

CITY OF SOMERSWORTH

CITY COUNCIL MEETING

AGENDA

SEPTEMBER 17, 2012 – 7:00 P.M.

1. Roll Call of Members
2. Pledge of Allegiance
3. Minutes of Previous Meetings
4. Comments by Visitors
5. Communications
 - A. Letter from Frank J. Menez
6. Presentation of Petitions and Disposal Thereof by Reference or Otherwise
7. Mayor's Report
8. Reports of Standing Committees
9. Reports of Special Committees, City Officers and City Manager
10. Nominations, Appointments and Elections
 - A. Ward Clerk, Ward 2 – Robert Fullerton, Term to Expire 01/2014.
11. Lay on Table

Minutes:

- A. Minutes of 8/13/12 City Council Meeting (revisions on p. 19)

Ordinances:

- A. Ordinance No. 2-13 Amend Chapter 19, Zoning Ordinance, Table 5.A.1 Dimensional and Density Regulations (Temporary Handicap Ramps and Similar Structures)
- B. Ordinance No. 3-13 Supplemental Appropriation of Accrued Investment Earnings from the New Elementary School Construction Bond

Resolutions:

- A. Resolution No. 8-13 Bond for the Completion of a Downtown Improvement Project and Replacement of HVAC Units in Somersworth Schools

- 12. Unfinished Business
- 13. New Business

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

Other:

- A. City Council Vote to Send Ward 5 City Council Vacancy to November 6, 2012 Ballot
- 14. Comments by Visitors
- 15. Closing Comments by Council Members

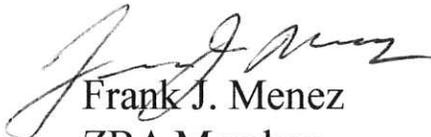
16. Future Agenda Items
17. Nonpublic Session (as necessary, pending roll call vote by Council)
18. Adjournment

COMMUNICATIONS

4 Sept 2012

From: Frank J. Menez
Subject: 2020 Vision Committee
To: Chairman ZBA

Effective this date I do here-by resign as the ZBA
Member appointed to the 2020 Vision Committee.


Frank J. Menez
ZBA Member

LAY ON

TABLE

City Council Meeting of 8/13/12 – p. 19
Councilor Hebert's closing comments as originally submitted.

way. If we are not taking care of our community and our schools, how can we sell Rollinsford on sending their children to our school?

Councilor Pepin said he hopes the public takes the time to really research and look into it and decide what they want their community to be. Any Council member or City staff member is willing to answer any questions. He has called the School Department many times with questions they have answered for him. He hopes people will take a very deep look on what a tax cap would do to this community. We're not Dover or Rochester.

Councilor Durkee said he ran for Council four years ago and this was the hot topic, what to do about the tax cap. Other communities have adopted a tax cap, but quite frankly he thinks we need to do what is best for our community. He is glad this is going to be on the ballot. At the time he was running for office he was against the tax cap, but felt that the voters should have their say. Having spent close to 8 months in this seat, he is pretty firmly convinced that we need a tax cap. He came to that conclusion because he feels it is the perfect marriage between public involvement and empowering the people they elect to override that in times of need. We are elected to these seats for the express intent of doing the things our constituents want. If somebody said we could never override anything, of course he would not support it. He personally thinks this is the right move for our community. He appreciates the fact that it will be on the ballot and voters will vote it up or down.

Councilor Tapscott said he would like his name added to Resolution No. 7-13.

Councilor Soldati said she thinks the public has heard both sides of the tax cap argument. Her tendency is to agree with Councilors Witham and Pepin. The voters made up their minds the last time it was on the ballot.

Councilor Soldati said the Friends of Somersworth have been working very hard. She commended Code Enforcement Officer Tim Metivier who has worked very closely with the group. She is on the Board of Directors. On 9/22/12 the Friends of Somersworth will be holding a silent auction at the VFW Hall on High Street. There will be food, a cash bar, dancing, etc. Admission will be free. If anyone has items to donate for the silent auction the group would like to hear from you.

Councilor Hebert said he is in agreement with Councilor Witham regarding the tax cap. He feels that this group of City Council members is being driven by Councilor Witham and he is tired of it. He doesn't see how the \$3M bond will do much of anything for the schools and the City and feels it should be \$6M or \$7M.

Councilor McCallion said from time to time Councilors disagree on certain issues, but he does not feel that any one person runs the City Council. It takes a few people with some ideas. It is a testament to the City that we have people that are giving us so much information. There is a heightened awareness of trying to get everything right and we come better prepared. Our committees are doing more work. We are all in this together,

we just need to try to work it out. He thinks things are going better and he hates to hear any attacks between people.

Councilor Durkee said he doesn't think Councilor Witham needs a public defender, but he thinks that is a ridiculous statement. He has the utmost respect for everyone up here. Some are more vocal advocates than others. He has never based any of his votes on anything but what he felt was right. He thinks he speaks for everyone here, including Councilor Witham. He appreciates it when people bring ideas to the table. People should know how we think when we vote. Everyone is free to be as active as they want to be. Everyone has done a good job and he commends everyone.

Mayor Spencer said he appreciates Councilor Witham's opinions. Everybody can speak their own mind.

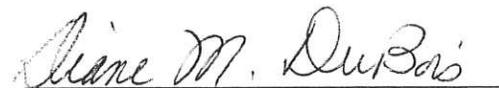
FUTURE AGENDA ITEMS.

Councilor Witham asked that the letter from Mr. Connors be placed under communications at the next meeting.

ADJOURNMENT.

Councilor Tapscott moved to adjourn. The motion was seconded by Councilor Pepin and passed unanimously. The meeting adjourned at 8:30 p.m.

Respectfully submitted,



Diane M. DuBois, City Clerk

City Council Meeting of 8/13/12 – p. 19

Councilor's Hebert's revised closing comments as derived from the recording of the meeting.

way. If we are not taking care of our community and our schools, how can we sell Rollinsford on sending their children to our school?

Councilor Pepin said he hopes the public takes the time to really research and look into it and decide what they want their community to be. Any Council member or City staff member is willing to answer any questions. He has called the School Department many times with questions they have answered for him. He hopes people will take a very deep look on what a tax cap would do to this community. We're not Dover or Rochester.

Councilor Durkee said he ran for Council four years ago and this was the hot topic, what to do about the tax cap. Other communities have adopted a tax cap, but quite frankly he thinks we need to do what is best for our community. He is glad this is going to be on the ballot. At the time he was running for office he was against the tax cap, but felt that the voters should have their say. Having spent close to 8 months in this seat, he is pretty firmly convinced that we need a tax cap. He came to that conclusion because he feels it is the perfect marriage between public involvement and empowering the people they elect to override that in times of need. We are elected to these seats for the express intent of doing the things our constituents want. If somebody said we could never override anything, of course he would not support it. He personally thinks this is the right move for our community. He appreciates the fact that it will be on the ballot and voters will vote it up or down.

Councilor Tapscott said he would like his name added to Resolution No. 7-13.

Councilor Soldati said she thinks the public has heard both sides of the tax cap argument. Her tendency is to agree with Councilors Witham and Pepin. The voters made up their minds the last time it was on the ballot.

Councilor Soldati said the Friends of Somersworth have been working very hard. She commended Code Enforcement Officer Tim Metivier who has worked very closely with the group. She is on the Board of Directors. On 9/22/12 the Friends of Somersworth will be holding a silent auction at the VFW Hall on High Street. There will be food, a cash bar, dancing, etc. Admission will be free. If anyone has items to donate for the silent auction the group would like to hear from you.

Councilor Hebert said he is in agreement with Councilor Witham regarding the tax cap. He feels that this group of City Council members is being driven by Councilor Witham regarding the amount of the bond, \$2.5M-\$3M. He doesn't see how a \$3M bond will do much of anything for the schools and the City. At one time, he had mentioned to Councilor Witham going from \$6M-\$7M down to \$5M and Councilor Witham did not agree with that, therefore the amount of the bond is \$3M. He is not going to vote for it.

Councilor Hebert said Councilor Witham is a hard worker, but don't they all have a right to say how they feel? Councilor Witham is always ahead of the game, therefore he runs this group and he is fed up with it.

Councilor McCallion said from time to time Councilors disagree on certain issues, but he does not feel that any one person runs the City Council. It takes a few people with some ideas. It is a testament to the City that we have people that are giving us so much information. There is a heightened awareness of trying to get everything right and we come better prepared. Our committees are doing more work. We are all in this together, we just need to try to work it out. He thinks things are going better and he hates to hear any attacks between people.

Councilor Durkee said he doesn't think Councilor Witham needs a public defender, but he thinks that is a ridiculous statement. He has the utmost respect for everyone up here. Some are more vocal advocates than others. He has never based any of his votes on anything but what he felt was right. He thinks he speaks for everyone here, including Councilor Witham. He appreciates it when people bring ideas to the table. People should know how we think when we vote. Everyone is free to be as active as they want to be. Everyone has done a good job and he commends everyone.

Mayor Spencer said he appreciates Councilor Witham's opinions. Everybody can speak their own mind.

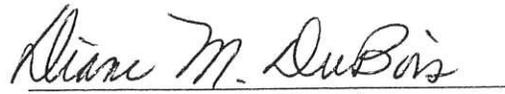
FUTURE AGENDA ITEMS.

Councilor Witham asked that the letter from Mr. Connors be placed under communications at the next meeting.

ADJOURNMENT.

Councilor Tapscott moved to adjourn. The motion was seconded by Councilor Pepin and passed unanimously. The meeting adjourned at 8:30 p.m.

Respectfully submitted,


Diane M. DuBois, City Clerk

ORDINANCE NO. 2-13: AMENDING CHAPTER 19 ZONING ORDINANCE, TABLE 5.A.1 DIMENSIONAL AND DENSITY REGULATIONS (TEMPORARY HANDICAP RAMPS AND SIMILAR STRUCTURES).

August 13, 2012
Somersworth NH

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 19, Zoning Ordinance, in the following manner:

TABLE 5.A.1 Dimensional and Density Regulations. Add the following language as footnote #14 with a reference note in the column heading regarding Minimum Yard Requirements "Setbacks":

Temporary handicap ramps or similar structures that allow a person or persons with a recognized physical disability to reside in or regularly use the premises may be installed within the required setbacks provided that all the following criteria are met:

- **The building permit shall reference this provision;**
- **The structure shall not encroach into the Public Right of Way;**
- **The structure shall be temporary and shall be removed when the particular person or persons for which the structure was built no longer needs to use the premises or structure*;**
- **The structure shall comply with the setbacks set forth in Table 5.A.1 to the maximum extent possible;**
- **Abutters to the property on which the proposed structure will be erected shall be notified, at the applicant's expense, by the Code Enforcement Officer prior to the issuance of the Building Permit; and,**
- **This exemption is restricted to residential uses only.**

In the Historic District, these structures shall be considered exempt under Section 14.E.2 Exempt Activities as long as the construction of the ramp or similar structure does not involve the removal or modification of any existing structure.

***The Code Enforcement Officer, after consultation with the Director, can waive the requirement to remove the structure when the person or persons for which the structure was built no longer needs it if it can be shown that a different person with a recognized physical disability needs the structure to remain. All waiver requests for the structure to remain shall be provided in writing to the Department of Development Services. A waiver from this requirement does not entitle the structure to remain indefinitely; it only allows the different person or persons that received the waiver to utilize the structure until they no longer need it.**

This Ordinance shall take effect upon its passage.

Introduced by Councilor

David Witham

Approved:

City Attorney

ORDINANCE NO. 3-13 SUPPLEMENTAL APPROPRIATION OF ACCRUED INVESTMENT EARNINGS FROM THE NEW ELEMENTARY SCHOOL CONSTRUCTION BOND.

Somersworth, NH
August 13, 2012

THE CITY COUNCIL OF THE CITY OF SOMERSWORTH ORDAINS 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:

Appropriate \$115,762 from Investment Earnings from the New Elementary School Construction Bond for the School Department Sections of the Fiscal Year 2012-2013 budget as follows:

Original Budget	Amendment	Revised Budget
School - \$24,832,238	\$115,762	\$24,948,000

Introduced by Councilor

David Witham

Approved as to Funding:

Scott A. Smith
Director of Finance and Administration

Recorded by:

Diane M. DuBois
City Clerk

Approved:

City Attorney

Background:

This ordinance appropriates the Investment Earnings from the new elementary school construction bond for the purpose of a window replacement project at the Somersworth High School and any funds remaining after the window replacement project at the Somersworth High School are authorized to be used for asbestos tile removal projects district wide. It is the intent of this appropriation that the City Council will review and award any contracts associated with the funding.

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).

RESOLUTION NO. 8-13 BOND FOR THE COMPLETION OF A DOWNTOWN IMPROVEMENT PROJECT AND REPLACEMENT OF HVAC UNITS IN SOMERSWORTH SCHOOLS.

Somersworth, NH
August 13, 2012

WHEREAS, the City Council of the City of Somersworth has identified infrastructure improvements they desire to make in the downtown area; and

WHEREAS, these improvements include 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 at an estimated cost of \$2,230,000 (Two Million Two Hundred Thirty Thousand Dollars); and

WHEREAS, the School Board of the City of Somersworth has identified the replacement of HVAC (Heating-Ventilation-Air Conditioning) Units throughout various school buildings as a priority and have identified five (5) of these units as critical to operations and recommend replacement at an estimated cost of \$770,000 (Seven Hundred Seventy Thousand Dollars),

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT an amount not to exceed \$3,000,000 (Three Million Dollars) is appropriated for infrastructure improvements in the downtown area and replacement of five (5) HVAC units in School buildings; and

BE IT FURTHER RESOLVED THAT (a.) the City Manager is authorized to borrow up to \$3,000,000 (Three 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

David A. Witham
Martin Pepin

Approved:

City Attorney

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).

NEW

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



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 14, 2012

SUBJECT: City Manager's Report for Monday, September 17th, 2012
City Council Agenda

Lay on Table (under Section 11 of the Agenda):

Ordinances:

- A. **Ordinance No. 2-13 Amend Chapter 19, Zoning Ordinance, Table 5.A.1 Dimensional and Density Regulations (Temporary Handicap Ramps and Similar Structures).**
- B. **Ordinance No. 3-13 Supplemental Appropriation of Accrued Investment Earnings from the New Elementary School Construction Bond.** As a reminder, this Ordinance will require a 2/3rds vote of Council to pass.

Resolutions:

- A. **Resolution No 8-13 Bond for the Completion of a Downtown Improvement Project and Replacement of HVAC Units in Somersworth Schools.** As a reminder, this Resolution will require a 2/3rds vote of Council to pass. Attached is a copy of a proposed amendment requested by the Public Works and Environment Committee. The Finance Committee also discussed this Bond last week. HTA Engineering staff will be in attendance for any questions on the road project. Attached are copies of water and sewer utility rates in relationship to their ability to support the additional debt payments without any rate increases.

New Business (under Section 13 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.** 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. The Finance Committee did discuss this Resolution issue and the need for annual action.

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. This is the former Breton Cleaners contaminated site that is under a NH DES clean up mandate. Attached is information presented to the Finance Committee concerning the City's possible application for Brownfields Grant funding to remove the structure. The EPA grant would cover 80% of eligible costs, the City's match would be approximately \$25,000-\$50,000 for initial clean-up work. Additionally, the City would then be responsible for annual groundwater monitoring costs between \$6,000-\$10,000 per year. There may also be other costs involved such as attorney fees and staff time. The City does retain the option to accept this deed at any time.

Other:

A. City Council Vote to Send Ward 5 City Council Vacancy to November 6, 2012 Ballot.

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

A. Informational Items:

1. **Sanitary Landfill Superfund Site.** Attached is a copy of the letter recently received from the US EPA indicating their determination that no further action is necessary in regards to soil testing of the landfill cover at the former recreational area. I will now move forward with our site partners to develop a work plan to replenish certain landfill cover areas with clean fill.
2. **Community Listening Box – Granite State Future.** Attached is information regarding this regional initiative presently being conducted by the Strafford Regional Planning Commission.
3. **Meeting with Congressman Guinta's Staff.** Attached is a brief memorandum outlining some discussion points staff and I had with Sean Thomas and Roger Williams. One particularly noteworthy point is the possibility of the City being a CDBG entitlement community which would qualify us in receiving an annual CDBG grant. Mr. Thomas said he would be back in touch with me.