



City of Somersworth
City Council Meeting
Monday, October 5, 2020

**THIS CITY COUNCIL MEETING WILL BE HELD AT THE BLACK BOX THEATER
AT THE SOMERSWORTH HIGH SCHOOL CAREER TECHNICAL CENTER
LOCATED AT 18 CEMETERY ROAD**

ROLL CALL OF MEMBERS

The meeting was called to order at 7:00 p.m. by His Honor, Mayor Dana S. Hilliard, and upon roll call the following Council members were present: Pepin, Vincent, Austin, Dumont, Witham, Gerding, Cameron, and Paradis. The following City Staff members were present: City Manager Bob Belmore, City Clerk Jonathan Slaven, Finance Director Scott Smith, Director of Planning and Community Development Michelle Mears, Chief of Police David Kretschmar, Fire Chief George Kramlinger

Don't need commas between unless you stated Bob Belmore, City Manager

Absent: Councilor Michaud

PLEDGE OF ALLEGIANCE

Councilor Paradis led the Pledge of Allegiance.

PUBLIC HEARING

There were no Public Hearing scheduled for this meeting.

COMMENTS BY VISITORS

There were no comments by visitors.

CONSENT CALENDAR

A. Approve Minutes of the City Council Meeting held on September 21, 2020

Councilor Witham made a motion to approve all items on the Consent Calendar. The motion was seconded by Councilor Cameron and passed 8-0 by voice vote.

COMMENTS BY CITY COUNCILORS

Councilor Dumont mentioned concerns about fire staffing on call backs.

Councilor Vincent wanted to echo the comments made by Councilor Dumont.

Councilor Witham suggested the Public Safety Committee investigate these types of matters concerning fire apparatus and staffing call backs.

Somersworth City Council Meeting
October 5, 2020

MAYOR'S REPORT

Mayors Report for City Council Meeting October 5, 2020

Last Friday I had the pleasure of hosting US. Senator Jeanne Shaheen and State Senator David Watters. The purpose of the round circle discussion was to allow our local city and school officials and opportunity to express how an extension of COVID care package money will be essential to ensure our community remains “On the Move!” As the unknowns continue, the support of the federal government will be critical to maintaining a high level of city services and top-quality education for our youth.

While Washington continues their stalemate in dialog, our Hilltop city has moved forward throughout the pandemic in maintaining and building Somersworth’s “Bright Future”. We have never shied away from making the difficult decisions necessary to keep our community safe, despite the unpopularity. We have kept our citizens posted on the latest date, have conducted public outreaches aimed at voluntary compliance and have kept projects and effective governing practices consistent. It is reassuring that despite a global pandemic, and continuing to navigate through the unknown, our community has never weakened or surrendered its Hilltopper values. Our greatest asset and pillars of our re-awaken and success is our dedication to each other and “Bright Future” of our community. As we slowly move into the darkness of the winter, it will be our internal light, our commitment to neighbor helping neighbor that will reaffirm our hope that we will prevail. Hang in there Somersworth, we have done well to date. Continue to support each other, encourage each other, protect each other, honor and love each other.

The day will come when we will celebrate how as a united community, we overcame the adversity before us, and kept our Hilltopper city “On the Move!”

- Under nominations, appointments and Elections; In accordance with Council Rule 17 Appointments, the following are being brought forward this evening for confirmation vote;
 - Richard Brooks, for Re-Appointment to the Zoning Board of Adjustment, with a term to expire September 2023
 - Chris Horton, for Re-Appointment to the Planning Board, with a term to expire September 2023
 - Tammy Sneddon, for Re-Appointment to the Trustees of the Trust Funds, with a term to expire September 2023

This respectfully concludes my October 5th, 2020 Mayors Report

REPORT OF STANDING COMMITTEES

Finance Committee - Councilor Witham informed Council that the Finance met on September 24th. They discussed a possible ADA study for the library as there has been some concern for some time. He further explained that it is not a budgeted item and the Finance Committee saw it necessary to bring to Council through a Resolution, though the Committee has no direct objections. Councilor Witham also said the Committee discussed a repair of the water treatment plant filter mechanisms

which was unanticipated, but necessary. The Finance Committee also discussed the sidewalk tractor and saw the need to purchase a new one due to excessive repair costs taking place replace it. Initially, it was thought we would be able to use transport fund, but legal opinion found this fund cannot be used. Councilor Witham stated he spoke with Manager Belmore and will be meeting soon to examine alternative funding strategies. He also spoke to eligible funding through reimbursement to do with the election.

Government Operations Committee – Councilor Gerding stated that the Government Operations Committee met on September 30th. He gave a brief background as to why it was decided to rescind the recommendation to approve Ordinance 23-20. He said, currently employees have to prove they receive health insurance through another company before receiving the stipend, making the Ordinance unnecessary. Councilor Gerding also spoke to a proposed change to the members of the Licensing Board. He stated that the Committee moved to recommend removing the City Clerk and add the City Manager, or designee. Councilor Gerding also spoke about Ordinance No. 7-21, to amend chapter 6, adding language for the Public Safety Committee. He stated the Committee discussed different avenues in trying to make substantive change and reached consensus on new language in a red-lined version.

Economic Development Committee – Councilor Austin said the EDC met on September 23rd. The Committee reviewed a sign application for the Speed of Sound located in Somersworth Plaza and owner Chris Jones was present. He stated the application passed requirements of the City Ordinances and Committee voted to approve the application with conditions of the sign matching other signs in the plaza and patching any holes from the previous sign. Councilor Austin stated that the Committee also discussed a potential developer looking at the old super market (Lucky's). The developer had discussions with the City and wanted 25 leased spaces for 30 years. The Committee agreed that with the combination of the number of spots and the length of the lease, this was unnecessary as there are always open spaces and this could take away spots from other businesses in the plaza.

Public Safety – Councilor Pepin stated the Committee will meet this Wednesday October 7th.

Public Works & Environment – Councilor Witham stated that the Committee met on September 24th. The Committee discussed Ordinance No. 5-21, concerning bees and apiary on Somersworth properties. He stated that Manager Belmore has done a lot of research and the Committee poured through what other communities were doing with this. The Committee unanimously endorsed moving the Ordinance forward with a number of amendments addressing number of hives and associated acreage. Councilor Witham stated the Committee also discussed various ongoing projects with our parks and road repair projects.

Recreation Committee – Councilor Cameron stated the Recreation Committee had nothing to report.

REPORT OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

School Board – Councilor Pepin said the School Board met on September 22nd, where the Superintendent announced that phase two of construction would be operational soon. He stated the Board discussed whether or not to allow sports take place. He also noted that the Super Intendent informed the Board they got results on State retirement system and there was a 18% increase.

COAST – Councilor Pepin stated COAST is in the process of doing the budget for next year and thinks there may only be around 75% ridership. He stated they are trying to get funding from Maine since there isn't many current options in New Hampshire. He reported a 4.5% increase in insurance and a 5% increase in auto insurance. COAST agreed on a 1% increase in wages for drivers.

Fire Station Building Committee – Councilor Pepin stated that Manager Belmore and Finance Director Scott educated the Committee how the bond for the new station works and gave background to the construction management process.

Traffic Safety Committee – Councilor Vincent stated the Committee met September 23rd. He said they had not met in several months and noted growing concerns about downtown parking. Councilor Vincent also spoke to a potential issue of tractor trailers coming from Buffumsville Road to Indigo Hill road and had the chairman investigate possibly re-routing the tractor trailers. He said the Committee considered two areas in town requesting handicapped parking, but both were denied since the need for these can be too sporadic

City Manager's Report

Office of the City Manager

TO: Mayor Dana S. Hilliard and City Council Members
FROM: Robert M. Belmore, City Manager
DATE: Friday, October 2, 2020
SUBJECT: City Manager's Report for Monday, October 5, 2020

Unfinished Business (Under Section 14 of Agenda)

Ordinances

- A. Ordinance No. 23-20: To Amend Chapter 4, Personnel Rules & Regulations, Section 11.3.1, Health/Dental Insurance, Regarding Spouses Employed by the City.** The Government Operations Committee met on September 30th and voted to accept my request to rescind my recommendation to adopt this proposed Amendment. After a real time decision review, I think the present language is specific enough as written, so that the \$5,000 stipend is only available to employees who can provide documentation of health insurance coverage outside of City coverage.
- B. Ordinance No. 5-21: To Amend Chapter 19 – Zoning, Section 25.B, Agricultural Use.** The Public Works & Environment Committee are still reviewing this proposal. The Committee met on September 24th and provided guidance to assist Staff in developing a proposed Amendment to allow Bee Keeping with certain zoning parameters such as a setback of 20 feet for the location of a hive.

- C. Ordinance No. 7-21: To Amend Chapter 6 – City Officials, Section 6.6.2.4, Public Safety Committee.** The Government Operations Committee met on September 30th and voted to offer the attached Amendments to the original proposed language.

New Business (Under Section 15 of Agenda)

Other

- A. Vote to Set Polling Hours for General Election 7:00 a.m. – 7:00 p.m.**
- B. Vote to Request the School Board to Authorize the Use of the Somersworth High School Cafeteria for Ward 3 and the Idlehurst Elementary School Cafeteria for Ward 4 as Permanent City Polling Locations Unless or Until Rescinded.**
(Requested by Mayor Hilliard)

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

A. Informational Items.

- 1. Project Updates.**
 - a. City Hall ADA automatic doors are installed.
 - b. The City Hall parking lot has been repaved.
 - c. Repairs to Blackwater Road are complete.
 - d. Rye Beach Landscaping is back on-site working on the new Veterans Memorial.
 - e. The Dog Park should be able to be open in a couple of weeks.
- 2. Halloween Trick or Treat.** In light of the CDC ruling that this Halloween activity is a high-risk category during this COVID-19 pandemic, the City has decided to not encourage Trick-or-Treat this year. Therefore, we will not set Trick-or-Treat hours (per consensus of the Mayor, Police Department and City Manager).

Please note: Our Recreation office will soon be announcing virtual Halloween activities.

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Nominations requiring a Council Confirmation Vote:

- B. Richard Brooks, for Appointment to the Zoning Board of Adjustments, with a term to expire September 2023**

Councilor Vincent made a motion to appoint Richard Brooks as a member of the Zoning Board of Adjustments with a term to expire September 2023. The motion was seconded by Councilor Cameron and passed 8-0 by voice vote.

- C. Chris Horton, for Appointment to the Planning Board, with a term to expire September 2023**

Councilor Witham made a motion to appoint Chris Horton as a member of the Planning Board with a term to expire September 2023. The motion was seconded by Councilor Witham and passed 8-0 by voice vote.

- D. Tammy Sneddon, for Appointment to the Trustees of the Trust Fund Committee, with a term to expire September 2023

Councilor Austin made a motion to appoint Tammy Sneddon as a member of the Trustees of the Trust Fund Committee with a term to expire September 2023. The motion was seconded by Councilor Cameron and passed 8-0 by voice vote.

UNFINISHED BUSINESS

ORDINANCES

- E. **Ordinance No. 23-20** - To Amend Chapter 4, Personnel Rules & Regulations, Section 11.3.1, Health/Dental Insurance, Regarding Spouses Employed by the City (**Referred to Government Operations Committee 7/13/2020**)

Councilor Gerding stated that the Government Operations Committee accepted the request by Manager Belmore to rescind this Ordinance.

Councilor Gerding moved to NOT approve Ordinance No. 23-20. The motion was seconded by Councilor Witham and passed 8-0 by roll call vote. Ordinance 23-20 failed to pass.

- F. **Ordinance No. 5-21** - To Amend Chapter 19 – Zoning, Definitions, Section 25.B, Agricultural Use (**Referred to Public Works & Environment Committee 7/13/2020; remains in Committee**)

- G. **Ordinance No. 7-21** – To Amend Chapter 6 – City Officials, Section 6.6.2.4, Public Safety Committee (**Referred to Government Operations Committee 09/21/2020**)

Councilor Pepin said this was not brought up to the Public Safety Committee and believes it should have been.

Councilor Witham moved to refer Ordinance No. 7-21 to the Public Safety Committee. The motion was seconded by Councilor Vincent and passed 8-0 by voice vote.

NEW BUSINESS

OTHER

- A. Vote to set polling hours for General Election 7:00 a.m. – 7:00 p.m.

Councilor Vincent said that a lot of residents are voting prior to the election and extending the time may be unnecessary.

Councilor Dumont said he agrees with Councilor Vincent. He would expect there will be less in-person votes than the last presidential election because the State has done a great job in allowing absentee ballots. He noted success of the absentee counting during the Primary Election and would support keeping the time from 7:00 a.m. – 7:00 p.m.

Councilor Cameron stated that having worked the polls herself would propose a compromise of a 7:30 close time.

Councilor Gerding stated that having the extra hour would allow extra time to process the ballots. It appears as if this election will have record turnout.

Councilor Witham noted that during the last General Election, he recalls a long line at City Hall during peak time around 5:00 p.m. – 7:00 p.m.

Councilor Paradis inquired about the early processing of absentee ballots.

Councilor Witham made a motion to set polling hours for the General Election 7:00 a.m. – 8:00 p.m. Councilor Austin seconded the motion and the roll call vote resulted in a 4-4 tie vote with Councilors Pepin, Vincent, Dumont, and Cameron voting ‘No’. The motion passed and the polling hours were set with Mayor Hilliard voting, Aye to break the tie.

- B. Vote to request the School Board to authorize the use of the Somersworth High School Cafeteria for Ward 3 and the Idlehurst Elementary School Cafeteria for Ward 4 as permanent City polling locations unless or until rescinded

Councilor Dumont stated that voting at High School was far better than previous elections.

Councilor Witham stated that he heard from many constituents that both locations worked well.

Mayor Hilliard requested a vote to request that the School Board approve the use of the Somersworth High School Cafeteria for Ward 3 and the Idlehurst Elementary School Cafeteria as permanent City polling locations unless or until rescinded. The vote to send the request passed 8-0 by voice vote.

COMMENTS BY VISITORS

There were no comments by visitors.

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Pepin spoke to issues encountered by our Fire Department and the help received by neighboring Towns and Cities. He believes the issue needs to be looked into as fire services are not what they used to be.

Councilor Vincent echoed comments from Councilor Pepin regarding the Fire Department. He also mentioned delays construction projects are experiencing due to the demand on contractors and we have to understand things don't always go to plan with construction during a pandemic.

Councilor Dumont spoke to questions on a recently received 5-year report on the landfill. He also spoke to the Ordinance regarding bees. Councilor Dumont also spoke to issues he perceived with the funding mechanisms of the State's retirement system.

Councilor Austin stated he would like the Traffic Safety Committee to talk about the safety of crosswalks throughout the City. He said he is glad to hear the dog park is almost ready to be open. He said he has been hearing a lot of talk about people being quarantined weary, though does believe what we have been doing is working. Councilor Austin is also pleased to hear there will be no official trick or treat hours as there is just too much risk.

Councilor Witham echoed Councilor Austin's point about Covid fatigue. He stated we have to remain vigilant, but hopes trick or treating can occur in 2021. Councilor Witham also spoke to the work on the solar field on Lilac Lane being nearly done, though sees standing water and no crushed stone where it was agreed to be installed.


Councilor Gerding conveyed concern about hyperbolic language being used to describe views on Ordinance No. 7-21. He stated he sees the Ordinance as a proactive measure and not to imply there is anything wrong with our Police Department. He sees the language as describing a continuous need to take time as a body to continuously improve. He hopes with the Ordinance being sent to the Public Safety Committee, they take as insightful measure as Government Operations Committee did and he hopes to see it again at Council. Councilor Gerding also wanted to remind people to get out and vote or request an absentee ballot.

Councilor Cameron stated she understands the frustrations with the construction hold ups and hopes to see Veteran's Park completed by Veterans Day. She also stated she feels bad for kids not being able to trick or treat this year, but thinks we are helping to keep people safe and the pandemic numbers low.

Councilor Paradis said having the polls open until 8:00 p.m. is great. She would also like to welcome new Director of Planning and Community Development, Michelle Mears. Councilor Paradis also spoke to a concern from a neighbor regarding speeding on Noble Street as it runs into Maple Street. People drive quickly around the corner and maybe a speed monitoring sign could be useful. She also wants to revisit the public art mural project she mentioned in a previous meeting. She stated, perhaps doing the crosswalks in a mural fashion could be a good idea. She also commented on a Halloween alternative called howl-o-ween, which is an online dog dressing contest.

ADJOURNMENT

Councilor Gerding made a motion to adjourn at the call of the Chair. The motion was seconded by Councilor Cameron and passed 8-0, by voice vote. The meeting adjourned at 8:44 p.m.

	<p style="text-align: center;">City of Somersworth – Ordinance</p> <p>Ordinance No: 23-20</p> <p>TO AMEND CHAPTER 4, PERSONNEL RULES & REGULATIONS, SECTION 11.3.1, HEALTH/DENTAL INSURANCE, REGARDING SPOUSES EMPLOYED BY THE CITY</p>
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June 15, 2020

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:

1. Amend Chapter 4, Personnel Rules and Regulations, Section 11.3.1, Health/Dental Insurance, by adding to the last paragraph:

This benefit shall not be available to any employee whose alternative health insurance is provided through a spouse's plan through either the City or the School District.

This Ordinance shall take effect upon its passage.

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

City of Somersworth – Ordinance 23-20

History			
First Read Date:	6/15/2020	Tabled:	
Public Hearing:	07/13/2020	Removed From Table:	
Second Read:	07/13/2020		

Discussion

06/15/2020

Ordinance No. 23-20 will remain in first read until the call of the Chair.

Public Hearing scheduled at the call of the Chair.

07/13/2020

Mayor Hilliard referred Ordinance No. 23-20 to the Government Operations Committee 7-13-2020

08/10/2020

Remains in Committee

09/09/2020

Remains in Committee

09/21/2020

Remains in Committee

10/05/2020

Councilor Gerding stated again that the recommendation to approve this Ordinance has been rescinded.

Councilor Gerding moved to NOT approve Ordinance No. 23-20. The motion was seconded by Councilor Witham and passed 8-0 by roll call vote. Ordinance 23-20 failed to pass.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud		
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Paradis	X	
TOTAL VOTES:		8	0
On 10/07/2020	Ordinance 23-20	PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: **5-21**

**TO AMEND CHAPTER 19 – ZONING, DEFINITIONS,
SECTION 25.B, AGRICULTURAL USE**

July 13, 2020

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 in Section 25 Definitions:

Section 19.25.B, Agricultural Use, delete the word, “apiculture.”

Section 19.25.B shall read as follows:

AGRICULTURAL USE Land used for agriculture, farming, dairying, pasturage, horticulture, aquaculture, floriculture, silviculture, animal and poultry husbandry.

This Ordinance will take effect upon passage.

Authorization	
<i>Sponsored by Councilors:</i> Crystal Paradis Nancie Cameron Matthew Gerding	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 5-21

History			
First Read Date:	07/13/2020	Tabled:	NA
Public Hearing:	08/10/2020	Removed From Table:	NA
Second Read:	08/10/2020		

Discussion

07/13/2020

Ordinance No. 5-21 will remain in first read until the call of the Chair.

Public Hearing scheduled at the call of the Chair.

Mayor Hilliard referred Ordinance No. 5-21 to the Public Works & Environment Committee on 7/13/2020.

08/10/2020

Remains in Committee

09/09/2020


Remains in Committee

09/21/2020

Remains in Committee

10/05/2020

Remains in Committee

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On / / .		Ordinance 5-21	PASSED FAILED
		City of Somersworth – Ordinance	
		Ordinance No: 7-21 TO AMEND CHAPTER 6 – CITY OFFICIALS, SECTION 6.6.2.4, PUBLIC SAFETY COMMITTEE	

September 21, 2020

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 City Officials, Section 6.6.2.4, Public Safety Committee, by adding:

In order to maintain our present quality of life, the Committee may also provide assistance in guiding Police, Fire and other emergency operations in delivering services ethically and effectively to ensure the safety and security of the Public, and, Public Trust is not compromised.

This Ordinance will take effect upon passage.

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

City of Somersworth – Ordinance 7-21

History			
First Read Date:	09/21/2020	Tabled:	NA
Public Hearing:		Removed From Table:	NA
Second Read:	10/05/2020		

Discussion

Ordinance No. 7-21 will remain in first read until the call of the Chair.

10/05/2020

Councilor Pepin said this was not brought up to the Public Safety Committee and believes it should have been.

Councilor Witham moved to refer Ordinance No. 7-21 to the Public Safety Committee. The motion was seconded by Councilor Vincent and passed 8-0 by voice vote.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		

Ward 3 Councilor	Dumont		
Ward 4 Councilor	Austin		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Gerding		
At Large Councilor	Cameron		
At Large Councilor	Paradis		
TOTAL VOTES:			
On / / . Ordinance 7-21 PASSED FAILED			