

## Minutes of City Council Meeting Monday, February 1, 2021

---

### **ANNOUNCEMENT BY MAYOR HILLIARD**

As Chair of the Somersworth City Council, I, Dana S. Hilliard, Mayor find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

We are utilizing Zoom for this electronic meeting. All members of the Council have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously watch by way of our local public access Comcast channel 22 or via live streaming available at our City website Somersworth.com.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

### **ROLL CALL OF MEMBERS**

The meeting was called to order at 7:00 p.m. by His Honor, Mayor Dana S. Hilliard and, upon roll call, the following Council members were present: Councilors Pepin, Dumont, Austin, Michaud, Witham, Gerding, Cameron and Paradis, who were all by themselves.

Councilor Vincent was absent.

Mayor Hilliard announced that he and City Manager Bob Belmore were in the Council Chambers.

Joining via Zoom were Deputy City Manager/Finance Director Scott Smith, City Clerk Jonathan Slaven, Director of Planning & Community Development Michelle Mears, Fire Chief George Kramlinger, Director of Public Works Michael Bobinsky, and Police Chief David Kretschmar.

### **PLEDGE OF ALLEGIANCE**

Councilor Cameron led the Pledge of Allegiance.

### **PUBLIC HEARING**

There were no Public Hearings scheduled for this meeting.

## **COMMENTS BY VISITORS**

A. City Clerk Slaven read the following email from Dan Brown into the record:

Hello,

As a property tax payer and resident of the City of Somersworth for a number of years, I would like the following to be addressed at tonight's meeting.

Due to the COVID19 pandemic, we have not had students, teachers, or administrators in schools on a regular basis now for about a year, to my knowledge.

This condition has had to create quite a "boon" for our school budget where, buses have not had to run up and down roads, greatly lessening maintenance and energy costs. Teachers have been able to "zoom" their curriculums, thus savings on energy in school buildings. I would think most of administration would be on furlough right now, thus a great reduction in overhead costs. Other conditions exist where savings have had to occur as well.

I realize the school budgets are the bigger part of our tax bills. Being a homeowner in this community and having to pay the exorbitant property tax bills we all do, will this savings on the school budgets be reflected on an adjusted property tax bill in the near future?

V/r,

Dan Brown  
18 Emery St.  
Somersworth, NH 03878

## **CONSENT CALENDAR**

A. Approve Minutes of the City Council Meeting held on January 19, 2021

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

## **COMMENTS BY CITY COUNCILORS**

*Councilor Witham* said he appreciated the comment submitted by Dan Brown, but that he is inclined to defer the question posed in the communication to the School Department. Witham did mention that school facilities still had teachers and some students therefore building utilities were still needed; additionally, some busing transportation was being used.

*Councilor Pepin* requested a waiver of Council rules to allow for a second reading of Resolution No. 28-21, Naming of Royal Drive, as there are people living there now.

*Councilor Gerding* requested a waiver of Council rules to allow for a second reading of Resolution No. 26-21, regarding District mapping since meetings are already taking place at the State House.

## **COMMUNICATIONS**

A. Executive Director Deborah Evans, Somersworth Housing Authority, Update on Rental Assistance Demonstration

Deborah Evans and Lindsey Gagnon updated Council on the progress of renovations to public housing units. While updating the Albert J. Nadeau Homes, Filion Terrace, and Charpentier Apartments under the RAD program, the Somersworth Housing Authority is temporarily relocating residents to vacant public housing units until the renovations are complete. Renovations are scheduled to begin March 1<sup>st</sup> starting with the Albert J. Nadeau Homes. Filion Terrace and Charpentier Apartments are likely to begin their renovations in 2022.

B. The City Clerk read the following letter from the New Hampshire Mayors:

City of Berlin, City of Dover, City of Manchester, City of Claremont, City of Keene, City of Nashua, City of Concord, City of Laconia, City of Portsmouth, City of Rochester, City of Somersworth

Commissioner Frank Edelblut Department of Education

21 S Fruit St Concord, NH 03301

Senate President Chuck Morse State House Room 302

107 North Main Street Concord NH 03301

Governor Chris Sununu Office of the Governor 107 North Main Street Concord, NH 03301

Speaker Sherman Packard State House, Room 311 107 North Main Street Concord, NH 03301

January 19, 2020

Dear Commissioner Edelblut, Governor Sununu, President Morse and Speaker Packard,

COVID-19 has put tremendous strain on school districts across the state of New Hampshire, and as districts begin the budgeting process for the next school year, there are three particular areas of concern that we as Mayors and School Board Chairs wanted to bring to your attention in the hopes that the Department of Education and the State of New Hampshire will work with our local governments to ensure that we continue to provide the students of our state with an adequate public education.

As a result of nationwide area eligibility and other waivers expanding access to the Free & Reduced Lunch program, districts across the state have been able to reimagine and expand their school nutrition programs in order to ensure that all students have access to healthy meals throughout the pandemic. Unfortunately, the unintended consequences of this increased access to food have resulted in the most significant budgetary shortfall facing many school districts across New Hampshire. Enrollment by eligible families in district's Free & Reduced Lunch Programs have been significantly reduced from previous years, particularly in those communities that have implemented hybrid or remote learning. This reduction is not due to a decrease in

need, but rather to an increase in accessibility of free food options and limited in-person interactions between guardians and teachers.

Using the Manchester School District as an example, prior to the COVID-19 pandemic, students in Manchester who were eligible for free lunch made up about 49.5% of total enrollment, and those eligible for reduced lunch accounted for about 7.31%. Students were in school and in order to receive free and reduced lunches, their guardians needed to complete an income eligibility form, if they were not directly certified or categorically free.

When COVID-19 forced schools to go remote, in order to ensure that students were getting adequate food and nutrition, the district made sure that every student was able to receive free school lunches, regardless of whether or not their families had filled out the necessary forms, made possible by the nationwide Area Eligibility waivers. Because of this universal access to free school meals, and because while students are learning remotely, there are fewer opportunities to communicate with parents, the Manchester School District has seen a reduction in the number of families and students who have filled out the forms to be eligible for free and reduced lunch.

As of October 31, 2020, free eligible students were 39.99% of enrollment and reduced eligible were 4.49% of enrollment, which will result in approximately a \$3.6 million funding decrease. More rural communities are also seeing decreases in enrollment in the program. As of November 20th, Berlin is facing a loss of over \$316,000 when compared to last year.

Additionally, many of our public schools are seeing an unprecedented decrease in enrollment due to COVID-19, with many parents opting to send their children to private school or to homeschool their children until public schools are able to return to fully in person education safely. As the first vaccines for this virus are being administered to teachers and child care providers between March and May in Phase 2a of the State's vaccination plan, we are hopeful that education – and in turn, enrollment numbers – will look far closer to the 2019/2020 school year, rather than the 2020/2021 school year.

Districts across the state are concerned that since adequacy aid is based on the enrollment of the previous year, if enrollment numbers increase to a pre-pandemic level, that they will be left educating a significant number of students for which they did not receive adequacy aid. For example, Nashua would see a reduction of \$1.6M in adequacy aid in the 2022FY budget if enrollment numbers increase close to pre-pandemic levels for the next school year, as districts are anticipating.

The final financial concern that our school districts are facing, while not related to COVID-19, is a result of the rate increases for State retirement contributions. This downshifting of costs from the State of New Hampshire to local municipalities and school districts will result in considerable budget shortfalls. In Rochester, the teachers rate increase of 18.1% and Employees rate increase of 25.8% means more than a \$1.02 million expenditure at a time when districts are already struggling.

Our districts have been forced to reimagine the way we educate our students during this pandemic, bringing to light clear needs for improvements to our technology infrastructure in our

more rural communities, where without access to high speed broadband, students learning remotely have no way to access their education. Even after the pandemic, it is critical that all students in our state have access to high speed internet, regardless of where they live. Without it, the digital divide within education will continue to grow and harm our rural and low-income students most.

An accessible and properly funded public education is critical for the children of New Hampshire, and right now, our schools are communicating significant concerns. We hope that the Department of Education, Executive and Legislature takes into account these anticipated revenue shortfalls as they are allocating funding, particularly as it relates to COVID-19 and adequacy funding for the 2021/2022 school year.

Thank you for your consideration,

Mayor Paul Grenier, Berlin  
Board of Education Chair Louise Valliere, Berlin  
Mayor Charlene Lovett, Claremont  
School Board Chair Frank Sprague, Claremont  
Mayor Jim Bouley, Concord  
School Board President Jim Richards, Concord  
Mayor Bob Carrier, Dover  
George Hansel, Mayor of Keene  
Board of Education Chair George Downing, Keene

Mayor Andrew Hosmer, Laconia  
School Board Chair & Mayor Joyce Craig, Manchester  
Mayor Jim Donchess, Nashua  
Mayor Rick Beckstead, Portsmouth  
Mayor Caroline McCarley, Rochester  
Mayor Dana Hilliard, Somersworth  
School Board Chair Matt Hanlon, Somersworth

C. Legal Opinion (Requested by Mayor Hilliard)

Councilor Witham requested a vote by Council to release the legal opinion and have it read into the record, stating that historically it has been a vote since these opinions are considered attorney – client privilege and confidential until such a vote takes place.

***Councilor Witham made a motion to release the legal opinion and have it read into the record. The motion was seconded by Councilor Paradis and passed 8-0 by roll call vote.***

Clerk Slaven read the following legal opinion into the record:

Good Morning, Bob -

In August, 2013, our office provided you with a legal opinion which was prompted by a request by then Councilor Hilliard, who was considering a run for election as Mayor. Our conclusion at that time was that there was nothing that prevented Mr. Hilliard from running for or holding the office of Mayor, despite the fact that he was an employee of the City's School District. The detail of that explanation can be found in my email to you dated August 23, 2013. Mr. Hilliard was successful in his bid for Mayor, and continues to hold that office.

Now, with appropriate caution, the Mayor raises another, similar, question, prompted by the possibility that he may be changing jobs. There is the possibility of his being selected to work for SAU #56, in a job still to be formally titled but with responsibilities similar to that of an Assistant Superintendent. If he is selected for that employment, he would hope to also continue to serve as Mayor for another term or two.

Normally a SAU is considered a separate legal entity (legally distinct from the city or its school district) formed under the provisions of RSA 194-C. However, in the case of a single district SAU (like SAU #56), there is language in RSA 194 -C:3 stating that a single district school administrative unit shall be "considered the same as a single school district. While this language does not appear to have been included in this statute for a purpose relevant to the question raised by the Mayor, it does somewhat complicate the analysis.

The bottom line, however, is that even if the effect of the above language is to, in these circumstances, make the School District and the single district SAU the same legal entity, the same analysis explained in 2013 would apply, producing the same result.

Therefore, it does not appear that making the hoped-for job change would create any impediment to Mr. Hilliard continuing to serve as Mayor.

Please let me know if there are further questions.

Walter L. Mitchell  
Mitchell Municipal Group, P.A.  
25 Beacon Street East  
Laconia, NH 03246  
(603) 524-3885  
walter@mitchellmunigroup.com

## **MAYOR'S REPORT**

### **Mayors Report for City Council Meeting February 1, 2021**

At our last meeting a healthy debate occurred on Ordinance 7-21, adding language and descriptions to the Public Safety committee. After the debate Council chose not to move in the direction of adding the descriptors, and our body move onto debate the next piece of legislation before us. Tonight, I will not reflect on the merits of the defeated Ordinance, the team has spoken and our role as the legislative body of our community has been fulfilled. I will however instead focus my Mayors

report on the importance again of us holding to our values of practicing and modeling what it means to be a team.

To be truly functioning team is constant work and maintenance. It requires openness, respect and truthfulness among its members. When any of these elements begin to soften in their practice, the team slowly begins to erode, along with the success they have witnessed and achieved. As I have stated several times, we should all be proud of what we have created here in the Hilltop City. Over the last seven years, our Council have abandoned the state and national trends of stagnation and polarization. Instead, we have risen above the historical elements of the dysfunction of the body politics, creating a local legislature built upon common goals, teamwork and mutual respect. We have united against forces from outside and within, who wish to make this body mirror the bitterness of partisan politics, advocating and at times fighting with our respected party leaders and organizers, to keep Somersworth elections and elected positions free from partisan labels.

Each Mayor, has the privilege of determining how they view their role within the office and the course they wish to set throughout their term. Since taking my oath seven years ago, my main mission has not only been to set a course of a clear vision for this community, but to build and maintain an effect governing team. In both cases these missions have been accomplished and I am proud not only of Somersworth being “On the Move” but the reflection this body continues to model at each meeting.

As the team captain and cheerleader, my duty is also to ensure we continue to grow and reflect upon our practices. We should celebrate when we achieve, and build upon areas that can make us better. One of the biggest stumbling blocks often in maintaining a successful team is communication. At the last meeting it was apparent, that despite the length of time the proposed ordinance had sat on the table, we did not (myself included) communicate with each other enough on its intentions.

As an educator, and internal optimist, I always look for the lesson learned and the good which comes out of any experience. The lesson learned for all of us is to simply just communicate more. When we have questions, let us call each other, explore where we are coming from and seek solutions. It does not mean we will always agree, however, out of those discussions a different direction might be forged. With that in mind, during the debate Councilor Witham expressed that what appeared to be the main goal of the Ordinance, was to strengthen our reputation of the commitment and training of our Police Department.

The Councilor when on to express that this could be obtained not through a change by the Ordinance, but by this body committing to and funding the rigorous national certification process of our local police department. With this idea, I comply. Thus, the internal optimist and team builder is grateful for the lengthy exercise this body went through on Ordinance 7-21, because I believe it has pointed us in a stronger direction.

This evening I am calling upon two things to happen, the first one is relatively easy. I am calling upon the public safety committee to begin to explore the possibilities and feasibilities of our Police Department seeking national accreditation. The rigors of this process would validate the strength of our local approaches and how we can improve upon the progressive direction our Chief has already implementing.

The second is more difficult, let each of us, including the Mayor's office, continue to work upon our communication. When one of us has an issue with each other, has questions on legislation or the intent of a member, let us talk, instead of judging, or creating misconceptions or guessing someone's intent. Seven years ago, we began a journey to historical change how politics is conducted. This paradigm shift will not occur in the marble halls of our state or national capitols, it will begin in city and town halls throughout our nation. There is no better place for the political revolution of how business is conducted based upon civility, then in the only Somersworth on the planet. Tonight, lets us continue our journey as a team, and continue to strengthen how we conduct our business and model to our state and nation to follow our lead. It begins within this body of 10, this team of 10, one person, one elected official at a time.

### **Item 12 Nominations, Appointments and Elections:**

Under nominations, appointments and Elections; in accordance with **Council rule 15** I am naming the following Mayoral appointments:

Sarah Eckstein for Appointment as a member of the Sustainability Committee, with a term to expire February, 2023.

**In accordance with Council Rule 15 this appointment does not require Council approval**

**This respectfully concludes my February 1, 2021 Mayors Report**

### **REPORT OF STANDING COMMITTEES**

*Finance Committee* – Councilor Witham said the Finance Committee met last on January 25, 2021. After the Committee held a robust conversation with members of the School Board, who were present, it was mutually agreed that each year the Council should consider allowing none, some or all of the projected School Board's be utilized as additional revenue by the School Department prospectively for the next FY budget. He said the Committee reached a consensus to sponsor a Resolution to this effect. The Committee also discussed a contract for services to repair a storm drain on Franklin Street leading to Fremont Street. Councilor Witham said the Committee unanimously voted to approve the Vortex Services Contract; with contingency funds included not to exceed an amount of \$32,900. He said the Committee also unanimously approved sponsoring a Resolution to award the Road Resurfacing and Nadeau Street Reconstruction project to Continental Paving. He said the Committee also unanimously approved sponsoring a supplemental appropriation in the amount of \$85,752.00 for the Nadeau Street project. In regard to funding the Road Resurfacing projects, the Committee unanimously approved sponsoring a Resolution to utilize \$190,000.00 from the Municipal and Transportation Fund. Councilor Witham said Director Smith gave an update to the Committee that he is continuing to monitor the budget, but it does not currently show any concerns.

*Economic Development Committee* – Councilor Dumont said the Committee met last on January 20, 2021. He said the Committee discussed potential development to the Somersworth Plaza. He said there is still interest from a developer and he appreciates the City Manager’s insights on how best to move forward. Councilor Dumont said he is excited about the potential development to help revitalize the City’s downtown district.

## **REPORT OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER**

*National Guard Building Re-Use Commission* – Councilor Witham said the Committee had its inaugural meeting on January 25, 2021. He said the Committee discussed next steps and timelines including a tour of the facility scheduled for February 3<sup>rd</sup>. Manager Belmore has already reached out to the Strafford Regional Planning Commission for a scope of work on potential hazardous material mitigation. The Committee also discussed site security and Chief Kramlinger reported that the facility should not have an issue with security. The Committee will continue to discuss potential uses as well as a constituent request to keep the Howitzer (military cannon) on site as a historical marker.

*Cultural Commission* – Councilor Gerding stated the Committee last met on January 20, 2021. He said the Committee began discussions on a Resolution for indigenous peoples’ day, but decided to wait until the Commission could explore options. They also discussed Indonesian cultural representation and said they are looking to broadcast more bilingual television shows on the City’s broadcast channels. Councilor Gerding also spoke about acquiring cultural banners for the downtown district featuring founding heritage groups.

*COAST* - Councilor Pepin said COAST discussed their annual budget which included a 10% increase over last year. He said the request to the City is not increasing. He also mentioned that employees held a fundraiser and were able to raise \$500 for the New Hampshire Food Bank. COAST also discussed attempting to get their drivers moved up on the list of individuals to receive the Covid-19 vaccinations, although those attempts have thus far been unsuccessful. Councilor Pepin said COAST’s audit recently came back and showed no issues to be addressed. He also mentioned the submission of a NHDOT grant for next year.

*School Board* – Councilor Pepin said the School Board met last on January 28, 2021. He said the major part of the discussion revolved around re-opening schools, which they are currently hoping for in April. He said the School Board also discussed their budget and approximately \$670,000 in lost revenue.

*Somersworth Youth Connections* – Councilor Dumont said the Somersworth Youth Connection Committee is scheduled to meet on Thursday, February 4, 2021 at 5:30 p.m. He looks forward to serving as Chair of this Committee.

### **City Manager’s Report**

***Office of the City Manager***

**TO:** Mayor Dana S. Hilliard and City Council Members  
**FROM:** Robert M. Belmore, City Manager  
**DATE:** Friday, January 29, 2021  
**SUBJECT:** City Manager's Report for Monday, February 1, 2021

---

***New Business (under Section 15 of Agenda)***

**Ordinances**

- A. Ordinance No. 11-21: Supplemental Appropriation to Reconstruct and Repair Nadeau Street.** As required by City Charter a Public Hearing should be scheduled for the next regular meeting.

**Resolutions**

- A. Resolution No. 26-21: A Vote to Support the Creation of Fair and Nonpartisan State and Federal District Maps by the New Hampshire General Court.**
- B. Resolution No. 27-21: Naming Caiman Drive and Assigning Addresses, if Required.** Attached is a map of this road's location.
- C. Resolution No. 28-21: Naming Royal Drive and Assigning Addresses, if Required.** Attached is a map of this road's location.
- D. Resolution No. 29-21: To Authorize the City Manager to Contract with Continental Paving of Londonderry, NH for Fiscal Year 2020-2021 Road Improvements.** The Finance Committee met on January 25<sup>th</sup> and voted to accept Staff's recommendation to award Continental Paving the bid for these road improvements. Attached is a copy of Staff's analysis of the three (3) bids received as well as funding source options.
- E. Resolution No. 30-21: To Authorize the City to Use Funding from the Municipal and Transportation Fund for the Fiscal Year 2020-2021 Road Resurfacing Program.** The Finance Committee met on January 25<sup>th</sup> and voted to support this action. This Resolution will provide \$12,992 for contingency for the Road Resurfacing Projects.
- F. Resolution No. 31-21: City Council to Provide Guidance for Budget Preparation for the use of Fund Balance as Part of the School Department Budget.** The

Finance Committee met on January 25<sup>th</sup> and asked Staff to draft this action item. If adopted this Budget Guidance will generally be in sync with the Tax Cap Guidance directive that the City Manager issues each year by February 1<sup>st</sup>.

### **Other**

#### **A. Approve Amendments to the City Manager's Employment Agreement.**

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

##### **A. Informational Items**

1. **New Fire Station Emergency Operations Center (EOC).** As you may recall, the present EOC at the Police Station will be moved into the new Fire Station. Attached is a Memorandum from Fire Chief George Kramlinger that outlines the process to secure funding from a State of New Hampshire Emergency Management Performance Grant (EMPG) program that will assist in the purchase and installation of equipment and a generator.

### ***Attachments***

1. City Attorney Certifications - Seven (7)
2. January 25, 2021 - FY21 Year End Budget Projections

## **NOMINATIONS, APPOINTMENTS AND ELECTIONS**

### **Mayoral Appointments not Requiring a Council Vote:**

Sarah Eckstein for Appointment as a member of the Sustainability Committee, with a term to expire February, 2023

***Mayor Dana Hilliard Appointed Sarah Eckstein as a member of the Sustainability Committee with a term to expire February, 2023.***

## **NEW BUSINESS**

### **ORDINANCES**

#### **A. Ordinance No. 11-21 - Supplemental Appropriation to Reconstruct Nadeau Street**

***Ordinance No. 11-21 will remain in first read until the call of the Chair. Public Hearing scheduled at the call of the Chair.***

### **RESOLUTIONS**

- A. **Resolution No. 26-21** – A Vote to Support the Creation of Fair and Nonpartisan State and Federal District Maps by the New Hampshire General Court

*Councilor Gerding made a motion to suspend Council rules to allow for a second reading of Resolution No. 26-21. The motion was seconded by Councilor Paradis and passed 7-1 by roll call vote with Councilor Dumont voting No. Clerk Slaven performed a second reading of Resolution No. 26-21 by title only.*

Councilor Gerding stated the New Hampshire General Court is required to redistrict maps every ten years after the conclusion of the census. The last redistricting was done in a private manner and this process should be done with transparency so as to avoid potential gerrymandering.

Councilor Witham inquired about the City Charter's rules surrounding the examination of the City of Somersworth Ward boundaries. Mayor Hilliard indicated the drawing of the City's ward boundaries is an independent process.

Councilor Dumont stated he voted "No" since the State is going to do things as they have done in the past. He will now support, though he was hesitant at first since similar direction has not been heeded by the State or Federal Governments in the past.

Councilor Paradis stated she supports this Resolution as it helps get as fair representation as possible.

*Councilor Gerding made a motion to adopt Resolution No. 26-21. The motion was seconded by Councilor Cameron and passed 8-0 by roll call vote.*

- B. **Resolution No. 27-21** – Naming Caiman Drive and Assigning Addresses, if Required

*Councilor Paradis made a motion to suspend Council rules to allow for a second reading of Resolution No. 27-21 by title only. The motion was seconded by Councilor Cameron and passed 8-0 by roll call vote. Clerk Slaven performed a second reading of Resolution No. 27-21 by title only.*

*Councilor Witham made a motion to amend Resolution No. 27-21 to remove the sentence, "and that this action does not constitute acceptance of the above-named road by the Somersworth City Council".*

Director Bobinsky confirmed that Caiman Drive is, in fact, already an accepted Road and was part of Gator Rock Road.

*Councilor Dumont made a motion to table Resolution No. 27-21. The motion failed for lack of a second.*

*The motion to amend Resolution No. 27-21 was seconded by Councilor Paradis and passed 8-0 by roll call vote.*

*Councilor Paradis made a motion to adopt Resolution No. 27-21 as amended. The motion was seconded by Councilor Pepin and passed 8-0 by roll call vote.*

C. **Resolution No. 28-21** – Naming Royal Drive and Assigning Addresses, if Required

*Councilor Pepin made a motion to suspend Council rules to allow for a second reading of Resolution No. 28-21 by title only. The motion was seconded by Councilor Witham and passed 8-0 by roll call vote. Clerk Slaven performed a second reading of Resolution No. 28-21 by title only.*

*Councilor Witham made a motion to adopt Resolution No. 28-21 as submitted. The motion was seconded by Councilor Pepin and passed 8-0 by roll call vote.*

D. **Resolution No. 29-21** – To Authorize the City Manager to Contract with Continental Paving of Londonderry, NH for Fiscal Year 2020-2021 Road Improvements

*Resolution No. 29-21 will remain in first read until call of the Chair.*

E. **Resolution No. 30-21** – To Authorize the City to Use Funding from the Municipal and Transportation Fund for the Fiscal Year 2020-2021 Road Resurfacing Program

*Resolution No. 30-21 will remain in first read until call of the Chair.*

F. **Resolution No. 31-21** – City Council to Provide Guidance for Budget Preparation for the Use of Fund Balance as Part of the School Department Budget

*Resolution No. 31-21 will remain in first read until call of the Chair.*

OTHER

A. Approve amendments to City Manager's Employment Agreement

Councilor Witham stated Council has met a few times to discuss the amendments to the City Manager's employment agreement. The amendments include a 1-time performance bonus of \$5,000, increase retirement contribution from 5% to 7% beginning July 1 of fiscal year 2022, add one additional year with a salary of \$139,900 beginning July 1 of fiscal year 2022, and amend the residency requirements to allow the City Manager to move outside of the City 9 months in advance of retirement once a formal retirement announcement has been made.

*City Council voted 8-0 by roll call vote to approve amendments to the City Manager's Employment Agreement as submitted.*

COMMENTS BY VISITORS

There were no closing comments by visitors.

### **CLOSING COMMENTS BY COUNCIL MEMBERS**

*Councilor Cameron* said she hopes everyone stays safe and drives carefully with the storm coming through.

*Councilor Dumont* said that Covid has created opportunities if you choose to accept them. He wanted to thank his wife for sharing her enjoyment of the Hallmark Channel which is making him more emotional.

*Councilor Gerding* wanted to wish everyone a Happy Black History Month and thank Council for passing Resolution 26-21. He also inquired about receiving a list of previous years' school surpluses.

*Councilor Paradis* congratulated Raude Raychel for becoming a US citizen.

*Councilor Pepin* stated he thinks Zoom is not allowing him to really get to know and communicate with the rest of the Councilors. He is not putting blame on anyone, but rather blames the pandemic. He looks forward to the future and getting to know everyone better in person.

*Councilor Witham* wished Real Roseberry a Happy Anniversary of 70 years of marriage to his wife.

*Councilor Austin* wished everyone a Happy Black History Month and hopes people take an opportunity to learn more about it and how black Americans have influenced our Country.

### **ADJOURNMENT**

*Councilor Cameron made a motion to adjourn the City Council meeting. The motion was seconded by Councilor Michaud and passed 8-0 by roll call vote. The meeting adjourned at 8:54 p.m.*

Respectfully Submitted,

---

Jonathan Slaven, City Clerk

---

Dana S. Hilliard, Mayor



## City of Somersworth – Ordinance

Ordinance No: **11-21**

### **SUPPLEMENTAL APPROPRIATION TO RECONSTRUCT NADEAU STREET**

February 1, 2021

THE CITY OF SOMERSWORTH ORDAINS THAT pursuant to Section 7.7(A) of the City Charter:

The Annual Budget for the City of Somersworth for Fiscal Year 21 is amended as follows:

Appropriate \$92,452 (Ninety-Two Thousand Four Hundred Fifty-Two dollars) from the General Fund unassigned fund balance to the Capital Outlay section of the FY20-21 General Fund budget as follows:

Revised Budget  
\$ 404,700

Amendment  
\$ 92,452

Revised Budget  
\$ 497,152

Approved as to Funding:

Scott A. Smith  
Director of Finance and Administration

Recorded by:

Jonathan Slaven  
City Clerk

Background:

This Ordinance appropriates funding to reconstruct Nadeau Street and bring it up to City standards. In accordance with Resolution 8-21 the City will contribute \$15,000 toward this

project, and the total cost of the project less the \$15,000 contribution will be pro-rated and assessed equally against each of the three abutting properties through a betterment assessment.

***This Ordinance requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing subject to Section 7.4.1 and Section 7.7 (A) of the City Charter.***

This Ordinance will take effect upon passage.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Donald Austin Martin P. Dumont, Sr. Martin Pepin	<i>Approved:</i> City Attorney

## City of Somersworth – Ordinance 11-21


History			
First Read Date:	2/1/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

## Discussion

02/1/2021

*Ordinance No. 11-21 will remain in first read until the call of the Chair. Public Hearing scheduled at the call of the Chair.*

<b>Voting Record</b>		<b>YES</b>	<b>NO</b>
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		
<b>TOTAL VOTES:</b>			
On // Ordinance 11-21		<b>PASSED</b>	<b>FAILED</b>

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>26-21</b> <b>A VOTE TO SUPPORT THE CREATION OF FAIR AND NONPARTISAN STATE AND FEDERAL DISTRICT MAPS BY THE NEW HAMPSHIRE GENERAL COURT</b>

February 1, 2021

WHEREAS, the U.S. Census was conducted in 2020; and

WHEREAS, the New Hampshire General Court is obligated to redraw the maps of political districts within the state of New Hampshire for state and federal elected positions; and

WHEREAS, the City of Somersworth is also obligated to redistrict the voting wards for elected positions within the City of Somersworth; and

WHEREAS, the New Hampshire General Court conducted the 2010 census redistricting in a non-public, private session which did not provide transparency in the creation of the district maps; and

WHEREAS, the public was not able to view the proposed redistricting maps for state and federal offices at public hearings when the maps were most recently drawn in 2011 and 2012; and

WHEREAS, redistricting maps created in non-public private sessions by politicians within the New Hampshire General Court may allow for more gerrymandered, partisan district maps.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somersworth, that the City of Somersworth expresses its strong support for redistricting within the State of New Hampshire to be fair, nonpartisan, and ensure effective representation of all citizens; and furthermore, district maps shall not be gerrymandered to favor a political party or candidate and the process of redistricting is encouraged to be transparent and open to public input during all stages of development; and furthermore, the City of Somersworth calls upon its elected State Legislators to uphold these fair redistricting principles for federal and state election districts, and adhere to these fair redistricting principles when creating City redistricting maps; and furthermore, The City of Somersworth encourages its elected State Legislators to consider the formation of a nonpartisan, independent commission to study and work to create potential district maps.

Authorization	
<i>Sponsored by:</i> Mayor Dana S. Hilliard  <i>&amp; Councilors:</i> Matt Gerding Crystal Paradis Nancie Cameron Richard R. Michaud Donald Austin	<i>Approved:</i> City Attorney

## City of Somersworth – Resolution 26-21

History			
First Read Date:	02/1/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:	02/01/2021		

## Discussion

*02/01/2021*

*Councilor Gerding made a motion to suspend Council rules to allow for a second reading of Resolution No. 26-21. The motion was seconded by Councilor Paradis and passed 7-1 by roll call vote with Councilor Dumont voting No. Clerk Slaven performed a second reading of Resolution No. 26-21 by title only.*

Councilor Gerding stated the New Hampshire General Court is required to redistrict maps every ten years after the conclusion of the census. The last redistricting was done in a private manner and this process should be done with transparency so as to avoid potential gerrymandering.

Councilor Witham inquired about the City Charter's rules surrounding the examination of the City of Somersworth Ward boundaries. Mayor Hilliard indicated the drawing of the City's ward boundaries is an independent process.

Councilor Dumont stated he voted "No" since the State is going to do things as they have done in the past. He will now support, though he was hesitant at first since similar direction has not been heeded by the State or Federal Governments in the past.

Councilor Paradis stated she supports this Resolution as it helps get as fair representation as possible.

***Councilor Gerding made a motion to adopt Resolution No. 26-21. The motion was seconded by Councilor Cameron and passed 8-0 by roll call vote.***

<b>Voting Record</b>		<b>YES</b>	<b>NO</b>
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	Excused	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Paradis	X	
<b>TOTAL VOTES:</b>		<b>8</b>	<b>0</b>
On 02/01/2021	Resolution 26-21	<b>PASSED</b>	<b>FAILED</b>



## City of Somersworth – Resolution

Resolution No: **27-21**

### **NAMING CAIMAN DRIVE AND ASSIGNING ADDRESSES, IF REQUIRED**

February 1, 2021

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the following road be named and addresses assigned, if required;

<b>NAME:</b>	CAIMAN DRIVE
<b>Reasons Explanations:</b>	<p>1.Name Requested by Developer, Palmer Gas</p> <p>2. E-911 Street Name and Address Committee approved on January 15, 2021</p> <p>3. This road extends southerly from the west end of Gator Rock Road ending in a Cul-de-sac</p>

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT this action is in accordance with RSA 231:133; RSA 231:133-a; RSA 106-H; State of NH, Department of Safety, Division of Emergency Communications Addressing Standards, and Chapter 19, Section 23, City of Somersworth Ordinances; and that this action does not constitute acceptance of the above-named road by the Somersworth City Council.

Authorization	
<i>Sponsored by:</i> Councilor Martin Pepin	<i>Approved:</i> City Attorney

## City of Somersworth – Resolution 27-21

History			
First Read Date:	02/1/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:	02/01/2021		

## Discussion

*02/01/2021*

*Councilor Paradis made a motion to suspend Council rules to allow for a second reading of Resolution No. 27-21 by title only. The motion was seconded by Councilor Cameron and passed 8-0 by roll call vote. Clerk Slaven performed a second reading of Resolution No. 27-21 by title only.*

*Councilor Witham made a motion to amend Resolution No. 27-21 to remove the sentence, “and that this action does not constitute acceptance of the above-named road by the Somersworth City Council”.*


Director Bobinsky confirmed that Caiman Drive is, in fact, already an accepted Road and was part of Gator Rock Road.

*Councilor Dumont made a motion to table Resolution No. 27-21. The motion failed for lack of a second.*

*The motion to amend Resolution No. 27-21 was seconded by Councilor Paradis and passed 8-0 by roll call vote.*

*Councilor Paradis made a motion to adopt Resolution No. 27-21 as amended. The motion was seconded by Councilor Pepin and passed 8-0 by roll call vote.*

<b>Voting Record</b>		<b>YES</b>	<b>NO</b>
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	Excused	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Paradis	X	
<b>TOTAL VOTES:</b>		<b>8</b>	<b>0</b>
On 02/01/2021	Resolution 27-21	<b>PASSED</b>	<b>FAILED</b>

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>28-21</b> <b>NAMING ROYAL DRIVE AND ASSIGNING ADDRESSES, IF REQUIRED</b>

February 1, 2021

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the following road be named and addresses assigned, if required;

<b>NAME:</b>	ROYAL DRIVE
<b>Reasons Explanations:</b>	1.Name Requested by Developer, Flatley Corp.  2. E-911 Street Name and Address Committee approved on January 15, 2021  3. This road begins at the east end of Tri-City Road and is the entrance to the “Thomas Apartments” complex

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT this action is in accordance with RSA 231:133; RSA 231:133-a; RSA 106-H; State of NH, Department of Safety, Division of Emergency Communications Addressing Standards, and Chapter 19, Section 23, City of Somersworth Ordinances; and that this action does not constitute acceptance of the above-named road by the Somersworth City Council.

Authorization	
<i>Sponsored by:</i> Councilor Martin Pepin	<i>Approved:</i> City Attorney

## City of Somersworth – Resolution 28-21

History			
First Read Date:	02/1/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:	02/01/2021		


## Discussion

*02/01/2021*

*Councilor Pepin made a motion to suspend Council rules to allow for a second reading of Resolution No. 28-21 by title only. The motion was seconded by Councilor Witham and passed 8-0 by roll call vote. Clerk Slaven performed a second reading of Resolution No. 28-21 by title only.*

*Councilor Witham made a motion to adopt Resolution No. 28-21 as submitted. The motion was seconded by Councilor Pepin and passed 8-0 by roll call vote.*

<b>Voting Record</b>		<b>YES</b>	<b>NO</b>
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	Excused	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Paradis	X	
<b>TOTAL VOTES:</b>		<b>8</b>	<b>0</b>
On 02/01/2021	Resolution 28-21	<b>PASSED</b>	<b>FAILED</b>

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>29-21</b> <b>TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH CONTINENTAL PAVING OF LONDONDERRY, NH FOR FISCAL YEAR 2020-2021 ROAD IMPROVEMENTS</b>

February 1, 2021

WHEREAS the City prepared and requested bids from qualified contractors for road improvements to the following roads;

Drew Road  
Edmund Street  
Fox Court  
Laurier Street  
Lemelin Court  
Rowland Street  
Shady Lane  
Wilson Street  
Locke Avenue

Portland Street  
South Street  
Ben Rich Drive  
Lil-Nor Avenue  
Pinkham Street  
Primrose Lane  
Midway Park  
Bartlett Avenue  
Cass Street, AND

WHEREAS, in addition to the aforementioned roads, the City requested a bid for the reconstruction of Nadeau Street, the cost of which is \$85,752 (Eighty Five Thousand Seven Hundred Fifty Two dollars), such amount will be included with the total contract costs for all the road work, and will be assessed to the abutting property owners through a 10 year betterment assessment less a \$15,000 (Fifteen Thousand dollars) City contribution, and

WHEREAS, City staff reviewed the results of the bids received and recommends contracting with Continental Paving of Londonderry, NH to make these road improvements at a cost of \$1,054,771 (One Million Fifty-Four Thousand Seven Hundred Seventy-One dollars), and

WHEREAS, the Finance Committee for the City of Somersworth has reviewed the recommendation by staff to award the contract to Continental Paving, 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 Continental Paving of Londonderry, NH for road improvements to the aforementioned roads at a cost of \$1,054,771 (One Million Fifty Four Thousand Seven Hundred Seventy One dollars) and to take any other actions on behalf of this project determined to be in the best interest of the City.

<i>Sponsored by Councilors:</i> David Witham Donald Austin Martin Pepin Martin Dumont, Sr.	<i>Approved:</i> City Attorney
--	-----------------------------------

## City of Somersworth – Resolution 29-21


History			
First Read Date:	02/1/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

## Discussion

*02/01/2021*

*Resolution No. 29-21 will remain in first read until 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		
<b>TOTAL VOTES:</b>			
On // Resolution 29-21		PASSED	FAILED

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>30-21</b> <b>TO AUTHORIZE THE CITY TO USE FUNDING FROM THE MUNICIPAL AND TRANSPORTATION FUND FOR THE FISCAL YEAR 2020-2021 ROAD RESURFACING PROGRAM</b>

February 1, 2021

WHEREAS, the City Council authorized funding as part of the Fiscal Year 2020-2021 budget for the annual road resurfacing program, and

WHEREAS, additional funding is required to complete the road resurfacing program as bid out, and

WHEREAS, the City Council intends to utilize \$190,000 (One Hundred Ninety Thousand dollars) from the Municipal and Transportation Fund to be used for this year's road resurfacing program, and

WHEREAS, the City Council is designated as agents to expend these funds,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City may utilize \$190,000 (One Hundred Ninety Thousand dollars) from the Municipal and Transportation Fund for the Fiscal Year 2020-2021 road resurfacing program.

<b>Authorization</b>	
<i>Sponsored by Councilors:</i> David A. Witham Donald Austin Martin Pepin Martin P. Dumont, Sr.	<i>Approved:</i> City Attorney

**City of Somersworth – Resolution 30-21**


<b>History</b>			
First Read Date:	02/1/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

**Discussion**

*02/01/2021*

*Resolution No. 30-21 will remain in first read until call of the Chair.*

<b>Voting Record</b>		<b>YES</b>	<b>NO</b>
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		
<b>TOTAL VOTES:</b>			
On // Resolution 30-21		<b>PASSED</b>	<b>FAILED</b>

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>31-21</b> <b>CITY COUNCIL TO PROVIDE GUIDANCE FOR BUDGET PREPARATION FOR THE USE OF FUND BALANCE AS PART OF THE SCHOOL DEPARTMENT BUDGET</b>

February 1, 2021

WHEREAS, the School Department/School Board is required to prepare an annual budget for consideration and action by the City Council, and

WHEREAS, each year the School Department's annual budget may provide unexpended funds/surplus funds that will lapse to the City's fund balance; and

WHEREAS, during the annual budget development of the School Department/School Board's budget conditions may be such that all or a portion of any such anticipated surplus within the current budget would be advantageous to use as a revenue source in the upcoming budget, and

WHEREAS, the Finance Committee unanimously recommends adoption/ratification of the following considerations, to be reviewed annually by the City Council:

1. The School Department/School Board will report each February to the City Manager the estimated amount of surplus, if any, that will lapse to the City's General Fund as result of current unexpended budget funds.
2. The School Department/School Board will develop an amount, if any, of the estimated surplus that they recommend be used as a revenue source in the ensuing budget.
3. Once the City Manager receives the aforementioned information, the City Council will deliberate and take action on the amount, if any, that may be used as a revenue source in the ensuing School Department/School Board budget.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the guidance and considerations for budget preparation as outlined be adopted upon passage of this Resolution.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Donald Austin Martin Pepin Martin P. Dumont, Sr.	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 31-21
--

History			
First Read Date:	02/1/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:			

Discussion
------------

02/01/2021

*Resolution No. 31-21 will remain in first read until call of the Chair.*

<b>Voting Record</b>		<b>YES</b>	<b>NO</b>
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		
<b>TOTAL VOTES:</b>			
On // Resolution 31-21		<b>PASSED</b>	<b>FAILED</b>