



MINUTES OF CITY COUNCIL MEETING
Somersworth, NH
July 13, 2020
7:00 P.M.

ANNOUNCEMENT BY MAYOR HILLIARD

As Chair of the Somersworth City Council, I, Dana S. Hilliard, Mayor find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

We are utilizing Zoom for this electronic meeting. All members of the Council have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously watch by way of our local public access Comcast channel 22 or via live streaming available at our City website Somersworth.com.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

ROLL CALL OF MEMBERS

The meeting was called to order at 7:00 p.m. by His Honor, the Mayor, Dana S. Hilliard, and upon roll call the following Council members were present: Councilors Pepin, Vincent, Dumont, Austin, Michaud, Witham, Gerding, Cameron and Paradis, who were all by themselves.

Mayor Hilliard announced that City Manager Bob Belmore, Deputy City Manager/Finance Director Scott Smith, Fire Chief George Kramlinger, Deputy City Clerk Kelly Gagne, and City Clerk Jonathan Slaven were in the Council Chambers.

PLEDGE OF ALLEGIANCE

Councilor Witham led the Pledge of Allegiance.

PUBLIC HEARINGS

- A. **Ordinance No. 22-20** - To Amend Chapter 4, Personnel Rules & Regulations, Section 11.2, Retirement Plan, Regarding when Benefits Begin
No Comments
- B. **Ordinance No. 23-20** - To Amend Chapter 4, Personnel Rules & Regulations, Section 11.3.1, Health/Dental Insurance, Regarding Spouses Employed by the City
No Comments
- C. **Ordinance No. 24-20** - To Amend Chapter 4, Personnel Rules and Regulations - Compensation Schedule
No Comments

- D. **Resolution No. 50-20** - Vote to Authorize a Bond to Construct a New Fire Station at the Location of the Current Fire Station on Maple Street
Support letter from Bill Connor

COMMENTS BY VISITORS

None.

CONSENT CALENDAR

- A. Approve Minutes of the City Council Workshop-New Fire Station held on June 15, 2020
- B. Approve Minutes of the City Council Meeting held on June 15, 2020
- C. Letter of Resignation from Sarah McGraw-Small, as a Member of the Conservation Commission

Councilor Austin, seconded by Councilor Paradis made a motion to approve all items on the Consent Calendar. The motion passed 9-0, by roll call vote.

COMMENTS BY CITY COUNCILORS

Councilor Vincent felt compelled to talk about his business, Hilltop Fireworks, this evening. This was his busiest season since 2007 and the best year he had. He put down some bullet points and thanked the residents for their purchases. He felt this year there was a need, not only for a celebration of our Country, but to celebrate in general. His store had a role in playing a big part in keeping people safe, because residents could buy fireworks and celebrate at their homes and camps while socially distancing from each other. A lot of cities and towns didn't want to have fireworks due to the large gatherings they invite. Hilltop Fireworks has donated to Somersworth every year. His business was the only one that had to pay \$1500 as a permit fee within the City. He donates to the Fire, Police, Department of Public Works. The City has supported Hilltop Fireworks by requiring a low-cost firework permit at \$5.00. Councilor Vincent knows sometimes fireworks can be a pain. Councilor Witham commented about debris that was left at Noble Pines Park. Councilor Vincent stated he doesn't agree with people lighting fireworks off at 1 a.m. He does have intentions of making a significant donation to the City, but doesn't have an amount at the moment.

Councilor Witham talked about the fire station and the significant vote before them tonight. He spent time researching the timeline on how we go to this vote. Former Fire Chief, Donald Messier proposed building an addition on the fire station for a little over one million dollars to better accommodate training and living space. That got pushed aside as the building had a lot of short comings. We were better off leveraging that money into a new fire station. The Mayor formed a Committee which was chaired by Tim Wilder, who is now the assistant

chief in Rochester. That Committee determined there was need for a new fire station when former Fire Chief Hoyle was brought on. Next question that arose was where we are going to build the new fire station? We needed to determine necessary square footage, and after much review they supported keeping it at the existing site. The process got kicked to PortOne Architects who took into account the ideas of the Committee, Council, Public Safety Committee and fire staff who met multiple times deciding on ideas. We wanted the fire station to last 50 years and to have curb appeal. Port One Architects stated the price would range from \$6.5 million and \$7.3 million, but would be nailed down when they received a construction management team.

COMMUNICATIONS

A. Presentation of Financial Statements for year ending June 30, 2019 by Vachon Clukay & Co., City Auditors

City Auditor, Matthew Murray, of Vachon Clukay and Co., who has been the city's auditor for the past 5 years, presented the financial statements for the year ending June 30, 2019. Presentation is on file. Councilors had the following questions after the presentation:

Councilor Vincent commented that he is really satisfied with the company we have used over the years. They have shown such professionalism.

Councilor Paradis inquired about the definition of OPEB (Other Post-Employment Benefits) and federal award. The auditor replied OPEB includes healthcare with the New Hampshire Retirement system who have a medical subsidiary to pay for people who have retired before a specific date. A federal award is how every municipality gets some sort of assistance from the federal government, which includes federal assistance to help you do specific things. Councilor Paradis asked what the reduced usage fees of the water and sewer was due to? She also inquired why it seems there is a discrepancy recommended fund balance percentage. The auditor explained the Department of Revenue Administration recommends a range from 5%-17%, and his firm only has one city that is at 17%. Most other Cities are around the 5%. What contributes to the 2.99% decrease in water and sewer? He thinks that it is attributed to people replacing pipes and toilets etc.

PRESENTATION OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE

MAYOR'S REPORT

Mayors Report for City Council Meeting July 13, 2020

On behalf of the Hilliard family, I would like to thank each member of this Council and the community At-Large, for the support and love you have extended to each of us with the passing of our father "Gordie". His love of Somersworth and commitment to its youth will continue to live in each of us who believe to honoring our great cities "Proud Past" and

without hesitation make personal sacrifices to ensure each Hilltopper can be afforded a “Bright Future”. I will forever be blessed for having a Dad who exhibited strong modeling in the importance of service and being dedicated to something other than self. I am equal blessed to have a career which enables me to work in school that he so much loved and souls is still a great part of.

Somersworth, caring hand you have extended to each member of my family and mother once again reinforces why my father and each member of the Hilliard family loves this community so much. You bring life to our Hilltopper values of neighbor helping neighbor, and I we will forever be grateful to all of you who have extended your heart during our time of grieving. God bless each of you.

- In April 2014 a resolution 39-14 was introduced by the Mayor’s office and adopted by the City Council. The resolution authorized the city to begin to do the following;
- The City would conduct a comprehensive study for the need for construction of a new Fire Station
- The study would include, assessment of the existing fire station, current and future space needs of the Fire Department and the suitable locations for a Fire Station.

Shortly after the passage of the resolution I formed the Fire Station Commission which began to give due diligence to the resolution 39-14 and explore all options related to the station which was built in 1977 as a supervised high school project. Under the leadership of the Commission a deep dive occurred with several options, locations and scenarios being explored over the last 7 years. During that time frame, each member of this Council and community were afforded the opportunity on multiple occasion and facets to offer their opinions and guidance. Including committee meetings, planning sessions, Council meetings, Mayors Community forums and public hearings. For seven years, this body as taking the long road of caution exploring all options and taking into account the wants vs. needs and ensuring all voices and stakeholders would be heard.

With every journey you reach the critical point when you must decide to go forward, turn around or end the journey where you stand. To all honorable members of this body, tonight is that night. For seven years we have walked down the path towards giving our Fire Fighters a state of the art 21st century facility. The Hilltop city has certainty benefited well from a structure built 43 years ago by High School students. However, as some of the retired Fire Professionals can attest too, the Fire Services have changed drastically over the last 43 years, and our first responders are in need of a facility that allows them to carry forth their mission and keep each Hilltopper safe.

This evening I am calling upon this body after 7 years of hard work and due diligence to make the final decision. Tonight is the evening when you vote yes or no to funding a new department. Each voice has been heard, each piece of work has been done, and the moment is now upon us. It is my hopes that you will join me and giving those who put their lives on the line each day what they deserve, a modern facility to do their job. Trust the work of your Council, colleges, honor that for 7 years each voice has had the chance to be heard and make a final decision tonight.

I respectfully request that Council vote in favor of Resolution 50-20 and authorize the construction of a new Fire Department. Let's continue to support our Fire Fighters and keep Somersworth "On the Move", this evening let us united and as a full Council pass Resolution 50-20.

- While now 35 states throughout our nation are not reporting record numbers is COVID 19 cases, I found it particular troubling and irresponsible for US Secretary of Education Betsy DeVos yesterday to call upon every school within our nation to open its doors to traditional style instruction in the fall. It is certainly dumbfounding that we still have adults within our county who still are willing to ignore the science and medical community and continue to put people at risk each day, because they believe the numbers of infections are not real or for some reason this whole pandemic is a hoax. The outcries of intrusion of person liberties and rights could not be further from the truth. There is nowhere in the United States Constitution or any state constitution that defends the right of an individual to place another individual within harm's way and spread a deadly virus. The truth in reality is the exact opposite, with our founders going too great length to establish a system that not only protects the rights of individual, but the rights of society also.

With this in mind, it is one thing for adults to continue to place themselves within danger, but another for a United States Secretary to make statements trying to encourage blanket approaches to opening schools. The return to a system of indirect instruction is one of the most important and critical decision we will need to make as a nation. This decision must continue to remain local and be based on the data and rate of infection within each community and how the virus is continuing to spread, or curve be flattened throughout the nation.

As a career public school educator, I will be the first to stand by and defend that nothing can ever replace direct live instruction that is offer in a daily school setting. Public schools are the great equalizer to society, allowing each student regardless of their backgrounds and stressors to build the relationship with teachers, counselors, administrators and support staff that will help them overcoming their obstacles and reach their dreams. School provide food, clothing, activities, guidance, citizenship and love, all of which is lessen in a virtual land as opposed to the day to day interactions. However, the safety of each one of our students and the safety of the parents and guardians they return to each afternoon and evening must drive the final decision of when they will return to the tradition setting, not the unfounded advice of the US Secretary of Education of the NH Commissioner of Education both of whom have no experience in the public education field or never sent their kids to a public school.

Instead, the trust and faith of when our students will return to the environment that all of us desire is placed within the Superintendent of Schools and locally elected school board, but of whom judgment and ability to keep everyone safe and wellbeing protected I have full faith in. The Joint Commission of the City Council and School Board recently met to get updated on the plans to return to school. While these plans are still being digested and analyzed, it was voiced by the Mayor's office and members of the Council who sit upon the commission that the city will stand by and support the final decision.

City Council Meeting

June 13, 2020

For seven years we have worked hard at developing a team approach and honoring and standing by the decisions each body makes jointly and individually, not even a global pandemic will stop the Hilltopper successful way of governing. To the public at large, we ask for your continual patients as your school officials and elected members of the school board explore options. A decision will be made before the end of July, and regardless of what the decision is, we will approach it with full feudality ensuring the safety and success of each little soul you entrust our system with, and the safety of each educational professional and the adults our little Hilltoppers return to each afternoon and evening.

- While as a community we continual to grapple and navigate the new norms of living within the times of a global pandemic the harsh reality is that the virus has not left us and little has changed since we began this journey over 5 months ago.

Each Hilltopper should be proud of how our community has come together to ensure that each of us are not only protecting ourselves but our neighbors also. Your municipal government responded quickly, with a plan which has kept our city hall operational and the services each of you rely on remaining within place. Your city government remained functionable, with the Council, School Board and other boards governing in virtual land. This allowed decisions to continue to be made and Somersworth to continue “On the Move!” For the remainder of the summer, the City Manager along with the Emergency Management Director and I will continue to analyze the data with the hopes of live meetings resuming in September with the most up to date safety precautions in place. The structure of this Chamber will prohibit the Council and School Board and most boards from meeting in this Chamber until the threat of inflection lessens even more, however the Black Box Theater within the Career Technical Center will allow the space and social distancing necessary for us to resume to face to face meetings.

In the interim, I am calling upon each Hilltopper to help us continue to fight this virus and keep us on the path to returning to normalcy. Maintain social distaining practices by keeping in groups of under 10 and using a 6-foot buffer. When in public settings like the retail places or large groups, protect yourself and others by wearing a mask. Wearing a mask shows that you not only care about yourself, but care about others. Wearing a mask demonstrates the Hilltopper values of Being Safe, Respectful, Responsible and Cooperative. It also is a sign that you are pretty cool.

So model the values that our schools teach to our children each day, Be Safe, Be Respectful, Be Responsible, Be Cooperative. Wear a mask, and help us inch closer and closer to returning to normalcy.

- The past two months have been busy at the Citizens Place flag poles, with Somersworth continue to support its diversity and honor all of its citizens. Over the last two months our community has celebrated the raising of the following flags;

United States Army Flag
LGBTQ Pride Flag

Flag of the Providence of Quebec
Flag of the Nation of Canada
Black Lives Matter Flag

It was with pride and honor that as our nation continues to exam how we must live up to our creed, that I joined two former students in raising the Black Lives Matter Flag. The flag that will continue to have us reflect upon on how as a nation we must ensure that all African American rights are protected and that the ugly head of racism is dissolved from our nation, will wave through November.

- With our municipal government slowly masters the new norms and safety precautions, Mayors community forums will resume in September. Based upon the data at that time, the forums will either be in person with social distancing in place or in virtual land. Stay tuned.
- Under nominations, appointments and Elections; **In accordance with Council Rule 17 Appointments**, the following are being brought forward this evening for a confirmation vote;
 - **Charles Wayne Preston**, for *Appointment as a Member of the Board of Library Trustees*, with a term to expire June 2025
- Also, under nominations, appointments and Elections; **In accordance with Council Rule 17 Appointments**, the following are being brought forward this evening and placed in nomination;
 - **Michael Bobinsky**, for Re-Appointment as a Strafford Regional Planning Commissioner, with a term to expire May 2024

In accordance with Council Rule 17 Appointments, the nomination will remain open until the next regular scheduled meeting

This respectfully concludes my July 13th, 2020 Mayors Report

REPORTS OF STANDING COMMITTEES

Finance – No report

Government Operations – No report

Economic Development Committee – No report

Public Safety Committee – No report

Public Works and Environment – SEE PWE MINUTES – Councilor Witham met with the PWE on July 7th at 9 a.m. via zoom and all members were in attendance. Discussions included the following:

- Waiver of the pavement moratorium for Stackpole Road repairs. Work to include two separate water main breaks and replacing a culvert in that area. PWE supported that 4-0.
- Update on Route 108 project currently in design phase. New pavement going on now which is not part of the complete streets project.
- Sidewalk discussion on Route 108. It was noted that many committee members see a lot of pedestrians on Route 108. Passed 4-0.
- Strafford Regional Planning Commission metro plan complete streets.
- Sidewalk work on West High Street.
- Road surface management program and budgeted monies for current fiscal year. Changing the bidding time earlier to avoid the cold and snow.
- Gary Lemay updated us on the number of punch list areas that Pike will fix this fall.

Recreation – Councilor, Cameron met with the Parks and Recreation Committee on June 23. Discussions included the following:

- Dog park rules and regulations. The most discussed item was the opening and closing times of the park. It was decided that the 7 a.m. start up time is in line with other parks.
- Sponsorship program to get that up and running and get those up and running. She spoke of a discount to anyone that would want to advertise later in the year. The pet supply store offered to donate balls and dog waste bags and offered to clean up the park if needed.
- Millennium Park lights discussed. Liberty will most likely not be using the park.
- Malley Farm, the current lease will not be extending that this year.
- Davenport reported that there is a weekly newsletter that is sent out.
- Rec chalk obstacle course challenge. Rec office will supply chalk.

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

Special Committees

JBC – Councilor Pepin stated that the JBC held three meetings since the last Council meeting. At the June 18th meeting discussion included rushing to see if we could get as much carpet replaced as possible. They had enough money to get the hallways done but not enough to do the classrooms. After discussion with the City Manager we received additional funds to get the classroom carpets done. Library paint colors were also discussed. On the July 1st meeting they took a small trip to see the sites starting with the elevator at the middle school. Components for the elevator have been ordered. There were also discussions on replacing non-touching faucets and toilets.

COAST – At the June 24th meeting a new schedule was established starting on that following Monday, they were out changing the signs. Things have been discussed regarding drivers and discussed revenue loss. CMA engineering is in doing a scope of the COAST bus for more room. There was a big conversation about joy riding during the summer months to cool off.

Planning Board – Councilor Witham stated there is a lot of activity in the City. Parma Gas and Oil is constructing tanks on Gator Road.

-Housing development on the corner of Blackwater Rd and Old Rochester Rd. Driveways will be off of both roads.

- They tabled a dental office at the tri city plaza. The plan is to demolish the old AAA building and an aspen dental office would move in. Traffic concerns.
- Approved a MV facility repair at 444 High St, a brick building demolished.
- Site walk today of Tara Fields new 3 buildings. They are looking into adding 2 more buildings into Rollinsford but use Somersworth water.

Historic District Commission - Councilor Cameron attending the HDC Commission meeting where the following items were discussed:

- Approved a few applications and 1 put on hold.
- approved their bylaws that night of which she abstained from

Election Review Planning Commission – Councilor Paradis met twice with the ERPC. Once on **June 24th and discussed the following:**

- Issues on polling locations and the idea of using some of the schools
- Update from SAU.
- Polling location concerns
- Election worker recruitment stipend
- Absentee voting – going out in July water bills and already located on the website.

Discussions at the July 8th meeting included the following:

- Update from City Manager and Mayor on some things that are going on state wide.
- Use of schools of polling locations. Schools requested something less formal than a resolution to request use, specifically Idelhurst and Somersworth High School.
- SOS flexibility is not going to give us any flexibility.
- Election workers stipend. \$75 stipend due to COVID-19.
- Polling location and safety concerns.
- Ward 5 discussion regarding a door to be installed within the garage door for an additional exit at that ward.
- Mask mandate for the elections. Not something we want to do.

Point of order Councilor Vincent to Councilor Paradis. Doesn't ward 5 have a second exit? The City Manager answered, yes, however the outside closely abuts the neighbors the property and has a big drop. A new door regular-sized door installed within a garage door would allow for better flow, safety and cost efficiency.

Joint City Council/School Board – Councilor Dumont met with the Joint Council and School Board Commission on July 8th. Discussions included the following:

- Continue to look at moving forward.
- Elevator coming to fruition.

City Manager's Report

Office of the City Manager

TO: Mayor Dana S. Hilliard and City Council Members

FROM: Robert M. Belmore, City Manager

City Council Meeting

June 13, 2020

DATE: Friday, July 10, 2020

SUBJECT: City Manager's Report for Monday, July 13, 2020

6:30 p.m. City Council Zoom Workshop

Re: Form Based Codes - Presentation by Director Shanna Saunders

Attached is the PowerPoint that Director Saunders will be presenting.

Unfinished Business (Under Section 14 of Agenda)

Ordinances

- A. Ordinance No. 22-20: To Amend Chapter 4, Personnel Rules & Regulations, Section 11.2, Retirement Plan, Regarding when Benefits Begin.** Again, the Government Operations Committee met on June 3rd and voted to move forward with this recommended Ordinance amendment for full Council review.
- B. Ordinance No. 23-20: To Amend Chapter 4, Personnel Rules and Regulations, Section 11.2.1, Health / Dental Insurance, Regarding Spouses Employed by the City.** Again, the Government Operations Committee met on June 3rd and voted to move forward with this recommended Ordinance change for full Council review.
- C. Ordinance No. 24-20: To Amend Chapter 4, Personnel Rules and Regulation – Compensation Schedule.** Again, the Government Operations and the Finance Committee voted to recommend a 2.5% Cost of Living Increase (COLA). If approved, this would carry over to provide members of the Water/Wastewater Collective Bargaining Unit with the same COLA increase to their pay scale. Their CBA/ Union Contract has language that provides for wage adjustments in accordance with the City's Personnel Rules & Regulations as may be approved by the City Council. In the past, funding for non-union raises have been covered within the department's budget or by the contingency line in the General Fund. Wage increases for the Water / Wastewater Union employees would be covered by the respective Utility Budgets.

Resolutions

- A. Resolution No. 50-20: Vote to Authorize a Bond to Construct a New Fire Station at the Location of the Current Fire Station on Maple Street.** Again, the Finance Committee met on February 18th and voted to move this Bond authorization vote to full Council.

New Business (Under Section 15 of Agenda)

Ordinances

- A. Ordinance No. 1-21: To Amend Chapter 30, Conduct in Public Parks, Section 13, Dog Waste in Parks, by Adding Section D, Dog Park Rules.** Attached is a *red-lined* version of Chapter 30. The Recreation Committee voted to support this Ordinance amendment at their June 23rd meeting. I recommend a Public Hearing at the next regular Council meeting to be scheduled by Mayor Hilliard.
- B. Ordinance No. 2-21: To Amend Chapter 30, Conduct in Public Parks, Section 8 – Regarding Advertising.** The Recreation Committee reviewed and voted to support this Ordinance amendment at their June 23rd meeting as well as the attached proposed Advertising Program Guidelines. Attached is a *red-lined* version of Chapter 30. I recommend a Public Hearing at the next regular Council meeting to be scheduled by Mayor Hilliard.
- C. Ordinance No. 3-21: To Amend Chapter 21A, Display of Permissible Fireworks.** Attached is a *blue-lined* version of the Ordinance that depicts the proposed Amendments. I recommend a Public Hearing at the next regular Council meeting to be scheduled by Mayor Hilliard.
- D. Ordinance No. 4-21: Transfer Ordinance for Fire Staffing Funding.** This Ordinance is in support of Resolution No. 49-20 (copy attached) which was adopted at the June 15th Council meeting. Money appropriated to replace Fire Department mobile radios will be used to cover the projected increase in cost of overtime and associated payroll costs. I recommend a Public Hearing at the next regular Council meeting to be scheduled by Mayor Hilliard.
- E. Ordinance No. 5-21: To Amend Chapter 19 – Zoning, Section 25.B, Agricultural Use.** Mayor Dana Hilliard has referred this proposed Ordinance amendment to the Public Works & Environment Committee. A Public Hearing should eventually be scheduled prior to a vote.
- F. Ordinance No. 6-21: To Add to Chapter 19, Zoning, Section 32, Form Based Codes.** This proposed Amendment has been in the works for some 18-plus months. The initial full Council buy-in for this Zoning Ordinance change started with the passage of Resolution No. 28-19 (copy attached) on January 22, 2019, which authorized the hiring of Resilience Planning & Design to assist in developing a Form Based Code section. Over the next year, Staff and the Council's Economic Development Committee have worked to fine tune this final Ordinance Amendment. City Attorney has not yet reviewed the document so there may be the need for some language adjustment/s. A Public Hearing is recommended for the next scheduled City Council meeting.

Resolutions

- A. Resolution No. 1-21: To Provide a Stipend Paid to Election Officials In Addition To The Customary Remuneration Paid For The 2020 September Primary And 2020 November General Elections.** The Election Review Planning Commission met on June 8th and voted to recommend this stipend increase for essential Election Officials. Based on the last election's staffing numbers, the cost would be approximately \$7,500 for the two elections. Please consider clarifying the stipend also being applied, or not, to City employees working the election polls.

Other

- A. Vote to Request the School Board to Authorize the Use of Somersworth High School as the Ward 3 Polling Location.** (Note: this will relocate the current Ward 3 polling location from the Flanagan Community Center).
- B. Vote to Request the School Board to Authorize the Use of Idlehurst Elementary School as the Ward 4 Polling Location.** (Note: this will relocate the current Ward 4 polling location from the Charpentier Apartments).
- C. Vote to Waive the Excavation Moratorium on Stackpole Road (City Ordinance Ch. 12, Section 12.1, Moratorium Period, for Roads that have been overlayed, the Moratorium shall be three (3) years).** Attached is a copy of the information provided and discussed at the Public Works & Environment Committee at their July 7th meeting. The Committee supports the waiver. The waiver will allow the State Department of Transportation to repair a culvert at the end of Stackpole Road at Green Street. The City will be repairing a water main at this location at the same time.

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

A. Informational Items.

- 1. Route 108 Department of Transportation Project.** FYI - The Public Works & Environment Committee discussed possible options for new sidewalks on Route 108 as part of this project. The Committee supports sidewalks on both sides of the road from the approximate area of Works Way South to the Dover line as noted in their meeting minutes of July 7th. Attached is a copy of the NH Department of Transportation Engineer's recommendation regarding sidewalks.
- 2. FL Merrill Construction Inc.** Without objection, I will be working out an Agreement to allow this company store approximately 2,500 cubic yards of sand fill or other material for about 5 months in the City land area off Blackwater Road adjacent to the Superfund Site. They will be working on the

Lower Great Falls Hydro-Dam. The Agreement will include some monetary aspect to the City's benefit. (see attached email)

Attachments

- 1. City Attorney Certifications Six (6)**
- 2. Department Head Reports**
- 3. City Department Operations – Updates on COVID-19-Memorandum emailed on July 8th**
- 4. Compliant Letter to NH Public Utility Commissioners Regarding Double Utility Poles**

Mayor Hilliard announced that Public Hearings for Ordinance 1-21, 2-21, 3-21, 4-21, 6-21 will be scheduled at the next meeting.

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Nominations being introduced for Council Confirmation Vote:

- A. Michael Bobinsky, for Re-Appointment as a Strafford Regional Planning Commissioner, with a term to expire May 2024


Nomination will remain until next meeting.

Nominations requiring a Council Confirmation Vote:

- B. Charles Wayne Preston, for Appointment as a Member of the Board of Library Trustees, with a term to expire June 2025

Councilor Witham motioned to appoint Wayne Preston as Member of the Board of Library Trustees with a term to expire June 2025. Motion was seconded by Councilor Austin and passed 9-0 by roll call vote.

UNFINISHED BUSINESS
ORDINANCE

	City of Somersworth – Ordinance
	Ordinance No: 22-20 TO AMEND CHAPTER 4, PERSONNEL RULES & REGULATIONS, SECTION 11.2, RETIREMENT PLAN, REGARDING WHEN BENEFITS BEGIN

June 15, 2020

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:

1. Amend Chapter 4, Personnel Rules and Regulations, Section 11.2, Retirement Plan, by deleting the last sentence and adding:

Retirement benefits will begin on date of hire.

This Ordinance shall take effect upon its passage.

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

City of Somersworth – Ordinance 22-20

History

First Read Date:	06/15/2020	Tabled:	
Public Hearing:	07/13/2020	Removed From Table:	
Second Read:	07/13/2020		

Discussion

*Ordinance No. 22-20 will remain in first read until the call of the Chair.
Public Hearing scheduled at the call of the Chair.*

Councilor Witham, seconded by Councilor Cameron made a motion to adopt Ordinance No. 22-20. Motion passed 9-0, by roll call vote.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Paradis	X	
TOTAL VOTES:		9	
On 07/13/2020 Ordinance 22-20		PASSED	



City of Somersworth – Ordinance

Ordinance No: **23-20**

TO AMEND CHAPTER 4, PERSONNEL RULES & REGULATIONS, SECTION 11.3.1, HEALTH/DENTAL INSURANCE, REGARDING SPOUSES EMPLOYED BY THE CITY

June 15, 2020

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:

1. Amend Chapter 4, Personnel Rules and Regulations, Section 11.3.1, Health/Dental Insurance, by adding to the last paragraph:

This benefit shall not be available to any employee whose alternative health insurance is provided through a spouse's plan through either the City or the School District.

This Ordinance shall take effect upon its passage.

Authorization

Sponsored by Councilors:

Richard Michaud
Nancie Cameron
Donald Austin
Matt Gerding

Approved:

City Attorney

City of Somersworth – Ordinance 23-20

History

First Read Date:	6/15/2020	Tabled:	
Public Hearing:	07/13/2020	Removed From Table:	
Second Read:			

Discussion

***Ordinance No. 23-20 will remain in first read until the call of the Chair.
Public Hearing scheduled at the call of the Chair.***

Councilor Paradis stated she will not support this and after reviewing this with others. She believes if you are waiving your own personal coverage, you should qualify for it. It could be an issue in a court of law for discrimination. It doesn't seem right at this time to be cutting a small benefit, though she wondered how many people this applies to. That is taking a line item out of a personal budget.

The city manager said he is not sure what the questions were respectfully, but the city is viewing the issue as double dipping. What this relates to is two people who are married who both work for the City of Somersworth. This is not taking away \$5000 from city employees currently receiving the benefit due to having coverage through their spouse, who does not work for the City of Somersworth. This would not be taking money away from anybody. Labor relations counsel has sanctioned this practice and it pertains solely to married couples who both work for the City.

Councilor Witham inquired if the situation did exist, even though they were married, could they each get their own individual plan and not purchase a family plan. The city manager responded that each individual could take individual plan.

Councilor Paradis asked if this currently doesn't apply to anyone in the city where did this come from? The City Manager indicated we are trying to be proactive moving forward. As we have done in union contracts, it is more problematic to take something away.

Councilor Cameron stated if her memory serves her right this discussion came about unifying with union contracts. The city manager said it is in one or two contracts currently.

***Councilor Gerding made a motion to re-refer to Government Operations Committee.
Motion was seconded by Councilor Paradis.***

City Council Meeting

June 13, 2020

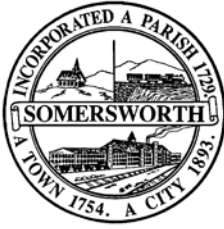
Councilor Witham said he will support the re-referral to the Governmental Operation Committee since it is rather confusing to follow the pieces.

Councilor Vincent said he understands the double dipping.

Councilor Gerding said he was confused on double dipping as well.

City Manager – this has only been in existence for the past 6 years or so. There is a choice if you want to do two individual plans or a family plan.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On / / Ordinance 23-20		PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: **24-20**

TO AMEND CHAPTER 4, PERSONNEL RULES AND REGULATIONS - COMPENSATION SCHEDULE

June 15, 2020

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

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

Personnel Rules and Regulations							
FY2020-2021 Compensation Schedule							
(2.5% Increase effective July 1, 2020)							
GRADE		HIRE	1	2	3	4	5
6	A	24,195.85	25,228.60	26,177.34	27,237.79	28,326.18	29,414.56
	H	11.6326	12.1291	12.5853	13.0951	13.6184	14.1416
7	A	25,368.03	26,316.98	27,489.16	28,577.33	29,610.07	29,972.72
	H	12.1962	12.6524	13.2159	13.7391	14.2356	14.4100
8	A	26,651.71	27,684.45	28,772.83	29,972.72	31,200.75	32,456.50
	H	12.8133	13.3098	13.8331	14.4100	15.0004	15.6041
9	A	27,991.24	29,107.77	30,279.73	31,507.76	32,735.58	34,102.83
	H	13.4573	13.9941	14.5576	15.1480	15.7383	16.3956
10	A	29,358.92	30,530.88	31,703.05	33,042.59	34,298.34	35,777.73
	H	14.1149	14.6783	15.2419	15.8859	16.4896	17.2008
11	A	30,865.82	32,121.56	33,321.67	34,661.20	36,084.53	37,535.78
	H	14.8393	15.4431	16.0200	16.6640	17.3483	18.0460
12	A	32,428.57	33,712.46	34,996.14	36,419.25	37,786.93	39,293.83
	H	15.5907	16.2079	16.8251	17.5093	18.1668	18.8913
13	A	34,047.40	35,386.72	36,837.98	38,345.09	39,824.27	41,498.53
	H	16.3689	17.0128	17.7106	18.4351	19.1463	19.9512

City Council Meeting

June 13, 2020

14	A	35,666.01	37,089.12	38,568.09	40,186.92	41,777.61	43,424.36
	H	17.1471	17.8313	18.5424	19.3206	20.0854	20.8771
GRADE		HIRE	1	2	3	4	5
15	A	37,535.78	39,070.61	40,605.43	42,196.33	43,787.02	45,517.35
	H	18.0460	18.7839	19.5218	20.2867	21.0515	21.8833
16	A	39,321.76	40,884.51	42,531.27	44,401.25	46,047.58	47,973.20
	H	18.9047	19.6560	20.4477	21.3468	22.1383	23.0640
17	A	41,359.09	43,033.57	45,935.86	46,521.95	48,363.99	50,289.62
	H	19.8842	20.6892	22.0845	22.3663	23.2519	24.1777
18	A	43,424.36	45,154.48	46,884.81	48,838.15	50,791.92	52,912.62
	H	20.8771	21.7089	22.5408	23.4799	24.4192	25.4388
19	A	45,517.35	47,387.11	49,340.66	51,378.00	53,359.27	55,536.04
	H	21.8833	22.7823	23.7215	24.7010	25.6535	26.7000
20	A	47,945.27	49,898.82	51,768.58	53,861.78	56,010.62	58,187.40
	H	23.0506	23.9898	24.8887	25.8951	26.9282	27.9747
21	A	50,289.62	52,271.10	54,447.87	56,569.00	58,829.34	61,117.62
	H	24.1777	25.1303	26.1769	27.1966	28.2833	29.3835
22	A	52,884.90	54,922.03	57,126.73	59,303.50	61,815.42	64,271.27
	H	25.4254	26.4048	27.4648	28.5113	29.7190	30.8997
23	A	55,480.40	57,712.81	59,889.59	62,373.58	64,857.36	67,480.57
	H	26.6733	27.7465	28.7931	29.9873	31.1814	32.4426
24	A	58,187.40	60,531.74	62,931.74	65,499.09	68,038.73	70,801.80
	H	27.9747	29.1018	30.2556	31.4899	32.7109	34.0393
25	A	61,117.62	63,657.04	66,113.11	68,848.04	71,666.75	74,485.47
	H	29.3835	30.6043	31.7851	33.1000	34.4552	35.8103
26	A	64,243.56	67,257.14	69,322.41	72,141.12	75,155.35	77,973.85
	H	30.8863	32.3352	33.3281	34.6832	36.1324	37.4874
27	A	67,313.21	70,159.64	72,894.79	75,908.58	78,950.73	81,992.46
	H	32.3621	33.7306	35.0456	36.4945	37.9571	39.4195

28	A	70,717.80	73,592.38	76,383.16	79,480.96	82,746.12	86,011.28
	H	33.9989	35.3810	36.7227	38.2120	39.7818	41.3516
29	A	74,234.11	77,248.33	80,262.34	83,443.92	86,960.02	90,364.82
	H	35.6895	37.1386	38.5877	40.1173	41.8077	43.4446
(2.5% increase of minimum and maximum effective July 1, 2020)							
Grade							
25	A	62,568.38			79,749.68		
	H	30.0810			38.3412		
30	A	79,438.45			96,852.81		
	H	38.1916			46.5639		
31	A	86,781.50			105,586.69		
	H	41.7219			50.7628		
32	A	87,594.18			106,720.93		
	H	42.1126			51.3081		
33	A	92,034.83			111,916.22		
	H	44.2475			53.8059		
34	A	96,678.66			117,604.90		
	H	46.4801			56.5408		
35	A	101,525.67			123,438.72		
	H	48.8104			59.3455		
36	A	106,633.87			129,620.81		
	H	51.2663			62.3177		
37	A	111,858.19			136,006.06		
	H	53.7780			65.3875		

This Ordinance will take effect upon adoption.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Donald Austin Martin Pepin Martin P. Dumont, Sr.	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 24-20

History			
First Read Date:	06/15/2020	Tabled:	
Public Hearing:	07/13/2020	Removed From Table:	
Second Read:	07/13/2020		


Discussion

*Ordinance No. 24-20 will remain in first read until the call of the Chair.
Public Hearing scheduled at the call of the Chair.*

Councilor Witham, seconded by Councilor Austin made a motion to adopt Ordinance No. 24-20. Motion passed 9-0, by roll call vote.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Paradis	X	
TOTAL VOTES:		9	0
On 07/13/2020	Ordinance 24-20	PASSED	FAILED

RESOLUTIONS

	City of Somersworth – Resolution
	Resolution No: 50-20 VOTE TO AUTHORIZE A BOND TO CONSTRUCT A NEW FIRE STATION AT THE LOCATION OF THE CURRENT FIRE STATION ON MAPLE STREET

June 15, 2020

WHEREAS, the City Council adopted Resolution No. 1-20 to authorize the City Manager to contract with Port One Architects of Portsmouth, NH to provide conceptual design services and a preliminary cost estimate for a new Somersworth Fire Station, and

WHEREAS, Port One Architects has completed the conceptual designs and has estimated the cost to construct a new Fire Station at the present location on Maple Street to be \$7,700,000 (Seven Million Seven Hundred Thousand dollars), and

WHEREAS, the project costs include architecture, engineering, and construction of a new Fire Station at the location of the current Fire Station on Maple Street, as well as other associated ancillary costs (collectively, the “Project”);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT an amount not to exceed \$7,700,000 (Seven Million Seven Hundred Thousand dollars) is appropriated for the Project; and

BE IT FURTHER RESOLVED THAT:

- (a.) the City Manager is authorized to borrow up to \$7,700,000 (Seven Million Seven Hundred Thousand dollars) under the Municipal Finance Act and issue bonds and notes payable within 25 years from their dates, and
- (b.) the City Manager is authorized to issue temporary notes in anticipation of the issue of these bonds or notes, and
- (c.) the City Manager is authorized to apply for, obtain and accept federal, state or other aid, if any, which may be available for said project, and
- (d.) the estimated useful life of this project is expected to exceed 25 years.

This Resolution requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing (Sections 7.13 and 7.14 City Charter).

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Donald Austin Martin Pepin Martin P. Dumont, Sr Kenneth S. Vincent	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 50-20

History			
First Read Date:	06/15/2020	Tabled:	
Public Hearing:	07/13/2020	Removed From Table:	
Second Read:			

Discussion

Councilor Witham spoke of the comment regarding the training tower from Bill Connor. He stated the training tower will be used as a bid alternate if money is saved during construction. We are looking to fund the training room through an emergency grant process. What he does know if we plan to leverage the expiring bond of the police station. Station constructed in 1976, opened in 1977. Calls for service are not going down; there are many more health concerns now. He is very proud to support this moving forward not only for the firefighters but for the city.

Councilor Vincent stated that he wants a fire station just as bad as the next person, but questioned if our constituents want to pay \$7.73 million? He stated with Zoom meetings no one can come up to speak, only write a letter of comment to submit. Councilor Vincent stated he is not sure how he is going to vote. When this was first started, he thought it was mentioned to be a \$5 million dollar project and that it is hard to swallow \$7.73 million.

Councilor Pepin echoed Councilor Vincent that \$7.7 million is a lot of money. If you look back and see the construction of the City Hall, you have to float two bonds on the same building. Opportunity where the bond from the police station expiring if we don't spend it now on this, this money will be spent somewhere else.

Councilor Cameron thinks that we are all in agreement that the 7.7 million is a lot. This has been going on for the past 6 years. The 5.5 million was brought up as a starting point in February 2018. Start where we have to start and then move the number down.

Councilor Gerding added to the sentiments shared. He is in favor of this vote tonight.

Councilor Dumont has struggled with this for the past 2 years. He has the previous CIP and 3.3 million 2019-2025. 2020-2025, went up to 4.0 million. October 16 2019-5 million. It wasn't a surprise we are at 5 million it wasn't a dream. Whoever did the estimating wasn't even close. He also hasn't heard the word safety, not just safety of the residents, but the firefighters too. We need the right equipment to take care of these firefighters. We have a professional firefighting team. He goes to Dover and sees an old fire station. He spoke about curb appeal mentioned and does not care about that as long as we can do the job and safely. No one could predict where we were at today. Retiring a bond we can reduce if we get a good construction manager. The City of Somersworth is fundamentally a bedroom community. The older people are being driven out of their homes due to not watching the bottom line. People are stopping him on the street asking him about what is going on at the fire station. He has no idea what they are talking about. If the demand is high the price is going up. We are going to drive up the tax rate. This has caused him to lose sleep.

Vincent point of order - he spoke about something that his constituents told him.

Paradis stated she will be supporting this. She thanked Witham for educating her on the timeline and went on to say that people have had many options to come forward in the past. Mayor made a comment about trusting the process.

Councilor Pepin stated it is a public safety problem also. You go to a house fire and who knows what you bring back on your gear. He used to bring home his gear to wash. The fire service has completely changed. Contamination has changed. He agreed with the current chief that we need a hose tower.

Councilor Michaud stated he will be voting yes and hopes that once we get the ball rolling we can hope to bring the price down. Most important it keeping our firefighters safe.

Councilor Witham stated the public has had access to provide comment. People communicate with him on occasion and he received a call from someone recently requesting the BLM flag should be taken down immediately. If people are amped up, they can get a hold of you if they need to. Point of the fire station and the vote. He has been given the opportunity with his career that has allowed him into almost all of the fire stations in NH.

Councilor Austin posed a Parliamentary inquiry. Will this will require 2/3 vote tonight to pass? Mayor Hilliard responded in the affirmative. Councilor Austin also asked if they do not get 2/3 does this become dead. Mayor Hilliard replied, no. The motion can be reopened if it fails.


Councilor Vincent said that Councilor Witham stated off a bunch of things about the dollar amount. Most likely this is going to pass. He would like the Mayor to appointment him on that committee so that he can watch the dollar amount.

Councilor Witham made a motion to approve resolution 50-20 as submitted. The motion was seconded by Councilor Pepin and passed 8-1 by roll call vote with Councilor Dumont voting, "No".

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont		X
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Paradis	X	
TOTAL VOTES:		8	1
On 07/13/2020	Resolution 50-20	PASSED	FAILED

Councilor Witham made a motion to suspend council rules to be suspended to meet beyond 10 p.m. Councilor Gerding seconded the motion which passed 9-0 by roll call vote.

NEW BUSINESS
ORDINANCE

	City of Somersworth – Ordinance
	Ordinance No: 1-21 TO AMEND CHAPTER 30, CONDUCT IN PUBLIC PARKS, SECTION 13, DOG WASTE IN PARKS, BY ADDING SECTION D, DOG PARK RULES

July 13, 2020

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:

Add the following:

13. (d.) Dog Park Rules. The City Council has established a City Dog Park at Millennium Park. The City Manager is authorized to promulgate Dog Park Regulations for this park. These Regulations shall be subject to the enforcement section as provided herein Chapter 30, Conduct in Public Parks.

This Ordinance shall take effect upon its passage.

Authorization	
<i>Sponsored by Councilors:</i> Nancie Cameron Richard Michaud Crystal Paradis Martin Pepin	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 1-21

History			
First Read Date:	07/13/2020	Tabled:	
Public Hearing:	08/10/2020	Removed From Table:	
Second Read:			

Discussion

*Ordinance No. 1-21 will remain in first read until the call of the Chair.
Public Hearing scheduled at the call of the Chair.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On Ordinance 1-21		PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: **2-21**

TO AMEND CHAPTER 30, CONDUCT IN PUBLIC PARKS, SECTION 8 - REGARDING ADVERTISING

July 13, 2020

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:

Chapter 30, Section 8:

- Rename the title to “Advertising” by deleting the word “Generally,” and
- Identify the existing language in Chapter 30, Section 8 as subsection “a)” and
- Add as a new subsection 8. b), the following;

City Park Sponsorship Advertising Program. The City Manager is authorized to implement an Advertising Program for certain City Parks to include Noble Pines (outfield fence), Millennium Park (outfield fence & Dog Park fencing), and Jules Bisson Park (River Street fence). The City Manager is further authorized to set the terms, conditions, and sponsorship costs for said Advertising Program.

This Ordinance shall take effect upon its passage.

Authorization

Sponsored by Councilors:

Nancie Cameron
Richard Michaud
Crystal Paradis
Martin Pepin

Approved:

City Attorney

City Council Meeting

June 13, 2020

City of Somersworth – Ordinance 2-21

History

First Read Date:	07/13/2020	Tabled:	
Public Hearing:	08/10/2020	Removed From Table:	
Second Read:			

Discussion

*Ordinance No. 2-21 will remain in first read until the call of the Chair.
Public Hearing scheduled at the call of the Chair.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On Ordinance 2-21		PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: **3-21**

TO AMEND CHAPTER 21A, DISPLAY OF PERMISSIBLE FIREWORKS

July 13, 2020

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 21A, Section 5 – Permit Fee in its entirety and replace with:

5. Permit Fee

The fee for a permissible fireworks display permit shall be fifty dollars (\$50.00) per event. The fee shall be paid at the time of the application and is non-refundable.

Delete Chapter 21A, Section 7, E in its entirety and replace with:

E. No permissible fireworks shall be discharged between the hours of 11:00p.m. and 8:00 a.m. with the following exceptions:

- a. January 1: no discharge between 12:00 a.m. and 8:00 a.m.
- b. July 3, 4 and 5: no discharge between 12:00 a.m. and 8:00 a.m.
- c. December 31: no discharge prior to 8:00 a.m.

Delete Chapter 21A, Section 9 – Penalty, B in its entirety and replace with:

B. Any person who violates the provisions of this Ordinance shall be guilty of a violation and upon conviction thereon shall be fined in an amount of:
\$250 for first offense;
\$500 for second offense; and
\$1,000 for each and every subsequent offense.

This Ordinance will take effect upon passage.

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

City of Somersworth – Ordinance 3-21

History

First Read Date:	07/13/2020	Tabled:	NA
Public Hearing:	08/10/2020	Removed From Table:	NA
Second Read:			

Discussion

*Ordinance No. 3-21 will remain in first read until the call of the Chair.
Public Hearing scheduled at the call of the Chair.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On / / . Ordinance 3-21		PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: **4-21**

TRANSFER ORDINANCE FOR FIRE STAFFING FUNDING

July 13, 2020

BE IT ORDAINED BY THE CITY OF SOMERSWORTH, pursuant to Section 7.7 (D) of the City Charter, that the following General Fund unencumbered balance transfer be made:

<u>DEPARTMENTS</u>	<u>FROM</u>	<u>TO</u>
ELECTED LEADERSHIP		
CITY MANAGEMENT		
FINANCE AND ADMINISTRATION		
DEVELOPMENT SERVICES		
POLICE		
FIRE		28,569
PUBLIC WORKS		
CAPITAL EXPENSES	28,569	
OTHER EXPENSES (<i>CONTINGENCY</i>)		
INTERGOVT ASSESSMENTS-COUNTY TAX		
SCHOOL DEPARTMENT	_____	_____
TOTAL GENERAL FUND	28,569	28,569

Note: This is in support of Resolution 49-20, adopted on June 15, 2020 by the Somersworth City Council to adopt a policy of staffing the Fire Department with a minimum of four (4) firefighters on each shift. Money appropriated to replace Fire Department mobile radios will be used to cover the increased cost of replacement overtime and associated payroll benefits.

This Ordinance shall take effect upon passage.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Nancie Cameron Donald Austin Martin Pepin Kenneth S. Vincent Martin P. Dumont, Sr. Richard Michaud	<i>Approved:</i> City Attorney

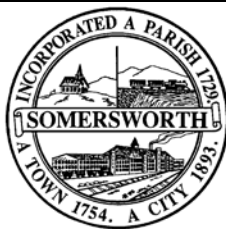
City of Somersworth – Ordinance 4-21

History			
First Read Date:	07/13/2020	Tabled:	NA
Public Hearing:	08/10/2020	Removed From Table:	NA
Second Read:			

Discussion

*Ordinance No. 4-21 will remain in first read until the call of the Chair.
Public Hearing scheduled at the call of the Chair.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On / / . Ordinance 4-21		PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: **5-21**

TO AMEND CHAPTER 19 – ZONING, DEFINITIONS, SECTION 25.B, AGRICULTURAL USE

July 13, 2020

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 in Section 25 Definitions:

Section 19.25.B, Agricultural Use, delete the word, “apiculture.”

Section 19.25.B shall read as follows:

AGRICULTURAL USE Land used for agriculture, farming, dairying, pasturage, horticulture, aquaculture, floriculture, silviculture, animal and poultry husbandry.

This Ordinance will take effect upon passage.

Authorization	
<i>Sponsored by Councilors:</i> Crystal Paradis Nancie Cameron Matthew Gerding	<i>Approved:</i> City Attorney

City Council Meeting

June 13, 2020

City of Somersworth – Ordinance 5-21


History

First Read Date:	07/13/2020	Tabled:	
Public Hearing:		Removed From Table:	NA
Second Read:			

Discussion

Mayor Hilliard referred Ordinance No. 5-21 to the Public Works & Environment Committee.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On / / . Ordinance 5-21		PASSED	FAILED

	City of Somersworth – Ordinance
	<p>Ordinance No: 6-21</p> <p>TO ADD TO CHAPTER 19, ZONING, SECTION 32, FORM BASED CODES</p>

July 13, 2020

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:

Add Section 32 Form Based Codes:

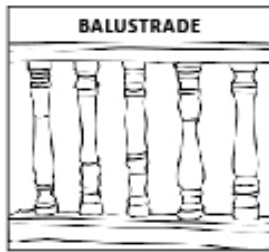
19.32.A Purpose and Intent

19.32.A.1 The City of Somersworth Form Based Code Overlay District follows the premises of context sensitive zoning. This Code is intended to foster a vibrant Main Street both for itself and for its adjacent neighborhoods through a lively mix of uses—with shopfronts, sidewalk cafes, and other commercial uses at street level, enhanced by canopy shade trees, upper story residences and offices.

19.32.A.2 To allow further refinement consistent with individual areas, the Form-Based Code Overlay District has been divided into sub-districts, with special requirements for each sub-district to allow for context sensitive development along corridors and neighborhoods alike.

19.32.A.3 All of the areas within the Form-Based Code Overlay District share a common goal of increased emphasis on the form and placement of structures, and a decreased emphasis on the function(s) contained within them. As such this Section sets careful and clear controls on building form—with broader parameters on building use—so as to shape clear, attractive public spaces (good streets, neighborhoods and parks) with a healthy mix of uses. With proper urban form, a greater integration of building uses is natural and comfortable.

19.32.B Definitions



19.32.B.1 Artist Studios– Work space for one or more artists or artisans, including the accessory sale of art produced on the premises.

19.32.B.2 Balustrade - A railing supported by balusters, commonly an ornamental parapet on a balcony, bridge, or terrace.



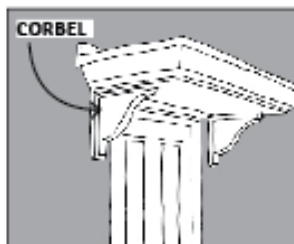
19.32.B.3 Banding - A horizontal band at least six inches thick applied to the Façade of a building, that offers a change in color, texture, pattern, material, or relief from the main siding material.

19.32.B.4 Bay - The space between architectural elements, or a recess or compartment, in the façade.



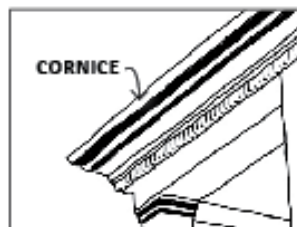
19.32.B.5 Bioswale - A channeled depression or trench that receives rainwater runoff and has vegetation (such as grasses, perennial flowers herbs, shrubs, and trees) and organic matter (such as compost and mulch) to accommodate water infiltration and filter out pollutants.

19.32.B.6 Build to Line - A line parallel to the street right-of-way line at any story level of a building, and representing the minimum distance which any part of the building is set back from said right-of-way line.



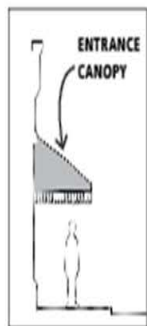
19.32.B.7 Corbel – Bracket or weight-carrying member, built deeply into the wall so that the pressure on its embedded portion counteracts any tendency to overturn or fall outward.

19.32.B.8 Cornice - Decorative trim located at the meeting point between walls and a roof or ceiling.

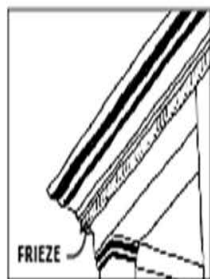


19.32.B.9 Decorative Lighting - Exterior lighting that enhances the appearance of the structure using downcast and shielded fixtures.

19.32.B.10 Depth (Building) - the variation of a building facade that provides visual interest and compatibility of scale.



19.32.B.11 Eating & Drinking Establishments – Any establishment, however designated, at which food is sold for consumption on the premises to patrons seated within an enclosed building, or elsewhere on the premises. Drive-thru access is not permitted.



19.32.B.12 Entrance canopies - A structure, often canvas, mounted to a building to shelter an area or form a sheltered access to the entrance of a building.

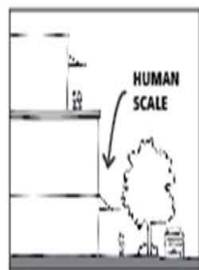
19.32.B.13 Façade - The front of a building facing a street or other public space.

19.32.B.14 Frieze - a sculptured or richly ornamented band on a building.



19.32.B.15 Frontage Build-Out – The percentage of the linear distance measured along the front lot line that is occupied by the primary structure.

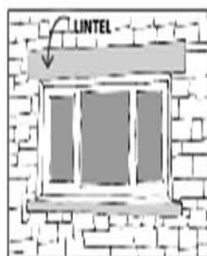
19.32.B.16 Green Wall - Vegetation growing on or against a vertical surface.



19.32.B.17 Human scale — The perceived size of a building, or related appurtenances (lighting, signage, etc) relative to a human being.

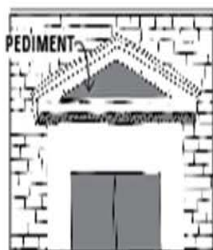
19.32.B.18 Lintel – A horizontal support of timber, stone, concrete, or steel across the top of a door or window.

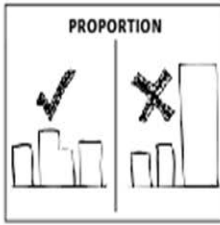
19.32.B.19 Lodging – Structures providing overnight accommodations for individuals on a temporary basis.



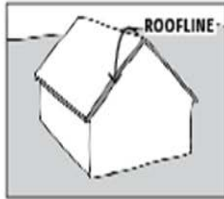
19.32.B.20 Mass - Refers to the size or physical bulk of a building.

19.32.B.21 Pediment – A triangular gable forming the end of the roof slope over a portico (the area, with a roof supported by columns, leading to the entrance of a building); or a similar form used decoratively over a doorway or window.

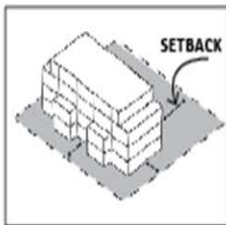




19.32.B.22 Professional Services & Offices – Businesses offering services for others, predominately on premises, and often by someone engaged in that work as a career.

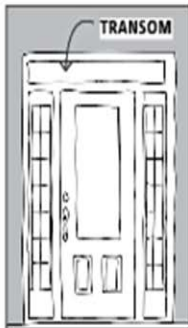


19.32.B.23 Proportion - The visual effect of the relationships of the various objects and spaces that make up a structure to one another and to the whole.



19.32.B.24 Rain garden - An engineered system consisting of a slightly depressed landscaped area constructed with a specialized soil mixture, an aggregate base, an underdrain, and site-appropriate plant materials that tolerate both moist and dry conditions.

19.32.B.25 Roofline - The profile of a roof including its slope and cladding which forms the frontage immediately below the roof and the eaves of a structure.



19.32.B.26 Shutters – Lightweight, sometimes louvered, decorative frames in the form of doors located on the sides of a window.

19.32.B.27 Streetscape - The visual elements of a street, including the road, adjoining buildings, sidewalks, street furniture, trees and open spaces that combine to form the street's character.

19.32.B.28 Transom (Window) – Horizontal windows installed above doors and windows that generally match the width of the opening.



19.32.B.29 Treebox filters - A 'boxed' bioretention cell that is placed at the curb (typically where storm drain inlets are positioned). It receive storm water runoff along the curb and the storm water is then filtered through layers of soil, feeding the tree, before it enters a drain or basin.

19.32.B.30 Trim - The finish materials on the exterior a building, such as moldings applied around openings (window trim, door trim), siding, windows, exterior doors, attic vents, crawl space vents, shutters, etc.

19.32.C Form Based Codes Overlay District Boundaries

19.32.C.1 The Form Based Code Overlay District includes Tax Map Lot 11-181A, formerly known as Breton's Cleaners, crosses Winter Street to include Tax Map Lot 11-96 known as the Queensbury Mill then runs along the rear property line of all lots that front on the south side of Market Street, crosses Prospect Street, including Lots 11-78 and 11-77, crosses Beacon Street and then runs along the rear boundary line of all property Lots that front on the western side of High Street up to Hamilton Street, and the SW corner of Tax Map Lot 10-129.

19.32.C.2 The Overlay District Boundary then crosses High Street to the southernmost corner of Tax Map Lot 10-163 then runs along the rear property line of all property Lots that front the easterly side of High Street to Constitutional Way and the NE corner of Lot 10-155, except the whole of Lot 10-152. Property Lot 10-152 has two frontages on High Street, one of 90 feet and one of 105 feet. The Overlay District exists on Lot 10-152 approximately 100 feet deep from High Street on those two frontages, only.

19.32.C.3 The Form Based Code Overlay District then includes Property Lot 10-153A and Lot 10-153 on Constitutional Way, runs kitty-corner across Washington Street to the NE corner of Lot 10-170, then runs along the rear boundary line of all property Lots that front on the eastern side of Green Street down to Fayette Street, then down Fayette Street to include Lots 10-177 and 10-179. The Overlay District then crosses Main Street and runs northerly up the property line of Main Street and the NH NorthCoast Corp RR line up to the SW corner of Property Lot 11-205 across from the Somersworth Plaza driveway. The District then runs 25 feet easterly up the side boundary line of property Lot 11-205 and runs along the rear property line of all property Lots that front on the easterly side of Main Street and Market Street, crossing Canal Street and running along the rear property lone of all property Lots that front on the easterly side of Market Street ending at the Somersworth/Berwick Bridge.

19.32.C.4 This boundary is the exterior boundary and all property Lots within this exterior loop are also within the Form Based Code Overlay District.

19.32.C.5 The Form Based Code Overlay District also includes Property Lots 11-190, 11-190A, 1190B, 11-191, 10-196, 10-199, 09-282 and 09-282C

19.32.D Sub-Districts

19.32.D.1 The five Area Sub-District Sheets (Areas 1 – 5) for the Form-Based Code Overlay District shall locate the boundaries for the following sub-districts:

- a) Downtown
- b) High Street
- c) Main Street
- d) Residential
- e) Millyard

19.32.E Permitted Uses

19.32.E.1 The standards for use and dimensions to be utilized within the Form Based Codes Overlay District are shown on the front of the five (5) Area Sub-District Sheets (Areas 1 – 5) at the end of this section.

19.32.E.2 Determination of Use Category - The Director of Development Services or their designee shall determine in which use category, in the Permitted Uses Table, on each district sheet, a proposed use is located. When a use is not specifically listed, the Director of Development Services or their designee is authorized to determine if the use is similar enough to be placed in a category or if the use is prohibited by this Chapter.

19.32.E.3 Uses - Where uses are not specifically called out in the Permitted Use Table an applicant may submit a Conditional Use Permit for their proposed use.

19.32.E.4 Criteria for granting a Conditional Use Permit:

- a. Both public and private buildings and landscaping contribute to the aesthetic value of the right of way and provide civic spaces.
- b. Development adequately accommodates automobiles, while respecting the pedestrian and the spatial form of public areas.
- c. The design of streets and buildings reinforces a safe environment, but not at the expense of accessibility.
- d. The architecture and landscape designs are inspired by local climate, topography, history, and building practice.
- e. Civic spaces and public gathering places are provided as locations that reinforce community identity and activity.

19.32.F Dimensional Regulations

19.32.F.1 The dimensional regulations to be utilized within the Form Based Codes Overlay District are shown on the front of the five (5) Area Sub-District Sheets (Areas 1 – 5) at the end of this section.

19.32.F.2 Anything cited as “per ordinance” refers to Table 5.A.1 in the Zoning Ordinance entitled “Dimensional and Density Regulations”.

19.32.G Architectural Standards

19.32.G.1 The architectural standards to be utilized within the Form Based Codes Overlay District are shown on the back of the five (5) Area Sub-District Sheets (Areas 1 – 5) at the end of this section.

19.32.G.2 Waivers may be used to adjust the architectural standards, but designs must still meet the intent of these standards. In the case of Commercial or Multifamily use

waivers shall be granted by the Planning Board if appropriate. In the case of Single family or duplex development waivers shall be granted by the Director of Development Services or their designee, if appropriate.

19.32.G.3 Any property within the Form-Based Code Overlay District that is ALSO within the Historic Overlay District shall meet the requirements of Section 14 of the Zoning Ordinance. A Historic District Application might be required.

19.32.H Streetscape Standards

19.32.H.1 The streetscape standards to be utilized within the Form Based Codes Overlay District are shown on the back of the five (5) Area Sub-District Sheets (Areas 1 – 5) at the end of the section.

19.32.I Administration

19.32.I.1 The Form-Based Code Overlay District exists like every other district and development within, is intended to be reviewed and approved as any other district. For development standards not covered herein, the other applicable sections of the City of Somersworth Ordinance and Regulations shall be used as the requirement. Commercial and Multifamily projects submitted shall follow the process outlined within the Site Review Regulations.

19.32.I.2 Any appeals of this section shall be treated as any other zoning appeal and shall be directed to the Zoning Board of Appeals.

FORM BASED CODES DISTRICT SHEETS

District Sheet 1 – Market and High Street

District Sheet 2 – High Street

District Sheet 3 – Main Street

District Sheet 4 – Residential

District Sheet 5 – Mill Yard

This Ordinance shall take effect upon its passage.

Authorization	
<i>Sponsored by Councilors:</i> Martin P. Dumont, Sr. Richard Michaud Crystal Paradis	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 6-21

History


First Read Date:	07/13/2020	Tabled:	
Public Hearing:	08/10/2020	Removed From Table:	
Second Read:			

Discussion

*Ordinance No. 6-21 will remain in first read until the call of the Chair.
Public Hearing scheduled at the call of the Chair.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On Ordinance 6-21		PASSED	FAILED

RESOLUTIONS

	City of Somersworth – Resolution
	Resolution No: 1-21 TO PROVIDE A STIPEND PAID TO ELECTION OFFICIALS IN ADDITION TO THE CUSTOMARY REMUNERATION PAID FOR THE 2020 SEPTEMBER PRIMARY AND 2020 NOVEMBER GENERAL ELECTIONS

July 13, 2020

WHEREAS, on June 1st, 2020, Mayor Dana S. Hilliard announced the formation of the Election Review Planning Commission to ensure the fidelity and safety of our elections during the COVID-19 pandemic, and

WHEREAS, the Election Review Planning Commission recognizes it is important to provide hazard pay to our essential election workers who will be placed on the front lines of the coronavirus pandemic at our City's election polling locations for the upcoming 2020 elections; and

WHEREAS, the Election Review Planning Commission recommends the City acknowledge the increased demands placed on our essential Election Officials during the 2020 September Primary and 2020 General Election by providing Election Officials a stipend in the amount of \$75 (Seventy-Five dollars) in addition to the customary remuneration received,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT a stipend in the amount of \$75 (Seventy-Five dollars) shall be paid to all City Election Officials in addition to the customary remuneration paid for the 2020 September Primary and 2020 November General elections.

Authorization	
<i>Sponsored by Councilors:</i> Crystal Paradis Matthew Gerding Nancie Cameron	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 1-21

History

First Read Date:	07/13/2020	Tabled:	
Public Hearing:	N/A	Removed From Table:	
Second Read:	07/13/2020		

Discussion

Councilor Gerding moved to suspend Council rules to allow for a second reading of Resolution No. 1-21. The motion was seconded by Councilor Paradis and passed 9-0 by roll call vote.

Councilor Paradis stated she would like to see the city staff assisting with the election to be included in the stipend payment.

Councilor Witham inquired where the funds for the stipend were coming from and the City Manager replied they would be coming from the election fund.

Councilor Gerding said it was important to approve this tonight so those scheduled to help out know they are going to get this amount.

Councilor Paradis moved to adopt Resolution No. 1-21 with the amendment to include city staff. The motion was seconded by Councilor Gerding 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	Dumont	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Paradis	X	
TOTAL VOTES:		9	0
On 07/13/2020 Resolution 1-21		PASSED	FAILED

OTHER

- A. Vote to request the School Board to authorize the use of Somersworth High School as the Ward 3 polling location. (Note: this will relocate the current Ward 3 polling location from the Flanagan Community Center)

Request passed by roll call vote 9-0.

- B. Vote to request the School Board to authorize the use of Idlehurst Elementary School as the Ward 4 polling location. (Note: this will relocate the current Ward 4 polling location from the Charpentier Apartments)

Request passed by roll call vote 9-0.

- C. Vote to Waive the Excavation Moratorium on Stackpole Road (City Ordinance Ch. 12, Section 12.1, Moratorium Period, for Roads that have been overlayed, the Moratorium shall be three (3) years)

Waiver passed by roll call vote 9-0.

COMMENTS BY VISITORS

None

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Pepin said lately he has been watching too much news. It is infuriating to him about Veterans Park. So much that he bought a bench and a monument and multiple bricks at the current Veteran's Park being built. A monument should be sacred. BLM flag he received an email the other day and he Googled what it meant. He thinks that all lives matter. This is going to be another Civil war blacks and whites.

Councilor Vincent stated he drove by Ward 5 and Jules Bisson Park gazebo it is good quality. He indicated resident, John Diccico, is very concerned about the camera that it is pointing at his building at Veteran's Park. He also stated that he was told Alan Babel, Nadeau St felt they were pressured by the City to do that deal. Their concerns are that the City pressured them to do that deal. Councilor Vincent asked the city manager to come up with a wish list for the donation from Hilltop Fireworks in the amount of \$5000 - \$10,000, but requested he had some say in the matter.

Mayor Hilliard suggested that the Somersworth Youth Connection would be a great place to donate to.

Councilor Dumont stated he was sorry if he offended anyone, but issues have been working on him for a long time and it is not a pleasurable thing to not be part of the consensus. The money is an important piece and he is glad that Councilor Vincent agreed to be on the Committee for the construction of the Fire Station.

Councilor Austin urged the public to continue to wear a mask. That is the one thing we can do to protect ourselves.

Councilor Michaud thanked Director Saunders and he wishes her luck as she has done an amazing job. The person who takes her place will have large shoes to fill.

Councilor Witham met with Director Saunders on site walk and we tried to offer her to stay, but realizes she has a great opportunity ahead. He mentioned that Malley Farm ball field has been used by the girls' softball team, but wasn't sure if it is worth reaching out for the little league. Councilor Witham spoke his discovery of fireworks debris on Noble Pines and said he spends about 8-10 hours a week there maintaining the field. His son and a friend came out to help clean up. There were large amounts of debris left behind on the field. It made him look at the current Ordinance and make some changes.

Councilor Cameron wished Shanna Saunders the best of luck in Rochester and for all her help. She did mention the little league may not be an option this year. She likes the penalties on the fireworks ordinance.

Councilor Gerding reminded people to remain diligent. He would hate to see us end up like other states. He is thinking about a possible second wave happening here in NH and he would like to look more into a mask ordinance. Second thing he wanted to speak to was the BLM flag and he was happy to see that it will be left up until November. He urged those not educated on the cause to reach out to organizations within NH. This movement is not about rioting and violence. It is specifically about systemic issues and that Black Lives Matter. He wants it to be something that we support.

Councilor Paradis echoed Councilor Gerding's comments on the Black Lives Matter movement and encouraged the conversation to continue. Important to keep these discussions moving forward. Happy to see the School Board meets tomorrow and she knows a decision is not going to be made as of yet. She encouraged the parents to take the survey.

Mayor Hilliard referred Ordinance 3-21 to the Public Safety Committee.

FUTURE AGENDA ITEMS

NONPUBLIC SESSION

ADJOURNMENT

Councilor Witham made a motion to adjourn at the call of the Chair. The motion was seconded by Councilor Cameron and passed 9-0, by roll call vote. The meeting adjourned at 10:31.

Jonathan Slaven, City Clerk

Dana Hilliard, Mayor