

MINUTES OF CITY COUNCIL MEETING

JANUARY 3, 2012

The meeting was called to order by His Honor, the Mayor, and upon roll call, the following members were found present: Pepin, Soldati, Hebert, McCallion, Durkee, Witham, Jarvis and Sprague.

MINUTES OF THE PREVIOUS MEETING.

Councilor Witham moved to accept the minutes of the 12/12/11 meeting as presented by the City Clerk. The motion was seconded by Councilor McCallion and passed by a vote of 7 yeas, 1 abstention, Councilor Durkee abstaining.

COMMENTS BY VISITORS.

Diane Griffith, 52 Grove Street, thanked the City Council for their time, commitment, and dedication to the citizens of Somersworth. Sometimes you hear us complaining, but overall we appreciate how hard you work for us.

Emmett Soldati, 7 Prospect Street, congratulated the ward Council members on their election. He looks forward to working with them and to the new year. Somersworth has a lot on its plate. He has planted his flag here and he's excited for the new Council members to hop on board.

MAYOR'S REPORT.

Mayor Spencer reported he had the privilege of attending the gingerbread house contest which was put on by the Chamber of Commerce. It was very good.

Mayor Spencer said he was able to go to three residences in Somersworth with the Homemakers to deliver food baskets.

Mayor Spencer said he received a call on 12/23/11 from the NH Charitable Foundation asking him to come up with the names of two non-profit organizations that would benefit from a \$1,000 anonymous gift. He gave them the name of the Youth Safe Haven Organization.

Mayor Spencer said that on 12/30/11 he had the pleasure of attending the grand opening of Teatotalers Tea Shop on Main Street. Hopefully we can draw more businesses to that section of Main Street.

REPORTS OF SPECIAL COMMITTEES.

SCHOOL BOARD.

Councilor Pepin reported he attended a School Board Meeting on 12/13/11. He gave a copy of the school budget to all Councilors showing expenses through 12/13/11.

Councilor Pepin reported they are in the process of applying for two grants, one for \$85,000 for a 5-year term, the other for \$135,000 for a 5-year term. They did have to have a fire alarm replaced for \$17,000. The alarm was inoperable and causing a lot of false alarms.

Councilor Pepin reported the Building & Grounds Committee indicated they were going to submit a proposal for the capital improvements budget of \$893,000. That would be dealing with HV systems and also some windows on the side of the high school. They also added one more bus for an additional \$30,000. They were originally running five buses but due to overcrowding they added one more.

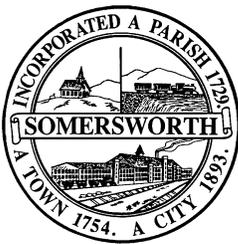
Councilor Pepin indicated the School Board is requesting a joint workshop with the City Council when it comes to budget time.

Councilor Pepin said their next meetings will be 1/5/12 at 6:30 p.m. where they will be discussing special education and project revenues and CIP items. The next School Board meeting will be 1/10/12 at 7:00 p.m. at the Vocational Technical Center.

SUSTAINABILITY COMMITTEE.

Councilor Soldati said the members of the Sustainability Committee would like to let the public know they are trying to gauge support or anyone's interest in having a plot as part of the community gardens they hope to have in place by this spring. They are already looking at what seeds to buy. If you are interested in having a plot in a City garden you may contact her at her office at 692-7175.

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: Thursday, December 29, 2011

**SUBJECT: City Manager's Report for Tuesday, January 3, 2012
City Council Agenda**

***Inauguration
6:30 p.m.***

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

- A. Discussion of Monthly Water and Sewer Billing.**

- 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.**

Unfinished Business (under Section 12 of the Agenda):

Resolutions:

- A. Resolution No. 18-12 Accept Hawthorne Circle.** Please review attached memorandum and information (consider striking in the second line of Resolution "prepared for").

New Business (under Section 13 of the Agenda):

Resolution:

- 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.** I have forwarded a copy of the Resolution to the School Superintendent.

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

A. Informational Items:

- 1. Superfund Landfill Site Monitoring Costs.** As has been the practice, I will be signing (without objection) the attached contract for proposed monitoring work to be done by GeoSyntec Consultants as being required by the EPA for next year of 2012. (This will be bifurcated into two contracts: one covering January 1, 2012 – June 30, 2012 and one covering July 1, 2012 – June 30, 2013.) These groundwater sampling and other Remedial Action Services are our compliance obligations in accordance with the existing EPA Consent Decree and Record of Decision (ROD).

- 2. Sustainability Committee/Clean Air Cool Planet Grant.** Attached is a draft copy of a grant that I have authorized the Sustainability Committee to submit on behalf of the City. I have discussed this grant with Committee Chair Liz Wilson. This would be a program to encourage increased Community recycling and recycling awareness in general

B. Attachments:

1. City Attorney Certification (1).
2. City of Somersworth Boards and Elected Positions.
3. 2012 City Council Meeting Calendar.
4. 2012 Holiday Observance Memo.
5. Comcast notice to Mayor dated December 20, 2011.

NOMINATIONS, APPOINTMENTS AND ELECTIONS.

MAYORAL APPOINTMENT OF ACTING MAYOR.

Mayor Spencer said he wished to appoint Councilor Tapscott as Acting Mayor.

Councilor Witham moved that the Mayor's appointment of Councilor Tapscott as Acting Mayor be approved. The motion was seconded by Councilor Durkee and passed unanimously.

MAYORAL APPOINTMENTS FOR COUNCIL COMMITTEES.

FINANCE COMMITTEE

Councilor Jarvis, Chair
Councilor Sprague
Councilor Soldati

PUBLIC WORKS & THE ENVIRONMENT COMMITTEE

Councilor Sprague, Chair
Councilor Tapscott
Councilor Hebert

GOVERNMENT OPERATIONS COMMITTEE

Councilor Tapscott, Chair
Councilor Soldati
Councilor Witham

ECONOMIC DEVELOPMENT COMMITTEE

Councilor McCallion, Chair
Councilor Jarvis
Councilor Durkee

RECREATION COMMITTEE

Councilor Pepin, Chair
Councilor Witham
Councilor Durkee

PUBLIC SAFETY COMMITTEE

Councilor Witham, Chair

Councilor Pepin

Councilor Hebert

VISION 2020 COMMITTEE

Councilor McCallion, Chair

Councilor Pepin

SUSTAINABILITY COMMITTEE

Councilor Soldati

Councilor Hebert

E-911 COMMITTEE

Councilor Durkee

SEWER APPEALS COMMITTEE

Councilor Pepin

Councilor Hebert

PLANNING BOARD REPRESENTATIVE

Councilor Witham

Councilor Tapscott, Alternate

SCHOOL BOARD REPRESENTATIVE

Councilor Pepin

COAST BOARD OF DIRECTORS REPRESENTATIVE

Councilor Pepin

BUILDING TRADES TRUST REPRESENTATIVE

Councilor Pepin

HISTORIC DISTRICT COMMISSION REPRESENTATIVE

Councilor Witham

APPOINTMENT OF NANCIE CAMERON AS MODERATOR, WARD 2.

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

Councilor Witham made a motion that the position of Moderator, Ward 2, be filled by Nancie Cameron. The motion was seconded by Councilor McCallion and passed unanimously.

APPOINTMENT OF A REPRESENTATIVE TO THE LAMPREY REGIONAL COOPERATIVE BOARD OF DIRECTORS.

Mayor Spencer said he would like to serve in this position.

Councilor Witham made a motion that Council ratify the appointment of Mayor Spencer to the Lamprey Regional Cooperative Board of Directors. The motion was seconded by Councilor McCallion and passed unanimously.

LAY ON TABLE.

DISCUSSION OF MONTHLY WATER AND SEWER BILLING.

Councilor Witham moved to remove discussion of monthly water and sewer billing off the table. The motion was seconded by Councilor McCallion.

Councilor Witham indicated at the last meeting there was a presentation made by both the City Manager and the Finance Director with regard to monthly water and sewer billing. They went over rates, collection percentages, and any issues they have had with the monthly water and sewer billing. There was also a recommendation from the Finance Committee that the monthly water and sewer billing be maintained for at least one year to give it a reasonable trial period.

Councilor Witham said he sees no reason for it to remain on the table. He is suggesting that we act and either vote it up or down.

Councilor Witham moved that the monthly water and sewer billing remain unchanged until December of 2012. The motion was seconded by Councilor Jarvis.

The Mayor requested a roll call vote, which resulted in a 4-4 tie vote, Councilors Pepin, Soldati, Hebert and Durkee voting in the negative. Mayor Spencer broke the tie, voting in the affirmative.

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.

Councilor Pepin moved to take Resolution No. 17-12 off the table. The motion was seconded by Councilor Soldati and passed by a vote of 7 yeas, 1 nay, Councilor Sprague voting in the negative.

Councilor Pepin indicated there would be no cost to the City if this is passed. Whatever happens with that building, outside of demolishing it, will require some kind of zoning change. The Friends of Somersworth feel that if this is passed they can address, with City staff, zoning issues that would come up. The only thing passing this resolution

would cost the City is staff time. There is nothing binding in this resolution. He doesn't understand why we can have a presentation from an outfit that wants to come in and put 50 apartment units up there with no conversation about zoning, setbacks, parking, etc., but when we have a group of citizens who pay taxes in this community, and have formed a group called the Friends of Somersworth, we won't even give them the opportunity to present some ideas to our staff and the City Council. The purpose of this resolution is strictly for research to find out if this is feasible or not. They also need to know if this is feasible for them, if they can do it financially. They are looking for the opportunity to try to make this community better.

Councilor McCallion indicated passing this resolution would allow the City Manager to determine how we can work with the Friends of Somersworth. He cannot do anything that would be illegal to our Charter, and anything that was proposed would have to come back to the Council for approval. This would allow some of their questions to be answered.

Councilor Witham indicated this resolution should not be on the table. We voted to postpone it until the first City Council meeting in February.

Councilor Soldati asked if it is possible to put forth a different resolution stating we don't want to postpone, so we could then talk about it tonight. Councilor Soldati said as far as she can see, this resolution would authorize a public-private collaboration between the City and the Friends of Somersworth to pursue the preservation of the Hilltop School as a community resource. It doesn't say that it is going to establish for sure the preservation of that building. She asked if everything the City does requires a resolution before it can be acted on by the Council. Can't the Council or the City Manager just indicate that they are willing to work with this community group?

Councilor Witham said he thinks there are a lot of questions woven in there, but he feels the question at hand is whether or not we should be discussing this tonight. It should not have been listed under "lay on the table". The Council had voted on postponing voting on this until the first meeting in February.

The City Manager said he can work with the group, consult with them, try to give them some advice, make phone calls, etc. He would be more than happy to do that with anybody in the City. This resolution does speak to having authority to sign grants and pursue those grants, so it is a two part resolution.

Councilor Soldati said the Friends of Somersworth are nowhere near the position of applying for grants because they don't have access to issues, questions, conclusions, etc. They don't even know if the building is still habitable. She feels perhaps the City has jumped the gun with this resolution.

Councilor Jarvis said it was at the request of the Friends of Somersworth that this resolution was put forward to strengthen our commitment to working with them and to allow a more cohesive group between the City and themselves.

Councilor Soldati said the process of applying for grants in the City's name is not on their agenda at this time.

Councilor Sprague said the reason it was postponed was because there are a couple of things they have not gotten answers on. Our staff should not be applying for grants that go against zoning. He is all for supporting the Friends of Somersworth, but if we change the zoning in that area and the plans of the Friends of Somersworth do not work out, we have opened the door for other businesses to come into that area. He doesn't feel we should be in such a rush.

Councilor Witham said his discussion has nothing to do with the resolution, it has to do with the procedure tonight. This resolution was postponed until the first Council meeting in February and it is not appropriate to be discussing it this evening.

Councilor Pepin withdrew his motion. He did wish to have a discussion on whether or not the Friends of Somersworth can start working with City staff at this time to find out about zoning problems.

Councilor Soldati stated, for the record, that the Friends of Somersworth is not in the process not do they plan to be writing a grant at this point in time. They would not do that without knowing the zoning issues.

Councilor Pepin asked if the rest of the Councilors are in agreement that the Friends of Somersworth can work with City staff at this time.

Councilor Jarvis said she is in agreement.

Councilor Witham said he would agree. This has been communicated numerous times. The City Manager, City Planner and other City staff are engaged with that building on a weekly basis. Code Officer Metivier is inspecting the condition of the building once a week.

UNFINISHED BUSINESS.

RESOLUTION NO. 18-12 ACCEPT HAWTHORNE CIRCLE.

Following discussion regarding the pump station, Resolution No. 18-12 passed by roll call vote of 8 yeas, 0 nays.

NEW 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.

Somersworth, NH
January 3, 2012

WHEREAS, the Somersworth City Council held a workshop on November 14, 2011 for the purpose of a presentation by Yankee Thermal Imaging regarding specific energy reduction and management programs for City buildings, and

WHEREAS, Yankee Thermal Imaging will conduct energy audits on City owned buildings and facilities and make recommendations to implement improvements that will lead to energy efficiencies and energy use reductions, and

WHEREAS, the Somersworth City Council supports the concept of reducing the energy demands of the City and by way of this Resolution encourages the Somersworth School Board to partner with the City in this program,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized 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.

Introduced by Councilor

Dale R. Sprague

Approved
City Attorney

Following the first reading of Resolution No. 19-12, it was referred to the next meeting.

COMMENTS BY VISITORS.

Diane Griffith, 52 Grove Street, commented that Dave Sharples and Tim Metivier have been very willing to have conversations with the Friends of Somersworth. Code Officer Metivier has told them he is going into the building every week. He took pictures when the City took ownership of the building. They can monitor any changes that might happen. City employees have been diligent in managing the building.

Ms. Griffith said they are anxious to have things move forward. They appreciate the City's efforts in making that happen, hopefully the sooner the better.

Real Roseberry, 405 Route 108, said a lot of the Council members are new. The extension of the monthly water billing they just passed is not good. He suggested that the new Council members pay attention to him. The City is bringing in big money for water at the expense of the taxpayers. We are paying a little too much for water. He is not happy. You people are in trouble before you even start. People should check what it costs to run the water plant for one year, then look what the City is bringing in. He thinks there is a lot of extra money and he wants to know where it is going.

Emmett Soldati, 7 Prospect Street, expressed his gratitude to Councilor Pepin. Despite the procedural problem in discussion of Resolution 17-12, he greatly appreciated the comments Councilor Pepin made about the reason he would like to get the ball rolling on this issue. They were told there was no rush. He doesn't think the rush issue has to do with mold, he thinks it has to do with utilizing a historic building in this community and making it a community asset, not just a dead building.

Mr. Soldati said there are a lot of reasons why we should be getting the work done and doing our due diligence. He did not understand why there was a postponement on this resolution. It seems like waiting until February is more than enough time to receive answers that we have been told we haven't had the answers to.

Mr. Soldati indicated that Councilor Sprague said in November that he didn't understand the zoning issues. It is now January and you still do not know. He feels we need a little more work from City Councilors. It should not just fall on the Friends of Somersworth to figure out the zoning issues. That is the reason for the resolution, so we can all be on the same page.

Mr. Soldati asked that at the next meeting they come prepared and understand what the issues are so we can get the ball rolling with Hilltop and it isn't just sitting there empty.

Mr. Soldati said the Friends of Somersworth will be having a general assembly meeting on January 12th at 6:30 p.m. in Council Chambers. He encourages all City Councilors, City staff, and any citizens interested in these issues to attend.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Witham had the following comments:

- The gentleman who spoke about the water rates is correct that with our current water rates and the operating costs of the Water Treatment Plant we will end up with a surplus this year. That is unusual, because for many years this fund was operating in the red. In our last auditor's report, it was indicated that our fund balance struggled for many years because, in essence, we robbed the fund balance in order to pay for upgrades at the Water Treatment Plant (somewhere in the vicinity of \$5M-\$6M). Only now, many years later, are we starting to see a surplus in this account. We should have a larger surplus than we will have, because we are looking at further upgrades. This is the way we should be operating the community and he is glad to see we have a surplus. Our rates are lower than many surrounding communities and he feels we have a quality product that is being delivered to our residents.
- He would appreciate a joint workshop with the School Board. The joint workshops we have had with them in the past have been very helpful for working in a cooperative way.
- He is pleased to hear that the School Department is looking aggressively at the CIP process, putting money in for funding Capital Improvements items such as

HVAC and window replacement. These things are expensive, but they need to be done one small piece at a time.

- The City Manager talked about signing a contract with GeoSyntec, the company that oversees the monitoring of our Superfund Landfill Site. We don't talk about this a lot, but we have spent millions of dollars over the years on stuff that is buried in the ground at the former landfill site. To date the reports have been favorable on our treatment of the groundwater coming out of there. We need to continue monitoring that, and that is what the contract is all about. This firm has been with this project from the beginning, and it is important to stay with this company.
- As the Council enters into budget discussions for the FY13 budget, he thinks they need to give serious consideration to a hazardous waste collection day, possibly participating with other communities, as the Mayor articulated in his address. It has been a number of years since we last had one. He is not sure if there might be grant opportunities available for this or what role the Sustainability Committee might play in that.
- Happy New Year to everyone.

Councilor Sprague wished everybody a happy New Year also.

Councilor Sprague agreed that the water and sewer fund ran in the red for a number of years. We did raise the rates last year so we can have money in the fund. It is more than just fixing hydrants, etc. When a road is repaired, you need to remember the infrastructure under the road has to be repaired also. It is good to be running in the black for once. That is something the Council has been striving for.

Councilor Sprague fully understands zoning issues. He is a developer and he doesn't need anyone to educate him. His only concern with the resolution is putting the City at a liability in going after grants for an area that is not zoned for those grants. He is not trying to slight the progress of the Friends of Somersworth, he just wants things to be done right.

Councilor Pepin welcomed the new Council members and said he is looking forward to working with them.

Councilor Soldati thanked the voters who came out to the polls in November. She also thanked all the people who watch the City Council proceedings either on television or on-line. We hope you will get in touch with us and let us know your views.

Councilor Hebert said he would like to get back to the water and sewer billing issue briefly. He had the understanding that since the monthly collections started in July, 2011 that one year would be until July, 2012. He thinks that is what the Finance Committee proposed. In this meeting, all of a sudden, December, 2012 is what was mentioned. He doesn't know if there is an error or if he is mistaken.

Councilor Witham said the motion tonight was to not re-visit the issue until December, 2012 and the motion was passed.

Councilor Durkee said he thinks there are two separate issues here. The problem he had with this particular issue is that we have talked about an evaluation after a years' time, so July, 2012 would have been the proper time to evaluate the situation. As it stands now, we will have a year and a half worth of data. Everything was aboveboard, he just disagrees with this in principle because it has extended the time another six months. Previous discussion has nothing to do with the motion that was passed tonight. His opposition is that a year's time would have been enough to evaluate the position.

Councilor Durkee thanked the voters of Ward 5 for electing him. All of us up here will work together in the best interests of our constituents to pass appropriate legislation and address the issues at hand. He echoed Councilor Soldati in asking people to contact him. His contact information is on the City web site. He looks forward to working with everyone on this Council.

Councilor Durkee wished everyone a great New Year. He is looking forward to a positive 2012.

Councilor McCallion thanked everyone that voted for him. He is looking forward to working with everybody.

ADJOURNMENT.

Councilor McCallion moved to adjourn. The motion was seconded by Councilor Witham and passed unanimously.

The meeting adjourned at 8:25 p.m.

Respectfully submitted,

Diane M. DuBois, City Clerk