



City of Somersworth
City Council Meeting
Tuesday, January 19, 2021

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 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 # **822 3340 4133**

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

4. Comments by Visitors

5. Consent Calendar

A. Approve Minutes of the City Council Meeting held on January 4, 2021

6. Comments by City Councilors

7. Communications

A. To Community Members: The City is beginning the process of ascertaining the future Cable TV needs and interests of its residents, businesses and institutions. Please forward any comments regarding Cable TV and our process of considering a renewal of our Cable TV Franchise Agreement with Comcast to the City Council by emailing or mailing your comments to our City Clerk or City Manager. It is important to note that this process only involves Cable TV and does not involve any services related to Comcast's internet or voice lines of business. Comments should be emailed to jslaven@somersworth.com,

bbelmore@somersworth.com or mailed to 1 Government Way, Somersworth, NH 03878,
Attention: City Clerk.

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
13. Lay on the Table

ORDINANCES

- A. **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. 5-21** - To Amend Chapter 19 – Zoning, Definitions, Section 25.B, Agricultural Use (Referred to Public Works & Environment Committee 12/14/2020)

RESOLUTIONS

- A. **Resolution No. 21-21** – To Notify the City Tax Collector that the City Council Shall Not Accept a Tax Deed on Certain Properties Subject to an Unredeemed Tax Lien
- B. **Resolution No. 22-21** – To Notify the Tax Collector that the City Council Shall Not Accept a Tax Deed on Properties Located on Wexford Lane and Blackwater Road Subject to an Unredeemed Tax Lien

15. New Business

RESOLUTIONS

- A. **Resolution No. 24-21** - Authorizing the City Manager to Enter Into a Grant Agreement with the New Hampshire Department of Environmental Services to Accept a Cleanup Grant Award for the Former Somersworth Police Station Located At 5 Main Street, Somersworth, NH
- B. **Resolution No. 25-21** - A Vote to Release and Discharge a Dedication of Property for a Public Road Associated with a Proposed Subdivision Created in 1975 Abutting the Somersworth Fire Station

OTHER

A. Vote to Ratify the Somersworth Association of Clerical and Aides (SACA) Collective Bargaining Agreement (School Department Union Contract)

B. Discuss the Army National Guard Readiness Center's Decommissioning (requested by Councilor Dumont)

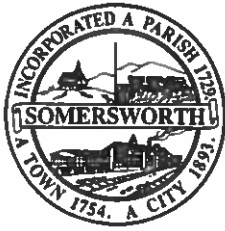
16. Comments by Visitors

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: 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, 01/04/2021
Public Hearing:	10/19/2020	Removed from Table:	01/04/2021
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.

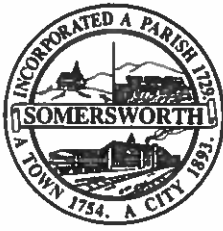
01/04/2021

Councilor Paradis made a motion to take Ordinance No. 7-21 off the table. The motion was seconded by Councilor Gerding and passed 9-0 by roll call vote.

Councilor Paradis made a motion to adopt Ordinance No. 7-21. The motion was seconded by councilor Pepin.

Councilor Witham stated he thought this Ordinance had been referred back to the Public Safety Committee. Councilor Pepin stated that the Public Safety Committee voted to support the Ordinance before them this evening at the October 13, 2020 Public Safety Committee meeting. The Mayor called for a brief recess to confer with the City Manager regarding questions raised regarding amendment to the initial introduced Ordinance amendment and regarding any public hearing held. The meeting was called back to order and a brief discussion took place.

Councilor Witham made a motion to table Ordinance No. 7-21. The motion was seconded by Councilor Dumont and passed 6-3 by roll call vote with Councilors Pepin, Gerding, and Paradis voting "No".



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-3333333333,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:	12/14/2020
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.

12/14/2020

Councilor Witham made a motion to remove Ordinance No. 5-21 from the table. The motion was seconded by Councilor Paradis and passed 9-0 by roll call vote.

Councilor Paradis made a motion to amend Ordinance No. 5-21 under Section 19 and add MY, R2, R2A, R3, R/B, R/O. The motion was seconded by Councilor Witham.

Councilor Witham inquired with Councilor Paradis about the additions of districts. Councilor Paradis stated she would like to see bee keeping allowed in the same districts as chickens. Councilor Paradis inquired about a reason those particular districts were not

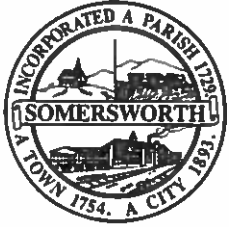
included. City Manager Bellmore stated that the Committee were not in favor of including districts with multi-family homes and the Committee did their best to address that concern and mimic the Chicken Ordinance as best they could. Discussion continued concerning what districts were listed.

Councilor Witham made a motion to refer Ordinance No. 5-21 back to Public Works & Environment. The motion was seconded by Councilor Dumont and passed 9-0 by roll call vote.

01/04/2021

Ordinance No. 5-21 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		



City of Somersworth – Resolution

Resolution No: **21-21**

TO NOTIFY THE CITY TAX COLLECTOR THAT THE CITY COUNCIL SHALL NOT ACCEPT A TAX DEED ON CERTAIN PROPERTIES SUBJECT TO AN UNREDEEMED TAX LIEN

January 4, 2021

WHEREAS RSA 80:76 directs the Tax Collector, after 2 years, to execute to the City a deed of the land subject to the real estate tax lien and not redeemed, and

WHEREAS the Governing Body of a municipality may refuse to accept a tax deed on behalf of the municipality because in its judgment, acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, or for any reason that would be contrary to the public interest,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Tax Collector be notified that for those reasons the City shall refuse to accept the tax deeds on property located at the following locations:

<u>Location</u>	<u>Tax Map/Lot</u>
90 Colonial Village	81-90M
37 Crystal Springs Way	82-12M
92 Crystal Springs Way	82-36M
73 Crystal Springs Way	82-49M
65 Crystal Springs Way	82-57M
28 Dudley Court	83-35M
124 Sherwood Glen	87-124M
207 Sherwood Glen	87-207M
208 Sherwood Glen	87-208M
409 Sherwood Glen	87-409M
629 Sherwood Glen	87-629M
703 Sherwood Glen	87-703M

Authorization

Sponsored by:

Councilors:

David A. Witham

Donald Austin

Martin Pepin

Martin P. Dumont

Approved:

City Attorney

City of Somersworth – Resolution 21-21

History

First Read Date:	01/04/2021	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

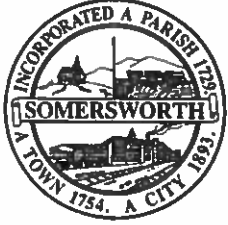
Discussion

01/04/2021

Councilor Witham made a motion to waive Council rules to allow for a first reading of Resolution No. 21-21 by title only. The motion was seconded by Councilor Dumont and passed 9-0 by roll call vote.

Resolution No. 21-21 will remain in first read until 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 / / Resolution 21-21		PASSED	FAILED



City of Somersworth – Resolution

Resolution No: **22-21**

TO NOTIFY THE CITY TAX COLLECTOR THAT THE CITY COUNCIL SHALL NOT ACCEPT A TAX DEED ON PROPERTIES LOCATED ON WEXFORD LANE AND BLACKWATER ROAD SUBJECT TO AN UNREDEEMED TAX LIEN

January 4, 2021

WHEREAS RSA 80:76 directs the Tax Collector, after 2 years, to execute to the City a deed of the land subject to the real estate tax lien and not redeemed, and

WHEREAS the Governing Body of a municipality may refuse to accept a tax deed on behalf of the municipality because in its judgment, acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, or for any reason that would be contrary to the public interest,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Tax Collector be notified that for those reasons the City shall refuse to accept the tax deeds on property located at the following locations:

<u>Location</u>	<u>Tax Map/Lot</u>
5 Wexford Lane	35-12A
7 Wexford Lane	35-12B

Note – It is believed that these properties contain contaminated soils and /or buried debris and an uninhabitable mobile home.

Authorization

Sponsored by:

Councilors:

David A. Witham

Donald Austin

Martin Pepin

Martin P. Dumont

Approved:

City Attorney

City of Somersworth – Resolution 22-21

History

First Read Date:	01/04/2020	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

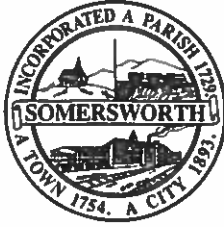
Discussion

01/04/2021

Councilor Witham made a motion to waive Council rules to allow for a first reading of Resolution No. 22-21 by title only. The motion was seconded by Councilor Paradis and passed 9-0 by roll call vote.

Resolution No. 22-21 will remain in first read until 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 // Resolution 22-21		PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 24-21

AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES TO ACCEPT A CLEANUP GRANT AWARD FOR THE FORMER SOMERSWORTH POLICE STATION LOCATED AT 5 MAIN STREET, SOMERSWORTH, NH

January 19, 2021

WHEREAS, the City of Somersworth has received notification of a cleanup grant award of \$97,450 (Ninety-Seven Thousand Four Hundred Fifty Dollars) from New Hampshire's Brownfields Revolving Loan Fund (RLF) for the purpose of funding the remediation of the former Somersworth Police Station located at 5 Main Street, and

WHEREAS, this grant funded remediation work will include eligible activities required to properly remove and dispose of any hazardous building materials within the existing onsite building,

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 acceptance and execution, and take any and all other such actions relative to this grant determined to be in the best interest of the City.

Authorization

Sponsored by:

Mayor Dana S. Hilliard

Councilors:

David A. Witham

Donald Austin

Kenneth S. Vincent

Richard R. Michaud

Nancie Cameron

Martin Pepin

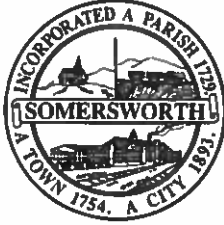
Martin P. Dumont, Sr.

Matthew Gerding

Crystal Paradis

Approved:

City Attorney



City of Somersworth – Resolution

Resolution No: **25-21**

A VOTE TO RELEASE AND DISCHARGE A DEDICATION OF PROPERTY FOR A PUBLIC ROAD ASSOCIATED WITH A PROPOSED SUBDIVISION CREATED IN 1975 ABUTTING THE SOMERSWORTH FIRE STATION

January 19, 2021

WHEREAS, the Somersworth Planning Board approved a subdivision plan on August 27, 1975 that reflected a dedication of property intended for the creation of a public road, and

WHEREAS, the parcel of property that contains the dedicated road strip was conveyed to the City in October, 1975, and

WHEREAS, the City is in the process of building and expanding the Somersworth Fire Station that may expand into this dedicated road strip and would like to release and discharge any such dedication to avoid any confusion to the actual intended use of this property in the future,

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Council votes to release and discharge any dedication of property for public road use.

Authorization

Sponsored by:

Councilors:

David A. Witham

Kenneth S. Vincent

Martin Pepin

Martin P. Dumont Sr.

Matt Gerding

Approved:

City Attorney