

# MINUTES OF CITY COUNCIL MEETING

MARCH 19, 2012

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

## MINUTES OF PREVIOUS MEETINGS.

- CIP Workshop held on 2/21/2012. Councilor Pepin moved to approve these minutes as presented. The motion was seconded by Councilor Tapscott and passed by a vote of 6 yeas, 1 abstention, Councilor McCallion abstaining.
- City Council Meeting held on 2/21/2012. Mayor Spencer said he has one change of a typographical error. On page 16, sixth paragraph, delete the space between "h" and "e". Councilor Witham moved to approve these minutes as amended. The motion was seconded by Councilor Tapscott and passed unanimously.
- City Council Meeting held on 3/05/2012. Councilor Witham moved to approve these minutes as presented. The motion was seconded by Councilor Tapscott and passed unanimously.

## COMMENTS BY VISITORS.

Robert Fisher said he is a resident of Dover. He indicated he is part owner of Sunningdale. All he wants to say is the Council has an agenda item tonight to consider giving a hearing to Sunningdale. He hopes they will approve that request. It is his further hope that the hearing can be in private because we are involved in litigation and he doesn't want to try his case in public. He would appreciate the Council's consideration in giving them a hearing.

Richard Harvey, 8 Guy Street, said he wished to speak regarding the comments made by Mr. Fisher. He would appreciate it if the Council would grant Mr. Fisher a hearing at this time.

Joe Gagnon, Union Street, said he just moved back to Somersworth after being away for 20 years. He indicated there is a public park on Union Street. When he was growing up, there used to be a playground there. It was a safe place for kids to play and a very family-oriented neighborhood. The park has now become a dog dumping zone and a neighborhood cat box. The fence was taken down because it no longer met code requirements. They also took out the swing set. It is now just an empty spot. People are not curbing their dogs and not cleaning up after them. Kids cannot play in the park because it is not sanitary.

Mr. Gagnon said he recommends putting a fence around the area. Just a simple fence with a sign saying dogs and cats are not allowed. That could be a place where kids could play. The neighborhood would benefit from this.

#### COMMUNICATIONS.

#### LETTER FROM STEVEN R. STOUT.

33 Otis Road  
Somersworth, NH 03878  
March 7, 2012

Somersworth City Council  
Somersworth, NH 03878

To whom it may concern:

After serving on the Somersworth Zoning Board of Adjustment for more than ten years, I have decided it is time to step down and give another community member a chance to serve.

My resignation from the Board is effective April 5, 2012.

Respectfully,

Steven R. Stout

#### MAYOR'S REPORT.

Mayor Spencer reported the following:

- On March 7<sup>th</sup>, he attended the Lamprey Cooperative Board Meeting. They went over their budget.
- On March 7<sup>th</sup>, he attended the fundraiser at the High School with the Harlem Wizards. He thanked Councilors Witham and Jarvis for participating and City employees who participated. This was a great event and he would highly recommend doing it again in the future.
- He conducted some interviews for appointments to boards and commissions. He urged people to contact himself, the City Manager or your City Councilor if you would like to serve on a City board.
- On March 8<sup>th</sup>, he attended a Cultural Forum with the Strafford County Health Program. It was very beneficial. There will be more forums in the future.
- On March 16<sup>th</sup>, he met with Congressman Guinta in Manchester. He talked to him about our City's infrastructure and trying to get some Federal money for our highways.

## REPORTS OF STANDING COMMITTEES.

### FINANCE COMMITTEE.

Councilor Jarvis reported this Committee met today. They reviewed the following items:

- Approve the engineering proposal for the downtown utility evaluation work. They reviewed the information regarding the bids. There were four bidders. The City staff reviewed and explained the whole process and it had also been before Public Works. The recommendation was to go with Hoyle-Tanner. The Finance Committee approved a bid not to exceed \$24,900.
- Reviewed the idea of creating a capital reserve fund for the maintenance of City and School facilities. They had some discussion on this and are closing in on a final resolution to come before Council in the near future.

### PUBLIC WORKS & THE ENVIRONMENT COMMITTEE.

Councilor Sprague reported this Committee met on 3/16/2012, and discussed the following agenda items:

- Downtown utility engineering proposal that we need to really get out the door. The Committee is quite comfortable with the Hoyle & Tanner bid.
- They were briefed on the Transportation Enhancement Grant, specifically the downtown sidewalk sections.
- They went over winter sand, since they used a new product this year and wanted to know how it was working out. It is a cheaper product than we've used in the past, and it is a better product to be using.
- Coming up in May, they will be doing striping of the streets. We put that out to bid with Dover to try to get a cost saving and we are in line. We used to do striping in November which doesn't make sense. We will now be doing it after the streets are swept.
- They were briefed on the sidewalk plow. There was one incident with the sidewalk plow during the March 1<sup>st</sup> storm. One of the blowers ripped out a drive shaft in the front power takeoff. It is now up in Turner being fixed and we should get it back March 20<sup>th</sup>. Evidently this is an engineering flaw and safety chains will be added.
- They were briefed on the community gardens at the Malley Farm.
- The traffic lights at High/West High Street have become a big issue. Evidently there is a problem with the sensors. In next year's budget we have \$10,300 allocated to address this. The Committee will be working up a resolution for the next Council meeting to pull \$10,300 from this year's budget to address the problem. Hopefully we will be able to accomplish this quickly and get the problem taken care of. It is causing a lot of traffic backup.

### GOVERNMENT OPERATIONS COMMITTEE.

Councilor Tapscott said they have a tentatively scheduled meeting in the coming week to resolve the issue of one of the charter amendments we just voted on.

### ECONOMIC DEVELOPMENT COMMITTEE.

Councilor McCallion indicated this Committee met on 3/09/2012. Agenda items were discussed as follows:

- Looked at getting Wi-Fi for the downtown area. Some businesses have asked about this. They discussed starting with City Hall, and it would be the main hub. City staff will be looking at bids and will come back to the Committee.
- Discussion of City ordinance for code compliance and property maintenance. After a lengthy discussion about the issues from the previous proposed ordinance, the committee talked about education, outreach, involving community leaders to help our image. They have a lot of work to do on this.
- They received an update on the old police station building. They have begun to work on the building.

### PUBLIC SAFETY COMMITTEE.

Councilor Witham said they will be meeting on 3/30/2012 at 8:30 a.m. Agenda items are as follows:

- Continue their review of revisions to the City's fireworks ordinance. The Fire Chief has prepared additional revisions and they will be taking those up. The ordinance changes that are being proposed are not only to streamline the process for obtaining a permit to fire off fireworks, but significantly enhancing the penalty for those who do not have a permit.
- Discussion with Chief Crombie over the recent release of crime data for the City. He will talk about the trends he sees and what efforts the Police Department is taking to address those trends.
- Discussion/action on the donation of surplus protective clothing from the Fire Department.

### SUSTAINABILITY COMMITTEE.

Councilor Hebert reported this Committee met on 3/15/2012. He reported the committee is going to offer gardens for the community at the Malley Farm. There is already a plot there, and it is of considerable size.

Councilor Hebert indicated that Liz Wilson, the Chair of the committee, has asked Public Works Director Willis if they can come in with some equipment to level the ground. They will have more information in the future.

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, March 16<sup>th</sup>, 2012**  
**SUBJECT: City Manager's Report for Monday, March 19<sup>th</sup>, 2012**  
**City Council Agenda**

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**6:00 p.m. Non-Meeting to Discuss Tentative Agreement  
With School Department Paraprofessional Bargaining Unit**

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

**Other:**

- A. Vote to Ratify the Tentative Agreement between the Somersworth Association of Clerical and Aides and the Somersworth School Board.** Attached is a summary provided by the School Superintendent.
- B. Fill Vacancy for the Ward 5 Ward Boundary Review Committee Member.**
- C. Vote on Special Meeting Requested by Sunningdale Golf Club – Attorney Robert Fischer.** Attorney Fisher has requested a special private meeting with City Council.

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

**A. Informational Items:**

- 1. Budget Review Schedule and Public Hearing.** The City Manager's Proposed FY 2013 Budget has been submitted in accordance with the City Charter. Please consider the following dates for the budget adoption process to move forward:
  - Monday, March 26<sup>th</sup> at 6:00 p.m. Budget Presentation

- Saturday, April 7<sup>th</sup> or 14<sup>th</sup>, 8:30 a.m. Workshop
  - Monday, April 9 or 23<sup>rd</sup>, 7:00 p.m. Public Hearing
2. **Sunningdale Property.** I recommend City Council schedule time to discuss this tax-deeded acquired property and how the City might move forward.
  3. **Tri-City Mini Officials Workshop.** Presently, four Councils and the Mayor as well as four School Board members answered favorably in attending a Wednesday, April 4<sup>th</sup> morning workshop here in the Council Chambers. Dover has at least two City Councilors with interest and Rochester officials expressed a desire to attend. Respectfully, I would like to move forward to finalize a session by way of a definitive Council Consensus.
  4. **Spirit Up Somersworth.** The City will again partner with the Somersworth Youth Connection and High School Rotary Club for the community wide clean up day on Saturday, May 5<sup>th</sup> 8 a.m. to Noon (rain date of Sunday).
  5. **CDBG Public Hearing.** The Mayor has approved scheduling a Public Hearing prior to the next regular council meeting at 6:45 p.m. on April 2<sup>nd</sup> to hear comment on the progress of the SHA's Charpentier Apartment Renovations funded in part with CDBG funds.

**B. Attachments:**

1. City Department Head Monthly Reports.
2. Tri City Officials Workshop Email (March 7, 2012).
3. Youth Connection Community Cleanup letter (March 12, 2012).
4. Draft CDBG Hearing Notice.
5. City Attorney Opinion regarding Tax Cap Petition (March 16, 2012).
6. Executive Councilor March 7, 2012 Newsletter.

After some discussion about the proposed dates for Budget Review and Public Hearing, the following dates were agreed upon:

- 3/26/2012 @ 6:00 p.m. – Budget Presentation.
- 4/14/2012 @ 8:30 a.m. – Budget Workshop
- 4/23/2012 @ 7:00 p.m. – Budget Public Hearing

NEW BUSINESS.

VOTE TO RATIFY THE TENTATIVE AGREEMENT BETWEEN THE SOMERSWORTH ASSOCIATION OF CLERICAL AND AIDES AND THE SOMERSWORTH SCHOOL BOARD.

Councilor Pepin recused himself because his wife is a para-professional at the school.

Councilor Witham made a motion that the City Council ratify the agreement between the Somersworth Association of Clerical and Aides and the Somersworth School Board. The motion was seconded by Councilor Tapscott.

Councilor Witham said the overall cost to the City for this agreement, which covers 77 employees, is not that heavy of a financial burden on the City. It also moves us in the direction of greater contribution for employee health insurance premiums and probably most importantly moves us in the direction of allowing the district to look at crafting their health insurance plans to generate savings from the provider.

Councilor Witham said it generally meets with the philosophy that we would like to see in terms of controlling those costs while at the same time recognizing employees for their hard work.

The motion to pass this agreement passed by roll call vote of 6 yeas, 0 nays.

FILL VACANCY FOR THE WARD 5 WARD BOUNDARY REVIEW COMMITTEE MEMBER.

Councilor Witham indicated it is his understanding there were some write-in candidates for this position. His preference would be for people who received write-in votes to be offered the position.

Councilor Witham made a motion that the next write-in candidate in line be offered the position and to move down the list alphabetically if necessary. The motion was seconded by Councilor Hebert and passed unanimously.

VOTE ON SPECIAL MEETING REQUESTED BY SUNNINGDALE GOLF CLUB – ATTORNEY ROBERT FISHER.

Councilor McCallion said his only concern with this is that Mr. Fisher requested a private discussion. He doesn't think we could do this unless the subject were relevant to employment. We would need to get clarification on this.

The City Manager said he could check with the City Attorney to see if this would meet the criteria for a non-public session if the Council is inclined to go that route.

Councilor Witham said we received this request from Attorney Fisher, but what is most glaring is he doesn't indicate what he wants to meet about. What we would be talking about might determine whether we could have a non-public session or not, but we do not know what he wants.

Councilor Tapscott indicated there is litigation going on between Mr. Fisher and the City. He would like clarification. Until he knows more, he is not in favor of this.

Councilor Hebert said he understands this has been going on for quite some time. He would have a tendency to say no. He feels the City Manager should get a legal opinion on whether they should meet with Mr. Fisher.

Councilor Pepin moved to table this request until the City Manager can find out what the discussion would be about.

The City Manager clarified there are three years worth of taxes due on the Sunningdale property. Attorney Fisher requested a meeting once before, and the Council voted not to meet with him. Our City Attorney response to Attorney Fisher in the past was that if he has a proposal he should put it in writing, then the Council could consider it.

Councilor Tapscott said we have been around this once before. Attorney Fisher should put what he wants in writing.

Councilor Jarvis said she agrees with this. We have discussed this before. We should stick to it and not allow the meeting.

Councilor Tapscott moved to deny the request and not meet with Attorney Fisher. The motion was seconded by Councilor Jarvis and passed unanimously.

#### COMMENTS BY VISITORS.

Real Roseberry, 405 Route 108, referred to the upcoming cleanup day. He said there are two spots in town where trash does not get picked up. One of the spots is on West High Street across from the Lion's Club, the other is where Mr. Sprague previously cleaned up. It is full of trash again. People are dumping on the side of the road now. He suggested the City put signs up in town that there is a fine for dumping, and it will be strictly enforced. If someone is caught, we have to make an example of them.

Mr. Roseberry said Aroma Joe's is across from his house, and he picks up coffee cups from his lawn all the time. There should be a law that a business has to have a trash container in front of their establishment.

Mr. Roseberry said he agrees with the Council on their vote to not meet with Mr. Fisher.

Grace Fuller, 50 Cemetery Road, said she is a member of the Somersworth Association of Clerical and Aides. She thanked the Council for ratifying their agreement tonight. A lot of time and a lot of thought went into this.

Stephanie Riotto, 24 Laurel Lane, agreed with Ms. Fuller.

Joe Gagnon, Union Street, said the Assessing and Building Code Departments might be giving some enforcement rights to the Code Enforcement Officers. He has a personal grievance with the Code Enforcement Department. Before any authority is given to that Department, he thinks there should be a complete overhaul look at how they are doing

business, if they are keeping good records, if they are working with the Assessing Department. The City pays \$40,000 per year to have an Assessor one day per week to walk properties to see if properties have been remodeled. That is how we decide what property is worth. Some of the old homes in certain neighborhoods are being bought by absentee landlords and they are being remodeled from the inside out. Their property values stay the same.

Mr. Gagnon said the City needs to make money. Assessing properties for their correct value will bring up property value and will be more attractive to families and businesses coming into this area and homeowners will pay the appropriate taxes.

Richard Harvey, 8 Guy Street, said he is sorry to see what the Council came up with regarding Mr. Fisher. He doesn't know what the City is going to do with the Sunningdale land. He feels that taxes are high enough now and he would not want to see a bunch of houses in there. You cannot let the greens go for over a year or they will be gone. They will not be good at all.

Mr. Harvey said closing Sunningdale puts eight people out of work, and you could possibly lose the greens.

#### CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Jarvis thanked the community for making the Harlem Wizards game successful. It was a great fundraiser for Somersworth Youth Safe Haven, and they appreciate it. Thank you to the people at SAU 56 for putting this together and also to the Friends of Somersworth. It was a great success. It was nice to see something positive with the entire community coming together.

Councilor Jarvis thanked the Littlefield family on Salmon Falls Road for cleaning up. They clean up both sides of Salmon Falls Road every year. It is wonderful to see them out there.

Councilor Witham echoed Councilor Jarvis with regards to the Harlem Wizards game. It was a standing room only crowd, and it was a lot of fun. It was great entertainment for the folks that came out, and it was a great fundraiser as well. Kudos to SAU 56 for doing the legwork to make this happen.

Councilor Witham thanked the person who brought to our attention the issue of parks, dogs, etc. He also has begun to recently recognize unleashed dogs, dogs that aren't picked up after by their owners, in our City parks. He would appreciate it if the Chair of the Recreation Committee would put this as an agenda item for the next meeting. There are many communities that ban dogs in public parks. He would probably support that from what he has witnessed and what he is hearing tonight. He generally feels the laws regarding dogs need a bit stronger enforcement.

Councilor Witham thanked Councilor Sprague for bringing up at the Public Works Committee meeting the signals at High St./West High St. He has received some complaints about the long signal delay also. The sooner we can get that corrected the better.

Councilor Witham said we do have a part time person in the Assessing Department for day to day inquiries. The other thing we have embarked upon is what we call "cyclical" inspections. This means the City is divided into four/five parts, and over the next five years we will have an assessment of the whole City. It would be great if property values went up, his concern is that the opposite will happen and they will go down.

Councilor Witham said with regard to Sunningdale, it would be nice to share more information, but so much of it is tied up in legal proceedings at present.

Councilor Pepin indicated the Recreation Department has one full time employee, and there are thirteen parks in the City. It is very hard for one person to keep up with it. There are organizations and people involved with baseball that help us out, and Public Works does excellent work in certain areas when repair work is needed. They will follow up on the Union Street park.

Councilor Pepin said he has a dog, and he picks up after his dog. He feels enforcement of dog laws is very important. He has seen a lot of people bring their dogs to baseball games and they do seem to be responsible. He would rather see enforcement rather than the banning of dogs in parks.

Councilor Hebert said he agrees dogs should be on leashes and owners should pick up after their dogs. There are quite a lot of people who do it, but not quite enough. He agrees that the laws should be enforced, and maybe strengthened.

Councilor McCallion said it doesn't take much to clean up our neighborhoods. It takes people just getting out and doing it, and taking pride in where they live. He hopes some high school or college age kids can get some people fired up and start a little cooperative to take this on.

Councilor Sprague said just because people do pick up after their dog, that doesn't mean the dog can go on his lawn.

Councilor Sprague said the State of New Hampshire funds a lot of things through assessed values, school education being the big one. There is a State law that addresses how often properties need to be reassessed. Just because a person's assessment goes up does not necessarily mean their taxes will go up.

Councilor Sprague said he did take part in cleaning up the Stackpole Pond area. There were couches, tires, and pieces of building. He doesn't believe that is happening right now. It seems that when you clean up one area and you stop people, they progress to

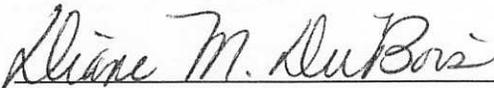
another area. If people see this happening, help us out and help each other out by reporting that person.

Councilor Sprague said he attended the Council goal setting session in February, and it was probably the best goal setting session he has ever attended. The Council accomplished a lot.

ADJOURNMENT.

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

Respectfully submitted,

  
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Diane M. DuBois, City Clerk

