

## Minutes of City Council Meeting Monday, April 1, 2024

---

### **ROLL CALL OF MEMBERS**

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

Councilor Witham arrived at 7:03 p.m.

### **PLEDGE OF ALLEGIANCE**

Councilor Goodwin led the Council in the Pledge of Allegiance.

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

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

### **PUBLIC HEARING**

#### **A. Ordinance 9-24 – Fiscal Year 2024-2025 Budget**

Kari Clark, 59 Franklin Street and School Board At-large Member, thanked the Council for holding the public hearing regarding the budget and she acknowledged that she knows that it is not an easy process. Ms. Clark stated that she wanted to share her opinions as a mother regarding the Proposed School Budget. She stated that the current proposed budget is not enough funding to provide students with an adequate education, she added that the shortfall is not caused by excessive funding, but rather the increase of costs to provide current programs and services. Ms. Clark stated that the basic needs help to ensure the success of each of the students and is a shared responsibility with the Community and its policy makers. Ms. Clark shared that the school's teachers have learned to be creative and to cut corners over the years, however, that is no longer possible and she urges the City Council to approve the tax cap override in order for the School District to provide the same quality of care and education that the Somersworth students need and deserve.

#### **B. Ordinance 10-24 – To Amend Chapter 32, Water Ordinance, by Amending Section 16.1.a Titled “Rates, Fees, and Charges” to Increase the Water Utility Rates Effective July 1, 2024, and July 1, 2025**

There were no comments offered during the public hearing for Ordinance 10-24.

#### **C. Ordinance 11-24 – To Amend Chapter 8A, Sewer Ordinance, by Amending Charges Article XV Section 7.B Titled “Sewer Use Volume Charges” to Increase the Sewer Volume Charges Effective July 1, 2024, and July 1, 2025**

There were no comments offered during the public hearing for Ordinance 11-24.

#### **D. Ordinance 12-24 – Supplemental Appropriation for Additional Funding Needed for the Water Meter Replacement Program**

There were no comments offered during the public hearing for Ordinance 12-24.

### **COMMENTS BY VISITORS**

Matthew Bentley, 11 Rowland Street Ward 4, shared comments regarding the City's current chicken coop policies. He acknowledged that Somersworth is a rather dense community per capita and the that the City's current policies pertaining to chicken coops states that coops must be at least 20 ft. from the nearest neighboring property line. Mr. Bentley shared that he has a chicken coop and the perfect spot in his property would be about 12 ft. from the nearest property line. He conducted research of nearby communities and found that a number of them require as little as 10 ft. from neighboring property lines. Mr. Bentley requested that the Council consider reviewing the Ordinance pertaining to chicken coops, specifically regarding the property line policy. Alternatively, he suggested amending the Ordinance to allow between a 10-20 ft. distance with the written permission of the adjoining property owner. He noted that he is pleased with the other policies including the coop and run size which he believes is gracious and humane for the chickens.

### **CONSENT CALENDAR**

- A. Approve Minutes of the State of the City Address held on March 18, 2024
- B. Approve Minutes of the City Council Meeting held on March 18, 2024

*Councilor Pepin made a motion to approve the consent calendar as presented. The motion was seconded by Councilor Paradis-Catanzaro and passed 9-0 by voice vote.*

### **COMMENTS BY CITY COUNCILORS**

Councilor Paradis-Catanzaro thanked Mr. Bentley for sharing his comments regarding the chicken coop and she believes that it is a good idea to allow for some flexibility especially with the written permission from the adjoining property owner. She also noted Mr. Bentley's comment regarding the City's density and with the City's push for more housing, she would see no objection with the amendment given the appropriate permissions from neighboring property owners. Councilor Paradis-Catanzaro requested that the Mayor refer this discussion to a Committee for further discussion.

She also thanked Kari Clark for sharing her comments regarding the City's proposed budget, she noted that she has received a significant number of emails regarding the budget and particularly the school part of the budget which shared similar comments brought up by Ms. Clark. She again thanked Ms. Clark for pointing out that most of the increases to the School budget, is to ensure that the School District's contractual obligations are being met. Councilor Paradis-Catanzaro urged the public to continue communicating their thoughts regarding the City's Proposed Budget.

Mayor Gerding confirmed that he would refer the conversation regarding chicken coop policies to the Government Operations Committee.

Councilor Witham apologized for arriving late to the meeting.

### **COMMUNICATIONS**

There were no communications.

### **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**

I would first like to inform the council that I have been communicating with the Mayors of Dover and Rochester about opening the Willand Warming Center if needed due to this upcoming storm. If need be, we all agree that we want to keep people safe in what might be a nasty winter storm later this week. Without objection from the council, we will let Karlee's Home Team to open it starting

Wednesday, and close on Friday. This is still pending, but I will make sure to communicate to the council once we confirm this opening.

I would like to report out on the **Mayor's Summit** I attended last week at the Manchester Chamber of Congress. This summit was a joint meeting between all the mayors in the state of New Hampshire. It was a great opportunity to share insights, resources, and ideas about problems and solutions that affect the 13 cities in the state. We worked to identify many areas of focus, which include homelessness, housing, and education funding. We identified areas of expertise within our group of 13, and plan to develop breakout committees which can have more topic focused policy discussions and advocacy that are then brought to the larger group for broader action.

One of the outcomes of this meeting was a joint letter on two education funding bills that we submitted to the House Finance Committee. This letter encouraged the House Finance committee to pass House Bills 1583 and 1656 as they were passed by the House of Representatives on February 22nd. House Bill 1583 aims to increase the state's annual base adequacy aid payment from \$4,100 to \$4,404 per student which would result in a \$34 million increase in state funding to municipalities to assist with the education of our students. This bill included \$39 million in fiscal capacity disparity aid, which would direct more funding to communities with low property values, as well as \$25 million of additional funds for communities with high proportions of students eligible for free and reduced-price meals. House Bill 1583, as passed, would provide the city of Somersworth over \$1 Million in additional funding next year.

House Bill 1656 as amended, aims to increase total spending on special education differentiated aid by \$35 million and would direct funds to students with the greatest needs and ensure that our state's schools have the funding necessary to provide essential services for students with disabilities. Costs for providing these services have grown significantly in recent years and vary from student to student. HB 1656 would allow for differentiation of funding based on need and would also help municipalities better pay for these required services.

Unfortunately, the House Finance Committee is reviewing a number of amendments to these bills that would dramatically alter and weaken the amount that they provide in funding, one of which also includes a state mandated spending cap on school districts which could stifle educational opportunities and put a stranglehold on our school boards. As mayor's we felt it necessary to advocate for the version of this bill that not only had the broadest support in the House, but also was the most beneficial for communities like our own.

As the architect of this letter, I was very pleased to be able to secure the signatures of 11 of the 13 mayors. And this letter was sent to the House Finance Committee as part of public testimony during their March 26th hearing.

At this summit, we determined that we will have these events quarterly, and the Tri-Cities stepped up to host the 13 mayors at our summer meeting. This meeting will be a longer meeting where we will tour the three cities. I am quite excited to show off our city to my partners throughout the state.

I would like to extend a heartfelt congratulations to Public Works Employee **Paul Bohan** who retired last week after 35 years at the Public Works Department. I was thankful to get to attend his retirement party last Friday, and deliver him a proclamation celebrating his many accomplishments and his tenure with the city. Thank you so much Paul, I hop retirement treats you well! Though we'll miss you, I'm sure I'll still be seeing you sitting outside in your chair - always happy to stop by and talk about the city and gardening.

Thanks to the Somersworth Police Department, Fire Department, and Stewart's Ambulance Service for their **Food drive** this Saturday at Market Basket. I stopped by to make a donation, and heard that they had made multiple trips to the food pantries around the region, filling up a number of them! What an amazing community effort - I cannot say how proud I am of this outreach and assistance. I thank you, and this community thanks you.

With gratitude, I respectfully conclude my Mayor's Report for March 18th, 2024.

Discussion:

Councilor Vincent inquired about the Warming Center and wondered if, per the contract, the Center is required to open a certain number of days in order to receive the full agreed upon funding amount. Mayor Gerding responded that he is not aware of that requirement within the contract and that the Centers opening is based on weather conditions throughout the duration of the contract.

Councilor Gibson questioned that if the City's agreed to open the Center in response to the upcoming snow storm, would the staff from Karlee's Home Team be reimbursed from the City. Mayor Gerding is still in the process of working with the Tri-Cities but he has been in communication with the County and he is hoping to have them fund the unplanned opening of the Warming Center due to the impending storm. He added that if the reimbursement falls back on the City's to pay, that the money would come from funds that the City has already allocated towards homelessness.

## **REPORT OF STANDING COMMITTEES**

*Economic Development Committee* – Councilor Goodwin reported that the Committee met at 5:30 p.m. prior to the Council meeting and they reviewed the application submitted by 200 Main Street LLC requesting Chapter 31, Community Revitalization Tax Relief Incentive relief. He confirmed that the Committee voted to recommend approval of the application to the full City Council for consideration.

*Public Works and the Environment Committee* – Councilor Witham reported that the Committee met on March 26<sup>th</sup> and began their discussion regarding an unidentified road that exists on paper, the road enters off of Blackwater Road that provides access to the Little League Baseball Field parking lot and continues until it ends beside the Fire Department off of Maple Street. He stated that it is likely that a good portion of that road way lies within the former National Guard Readiness Center's property, however, it is possible that some of the road way is part of the superfund site. Councilor Witham reported that the Committee was in favor of adjusting the lot line should it be determined that the roadway is in fact part of the superfund site and turning it over to the developers of the of the former National Guard property. He also explained that the developers found that using the existing facility on site is not feasible as was originally presented in their plans to the Council, and the developers also shared plans to increase their units from 24 to 30 units. Councilor Witham confirmed that the Committee was in favor of the changes and were reassured by the developers that they would grant the City easements as deemed necessary to grant access to the Superfund site related monitoring well that is on this site for testing and maintenance as needed.

Councilor Witham reported that the Committee discussed the Main Street water line that begins at the intersection of Indigo Hill Road and runs through to the Rollinsford town line. He noted that due to the age and condition of the pipes, it is an area that the City deals with often with breaks. He shared that the water line is approximately 1 mile in length and is under City owned roadway through to Nadeau Street where it then becomes State owned for the remainder of the roadway to the Rollinsford town line. Councilor Witham shared that the City is prepared to put the project out for bid, however, the dilemma which the City is now facing is that the NH DOT is prohibiting installing new water lines

under there section of the road and are suggesting that it be moved to the far edge of the right of way which requires tree removal and relocation of utility poles. Additionally, he stated that there is a section that would require going through wetlands which would require extensive permitting and a number of other obstacles that makes that option unfavorable to the Committee and City staff. Councilor Witham noted the number of times that the City has written appeals to the Commissioner with no avail, he reported that the Committee has urged City staff to continue to communicating with the State regarding the City's request to install the water line along the current water line which would be discontinued. The Committee also favored, that if the State does not allow the water line to run through the right-of-way, the City will move forward with their project and end it at Nadeau Street.

Councilor Witham discussed the sidewalk reconstruction on the westerly side of High Street from South Street to West High Street. He noted that last year the opposite side of the road's sidewalk was completed using a TAP grant and the upcoming project would be complete utilizing the City's budgeted sidewalk funds. Councilor Witham stated that the reconstruction of the said sidewalk is expected to cost approximately \$1,000,000. He added that due to the timeline of the sidewalk reconstruction expected to be completed in the Fall of 2024, the City expects to pave the roadway in the Spring of 2025 along that section of road.

Councilor Witham reported on the Committee's discussion pertaining to the snow cleanup along additional roads in the "Hill" District at the request of Councilor Gibson. He stated that there are a number of streets that are not able to handle our snow clearing equipment for various reasons, however, there are about 1.6 miles of sidewalks that could be cleared which would add approximately 4-8 hours to staff's route. The Committee agreed to not add the additional 1.6-mile route for clearing at this time.

Councilor Witham shared the discussion pertaining to two projects that are on the State's 10-year Transportation Plan which have been flagged as projects that could be advanced sooner than was originally planned. The two projects include constructing a new sidewalk on West High Street from Cemetery Road to High Street and the reconstruction of the intersection on High Street at Indigo Hill Road and Blackwater Road. He shared that the City's required match for both projects would be 20% of the total project cost which the Committee favored moving forward with. Councilor Witham mentioned that the Committee also discussed the traffic signalization at the intersection on High Street, Indigo Hill Road, and Blackwater Road. He shared that the vendor confirmed that they could program a time sequence to the lights which would allow for one lane of traffic to move at a time or, they suggested installing turn signal lights for an additional cost but that would also allow for a better traffic flow. The Committee is pending the costs of the additional turn signal lights.

Discussion:

Councilor Vincent added, in regards to the snow cleanup on of "Hill" District sidewalks, that the Pubic Works Director also mentioned that there is no place to put the snow due to the proximately of the houses along the roads which is another factor that makes the cleanup difficult.

Councilor Gibson expressed concern regarding the water line to be discontinued on Main Street once the new one is installed, wondering about eventual subsidence of the road way. Councilor Witham confirmed that the water line would be filled with a grout like substance that hardens and prevents subsidence from occurring.

*Recreation Committee* – Councilor Cameron reported that the Committee met on March 20<sup>th</sup> and discussed updates to the Ash Street Park expected in phase two of the project including plantings of flowers and trees. The City is looking to apply for grants through Home Depot to assist with the

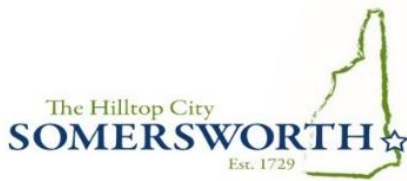
purchase of pollinator plant. She shared that the City is looking into a butterfly life cycle sign as well as a large monarch butterfly that could be used for visitor photo opportunities.

Councilor Cameron shared that City staff have been in communication with the USA Softball of New Hampshire regarding their request to utilize the Malley Farm ball field to host their tournaments from May through August, with an opportunity for fall ball as well. She added that the organization will help maintain the field, concession stand, porta potties, trash removal, etc. There is a potential that if this season is successful, that the organization would return next year. She shared that the tournaments have a potential to bring hundreds of people into the City visiting restaurants and shops.

Councilor Cameron concluded her report noting that the Recreation staff have been very pleased with their new software system and commented that it has been working very well for the families as well.

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

### **City Manager's Report**



### **Office of the City Manager**

**TO:** Mayor Matt Gerding and City Council Members  
**FROM:** Robert M. Belmore, City Manager  
**DATE:** Friday, March 29, 2024  
**SUBJECT:** City Manager's Report for April 1, 2024 City Council Meeting

---

*6:00 p.m.*

*FY24/25 Proposed Budget Presentation – City Manager/Interim School Superintendent*

*7:00 p.m.*

*Public Hearing – FY24/25 Proposed Budget*

---

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

### **Ordinance**

**A. Ordinance 9-24: Fiscal Year 2024-2025 Budget.**

*Unfinished Business (under Section 15 of Agenda)*

### **Ordinances**

- A. **Ordinance 10-24:** To Amend Chapter 32, Water Ordinance, by Amending Section 16.1.a Titled “Rates, Fees, and Charges” to Increase the Water Utility Rates Effective July 1, 2024 and July 1, 2025.
- B. **Ordinance 11-24:** To Amend Chapter 8A, Sewer Ordinance, by Amending Charges Article XV Section 7.B Titled “Sewer Use Volume Charges” to Increase the Sewer Volume Charges Effective July 1, 2024 and July 1, 2025.

**Ordinance No. 10-24 and 11-24:** Again, the Finance Committee voted to recommend the 10% increase for both Water and Sewer utility rates over the next two (2) fiscal years.

- C. **Ordinance 12-24:** **Supplemental Appropriation for the Additional Funding Needed for the Water Meter Replacement Program.** Again, the Finance Committee voted to recommend this Supplemental Appropriation.

### Resolutions

- A. **Resolution 41-24:** To Authorize the City Manager to use Funding from the American Rescue Plan Act and the Cable Fund to Contract with Brightly Software, Inc., of Cary, North Carolina for SmartGov Software. Again, the Finance Committee voted to support this Resolution. Please note that land use applications and building permit applications will still be available to be submitted as done now with forms on-line and in-person at the Development Services Office.

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

### Ordinances

- A. **Ordinance 13-24:** To Amend Chapter 19, Zoning Ordinance, Table of Uses, Table 4.A.5, and Adding Notes 11 Through 11.4, Regarding Motor Vehicle Service-Related Uses Within the Residential/Commercial District. The Economic Development Committee met on March 4<sup>th</sup> and voted to support this Ordinance change. Attached is a Memorandum from Director Michelle Mears regarding these proposed amendments along with a red-lined version of these Zoning sections. I recommend a Public Hearing prior to the next Council meeting on April 15<sup>th</sup>.

*There was no objection from Council, the public hearing regarding Ordinance 13-24 will be held at the next regularly scheduled meeting.*

### Informational Items

- A. Upcoming City Council Workshops & Special Meeting.
  - Saturday, April 6 at 8:30 a.m. – Community Support Organizations & City Departments Budget Review
  - Monday, April 22 at 7:00 p.m. – Special City Council Budget Meeting (if needed)

### Attachments

## 1. City Attorney Certification One (1)

*City Manager Belmore announced the selection of Lieutenant Matthew Moore as the City's next Fire Chief and his appointment at the Emergency Management Director as well. He shared that Matt was selected after an extensive assessment process, and he noted that Matt has been with the Somersworth Fire Department for over 23 years. Manager Belmore shared that Matt began his career as a Call Firefighter in May of 2000, later hired as a full-time Firefighter in December 2001, and promoted to Lieutenant in April 2016. Additionally, Matt graduated from Somersworth High School and is a United States Navy Veteran.*

*Manager Belmore shared Matt's excitement and honor to take on his new post and that he is looking forward to working with the City's Management Team. He also shared that Matt is the third member of his family to hold the position of Chief for the Somersworth Fire Department, following his Great-Grandfather Arthur Nadeau (Fire Chief) and Grandfather Marc Nadeau (Assistant Fire Chief).*

*Lt. Moore will be officially sworn in as Fire Chief on May 6<sup>th</sup> at Somersworth City Hall at a time to be determined.*

*Councilor Witham thanked Lt. Moore and welcomed him to his new role as Fire Chief. He noted that it has been a number of years since a member from within the Department applied for position as Fire Chief and he finds that very exciting showing growth opportunities within the Department.*

*Councilor Vincent commented that he spent 33 years on the Somersworth Fire Department and he recalled working along side Lt. Moore during his career. He stated that Lt. Moore is a standup guy with a great education, he is proud of him for being selected as the next Fire Chief. He stated that he is also excited that someone from within the Department has been promoted because they are already familiar with the processes and procedures, as well as the staff. He welcomed Lt. Moore to his new position.*

## NOMINATIONS, APPOINTMENTS AND ELECTION

### Nominations Requiring a Council Vote:

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

- A. Bradley Fredette for re-appointment to the Zoning Board of Adjustments with a term to expire April 2027

*Councilor Paradis-Catanzaro made a motion to approve the nomination as presented. The motion was seconded by Councilor Michaud and passed 8-1 by voice vote. Councilor Messier opposed.*

- B. Nancy Mitchell for appointment to the Library Board of Trustees with a term to expire April 2029



*Councilor Cameron made a motion to approve the nomination as presented. The motion was seconded by Councilor Goodwin and passed 9-0 by voice vote.*

- C. Sarah Robbitts-Terry for appointment to the Library Board of Trustees with a term to expire April 2029

*Councilor Witham made a motion to approve the nomination as presented. The motion was seconded by Councilor Gibson and passed 9-0 by voice vote.*

### **LAY ON THE TABLE**

- A. **Ordinance 9-24** – Fiscal Year 2024-2025 Budget

There was no action taken by the Council pertaining to Ordinance 9-24.

### **UNFINISHED BUSINESS**

#### **ORDINANCES**

- A. **Ordinance 10-24** – To Amend Chapter 32, Water Ordinance, by Amending Section 16.1.a Titled “Rates, Fees, and Charges” to Increase the Water Utility Rates Effective July 1, 2024, and July 1, 2025

*Clerk LaPanne performed a second reading of Ordinance 10-24.*

*Councilor Witham made a motion to adopt Ordinance 10-24 as submitted. The motioned was seconded by Councilor Messier.*

Discussion:

Councilor Witham stated that he does not take the increase to the Water and Sewer rates lightly and that the Finance Committee had a thoughtful discussion about how said rates would be applied in order to continue to support that enterprise funds. He noted the City’s upcoming Capital Improvement Program projects including upgrades to the Water Treatment Facility, the Main Street water line replacement, and the replacement of the Hamilton Street water tank which are all expensive projects. He stated that by gradually increasing the rates, it allows the City to keep pace with the necessary upcoming projects. Councilor Witham stated that the City’s water and sewer rates, when compared to neighboring cities, remains below or in line with those communities.

Councilor Gibson shared concern with the increase of 10% for the next two years in a row while already looking at a potential property tax rate increase for the residents of Somersworth, as well as inflation and other cost-of-living increases. He wondered if there is a reason that the rates couldn’t be increased over a longer period of time to lower the impact to residents and businesses.

Councilor Witham responded Finance Director Smith provided the Committee with a number of different options and 10 percent is what the Committee determined to be most favorable to get the City where it needs to be financially to meet the target of the upcoming projects.

Councilor Vincent shared that he too has some concerns with the rate increases proposed, however, he mentioned that recent Wastewater Treatment Facility upgrades and the fact that the City is now considered a leader to other neighboring facilities within the State. He also spoke about the City of Somersworth remaining the lowest rate when compared to surrounding communities. He acknowledged the number of high-cost items mentioned by Councilor Witham.

Councilor Gibson commented on the City being one of the highest communities in the State when it comes to property taxes and that the individuals paying the tax bills are also paying the water/sewer bills.

Councilor Pepin added that when City staff provided the Committee with possible options for increasing the water and sewer rates, they looked to the future and what upcoming projects the City needs to be prepared for. He reiterated the Water and Wastewater Treatment Facility upgrades and the Hamilton Street water tank that has been advanced due to its condition and high repair costs. He recalled that the Committee discussed these gradual increases in an effort to avoid a sudden large increase in the future. Councilor Pepin noted that the State has requirements pertaining to the treatment facilities and they are required to make upgrades per the State's direction.

Councilor Messier agrees with the comments that acknowledge the gradual increases now minimizes the costs down the road when forecast future projects. He also added that with the increase in development be planned throughout the City, we need to have a Water and Wastewater Treatment Facility that can accommodate the demand from residents. He mentioned that some of the City's projects, including Complete Streets Projects, save residents money because water and sewer line construction costs are covered by those project funds. He commented that he supports both Ordinances, 10-24 and 11-24, adding that they are enterprise funds and are doing what they are meant to do.

Councilor Vincent agreed with that with the increase in residential units projected, it will be important to stay ahead of the game with regards to the Treatment Facilities and their capacities.

Councilor Gibson agrees with what the Councilors are saying, he also wonders about some of the projects being bonded and not bill "hitting" at the same time but rather broken into increments and that is where he is confused.

*The motion passed 8-1 by roll call vote. Councilor Gibson opposed.*

- B. **Ordinance 11-24** – To Amend Chapter 8A, Sewer Ordinance, by Amending Charges Article XV Section 7.B Titled "Sewer Use Volume Charges" to Increase the Sewer Volume Charges Effective July 1, 2024, and July 1, 2025

*Clerk LaPanne performed a second reading of Ordinance 11-24.*

*Councilor Witham made a motion to adopt Ordinance 11-24 as submitted. The motion was seconded by Councilor Michaud and passed 8-1 by roll call vote. Councilor Gibson opposed.*

- C. **Ordinance 12-24** – Supplemental Appropriation for Additional Funding Needed for the Water Meter Replacement Program

*Clerk LaPanne performed a second reading of Ordinance 12-24.*

*Councilor Witham made a motion to adopt Ordinance 12-24 as submitted. The motion was seconded by Councilor Vincent and passed 9-0 by roll call vote.*

#### RESOLUTIONS

- A. **Resolution 41-24** – To Authorize the City Manager to use Funding from the American Rescue Plan Act and the Cable Fund to Contract with Brightly Software, Inc. of Cary, North Carolina for SmartGov Software for the Department of Development Services

*Clerk LaPanne performed a second reading of Resolution 41-24.*

*Councilor Witham made a motion to adopt Resolution 41-24 as submitted. The motion was seconded by Councilor Goodwin.*

Discussion:

Councilor Gibson stated that he is not in favor of utilizing the Cable Fund to fund this software and he doesn't believe that it is appropriate use of the Cable Funds which is supposed to be used for upgrades to City Hall's electronic systems such as cable.

Councilor Goodwin commented that he is not familiar with the intention of the Cable Fund, but he feels that the term "Cable Fund" can be thought of in a broader perspective and this request to utilize the funds for software which will help to improve communications through technology can be met through this funding source.

Councilor Witham stated that he also agrees with the broad interpretation of the use of the Cable Funds. He stated that Councilor Gibson is correct regarding the usage of the Funds being available to assist with increasing public access and the City's camera equipment, and he believes that the software is appropriate to fund this type of request.

Councilor Messier favors the software being approved and utilizing the Cable Funds, he acknowledged his previous angst with using this funding source but he believes this is an appropriate use of the funds. He added that neighboring communities are using similar programs and this will bring the City up to speed.

Councilor Vincent inquired about what the definitions of the Cable Funds could be utilized for. He commented on the proposed software for Department of Development Services bringing the Department into the new age allowing for online permitting and streamlining their services.

Councilor Gibson reiterated that the intent of the Cable Fund was to provide upgrades to the cable systems to the City and that using the fund in other manners is not appropriate use of the funds and he will not support this funds usage pertaining to the software being proposed.

Councilor Witham stated that he has a great deal of faith in the staff to utilize the City's funding appropriately, he also noted that the City has a number of checks and balances within these processes including Ordinances and Resolutions being vetted through the City's independent third-party legal counsel.

Councilor Pepin stated that his understanding of the new software is to increase public access to permitting and as far as he is concerned, that it through the internet and, therefore, is part of the cable network access for the City.

*The motion passed 8-1 by roll call vote. Councilor Gibson opposed.*

## **NEW BUSINESS**

### **ORDINANCES**

- A. **Ordinance 13-24** – To Amend Chapter 19 Zoning Ordinance, Table of Uses, Table 4.A.5, and Adding Notes 11 through 11.4, Regarding Motor Vehicle Service-Related uses within the Residential/Commercial District

*Councilor Messier made a motion to suspend Council Rules to allow for a first reading of Ordinance 13-24 by title only. The motion was seconded by Councilor Witham and passed 9-0 by voice vote.*

*Clerk LaPanne performed a first reading of Ordinance 13-24 by title only.*

*Ordinance 13-24 will remain in first reading until the call of the Chair.*

## **COMMENTS BY VISITORS**

John Joyle, 1 Molly Lane, commented that he has lived within the City of Somersworth for 34 years now and is a retired civil servant. He added that as a property owner, he has great satisfaction knowing that the City has promoted Lt. Matt Moore to Fire Chief and he thanked City Manager Belmore for

that decision. Mr. Joyle also thanked Manager Belmore and City staff that he has worked with over the years. He continued to express his gratitude for naming Lt. Moore the next Fire Chief and he added that promoting from within is good duty for the City and he cannot say thank you enough.

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

Councilor Goodwin reminded the Council and public of the upcoming Economic Development Committee meeting scheduled on Thursday, April 11<sup>th</sup> at 7:00 p.m. in Council Chambers which is intended to gain public input regarding the reuse of the former Breton's Cleaners on 1 Winter Street. He noted that the property had formerly been through an RFP process to no avail and as well as other thoughts such as a site for food trucks. He stated that he hopes this meeting will provide an opportunity for residents to engage with the Council and provide the Committee with ideas on how the Community would like to move forward with the site.

Councilor Goodwin spoke about Ordinance 13-24 regarding proposed amendments to the City's Zoning Ordinance as it pertains to auto related services within the Residential/Commercial Districts, in particular to High Street. He stated that it is an important topic to him and it comes down to long range planning for the future and putting our best foot forward along the most visible part of the City and what could be considered the main corridor into the City. He commented that he feels that the City needs to take lead on what the next phase of development in that area will look like and that we have done enough to meet the needs of car related services as he listed off a number of car washes.

Councilor Goodwin confirmed that the City, per the Planning Board, approved the development of the new car wash near Wal-Mart and then shortly after that approval, the Board received another initial application for the development of another car wash almost across the street which they later withdrew that application. He believes that through this Ordinance, the City can begin to be proactive in guiding the growth along the main corridor to be more forward looking and ways to add high value. He reiterated that the City is already being well served by the current auto-service related businesses and that permitted use would still be allowed in other zones.

Councilor Goodwin shared research on car washes being "private equity bubbles" that have become a trendy way to gain passive income, however, his concern is with the redundant services being built within a short radius of each other and the fact that High Street already has two gas stations that sit vacant along High Street and he doesn't want to see more vacant auto-related services.

Councilor Goodwin commented on the second part of the Ordinance which came from his time on the Planning Board, he noted a couple of occasions where there were a number of people from the public that came out to speak about current existing auto repair facilities that were causing so much noise that the abutting community came out in numbers. He noted that the City's current Ordinance has a buffer between those uses and residential areas, but it is clear to him that the buffer is not enough and needs to be increased along with a number of other remediating amendments being proposed in Ordinance 13-24 that will help limit the nuisance complaints. Councilor Goodwin clarified that his intention with the amendments is not to make auto related services inaccessible, but he feels that the livability within the City requires the Council to be mindful about where those services are located.

Councilor Cameron congratulated Lt. Moore on his promotion as the City's next Fire Chief. She also provided a reminder that on April 20<sup>th</sup>, Don't Trash Somersworth is launching its first cleanup day for one hour beginning at 2:00 p.m. The group is meeting at the Home Depot parking lot.

Councilor Messier commented on Accessory Dwelling Units (ADU) which he read an article in the Foster's Daily Democrat regarding the City of Dover recruiting homeowners to develop up to two ADU's if possible. He noted that Dover has also been working with a local credit union to help fund

some of those projects and he hopes that the City of Somersworth's Housing Task Force can begin to look into viable options for our Community.

Councilor Messier inquired about the possibility of getting a map that outlines where the changes will take affect pertaining to the proposed amendments being introduced in Ordinance 13-24 regarding auto related services. He is not sure that the City should be choosing businesses that already have an existing footprint and he questioned if the proposed amendments also pertaining to sections of Route 108. He questioned what the Economic Development Committee's alternative for development on those properties would be. He commented that he is currently not in favor of Ordinance 13-24.

Councilor Messier commented on the success of the food drive held over the weekend at the Somersworth Market Basket. He thanked all of the participants including the Somersworth and Rollinsford Fire and Police Departments, as well as Stewart's Ambulance. He also shared that, via social media, he learned that Officer Tully introduced a service dog to one of our elementary schools and that Police Officers attended local colleges to help recruit future police officers. He stated that the selection of the new Fire Chief is an outstanding choice for all of the reasons that were stated tonight. Councilor Messier gave a shoutout to Anna Stockman, Planning Secretary, for the amount of legwork she put into the testing of a number of software system for their Department.

Councilor Pepin congratulated Lt. Moore on his promotion as Fire Chief for the City. He commented that he served under Lt. Moore's Great-Grandfather who put him in the call department and then also worked with Lt. Moore's Grandfather where he learned a lot from both of them and kept him dedicated in serving the City as a member of the Fire Department. He added that he has heard a number of positive comments from current interim Fire Chief Dellner as well as from Councilor Vincent.

Councilor Vincent commented on the Accessory Dwelling Units (ADU), he noted that the topic was discussed at the State House recently and he did not favor the bill. He stated his concern with residential homes adding ADU's and the increase in population that would bring to small residential areas. Councilor Vincent also commented on High Street being the main corridor into the City, he feels that the City does need to focus on that section of Somersworth and put more money into the growth of High Street.

Councilor Paradis-Catanzaro congratulated Lt. Moore on his promotion as the City's Fire Chief. She also mentioned that she is excited about the hiring of the new School Superintendent, John Shea.

Councilor Michaud congratulated Lt. Moore on his promotion as well, he mentioned that he was not previously aware of Lt. Moore's family history within the City's Fire Department and he believes that he is a perfect fit for the position.

### **FUTURE AGENDA ITEMS**

There were no future agenda items discussed.

### **NONPUBLIC SESSION**

There were no nonpublic sessions scheduled.

### **ADJOURNMENT**

*Councilor Vincent made a motion to adjourn at 8:35 p.m. The motion was seconded by Councilor Paradis-Catanzaro and the motion passed 9-0 by voice vote.*

Respectfully Submitted,

---

Kristen LaPanne, City Clerk



## City of Somersworth – Ordinance

Ordinance No: **9-24**

### **FISCAL YEAR 2024-2025 BUDGET**

March 18, 2024

THE CITY OF SOMERSWORTH ORDAINS THAT BUDGETS FOR THE CITY OF SOMERSWORTH FOR THE 2024-2025 FISCAL YEAR SHALL BE:

#### **DEPARTMENT**

##### **GENERAL FUND**

##### **BUDGET**

Elected Leadership	\$230,220
City Management	614,050
Finance and Administration	1,919,546
Development Services	1,082,786
Police	5,180,374
Fire	2,838,771
Public Works	3,572,794
Other Expenses	1,391,000
Capital Outlay	45,000
Intergovt Assessments - County	3,169,922
School Department	31,319,747

##### **TOTAL GENERAL FUND**

**51,364,210**

##### **ENTERPRISE FUNDS**

Wastewater Department	3,619,635
Water Department	2,873,558
Solid Waste	676,169

##### **TOTAL ENTERPRISE FUNDS**

**7,169,362**

##### **SPECIAL REVENUE FUND**

Cable Fund	69,513
------------	--------

##### **TOTAL FY 2024-2025 APPROPRIATION**

**\$58,603,085**

This Ordinance shall take effect upon its passage.

Authorization	
<i>Sponsored by Request:</i> Councilor David A. Witham	<i>Approved:</i> City Attorney

## City of Somersworth – Ordinance 9-24

### History

First Read Date:	3/18/2024	Tabled:	3/18/2024
Public Hearing:	4/01/2024	Removed From Table:	
Second Read:			

### Discussion

*3/18/2024*

*Councilor Witham made a motion to suspend Council Rules to allow for a first reading of Ordinance 9-24 by title only. The motion was seconded by Councilor Gibson and passed 9-0 by voice vote.*

*Clerk LaPanne performed a first reading of Ordinance 9-24 by title only.*


*Councilor Witham made a motion to suspend Council Rules to allow for a second reading of Ordinance 9-24. The motion was seconded by Councilor Paradis-Catanzaro and passed 9-0 by voice vote.*

*Clerk LaPanne performed a second reading of Ordinance 9-24.*

*Councilor Witham made a motion to table Ordinance 9-24. The motion was seconded by Councilor Vincent and 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	Paradis-Catanzaro		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Goodwin		
At Large Councilor	Cameron		
At Large Councilor	Messier		
<b>TOTAL VOTES:</b>			
On	Ordinance 9-24	PASSED	FAILED



	City of Somersworth – Ordinance
	<p>Ordinance No:   <b>10-24</b></p> <p><b>TO AMEND CHAPTER 32, WATER ORDINANCE, BY AMENDING SECTION 16.1.a TITLED “RATES, FEES, AND CHARGES” TO INCREASE THE WATER UTILITY RATES EFFECTIVE JULY 1, 2024, AND JULY 1, 2025</b></p>

March 18, 2024

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

Amend Chapter 32, Section 16.1.a titled “Rates, Fees, and Charges”, by deleting the second paragraph in its entirety and replace it with the following:

All water users will be charged at a rate of \$5.94 per 100 cubic feet of water used beginning July 1, 2024; \$6.53 per 100 cubic feet of water used beginning July 1, 2025;

Background:

By passage of this Ordinance the City Council is increasing the Water Use Volume Charge 10% effective July 1, 2024, and 10% effective July 1, 2025.

This Ordinance shall take effect upon its passage.

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

## City of Somersworth – Ordinance 10-24

### History

First Read Date:	3/18/2024	Tabled:	
Public Hearing:	4/1/2024	Removed From Table:	
Second Read:	4/1/2024		

### Discussion

3/18/2024

*Clerk LaPanne performed a first reading of Ordinance 10-24.*

*Ordinance 10-24 will remain in first reading until the call of the Chair.*

4/1/2024

*Clerk LaPanne performed a second reading of Ordinance 10-24.*

*Councilor Witham made a motion to adopt Ordinance 10-24 as submitted. The motioned was seconded by Councilor Messier.*

Discussion:

Councilor Witham stated that he does not take the increase to the Water and Sewer rates lightly and that the Finance Committee had a thoughtful discussion about how said rates would be applied in order to continue to support that enterprise fund. He noted the City's upcoming Capital Improvement Program projects including upgrades to the Water Treatment Facility, the Main Street water line replacement, and the replacement of the Hamilton Street water tank which are all expensive projects. He stated that by gradually increasing the rates, it allows the City to keep pace with the necessary upcoming projects. Councilor Witham stated that the City's water and sewer rates, when compared to neighboring cities, remains below or in line with those communities.

Councilor Gibson shared concern with the increase of 10% for the next two years in a row while already looking at a potential property tax rate increase for the residents of Somersworth, as well as inflation and other cost-of-living increases. He wondered if there is a reason that the rates couldn't be increased over a longer period of time to lower the impact to residents and businesses.

Councilor Witham responded Finance Director Smith provided the Committee with a number of different options and 10 percent is what the Committee determined to be most favorable to get the City where it needs to be financially to meet the target of the upcoming projects.

Councilor Vincent shared that he too has some concerns with the rate increases proposed, however, he mentioned that recent Wastewater Treatment Facility upgrades and the fact that the City is now considered a leader to other neighboring facilities within the State. He also spoke about the City of Somersworth remaining the lowest rate when compared to surrounding communities. He acknowledged the number of high-cost items mentioned by Councilor Witham.

Councilor Gibson commented on the City being one of the highest communities in the State when it comes to property taxes and that the individuals paying the tax bills are also pay the water/sewer bills.

Councilor Pepin added that when City staff provided the Committee with possible options for increasing the water and sewer rates, they looked to the future and what upcoming projects the City needs to be prepared for. He reiterated the Water and Wastewater Treatment Facility upgrades and the Hamilton Street water tank that has been advanced due to its condition and high repair costs. He recalled that the Committee discussed these gradual increases in an effort to avoid a sudden large increase in the future. Councilor Pepin noted that the State has requirements pertaining to the treatment facilities and they are required to make upgrades per the States direction.


Councilor Messier agrees with the comments that acknowledge the gradual increases now minimizes the costs down the road when forecast future projects. He also added that with the increase in development be planned throughout the City, we need to have a Water and Wastewater Treatment Facility that can accommodate the demand from residents. He mentioned that some of the City's projects, including Complete Streets Projects, save residents money because water and sewer line construction costs are covered by those project funds. He commented that he supports both Ordinances, 10-24 and 11-24, adding that they are enterprise funds and are doing what they are meant to do.

Councilor Vincent agreed with that with the increase in residential units projected, it will be important to stay ahead of the game with regards to the Treatment Facilities and their compacities.

Councilor Gibson agrees with what the Councilors are saying, he also wonders about some of the projects being bonded and not bill "hitting" at the same time but rather broken into increments and that is where he is confused.

***The motion passed 8-1 by roll call vote. Councilor Gibson opposed.***

<b>Voting Record</b>		<b>YES</b>	<b>NO</b>
Ward 1 Councilor	Pepin	<b>X</b>	
Ward 2 Councilor	Vincent	<b>X</b>	
Ward 3 Councilor	Gibson		<b>X</b>
Ward 4 Councilor	Paradis-Catanzaro	<b>X</b>	
Ward 5 Councilor	Michaud	<b>X</b>	
At Large Councilor	Witham	<b>X</b>	
At Large Councilor	Goodwin	<b>X</b>	
At Large Councilor	Cameron	<b>X</b>	
At Large Councilor	Messier	<b>X</b>	
<b>TOTAL VOTES:</b>		<b>8</b>	<b>1</b>
On 4/1/2024 Ordinance 10-24		<b>PASSED</b>	<b>FAILED</b>

	City of Somersworth – Ordinance
	<p>Ordinance No:   <b>11-24</b></p> <p><b>TO AMEND CHAPTER 8A, SEWER ORDINANCE, BY AMENDING CHARGES ARTCILE XV SECTION 7.B TITLED “SEWER USE VOLUME CHARGES” TO INCREASE THE SEWER VOLUME CHARGES EFFECTIVE JULY 1, 2024, AND JULY 1, 2025</b></p>

March 18, 2024

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

Amend Chapter 8A, Article XV, Section 7.B Titled “Sewer Use Volume Charges”, by deleting it in its entirety and replace it with the following:

All sewer users will be charged at a rate of \$8.83 per 100 cubic feet of water used beginning July 1, 2024; \$9.75 per 100 cubic feet of water used beginning July 1, 2025;

Background:

By passage of this Ordinance the City Council is increasing the Sewer Use Volume Charge 10% effective July 1, 2024, and 10% effective July 1, 2025.

This Ordinance shall take effect upon its passage.

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

## City of Somersworth – Ordinance 11-24

### History

First Read Date:	3/18/2024	Tabled:	
Public Hearing:	4/1/2024	Removed From Table:	
Second Read:	4/1/2024		

### Discussion

*3/18/2024*

*Clerk LaPanne performed a first reading of Ordinance 11-24.*

*Ordinance 11-24 will remain in first reading until the call of the Chair.*

Councilor Vincent inquired about the meaning of 100 cubic feet regarding the measurements of water used. Director Bobinsky confirmed that 100 cubic feet equals 748 gallons of water used.

*4/1/2024*

*Clerk LaPanne performed a second reading of Ordinance 11-24.*

*Councilor Witham made a motion to adopt Ordinance 11-24 as submitted. The motion was seconded by Councilor Michaud and passed 8-1 by roll call vote. Councilor Gibson opposed.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson		X
Ward 4 Councilor	Paradis-Catanzaro	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Goodwin	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier	X	
<b>TOTAL VOTES:</b>		<b>8</b>	<b>1</b>
On 4/1/2024	Ordinance 11-24	<b>PASSED</b>	<b>FAILED</b>



## City of Somersworth – Ordinance

Ordinance No: 12-24

### **SUPPLEMENTAL APPROPRIATION FOR ADDITIONAL FUNDING NEEDED FOR THE WATER METER REPLACEMENT PROGRAM**

March 18, 2024

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 2023-2024 is amended as follows:

Appropriate \$75,000 (Seventy-Five Thousand dollars) from the Water Fund budget; and

Appropriate \$50,000 (Fifty Thousand dollars) from the Sewer Fund budget as follows:

Water Fund Original Budget	Amendment	Revised Water Fund Budget
\$ 3,236,505	\$ 75,000	\$ 3,311,505
Sewer Fund Original Budget	Amendment	Revised Sewer Fund Budget
\$ 4,183,996	\$ 50,000	\$ 4,233,996

Approved as to Funding:

Scott A. Smith  
Director of Finance and Administration

Recorded by:

Kristen LaPanne  
City Clerk

Background:

This Ordinance appropriates additional funding to complete the Residential meter replacement program.

This Ordinance shall take effect upon its passage.

***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	
<i>Sponsored by Councilors:</i> David A. Witham Denis Messier Martin Pepin Kenneth S. Vincent	<i>Approved:</i> City Attorney

## City of Somersworth – Ordinance 12-24

### History

First Read Date:	3/18/2024	Tabled:	
Public Hearing:	4/1/2024	Removed From Table:	
Second Read:	4/1/2024		

### Discussion

*3/18/2024*

*Clerk LaPanne performed a first reading of Ordinance 12-24.*


*Ordinance 12-24 will remain in first reading until the call of the Chair.*

*4/1/2024*

*Clerk LaPanne performed a second reading of Ordinance 12-24.*

*Councilor Witham made a motion to adopt Ordinance 12-24 as submitted. The motion was seconded by Councilor Vincent and passed 9-0 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	Paradis-Catanzaro	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Goodwin	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier	X	
<b>TOTAL VOTES:</b>		<b>9</b>	<b>0</b>
On 4/1/2024	Ordinance 12-24	<b>PASSED</b>	<b>FAILED</b>

	City of Somersworth – Resolution	
	Resolution No:	<b>41-24</b>
<b>TO AUTHORIZE THE CITY MANAGER TO USE FUNDING FROM THE AMERICAN RESCUE PLAN ACT AND THE CABLE FUND TO CONTRACT WITH BRIGHTLY SOFTWARE, INC. OF CARY, NORTH CAROLINA FOR SMARTGOV SOFTWARE FOR THE DEPARTMENT OF DEVELOPMENT SERVICES</b>		

March 18, 2024

WHEREAS, the Somersworth Capital Improvement Program for Fiscal Years 2025-2030 includes a project to provide on-line permitting software for use by the Department of Development Services; and

WHEREAS, City Staff researched qualified companies and requested and received demonstrations from a number of these software companies that provide similar products; and

WHEREAS, after reviewing products available, City Staff determined that SmartGov by Brightly Software of Cary, North Carolina provides a platform that best meets the needs of the City with an initial cost of \$48,386 (Forty-Eight Thousand Three Hundred Eighty-Six dollars); and

WHEREAS, the Finance Committee reviewed this recommendation with City Staff and recommends the City contract with Brightly Software for SmartGov Software for an amount not to exceed \$48,386 (Forty-Eight Thousand Three Hundred Eighty-Six dollars); and

WHEREAS, the Finance Committee also recommends the City fund this contract using available funding from the American Rescue Plan Act and the Cable Fund;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to use funding from the American Rescue Plan Act and the Cable Fund to contract with Brightly Software for SmartGov Software for an amount not to exceed \$48,386 (Forty-Eight Thousand Three Hundred Eighty-Six dollars) and take any and all other actions relative to this purchase determined to be in the best interest of the City.

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



## City of Somersworth – Resolution 41-24

### History

First Read Date:	3/18/2024	Tabled:	
Public Hearing:	4/1/2024	Removed From Table:	
Second Read:	4/1/2024		

### Discussion

*3/18/2024*

*Clerk LaPanne performed a first reading of Resolution 41-24.*

*Resolution 41-24 will remain in first reading until the call of the Chair.*

*4/1/2024*

*Clerk LaPanne performed a second reading of Resolution 41-24.*

*Councilor Witham made a motion to adopt Resolution 41-24 as submitted. The motion was seconded by Councilor Goodwin.*

Discussion:

Councilor Gibson stated that he is not in favor of utilizing the Cable Fund to fund this software and he doesn't believe that it is appropriate use of the Cable Funds which is supposed to be used for upgrades to City Hall's electronic systems such as cable.

Councilor Goodwin commented that he is not familiar with the intention of the Cable Fund, but he feels that the term "Cable Fund" can be thought of in a broader perspective and this request to utilize the funds for software which will help to improve communications through technology can be met through this funding source.

Councilor Witham stated that he also agrees with the broad interpretation of the use of the Cable Funds. He stated that Councilor Gibson is correct regarding the usage of the Funds being available to assist with increasing public access and the City's camera equipment, and he believes that the software is appropriate to fund this type of request.

Councilor Messier favors the software being approved and utilizing the Cable Funds, he acknowledged his previous angst with using this funding source but he believes this is an appropriate use of the funds. He added that neighboring communities are using similar programs and this will bring the City up to speed.

Councilor Vincent inquired about what the definitions of the Cable Funds could be utilized for. He commented on the proposed software for Department of Development Services bringing the Department into the new age allowing for online permitting and streamlining their services.


Councilor Gibson reiterated that the intent of the Cable Fund was to provide upgrades to the cable systems to the City and that using the fund in other manners is not appropriate use of the funds and he will not support this funds usage pertaining to the software being proposed.

Councilor Witham stated that he has a great deal of faith in the staff to utilize the City's funding appropriately, he also noted that the City has a number of checks and balances within these processes including Ordinances and Resolutions being vetted through the City's independent third-party legal counsel.

Councilor Pepin stated that his understanding of the new software is to increase public access to permitting and as far as he is concerned, that it through the internet and, therefore, is part of the cable network access for the City.

*The motion passed 8-1 by roll call vote. Councilor Gibson opposed.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson		X

Ward 4 Councilor	Paradis-Catanzaro	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Goodwin	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier	X	
<b>TOTAL VOTES:</b>		<b>8</b>	<b>1</b>
<div> <div>On 4/1/2024</div> <div>Resolution 41-24</div> <div>PASSED</div> <div>FAILED</div> </div>			
		City of Somersworth – Ordinance	
		Ordinance No: <b>13-24</b> <b>TO AMEND CHAPTER 19, ZONING ORDINANCE, TABLE OF USES, TABLE 4.A.5, AND ADDING NOTES 11 THROUGH 11.4, REGARDING MOTOR VEHICLE SERVICE-RELATED USES WITHIN THE RESIDENTIAL/COMMERCIAL DISTRICT</b>	

April 1, 2024

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, Table of Uses – Table 4.A.5 as follows:**

Principle Use 9

To prohibit Auto Convenience Markets in the Residential/Commercial (R/C) District

Principle Use 20

To prohibit Motor Vehicle Repair Garage/Stations in the Residential/Commercial (R/C) District

Principle Use 21

To prohibit Automobile Sales in the Residential/Commercial (R/C) District

Principle Use 29

To prohibit Motor Vehicle Services in the Residential/Commercial (R/C) District

**Amend Chapter 19, Table of Uses – Table 4.A.5 by adding notes 11, 11.1, 11.2, 11.3, and 11.4 as follows:**

Auto Convenience Market, Motor Vehicle Repair Garage Station, Automobile Sales, Motor Vehicle Service shall be subject to the following Specific Land Use Standards:

**SPECIFIC LAND USE STANDARDS** In addition to the other requirements of this document, the following standards apply to the uses listed in this section. If the proposed use does not meet the standards contained herein, a variance would be required:

11.1 AUTO CONVENIENCE MARKET.

- a) The use shall be located a minimum of two hundred feet (200') from any residential property. The distance shall be measured from building to building in a straight line.
- b) All repair and service work shall be performed within an enclosed building.
- c) Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 200-feet from the face of the building containing the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.
- d) No used or discarded automotive parts or equipment may be located in any open area outside of an enclosed building.

#### 11.2 MOTOR VEHICLE REPAIR GARAGE/STATION.

- a) The use shall be located a minimum of two hundred feet (200') from any residential property. The distance shall be measured from building to building in a straight line.
- b) All repair and service work shall be performed within an enclosed building. Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 200-feet from the face of the building containing the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.
- c) No used or discarded automotive parts or equipment may be located in any open area outside of an enclosed building.
- d) No outside storage of stock, equipment or residual used equipment shall be located in any open area outside of an enclosed building.
- e) All disabled or wrecked vehicles shall be stored in an area which is screened from view from the surrounding properties and adjoining streets. Such vehicles shall not be stored on the property longer than 21 days.

#### 11.3 AUTOMOBILE SALES.

- a) The use shall be located a minimum of two hundred feet (200') from any residential property. The distance shall be measured from building to building in a straight line.
- b) All repair and service work shall be performed within an enclosed building.
- c) Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 200-feet from the face of the building containing the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.
- d) The installation and use of an outside public address or bell system is prohibited.
- e) Any used or discarded automotive parts or equipment located in any open area outside an enclosed building must be screened from view.

#### 11.4 MOTOR VEHICLE SERVICES.

- a) Building shall be constructed or arranged so that entrances, exits, and openings shall not face any residentially zoned property within 100 feet of the entrances, exits or openings.
- b) Bay Doors. Bay doors or vehicle entrances, exits and openings shall not face any residential zoning district within 100 feet from the face of the building containing the bay door, vehicle entrance, exit or opening. Bay doors are required to be automatic doors so that doors are closed after vehicles have entered/exited building.
- c) All service work (excluding parking services) shall be performed within an enclosed building.

This Ordinance shall take effect upon passage.

Authorization	
<i>Sponsored by Councilors:</i> Paul Goodwin Richard Michaud Robert Gibson Crystal Paradis-Catanzaro	<i>Approved:</i> City Attorney

## City of Somersworth – Ordinance 13-24

### History

First Read Date:	04/01/2024	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### Discussion

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Paradis-Catanzaro		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Goodwin		

At Large Councilor	Cameron		
At Large Councilor	Messier		
<b>TOTAL VOTES:</b>			
On	Ordinance 13-24	PASSED	FAILED

4/01/2024

*Councilor Messier made a motion to suspend Council Rules to allow for a first reading of Ordinance 13-24 by title only. The motion was seconded by Councilor Witham and passed 9-0 by voice vote.*

*Clerk LaPanne performed a first reading of Ordinance 13-24 by title only.*

*Ordinance 13-24 will remain in first reading until the call of the Chair.*