



MINUTES OF CITY COUNCIL MEETING
Somersworth, NH
September 16, 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, Vincent, Dumont, Michaud, Witham, Sprague, Cameron, and Levasseur. Councilor Austin was excused.

PLEDGE OF ALLEGIANCE

Councilor Witham led the Pledge of Allegiance.

PUBLIC HEARINGS

Ordinance No. 6-20 - To Amend Chapter 22, Subdivision Regulations, by Deleting it in its Entirety

No Comments

Ordinance No. 7-20 - To Amend Chapter 22A, Site Plan Review Regulations, by Deleting it in its Entirety

No Comments

Ordinance No. 8-20 - To Amend Chapter 29, Administrative Code, Section 4.3, Board of Assessors

No Comments

COMMENTS BY VISITORS

None

CONSENT CALENDAR

Approve Minutes of the City Council Meeting held on September 3, 2019

Councilor Witham, seconded by Councilor Cameron, made a motion to approve the items on the Consent Calendar. The motion passed, 8-0.

COMMENTS BY CITY COUNCILORS

None

COMMUNICATIONS

Letter of Resignation, Kyla Yoder, School Board Ward 4

Council accepted the resignation. Mayor Hilliard explained that the person elected in November for the Ward 4 seat will be sworn in and immediately fill the Ward 4 School Board position.

PRESENTATION OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE

None

MAYOR'S REPORT

Mayors Report for City Council Meeting September 16th, 2019

Honorable members of the Council, I submit to you the Mayors report for September 16th, 2019

- Congratulations to the Indonesian Community Connect for a successful 7th annual Indonesian Festival. The festival which took place under a perfect New England afternoon, highlighted Indonesian art, food, customs and travel opportunities. The Hilltop city played host to the Indonesian Ambassador to the United States along with many members of his staff. The Tri-City Mayors were in attendant, Sen. David Watters and US. Senator Jeanne Shaheen. All were impressed by the high attendance and energy at the festival and equal excited about the future possibilities of Somersworth being home to the nation's first little Indonesia and welcoming gate.

There are several meetings schedule between the Ambassador and I as we continue to explore the possibilities of little Indonesia. As the conversation continues to germinate and details become closer to moving towards the next phase of development it will be my intent to bring an official resolution on the project before this body. In the interim I will continue to keep Council updated as progress and details unfold.

- Under nominations, appointments and Elections; In accordance with Council Rule 17 Appointments, the following are being brought forward this evening for confirmation vote;
 - Keith Perkins Alternate member of the Zoning Board of Adjustment with a term to expire in September 2022
 - Keith Perkins Alternate member of the Planning Board with a term to expire in September 2022

This respectfully concludes the Mayors report for September 16th, 2019

REPORTS OF STANDING COMMITTEES

Economic Development – Councilor Dumont reported that the Committee met on September 16. They discussed:

- Form based codes. This will be moving forward to the full Council in the near future. A lot of work has gone into this.
- A 79e application for 8 Government Way. This will be coming to Council for approval.
- Releasing the RFP for the Somersworth Plaza.

Public Safety has a meeting scheduled for September 25th at 5:15

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

Special Committees

School Board – Councilor Pepin reported that the Board met on September 10th. They discussed the budget; there is about \$90,000 to return back to the City's general fund. That is about ½ percent of the budget.

JBC – Councilor Pepin reported that the Committee met on September 17th at 8am. He announced that they will be having a ribbon cutting ceremony at Maplewood School. He encouraged all to attend. Contractors did a great job and it looks great.

Christmas Parade Committee - Councilor Cameron reported that the Committee met on September 16th. They discussed the upcoming parade and block party, site plans and changes. Somersworth is naming grand marshal this year.

City Manager's Report

Office of the City Manager

TO: Mayor Dana S. Hilliard and City Council Members
FROM: Robert M. Belmore, City Manager
DATE: Friday, September 13, 2019
SUBJECT: City Manager's Report for Monday, September 16, 2019
City Council Agenda

Unfinished Business (Under Section 14 of Agenda)

Ordinances

- A. Ordinance No. 6-20: To Amend Chapter 22, Subdivision Regulations, by Deleting it in its Entirety.**
- B. Ordinance No. 7-20: To Amend Chapter 22A, Site Plan Review Regulations, by Deleting it in its Entirety.** Again, the Government Operations Committee recommends rescinding City Ordinance Chapter 22, Subdivision Regulations and Chapter 22A, Site Plan Review Regulations, since State Law authorizes the Planning Board to adopt and amend these regulations.
- C. Ordinance No. 8-20: To Amend Chapter 29, Administrative Code, Section 4.3, Board of Assessors.** Again, the Government Operations Committee voted to move forward with this recommendation.

New Business (Under Section 15 of Agenda)

Ordinances

- A. Ordinance No. 9-20: To Amend Chapter 19, Zoning, Section 24, Accessory Dwelling Units.** Please review the attached Memorandum from Director Shanna Saunders explaining the discrepancy in the Ordinance and the need to clean-up the language. The Planning Board has voted to recommend the City Council adopt this Amendment.

Resolutions

- A. Resolution No. 16-20: To Amend Council Rules and Regulations, Section 1, Council Meetings.** The Government Operations Committee met on June 19th and voted to amend Council Rules Regulations by adding to Section 1, Special Budget Meeting/s: Please see the attached red-lined draft on these proposed changes. Note: Mayor Hilliard had asked the Committee to consider adding language to require 2/3rd vote on all Budget Amendments made during the Annual Budget review process that would exceed the Tax Cap limitation. The Committee's consensus was not to recommend such a requirement.

Other

- A. Vote to Waive the Noise Ordinance Chapter 13-D (Noise/Nuisance Control) to allow Pike Industries, Inc. of Belmont, NH to complete Road Resurfacing Work on a Section of Franklin Street, Union Street, or Other Streets associated with the FY 2019-2020 Road Improvements during the Night Time Hours to Minimize Disruption of Traffic Flow.** Road work is starting the week of September 16th, with milling starting the week of September 23rd. Pike's concern is weather and "*if needed*" are asking Council to waive the Noise Ordinance to allow for night work.

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

A. Informational Items

- a. Emergency Management.** I was recently asked by a resident if I could share our staff's ability to provide relief and on-going services to our Community that might be needed during a disaster related event or other significant event. Chief Hoyle serves as our designated Emergency Management Director and he has provided some key points in his attached Memorandum, which outlines our protocols that are in play during any potential emergency situation requiring special City response. These plans involve key City team members as well as interagency communications with the State of NH Emergency Management Division. In addition, City staff works closely with Eversource staff during any outage related event.
- b. Library Card Sign-up Month.** Susan Totter, Library Director has reached out to the Somersworth Community to help our Somersworth

Library win the Granite State Library Card Challenge. Attached is the promotional flyer.

c. Upcoming City Council Workshops.

- **October 7 at 6:00 p.m.** Michael J. Dugas, P.E. State Highway Safety Engineer will be presenting the Road Safety Audit results regarding their review of the Black Water Road / Old Rochester Road intersection for safety improvements.
- **November 18 at 6:00 p.m.** Conrad Leger of BETA Pavement Management Services will provide a summary of their updates to the City's Pavement Condition Assessment Report which will have included some staff review.

Revaluation. The letters that were sent out are the new value of the building and land. We are not sure what the new tax rate will be until the State sets it. The State of New Hampshire does not allow communities to set their own tax rate. We have to go to the Department of Revenue Administration to have that set. Part of that process is to plug in some last-minute final revenues from the City and school sides of the ledger. So, we are asking people, if they have any concerns to contact our assessing office to have an informal meeting with our Assessing staff to review and discuss the valuations of their land and building; make sure we have the correct dimensions of the building, the correct year that it was build and so on.

With the assessed value of the community, we are estimating that it has gone up approximately \$210 million, and those figures will be finalized by the Department of Revenue Administration. The budget doesn't change. The amount of increase in assessment for the City is over \$1 Billion, now, and what this means is that the tax rate will go down. So the "sticker shock" when you look at the new value of your property, you may have thought that your taxes are increasing 25%, 50%, but the fact of the matter is, when we have the tax rate set by the DRA, since we are looking at an additional \$210 million, the tax rate will go down, but we don't know how much. Please realize that the tax rate will change, and this will mitigate whatever you perceive to be your increase in your taxes. When you get your tax bill in October, you then have the opportunity to file for an abatement by March 1st of the following year, to challenge what the assessment is. You can't file for an abatement until you receive your tax bill. If you are not satisfied when you go through the abatement process, you can go through other appeals through the State Board of Tax and Land Appeals. There is still quite a bit of due process available to members of the community if they still haven't had the opportunity to feel comfortable with their assessed value.

It is important to point out just because the property values have increased, it does not necessarily mean the amount of overall property tax paid by a property owner increases as well.

Councilor Sprague said that was a good explanation and he appreciates that. Just for the education for the people at home, when do we get the tax rate from the DRA.

City Manager Belmore said we will get the rate around first or second week of October.

d. Upcoming City Events.

- **Fire Department Open House.** Saturday, October 5 from 10:00am – 2:00pm
- **17th Annual Pumpkin Festival.** Saturday, October 12 from 10:00am - 4:00pm at Somersworth Plaza on Main Street.
- **Somersworth Senior Picnic.** Wednesday, October 23 from 11:00am – 1:00pm at the Flanagan Center Gym on Bartlett Ave.

Attachments

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

NOMINATIONS, APPOINTMENTS AND ELECTIONS

A. Nominations for Council Confirmation Vote

- a. Keith Perkins, Alternate Member of the Zoning Board of Adjustment, with a term to expire September 2022

Councilor Witham, seconded by Councilor Vincent, made a motion to confirm the Nomination.

Councilor Witham stated that at last meeting he questioned if it was legal to have a person on the Zoning Board and on the Planning Board. Although it is legal, he sees some conflict. He talked to Mr. Perkins and Mr. Perkins stated that if given the choice, he would prefer to be on the Zoning Board, so Councilor Witham Said he will vote for him to be a member of the Zoning Board.

Councilor Vincent will support Mr. Perkins for both boards. He cannot come up with anything so significant that will be earth shattering.

Nomination was confirmed with a vote of 8-0.

- b. Keith Perkins, Alternate Member of the Planning Board, with a term to expire September 2022

Councilor Vincent, seconded by Councilor Cameron, made a motion to confirm the nomination.


Councilor Witham stated that he agrees that the possibility of any problems is rather remote. However, this body did challenge the ZBA, and it does happen that one board will challenge the other.

Councilor Dumont stated that having served on the Planning Board during that period of time, Councilor Vincent's dad brought great leadership to both boards and a lot of history.

Nomination was confirmed with a vote of 7-1, with Councilor Witham opposed.

UNFINISHED BUSINESS

ORDINANCES

	City of Somersworth – Ordinance
	<p>Ordinance No: 6-20</p> <p>TO AMEND CHAPTER 22, SUBDIVISION REGULATIONS, BY DELETING IT IN ITS ENTIRETY</p>

September 3, 2019

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:

Delete Chapter 22, Subdivision Regulations, in its entirety.
This Ordinance shall take effect upon its passage.

Authorization	
<p><i>Sponsored by Councilors:</i></p> <p>Martin P. Dumont, Sr. David A. Witham Nancie Cameron Edward Levasseur</p>	<p><i>Approved:</i></p> <p>City Attorney</p>

City of Somersworth – Ordinance 6-20

History


First Read Date:	09/03/2019	Tabled:	NA
Public Hearing:	09/16/2019	Removed From Table:	NA
Second Read:	09/16/2019		

Discussion

Note: NH State Law provides the Planning Board with the authority to adopt and amend Subdivision Regulations.

Councilor Witham, seconded by Councilor Cameron, made a motion to approve Ordinance 6-20.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont *	X	
Ward 4 Councilor	Austin	-	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Sprague	X	
At Large Councilor	Cameron	X	
At Large Councilor	Levasseur	X	
TOTAL VOTES:		8	0
On 09/16/2019 Ordinance 6-20		PASSED	

	City of Somersworth – Ordinance
	<p>Ordinance No: 7-20</p> <p>TO AMEND CHAPTER 22A, SITE PLAN REVIEW REGULATIONS, BY DELETING IT IN ITS ENTIRETY</p>

September 3, 2019

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:

Delete Chapter 22A, Site Plan Review Regulations, in its entirety.

This Ordinance shall take effect upon its passage.

Authorization	
<p><i>Sponsored by Councilors:</i></p> <p>Martin P. Dumont, Sr. David A. Witham Nancie Cameron Edward Levasseur</p>	<p><i>Approved:</i></p> <p>City Attorney</p>

City of Somersworth – Ordinance 7-20

History


First Read Date:	09/03/2019	Tabled:	NA
Public Hearing:	09/16/2019	Removed From Table:	NA
Second Read:	09/16/2019		

Discussion

Note: NH State Law provides the Planning Board with the authority to adopt and amend Site Plan Review Regulations.

Councilor Witham, seconded by Councilor Cameron, made a motion to approve Ordinance 7-20.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont *	X	
Ward 4 Councilor	Austin	-	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Sprague	X	
At Large Councilor	Cameron	X	
At Large Councilor	Levasseur	X	
TOTAL VOTES:		8	0
On 09/16/2019 Ordinance 7-20		PASSED	

	City of Somersworth – Ordinance
	<p>Ordinance No: 8-20</p> <p>TO AMEND CHAPTER 29, ADMINISTRATIVE CODE, SECTION 4.3, BOARD OF ASSESSORS</p>

September 3, 2019

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:

Delete Chapter 29, Administrative Code, Section 4.3, Board of Assessors in its Entirety.

And, add:

29.4.3 Board of Assessors Duties & Responsibilities

29.4.3.1 The Board of Assessors duties, responsibilities and functions as provided in NH RSA Ch. 48:13 and its successors is hereby delegated to the City Manager or his/her designee.

This Ordinance shall take effect on September 30, 2019.

Authorization	
<p><i>Sponsored by Councilors:</i></p> <p>Martin P. Dumont, Sr. David A. Witham Nancie Cameron Edward Levasseur</p>	<p><i>Approved:</i></p> <p>City Attorney</p>

City of Somersworth – Ordinance 8-20

History

First Read Date:	09/03/2019	Tabled:	NA
Public Hearing:	09/16/2019	Removed From Table:	NA
Second Read:	09/16/2019		


Discussion

Councilor Witham, seconded by Councilor Cameron, made a motion to approve Ordinance 8-20.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont *	X	
Ward 4 Councilor	Austin	-	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Sprague	X	
At Large Councilor	Cameron	X	
At Large Councilor	Levasseur	X	
TOTAL VOTES:		8	0
On 09/16/2019 Ordinance 8-20		PASSED	

NEW BUSINESS

ORDINANCES

	City of Somersworth – Ordinance
	Ordinance No: 9-20 TO AMEND CHAPTER 19 ZONING, SECTION 24, ACCESSORY DWELLING UNITS

September 16, 2019

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:

Section 19.24.a, Accessory Dwelling Units, delete the words, “or detached”.

Section 19.24.a shall read as follows:


- a) A maximum of one (1) ADU per property is permitted on property located in zoning districts that allow single-family dwellings and must be located within or attached to the principal single-family dwelling unit or attached garage. “Attached” does not include via the use of a breezeway.

This Ordinance shall take effect upon its passage.

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

Ordinance 9-20 will remain in first read until the October 7, 2019 City Council meeting. A Public Hearing has been scheduled for October 7, 2019.

RESOLUTIONS

	City of Somersworth – Resolution
	Resolution No: 16-20 TO AMEND COUNCIL RULES AND REGULATIONS, SECTION 1, COUNCIL MEETINGS

September 16, 2019

WHEREAS, the Council Rules and Regulations have been reviewed by the Government Operations Committee as amended, and

WHEREAS, the Government Operations Committee recommends the Council Rules and Regulations, as amended, be further amended as follows:

Section 1. Council Meetings, add:

- C. Special Budget Meeting/s: After the Budget Ordinance Public Hearing, the Mayor shall call at least one (1) Special Council Meeting no later than April 30th, for the sole purpose of allowing the City Council to review and deliberate the proposed City Manager's Annual Budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Council Rules and Regulations are amended effective upon passage of this resolution.

Authorization	
<i>Sponsored by Councilors:</i> Martin P. Dumont, Sr. David A. Witham Nancie Cameron Edward LeVasseur	<i>Approved:</i> City Attorney

Resolution 16-20 will remain in first read until the October 7, 2019 City Council meeting.

OTHER

- B. Vote to Waive the Noise Ordinance Chapter 13-D (Noise/Nuisance Control) to allow Pike Industries, Inc. of Belmont, NH to complete Road Resurfacing Work on a Section of Franklin Street, Union Street, or Other Streets associated with the FY 2019-2020 Road Improvements during the Night Time Hours to Minimize Disruption of Traffic Flow.

Councilor Witham supports this decision as the residents of most of these streets have clamored for years to have these roads repaired. One of the complicating factors is most of these roads have heavy on street parking. Coordination of parking restrictions during the night will add a layer of complexity.

Councilor Sprague stated that he also supports this, but he is a little upset with the process with Pike. We don't want contractors digging trenches during snow events. We made efforts to get RFPs out so these will be done before snow falls. Why somebody from this City doesn't put a boot to them is beyond him. November 15th is the deadline. We need to start giving our expectations of completion in the RFP.

Councilor Vincent stated that he agrees with Sprague. Somersworth money is just as green as other communities and it seems like we are the last to get the work. He said he is not blaming City staff. It just seems like we are always the last.

Councilor Dumont stated that he is also not happy, echoing what Councilors Sprague and Vincent has said. It doesn't seem like we are being dealt with fairly, we get put on the back burner. We are getting very serious as to what we do as a City, and this causes a lot of frustration and concern. We have had snow on Halloween in the past. Temperatures have to be just right. We are getting an inferior product at that time of the year.

Councilor Cameron said she will support this as well, but has concern for parking on both sides, and concerns about speeding at night.

Councilor Witham said the bid documents do require the paving to be at a certain temperature. Director Bobinsky and Engineer Lemay have been on site in the past monitoring the temperature of the hot top. We have gotten a lot better in terms of the oversight of the project. But we are pushing the window. He likes the idea of revisiting the thought of a deadline date and a penalty clause in the contract.

Vote to waive the Noise Ordinance to allow for paving during the night hours passed, 8-0.

CLOSING COMMENTS BY VISITORS

None

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Vincent stated it was a grim reminder this morning, when he heard a Firefighter was killed in Farmington Maine and several others were injured. Having served several years in the City on the department, every day at the end of the day, he went home and his people went home. Some firefighters don't make it. Along with the EMS. Several times out on scenes, things can go really bad. He thanked the Police, Fire, and EMS that serve our community. Their satisfaction is in helping. Condolences to all of the families. Councilor Vincent then commented on the preparedness that the City Manager talked about. Being involved in the business, the Fire Chief is one of the better emergency management professionals. He stated that he has seen the plans and has been involved. We are very prepared. He reminded the community of the Open House on October 5th at the Fire

Department. October 7th is the Annual Pumpkin Festival. Somersworth Senior Picnic is scheduled for October 23rd. That is a great event.

Councilor Dumont thanked the City Manager for the clarifications on the assessment and tax rates. He suggested either the letter could be revised or sent at a different time. When you only have one part of the equation, it doesn't make it any easier. He encouraged others who have questions to contact the assessing department. Recently, a letter was sent to Councilors, and letter to the Editor of Fosters regarding a concern about not having a Children's Librarian at the library. He went on to speak about an interesting comment made during the democratic debate by the ex-vice president regarding listening to a record – it has less of an effect today than it had in the past. Recently he stated he saw on the tv a show about the history of Country Western Music. The feeling you get, brings you down memory lane. He stated that he recently went to the movies to see "Overcomer". He said he would put it in the category of Schindlers List. There wasn't a dry eye when they walked out of the movie. Delivers a message in an amazing fashion. A great life story, about having the bible in your life. Take time to put some good stuff in your heard.

It seems like we are the victims of no control. We used to brag about being a non-partisan community. We are now more partisan than we ever were. Based on what we are hearing and reading. We are paying the price because people at the state and federal levels can't do their job.

Councilor Witham thanked Vincent for remarks of the fire service regarding the loss of firefighter in Farmington, ME. A smell of gas call is the run of the mill call that they do a dime a dozen. Captain lost his life and chief was badly injured. His sympathies to the families.

Levasseur commented on some thoughts; at the previous City Council meeting, Councilor Dumont stated that revitalization is a 7 day a week job. But we only employ a part time Economic Development Manager. Since Ms. Comstock was employed the vacancy rate of businesses has increased. The city is only as good as the downtown. The form based codes program, and the project of Little Indonesia will help the downtown area. Business attraction is important.

FUTURE AGENDA ITEMS

NONPUBLIC SESSION

ADJOURNMENT

Councilor Cameron, seconded by Councilor Michaud, made a motion to adjourn. The meeting adjourned at 8:03 pm.

Trish Harris, City Clerk

Dana Hilliard, Mayor