

City of Somersworth
City Council Meeting Agenda
City Council Chambers
Monday, January 23, 2023
7:00 p.m.

1. Roll Call of Members
2. Pledge of Allegiance
3. Recognition of Indigenous People – Our Native Ancestral Americans
 - This meeting takes place on N’Dakinna (n-DA-ki-na), which is the unceded traditional ancestral homeland of the Abenaki (a-BEN-a-ki), Pennacook and Wabanaki Peoples past and present. We acknowledge and honor with gratitude the land, waterways, living beings and the Aln8bak (Al-nuh-bak), the people who have stewarded N’dakinna throughout the generations.
4. Public Hearing
 - A. **Ordinance 10-23** – To Amend Chapter 14 Licenses and Permits, Sections 14.2 Permits, 14.3 Fees, 14.6 Applications, 14.7 and 14.8
 - B. **Ordinance 11-23** – To Amend Chapter 29 Administrative Code, Section 29.4.9 Traffic Safety Committee
 - C. **Ordinance 12-23** – To Amend Chapter 19 Zoning, Section 21 Circulation & Parking Regulations A.1 and A.2
 - D. **Ordinance 13-23** – To Amend Chapter 19 Zoning, Section 32 Form Based Codes
5. Comments by Visitors
6. Consent Calendar
 - A. Approve Minutes of the City Council Meeting held on January 09, 2023
7. Comments by City Councilors
8. Communications
 - A. Somersworth Youth Connection “I have a Dream Video”
9. Presentations of Petitions and Disposal Thereof by Reference or Otherwise
10. Mayor’s Report
11. Report of Standing Committees
12. Report of Special Committees, City Officers and City Manager

13. Nominations, Appointments and Election

Nominations Being Introduced for a Council Confirmation Vote:

- A. Richard Brooks, re-appointment to the Historical District Commission with a term to expire February 2026

Nominations Requiring a Council Confirmation Vote:

- A. Chris Horton, Commissioner for the Strafford Regional Planning Commission, with a term to expire January 2027

14. Lay on the Table

OTHER

- A. Vote to Approve Issuing a Request for Qualifications (RFQ) for the Purchase and Development of the National Guard Readiness Property for Residential Use (Requested by the National Guard Building Reuse Commission)

15. Unfinished Business

ORDINANCES

- A. **Ordinance 10-23** – To Amend Chapter 14 Licenses and Permits, Sections 14.2 Permits, 14.3 Fees, 14.6 Applications, 14.7 and 14.8
- B. **Ordinance 11-23** – To Amend Chapter 29 Administrative Code, Section 29.4.9 Traffic Safety Committee
- C. **Ordinance 12-23** – To Amend Chapter 19 Zoning, Section 21 Circulation & Parking Regulations A.1 and A.2
- D. **Ordinance 13-23** – To Amend Chapter 19 Zoning, Section 32 Form Based Codes

16. New Business

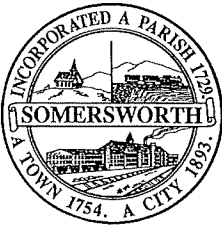
RESOLUTIONS

- A. **Resolution 27-23** – To Authorize the City Manager to Contract with BETA Group, Inc. for Engineering and Design Services for a Water Main Replacement Project on Main Street
- B. **Resolution 28-23** – To Authorize the City Manager to Contract with Wright Pierce Engineering of Portsmouth, NH for Planning and Design Services Associated with Future Water Treatment Facility Upgrades

OTHER

- A. Vote to Ratify the following 3-Year Wage and Working Agreements between the City of Somersworth and:
 - 1. Somersworth Association of Educators (SAE)
 - 2. Somersworth Firefighters Local #2320, International Association of Firefighters (IAFF)
 - 3. Water and Wastewater Employees Association

17. Comments by Visitors
18. Closing Comments by Council Members
19. Future Agenda Items
20. Nonpublic Session (as necessary, pending roll call vote by Council)
21. Adjournment



City of Somersworth – Ordinance

Ordinance No: 10-23

TO AMEND CHAPTER 14 SECTIONS 14.2 PERMITS, 14.3 FEES, 14.6 APPLICATION, 14.7 and 14.8.

January 9, 2023

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 Chapter 14, Section 14.2 Permits, by deleting it in its entirety and replace with:

Persons or organizations shall obtain a permit from the Licensing Board for the following purposes:

1. Solicit funds for charitable purposes.
2. Erect banners or signs related to a special event.
3. Tag (donation solicitation) days.
4. Conduct parades or processions, festivals or races, walk-a-thons, public demonstration or protest on public property or highway.
5. Conduct a carnival, tent show, fair, circus, public dance, dance exhibition or demonstration, live music shows, disc jockey, karaoke, or other amplified music event in which the public is invited for pay to attend or attendance is free.
6. The temporary closing of any City street or temporary use of any City property for the purpose of community related or private events. A certificate of insurance in the amount of \$1,000,000, acceptable to the City, that names the City of Somersworth as an additional insured shall be required. The Licensing Board, at its discretion, may require additional conditions at no cost to the City to include, but not limited to, a higher insurance binder amount, police or fire details, or other measures to ensure the public safety.

Amend Chapter 14, Section 14.3 Fees, by deleting it in its entirety and replace with:

Each applicant shall pay in advance for such license, for the use of the City as follows:

1. There will be a \$25.00 fee for each license issued, unless otherwise stated in another section, for each day or event, unless specifically waived by the Licensing Board.
2. License fees for carnivals, circuses, traveling tent shows and the like, shall be determined by the Board within the limits of said Chapter 286 RSA.

Amend Chapter 14, Section 14.6 Application, by deleting it in its entirety and replace with:

A written application for a permit must be submitted 30 (thirty) days prior to the date of the event. The application shall contain the following information:

- Name or Name of Organization
- Statement of permission from property owner
- Name, address and telephone number of Person in Charge
- Purpose
- Dates and times
- Specific location(s)
- Anticipated number of attendees
- Police detail secured if required
- Certificate of Insurance naming the City of Somersworth as additionally insured (if event is to take place on City property)
- Map of event set-up (tables, tents, stages, parking, restrooms, etc.)

Serving of alcoholic beverages shall require proof of proper State of NH Liquor Licensing permission and a police officer/s detail.

Any event requiring the use of a public way, publicly owned property, or any modification to parking regulations shall require a meeting with a Police Department representative as well as any necessary City staff as designated by the City Manager no later than 14 (fourteen) days prior to the event.

Amend Chapter 14, Section 14.7, by deleting it in its entirety and replace with:

If the request would require a temporary waiver of any Planning or Zoning Regulations of the City, the Licensing Board shall first refer the application to the appropriate staff or Board for review and recommendation prior to deciding on the application.

Amend Chapter 14, Section 14.8, by deleting it in its entirety and replace with:

The permit when issued shall contain the effective date, expiration date, the purpose and the name, address, telephone number and email address of the responsible person.

This Ordinance shall take effect upon passage.

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

City of Somersworth – Ordinance 10-23

History

First Read Date:	1/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

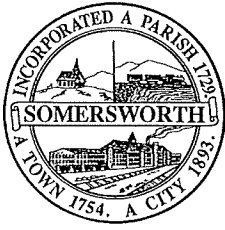
1/9/2023

Clerk LaPanne performed a first reading of Ordinance 10-23 by title only.

Ordinance 10-23 will remain in first reading until the call of the Chair.

A Public Hearing is scheduled for the next regular scheduled City Council meeting.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On / / Ordinance 10-23		PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: 11-23

TO AMEND CHAPTER 29, SECTION 29.4.9 TRAFFIC SAFETY COMMITTEE

January 9, 2023

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 Chapter 29, Section 29.4.9 Traffic Safety Committee, by deleting it in its entirety and replace with:

There is hereby established a Traffic Safety Committee consisting of eleven members, said membership constituted as follows:

- Chief of Police (or designee)
- Chief of Fire (or designee)
- Superintendent of Schools (or designee)
- Director of Public Works (or designee)
- City Engineer
- Director of Planning & Community Development (or designee)
- Two members at large
- City Council member

The members at large shall be appointed by the Mayor, with the consent of the City Council, for three-year staggered terms, beginning July 1st of their respective years. The City Council member shall be appointed by the Mayor as part of the normal assignment of Council Standing Committees.

The Mayor and City Manager shall be ex-officio members of the Committee, without a vote in the Committee's deliberations.

The Chairman of the Traffic Safety Committee shall be designated by the Mayor.

The Traffic Safety Committee is authorized to:

- (1) carry on a continuing study of the problems of highway safety and traffic law enforcement;
- (2) conduct conferences and hearings on various phases of highway safety;
- (3) appoint sub-committees to carry out designated responsibilities related to traffic safety;
- (4) develop and recommend highway safety programs to prevent motor vehicle accidents and enhance overall traffic safety;

(5) review and make recommendations on all traffic safety and parking ordinances prior to action on those ordinances by the City Council;

(6) submit a report of its activities to the Mayor and City Council by way of meeting minutes or Special Report.

This Ordinance shall take effect upon passage.

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

City of Somersworth – Ordinance 11-23

History

First Read Date:	1/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

1/9/2023

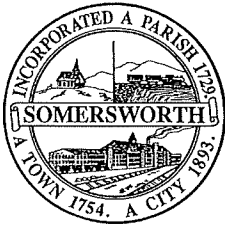
Clerk LaPanne performed a first reading of Ordinance 11-23.

Ordinance 11-23 will remain in first reading until the call of the Chair.

A Public Hearing is scheduled for the next regular scheduled City Council meeting.

In accordance with Robert’s Rules of Order and prior to the second reading, Ordinance 11-23 is assigned by Mayor Hilliard to the Clerk’s Office for the recommended correction regarding the Committee’s eleven (11) person membership. No Council objection.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On / / Ordinance 11-23		PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: **12-23**

**TO AMEND CHAPTER 19 – ZONING, SECTION 21
CIRCULATION & PARKING REGULATIONS A.1 AND A.2**

January 9, 2023

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 Chapter 19 Section 21.A.1. by adding the following:

For properties containing commercial uses and/or multifamily sites (three (3) residential units or more) the parking requirements shall follow the Site Plan Review Regulations.

Amend Chapter 19 Section 21.A.2. by deleting the following in its entirety:

Parking shall be located and arranged so that vehicles will not need to back out into the street.

This Ordinance shall take effect upon passage.

Authorization

Sponsored by Councilor:
David A. Witham

Approved:
City Attorney

City of Somersworth – Ordinance 12-23

History

First Read Date:	1/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

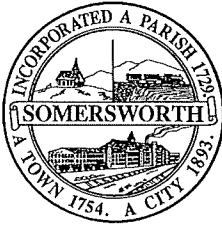
1/9/2023

Clerk LaPanne performed a first reading of Ordinance 12-23.

Ordinance 12-23 will remain in first reading until the call of the chair.

A Public Hearing is scheduled for the next regular scheduled City Council meeting.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On / / Ordinance 12-23		PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: 13-23

TO AMEND CHAPTER 19 – ZONING SECTION 32 FORM BASED CODES

January 9, 2023

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 Chapter 19, Section 32.F Dimensional Regulation by adding the following:

19.32.F.3 Where parcels that are not able to meet the dimensional regulations, an applicant may submit a Conditional Use Permit application.

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

This Ordinance shall take effect upon passage.

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

City of Somersworth – Ordinance 13-23

History

First Read Date:	1/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

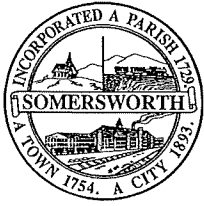
1/9/2023

Clerk LaPanne performed a first reading of Ordinance 13-23.

Ordinance 13-23 will remain in first reading until the call of the chair.

A Public Hearing is scheduled for the next regular scheduled City Council meeting.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On / / Ordinance 13-23		PASSED	FAILED



City of Somersworth – Resolution

Resolution No: **27-23**

TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH BETA GROUP, INC. FOR ENGINEERING AND DESIGN SERVICES FOR A WATER MAIN REPLACEMENT PROJECT ON MAIN STREET

January 23, 2023

WHEREAS, the City of Somersworth’s fiscal year 2022-2023 adopted Water Enterprise Budget contains an appropriation for engineering and design services for the replacement of the water main on Main Street; and

WHEREAS, City staff requested and received proposals for this project and recommends awarding the contract to BETA Group, Inc. of Manchester, New Hampshire for a cost not to exceed \$100,000 (One Hundred Thousand Dollars); and

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

WHEREAS, the Public Works and Environment Committee has reviewed the recommendation 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 contract with BETA Group, Inc. of Manchester, New Hampshire for engineering and design services for the replacement of the water main on Main Street for an amount not to exceed \$100,000 (One Hundred Thousand Dollars) and to take any actions relative to this project determined to be in the best interest of the City.

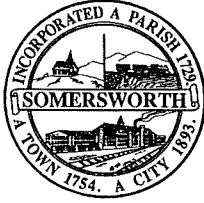
Authorization

Sponsored by Councilors:

David A. Witham
Donald Austin
Matt Gerding
Martin Pepin
Denis Messier

Approved:

City Attorney



City of Somersworth – Resolution

Resolution No: **28-23**

TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH WRIGHT PIERCE ENGINEERING OF PORTSMOUTH, NH FOR PLANNING AND DESIGN SERVICES ASSOCIATED WITH FUTURE WATER TREATMENT FACILITY UPGRADES

January 23, 2023

WHEREAS, the City of Somersworth's fiscal year 2022-2023 adopted Water Enterprise Budget contains an appropriation for planning and design services associated with future Water Treatment Facility upgrades; and

WHEREAS, City staff requested and received a proposal for this project and recommends awarding the contract to Wright Pierce Engineering of Portsmouth, NH for a cost not to exceed \$150,000 (One Hundred Fifty Thousand Dollars); and

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

WHEREAS, the Public Works and Environment Committee has reviewed the recommendation 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 contract Wright Pierce Engineering of Portsmouth, NH for the planning and design of future Water Treatment Plant upgrades for an amount not to exceed \$150,000 (One Hundred Fifty Thousand Dollars) and to take any actions relative to this project determined to be in the best interest of the City.

Authorization

Sponsored by Councilors:

David A. Witham
Donald Austin
Matt Gerding
Martin Pepin
Denis Messier

Approved:

City Attorney