

MINUTES OF CITY COUNCIL MEETING

Somersworth, NH
December 3, 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 Cameron led the Pledge of Allegiance.

PUBLIC HEARINGS

Ordinance No. 4-19 - To Amend Chapter 19, Zoning Ordinance, Section 14, Historic District

Laura Berry, HDC Chair, Ward 4, 211 Green St, stated she was there to answer any questions and is in favor of Ordinance No. 4-19 as she helped write it.

Resolution No. 22-19 - To Authorize the City Manager to Take the Necessary Actions to Discontinue Fair Court as a Class V Highway

Brian Barrington, Coolidge Law Firm, is here to speak for his client Them Tran. She circulated a petition and got signatures from residents up and down Main St. He showed a picture of Fem Tran's car and the difficulty that she has navigating her car. The alley is very narrow; there are a lot of cars parked there. These are not the richest people in the City; we could argue that these are some of the poorest housing units in the City. By not having Fair Court they have to go in the opposite direction on an alley that was never meant to be anything other than one way. She owns three buildings in that area. If there is an emergency a lot of the residences are concerned on how they will get the help they need. We have heard that the fire trucks would not put their trucks down that alley way anyways, because it is unsafe. There is also issue of ambulance service and emergency service.

Them Tran, also spoke and objects to closing Fair Court.

John DiCiccio, 125 Main St., he rents the parking lot from Mrs. Vu that abuts Fair Court. He has owned the building for 15 years. In that past 4 or 5 years he has seen degrade to a point of closure and is puzzled as to why the City hasn't maintained the road. He is curious as to why the City wouldn't maintain a road that has been here since the 1700 or 1800's. He has heard rumors that that it is being closed to make room for a Veteran's Park, he is unsure as to what benefit that is other than maybe a Veteran's Day parade or the kickoff for the Christmas Parade, what benefit that actually provides to the City for the cost. Removing the tar, loam and seed cheap, he wondered if a cost analysis has been completed. Drainage is currently an issue as every spring his basement is full of water. He is not a direct abutter as there is a parking lot in between him and Fair Court. It would affect my property value should he look to sell. He pays taxes and would like Council to

reconsider closing Fair Ct. Has there been any consideration to what closing this will do to our property value. By eliminating a second access point a situation could be created where emergency personnel would have difficulty get to his residence.

COMMENTS BY VISITORS

Don Austin, from the School Board, he was there to ask for the support of the Council in whether a planning committee should be created to study the feasibility of the withdrawal from of the Somersworth school district from SAU 56. In October 2018, the school board voted to begin the process to withdraw from the existing SAU, but according to the applicable RSA's the final decision is up to the Council. This was not been an easy decision, but has been contemplated from time to time over the last several years. Currently there are no longer any Rollinsford students that attend a Somersworth school, as there had been in the past. The withdrawal of all students' grades 7-12, approved by Rollinsford citizens several years ago was completed in June 2018. As a result, the only component in common between the two communities from an educational prospective is the operations of the SAU office. It is the position of the board that we as a group can effectively oversee the operations of an SAU office, without the advice or consent of any other community. Bringing the operations fully under control of the Somersworth School Board allows us to establish policies and procedures that will fully benefit the students and staff and the community of Somersworth.

Jarod Nielson, property owner on Rocky Hill Rd, commented on lack of property maintenance on buildings that have absentee landlords or landlords that are in the area and look at Somersworth as a piggy bank. He has noticed it a lot lately; he has seen trash and buildings that are in disrepair. There must be Ordinances to enforce for the City.

Robert Rita, 124 High St, newly acquired the property on High St. When he did get the property there were issues as mentioned by Mr. Nielson. He found that rodents were in unoccupied units. This is an issue in this City as the trash attracts the rodents from the nearby river.

CONSENT CALENDAR

Approve Minutes of the City Council Workshop held on November 5, 2018

Approve Minutes of the City Council Meeting held on November 5, 2018

Approve Minutes of the City Council & School Board Goal Setting Session held on November 7, 2018

Letter of Appreciation for Dale R. Sprague and Roger Berube

Councilor Pepin, seconded by Councilor Witham, made a motion to approve the items on the Consent Calendar. The motion passed, 8-1. Sprague abstained from Item C.

ANNOUNCEMENTS BY CITY COUNCILORS

COMMUNICATIONS

PRESENTATION OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE

Citizen Petition to the City Council to Stop the Discontinuation of Fair Court

The petition was presented and rather than having that read it is within the Councilor packets and is accepted as part of the public record.

MAYOR'S REPORT

Mayors Report for City Council Meeting December 3rd, 2018

- The spirit of the holidays was seen by all on Saturday at the annual Somersworth/Berwick Christmas parade and holiday block party celebration. The streets were filled on both sides of the bridge by onlookers who were treated to an hour long parade which ended with a special visit from Santa Clause. The parade and festivities represent the deeply rooted spirit of co-operation between our two communities and symbolize the true meaning of the holiday. Congratulations to all members of the Christmas Parade Committee and all who helped organize and participate. Your dedication and participation continue to spread both the Hilltopper and Noble Knight Spirit, and have made the event which ends annually with two Christmas tree lightings, performances and a fireworks display, the holiday celebration on the seacoast.
- The Somersworth Professional Fire Association needs your support in helping keep the magic of the holidays joyful for all. The annual Toy Drive is in full swing and needs your Hilltopper support, in helping to break the record of the kids who's Christmas was filled with wonder by making a financial contribution or donating an unwrapped toy. Please drop off your contribution of a financial gift or toy to the Fire Department this week, and keep the Hilltopper spirit alive and strong throughout these holidays.
- The Somersworth model of 21st government was in full display last month during the Joint Goal Setting Session between the City Council and School Board. The collaborative session helped in strengthening an already strong working and respective relationship between both bodies and helped define areas, projects and goal that both bodies could jointly complete by the conclusion of 2019. The Hilltop city continues to lead by example how we truly reflect the foundation of the democratic model; overcoming differences and building a team approach to resolving problems and achieving goals. The citizens of Somersworth should be proud of how their local

government continues to work together to ensure how community continues **“On the Move!”**

- Veterans from our great Hilltop City were once again reminder and honored with pride at last month’s Veterans Day ceremony hosting by the American Legion Post 69. For all who have ever worn, or continue to wear the uniforms of our great nation, thank you for your service. Thank you for defending the beliefs of democracy and human dignity. The spirit of the American Veterans and future hopes for our republic were captured in the essays of 8th graders Kayley Young and Gabrielle Lensky. Both young ladies were awarded first and second place in the VFWs annual patriots’ pen completion. Kayley will move on to complete at the district level, both however were my special guest at the Veterans Day ceremony were they read their essays, honoring our great nation. I have invited both here this evening to share with us their inspiring message.
- A Hilltopper shout out to Old Rail Pizza for your dedication to our great Hilltop city. Old Rail Pizza has opened their doors annually on Thanksgiving Day, serving free meals to over 350 people. While each person served was thankful for your generosity, know that Somersworth is thankful you call our City home.
- Moving forward and mixing things up, next years (2019) **Mayors Community** forum will host City departments and offer our citizens a change to gain knowledge and insight into the daily operations, while also having the chance to ask inquires to department heads. The following at the dates and topics for the 2019 **Mayors Community forums**;
 - January 12th Public Works**
 - February 16th Police**
 - March 16th Fire**
 - April 13th School System**
 - May 11th State Reps**
 - June 8th City Manager**

All forums will take place on Saturdays **from 9:00 – 10:30** at City Hall. Including in this forum will be. *The* purpose of the forums is to foster dialog and ideas, in a non-formal setting to continue to move our community forward. All members of the community, and elected officials are welcome to attend any forums

- This evening before the Council under other is a vote to “Create a Planning Committee to Study the Feasibility of Withdrawal from SAU 56.” The topic of Somersworth gaining its full autonomy in the governing of its school district has been discussed for decades. Former Mayor McLin during this tenure began the early discussions and could see the value for our community to move towards having only its voice in all of its school affairs. While the road to the withdrawal will be a lengthy

process, and will indeed come with a cost, it is the final step in Somersworth's evolutionary progression.

The vote tonight is not to withdraw, but support the formation of a committee to begin to study and finalize a recommendation for final approval. The School Board has already debated the concept of the Somersworth School Districts beginning the process of withdrawal from the SAU and unanimously supported it. While the process of learning how to walk independently is always scary as a community we must take the first step towards standing and being able to "Walk on". The need for Somersworth to move forward in the formation of the committee and while it is so important to take our first step can be summarized in the pages of "Walk On" by Marla Frazee. (Read Book) I respectfully request Council help our School District take its first step and fully support the formation of the withdrawal study committee.

Item 12 Nominations, Appointments and Elections:

- Under nominations, appointments and Elections; **In accordance with the City Charter Article 10.4 the School Board vacancy**, the vacancy is before the Council for action.
- Also, under nominations appointments and Elections; **In accordance with Council Rule 17 Appointments**, the following are being brought forward and placed in nomination.
- **Brad Fredette** from an alternate member to a full member of the **Zoning Board of Adjustment** with a **term to expire on May 2021**
- **Mercedes O'Donohue** as member of the **Conservation Commission** with a **term to expire on November 2021**

In accordance with Council Rule 17 Appointments, the nomination shall remain open until the next scheduled Council meeting

- Finally this evening, the darkness of winter has returned once again. The winter months can be trying on one's soul, as we are surrounded by barren earth, shorten days, and winters bitter breath. Yet, the holidays remind us of the traditions of millennium that darkness will soon lose its battle, and light and warmth will once again prevail. There is magic in the month of December, as cultures for thousands of years gathered during the same month celebrating how life and light will be reborn. This month honor your families traditions, honor the traditions through the ages and celebrate the life and light each of us have been given. In the darkest hours of winter, let your inner light illuminate, guiding yourself and your fellow kindred towards the hope and universal peace we all yearn for. As you gather at your tables to celebrate Hanukkah, Winter Solstice, Kwanzaa, or Christmas remember the truly spirit of the holidays and the message each cultural tradition shares, the universal link and bond that we all share together. After December 21st, Winter Solstice light will return. Until

then, find peace in the darkness. Find joy in the holiday display and lights, and recommit yourself towards finding the path towards practicing the brother and sisterhood of the holidays throughout the year. From my family to yours Merry Christmas and Happy Holidays.

This respectfully concludes the Mayors report for December 3rd, 2018

REPORTS OF STANDING COMMITTEES

Finance Committee – Councilor Witham stated that the Finance Committee met on November 19, 2018 and will meet again this Friday, December 7, 2018. They discussed:

- Tax deeded properties, not accepting tax deeds on certain mobile homes and properties that are contaminated.
- Gate repairs at Forest Glad Cemetery, using a grant received from the State in the amount of \$10,000. Unfortunately, there were no bidders from the RFP. The Committee agreed to sole source this.
- Veteran's Park location where Stein Park is currently for a redesign, they recommended Ironwood Design Group.
- Intermunicipal water agreement update between Dover and Somersworth that requires us to have an agreement with Dover for maintenance costs. There were discussions with Dover for a 50/50 split the Committee thought that that was not fair, should be based on the number of users. The City Manager will continue to negotiate with the City of Dover.
- Permits and fees for electrical permits. While reviewing the neighboring communities' fees, we discovered that we can raise our fees and still be below their fee amounts.
- Budget reporting update shows the biggest thing we are watching is the cost of our City wide recycling curbside program. Preliminary early estimates show that we could be \$70,000 over budget. Other than that the budget is in good shape.
- Brief discussion on the SAU withdrawal and the formation of a Committee if it passed tonight.
- Superintendent Gadomski gave an update on the school project grants and school building funding available for the Maplewood school project and expanding the bond project to other schools.

Public Safety- Councilor Pepin updated that the Public Safety Committee met on November 19, 2018. They discussed:

- Councilor Witham was appointed by Mayor as a temporary alternate.
- Hands Up Health Services spoke about their program and what it is all about. Their program is to decrease the spread of HIV and Hepatitis, due to intravenous drug use.
- Report from Police Chief, Bravo is doing well and very friendly.
- There was discussion on revenue from parking enforcement officer; the revenue has gone above what we anticipated.
- Lengthy discussion about designated parking for the winter months at Noble Pines and Jules Bisson Park, the fees charged would be \$20 per month.
- Chief Hoyle updated that EMS response time average is 5:19, received a new ambulance was waiting on the State.
- Received a report on the fire from High St.

- The Department was successful in getting a \$250,000 grant to replace the Firefighter air van, which will seat 10 firefighters for medical attention and rest. The van is being delivered February 28, 2019.
- Lengthy discussion on the new fire station site and facility from MRI. Councilor Witham suggested we look into more than just 2 sites, other than just Maple St and Lilac Ln.
- Bonding timeline was discussed and it was pointed out that they are looking at least \$5 million or so for this project.

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

Special Committees

E911 Committee – Councilor Pepin reported that E911 Committee met on November 20, 2018. They discussed:

- The development off of Green St. The developer wanted to name the roadways Stillwater Circle and Meadow Way.
- Discussed 127 Green St, the owner has made it a duplex and wanted to number the units. Committee decided on 127A & 127B.
- Lengthy discussion on 15 Wolcott St, the area is very confusing with the numbers. It has been talked about before. The Committee is going to do a little more research.
- Spoke about Portland Glass on Route 108 and renumbering that, but because it is a Dover mailing address they are unable to renumber it.

Cultural Committee – Councilor Cameron reported that the Cultural Committee met on November 14, 2018. They discussed:

- Whether or not to want move forward with the Chocolate, Wine and Cheese event this year.
- Planning a St Patrick's Day event with the Historical Society as the Holiday falls on a Sunday this year, during their museum cultural event.

Traffic Safety – Councilor Levasseur reported that the Traffic Safety Committee met on November 14, 2018. They discussed:

- Captain Timmons received an email regarding a request to have a light installed near the Contitech property.
- Traffic calming safety options on Memorial Drive.
- Discussed the change of parking on Washington St. It was three hour parking and changed to a no parking limit.

Vision 2020 Committee- Councilor Levasseur reported that the Vision 2020 Committee met on November 13, 2018. They discussed:

- Mayor was there in attendance.
- The Committee discussed the original idea of the Committee.
- Discussed the mission and goals of vision 20/20 which are 11, and decided to divide them up amongst us see where we were compared to where we are today with them and make a presentation over the next year to the community.

HDC- Councilor Levasseur reported that the HDC Committee met on November 28, 2018. They discussed:

-Three applications were approved - replacing an awning, the VFW wanted to install a fence in the upper portion of their parking lot to block the neighbors dogs as they are a nuisance, Residential single family to add sky lights.

Joint Building Committee- Councilor Pepin reported that the Joint Building Committee met on December 3, 2018. They discussed:

-RFP for the construction management, there are 3 companies we will hopefully interview this coming Friday.

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 30, 2018

SUBJECT: City Manager's Report for Monday, December 3, 2018
City Council Agenda

Lay on the Table (Under Section 13 of Agenda)

Ordinances

- A. Ordinance No. 4-19: To Amend Chapter 19, Zoning Ordinance, Section 14, Historic District.** The Historic District Commission completed this re-write after several months of meetings and research. Additionally, changes have been incorporated based on our City Attorney's review.

Unfinished Business (Under Section 14 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.** This discontinuance of this short connector road between Main Street and Elm Street is a recommendation from the Public Works & Environment Committee. Efforts were made to negotiate a mutually agreeable resolution with the abutter without success. Attorney Brian Barrington represents the abutter Them Tran. Notices of tonight's Public Hearing were sent to the abutter and to Attorney Barrington. Attached is a copy of a map depicting this road.

New Business (Under Section 15 of Agenda)

Ordinances

- A. Ordinance No. 6-19: City Council Meeting Schedule for 2019.** Mayor Dana Hilliard has proposed the following 2019 Council regular meeting calendar. City Council should consider waiving Council Rules to act on the meeting calendar this evening.
- B. Ordinance No. 7-19: To Amend Chapter 13 Police Offenses, Section F.1, Time Limited Parking – Washington Street Parking.** Attached is a memorandum from Captain Timmons, Chairman of the Traffic Safety Committee. The Traffic Safety Committee met on November 14th and voted to move forward with their recommendation for this Ordinance change. I recommend a Public Hearing at the next regular Council meeting in January.
- C. Ordinance No. 8-19: To Amend Chapter 13 Police Offenses, Section G, Permit and Reserved Parking – Former Nard's Appliance Parking Lot.** This is a housekeeping proposal to eliminate this section as it no longer is City property.

City Manager suggested that the Council could waive the rules to act on this tonight.

- D. Ordinance No. 9-19: To Amend Chapter 13 Police Offenses, Section G, Permit and Reserved Parking – Snow Emergency Parking on Noble Street and River Street.** The Public Safety Committee discussed this proposal with Chief David Kretschmar at their November 19th meeting. I recommend a Public Hearing be scheduled for the first January 2019 Council meeting. Attached is a Memorandum from Captain Timmons regarding this Ordinance change.

Resolutions

- A. Resolution No. 23-19: Proclamation Declaring January Diversity Month in the City of Somersworth.** City Council should consider waiving Council Rules to act on this Resolution this evening.
- B. Resolution No. 24-19: Authorize the City Manager to Contract with Ironwood Design Group of Newmarket, N.H. to Provide a Preliminary Conceptual Re-Design for the Veteran's Memorial at Stein Park.** The Finance Committee met on November 19th and voted to move forward in recommending contracting with Ironwood for this conceptual re-design for the Veteran's Park Memorial at Stein Park. Attached is Ironwood's proposal for this Re-design.
- C. Resolution No. 25-19: To Notify the City Tax Collector that the City Council shall not Accept a Tax Deed on Properties Located at Wexford Lane and Blackwater Road Subject to an Unredeemed Tax Lien.** The Finance Committee met on November 19th and voted to recommend deeding all non-mobile home properties with the exception of 5 and 7 Wexford Lane and 30 Blackwater Road.
- D. Resolution No. 26-19: To Notify the City Tax Collector that the City Council shall not Accept a Tax Deed on Certain Manufactured Housing Unit Properties Subject to an Unredeemed Tax Lien.** The Finance Committee also took up this matter at their recent meeting and voted to support this action to the full Council. This recommendation is based on the past practice to deed the most of the delinquent properties and allow more time for others to come into tax payment compliance. Attached is a breakdown of taxes owed by each.
- E. Resolution No. 27-19: Naming Certain Private Roads: Meadow Way, Stillwater Circle and Assigning Addresses if Required.** The E911 Committee met on November 20th and voted to support these new Street names. This development was approved with the explicit condition that the Homeowners' Association will eventually be owners of these private roads and therefore be required to maintain them. Attached is a map depicting these roads.

Other

- A. Vote on the Somersworth School District School Administrative Unit (SAU) Withdrawal, "Shall the Somersworth School District Create a**

Planning Committee to Study the Feasibility of Withdrawal from SAU 56?"

- B. City Council Certification of Return of Votes for the November 6, 2018 General Election.**
- C. City Council Certification of Return of Votes for the November 6, 2018 Special Municipal Election.**

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

A. Informational Items.

- 1. CIP Fiscal Year 2020-2025.** In accordance with the City Charter, I hereby submit a proposed Capital Improvement Program for City Council consideration. I look forward to Council direction for future review and discussion opportunities.
- 2. Fiscal Year 2020-2025 Budget Preparation.** Attached is a memorandum directing City Department Heads to begin their preliminary Budget requests for FY 2020-2025. I certainly welcome any specific Council direction as I prepare the City Manager's Proposed Budget for submittal to the Mayor & Council by the Charter deadline of March 15.

B. Attachments.

- a. City Attorney Certifications Nine (9)**
- b. Department Head Reports**

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Appointment to fill Ward 3 School Board Vacancy:

Letter of interest and resume from John O'Brien for the School Board, Ward 3, with a term to expire January 2020

Councilor Dumont moves that the nomination of John O'Brien for the Ward 3 School Board seat be accepted, seconded by Councilor Pepin. Motion passed 9-0.

Councilor Witham will support this nomination as he knows who he is, that he ran for that office a few years ago. He stated that he must be unavailable tonight because it would have been very appropriate to come tonight and say hello.

Councilor Cameron added that she emailed him questions and he got right back to her.

Councilor Witham asked that email addresses be available to all, as he didn't have it.


Nominations requiring Council approval:

Brad Fredette, from alternate member to a full member on the Zoning Board of Adjustment, with a term to expire May 2021

Mercedes O'Donohue, as a member of the Conservation Commission, with a term to expire November 2021

Nominations shall remain in open until the January Council meeting.

LAY ON THE TABLE

	<p style="text-align: center;">City of Somersworth – Ordinance</p> <p>Ordinance No: 4-19</p> <p>TO AMEND CHAPTER 19, ZONING ORDINANCE, SECTION 14, HISTORIC DISTRICT</p>
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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 12/03/2018
Public Hearing:	12/3/2018	Removed From Table:	12/03/2018
Second Read:	11/05/2018		

Discussion

Councilor Witham made a motion that Ordinance 4-19 be removed from the table, seconded by Councilor Sprague. Motion passed 9-0.

Councilor Pepin made a motion to adopt Ordinance 4-19, seconded by Councilor Levasseur.

Councilor Witham stated that he it has been a long time since he has thought as long and as hard as he has with this particular Ordinance. The Historic District Commission has met many times and has spent innumerable hours going over this and crafting it and getting ready for our review. They made a very nice presentation before the Council and made themselves available to answer questions. He is struggling to get to an affirmative vote with this. It is not because he doesn't value the Historic District; he does and feels there is a need for it to preserve our past. There are a couple of things that were missing from what we have in front of us here tonight. First being there were no changes to the size of the Historic District made, he thought it needed some adjustment and was among his anticipations. He feels it is a little too vague and it creeps into an area where perhaps it shouldn't. The second item is the difficulty that exists between trying to maintain the historic significance of a structure or of a piece property, and the cost in doing it. Although, he does think that televising the HDC meetings has helped immensely, he has watched every one of their meetings once if not twice. He tried to look at in a way where, is the construction or the item that a land or building owner is trying to achieve being done historically accurate for the approval from the HDC, is it not burdensome to them. Although, he felt in the

recent months it has been less so, it is not zero, and we still have a ways to go. He knows the Ordinance doesn't speak to that, but that there is a separate document that speaks to that. In his eyes he feels it is still a bit too objective. He used an example from last week's meeting, the chain-link fence from the VFW. There was a lot of discussion around it and ultimately it did pass, but there were things like not liking the look of chain-link fences, even though it has been around since the 1800's. It is one of the most historically significant types of fencing that exists. But it led to a robust discussion, in an area where it is not terribly visible from the street. He is glad it passed but it has shed light on the fact that we're not there yet, it is still too subjective. He is interested in continued work on this, but cannot find himself voting for this here this evening.

Councilor Sprague agreed with Councilor Witham he can't support this document as presented, probably for similar but also some added reasons. Such as the authorities that are addressed with the power and duties of the Commission, one of their objectives is they would like to establish their rules and regulations not any other body that is elected or paid. He read from the Ordinance "The HDC chair shall have final authority to approve with the City planner and code officer, conditionally approve or disapprove the applications from minimal impact." As this Ordinance stands we are giving authority to the chair of a Committee that is not an elected or paid professional from the City authorities, to him crosses boundaries that it doesn't need to. As said before Dover's Heritage Commission is more of a suggestive role in helping people developing their property, not an authoritative role which is what this is, this is more than what we currently have. His thought is that it is going in the wrong direction than we currently are. There is no tax benefit to anyone living or thinking about moving into that district to maintain their properties at difference levels than other tax payers. Giving a board that is once again not elected, but is appointed, authority like this is just going in the wrong direction.

Councilor Vincent is also against this Ordinance at this time. He spoke from a builder's perspective; he is all for having really nice historic buildings. But there seems to be in the past where some people have constructed new buildings in the area and there isn't one bit of history that was added to it, so he feels it is a bit of a double standard. He stated that because of the cost in the upkeep of these buildings they are not always maintained to the best.

Councilor Levasseur stated it was mentioned that we have been subjective with our votes. If you look the Ordinances that are before us tonight and you compare them what was before there is a lot of clarifying language. The fact that we are adding this clarifying language especially around minimal and major impact, it's helping to guide us along, with additional work. He joined this board shortly after this discussion; he didn't have the chance to add his two cents into that conversation. He is in favor of taking another in depth look. The size of the district as it sits right now, we can work with it a little bit, he agreed with Councilor Sprague. He stated that Councilor Sprague pointed out earlier that the balance between historic preservation and maintenance and the challenges that lie with that. He thinks property maintenance issues within the City, as pointed out in the earlier public hearings, that there is an issue with code enforcement within the City. He thinks that is part of the perceived issue. As it stands, urban renewal took a chunk out of Main St, with the housing on Washington St and the Plaza. He would hate to see chunks of our historical architecture removed.

Councilor Sprague thanked Councilor Levasseur that he brought up the size of the district. He believed that we may be in the top 3 largest historical districts in New Hampshire. History itself is subjective, so when you talk about a new building going up in the district 2016 has history too. He also used the example of his house being built in 1921 and his shutters looking like they are from 1921, which is the depression era. He believed that the fact that landscaping has to be

approved is just ridiculous, where is the line drawn. This needs to be scaled back a lot and is far reaching. It should be voted down and changed to something similar to what Dover has.

Councilor Witham stated that this is a good, healthy conversation. If we choose not to pass this tonight it doesn't mean that our Historic District goes away, it just means that they continue to function as they have, until we decide to do something different. Timing is everything in opening comments we had someone speak about trash and property maintenance. We lament about it often, if City staff doesn't get the message that this is among the most important things that we need to do in this community then they have not been listening. He watched recently, what is going on in the City of Rochester where their Council is kind of nervous about the amount of code enforcement that is going on. They are the exact opposite of us, their Council wants to use white gloves and we'd rather have a mix of white gloves and a hammer when necessary. Part of it, in the recent months, is that the code enforcement officer position has been vacant and we are looking to fill it. He pulled up a report that the Council used to get the records stated that, there were an estimated 100 violations in the month of June 2018. Of those there were a number of violations in the Historic District; Grove St, Prospect St, Grand St, Linden St. The report didn't show whether it was because of an HDC violation or not. He sat on the HDC as the Council Representative for a short time, so what he learned over time is that there are often people that undertake building projects within the district and then get stopped, or flagged by our code enforcement office for work that wasn't approved by the HDC. Although, his gut tells him there is a lot less of that now, there is still some of that, which says to him that not everybody is on board in the Historic District. Then there are some people who don't know they are in the Historic District, which is hard to believe, maybe there is some disconnect and a chance for some marketing to be done. He knows that the current members are doing more than that now than perhaps there has ever been. The Historic District requires oversight by City staff, which is really tough now that we are down a position.

Councilor Levasseur stated that Councilor Sprague asked where, "Does this stop?" He can tell you where it starts, it starts at a 12" diameter it's an exempt activity to remove a tree that's larger than a 12" diameter. The reasoning behind that is because trees have history. That is the specific language that has been added to this Ordinance. It was mentioned that there is no value in having this Historic District, but that is not true. We have approved a developer's project for a 79E application, David Baker, who has done the Teatoller building and is looking into doing another project at Leroy Style's building. He believes that he is here because of the value he finds in the Historic District.

Councilor Dumont stated that he struggles because the current HDC staff is very sincere and professional when dealing with the approach to the public. It is very difficult to look at it from a stand point when you are trying to correct the wrongs of many others. When this district was founded it was because this was a run amuck problem in what he considered our Historic District, in his opinion is on the hill. When they started turning the large houses from single family residences to multi-family residences, he believed that was the beginning of the demise of the Historic District. There are properties up there now that if you are an historic buff and you were tuned into Somersworth's progress you would see that the digression started in 1985, continues today. When someone has to replace their home due to a catastrophic event, such as a fire, there's no particular guideline that the house that is rebuilt, has to maintain its historical character, but most prominent is that our past Mayor Mr. Lincoln Soldati, had a terrible loss, today it sits with no potential of development. He thinks that the current Commission has made tremendous progress in educating the public by publicizing their meetings and trying to have educational forums and being very creative with the applicants. There is value in buying a property and

restoring it to its historic value. He is going to support this document as is.

Councilor McCallion stated he jumped on this Council eight years ago for him and he jumped on this Council because of absentee landlords. We fought hard to change state law; we did a lot of work. There is no incentive for the Historical District if you did an overlay or a 79-E and you said to people if you maintain your home, it will freeze your value for a few years and you're going to gain that back in the taxes or there is other mechanisms that the state offers where you build up the infrastructure around that area. So the extra increment that you value in your house goes to sidewalks and roads in that district. He agreed with Councilor Sprague in regards to the approval process. He can't support this tonight; he thought it was going to come back more as an advisory board.

Councilor Pepin has mixed feelings. He had a resident take him up there. There are some buildings that are prestigious and the one next door is awful. Somewhere along the way there has to be a happy medium. He feels that some buildings can be improved upon on the hill without a lot of cost. The Historical Commission is trying to change the list of products allowed to align with products available today. He doesn't agree with the chair having the authority to make the decision. He thinks some stuff has gone overboard in this draft but a lot of it is needed. What is frustrating is that they have opened their doors for all of our comments to be heard before we got to this point and he is not sure how many of us did. He thinks that a lot of this could have been solved prior to this point.

Councilor Witham stated there are a couple of conversations taking place right now. One is to change this all together and make it an advisory, get rid of the HDC and the Historic District, then there are we just don't like what's in front of us here tonight, let's revisit that. The third conversation is to keep what's in front of us tonight as the new Ordinance. He is not on board with demolishing the Historic District or the Historic District Commission right now he just wants it to be tightened up a bit, he wants it to be a cumbersome process. He thought he conveyed his thoughts that he wanted to shrink the size of the district. Do the people that live in this district want this; I think it is a healthy mix of yes and no's. He doesn't know what the answer is, but we are not there with this draft. He thinks it is best to say no to this draft, send it back to the Committee to rework it and bring it back. Maybe the answer is to have a workshop with the HDC and the Council that has not happened. If there was one and I missed it, I apologize.

Councilor Levasseur asked that the chair be allowed to remind the Council when that date was. Mayor did not have that date available. Levasseur stated he meant the HDC chair, the Mayor stated no he will have to suspend Council rules and he will not allow for another breach of rules.

Councilor Dumont made a motion to suspend Council rules to allow for the HDC chair to address the Council, seconded by Councilor Vincent. Motion Passed 7-1.

Laura Berry, HDC Chair, came up to the podium but she didn't know the date that the workshop was held, she doesn't think that anyone showed up besides the HDC.

Councilor Levasseur stated that we have discussed the negligence of the past that led us to the condition the district as it looks now. We've discussed the challenges that we face and dealing with code enforcement. As he understands it, the law requires that we can only contact the property owners; maybe we need to look at working with our legislators to allow us to contact the residents/tenants. The HDC is one of the hardest Commissions that he has served on in this City


over the past year. We have been working really hard to preserve the history in the City. He would like to lay out a potential remedy; he does agree that this document needs a little more work. Another solution would be to come to the Council with our redefined standards for review, as well as the reworking the size of the district.

Councilor Witham made a motion to table Ordinance 4-19, seconded by Councilor Pepin. Motion passed 9-0.

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

UNFINISHED BUSINESS

RESOLUTIONS

	<p style="text-align: center;">City of Somersworth – Resolution</p> <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>
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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

Discussion

Resolution No. 21-19 is referred to the Government Operations Committee by the Mayor for further review. There are some questions on how the list would be produced and how the accolades would be able to be maintained.

Councilor Witham suggested that this also be referred to the Public Works & Environment Committee. Mayor answered that he can only have it assigned to one Committee at a time, but will keep that in mind after the Government Operations Committee is complete.

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:	12/3/2018
Public Hearing:	12/3/2018	Removed From Table:	
Second Read:	12/3/2018		

Discussion

Councilor Witham made a motion to approve Resolution No 22-19, seconded by Councilor Pepin.

Councilor Witham stated this idea surfaced out of a number of different places. First we all know the vision of the community to hopefully transform what is currently Stein Park into a Veteran's Park. We also know that over the last number of years this body has worked feverishly to the funding of out road repair and resurfacing efforts and in his opinion have done some pretty good work in that area. We have also recognized the cost of that roadway. Fair Court is not just putting hot top down, that is a reconstruction similar to what was done on Horne St. Also when we look at roads we are going to resurface or what roads we are going to tackle, we also look at traffic counts on those roads. If you have noticed we have gone after more traveled roadways to repair. It was kind of a quick thought process to say let's just include Fair Court as part of the park. He doesn't think the Council recognized that it was used for those properties when we initially gave thought to it before doing away with Fair Court. We also learned a little bit than when you discontinue a road you draw a line down the center, half of the road goes to the City; the other half goes to property owners. If we do not discontinue Fair Court, it is in such bad shape that it is definitely going to be at the top of the list for repair next year.

Councilor Vincent stated that there is no doubt in his mind that we can't restructure this and change the lines here or there to make an in and out that's adequate for the people and still have part of it for the park. He thinks we should go back to the drawing board to reconfigure it.

Councilor Sprague stated that it is his understanding that we have already attempted to do that and it has been shot down. He would like to table this and bring this back to the Committee level. There is no need to act tonight, there is nothing that can be done right now. He believes if it at least a 50ft wide road, that would leave 25ft to be given back to the property owners to take care of as they wish. They could pave it and make it a driveway or they could also loam it. He is concerned with Mr. DiCiccios' property and his apartment is kind of land locked, I think. He doesn't think a decision needs to be made today.

City Manager stated that when we were at the table discussing this with the abutter and their attorney we did talk about some land swapping. They gave that some due consideration for several days and came back and said that they wanted to stay firm and put the responsibility back onto the City to repair it and continue to maintain it. But we are certainly willing to discuss in Committee and then go back to the abutters and see if some other resolution can placed on the table for consideration.

Councilor Levasseur asked if this been discussed with the Traffic Safety Committee? Mayor

answered no.

Councilor Witham asked the City Manager if it has been conveyed that there are barricades up because the road is just that impassable. Public works staff has also put out hay bales to deal with some of the erosion. But there has been some adjustment to the upper side to allow for some access to the parking lot.

City Manager answered that yes that is true; we have slid over the barricades to allow for access to the upper parking lot.

Councilor Witham asked if we were to table this tonight and it took until March to come up with a solution. We haven't created an undo situation for the property owners, is that fair to say?


City Manager answered you would have to ask them, they want full access is their position. Certainty he has spoken to our public safety official particularly our Fire Chief, there is some availability for police cruisers, ambulances to gain access. Fire trucks would utilize Main St for those buildings.

Councilor Sprague made a motion to table Resolution 22-19, seconded by Councilor Witham. Motion passed 9-0.

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 / / . Resolution 22-19		PASSED	FAILED

NEW BUSINESS

ORDINANCES

	City of Somersworth – Ordinance
	Ordinance No: 6-19 CITY COUNCIL MEETING SCHEDULE FOR 2019

December 3, 2018

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT, in accordance with Chapter 3.7 of the City Charter which provides that the City Council’s “regular meetings shall be held on the first and third Monday of the month at 7:00 p.m. unless otherwise designated by ordinance...” and Chapter 6, City Officials, Section 6.8.2 of the City Ordinances which also provides that the “City Council shall meet in regular session on the first and third Mondays of each month at 7:00 p.m., unless otherwise agreed on by a majority of the members of the Council” that the City Council Meeting schedule for 2019 shall be as follows:

- Monday, January 7th and Tuesday, January 22nd
- Monday, February 4th and Tuesday, February 19th
- Monday, March 4th and Monday March 18th
- Monday, April 1st and Monday, April 15th
- Monday, May 6th and Monday, May 20th
- Monday, June 3rd and Monday, June 17th
- Monday, July 1st
- Monday, August 5th
- Tuesday, September 3rd and Monday September 16th
- Monday, October 7th and Monday, October 28th
- Monday, November 18th
- Monday, December 16th

This Ordinance shall take effect upon its passage.

Authorization	
<i>Sponsored by:</i> Mayor Dana S. Hilliard	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 6-19

History

First Read Date:	12/3/2018	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	12/3/2018		

Action

Councilor Witham moved for adoption, seconded by Councilor Vincent.

Discussion

Councilor Witham made a motion to suspend council rules to allow for a second reading, seconded by Councilor Vincent. Motion passed 9-0.

Voting Record		YES	NO
Ward 1 Councilor	Pepin *	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	McCallion	X	
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:		9	
On 12/03/2018		Ordinance 6-19 PASSED	



City of Somersworth – Ordinance

Ordinance No: **7-19**

TO AMEND CHAPTER 13 POLICE OFFENSES, SECTION F.1, TIME LIMITED PARKING – WASHINGTON STREET

December 3, 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:

Amend Chapter 13, Police Offenses, Section F.1, Time Limited Parking, Three Hour, by deleting:

- Washington St. on the southerly side between High St. and Green St. except the westerly 100 feet

This Ordinance shall take effect upon its passage.

Authorization

Sponsored by:

Mayor Dana S. Hilliard
Councilor Edward Levasseur

Approved:

City Attorney

City of Somersworth – Ordinance 7-19

History

First Read Date:	12/3/2018	Tabled:	
Public Hearing:	1/07/2019	Removed From Table:	
Second Read:			

Discussion

The Traffic Safety Committee conducted a test period of parking on Washington Street. This was specific to suspending the 3 hour stalls on Washington Street. The change was to allow open parking. The test period was conducted during the month of October. As a result of this test the Traffic Safety Committee would recommend rescinding the current 3 hour parking area and replacing it with open parking.

The original request was through The Somersworth Housing Authority. Director Debbie Evans had indicated the 3 hour parking was a hindrance to the use of their Pavilion. The issue was simply that most events at the pavilion ran longer than the 3 hour parking allowed by ordinance. Some similar concerns were echoed by visiting service providers to the seniors residing on Washington Street.

This Ordinance will remain in 1st read until the January 7, 2019 meeting.

A public hearing will be scheduled for the January 7, 2019 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 / / Ordinance 7-19			



City of Somersworth – Ordinance

Ordinance No: **8-19**

**TO AMEND CHAPTER 13 POLICE OFFENSES, SECTION G,
PERMIT AND RESERVED PARKING – FORMER NARD’S
APPLIANCE PARKING LOT**

December 3, 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:

Amend Chapter 13, Police Offenses, Section G, Permit and Reserved Parking, by deleting:

- When signs are erected giving notice thereof, it shall be unlawful for anyone having custody or control of a vehicle to park without a permit issued by the Chief of Police or his designee to the owners of businesses located in the downtown area of High Street for a parking area (rear City Parking lot of the former Nard’s Appliance, 74 High Street,) known as Constitutional Way Parking Lot, 16 parking stalls for permit parking only at a rate of \$20.00 per month.

This Ordinance shall take effect upon its passage.

Authorization

Sponsored by Request:
Mayor Dana S. Hilliard

Approved:
City Attorney

City of Somersworth – Ordinance 8-19

History

First Read Date:	12/3/2018	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	12/3/2018		

Action

Councilor Witham moved for adoption, seconded by Councilor Levasseur.

Discussion

The former City parking lot off Constitution Way (rear of former Nard's Appliance) is no longer City owned.

Councilor Witham made a motion to suspend council rules to allow for a second reading, seconded by Councilor Levasseur. Motion passed 9-0.

Voting Record			YES	NO
Ward 1 Councilor	Pepin	*	X	
Ward 2 Councilor	Vincent		X	
Ward 3 Councilor	Dumont		X	
Ward 4 Councilor	McCallion		X	
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:			9	
On 12/03/2018 Ordinance 8-19			PASSED	



City of Somersworth – Ordinance

Ordinance No: **9-19**

**TO AMEND CHAPTER 13 POLICE OFFENSES, SECTION G,
PERMIT AND RESERVED PARKING – SNOW EMERGENCY
PARKING ON NOBLE STREET AND RIVER STREET**

December 3, 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:

Amend Chapter 13, Police Offenses, Section G, Permit and Reserved Parking, by adding:

When signs are erected giving notice thereof, it shall be unlawful for anyone having custody or control of a vehicle to park or cause to be parked in a designated area:

- 17 parking stalls along Noble Street (south side) adjacent to Noble Pines Park, and
- 5 parking stalls along River Street, adjacent to Jules Bisson Park,

without a valid permit issued by the Chief of Police. These parking stalls will be available November 1st thru March 31st each year for permit parking only at a rate of \$20.00 per month. Permitted vehicles displaying a valid permit are authorized to park a vehicle in this area during the designated dates and during a declared “Snow Emergency”. However at the completion of the “Snow Emergency” vehicles in these permitted areas will be moved no later than 8:00am of the following day.

This Ordinance shall take effect upon its passage.

Authorization

Sponsored by Councilors:

Martin Pepin
Kenneth S. Vincent
David A. Witham

Approved:

City Attorney

City of Somersworth – Ordinance 9-19

History

First Read Date:	12/3/2018	Tabled:	
Public Hearing:	01/07/2019	Removed From Table:	
Second Read:			

Discussion

The permits may be obtained through the Police Department and will be offered on a first come basis.


Councilor Levasseur made a motion to suspend council rules to allow for a second reading, seconded by Councilor Pepin. Motion failed 0-9.

This Ordinance will remain in 1st read until the January 7, 2019 meeting.

A public hearing will be scheduled for the January 7, 2019 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 / / Ordinance 9-19			

RESOLUTIONS

	City of Somersworth – Resolution
	<p>Resolution No: 23-19</p> <p>PROCLAMATION DECLARING JANUARY DIVERSITY MONTH IN THE CITY OF SOMERSWORTH</p>

December 3, 2018

WHEREAS, January 15, 2019 will mark the 90th birthday of the Rev. Martin Luther King, Jr.; and

WHEREAS, the “dream” of equal treatment, is the foundation of human rights and democratic values; and

WHEREAS, our nation has worked towards the goal of fulfillment of this commitment for over 242 years; and

WHEREAS, the City of Somersworth has become a model of a community which embraces and promotes its diversity; and

WHEREAS, the City of Somersworth is committed to the values of equality and liberty stated in the Declaration of Independence, United States Constitution, New Hampshire State Constitution and City Charter; and

WHEREAS, the Rev. Martin Luther King, Jr. reminded us that freedom, liberty and equality must be protected for all citizens and that “from the prodigious hilltops of New Hampshire, let freedom ring.”

NOW, THEREFORE, BE IT RESOLVED THAT the City of Somersworth encourages all residents, including community groups, schools and institutions to continue to work toward fulfilling Dr. King’s dream of the elimination of all barriers to the fulfillment of equal opportunities and human rights; and

The City of Somersworth calls upon all citizens to reflect during this month on the message of Rev. Martin Luther King, Jr. and commit themselves throughout the year to join the fight for the elimination of all forms of discrimination and disadvantage and to ensure that everyone has the right to live in conditions of dignity, respect and peace; and

The Somersworth Mayor and City Council hereby declare that January, 2019 be Diversity and Equality Month in the City of Somersworth and that the City of Somersworth along with all of its citizens hereby recommits itself to the fulfillment of Rev. Martin Luther King, Jr.’s “Dream.”

Authorization	
<p><i>Sponsored by:</i></p> <p>Mayor Dana S. Hilliard Councilor Dave A. Witham Councilor Dale R. Sprague Councilor Martin P. Dumont, Sr. Councilor Richard Michaud Councilor Edward Levasseur Councilor Nancie Cameron Councilor Jonathan McCallion Councilor Kenneth S. Vincent Councilor Martin Pepin</p>	<p><i>Approved:</i></p> <p>City Attorney</p> <p style="text-align: center;">38</p>

City of Somersworth – Resolution 23-19

History

First Read Date:	12/03/2018	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	12/3/2018		


Action

Councilor Witham moved for adoption, seconded by Councilor Pepin.

Discussion

Councilor Witham made a motion to suspend council rules to allow for a second reading, seconded by Councilor Dumont. Motion passed 9-0.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	McCallion	X	
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:		9	
On 12/3/2018 Resolution 23-19		PASSED	

	City of Somersworth – Resolution
	<p>Resolution No: 24-19</p> <p>TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH IRONWOOD DESIGN GROUP OF NEWMARKET, NH TO PROVIDE A PRELIMINARY CONCEPTUAL REDESIGN FOR THE VETERAN’S MEMORIAL AT STEIN PARK</p>

December 3, 2018

WHEREAS, on June 4, 2018, Mayor Dana S. Hilliard announced the formation of the Veteran’s Park Commission to redesign Stein Park so that it may become a living tribute to all the brave men and women who answered the call of defending this great nation, and

WHEREAS, the Veteran’s Park Commission would like to proceed toward the goal of the Commission by preparing a definitive plan including a preliminary redesign with estimated costs, and

WHEREAS, City staff solicited a proposal from Ironwood Design Group to redesign the Veteran’s Memorial at Stein Park, and

WHEREAS, the Veteran’s Park Commission reviewed this proposal with City staff and supports contracting with Ironwood Design Group to provide a preliminary conceptual redesign for the Veteran’s Memorial at an amount not to exceed \$7,500 (Seven Thousand Five Hundred dollars), and

WHEREAS, The Finance Committee reviewed this proposal with City staff and supports the recommendation and further supports this contract being funded out of the Cable Fund,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with Ironwood Design Group, in an amount not to exceed \$7,500, to be funded out of the Cable Fund, and to take any other actions relative to this project determined to be in the best interest of the City.

Authorization	
<p><i>Sponsored by:</i> David A. Witham Martin P. Dumont, Sr. Martin Pepin</p>	<p><i>Approved:</i> City Attorney</p>

City of Somersworth – Resolution 24-19

History

First Read Date:	12/3/2018	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	12/3/2018		

Action


Councilor Dumont moved for adoption, seconded by Councilor Witham.

Discussion

Councilor Witham made a motion to suspend council rules to allow for a second read, seconded by Councilor Dumont. Motion passed 9-0.

Councilor Witham made a motion to amend the last paragraph to change from \$7000 to \$7500, seconded by Councilor Dumont. Motion passed 9-0.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	McCallion	X	
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:		9	
On 12/3/2018 Resolution 24-19		PASSED	

	<div style="text-align: center; background-color: #d3d3d3; padding: 5px;">City of Somersworth – Resolution</div> <p>Resolution No: 25-19</p> <p>TO NOTIFY THE CITY TAX COLLECTOR THAT THE CITY COUNCIL SHALL NOT ACCEPT A TAX DEED ON PROPERTIES LOCATED ON WEXFORD LANE AND BLACKWATER ROAD SUBJECT TO AN UNREDEEMED TAX LIEN</p>
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December 3, 2018

WHEREAS, RSA 80:76 directs the Tax Collector, after 2 years, to execute to the City a deed of the land subject to the real estate tax lien and not redeemed, and

WHEREAS, the Governing Body of a municipality may refuse to accept a tax deed on behalf of the municipality because in its judgment, acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, or for any reason that would be contrary to the public interest,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Tax Collector be notified that for those reasons the City shall refuse to accept the tax deeds on property located at the following locations:

<u>Location</u>	<u>Tax Map/Lot</u>
5 Wexford Lane	35-12A
7 Wexford Lane	35-12B
30 Blackwater Road	35-14

Authorization	
<i>Sponsored by:</i> David A. Witham Dale R. Sprague Martin P. Dumont, Sr. Martin Pepin	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 25-19

History

First Read Date:	12/3/2018	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	12/3/2018		

Action

Councilor Witham moved for adoption, seconded by Councilor Michaud.

Discussion

Note – It is believed that these properties contain contaminated soils and /or buried debris.

Councilor Witham made a motion for Resolution 25-19 be read by title only, seconded by Councilor Michaud. Motion passed 9-0.

Councilor Witham made a motion to suspend council rules to allow for a second reading, seconded by Councilor Michaud. Motion passed 9-0.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	McCallion	X	
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:		9	
On 12/03/2018 Resolution 25-19		PASSED	



City of Somersworth – Resolution

Resolution No: **26-19**

TO NOTIFY THE CITY TAX COLLECTOR THAT THE CITY COUNCIL SHALL NOT ACCEPT A TAX DEED ON CERTAIN MANUFACTURED HOUSING UNIT PROPERTIES SUBJECT TO AN UNREDEEMED TAX LIEN

December 3, 2018

WHEREAS, RSA 80:76 directs the Tax Collector, after 2 years, to execute to the City a deed of the land subject to the real estate tax lien and not redeemed, and

WHEREAS, the Governing Body of a municipality may refuse to accept a tax deed on behalf of the municipality because in its judgment, acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, or for any reason that would be contrary to the public interest,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Tax Collector be notified that for those reasons the City shall refuse to accept the tax deeds on manufactured housing unit properties located at the following locations:

<u>Location</u>	<u>Tax Map/Lot</u>
47 Colonial Village	81-47M
90 Colonial Village	81-90M
48 Crystal Springs Way	82-19M
47 Crystal Springs Way	82-22M
69 Crystal Springs Way	82-53M
65 Crystal Springs Way	82-57M
63 Crystal Springs Way	82-59M
7 Bears Way	83-26M
16 Dudley Court	83-29M
101 Sherwood Glen	87-101M
113 Sherwood Glen	87-113M
208 Sherwood Glen	87-208M
409 Sherwood Glen	87-409M
520 Sherwood Glen	87-520M
629 Sherwood Glen	87-629M
687 Sherwood Glen	87-687M

Authorization

Sponsored by:

David A. Witham
Dale R. Sprague
Martin P. Dumont, Sr.
Martin Pepin

Approved:

City Attorney

City of Somersworth – Resolution 26-19

History

First Read Date:	12/3/2018	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	12/03/2018		

Action


Councilor Levasseur moved for adoption, seconded by Councilor Cameron.

Discussion

Councilor Witham made a motion for Resolution 26-19 to be read by title only, seconded by Councilor Michaud. Motion passed 9-0.

Councilor Witham made a motion to suspend council rules to allow for a second reading, seconded by Councilor Michaud. Motion passed 9-0.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	McCallion	X	
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:		9	
On 12/03/2018 Resolution 26-19		PASSED	

	City of Somersworth – Resolution
	Resolution No: 27-19 NAMING CERTAIN PRIVATE ROADS: MEADOW WAY, STILLWATER CIRCLE AND ASSIGNING ADDRESSES IF REQUIRED

December 3, 2018

WHEREAS, the River Valley Development Corporation has requested certain streets within their Planning Board approved subdivision off Green Street just south of Indigo Hill Road to be named Meadow Way and Stillwater Circle and

WHEREAS, this recommendation was approved by the City’s E-911 Street Name and Address Committee on November 20, 2018, and

WHEREAS, the main road to this new development would be named Meadow Way intersecting with an interior road which would be named Stillwater Circle, and

WHEREAS, this action is in accordance with RSA 231:133; RSA 231:133-a; RSA 106-H; State of NH, Department of Safety, Division of Emergency Communications Addressing Standards, and Chapter 19, Section 23, of the City of Somersworth Ordinances; and furthermore, that this action does not constitute acceptance of the above-named roadways by the Somersworth City Council.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH that these private roads shall be named Meadow Way and Stillwater Circle and addresses shall be assigned as necessary.

Authorization	
<i>Sponsored by Councilor:</i> Martin Pepin	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 27-19

History

First Read Date:	12/3/2018	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	12/3/2018		

Action

Councilor Pepin moved for adoption, seconded by Councilor Cameron.

Discussion

Councilor Pepin made a motion to suspend council rules to allow for a second read, seconded by Councilor Levasseur. Motion passed 9-0.

Voting Record			YES	NO
Ward 1 Councilor	Pepin	*	X	
Ward 2 Councilor	Vincent		X	
Ward 3 Councilor	Dumont		X	
Ward 4 Councilor	McCallion		X	
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:			9	
On 12/03/2018 Resolution 27-19			PASSED	

OTHER

Vote on the Somersworth School District SAU 56 Withdrawal: “Shall the Somersworth School District Create a Planning Committee to Study the Feasibility of Withdrawal from SAU 56?”

Councilor Witham first had a question regarding some clarification of the question. He asked that should the School Board be creating this or is it your office your honor, is it truly the school district that creates this committee? The Mayor answered him that there are various appointments that take place onto the committee; he yielded to the City Manager. City Manager answered that he received correspondence from the superintendent of the schools that they engaged their school attorney to research state law. Their attorney specifically laid out the statutes on how the language of the question needed to be, who needs to vote on it, and what the committee would be comprised of. Councilor Witham continued that he has gone back and forth on this decision and has put a lot of thought into this. The comments the Mayor spoke of tonight have swayed him to support this. At this point in time we are merely forming a committee to study the feasibility of this process. There is still a little bit of apprehension in me. What has been a question for him is whether or not our formula makes sense with 86% Somersworth and 14% Rollinsford, or some math like that. Where did that math come from? Where was it generated? Is it a decades old policy, should it be revisited? This committee could look at all those details and flush that out and begin to look at whether or not this is in feasible. He will support this tonight because it moves us in the right direction.

Councilor Vincent said it is pretty simple you don’t send your kids here why should you have a say.

Councilor McCallion said he thought we were going to do this when they took the vote to withdraw 8 years ago, not sure why it wasn’t done then.

Councilor Witham made a motion to request for a roll call vote, seconded by Councilor Sprague. Motion passed 9-0.

Roll call vote was called: Pepin, Vincent, Dumont, McCallion, Michaud, Witham, Sprague, Cameron and Levasseur all voted yes. Passed 9-0.

City Council certification of return of votes for the November 6, 2018 General Election

Certification of votes passed 9-0.

City Council certification of return of votes for the November 6, 2018 Special Municipal Election

Certification of votes passed 9-0.

CLOSING COMMENTS BY VISITORS

Gerri Cannon, representative elect, 113 Indigo Hill Rd, Ward 5, the Mayor mentioned this evening about the monthly Mayor forums and she wants to encourage all residents to

attend the forum to listen and to be involved. You don't have to come with an issue you just have to come and have conversation, and also some great donuts and coffee.

Richard Brooks, 18 Linden St, Ward 1, HDC vice-chair, disappointed that the vote didn't go in the affirmative for the Ordinance tonight, but glad that it was decided to table it. He agreed that there needs to be more conversation with this. One of the things that we tried to do is offer for the full council to come and chat with us, he believed that Mr. Witham is the only one that did. We are trying to make this better in many ways. There is so much misconception and misinformation out there, such as Green St; there are only 2 properties that are in the Historic District so the chances of the code violations being there are slim. We want to work with you, let's discuss this. There is a house up on the hill that hasn't finished his siding, he gets a tax break because his siding is half done and considered under construction.

The Mayor stated that he is going to schedule a workshop between the HDC and the Council in January.

Laura Berry, Ward 4, 211 Green St, she is just going to second a few things. She is happy that Councilor Pepin stated that a lot of this could have been brought up prior it got to this point. She is hopeful that the workshop can take care of that. She is sad to hear that we have lost yet another code compliance officer, because he did read through this and gave quite a good review on it. The HDC works with code compliance quite a bit. You can't just say that this is only a district problem, as we all see this is a City problem. She thanked City Staff for their help.

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Pepin has nothing but gratitude to the HDC for the amount of time that has been put into this; he knows that there were hundreds of hours put into it. He hopes to all get together to iron out the details.

Councilor Dumont coming into the season where we all feel good about what is going on. In the spirit of the season, he asked that you take consideration for the elderly, as that is most of Somersworth's population. A real feel good thing to do is to send a Christmas card to a neighbor. Since all the social media we have lost the art of sending a Christmas card. Always loves the snow plow drivers, however taking out ones mailbox used to be a game with drivers. He has received calls about mailboxes that have been taken out by the plow drivers. He is finding it hard that the City is not responsible for this. The parade was fantastic and it is a proud moment for this City. He empathizes with the comments from the owner of Rocky Hill Road homeowner. New owners of A&G tire, has a lot more unregistered vehicles and he has heard that the owners are selling cars without titles; he wants the police to take a look into it. Old Rail Pizza, Al Lavalley owner, they provided a Thanksgiving meal for free. Thanked Councilor Witham for bringing up the recycling issue. The corner of Green St and Stackpole Rd is a hazard and we need to do something about that. He is glad that E-911 Committee has decided to change the road names on the Green St development.

Councilor McCallion said that he enjoyed this past weekend in the parade and seeing everyone, amazing! He spoke to the Mayor about how much it has changed, when it used to go just around the block. There are too many people to thank Beth Poulin, Jenne

Holmes and the business' in the area. He went to his 30th high school reunion at The Falls Function Hall this past weekend, Smoke and Cream catered it. He was glad to hear people that hadn't been back in years to hear how positive the City has changed. Have a good Holiday!

Councilor Witham made a motion to suspend council rules to allow Council to meet past the 10:00pm hour, seconded by Councilor Michaud. Motion passed 8-0.

Councilor Michaud said that he has been approached and asked about the new fire station and his stance on it, he is in favor for the new fire station. Thanked his fellow Councilors for approving the redesign of Veteran's Park. Wished everyone a merry Christmas and a Happy New Year!

Councilor Witham started with mailboxes; there are a variety of policies across the state. Mailboxes are in the public right of way and not covered because someone put it there. The Indigo Hill Rd and High St light, it was meant for traffic to flow differently. Currently the signal box is out dated and the timing box is not working, it will be addressed with the CMAQ grant updates. He read the minutes of the Traffic Safety Committee to look at speed tables options. He would like to encourage other avenues to look at such as speed limit signs that flash your speed below. The traffic patterns in front of the school where the buses stop in the road and cars have to go around them into the other lane. Contitech's request for a street light at the intersection where the bus stop is, he has a potential option is to move some lights around. There are poles with lights at the Hilltop School with lights on them, we could remove one and use it out on Route 108. City Manager mentioned the CIP and if we had any suggestions, he would like to see if we can move the police crime scene unit into the next fiscal year's budget, he would be supportive of swapping that with a DPW unit. He marched in the parade and not his favorite time of the year.

Councilor Sprague thanked Bill Connor, who wrote a letter in appreciation about him and Roger Berube for their service to the state. Christmas parade went off great, he didn't walk in the parade this year; he pulled a float in it instead. He is glad that we do it with the town of Berwick. He thanked Councilor Vincent for the fireworks. To the two young ladies that read the essays tonight were phenomenal. Shows you that you can learn a lot from children, they are rising stars, and were very touching. With the re-writes of the HDC, he wanted to remind staff and Council that we have form based codes coming down the road. He doesn't want to see any friction with that. He participated in the no shave November and will be shaving his face tonight and can't wait to shave it off. Happy Holidays, be safe, see you in January.

Councilor Cameron was one of the lucky ones to be on the parade committee. There was a lot of work done with that committee to make the parade so successful. Thanked Ken Vincent for the fireworks they were phenomenal and the 125th Commission. She thanked the HDC and all the hard work that went into re-writing the Ordinance. Merry Christmas, Happy Hanukkah, Happy New Year!

Councilor Levasseur touched on the challenges with recycling and the given market. He would like to point out reducing the amount of intake and reusing as much as possible. He does not enjoy this time of year, and would like to challenge anyone to reach out to someone and write a letter or a card. He attended the new VA outpatient clinic on Route

108 opening today. The snow removal has left a lot to be desired. The sidewalks on the hill are not plowed he would like to talk to someone about that. The area around Market St, High St and Beacon St where the tractor couldn't fit, he suggested you may need to get out and shovel an area if the tractor doesn't fit. The partnership with Berwick was wonderful; he hopes to have more partnerships moving forward. Merry Christmas!

FUTURE AGENDA ITEMS

NONPUBLIC SESSION

ADJOURNMENT

Councilor Michaud, seconded by Councilor Sprague, made a motion to adjourn. The meeting adjourned at 10:09pm. Motion passed 9-0.

Kelly Gagne, Deputy City Clerk

Dana Hilliard, Mayor