

MINUTES OF CITY COUNCIL MEETING

MARCH 7, 2011

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

MINUTES OF PREVIOUS MEETINGS.

Councilor Witham moved to accept the minutes of the Goal Setting Session held on 2/19/11 as presented. The motion was seconded by Councilor McCallion and passed by a vote of 6 yeas, 2 abstentions, Councilors Pepin and Jarvis abstaining.

Councilor Witham moved to accept the minutes of the City Council Meeting held on 2/22/11 as presented. The motion was seconded by Councilor McCallion and passed by a vote of 7 yeas, 1 abstention, Councilor Sprague abstaining.

COMMENTS BY VISITORS.

Woodard Openo, 25 Grand Street, spoke regarding the reuse of Hilltop School. Hilltop School has been the focus of the neighborhood since 1850 and he believes it is the reason for the name Hilltop City. He feels that any new use should be cultural and/or public use and should be something that preserves the character of the neighborhood, and respects its history. When he says focus of the neighborhood, he feels that had something to do with the controversy over the closing of the Hilltop School. It is not only a great little school, but has been for all these years the focus of the hilltop neighborhood. It is central to the character of the neighborhood and of the City. Any new use should be something similar having cultural value. He does not believe it should be housing or apartments which are not necessary and not wanted in that neighborhood. This would not provide a focus for the neighborhood but would tend to denigrate the neighborhood and devalue housing. Many people like the idea of studios and mixed City use. Virtually nobody said they wanted housing, and they certainly do not want another building built behind the existing one. Most people would like some comparable use and a resurrection of the playground behind the school, which was the center for the neighborhood and was used all year round. We need to preserve the things that are special about Somersworth.

Brian Chu, 26 Lincoln Street, said he is concerned about the Hilltop School reuse proposal. He supports the previous speaker's ideas. The residents of the neighborhood have repeatedly expressed their concern over this topic. They are alarmed that the Council is now considering a proposal to turn the building into low income housing, the most unpopular option voiced by the public as evidenced in numerous meetings. A housing development in the building will weaken the historical character and further diminish the cohesiveness of the community.

Mr. Chu said at a time when the Council is considering proposals for building reuse, a group of citizens wants to continue to participate in the process of determining the reuse of the building, and is offering their diverse side of the scales to help make the long term future of the Hilltop School site one that benefits the City and its residents. He hopes the Council recognizes that many citizens have been heavily involved with the efforts to save Hilltop.

Mr. Chu said they already know of six artists who would be interested in leasing space in the building. Contrary to what some may think, this alternative has been proven viable in many other communities across the country. He hopes they will seriously consider the wishes and benefits of the citizens when they make this important decision.

Monica Zulauf, 9 Grove Street, said she was here in December when there was a hearing on increasing enforcement and adding code enforcement. She heard city officials speaking about the ability to enforce our existing codes. She was taken aback because she has been repeatedly calling the City about what her family looks at outside their house on Grove Street. She has pictures of the properties on both sides of her house, both sides having trash piled up in front of the buildings. The landlord was there today, standing in the middle of the trash, counting the rent money. Given that they pay over \$6,000 a year in taxes and also spend thousands of dollars per year maintaining their house, they are in a position where they are reticent to have people over to dinner who don't live in the neighborhood because it is embarrassing. They cannot use their house fully at this point and part of that is because of the City's lack of enforcement. Other communities will charge people if they leave garbage all over their property. They pick it up and send the landlord the bill. She feels there are lots of ways this can be dealt with.

Ms. Zulauf said she was on the website today looking at the plans for Hilltop School and she feels the proposal that was received is really intensive development for a lot that size. It would leave no green space and it would impact that neighborhood in a negative way. She concurs that Somersworth may have too many parks, but before the modulars were placed at the school and there was a playground there, that was probably one of the most used places in Somersworth. It was used not only by children, but also by adults and was fully utilized all the time. She also feels that to pull the date of June 30th out of the air for the deadline of making a decision is really arbitrary. There may be some opportunities for non-profits and artists to move in there, but in this current economy that is a difficult thing to initiate that quickly. Also, funding is pretty tight right now. There are lots of models in the area where this has worked.

Dan Britt, 32 Grand Street, said the design for the reuse of the Hilltop School building is poor. Something the size of what is proposed would need at least double the parking. He realizes the money is a very strong incentive. If he were given a choice, he would choose to tear the building down and make a nice green space if the current proposal was the only other alternative. He hopes the Council will make a good decision for the City as a whole. He realizes the difficulty of their position.

John Chaston, 37 Page Street, said he agrees with a lot of things that have already been said. He does not favor the proposal to put apartments in the building because he has enjoyed living on the hill, especially before the modulars were placed at the school. He thinks it would be a big mistake to put apartments in that building.

Linda Chaston, 37 Page Street, said when people were talking about the idea of expanding Hilltop School to make it fit what the City needed for classrooms, the discussion always boiled to the space not being big enough to expand. Yet what they are seeing is the current developer's proposal that is bigger than what a larger school would have been. Somehow, now, there is room for it and she doesn't see that. She also doesn't see that there is space for parking, and she cannot imagine the construction going on.

Ms. Chaston said the options that have been offered have been viable ones. If we can use more of the green space and return some of the green space she truly believes that the entire City would benefit from it. It would be inexpensive to maintain. She recognizes that money is tight, but she implores the Council to please not sell this property to a developer who has no interest in the City of Somersworth other than what they can make off of us.

Real Roseberry, 405 Route 108, said he sympathizes with these people, but if he had a choice he would go with the artist studios, food pantry, and offices, and leave part of it for an extension of the museum on Main Street. The Library is also getting very crowded.

Mr. Roseberry said the building should definitely not be torn down. We have green space all over town, and we are paying to maintain it. He said there are a lot of "baby boomers" getting ready to retire, and they are going to need a place to live. With taxes as high as they are, nobody wants to maintain a house. It is cheaper to rent. The developer is not stupid, he knows where the money is. If we put apartments in the building he would make good money and we would have tax revenue.

Mr. Roseberry said the people living up there are unhappy with this plan, but we need to use common sense. The building is an asset to the City and we need to keep it. We need to think about the best way to make money for the taxpayers.

Shiao Ping Wang, 26 Lincoln Street, said she is speaking on behalf of her neighbors. They are strongly opposed to having apartments in the Hilltop School building, and feel that any other option would be better. She said they all appreciate all the work the Council has done and understand the difficulties and challenges they are facing.

Ms. Wang said it takes a long time to build a community. They feel very lucky that they have such wonderful neighbors and by having apartments in the building they would lose their sense of community. There would be a lot of strangers there and they would become a big chunk of the neighborhood.

Ms. Wang said she knows some of the Council think that the artist co-op and food pantry/community space are very far fetched ideas, but that is not so. Anything can only become possible if people in the community believe that it is possible and they are willing to work for it. They now have a group of people who are in the process of trying to figure out how to organize, how to connect, and how to get funding. It is a very slow process because they are just citizens, but they are working on it. She encourages Council members to become more curious and come and visit them and talk to them, and consider more seriously what they know and are capable of doing, and give them more time. She appeals to the Council to give this more thought.

COMMUNICATIONS.

LETTER FROM ROBIN S. JARVIS.

March 2, 2011

Mayor Lincoln T. Soldati
One Government Way
Somersworth, NH 03878

Dear Lincoln:

Please accept this as my letter of resignation from the Somersworth Historical Commission effective Monday, March 7, 2011. I have enjoyed serving on this committee over the past year and appreciate the contribution this committee makes to the Somersworth community.

Sincerely,

Robin S. Jarvis

LETTER FROM BETTE A. TALON.

March 3, 2011

Mayor Lincoln Soldati
One Government Way
Somersworth, NH 03878

Mayor Soldati:

The American Legion Auxiliary, Unit 8, Dover, is organizing a "Kid's Fun Day" at the Somersworth Armory on Saturday April 30, 2011, a day for children who recently had a parent deployed overseas to come play games, eat and spend time with friends and family.

Our goal is to have a "Fun Day" for kids, whatever age, who recently had a loved one deployed overseas. We are pleading for some assistance. We need activities for these kids to do during their fun day – anything to make a child smile or learn something new.

Please contact me at 603-692-3677 or btalon2009@yahoo.com to discuss possible activities your organization can provide for these kids.

Respectfully,

Bette A. Talon, President
American Legion Auxiliary, Unit 8
640 Central Ave.
Dover, NH 03820

LETTER FROM LYNNE VACHON.

To the Mayor and City Councilors of Somersworth,

A work obligation prevents me from attending tonight's City Council Meeting, but I did want to write to express concern over the proposal by the Stratford Capital Group of Peabody, Massachusetts. I visited their website today and took a look at some of the projects they have done around the country. They have converted some old schools into senior housing, and are looking at the Coady School in Bourne, Massachusetts, where they have recently submitted a proposal to the town of Bourne; one very similar to the Hilltop proposal. I believe they would be the principal winners in this deal if it were to go through, since they are very good at scoping out properties that communities are willing to sell for a song. Stratford Capital Group seems very savvy with this sort of thing, so I would ask the City Councilors to be even more savvy in their task of representing the people of Somersworth. All of the people. To convert the entire building and grounds into senior housing is extreme. What about adapting Hilltop for a mix of uses? Some senior housing, let's say, and some community space for the town.

I live on Prospect Street, on the left side of Hilltop School. My children, ages 7 and 10, use the playground, basketball court and parking area at the school nearly every weekend. The neighborhood kids meet there to play. The Hilltop School grounds are an important resource, not just for the neighborhood, but also for the entire community. Somersworth currently lacks space for community events. Our annual pumpkin festival is held in a parking lot, and when I recently asked the Recreation Director about possible yoga and fitness classes at the Flanagan Center, I was told that there was just no free time or space at that facility.

Please keep the Hilltop grounds for the people of Somersworth. It is such a beautiful, safe spot for our community to gather. I would also ask the City Councilors to not be so hasty to accept the first offer that promises to take the responsibility of "what to do with Hilltop" out of your hands. Let the people of Somersworth, whom you represent, have the responsibility for a bit before you hand it over to an out-of-state developer.

Sincerely,

Lynne Vachon
Prospect Street, Somersworth

MAYOR'S REPORT.

Mayor Soldati complimented our Director of Public Works, Tom Willis, and Chris Jacobs, the City Engineer, for developing a sidewalk maintenance plan that not only explained the various issues that relate to sidewalks and the different levels of need in terms of repair or maintenance of them, it also went into a very lucid explanation of how the priorities are established. He thought this was helpful because it justifies the priorities that were set for the City. It is very well put together. There are photographs that explain every detail and he thinks it is something that will help members of the public understand as we go forward and try to address these problems.

Mayor Soldati said because we have a lot of very talented and creative people in our community he had asked the request from the Dover American Legion be read tonight. They are looking for ideas for activities for kids. He encouraged people to contact them and hopes that we, as a community, can help make this a success.

REPORTS OF STANDING COMMITTEES.

FINANCE COMMITTEE

Councilor Jarvis reported this Committee met on 2/24/11 and discussed the following items:

- Review of the Sidewalk Capital Reserve Fund Resolution – Information was distributed and reviewed regarding the establishment of this fund that had previously been discussed. Included in the FY 2011 budget is an appropriation of \$50,000, as part of the \$150,000 listed as road resurfacing, for the funding of a sidewalk maintenance CRF that has not yet been created. It was recommended that a public hearing be scheduled for March 21st regarding this matter. The committee voted unanimously to support this.
- Revaluation CRF – There was a discussion to redefine the purpose of this fund. Using \$95,000 of the current balance for our match for Transportation Enhancement Grant and the remainder of approximately \$22,000 to offset the first year of the cycled inspections. The committee voted unanimously to support this.
- Establishment of Non-CRF for City employee accrued benefit liability. Currently the City absorbs and pays out at termination for accrued pay within the budget structure and does not appropriate for it in any manner. We reviewed the amounts paid out since 2007, showing a spike in 2008 due to a change in health insurance. There is currently \$10,000 in our budget for this year. The committee voted unanimously to support this.

- Rescinding provisions of RSA 72:1-c Optional Collection of Resident Tax – They reviewed the process necessary to rescind the tax. Using the current year net assessment, it would require an increase of approximately .08 cents on the tax rate. The committee voted unanimously to support this.

PUBLIC WORKS AND THE ENVIRONMENT.

Councilor Spainhower reported this Committee met on 2/28/11 and discussed the following items:

- \$50,000 for sidewalk improvement for the CIP, which passed 2-0.
- Crack sealing and City streets – they had a lengthy discussion on the crack sealing and what City streets we might want to go out to RFP with. They decided to go with the draft that came out a couple of months ago, and also on High Street from South Street to West High Street.
- Culvert on Rocky Hill Rd. – they had a lengthy discussion on the options. They are going to see if we can go with the option of redoing the whole thing and not just sleeving it. The committee supported that.

PUBLIC SAFETY.

Councilor Watman said the Committee will meet with a representative from American Medical Response on 3/22/11 at 9:00 a.m. in the Executive Conference Room.

ECONOMIC DEVELOPMENT.

Councilor McCallion reported this Committee met on 3/4/11. They talked in depth about changes to the multi-unit housing ordinance. They also talked about increasing the ERZ zone. He will have minutes available soon.

REPORTS OF SPECIAL COMMITTEES.

COAST.

Councilor Watman reported the COAST Board of Directors met on 2/23/11.

The only matter of real interest to Council would be the continuing dilemma of what to do when a community reduces their support for COAST bus service. Those assessments are used for the purposes of a match for state and federal funding in the amount of four to five times the amounts of the assessments. The only alternatives COAST bus has at this time if the assessment is not fully contributed is to either reduce service or increase the fares. The Board is wrestling with what to do in the event that more than one community undertakes to cut those funds.

PLANNING BOARD

Councilor Witham reported at the last meeting the Planning Board decided to move forward with three proposals in what is now called the Historic Mill District, as follows:

- Amend the table of uses adding to the types of uses that would acclimate one another in that Historic Mill District.
- Extend the Historic Mill District south along the Salmon Falls River all the way to River Street.
- Rename the Historic Mill District to the Millyard District to remove the historic connotation from that district.

There will be a public hearing on these three items at the next Planning Board meeting which is scheduled for March 16, 2011.

CITY MANAGER'S REPORT.



CITY OF SOMERSWORTH
Office of the City Manager

TO: Mayor Lincoln Soldati and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, March 4, 2011

**SUBJECT: City Manager's Report for Monday, March 7th, 2011
City Council Agenda**

**5:30 p.m. State of the City Address with
City Council and School Board**

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

- A. Ordinance No. 5-11 Amend Chapter 24 by the Addition of Chapter 24A Entitled Somersworth Housing Code for Rental Multi-Unit Properties.**

New Business (under Section 13 of the Agenda):

- A. Resolution No. 18-11 To Establish a Capital Reserve Fund for the Purpose of Sidewalk Construction, Reconstruction, or Rehabilitation.** The Finance Committee and Public Works Committee have both recently met and voted to support the establishment of this fund. A Drafted Plan is attached. I recommend the

Council hold a Public Hearing prior to the next regular meeting on March 21st at 6:45 p.m.

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

A. Informational Items:

1. **Proposed Budget FY 2011-2012.** The City Manager's Proposed Budget FY 2011-2012 will be distributed next Tuesday in accordance with the City Charter (March 15, 2011). Please let me know if you would like it delivered or you prefer to pick it up.
2. **Summersworth Historical Society.** I extend the City's appreciation for the continued partnership we have with the Historical Society. A particular thank you to George Poulin and Frank Kennedy Jr. for completing the new display at City Hall. I encourage folks to spend a few extra minutes on their next visit to City Hall to enjoy the pictures; and, of course, to find time to visit the Society's Museum itself at the former City offices on Main Street.

B. Attachments:

1. Draft February 2011 Sidewalk Maintenance Plan. (all but Public Works Committee)
2. Resident Tax February 23, 2011 Memo from City Manager regarding Process to Rescind. (all but Finance Committee)
3. Strafford Superior Court Order dated February 22, 2011 regarding Tax Cap Petition.

NOMINATIONS, APPOINTMENTS AND ELECTIONS.

HISTORIC DISTRICT COMMISSION.

Mayor Soldati appointed Councilor Witham as the City Council Representative to the Historic District Commission.

SUSTAINABILITY COMMITTEE.

Mayor Soldati reported we now have a full complement of members for the recently formed Sustainability Committee. He announced the members:

- City Council Representative – Robin Jarvis
- City Manager Designee – Tom Willis (Public Works Director)
- Director of Development Services – Craig Wheeler
- Two members of the community at large – Doug Watson and Jennifer Soldati
- Somersworth business community member appointed by the Chamber of Commerce – Paul Edgar
- High School student nominated by the Somersworth High School principal and approved by the Mayor – Mary Boisse

- Member of the Conservation Commission appointed by the Chair of the Conservation Commission – Liz Wilson
- Member of the Planning Board appointed by the Chair of the Planning Board – Matt Durkee

The first meeting of the Sustainability Committee will be held on 3/17/11 at 7:00 p.m. in Council Chambers. This will be an organizational meeting. Members of the public are welcome to attend meetings, not only as observers but also participating in the meetings.

LAY ON THE TABLE.

ORDINANCE NO. 5-11 AMEND CHAPTER 24 BY THE ADDITION OF CHAPTER 24-A ENTITLED SOMERSWORTH HOUSING CODE FOR RENTAL MULTI-UNIT PROPERTIES.

Councilor Sprague moved to remove Ordinance No. 5-11 from the table. The motion was seconded by Councilor McCallion and passed unanimously.

Councilor McCallion said through long discussions and a public hearing, they feel what they put out isn't what was intended. The intent was not to go into tenants homes. The real issue becomes the enforcement. They are looking into other options. They will try to come up with something better through feedback from landlords, tenant complaints, etc. They are just going to let this ordinance go without any action.

Councilor Sprague said he doesn't feel we should pass an ordinance that landlords are upset about. We know there is work that needs to be done. The committee wants to work with the landlords and will hopefully come up with something better.

Councilor Witham said he did not support this ordinance when it was first brought forth, not because he did not value its intent. The intent is largely to improve the image of the community and that is an effort he wholeheartedly supports, however he does not believe this was the proper mechanism to do that. He is pleased to hear that the Economic Development Committee will continue to work on an approach that might meet the intent we are trying to satisfy.

The passage of Ordinance No. 5-11 failed by roll call vote of 8 nays.

UNFINISHED BUSINESS.

DISCUSSION ITEM – HILLTOP SCHOOL REUSE.

Councilor Messier indicated at this point we have a proposal from some developers that responded to an RFQ. We also have studies that have been done on the school that are on the shelf. When this comes up, we keep hearing neighborhood people making different suggestions such as studios, food pantry, community space. What we seem to be missing is a proposal from these people through a non-profit association, or some kind of

association. What we do have is a viable alternative which meets some people's needs but not others. It is a proposal that would cost the City nothing. He doesn't think the City wants to be a landlord, paying for the heat, the power, the upkeep, etc. That would be an open-ended checkbook and we do not have that kind of money. It should not be up to the taxpayer to be paying for this upkeep.

Councilor Messier said some of the people who are interested in this building need to get together and set up a non-profit and bring forward a proposal. The Council has to make a decision by 6/30/11.

Councilor Witham said it is important to place all the pieces in front of us as we march down this road of making a decision. With regard to the 6/30/11 deadline, that decision may be to do nothing. If folks favor sitting on this waiting to see if the economy improves and other proposals come forward, that could be the decision that is made.

Councilor Witham said the mixed-use ideas that have been put before us are very appealing. If it weren't for the dollars, that is what would appeal to him the most because we would be preserving the building, we would have mixed use that would support the neighborhood which would be appealing.

Councilor Witham said the proposal from the developer is a very intensive use. It is a long way from being a viable project because it would still need to go before the Zoning Board, the Site Review Tech Committee, and ultimately to the Planning Board for approval. The project could fall apart very quickly. It is appealing from a financial standpoint, but there are a lot of hurdles for that to even be plausible.

Councilor Witham said having a park there would help to preserve green space, which is outlined in the City's Master Plan. It is appealing to the neighborhood. Of all the options in which the City would be tasked with doing something, that would be the least expensive. The drawback to this is that you would lose the building.

Councilor Witham said all the options have pros and they all have cons. His sense is he is leaning either towards the demolition option or the housing development at this point. He is open to further discussion.

Councilor Sprague said it will be a cold day in hell before he votes for housing up on the hill. The 6/30/11 deadline date was picked to get this on people's radar. At this time we might decide to extend making a decision for a couple of months.

Councilor Sprague said he went to Rollinsford to see what is going over there in the mill building, as suggested by the arts coalition. We need to have some communication with the arts coalition people.

Councilor Sprague said we do not use the top two floors now. Hopefully the food pantry or some of the people who want art studios could use some of the space after the school is closed with the agreement that they will heat it. He would like to see a mixed use in the

building with some green space for community use. We could mothball the building until the economy gets better and there may be money available through grants. He feels we will regret it if we make a hasty decision.

Councilor Watman said he does not feel the process has been hasty because this has been talked about for many years now with a lot of community involvement.

Councilor Watman said he finds himself agreeing with Councilor Messier in one sense, that is that if a non-profit group procured financing to purchase the property and did something with it that was compatible with the neighborhood, he would be delighted and would support selling it to them for a song. To just continue stating the ideas over and over again accomplishes nothing. We have so many needs right now, that maintaining this building is not on the top of his priorities.

Councilor Watman said he does not dismiss the developer's option, and there might be some room to move more towards what people would be willing to have.

Councilor Watman said relative to the purchase price, the consideration in his mind is not necessarily the purchase price, but the long-term revenue that might be accrued to ease the tax burden on other people.

Councilor Watman said to suggest that a lot of strangers, primarily elderly and low income moving into a neighborhood "wouldn't interact well with the situation", is offensive to him. He is an elderly person, he may not be low income yet but he's getting there, but he doesn't feel that his presence ruins the climate of the neighborhood.

Councilor Pepin said his concern is he doesn't want to see that building with plywood all over it. Personally, he would love to see the building stay, but he would be willing to look at the option of tearing it down if that is what the people in the neighborhood want. He doesn't see how the City can afford to keep the building maintained or fixed without some kind of income coming in from another source.

Councilor Spainhower said his only concern with leaving this subject on the agenda is that people will feel they have to come here every week because we might vote on it. He doesn't have a problem with people coming here for every meeting, but perhaps we should explain the process to them.

Councilor Spainhower said his focus would be financial, having revenue and tax money coming in. He would love to have an art studio or a community center up there, but he thinks of what could be done with the \$325,000 the developer would pay for the building. There are so many projects that need to be done in this City and we do not have money to invest in this building.

Councilor Witham explained the process – right now the reuse of the Hilltop School building is on the agenda as an agenda item which continues the dialogue. In order for

anything to happen, a resolution would need to be drafted that would outline what is to be done, which we are a long way away from.

Councilor Sprague said he doesn't believe \$325,000 is going to solve the City's problems. He is worried about what would happen to the historical district in this City if we close the school and put housing there.

Councilor Messier said years ago the City took over the Great Falls School, it sat vacant and went into disrepair. A developer came in, put on a new roof, invested millions of dollars into it, now we get \$70,000 a year or more in taxes on the building. It has not brought down the Ward 5 neighborhood and has done nothing to denigrate that neighborhood. So it can be done. He is not saying he is for the proposal before us, but you cannot say it would bring down the neighborhood because there are places where it has not. The apartments in Great Falls School are good apartments with good people living there.

Mayor Soldati commented to the point of Great Falls School. He does think there is a distinction between the differences in the community. He agrees with Councilor Sprague that if you were to make that setting into an elderly housing project, while you would gain some income from that facility, he believes it would diminish the property values of the houses in that neighborhood. Many of the houses on the hill are historic buildings. People from all over the County come to view these homes.

Mayor Soldati said he does not have the magic solution for what to do, but he thinks it would be a tragedy if that building were to be turned into housing units.

Through all the discussions that have taken place on this subject, one of the elements that was found to be important to people in that neighborhood is an attempt to preserve the sense of community that exists in the hill community. Also, it seemed important to people that the City maintain ownership of the building, whether it is done in some form of partnership with non-profit or other groups, because it has always been community space. We could do many multi-use activities and maintain a community aspect to it.

Mayor Soldati said it was the fear of losing that community aspect, the notion that if we are not going to maintain it for a community purpose, that the building be razed and it become community space as green space.

Mayor Soldati said he hopes we don't abandon that community in our efforts to move forward.

NEW BUSINESS.

RESOLUTION NO. 18-11 TO ESTABLISH A CAPITAL RESERVE FUND FOR THE PURPOSE OF SIDEWALK CONSTRUCTION, RECONSTRUCTION, OR REHABILITATION.

Somersworth, NH
March 7, 2011

WHEREAS the City of Somersworth's Capital Improvement Plan proposes the creation of a Capital Reserve Fund for the purpose of a city-wide sidewalk rehabilitation plan; and

WHEREAS the Somersworth Planning Board voted during their review of the Capital Improvement Plan to support the creation of a Capital Reserve Fund for the purpose of a city-wide sidewalk rehabilitation plan; and

WHEREAS RSA 34:1 permits the establishment of a capital reserve fund for the construction, reconstruction, or acquisition of capital improvements,

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Somersworth Sidewalk Improvement Capital Reserve Fund is established for the purpose of construction, reconstruction, or rehabilitation of sidewalks in the City of Somersworth, including the cost of engineering, survey, or other ancillary costs directly related to the construction, reconstruction, or rehabilitation of sidewalks; and

BE IT FURTHER RESOLVED THAT the City Council authorizes \$50,000 within the Fiscal Year 2011 approved road resurfacing budget be transferred into this fund; that future contributions to this fund shall come from the operating budget; and further that the City Council is hereby designated as agents to expend these funds.

Introduced by Councilors

Robin S. Jarvis
Michael X. Watman
Dale R. Sprague
Dale Spainhower

Approved:

City Attorney

Following the first reading of Resolution No. 18-11 it was referred to the next meeting.

COMMENTS BY VISITORS.

Real Roseberry, 405 Route 108, mentioned the Greek Church, the old St. Martin's School, stating you don't hear anyone complaining about the people in those buildings. In the old St. Jean's building across the street, there are a lot of complaints about the people in that building. In the neighborhood of the old Great Falls School, there are no people complaining about their property values going down. All these buildings are making us tax money. Mr. Roseberry said we should not tear the building down.

Mr. Roseberry said the Mayor and Councilor Sprague both live up on the hill, and they should abstain from voting on this item because it is a conflict of interest. He is looking out for the taxpayers. The City should figure out how much it would cost to knock the building down and put that money into the building and we will have tax money coming from the building. If you tear it down, you get nothing out of it. We have parks that are empty and we don't need more green space.

Linda Chaston, 37 Page Street, said earlier she made a comment about the construction but she didn't complete her thoughts. They have friends who live across the street from the new CVS. They have lived there for many years. Since the construction, they now have cracks in their foundation that were caused by the pounding of the equipment. This made her wonder what would happen to the very old homes on the hill if the project to put in apartments happens.

Ms. Chaston said when a City builds a school, they invest in the building and it becomes public property. When the building gets to be old and tired, she wonders if it is OK for the City to just get rid of it. She is disturbed about this. She feels there must be a way for the City to maintain some of the responsibility for a building they chose to build and a community entity they chose to support, and a community center that has the support of this town.

Shiao Ping Wang said she wished to clarify a couple of things. About the money issue, one of the options the art coalition has been exploring is an art studio. They now have six artists who would be interested in having a studio in the building. They are exploring the possibility of buying the building from the City and turning it into a co-op. They are waiting for numbers from the City to see if this is something that actually can be done.

Ms. Wang said they are a group of citizens who are confronted with this. If there is a proposal from citizens that is tangible it would make it easier for you to consider. The last time the RFP occurred, she realized that even if they formed a non-profit group they were not eligible for submitting a proposal because of the phrasing in the RFP. It required tangible things that they could not provide. She is hoping the next RFP will be more open and their group can be considered.

Ms. Wang apologized if she offended anyone with her comment about interaction with the apartment community. From her own experience living in big cities, when she has lived in an apartment she had a tendency to not interact with people and they didn't interact with her. Living here in a house, their neighbors interact with them. This is a behavior trait she has noticed about people in general.

John Chaston, 37 Page Street, said he wants the Council to remember something that happened in this town not long ago with the downtown project. People were invited to donate \$100 for three years. They donated to help with the downtown, and they would do so again. Some towns have community workdays, etc. This is about one little part of our town, but he feels it is an important part of our town. There are those of them who, in

small ways, are willing to donate in time and money beyond what the taxes are and he wants the Council to be aware of this.

Monica Zulauf, 9 Grove Street, said she wants to reiterate that it doesn't make her feel good to hear the Council talk about their concern of inconveniencing landlords. Landlords that are in compliance with zoning shouldn't feel inconvenienced about inspections. They are inconveniencing the people who live next door to them, and the tenants who rent from them. She is hugely inconvenienced at this point. Homeowners who stay here for thirty years and contribute to the school and the Recreation Department contribute all kinds of stuff. When you look at who you want to inconvenience and who you don't, she thinks the homeowners are the people you want to have close to you.

Ray Atwood, 19 Mt. Vernon Street, said he has very strong issues on the Hilltop School. He wished to address the community as a whole. When the residents in the hill area came and purchased their houses, they purchased them with the knowledge that this was single family, owner-occupied housing. If they decide to put 50 apartments in the school building he has a problem with that. It is the nature of rentals and the turnover that would interfere with the sense of community and the cohesiveness. He feels that would be lost.

Andrew Cherouvis, 50 Grove Street, said he has lived on the hill for ten years and every time he turns around there is something worse that is going to be happening to their community. The Council pushed for the new school which was supposed to be \$20M but turned out to be \$28M, now you are talking about putting 50 apartment units in the Hilltop School building. He wishes we could do something that would be a "win-win" for the community. He feels the Great Falls School apartments are a totally different set up than what would be going on the hill. Having a transient population coming in and out of Somersworth would not benefit the community.

Mr. Cherouvis said the Council members all live here and he doesn't know why they wouldn't do something that would benefit the community as a whole. You have already removed the school so maybe you could right some wrongs.

Theresa Cherouvis, 50 Grove Street, said at the end of the day, in her mind, the only people that genuinely care about what goes in up there are the people that are going to be living around it. Everybody else is not passionate about what goes on up there.

Ms. Cherouvis said several of her neighbors tonight have talked about the building being used for community use. You have people here willing to give ideas and willing to work with the City. The Council members, who are all elected, should work with the community to make this happen. They have no backing from the City, and feel like they are on their own. This seems short-sighted.

Ms. Cherouvis said she remembers an earlier resolution that addressed keeping this building for community space and citizenship, kept by the City. She is curious to know if we will just keep writing resolutions until we find the one that fits us best.

Ms. Cherouvis said she went to the Planning Department to ask questions about zoning and she found out the planned project is prohibited in that neighborhood. It would have to be approved by the City Council, and if they gave their blessing everything would fall into place. For this reason, she is not reassured that the process will be very slow and have "hiccups" along the way.

Ms. Cherouvis said this development is not sensitive to existing homes and residents. It is inconsistent with the surroundings and impacts the neighborhood greatly. She doesn't see that this City has pride in its historic district like other communities do. This is not the correct location for this development. There are no adequate means of transportation, the site is extremely tight, and there are grave concerns with the extra usage of sewerage and water with the present infrastructure.

Ms. Cherouvis said she is proud of her historic neighborhood and the things that go on there. They moved here ten years ago to that neighborhood because it had a neighborhood school. That was a big draw for them.

Doug Watson, 48 Grove Street, said his involvement with Hilltop School started about eleven years ago when his son got up to speak and talk about what Hilltop School meant to him. He's been to many meetings over the years. He remembers when the Joint Building Committee was formed, and it kind of spawned a lot of political activity in this community that he had never seen before and has never seen since. The citizens from that neighborhood have come forward time after time to let you know we would like to keep this building because it means something to us and is important to our community. There is something about this building that generates enthusiasm. Hilltop's frieze that it is dedicated to citizenship has generated more political energy in this community than anything else he has seen in 26 years. This is significant and he feels the Council should pay attention to that.

Shiao Ping Wang said she is under the impression that if worst comes to worst the building will be torn down, which will cost close to \$1M. Instead of spending \$1M, she suggested the City put half that amount into the building, then a lot of good options, good ideas can flow.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Messier said he received a phone call prior to this meeting that a former Mayor of the City, Norby Couture, had passed away.

Councilor Messier thanked the Historical Society for the new pictures they put up here in City Hall, with the captions beneath them.

Councilor Messier said he took a ride on Willand Drive recently and the road is terrible. He will be looking into what it would cost to repair this road.

Councilor Messier spoke regarding the pictures of trash in people's yards, and said with our existing property maintenance codes he hopes there is something that can be done. There should be some kind of trash containment instead of it being piled in the yard. He is appalled by these pictures.

Councilor McCallion congratulated the hockey and basketball teams. They are in the playoffs and he encouraged everybody that can make it to attend the games.

Councilor McCallion agreed the pictures of trash in people's yards are atrocious. He feels there is an enforcement issue and we need to "up" our code. As the citizens come forward, he feels we should look into those. He asked the City Manager to look into this.

Councilor Spainhower echoed his two colleagues regarding the trash issue.

Councilor Spainhower said he feels bad for the residents in the Hilltop School area because when he was 14 years old he went through it in his neighborhood when they closed Great Falls School. He was at a meeting in the gym and got up and spoke about what the school meant to him. Because of his experience, he does feel connected. He just has a hard time spending money on the building, but he will help them out in any way he can. He feels the building is a good asset, but he doesn't see how the Council can justify putting any more money into it.

Councilor Pepin said he has talked to former Councilor Marsh several times, and the whole idea of the Hilltop Reuse Committee was that we would have a plan when Hilltop School was vacated, and we wouldn't be boarding up the building. If there is any group that needs his help, he will be happy to talk with them. Whatever he can do, he is here to try to help.

Councilor Witham said regarding the pictures on the walls, he continues to marvel at the work done by our Historical Society. They do a lot for our community. Regarding the pictures of piles of trash disseminated to Council members tonight, he feels that something could and should be done there. He feels the landlord and the tenants are both responsible for this. There is a shared responsibility for this.

Councilor Witham said earlier this evening the City Manager and some committees talked about the sidewalk maintenance plan that was developed by City staff. It is a fabulous document and as it comes out of draft form and is refined he is sure it will be even more so. He thinks this effort was borne by the Planning Board and he is pleased to see it come to fruition. As we move forward with the plan, the one thing he would hope is that although it does provide sort of a priority listing of which sidewalks get done first, that there is some flexibility in the document so that as we are tackling road projects we might be able to address the sidewalk at the same time.

Councilor Witham said he believes this is the first year the hockey team is undefeated. It is also the first year they are unfunded. He is hoping that if the sports budget remains as

it is this year that the School Board will revisit the distribution of those funds in a more equitable manner across all programs.

Councilor Witham said he believes the Hilltop School building is going to be a challenging issue for the Council as well as for the community. The most important thing we are going to have to remind ourselves is to have courtesy and respect for one another through the whole process. He feels this Council has done a fabulous job of being courteous and respectful of one another's opinions through all the matters that have been dealt with. He feels the public has been equally as courteous and respectful but he does feel this issue will challenge some of those things.

Councilor Jarvis said she encourages the people in the Hilltop School neighborhood who have such passion and concern to form some kind of organization and get something back to the Council. It is difficult to do anything without having something with some structure to it when it comes before them. Going forward this year with the budget, they are going to have to make some painful decisions in regards to some potential cuts just to maintain status quo due to the economy being what it is.

Councilor Jarvis said City Council members would be more than willing to help you get organized.

Councilor Jarvis congratulated the girl's basketball team for doing so well this year. The boy's basketball team will be playing tomorrow evening in the semi-finals at Southern NH University.

Councilor Sprague said he still thinks of Hilltop School as a working school and he shudders when he thinks of what is going to happen when it closes. When he thinks of a school closing, he thinks of how it affects the community. He apologizes for his passion regarding the school.

Councilor Sprague said he finds it insulting being asked to abstain from any vote, not only to him but to any member of this community that voted for him to vote on the issues. He would not expect that anyone in this community would ask him to abstain from any vote in Concord, in his capacity as a State Representative, on anything that would affect this community.

FUTURE AGENDA ITEMS.

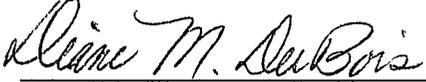
Mayor Soldati said he has been asked by the Chairman of the School Board if we could have another joint meeting before the final budget presentation is made. He feels the best time for this to occur would be at 6:00 p.m. on 3/21/11, prior to the scheduled public hearing and City Council Meeting.

Mayor Soldati said the School Board would like to present various scenarios to the City Council. Hopeful that will help our process. It helps in our efforts to keep the lines of communication open.

ADJOURNMENT.

Councilor Witham moved to adjourn. The motion was seconded by Councilor Jarvis and passed unanimously. The meeting adjourned at 9:27 p.m.

Respectfully submitted,



Diane M. DuBois, City Clerk