

## MINUTES OF CITY COUNCIL MEETING

Somersworth, NH  
January 3, 2017  
7:00 P.M.

The meeting was called to order by His Honor, the Mayor, Dana Hilliard, and upon roll call the following Council members were present: Pepin, Dumont, McCallion, Messier, Witham, Sprague, Cameron, and Paradis. Councilor Soldati was excused.

### MINUTES OF THE PREVIOUS MEETING.

MINUTES of the City Council Meeting, held on December 5, 2016  
***Councilor Pepin, seconded by Councilor Cameron, made a motion to accept the minutes. The motion passed unanimously.***

### COMMUNICATIONS

Letter of Resignation from the School Board from Sean Collins  
***Letter was read by the Clerk and will be kept on file.***

### PRESENTATION OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE

Mr. Steve MacKenzie, Chairman, Mayor's Drug Task Force

Mayor Hilliard and members of the City Council,

I asked for this time so I could give you a brief update on the Mayor's Drug Task Force. Charged with monitoring the progress on the goals outlined in our initial report to you and which was adopted by you as a "Master Plan" in the city's attempts to confront and respond to our growing opioid crisis.

While those proverbial wheels of progress turn slowly, I am happy to report that the last year or so, since I last spoke with you, has been productive. Yes, there have been some problems and setbacks. We are disappointed that Bonfire Recovery Services has run into a series of difficulties in their efforts to open a sober living facility in Somersworth.

We are very pleased, however, that Sober Sisters, at the former Malley Farm Group Home, is up and running. Substantial progress has been made in a K-12 anti-drug curriculum being introduced into all of our schools.

We are pleased, too, that our police department has added an additional officer, a good start on one of the goals outlined in our Master Plan. And we are very happy, excited, actually, that the police department, under the leadership of Chief Kretschmar, has created and implemented its Community Access to Recovery program. You may recall Chief Kretschmar remarking at our Community Forum a year and a half ago, that this was not a

problem we were going to arrest our way out of. This program demonstrates that he was not paying us lip service.

Most recently, we have been working on designing a large sign to be placed, hopefully, on the West High Street billboard near the Lion's Club facility.

It would also be proper, I think, to suggest that some of what we in Somersworth have been able to accomplish is less tangible, but valuable nonetheless. It is slowly becoming less fearful for people to talk about the opioid crisis. Politicians are encouraging funding of programs which are designed to help reduce the epidemic. Individuals and businesses are donating to non-profits dedicated to helping with recovery from drug addiction.

All of this is not to say that we don't still have a lot of work to do-a lot of work:

1. Bonfire's troubles show that the social stigma of "those people" still exists, and we must eradicate it.
2. We still need more police officers.
3. We still need more sober living facilities.
4. We still need more treatment services including twelve step programs.
5. And we still need, for all of these initiatives, more and greater funding.

And this is not intended to be an all-inclusive report, just an update. You haven't, unfortunately, heard the last from me.

I do want to say one more thing. As both the chair of the Task Force and a member of this community, I am proud of how Somersworth has responded to this crisis. Under the leadership of Mayor Hilliard and each of you, Somersworth has raised the consciousness of this crisis. We have influenced a more open and honest dialog. We have, I believe, been able to give hope to some who had little.

Respectfully,

Steve MacKenzie  
Mayor's Drug Task Force, Chair

## MAYOR'S REPORT

### **Mayors Report for City Council Meeting January 3rd, 2017**

- On Monday January 17<sup>th</sup> our nation will once again reflect upon our journey of ensuring Universal Inalienable rights, as we honor the 88<sup>th</sup> birthday of the late civil rights leader Dr. Martin Luther King Jr. With each passes of the holiday, our nation continues to inch closer to the fulfillment of its creed, to stand by the values which we uphold too, creating a society where the warmth of liberties light can be felt by all. Since our founding as a nation, we have sought out on a journey to protect not only the freedom and liberty of each citizen, but the dignity and ability to set ones density, free from the obstructions of intolerance and hate. We know that this journey has

been filled with the growing pains, as we try to gain a clearer understanding of the principals which identify us a nation and people. The victims throughout our history has been our fellow citizens; from the chains of slavery to the genocide inflicted upon our native people, while the words we hold sacred were imprinted clearly; “That all men are created equal”, our understanding of its application continues to grow.

Today January 3<sup>rd</sup>, 2017 we continue to come closer to the American that Dr. King “Dreamed” of. The American which would celebrate, stand by and protect all of its citizens. The American which would honor men and women, Catholics, Jews and Muslims, Straights and Gays, and the mosaic of languages and customs which continue to make this the greatest nation on Earth. We know our work towards equality is not over, we know the pain that we will continue to experience as we move closer towards living the words we enshrine will not dissipate soon. We are aware that on January 3<sup>rd</sup>, 2017; that women have still not reached full equality. That in over 20 states gays and lesbians could be terminated from employment, denied benefits or lose their housing. That African Americans continue to experience high rates of poverty and violence within their community and that American Muslims continue to be profiled.

We know that in 2017 we are not innocent of the foul stench of intolerance and injustice, yet we refuse as a people, as a nation to give up hope. For the words we strive to live by, are worth fighting and dying for. They identify more than the hope of the American people, they identify the hope of humanity. We know in 2017 we are closer to reaching our journey than the hot July day in 1776 when we declared to the world the travels we would be embarking on. This evening in this Chamber the governing body is comprised of members which throughout most of our history would have been unheard of. Tonight our Council represents the American we strive for, a governing body made up of men and women, Catholics, Protestants, Atheists, straights and gays. A Council which continues to honor is “Proud Past” and “Bright Future” it realizes the foundation to the success of both is its rich cultural diversity and heritage. A Council that understands that Somersworth greatest asset is its diversity of its people.

On Monday January 17<sup>th</sup> let us all take time to remember as a nation how far we have journeyed. Let us also re-commit ourselves to ensuring the vision of our founders and Dr. King will come to fruition.

Before the Council tonight is **Resolution No. 24-17** Declaring January Diversity and Tolerance Month in the City of Somersworth. I respectfully request Council to pass this resolution unanimously.

- In honor of MLK day and Diversity and Tolerance month in Somersworth, beginning tomorrow through the end of January a painting of MLK will be on display in city hall.
- I find it fitting that as we are about to Declare Diversity and Tolerance month in the City of Somersworth, before the Council this evening is **Ordinance No. 6-17** Amending Chapter 4 Personnel Rules and Regulations Section 2.3 Pledge against

Discrimination and adding **“Gender Identity.”** While our state and other states throughout this nation continue to debate if American citizens should legally be denied Constitutional Rights and dignity as human beings, once again the Hilltop City will hold true to our values of embracing and celebrating all. We will continue to lead the way of standing by the principals that this nation was founded upon.

Since the founding of our community, Somersworth has stood proud honoring its rich history of cultural diversity. From an immigrant hub throughout the industrial revolution to current home of the largest Indonesian population north of Manhattan, Hilltoppers know the root to a communities success is honoring, protecting and celebrating its citizens. Despite the lack of leadership in the progressing of equality on the state and federal level, Somersworth will once again this evening move forward t in protecting all of its citizens. I am honored that a majority of the members of the Council co-sponsored this Ordinance with me. I am proud of the history this community has in welcoming all and reaffirming those values by twice electing the first open gay Mayor in NH history and this evening adding **“Gender Identity”** to its pledge against discrimination. I would respectfully request that Council passing **Ordinance No. 6-17**

- Finally I would like to wish all Hilltoppers throughout our great city a happy 2017. May the New Year find you with joy, love and peace.

#### **Appointments**

- Under nominations, appointments and Elections; **In accordance with Council Rule 17 Appointments**, the following are is bring brought forward for a confirmation vote **Chris Horton** , as a regular member of the Planning Board with a term to expire in January 2020 **I respectfully request that Council confirm the nomination.**

Also Under nominations, appointments and Elections; in accordance with **Council rule 15** I am naming the following Mayoral appointments:

- **Ward 3 Councilor Marty Dumont**, as Chair of the Joint City Council and School Board Commission.

**In accordance with Council rule 15 this nomination does not require Council approval.**

**This respectfully concludes my January 3rd, 2017 Mayors Report  
REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER**

#### **Special Committees**

**Vision 2020** –\_Councilor Paradise reported that the committee met on Dec 12<sup>th</sup> 2016. They discussed the new facebook page. The committee was represented in the Berwick/Somersworth holiday parade. They are working on a word cloud of all of the

comments. Also discussed, were flags, with Welcome to Somersworth written on them in different languages.

Planning Board – Councilor Witham said they addressed a number of items; the Flatley Company received approval for a large complex. Their 6 month action date was coming due, and they requested an extension of 6 months. This gave opportunity to clean up the language of the agreement.

School Board – Councilor Pepin said there was not much to report, other than School Board resignation of Sean Collins.

COAST Bus – Councilor Pepin said they had a discussion of what was already talked about at the last meeting. Drop ticket policy, for non profit organizations to purchase tickets at a 50% reduction. Emergency shelters can get 500 drop tickets.

Cultural Commission – Councilor Dumont said they discussed the upcoming cultural meal, in April. More information to come. The commission also discussed the ride to Theford Mines in July to celebrate the Music Festival

HDC – Councilor Dumont said they approved the project at 31Prospect Street. The owner has hired a contractor to fix that property, hopefully to be done by June. Second applicant was denied because the person did not attend. The Commission learned that The Old Teatotaler building on Main street used to be a cobbler shop in 1870, and the owner lived above the shop. As we move forward, these are the type of building that can be restored with little effort.

City Manager's Report



**CITY OF SOMERSWORTH**  
*Office of the City Manager*

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

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

**DATE:** Friday, December 30, 2016

**SUBJECT:** City Manager's Report for Tuesday January 3, 2017  
City Council Agenda

**6:45 p.m. Public Hearings**  
**Ordinance No. 6-7 Amending Chapter 4 Personnel Rule & Regulations**  
**Ordinance No. 7-17 Amending Chapter 8a Sewer Ordinance**  
**Ordinance No. 8-17 Adopt New Section 6.9.4 Solar Exemptions**

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*Unfinished Business (under Section 13 of Agenda)*

**Ordinances**

- A. Ordinance No. 6-17 Amending Chapter 4, Personnel Rules and Regulations, Section 2.3 Pledge Against Discrimination.**
- B. Ordinance No. 7-17 Amending Chapter 8a Sewer Ordinance.** Again, the proposed change incorporates some flexibility in the methodology used to determine a fair, yet appropriate sewer “change of use” connection fee. If adopted the change would authorize the Finance Committee to act on any future abatement requests.
- C. Ordinance No. 8-17 Adopt New Section 6.9.4 Solar Exemption.** Again, the Finance Committee met on November 18<sup>th</sup> and voted to recommend adoption to the full Council.

**Resolution**

- A. Resolution No. 24-17 Proclamation Declaring January Diversity Month in the City of Somersworth.**

*New Business (under Section 14 of Agenda)*

**Resolutions**

- A. Resolution No. 25-17 Authorize the City Manager to Enter Into a Purchase and Sales Agreement with Chinburg Properties of Newmarket, NH for the Sale and Re-Use of the Former Hilltop Elementary School Property at 17 Grand Street.** The Economic Development Committee met on December 1<sup>st</sup> and voted to move forward with a recommendation to accept the proposal received from Chinburg for the Purchase & Development of the former Hilltop School property. I anticipate a copy of a “*draft*” Purchase & Sale Agreement from Eric Chinburg sometime next week. Attached is a copy of the proposal for the “Adaptive Re-use of the Historic School Building, Market-Rate Apartments and Public Park”.

**Other**

- A. Request to Waive Excavation Moratorium Period for Construction Work on Blackwater Road for a “New Cumberland Farms” Located at 208 & 216 Route 108 (City Ordinance Ch. 12, Streets and Sidewalks).** Please see

attached letter and email from Attorney F.X. Bruton, who represents Cumberland Farms, Inc. As noted in his letter: *“In order to construct the facility, Cumberland Farms must install new curb cuts for the access point and tie into the utilities with Blackwater Road. A plan, depicting the work necessary is attached. As such, Cumberland Farms respectfully requests a waiver as to Section 12.1 of the City Ordinances in order to make the necessary cuts into Blackwater Road, as depicted on the enclosed plan. Cumberland Farms will work closely with the Department of Public Works to minimize the effect of any such cut into the roadway”*. Attached is a copy of the pertinent section of the City Ordinance. Director Bobinsky’s memorandum provides conditions for Council’s consideration should the request be approved.

***City Manager’s Items (under section 10 of Agenda)***

**A. Informational Items**

**1. Breton’s Cleaners Property Cleanup Grants**

- **NHDES Grant.** I sent an email out on Friday, December 16 informing Councilors of this Grant award (see attached). I am pleased to announce that the City of Somersworth is slated for a \$178,000 Grant for the purpose of beginning the remediation of the Breton Cleaners property at 1 Winter Street. This is 100% State funding with no City match. Attached is the notification letter from the NHDES with the noted caveat that the Governor and Executive Council will need to approve.
- **EPA Brownfields Cleanup Grant Application.** I am pleased to inform you that the City submitted a \$200,000 Grant request for EPA Hazardous Substance Brownfields cleanup funds regarding the 1 Winter Street property. This was truly a team effort, with assistance from NHDES, GZA Engineering and City Staff, with special thanks to Director Saunders in coordinating these efforts.

**B. Attachments:**

1. City Attorney Certification One (1)

**NOMINATIONS, APPOINTMENTS AND ELECTIONS**

**Mayoral Nominations – For Council confirmation vote.**

Mayoral Nomination – For Council confirmation vote.

Chris Horton as a Member of the Planning Board, term to expire January 2020.

***Councilor Witham, seconded by Councilor Messier, made a motion to table the nomination. The motion passed unanimously.***

UNFINISHED BUSINESS

Ordinances:

ORDINANCE NO. 6-17 AMENDING CHAPTER 4, PERSONNEL RULES AND REGULATIONS, SECTION 2.3 PLEDGE AGAINST DISCRIMINATION

***Councilor Paradis, seconded by councilor Pepin, made a motion to approve Ordinance 6-17. The motion passed unanimously.***

Councilor Witham said he was very pleased to have his name on this and have the Hilltop City to lead the way.

ORDINANCE NO. 7-17 AMENDING CHAPTER 8A SEWER ORDINANCES

***Councilor Witham, seconded by Councilor Messier, made a motion to approve Ordinance 7-17. The motion passed unanimously.***

Councilor Witham said this simply puts into writing the practice that has been used for 2 abatements which have recently happened.

ORDINANCE NO. 8-17 ADOPT NEW SECTION IN CHAPTER 6 CITY OFFICIALS, TITLED - SECTION 6.9.4 SOLAR EXEMPTION

***Councilor Sprague, seconded by Councilor Cameron, made a motion to approve Ordinance 8-17. The motion passed unanimously.***

Councilor Sprague explained that this exempts assessments that are incurred for properties that install solar. It is important for our city to be known for being solar friendly. We are a sustainable community and this will help with the progress.

Councilor Witham supports the ordinance change. There are a number of reasons why this makes sense. He is concerned with where this ordinance lies within the Ordinance; it is located in Chapter 6, City Officials. This should be looked at soon.

Resolutions

RESOLUTION NO. 24-17 PROCLAMATION DECLARING JANUARY DIVERSITY MONTH IN THE CITY OF SOMERSWORTH.

***Councilor Paradis, seconded by Councilor Cameron, made a motion to approve Resolution 24-17. The motion passed unanimously.***

## NEW BUSINESS

### Resolutions

Resolution No. 25-17 Authorize The City Manager to Enter into a Purchase and Sales Agreement with Chinburg Properties of Newmarket, NH for the Sale and Re-Use of the Former Hilltop Elementary School Property at 17 Grand Street

***Resolution 25-17 will remain in first read until the January 17, 2017 City Council Meeting.***

### OTHER

REQUEST TO WAIVE EXCAVATION MORATORIUM PERIOD FOR CONSTRUCTION WORK ON BLACKWATER ROAD FOR A “NEW CUMBERLAND FARMS” LOCATED AT 208 & 216 ROUTE 108 (CITY ORDINANCE CH. 12, STREETS AND SIDEWALKS).

***Councilor Witham, seconded by Councilor Pepin, made a motion to waive council rules to allow Attorney F.X. Bruton, Chris Demoulas of MHF, and Director Bobinsky to address the council. All in favor.***

Director Bobinsky explained that this area of Blackwater Road was repaved in May 2015. Best practice is that we not allow any cuts within 5 years. Cumberland Farms is going in at the corner of Blackwater Road and Route 108. They are requesting permission to cut into Blackwater Road for new curbing into the facility and for a water connection. They would be responsible for all connections and repaving.

In addition to the use of new materials, they will blend in the pavement which will be like a brand new segment of the street. The technical requirements will make sure this occurs. Cumberland Farms will need liability insurance naming the City as the additionally insured and a traffic control plan in the area. They will also need to coordinate the water connection with the department of water.

Councilor Witham said there was recently a similar request on High Street.

Director Bobinsky said that request was later in the fall. Here, they will not start work until April. They will also be using brand new materials.

Councilor Sprague asked if we had a map of where the cuts would be. He also asked if the property across the street (where Westbrook Park used to be located) would have to cut into the road? Could they coordinate to do one cut at the same time for the water connection. Director Bobinsky said the other developer is not in the position at this time to determine their needs.

Councilor Sprague said, this is more than just a cut into the road. They are doing more than just a trench.

Chris Demoulas, MHF Design out of Salam NH showed the plans. It showed where the cuts would be in the road, and the changes to the curbing.

Councilor Paradis asked if the connection would be on Blackwater Road or Route 108. Mr. Demoulas said it would be on Blackwater Rd. Route 108 is a state road and cannot be cut into. The reason for the curbcut is to blend the driveway into the road.

Councilor Sprague asked if it was possible to tie into the water line closer to Route 108 and fix the grade onto Route 108 at the same time.

Councilor Cameron asked for clarification as to where the current water line comes in.

Councilor Witham said Blackwater Road is a city road; Route 108 is a state road and they do not allow any digging into their road. This is the same as the high street project. The moratorium language was drafted long before any of us were on council. We need to look at what the pavement moratorium intent is. Need to vet it out thoroughly and make sure there were protections. He hopes we have the votes to pass this, this evening.

Councilor McCallion said this is different because with the High Street project, the wait was over the winter, in the main artery, with more traffic over a main road. Blackwater is not a main road. This is definitely different than the High Street issue.

Councilor Dumont said two wrongs don't make a right. He will support this. There are some subtle differences between the two projects. There were other options with the High Street piece. He is in support of this project.

Councilor Sprague asked if they would be able to come back if this does not pass. Move the water line connection closer to Route 108.

Councilor Pepin said when he was involved in road work, many times they tried their best to compact the holes, and now he goes over the places and there are dips in the roads. He said, they should contact the businesses and see if they will have any need of digging in the roads before road construction starts.. He would like to have the plans done for the other property on Route 108 before they start digging in the road. He will vote for it this time. He believes that the 5 year moratorium is there to try to keep the roads together.

Councilor Paradis said she agrees with Councilor Witham and Councilor Pepin, and she sees it different than the High Street project. They had another option to go into the side road. She is in support of this.

Councilor Sprague, said there is another option; a tap closer to the intersection, for a full width pave and not just a trench. He will not support this as it is. It is the rebuilding of the road or intersection.

Councilor Witham said he will support this. It will be done with caution and protection.

***Councilor Sprague, seconded by Councilor McCallion, made a motion for a friendly amendment to have the entire section of road paved from Route 108 to the area of the water connection.***

Councilor Sprague said he believes this is the right way to complete this job. The moratorium is to make sure we are taking care of our roads in the right way. This is an intersection.

Councilor Witham said it will look better but it is pricier for the applicant. He has had many conversations about how Somersworth is not business friendly. He doesn't like that. We have aggressive ordinances. If we want to be business friendly, we should grant the waiver as outlined with protections. Need to look at adjoining properties to see if they want to join in also.

Councilor Paradis she likes the amendment and doesn't bother her that it will cost the applicant more money.

Councilor Dumont said he is not in support of the amendment. With his history on the Planning Board, he understands that people have different ideas. He appreciates their opinion. We have an attorney, a certified engineer and a public works director here who have put in their time and came up with this plan. He has full faith in the Public Works Director. It is not all the time that this level of engineering and development that comes to the City to develop the land and the potential tax income. This will enhance our marketability. It has potential to attract other class A corporations to our city.

Councilor Paradis said she agrees with Councilor Sprague, it has to do with image. They should make it look as nice a possible.

***The amendment does not pass, by a vote of 3-5.***

***Vote to waive excavation moratorium period for construction work on Blackwater Road for a "new Cumberland Farms" located at 208 & 216 Route 108, passed by voice vote, 6-3.***

## 16. CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Pepin said we talked about doing High Street, but we put it on the burner. He hopes that Cumberland Farms, if we let them do that road we will not let them dig into that road after.

Planning Board and planting trees; he is really upset to see 14 trees being cut down by Eversource. Why did we plant them there in the first place? Near CVS; we required them there and some of them will grow up into the power lines and will need to be cut.

Route 108, they discussed in about 10 years from now, there will be a traffic circle. The theory of a traffic circle is supposed to slow down the traffic. This needs to be looked at.

When doing planning, the gas station up the street on rt 108, look into the storm drains.

Councilor Dumont said 2017 seems to be starting off with a great amount of optimism and energy. He thanked the Drug Task Force, they have done a marvelous job in our community. He is proud of Somersworth. He has some confusion and anxiety about how a Historic District adds or depreciates value in a city. What are the advantages or disadvantages. The new Chair, Laura Barry, has lots of experience in this field. He believes that the district itself is too all encompassing, but it is all up for discussion. The City Master Plan and the mission of Vision 2020; they have done a stellar job. The community becomes a better community when all have a discussion and can come out with a better product.

When you look at the community in regards to Economic Development, there are many pieces of property that will influence us. We need to get serious. Need to look at what the real focus will be. We need to be willing to listen with an open mind. The reduction in the taxes was encouraging, but we still suffer from being one of the highest taxed communities in the state of New Hampshire. We are coming into that season. He looks forward to working with the other members of Council and the Mayor as they come into the upcoming budget season that they keep in mind that there has to be value delivered to more than just one entity. We have pride in our residents. We have pride in the Indonesian Community; they were a huge supporter in having the flag poles reinstated. As we move forward, with progress comes a lot of discussion. Thanked Fosters. Dairy Queen wasn't just a dream of his; many are interested in this project. Looking forward to a blizzard in July!

Messier thanked the Drug Task Force for the work that was done. He thanked City Manager Belmore and his people for quieting the HVAC in Council Chambers.

Thanked the individuals who are rehabbing their properties.

During the last snow storm, he was amazed that individuals will plow the snow into a walkway that has already been cleared and those who use a snowblower to blow the snow into the street.

He is very happy that after many years the Breton's Cleaners site will be cleaned up. He is hoping that there will be some money to clean up the trees in the area as well so it is more pleasant to look at.

Councilor Witham said he is surprised and disgusted with the cutting of 14 or so trees on Maple Street. These trees have grown over the years. They were approaching the powerlines in a few spots. Eversource contracts with a third party to trim the trees to prevent power outages. They usually contact the property owner in the area. The National Guard said, just cut them down. They left a mess of trees limbs and debris. He has no confidence in Eversource, the contractor or the National Guard to clean up the trees. There is now an effort with the Public Works and Environment to discuss the tree trimming habits. Also, budget season is coming up and he is not looking forward to it.

Councilor Sprague said Happy New Year! He was disgusted with the cutting of the trees at the Little League Field. They will be meeting with Eversource. He understands cutting the trees back, but you don't cut back and cut down healthy trees in a Tree City. Maybe they should post a surety bond. There are also dangerous and ugly tree stumps

that are left behind. Asplund is the contractor that was contracted by Eversource. They will be meeting with Eversource on Thursday.

Councilor Cameron said Happy New Year! She has been very humbled to be part of this Board that has done great things for the past year. They don't always agree, but it is nice to hear the positive comments that are coming from the public. It is nice to hear that people appreciate what they have done as a group.

Councilor Paradis commented on the "Maple Street Arbor-acide". There is a tree as we are leaving town that has been hacked and there is a giant limb that needs to be addressed.

ADJOURNMENT

*Councilor Dumont, seconded by Councilor Cameron, made a motion to adjourn. The meeting adjourned at 8:53 pm.*

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Trish Harris, City Clerk

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Dana Hilliard, Mayor