27	46.03	47.87
<b>28</b>	38.22	39.75	41.33	42.99	44.72	46.50	48.36	50.30
<b>29</b>	40.13	41.73	43.40	45.13	46.94	48.81	50.77	52.80

### Exempt Salary Schedule

<b>Grade</b>	<b>Minimum</b>	<b>Maximum</b>
<b>25</b>	70,337.41	89,652.11
<b>30</b>	89,302.22	108,878.90
<b>31</b>	97,557.06	118,697.25
<b>32</b>	98,470.64	119,972.33
<b>33</b>	103,462.68	125,812.72
<b>34</b>	108,683.12	132,207.76
<b>35</b>	114,131.99	138,765.96
<b>36</b>	119,874.45	145,715.66
<b>37</b>	125,747.48	152,893.77

Authorization	
<i>Sponsored by Councilors:</i> Richard Michaud Matt Gerding Don Austin Nancie Cameron	<i>Approved:</i> City Attorney

## City of Somersworth – Ordinance 20-23

### History

First Read Date:	5/15/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### Discussion


5/15/2023

*Councilor Austin made a motion to suspend Council rules to allow for a reading of Ordinance 20-23 by title only. The motion was seconded by Councilor Gibson and passed 8-0 by voice vote.*

*Clerk LaPanne performed a first reading of Ordinance 20-23 by title only.*

*Ordinance 20-23 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	Ordinance 20-23	PASSED	FAILED

	City of Somersworth – Ordinance
	Ordinance No: <b>21-23</b>  <b>TO AMEND CHAPTER 4, PERSONNEL RULES AND REGULATIONS, SECTION 11.4.4 LONGEVITY</b>

May 15, 2023

THE CITY OF SOMERSWORTH ORDAINS THAT, the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 4 by deleting sections 11.4.4 Longevity and replacing it with the following:

*11.4.4 Longevity*

Commencing on December 1, 2023, members will be eligible to receive a longevity stipend. Payment of a longevity stipend will be based on an employee's completion of the following number of consecutive years of full-time employment with the City as of December 1:

Completion of at least 3 years	-	\$1,000
Completion of at least 5 years	-	\$1,500
Completion of at least 10 years	-	\$2,000
Completion of at least 15 years	-	\$2,500
Completion of at least 20 years	-	\$3,000
Completion of at least 25 years	-	\$3,500

There will be no pro rata accrual or payment of this longevity stipend – an employee must be employed on December 1 to be eligible for the stipend. Payment will be made the first paycheck in December.

Authorization	
<i>Sponsored by Councilors:</i> Richard Michaud Matt Gerding Don Austin Nancie Cameron	<i>Approved:</i> City Attorney

## City of Somersworth – Ordinance 21-23

### History

First Read Date:	5/15/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			


### Discussion

5/15/2023

*Clerk LaPanne performed a first reading of Ordinance 21-23.*

*Ordinance 21-23 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 Ordinance 21-23		PASSED	FAILED

	<p align="center"><b>City of Somersworth – Ordinance</b></p>
	<p>Ordinance No:       <b>22-23</b></p> <p><b>SUPPLEMENTAL APPROPRIATION FOR THE REPLACEMENT OF THE PUBLIC WORKS BUILDING ROOF</b></p>

May 15, 2023

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 22-23 is amended as follows:

Appropriate \$168,000 (One Hundred Sixty-Eight Thousand dollars) from the American Rescue Plan Funds to the Capital Outlay Budget as follows:

Budget	Amendment	Revised Budget
\$ 440,351	\$ 168,000	\$ 608,351

Approved as to Funding:

Scott A. Smith  
Director of Finance and Administration

Recorded by:

Kristen LaPanne  
City Clerk

Background:

This Ordinance appropriates funding from the American Rescue Plan Funds (ARPA) for the replacement of the Public Works Building Roof. There is currently \$440,980 available in ARPA Funds.

***This Ordinance requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing subject to Section 7.4.1 and Section 7.7 (A) of the City Charter.***

Authorization	
<p><i>Sponsored by Councilors:</i></p> <p>David A. Witham Don Austin Matt Gerding Robert Gibson</p>	<p><i>Approved:</i></p> <p>City Attorney</p>

## City of Somersworth – Ordinance 22-23

### History

First Read Date:	5/15/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			


### Discussion

5/15/2023

*Clerk LaPanne performed a first reading of Ordinance 22-23.*

*Ordinance 22-23 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 Ordinance 22-23		PASSED	FAILED

	City of Somersworth – Resolution
	Resolution No: <b>44-23</b> <b>TO AUTHORIZE THE CITY MANAGER TO AMEND THE RENEWAL CABLE TELEVISION FRANCHISE AGREEMENT BETWEEN THE CITY OF SOMERSWORTH AND COMCAST OF MAINE/NEW HAMPSHIRE, INC.</b>

May 15, 2023

WHEREAS, Comcast of Maine/New Hampshire, Inc. is a duly authorized holder of a Renewal Cable Television Franchise to operate a cable television system in the City of Somersworth, New Hampshire pursuant to NH RSA 53-C, as amended, said Renewal Franchise having commenced on June 18<sup>th</sup>, 2013; and

WHEREAS, Comcast of Maine/New Hampshire and the City of Somersworth wish to amend the Renewal Cable Television Franchise agreement; and

WHEREAS, the Renewal Cable Television Franchise Agreement may be amended by written agreement following publication of the proposed amendment in a manner consistent with NH RSA Chapter 43; and

WHEREAS, the City Council of the City of Somersworth as Franchising Authority is authorized to amend the Renewal Cable Television Franchise Agreement pursuant to RSA 53-C;

NOW THEREFORE, BE IT RESOLVED BY THE City Council of the City of Somersworth that the Renewal Cable Television agreement is hereby amended as follows:

Delete Section 2.2 -Term: Non-Exclusivity in its entirety and replace with the following:

Section 2.2 – Term: Non-Exclusivity

The term of this non-exclusive Renewal Franchise shall be for a period of ten (10) years and shall commence on June 18, 2023 following the expiration of the current Franchise, and shall expire at midnight on June 17, 2033.

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

## City of Somersworth – Resolution 44-23

### History

First Read Date:		Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### Discussion

5/15/2023

*Clerk LaPanne performed a first reading of Resolution 44-23.*

Mayor Hilliard called the Council to a brief recess at 7:32 p.m.

Mayor Hilliard returned the Council from recess at 7:34 p.m. and explained the reason for the call of a recess. He stated that the Council has been offered an amendment of Resolution 44-23 and in order to accept the amendment, the Council must follow parliamentary procedure by having the first reading of the Resolution followed with a request to suspend Council rules to allow for a second reading which must happen before the amendment may be offered. Once the amendment is adopted, Council can then move to table Resolution 44-23 which will allow for the regularly scheduled Public Hearing to take place at the next Council meeting on June 5<sup>th</sup> as required.

*Councilor Gerding made a motion to suspend Council Rules to allow for a second reading of Resolution 44-23. The motion was seconded by Councilor Austin and passed 8-0 by voice vote.*

*Clerk LaPanne performed a second reading of Resolution 44-23.*

*Councilor Cameron made a motion to amended Resolution 44-23 and replace it in its entirety with the revised Resolution 44-23 provided by the special legal counsel, Kate Miller, Esq. The motion was seconded by Councilor Pepin.*

#### *Discussion:*

*Councilor Gerding felt it was important for the viewers at home to hear the amendments to Resolution 44-23 and read the following:*

*WHEREAS, Comcast of Maine/New Hampshire, Inc. is the duly authorized holder of a Renewal Cable Television Franchise to operate a cable television system in the City of Somersworth, New Hampshire pursuant to NH RSA 53-C, as amended, said Renewal Franchise having commenced on June 18th, 2013; and*

*WHEREAS, Said Franchise shall expire on June 17th, 2023; and*

*WHEREAS, Comcast representative and representatives of the City have negotiated a new Franchise Agreement, with an effective date of June 18, 2023, and*

*WHEREAS, the City Council of the City of Somersworth as Franchising Authority is authorized to renew the Franchise, subject to a public hearing to allow members of the public to ask questions about the proposed new Franchise Agreement;*

*NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT: The City Manager is authorized to renew the Cable Television Franchise with Comcast of Maine/New Hampshire, Inc., subject to a Public Hearing on June 5, 2023, and the proposed Franchise Agreement shall be available to the public at the City Clerk's office, prior to that hearing, and the City Manager is authorized to execute the Franchise Agreement and all other documents necessary and convenient to renew the Cable TV Franchise Agreement with Comcast of Maine/New Hampshire, Inc.*


*Councilor Gibson asked for clarification on the reasoning of the amendment. City Manager Belmore stated that special legal counsel, Attorney Kate Miller, reworked what the City drafted and provided the amended language that she recommends. Councilor Gibson questioned if the amended language would fully replace Resolution 44-23 or if it would be in addition to it. Mayor Hilliard confirmed that the amendment is meant to replace the Resolution in its entirety. Councilor Gibson wanted to ensure that the Council should not be concerned with the removal of the language of Section 2.2. Manager Belmore does not believe there is reason to worry, he added that the legal counsel who provided the recommendation, has great knowledge of Cable Television Federal and State regulations and have worked with multiple other municipalities on these types of agreements.*

*Manager Belmore stated that he provided each of the Council members with a copy of the new proposed 10-year franchise agreement and noted that the amendment states that the agreement is available in the City Clerk's office for review prior to the scheduled Public Hearing.*

*The motion passed 8-0 by voice vote.*

*Councilor Gerding made a motion to table Resolution 44-23 as amended. The motion passed 8-0 by voice 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		

	City of Somersworth – Resolution		
	Resolution No: <b>45-23</b> <b>TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH TRIPLE CONSTRUCTION, LLC OF HUDSON, NH FOR THE REPLACEMENT OF THE PUBLIC WORKS BUILDING ROOF</b>		
At Large Councilor	Cameron		
At Large Councilor	Messier		
<b>TOTAL VOTES:</b>			
On		Resolution 44-23	<div>PASSED</div> <div>FAILED</div>

May 15, 2023

WHEREAS, funding from the City of Somersworth ARPA funds are available for a metal roof replacement at the Somersworth Department of Public Works Building; and

WHEREAS, the existing roof has deteriorated beyond routine repairs and its useful life; and

WHEREAS, City staff requested bids and received a proposal for this project and recommends awarding the contract to Triple Construction, LLC of Hudson, New Hampshire, for a cost of \$ 152,913 (One Hundred Fifty-Two Thousand Nine Hundred Thirteen dollars); and

WHEREAS, the Finance Committee recommends including a contingency in the amount of \$15,087 (Fifteen Thousand Eighty-Seven dollars) for the project, and allow the City Manager to increase the contract to an amount not to exceed \$168,000 (One Hundred Sixty-Eight Thousand dollars) if needed, and it is determined to be in the best interest of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with Triple Construction, LLC of Hudson, NH to replace the Public Works Building roof at an amount of \$152,913 (One Hundred Fifty-Two Thousand Nine Hundred Thirteen dollars); and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT an amount of \$15,087 (Fifteen Thousand Eighty-Seven dollars) is included with the project total for contingencies and the City Manager is allowed to increase the contract to an amount not to exceed \$168,000 (One Hundred Sixty-Eight Thousand dollars) if needed, and it is determined to be in the best interest of the City.

**Authorization**

<i>Sponsored by Councilors:</i> David A. Witham Don Austin Matt Gerding Robert Gibson	<i>Approved:</i> City Attorney
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## City of Somersworth – Resolution 45-23

History			
First Read Date:	5/15/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

## Discussion

5/15/2023

*Clerk LaPanne performed a first reading of Resolution 45-23.*

*Resolution 45-23 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 45-23	PASSED	FAILED