



City of Somersworth
City Council Meeting
Monday, September 21, 2020

**THIS CITY COUNCIL MEETING WAS HELD AT THE BLACK BOX THEATER AT
THE SOMERSWORTH HIGH SCHOOL CAREER TECHNICAL CENTER LOCATED
AT 18 CEMETERY ROAD**

ROLL CALL OF MEMBERS

The meeting was called to order at 7:00 p.m. by His Honor, Mayor Dana S. Hilliard, and upon roll call the following Council members were present: Pepin, Vincent, Austin, Michaud, Witham, Gerding, Cameron, and Paradis. The following City Staff members were present: City Manager, Bob Belmore, City Clerk, Jonathan Slaven, Deputy City Clerk, Ammy Ramsey, Finance Director, Scott Smith

Absent: Councilor Dumont

PLEDGE OF ALLEGIANCE

Councilor Austin led the Pledge of Allegiance.

PUBLIC HEARING

There were no Public Hearings scheduled for this meeting.

COMMENTS BY VISITORS

There were no comments by visitors.

CONSENT CALENDAR

A. Approve Minutes of the City Council Meeting held on September 9, 2020

Councilor Witham made a motion to approve all items on the Consent Calendar. The motion was seconded by Councilor Cameron and passed 8-0 by voice vote.

COMMENTS BY CITY COUNCILORS

There were no comments by City Councilors.

MAYOR'S REPORT

Before the Council for a first read this evening is Ordinance No. 7-21 To Amend Chapter 6 – City Officials Public Safety Committee. Ordinance number 7-21 will give validation to the desire for greater monitoring and review of ensuring our Police Department continues to adhere to the

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mission of public safety. It will allow the Council to continue to engage in dialog with the Chief and the Department on how our community can continue to build on the practices of community policing, while ensure our officers are supported by 21st approaches and have the training, skills, equipment and governmental support to continue to keep our community safe.

The Ordinance respects the spirit of trust with the Chief and his leadership team to continue to govern the department they were educated and trained to carry forth on, while allowing this govern body to continue to communicate ideas and concerns with some of the issues which have been raised in regards to law enforcement. While I hold no concerns on the local level in regards to the management or practices intuited by our Somersworth Police Department, instead holding full confidents in their ability to without prejudice keep the members of our Hilltop community safe and continue to “Serve and Protect”, I believe the additional responsibilities to the Council Public Safety Committee will help maintain public faith and trust and mirror our Hilltopper approaches to check and balances and community policing.

This evening I am referring Ordinance 7-21 to the Government Operations Committee and call upon the committee to review the Ordinance making any necessary adjustments that will maintain the Hilltopper approach to governing and oversight while ensuring our Police Department is not hinder from adhering to the duty and oath they swore too.

A reminder that with the opening of City Hall the Mayor’s office has return to regular scheduled office hours. Open office hours are held:

Monday 5-6

Wednesday 5-6

Friday 4-5

Anyone attending office hours is requested to wear a mask until further notice. All office hour meetings will be held in the Council Chambers following CDC safety protocols including safe distancing.

The Mayor’s office will also be bringing back our monthly community forums. Continue to stay tune for announcements regarding its new launch soon.

It was a pleasure last Friday to attend the ribbon cutting for Somersworth’s newest business, Indo/US Cuisine. Congratulation to Don and Joice LeFluer on your new adventure. Wishing you many years of success. Somersworth, we continue to truly be “On the Move!”

Last Wednesday I had the pleasure of welcoming to the Granite State a true advocate for public education and 21st learning opportunities Dr. Jill Biden. I enjoy the conversation Dr. Biden and I shared on how we must continue to support public schools and ensure how the federal government meets their obligations in the partnership of school funding support. I look forward to spending time with her again in the future and appreciate how she is not sporting a Somersworth Hilltoppers mask.

Under nominations, appointments and Elections; **In accordance with Council Rule 17 Appointments**, the following are being brought forward this evening for and placed in nomination:

Richard Brooks, for Re-Appointment to the Zoning Board of Adjustment, with a term to expire September 2023

Chris Horton, for Re-Appointment to the Planning Board, with a term to expire September 2023

Tammy Sneddon, for Re-Appointment to the Trustees of the Trust Funds, with a term to expire September 2023

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

This respectfully concludes my September 21st, 2020 Mayors Report

REPORT OF STANDING COMMITTEES

Finance Committee – Councilor Witham stated that the Finance Committee had not met since last meeting. The Committee will meet on Thursday, September 24th at 4:30 in the Council Chambers.

Government Operations – Councilor Michaud stated the Committee had not met, since last meeting. The Committee will meet Wednesday September 30th in Council Chambers.

Economic Development Committee – Councilor Austin indicated the Committee will meet Wednesday 23rd at 4:30 p.m. in Council Chambers.

Public Safety Committee – Councilor Pepin stated the Committee had not met this month.

Public Works and Environment Committee – Councilor Witham said the Committee will next meet Thursday, September 24th at 3:00 p.m. in chambers.

Recreation Committee – Councilor Cameron stated that the Committee had not met.

REPORT OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

Joint Building Committee – Councilor Pepin informed Council that the Joint Building Committee had a meeting regarding Maple Wood School this morning. He said they discussed spending the rest of the money in the contingency fund on the front lawn of the school to include a new watering system. He said the only thing left on the list of things to do for the school is to receive and install special ordered trim in the music room. He said they are still waiting for the Middle school elevator to be delivered, but it should arrive around mid-October.

Historic District Committee – Councilor Gerding informed Council that the Committee met on August 3rd. He stated that the applicant for a gutter replacement on Linden did not attend so the Committee denied the project. He spoke to a project on Noble Street for replacement windows which was approved. The last project the Committee reviewed was a roof repair, front steps, and retaining wall, on Grant Street which was approved.

Traffic Safety Committee – Councilor Vincent said the Traffic Safety Committee will meet Wednesday, September 23rd at 2 p.m.

City Manager's Report

Office of the City Manager

TO: Mayor Dana S. Hilliard and City Council Members
FROM: Robert M. Belmore, City Manager
DATE: Friday, September 18, 2020
SUBJECT: City Manager's Report for Monday, September 21, 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 4th and continued the matter for further evaluation. This Ordinance change remains in Committee. The Committee plans to meet on Wednesday, September 30th at 4:30 p.m. to take up this matter.
- B. Ordinance No. 5-21:** To Amend Chapter 19 – Zoning, Section 25.B, Agricultural Use. The Public Works & Environment Committee asked the City Manager to provide some research on alternative language for their consideration. This Ordinance change remains in Committee. The Committee plans to meet on Thursday, September 24th at 3:00 p.m. to take up this matter.

New Business (Under Section 15 of Agenda)

Resolutions

- A. Ordinance No. 7-21:** To Amend Chapter 6 – City Officials, Section 6.6.2.4, Public Safety Committee. Attached is a *red-line* copy of the proposed amendment to Chapter 6.

Other

- A. Vote to Waive the Excavation Moratorium on Main Street to Allow for the Installation of Granite Curbing Associated with Sidewalk Improvements Abutting Stein Park from the Area Formerly Known as Fair Court to Fayette Street; (City Ordinance Ch. 12, Section 12.1, Moratorium Period, for Roads that have been Overlaid, the Moratorium Shall be Three (3) Years). As part of the Veterans**

Memorial construction project, Rye Beach Landscaping will need to make a cut into the road to set the concrete. They will be completing the demolition of the present sidewalk and prep work for the new sidewalk construction. Matrix Concrete will be completing the new sidewalk form and finish. Attached is a memorandum and map depicting the area that will need to be cut from Director Mike Bobinsky. Please note that I have not yet signed contracts for this work as I am waiting for Rye Beach Landscaping's quote.

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

A. Informational Items.

1. **New Fire Station.** City Council passed Resolution No. 5-21 regarding the Contract approval with Port One Architects at the last meeting on September 9th. I want to make sure Council is aware that the \$466,400 contract includes costs for the full Architect's Team that includes subcontracts with supporting engineering firms for this project.

The City is poised to issue a Request for Qualifications (RFQ) on Monday/Tuesday to seek a Construction Management Firm for this project. The plan is to have the Fire Station Building Committee conduct interviews and then forward a recommendation to the City Council for contract approval. Attached is a breakdown of the Port One Architect team costs as well as associated budgeted soft costs for the project. I will be authorizing a contract for a property survey with the firm listed in the attached breakdown at the proposed \$15,500 cost.

2. **Infrastructure Pre-Disaster Mitigation Grant Program.** Attached is a *Draft* letter of intent (LOI) to apply for Grant Funding in regards to designing improvements to the Salmon Falls Road. As many of you know, this road has been prone to flooding in the past. I will move forward with the application for Engineering and Design Grant Funding as the first step in attempting to make long-term flood mitigation improvements to this City road adjacent to the Salmon Falls River unless directed otherwise.

Attachments

1. Department Head Reports

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Nominations being introduced for Council Confirmation Vote:

- B. Richard Brooks, for Re-Appointment to the Zoning Board of Adjustment, with a term to expire September 2023
- C. Chris Horton, for Re-Appointment to the Planning Board, with a term to expire September 2023

- D. Tammy Sneddon, for Re-Appointment to the Trustees of the Trust Funds, with a term to expire September 2023

The nominations will remain open until the next meeting.

UNFINISHED BUSINESS

ORDINANCES

- E. **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**)
- 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**)

NEW BUSINESS

ORDINANCES

- G. **Ordinance No. 7-21** – To Amend Chapter 6 – City Officials, Section 6.6.2.4, Public Safety Committee

Ordinance No. 7-21 will remain in first read until the call of the Chair. Public Hearing scheduled at the call of the Chair.

OTHER

- A. Vote to Waive the Excavation Moratorium on Main Street to Allow for the installation of granite curbing associated with sidewalk improvements abutting Stein Park from the area formerly known as Fair Court to Fayette Street; (City Ordinance Ch. 12, Section 12.1, Moratorium Period, for Roads that have been Overlaid, the Moratorium Shall be Three (3) Years).

Councilor Vincent stated is definitely in favor of waiving the excavation moratorium. He said it is needed to make it look good, but also a safety concern is being addressed with this.

Councilor Witham stated that Council has already approved the project and it should, therefore, go without saying that we have to waive the moratorium. He said if we have a City project, the waiver should be able to be granted by the City Manager.

Mayor Hilliard requested a vote to waive the excavation moratorium. The waiver passed 8-0 by voice vote.

COMMENTS BY VISITORS

There were no closing comments by visitors.

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Pepin had no closing comments.

Councilor Vincent wishes Councilor Dumont well.

Councilor Austin said he has been receiving questions from constituents about Halloween and if we are allowing trick or treating. The Mayor replied that the Tri-City Mayors are in talks and expects a decision soon.

Councilor Michaud wanted to shout out to Councilor Dumont and wish him well.

Councilor Witham extended well wishes to Councilor Dumont. He also informed Council that the NHMA is hosting webinar on Halloween on September 30th. Councilor Witham expressed his dissatisfaction with the work being done at Veteran's Park and he hopes to see the project come to a close soon. He stated he would like to add the item of interviewing firms to the miscellaneous section of the agenda for the Fire Station meeting on Wednesday. He stated he is not in favor of the Committee conducting interviews as it should be City staff. He further stated he is pleased Ordinance 7-21 is referred to the Government Operations Committee. He said he does not quite understand the things articulated in the Ordinance. He said it sounds like feel-good legislation that offers nothing. He also voiced concerns about meetings in the Black Box theater since there is no amplifications in microphones. He said if we are having issues in the black box, he would rather go back to zoom meetings.

Councilor Gerding wanted to extend thoughts to Councilor Dumont.

Councilor Cameron said it was nice to see Councilor Dumont and wishes him well.

Councilor Paradis wanted to extend well wishes to Councilor Dumont. She also wanted to plug for people to come and sign up for poll working. She inquired if we can obtain more help by offering half-day sign ups. She also thanked Councilor Gerding for helping clean up at the VFW. She said the clean-up will continue on Saturdays at 10 a.m.

ADJOURNMENT

Councilor Witham made a motion to adjourn until the call of the chair. The motion was seconded by Councilor Austin and passed 8-0 by voice vote. The meeting adjourned at 7:26 p.m.



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>	<i>Approved:</i>

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Richard Michaud
Nancie Cameron
Donald Austin
Matt Gerding

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:	07/13/2020		

Discussion

06/15/2020

Ordinance No. 23-20 will remain in first read until the call of the Chair.

Public Hearing scheduled at the call of the Chair.

07/13/2020

Mayor Hilliard referred Ordinance No. 23-20 to the Government Operations Committee 7-13-2020

08/10/2020

Remains in Committee

09/09/2020


Remains in Committee

09/21/2020

Remains in Committee

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		

At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On / /	Ordinance 23-20	PASSED	FAILED

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

July 13, 2020

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows in Section 25 Definitions:

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

Section 19.25.B shall read as follows:

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

This Ordinance will take effect upon passage.

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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:	08/10/2020		

Discussion

07/13/2020

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

Public Hearing scheduled at the call of the Chair.

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

08/10/2020

Remains in Committee

09/09/2020


Remains in Committee

09/21/2020

Remains in Committee

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		

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

	City of Somersworth – Ordinance
	Ordinance No: 7-21 TO AMEND CHAPTER 6 – CITY OFFICIALS, SECTION 6.6.2.4, PUBLIC SAFETY COMMITTEE

September 21, 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:

Amend City Officials, Section 6.6.2.4, Public Safety Committee, by adding:

In order to maintain our present quality of life, the Committee may also provide assistance in guiding Police, Fire and other emergency operations in delivering services ethically and effectively to ensure the safety and security of the Public, and, Public Trust is not compromised.

This Ordinance will take effect upon passage.

Authorization	
<i>Sponsored by:</i> Mayor Dana S. Hilliard Councilor Matthew Gerding	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 7-21

History			
First Read Date:	09/21/2020	Tabled:	NA
Public Hearing:	10/05/2020	Removed From Table:	NA
Second Read:			

Discussion

Ordinance No. 7-21 will remain in first read until the call of the Chair. Public Hearing scheduled at the call of the Chair.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		

At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On / / .	Ordinance 7-21	PASSED	FAILED