



City of Somersworth
City Council Meeting
Monday, December 14, 2020

Due to the State of Emergency declared by the Governor and in accordance with the Governor's Emergency Order # 12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically. This meeting will be held via Zoom online platform. The meeting will be open to the public, but the public is encouraged not to attend. The public is asked to submit comments via email to jslaven@somersworth.com or bbelmore@somersworth.com. Comments must be received not later than 4:00 PM the day of the City Council meeting. The meeting can be viewed via the Local Government Cable Access Ch. 22 (Comcast) as well as via live stream at the City's website www.somersworth.com. The public can access the meeting and listen live by telephoning any of the following numbers and then adding webinar I.D # 858 4662 9918:

1 (312) 626-6799 or, 1(646) 558-8656 or, 1 (301) 715-8592 or, 1 (346) 248-7799 or,
1 (669) 900-9128 or, 1 (253) 215-8782

* If any member of the public has difficulty accessing the meeting by phone or viewing the meeting on the Local Government Access Channel or live stream, please call 603-692-3131 to report the issue.

7:00 p.m. City Council Meeting

1. Roll Call of Members
2. Pledge of Allegiance
3. Public Hearing
 - A. Ordinance No. 5-21 - To Amend Chapter 19 – Zoning, Definitions, Section 25.B, Agricultural Use
 - B. Ordinance No. 7-21 – To Amend Chapter 6 – City Officials, Section 6.6.2.4, Public Safety Committee
 - C. City of Somersworth to Conditionally Layout Nadeau Street as a City Class V Roadway, subject to Betterment Assessments
4. Comments by Visitors
5. Consent Calendar
 - A. Approve Minutes of the City Council Meeting held on November 16, 2020

- B. Commencement of Renewal Process with Comcast Cable
- C. Letter from Mark Fontaine-Westhart to City Council
- 6. Comments by City Councilors
- 7. Communications
 - A. Dover City Officials to Provide Notice to the City Council Required by NH RSA 674:54 for the Governmental Use of Property Located at 30 Willand Drive
- 8. Presentations of Petitions and Disposal Thereof by Reference or Otherwise
- 9. Mayor's Report
- 10. Report of Standing Committees
- 11. Report of Special Committees, City Officers and City Manager
- 12. Nominations, Appointments and Elections

Nominations being introduced for Council Confirmation Vote:

- A. Michelle Mears, Director of Planning & Community Development City Representative to the Strafford MPO Technical Advisory Committee – term to expire June 30, 2021

Nominations requiring a Council Confirmation Vote:

- A. John Jackman for Re-Appointment to the Trustees of Trust Funds, with a term to expire November 2025
- B. Sarah Eckstein for Appointment as an Alternate Member to the Conservation Committee, with a term to expire November 2023

13. Lay on the Table

ORDINANCES

- A. Ordinance No. 5-21 - To Amend Chapter 19 – Zoning, Definitions, Section 25.B, Agricultural Use
- B. Ordinance No. 7-21 - To Amend Chapter 6 – City Officials, Section 6.6.2.4, Public Safety Committee

14. Unfinished Business

ORDINANCES

- A. Ordinance No. 10-21 – City Council Meeting Schedule for 2021

RESOLUTIONS

- A. **Resolution No. 16-21 - To Authorize the City Manager to Request Proposals for a Conceptual Design for Improving Access to the Somersworth Public Library**

15. New Business

RESOLUTIONS

- A. **Resolution No. 19-21 - To Authorize the Proclamation of Declaring January Diversity Month in the City of Somersworth**
- B. **Resolution No. 20-21 – To Authorize the City Manager to Amend the Contract with Emery and Garrett Groundwater Investigations of Meredith, NH to Provide an Assessment of the Rocky Hill Road Wellfield**

OTHER

- A. **Vote to Waive any Public Hearing Requirement under NH RSA 674:54 Pertaining to the Change of Use Application Submitted by the City of Dover for Property Located at 30 Willand Drive and Furthermore to Support the Use of this Property as a Warming Shelter in Partnership with Dover and the City of Rochester (Requested by Mayor Dana S. Hilliard)**

16. Comments by Visitors

17. Closing Comments by Council Members

18. Future Agenda Items

19. Nonpublic Session (as necessary, pending roll call vote by Council)

20. Adjournment



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:

	ACCESSORY USES	DISTRICT		
		PERMITTED	SPECIAL EXCEPTION	PROHIBITED
1.	Construction site mobile office. ¹	A, B, C/I, MY, HMD ⁷ , I, R-1, R-1A, R-2, R-2A, R-3, R/B, R/C, R/O, MH		
2.	Accessory building such as a private garage, storage/tool shed, playhouse, greenhouse, swimming pool or similar structures accessory to a dwelling, business or industry. ²	A, B, C/I, MY, HMD ⁷ , I, R-1, R-1A, R-2, R-2A, R-3, R/B, R/C, R/O, MH		
3.	Clubhouse, community center, laundry room, non-commercial recreational facilities, such as swimming pools and tennis courts, provided primarily for the residents of a mobile home park or condominium/apartment complex.	B, MY ⁹ , HMD ⁷ , R-2A, R-3, R/B, R/C, MH		A, C/I, I, R-1, R-1A, R/O
4.	Outdoor storage, maintenance and utility areas and facilities. ³	I	C/I	A, B, MY ⁹ , HMD ⁷ , R-1, R-1A, R-2, R-2A, R-3, R/B, R/C, R/O, MH
5.	Parking of recreational vehicles. ⁴	A, HMD ⁷ , R-1, R-1A, R-2, R-2A, R-3, R/B, R/C, R/O		B, C/I, MY, I, MH
6.	Factory seconds store.	B, C/I, I, MY		A, HMD ⁷ , R-1, R-1A, R-2, R-2A, R-3, R/B, R/C, R/O, MH

7.	Parking & transfer of commercial vehicles larger than 2 axle trucks, vans, vehicles or trailers exceeding 30 feet, vehicles or equipment weighing in excess of 18,000 lbs. gross weight intended.	C/I, I, MY ¹³		A,HMD ⁷ ,B,R-1,R-1A,R-2,R-2A,R-3,R/B,R/C,R/O,MH,
8.	Produce, Christmas tree and other seasonal stands.	C/I,R/C, MY ⁹		A,B,HMD ⁷ ,I,R-1,R-1A,R-2,R-2A,R-3 R/B,R/O,MH
9.	Keeping of livestock or swine.	A		B,C/I,MY,HM D ⁷ ,I,R-1,R-1A,R-2, R-2A,R-3,R/B, R/C,R/O,MH
10	Backyard chickens. ¹⁴	A,HMD,MY,R-1,R-2, R-2A, R-3,R/B,R/O		B,C/I,CN,I,M H,R/C
11	Storage of more than one unregistered and uninspected by the State and/or the City motor vehicle.	C/I, I		B,MY,HMD ⁷ , R-1, R-1A,R-2,R-2A,R-3,R/B,R/C,R/O,MH R-333333333,R/B,R/C,R/O,M H
12	Home occupation. ⁵	A,MY,R-1,R-1A,R-2,R-2A, R-3, R/B, R/C, R/O,MH		B,C/I,I
13	Child care home. ⁶	A,MY,R-1,R-1A,R-2, R-2A,R-3,R/B,R/C, R/O,MH		B,C/I,MY,I
14	Group child care home. ⁶	A,HMD ³ ,R-3, R/B,R/C,R/O	R-1,R-1A, R-2,R-2A,	B,C/I,MY,I,M H
15	Storage boxes or spaces trailers used as storage for non-hazardous materials by the commercial or industrial use that occupies the property. ⁷	B,C/I,I		A,HMD ³ ,R-1, R-1A,R-2,R-2A,R-3,R/B,R/C,R/O,MH, MY ⁴

16	Framed-Covered Structures. ⁸	A,B,C/I,MY,HM D,I, R-1,R-1A,R-2,R- 2A, R-3,R/B,R/C, R/O,MH		
17	Outdoor Wood-fired Hydronic Heaters (OWHH). ¹⁰	A,B,C/I,CN,MY, HMD,I,R-1,R- 1A,R-2,R-2A,R- 3,R//B,R/C,R/O, MH		
18	Contractor's Office/Storage Yard ¹¹	C/I, I, R/C ¹²		A,B,CN,MY, HMD, MH,R,R-1,R- 1A,R-2,R- 2A,R-3,R- B,R-O
19	Apiculture/ Beekeeping ¹⁵	A, R1, R1A, and HMD		B,CN,MY, MH,R-2,R- 2A,R-3,R- B,R-O,CI, R/C, Rec

¹⁵Amended XX/2020. Beekeeping is subject to the following provisions:

- a) An annual permit shall be required to keep beehives under this provision. An application for such permit shall be submitted to the Department of Development Services for review by the Director of Planning and Community Development (or designee) for Zoning compliance. There shall be a \$10 permit fee at the time the completed application is filed. Applications to renew the certificate of use shall be due by January 1st following the date of approval of the certificate of use and then by every January 1st thereafter for so long as the beekeeping continues.

- b) Number of Bee Hives allowed: Below is a chart that specifies how many bee hives are allowed on the property based on lot size.

(TABLE 4.A.2.a)

NUMBER OF BEE HIVES IN RELATION TO LOT SIZE	
Lot /Acreage	Number of Hives
1/4 acre or less (1/4 acre = 10,890 sq. ft., roughly 50 ft. x 215 ft.)	2 hives
more than 1/4 acre, less than 1/2 acre (1/2 acre = 21,780 sq. ft., roughly 100 ft. x 218 ft.)	4 hives
more than 1/2 acre, less than 1 acre	6 hives

(1 acre = 43,560 sq. ft., roughly 150 ft. x 290 ft.)	
1 acre or more	8 hives

- c) Bee Hive placement: Hives shall be located in the side or rear yard area and shall be at least 20 feet from the property line. Hives shall not be located in any front yard area. These provisions shall not apply to lots located in the Agricultural (A) district.
- d) One sign is required if a hive is located on a vacant lot, the name, mailing address and phone number of the beekeeper shall be clearly read from the street. The sign shall not exceed one square foot in area, shall not be lit, and non-reflecting materials shall be used.
- e) Commercial use is prohibited, unless approved as a Home Occupation. Commercial use is defined but not limited to the selling of bees or bee products.

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:	11/16/2020
Public Hearing:	08/10/2020	Removed From Table:	
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.

10/19/2020

Remains in Committee

11/16/2020

Councilor Witham made a motion to amend Ordinance No. 5-21 in line with the red-line version before Council this evening. The motion was seconded by Councilor Austin and passed 7-0 by voice vote.

Councilor Paradis requested a map of the districts where hives are permitted.

Councilor Gerding made a motion to further amend Ordinance No. 5-21 to replace the word "colony" with "hive" in section b. The motion was seconded by Councilor Witham and passed 7-0 by voice vote.

Councilor Witham made a motion to table Ordinance No. 5-21. The motion was seconded by councilor Paradis and passed 7-0 by voice vote.

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:

Remove Section 6.6.2.4 in entirety and replace with:

Section 6.6.2.4 Public Safety Committee

The purpose of the Committee is to consider matters relating to Police and Fire services and other emergency response needs of the City, as well as other matters referred to it. In order to be proactive and to continuously improve our quality of life, the Committee may also provide recommendations and guidance for 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:	10/19/2020
Public Hearing:	10/19/2020	Removed From Table:	
Second Read:	10/05/2020		

Discussion

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

10/05/2020

Councilor Witham moved to refer Ordinance No. 7-21 to the Public Safety Committee. The motion was seconded by Councilor Vincent and passed 8-0 by voice vote.

10/19/2020

Councilor Paradis made a motion to approve amendments to Ordinance No. 7-21 as endorsed by the Public Safety Committee. The motion was seconded by Councilor Pepin and passed 9-0 by voice vote.

Councilor Witham made a motion to table. The motion was seconded by Councilor Dumont and passed 9-0 by voice vote.

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



Comcast
676 Island Pond Road
Manchester, NH 03109
Phone: 603-695-1400
Facsimile: 603-628-3303
www.comcast.com
www.comcastcorporation.com

November 17, 2020

Via EMAIL bbreda@somersworth.com

City of Somersworth
City Council
1 Government Way
Somersworth, NH 03878

Re: Commencement of Renewal Process

Dear Members of the Coucil:

Over the years, we at Comcast have appreciated the opportunity to serve the citizens of the City of Somersworth (the "City"). We have done our best to provide the high quality cable television service the City and its residents demand, and we anticipate being able to provide that service to our subscribers in the City for many years to come. Therefore, we are taking this step to ensure the renewal of our agreement with you.

The Cable Communications Policy Act of 1984 encourages issuing authorities and cable companies to reach agreement on a renewal agreement at any time through an informal process of discussion. However, Section 626 of the Act also provides for a contemporaneous alternative formal renewal procedure with specific substantive and procedural requirements. If either the issuing authority or the cable company does not initiate the formal process within a certain time frame, the protections of that process may be lost. To that end, Comcast hereby notifies the City that the renewal period for our agreement under Section 626 is now open, and we request the start of renewal proceedings pursuant to the Section 626(a)(1).

This letter is not intended to preclude informal negotiations, but instead is intended only to preserve the rights of Comcast under the formal renewal process. Comcast has every reason to believe that the City and Comcast will reach a mutually agreeable renewal of the cable television agreement through good-faith negotiations, thus making many of the Act's formal procedures unnecessary. The relevant provision of Section 626 on the informal process is brief and reads as follows:

"(h) . . . [A] cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after formal proceedings pursuant to this section have commenced) . . ."

Re: Commencement of Renewal Process

November 17, 2020

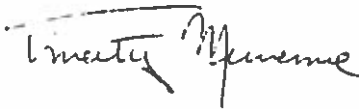
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The "formal" process generally includes the following steps:

1. Within six (6) months of the submission of this letter, the City conducts an ascertainment proceeding which affords residents an opportunity to a) identify the future cable-related needs, and b) review Comcast's performance under the current agreement.
2. At your request or on our own, Comcast submits a renewal proposal with a draft cable television agreement.
3. Within four (4) months of the City's receipt of Comcast's proposal, the public is afforded "adequate notice and opportunity to comment on the renewal proposal" and the City must choose to renew the agreement or issue a preliminary denial, which triggers a further formal process.

I am attaching a copy of Section 626 of the Cable Act for your review. Jay Somers will be in contact with you soon to arrange a meeting with the City to discuss informally negotiating a renewal agreement. Please feel free to contact Jay at 617-279-7675 at any time. Comcast looks forward to meeting with the City in the near future and continuing the long relationship that, we believe, has benefited both the community and the residents of the City of Somersworth.

Sincerely,



Timothy Murnane
Vice President, Government and Regulatory Affairs

TM/cam
Attachment



cc: Cable Advisory Committee
Jay Somers – Comcast Government & Regulatory Affairs

The Communications Act of 1934, as amended
(47 USC Sec. 546-Renewal)

Section 626 Renewal

(a) Commencement of proceedings; public notice and participation -

(1) A franchising authority may, on its own initiative during the 6-month period which begins with the 36th month before the franchise expiration, commence a proceeding which affords the public in the franchise area appropriate notice and participation for the purpose of (A) identifying the future cable-related community needs and interests, and (B) reviewing the performance of the cable operator under the franchise during the then current franchise term. If the cable operator submits, during such 6-month period, a written renewal notice requesting the commencement of such a proceeding, the franchising authority shall commence such a proceeding not later than 6 months after the date such notice is submitted.

(2) The cable operator may not invoke the renewal procedures set forth in subsections (b) through (g) of this section unless -

- (A) such a proceeding is requested by the cable operator by timely submission of such notice; or
- (B) such a proceeding is commenced by the franchising authority on its own initiative.

(b) Submission of renewal proposals; contents, time -

(1) Upon completion of a proceeding under subsection (a) of this section, a cable operator seeking renewal of a franchise may, on its own initiative or at the request of a franchising authority, submit a proposal for renewal.

(2) Subject to section 544 of this title, any such proposal shall contain such material as the franchising authority may require, including proposals for an upgrade of the cable system.

(3) The franchising authority may establish a date by which such proposal shall be submitted.

(c) Notice of proposal, renewal, preliminary assessment of nonrenewal; administrative review; issues; notice and opportunity for hearing; transcript, written decision -

(1) Upon submittal by a cable operator of a proposal to the franchising authority for the renewal of a franchise pursuant to subsection (b) of this section, the franchising authority shall provide prompt public notice of such proposal and, during the 4-month period which begins on the date of the submission of the cable operator's proposal pursuant to subsection (b) of this section, renew the franchise or, issue a preliminary assessment that the franchise should not be renewed and, at the request of the operator or on its own initiative, commence an administrative proceeding, after providing prompt public notice of such proceeding, in accordance with paragraph (2) to consider whether -

- (A) the cable operator has substantially complied with the material terms of the existing franchise and with applicable law;
- (B) the quality of the operator's service, including signal quality, response to consumer complaints, and billing practices, but without regard to the mix or quality of cable services or other services provided over the system, has been reasonable in light of community needs;
- (C) the operator has the financial, legal, and technical ability to provide the services, facilities, and equipment as set forth in the operator's proposal; and
- (D) the operator's proposal is reasonable to meet the future cable-related community needs and interests, taking into account the cost of meeting such needs and interests.

(2) In any proceeding under paragraph (1), the cable operator shall be afforded adequate notice and the cable operator and the franchise authority, or its designee, shall be afforded fair opportunity for full participation, including the right to introduce evidence (including evidence related to issues raised in the proceeding under subsection (a) of this section), to require the production of evidence, and to question witnesses. A transcript shall be made of any such proceeding.

(3) At the completion of a proceeding under this subsection, the franchising authority shall issue a written decision granting or denying the proposal for renewal based upon the record of such proceeding, and transmit a copy of such decision to the cable operator. Such decision shall state the reasons therefor.

(d) Basis for denial -

Any denial of a proposal for renewal that has been submitted in compliance with subsection (b) of this section shall be based on one or more adverse findings made with respect to the factors described in subparagraphs (A) through (D) of subsection (c)(1) of this section, pursuant to the record of the proceeding under subsection (c) of this section. A franchising authority may not base a denial of renewal on a failure to substantially comply with the material terms of the franchise under subsection (c)(1)(A) of this section or on events considered under subsection (c)(1)(B) of this section in any case in which a violation of the franchise or the events considered under subsection (c)(1)(B) of this section occur after the effective date of this subchapter unless the franchising authority has provided the operator with notice and the opportunity to cure, or in any case in which it is documented that the franchising authority has waived its right to object, or the cable operator gives written notice of a failure or inability to cure and the franchising authority fails to object within a reasonable time after receipt of such notice.

(e) Judicial review; grounds for relief

(1) Any cable operator whose proposal for renewal has been denied by a final decision of a franchising authority made pursuant to this section, or has been adversely affected by a failure of the franchising authority to act in accordance with the procedural requirements of this section, may appeal such final decision or failure pursuant to the provisions of section 555 of this title.

- (2) The court shall grant appropriate relief if the court finds that -
- (A) any action of the franchising authority, other than harmless error, is not in compliance with the procedural requirements of this section; or
 - (B) in the event of a final decision of the franchising authority denying the renewal proposal, the operator has demonstrated that the adverse finding of the franchising authority with respect to each of the factors described in subparagraphs (A) through (D) of subsection (c)(1) of this section on which the denial is based is not supported by a preponderance of the evidence, based on the record of the proceeding conducted under subsection (c) of this section.

(f) Finality of administrative decision -

Any decision of a franchising authority on a proposal for renewal shall not be considered final unless all administrative review by the State has occurred or the opportunity therefor has lapsed.

(g) "Franchise expiration" defined -

For purposes of this section, the term "franchise expiration" means the date of the expiration of the term of the franchise, as provided under the franchise, as it was in effect on October 30, 1984.

(h) Alternative renewal procedures -

Notwithstanding the provisions of subsections (a) through (g) of this section, a cable operator may submit a proposal for the renewal of a franchise pursuant to this subsection at any time, and a franchising authority may, after affording the public adequate notice and opportunity for comment, grant or deny such proposal at any time (including after proceedings pursuant to this section have commenced). The provisions of subsections (a) through (g) of this section shall not apply to a decision to grant or deny a proposal under this subsection. The denial of a renewal pursuant to this subsection shall not affect action on a renewal proposal that is submitted in accordance with subsections (a) through (g) of this section.

(i) Effect of renewal procedures upon action to revoke franchise for cause - Notwithstanding the provisions of subsections (a) through (h) of this section, any lawful action to revoke a cable operator's franchise for cause shall not be negated by the subsequent initiation of renewal proceedings by the cable operator under this section.

Brenda Breda

From: Bob Belmore <bblmore@somersworth.com>
Sent: Tuesday, December 08, 2020 5:15 PM
To: Jonathan T. Slaven; Ammy Ramsey; Scott A. Smith; Brenda Breda
Subject: FW: Form submission from: Contact the Mayor and City Council

Robert M. Belmore, ICMA-CM
City Manager
Place on consent per Mayor

thx
Bob

From: cmsmailer@civicplus.com <cmsmailer@civicplus.com> on behalf of Somersworth NH via Somersworth NH
<cmsmailer@civicplus.com>
Sent: Tuesday, December 8, 2020 8:36 AM
To: Crystal Paradis
Subject: Form submission from: Contact the Mayor and City Council

Submitted on Tuesday, December 8, 2020 - 8:36am Submitted by anonymous user:
2601:187:8302:3fe0:516e:b07b:f30a:b354
Submitted values are:

Your Name: Mark Fontaine-Westhart
Your E-mail Address: paulettemark19@gmail.com
Comment:
To: City of Somersworth Conservation Commission (Scott Orzechowski, Larry Hamilton, Mercedes O'Donohue), City of Somersworth Planning Office (Dana Crossley), Somersworth City Council
Subject: Opposition to Natural Resources Conservation Service (NRCS) Plan to Clear-cut Trees on the Conservation Land as Part of the New England (NE) Cottontail Rabbit Project

Sir/Madam,

As a resident and taxpayer, I'm writing you to express my continued opposition to the NCRS's plan to clear-cut trees on the public conservation land adjacent to the Villages at Sunningdale in Somersworth as part of the project to re-introduce the NE Cottontail rabbit. I am also requesting that this letter be read into and included in the public record at the Conservation Commission's meeting on Thursday, December 10, 2020 (as this will be the only opportunity for citizens to formally offer public comment without being able to attend the meeting in person). The reasons for my opposition are listed below:

1. The Purchase & Sales Agreements signed by Sunningdale resident included a conservation easement with developer and the city of Somersworth that expressly prohibited the cutting or removal of standing trees except those that present an imminent threat to person or property. The agreement was

entered in good faith with the expectation that the city of Somersworth would honor its obligations and stated objectives for the public conservation land.

2. Cutting the trees would severely damage the aesthetic value of the conservation land, which is one of the reasons for its designation as conservation land, and would negatively impact it as a signature conservation parcel in the city of Somersworth. Also, the conservation easement with the U.S. government specifically identifies the management of the land for its "aesthetic value" as one of its stated goals, as does the conservation easement with the city of Somersworth.

3. The NRCS Rabbit Project is of questionable value, as the federal government in 2014 declined to list the NE Cottontail as either a "threatened" or "endangered" specie. Beyond the rabbits being considered a native specie, conservationists have not made clear what the benefits of the project will be. Similar projects in NH to introduce the NE Cottontail in comparable surroundings have not been successful. The majority of cottontail predators - coyotes, fox and bobcats - are non-avian. Clear-cutting trees will do little or nothing to reduce their impact on the rabbits or improve the potential success of the project, and may have a negative influence on existing wildlife in the area.

4. The easement deed from NRCS (dated July 1, 2017) expressly states: "It is the intent of NRCS to give the Landowner the opportunity to participate in the restoration and management activities on the Easement Area." While there has been some support provided by the Somersworth Conservation Commission Chairperson in sharing concerns of the Sunningdale community, support by other Commission members and other City Council members has largely been nonexistent.

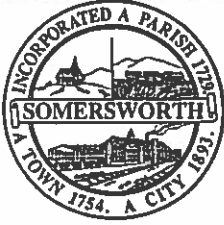
As a taxpayer and voter, I believe that the Somersworth Conservation Commission, Planning Office and City Council should represent the interest of the residents of the City of Somersworth including the homeowners at the Villages at Sunningdale and oppose the clear-cutting of trees as part of the strategy by the NRCS to introduce the NE Cottontail rabbit on the public conservation land.

Regards,

Mark Fontaine-Westhart
12 Cattaile Circle
Somersworth, NH 03878

The results of this submission may be viewed at:

https://linkprotect.cudasvc.com/url?a=https%3a%2f%2fwww.somersworth.com%2fnode%2f17183%2fsubmission%2f1516&c=E,1,s6epoxHeup_FNtBfV3kPoKyAZHdn5TfuY_Ww2Nkl9Oh3rNnpfrFistq7ioJa83jfmOBWxKogt_G7h0PyMOeikxzUGC-X7D-exs00sIMinE6eTaSIHX2XUq7p4s.&typo=1



City of Somersworth – Ordinance

Ordinance No: 10-21

CITY COUNCIL MEETING SCHEDULE FOR 2021

November 16, 2020

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT, in accordance with Chapter 3.7 of the City Charter which provides that the City Council's "regular meetings shall be held on the first and third Monday of the month at 7:00 p.m. unless otherwise designated by Ordinance..." and Chapter 6, City Officials, Section 6.8.2 of the City Ordinances which also provides that the "City Council shall meet in regular session on the first and third Mondays of each month at 7:00 p.m., unless otherwise agreed on by a majority of the members of the Council" that the City Council Meeting schedule for 2021 shall be as follows:

- Monday, January 4th and Tuesday, January 19th
- Monday, February 1st and Tuesday, February 16th
- Monday, March 1st and Monday March 15th
- Monday, April 5th and Monday, April 19th
- Monday, May 3rd and Monday, May 17th
- Monday, June 7th and Monday, June 21st
- Monday, July 19th
- Monday, August 9th
- Tuesday, September 7th and Monday September 20th
- Monday, October 11th and Monday, October 25th
- Monday, November 15th
- Monday, December 13th

This Ordinance shall take effect upon passage.

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

City of Somersworth – Ordinance 10-21

History

First Read Date:	11/16/2020	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

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 10-21		PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 16-21

TO AUTHORIZE THE CITY MANAGER TO REQUEST PROPOSALS FOR A CONCEPTUAL DESIGN FOR IMPROVING ACCESS TO THE SOMERSWORTH PUBLIC LIBRARY

November 16, 2020

WHEREAS, the Somersworth Public Library provides citizens access to materials and services necessary for their informational, cultural, educational, and recreational needs, and

WHEREAS, the Somersworth Public Library has multiple floors and levels within the building that are accessed by stairways, and

WHEREAS, the City would like to contract with a qualified architect or engineer to analyze this facility and provide a conceptual design or conceptual design options to improve access for all citizens to enjoy the entire facility,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to request proposals for a conceptual design for improving access to the Somersworth Public Library and take any other actions with this project determined to be in the best interest of the City.

Authorization

Sponsored by Councilors:

David A. Witham
Donald Austin
Martin Pepin
Richard Michaud

Approved:

City Attorney

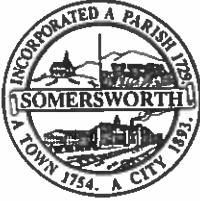
City of Somersworth – Resolution 16-21

History

First Read Date:	11/16/2020	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

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	Resolution 16-21	PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 19-21

PROCLAMATION DECLARING JANUARY DIVERSITY MONTH IN THE CITY OF SOMERSWORTH

December 14, 2020

WHEREAS, January 15, 2021 will mark the 92nd birthday of the Rev. Martin Luther King, Jr.; and

WHEREAS, the “dream” of equal treatment, is the foundation of human rights and democratic values;
and

WHEREAS, our nation has worked towards the goal of fulfillment of this commitment for over 243
years; and

WHEREAS, the City of Somersworth has become a model of a community which embraces and
promotes its diversity; and

WHEREAS, the City of Somersworth is committed to the values of equality and liberty stated in the
Declaration of Independence, United States Constitution, New Hampshire State Constitution and City
Charter; and

WHEREAS, the Rev. Martin Luther King, Jr. reminded us that freedom, liberty and equality must be
protected for all citizens and that “from the prodigious hilltops of New Hampshire, let freedom ring.”

NOW, THEREFORE, BE IT RESOLVED THAT the City of Somersworth encourages all residents,
including community groups, schools and institutions to continue to work toward fulfilling Dr. King’s
dream of the elimination of all barriers to the fulfillment of equal opportunities and human rights; and

The City of Somersworth calls upon all citizens to reflect during this month on the message of Rev.
Martin Luther King, Jr. and commit themselves throughout the year to join the fight for the elimination of
all forms of discrimination and disadvantage and to ensure that everyone has the right to live in
conditions of dignity, respect and peace; and

The Somersworth Mayor and City Council hereby declare that January, 2021 be Diversity and Equality
Month in the City of Somersworth and that the City of Somersworth along with all of its citizens hereby
recommits itself to the fulfillment of Rev. Martin Luther King, Jr.’s “Dream.”

Authorization

Sponsored by:

Mayor Dana S. Hilliard

Councilors:

David A. Witham

Donald Austin

Richard R. Michaud

Nancie Cameron

Kenneth S. Vincent

Martin Pepin

Martin P. Dumont, Sr.

Matthew Gerding

Crystal Paradis

Approved:

City Attorney

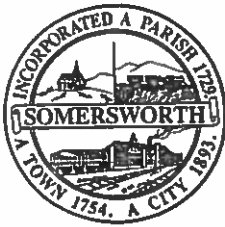
City of Somersworth – Resolution 19-21

History

First Read Date:	12/14/2020	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

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 / / Resolution 19-21		PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 20-21

TO AUTHORIZE THE CITY MANAGER TO AMEND THE CONTRACT WITH EMERY AND GARRETT GROUNDWATER INVESTIGATIONS OF MEREDITH, NH TO PROVIDE AN ASSESSMENT OF THE ROCKY HILL ROAD WELLFIELD

December 14, 2020

WHEREAS, the Somersworth City Council adopted Resolution 33-20 to authorize the City Manager to contract with Emery and Garrett Groundwater Investigations to provide an assessment of the Rocky Hill Road wellfield for a contract amount of \$68,500 (Sixty Eight Thousand Five Hundred dollars), and

WHEREAS, the Emery and Garrett contract included a provision for an additional charge of \$3,000 (Three Thousand dollars) if a generator was required to provide power to the pump in Well #2R in order to conduct a pumping test, and

WHEREAS, the backup generator is needed in order to provide power to conduct the pump test to Well # 2,

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 Emery and Garrett Groundwater Investigations of Meredith, NH to an amount of \$71,500 (Seventy One Thousand Five Hundred dollars) to provide for the rental and installation of temporary power supply to the pump in Well #2R in order to conduct the pumping test, and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to approve any additional change orders relative to this project up to an amount not to exceed a total contract value of \$75,000 (Seventy Five Thousand dollars).

Authorization

Sponsored by:

Councilors:

David A. Witham, Chair

Donald Austin, Vice Chair

Martin Pepin

Martin P. Dumont

Approved:

City Attorney

City of Somersworth – Resolution 20-21

History

First Read Date:	12/14/2020	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

Note: The City Council has appropriated \$75,000 for this project.

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 //	Resolution 20-21	PASSED	FAILED