

MINUTES OF CITY COUNCIL MEETING

JANUARY 17, 2012

Mayor Spencer called the meeting to order at 7:00 p.m., and upon roll call, the following members were found present: Pepin, Soldati, Hebert, Durkee, Tapscott, Witham, Jarvis and Sprague. Absent: McCallion.

MINUTES OF THE PREVIOUS MEETING.

Councilor Witham moved to approve the minutes of the January 3, 2012 minutes as presented. The motion was seconded by Councilor Pepin and passed by a vote of 7 yeas, 1 abstention (Councilor Tapscott abstaining).

COMMENTS BY VISITORS.

Patty Rooney, Ward 1, indicated she is a member of the Friends of Somersworth Steering Committee. Nora Molloy, the co-chair of the Friends of Somersworth, could not be here tonight and asked her to read the following letter which is addressed to the Mayor, City Council, and the City Manager.

January 17, 2012

Mr. Mayor, Members of the Council, and Mr. Belmore,

I apologize for being unable to make this evening's meeting and appreciate you allowing this letter to be read on behalf of the Friends of Somersworth.

On Thursday January 12, we held an open community meeting and despite the snowstorm had a great turnout including many new faces. I spoke to the group about the important turning point the Hilltop Center project is approaching. While the discussions about the school go back for years, we are now, with the hopeful passing of Resolution No. 17-12, on the verge of moving from discussion and planning, to vision implementation and eventual actualization. The Friends of Somersworth is making the appropriate preparations to transition our work and our focus.

We know that Resolution No. 17-12 will be up for action at the next council meeting on February 6. To the Friends of Somersworth, the passage of this resolution would make a hugely impactful statement indicating that the city sees value and potential in the vision to reuse the Hilltop School property to enhance the culture, education and community of Somersworth. We know that there are still hurdles to tackle and details to address. This resolution signifies your desire to meet those challenges and seek solutions with us in order to give this vision every opportunity to succeed and flourish.

Appropriate zoning for the property based on the vision for its reuse was raised as a concern by some. On January 12, 2012, Diane Griffith and I met with City Planner Dave

Sharples to discuss the project. We outlined some of the uses that we envision for the building, including artist studios, classes, community group meetings, child or senior care and the like. Mr. Sharples pointed out that the Hilltop School Property lot is unlike any other lot in the area, so it is not unreasonable for it to have its own zoning. He proposed that a solution might be for the council to create an overlay district. This would be a new zoning district for which the council could develop a set of specific allowed and prohibited uses. If the city maintains ownership of the property, and should the desired use of the building and/or the property change in the future, the council would have full authority to change the zoning, to accommodate a different use of the property. These are all reasonable actions given the characteristics of the property, and completely within the authority of the city council.

Diane and I were very excited to hear this clarification as it addresses our concerns for protecting the neighborhood without prohibiting the development of the property as we have proposed. Likewise, the city is protected because they retain ownership and authority to make future decisions for the property. We hope this insight makes councilors more secure in their support for the Friends of Somersworth reuse plan for the Hilltop School property.

On behalf of the Friends of Somersworth, I'd like to again express our sincere thanks to the council members, past and present, City Planner Sharples and City Manager Belmore for all their assistance and guidance to date. We believe as you do in the deep roots of our community and the vast potential of Somersworth and we look forward to continued positive collaborations as we move forward in reaching for this vision. Many thanks.

Nora Molloy
Co-Chair, Friends of Somersworth Steering Committee

COMMUNICATIONS.

LETTER FROM MATTHEW J. DURKEE.

January 5, 2012

Mr. William Sweeney, Chairman
Planning Board
City of Somersworth-City Hall
One Government Way
Somersworth, NH 03878

Dear Bill,

Please accept this letter outlining my resignation from the City of Somersworth Planning Board effective immediately. As you may be aware, my recent election to the City Council does not allow me to serve as an appointed member of the Planning Board from the community at-large.

It was a pleasure to serve on the Planning Board for the past 2 years and thank everyone for their help and guidance over that time. I look forward to watching as the Board carries out its work in the future.

Sincerely,

Matthew J. Durkee

Cc: Robert Belmore, City Manager
Diane Dubois, City Clerk

MAYOR'S REPORT.

Mayor Spencer said he was told, and it was confirmed, that the \$1,000 that the Youth Safe Haven was nominated for has been received by them. This money was given through an anonymous donor through the NH Charitable Foundation.

Mayor Spencer said he received a communication regarding fireworks. He asked citizens to be respectful and considerate of others. You may not have to work the next day, but there are other people that do.

Mayor Spencer said he also received a communication regarding dog waste on Memorial Drive. He pointed out that when people walk their dogs anywhere in the City of Somersworth there are City ordinances that say they are responsible to clean up after their dogs. He asked that people please do so.

Mayor Spencer indicated he is having shoulder surgery on 1/18/12, so if people write to him it may take a few days for him to get back to them.

REPORTS OF STANDING COMMITTEES.

PUBLIC WORKS AND THE ENVIRONMENT.

Councilor Sprague reported this Committee met on 1/9/12. They talked about three items:

- RFQ that was put out for engineering firms to review the downtown utility situation before we do the TE grant. They had four firms come back. After deliberation, they recommended unanimously that all four companies go out for proposal. If you only have one company doing a proposal, you would not have very competitive numbers.
- They had a briefing on Gator Rock Road acceptance. They still have questions about the bonding that they would like answered and what has happened in the past.

- Update on Janco city-water request for four residents in Rollinsford to tie into the existing well line. There is not a big rush for this. It will require going into the state road. Our City attorney is reviewing a few questions we came up with. Basically we will have four residents from another community using our water. They questioned if we have the authority to lien property in another town or city if they do not pay the water bills.

Another question that came up is what we have for an agreement with Janco now. Whatever year the agreement was accomplished, now is the time to tighten up the language so we don't get into a bad situation.

They also went over the function of this Committee for the benefit of newly elected Councilor Hebert.

REPORTS OF SPECIAL COMMITTEES.

JOINT BUILDING COMMITTEE.

Councilor Tapscott reported this committee met on 1/11/12. At this time, the committee meets very infrequently. He distributed copies of their November meeting to the Council as well as the latest list of funds that have been allocated up to this point.

SCHOOL BOARD.

Councilor Pepin reported he attended the School Board meeting on 1/10/12 at the Idlehurst School.

- He had reported that the School Department would be needing a new van to deliver food for Café Services. The SAU Office plus Café Services came up with an alternative proposal. The only thing the van would be used for is to transfer food from one of their kitchens to Maplewood School. They looked into bringing the kitchen at Maplewood School up to code so they could prepare food there. They are looking very strongly into that proposal right now.
- The School Board asked him to bring up to the Council the resolution about conducting energy audits. In the resolution, it encourages the School Board to participate with the City on this. School Board members had a lot of questions about the proposal that he couldn't answer. If they are going to take part, they would like to have some say or insight into it. They have already had an energy audit on their school buildings. They thought some of the information could be shared.

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, January 13, 2012
SUBJECT: City Manager's Report for Tuesday, January 17, 2012
City Council Agenda

Unfinished Business (under Section 12 of the Agenda):

Resolutions:

- A. Resolution No. 19-12 To Authorize the City Manager to Coordinate with Yankee Thermal Imaging of Dover, NH to Conduct Energy Audits on City of Somersworth Buildings and Facilities, at no Cost to the City.**

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

A. Informational Items:

- 1. City Newsletter.** The deadline for submittals is Friday, January 27, 2012. This edition covers the period of March to August 2012. Please forward any suggestions.

Tom Willis will be working on a Household Hazardous Waste Collection Day. We will be participating with that with the City of Rochester. We will be providing the date and place and a list of what products can be brought there.

- 2. City Council Calendar.**

- a) City Council Annual Goal Setting Session.** I respectfully ask for Council's direction in scheduling an Annual Goal Setting Session in February/early March as well as any ideas on the approach and format

(outside facilitator, City Manager...) (Saturdays: February 11th, 18th or 25th; March 3).

- b) **Joint Meeting with School Board.** Respectively suggest a date be considered. Perhaps prior to the Council regular meetings of February 6th (or 21st)? They have indicated they would rather meet sooner than later.
 - c) **Capital Improvement Program Public Information Session or Public Hearing.** Perhaps you could consider having that before one of your regular meetings, or another night, or not at all.
- 3. **Sustainability Committee/Clean Air Cool Planet Grant.** The City/Committee received the \$1,705 grant since my last meeting report. Without objection, I will accept the award and have staff move forward with the Committee to implement the Grant Program.
 - 4. **Noble Pines Park Improvements Project.** I am please to inform you that the City received the final approval from the National Park Service of federal matching assistance in the amount of \$39,047 for this project. We can now move forward in earnest to finalize a plan and City Council spending approval.

B. Attachments:

- 1. City Attorney Certification (1).
- 2. Department Head Monthly Reports.
- 3. Strafford County Budget Public Hearing Notice: Wednesday, January 25th, 7 p.m.

Councilor Witham stated the City Council Goal Setting sessions have been extremely valuable in the past. He indicated that 2/11/12 or 2/18/12 would work for him.

Following some discussion the date of 2/11/12, starting at 8:30 a.m., was set for the City Council Goal Setting Session.

Councilor Witham said the joint meetings with the School Board have also been beneficial in the past.

Councilor Pepin recommended having the joint City Council/School Board meeting on 1/23/12 at 6:00 p.m. here at City Hall. All agreed.

Councilor Witham said the Capital Improvement Program (CIP) has been a process that has been evolving over time. The CIP was developed by City staff several years ago and was given to the City Council. Over the last several years, under the Manager's direction with the help of the Planning Office, the CIP has been brought forward to the Planning Board. That has been another level of scrutiny over the CIP.

Councilor Witham said this is a program that runs six years, within the vicinity of about \$40M worth of capital improvement items over those six years. For the public to have a say in that makes all the sense in the world. To him, that is the next logical step in this process and would make it much more transparent.

Councilor Durkee agreed with Councilor Witham. He had the opportunity to be part of the CIP review when he was a part of the Planning Board. It was an eye-opening experience for him. The more public scrutiny that is given to those projects the better.

Councilor Tapscott was also in agreement with this.

The City Manager suggested having a CIP presentation followed by a question and answer period prior to one of the February Council meetings.

It was agreed to have the CIP presentation prior to the 2/21/12 meeting, beginning at 5:30 p.m.

UNFINISHED BUSINESS.

RESOLUTION NO. 19-12 TO AUTHORIZE THE CITY MANAGER TO COORDINATE WITH YANKEE THERMAL IMAGING OF DOVER, NH TO CONDUCT ENERGY AUDITS ON CITY OF SOMERSWORTH BUILDINGS AND FACILITIES, AT NO COST TO THE CITY.

Councilor Witham said this seems like it makes all the sense in the world, to get some free service to help us identify energy shortcomings in our buildings. Thereafter is where the lion's work starts, once we have identified the problems. He suspects some of the items that would be found would be low-cost or no cost, and some would be very expensive. Arming ourselves with the information makes sense, however he believes we had an energy assessment back in November of 2010. He is curious as to whether an energy audit would be the same thing or something different, and whether we have acted on any of the items that came up in 11/10.

City Manager Belmore said he does not have that report in front of him. He said we have acted on some items, e.g. the City Hall HVAC system. His impression from Yankee Thermal Imaging is that they will take the information from 11/10 and revisit it and build upon that.

Councilor Pepin said he was under the impression that this company wasn't going to do any type of audit unless they had a commitment from the City. He feels the only two buildings that could benefit from this are the Library and City Hall.

Councilor Soldati asked how this came about, whether the City went to the company or the company came to the City.

Councilor Sprague said as a commercial realtor he deals with this company all the time. This would be good information to find out, and it is free. This would probably be more applicable to the school facilities. We had some audits done a couple of years ago, but technology changes rapidly.

Councilor Sprague said step one would be noticing if we have any deficiencies, step two is more complex. This company is willing to come in and do energy weatherization on their dime and pay themselves back with the energy savings they create, however that has nothing to do with this resolution which would simply give the City Manager the authority to coordinate with them to do energy audits.

Councilor Soldati asked if the City formally approached this company or if the company came to the City.

Councilor Sprague said he asked them to do this for free. These audits usually run between \$6,000 and \$10,000.

Councilor Soldati asked if the City wouldn't need to go out to bid for any work this company found that needed to be done.

Councilor Sprague replied in the affirmative. Most companies that do these audits now charge for them.

Councilor Soldati said this has been discussed at Sustainability Committee meetings, looking into the history of audits, and whether or not we need future audits. She felt perhaps it might be good to refer this resolution to the Sustainability Committee.

Councilor Durkee thanked Councilor Sprague for seeking out this type of service from the private sector for City purposes. It keeps in line with the direction he feels the City needs to take, which is sustainability. There are a couple of things he likes about getting into something like this. Number one, this would be an investment, strictly aimed at cost cutting. Number two, he thinks there are definitive savings, even on new buildings, depending on the way they were built. Number three, it is free of charge. Nothing that is free doesn't come without strings attached, but it seems like this is the type of company that might be able to get things done in this City, particularly where they invest their own money, partnering with us in savings. He doesn't see any down side to voting for this and moving forward. This is an excellent idea.

Councilor Witham said it is an excellent idea for us to do energy audits of our buildings. He agrees that technology changes and we may find out even more information. He was pleased to hear that they will take any existing energy audit information and incorporate that into their work product.

Councilor Witham said this issue first surfaced from a joint meeting we had with the School Board when we were talking about some of the capital improvement items in the CIP, such as HVAC and windows. He recalls this company being mentioned, then we

had a workshop where people from Yankee Thermal Imaging talked about this. Although this company conducts the audit and identifies the findings, those go out to bid. The vested interest this company would have is in the savings the City would achieve. They would recoup some of those funds.

Councilor Witham said he finds it a bit curious that we have lost a bit of the competitive process. The City has nothing to lose, but it strikes him a bit odd that we would go down the road of partnering with a group. That is his only concern.

Councilor Witham asked the City Manager if this resolution has gone to any committees for review.

The City Manager said it has not.

Councilor Witham moved to table Resolution No. 19-12 and send it to the Sustainability Committee for review. Councilor Tapscott seconded the motion, which passed by roll call vote of 6 yeas 2 nays, Councilors Durkee and Sprague voting in the negative.

Councilor Pepin reminded the Sustainability Committee that the School Department has some questions about this. It would be good if someone from the School Board could be invited to share their views.

Councilor Tapscott said it might also be wise to find out from the school system if there have been energy audits done on the Hilltop School building.

Councilor Sprague commented that the School Board was invited to the meeting that was held on 11/14/11 and did not show up. He suggested we get this done sooner than later because it is wintertime, which is when you do weatherization, and this company will probably become very disenchanted with even dealing with this. It is free, but it probably won't be if we wait too long. This is why things happen the way they do in this City.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Jarvis thanked the people in the community on behalf of the Youth Safe Haven. They have really appreciated some of the donations that have come in. The last couple of months have been difficult for them. The Youth Safe Haven currently serves about 50 children and their families and is open to the entire community of Somersworth. They have had a lot of open arms from the community and they appreciate it.

Councilor Pepin complimented the Highway Department on their outstanding job taking care of the roads during the recent storm.

Councilor Witham said that Council received a copy of a communication that was sent to Police Chief Crombie from a resident of Somersworth who spoke about her encounters with Somersworth Police Officers, stating she wished to express her appreciation for the professionalism and courtesy that she's experienced each and every time she has

encountered a Somersworth Police Officer. In City government we often dwell on what our problems are, and we are about what the issues are, but our City employees do professional work for us and we benefit from those services.

Councilor Witham said another communication received was from a resident concerned about handicap accessibility at our polling places. The City Manager has reviewed that thoroughly. Within the last couple of years, an outside group did an audit of our polling places. The City had to purchase some equipment to assist people with disabilities. He thanked the resident for bringing these things to our attention.

Councilor Witham said he would appreciate some information prior to the next meeting from the City Manager or the City Planner defining what a zoning overlay district is, which was referred to tonight with regards to the Hilltop School property, and what mechanics would be required if we were to move in that direction.

Councilor Witham indicated the Public Safety Committee would be meeting sometime in February. On his list was to examine the Fire Department overtime issue. He would like the Public Safety Committee to review the staffing levels and talk about what that might look like as we proceed into the budget process.

Councilor Witham indicated the Public Safety Committee, under prior-Chairman Watman, initiated action by City staff to revise the City's fireworks ordinance. It would shorten the time frame for applying for a permit and it would also enhance the penalty for failure to obtain a permit. Fireworks appear to be an ongoing problem. They will be reviewing this also to see where we stand.

Councilor Witham said it was very disturbing to read about allegations of animal cruelty to two dogs on Maple Street who allegedly were fed meat that was tainted with fish hooks. Sadly, one of the animals died. This is an egregious act and he knows that our Police Department will effectively investigate this matter and will hopefully bring the perpetrator/s to justice. This is an act beyond comprehension.

Councilor Durkee indicated there is quite a bit of fireworks activity in the Ward 5 area. He would like to be updated on the progress of amending the ordinances pertaining to fireworks. Because we are such a densely populated City it seems to him that it would make sense to strengthen the ordinances in order to prevent fire hazards and reduce noise problems. He has had them set off in a lot right near his house and it is really a nuisance.

Councilor Durkee said he went to vote on Tuesday and had a request from one of the election workers for a flag in the polling place.

Councilor Durkee thanked Councilor Bo Beaudet who took over the remainder of the term vacated by Councilor Messier. He did a great job filling in and representing the residents of Ward 5 and he thanks him for tackling some of the issues as we transition to this new Council.

Councilor Durkee said he would like to work with this Council to address some of the inconsistencies that are found in the charter, particularly for filling vacancies.

Councilor Hebert said he agrees with the comments about fireworks. In the last few years it has become a summer long thing. We are a small City. He feels the time frame should be narrowed down to the week of July 4th.

Councilor Tapscott said he agrees with Councilor Hebert. He heard fireworks on New Year's Eve.

Councilor Sprague said he is dumbfounded by the vote on the resolution relating to energy audits. He urged citizens to e-mail their City Councilors and ask them why they voted this way. We are going into budget season and he hopes everyone is prepared for the tax rate going up and haphazardly spending money in a direction that we do not know is right or wrong. That seems to be the course we like to take.

Councilor Sprague said he was asked by constituents when he was voted in to come up with new ideas to save the City money. He doesn't know what to say.

Councilor Soldati said she left New Hampshire for five years and lived in Baltimore. She too has been disturbed by the sound of fireworks at the strangest times of the year. She finds herself just being grateful it is not gunfire.

Councilor Durkee had one point of clarification. There was a vote by the previous Council to postpone the vote on the Hilltop resolution. This is something he would eagerly like to weigh in on. He is curious as to whether or not that needs to be listed somewhere on the agenda or if it will just show up on the agenda next week under "Unfinished Business". He wants to make sure we get to vote on the resolution and start the process moving forward. We have a group of citizens putting time and energy into moving this forward and he thinks we owe them an up or down vote on this issue.

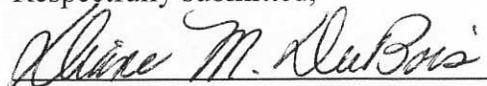
Mayor Spencer assured him that it will be on the next agenda.

Councilor Tapscott said the Council Agenda we all get prior to meetings is laid out according to City Council Rules and Regulations. Perhaps we should have a section that says "Postponed", then the item would still show up.

ADJOURNMENT.

Councilor Tapscott moved to adjourn. The motion was seconded by Councilor Witham and passed unanimously. The meeting adjourned at 8:15 p.m.

Respectfully submitted,


Diane M. DuBois, City Clerk

