

CITY OF SOMERSWORTH
CITY COUNCIL MEETING
AGENDA
OCTOBER 1, 2012 – 7:00 P.M.

6:00 P.M. – CITY COUNCIL WORKSHOP FOR REVIEW OF GOALS

1. Roll Call of Members
2. Pledge of Allegiance
3. Minutes of Previous Meetings
 - A. Minutes of Public Hearings held on September 4, 2012
 - B. Minutes of City Council Meeting held on September 4, 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

Nominations:

- A. Ward Clerk, Ward 2 – Robert Fullerton, Term to Expire 1/2014.

Resolutions:

- A. Resolution No. 10-13 To Notify the City Tax Collector that the City Council shall not Accept a Tax Deed on Certain Manufactured Housing Units Subject to an Unredeemed Tax Lien.
- B. Resolution No. 11-13 To Notify the City Tax Collector that the City Council shall not Accept a Tax Deed on Certain Property Located at 1 Winter Street Subject to an Unredeemed Tax Lien.

13. New 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. 13-13 To Authorize the City Manager to Contract with Hoyle Tanner and Associates, Inc. of Portsmouth, NH to Provide Professional Engineering Services Associated with the Downtown Improvement Project.

C. Resolution No. 14-13 To Accept a Portion of Willand Drive.

D. 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.

Other:

A. Vote to Re-Adopt the City Investment Policy.

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

RESOLUTION NO. 10-13 TO NOTIFY THE CITY TAX COLLECTOR THAT THE CITY COUNCIL SHALL NOT ACCEPT A TAX DEED ON CERTAIN MANUFACTURED HOUSING UNITS SUBJECT TO AN UNREDEEMED TAX LIEN.

Somersworth, NH
September 17, 2012

WHEREAS, RSA 80:76 directs the Tax Collector, after 2 years, to execute to the City a deed of the land subject to the real estate tax lien and not redeemed, and

WHEREAS, the governing body of a municipality may refuse to accept a tax deed on behalf of the municipality because in its judgment, acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, or for any reason that would be contrary to the public interest,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Tax Collector be notified that for those reasons the City shall refuse to accept the tax deeds on certain manufactured housing units located at the following locations:

<u>Location</u>	<u>Tax Map/Lot</u>
37 Colonial Village	81-37M
43 Colonial Village	81-43M
131 Colonial Village	81-131M
141 Colonial Village	81-141M
148 Colonial Village	81-148M
27 Crystal Springs	82-2M
87 Crystal Springs	82-35M
39 Crystal Springs	82-39M
18 Jack & Jill	83-18M
34 Jack & Jill	83-34M
2 Mason Lane	85-8M
3 Brook Drive	85-13M
4 Brook Drive	85-16M
15 Brook Drive	85-5M
102 Sherwood Glen	87-102M
109 Sherwood Glen	87-109M
117 Sherwood Glen	87-117M
120 Sherwood Glen	87-120M
122 Sherwood Glen	87-122M
136 Sherwood Glen	87-136M
207 Sherwood Glen	87-207M
223 Sherwood Glen	87-223M
306 Sherwood Glen	87-306M
307 Sherwood Glen	87-307M

315 Sherwood Glen
337 Sherwood Glen
419 Sherwood Glen
420 Sherwood Glen
613 Sherwood Glen
644 Sherwood Glen
5 Ringer Drive

87-315M
87-337M
87-419M
87-420M
87-613M
87-644M
88-10M

Introduced by Councilors

Robin Jarvis
Dale Sprague
Jennifer Soldati

Approved:

City Attorney

RESOLUTION NO. 11-13 TO NOTIFY THE CITY TAX COLLECTOR THAT THE CITY COUNCIL SHALL NOT ACCEPT A TAX DEED ON CERTAIN PROPERTY LOCATED AT 1 WINTER STREET SUBJECT TO AN UNREDEEMED TAX LIEN.

Somersworth, NH
September 17, 2012

WHEREAS, RSA 80:76 directs the Tax Collector, after 2 years, to execute to the City a deed of land subject to the real estate tax lien and not redeemed, and

WHEREAS, the governing body of a municipality may refuse to accept a tax deed on behalf of the municipality because in its judgment, acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, or for any reason that would be contrary to the public interest,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Tax Collector be notified that for those reasons the City shall refuse to accept the tax deed on property located at 1 Winter Street, Tax Map/Lot number 11-181A.

Introduced by Councilors

Robin Jarvis
Dale Sprague
Jennifer Soldati

Approved:

City Attorney

NEW

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> \$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. 13-13 TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH HOYLE, TANNER AND ASSOCIATES, INC. OF PORTSMOUTH, NH TO PROVIDE PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH THE DOWNTOWN IMPROVEMENT PROJECT.

Somersworth, NH
October 1, 2012

WHEREAS, the Somersworth City Council adopted Resolution 8-13 to fund certain capital improvements including a downtown improvement project which includes upgrades to the City's drainage, water, and sewer systems and reconstruction of the road and sidewalks on a portion of High Street and Market Street; and

WHEREAS, the City requires the service of a qualified engineering firm to provide design, bidding, construction oversight, and other professional services related to the downtown improvement project, and

WHEREAS, Hoyle, Tanner and Associates, Inc. provided the underground utility condition analysis on this project area and has provided the City a proposal to provide the professional engineering services required for this project in an amount not to exceed \$238,200 (Two Hundred Thirty Eight Thousand Two Hundred dollars)

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with Hoyle, Tanner and Associates, Inc. of Portsmouth, NH to provide professional engineering services associated with the downtown improvement project for an amount not to exceed \$238,200 (Two Hundred Thirty Eight Thousand Two Hundred dollars).

Introduced by Councilors

Dale Sprague
Brian Tapscott
Marcel Hebert
Robin Jarvis
Jennifer Soldati

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.

Introduced by Councilors

Dale Sprague
Brian Tapscott
Marcel Hebert

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, September 28, 2012
SUBJECT: City Manager's Report for Monday, October 1, 2012
City Council Agenda

6:00 p.m. – Council Workshop for Review of Goals

Attached is a copy of the Council's Goal Setting Workshop minutes.
City Department Heads will be present for the workshop.

Old Business (under Section 12 of the Agenda):

Resolutions:

- A. Resolution 10-13 To Notify the City Tax Collector that the City Council shall not Accept a Tax Deed on Certain Manufactured Housing Units Subject to an Unredeemed Tax Lien.** As a reminder, if the City executes these deeds, the City will be responsible for lot rental fees, providing property insurance on the units and the consideration of commencing with eviction proceedings. Please note that the tax liens will remain in effect on all these properties so that the City retains the option of accepting these deeds at a future date.

- B. Resolution No. 11-13 To Notify the City Tax Collector that the City Council shall not Accept a Tax Deed on Certain Property Located at 1 Winter Street Subject to an Unredeemed Tax Lien.** As a reminder, this is the former Breton Cleaners contaminated site that is under a NH DES clean up mandate. The City does retain the option to accept this deed at any time.

New Business (under Section 13 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. I recommend the City Council schedule the required Public Hearing prior to the next regular meeting on Monday, October 15th at 6:45 p.m.

- 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.** The Finance Committee is sponsoring this action request. I recommend a Public Hearing on October 15th at 6:50 p.m.
- B. **Resolution No. 13-13 To Authorize the City Manager to Contract with Hoyle Tanner and Associates, Inc. of Portsmouth, NH to Provide Professional Engineering Services Associated with the Downtown Improvement Project.** Both the Finance Committee and the Public Works and Environment Committee support the rationale for contracting with Hoyle Tanner and Associates, the engineering firm that completed the preliminary assessment of the water, sewer and drainage systems in the project area. Attached is a copy of their draft proposed contract. Please consider waiving Council Rules to pass this Resolution this evening.
- C. **Resolution No. 14-13 To Accept a Portion of Willand Drive.** Attached is a map of this small section of the road. This is a housekeeping action item.
- D. **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.** The Public Works & Environment Committee met with Attorney Wyskiel and his clients to review this proposal. The Committee recommends full City Council approval. Attached is a letter from Attorney Wyskiel and a map of the proposed easement.

Other:

- A. **Vote to Re-Adopt the City Investment Policy.** A copy of the present Policy is attached. City Administration has no recommendation for amendment and recommends re-adoption. This is an annual review and adoption practice required by the Policy. The Finance Committee also recommends re-adoption.

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

B. **Informational Items:**

1. **2012 Certified Local Government Grant.** The City has been awarded \$25,220 to conduct Phase V of the update to the City's historical survey forms. This project has been ongoing for several years and four other phases have been completed. This fifth phase is simply an extension of the first four phases and the scope remains the same. This phase of the project will survey the remaining parcels in the District, thus completing the survey update.