

MINUTES OF CITY COUNCIL MEETING

JUNE 4, 2012

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

MINUTES OF PREVIOUS MEETINGS.

- Public Hearing on Ordinance No. 10-12 Add New Chapter 21A Display of Permissible Fireworks held on 5/07/12.
A motion was made by Councilor Witham and seconded by Councilor Pepin to approve the minutes as presented. The motion passed unanimously.
- Public Hearing on Proposed Amendments to the City Charter held on 5/07/12.
A motion was made by Councilor Tapscott to accept the minutes as presented. The motion was seconded by Councilor Durkee and passed unanimously.
- City Council Meeting held on 5/07/12.
Councilor Tapscott moved to accept the minutes as presented. The motion was seconded by Councilor Pepin and passed by a vote of 8 yeas, 1 abstention, Councilor Witham abstaining.

COMMENTS BY VISITORS.

Real Roseberry, Route 108, said he made a recommendation at the last meeting that the Council put the water bill on the ballot in September or November. It seems that everything is really quiet right now regarding the water billing.

Mr. Roseberry asked the City Council if he can use as much time as he needs tonight, instead of the usual five minutes. He has a lot to say.

Councilor Jarvis said she would like to allow the five minutes first then suspend the rules or not at that time.

Mr. Roseberry said he has petitions that will shock the City Council. He was told that everybody likes the monthly water billing. Nobody likes the monthly water billing, there are just a few that do. He is very appalled by this. He went to talk to the people, which is what he told the previous Council they should be doing, talking to their constituents. They will tell you what's going on. He got a lot of information in the last two days. People are dissatisfied and they want to go back to quarterly billing and he has the proof.

Mr. Roseberry said people want to know how you can figure a water bill monthly. There used to be someone checking people's meters quarterly, and they don't know how they can have the time to do this every month. It is impossible to do that.

Mr. Roseberry said five out of six of the people he talked to do not like paying their water bills monthly.

Councilor Pepin moved to suspend the rules to allow Mr. Roseberry more time. The motion was seconded by Councilor Durkee. The motion failed.

Mr. Roseberry said he has learned that people are really dissatisfied.

Sharon Lampros, Principal of Somersworth High School and Career Technical Center, said she is here tonight to say thank you on behalf of the administration, students and staff of Somersworth High School for the support that the City of Somersworth, the Fire Department, the Police Department, as well as several businesses gave to the school community on 5/24/12 as they created a reality therapy reenactment based on the national program which identifies that every fifteen minutes someone is involved in an accident involving alcohol and dies during that accident. Their school theme the last couple of years has been about being a community of caring and what was amazing about this project was the number of people from our community who stepped in and supported this and believed in it, and came through under some adverse conditions.

Ms. Lampros said the program was triggered by a former student, Paul Robidas, who is employed with American Medical Response Ambulance Service. He spearheaded this project. She also extended a special thank you to the Fire Department who participated in the project after spending the entire night at a fire in Portsmouth.

Ms. Lampros said what actually happened was they created an accident scene with students from the high school. They had one fatality. The reenactment was what happens once the phone call is made to the police department. During that time, they ended up with the Police and Fire Departments responding, the ambulance coming in and assessing the students. They also had Bernier Funeral Home participate and actually respond with a hearse. They had a student who went through being arrested for drunk driving. Bud Jones was there doing photography, and they also had a sound system person there, and an announcer. They had four students who were willing to step up and do this and had the support of their parents. This was very important. At the end of the night, one student told her it was the best she has done for them over their four years in high school. The other comment that touched her heart was when a student remarked that this was a whole lot of work by a whole lot of people and that they must really care about the students.

Gary Hodsdon, 230 Green Street, said he is in support of Resolution 27-12, which authorizes the City Manager to execute an agreement with Roland Turgeon for the installation of a sewer main line along a portion of Green Street.

Mr. Hodsdon said this portion of Green Street is a place where his property abuts. He has lived there for 15 years. He feels this would be a win for the City, a win for Mr. Turgeon, and a win for the abutters. Their systems are old and will need replacement.

Bill Connor, 41 Pinewood Drive, said after the last meeting he thought we could re-visit Roberts Rules of Order and possibly make it so that the City Council and Mayor can get out of here at 10:00 p.m. instead of midnight. All the decisions that are made after 10:00 p.m. could be questionable. The people that came up to speak about the band could have had a representative consolidate all of what they had to say and make life a little easier for everyone.

Real Roseberry, Route 108, said he picked up a petition today and he promised the people who signed it that he would pass it to the City Council. People want this on the ballot. He requested permission to pass his petitions to the Council.

Councilor Sprague moved to allow him to pass in his petitions. The motion was seconded by Councilor Pepin.

Councilor Witham indicated the City Charter has a process outlined for the submission of petitions and he feels that should be followed.

The motion failed by a vote of 2 yeas, 7 nays.

Mr. Roseberry said he is amazed and appalled by this vote. He will bring his petition to the City Clerk. People put their names on this petition wanting to be heard. He is for the people.

MAYOR'S REPORT.

Mayor Spencer reported the following activities:

- On 5/23/12 attended a Community Partners luncheon in regards to managed care contracts.
- On 5/24/12 attended the Mock Drunk Driving Accident at St. Martin's parking lot. Thank you to American Medical Response, the Police Department, Fire Department, and Bernier Funeral Home for their time in preparing and running the scenario.
- On 5/24/12 attended a Chamber of Commerce event at the OAKS.
- On 5/28/12 attended cemetery ceremonies for Memorial Day – Greek Orthodox, Mt. Calvary, Holy Trinity and Forest Glade Cemeteries. Thank you to Councilor Brian Tapscott and Councilor David Witham for attending the ceremonies as well.
- On 5/28/12 also participated in the Memorial Day parade and thanked Councilors Dale Sprague and David Witham for participating as well.
- On 5/30/12 participated in the Somersworth Middle School observance of the true Memorial Day recognition of our veterans.
- On 5/31/12 attended the Strafford County Regional Planning Commission annual meeting with Councilors Tapscott and Sprague, the City Manager, and Bill Connor.

- On 6/04/12 attended the Skyhaven Airport Advisory Committee meeting with the City Manager.

REPORTS OF STANDING COMMITTEES.

FINANCE COMMITTEE.

Councilor Jarvis reported this committee will be meeting on 6/05/12 at 3:00 p.m.

PUBLIC WORKS & THE ENVIRONMENT COMMITTEE.

Councilor Sprague reported this committee met on 5/24/12. They approved the minutes of their previous meeting. They discussed the Green Street Sewer Extension, putting in the parameters and the language for a resolution which is on the agenda tonight.

RECREATION COMMITTEE.

Councilor Pepin reported there will be a Recreation Committee meeting on 6/05/12 at 8:30 a.m. They will be discussing the Pine Street Park, the Jules Bisson Park, and the Noble Pines Park.

VISION 2020 COMMITTEE.

Councilor McCallion reported there is a Vision 2020 meeting scheduled for 6/05/12 at 5:00 p.m.

REPORTS OF SPECIAL COMMITTEES.

SCHOOL BOARD.

Councilor Pepin reported he attended a School Board Meeting on 5/22/12. They discussed the following items:

- A representative from Community Action approached the School Board to see if they could relocate in one or possibly two of the schools. They were looking for permission to speak to staff at the SAU Office to see if this could be accomplished. They were given this permission and said they will come up with a proposal.
- Due to the actions at the last City Council Meeting, the School Board moved to extend contracts to four staff members stating they should have funds available for this.
- They asked him to urge the Council to get the budget passed. The last day of school is 6/14 and they need to get started on their next fiscal year budget.

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, 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.

B. Attachments:

1. City Attorney Certification (1).
2. Memorandum – Quote from City Manager.
3. Economic Development Manager – Advertisement and ideal candidate and challenge statement.

LAY ON TABLE.

ORDINANCE NO. 11-12 FY 2012-2013 BUDGET (AS AMENDED).

Councilor Witham moved to remove Ordinance No. 11-12 from the table. The motion was seconded by Councilor Durkee and passed unanimously.

Councilor Witham said he has looked through the budget with some detail and does not see any other cuts he would be proposing to make. He believes there is room for some discussion on additional money for roads. Barring any changes, he sees no reason the budget cannot be passed this evening. There is no new information to be gleaned by waiting. Unless there are more cuts or additions to be made to the budget, he suggests the Council pass it tonight.

Councilor Soldati moved to add some money into the budget, \$1,000 to be added to the Somersworth Festival Association. They have been receiving the current appropriation \$2,500 from the City since 2006, and their costs have been going up steadily. They have had to cut back on some of their events. She does not believe granting them an additional \$1,000 would affect the tax rate. The motion was seconded by Councilor Pepin.

Councilor Sprague said the Council had talked about an increase for Christmas parade. He was all for that and he would like an update on where we stand with that and if there is any activity.

Mayor Spencer indicated the committee will be meeting this Thursday at the Museum. They will be electing a Chairman, Treasurer and Secretary. Some of the members of the committee are Amy Franke, Dennis Huff, Mr. Ouellette, George Poulin, Jim McLin, etc.

Councilor Sprague said he would like a real number on what it would cost to run that parade.

Councilor Witham moved to amend the motion by Councilor Soldati to increase the amount to the Festival Association by \$1,000 by adding the removal of \$800 from the Christmas parade fund. The motion was seconded by Councilor Sprague.

Councilor Pepin said he would rather act on them individually. He does not like this amendment.

Councilor Hebert said he agrees with Councilor Pepin. They should be voted on individually.

The motion to amend Councilor Soldati's motion by adding the removal of \$800 from the Christmas parade fund failed by roll call vote of 3 yeas, 6 nays, Councilors Durkee, Witham and Sprague voting in the affirmative.

The motion to add \$1,000 to line item 5483 Somersworth Festival Association passed by a voice vote of 7 yeas, 2 nays, Councilors Witham and Jarvis voting in the negative.

Councilor Sprague moved to add \$65,500 to line item 0600 Patrol Officers and remove \$20,000 from line item 0901 Overtime, bringing it down to \$40,000. The motion was seconded by Councilor Durkee.

Councilor Sprague said currently our Police Department runs 72 hours of overtime per week. They haven't had an increase in staff in 16 years. He and Councilor Witham went on a ride-along with patrol officers on Friday night to see how they function. It doesn't take long for an officer to be tied up for a couple of hours for a DWI or a traffic accident. As we see on the news all the time, the women and men go through perils every day they are on duty. There are two things that bother him. He doesn't like our men and women in blue being in danger. What he noticed on Friday night was there was about a half-mile radius that most of the calls were going to. What that tells him is that at certain times other parts of town are not going to see a patrol officer. The basis of our decisions tonight should not be that we don't want to raise the tax rate above a certain amount. Our decisions should be based on what we need. When you have seven officers on overlap shifts that are booked right out it would be good to have another patrol officer to fill in the voids.

Councilor Witham made a motion to suspend the rules to allow City or School staff to speak if necessary. The motion was seconded by Councilor McCallion and passed unanimously.

The City Manager asked Finance Director Smith if \$65,000 would cover everything for a new patrol officer. Finance Director Smith said he believes it would be.

Chief Crombie addressed the overtime budget, stating it is difficult to say if we could get by with this, but we could reduce it.

Councilor Pepin said this caught him off guard. They had a Public Safety Committee Meeting and nothing about this was brought up. He would like to have a little more time rather than have this thrown out at them at this time.

Chief Crombie said he hasn't brought up additional manpower in a number of years only because he felt there wasn't a chance of getting any more manpower.

Councilor McCallion asked if this would definitely add a shift to the schedule.

Chief Crombie said it would be a fill-in shift for filling in for someone who is out sick or on vacation, or who would be on during the busy times.

Councilor Sprague said he asked about this the beginning of May so it shouldn't be a surprise.

Councilor Witham said in theory he likes the idea of having more patrol officers. The balance is having the ability to pay for it. An observation that he had was the activity level of the Police Department can be measured in any number of ways. One is call volume, number of burglaries, number of traffic stops. In his brief ride-along he did notice that between the calls for service the officers are doing targeted checks. More importantly, they are engaging with the community. The officer he was with knew most of the people he had contact with by name and they knew him by name. It's the contact hours that he feels are valuable. He thought it would be a good thing to have an officer on bike patrol funded with some of the overtime money.

Chief Crombie said it would be helpful, but it is difficult to schedule someone for a couple of hours at a time.

Councilor Pepin said his biggest problem is that we have tried to cut back by cutting hours for some employees, and not adding employees to any departments because we are trying to cut back. This would send a bad message to the people we have cut back. Also, a lot of our public safety employees have gone to other communities because they do not have to work so hard. They have to do a lot more in our community, and he deeply appreciates that.

Councilor McCallion asked the Finance Director to give an update on the tax rate increase if we add this position.

Finance Director Smith indicated the increase on the tax rate would be \$.06/thousand for this position. It would bring the tax rate up to \$29.10.

Councilor Sprague commented that people are fixated on the tax rate and he does not understand it. He is not going to start making decisions based on the tax rate, but on what our needs are. He is not going to bury his head in the sand.

Councilor Soldati said she will support this motion. Somersworth has a growing drug problem and she is very concerned. Ward 2 is an area that appreciates patrols.

The motion to add \$65,500 to line item 0600 Patrol and minus \$20,000 from line item 0901 Overtime passed by roll call vote of 7 yeas, 2 nays, Councilors Tapscott and Witham voting in the negative.

Councilor Sprague made a motion to increase line item 9104 Road Resurfacing by \$150,000 for a total of \$300,000. The motion was seconded by Councilor McCallion.

Councilor Sprague said once again, if we are going to repair our roads, we need to do it. Not repairing something does not make it go away. In years past, this item was budgeted for \$375,000. We cut it to save money but we are not saving money in the long run. This amount of money could go pretty far. We could do some crack-sealing and some resurfacing.

Councilor McCallion said we need to do more for our roads. He knows that bids are coming back with a little bit cheaper prices. We could do more without it having such an impact.

Councilor McCallion asked the Finance Director what this would do to our tax rate.

The Finance Director replied it would add \$0.17.

Following further discussion regarding the motion to increase Road Resurfacing by \$150,000 the motion failed by roll call vote of 1 yeas, 8 nays, Councilor Sprague voting in the affirmative.

Councilor Tapscott indicated on line item 9047 there are two Fire Department CIP items asking for a total of \$97,000. He made a motion to remove the fire command vehicle for \$47,000. The motion was seconded by Councilor Durkee.

Councilor Witham wished to have the Fire Chief speak to this motion.

Interim Chief Bliss indicated there are mechanical issues facing their current vehicle. It is a 13 year old vehicle, expected to be a front-line piece of apparatus. It has 84,000 miles on it. He has driven it, and in his opinion it is not a very safe vehicle.

The City Manager said the vehicle almost couldn't pass inspection this year. The other thing is that the idea of a CIP is to try to be fiscally stable and responsible. If we start

juggling the CIP every year then there is no point in having a CIP. We have already pushed this off for one year and he feels it would be self-defeating to put it off again.

Chief Bliss said in his role as Interim Fire Chief he did not use the vehicle a lot. The new Fire Chief will be using the vehicle extensively and he would suggest they give that some consideration. The suspension is in bad shape, and there are transmission slippages, etc.

Councilor Durkee said quite a few of our constituents probably drive vehicles that are older than 1999 and they are maintaining them because they do not have the dollars to buy a new one. Why is this vehicle beyond having repairs if that might save the taxpayers a little bit of money?

Interim Chief Bliss said this is a first-line emergency vehicle and it needs to be dependable. Every time it starts, it needs to be able to run and operate efficiently. Also, technology has changed in terms of the needs and the usage of that vehicle as a command vehicle in the 13 years the City has owned it. The City has certainly gotten their money's worth out of the vehicle. Given its current condition, putting more repairs into it would be throwing good money after bad at this point.

The motion to remove \$47,000 from line item 9047 for a fire command vehicle failed by roll call vote of 2 yeas, 7 nays, Councilors Durkee and Tapscott voting in the affirmative.

Councilor Jarvis asked the Finance Director if the use of Fund Balance is still at \$200,000. He replied in the affirmative.

Councilor Jarvis moved to increase using an additional \$100,000 of the Fund Balance to reduce taxes. The motion was seconded by Councilor Tapscott.

Finance Director Smith said if we were to do that, it would put the tax rate increase to \$1.15 (a drop of \$0.12).

Councilor McCallion said he would never support taking from our savings account, especially when we are talking about bonding. You want to be within a certain rate. He is not happy with the fact we cannot get the increase below \$1.00. We do have some things that are coming back to us, such as funds from the Idlehurst School bond and unanticipated revenues from the school.

Councilor Witham said we did use quite a bit of the undesignated fund balance last year, most of which was to offset the changes to the retirement system. He asked the Finance Director if we would still be within our fund balance policy if we were to go from using \$200,000 to \$300,000.

Finance Director Smith replied that we would. The fund balance would be at about 7-1/2% and we would have some funds that would replenish that over time.

Councilor Witham said he will probably support this motion reluctantly. It really is about the impact of any tax rate increase on any taxpayer. Impacts of \$500+ per year are hard to swallow. It is really difficult for a lot of people.

Councilor Sprague said he cannot support this. As Councilor McCallion pointed out, the money coming back from the school cannot be used to pay down taxes. It can only be used towards paying the principal on the project, or it has to go towards another capital project. He feels we would just be playing a shell game by using money from our fund balance. When it comes to budgets, he is fiscally conservative.

Councilor Jarvis said she is typically against using the fund balance to reduce taxes because we need those savings, but we have spent a lot of time over the last couple of years on improving the enterprise funds and we have seen some improvement. Tonight we are looking at improving the safety of the community and in order to do that she feels very strongly about using an additional \$100,000 from the fund balance. She doesn't think this would put us in a bad place and it would help in giving some relief to the taxpayers and allow us to do some of the things we need to do.

The City Manager underscored that when he and the Finance Director are preparing the budget, when they talk about fund balance they are not just looking at this year, but two to five years ahead. We were comfortable with \$200,000 but not with going any higher.

The City Manager added we would be within the parameters of our policy, but the other part is last year we had a supplemental appropriation, and there are things out there that could happen, for example the superfund site. Things come up over the course of a year where you might have to dip into the fund balance.

Councilor Tapscott said he is in favor of using the additional \$100,000 from the fund balance. This year is a tough year.

Councilor Pepin said he does have some concerns, especially because of the way we have cut the budget this year. We have taken all the school's building maintenance and all the money they would have for repairs and we are hoping to put it into a bond which we do not know whether or not will be funded this year. There will be no asbestos removal this year, no money for bleacher maintenance, etc. He wouldn't be surprised if they have to come back for a supplemental appropriation this year.

Councilor Pepin said he would love to be in favor of using this additional \$100,000 but he cannot at this point. He would be very fearful of using this money because he has a feeling this will be the year when some of the departments will be coming back for extra money.

Councilor Durkee said this is an excruciating process. He is very sensitive to adding to the tax rate. He owns a home here and this will certainly impact him, but also people who want to invest in our community moving forward. The houses that abut his property on both sides are empty. He is in favor of using the extra money from the fund balance.

He is worried about attracting people to this City and he is worried about keeping the tax rate low. He will support this.

The motion to use an additional \$100,000 of the unreserved fund balance to reduce the tax rate passed by roll call vote of 7 yeas, 2 nays, Councilors Pepin and Sprague voting in the negative.

Councilor Durkee referred to Account 5474 Community Food Pantry, indicating the Council heard a verbal request for an additional \$500 during their presentation. He would like to see the amount increased and moved to add \$500 to this account, for a total of \$2,000. Partnering with these kinds of non-profit entities is beneficial because these are the folks that know how to stretch a dollar better than anyone in our community. There is nothing more elemental than being able to provide food to people. This is a small dollar increase, but it is important to keep this organization viable.

The motion was seconded by Councilor Tapscott.

Councilor Witham asked if the food pantry works in concert with our Human Services Department.

The City Manager replied in the affirmative.

The motion to add \$500 to Account 5474 Community Food Pantry passed by voice vote.

Councilor Jarvis made a motion to pass Ordinance 11-12 FY 2012-2013 Budget as amended. The motion was seconded by Councilor McCallion.

Councilor Sprague indicated there was nothing in the budget relevant to the non-capital reserve fund for persons with disabilities that was created by the passage of Resolution No. 46-09. We failed to act on this.

The City Manager indicated there was a reminder in his written report that Council should have that conversation. It would be appropriate to make a decision on this before passing the ordinance.

Councilor Jarvis removed her motion to pass Ordinance 11-12. Councilor McCallion removed his second.

Councilor Pepin moved to put \$50,000 into the non-capital reserve fund for people with disabilities. The motion was seconded by Councilor Witham.

Councilor Pepin said this gives the School a little bit of a cushion if they need it.

Councilor Witham moved to suspend rules to allow the School Superintendent to speak. The motion was seconded by Councilor Tapscott and passed unanimously.

Superintendent Mosca said they recently looked at their special education population. The number of special ed students they were servicing in October was 370. They are currently servicing 408 students. That is a big jump. Special education is the most volatile part of their budget. The costs can be anywhere from \$50,000 to \$100,000. There are many variables that can happen in this area. They do not know what will happen from year to year.

The motion to increase the non-capital reserve special education fund by \$50,000 passed by roll call vote of 5 yeas, 4 nays, Councilors Soldati, McCallion, Durkee and Sprague voting in the negative.

Councilor Jarvis made a motion to accept Ordinance No. 11-12 FY 2012-2013 budget as amended. The motion was seconded by Councilor McCallion.

Councilor Sprague said he is not going to support this budget. He was set to support it before the vote on the \$50,000. Councilor Sprague asked where the \$50,000 is coming from.

Finance Director Smith said it will come from fund balance.

City Manager Belmore explained that this money would be put into a separate account, and if the School Board deems that it is needed they would send a letter to the Trustees of the Trust Funds to release the money.

Councilor Sprague suggested that if anybody wants to rethink what they just did regarding Resolution No. 46-09, they should vote against the budget and we could go back and change it.

Ordinance No. 11-12 FY 2012-2013 Budget as amended passed by roll call vote of 6 yeas, 3 nays, Councilors McCallion, Tapscott and Sprague voting in the negative.

UNFINISHED BUSINESS.

Nominations:

- Trustees of Trust Fund – Steve Goff, term to expire 04/2015.

Councilor Tapscott moved to accept this nomination. The nomination was seconded by Councilor Durkee and passed unanimously.

Resolutions:

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.

Councilor Tapscott said he thought the next meeting between the two states was going to be happening sometimes in May.

The City Manager said the Berwick officials were actually targeting June. He will call them and see if they have an update on when that meeting will be.

Councilor Witham said this is a formality that moves us forward. This is an important project for our community. The bridge needs rehabilitation and we don't want there to be any stumbling blocks.

Resolution No. 25-12 passed by roll call vote of 9 yeas, 0 nays.

NEW BUSINESS.

Ordinances:

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

Mayor Matthew L. Spencer

By Request

Approved:
City Attorney

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

Councilor Tapscott made a motion that Ordinances No. 13-12, 14-12, 15-12 be read by title only due to their length. The motion was seconded by Councilor McCallion and passed by a vote of 8 yeas, 1 nay, Councilor Witham voting in the negative.

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
Jennifer Soldati

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.

Following the first reading of Ordinance No. 13-12 by title, it was referred to the next meeting.

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

Following the first reading of Ordinance No. 14-12 by title, it was referred to the next meeting.

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

Following the first reading of Ordinance No. 15-12 by title, it was referred to the next meeting.

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

Following the first reading of Ordinance No. 16-12, it was referred to the next meeting.

Resolutions:

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 an 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

Following the first reading of Resolution No. 27-12, it was referred to the next meeting.

COMMENTS BY VISITORS.

Real Roseberry, Route 108, thanked the City Council for encouraging him and challenging him, and he is going to challenge them. Over the next three days, he is going out to collect as many signatures as he can. He will follow the procedure. He wants this at the next City Council meeting and he wants it on the November ballot. He has told the people he talked to that he would turn the petition in. The water payers in the City are very disappointed. They asked me who came up with the plan for once-per-month billing. He wonders how they can do in one month what used to be done in four months. People do not know how that can be done.

Mr. Roseberry said there is something wrong here. People are signing the petition. I brought it here, and you people refused to take it. He will increase it. He has 68 households now and he will double this by the next meeting. He loves a challenge. When he says he is right, he is right. When he says he smells something, he smells it. He doesn't go away. Let the people decide what they want to do with their water bill, not one person dictating. He is not a stupid man.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Jarvis commented regarding the petition. Out of respect to the opinions and the input from the residents, which this Council does not take lightly, it is extremely important to have proper procedure when it comes to petitions. She hopes they recognize the importance of this evening's meeting regarding the budget and what kind of effect that has on them. She knows there are issues regarding the water. They have heard it at many meetings. Tonight the Council was focused on a much larger impact, and that was the budget and making sure it gets passed, also supporting the schools and helping them move forward.

Councilor Jarvis said the second is recognizing that an increase in our tax rate going forward does cause a lot of problems for residents. There are a lot of questions on why there are increases. There is not one Councilor here that has not pulled their hair out trying to look at places to cut to keep the tax rate down. We really have to keep our health care costs down. There has to be some other options. That is one of the things that is causing a lot of the increases.

Councilor Sprague spoke regarding the water issue, stating the Water Department employees do check the receivers on the meters every month. He asked anyone that is unhappy with the water billing situation to call him at 692-3440, cell phone 396-3478. No one has ever complained to him about it. People receive monthly billing for other services they use, such as electricity.

Councilor Sprague said he went to the Memorial Day parade on 5/28 and he had a blast. He walked with Councilor Witham. He fell in a pothole and was caught by Councilor Witham.

Councilor Sprague said on 5/24 he went to the fatal reality event that was held at the high school with AMR. He wished to thank AMR, Somersworth Police and Fire, and Bernier Funeral Home. They did a mock DWI, extraction, simulated fatality and they did a great job. After the prom, we have graduation coming up and he hopes this simulation worked. He lost a couple of friends when he was in high school and it was traumatic.

Councilor Sprague said on 6/01 he went on the drive-along with the Somersworth Police Department. He rode with Sergeant Duval and he was extremely professional. As Councilor Witham pointed out, they do know their customer base and they also know the community. He feels he has taken the department for granted in the past, but he was very impressed with all of them. They take their jobs very seriously.

Councilor Sprague indicated that Jeanne Shaheen will be having a Consumer Information Protection session for senior citizens this Friday at the Flanagan Community Center. He suggested that people go down and get educated if they can.

Councilor Durkee wished to address some of Mr. Roseberry's concerns, stating any time the public comes up, whether he agrees or disagrees with their position, it is a good thing. The Council has so many meetings here where no one shows up, no one voices their opinion. Even if he disagrees with what people say, it is nice to have their input. He voted to go back to quarterly billing, and he would certainly revisit that. His issue with monthly billing is the administrative costs involved. He can understand the issues people have. On the other hand, we have put in the investment for the wireless meters and this is something that has been coming down the road. Also, this was done by democratic process because people voted for us to vote for things and we voted in favor of monthly billing.

Councilor Durkee said he had the opportunity to meet with one of our citizens, Paul Robidas, at AMR. He wanted to thank them for allowing him into their establishment and showing him some of the things they do and services they provide to the City. It was fantastic. He is glad that AMR exists to help us out in emergency situations.

Councilor Durkee commented that this was his first budget process, and it was a trying time. The Council tries to do a good job. He is not happy that the tax rate is going up. The Council is put in a bad place due to the downshifting of costs from the State. When you hear from the State that they have balanced their budgets, they have done that at the expense of local taxpayers. They have basically burdened us with an extra \$2M. A large portion of our budget is set in stone partly due to unfunded mandates. Also, as Councilor Jarvis pointed out, the costs of health care keep going up.

Councilor Durkee thanked the School Board, feeling the Council and School Board worked in good faith during the budget process. He also thanked City staff. He is looking forward to a better fiscal year next year.

Councilor Soldati wished to address Mr. Roseberry's comments and his petition. She concurs with Councilor Jarvis that you have to know the rules and follow the rules for

submitting a petition. She reminded Mr. Roseberry that it was not this Council that passed the monthly water billing. She spoke publicly at the hearing and she was opposed to monthly billing. She thinks he might get a different vote from this Council because the City lost money by going to monthly billing, however they have a better cash flow.

Councilor Soldati thanked the City Manager and City staff for all their hard work on this budget and for being patient with a “newby” who is learning the ropes.

Councilor McCallion said there is a process outlined in the City Charter regarding petitions and we could be subject to fines for not following it. Regarding the water, there are some communities that are doing monthly billing. We will get to a point where they will be able to match up what is being produced and what is going out and if there are any gaps, leakages, and losses, etc. The whole upgrading process has been in the works for years. It was being talked about for years and it does help with the cash flow. You are going to pay one way or the other.

Councilor McCallion said there are a lot of things that are presently being worked on that will make things better for Somersworth.

Councilor McCallion said this Saturday they will be having a gathering at the Idlehurst School to celebrate their first year. He encouraged everyone to attend. There will be a lot going on.

Councilor Hebert said he agrees with everything that has been said.

Councilor Witham said he felt it was important to pass the budget tonight. They did not cut any positions and he applauds Council for that. He is not happy with the increase, but frankly he was out of ideas on what could be cut without having dramatic impacts to services.

Councilor Witham said he agrees with Councilor Durkee about the State passing costs down to us. With their decisions, they have shifted costs to us at any number of levels. We can say it is unfair and unjust. It impacts us in a dramatic way here in Somersworth. It probably affects every community but it hits us particularly hard because of our small tax base. Shame on the representatives in Concord that have voted to shift costs to the local level.

Councilor Witham said he was invited to the Operation Fatal Reality. Because of rain it was rescheduled, and he was unable to attend the rescheduled event. From what he has heard it was a very successful event. He applauds the School System and all of our staff and AMR for coordinating it.

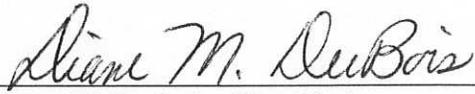
Councilor Witham talked about his ride-along with the Somersworth Police Department on Friday. He said his Dad was a police officer for 27 years so he thought he had a reasonable understanding of what they did. Until he was riding with Officer Sloane, he did not appreciate the demeanor, patience, and professionalism that is necessary to be a

police officer. The calls they went on ranged from nuisance level calls to some serious level calls. We have much to be proud of with our law enforcement agency. He commends the Chief and all the staff. He felt it was a very worthwhile experience.

ADJOURNMENT.

Councilor Tapscott made a motion to adjourn. The motion was seconded by Councilor Durkee and passed unanimously.

Respectfully submitted,



Diane M. DuBois, City Clerk

