

CITY OF SOMERSWORTH

CITY COUNCIL MEETING

AGENDA

MAY 7, 2012 – 7:00 P.M.

PUBLIC HEARINGS

6:00 P.M. – ORDINANCE NO. 10-12 ADD NEW CHAPTER 21A
DISPLAY OF PERMISSIBLE FIREWORKS

6:45 P.M. - PROPOSED AMENDMENTS TO CITY CHARTER

1. Roll Call of Members
2. Pledge of Allegiance
3. Minutes of Previous Meetings
 - A. Minutes of 3/26/2012 City Council Workshop (Budget Presentation by City Manager and Sup't. of Schools).
 - B. Minutes of 4/14/2012 City Council Budget Workshop.
 - C. Minutes of 4/16/2012 City Council Meeting.
 - D. Minutes of 4/23/2012 Budget Public Hearing.
4. Comments by Visitors
5. Communications
 - A. Letter from The Homemakers Health Services.
 - B. Letter from Congressman Frank Guinta.
 - C. Superintendent of Schools Mosca and School Board Chair Austin – Budget Information.

6. Presentation of Petitions and Disposal Thereof by Reference or Otherwise
7. Mayor's Report
8. Reports of Standing Committees
9. Reports of Special Committees, City Officers and City Manager
10. Nominations, Appointments and Elections

A. Sustainability Committee

- Kira Sawyer-Hartigan, Citizen At Large

B. Board of Library Trustees

- Judith Goodnow, Term to Expire 03/17
- Scott Champney, Term to Expire 04/17

C. Planning Board Alternate

- Chris Cortez, Term to Expire 04/15

D. Strafford Regional Planning Commission

- Brian Tapscott, Term to Expire 04/15
- William Connor, Term to Expire 04/15

11. Lay on Table

12. Unfinished Business

Nominations:

A. Board of Assessors

- Philip Munck, Term to Expire 04/15

B. Conservation Commission

- Scott Gessis, Term to Expire 04/15

C. Historic District Commission

- George Poulin, Term to Expire 04/15
- Daniel Bisson, Term to Expire 04/15
- Albert Marotta, Term to Expire 04/15

D. Planning Board

- William Sweeney, Term to Expire 04/15
- Anthony Delyani, Term to Expire 04/15
- Paul Robidas, Term to Expire 04/15

E. Zoning Board of Adjustment

- Harry Irwin, Term to Expire 04/15
- Roland Dumont, Term to Expire 04/15

Ordinances:

- A. Ordinance No. 10-12 Add New Chapter 21A Display of Permissible Fireworks.

Resolutions:

- A. Resolution No. 24-12 Authorizing the City Manager to Sell Surplus City Property.

Other:

- A. Vote to Send Proposed Charter Amendments to Ballot.

13. New Business

Ordinances:

- A. Ordinance No. 11-12 FY 2012-2013 Budget.

Other:

- A. Bond Issuance Discussion.

14. Comments by Visitors

15. Closing Comments by Council Members

16. Future Agenda Items

17. Nonpublic Session (as necessary, pending roll call vote by Council)

18. Adjournment

COMMUNICATIONS

The
Homemakers
Health Services

nursing home support adult day care

April 16, 2012

Mayor Matt Spencer
Somersworth City Hall
One Government Way
Somersworth, NH 03878

Dear Mayor Spencer and City Council Members,

On behalf of our Board of Directors, staff and the people we serve, thank you for providing me the opportunity to speak with you about The Homemakers Health Services.

Per your request in regard to the number of people from Somersworth that are currently on our wait list to receive our Day Out Adult Day Care services, we currently have 11 people on our wait list, two of which are Somersworth residents.

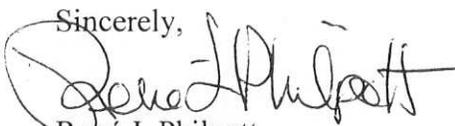
Currently, we are licensed by the State to provide Adult Day Care services to 37 persons a day. As the number of days people attend the Adult Day Care varies, i.e., some people attend five days a week, while others may attend only two days a week, we are able to serve a total population of about 90 persons through this program.

When we have a wait list, we certainly inform persons in need of these services that there are other adult day care programs available to them in this area. However, for various reasons, these people have chosen to remain on our wait list until an opening occurs. Their choice to remain on our wait list may be for a variety of reasons: they have friends in our program, they need the door-to-door transportation service we provide, or the location of our program is closer to their or their caregiver's home or on their route to work.

Should you need any further information or have any other questions, please don't hesitate to contact me.

If you or any members of the City Council are in the area, please feel free to stop by and see the program for yourself.

Sincerely,



René J. Philpott

Community Relations Director

cc: City Manger

FRANK GUINTA
1ST DISTRICT, NEW HAMPSHIRE

DISTRICT OFFICE:
33 LOWELL STREET
MANCHESTER, NH 03101
P. 603-641-9536 / F. 603-641-9561

DC OFFICE:
1223 LONGWORTH HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
P. 202-225-5456 / F. 202-225-5822



Congress of the United States
House of Representatives

Washington, DC 20515

April 18, 2012

OVERSIGHT AND GOVERNMENT REFORM

SUBCOMMITTEES:

VICE CHAIR
TARP, FINANCIAL SERVICES AND BAILOUTS OF
PUBLIC AND PRIVATE PROGRAMS
GOVERNMENT ORGANIZATION, EFFICIENCY
AND FINANCIAL MANAGEMENT
REGULATORY AFFAIRS, STIMULUS OVERSIGHT
AND GOVERNMENT SPENDING
TRANSPORTATION AND
INFRASTRUCTURE

SUBCOMMITTEES:

AVIATION
COAST GUARD AND MARITIME TRANSPORTATION
HIGHWAY AND TRANSIT
BUDGET COMMITTEE

The Honorable Matthew Spencer
Mayor
City of Somersworth
1 Government Way
Somersworth, NH 03878-3192

Dear Mayor Spencer, *Matt,*

Thank you for taking the time to meet with me on March 16th in my Manchester office, and especially for taking the time out of your day to join me in delivering meals to Somersworth residents on April 5th.

It was good to meet with local residents and hear about the issues they are facing and the difference the Meals on Wheels program makes in their everyday lives. I look forward to many more opportunities like this in the future as I travel throughout the district and appreciate you taking the time to join me in Somersworth.

If my staff or I can be of any assistance to you in the future, please do not hesitate to get back in touch with me.

Sincerely,

Frank Guinta
Member of Congress

Reply to:
Congressman Frank Guinta
33 Lowell Street
Manchester, NH 03101

fg/jg

UNFINISHED

BUSINESS

ORDINANCE NO. 10-12 ADD NEW CHAPTER 21A DISPLAY OF PERMISSIBLE FIREWORKS.

Somersworth, NH

April 16, 2012

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended by adding new Chapter 21A, Display of Permissible Fireworks, as follows:

CHAPTER 21A

DISPLAY OF PERMISSIBLE FIREWORKS

1. Statutory Authority

This article is enacted pursuant to the authority granted by Section 17 of Chapter 47 and Section 6 of Chapter 160-C of the New Hampshire Revised Statutes Annotated.

2. Definitions

“Consumer fireworks” means consumer fireworks as defined in 27 C.F.R. section 555.11 and formerly known as class C common fireworks.

“Fire Chief” means the Fire Chief of the City of Somersworth or his/her designee.

“Permissible fireworks” means consumer fireworks, except for those items that are prohibited pursuant to RSA 160-B:16, 160-B:16-b, and 160-B:16-c.

“Police Chief” means the Police Chief of the City of Somersworth or his/her designee.

3. Permit Required

No person shall use, discharge or explode any permissible fireworks without a permit issued by the City of Somersworth.

4. Permit Application

A. Any person wishing to obtain a permissible fireworks display permit shall apply to the Police Chief and the Fire Chief at least 72 hours prior to the display. The time frame may be waived at the discretion of the Police Chief and Fire Chief.

B. The applicant shall provide the following information:
a. Date of application

- b. Name, address and telephone number of the applicant
- c. Address of the location where the display will be held
- d. A diagram of the display location, showing the location of all nearby property lines, nearby buildings, public ways, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases
- e. Name of the owner of the property where the display will be held
- f. Intended date and time of display, including a possible rain date
- g. Written authorization of the property owner, if different from the applicant
- h. Signature of the applicant

5. Permit Fee

The fee for a permissible fireworks display permit shall be five dollars (\$5.00) per event. The fee shall be paid at the time of application and is non-refundable.

6. Site Inspection

- A. Prior to issuing a permit, the Police Chief or the Fire Chief may conduct an inspection of the display site to determine whether a permissible fireworks display can be held in a safe manner.
- B. If, in the opinion of the Police Chief or Fire Chief, the proposed site is not suitable for the safe display of permissible fireworks, the application for a permit shall be denied.

7. Restrictions

- A. No person under the age of 21 may possess, use, discharge or explode permissible fireworks.
- B. No permissible fireworks may be used, discharged or exploded during periods of very high or extreme fire danger as determined by the Fire Chief or the NH Division of Forests and Lands.
- C. Permissible fireworks shall be used, discharged or exploded in a manner such that all discharge debris shall remain within the property lines of the approved site.
- D. No permissible fireworks shall be used, discharged or exploded indoors unless a permit for "Pyrotechnic Display before a Proximate Audience" has been obtained from the NH Department of Safety.
- E. No permissible fireworks shall be discharged between the hours of 11:00 p.m. and 8:00 a.m. with the following exceptions:
 - a. January 1: no discharge between 12:30 a.m. and 8:00 a.m.
 - b. July 3, 4 and 5: no discharge between 12:30 a.m. and 8:00 a.m.
 - c. December 31: no discharge prior to 8:00 a.m.

- F. The applicant shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property, and any private property other than the approved site within twenty-four (24) hours of the display.

8. Permit Revocation

- A. A permit may be revoked or suspended by the Police Chief or Fire Chief for any of the following reasons:
 - a. Very high or extreme fire danger
 - b. Unfavorable weather conditions, such as drought or high winds
 - c. If any person under the age of 21 possesses, uses, discharges or explodes any permissible firework device
 - d. If any pyrotechnic device other than a permissible firework is possessed, used, discharged or exploded on the site
 - e. If the person who is using, discharging or exploding the permissible fireworks appears to be under the influence of alcohol or drugs
 - f. If, in the opinion of the Police Chief or Fire Chief, the use, discharge or exploding of permissible fireworks would create a threat to public safety

9. Penalty

- A. The Police Chief and Fire Chief are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this ordinance.
- B. Any person who violates the provisions of this ordinance shall be guilty of a violation and upon conviction thereon shall be fined in an amount not exceeding \$1,000.

10. Separability

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct independent provision and such holding shall not affect the validity of the remaining portions thereof.

This Ordinance shall take effect upon its passage.

Chapter 21, Fire Prevention Code, Section 6 of the City of Somersworth Ordinances, shall be deleted upon passage of this ordinance.

Introduced by Councilors

David Witham
Martin Pepin
Marcel Hebert

Approved:

City Attorney

RESOLUTION NO. 24-12 AUTHORIZING THE CITY MANAGER TO SELL
SURPLUS CITY PROPERTY.

Somersworth, NH
April 16, 2012

WHEREAS, the City of Somersworth has acquired the following parcel of property through tax deed,

- 15 Rocky Hill Road, Land and Building, Tax Map 12 Block 13
- and,

WHEREAS, after a review of the aforementioned there has been no determined municipal need for the property and it may be considered surplus,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to sell this surplus City property by any means determined to be in the best interest of the City.

Introduced by Councilors

Robin S. Jarvis
Dale R. Sprague

Approved:

City Attorney

PROPOSED CHARTER AMENDMENTS

- Article I, Section 1.3, amend last paragraph, first line, by deleting the words “vote or”.
- Article III, Section 3.2(A), amend by inserting the following after the first sentence: “The appointed Councilor shall fulfill the duties of Councilor until two (2) weeks after the date of said election, at which time the qualified person elected by the voters to serve the remainder of the term shall assume office.”
- Article III, Section 3.2(B), amend by adding the following sentence: “The appointed Councilor shall fulfill the duties of Councilor until two (2) weeks after the date of said election, at which time the qualified person elected by the voters to serve the remainder of the term shall assume office.”
- Article III, Section 3.5(B), amend the next to the last sentence to read “At this election, the voters shall elect a qualified person to serve as Mayor, who shall assume the duties of Mayor two (2) weeks after the election”.

NEW

BUSINESS

ORDINANCE NO. 11-12 FY2012-2013 BUDGET.

Somersworth, NH
May 7, 2012

The City of Somersworth Ordains that Budgets for the City of Somersworth for the 2012-2013 Fiscal Year shall be:

<u>DEPARTMENT</u>	<u>BUDGET</u>
<u>GENERAL FUND</u>	
Elected Leadership	\$112,184
City Management	292,608
Finance and Administration	1,099,466
Development Services	827,519
Police	3,146,909
Fire	1,920,937
Public Works	1,979,272
Other Expenses	1,330,801
Capital Outlay	287,250
Intergovernmental Assessments - County	2,261,271
School Department	25,722,238
TOTAL GENERAL FUND	38,980,455
<u>ENTERPRISE FUNDS</u>	
Wastewater Department	2,059,068
Water Department	1,977,806
Solid Waste	369,600
TOTAL ENTERPRISE FUNDS	4,406,474
TOTAL FY 2012 - 2013 APPROPRIATIONS	\$43,386,929

This ordinance shall take effect upon its passage.

Introduced by
Mayor Matthew Spencer
by request

Approved:

City Attorney



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 4th, 2012
SUBJECT: City Manager's Report for Monday, May 7th, 2012
City Council Agenda

6:00 p.m. Public Hearing
Ordinance No. 10-12 New Chapter 21A Display
of Permissible Fireworks

6:45 p.m. Public Hearing
Proposed Amendments to City Charter

Unfinished Business (under Section 12 of the Agenda):

Ordinances:

- A. Ordinance No. 10-12 Add New Chapter 21A Display of Permissible Fireworks.** As a reminder, this is an entirely new Chapter drafted by Interim Fire Chief Bliss and Police Chief Crombie with the assistance of Council's Public Safety Committee.

Resolutions:

- A. Resolution No. 24-12 Authorizing the City Manager to Sell Surplus City Property.** The Finance Committee is sponsoring this Resolution. This is a single family residence located at the corner of Wells Street and Rocky Hill Road.

Other:

- A. Vote to Send Proposed Charter Amendments to Ballot.**

ew Business (under Section 13 of the Agenda):

Ordinances:

- A. **Ordinance No. 11-12 FY 2012-2013 Budget.** The Council could waive its rules to begin Budget deliberations this evening. A final vote could occur at a future regularly scheduled meeting on May 21st, June 4th or June 18th. As a thumb-nail reference point, an \$85,000 budget cut will result in an approximate .10¢ decrease in the projected tax rate.

Attached is a memorandum from Finance Director Smith providing the following information: the balances in our established Capital Reserve Funds, Library budget decreases over the last couple years, and County Budget estimate. I will be providing you with additional requested budget-related information prior to the next regular Council meeting.

Other:

- A. **Bond Issuance Discussion.** Attached is information that outlines the timing of expiring debt for the City and School Department. It also provides the total debt service payments through fiscal year 2019.

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

A. Informational Items:

1. **Building and Code Inspections.** Attached is a report submitted to the Economic Development Committee at their May 1st meeting. The possibility of placing the building office under the fire department organizational structure was also a point of discussion at the February 25th, 2012 Council Goal Session.

At this time, I believe we should be able to achieve benefits of an integrated building inspection-fire inspection system if we modify our approach without organizational structure change. The implementation of regularly scheduled meetings between the inspection offices should begin to provide a better collaborative and successful process. We can continue to evaluate to ensure this internal collaboration improves problem solving and meets our expectations.