

Minutes of City Council Meeting Monday, December 12, 2022

ROLL CALL OF MEMBERS

The meeting was called to order at 7:00 p.m. by Mayor Dana S. Hilliard and, upon roll call, the following Council members were present: Pepin, Gibson, Michaud, Witham, Cameron, Gerding and Messier.

Councilors Vincent and Austin were excused.

PLEDGE OF ALLEGIANCE

Councilor Pepin led the Pledge of Allegiance.

RECOGNITION OF INDIGENOUS PEOPLE – OUR NATIVE ANCESTRAL AMERICANS

Mayor Hilliard read the Recognition of Indigenous People – Our Native Ancestral Americans

PUBLIC HEARING

- A. **Ordinance 8-23** – To Amend Chapter 19 – Zoning, Table Uses 4.A.1, Footnote #2

There were no public comments.

COMMENTS BY VISITORS

There were no comments by visitors.

CONSENT CALENDAR

- A. Approve Minutes of the City Council & Joint School Board Meeting held on October 18, 2022.
- B. Approve Minutes of the City Council Meeting held on November 14, 2022

Councilor Pepin made a motion to approve all items in the Consent Calendar. The motion was seconded by Councilor Gibson and passed by voice vote.

COMMENTS BY CITY COUNCILORS

Councilor Michaud expressed interest to the Council in revisiting and perhaps downsizing the size of the Historic District and referenced recent Historic District Commission Meetings regarding developers proposing a project at 85 Elm Street and the amount of work they needed to go through to get it approved.

COMMUNICATIONS

There were no communications.

PRESENTATIONS OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE

There were none.

MAYOR'S REPORT

The lights, carols, parades, food, laughter, and all of the traditions are meant to give us a daily boost of excitement and remind us that despite this often being the most physical, and mental trying time of the year, there is hope and light will prevail.

There is often a striking universal balance that occurs this time of year. We balance between yearning to embrace the happiness that is surrounding us and resisting the weight of the fatigue which has overcome most of our bodies and souls. Yes, November and December are hard. I must admit, I am often lost when individuals allude to the “stress” of the holidays. I could never embrace how being thankful, or surrounding yourself with those you love, could be “stressful”. However, nature and the universe always have a way of testing us.

The physical elements of the months and days that encompass the holiday season put to the test the resiliency and fortitude of our individual constructions. The stripping of light and extended periods of darkness, blue skies replaced with a blanket of gray, and a lifeless cold hard earth, all testing our strength to overcome. Not one of these descriptions put any of us on a path towards an abundance of inner self-worth or a willingness to extend gratitude. However, for millennia, the circle has continued to turn and somehow during the darkest and often most hopeless months of the year, the light breaks through and we celebrate.

We celebrate.

We celebrate how each of us have been given another moment in time to gather at a table, around a tree, lighting a Menorah, or singing in church.

We celebrate.

We celebrate the sensory overload of the smell of pies and cookies, fresh brewed coffee, and meals that only taste good at home.

We celebrate.

We celebrate those who join us in spirit, by sharing stories and laughter of the times that we were altogether, knowing that each time they are named and spoken of, they are with us, sharing in the warmth and love that extends to their world beyond.

We honor.

We honor traditions which have lasted for thousands of years, as well as the new ones we have started, all bonded together by the universal thread of humanity.

We extend.

We extend the happiness, the hope, and the blessings we have been given to those who are struggling, for all of us struggle, all of us loose hope, experience darkness, cold and loss. When we reach, guide, remember those moments, and feel for those who are there for whatever reason, our inner light radiates, and the hidden magic of the season and holidays is revealed.

The joy in cold is seeking warmth.

The joy in darkness is welcoming the return of light.

Loneliness is defeated by companionship and friendship and love, love will overpower and win against all.

This season, extend the warmth.

Welcome and spread the light.

Overcome and help others defeat loneliness, and let love continue to win against all.

- “It’s a Wonderful Life” takes place in a town called Bedford Falls, a town where community is defined by people helping people. The real Bedford Falls is 10 square miles, it is in New Hampshire and is that states smallest city. It’s name.....Somersworth!

The Hilltopper Spirit of neighbor helping neighbor helping neighbor resonated throughout Walmart and the Hilltop City last Wednesday at the annual Police Department “Shop with a Cop” Thank you to all who partnered I this amazing program, bringing the meaning of the holidays to life.

- And while the Police have been busy shopping the Fire Department has been busy wrapping as part of their annual “Toys for Tots” drive. The event which is well over a decade old continues to spread joy and happiness to youngster in need of Santa’s magic. Thank you to the Fire Department and all City employees who go above and beyond this time of year and every day.
- The “official” Hilltopper tree has been illuminated and a successful Somersworth/Berwick Christmas parade took place this past Saturday. Many thanks to all members of the parade commission for your hard work at ensuring the holiday magic can be spread throughout both of our communities.

Under nominations, appointments and Elections; **In accordance with City Charter Article 10.4**, the follow is being brought forward for a confirmation vote;

- Paul Hackworth Jr. as At Large School Board Member with a term to expire at the conclusion of the next Municipal Election

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

- *Ronald LeHoullier re-appointed to Planning Board term to expire January 2026*

In accordance with **Council Rule 17** the nominations will remain open until the next regular scheduled meeting.

This respectfully concludes my December 12, 2022, Mayors Report

REPORT OF STANDING COMMITTEES

Finance Committee – Councilor Witham reported that the Finance Committee met on November 29th and noted that Councilor Michaud was a temporary appointment in place of Councilor Gibson. The first agenda item was on the topic of the School Zone Warning Lights for Maple Street and High Street whereas the Public Works & Environment Committee met and endorsed the replacement of the current aging lights on Maple Street and High Street requiring traffic to reduce their speed to 20 MPH during school zone activities and recommend contracting with S.U.R Construction to install the same TAPCO brand and software school zone warning lights that were recently installed as part of the Cemetery Road Complete Streets Project. The Finance Committee supported a Resolution authorizing the City to move forward with S.U.R Construction to install the school zone warning lights and approved a project amount not to exceed \$40,000 which included approximately \$5,000 in contingency funds, and to sponsor a Resolution to authorize the use of the Municipal and Transportation Fund to fund the project, and to sponsor a Supplemental Appropriation to appropriate the funding for the project into this year's fiscal budget all being present during tonight's City Council Meeting, all of which passed 4-0.

Councilor Witham noted that the Finance Committee supported a Resolution for the City Manager to accept a NH DES Cybersecurity Implementation Grant in the amount of \$41,966 and would cover costs to address the list of recommendations made by ATOM Group to increase software and hardware security at the Water and Wastewater Treatment Facilities.

Councilor Witham stated the next item discussed was the Extrication Tools Bids for the Fire Department noting that the City had budgeted for the replacement of the extrication tools, commonly known as the jaws of life, and meanwhile Chief Kramlinger was able to secure a Grant to cover the cost of the tools. The Fire Department received five bids and are continuing to research and evaluate the equipment offered by each vendor including the scheduling of on-site demonstrations showing the equipment cutting into cars to determine operator friendliness, speed of the equipment, ease of use, etc. before finalizing a recommended purchase.

Councilor Witham reported that Finance Director Smith provided an update on the General Fund budget summary and stated that we need to continue to closely monitor the Fire Department budget caused by the unanticipated engine repair and overtime expenses. Additionally, Director Smith noted to the Finance Committee that the combined City and School electric contracted rate is set to expire in November 2023 and the natural gas contract rate is set to expire April 2024 and will be mindful of those potential increased expenses as he begins to prepare the next year's fiscal budget.

Councilor Witham reported the Committee's discussion of the two surplus vehicles that would typically be sold through GovDeals and is anticipating such, pending the School Department's confirmed interest in the water division's box truck for use by their CTC program or Maintenance Personnel.

The Committee received an update from Director Smith regarding the tax rate which was pending release from the DRA and has since been set and the tax bills sent out.

Councilor Witham mentioned the several grant opportunities available for the Water and Wastewater Treatment Facilities which the Finance Committee had no issues with pursuing those. Lastly the status of Berwick's request for the water interconnect with the City's municipal water was mentioned and reported to currently be in the hands of Berwick and that the City is open to discussion if and when the Town of Berwick would like to discuss.

Government Operation Committee – Councilor Michaud reported the Committee is looking to meet during the beginning of January 2023.

Public Safety Committee – Councilor Pepin confirmed the Committee is scheduled to meet during the beginning of January 2023.

Public Works & Environment Committee – Council Witham reported the committee has not met but the Public Works Department did run a test drill with snow this morning to which they did an admiral job.

REPORT OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

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, December 9, 2022

SUBJECT: City Manager's Report for Monday, December 12, 2022 City Council Meeting

Lay on the Table (under Section 14 of Agenda)

Other

- A. Vote to Approve Issuing a Request for Qualifications (RFQ) for the Purchase and Development of the National Guard Readiness Property for Residential Use (requested by the National Guard Building Reuse Commission). The thought now is to meet after the Holidays to discuss the reuse of the National Guard Readiness Property and other City owned properties at a goal setting session.

Unfinished Business (under Section 15 of Agenda)

Ordinances

- A. Ordinance No. 7-23: City Council Meeting Schedule for 2023. Again, Mayor Dana S. Hilliard has proposed the following 2023 City Council meeting calendar dates.
- B. Ordinance No. 8-23: To Amend Chapter 19 - Zoning, Table of Uses 4.A.1, Footnote 2. Again, the Planning Board voted to recommend this change to the full Council at their October 19th meeting. This recommendation originated at the Zoning Board of Adjustment level.

Resolutions

- A. Resolution No. 18-23: To Authorize the City Manager to Enter into an Amended Agreement with the State of New Hampshire Division of Historical Resources and to Accept an Additional Moose Plate Program Grant Award. Again, this Grant is for the repair and replacement of the well house roof in the Forest Glade Cemetery. Since bids came in over the original estimate, staff submitted for additional funding so that we could move forward with this project supported by this Moose Plate supplemental Grant award.

New Business (under Section 16 of Agenda)

Ordinances

- A. Ordinance No. 9-23: Supplemental Appropriation to Replace the School Zone Warning Lights on Maple Street and High Street. The Public Works & Environment Committee met on November 10th and the Finance Committee met on November 29th and both Committees voted to recommend replacing the School Zone Warning Lights. As required by City Charter, a Public Hearing should be scheduled for the next regular meeting on Monday, January 9, 2023.

Manager Belmore added that the replacement will be coordinated so that the same software is installed as was done during the Cemetery Road improvements and will be looking to place the school zone warning lights at the proper distance from the school entryways.

Resolutions

- A. Resolution No. 20-23: To Authorize the City Manager to Prepare Bid Specifications for Crack Sealing of Selected Streets. The Public Works & Environment Committee met on November 10th and voted to recommend the crack sealing of these selected streets. Attached is a copy of a Staff Memorandum provided to the Committee.
- B. Resolution No. 21-23: To Authorize the City Manager to Accept the New Hampshire Department of Environmental Services Cybersecurity Implementation Grant. The Finance Committee met on November 29th and voted to recommend accepting this Grant. Attached are copies of the Grant awards notification and an excerpt from the Grant Agreement documents.

Manager Belmore added that there is no City match required and the Cybersecurity Implementation covers both the Water and Wastewater Treatment Facilities.

- C. Resolution No. 22-23: Proclamation Declaring January Diversity Month in the City of Somersworth. City Council should consider waiving Council Rules to act on this Resolution this evening. Attached is a copy of the City Ordinance, Section 6.7.3 of Ch. 6, regarding this annual Action Item.

Manager Belmore suggested that the City Council waive Council rules so that this Resolution is enacted prior to January 1st.

- D. Resolution No. 23-23: To Authorize the City to Use Funding from the Municipal and Transportation Fund to Replace the School Zone Warning Lights on Maple Street and High Street.** The Public Works & Environment Committee met on November 10th and the Finance Committee met on November 29th and both Committees voted to recommend replacing the School Zone Warning Lights based on the SUR proposal. Attached is a copy of the SUR proposal.

Other

- A. Vote to Authorize the Sale of City Surplus Property-per Administrative Code, Chapter 29, Section 8.5, Disposal of City Property: Vehicles (2).** Attached is a copy of this Section of the City Ordinance as well as information pertaining to the vehicles and equipment to be sold on GovDeals. The equipment includes one (1) police unmarked truck and one (1) water division box truck. Please note: The School Department is considering acceptance of the Water Division Box Truck as a transfer from the Water Division to the School Department.

Manager Belmore notes that the City Manager, according to the Administrative Code, can only sell excess materials, supplies and equipment that are less than \$1,000. As reported by Councilor Witham, the School Department is still considering the acceptance of the box truck as transfer between the Water Department and the School Department. He is therefore requesting that the Council authorize the sale of the two surplus vehicles or the sale of the one unmarked police vehicle and the transfer of the box truck to the School Department should the Council vote favorably.

- B. To Authorize the City Manager to Sign a Temporary Access Permit with Eversource for access onto Property Located at 100 Hide-Away Place (the Oaks Golf Course property).** Attached are copies of the Temporary Access Permit that I would sign along with the Lessee.

City Manager's Items (under section 12 of Agenda)

Informational Items

- A. CIP Fiscal Year 2024-2029.** In accordance with the City Charter, I hereby submit my proposed Capital Improvement Program for City Council consideration. I look forward to Council's direction for future review and discussion opportunities. We have added the FY 23/28 CIP to your google drive and also a hard bound copy is in your mailbox here at City Hall.

Manager Belmore noted that the CIP was presented to the Planning Board and their recommendations are within the CIP packet provided to Council.

- B. 2022 Tax Rate.** Attached is a copy of the Tax Rate analysis provided by Finance Director Scott Smith. (as previously sent to you via email)

Manager Belmore explained that the budget is generally passed annually in April and when looking at the numbers for the proposed budget, there are a few things that the City is not yet aware of at that time and therefore do their best to estimate what the City's total property assessed value is and what State revenues will be. The net assessed valuation isn't determined and approved by the NH Department of Revenue Administration until around September of each year after they review it. Additionally, until City

staff meet with NH Department of Revenue Administration, the actual State revenues are unknown and generally is received around October; this year it was received in November due to the School Supplemental Appropriation. The assessed valuation came in a little higher than estimated, more State revenue in regards to meals and room distribution and group two retirement payments that the State had reimbursed all communities in New Hampshire for; therefore, the original estimated tax rate increase was \$1.24 and the actual rate increase was \$0.56.

C. NH DES Drinking Water Program Grant Funding. The Public Works & Environment Committee met on November 10th and the Finance Committee met on November 29th. Both Committees voted to support an application to the following two programs:

- Asset Management
- Energy Audit

Attach is a Memorandum from City Engineer Amber Hall that provides more information on these Grant opportunities. Staff has been informed that the deadline for these two programs is December 9th, therefore, I have authorized the City's application in order to meet this deadline. If awarded, I will be asking Council's authorization to accept the Grants and to move the Programs forward through appropriate Resolutions.

Attachments

1. Department Head Reports
2. City Attorney Certifications: Five (5)

NOMINATIONS, APPOINTMENTS AND ELECTION

In accordance with City Charter Article 10.4, the following is being brought forward for a confirmation vote:

Paul Hackworth Jr. as At Large School Board Member with a term to expire at the conclusion of the next Municipal Election

Councilor Witham requested clarification regarding Mr. Hackworth Jr. serving as a School Board Representative for Ward 1 and resigned from that position recently and now seeking to be placed on the At Large vacancy and questioning if it is because he had moved out of Ward 1. Mayor Hilliard confirmed that Mr. Hackworth Jr. had to resign from the Ward 1 seat due to moving out of the that Ward.

Councilor Witham made a motion to appoint Paul Hackworth Jr. to the School Board. The motion was seconded by Councilor Messier and passed 7-0 by voice vote.

In accordance with Council Rule 17, appointments of the following are being brought forward this evening and placed in nomination:

Ronald LeHoullier re-appointed to Planning Board with a term to expire January 2026.

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

LAY ON THE TABLE

Item not removed from the Lay on the Table.

Mayor Hilliard noted that there will be a special meeting workshop session scheduled regarding the item on the table and other City surplus after the first of the year in January 2023.

UNFINISHED BUSINESS

ORDINANCES

- A. **Ordinance 7-23** – City Council Meeting Schedule for 2023

Clerk LaPanne performed a second reading of Ordinance 7-23.

Councilor Gerding made a motion to adopt Ordinance 7-23 as submitted. The motion was seconded by Councilor Cameron and passed by 7-0 by roll call vote.

- B. **Ordinance 8-23** – To Amend Chapter 19 – Zoning, Table Uses 4.A.1, Footnote #2

Clerk LaPanne performed a second reading of Ordinance 7-23.

Councilor Gibson questioned the rationale behind this Ordinance change and requested an explanation to better understand the reasoning. Councilor Witham noted that in recent years there have been multiple requests for variances for the property owners to place living units on the first floor of buildings between Fayette Street to almost the Rollinsford Town Line and further explained that many of the buildings in that area were once large homes that have since become multi-family apartments and the current zoning ordinance requires there to be a business on the first floor. Due to the Zoning Board routinely granting variances for this Ordinance, it began to give questions to whether the current zoning ordinance was correctly depicting what is envisioned for this part of the City, the Zoning Board of Adjustment discussed and suggested that the City look at this Zoning change.

Councilor Witham made a motion to adopt Ordinance 8-23 as submitted. The motion was seconded by Councilor Pepin and passed 7-0 by roll call vote.

RESOLUTIONS

- A. **Resolution 18-23** – To Authorize the City Manager to Enter into An Amended Agreement with the State of New Hampshire Division of Historical Resources and to Accept an Additional Moose Plate Program Grant Award

Councilor Messier made a motion to adopt Resolution 18-23 as submitted. The motion was seconded by Councilor Cameron and passed 7-0 by roll call vote.

NEW BUSINESS

ORDINANCES

- A. **Ordinance 9-23** – Supplemental Appropriation to Replace the School Zone Warning Lights on Maple Street and High Street

Clerk LaPanne performed a first reading of Ordinance 9-23.

Ordinance 9-23 will remain in first reading until the call of the chair.

RESOLUTIONS

- A. **Resolution 20-23** - To Authorize the City Manager to Prepare Bid Specifications for Crack Sealing of Selected City Streets

Clerk LaPanne performed a first reading of Resolution 20-23.

Resolution 20-23 will remain in first reading until the call of the chair.

- B. **Resolution 21-23** – To Authorize the City Manager to Accept the New Hampshire Department of Environmental Services Cybersecurity Implementation Grant

Clerk LaPanne performed a first reading of Resolution 21-23.

Resolution 21-23 will remain in first reading until the call of the chair.

- C. **Resolution 22-23** - Proclamation Declaring January Diversity Month in the City of Somersworth

Clerk LaPanne performed a first reading of Resolution 22-23.

Councilor Witham made a motion to waive Council Rules to allow for a second reading of Resolution 22-23. The motion was seconded by Councilor Gibson and passed 7-0 by roll call vote.

Clerk LaPanne performed a seconded reading of Resolution 22-23.

Councilor Witham made a motion to adopt Resolution 22-23 as submitted. The motion was seconded by Councilor Gibson and passed 7-0 by roll call vote.

- D. **Resolution 23-23** – To Authorize the City to Use Funding from The Municipal and Transportation Fund to Replace the School Zone Warning Lights on Maple Street and High Street

Clerk LaPanne performed a first reading of Resolution 23-23.

Resolution 23-23 will remain in first reading until the call of the chair.

OTHER

- A. Vote to Authorize the Sale of City Surplus Property-per Administrative Code, Chapter 29, Section 8.5, Disposal of City Property: Vehicles (2)

The vote Authorize the Sale of City Surplus Property-per Administrative Code, Chapter 29, Section 8.5, Disposal of City Property: Vehicles (2) passed 7-0 by voice vote.

- B. To Authorize the City Manager to sign a Temporary Access Permit with Eversource for access onto property located at 100 Hide-Away Place (the Oaks Golf Course property).

Councilor Messier in requested clarification on what the City Council is authorizing and if the right away in question is for public use. Manager Belmore confirmed that Eversource is requesting use of the public right away but more importantly access to the powerlines further back. Councilor Messier added that someone might advise the Conservation Commission that Eversource has an agreement with the State to clear cut underneath the powerlines and is not associated with a request from the golf course.

The vote to Authorize the City Manager to sign a Temporary Access Permit with Eversource for access onto property located at 100 Hide-Away Place (the Oaks Golf Course property) passed 7-0 by voice vote.

COMMENTS BY VISITORS

Jon McCallion, residing in Ward 5 and business owner of JTaps, would like to see the school zone warning lights replaced on Maple Street and High Street. Mr. McCallion mentioned the parking downtown being problematic especially when multiple businesses may be having events simultaneously, after serving on multiple City boards/committees, he is aware of there not being an easy solution but suggested the possibility of implementing solar powered meters that can notify the Police Department in order to enforce parking limits. He suggested that something like metered parking could be helpful in capturing visitors who are staying for an hour or two while possibly prompting longer term visitors to park where they may be able to walk from. Lastly, Mr. McCallion requested that everyone consider in-town business when purchasing gift cards to help support our local Somersworth City businesses.

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Pepin thanked Councilor Cameron and the Parade Committee for the Berwick/Somersworth Parade and appreciated the efforts by all, he acknowledged the rescheduling of the Parade due to the weather and understood that some floats may have not been able to make the new date. Councilor Pepin wished all Merry Christmas and a Happy New Year and reminded all to be safe during the holidays.

Councilor Gibson wished all happy and safe holidays.

Councilor Michaud reminded the Council to ponder over the holiday season whether there would be any interest in revisiting the size of the Historic District. Councilor Michaud added that he was pleased to see that online he read that New Hampshire was rated number one as having the most Christmas Spirit in the United States, wished all a Merry Christmas and a Happy New Year. He added a thank you to Mr. McCallion for joining and gave a shoutout to JTaps and complimented their food and drinks.

Councilor Witham stated that Councilor Gibson's question regarding tonight's zoning change was appreciated and with other zoning changes in the works, suggested additional background information

be provided that explains reasoning for the requested change when it comes before Council for a vote. He mentioned the parade being rescheduled was the right thing to do in response to the incoming weather, he appreciated the alternate date and having the opportunity to walk in the parade which allowed him to connect with citizens; City Officials walked right behind the Somersworth High School Band as a joint effort with Marshwood and gave a shoutout to them as it seemed to him that they played throughout the whole parade, additionally, he felt that the band could use newer uniforms although it he clarified that it did not affect their ability to perform. Councilor Witham is happy with the placement of the City's Christmas Tree and noted the crooked street lamp pole that is more visible with the placement of the tree and requested a status update on the work order to correct it. He mentioned the reporting that has been provided regarding the usage of the Willand Warming Shelter this far and by SOS and has not been a burden to our emergency personnel which may have to do with the sporadic openings versus being open full-time. Last week there was an article in the Foster's regarding the final disposition of the Somersworth National Guard property, he reminded Council that the charge of the Commission to provide recommendations as been completed and as the former Chair, has no intention to schedule a future meeting with the Commission on the reuse of the property. Councilor Witham thanked Mr. McCallion for providing his input regarding downtown parking which is a statement to things going well but doesn't want the good things to be derailed for things such as parking issues, he also gave a shoutout to the part-time Parking Enforcement Officer but understands those hours are limited and is not sure if the City is at a point for a park and pay but it is an interesting question to perhaps consider. As a final comment, Councilor Witham wished all Hilltoppers a Merry Christmas and Happy New Year and wishes all to be safe.

Councilor Gerding commented that is there is a future Council Advisory Committee regarding the revision of the Historic District, he would be happy to sit on it as being the current Councils representative on the Historic District Commission to provide insight into process, thoughts and discussions that have been had. Councilor Gerding stated that the fact that the tax rate came in lower than he had anticipated is a testament to the fact that Somersworth is thriving and building in the City increases the property value and we should stay the course. He added that the Shop with a Cop Event is his favorite event of the entire year fueling him for the year and is happy doing just that for his Christmas spirit and thanked the Police Department for another phenomenal year with the event. Councilor Gerding mentioned with an upcoming housing workshop, he has interest in the potential for a zoning workshop after Councilor Witham's reference to other zoning changes coming and the workshop regarding City property may lead to further discussion of zoning issues. Wished everyone a Merry Christmas.

Councilor Cameron had the pleasure of joining in on the Shop with a Cop Event and shared a story that included her working at the store the event took place and was able to direct people in the correct directions when they were looking for specific items. She thanked everyone for coming to the Parade, it was smaller than anticipated but all had a good time. Councilor Cameron thanked Mr. McCallion for coming in to share his insight as a business owner and previous Councilor, and wished everyone a Merry Christmas.

Councilor Messier began by thanking the Warming Shelter personnel and SOS for the updates he has been receiving and also the contributions that seem to be a lot more than previous years such as people feeding people, transportation and job-training/counseling to help direct individuals out of the cycle of homelessness. Councilor Messier did not make it to the Shop with a Cop event but has heard from quite a few people about it and aside from the kids and their happiness, he heard about how much it has morphed into multiple police officers from out of the City, Sheriffs and State Police that attend and support the event which he expressed thanks for. He gave a shoutout to Fire Department Personnel for their efforts in the Toy Bank and wrapping of Christmas gifts. He comments that he is

having a hard time wrapping his head around the tax rate pertaining to the property assessed value and hopes that the tax rate is not being low-balled to arbitrarily keep the tax rate low as he believes some money had been left on the table. Councilor Messier wished everyone a Merry Christmas.

ADJOURNMENT

Councilor Michaud made a motion to adjourn the City Council meeting. The motion was seconded by Councilor Cameron and passed 7-0 by voice vote. The meeting adjourned at 8:09 p.m.

Respectfully Submitted,

Kristen LaPanne, City Clerk



City of Somersworth – Ordinance

Ordinance No: 7-23

CITY COUNCIL MEETING SCHEDULE FOR 2023

November 14, 2022

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT, in accordance with Chapter 3.7 of the City Charter which provides that the City Council’s “regular meetings shall be held on the first and third Monday of the month at 7:00 p.m. unless otherwise designated by Ordinance...” and Chapter 6, City Officials, Section 6.8.2 of the City Ordinances which also provides that the “City Council shall meet in regular session on the first and third Mondays of each month at 7:00 p.m., unless otherwise agreed on by a majority of the members of the Council” that the City Council Meeting schedule for 2023 shall be as follows:

- Monday, January 9th and Monday, January 23rd
- Monday, February 6th and Tuesday, February 21st
- Monday, March 6th and Monday March 20th
- Monday, April 3rd and Monday, April 17th
- Monday, May 1st and Monday, May 15th
- Monday, June 5th and Tuesday, June 20th
- Monday, July 10th
- Monday, August 7th
- Tuesday, September 5th and Monday September 18th
- Monday, October 9th and Monday, October 23rd
- Monday, November 13th
- Monday, December 11th

This Ordinance shall take effect upon passage.

Authorization

Sponsored by:

Approved:

December 12, 2022

City of Somersworth – Ordinance 7-23

History

First Read Date:	11/14/2022	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	12/12/2022		

Discussion

11/14/2022

Ordinance 7-23 will remain in first reading until the call of the Chair.


12/12/2022

Clerk LaPanne performed a second reading of Ordinance 7-23.

Councilor Gerding made a motion to adopt Ordinance 7-23 as submitted. The motion was seconded by Councilor Cameron and passed by 7-0 by roll call vote.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	Excused	
Ward 3 Councilor	Gibson	X	
Ward 4 Councilor	Austin	Excused	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier	X	
TOTAL VOTES:		7	

On	12/12/2022	Ordinance 7-23	PASSED	FAILED
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	City of Somersworth – Ordinance
	Ordinance No: 8-23 TO AMEND CHAPTER 19 – ZONING, TABLE OF USES 4.A.1, FOOTNOTE #2

November 14, 2022

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 Table of Uses – Table 4.A.1, Footnote # 2, New residential use is not allowed at the street level.

By adding the following:

Except within the Business District area starting at the intersection of Fayette Street and Main Street continuing along the length of the Business District until the Rollinsford Town line, this includes both sides of Main Street within the (B) District.

Note: The Planning Board made a motion to recommend to City Council to adjust the zoning ordinance as presented.

This Ordinance shall take effect upon passage.

Authorization	
<i>Sponsored by Councilor:</i>	<i>Approved:</i>

City of Somersworth – Ordinance 8-23

History

First Read Date:	11/14/2022	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	12/12/2022		

Discussion

11/14/2022

Ordinance 8-23 will remain in first reading until the call of the Chair. Public Hearing scheduled for next City Council meeting.


12/12/2022

Clerk LaPanne performed a second reading of Ordinance 7-23.

Councilor Gibson questioned the rationale behind this Ordinance change and requested an explanation to better understand the reasoning. Councilor Witham noted that in recent years there have been multiple requests for variances for the property owners to place living units on the first floor of buildings between Fayette Street to almost the Rollinsford Town Line and further explained that many of the buildings in that area were once large homes that have since become multi-family apartments and the current zoning ordinance requires there to be a business on the first floor. Due to the Planning Board routinely granting variances for this Ordinance, it began to give questions to whether the current zoning ordinance was correctly depicting what is envisioned for the part of the City, the Zoning Board of Adjustments discussed and agreed with the recommended changes.

Councilor Witham made a motion to adopt Ordinance 8-23 as submitted. The motion was seconded by Councilor Pepin and passed 7-0 by roll call vote.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	Excused	
Ward 3 Councilor	Gibson	X	
Ward 4 Councilor	Austin	Excused	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier	X	
TOTAL VOTES:		7	

	City of Somersworth – Resolution
Resolution No: 18-23 TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AMENDED AGREEMENT WITH THE STATE OF NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES AND TO ACCEPT AN ADDITIONAL MOOSE PLATE PROGRAM GRANT AWARD	

November 14, 2022

WHEREAS, the City Council adopted Resolution No. 12-22 on October 25, 2021 authorizing the City Manager to accept a Moose Plate Program Grant from the New Hampshire Division of Historical Resources in the amount of \$10,000 (Ten Thousand Dollars), to be used for replacing the Italianate Well House Roof at Forest Glade Cemetery, requiring no local matching funds; and

WHEREAS, City Staff solicited bids from qualified contractors for the project; and

WHEREAS, the project bids received were in excess of the \$10,000 (Ten Thousand Dollar) grant amount awarded to the City from the New Hampshire Moose Plate Grant Program; and

WHEREAS, City Staff applied for additional funds to complete the restoration and received notification the City was awarded an additional grant in the amount of \$15,000 (Fifteen Thousand Dollars) for a total project award of \$25,000 (Twenty-Five Thousand Dollars);

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to enter into an agreement with the New Hampshire Division of Historical Resources for an additional Moose Plate Program Grant, and to execute any documents and agreements necessary for the grant's 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	
<i>Sponsored by Councilors:</i> David A. Witham Denis Messier Nancie Cameron Richard Michaud	<i>Approved:</i> City Attorney

Donald Austin Martin Pepin Kenneth Vincent	
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City of Somersworth – Resolution 18-23

History

First Read Date:	11/14/2022	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	12/12/2022		

Discussion

11/14/2022

Resolution 18-23 will remain in first reading until the call of the Chair.

12/12/2022

Councilor Messier made a motion to adopt Resolution No. 18-23 as submitted. The motion was seconded by Councilor Cameron and passed 7-0 by roll call vote.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	Excused	
Ward 3 Councilor	Gibson	X	
Ward 4 Councilor	Austin	Excused	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier	X	
TOTAL VOTES:		7	

On 12/12/2022	Resolution 18-23	PASSED	FAILED
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City of Somersworth – Ordinance

Ordinance No: **9-23**

SUPPLEMENTAL APPROPRIATION TO REPLACE THE SCHOOL ZONE WARNING LIGHTS ON MAPLE STREET AND HIGH STREET

December 12, 2022

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 22-23 is amended as follows:

Appropriate \$40,000 (Forty Thousand dollars) from the Municipal and Transportation Fund to the Capital Outlay Budget as follows;

Original Budget	Amendment	Revised Budget
\$ 167,459	\$ 40,000	\$ 207,459

Approved as to Funding:

Scott A. Smith
Director of Finance and Administration

Recorded by:

Kristen LaPanne
City Clerk

Background:

This ordinance appropriates funding from the Municipal and Transportation Fund for the replacement of School Zone Warning lights on Maple Street and High Street.

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

This Ordinance shall take effect upon passage.

Authorization	
<i>Sponsored by Councilor:</i> David A. Witham Donald Austin Matthew Gerding Richard R. Michaud	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 9-23

History

First Read Date:	12/12/2022	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			


Discussion

12/12/2022

Clerk LaPanne performed a first reading of Ordinance 9-23.

Ordinance 9-23 will remain in first reading until the call of the chair.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On / / Ordinance 9-23		PASSED	FAILED

	City of Somersworth – Resolution
	Resolution No: 20-23 TO AUTHORIZE THE CITY MANAGER TO PREPARE BID SPECIFICATIONS FOR CRACK SEALING OF SELECTED STREETS

December 12, 2022

WHEREAS the City of Somersworth’s Capital Improvement Plan recommends road preventative and general maintenance of streets in the City, and

WHEREAS the City has prioritized street repair using the BETA Pavement Condition Assessment Program, and

WHEREAS the Public Works and Environment Committee reviewed staff recommended streets to be included for crack sealing preventative maintenance, and now, therefore, supports the following:

Maple Street (Backwater Road to Linden Street)
 Hillside Street (Winter Street to Maple Street)
 Washington Street (High Street to Main Street)
 Kilda Street (Route 108 to Cecile Street)
 Cecile Street (Blackwater Road to Kilda Street)
 Blackwater Road (Dover Line to High Street)
 Salmon Falls Road (Eddy Bridge to Rochester Line)
 High Street (section between Stackpole Road and Commercial Drive)

NOW, THEREFORE, BE IT RESOLVED THAT 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 crack sealing 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 Denis Messier Martin Pepin Kenneth S. Vincent	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 20-23

History

First Read Date:	12/12/2022	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			


Discussion

12/12/2022

Clerk LaPanne performed a first reading of Resolution 20-23.

Resolution 20-23 will remain in first reading until the call of the chair.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On / / Resolution 20-23		PASSED	FAILED

	City of Somersworth – Resolution
	Resolution No: 21-23 TO AUTHORIZE THE CITY MANAGER TO ACCEPT THE NEW HAMPSHIRE DEPARTMENT OF ENVIRONMENTAL SERVICES CYBERSECURITY IMPLEMENTATION GRANT

December 12, 2022

WHEREAS the City contracted with ATOM Group to conduct a Cybersecurity Audit at the City’s Water and Wastewater Treatment Facilities and the City was provided a list of recommendations to increase security, titled “SCADA Testing Results”; and

WHEREAS the City of Somersworth applied for an American Rescue Plan Act (ARPA) Cybersecurity Implementation Grant Program through the New Hampshire Department of Environmental Services to address the list of recommendations provided in the City’s cybersecurity assessment; and

WHEREAS the City of Somersworth has been notified that they have been awarded a Grant, with no local match required, in the amount of \$41,966 (Forty-One Thousand Nine Hundred Sixty-Six Dollars) to implement the recommendations identified in the City’s cybersecurity assessment at the City’s Water and Wastewater Treatment Facilities; and

WHEREAS the Finance Committee reviewed this Grant award with City staff at their November 29, 2022 meeting and recommends acceptance of the Grant;

NOW, THEREFORE, BE IT RESOLVED THAT BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to accept the New Hampshire Department of Environmental Services Cybersecurity Implementation Grant 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 Donald Austin Matthew Gerding Richard R. Michaud	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 21-23

History

First Read Date:	12/12/2022	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

12/12/2022

Clerk LaPanne performed a first reading of Resolution 21-23.

Resolution 21-23 will remain in first reading until the call of the chair.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On / / Resolution 21-23		PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 22-23

PROCLAMATION DECLARING JANUARY DIVERSITY MONTH IN THE CITY OF SOMERSWORTH

December 12, 2022

WHEREAS, January 15, 2023 will mark the 94th birthday of the Rev. Martin Luther King, Jr.; and

WHEREAS, the “dream” of equal treatment, is the foundation of human rights and democratic values; and

WHEREAS, our Nation has worked towards the goal of fulfillment of this commitment for over 245 years; and

WHEREAS, the City of Somersworth has become a model of a Community which embraces and promotes its diversity; and

WHEREAS, the City of Somersworth is committed to the values of equality and liberty stated in the Declaration of Independence, United States Constitution, New Hampshire State Constitution and City Charter; and

WHEREAS, the Rev. Martin Luther King, Jr. reminded us that freedom, liberty and equality must be protected for all citizens and that “from the prodigious hilltops of New Hampshire, let freedom ring.”

NOW, THEREFORE, BE IT RESOLVED THAT the City of Somersworth encourages all residents, including community groups, schools and institutions to continue to work toward fulfilling Dr. King’s dream of the elimination of all barriers to the fulfillment of equal opportunities and human rights; and

The City of Somersworth calls upon all citizens to reflect during this month on the message of Rev. Martin Luther King, Jr. and commit themselves throughout the year to join the fight for the elimination of all forms of discrimination and disadvantage and to ensure that everyone has the right to live in conditions of dignity, respect and peace; and

The Somersworth Mayor and City Council hereby declare that January, 2023 be Diversity and Equality Month in the City of Somersworth and that the City of Somersworth along with all of its citizens hereby recommits itself to the fulfillment of Rev. Martin Luther King, Jr.’s “Dream.”

Authorization

Sponsored by:

Mayor Dana S. Hilliard

Councilors:

David A. Witham

Donald Austin

Richard R. Michaud

Nancie Cameron

Kenneth S. Vincent

Martin Pepin

Robert Gibson

Matthew Gerding

Denis Messier

Approved:

City Attorney

City of Somersworth – Resolution 22-23

History

First Read Date:	12/12/2022	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	12/12/2022		

Discussion

12/12/2022

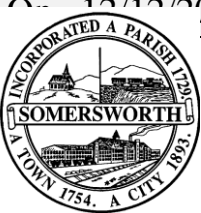
Clerk LaPanne performed a first reading of Resolution 22-23.

Councilor Witham made a motion to waive Council Rules to allow for a second reading of Resolution 22-23. The motion was seconded by Councilor Gibson and passed 7-0 by roll call vote.

Clerk LaPanne performed a seconded reading of Resolution 22-23.

Councilor Witham made a motion to adopt Resolution 22-23 as submitted. The motion was seconded by Councilor Gibson and passed 7-0 by roll call vote.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	Excused	
Ward 3 Councilor	Gibson	X	
Ward 4 Councilor	Austin	Excused	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier	X	
TOTAL VOTES:		7	

	<table border="1"> <tr> <th colspan="2">City of Somersworth – Resolution</th></tr> <tr> <td>Resolution No:</td><td>23-23</td></tr> <tr> <td colspan="2">TO AUTHORIZE THE CITY TO USE FUNDING FROM THE MUNICIPAL AND TRANSPORTATION FUND TO REPLACE THE SCHOOL ZONE WARNING LIGHTS ON MAPLE STREET AND HIGH STREET</td></tr> </table>	City of Somersworth – Resolution		Resolution No:	23-23	TO AUTHORIZE THE CITY TO USE FUNDING FROM THE MUNICIPAL AND TRANSPORTATION FUND TO REPLACE THE SCHOOL ZONE WARNING LIGHTS ON MAPLE STREET AND HIGH STREET	
City of Somersworth – Resolution							
Resolution No:	23-23						
TO AUTHORIZE THE CITY TO USE FUNDING FROM THE MUNICIPAL AND TRANSPORTATION FUND TO REPLACE THE SCHOOL ZONE WARNING LIGHTS ON MAPLE STREET AND HIGH STREET							

December 12, 2022

WHEREAS, the School Zone Warning lights on Maple Street and High Street are aged and in poor condition; and

WHEREAS, City Staff solicited quotes to replace the School Zone Warning lights with modern equipment utilizing present day standards and powered using solar technology; and

WHEREAS, City Staff recommends contracting with S.U.R. Construction of Rochester, NH to replace the School Zone Warning lights utilizing software that is consistent with the other school zones in the City; and

WHEREAS, the Public Works and Environment Committee reviewed this recommendation with City Staff and supports contracting with S.U.R. Construction; and

WHEREAS, the Finance Committee reviewed this recommendation with City Staff and supports contracting with S.U.R. Construction for an amount not to exceed \$40,000 (Forty Thousand dollars); and

WHEREAS, the Finance Committee recommends utilizing the Municipal and Transportation Fund for this project; and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City may utilize an amount not to exceed \$40,000 (Forty Thousand dollars) from the Municipal and Transportation Fund to replace the School Warning lights on Maple Street and High Street.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Donald Austin Richard R. Michaud Kenneth S. Vincent Martin Pepin Matthew Gerding Denis Messier	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 23-23

History

First Read Date:	12/12/2022	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

12/12/2022

Clerk LaPanne performed a first reading of Resolution 23-23.

Resolution 23-23 will remain in first reading until the call of the chair.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On / / Resolution 23-23		PASSED	FAILED