



Minutes of City Council Meeting Monday, October 11, 2021

ROLL CALL OF MEMBERS

The meeting was called to order at 7:00 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 Cameron led the Pledge of Allegiance.

PUBLIC HEARING

- A. **Ordinance No. 2-22** – To Amend Chapter 12, Streets and Sidewalks

Mayor Hilliard opened the Public Hearing and asked if anyone would like to make a comment regarding Ordinance No. 2-22. No comments were presented. Mayor Hilliard closed the Public Hearing.

COMMENTS BY VISITORS

There were no opening comments by visitors.

CONSENT CALENDAR

- A. Approve Minutes of the City Council Workshop held on September 20, 2021
- B. Approve Minutes of the City Council Meeting held on September 20, 2021

Councilor Austin made a motion to approve all items in the Consent Calendar. The motion was seconded by Councilor Pepin 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 October 11th, 2021

- Thank you, Deborah Evans, for guiding me through the progress of the Somersworth Housing Authority's Rental Assistance Demonstration (RAD) renovations. The renovations will continue to offer dignity, hope and inspiration to all renters. It was a heartfelt moment when I was able to visit the apartment of my childhood, Building 124, unit A as part of the tour. I spent my youth growing up in Unit A of the Albert J. Nadeau (Bartlett Ave) apartments until my parents could afford their life home on Indigo Hill rd.

Thank you for your 37 years of experience and expertise and thank you for your service of studying affordable housing in Somersworth, along with other city experts as tasked by the Mayor's office. We look forward to your months-worth of work and recommendations being reported back to the Mayor and Council in December.

Thank you also to my friends who joined us as we toured, you continue to be the foundation of my inspiration.

- Congratulations to Palmer Gas and Oil company on your ribbon cutting last week. Your entrance into the Hilltop City marks over 155 new business which have entered our 10 square mile community over the last decade. We wish you all the best and thank you for locating to the Hilltop City.
- Team support, team approach, delivers team results. Thank you to Senator David Watters, Mayor Bob Carrier from Dover and a large turn out from team Council you ensure our voices were heard at last week's GATS hearings on the 10-year highway plan. The contingency delivered the positive message on how a long overdue Somersworth exit (Exit 10) would benefit the entire Tri-City region not only in continuing to strengthen our local economies, but also relieve traffic and foster practices of conservation and stability. Thank you all who attended at ensure our voice would be heard as we local keep our "Eyes on 30" moving forward with how an Exit 10 would fit into our own 10-year master planning.
- The Hilltopper spirit of celebrating our great 10 square mile community was in full display at both the Pumpkin Festival and Celebrate Somersworth this past Saturday. It was refreshing to be able to gather once again as a community, and events like this past weekend our only possible if we continue to practice the safety guidelines in place and encourage all of our Hilltopper citizens to receive the vaccination. This evening as part of my mayors report I have invited Mary Kerr from the Strafford County Public Health Network to speak of the benefits of receiving the vaccine and help clear up some misconceptions which might still exist.

Thank you, Mary, together as a united community we will continue to keep each other safe and Somersworth will remain "On the Move!"

- Honoring the rich history of our area and the people who have called it home prior to the settlers the flag of the Cowasuck Band of the Pennacook-Abenaki nations now proudly waves at Citizens Place.

12 Nominations, Appointments and Elections:

- Under nominations, appointments and Elections; **In accordance with Council Rule 17 Appointments**, the following are being brought forward this evening for and placed in nomination;

- A. **Elizabeth Croston for Appointment** as a member of the Board of Library Trustees with a term to expire October, 2026
- B. **Arlene Labrie for Appointment** as a member of the Board of Library Trustees with a term to expire October, 2026
- C. **Amy LaBelle for Reappointment** as a member of the Board of Cemetery Trustees with a term to expire October, 2026

In accordance with Council Rule 17, the nomination will remain open until the next regular scheduled meeting;

This respectfully concludes my October 11th, 2021 Mayors Report

REPORT OF STANDING COMMITTEES

Finance Committee – Councilor Witham said the Committee last met on October 5th. The Committee discussed the additional State revenue being encumbered by the School Department in the form of adequacy aid. The School Department budgeted \$6.8 million, while the actual amount being dispersed to them is \$8 million. Witham said the Committee discussed two options for the funds. The City can retain the full amount of the difference (\$1.2 million) and use to lower the tax rate by approximately 73¢ or utilize \$600k to lower the tax rate by 19¢ and allow the other \$600k to be used for Capital Improvement Projects needed for the School Department. The School Department has been in need of funds for a bowling wall, bathroom upgrades, front façade improvements, and various other repairs. The Committee unanimously approved the plan to allow the School Department to utilize the funds, noting that these types of funds do not come about often and allowed the School Department a great opportunity to get some projects done. Witham also stated that the Committee unanimously endorsed the approval of the City’s Investment Policy which has not changed and must be approved annually.

REPORT OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

School Board – Councilor Austin stated the School Board last met on September 28. The Board discussed a recent lockdown drill and reported it went as well as it could have. Austin said there was also a presentation by the grade 8 to 9 transition team for students graduating from the Middle School to High School. The presentation focused on how to improve the student experience when they move to the High School.

Mayor’s Monarch Challenge – Councilor Gerding stated the last of the monarchs have begun their journey back Mexico and it is okay for residents to remove their milkweed. He mentioned that the middle school students have worked diligently putting together seed packets and creating labels for the packets to be distributed. Councilor Gerding stated there will be a seed scatter event on October 29th.

Christmas Parade – Councilor Cameron let everyone know to save the date for this year’s Christmas Parade on December 4th.

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, October 8, 2021

SUBJECT: City Manager's Report for City Council Meeting on Monday, October 11, 2021

Unfinished Business (under Section 14 of Agenda)

Ordinances

- A. Ordinance No. 2-22: To Amend Chapter 12, Streets and Sidewalks.** These Ordinance Amendments were approved by the City Council at the September 20th meeting.

New Business (under Section 15 of Agenda)

Ordinances

- A. Ordinance No. 3-22: Supplemental Appropriation for Capital Improvements Projects for the School Department.** The Finance Committee and the Joint Commission of City Council & School Board met on October 5th to discuss this Supplemental Appropriation with both voting to support this Appropriation. The School Board met on October 6th and voted unanimously to support this Ordinance. Attached is a copy of an email notification received from Superintendent Lori Lane regarding this vote as well as a Memorandum provided by SAU Business Administrator Katie Krauss. As required by City Charter a Public Hearing should be scheduled for the next regular meeting on October 25th.

Other

- A. Vote to Re-adopt the City of Somersworth Investment Policy.** This is an annual housekeeping action item for the City Council. City Staff supports re-adoption without any amendments. The Finance Committee met on October 5th and recommends re-adoption. Attached is a copy of the City Investment Policy.

Attachments

- 1. City Attorney Certification One (1)**

NOMINATIONS, APPOINTMENTS AND ELECTIONS

- A. Elizabeth Croston for Appointment as a member of the Board of Library Trustees with a term to expire October, 2026
- B. Arlene Labrie for Appointment as a member of the Board of Library Trustees with a term to expire October, 2026
- C. Amy LaBelle for Reappointment as a member of the Board of Cemetery Trustees with a term to expire October, 2026

The nominations will remain open until the next scheduled City Council meeting.

LAY ON THE TABLE

ORDINANCES

A. **Ordinance No. 2-22** – To Amend Chapter 12, Streets and Sidewalks

Councilor Witham made a motion to remove Ordinance No. 2-22 from the table. The motion was seconded by Councilor Paradis and passed 9-0 by voice vote.

Councilor Witham made a motion to adopt Ordinance No. 2-22 as amended. The motion was seconded by Councilor Paradis and passed 9-0 by roll call vote.

UNFINISHED BUSINESS

There was no unfinished business

NEW BUSINESS

ORDINANCES

A. **Ordinance No. 3-22** – Supplemental Appropriation for Capital Improvement Projects for the School Department

Ordinance No. 3-22 will remain in first read until the call of the Chair. Public Hearing scheduled at the call of the Chair.

OTHER

A. Vote to Re-adopt the City of Somersworth Investment Policy

Councilor Gerding noted the memo regarding the investment policy was omitted and asked if the item could be revisited at the next scheduled Council meeting. Mayor Hilliard scheduled a discussion on the vote to re-adopt the City's investment policy to next meeting.

COMMENTS BY VISITORS

There were no closing comments by visitors.

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Paradis discussed the clearing of the homeless encampment on private land owned by Garabedian Properties. She mentioned that a draft plan is shortly being finalized after a meeting with various service providers later this week. Paradis noted that there are still concerns, although several weeks of notice is being provided, that those living in the encampment will just move into an adjacent area and continue to be a challenge. She stated that homelessness issue is connected to the housing crisis. Services, programs, and housing are the three main components to addressing the homelessness crisis.

Councilor Michaud gave compliments to the Somersworth Festival Association for putting on an excellent Pumpkin Festival. Michaud welcomed new business owner W.M. Poole, chocolatier, to Somersworth. He said the new chocolate shop is a great addition to the City. Councilor Michaud also wanted to thank the anonymous person(s) who paid for his breakfast over the weekend.

Councilor Cameron stated she had a great time at the Pumpkin Festival and that all involved did a great job. Let's go Red Sox!

Councilor Austin said homelessness has a lot of contributing factors and it is difficult to come up with a single solution to the problem. He mentioned how various City groups discuss solutions. Austin said the City of Somersworth and the various Committees are doing what they can, but the solutions need to be regionalized. In regard to the pandemic, we are doing pretty well, but we need to continue to be vigilant.

Councilor Gerding agreed with others' comments that homelessness is a larger issue than just Somersworth and wonders if we would be able to involve the State agencies to help. He fears that addressing the one place does not solve the problem. Gerding said he would like to see a more formal discussion involving all the pertinent agencies. Gerding noted it was very nice to see the funds for the school come in while also lowering the tax rate. Gerding also noted a Somersworth reference in a Stephen King book, *The Stand*, he is reading.

Councilor Dumont gave congratulations to the Hilltop football team and girls' soccer team. He stated, in regards to the homeless issue, that larger communities than Somersworth have more resources for solutions and noted the clean-up issue after the encampment is cleared. Councilor Dumont said he attended the GACIT hearing and complimented Senator Waters for his take on the Exit 10 situation. Dumont thanked the Festival Association for a great Pumpkin Festival and also welcomed W.M. Poole into town, giving praise to his new chocolate shop on High Street. He also expressed disappointment in the condition of a property on Grand Street. Councilor Dumont stated the 10-year plan Mayor Hilliard introduced is a wonderful thing and also hopes the City can do another review of the City Charter in order to get the contents more up to date and put us in more of a forward-thinking position.

Councilor Witham gave a shout out to the Historical Society for their "Talking Tombstones" program which he had the honor of acting in. He said he had a blast and that George Poulin and the everyone else involved really put their heart and soul into it.

Councilor Vincent stated he was happy about the state adequacy funding. He also noted how the Pumpkin Festival was great and keeps growing every year.

Councilor Pepin stated he watches different news broadcast stations and is disappointed in all the abuse being pointed at police around the country. He said a lot of times the full story is not being told while a lot of judgement is being given. Pepin stated he recently purchased a blue light to show his support of the Somersworth Police Department as well as police departments around the country. He urged people to also do the same.

ADJOURNMENT

Councilor Michaud made a motion to adjourn the City Council meeting. The motion was seconded by Councilor Cameron and passed 9-0. The meeting adjourned at 8:09 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.

- 5) The encumbered area must not block access to public street furniture, trash receptacles, street signage, fire hydrants, or other public structures or infrastructure.
- 6) The encumbered area and any furniture or feature 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 Technical Review 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:	10/11/2021	Removed From Table:	10/11/2021
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.

10/11/2021

Councilor Witham made a motion to remove Ordinance No. 2-22 from the table. The motion was seconded by Councilor Paradis and passed 9-0 by voice vote.

Councilor Witham made a motion to adopt Ordinance No. 2-22 as amended. The motion was seconded by Councilor Paradis and passed 9-0 by roll call vote.

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	10/11/2021	Ordinance 2-22	PASSED
			FAILED



City of Somersworth – Ordinance

Ordinance No: **3-22**

SUPPLEMENTAL APPROPRIATION FOR CAPITAL IMPROVEMENT PROJECTS FOR THE SCHOOL DEPARTMENT

October 11, 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 21-22 is amended as follows:

Appropriate \$600,000 (Six Hundred Thousand dollars) from unanticipated State of New Hampshire Adequacy Grant Revenue to the School Department Budget as follows;

Original Budget	Amendment	Revised Budget
\$ 27,680,522	\$ 600,000	\$ 28,280,522

Approved as to Funding:

Scott A. Smith
Director of Finance and Administration

Recorded by:

Jonathan Slaven
City Clerk

Background:

This ordinance appropriates a portion of an unanticipated increase in the amount of State of New Hampshire Adequacy Funding to the School Department. The total amount to be received from the State is \$1,234,630 more than the November 2020 estimate provided by the State and used to develop the Fiscal Year 21-22 adopted budget. The intent is to use this appropriation, for some or all of the following Capital Improvements based on actual cost; building repairs and renovations to the Somersworth Middle School, renovation to or build a new concession stand/bathrooms at the High School Football Field, and upgrade the badge or key access to School buildings.

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.

Authorization

Sponsored by Councilors:

David A. Witham
Donald Austin
Martin P. Dumont, Sr.

Approved:

City Attorney

City of Somersworth – Ordinance 3-22

History

First Read Date:	10/11/2021	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

10/11/2021

Ordinance No. 3-22 will remain in first read until the call of the Chair. Public Hearing scheduled at the call of the Chair.

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