CITY OF SOMERSWORTH

CITY COUNCIL MEETING

AGENDA

APRIL 16, 2012 – 7:00 P.M.

6:45 P.M. – PUBLIC HEARING

RESOLUTION NO. 23-12 AUTHORIZING THE CITY COUNCIL TO CREATE A NON-CAPITAL RESERVE FUND TO BE KNOWN AS THE BUILDING MAINTENANCE FUND FOR THE PURPOSE OF UNANTICIPATED AND/OR UNPLANNED MAINTENANCE FOR CITY AND SCHOOL FACILITIES

1. Roll Call of Members

2. Pledge of Allegiance

3. Minutes of the Previous Meeting

   A. Minutes of 3/5/2012 State of the City Address.

   B. Minutes of 4/2/2012 Public Hearing.

   C. Minutes of 4/2/2012 City Council Meeting.

4. Comments by Visitors

5. Communications

6. Presentation of Petitions and Disposal Thereof by Reference or Otherwise

7. Mayor's Report

8. Reports of Standing Committees

9. Reports of Special Committees, City Officers and City Manager

10. Nominations, Appointments and Elections

A. Board of Assessors
- Philip Munck, Term to Expire 04/15.

B. Conservation Commission
- Scott Gessis, Term to Expire 04/15.

C. Historic District Commission
- George Poulin, Term to Expire 04/15.
- Daniel Bisson, Term to Expire 04/15.
- Albert Marotta, Term to Expire 04/15.

D. Planning Board
- William Sweeney, Term to Expire 04/15.
- Anthony Delyani, Term to Expire 04/15.
- Paul Robidas, Term to Expire 04/15.

E. Zoning Board of Adjustment
- Harry Irwin, Term to Expire 04/15.
- Roland Dumont, Term to Expire 04/15.

11. Lay on Table

12. Unfinished Business

<u>Nominations</u>:

A. Board of Library Trustees
- Donna Donovan, Term to Expire 02/16.

<u>Resolutions</u>:

A. Resolution No. 23-12 Authorizing the City Council to Create a Non-Capital Reserve Fund to be known as the Building Maintenance Fund for the Purpose of Unanticipated and/or Unplanned Maintenance for City and School Facilities

13. New Business

Ordinances:

A. Ordinance No. 10-12 Add New Chapter 21A Display of Permissible Fireworks

Resolutions:

A. Resolution No. 24-12 Authorizing the City Manager to Sell Surplus City Property

Other:

A. Discussion and Vote Regarding Additional Charter Amendment.

14. Comments by Visitors

15. Closing Comments by Council Members

16. Future Agenda Items

17. Nonpublic Session (as necessary, pending roll call vote by Council)

18. Adjournment

UNFINISHED

BUSINESS

RESOLUTION NO. 23–12 AUTHORIZING THE CITY COUNCIL TO CREATE A NON-CAPITAL RESERVE FUND TO BE KNOWN AS THE BUILDING MAINTENANCE FUND FOR THE PURPOSE OF UNANTICIPATED AND/OR UNPLANNED MAINTENANCE FOR CITY AND SCHOOL FACILITIES.

Somersworth, NH
April 2, 2012

WHEREAS, the City of Somersworth, including the School Department, operate various buildings for public purposes; and

WHEREAS, the City Council and School Board recognize the need to maintain these facilities for essential City and School services; and

WHEREAS, issues arise from time to time that require unanticipated and/or unplanned maintenance and repairs on these facilities within a given fiscal year,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Somersworth City Council hereby establishes a non-capital reserve fund under the provisions of RSA 34:1-a to be known as the Building Maintenance Fund for the purpose of unanticipated and/or unplanned maintenance and repairs for City and School facilities; and

BE IT FURTHER RESOLVED THAT the Somersworth City Councilors are named as agents to expend this fund, that it shall be the policy of the City Council to make appropriations into this fund in future annual budgets in amounts that are equivalent to 50% of the previous year's School Department and City budget surplus, but not to exceed $75,000 per year, and that it shall be the policy of the City Council not to exceed a total value in this non-capital reserve fund of $400,000 excluding interest that may accrue on annual contributions.

Introduced by Councilors

Robin S. Jarvis
Dale R. Sprague
Jennifer Soldati

Approved:

City Attorney

NEW

BUSINESS

ORDINANCE NO. 10-12 ADD NEW CHAPTER 21A DISPLAY OF PERMISSIBLE FIREWORKS.

Somersworth, NH
April 16, 2012

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 by adding new Chapter 21A, Display of Permissible Fireworks, as follows:

CHAPTER 21A

DISPLAY OF PERMISSIBLE FIREWORKS

1. Statutory Authority

This article is enacted pursuant to the authority granted by Section 17 of Chapter 47 and Section 6 of Chapter 160-C of the New Hampshire Revised Statutes Annotated.

2. Definitions

"Consumer fireworks" means consumer fireworks as defined in 27 C.F.R. section 555.11 and formerly known as class C common fireworks.

"Fire Chief" means the Fire Chief of the City of Somersworth or his/her designee.

"Permissible fireworks" means consumer fireworks, except for those items that are prohibited pursuant to RSA 160-B:16, 160-B:16-b, and 160-B:16-c.

"Police Chief" means the Police Chief of the City of Somersworth or his/her designee.

3. Permit Required

No person shall use, discharge or explode any permissible fireworks without a permit issued by the City of Somersworth.

4. Permit Application

A. Any person wishing to obtain a permissible fireworks display permit shall apply to the Police Chief and the Fire Chief at least 72 hours prior to the display. The time frame may be waived at the discretion of the Police Chief and Fire Chief.

B. The applicant shall provide the following information:

a. Date of application

F. The applicant shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property, and any private property other than the approved site within twenty-four (24) hours of the display.

8. Permit Revocation

A. A permit may be revoked or suspended by the Police Chief or Fire Chief for any of the following reasons:
   a. Very high or extreme fire danger
   b. Unfavorable weather conditions, such as drought or high winds
   c. If any person under the age of 21 possesses, uses, discharges or explodes any permissible firework device
   d. If any pyrotechnic device other than a permissible firework is possessed, used, discharged or exploded on the site
   e. If the person who is using, discharging or exploding the permissible fireworks appears to be under the influence of alcohol or drugs
   f. If, in the opinion of the Police Chief or Fire Chief, the use, discharge or exploding of permissible fireworks would create a threat to public safety

9. Penalty

A. The Police Chief and Fire Chief are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this ordinance.

B. Any person who violates the provisions of this ordinance shall be guilty of a violation and upon conviction thereon shall be fined in an amount not exceeding $1,000.

10. Separability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct independent provision and such holding shall not affect the validity of the remaining portions thereof.

This Ordinance shall take effect upon its passage.

Chapter 21, Fire Prevention Code, Section 6 of the City of Somersworth Ordinances, shall be deleted upon passage of this ordinance.

RESOLUTION NO. 24–12 AUTHORIZING THE CITY MANAGER TO SELL SURPLUS CITY PROPERTY.

Somersworth, NH
April 16, 2012

WHEREAS, the City of Somersworth has acquired the following parcel of property through tax deed,

- 15 Rocky Hill Road, Land and Building, Tax Map 12 Block 13

and,

WHEREAS, after a review of the aforementioned there has been no determined municipal need for the property and it may be considered surplus,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to sell this surplus City property by any means determined to be in the best interest of the City.

Introduced by Councilors

Robin S. Jarvis
Dale R. Sprague

Approved:

City Attorney

CITY OF SOMERSWORTH
Office of the City Manager

TO: Mayor Matthew Spencer and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, April 13, 2012

SUBJECT: City Manager's Report for Monday, April 16, 2012 City Council Agenda

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6:45 p.m. Public Hearing

Resolution No. 23-12 Authorizing the City Council to Create a Non-Capital Reserve Fund to be Known as the Building Maintenance Fund for the Purpose Of Unanticipated and/or Unplanned Maintenance for City and School Facilities.

Unfinished Business (under Section 12 of the Agenda):

Resolutions:

A. **Resolution No. 23-12 Authorizing the City Council to Create a Non-Capital Reserve Fund to be known as the Building Maintenance Fund for the Purpose of Unanticipated and/or Unplanned Maintenance for City and School Facilities.** As a reminder, the Finance Committee has forwarded this proposal for full Council consideration after meeting with City Staff and School Superintendent Mosca. If passed, this would establish a second Non-Capital Reserve Fund with the other being for School Special Education/Disabilities. Note: The City Manager's Proposed FY 2013 budget does not propose any funding to these funds.

Other:

A. **Vote to Send Charter Amendments to Ballot.** Attached is a red-lined version of the latest recommended change from the Government Operations Committee. The Public Hearing Notice will need to be amended to include this change should Council vote to move forward with it. I have sent it to the City Attorney for review and hope to have a recommendation by meeting time.

New Business (under Section 13 of the Agenda):

Ordinances:

A. **Ordinance No. 10-12 Add New Chapter 21A Display of Permissible Fireworks.** This is an entirely new Chapter drafted by Interim Fire Chief Bliss and Police Chief Crombie with the assistance of Council's Public Safety Committee. Chapter 21 is entitled Fire Prevention & Life Safety. This Ordinance has been under a detailed review and re-write by Chief Bliss. The draft revision of Chapter 21 will be ready for review in the near future.

   Chapter 21A: the Ordinance attempts to strike a balance between being tolerant of this activity during reasonable time periods, allowing the application & permit process to be user friendly, and yet hold permit holders or violators accountable to the permitting process and Community concerns. I recommend a Public Hearing be scheduled for 6 p.m. on May 7th prior to next regular meeting. (6:45 p.m. Public Hearing on Charter Amendments is already scheduled.)

Resolutions:

A. **Resolution No. 24-12 Authorizing the City Manager to Sell Surplus City Property.** The Finance Committee is sponsoring this Resolution. Attached is a memo being circulated to various City Boards concerning this parcel.

City Manager's Items (under Section 9 of the Agenda):

A. **Informational Items:**

1. **E-Z Pay.** The City has begun advertising the availability of "E-Z Pay," an automatic payment plan for water and sewer utility bills. There is no additional (convenience) charge. Enrollment forms are available at City Hall or can be downloaded from the City website under the 'News' tab.

2. **Byrne Grant.** Attached is a memo from Chief Crombie regarding our Police Department's participation in this Justice Department Grant Award that is being coordinated by the County. I am pleased to announce our receipt of $10,825 that will be used for equipment without the need for any City matching funds. The purchases include taser pistols, high speed "stop sticks," and a Detective Division vehicle.