

# MINUTES OF CITY COUNCIL MEETING

AUGUST 13, 2012

The City Council Meeting was called to order at 7:00 p.m. by His Honor, Mayor Spencer, and upon roll call, the following members were found present: Pepin, Soldati, Hebert, McCallion, Durkee, Tapscott, Witham and Jarvis. Absent: Sprague.

## MINUTES OF PREVIOUS MEETINGS.

### A. Minutes of 7/11/2012 City Council/School Board Workshop.

Mayor Spencer referred to page 7, last paragraph, stating the spelling of the word "lien" should be "lean". Councilor Witham moved to approve the minutes with the minor amendment as recorded. The motion was seconded by Councilor Tapscott and passed by a vote of 7 yeas, 1 abstention, Councilor Pepin abstaining.

### B. Minutes of 7/16/2012 City Council Workshop.

Mayor Spencer referred to page 2, paragraph 4, last sentence, change "accost" to "a cost". Councilor Witham moved to approve the minutes as amended. The motion was seconded by Councilor Tapscott and approved unanimously.

### C. Minutes of 7/16/2012 City Council Meeting.

Mayor Spencer referred to page 2, line 5, change "Lien" to "Lean". Councilor Witham moved to approve the minutes as amended. The motion was seconded by Councilor Tapscott and approved unanimously.

### D. Minutes of 7/24/2012 Special Meeting.

Councilor Witham moved to approve the relatively lean minutes of the 7/24/2012 Special Meeting as presented. The motion was seconded by Councilor Tapscott and approved unanimously.

## COMMENTS BY VISITORS.

Bill Connor, 41 Pinewood Drive, referred to an item under "New Business, Other", the vote to ratify the Collective Bargaining Agreement between the Somersworth School Board and the Somersworth Association of Educators, asking if someone could enlighten him and the people that are watching this presentation about what this would entail and what it is going to cost the taxpayers.

## MAYOR'S REPORT.

Mayor Spencer reported the following:

- 7/18/12 – Attended the Traffic and Safety Committee Meeting.
- 7/19/12 – Attended the Sustainability Committee Meeting.

- 7/20/12 – Met with Jessie Dill, the Executive Director of Big Brothers and Big Sisters. They are in need of people to step up and be mentors for some of the kids in our community.
- 7/24/12 – Held a Special City Council Meeting to set a date for the Tax Cap Public Hearing.
- 7/26/12 through 8/02/12 he was in Washington, DC. If anybody has the chance, he highly recommends them visiting Washington, DC.
- 8/05/12 he met with constituents to talk about the tax and spending cap petition.

Mayor Spencer congratulated and welcomed Ms. Christine Davis aboard. She will be starting as the Economic Development Director on 8/27/12.

Mayor Spencer indicated they are looking for a Ward Clerk for Ward 2. The present Ward Clerk is on the agenda tonight, being nominated as Supervisor of the Checklist for Ward 2. If anyone is interested in doing that they should let him know.

Mayor Spencer encouraged the City Council to think about letting the voters have their say regarding the tax and spending cap.

#### REPORTS OF STANDING COMMITTEES.

##### FINANCE COMMITTEE.

Councilor Jarvis reported this Committee met on 8/01/12. They discussed two items that were already budgeted for:

- Reviewed the Public Works & Utilities bids for the sewer jet, plow and sander. The Committee members went with the recommendations that were provided to them.
- Reviewed the Fire Chief Command Vehicle purchase, which came to \$47,880. They have applied for a 100% Homeland Security Grant for radios and command equipment which should come in at about \$10,980 and would drop the total purchase price to \$36,900.

##### PUBLIC SAFETY COMMITTEE.

Councilor Witham reported this Committee met on 7/27/12. Prior minutes were approved. The following items were discussed:

- They had a presentation from the Fire Chief on the Command Vehicle. Part of the purchase of the new vehicle also involves equipping the vehicle with radios and other command equipment, which is what the grant would be for. At the end of the day, the grant would achieve about \$10,000 worth of savings. The Chief articulated that he would like to take that \$10,000 and purchase a used four-wheel drive pickup truck to be used as the Department's forestry vehicle. He indicated the current forestry vehicle is the wrong piece of equipment to do what it should, and that vehicle could be used as more of a utility vehicle. The Committee unanimously endorsed the Fire Chief's plan.

- Discussion of emergency traffic signal in front of AMR on High Street, which has been out of order since last fall. It was indicated by a staff member from AMR that they have constantly worked to repair it but it keeps failing. They opted just to let it flash in its current mode. At this point in time, the Committee has agreed just to let it stay the way it is because of the cost for either repair or removal.
- The Fire Chief presented his idea to enhance staffing of the call firefighting force. His plan is to add a number of Firefighters over the next 4 to 5 years and he plans to submit a Homeland Security Grant for 100% federal funding to obtain and equip call firefighters here in the City. He has submitted the grant and they are optimistic that we might get some if not all of that funding. The Committee applauds his efforts in that capacity. The Committee endorsed his plan.
- They had a general discussion relative to the fireworks permitting process. Staff, including Chief Crombie from the Police Department, indicated there were few changes and no more or less complaints from years past. Committee members agreed to let the process work for a longer period of time and see where it goes.
- The City Manager informed them he received some donations of chainsaws from Hilltop Fireworks with a value of approximately \$1,500.
- The City's Emergency Management Plan has been recently updated and the City continues to pursue grants in various forms.

#### GOVERNMENT OPERATIONS COMMITTEE.

Councilor Tapscott reported this Committee met 7/27/12. They discussed the following:

- Tax cap petition and charter amendments. They had a discussion with the City Attorney via phone and the Attorney will get back to us on these issues after she contacts the three State agencies that have to approve the changes, the Department of Revenue Administration, Secretary of State's Office, and the Attorney General's Office.
- They finalized the City Manager Evaluation Form and added a cover sheet. They will be passing these forms out at the end of the meeting. The deadline for returning the forms will be 8/24/2012. The City Manager review will take place on 9/04/2012.

#### PUBLIC WORKS & UTILITIES.

Councilor Tapscott reported this Committee met on 8/01/12. They discussed the following items:

- Review of the road maintenance budget work which is allowing us to spend \$150,000 on road maintenance. City Engineer Ducharme showed maps of the City pavement repairs which included Rocky Hill Road, Maple Street, Blackwater Road. The work included cracksealing and resurfacing. The consensus was to send the project out for bids.
- The Rocky Hill Road Project was reviewed by Engineer Ducharme also. They are talking about \$65,000 to repair the culvert. The consensus was to send it out for bids and come back to the committee with results.

- They discussed the purchase of the sewer jet, sand and salt spreader, and the articulated plow for the Public Works Department. All three purchases were recommended by Committee members. The money has already been approved for these items.
- Discussion about the City water hydrant painting. He feels that red should be the color of choice on all the hydrants, and eliminate the blue. Red shows up really nicely and he feels they should all be painted red.

#### RECREATION COMMITTEE.

Councilor Pepin reported this Committee met on 8/03/12 at the Noble Pines and discussed the following items:

- Viewed Noble Pines improvement project site. The projected completion of the pavilion is 2 to 3 weeks. Water lines installed up to site of misting area. Projected completion of misting area is early fall. Total projected completion is next spring. Skateboard park section construction will begin in the spring.
- Staff reports that fencing at Jules Bisson Park has been repaired. Cracks in the basketball court will be repaired in the very near future.
- Proposal for Pine Street Park presented by staff. Detailed concept plan outlined and staff will be coordinating with Somersworth Housing Authority to see if this plan will meet with their funding requirements.
- Staff outline proposal from Verizon regarding construction of a small building near the water tower. The committee gave suggestions regarding landscaping.
- The concession stand over the dugout at Noble Pines was viewed. Discussion on varied types of walkways or stairs. Staff will come back with proposals and costs.

#### REPORTS OF SPECIAL COMMITTEES.

##### SCHOOL BOARD.

Councilor Pepin reported he attended a School Board Workshop on 7/17/12 and a School Board Meeting on 8/01/12. The meeting consisted mostly of discussion on the RFP for Rollinsford School. Rollinsford is currently looking for bid proposals to see what it would cost to send their students to other communities.

Councilor Pepin said we have had Rollinsford students in our district for approximately 50 years and the School Department would like to keep them here in Somersworth. We are putting in an RFP also.

Councilor Pepin thought the City Council should be made aware of this.

CITY MANAGER'S REPORT.



**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).

**B. Attachments:**

1. Certifications (2).
2. Department Head Monthly Reports.
3. City Manager Memorandums (Legal -1; Various-4)
4. SAU Confidential Memorandum on Teacher Contract.

NOMINATIONS, APPOINTMENTS AND ELECTIONS.

SUPERVISOR OF THE CHECKLIST, WARD 2.

Mayor Spencer appointed Jeanette Gagne, term to expire 12/2016.

Councilor Tapscott moved to suspend the rules in order to pass this appointment tonight. The motion was seconded by Councilor Durkee and passed unanimously.

The appointment of Jeanette Gagne as Supervisor of the Checklist in Ward 2 passed unanimously.

UNFINISHED BUSINESS.

RESOLUTION NO. 3-13 TO AUTHORIZE THE CITY MANAGER TO PURCHASE A TRAILER MOUNTED TRASH PUMP FOR THE WASTEWATER TREATMENT FACILITIES.

Following the second reading of Resolution No. 3-13 by title, the Resolution passed by roll call vote of 8 yeas, 0 nays.

RESOLUTION NO. 4-13 ACCEPT GATOR ROCK ROAD.

Following the second reading of Resolution No. 4-13 by title, Councilor Witham indicated there has been a lot of cleanup on this road and his hesitation to accept this road has been eliminated.

Resolution No. 4-13 passed by roll call vote of 8 yeas, 0 nays.

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

Following the first reading of Ordinance No. 1-13, it was referred to the next meeting.

Councilor Witham moved that Ordinance No. 2-13 be read by title only due to its length. The motion was seconded by Councilor Tapscott and passed unanimously.

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.

Introduced by Councilor

David Witham

Approved:  
City Attorney

Councilor Witham moved to schedule a Public Hearing on Ordinance No. 2-13 at 6:00 p.m. on 9/04/12 as per the City Manager's recommendation. The motion was seconded by Councilor Tapscott and passed unanimously.

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.

*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).*

Councilor Witham moved that a Public Hearing on Ordinance No. 3-13 be scheduled for 9/04/12 at 6:45 p.m. The motion was seconded by Councilor Tapscott and passed unanimously.

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

Councilor Witham moved to suspend the rules in order to act on this Resolution this evening. The motion was seconded by Councilor Soldati and passed unanimously.

Following the second reading of Resolution No. 6-13 by title, the Resolution passed by roll call vote of 8 yeas, 0 nays.

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 Councilors

David Witham  
Brian Tapscott

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).*

Councilor Witham moved to hold a public hearing on Resolution No. 7-13 on 9/04/12 at 6:30 p.m. The motion was seconded by Councilor Soldati and passed unanimously.

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).*

Councilor Witham moved to hold a public hearing on Resolution No. 8-13 on 9/04/12 at 6:15 p.m. The motion was seconded by Councilor Durkee and passed unanimously.

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

Councilor Witham moved to suspend the rules in order to act on Resolution No. 9-13 tonight. The motion was seconded by Councilor Tapscott and passed unanimously.

Following the second reading of Resolution No. 9-13 by title, Councilor Witham said this has been an ongoing issue for a number of years. We are accepting grant monies to proceed with the project. This project involves wetland and permitting, and all of those things take time. Whatever days we can save by suspending the rules here will be helpful.

Councilor Pepin said we are getting later into the year and by the time bids are received and all the permits are done we will probably be looking at late fall for this project. He is concerned with this being a road hazard more than anything else. The faster we can get this taken care of the better.

Resolution No. 9-13 passed by roll call vote of 8 yeas, 0 nays.

OTHER.

DISCUSSION OF CITY WEB SITE DESIGN.

The City Manager indicated they are still working on the initial design with the consultant. If anybody has any thoughts or ideas they should let him or Finance Director Smith know. They appreciate the public's input.

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.

Councilor Witham indicated he does not support the idea of a tax cap, however it should reference the appropriate section of the charter. He moved that the amendment from Section 6.4-a to 7.4-a be approved. The motion was seconded by Councilor Tapscott and passed unanimously.

VOTE TO SEND "TAX CAP" CHARTER AMENDMENT TO THE NOVEMBER BALLOT PER RSA 49-B:5IV(a).

Councilor Tapscott moved to send the Tax Cap Charter Amendment to the November ballot. The motion was seconded by Councilor Durkee and passed by roll call vote of 6 yeas, 2 nays, Councilors Soldati and Hebert voting in the negative.

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.

Councilor Tapscott moved to place these items on the ballot as soon as we hear back from the State agencies.

Councilor Soldati said it is her understanding that our attorney is still talking to the three entities because she has found a statute that claims if there was no objection raised to the procedural defect, then the amendments stand. She wondered if they could wait until the next meeting to vote on this until we have a definite answer.

City Manager Belmore respectfully suggested Councilor Tapscott add "if required" to his motion.

Councilor Tapscott agreed to amending his motion by adding "if required". The motion was seconded by Councilor Soldati and passed unanimously.

Councilor Witham said the Charter Commission concluded its duties in November of 2009 and 20+ articles were placed on the ballot. He hopes we do not have to put all these on the ballot again, time will tell. If needed, it makes sense. All the charter questions on the ballot passed by big majorities. This is an exercise in procedure, not in substance. Hopefully the State of New Hampshire recognizes that.

The motion to place these items on the ballot as soon as we hear back from the State agencies, if required, passed unanimously.

VOTE TO RATIFY THE COLLECTIVE BARGAINING AGREEMENT BETWEEN  
THE SOMERSWORTH SCHOOL BOARD AND THE SOMERSWORTH  
ASSOCIATION OF EDUCATORS.

Councilor Witham moved to ratify the Collective Bargaining Agreement between the Somersworth School Board and the Somersworth Association of Educators dated 8/13/12. The motion was seconded by Councilor Tapscott.

Councilor Witham asked the City Manager if, by law, we are allowed to discuss the particular numbers involved in this Agreement.

The City Manager replied that in the past the Council has divulged criteria that was inclined to give a favorable vote.

Councilor Witham said one of the things the School Board negotiating team and the School Board administration and perhaps most importantly Somersworth teachers have worked on in terms of arriving at an agreement they can put in front of us for discussion and action is a continued work to wrap their hands around health care costs. Health care is one of those big costs that come up every budget season. It is one of those things that is pretty much out of our control. This Agreement moves dramatically towards reeling in

that number. It allows for open access for new employees that come in that could appreciate sizable savings, it increases co-pay visits for employees and it increases contributions by an additional 2%. You cannot arrive at those sorts of concessions without giving something up at the other end. In this Agreement, there are some step increase adjustments. The good news with the School Department plan for its educators is that steps do max out after a certain number of years if they do not wish to further pursue their education.

Councilor Witham said over the two years the cost is \$380,000. It does continue to reel in that cost of health insurance. He is in favor of this Agreement and will support it.

Councilor Soldati said she agrees with Councilor Witham and she commended the teachers union for making an effort to help us bring down the health care costs. Back when costs were reasonable, many employers paid 100% of employees' health insurance premiums. They are not doing that anymore. The residents do appreciate it when the teachers' union makes an effort to bring themselves into this new, scary 21<sup>st</sup> century. She hopes the Council can continue to work with them in a positive way and hopes the Affordable Care Act will help us out a little bit in the future.

The vote to ratify the Collective Bargaining Agreement between the Somersworth School Board and the Somersworth Association of Educators passed by roll call vote of 7 yeas, 1 nay, Councilor Durkee voting in the negative.

#### COMMENTS BY VISITORS.

Real Roseberry, 405 Route 108, thanked the Council for voting the tax and spending cap petition to the November ballot. He has another petition he has going around. He will wait until January to see what he will do about the water bill question. When he promises people something, he keeps going. Let the taxpayers tell us what they want.

Mr. Roseberry said we cannot afford to lose the Rollinsford students in our school. He would like to help the School Board to help keep them here.

Stephanie Riotto, School Board member, thanked the Council for their support in passing the Collective Bargaining Agreement. It was another year of hard work. Negotiations are not easy and they appreciate their partnership with their teachers and their other bargaining units and they appreciate the support of the City Council.

Angela Ficco, 11 Francoeur Drive, thanked the City Council for realizing the concessions they made with health insurance and in other areas. They appreciate having their contract approved.

Ed Olson, President of Somersworth Association of Educators, thanked the City Council for their support.

## CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Witham said he does not support the tax and spending cap for a variety of reasons. We heard tonight about the Rollinsford School District. We have had a long and storied history with the Rollinsford School District. He feels we offer an excellent educational opportunity for Rollinsford students and he would hate to see them folks go. Obviously, that is their decision and not ours.

Councilor Witham quoted something that he read, "we elect officials to make decisions based on conditions they experience in that time". Times change, and they change year after year. How can we know what next year will bring in terms of fuel costs, storms, road repairs that need to be done, etc.? Why would he want to lock the hands of our elected officials so they cannot take care of problems that arise? A tax cap does that.

Councilor Witham said one might argue that a tax cap can be overridden by a two-thirds vote. We saw that didn't work so well in Dover this past year. Elected officials are hesitant to override the will of the voters. We need to live in the current times and Council's need to understand what the current economic climate is and they need to balance that against what the demands of the community are.

Councilor Witham said we hear time and again from people saying we need to fix our roads, purchase police cruisers, improve fire protection, plow our roads, enhance our school system, but at the same time some people want to vote for a tax cap which means we have to stop purchasing police cruisers, maybe cut firefighters, certainly eliminate teachers. The consequences of a tax cap would be terrible for this community. We are a lot different than our surrounding communities because of our limited tax base. We are only ten square miles in size and we have run out of development space. We need to live in these economic times. He hopes the voters come out in mass in November and vote the tax cap down.

Councilor Witham said we are doing a lot towards improvements this year for both the City and the schools. It doesn't happen quickly, but we have started to make some strides. If you want us to stop this progress and more than likely take steps backwards with staff reductions, bad roads, etc., go ahead and vote for the tax cap.

Councilor Pepin said he agrees with this. When he ran for office, he did so to try to improve the City and plan to bring our tax dollars down. The only way he sees that this can be done is by planning ahead, not having to deal with a tax cap. We talked about cutting some more out of the CIP items this year, and the City Manager commented that would be defeating the whole purpose of trying to plan ahead for the future because things are just going to get worse.

Councilor Pepin said when Hilltop School was an issue, people asked why we let it go for so long. It was simply because we didn't have the money. The School Department had \$7M in CIP items in the budget this year. We are addressing some of them, but we are not even scratching the surface yet. He doesn't see where a tax cap would help us in any

way. If we are not taking care of our community and our schools, how can we sell Rollinsford on sending their children to our school?

Councilor Pepin said he hopes the public takes the time to really research and look into it and decide what they want their community to be. Any Council member or City staff member is willing to answer any questions. He has called the School Department many times with questions they have answered for him. He hopes people will take a very deep look on what a tax cap would do to this community. We're not Dover or Rochester.

Councilor Durkee said he ran for Council four years ago and this was the hot topic, what to do about the tax cap. Other communities have adopted a tax cap, but quite frankly he thinks we need to do what is best for our community. He is glad this is going to be on the ballot. At the time he was running for office he was against the tax cap, but felt that the voters should have their say. Having spent close to 8 months in this seat, he is pretty firmly convinced that we need a tax cap. He came to that conclusion because he feels it is the perfect marriage between public involvement and empowering the people they elect to override that in times of need. We are elected to these seats for the express intent of doing the things our constituents want. If somebody said we could never override anything, of course he would not support it. He personally thinks this is the right move for our community. He appreciates the fact that it will be on the ballot and voters will vote it up or down.

Councilor Tapscott said he would like his name added to Resolution No. 7-13.

Councilor Soldati said she thinks the public has heard both sides of the tax cap argument. Her tendency is to agree with Councilors Witham and Pepin. The voters made up their minds the last time it was on the ballot.

Councilor Soldati said the Friends of Somersworth have been working very hard. She commended Code Enforcement Officer Tim Metivier who has worked very closely with the group. She is on the Board of Directors. On 9/22/12 the Friends of Somersworth will be holding a silent auction at the VFW Hall on High Street. There will be food, a cash bar, dancing, etc. Admission will be free. If anyone has items to donate for the silent auction the group would like to hear from you.

Councilor Hebert said he is in agreement with Councilor Witham regarding the tax cap. He feels that this group of City Council members is being driven by Councilor Witham and he is tired of it. He doesn't see how the \$3M bond will do much of anything for the schools and the City and feels it should be \$6M or \$7M.

Councilor McCallion said from time to time Councilors disagree on certain issues, but he does not feel that any one person runs the City Council. It takes a few people with some ideas. It is a testament to the City that we have people that are giving us so much information. There is a heightened awareness of trying to get everything right and we come better prepared. Our committees are doing more work. We are all in this together,

we just need to try to work it out. He thinks things are going better and he hates to hear any attacks between people.

Councilor Durkee said he doesn't think Councilor Witham needs a public defender, but he thinks that is a ridiculous statement. He has the utmost respect for everyone up here. Some are more vocal advocates than others. He has never based any of his votes on anything but what he felt was right. He thinks he speaks for everyone here, including Councilor Witham. He appreciates it when people bring ideas to the table. People should know how we think when we vote. Everyone is free to be as active as they want to be. Everyone has done a good job and he commends everyone.

Mayor Spencer said he appreciates Councilor Witham's opinions. Everybody can speak their own mind.

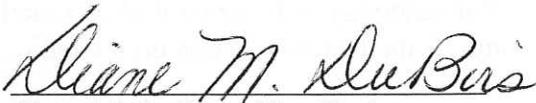
#### FUTURE AGENDA ITEMS.

Councilor Witham asked that the letter from Mr. Connors be placed under communications at the next meeting.

#### ADJOURNMENT.

Councilor Tapscott moved to adjourn. The motion was seconded by Councilor Pepin and passed unanimously. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

  
Diane M. DuBois, City Clerk