

MINUTES OF PUBLIC HEARING

OCTOBER 15, 2012 – 6:30 P.M.

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

Mayor Spencer opened the public hearing at 6:30 p.m.

There were no comments from the public.

Mayor Spencer closed the public hearing at 6:32 p.m.



## MINUTES OF PUBLIC HEARING

OCTOBER 15, 2012 – 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.

Emmett Soldati, Ward 1, said he is on the Board of the Friends of Somersworth organization, and he is a small business owner in the City. He supports Resolution No. 12-13. He thinks passing this will help the Hilltop School building project a lot. It is still a City building, and this is an excellent way of directing funds towards it without burdening the taxpayer.

Mr. Soldati said as a Ward 1 resident, as a business owner recognizing this is an important building for our City and for the development of our City, as a member of the Friends of Somersworth organization and the Chair of the Board, he supports Resolution No. 12-13 and asks his representatives to do the same.

Connie Margowsky, 86 Union Street, Ward 5, said she is here tonight to present her view. She is a professional person, a resident of Somersworth for 25 years. She is also a practicing artist and teaches art history. From her point of view, having an arts center available for citizens to be able to express their artistic needs and to develop some community activities in that regard would be a tremendous benefit to the City. It would help our entire community culture.

Coty Donohue, Ward 5, said he is a City Council candidate. He supports the Capital Reserve Fund. It would be great to have this arts and cultural center, and funds are needed to support it.

Alexis Kochka, Ward 1, said she recently moved to Somersworth from Somerville, MA. They bought a house on the hill, and one of the reasons they moved to Somersworth is because of the potential for an arts community and for economic growth in Somersworth.

Ms. Kochka said she worked for six years for the Somerville Arts Council in Somerville, MA. The Arts Council is a municipal arts organization that played a major role in revitalizing Somerville. It is now one of the most sought after places to live in Massachusetts with the highest density of artists.

Ms. Kochka said having this capital reserve fund would be a good way to showcase the wonderful aspects that have brought people like her to Somersworth. The potential for the Hilltop School to be used for the purpose that has been talked about will benefit all City residents and would be a major draw to the City and a major reason for people to stay.

Priscilla Squire Bakke said she moved here two years ago and she loves living here. All her friends think it is an amazing place. It is an old City with a lot of culture and it hasn't been developed yet. As an artist who has been involved in arts collaborations and initiatives in a community in Connecticut she wants to add her enthusiastic support for this venture.

Real Roseberry, Ward 1, said he was at the Pumpkin Festival and he saw the diagram of the Hilltop School building. He thinks it is going to be a beautiful building and that they are doing it the right way. From what he has seen so far, they are doing a terrific job.

There being no further comments from the public, Mayor Spencer closed the public hearing at 6:52 p.m.

# MINUTES OF CITY COUNCIL MEETING

OCTOBER 15, 2012

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

## MINUTES OF PREVIOUS MEETINGS.

### MINUTES OF CITY COUNCIL MEETING HELD ON SEPTEMBER 17, 2012.

Councilor Pepin moved to accept the minutes of the September 17, 2012 meeting as presented. The motion was seconded by Councilor Witham and passed unanimously.

## COMMENTS BY VISITORS.

Emmett Soldati, Ward 1, thanked the Somersworth Festival Association for putting on an excellent Pumpkin Festival last Saturday and appreciate their allowing The Friends of Somersworth (FOS) to have a booth there.

Mr. Soldati said he went to the Summersworth Historical Museum's tenth anniversary celebration last Sunday. There was a packed house. He thanked George Poulin and all the volunteers for all the work they have done. It is an excellent museum. He found some old photos of his grandfather that he had never seen before. The Museum is a gold mine, and he hopes people in the area check it out on Sunday afternoons.

Mr. Soldati said he supports Resolution No. 12-13, and he hopes everyone else does too.

Judy Strate, Ward 4, said she is here tonight on behalf of the Somersworth SHARE Fund. This is a local non-profit organization to serve Somersworth residents who do not qualify for other public programs. The SHARE Fund helps with temporary emergency assistance for basic living needs. With the continued difficult economy and winter and the holidays approaching, now is the key time for their organization. As of 10/01/12, the SHARE Fund has provided \$3, 554.60 in assistance during 2012.

Ms. Strate invited members of the City Council and all those interested in supporting their cause to attend their "Share the Light" Dinner on Saturday, 11/03/12 at Ms. Pomona's Restaurant. Tickets are \$50 each, and a portion will go directly to the SHARE Fund.

Elizabeth Miller, Ward 1, wanted to state that there will be a holiday parade on 12/08/12 at 4:00 p.m. in the City. She thanked the Mayor, City Council and City management for supporting this effort. She hopes everyone can join in the festivities.

Real Roseberry, Ward 1, said he is the tax cap man. He indicated that his opponents have put pamphlets out, using the kids again. The top of the pamphlet indicates that this is the same tax gimmick that Somersworth opposed in 2008 and 2009. If this was a gimmick, the Superior Court would have said so and would not have approved it as a legal document.

Mr. Roseberry said he does not use the kids, he talks to the people. They want a tax cap now. He is looking to get at least 1,200 votes for the tax cap. He feels the City Council and the School Board will appreciate the tax cap.

#### MAYOR'S REPORT.

Mayor Spencer reported the following:

- On 10/4/12 he attended the Senior Picnic. He thanked the Police and Fire Departments as well as City staff that were there and the Somersworth Housing Authority. This event happens annually and is a great way to get the seniors out.
- There has been a change in direction for the Holiday Parade Committee. He is the Chair, Beth Poulin is the Vice Chair, the Secretary is Liz Miller, and Treasurer/Social Media is Jeanette Gagne.

Mayor Spencer extended a thank you to City Councilors, City Manager, Fire Chief and City staff for their continued warm thoughts on his recent personal challenge. Like any other challenge he has faced in his life, he will work through it and overcome it, and there will be a brighter future.

#### REPORTS OF STANDING COMMITTEES.

##### FINANCE COMMITTEE.

Councilor Jarvis reported this Committee met on 10/4/12 and discussed the following:

- Approved minutes of past meeting.
- Discussed Resolution No. 18-13 \$1M Bond for the Completion of a Downtown Improvement Project, Somersworth-Berwick Bridge Rehabilitation, and Replacement of HVAC Units in Somersworth Schools. The Committee discussed the proposal and took no action.

##### PUBLIC SAFETY COMMITTEE.

Councilor Witham reported this Committee met on 10/5/12. The meeting by and large consisted of updates from the Police and Fire Departments as follows:

##### Police Department:

- Staffing – the Chief noted he is authorized 27 sworn positions including the newly authorized officer from the FY 13 budget. There are currently 2 vacancies, and the possibility of 2 more vacancies in the coming months. The Chief outlined difficulties and cost in recruiting new officers.

- Fleet – the Chief provided a listing of vehicles in the fleet along with their mileage. Noted the new Chevy had a motor failure and will be repaired under warranty. The final new cruiser, a Dodge, is slated for delivery in November. The total fleet is 12 cars including marked/unmarked units and command staff cars.
- Programs – the Chief discussed a development plan and noted how the agency does a lot with little. He discussed target programs and patrols and committee reviewed their vision for proactive policing. Chairman Witham noted that all Councilors should avail themselves to a ride-along with officers. The Chief welcomed the idea and asked that Councilors contact him directly to schedule.

#### Fire Department:

- Fleet – updated on status of new Command Car and new Rescue Pumper authorized in the FY 13 budget. Delivery of Command Car within the coming month and apparatus committee finalizing bid specs for new pumper. The pumper should go out to bid in November. The grant request to outfit the command car is still pending at this point. As a result, there has been no action on the forestry vehicle upgrade as that acquisition is based on acquiring the grant.
- 2009 Fire Act Grant Amendment – the Chief noted that funds still remain for use in restricted areas by the department from a 2009 grant and he presented his request for how the remaining \$41,982 should be used. The Committee agreed with the Chief's thoughts and moved to endorse the grant amendment allocation unanimously.
- Operational Goals – The Chief outlined staffing and call volume as compared to similar size agencies in NH. The data supported the idea of growing the call force as outlined in a recent grant application. It also supported the idea of having a Deputy Chief position within the Department. The Committee continues to endorse this idea and noted that as budgets allow the City Manager and Chief should pursue that idea.
- Staffing – the Chief outlined existing staffing and shared his goals for agency growth both short and long term. He discussed a better rank structure he may pursue if the call force grows to a sizable number.
- Grants – The Chief outlined a number of pending grant applications and the Committee continues to support his and the City's efforts in this area.

#### RECREATION COMMITTEE.

Councilor Pepin reported this Committee met on 10/5/12. They discussed the following:

- Update on Noble Pines Project – the Pavilion is almost complete. The only thing left to be done is painting the four concrete pillars that were poured. The pad for the misting stations is completed. All the misting station fixtures have been delivered. There was also a financial report given to show how we are spending the money. Everything is in line so far.
- Staff presented a diagram of a proposed walkway and staircase to the concession stand and access to the field by the concession stand. They had estimated prices that will be discussed in the future.

- Staff had a proposal for putting up the Verizon building at the Noble Pines and landscaping around the building. The location will be beside the water tower.
- The Committee requested that a plaque be placed at the Noble Pines for Sandy Armstrong who was a former Recreation Director years ago. She was a person that was very active in tennis. There was a memorial up there for her because of all she had done for tennis, but now there is not a tennis court up there. We requested that staff find out if we could relocate that to Memorial Drive at the tennis courts. They will be getting back to us on that.
- They discussed having a sign put up at the Pavilion. They will be coming back with that information also.
- The Summer Programs are in the black. A financial statement was given to Council members. A description of the programs was included and the fact that they were well attended this year.
- Staff presented three different proposals for the Pine Street Park. The Committee was in favor of proposal one, and it will be sent to the Council for approval. They would first like it to go to the Housing Authority to see if they are in favor of it since they will possibly be contributing some funding.

#### SPECIAL COMMITTEE MEETINGS.

#### SCHOOL BOARD.

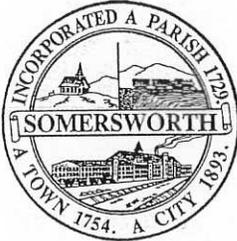
Councilor Pepin said he attended a School Board Meeting on 10/9/12 and reported the following:

- A very good video was presented at the beginning of the meeting about how the School System has changed throughout the years and how much more in-depth it has gotten. If anyone has a chance to review this presentation, it is very informative.
- There was a presentation on how a tax cap would have impacted our school system if we had it last year.
- The Building & Grounds Committee gave a report on HVAC systems. There were three bids proposed, and they did take the low bid, which was \$603,718.
- There was an RFP from Barrington to see if Somersworth would like to have Barrington students come to Somersworth. There was no action taken.
- The Withdrawal Committee gave their report. On 10/16/12 they have to make a decision on the three RFPs that were submitted. They will have to pick one of the proposals to submit to the State by 11/2/12 for the State Board of Education to review. When they get the reply from them, it will go back to the voters in March for a decision.
- Mr. Cowan from the School Board asked him to make a statement that they are very much appreciative of the commitment the Council has taken to have some of the CIP items addressed. This is the first time CIP items at the high school have been dealt with in five years because it usually gets cut. They have enjoyed the cooperation between the two Boards.

Councilor Sprague indicated the Council did not cut the CIP items from the School Board, they did. The City Council only addresses the bottom line.

Councilor Witham said he thought the video Councilor Pepin talked about was excellent also and that maybe it could be run from time to time on the Government Access Channel.

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, 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 Cellco 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 television sets 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.
3. **Skyhaven Airport Advisory Council.** I have appointed Christine Davis to the Skyhaven Airport Advisory Council. I have been sitting on that Council for the last several months. State law allows us to have two representatives on this Council, one member of the City Council appointed by the Mayor and another member representing the economic development segment of Somersworth appointed by the City Manager. Our counterparts in Dover and Rochester have those same opportunities also to safeguard their issues in regards to the future development of the Skyhaven Airport.

**B. Attachments:**

1. City Attorney Certifications (5).
2. Monthly Reports from Department Heads.
3. PUC Order regarding JANCO water service extension by City.
4. School Department HVAC Bid packet and award by School Board.

UNFINISHED BUSINESS.

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

Councilor Soldati said for the benefit of the public this would entail re-appropriating \$38,000 of this money to the City-side of the budget.

Councilor Jarvis said in essence the Hilltop School Building was a school left behind. This ordinance would allocate \$38,000 into a Capital Reserve Fund for the rehabilitation of that building. It would set the money aside for use on the Hilltop School building and the Council would decide what it would be used for.

Ordinance No. 4-13 passed unanimously by roll call vote.

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

Councilor Tapscott indicated the Traffic Safety Committee recommended last month putting a stop sign on Pearl Street for southbound traffic on Hanson Street. There were concerns voiced by a lot of the people in this neighborhood.

Mayor Spencer said he lives in that neighborhood and he added that a lot of people use Pearl Street because of the condition of Horne Street. Until the City Council addresses Horne Street, this will continue.

Ordinance No. 5-13 passed unanimously by roll call vote.

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

Councilor Soldati said this would establish a Capital Reserve Fund for the \$38,000 for the Hilltop School Building. She sees this as “putting your money where your mouth is” on the part of the City in terms of truly being a partnership with our non-profit, The Friends of Somersworth. As a fledgling 501(C)3 a lot of people have the notion that there are a lot of grants waiting to be tapped into. However, when you are brand new, nobody wants to talk to you until you have shown there are others that have faith in you. This is a wonderful step for the City to take to show that they do have faith in the project and it will help them leverage other money. She is hoping in the future the City will have an annual allocation that goes towards this center for the arts and sciences.

Councilor Soldati wanted to let the Council know that this is a wonderful first step and she thinks they will find that we really are on the cutting edge of Somersworth breaking out and learning how to develop itself to become the community we talk about in our Master Plan, a much desired community that people want to move into.

Councilor Jarvis said she thinks it is great that this \$38,000 is going into something for the Hilltop School building.

Councilor Pepin said originally he was upset and totally against this. After thinking about it, he came around. It is very important that we invest something into this building. Too many of our old buildings have been removed and he believes in keeping the Hilltop building. He believes in the efforts of the Friends of Somersworth. This is something the community can support and be proud of. Action needs to be taken there really quick.

Councilor McCallion thinks this is awesome and he supports it also. We need to do the right thing and this is it.

Councilor Witham thanked Councilor Tapscott for getting them all to take a deep breath on this. We as a community have not done a good job in the past taking care of our infrastructure. He is hopeful they will have enough money to do the window project.

Councilor Witham said he is in support of this resolution and feels it is the right thing to do at this time. This is a difficult decision because of all the needs we have.

Councilor Sprague said he believes there will be something coming down the line that will help out with this project.

Resolution No. 12-13 passed unanimously by roll call vote.

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

Councilor Sprague indicated this is a housekeeping issue. Willand Drive and Commercial Drive were paved two years ago and there was a portion in between these two roads that was owned by Robert Stackpole at that time. The City talked with him and came to an agreement that we would take this portion of the road over.

Resolution No. 14-13 passed unanimously by roll call vote.

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.

Councilor Sprague said there is a gas main that goes through Centre Road and the City wanted to access the main years ago. We made an agreement with General Linen to put an easement on their property to get gas to our Waste Water Treatment Plant (WWTP). The Great Baxter Mills would like to go through two parts of our property to get gas to their property so they can convert their apartments to gas. It was determined that this would not impact any future expansion we might have at the WWTP. This would need to get done soon because snowfall is right around the corner. They would be responsible for all legal fees and they will contribute a portion of the cost of a new BOD incubator for the WWTP.

Resolution No. 15-13 passed unanimously by roll call vote.

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

Following the first reading of Ordinance No. 6-13, it was referred to the next meeting.

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

Following the first reading of Resolution No. 16-13, it was referred to the next meeting.

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  
David Witham

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.*

Following the first reading of Resolution No. 17-13, it was referred to the next meeting.

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

Following the first reading of Resolution No. 18-13, it was referred to the next meeting.

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  
David Witham

Approved:  
City Attorney

Following the first reading of Resolution No. 19-13, it was referred to the next meeting.

COMMENTS BY VISITORS.

Emmett Soldati, Ward 1, expressed his gratitude to the Council for unanimously passing Resolution No. 12-13 tonight. This gives the Friends of Somersworth a big boost of confidence and a big leg up and expresses the partnership that you all unanimously voted on last February. He also thanked the public for coming out tonight and expressing their support. He thanked the City Council and also City Manager Belmore for expressing his vision of the City which is very powerful considering a lot of the changes that will be happening in our City over the next several years.

Mr. Soldati also thanked Councilor Witham for his comments and his honesty. He shares his concerns that this is not simplistic and this money could be allocated elsewhere. He is also a small business owner and would love to see Main Street improved and many other streets. He knows that anytime we spend money we are taking it from somewhere else. People see what an arts and cultural center can do and bring to the City for the economy, the homeowners and taxpayers. The Friends of Somersworth is a very active group because this is an issue that can have a profound impact on our City. This kind of investment will help us to address those other concerns as a City. It will attract more people into town and people will be excited to be living, shopping and thriving in Somersworth. If you need more information, the Friends of Somersworth are here to explain our mission.

Elizabeth Miller, Ward 1, thanked Councilor Witham for the Public Safety update. She thinks it is imperative that we have a strong Fire and Police staff. His report tonight makes her feel a little safer and she appreciates that.

Ms. Miller thanked Councilor Pepin for the Recreation Committee update. She feels it is important for our children to be able to play in the neighborhoods.

Ms. Miller said she cannot outdo Emmett, but she thanked the Council very much for passing Resolution No. 12-13. She really believes this is bigger than re-using the building. They want to bring arts and sciences into this City and build a stronger community.

Ms. Miller mentioned the Somersworth Holiday Parade, which will take place on 12/8/12 at 4:00 p.m. They would love to see a big turnout.

Ms. Miller said she was down at the Somersworth Historical Museum yesterday. There is incredible history here in Somersworth. For those who were unable to attend, make sure to go to the Museum and see what Somersworth has to offer. She is very glad to be a part of the community.

Ms. Miller thanked the City Council for the tremendous job they are doing for the City.

Linda Chaston, Ward 1, said she was impressed this evening with the attitude and the atmosphere she feels here tonight. She is sensing a lot of really fine cooperation that is going on with the Council. She also appreciates Mr. Witham's concerns and shares them. She appreciates the watchful eye they all have over the City budget. The difference she is feeling is that there is a watchfulness over the whole City. She really appreciates that. It makes her excited to be here.

Ms. Chaston said the Pumpkin Festival on Saturday was a great success. There were a lot of really happy people there. She hears from people from other towns who look forward to this event. It is a great family event. This is something our City can be proud of.

Ms. Chaston thanked the Council for what they are doing. She is really happy here tonight.

Coty Donohue, Ward 5, said he also went to the Museum yesterday and it was great. He applauded the Council for appropriating the money to the Hilltop School property. It is going to a great cause keeping a beautiful building here.

Mr. Donohue said he likes the idea of Resolution No. 17-13 and No. 19-13 which would establish an additional fee on motor vehicle registrations for the purpose of supporting a municipal and transportation improvement fund. He feels it is a good, creative way to raise some money for our roads.

Real Roseberry, Ward 1, said he agrees this is the best City Council Meeting he has attended. The Council is working good together and investing our money back into the City. He also agrees with investing money into the high school for new windows. The Council spent money for good reasons.

#### CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Soldati said she would like to thank her fellow City Councilors for their unanimous vote on Resolution No. 12-13. She also thanked the Board of Directors of the Friends of Somersworth for all the hours of work they put in to accomplish their goals.

Councilor Soldati thanked the Department of Public Works and the City for responding to a problem for some residents that she had brought up. It was very inconvenient for some people to bring televisions, computers, etc. to the Public Works Department during the week. She commended Public Works and the City for coming up with a pretty simple solution, which is to add these things to those they already pick up. She reminded people that they still have to purchase the bulky waste stickers.

Councilor Soldati informed the public that the Chamber of Commerce will be holding a candidate's forum on 10/25/12 at 7:00 p.m. in City Council Chambers. This is for State Senate and State Representatives and people will be able to submit questions.

Councilor Pepin said this past weekend was a very busy one in Somersworth. The Pumpkin Festival took place, open house at the Fire Department and open house at the Summersworth Historical Museum. He wished to thank all the people that are on these committees and work at these things. As a member of the Festival Association, he knows how much time is involved. There is a lot of commitment involved. The open house at the Fire Department and at the Museum were both very nice. He thanked all the people who put so much effort into these things and also the people who showed up to enjoy them.

Regarding CIP items, Councilor Pepin indicated that Councilor Sprague is absolutely right when he says the School Board cuts the CIP items. In retrospect, the School Board has come to us with very detailed information about what it costs to run their programs. We know what their bottom line is and we know what is going to be cut.

Councilor Jarvis said she finds it very disrespectful when people approach the podium and are not mindful of their language. It's disrespectful to the Council and the people sitting in the audience and also to the people watching at home, especially with young children watching. She hopes that going forward we do not hear that anymore.

Councilor Jarvis said there has been a lot of discussion and decisions regarding putting \$38,000 towards the Hilltop School property. She is really happy to see that moving forward. It is a very positive thing for the community.

Councilor Witham talked about the activities in the City, such as the Senior Picnic, the Pumpkin Festival, the Fire Department open house, a soccer game under the lights at the high school, the open house at the Museum, etc. It takes volunteers to make these things happen and it puts the best foot of the City forward. He was pleased to get to attend most of these activities. These activities helped him tonight with his decision on the money for the Hilltop School property. He is a bit skeptical about the Christmas parade, but he is thrilled with the volunteer effort being put forth.

Councilor Witham said at the last meeting the Council passed a resolution concerning not taking tax deeds on about two dozen manufactured homes. A few constituents have reached out to him and he is curious if the City Manager's Office could provide him with the outstanding dollars this represents, individually and collectively, so that we have a better basis to understand what we are talking about.

Councilor Witham indicated there was a first reading tonight on Resolution No. 18-13 which is relative to the bonding of \$1M. It has been said we are going to be improving the downtown and we only have one shot at doing it right. He shares in that concern. We have already heard about how the numbers have grown on the bridge project. Bonding right now is at an all time low as far as interest rates go. It makes sense to do

this now. He asked how much levity we have in terms of amendments to this resolution. He wondered about broadening the language in the resolution to include other roads that might need attention. On the school side, we have gravitated to HVAC units. We know the Capital Improvements list goes far beyond that and he wonders if this could be broadened to give the School Board some latitude for other CIP items.

Regarding the tax cap, Councilor Witham said this gravely concerns him. All the positive things that we heard about tonight and the momentum we have going could all crash and burn in a heartbeat with the passage of a tax cap.

Councilor Witham said the reality of the situation is that selling the notion of a tax cap is pretty easy. We are in a sluggish economy, and there are more people out of work than there was five years ago. If you ask residents on the street if they are paying too much in property taxes you would not find a person that would say they wished they were spending more. The reality also is that it takes a certain number of dollars to deliver the services that we do. When he was elected three years ago, he vowed to be someone who was watchful over public dollars. He doesn't think there is one decision he has made that has been wasteful. They wrangle over every item in every budget. If a tax cap had been in place during this last budget, the School Department would not have been wrangling over \$50,000 to keep the library open, but would have been wrangling with a \$300,000 cut to their budget which would have had dramatic impacts over various levels of service. That is the reality. We have a motto in Somersworth that we have a proud past and a bright future. He feels passing a tax cap would change our motto to "proud past and very gloomy future". We cannot make Somersworth better with the passage of a tax cap.

Councilor Witham said this is a political institution and politics are at play. He truly wonders, as he watches the tax cap support signs pop up around our community, if the true motivation is for a tax cap here in Somersworth and borne by residents of Somersworth, and he thinks the answer to that is maybe a little. He believes it is a broader political agenda being utilized by others across the State and perhaps even nationally to push a political agenda here in Somersworth because they think they can do it. He hopes we are not merely political puppets for some broader political agenda. Politics have little to do with our operations here. We are in the business of delivering services, not politics.

Councilor Witham said the impacts to an individual property owner with the passage of a tax cap would depend on home values. The dollars that could be saved if a tax cap were in place could be somewhere between \$50 and \$75. Is threatening our accreditation at the high school or reducing our on duty Firefighters worth this small amount? Those are the impacts and realities of the situation.

Councilor McCallion said he will mention volunteerism at every meeting. It is huge. There are so many great organizations in Somersworth. The Festival Association is a great organization. People should get involved.

Councilor McCallion said he will not be in support of Resolution No. 18-13 because he will not be in favor of getting any more HVAC units until he is provided with information about the bid process. He would like the City Manager to look into this. We have procedures regarding the bidding process and they need to be followed. This was not opened up to a bid process, it was an invitation only. To him that is wrong when he thinks about what we are looking at for dollars. He is not an expert in this field, but he has talked to enough people to know that we need to get more for our buck. He wants to see the notes from the transportation committee that talked about other alternatives in energy and other ways they can save taxpayer money. He would like notes from the School Board where they had that discussion in committee and he wants to see what the bid process was. He also wants to know about the preventive maintenance program. He has a lot of questions about the whole process.

Councilor Sprague said Councilor Witham's presentation on the tax cap was excellent. He wonders what the motivation is behind the tax cap. Do residents want this, or is it just a select few? He thinks it is a select few. The signs that are up around town were used in Rochester and come from the Rochester Tax Coalition Committee.

Councilor Sprague said the current statistics on the DRA web site show that there are many NH communities with higher tax rates than Somersworth. We are not the second highest. Somersworth has \$841M of assessed value to draw taxes from. We had a \$23M budget, which is 2.7% of our assessed value. Dover has \$2.5B of assessed property value to draw from and their budget is \$64M. Rochester is at \$1.3B of assessed property value to draw from, and their budget is \$48M.

Councilor Sprague feels that the Council is the tax cap. If people want the tax cap, they should look for the things they can do without. For every action, there will be a reaction. All the happy things we are talking about tonight would be thrown out the window. We would be putting a lot of things in jeopardy, the most important being the high school accreditation. He will always be against a tax cap and believes it is right here in these nine seats.

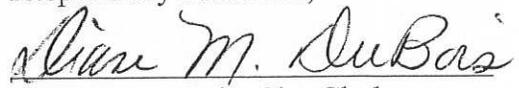
#### FUTURE AGENDA ITEMS.

Councilor Tapscott moved to schedule four public hearings prior to the next City Council Meeting as recommended by the City Manager. The motion was seconded by Councilor Witham and passed unanimously.

#### ADJOURNMENT.

Councilor Pepin moved to adjourn. The motion was seconded by Councilor Tapscott and passed unanimously.

Respectfully submitted,

  
Diane M. DuBois, City Clerk

