

## MINUTES OF CITY COUNCIL MEETING

Monday, August 10, 2020

7:00 P.M.

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### **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 7:03 p.m. by His Honor, the Mayor, Dana S. Hilliard, and upon roll call the following 7 Council members were present: Councilors Pepin, Vincent, Dumont, Austin, Witham, Gerding, and Paradis, who were all by themselves.

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

### **PLEDGE OF ALLEGIANCE**

Councilor Witham led the Pledge of Allegiance.

### **PUBLIC HEARING**

- 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

No Comments submitted by the public.

- B. **Ordinance No. 2-21** - To Amend Chapter 30, Conduct in Public Parks, Section 8 - Regarding Advertising

No Comments submitted by the public.

**C. Ordinance No. 4-21 - Transfer Ordinance for Fire Staffing Funding**

No Comments submitted by the public.

**D. Ordinance No. 6-21 – To Add to Chapter 19, Zoning, Section 32, Form Based Codes**

No Comments submitted by the public.

**COMMENTS BY VISITORS**

No comments submitted by the public.

**CONSENT CALENDAR**

A. Approve Minutes of the City Council Workshop-Form Based Codes held on July 13, 2020

B. Approve Minutes of the City Council Meeting held on July 13, 2020

*Councilor Witham motioned to approve all items on the Consent Calendar. The motion was seconded by Councilor Austin and passed 7-0 by roll call vote.*

**COMMENTS BY CITY COUNCILORS**

None

**COMMUNICATIONS**

Rick Perrin, Census Partnership Specialist, Strafford County –Briefing on 2020 Census

Remotely via Zoom

Member of Census Bureau, Rick Perrin, explained that the census still going on and is easy to fill out. He said the census works as a good teaching tool to children and comes in twelve languages. He said the responses are confidential. The census also does not include anything in regards to political parties or citizenship questions. It holds importance with determining funding to communities. The federal government distributes billions of dollars for local programs. Mr. Perrin requests that 2020census.gov be included in the City's social media outlets.

**PRESENTATIONS OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE**

None were presented.

## **MAYOR'S REPORT**

### **Mayors Report for City Council Meeting August 10, 2020**

- This evening before the Council for first reading is **Resolution No. 10-21** “Requesting All Residents and Visitors, In the Strongest of Terms, To Wear Appropriate Face Coverings While In Public. All Business Owners and Places of Public Accommodation, to the Extent Not Already Covered Within Guidance Issued By The Governor, Are Requested to Develop Policies and Procedures, Including Appropriate Signage or Notices, Urging or Requiring Visitors to Wear Face Coverings”

**Resolution 10-21** was developed after a meeting between the Tri-City Mayors and the urgency to continue to keep our three communities safe as we jointly continue to battle the COVID 19 outbreak. During that meeting each of the three Mayors agreed that the best approach would be to support and advocate for voluntary compliancy first, and continue to educated that public on why mask wearing will aid our communities towards flattening the curve and help us to expedite the return to normalcy. While the Resolution does not have any enforcement powers, it does officially put our municipal government on the record of supporting the use of masks within public. If the virus continues to spread and the problem within the Tri-City area worsens with the number of inflections, then the Tri-City Mayors will look towards the possibility of moving towards stronger requirements.

In the interim, we believe the best policy for our three communities is to continue to educate, advocate and increase the participation of voluntary compliance of mask wearing. The Rochester City Council has already passed the Resolution before you this evening, with the Dover City Council expected to take action this week. This evening I respectfully request from Council a suspension of Council rules for a second reading on Resolution 10-21 and request your full support and passage. Together as a united community we will continue to inch closer and closer each day towards the return to normalcy.

- A return to normalcy continues to be a desire all of us are striving for. However, we must be mindful of what the reality of the current situation is and successfully as a united team navigate the waters before us. While this body would love to return to face to face meetings, the safety of each of its members and our ability to ensure we can continue to govern must take precedents over our own individual wants. Since March this body has successfully continued to meet the needs of our city, its citizens and lead by example. We have honored and followed all fabrics of our democratic system, ensure open discussion and process take place, with input from the public and that each member's voice and vote continues to be registered. As promised, this week the City Manager, Deputy Mayor and I will be reviewing the current state of whether the Council will continue remotely into the fall or return to face to face meetings with restrictions within place. We will review all current data and guidelines and make the best decision which ensures the fidelity of our local democratic system, while also taking into account the safety of each member. We will also review the possibility of Council stand committees, and boards and commissions returning to a face to face schedule. Communication on our decision will be issued by the end of the week or early next week.

As always thank you for your tireless efforts in keeping Somersworth “On the Move” and ensuring our team approach to governing will continue.

- Congratulations to Seacoast Crafters on your 2<sup>nd</sup> year anniversary. I enjoyed attending your social distant event, thank you for inviting me to the festivities. I am also very excited to show off my new Bruins LED light in my office at Somersworth Middle School. I hope the light will guide the Stanley Cup to Boston during this year’s playoffs and completion.
- While the winds and rain last week might have stormed through the Hilltop city, the flag of the United States Coast Guard proudly waved at Citizens Place. For all who have ever worn the uniform, we salute you on your founding date August 4<sup>th</sup>, 1790.
- Under nominations, appointments and Elections; **In accordance with Council Rule 17 Appointments**, the following are being brought forward this evening for a confirmation vote;
- **Michael Bobinsky**, for Re-Appointment as a Strafford Regional Planning Commissioner, with a term to expire May 2024

**Also In accordance with Council Rule 17 Appointments**, the following is being brought forward this evening and placed in nomination;

- **Mark Richardson**, for Appointment to **Board of Cemetery Trustees, with a term to expire August 2025**

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

**This respectfully concludes my August 10th, 2020 Mayors Report**

## **REPORT OF STANDING COMMITTEES**

*Finance* – Councilor Witham said the Finance Committee met on July 30<sup>th</sup> at 10:30 with one member of the public present via zoom for the Nadeau Street topic. He stated we have already moved forward with thought of a betterment district for the three properties on the street which equates to approximately \$100,000 in improvements for the work. The way in which the residents approached us was nothing short of professional, but they would like to revisit the cost share. Councilor Witham wanted to remind Council the City had stumbled on the fact that Nadeau was not a City approved street. He stated the amount for the improvements agreed upon by the PW&E was \$26,000 which breaks down to \$11,000 in estimated interest savings by not charging interest as part of the assessment and \$15,000 which represents the City’s estimate to overlay and shim the road.

Up next on the Finance Committee's agenda were the City CMAQ grant, which is a federal grant allowing us to improve traffic signals along the High Street corridor. There is a project amendment to add reflective panels around the traffic signal heads, for which there is grant money available and a small City match, which the Committee approved.

Councilor Witham also informed Council of TAP grant project amendment with CMA Engineers deals with some right-of-way acquisition.

The Committee also recommends moving forward with a five-year lease-purchase for an undercover police vehicle and a Public Works vehicle to include a plow. Councilor Witham also spoke about the COPs grant award to hire a new officer who will participate with the adverse childhood response team program. The officer will also have community policing responsibilities. The Finance Committee voted unanimously to support this COPs grant resolution.

Councilor Witham also spoke about the fire station building contract with Port One Architects who are providing the City with the initial design and have agreed to move forward for construction specifications and oversight work. The Finance Committee also supported the resolution for this contract (Resolution 5-21) unanimously.

The Finance Committee also discussed the fiscal year budget. When budget was passed the Mayor asked for us to revisit as we get closer to setting tax rates. The Finance committee recommend no action be taken on the approved fiscal year budget at this time.

Government Operations – Councilor Gerding stated the Government Operations Committee decided the proposed Ordinance 23-20 needed more clarity. Some were unsure and we wanted to table the item and get more information before getting to public hearing. Councilor Gerding also spoke to updates from City Manager in regard to employee staffing. Also discussed potentially pursuing an oversight committee in regards to hiring and police department oversight. Ultimately decided to put on pause and maybe come back next meeting with more information.

Economic Development – Councilor Dumont informed Council that the Economic Development Committee had a meeting this evening. Robin Comstock, Economic Development Manager, gave an update we haven't had in a while. Lot of moving pieces with corona, so progress has been somewhat limited. City Manager shared some good news that how we deal with the BP gas station moving forward is going to be different and no longer grandfathered as a gas station.

Public Safety – Councilor Pepin stated the Public Safety Committee met August 5<sup>th</sup> via zoom. Police Department is reviewing applicants for a Parking Enforcement Officer. The Police Department calls saw an increase of 139 calls over last year. The Committee also voted in support the COPs grant. Councilor Pepin said the Committee discussed police officer body cams in regards to costs, maintenance, storage. Chief Kretschmar will be doing more research into that and providing a recommendation to the Manager. He said the Committee also discussed Resolution 6-21 to purchase police vehicles and voted to support it. He stated the Fire Chief reported that the specifications on the truck almost outfitted. He informed Council that the Fire Department discussed old turn out gear being donated to a technical program in the area for

training. The Committee also discussed the proposed fireworks Ordinance. The Committee's recommendations were to keep the fee at \$5, and felt raising the fee would discourage those from getting a permit making it more difficult to track. He said the Committee also reviewed the times and felt 12:30 was fine to keep in the present Ordinance.

*Public Works & Environment* – Councilor Witham said the Committee met on July 30<sup>th</sup>. The Committee discussed some settling on Indigo Hill Road. Severino scheduled for repair work on 50-100 ft section. They also discussed punch list work to include some spot work and striping to be done in a few cross-walks. The Committee had a discussion on the Ord. 5-21 amendment to allow beekeeping. The Committee discussed and generally supported a change, although members wanted to have more specific language on location on a lot and the number of hives, etc. to consider. Councilor Witham also stated the Committee reviewed communication from Coolidge Law Firm regarding sidewalk insufficiencies on Constitutional Way. Constitutional Way is under a complete street engineering design process.

*Parks and Recreation*: Councilor Paradis informed Council that the Committee discussed the dog park which is near completion. Discussed final resolution to approve rules and signage for dog park, allowing advertising at the dog parks and other parks. She stated the Committee supports the passing of the proposed Resolution. The Committee heard about the millennium park update and hopes this park will be opening at the same time as the dog park.

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

*COAST* - Councilor Pepin informed Council the Committee had their annual meeting on July 29<sup>th</sup> at which they reelected officers. The Committee discussed trying to educate people about the bus routes. The Committee also discussed their budget; however, many uncertainties remain. On July 9<sup>th</sup> the Committee had a meeting with CMA Engineering to review facility needs.

*Fire Station Building Committee* – Councilor Pepin informed Council that the Committee met on July 29<sup>th</sup> at 2 p.m. He said the City Manager gave a detailed report of the architect and how they got their design done with fire dept. staff assistance. The Committee did have discussion about going out for another RFP for another engineer to see if costs would come down, but did not want to start all over again. The Committee did support a Port One contract as in Resolution 5-21.

*Joint Building Committee* – Councilor Pepin stated the Committee had meetings on July 30<sup>th</sup> and August 6<sup>th</sup>. He said the walls in the music room are finished and carpets are in the process of being installed in classrooms. Councilor Pepin relayed discussions the Committee had of trying to get laundry room for nurse, custodian, and teachers. He also discussed having driveway where loading dock is going to be repaved.

*Election Review Planning Commission* – Councilor Paradis informed Council that the Committee met last Wednesday, July 29<sup>th</sup>. She said discussions lead to draft plan of recommendations, the objective being, to develop a plan under state laws and restrictions to ensure safety of voters and workers. She spoke to these recommendations which include masks and hand sanitizers for workers and voters, locations being closed for daily business on those days, and recommending the doors to be propped open when possible. She also stated the

location changes for the polling places was noted and signs to be posted at the old locations in case people don't know about the changes. Councilor Paradis also said the committee stressed the \$75 stipend for poll worker staff to include city staff. The Commission also discussed encouragement of absentee voting and the absentee ballots can be counted after 1pm. The Committee also recommended stressing absentee voting for the General Election in November.

Historic District Commission – Councilor Gerding gave an update on the Commission who met in July. The Commission discussed a new home build on winter street that was approved with amendments to add features to better fit in with the neighbors. The Commission also discussed a resident who wanted to add deck and screened porch on Maple. The resident was willing to put on a false chimney since one had to be taken down. There was also a project on Linden Street to install retaining wall (rock) which they were happy to change. Lastly, the Commission discussed a home looking to replace roof with new product (aluminum shingle) to mimic old style roof.

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, August 7, 2020**

**SUBJECT: City Manager's Report for Monday, August 10, 2020**

***Unfinished Business (Under Section 14 of Agenda)***

**Ordinances**

- A. Ordinance No. 23-20: To Amend Chapter 4, Personnel Rules & Regulations, Section 11.3.1, Health/Dental Insurance, Regarding Spouses Employed by the City.** The Government Operations met on August 4<sup>th</sup> and continued the matter for further evaluation. This Ordinance change remains in Committee.
- B. 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.** Again, the Recreation Committee voted to support this Ordinance amendment at their June 3<sup>rd</sup> meeting.
- C. Ordinance No. 2-21: To Amend Chapter 30, Conduct in Public Parks, Section 8 – Regarding Advertising.** Again, the Recreation Committee reviewed and voted to support this Ordinance amendment at their June 23<sup>rd</sup> meeting.
- D. Ordinance No. 3-21: To Amend Chapter 21A, Display of Permissible Fireworks.** The Public Safety Committee met on August 5<sup>th</sup> and voted to recommend amendments to this proposed Ordinance change. Attached is the *red-*

*lined* proposed amendment(s) with the recommended changes to be presented by Committee members. The Committee is advocating keeping the application fee at \$5.00 as well as making no changes to the allowed fireworks discharging times. The Committee supports the penalty fine increases.

- E. Ordinance No. 4-21: Transfer Ordinance for Fire Staffing Funding.** Again, this Ordinance is in support of Resolution No. 49-20 which was adopted at the June 15<sup>th</sup> 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 roll-up costs.
- F. Ordinance No. 5-21: To Amend Chapter 19 – Zoning, Section 25.B, Agricultural Use.** The Public Works & Environment Committee met on July 30<sup>th</sup> and asked the City Manager to provide some research on alternative language for their consideration. This Ordinance change remains in Committee.
- G. Ordinance No. 6-21: To Add to Chapter 19, Zoning, Section 32, Form Based Codes.** Again, this proposed Amendment has been in the works for some 18-plus months. The City Attorney has reviewed this language and he has no proposed changes.

#### *New Business (Under Section 15 of Agenda)*

#### **Resolutions**

- A. Resolution No. 2-21: To Authorize the City Manager to Enter into a Grant Agreement with the United States Department of Justice Cops Hiring Program to add One Additional Police Officer.** The City was notified in June that we were awarded a \$125,000 Grant over a three year period to assist in funding one additional officer. This would leave an estimated cost of \$165,038.00 to the City over the three year period of the Grant. Additionally, the City would be required to retain the officer for a period of one year upon expiration of the grant. It is anticipated that the grant position would be assigned to the Patrol Division of the Police Department. In addition to patrol duties, this officer would be assigned as a Community Policing Officer, overseeing programs such as National Night Out, Pizza with the Police, Coffee with a Cop and a new program known as ACERT. Please see Chief Kretschmar's memorandum for further explanation.
- B. Resolution No. 3- 21: To Authorize the City Manager to Prepare Bid Specifications for Road Resurfacing and Associated Repairs of Selected Streets.** The Public Works & Environment Committee met on July 7<sup>th</sup> and voted to support this Road Resurfacing plan. I want to point out, if adopted, the road resurfacing would be conducted in 2021, the crack sealing would be completed prior to this winter of 2020. Attached is a Memorandum from City Engineer Gary Lemay providing more detail on these repairs.



- C. Resolution No. 4 -21: Authorizing the City Manager to Sign a Lease/Purchase Agreement for the Purchase of City Vehicles.** The Finance Committee voted to support this Resolution on June 9<sup>th</sup>. Please see Finance Director Scott Smith's memorandum that outlines the Proposals received. At the conclusion of the lease financing, the City will own the vehicles.
- D. Resolution No. 5-21: To Authorize the City Manager to Contract with Port One Architects of Portsmouth, NH to Provide Final Design Services to Construct a New Fire Station at The Location of the Current Fire Station on Maple Street.** The Finance Committee and the Fire Station Building Committee voted to recommend the City continue with the services of Port One Architects. Attached is the cost page from the draft Port One proposed contract.
- E. Resolution No. 6-21: To Authorize the City Manager to Order One SUV Style Police Cruiser and One Undercover Police Vehicle Which will be Funded by a Lease Purchase Agreement.** Resolutions 6-21 and Resolution 7-21 are the actual purchases that will be made should the lease financing be approved. These purchases were approved by the City Council in the FY 2021 Budget. Attached is further information from Chief Kretschmar regarding these replacement vehicles as well as the associated CIP document pages.
- F. Resolution No. 7-21: To Authorize the City Manager to Order a Ford Pick-Up Truck for the Department of Public Works Which will be Funded by a Lease Purchase Agreement.** Attached is the CIP page for this vehicle. The present vehicle is earmarked for trade-in.
- G. Resolution No. 8-21: To Authorize the City Council to Establish a Betterment Assessment for the Purpose of Reconstructing Nadeau Street and Accepting it as a City Street.** The Public Works & Environment and Finance Committee met on July 30<sup>th</sup> to discuss the possibility of some cost sharing with the Residents who have agreed to fund the road upgrades so that the City Council will be in the position to accept the road as a City approved road. Attached is a Memorandum from City Engineer Gary Lemay outlining the cost estimates for needed repairs as well as other steps required such as survey and Planning Board approval.
- H. Resolution No. 9-21: To Authorize the City Manager to Amend the Contract with CMA Engineers of Portsmouth, NH for Engineering Service associated with the Transportation Alternatives Program Grant.** The Finance Committee met on July 30<sup>th</sup> and voted to recommend this amendment to the full City Council. Attached is a spreadsheet that outlines the funding needed to move this project forward.
- I. Resolution No. 10-21: Resolution Requesting all Residents and Visitors, in the Strongest of Terms, to Wear Appropriate Face Coverings While in Public. All Business Owners and Places of Public Accommodation, To the Extent not Already Covered Within Guidance Issued by The Governor, are Requested to**

**Develop Policies and Procedures, Including Appropriate Signage Or Notices,  
Urging or Requiring Visitors to Wear Face Coverings.**

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

**A. Informational Items.**

- 1. City Hall Drop-Box.** I have authorized the purchase and installation of a secure drop-box by the City Hall door on Government Way. Residents will be able to use this box at all hours of the day and week to drop off utility and tax payments as well as other documents.
- 2. FY 2021 Revenue Estimates.** Attached is a memorandum from Finance Director Scott Smith that was discussed at the July 30<sup>th</sup> Finance Committee meeting. In summary, the City is positioned well as far as projected FY21 Revenues as of this date. However, we are concerned in regards to the next Fiscal Year out, Fiscal Year 22.
- 3. Surplus Fire Department Humvee.** I am pleased to report the unit was placed on GovDeals for bidding and it sold for \$13,000. We purchased it for \$10,000 – 7 years ago.

**Attachments**

- 1. City Attorney Certifications Ten (10)**
- 2. Department Head Reports**

**NOMINATIONS, APPOINTMENTS AND ELECTIONS**

Nominations being introduced for Council Confirmation Vote:

- A. Mark Richardson, for Appointment to Board of Cemetery Trustees, with a term to expire August 2025

Nomination will remain open until the next meeting.

Nominations requiring a Council Confirmation Vote:

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

***Councilor Witham made a motion to approve Michael Bobinsky as a member of the Strafford Regional Planning Commission with a term to expire May 2024. The motion was seconded by Councilor Vincent and passed 7-0 by roll call vote.***

## **UNFINISHED BUSINESS**

### **ORDINANCES**

- A. **Ordinance No. 23-20** - To Amend Chapter 4, Personnel Rules & Regulations, Section 11.3.1, Health/Dental Insurance, Regarding Spouses Employed by the City (Referred to Government Operations Committee 7/13/2020, remains in Committee)
- B. **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

*Councilor Paradis made a motion to adopt Ordinance No. 1-2. The motion was seconded by Councilor Austin and passed 7-0 by roll call vote.*

- C. **Ordinance No. 2-21** - To Amend Chapter 30, Conduct in Public Parks, Section 8 - Regarding Advertising

*Councilor Paradis made a motion to adopt Ordinance No. 2-21. The motion was seconded by Councilor Pepin and approved 7-0 by roll call vote.*

Councilor Paradis stated she believes this is the last item for the dog park. She inquired if we have an anticipated opening date. The City Manager explained there may be a delay since we are running into construction issues with the fencing company. He further explained we needed to wait until the adoption of this in order to finalize the draft rules to be posted at the park.

- D. **Ordinance No. 3-21** - To Amend Chapter 21A, Display of Permissible Fireworks (Referred to Public Safety Committee 7/13/2020)

*Councilor Witham made a motion to table for a legal opinion regarding the Mayor's ruling that the Committee's amendments did not need a Council vote. The motion was seconded by Councilor Dumont and passed 4-2 by roll call vote with Councilors Pepin and Austin voting "No". Councilor Vincent recused himself.*

*Mayor Hilliard reversed his opinion, noting that Council Rules indicated a full Council vote would be needed.*

*Councilor Witham made a motion to remove Ordinance No. 3-21 from the table. The motion was seconded by Councilor Dumont and passed 6-0 by roll call vote. Councilor Vincent recused himself.*

*Councilor Witham made a motion to adopt the amends to Ordinance No. 3-21. The motion was seconded by Councilor Dumont and passed 6-0 by roll call vote. Councilor Vincent recused himself.*

*Councilor Witham made a motion to re-table until a Public Hearing Also, is held. The motion was seconded Dumont and passed 6-0 by roll call vote. Councilor Vincent recused himself.*

E. **Ordinance No. 4-21** - Transfer Ordinance for Fire Staffing Funding

*Councilor Vincent made a motion to adopt Ordinance No. 4-21. The motion was seconded by Councilor Pepin and passed 7-0 by roll call vote.*

F. **Ordinance No. 5-21** - To Amend Chapter 19 – Zoning, Definitions, Section 25.B, Agricultural Use (Referred to Public Works & Environment Committee 7/13/2020, remains in Committee)

G. **Ordinance No. 6-21** – To Add to Chapter 19, Zoning, Section 32, Form Based Codes

*Councilor Dumont made a motion to adopt Ordinance No. 6-21. The motion was seconded by Councilor Austin and passed 7-0 by roll call vote.*

## **NEW BUSINESS**

### **RESOLUTIONS**

A. **Resolution No. 2-21** To Authorize the City Manager to Enter Into a Grant Agreement with the United States Department of Justice Cops Hiring Program to Add One Additional Police Officer

*Resolution No. 2-21 will remain in first read until call of the Chair.*

B. **Resolution No. 3-21** To Authorize the City Manager to Prepare Bid Specifications for Road Resurfacing and Associated Repairs of Selected Streets

*Resolution No. 3-21 will remain in first read until call of the Chair.*

C. **Resolution No. 4-21** Authorizing the City Manager to Sign a Lease/Purchase Agreement for the Purchase of City Vehicles

*Resolution No. 4-21 will remain in first read until call of the Chair.*

D. **Resolution No. 5-21** To Authorize the City Manager to Contract with Port One Architects of Portsmouth, NH to Provide Final Design Services to Construct a New Fire Station at the Location of the Current Fire Station on Maple Street

*Resolution No. 5-21 will remain in first read until call of the Chair.*

- E. **Resolution No. 6-21** To Authorize the City Manager to Order One SUV Style Police Cruiser and One Undercover Police Vehicle which will be Funded by a Lease Purchase Agreement

*Councilor Witham made a motion to suspend rules to allow for a second reading. The motion was seconded by Councilor Vincent and passed 7-0 by roll call vote.*

*Councilor Witham made a motion to adopt Resolution No. 6-21. The motion was seconded by Councilor Dumont and passed 7-0 by roll call vote.*

Councilor Witham indicated his thought is to get this moving since getting the vehicle in order is frequently delayed.

Councilor Paradis inquired about the funding being approved already for the vehicle and that this is just an approval to order the specific vehicle. The City Manager clarified what was previously approved was a down payment as funding. Councilor Paradis asked if this was in capital improvement plan. The City Manager said it is included in the plan, but as we move forward Council leasing approval needs to be secured.

- F. **Resolution No. 7-21** To Authorize the City Manager to Order a Ford Pick Up Truck for the Department of Public Works which will be Funded by a Lease Purchase Agreement

*Resolution No. 7-21 will remain in first read until call of the Chair.*

- G. **Resolution No. 8-21** To Authorize the City Council to Establish a Betterment Assessment for the Purpose of Reconstructing Nadeau Street and Accepting it as a City Street

*Councilor Witham made a motion to suspend rules to allow for a second reading. The motion was seconded by Councilor Vincent and passed 7-0 by roll call vote.*

*Councilor Witham made a motion to adopt Resolution No. 8-21. The motion was seconded by Councilor Gerding and passed 7-0 by roll call vote.*

- H. **Resolution No. 9-21** To Authorize the City Manager to Amend the Contract with CMA Engineers of Portsmouth, NH for Engineering Services Associated with the Transportation Alternatives Program Grant

*Resolution No. 9-21 will remain in first read until call of the Chair.*

- I. **Resolution No. 10-21** Resolution Requesting All Residents and Visitors, In the Strongest of Terms, To Wear Appropriate Face Coverings While In Public. All Business Owners and Places of Public Accommodation, to the Extent Not Already Covered Within Guidance Issued By The Governor, Are Requested to Develop Policies and Procedures, Including Appropriate Signage or Notices, Urging or Requiring Visitors to Wear Face Coverings

*Councilor Witham made a motion to suspend rules to allow for a second reading. The motion was seconded by Councilor Austin and passed 7-0 by roll call vote*

*Councilor Pepin made a motion to approve Resolution 10-21. The motion was seconded by Councilor Gerding and passed 7-0 by roll call vote.*

Councilor Paradis stated she supports this resolution and wishes to send a copy to the Governor in order to urge him to provide guidance. She also hopes to be added as a sponsor to the Resolution. The wish to be added as a sponsor was echoed by Councilors Witham and Pepin.

## **OTHER**

A. Approval of the recommendations from the Election Review Planning Commission

*The approval of the recommendation from the Election Review Planning Commission passed 7-0 by roll call vote.*

## **CLOSING COMMENTS BY COUNCIL MEMBERS**

*Councilor Pepin* stated he was glad to see the list of the roads to be paved next year as it includes several side streets. He also wanted to welcome the new City Clerk.

*Councilor Vincent* wanted to acknowledge the passing of his business partner, John Gregoire. He was a great individual, citizen of Somersworth, and fire fighter. Councilor Vincent indicated Mr. Gregoire served on committees from the city (veterans park committee) and was an outstanding individual who was always good for a joke. Councilor Vincent also stated he has been hearing concerns about how the flag policy is being run. The resident was not concerned about the politics, rather the control of the flag. The Mayor stated he spoke with resident also and options are being explored.

*Councilor Dumont* wanted to send his condolences to the Gregoire family. He also wanted to compliment both the Public Works Department for getting the road repair list ready and to thank the drive-up window employees. He indicated he wants to post busy times for the window. Councilor Dumont also extends appreciation to the school board, superintendent, and staff. His hat goes off to them. Councilor Dumont wanted to suggest a black-out period on Council and Committee meetings so people can take their time off etc. Councilor Dumont wanted also to discuss on-call fire departments. Reality is we were built on on-call fire departments. One of our neighbors operates a fully volunteer force in Kittery, Maine. We can't take these types of people and forget about them. We have had some great call fire departments. He thinks there needs to be a different perspective. Councilor Dumont also wanted to address a new moniker for people who don't agree with the past. The term is "cancel-culture". He would encourage Councilors to research and look at what this is doing to our country. It has to do with statues being removed etc. For him, putting ten years in the

military, protecting peoples' right to express themselves. Councilor Dumont also wanted to extend a large thanks to the pastor at Ignatius church. He indicated his parish met as a family in car-church. Audio came through speakers and there was a great turn out.

*Councilor Austin* wanted to reiterate the meeting with the School Board. He said he was impressed by the thoughtful approach taken by the Board. Superintendent presented a good, well thought out, plan. Congrats to the workers and staff who have not had time off in order to continue educational planning. Since March nearly 400,000 people have been diagnosed, 100,000 in the last two weeks. He stated he was glad we passed the mask ordinance and we should do everything we can to help people understand the implications, good and bad of wearing or not wearing a mask. If we want to open up schools, restaurants, etc., we need to wear masks.

*Councilor Witham* also wanted to extend condolences to the Gregoire family. He stated he received communication from a resident about getting back to some sort of semblance of normal. If we do remain in remote status, the concern is public access. He wants to consider allowing residents to enter meeting on zoom. Councilor Witham also wanted to give kudos to the fire chief for handling a storm event. He said it was one of the best commanded events he's ever heard and was executed flawlessly. Councilor Witham is also pleased to hear we have a Parking Enforcement Officer almost onboard. He has been seeing many flagrant violations of our parking ordinance every day. He also wanted to point out that the fence at the dog park on Stackpole Road is being done very poorly. He believes it is so bad it needs to come down and be redone. Councilor Witham also wanted to point out some maintenance necessary to the police station's lawn, shrubs and lighting.

*Councilor Gerding* wanted to compliment staff on new park and gazebo; they look great. He also wanted to wish all families and educators a happy end of summer. Councilor Gerding said he is happy to see the mask resolution move forward and is extra pleased to see it came through as a tri-city resolution, making it that much more impactful.

*Councilor Paradis* wanted to welcome the new city clerk. She said he has been great interacting with him and heard only good comments from others. Councilor Paradis also wanted to share an idea passed by her by a resident to install street murals to support positive messages around the community. She asked Economic Development Manager, Robin Comstock if she felt this would positively impact on an economic basis to which she replied in the affirmative. Councilor Paradis hopes we pick this up for discussion in order to help our small businesses. She also wanted to relay an issue she has been hearing from residents a lot lately, which is Police Department funding. As she has been paying attention to data etc., she has also been keeping tabs on information on things useful to Somersworth. Recently Kretschmar discussed how challenges and success for a police department are driven by the culture itself. She knows our police department is dedicated. She has learned that what helps them greatly is proactively building relationships in the community. There is a grant coming up before us, COPS hiring grant, a federally awarded grant towards hiring a police officer. The program that the new officer would be assigned to would be coffee with a cop and other new initiatives. Councilor Paradis is definitely in full support of community policing with or without the approval of the resolution. COPS hiring grant adds \$260,000 over the next four years towards expanding in what is expected to be a permanent way. She has heard we are

understaffed compared to calls, though many calls are from the same people an officer sees every day. The question on her mind is, how to find a better way to address the root problem of these common calls. Many have mental, drug issues and each issue have a professional outlet to offer assistance. Councilor Paradis spoke to having officers diverting individuals to other assistance programs if they deem the individual to be appropriate for the program. She would like to see the City expand the capacity on both sides, not just having our Police Department address every community problem in order to better serve the basic needs of our community. She expressed that a number of residents have expressed the desire to explore other ways to alleviate issues currently being addressed by the Police Department, and rather redirect to other helpful agencies.

### **ADJOURNMENT**

*Councilor Witham made a motion to adjourn until the call of the chair. The motion was seconded by Councilor Vincent and passed 7-0 by roll call vote. The meeting adjourned at 9:50 p.m.*

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Jonathan Slaven, City Clerk

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Dana Hilliard, Mayor





## 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	
<i>Sponsored by Councilors:</i>  Richard Michaud  Nancie Cameron  Donald Austin  Matt Gerding	<i>Approved:</i>  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
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*Ordinance No. 23-20 will remain in first read until the call of the Chair.*

*Public Hearing scheduled at the call of the Chair.*

*Mayor Hilliard referred Ordinance 23-20 to the Government Operations Committee 7-13-2020*

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		

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:

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

July 13, 2020

<b>TOTAL VOTES:</b>			
On / /	Ordinance 23-20	<b>PASSED</b>	<b>FAILED</b>

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>	<i>Approved:</i>

Nancie Cameron  
Richard Michaud  
Crystal Paradis  
Martin Pepin

City Attorney

## City of Somersworth – Ordinance 1-21

### History

First Read Date:	07/13/2020	Tabled:	
Public Hearing:	8/10/2020	Removed From Table:	
Second Read:	8/10/2020		

### 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.*

*Councilor Paradis made a motion to adopt Ordinance No. 1-21. The motion was seconded by Councilor Austin and passed 7-0 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	

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:

Ward 5 Councilor	Michaud		
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron		
At Large Councilor	Paradis	X	

	<b>City of Somersworth – Ordinance</b>		
	Ordinance No: <b>2-21</b>  <b>TO AMEND CHAPTER 30, CONDUCT IN PUBLIC PARKS, SECTION 8 - REGARDING ADVERTISING</b>		

July 13, 2020

<b>TOTAL VOTES:</b>		<b>7</b>	<b>0</b>
On 8-10-2020	Ordinance 1-21	<b>PASSED</b>	<b>FAILED</b>

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

## City of Somersworth – Ordinance 2-21

History			
First Read Date:	07/13/2020	Tabled:	
Public Hearing:	8/10/2020	Removed From Table:	
Second Read:	8/10/2020		


### 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.*

*Councilor Paradis made a motion to adopt Ordinance No. 2-21. The motion was seconded by Councilor Pepin and approved 7-0 by roll call vote.*

Councilor Paradis stated she believes this is the last item for the dog park. She inquired if we have an anticipated opening date. The City Manager explained there may be a delay since we are running into construction issues with the fencing company. He further explained we needed to wait until the adoption of this in order to finalize the draft rules to be posted at the park.

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		

At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron		
At Large Councilor	Paradis	X	
<b>TOTAL VOTES:</b>		<b>7</b>	<b>0</b>
On 8-10-2020	Ordinance 2-21	<b>PASSED</b>	<b>FAILED</b>
	<b>City of Somersworth – Ordinance</b>		
	Ordinance No: <b>3-21</b>  <b>TO AMEND CHAPTER 21A, DISPLAY OF PERMISSIBLE FIREWORKS</b>		

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:	8/10/2020		

### 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*

*Mayor Hilliard referred to Public Safety Committee 7/13/2020*

*Councilor Witham made a motion to table for a legal opinion. The motion was seconded by Councilor Dumont and passed 4-2 by roll call vote with Councilors Pepin and Austin voting “No”. Councilor Vincent is recused.*


*Councilor Witham made a motion to remove Ordinance No. 3-21 from the table. The motion was seconded by Councilor Dumont and passed 6-0 by roll call vote. Councilor Vincent is recused.*

*Councilor Witham made a motion to adopt the amends to Ordinance No. 3-21. The motion was seconded by Councilor Dumont and passed 6-0 by roll call vote. Councilor Vincent is recused.*

*Councilor Witham made a motion to re-table until Public Hearing. The motion was seconded Dumont and passed 6-0 by roll call vote. Councilor Vincent is recused.*

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		
<b>TOTAL VOTES:</b>			
On    /    /    .		Ordinance 3-21	PASSED                      FAILED
		City of Somersworth – Ordinance	
		Ordinance No: <b>4-21</b>  <b>TRANSFER ORDINANCE FOR FIRE STAFFING FUNDING</b>	

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
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*Sponsored by Councilors:*

David A. Witham  
Nancie Cameron  
Donald Austin  
Martin Pepin  
Kenneth S. Vincent  
Martin P. Dumont, Sr.  
Richard Michaud

*Approved:*

City Attorney

## City of Somersworth – Ordinance 4-21

### History

First Read Date:	07/13/2020	Tabled:	NA
Public Hearing:	8/10/2020	Removed From Table:	NA
Second Read:	8/10/2020		

### 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.*

*Councilor Vincent made a motion to adopt Ordinance No. 4-21. The motion was seconded by Councilor Pepin and passed 7-0 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		

At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron		
At Large Councilor	Paradis	X	
<b>TOTAL VOTES:</b>		<b>7</b>	<b>0</b>
On 8-10-2020	Ordinance 4-21	<b>PASSED</b>	<b>FAILED</b>

	<b>City of Somersworth – Ordinance</b>
	Ordinance No: <b>5-21</b>  <b>TO AMEND CHAPTER 19 – ZONING, DEFINITIONS, SECTION 25.B, AGRICULTURAL USE</b>

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 of Somersworth – Ordinance 5-21

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

## Discussion


Mayor Hilliard referred Ordinance No. 5-21 to the Public Works & Environment Committee on 7/13/2020.

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		

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:

At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
<b>TOTAL VOTES:</b>			
On	/	/	.
Ordinance 5-21		PASSED	FAILED

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

July 13, 2020

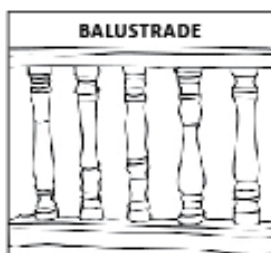
### 19.32.A Purpose and Intent

**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.



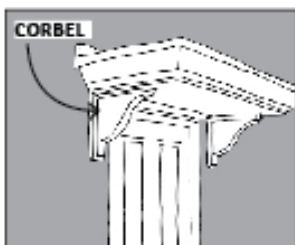
**19.32.B.3** Banding - A horizontal band at least six inches thick applied to the Façade of a building, that offers a change in color, texture, pattern, material, or relief from the main siding material.

**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.

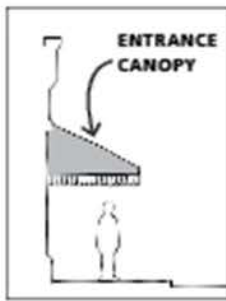


**19.32.B.8** Cornice - Decorative trim located at the meeting point between walls and a roof or ceiling.

**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.



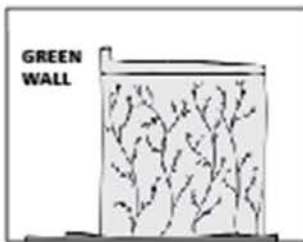
**19.32.B.12** Entrance canopies - A structure, often canvas, mounted to a building to shelter an area or form a sheltered access to the entrance of a building.

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



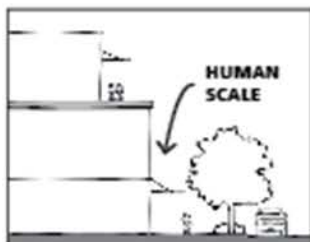
**19.32.B.14** Frieze - a sculptured or richly ornamented band on a building.

**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.



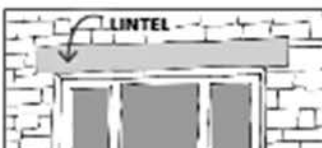
**19.32.B.16** Green Wall - Vegetation growing on or against a vertical surface.

**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.

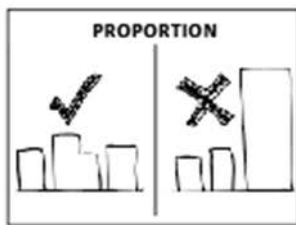
**19.32.B.19** Lodging – Structures providing overnight accommodations for individuals on a temporary basis.



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

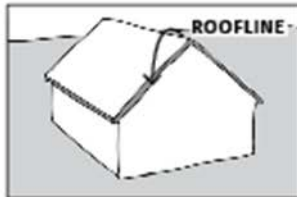
**19.32.B.21** Pediment – A triangular gable forming the end of the roof slope over a portico (the area, with a roof supported by columns, leading to the entrance of a building); or a similar form used decoratively over a doorway or window.

**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.



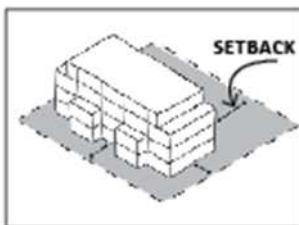
**19.32.B.23** Proportion - The visual effect of the relationships of the various objects and spaces that make up a structure to one another and to the whole.

**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.



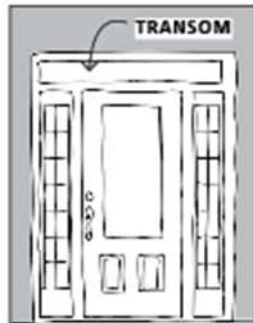
**19.32.B.25** Roofline - The profile of a roof including its slope and cladding which forms the frontage immediately below the roof and the eaves of a structure.

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

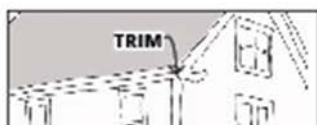


**19.32.B.27** Streetscape - The visual elements of a street, including the road, adjoining buildings, sidewalks, street furniture, trees and open spaces that combine to form the street's character.

**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:	8/10/2020		


### 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.*

*Councilor Dumont made a motion to adopt Ordinance No. 6-21. The motion was seconded by Councilor Austin and passed 7-0 by roll call vote.*

Voting Record	YES	NO
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Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud		
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron		
At Large Councilor	Paradis	X	
<b>TOTAL VOTES:</b>		<b>7</b>	<b>0</b>
On 8-10-2020	Ordinance 6-21	<b>PASSED</b>	<b>FAILED</b>

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>2-21</b>  <b>TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE UNITED STATES DEPARTMENT OF JUSTICE COPS HIRING PROGRAM TO ADD ONE ADDITIONAL POLICE OFFICER.</b>

August 10, 2020

WHEREAS, the City Council adopted Resolution 32-20 authorizing the City Manager to apply for a grant with the United States Department of Justice COPS Hiring program to add 2 (two) additional police officers to the Somersworth Police Department, and

WHEREAS, the City of Somersworth has received notification of a Grant Award in the amount of up to the \$125,000 maximum; and

WHEREAS, the Grant will allow the City of Somersworth to add 1 (one) full time police officer by providing 75% of salary and benefit costs up to \$125,000 for a three-year period; and

**EXPLANATION OF TOTAL PROJECT GRANT BREAKDOWN:**

COPS Hiring Grant Limit	=	\$125,000
<u>Estimated City Match</u>	=	<u>\$165,038</u>
Total Project Award	=	\$290,038

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute any documents and agreements necessary for the grant's execution, and take any and all other such actions on relative to this grant determined to be in the best interest of the City.

***Note: Acceptance of this grant requires the City to maintain this position for 1 full year after the grant period. Additionally, once filled, this may require a supplemental appropriation for the FY21 budget. It is the intent to bring forward a supplemental appropriation when necessary.***

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

## City of Somersworth – Resolution 2-21


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

### Discussion

***Resolution No. 2-21 will remain in first read until 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		
<b>TOTAL VOTES:</b>			
Resolution 2-21		<b>PASSED</b>	<b>FAILED</b>

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>3-21</b> <b>TO AUTHORIZE THE CITY MANAGER TO PREPARE BID SPECIFICATIONS FOR ROAD RESURFACING AND ASSOCIATED REPAIRS OF SELECTED STREETS</b>

August 10, 2020

WHEREAS, the City of Somersworth's Capital Improvement Plan recommends road resurfacing and other general maintenance of streets in the City, and

WHEREAS, the City has prioritized street repair using the pavement condition index assessment tool, and

WHEREAS, the Public Works and Environment Committee recommends the following list of streets to be included in a resurfacing work plan for the 2021 construction season:

Drew Road  
Edmund Street  
Fox Court  
Laurier Street  
Lemelin Court  
Rowland Street  
Shady Lane  
Wilson Street  
Locke Avenue  
Portland Street  
South Street  
Ben Rich Drive  
Lil-Nor Avenue  
Pinkham Street  
Primrose Lane

Midway Park  
Bartlett Avenue  
Cass Street; and

WHEREAS, The Public Works and Environment Committee reviewed a work plan for a portion of High Street from the Washington Street/West High Street intersection to Memorial Drive that will include a mill and pave of the road surface, adding granite curbing to the southbound lane, and reconstructing the adjoining sidewalk and recommends including this project as a bid alternative in the bid specifications; and

WHEREAS, the Public Works and Environment Committee recommends the following list of streets to be included in a crack-sealing work plan for the 2020 construction season:

High Street (Tri-City Road to Dover line)  
High Street/Market Street/Main Street Downtown Area

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to prepare bid specifications and solicit bids from qualified contractors for road resurfacing and associated repairs of the aforementioned streets and take any other actions relative to these infrastructure projects determined to be in the best interest of the City.



Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Martin P. Dumont, Sr. Kenneth Vincent Matthew Gerding	<i>Approved:</i> City Attorney

### City of Somersworth – Resolution 3-21

#### History


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

#### Discussion

*Resolution No. 3-21 will remain in first read until 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		
<b>TOTAL VOTES:</b>			
On	/ / .	Resolution 3-21	PASSED FAILED

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>4-21</b>  <b>AUTHORIZING THE CITY MANAGER TO SIGN A LEASE/PURCHASE AGREEMENT FOR THE PURCHASE OF CITY VEHICLES.</b>

August 10, 2020

WHEREAS, the fiscal year 2020-2021 adopted budget contains an appropriation for a down payment toward the purchase of the following City vehicles:

- One SUV style Police Cruiser
- One Police Undercover Vehicle
- DPW 1-Ton Truck – 103 Replacement, and

WHEREAS, City staff solicited quotes for financing this purchase through a lease/purchase agreement and recommends entering into an agreement with Tax Exempt Leasing Corp., and

WHEREAS, the Finance Committee for the City of Somersworth reviewed these quotes with city staff and supports the recommendation,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to enter into a five-year lease/purchase agreement with Tax Exempt Leasing Corp. for the acquisition of City vehicles.

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

## City of Somersworth – Resolution 4-21


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

### Discussion

*Resolution No. 4-21 will remain in first read until 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		
<b>TOTAL VOTES:</b>			
Resolution 4-21		<b>PASSED</b>	<b>FAILED</b>

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>5-21</b> <b>TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH PORT ONE ARCHITECTS OF PORTSMOUTH, NH TO PROVIDE FINAL DESIGN SERVICES TO CONSTRUCT A NEW FIRE STATION AT THE LOCATION OF THE CURRENT FIRE STATION ON MAPLE STREET.</b>

August 10, 2020

WHEREAS, the City Council adopted Resolution 1-20 to authorize the City Manager to contract with Port One Architects of Portsmouth, NH to provide a conceptual design and a preliminary cost estimate for a new fire station, and

WHEREAS, the conceptual design and cost estimate has been completed and presented to the City Council, and

WHEREAS, utilizing the conceptual design and cost estimate the City Council adopted Resolution 50-20 to authorize a bond to construct a new fire station at the location of the current fire station on Maple Street, and

WHEREAS, Port One Architects have provide a cost to provide final design and other related professional services needed to complete the construction of the new fire station in the amount of \$466,400 (Four Hundred Sixty-Six Thousand Four Hundred dollars), and

WHEREAS, the Finance Committee and Fire Station Building Committee reviewed this cost and proposed services with staff and supports contracting with Port One Architects to provide these services,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with Port One Architects of Portsmouth, NH to provide final design and other related professional services needed to complete

the construction of the new fire station in an amount not to exceed \$466,400 (Four Hundred Sixty Six Thousand Four Hundred dollars) and to take other such action relative to this contract determined to be in the best interest of the City.

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

## City of Somersworth – Resolution 5-21


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

### Discussion

*Resolution No. 5-21 will remain in first read until 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		
<b>TOTAL VOTES:</b>			
Resolution 5-21		<b>PASSED</b>	<b>FAILED</b>

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>6-21</b> <b>TO AUTHORIZE THE CITY MANAGER TO ORDER ONE SUV STYLE POLICE CRUISER AND ONE UNDERCOVER POLICE VEHICLE WHICH WILL BE FUNDED BY A LEASE PURCHASE AGREEMENT</b>

August 10, 2020

WHEREAS, the City of Somersworth’s Capital Improvement Plan proposes a replacement schedule for police cruisers and undercover vehicles to maintain fleet integrity and reduce maintenance costs, and

WHEREAS, the Somersworth City Council would like to improve the fleet of police cruisers by continuing the replacement of traditional sedan style cruisers with a more modern SUV style of police cruiser, and

WHEREAS, the Somersworth City Council would like to improve the fleet of police undercover vehicles and replace them with a newer more reliable fleet of vehicles, and

WHEREAS, City staff has evaluated the advantage of the use of a standard vehicle manufacturer acquisition policy and recommends the use of the NH State bid list for Ford vehicles as the most efficient method of procuring these new vehicles, and

WHEREAS, the Finance Committee has reviewed this with staff and supports the recommendation,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to order one new “SUV” style police cruiser and one new police undercover vehicle which will be funded through a lease purchase agreement.

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

## City of Somersworth – Resolution 6-21

History			
First Read Date:	08/10/2020	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	8/10/2020		

### Discussion

*Councilor Witham made a motion to suspend rules to allow for a second reading. The motion was seconded by Councilor Vincent and passed 7-0 by roll call vote.*


*Councilor Witham made a motion to adopt Resolution No. 6-21. The motion was seconded by Councilor Dumont and passed 7-0 by roll call vote.*

Councilor Witham indicated his thought is to get this moving since getting the vehicle in order is frequently delayed.

Councilor Paradis inquired about the funding being approved already for the vehicle and that this is just an approval to order the specific vehicle. The City Manager clarified what was previously approved was a down payment as funding. Councilor Paradis asked if this was in capital improvement plan. The City Manager said it is included in the plan, but as we move forward leasing needs to be secured.

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		
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron		
At Large Councilor	Paradis	X	
<b>TOTAL VOTES:</b>		<b>7</b>	<b>0</b>
On 8-10-2020	Resolution 6-21	<b>PASSED</b>	<b>FAILED</b>

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>7-21</b> <b>TO AUTHORIZE THE CITY MANAGER TO ORDER A FORD PICK UP TRUCK FOR THE DEPARTMENT OF PUBLIC WORKS WHICH WILL BE FUNDED BY A LEASE PURCHASE AGREEMENT</b>

August 10, 2020

WHEREAS, the City of Somersworth's Capital Improvement Plan proposes a replacement schedule for City equipment to maintain fleet integrity, standardize equipment and reduce maintenance costs, and

WHEREAS, the City of Somersworth's approved FY2020-2021 budget provides funding through a lease purchase agreement for the following vehicle replacements,

- Ford F350 and to contract with Howard P. Fairfield for the winter plow related equipment;

and

WHEREAS, City staff has evaluated the advantage of the use of a standard vehicle manufacturer acquisition policy and recommends the use of the NH State bid list for Ford vehicles as the most efficient method of procuring these new vehicles, and

WHEREAS, the Finance Committee has reviewed this with staff and supports the recommendation,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to order the aforementioned vehicle replacement with winter plow equipment which is funded in the approved FY2021 City budget through a lease purchase agreement.



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 – Resolution 7-21


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

### Discussion

*Resolution No. 7-21 will remain in first read until 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		
<b>TOTAL VOTES:</b>			
Resolution 7-21		<b>PASSED</b>	<b>FAILED</b>

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>8-21</b> <b>TO AUTHORIZE THE CITY COUNCIL TO ESTABLISH A  BETTERMENT ASSESSMENT FOR THE PURPOSE OF  RECONSTRUCTING NADEAU STREET AND ACCEPTING IT AS A  CITY STREET</b>

August 10, 2020

WHEREAS, the City has provided winter maintenance on Nadeau Street for a number of years but recently discovered that it has never been accepted as a City street, and

WHEREAS, the residents owning the three (3) properties abutting Nadeau Street have approached the City and requested the City take the necessary steps to accept and maintain the street as a City street, and

WHEREAS, to accept it as a City street it must be reconstructed and brought up to City standards, and

WHEREAS, the Public Works and Environment Committee has reviewed this issue and recommends the City reconstruct Nadeau Street and assess the cost for reconstruction against the owners of the three properties abutting Nadeau Street with the following stipulations,

- The City shall contribute \$15,000 (Fifteen Thousand dollars) toward the cost of reconstruction,
- The total cost of the reconstruction less the \$15,000 (Fifteen Thousand dollars) contributed by the City shall be prorated over a ten (10) year period and assessed equally against each of the three (3) properties,
- There shall be no interest fee included in the assessment, said waived fee for the ten (10) year period being estimated at approximately \$11,000, and

WHEREAS, the Finance Committee has reviewed this issue and supports the recommendation of the Public Works and Environment Committee:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City shall establish a betterment assessment for the purpose of reconstructing Nadeau Street and accepting it as a City street.

*Note: The City will prepare documents with each property owner agreeing to the betterment assessment. After all documentation is completed, a supplemental appropriation will be required to fund the improvements.*

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Martin Pepin Donald Austin Kenneth S. Vincent Matthew Gerding	<i>Approved:</i> City Attorney
City of Somersworth – Resolution 8-21	

History			
First Read Date:	08/10/2020	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	8/10/2020		


Discussion
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*Councilor Witham made a motion to suspend rules to allow for a second reading. The motion was seconded by Councilor Vincent and passed 7-0 by roll call vote.*

*Councilor Witham made a motion to adopt Resolution No. 8-21. The motion was seconded by Councilor Gerding and passed 7-0 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		
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron		
At Large Councilor	Paradis	X	
<b>TOTAL VOTES:</b>		<b>7</b>	<b>0</b>
On 8-10-2020	Resolution 8-21	<b>PASSED</b>	<b>FAILED</b>

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>9-21</b> <b>TO AUTHORIZE THE CITY MANAGER TO AMEND THE CONTRACT WITH CMA ENGINEERS OF PORTSMOUTH, NH FOR ENGINEERING SERVICES ASSOCIATED WITH THE TRANSPORTATION ALTERNATIVES PROGRAM GRANT</b>

August 10, 2020

WHEREAS, the Somersworth City Council adopted Resolution 30-18 to authorize the City Manager to contract with CMA Engineers of Portsmouth, NH for engineering services associated with the transportation alternatives program (TAP) grant for an amount not to exceed \$122,402 (One Hundred Twenty-Two Thousand Four Hundred Two dollars), and

WHEREAS, the project requires CMA to provide services to complete Right-of-Way (ROW) acquisitions and other coordination with design service due to the extension of the contract duration at a total cost of \$9,828 (Nine Thousand Eight Hundred Twenty Eight dollars) increasing the total contract amount to \$132,230 (One Hundred Thirty Two Thousand Two Hundred Thirty dollars), and

WHEREAS, city staff have reviewed this contract amendment with the Finance Committee and they support this amendment,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to amend the contract with CMA Engineers of Portsmouth, NH to provide engineering and design services associated with the transportation alternatives program grant project to an amount not to exceed \$132,230 (One Hundred Thirty Two Thousand Two Hundred Thirty dollars) and to take any other actions relative to this project determined to be in the best interest of the City.

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

## City of Somersworth – Resolution 9-21


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

### Discussion

*Resolution No. 9-21 will remain in first read until 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		
<b>TOTAL VOTES:</b>			
Resolution 9-21		<b>PASSED</b>	<b>FAILED</b>

City of Somersworth – Resolution	
	Resolution No: <b>10-21</b>
	<b>RESOLUTION REQUESTING ALL RESIDENTS AND VISITORS, IN THE STRONGEST OF TERMS, TO WEAR APPROPRIATE FACE COVERINGS WHILE IN PUBLIC. ALL BUSINESS OWNERS AND PLACES OF PUBLIC ACCOMMODATION, TO THE EXTENT NOT ALREADY COVERED WITHIN GUIDANCE ISSUED BY THE GOVERNOR, ARE REQUESTED TO DEVELOP POLICIES AND PROCEDURES, INCLUDING APPROPRIATE SIGNAGE OR NOTICES, URGING OR REQUIRING VISITORS TO WEAR FACE COVERINGS</b>

August 10, 2020

**WHEREAS:** The condition known as coronavirus disease 2019 (“COVID-19”), which is caused by the novel coronavirus (SARS-CoV-2), is presently affecting individuals throughout the United States and the State of New Hampshire; and

**WHEREAS:** COVID-19 is potentially fatal, predominantly but not exclusively for those at high risk; and

**WHEREAS:** Continuing studies into COVID-19’s non-fatal effects increasingly reveal damage, including long-term irreversible damage, to various human organs, including the lungs, heart, and possibly the brain and other organs or organ systems; and

**WHEREAS:** On March 13, 2020, Governor Christopher Sununu issued Executive Order 2020-04, declaring a state of emergency in New Hampshire with respect to COVID-19 (novel coronavirus); and

**WHEREAS:** The Governor, the federal Centers for Disease Control and Prevention (“CDC”), President Trump, and the World Health Organization (“WHO”) have issued or recommended further restrictions aimed at minimizing exposure to the novel

coronavirus, including social distancing, hygienic practices (*e.g.*, handwashing), and, now, face coverings; and

WHEREAS: Having had the opportunity to study the virus for several months, the CDC has confirmed that the virus spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, talks, or raises their voice (*e.g.*, shouting, chanting, singing); and

WHEREAS: The CDC has also confirmed that a significant number of those infected with the virus are either asymptomatic or pre-symptomatic, yet can still readily transmit the virus to others unknowingly; and

WHEREAS: Multiple independent studies confirm, and agree, that widespread wearing of face coverings helps drastically reduce transmission of the virus to others by (i) reducing the amount of viral load exhaled or expelled into the air surrounding an infected person, and (ii) reducing the distance which that viral load travels or can travel; and

WHEREAS: Face coverings, and particularly medical grade ones, may also help protect the wearer to some degree; and

WHEREAS: Guidance from medical experts across the country strongly recommends the wearing of face coverings when in public, and particularly where a person is not able to maintain adequate distance from another person; and

WHEREAS: It is incumbent upon every resident and visitor in the City of Somersworth to take all measures reasonably possible to protect the public health; and

WHEREAS: The purpose of this resolution is to ensure public awareness of the importance of face coverings, as well as ensure business owners are aware that they have the right, as a property owner or possessor, to control the manner of use of their property; and

WHEREAS: This Resolution is being sponsored by the Tri-City Mayors of Somersworth, Rochester, and Dover

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND SOMERSWORTH CITY COUNCIL THAT:

All residents and visitors within the City of Somersworth who are medically able, are hereby requested, in the strongest of terms, to wear appropriate face coverings while in public. Face coverings should cover the nose and mouth of the person wearing it.

AND, BE IT FURTHER RESOLVED THAT:

All business owners and places of public accommodation, to the extent not already covered within guidance issued by the Governor, are requested to develop policies and procedures, including appropriate signage or notices, urging or requiring visitors to wear face coverings.

Authorization	
<i>Sponsored by:</i> Mayor Dana Hilliard <i>Councilors:</i> Donald Austin, Marin Pepin David A. Witham Nancie Cameron Matt Gerding Richard R. Michaud Martin P. Dumont Sr. Crystal Paradis	<i>Approved:</i> City Attorney
City of Somersworth – Resolution 10-21	

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

## Discussion

*Councilor Witham made a motion to suspend rules to allow for a second reading. The motion was seconded by Councilor Austin and passed 7-0 by roll call vote*

*Councilor Pepin made a motion to approve Resolution 10-21. The motion was seconded by Councilor Gerding and passed 7-0 by roll call vote.*

Councilor Paradis stated she supports this resolution and wishes to send a copy to the governor in order to urge him to provide guidance. She also hopes to be added as a sponsor to the resolution. The wish to be added as a sponsor was echoed by Councilors Witham and Pepin.



<b>Voting Record</b>		<b>YES</b>	<b>NO</b>
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud		
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron		
At Large Councilor	Paradis	X	
<b>TOTAL VOTES:</b>		<b>7</b>	<b>0</b>
On 8-10-2020	Resolution 10-21	<b>PASSED</b>	<b>FAILED</b>