

MINUTES OF CITY COUNCIL MEETING

Somersworth, NH
September 5, 2017
7:00 P.M.

The meeting was called to order by His Honor, the Mayor, Dana Hilliard, and upon roll call the following Council members were present: Soldati, Dumont, McCallion, Messier, Witham, and Cameron. Councilors Pepin, Sprague, and Paradis were excused.

MINUTES OF THE PREVIOUS MEETING.

MINUTES of the PUBLIC HEARING on ORDINANCE 01-18, ADD NEW CHAPTER 33, TREE ORDINANCE

Councilor Witham, seconded by Councilor Messier, made a motion to accept the minutes. The motion passed unanimously. Soldati Abstained. 5-1

MINUTES of the CITY COUNCIL MEETING held on August 14, 2017

Councilor Witham requested that the minutes be tabled since they are not complete.

COMMENTS BY VISITORS

Dan Desantes of 43 Mt. Vernon St. ward 1. Said he would like to talk about the street condition on Mt. Vernon, between Grand and Prospect Streets. He came to the Council for 10 years, and presented a petition from every home owner on the street. There is grass growing in the street, pieces of curb can be picked up. The same pothole has been filled three or four times. In 2001, when the hill was reconstructed, this part was not. He has been a resident for 20 years, and he has fellow neighbors who have been there for their whole lives and the road has never been touched. We went through the CIP, he is not expecting anything soon, however, it's an embarrassment. The council was kind enough to asphalt some of the curb, but that is a bandaid.

COMMENTS BY COUNCILORS

Councilor Witham said he drives Mt. Vernon Street on an every other day basis and the observation of the resident is spot on.

Councilor Dumont said he has tried to walk on the sidewalk on that property. It is hard to keep his footing. There are many other streets and sidewalks in this condition. You would think we could get to these in more than 50 years.

COMMUNICATIONS

Charles McIntyre, Executive Director at NH Lottery Commission Re: Senate Bill 191, Keno & the Funding of Kindergarten

Maura McCann gave presentation of Keno 603, New Hampshire's Newest Lottery Game.

Following the presentation the Mayor and Council had the following questions:

Mayor Hilliard stated that if a town does not have a “pouring establishment” and cannot support the Keno Fund, they will still receive funds from those town who do?

Ms. McCann said, yes. The numbers are estimated to be about \$1100 per student. There are an estimated 250 locations, but that is a conservative number.

Councilor Soldati said she was a junior in high school when the lottery was instituted and it did not work out so well. The State is being irresponsible. This has the potential to create addictions but the State will willing to help with rehab.

Councilor Witham said this seems ultra-complicated. He plans to do a lot of research before he votes. What is a “pouring establishment?”

Ms. McCann said it is a place with a liquor license.

Councilor Dumont said Keno is a game to sit and wait. A concern would be others seeing it as competition in establishments; the Veterans Organizations have the rip tickets. New Hampshire hasn’t approved ambling. He is concerned that they are only using pouring establishments.

Looking at the money, based on the numbers of kindergarteners, does this fall in line with the \$1100 for each student?

Ms. McCann said she cannot speak directly to that, as these numbers are just estimates at this time. However, based on the sales in Massachusetts, they are close to a billion a year in sales. New Hampshire would like to offer a better game.

Councilor McCallion said he has been around restaurants and pouring establishments his whole life; it’s his job. When a business name is on the line, they make sure people have a good time there. Some establishments could make Keno work very well. We need to let the voters vote.

Councilor Cameron agreed let the voters decide.

Councilor Witham asked if the council votes to table this item, could they get the answers to the questions he has; can the city collect fees, like licensing; can the City alter the ballot language; and/or can the ballot question have and explanatory addendum?

Ms. McCann said she would look into answers to the questions.

MAYOR’S REPORT

Mayors Report for City Council Meeting Monday September 5th, 2017

Tonight, before the Council for a first reading, is Resolution No. 08-18 Reaffirming the City of Somersworth’s Commitment to Immigration and Cultural Diversity. Resolution No. 08-18 was introduced in response to the current administration’s policy of targeting immigrant families who have been contributing members of our

society for decades. Although, what the President and ICE are conducting is not illegal, it certain does go against the spirit of what this nation has stood for since its independence.

Since our founding, American has prided itself as nation founded upon hope.

Hope that anyone, from anywhere, would be viewed and treated equally.

Hope that through hard work, individual dreams could come to fruition.

Hope that despite the circumstance of leaving one's birth nation, that the warmth of liberty's light would guide them to the shores of American for a new start.

It is the promise of chance, combined with the respect for human dignity and yearning for freedom, which has brought our Nation into the status of the world super power. By standing strong to our commitment of freedom and liberty for all who seek it, our Nation has become known as, what President Ronald Reagan once referred to as "The last best hope of man on earth".

For centuries, the dedication and work of immigrant groups have built this nation and brought it closer to fulfilling its creed. Yet despite this dedication we find ourselves within our society from time to time absent of sight and vision of the values to which identify us as Americans. When we lose this sight, we become blind to the progression of Democracy.

We become blind to the soul of our Nation.

We become blind to the fabric of our success.

And we become no different than some of our worldly neighbors who are cloaked in tyranny and human suppression.

It is times like the current environment which has quickly developed throughout our Nation which test the pure foundation of how we identify as a society, and what course we will take within our own history. I am deeply trouble by the current rise of not only deportations, but hate groups throughout this Nation who have awakened from their long slumber.

Since its founding, our Nation has continued to work towards developing a society where all would be celebrated and honored. For the past two decades we have made tremendous strides in becoming that Nation we have always claimed to be.

Yet, despite this progression, for the last nine months our nation is once again struggling with the demons which have threatened our existence. The venom of intolerance and lack of understanding have led to failures throughout our history; slavery, 600,000 deaths during the Civil War, the genocide inflicted upon Native American, the suppression of equality for women, internment camps for German and Japanese Americans, the struggle for equality for African Americans, LGBT Americans and immigrants. Yet despite the stains upon our history we have continued to hold fast, learn and grow.

If our Nation is ever going to reach the goals we echoed throughout the world on July 4th 1776 then we must continue to battle and overcome the forces which will lead to our demise. Intolerance is not only a threat to the foundation of this Nation, but a threat to the core of existence of democracy. "We the People" means "We the People", We, the immigrants, African American, Latinos, Asians, Christians, Muslims, Atheists and Jews. We, the men, women, straights and gays. We, the affluent, the struggling and middle class. The hope for America was never meant for

an elite class or to be reserved for those who have made it, but for all. When we extinguish this hope, we have in fact extinguished American.

The threat to our Nation does not come in those seeking the opportunities or the equality which has been promised all, but by those who believe American is a Nation of single color, sex, sexually ordination, or religion. Those who wrap themselves in a flag and use false rhetoric are not patriots, but instead subscribe to a vision of America foreign to all who truly love this Nation and the freedom it represents.

Since its founding, our Hilltopper City has known the value which multi-culturalism has to offer in the progression of society. Our success has been mirrored in our ability to honor, understand and celebrate the mosaic to society each has to offer. Tonight I call upon this Council to stand with our brothers and sisters who are being threaten with deportation. As Hilltoppers, as Americans, these actions go against the core of who we are as a people, As a City, As a State, As a Nation.

Let us united send a clear message to the current administration, that the City of Somersworth will not remain silent, and that we will stand by those who seek the same opportunities and liberties that we all cherish. I respectfully ask Council to pass Resolution No. 08-18

This respectfully concludes my September 5th, 2017 Mayors Report

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

Special Committees

Historic District Commission - Councilor Dumont reported that the HDC met on Aug 23rd. Applications were approved. The Committee continues to work on their report. It is close to finalization. They have worked very hard on this. Alignment and boundaries were not very clear.

COAST Bus – Councilor Dumont said the committee met and presented their proposed budget on August 30. There will be a presentation in September. They struggle in ways of insurance of vehicles, and mostly, the number of drivers. Coast bus overtime is another issue. They have a special committee which has to do with funding of coast. We are the only city who doesn't fully fund the Coast bus. In the past couple of years, we put in some advertising to help with the funding. It is obvious that it is difficult to run transit in an area like the seacoast. There is a large number in Somersworth who rely on the Coast bus. As a community we have an obligation to support it.

Traffic Safety – Councilor Witham reported that the committee reviewed the Indigo Hill Road parking concerns. It will be monitored. Public Works staff have stripped out no parking areas to address the Noble Pines parking concerns. It is well defined now.



CITY OF SOMERSWORTH
Office of the City Manager

TO: Mayor Dana S. Hilliard and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, September 1, 2017

SUBJECT: City Manager's Report for Tuesday, September 5, 2017
City Council Agenda

6:20 p.m. – Non-meeting
Re: Labor Negotiations

6:30 p.m. - Public Hearing
Re: Community Revitalization Tax Relief Incentive Applications from:
25 Grand Street - Chinburg Properties and 67 Elm Street – Breitling Holding, LLC

Unfinished Business (under section 13 of Agenda)

Resolutions

- A. Resolution No. 03-18 To Authorize The City Manager To Sign A Lease/Purchase Agreement With TD Equipment Finance Of Portland, Maine For The Purchase Of City Vehicles.** Again, the Finance Committee voted at their meeting on August 10th to support this action item's adoption. These vehicles are identified in the City's CIP and the down payment of \$20,000 was approved in this Fiscal Year's Budget. At the end of the lease period, the City will own the vehicles.
- B. Resolution No. 04-18 To Authorize The City Manager To Order A One-Ton Dump Truck & Associated Winter Plow Equipment For The Department Of Public Works Which Will Be Funded By A Lease/Purchase Arrangement.** Again, the Finance Committee voted at their meeting on August 10th to support this action item's adoption. This is a replacement truck and we will be trading in the present vehicle towards the purchase.

New Business (under section 14 of Agenda)

Resolutions

- A. Resolution No. 08-18 Reaffirming The City of Somersworth's Commitment to Immigration and Cultural Diversity.**

Other

- A. Community Revitalization Tax Relief Incentive Applications from: 25 Grand Street - Chinburg Properties.** The Economic Development Committee met on August 1st and voted to support this application to the full Council by a vote of 3-1.
- B. Community Revitalization Tax Relief Incentive Applications from: 67 Elm Street - Breitling Holding, LLC.** The Economic Development Committee met on August 1st and voted to support this application to the full Council by a vote of 4-0.

Attached is a copy of both properties record card. The 79:E Applications are in the google drive, July 21st meeting packet.

- C. Vote to Ratify a Tentative Agreement between the City of Somersworth and the Public Works/Highway Department with AFSCME Council 93, Local 83.** I have attached a confidential memorandum that outlines the changes as well as the projected cost for this Tentative Agreement.
- D. Vote to Authorize the City Manager to Sign an Access Agreement with the Department of Environmental Services (DES) to Provide Access to City Tax Deeded acquired Property Located at 20 Green Street for DES and its Contractors to Conduct any, and all necessary Work for the Investigation and Possible Removal of any Underground Storage Tanks and to Conduct any other necessary Remediation Activities.** Attached is a copy of the NH DES Access Agreement. Directors Shanna Saunders and Scott Smith and I met with a DES official to discuss the program. If approved, this authorization would provide me the ability to work with DES and their Contractor to investigate this site for any need contamination remediation work at no cost to the City.
- E. Vote to Place the Following Question on the November 7, 2017 Municipal Election Ballot: Shall we allow the Operation of Keno Games within the City of Somersworth?** Attached is a memorandum from Director Shanna Saunders regarding any zoning restrictions and she indicates there are none. Shanna does point to City Ordinance, Chapter 14A (Pinball and Video Game Machines) that may need amendment should the question be passed as a ballot item.

Public hearing is scheduled for October 16, without objection from Council.

City Manager's Items (under section 10 of Agenda)

A. Informational Items.

- 1. NH DOT Governor's Advisory Commission on Intermodal Transportation (GACIT) Hearings.** There will be 19 Public Hearings across New Hampshire to review and receive input on the update of the State's Ten Year Transportation Improvement Plan (2019-2028). The purpose of these Public Hearings is to receive public comments/testimony on transportation projects and priorities included in the draft 2019-2028 Ten-Year Transportation Improvement Plan as recommended by the New Hampshire Department of Transportation to GACIT. Attached is a memorandum from Director Shanna Saunders that provides some talking points along with a list of Dates/Times and where these Hearings will be.

Please note that there are 2 Hearings that will be taking place in this area:

- Thursday September 28th at 4:00 p.m. at Dover City Hall
- Thursday, September 28th at 7:00 p.m. at Rochester Community Center located at 150 Wakefield St.-Room 1A.

- 2. Winter Storm Maintenance Road Salt.** We have participated with the Cities of Rochester, Concord, Dover, Keene, Laconia, Keene School District and Cheshire Medical Center to renew our Agreement with Morton Salt, Inc. to provide rock salt and solar salt for the 2017-2018 winter season at the same cost as last year.
- 3. Special Olympics Event – Somersworth Police Department.** On September 9th the Somersworth Police Department will be teaming up with Irving Oil's fueling dreams campaign to support Special Olympics. The Chief and members of the department will be pumping gas and washing windows at the Circle K Irving Station across from Walmart from 8:00 a.m. to Noon on Saturday, September 9th. There will be donation buckets for those wanting to donate to this charity. Attached is a memorandum from Chief Kretschmar detailing this event.

B. Attachments.

- 1.** City Attorney Certifications (1) One.
- 2.** Former Breton's Cleaners Public Meeting Notice for Tuesday, September 5.
- 3.** Realtor Proposal Solicitation letter to sell City tax deeded acquired real estate property.

UNFINISHED BUSINESS

Resolutions

Resolution No. 03-18 To Authorize the City Manager to Sign a Lease/Purchase Agreement With TD Equipment Finance of Portland, Maine for the Purchase of City Vehicles

Councilor Witham, seconded by Councilor Cameron, made a motion to approve Resolution 3-18. The motion passed unanimously.

Resolution No. 04-18 To Authorize the City Manager to Order a One-Ton Dump Truck & Associated Winter Plow Equipment for the Department of Public Works Which Will be Funded By a Lease/Purchase Arrangement

Councilor Dumont, seconded by Councilor Messier, made a motion to approve Resolution 4-18. The motion passed unanimously.

NEW BUSINESS

Resolutions

RESOLUTION NO.08-18 REAFFIRMING THE CITY OF SOMERSWORTH'S COMMITMENT TO IMMIGRATION AND CULTURAL DIVERSITY

WHEREAS, The Hilltop community was founded upon the commitment and dedication of immigrant groups, and

WHEREAS, the American dream is based upon the equal access of all seeking equality and the warmth of liberty's light, and

WHEREAS, Somersworth has become known for its unwavering commitment for celebrating and honoring diversity, and

WHEREAS, under the current Federal administration, Somersworth immigrant families' ability to access and obtain the American dream are being threatened through fear of deportation, and

WHEREAS, The Hilltop City finds these acts as unethical, going against the core of Hilltopper and American values,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City of Somersworth stands with pride, honor and commitment, by all of its immigrants; and be it further resolved, that the City

of Somersworth urges the current Federal administration to reverse its Un-American policy of deportation and honor the foundation of which this Nation was built upon.

Sponsored by:

Mayor Dana S. Hilliard
Councilors:
Jennifer G. Soldati
Denis Messier
David A. Witham
Martin Pepin
Martin P. Dumont, Sr.
Jessica Paradis
Nancie Cameron
Jessica Paradis
Jonathan McCallion

Approved:

City Attorney

Councilor Witham, seconded by Councilor McCallion, made a motion to suspend Council Rules to allow a second read of Resolution 8-18. The motion passed unanimously.

Councilor Dumont, seconded by Councilor McCallion, made a motion to approve Resolution 8-18.

Councilor Witham thanked the Mayor for his powerful message and for this Resolution. This community should be proud.

Councilor Dumont thanked Mayor for his comments. It stirs up a lot of thought in ones mind, and the words are eloquent. There is not a lot of comfort that can be added to those who have to face if they have to stay or go. They are wonderful people, they are like you and I. As a Hilltopper, he thinks of the days when Somersworth was at its best. Where would they have been if they couldn't count on those who wanted to experience the American dream? This town was founded by the hard work of immigrants. The press makes a lot of money on this whole thing of immigration. You don't have to go far to see the immigrants thriving in our communities. Our leadership at the federal level has lost the perspective of being an American; to be treated with freedom and respect. He is proud of this Resolution and proud of the community.

Councilor Soldati said that in 1911 her grandfather fled Italy looking for work. He was one of 2 Italian families that settled here in Somersworth. He came here and the people welcomed him. She is proud of her heritage. In the Indonesian community, many have been detained and could be deported. These people are suffering

tremendously. These people were being religiously persecuted and tortured, and now, this federal government has chosen to deport those who are just looking for an opportunity to succeed. She thanked the Mayor for a very moving speech. Councilor Messier said today's actions by the federal government should reinforce why we should support this Resolution and send it to all. Dreamers fight for our country. He supports this whole heartedly.

Resolution 08-18 passed unanimously.

Other

Community Revitalization Tax Relief Incentive Applications from:
67 Elm Street - Breitling Holding, LLC

Councilor Witham said the 79e application requires us to explain to the community why we would grant the tax relief. The property has fallen into disrepair, and is an urban blight. The public benefit is to reduce the amount of urban blight. To talk about how that building can fit into the master plan, more people in the downtown, walkable to the downtown. It has a historic appeal and should be celebrated. The City should allow the developer to leverage his dollars the best he can. He can appreciate that it is a lot of money.

Councilor Messier said the key word is revitalization. We need to help developers to come to this community and revitalize this community. Government has a role and a responsibility to help with this. He supports this and hopes there will be more to help the community to move forward.

City Manager Belmore said the application is for 11 years total. The Historic District Commission did write a letter of support for a number of years. The value of the tax relief would be based on land only, at 96,600.

Councilor Witham said he would like the additional wording to be added to the agreement, and made a motion for the tax relief to be for 11 years, and at a land value of \$96,600.

The vote passed, all in favor, by voice vote.

Vote to Ratify a Tentative Agreement between the City of Somersworth and the Public Works/Highway Department with AFSCME Council 93, Local 83

Councilor Witham said that the agreement was in line with other labor groups that we have come to agreement with. The Public Works staff is often the unrecognized people in our community. They do a lot of tremendously good work for our community.

The vote passed, all in favor, by voice vote.

Vote to Authorize the City Manager to sign an Access Agreement with the Department of Environmental Services (DES) to provide access to City Tax Deeded acquired Property located at 20 Green Street for DES and its Contractors to conduct any and all necessary work for the Investigation and possible removal of any Underground Storage Tanks and to conduct any other necessary Remediation activities.

Councilor Witham asked when the city took the property by tax deed. It was determined that the property was acquired in December 2016. City Manager Belmore said they have gone through the notification, deed, and eviction process. DES had a note in the file that the tanks were removed. But the owner said the tanks were still there.

The vote passed, all in favor, by voice vote.

Vote to place the following question on the November 7, 2017 Municipal Election Ballot: Shall we allow the operation of Keno Games within the City of Somersworth?

Councilor Witham said he cannot vote on this tonight, as there are too many unanswered questions. He would like to know, Can they assess a fee, and can they provide an explanatory document to residents.

Councilor Witham, seconded by Councilor Soldati, made a motion to table the vote for Keno. The vote passed 4-2, by roll call vote.

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Dumont said the Red Sox need more fans!

Councilor Messier said he has heard a concern from a couple of residents of the condition of some of our parks. The ball field needs some TLC at Millennial Park. There are valid concerns about the field condition. The horse shoe pits need some work. The parks that we rent out, we have a duty to make look good.

Councilor Witham stated the Red Sox need more than just fans! He agreed with Councilor Messier and said he would fully support any monies that can be put into these fields. There needs to be a plan for maintenance. The fields have to be touched several times a week, to keep the weeds out.

Over the past several months, there have been concerns of Code Enforcement. He feels there is a disconnect between what they want and what is being carried out between them and the staff. They may want to schedule a workshop.

Councilor Cameron thanked the Mayor and Councilor Soldati for their moving words. The Red Sox are still ahead!

ADJOURNMENT

Councilor Messier, seconded by Councilor Cameron, made a motion to adjourn. The meeting adjourned at 8:32 pm.

Trish Harris, City Clerk

Dana Hilliard, Mayor