

Somersworth, NH  
November 14, 2011

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

MINUTES OF THE PREVIOUS MEETING.

MINUTES OF 10/03/2011 CITY COUNCIL MEETING

Councilor Witham, seconded by Councilor Pepin, made a motion to pass these minutes. The motion passed with Councilor Beaudet abstaining.

MINUTES OF 10/17/2011 PUBLIC HEARING

Councilor Witham, seconded by Councilor Watman, made a motion to pass these minutes. The motion passed with Councilor Jarvis abstaining.

MINUTES OF 10/17/2011 CITY COUNCIL MEETING

Councilor Witham, seconded by Councilor Pepin, made a motion to pass these minutes. The motion passed with Councilor Jarvis abstaining.

Acting Mayor Tapscott said that he would like to insert item 3.D. the Return of Votes for the November 8, 2011 Municipal Election into the agenda.

There was a motion by Councilor Beaudet to do so, seconded by Councilor Pepin.

Councilor Witham did not feel prepared to vote on it, having just received it this evening. Acting Mayor Tapscott said that there is an issue with the Charter having the newly elected Mayor taking the position on November 22, 2011 and needing to have this result certified. Councilor Witham agreed that if it was later on the agenda, then he would try to look it over by then.

Councilors Beaudet and Pepin withdrew their support of the motion made

COMMENTS BY VISITORS.

Nancie Cameron, 350 Old Rochester Rd #1, thanked everyone for the outpouring of support through this miscommunication. To err is human, mistakes happen, she said. It is part of life. They face their disappointments head on with some hope of resolution or restitution, whichever comes first. Apology has been warranted and accepted from City Hall and the clerical error. Unfortunately now, due to the outcome, she must forfeit a City Council position which the citizens of Somersworth clearly voted her in for. If a citizen of this City moves back or a newcomer and questions what ward they are in, what

more should a person do to verify this information than to inquire at City Hall? She took this information and trusted it, bringing this to a revote sends the message to her, and the eight thousand plus voters of this community, that you can trust the City. The irony of it all is that not only is it unfair to her, but the people of both Ward 2 and 3 respectively. Ward 2 for those who didn't have the opportunity to voice their choice for their Council Representative between two individuals, each respected pillars of the community. For Ward 3, those thinking they were voting for the candidate of choice to find out in the end, she wasn't. Municipal elections have low voter turnouts to begin with, but to be disillusioned by what could have been and what is, is a scenario no-one could have predicted. Getting people to put their name on the ballot and come out and vote is definitely an issue in this City. Not righting a wrong that is this public affects the precious voters that we do have and sends out a horrible message about this City's ability to do what is right. It only takes a few easy steps to allow people to vote and if we don't, it will further disenfranchise our citizens and be another blemish on the City of Somersworth. If she hadn't discovered the error on Election Day, never gone to the correct Ward to vote, never read the voter registration list, never checked the street listings, what would the outcome have been, then? At a later date, found out that she was elected and representing a Ward that she did not live in, then how would the situation have been handled? Of course results can't be reversed- she gets it, but fix mistakes, she said. How could she have been a Ward 2 candidate with write-ins to win if she didn't have enough time or opportunity to rectify the situation? She was appointed to Supervisor of the Checklist for Ward 4, should she have shirked her civic duty? Left to go to Ward 2? Perhaps, but by then the damage was done. You as Councilors, she said, have the opportunity and means to fix the mistake to revoke the outcome. The Secretary of State Elections Division said that it can be turned back to the City. If they sit back and do nothing, she has to live with that decision, it is your choice. If they do nothing, what type of message are they sending to the citizens of Somersworth? They vote for a reason, to elect the best candidate to represent them. After all is said and done, they did choose her. Thank you, she said.

William Connor, 41 Pinewood Dr, Ward 2, read from a prepared presentation which highlighted the following:

- He praised the superintendent's explanation of the processes Rollinsford might use to send students elsewhere.
- He looks forward to the dialog regarding the schools CIP planning process.
- The Idlehurst School is a superb achievement and suggested that perhaps a DVD be created about the school by our high school students.
- He would favor a historical themed park at the Hilltop site and believes we need to share our other public and private facilities more efficiently.
- He would have assigned a \$7,000 Segway scooter to existing administration at Idlehurst rather than creating a new position at the cost of \$100,000.
- SAU Districts should be merged, for instance, Somersworth, Dover, Rochester and Rollinsford. There is underutilization which needs to be addressed.

Kirsten Larsen Schultz, Ward 1, has been wrestling all weekend with whether she wanted to come up and say something, just as she would want constituents to voice their concerns with her, she felt that she needed to come and tell (the Council) that she also did not like how the elections went on November 8<sup>th</sup>, there was the situation with Nancie Cameron and also she walked into Ward 2 to see someone on the ballot working the polls in that same Ward. She realizes it was an uncontested race but at the same time, if Nancie Cameron had been there in the correct ward, it would not have been uncontested. So, she just wanted to voice her concerns with how the election was handled in Somersworth.

Emmett Soldati, 7 Prospect St, wanted to express his gratitude to the citizens of Somersworth. He has been home for only a couple of months and has been confronted with overwhelming support. He loved being able to put his hat into this race, it has been great all along the way. He especially wanted to thank Marty Pepin; they had a really good race, a clean fight. He really appreciates it and said (Mr. Pepin) will do an excellent job, keep on doing an excellent job. He will certainly hold his toes to the fire when he can. Ward 1 wants Marty there and they will do a good job. He wanted to thank Bob Belmore and the rest of the City staff; they have been supportive of the Friends of Somersworth. He thinks they have seen extraordinary efforts in the months since he has been home, as well as the Economic Development Committee; they have done some excellent work. He has been impressed. He wants to express encouragement and appreciation... Lastly he expressed his support to the City staff, particularly the City Clerk's office, Elise and Diane; he is in there all the time and knows how hard they are working. He knows how overrun they all are with all the pressure put on by the City with staffing requirements. He is in there almost every day and sees the kind of stuff they have to do. He thinks it was noble the way the elections were handled. Everyone's fair share was dealt with. He appreciates the work they do and if they keep doing it, they will not have these kinds of mistakes again.

## COMMUNICATIONS.

### LETTER FROM THOMAS G. TETREAULT

November 1, 2011

Somersworth City Council  
1 Government Way  
Somersworth, NH 03878

The Mayor of Somersworth  
City Council Members

I recently sold my home in Somersworth and I have moved to an adjoining community. Therefore, it is my duty to inform you that I am resigning my position as a board member of the Somersworth Public Library Trustees, effective this date.

I have enjoyed the years during which I was a Trustee and being involved with the many changes and improvements in the library. It has been a great pleasure to work with Ms. Longo as well as with the other board members in modernizing the library's operations. Debora Longo is truly an asset to the Somersworth Public Library, and also, to the City of Somersworth.

Thank you very much for the opportunity to have served in this capacity

Sincerely,

Thomas G. Tetreault

#### MAYOR'S REPORT.

Acting Mayor Tapscott reported that he had a wonderful evening last Friday night at the American Legion for Veteran's Day. It was a well turned out event and he was very proud to be there. Great food, too, he said.

#### REPORTS OF STANDING COMMITTEES.

##### FINANCE COMMITTEE

Councilor Jarvis reported that they met briefly on November 1, 2011 to review and approve the highway garage paint booth repair and improvement. The cost was about \$5,500 to upgrade lighting and the paint bay to have it up to code. It was approved 3-0.

##### ECONOMIC DEVELOPMENT COMMITTEE

Councilor McCallion said that they met on November 1, 2011. The meeting was well attended and they had a long discussion regarding the things that can happen with a private and public partnership. The City of Franklin just received a \$239,000 grant for a community center in one of the old elementary schools. It goes to show that there are things that they can do if they put their minds together. Councilor Witham had said he would contact Franklin and get some insight as to how they applied for that grant. They are in the early stages of their discussions but they needed to craft a resolution in order to move forward. There is a resolution before the Council tonight and he hopes that everyone will support that.

##### PUBLIC SAFETY COMMITTEE

Councilor Watman reported that they met on October 24, 2011 and discussed the written report by Police Chief Crombie regarding the fire works ordinance, and after discussion with him, Fire Chief Bliss and City Manager Belmore they have requested that the City Manager draft a revised ordinance for review which would

- Reduce the permit fee

- Reduce the application waiting period, and
- Impose a fine for noncompliance.

Chief Bliss reported that pumpers have all passed their pump test and aerial ladders and ground ladders all passed and he recommended that the current capital improvement program include a comprehensive review of equipment based on reliability, staffing and typical needs to determine priorities.

Chief Bliss has indicated that, despite aggressive measures to limit overtime according to Council wishes “if current staffing levels are maintained, the overtime budget will be over-expended by approximately \$35,000 not including benefits.” Finance and administration have indicated that it will probably not be able to make up that amount of money with a budget transfer ordinance at the end of the year, so they recommend that Council start to address where that money might come from quickly.

(Committee) members were informed that the deadline date for making additional purchases for items from leftover money from the fire station sprinkler and generator grant had passed without any action, and they believe it was because of the change in personnel around the time that that would have been done.

They also discussed the need to carefully examine and act on any regional, county or tri-city cooperative cost savings that would be reasonable and prudent for the City of Somersworth. They have a strong desire to see further positive steps in this area, for example a prompt and in depth study of regional dispatch services.

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

### SCHOOL BOARD

Councilor Pepin said there was a meeting on October 25, 2011. He passed out a handout of the budget they submitted on 10/19/2011. They had an HV system let go at the Middle School for \$72,000 which puts that line item at \$0. They got a reimbursement from the State retirement for \$15,000 and they have a deduction in the liability insurance in the red.

They had a workshop on 11/03/2011 on Capital Improvement. The City Manager gave a presentation on RSA 674 and the six year plan. It was very informative. And they will work together to try to get some improvements done to the school.

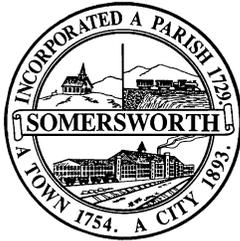
Councilor Pepin did not attend the meeting on November 8, 2011.

Councilor Witham said that the next step in the capital improvement process takes place tomorrow beginning at 5:30 pm with the Planning Board review. He encourages everyone to attend.

### COAST

Councilor Watman said that the last COAST Board of Directors meeting was held on October 26, 2011. The Board decided that workers compensation insurance will stay with LGC but that everything else will be with Ferdinando Insurance Associates of Manchester for a net savings of \$50,000.

Discussion will start at the Wednesday meeting for the fiscal year 2013 fiscal funding formula. The formula and requests have not changed for three years because money from the general fund had been used to offset budget expenses and that cannot continue. There will likely be fee increases or reductions in services. The Saturday service should begin in early December and will be a regular part of the service from now on. Ridership is up about 11% and routes through Somersworth are up 17% and 13.4%, big increases.



## **CITY OF SOMERSWORTH**

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

**TO: Acting Mayor Brian Tapscott and City Council Members**

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

**DATE: Thursday, November 10, 2011**

**SUBJECT: City Manager's Report for Monday, November 14, 2011  
City Council Agenda**

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**6:30 p.m. City Council Workshop -PRESENTATION BY YANKEE  
THERMAL IMAGING REGARDING SPECIFIC ENERGY  
REDUCTION PROGRAMS**

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

**Resolutions:**

- A. Resolution No. 15-12 Authorizing the City Manager to Sign a Lease/Purchase Agreement for the Purchase of Two Sidewalk Plows and Associated Equipment.** Again, the proposed plan would be to use the \$59,000 in insurance reimbursement received and the \$13,500 in this fiscal year's approved budget as a total down payment of \$72,500 for the two sidewalk plows. The estimated annual

payments for a five (5) year lease purchase is anticipated to be in the area of \$31,000 for the two purchases.

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

**Resolutions:**

- A. Resolution No. 16-12 Authorizing the City Manager to Enter Into a Grant Agreement with the New Hampshire Department of Transportation for a Transportation Enhancement (TE) Grant for a Downtown Sidewalk and Streetscape Improvement Project.** Attached in a Memorandum from the City Planner outlining significant steps the City has taken to reach this point. Further City Council action will be required to award contracts and expend funds when we get to the bricks and mortar construction stages of the project. There is also a map depicting various aspects of the project.
  
- B. Resolution No. 17-12 Authorizing a Public-Private Collaboration between the City of Somersworth and the Friends of Somersworth to Pursue the Preservation of the Hilltop School as a Community Resource.** This Resolution was a work project stemming from the Economic Development Committee's meeting of November 1, 2011. Attached is a copy of the Friends of Somersworth Business Plan Proposal.
  
- C. Discussion of Monthly Water and Sewer Billing (Councilor Beaudet).**

**Other**

- A. Request from Attorney Robert Fisher to Meet with City Council.** Attached are copies of letters received from City Attorney Mitchell in regards to Attorney Fisher's request to meet with City Council.

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

**A. Informational Items:**

- 1. **Hilltop School Demolition Estimate (Resolution No. 14-12).** As directed by City Council, I have attached a preliminary estimate in regards to the demolition of the Hilltop School building. The estimate is \$278,875. However, it would cost approximately \$20,000 to complete a hazardous material survey of the building in order to capture the true cost of safe demolition and removal of materials. There are also some other exclusions noted on the estimate.
  
- 2. **Acceptance of Certain City Roads.** City Administration has received requests for City Council to accept Gator Rock Road and Hawthorne Circle (Gerrish Commons). I have discussed the Gator Rock request with Council's Public Works Committee and will be following up to provide

the Committee with an update based on a recent meeting with the property owner. I have a meeting scheduled with the Gerrish Commons owner for later this month. Attached are copies of both property owner requests.

### 3. GRANTS

- Fire Chief/EMD Don Bliss has recently submitted a grant application to the State of New Hampshire Department of Safety for a \$5,000 grant to update the City's Emergency Operations Plan: \$2,500 from State to hire a consultant for plan development with a City in-kind match of \$2,500.
- I have also signed off on a request for FEMA reimbursement of \$67,500 in City costs in responding to Hurricane/Tropical Storm Irene (75% of \$90,500 round figure).

#### **B. Attachments:**

1. City Attorney Certification (1).
2. Department Head Monthly Reports.
3. City Employee November Newsletter.
4. City November E-Newsletter.
5. Newly ratified Union contracts.
6. Somersworth Firefighter Toy Bank Flyer.

**REMINDER – Veterans' Day Ceremonies  
At the American Legion on  
Friday, Nov. 11<sup>th</sup> at 7 p.m.**

#### NOMINATIONS, APPOINTMENTS AND ELECTIONS.

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

Councilor Witham made a motion to suspend the rules to act on this tonight. It was seconded by Councilor Beaudet.

Councilor Sprague made a motion to table this.

Councilor Witham said that the motion to table is non- debatable, if he has a second.

There was no second.

Acting Mayor Tapscott asked if there was discussion on the motion to suspend the rules.

The motion to suspend the rules passed and then Councilor Watman made a motion to accept the nomination of James Butterfield, which was seconded by Councilor Witham.

Councilor Sprague wanted to table this, having nothing to do with James Butterfield, because the nomination is set forth by the Mayor, a new, elected Mayor and he doesn't see why they need to jump to an appointment right now when we can wait until next week when an elected Mayor can make the appointment.

Councilor Watman has to differ a little bit because Your Honor is Acting Mayor with the authority to make an appointment which would lie on the table until the next regular meeting and be acted upon at that time, there would not be an opportunity, as far as he knows, for the new Mayor to do anything.

Councilor Sprague urged the Council to vote no on this nomination and leave it back open for the new Mayor to see who he wants to nominate. That is the duty of the Mayor, an elected official, he said.

Councilor McCallion asked if Mr. Butterfield is in the audience. He doesn't know him personally and it would be nice if they would come and speak before they wanted to take a seat.

Councilor Sprague said again that this has nothing to do with James Butterfield, but with the process, that is all. With the process that they have, he would like to hold off until the elected Mayor steps in next week.

Councilor Pepin said he doesn't believe that they stop process just because of the nominations or whatever. We do business until the end of business. If that is the case we won't vote on the snowplows tonight. He will not go for putting this on hold.

There was call to take a roll call vote on this motion.

Councilor Sprague said that he believes that they erred in the last election with the Ward 5 seat and he believes that that seat should be vacated right now and there should not be any vote from that seat, the way that he reads the Charter.

Acting Mayor Tapscott said that is not the way the City Attorney gave his legal opinion on that.

Councilor Sprague said that if there are ten attorneys in a room there will be fifteen different opinions.

Acting Mayor Tapscott called for the roll call vote which approved James Butterfield's nomination 7-2, (Councilors Sprague and McCallion opposed.)

UNFINISHED BUSINESS.

RESOLUTION 15-12 AUTHORIZING THE CITY MANAGER TO SIGN A LEASE/PURCHASE AGREEMENT FOR THE PURCHASE OF TWO SIDEWALK PLOWS AND ASSOCIATED EQUIPMENT.

Resolution No. 15-12 passed 9-0.

NEW BUSINESS.

RESOLUTION NO. 16-12 AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION ENHANCEMENT (TE) GRANT FOR A DOWNTOWN SIDEWALK AND STREETScape IMPROVEMENT PROJECT.

Somersworth, NH  
November 14, 2011

WHEREAS, the City of Somersworth had applied for a Transportation Enhancement (TE) Grant to the State of New Hampshire by and through the Federal Highway Administration to make pedestrian and bicycle improvements to the City's urban core; and

WHEREAS, the City of Somersworth has received notification of a \$379,477.35 TE Grant Award to design and construct these improvements; and

WHEREAS, the City of Somersworth is matching this Award with the required 20% funding match of \$94,869.34; and

WHEREAS the City Council adopted Resolution No. 7-12 that established a Downtown and Transportation Enhancement Improvements fund that will provide this match for a total project cost of \$474,346.69; and

WHEREAS, this project is supported by the City's Master Plan, particularly Goal 1 that states "Make the downtown a livable, walkable, vibrant focal point for the City and region that is physically attractive, socially and culturally energized, and offers the opportunity for a diversity of business activity";

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to enter into a grant agreement with the NH Department of Transportation for a Transportation Enhancement Grant and execute any documents, agreements and take any necessary actions in the best interest of the City to complete this downtown improvement project.

Introduced by Councilors

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

Approved:

City Attorney

Acting Mayor Tapscott said that Resolution No. 16-12 will lay on the table until the next regular meeting.

RESOLUTION NO. 17-12 AUTHORIZING A PUBLIC-PRIVATE COLLABORATION BETWEEN THE CITY OF SOMERSWORTH AND THE FRIENDS OF SOMERSWORTH TO PURSUE THE PRESERVATION OF THE HILLTOP SCHOOL AS A COMMUNITY RESOURCE.

Somersworth, NH  
November 14, 2011

WHEREAS the City of Somersworth has assumed care and control of the former Hilltop Elementary School Building and associated property designated as Assessor's Map 11 Lot 49; and

WHEREAS the City of Somersworth recognizes that preservation of the former Hilltop School building and property is a reasonable goal given its iconic value and its presence in an established historic neighborhood; and

WHEREAS the re-use of the property will help to keep the building and property from becoming a hazardous or blighted condition through prolonged abandonment; and

WHEREAS such a public-private partnership will provide City guidance and assistance in seeking out and applying for grants open to the City as well as grants open to the Friends of Somersworth that will support the necessary steps to ensure the legal, safe and effective re-use of the building and property; and

WHEREAS the Friends of Somersworth do not wish for the adaptive re-use of the property to be a financial burden on City taxpayers and such a partnership does not obligate the City of Somersworth to any funding; and

WHEREAS the establishment of a partnership does not prohibit other action by the City Council of the City of Somersworth relative to other public or private re-use alternatives,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT a public-private collaborative partnership between the City of Somersworth and a duly incorporated non-profit community based group known as the Friends of Somersworth be established and that the City Manager is authorized to execute any documents and agreements necessary for any grant application on the City's behalf, and to take any other action deemed to be in the best interest of the City to facilitate the vision and goals of the City Council and the Friends of Somersworth in furtherance of the

adaptive re-use of the former Hilltop Elementary School Building and associated property into a community building to promote arts, cultural growth and community engagement.

Introduced by Councilors

Jonathan McCallion  
Robin Jarvis  
Dale Sprague  
Martin Pepin  
David Witham

Approved:

City Attorney

Councilor Beaudet made a motion to suspend the rules because he does not want to see this lay on the table for another month. The building has been vacated for months and they really need to move forward on this. The motion was seconded by Councilor Pepin and went to a roll call vote. A 2/3 majority was required to pass the motion, therefore the 5-4 vote to suspend the rules failed.

DISCUSSION OF MONTHLY WATER AND SEWER BILLING (COUNCILOR BEAUDET.)

Councilor Beaudet introduced a discussion of the monthly water and sewer billing. He said that the official Council minutes state that Finance Director Smith said that “we spend about \$10,000 in postage and paper a year. That amount would triple.” The Councilor Said that pending an additional \$20,000 on postage and administrative supplies without the benefit of additional revenues is a poor choice of taxpayer dollars. We need to be frugal and pragmatic with community revenues. The Council minutes also state that Mr. Smith said, “Generally speaking, we should see an improvement in our cash flow.” Councilor Beaudet said that the language, “generally speaking” is abstract and disingenuous. Collecting approximately \$150,000 per month or \$450,000 quarterly for a City that has a \$15M budget does nothing. The Council minutes also state that “they often have abatement requests and concerns about leaky toilets or leaks in the system, they would perhaps be able to foray those out on a much quicker basis, helping out users and the City.” Once again, he said that the language “we would perhaps” is ambiguous and subjective. Abatement requests will always be part of our process, the Councilor said. No documentation was presented to support this theory. Conclusion: the City will decrease the bottom line this fiscal year by about \$20,000 without analytical justification. The City has tripled staff workload without providing additional resources. At some point staff will be increased, this is a given. Community response to monthly billing has been

extremely negative. Our residents do not understand why the City made dramatic changes to a program that was never broken. Considering that this policy was implemented without public debate, he would like to make a motion that the monthly water and sewer bill revert back to quarterly.

Councilor Pepin seconded the motion, saying he was totally against it in the first place.

Councilor Witham asked, as a point of order, if they need a proper resolution.

Councilor Beaudet responded that he would give him one, but it wasn't passed under a proper resolution.

Councilor Watman agreed, saying that he thinks the Council has raised some good points and they need good information back. His suggestion is to send that to the Finance Committee to get a report from the Director of Public Works relative to what has happened and whether those things that were predicted have come back or not and have a report back at the next meeting.

Councilor Witham agreed with Councilor Beaudet that there has been a lot of public outcry over the monthly billing. Other than changing the names of roads, that is probably the issue that has generated the most emails, on-street dialog and phone calls, bar none. More so than a multi-million dollar budget, interestingly enough. He is open to revisiting it and data would assist in that discussion. He said that this wasn't done under some secret umbrella; it was done in the open in front of the public and not mischievously. He thinks it is important to get proper data to examine this further, so he can't support the motion as presented.

Acting Mayor Tapscott asked Councilors Beaudet and Pepin if they were in agreement about getting some time and revisiting this. Both Councilors withdrew their motions and agreed to table this.

Councilor Watman moved that this matter be referred to the Finance Committee for review. The motion passed.

#### REQUEST FROM ATTORNEY ROBERT FISHER TO MEET WITH THE CITY COUNCIL.

City Manager Belmore said that he has shared information with the Council in regards to correspondence with Attorney Fisher and he does not recall Council taking a vote not to accept his request, so he would appreciate the Council making it clear in a public forum whether or not to meet with him.

Acting Mayor Tapscott asked whether Attorney Fisher asked for either a public or private meeting.

City Manager Belmore indicated that he thought it was presented both ways.

Councilor Spainhower asked if the Council has ever met with any individual in this same situation before.

Councilor Watman doesn't believe that the Finance Committee or the Council has met with any, either for a commercial or residential property.

Councilor Witham asked if Mr. Fisher has met with the Finance Committee.

Councilor Witham made a motion that the City Council not meet with Attorney Fisher. Councilor Sprague seconded the motion which passed unanimously on a roll call vote.

DISCUSSION/VOTE ON ACCEPTANCE OF RETURN OF VOTES-MUNICIPAL ELECTION 11/08/2011.

Councilor Spainhower commented that he doesn't believe he can vote for this at this time because he thinks there is going to be a recount on Thursday.

Acting Mayor Tapscott had discussed this with the City Manager and said that the recount can still overturn the results of that particular vote.

City Manager Belmore read Article II, Section 2.8 of the City Charter:

CANVASS. The City Council shall, at its next regularly scheduled meeting following the election, or within ten days, whichever is sooner, receive from the City Clerk, who having entered upon the record the number of votes given in each ward for every candidate voted for in the election, the returns of such votes. The City Council shall examine the same and declare and certify that the persons having the largest number of votes are elected as Mayor, Councilors, School Board members, Ward Officers, and such other Officers as may be voted upon, and shall cause them to be notified of their election.

Councilor Watman said that as a kind of a side issue, he does not remember, in regards to the point that Councilor Sprague made previously about the Ward 5 seat and when that person sits, gives him pause. He can not actually remember a written opinion on that from the City Attorney; he remembers one from the Mayor which is quite clear. If someone can find one it should be made public and if they can't then someone should request one. He said that this does not affect this issue, but does affect what happens between now and our next meeting.

Councilor Witham believes that in the October 17<sup>th</sup> meeting, after the Pledge of Allegiance, there was the swearing in of Mr. Beaudet to the Ward 5 Council seat. At that time he asked for the legal opinion to be read which appears on page one of those minutes. The way that he read and understood the legal opinion is that Mr. Beaudet would be seated as a Council representative until the January date, at which time Mr. Durkee would be sworn in. That is the way he understood it. It is an area of the Charter

that probably does need to be cleaned up. Seems that Mr. Beaudet is sitting legally but he is open to challenge on that.

Councilor Sprague said, the way that he read the Charter, having nothing at all to do with the players involved, that Councilor Beaudet was put in until the next election; it doesn't say the next swearing in, it says until the next election, which took place last Tuesday. At that point in time, his term is ended. ...He believes that they erred; as ridiculous as this mess may seem, the last election should have had two spots for Ward 5. That's the way the Charter reads: that's the process, he said. There should be some tightening up in that language to make it similar to the way the Mayor gets selected. He thinks language needs to be added to read that the person being elected will be sworn in after two weeks, that's not how it reads.

In light of the reading of the Charter, with the word "shall" in it, Councilor Watman moved that the Return of Votes of the 11/08/2011 Municipal Election be accepted. The motion was seconded by Councilor Pepin.

Councilor Witham said there a couple of question about this year's election results. His mind goes back and forth on this. These are important decisions, as important as any others that they make here in this body; arguably more important. He asked about the requirement to post a special meeting for Thursday with the City Attorney present.

Councilor Watman reiterated that it is "the next meeting or ten days, whichever comes first." So, he does not believe that is an option.

City Manager Belmore said they are certifying the results that they have now. The next meeting will certify the recount numbers which will overrule these numbers or perhaps stay the same. In regards to the City Attorney and the issue as to who takes the Ward 5 seat, they can have the City Attorney here prior to the next regular meeting to rule on that and if there is a difference of opinion or new information, they can have a swearing in then, as they did for Councilor Beaudet.

Councilor Witham said that made sense to him and requested that, but said they need three Councilors to have that happen. Acting Mayor Tapscott said they have a minimum of three.

The return of votes for the 11/08/2011 election passed on a roll call vote of 9-0.

#### COMMENTS BY VISITORS.

Real Roseberry, Ward 1, agreed with Councilor Beaudet about the water bill saying that they should go back to the way they were. People are complaining and seem to think they are paying more money. Let's go back to the quarter, much better.

#### CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Pepin thanked the voters. He believes that the local elections are so important because it affects tax rates and services and your community. He complimented Emmett (Soldati) on his run, saying that he did a great job. He would like to look back at the numbers and felt that he fell short; he wants the people to know that he is open for suggestions and ideas. They can call or email; he prefers phone calls. He said one of the former Mayors had a forum; he thinks they should have a residential forum for the public to come in and make comments. He would like to talk to other Councilors about that. He thanked everyone.

Councilor Jarvis noted that the information from the Friends of Somersworth was available and wanted everyone to review it before the next meeting.

Councilor McCallion agreed, saying it is on the website. For some reason it got jumped to a second reading, they were going to ask for a public workshop so they could come in to explain it. He recommends them to come in to the next meeting. He was at the polls and promised to mention 1.) Return envelopes for the water bills, 2.) Roof insurance at the Middle School, 3.) They want to know from the JBC when the gym is going to be turned over at the elementary school, 4.) What about a score board? He encourages communication. He prefers email but they can always call. Thank you to everyone.

Councilor Witham thanked interim Development Director Dave Sharples for the memo for the TE Grant. Looking at the timeline from July 2009 and we are now getting ready to accept the grant. Seems slow but the ball is rolling, he said. In goal setting workshop they want to see High Street improvements. It would be helpful to him to have the Director of Public Works, Mr. Willis, begin to develop a conceptual timeline. There is also the Berwick Bridge project. He knows that all of these things are in the works but they need to get (going). He's like that sooner rather than later.

Regarding the problem outlined in the memo from interim Fire Chief Don Bliss about Fire Department overtime, the Council wrangled with this issue and thought they had funded that line at a rate to keep 3 firefighters on days and 4 on nights based upon projected leaves. These did not anticipate injuries or the retirement of a lieutenant and the need to fill that vacancy. Those have in part lead to this rather significant budget shortfall. He plans to draft an ordinance requesting a supplemental appropriation and asks the Manager to tell him if he wants it sooner rather than later as there is still money in that line.

He reminds the residents that the Fire Department is doing the toy bank again this year. Donations and help are welcome. Demand is high and donations are down.

Councilor Witham said, in response to the number in the City Managers Report for the demolition of the Hilltop School, that we really need to pay attention to a hazardous materials survey. The City should consider that regardless of demolition, with any type of sizeable renovation. This should be an agenda item for the next Economic Development Committee meeting. We should know that sort of information.

Foster's carried an article about the City's tax rate increase of 51 cents per thousand dollars. This increase was substantially lower than many of the surrounding communities.

Councilor Watman said that a citizen brought up a concern about the election. He had the same concern before the election regarding a candidate for office being an election worker at that same ward. He looked up the law and it is prohibited if that person handles ballots. That person's position did not involve handling ballots so that was perfectly okay for that person to do.

When he considers suspending the rules, it is because of timing not content. It is reserved for emergencies, opportunities that will be missed if you don't act immediately. It does not indicate anything about how he will vote.

Lastly, he hopes that Council will take a look at the City Charter and initiate some change.

Councilor Sprague congratulated everyone who won and also those who ran and didn't win. He is sorry for Nancie Cameron. He said there is another election coming up; that's a thought.

He was a sponsor on the Hilltop resolution but did not want to vote on that tonight because ...there is no mention of zoning issues up there as to what that use will be. That was his rationale.

Mayor Soldati and new council members, a couple of years ago, wanted to have Somersworth recognized as a sustainable community and buy local. He suggested that on Black Friday after Thanksgiving that people buy local. He passed on an email urging people to have gifts be American made and/or local. There were suggestions on how to support your hometown. Look at local businesses, he said.

Acting Mayor Tapscott said that he too had heard nothing good about the monthly water and sewer bills. He questioned how many could be missed before you could expect your service to be shut off.

He said it might be worth checking with the SAU office to see if they have information regarding hazardous materials at the Hilltop School.

He thanked everybody for the vote for Mr. Butterfield for the Board of Assessors. It is a three member board, down to one, especially with the revaluation going on, he said.

#### ADJOURNMENT.

Councilor Pepin, seconded by Councilor McCallion made a motion to adjourn which passed at 8:30 pm.

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Elise B. Brellis, Deputy City Clerk

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Brian Tapscott, Acting Mayor