

MINUTES OF CITY COUNCIL MEETING

Somersworth, NH
November 5, 2018
7:00 P.M.

ROLL CALL OF MEMBERS

The meeting was called to order at 7:00pm by His Honor, the Mayor, Dana S. Hilliard, and upon roll call the following Council members were present: Pepin, Vincent, Dumont, McCallion, Michaud, Witham, Sprague, Cameron, and Levasseur.

PLEDGE OF ALLEGIENCE

Councilor Vincent led the Pledge of Allegiance.

Without objection from Council, the Mayor proceeded out of order of the agenda.

Listed under Communications

Introduction of Somersworth Police Department's K-9 "Bravo".

He is a 19 month old Dutch Shepherd, bred in the Netherlands. He received initial training at the Caliber K-9 in Connecticut, under the guidance of Ken Pelt. Officer Colton Deschenes will be the K-9 handler. Officer Deschenes has been with the City for four years. Officer Deschenes and Bravo are currently working together on the road and are training together.

K-9 Bravo is being trained as a dual purpose police dog. His training includes criminal apprehension, tracking lost or missing persons, searching for articles and narcotics detection.

Chief Kretschmar stated that it is great to have a K9 available to the City. He thanked the Council for their support.

PUBLIC HEARINGS

Ordinance No. 5-19 - Supplemental Appropriation for Engineering Services for Improvements at the Somersworth Wastewater Treatment Facility
No public comments.

Public Hearing on withdrawal question: "Shall the Somersworth School District Create a Planning Committee to Study the Feasibility of Withdrawal from SAU 56?"
No public comments.

4. COMMENTS BY VISITORS

Donald Young (who was on the agenda to speak under Communications), of Berwick, ME, addressed the Council. He stated that on October 18th 2018, he attended a 3rd grade class at Maple Wood School, Eric Mommsen's Class. When he entered the classroom,

he noticed a vintage desk and a white board with a message in a foreign language – Welcome, in Russian. In 2016, Berwick and Somersworth hosted five Russian museum workers who were taking a class. He presented them with a t-shirt as a souvenir of their visit, but he failed to give one to the teacher, Eric Mommsen. He presented Mr. Mommsen with the t-shirt which had Eleanor Lord Prey on the front and gladiolas on the back. He hopes Somersworth will consider growing gladiolas in the future.

CONSENT CALENDAR

Approve Minutes of the City Council Meeting held on October 15, 2018

Councilor Pepin, seconded by Councilor Levasseur, made a motion to approve the items on the Consent Calendar. The motion passed, 8-0.

COMMENTS BY CITY COUNCILORS

None

COMMUNICATIONS

Preston Horton – Somersworth Public Art Wall presentation

Preston shared a presentation for his vision for an Art Wall in the City, where local artists can share their work. He proposed the wall be along the Washington Street side of Plaza Terrace.

The Mayor referred this to the Recreation Committee.

Letter from Conservation Commission Chair, Scott Ozechowski

The letter from Mr. Ozechowski is on file.

The letter is regarding a recommendation to protect the City well head. The river is Somersworth's primary drinking source, and we have a backup water supply. The wellhead protection area is not actively conserved. He would like to see the land conserved through easement or purchase. There is approximately \$126,000 in the Conservation Fund, 126k. They will also require a grant, but the Commission is willing to do the necessary research.

Without objection from Council, the Mayor proceeded out of order of the agenda.

Listed under NEW BUSINESS; Other:

- A. Discussion of the Solar Array project (from Finance Committee and Public Works & Environment Committee)

City Manager Belmore stated that this has been discussed at length at a Finance Committee meeting and at a Public Works and Environment Committee Meeting. They have received an update from the developer, and Council has previously approved a Resolution to move forward with NH Solar; they are no longer in the picture. Attorney Mark Beliveau has been involved in the discussions regarding the solar project. He has provided a summary of concerns regarding the proposed lease of this location. The City is now at a stalling point in regards to risk; what

might happen if there is an adverse effect on the remedy at the superfund site, as well as the developer's reluctance to provide the City with a decommissioning bond. At this point, there needs to be clear direction, to back away from this project, or rebid at another point in time or further negotiate.

Attorney Mark Beliveau stated that the City has been discussing with another solar group, but because of the concerns and are not going to make any more advancement on these issues. It is very common now to have a solar array on a landfill. Ours is unique in that we have a permeable cap. The negotiating committee is not comfortable with risk/benefit analysis. If it adversely affects the functionality of the cleanup remedy (the landfill depends on rainwater permeating the landfill and moving underground through the treatment wall), the developer cannot guarantee any assumption of risk or indemnity. There is substantial risk that needs a lot of thought.

Councilor Levasseur stated that our remediation is unique and it is now commonplace to put solar on remediation sites. Is there any record of soil testing of closed system remediation with solar farms?

Attorney Beliveau stated that he is not aware of any and the solar array would not be primary concern at the Somersworth location. The Somersworth landfill cover is all soil. Most are closed with a synthetic membrane, rain water is not permeable.

EPA and DES encouraged the City to make productive use of that space. There is no synthetic membrane, the rain permeates to the waste pile, and contaminated water is treated through the wall and comes out clean. The concern is that if we populate the surface of the landfill with solar arrays with a solid base platform, how will the rain water drain off and evenly permeate as it is now. How would it impact the cleanup of the landfall, if any at all.

Councilor Levasseur stated that the Solar panels act as a "gutter" and direct the rain. He asked if the use of a sprinkler system to have an even level of water disbursement.

Attorney Beliveau stated that they have not explored that option.

Councilor Levasseur asked that this topic be referred to the Sustainability for further research.

Councilor Witham stated that the City would like to have some reassurance that if the remedy shows signs of failure, it would return to the as-is condition. It is about whether or not we are willing to take that risk to let this go and hope this works. But if it doesn't work, we would be on the hook to take care of it.

City Manager Belmore stated that if we sign a 25 year lease, they will have a financial commitment to building this array. If we pull it back, we could be in a legal bind, in regards to their expectation for profit.

Attorney Beliveau stated that there was a termination provision in the lease that the City could terminate if the solar array was having an adverse effect on the

landfill. The company came back and said they could not have a termination provision.

Councilor Dumont stated that there were some indications that there were some possible breaches to the wall. There have been considerations to get the site usable. There was an option to use the area as a ballfield. He was not sure of the cost, but two feet of soil was required. There was no budget for that expenditure at that time.

Councilor Levasseur said concerning the termination provision, he suggested that they offer a contingency plan, that if we need to terminate, the City could allow the company to install solar panels on the municipal buildings.

Councilor Sprague, seconded by Councilor Witham, made a motion to discontinue moving forward with the solar array project.

Councilor Pepin said that this has been discussed in the Finance and Public Works and Environment Committees, and there are loop holes, including the potential of having to pay for the electricity. Financially, it does not make any sense to get into a program like this. Without a known cost and all responsibility it is not a good plan.

Councilor Vincent stated that he agrees with discontinuing this project. This is not the way it should go. But he does not want to go in a direction that we never look at solar again.

City Manager Belmore reminded the Council that the City was engaged with a different company a few years ago. NH Solar also looked at placing Solar at Wastewater Treatment plants. We have looked into this. And if this gets discontinued, we can look into this again at another time.

Councilor Levasseur said, in this day, we need to move away from fossil fuel and look into solar, wind and geothermal technology. He would like to see this re-referred to go out for another bid. Bangor Maine recently signed an agreement for a solar project. He'd like the Council to consider not killing this.

The motion before them tonight is to discontinue negotiations with the current firm as to place a solar array on the landfill. They have been in negotiations with this firm for some time. There were discussions about a PILOT, a Land Lease; there would be savings in terms of their electrical consumption in the City. Along those negotiations, sometime in the distant past, the idea of saving money on our electrical needs went away for various reasons. Now they have reached this critical stumbling block. He won't do anything to compromise the water treatment of the superfund landsite

Councilor Sprague what we are looking at now is the deal that is front of them. He is not against solar, but the risk with this project is not worth it; being locked in with a rate for power when we don't know what it is going to be in a few years.

Councilor Levasseur stated that he would like to see continued remediation of this site. They have been working on this for 2 years. He believes that there is a lot of risk involved with this site. But there are a lot of viable issues that have not been explored yet. He is concerned with not allowing this to move forward.

Councilor Sprague made a motion to move the question. Motion passed, 8-0. Councilor Witham, seconded by Councilor Dumont, made a motion for roll call vote, motion passed, 8-0.

The motion to discontinue moving forward with the solar array project was adopted, 8-0.

PRESENTATION OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE

None

MAYOR'S REPORT

Mayors Report for City Council Meeting November 5th, 2018

- Each generation will have the joy of owning the statement “things are a lot different than when I grew up”. For those of us that grew up in the world of MTV (back when they played 24 hours videos), neon, the Cold War when the Berlin Wall was still up, for us the distance of the world, nation, state and neighborhoods seems to have metaphysically gotten smaller. To gain information on the state of affairs one was subject to the clock as news was reported at 6pm and 11pm. Local news ran on an afternoon cycle, and households anticipated a timely delivery of their newspaper. Late delivery of the Foster's Daily Democrat would result in the penalty of a smaller tip. As a childhood paper boy, I must admit I often fell victim to the voice of the angry consumers' desire to have their paper before 4pm, with their anger would be reflected in a hard candy tip instead of cash.

The creation of the internet, social media and the launching of the 24 hour news cycle has made our world feel a lot smaller. The benefits to this access is unquestionable. We have become more exposed to the world we live in, gained greater insight into ourselves, into others, into counter views and into lifestyles which we may not have been accustomed too. Yet, despite the distance between ourselves and others shrinking, the gap has seemed to instead widen. Regardless of how small the world has appeared to become, our level of understanding, civility, respect, and decency towards others, has eroded and continues to erode at an alarming rate.

While I am certainly in tune that I have reached my late forties and the vocabulary which encompasses it, there is universal truth in the statement *“In my day”*. I will stand by my conviction, that “things have changed” in a negative direction since my youth. Discontent is not something new to our society. The culture of New Englanders is embedded with aspects of discontent and negativity. Ask a New Englander “how are you?;” most will respond “Why?” The formation of our independence was crafted around our discontent at how we were being treated by our former mother land England. Yet, with the dawn of Facebook, Twitter, and other social media, our personal level of discontent has metamorphosed itself beyond vocalizing our First Amendment right of free speech, instead to personal attacks upon the morals, ethics and character of our political leaders, government employees, police officers, fire fighters, principals, teachers, friends and neighbors. The personal opinions we once harbored about professionals, friends, and neighbors, have moved from the privacy of our homes to the World Wide Web, exposed where everyone has become a target, and is forced to defend themselves.

Somewhere along the journey of technology, which was created to bring us closer, we have instead become further apart, altering the direction of becoming “thy brother’s keeper” to becoming “thy brother’s attacker”. There is tremendous difference between applying high professional standards upon the individuals entrusted with responsibilities within our republic, and having an “open season” attack on individuals. Instead of progressing forward as a dignified human species with the technology we have created, we have instead reverted backwards to a culture similar to the one of 1692 Salem, Massachusetts. Call someone a witch on Facebook, or Tweet that they were dancing in the woods with the Devil, and they are immediately placed on the trail at the court of the World Wide Web and public opinion.

Somewhere along our journey, we have abandoned our decency and became uncaring to the fact that the people who we attack have families, children and careers. That they are sons and daughters, fathers and mothers, aunts and uncles. That by casting stones upon them, we are casting stones upon all who we are connected too, causing unwarranted and unjust pain. Somewhere, at some point, the technology which should have made us closer, has instead divided us and continues to break us further apart. It has led to the misconception that being part of a community includes unwarranted attacks on neighbors, co-workers, entrusted officials and friends.

With technology, and the Constitutional rights we view as divine, comes great responsibility. The responsibility of adhering to the practices of the republic, the responsibility of knowing and safe guarding our inalienable rights, and the responsibility of not abusing what we have fought for through war, civil disobedience, sweat and tears, is a task each one of us inherits. We must not lose sight, or abandon one of the greatest responsibilities, the responsibility of practicing how each of us deserves to be treated, and the responsibility of modeling for the next generation how a civilized society treats one another.

We must revert back to the roots of what has grown us into a great and powerful nation. Our ability to listen to each other, our ability to respect, honor, and celebrate

differences, and our ability to educate, grow, and lead our children into honoring and practicing the same values. There is universal truth in the statement “do unto others”. We must begin practicing this statement in not only all of our daily affairs, but also in how we interact with others on social media and all aspects of technology.

- On October 17th I spend the afternoon honoring those who helped build our great Hilltop City, our seniors. The annual picnic sponsored by the Somersworth Police Department, Recreation Department and Housing Authority was a well-attended event honoring those who built our “Proud Past” and enabled our great city to continue on the path to a “Bright Future”. The full 10 square miles Somersworth Community came out to celebrate including members of the Fire Department, Public Works Department and other city departments, elected officials and employees. Hugs and love to Sue O’Neil for greeting all attendants as the “Fairy grandmother” and spreading the Hilltopper Spirit throughout the event. A community who respects and honors those who laid the foundation for our success is truly “On the Move!” Congratulations to all Hilltoppers for continuing to hold steady to the values which makes our great city, such an amazing home.
- On October 19th I had the pleasure of attending the Somersworth Youth Connection 12th annual “Lights on for Learning” celebration for grades K-8. Those in attendance were treated to a free family dinner, minute to win it challenges, games, prizes and free books for every child. The event was also sponsored by the PTA, Title 1 and District Engagement Committee. “Lights on” is a national event highlighting the importance and benefits after school learning has on our students, families and community.
- Despite the fact that I have officially aged out of the organization over 10 years ago, I still had the recent pleasure of addressing the new chapter of the Tri- City young Democrats. While the organization favors the advancement of one party, my message that evening was to follow the Hilltopper lead of working across the aisle and burying party differences to achieve success. As we have proven time and time again in this chamber, when party differences are put aside, and elected officials instead focus on progress and solutions, communities like Somersworth continue “On the Move!”
- Somersworth is Red Sox’s nation and tonight our great Hilltop City honors our New England home team champions by proclaiming November 5th as Boston Red Sox’s Pride Week! Proclamation was read and will be sent to the Boston Red Sox team.
- The full Hilltopper community offers our deepest condolences to all members of the Jewish community over the tragic loss of life and hate attack on members of the Tree of Life synagogue. Know that Somersworth stands with you and by you and will continue crusade towards living by our creed, creating a nation that celebrates ALL citizens.

- This evening the Hilltop City also takes pause to honor the passing of a citizen who dedicated his life for the betterment of all Hilltoppers and his fellow Veterans, Raymond Lapointe. For decades Raymond continued to offer his service on various city boards and commission and his beloved organization, The American Legion. I have Raymond to thank for recreating me as a teen to participate in the American Legion Oratorical contest, guiding me to win at the local and district level and place in the state finals. The full Hilltopper community thanks Raymond for his years of service and welcomes his brothers and sisters to come forward for a presentation. Presentation to the members of his family. September 18, 2018 Raymond Lapointe Day. September 17, 2018 a flag was flown in his honor, and presented to his family.
- Movember, also known as No-Shave-November and Novembeard, is an annual month-long event where men across the country and the globe show their support for men's health during the month of November. The rules tend to vary, however the basic concept generally remains the same; men shave their facial hair at the beginning of November, and then let it grow out over the course of the month as they raise awareness and support. Some men add their own twists by keeping just a mustache for the month of November, while others choose to shave their messy, overgrown beards into wild creations on the last day of the month. But again, regardless of how it is celebrated, it is all in order to raise awareness for diseases such as testicular cancer and prostate cancer, as well as men's mental health. Participants not only try to raise awareness with their silly facial hair, but organizations such as the Movember Foundation allow participants to fundraise for men's health causes. This evening I invite my fellow male councilor and city employees to join me along with all male members of Somersworth Middle School as we'll begin our month-long challenge to promote awareness for men's health issues. Let the facial hair growing begin!
- The next **Mayors Community** forum will take place Saturday **December 2nd from 9:00 – 10:30** at City Hall. Including in this forum will be **Ward 2 City Councilor Ken Vincent Ward 2 School Board member Matt Hanlon**. The purpose of the forums are to foster dialog and ideas, in a non-formal setting to continue to move our community forward. All members of the community are welcome to attend any forums
- Tomorrow voters throughout our nation will let their voice be heard in the mid- term elections. Despite if you are a registered Democrat, Republican or Independent, if you need a reminder of why it is so important to execute your right of suffrage tomorrow, then I encourage you to take a walk through any of our local cemeteries and pause at the grave of a veteran. Tomorrow, honor those who fought to protect our freedoms and liberties and say thank you to all who have served and still are, by voting!

Item 12 Nominations, Appointments and Elections:
NONE

This respectfully concludes the Mayors report for November 5th, 2018

REPORTS OF STANDING COMMITTEES

Government Operations – Councilor Dumont reported that the Committee met on October 17th, 2018. They discussed:

- Talked about the K9 dog.
- Discussed firefighters openings and applications
- General conversations of staffing
- Nonpublic session

Economic Development – Councilor Dumont reported that the Committee met on October 23rd, 2018. They discussed:

- Guest George Bald, former mayor, and involved in many other committees, was in attendance to discuss the concepts that could help Somersworth move forward in development. In order to be successful, there are 3 pieces: patience, confidentiality, relationships.
- Marketing plan is in place. They discussed email from Christina Pappas, asking to speak to key people.

Public Works & Environment – Councilor Sprague reported that the Committee met on November 5th, 2018. The committee discussed:

- Sewer line extension request for a house on Buffumsville Rd. They are looking to extend the sewer line from the manhole to his house. The committee agreed to allowing that to happen at the owners cost.
- Update on the Road resurfacing projects: Main St, Washington St, Constitutional Way, Salmon Falls Rd. are all completed. Brox asked to put the remaining roads off until next spring. The committee would like to see Horne St completed.
- Liquor Store on High Street needs to do a curb cut on high street. They need to come out about 6". Councilor Sprague asked that this be added to the agenda tonight to waive the moratorium.

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

Special Committees

Joint Building Committee for Maple Wood – Councilor Pepin reported that the Committee met on October 29th. They elected a Councilor Pepin as the chair. The Architect on the project did a walkthrough with the staff to discussed placement of office needs. For phase 2, they are considering music rooms and restrooms. They need to hire a construction management person. On October 29th, this is scheduled to go out for RFP. They also discussed the Somersworth Middle School has an elevator that needs to be replaced. They had a vote to have a clerk of the works.

COAST – Councilor Pepin reported that the Committee met on October 31st. They discussed the rescheduling of route and seeing if the routes need to be changed

throughout all of the areas. They are gathering information from riders. COAST is also looking to add a route in the Farmington area.

Parade Committee – Councilor Cameron reported that the theme for the parade is “Through the Decades”. The parade will take the same route as previous years and will last for about an hour. The parade will take place on Saturday, December 1 @ 2:30pm.

Vision 2020 – Councilor Levasseur reported that the Committee met on Oct 29th. They discussed the work being done with the marketing firm, the Vision 2020 goals and the master plan. They will be presenting to the Council in January 2019.

Veterans Park Commission – Councilor Dumont reported that the Commission met on November 5th. They met with the architectural firm. Approximately \$7500 is needed. They would like to talk to the Finance Committee and they are looking to solicit companies to help fund this project. In the November issue of NHBusiness, there was a list of all veteran owned business.

Not everything works fast as they’d like to see, but some companies have expressed interest.

City Manager’s Report



CITY OF SOMERSWORTH
Office of the City Manager

TO: Mayor Dana S. Hilliard and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, November 2, 2018

**SUBJECT: City Manager’s Report for Monday, November 5, 2018
City Council Agenda**

6:00 p.m. - Workshop
Re: Fire Service Deployment Analysis Presentation
Brian P. Duggan, Director of Fire/EMS & Emergency Management Services
Municipal Resources, Inc.

A hard copy of the report will be at your Council Chamber’s seat.

6:45 p.m. - Non-meeting

Unfinished Business (Under Section 14 of Agenda)

Ordinances

- A. Ordinance No. 4-19: To Amend Chapter 19, Zoning Ordinance, Section 14, Historic District.** I have included an amended version based on recommendations provided by City Attorney Walter Mitchell. These changes have been shared with the HDC Chair. It is recommended that Council consider acceptance of all the changes, then Table the Ordinance for a **Public Hearing to be scheduled for the December 3rd Council meeting.**
- B. Ordinance No. 5-19: Supplemental Appropriation for Engineering Services for Improvements at the Somersworth Wastewater Treatment Facility.** Again, the Finance Committee and Public Works & Environment Committee both voted to recommend this action item for approval by the full City Council.

Resolutions

- A. Resolution No. 20-19: To Authorize the City Manager to Amend the Contract with Wright Pierce Engineers of Portsmouth, NH to Include Additional Engineering Services at the Somersworth Wastewater Treatment Facility.** Again, the Finance Committee and Public Works & Environment Committee voted to recommend this action item for approval by the full City Council.

New Business (Under Section 15 of Agenda)

Resolutions

- A. Resolution No. 21-19: To Support an Initiative to Voluntarily Reduce the Distribution and Use of Single-Use Plastics and Expanded Polyesterstyrene (EPS) Products in an Effort Towards Sustaining a Cleaner and Safer Ocean, Salmon Falls River and Healthier Environment.**
- B. Resolution No. 22-19: To Authorize the City Manager to Take the Necessary Actions to Discontinue Fair Court as a Class V Highway.** I have attached a copy of our Legal Counsel's advice on this matter – a

“*confidential*” email from City Attorney Walter Mitchell. The abutter, Them Tran, is represented by Attorney Brian Barrington. Staff will notice Ms. Tran and her Attorney 14 days in advance of the Public Hearing per State Law. I recommend the **Public Hearing be scheduled for the December 3rd** Council meeting.

Other

- A. Discussion of the Solar Array project (from Finance Committee & Public Works & Environment Committee).** Both Council Committees were briefed on the progress of negotiations with the developer. Attached is a copy of Resolution No. 35-17 that authorized moving forward with the proposed project. Special City Counsel, Attorney Mark Beliveau, will be present as he has been involved in the discussions for the Solar Array construction proposed on the Superfund site. Attached is a summary of concerns regarding a proposed lease at this location.
- B. Vote to Ratify the Tentative Agreement (TA) between the Somersworth School Board and the Somersworth Educational Support Personnel Association (SESPA) Union.** Attached is a copy of a confidential memorandum from Superintendent Robert Gadomski regarding the recommended TA.
- C. Vote to Authorize a Sewer Line Extension for Residential Service to 72 Buffumsville Road (from Public Works & Environment Committee).** Attached is a memorandum from Director Mike Bobinsky as well as the request from the property owner.

City Manager’s Items (under section 11 of Agenda)

A. Informational Items.

- 1. Somersworth School District SAU Withdrawal.** Attached are the statutory guidelines to withdraw from the SAU. **The vote will be placed on the December 3rd City Council Agenda for your consideration.**
- 2. Superior Court Decision.** Attached is a copy of the Superior Court Notice of Decision regarding City Council’s appeal of the Zoning Board of Adjustment variance approval for auto sales on Green Street. The Court ruled in the Council’s favor and reversed the granting of the variance.

Reminders

- **Wednesday, November 7 at 5:00 p.m. - Joint Goal Setting Session of the City Council & School Board.** Somersworth High School Career Technical Center.
 - 5:00 p.m. – 5:30 p.m. Food & Conversation - Mulligan's Grill
 - 5:30 p.m. – 8:00 p.m. Goal Setting Session - Black Box Theater
- **Saturday, November 10 from 7:00 – 10:00 p.m. – Somersworth 125th Celebration**
VFW, 43 High Street.
- **Sunday, November 11 at 2:00 p.m. – Veteran's Day Ceremony.** American Legion Post 69.
- **Saturday, December 1 at 2:30 p.m. – Somersworth/Berwick Christmas Parade.**

B. Attachments.

- a. City Attorney Certifications Two (2)
- b. Department Head Reports

NOMINATIONS, APPOINTMENTS AND ELECTIONS


None

LAY ON THE TABLE

None

UNFINISHED BUSINESS

ORDINANCES

	<table><tr><th colspan="2">City of Somersworth – Ordinance</th></tr><tr><td>Ordinance No:</td><td>4-19</td></tr><tr><td colspan="2">TO AMEND CHAPTER 19, ZONING ORDINANCE, SECTION 14, HISTORIC DISTRICT</td></tr></table>	City of Somersworth – Ordinance		Ordinance No:	4-19	TO AMEND CHAPTER 19, ZONING ORDINANCE, SECTION 14, HISTORIC DISTRICT	
City of Somersworth – Ordinance							
Ordinance No:	4-19						
TO AMEND CHAPTER 19, ZONING ORDINANCE, SECTION 14, HISTORIC DISTRICT							

October 15, 2018

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:

Delete Section 19:14 in its entirety and replace with the following:

19:14.A Section A INTRODUCTION AND BACKGROUND

The downtown area of Somersworth was primarily built by following a master plan designed by the Great Falls Manufacturing Company starting in 1823. The designed attempted to relate the brick mills, brick or wood worker-housing and small-scale commercial buildings. Also, this overall plan included large-scale landscape features like the tree-lined canal. The effect created was like the pedestrian-oriented mill cities across New England. As the mill prospered and the city grew, other commercial buildings and areas were established; these included other areas (such as High Street), and replacement of earlier, smaller businesses. By the end of the 19th Century, the downtown boasted many fine brick hotels and commercial blocks.

The topography of the city played a central role in its development; i.e. the mills were located on the river, their source of power; worker housing and early commercial development were built on the flat land on the other side of the canal, within easy walking distance to the mills; and the mill owners and managers built their houses a carriage ride away, high on the hill to take advantage of the spacious views and cool breezes. An architectural hierarchy was established that closely followed the topological and social dictates. (The higher up you were the higher up you were!)

The history of Somersworth can still be read in her streets and buildings, but unfortunately, some pages of her history are missing. Fire and urban renewal erased large chunks of the streetscape; especially in the downtown. The master plan as envisioned by the city founders can never be finished nor re-created and it is not even desirable that it should be. However, recognizing the value of planning and good design, the Historic District Commission hopes to guide future changes in a manner that will be complimentary to those original intentions.

19:14.B Section B AUTHORITY

19:14.B.1 **HISTORIC DISTRICT COMMISSION.** There is herein established a seven member Historic District Commission (HDC) with the membership and power and duties as set forth in New Hampshire Revised Statutes Annotated Chapter 673:4 and 674:46, as the same may be subsequently amended, and as may be needed to carry out the purposes of this section.

19:14.B.2 **POWERS AND DUTIES OF THE COMMISSION** The HDC shall have the following powers and duties:

19:14.B.2.a Maintain a system for the survey and inventory of historic properties. This survey will be the system for comprehensive historic planning within the City.

It will be consistent with the technical standards issued by the United States Department of the Interior to produce reliable, understandable, and up-to-date information for decision making, related to the identification, evaluation, and protection/treatment of historical resources;

19:14.B.2.b Establish rules and regulations for the conduct of business which are consistent with the purposes of the Historic District and in conformance with applicable NH State statutes. Members shall be governed by a code of conduct, in conformance with NH State statutes, and in accordance with the City Charter, to prevent real and apparent conflicts of interest in the performance of the HDC's responsibilities;

19:14.B.2.c Establish, adopt, and make available to applicants and the public, guidelines and standards for review to be used by the HDC in reviewing and passing of applications for Certificate of Appropriateness(COA) to construct, alter, modify, repair, move, or demolish any building and/or structure within an Historic District;

19:14.B.2.d Approve, disapprove, in whole or in part, applications for which a COA is required per the Zoning Ordinance;

19:14.B.2.e Request reports and recommendations from City departments and agencies and from other organizations and sources which may have information or can provide advice

pertinent to the application or its impact to the district;

19:14.B.2.f Retain professional consultants as may be necessary to carry out the purpose of this section;

i. Applicants may be asked to retain professional consultants in regards to supplying information on the applicant's project. This would be at the applicant's expense.

ii. The HDC may retain professional consultants subject to the availability of funds to help provide support and information to help carry out the HDC's authority and purview.

19:14.B.2.g Investigate and recommend to the City Council new areas for designation as Historic Districts.

19:14.B.2.h Act in an advisory role to other officials agencies, departments, boards, commissions, and committees of the local government, regarding the identification, protection, and preservation of local resources;

19:14.B.2.i Act as liaison on behalf of the local government to individuals and organizations concerned with historic preservation;

19:14.B.2.j Work toward continuing education of citizens within the HDC's jurisdiction, regarding historic preservation issues and concerns;

19:14.B.2.k Recommend and propose amendments and/or revisions to the boundaries and limits of any Historic District to the City Council; and

19:14.B.2.l Keep or cause to be kept accurate and complete records and minutes of meetings, findings of the HDC, and records of each application, all of which shall be part of the public record.

19:14.C Section C DESIGNATION OF HISTORIC DISTRICT

19:14.C.1 **DESCRIPTION** The Historic District is an overlay zoning district, meaning that it is a zoning district which is superimposed over other zoning districts. In all cases where the Historic District is superimposed over another zoning district, that district whose regulations are more restrictive shall apply.

19:14.C.2 **PURPOSE** It is hereby declared as a matter of public policy that the recognition, preservation, enhancement, and continued use of structures, sites, areas, and districts within the City of Somersworth having historic, architectural, cultural or design significance is required in the interest of the health, economic prosperity, cultural enrichment, and general welfare of the community. The purposes of this ordinance are to:

19:14.C.2.a Safeguard the heritage of Somersworth by providing for the protection of the structures and areas representing significant elements of its history;

19:14.C.2.b Enhance the visual character of the City by encouraging and regulating the compatibility of architectural styles within Historic Districts reflecting unique and established architectural traditions typical of houses in excess of 50 years old;

19:14.C.2.c Foster public appreciation of and civic pride in the beauty of the City and the accomplishments of its past;

19:14.C.2.d Strengthen the economy of the City by protecting and enhancing the City's attractions to residents, tourists and visitors;

19:14.C.2.e Stabilize and improve property values within the City; and

19:14.C.2.f Promote the private and public use of structures and areas within Historic Districts for the education, prosperity and general welfare of the community.

19:14.C.3 **DISTRICT BOUNDARIES** 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, January 1992", and as amended, which is hereby declared to be part of this ordinance.

19:14.D Section D PURVIEW OF THE COMMISSION

19:14.D.1 **ACTIVITIES REQUIRING REVIEW**. It shall be unlawful for any person to construct, alter, modify, repair, move, or demolish any building, structure, or improvement which lies within a Historic District without first obtaining a Certificate of Appropriateness (COA) from the Historic District Commission (HDC), or in the case of a project of minimal impact, the Planner, Code Officer (CO), and the HDC Chair, in the manner prescribed in this section.

19:14.D.2. **EXEMPT ACTIVITIES**. Exempt activities described in this section do not require review of the applicant's proposed projects or HDC approval. This section does not exempt any property owner from being required to obtain any other permit prescribed by the State of NH or the City of Somersworth.

19:14.D.2.a Any interior construction, alteration, or repair that does not change in any way the outward appearance or any exterior details of the building.

19:14.D.2.b Ordinary maintenance, repair, or painting of any exterior architectural feature which does not involve a change in design, materials, or outer appearance. If any element of a structure must be temporarily removed for painting or repair, it shall be reinstalled within 30 days. Painting must be of standard workmanship quality.

19:14.D.2.c Landscaping that does not affect the current grade of the site, provided there is no change to any vertical structure, such as construction or alteration of walkways and patios.

19:14.D.2.d Planting or removal of vegetation, except in the case of removing a healthy or undamaged tree with a diameter larger than 12" (circumference in excess of 36") when measured 4 feet above grade.

19:14.D.2.e Cleaning of any structure provided the cleaning is performed with proper care and will not harm any element of the structure. (Discouraged paint removal processes; sandblasting, chemical paint removers, high pressure water wash, heat tools, and rotary tools). The gentlest process is always preferred.

19:14.D.3 **PROJECTS OF MINIMAL IMPACT**. For the purpose of this section, the following activities shall be considered to be projects of minimal impact and shall be reviewed and approved, conditionally approved or disapproved by the Planner, CO, and HDC Chair. A monthly report shall be provided to the HDC informing them of any approved projects of minimal impact.

19:14.D.3.a Erection, construction, or repair of any fence or fence like structure. A fence that is less than 30 percent open such as a stockade fence should not be located in front of the house. Chain Link fence is not allowed unless necessary in cases such as, but not limited to, industrial applications or ball fields.

19:14.D.3.b Erection, construction, or repair of any signs provided the proposed signage adheres to both the HDC Sign Standards for Review, Chapter 19.20 of the Somersworth Ordinances, and other City Sign Ordinances.

19:14.D.3.c Simple roof replacements that involve no alterations to the roof, roof trim, or any roof features. Any changes to the pitch, size, angle, addition, roof feature, or any other change to any feature of the roof shall require HDC approval.

19:14.D.3.d Sheds less than 120 square feet provided they match the style and texture of the other structures on the property.

19:14.D.3.e Installation or removal of storm doors or windows provided the size and shape match the existing window/door and it adheres to the HDC Storm window and door in the Standards for Review, Section 3, Fenestration.

19:14.D.3.f Essential outdoor mechanical equipment (ducts, fans, solar panels, etc.) provided they are installed in locations which create the least disturbance to the historical integrity of the building and which involve the minimum alteration to its structure.

19:14.D.4 **APPROVAL OF MINIMAL IMPACT** The Planner, CO, and HDC Chair shall have final authority to approve, conditionally approve, or disapprove applications for projects of minimal impact. However, if the Planner, CO, and HDC Chair or the HDC Chair's designee does not unanimously agree that the application is minimal impact, the application shall be forwarded to the HDC for full review and action. Furthermore, the decision of the Planner, CO, and HDC Chair or the HDC Chair's designee may be appealed to the HDC provided that notice of the appeal is filed within ten (10) workdays of the staff's decision.

19:14.D.5 **PROJECTS OF MAJOR IMPACT** Any development activity not specifically listed as an exempt activity or as a project of minimal impact shall be considered a project of major impact and shall go through the review process of the HDC as outlined in the sections below.

19:14.E Section E PROCEDURES FOR REVIEW FOR CERTIFICATE OF APPROPRIATENESS

19:14.E.1 **APPLICATION**. All application packages shall include the items listed below, as outlined.

19:14.E.1.a **APPLICATION FORM**. A completed application form available from and provided by the Somersworth Development Services.

19:14.E.1.b **PHOTOGRAPHS**. Current photographs of each side of any building proposed for alterations, additions, or demolition. Current photographs of the streetscape in both directions of the street, or both streets if a corner lot.

19:14.E.1.c **ELEMENTS SUBJECT TO REVIEW**. It is the responsibility of the applicant and/or the contractor to describe in a clear manner every element of the proposed project that is subject to the HDC review.

19:14.E.1.d **PLANS**. Detail drawings of all project specific elements. This may be limited to a detailed drawing of one window in the case of an application proposing replacement of only windows involving no change to the window sizes, but will need additional drawings if more than one window size or style is involved.

19:14.E.1.e **MEASUREMENTS**. Measurements shall be displayed on all plans including building heights. Measurements shall be provided in a clear manner and include dimensions building details such as but not limited to doors, windows, trim, overhangs, and siding exposure.

19:14.E.1.f **REVISIONS**. When subsequent revised plans are submitted the revised plans shall clearly indicate every change from the prior set of plans. This should not be written on or over the older set of plans.

19:14.E.1.g **SAMPLES**. Manufacturer pamphlets, cut sheets, or samples will be needed if the material proposed is typically discouraged by the Historic District Commission.

19:14.E.2 ADDITIONAL REQUIREMENTS. The following are additional needs if an Application proposes significant changes.

19:14.E.2.a **ELEVATION DRAWINGS**. An Application for projects involving changes to the buildings details, openings, height, roofline, mechanical units, or projections shall also provide elevation drawings. Elevation drawing shall show each affected façade of the building, structure, or sign clearly depicting existing conditions and proposed changes. If the overall height change is proposed, adjacent buildings shall be included in a streetscape drawing to act as a fixed benchmark.

19:14.E.2.b **SITE PLANS**. Any site work, new construction, demolition, or change to an existing building's footprint shall provide a Site Plan drawn to scale clearly depicting existing conditions and proposed work. This shall include topographic details in the vicinity of the building due to the steep nature of the land within the Historic District. Plans shall depict any land within 15' of any retaining walls, foundation, or new construction. A streetscape drawing depicting adjacent buildings shall be included to act as a fixed benchmark.

19:14.E.2.c **ENGINEER REPORT**. Any proposed demolition shall require a detailed report from an engineer licensed in the State of New Hampshire as to the soundness of the structure. Any dangerous conditions should be identified. Include the engineer's resume highlighting professional experience in historic property assessment/rehabilitation.

Exception: Structures deemed not contributing by the HDC

19:14.E.3 **APPLICATION DEADLINE**. Complete applications must be filed with the Planning Dept, 14 days prior to the next scheduled HDC meeting to be placed on that meeting's agenda.

19:14.E.4 **REVIEW OF THE APPLICATION**

19:14.E.4.a **DETERMINATION OF APPROPRIATENESS**. In deliberation whether to approve or deny an application the HDC shall consider whether or not the proposed work described in the application conforms to the Somersworth HDC Standards for Review.

19:14.E.4.b **SCHEDULING AND COMPLETENESS**. The HDC will consider applications only at its scheduled meetings. At that time the HDC may consider denying the application if it is for any reason incomplete as outlined in the Application section. This will be decided by a majority vote of present HDC members. If denied for this reason a specific list of what was missing will be provided to the applicant within 10 days.

19:14.E.4.c **PRESENTATION OF THE APPLICATION**. The applicant or their designee should attend the meeting to present the application and be prepared to answer any questions. If the HDC is unable to obtain answers during the review of the application, the HDC has grounds for denial of the application.

19:14.E.4.d **PUBLIC MEETING**. Each reviewed application will allow comment by any abutters, citizens, or other interested people-

19:14.E.4.e **COMPLIANCE PARAMETERS**. When the Commission deems it appropriate in dealing with violations of this ordinance and other matters, it may work with property owners in a flexible manner in setting timeframes and other benchmarks to guide how and when specific work must be completed.

19:14.E.5 **ACTION ON AN APPLICATION**

19:14.E.5.a To the extent practical and appropriate, an applicant may file applications for permits simultaneously to any other board or commission. These plans should be consistent with one another in regard to all details.

19:14.E.5.b If any changes are made by other boards or commissions on elements under the HDC purview, the applicant shall reappear before the HDC for approval.

19:14.E.5.c On more complex projects involving other boards or commissions applicants should consider presenting a preliminary proposal at any HDC meeting (consisting of simple hand sketches or other lesser requirements) prior to submitting an official formal application. During the preliminary proposal the HDC shall;

- i. allow informal discussion about the project.
- ii. offer comments, concerns, and or suggestions to aid the applicant.
- iii. make no official decision or ruling during the discussion.

19:14.E.5.d The Commission shall file a Certificate of Appropriateness or a Certificate of Denial with the Planning Department.

19:14.E.5.e The HDC shall render a decision within thirty-five (35) days after the HDC accepts the application as complete.

19:14.E.5.f Failure to act on an application within the period of time specified above shall be deemed to constitute approval of the application as submitted.

19:14.E.5.g The Certificate of Appropriateness by approval or by default of the Commission to take action shall be effective for 1 year after the date of approval, but will not expire during an active building permit.

19:14.E.5.h If the applicant has neither obtained a building permit (or the extension for one) nor commenced work within 1 year after the date of approval, then the approval shall automatically be deemed null and void.

19:14.E.5.i When an application is rejected as being incomplete or denied, the reason(s) for the decision shall be conveyed to the applicant and in the Certificate of Denial and clearly stated in the minutes of the meeting.

19:14.E.5.j At the HDC's discretion on larger or more sensitive projects, the HDC may recommend that the Code Officer oversee construction of the elements and details of the building that are part of the HDC's approval to ensure the building is constructed correctly in accordance with the proposal. The HDC may request that progress reports be submitted to the City and it may identify the requested parameters for those progress reports.

19:14.E.5.k Once a Certificate of Appropriateness has been issued, any changes in construction, due to any reason shall be brought back to the HDC for review and approval. The Code Officer (CO) may issue a Stop Work Order if any project is not in conformance with the application approved by the HDC. However, if a proposed change is very minor, then Code Enforcement and HDC Chair may approve the proposed change if:

- i. The change is deemed to be insignificant
- ii. The change would be barely noticeable, if at all, from a public right of way and
- iii. The change would be consistent with the intent of the earlier approval.

19:14.E.6 **DECISIONS / FINDINGS.** For a project of minor or major impact, a building or demolition permit shall not be issued until and unless a COA is issued by the HDC in accordance with the provisions of this section.

19:14.E.6.a At the conclusion of its review, the HDC shall issue in writing one of the following:

- i. If in the opinion of a majority of HDC members present and voting the applicant's proposal meets the purpose of this section, then the Historic District Commission shall issue a COA signed by the Chair together with any changes, conditions and/or stipulations. After the issuance of the COA, the Building Inspector may issue any building, demolition or other permit for the approved project; or
- ii. If in the opinion of the majority of the HDC members present and voting the applicant's proposal does not meet the purposes of this section, then the HDC shall issue a Notice of Disapproval in writing together with the reasons for such decision signed by the Chair and all voting HDC members. The issuance of a Notice of Disapproval shall prohibit the Building Inspector from issuing a building, demolition or other permit; or
- iii. If acceptable with the applicant, and in the opinion of the majority of the HDC members present and voting the application may be tabled.

19:14.F Section F STANDARDS FOR REVIEW

19:14.F.1 The Standards for Review articulates how and why a building should be similar to surrounding buildings. They will articulate the buildings form, scale, setback, materials, and other pertinent information, to properly blend a new, altered, or remodeled building into the existing historic streetscape or context.

19:14.G Section G APPEALS AND ENFORCEMENT.

19:14.G.1 **RESUBMITTAL.** If the applicant's proposal is denied, the applicant may, and

is encouraged to, make modifications to the proposed plans and shall have the right to resubmit the application at any time after so doing.

19:14.G.2 **APPEAL PROCESS.** Any person aggrieved by a decision of the Historic District Commission shall have the right to appeal, by filing a motion for rehearing before the HDC. Such an appeal when taken shall stay all proceedings in furtherance of the action appealed, unless the HDC shall certify that by reason of facts stated in a certificate issued by it, a stay would cause imminent peril of life or property. The appeal shall be made within thirty (30) days after the decision of the HDC. The 30-day time period shall be counted in calendar days beginning with the date upon which the HDC issued the decision. After appeal, if said person or persons are still aggrieved by the HDC. They have the right to appeal that decision to the Zoning Board of Adjustment or to pursue any other remedy accorded by NH State law.

19:14.G.3 **REQUIRED MAINTENANCE.**

19:14.G.3.a **RESPONSIBILITY.** A property owner in the Historic District is prohibited from allowing his or her property to deteriorate in the manners specified in Chapter 19:24 of the Somersworth Ordinances and failing to correct those conditions shall be subject to enforcement under Chapter 24, The Property Maintenance Code. Any corrections as directed by such enforcement action must also adhere to this chapter section, 19:14, in its entirety.

19:14.G.4 **ENFORCEMENT AND VIOLATIONS.**

19:14.G.4.a **ENFORCEMENT.** These regulations, in accordance with RSA 674:49 may be enforced under the authority of NH State RSA 676 as the same may be subsequently amended, and such other authorities as may be available, Chapter 24 of the Somersworth Ordinance, the Property Maintenance Code or any other remedy afforded by law.

19:14.G.4.b **SEVERABILITY.** If any of the provisions set forth in these ordinances are held to be invalid, for any reason, by a Court of Law, such holding shall not invalidate other provisions contained herein

19:14.G.4.c **VIOLATIONS.** If during the regular inspections by the CO a property is found to not be in compliance with the provisions of this section, or if the property is found in violation of Chapter 24 of the Somersworth Code shall be subject to the established violation method used for violations of Chapter 24 of the Somersworth Code

19:14.H Section H DEFINITIONS.

19:14.H.1 **CITY**; City of Somersworth

19:14.H.2 **CITY COUNCIL**; Somersworth City Council

19:14.H.3 **CO**; Code Officer (Code Enforcement Officer, Code Compliance Officer)

19:14.H.4 **COA**; Certificate of Appropriateness

19:14.H.5 **COMMISSION**; Historic District Commission

19:14.H.6 **DISTRICT**; Somersworth Historic District

19:14.H.7 **HD**; Historic District

19:14.H.8 **HDC**; Historic District Commission

19:14.H.9 **NRHP**; National Register of Historic Places

19:14.H.10 **SHPO**; State Historic Preservation Office

City of Somersworth – Ordinance 4-19

History

First Read Date:	10/15/2018	Tabled:	11/05/2018
Public Hearing:		Removed From Table:	11/05/2018
Second Read:	11/05/2018		

Discussion


On October 15, 2018, *Councilor Witham, made a motion to waive Council rules to allow for Ordinance 4-19 to be read by title only. Motion passed, 8-0.*

Ordinance 4-19 will remain in first read until the November 5, 2018 City Council Meeting.

On November 5, 2018, *Councilor Witham, seconded by Councilor Levasseur, made a motion to amended the Ordinance in Accordance with the redline version provided. The motion passed, 7-1.*

Councilor Levasseur, seconded by Councilor Witham, made a motion to table Ordinance 4-19. Motion passed, 8-0.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	McCallion		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Sprague		
At Large Councilor	Cameron		
At Large Councilor	Levasseur		
TOTAL VOTES:			
On / / . Ordinance 4-19		PASSED	FAILED

	City of Somersworth – Ordinance	
	Ordinance No: 5-19 SUPPLEMENTAL APPROPRIATION FOR ENGINEERING SERVICES FOR IMPROVEMENTS AT THE SOMERSWORTH WASTEWATER TREATMENT FACILITY	

October 15, 2018

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 18-19 is amended as follows:

Appropriate \$155,000 from Sewer Utility Fund budget as follows:

Original Budget	Amendment	Revised Budget
\$ 2,257,532	\$ 155,000	\$ 2,412,532

Approved as to Funding:

Scott A. Smith
Director of Finance and Administration

Recorded by:

Trish Harris
City Clerk

Background:

This ordinance appropriates funding for an amendment to the engineering design services portion of the contract with Wright/Pierce Engineers for necessary improvements at the Somersworth Wastewater Treatment Facility.

Authorization	
<i>Sponsored by:</i> David A. Witham Dale R. Sprague Martin Pepin Kenneth S. Vincent Richard R. Michaud	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 5-19

History

First Read Date:	10/15/2018	Tabled:	
Public Hearing:	10/05/2018	Removed From Table:	
Second Read:	11/05/2018		


Discussion

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.

Councilor Witham, seconded by Councilor Levasseur, made a motion to approve Ordinance 5-19. Motion passed, 8-0.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	McCallion	-	-
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham *	X	
At Large Councilor	Sprague	X	
At Large Councilor	Cameron	X	
At Large Councilor	Levasseur	X	
TOTAL VOTES:		7	0
On 11/05/2018 Ordinance 5-19		PASSED	

Resolutions

	City of Somersworth – Resolution
	Resolution No: 20-19 TO AUTHORIZE THE CITY MANAGER TO AMEND THE CONTRACT WITH WRIGHT PIERCE ENGINEERS OF PORTSMOUTH, NH TO INCLUDE ADDITIONAL ENGINEERING SERVICES AT THE SOMERSWORTH WASTEWATER TREATMENT FACILITY

October 15, 2018

WHEREAS, The City Council adopted Resolution No. 22-18 to authorize the City Manager to amend the contract with Wright Pierce Engineers for an amount not to exceed \$863,000 (Eight Hundred Sixty Three Thousand dollars) for engineering services to provide a plant facility assessment and engineering and design specifications for facility improvements at the Wastewater Treatment Facility, and

WHEREAS, the plant facility assessment identified additional improvements such as replacing the process water line, replace chemical piping and manholes, and additional building improvements that weren't included in the original scope of work, and

WHEREAS, Wright Pierce has provided the City a proposal to provide engineering and design services for the additional improvements at a cost of \$155,000 (One Hundred Fifty Five Thousand dollars) which would increase the total contract to an amount not to exceed \$1,018,000 (One Million Eighteen Thousand dollars) ;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to amend the contract with Wright Pierce Engineers of Portsmouth, N.H. to include additional engineering services at the Somersworth Wastewater Treatment Facility for an amount of \$155,000 (One Hundred Fifty Five Thousand dollars) thereby increasing the total contract to an amount not to exceed \$1,018,000 (One Million Eighteen 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:</i> David A. Witham Dale R. Sprague Martin Pepin Kenneth S. Vincent Richard R. Michaud	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 20-19

History

First Read Date:	10/15/2018	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			


Discussion

Councilor Pepin, seconded by Councilor Cameron, made a motion to adopt Resolution 20-19.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	McCallion	-	-
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham *	X	
At Large Councilor	Sprague	X	
At Large Councilor	Cameron	X	
At Large Councilor	Levasseur	X	
TOTAL VOTES:		8	0
On 11/05/2018 Resolution 20-19 PASSED			

NEW BUSINESS

Resolutions

	<h2 style="text-align: center;">City of Somersworth – Resolution</h2>
	<p>Resolution No: 21-19</p> <p>TO SUPPORT AN INITIATIVE TO VOLUNTARILY REDUCE THE DISTRIBUTION AND USE OF SINGLE-USE PLASTICS AND EXPANDED POLYESTERSTYRENE (EPS) PRODUCTS IN AN EFFORT TOWARDS SUSTAINING A CLEANER AND SAFER OCEAN, SALMON FALLS RIVER AND HEALTHIER ENVIRONMENT</p>

November 5, 2018

WHEREAS, the City of Somersworth is diligent in its efforts to take a leadership role to preserve the beautiful environment which supports an environmentally sound, clean and healthy community for current and future generations; and

WHEREAS, maintaining and enhancing an environmentally sound, clean and healthy community, the quality of the waters of our ponds, the Salmon Falls River and Atlantic Ocean is important to the quality of life enjoyed by Somersworth residents, businesses, and visitors; and

WHEREAS, single-use plastics include water and soda bottles, plastic straws, plastic lids, plastic bags, and plastic utensils; and

WHEREAS, EPS products include "to-go" containers, leftover food containers ("clamshells"), and drink cups; and

WHEREAS, plastic drinking straws are provided by most establishments that offer cold drinks; and

WHEREAS, an estimated 500 million straws are used daily in the United States, and, plastic drinking straws found in the Salmon Falls River, on the beach, or washed up onto the beach pose a great threat to marine and other wildlife; and

WHEREAS, single use plastics and EPS products, being non-biodegradable, litter our landscape and beaches, pollute our ponds, rivers and oceans, killing or injuring an estimated one million or more animals annually; and

WHEREAS, once plastics and EPS products enter landfills, it takes 500-1,000 years for these products to decompose and, if ignored, create permanent damage to the environment.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Somersworth, THAT the City of Somersworth hereby recognizes the efforts of Sustainable Seacoast, the Post Landfill Action Network, and local merchants and residents to reduce the distribution and use of single-use plastics and EPS products;

THAT the City of Somersworth urges all citizens to embrace and commit to use the following in their daily lives -

- Reduce
- Reuse
- Recycle

THAT the City of Somersworth urges all citizens and business owners to voluntarily participate in this initiative to reduce the use of plastic straws, single-use plastics and EPS products and packaging through the use of reusable, compostable and/or recyclable materials;

THAT the City of Somersworth urges businesses that provide a product for which a straw would be desired are encouraged to offer a non-plastic straw or provide a plastic straw only upon individual request;

THAT the City of Somersworth, through recommendations from the Sustainability Committee, will officially recognize those businesses within the City who support, initiate and commit to a single-use plastics and EPS reduction program. This recognition will consist of a Proclamation of Appreciation and Recognition for placement at their business and will be in place so long as the business demonstrates its involvement and continuous support.

Authorization	
<i>Sponsored by Councilor:</i> Edward Levasseur Nancie Cameron	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 21-19


History

First Read Date:	11-05-2018	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Action

Resolution 21-19 will remain in first read until the December 3, 2018 City Council Meeting.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	McCallion		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Sprague		
At Large Councilor	Cameron		
At Large Councilor	Levasseur *		
TOTAL VOTES:			
On / / . Resolution 21-19		PASSED	FAILED

	City of Somersworth – Resolution
	Resolution No: 22-19 TO AUTHORIZE THE CITY MANAGER TO TAKE THE NECESSARY ACTIONS TO DISCONTINUE FAIR COURT AS A CLASS V HIGHWAY

November 5, 2018

WHEREAS, the City of Somersworth has determined there is no longer a need to maintain Fair Court; and

WHEREAS, the Public Works & the Environment Committee of the City of Somersworth has reviewed this proposed action with staff and supports this discontinuance,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH, in accordance with RSA 231:43, that Fair Court, is hereby discontinued as a Class V highway, described as follows:

Starting at the northwest corner of map 10, lot 179 along Elm Street, going northerly approximately 36 feet to the southwest corner of map 10 lot 180, continuing easterly approximately 148 feet until reaching Main Street at the southeast corner of map 10, lot 180, then following southerly approximately 32 feet to the northeast corner of map 10, lot 179, and back 126 feet to the original location of the northwest corner of map 10, lot 179.

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

City of Somersworth – Resolution 22-19

History

First Read Date:	11/05/2018	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			

Discussion

Councilor Witham, seconded by Councilor Levasseur, made a motion to waive Council Rules to have Resolution 22-19 read by title only. The motion passed, 8-0.

Resolution 22-19 will remain in first read until the December 3, 2018 City Council Meeting.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	McCallion		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Sprague *		
At Large Councilor	Cameron		
At Large Councilor	Levasseur		
TOTAL VOTES:			
On / / . Resolution 22-19		PASSED	FAILED

Other

- B. Vote to Ratify the tentative agreement between the Somersworth School Board and the Somersworth Educational Support Personnel Association Union (SESPA)

Councilor Witham stated that he supports the components of the contract, but does not like some of the language. He will not be supporting the agreement.

Councilor Levasseur asked for clarification.

Councilor Witham stated that his concern was regarding outsourcing services.

Councilor Vincent agrees with Councilor Witham and would like to see that stricken.

Councilor Pepin said he has a hard time not voting to approve this agreement just because that language is in there.

The vote to ratify the agreement passed, 7-1, by roll call vote.

- C. Vote to authorize a Sewer Line Extension for residential service to 72 Buffumsville Road (from Public Works & Environment Committee)

Councilor Sprague stated that this is a newly constructed house. Water and sewer needs to be installed. Water is at the road and sewer is not near the property. The property owner proposed to the City that they want to extend the sewer line down the road, so they can tap into the 8" sewer line. This will be quite costly, and the owner is willing to do it at their cost. The plans will be reviewed by the City Engineer. This is a benefit to the City. The City is considering waiving or reimbursing sewer impact fees. The City's GIS showed that there was a sewer line in that area, and there is not. Need to discuss when it is going to happen. Plans need to be approved. Public Works and Environment Committee's opinion is that this is something that should happen and this is a benefit to the City, as long as it is done to the City Standards.

Councilor Witham, the vote is to extend the sewer service to 72 Buffumsville Rd. He would like to add conditions. The project needs to be completed to the satisfaction of the City, that the City allows construction beyond the November 15th moratorium, and that the City waive or refund the sewer connection fees. Conditions were seconded by Councilor Sprague.

Councilor Sprague asked if any type of bond would be required. City Manager Belmore advises to add assurity bond as an additional condition.

Vote to add conditions passed, 8-0.

Vote to authorize the extension of the sewer service to 72 Buffumsville Road at the owners expense passes with conditions, 8-0.

D. Discussion on Horne St.

Councilor Witham stated that Brox has requested to delay the remaining road work until May 30, 2019. Brox has completed a lot of the work within the city, but there is still a lot to be done. Of all the streets on the list, Horne Street is the absolute worst.

Councilor Witham made a motion to curtail the remaining roadwork with the exception of a base course on Horne Street to be completed in this construction season, with the remaining road work to be continued beginning May 30, 2019, Seconded by Councilor Sprague.

Councilor Levasseur asked about the pavement condition index and if the contract that was approved included an outline of the order in which the roads were to be paved, and where did Salmon Falls Road rank on the pavement index.

Councilor Sprague said that the contract with Brox did not have the order of how the roads are completed. That is up to the contractor. They are in charge of mobilization. They were given a date to complete the work. They are asking to not make that date. They want us to waive it.

As far as the pavement index, not sure where Salmon Falls ranks, but Horne was definitely worse.

Councilor Levasseur stated that he has received emails from residents commenting on the delay on Main Street and Washington Street. He would have preferred to see Main Street completed before Salmon Falls Road. Considering the logistics and impact to traffic, he would have outlined which roads were to be completed and in which order.

Councilor Sprague stated that the City needs to look into changing the way RFP's are put out. A company makes money by the logistics of how they do things, but there needs to be a timeline as to how long a road can sit milled. Maybe they could consider penalties for not meeting deadlines. If Horne Street is done, then the remainder can be put off until next spring.

The vote is to authorize the City Manager to allow the Brox road construction project be extended to May 30th, 2019, provided that the Horne Street road work is completed to a base road coat.

Councilor Witham added that they should further authorize through the November 15th deadline to complete Horne Street.

Councilor Dumont said when they put out an RFP, there are three large companies, but each of those companies farm out some of the work to other smaller companies. He has a problem with how it is playing out. The issue this year in Somersworth was the weather.

Councilor Witham, seconded by Councilor Pepin, made a motion to move the question. Motion passed, 8-0.

The vote is to authorize the City Manager to allow the Brox road construction project be extended to May 30th, 2019, provided that the Horne Street road work

is completed to a base road coat, and further authorize work to continue passed the November 15th deadline.

The vote passed, 8-0.

- E. Vote to waive the City Ordinance Road Cut Moratorium for High Street to allow a curb cut for the new New Hampshire Liquor Store construction.

Councilor Witham stated that this cut is 6” into High Street right of way, to place some granite curbing at the northerly entrance.

Councilor Witham, seconded by Councilor Vincent, made a motion to move the question. Motion to move passed, 8-0.

Vote to waive the City Ordinance passed, 8-0.

CLOSING COMMENTS BY VISITORS

None

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Vincent stated that he received an email from a resident on Garden St, regarding water. He is in favor of the drinking straw are poisoning the drinking water. He also thanked Mr. Mommsen for all that he does for the City of Somersworth.

Councilor Dumont stated that he would like to know the anticipated cost for adding 2 feet of soil to the land fill.

He thanked the Department of Public Works for their work at Mt Vernon and Midway Park. They went above and beyond.

As for the plastic mitigation, every week we put plastic bags out, and we have been piling plastic bags up in Rochester for years and we are paying to contribute to that effect. There has been a trend that the recycling ability is negated by Waste Management. He appreciates the efforts of the companies. We all want better air to breath and water to drink. There has to be a non-plastic solution, maybe biodegradable bags.

This has been the greatest year for a baseball supporter. He was happy to see the RedSox won the championship.

He thanked Mr. Mommsen; he continues to amaze.

He thanked the Mayor for recognizing Mr. Ray Lapointe, and for raising a flag in his honor.

The needle exchange program was in the newspaper. He is not sure what to think about this, but it didn’t help us, the way the article was written. We are promoting the development of the downtown, and the plaza, then, on the front page, a story about meeting at the plaza parking lot to collect needles. Many places have a large needle recovery program in parks. Not sure how it works out for us, but the article did not help staff promote the downtown.

Councilor Michaud gave a reminder of the 125th Gala. Tickers are available. Tomorrow is election Day. Don’t forget to vote!

Councilor Witham stated that Waste Management does not require us to use the blue bags. We are not buying the bag; we are paying to put the trash in the landfill.

As for the needle exchange program, there has been conversation around the community. It's a good thing for those who have a terrible addiction; reusing a needle over and over again is a terrible thing. The needle exchange is to help stop the spread of disease. HepC is directly linked and attributed to the use of illegal drugs. Not sure the plaza was the best place to start off. This is not a city run program; it is a nonprofit group.

He stated that he has ever been in Mr. Mommsen's classroom, but he feels what is said is accurate. He thanked Mr. Mommsen for all of his service.

Tomorrow is Election Day and he struggles with selections. He looks at candidates as an individual and what the person stands for. Issues that are front and center are the school voucher program and legalizing marijuana. He is hard pressed to support those who support these efforts.

Councilor Sprague thanked Mr. Mommsen for everything that he does for the community.

Councilor Cameron reminded everyone about the parade.

She was one of the parents who has been fortunate to be in Mommsen's class. Her son was in his class and he left lasting impressions on her son.

Councilor Levasseur thanked Councilor Dumont for his comment in support of the piece of legislation. They also need to consider the plastic trash bags and look into plant based bags. The City needs to consider sustainable practices in purchasing. As for the needle exchange, a nonprofit organization that was running the program, and anyone that perpetuates the myth that the Council encouraged this group to come to our city, perpetuates a lie.

He thanked Mr. Mommsen for everything he does. He embodies the hilltopper spirit and everything that is good in this community. He thanked Donald Young who honored Mr. Mommsen. Eleanor Lord Pray is an example of the working relationship that Berwick and Somersworth has. We have one downtown, and he would like to work to strengthen the relationship. Tomorrow is Election Day and it is important that all get out and vote, not only in our community but within the state. Good leadership gets polarized between parties. He agrees with Councilor Witham that he will not support those who are for the school voucher programs, but he does support the legalization of marijuana.

FUTURE AGENDA ITEMS

NONPUBLIC SESSION

Councilor Witham, seconded by Councilor Vincent, made a motion to go into non-public session. Motion passed 7-1, by roll call vote.

ADJOURNMENT

Trish Harris, City Clerk

Dana Hilliard, Mayor