

City of Somersworth
City Council Meeting
Monday, January 4, 2021

ANNOUNCEMENT BY MAYOR HILLIARD

As Chair of the Somersworth City Council, I, Dana S. Hilliard, Mayor find that due to the State of Emergency declared by the Governor as a result of the COVID-19 pandemic and in accordance with the Governor's Emergency Order #12 pursuant to Executive Order 2020-04, this public body is authorized to meet electronically.

We are utilizing Zoom for this electronic meeting. All members of the Council have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously watch by way of our local public access Comcast channel 22 or via live streaming available at our City website Somersworth.com.

Please note that **all votes** that are taken during this meeting shall be done by **roll call vote**.

ROLL CALL OF MEMBERS

The meeting was called to order at 7:05 p.m. by His Honor, the Mayor, Dana S. Hilliard and, upon roll call, the following Council members were present: Councilors Pepin, Vincent, Dumont, Austin, Michaud, Witham, Gerding, Cameron and Paradis, who were all by themselves.

Mayor Hilliard announced that City Manager Bob Belmore, Deputy City Manager/Finance Director Scott Smith, and City Clerk Jonathan Slaven were in the Council Chambers.

Joining via Zoom were Director of Planning & Community Development Michelle Mears, Fire Chief George Kramlinger, Director of Public Works Michael Bobinsky, and Police Chief David Kretschmar

PLEDGE OF ALLEGIENCE

Councilor Gerding led the Pledge of Allegiance.

PUBLIC HEARINGS

There were no Public Hearing scheduled for this meeting.

COMMENTS BY VISITOR

Letter from Bart Levasseur:

To the Mayor and Council of the City of Somersworth,

I am writing to you to express my concern about the lack of choice for internet providers and the Comcast/Xfinity monopoly resulting in price hijacks within the Somersworth area.

Comcast/Xfinity's competition in the area is only made of two small providers (Viasat and HughesNet) that clearly cannot compete in terms of internet speed (up to 1000Mbps for Xfinity while HughesNet maximum speed is 25Mbps and Viasat's is 35Mbps) consequently making Comcast/Xfinity the one and only fast internet provider for the 03878 postcode. Comcast/Xfinity is fully aware of this situation and abuses it in terms of prices for their services.

Let me tell you a little bit about myself and my journey with Comcast/Xfinity. My wife, my two children and I moved to Somersworth in March 2017. We bought a house in Ruel Street and feel perfectly happy in our neighborhood. I work in the IT field of Unified Communication and Collaboration so I deploy and administrate solutions such as Zoom, Microsoft Teams and the likes on a daily basis, something I can do from home with a reliable internet connection and our children like all little ones enjoy watching cartoons so I went shopping for an internet and cable provider and my first surprise was that Comcast/Xfinity was the only one.

Past that surprise, I browsed their catalogue and opted for an up to 100Mbps internet + cable TV 2-year contract (Standard Double Play) for \$69.99 per month, increased to \$89.99 after 12 months. The total price of this with the \$8 Broadcast fees, the \$6.75 Regional Sports fee and the Taxes was \$86.67 per month.

For six months, we paid \$86.67 for the internet and TV services without any issue but on the seventh month, Comcast/Xfinity cancelled around 30 TV channels from our subscription without any kind of notice. When we contacted their customer service, they told us those channels increased their prices and were consequently removed from our package without any warning as they reserved the right to amend TV channels packages at any time. We were asked to pay an extra \$18.60 a month for those channels which we did as it included Cartoon network and Nick Jr which were the channels our children watched the most at that time, resulting in a monthly price of \$105.27 after six months of contract.

Of course, the price raised up at the 12 months mark from \$69.99 to \$89.99 (which we agreed to when we signed up) but Comcast/Xfinity decided that since we changed our channels subscription it was a different contract and added a monthly charge of \$9.95 for the TV box that was supposed to be free of charge for 2 years. The price after 12 months of service was now \$125.27 per month.

In August 2018, Comcast/Xfinity decided to increase the price of our service from \$89.99 to \$110.05 with absolutely no change or improvement to the service and no explanation, so from September 2018, our bill was raised to \$145.33 per month.

To sum up, from March 2017 to September 2018, the monthly price went from \$86.67 to \$145.33 for a similar, unimproved service. An astonishing unjustified 167.7% price increase within 18 months.

From then we started a battle with Comcast to go internet only and move to streaming only for our TV. As I was an existing customer, the only offer Xfinity had for me was a Pro internet of up to 500mbps (which I clearly did not need) for a price of \$209.99 + Taxes per month, which was totally ridiculous and way above what I was already paying for internet + TV.

I kept calling once or twice a month to see if they were changing their offers and even told them their competitors had way better offers with cheaper prices for a better speed only to be told they had no competition in my area and that I would need to stop being a customer for at least three months to be eligible for new customers offers.

It took me until July 2020 and a massive number of complaints and emails with Comcast and Xfinity executives to finally have Comcast to agree to provide our home with an internet-only contract for up to

100mbps at the “decent price” of \$77.95 per month (new customers get the exact same thing for \$49.99) for a 2-year contract.

I still find this price to be way too expensive for what it is, but as I had no other choices than having to go with Comcast/Xfinity, it was better than nothing. I did a bit of research and here are the average prices in the USA from the three main competitors of Comcast/Xfinity for internet-only:

Verizon Fios = guaranteed 200 Mbps for \$39.99 a month (no contract)

Spectrum = guaranteed 200 Mbps for \$49.99 a month (1-year contract)

AT&T = guaranteed 500 Mbps for \$55 a month (1-year contract)

Comcast = up to 200Mbps for \$49.99 a month for 12 months, up to \$64.99 thereafter (2 years minimum contract)

It is even better in certain areas where the competition is high, just like the Boston, MA area where Fios, Spectrum and Comcast are available, Fios has internet-only offers starting from \$19.99 and Spectrum from \$22.99 for 200Mbps internet.

I would like to point to the Council’s attention that with the recent impact of Covid-19 on everyone’s life, increasing the amount of people working from home full-time, making schools going into remote learning only, internet is no longer just simply a service, it is a necessity, a tool to access knowledge and enable school student to keep on learning and it should be affordable to all residents of Somersworth. Yet, with Comcast being fully aware they have the monopoly and there is no competition in sight for the foreseeable future, they are holding Somersworth residents’ hostages and keep rising their prices. An unjustified 167% rise in price within 18 months with no service improvement is utterly greedy and purely shameful.

My wife and I spoke to our neighbors but also to parents of other students from our local schools as well as local businesses and stores’ owners and everyone has had the same kind of experience with Xfinity/Comcast and also has the same exact feeling of being ripped-off by Comcast and having no choice but to pay an extortionate amount of money every month for internet access.

I would therefore like to ask the Mayor and Council to act on this matter by opening the Somersworth area’s internet to the competition and end Comcast/Xfinity monopoly and/or look into any other options that could alter this situation for the better of the internet users of Somersworth.

I would also like to ask the Council to pass a resolution urging for price reductions as internet access should be affordable to everyone and not be a financial burden to most of us.

Many thanks,

Bart Levasseur

CONSENT CALENDAR

A. Approve Minutes of the City Council Meeting held on December 14, 2020

Councilor Austin made a motion to adopt all items on the Consent Calendar. The motion was seconded by Councilor Paradis and passed 9-0 by roll call vote.

COMMENTS BY CITY COUNCILORS

Councilor Vincent voiced his agreement with the statements made by Bart Levasseur in his letter to the Council. He stated he has spoken with many lobbyists in Concord and believes it comes down to corporate greed.

MAYOR'S REPORT

Mayors Report for City Council Meeting January 4, 2021

It would be safe to say that no tears have been shed with the passing of 2020. With hope and optimism, we welcome 2021 and the 10 months' worth of work before us to continue to keep our Hilltop City "On the Move!"

From now through November, it will be imperative that our team approach to governing remain committed to the principals which have formulated the success of our city. We must hold strong to our past practices of making decision which benefit our communities "Bright Future" while celebrating its "Proud Past". The temptations of some to utilize this body for their own self-interest or the interest of their friends is unfortunate. Those partaking in acts of trying to break the team apart for political advancement of self or other groups, is inexcusable.

For seven years, our team has moved this community back towards its rightful sport of greatness among NH Cities. We did, this by working together, honoring each other's differences, and putting Somersworth before our own desires. We did this by our willingness to sacrifice the greatest gifts that each of us have, our own personal time, to build a community where all would be honored and celebrated to build a community that we call home. As I have stated before, with the two decades plus I have served in elective office I have never be more honored and filled with pride then to serve with such a distinguished dedicated group of men and women.

As we begin the final session of this Council before each member will stand before the public in November and I seek my final term as Mayor of this community honoring my beliefs in term limits for the Executive branch, let us re-commit ourselves to the pillars of the success Somersworth has become know for, the pillars of team. The next 10 months will be busy for all of us as we seek to accomplish some of the following goals;

Keeping all residents safe from COVID 19 and ensure all city can continue to function and obtain success, despite the current barriers in place.

Adopting a budget which reflects the commitment of this city to maintain its forward momentum, while ensure we keep our home affordable for all who wish to build a future in the Hilltop City.

Finalizing the work of the Plaza Commission by chosen a proposal from a developer which will preserve the historical nature of our downtown will creating economic vitality for all current and future business owners.

Breaking ground for the 21st century fire department and continue to ensure our first responders have the equipment, training and pay to keep all residents of our community safe

Continuing to reflect our community to the education of the next generation of Hilltoppers by strengthening our team approach with the school board and supporting school districts budgets.

Finding local term sustainable solutions to Tri-City homelessness, by continuing our work on the adopted master plan and joint relationship with the fidelity committee.

Honoring the pledge signed at the Veterans memorial dedication by seeking policies and support that will ensure our Veterans experiencing homelessness will not be forgotten. I look forward to the meetings beginning this month of the Mayors Veterans Homeless task force Chaired by Councilor Dumont beginning.

Ensuring that the one of the fabrics of our community Somersworth Youth Connection will continue to sustain its program into the future. The work of the SYC task force Chaired by Councilor Dumont has already begun and progress and ideas to secure its future is well underway.

Reaffirming our commitment to road resurfacing and infrastructure improvements by maintaining our budgetary support of 1 million a year

Displaying our rich history by partaking in the NH Historical marker program. The Mayor's office has already identified 10 sites to represent our 10 square mile community and will be seeking some funding from the Finance Committee in the future to move forward with this project.

Working with the ICC and the Indonesian diplomatic corps it will be my hopes that funding for the gate from the ICC will be secured by fall and that this Council and move forward with examining the proposal to support the construction of the first Indonesian welcoming gate in the country.

Forest Glade cemetery has become one of the jewels within our community and we must continue to upgrade and support efforts to restore its grandeur.

The Somersworth Historical society is an asset to our community; the Mayor's office will be working with its governing body members on a proposal to Council to ensure the museum will continue function and preserve our history into the future.

While this is not the full list of our work, it is a reflection of how this team will continue to efforts to keep Somersworth "On the Move!" The community should be rest assured, that despite a pandemic this Council has never halted its commitment to Somersworth. We will jointly continue our efforts to get us through COVID 19, keeping all residents safe while honoring our "Proud Past" and keeping our "Bright Future" shining. Will we continue to do this as we have over the last seven years, by overcoming differences, honoring each member's skills and experiences, and operating as the model democratic body we have become.

I look forward to the success we will share over the next 10 months, the challenges we will navigate and resolve and fortified and already strong and award-winning team.

The City has recently been informed by the NH National Guard of its intent to vacate the property located within Somersworth and hand over the property to our community. While steps and protocols will need to be followed the future possibilities of its use should begin to be vetted. I am therefore establishing the "National Guard building re-use commission to begin to do the following:

- Examine and recommend how the future use of the building could benefit our community.
- Forward final recommendations to Council for approval no later than September 2021.

While the acquisition of this property opens several doors for this community, its future use should not delay any commitments this council should have already made on adopted projects. We must hold firm to the plans we have already approved, while keeping an eye on how the footprint of the property, and the building will fit into Somersworth overall master plan.

This evening I am naming the following members to the taskforce
Council David Witham Chair

Councilor Matt Gerding
Councilor Richard Michaud
City Manager and staff desired by the City Manager.

After careful examination of Ordinance No. 5-21 the “Bee Ordinance”, I believe the current ordinance as submitted to the Public Works and Environment committee, represents the spirit of the team approach of this Council and all of the professional staff who worked on it. The Ordinance as referred balances the desires of citizens who wish to partake in Bee keeping while ensuring that zones of this practice be limited based on safety and residential concerns.

I am therefore recommending that the Public Works and Environment Committee release the Ordinance as referred to the committee without further amendments and allow this Council to debate and my hope pass the Ordinance at the next meeting.

With the recent communication from the Tri-City Mayors homelessness taskforce Fidelity Committee on crafting approaches in each community on affordable housing. The City Manager and I have agreed that the professional staff have the background to exam this request and present its findings to the Council and Fidelity Committee by the deadline. I look forward to their findings and recommendations on how we can continue to institute policies which will keep Somersworth affordable.

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

Roland Lapointe for Re-Appointment as a Somersworth Housing Authority Commissioner with a term to expire January, 2026

In accordance with Council Rule 15 this appointment does not require Council approval

Also, under nominations, appointments and Elections; In accordance with Council Rule 17 Appointments, the follow are being brought forward this evening for a confirmation vote;

Michelle Mears, Director of Planning & Community Development City Representative to the Strafford MPO Technical Advisory Committee – term to expire June 30, 2021

In accordance with Council Rule 17 Appointments, the nominations will remain open until the next regular scheduled meeting.

Tonight, we also mark a note of passing. For decades Ray Doyon served the American Legion, Veteran community, and the greater Somersworth Community. Rays commitment to the Hilltop City and all that wore the uniform of any of our nation’s military branches were unwavering. Tonight, we honor the passing of a cherished Somersworth citizen by a moment of silence. I have also requested that the flags at citizens place and the Veterans memorial be lowered to half-staff in his honor.

Please join me in rising for a moment of silence. Ray, thank you for your years of service to our nation, our city and the veteran community.

This respectfully concludes my January 4, 2021 Mayors Report

REPORTS OF STANDING COMMITTEES

There were no reports of Standing Committees for this meeting.

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

Joint Building Committee – Councilor Pepin informed Council that the Joint Building Committee met last on December 17, 2020. He stated the current punch list for the Maple Wood School was all but complete and they are in the process of obtaining pricing on signage and irrigation. A discussion was also held regarding bids for furniture in the library and music rooms. While discussing the budget, he stated, Maple Wood has approximately \$50,000 leftover for additional projects. Councilor Pepin also gave an update on the status of the elevator in the Somersworth Middle School. He stated the construction is complete and will be inspected soon after an emergency phone and cameras are installed.

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: Wednesday, December 30, 2020
SUBJECT: City Manager's Report for Monday, January 4, 2021

Lay on the Table (under Section 13 of Agenda)

Ordinances

- A. Ordinance No. 7-21: To Amend Chapter 6 – City Officials, Section 6.6.2.4, Public Safety Committee.

Unfinished Business (under Section 14 of Agenda)

Ordinances

- A. Ordinance No. 5-21: To Amend Chapter 19 – Zoning, Definitions, Section 25.B, Agricultural Use. This Ordinance was referred back to the Public Works & Environment Committee.

Resolutions

- A. Resolution No. 13-21: To Authorize the City to use Funding from the Furber Memorial Chapel Expendable Trust Fund as a Portion of the City's Match to a Land and Community Heritage Investment Program Grant for the Roof Restoration Project on the Furber Memorial Chapel. Again, the Finance Committee met on October 7th and voted to recommend the entire balance of the Furber Chapel Memorial Trust Fund, which is approximately \$10,000, be used for this project to help provide the required City funding match

of this Grant. If approved, this action will close this Fund. Note: This was scheduled for a November second reading, however due to clerical error it was not placed on the Agenda.

New Business (under Section 15 of Agenda)

Resolutions

- A. Resolution No. 21-21: To Notify the City Tax Collector that the City Council Shall Not Accept a Tax Deed on Certain Properties Subject to an Unredeemed Tax Lien.** The Finance Committee took up this matter at their December 9th meeting and voted to support Resolution No. 21-21 & Resolution No. 22-21 to the full Council. This recommendation is based on the past practice to deed the most delinquent properties and allow more time for others to come into tax payment compliance. Attached is information provided to the Finance Committee on December 9th.
- B. Resolution No. 22-21: To Notify the 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.** The recommendation of 'not to accept' is based on the land containing buried debris; i.e., potential contamination clean-up costs.
- C. Resolution No. 23-21: City Council Vote to Conditionally Lay Out Nadeau Street as a Class V Roadway Subject to the Condition that this Vote is not Final Until the City Council Receives Certification from the City Engineer that all Improvements Have Been Made to City Standards.**

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

A. Informational Items

- 1. Army National Guard Readiness Center.** I informed the Council about the notification that I received regarding the Somersworth's Center being decommissioned in 2021 (see attached email). The Fire Station Building Committee Chairman has scheduled a meeting with Committee members and Staff on Wednesday, January 6th to discuss this matter in relation to any impact on the new Fire Station Project.

Attachments

- 1. City Attorney Certifications Three (3)**

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Mayoral Appointments not Requiring a Council Vote:

- A. Roland Lapointe for Re-Appointment as a Somersworth Housing Authority Commissioner with a term to expire January, 2026**

Mayor Dana Hilliard Re-Appointed Roland Lapointe as a Somersworth Housing Authority Commissioner with a term to expire January, 2026.

Nominations requiring a Council Confirmation Vote:

- A. Michelle Mears, Director of Planning & Community Development City Representative to the Strafford MPO Technical Advisory Committee – term to expire June 30, 2021

Councilor Witham made a motion to appoint Michelle Mears as a City Representative to the Strafford MPO Technical Advisory Committee with a term to expire June 30, 2021. The motion was seconded by Councilor Vincent and passed 9-0 by roll call vote.

LAY ON THE TABLE

ORDINANCES

- A. **Ordinance No. 7-21** - To Amend Chapter 6 – City Officials, Section 6.6.2.4, Public Safety Committee

Councilor Paradis made a motion to take Ordinance No. 7-21 off the table. The motion was seconded by Councilor Gerding and passed 9-0 by roll call vote.

Councilor Paradis made a motion to adopt Ordinance No. 7-21. The motion was seconded by Councilor Pepin.

Councilor Witham stated he thought this Ordinance had been referred back to the Public Safety Committee. Councilor Pepin stated that the Public Safety Committee voted to support the Ordinance before them this evening at the October 13, 2020 Public Safety Committee meeting. The Mayor called for a brief recess to confer with the City Manager regarding questions raised regarding amendment to the initial introduced Ordinance amendment and regarding any public hearing held. The meeting was called back to order and a brief discussion took place.

Councilor Witham made a motion to re-table Ordinance No. 7-21. The motion was seconded by Councilor Dumont and passed 6-3 by roll call vote with Councilors Pepin, Gerding, and Paradis voting “No”.

UNFINISHED BUSINESS

ORDINANCES

- A. **Ordinance No. 5-21** - To Amend Chapter 19 – Zoning, Definitions, Section 25.B, Agricultural Use (Referred to Public Works & Environment Committee 12/14/2020)

Ordinance No. 5-21 remains in Committee.

RESOLUTIONS

- A. **Resolution No. 13-21** - To Authorize the City to Use Funding from the Furber Memorial Chapel Expendable Trust Fund as a Portion of the City’s Match to a Land and Community Heritage Investment Program Grant for the Roof Restoration Project on the Furber Memorial Chapel

Councilor Austin made a motion to adopt Resolution No. 13-21. The motion was seconded by Councilor Dumont and passed 9-0 by roll call vote.

NEW BUSINESS

RESOLUTIONS

- A. **Resolution No. 21-21** – To Notify the City Tax Collector that the City Council Shall Not Accept a Tax Deed on Certain Properties Subject to an Unredeemed Tax Lien

Councilor Witham made a motion to waive Council rules to allow for a first reading of Resolution No. 21-21 by title only. The motion was seconded by Councilor Dumont and passed 9-0 by roll call vote.

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

- B. **Resolution No. 22-21** – To Notify the 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

Councilor Witham made a motion to waive Council rules to allow for a first reading of Resolution No. 22-21 by title only. The motion was seconded by Councilor Paradis and passed 9-0 by roll call vote.

Resolution No. 22-21 will remain in first read until the call of the Chair.

- C. **Resolution No. 23-21** - City Council Vote to Conditionally Lay Out Nadeau Street as a Class V Roadway Subject to the Condition that this Vote is Not Final Until the City Council Receives Certification from the City Engineer That All Improvements Have Been Made to City Standards

Councilor Witham made a motion to waive council rules to allow for a second reading of Resolution No. 23-21. The motion was seconded by Councilor Pepin and passed 9-0 by roll call vote.

Councilor Witham made a motion to adopt Resolution No. 23-21. The motion was seconded by Councilor Pepin and passed 9-0 by roll call vote.

COMMENTS BY VISITORS

There were no closing comments by visitors.

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Cameron hopes everyone is happy and healthy in the new year. She urged people to realize how important it is to wear a mask and continue to practice social distancing.

Councilor Gerding wished everyone a Happy New Year. He is excited to see the Resolution for Nadeau Street pass and thinks it is a great example of effective advocacy on behalf of the residents.

Councilor Austin wished everyone a Happy New Year and urged people to continue to wear a mask.

Councilor Pepin wished everyone a Merry Christmas and Happy New Year and hopes this year is easier on everyone.

Councilor Paradis urged people to continue to social distance and wear a mask. She also pointed to the website, NHresponders.org, for those who would like to volunteer their time to assist with the Covid-19 vaccine roll-out once it occurs.

Councilor Michaud wished everyone a Happy New Year and hopes everyone remains safe and healthy.

Councilor Dumont wished everyone a Merry Christmas and a better New Year. He also noted the passing of Ray Doyon and highlighted his many years of service through the Veteran's Commission. Councilor Dumont stated he has never seen worse news in the Country as he does today and is in a state of shock by the climbing number of Covid-19 cases. He also spoke to the fact that Comcast does not treat the elderly well in regards to billing. He was happy to hear the Mayor established the National Guard Building Re-Use Commission and hopes this building is considered in discussions for the new Fire Station. Councilor Dumont also spoke to concerns regarding the number of Somersworth residents using the warming station and the amount of money the City is putting towards it.

Councilor Witham wanted to clarify that the money the City is contributing is for the homeless shelter at the Garrison Hotel, not the warming center which is funded by federal grants. In regards to the warming shelter, he stated Dover is holding up their end of the bargain and the fencing, dumpster pad, and back-up generator all seem to be complete. Councilor Witham also spoke to concerns of sledding and snowboarding at the new Veterans Memorial Park and hopes the Recreation Committee can seek stricter rules for this specific park. He also touched on the issue of Comcast having a monopoly in the area and hopes to seek price stability in negotiations which are beginning. He stated he was extremely pleased to see Mr. Ray Doyon at the Veterans Memorial Ceremony and was very glad he got to experience it before his passing. Councilor Witham said Mr. Doyon was very involved in the Community through the Veterans Commission as well as little league baseball.


Councilor Vincent wished everyone a Happy New Year and spoke to the great character of Mr. Ray Doyon. He said he had the pleasure of meeting Mr. Doyon through golfing and appreciated his work with the Veterans Commission as well as the American Legion. Councilor Vincent also spoke again to the issue of Comcast's monopoly in the area and his favor of a net-neutrality bill which is back on the agenda in Concord this year. He also stated he does not quite understand Ordinance No. 7-21 since it seems like feel-good legislation. He stated it is not the Councils' job to tell the Police and Fire Departments what to do. He said he thinks this is back on the table for a reason and is of the opinion that Council should let it die.

ADJOURNMENT

Councilor Witham made a motion to adjourn the City Council Meeting. The motion was seconded by Councilor Gerding and passed, 9-0 by roll call vote. The meeting adjourned at 8:30 p.m.

Jonathan Slaven, City Clerk

Dana Hilliard, Mayor

	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:

Remove Section 6.6.2.4 in entirety and replace with:

Section 6.6.2.4 Public Safety Committee

The purpose of the Committee is to consider matters relating to Police and Fire services and other emergency response needs of the City, as well as other matters referred to it. In order to be proactive and to continuously improve our quality of life, the Committee may also provide recommendations and guidance for 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:	10/19/2020, 01/04/2021
Public Hearing:	10/19/2020	Removed From Table:	01/04/2021
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 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.

10/19/2020

Councilor Paradis made a motion to approve amendments to Ordinance No. 7-21 as endorsed by the Public Safety Committee. The motion was seconded by Councilor Pepin and passed 9-0 by voice vote.

Councilor Witham made a motion to table. The motion was seconded by Councilor Dumont and passed 9-0 by voice vote.

01/04/2021

Councilor Paradis made a motion to remove Ordinance No. 7-21 from the table. The motion was seconded by Councilor Gerding and passed 9-0 by roll call vote.

Councilor Paradis made a motion to adopt Ordinance No. 7-21. The motion was seconded by councilor Pepin.

Councilor Witham stated he thought this Ordinance had been referred back to the Public Safety Committee. Councilor Pepin stated that the Public Safety Committee voted to support the Ordinance before them this evening at the October 13, 2020 Public Safety Committee meeting.

Councilor Witham made a motion to table Ordinance No. 7-21. The motion was seconded by Councilor Dumont and passed 6-3 by roll call vote with Councilors Pepin, Gerding, and Paradis voting “No”.

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



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:

	ACCESSORY USES	DISTRICT		
		PERMITTED	SPECIAL EXCEPTION	PROHIBITED
1.	Construction site mobile office. ¹	A, B, C/I, MY, HMD ⁷ , I, R-1, R-1A, R-2, R-2A, R-3, R/B, R/C, R/O, MH		
2.	Accessory building such as a private garage, storage/tool shed, playhouse, greenhouse, swimming pool or similar structures accessory to a dwelling, business or industry. ²	A, B, C/I, MY, HMD ⁷ , I, R-1, R-1A, R-2, R-2A, R-3, R/B, R/C, R/O, MH		
3.	Clubhouse, community center, laundry room, non-commercial recreational facilities, such as swimming pools and tennis courts, provided primarily for the residents of a mobile home park or condominium/apartment complex.	B, MY ⁹ , HMD ⁷ , R-2A, R-3, R/B, R/C, MH		A, C/I, I, R-1, R-1A, R/O
4.	Outdoor storage, maintenance and utility areas and facilities. ³	I	C/I	A, B, MY ⁹ , HMD ⁷ , R-1, R-1A, R-2, R-2A, R-3, R/B, R/C, R/O, MH
5.	Parking of recreational vehicles. ⁴	A, HMD ⁷ , R-1, R-1A, R-2, R-2A, R-3, R/B, R/C, R/O		B, C/I, MY, I, MH

6.	Factory seconds store.	B,C/I,I,MY		A,HMD ⁷ ,R-1,R-1A,R-2,R-2A,R-3,R/B,R/C,R/O,MH
7.	Parking & transfer of commercial vehicles larger than 2 axle trucks, vans, vehicles or trailers exceeding 30 feet, vehicles or equipment weighing in excess of 18,000 lbs. gross weight intended.	C/I, I, MY ¹³		A,HMD ⁷ ,B,R-1,R-1A,R-2,R-2A,R-3,R/B,R/C,R/O,MH,
8.	Produce, Christmas tree and other seasonal stands.	C/I,R/C, MY ⁹		A,B,HMD ⁷ ,I,R-1,R-1A,R-2,R-2A,R-3 R/B,R/O,MH
9.	Keeping of livestock or swine.	A		B,C/I,MY,HMD ⁷ ,I,R-1,R-1A,R-2,R-2A,R-3,R/B,R/C,R/O,MH
10	Backyard chickens. ¹⁴	A,HMD,MY,R-1,R-2,R-2A, R-3,R/B,R/O		B,C/I,CN,I,MH,R/C
11	Storage of more than one unregistered and uninspected by the State and/or the City motor vehicle.	C/I, I		B,MY,HMD ⁷ ,R-1,R-1A,R-2,R-2A,R-3,R/B,R/C,R/O,MH R-3333333333,R/B,R/C,R/O,MH
12	Home occupation. ⁵	A,MY,R-1,R-1A,R-2,R-2A, R-3, R/B, R/C, R/O,MH		B,C/I,I
13	Child care home. ⁶	A,MY,R-1,R-1A,R-2, R-2A,R-3,R/B,R/C, R/O,MH		B,C/I,MY,I
14	Group child care home. ⁶	A,HMD ³ ,R-3,R/B,R/C,R/O	R-1,R-1A,R-2,R-2A,	B,C/I,MY,I,MH

15	Storage boxes or spaces trailers used as storage for non-hazardous materials by the commercial or industrial use that occupies the property. ⁷	B,C/I,I		A,HMD ³ ,R-1, R-1A,R-2,R-2A,R-3,R/B,R/C,R/O,MH, MY ⁴
16	Framed-Covered Structures. ⁸	A,B,C/I,MY,HM D,I, R-1,R-1A,R-2,R-2A, R-3,R/B,R/C, R/O,MH		
17	Outdoor Wood-fired Hydronic Heaters (OWHH). ¹⁰	A,B,C/I,CN,MY, HMD,I,R-1,R-1A,R-2,R-2A,R-3,R//B,R/C,R/O, MH		
18	Contractor's Office/Storage Yard ¹¹	C/I, I, R/C ¹²		A,B,CN,MY, HMD, MH,R,R-1,R-1A,R-2,R-2A,R-3,R-B,R-O
19	Apiculture/ Beekeeping ¹⁵	A, R1, R1A, and HMD		B,CN,MY, MH,R-2,R-2A,R-3,R-B,R-O,CI, R/C, Rec

¹⁵Amended XX/2020. Beekeeping is subject to the following provisions:

- a) An annual permit shall be required to keep beehives under this provision. An application for such permit shall be submitted to the Department of Development Services for review by the Director of Planning and Community Development (or designee) for Zoning compliance. There shall be a \$10 permit fee at the time the completed application is filed. Applications to renew the certificate of use shall be due by January 1st following the date of approval of the certificate of use and then by every January 1st thereafter for so long as the beekeeping continues.
- b) Number of Bee Hives allowed: Below is a chart that specifies how many bee hives are allowed on the property based on lot size.

(TABLE 4.A.2.a)

NUMBER OF BEE HIVES IN RELATION TO LOT SIZE

Lot /Acreage	Number of Hives
1/4 acre or less (1/4 acre = 10,890 sq. ft., roughly 50 ft. x 215 ft.)	2 hives
more than 1/4 acre, less than 1/2 acre (1/2 acre = 21,780 sq. ft., roughly 100 ft. x 218 ft.)	4 hives
more than 1/2 acre, less than 1 acre (1 acre = 43,560 sq. ft., roughly 150 ft. x 290 ft.)	6 hives
1 acre or more	8 hives

- c) Bee Hive placement: Hives shall be located in the side or rear yard area and shall be at least 20 feet from the property line. Hives shall not be located in any front yard area. These provisions shall not apply to lots located in the Agricultural (A) district.
- d) One sign is required if a hive is located on a vacant lot, the name, mailing address and phone number of the beekeeper shall be clearly read from the street. The sign shall not exceed one square foot in area, shall not be lit, and non-reflecting materials shall be used.
- e) Commercial use is prohibited, unless approved as a Home Occupation. Commercial use is defined but not limited to the selling of bees or bee products.

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:	11/16/2020
Public Hearing:	08/10/2020	Removed from Table:	12/14/2020
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.

10/19/2020

Remains in Committee

11/16/2020

Councilor Witham made a motion to amend Ordinance No. 5-21 in line with the red-line version before Council this evening. The motion was seconded by Councilor Austin and passed 7-0 by voice vote.

Councilor Paradis requested a map of the districts where hives are permitted.

Councilor Gerding made a motion to further amend Ordinance No. 5-21 to replace the word “colony” with “hive” in section b. The motion was seconded by Councilor Witham and passed 7-0 by voice vote.

Councilor Witham made a motion to table Ordinance No. 5-21. The motion was seconded by councilor Paradis and passed 7-0 by voice vote.

12/14/2020

Councilor Witham made a motion to remove Ordinance No. 5-21 from the table. The motion was seconded by Councilor Paradis and passed 9-0 by roll call vote.

Councilor Paradis made a motion to amend Ordinance No. 5-21 under Section 19 and add MY, R2, R2A, R3, R/B, R/O. The motion was seconded by Councilor Witham.

Councilor Witham inquired with Councilor Paradis about the additions of districts. Councilor Paradis stated she would like to see bee keeping allowed in the same districts as chickens. Councilor Paradis inquired about a reason those particular districts were not included. City Manager Bellmore stated that the Committee were not in favor of including districts with multi-family homes and the Committee did their

best to address that concern and mimic the Chicken Ordinance as best they could. Discussion continued concerning what districts were listed.

Councilor Witham made a motion to refer Ordinance No. 5-21 back to Public Works & Environment. The motion was seconded by Councilor Dumont and passed 9-0 by roll call vote.

01/04/2021

Ordinance No. 5-21 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 – Resolution

Resolution No: **13-21**

TO AUTHORIZE THE CITY TO USE FUNDING FROM THE FURBER MEMORIAL CHAPEL EXPENDABLE TRUST FUND AS A PORTION OF THE CITY'S MATCH TO A LAND AND COMMUNITY HERITAGE INVESTMENT PROGRAM GRANT FOR THE ROOF RESTORATION PROJECT ON THE FURBER MEMORIAL CHAPEL

October 19, 2020

WHEREAS, the City Council adopted Resolution 25-20 to authorize the City Manager to enter into a grant agreement with the State of New Hampshire for a Land and Community Heritage Investment Program Grant to replace and restore the roof on the Furber Memorial Chapel, and

WHEREAS, city staff received bids for this project from qualified contractors and recommended awarding the project to Alden Bailey Restoration Corp. of Ridgefield, Connecticut, and

WHEREAS, the Finance Committee reviewed this recommendation from staff and authorized awarding the contract for this project to Alden Bailey Restoration Corp. for an amount not to exceed \$55,000 (Fifty-Five Thousand dollars) including contingency, and

WHEREAS, to complete this project the City is required to provide a 50% match in the amount of \$27,500 (Twenty-Seven Thousand Five Hundred dollars), and

WHEREAS, it is recommended that the City utilize the full balance available in the Furber Memorial Chapel Expendable Trust Fund to provide a portion of the City's match in the amount of approximately \$10,000 (Ten Thousand dollars) and close the fund,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City may utilize the full balance available in the Furber Memorial Chapel Expendable Trust Fund to provide a portion of the City's match for the roof restoration project on the Furber Memorial Chapel.

Authorization*Sponsored by Councilors:*

David A. Witham
 Donald Austin
 Martin Pepin
 Martin Dumont, Sr.

Approved:

City Attorney

City of Somersworth – Resolution 13-21**History**


First Read Date:	10/19/2020	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:	01/04/2021		

Discussion*10/19/2020**Resolution No. 13-21 will remain in first read until call of the Chair.**01/04/2021*

Councilor Austin made a motion to adopt Resolution No. 13-21. The motion was seconded by Councilor Dumont and passed 9-0 by roll call vote.

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	

At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Paradis	X	
TOTAL VOTES:		9	0
On 01/04/2021	Resolution 13-21	PASSED	FAILED

	City of Somersworth – Resolution		
	Resolution No:	21-21	TO NOTIFY THE CITY TAX COLLECTOR THAT THE CITY COUNCIL SHALL NOT ACCEPT A TAX DEED ON CERTAIN PROPERTIES SUBJECT TO AN UNREDEEMED TAX LIEN

January 4, 2021

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>
90 Colonial Village	81-90M
37 Crystal Springs Way	82-12M
92 Crystal Springs Way	82-36M
73 Crystal Springs Way	82-49M
65 Crystal Springs Way	82-57M
28 Dudley Court	83-35M
124 Sherwood Glen	87-124M
207 Sherwood Glen	87-207M
208 Sherwood Glen	87-208M
409 Sherwood Glen	87-409M
629 Sherwood Glen	87-629M
703 Sherwood Glen	87-703M

Authorization

Sponsored by:
 Councilors:
 David A. Witham
 Donald Austin
 Martin Pepin
 Martin P. Dumont

Approved:
 City Attorney

City of Somersworth – Resolution 21-21**History**

First Read Date:	01/04/2021	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			


Discussion

01/04/2021

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

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 / /	Resolution 21-21	PASSED	FAILED

	City of Somersworth – Resolution
	Resolution No: 22-21 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

January 4, 2021

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

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

Authorization	
<i>Sponsored by:</i> Councilors: David A. Witham Donald Austin Martin Pepin Martin P. Dumont	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 22-21


History			
First Read Date:	01/04/2020	Tabled:	
Public Hearing:		Removed From Table:	
Second Read:			
Discussion			

01/04/2021

Resolution No. 22-21 will remain in first read until the call of the Chair.

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 / /	Resolution 22-21	PASSED	FAILED

	City of Somersworth – Resolution
	Resolution No: 23-21 CITY COUNCIL VOTE TO CONDITIONALLY LAY OUT NADEAU STREET AS A CLASS V ROADWAY SUBJECT TO THE CONDITION THAT THIS VOTE IS NOT FINAL UNTIL THE CITY COUNCIL RECEIVES CERTIFICATION FROM THE CITY ENGINEER THAT ALL IMPROVEMENTS HAVE BEEN MADE TO CITY STANDARDS

January 4, 2021

WHEREAS, the City Council adopted Resolution 8-21 to establish a betterment assessment for the purpose of reconstructing Nadeau Street and accepting it as a City street, and

WHEREAS, the three (3) properties abutting Nadeau Street have executed an agreement with the City agreeing to the terms of the betterment assessment created by Resolution 8-21, and

WHEREAS, the recommended work and improvements necessary to bring Nadeau Street up to City standards are out to bid and work is anticipated to occur in the spring of 2021,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Council votes to conditionally lay out Nadeau Street as a Class V roadway subject to the condition that the vote is not final until the following conditions are met;

- The City Council receives from the City Engineer, certification that all recommended work and improvements on the road have been completed to City road standards, and
- All steps have been taken to secure the agreed upon repayment of costs of this work by the road abutters through Betterment Assessments.

Authorization	
<i>Sponsored by:</i> Martin Pepin Kenneth Vincent Martin P. Dumont, Sr. Donald Austin Richard Michaud David A. Witham Matthew Gerding Nancie Cameron Crystal Paradis	<i>Approved:</i> City Attorney
City of Somersworth – Resolution 23-21	

History			
First Read Date:	01/04/2021	Tabled:	
Public Hearing:		Removed from Table:	
Second Read:	01/04/2021		

Discussion

01/04/2021

Councilor Witham made a motion to waive council rules to allow for a second reading of Resolution No. 23-21. The motion was seconded by Councilor Pepin and passed 9-0 by roll call vote.

Councilor Witham made a motion to adopt Resolution No. 23-21. The motion was seconded by Councilor Pepin and passed 9-0 by roll call vote.

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

Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	Austin	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham	X	
At Large Councilor	Gerding	X	
At Large Councilor	Cameron	X	
At Large Councilor	Paradis	X	
TOTAL VOTES:		9	0
On 01/04/2021	Resolution 23-21	PASSED	FAILED