



MINUTES OF CITY COUNCIL MEETING
Somersworth, NH
March 4, 2019
7:00 P.M.

ROLL CALL OF MEMBERS

The meeting was called to order at 7:00pm by His Honor, the Mayor, Dana S. Hilliard, and upon roll call the following Council members were present: Pepin, Dumont, Austin, Michaud, Sprague, Cameron, and Levasseur. Councilors Witham and Vincent were excused.

PLEDGE OF ALLEGIENCE

Councilor Dumont led the Pledge of Allegiance.

PUBLIC HEARINGS

Ordinance No. 15-19 - To Amend Chapter 19, Zoning Ordinances, Section 21, Requiring Paved Parking Spaces for Residential Use and Deleting Parking Requirement in the Historic Moderate Density District

No public comments.

COMMENTS BY VISITORS

Chris Horton, 15 Francoeur Drive, a member of the Planning Board, thanked the Staff for the Land Use Boards Volunteer Appreciation Dinner. He said he had a great time. He thanked Mayor Hilliard, stating that his words are inspiring and motivational.

CONSENT CALENDAR

Approve Minutes of the City Council Workshop held on February 19, 2019

Approve Minutes of the City Council Meeting held on February 19, 2019

Letter from William L. Connor

Councilor Austin, seconded by Councilor Cameron, made a motion to approve all items on the Consent Calendar. The motion passed, 7-0.

COMMENTS BY CITY COUNCILORS

Councilor Levasseur reminded the Council to utilize this time to give initial thoughts. He stated that he saw on social media, that there was a sponsored post by the City of Berwick. He would like to see our marketing plan to include social media.

COMMUNICATIONS

None

PRESENTATION OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE

None

MAYOR'S REPORT

The Somersworth of 2019 has altered in its appearance and growth since most of our childhoods. Today, the Somersworth we live in is home to businesses and shopping plazas where farms once stood. Open space and land which once was habitat to species we rarely came in contact with, are now housing developments to new generations of Hilltoppers, forcing the displaced deer, turkeys, and other wildlife into our backyards, and onto our streets. While our economic progress is and must continue to be a top priority of our community, so must sustaining and conserving its natural resources. We must continue to seek balance between development and maintaining sustainable and conservation practices which protect all natural resources and species for generations to come.

Rather than follow the lead of the current White House administration which continues to ignore all warning signs of nature, and the reality of science that global warming is, in fact, occurring, we will choose to utilize the wisdom, insight and commitment of both the Sustainability Committee and Conservation Commission.

Within the next several months, I will be naming members of both of these bodies to embark on the creation of a 10 year annual plan to be adopted by the City Council entitled "Preserve Somersworth". This environmentally friendly plan will ensure Somersworth continues to focus on the balance between development and preservation while exploring and adopting sustainable practices in its government, school and community. Within the next few weeks I will be meeting with chairs to begin to outline our approach at beginning the new Joint Commission to work on preserving Somersworth.

Somersworth's rich diversity continued to shine on Saturday at the 2nd annual Indonesian Bazaar. The event included cultural dishes, entertainment and goods celebrating Indonesian traditions. It was an honor to welcome back three of my friends to the Hilltop City; Abdul Kadar Jalaran, Retiring Indonesian Consulate General and the newly named Indonesian Ambassador for Canada, first Congressional District Congressman, Chris Pappas, along with Mayor of Dover, Karen Weston. The event was highly attended and a huge success, highlighting Somersworth's greatest asset, its people.

The next Mayors Community forum will take place Saturday March 16th from 9:00 – 10:30 at City Hall. Including in this forum will be discussion and insight from the Fire Department. The purpose of these forums are to foster dialog and ideas, in a non-formal setting to continue to move our community "On the Move". All members of the community are welcome to attend any forums.

Item 12 Nominations, Appointments and Elections:

Under Nominations, Appointments and Elections; I am appointing the following:

- Sarah McGraw, reappointment as a member of the Sustainability Committee with a term to expire, October 2020

- Ward Boundaries Review Committee:
 - Martin Pepin, Chair
 - Martin P. Dumont, Sr.
 - David A. Witham
 - Richard R. Michaud

REPORTS OF STANDING COMMITTEES

Public Safety meeting scheduled for March 27, 2019

Recreation meeting scheduled for March 6, 2019

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

Special Committees

Joint Building Committee – Councilor Pepin reported that the committee discussed the need for a Clerk of the Works; they sent out an RFP and received 4 replies. After a long discussion, the committee came to the conclusion to have someone to have the in house Facility maintenance person perform the work. Ground soil testing has begun. Minor changes have been made to the plans for the front entrances.

COAST – Councilor Pepin reported that the Committee met on February 27, 2019. They discussed the financial report and municipalities were brought up. They reduced the requested funding by \$1000. Coast is losing over a million in funding because of the Dover Point Bridge project. ADA is taking about 25% of the budget each year. Coast is mandated to provide ADA transportation. If funding doesn't change soon, they will have no alternative, and will need look into other options, possibly run an ADA bus 2 days a week, reduce the fair to \$2. to go to Market Basket, Walmart and Hannaford. They need state aid, CMAQ grant, if things don't change within 18 months, they will need changes to services. It is not looking good.

The committee reviewed the On-Time program. It is up an working, but not online yet.

Councilor Sprague explained the work on the General Sullivan Bridge. DOT has come up with a plan to put barriers on the 6th lane for pedestrians. This is aa misappropriation of funds.

Vision 2020 - Councilor Cameron reported that the committee will be meeting on 3/12.

Sustainability Committee – Councilor Levasseur reported that he committee is discussing an Anti-idling policy. They are workings of a public forum, for many aspects of sustainability. Hope to have someone from the UNH cooperative to attend a meeting to discuss the options. They will be having a Recycling workshop, tentatively scheduled for March 21, to discuss the logistics of recycling in the 21st century. There has also been discussion about the history of the municipal efforts of a solar investment in Somersworth. He recently attended the unveiling of a solar project in Dover. He stated that he is confident that we can continue this conversation.

City Manager's Report

TO: Mayor Dana S. Hilliard and City Council Members
FROM: Robert M. Belmore, City Manager
DATE: Friday, March 1, 2019
**SUBJECT: City Manager's Report for Monday, March 4, 2019
City Council Agenda**

*5:30 p.m.
State of the City Address*

Lay on the Table (Under Section 13 of Agenda)

- A. Ordinance No. 4-19: To Amend Chapter 19, Zoning Ordinance, Section 14, Historic District.**

Unfinished Business (Under Section 14 of Agenda)

Ordinances

- A. Ordinance No. 15-19: To Amend Chapter 19, Zoning Ordinances, Section 21, Requiring Paved Parking Spaces for Residential use and Deleting Parking Requirement in the Historic Moderate Density District.** Attached is a copy of information provided by NHMA Legal Staff as well as the State RSA regarding the applicability of new regulations applying to existing uses.

New Business (Under Section 15 of Agenda)

Ordinances

- A. Ordinance No. 16-19: To Amend Chapter 7, Solid Waste and Recycling, Section 7.4-Fees.** As proposed by Councilor Witham, the total increase in the cost of each size of bag is fifteen cents (.15). Five cents (.05) of this increase will cover the cost of a new distribution program where bags will be shipped directly to vendors by the City's bag supplier. Ten cents (.10) of the increase will be utilized to subsidize the cost to the City for recycling or for any other cost related to solid waste and recycling collection and disposal, and will raise approximately \$25,000 for that activity.
By Way of Comparison:

	15 Gallon	30 Gallon		15 Gallon	30 Gallon
Dover	1.45	2.15	<i>Somersworth Current</i>	1.30	1.85
Concord	1.25	2.50	<i>Somersworth Proposed</i>	1.45	2.00

I recommend a Public Hearing at the next regular Council meeting on Monday, March 18th.

The public hearing was scheduled without objection.

City Manager’s Items (under section 11 of Agenda)

A. Informational Items.

- 1. Listening Session - NH Route 108 Complete Streets Project.** Attached is a notice from McFarland Johnson Engineers regarding a Listening Session on the Route 108 Complete Streets Project that is taking place on Monday, March 18 at 7:00 p.m. at the Dover Middle School. This is a City Council meeting night, however there will be more meeting sessions taking place as the Project moves forward.

Calendar Reminders

- Monday, March 11th at 6:00 p.m. – *Joint City Council & School Board Budget Workshop* at the Career Technical Center.
- Monday, March 18th at 6:00 p.m. – *Council Workshop with Historic District Commission* – Council Chambers.
- Saturday, March 30th at 8:30 a.m. – *Budget Workshop: Non-Profits & City Departments* – Council Chambers

Attachments.

- a. City Attorney Certification – one (1)**

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Mayoral Appointments:

- Sarah McGraw, reappointment as a member of the Sustainability Committee with a term to expire, October 2020
- Ward Boundaries Review Committee:
 - o Martin Pepin, Chair
 - o Martin P. Dumont, Sr.
 - o David A. Witham
 - o Richard R. Michaud

LAY ON THE TABLE

Ordinance No. 4-19 – To Amend Chapter 19, Zoning Ordinance, Section 14, Historic District

Ordinance 4-19 remained on the table.

UNFINISHED BUSINESS

ORDINANCES

Ordinance No. 15-19 - To Amend Chapter 19, Zoning Ordinances, Section 21, Requiring Paved Parking Spaces for Residential Use and Deleting Parking Requirement in the Historic Moderate Density District

Councilor Levasseur, seconded by Councilor Austin, made a motion to approve Ordinance 15-19.

Councilor Sprague, seconded by Councilor Levasseur, made a motion to divide the Ordinance into sections to be acted on separately, as follows:

Question 1-

1. Add 'paved' to section 19.21.A. The section will read as follows:
19.21.A.1. In all districts permitting residential uses, except where otherwise dictated below, a minimum of two (2) **paved** parking spaces per dwelling unit shall be provided on the lot which they are required to serve.

Question 2-

2. Delete Section 19.21.A.2. in its entirety.

Question 3-

3. Renumber Section 19.21.A accordingly.

The motion to divide Ordinance 15-19, passed, 7-0.

In reference to Question 1, Councilor Sprague asked what the need is for this change. This ordinance has been in the books for years. What this does is changes the current requirement for 2 parking spaces; to be 2 PAVED parking spots. Residents are required to pay taxes on their property, but you are not allowed to do what you want with your property. The definition of paved is a hard surface that you can drive on; it can be stone, gravel, concrete. Do we also need to define parking area; how big is a parking space? It was through Economic Development Committee that this came out of. He stated that he agrees with numbers 2 and 3 in the Ordinance, as these are helping the downtown. If a person has a 200ft driveway and doesn't want to pave it, where are these 2 paved parking places supposed to be? Don't think there is any need for this. There are also Accessory

Dwellings Units that can be put up in this community. So if a person has a home, without 2 paved parking spaces, would the new building and the old building (which is grandfathered) both require 2 paved parking spaces? He has not heard an outcry from anyone in the City to have this added.

Councilor Levasseur stated that this came up after some developments had been delayed regarding the parking requirements. He is in favor of adding specific language regarding sizing and materials used.

Councilor Dumont stated that the Ordinance says residential uses except where otherwise stated, which means this parking requirement does not apply to the Historic moderate density district. There are other residential properties with no parking spots. There are people who have applied for parking spots, but then comes curb cuts and things like that, and this house was built in the 1800's. They are trying to clean up Section 19, so that further development would be required to have 2 parking spots.

Councilor Cameron, seconded by Councilor Levasseur, made a motion to allow Director Saunders to address the Council. The motion passed, 7-0.

Director Saunders explained that the origin of this Ordinance is from the code enforcement perspective. While looking at the parking issue in the overlay district, in the ordinances there are requirements that multi-family and commercial parking spaces be paved, but there was nothing about single family and duplex. Code Enforcement struggles with people parking on their front lawns or on the side of their house. This will give Code Enforcement a code in which to enforce that situation.

She clarified the section regarding the Historic Mill District. There are pieces regarding that language in both the Zoning Ordinance and the Site Plan Regulations because the parking overlay district was going to be a comprehensive look at the site plan regulations, they decided to take that language out of the ordinance and put it into the Site Plan Regulations, which is where anything in the Mill District would be reviewed under anyway. Most likely it would be commercial and multifamily.

Councilor Levasseur asked how the implementation of an accessory dwelling unit (ADU) would relate to the requirement for the paved parking spaces.

Director Saunders stated that paved parking would be required. According to the ADU Ordinance, one approved off street parking space for the ADU shall be provided in addition to the parking for the single family unit.

Councilor Sprague asked how this would prevent someone from parking on the side of their garage. This doesn't accomplish that. If a person has, say, 3 parking places, and decides to park a car beside their garage, how would Code Enforcement say to them that they have three spots, and that the additional spot needs to be paved too?

Director Saunders stated that if Code Enforcement sees parking on front lawns or in detrimental areas, Code Enforcement can then say, per the Ordinance, those parking places need to be paved and that they are in violation. The vehicles will either need to be moved to a paved parking space or the area needs to be paved.

Councilor Sprague said that the ordinance does not state that. The person has at least 2 paved parking spaces. They can park in other places on their lawn. This cannot be enforced. If we are trying to accomplish something, spell it out correctly.

Councilor Levasseur, seconded by Councilor Dumont, made a motion to table Ordinance 15-19.

Council stood in brief recess.

Councilor Levasseur withdrew the motion to table the Ordinance 15-19, and Councilor Dumont withdrew his second of the motion.

Councilor Levasseur, seconded by Councilor Dumont, made a motion to table Question 1 of Ordinance 15-19. The motion passed. 6-1, with Councilor Sprague opposed.

Question 2 of Ordinance 15-19 passed 7-0

Question 3 of Ordinance 15-19 passed 7-0.

NEW BUSINESS

ORDINANCES

Ordinance No. 16-19 - To Amend Chapter 7, Solid Waste and Recycling, Section 7.4 – Fees

Mayor Hilliard referred Ordinance 16-19 to the Finance Committee.

CLOSING COMMENTS BY VISITORS

None

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Pepin wished his deepest sympathies to family of Captain Barnes and to the Berwick Fire Department. He worked closely with Berwick during his career. They are our second engine coming into this city. He worked with the Chief for years. When he was a shift officer, he prayed every night that he kept the guys alive but sometimes you don't have any control. The things we see and we have to deal with, it is like losing a member of your own family. Their family becomes your family.

He stated that there are times when he becomes very depressed as a member of Council. He tries to do the best, but when he hears that the School Board is short of money and the ongoing problems for Coast bus, also being sort of money and down 3 drivers. He looks at the people who need these services; the elderly need it, don't have money for transportation. He heard from a single mother; she was paying \$16 for a round trip for her and her children to go to Market Basket. He tries to protect the tax payer, but can we afford to continue to fund Coast. Work on state legislation. Road repairs are needed,

there is air pollution with the public transportation. It is not up to the cities themselves to fund Coast. Organizations should be involved. All of these mandatory things are an expense to the cities and towns.

Councilor Dumont offered his sympathies to the family of Captain Barnes, no greater gift than to lay down your life for another. He gave his sympathies to Berwick and the firefighters.

He thanked Councilor Sprague for sharing the email communication of how salt effects pot holes.

As for the Sustainability Committee, they have to haul the recycling it to Rochester; and there are tipping fees by weight. He suggests to the Sustainability Committee that they look into how to take the glass out of the garbage. Glass is heavy.

As for the Solar Field, this council struggled because of the location and the companies. He doesn't want to burden the tax payers with the cost. They are already looking towards some cost in repairing the breaching of the wall at the superfund site.

He stated that he would like to invite Senator Watters to address the council, regarding sponsoring legislation that would be benefit our schools. About 40% of the keno receipts are available for kindergarten. Towns will be having elections this month and will be voting on keno in their communities.

As for the Mayors comments during the State of the City Address, he remembers the day when there were no turkeys in Somersworth. There are now 60 turkeys that visit his yard in the morning. He agrees with the preservation of land.

Councilor Austin stated that we have spent a lot of time over the last several years, talking about revenue sources. He finds it interesting that the legislature is considering bills that will actually move forward discussion that will provide more aid to local communities. To think that schools can educate students on \$3600 a year per student is ludicrous. Revenue sources for education funding for education is something that people don't understand very much about. The Superintendent made reference in his comments during the State of the City Address about a funding forum that is coming up on March 13, 2019, at 6:00pm at Somersworth High School. NH School Funding 101 is a forum where John Tobin and Andrew Velinski will come about how education funding works in the state of New Hampshire. They will data from local community sources to show attendees exactly how the revenue funding formula our ability to gain revenues for education funding. It will be beneficial for all to get an understanding of the revenue side of the equation. He extended an invitation to the surrounding communities.

Councilor Michaud expressed his sympathy to the Barnes family and the Berwick Fire Department for their tremendous loss.

Councilor Sprague sent his condolences to family of Captain Barnes, Berwick Fire Department, the Berwick community and our community. He thanked Councilor Pepin for serving on this council and giving us the insight. We wouldn't get it if he weren't here.

He stated that he feels for Coast bus. He served on the Public Works and Highways Committee for 12 years at the state level. The Sara Long Bridge was stuck up for many years before we actually got to the construction because the bridge was in such bad

condition. There was talk at the state level of making the Memorial Bridge just a pedestrian bridge at one time, which would have had a bad effect on Kittery.

A section of the 95 bridge going into Maine, was purchased by the Turnpike system from the circle to half way across the bridge. They purchased it because they had to pay DOT a \$110mil for operating expenses. The toll money that accumulated over the years, went to purchase something that we didn't need. Future repairs won't be easy. The cost to repair that bridge has gone up 40% more than expected.

The General Sullivan Bridge was \$44mil to rehab. The only thing that we were going to do with that bridge is bicycles, pedestrians, watch the fireworks and watch the air show from it. He had DOT put a strip down to record the traffic count of bicycles; it recorded 25. When he goes by that bridge, he doesn't see anyone on it.

What is going on right now is, they are taking the CMAQ money, and are going to throw that towards the protective barriers for the sixth barrel. It is misappropriation of funds. The project is about \$5mil for bicycles. We need to ask, what is wrong with this picture.

He was a big proponent for keno. The governor is looking toward sports betting. They are banking on a lot of things. We are going to see, in about 6 years down the road, we are going to see gambling in New Hampshire with a couple of facilities. Either that or we are going to have income tax, sales tax, something like that is going to have to happen.

As for the tabled Ordinance 15-19, we don't have to do things just for the sake of doing things. The current ones are grandfathered whether they have 2 parking spots or no parking spots. He said that was his question with the ADU parking spots. They have to be conforming, but the other parking spots on the same property are grandfathered. For the sake of movement, sometimes you don't have to move. This is something that hasn't been thought through too well.

Councilor Cameron thanked Councilor Pepin for his insightfulness into the fact that not only does the tragedy affect the fire fighters, but it affects the community and everybody surrounding them. They truly are brothers and sisters. She gave her heartfelt condolences to not just the family, but to all of the firefighters, the brother and sisters. She thanked Councilor Sprague for the insightful link about the salt on the roads. She found that very informative.

She saw the same article that Councilor Dumont referenced regarding the keno deficit and that they need 30 more communities to bring the deficit up to where it needs to be. She thanked the City staff for the Land Use Boards volunteer dinner.

Councilor Levasseur said, as the Mayor said in his State of the City Address, "the time is now". It is time to create collaborative solutions that will lead us into our goals.

He gave his condolences to the Town of Berwick, to those displaced, and to the family of Captain Joel Barns. He thanked Councilors Pepin and Vincent for their service. This just highlights how unique this area is. We have their back and they have ours.

He thanked Councilor Pepin for his representation on Coast Bus. He recently went on a little road trip and stopped in different communities of different sizes. He noted 3 common things; streetscaping, alternate public transportation, and mixed uses like retail/commercial opportunities.

As Councilor Pepin explained, the people who are using transportation are multi-generational. We need to commit to fully funding alternative transportation. He stated that he noticed while on his trip the different bicycle networks; DC, Richmond, and

Philly have ample bicycle pathways. Alternative transportation is important in attracting new people to our community. The interconnection of regions with bicycle lanes is important. The infrastructure needs to be there for bike paths. A traffic study in Berwick is taking a look at the facilities of the bike path that ends at the bridge. We should look into partnering with other communities, to promote economic activities like an interconnected trail plan for walking and biking.

He had the pleasure of attending the Indonesian food Bazaar. It was well attended. He tried some different foods, and a sweet drink that the Mayor suggested. He thanked and congratulated them on their second year.

FUTURE AGENDA ITEMS

None

NONPUBLIC SESSION

None

ADJOURNMENT

Councilor Austin, seconded by Councilor Dumont, made a motion to adjourn. The meeting adjourned at 8:23 pm. 6-1, Councilor Sprague opposed.

Trish Harris, City Clerk

Dana Hilliard, Mayor