

## Minutes of City Council Meeting Monday, January 09, 2023

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### **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, Vincent, Gibson, Austin, Michaud, Witham, Gerding, Cameron and Messier.

### **PLEDGE OF ALLEGIANCE**

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

There were no public comments.

### **COMMENTS BY VISITORS**

There were no comments by visitors.

### **CONSENT CALENDAR**

- A. Approve Minutes of the City Council Meeting held on December 12, 2022

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

### **NEW BUSINESS**

#### **OTHER**

*Mayor Hilliard requested that without objection from the City Council, Other A. Update on the Emergency Warming Center Operations and Request for Sunday Operations be brought forward. There was no objection from the City Council.* The Chair of the Strafford County Commissioners, George Maglaras, along with Mayor Carrier of Dover and Mayor Callaghan of Rochester were in attendance to discuss this topic.

Mr. Maglaras began by stating that their request is to operate the Warming Center on Sundays during the day with the number one reason being that the County support networks are not open on Sundays such as SOS and Community Action Partnership. Mr. Maglaras stated with this request, they are trying

to protect the community and there is nowhere for homeless individuals to go on Sundays. The County Commissioners along with the Emergency Management Directors (EMD) believe that the most appropriate thing to do would be to open the Warming Center during the day on Sundays to provide services under the current contract, there is no increase in expenses to the County tax payers expected as there is additional Federal funding available if needed.

Mr. Maglaras stated they had thought of paying to have SOS open on Sundays but the fact is that they cannot currently staff it for seven days a week and the cost would be higher to do so. Councilor Gibson questioned how the Warming Center would be staffed on Sundays, Mr. Maglaras confirmed that staffing would remain the same with volunteers and some staff from SOS along with the hope of including wrap-around services from other service providers. He added that there are approximately 8-10 Sundays that the Warming Center would be open per the contract end date and warmer weather.

Mr. Maglaras mentioned the reporting being provided by SOS pertaining to the Warming Shelter which the County Commissioners, the Mayors and City Managers of the Tri-City and the EMD's are pleased with. Councilor Witham added that he too is pleased with the reports and stated that the reports have been extremely beneficial in outlining the scope of services and number of individuals attending the Warming Center. Councilor Witham asked for clarification of this requested change of Sunday operations being open regardless of the weather as an extension of services.

Mr. Maglaras thanked the City Council for allowing the County to work with the Municipalities on this and shared news that the County has been able to secure just under \$15.5 million toward the construction of a new County Nursing Home and County delegation has authorized the spending of \$6 million for a design of the new facility which is expected to take 16-20 months to complete the design work. Mr. Maglaras stated that he would be hearing from the Regional Planning Commission regarding the housing situation within Strafford County which will lead to meaningful discussions pertaining to affordable housing.

Councilor Witham stated that he planned to support the request for Sunday Operations for the Warming Center and mentioned that some of his apprehension in the past about the Warming Shelter being opened more than it currently is was due to demand on services from police, fire and EMS which compared to last year, has been much lower and therefore he is more welcoming to this conversation along with the fact that the County and Municipalities have been moving towards a more long-term, cohesive approach.

Councilor Pepin complimented the SOS organization for the way they have been running the Warming Center and the fact that it was brought up at the Public Safety Committee for an update. He added that his two biggest concerns last year were the impact to local businesses when individuals staying at the Warming Center were not brought back to where they may have come from and were left waiting around until the Warming Center reopened and that that people were being sent from out of State. Councilor Pepin referenced watching Channel News 9 earlier in the day and them reporting that police departments are dropping off individuals in other jurisdictions. He does support the request for Sunday Operations for the Warming Center and shared concern about if individuals are in and out during the day time.

Mr. Maglaras thanks Councilor Pepin for his comments and concerns and agrees that one of the main goals is to protect the community and our own commercial business operations and so because other providers and services are not available on Sundays, we are putting some houseless individuals at risk.

Councilor Austin thanked Mr. Maglaras for coming this evening and noted that the discussion of continuity of services is a very important piece of what is being asked for and that even a day without availability of important services to those in need is not only detrimental for that day but can also carry forward into the future and therefore if there is an opportunity to continue those services on a Sunday it is a very wise thing to consider and a big reason that he will be supporting the request for Sunday Operations for the Warming Center.

Councilor Gerding noted that he has been supportive of the Warming Center being open every day and questioned what the hours of operation will be if this request for Sunday operations were approved. Tory Jennison, who works with the Strafford County Commissioners and SOS, confirmed that their wish would be to open the Warming Center on Saturday at 5:00 p.m. through Monday at 9:00 a.m. during any extreme weather events Mayor Hilliard asked if the current memorandum of understanding would need to be amended in order to open for Sunday operations for the remainder of the contract and it was confirmed that it would not need to be amended as it is specific for cost and not operation hours.

*The vote authorizing the County's request for Sunday operations for the Emergency Warming Center passed 9-0 by voice vote.*

### **COMMENTS BY CITY COUNCILORS**

There were no comments by Councilors.

### **COMMUNICATIONS**

There were no communications.

### **PRESENTATIONS OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE**

There were none.

### **MAYOR'S REPORT**

#### **Mayors Report for City Council Meeting January 9th, 2023**

Tonight, we begin the journey of the 2023 – 2024 City Council session. Over the course of the next 11-month team Somersworth comprised of the Mayor, Council, City Manager, School Board, City Professionals and the citizens will continue down the path to keep Somersworth “On the Move. We will begin to dive deep in keeping our “Eyes on 30” as we move forward with designing the community, we would like to see by 2030.

During the next 11 months as we continue our work before the citizens go to the ballot to decide who will govern or continue to govern our city, we hold strong at honoring and celebrating our “Proud Past” which keeping in motion the “Bright Future” for all Hilltoppers.

Over last decade, our community has not only reawakened to its rightful spot on the great seacoast and Tri-City area, but we have become the leader in a team approach to governing while creating a community which mirrors our history and founding, a city where all are honored and celebrated. While we begin the process to govern during our 2023 session, we will hold strong to our values of doing so with open community, civility, and respect, the pillars of what our team approach and municipal government has become known for.

As I enter into my last year as Somersworth's Mayor, I look forward to maintaining the high level of energy and forward thinking that the Mayor's office has become known for. There are still many "T" to be crossed and "i's" to be dotted throughout 2023 and I pledge to both the Council and citizens, that I will continue to work diligently to ensure that we have tackled some of the final puzzle pieces this government needs to before the end of 2023. As a team let us pledge to each other to resolve conflicts when they arise and keep us moving forward, step by step as one united team. Let us not fall into the void of polarization or stagnation, and instead allow the Hilltopper Spirit of neighbor helping neighbor be the guide to all our decision. Tonight, we continue, continue as one, ensuring that our 10 square mile community remains, "On the Move!"

This month as defined by City Resolution, Somersworth will once again honor its strength of our vast diversity during "Diversity and Tolerance Month". During that month Hilltoppers are not only encouraged to celebrate each other, but how far we have come as a nation at holding true to our creed. While our journey to be the America we announced we would become is a journey within motion, the gains we have made as a society of ensuring that all will be protected equal is noteworthy.

On August 28<sup>th</sup>, 1963 Martin Luther King Jr. delivered his famous "I Have a Dream" speech. The speech would come at the height of the civil rights movement and would call upon every American to remember the foundational pillars this nation was built upon; creating a society where all would be celebrated, respected and honored, ensuring that every American would never be deprived of the inalienable rights we are entitled too.

Since our founding in 1729, the Hilltop City has continued to be a beacon of equality. Within our 10 square mile boundaries, the key to Somersworth's success has been embedded in the values of our Hilltopper spirit; neighbor helping neighbor, honoring and celebrating our rich cultural diversity and its vast array of families. Hilltoppers are aware that we are all linked together, that regardless of one's socioeconomic background, ethnicity, gender, religion or sexual orientation, we are all keepers of each other. The prosperity for each of us is linked to the values of the base of our humanity and the promise to continue on the journey towards fulfillment of the American creed.

For 247 years, we have walked together as a nation towards reaching the self-determined destiny guided by our founders. We continue towards the goals of building a nation which honors the values of hard work, and economic equality for each citizen, who dedicates themselves towards democratic values. Today in 2020, we have inched closer to the goals outlined by our founders on July 4<sup>th</sup>, 1776 and reiterated by Martin Luther King in 1963. Here in Somersworth the light of hope and honoring each other will continue to shine towards each person who wishes to call this great city home. Each January under the guidelines of city ordinance, our community rededicates itself towards the values of equality by proclaiming the month as diversity month. Throughout the month Hilltoppers, schools and government reflect upon how our rich cultural diversity has equated to our "Proud Past" and will continue to build our "Bright Future". For the month of January, a painting of Martin Luther King Jr. by national renowned artist Rob Surette is on display at City Hall. Let the painting be a reminder of the great work we have done as a nation, and the work each of us still has to do to reach our goals of including all in feeling the warmth and promise of liberty. At our next Council meeting I will also be inviting students within our

school system who will share with you an updated Somersworth version of the “I have a Dream” speech.

Together let us continue hand in hand as brothers and sisters to continue to create a city, state and nation where all are honored, protected and celebrated. Let us continue to bring the dream of equality to life.

**Nominations, Appointments and Elections:**

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

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

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

Chris Horton, Commissioner for the Strafford Regional Planning Commission, with a term to expire January 2027

**This respectfully concludes my January 9th, 2023 Mayors Report**

**REPORT OF STANDING COMMITTEES**

*Finance Committee* - Councilor Witham reported that the next meeting is scheduled on Wednesday, January 11, 2023

*Economic Development Committee* - Councilor Austin reported that the next meeting is scheduled on Tuesday, January 17, 2023 at 4:45 p.m.

*Public Safety Committee* - Councilor Pepin reported that the Public Safety Committee met on January 3, 2023 with the first item on the agenda being Police/Fire/EMS dispatching, the County reaches out to communities periodically to inquire if there is interest in joining the County Dispatch Center adding that City Manager Belmore reached out to Fire Chief Kramlinger, Police Chief McLin and EMS Chief Robidas and there was no interest in converting to County Dispatch, the Committee moved to not move City Dispatch to County Dispatch. The next agenda item discussed was the Fire Department Extrication Hydraulic Tool Bids, Councilor Pepin reported that Chief Kramlinger provided the Committee with a handout detailing his recommendation. Councilor Pepin reported that the City had budgeted \$35,000 for the extrication tools and Chief Kramlinger applied for and secured a FEMA Assistance to Firefighters Grant in the amount of \$49,400, with a federal share of \$47,047.62 and a 5% City match of \$2,352.38. Councilor Pepin noted that four regional fire equipment distributors that responded to the Request for Bid provided in-person demonstrations to the Fire Department staff which allowed them to better evaluate the equipment before providing a recommendation to the Committee which was to purchase from Holmatro. He added that the purchase price came in over budget in the amount of \$611 for a total cost of \$50,011, the additional cost is to be covered by the City which increases their cost to \$2,963.38. The Public Safety Committee motioned to move forward with the recommendation as presented.

The next agenda item Councilor Pepin reported on was the Fire, Police and EMS updates, Chief Kramlinger reported a high volume of calls when comparing to last year and gave a status of the fire pumper and that it is expected to be ready sometime in February or March. Chief McLin provided an update to the Committee regarding staffing including the hiring of a Federally Certified Officer being sworn in the morning of January 9, 2023, the officer will not need to attend the Police Academy but will need to take a bridge course to become a Certified NH Police Officer. Councilor Pepin reported staffing updates to noted that there are three other candidates scheduled to attend the Police Academy in January and February, an officer that is certified in the State of NH is in the background check process and lastly an open dispatch position which the Police Department has a couple of good candidates for. EMS Chief Paul Robidas reported an increase in volume of calls compared to last year, in 2021 he reported a total of 1,962 calls and an increase of 184 calls or 3.6%. Chief Robidas mentioned they continue to have staffing issues and one of the biggest problems they are experiencing is the time it is taking to offload patients at the hospital due to lack of available beds.

*Public Works & Environment Committee* - Councilor Witham reported that the next meeting is scheduled on Wednesday, January 11, 2023

*Recreation Committee* – Councilor Cameron reported that the next meeting is scheduled on Wednesday, January 18, 2023

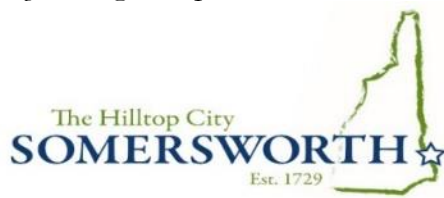
### **REPORT OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER**

*E-911 Committee* - Councilor Pepin reported that the Committee met on December 12, 2022 at the Police Station with the first item on the agenda being recommended address changes pertaining to the address change of 25 Whippoorwill Way to 2 Sandlot Lane; Stewarts Ambulance address change of 183 Rte. 108 to 12 Patriots Way; Palmer Gas address change of 9 Caiman Drive to 32 Gator Rock Road; and the address change of 247 Main Street to 4 Summer Street. Each of the address changes were accepted by the E-911 Committee unanimously. Councilor Pepin added that the contractor storage condo units being built will have an address of 18 Patriots Way and the Committee had a great discussion regarding the numbering of each of the buildings on that lot to ensure emergency services can quickly locate the buildings as needed. City Staff will discuss this request with the owner of the property. Lastly, Councilor Pepin reported that the State E-911 Officials reached out to the City regarding some questionable addresses between the City and State E-911 mapping which is being reviewed and updated.

*Fire Station Building Committee* - Councilor Pepin reported that the Committee met on January 3, 2023 to discuss construction and timeline updates provided by representatives from Harvey Construction and Port One including the apparatus floor being almost completely enclosed and estimating to have the concrete poured by the end of the week as they are currently installing the tubing for heated flooring. He added that the construction on the living quarters/office space should be done by the end of this week or the next, followed by the trusses with a project completion date in May 2023. Councilor Pepin reported that the budget was discussed with some concern pertaining to final cost expenses due to the project running through two winter seasons and the proper removal and disposal of the contaminated soil, this expense is currently over budget by \$25,815 with snow removal alone costing over \$2,000 more than budgeted. He noted that he questioned the architect what the City could expect to have spent if the City decided to wait on this project another year or so and the response was that it could have cost around an additional 15% not including interest rates with inflation, and therefore feels that the City made the right decision on approving the project when they did.

Councilor Gibson questioned the amount of snow removal being an additional \$2,000. Councilor Pepin clarified that the snow removal was mainly due to the roofs not being put on during last year's winter and the need to remove snow from inside of the infrastructures walls in order to continue to construct the Fire Station Building.

City Manager's Report



***Office of the City Manager***

**TO:** Mayor Dana S. Hilliard and City Council Members

**FROM:** Robert M. Belmore, City Manager

**DATE:** Friday, January 6, 2023

**SUBJECT:** City Manager's Report for Monday, January 9, 2023 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 Council is scheduled to meet on Monday, January 23<sup>rd</sup> at 5:30 p.m. for a Goal Setting Workshop to discuss the reuse of the National Guard Readiness Property and other City owned properties.

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

**Ordinances**

- A. Ordinance No. 9-23: Supplemental Appropriation to Replace the School Zone Warning Lights on Maple Street and High Street.** Again, the Public Works & Environment Committee and the Finance Committee voted to recommend replacing these School Zone Warning Lights.

**Resolutions**

- A. Resolution No. 20-23: To Authorize the City Manager to Prepare Bid Specifications for Crack Sealing of Selected Streets.** Again, the Public Works & Environment Committee voted to recommend the crack sealing of these selected streets.

- B. **Resolution No. 21-23: To Authorize the City Manager to Accept the New Hampshire Department of Environmental Services Cybersecurity Implementation Grant.** Again, the Finance Committee voted to recommend accepting this Grant.
- C. **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.** Again, the Public Works & Environment Committee and the Finance Committee voted to recommend replacing the School Zone Warning Lights based on the SUR proposal.

*New Business (under Section 16 of Agenda)*

**Ordinances**

- A. **Ordinance No. 10-23: To Amend Chapter 14, Licenses & Permits, Sections 14.2 Permits, 14.3 Fees, 14.6 Application. 14.7 and 14.8.** The Government Operations Committee met on November 3<sup>rd</sup> and the Committee voted to recommend these Ordinance changes. I have attached a *red-line* of suggested changes to amend this Ordinance. Prior to presenting these changes to the Government Operations Committee, Staff met to craft changes that align to actual information needed and attempt to avoid problems that have occurred in the past. Staff involved included: Finance Director Scott Smith, Police Chief Tim McLin, Captain Matt Duval and the City Clerk. I recommend a Public Hearing be scheduled for the next regular Council meeting on Monday, January 23, 2023.
- B. **Ordinance No. 11-23: To Amend Chapter 29, Administrative Code, Section 29.4.9, Traffic Safety Committee.** The Government Operations Committee met on November 3<sup>rd</sup> and the Committee voted to recommend this Ordinance change. I have attached a *red-line* of suggested changes to amend this Ordinance. Prior to presenting these changes to the Government Operations Committee, Staff met to craft changes that align to present practices. Staff involved included: Finance Director Scott Smith, Police Chief Tim McLin, Captain Matt Duval and the City Clerk. I recommend a Public Hearing be scheduled for the next regular Council meeting on Monday, January 23, 2023.

*Manager Belmore pointed out that a change was missed and he would ask that Council consider an amendment to this Ordinance where it references a 10-member committee and change that to 11-member committee as there are 9 voting members and 2 non-voting members to include the Mayor and City Manager.*

- C. **Ordinance No. 12-23: To Amend Chapter 19 Zoning, Section 21 Circulation & Parking Regulations A.1 and A.2.** Attached is a Memorandum from Development Services Manager Michelle Mears that provides an explanation of the change as well as Planning Board minutes when these Zoning changes were discussed. I recommend a Public Hearing be scheduled for the next regular Council meeting on Monday, January 23, 2023.
- D. **Ordinance No. 13-23: To Amend Chapter 19 Zoning, Section 32 Form Based Codes.** Attached is a Memorandum from Development Services Manager Michelle Mears that provides an explanation of the change as well as Planning Board minutes when these Zoning



changes were discussed. I recommend, a Public Hearing be scheduled for the next regular Council meeting on Monday, January 23, 2023.

*Manager Belmore added that Ordinance 12-23 and 13-23 were a recommendation from Director Mears to address the need in the City Zoning that allows for more flexibility for residents and developments alike.*

*Without objection, Public Hearings for Ordinances 10-23, 11-23, 12-23 and 13-23 are scheduled for the next regular City Council Meeting.*

#### **Resolutions**

- A. Resolution No. 24-23: To Authorize the City Manager to Enter into an Amended Project Agreement with the New Hampshire Department of Transportation to Increase the Transportation Alternatives Program Grant Award.
- B. Resolution No. 25-23: To Authorize the City to use Funding from the Municipal and Transportation Fund for the Local Match of Additional Finding for the Transportation Alternatives Program Grant.
- C. Resolution No. 26-23: To Authorize the City Manager to Award Contracts for the Construction and Construction Engineering for the Improvements Associated with the Transportation Alternatives Program Grant.  
Attached is a Memorandum from Public Works Director Mike Bobinsky regarding this TAP Grant project as well as copies of the Amended Grant Agreement.

#### ***New Business Continued (under Section 16 of Agenda)***

#### **Other**

- A. **Update on the Emergency Warming Center Operation and a Request for Sunday Operations.** Presently, County Commissioner George Maglaras and Mayors Bob Carrier and Paul Callaghan plan to attend.

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

#### **Informational Items**

- A. **Body-Worn Camera's Update.** Attached is a Memorandum from Police Chief Tim McLin that provides an update on the implementation of the Department's use of Police Officer Body Cameras.

*Manager Belmore added that the shipment of body cameras has been received and Chief McLin is meeting with representatives to make sure that they have all of the needed equipment and then move forward with Back Bay Networks to ensure that the server that has been budgeted for is implemented and working with the body camera.*

- B. **Assistance to Firefighters Grant (AFG).** Without objection, I intend to give authorization to Fire Chief George Kramlinger to apply for an AFG Grant to replace the Department's Technical Rescue Equipment in the amount of approximately \$50,000 of Grant funding and

a 5% City match of approximately \$2,500. Attached is an email from the Chief regarding this request.

### Attachments

#### 1. City Attorney Certifications: Seven (7)

*Councilor Witham, without objections, asked the City Manager if it would be beneficial for the Council to consider suspending council rules on the three new Resolutions being introduced during New Business to get the City in the construction queue with the contractor. Manager Belmore confirmed that yes, he does feel that there would be value in it.*

### NOMINATIONS, APPOINTMENTS AND ELECTION

In accordance with Council Rules 17 Appointments, the following is being brought forward for a confirmation vote:

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

*Councilor Witham motioned to re-appoint Ronald LeHoullier to the Planning Board. The motion was seconded by Councilor Austin and passed 9-0 by a voice vote.*

In accordance with Council Rules 17 Appointments, the following is being brought forward and placed in nomination:

Chris Horton for Commissioner for the Strafford County Regional Planning Commission with a term to expire in January 2027

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

### LAY ON THE TABLE

Item not removed from the Lay on the Table.

### UNFINISHED 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 second reading of Ordinance 9-23.*

*Councilor Witham made a motion to adopt Ordinance 9-23 as submitted. The motion was seconded by Councilor Gibson.*

*Discussion: Councilor Witham observed last week the school zone warning lights on High Street were not operating at all, the school zone warning lights on Maple Street had a timing*

*issue by about 15 minutes and the newly installed school zone warning lights on Cemetery Road also has a timing issue.*

*Clerk LaPanne was recognized to call the roll, the motion passed 9-0 by roll call vote.*

## RESOLUTIONS

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

*Clerk LaPanne performed a second reading on Resolution 20-23.*

*Councilor Austin made a motion to adopt Resolution 20-23 as submitted. The motion was seconded by Councilor Vincent.*

*No Discussion.*

*Clerk LaPanne was recognized to call the roll, the motion passed 9-0 by roll call vote.*

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

*Clerk LaPanne performed a second reading on Resolution 21-23.*

*Councilor Gibson made a motion to adopt Resolution 21-23 as submitted. The motion was seconded by Councilor Cameron.*

*No Discussion.*

*Clerk LaPanne was recognized to call the roll, the motion passed 9-0 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 second reading on Resolution 23-23.*

*Councilor Pepin made a motion to adopt Resolution 23-23 as submitted. The motion was seconded by Councilor Cameron.*

*No Discussion.*

*Clerk LaPanne was recognized to call the roll, the motion passed 9-0 by roll call vote.*

## NEW BUSINESS

### ORDINANCES

- A. **Ordinance 10-23** – To Amend Chapter 14 Sections 14.2 Permits 14.3 Fees 14.6 Applications 14.7 and 14.8

*Councilor Gerding made a motion to suspend Council Rules and have Ordinance 10-23 read by title only. The motion was seconded by Councilor Michaud. The motion passed 9-0 by voice vote.*

*Clerk LaPanne performed a first reading of Ordinance 10-23 by title only.*

*Ordinance 10-23 will remain in first reading until the call of the chair.*

*A Public Hearing is scheduled for the next regular scheduled City Council meeting.*

- B. **Ordinance 11-23** – To Amend Chapter 29 Section 29.4.9 Traffic Safety Committee

*Clerk LaPanne performed a first reading of Ordinance 11-23.*

*Ordinance 11-23 will remain in first reading until the call of the chair.*

*A Public Hearing is scheduled for the next regular scheduled City Council meeting.*

*In accordance with Robert's Rules of Order and prior to the second reading, Ordinance 11-23 is assigned by Mayor Hilliard to the Clerk's Office for the recommended correction regarding the Committee's eleven (11) person membership. No Council objection.*

- C. **Ordinance 12-23** – To Amend Chapter 19 – Zoning, Section 21 Circulation & Parking Regulations A.1 and A.2

*Clerk LaPanne performed a first reading of Ordinance 12-23.*

*Ordinance 12-23 will remain in first reading until the call of the chair.*

*A Public Hearing is scheduled for the next regular scheduled City Council meeting.*

- D. **Ordinance 13-23** – To Amend Chapter 19 – Zoning Section 32 Form Based Codes

*Clerk LaPanne performed a first reading of Ordinance 13-23.*

*Ordinance 13-23 will remain in first reading until the call of the chair.*

*A Public Hearing is scheduled for the next regular scheduled City Council meeting.*

#### RESOLUTIONS

*Councilor Witham made a motion to suspend Council Rules to allow Resolutions 24-23, 25-23 and 26-23 be read by title only and further allow each a second reading. Councilor Gibson seconded the motion and passed 9-0 by voice vote.*

- A. **Resolution 24-23** – To Authorize the City Manager to Enter into an Amended Project Agreement with the New Hampshire Department of Transportation to Increase the Transportation Alternatives Program Grant Award

*Clerk LaPanne performed a first reading of Resolution 24-23 by title only.*

*Clerk LaPanne performed a second reading of Resolution 24-23.*

*Councilor Witham made a motion to adopt Resolution 24-23 as submitted. The motion was seconded by Councilor Gibson.*

*Discussion: Councilor Witham stated that hopes that this authorization moves the TAP Grant process forward as it have been a drawn-out process pending State approval.*

*Clerk LaPanne was recognized to call the roll, the motion passed 9-0 by roll call vote.*

- B. **Resolution 25-23** – To Authorize the City to Use Funding from the Municipal and Transportation Fund for the Local Match of Additional Funding for the Transportation Alternatives Program Grant

*Clerk LaPanne performed a first reading of Resolution 25-23 by title only.*

*Clerk LaPanne performed a second reading of Resolution 25-23.*

*Councilor Pepin made a motion to adopt Resolution 25-23 as submitted. The motion was seconded by Councilor Vincent.*

*No Discussion.*

*Clerk LaPanne was recognized to call the roll, the motion passed 9-0 by roll call vote.*

- C. **Resolution 26-23** – To Authorize the City Manager to Award Contracts for the Construction and Construction Engineering for the Improvements Associated with the Transportation Alternatives Program Grant

*Clerk LaPanne performed a first reading of Resolution 26-23 by title only.*

*Clerk LaPanne performed a second reading of Resolution 26-23.*

*Councilor Austin made a motion to adopt Resolution 26-23 as submitted. The motion was seconded by Councilor Gibson.*

*Discussion: Councilor Messier questioned if there was a meeting last month which discussed removing the pathway improvements between Maplewood Elementary and Somersworth Middle School from this Resolution project request. Manager Belmore stated that he didn't recall a decision removing the pathway improvements. Councilor Witham stated that the City has been working on the list of recommended improvements and things have changed during that time, additionally he noted that the sidewalk improvement on Cemetery Road was removed from this project because it was incorporated with the Complete Streets project.*

*Clerk LaPanne was recognized to call the roll, the motion passed 9-0 by roll call vote.*

#### **COMMENTS BY VISITORS**

There were no comments by visitors.

## **CLOSING COMMENTS BY COUNCIL MEMBERS**

Councilor Pepin thanked Fire, Police, Public Works and the utility workers for their attention and hard work during the recent wind storm, he listened to the dispatch scanner and noted that they were out straight with calls clearing the roads, etc.

Councilor Vincent apologized for missing a couple of Committee meetings and noted the reason being is that he was at the State level. He commented on the Fire Station Building Committee report pertaining to the \$2,000 expense for snow removal which upsets him greatly.

Councilor Gibson seconded Councilor Pepin's gratitude to the work of the Public Safety and utility crews for their continued great work in the City. He also seconded Councilor Vincent's comments pertaining to the snow removal expense and stated that living in New England he would expect that part of the operational planning would include snow removal and doesn't understand the figure they come up with for the costs as it should have been a contingency already built into the contract. Councilor Gibson added that he is a life long Democrat and finds it sad that once again our Nation can't seem to govern itself and wishes that everyone could just get along. He mentioned that Alaska has instituted Rank Preference Voting which he sees that the voters of Alaska, although they are strongly conservative, voted to put the two candidates who were the most moderate forward while not providing unnecessary secondary votes for the third candidates. Councilor Gibson thinks that this is something that we should push for in the State of New Hampshire as it allowed people in Alaska to be able to have their preference better respected in two ways, there is an open Primary with the top three candidates are allowed to go forward and then the rank preference goes into effect which allowed the voters in Alaska to moderate the worst aspects of what has been going on in this Country. He added that even if the State didn't go to rank preference voting, that it should go to open Primary's and that the individual states have the right to make that decision because they fund the Primary which he believes could get everyone back closer to the center as opposed to catering to the extremes of both sides.

Councilor Austin noted that he missed the City Council meeting prior to the holidays and hopes everyone had a happy and restful holiday season. He commented that along with Councilor Gibson, he too was going to mention the ongoinings in Washington over the last week and added that we in NH and we in Somersworth has figured out how to have civil discourse and to never be so polarized that nothing gets done and worries that is exactly what he will see over the next couple of years. Councilor Austin commented that at one point our sitting Governor was asked if he was interested in running for a senate seat to which he responded no way, Washington is too broken and now there is discussions being heard of them running for President. Councilor Austin commented that he feels that the City of Somersworth has a form of Governance that is beneficial and believes it is obvious to him that the City has benefited from the way the Council has governed adding that he thinks many other levels of government would benefits from a civics lesson from this Community.

Councilor Michaud wished everyone a Happy New Year.

Councilor Witham thanks the Public Safety Committee for dispatching the dispatch conversation as he believes it should remain in the City. He commented that last week there was an article in Foster's Daily Democrat that he described as the 2023 outlook for development here in the Hilltop City which generally he felt had a positive swing to it, however, warned residents to read with a guarded eye as he felt there was a lot of stuff within the article that was inaccurate. He mentioned the articles reference to the National Guard Building Reuse Commission that stated the Commission was unable to come

to a conclusion on the disposition of that property which is untrue as they came to a final decision and brought that to City Council for debate where it sits as an item under lay on the table until the scheduled workshop on the matter. Councilor Witham did watch the Zoning Board meeting held last week and it reminded him of the fact that sometimes the Zoning Ordinances are not particularly well crafted and when those issues are identified we can and should take action on them. He noted that the Council at its last meeting approved a zoning change on the Main Street business district that for a long time required a business on the first floor and residential on floors above and the Zoning Board had many property owners seek relief to allow residential on the first floor. Councilor Witham commented on the two zoning amendments in first reading for parking and form-based codes and thanks City Manager Belmore for providing details within his Manager's Reports that these zoning amendments, if adopted by the Council, will afford a much great degree of flexibility for development particularly in the downtown area. He spoke of his appreciation of the comments made at the Planning Board meeting and noted that there would be further opportunities for future zoning amendments that anyone on the Council can bring forward in the form of an ordinance. Councilor Witham reported a couple of parking concerns that he would like for Police and Parking Enforcement to be aware of; the first being the laundromat parking lot within the Somersworth Plaza, there are multiple cars that parked within the Fire Lane for long durations and is a serious infraction and should be dealt with more strongly than may have been previously such as a ticket. The second parking concern pertains to the Tri-City Plaza fire lane where empty cars sit perhaps waiting for a sub and that area is tight between the first parking stalls and the fire lane as it is.

Councilor Gerding agreed with the comments about the disfunction in Washington. He hopes everyone had a good holiday and comments it is great to be back.

Councilor Cameron commented that it was National Law Enforcement Day and thanks all the men and women who chose that as their profession to serve and protect the communities.

Councilor Messier thanks SOS and the people supplying food to the Emergency Warming Center, especially Marty Reardon and his wife Patty and their volunteers. Additionally, he thanks the Planning Board for streamlining zoning and amendments and noted he would be supporting the Ordinances at the next Council Meeting. Councilor Messier commented on the fire lane parking concern, mentioned that a fire truck parked in the fire lane so that the individual could get something within the store and doesn't believe that is right and should park as all others when not being called out for an active fire.

## **ADJOURNMENT**

*Councilor Michaud made a motion to adjourn the City Council meeting. The motion was seconded by Councilor Gibson and passed 9-0 by voice vote. The meeting adjourned at 8:26 p.m.*

Respectfully Submitted,

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Kristen LaPanne, City Clerk







## 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:	1/9/2023	Removed From Table:	
Second Read:	1/9/2023		

### 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.*

*1/9/2023*

*Clerk LaPanne performed a second reading of Ordinance 9-23.*

*Councilor Witham made a motion to adopt Ordinance 9-23 as submitted. The motion was seconded by Councilor Gibson and passed 9-0 by roll call vote.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson	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	Messier	X	
<b>TOTAL VOTES:</b>		<b>9</b>	
On	1/9/2023	Ordinance 9-23	<b>PASSED</b>
			<b>FAILED</b>

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

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.

<b>Authorization</b>	
<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:	1/9/2023		

### 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.*

*1/9/2023*

*Clerk LaPanne performed a second reading of Resolution 20-23.*

*Councilor Witham made a motion to adopt Resolution 20-23 as submitted. The motion was seconded by Councilor Vincent and passed 9-0 by roll call vote.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson	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	Messier	X	
<b>TOTAL VOTES:</b>		<b>9</b>	
On 1/9/2023	Resolution 20-23	<b>PASSED</b>	<b>FAILED</b>

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

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:	1/9/2022		

### 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.*


*1/09/2022*

*Clerk LaPanne performed a second reading of Resolution 21-23.*

*Councilor Gibson made a motion to adopt Resolution 21-23 as submitted. The motion was seconded by Councilor Cameron and passed 9-0 by roll call vote.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson	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	Messier	X	
TOTAL VOTES:		9	
On 1/9/2023	Resolution 21-23	PASSED	FAILED



	<h2 style="text-align: center;">City of Somersworth – Resolution</h2>
	<p>Resolution No:       <b>23-23</b></p> <p><b>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</b></p>

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



## City of Somersworth – Resolution 23-23

### History

First Read Date:	12/12/2022	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	01/09/2023		

### 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.*

*1/09/2022*

*Clerk LaPanne performed a second reading of Resolution 23-23.*

*Councilor Pepin made a motion to adopt Resolution 23-23 as submitted. The motion was seconded by Councilor Messier and passed 9-0 by roll call vote.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson	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	Messier	X	
<b>TOTAL VOTES:</b>		<b>9</b>	
On	1/9/2023	Resolution 23-23	<b>PASSED</b>
			<b>FAILED</b>



## City of Somersworth – Ordinance

Ordinance No: **10-23**

**TO AMEND CHAPTER 14 LICENSES AND PERMITS, SECTIONS 14.2 PERMITS, 14.3 FEES, 14.6 APPLICATION, 14.7 and 14.8.**

January 9, 2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 14, Section 14.2 Permits, by deleting it in its entirety and replace with:

Persons or organizations shall obtain a permit from the Licensing Board for the following purposes:

1. Solicit funds for charitable purposes.
2. Erect banners or signs related to a special event.
3. Tag (donation solicitation) days.
4. Conduct parades or processions, festivals or races, walk-a-thons, public demonstration or protest on public property or highway.
5. Conduct a carnival, tent show, fair, circus, public dance, dance exhibition or demonstration, live music shows, disc jockey, karaoke, or other amplified music event in which the public is invited for pay to attend or attendance is free.
6. The temporary closing of any City street or temporary use of any City property for the purpose of community related or private events. A certificate of insurance in the amount of \$1,000,000, acceptable to the City, that names the City of Somersworth as an additional insured shall be required. The Licensing Board, at its discretion, may require additional conditions at no cost to the City to include, but not limited to, a higher insurance binder amount, police or fire details, or other measures to ensure the public safety.

Amend Chapter 14, Section 14.3 Fees, by deleting it in its entirety and replace with:

Each applicant shall pay in advance for such license, for the use of the City as follows:

1. There will be a \$25.00 fee for each license issued, unless otherwise stated in another section, for each day or event, unless specifically waived by the Licensing Board.
2. License fees for carnivals, circuses, traveling tent shows and the like, shall be determined by the Board within the limits of NH RSA 286.

Amend Chapter 14, Section 14.6 Application, by deleting it in its entirety and replace with:

A written application for a permit must be submitted 30 (thirty) days prior to the date of the event. The application shall contain the following information:

Name or Name of Organization  
Statement of permission from property owner  
Name, address and telephone number of Person in Charge  
Purpose  
Dates and times  
Specific location(s)  
Anticipated number of attendees  
Police detail secured if required  
Certificate of Insurance naming the City of Somersworth as additionally insured  
(if event is to take place on City property)  
Map of event set-up (tables, tents, stages, parking, restrooms, etc.)

Serving of alcoholic beverages shall require proof of proper State of NH Liquor Licensing permission and a police officer/s detail.

Any event requiring the use of a public way, publicly owned property, or any modification to parking regulations shall require a meeting with a Police Department representative as well as any necessary City staff as designated by the City Manager no later than 14 (fourteen) days prior to the event.

Amend Chapter 14, Section 14.7, by deleting it in its entirety and replace with:

If the request would require a temporary waiver of any Planning or Zoning Regulations of the City, the Licensing Board shall first refer the application to the appropriate staff or Board for review and recommendation prior to deciding on the application.

Amend Chapter 14, Section 14.8, by deleting it in its entirety and replace with:

The permit when issued shall contain the effective date, expiration date, the purpose and the name, address, telephone number and email address of the responsible person.

This Ordinance shall take effect upon passage.

Authorization	
<i>Sponsored by Councilors:</i> Richard R. Michaud Matthew Gerding Donald Austin Nancie Cameron	<i>Approved:</i> City Attorney

## City of Somersworth – Ordinance 10-23

### History

First Read Date:	1/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### Discussion

*1/9/2023*

*Clerk LaPanne performed a first reading of Ordinance 10-23 by title only.*

*Ordinance 10-23 will remain in first reading until the call of the chair.*

*A Public Hearing is scheduled for the next regular scheduled City Council meeting.*

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		
<b>TOTAL VOTES:</b>			
On     /     /     Ordinance 10-23		PASSED	FAILED



## City of Somersworth – Ordinance

Ordinance No: **11-23**

### **TO AMEND CHAPTER 29 ADMINISTRATIVE CODE, SECTION 29.4.9 TRAFFIC SAFETY COMMITTEE**

January 9, 2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 29, Section 29.4.9 Traffic Safety Committee, by deleting it in its entirety and replace with:

There is hereby established a Traffic Safety Committee consisting of ten members, said membership constituted as follows:

Chief of Police (or designee)  
Chief of Fire (or designee)  
Superintendent of Schools (or designee)  
Director of Public Works (or designee)  
City Engineer  
Director of Planning & Community Development (or designee)  
Two members at large  
City Council member

The members at large shall be appointed by the Mayor, with the consent of the City Council, for three-year staggered terms, beginning July 1st of their respective years. The City Council member shall be appointed by the Mayor as part of the normal assignment of Council Standing Committees.

The Mayor and City Manager shall be ex-officio members of the Committee, without a vote in the Committee's deliberations.

The Chairman of the Traffic Safety Committee shall be designated by the Mayor.

The Traffic Safety Committee is authorized to:

- (1) carry on a continuing study of the problems of highway safety and traffic law enforcement;
- (2) conduct conferences and hearings on various phases of highway safety;
- (3) appoint sub-committees to carry out designated responsibilities related to traffic safety;
- (4) develop and recommend highway safety programs to prevent motor vehicle accidents and enhance overall traffic safety;
- (5) review and make recommendations on all traffic safety and parking ordinances prior to action on those ordinances by the City Council;
- (6) submit a report of its activities to the Mayor and City Council by way of meeting minutes or Special Report.

This Ordinance shall take effect upon passage.

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

## City of Somersworth – Ordinance 11-23

### History

First Read Date:	1/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### Discussion

*1/9/2023*

*Clerk LaPanne performed a first reading of Ordinance 11-23.*

*Ordinance 11-23 will remain in first reading until the call of the chair.*

*A Public Hearing is scheduled for the next regular scheduled City Council meeting.*

*In accordance with Robert's Rules of Order and prior to the second reading, Ordinance 11-23 is assigned by Mayor Hilliard to the Clerk's Office for the recommended correction regarding the Committee's eleven (11) person membership. No Council objection.*

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		
<b>TOTAL VOTES:</b>			
On     /     /     Ordinance 11-23		PASSED	FAILED



## City of Somersworth – Ordinance

Ordinance No: **12-23**

**TO AMEND CHAPTER 19 ZONING, SECTION 21  
CIRCULATION & PARKING REGULATIONS A.1 AND A.2**

January 9, 2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 19 Section 21.A.1. by adding the following:

For properties containing commercial uses and/or multifamily sites (three (3) residential units or more) the parking requirements shall follow the Site Plan Review Regulations.

Amend Chapter 19 Section 21.A.2. by deleting it in its entirety.

This Ordinance shall take effect upon passage.

Authorization	
<i>Sponsored by Councilor:</i> David A. Witham	<i>Approved:</i> City Attorney

January 09, 2023



## City of Somersworth – Ordinance 12-23

### History

First Read Date:	1/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### Discussion

*1/9/2023*

*Clerk LaPanne performed a first reading of Ordinance 12-23.*

*Ordinance 12-23 will remain in first reading until the call of the chair.*

*A Public Hearing is scheduled for the next regular scheduled City Council meeting.*

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		
<b>TOTAL VOTES:</b>			
On     /     /     Ordinance 12-23		PASSED	FAILED



## City of Somersworth – Ordinance

Ordinance No: **13-23**

### **TO AMEND CHAPTER 19 ZONING, SECTION 32 FORM BASED CODES**

January 9, 2023

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 19, Section 32.F Dimensional Regulation by adding the following:

19.32.F.3 Where parcels that are not able to meet the dimensional regulations, an applicant may submit a Conditional Use Permit application.

19.32.F.4 Criteria for granting a Conditional Use Permit:

- a. Both public and private buildings and landscaping contribute to the aesthetic value of the right of way and provide civic spaces.
- b. Development adequately accommodates automobiles, while respecting the pedestrian and the spatial form of public areas.
- c. The design of streets and buildings reinforces a safe environment, but not at the expense of accessibility.
- d. The architecture and landscape designs are inspired by local climate, topography, history, and building practice.
- e. Civic spaces and public gathering places are provided as locations that reinforce community identity and activity

This Ordinance shall take effect upon passage.

Authorization	
<i>Sponsored by Councilor:</i> David A. Witham	<i>Approved:</i> City Attorney

## City of Somersworth – Ordinance 13-23

### History

First Read Date:	1/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

### Discussion


*1/9/2023*

*Clerk LaPanne performed a first reading of Ordinance 13-23.*

*Ordinance 13-23 will remain in first reading until the call of the chair.*

*A Public Hearing is scheduled for the next regular scheduled City Council meeting.*

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		
<b>TOTAL VOTES:</b>			
On     /     /     Ordinance 13-23		PASSED	FAILED

	City of Somersworth – Resolution
	Resolution No: <b>24-23</b> <b>TO AUTHORIZE THE CITY MANAGER TO ENTER INTO AN AMENDED PROJECT AGREEMENT WITH THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION TO INCREASE THE TRANSPORTATION ALTERNATIVES PROGRAM GRANT AWARD</b>

January 9, 2023

WHEREAS, the City Council adopted Resolution 43-17 on June 5, 2017 to authorize the City Manager to enter into a project agreement with the New Hampshire Department of Transportation for a Transportation Alternatives Program (TAP) Grant award; and

WHEREAS, the City requested bids from qualified contractors for the construction of the TAP project, however, the bid in conjunction with other costs associated with the project is in excess of the TAP Grant award by \$324,686 (Three Hundred Twenty Four Thousand Six Hundred Eighty Six dollars); and

WHEREAS, after review, the New Hampshire Department of Transportation informed the City that additional Grant funding has been made available and has amended the Grant award to the City by an additional \$259,749 (Two Hundred Fifty Nine Thousand Seven Hundred Forty Nine dollars) toward the project, such amount being 80% of the additional project costs; and

WHEREAS, the City will be responsible for the remaining 20% of the additional project costs, such amount being \$64,937 (Sixty Four Thousand Nine Hundred Thirty Seven 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 amended project agreement with the New Hampshire Department of Transportation to increase the Transportation Alternatives Program Grant award, and to take any and all other such actions relative to this grant and this project's completion determined to be in the best interest of the City.

Authorization	
<i>Sponsored by Councilors:</i>  David A. Witham Donald Austin Nancie Cameron Denis Messier Matthew Gerding Richard R. Michaud	<i>Approved:</i>  City Attorney

January 09, 2023

## City of Somersworth – Resolution 24-23

### History

First Read Date:	1/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	1/9/2023		

### Discussion

*1/9/2023*

*Councilor Witham made a motion to suspend Council Rules to allow Resolutions 24-23 be read by title only and further allow a second reading. Councilor Gibson seconded the motion and passed 9-0 by voice vote.*

*Clerk LaPanne performed a first reading of Resolution 24-23 by title only.*


*Clerk LaPanne performed a second reading of Resolution 24-23.*

*Councilor Witham made a motion to adopt Resolution 24-23 as submitted. The motion was seconded by Councilor Gibson.*

*Discussion: Councilor Witham stated that hopes that this authorization moves the TAP Grant process forward as it have been a drawn-out process pending State approval.*

*Clerk LaPanne was recognized to call the roll, the motion passed 9-0 by roll call vote.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson	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	Messier	X	
<b>TOTAL VOTES:</b>		<b>9</b>	
On	1/9/2023	Resolution 24-23	<b>PASSED</b>
			<b>FAILED</b>

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>25-23</b> <b>TO AUTHORIZE THE CITY TO USE FUNDING FROM THE MUNICIPAL AND TRANSPORTATION FUND FOR THE LOCAL MATCH OF ADDITIONAL FUNDING FOR THE TRANSPORTATION ALTERNATIVES PROGRAM GRANT</b>

January 9, 2023

WHEREAS, the City Council adopted Resolution 44-17 on June 5, 2017 to authorize the use of \$197,300 (One Hundred Ninety Seven Thousand Three Hundred dollars) from the Municipal and Transportation Fund for the local match of a Transportation Alternatives Program Grant (TAP Grant); and

WHEREAS, the City Council has been notified that the New Hampshire Department of Transportation has amended the Grant agreement to provide additional funding for the TAP Grant; and

WHEREAS, the Grant award requires an additional local match in the amount of \$64,937 (Sixty Four Thousand Nine Hundred Thirty Seven dollars); and

WHEREAS, the City Council intends to utilize funding for the additional matching funds from the Municipal and Transportation Fund; 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 \$64,937 (Sixty Four Thousand Nine Hundred Thirty Seven dollars) for the additional local match of a Transportation Alternatives Program Grant (TAP Grant) through the New Hampshire Department of Transportation.

Authorization	
<i>Sponsored by Councilors:</i>  David A. Witham Donald Austin Nancie Cameron Denis Messier Matthew Gerding Richard R. Michaud	<i>Approved:</i>  City Attorney

January 09, 2023

## City of Somersworth – Resolution 25-23

### History

First Read Date:	1/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	1/9/2023		

### Discussion

1/9/2023

*Councilor Witham made a motion to suspend Council Rules to allow Resolution 25-23 be read by title only and further allow a second reading. Councilor Gibson seconded the motion and passed 9-0 by voice vote.*

*Clerk LaPanne performed a first reading of Resolution 25-23 by title only.*


*Clerk LaPanne performed a second reading of Resolution 25-23.*

*Councilor Pepin made a motion to adopt Resolution 25-23 as submitted. The motion was seconded by Councilor Vincent.*

*No Discussion.*

*Clerk LaPanne was recognized to call the roll, the motion passed 9-0 by roll call vote.*

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson	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	Messier	X	
<b>TOTAL VOTES:</b>		<b>9</b>	
On	1/9/2023	Resolution 25-23	<b>PASSED</b>
			<b>FAILED</b>

	<p style="text-align: center;"><b>City of Somersworth – Resolution</b></p> <p>Resolution No:       <b>26-23</b></p> <p><b>TO AUTHORIZE THE CITY MANAGER TO AWARD CONTRACTS FOR THE CONSTRUCTION AND CONSTRUCTION ENGINEERING FOR THE IMPROVEMENTS ASSOCIATED WITH THE TRANSPORTATION ALTERNATIVES PROGRAM GRANT</b></p>
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January 9, 2023

WHEREAS, the Somersworth City Council adopted Resolution 43-17 on June 5, 2017 to authorize the City Manager to enter into a grant agreement with the New Hampshire Department of Transportation for a Transportation Alternatives Program (TAP) Grant award for sidewalk improvements on High Street, Memorial Drive, and pathway improvements between Maplewood Elementary and Somersworth Middle School; and

WHEREAS, the City’s consultant engineer for the project solicited proposals from qualified contractors to construct these improvements; and

WHEREAS, City staff solicited proposals from qualified consultants for the construction engineering and project inspection of these improvements; and

WHEREAS, these contracts for construction and construction engineering have been reviewed and authorized for award by the State of New Hampshire Department of Transportation as follows;

- Northeast Earth Mechanics, LLC of Pittsfield, NH for the construction of the TAP improvements for an amount of \$1,071,879 (One Million Seventy One Thousand Eight Hundred Seventy Nine dollars); and
- TEC, Inc. of Hampton, NH for construction engineering inspection for an amount of \$62,020 (Sixty Two Thousand Twenty dollars); and
- CMA Engineers of Portsmouth, NH for construction engineering design oversight for an amount of \$11,915 (Eleven Thousand Nine Hundred Fifteen dollars);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to award the contracts for the construction and construction engineering for the improvements associated with the Transportation Alternatives Program Grant and to take any other action relative to the grant and to this project determined to be in the best interest of the City.



Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Donald Austin Nancie Cameron Denis Messier Matthew Gerding Richard R. Michaud	<i>Approved:</i> City Attorney

## City of Somersworth – Resolution 26-23

History			
First Read Date:	1/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	1/9/2023		

### Discussion

*1/9/2023*

*Councilor Witham made a motion to suspend Council Rules to allow Resolution 26-23 be read by title only and further allow a second reading. Councilor Gibson seconded the motion and passed 9-0 by voice vote.*

*Clerk LaPanne performed a first reading of Resolution 26-23 by title only.*

*Clerk LaPanne performed a second reading of Resolution 26-23.*

*Councilor Austin made a motion to adopt Resolution 26-23 as submitted. The motion was seconded by Councilor Gibson.*

*Discussion: Councilor Messier questioned if there was a meeting last month which discussed removing the pathway improvements between Maplewood Elementary and Somersworth Middle School from this Resolution project request. Manager Belmore stated that is incorrect and that he didn't recall a decision removing the pathway improvement. Councilor Witham stated that the City has been working on the list of recommended improvements and things have changed during that time, additionally he noted that the sidewalk improvement on Cemetery Road was removed from this project because it was incorporated with the Complete Streets project.*

*Clerk LaPanne was recognized to call the roll, the motion passed 9-0 by roll call vote.*

<b>Voting Record</b>		<b>YES</b>	<b>NO</b>
Ward 1 Councilor	Pepin	<b>X</b>	
Ward 2 Councilor	Vincent	<b>X</b>	
Ward 3 Councilor	Gibson	<b>X</b>	
Ward 4 Councilor	Austin	<b>X</b>	
Ward 5 Councilor	Michaud	<b>X</b>	
At Large Councilor	Witham	<b>X</b>	
At Large Councilor	Gerding	<b>X</b>	
At Large Councilor	Cameron	<b>X</b>	
At Large Councilor	Messier	<b>X</b>	
<b>TOTAL VOTES:</b>		<b>9</b>	
On 1/9/2023	Resolution 26-23	<b>PASSED</b>	<b>FAILED</b>