

Minutes of City Council Meeting Monday, November 13, 2023

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 7:18 p.m.

PLEDGE OF ALLEGIANCE

Councilor Witham led the Pledge of Allegiance.

RECOGNITION OF INDIGENOUS PEOPLE – OUR NATIVE ANCESTRAL AMERICANS

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

PUBLIC HEARING

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

There were no public comments.

- B. **Ordinance 4-24** – To Amend Chapter 19, Zoning, Section 19.3.D District Boundaries and Section 19.14.C.3 District Boundaries (Re: Historic District)

Laura Barry, 211 Green Street, commented that she is not in support of Ordinance 4-24 and understands that it has been referred to the Economic Development Committee. She feels there is a lot more information that is needed in order to move forward with this.

Dave Baker, a developer within the City of Somersworth, commented that he has worked with the Historic District Commission and he believes that the City's history is important and should be maintained to an extent. He stated that he is thankful of the 85 Elm Street Development project and he feels that the project will change the downtown corridor. Mr. Baker commented that he feels that the City Council is doing a great job and has been easy to work with from his perspective, he also acknowledged that cost is a big factor in development. Mr. Baker stated that he is hopeful that the City Council can reach a compromise and collectively move forward with the Historic District Commission by maintaining the City's history and growing the economy. Mr. Baker concluded his comments by expressing that he is happy to be here and investing in the City, he stated Somersworth is the place to be due to its layout, the people and the culture.

Betty Thompson, 11 Ford Street, commented that she is not aware of the reasoning for the public hearing and inquired about how and where she can obtain information to be a more well-informed constituent.

Ed Levasseur, 18 Green Street, commented that he was a member of the Historic District Commission for a few years and he recalled that during that time, they also went through the discussion of amending the District's boundaries, however, no changes were made. He feels that Ordinance 4-24 is reactionary to one developer, he added that he believes Somersworth struggles with enticing development within the Downtown area and he noted the Somersworth Plaza which is not within the Historic District. Mr. Levasseur urges the Council to speak to residents that live within the Historic District to gather their input before moving forward on changes to the District.

COMMENTS BY VISITORS

George Poulin, 12 Grove Street, shared that the Historical Society will be offering a temporary display of posters from the early 1900's from the Tom Hallworth Collection. He noted that the collection includes posters from theaters, bands, boxing, Central Park, Dover, Rochester, Somersworth, and other local surrounding towns. He described the collection as a "see it to believe it". Mr. Poulin noted that the collection will be on display Wednesday's December 6th, 13th and 20th from 5:00 p.m. through 8:00 p.m., as well as during the regularly scheduled Sunday hours of the Museum from 12:30 p.m. through 3:30 p.m. He stated that December 6th, opening day of the display, will be an open house including light refreshments to welcome Tom and his collection to the Museum. Additionally, the collection will be on display for approximately 4 weeks during the month of January. Mr. Poulin noted that the Museum will be closed on Christmas Eve and New Year's Eve.

CONSENT CALENDAR

- A. Approve Minutes of the City Council meeting held on October 23, 2023

Councilor Austin made a motion to adopt the Consent Calendar as presented. The motion was seconded by Councilor Pepin and passed 8-0 by voice vote.

COMMENTS BY CITY COUNCILORS

Councilor Witham commented that he appreciates the public comments pertaining to Ordinance 4-24 and amendments to the Historic District that propose reducing the size of the District. He stated that he is a sponsor of the Ordinance which he has been transparent about, he also acknowledged that the Ordinance was referred to the Economic Development Committee who has not yet met to discuss the topic, and therefore, he expects no action to be taken during tonight's meeting. Councilor Witham is thankful for the conversations that have been generated by introducing the Ordinance and he stated that he believes that the City is divided on the topic. Councilor Witham commented that he has heard differing opinions from the public on how the City should handle the Historic District including to leave it as is, to shrink the District, to get rid of the District, to create spot zoning of the District, and to increase the size of the District. He believes that this is an important topic for the Council to consider and continues to be excited to have those conversations.

COMMUNICATIONS

There were no communications.

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 November 13th, 2023

Douglas MacArthur once stated that, "A true leader has the confidence to stand alone, the courage to make tough decisions, and the compassion to listen to the needs of others. He does not set out to be a leader but becomes one by the equality of his actions and the integrity of his intent. In the end, leaders are much like Eagles.....they don't flock, you find them one at a time".

Leadership is developed. It is studied, acquired, and learned through observation and life experiences of failures and successes. True leadership is a willingness to sacrifice; a sacrifice of the gift of time and willingness to navigate through the turbulent waters of negative discourse, manipulation of truth and personal attacks. Yet, those that lead stride through. They stride through to ensure that the success of the community moves forward. The leader has a keen understanding that there is something bigger than self, and does not abandon their morals, ethics, or commitment towards that direction.

The passion for community and creating systems that will continue to evolve our democratic principles is what must be at the base of those that lead. Ensuring possibilities exist for achievement and economic advancement of all citizens must be a foundational pillar of those who were given our consent to govern. One simply does not lead with ethics or integrity because they claim to. Nor are those words bestowed upon one seeking to lead because they have embedded them within their personal psyche or campaign slogans. Instead, it comes natural to those who are willing to serve from the pure heart and continue doing so even when attacked or demonized.

Over the course of our human history, names have been inscribed within the halls of global leadership, leaders who have led by heart and soul despite the barrage of hateful discourse or violence they encountered; Christ, Gandhi, Martin Luther King, all have joined the ranks of those who were followed and adamantly opposed. Yet, they stayed the course, pure of heart in their intentions and led. All bringing society and the world to a better place, all while attacked and losing their lives on the journey to human betterment. The status quo is not something which is acceptable for the leader. Some free advice was once bestowed upon me by a close friend and mentor, the advice spoke truth about the complexities of modern leadership. “The universe can be divided into two types of energy, dense and vibrant. The leader leads those towards the vibrant, while given little time to argue and engage with those who wish to occupy the dense. For the leader knows if you fight and argue against those who wish to remain in the dense, you lose, and have moved yourself into the space they wish to remain in. Instead, one stays the course, leads towards the vibrant and side steps attacks, and uses opportunities to enhance vision and wisdom. It is wisdom that is an invitation to vibrancy and the best tool to diffuse density. It is the wisdom, knowledge and vision of a true leader that can guide a community away from the ill nature of the big fishes who consistently live for the world of detriment in a small pond”. Leadership is not easy, it is tiring, wearing on the soul and a very empty lonely place. It is a place that many claim to occupy but the harsh reality is few will rise to represent the meaning of the word. Having gained consent, or winning an election does not make you a leader. Engaging in postings, tweets or acting like one has strength from the safety of their computer, does also not give one right to the word leadership.

Leadership is not making statements to others that “This is about a revolution” or discrediting those attempting to ensure the waters of stagnation do not suffocate the pulse of progression. No, leadership is not about self. Leadership is not about self. Leadership is about others. Leadership is an understanding that others have joys, and experience pain. That others live in a world of happiness and loneliness. That some will reach incredible successes, while others will live in a world of struggle. It’s about striking a balance between those that have and have not. Between those with faith, those who do not believe and those seeking answers. It’s ensuring, ensuring the rights we were promised

are delivered upon. Delivered to everyone! And it is about commitment, commitment to the struggles and pain of growing democracy into the system that can truly deliver hope to the human spirit.

Leadership is not about self, it's about others. It is with this matrix that those who have attempted or are attempting to lead will be judged upon the passages of history. Congratulations to all who were elected or re- elected during this past municipal election. I, along with all the citizens of our great community, look forward to each of you living up to the expectation of the word leadership, and what that is all about. Best wishes as you begin your service to the Hilltop community within your elected position in January.

This past Saturday I had the honor of delivering the city's official Veterans Day address at the American Legion. For 247 years the great American experiment has endured the threats of foreign and domestic adversaries. On Saturday, we thank those brave men and women who without hesitation were willing to defend the light of liberty for all future generations. Like our existence, democracy, and the rights we cherish are fragile. They must be nourished, taken care of, and given the time to mature. When we neglect our bodies they fail, when we neglect our soul, it yearns for the connections that guide it. When we neglect democracy, it withers and dies. Its death leaves a barren waste land of authoritarian rule and the repression of human rights. Yes, like our bodies and our daily existence democracy is fragile, its blood, its breath, its heartbeat all depends upon us.

Each day we continue our routines. We rise, go to the gym, drink coffee, become frustrated with our commute and become entangled with the daily affairs upon us. We stand in lines, we wait, we text, we call, we engage in conversation. In rare moments we are halted. Given the chance to reflect upon how blessed we are, and the debt we owe to those who secured our blessing. The rows of graves standing in their final formation, decorated with the flag of our nation. Announcing to the wind as it captures its fabric that we shall continue the journey. A veteran's license plate on a congested highway or lonely state route reminded us that it is our brethren who carry the burden. The burden of defending, the burden of witnessing the enemies, the burden of bearing the scars. The burden of securing the path for the journey to continue upon.

So, we continue. We continue our march, our march towards our greatness. Our march towards our equality, our march towards ensuring that this experiment will not fail. Defended, defended by those that dawn and have dawned the uniform of our republic. We march, march towards embracing those values which at times seemed almost out of reach for the 247 years of our existence.

So, we continue. With each day, with each month, with each year. Honoring, honoring those we were willing to sacrifice by adhering to what we strive to become. A nation, a nation where freedom and liberty are for all. For all, for all would be secured. For all religions. For all genders. For all ethnicities and sexual orientations. For all who desire. Desire to contribute, desire to construct, desire to move forward and desire to defend.

Tonight, we take time to pause, to reflect, to remember and to honor. To honor all of those in the world of the living and in the spirit form who have defended a nation built upon the promise that all should be seated at the banquet of liberty.

Today we reaffirm our commitment to safeguard the pillars of which this nation was cast upon. To honor all differences and to seek common ground to advance the creed which identifies us. It has been a great honor to serve as your mayor over the last decade. As a supporter of term limits, I did not seek re-election. And soon the greatness of our democracy and our democratic system will be witnessed as Matt Gerding becomes your next visionary, your next leader and your next Mayor. It has been my humble pleasure over these last ten years to echo the words which promote our great republic and honor the men and women who have defended it and made the ultimate sacrifice. Let us continue, each of us, remembering that burden to protect this nation and to carry it forward.

We have been guided by the willing sacrifices of the men and women who carry the title Veterans. Will you, will we, live up to our promise, the promise safeguarding liberty for all. May God forever offer his grace and guidance for all of us to hold true to the principles of our great nation. May he continue to shield in his protection those who willingly defend our nation, and those who have sacrificed their lives in the name of Democracy. And may God forever bless each and every person who has carried the title and carries the title of a United States Veteran.

Democracy works. From this evening through the end of December Mayor Elect Garding and I will begin working on the transition process. Unlike the dysfunction we have witnessed, there will be no insurrection or storming of City Hall. Instead, the power of how and what lies within our democratic system will peacefully transfer from one executive member of this Council and legislator to the next and witnessed by all at the inauguration in January. I look forward to working with Matt over the months leading up to his swearing in. And once again modeling how Somersworth will continue to lead in our model of democracy within our ten square miles, we call home.

Under nominations and elections, there are no nominations for elections being brought forward.

This respectfully concludes my November 13th, 2023 Mayors Report.

REPORT OF STANDING COMMITTEES

Government Operations Committee – Councilor Michaud reported that the Committee met on October 31st at 5:00 p.m. The Committee reviewed memorandums presented by City Manager Belmore pertaining to City Ordinance Chapter 4, Personnel Rules and Regulations. Councilor Michaud stated that there was discussion regarding section 7.3 Overtime which would establish a 60-hour cap pertaining to the maximum balance allowed of compensatory time. He noted additional language with regards to the Highway General Foreman that would allow that position to be granted a maximum balance equal to that of the AFSCME Council 93 Local #863 Union CBA. Additionally, the Committee reviewed language that would provide clarification pertaining to Department Heads approving overtime in advance unless there was an emergency.

Councilor Michaud reported on the Committee's discussion pertaining to clarifying the languages with regards to Chapter 4 Section 6.4 Transfer Between Departments. He noted that the amendment serves to provide clarifications to employees that they will be afforded the opportunity to apply for open positions within the City of Somersworth and that a transfer is not guaranteed.

Councilor Michaud reported on the Recovery Friendly Workplace progress that the City has achieved in participating in the program. Verification of an email was provided to the Committee that confirms Ms. Doyle reached out to Governor Sununu's Office and is now waiting to receive the official certificate on behalf of the Governor's Office. Councilor Michaud noted that once the certificate has been received, Ms. Doyle will be in contact to schedule a quick photo event with the City of Somersworth.

Councilor Michaud reported that the Committee heard from Manager Belmore regarding staffing updates that included a breakdown of each of the Departments. He added that Councilor Austin inquired about the Deputy Fire Chief position and Manager Belmore confirmed that staff are finalizing a job description and will be posting the job opening.

Economic Development Committee - Councilor Austin reported that the Committee is scheduled to hold a joint meeting with the Historic District Commission on November 29th at 5:00 p.m. in Council Chambers.

Public Safety Committee - Councilor Pepin reported that the Committee will be looking to review and discuss safety within the schools. He added that the Committee is hoping to gather to take a tour of the schools to address any safety concerns.

Recreation Committee - Councilor Cameron reported that the Committee met on October 25th and received a number of miscellaneous updates from Recreation Supervisor Davenport, she reported on the number of registrants enrolled in the following programs: Pee Wee Soccer, Tiny Hilltoppers, and the New Hilltoppers 50+ Walking/Hiking Program. Regarding the Walking/Hiking Program, Supervisor Davenport is looking to implement a spring program and continue with the fall program due to the recent success of the fall program.

Councilor Cameron reported that the Recreation Department collected letters and cards from the public which were picked up by the VFW in order to be distributed to local veterans to express appreciation in honor of Veterans Day.

Councilor Cameron noted that the Recreation Division is looking for volunteers to coach the Recreational Basketball Program. She noted that Supervisor Davenport gave a shout out to her new Recreation Clerk, Manu Slankard, and complimented the good work she has been doing. Council Cameron reported on upcoming events including a Street Hockey Clinic with the Somersworth Lions Club, the Flashlight Candy Cane Hunt, Hilltoppers 50+ Holiday Create and Take, and the Recreation Youth Basketball Program.

Councilor Cameron concluded her report with the Committee doing a site walk of the improved Ash Street Butterfly Park. She noted the efforts of the Department of Public Works and employees of Home Depot who assisted in the completion of phase one of the park. She added that the project will continue in the spring where they expect to work on signage for the park and planting of flowers.

REPORT OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

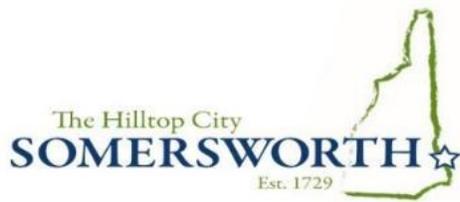
E-911 Committee - Councilor Pepin reported that the Committee met this afternoon to discuss the State's requirement that address numbers need to be 50 ft. in difference when changing or adding an address. He noted that this presents an issue because the State is suggesting that 6 Willand Drive be

numbered as 30 Willand Drive, however, that is currently the address of the Willand Emergency Warming Shelter. Councilor Pepin reported that at this time, the Committee agreed to allow the property owner to use the address of 6 Willand Drive in order for them to continue with their work and obtain necessary permits. The Committee will review this at a future meeting and work with the residents of Willand Drive to meet the requirements set forth by the State.

Community Power Committee - Councilor Gerding reported that the Committee met on November 9th and discussed the City's electric aggregation plan. He stated that the Committee has received a template used by other communities that would assist the Committee with setting policy goals and objectives for the Community. Councilor Gerding noted that the Committee reviewed the City's Master Plan and the Department of Energy's policy goals, the Committee came up with a number of suggestions that they plan to finalize at their next scheduled meeting on November 21st at 4:00 p.m. Once complete, the Committee will present it to the full Council for review and approval. Councilor Gerding shared the Committee's policy goal which is "Prioritizing cost-effective, secure, reliable, resilient, and sustainable energy systems for Somersworth's residents, businesses and local Governments."

Christmas Parade Committee - Councilor Cameron stated that the Somersworth/Berwick Parade is scheduled to take place on December 2nd at 1:30 p.m. with a rain date of December 3rd. She confirmed the parade's theme is Classic Cartoons Christmas.

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

Unfinished Business (under Section 15 of Agenda)

Ordinances

A. Ordinance 3-24: Supplemental Appropriation for Engineering and Design Services to Replace the Hamilton Street Water Tank. Again, the Finance Committee voted to recommend this funding formula to the full Council. The FY 23 Budget included an appropriation of \$154,500 to replace the 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 with Engineering and Design Services.

B. Ordinance 4-24: To Amend Chapter 19, Zoning, Section 19.3.D District Boundaries and

Section 19.14.C.3 District Boundaries. I have attached the revised map changes depicting the proposed Zoning change as well as a memorandum from Director Michelle Mears detailing the Historic District Commission's boundary changes being proposed.

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. Again, the Finance Committee voted to recommend this 20-year Lease Extension Agreement to the full Council.

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. Again, the Public Works & Environment Committee and the Finance Committee voted to recommend contracting with Wright-Pierce Engineering.

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. Again, the Public Works & Environment Committee and Finance Committee voted to recommend contracting with Wright-Pierce Engineering. Office of the City Manager

D. 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. Again, the Public Works & Environment Committee voted to recommend this Resolution.

New Business (under Section 16 of Agenda)

Ordinances

A. Ordinance No. 5-24: To Amend Chapter 4, Personnel Rules and Regulations, Section 6.4 Transfer between Departments and Section 7.2 Overtime. The Government Operations Committee met on October 31st and voted to recommend this Ordinance change. Attached is a copy of the Committee's meeting minutes and a red-line copy of the Ordinance's sections that are being amended. I recommend a Public Hearing be scheduled for the December 11th Council meeting.

City Manager Belmore requested that a public hearing be scheduled during the next regularly scheduled meeting. There was no objection from the Council.

B. Ordinance No. 6-24: City Council Meeting Schedule for 2024

Resolutions

A. Resolution No. 21-24: To Authorize the City Manager to Convey an Easement Over City-owned Property Abutting 46 Pinewood Drive to Katherine L. and Melvin W. Burkhardt, Trustees of the Burkhardt Family Revocable Trust. The Public Works & Environment Committee met on October 16th and recommends granting the owners this easement. Attached is a map as well as some background information and the owner's written request.

City Manager Belmore stated that the City Attorney has approved some language regarding this easement.

B. Resolution No. 22-24: To Authorize the City Manager to Contract with Richardson Electric Company, Inc. of Seabrook, NH for the Replacement of Two Variable Frequency Drives at the Water Treatment Facility. Attached is a copy of City Engineer Amber Hall's Memorandum with the bid results to replace two (2) raw water pump VFD's at the Wastewater Treatment Facility. Council approved \$100,000 in the Water Enterprise Fund to complete this project. I recommend we include contingency funding up to the approved Budget amount.

Other

A. Vote to Certify the 2023 Municipal Election Results.

B. Vote to Waive Excavation Moratorium and Paving Moratorium for a Repair of a Residences Sewer Line at 19 Drew Road (City Ordinance, Chapter 12). Attached is a copy of the request, a memo regarding the Moratorium timeline from City Engineer Amber Hall, and a copy of the sections from Chapter 4.

C. Vote to Waive the Excavation Moratorium for Unitil to Perform Gas Main Installation Work on Maple Street (City Ordinance, Chapter 12). Attached is a copy of Unitil's request and maps regarding the project area.

D. Vote to Waive the Excavation Moratorium for Consolidated Communication to Perform Work on City Property known as the Turcotte Pit off Maple Street (City Ordinance, Chapter 12). A map was attached to Resolution No. 23-24 showing the locations along the Access Road and in the Pit area. Most of the Access Road is completed with installed conduit.

City Manager noted that the paving moratorium is effective from November 15th through April 15th.

Informational Items

A. Police Bulletproof Vest Grant. Attached is a Memorandum from Chief Tim McLin informing the City that the Police Department has been awarded Grant Funding to purchase six (6) new vests. This is a Grant Award that requires a City match of 50%.

- Six (6) Vests Cost: \$7,579.50
- Grant Funding: \$3,789.75
- City Match: \$3,789.75

City Manager Belmore requested that without objection from the Council, he will move forward on accepting the Grant Award and locating the funds required of the City Match.

- B. **Willand Road Warming Center.** The County is in the process of finalizing an Agreement with Karlee’s Home Team to operate the Emergency Warming Center along the same parameters as last year. Based on past Council votes, I will be signing an Agreement with the County as will the Dover and Rochester City Managers on behalf of their Community’s.

City Manager Belmore noted that the three Mayors and City Manager from Dover, Rochester and Somersworth met with the County Commissioner to discuss the two proposals received regarding the operation of the Emergency Warming Center and agreed to award the contract to Karlee’s Home Team. He added that he is awaiting documentation that he will need to review and sign which would finalize the agreement with Karlee’s Home Team.

Attachments

1. Department Head Reports

- 2. City Attorney Certifications:** Will not be available until Monday.

NOMINATIONS, APPOINTMENTS AND ELECTION

There were no Nominations, Appointments and Elections.

LAY ON THE TABLE

There were no items under Lay on the Table.

NEW BUSINESS

Councilor Witham requested to suspend Council Rules to proceed with Agenda items Other B, Other C, and Other D under New Business. There was no objection from the Council.

OTHER

- C. Vote to Waive the Excavation Moratorium and Paving Moratorium for a Repair of a Residence’s Sewer Line at 19 Drew Road (City Ordinance, Chapter 12)

Councilor Witham made a motion to suspend Council Rules to allow questions and answers between the City Council and Public Works and Environment Director Bobinsky. The motion was seconded by Council Pepin and passed 9-0 by voice vote.

Councilor Witham stated that the City had modified their paving strategy to ensure that paving takes place during the Spring, Summer, and early Fall months due to the results of paving during other time frames being less satisfactory caused by inconsistent temperatures. He asked Director Bobinsky, what if any assurance can be given to the City that the work will be guaranteed and to the City’s satisfaction.

Director Bobinsky explained that there are conditions that the City requires of contractors that pave during the moratorium including a 30-month bond financial guarantee to ensure the paving work is satisfactory, a certain type of trench operation that will lessen the likelihood of failure, and a Certificate of Insurance. Councilor Witham asked if the same conditions are true regarding Other C and Other D, Director Bobinsky responded in the affirmative.

The vote to waive the excavation moratorium and paving moratorium for a repair of a residence's sewer line at 19 Drew Road passed 9-0 by voice vote.

- D. Vote to Waive the Excavation Moratorium for Unitil to Perform Gas Main Installation Work on Maple Street (City Ordinance, Chapter 12)

Councilor Witham reiterated that the explanation of assurances presented by Public Works and Environment Director Bobinsky regarding Other B applies to this request as well. He added that this section involves a large chunk of sidewalk and is a busy street and an active area. Councilor Witham commented on his observations regarding the recent work done off of Blackwater Road by Unitil's contractor, he stated that the project was completed as less than desirable and needs to be fixed by the contractor and hopes that is not an issue with this project.

The vote to waive the excavation moratorium for Unitil to perform gas main installation work on Maple Street passed 9-0 by voice vote.

- E. Vote to Waive the Excavation Moratorium for Consolidated Communication to Perform Work on the City Property known as the Turcotte Pit off Maple Street (City Ordinance, Chapter 12)

Councilor Witham expressed his opinion that the contractor, Consolidated Communications, is responsible for the number of double utility poles that have been left behind, as well as being responsible for having drilled holes throughout the City without obtaining the required permissions. He added that the work is important, but does not feel that they are a good partner to work with.

The vote to waive the excavation moratorium for the Consolidated Communication to perform work on the City property known as the Turcotte Pit off Maple Street passed 7-2 by voice vote. Councilors Vincent and Gibson opposed.

UNFINISHED BUSINESS

ORDINANCES

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

Clerk LaPanne performed a second reading of Ordinance 3-24.

Councilor Witham made a motion to adopt Ordinance 3-24 as submitted. The motion was seconded by Councilor Austin and passed 9-0 by roll call vote.

- B. **Ordinance 4-24** – To Amend Chapter 19, Zoning, Section 19.3.D District Boundaries and Section 19.14.C.3 District Boundaries (Re: Historic District) (Referred to Economic Development Committee on 10/23/2023)

There was no action taken pertaining to Ordinance 4-24. Ordinance 4-24 will remain under agenda item Unfinished Business until it has been reported out by 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 second reading of Resolution 15-24.

Councilor Austin made a motion to adopt Resolution 15-24 as submitted. The motion was seconded by Councilor Vincent and passed 8-0-1 by roll call vote. Councilor Gibson abstained.

- 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

Clerk LaPanne performed a second reading of Resolution 16-24.

Councilor Witham made a motion to adopt Resolution 16-24 as submitted. The motion was seconded by Councilor Cameron and passed 9-0 by roll call vote.

- 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 second reading of Resolution 17-24.

Councilor Pepin made a motion to adopt Resolution 17-24 as submitted. The motion was seconded by Councilor Gibson and passed 9-0 by roll call vote.

- D. **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 second reading of Resolution 20-24.

Councilor Witham made a motion to adopt Resolution 20-24 as submitted. The motion was seconded by Councilor Pepin and passed 9-0 by roll call vote.

NEW BUSINESS

ORDINANCES

- A. **Ordinance 5-24** – To Amend Chapter 4, Personnel Rules and Regulations, Section 6.4 Transfer Between Departments and Section 7.2 Overtime

Clerk LaPanne performed a first reading of Ordinance 5-24.

Ordinance 5-24 will remain in first reading until the call of the Chair.

RESOLUTIONS

- A. **Resolution 21-24** – To Authorize the City Manager to Convey an Easement over City-Owned Property Abutting 46 Pinewood Drive to Katherine L. and Melvin W. Burkhardt, Trustees of the Burkhardt Family Revocable Trust

Clerk LaPanne performed a first reading of Resolution 21-24.

Councilor Witham made a motion to suspend Council Rules to allow a second reading of Resolution 21-24. The motion was seconded by Councilor Austin and passed 8-1 by voice vote. Councilor Gibson opposed.

Clerk LaPanne performed a second reading of Resolution 21-24.

Councilor Witham made a motion to adopt Resolution 21-24 as submitted. The motion was seconded by Councilor Messier.

Discussion:

Councilor Gibson stated that he has a problem supporting this Resolution and is unsure who he feels is at fault for overlooking this issue during the surveying of the property lines. He noted that this issue had been brought forward years ago and no action was taken at that time. Councilor Gibson feels that the City would be rewarding an encroachment that should have been addressed previously. He questions how this issue came about and why the City is assuming liability for carelessness of the builder, realtor and the property owners. He noted that he does not have anything against the property owners but he has concerns that approval of this Resolution could encourage similar situations down the road.

The motion passed 7-2. Councilors Vincent and Gibson opposed.

- B. **Resolution 22-24** – To Authorize the City Manager to Contract with Richardson Electric Company, Inc. of Seabrook, New Hampshire for the Replacement of Two Variable Frequency Drives at the Water Treatment Facility

Clerk LaPanne performed a first reading of Resolution 22-24.

Resolution 22-24 will remain in first reading until the call of the Chair.

- C. **Resolution 23-24** – To Authorize the City Manager to Convey a Telecommunication Utility Easement to Consolidated Communications of Northern New England Company, LLC.

Clerk LaPanne performed a first reading of Resolution 23-24.

Councilor Witham made a motion to suspend Council Rules to allow for a second reading of Resolution 23-24. The motion was seconded by Councilor Messier and passed 8-1 by voice vote. Councilor Gibson opposed.

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

Councilor Witham made a motion to adopt Resolution 23-24 as submitted. The motion was seconded by Councilor Pepin and passed 9-0.

OTHER

- A. Vote to Certify 2023 Municipal Election Results

The vote to certify 2023 Municipal Election results passed 9-0 by voice vote.

COMMENTS BY VISITORS

Laura Barry, 211 Green Street, commented that while she was out during the Municipal Election, she heard from a number of residents that they experience a difficult time obtaining information for the City. Ms. Barry suggested that the Council consider holding a workshop to increase effective communication between the City and its residents regarding meetings, polling locations and other important informational items.

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Pepin thanked all of the voters that came out on Election Day. He stated that as he stood outside of Ward 1, he had the opportunity to meet many residents.

Councilor Vincent apologized for being tardy to tonight's meeting and he also thanked those that voted for him during the Election.

Councilor Gibson expressed appreciation for all of the Veterans, he added that he does not feel that the Country treats veterans properly which causes independent organizations to pick up their slack. Councilor Gibson thanked the voters who voted for him, as well as thanking those individuals who ran for an elected position. He stated that he hopes people understand his reasoning behind his comments pertaining to the easement requested through Resolution 21-24. Councilor Gibson does not believe that the Council should reward negligence. Councilor Gibson thanked the School Board and Superintendent for their kind words directed to the Council after having approved their request for the full Supplemental Appropriation pertaining to the additional State Adequacy funding.

Councilor Austin commented that he had conversations with many of the individuals that came out to vote on Election Day, he noted that the crosswalks along Stackpole Road was brought up a number of times by residents. Councilor Austin stated that there are trees covering some of the crossing signs and he suggested the possibility of flashing lights to create more awareness to drivers. Councilor Austin also mentioned public concern regarding the dog park because dogs have been digging along the fence which is a safety issue and dogs could escape from the enclosed area. Councilor Austin commented that he is looking forward to the workshop scheduled between the Economic Development Committee and the Historic District Commission regarding the District. He noted that even if nothing changes in the end, the discussions would be current and with informed consent. Councilor Austin thanked the voters that came out and congratulated the winners of the Municipal Election. He commented on the importance of local elections stating that the public is voting for their local representation who they can hold accountable. Councilor Austin noted that there was a 22% turnout of registered voters for the City and about 27% for Ward 4. He stated that the number of voters is very low which means that there is a small minority of voters who are deciding on their elected officials that will represent the City and its residents.

Councilor Michaud thanked the veterans for their services, he also thanked the voters who came out and voted, as well as the poll workers for their long day overseeing the Municipal Election. Councilor Michaud shared concern over voting day safety and speeding in front of Ward 5, he suggested that the City consider barriers in the road to slow down traffic to those crossing. Councilor Michaud congratulated the Somersworth High School Football team on their championship win.

Councilor Witham commented that he agrees with Councilor Austin that 22% voter turnout is too low, however, he does feel that if we were to look at the last decade or more, it would be a consistent percentage. Councilor Witham spoke to the crosswalk and additional signage suggested, he feels that drivers will not slow down and shared a story of a car that he witnessed nearly striking a pedestrian who was using the crosswalk. He asked that pedestrians crossing streets pay attention because you

cannot always count on the car stopping. Councilor Witham stated that, pertaining to the visitor comments about information being available to the public, he noted that meeting agendas and City Ordinances are available on the website, residents could contact the City Clerk or by reaching out to a City Councilor or the City Manager. He feels that it is something that the Government Operations Committee could discuss to ensure that our communication is adequate or ways to improve. Councilor Witham inquired about the completion of work by SUR Construction regarding the removal of leftover school zone warning utility poles on Memorial Drive as well as a large hole left behind on High Street due to the removal of a pole. Additionally, Councilor Witham noted traffic control signs that need to be picked up since the completed work of catch basin repair off of Indigo Hill Road.

Councilor Gerding commented that he stopped by the Ash Street Butterfly Park and was pleased with the completion of phase one; he thanked the Department of Public Works staff and Home Depot employees for their work. Councilor Gerding congratulated the High School Football team on their championship win. He thanked all of the voters that voted, the individuals that ran for office, and also the poll workers who worked the polling locations. Councilor Gerding also expressed gratitude to Mayor Hilliard for his help during his transition to Mayor.

Councilor Cameron thanked the voters and thanked the individuals who ran for an elected position. She gave a shout out regarding the Willand Pond Trail footbridges and she also thanked Councilor Austin for bringing up the holes at the dog park. Councilor Cameron wished everyone a happy Thanksgiving and she hopes to see many in attendance at the Christmas parade.

Councilor Messier thanked the voters who came out to vote on Election Day. He noted that there are a couple of American Flags located on High Street that desperately need to be replaced. Councilor Messier commented on the sidewalk and warning light issues, he noted that it is not an issue only experienced by this City and that people need to slow down and be more aware of pedestrians. He also congratulated the Somersworth High School Football team on their championship win, as well as congratulating the High School Girls Volleyball team for making it to the finals.

FUTURE AGENDA ITEMS

Mayor Hilliard stated that the City held a non-public session where they met with and discussed proposals that were received by the City pertaining to the former National Guard Readiness Center property. Mayor Hilliard inquired about the Council's availability for a special meeting on Monday, November 20th at 4:00 p.m. He noted that the meeting will be held in order to have a first reading of the Resolution regarding the sale of the property, he added that there will be no discussion by the Council and no action during this meeting. Any discussion and action by the Council will be conducted at the next regular meeting scheduled on Monday, December 11th. Mayor Hilliard requested the presence of at least five Council members in order to reach a quorum for the meeting on Monday, November 20th at 4:00 p.m. A number of Councilors confirmed their availability to attend.

NONPUBLIC SESSION

Councilor Witham made a motion that the Council enter into a nonpublic session in accordance with 91-A to discuss a personnel matter. The motion was seconded by Councilor Vincent and passed 9-0 by roll call vote.

Mayor Hilliard called the Council to a brief recess at 8:35 p.m. to clear Council Chambers of the public.

The Mayor and Council entered into a nonpublic session and discussed a personnel matter with the City Manager and Deputy City Manager.

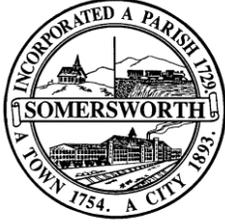
Councilor Messier made a motion to come out of nonpublic session. The motion was seconded by Councilor Witham and passed unanimously.

ADJOURNMENT

Motion by Councilor Witham to adjourn at 9:30pm; second by Councilor Michaud; motion passed unanimously.

Respectfully Submitted,

Kristen LaPanne, City Clerk



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:	11/13/2023	Removed From Table:	
Second Read:	11/13/2023		

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.

11/13/2023

Clerk LaPanne performed a second reading of Ordinance 3-24.

Councilor Witham made a motion to adopt Ordinance 3-24 as submitted. The motion was seconded by Councilor Austin and passed 9-0 by roll call vote.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier	X	
TOTAL VOTES:		9	
On 11/13/2023	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 10.⁸

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

History			
First Read Date:	10/23/2023	Tabled:	
Public Hearing:	11/13/2023	Removed From Table:	
Second Read:			

Discussion

10/23/2023

Clerk LaPanne performed a first reading of Ordinance 4-24.

Ordinance 4-24 will remain in first reading until the call of the Chair.

11/13/2023

There was no action taken pertaining to Ordinance 4-24. Ordinance 4-24 will remain under agenda item Unfinished Business until it has been reported out by the Economic Development Committee.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			
On	Ordinance 4-24	PASSED	FAILED

	City of Somersworth – Resolution
	Resolution No: 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

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.

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

City of Somersworth – Resolution 15-24

History			
First Read Date:	10/23/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	11/13/2023		

Discussion

10/23/2023

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

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

11/13/2023

Clerk LaPanne performed a second reading of Resolution 15-24.

Councilor Austin made a motion to adopt Resolution 15-24 as submitted. The motion was seconded by Councilor Vincent and passed 8-0-1 by roll call vote. Councilor Gibson abstained.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson	Abstained	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier	X	
TOTAL VOTES:		8	0
On 11/13/2023	Resolution 15-24	PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 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

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.

Authorization	
<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

History

First Read Date:	10/23/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	11/13/2023		

Discussion

10/23/2023

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

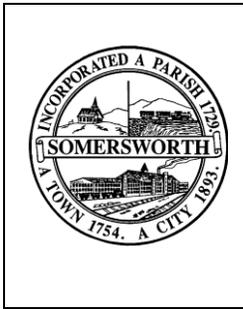
Resolution 16-24 will remain in first reading until the call of the Chair.

11/13/2023

Clerk LaPanne performed a second reading of Resolution 16-24.

Councilor Witham made a motion to adopt Resolution 16-24 as submitted. The motion was seconded by Councilor Cameron and passed 9-0 by roll call vote.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier	X	
TOTAL VOTES:		9	
On 11/13/2023	Resolution 16-24	PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 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

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.

Authorization	
<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:	11/13/2023		

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.

11/13/2023

Clerk LaPanne performed a second reading of Resolution 17-24.

Councilor Pepin made a motion to adopt Resolution 17-24 as submitted. The motion was seconded by Councilor Gibson and passed 9-0 by roll call vote.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier	X	
TOTAL VOTES:		9	
On 11/13/2023	Resolution 17-24	PASSED	FAILED

	City of Somersworth – Resolution
	Resolution No: 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

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.

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

City of Somersworth – Resolution 20-24

History

First Read Date:	10/23/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	11/13/2023		

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.

11/13/2023

Clerk LaPanne performed a second reading of Resolution 20-24.

Councilor Witham made a motion to adopt Resolution 20-24 as submitted. The motion was seconded by Councilor Pepin and passed 9-0 by roll call vote.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Gibson	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier	X	
TOTAL VOTES:		9	
On 11/13/2023	Resolution 20-24	PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: 5-24

TO AMEND CHAPTER 4, PERSONNEL RULES AND REGULATIONS, SECTION 6.4 TRANSFER BETWEEN DEPARTMENTS AND SECTION 7.2 OVERTIME

November 13, 2023

THE CITY OF SOMERSWORTH ORDAINS THAT, the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 4 by editing sections 6.4 Transfer Between Departments and 7.2 Overtime as follows:

6.4 Transfer Between Departments

If an employee, possessing the qualifications necessary to fill a vacant position in the City, wishes to transfer from their current department to another department, they shall be afforded the opportunity to apply and be considered for the position.

7.2 Overtime

Overtime will be paid to employees not exempt from the FLSA at the overtime rate of one and one-half times the adjusted base rate of pay for time worked in excess of eight (8) hours per day and of forty (40) hours per week. Overtime within a class will be offered on an equal basis wherever possible. Overtime shall be approved by the appropriate Department Head in advance unless it is required due to an emergency.

At the discretion of the Department Head, compensatory time off may be granted rather than overtime pay. If compensatory time is granted the maximum balance allowed will be 60 hours. The General Foreman will be allowed a balance equal to the current compensatory maximum allowed in the AFSCME Council 93 Local #863 CBA. If an employee works more than 40 hours in a week, compensatory time off not taken during the same pay period accumulates at the rate of one-and-one-half times the time actually worked. Compensatory time off only applies to time to be taken in a pay period after the period when the overtime is worked. The FLSA has detailed rules regarding granting and accumulating compensatory time which must be fully understood by the employee and department head before being granted. In case of conflict between these rules and the FLSA, the FLSA will be followed.

This Ordinance shall take effect upon its passage.

Authorization	
<p><i>Sponsored by Councilors:</i></p> <p>Richard Michaud Matt Gerding Donald Austin</p>	<p><i>Approved:</i></p> <p>City Attorney</p>

City of Somersworth – Ordinance 5-24

History			
First Read Date:	11/13/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

11/13/2023

Clerk LaPanne performed a first reading of Ordinance 5-24.

Ordinance 5-24 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		
TOTAL VOTES:			
On	Ordinance 5-24	PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 21-24

TO AUTHORIZE THE CITY MANAGER TO CONVEY AN EASEMENT OVER CITY-OWNED PROPERTY ABUTTING 46 PINWOOD DRIVE TO KATHERINE L. AND MELVIN W. BURKHARDT, TRUSTEES OF THE BURKHARDT FAMILY REVOCABLE TRUST

November 13, 2023

WHEREAS, Katherine and Melvin Burkhardt of 46 Pinewood Drive, Tax Map 32 Lot 15 have approached the City requesting an easement over City-owned land located on Pinewood Drive (Tax Map 46 Lot 04) for an existing driveway to access their garage; and

WHEREAS, the property is currently subject to a power line easement with the Public Service Company of New Hampshire and they have not raised an objection to this easement request; and

WHEREAS, said easement will provide access to 46 Pinewood Drive and the grantee shall assume full responsibility for maintenance and repair of the driveway and agree to indemnify and hold the City harmless from any and all liability arising out of the use of the property;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to convey an easement over City-owned property abutting 46 Pinewood Drive to Katherine L. and Melvin W. Burkhardt, Trustees of the Burkhardt Family Revocable Trust, and to take any additional actions required to convey this easement determined to be in the best interest of the City.

Authorization

Sponsored by Councilors:

David Witham
Martin Pepin
Richard Michaud

Approved:

City Attorney

City of Somersworth – Resolution 21-24

History			
First Read Date:	11/13/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	11/13/2023		

Discussion

11/13/2023

Clerk LaPanne performed a first reading of Resolution 21-24.

Councilor Witham made a motion to suspend Council Rules to allow a second reading of Resolution 21-24. The motion was seconded by Councilor Austin and passed 8-1 by voice vote. Councilor Gibson opposed.

Clerk LaPanne performed a second reading of Resolution 21-24.

Councilor Witham made a motion to adopt Resolution 21-24 as submitted. The motion was seconded by Councilor Messier.

Discussion:

Councilor Gibson stated that he has a problem supporting this Resolution and is unsure who he feels is at fault for overlooking this issue during the surveying of the property lines. He noted that this issue had been brought forward years ago and no action was taken at that time. Councilor Gibson feels that the City would be rewarding an encroachment that should have been addressed previously. He questions how this issue came about and why the City is assuming liability for carelessness of the builder, realtor and the property owners. He noted that he does not have anything against the property owners but he has concerns that approval of this Resolution could encourage similar situations down the road.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent		X
Ward 3 Councilor	Gibson		X
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Messier	X	
TOTAL VOTES:		7	2
On 11/13/2023	Resolution 21-24	PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 22-24

TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH RICHARDSON ELECTRIC COMPANY, INC. OF SEABROOK, NEW HAMPSHIRE FOR THE REPLACEMENT OF TWO VARIABLE FREQUENCY DRIVES AT THE WATER TREATMENT FACILITY

The motion passed 7-2. Councilors Vincent and Gibson opposed.

November 13, 2023

WHEREAS, the City of Somersworth’s Capital Improvement Plan endorsed a project to replace two variable frequency drives (VFDs) for the raw water pumps at the Water Treatment Facility; and

WHEREAS, the City of Somersworth’s approved FY2024 Budget provides funding for the replacement of two VFDs at the Water Treatment Facility; and

WHEREAS, City staff prepared and accepted request for bids from qualified contractors for the project and recommends awarding the project to Richardson Electric Company, Inc. for an amount of \$90,750 (Ninety Thousand Seven Hundred Fifty dollars); and

WHEREAS, the City Council authorizes the City Manager to utilize an amount up to \$9,250 (Nine Thousand Two Hundred Fifty dollars) for project contingency making the total project not-to-exceed \$100,000 (One Hundred Thousand dollars);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with Richardson Electric Company, Inc. of Seabrook, New Hampshire for an amount not-to-exceed \$100,000 (One Hundred Thousand dollars) for the replacement of two variable frequency drives at the Water Treatment Facility, and to take any other actions necessary for this project determined to be in the best interest of the City.

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

Matt Gerding Kenneth Vincent	
---------------------------------	--

City of Somersworth – Resolution 22-24

History

First Read Date:	11/13/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

11/13/2023

Clerk LaPanne performed a first reading of Resolution 22-24.

Resolution 22-24 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		
TOTAL VOTES:			
On	Resolution 22-24	PASSED	FAILED



City of Somersworth – Resolution

Resolution No: 23-24

TO AUTHORIZE THE CITY MANAGER TO CONVEY A TELECOMMUNICATION UTILITY EASEMENT TO CONSOLIDATED COMMUNICATIONS OF NORTHERN NEW ENGLAND COMPANY, LLC.

November 13, 2023

WHEREAS, the Somersworth City Council approved an easement with Northern Utilities, Inc., doing business as Unitil, on September 7, 2021 for a natural gas transmission line; and

WHEREAS, Unitil needs a telecommunication line from Consolidated Communications of Northern New England Company, LLC to support the monitoring and tracking and power needs of the new natural gas transmission line substation at the Turcotte Pit off Maple Street; and

WHEREAS, Consolidated Communications of Northern New England Company, LLC requires a permanent easement from the City off Maple Street in what is commonly referred to as the “Turcotte Pit” for the right to lay, install, maintain, replace, and remove telephone cable, wire, and related fixtures and appurtenances and underground lines;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to convey a telecommunications utility easement to Consolidated Communications of New England Company, LLC, on City owned property commonly known as the Turcotte Pit off Maple Street, and to take any additional actions required to convey this easement determined to be in the best interest of the City.

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

City of Somersworth – Resolution 23-24

History			
First Read Date:	11/13/2023	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

11/13/2023

Clerk LaPanne performed a first reading of Resolution 23-24.

Councilor Witham made a motion to suspend Council Rules to allow for a second reading of Resolution 23-24. The motion was seconded by Councilor Messier and passed 8-1 by voice vote. Councilor Gibson opposed.

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

Councilor Witham made a motion to adopt Resolution 23-24 as submitted. The motion was seconded by Councilor Pepin and passed 9-0.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Gibson		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Messier		
TOTAL VOTES:			0
On	Resolution 23-24	PASSED	FAILED