

# MINUTES OF CITY COUNCIL MEETING

MAY 21, 2012

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

## COMMENTS BY VISITORS.

Cody Fitzgerald, 10 Prospect Street, said he is the current president of the Somersworth High School Band and he is appalled to hear that the future of the band is in question. He has been in band since 4<sup>th</sup> grade and credits much of his success to band. Being in band has taught him leadership, and allowed him to excel in traditional classroom settings. History shows that the average band member achieved more in comparison to his/her non-band counterpart. The band is a crucial cornerstone to the Somersworth High School. It would be an unthinkable crime to dismantle the band. Mr. Lagarde has done an excellent job maintaining the band and also creating the new jazz band and jazz combo. He urged the Council to keep the band because of its rewards and also because of tomorrow's scholars. Please reconsider.

William Hurley said he is a resident of Rollinsford and graduated from Somersworth High last year. He was the band president for two years. He urged the Council to give the school more funding so they will have more money to expend on the arts. He knows this is not the first time these things have been in jeopardy. He knows it is not the responsibility of the City Council to determine what gets cut, however the school needs more money because the items in question are important. He feels the new Idlehurst School will bring in more young families to the area, but they won't stay if the high school does not have well-rounded programs.

Kaleigh Fitzgerald, 10 Prospect Street, said music is a great benefit to our community. Things like the Memorial Day Parade, graduation, football games, and the talent show, would not be the same without the band. If you play a recording of Pomp and Circumstance at graduation, it loses a lot of what the band has when they play it. The Memorial Day Parade is composed mostly of the band members and the Boy Scouts. It's important that we have a band for these important times. Music also benefits our school, because it is not a class you can sleep or slide through. Being a member of the band requires a mastery of the content. Many other subjects are incorporated in music as well, including math. Without math, you don't have many of the things that are important. Music is important for everything we do here in Somersworth. She asked the Council to reconsider their actions that will make or break the band.

Robin Austin, 51 Cinnamon Ridge Road, said she is here as a parent, citizen, taxpayer and employee of the Somersworth School District. She is concerned about eliminating Unified Arts from our schools. When her children were in school, music was an integral part of their education. They could pursue their talent whether it was drawing, playing an

instrument, singing or acting. She cannot imagine them going to school without these programs. As a paraprofessional at the elementary school, she attends many of the specials events with her students. In her class, she sees the excitement of the kids when they are drawing animals, studying about the rainforest or whales, or when the art teacher has them work on projects and their work is hung up in the halls. They are using their imaginations and developing their minds. They are so proud of themselves. How can we take that away? Many studies have been done that show that students who have been successful in the arts are more likely to be successful in other academic work and will continue to use these skills in their adult lives.

Ms. Austin said she cannot believe they are talking about eliminating the Library from the Middle School. Kids need books, they need to be taught how to do research and how to research the web properly. For some students, this is their only exposure to a library. Eliminating the library would be putting these students at risk for not being adequately prepared to enter high school where literacy and research are even more important. We cannot take anymore away from our schools and our children without harming their future. We need to keep these programs. Without them, the quality of education would decline and turn people away from living in our City. She is asking them to reconsider eliminating these positions. We need to continue putting our children first and give them the quality of education they deserve.

Ms. Austin gave the Council a letter that is signed by the staff of Idlehurst and Maplewood Schools.

Dan Witkowski, 11 Francoeur Drive, said he wonders what he is going to do with his life if band is cut from Somersworth High School. He wonders how many people in the City care about the program and how many students are in it. He feels his life would become black and white without the creativity and learning structure he gets through being in the band. He has been involved with the band for six years. He has been to Pennsylvania, Virginia and New York competing against other schools. At the age of 13, winning a first-place trophy numerous times at numerous events consisting of competitors from across the country is very motivating. He feels honored representing his school in parades. Recently they have been practicing for the Memorial Day Parade, which is an honor contributing our debt to our veterans. He will play his trumpet any day for a veteran.

Mr. Witkowski said that last year Mr. Lagarde helped create a jazz combo and he is now involved in that. He really likes participating in band and plans to do this for the rest of his life. For him and a lot of other students band is important.

Mr. Witkowski said his grandmother is coming up from Massachusetts and will be here for the Memorial Day Parade. This will be her first time seeing him perform with the band. He cares about impressing her as much as he can just as his other cousins have. He made a promise to put a smile on her face. He feels that music programs are not optional.

Jessica Paradis, 17 Hamilton Street, said she has five sons registered in the Somersworth public school system. As a fiscal conservative she applauds their efforts to keep the City's tax level down while simultaneously addressing the long overdue maintenance issues they have in the schools. She understands what a truly difficult undertaking this is and she thanks them for the countless hours they put in at budget time.

Ms. Paradis said she is here to request they revisit the last \$400,000 budget cut. She feels this is too deep of a cut. She is a life-long educator and child advocate, she is the parent of a middle school student, and she is a taxpayer with a vested interest in the future of this community. There are kids in our community with special needs. She is referring to the 60 or so kids Mayor Spencer talked about two weeks ago that don't have homes. She is talking about the children who are victims of sexual abuse and the overwhelming number of children who grow up surrounded by domestic violence. Somersworth is filled with kids who are starving for good role models and a safe place to be. For some of the children, school is the best seven hours of the day and the only happy childhood memories they will have. For some, school is their safe place to be.

Ms. Paradis said they have already lost three positions in the Middle School over the past few years, and ten total. Please let's not contribute to the neglect of these kids by taking one more caring adult away from them.

Ms. Paradis said the second reason she would like them to reconsider the \$400,000 budget cut is because her second son is a seventh grader. The building operates like a well-oiled ship with just enough oil to get by. Any staffing cuts would jeopardize the progress that school has made. The loss of the media position would devastate the Library Program. This is not a new position, but one that was being creatively held together with substitute funds so the kids could have a Librarian this year. Today's Librarians aren't just putting books away on shelves, they are your technologically-savvy tour guides to the rest of the world. They can help create pathways from your own questions to your own answers. The Library is the hub for technology for the children in the Middle School. To lose the Library would be counter-productive to our community's future economic growth.

Ms. Paradis said her last reason for asking them to reconsider the \$400,000 budget cut is that she is a taxpayer with a huge vested interest in the future of this community. She has five sons. Conservatively speaking, she will probably have between 20 and 25 grandkids someday. She wants to know that the City of Somersworth is going to be more financially secure in future years. She feels it is imperative that we invest in the future of this City and she feels we have a fiduciary responsibility to do so as leaders of the community. Investing in the future gives you security and strength. We need to strengthen the fabric of this community by educating our youth and teaching them the values of community responsibility and community development.

Ms. Paradis said the other position in jeopardy because of this budget cut is a partially grant-sponsored Somersworth Youth Connection position. This position helps to show all these children that they too have a potential for greatness and they are no exception

despite some of their situations. The Somersworth Youth Connection position is why we have such a huge turnout for things like Spirit Up Somersworth Day. It connects the children to Somersworth and teaches kids that sometimes an education, some resilience, and just one teacher that believes in you makes all the difference.

Ms. Paradis said it is with deep respect and humble appreciation for what they do that she requests their reconsideration for the \$400,000 budget cut to the schools.

Kenneth Vincent, 19 Vincent Way, owner of Hilltop Fireworks on Route 108, said he is here to address the Mayor and Council in reference to his request for outdoor storage at his business site. Six years ago he started the fireworks business after being granted permission from the City Council. At the time, some provisions were put on the permit, one being that there could not be any outside storage. At that time, Fire Chief Messier had called Seabrook to find out what stipulations they put on businesses that sold fireworks. At that time, the Fire Chief of Seabrook had advised Chief Messier not to allow outside storage. That was brought about because in Seabrook they would bring tractor trailer trucks up around the July 4<sup>th</sup> holiday.

Mr. Vincent said their business has grown quite a bit since that time, and they are at the point where they need additional storage or to put an addition onto the building. Their building and grounds are squared away. They now bring vehicles there for storage but he doesn't like that. He is looking to place two storage containers behind the building. The building is 80' long and you probably wouldn't even see the storage containers when you drive by.

Mr. Vincent asked the Council if they would grant him that storage, stating it would only be from April 1<sup>st</sup> until August 1<sup>st</sup> which is their busiest time.

Councilor Witham made a motion to suspend the rules to allow the public comment period to go beyond the allocated time. The motion was seconded by Councilor Pepin and passed unanimously.

Kim Patten, 18 Cinnamon Ridge Road, said they need the Library and the Librarian. She is not only the media specialist, but also a mother figure to some of the kids. Some of the kids do not have a parent at home that will treat them right. Sometimes they find that person at school, and that person is usually the Media Specialist. He has seen a big change in some of the kids since she has been there.

Nathan Katinchy, 77 Union Street, said he is here to speak about the music program. It is important to every single person in the Somersworth Middle School. He is in seventh grade, and it is really important because everyone needs music. It is part of everyday life. Also, they say when you are being bullied to talk to an adult. How are we supposed to talk to an adult if the ones we trust more than others are not there?

Mr. Katinchy said Mr. Hilliard starts off the school day on the intercom saying "make a great day or not, the choice is yours".

Faith Ford, 10 Down Street, said she is 13 and goes to Somersworth Middle School. She said they would like to keep Ms. Patten because she is a big help to them with their education. She helps with their homework assignments as well as emotional issues. She is the best Librarian they have ever had because she explains books to them, picks the best books that she knows they will be interested in, and she also keeps things in order. She treats every kid like her own and treats them with respect. She takes her job very seriously. She really doesn't understand budget cuts and why the school can't find other areas to cut money. If the school can't raise the money, why can't the students raise the money? Every time they get extra money, they just blow it off on electronics which they don't really need. Technology doesn't have emotions or feelings. You can't express yourself, positive or negative, to an electronic device and get positive feedback. These are the qualities that make us who we are and help us to become better people in life.

Ms. Ford asked the Council to reconsider their cuts, not for the sake of the budget but for the students. Ms. Patten is one of the best assets at her school.

Rebecca Lensky, 15 Chadwick Lane, said she is here to talk about the cuts to the elementary school arts program. Her concern is not that arts enrich their kids because we know they do, but that art is a fundamental State requirement. If we cut that from our school budget, then we won't meet the minimum requirements for school education anymore. If that happens, our school will become unapproved and nobody will want to move to Somersworth. As a taxpayer, she knows they've invested a ton of money into the schools and it is important that we continue to meet the State minimum requirements so that we make sure our future generations are going to be on an equivalent level as the rest of the country.

Ms. Lensky said she understands how difficult it is to find money for different things but we should feel that we don't want to go below the minimum. We want to strive to do better, to do more, to do the best we can for our kids. That is our legacy.

Angela Ficco, 11 Francoeur Drive, wished to piggyback what Ms. Lensky had to say. She is really concerned that the elementary schools won't meet State standards. If she was looking to move into a City, she would look at the schools. If the schools did not meet minimum standards, she would cut that town out of her search. She is heartbroken to think that art might be taken away from the kids. She cannot grasp the thought of us providing a sub-par education. She would like the Council to consider us maintaining excellence in education. She hopes there is a way to find that.

Janice Miller, 14 Chadwick Lane, said she is a resident and a parent of a daughter who attends Somersworth High School. She is also a Somersworth School District employee. She was fortunate enough to become the new Librarian for the Maplewood and Idlehurst Schools. It was tough for her at the beginning of the year to see the Middle School without a Librarian. She had been the Librarian at the Middle School for twelve years, and her heart and soul were there. The person who was put in there as Librarian has been invaluable. She feels it is very important for that position to be continued. She

understands that the Council's responsibility regarding the school budget is only the bottom line, but the bottom line determines what the School District is able to do.

COMMUNICATIONS.

LETTER FROM THERESA CHEROUVIS.

May 7, 2012

Diane DuBois, City Clerk  
City of Somersworth

Dear Diane,

I received your notification this past weekend of the first meeting of the newly elected Ward Boundaries Committee, of which I was elected a member to represent Ward 1.

However, it saddens me to tell you that I am in the process of moving home from Somersworth to Dover in early June, 2012 and will therefore be unable to participate on this committee.

Please therefore accept this as my resignation from this committee before it even begins!

It was always a pleasure interacting with you Diane. Thank you for all your assistance over the past few years and your hard work for the City.

Sincerely,

Theresa Cherouvis  
50 Grove St.  
Somersworth, NH 03878

LETTER FROM ROD BOIVIN.

May 12, 2012

To: Scott Smith  
From: Rod Boivin

Hi Scott,

Due to my increasing duties at home, I do not wish to be reappointed to the Trustees of the Trust Funds.

I have served for many years and along with the other Trustees improvements have been to benefit the City of Somersworth.

Best wishes to you, the members of the Finance Department, and the Trustees. It has been an honor to serve with them.

Sincerely,

Rod Boivin

LETTER FROM DENNIS HUFF AND AMIE FRANKE.

May 16, 2012

Re: SOMERSWORTH CHRISTMAS PARADE, 2012.

Dear Mayor Spencer and City Council Members

We want to have a Christmas parade on December 8<sup>th</sup> at 4:00 p.m., with the rain date of December 9<sup>th</sup>. The route is the same that it has been in the past. We wanted to make it so that the elderly will be able to see it and it won't be too long for the people in the parade. The parade will start at the high school and end at the high school. We want to have bands and are going to put a notice out to people such as the Boy Scouts, Girl Scouts, local businesses, and people who want to be part of Somersworth. I have contacted the Children's Festival person and I was granted a booth in order to help raise money for the parade. We are planning on having a bake sale. We will make brownies, cakes, pies, muffins, breads, fudge, cupcakes. I will be making sugar free and gluten free. We will be selling water also. All the proceeds will go towards the parade and that will be used in order to help with the costs. The Children's Festival is fast approaching and we have gotten word out there to people who want to help. We all feel that this is the best way to get the town involved and put the money back into something that is for families. We want to ask local businesses if they want to help. We have asked some and they are for it they just need to have a letter with the Somersworth letter head. After the parade is done we want to have a meet and greet with Santa. This will allow the children to tell Santa their final wish list before the holiday. We will have donuts and hot chocolate. We want to use this time to have families help with the food shortage and donate a non-perishable item so that it can be given to the local food pantry. We are working on finding a person to take pictures. We do have a place in mind and we would also need to have a letter so that we could get full permission. We want this to be a parade that Somersworth will be proud of. We will have ribbons for the best floats and we would have the Mayor as the judge. The route of the parade would be as follows:

Start at the high school up Memorial Drive to Franklin Street, left onto Main Street to High Street, take sharp left onto High Street, proceed to traffic lights, go onto West High Street, take left onto Cemetery Road, end at high school.

We have made contact with a few business and they are all for it. Budget Cuts will happen and we understand that. This is why we are trying to raise the money so

that we can get the help from the townspeople. Some of the places that we want to ask are: Local businesses, SPCA, Boy Scouts, Girl Scouts, Churches and more.

We are putting full effort into this and we know that we can do a really good job and raise the money that needs to be raised and not have to struggle. The theme would be Winter Wonderland.

We do want to have a memorial float for the people who have served and lost there lives. We want to have a memorial float for the chief that lost his life. We are hoping that this can be done. We are all prepared to do what we need to do and make this a parade that people will remember. Thank you for your time and we hope to be hearing from you. If you have any questions please don't hesitate to contact us:

Dennis Huff  
603-692-4046  
603-833-6032  
Amie Franke  
603-767-0933  
603-343-4462

LETTER FROM SCOTT ORZECOWSKI.

May 17, 2012

To: Mayor Matthew Spencer and members of the City Council

Subject: SAU Cuts

Hi everyone,

I've learned that pink slips have been given to high school/middle school music, elementary art, middle school wellness and middle school FCS teachers.

Whoa. I'm struggling to find the words.

Here they are:

A city without a band – Somersworth needs all the help it can get to build and maintain a little pride and a cohesive community. On Memorial Day, are we seriously going to tell the veterans they are going to have to march in silence? At football games, when someone scores, are we going to just clap? Are we going to rob our kids and our community of this part of life?

Our bands and choruses are arguably the best ambassadors we have. We send them to concerts and parades and competitions, and they demonstrate that our city is dedicated to excellence, to fostering talent, to raising well-rounded and respectful children, and to looking toward the future. If I were a businessman thinking of investing in Somersworth,

but I learned that Somersworth is one of the only communities in the state that does not invest in a music program, my first reaction would be that this place does not take itself seriously.

We have a bargain in Matt Lagarde. The man is juggling eight performing groups in the middle school and high school on a shoe-string budget. I don't know how he does it, but having been the drum major at my high school, and its concert band conductor and the leader of its percussion ensemble, I can say that no one could do it without putting in far more than forty hours a week. He has our middle school students sounding like high school students. His ability to reach the kids and to focus them on mastery rivals any I have seen. He is phenomenal.

Art – I could go on about all of its benefits, but I will keep it brief and say that it is required in order for our schools to meet minimum state standards, and a kid who is not exposed to art will have a very hard time conceptualizing his/her place in the world.

Wellness, FCS .... Honestly, let's just take away math while were at it. Walmart has plenty of openings for our graduates.

Please do whatever you can to save these positions. I'll pay the taxes.

Thanks

Scott Orzechowski  
11 Francoeur Drive  
603-841-5411

#### MAYOR'S REPORT.

Mayor Spencer reported the following:

- May 9 & 10 - Attended the Primex Annual Conference.
- May 15 – Attended the Cable Committee Meeting.
- May 16 – Attended the Traffic Safety Committee Meeting.
- May 17 – Spent the morning with four classrooms of third graders at Idlehurst Elementary School.
- May 17 – Attended the Sustainability Committee Meeting.
- May 18 – Conducted interviews for the Trustees of the Trust Funds.
- May 18 – Attended the Somersworth Chamber of Commerce Awards Dinner.

Mayor Spencer also indicated there are approximately ten residents interested in serving on a Christmas Parade Ad Hoc Committee.

#### REPORTS OF STANDING COMMITTEES.

##### FINANCE COMMITTEE.

Councilor Jarvis reported this Committee met on 5/17/12. The following items were discussed:

- Review of a quote for IPADS for Mayor and Councilors that was brought up during a goal setting session. After a review of the costs, they chose not to move forward with it. The whole intent was to see if it would be more cost effective by lowering the costs of paper, and that didn't hold to be true.
- Reviewed a recommendation from the City Manager regarding the Chapter 4 Ordinance, in regards to non-union wages and health insurance. There was a motion to sponsor the new wording which will be presented at the June meeting.
- Proposed FY 2013 Budget and Bond for CIP funding for school and City items. They tried to look at if there was any other cost effective way to move items into potential bonds without costing more to the City. After looking at the budget, there seemed to be no projects that could be bonded other than the \$540,000 CIP items currently removed from the budget at this time. She feels it is important for the Councilors to know this.

#### PUBLIC SAFETY COMMITTEE.

Councilor Witham reported this Committee met on 5/16/12. They discussed the following items:

- Fire Chief reviewed with committee members a draft of the Fire Prevention and Life Safety Code Ordinance Revisions, which is Chapter 21 of the City Ordinances. It has been some time since this area has been revisited and Chief Bliss noted that current federal and State Fire Prevention and Life Safety Codes have changed dramatically and it is time to bring our City ordinances in line with what is reflected at both the State and national levels. Chief Bliss went through all the suggested changes where the more salient features would be, and discussed how he has amended things to align the ordinance with what our needs are here in Somersworth. Chief Bliss underscored the fact that these changes would attempt to make the current ordinance more business friendly while at the same time not diminishing the key elements of the Life Safety and Prevention Codes. The committee members had a discussion about fees but decided it wasn't going to take any action in that regard, but leave that discussion to the full Council. The Committee members voted unanimously to forward the ordinance on to the Council at the first meeting in June.
- Fireworks – Councilor Hebert shared concerns that he has heard from constituents at Sunnyhurst Apartments regarding fireworks at undesirable hours. Chief Crombie advised that any concerned resident should contact the Police Department so they can investigate the activity.
- Possible Merging of Fire and Code Officials – Councilor Pepin inquired about this. All Councilors received a memo that was crafted by Interim Chief Bliss and Director of Development Dave Sharples which underscored a number of reasons why it doesn't make sense to do that at this time. Chief Bliss and Manager Belmore outlined elements of that memo to the Committee. Committee members agreed with the analysis prepared by staff.

- Fireworks Store Storage Unit(s) – We heard from Mr. Vincent tonight outlining their need for outside storage units for fireworks in the months preceding the 4<sup>th</sup> of July holiday and a short time thereafter. He now has a couple of trucks parked at the facility for storage. He is looking to put more of a solid container on site. The hurdle is a permit element that precludes on-site storage of fireworks outside of the building. They discussed this at length stating there is probably not a direct public safety issue. The Fire Chief outlined that oftentimes when you have volatile products it makes sense to separate quantities into different areas. The Committee members agreed to move this forward to full Council. It was noted that if Council did choose to allow for on site storage that it should be met with a number of tight controls such as a period of defined months for the storage, aesthetics and appearance, etc.
- Crime Activity around the Mast Point Dam Area – At a recent Conservation Commission meeting they were soliciting expanding the Mast Point Dam area to include a number of trails. The City owns quite a tract of land in that area which is a conservation easement. At this meeting, residents noted crime and other suspicious activity in the area. Chief Crombie noted there have been a few burglaries in the area but did not identify any patterns or an increased prevalence of burglary activity in that area. He was planning to reach out to concerned residents individually in that area. He noted that opening up the area may actually help to curtail illegal activity.
- AMR Ambulance – Manager Belmore noted that meetings with City staff and AMR representatives continue. He noted that AMR has provided Automatic External Defibrillator (AED) training to City staff and has helped with the acquisition of units and is looking to acquire one additional unit for the Public Works Department. The current contract with AMR expires in June, 2013.

#### GOVERNMENT OPERATIONS COMMITTEE.

Councilor Tapscott noted that in the month of June they will be starting the City Manager Evaluation process. He will let everybody know when the time comes.

#### PUBLIC WORKS AND THE ENVIRONMENT.

Councilor Sprague reported this Committee met on 5/08/12. They approved the minutes of the previous meeting and discussed the following items:

- Reviewed a request from Unitil to waive compaction testing on any road they do work on in Somersworth. The reason for this is presumably they already do their own compaction testing in Somersworth, Exeter and Dover, the only three communities in the area that require compaction testing done when they are digging in our roadways. Although we have never received any of their compaction tests in the past, they are not inclined by the City Manager or Public Works Director to stop the requirement of having an outside compaction test done. They took no action.
- They talked about the water request that came from the Town of Berwick. City staff and the Town of Berwick met last month. There were a number of items that

we asked Berwick to address before we decided on partaking in this agreement. One was the rate, the back charge fee of the annual fee that was never paid, and water line maintenance issues. We wanted to know the exact number of gallons that would be going through the water lines, and also who would be taking care of the legal work. They did receive a letter from the Town Manager of Berwick which answered none of the questions, only reiterated that they would like to get water from us. They decided to take no action until the questions were answered.

- They talked about the Green Street sewer service. Basically, there is a private individual who is willing to extend the sewer service up Green Street in lieu of receiving some impact fees for some residents across the road from his potential three buildable lots that are having some septic issues. The Committee voted to pass this on to Council for discussion and this will be discussed later on tonight.

Councilor Durkee asked if it would be possible for City staff or Chairwoman Jarvis to provide some of the feedback with regard to the IPADS, in particular the cost benefit analysis. This is something the Sustainability Committee has talked about relative to decreasing the amount of paper we use. We have gone electronic in the private sector, and it seems we are stuck in the twentieth century here.

#### REPORTS OF SPECIAL COMMITTEES.

##### SCHOOL BOARD.

Councilor Pepin reported he attended a School Board Meeting on 5/08/12. They discussed the following items:

- During the public hearing section of the meeting, members of the band spoke as well as some parents in favor of trying to keep the band in session.
- They also discussed the food service, stating the price of meals may be increased.
- One of the Board members had a question about the money that is not going to be used for Idlehurst School, asking if they will still be paying for it out of the School Department bond if it goes to the City. He asked the Finance Director about this, and Finance Director Smith replied that would be up to the City Council.

##### SUSTAINABILITY COMMITTEE.

Councilor Soldati reported this Committee met on 5/17/12. They discussed the following items:

- Reviewed their progress with the City Gardens. If anyone is interested in having a plot, they still have some available. The plots are located at the Malley Farm, and you can call Public Works at 692-4266 if you are interested.
- The Committee is reviewing a survey that was informally taken by a volunteer sustainability committee two years ago at the Children's Festival. They are reviewing the preferences that citizens had listed for the City becoming more sustainable.

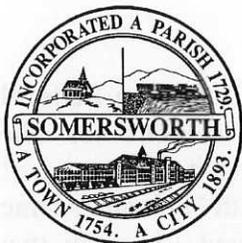
- The Committee has completed a checklist that it would like to introduce to City Departments for consideration when they are making decisions for the City, including in those decisions consideration for the most sustainable way to accomplish their goals.
- The next meeting of the Sustainability Committee will be on 6/21/12 at 6:00 p.m. The public is welcome.

TRAFFIC SAFETY COMMITTEE.

Councilor Tapscott reported this Committee met on 5/16/12. They discussed the following:

- Walnut Street Parking – it was the overwhelming opinion of the Committee members to keep it as it is due to the fact that the residences on Walnut Street all seem to have an excess of parking off the street, as well as school buses for the John Powers School. It will be staying as “no parking either side”.
- Stackpole Road speed reduction – he spoke with Captain Timmons and he recently put up a “speed indicator” on Stackpole Road from a Thursday morning through Saturday evening. A total of 6,500 cars went through and the average speed was 31 mph. The current speed limit is 35 mph. There was one vehicle doing 50 mph.
- Stackpole Road Signage – There will be a sign stating “School Zone” pushed further down towards Green Street, almost to the entrance to Millennium Field.
- Extending the sidewalk at Idlehurst School down to the entrance of Millennium Field – He contacted Marie D’Agostino to find out what the cost associated with the existing sidewalk was and that was \$120,000. The State paid 55% of that amount. If we extended it down there is no telling what the associated cost would be. They decided not to request this sidewalk extension.

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, May 18<sup>th</sup>, 2012**

**SUBJECT: City Manager’s Report for Monday, May 21<sup>st</sup>, 2012  
City Council Agenda**

6:30 PM

*Council to meet in private session (non-meeting)  
to discuss collective bargaining negotiations.*

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

**Ordinances:**

A. **Ordinance No. 11-12 FY 2012-2013 Budget** Attached is a copy of the Budget Ordinance as amended by Council vote and a revised estimate of the tax rate. Attached are several budget-related informational memorandums that relate to questions raised by Councilors, including:

- Police staffing
- High Street Repairs – delamination
- Discussion - draft on proposed pavement repairs/maintenance for FY 2013
- Property tax card proposal - Assessing
- School Department information

I have also included a copy of Resolution No. 23-12 for your budget deliberations and last Fiscal Year's school department surplus. Council should decide whether an appropriation to this established non-capital reserve fund for the education of persons with disabilities should be approved. Any appropriation should be off-set by the use of fund balance (i.e. School Department budget surplus).

**Other:**

A. **Bond Issuance Discussion.**

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

**Resolutions:**

A. **Resolution No. 25-12 Authorizing the City Manager to Sign the Federal Bridge Aid Program – Interstate/Local Project Agreement for the Somersworth/Berwick Bridge Rehabilitation Project.** Attached is a copy of the draft agreement. City Staff did discuss some changes with N.H. and Maine state officials that are incorporated herein. Sections I.J and I.K were two sections that we were not able to modify. This State Agreement is pretty much a standard boilerplate contract. City Attorney has agreed with our efforts and has reviewed the agreement to his satisfaction.

B. **Resolution No. 26-12 Authorizing the City Manager to Submit a Community Planning Grant Application to New Hampshire Housing to Implement a Portion of Goal 1.12 of the City's Master Plan.** Attached is a memorandum from Director Sharples that outlines the proposed planning study, that is, to examine the construction of new building's on Main Street at

the Plaza. We anticipate the grant request to be somewhere between \$25,000-\$30,000. Once the budget is developed for the actual application we would finalize the amount of our match. As an example, a grant of \$30,000 would require a \$7,500 match; we anticipate approximately \$5,500 would be matched through in-kind services and we are confident that the actual \$2,000 of funding (or less) could be found within the budget.

**Other:**

- A. Request of Public Safety Committee to Reconsider City Council Prohibition of Outside Storage Units for Hilltop Fireworks LLC Permit Issued 4/25/2012.** Attached is a copy of the recently issued permit.
- B. Request of Public Works Committee to Consider Public/Private Partnership to Extend the City Sewer Line on Green Street.** Attached is a map of the proposed work location and some discussion points from the Public Works & Environment Committee meeting provided in a memorandum from Public Works Director Willis.
- C. Establishment of New State of NH Representative Districts Discussion per Mayor Spencer.**

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

**A. Informational Items:**

- 1. **Disposition of City-owned Property.** Attached is a memorandum that provides comments received from the Planning Board and Conservation Committee regarding the Sunningdale Golf Course property and the single family residence on Rocky Hill Road. These are properties acquired for non-payment of property taxes. City Attorney recommends the Sunningdale property discussion be considered for non-public session since we are actively engaged in litigation with the owner. Attached are copies of correspondence from Attorney Mitchell regarding the Sunningdale property.
- 2. **Planning Office Intern.** I am pleased to inform you that the City has partnered with UNH through their Carsey Institute John G. Winant Fellowship program to accept a UNH Student/Somersworth resident for an internship assignment in our Planning Office. I want to welcome Mr. Paul Goodwin who will be assisting City efforts to develop a gateway signage plan and completing an analysis regarding the suitability for the community to adopt RSA 79E - Community Revitalization Relief Incentive. Both assignments are objectives outlined in our Master Plan. Director Sharples will be mentoring the internship. I want to thank both Paul and David for collaborating to finalize this opportunity for the City.
- 3. **Police Department Grant.** I am pleased to report that I have authorized the acceptance of 21 new Motorola police radios valued at \$44,059. This

provides our Police Officers with the latest radio communication technology at no cost to the City. The grant is administered through the State Department of Safety and is funded by the US Department of Homeland Security.

4. **Fire Chief Appointment.** I am very pleased to announce the appointment of Keith E. Hoyle of Easthampton, Massachusetts as the City's Fire Chief/EMD. Chief Hoyle is expected to begin his duties on June 18<sup>th</sup>. Attached is a copy of the press release.

**B. Attachments:**

1. City Attorney Certification (1).
2. City Department Monthly Reports.
3. City Manager Belmore May 15, 2012 letter to Berwick Town Manager regarding request for city water.
4. Idlehurst Community Picnic Day invite.

***Non Public Session (under Section 17 of the Agenda):***

Attached are copies of Attorney-Client privilege's correspondence from the City's Special Legal Counsel in the matter of the on-going Cable Franchise Renewal negotiations with Comcast.

The cable franchise is a license or lease to use municipal property, the public rights of way. Accordingly, RSA 91-A:3 II (d), which states: "Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community", applies and the City Council can by roll call vote enter nonpublic session under that provision.

Also 91-A:3II(e) Litigation – Regarding: Sunningdale

NOMINATIONS, APPOINTMENTS AND ELECTIONS.

ZONING BOARD OF ADJUSTMENT – Paul Maskwa, term to expire 04/2015.

Councilor Witham moved to suspend the rules to act on this nomination tonight. The motion was seconded by Councilor McCallion and passed unanimously.

Councilor Witham indicated Mr. Maskwa is also currently a member of the Planning Board. He asked if it is allowed by statute for a Planning Board member to sit on the Zoning Board of Adjustment.

The City Manager replied that it is allowed.

Councilor Witham moved to approve the nomination of Paul Maskwa to the Zoning Board of Adjustment. The motion was seconded by Councilor Durkee and passed by unanimous voice vote.

TRUSTEE OF TRUST FUNDS – Steve Goff, term to expire 04/2015.

LAY ON TABLE.

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

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

Councilor Witham said he hates the budget process because there are no winners. They are dealt with a deck of cards they did not create. Over the last two years, our State government has cost-shifted to us about \$2M in additional bills that we have to pay that have nothing to do with what we provide in the City of Somersworth. We have to find it somewhere in our budget, or we have to increase the burden that is placed on our taxpayers in the community. We are aware that burden has been high for a long time. What makes it even more difficult is the Council has to oversee the bottom line of the school budget. We have to try to come to some level of understanding as to what the school budget is all about. It is complex, it is dynamic, it is shared positions. That just complicates it more. On the City-side we are faced with making cuts to services that are already barely getting by. At the end of the day, this is just an awful process and there is nothing more he likes than to move beyond it.

Councilor Witham said a lot of people spoke here tonight regarding the school budget. The students did a fine job. They represent the City well. Their comments were professional, as were those of the adults who spoke. The first speaker talked about being shocked and appalled that the band program was being considered for a cut. He feels that way also. He was rather detailed in his dialogue with the School Board Chair and the School Superintendent at the last meeting. He specifically asked them about the details of proposed cuts that they had provided to the Council. At a \$200,000 cut there was an impact to supplies, contracted services and district-wide maintenance, no staff positions involved. At the \$300,000 cut level, all items mentioned plus building contingency in each of the buildings, ceiling tile replacements, and the remaining asbestos abatement at the Middle School, no staff positions impacted. At the \$400,000 cut level, the previous mentioned items, a one-day SYC person (an additional day for the Somersworth Youth Connection person), and three days MS Media Center (Middle School Library) which is a staff position. He made a motion to stop the cuts there, at the \$400,000 level, because when you get to the \$500,000 cut level, the unified arts positions are affected. We didn't go there. It was his belief that cuts needed to be made to the overall City budget to bring the tax rate down from a projected over \$2 tax rate increase down to a more manageable level. We are now at about \$1.15. There are some people in the community that would argue that \$1.15 is not manageable. It wasn't until after the last meeting that he was told that by eliminating the Media Center position we have effectively closed the Library. If

he failed on understanding that communication, he apologizes. He would be willing to revisit that part.

Councilor Witham said because of the above scenario, he was surprised to hear countless speakers come up and speak tonight about cuts to art and band. He is not quite sure where that came from because it has not once emerged here in Council Chambers. He is a bit confused about this.

Councilor Witham moved to suspend the rules in order to allow members of the School Department or any City Department Head to address Council as necessary during budget discussions. The motion was seconded by Councilor Tapscott and passed unanimously.

Councilor Tapscott said the last cut we made was \$940,000. \$540,000 of that was for CIP items, so we are at a \$400,000 cut. He moved to reduce the \$400,000 cut down to \$350,000. This would put the Media Center position back in. The motion was seconded by Councilor Witham.

Councilor Sprague said he would like to hear from someone on the School Board because it is just an assumption that the \$50,000 would go to the Media Center. He would like clarification. He would like to know if the paperwork they received was accurate.

Superintendent Mosca said the paperwork is accurate. She addressed the fact that as you go through the budget process they have a time line to issue contracts to their employees. Not knowing what the bottom line is going to be, they have to make some decisions regarding the number of potential contracts they can issue and the number they have to potentially hold pending the bottom line figure. At this time, they have held back four contracts for fear of not knowing and obligating the district to positions they cannot fund. The positions in question are elementary art, high school wellness, middle school family and consumer science and the high school and middle school music program. In the \$400,000 cut there are two positions, the 3-day Middle School Media Center which they have funded through substitute dollars this year, because they need to keep the Media Center open at the Middle School. They are stretched very thin. In doing what was best for students, they used a substitute situation hoping to fund three of the five days back in their budget.

Councilor Sprague asked them if the cuts stay the same (\$400,000) if the position of band director and the arts would still be in place.

Superintendent Mosca replied in the affirmative, however until they have a final budget number from Council it puts them in a position of obligation if they hand out those contracts now.

Councilor Sprague asked if the positions would stay with exactly what the budget is now.

School Board Chair Austin said it is likely they would, subject to final approval by the School Board once the budget is approved. The intent would be to maintain those positions.

Councilor Sprague said the Council takes a lot of caution with the way they approach budgets. We ask you to give us detail, which they appreciate. All they can do is make decisions based upon what is received. It's not his intention to cut the School budget any more.

Councilor Sprague asked about the SAU budget, which consists of 13.4 positions. That has not decreased at all for three years. The teachers have gone from 158.8 positions to 141.7. He asked if there is a reason why the SAU has not cut back staff.

Superintendent Mosca said the SAU budget is an entirely different budget, and also they need all the staff they have, if not more.

Councilor Sprague noted there are two psychologists on duty at the SAU.

Superintendent Mosca indicated they are housed out of the SAU, they service the district.

Councilor Witham said the issue at hand is to put \$50,000 back into the School Department budget. He indicated at the last meeting that the \$400,000 was an effort to make a sizable impact on the reduction of the projected tax rate increase. That mission was accomplished. Every cut they make has some pain associated with it. That being said, he also made it very clear he did not want to impact staff positions, particularly those that would impact students. He also said he was trying to make a decision based on the most accurate information he had. If he erred in his understanding of the information, he is willing to revisit this because he did not realize that the cut of the position would close the Library. Had he known that, his motion probably would have been for a \$350,000 cut.

Councilor McCallion said he apologized to the band members for having to come here tonight. He was in that position before, once for band and once for football back in the 1980s. At that time Dr. Tully put together an endowment so that wouldn't ever happen again. He was also a pawn for both football and for our Technical Center.

Councilor McCallion asked Council members to look in their budget books at the City budget and the School budget, and commented that since 2007 until today it is two to one from the City to the School side that has impacted our tax rate, and people are asking why. He knows you cannot put a price on education, but he has to look at it objectively. When does it end? Where do we get the number we can all live with? He feels that there is misinformation. We need to look at hard decisions and where we can make cuts collectively.

School Board Chair Austin said the School Board had nothing to do with asking students and parents coming here tonight to talk to you. He resents the implication that they have

people come out and cry to you for whatever they want. Also, Councilor Witham did a good job at talking about some of the cost-shifting that happens that we have absolutely no control over but we have to pay for. When you look at a budget that goes up \$1M every year, most of that is in benefit costs which they have no control over. The actual cost of operating the schools was \$300,000. In a \$24M budget, that is not a lot of money. The budget we are talking about now has absolutely no contingency in it for anything that might happen. There is a certain cost of operation that is just a fact of life. The other option is to operate schools that you know are below minimum standards, and who wants to do that? He is not willing to live in that world, and most of the people you heard from tonight are not either. It costs more to do everything every year, and he understands the need to balance the tax rate. He is a taxpayer here too. He feels they have given the Council a lot of information on what the impacts are for certain budget cuts and you have done a reasonably good job of understanding what they are. Just know there is nothing in the budget that doesn't absolutely have to be there.

Councilor Pepin said he approached the School Board several meetings ago and asked them to please be careful and explain everything to the Council. He was really taken aback when he saw the kids from the band at the School Board Meeting. It really irritated him to think perhaps we were having the wool pulled over our eyes because we have had such a good working relationship this year. He felt this was going to push us backwards and he hopes that is not the case.

Councilor Pepin said the School Board talks a different language than the Council does, and that is a major problem.

Councilor Durkee said all the high school students, parents, citizens who spoke tonight were civil, well-spoken, and that says a lot about our community. This kind of community involvement is very nice to see.

Councilor Durkee said that while they have different obligations, one of theirs is to set a baseline tax rate that this community can afford. Your responsibility is to advocate for things in your department. He doesn't envy the School Board their position, but none of us is here because we are forced to be, we all ran for the positions. It is time to make some adult decisions.

Councilor Durkee said on the surface it seems like a compromise giving back \$50,000 but his decision has to be based on information that we asked for and that we received. In no way did he come away thinking the band was going to be cut or that we would be cutting art in our schools. We set a bottom line budget and the School Board takes that money and allocates it where they want to. While he would like to think that \$50,000 might save art in our schools or add a Library, he cannot guarantee that if he votes for \$50,000. All he can see is that the \$50,000 seems to be not justified based upon the information the Council received.

Councilor Witham said the documents they are provided by the School are the most reliable measuring stick they have. He thinks trust is an important suit in this relationship

because at the end of the day, it is not our money, it is the taxpayers' money. He supports the motion.

Councilor Pepin said all the CIP items have been cut, and hopefully will be addressed by a bond. We are looking at \$1.15 increase today, but if we do float a bond that is another increase we are not even looking at right now. He will endorse the \$50,000 increase. He hopes everybody knows the Council's intent is to keep the band in Somersworth.

Councilor Hebert said he doesn't feel the School people answered if the \$50,000 would make a difference in keeping the Library person and the SYC person, and arts and music.

School Board Chair Austin said with regard to band, chorus, drama, art and physical education, their intent would be to maintain those programs at the current funding level. The \$50,000 that is being talked about right now would, in all likelihood, be used to fund the three day media position at the Middle School.

Councilor Sprague said he is not in support of the addition of \$50,000. He did not take his vote lightly last week.

Councilor Soldati asked Superintendent Mosca if a notice was sent to the teachers in question that their contracts wouldn't be renewed. She is trying to figure out how the band got this notion, and all the people talking about the arts being cut. She asked what was sent with that notice to the teachers and if there was any attempt to minimize some panic.

Superintendent Mosca replied there was an article in the paper three weeks ago regarding contracts they did not issue. She stated to teachers that this was not to be a topic of discussion. There are lots of people who read the paper, lots of students who follow meetings, so there has been a lot of conversation. They have taken the high road in the process, but folks are aware that four contracts have not been issued and wouldn't be until we have a dollar amount.

Councilor Soldati said she is not in favor of adding in another \$50,000 at this time.

Councilor Durkee said part of the reason he has an issue with putting \$50,000 back into the School budget is that he would have liked to have seen that in the sheets the Council was provided with. Councilor Witham was specific in what he asked for. He is not seeing the significance of adding \$50,000 and stands on his vote.

School Board Chair Austin said he doesn't know how the piece of paper in question that we are all looking at could have been any clearer in stating that a \$400,000 cut in the budget would have an impact on the 3-day Media Person at the Middle School Library.

The motion to reduce the cut to the School Department bottom line from \$400,000 to \$350,000 passed by roll call vote of 5 yeas, 4 nays, Councilors Soldati, McCallion, Durkee and Sprague voting in the negative.

Councilor Witham said the City Manager's proposed budget utilizes \$200,000 for the City's fund balance to help keep the tax rate at a more manageable level. He knows the City has a fund balance policy. The last time we reviewed the fund balance, it was healthy and well within the limits of our policy. He asked where it would bring our fund balance policy provided we continue to use that \$200,000.

Finance Director Smith said we are currently at 9%. By using the \$200,000 we would be at about 8.7%.

Councilor Witham asked if we used an additional \$50,000 we would still be within our policy.

Finance Director Smith answered in the affirmative.

The City Manager indicated we used \$50,000 from the fund balance the last fiscal year and bumped it up \$150,000. We are not only looking at staying within our fund balance but also looking for sustainability as far as what can be used the following years. He cautioned the Council about using any fund balance, and keeping it at a minimum level if it is used.

Councilor Witham asked if we could anticipate replenishing the fund balance with unanticipated revenues the School Department might receive.

Finance Director Smith replied that we could do that, to the extent there is unanticipated revenue.

Councilor Witham made a motion that an additional \$50,000 of fund balance be utilized to offset the additional amount allocated to the School Department this evening. The motion was seconded by Councilor Tapscott.

Councilor Tapscott said he was seriously considering \$100,000.

Councilor Sprague moved to reconsider the vote.

The motion to reconsider the vote passed by roll call vote of 7 yeas, 2 nays, Councilors Pepin and Witham voting in the negative.

Councilor Sprague does not believe in robbing the fund balance for the future. He believes we need to keep the budget in line on our own. Stealing from the future sets him back a little bit. Definitely if we had some revenue coming back from the school we could be pushing that towards balancing the tax rate at a later date. That is something we did last year and he feels comfortable with. At this time we do not know what is coming, as the School doesn't. He doesn't believe in taking from the fund balance what we have worked considerably hard to attain. Now is not the time to be tapping into it.

Councilor Witham said he supports a marginal increase on top of what the City Manager has already proposed. It is already proposed as part of this year's budget to use some of the fund balance. That proposal is based on the fact that we have worked diligently as a Council to build that fund balance to a much healthier level well within our fund balance policy as articulated by our Finance Director. \$50,000 is a minimal amount. This is a reasonable step and keeps the fund balance at a very healthy level. If history is a guide, the School Department has helped to build that healthy fund balance and if history is a guide they will continue to help us with the fund balance and may well replenish, and then some, the \$50,000 we would be using to offset the tax rate in addition to what is proposed by the City Manager.

Councilor McCallion thinks we are jumping the gun. There could be some other things that happen and we may have to look at more. He doesn't feel we have to make this kind of decision tonight. We are not sure what is coming back in unanticipated revenues at this time and will not be sure until the closeout of school. He thinks when we have all that in line we can make a better decision.

Councilor Jarvis said that in regards to the water rates going up and what that is doing to help, she would be willing to go up to an additional \$100,000. She doesn't think the community can sustain a \$1.15 increase and she doesn't want anymore vacant homes. We are in a time frame that maybe we just need this extra little buffer to keep people in their homes and moving forward. She would go for an additional \$100,000 but she agrees that tonight might not be the time to make that decision.

Councilor Tapscott said he fully agrees with Councilor Jarvis. He talks to people all the time and they cannot sustain \$1.15 increase. Something has to be done to at least get it below \$1.00. This type of City cannot sustain these increases year after year.

The motion to increase the expenditure from the undesignated fund balance by \$50,000 failed by roll call vote of 4 yeas, 5 nays, Councilors Soldati, Hebert, McCallion, Durkee and Sprague voting in the negative.

Councilor McCallion moved to table the budget ordinance. The motion was seconded by Councilor Jarvis and passed by roll call vote of 5 yeas, 4 nays, Councilors Pepin, Durkee, Witham and Sprague voting in the negative.

#### UNFINISHED BUSINESS.

##### Nominations:

- Sustainability Committee – Kira Sawyer-Hartigan, Citizen At Large
- Board of Library Trustees – Judith Goodnow, term to expire 03/2017  
Scott Champney, term to expire 04/2017
- Planning Board Alternate - Chris Cortez, term to expire 04/2015

Councilor Witham moved to approve the slate of nominations. The motion was seconded by Councilor Tapscott and passed unanimously.

NEW BUSINESS.

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

Somersworth, NH  
May 21, 2012

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

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

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

Introduced by Councilors

Dale Sprague  
Brian Tapscott  
Marcel Hebert

Approved:  
City Attorney

Following the first reading of Resolution No. 25-12, it was referred to the next meeting.

RESOLUTION NO. 26-12 AUTHORIZING THE CITY MANAGER TO SUBMIT A COMMUNITY PLANNING GRANT APPLICATION TO NEW HAMPSHIRE HOUSING TO IMPLEMENT A PORTION OF GOAL 1.12 OF THE CITY'S MASTER PLAN.

Somersworth, NH  
May 21, 2012

WHEREAS, a competitive Community Planning Grant program is available through New Hampshire Housing to fund sustainable development projects that limit urban sprawl and create economic, environmental, and social benefits; and,

WHEREAS, the City of Somersworth supports sustainable economic development efforts in the downtown and encourages the exploration of erecting new structures on Main Street on the Somersworth Plaza property; and,

WHEREAS, this project is supported by the City's Master Plan particularly by Goal 1.12 that states in part that efforts, aimed at encouraging major capital projects, should include "Revitalization of the downtown Somersworth Plaza to encourage new buildings directly on Main Street that add a mix of retail, office and residential opportunities with building designs that are compatible with the historic character of Main Street"; and,

WHEREAS, the City of Somersworth, in the event an award is granted, commits to the 25% match requirement set forth in the grant which may be provided with a combination of City staff time and direct expenditures;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to submit a Community Planning Grant application to New Hampshire Housing.

Introduced by

Mayor Matthew L. Spencer

Approved:  
City Attorney

Councilor McCallion moved to suspend the rules in order to have a second reading and act on Resolution No. 26-12 tonight due to the fact the application must be submitted by June 15, 2012. The motion was seconded by Councilor Sprague and passed by a vote of 8 yeas, 1 nay, Councilor Witham voting in the negative.

Councilor Witham moved to suspend the rules in order to ask questions of Dave Sharples. The motion was seconded by Councilor Tapscott and passed unanimously.

Councilor Tapscott asked Mr. Sharples what the full name of the agency is. Mr. Sharples replied it is NH Housing Finance Authority, but they go by NH Housing.

Councilor Tapscott said he wished people would give this more thought rather than rushing into it this evening. He would seriously question what their goals are. He wants to warn people to be very careful.

Councilor McCallion asked Mr. Sharples what we would be trying to achieve with this.

Mr. Sharples replied we would be implementing one of our Master Plan goals, exploring the possibility of re-introducing buildings right along Main Street to provide a connection down Main Street and create some economic vitality on the Main Street corridor and in the Plaza. NH Housing got some federal money that was given to them a couple of years

back. This is a one-time opportunity to do some sort of planning study that revolves around sustainable economic development. This seems to fit that category. This is just to fund a study, not to implement any bricks and mortar.

Councilor Sprague said it is merely to put in the application. Whatever comes of it would have to come to the Council for a vote.

Councilor Sprague asked if the plan would have to include some kind of housing.

Mr. Sharples said it was not his understanding that there is any requirement for housing.

Resolution No. 26-12 passed by roll call vote of 9 yeas, 0 nays.

Other:

REQUEST OF PUBLIC SAFETY COMMITTEE TO RECONSIDER CITY COUNCIL PROHIBITION OF OUTSIDE STORAGE UNITS FOR HILLTOP FIREWORKS LLC PERMIT ISSUED 4/25/2012.

Councilor Witham noted that Council members were provided with a copy of the permit for Hilltop Fireworks which was issued on 4/25/2012. There are four conditions listed on the permit, the third stating there will be no use of outside storage units for the storage of additional fireworks. The request is to amend the permit to allow outside storage. The business has been open since 2006. Mr. Vincent indicated the business has grown over the years where they need additional capacity for storage of stock before and after the July 4<sup>th</sup> holiday.

Councilor Witham said he doesn't see that this is an issue that resides with Council. If the outside storage unit needs Planning Board approval that is another matter. There is actually a logical reason to having fireworks stored in a separate storage unit, that is to separate the volatile stock.

Mr. Witham said he is in favor of waiving that particular requirement.

Councilor McCallion asked if this condition was voted on by the Planning Board.

Councilor Witham said that back when this business opened the Planning Board did vote for them to locate there and he is sure there were a number of conditions, but he doesn't know if this was a condition at the Planning Board level.

Councilor McCallion said his only caution is if we are setting some kind of precedent.

City Manager Belmore said it is a condition that the City Council set. If there is a Planning or Zoning Board issue that will be dealt with by the Planning Board or the ZBA. This is before you now as a City Council issue.

Councilor Pepin said he believes that area is zoned for this type of storage.

Councilor Witham moved to suspend the rules to allow Development Director Sharples to speak. The motion was seconded by Councilor Pepin and passed unanimously.

Mr. Sharples said the area is zoned for outside storage of non-hazardous materials, however this is hazardous material. The Planning Board did not make this a condition of approval, they referenced the City Council's conditions. It would not go back to the Planning Board.

Councilor Sprague said what he is worried about is screening, and whether or not we would be setting a precedent for businesses that do not want to put money into expanding and just put storage units on the property.

Mr. Sharples said that is a zoning question. The area in question allows outside storage via special exception by the Zoning Board of Adjustment for non-hazardous materials. It is silent for hazardous materials. He would have to do more research to see what route they would have to take.

Councilor Witham moved to suspend the rules in order to allow the Fire Chief to speak. The motion was seconded by Councilor Tapscott and passed unanimously.

Fire Chief Bliss stated, for full disclosure, that Mr. Vincent is an employee of the Fire Department so he reports to him currently, and Mr. Gregoire is a former employee of his, having worked together at the State Fire Marshal's Office. Mr. Vincent and Mr. Gregoire are the two principals of the company. That being said, they have not come to him for any discussions nor have they brought any particular attention to this issue.

Fire Chief Bliss said with regard to the issue of sprinklers and whether or not storage is appropriate, in this instance he thinks this is a safety issue. He feels that the more the fireworks can be moved out of the building where the public has access the safer it is going to be. During the peak season it is important that the excess stock be kept outside the retail space. His only request would be that the containers be marked with the appropriate placards. He would ask that this be a condition of the outside storage. Even with sprinklers in the building, once you start loading up permissible fireworks you can have more and more hazards. He feels the outside storage would create a safer situation.

Councilor Tapscott asked Dave Sharples about the storage units. He is assuming they will be dropped off length-wise. He assumes they will have to be set down so they don't encroach on the setback requirements.

Mr. Sharples said he would be better able to answer any Planning or Zoning issues when he sees exactly what they are proposing.

Councilor Witham said the request is simply to consider removing this condition from the permit to sell fireworks. The Council put this condition on the permit, we have heard

from the Fire Chief that there is a logical reason why outside storage makes sense. There may be Zoning or Planning Board issues, that is another matter to be resolved by another Board and by City staff. The simple request is just to remove this condition from this particular permit. He supports this.

Councilor Tapscott moved to suspend the rules to go past 10:00 p.m. The motion was seconded by Councilor Witham and passed unanimously.

City Manager Belmore said the issue is regarding the City Council's input into granting a license to sell and whether or not storage units should be there and if there are certain conditions on where the storage units should be allowed. They still have to comply with Federal, State and local regulations. These other regulatory agencies and local boards still have purview if there is an ordinance that restricts it in some fashion.

Councilor Witham moved that the permit to sell permissible fireworks that is issued annually to Hilltop Fireworks be amended by changing the third condition to read "No use of outside storage units for the storage of additional fireworks will be allowed with the exception of the months of May, June and July and that the storage units meet with the approval of the Fire Chief". The motion was seconded by Councilor Sprague.

Councilor Tapscott moved to amend the motion to read starting May 1<sup>st</sup> through August 1<sup>st</sup>. Councilor Witham indicated he is fine with this amendment. Councilor Sprague seconded the motion.

Councilor Sprague said he is okay with what we are trying to do here. The only hang-up he has is they do not know who might own the place in future years and he would like this only to apply to this year's license. If they need to do this every year, they know they have to come before the Council.

Chief Bliss informed the Council the reason they are involved with this is because the State Statute indicates the sale of fireworks requires specific authorization from the governing legislative body.

Councilor McCallion said if the business is owned by different people in the future they would also have to come before us and we could then set stipulations.

Councilor Witham withdrew his motion.

Councilor Sprague moved to amend stipulations of the permit for permissible fireworks issued to Hilltop Fireworks, LLC by changing the third bullet point to read "Outside Storage Units are allowable from May 1<sup>st</sup> until August 1<sup>st</sup> of 2012". The motion was seconded by Councilor Jarvis.

Councilor Pepin asked if we are only intending to do this for one year. He would assume they would need to do it next year also. They would have to come in front of the Council every year?

Councilor Sprague pointed out they need to apply for a permit every year. We are talking about fireworks, and he takes that seriously.

Councilor Pepin said there isn't anyone that takes that more seriously than he does. He wasn't in favor of the fireworks store in the first place but that's beside the point.

Councilor Sprague said he isn't trying to make this burdensome, but he feels this should be something they have to request every year. If we set the precedent, they'll know they have to do this. He doesn't see where this is a hang-up.

Councilor Pepin said he feels it is ludicrous to have them come here every year to ask for the same thing. They are storing fireworks in vehicles now, which is probably more unsafe than a storage facility. If they sell the business, it will still be the same type of business there. He doesn't know what would make the difference from year to year. If they were to go to a different classification of fireworks, that would be a different story.

Councilor McCallion said we should give them relief right now. They are coming into their busy season. There still needs to be some work done on this. We would be getting them where they need to be this year.

The motion to amend the permit for permissible fireworks issued to Hilltop Fireworks, LLC by changing the third bullet point to read "Outside Storage Units are allowable from May 1<sup>st</sup> until August 1<sup>st</sup> of 2012" passed unanimously.

REQUEST OF PUBLIC WORKS AND ENVIRONMENT COMMITTEE TO CONSIDER PUBLIC/PRIVATE PARTNERSHIP TO EXTEND THE CITY SEWER LINE ON GREEN STREET.

Councilor Sprague said there are four houses on the opposite side of Roland Turgeon's land which are not house lots. He has intentions of doing three house lots in the front field on Green Street. He has thought about running sewer lines in the past. He was approached by a constituent on that road that has a failed leach bed. They are either going to be replacing their leach bed now, or they asked if Roland Turgeon would think about doing the sewer. Mr. Turgeon doesn't care if he does or does not do it, but if he does do the sewer lines, which would be 580' as outlined in the packet, that would be a cost of \$60,000 to \$80,000. Obviously, he would benefit from the three potential house lots that he would get. What he is asking for is to do the work on his "dime" but in lieu of doing that work, when the four residents across the road tie in, we cannot collect impact fees. What we can do is sign a contract saying we will pay for this when the people come on line. There would be no cost to the City. All associated costs, the sewer line, legal fees, engineering, etc. would be paid by Mr. Turgeon. He is looking to collect fees from the residents when they tie in to the sewer line and to have his fees waived. We can collect fees then disburse a check for the work rendered. Our total cost would probably be about \$28,000.

Councilor Tapscott said he sat in the Public Works Committee Meeting when this was brought forward. He asked if Mr. Turgeon is looking for the City to reimburse him for the four houses right away.

Councilor Sprague said Mr. Turgeon indicated that when people come on line he would be looking for the payment. If someone doesn't come on line, he doesn't get the payment.

Councilor Sprague said the benefit is it is a public/private partnership and the fact that is as far as that sewer line is going to go. He doesn't see us running sewer lines down in that area in the next few years, and when we do there's going to have to be a pumping station.

Councilor Witham said he thinks the idea of doing this is worthy of exploration. If we can extend sewer line at no cost to the City, that makes sense to him. We would need to get more details.

Councilor Tapscott said he assumes that if and when this sewer line is extended it would then belong to the City.

Councilor Sprague said he would assume so.

Councilor Sprague said the plans would be reviewed by the City Engineer and the work would be done under the supervision of the City.

Councilor McCallion said he heard from three people on Green Street who are in favor of this. He is also in favor of exploring this although he is not happy about a house being built there. If the project will benefit people, he is for it.

Mayor Spencer recommended this go back to the Public Works & Environment Committee and that they come up with a resolution to present to the Council.

ESTABLISHMENT OF NEW STATE OF NH REPRESENTATIVE DISTRICTS  
DISCUSSION PER MAYOR SPENCER.

Mayor Spencer said the redistricting issue is currently at the Supreme Court level.

Councilor Witham said this is a complicated matter. We have a Ward Boundaries Review Committee which was established by our City Charter, which is reviewing our ward boundaries. Our ward boundaries could potentially change, which changes the numbers in the wards and would throw the current plan into upheaval.

Councilor Tapscott indicated the Ward Boundaries Review Committee met on May 17<sup>th</sup>. There is nothing we can do at this time due to the fact there is a law suit pending from another City regarding redistricting.

Councilor Sprague indicated it is too late to do anything. We should not be waiting until after the census results come out, we should be looking at the situation in the year or two prior to the census. Cities fall under different rules than towns do. If you have a ward, there has to be at least 3,651 residents in that ward to get a seat.

Councilor Sprague said Dover has filed a law suit and it is going to Supreme Court. All we can do at this time is send a letter to the Court stating we do not agree with the redistricting plan.

Councilor Tapscott moved to suspend the rules in order to allow the City Clerk to speak. The motion was seconded by Councilor Witham and passed unanimously.

City Clerk DuBois indicated the final recommendation of the Ward Boundaries Review Committee was that in the future the Committee start meeting prior to the census. They suggested the year 2018.

City Clerk DuBois said unless the current final bill that the State came up with is thrown out in Court, there is nothing we can do at this time.

Councilor Witham said that makes all the sense in the world. The Ward Boundaries Review Committee was put into place with the passage of the new Charter, and it reads that a Ward Boundaries Review Committee shall be elected at the first election following the census. The language in the Charter should be revisited in the near future.

It was the consensus of the City Council that there is nothing that can be done about redistricting at this time.

#### COMMENTS BY VISITORS.

William Connor, 41 Pinewood Drive, said he wished to speak about the former Sunningdale Golf Course, which is now City property. During the most recent Planning Board Meeting, three members expressed concern that it is imperative that the subject property be resolved so as to prevent the area from being developed in a disadvantageous manner that would only compound the current City tax rate. At the present time, the 150 acre property is zoned as recreational, thereby allowing any developer to build a micro-cluster housing alias hit and run postage stamp lots of 100' by 100'. An affirmative vote was taken at the meeting to have staff investigate the process of global rezoning and its validity on this property and the rest of the city-wide real estate as well where it is considered necessary. Some voiced concerns that this property could not be rezoned alone without also considering the rest of the City's real estate.

Mr. Connor said the property where the OAKS Golf Club is located was acquired by the City in the same fashion. The City held on to the property until conditions were favorable and then allowed it to be developed only after weighing all long-term outcomes.

Mr. Connor asked that the City Council and the Planning Board, as the gate-keepers of the City, also use this wise and successful method in the handling of this City-owned property and not be rushed into panic selling for a minor yield on tax revenue.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Witham spoke regarding the Sunningdale property. A point of information for the general public is that a portion of the golf course property has already been sold to a resident of Rollinsford on the Rollinsford side of the golf course. One of the difficulties in maintaining the golf course is that it is already chopped up. The property would need substantial redevelopment to keep it as a golf course.

Councilor Witham said he was involved in an issue on Friday night and had the occasion to call on the services of the Somersworth Police Department, in particular Officer Sloane, who responded to some vandalism that was occurring in the City. Officer Sloane was very professional in his actions and handled the situation remarkably well.

Regarding the budget, Councilor Witham said he was prepared to pass it tonight. Last year we sat on the budget until the latter part of June hoping to get some information from the State with regard to their numbers, which they never received. The School Department unanticipated revenues will not be realized until they close their books at the end of June. He is not sure about any other information we would get that would help us. The sooner we put an end to speculation by passing the budget, the better off we are. He has learned that the longer the budget process is the more arduous it becomes. There is little benefit to dragging it on.

Councilor McCallion apologized to the School Department. There was some tough questioning tonight but they mean no disrespect. They need to have facts and the numbers to make the best decisions for everybody.

Councilor Witham moved to go into non public session in accordance with RSA 91A, attorney/client privilege. The motion was seconded by Councilor Pepin and passed unanimously by roll call vote.

Motion by Councilor Witham to come out of non public session. Motion was seconded by Councilor Tapscott and passed unanimously.

ADJOURNMENT.

Motion by Councilor Tapscott to adjourn. Motion was seconded by Councilor Sprague and passed unanimously.

Respectfully submitted,



Diane M. DuBois, City Clerk