

MINUTES OF CITY COUNCIL MEETING
CITY OF SOMERSWORTH, NH
April 21, 2014

Somersworth, NH
April 21, 2014

The meeting was called to order by His Honor, the Mayor, and upon roll call the following Council members were present: Pepin, Soldati, Hebert, McCallion, Messier, Tapscott, Witham, Collins and Sprague.

Mayor Hilliard called the City Council meeting to order at 7:00 pm.

MINUTES OF THE PREVIOUS MEETING.

MINUTES OF CITY MANAGER FY2014-2015 BUDGET PRESENTATION HELD ON 03/31/2014.

Councilor Pepin/Tapscott^{2nd} made a motion to accept the minutes as written. The motion passed. (Witham abstained.)

MINUTES OF PUBLIC HEARING ON ORDINANCE NO. 14-14 FY2014-2015 BUDGET HELD ON 03/31/2014.

Councilor Pepin/Messier^{2nd} made a motion to accept the minutes as written. The motion passed. (Witham abstained.)

MINUTES OF SPECIAL CITY COUNCIL MEETING HELD ON 03/31/2014.

Councilor Tapscott/Hebert^{2nd} made a motion to accept the minutes as written. The motion passed. (Witham abstained.)

MINUTES OF PUBLIC HEARING ON RESOLUTION NO. 38-14 TO AMEND RESOLUTION NO. 8-13 TO INCREASE THE NUMBER OF HVAC UNITS THAT CAN BE REPLACED IN SOMERSWORTH SCHOOLS HELD ON 04/07/2014.

Councilor Witham/Hebert^{2nd} made a motion to accept the minutes as written. The motion passed. (Pepin abstained.)

MINUTES OF CITY COUNCIL MEETING HELD ON 04/07/2014.

Tapscott/Hebert^{2nd} made a motion to accept the minutes as written. The motion passed, (Pepin abstained.)

COMMENTS BY VISITORS.

Jason Schrack, 28 Union Street, spoke in favor of the backyard chicken ordinance. The City seems to be trying to promote sustainability and this is a great way to be progressive. A few minutes of research would calm unfounded fears. They are much more quiet than the dogs in his neighborhood, they are cleaner; the manure can be used as a really good fertilizer. There is no evidence to support that they cause the spread of disease such as avian flu. If that were a legitimate concern, he said, then you would have to ban bird feeders in the city.

Wendy Karcher, Guy Street, Ward 2, supports the ordinance. Hers is one of the two families who applied for a variance to keep chickens and was denied. This ordinance would let them live the sustainable lifestyle they choose. She supports a small registration fee. This would be self-regulating; "If there is a problem," she said, "Call Code Enforcement." She thinks there are "shadow" chicken owners who will not be running to City Hall for a license; they will continue without the city knowing. She asked the Council to vote for the ordinance, with the amendment to license.

John Joyal, 1 Molly Lane, Ward 4, is not personally interested in having chickens on his property at this time but went through a laundry list of why he thinks it is a good thing to allow. His endorsement included benefits such as learning, having a hobby, having a pet, better health: including nutrition, stress relief and blood pressure control, bug control, teaching children responsibility, eating food scraps, relaxation, entertainment, etc. He called them the "ultimate animal" and asked that we create an ordinance that we can live with.

Rebecca Johnson, Midway Park, Ward 3, read a paragraph saying that many of the arguments against the backyard chickens are based on the worst case scenarios where animals are neglected and not properly maintained. Disease, odor and abuse all arise from mismanagement. If the decision to keep other domesticated animals was based on isolated cases of abuse and neglect, she would not have dogs and a lot of us would not have children. She thinks there is (a lot) of oversight on this. It is a chicken coop, she said. We should at least be able to have a choice. She urges the Council to vote for it and she thinks they should back off on some of the regulations.

Real Roseberry, 405 Route 16, Ward 1, said that people are tired of listening to you people talk about chickens. "Why are you making such a big fuss? If there is a complaint, have Code check it out. Who are you trying to punish with this? Smarten up, people: let people have what they want. ...Let people have chickens-let Code handle it."

Jeanne Ambrose, 18 Midway Park, Ward 3, had a bad experience with chickens. She had neighbors with chickens and they were all over the place. She is not against people having chickens but, like anything else, there are people who will take care of them and people who won't. Put in a few restrictions. What if people have chickens and decide to leave town and leave the chickens? She would like to see restrictions put in, like she read in the paper.

Dorinda Ouellette, Buffumsville Road, Ward 5, expressed her support for backyard chickens. She asked Council members to be open-minded when they vote tonight. She inquired about getting chickens about two years ago and was told that it was against the Zoning Ordinance. She was not told about the variance process, so when she read about others who were granted a variance, she was disturbed at the inequality of the situation. She is now hopeful that the city will redeem itself and vote fairly for all residents and not just a few. She wants to complete the sustainable household model that she already has by having backyard chickens and she wants to teach her grandchildren that you don't need to go to the grocery store to buy all your food. ...She mentioned many benefits of adopting this lifestyle. She addressed the threat of salmonella and described the life of chickens that are raised in cages. Maybe we can reduce the number of chickens raised this way by increasing the number of backyard chickens. The pros to having chickens are greater than the cons, she said. She talked about the benefits of chickens eating bugs and ticks, etc. She feels the Council is trying to discourage the residents by imposing fees. She is not opposed to a small registration fee for a backyard coop so that the city officials can track who has chickens, but to have building permits and large fees are absurd. Coops are not buildings, they are movable pens. She said she could raise 6 pit bulls in her back yard as long as they are registered, but she needs to jump through hoops for 6 harmless chickens. She referred to chickens as pets with benefits. She hopes that they think carefully as they vote because who would want to be on record as being opposed to sustainability and preserving our precious environment.

Jeremy Rhodes, Garden Street, spoke in support of the ordinance, not because he wants to keep chickens, but because he wants to live in a city that legislates and determines what he can keep in his back yard by a logical process of what causes harm and what causes benefit. He has yet to see the harm of letting people have chickens in their back yard. He dismissed chickens being the cause of property values crashes or avian flu in surrounding towns. He is concerned about the continuation of legislation that restricts their right to use their property when it causes no harm to those around them. ...He doesn't see the logic of restricting what they do without good cause. ...He hopes they will allow people to keep chickens in their backyards, "of all things they could be there debating this evening."

There was a motion made by Councilor Tapscott/Collins^{2nd} to suspend Council Rule 7.C to hear more than 30 minutes of Comments by Visitors. The motion passed.

Garry Gerrossie, Hansen Street, supports Ordinance No.13-14. He said it protects individual rights but has guidelines which are considerate of a person's neighbors and their property. He said that the Zoning Board of Adjustment has just set a precedent which makes it impossible for a person in this City to get a variance to keep chickens; he knows because he just went through the process. This Ordinance is the only avenue they have left for citizen's who wish to keep chickens. He asked the Council to please consider voting in favor of this.

ANNOUNCEMENTS BY CITY COUNCILORS

Councilor Soldati said that there in not been one case of avian flu in the U.S. or the western hemisphere.

COMMUNICATIONS.

LETTER FROM GEORGE E. WENTWORTH, JR.

April 18, 2014

To Mayor Dana S. Hilliard,

It is with regret that I must inform you that I will be resigning from the Somersworth School Board effective at the end of the month. I have enjoyed my time on the School Board and wish everyone the best of luck in the years to come.

Thank you,

George E. Wentworth, Jr.

Councilor Witham/Messier^{2nd} made a motion to accept, with regret, the resignation of George E. Wentworth, Jr. from the School Board. The motion passed and the resignation was accepted. Mayor Hilliard said that this vacancy will be posted at the end of the month to seek an applicant to fill this position and then go to the Council for appointment.

PRESENTATION OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE.

There were no petitions.

MAYOR'S REPORT.

- On Wednesday, April 16th, the Mayor, CM Bob Belmore, Emmett Soldati from the Friends of Somersworth, Christien DuBois from the Mayor's office and representatives of the NH Congressional delegation met with federal officials from the US Department of Agriculture to examine if there are grants available that could be applied to the Hilltop Re-Use Project. The Mayor will collaborate with Friends of Somersworth, the City Manager and city department heads to forward a proposal to Council by June to debate the city's commitment before working to secure federal funding.
- The Mayor seeks approval for Resolution No. 29-14 which calls for the demolition of the former police station and creating a central green space in the downtown area which he thinks would enhance the downtown aesthetic as well as

create a central downtown gathering spot.. He also hopes this would facilitate future land acquisition from current corporate abutters.

- The Mayor seeks approval for Resolution No. 13-14. Although the Public Works and Environment Committee brought forth another ordinance, No.17-14 which they consider to be offer a middle ground in this debate, the Mayor is still in favor of the original Ordinance No. 13-14 and supports it with the amendment which will be offered by Councilor Soldati this evening. He believes this Ordinance aligns with both the Master Plan and the goals of Vision 2020.
- On May 10th, from 9:00 am to 10:30 am, the Mayor and Ward 1-Council and School Board members will meet with residents over coffee and pastries in order to create dialog, exchange ideas, voice concerns to continue to keep community moving forward. (Ward 1 only, please.)
- On May 3rd. from 8:00 am to 1:00 pm, the annual Spirit Up Day will be held at the Somersworth Middle School. It will be a city-wide cleanup day. Free lunch and entertainment provided afterward.
- April 23rd. Recognize St. Georges Day will be celebrated by flying the flag of the United Kingdom in addition to our American flag, to recognize contributions of the English in our founding and settling.
- The Mayor said that he finds it fitting that while he announced that we will honor our former ties to England, that (today), April 21st, our neighbors to the north, Maine and our neighbors to the South, Massachusetts are celebrating Patriot's Day. The holiday marks the beginning of the **shot heard round the world**, as the local militias engaged British soldiers in what would become the first battle of the American Revolution on April 19th, 239 years ago. Today we reaffirm our pride, commitment and determination to hold our ground once again with the running of the Boston Marathon. It is during these times that he beams with pride to be a New Englander and an American.

Nominations, Appointments and Elections

Under Nominations and appointments In accordance with Council Rule 17 Appointments, the following are before the Council this evening for a confirmation vote. He respectfully request that Council confirm the following nominees:

- Ross Forester-Sustainability Committee-term to expire 04/2016.
- Liz Wilson-reappointment to Sustainability Committee, Chair, term to expire 04/2016.
- James Cowan-Board of Assessors-term to expire 04/2017.
- John Jackman-Trustee of Trust Funds-term to expire 04/2017.
- Don Berrios-Alternate member of Planning Board-term to expire 04/2017.

- Nancie Cameron-Library Board of Trustees-term to expire 04/2017.

Nominations, Appointments and Elections

- Harold Guptill- Member-at-Large to the Traffic Safety Committee. In accordance with City Charter, section 3.5C, this appointment does not require confirmation by Council.

This respectfully concludes the April 21st, 2014 Mayor's report.

REPORTS OF STANDING COMMITTEES.

FINANCE COMMITTEE

Councilor Witham reported that the Finance Committee met on April 8, 2014. The committee:

- Approved prior minutes.
- Line Pavement Marking bids- bid of choice is with Hi-Way Safety Systems with a bid of \$14,539. There is \$14,700 in the current budget that is within the Finance Committees spending authority. Passed 3-0.
- Miscellaneous- Idea of contracting out the handwork throughout the City, i.e., crosswalks, parking lines, etc. That has been typically done by Public Works, but can take most of the summers but by contracting it out they can get it done in about two weeks. Requires an additional \$11,000 to the budget. A transfer ordinance will be required near the end of the fiscal year as the PW budget is already in the red because of winter maintenance expenses. Committee voted 3-0 to pass the additional money to contract out the work.
- Reporting- Finance Director Smith handed out a year end summary of expenditures, noting an over-expenditure in the debt service line. He thinks we can encumber that from other lines in the City and that is not a concern.
- Audit Report. The City had a very good financial audit, they continue to maintain financial order, and he is very pleased with that.

GOVERNMENT OPERATIONS

Councilor Soldati reported that the committee has not yet met.

ECONOMIC DEVELOPMENT

Councilor McCallion reported that the committee met on April 17th, scheduled to begin at 9:00 am. Because the Public Works & the Environment Committee met prior to discuss the chicken ordinance so it began at 9:43 am. The committee

- Approved past minutes
- City staff had looked at an RFP for the (Nard's) parking lot

- And they looked at the redevelopment of the Plaza. He said there will be more to come as other committees are also looking at the downtown.
- A draft ordinance regulating payday lenders. However you want to classify predatory lending or payday loans, he asked if that is the image of Somersworth. They got a call from the state municipal association who kind of applauded them. City staff is working on that ordinance.

PUBLIC SAFETY

Councilor Pepin said that they not had a meeting yet, but are due to have one in the near future.

PUBLIC WORKS AND THE ENVIRONMENT

Councilor Sprague said that the committee met twice since the last meeting. On April 8th, at 8:00 am, he reported that

- They had an update from Hoyle & Tanner about the High Street project; there were a couple of guide wires to be relocated.
- The pavement marking bid originally came back a little higher at \$16,214 (at the linear foot price) but there are two sections not being done now, so it was under budget. They decided to put some in the budget for next year for the handwork; crosswalks, etc.
- They had a petition from a Rollinsford resident to hook into the water line that goes out to Janco. They had petitioned last year but were denied because they do not have an inter-municipal agreement with Rollinsford. They tried to dig a well but have no water, so they are back to petition again. The stance of the committee is that they require the inter-municipal agreement. As long as they get a letter from the Selectmen saying that they plan to work on this, then they would probably allow them to get an emergency tie-in.
- They talked about the former police station and the possibility of creating another park. They discussed adding another park when they can't take care of the ones they have. Amendments were made to the resolution adding money to make improvements to Noble Pines field. They will talk about this tonight as it out of committee now.
- He asked how much it would cost to totally shut down Public Works and felt he did not get a good answer.
- They talked about the Chicken Ordinance and after much discussion, they decided to have staff research a special exception which would actually go to the Planning Board. Going to the Zoning Board and getting a variance bothered the committee as that variance stays with the property forever. They came to a middle ground at the next meeting where they could go to the Planning Board and it would follow the person, not the property.

The Public Works and the Environment Committee also met on April 17th at 8:00 am. Chairman Sprague apologized that he didn't have his minutes to go by and would address

the April^{17th} meeting at the next Council meeting. They came out of that meeting with a 3-1 vote and feels they have common ground in the new ordinance. He agrees that there are some parts of it that they need to loosen up, like building permits. He thinks there is still work to do on the other ordinance.

RECREATION

Councilor Pepin said that there is a meeting scheduled for April 30th at 4:00 pm.

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER.

SUSTAINABILITY COMMITTEE

Councilor Soldati said that the Sustainability Committee met last Thursday; they talked about encouraging people to call Public Works, (603-692-4266,) if they were interested in a community garden plot. It is free. They talked about Spirit Up Day, the big City clean up day. Bring a rake, she said. It's a lot of fun. They showed a film, Transition 2.0, which was a wealth of information about how just a few citizens can get together to work and help their communities become more sustainable. They will show another film soon called "Bag It" about the plastic we are using. It is a fun documentary to watch, she said.

VISION 2020

Councilor Witham said the committee met on April 9th. They continue to talk about branding, the film project of the class of 2020. They had a robust discussion about the short term goal of how to assist downtown business during the construction project. He said that they plan to do a community mailing about the businesses that remain open; their accessibility and where to park. They are trying to make this as palatable as it can be. He likens it to losing weight; you go to the gym, you stop eating the foods you like, it is not very pleasant. But you get to the end and you like the result. This is a similar approach. They are next scheduled to meet on May 28th.

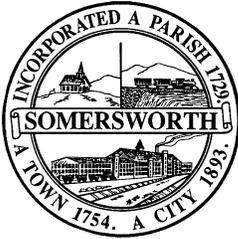
PLANNING BOARD

Councilor Witham expects that residents have seen in the paper that the Twelve Month, LLC project for the Sunningdale Estates has been approved by the Planning Board with, he believes, 25 conditions, including a number of upgrades to Millennium Park estimated to be around \$200,000., and improvements to Stackpole Road including a sidewalk from where it now terminates down to Millennium Park. There are minor intersection upgrades at Green Street and Stackpole and a number of other improvements as well.

RAIL ADVISORY COMMITTEE

Councilor Sprague said that the Rail Advisory Committee met for the first time on April 15th at 4:30 pm. He thought it would be a brief organizational meeting but lasted about

an hour. He got up to speed on where we are with rail service, where he would like to see them be and plans for the future. They plan to meet with Tony Donovan again next week and after that they plan to have field trips to Freeport and Brunswick, Maine to see the stations they have there. They will then break into smaller committees to go talk to their legislators to see, if they had it to do again, how they would do it, as those stops have been recently added. He hopes the public will be energetic about what they are trying to do. He applauded the Mayor for setting up the committee.



CITY OF SOMERSWORTH
Office of the City Manager

TO: Mayor Dana Hilliard and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, April 18, 2014

SUBJECT: City Manager's Report for Monday, April 21, 2014
City Council Agenda

6:00 p.m. - City Council Workshop

Re: Workshop with our Contracted Assessor/Assessing Firm, Corcoran Consulting Associates, Inc., to Discuss the Recommended Real Estate Property Revaluation and Continuing Cycled Inspection Program.

Attached is a memorandum from Wil Corcoran outlining the programs to be discussed.

Lay on the Table (under Section 12 of Agenda)

A. Ordinance No. 14-14 FY 2014-2015- Budget. Attached is the revised Ordinance as amended by City Council. The attached memorandum provides a new projected City tax rate estimate and tax cap analysis. I have also provided a Memorandum outlining health insurance premium adjustments that the City Council may want to consider in your deliberations.

Unfinished Business (under Section 13 of Agenda)

Ordinances:

A. Ordinance No. 13-14 Amending Chapter 19, Zoning Ordinance, Tables 4.A.3.9, 4.A.3.10 and 4.A.3 to Permit Chickens in All Residential

Districts Provided that Certain Minimum Criteria have been Met. (In Committee).

Resolutions:

- A. Resolution No. 29-14 To Demolish the Former Police Station and Establish a City Park. (Referred to Committee).** Attached is a proposed Amendment from the Public Works & Environment Committee. Note: These action items will need further City Council action to provide funding should it pass.

- B. Resolution No. 39-14 Vote to Authorize a Comprehensive Study to Examine the Need for the Construction of a New Fire Station.** The City's 2015-2020 CIP document does acknowledge the need for a new fire facility.

New Business (under Section 14 of Agenda)

Ordinances:

- A. Ordinance No. 15-14 Amend Chapter 13, Police Offenses, Section 3.1.D No Parking Anytime.**
- B. Ordinance No. 16-14 Amend Chapter 13, Police Offenses, Section 3.1.F Time Limited Parking.** These Parking Ordinance Amendments, No. 15-14 & No. 16-14 are temporary amendments to provide added parking options for the duration of the DTN Construction Projects.

- C. Ordinance No. 17-14 Amend Chapter 19, Zoning Ordinance, by Adding a New Section 31 Backyard Chicken Ordinance.** This Committee recommendation is forwarded to the full City Council from the Public Works & Environment Committee (3-1 vote). City Attorney Walter Mitchell has reviewed the language. He offers one (1) recommendation: in Section 19.31.D, Revocation/Renewal of Permit, item #1, add "or of any violation of conditions of approval".

- D. Ordinance No. 18-14 Amend Chapter 19, Zoning Ordinance, Section 25, Definitions.**
- E. Ordinance No. 19-14 Amend Chapter 19, Zoning Ordinance, Table 4.A.5 Principal Uses.** These Committee recommendations are forwarded to the full City Council from the Economic Development Committee (3-0 vote). Ord. No. 18-14 and No. 19-14 are companion Amendments.

Monday, May 5, 2014

I recommend Public Hearings be held prior to the next regular City Council meeting starting at 6:30p.m. moving from one hearing to the next: Ordinances 15-14, 16-14, 17-14, and 18-14.

SAU Superintendent Jeni Mosca requests a meeting with the City Council to discuss a tentative agreement with one of the School Department's Unions prior to a possible vote at the next Council meeting. I would suggest a non-meeting/private meeting with her negotiating team at 6:00p.m.

Other:

A. Reconsideration of Resolution No. 36-14 Authorizing the City Manager to Sell City Tax Deeded Property at 116-118 Green Street. Attached is a very preliminary "Draft" letter to solicit Realtor proposals to list and market these tax deeded properties. We would also advertise for proposals. I will delete this property should Council decide not to reconsider or decide not to approve its sale. The other properties have already received City Council approvals.

City Manager's Items (under section 10 of Agenda)

A. Information Items:

1. Police Department Grants. I am pleased to report that the three (3) Highway Safety Grants being awarded to the City for traffic enforcement related efforts (copies are attached):

- Red Light Running - \$5,148.00
- DWI/DUI Patrols - \$6,786.00
- Enforcement Patrols (motor vehicle violations during a set time, either morning or evening) - \$5,148.00

B. Attachments:

1. City Attorney Certifications Four (4).
2. City Department Monthly Reports.

NOMINATIONS, APPOINTMENTS AND ELECTIONS.

TRAFFIC SAFETY COMMITTEE

HAROLD GUPTILL, TERM TO EXPIRE 04/2017.

Mayor Hilliard named Harold Guptill to the Traffic Safety Committee. (This appointment does not require Council confirmation, per Charter section 3.5C.)

LAY ON TABLE.

ORDINANCES.

ORDINANCE NO. 14-14 FY 2014-2015 BUDGET.

Councilor Witham/Tapcott^{2nd} made a motion to remove Ord. No. 14-14 from the table. The motion passed.

Councilor Witham/Tapcott^{2nd} made a motion to reduce the School Department budget by \$65,000 (health insurance premium adjustment: premium holiday, part of the savings realized by the school department.) See Page C-92 of the proposed budget. He thinks that amount might be better to use on the roads.

Councilor Sprague/McCallion^{2nd} made a motion to waive Council rules for the Chair of School Board, Don Austin to speak. The motion passed.

Councilor Sprague asked Mr. Austin what would be the harm of reducing the School Department budget by \$250,000. Chairman Austin said they are looking for the balance, about \$185,000, to fund some contractual obligations that they have having to do with contracts, specifically, union negotiations. The School Board feels it needs that money to complete that process.

Councilor Sprague wondered what would happen if they took the \$250,000 and then the School Board needed the money after the negotiations, what would be the next step. City Manager Belmore said that they would either have to find it elsewhere in their budget or they would have to ask the Council to consider a supplemental appropriation to meet those obligations.

Councilor Sprague wondered if doing that would put us out of compliance with the tax cap.

Finance Director Scott Smith said it would not put them out of compliance at that time. He said they would need to find a revenue source to create the supplemental appropriation, so it would be something other than property taxes, perhaps fund balance, unless the school had excess revenues. Additionally it would require a 2/3rds vote, which they would need to override. A contractual obligation puts pressure on future obligations, he said.

Councilor McCallion feels that the \$250,000, taxpayer money, putting it toward a future contractual agreement is not the best use of the money. He would like to take it and chip away at the roads and the infrastructure.

Councilor Witham thinks that the \$65,000 is a reasonable amount. After outlining projected amounts needed to do the Main Street, Indigo Hill Road and Blackwater Road projects, he said that those are major bonding items, not something that we are going to pay for out of the operating budget, he said, it just not going to happen.

He said the report from the auditing firm, Vachon Clukay & Co., was very good. One remark the auditors gave is how close the budgeted amount for both the City and the School Department is, and how close they are at year end. "We are very, very close on both sides which suggests that the budgeted numbers are very, very accurate." There isn't excessive or under-spending. Those numbers are pretty much dead on, so when the School Department says this money is necessary, one would have to believe that those are reasonable expectations. Councilor Witham said that the School Department was very transparent with the premium holiday; there is money available, they have agreed to the \$65,000. They also don't want to have money come in that we are not going to fund the following year. He thinks this is a reasonable balance.

The motion to reduce the School Board budget by \$65,000 passed 8-0 on a roll call vote (requested by Councilor Witham/Tapscott 2nd). (McCallion opposed.)

Councilor Witham/Messier^{2nd} made a motion to increase line item 9104, page C-65 under Public Works and Utilities, Street Maintenance-Road Resurfacing- by \$65,000. Motion passed.

This amendment brings that line item total to \$254,000, per Finance Director Smith.

Councilor Sprague/Witham^{2nd} made a motion to reduce the city side of the budget by \$60,000, (from savings on lower health insurance premiums.) Councilor Sprague/Witham^{2nd} asked for a roll call vote. The motion passed, 8-0 (McCallion opposed.)

Councilor Sprague/Witham^{2nd}, moved to reduce the Enterprise Fund by \$10,000 (from savings on lower health insurance premiums.) City Manager Belmore said that this is not the solid waste enterprise fund, it is just utility funds: water and wastewater for health premiums. Councilor Sprague/Witham^{2nd} requested a roll call vote. The motion passed 8-1, (McCallion opposed.)

Councilor Sprague/Witham^{2nd} made a motion to increase line item 9104, page C-65 under Public Works and Utilities, Street Maintenance -Road Resurfacing- by \$60,000. Councilor Witham wholeheartedly supports this. He thinks this makes a lot of sense. Councilor Sprague pointed out that road resurfacing, (let alone total reconstruction when you are including infrastructure,) is so very important to the City. This line item, now at \$314,000, is the largest this number has been since he's been on the Council. He applauds all; if this is passed tonight. Councilor Soldati verified that the amendment, as passed does not affect the tax rate. She is *so* in favor of this, she said. Councilor Sprague/Witham^{2nd} requested a roll call vote. The motion passed 9-0.

(Including the \$10,000 from the Enterprise Funds in the previous amendment would have put the budget over the tax cap.)

City Manager Belmore said that, as we go through the tax cap process, if the budget is passed as is, they are just \$100 under the threshold and that they still have to do some

analysis of building permits, etc, through April. When they have the tax rate set in October, he will need a little allowance in regard to what they use for fund balance, maybe more than he has in the past, to ensure that they stay under the tax cap. He wants to point out it may not be exactly the way it is presented in the budget.

Councilor Witham asked about setting up a Capital Reserve Fund for future, large-scale projects, like replacement and painting of water tanks, etc. He asked if that line is established yet.

No, answered Finance Director Smith. You could create the fund and transfer money in. Typically, he said, it is done the other way around; you would create and define the fund and then put money in it. It would need a public hearing.

Councilor Sprague thinks they could think about another fund for catch basins.

There were no further amendments.

Councilor Witham/Soldati^{2nd}, made a motion to adopt Ordinance No. 14-14. Motion passed 8-1. (McCallion opposed.)

UNFINISHED BUSINESS.

NOMINATIONS, APPOINTMENTS AND ELECTIONS.

APPOINTMENTS TO THE SUSTAINABILITY COMMITTEE.

ROSS FORESTER, COMMUNITY MEMBER AT LARGE, TERM TO EXPIRE 04/2016.

Councilor Soldati/Hebert^{2nd} made a motion to confirm the appointment of Ross Forester to the Sustainability Committee. The motion passed.

LIZ WILSON, REAPPOINTMENT AS CHAIR, TERM TO EXPIRE 04/2016.

Councilor Soldati/Hebert^{2nd} made a motion to reappoint Liz Wilson as Chair of the Sustainability Committee. The motion passed.

NOMINATION TO BOARD OF ASSESSORS.

JAMES COWAN, REAPPOINTMENT, TERM TO EXPIRE 04/2017.

Councilor Witham/Tapscott^{2nd} made a motion to reappoint James Cowan to the Board of Assessors. The motion passed.

NOMINATION TO TRUSTEE OF TRUST FUNDS.

JOHN JACKMAN, REAPPOINTMENT, TERM TO EXPIRE 04/2017.

Councilor Tapscott/Messier^{2nd} made a motion to reappoint John Jackman as a Trustee of Trust Funds. The motion passed.

NOMINATION TO PLANNING BOARD.

DON BERRIOS, ALTERNATE MEMBER, TERM TO EXPIRE 04/2017.

Pepin/Messier^{2nd} made a motion to confirm Don Berrios as an alternate member of the Planning Board. The motion passed.

NOMINATION TO LIBRARY BOARD OF TRUSTEES.

NANCIE CAMERON TERM TO EXPIRE 04/2017.

Councilor Pepin/Tapscott^{2nd} made a motion to confirm Nancie Cameron to the Library Board of Trustees. The motion passed.

ORDINANCES.

ORDINANCE NO. 13-14 AMENDING CHAPTER 19, ZONING ORDINANCES, TABLE 4.A.3.9, 4.A.3.10 AND 4.A.3 TO PERMIT CHICKENS IN ALL RESIDENTIAL DISTRICTS PROVIDED THAT CERTAIN MINIMUM CRITERIA HAVE BEEN MET.

Councilor Soldati/Messier^{2nd} introduced an amendment to Ordinance No.13-14 by adding the following sentence to Note #14 in order to track where chickens are located:

“An annual permit shall be required to keep chickens under this provision. An application for such permit shall be submitted to the City Clerk on forms available for that purpose. There shall be a \$10 (annual) fee and the permit shall expire on September 1 each year.”

Councilor Soldati said that this ordinance is reasonable, it puts good controls (in place,) and if this passes, owning chickens would be the most regulated pet ownership we have.

Councilor Witham asked where the \$10 ordinance fee, payable (in the Office of the City Clerk,) would go. Into the general fund, the City Manager answered.

The amendment to the ordinance passed on a voice vote, Witham opposed.

Councilor Soldati/Messier^{2nd} made a motion to adopt Ordinance No 13-14 as amended. The motion passed 7-2. (Tapscott and Sprague opposed.)

Councilor Soldati went over the terms of the ordinance which models the Dover ordinance. That ordinance has been in effect for four years, and she said that they average 4 complaints a year which are generally complaints that the chickens are not enclosed.

More and more people are concerned about food safety...caused by the commercial food industry. She said that the CDC reports that there are 1.2M cases of Salmonella in this country each year that are not coming from backyard chickens. People want control. There are movements across the country establishing community gardens; cities are passing chicken ordinances, etc., as part of the sustainability movement. People are taking back control over what they are eating and it is a good thing. She hopes the Councilors will support this as part of the goal of the Master Plan toward becoming a sustainable community.

Councilor Witham is not against backyard chickens but he wants tight parameters. He has received a lot of calls, mostly asking him not to support the ordinance. He marvels at the amount of press, public input, phone calls and conversation about this, yet they passed an almost \$45M budget with no comment at the public hearing. The \$10 fee doesn't work for him. He likes the abutter notification aspect of Ordinance No.17-14. He thinks that is just being neighborly. That is the part he was looking for and it is not in this ordinance. With something about notifying abutters he would support it and he is not sure how to weave it in.

Councilor Collins has considered this extensively, more than he ever thought he would have done. He has contacted every neighbor of chicken owners in Somersworth. He has contacted all the chicken owners in Somersworth. He contacted Dover and Rochester and Durham and found the same thing as (Councilor Soldati.) He visited neighbors of chicken owners to see what his opinion would be if he lived there and discovered that he wouldn't have known the coops were there. He had only 5 negative calls. Based on his research, he does not feel that hens in an urban area present any acute problem to public health or safety. If it's not broken, don't fix it. He watched the Zoning Board and realized it was broken. He supports this ordinance because he thinks it needs to be fixed.

Councilor McCallion thanked all the citizens who spoke tonight. Being in the food industry, he looks at this a little differently. From a food perspective, if people want to raise food and its not going to hurt anyone else. He thinks a couple of people who spoke earlier had it right: mismanagement. ...He said if he had two neighbors come in, one with chickens and the other with five rottweilers and four pit bulls, he knows which fence he'll be leaning toward. He will support this.

Councilor Pepin said that his drawback, which comes from his background with the Fire Department, is in situations such as someone legally getting a permit for a campfire, the smoke blows on the neighbor who is on oxygen and having a very hard time breathing and needs to keep his windows closed. That is his thought, that the residents beside you have a way to express themselves if they have a problem. His approach was never to deny chickens. He will vote in favor of this.

Councilor Sprague sees this as more of a land-use rights issue. He said he will not vote for this because Ordinance No. 17-14 is a much better ordinance. The 3, 4 or 5 (people) who apply for the permit, this will help them, but what about the other 11,000 who bought into the R1 (or R2) districts? They keep talking about cats and dogs; those are domesticated animals, chickens are not. He said, "If I buy in an R1 zone and you take away my rights, there is something wrong with that picture." They have a very good ordinance, No. 17-14, (which) notifies abutters. That is the one single thing that they need to be doing as a responsible Council. To not have the common courtesy to notify the abutters is wrong and he doesn't know how they can vote for it. He agrees that the Zoning Board of Adjustment was not the place to see this; having a variance that stays with the property is not good. He agrees that it needs a special exception from the Planning Board every five years so that it stays with the person. When the person leaves the City, we are not worried about the property having these issues. What ... about mismanagement? "If you pass this, you are doing nothing about mismanagement." Have respect for the property owners that we are not thinking about right now. In good conscience he could not vote for this ordinance, but he could definitely support Ordinance No.17-14.

Councilor Tapscott said his major concern, since this discussion began, was the contact of the abutters. He was ready to accept this if he knew that the abutters were being notified in a timely, professional manner. This amendment, as far as he is concerned, does not go far enough. He can't vote for it without notification of abutters.

Councilor Messier said he changed his vote. The key factor that he could not support is it being in the hands of the Planning Board. He found out that you can't go to Home Depot and get an 8x8 shed without the Planning Board giving you approval. He finds that more appalling. He doesn't want to send people to either the Planning Board or the Zoning Board of Adjustment. He thinks ... abutters should be notified, but how are we going to do it. Let's take a vote. If this one fails, we'll go to (Ordinance No 17-14.)

Councilor Witham asked the City Manager if there is way that an applicant can bring a signed document from direct abutters?

The City Manager said he was thinking out loud- You can put it on the form, sure, but what if someone doesn't want to sign it? If you pass the Zoning Ordinance, you are granting a right for everyone to have chickens. He doesn't know what you accomplish by going to the neighbors, if the neighbor doesn't want to sign. He is not sure what the intent or purpose would be, to require the signatures.

Councilor Witham said he wished there was some middle ground. Planning Board is too much. He doesn't like the Zoning Board approach. He tried to get the abutter notification in. In the Planning Board approach, abutters are notified and they can come to speak if they so choose; he is not looking for abutter permission.

Councilor Collins commented that Ordinance No 13-14 is consistent with what Dover, Rochester and Durham have now. Their R1, R2 Zones do not have this complication.

They do not find themselves in hot water with abutters, etc. He feels that the ordinance is compliant with all of our neighbors and is basically common sense.

Councilor Soldati thinks (the notification) is totally unnecessary. When you have six or fewer (chickens,) people name them. That's your pet; it's a pet chicken, she said. It is not a big poultry operation. We need to get it in perspective. She moved the question.

Councilor Soldati withdrew her motion to move the question in order to allow Councilor Sprague to speak.

Councilor Sprague doesn't think the ordinance is ready. He believes that maybe they need an agricultural commission. He firmly believes they need to do something with the abutters' notification. You enact laws to protect people. He doesn't think we are doing our job if we support this ordinance and bypass Ordinance No.17-14.

Councilor Soldati/McCallion^{2nd} moved the question. The motion to move the question passed.

After Councilor Soldati/Messier^{2nd} made a motion to adopt Ordinance No 13-14, as amended, the motion passed 7-2. (Tapscott and Sprague opposed.)

RESOLUTIONS.

RESOLUTION NO. 29-14 TO DEMOLISH THE FORMER POLICE STATION AND ESTABLISH A CITY PARK.

Provided as backup to proposed amendment sponsored by the Public Works and Environment Committee to Resolution 29-14. Proposed amended language is bold and underlined.

Councilor Witham/Messier^{2nd} made a motion to amend Ord. No. 29-14. The proposed amended ordinance would read as follows:

RESOLUTION NO. 29-14 TO DEMOLISH THE FORMER POLICE STATION AND ESTABLISH A CITY PARK AND MAKE IMPROVEMENTS TO THE NOBLE PINES BALL FIELD.

Somersworth, NH
February 18, 2014

WHEREAS, the City of Somersworth owns Tax Map 11 Lot 210 and is the site of the former Somersworth Police Station with an address of 5 Main Street; and,

WHEREAS, the site is 15,777 square feet and the City maintains the USS Somersworth Park that encompasses approximately 4,300 square feet of the northerly portion of the site and is centrally located in the City's urban core; and

WHEREAS, a goal of the City’s Master Plan is to create “well designed and landscaped Mini-parks that serve as visual focal points at important locations throughout the downtown”; and

WHEREAS, the City Council has funded infrastructure projects designed to further Vision 2020 efforts for downtown revitalization and to create an enhanced quality of life and community livability; and

WHEREAS, the existing building and parking area at the site are in a state of disrepair; and,

WHEREAS, it is a goal of the Master Plan to upgrade our existing recreational facilities; and, the Noble Pines Park Ball Field is a recreational facility in need of repair and upgrades for safety and accessibility; and,

WHEREAS, certain upgrades to the Noble Pines Ball Field are outlined in the City’s Capital Improvement Plan that include a new back stop, improved access, and additional safe seating;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute any and all agreements and contracts necessary to demolish the former police station and associated parking area and convert the site to a City park for an amount not to exceed **\$44,000** and to take any other associated action deemed to be in the best interest of the City to complete this project, and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH that the City Manager is authorized to execute any and all agreements and contracts necessary to improve the Noble Pines Ball Field as outlined in the adopted FY 2015-2020 Capital Improvement Plan for an amount not to exceed \$43,000; and to take any other associated action deemed to be in the best interests of the City to complete this project, and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH that authorization of the Resolution is subject to the City Council approving funding to accomplish these projects.

Introduced by

Mayor Dana S. Hilliard
Councilor Jennifer Soldati
Councilor Denis Messier
Councilor Marcel Hebert

Approved:

City Attorney

Councilor Witham brought up in committee that the demolition of the former police station would create an additional green space for a city park. One of his concerns as a City Councilor, with tight City budgets, is creating additional city parks without taking care of our existing city parks. If we are going to create additional parks we should at least take care of the major issues at existing parks. Demolishing the old police station is a vision that is not in our City Master Plan. The upgrades in the city parks are and have been in there for some time but have been pushed further and further and further out.

He outlined repairs that need to be done at Noble Pines, as well as accessibility and safety needs which he feels this would address. He encourages (Council) to support this.

Councilor McCallion is not sure if he can support this, one, because it is bundled like pork. If we take the brick from the old police station and weave it into a pattern up there, that would be great. It would be a great conversation piece. ...In the last five to seven year it has really taken shape. If we could have transferred some funding from other savings tonight like he wanted to, but right now he is having a hard time wrestling with it.

Councilor Tapscott has a sore spot because, he said, we sold the Police Station for \$1, then we spent \$60,000 to get it back. We want to put another \$44,000 to demolish it and now we're talking about adding another \$40,000+ for other projects. He cannot vote for something like this because of the cost.

Councilor Witham said that the resolution does not speak to the funding mechanism; that is another conversation for another day. This is just to get the ball rolling. Mayor Hilliard said that as the primary sponsor he has no problem with the amendment.

Councilor Witham requested a roll call vote on the amendment. The amendment passed 5-4, (Pepin, McCallion, Tapscott and Sprague opposed.)

Councilor Witham/Soldati^{2nd} moved to adopt Resolution No. 29-14, as amended. The motion passed 5-4. (Pepin, McCallion, Tapscott and Collins opposed.)

Councilor Pepin is not in favor of tearing down the police station. He had seen beautiful plans when they sold it for \$1, but unfortunately it fell apart because of the economy. When they voted to take it back over, he was in favor because it gave them some control over what went in there. They passed an ordinance to give tax breaks for (renovating downtown) buildings; that is an ideal situation for that. The second and biggest thing that burns him about this is that in local government here, he has a hard time tacking something on to another bill. The parks and recreation at Noble Pines was discussed; he is all in favor of doing upgrades. It is scheduled to be in front of them for CIP in FY2020; it hasn't been in front of his committee. He has a little problem with that; he doesn't know if that is because of funding or what. He is in favor of the upgrade; his heartburn is tacking the two together and also that this proposal has not come before the

Recreation Committee. He has been debating the Pine Street Park for four years; hopefully it will be done this summer, and now they are talking about putting on another park. He will be voting against this.

Councilor Witham said that although it is awkward to link these two together, he thinks it makes sense because they are creating additional green space. These improvements are part of a broader scheme to better care of the parks they have. It makes no sense to add to the inventory if we are going to let existing inventory continue to have unsafe /inaccessible conditions. These improvements are not new ideas.

He was not in favor of this originally because he thought the former police station had some value, but an open green space down there also has value. He supports this now because of the overall scheme but they still have to arrive at a funding strategy which is a different conversation altogether. He sees this as the first step of a multi-step process.

Councilor Soldati is not crazy about bundling this but going back to the Master Plan there is talk of making this a walk-able City. She believes that green space there will help the businesses all along Market St. The more reasons we give people to come into the downtown, the more our businesses will thrive. Her vision would be to take over the gas station; the focal point of our community is an abandoned gas station: an abandoned gas station along with an abandoned police station. She doesn't know if we would be better served to have an attractive green space for our citizens. She is voting for this.

Councilor McCallion thinks that these are two dreams that would be awesome to do but he doesn't know why it didn't go before Recreation and we just had the chance in the budget why didn't they take some of that money rather than give the money to a contract that may or may not happen this year. He would have liked to take the money to get this done. He doesn't think we are going about it the right way.

Councilor Pepin pointed out that this was in front of the Public Works and Environment (Committee) and even if he had gone, he would not have been able to speak on it. He wonders if this park would be large enough to have a function. He likes green space, there is a place for green space, but it doesn't bring in tax revenue. He doesn't see people coming just because we build it.

Councilor Sprague believes that green space adds value. Maybe not in a direct way, but when people in the community have a place to go to gather, it offers value to other properties in the community. He is torn on what to do, although he is all about making the improvements at Noble Pines. Whether the time is now or later on to demolish this building, he is ...torn. It could be a valuable piece.

Councilor Witham/Soldati^{2nd} had earlier moved to adopt Resolution No. 29-14, as amended. At this time, the motion passed 5-4. (Pepin, McCallion, Tapscott and Collins opposed.)

Councilor Tapscott/Witham^{2nd} made a motion to suspend Council Rule 1.A to allow the Council to continue the meeting past 10:00 pm. The motion passed.

RESOLUTION NO. 39-14 VOTE TO AUTHORIZE A COMPREHENSIVE STUDY TO EXAMINE THE NEED FOR THE CONSTRUCTION OF A NEW FIRE STATION.

After a second reading, Councilor Witham said that he supports the resolution, but it does not say anywhere who would conduct this comprehensive study. His amendment suggests a special committee appointed by the Mayor. He thinks it needs to be broader than Public Safety. When fire stations are being considered, it is typically a wide array of folks involved. He thinks it needs to be an expanded version of the Public Safety to conduct the study.

Councilor Witham/McCallion^{2nd} made a motion to amend Resolution No. 39-14 to authorize a study to examine the need for the construction of a new fire station. (Mayor Hilliard suggested language at the end of the resolution, after the words “fire station”. He suggested changing the period to a comma and adding the following: *that the study be conducted by a special committee appointed by the Mayor.*) The motion passed 9-0.

Councilor Witham/Collins^{2nd} made a motion to adopt Resolution No. 39-14. (The Mayor will offer a sunset date on this committee.) The motion passed 9-0.

NEW BUSINESS.

ORDINANCES.

ORDINANCE NO. 15-14 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.1.D NO PARKING ANYTIME.

Somersworth, NH
April 21, 2014

THE CITY COUNCIL OF THE CITY OF SOMERSWORTH ORDAINS THAT the ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 13, Police Offenses, Section 3.1.D No Parking Anytime, by amending current language prohibiting parking on Prospect Street on the southerly side to read as follows:

- Whereupon signs are removed or covered, parking on the southerly side of Prospect Street will be allowed until November, 2014. All other parking rules shall be enforced.

This ordinance shall take effect upon its passage.

Introduced by Mayor
Dana S. Hilliard

Approved:

City Attorney

Councilor Soldati is concerned about the businesses on Market Street and wants to say that they will probably temporarily allow parking on the no parking side so that customers can have a place to park. That is the plan.

Councilor Messier said that this has to go to a public hearing. This is really a temporary order; is there a mechanism to suspend that order for a time? Otherwise we will need to come back in November to reverse this.

Mayor Hilliard said that this has a sunset date, November 2014, regardless. It is past practice. He will guide the Council that there is a difference between Rules and Charter and Past Practice. We are almost in the realm of common law, here. Meaning that the Council has done certain thing a certain way for along period of time. When you are shifting past practice, you need to be careful, he said There is nothing in Robert's Rules, the Charter or own Council Rules that we cannot suspend the rules, do a second reading and avoid the public hearing, but it has been a practice of this body that everything goes to a public hearing for a second reading. He cautions the body with shifting past practice because it would open up for future public hearings to avoid that mechanism. He guides against breaking the practice of a body which has been established for decades.

Councilor Messier is not comfortable not following the process.

Mayor Hilliard said that Ordinance No. 15-14 remains in first reading until the Public Hearing and the next scheduled meeting.

Councilor Witham/Hebert^{2nd} made a motion to read Ordinance No. 16-14 by title only. The motion passed.

ORDINANCE NO. 16-14 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.1.F TIME LIMITED PARKING.

Somersworth, NH

April 21, 2014

THE CITY COUNCIL OF THE CITY OF SOMERSWORTH ORDAINS THAT the ordinances of the City of Somersworth, as amended, but further amended as follows:

Amend Chapter 13, Police Offenses, Section 3.1.F.4 Time Limited Parking, 30 Minute, by adding a new section as follows:

- **4.A 20 Minute**

When signs are erected giving notice thereof, it shall be unlawful for any person having custody or control of any vehicle to park within the districts or upon any of the streets or parts of streets listed below for more than 20 minutes between 7:00 a.m. and 7:00 p.m. daily:

Market Street on the east side, north from the intersection of Main Street, two (2) parking stalls. (Automatic revocation of this November 1st, 2014.)

This ordinance shall take effect upon its passage.

Introduced by Mayor
Dana S. Hilliard

Approved:
City Attorney

Mayor Hilliard said that Ordinance No. 16-14 remains in first reading until the May 5th scheduled City Council meeting and public hearing.

Councilor Tapscott/McCallion^{2nd} made a motion to read the following ordinances, Nos. 17-14 and 18-14 by title only. The motion passed on a voice vote. There was opposition but the Mayor declared that the “ayes” had it.

ORDINANCE NO. 17-14 AMEND CHAPTER 19, ZONING ORDINANCE, BY
ADDING A NEW SECTION 31 – BACKYARD CHICKEN ORDINANCE.

Somersworth, NH
April 21, 2014

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, Zoning Ordinance, in the following manner:

ADD Section 31 Backyard Chicken Ordinance.

Section 31 Backyard Chickens

19.31.A PURPOSE AND APPLICABILITY

It is the purpose of this regulation to require a Special Use Permit from the Planning Board to allow backyard chickens on lots not located in the Agricultural Zoning District to ensure that the health, safety and general welfare of the public is protected. No property, except property located in the Agricultural District, shall house chickens until a Special Use Permit is granted by the Planning Board in accordance with these provisions.

19.31.B CRITERIA AND CONDITIONS

Prior to granting a Special Use Permit under this section, the Planning Board shall hold a public hearing and notify abutters. After the public hearing, the Planning Board may grant the Special Use Permit only after finding that all the following criteria have been met:

1. All other requirements of the Zoning Ordinance and other applicable City Ordinances have been complied with, other than use;
2. All minimum conditions set forth below have been satisfied;
3. The proper operation of the use will be insured by a maintenance plan submitted by the applicant that outlines how the coop and enclosure will be kept clean and maintained;
4. The potentially adverse effects of the proposed use on nearby properties, including but not limited to any potential noise, glare, or odor, will be eliminated or controlled through screening or buffering designed to alleviate such effects; and,
5. The use will not infringe upon the rights of nearby property owners to enjoy the reasonable use of their property.

Minimum Conditions:

1. No more than six hens are allowed;
2. No roosters are allowed;
3. A minimum of three (3) square feet of coop shall be provided for each chicken;
4. A minimum of twenty (20) square feet of fenced enclosure shall be provided for each chicken. For example, four (4) chickens shall require a fenced enclosure totaling eighty (80) square feet
5. Only one coop and one fenced enclosure is allowed per lot. The coop and fenced enclosure must be connected;
6. Chickens must be kept in the coop or fenced enclosure at all times;
7. The coop shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked. All opening windows and vents must be covered with predator and bird proof wire with less than one inch openings;
8. The coop and fenced enclosure shall be located completed behind the principal structure and a minimum of twenty (20) feet away from any property line;
9. All coops and fenced enclosures will require a building permit; and
10. The use of scrap, waste board, sheet metal, or similar material to construct the coop or fenced enclosure is prohibited.

19.31.C

APPLICATION AND FEES

Application for a Special Use Permit may be filed by the owner of the property or the owner's designee of the property for which the Special Use Permit is requested, on an application form provided by the City. The application, at a minimum, shall include the following:

1. A site or sketch plan of sufficient detail to reasonably describe the existing conditions of the property and any changes proposed in conjunction with the requested Special Use Permit;
2. A sketch of the coop and fenced enclosure that identifies all materials being proposed (i.e. type of fencing, siding and roofing material, etc.);
3. A list of all direct abutters;
4. \$50 application fee and applicable abutter notification costs; and
5. The signature of the property owner.

Any permit issued under this section shall remain valid for a period of five years unless revoked by the Planning Board. After the Special Use Permit expires, a new application shall be submitted to the Planning Board in accordance with these provisions.

19.31.D REVOCATION/RENEWAL OF PERMIT

The Planning Board reserves the right to refuse to renew or revoke a Special Use Permit if, following a public hearing, it finds any of the following:

1. The premises are being maintained in violation of any applicable law of the State of New Hampshire, or of the City;
2. The premises are being maintained so as to be a public nuisance;
3. The premises are being maintained so as to be detrimental to the health and safety of abutter/s and/or the general public.

This Ordinance shall be effective upon its passage.

Introduced by Councilors

Dale R. Sprague
David Witham
Denis Messier

Approved:

City Attorney

Mayor Hilliard said that Ordinance No. 17-14 will remain in first reading until the scheduled public hearing and the May 5th City Council meeting.

ORDINANCE NO. 18-14 AMEND CHAPTER 19, ZONING ORDINANCE, SECTION 25, DEFINITIONS.

Somersworth NH
April 21, 2014

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, Zoning Ordinance, Section 25 Definitions by adding the following definitions:

Payday Loan: a short-maturity, secured or unsecured loan, other than a title loan.

Payday Loan Lender: a person engaged in the business of making payday loans.

Small Loan: a closed-end loan in the amount of \$10,000 or less or an open-end loan with a line of credit of \$10,000 or less, and where the lender contracts for, exacts or receives, directly or indirectly, or where the borrower pays for, directly or indirectly in connection with any such loan any charges, whether for interest, examination, commission, compensation, service, brokerage, endorsement fees, other fees, consideration, expense or otherwise, which in the aggregate are greater than 10 percent per annum except for the lawful fees, if any, actually and necessarily paid out by the lender to any public officer, for filing or recording in any public office any instrument securing such loan and except for the reasonable costs, charges, and expenses, including court costs actually incurred in connection with a repossession of the security or an actual sale of the security.

Small Loan Lenders: any person engaged in the business of making small loans, including title loans and payday loans.

Title Loan: a loan, other than a purchase money loan:

- 1.a Secured by the title to a motor vehicle;
- 1.b Made for a period of 60 days or less;
- 1.c With a single payment payback; and
- 1.d Made by a lender in the business of making title loans

Or

- 2.a That is secured, substantially equivalent to a title loan, and designated as a title loan by rule or order of the commissioner.

Title Loan Lender: a person engaged in the business of making title loans.

Re-number Section 25 of the Ordinance as appropriate.

This Ordinance shall be effective upon its passage.

Introduced by Councilors

Jonathan McCallion
David Witham
Dale R. Sprague

Approved

City Attorney

Mayor Hilliard said that Ordinance No. 18-14 will remain in first reading until (the public hearing and) the May 5th scheduled City Council meeting.

Councilor Witham/McCallion^{2nd} made a motion to suspend Council Rules to have Ordinance No. 19-14 read by title only. The motion passed.

ORDINANCE NO. 19-14 AMENDING CHAPTER 19, ZONING ORDINANCE, TABLE 4.A.5 PRINCIPAL USES.

Somersworth NH
April 21, 2014

THE CITY COUNCIL OF THE CITY OF SOMERWORTH ORDAINS THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Chapter 19 is hereby amended in the following manner:

Table 4.A.5 Principal Uses:

ADD new use number 33 “Small Loan Lenders”

ADD I, C/I to the Permitted Column

ADD A, R-1, R-2, R-3, R-1A, R-2A, MH, R/B, R/C, R/O, B, HMD, MY, REC and CN to the Prohibited Column

ADD note #14 which shall state the following:

“Small Loan Lenders shall be located a minimum of 2,000’ (feet) apart.”

This Ordinance shall be effective upon its passage.

Introduced by Councilors

Jonathan McCallion
David Witham
Dale R. Sprague

Approved:

City Attorney

Mayor Hilliard said that Ordinance No. 19-14 remains in first reading until the May 5th scheduled City Council meeting.

OTHER.

RECONSIDERATION OF RESOLUTION NO. 36-14 AUTHORIZING THE CITY MANAGER TO SELL CITY TAX DEEDED PROPERTY AT 116-118 GREEN ST.
COMMENTS BY VISITORS.

Councilor Witham/Tapscott^{2nd} made a motion to reconsider Resolution No. 36-14.

Councilor Witham said it is straightforward to reconsider this. He thinks it makes sense to try to market this and other properties. He was on the affirmative side, not to pass it at the last vote, so he eligible to bring it up for reconsideration. The motion to reconsider passed 8-0. (Sprague abstained.)

Councilor Witham said that this had come out of the Finance Committee with an endorsement to pass it some time ago; to market through a realtor. This particular property suffered a frozen pipe over the winter, so it is in poor shape, he is not sure what the value of the property would be, but he thinks they ...should try to see if they can market the property.

Resolution No. 36-14 passed 8-0. (Sprague abstained.)

Mayor Hilliard referred Resolution No. 29-14 to the Finance Committee.

COMMENTS BY VISITORS

Nancie Cameron, 350 Old Rochester Rd, Ward 2, thanked the Council for the opportunity to serve her community again.

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Soldati thanked the public for coming out. She said she will be curious to see how many households have chickens in a year.

Councilor McCallion thanked everybody who came out tonight. He voted no for the budget. He thought we could have done a little bit more; he wanted to pass some relief on to our taxpayers.

Councilor Messier asked if there is an update on the three properties on the right that you see as you come over the Berwick Bridge. He wants to know the status on those because,

he said, at some point we should do something. Another issue is parking in the downtown area, not that he advocates the old police station as a parking lot, but if you want a thriving community, you need to have parking spaces.

Councilor Witham thanked the large group of volunteers who showed up at the Noble Pines ball field two weekends ago. There were about 70 volunteers; the clean up effort was extensive. Some people took pictures and maybe the Recreation Department can put some in their newsletter. It was really a great effort.

Councilor Sprague said that American Ambulance response time is 3 minutes, 56 seconds. He thinks the state average is around 8 minutes. (We are) well below that. They did a CPR class for the entire Middle School, and he said the Little League coaches were taught hands-on CPR. He's glad we have a company like that in the City.

He was taken aback by the Code Enforcement Property Maintenance Report and all the violations. (We need) measures to clean up that area.

Ordinance No. 17-14 was not read. It was read by title only. He pointed out that there is still a chance on this at the next meeting. This one says that your neighbors will have some rights if they are infringed upon.

Councilor Witham said he was contacted by the owner of the Hilltop Fireworks, who went in for his permit today. There was some question about the outside storage units and whether that was a year to year thing.

Mayor Hilliard congratulated the Council. They passed the earliest budget, in his recollection, in City history. They balance it under the first tax cap implemented. It is a solid budget taking into account the needs of this community versus how deep there pockets. Congratulations to this Council as we continue to move forward, he said.

FUTURE AGENDA ITEMS.

NONPUBLIC SESSION (AS NECESSARY, PENDING ROLL CALL VOTE BY COUNCIL).

ADJOURNMENT.

Councilor Witham/Tapsco^{2nd} made a motion to adjourn. The motion passed. The meeting adjourned at 10:25pm.

Respectfully submitted,

Elise B. Brellis, Deputy City Clerk

