



Minutes of City Council Meeting Monday, September 20, 2021

ROLL CALL OF MEMBERS

The meeting was called to order at 7:03 p.m. by His Honor, the Mayor, Dana S. Hilliard and, upon roll call, the following Council members were present: Pepin, Vincent, Dumont, Austin, Michaud, Witham, Gerding, Cameron and Paradis.

PLEDGE OF ALLEGIANCE

Councilor Vincent led the Pledge of Allegiance.

PUBLIC HEARING

There were no Public Hearings held.

COMMENTS BY VISITORS

There were no opening comments by visitors.

CONSENT CALENDAR

A. Approve Minutes of the City Council Meeting held on September 7, 2021

Councilor Austin made a motion to approve all items in the Consent Calendar. The motion was seconded by Councilor Cameron and passed 9-0.

COMMENTS BY CITY COUNCILORS

There were no opening comments by City Councilors

COMMUNICATIONS

There were none.

PRESENTATIONS OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE

There were none.

MAYOR'S REPORT

Mayors Report for City Council Meeting September 20th, 2021

Promise kept, promises delivered.

Last week was celebration of the Hilltopper Spirit, and our commitment to our first responders and our word. In 2014 during my first inaugural address, I spoke of the importance of ensuring that our Fire Fighters, Police and EMS had the 21st century equipment and salaries necessary to keep our Hilltop community safe. This ideology was embraced by team Council and last week we gather to solidify that Somersworth once again is truly “On the Move”.

The journey which leads us to the ground breaking started when I announced the formation of the Fire Station Advisory committee which served from 2014-2016. With the committee’s commitment and due diligence, the concept and exploration of building a 21st century facility began to become more than conversation. The Public Safety committee under the leadership of Councilor Pepin would then continue to study, and review until the Council once again demonstrated their determination to support our Fire Fighters and keep Somersworth “On the Move!”

Last week is a great moment in our Hilltopper history, as we honor the “Proud Past” of our current station and move towards the “Bright Future” that our new facility will bring us, aiding in protection all Hilltoppers and their property.

Congratulations Somersworth, Congratulations team Council Congratulations Fire Fighters and all the partners that brought us to this moment. We deserve this, and we truly are “On the Move”.

20 years after the resiliency of our nation was once again put to the test, the echoing of the names of those lost on that day were heard throughout the Hilltop City. Each name, each soul was honored and remembered as the flags representing their humanity gave testament that the Hilltoppers will carry forth with their duty to honor and remember. The ceremony hosted at St. Ignatius on 9/11 reflected the values of our community, coming together as one reminding ourselves how each of us are linked together.

Thank you, St. Ignatius, for bring dignity to all those who were lost on that day, and helping to strengthen the Hilltopper values of neighbor helping neighbor.

Special thanks to our Executive Councilor Cindy Warmington who is ensuring that the long overdue promise of a Somersworth Exit 10, continues to stay alive and move forward into the 10-year highway plan. For those of us who have been long standing residents of this community, we recall the history of this conversation dating back to when Senator Ed Dupont represented us in Concord over 30 years ago. While the former factions between the Tri-City area have been a major contributing factor in the stalling and denial of a Somersworth Exit, the close working relationships now foster broad support for the Exit.

Tonight, on the agenda under other is a discussion of the update on the Exit and how as a team we can take a proactive response. I would suggest this evening that we draft community to be send to the hearing with the full council and Mayor urging for this plan to be placed and remain as part of the 10-year highway plan. I along with the Mayor of Dover plan on attending the future hearing and speaking in favor of the exit coming to fruition. Together with our Eyes on Somersworth and our eyes on 30 we will keep this great City “On the Move!”

While our society continues to navigate the new norms and follow the guidelines which have kept us safe, we cannot ignore how throughout this pandemic the Hilltopper Spirit of Neighbor helping neighbor has resonated from all corners of our 10 square mile community. The Somersworth Festival association in partnership with the Mayor’s Office, Police Department, Fire Department, Stewarts Ambulance is happy to announce, “Celebrate Somersworth”. Celebrate Somersworth will take place

on Memorial Drive from 5-8 after Pumpkin Festival. There will be food vendors, games, an outdoor DJ and first responder exhibitions. The evening will conclude at 8pm with a fireworks display celebrating all citizens and the strength of the Hilltopper Spirit. We look forward to celebrating safely how our great City remains “On the Move!”

Let the Hilltopper spirit of “neighbor helping neighbor” along with our compassion and empathy continue to resonate throughout our ten square mile community. I am proud that our community has joined in celebrating national recover month, aiding in promoting understanding and support. The recover month flag now waves at Citizens Place for the month of September.

Nominations, Appointments and Elections:

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

- Nancy Cameron appointment as Chair of the “Eyes on 30”

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

This respectfully concludes my September 20th, 2021 Mayors Report

REPORT OF STANDING COMMITTEES

Public Works and Environment – Councilor Witham reported that the Committee last met on September 10 and Councilor Michaud was appointed interim for this meeting by Mayor Hilliard. First for discussion was Ordinance No. 2-22. City Staff had been asked by the Public Works Committee members to offer revisions to this proposed Ordinance Amendment to better fit with the needs of the City. The Committee was pleased with the proposed revisions, but changed the expiration for an outdoor dining permit to November 1 rather than the 15th. The revised Ordinance was also further amended to include a \$50 fee for the permit which aligns with other permit application fees. Councilor Witham requested a Public Hearing take place at the next scheduled Council meeting for Ordinance No. 2-22.

The Committee also heard a request from a property owner in Kelwyn Park in Rollinsford for connection to water service. The Committee is open to supplying water outside of the City granted there is an intermunicipal agreement, which Somersworth does not have with Rollinsford. The Committee unanimously agreed to have City Manager Belmore communicate to the residents’ attorney that the City is open to supplying water service, provided an the intermunicipal agreement is enacted.

The Public Works and Environment Committee also reviewed the sidewalk assessment report from Beta Group. Beta assessed City sidewalks and provided estimates for in-kind replacement which came to approximately \$3-4 million in total. The Committee agreed in conversation to focus on school walking routes first, more specifically those that can accommodate the sidewalk plow.

The Committee also discussed the 2022 road resurfacing program and began identifying a list of streets that fit with the budget number to then bid out over the winter. The Committee also agreed to continue using the road line painting contractor, Spots on Lots, who have agreed to hold their pricing for two years.

Councilor Witham said the Committee received a few project updates by Director Bobinsky. Progress is being made on repairing manhole structures and addressing low-hanging branches. The Cemetery Road project and upgrades to the Wastewater Treatment Plant are also on track.

Recreation Committee – Councilor Cameron thanked the Public Works Department for fabricating her flower boxes to decorate the welcome sign and invited those who wished to help decorate them join her tomorrow.

REPORT OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

School Board – Councilor Austin said the School Board met and the Superintendent reported a good start to the school year with a few minor issues with bussing and staffing. Bus issues are resolving and staff issues are continuing to be addressed. A Covid response team has been assembled to continue to assess the risk of Covid and make adjustments as needed and will meet weekly. The School Board heard a presentation on Positive Behavioral Intervention Strategies (PBIS). The initiative to revitalize this program aims to reduce dropout and address severe behavioral issues. The School Board also commented on their audit beginning and mentioned that some amount of money will be returned to the City general fund.

Hilltop Mental Health and Wellness - Councilor Austin stated the Committee met last on September 15th and began reviewing data that helps to understand the local issues. Councilor Austin acknowledged that perhaps the issues are larger or more prevalent than we may realize. The group will begin looking for resources to the Commission for problem solving the root causes.

Fire Station Building Committee – Councilor Pepin stated that the Committee met this evening prior to the City Council meeting and discussed the apparatus doors to be installed at the new fire station. He said that the proposed doors are not all glass which some may have thought. The Committee discussed and approved the current proposal for apparatus door which is a more traditional door with three rows of glass panes. The Committee also discussed material to be used for a façade band on the new fire station and approved using a smoother surfaced block which would be less likely to attract mold.

Mayor's Monarch Challenge – Councilor Gerding reported that there will be a proclamation reading at Ash Street Park by Mayor Hilliard on October 1st from 4-5 p.m. There will also be a seed scatter taking place on October 29th from 4-5 p.m.

Planning Board – Councilor Witham stated the Planning Board met last and discussed a 5-lot subdivision off of Green Street which has been met with opposition from abutting property owners in regards to water runoff and accessibility. He stated the attorney has requested a withdrawal of the application without prejudice, which the Planning Board granted. Witham stated a second concept, which was seemingly more appealing was provided and he believes it will most likely come back before the Planning Board. The Planning Board also reviewed a concept review of a proposed carwash at the site of what used to be Benoit Ambulance on High Street.

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, September 17, 2021

SUBJECT: City Manager's Report for City Council Meeting on Monday,
September 20, 2021

6:00 p.m. Council Workshop
*Presentation by Placework Architects: Somersworth Library Feasibility Study for
Accessibility*

Unfinished Business (under Section 14 of Agenda)

Ordinances

- A. **Ordinance No. 2-22: To Amend Chapter 12, Streets and Sidewalks.** The Public Works & Environment Committee met on Friday, September 10th to review changes recommended by City Staff for this Ordinance. Attached is a *red-line* copy of this Ordinance's proposed amendments supported by the Committee. A copy of the Memorandum that provides a summary of the proposed Amendments is also included in this meeting packet. *City Manager Belmore reviewed a summary of changes to Ordinance No. 2-22. He stated language was added to specify that changes to Chapter 12 only apply to businesses use of public space, and not private property. The outdoor dining section was split into two subsections, one for dining on sidewalk and the other for the use of outdoor parking spaces. The fee suggested of \$50 aligns with the encumbrance permit fee. All regulations of the use of sidewalks apply to the use of on-street dining, however, on-street dining and other City-owned parking areas require review and approval by the Site Review Technical Committee (a subcommittee of the Planning Board) and jersey barriers must be used as a safety precaution. The redraft of the Ordinance also removes the requirement for a permit to display decorative sidewalk landscaping or sidewalk sales. Manager Belmore stated it was agreed this did not need a permit, especially if they are not encumbering the sidewalk. Manager Belmore added that the redraft retained the right to revoke the permit for failing to comply with the regulations, to deal with emergency situations, or other reasons determined to be in the best interest of the City. He noted that if Council is interested in supporting the use of sandwich board signs, as long as they do not encumber the sidewalk and are removed at night, he suggested to have staff create language that complies with other sign regulations found within the Zoning Ordinance.*

Resolutions

- A. **Resolution No. 9-22: Authorizing the City Manager to take the Necessary Steps to Discontinue Caiman Drive and Seamore Drive.** Again, the Public Works & Environment Committee met on August 4th and voted to support discontinuing these recently accepted roads so that a proposed 160,000 square foot warehouse construction project could move forward on this property.

New Business (under Section 15 of Agenda)

Other

- A. **State of New Hampshire 10-Year Transportation Improvement Plan (TIP) – Exit 10 Discussion (Request of the Public Works and Environment Committee).** It has come to my attention that the State is considering the removal of the construction of an Exit 10 from the next approved NH TIP. The Public Works & Environment Committee briefly discussed this issue and requested a full Council discussion regarding what the City's position should be on this matter.
- B. **Vote to Authorize the Sale of City Surplus Property – per Administrative Code, Chapter 29, Section 8.5 Disposal of City Property: Vehicle/Miscellaneous Property.** Attached is a copy of this Section of the City Ordinance as well as information pertaining to the vehicle and equipment to be sold on GovDeals. *City Manager Belmore reminded Council that if the City has vehicles or other surplus property expected to be worth \$1k or more, a vote of the Council is required. He added they have sold items on GovDeals.com in the past with success.*

Informational Items

1. **Primex Prime Re-Certification.** Attached is a memorandum from Human Resource Manager Linda Corriveau regarding our continuing efforts to participate in the Primex Prime Program. Successful certification provides us a 2.5% discount on our workers compensation, as well as property and liability insurance. In light of recent news media coverage on various cyber breaches, I want to underscore our work accomplished over the last year with our consultant to better protect our operating systems' infrastructures. *City Manager Belmore stated a consultant was hired to perform an extensive process of looking how the City can better protect our network and infrastructure from cybercrime.*
2. **Halloween.** Our Recreation Supervisor Kristen Davenport will be announcing Halloween Contests for the upcoming Halloween Season in the next edition of the City's Recreation Newsletter. Attached is a copy of Kristen's Memorandum detailing the contests.

Attachments

1. **Department Head Reports**
2. **Memorandums Re: Homeless Encampment**
3. **GACIT Hearing Schedule**

Reminder:

Monday, September 20 at 5:30 p.m.
Fire Station Building Committee Meeting -Council Chambers

Monday, October 4 at 7:00 p.m.
GACIT Hearing – Somersworth High School

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Mayor Hilliard nominated Councilor Nancie Cameron as Chair to the “Eyes on 30” Commission.

UNFINISHED BUSINESS

ORDINANCES

- A. **Ordinance No. 2-22** – To Amend Chapter 12, Streets and Sidewalks (Referred to the Public Works and Environment Committee on 7/19/2021)

Without Objection, Mayor Hilliard recognized the City Clerk for a second reading of Ordinance No. 2-22. Clerk Slaven performed a second reading of Ordinance No. 2-22 by title only.

Councilor Witham made a motion to amend Ordinance No. 2-22 in accordance with the redlined version presented. The motion was seconded by Councilor Austin.

Councilor Paradis noted a typo under Section B, On-street Dining, where the Site Review Technical Committee was named as the Somersworth Technical Review Committee. Mayor Hilliard noted the typo and accepted the friendly amendment without objection.

The motion to amend Ordinance No. 2-22 as presented passed 9-0.

Councilor Witham made a motion to table Ordinance No. 2-22 until the Public Hearing. The motion was seconded by Councilor Dumont and passed 9-0 by roll call vote.

NEW BUSINESS

RESOLUTIONS

- A. **Resolution No. 9-22** – Authorizing the City Manager to Take the Necessary Steps to Discontinue Caiman Drive and Seamore Drive

Councilor Witham made a motion to adopt Resolution No. 9-22 as presented. The motion was seconded by Councilor Dumont and passed 9-0 by roll call vote.

Councilor Dumont suggested a Resolution with information such as this one with street dimensions and other information come with a map to make it easier to fully comprehend. Councilor Witham also stated an apology to Clerk Slaven for failing to catch the intricacy of the Resolution and having him read the full Resolution.

OTHER

- A. State of New Hampshire 10-Year Transportation Improvement Plan (TIP) – Exit 10 Discussion (Request of the Public Works and Environment Committee)

Councilor Witham stated that the Public Works and Environment Committee met last week and agreed that a discussion on the issue of the Exit 10 project should be held for full Council rather than just discussed by the three Public Works and Environment Committee members present. He stated his support for placing the project on the plan, but has concern

about what it would do to the Route 108 project on the State's docket. City Manager Belmore replied that he does not believe that the projects would work against each other as what is being discussed at the State level is just feasibility studies, not construction cost.

Councilor Pepin suggested the idea of including the City of Rochester in a letter of support to the State. Councilor Dumont stated he felt a lack of support from neighbors during discussions on this topic in the past. Councilor Paradis stated her willingness for a letter of support for the Exit 10 feasibility study. She mentioned a company on Interstate Drive, which was a proposed location in the past, who would greatly benefit from the Exit. She thanked Executive Councilor Warmington for her efforts. Paradis stated she agrees that the Rochester Mayor and City Council should be included in the letter of support. Councilor Austin stated that while he agrees Rochester needs to be an active participant in the conversation, we should not delay in sending the correspondence to the appropriate party.

Councilor Gerding is also in agreement that work should be done quickly to ensure Somersworth's voice is heard. He also stated interest in advocating for the Exit 10 and Route 108 project to be done hand in hand. Councilor Witham reminded Council that the Exit 10 project would come from State Turnpike funds which separates the two substantially. Councilor Dumont suggested the letter of support request to be added to the "top 5" list immediately. Councilor Cameron stated she is favorable to the letter of support and would like to see it happen sooner than later. Councilor Michaud said he recently attended a Strafford Regional Planning Commission meeting and the consensus of the group was to also have Dover and Rochester to weigh in before they move forward. Michaud also mentioned the Commission discussed the question of what would happen with the traffic flow on Rt. 108 if the Exit is installed.

Without objection, Mayor Hilliard stated he and City Manager Belmore will begin drafting the letter of support working together with the Mayor's from the City of Rochester and the City of Dover.

- B. Vote to Authorize the Sale of City Surplus Property – per Administrative Code, Chapter 29, Section 8.5 Disposal of City Property: Vehicle/Miscellaneous Equipment

The Vote to Authorize the Sale of City Surplus Property passed by voice vote, 9-0.

COMMENTS BY VISITORS

There were no closing comments by visitors.

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Michaud thanked City Manager Belmore for distributing a letter the City received from Sober Sisters and noted what great work Moné Cassier, the Executive Director of Sober Sisters, and the rest of the staff are doing. Councilor Michaud also mentioned that there are 14 people currently being treated for Covid, only one of whom are fully vaccinated. Michaud encouraged those who have not

done so yet, to strongly consider getting vaccinated. Councilor Michaud also mentioned a desire to revisit discontinuing Church Street.

Councilor Paradis said she could not echo the comments about Sober Sisters more and stated her appreciated for Moné Cassier. Paradis thanked the Chiefs for compiling statistical data relevant to the homeless encampment and thanked City Manager Belmore for including this information in the meeting packet. Paradis stated her interest in hearing comments from the Community Action Program (CAP) and New Hampshire Harm Reduction Coalition adding it would be a great resource to have a presentation to Council in the near future. Paradis said she was delighted to hear about the sidewalk plan coming out and inquired about what constitutes a school walking route. She also mentioned the potential of replacing the stairway behind the Pines that was removed.

Councilor Austin reiterated the comments on a positive September 11th observance held by St. Ignatius. He said it was a wonderful commemoration having all the names of those who lost their lives read and a flag planted in their honor. He stated that it was nice to have first responders represented well at the event. Councilor Austin added that it was a good reflection of what it means to be a unified Country and hopes we can get back to that sometime in the future.

Councilor Cameron stated it is nice to hear so many positive things going on in Somersworth and it really makes her proud to be a part of the Community. Cameron also added that a dog costume contest will be added for the Halloween festivities in the City this year.

Councilor Dumont stated he believes the addition of the new Tractor Company will be a great one. He voiced concern for the proposed carwash. Dumont said it was great to see the letter of support from Sober Sisters and said they are doing great work and compliments to Executive Director, Moné Cassier. He mentioned the great observance of September 11th at St. Ignatius adding a big reason it went so well has to do with the Pastor. Dumont reminded Council that Somersworth has yet to receive any funds from Keno as promised by the State. He also stated he has learned a lot about homelessness in the past and believes some form of ID should be required in order to identify who is staying at the warming centers and shelters.

Councilor Gerding thanked the Public Works Department for their work repairing manhole covers on High Street and throughout the City. Council supported fair and transparent redistricting and mentioned that there will be a redistricting hearing on Wednesday September 22nd at the County Courthouse in Dover at 6:00 p.m. and urged people to attend and make your voices heard.

Councilor Vincent stated that the problems at the State level start with the leader, who rules with an iron first. Vincent said there are roads in the City where sidewalks are not currently in place and are dangerous for the pedestrians who walk them, specifically Blackwater Road. Councilor Vincent also gave a shoutout to St. Ignatius for a great September 11th observance.

Councilor Witham first stated he was not sure what to make of the data received regarding the homeless encampment. With regard to the September 11th ceremony, he told a brief story about a powerful education experience he had. A family who was walking by and did not know about the observance was invited to plant flags for those who lost their lives and did so. He noted that the parents were very young at the time of the tragedy and witnessed them planting flags with their young kids and educating them about what happened.

Councilor Pepin stated he wished he could have been present for the September 11th observance as he was out of town, but heard it was fantastic. Pepin thanked Manager Belmore for sending the letter

from Sober Sisters and said we are blessed to have organizations such like them and Lydia's House in our Community helping the people who really need help. They do a fantastic job. He also commented on the groundbreaking ceremony for the new Fire Station and thanked Chief Kramlinger for inviting past Chief, Valley, and it was very nice to reminisce about when the old fire station was built.

ADJOURNMENT

Councilor Gerding made a motion to adjourn the City Council meeting. The motion was seconded by Councilor Witham and passed 9-0. The meeting adjourned at 8:27 p.m.

Respectfully Submitted,

Jonathan Slaven, City Clerk



City of Somersworth – Ordinance

Ordinance No: **2-22**

TO AMEND CHAPTER 12, STREETS AND SIDEWALKS

July 19, 2021

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 12 by adding Sections 12.8 & 12.9 as follows:

Section 12.8 – Outdoor Dining

This section (12.8 A and 12.8 B) is only applicable to the use of public space such as sidewalks, street side parking spaces, and any other City-owned public rights of way; it does not apply to the use of private property which may need Land Use Board/s review and approval.

A) Sidewalk Dining

PERMIT REQUIRED: A business owner shall obtain a permit to encumber the sidewalk from the Director of Public Works, or their designee, to operate an outdoor seating area on a sidewalk, for service and consumption of food or drink prepared on premises.:

FEE: Each permit requires a non-refundable fee of \$50 payable to the City of Somersworth at the time of application.

1) The permit Applicant shall:

- a. Provide a Certificate of Insurance naming the City of Somersworth as additional insured. The terms of the Certificate of Insurance shall be in a form and amount acceptable by the City.
- b. Agree to indemnify and hold harmless the City of Somersworth, New Hampshire from all claims for damage or injury whatsoever, that may arise from the encumbrance, obstruction, occupation, or use of the aforesaid sidewalk.

2) The building in which the licensed business operates must share a common boundary with a sidewalk. Sidewalk encumbrances shall allow a minimum four (4) foot-wide unobstructed pedestrian corridor at all times, and at least five (5) feet wide when located along a street corner. Wider pedestrian corridors or increased clearances may be required where warranted by pedestrian traffic or other circumstances, at the discretion of the Director of Public Works and Utilities, or their designee.

3) Egress from the building must be maintained free of obstruction per the Building Code, NFPA 101 Life Safety Code, and any other applicable Local, State, or Federal Regulations, as amended.

4 Permits may only allow encumbrances between April 15 to November 1, and as weather conditions allow.

5The encumbered area must not block access to public street furniture, trash receptacles, street signage, fire hydrants, or other public structures or infrastructure.

6The encumbered area and any furniture or features within the area must be kept in a clean, safe, and sanitary condition, and all trash shall be properly disposed.

7) Planters or pots may be used to assist in defining a dining area, however these are not required.

8) Lighting must not cause glare to pedestrians or vehicular traffic and must not be affixed to City trees or other City structures or infrastructure.

9) Table umbrellas without logos are allowed, however these must not extend beyond the permitted Area, and must be anchored properly.

10) No advertising signs of any kind shall be allowed in the permitted Area unless duly licensed in compliance with all City regulations.

11) All outdoor dining areas where alcohol service is provided shall comply with the following requirements:

- Outdoor dining establishments shall agree at all times to comply with all laws, rules and regulations of the New Hampshire State Liquor Commission and all other Local, State and Federal regulations.
- Be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system that is safe.

The enclosure system, tables, chairs, and other features shall be movable/non-permanent, and shall not damage the underlying sidewalk or other City infrastructure or structures in any way.

Permits issued under this section may be revoked at any time by the City for failure to comply with the approved permit, or to deal with emergencies, maintenance of infrastructure, public safety, or any other reason determined to be in the best interest of the City.

B) On Street Dining

PERMIT REQUIRED: A business owner shall obtain a permit from the Director of Public Works to encumber and utilize street side parking space(s) or any other City-owned parking areas for service and consumption of food or drink prepared on premises.

FEE: Each permit requires a non-refundable fee of \$50 payable to the City of Somersworth at the time of application.

- 1) Applications for On-Street Dining shall be reviewed and approved by the Somersworth Site Review Technical Committee (SRTC).
- 2) All On-Street dining must use jersey barriers as a safety precaution.

- 3) Public on-street parking space(s) encumbrances must provide an accessible path of travel to the area from abutting sidewalks. Such expansions must occupy the area directly in front of the proposed business and may request to expand to be in front of the adjacent properties with abutting property owner and/or business permission.
- 4) All other regulations contained in Section 12. A – Sidewalk Dining shall apply to this section. Permits issued under this section may be revoked at any time by the City for failure to comply with the approved permit, or to deal with emergencies, maintenance of infrastructure, public safety, or any other reason determined to be in the best interest of the City.

Section 12.9 – Decorative Sidewalk Landscaping and Sidewalk Sales

The use of adjacent sidewalks for decorative landscaping and sidewalk sales does not require a permit but is subject to the following regulations;

- 1) The program is active April 15 to November 1 each year.
- 2) Decorative sidewalk landscaping and sidewalk sales are allowed as long as they may be placed within 5 feet to either or both side(s) of your front door entrance, and don't encumber the normal flow for pedestrians on the sidewalk.
- 3) Landscaping features and sidewalk sales shall allow a minimum four (4) foot wide unobstructed pedestrian corridor at all times, and at least five (5) feet wide when located along a street corner. Wider pedestrian corridors or increased clearances may be required where warranted by pedestrian traffic or other circumstances, at the discretion of the Director of Public Works, or their designee.
- 4) Landscaping features shall not be directly attached to (e.g., bolts, nails, screws) or damage the underlying sidewalk in any way.
- 5) The business displaying decorative landscaping or conducting sidewalk sales is responsible for cleaning/repairing any damage or staining to the sidewalks.
Decorative sidewalk landscaping and sidewalk sales are allowed from April 15 to November 1 as conditions allow.

The City reserves the right to required business to remove decorative landscaping or discontinue sidewalk sales immediately for violations of the requirements of this Section, or to deal with emergencies, maintenance of infrastructure, public safety, or any other reason determined to be in the best interest of the City.

This Ordinance shall take effect upon its passage.

Authorization	
<i>Sponsored by Councilor:</i> Crystal Paradis	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 2-22

History

First Read Date:	07/19/2021	Tabled:	09/20/2021
Public Hearing:		Removed From Table:	
Second Read:	09/20/2021		

Discussion

07/19/2021

Mayor Hilliard referred Ordinance No. 2-22 to the Public Works and Environment Committee.

09/20/2021

Without Objection, Mayor Hilliard recognized the City Clerk for a second reading of Ordinance No. 2-22. Clerk Slaven performed a second reading of Ordinance No. 2-22 by title only.

Councilor Witham made a motion to amend Ordinance No. 2-22 in accordance with the redlined version presented. The motion was seconded by Councilor Austin.

Councilor Paradis noted a typo under Section B, On-street Dining, where the Site Review Technical Committee was named as the Somersworth Technical Review Committee. Mayor Hilliard noted the typo and accepted the friendly amendment without objection.

The motion to amend Ordinance No. 2-22 as presented passed 9-0.

Councilor Witham made a motion to table Ordinance No. 2-22 until the Public Hearing. The motion was seconded by Councilor Dumont and passed 9-0 by roll call vote.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On / / Ordinance 2-22		PASSED	FAILED



City of Somersworth – Resolution

Resolution No: **9-22**

AUTHORIZING THE CITY MANAGER TO TAKE THE NECESSARY STEPS TO DISCONTINUE CAIMAN DRIVE AND SEAMORE DRIVE

September 7, 2021

WHEREAS, the City of Somersworth has received a request by property owners abutting Caiman Drive and Seamore Drive to discontinue these public ways to accommodate development in this area; and

WHEREAS, the Public Works & the Environment Committee of the City of Somersworth has reviewed this proposed action with staff and recommends this discontinuance,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH, in accordance with RSA 231:43, that Caiman Drive and Seamore Drive are hereby discontinued as public ways, described as follows:

Caiman Drive Right-of-Way

A certain tract or parcel of land located in the City of Somersworth, County of Strafford, and the State of New Hampshire, being shown as Caiman Drive Right-of-Way, Parcel “A” on plan entitled “Boundary Line Adjustment Plan, 108 Gator Rock, LLC and the City of Somersworth, Gator Rock Road, Somersworth, New Hampshire“, dated August 11, 2021, prepared by Tritech Engineering Corporation, to be recorded at the Strafford County Registry of Deeds; being more particularly bounded and described as follows:

Beginning at a point on the Westerly sideline of Caiman Drive, at the Southerly end of Seamore Drive; Thence running along the proposed Gator Rock Road cul-de-sac, along a curve to the left, having a radius of 50.00 feet, a distance of 98.01 feet to a point; Thence turning and running along a curve to the left, having a radius of 30.00 feet, a distance of 23.84 feet to a point on the Easterly sideline of Caiman Drive; Thence turning and running along the Easterly sideline of Caiman Drive, S 38°29’49” E, a distance of 170.63 feet to point; Thence turning and running along a curve to the left, having a radius of 30.00 feet, a distance of 21.68 feet to a point; Thence turning and running along a curve to the right, having a radius of 50.00 feet, a distance of 229.35 feet to a point; Thence turning and running along a curve to the left, having a radius of 30.00 feet, a distance of 21.68 feet to a point on the Westerly sideline of Caiman Drive; Thence turning and running along the Westerly sideline of Caiman Drive, N 38°29’49” W, a distance of 238.29 feet to a point; Said point being the point of beginning.

The above-described parcel “A” contains 20,142 Square Feet or 0.462 Acres.

Seamore Drive Right-of Way

A certain tract or parcel of land located in the City of Somersworth, County of Strafford, and the State of New Hampshire, being shown as Seamore Drive Right-of-Way, Parcel “B” on plan entitled “Boundary Line Adjustment Plan, 108 Gator Rock, LLC and the City of Somersworth, Gator Rock Road, Somersworth, New Hampshire“, dated August 11, 2021, prepared by Trittech Engineering Corporation, to be recorded at the Strafford County Registry of Deeds; being more particularly bounded and described as follows:

Beginning at a point on the Westerly sideline of Seamore Drive, at the Northwesterly end of Caiman Drive; Thence running along a curve to the right, having a radius of 330.00 feet, a distance of 142.00 feet to a point on the Westerly sideline of Seamore Drive; Thence turning and running along the Westerly sideline of Seamore Drive, N 13°50’34” W, a distance of 176.06 feet to point; Thence turning and running along a curve to the left, having a radius of 30.00 feet, a distance of 21.68 feet to a point; Thence turning and running along a curve to the right, having a radius of 50.00 feet, a distance of 229.35 feet to a point; Thence turning and running along a curve to the left, having a radius of 30.00 feet, a distance of 21.68 feet to a point on the Easterly sideline of Seamore Drive; Thence turning and running along the Easterly sideline of Seamore Drive, S 13°50’34” E, a distance of 176.06 feet to a point; Thence turning and running along a curve to the left, having a radius of 270.00 feet, a distance of 65.02 feet to a point; Thence turning and running along a curve to the left, having a radius of 30.00 feet, a distance of 11.56 feet to a point; Thence turning and running along the proposed Gator Rock Road cul-de-sac, along a curve to the left, having a radius of 50.00 feet, a distance of 93.99 feet to a point; Said point being the point of beginning.

The above-described parcel “B” contains 24,430 Square Feet or 0.561 Acres.

Caiman Drive & Seamore Drive Easements

The Right of Ways described herein were conveyed to the City of Somersworth with the benefit of the 20-foot drainage easement around the storm drain inlets located at the Northwest corner of Lot 1-L and the Southwest corner of Lot 1-B as well as a 5-foot-wide easement on each side of the roadway.

These easement rights associated with Caiman Drive and Seamore Drive shall also be discontinued.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Martin P. Dumont, Sr. Kenneth Vincent Matt Gerding	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 9-22

History

First Read Date:	09/07/2021	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	09/20/2021		

Discussion

09/07/2021

Resolution No. 9-22 will remain in first read until the call of the chair.

09/20/2021

Councilor Witham made a motion to adopt Resolution No. 9-22 as presented. The motion was seconded by Councilor Dumont and passed 9-0 by roll call vote.

Councilor Dumont suggested a Resolution with information such as this one with street dimensions and other information come with a map to make it easier to fully comprehend. Councilor Witham also stated an apology to Clerk Slaven for failing to catch the intricacy of the Resolution and having him read the full Resolution.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
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	
TOTAL VOTES:		9	0
On 09/20/2021	Resolution 9-22	PASSED	FAILED

