

CITY OF SOMERSWORTH

CITY COUNCIL MEETING

AGENDA

OCTOBER 15, 2012 – 7:00 P.M.

PUBLIC HEARINGS

6:30 P.M. – Ordinance No. 4-13 Supplemental Appropriation of  
Accrued Investment Earnings from the New Elementary School  
Construction Bond

6:45 P.M. – Resolution No. 12-13 To Establish a Capital Reserve Fund  
for the Purpose of Reconstruction or Rehabilitation of the Hilltop  
School Property

1. Roll Call of Members
2. Pledge of Allegiance
3. Minutes of Previous Meetings
  - A. Minutes of City Council Meeting held on September 17,  
2012.
4. Comments by Visitors
5. Communications
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

11. Lay on Table
12. Unfinished Business

Ordinances:

- A. Ordinance No. 4-13 Supplemental Appropriation of Accrued Investment Earnings from the New Elementary School Construction Bond.
- B. Ordinance No. 5-13 Amend Chapter 13, Police Offenses, Section 3.2.A, Stop.

Resolutions:

- A. Resolution No. 12-13 To Establish a Capital Reserve Fund for the Purpose of Reconstruction or Rehabilitation of the Hilltop School Property.
  - B. Resolution No. 14-13 To Accept a Portion of Willand Drive.
  - C. Resolution No. 15-13 Authorize the City Manager to Execute a Gas Line Easement over City Properties with Great Baxter Mills, L.L.C. of Somersworth, NH.
13. New Business

Ordinances:

- A. Ordinance No. 6-13 Amend the City of Somersworth Official Zoning Map – Rezone Land on All or a Portion of Twenty-two (22) Properties from Recreational (REC) to Residential Single Family (R1).

Resolutions:

- A. Resolution No. 16-13 Authorize the City Manager to Sign a Five-Year Lease Agreement with Cellco Partnership D/B/A Verizon Wireless of Basking Ridge, New Jersey.

- B. Resolution No. 17-13 To Establish an Additional Fee on Motor Vehicle Registrations for the Purpose of Supporting a Municipal and Transportation Improvement Fund.
  - C. Resolution No. 18-13 Bond for the Completion of a Downtown Improvement Project, Somersworth-Berwick Bridge Rehabilitation, and Replacement of HVAC Units in Somersworth Schools.
  - D. Resolution No. 19-13 To Establish a Capital Reserve Fund for the Purpose of a Municipal Transportation Improvement Fund.
- 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

UNFINISHED

BUSINESS

ORDINANCE NO. 4-13 SUPPLEMENTAL APPROPRIATION OF ACCRUED INVESTMENT EARNINGS FROM THE NEW ELEMENTARY SCHOOL CONSTRUCTION BOND.

Somersworth, NH  
October 1, 2012

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT pursuant to Section 7.7(a) of the City Charter the annual budget for the City of Somersworth for Fiscal Year 2012-2013 is amended as follows:

| <u>Original Budget</u>               | <u>Amendment</u> | <u>Revised Budget</u> |
|--------------------------------------|------------------|-----------------------|
| <u>Other Expenses</u><br>\$1,300,801 | \$38,000         | \$1,338,801           |

This Ordinance shall take effect upon its passage.

Introduced by Councilors

Jennifer Soldati  
Robin Jarvis

Approved as to funding:

Scott A. Smith  
Director of Finance and Administration

Recorded by:

Diane M. DuBois  
City Clerk

Background:

This ordinance appropriates a portion of the investment earnings from the new elementary school construction bond for the purpose of providing funding to a Capital Reserve Fund for the reconstruction and/or rehabilitation of the former Hilltop Elementary School property.

***This Ordinance requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing (Section 7.7.(A) City Charter).***

Approved:

City Attorney

ORDINANCE NO. 5-13 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.2.A. STOP.

Somersworth, NH  
October 1, 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 as follows:

Amend Chapter 13, Police Offenses, Section 3.2.A. Intersection Controls, Stop, by adding the following:

- Pearl Street for southbound traffic on Hanson Street.

This Ordinance shall take effect upon its passage.

Introduced by Councilor

Brian Tapscott

Approved:

City Attorney

RESOLUTION NO. 12-13 TO ESTABLISH A CAPITAL RESERVE FUND FOR THE PURPOSE OF RECONSTRUCTION OR REHABILITATION OF THE HILLTOP SCHOOL PROPERTY.

Somersworth, NH  
October 1, 2012

WHEREAS, the City of Somersworth desires to make improvements to the former Hilltop Elementary School Property through the use of a public and private partnership, and

WHEREAS, the City Council would like to encourage the application for and use of grant funding in addition to local funding sources, and

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

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Hilltop School Property Rehabilitation Capital Reserve Fund is established for the purpose of reconstruction or rehabilitation of Hilltop School property, including the cost of engineering and other ancillary costs directly related to the reconstruction or rehabilitation of Hilltop School property, and

BE IT FURTHER RESOLVED THAT the City Council is hereby designated as agents to expend these funds.

Introduced by Councilors

Jennifer Soldati  
Robin Jarvis

Approved:

City Attorney

RESOLUTION NO. 14-13 TO ACCEPT A PORTION OF WILLAND DRIVE.

Somersworth, NH  
October 1, 2012

WHEREAS, the City of Somersworth Planning Board approved a certain subdivision known as "Subdivision Plan, Robert E. Stackpole, Willand Drive, Somersworth, New Hampshire", Dated July 31, 2002, prepared by Trittech Engineering Corporation on August 21, 2002, and is recorded in the Strafford County Registry of Deeds as Plan 67-73; and

WHEREAS, the City Council named Willand Drive by Resolution 22-08 on December 10, 2007; and

WHEREAS, a plan entitled Right of Way Plan, Robert E. Stackpole, Commercial Drive, Somersworth, New Hampshire, dated November 17, 2008, prepared by Trittech Engineering Corporation, and recorded on December 15, 2008 in the Strafford County Registry of Deeds as Plan 98-40, shows the limits of the Willand Drive to immediately past the limits of the Commercial Drive Right of Way; and

WHEREAS, the section of the road known as Willand Drive depicted on said plan 98-40 to a point at the eastern limits of the right of way with the intersection of Commercial Drive has been constructed to the satisfaction of the City,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to accept and record deeds to the portion of Willand Drive described above, and said way is hereby accepted as a public way.

Introduced by Councilors

Dale Sprague  
Brian Tapscott  
Marcel Hebert

Approved:

City Attorney.

RESOLUTION NO. 15-13 AUTHORIZE THE CITY MANAGER TO EXECUTE A GAS LINE EASEMENT OVER CITY PROPERTIES WITH GREAT BAXTER MILLS, L.L.C. OF SOMERSWORTH, NH.

Somersworth, NH

October 1, 2012

WHEREAS, Great Baxter Mills L.L.C., the current owner of the Baxter Mills Apartments, would like to extend gas service to the Baxter Mills Apartment, and

WHEREAS, Great Baxter Mills, L.L.C. has identified the gas line existing at the Somersworth Wastewater Treatment Plant on Buffumsville Road as the most convenient location to make a connection for the gas line extension, and

WHEREAS, an easement to use the City's existing gas line now servicing the Wastewater Treatment Plant and to extend said line over an easement on City owned land beneath and adjacent to Buffumsville Road is required to complete the gas line extension, and

WHEREAS, Great Baxter Mills L.L.C. has agreed to the following conditions as part of their request that the City of Somersworth grant an easement over City properties:

- Pay for all engineering and attorneys' fees to prepare all required legal documents and supporting title research for the easement grant from the City to Great Baxter Mills L.L.C., and from Great Baxter Mills L.L.C. to Unutil.
- Pay all attorneys' fees incurred by the City to review the legal documents prepared by Great Baxter Mills L.L.C. in the first instance.
- Pay all costs incurred by the City to monitor actual construction of the gas line.
- Contribute \$7,000 to the City toward the purchase of a B.O.D. incubator to be used at the Wastewater Treatment Facility.
- Reimburse the City for any other incurred expenses associated with this project.
- Seek and gain approval of any Federal, State, or local agencies that have jurisdiction over such matters, and comply with any Federal, State, or local regulations as required.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute a gas line easement over City properties with Great Baxter Mills, L.L.C. and to take any associated action deemed to be in the best interest of the City to complete this action.

NEW

BUSINESS

ORDINANCE NO. 6-13 AMEND THE CITY OF SOMERSWORTH OFFICIAL ZONING MAP – REZONE LAND ON ALL OR A PORTION OF TWENTY-TWO (22) PROPERTIES FROM RECREATIONAL (REC) TO RESIDENTIAL SINGLE FAMILY (R1).

Somersworth NH  
October 15, 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 as follows:

AMEND the City of Somersworth Official Zoning Map by rezoning a portion of the Recreational (REC) zoning district to Residential Single Family (R1) in accordance with the attached map named “Recreational Rezone Proposal Map for Ordinance # 6-13 Dated October 15, 2012”.

This Ordinance shall be effective upon its passage.

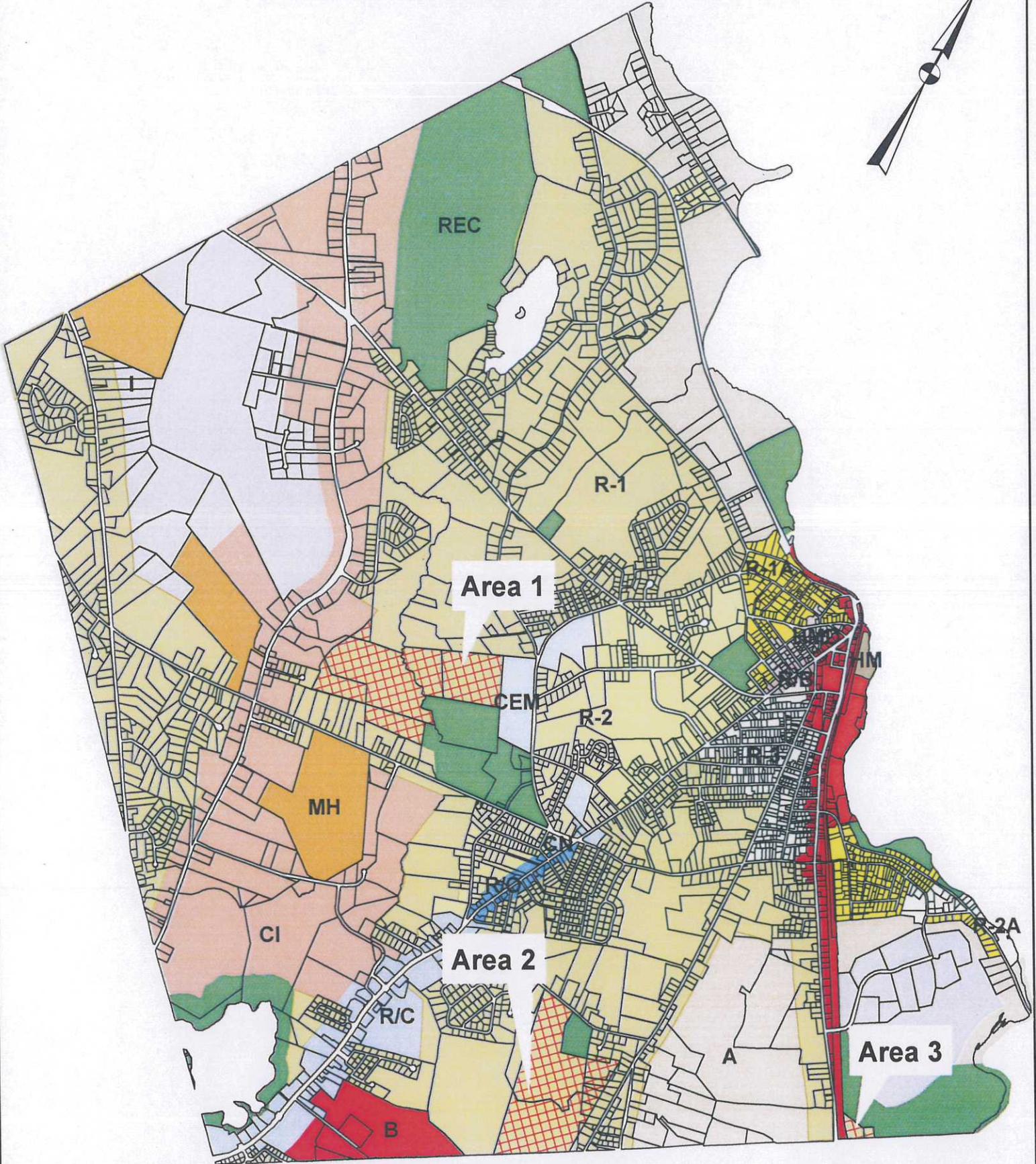
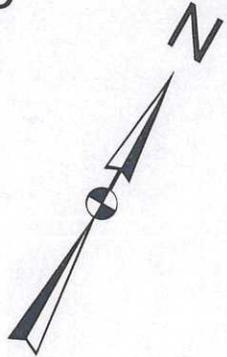
Introduced by Councilor

David Witham

Approved:

City Attorney

# Proposed Rezoning of Recreational Land to Residential Single Family Family



Area proposed to be rezoned to R1

RESOLUTION NO. 16-13 AUTHORIZE THE CITY MANAGER TO SIGN A FIVE-YEAR LEASE AGREEMENT WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS OF BASKING RIDGE, NEW JERSEY.

Somersworth, NH  
October 15, 2012

WHEREAS, the City of Somersworth owns the water tower located at Noble Pines Park;  
and

WHEREAS, the wireless communications company, Cellco Partnership d/b/a Verizon Wireless desires to lease space on the water tower and on the adjacent land to install and maintain equipment for the purpose of transmission and reception of wireless communication signals,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to sign a Lease Agreement with Cellco Partnerships d/b/a Verizon Wireless of Basking Ridge, New Jersey, to lease space on the water tower at Noble Pines Park, and on the adjacent land to install and maintain equipment for the purposes of transmission and reception of wireless communication signals, the terms of which include an initial five-year lease with the right to renew for an additional four (4) five (5) year terms with a monthly rent payment during the initial five-year term of \$1,835 (One Thousand Eight Hundred Thirty Five) and on such other terms and conditions as the City Manager may determine to be in the best interest of the City.

Introduced by Councilors

Robin Jarvis  
Jennifer Soldati  
Dale Sprague

Approved:

City Attorney

RESOLUTION NO. 17-13 TO ESTABLISH AN ADDITIONAL FEE ON MOTOR VEHICLE REGISTRATIONS FOR THE PURPOSE OF SUPPORTING A MUNICIPAL AND TRANSPORTATION IMPROVEMENT FUND.

Somersworth, NH  
October 15, 2012

WHEREAS, RSA 261:153 VI allows the legislative body of a municipality to vote to collect an additional fee for the purpose of supporting a municipal and transportation improvement fund; and

WHEREAS, the maximum fee charged under this statute may not exceed \$5 (Five dollars); and

WHEREAS, the fee collected under this statute shall be deposited into a municipal transportation improvement fund established to allow a community to fund, wholly or in part, improvements in the local or regional transportation system including roads, bridges, bicycle and pedestrian facilities, parking and intermodal facilities, and public transportation,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT a fee in the amount of \$5 (Five dollars) shall be established and collected in addition to the motor vehicle registration fee for the purpose of supporting a municipal and transportation improvement fund, and

BE IT FURTHER RESOLVED THAT this fee shall be effective the first day of the month following 60 days after passage of this resolution.

Introduced by Councilors

Dale R. Sprague  
Brian Tapscott  
Marcel Hebert

Approved:

City Attorney

***In accordance with RSA 261:153 VI(c) (2) This Resolution requires a public hearing that must be held at least 15 days but not more than 30 days before the question is voted on. Notice of the hearing shall be posted in at least 2 public places and published in a newspaper of general circulation at least 7 days before the hearing.***

RESOLUTION NO. 18-13 BOND FOR THE COMPLETION OF A DOWNTOWN IMPROVEMENT PROJECT, SOMERSWORTH/BERWICK BRIDGE REHABILITATION, AND REPLACEMENT OF HVAC UNITS IN SOMERSWORTH SCHOOLS.

Somersworth, NH  
October 15, 2012

WHEREAS, the City Council of the City of Somersworth adopted Resolution 8-13 to appropriate and bond funding for infrastructure improvements in the downtown area and the replacement of HVAC (Heating-Ventilation-Air Conditioning) Units throughout various school buildings; and

WHEREAS, the City of Somersworth has entered into a three-party agreement with the State of Maine and State of New Hampshire for the rehabilitation of the Somersworth/Berwick Bridge and has appropriated and encumbered a total of \$152,000 (One Hundred Fifty Two Thousand dollars) for the City's share and current estimates exceed this amount; and

WHEREAS, the City Council desires to increase the funding for the infrastructure improvements in the downtown area and the Somersworth/Berwick Bridge rehabilitation by a combined total of \$490,000 (Four Hundred Ninety Thousand dollars); and,

WHEREAS, the City Council desires to increase the funding and replace additional HVAC units throughout various school buildings in the amount of \$510,000 (Five Hundred Ten Thousand dollars),

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT an amount not to exceed an aggregate of \$1,000,000 (One Million Dollars) is appropriated for infrastructure improvements in the downtown area, rehabilitation of the Somersworth/Berwick bridge, and replacement of HVAC units in School buildings, and

BE IT FURTHER RESOLVED THAT (a.) the City Manager is authorized to borrow up to \$1,000,000 (One Million Dollars) under the Municipal Finance Act and issue bonds and notes payable within 15 years from their dates; (b.) the City Manager is authorized to issue temporary notes in anticipation of the issue of these bonds or notes; (c.) the estimated useful life of these projects is expected to exceed 15 years.

Introduced by Councilors

Marcel Hebert  
Dale Sprague

***This Resolution requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing (Sections 7.13 and 7.14 City Charter).***

Approved:  
City Attorney

RESOLUTION NO. 19-13 TO ESTABLISH A CAPITAL RESERVE FUND FOR THE  
PURPOSE OF A MUNICIPAL TRANSPORTATION IMPROVEMENT FUND.

Somersworth, NH  
October 15, 2012

WHEREAS, the City Council of the City of Somersworth desires to plan for and provide funding for local or regional transportation system improvements including roads, bridges, bicycle and pedestrian facilities, parking and intermodal facilities, and public transportation; and

WHEREAS RSA 34:1 VI permits the establishment of a capital reserve fund for municipal and regional transportation improvement projects including engineering, right-of-way acquisition and construction costs of transportation facilities, and for operating and capital costs for public transportation,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Municipal Transportation Fund is created for the purpose of local or regional transportation system improvements including roads, bridges, bicycle and pedestrian facilities, parking and intermodal facilities, and public transportation, and

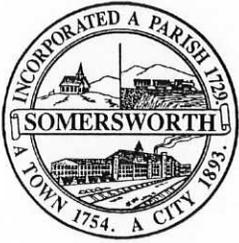
BE IT FURTHER RESOLVED THAT the City Council is hereby designated as agents to expend these funds.

Introduced by Councilors

Dale R. Sprague  
Brian Tapscott  
Marcel Hebert  
Robin S. Jarvis  
Jennifer Soldati

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, October 12, 2012

**SUBJECT:** City Manager's Report for Monday, October 15, 2012  
City Council Agenda

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**6:30 p.m. – Public Hearing**

Ordinance No. 4-13 Supplemental Appropriation of Accrued Investment Earnings from the New Elementary School Construction Bond

**6:45 p.m. – Public Hearing**

Resolution No. 12-13 To Establish a Capital Reserve Fund for the Purpose of Reconstruction or Rehabilitation of the Hilltop School Property

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***Old Business (under Section 12 of the Agenda):***

**Ordinances:**

- A. Ordinance No. 4-13 Supplemental Appropriation of Accrued Investment Earnings from the New Elementary School Construction Bond.** The Finance Committee is sponsoring this action request. Attached is a copy of the budget appropriations that shows how the funds would appear in our budget document.
- B. Ordinance No. 5-13 Amend Chapter 13, Police Offenses, Section 3.2A, Stop.**

**Resolutions:**

- A. Resolution No. 12-13 To Establish a Capital Reserve Fund for the Purpose of Reconstruction or Rehabilitation of the Hilltop School Property.** As a reminder, the Finance Committee is sponsoring this action request. This Capital Reserve Fund is another positive effort to have set-aside funds available should the City Council decide there is a need for work at the school which the City owns and is responsible to safe keep. It may also prove beneficial in assisting the City's collaboration with the Friends of Somersworth for improvements needed to re-activate its use. If established, a vote of the City Council would be required to spend any of the Capital Reserve Funds. I believe this initiative blends our desire as a City to embrace sustainable efforts in partnering with the Friends of Somersworth and it also allows us to continue to be creative in our funding strategies. Again, this action would also name the City Council as agents to approve any release of the funds, thus allowing Council to validate the funding purpose or need.

- B. Resolution No. 14-13 To Accept a Portion of Willand Drive.** As a reminder, this is a housekeeping action item.
- C. Resolution No. 15-13 Authorize the City Manager to Execute a Gas Line Easement over City Properties with Great Baxter Mills, L.L.C. of Somersworth, NH.** As a reminder, the Public Works & Environment Committee met with Attorney Wyskiel and his clients to review this proposal. The Committee recommends City Council approval. The Baxter Mills owner will pay all costs associated with this project and donate \$7,000 to the City toward a new BOD unit for the Wastewater Plant.

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

**Ordinances:**

- A. Ordinance No. 6-13 Amend the City of Somersworth Official Zoning Map – Rezone Land on All or Portion of Twenty-two (22) Properties from Recreational (REC) to Residential Single Family (R1).** This recommended proposal is forwarded to you by the Planning Board. In keeping with past practice, the City Council should consider a Public Hearing prior to the next regular meeting on Tuesday, November 13<sup>th</sup> at 6:45 p.m.

**Resolutions:**

- A. Resolution No. 16-13 Authorize the City Manager to Sign a Five-Year Lease Agreement with Celco Partnership D/B/A Verizon Wireless of Basking Ridge, New Jersey.** Attached is a draft agreement that I had been negotiating and is now being reviewed by City's Special Legal Council Mark Beliveau. The legal review is being paid by Verizon. The Finance Committee voted to support this action. The Recreation Committee also met on-site to review the building location and staff's site improvement recommendations, which did receive the Recreation Committee's approval. I have also attached a copy of a spreadsheet of our present telecommunication leases schedules.
- B. Resolution No. 17-13 To Establish an Additional Fee on Motor Vehicle Registrations for the Purpose of Supporting a Municipal and Transportation Improvement Fund.** Attached is information that outlines the projected revenue. I have also included a copy of the State Law (RSA) and a listing of some of the New Hampshire communities who have adopted this enabling legislation. The Public Works and Environment Committee is recommending a \$5.00 fee. The Finance Committee discussed this proposal without a vote as there was a discussion on the fee being set lower than the maximum amount allowed. If the fee is set at \$5.00, this fund may generate approximately \$60,000 a year. There is a spreadsheet attached that outlines the number of motor vehicles registered each month and what may be generated at various fee levels. This is another creative strategy in utilizing an available tool to establish funds towards future Public Works projects. Please note the notice requirement and need for a Public Hearing. I recommend a Public Hearing prior to the next regular meeting at 6:15 p.m. on Tuesday, November 13<sup>th</sup>, 2012.

- C. Resolution No. 18-13 Bond for the Completion of a Downtown Improvement Project, Somersworth-Berwick Bridge Rehabilitation, and Replacement of HVAC Units in Somersworth Schools.** The Finance Committee discussed this proposal at their October 4, 2012 meeting without voting on any recommendations. I do want to underscore that this additional funding would assist the City in meeting required matching funds for the Bridge project as present estimates show a City shortfall. This requires a Public Hearing – perhaps, Tuesday, November 13<sup>th</sup>, 2012 at 6:00 p.m. Attached is an explanation on how this Bond may affect the City Tax Rate: approximately an 11¢ increase.
- D. Resolution No. 19-13 To Establish a Capital Reserve Fund for the Purpose of a Municipal Transportation Improvement Fund.** This is the companion action required should Resolution No 17-13 pass. There is also a required Public Hearing prior to taking this action. I suggest Tuesday, November 13<sup>th</sup>, 2012 at 6:30 p.m.

**PROPOSED PUBLIC HEARINGS, TUESDAY, NOVEMBER 13<sup>TH</sup>, 2012:**

6:00 p.m. – Resolution No. 18-13 \$1 Million Bond

6:15 p.m. – Resolution No. 17-13 Motor/Vehicle Fee of \$5.00

6:30 p.m. – Resolution No. 19-13 Capital Reserve Fund – Municipal Transportation Improvement Fund

6:45 p.m. – Ordinance No. 6-13 Zoning Change – certain Recreational Zones

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

**A. Informational Items:**

1. **Fire Department Grant.** I have provided copies of the Fire Chief's plan on utilizing the return of approximately \$40,000 grant funding that was allocated as part of the 2010 grant awarded to the City outlined in Resolution No. 26-10 in March 2010. The Public Safety Committee approved the Chief's plan to spend \$5,000 on needed equipment, approximately \$18,000 for firefighter fitness and training and approximately \$18,000 for fire prevention/safety for the public.
2. **Electronic Waste.** Attached is an announcement flyer that explains a curbside program for the disposal of electronic waste such as tvs and computers. Public Works will add this e-waste pick-up as a part of their white goods pick-up on the 2<sup>nd</sup> Tuesday of every month.