

CITY OF SOMERSWORTH  
CITY COUNCIL MEETING  
AGENDA  
AUGUST 13, 2012 – 7:00 P.M.

<p>6:00 P.M. – PUBLIC HEARING ON PROPOSED CHARTER AMENDMENT, TAX AND SPENDING CAP</p>
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1. Roll Call of Members
2. Pledge of Allegiance
3. Minutes of Previous Meetings
  - A. Minutes of 7/11/2012 City Council/School Board Workshop
  - B. Minutes of 7/16/2012 City Council Workshop
  - C. Minutes of 7/16/2012 City Council Meeting
  - D. Minutes of 7/24/2012 Special 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. Supervisor of the Checklist Ward 2 – Jeanette Gagne, Term to Expire 12/2016.
- 11. Lay on Table
- 12. Unfinished Business
  - A. Resolution No. 3-13 To Authorize the City Manager to Purchase a Trailer Mounted Trash Pump for the Wastewater Treatment Facilities.
  - B. Resolution No. 4-13 Accept Gator Rock Road.
- 13. New Business
  - Ordinances:
    - A. Ordinance No. 1-13 Amend Chapter 13, Police Offenses, Section D, No parking Anytime.
    - B. Ordinance No. 2-13 Amend Chapter 19, Zoning Ordinance, Table 5.A.1 Dimensional and Density Regulations (Temporary Handicap Ramps and Similar Structures).
    - C. Ordinance No. 3-13 Supplemental Appropriation of Accrued Investment Earnings from the New Elementary School Construction Bond.
  - Resolutions:
    - A. Resolution No. 6-13 To Authorize the City Manager to Purchase a Trailer Mounted Hydraulic Sewer Jet from H.P. Fairfield, LLC of Pembroke, NH.
    - B. Resolution No. 7-13 To Authorize the Use of Bond Proceeds for Window Replacement and Asbestos Removal in Somersworth School Facilities.
    - C. Resolution No. 8-13 Bond for the Completion of a Downtown Improvement Project and Replacement of HVAC Units in Somersworth Schools.

D. Resolution No. 9-13 Authorizing the City Manager to Accept an Amended Hazard Mitigation Grant in the Amount of \$48,562 (Forty Eight Thousand Five Hundred Sixty Two Dollars) to Upgrade the Rocky Hill Road Culvert.

Other:

A. Discussion of City Web Site Design.

B. Vote to change the Referenced Section Number of the Petitioned "Tax Cap" Charter Amendment from 6.4-a to 7.4-a, since Article VII Sets Forth the Financial Procedures.

C. Vote to Send "Tax Cap" Charter Amendment to the November ballot per RSA 49-B:5 IV(a).

D. The charter amendments which were placed on the ballot and approved by the voters at the November, 2009 election had not been forwarded to the Secretary of State, Attorney General, and Commissioner of the Dept. of Revenue Administration as required pursuant to RSA 49-B:5-a. In order to cure this procedural defect, the Council hereby approves both submitting those amendments to the three State Agencies for review and then placing the amendments on the ballot for consideration by the voters again at the November 6, 2012 General Election.

E. Vote to Ratify the Collective Bargaining Agreement between the Somersworth School Board and the Somersworth Association of Educators.

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. 3-13 TO AUTHORIZE THE CITY MANAGER TO PURCHASE A TRAILER MOUNTED TRASH PUMP FOR THE WASTEWATER TREATMENT FACILITIES.

Somersworth, NH  
July 16, 2012

WHEREAS, the Fiscal Year 2012 adopted budget contains an appropriation for the purpose of purchasing a trailer mounted trash pump for the Wastewater Treatment Facilities; and

WHEREAS, City staff solicited bids from qualified companies for the purchase of this equipment; and

WHEREAS, City staff reviewed the bids and recommends purchasing this equipment from D.L. Thurrott Company of Lincoln, Rhode Island at a cost of \$31,964.50 (Thirty One Thousand Nine Hundred Sixty Four dollars and Fifty cents); and

WHEREAS, the City Council's Public Works and Environment Committee reviewed the recommendation with staff and recommends purchasing this equipment from D.L. Thurrott Company; and

WHEREAS, the City Council's Finance Committee reviewed the recommendation with staff and recommends purchasing this equipment from D.L. Thurrott Company,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to purchase a trailer mounted trash pump from D.L. Thurrott Company of Lincoln, Rhode Island at a cost of \$31,964.50 (Thirty One Thousand Nine Hundred Sixty Four dollars and Fifty cents).

Introduced by Councilors

Dale R. Sprague  
Robin S. Jarvis  
Jennifer Soldati  
Brian Tapscott  
Marcel Hebert

Approved

City Attorney

RESOLUTION NO. 4-13 ACCEPT GATOR ROCK ROAD.

Somersworth, NH  
July 16, 2012

WHEREAS, the City of Somersworth Planning Board approved a certain subdivision known as "Subdivision Plan, Gator Rock, LLC, 364 Route 108, Somersworth, New Hampshire", dated June 7, 2004, prepared by Tritech Engineering Corporation, recorded in the Strafford County Registry of Deeds as Plan 78-39 and the road was to be accepted by the City of Somersworth; and

WHEREAS, the City Council named Gator Rock Road by Resolution 1-09 on August 18, 2008; and

WHEREAS, the road known as Gator Rock Road has been constructed to the satisfaction of the City,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to accept and record deeds to Gator Rock Road, including drainage easements and said way is hereby accepted as a public way.

Introduced by Councilors

Dale Sprague  
Brian Tapscott  
Marcel Hebert

Approved:

City Attorney.

NEW

BUSINESS

ORDINANCE NO. 1-13 AMEND CHAPTER 13, POLICE OFFENSES, SECTION D.  
NO PARKING ANYTIME.

Somersworth, NH  
August 13, 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 as  
follows:

Amend Chapter 13, Police Offenses, Section D. No Parking Anytime, by adding  
the following:

First Street on the west side.

This Ordinance shall take effect upon its passage.

Introduced by Councilor

Brian Tapscott

Approved:

City Attorney

## MEMORANDUM

**DATE:** AUGUST 2, 2012

**TO:** ROBERT M. BELMORE

**FROM:** DAVID E. SHARPLES, DIRECTOR OF PLANNING AND COMMUNITY DEVELOPMENT

**SUBJECT:** PROPOSED ZONING AMENDMENT TO TABLE 5.A.1 REGARDING THE TEMPORARY PLACEMENT OF HANDICAP RAMPS AND SIMILAR STRUCTURES WITHIN THE REQUIRED MINIMUM SETBACKS.

On behalf of the Planning Board, I am forwarding a proposed Zoning Ordinance amendment that was considered by the Planning Board at a public hearing on March 21, 2012. The motion was to forward the proposal to the City Council with a recommendation for approval.

The Board proposed amending the Zoning Ordinance to allow for the temporary placement of handicap ramps or similar structures on residential buildings and for these structures to be exempt from having to meet the minimum setback requirements set forth in Table 5.A.1. The proposed wording is as follows:

**Temporary handicap ramps or similar structures that allow a person or persons with a recognized physical disability to reside in or regularly use the premises may be installed within the required setbacks provided that all the following criteria are met:**

- **The building permit shall reference this provision;**
- **The structure shall not encroach into the Public Right of Way;**
- **The structure shall be temporary and shall be removed when the particular person or persons for which the structure was built no longer needs to use the premises or structure\*;**
- **The structure shall comply with the setbacks set forth in Table 5.A.1 to the maximum extent possible;**
- **Abutters to the property on which the proposed structure will be erected shall be notified, by the applicant's expense, by the Code Enforcement Officer prior to the issuance of the Building Permit; and,**
- **This exemption is restricted to residential uses only.**

**In the Historic District, these structures shall be considered exempt under Section 14.E.2 Exempt Activities as long as the construction of the ramp or similar structure does not involve the removal or modification of any existing structure**

**\*The Code Enforcement Officer, after consultation with the Director, can waive the requirement to remove the structure when the person or persons for which the structure**

ORDINANCE NO. 2-13: AMENDING CHAPTER 19 ZONING ORDINANCE, TABLE 5.A.1 DIMENSIONAL AND DENSITY REGULATIONS (TEMPORARY HANDICAP RAMPS AND SIMILAR STRUCTURES).

August 13, 2012  
Somersworth NH

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 19, Zoning Ordinance, in the following manner:

TABLE 5.A.1 Dimensional and Density Regulations. Add the following language as footnote #14 with a reference note in the column heading regarding Minimum Yard Requirements "Setbacks":

**Temporary handicap ramps or similar structures that allow a person or persons with a recognized physical disability to reside in or regularly use the premises may be installed within the required setbacks provided that all the following criteria are met:**

- The building permit shall reference this provision;
- The structure shall not encroach into the Public Right of Way;
- The structure shall be temporary and shall be removed when the particular person or persons for which the structure was built no longer needs to use the premises or structure\*;
- The structure shall comply with the setbacks set forth in Table 5.A.1 to the maximum extent possible;
- Abutters to the property on which the proposed structure will be erected shall be notified, at the applicant's expense, by the Code Enforcement Officer prior to the issuance of the Building Permit; and,
- This exemption is restricted to residential uses only.

In the Historic District, these structures shall be considered exempt under Section 14.E.2 Exempt Activities as long as the construction of the ramp or similar structure does not involve the removal or modification of any existing structure.

\*The Code Enforcement Officer, after consultation with the Director, can waive the requirement to remove the structure when the person or persons for which the structure was built no longer needs it if it can be shown that a different person with a recognized physical disability needs the structure to remain. All waiver requests for the structure to remain shall be provided in writing to the Department of Development Services. A waiver from this requirement does not entitle the structure to remain indefinitely; it only allows the different person or persons that received the waiver to utilize the structure until they no longer need it.

This Ordinance shall take effect upon its passage.

ORDINANCE NO. 3-13 SUPPLEMENTAL APPROPRIATION OF ACCRUED INVESTMENT EARNINGS FROM THE NEW ELEMENTARY SCHOOL CONSTRUCTION BOND.

Somersworth, NH  
August 13, 2012

THE CITY COUNCIL OF THE CITY OF SOMERSWORTH ORDAINS THAT pursuant to Section 7.7(a) of the City Charter the annual budget for the City of Somersworth for Fiscal Year 2012-2013 is amended as follows:

Appropriate \$115,762 from Investment Earnings from the New Elementary School Construction Bond for the School Department Sections of the Fiscal Year 2012-2013 budget as follows:

Original Budget	Amendment	Revised Budget
School - \$24,832,238	\$115,762	\$24,948,000

Introduced by Councilor

David Witham

Approved as to Funding:

Scott A. Smith  
Director of Finance and Administration

Recorded by:

Diane M. DuBois  
City Clerk

Approved:

City Attorney

Background:

This ordinance appropriates the Investment Earnings from the new elementary school construction bond for the purpose of a window replacement project at the Somersworth High School and any funds remaining after the window replacement project at the Somersworth High School are authorized to be used for asbestos tile removal projects district wide. It is the intent of this appropriation that the City Council will review and award any contracts associated with the funding.

*This ordinance requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing (Section 7.7.(A) City Charter).*

RESOLUTION NO. 6-13 TO AUTHORIZE THE CITY MANAGER TO PURCHASE A TRAILER MOUNTED HYDRAULIC SEWER JET FROM H.P. FAIRFIELD, LLC OF PEMBROKE, NH.

Somersworth, NH  
August 13, 2012

WHEREAS, the Fiscal Year 2013 adopted budget contains an appropriation for the purpose of purchasing a trailer mounted hydraulic sewer jet; and

WHEREAS, City staff solicited bids from qualified companies for the purchase of this equipment; and

WHEREAS, City staff reviewed the bids and recommends purchasing this equipment from H.P. Fairfield, LLC of Pembroke, NH at a cost of \$52,055 (Fifty-Two Thousand Fifty Five dollars); and

WHEREAS, the City Council's Public Works and Environment Committee reviewed the recommendation with staff and recommends purchasing this equipment from H.P. Fairfield, LLC; and

WHEREAS, the City Council's Finance Committee reviewed the recommendation with staff and recommends purchasing this equipment from H.P. Fairfield, LLC,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to purchase a trailer mounted hydraulic sewer jet from H.P. Fairfield, LLC of Pembroke, NH at a cost of \$52,055 (Fifty-Two Thousand Fifty Five dollars).

Introduced by Councilors

Dale R. Sprague  
Robin S. Jarvis  
Jennifer Soldati  
Brian Tapscott  
Marcel Hebert

Approved

City Attorney

RESOLUTION NO. 7-13 TO AUTHORIZE THE USE OF BOND PROCEEDS FOR WINDOW REPLACEMENT AND ASBESTOS REMOVAL IN SOMERSWORTH SCHOOL FACILITIES.

Somersworth, NH  
August 13, 2012

WHEREAS, the City Council of the City of Somersworth adopted Resolution No. 28-09 to appropriate and bond \$19,930,790 (Nineteen Million Nine Hundred Thirty Thousand Seven Hundred Ninety dollars) for the purpose of constructing a new Somersworth elementary school; and

WHEREAS, upon completion of the new Somersworth elementary school, a balance of \$342,974 (Three Hundred Forty Two Thousand Nine Hundred Seventy Four dollars) of the bond proceeds remains unspent and unencumbered; and

WHEREAS, the Somersworth Fiscal Year 2013-2018 Capital Improvement Plan includes a window replacement project at the Somersworth High School and asbestos tile removal projects district wide,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the unspent and unencumbered balance of the bond proceeds originally appropriated for the purpose of constructing a new Somersworth elementary school is authorized to be used for the purpose of a window replacement project at the Somersworth High School; and

BE IT FURTHER RESOLVED that any funds remaining after the window replacement project at the Somersworth High School are authorized to be used for asbestos tile removal projects district wide.

Introduced by

Councilor David Witham

Approved:

City Attorney

*This Resolution requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing (Sections 7.13 and 7.14 City Charter).*

RESOLUTION NO. 8-13 BOND FOR THE COMPLETION OF A DOWNTOWN IMPROVEMENT PROJECT AND REPLACEMENT OF HVAC UNITS IN SOMERSWORTH SCHOOLS.

Somersworth, NH  
August 13, 2012

WHEREAS, the City Council of the City of Somersworth has identified infrastructure improvements they desire to make in the downtown area; and

WHEREAS, these improvements include upgrades to the City's drainage, water, and sewer systems, and reconstruction of the road and sidewalks on a portion of High Street and Market Street at an estimated cost of \$2,230,000 (Two Million Two Hundred Thirty Thousand Dollars); and

WHEREAS, the School Board of the City of Somersworth has identified the replacement of HVAC (Heating-Ventilation-Air Conditioning) Units throughout various school buildings as a priority and have identified five (5) of these units as critical to operations and recommend replacement at an estimated cost of \$770,000 (Seven Hundred Seventy Thousand Dollars),

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT an amount not to exceed \$3,000,000 (Three Million Dollars) is appropriated for infrastructure improvements in the downtown area and replacement of five (5) HVAC units in School buildings; and

BE IT FURTHER RESOLVED THAT (a.) the City Manager is authorized to borrow up to \$3,000,000 (Three Million Dollars) under the Municipal Finance Act and issue bonds and notes payable within 15 years from their dates, (b.) the City Manager is authorized to issue temporary notes in anticipation of the issue of these bonds or notes, (c.) the estimated useful life of these projects is expected to exceed 15 years.

Introduced by Councilors

David A. Witham  
Martin Pepin

Approved:

City Attorney

*This Resolution requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing (Sections 7.13 and 7.14 City Charter).*

RESOLUTION NO. 9-13 AUTHORIZING THE CITY MANAGER TO ACCEPT AN AMENDED HAZARD MITIGATION GRANT IN THE AMOUNT OF \$48,562 (FORTY EIGHT THOUSAND FIVE HUNDRED SIXTY TWO DOLLARS) TO UPGRADE THE ROCKY HILL ROAD CULVERT.

Somersworth, NH  
August 13, 2012

WHEREAS, the City of Somersworth has applied for and received approval for a Hazard Mitigation Grant to upgrade the Rocky Hill Road culvert through the New Hampshire Department of Safety, Homeland Security and Emergency Management, funding 75% of the project cost requiring a local match of 25%; and

WHEREAS, a new culvert will mitigate and prevent possible flooding of Rocky Hill Road in the future; and

WHEREAS, the City Council adopted Resolution 2-12 authorizing the City Manager to accept a grant for this purpose in the amount of \$21,227 (Twenty One Thousand Two Hundred Twenty Seven dollars), however this grant has been amended based on project requirements and is now approved in the amount of \$48,562 (Forty Eight Thousand Five Hundred Sixty Two dollars); and

WHEREAS, the City Council's Public Works and Environment Committee has reviewed the grant approval with staff and recommends acceptance,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to accept a Hazard Mitigation Grant in the amount of \$48,562 (Forty Eight Thousand Five Hundred Sixty Two dollars) to upgrade the Rocky Hill Road culvert; and

BE IT FURTHER RESOLVED THAT the City Manager is authorized to sign any documents required to execute the grant and complete the Rocky Hill Road culvert upgrade in the best interest of the City.

Introduced by Councilors

Dale R. Sprague  
Brian Tapscott  
Marcel Hebert

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, August 10<sup>th</sup>, 2012

**SUBJECT:** City Manager's Report for Monday, August 13<sup>th</sup>, 2012  
City Council Agenda

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**5:30 PM – Labor Union Negotiations Meeting (Non-Meeting)**

**6:00 PM – PUBLIC HEARING**  
Proposed Charter Amendment, Tax and Spending Cap

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### *Unfinished Business (under Section 12 of the Agenda):*

- A. Resolution No. 3-13 To Authorize the City Manager to Purchase a Trailer Mounted Trash Pump for the Wastewater Treatment Facilities.**
- B. Resolution No. 4-13 Accept Gator Rock Road.** Attached is a memorandum from Director Sharples that identifies the equipment and materials being stored on-site. The owner of the lots will remove all the items from the site if desired by the City.

### *New Business (under Section 13 of the Agenda):*

#### **Ordinances:**

- A. Ordinance No. 1-13 Amend Chapter 13, Police Offenses, Section D, No Parking Anytime.**
- B. Ordinance No. 2-13 Amend Chapter 19, Zoning Ordinance, Table 5.A.1 Dimensional and Density Regulations (Temporary Handicap Ramps and Similar Structures).** This Ordinance change is being forwarded to City Council by the Planning Board.
- C. Ordinance No. 3-13 Supplemental Appropriation of Accrued Investment Earnings from the New Elementary School Construction Bond.** I recommend the required Public Hearing be scheduled for 6:45 p.m. prior to the next regular Council meeting on Tuesday, September 4<sup>th</sup>. This Ordinance will require a 2/3rds vote of Council to pass.

**Resolutions:**

- A. Resolution No. 6-13 To Authorize the City Manager to Purchase a Trailer Mounted Hydraulic Sewer Jet from H.P. Fairfield, LLC of Pembroke, NH.** Attached is a memorandum from Public Works Director Willis that summarizes the bids received. The Public Works and Environment Committee discussed and accepted the Highway Department's recommendation to purchase this make and model.
- B. Resolution No. 7-13 To Authorize the Use of Bond Proceeds for Window Replacement and Asbestos Removal in Somersworth School Facilities.** As required, I recommend a Public Hearing be scheduled for September 4<sup>th</sup> at 6:30 p.m.
- C. Resolution No 8-13 Bond for the Completion of a Downtown Improvement Project and Replacement of HVAC Units in Somersworth Schools.** As required, I recommend a Public Hearing be scheduled for September 4<sup>th</sup> at 6:15 p.m.  
Resolutions 7-13 and 8-13 both require a 2/3rds vote of Council to pass.
- D. Resolution No. 9-13 Authorizing the City Manager to Accept an Amended Hazard Mitigation Grant in the Amount of \$48,562 (Forty Eight Thousand Five Hundred Sixty Two Dollars) to Upgrade the Rocky Hill Road Culvert.** This project's scope of work has been modified to meet new State Wetland Standards. The Council's Public Works & Environment Committee did discuss with City Staff and endorsed the new plan at their August 1<sup>st</sup> meeting. A copy of the Grant Award Agreement is attached.

**Other:**

- A. Discussion of City Website Design.**
- B. Vote to change the Referenced Section Number of the Petitioned "Tax Cap" Charter Amendment from 6.4-a to 7.4-a, since Article VII Sets Forth the Financial Procedures.**
- C. The charter amendments which were placed on the ballot and approved by voters at the November, 2009 election had not been forwarded to the Secretary of State, Attorney General, and Commissioner of the Dept. of Revenue Administration as required pursuant to RSA 49-B:5-a. In order to cure this procedural defect, the Council hereby approves both submitting those amendments to the three State Agencies for review and then placing the amendments on the ballot for consideration by the voters again at the November 6, 2012 General Election (motion, 2<sup>nd</sup> and vote required).**
- D. Vote to Ratify the Collective Bargaining Agreement between the Somersworth School Board and the Somersworth Association of Educators.**

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

**A. Informational Items:**

1. **Town of Berwick Water Request.** Attached is an August 8<sup>th</sup> email that I received from Berwick. The email is their notification that they are withdrawing their request for water as part of their standpipe maintenance project. Berwick officials also indicate their desire to redefine the two communities 1987 water agreement.
2. **New Cruisers at the PD.** The Police Department has two new cruisers as part of their replacement program for Patrol: one Chevy and one Dodge. There is also another new Dodge being ordered.
3. **Economic Development Manager.** Christine Davis has accepted the position and will begin August 27<sup>th</sup>, 2012. Ms. Davis has most recently worked as a Business Resource Specialist with the NH Division of Economic Development (DRED).