



## Minutes of City Council Meeting Monday, October 25, 2021

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### **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, Dumont, Austin, Michaud, Witham, Gerding, Cameron and Paradis.

Excused: Councilor Vincent

### **PLEDGE OF ALLEGIANCE**

Councilor Austin led the Pledge of Allegiance.

### **PUBLIC HEARING**

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

*Mayor Hilliard opened the Public Hearing and asked if anyone would like to make a comment regarding Ordinance No. 3-22.*

SAU56 Superintendent Lori Lane explained to the Public that the supplemental appropriation comes from State Adequacy funds which are estimated each year to be allocated to the school districts; adding that the extra funds do not typically happen. She stated that the funds will be utilized to address multiple outstanding projects including wall repair, windows/doors, façade repair, security upgrades, concession upgrades, and more. Ms. Lane said she hopes Council sees fit to approve the supplemental appropriation.

*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 meeting held on October 11, 2021

*Councilor Austin made a motion to approve all items in the Consent Calendar. The motion was seconded by Councilor Dumont and passed 8-0.*

### **COMMENTS BY CITY COUNCILORS**

*Councilor Dumont* stated that while many people have suffered during the Covid-19 pandemic, there has been some silver lining that he wants to bring to light. He stated people have become closer to their families, given more to charity, and the faith-based community has grown stronger. Dumont also made an appeal to the City's citizens to come back in and join in on conversations. He added that it makes government stronger.

*Councilor Paradis* noted that there are two Resolutions, No. 12-22 and 14-22, that she would like to see Council rules waived to allow for a second reading.

## **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 25th, 2021**

- As united Hilltopper we continue to guide each other and look out for each other as our battle against the pandemic wages forward. One of the critical areas in keeping each of us safe is ensuring the vaccination rates continue to rise. This evening joining me for my Mayor's report is Mary Kerr from the Strafford County Public health network to speak out how vaccines work and the benefits of being vaccinated.
- Each year during the month of October students throughout the United States gather to celebrate how learning continues at the conclusion of the end of the day school bell. This week students will gather at Idlehurst elementary school to celebrate "Lights On For Learning". This evening we are joined by members of the Somersworth Youth Connection to inform us what "Lights On for Learning is all about".
- Despite some recent press and some temptations by local leaders to turn a complex situation which has jointly been being worked on for months with open conversation with the Tri-City administration and social services, our Hilltop community and Hilltopper spirit of "neighbor helping neighbor" along with our compassion and empathy will continue to be the guidelines at seeking a resolution on the Garabedian property. For anyone to grab this issue to promote themselves and their own political agenda is not only dishearten and distasteful, but also attempts to de-rail the partnerships which continue to formulate the approaches which have strengthen the Tri-City area. Issues of homelessness cannot be simplified; they are complete and are entangled with several layers. However, complex, and difficult we will continue on our journey are seeking long-term standing solutions and not hinder at making difficult decision when necessary. In the last eight years we have developed and adopted a master plan, opened a warming center.

All of us should be proud of the progress we have made which acknowledging there is more work which as a united area we will continue to do.

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

•**Under nominations, appointments and Elections; In accordance with Council Rule 17 Appointments, the follow are being brought forward this evening for a confirmation vote;**

#### **Nominations requiring a Council Confirmation Vote:**

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

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

Adam Young for Appointment as a Member of the Historic District Commission with a term to expire October, 2024

Timothy Monahan for Appointment as an Alternate Member of the Historic District Commission with a term to expire October, 2024

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

**This respectfully concludes my October 25th, 2021 Mayors Report**

### **REPORT OF STANDING COMMITTEES**

*Public Works and Environment* – Councilor Witham said the Committee last met on October 18 and Councilors Vincent and Dumont were excused. Mayor Hilliard temporarily appointed Councilor Michaud for this meeting. The Committee discussed and unanimously voted to support a request by SUR Construction to work past the November 15 moratorium in order to get the paving and curbing finished on Cemetery Road. Witham also reported that the complete streets project on Nadeau Street finished \$10k under budget. He stated the Committee reviewed and approved a list of roads to be resurfaced and a Resolution is before Council this evening. He said it may appear a shorter list than previous year, but that the City is tackling some larger roads. Witham said the Committee also discussed and voted to support a request from Atlantic Broadband to work beyond the winter moratorium. A discussion was also held regarding the Constitutional Way and Main Street complete streets design to include wider sidewalks and tree wells.

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

*School Board* – Councilor Austin attended a meeting of the School Board on October 12 and heard a great presentation from Wendy Berkeley on the School Department’s Farm to School program. Austin noted how much this great program has grown since its inception.

*Hilltop Mental Health and Wellness Commission* – Councilor Austin stated the Commission last met on October 20 and began discussing why we are where we are now and made progress discussing what they want to accomplish in the future.

### **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 22, 2021

**SUBJECT:** City Manager’s Report for City Council Meeting on Monday, October 25, 2021

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*6:00 p.m. Workshop*

*Re: Hamilton Street Water Tank Presentation by Wright Pierce &  
Rocky Hill Road Well Field Discussion*

Attached are copies of the Executive Summary’s prepared by our consultants.  
The full Studies are in your Google Dropbox.

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### ***Unfinished Business (under Section 14 of Agenda)***

#### **Ordinances**

**A. Ordinance No. 3-22: Supplemental Appropriation for Capital Improvements Projects for the School Department.** Again, the Finance Committee and the Joint Commission of City Council & School Board met on October 5<sup>th</sup> to discuss this Supplemental Appropriation with both voting to support this Appropriation. The School Board met on October 6<sup>th</sup> and voted unanimously to support this Ordinance.

#### **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 5<sup>th</sup> and recommends re-adoption. Attached is a copy of the City Investment Policy.

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

#### **Resolutions**

- A. **Resolution No. 11-22: To Authorize the City Manager to Prepare Bid Specifications for Road Resurfacing and Associated Repairs of Selected Streets.** Public Works & Environment met on October 18<sup>th</sup> and support the resurfacing and repairs for these selected Streets. Attached are estimates provided by City Engineer, Amber Hall. *Manager Belmore noted that the same information provided to the PWE Committee has also been shared with Council as part of this meeting's informational packet.*
- B. **Resolution No. 12-22: To Authorize the City Manager to Enter into a Project Agreement with the State of New Hampshire Division of Historical Resources and to Accept a Moose Plate Program Grant Award.** Attached is a copy of the Grant Application and the notice of award from the State. Although, there is no Grant match, should additional funds be needed, funding will come from the Cemetery Operating Budget. *Manager Belmore added that the notice of award has been included in the Council's meeting packet.*
- C. **Resolution No. 13-22: Authorizing the City Manager to Execute a Lease Agreement Extension with the Pall Corporation of Port Washington, NY to Lease Building Space at the Somersworth Water Treatment Facility.** Attached is a letter from Pall Corporation requesting approval from the City of Somersworth to extend their Lease at 9 Wells Street for an additional six (6) months. I have also included their Lease from 2012. Their Lease payment will increase from \$1,150/month to \$1,200/month starting January 2022 should Council approve this extension. *Manager Belmore clarified that this is not for the operations building, rather a separate building next to it. He also stated that a copy of the current lease has been included in the meeting packet.*
- D. **Resolution No. 14-22: Authorizing Warming Shelter Operation as Requested by Service Provider Organizations.** Attached is a copy of Councilor Crystal Paradis's email and the documents that were attached.

**Other**

- A. **Vote to Waive the Excavation Work Moratorium on Cemetery Road to Allow SUR Construction to Complete Project Work Beyond the November 15<sup>th</sup> Deadline (City Ordinance, Ch. 12, Excavate, Obstruct, Encumber, Work Schedule).** The Public Works & Environment Committee met on October 18<sup>th</sup> and voted to support the waiver. Attached is a Memorandum from Public Works Director Mike Bobinsky and request letter from SUR asking the City to waive the excavation work moratorium.
- B. **Vote to Waive the Excavation Work Moratorium to Allow Atlantic Broadband to Contract for The Installation of Utility Poles Along Certain City Right-Of-Ways Provided No Disturbance or Excavation of any City Paved Sidewalks or Streets Occur (City Ordinance, Ch. 12, Excavate, Obstruct, Encumber, Work Schedule).** The Public Works & Environment Committee met on October 18<sup>th</sup> and voted to support the waiver with the exception that is noted. Attached is a Memorandum from Public Works Director

Mike Bobinsky along with Atlantic Broadbands request to waive this moratorium.  
*Manager Belmore stated the work past the moratorium will not include allowing for any excavation of any curbs or sidewalks.*

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

**Informational Items**

1. **Halloween Trick or Treat.** Saturday, October 30<sup>th</sup>, 5:30 p.m. – 8:00 p.m.

**Attachments**

1. **City Attorney Certification Four (4)**
2. **Department Head Reports**

**NOMINATIONS, APPOINTMENTS AND ELECTIONS**

Nominations being introduced for a Council Confirmation Vote:

- A. Adam Young for Appointment as a Member of the Historic District Commission with a term to expire October, 2024
- B. Timothy Monahan for Appointment as an Alternate Member of the Historic District Commission with a term to expire October, 2024

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

Nominations requiring a Council Confirmation Vote:

- A. Elizabeth Croston for Appointment as a member of the Board of Library Trustees with a term to expire October, 2026

*Councilor Paradis made a motion to Appoint Elizabeth Croston to the Board of Library Trustees. The motion was seconded by Councilor Pepin and passed 8-0.*

- B. Arlene Labrie for Appointment as a member of the Board of Library Trustees with a term to expire October, 2026

*Councilor Paradis made a motion to Appoint Arlene Labrie to the Board of Library Trustees. The motion was seconded by Councilor Austin and passed 8-0.*

- C. Amy LaBelle for Reappointment as a member of the Board of Cemetery Trustees with a term to expire October, 2026

*Councilor Gerding made a motion to Reappoint Amy LaBelle to the Board of Cemetery Trustees. The motion was seconded by Councilor Michaud and passed 8-0.*

**LAY ON THE TABLE**

There were no items on the table.

**UNFINISHED BUSINESS**

## ORDINANCES

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

*Councilor Austin made a motion to adopt Ordinance No. 3-22 as presented. The motion was seconded by Councilor Dumont and passed 8-0 by roll call vote.*

## OTHER

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

*Councilor Witham made a motion to remove the vote to Re-adopt the City of Somersworth Investment Policy from the table. The motion was seconded by Councilor Dumont and passed 8-0.*

*Councilor Witham made a motion to Re-adopt the City of Somersworth Investment Policy. The motion was seconded by Councilor Dumont and passed 8-0 by roll call vote.*

## NEW BUSINESS

### RESOLUTIONS

- A. **Resolution No. 11-22** – To Authorize the City Manager to Prepare Bid Specifications for Road Resurfacing and Associated Repairs of Selected Streets

*Resolution No. 11-22 will remain in first read until call of the Chair.*

- B. **Resolution No. 12-22** – To Authorize the City Manager to Enter into a Project Agreement with the State of New Hampshire Division of Historical Resources and to Accept a Moose Plate Program Grant Award

*Councilor Paradis made a motion to waive Council Rule to allow for a second reading of Resolution No. 12-22. The motion was seconded by Councilor Witham and passed 8-0. Clerk Slaven performed a second reading of Resolution No. 12-22.*

*Councilor Paradis made a motion to adopt Resolution No. 12-22 as submitted. The motion was seconded by Councilor Cameron and passed 8-0 by roll call vote.*

Councilor Paradis stated she didn't see Ms. Roberge in the audience, but would appreciate the expediting this Resolution. She also noted that the City is not using any funds, rather just accepting them.

- C. **Resolution No. 13-22** – Authorizing the City Manager to Execute a Lease Agreement Extension with the Pall Corporation of Port Washington, NY to Lease Building Space at the Somersworth Water Treatment Facility

*Councilor Witham made a motion to waive Council Rules to allow for a second reading of Resolution No. 13-22. The motion was seconded by Councilor Austin and passed 8-0. Clerk Slaven performed a second reading of Resolution No. 13-22.*

*Councilor Witham made a motion to adopt Resolution No. 13-22 as submitted. The motion was seconded by Councilor Cameron and passed 8-0 by roll call vote.*

**D. Resolution No. 14-22 – Authorizing Warming Shelter Operation as Requested by Service Provider Organizations**

*Councilor Paradis made a motion to waive Council Rules to allow for a second reading of Resolution No. 14-22. The motion was seconded by Councilor Witham and passed 8-0. Clerk Slaven performed a second reading of Resolution No. 14-22.*

*Councilor Paradis made a motion to adopt Resolution No. 14-22 as submitted. The motion was seconded by Councilor Witham.*

Councilor Paradis stated that the proposed clearing of the encampment on the Garabedian property is not a new issue. She cited a denial of a request to extend hours at the warming shelter as grounds for creating this Resolution. What is being proposed is the potential use of the warming shelter, which can house up to 80 people overnight, beyond just using the facility for extreme weather events. Service providers have noted that available beds are extremely limited and staffing facilities has also been a difficult item to address. Paradis stated that this Resolution is a positive step towards letting service providers see the City's support for the extended use of the facility.

Paradis said that a "yes" vote for this Resolution does not immediately open the warming center up full time, rather, it shows we support that idea as an option. She also read two letters of support for opening the warming center to aid with those people currently living at the Willand Pond encampment. Paradis clarified that this is not a full-time or long-term solution, but a solution that is being requested only for this winter. She added that the CDC is still recommending against the breaking up of homeless encampments.

Councilor Witham gave some history of when Dover received grant money for the purchase of the warming center on Willand Drive. He stated the idea was to provide a temporary warming center for last and this winter, sell the building, and build a more permanent shelter elsewhere. He stated officials from Somersworth and Dover came to a memorandum of understanding (MOU) outlining the use of the warming center. He inquired if this agreement would need to be modified. Manager Belmore clarified that Somersworth's City Council voted to enter into an MOU; as did the City Councils of Dover and Rochester as did the Community Action Partnership (CAP). He added that we would need to modify the agreement based on what the operation of the warming center would be as it is currently written for a warming center, not a shelter. Witham inquired if the change in use would need to go before the Planning Board also? Manager Belmore replied he believes the City of Dover would have a governmental exception permitting them to move forward without coming before the Somersworth Planning Board.



Councilor Pepin stated he fully supports the people that need help, but noted that Somersworth does not own the keys to the warming center. He said he would feel more comfortable if Dover took the lead.

Councilor Cameron expressed her concern about how the staffing issue would be addressed.

Councilor Gerding asked for verification that Somersworth is not bound to any funding. Manager Belmore replied that it does not appear we are committed to funding, rather just a vote to support a request to operate the warming center as a temporary full-time shelter if need be. Gerding also asked if the contracts we have with service providers for this winter, through the MOU, are from the previous year. Manager Belmore stated that CAP coordinates all of the service provider contracts. Gerding stated that what we see in the Resolution is a small first step to be able to do what we say we are hoping to do; providing shelter and services to the individuals being removed from the Garabedian property. He added that if we are not bound to paying for anything and are simply making a statement as a body that this is something we support, he has no issue with this Resolution.

Councilor Austin stated we may not have been asked for additional funds, we are still responsible for all of the first responder calls to the warming center. He added that although it is a laudable attempt, we need to consider all the aspects of homelessness and also agrees that Dover should be in the driver seat to negotiate an agreement.

Councilor Witham stated that services equal funds. He said with increase use the calls for service will be substantial which has a cost to it. The intent of the Resolution is good, but maybe it should be to direct the City Manager to work with the other Tri-City Managers to rework the MOU.

Councilor Pepin stated his problem is he doesn't know how much the use of the facility is going to grow. He added that many of the people using the facility are from other communities. Pepin added that this issue should be handled at the State or County level. He noted concern that if we open this up, those from other communities are going to be the ones who benefit.

Councilor Gerding stated that the first responder calls to the Garabedian property outweighed the number of calls to the warming center to his recollection. Gerding said utilizing the facility at least removes those individuals from a situation that is more harmful and more difficult for our first responders to attend to. At the facility, they are already in the care of service providers. He said he imagines the calls would decrease if we have the individuals at a singular location. Gerding also mentioned that amending the MOU, whether in the Resolution or not, is worth moving forward with.

Councilor Dumont stated the population of Dover and Rochester together is about 6-times that of Somersworth. He said when the deal was first presented, we wanted to be a good neighbor, but that the loss of tax revenue to Somersworth gets lost on many. Dumont stated when it was first opened, CAP was sending individuals with behavioral issues to the facility. He said that though there may not be costs to the City for clearing the encampment, the property owner will have to bear costs of cleanup. Dumont said the City of Dover should be

getting a modified agreement together as the original agreement says nothing about being open full-time.

Councilor Michaud stated the City of Somersworth does not own the building and the City of Dover should be taking the lead on this. He also noted the limited availability of the facility and his concern people will be coming from all over. Michaud stated he thought Strafford County would be the lead agency handling this situation, but they are nowhere to be found.

Councilor Witham stated he cannot vote in favor of the Resolution as it is. He said, if we table, he will be looking for the Resolution to have additional language addressing the MOU and include staff recommendations.

Councilor Paradis stated that in a meeting with Dover officials, they said they could not move forward without the support from Somersworth and that our inaction is only enabling Dover's inaction. The Resolution is our way of saying we are not the one standing in the way. Passing this Resolution is a way to tell CAP to start seeking staffing. CAP has worked around their staff's availability which they line up a few weeks in advance of releasing a schedule. She stated that the Tri-City Managers were approached with a similar request back in June and never made it to Council. Paradis noted that the capacity of the building is 80 people. She doesn't believe there will be a large influx of people coming from out of town, however, if so and we have empty beds, we should be welcoming them in. This Resolution is a first chance to take any sort of action.

Councilor Pepin inquired why Dover proceeded with a Right to Know request to find out the number of service calls to the warming center. They were fine asking that, but cannot come to us to ask about opening the facility.

Councilor Dumont reiterated that this is not our lead. It is costing us money because of the lost tax revenue. He added that we already compromised on this deal, and Dover needs to do more. Somersworth should not have to waste our time, money, and staff when we are the smallest of the Tri-Cities with the least number of resources. Until the MOU is changed, he will not support the Resolution.

Councilor Michaud stated given that CAP wants to open on November 29<sup>th</sup> and the Garabedian Group is requesting the encampment cleared on the 8<sup>th</sup>. If we are willing to work with the property owner, perhaps we can get them to give us a little more time.

***The motion made by Councilor Paradis to adopt Resolution No. 14-22 failed 6-2 by roll call vote with Councilors Pepin, Dumont, Austin, Michaud, Witham, and Cameron voting "No".***

#### OTHER

- A. Vote To Waive the Excavation Work Moratorium on Cemetery Road to Allow SUR Construction to Complete Project Work Beyond the November 15<sup>th</sup> Deadline (City Ordinance, Ch. 12.1, Excavate, Obstruct, Encumber, Work Schedule)

***The vote to waive the excavation work moratorium for SUR Construction passed 8-0.***

- B. Vote To Waive the Excavation Work Moratorium to Allow Atlantic Broadband to Contract for the Installation of Utility Poles Along Certain City Right-Of-Ways Provided No Disturbance or Excavation of Any City Paved Sidewalks or Streets Occur (City Ordinance, Ch. 12.1, Excavate, Obstruct, Encumber, Work Schedule)

*The vote to waive the excavation work moratorium for Atlantic Broadband passed 8-0.*

### **COMMENTS BY VISITORS**

Mike Ippolito, of Dover, stated he is involved with the NH Mutual Aid Relief Fund and works with 200-300 houseless and housing insecure people. He expressed the urgency on the issue of opening up the warming center to the individuals being cleared from the Garabedian property. He said it is very clear after speaking with people there is a need for the facility to open now. He added that he hopes to see more enthusiasm regarding this matter from the Somersworth City Council and stated he will be holding Dover to the same sentiment.

SAU56 Superintendent Lori Lane thanked Council for approving the supplemental appropriation and is excited for the upgrades. She also thanked the City for the improvements to Cemetery Road and sidewalks. Superintendent Lane also expressed her frustration towards Councilor Paradis for erroneously broadcasting mistruths of an alleged conflict of interest regarding Mayor Hilliard's job with the School District. She stated Councilor Paradis should know there is no conflict since she is sure she has read the two opinion statements from the City Attorney stating there is in fact no such conflict. She told Councilor Paradis that Mayor Hilliard's day job has nothing to do with creating the School Department's budget. Superintendent Lane added that she personally recommended Mayor Hilliard for the job because the school wasn't doing a good enough job in certain areas and wanted him to take his skillset and make a bigger impact. She stated that Councilor Paradis' lying needs to stop. Superintendent Lane also referenced a quote Councilor Paradis made to the paper that there is a strong need for renewed trust in the City's leadership. Superintendent Lane said that Councilor Paradis has made no attempt to contact her personally for clarification on her baseless accusations. Superintendent Lane also stated she is frustrated that Councilor Paradis felt the need to drag the School Board into her election process. She added that Mayor Hilliard has built a strong relationship between the City and School department. Superintendent Lane stated that Councilor Paradis' unfounded comments have only put her own integrity in question, not Mayor Hilliard or the rest of the City's leadership.

Emmet Soldati, Ward 1 stated his disappointment with the decision made regarding the homeless encampment. He stated that no one proposed an amendment, Resolution, or recommended a solution. Soldati said the City is already paying for the warming center that keeps these individuals warm and safe. He urged the Councilors to come up with a solution rather than kicking the can to Dover. He said if CAP cannot find the staffing, let that be their problem.

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

*Councilor Michaud* said he hopes the City Managers can engage in discussions and work something out for the warming center. He also reminded residents to get out and vote and know who you are voting for and what they stand for.

*Councilor Paradis* mentioned a concern from a constituent on 1<sup>st</sup> Street and Shady Lane regarding the condition of the road. She hopes the funds not spent on the Nadeau Complete Streets project can be utilized for this; even if just a grading. Paradis thanked Superintendent Lane for her comments and said she will rectify her statements if there are misstatements surrounding the Mayor. She stated she still maintains that there is a conflict of interest and the two legal opinions obtained state there is no *legal* barrier to the Mayor running for another term. Paradis said some constituents still feel there is a conflict. She also spoke the person who spoke during public comment surrounding the issue of homelessness. Paradis said she sees there are valid reasons for voting the Resolution down. She said she is disappointed because we are up to the task and hopes to see more discussions surrounding solutions in the future. Paradis encouraged everyone to get out and vote next Tuesday.

*Councilor Austin* stated he doesn't think the Resolution for the warming shelter is quite ready yet, but hopes that we can continue to have open discussions on these issues. He hopes we can amend or renegotiate the current MOU, adding that he agrees with the sentiment that Somersworth is not the one who needs to take a lead on this issue. Austin also thanked SYC and the student who gave a presentation this evening and hopes people can attend their event this Wednesday at Idlehurst Elementary. Austin also thanked Mary Kerr, Emergency Preparedness Coordinator for the Strafford County Public Health Network, for her presentation on the myths surrounding the vaccine. Councilor Austin also wanted to recognize that he and his wife are celebrating their 44<sup>th</sup> wedding anniversary today. Austin said next Tuesday is a very important day saying the local elections are the most impactful. He urged everyone to please vote.

*Councilor Cameron* said she believes there is more discussion that is necessary between the Tri-Cities regarding the homeless issue. She thanked SYC for the seed packets and their presentation. Cameron also thanked Ms. Kerr for her presentation and said it was a much simpler and easier to understand than other explanations she has heard. She also mentioned a new promo with Robin Comstock featuring new local businesses in Somersworth. Cameron said happy Halloween, stay safe, and get out and vote.

*Councilor Dumont* thanked Superintendent Lane for her comments and involvement in the Monarch Butterfly program. He also thanked Councilor Gerding for his involvement in that program and said it was a lot of fun learning about the Monarch Butterfly. He spoke about the Joint City Council and School Board Commission, specifically how much that Committee has done including showing neighboring municipalities how a City Council and School Board can work together for the benefit of the Community. Dumont also noted how it is sad how much it costs to educate a student and how little funding comes from the state to support this. He stated he thought the Council acted well this evening and the Resolution regarding the warming center is not the issue, rather the expectation cast upon us. He added that he would not vote to do something without having the support from Strafford County the way they said they would. Dumont said they are the ones with the resources, not Somersworth. He stated his discontent with the media in omitting a few lines he added mentioning the support he has received over the years from his family. Dumont then stated how Somersworth has suffered

at the hand of people who move to our community who feel things are so bad they need to make the change and said those doing so are ignoring the cultures of the past with no regard.

*Councilor Gerding* thanked the artists of the seed packets, Ivy, Maya, and Kaitlyn for their great work. He also said the presentation by the SYC students, DJ, Riley, and Autumn was excellent and thanked Maureen Jackman of SYC for helping put together a great program. Gerding said if you would like a seed packet come out to the Lights on for Learning event at Idlehurst Elementary this Wednesday night or get them at City Hall, Library, or Public Works. He mentioned how the local elections are typically the least well-attended and urged those watching to recommend others around them come out and vote. Gerding said there is a piece in Fosters outlining the candidates and their views. He expressed disappointment with the outcome of the warming center Resolution, but noted it was at least nice to have an open discussion and pulled out a few items everyone agreed on. Those items being a hope that Strafford County does more than they are, the MOU can get amended, and a potential delay of the clearing of the homeless encampment.

*Councilor Pepin* thanked the three students from SYC for a great presentation. He stated he hopes people do not think he does not have compassion for the homeless, because he does. Pepin said the Willand Pond area of town has always had the homeless issues we are seeing today. He believes the property owners are partly to blame. He added that the taxpayers have been footing the bill for EMS, Fire, and Police services. Pepin noted that the area is extremely to get into and it's a problem that has been going on for years. He expressed frustration for the Somersworth residents footing the bill for people outside of the City coming in and needing our services. Pepin also expressed his continued support for the Police Department and, again, urged residents to install a blue bulb in a visible light to show their support to our PD.

*Councilor Witham* stated that he loves performing his duties as a Councilor, but that not all the decisions made are easy ones. The votes around the homeless issues are the most difficult. Witham added that no matter the vote on this issue, he never knows if it will end up being the right one. He added there is no good vote, because the issue is so complex. There is not one solution to solve the issue.

## **ADJOURNMENT**

*Councilor Dumont made a motion to adjourn the City Council meeting. The motion was seconded by Councilor Michaud and passed 8-0. The meeting adjourned at 9:36 p.m.*

Respectfully Submitted,

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Jonathan Slaven, City Clerk



## 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:

Recorded by:

Scott A. Smith  
Director of Finance and Administration

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:	10/25/2021	Removed From Table:	
Second Read:	10/25/2021		

### 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.*

*10/25/2021*

*Councilor Austin made a motion to adopt Ordinance No. 3-22 as submitted. The motion was seconded by Councilor Dumont and passed 8-0 by roll call vote.*

Voting Record		YES	NO
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	10/25/2021	Ordinance 3-22	<b>PASSED</b>
			<b>FAILED</b>



## City of Somersworth – Resolution

Resolution No: **11-22**

**TO AUTHORIZE THE CITY MANAGER TO PREPARE BID SPECIFICATIONS FOR ROAD RESURFACING AND ASSOCIATED REPAIRS OF SELECTED STREETS**

October 25, 2021

WHEREAS the City of Somersworth's Capital Improvement Plan recommends road resurfacing and other general maintenance of streets in the City, and

WHEREAS the City has prioritized street repair using the pavement condition index assessment tool, and

WHEREAS the Public Works and Environment Committee reviewed the following staff recommended list of streets to be included in a shim and pave work plan for this construction season and supports the following recommendation:

Rocky Hill Road (Otis Rd. to RR Tracks)  
Interstate Drive (Rte. 108 to the End)  
Ellswick Street (High St. to Sinclair Ave.)  
Wolcott Street (High St. to Sinclair Ave.)  
Sinclair Avenue (High St. to Ellswick St.)  
Mt. Vernon Street (Grand St. to Prospect St.); and

WHEREAS the Public Works and Environment Committee reviewed the following staff recommended list of streets to be included in a crack-sealing work plan for this construction season and supports the following recommendation:

Davis Street	Commercial Drive
Chadwick Lane	Victoria Drive
Lenox Drive	Willand Drive
William Street	High Street (Sinclair to
Cote Street	Stackpole);
Long Leaf Lane	
Winslow Drive	
Greenfield Drive	
Hickory Lane	
Morrison Street	
DeerCreek Run	
Aspen Drive	
Milo Lane	
Cornfield Drive	
Maize Drive	
Guy Street	



NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to prepare bid specifications and solicit bids from qualified contractors for road resurfacing and associated repairs of the aforementioned streets and take any other actions relative to this project determined to be in the best interest of the City.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Richard Michaud Matthew Gerding	<i>Approved:</i> City Attorney

## City of Somersworth – Resolution 11-22

History			
First Read Date:	10/25/2021	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion
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*10/25/2021*

*Resolution No. 11-22 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>			
Resolution 11-22		PASSED	FAILED



## City of Somersworth – Resolution

Resolution No: **12-22**

**TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROJECT AGREEMENT WITH THE STATE OF NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES AND TO ACCEPT A MOOSE PLATE PROGRAM GRANT AWARD**

October 25, 2021

WHEREAS, the City of Somersworth has successfully utilized the New Hampshire Moose Plate Grant Program to support the City's historical preservation efforts, and

WHEREAS, the New Hampshire Division of Historical Resources has awarded the City a grant of \$10,000.00 (Ten Thousand Dollars), to be used for replacing a Italianate Well House Roof at Forest Glade Cemetery and requires no local matching funds, and

WHEREAS, the grant funds will be used to restore the roof to cedar shingles which was used in the original construction of the Well House in 1857,

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute any documents and agreements necessary for the grant's acceptance and execution, and take any and all other such actions relative to this grant project's completion determined to be in the best interest of the City.

### Authorization

*Sponsored by:*  
Mayor Dana S. Hilliard

*Approved:*  
City Attorney

## City of Somersworth – Resolution 12-22

### History

First Read Date:	10/25/2021	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	10/25/2021		

### Discussion

*10/25/2021*

*Councilor Paradis made a motion to waive Council rules to allow for a second reading of Resolution No. 12-22. The motion was seconded by Councilor Witham and passed 8-0. City Clerk Slaven performed a second reading of Resolution No. 12-22.*

*Councilor Paradis made a motion to adopt Resolution No. 12-22 as presented. The motion was seconded by Councilor Cameron and passed 8-0 by roll call vote.*

Voting Record		YES	NO
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 10/25/2021	Resolution 12-22	<b>PASSED</b>	<b>FAILED</b>



## City of Somersworth – Resolution

Resolution No: **13-22**

**AUTHORIZING THE CITY MANAGER TO EXECUTE A LEASE AGREEMENT EXTENSION WITH THE PALL CORPORATION OF PORT WASHINGTON, NY TO LEASE BUILDING SPACE AT THE SOMERSWORTH WATER TREATMENT FACILITY**

October 25, 2021

WHEREAS the Pall Corporation has a lease agreement with the City of Somersworth to lease building space at the Somersworth Water Treatment Facility that expires on December 31, 2021, and

WHEREAS the Pall Corporation has informed the City they would like to terminate this lease in accordance with the terms and conditions of the lease, but also have requested a six-month extension to expire on June 30, 2022 to remove all equipment and fixtures as required by the lease terms and conditions, and

WHEREAS the agreed lease amount for the six-month extension is \$1,200 (One Thousand Two Hundred dollars) per month,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute a lease extension through June 30, 2022 with the Pall Corporation of Port Washington, NY, for \$1,200 (One Thousand Two Hundred dollars) per month, for building space at the Somersworth Water Treatment Facility under terms and conditions deemed to be in the best interest of the City.

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

## City of Somersworth – Resolution 13-22

### History

First Read Date:	10/25/2021	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	10/25/2021		

### Discussion

*10/25/2021*

*Councilor Witham made a motion to waive Council Rules to allow for a second reading of Resolution No. 13-22. The motion was seconded by Councilor Austin and passed 8-0. Clerk Slaven performed a second reading of Resolution No. 13-22.*

*Councilor Witham made a motion to adopt Resolution No. 13-22 as submitted. The motion was seconded by Councilor Cameron and passed 8-0 by roll call vote.*

Voting Record		YES	NO
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 10/25/2021	Resolution 13-22	<b>PASSED</b>	<b>FAILED</b>



## City of Somersworth – Resolution

Resolution No: **14-22**

### **AUTHORIZING WARMING SHELTER OPERATION AS REQUESTED BY SERVICE PROVIDER ORGANIZATIONS**

October 25, 2021

WHEREAS a plan is in motion to clear private property of trespassers, which will result in approximately 60 individuals in Somersworth who are unhoused and living outside to be displaced with no alternative housing as winter arrives,

WHEREAS service provider organizations from the Tri-City regions are currently organizing to offer support services to these individuals up until the date of the clearing, temporarily using the Warming Shelter at Willand Pond as a triage site to connect individuals with support services,

WHEREAS these service provider organizations have requested permission to temporarily operate the Warming Shelter at Willand Pond beyond emergency weather events to better meet the needs of the displaced individuals once clearing has commenced,

WHEREAS funding solutions to support these efforts are being coordinated through service provider organizations and no additional funding is being requested from the Tri-Cities,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT we support the request to operate the Warming Shelter at Willand Pond as needed, and authorize its use up to full-time, through April 1, 2022.

#### **Authorization**

*Sponsored by Councilor:*  
Crystal Paradis

*Approved:*  
City Attorney

## City of Somersworth – Resolution 14-22

### History

First Read Date:	10/25/2021	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	10/25/2021		

### Discussion

*10/25/2021*

*Councilor Paradis made a motion to waive Council Rules to allow for a second reading of Resolution No. 14-22. The motion was seconded by Councilor Witham and passed 8-0. Clerk Slaven performed a second reading of Resolution No. 14-22.*

*Councilor Paradis made a motion to adopt Resolution No. 14-22 as submitted. The motion was seconded by Councilor Witham.*

Councilor Paradis stated that the proposed clearing of the encampment on the Garabedian property is not a new issue. She cited a denial of a request to extend hours at the warming shelter as grounds for creating this Resolution. What is being proposed is the potential use of the warming shelter, which can house up to 80 people overnight, beyond just using the facility for extreme weather events. Service providers have noted that available beds are extremely limited and staffing facilities has also been a difficult item to address. Paradis stated that this Resolution is a positive step towards letting service providers see the City's support for the extended use of the facility.

Paradis said that a "yes" vote for this Resolution does not immediately open the warming center up full time, rather, it shows we support that idea as an option. She also read two letters of support for opening the warming center to aid with those people currently living at the Willand Pond encampment. Paradis clarified that this is not a full-time or long-term solution, but a solution that is being requested only for this winter. She added that the CDC is still recommending against the breaking up of homeless encampments.

Councilor Witham gave some history of when Dover received grant money for the purchase of the warming center on Willand Drive. He stated the idea was to provide a temporary warming center for last and this winter, sell the building, and build a more permanent shelter elsewhere. He stated officials from Somersworth and Dover came to a memorandum of understanding (MOU) outlining the use of the warming center. He inquired if this agreement would need to be modified. Manager Belmore clarified that Somersworth's City Council voted to enter into an MOU; as did the City Councils of Dover and Rochester as did the Community Action Partnership (CAP). He added that we would need to modify the agreement based on what the operation of the warming center would be as it is currently written for a warming center, not a shelter. Witham inquired if the change in use would need to go before the Planning Board also? Manager Belmore replied he believes the City of Dover would have

a governmental exception permitting them to move forward without coming before the Somersworth Planning Board.

Councilor Pepin stated he fully supports the people that need help, but noted that Somersworth does not own the keys to the warming center. He said he would feel more comfortable if Dover took the lead.

Councilor Cameron expressed her concern about how the staffing issue would be addressed.

Councilor Gerding asked for verification that Somersworth is not bound to any funding. Manager Belmore replied that it does not appear we are committed to funding, rather just a vote to support a request to operate the warming center as a temporary full-time shelter if need be. Gerding also asked if the contracts we have with service providers for this winter, through the MOU, are from the previous year. Manager Belmore stated that CAP coordinates all of the service provider contracts. Gerding stated that what we see in the Resolution is a small first step to be able to do what we say we are hoping to do; providing shelter and services to the individuals being removed from the Garabedian property. He added that if we are not bound to paying for anything and are simply making a statement as a body that this is something we support, he has no issue with this Resolution.

Councilor Austin stated we may not have been asked for additional funds, we are still responsible for all of the first responder calls to the warming center. He added that although it is a laudable attempt, we need to consider all the aspects of homelessness and also agrees that Dover should be in the driver seat to negotiate an agreement.

Councilor Witham stated that services equal funds. He said with increase use the calls for service will be substantial which has a cost to it. The intent of the Resolution is good, but maybe it should be to direct the City Manager to work with the other Tri-City Managers to rework the MOU.

Councilor Pepin stated his problem is he doesn't know how much the use of the facility is going to grow. He added that many of the people using the facility are from other communities. Pepin added that this issue should be handled at the State or County level. He noted concern that if we open this up, those from other communities are going to be the ones who benefit.

Councilor Gerding stated that the first responder calls to the Garabedian property outweighed the number of calls to the warming center to his recollection. Gerding said utilizing the facility at least removes those individuals from a situation that is more harmful and more difficult for our first responders to attend to. At the facility, they are already in the care of service providers. He said he imagines the calls would decrease if we have the individuals at a singular location. Gerding also mentioned that amending the MOU, whether in the Resolution or not, is worth moving forward with.

Councilor Dumont stated the population of Dover and Rochester together is about 6-times that of Somersworth. He said when the deal was first presented, we wanted to be a good neighbor, but that the loss of tax revenue to Somersworth gets lost on many. Dumont stated when it was first opened, CAP was sending individuals with behavioral issues to the facility. He said that though there may not be costs to the City for clearing the encampment, the property owner will have to bear costs of cleanup. Dumont said the City of Dover should be getting a modified agreement together as the original agreement says nothing about being open full-time.



Councilor Michaud stated the City of Somersworth does not own the building and the City of Dover should be taking the lead on this. He also noted the limited availability of the facility and his concern people will be coming from all over. Michaud stated he thought Strafford County would be the lead agency handling this situation, but they are nowhere to be found.

Councilor Witham stated he cannot vote in favor of the Resolution as it is. He said, if we table, he will be looking for the Resolution to have additional language addressing the MOU and include staff recommendations.

Councilor Paradis stated that in a meeting with Dover officials, they said they could not move forward without the support from Somersworth and that our inaction is only enabling Dover's inaction. The Resolution is our way of saying we are not the one standing in the way. Passing this Resolution is a way to tell CAP to start seeking staffing. CAP has worked around their staff's availability which they line up a few weeks in advance of releasing a schedule. She stated that the Tri-City Managers were approached with a similar request back in June and never made it to Council. Paradis noted that the capacity of the building is 80 people. She doesn't believe there will be a large influx of people coming from out of town, however, if so and we have empty beds, we should be welcoming them in. This Resolution is a first chance to take any sort of action.

Councilor Pepin inquired why Dover proceeded with a Right to Know request to find out the number of service calls to the warming center. They were fine asking that, but cannot come to us to ask about opening the facility.

Councilor Dumont reiterated that this is not our lead. It is costing us money because of the lost tax revenue. He added that we already compromised on this deal, and Dover needs to do more. Somersworth should not have to waste our time, money, and staff when we are the smallest of the Tri-Cities with the least number of resources. Until the MOU is changed, he will not support the Resolution.

Councilor Michaud stated given that CAP wants to open on November 29<sup>th</sup> and the Garabedian Group is requesting the encampment cleared on the 8<sup>th</sup>. If we are willing to work with the property owner, perhaps we can get them to give us a little more time.

***The motion made by Councilor Paradis to adopt Resolution No. 14-22 failed 6-2 by roll call vote with Councilors Pepin, Dumont, Austin, Michaud, Witham, and Cameron voting "No".***

Voting Record		YES	NO
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>2</b>	<b>6</b>
On 10/25/2021	Resolution 14-22	PASSED	<b>FAILED</b>