

Minutes of City Council Meeting  
Monday, October 23, 2023

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**ROLL CALL OF MEMBERS**

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

Councilor Vincent arrived at 7:03 p.m.

**PLEDGE OF ALLEGIANCE**

Councilor Austin 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 1-24** – Supplemental Appropriation of Additional State Adequacy Grant Funding for the School Department

Mayor Hilliard opened the Public Hearing of Ordinance 1-24.

Barbara Wentworth, 73 Hawthorne Circle and Ward 2 School Board member, commented that she anticipates that the Council will vote to support the full amount of the State Adequacy Aid funding that is intended for the school district. Ms. Wentworth referenced the City's Finance Committee meeting held earlier in the month, and she noted that the City has authority on the bottom-line amount and cannot decide how each line item is funded. She added that the Business Administrator and Superintendent did an amazing job presenting the plans for the funding should it be approved. Ms. Wentworth asked that everyone work towards an environment where students are provided for and can achieve.

Doctor Bridget Jameson, 163 Old Rochester Road, commented that she fully supports the Supplemental Appropriation and noted that she is a School Psychologist within multiple school districts and is currently a teacher within Somersworth. She stated that the schools are amazing and that she works with incredible staff who do the best they can with limited funding. Doctor Jameson stated that she believes that the City does not experience a lot of turnovers within the School District because the City and Community are dedicated to the teachers, and they know that. She expressed concern, however, that if the funds are not appropriated to the School District as intended, support of the teachers is not the message that the Council will be sending. She encouraged the Council to approve the full amount and added that the State is last in the Nation in adequacy aid funding. Doctor Jameson shared that in her experience within multiple districts, education with the State is not equivalent. In conclusion, Doctor Jameson commented that her argument is less about the dollar amount and more about the principle, if the State is willing to increase Adequacy Aid it is welcomed, but still not nearly enough to fund the States education system.

Maggie Larson, 16 Hamilton Street and School Board Chair, asked that the Council appropriate the full State Adequacy Aid funding to the school district as it was intended for. Ms. Larson stated that the School District has turned over \$3,500,000 back to the City due to unanticipated funds. She expressed gratitude to the school's office staff and district administrators for the hard work pertaining to the

school budget. She explained that the additional State Adequacy Aid funds was not arbitrary, and was based on a formula determined by the Legislature. Ms. Larson noted that the School Board's Budget Committee, dedicated school staff, School Board, and the City Council's Finance Committee all support adopting the full Supplemental Appropriation. She commented that if the Council voted to utilize the funds to offset taxes, she is concerned that it could create a significant spike next year to taxpayers because the funds are not one-time and will be included in the 2024-2025 School Budget. Ms. Larson asked that, in a world full of increasing division, that the Council and School Board work in collaboration to bridge gaps and to champion education because the students of Somersworth deserve the City's investment. She asked that the Council support the approval of the full amount of the State Adequacy Aid funds to the School District.

Nina Souza, 8<sup>th</sup> Grader at the Middle School, attended the meeting as a representative of the student body for the City of Somersworth. Ms. Souza listed areas of concern within the Middle School including the fire alarm system, and leaking roofs ruining ceiling tiles in the girl's locker room and cafeteria. She added that the High School's Library bookshelves needs to be covered in plastic to avoid water damage to books. Ms. Souza shared her safety concerns of the front entrances and the need for another School Resource Officer (SRO), she noted that there are 1,386 students within the School District and although the current SRO does an amazing job, she believes that she needs more support. Ms. Souza stated that she is proud to be a student within the City and she hopes that the Council will fully support the appropriation to the School District.

Luis Feliz, 104 West High Street, began his comments by asking the City Council why. He stated that he has been happy with the changes to the School Board over the last years to months, and he feels that those changes should not be negatively impacting the schools or the students. Mr. Feliz questioned why the Council would want to keep the \$1,900,000 in State funds from the schools, he added that the funds will help to support the current students, and students to come. He listed reasons that the schools need the funding including staffing, infrastructure, technology, and the Special Education programs and resources. Mr. Feliz stated that he removed his son from the public Middle School looking for a better educational opportunity, he added that his family's plan is to enroll him into the public High School beginning with his freshman year with the hope that the school would receive additional funds for training and resources.

Riona Corr, 60 Maple Street, asked that the Council release the full amount of State funds to the School District. She stated she has lived in Somersworth for 35 years and now has three children that she is raising within the City. She commented that she hopes to guide them to leave their ego at the door because that is how the right decisions can be made. Ms. Corr stated that students, including her 9-year-old, have been through enough including the COVID-19 pandemic and school administrative changes. She stated that it is our responsibility to give the students the tools that they need to succeed because they are the City's "Bright Future". Ms. Corr stated that the State funds can aid in prevention and the health and safety of the students. She believes that if the Supplemental Appropriation is not approved, it will negatively impact the students and the data, and she questioned if the Council wanted to be responsible for that risk. She asked that the Council approve the vote, leave egos at the door and invest in the students of the City as she does not want her children to resent the leaders of the Community is they oppose.

Nicki Kinneavy, 6 Squire Drive, stated that she has been an elementary school teacher at Maplewood School for 17 years and she is in support for the release of the full amount of State Adequacy Aid funds to the School District. She stated that when she first moved to Somersworth, she was impressed by the determination of everyone she met, and when the opportunity to purchase a house came to her family,

they knew Somersworth was where they wanted to raise a family. Ms. Kinneavy stated that she believes in the City, her colleagues, and the children of Somersworth, and she was disappointed when she learned that the Council was considering to not appropriate funds from the State, to the schools. She noted that New Hampshire is 50<sup>th</sup> in the Nation regarding adequately funding the schools and can't fathom why any funds would be withheld from the School District. She spoke to having three children that attend the public schools and spoke highly of the attention and care they have received from her fellow hardworking colleagues. Ms. Kinneavy acknowledged that the City's property tax rate is high, but also wonders what better the funds could be spent on than the children that are our future, and she noted the City's motto, "Proud Past, Bright Future". She mentioned that surrounding towns have already allocated their share of the State Adequacy Aid funds to their school districts. Ms. Kinneavy stated that there is so much more that needs to be done for children within the Community and she urged the Council to vote in favor of the Supplemental Appropriation.

Louise White, 10 Nash Parkway, stated that she is a teacher within the City of Somersworth and she is asking that the Council release the funds to the schools. She noted that the funds will not affect her directly regarding her salary, however, it will make a difference to the students by adding a late bus, completing the roof project to fix leaking roofs, Special Education Programs, and more. Ms. White feels that it should be a simple decision and that the funds, if used to offset the tax rate, will not be enough to make a significant difference in the rates.

Kari Clark, 59 Franklin Street and At-Large School Board member, stated that she is proud of the students that came out and spoke to support the Supplemental Appropriation. She stated that she spoke with a number of the City Councilors regarding the State Adequacy Aid funds, and mentioned that she heard comments that the funding would negatively impact the tax payers of the City if the money was withheld from the School District. Ms. Clark referenced minutes of the City's Finance Committee meeting that was held in September 2023, where Councilor Witham mentioned that it is not up to Council members to analyze how the money is spent, but are tasked with the bottom-line authority. She asked that the full Supplemental Appropriation be awarded to the schools.

Mike Davidson, Old Rochester Road, commented that the State provided this money to the City of Somersworth for their School District and he believes that is where the funds belong. He stated that the City cannot rally for more State funding for the schools, and then vote not to provide those funds to the School District when it is received. Mr. Davidson stated that, in his opinion, if the funding was used to offset the tax rate, it would be inconsequential to most families. He encouraged the City Council to approve the Supplemental Appropriation for the funds to be released to the schools.

Paul Goodwin, 21 Linden Street, stated that he came to speak on another issue, however, felt it is very apparent where the Community stands on the Supplemental Appropriation and where the Council's values should be, and that is releasing the State Adequacy Aid funds where they were intended to, and that is to the School District.

Marci Stone, 13 Bourque Street, stated that she is a parent of students that attend the Somersworth schools and she is also a Somersworth Coordinator of the End 68-Hours of Hunger program. She expressed embarrassment that the discussion of whether or not to approve the Supplemental Appropriation is being had tonight. Ms. Stone believes that the funds belong within the School District, especially after having heard of the comments from the public regarding the needs within the schools. She mentioned that the End 68-Hours of Hunger program numbers have spiked over the last year and are serving meals to almost 150 children each weekend. She stated that the funds are needed for an array of issues.

Mike Godzik, 5 Flynn Street, commented that he has lived within the City for almost 12 years and has volunteered as a paraprofessional for 6 months and a number of other activities throughout the City's School District. He noted that he has two children within the School District and he encourages the Council to approve the Supplemental Appropriation to fund the issues brought up during Public Comments tonight.

Mayor Hilliard Closed the Public Hearing of Ordinance 1-24 after no further comments.

**B. Ordinance 2-24 – To Amend Chapter 19, Zoning, Section 4 Use Regulations, Section 33 Solar and Section 4 Table 4.A.6 Use of Solar**

There were no public comments.

**COMMENTS BY VISITORS**

Paul Goodwin, 21 Linden Street, stated that he is a life-long resident of the City. He commented on the Ordinance 4-24 and the discussions revolving around the City's Historic District modifications. He noted that he felt that the Ordinance's title does not adequately explain to the general public, that it is referencing the Historic District suggested modification. Mr. Goodwin has questions and concerns regarding the process. He offered counterfactual thoughts, and he wondered what the standard would be if the City were to expand the size of the Historic District, he suspects that the City would begin by reviewing Chapter 19 which empower and delegate the Historic District Commission to protect and inventory the City's historical resources, as well as to provide recommendations to the Council regarding the size of the District based on historical significance and characteristics.

Mr. Goodwin stated that the burden of proof would be on the Historic District Commission and they would need to evaluate and make recommendations on developer applications within that District. He asked that the same standard be utilized when removing sections of the District, and he asked if the areas to be removed are contributing historically or culturally and has that assessment been done. Mr. Goodwin would like to see some community engagement regarding the shrinking of the District beyond public comments or a public hearing at a City Council meeting. He would also like the Council to assess whether the shrinking of the Historic District aligns with the City's Master Plan and their vision. He has concern that removing parts of the District could lessen the incentive for neighbors to improve their properties, and he referenced Chapter 31 regarding the incentive of up to 4-years of tax relief for property owners that make substantial improvements to their properties that are within the District. Mr. Goodwin commented that he is not opposed to change, however, he feels that the Community needs to be more involved as he fears that the trust between the City Council and Community could be jeopardized. He suggested that the discussion should revolve around review of the Historic District Commission's authority and not changing of its physical size.

**CONSENT CALENDAR**

A. Approve Minutes of the City Council meeting held on October 9, 2023

***Councilor Austin made a motion to adopt the Consent Calendar as presented. The motion was seconded by Councilor Pepin and passed 9-0 by voice vote.***

**COMMENTS BY CITY COUNCILORS**

Councilor Witham was thankful to hear the comments regarding Ordinance 4-24 that he proposed in regards to reducing the size of the Historic District. He stated that he had been transparent at the

previous Council meeting of his intent of proposing the Ordinance, and that being to stir-up important and serious conversation which have been accomplished. Councilor Witham stated that he had spent time touring a good part of the District with a Historic District Commission member. He explained that the process begins with it being introduced tonight, then a public hearing gets scheduled for the next regularly scheduled Council meeting, and up for action at the next meeting. Councilor Witham stated that his intention is to attend this week's Historic District Commission meeting to share his ordinance and map revisions of the District with the Commission to get their input as a whole. He welcomes further Community conversation and also having it referred to a committee for further review.

Councilor Gerding stated that he will be requesting that Ordinance 4-24 be referred to the Economic Development Committee after its first reading tonight. He also stated that he will be recusing himself from the discussion and vote on Ordinance 1-24 regarding the Supplemental Appropriation due to his job as a teacher within the School District, but will save his comments for closing comments regarding the topic.

Councilor Pepin addressed the comments pertaining to the Supplemental Appropriation regarding the impression that the City Council wants to keep the funds. He explained that with every supplemental appropriation, there is a process that must be followed, he continued to explain that there is a request made, followed by a first reading, then a public hearing before the second reading, and lastly action on the request. Councilor Pepin stated that when there is a potential tax savings for property owners, that also needs to be shared with the public. He added that the discussion is important to the process.

Councilor Gibson agreed with Councilor Pepin's comments regarding the misinformation that the Council is looking to keep the funds. He stated that he knows that the State funding for the schools has been inadequate for a number of years, and he wanted to remind everyone that the City Council has stepped up to fund that short fall. Councilor Gibson stated that it is the Council's job to look at the funds coming in, and to have discussions and public comments with regards to how that money is allocated.

Councilor Vincent commented on the public concerns brought up regarding the schools leaking roof and other issues. He asked why those items were not included in the initial budget and are only coming forward when there are additional State Adequacy Aid funds that have come through. Councilor Vincent stated that from his recollection, the Council has not enforced any cuts to any requests that have come in from the School Board. He stated that he wants to see leaking roofs repaired, and he asked that the public bear with the Council, because it is a process.

Councilor Cameron shared that base adequacy funding to support an adequate education, according to the State of New Hampshire, is \$300,636 per pupil which includes the cost of teachers, materials, facilities, transportation, guidance counselors, principles and technology. She commented that the base funding, as stated, is essential in providing a minimum education to students, but we need to provide an excellent education. Councilor Cameron stated that receiving additional funds is a blessing and needs to be used towards providing that excellent education. She acknowledged that the Council only has bottom-line authority regarding the dollar amount of the School District's budget, and she urged the public to monitor how the money is spent and made it known that her intent is that the money goes towards educating the students.

Councilor Witham asked for clarity, he questioned if there will be an opportunity to debate Ordinance 1-24 when that agenda item comes up. Mayor Hilliard stated that Councilor Witham is correct, and he

added that his intention is to proceed with Unfinished Business, Ordinance 1-24 immediately following Comments by City Councilors. There were no further comments by Councilors and there was no objection from the Council to proceed with Ordinance 1-24.

## **UNFINISHED BUSINESS**

### **ORDINANCES**

- A. **Ordinance 1-24** – Supplemental Appropriation of Additional State Adequacy Grant Funding for the School Department

Mayor Hilliard requested that without objection from Council, he would like to proceed with Unfinished Business, Ordinances A., Ordinance 1-24 – Supplemental Appropriation of Additional State Adequacy Grant Funding for the School Department. There was no objection from Council.

***Clerk LaPanne performed a seconded reading of Ordinance 1-24.***

***Councilor Witham made a motion to adopt Ordinance 1-24 as presented. The motion was seconded by Councilor Messier.***

***Councilor Gerding recused himself from the discussion and vote of Ordinance 1-24.***

Discussion:

Councilor Witham thanked his fellow Councilors for beginning the conversation pertaining to the process of a supplemental appropriation during opening comments by Councilors. He commented that he has been transparent about supporting the supplemental appropriation requested by the School Board since its inception. He explained that the State of New Hampshire determines the State adequacy aid amount in the Fall which is well after the City adopts their budget in the Spring time. Councilor Witham further explained that the Council is given an estimate when finalizing the City's budget, and that estimate is provided by the School's Finance Department with their best guess until the final figures are provided by the State in the Fall. He clarified that the procedure then requires that the City appropriate any additional funds by way of a supplemental appropriation which requires a 2/3 votes of the Council members as stated within the City Charter.

Councilor Witham stated that there are two options open for discussion, the first being that the money gets appropriated to the School Department, and the other option is for the money to be utilized during the tax rate setting process with the Department of Revenue Administration to offset the tax rate. He clarified that the City Council would not have control of the additional funding for City projects or purchases. Councilor Witham commented that he views the process as a straight forward and simple administrative process, and he believes that the funds should be used as it is intended and that is for the School Department.

Councilor Witham brought along his umpire baseball cap and a can of spray paint. He used those items to explain that he does not feel that the School Department is adequately funded by speaking to the cost of hiring umpires and the purchasing of spray paint to line the baseball fields during games. He commented on the Boosters raising funds to operate sports programs because it is not funded by the School Department. He commended the School Department staff for working with the funds that they are given to operate each year, although he feels that it is not enough and sees that their funds are being stretched to the best of their ability.

Councilor Witham commented on the workshop held within Council Chambers that included the City Councilors and the School Board members, and during that meeting there was discussion regarding the tax rate impact that each of the Councilors could stomach. Councilor Witham stated that he understands the argument to provide relief to the tax rate, but he also feels that that was done during the City's initial budget process. He stated that the School Board presents a budget to the Council based off on an inclining as to what will be accepted, and he feels that the cuts to the School Department was made back then. He added that approving the supplemental appropriation is an opportunity to give back to the schools for items that are needed.

Councilor Messier stated that the additional funds provided by the State Adequacy Grant is money that the schools could use for necessary projects and he commented that he supports the supplemental appropriation.

Councilor Austin expressed his angst leading up to this discussion of the supplemental appropriation. He commented that the City Council historically has spoken about the fact that the State does not provide enough funding to the schools, and he stated that he feels that the funds should be appropriated to the school. Councilor Austin acknowledged the fact that he has no say over how the funds get spent, however, he wishes to encourage the School Board and their Finance Committee to review the additional requested items and to look towards addressing issues that were mentioned during the Public Hearing such as leaking roofs, infrastructure issues and bathrooms that should take priority in his opinion. He confirmed that in the end he will support the supplemental appropriation.

Councilor Pepin inquired about the State Adequacy funding asking if the increase in funds is a one-time increase or if the School Department expects it to continue into the following budget years. He added that he has concerns that if the funding does not continue, the City could potentially be looking at an almost \$2,000,000 increase.

***Councilor Witham made a motion to suspend Council Rules to allow staff members to ask questions. The motion was seconded by Councilor Gibson and passed 9-0 by voice vote.***

Katie Krauss, Business Administrator, stated that it is their understanding that the increase will continue into next year because it was a legislative change that increased the base rate of adequacy aid. She added that they should be receiving their estimate from the State in November and will have a better idea at that point.

Councilor Michaud commented that he supports the funds going towards items such as completing the roof project and to special education, however, he expressed concern that some of the "wish list" items aren't on the "must do" list because he feels that some of those items are just as important. He spoke to the request of a late bus and he feels that it is an important necessity to engaging students in afterschool activities and ensuring they have a ride home. Councilor Michaud mentioned that he was contacted by a resident who told him that the bathrooms at the Middle School are in poor condition and need to be updated, as well as some of the school fountains not being used due to lead contamination. He stated that he would like to see some of the funding go towards addressing these important items for the students.

Councilor Gibson stated that he has a hard time with the full request, his concern being over the "wish list" items when he feels that the funds should go towards additional educational needs and support. He also stated that he feels everyone is trying to make the Council out to be the bad guys on this topic,

he believes that the Council has always supported the school district to the best of their ability. Councilor Gibson also mentioned concern of failing physical structures that have been brought up during comments and he wonders why they were not brought up before now. He stated that he has no problem supporting \$1,600,000 million of the request, which would cover the expenses minus the additional requested items list.

Councilor Vincent stated, regarding the “wish list” items, that he feels that the approximately \$300,000 that was requested to fund those items, would not significantly offset the tax rate. He stated that he is in support of the supplemental appropriation and he encourages that the funds be used wisely.

Councilor Witham commented that he appreciated the remark made about the impact to the tax payer and he feels that it would be de minimis. He stated that the taxpayers throughout the State of New Hampshire pay higher property taxes than many other States, because there is no sales or income tax in New Hampshire, which is likely another reason that the State does not fund the schools adequately due to lack of funds coming into them. Councilor Witham commented on the list of additional requested items which has been deemed a wish list by some, and he believes that the items on the list are an additional need of the schools and not a “wish list”. He referenced some of the items listed on the list of additional requests and briefly explained how he finds those items to be a necessity for the schools. Councilor Witham added that if the School Board decides to massage the funds by addressing other items that were mentioned tonight, he has trust in the School Board to make those important decisions.

Councilor Pepin informed the Council that upon going through the City’s Capital Improvement Plan, he found that improvements to the school’s bathrooms have not gone unnoticed and is within the Plan.

***The motion passed 8-0-1 by roll call vote. Councilor Gerding recused himself from the vote.***

Mayor Hilliard declared a brief recess of the City Council meeting at 8:12 p.m.

The City Council returned from recess at 8:17 p.m.

## **COMMUNICATIONS**

### A. Report from SRPC Executive Director Jennifer Czysz

Jenn introduced herself to the City Council and shared that she would be reporting on some of the things that the Strafford Regional Planning Commission (SRPC) is working on and upcoming projects within the City. Director Czysz stated that SRPC is an organization that has three different entities under one roof, 1) Regional Planning Commission, 2) Metropolitan Planning Organization, and 3) Economic Development District. She noted that their commissioners govern all three of those entities and from the City of Somersworth, Michael Bobinsky, Chris Horton and Mark Richardson are commissioners. She added that the City’s commissioners are very engaged with SRPC. Director Czysz summarized the core plans that are updated frequently under each entity, which includes a regional housing assessment, comprehensive economic development strategy, and host a whole suite of online data and resources that are available to all of the communities.

Director Czysz explained how municipal dues are utilized and why those dues are so critical to SRPC’s operations. She stated that while dues are approximately 7% of the current budget, 77% of those dues

are used towards leveraging their Federal funds. To put into perspective, for every one dollar of dues, nine dollars of Federal funding is returned and it is critical to SRPC operations.

Director Czysz shared what SRPC is working on within the City of Somersworth. She noted the Granite YMCA CDBG application for child care facility improvements that came to the Council, and she noted that there is a meeting being held on November 2<sup>nd</sup> where the CDBG Board will announce who they are awarding grants to.

Director Czysz reported on transportation stating that the Main Street Complete Streets project was the top ranked project within the Region. She explained how the projects get ranked by collaboration and discussion between staff and volunteers from the 18 communities, as well as the SRPC Commission. She added that as part of the 10-year plan, the preliminary design of the Main Street Complete Streets project is slated to begin in 2031 and construction to begin in 2033. Director Czysz shared that SRPC has a consulting engineer that is available to come out to work with Communities to scope out and help budget for those projects. Director Czysz reported on the Route 108 Complete Streets Project, she stated that the initial round of public outreach has concluded and is moving into the next phase of that project. Lastly, regarding the transportation, Director Czysz shared that SRPC can also assist with parking studies and bicycle or pedestrian counts at no cost to the City.

Director Czysz reported on housing, she mentioned seeing a number of Councilors at the Housing Workshop that SRPC hosted with the City's Planning Department, as well as a housing survey. She shared some of the housing related concerns that came from the survey including cost, neighborhood safety and vacant homes. Director Czysz confirmed that SRPC staff are in the writing process phase after having gathered information for the survey and housing workshop for the Master Plan chapter itself. She added that on the planning side, they are working with the City to conduct a housing audit to look at the zoning, subdivisions, and site plan regulations to identify any barriers or opportunities. Director Czysz mentioned that anyone can obtain project updates by visiting the SRPC website using the project portal.

Director Czysz reported on economic development for SRPC, she stated that during a meeting of the Commissioners, they prioritized projects within their Economic Development Strategy and then broke off into smaller groups where they discussed leveraging their Brown Fields program after a small hiatus between funding rounds. She added that as of October 1<sup>st</sup>, the program is back up and running and fully funded for four years. Director Czysz summarized additional economic development initiatives that have been prioritized by SRPC.

Councilor Witham stated that he is thankful for all of the work that SRPC has done for the Community, he added that the City has leveraged SRPC pretty aggressively and that he appreciates the partnership with SRPC.

Councilor Messier commented that he appreciates the work of SRPC. He noted an important take away from Director Czysz Update is that for every dollar, nine dollars is received back through leveraging. With that, he hopes that the Council will consider that during the budget setting process. Councilor Messier noted that SRPC has assisted with many projects and initiatives, he also added that he is happy about the housing audit.

Mayor Hilliard expressed thanks to Director Czysz for the updates and he thanked SRPC for all of their hard work. He commented that County Government is a hidden gem of government and that the City would not be able to complete all that it does without their help.

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

There were no presentations of petitions and disposal thereof by reference or otherwise.

### **MAYOR'S REPORT**

#### **Mayors Report for City Council Meeting October 23<sup>rd</sup>, 2023**

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

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

- A. Richard Brooks for re-appointment as a member to the Zoning Board with a term to expire October 2026

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

Also, under nominations, appointments and elections, the following are being brought forward this evening for a confirmation vote;

- A. Chris Horton for re-appointment as a member to the Planning Board with a term to expire October 2026
- B. Keith Perkins for re-appointment as a member to the Zoning Board of Adjustments with a term to expire October 2026.
- C. Tammy F. Sneddon for re-appointment as a member to the Trustees of the Trust Fund with a term to expire October 2026

**This respectfully concludes my October 23<sup>rd</sup>, 2023 Mayors Report**

### **REPORT OF STANDING COMMITTEES**

*Finance Committee* – Councilor Witham reported that the Finance Committee met on October 16th and he noted that Councilor Michaud was a temporary mayoral appointment. The first item discussed was the Oaks Lease Extension, the Committee supported moving forward with the Lease Extension Agreement. He noted that the lease agreement goes through 2038, and at that time, could be automatically extended out to 2060 provided that the scope of improvements presented by the Oaks Golf Course Principle, Peter Harrity, are completed.

Councilor Witham reported that the Finance Committee discussed the replacement of a catch basin off of Blackwater Road and High Street. He noted that after City staff investigated the repair further, it was determined that the entire catch basin structure is in need of a full replacement. Councilor Witham informed the Council that the lowest quote was that of SUR Construction of Rochester, N.H. in the amount of \$40,000, the Committee agreed to add \$10,000 in contingency funds for the project and they are looking to fit the project within this current construction season. The project is complicated and will require a full detour because it is right in the middle of the intersection.

Councilor Witham reported on the Phase II upgrades to the Wastewater Treatment Facility which the City has budgeted \$450,000 within the Wastewater Enterprise Fund for the engineering services for

that project. He stated that the quote for the engineering services came in at \$415,000 and the Finance Committee supported moving forward with Wright-Pierce Engineering. He noted that Wright-Pierce Engineering has done all of the work regarding the Wastewater Treatment Facility Phase I upgrades, and therefore, they have the knowledge of the building and the Committee suggests moving forward with Wright-Pierce for the Phase II engineering services.

Councilor Witham stated that the Committee is recommending that the Council move forward with Wright-Pierce Engineering for the engineering services to the Hamilton Street water tank. He stated that the quote for the engineering services for a replacement water tank came in at \$300,500. Councilor Witham stated that under reporting, there were no notable concerns regarding the budget. The Committee discussed the school's request for a supplemental appropriation. He mentioned Councilor Austin's inquiry about the timing of the setting of the tax rate, he added that in part, it had to do with the decision of the supplemental appropriation, and now City staff can be in contact with the Department of Revenue to get the process moving forward.

*Government operations* – Councilor Michaud reported that the Committee is scheduling their next meeting on Tuesday, October 31st at 5:00 p.m.

*Public Safety Committee* – Councilor Pepin reported that the Public Safety Committee met on October 16th and he noted that Councilor Michaud was a temporary mayoral appointment. The meeting began with a report by Police Chief McLin regarding the NH laws pertaining to E-Bikes. He stated that Chief McLin provided an explanation of the three classifications of an E-Bike that include the age at which someone can operate the E-Bike, the age a helmet is required, the speed the bike can reach, and more. He stated that it was determined that there is no insurance available to cover an E-Bike at this time and that the E-Bike follows the same laws of a regular bicycle pertaining to the rules of the road.

Councilor Pepin stated that the Committee received an update regarding the Police Department from Chief McLin. The body worn cameras are working well and strengthening court cases; the two SUV cruisers are pending installation of radios before they can be put into service; the Department has six openings they are looking to fill; the Department's radio console continues to wait for equipment with no definitive timeline by the vendor; and Chief McLin reports that two Sergeants will be attending the FBI LEEDA training.

Councilor Pepin reported on the update provided by Fire Chief Kramlinger. He stated that the Fire Station has a small number of items that such as furniture and the red globe lights that they are waiting on. Engine 5 is working well, but it still needs a few minor adjustments to better accommodate the staff. Councilor Witham reported on the annual testing of the fire pumps and ladders went through testing.

The Committee received a brief update from Paul Robidas pertaining to EMS, the calls are remaining consistent with an average response time of 4 minutes. Councilor Pepin stated that Stewarts Ambulance is waiting on radios to be installed into their two new ambulances and that those are also on backorder.

Under miscellaneous, the City Manager confirmed that the City is still looking for an organization to operate the Willand Warming Shelter and that SOS is not interested this time around. It was noted that Paul Robidas commented that it was too bad SOS would not be operating the Center again because emergency service calls were much less when they were operating it.

*Public Works & Environment Committee* – Councilor Witham reported that the Committee met on October 16<sup>th</sup> and he noted that Councilor Michaud again, was a temporary mayoral appointment. He mentioned that the Committee also discussed the replacement of a catch basin off of Blackwater Road and High Street, the Wastewater Treatment Facility phase II upgrades, and the Hamilton Street water tank as he reported during the Finance Committee report.

Councilor Witham summarized the significant discussion that was had regarding the 2024 road resurfacing and sidewalk reconstruction plan as it relates to three Resolutions to come before the Council for a first reading tonight. He listed the roads and sidewalks that the Committee agreed to recommend to the full Council for repair, including the services and repairs to take place. Councilor Witham stated that the projects are estimated to cost around \$1,400,000 with the funds available throughout various budgeted line items.

The Committee discussed the new sidewalk that the Flatley Company had constructed off of Tri-City Road which was a condition of approval by the Planning Board regarding the development of the self-storage units built in Rollinsford, he noted that the traffic exits out on to Tri-City Road. He reported that the City Engineer looked at said sidewalk, he stated that the sidewalk itself is complete and built to City standards, however, there is roughly 80 feet of curbing that did not get installed. The City will ultimately need to vote to accept the sidewalk once the curbing has been completed before the City can plow or maintain that sidewalk, he added that the Flatley Company has been notified of this.

Councilor Witham reported that the Committee briefly discussed an easement issue on Pinewood Drive involving steps that would require the property owner to get an easement with the City of Somersworth. The Committee also flagged a few areas of concerns for staff to address throughout the City. Councilor Witham stated that the Committee would like for the City Manager to include within the City's 2025 budget, funds to redo pavement, parking stalls and crosswalk markings.

*Recreation Committee* – Councilor Cameron reported that the Committee has a meeting scheduled on Wednesday, October 25<sup>th</sup> 4:00 p.m. Following the meeting, the Committee will meet at the Ash Street Park for the butterfly garden ribbon cutting.

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

*Community Power Coalition* – Councilor Gerding reported that the Committee held their first meeting on Thursday, October 19<sup>th</sup> at 4:00 p.m. The first item on the agenda was to introduce the current Committee members, and then Councilor Gerding read aloud Resolution 2-24 that was passed by the full Council to establish the Community Power Coalition Committee within the City of Somersworth. Also in attendance was Henry Herndon, the Director of Member Services from the Community Power Coalition of New Hampshire.

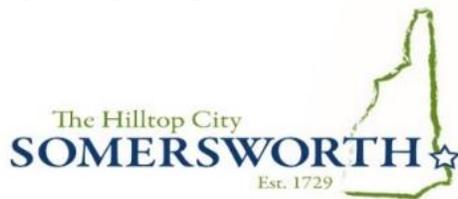
The Committee discussed with Mr. Herndon, the process of how the program would get off the ground if the City decides to move forward with it, as well as information about how the program works. Councilor Gerding stated that it is the responsibility of the Committee to establish a community power aggregation plan that would be presented to the Council for adoption and approval from the State. He stated that Director Herndon provided the Committee with a few template plans to work from, and the Committee would need to come up with goals regarding the City's energy use and consumption as part of that plan. Councilor Gerding noted that June 2024 is the next round for communities to join the Coalition, he provided a summary of the timelines discussed by the Committee. Director Herndon explained that his team does a large educational push to the Community including mailers, media releases, op-eds, and the use of other local resources to get the word out. Additionally, there is an opt-

out letter than is sent to all residents that allows those who wish to opt-out of the program, to return the letter and opt-out of the program. Councilor Gerding clarified that if a resident does not opt-out of the program, they will be automatically enrolled into the program if the City moves forward with the program. The Committee also heard from Director Herndon how the program works and where the energy is sourced from. Councilor Gerding explained the reserve fund, he stated that the reserves can be used for a number of things including rate stability to avoid large swings in rate changes and funding for energy related projects.

Councilor Gerding stated that the City's Finance Director, Scott Smith, is a member on the State Community Coalition Board and City Manager, Bob Belmore, is the alternate member representing the City of Somersworth.

Councilor Gerding reported that the Committee is interested in moving forward with the program and will be working to develop a plan. At the next meeting, the Committee will discuss whether the City already has energy specific goals already established within the Master Plan, and to also develop goals specific to this program. The next meeting is scheduled on November.

City Manager's Report



**Office of the City Manager**

**TO: Mayor Dana S. Hilliard and City Council Members**  
**FROM: Robert M. Belmore, City Manager**  
**DATE: Friday, October 20, 2023**  
**SUBJECT: City Manager's Report for Monday, October 23, 2023 City Council Meeting**

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

**Ordinances**

- A. Ordinance 1-24: Supplemental Appropriation of Additional State Adequacy Grant Funding for the School Department.** Again, the Finance Committee met on September 20<sup>th</sup> and voted to recommend to the full Council this Supplemental Appropriation by a vote of 2-1 with Councilor Matt Gerding recusing himself. Attached is another copy of the information provided by School Business Administrator Katie Krauss to the Finance Committee regarding the School Board's request. Attached is a "*confidential*" copy of a legal opinion from City Attorney Laura Spector-Morgan as requested by City Councilors in regards to the required 2/3's vote to pass this Supplemental Appropriation.

- B. Ordinance 2-24: To Amend Chapter 19, Zoning, Section 4 Use Regulations, Section 33 Solar and Section 4 Table 4.A.6 Use of Solar.** Again, these Zoning changes are being recommended by the Planning Board after several discussions and iterations.

*New Business (under Section 16 of Agenda)*

Ordinances

- A. Ordinance 3-24: Supplemental Appropriation for Engineering and Design Services to Replace the Hamilton Street Water Tank.** The Finance Committee met on October 16<sup>th</sup> and voted to recommend this funding formula to the full Council. Please note: the FY 23 Budget included an appropriation of \$154,500 to replace roof, the project came in significantly higher than the budgeted amount. These funds will be used in conjunction with this supplemental appropriation to begin the process of building a new water tank. I recommend a Public Hearing be scheduled for the next regular Council meeting on Monday, November 13<sup>th</sup>.

There were no objections from Council, a Public Hearing is scheduled on Monday, November 13<sup>th</sup>.

- B. Ordinance 4-24: To Amend Chapter 19, Zoning, Section 19.3.D District Boundaries and Section 19.14.C.3 District Boundaries.** Attached is a map depicting the proposed Zoning change as well as a memorandum from Director Michelle Mears detailing the Historic District Commission's boundary changes requested by Councilor David Witham. I recommend a Public Hearing be scheduled for the next regular Council meeting on Monday, November 13<sup>th</sup>.

There were no objections from Council, a Public Hearing is scheduled on Monday, November 13<sup>th</sup>.

Resolution

- A. Resolution 15-24: To Authorize the City Manager to Execute a 20-Year Lease Extension Agreement with Hideout Golf, Inc. for the Operation and Maintenance of an 18-Hole Golf Course on City Owned Property.** The Finance Committee met on October 16<sup>th</sup> and voted to recommend this 20-year Lease Extension Agreement to the full Council. Attached is the Lease Extension Agreement which was prepared by the City Attorney as well as other supporting documents.

City Manager Belmore stated that within the supporting documents he provided to the Council, he included an outline of the Capital Improvements they look to move forward on prior to the expiration of the current lease in 2040. He noted that if the improvement projects are not completed by 2038, the lease would stall, and if they are completed, the lease will extend out to 2060.

- B. Resolution 16-24: To Authorize the City Manager to Contract with Wright-Pierce Engineering of Portsmouth, New Hampshire for Engineering Services at the Somersworth Wastewater Treatment Facility.** The Public Works & Environment and the Finance Committee met on October 16<sup>th</sup> and both Committees recommend contracting with Wright-Pierce Engineering. Attached is a copy of the Upgrade Design Services Agreement that was provided to the Committees at their meetings. Council appropriated \$450,000 in this Fiscal Year's Wastewater Budget for this project.

- C. Resolution 17-24: To Authorize the City Manager to Contract with Wright-Pierce Engineering of Portsmouth, New Hampshire for Engineering Services to Replace the Hamilton Street Water Tank.** The Public Works & Environment and Finance Committee met on October 16<sup>th</sup> and recommends contracting with Wright-Pierce Engineering. Attached is a copy of a Memorandum from Director Mike Bobinsky as well as a copy of the proposed Agreement with Wright-Pierce Engineers.
- D. Resolution 18-24: To Authorize the City Manager to Prepare Bid Specifications for Road Resurfacing and Associated Repairs of Selected Streets and to Repair and Reconstruct the Sidewalk on the East Side of Maple Street.** Attached is a Memorandum from City Engineer Amber Hall regarding the proposed Streets and Sidewalk reconstruction and estimated costs.
- E. Resolution 19-24: To Authorize the City Manager to Contract with CMA Engineers of Portsmouth, New Hampshire for Engineering Services for the Design to Reconstruct the West Side Sidewalk on High Street.** The Public Works & Environment Committee met on October 16<sup>th</sup> and recommend contracting with CMA. Attached is a Memorandum from City Engineer Amber Hall and CMA's proposal for their Engineering Services. I respectfully request that Council consider waiving its' rules to provide a second reading and vote this evening so that we can expedite completion of the design.
- F. Resolution 20-24: To Authorize the City Manager to Prepare Bid Specifications to Resurface a Section of High Street and Reconstruct the West Side Sidewalk on High Street from West High Street to South Street.** The Public Works and Environment Committee met on October 16<sup>th</sup> and recommends this Resolution. Attached is a Memorandum from City Engineer Amber Hall with her cost analysis of the High Street that is are being recommended as well as the sidewalk. This project will be bid separately due to the need to complete the aforementioned sidewalk design work.

### Attachments

1. **Department Head Reports**
2. **City Attorney Certifications:** Eight (8)

After consulting with the Mayor, City Manager Belmore reported that the City has received two offers for the former National Guard Readiness Center property after having been authorized by the Council to contract with a realtor. Heather Kretschmar recommended that the City set an offer date deadline, and without objection from Council, they suggest the deadline to be at the close of business on Friday, October 27<sup>th</sup>. He would also recommend holding a special meeting of the Council to go over the offers received on Tuesday, October 31<sup>st</sup> in a non-public session at 5:30 p.m. The intention would be to invite those that submitted an offer, to come in one at a time to discuss their offer with the Council regarding how they wish to move forward with their use of the property. Manager Belmore explained that after the non-public, the City would draft a Resolution which would require Council debate and a vote in public.

Councilor Vincent objected due to his inability to attend a special meeting on October 31<sup>st</sup>.

Mayor Hilliard declared a brief recess of the City Council meeting at 9:08 p.m.

The City Council returned from recess at 9:11 p.m.

Manager Belmore stated that during the recess, the Council came to a consensus to accept offers until close of business on Friday, November 3<sup>rd</sup> and to schedule the special meeting of the Council on Thursday, November 9<sup>th</sup> at 5:30 p.m.

### **NOMINATIONS, APPOINTMENTS AND ELECTION**

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

- A. Chris Horton for re-appointment as a member to the Planning Board with a term to expire October 2026
- B. Keith Perkins for re-appointment as a member to the Zoning Board of Adjustments with a term to expire October 2026.
- C. Tammy F. Sneddon for re-appointment as a member to the Trustees of the Trust Fund with a term to expire October 2026

***Councilor Witham made a motion to approve the slate of nominations as presented. The motion was seconded by Councilor Vincent and passed 9-0 by voice vote.***

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

- A. Richard Brooks for re-appointment as a member to the Zoning Board with a term to expire October 2026

***Councilor Witham made a motion to suspend Council Rules to act on the nomination. The motion was seconded by Councilor Vincent and passed 8-1 by voice vote. Councilor Messier opposed.***

***Councilor Witham made a motion to approve the nomination as presented. The motion was seconded by Councilor Vincent.***

Mayor Hilliard noted that he brought Mr. Brooks forward for nomination, however, Mr. Brooks is running for an elected position at At-Large City Councilor. He stated that if Mr. Brooks is elected, he would be forced to resign from the Zoning Board.

***The motion passed 8-1 by voice vote. Councilor Messier opposed.***

### **LAY ON THE TABLE**

There were no items under Lay on the Table.

### **UNFINISHED BUSINESS**

#### **ORDINANCES**

- B. **Ordinance 1-24** – Supplemental Appropriation of Additional State Adequacy Grant Funding for the School Department

Ordinance 1-24 was previously discussed and voted on following agenda item Comments by City Councilors.

- C. **Ordinance 2-24** – To Amend Chapter 19, Zoning, Section 4 Use Regulations, Section 33 Solar and Section 4 Table 4.A.6 Use of Solar

***Clerk LaPanne performed a second reading of Ordinance 2-24.***

***Councilor Witham made a motion to adopt Ordinance 2-24 as presented. The motion was seconded by Councilor Vincent.***

Discussion:

Councilor Vincent stated that this Zoning amendment was discussed and vetted over multiple Planning Board meetings in an effort to provide clarity of Solar within the City.

Councilor Messier acknowledged the amount of work that went into the amendment, but he expressed some concern over language within the amendment. He questions why the City is exempt from any of the new rules and he feels that if the rules are being imposed on the residents, the City shouldn't be excluded from those rules. He also questions why solar panels cannot be installed on a carport roof. Councilor Messier does not agree with some of the setback regulations or the need for an engineering report being required for installation of panels on property owners' roofs.

***The motion passed 8-1 by roll call vote. Councilor Messier opposed.***

## **NEW BUSINESS**

### **ORDINANCES**

- C. **Ordinance 3-24** – Supplemental Appropriation for Engineering and Design Services to Replace the Hamilton Street Water Tank

***Clerk LaPanne performed a first reading of Ordinance 3-24.***

***Ordinance 3-24 will remain in first reading until the call of the Chair.***

- D. **Ordinance 4-24** – To Amend Chapter 19, Zoning, Section 19.3.D District Boundaries and Section 19.14.C.3 District Boundaries

***Councilor Witham made a motion to suspend Council Rules to allow Ordinance 3-24 to be read by title only. The motion was seconded by Councilor Gerding.***

Discussion:

Councilor Witham stated that he wants to remain transparent through this process, however, he feels that having the Ordinance read aloud would be too difficult to follow along with and encourages anyone with interest, to see the map amendment of the Historic District to understand it.

***The motion passed 9-0 by voice vote.***

***Clerk LaPanne performed a first reading of Ordinance 4-24 by title only.***

***Mayor Hilliard assigned Ordinance 4-24 to the Chair of the Economic Development Committee.***

### **RESOLUTIONS**

- A. **Resolution 15-24** – To Authorize the City Manager to Execute a 20-Year Lease Extension Agreement with Hideout Golf, LLC. for the Operation and Maintenance of an 18-Hole Golf Course on City Owned Property

*Clerk LaPanne performed a first reading of Resolution 15-24.*

*Resolution 15-24 will remain in first reading until the call of the Chair.*

- B. **Resolution 16-24** – To Authorize the City Manager to Contract with Wright-Pierce Engineering of Portsmouth, New Hampshire from Engineering Services at the Somersworth Wastewater Treatment Facility

*Clerk LaPanne performed a first reading of Resolution 16-24.*

*Resolution 16-24 will remain in first reading until the call of the Chair.*

- C. **Resolution 17-24** – To Authorize the City Manager to Contract with Wright-Pierce Engineering of Portsmouth, New Hampshire for Engineering Services to Replace the Hamilton Street Water Tank

*Clerk LaPanne performed a first reading of Resolution 17-24.*

*Resolution 17-24 will remain in first reading until the call of the Chair.*

- D. **Resolution 18-24** – To Authorize the City Manager to Prepare Bid Specifications for Road Resurfacing and Associated Repairs of Selected Streets and to Repair and Reconstruct the Sidewalk on the East Side of Maple Street

*Clerk LaPanne performed a first reading of Resolution 18-24.*

*Councilor Witham made a motion to suspend Council Rules to allow for a second reading of Resolution 18-24. The motion was seconded by Councilor Gerding and passed 9-0 by voice vote.*

*Clerk LaPanne performed a second reading Resolution 18-24.*

*Councilor Vincent made a motion to adopt Resolution 18-24 as presented. The motion was seconded by Councilor Gibson and passed 9-0 by roll call vote.*

- E. **Resolution 19-24** – To Authorize the City Manager to Contract with CMA Engineers of Portsmouth, New Hampshire for Engineering Services for the Design to Reconstruct the West Side Sidewalk on High Street on High Street

*Clerk LaPanne performed a first reading of Resolution 19-24.*

*Councilor Witham made a motion to suspend Council Rules to allow for a second reading of Resolution 19-24. The motion was seconded by Councilor Messier and passed 9-0 by voice vote.*

*Clerk LaPanne performed a second reading Resolution 19-24.*

*Councilor Vincent made a motion to adopt Resolution 19-24 as presented. The motion was seconded by Councilor Austin and passed 9-0 by roll call vote.*

- F. **Resolution 20-24** – To Authorize the City Manager to Prepare Bid Specifications to Resurface a Section of High Street and Reconstruct the West Side Sidewalk on High Street from West High Street to South Street

*Clerk LaPanne performed a first reading of Resolution 20-24.*

*Resolution 20-24 will remain in first reading until the call of the Chair.*

### **COMENTS BY VISITORS**

Richard Brooks, 18 Linden Street, thanked the Council for pushing forward his nomination to the Zoning Board as the Board does not often have a full board member attendance at the meetings. He mentioned that he running for the position of an At-Large City Councilor in the upcoming election. Mr. Brooks stated that he has been speaking with members of the public regarding the former National Guard Readiness Center property. He noted that within the City's Capital Improvement Plan, there is a need for a larger Public Works Facility and thinks that this building should be considered for the project.

Maggie Larson, School Board Chair, thanked the Council on behalf of the School Board for approving the full Supplemental Appropriation and she encouraged all to reach out with any questions. She added that she heard the questions and suggestions brought up tonight, and invited all to attend the School Board meetings. Ms. Larson also thanked the Council for the work on the Hamilton Street water tank.

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

Councilor Pepin commented on the Historic District, he hopes that the Council would consider hosting a joint workshop with the Council and the Historic District Commission to gather the Commission input.

Councilor Austin commented on complaints that he has heard from the public regarding sidewalks that are in need of repair. He stated that he understands that there is a process to identify which sidewalks are complete first, but he does hope that the list is monitored on an ongoing basis because he thinks that as the City progresses, sidewalks in the less urban areas need attention. He noted that some sidewalks are unwalkable due to root and grass overgrowth. Councilor Austin stated that he disagrees with a comment made by Councilor Witham where he stated that the Supplemental Appropriation request by the school is a simple administrative procedure. He added that he feels that with any appropriation request, it is worthy of debate and discussion. Councilor Austin commented that he is glad that the Council agreed to approve the school's request.

Councilor Michaud stated that November 7<sup>th</sup> is the City's Municipal Election and he encourages all to come out and vote.

Councilor Witham commented on the sidewalk reconstruction plan and he acknowledged that sidewalk projects are just as costly as road reconstruction due to the work of sidewalks being challenging. He stated that the City should perhaps look into increasing funds for sidewalk projects. Councilor Witham mentioned that he plans on attending the Historic District Commission on Wednesday, he also appreciates the comment regarding holding a workshop meeting with the Council and Commission made by Councilor Pepin.

Councilor Gerding commented on his reasoning for recusing himself from the discussion and vote of Ordinance 1-24 regarding the school's request for a Supplemental Appropriation. He stated that he appreciates the decision of the Council and he stated that as an educator, he supported the funds going to the school. He was happy to hear from the public regarding their knowledge of the lack of State funding available for education. Regarding his decision to recuse himself, he stated that perception is what deterred him and not that he had any direct conflict regarding the topic. He expressed feeling that there has recently been a perception that school staff can have some sort of sway over decision making or the budgetary process of the School District. Councilor Gerding stated that he did not want to taint

the vote or allow an opportunity for the public to look at the vote and make speculations as to the decision of the vote. He stated that he hopes that there is a point where the perception that a teacher within the City of Somersworth who serves on a Board or Committee, does not have the say all on a vote regarding budgetary discussions and votes.

Councilor Gerding encouraged the School Board to review their list of items within their Supplemental Appropriation request, he noted that some of the comments made by the public are things that he would prefer to see addressed such as leaking roofs, fire alarms issues, a second School Resource Officer, and lead in the water. He stated that he cannot wait to see how the money received positively impacts the students of the School District.

Councilor Cameron thanked the Community members that came out to speak regarding their concerns of the Supplemental Appropriation. She noted the upcoming November 7<sup>th</sup> elections and wished all of the candidate's good luck.

Councilor Messier commented on the Community Outreach being done by the Fire Department, Police Department and Public Works Department, he stated that the engagement has been a great thing. Councilor Messier reiterated his comments regarding SRPC, that for every dollar spent, nine dollars is received back in leveraging of Federal funds. He stated that Mr. Goodwin had a good point regarding the outreach and input from residents within the Historic District, although Councilor Messier mentioned that he is in favor of shrinking the District, he feels that Community input should be heard.

### **ADJOURNMENT**

***Councilor Gibson made a motion to adjourn the City Council meeting. The motion was seconded by Councilor Michaud and passed 9-0 by voice vote. The meeting adjourned at 9:50 p.m.***

Respectfully Submitted,

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Kristen LaPanne, City Clerk



City of Somersworth – Ordinance

Ordinance No: 1-24

**SUPPLEMENTAL APPROPRIATION OF ADDITIONAL STATE ADEQUACY GRANT FUNDING FOR THE SCHOOL DEPARTMENT**

October 9, 2023

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 23-24 is amended as follows:

Appropriate \$1,953,394 (One Million Nine Hundred Fifty-Three Thousand Three Hundred Ninety-Four dollars) from additional State Adequacy Grant Revenue to the School Department Budget as follows:

Original Budget	Amendment	Revised Budget
\$ 29,109,022	\$ 1,953,394	\$ 31,062,416

Approved as to Funding:

Recorded by:

Scott A. Smith  
Director of Finance and Administration

Kristen LaPanne  
City Clerk

Background:

This ordinance appropriates additional State Adequacy Grant funding made available after the budget was developed for the School Department. The estimated Adequacy Grant provided by the State during the budget development process was \$7,226,170 (Seven Million Two Hundred Twenty-Six Thousand One Hundred Seventy dollars), and the actual Adequacy Grant is \$9,179,564 (Nine Million One Hundred Seventy-Nine Thousand Five Hundred Sixty-Four dollars). The intent is to use this appropriation for unanticipated Special Education Expenditures, complete the Middle/High School Roof project, complete the School Based Health Clinic, and other expenditure requests for each school and district wide.

***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 its passage.

Authorization	
<i>Sponsored by Councilors:</i> David A. Witham Don Austin	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 1-24

**History**

First Read Date:	10/9/2023	Tabled:	
Public Hearing:	10/23/2023	Removed From Table:	
Second Read:	10/23/2023		

**Discussion**

10/9/2023

*Clerk LaPanne performed a first reading of Ordinance 1-24.*

*Ordinance 1-24 will remain in first reading until the call of the Chair.*

10/23/2023

*Clerk LaPanne performed a seconded reading of Ordinance 1-24.*

*Councilor Witham made a motion to adopt Ordinance 1-24 as presented. The motion was seconded by Councilor Messier.*

*Councilor Gerding recused himself from the discussion and vote of Ordinance 1-24.*

Discussion:

Councilor Witham thanked his fellow Councilors for beginning the conversation pertaining to the process of the supplemental appropriation during opening comments by Councilors. He commented that he has been transparent about supporting the supplemental appropriation requested by the School Board since its inception. He explained that the State of New Hampshire determines the State adequacy aid amount in the Fall which is well after the City adopts their budget in the Spring time. Councilor Witham further explained that the Council is given an estimate when finalizing the City's budget, and that estimate is provided by the School's Finance Department with their best guess until the final figures are provided by the State in the Fall. He clarified that the procedure then requires that the City appropriate any additional funds by way of a supplemental appropriation which requires a 2/3 votes of the Council members as stated within the City Charter.

Councilor Witham stated that there are two options open for discussion, the first being that the money gets appropriated to the School Department, and the other option is for the money to be utilized during the tax rate setting process with the Department of Revenue Administration to offset the tax rate. He clarified that the City Council would not have control of the additional funding for City projects or purchases. Councilor Witham commented that he views the process as a straight forward and simple administrative process, and he believe that the funds should be used as it is intended and that is for the School Department.

Councilor Witham brought along his umpire baseball cap and a can of spray paint. He used those items to explain that he does not feel that the School Department is adequately funded by speaking to the cost of hiring umpires and the purchasing of spray paint to line the baseball fields during games. He commented on the Boosters raising funds to operate sports programs because it is not funded by the School Department. He commended the School Department staff for working with the funds that they are given to operate each year, although he feels that it is not enough and sees that their funds are being stretched to the best of their ability.

Councilor Witham commented on the workshop held within Council Chambers that included the City Councilors and the School Board members, and during that meeting there was discussion regarding the tax rate impact that each of the Councilors could stomach. Councilor Witham stated that he understands the argument to provide relief to the tax rate, but he also feels that that was done during the City's initial budget process. He stated that the School Boards presents a budget to the Council based off on an inclining as to what will be accepted, and he feels that the cuts to the School Department was made back then. He added that approving the supplemental appropriation is an opportunity to give back to the schools for items that are needed.

Councilor Messier stated that the additional funds provided by the State Adequacy Grant is money that the schools could use for necessary projects and he commented that he supports the supplemental appropriation.

Councilor Austin expressed his angst leading up to this discussion of the supplemental appropriation. He commented that the City Council historically has spoken about the fact that the State does not provide enough funding to the schools, and he stated that he feels that the funds should be appropriate to the school. Councilor Austin acknowledged the fact that he has no say over how the funds get spent, however, he wishes to encourage the School Board and their Finance Committee to review the additional requested items and to look towards addressing issues that were mentioned during the Public Hearing such as leaking roofs, infrastructure issues and bathrooms that should take priority in his opinion. He confirmed that in the end he will support the supplemental appropriation.

Councilor Pepin inquired about the State Adequacy funding asking if the increase in funds is a one-time increase or if the School Department expects it to continue into the following budget years. He added that he has concerns that if the funding does not continue, the City could potentially be looking at an almost \$2,000,000 increase.

***Councilor Witham made a motion to suspend Council Rules to allow staff members to ask questions. The motion was seconded by Councilor Gibson and passed 9-0 by voice vote.***

Katie Krauss, Business Administrator, stated that it is their understanding that the increase will continue into next year because it was a legislative change that increased the base rate of adequacy aid. She added that they should be receiving their estimate from the State in November and will have a better idea at that point.

Councilor Michaud commented that he supports the funds going towards items such as completing the roof project and to special education, however, he expressed concern that some of the "wish list" items aren't on the "must do" list because he feels that some of those items are just as important. He spoke to the request of a late bus and he feels that it is an important necessity to engaging students in afterschool activities and ensuring they have a ride home. Councilor Michaud mentioned that he was contacted by a resident who told him that the bathrooms at the Middle School are in poor condition

and need to be updated, as well as some of the school fountains not being used due to lead contamination. He stated that he would like to see some of the funding go towards addressing these important items for the students.

Councilor Gibson stated that he has a hard time with the full request, his concern being over the “wish list” items when he feels that the funds should go towards additional educational needs and support. He also stated that he feels everyone is trying to make the Council out to be the bad guys on this topic, he believes that the Council has always supported the school district to the best of their ability. Councilor Gibson also mentioned concern of failing physical structures that have been brought up during comments and he wonders why they were not brought up before now. He stated that he has no problem supporting \$1,600,000 million of the request, which would cover the expenses minus the additional requested items list.

Councilor Vincent stated, regarding the “wish list” items, that he feels that the approximately \$300,000 that was requested to fund those items, would not significantly offset the tax rate. He stated that he is in support of the supplemental appropriation and he encourages that the funds be used wisely.

Councilor Witham commented that he appreciated the remark made about the impact to the tax payer and he feels that it would be de minimis. He stated that the taxpayers throughout the State of New Hampshire pay higher property taxes than other many other States, because there is no sales or income tax in New Hampshire, which is likely another reason that the State does not fund the schools adequately due to lack of funds coming into them. Councilor Witham commented on the list of additional requested items which has been deemed a wish list by some, and he believes that the items on the list are an additional need of the schools and not a “wish list”. He referenced some of the items listed on the list of additional requests and briefly explained how he finds those items to be a necessity for the schools. Councilor Witham added that if the School Board decides to massage the funds by addressing other items that were mentioned tonight, he has trust in the School Board to make those important decisions.

Councilor Pepin informed the Council that upon going through the City’s Capital Improvement Plan, he found that improvements to the school’s bathrooms have not gone unnoticed and is within the Plan.

***The motion passed 8-0-1 by roll call vote. Councilor Gerding recused himself from the 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>Recused</b>	
At Large Councilor	Cameron	<b>X</b>	
At Large Councilor	Messier	<b>X</b>	
<b>TOTAL VOTES:</b>		<b>9</b>	<b>0</b>
On 10/23/2023	Ordinance 1-24	<b>PASSED</b>	<b>FAILED</b>



## City of Somersworth – Ordinance

Ordinance No: 2-24

### TO AMEND CHAPTER 19, ZONING, BY ADDING SECTION 4.C. CONDITIONAL USE PERMIT, SECTION 33 SOLAR AND TABLE 4.A.6 USE OF SOLAR

October 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 4 Use Regulation by adding Section 19.4.C Conditional Use Permit as follows:**

##### 19.4.C. Conditional Use Permit

A conditional use permit allows certain uses that have increased potential for incompatibility in a zoning district to be carefully reviewed to determine, against fixed standards, whether their establishment on any given site should be allowed.

19.4.C.1. Initiation The applicant for a conditional use permit shall either own the fee simple interest in the property(s) that is the subject of the review or have written permission of the fee simple owner.

19.4.C.2. Applicability Uses that require a conditional use permit shall be clearly identified in the Zoning Regulations, as may be amended.

19.4.C.3. Authority Unless otherwise specified in this Chapter 19, the Planning Board shall have the authority to review and decide on applications for a conditional use permit.

##### 19.4.C.4. Submittal Requirements

A. An applicant for a conditional use permit shall submit a completed application on the appropriate form to the Department of Development Services, Planning Office and shall provide sufficient information to enable City staff and the Planning Board to evaluate the proposal for compliance with City Regulations.

B. A completed application for a conditional use permit shall include all of the submittal requirements for major site plan applications as outlined in this Article, unless otherwise specified.

C. The applicant shall be responsible for reviewing the applicable conditional use permit standards of this section to identify if any additional application materials or information shall be required for submittal.

##### 19.4.C.5. On-Site Posting of Public Hearing

A. An applicant for any conditional use permit shall, not less than 10 calendar days prior to the date of the public hearing on the application, post a sign obtained from the Department of Development Services, Planning Office providing notice of the use

applied for and the date and time of the public hearing, in a location on the premises visible to the public.

B. This sign shall be removed by the applicant no later than 10 calendar days after completion of the public hearing and returned to the Department of Development Services, Planning Office

19.4.C.6. Procedure

A. Conditional use permit applications shall be subject to the same procedure for review and decision by the Planning Board as major site plan applications, unless otherwise noted.

B. Where conditional use permits are required in conjunction with a proposed site plan application, a completed conditional use permit application for each conditional use permit requested shall be made at the same time as the site plan application.

C. Where a conditional use permit is required, no site plan application may be considered complete without a complete conditional use permit application. Conditional use permit applications will be considered concurrently with the site plan application.

19.4.C.7. Approval Standards In the review of a conditional use permit application, the Planning Board shall evaluate the application for compliance with all applicable design standards and conditional use permit review criteria as provided for in this Chapter 19 as well as the Site Plan Regulations and Subdivision Regulations.

19.4.C.8. Expiration

Conditional use permits granted by the Planning Board shall be valid if exercised within 2-years from the date of final approval by the Planning Board, or as further extended by the Planning Board. Within this 2-year time period, the use must be started or construction begun on the structure.

19.4.C.9. Extensions Conditional use permit applications shall be subject to the same standards for extensions as major site plan applications.

19.4.C.10. Waivers

A. Applicants for a conditional use permit seeking a waiver from conditional use permit standards in the Zoning Regulations, shall apply to the Zoning Board of Adjustment for a variance.

B. the applicant may request a waiver from the Planning Board from strict compliance with specific provisions of the Site Regulations, site plan review standards, or conditional use permit standards in Section 25.14, on a case-by case basis, following the procedure for waiver requests.

**Amend Chapter 19 by adding Section 33 Solar as follows:**

19.33.A Authority and Purpose

This solar collection system ordinance is enacted in accordance with RSA 674:17(I)(j) and the purposes outlined in RSA 672:1-III-a as amended. The purpose of this ordinance is to accommodate solar energy collection systems and distributed generation resources in appropriate locations, while protecting the public's health, safety and welfare. The City intends to facilitate the State and National goals of

developing clean, safe, renewable energy resources in accordance with the enumerated policies of NH RSA 374-G and 362-F that include national security and economic and environmental sustainability.

Properties that install solar may be eligible for tax relief pursuant to Chapter 34 Exemptions and Credits and RSA 72:61-64.

#### 19.33.B Definitions:

19.33.B.1 Solar Land Coverage – is defined exclusively for the purposes of calculating the footprint of the land area occupied by the components of a solar array. The Solar Land Coverage is the land area that encompasses all components of the solar collection system including but not limited to mounting equipment, panels and ancillary components of the system. This definition does not include access roads or fencing and is not to be interpreted as a measurement of impervious surface as it may be defined in this ordinance.

19.33.B.2 Solar Collection System - Includes all equipment required to harvest solar energy to generate electricity. The Solar Collection System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the functioning of those items. Solar Collection Systems include only equipment up to (but not including) the stage that connection is made to the utility grid or site service point.

19.33.B.3 Roof Mount – A solar collection system that is structurally mounted to the roof of a building or other permitted structure, including limited accessory equipment associated with system which may be ground mounted. For purposes of calculating array sizes or solar land coverage under the solar definitions in this section, roof mounted portions shall not be included if the system is made up of both roof and ground mounted systems, the roof mounted portions shall also be excluded.

19.33.B.4 Ground Mount – A solar collection system and associated mounting hardware that is affixed to or placed upon (such as ballasted systems) the ground including but not limited to fixed, passive or active tracking racking systems.

19.33.B.5 Carport Mount – Any solar collection system of any size that is installed on the roof structure of a carport over a parking area.

#### 19.33.C. Use definitions:

19.33.C.1. Solar Energy System (Small-Scale): a solar energy system and associated mounted hardware that is either affixed to or placed upon the ground, and occupies 2,000 SF of solar footprint or less

19.33.C.2. Solar Energy System (Medium-Scale): a solar energy system and associated mounting hardware that is either affixed to or placed upon the ground and occupies greater than 2,000 Sf and less than 1 acre of solar footprint.

19.33.C.3. Solar Energy System (Large-Scale): a solar energy system and associated mounting hardware that is either affixed or placed upon the ground and occupies 1 acre or more of solar footprint.

#### 19.33.D Specific Solar System Requirements and Exemptions:

##### 19.33.D.1 Requirements:

- a) Roof mounted solar collection systems of any size are permitted in all zones without a Conditional Use Permit
- b) Properties located within the Historic District shall comply with Chapter 19 Section 14 Historic District
- c) Roof mounted systems shall have an engineering review to determine if the roof can support the load of the panels or if additional bracing is required.
- d) Roof mounted panels shall comply with the applicable portions of the NH Fire, NFPA, IBC, and IEC codes.
- e) Any and all electrical storage systems shall comply with NH Fire, NFPA, IBC, and IEC codes.
- f) Inspections are required for all components of PV arrays and storage systems.
- g) Ground Mounted Solar shall not be located in the front yard and shall meet or exceed required side and rear setbacks for accessory building.
- h) In no case shall ground mounted solar exceed 15 ft in height.
- i) Ground mounted solar shall not be allowed within the wetlands or the wetland buffer.
- j) All Solar Energy System installations, ground, roof or carport, shall require building permit and electrical permit consistent with Chapter 20 Building Codes

19.33.D.2. Exemptions:

- a) Municipal Systems: all solar collection systems for municipal use are exempt from land use regulations pursuant to NH RSA 674:54.
- b) Building Height: Roof mounted solar collection systems shall be exempt from building height limitations.
- c) Lot Coverage: ground mounted solar collection systems shall not be considered as part of the maximum required lot coverage limitations and shall not be considered impervious surface.
- d) The City of Somersworth may allow the siting of privately owned or operated solar collection systems on governmentally owned land under a lease arrangement.

19.33.F. Requirements for Granting a Conditional Use Permit (CUP)

19.33.F.1. CUPs are required as delineated in (Table 4.A.6) of the Zoning Ordinance. CUPs shall be assessed and approved per the criteria in of the Zoning Ordinance using the information provided under this section. The Planning Board shall consider the following criteria when deciding whether to grant a solar energy system conditional use permit.

19.33.F.2 Application Materials

19.33.F.2.a System Layout: A detailed plan set signed and stamped by a NH Licensed Engineer that depicts the following information:

- a) Showing existing conditions and features including: topography, wetlands, wetlands buffer, surface water, existing vegetation, 100-year flood plain, steep slopes, soils, property boundaries, setbacks, existing structures and roads.
- b) Proposed site conditions including but not limited to: the footprint of solar energy system equipment and components, as well as any affiliated installations and structures, access points, drive/access aisles, security features, and fencing.

- c) The limits of any land clearing and/or grading required for the installation and operation of the solar energy system, as well as any erosion and sediment control measures to be installed during or after construction.
- d) A landscape plan that includes the location of existing vegetation to be preserved; details on the location, dimensions, and composition of any visual buffers on site; and information on the proposed location, number, type and size (at planting and maturity) of any replacement or proposed vegetation and ground cover on the site.
- e) A detailed plan of any land clearing or grading required for the installation and operation of the system. The location of all equipment to be installed on site including utility connection to the maximum extent practical all wiring associated with the utility connection shall be underground.
- f) All equipment locations, except for utility connections, shall comply with the required setbacks.

#### 19.33.F.3 Equipment Specification

- a) All proposed equipment or specifications must be included with the application.
- b) Such information can be supplied via manufacturer's specifications or through detailed description.
- c) Ground mounted solar shall not exceed 15 ft as measured from the ground to the highest point of the system, when oriented at tilt.

#### 19.33.F.4 Emergency Response

- a) Access to the site for emergency response shall be provided and detailed on the plan.
- b) A narrative or manual for City of Somersworth Fire Department detailing response guidance and disconnection locations necessary for fire response.
- c) Additional industry guidance documents that provide information about safety procedures for specific equipment on site shall be provided as needed to ensure adequate public safety.
- d) Applicant/owner will provide written emergency procedures for a motor vehicle into a panel/array as well as suppression procedures in the event of a fire.
- e) Applicant will provide 24/7/365 day working phone number for emergency response and technical questions.
- f) Prior to final sign off of the Electric and Building Permit the applicant/owner will provide onsite training sessions to the Fire Department/Police Department/Ambulance Service provider providing array configuration and emergency procedure, to the satisfaction of the Fire Chief, Police Chief, and Ambulance Service provider. Fire Chief, Police Chief and Ambulance Service Provider shall provide final sign off on the Electric/Building permit for confirm training sessions have been completed.

#### 19.33.F.5 Buffer/ Environmental

Solar collection system shall be visually screened through the preservation of existing vegetation or through a landscaped buffer in the following:

- a) Plan the buffering plans shall indicate the location, height, and spacing of existing vegetation to be preserved and areas where new planting will be required.
- b) All solar systems shall have a reasonable visual buffer as required in the site plan review regulations from public ways and neighboring commercial, industrial or residential uses based on the viewsheds counters of the land and abutting land use.
- c) Provide year-round screening of the ground-mounted solar energy system and associated equipment.
- d) Be composed of native plant species

- e) Required screening shall be maintained during the operative lifetime of the Solar Collection System.
- f) Land clearing shall be limited to what is necessary for the installation and operation of the system and to insure sufficient all-season access to the solar resource given the topography of the land.
- g) Following construction, cleared land areas must be restored with native species that are consistent with the use of the site as a solar collection system (such as slow growth or low ground cover).
- h) Erosion control measures during construction shall be detailed as required.
- i) Fencing shall be installed, if required, by the electric code or the utility. Additional security or fencing may be required if the location of the system presents a safety concern for abutting land uses.

#### 19.33.F.6 Electrical Requirements

- a) All systems not connected to the grid shall be approved by the electrical inspector or the Building inspector, as required.
- b) Grid tied systems shall file a copy of a final approved interconnection shall be filed with the municipality prior to the operation of the system.

#### 19.34.F.7 Noise

- a) Estimates of any equipment noise on the site based on equipment specifications materials (such as inverters)
- b) Noise level at the property line shall be in accordance with the municipal noise ordinance or at reasonable levels given the location of the facility with due consideration to the surrounding land uses and zones.

#### 19.35.F.8 Stormwater

- a) Ground mounted systems that are required to secure a New Hampshire Department of Environmental Services Alteration of Terrain (AoT) Permit in accordance with NH RSA 485:17 shall secure such permit accordingly.
- b) The final Permit issued by NH DES shall be incorporated by reference into the final City approval and shall be enforceable by the City in accordance with this zoning ordinance.
- c) No further local review of stormwater and erosion control shall be required where a project is required to secure the NH DES AoT Permit
- d) Ground mounted systems not requiring NH DES AoT Permit. Where a ground mounted system does not require an AoT permit the following shall apply:
  - a. Ground mounted systems that require land clearing and grubbing of mature forested cover to accommodate more than 30% of the solar land coverage area, provided such area of clearing and grubbing is also larger than 1 acre, the proposed system shall include a management plan for stormwater that is directly related to the impact of the solar collection system.
  - b. Ground mounted systems where the solar land coverage area is larger than 1 acre and located on slopes of greater than 5% shall include a management plan for stormwater.
  - c. The stormwater management plan shall include the following.
    - i. The stormwater study shall take into account the nature of the solar panel installation and how the spacing, slope and row separate can enhance infiltration of stormwater. Percolation tests or site-specific soil information

may be provided to demonstrate recharge can be achieved without engineered solutions

- ii. Additional information, if required, shall calculate potential for concentrated flows of runoff due to the panels, slope, soil type and the impacts of other true impervious areas (such as equipment pads and roadways).

d. Required for all systems:

- i. All ground mounted systems shall be constructed in accordance with Best Management Practices for erosion and sedimentation control during the pre-construction, construction and postconstruction restoration period.
- ii. Post construction: For purposes of enhancing natural stormwater management, site conditions and plantings post-construction shall include ensure that areas of soil compaction have been restored to more natural conditions. Plantings shall be native species and are recommended to beneficial habitat to song birds, pollinators and/or foraging species in order to maintain a healthy surface and subsurface habitat that can attenuate stormwater on the site

#### 19.33.F.9 Setbacks

- a) Solar collection systems shall be considered structures and shall comply with building setback requirements from lot lines for the entire system including the panels. Tracking systems shall have the setback measured from the point and time where the array is the closest to the lot line. No portion of a system may cross into the setback.

#### 19.33.F.10 Utility Interconnection

- a) All on-site power and communication lines within the solar footprint of the ground-mounted solar energy system shall be buried underground, unless the owner/operator is able to demonstrate the presence of technical or physical constraints (e.g., shallow bedrock, watercourses, etc.) that may interfere with the ability to bury lines in certain areas.

#### 19.33.F.11. Abandonment

- a) Applicants for Solar Energy System that requires a Site Plan review shall submit a plan as part of that review for the removal of the structures and reclamation the site when the system is no longer in use. Ground mounted Solar Collection Systems greater than 500 square feet shall be deemed abandoned if operations have discontinued for greater than six months. An abandoned system will be removed and the site restored within six or twelve months of abandonment.
- b) The Planning Board may require that the owner or operator post a bond, letter of credit, or establish an escrow account, including an inflationary escalator, in an amount deemed acceptable by the Director of Planning and Community Development to ensure proper decommissioning.

#### 19.33. F.12 Conditions of Approval

- a) The Planning Board may impose conditions on a solar energy system conditional use permit to the extent the Board concludes such conditions are necessary to minimize any adverse effect of the proposed use on adjoining properties, and to preserve the intent of the standards.

Amend Chapter 19 Table of Uses by adding Table 4.A.6 Use of Solar as follows:

**(TABLE 4.A.6) Use of Solar<sup>3</sup>**

Use	District A	District B, MY, HMD, CN	District C/I	District I	District Rec, Cem	District: R-1, R-1A, R-2, R-2A, R-3, R/B, R/C, R/O, MH
1 Small Scale Solar Energy System <sup>1</sup>	P <sup>4</sup>	CUP	CUP	P	CUP	X
2 Medium Scale Solar Energy System <sup>1</sup>	CUP <sup>4</sup>	X	CUP	CUP	CUP	X
3 Large Scale Solar Energy System <sup>1</sup>	X	X	CUP	CUP	CUP	X
4 Roof Mounted Solar Energy System	P	P	P	P	P	P
5 Carport Mounted Solar Energy System <sup>2</sup>	CUP	P	P	P	X	CUP
<sup>1</sup>	Placement of ground mounted solar: <ol style="list-style-type: none"> <li>1. Shall not be located in the front yard and shall meet or exceed required side and rear setbacks for accessory building.</li> <li>2. Shall be located in a portion of the lot fully behind the principal structure (Unless otherwise approved by the Planning Board where ground mounted solar is permitted by CUP)</li> <li>3. In no case shall ground mounted solar exceed 15 ft in height.</li> <li>4. Ground mounted solar shall not be allowed within the wetlands buffer.</li> <li>5. Requires Site Plan application within the commercial and Industrial zones.</li> <li>6. Requires building permit electrical permit</li> </ol>					
<sup>2</sup>	Construction a new carport over a parking area of a commercial or multifamily development would require site plan approval by the Planning Board					
<sup>3</sup>	Properties located in the Historic District Overlay shall require a Historic District Application for installation of solar arrays.					
<sup>4</sup>	Provided the lot area is not less than five (5) acres, and no array shall be located within one hundred feet (100') from any lot line.					

P = Use permitted by right with building and electrical permit.

CUP = Use permitted by Conditional Use Permit.

X = Use prohibited.

**This Ordinance shall take effect upon its passage.**

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

City of Somersworth – Ordinance 2-24

History			
First Read Date:	10/9/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

**Discussion**

10/9/2023

***Councilor Witham made a motion to suspend Council Rules to all Ordinance 2-24 to be read by title only. The motion was seconded by Council Pepin and passed 9-0 by voice vote.***

***Clerk LaPanne performed a first reading of Ordinance 2-24 by title only.***

***Ordinance 2-24 will remain in first reading until the call of the Chair.***

10/23/2023

***Clerk LaPanne performed a second reading of Ordinance 2-24.***

***Councilor Witham made a motion to adopt Ordinance 2-24 as presented. The motion was seconded by Councilor Vincent.***

Discussion:

Councilor Vincent stated that this Zoning amendment was discussed and vetted over multiple Planning Board meetings in an effort to provide clarity of Solar within the City.

Councilor Messier acknowledged the amount of work that went into the amendment, but he expressed some concern over language within the amendment. He questions why the City is exempt from any of the new rules and he feels that if the rules are being imposed on the residents, the City shouldn't be excluded from those rules. He also questions why solar panels cannot be installed on a carport roof. Councilor Messier does not agree with some of the setback regulations or the need for an engineering report being required for installation of panels on property owners' roofs.

***The motion passed 8-1 by roll call vote. Councilor Messier opposed.***

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 2-24	PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: 3-24

**SUPPLEMENTAL APPROPRIATION FOR ENGINEERING AND DESIGN SERVICES TO REPLACE THE HAMILTON STREET WATER TANK**

October 23, 2023

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 23-24 is amended as follows:

Appropriate \$146,000 (One Hundred Forty-Six Thousand dollars) from Water Fund Revenue to the Water Department Budget as follows;

Original Budget	Amendment	Revised Budget
\$ 3,236,505	\$ 146,000	\$ 3,382,505

Approved as to Funding:

Recorded by:

Scott A. Smith  
Director of Finance and Administration

Kristen LaPanne  
City Clerk

Background:

This Ordinance appropriates additional funding to provide engineering and design services to replace the Hamilton Street Water Tank. The fiscal year 2022-2023 adopted budget included an appropriation in the amount of \$154,500 to replace the roof on the current Hamilton Street Water Tank. The project cost came in significantly higher than the amount budgeted, so those funds will be used in conjunction with this supplemental appropriation to begin the process of replacing that tank.

***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 its passage.

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

City of Somersworth – Ordinance 3-24

**History**

First Read Date:	10/23/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

**Discussion**

10/23/2023

*Clerk LaPanne performed a first reading of Ordinance 3-24.*

*Ordinance 3-24 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		
<b>TOTAL VOTES:</b>			
On	Ordinance 3-24	PASSED	FAILED



## City of Somersworth – Ordinance

Ordinance No: 4-24

### **TO AMEND CHAPTER 19, ZONING, SECTION 19.3.D DISTRICT BOUNDARIES AND SECTION 19.14.C.3 DISTRICT BOUNDARIES**

October 23, 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 19.3.D District Boundaries by deleting it in its entirety and replacing it with the following:**

19.3.D. DISTRICT BOUNDARIES

19.3.D.6. Hilltop Historic District.

19.3.D.6.a. Property Map 10. From the corner of Grand and Noble Streets proceed SW down the W side of Grand to Hamilton Street. SE down S side of Hamilton to the NW corner of Lot 123. Follow the border of Lot 123 to the southernmost corner of Lot 123. Proceed SW along the westernmost boundary of Lot 121 to High Street. Cross High Street to the junction of Lots 116/117. SW on the boundary of Lot 116 to Lot 115. SE on the border of Lots 115 and 116 to High Street. N across High Street to the SE corner of Lot 62 (See Property Map 11).

19.3.D.6.b. Property Map 11. From the NW corner of Lot 155 (See Property Map 10) across the intersection of Constitutional Way and High Street to the SE corner of Lot 62. W and N on the boundary of Lot 62 to Lord's Court on the boundary of Lots 62,63 and 63A to the junction of Lot 63A/64. NW on the S boundary of Lot 64 to the boundary of Lot 64/61. NE on the boundary of Lots 64 and 61 across the NW boundaries of Lots 64 through 69. Cross Beacon Street to the junction of Lots 77/80. NE on the NE boundary of Lots 77 and 78 to Prospect Street. Cross Prospect Street to the SE corner of Lot 90. NW on the NW boundary of Lots 90, 93 and 95B to the junction of Lots 95/95B. NW on the NW border of Lot 95B to the junction of Lots 95B/96/97. NW on the boundary of Lots 96 and 97 to Linden Street. NE on the Linden Street boundary of Lot 96 to the NE corner of Lot 96. SE on the boundary of Lot 96 to the junction of Lots 96/95. NE across Market Street to the Salmon Falls River. W by NH side of Salmon Falls River to junction with Property Map 12 (See Property Map 12).

19.3.D.6.c. Cross Winter Street to the junction of Lots 23/24. S on the boundary of Lots 30 and 31 to Maple Street. Cross Maple Street to the junction of Lots 5/10 on Property Map 13 (See Property Map 13).

19.3.D.6.d. Property Map 13. Commencing at the junction of Lots 5/10, S to the SE boundary of Lot 5. W along the S boundaries of Lots 5,6,7 and 8 to Rochester Street. Cross Rochester Street to the junction of Lots 16/17. NW along Lot 17 and Rochester Street to the junction of Lots 17/18. From the NW corner of Lot 17, SE to Lot 16 SW along Lots 18 and 18A to Lot 15. From the NW corner of Lot 16, NW to Maple Street and SW along Maple Street to the NE corner of Lot 20. SE along Lot 15 to Lot 40. NE to

the NW corner of Lot 13. SE to the junction of Lots 12/13 and NE along Lots 12 and 13 to Noble Street. SE along Noble Street to the corner of Grand Street (See Property Map 10).

19.3.D.7. Industrial and Commercial Historic District.

19.3.D.7.a. Property Map 10 Main Street and B&M Railroad property onto Lot 190 and 190A to the Salmon Falls River. Proceed N by NW on the shoreline of the Salmon Falls River (See Property Map 11).

19.3.D.7.b. Property Map 11. Follow shoreline of Salmon Falls River NW around Lot 189 to junction with B&M Railroad property. Proceed NW on B&M Railroad property line to a point directly in line with the boundary of Lots 182 and 183. Proceed SW on the boundary of Lots 182/183 to the W corner of Lot 183 (Market Street). Proceed NW across Market Street to the N Corner of Lot 96. S on Lot 96 to the junction of Lots 96/97, SE on the boundary of Lots 96/97, 25B/97; to the SE corner of Lot 25B. Continue 63 feet SE on the boundary of Lots 95/98 and 95/99. NE 124 feet on the boundary of Lots 95/99; then SE on the boundary of Lot 95 to the NW corner of Lot 91. Proceed SE on the boundary of Lot 91 to the NW corner of Lot 90. SE on the boundary of Lot 90 to Prospect Street. SW across Prospect Street to the NW corner of Lot 78. SW on the boundary of Lots 78/79 and 77/79 to the SE corner of Lot 77 (Beacon Street). Continue SW across Beacon Street to the N corner of Lot 69. Proceed SW on the W boundaries of Lots 69 through 62 to Highland Street. Proceed SE on the boundary of Lot 62 to High Street, continue across High Street to the W corner of Lot 218 (Constitutional Way boundary) to the S point of Lot 218. Proceed NE on the boundary of Lots 218, 217, 216, 215, 214 and 168C to the junction of Lots 168C/214/ 212. Proceed NW on the boundary of Lot 214 to High Street then NE on High Street to the intersection of High Street and Main Street (N corner of Lot 210). Proceed SE across Main Street to the Main Street junction of Lots 202/203. NE on the boundary of Lots 202/203 to the NE corner of Lot 202 (junction with B&M Railroad property). Proceed SE on the boundary of B&M Railroad property and Lots 203, 204 and 205 to the SE corner of Lot 205. SE to the SW corner of Lot 205 (Main Street) See Property Map 10.<sup>8</sup>

**Amend Chapter 19, Section 19.14.C.3 District Boundaries by deleting it in its entirety and replacing it with the following:**

The location and boundaries of both the “Hilltop Historic District” and the “Industrial and Commercial Historic District” are hereby established as shown on a map entitled "Historic Districts, City of Somersworth, New Hampshire, October 2023", and as amended, which is hereby declared to be part of this ordinance.

This Ordinance shall take effect upon its passage.

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

**City of Somersworth – Ordinance 4-24**

<b>History</b>			
First Read Date:	10/23/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

**Discussion**

10/23/2023

***Councilor Witham made a motion to suspend Council Rules to allow Ordinance 3-24 to be read by title only. The motion was seconded by Councilor Gerding.***

Discussion:

Councilor Witham stated that he wants to remain transparent through this process, however, he feels that having the Ordinance read aloud would be too difficult to follow along with and encourages anyone with interest, to see the map amendment of the Historic District to understand it.

***The motion passed 9-0 by voice vote.***

***Clerk LaPanne performed a first reading of Ordinance 4-24 by title only.***

***Mayor Hilliard assigned Ordinance 4-24 to the Chair of the Economic Development Committee.***

<b>Voting Record</b>		<b>YES</b>	<b>NO</b>
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>			
<b>On Ordinance 4-24</b>		<b>PASSED</b>	<b>FAILED</b>

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>15-24</b> <b>TO AUTHORIZE THE CITY MANAGER TO EXECUTE A 20-YEAR LEASE EXTENSION AGREEMENT WITH HIDEOUT GOLF, LLC. FOR THE OPERATION AND MAINTENANCE OF AN 18-HOLE GOLF COURSE ON CITY OWNED PROPERTY</b>

October 23, 2023

WHEREAS, the City Council adopted Resolution 3-24 on August 7, 2023 to authorize the City Manager to negotiate a 20-year Lease Extension Agreement with Hideout Golf, LLC. to operate and maintain an 18-hole golf course with associated Golf Course facilities and improvements known as the Oaks Golf Course; and

WHEREAS, the City Manager and Hideout Golf, LLC. have negotiated a proposed Lease Extension Agreement under the following terms and conditions;

- The City is the owner of the Oaks Golf Course Property, which is leased to Hideout Golf, LLC. with a Lease Agreement expiration date of December 1, 2040; and
- Hideout Golf, LLC. will make significant capital improvements to include new irrigation construction, bunker and cart path construction, and redesign of several holes; and
- The parties agree that if the proposed improvements are fully completed by December 1, 2038, the Lease Agreement expiration date will be extended through December 1, 2060; and

WHEREAS, the proposed Lease Extension Agreement was presented to the Finance Committee and they support extending the Lease Extension Agreement under the aforementioned conditions;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute a 20-year Lease Extension Agreement with Hideout Golf, LLC. for the operation and maintenance of an 18-hole Golf Course and associated improvements on City owned property.

<b>Authorization</b>	
<i>Sponsored by Councilors:</i> David A. Witham Donald Austin Richard Michaud	<i>Approved:</i> City Attorney

10/23/2023

**City of Somersworth – Resolution 15-24**

<b>History</b>			
First Read Date:	10/23/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

**Discussion**

*Clerk LaPanne performed a first reading of Resolution 15-24.*

*Resolution 15-24 will remain in first reading until the call of the Chair.*

<b>Voting Record</b>		<b>YES</b>	<b>NO</b>
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	Resolution 15-24	PASSED	FAILED

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>16-24</b> <b>TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH WRIGHT-PIERCE ENGINEERING OF PORTSMOUTH, NEW HAMPSHIRE FOR ENGINEERING SERVICES AT THE SOMERSWORTH WASTEWATER TREATMENT FACILITY</b>

October 23, 2023

WHEREAS, the City of Somersworth’s fiscal year 2023-2024 adopted Wastewater Enterprise Budget contains an appropriation for engineering services for the preliminary design of Phase II upgrades to the Somersworth Wastewater Treatment Facility; and

WHEREAS, Wright-Pierce Engineering was contracted to engineer, design, and administer the recently completed Phase I upgrades of the facility; and

WHEREAS, Wright-Pierce Engineers has provided the City a proposal for engineering services to provide preliminary design of the Phase II improvements for an amount not to exceed \$415,000 (Four Hundred Fifteen Thousand dollars); and

WHEREAS, the Public Works and Environment Committee has reviewed the proposal with City staff and supports contracting with Wright-Pierce Engineering; and

WHEREAS, the Finance Committee has reviewed the proposal with City staff and supports contracting with Wright-Pierce Engineering;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with Wright-Pierce Engineering of Portsmouth, New Hampshire for the preliminary design of Phase II upgrades of the Somersworth Wastewater Treatment Facility for an amount not to exceed \$415,000 (Four Hundred Fifteen Thousand dollars), and to take any other action related to this contract determined to be in the best interest of the City.

<b>Authorization</b>	
<i>Sponsored by Councilors:</i> David A. Witham Martin Pepin Donald Austin Richard Michaud	<i>Approved:</i> City Attorney

**City of Somersworth – Resolution 16-24**

<b>History</b>			
First Read Date:	10/23/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

**Discussion**

10/23/2023

*Clerk LaPanne performed a first reading of Resolution 16-24.*

*Resolution 16-24 will remain in first reading until the call of the Chair.*

<b>Voting Record</b>		<b>YES</b>	<b>NO</b>
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>			
<b>On</b>	<b>Resolution 16-24</b>	<b>PASSED</b>	<b>FAILED</b>

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>17-24</b> <b>TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH WRIGHT-PIERCE ENGINEERING OF PORTSMOUTH, NEW HAMPSHIRE FOR ENGINEERING SERVICES TO REPLACE THE HAMILTON STREET WATER TANK</b>

October 23, 2023

WHEREAS, the City of Somersworth’s fiscal year 2022-2023 adopted Water Enterprise Budget contains an appropriation to repair the roof of the Hamilton Street Water Tank to extend the life of this asset; and

WHEREAS, City staff solicited proposals for this work, however, the cost of repair was significantly over the amount appropriated, and does not justify any additional life that may be realized by the repair; and

WHEREAS, this repair was reviewed by the Public Works and Environment Committee with City staff and the Committee decided to initiate plans to replace the water tank, and recommend using the funding available for the roof repair toward engineering services required to design a replacement water tank; and

WHEREAS, City staff requested and received a proposal from Wright-Pierce Engineering to update the evaluation of the water tank, prepare preliminary and final design of a water tank replacement, and provide project bidding services, with said proposal being in the amount of \$300,500 (Three Hundred Thousand Five Hundred dollars); and

WHEREAS, the Public Works and Environment Committee has reviewed the proposal with City staff and supports contracting with Wright-Pierce Engineering; and

WHEREAS, the Finance Committee has reviewed the proposal with City staff and supports contracting with Wright-Pierce Engineering;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with Wright-Pierce Engineering of Portsmouth, New Hampshire. for the engineering and design to replace the Hamilton Street Water Tank for an amount not to exceed \$300,500 (Three Hundred Thousand Five Hundred dollars), and to take any other action related to this contract determined to be in the best interest of the City.

<b>Authorization</b>	
<i>Sponsored by Councilors:</i> David A. Witham Martin Pepin Donald Austin Richard Michaud	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 17-24

History			
First Read Date:	10/23/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

**Discussion**

10/23/2023

*Clerk LaPanne performed a first reading of Resolution 17-24.*

*Resolution 17-24 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		
<b>TOTAL VOTES:</b>			
On	Resolution 17-24	PASSED	FAILED

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>18-24</b> <b>TO AUTHORIZE THE CITY MANAGER TO PREPARE BID SPECIFICATIONS FOR ROAD RESURFACING AND ASSOCIATED REPAIRS OF SELECTED STREETS AND TO REPAIR AND RECONSTRUCT THE SIDEWALK ON THE EAST SIDE OF MAPLE STREET</b>

October 23, 2023

WHEREAS the City of Somersworth’s Capital Improvement Plan recommends road resurfacing and other general maintenance of streets, and sidewalk improvements throughout the City; and

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

WHEREAS, the City has prioritized sidewalk repair using the sidewalk condition index assessment tool; and

WHEREAS, the Public Works and Environment Committee reviewed the list of streets provided by staff based on the pavement condition analysis and supports the following recommendations:

- West High Street (High Street to Cemetery Road) mill/overlay
- Parkview Terrace (Maple Street to Tennis Courts) shim/overlay
- Pleasant Street (High Street to Green Street) mill/overlay
- Silver Street (Franklin Street to Pleasant Street) mill/overlay
- Fremont Street (Silver Street to Garden Street) mill/overlay; and

WHEREAS the Public Works and Environment Committee reviewed the list of sidewalks provided by staff based on the sidewalk condition analysis and supports the following recommendation:

- Maple Street sidewalk - East side (Maplewood School to Cemetery Road);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to prepare bid specifications and solicit bids from qualified contractors for road resurfacing and associated repairs of the aforementioned streets, to repair and reconstruct the sidewalk on the east side of Maple Street (Maplewood School to Cemetery Road), 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 Martin Pepin Richard Michaud	<i>Approved:</i> City Attorney

**City of Somersworth – Resolution 18-24**

<b>History</b>			
First Read Date:	10/23/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	10/23/2023		

**Discussion**

10/23/2023

*Clerk LaPanne performed a first reading of Resolution 18-24.*

*Councilor Witham made a motion to suspend Council Rules to allow for a second reading of Resolution 18-24. The motion was seconded by Councilor Gerding and passed 9-0 by voice vote.*

*Clerk LaPanne performed a second reading Resolution 18-24.*

*Councilor Vincent made a motion to adopt Resolution 18-24 as presented. The motion was seconded by Councilor Gibson and 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>	<b>0</b>
On 10/23/2023		<b>PASSED</b>	
Resolution 18-24		<b>FAILED</b>	

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>19-24</b> <b>TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH CMA ENGINEERS OF PORTSMOUTH, NEW HAMPSHIRE FOR ENGINEERING SERVICES FOR THE DESIGN TO RECONSTRUCT THE WEST SIDE SIDEWALK ON HIGH STREET</b>

October 23, 2023

WHEREAS, the City Council adopted Resolution 30-18 on April 16, 2018 to authorize the City Manager to contract with CMA Engineers to provide engineering services associated with the Transportation Alternatives Grant Program, which included design services for the reconstruction of the east side sidewalk on High Street from Franklin Street to West High Street; and

WHEREAS, City staff requested a proposal from CMA Engineers to provide engineering services for the design to reconstruct the west side sidewalk on High Street from West High Street to South Street; and

WHEREAS, CMA Engineers responded to the request with a proposal to provide these engineering services for a cost not to exceed \$68,000 (Sixty-Eight Thousand dollars); and

WHEREAS, the Public Works and Environment Committee reviewed this proposal with City staff and supports contracting with CMA Engineers;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with CMA Engineers of Portsmouth, New Hampshire for engineering services for the design to reconstruct the west side of High Street from West High Street to South Street for an amount not to exceed \$68,000 (Sixty-Eight Thousand dollars), and to take any other action related to this contract determined to be in the best interest of the City.

<b>Authorization</b>	
<i>Sponsored by Councilors:</i> David Witham Martin Pepin Richard Michaud	<i>Approved:</i> City Attorney

**City of Somersworth – Resolution 19-24**

<b>History</b>			
First Read Date:	10/23/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	10/23/2023		

**Discussion**

10/23/2023

*Clerk LaPanne performed a first reading of Resolution 19-24.*

*Councilor Witham made a motion to suspend Council Rules to allow for a second reading of Resolution 19-24. The motion was seconded by Councilor Messier and passed 9-0 by voice vote.*

*Clerk LaPanne performed a second reading Resolution 19-24.*

*Councilor Vincent made a motion to adopt Resolution 19-24 as presented. The motion was seconded by Councilor Austin and 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>	<b>0</b>
On 10/23/2023		<b>Resolution 19-24      PASSED      FAILED</b>	

	<b>City of Somersworth – Resolution</b>
	Resolution No: <b>20-24</b> <b>TO AUTHORIZE THE CITY MANAGER TO PREPARE BID SPECIFICATIONS TO RESURFACE A SECTION OF HIGH STREET AND RECONSTRUCT THE WEST SIDE SIDEWALK ON HIGH STREET FROM WEST HIGH STREET TO SOUTH STREET</b>

October 23, 2023

WHEREAS the City of Somersworth’s Capital Improvement Plan recommends road resurfacing and other general maintenance of streets, and sidewalk improvements throughout the City; and

WHEREAS the City has recently finished the improvements associated with the Transportation Alternatives Programs Grant which included reconstructing the east side sidewalk on High Street from West High Street to Franklin Street and it would be in the best interest of the City to reconstruct a similar section of sidewalk on the west side of High Street; and

WHEREAS, the Public Works and Environment Committee is recommending the City prepare bid specifications to contract for a mill and overlay of High Street from West High Street to South Street and to reconstruct the west side sidewalk on High Street from West High Street to South Street, and to construct this work as a standalone bid project because of the need to complete engineering design work for the sidewalk;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to prepare bid specifications and solicit bids from qualified contractors to resurface the aforementioned section of High Street and reconstruct the aforementioned section of sidewalk on High Street, 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 Witham Martin Pepin Richard Michaud	<i>Approved:</i> City Attorney

**City of Somersworth – Resolution 20-24**

<b>History</b>			
First Read Date:	10/23/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

**Discussion**

10/23/2023

*Clerk LaPanne performed a first reading of Resolution 20-24.*

*Resolution 20-24 will remain in first reading until the call of the Chair.*

<b>Voting Record</b>		<b>YES</b>	<b>NO</b>
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>			
<b>On</b>		<b>Resolution 20-24</b>	<b>PASSED</b>
			<b>FAILED</b>