

**MINUTES OF CITY COUNCIL MEETING**  
**DECEMBER 12, 2011**

The meeting was called to order by Mayor Spencer, and upon roll call, the following members were found present: Pepin, Watman, Spainhower, McCallion, Beaudet, Tapscott, Witham, Jarvis and Sprague.

**MINUTES OF THE 11/14/2011 CITY COUNCIL MEETING.**

Councilor Witham moved to amend the minutes of the 11/14/2011 meeting as follows: Page 9, second paragraph, which reads "Councilor Witham has to differ a little bit because . . .", change Councilor Witham to Councilor Watman. The motion was seconded by Councilor Tapscott and passed unanimously.

Councilor Witham moved to pass the minutes of the 11/14/11 meeting as amended. The motion was seconded by Councilor Tapscott and passed unanimously.

**COMMENTS BY VISITORS.**

Jim Wiggin, 11 Linden Street, welcomed the new Mayor and wished him good luck. He thanked the departing Council members for their service, and said he doesn't know what we are going to do for a parliamentarian without Councilor Watman.

Mr. Wiggin said he is here tonight as a minority against the public-private collaboration between the City of Somersworth and the Friends of Somersworth to pursue the preservation of the Hilltop School as a community resource. The past several Councils did not do anything with the Hilltop School because any work to the school would not have alleviated the original problem they were dealing with, called space needs. The bottom line is that we could have put billions of dollars into the school but it still wouldn't have sufficed.

Mr. Wiggin said his concern with Resolution No. 17-12, the public/private collaboration between the City of Somersworth and the Friends of Somersworth to pursue the preservation of the Hilltop School as a community resource, is with grants the City may be asked to get. Everybody knows that whenever you get a grant there are many strings attached. The majority of the code requirements are still going to have to be addressed if this remains a public building.

Mr. Wiggin said his property taxes have doubled since the year 2000.

Mr. Wiggin said it is his opinion that the City of Somersworth is not a good steward of its properties. We tend to be reactive rather than pro-active.

MEMORANDUM FROM JENNIFER SOLDATI.

December 8, 2011

Memorandum

To: Diane DuBois  
From: Jennifer Soldati

Please consider this notice as my official resignation as the Supervisor of the Checklist for Ward 2 in Somersworth, effective immediately.

MAYOR'S REPORT.

Mayor Spencer thanked everyone who got out and voted during the election. He is very humbled. He wants everyone to know they can contact him via phone and e-mail. He hopes people will tell him their opinions. He asked that if you bring an opinion to him you also suggest a solution to the problem as well.

REPORTS OF STANDING COMMITTEES.

FINANCE COMMITTEE.

Councilor Jarvis reported this Committee met on 12/6/11 primarily to review the monthly water/sewer billing. Finance Director Smith and City Manager Belmore gave an overview of the process which started by installing upgraded water meters in 2003 with the intent of migrating to monthly billing in the future. The installation was completed in 2011. Cash flow, abatement requests, and staff workload during the implementation of monthly billing was also reviewed.

Councilor Jarvis said the members of the committee voted unanimously to continue with the monthly billing and reevaluate after it has been in place for one year.

PUBLIC WORKS & THE ENVIRONMENT.

Councilor Spainhower reported this Committee met on 12/6/11. One of the items discussed was accepting Hawthorne Circle, which the committee members support.

Councilor Spainhower said they also heard an update from City staff regarding Gator Rock Road.

REPORTS OF SPECIAL COMMITTEES.

COAST BOARD OF DIRECTORS.

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, December 9, 2011  
**SUBJECT:** City Manager's Report for Monday, December 12, 2011  
City Council Agenda

---

*Council Non-Meeting*  
*City Attorney– 6:00 p.m.*

---

***Lay on Table (under Section 11 of the Agenda):***

- A. Discussion of Monthly Water and Sewer Billing.** Attached is information presented to the Finance Committee at their December 6<sup>th</sup> meeting.

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

**Resolutions:**

- A. Resolution No. 16-12 Authorizing the City Manager to Enter Into a Grant Agreement with the New Hampshire Department of Transportation for a Transportation Enhancement (TE) Grant for a Downtown Sidewalk and Streetscape Improvement Project.** As a reminder, further City Council action will be required to award contracts and expend funds when we get to the bricks and mortar construction stages of the project.
- B. Resolution No. 17-12 Authorizing a Public-Private Collaboration between the City of Somersworth and the Friends of Somersworth to Pursue the Preservation of the Hilltop School as a Community Resource.** As a reminder, this Resolution was a work product stemming from the Economic Development Committee's meeting of November 1, 2011.

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

development and job creation in Somersworth. This is the City's third such designated zone.

**B. Attachments:**

1. City Attorney Certification (2).
2. Department Head Monthly Reports.
3. CIP FY 2013-2018.
4. City Engineering Consultant letter to EPA on Superfund Site's former Recreation Area dated December 5, 2011.
5. City Planner Memo & SRPC 12/06/2011 letter re: GACIT and Draft NH DOT ten year plan.
6. New Elected Officials – December 9, 2011 City Manager Orientation agenda and material.

The City Manager indicated there were two recent Firefighter appointments, John Dann and Matt Wilder, and also the recent promotion of Sean Houle to Fire Lieutenant. He asked them to come up along with the Fire Chief.

Interim Chief Bliss indicated they had a swearing-in ceremony at the Fire Station earlier in the evening for these individuals. The selection of Firefighters is very competitive. They go through the State Fire Academy Exam process which has a grueling physical agility test and also oral boards. The three gentlemen here this evening come with some very impressive credentials. Lt. Houle has been with the Department for twelve years now, and also went through a very competitive process.

Interim Chief Bliss said he has worked with the individuals at the Somersworth Fire Department since September, and he continues to be impressed with their level of performance, their expertise and skills, and their dedication to the City.

NOMINATIONS, APPOINTMENTS AND ELECTIONS.

SUPERVISOR OF THE CHECKLIST, WARD 2.

Mayor Spencer nominated Donald Carr, term to expire 12/2016.

The Mayor asked the Council members to solidify these nominations tonight so we have people in place for the upcoming election.

Councilor Witham moved to suspend the rules in order to act on this nomination this evening. The motion was seconded by Councilor Beaudet and carried unanimously.

Councilor Witham moved that the nomination of Donald Carr to the position of Supervisor of the Checklist, Ward 2 be approved. The motion was seconded by Councilor Sprague and passed unanimously.

2. Instituting an easy pay solution for customers does not alleviate staff workload and has not garnered public support, although staff has made that assumption.

Additional costs will continue to escalate with monthly billing. He wholeheartedly believes that monthly billing has been rejected by the vast majority of our community. They do not understand why we revamped a very successful program to a controversial venue that is much more expensive. We need to return to quarterly billing.

Councilor Witham said the statement that our water collection was successful is incorrect. The water collection here for many years was sub-par, and up until recently it was running in the red. That ship has been righted successfully, despite the construction of a new water treatment plant.

Councilor Witham said there is nothing in the Finance Director's memo that compels him to change the monthly billing. He feels that change is what has folks most concerned. People are not paying more. Any change is difficult, but he is willing to give it a go for another year based upon the recommendations of City staff and the Finance Committee.

Councilor Watman said what got his attention was that the percentage of collections has gone way up. Not enough time has gone by for us to know if that is the trend or not. He feels it is a good idea to let this sit for one year and see how it works.

Councilor Pepin said most of the people he has been hearing from are the elderly. They have to pay for their checks, they have to pay for postage. If they come to City Hall, they are concerned about the ice in the winter time.

Councilor Jarvis said she feels we need more time to analyze this.

Councilor Sprague moved to lay this back on the table. The motion was seconded by Councilor Spainhower. The motion passed by roll call vote of 5 yeas, 4 nays, Councilors Pepin, Beaudet, Tapscott and Witham voting in the negative.

#### UNFINISHED BUSINESS.

#### RESOLUTION NO. 16-12 AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION ENHANCEMENT (TE) GRANT FOR A DOWNTOWN SIDEWALK AND STREETScape IMPROVEMENT PROJECT.

Councilor Witham said this project has been underway for a number of years. He thanked the City Planner, Dave Sharples, and other appropriate City staff, for their time and diligence both in applying for the grant and also for following through to the point where it is in front of us this evening.

Councilor Witham said there are a couple of ways to accomplish the zoning issue. One would be to rezone that section of the City, and we would have to be careful about how we approach that so as to avoid a spot-zoning issue. The other way would be to seek zoning relief from the Zoning Board of Adjustment. In his gut, he supports the partnership but feels we need to move with caution so as to manage the risk. He supports the motion to postpone voting on the resolution.

Councilor Sprague said he appreciates the delay also. He does want to proceed with caution. His concern with the zoning is that the Friends of Somersworth may have a hard time establishing grants without the correct zoning. His biggest fear is that if we do end up rezoning and this were to fail we have now rezoned the area and a different entity could come in and try something "commercial". He does not think that is what the neighborhood wants.

Councilor Sprague said he still would like some more answers from the attorney. You cannot just run into things like this. You have to be careful for what might come down the road if a plan fails.

Councilor Sprague said you can put in the resolution that it will not impact the City financially but when you have City staff working on grants, etc., it does affect the City financially. We have to get the zoning under control and figure out what the use is going to be.

Councilor Pepin said this was a project when he started on the Council four years ago. The only thing he sees this resolution trying to accomplish is for a group of people to have some guidance in trying to establish this. There is nothing binding on the City. As it stands right now, they cannot get funding. This resolution addresses options such as working with City staff if there are zoning issues. Right now they have no options unless this Board gives them the opportunity of working with staff. This is what has to come from this Council.

Councilor Pepin said he will support the delay, but he wouldn't be surprised if we are still talking about this two years from now. He does not want to see that. With every day that goes by that building becomes more and more of a hazard and more damage is done to the building due to lack of heat, etc. The City has a liability on the building.

Councilor Beaudet said he appreciates all the comments on this from the Council. Going from a different perspective, he would ask them to consider, when they vote on this, to add a friendly amendment that imposes a two-year moratorium if it passes. This would allow staff and Council ample time to evaluate the pros and cons or the strengths and weaknesses of the program. In two years, if it is working you can pass it, or if it is not working you would have other options.

The motion to postpone Resolution No. 17-12 until the first City Council meeting in February, 2012 passed by roll call vote of 7 yeas, 2 nays, Councilors McCallion and Beaudet voting in the negative.

December 12, 2011

WHEREAS, the City of Somersworth Planning Board approved a certain subdivision known as Gerrish Commons prepared for Maplecroft Building & Development, LLC, Tax Map 48, Lots 12 & 24, West High Street, Somersworth, Strafford Co., NH, Dated June 6, 2005, Prepared by Tritech Engineering Corporation, recorded as Plan #94-23 and #94-24 at the Strafford County Registry of Deeds and the roadway was to be accepted by the City of Somersworth; and

WHEREAS, the City Council named Hawthorne Circle by Resolution No. 33-08 on February 4, 2008; and

WHEREAS, the road known as Hawthorne Circle 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 a deed to Hawthorne Circle and said way is hereby accepted as a public way.

Introduced by Councilors

Dale Spainhower

Dale Sprague

Approved:

City Attorney

Following the first reading of Resolution No. 18-12, it was referred to the next meeting.

OTHER.

SOMERSWORTH-BERWICK BRIDGE DESIGN REQUEST LETTER – COUNCILOR WITHAM.

December 7, 2011

< >  
< >  
< >

Re: NHDOT Project No. 12228 Somersworth-Berwick (Route 9) Bridge - Design Considerations

Dear <>,

Councilor Witham said he thinks it is appropriate for projects that are outside our control for elected bodies to share our opinions. He noted that City staff, the City Manager, City Planner, and the Public Works Director have been diligent in trying to pursue aesthetic enhancements during the initial design phase. He feels it is helpful for them if the elected body stands behind them.

Councilor Witham said if there is no objection he would like to move that this letter be sent to both the New Hampshire and Maine Departments of Transportation with copies sent to the Town of Berwick, Maine to outline our pleasure with regard to the bridge enhancements.

The motion was seconded by Councilor Watman and passed unanimously.

CITY COUNCIL CERTIFICATION OF RESULTS OF RECOUNT FOR WARD 4  
CITY COUNCIL SEAT HELD ON 11/16/2011.

FINAL TALLY SHEET  
RECOUNT RESULTS FOR WARD 4 CITY COUNCIL SEAT  
NOVEMBER 16, 2011

Jon McCallion	<u>118</u>
Dana Hilliard	<u>114</u>

Councilor Watman moved for Council certification of results of recount for Ward 4 City Council Seat held on 11/16/2011. The motion was seconded by Councilor Tapscott and passed by a vote of 8 yeas, 1 abstention, Councilor McCallion abstaining.

SET HOURS FOR JANUARY 10, 2012 PRESIDENTIAL PRIMARY – 8:00 A.M. TO  
7:00 P.M.

Councilor Tapscott moved to accept the hours of 8:00 a.m. to 7:00 p.m. for the Presidential Primary Election to be held on January 10, 2012. The motion was seconded by Councilor Witham and passed by a vote of 7 yeas, 2 nays, Councilors Spainhower and Sprague voting in the negative.

COMMENTS BY VISITORS.

John Joyal, 1 Molly Lane, said he agrees with the letter sent by Mike Micucci. He feels that in the past there have been questions about our elections. Ms. Cameron should have known which ward she was running in, but she is not the one who makes up the ballots. As a citizen and taxpayer, and most definitely as a voter, he encourages the City Council to contact the Attorney General and the Secretary of State's Office to obtain training for election officials in this City. When he found out what happened that day he was very embarrassed as a resident of this City to know this happened. He feels that Ms. Cameron was dealt an injustice. We need to help our people that conduct elections.

Councilor Sprague said they hear so many comments about the bad roads and how deplorable our downtown looks. He said people should ask themselves what they have done for downtown. Is it pretty roads, aesthetics, or lights that make a pretty downtown? It's actually the people. We need to take care of the people who run businesses downtown.

Councilor Sprague wished everyone a Merry Christmas and he thanked Councilors Watman and Sprague for serving. He will miss them both.

Councilor Jarvis thanked the Councilors that are leaving. She thanked Councilor Watman for his knowledge and his help on the Finance Committee.

Councilor Witham indicated what he would like to see from the School Board when their budget is ready for submission would be something similar to what they did last year with perhaps a bit more detail. He would like to see them provide explanations for where the increases are occurring. Those are the pieces that are most useful from his perspective.

Councilor Witham indicated the City Manager provided them with a copy of materials that he presented to the Greater Somersworth Chamber of Commerce Board of Directors with regard to development activities that have occurred in the City over the last year or so. He found it refreshing to see that we haven't been stagnant in this economy. He pointed out the expansion of several businesses. Something else he made note of was the development process from start to finish. Compared to neighboring communities it is a relatively quick process here in Somersworth. He applauded the City Manager for sharing that with them.

Councilor Witham said we heard a resident speak about the candidate that ran for the wrong ward seat and we also had a communication from Mr. Micucci. Based on the information that he has been able to gather, what we have learned was that it was an error and it is too bad it occurred. He said he has all the faith in the world in the City Clerk. He was in the office on the day of the election and there was no one that felt worse about this than she did. He appreciates that mistakes are made, we are all human. He appreciates everything the City Clerk does for the City.

Councilor Witham took a moment to talk about the Toys for Tots Program, which happens behind the scenes at the Somersworth Fire Department. It is spearheaded largely by Firefighter Jim Drakopoulos, but all the men and women of the Somersworth Fire Department participate in it. The need this year continues to increase over prior years which is unfortunate. They do a lot of good work, which culminates this Friday evening at 6:00 p.m. with a "wrapping party" at the Somersworth Fire Department. He has participated for many years along with his son, and it is very rewarding.

Councilor Witham said he will miss both Councilors who are leaving. They do not always agree on things, but after the meetings they are cordial and polite. He is most appreciative of that. Councilor Spainhower at times has grown his hair and shaved it off

Councilor Spainhower said one of the reasons he ran for Council was because of his grandfather, and he thanked him for that. He hopes to be back in the future. His time commitment is pretty full right now.

Councilor Spainhower thanked everybody.

Councilor Watman said God has blessed him in so many ways he can't even believe it. He was born in this country of parents who sacrificed so that he could get an education, blessed to find a job here in Somersworth in 1968 teaching in the high school and staying there until he retired, and blessed with a wife who put up with the time demands of the various public offices he has served in. He is honored to have been elected to those offices to serve with the people who are his colleagues. He has been humbled by elected officials, City employees, and people who labor so hard in charitable, social, civic, athletic and patriotic organizations in this City who make it what it is. That is really what makes Somersworth what it is. We are lucky to have these people. All he has tried to do is act as an elected representative should. He appreciates the confidence the voters have shown in him and the confidence his colleagues have shown in him.

NON PUBLIC SESSION.

Councilor Witham moved to go into non public session. The motion was seconded by Councilor Tapscott and carried by roll call vote of 9 yeas, 0 nays.

ADJOURNMENT.

Motion by Councilor Witham to adjourn the regular meeting. The motion was seconded by Councilor Watman and carried unanimously. The regular meeting adjourned at 8:45 p.m.

Respectfully submitted,



Diane M. DuBois, City Clerk