

Somersworth, NH

June 6, 2011

The meeting was called to order by His Honor, the Mayor, and upon roll call the following members were present: Pepin, Watman, Spainhower, McCallion, Messier, Tapscott, Witham, Jarvis and Sprague

MINUTES OF THE PREVIOUS MEETING.

MINUTES OF CITY COUNCIL MEETING HELD ON 05/02/2011.

Councilor Witham made a motion, seconded by Councilor Tapscott, to approve the 05/02/2011 minutes as written. The motion passed. Councilors McCallion and Sprague abstained from the vote.

COMMENTS BY VISITORS.

Marc Vaillancourt, speaking as a member of the Fire Department, apologized for one of his co-workers who spoke at the last meeting about safe staffing, being in the contract of professional firefighters. He apologizes and felt that comment was very inappropriate and unnecessary. He said that when he spoke to this individual about this he got upset and had to apologize to him himself.

Somersworth Firefighters are a great bunch of men and women, he said, and they have been taught by people in this room on one subject or another. He said it has been stated that a conflict of interest exists within the Council about the Fire Department. Conflict of interest all right, he said! The only conflict of interest they have is caring about this community. Councilors Pepin and Witham continue to serve the community years after their minds tell their bodies that they can no longer function as firefighters. They are passionate about this community.

Mr. Vaillancourt handed out a list of accomplishments of the Somersworth Fire Department under the last three Chiefs-(Butts, Messier and Vallee.)

As to safe staffing, he said that two firefighters are required outside of a burning building while two firefighters are inside. He said that our Fire Department is a continuation of our house, vehicle and other asset insurance. They protect the citizens of Somersworth and their assets 365 days, 24 hours a day, which he added, is over \$1B. They all know that life is priceless. They also protect big businesses like Velcro, General Electric, Thermopol as well as several elderly (housing buildings). They protect recreational vehicles, heavy equipment, city assets, city buildings: just in the firehouse alone they have over \$2M worth of equipment. They also protect the new school that they are going to put on-line soon: \$21M at Idlehurst. Last winter they had two situations at the High School. They provide services for medical assistance, fire incidents, rescues and disasters. He referred to the incident reporting system indicated on his handout.

He asked the audience to imagine the baseball or hockey teams playing with two less members. That team is sure to lose. They have players who can fill in, and he said that is what we need.

Mr. Vaillancourt then referred to a chart outlining vacation, sick and comp. days by the firefighters as well as discussing short term disability costs.

Mark Fearis, 78 Stackpole Road, wants a sidewalk on Stackpole Road that stretches from the new Idlehurst School to at least Millennium Park or all the way to Green Street. He said that that road is a connector from Rollinsford and the Berwicks to all the shopping centers. It is dangerous; people speed and it is difficult to walk with dogs and children. It is in the City's interest with the school on one end and the City Park at the other end that connecting them would be...the right idea. He also wondered how kids on that road would get to school. If it is a scary, sketchy road, he might reconsider the bus.

Steve MacKenzie, 18 Noble Street, Ward 1, urged the Council to support the School budget; that is where his bias is. His administrators and colleagues have worked hard to prepare the budget. He said this is not a budget that is filled with fat, it is filled with need. He urges them again n to support it and to support it as quickly as they possibly can.

Real Roseberry, Ward 1, said that the Fire Captain or Lieutenant, whatever he was, made a remark about a conflict of interest. He is the one who brought that up and the reason he brought it up is that he wanted the gentlemen to confess and they did, he said, so the conflict of interest was wiped off. They said where they came from. He wanted it out in the open. There would have been a conflict of interest if they'd kept quiet and not said anything. By speaking they did all right. Mr. Roseberry said we used to have one of the best fire departments around. It was call firemen. What happened to their nice call firemen? They were real good. If they had some call firemen they wouldn't have to worry about paying extra money for overtime. What they could use is six good call firemen and when one is missing, bring them in. Call firemen was the backbone of the City of Somersworth. Once you got rid of it, and he knows who got rid of it, he's a good fireman but he was wrong. Berwick's got 'em and they don't have any problem. We wouldn't have any problem. The overtime budget would be brought up if we had good call men to fill in.

As far as the tax rate, he has told them before that the tax rate (increase) should be zero. The bills came out. He lives on 108. Take West High Street- they have a building that is empty, another new building has been for sale and two houses have gone up for sale. Four houses that you are losing the money. Imagine if he went around town and checked the streets ...so they are losing a lot of tax money. The budget- keep it down, he said. This year is tough, image what it is going to be next year. That new school is going to be way out of reach for us taxpayers and that should be looked at. We should start holding back. He's been invited to that school by Tom, Dick and Harry. Nooo! He will go in when it is done and the dollar amount is out there so he can say, "Didn't I tell you that we couldn't afford it? He proves and he proves and nobody listens. You're going to listen next year when the taxes are way up. Dover, biggest City and their taxes are way lower

than ours. Rochester- same thing. Ours are sky high and you want to go up another 80 cents? Come on, come on, you're making my dream come true. When I said this City would be bankrupt in five years, I got a year and a half to go and it looks pretty good for me. Just think about it. He says strap down. It is better to hurt now than to hurt double next year because it is going to be twice as bad next year. Let's look at that.

Julie McTague has been a proud teacher at SHS for ten years. She urges them not to cut the school budget from the perspective of the music program. She knows that the Council doesn't make specific decisions but the (music program) is the thing she cares about the most so that is what she is going to speak to. She asked all those in the audience who were there to support the music program to stand up. A large number of those in the audience stood.

Ms. McTague said that she has been grateful to work in Somersworth these last ten years and has grown to love this community, school and its students. (She is taking a leave of absence from teaching to be with her children.) She does not want to leave SHS without a music program. The recent decision to cut the chorus from the music program has shocked her. She feels terrible about the students who will not be getting a music education and the long term effects. Canceling a program, even for a year, is very detrimental, it would likely take many years to undo the damage. She is also amazed at the idea of there being no chorus...to perform at community events, graduation and all the roles (in the community) that the chorus has filled. She has never heard of a High School without a chorus. When she was in school it was not just her favorite class, it was part of her identity. She has many students who feel this way. She had a handout showing that other schools of our size offer far more music education than we do. She also talked about the value of music in our schools including correlations between music and high scores in other subjects and even self esteem.

Of the top ten students in the graduating class, six are music students, five are chorus music students and one has plans to seek a degree in music education.

Bud Jones, 12 Third Street, said that he usually tries to stay out of the fray, but he thanks the Councilors for sitting up there and taking the heat from the residents. Taxes; nobody likes them. He can only speak on what he believes in. He took his grandchildren on a walk around Ward 5 today, he said. He took pictures that he passed around. He said you can hardly move a stroller because the streets are falling apart. He knows the economy is falling apart. He said that some people want a zero tax increase. When you have inflation, how do you balance that? His disability pay is not going up with inflation; he has to make cuts. He hates seeing any of the cuts at the High School. He knows that the materials for the highways don't go as far as they used to because of petroleum costs, etc, but he thinks that there comes a point that you can cut and save yourself into oblivion and wind up losing everything that you've got. There are some empty houses in this area. Is it because of the tax rate or because you can't drive on the streets or is it because the school is possibly on the verge of losing its accreditation again or will it be because if your house catches on fire you won't have enough people to go in to save your kids. He doesn't have the answers. He has carried his share. He knows that there is a lot of renting

of properties in town. He has heard that they are thinking of getting rid of the head and poll tax. He thinks that is kind of dumb. We all have to pay our taxes. No one likes it and when the services aren't there, everyone complains; even him. He put his kids through the system here and they are both doing well. He has grandchildren who he hopes stick around here. The police department- if he has an emergency at his house, he would like the guy to be able to get there, a police cruiser in one piece and know which end of the gun the bullet comes out and know the law enough to know who to take away. He has worked with the guys in the Fire Department a long time, taking pictures of them. He said that in 2003 he thinks was the last time the budget was cut enough to reduce firefighters. He recounted that on Third Street once at about 4:30 in the morning he heard screams; a neighborhood house was on fire and there were three teenagers on a roof. He said fortunately that there were neighbors who grabbed a ladder and coached the kids off the roof; they were scared to death. There must have been thirty people there looking; waiting for the firemen. When they got there, there were only two firemen and the kids and any other occupants of the building would have perished. It probably took 10-12 minutes for the next apparatus to get there. He goes on his heart and his experience. If that was his house, when the fire truck pulls up, he wants enough people to rescue their family. Does he like paying taxes? No. Does he need to pay them? Yes. Before we start losing the safety services that protect this community, he'll pay more. If we could get away with a volunteer fire department, we'd be the size of Berwick, but we're not, he said.

After a reminder from the Mayor, Councilor Witham, seconded by Councilor Spainhower, made a motion to suspend the time limits; 5 minutes per person, 30 minutes total. The motion passed.

Cody Fitzgerald, president of the math team at SHS. He said that they went down to Penn State this passed weekend and competed at the national level. He wanted to point out that they began rebuilding the math team two years ago and said that more students are scoring "proficient" and "proficient with distinction" on the NECAPS, so there is a large change coming through the High School. We don't just focus on the little things; that we actually send people somewhere.

(Kewie?) Fitzsgerald, Cody's sister, said that she was also on the math team and that it was a really great experience. On the subject of zero tax increase, she thinks that in today's economy with inflation that is not really practical because there are a variety of school programs that would suffer from such an action. Programs are continually at risk, year after year. Taxes increase and it is not good for anyone but the problems are going to lie in the future if we don't fund our schools because the kids are the future and we are going to run the world someday so you might as well educate us on how to do it. It would probably be helpful.

Jen Myers, Ward 4, urged the Council not to vote in favor of the minimal manning of the Fire Department. As a taxpayer of Somersworth, this dollar amount seems so negligible... Like others, she doesn't want to have her taxes increased however she doesn't want it on the back of public employees, whether police or fire. The big picture

is safety: safety of employees, but more importantly, of the citizens of Somersworth. The citizens deserve a peace of mind that if they have an emergency, they have someone who will be able to respond adequately, quickly, with all of the manpower that they need. The call department is not something in lieu of a full-time department; that is to augment the four full-time firefighters that you already have here in Somersworth to protect us citizens. She purchased her home a year ago in Somersworth. She moved from a very small town that did not have adequate fire fighters. She moved to Somersworth knowing that they had an adequate Fire Department and an adequate Police Department. Now, a year later they are talking about reducing manpower from four down to two. That is a huge concern to her. She considers herself young and can't imagine the older population. It is concerning to her as a taxpayer and a voter that some members of this Council would consider this negligible amount of money; that this is even a thought in their mind. She doesn't believe that this is a large enough cut that it will make that much of a difference. Last summer there was a fire in her neighborhood four doors down. The fire Department stopped the fire in the garage and the fire didn't continue into the house. Because they had a four man engine company, but more importantly, there were two off duty firefighters who live in her neighborhood who helped establish water supply, so if you add those two you now had six, which is more manageable on a fire scene. If you're responding with a two man engine company, she would hate to be that homeowner and have her house completely demolished right now. She would be proud to lose her garage to a four-man engine company; she would not want to lose her house to two. Please consider the long term effects and please vote this down.

Craig Chabot lives in Ward 4 and thanks everyone for what they are doing. No-one wants to see cuts, whether it is for school, fire or police. He is not in favor of the proposed budget cut to the fire department. The City Council had taken the right steps in increasing staffing over the years and he commends that effort. However, this proposed budget takes steps backwards as far as safety for citizens and the fire department itself. He believes the term "dozing for dollars" was used to describe the nights at the Fire Department. To him that term is ridiculous. As a citizen of Somersworth he takes comfort in knowing that he has a full-time, professional department staffed 24 hours a day with enough staff to keep him safe in the event of an emergency. Having firefighters at the station 24 hours a day significantly decreases response times. ...With the proposed budget cut, the minimum staffing will drop down to only two personnel on duty; two people protecting the 12,000+ Somersworth citizens, not to mention the people who travel to Somersworth to work, for shopping, to visit and the like. There are studies, reports, papers and impact standards that have been written in reference to minimum staffing levels for fire departments and he can tell you the number two is an unacceptable number. He understands the budget process is difficult ... but the numbers are black and white. You are putting a price tag on lives: this is also black and white; the only grey area: which lives are they going to be. As a taxpayer in Somersworth, this is unacceptable to him.

John Joyal, 1 Molly Lane, thanked the Mayor and Council for what they do for our City. He has come before the Council over the years voicing his concern as a common man about the big box companies that have rolled into the City. All around the City

commercial properties are popping up and occupying hundreds of thousands of square feet- commercial businesses utilizing space to make profit to increase their bottom line and profit margin. He has said several times that we ought to get something from these people before we allow them to build. We just lay over and let them tickle our belly and come in and build everything. Two or three years ago he warned everybody about what would happen with the issue with Hilltop School and now it is all coming to realization. It is hitting home. The economy has gotten the better of not only this community, but communities all across our state and New England and the nation. When we jeopardize the fire and safety protection for our citizens there is reason for concern. In his view, that is reason for alarm. He has a deep, dying respect for anyone who has it in their heart, in their britches or in their boots, to run into a burning building and put their life in jeopardy to save someone else. Those are special people.

At \$155,000, (there is) staffing for four. Now we are at \$105,000 for staffing three. Now we are thinking of going down to \$55,000 to staff one or two. He didn't know we were going to a bucket brigade in Somersworth. He is highly offended by the thought of undermining the tools and resources, and surely, the manpower of those individuals that put their lives on the line. If that is his house that starts on fire and our City has not funded, manned or appropriated or provided the tools and resources and manpower to save one of his family he would beg to differ with what the consequences of that legal war would be. He can just imagine how some of these businesses must feel. He is surprised that Velcro representatives aren't standing here all up in arms. If Velcro starts on fire and they have two folks, guess what, he said, you're going to have every fire department within eighty miles coming to help put that fire out. The fact of the matter is that the first responders are the ones who nip it in the bud and make it maintainable so that they can knock it back to fight it and make it subside. We're going to have two first responders with all of the traffic lights in this City? And the tens ...of thousands of vehicles that go up High St?

Mr. Joyal said that the odds are against the taxpayers and the elected officials because of the situations that we've allowed ourselves as a community to get into. He said we have all played a part in that. Someone who has to be in that firehouse 24/7, 365 days a year is not now being provided with the tools or resources or the manpower to do what they need to do effectively for the fire safety of everybody in the community. We shouldn't go down that road. He doesn't see how any elected officials on this body could even think of going down that road. He really can't. Has anybody called Velcro to see if they want to kick in a couple hundred thousand dollars to help them support a couple more firefighters? Maybe they can buy us a new ladder truck. Has anybody asked? Why don't we ask the question? Do you want me to go ask them, because I will, he said. He'll ask the automobile dealers, too. And he'll ask Home Depot and Wal-Mart and Target (who still isn't flying an American flag.) How can we undermine fire safety of everyone in this community for \$35,000? How is that going to affect our ISO standing? What are the regulators going to think when they look at Somersworth? Brand new 300,000 square foot school, Velcro, between those two buildings, half a million square feet, we're thinking of undermining our fire staff. He just doesn't get it. ...He is against that. He asks them to look at the big picture. If you raise taxes and cut services, he'll be

at every other freakin' meeting and he'll be yelling next time. He doesn't mind paying his taxes as long as he sees something in return. He strongly urges them to reconsider and support the firefighters and the people that they need based on NFPA.

Jason Cleary, 36 Laurel, Lane, has lived in Somersworth for eleven years. He has been involved in fire service for 30 years. Ten years ago there was an incident at his house; the engine came and there were two firefighters on it. Thankfully, it was a small emergency and he let the firefighters know that if he called again, he would be waiting at the end of the street to attach the hose and they could go to the house. It needs to be done and you can't do that with two people. He had been encouraged that they had increased the staffing to four with the SAFER grants. We had working people but he kept hearing that there wasn't enough money to keep four and then we'll drop to three. Every time we're taking a step forward, we're taking two steps back. Now if the officer is out, he is not replaced with another trained officer to ride the front seat of the truck, it is now the senior man in charge. The senior man in charge, if there are three men on and the senior man has three years of duty, that person with three years is in charge and has to perform the role of the officer and that puts them at risk, liability and the firefighters at risk because you don't have the training and experience to make the key decisions. It has been proven statistically that when you reduce the number of firefighters responding or operating the scene, the number of injuries increases. It doesn't matter how many firefighters you have, you still have to do the same job in order to rescue people, get water on the fire and put the fire out. Instead of four people doing four separate jobs, you have two people trying to do the job of four and it can't be done. People talk about call departments and mutual aid, we have a great mutual aid system, but that can't be relied on. You can get 100 firefighters in an hour, but the difference is made in the first ten minutes, that's where lives are saved and properties are saved. He was encouraged recently to see the recognition of the fire rescue, ...but there was at least a third person on the engine there that night, Firefighter Shaffer; if it was only two firefighters showing up on that truck, that rescue is not made. He fully supports the Council putting that money in there again. He doesn't like paying taxes but for public safety and education, those are things that will bring people to Somersworth and keep them in Somersworth. He encourages them to put all the money back that it needs to keep three firefighters and an officer 24/7, 365.

Mika Genatossio, 10 Cinnamon Ridge Road, said that she wants to expand upon Mr. Mackenzie and Ms. McTague comments to really urge them to support the school budget. She is standing there as a top ten graduating senior who is going to pursue a career in music education. She could sit back and say, "Whatever! I'm graduating." She does not think that is a fair thing to do because she really cares about the next generations that are going to come through and it is frustrating to her as a student that they have to come back and fight for something, sports, music, etc. Later, when she comes back, settling down here would be out of the question if the schools are still fighting to keep the bare minimum. ...She wants to make sure that things will be maintained and not destroyed.

Ben Bowden, 92 Washington St., said that the math team has advanced exponentially these past few years. They went to Penn State, competed and did well. It is going to keep going up from there. They can't go down. ...the school, in general, can't lose any

more money. They are at risk of losing the accreditation as it is. If they cut chorus and band and other places... They are a community; ...what is the common goal? Is it keeping the taxes down? Is it keeping their paychecks full; their wallets full? Or is preparing for the future getting our kids ready, keeping them prepared? Do we want our kids to be ready for that or are we going to focus on ourselves?

Tamia Porter is a resident of Rollinsford with two children in high school; a senior and a sophomore. She said there are some Rollinsford residents who don't want to send their children to Somersworth because they feel that their children are not going to get an adequate education at the SMS or the SHS. Her kids have done very well. Ms. Porter talked about how music has helped make her daughter a more well- rounded student and it has also helped with leadership skills. There are at risk kids that if it wasn't for Dr. Tully or Julie McTague and those programs, might not have gotten a diploma. Somersworth is trying to work on its reputation and she thinks that they have come very far. The last thing you as a Council want is for the School to lose its accreditation. People will not come back to this town if the High School is not accredited. That will be a real problem for you.

Gabrielle Amarosa, 12 Mt. Vernon St., is a sophomore at SHS. She said that she is member of the chorus. She knows that the Council doesn't decide, but if the budget is cut, the chorus is one of the first programs that is going to go. That will be extremely detrimental to their accreditation. It is a very valuable program to have at the High School as a class and to the community with what is attached to it such as concerts and talent shows and select chorus ... She feels that cutting the budget would be an unwise decision for the future of the town. The school system has improved dramatically over the last few years; however, if the budget is cut and more programs are cut it will be taking two steps back. They just finally took that one step forward. It is getting less embarrassing to say, "I go to Somersworth," than it was a few years ago. She said that the math team is doing well, chorus is, as well. The whole school system has been improving and she hopes that you can keep all the funds there for the teachers, programs and classes, because they really do have the bare minimum and cutting is unimaginable. If anything the programs should be augmented. At least we have to keep what we have ...for the students who are coming up. Keeping the school budget would be a tangible improvement in the years to come.

Tracy Laurien said there is a small contingency back there of support from Rollinsford for Somersworth, she is very active in Rollinsford and wants to bring back positive feelings to Rollinsford and say that the school system and the city and the town are a community; that they work together. She'd like to work closer and hopes that is coming up in the future. She wants them to know that Rollinsford is listening and they would like to continue to be a part of what is going on. It is very important to Rollinsford that the Somersworth School stay strong and classes continue.

Matthew Laurien lives in Rollinsford. He said that we have the bare minimum. When they went to a concert in New York, the high school they went to had an entire wing for the music. They went into a side door that looked like the front of our high school- just

music! Somersworth has one room for band and chorus. ...He said that if we lose our accreditation, any sending school students will not want to go there. Taking away one thing could take away the entire reputation of the High School, he said.

#### MAYOR'S REPORT.

Mayor Soldati said that he had the privilege of having a tour by Superintendent Lister and the Clerk of the Works of the new elementary school. It is a very impressive facility. They are doing an excellent job and he thinks that when that opens it will open a lot of opportunities for the students. Mr. Tapscott and his committee are to be commended; it is a fine facility.

He said that he appreciates particularly the students who have come this evening. They all have represented themselves extremely well, they've been articulate, their thoughts have been organized and he is very proud of them, the City is proud of them and they appreciate that they are willing to take their time to come and share their thoughts with the Council. He said they are a credit to the community and to the schools.

#### REPORTS OF STANDING COMMITTEES.

##### FINANCE COMMITTEE

Councilor Jarvis said that the Finance Committee met briefly last Friday. They approved the past minutes and discussed the proposed Budget Transfer Ordinance which is in the packet. They adjourned at 9:33 am.

##### PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

Councilor Spainhower said that the Public Works and the Environment Committee would try to schedule a meeting for early next week

##### PUBLIC SAFETY COMMITTEE

Councilor Watman had nothing to report.

##### ECONOMIC DEVELOPMENT COMMITTEE

Councilor McCallion had nothing to report.

##### RECREATION COMMITTEE

Councilor Pepin said that there had been no Recreation Committee meeting since the last Council Meeting, but he wanted to thank Mr. Joyal who secured two truckloads of infield mix for Noble Pines. The baseball leagues actually spread the stuff. For anyone who looks at Noble Pines, it is excellent shape. Thank you very, very much for your efforts, he said.

## GOVERNMENT OPERATIONS COMMITTEE

Councilor Tapscott said that the Government Operations Committee met last Thursday in regards to starting the City Manager evaluation process. It was a brief meeting. More to come, he said.

## REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER.

### TRAFFIC SAFETY COMMITTEE

Councilor Tapscott asked the Council to note the memo from Captain Russ Timmons of the Police Department, the Chairman of the Traffic Safety Committee. The last meeting was the third Wednesday of May at which they discussed the activation and application of a one-way traffic pattern change. The Committee says that if the Council votes it into operation, the Committee will assist with the planning and execution of the proposal and monitor during the test phase of the project.

Mayor Soldati said that ordinance will come off the table and be under Unfinished Business.

### JOINT BUILDING COMMITTEE

Councilor Tapscott said that the JBC met two weeks ago and will meet again tomorrow evening at the HS Voc Tech and everything is on schedule, on budget or under budget and looking great.

### VISION 2020 COMMITTEE

Councilor McCallion said that the Vision 2020 Committee met a couple of weeks ago to go over a design for a new logo and the students were not able to make it at tonight's meeting but will present it at the next meeting.

### SCHOOL BOARD

Councilor Pepin attended a school board meeting on May 24<sup>th</sup>. The chorus sang in front of the School Board at the opening comments. They sounded very, very well. He was impressed how this built confidence in them to be able to get up and speak and interact with the students and singing in different languages.

Councilor Pepin said that the Building and Grounds Committee reported that three of the HV systems are no longer in service, the heating systems are gone on them, the ventilation system is still working at the Middle School. They voted to replace those units at \$330,000 coming out of the present budget.

### COAST

Councilor Watman said that the COAST Bus Board of Directors met on May 25<sup>th</sup> and reported that fuel costs to date this year was \$74,000 above what was anticipated. Rider ship is up for the year and will probably exceed last year 440,000 trips, an increase of about 5.6% so far this year.

City Manager Belmore had a printout of the latest estimates of year end spending, with respect to the Transfer Ordinance, on the Councilor's desks this evening.



## **CITY OF SOMERSWORTH**

### **Office of the City Manager**

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**TO:** Mayor Lincoln Soldati and City Council Members

**FROM:** Robert M. Belmore, City Manager

**DATE:** Friday, June 3, 2011

**SUBJECT:** City Manager's Report for Monday, June 6, 2011  
City Council Agenda

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*Public Hearing - 6:45 p.m.*  
*Resolution No. 28-11 Naming the Ball Field at*  
*Millennium Park "St. Laurent Ball Field"*

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

**Ordinances:**

- A. **Ordinance No. 10-11 FY 2011-2012 Budget (as amended).** Staff is still monitoring State Budget potential downshifting costs.
  
- B. **Ordinance No. 13-11 Chapter 13, Police Offenses, Add Temporary Sections Relative to One-Way Traffic Pattern, Parking, Stop, Yield and Restricted Travel. (Referred to Traffic Safety Committee.)**

**Resolutions:**

- A. **Resolution No. 21-11 To Authorize the City Manager to Draft a Purchase and Sales Agreement for the Transfer and Development of the Hilltop Elementary School Building and Property.**

- B. Resolution No. 22-11 Resolution Concerning Hilltop School Property.** Attached is a legal opinion from City Attorney Mitchell in response to Councilor Watman's questions.
- C. Resolution No. 26-11 To Authorize the City Manager to Draft and Disseminate Requests for Quotations for the Demolition of the Hilltop Elementary School Building. (Referred to Sustainability Committee.)**

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

**Ordinances:**

- A. Ordinance No. 14-11 Amend Chapter 30, Conduct in Public Parks, Section 2.2 Definitions.** As a reminder, the Recreation Committee voted to bring this action item forward for full Council consideration.
- B. Ordinance No. 15-11 Amending Chapter 4, Personnel Rules and Regulations.**
- C. Ordinance No. 16-11 Amending Chapter 4, Personnel Rules and Regulations, by Amending Section 11.3 Titled "Health Insurance".** 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 and Government Operations Committee have endorsed my recommendation as proposed in these Ordinance changes (includes Ordinance No. 15-11).

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

**Ordinances:**

- A. Ordinance No. 17-11 Amend Chapter 13, Police Offenses, Section 3.2.E. Intersection Controls, Right Turn Prohibited.**
- B. Ordinance No. 18-11 Amend Chapter 13, Police Offenses, Section 3.1.F.2. Time Limited Parking, Two Hours.**
- C. Ordinance No. 19-11 Transfer Ordinance.** This is a housekeeping budget action item. The Finance Committee discussed the proposed action at their June 3<sup>rd</sup> meeting, voting to recommend passage.

**Resolutions:**

- A. Resolution No. 28-11 Naming the Ball Field at Millennium Park "St. Laurent Ball Field".** In accordance with City Ordinance (see attached Section 6.10 City Accolades), this proposed action needs to be referred to "the appropriate City Council standing Committee" per Ordinance.

**Other:**

**A. Vote to Authorize the City Manager to Dispose of Wastewater Treatment Plant Fenton Dryer as Surplus Property in the Best Interests of the City.**

Attached is an email from NHDES Administrator Paul Heitzler indicating this action is a local decision, and, it will not affect our SRF loan agreement obligations. The Public Works and Environment Committee and the Finance Committee previously discussed this proposed action and support it based on staff recommendations. It will allow the City to adjust the plant's sludge disposal program in a more economical manner as we re-bid for sludge disposal. (Photo of Fenton Dryer attached.)

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

**A. Informational Items:**

1. **Public Safety Agency Meeting.** I have initiated the proposed plan to conduct regular Public Safety Agency meetings as discussed with the Public Safety Committee. (Also attached is letter on Automated External Defibrillator request.)
2. **Cable Committee.** I also have an initial negotiating session with Comcast Representative Jay Somers scheduled for Monday, June 6<sup>th</sup> with Attorney Ciandella. I also wanted to let you know that a request to extend their present Franchise Agreement will most likely be coming at the July or August meeting.

**B. Attachments:**

1. City Attorney Certifications (3).
2. Fire Chief Butt's Memo on Firefighters overtime dated June 3, 2011.
3. City Manager letter of June 3, 2011 to EPA regarding workplan for old section.

NOMINATIONS, APPOINTMENTS AND ELECTIONS.

ZONING BOARD OF ADJUSTMENT-STACY HALL, TERM TO EXPIRE 04/2014.

LIBRARY BOARD OF TRUSTEES-THOMAS TETREAU, TERM TO EXPIRE 02/2016.

BOARD OF ASSESSORS-JAMES COWAN, TERM TO EXPIRE 04/2014.

SUPERVISOR OF THE CHECKLIST, WARD 1-PAM SAWYER, TERM TO EXPIRE 05/2016.

SUPERVISOR OF THE CHECKLIST, WARD 2-JENNIFER SOLDATI, TERM TO EXPIRE 02/2016.

TRUSTEE OF TRUST FUNDS-DONALD ROUTHIER, TERM TO EXPIRE 04/2014.

There was no action this evening on any of the above nominations.

LAY ON TABLE.

ORDINANCES:

ORDINANCE NO. 10-11 FY 2011-2012 BUDGET (AS AMENDED).

Councilor Witham made a motion to remove ordinance No. 10-11 from the table. After being seconded by Councilor Watman, the motion passed.

Mayor Soldati called a two minute recess.

Councilor Witham believes that Council has a communication from Fire Chief Butts with regard to overtime dated June 1, 2011, in response to a question of his. He thanked the Chief for preparing this memo. There are three basic points to the memo, he said. In order to maintain four firefighters that overtime allotment would be \$155,000+. He also provided the cost to maintain four firefighters overnight when the highest life hazard potential exists. (The vast majority of fire responses are to residences, not businesses in the City, which further validates staffing needs during the night.) That proposal for \$98,000 would provide four firefighters in the evening and three during the day. Note-the Chief is also around most of those days which would in essence bring that number to four. This is better than the \$41,000 number where we currently reside in overtime cost, which would maintain three personnel around the clock. Two people on is not a place, in his opinion, that we can be as a community.

At the last meeting he tried to push for \$155,000 to maintain four at the Fire Department, there was not an appetite for that by this City Council. If they adopt four at night, three during the day at \$98,088 in overtime, on page C-57 that would be a reduction of the City Managers original proposal of \$7,412 so it does show a reduction.

Councilor Witham made a motion that the Fire Department overtime line on page C-57 be amended to \$98,088. Councilor Pepin seconded the motion.

Councilor Watman asked if this includes necessary and essential benefits that would have to go along with that amount.

The rules were suspended to allow Finance Director Smith to answer this question. Mr. Smith answered, "No." Benefits would be approximately \$10,750 more which would require a motion of \$53,750.

After more discussion, Councilor Witham said the motion will stand as presented.

There was more discussion about the history of the motions for the associated line items.

Councilor Witham said that this is a projected amount of overtime which may not be realized, in which case associated lines would also not be utilized. He said that administration tries to adjust within departments to meet expenses before coming to Council with supplemental budget appropriation requests.

City Manager Belmore said that they track this closely and if they think they can absorb it within the department or within the City budget, they would not necessarily ask for a supplemental budget. If things go helter-skelter and things start to fall apart, they would be back because the entire projections would be over the bottom line.

Councilor Witham asked, if they go with his proposal, the associated benefit, etc. costs incurred, is there \$10,000 in other lines that could be adjusted?

The City Manager said that he would say no.

Mayor Soldati asked if we are closer to knowing what the actual 2010-2011 line item amounts would be.

Finance Director Smith answered that they believe it is going to be around \$110,000.

The Mayor asked if there is any reason to think over the next year that that line item is actually going to be less than what was in the Manager's budget.

Mr. Smith answered that is more a question to the Fire Chief.

Councilor Spainhower made a motion to let the CM choose (department heads) who should talk about any of the topics brought up. The motion was seconded and passed

Councilor Spainhower asked more clarification about what they mean by days and nights.

Fire Chief Butts answered that it is seven days a week and they considered shifts.

Councilor Jarvis clarified that an increase of \$53,000 is a tax rate increase of approximately 6 cents. (For instance, on a \$300,000 home that would be an annual tax increase of about \$18.

Councilor Spainhower has mixed feelings- He supports anything that is better than the \$41,000 because it is safety for the City and for personnel, but what he really wants is what this Council voted on years ago is four personnel per shift. It is the national standard, it is everything. This is his fourth budget and since he has been here this has never been budgeted close to where it needs to be budgeted. The motion is nice because it give the City Manager and the Fire Chief guidance on what we want, but ... but he is not

in favor of it because it not what they voted for many years ago. Four personnel. He knows that the comment was made- "dozing for dollars," ...if they fully fund that it is around \$36 for a \$300,000 home. He thinks that \$36 is very well invested. He himself called for the fire department over a week ago, they came. There were all off duty because they were already on another call, but he was glad because it was a loved one of his that needed it there. If it was his house he's be sitting at that fire hydrant waiting to tag that line, so he will be voting no because his goal is four people, it is what they asked the Federal Government to fund them at, He thinks it should be four personnel at all times.

Councilor Sprague asked what scenario, under this proposed amendment, would we limited to two people in the station.

Chief Butts said when someone is training or on vacation and another calls in sick and the delay in calling in additional personnel. It is unlikely that they would get down to two for an entire shift. Or back to back calls.

Recall is a separate line item.

Councilor Sprague asked, if we were to fund the amended version now, and seven months from now, they could come back and do a supplemental appropriation, which would require a public hearing. As a Councilor, he would no problem appropriating more money later on.

Councilor Witham commented on Councilor Spainhower's desire to fully fund this. He supported that, the motion which failed at the last meeting which is why he doesn't think there is the horsepower to get it through this evening, so that is why he is looking for something palatable.

Councilor Pepin echoes Mr. Witham's comments. Councilor Pepin would like to see four men all the time but doesn't think this Council would pass it right now. He commented that the difference between working with two personnel, there is no comparison. One person is supposed to stay with the pump to supply water. So you are basically working by yourself. We keep saying two people; you don't have two people, one person is dedicated to the pump in case something goes wrong. He would go for the four firefighters but doesn't believe that the Council will vote for it right now so he will go with Mr. Witham's proposal.

Councilor Sprague said he is confused. Is there two people on a shift or is there not? In good conscience he would not want that. What is he hearing?

Councilor Pepin said that he has been out for five years but when one person was out sick, he was down to two; that is what he was dealing with. If he is not mistaken, with this there is a possibility that they will be down to two personnel at times. He asked the Chief to correct him if he was wrong.

Chief Butts said that it is certainly a possibility that they would be down to two upon occasion.

Councilor Pepin commented on senior officers, he had a person who had been there for less than one year in charge at night. He is not sure he knew all the streets in Somersworth or where the panels were in all the buildings and details you really need to know. There is more turnover now. It is a totally different atmosphere now.

Councilor Watman is concerned about hiding the benefits. There is no doubt in his mind that this will pass, that it will be used up and then some. Therefore the benefit lines also. To say that they will get it from somewhere else later in a rather lean budget seems to him to be rather difficult. He has some hesitancy when he knows there is a built in \$10,750 deficit that has to be made up somewhere.

Councilor Witham says that although he appreciates that the City Manager said that there is probably not a lot of wiggle room within the Fire Department's budget, his motion is to fund the overtime line and for the Fire Department to find the additional money, if in fact it is needed. Yes, they have overspent that line in the past. It is his understanding that the Fire Department tried to stay at four people, we know that we were a long way from the proper number to be able to do that. They have better estimates now for funding than they have ever had. He thanks the administration for working on these numbers. He thinks the Council funding this is a stretch and he is hopeful that it passes.

Councilor Pepin was under the impression that they were voting on changing line item 0911 to 98,088 and that is what his second was on. He is not in favor of taking another ten thousand dollars out of nowhere. He doesn't know what it affects, he thinks he has an idea where it is coming from and he doesn't support that. He withdraws his second.

Councilor Spainhower wants an explanation of a weekend day, when there are three people on duty, what is the role of these three personnel. He wants everyone to understand if there is a structure fire, what they will be doing.

Fire Chief Butts said they will be very busy and they will not be able to do all the jobs that are necessary. Not that two in, two out is even adequate in a very large fire. Initial response engine is designed to get there, get a line on the fire and typically two people in, someone to make up the hydrant and somebody to stay at the pump to make sure there is a water supply available for the firefighters. There is always a need for search and rescue, a need for potential ventilation and putting up ladders, to make sure there is a second way out. None of these things is going to happen as quickly as it would if you had at least one additional body on scene to help with some of those tasks.

Councilor Spainhower asked if there are three people on duty whether they would be making an interior attack.

Chief Butts said not until they get a fourth person on scene. They can get the hose lines to the doorway, they can do some of the other tasks that are outside, but typically not go into the interior until there are additional personnel on the scene.

Councilor Spainhower said that he understands that if it is life threatening, you are going to do what you are going to do, so how long will it take for that fourth person to get on scene.

Chief Butts said that if it is daytime Monday through Friday or a weekend and he is around, he will go along with the engine as he has already done at this point. It depends on how far away from the department the fire is or how far away the personnel are, how quickly they will get there, etc.

Councilor Spainhower assumes that the three personnel will do the best they can to knock the fire down, in the best case scenario; a fire doubles in size every minute. One room goes to two; it is spreading through the house because you are doing an exterior, not an interior attack. Your fire is going to be doubling in size every minute so you are going to be waiting 5 to 10 minutes; you are almost saying that the house could be fully involved.

Chief Butts agreed, if they had room and contents on arrival that's a very good chance of that.

Councilor Pepin asked the Fire Chief if he had to make another \$10,000 to pay benefits out of their budget, where would he find it?

The Fire Chief said he doesn't know of a single line that they could use without taking a tremendous hit, if they took a little bit out of several lines it might be possible to get somewhere close to that. It would have an impact on whatever they took it from, and he gave an example of fuel.

Councilor McCallion said they received a memo that the proposal to go down to three. There must have been a solution behind that- what was the thinking?

The Chief said that they looked at what x number of dollars would buy them.

Councilor McCallion said that costs are going to keep going up, they want great services, what is the solution? How are we going to get there?

Mr. Butts said that with vacations and sick and comp time built into this, they are basically doing all that they can with the dollars that they have, it will take either additional dollars or personnel to offset those. He understands that in the past they looked at an assistant chief position to serve as a floater but if there is surgery or illness that takes someone out for a couple of months... that is not a good option at this point in time. It looks like they will need additional funding for additional personnel or maintain over the long term.

Mayor Soldati called for a vote on the motion to amend line item 0901 to an amount of \$98,088.

Councilor Tapscott asked if there was another second needed. Councilor Pepin said that if that is the way that it reads, he will accept.

The amendment to Ordinance No. 10-11 passed 7-2. (Watman and Sprague opposed.)

Councilor Witham said at the previous meeting there was a lengthy list of reductions proposed by the City Manager. Item #6 which passed by the Council reduced the Public Safety police patrol overtime by \$6,029 which is \$5,000 overtime and \$1,029 in associated benefits. He believes a resident spoke about there being times when there was only one police patrol officer on in the City. He was surprised by that. He learned that they sometimes only have two. That means that if one is on a call that leaves one to respond to another call. ...If that is a domestic disturbance call with a weapon involved, they are now in a situation where they have only one officer responding to that. Hopefully mutual aid is not tied up. The Councilor asked the Police Chief to come up.

Police Chief Crombie said that they will sometimes have two men on late at night; normally they try to keep three on. They work as a team; if they have a domestic two men always go. If they get another hot call there is one guy to go. ...they should not go without four guys.

Councilor Witham clarified that even with the \$55,000 originally proposed by the City Manager that is not enough to have four all the time.

The Police Chief said that is not even close. Try to save some money, he said, so they do the best they can; it is no way near being adequate. ...Days are not the problem; there are people they can pull, i.e. housing officers, detectives, etc. If they are low staffed on days, they can get people out there.

Councilor Witham said he recalls a conversation with a patrol officer who works in the Seacoast and used to work in Somersworth. He asked why he left Somersworth. He said it was not the money, it was call volume. It is very stressful in Somersworth. He then made a motion to amend the prior motion to restore the police overtime line to \$55,000. The motion was seconded by Councilor Messier.

Councilor Spainhower asked the Police Chief what this (\$6,029) really amounts to. Police Chief Crombie said he does not know how many shifts that would be. But the goal would be four men instead of three.

The amendment to Ordinance No. 10-11 passed 5-4. (Watman, McCallion, Tapcott and Sprague opposed.)

Councilor Witham said that Council has proposed a three hundred thousand dollar cut to the School Department budget. Could someone let him know whether there has been discussion yet on how that three hundred thousand dollar cut would impact the budget?

Don Austin said that there have been preliminary discussions. The Councilors have been provided with information about what would be impacted at various levels of cuts. That is the level so far. Nothing firm.

Councilor Sprague asked Mr. Austin what the estimated surplus is.

Mr. Austin said he does not know what that number is now. As Mr. Pepin reported, they had to replace three HVAC units at the Middle School. They had money in the operating budget this year to fund that so they decided to do that. Beyond that, he is not sure of the (amount of) anticipated expenses that won't be spent.

Marie D'Agostino said there were savings from benefits from change of staff and Special Education costs. They are in the process now of running the last payroll of the year and then they will know what the true number is. They are pretty close to what was appropriated for the School District.

Councilor Spainhower asked if the surplus coming back to the City this year will be about zero.

Marie D'Agostino answered that it will be less than 2% of the \$20M that was appropriated. Mr. Pepin gets information regularly and they will submit something to the Board at the second June meeting.

Councilor Tapscott asked how many remaining HVAC units are at the Middle School that may or may not go tomorrow. Mr. Austin replied that there are 30 total; one has been replaced plus these 3 means 26 more.

Councilor McCallion said they had asked for a proposed bond to lessen the burden on the taxpayer. Where are we on that?

Mr. Austin doesn't know if there has been any further discussion on that.

Councilor Sprague said if the HVAC units were not in the budget as a capital improvement line item, how can that be spent?

The Mayor said that when they have some emergency, i.e. a furnace, the school administration went to the School Board to transfer money within its budget to address unanticipated contingencies. He is not sure of the line item. The School Board was the authority to allow the expenditure from that which was appropriated. If it is within their budget, they go before the School board. What they can't do is overspend their budget without coming to the Council.

Councilor Sprague said that is a terrible way of doing it. He mentioned the talk of bonding capital improvements separately. He finds that there are not checks and balances; it is either spend it or lose it. He doesn't agree with that at all.

Councilor Spainhower said that last year they gave back around seven hundred thousand dollars (after doing some structure repairs on the Middle School walls: around \$220,000+.) The Councilor said that the surplus last year could have been a million dollars to the City.

Mr. Austin said, "If that money had not been spent, yes."

Councilor Spainhower said, so your budget this year that we are working on now was figured on an extra million dollars that you had the year before.

Chairman Austin wanted to correct the perception that they build a budget based on last year's numbers. They build a budget starting at zero with what is needed to provide a program. It is not based at all on last year's budget. It doesn't work that way. ...there is no link, necessarily, between this and last year's budget because they ask all the administrators what it is going to cost to run the schools, the link between them is that it costs some amount more than last year. It doesn't work that way.

Councilor Watman finds this interesting and disquieting but nothing to do with any motion on the floor.

Councilor Watman made a motion to lay Ordinance No. 10-11, as further amended, on the table, seconded by Councilor McCallion. The motion failed, 4-5, on a roll call vote. (Pepin, Spainhower, Messier, Witham and Sprague opposed.)

Councilor Witham said that other than the original proposed list by the City Manager which was introduced by Councilor Watman, the only cuts have been proposed by him. Other than the \$500 for CASA by Councilor Sprague the only additions have been proposed by him. However, when they add to the budget, they need to balance that. This budget process is a scale, a balance. Affordability, service demands and where can we strike that balance. Having added in a substantial amount of money this evening; he is looking for other places in the budget to make adjustments.

C-90, Capital Outlay. Line item 9044, Noble Pines Improvements, Councilor Witham asked if the \$50,000 is geared toward the water feature/skateboard park/pavilion. The City Manger answered yes. There have been attempts to solicit state grant money and donations from community businesses for those improvements. (Currently donations are somewhere in the area of \$10,000.)

The City Manager said there is no tax impact on the tax rate with this.

Councilor Witham asked the Public Works Director, Tom Willis, about the articulated snow plow, Page C-90; whether, if that is not acquired this year, it reduces the number of plow trucks in our fleet.

Mr. Willis said there was a plow with substantial damage which could be rehabilitated. It would be an added burden but he thinks they could make it through if it were cut. He'd prefer not, but he thinks they could.

Councilor Witham made a motion, seconded by Councilor Messier, to reduce line item # 9043 for the articulated snow plow in full by \$10,100.

The motion to amend Ordinance No. 10-11 passed 8-1. (Spainhower opposed.)

The Finance Director said that the bottom line of the budget after the three amendments is at \$41,449,354. The estimated tax rate is \$28.11; an increase of 79 cents.

Councilor Sprague made a motion to remove line item 9806, page C-85, Non-Cap Reserve-Ed. For Persons with Disabilities. He wants to remove that from the budget while keeping it in revenue, page C-2 to use the fund balance to reduce the tax rate by 6 cents. The motion was seconded by Councilor Watman. Councilor Sprague said that this was a fund that they set up last year for special Education that was not used. He thinks that is \$50,000 that they can take away right now and it wouldn't really impact the school much.

Finance Director said the fund will continue to exist; the money is held by the Trustees of Trust Funds.

Councilor Witham said he will support this but not for the rationale that was generated to arrive at the conclusion.

Councilor Spainhower asked how much is in that account now. Answer: Just the \$50,000.

The amendment to Ordinance No. 10-11 passed 9-0.

Councilor Witham said that one of the reasons that they have been reluctant to act on the budget as a whole is because they are trying to gauge what is happening at the state level with respect to cost shifting. What happens at the state level ultimately has an impact here in Somersworth. He asked the City Manager if they have any recent information about potential impacts.

Not definitively, said the City Manager.

Councilor Sprague said he is just as confused now; this week will be a real tell-tale.

Councilor Witham asked if the State has a deadline by which it needs to finalize the budget.

Councilor Sprague said that the House and Senate have to act by the end of this month or it goes to the Governor's proposed budget.

Councilor Spainhower said that the House and Senate are \$75M apart and that is what they will be hashing out but you also have to be cautious about, he thinks they can stop time in the House. You also have to be cautious if costs downshift to the County and then the local level.

Councilor Witham believes that there is merit in waiting for more definitive information next week. The concern is that they leave folks in limbo in terms of job status.

The Mayor asked the City Manager if there was any reason not to act on the budget tonight. The City Manger said there were reasons both ways.

Councilor Sprague said he believes he misspoke and that the budget would not revert to the Governor's budget, although he thinks that would happen at the County level. He believes they would stop time, although that hasn't happened while he has been there.

After some discussion, the Mayor agreed that they could have a special meeting to pass the budget if it not done at the June 20<sup>th</sup> meeting.

Councilor Witham asked how we would adjust to, for instance, an \$800,000 downshift in an adopted budget. Laughter.

Finance Director Smith said they would come back for a supplemental appropriation and the issue would be what the revenue source would be. The City Manager said his knee-jerk is that they would be required to go through a whole public hearing process again which might be difficult by the 30<sup>th</sup>. He'd have to contact the City Attorney.

Councilor Spainhower made a motion to table the budget, as amended, which was seconded by Councilor Jarvis. The motion passed 6-3. (Pepin, Messier and Sprague opposed.)

Councilor Watman moved that the rules be suspended so that Council could meet past 10:00 pm. Councilor Tapscott seconded the motion which passed unanimously.

ORDINANCE NO. 13-11 CHAPTER 13, POLICE OFFENSES, ADD TEMPORARY SECTIONS RELATIVE TO ONE-WAY TRAFFIC PATTERN, PARKING, STOP, YIELD AND RESTRICTED TRAVEL. (REFERRED TO TRAFFIC SAFETY COMMITTEE.)

Councilor Witham said that the one way traffic pattern was before this body some time ago and did not garner enough votes to pass. Part of the reason he did not vote for it at

that time was the cost impact. He also said it was not clear what the overall economic benefit would be or how they would measure that. He does not support it.

Mayor Soldati said that are some alterations in this Ordinance from that last one. This one does require that they assess impact. He then read part of the Ordinance.

Councilor Sprague thinks it is more important this year than last to find out if this is a good idea. He thinks we need to go forward and he encourages that they support this because of improvements to downtown.

Councilor Pepin cannot support this. We are doing layoffs; they are looking to save funding wherever possible. He thinks they are reinventing the wheel. They have a traffic pattern study that was done years ago; they paid good money for that survey. Even if they did a survey now they wouldn't have the money to do it at this point. When they do have money, the whole atmosphere downtown could have changed. He has more people opposed than in favor of it as it stands right now. He can't vote for this.

Councilor McCallion said that everyone is obviously going to oppose change because if you do what you always did, you get what you always got. He thinks that if they are going after TE grants, if they add traffic counts to the downtown in certain areas, they can go after more dollars, more grants that are out there. They have got to have a little bit of vision for the future to try something. The thing has been studied three times and no one has studied it. We need to try it and be done with it.

Councilor Watman asked if there is an amount budgeted for this.

City Manager Belmore said that there is not.

Councilor Tapscott made an amendment to include only the outside loop, excluding John Parsons Drive, Station Street, Government Way and also in section 31, the Mayor believes there is a typo which should; read (to include but not limited to painted parking stalls.) The amendment was seconded by Councilor Sprague and passed 7-2. (Pepin and Messier opposed.)

Ordinance No. 13-11 failed as amended 4-5. (Pepin, Watman, Messier, Tapscott and Witham opposed.)

Councilor Watman had a point of Parliamentary inquiry. Something was referred to a committee. If it hadn't been it would lay on the table. It is in limbo and he wishes to remove his name as a sponsor to Resolution No. 26-11. Councilor Witham asked also that his name be removed as a sponsor. With no sponsors, now there is no resolution, Mr. Watman said.

There was no objection.

UNFINISHED BUSINESS.

ORDINANCE NO. 14-11 AMEND CHAPTER 30, CONDUCT IN PUBLIC PARKS,  
SECTION 2.2 DEFINITIONS...

Councilor Pepin said that due to the position of St. Laurent Park on the landfill site, the area keeps deteriorating, so they request that they take it off the parks list and the area is going through EPA testing which would interfere with the park facility and they are renaming the ball field. They can't keep up with the maintenance of the garbage, the deterioration; ... it is a shame. It was an outstanding park when it was first up there. And it is a shame that they can't keep it that way. They would like to remove it from the park facilities.

Councilor Witham said that if the City were to embark on any effort to make improvements of any consequence, it would require a substantial amount of work with the EPA which would cost considerably more than on any other parcel of land to make the improvement. It served them well for some number of years, lately it has not. A park utilization report shows that the park is not utilized much at all except for the basketball courts, perhaps due to the condition, so there are a lot of reasons why this ordinance as presented makes sense.

Councilor Messier clarified that the big minor field is out of pretty much everything except the basketball court, soft ball, tennis, baseball...He asked if they'd use the bathrooms for storage and put blocks to stop traffic.. If you are doing it because it is polluted...

City Manger Belmore said they would not know if they need more cover there until the test bids are done this week.

Ordinance No. 14-11 passed 8-1. (Sprague opposed.)

ORDINANCE NO. 15-11 AMENDING CHAPTER 4, PERSONNEL RULES AND  
REGULATIONS.

Ordinance No. 15-11 passed 9-0.

ORDINANCE NO. 16-11 AMENDING CHAPTER 4, PERSONNEL RULES AND  
REGULATIONS, BY AMENDING SECTION 11.3 TITLED "HEALTH  
INSURANCE".

Councilor Tapscott encouraged everyone to pass this.

Ordinance No. 16-11 passed 9-0.

NEW BUSINESS.

ORDINANCES

ORDINANCE NO. 17-11 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.4. MOTOR VEHICLE OPERATION, RIGHT TURN PROHIBITED.

Somersworth, NH  
June 6, 2011

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

Amend Chapter 13 Police Offenses, Section 3.4 Motor Vehicle Operation, by adding a new section as follows:

**F. Right Turn Prohibited**

When signs are erected giving notice thereof, it shall be unlawful for anyone operating a truck (see RSA 259:59 and 259:41 truck definition) to turn right into the General Electric entrance from the northbound lane of Main Street.

**RSA 259:59 Motor Truck** – “Motor truck” shall mean any truck of greater than 26,000 pounds manufacturer’s gross vehicle weight rating, or any motor vehicle equipped with other than pneumatic tires. The Commissioner of Safety may adopt rules under RSA 541-A to alter this weight limit to conform with federal statutes or regulations, provided that the limit does not exceed 26,000 pounds.

**RSA 259:41 Heavy Truck** – “Heavy truck” shall mean any motor truck having more than two axles.

Further amend Chapter 13 Police Offenses, Section 3.4 Motor Vehicle Operation, by re-lettering Sections F. and G. to Sections G. and H.

This ordinance shall take effect upon its passage.

Introduced by Councilor

Brian Tapscott

Approved:

City Attorney

The ordinance was read for the first time.

ORDINANCE NO. 18-11 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.1.F.2. TIME LIMITED PARKING, TWO HOUR.

Somersworth, NH  
June 6, 2011

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

Amend Chapter 13, Police Offenses, Section 3.1.F.2. Time Limited Parking, Two Hour, by adding the following:

- Elm Street on the easterly side from Fair Court to Fayette Street, ten parking stalls.

This Ordinance shall take effect upon its passage.

Introduced by Councilor

Brian Tapscott

Approved:

City Attorney

The ordinance was read for the first time.

ORDINANCE NO. 19-11 TRANSFER BETWEEN DEPARTMENTS.

Somersworth, N.H.

June 6, 2011

THE CITY COUNCIL OF 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		
FINANCE AND ADMINISTRATION		
DEVELOPMENT SERVICES		8,000
POLICE		
FIRE		15,000
PUBLIC WORKS		18,000
CAPITAL EXPENSES		
OTHER EXPENSES ( <i>CONTINGENCY</i> )	41,000	
INTERGOVT ASSESSMENTS-COUNTY TAX		

SCHOOL DEPARTMENT

TOTAL GENERAL FUND

41,000

41,000

This ordinance shall take effect upon its passage.

Introduced by Councilors

Robin Jarvis  
Dale Sprague  
Michael Watman

Approved:

City Attorney

The ordinance was read for the first time.

#### RESOLUTIONS

#### RESOLUTION NO. 28-11 NAMING THE BALL FIELD AT MILLENNIUM PARK ST. LAURENT BALL FIELD.

Somersworth, NH  
June 6, 2011

WHEREAS, Romeo St. Laurent was born in Somersworth and was a life-long resident of the City; and

WHEREAS, Romeo St. Laurent served the citizens of the City of Somersworth and the State of New Hampshire in the following capacities:

- City Councilor from 1934-1935
- Board of Supervisors of the Checklist (chairman for 10 years)
- Representative to State Legislature from 1937 through 1943
- Mayor of Somersworth from January, 1946 through June, 1953
- City Clerk of Somersworth from 1962-1965
- Executive Director of Strafford County Community Action from 1965-1972
- Chairman of the Board of Park Commissioners and Board of Water Commissioners for 7 years
- Chairman of Somersworth Democratic Committee in 1955
- Member of the Executive Committee of the NH State Democratic Party
- State Chairman of the Democratic Party in 1952-53
- Member of Association of New Hampshire Mayors

WHEREAS, Romeo St. Laurent served many civic and fraternal organizations in various capacities; and

WHEREAS, the family of Romeo St. Laurent wishes to continue to recognize his commitment to the community of Somersworth and his life-long achievements, and they support and acknowledge the renaming of the ball field at Millennium Park to St. Laurent Ball Field,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the ball field at Millennium Park be named St. Laurent Ball Field in honor of Romeo St. Laurent's dedication to family, the City of Somersworth, the State of New Hampshire, and the United States of America throughout his life.

Introduced by Councilors

Martin Pepin  
Brian Tapscott  
David Witham

Approved:

City Attorney

After having had a first reading of this ordinance as well as a public hearing, Mayor Soldati referred it to the Recreation Committee which he said will have a meeting prior to June 20<sup>th</sup>, so that there can be a second reading at the next meeting.

#### OTHER

#### VOTE TO AUTHORIZE THE CITY MANAGER TO DISPOSE OF WASTEWATER TREATMENT PLANT FENTON DRYER AS SURPLUS PROPERTY IN THE BEST INTEREST OF THE CITY.

Councilor Watman, seconded by Councilor Spainhower, made a motion to dispose of the Fenton Dryer. He went on to say that it is a piece of junk, never worked right, might as well get rid of it and save some money in the long run. It will have no effect on our loan status.

Councilor Messier echoed that.

This motion passed 9-0.

#### COMMENTS BY VISITORS.

John Joyal, 1 Molly Lane, recognized some of the people who work for the City on behalf of the Somersworth Baseball Boosters Club and on behalf of the Somersworth

High School baseball team. Before Memorial Day he had made some phone calls to the City. He called asking about getting a reduced price on 36 tons for infield mix for the Noble Pines baseball field. The Economic Developer, Craig Wheeler called him back and said he would try to help. Mr. Joyal had hoped to get a deal on infield mix to improve the field. He took a day off to make calls and try to make a difference to get it looking good. Everyone has been really helpful. He is glad and proud. Pike Industries **donated** 36 tons of infield mix. He went to Public Works and met Tom Willis, who was very busy that day, but helped immensely. The Public Works Department stepped up immensely. The Fire Station helped washing the field down. He commends them also. Kudos for them for stepping up when they asked for help. And all in Public Works. Craig Wheeler actually pulled out two of the fence posts so they could get the 10 wheel dump trucks onto the field so they could get the mix spread; that was quite the effort. Overall it shows that across our community when we work as a team we can get things done. It is pleasing to know that they stepped up. He thinks they understood the situation they were in. Nobel Pines is a jewel for this City. It truly, truly is. Through donations they have bought a set of bases for the field. They also put in about \$500 in donations to put the safety rail up there. They have a number of teams that play there.

He thanked everyone again.

#### CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Messier said that the leaf and brush pit at Malley Farm came to his attention. He said that we seem to have construction debris there. If that continues, it may close that down for everybody. It is supposed to be brush to be burnt, not sheds, wood materials or whatever. Other than showing the need in this community for an outlet for that which never seems to get done. He hopes that people understand they may be losing a good thing. He will go the Public Works and Environment Committee mentioning that they need to do something about that.

If they could open the Ward 5 parking lot for people to park on so that they are not parked in front of the no parking signs saying to their kids that it is alright as long as you have a ball game. It was put there because there are too many cars on the street at ball games. He hopes they can get that open.

He saw a white big 10 wheel dump truck that he thought was coming from Willand Drive going in to the entrance on the old landfill. He wants someone to get back to him if they are hauling some of that debris because he thinks that should not happen. Please check into that.

He thanked Mr. Joyal; sometimes there is a lot of negative stuff from Mr. Joyal. He wants to thank him for his effort as well as everyone who helped.

Councilor McCallion congratulated the baseball and math teams.

He always thought they had a healthy music program at Somersworth. He was kind of shocked to hear that they might cut it out; it is upsetting to hear that.

They can't tell the school what to do with their budget but people come to their meeting like they can really do something. They look like they have egg on their face when they have an unanticipated revenue turned back in when he is constantly explaining to people in the summer that it is really not free money. It is frustrating. The conservation got a little crazy and it should not be negative on the school. He feels like if there is any savings at the end of the year that that should come back. It shouldn't be a use it or lose it mentality. Have the foresight to bond it all. Let's fix the problems; let's not react to them.

Tomorrow there is a school meeting and there is a big buzz going around about where the graduation is going to take place. Parents have been upset that it is in front of the school. ...If parents want to talk about it go to the School Board meeting.

Councilor Spainhower thanked City staff. He said there is a house in his neighborhood that is foreclosed on and the lawn hasn't been mowed in several weeks. It irks him a lot that these foreclosures bring his property value down. And he gets ticks on him because they don't mow next door.

He thanked the Fire Department for their excellent response time when he had to call them. You don't realize what you have until you need it, he said. He does it day in and day out. When you are on the other end it helps to know that they are coming.

Councilor Watman thanked the City Manager for following through so quickly on the Public Safety Committee recommendations. He believes that is beneficial to the City.

Councilor Pepin thanked all City staff for all they've done for the City; helping whenever they need it. Extra to Craig who is working double time to make sure we don't skip a beat. He is doing an outstanding job and the City Manager helping to keep things going on track.

Councilor Tapscott had no comments this evening.

Councilor Witham appreciates all the efforts at the Pines. It was a good cooperative effort.

He thinks it is interesting that Councilor Messier brings up the parking situation. He was over there yesterday striping the ball field and looked at the grass which has grown in relatively well. Tom Willis could maybe send a front end loader down there to move them.

Coincidentally, he also had an incident with the Fire Department over the last weekend. Friday afternoon at his mother's house a water pipe had burst. The Water Department quickly shut down the water but the Fire Department provided extra hands until they were summoned away to a medical help call. He greatly appreciated that.

Councilor Jarvis said she has nothing this evening.

Councilor Sprague congratulated the math team and said good luck to the baseball team, he will try to make the games.

FUTURE AGENDA ITEMS.

Councilor Witham would like to have a discussion and a possible vote on a recent legal opinion that the City Council has received.

NONPUBLIC SESSION (AS NECESSARY, PENDING ROLL CALL VOTE BY COUNCIL).

Councilor Tapscott made a motion, seconded by Councilor Witham, to go into non-public session which passed at 10:45 pm.

Respectfully submitted,



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Elise B. Brelis, Deputy City Clerk