

CITY OF SOMERSWORTH

CITY COUNCIL MEETING

AGENDA

JUNE 4, 2012 – 7:00 P.M.

1. Roll Call of Members
2. Pledge of Allegiance
3. Minutes of Previous Meetings
 - A. Minutes of 5/07/12 Public Hearing on Ordinance No. 10-12 Add New Chapter 21A Display of Permissible Fireworks.
 - B. Minutes of 5/07/12 Public Hearing on Proposed Amendments to the City Charter.
 - C. Minutes of 5/07/12 City Council Meeting.
4. Comments by Visitors
5. Communications
6. Presentation of Petitions and Disposal Thereof by Reference or Otherwise
7. Mayor's Report
8. Reports of Standing Committees
9. Reports of Special Committees, City Officers and City Manager
10. Nominations, Appointments and Elections
11. Lay on Table

Ordinances:

- A. Ordinance No. 11-12 FY 2012-2013 Budget (As Amended).

Other:

A. Bond Issuance Discussion.

12. Unfinished Business

Nominations:

A. Trustees of Trust Funds – Steve Goff, Term to Expire 04/2015.

Resolutions:

A. Resolution No. 25-12 Authorizing the City Manager to Sign the Federal Bridge Aid Program – Interstate/Local Project Agreement for the Somersworth/Berwick Bridge Rehabilitation Project.

13. New Business

Ordinances:

A. Ordinance No. 12-12 Transfer between Departments.

B. Ordinance No. 13-12 Amend Chapter 4, Personnel Rules and Regulations, by Amending Section 11.3 Titled “Health Insurance” and Section 11.4.3 Titled “Standby”.

C. Ordinance No. 14-12 Amending Chapter 4, Personnel Rules and Regulations, Compensation Schedule.

D. Ordinance No. 15-12 Amend Chapter 21, Fire Prevention and Life Safety.

E. Ordinance No. 16-12 Repeal of Chapters 16A Fire Prevention Code and Chapter 16B Kerosene Heaters upon Passage of Amended Chapter 21, Fire Prevention and Life Safety Codes.

Resolutions:

A. Resolution No. 27-12 Authorizing the City Manager to

Execute an Agreement with Roland Turgeon of Somersworth, NH for the Installation of a Sewer Main Line along a Portion of Green Street.

14. Comments by Visitors
15. Closing Comments by Council Members
16. Future Agenda Items
17. Nonpublic Session (as necessary, pending roll call vote by Council)
18. Adjournment

LAY ON

TABLE

ORDINANCE NO. 11-12 FY2012-2013 BUDGET.

Somersworth, NH
May 7, 2012

The City of Somersworth Ordains that Budgets for the City of Somersworth for the 2012-2013 Fiscal Year shall be:

<u>DEPARTMENT</u>	<u>BUDGET</u>
<u>GENERAL FUND</u>	
Elected Leadership	\$119,811
City Management	292,608
Finance and Administration	1,096,466
Development Services	827,519
Police	3,141,909
Fire	1,920,937
Public Works	1,979,272
Other Expenses	1,330,801
Capital Outlay	248,600
Intergovernmental Assessments - County	2,261,271
School Department	24,832,238
TOTAL GENERAL FUND	38,051,432
<u>ENTERPRISE FUNDS</u>	
Wastewater Department	2,059,068
Water Department	1,977,806
Solid Waste	369,600
TOTAL ENTERPRISE FUNDS	4,406,474
TOTAL FY 2012 - 2013 APPROPRIATIONS	\$42,457,906

This ordinance shall take effect upon its passage.

Approved:

City Attorney

Introduced by
Mayor Matthew Spencer
by request

As Amended 5/21/2012

UNFINISHED

BUSINESS

RESOLUTION NO. 25-12 AUTHORIZING THE CITY MANAGER TO SIGN THE
FEDERAL BRIDGE AID PROGRAM - INTERSTATE/LOCAL PROJECT
AGREEMENT FOR THE SOMERSWORTH/BERWICK BRIDGE REHABILITATION
PROJECT.

Somersworth, NH
May 21, 2012

WHEREAS, the Somersworth/Berwick Bridge is being rehabilitated under a joint funding agreement including the State of Maine, State of New Hampshire, and the City of Somersworth; and

WHEREAS, the City of Somersworth is required to enter into a project agreement with the State of New Hampshire (NH State Project # 12228) and the State of Maine (Maine State Project # 19274.00) to design, enhance and rehabilitate the Somersworth/Berwick Bridge (NH Bridge # 101/114),

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to sign the Federal Bridge Aid Program - Interstate/Local Project Agreement for the Somersworth/Berwick Bridge Rehabilitation Project.

Introduced by Councilors

Dale Sprague
Brian Tapscott
Marcel Hebert

Approved:

City Attorney

NEW

BUSINESS

ORDINANCE NO. 12-12 TRANSFER BETWEEN DEPARTMENTS.

Somersworth, N.H.
June 4, 2012

THE CITY OF SOMERSWORTH ORDAINS THAT pursuant to Section 6.7 (D) of the City Charter, the following General Fund unencumbered balance transfer be made:

<u>DEPARTMENTS</u>	<u>FROM</u>	<u>TO</u>
ELECTED LEADERSHIP		
CITY MANAGEMENT		10,000
FINANCE AND ADMINISTRATION		
DEVELOPMENT SERVICES		
POLICE		
FIRE		
PUBLIC WORKS		
CAPITAL EXPENSES		
OTHER EXPENSES (<i>CONTINGENCY</i>)	10,000	
INTERGOVT ASSESSMENTS-COUNTY TAX		
SCHOOL DEPARTMENT	_____	_____
TOTAL GENERAL FUND	10,000	10,000

This ordinance shall take effect upon its passage.

Introduced by request

Approved:

City Attorney

ORDINANCE NO. 13-12 AMEND CHAPTER 4, PERSONNEL RULES AND REGULATIONS BY AMENDING SECTION 11.3 TITLED "HEALTH INSURANCE" AND SECTION 11.4.3 TITLED "STANDBY".

Somersworth, NH
June 4, 2012

THE CITY OF SOMERSWORTH ORDAINS THAT the ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 4, Section 11.3.1 titled "Health Insurance", by deleting it in its entirety and replacing it with the following:

11.3.1 Health/Dental Insurance

The City will offer one or more health insurance plans to eligible full-time employees and their families. The City will pay such portion of the premium as the City Council shall determine annually based upon the City Manager's recommendations. Employees shall be notified of the premium share to be paid by the City in advance of the new plan year.

Effective July 1, 2012, the City shall pay a percentage of an HMO-type plan as follows:

1 – Person	88% of the premium
2 – Person	88% of the premium
Family	88% of the premium

The City, after providing twenty (20) calendar days advance written notice to the employees, may modify the plan, offer additional plans, change carriers, or convert to self-insurance. The insurance provided under this provision shall be comparable in benefits to the insurance presently provided under this section.

Eligible City employees who provide proof of health insurance coverage from another source may opt out of City provided health coverage. Employees who exercise this opt out provision of health insurance coverage shall receive \$3,500 annually.

Eligible full-time employees may participate in the Delta Dental Option 1E or other equivalent plan currently provided for employees and their families. The City will pay 100% of the premium for the individual employee. For 2-person and family coverage the employee will pay 20% of the monthly premium cost.

Amend Chapter 4, Section 11.4.3 titled "Standby", by deleting it in its entirety and replacing with the following:

11.4.3 Standby

An employee who is required to be available to be called to work after regular working hours will be furnished with a radio pager and must stay within range of that pager while on standby. Each employee on standby will be paid \$32.00 for each day or part of a day on standby.

This ordinance will take effect upon its passage.

Introduced by Councilors

Robin S. Jarvis
Dale Sprague
Marcel Hebert

Approved:

City Attorney

Background: By passage of this Ordinance the City Council is increasing the employee's contribution to health insurance premiums by 2%, and is including language for an increase in the opt-out provision to health insurance coverage from \$1,750 to \$3,500 annually in lieu of health insurance coverage.

Standby pay is increased from \$13.00 to \$32.00 per day.

ORDINANCE NO. 14-12 AMENDING CHAPTER 4, PERSONNEL RULES AND REGULATIONS, COMPENSATION SCHEDULE.

Somersworth, NH
6/4/2012

THE CITY OF SOMERSWORTH ORDAINS THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 4 by deleting the Compensation Schedule in its entirety and replacing it with the following:

Personnel Rules and Regulations
FY2012-2013 Compensation Schedule
(1% Increase effective July 1,2012)

GRADE		HIRE	1	2	3	4	5
6	A	19,957.00	20,808.68	21,591.31	22,466.01	23,363.73	24,261.45
	H	9.5947	10.0042	10.3804	10.8010	11.2326	11.6642
7	A	20,923.77	21,706.40	22,673.18	23,570.89	24,422.58	24,721.82
	H	10.0595	10.4358	10.9006	11.3322	11.7416	11.8855
8	A	21,982.62	22,834.30	23,732.02	24,721.82	25,734.63	26,770.46
	H	10.5686	10.9780	11.4096	11.8855	12.3724	12.8704
9	A	23,087.51	24,008.25	24,975.02	25,987.83	27,000.64	28,128.55
	H	11.0998	11.5424	12.0072	12.4942	12.9811	13.5233
10	A	24,215.41	25,182.19	26,148.96	27,253.85	28,289.68	29,509.66
	H	11.6420	12.1068	12.5716	13.1028	13.6008	14.1873
11	A	25,458.41	26,494.24	27,484.03	28,588.92	29,762.86	30,959.82
	H	12.2396	12.7376	13.2135	13.7447	14.3091	14.8845
12	A	26,747.44	27,806.29	28,865.14	30,039.08	31,166.98	32,409.98
	H	12.8593	13.3684	13.8775	14.4419	14.9841	15.5817
13	A	28,082.51	29,187.40	30,384.36	31,627.35	32,847.33	34,228.44
	H	13.5012	14.0324	14.6079	15.2055	15.7920	16.4560
14	A	29,417.58	30,591.52	31,811.50	33,146.57	34,458.62	35,816.71
	H	14.1431	14.7075	15.2940	15.9359	16.5666	17.2196
15	A	30,959.82	32,225.83	33,491.85	34,803.90	36,115.95	37,543.10
	H	14.8845	15.4932	16.1018	16.7326	17.3634	18.0496
16	A	32,433.00	33,722.03	35,080.12	36,622.36	37,980.45	39,568.72
	H	15.5928	16.2125	16.8654	17.6069	18.2598	19.0234

GRADE		HIRE	1	2	3	4	5
17	A	34,113.35	35,494.45	37,888.37	38,371.76	39,890.98	41,479.25
	H	16.4006	17.0646	18.2156	18.4480	19.1784	19.9419
18	A	35,816.71	37,243.86	38,671.00	40,282.29	41,893.58	43,642.99
	H	17.2196	17.9057	18.5918	19.3665	20.1411	20.9822
19	A	37,543.10	39,085.33	40,696.62	42,376.97	44,011.28	45,806.72
	H	18.0496	18.7910	19.5657	20.3735	21.1593	22.0225
20	A	39,545.70	41,156.99	42,699.23	44,425.61	46,198.03	47,993.47
	H	19.0124	19.7870	20.5285	21.3585	22.2106	23.0738
21	A	41,479.25	43,113.56	44,909.00	46,658.40	48,522.90	50,410.41
	H	19.9419	20.7277	21.5909	22.4319	23.3283	24.2358
22	A	43,619.97	45,300.31	47,118.77	48,914.21	50,985.87	53,011.50
	H	20.9711	21.7790	22.6533	23.5164	24.5124	25.4863
23	A	45,760.68	47,602.16	49,397.60	51,446.24	53,494.88	55,658.62
	H	22.0003	22.8857	23.7488	24.7338	25.7187	26.7590
24	A	47,993.47	49,927.02	51,906.61	54,024.31	56,118.99	58,397.81
	H	23.0738	24.0034	24.9551	25.9732	26.9803	28.0759
25	A	50,410.41	52,505.09	54,530.71	56,786.52	59,111.38	61,436.25
	H	24.2358	25.2428	26.2167	27.3012	28.4189	29.5367
26	A	52,988.48	55,474.47	57,177.83	59,502.70	61,988.69	64,313.56
	H	25.4752	26.6704	27.4893	28.6071	29.8023	30.9200
27	A	55,520.51	57,868.39	60,124.20	62,610.19	65,119.20	67,628.21
	H	26.6926	27.8213	28.9059	30.1011	31.3073	32.5136
28	A	58,328.76	60,699.66	63,001.50	65,556.55	68,249.71	70,942.87
	H	28.0427	29.1825	30.2892	31.5176	32.8124	34.1071
29	A	61,229.08	63,715.08	66,201.07	68,825.17	71,725.50	74,533.75
	H	29.4371	30.6322	31.8274	33.0890	34.4834	35.8335

(1% increase of minimum and maximum effective July 1, 2012)

Grade		MINIMUM	MAXIMUM
30	A	65,521.56	79,885.07
	H	31.5007	38.4063
31	A	71,578.17	87,088.86
	H	34.4126	41.8696

32	A	72,248.48	88,024.40
	H	34.7348	42.3194
33	A	75,911.17	92,309.52
	H	36.4958	44.3796
34	A	79,741.44	97,001.59
	H	38.3372	46.6354
35	A	83,739.29	101,813.38
	H	40.2593	48.9487
36	A	87,952.59	106,912.42
	H	42.2849	51.4002
37	A	92,261.64	112,179.04
	H	44.3566	53.9322

This Ordinance will take effect upon its passage.

Approved:
City Attorney

Introduced by Councilors:

Robin S. Jarvis
Dale R. Sprague
Jennifer Soldati

ORDINANCE NO. 15-12 AMEND CHAPTER 21, FIRE PREVENTION AND LIFE SAFETY.

Somersworth, NH
June 4, 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 21, Fire Prevention and Life Safety by deleting it in its entirety, and replacing with the following amended Chapter 21:

**SOMERSWORTH CODE
FIRE PREVENTION AND LIFE SAFETY
CHAPTER 21**

**ARTICLE I
FIRE PREVENTION CODE**

- 21-1. Statutory authority
- 21-2. Adoption of standards
- 21-3. Definitions
- 21-4. Exceptions to Fire Prevention Code
- 21-5. Modifications to Fire Prevention Code
- 21-6. Access boxes
- 21-7. Appeals
- 21-8. Permit fees
- 21-9. Violations and penalties
- 21-10. Availability of copies

**ARTICLE II
LIFE SAFETY CODE**

- 21-11. Statutory authority
- 21-12. Adoption of standards
- 21-13. Definitions
- 21-14. Modifications to Life Safety Code
- 21-15. Tenant's Responsibility
- 21-16. Availability of copies
- 21-17. Administration and enforcement
- 21-18. Appeals
- 21-19. Violations and penalties

**ARTICLE III
REIMBURSEMENT FOR FIRE DEPARTMENT SERVICES**

- 21-20. Reimbursement costs
- 21-21. Separability

**ARTICLE I
FIRE PREVENTION CODE**

21-1. Statutory Authority

This Article is enacted pursuant to the authority granted by RSA 47:22 and Chapter 155-A of the New Hampshire Revised Statutes Annotated.

21-2. Adoption of Standards

There is hereby adopted by the City of Somersworth, New Hampshire, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion codes known as the NFPA 1 Fire Code and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which not less than one copy has been and now is filed in the office of the City Clerk of the City of Somersworth, New Hampshire, and the same are hereby adopted and incorporated as fully as if set out at length herein, and, from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City of Somersworth, New Hampshire.

21-3. Definitions

(a) **AUTHORITY HAVING JURISDICTION** : the fire chief of the City of Somersworth

(b) **FIRE CHIEF**: the fire chief of the City of Somersworth

21-4. Exceptions to Fire Prevention Code

(a) The following sections of NFPA 1 Fire Code shall be excluded from incorporation pursuant to this ordinance:

- (1) Section 1-10 Board of Appeals
- (2) Section 1-13 Certificates of Fitness
- (3) Section 65.2 Fireworks Displays
- (4) Section 65.11.4.4.2 Multiple Tenant Buildings
- (5) Section 65.11.5.1.1; 65.11.5.1.1(1); 65.11.5.1.1(2) General.

(b) The following permits listed in Section 1.12.7 of NFPA 1 Fire Code shall be excluded from incorporation pursuant to this ordinance:

- (1) Asbestos Removal
- (2) Automotive Fuel Servicing
- (3) Fire Hydrants and Water-Control Valves
- (4) General Storage
- (5) Parade Floats
- (6) Private Fire Hydrants
- (7) Refrigeration Equipment

(8) Repair Garages and Service Stations

21-5. Modifications to Fire Prevention Code

The intent of this section is to align the requirements of the Fire Prevention Code with state statute and the NH State Fire Code adopted pursuant to RSA 153:5.

(a) Section 13.3.2.18.1 of NFPA 1 Fire Code shall be amended to insert the following exception:

“Exception: Detached one- and two-family dwellings are exempt from the automatic fire sprinkler requirements as set forth in 13.3.2.18.1.

(b) Section 65.11.3.6 of NFPA 1 Fire Code shall be amended to read as follows:

“65.11.3.6 Automatic Sprinkler Systems. An approved automatic sprinkler system shall be installed in all permissible firework sales facilities also known as consumer retail fireworks sales (CRFS) facilities and the required system shall be designed to Extra Hazard Group 1 in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems”.

(c) Sections 65.11.3.9, 65.11.5.3.1 and 65.11.5.3.2 of NFPA 1 Fire Code shall be replaced with the following:

“65.11.3.9 Fire Alarm. A fire alarm system shall be provided in all permissible fireworks retail sales facilities. The fire alarm system shall include a public address system and a means for manually activating audible and visible alarm indicating devices located throughout the facility in accordance with NFPA 72, National Fire Alarm and Signaling Code, and shall be provided at a constantly attended location when the facility or store is occupied.”

(d) Section 13.6.2 of NFPA 1 Fire Code shall be amended to read as follows:

“13.6.2 Where Required. Fire Extinguishers shall be provided where required by the code as specified in Table 13.6.2 and the referenced codes and standards listed in Chapter 2. In new construction, the required fire extinguishers shall be electronically monitored in accordance with 13.6.9.1.5. Exception: The electronic monitoring of fire extinguishers shall not apply in occupancies that do not require a fire alarm system.”

(e) Section 7.1.1 and Section 7.1.2 of NFPA 1141, “Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas”, 2008 edition (NFPA 1141), incorporated as a document in NFPA 1 Fire Code, shall be amended to insert the following exception:

“(1) 7.1.1 Exception: Detached one- and two-family dwellings are exempt from the automatic fire sprinkler requirements as set forth in 7.1.1.”

“(2) 7.1.2 Exception: Detached one- and two-family dwellings are exempt from the automatic fire sprinkler requirements as set forth in 7.1.2”

21-6. Access Boxes

For purposes of rapid entry in cases of emergencies or required access to buildings after hours, an access box approved by the fire chief shall be installed in an accessible location on the premises of any new occupancy of the following type if the building or occupancy is equipped with a fire alarm system, fire detection system or fire suppression system:

1. Assembly
2. Educational
3. Mercantile
4. Business
5. Industrial
6. Apartment Complex
7. Health Care
8. Residential Board and Care
9. Hotels and Dormitories

The fire chief shall have authority to require any other type of building, not listed above, to install an access box to meet rapid entry requirements, if in his/her discretion public safety considerations require such installation.

21-7. Appeals

Whenever the fire chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the zoning board of adjustment pursuant to RSA 676:5.

21-8. Permit fees.

A. The fee for permits required by this ordinance shall be fifty dollars (\$50.00) per permit.

Exception: No fee shall be charged for the following permits:

- (1) Open burning and open fires
- (2) Places of assembly

B. With the approval of the city manager, the fire chief is authorized to waive the fees for permits issued to non-profit, charitable, or religious organizations.

21-9. Violations and penalties

A. Any person who shall violate any of the provisions of Somersworth Code 21 Article I, as hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plan submitted and approved thereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the chief of the fire department or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of a violation, punishable by a fine of not one thousand dollars (\$1,000) for each offense. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

21-10. Availability of copies

Copies of the NFPA 1 Fire Code are available from the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02269

ARTICLE II LIFE SAFETY CODE

21-11. Statutory authority

This Article is enacted pursuant to the authority granted by RSA 47:22 of the New Hampshire Revised Statutes Annotated.

21-12. Adoption of standards

In the interest of public safety, the standards set forth in the National Fire Protection Association code for safety to life from fire in buildings and structures known and referred to as the NFPA 101 Life Safety Code, 2009 edition are hereby adopted as set forth herein by the City of Somersworth save and except such portions as are hereinafter deleted, modified or amended, of which not less than one (1) copy has been and now is filed in the office of the City Clerk of the City of Somersworth, New Hampshire, and the same are hereby adopted and incorporated as fully as if set out at length herein, and, from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City of Somersworth, New Hampshire.

21-13. Definitions

(1) **AUTHORITY HAVING JURISDICTION (AHJ):** the fire chief of the City of Somersworth

(2) **FIRE CHIEF:** the fire chief of the City of Somersworth or his/her designee

21-14. Modifications to Life Safety Code

The intent of this section is to align the requirements of the NFPA 101 Life Safety Code with state statute and the NH State Fire Code adopted pursuant to RSA 153:5.

(a) Section 14.7.2.3 and Section 15.7.2.3 of NFPA 101 Life Safety Code shall be amended to read as follows:

“Emergency egress and relocation drills shall be conducted as follows:

(1) At least one emergency egress and relocation drill shall be conducted every month the facility is in session, including summer school;

(a) Exception No. 1: During winter months, the monthly emergency egress and relocation drills shall be permitted to be deferred provided that the required number of emergency egress and relocation drills is achieved and at least 4 are conducted before the drills are deferred; and

(b) Exception No. 2: With the approval of the fire chief and in concert with RSA 189:64, no more than 2 of the required emergency egress and relocation drills may be eliminated and replaced by drills that test emergency response to hazards such as earthquakes, hurricanes, floods, bomb threats and domestic terrorism. No required emergency egress and relocation drills shall be replaced by hazard drills unless an emergency response plan is submitted to the fire chief and the New Hampshire Division of Homeland Security and Emergency Management.

(2) All occupants of the building shall participate in the drill; and

(3) One additional emergency egress and relocation drill, other than for educational occupancies that are open on a year-round basis, shall be required within the first 30 days of operation.”

(b) Section 14.3.2.4 and Section 15.3.2.4 of NFPA 101 Life Safety Code shall be amended by adding the following:

“(7) Dispensers installed over carpeted floors in non-sprinklered rooms and spaces shall be permitted, provided that there is an impervious, non-combustible surface of at least two feet by two feet in size installed directly below each dispenser that has been permanently affixed to the floor of the structure.”

(c) Section 18.3.2.6(5) of NFPA 101 Life Safety Code shall be amended to read as follows:

“(5) Not more than an aggregate of 10 gal (37.8L) of alcohol-based rub solution or 1135 oz (32.2 kg) of Level I aerosols, or a combination of liquids and Level I aerosols

not to exceed, in total, the equivalent of 10 gal (37.8L) or 1135 oz (32.2 kg), shall be in use outside of a storage cabinet in a single smoke compartment except as otherwise provided in 18.3.2.6(6).”

(d) Section 18.3.2.6(6) of NFPA 101 Life Safety Code shall be amended to insert a new section 18.3.2.6(6) and renumber the existing sections 18.3.2.6(6) through 18.3.2.6(8) accordingly as sections 18.3.2.6(7) through 18.3.2.6(9), to read as follows:

“(6) One dispenser complying with 18.3.2.6(2) or (3) per room and located in that room shall not be included in the aggregate quantity addressed in 18.3.2.6(5).”

(e) Section 19.3.2.6(5) of NFPA 101 shall be amended to read as follows:

“(5) Not more than the aggregate of 10 gal (37.9L) of alcohol-based rub solution or 1135 oz (32.2kg) of Level I aerosols, or a combination of liquids and Level I aerosols not to exceed, in total, the equivalent of 10 gal (37.8L) or 1135 oz (32.2 kg), shall be in use outside of a storage cabinet in a single smoke compartment except as otherwise provided in 19.3.2.6(6).”

(f) Section 19.3.2.6(6) of NFPA 101 Life Safety Code shall be amended to insert a new section 19.3.2.6(6) and renumber the existing sections 19.3.2.6(6) through 19.3.2.6(8) accordingly as sections 19.3.2.6(7) through 19.3.2.6(9), to read as follows:

“(6) One dispenser complying with 19.3.2.6(2) or (3) per room and located in that room shall not be included in the aggregate quantity addressed in 19.3.2.6(5).”

(g) Section 24.2.5.1 of NFPA 101 Life Safety Code shall be amended to read as follows:

“Section 24.2.5.1 Stairs, ramps, guards and handrails shall be in accordance with 7.2.2 for stairs, 7.2.2.4 for guards and 7.2.5 for ramps, as modified by 24.2.5.1.1 through 24.2.5.1.7.”

(h) Section 24.2.5 of NFPA 101 Life Safety Code shall be amended to insert new section 24.2.5.1.4, 24.2.5.1.5, 24.2.5.1.6 and 24.2.5.1.7 to read as follows:

“Section 24.2.5.1.4 Riser heights not exceeding 209 mm (8 ¼ in.) and tread depths of not less than 229mm (9 in.) shall be permitted for stairs in new construction;

Section 24.2.5.1.5 Porches, balconies or raised floor surfaces located more than 762mm (30 in.) above the floor or grade below shall have guards not less than 914mm (36 in.) in height. Open sides of stairs with a total rise of more than 762mm (30 in.) above the floor or grade below shall have a guard not less than 864 mm (34 in.) in height measured vertically from the nose of the treads;

Section 24.2.5.1.6 Handrails shall be permitted to be on one side of the stairs in new construction when the stair width is 965mm (38 in.); and

Section 24.2.5.1.7 New handrails shall be installed to provide a clearance of not less than 2 ¼ inches (57mm) between the handrail and the wall to which it is fastened.”

(i) Section 24.3.4.3 of NFPA 101 Life Safety Code shall be amended to insert a new exception to read as follows:

“Exception: When housing up to 3 outsiders in rental rooms, section 24.3.4.1(1), (2) and (3) shall apply and smoke alarms shall be interconnected 120 volts electrically powered with battery back-up.”

(j) Section 30.2.2.3.1 and Section 31.2.2.3.1 of NFPA 101 Life Safety Code shall be amended to insert the following exception:

“Exception: Within any individual dwelling unit stairs complying with Section 24.2.5.1 as amended shall be permitted.”

(k) Section 36.4.4.4.3.2 of NFPA 101 Life Safety Code shall be amended, by removing the section.

(l) Section 24.3.5.1 of NFPA 101 Life Safety Code shall be amended to insert the following exception:

“Exception: Detached one and 2-family dwellings are exempt from the automatic fire sprinkler requirements as set forth in 24.3.5.1.”

21-15. Tenant’s Responsibilities

It shall be the responsibility of the tenant(s) of a rented or leased residential dwelling or complex to ensure that the smoke detector(s) installed in accordance with state and local codes are not rendered inoperative by damaging or disconnecting said detector. Any person found to have disconnected a smoke detector, damaged a smoke detector or otherwise cause a smoke detector to be rendered inoperative, in a rented or leased residential dwelling or complex, shall be guilty of a violation.

21-16. Availability of copies

Copies of the NFPA 101 Life Safety Code are available from the National Fire Protection Association, One Batterymarch Park, Quincy, Massachusetts 02269.

21-17. Administration and enforcement

The authority having jurisdiction for the administration and enforcement of this chapter shall be the fire chief.

21-18. Appeals

Whenever the fire chief shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the fire chief to the zoning board of adjustment pursuant to RSA 676:5.

21-19. Violations and penalties

A. Any person who shall violate any of the provisions of Somersworth Code 21 Article II, as hereby adopted or fail to comply therewith or who shall violate or fail to comply with any order made thereunder or who shall build in violation of any detailed statement of specifications or plan submitted and approved thereunder and from which no appeal has been taken or who shall fail to comply with such an order as affirmed or modified by the chief of the fire department or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every violation and noncompliance respectively, be guilty of a violation, punishable by a fine of not more than one-thousand dollars (\$1,000) for each offense. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

ARTICLE III REIMBURSEMENT FOR FIRE DEPARTMENT SERVICES

21-20. Reimbursement Costs.

(A) In the event that the cost for fire department apparatus and/or equipment use is reimbursable under city ordinance or state statute, the following rates for the use of apparatus and equipment shall apply:

- Aerial Apparatus: \$250 per hour/ one hour minimum
- Pumper apparatus: \$100 per hour/ one hour minimum
- Boat: \$ 50 per hour/ one hour minimum
- Support Units: \$ 25 per hour/ one hour minimum
- Firefighting supplies, such as foam or absorbent material: actual replacement cost
- Food: actual cost
- Replacement of damaged or destroyed equipment, protective clothing or uniforms, other than routine wear and tear: actual replacement cost

(B) In the event that the cost for fire department personnel is reimbursable under city ordinance or state statute, the following formula shall be applied:

Personnel costs shall be billed at the minimum of one hour for on-duty personnel and two hours for recalled personnel based on the city's actual costs, to include applicable hourly rate or overtime rate, and the city's portion of employee benefits, including but not limited to retirement and health care.

(C) An administration fee of 5% shall be added to all reimbursement charges.

22-21. Separability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct independent provision and such holding shall not affect the validity of the remaining portions thereof.

This Ordinance shall take effect upon its passage.

Introduced by Councilors

David Witham
Martin Pepin
Marcel Hebert

Approved:

City Attorney

ORDINANCE NO. 16-12 REPEAL OF CHAPTERS 16A FIRE PREVENTION CODE
AND CHAPTER 16B KEROSENE HEATERS UPON PASSAGE OF AMENDED
CHAPTER 21, FIRE PREVENTION AND LIFE SAFETY CODES.

Somersworth, NH
June 4, 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:

Upon passage of Ordinance No. 15-12, Amending Chapter 21, Fire Prevention and Life
Safety Codes, the following shall be repealed:

- Chapter 16A Fire Prevention Code and Chapter 16B Kerosene Heaters.

This Ordinance shall take effect upon its passage.

Introduced by Councilors

David Witham
Martin Pepin
Marcel Hebert

Approved:

City Attorney

RESOLUTION NO. 27- 12 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH ROLAND TURGEON OF SOMERSWORTH, NH FOR THE INSTALLATION OF A SEWER MAIN LINE ALONG A PORTION OF GREEN STREET.

Somersworth, NH
June 4, 2012

WHEREAS, Roland Turgeon of Somersworth, NH would like to install a sewer main line along a portion of Green Street for the purpose of a potential 3-lot subdivision as part of the development of Map 16 Lot 18; and

WHEREAS, Mr. Turgeon is agreeable to install this sewer main line as an extension of the City's sewer collection system in accordance with City specifications and turn ownership of this sewer main line to the City upon completion and acceptance by the City; and

WHEREAS, the City is agreeable to such a proposal for the future development of the City and the betterment of the City's sewer collection system; and

WHEREAS, the agreement with Mr. Turgeon shall include the following elements:

- Mr. Turgeon shall design, engineer, and install the sewer main line in accordance with City standards subject to City oversight and approval.
- Mr. Turgeon shall reimburse the City for all City Attorney legal review costs associated with this project and post an initial cash escrow with the City of Somersworth in the amount of \$5,000 for this purpose to include establishing any public easement/s that may be necessary as determined by the City.
- Mr. Turgeon shall receive and comply with any Federal, State, and Local rules, regulations, permits and/or approvals that may be required for this sewer line project and his land development project.
- The City shall waive the water and sewer connection fees for the potential 3-lot subdivision in an amount not-to-exceed \$5,400 per lot for sewer, and not-to-exceed \$750 per lot for water based on the number of actual bedrooms permitted, not to exceed a total of \$16,200 for sewer and \$2,250 for water for the entire proposed 3-lot subdivision of Map 16 Lot 18
- The City shall collect sewer connection fees upon connection from four existing lots (Map 16 Lot 01, 02, 03, and Map 17 Lot 3A), and upon connection and collection of the sewer connection fee, pay to Mr. Turgeon and amount not-to-exceed \$5,400 per lot for each of the four lots, the actual cost determined by the number of bedrooms on each lot at date of the agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute an agreement with Roland Turgeon of Somersworth, NH for the installation of a sewer main line along a portion of Green Street and such agreement shall be executed in the best interest of the City of Somersworth.

Introduced by Councilors

Dale Sprague
Brian Tapscott
Marcel Hebert

Approved:

City Attorney



CITY OF SOMERSWORTH Office of the City Manager

TO: Mayor Matthew Spencer and City Council Members
FROM: Robert M. Belmore, City Manager
DATE: Friday, June 1st, 2012
SUBJECT: City Manager's Report for Monday, June 4th, 2012
City Council Agenda

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

Ordinances:

- A. **Ordinance No. 11-12 FY 2012-2013 Budget** Attached is a copy of the Budget Ordinance as further amended by Council vote and a revised estimate of the tax rate of \$29.04 – a \$1.21 increase.

Reminder: Council should decide whether an appropriation to this established non-capital reserve fund for the education of persons with disabilities should be approved. Any appropriation should be off-set by the use of fund balance (i.e. School Department budget surplus).

Other:

- A. **Bond Issuance Discussion.**

Unfinished Business (under Section 12 of the Agenda):

Resolutions:

- A. **Resolution No. 25-12 Authorizing the City Manager to Sign the Federal Bridge Aid Program – Interstate/Local Project Agreement for the Somersworth/Berwick Bridge Rehabilitation Project.** As a reminder, this State Agreement is a standard boilerplate contract that will eventually go to the Governor and Executive Council.

New Business (under Section 13 of the Agenda):

Ordinances:

- A. **Ordinance No. 12-12 Transfer between Departments.** This is a precautionary housekeeping measure. Presently, the two legal accounts combined balance stands at \$4,996 which is driving this concern. Additionally, there has been \$17,117 in unanticipated legal costs attributed to Sunningdale through 10 months of billing.

- B. Ordinance No. 13-12 Amend Chapter 4 Personnel Rules and Regulations by Amending Section 11.3 Titled “Health Insurance” and Section 11.4.3 Titled “Standby”.** As a reminder, the Personnel Rules and Regulations Ordinance states the City Council shall determine annually the amount of premium paid by the City based upon the City Manager’s recommendation. The Finance Committee discussed this recommendation and is sponsoring these changes to the Chapter 4 Ordinance. Attached is an estimate of costs associated with passing the Ordinance changes. The stand-by pays increases this pay in-line with what the highway union employees receive. Ordinance changes regarding COLA raises and Health Insurance automatically get carried over to the Water/Wastewater Union employees.
- C. Ordinance No. 14-12 Amending Chapter 4, Personnel Rules and Regulations, Compensation Schedule.** See attached schedule which increases all the Labor Grades/Steps by 1% across the board.
- D. Ordinance No. 15-12 Ordinance Chapter 21.** Attached is a Memorandum from Chief Bliss that spells out his detailed review of the City’s fire prevention ordinance and provides his recommendations. The Public Safety Committee met and discussed the rationale for moving forward with a new Ordinance. In a nutshell, these revisions bring our regulations in line with other communities. It also strikes a better balance in allowing for the use of newer technology with an eye on being user friendly to our business and community members without jeopardizing safety.
- E. Ordinance No. 16-12 Repeal of Chapters 16A Fire Prevention Code and Chapter 16B Kerosene Heaters upon Passage of Amended Chapter 21, Fire Prevention and Life Safety Codes.** The adoption of Chapter 21 predicates the need to repeal Ordinance Chapters 16A Fire Prevention Code and 16B Kerosene Heaters

Resolutions:

- A. Resolution No. 27-12 Authorizing the City Manager to Execute and Agreement with Roland Turgeon of Somersworth, NH for the Installation of a Sewer Main Line along a Portion of Green Street.** This proposal was discussed at the last City Council meeting. The Public Works & Environment Committee met to lay out the elements contained in the Resolution. This Resolution sets the parameters for an agreement which would be further clarified in a document to be signed after review and approval of City Attorney.

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

A. Informational Items:

1. Volunteerism.

Willand Pond Trail: Attached is a memorandum from Recreation Supervisor Nick Campion regarding 5 to 10 volunteers from a Portsmouth company who will be cleaning up the Willand Pond Trail. FYI, the contact person, Scott O., is a Somersworth resident.

Serve With Liberty Program: City Staff is moving forward with this program. Please see attached memorandum from Finance Director Smith and Planning and Community Development Director Sharples.

- 2. Permit and Safety Information for the Use of Permissible Fireworks.** Attached is a copy of a newly issued City brochure that provides information on the requirement to obtain a City Permit as well as safety tips.