

CITY OF SOMERSWORTH

CITY COUNCIL MEETING

AGENDA

SEPTEMBER 4, 2012 – 7:00 P.M.

<p>6:00 P.M. – PUBLIC HEARING ON ORDINANCE NO. 2-13 AMEND CHAPTER 19, ZONING ORDINANCE, TABLE 5.A.1 DIMENSIONAL AND DENSITY REGULATIONS (TEMPORARY HANDICAP RAMPS AND SIMILAR STRUCTURES)</p> <p>6:15 P.M. - PUBLIC HEARING ON RESOLUTION NO. 8-13 BOND FOR THE COMPLETION OF A DOWNTOWN IMPROVEMENT PROJECT AND REPLACEMENT OF HVAC UNITS IN SOMERSWORTH SCHOOLS</p> <p>6:30 P.M. - PUBLIC HEARING ON RESOLUTION NO. 7-13 TO AUTHORIZE THE USE OF BOND PROCEEDS FOR WINDOW REPLACEMENT AND ASBESTOS REMOVAL IN SOMERSWORTH SCHOOL FACILITIES</p> <p>6:45 P.M. - ORDINANCE NO. 3-13 SUPPLEMENTAL APPROPRIATION OF ACCRUED INVESTMENT EARNINGS FROM THE NEW ELEMENTARY SCHOOL CONSTRUCTION BOND</p>
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1. Roll Call of Members
2. Pledge of Allegiance
3. Minutes of Previous Meetings
 - A. Minutes of 8/13/2012 Public Hearing on Tax and Spending Cap Petition
 - B. Minutes of 8/13/2012 City Council Meeting
4. Comments by Visitors
5. Communications
 - A. Letter from William Connor
 - B. Letter from Councilor Matthew Durkee
6. Presentation of Petitions and Disposal Thereof by Reference or Otherwise

7. Mayor's Report
8. Reports of Standing Committees
9. Reports of Special Committees, City Officers and City Manager
10. Nominations, Appointments and Elections
11. Lay on Table
12. Unfinished Business

Ordinances:

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

Resolutions:

- B. Resolution No. 7-13 To Authorize the Use of Bond Proceeds for Window Replacement and Asbestos Removal in Somersworth School Facilities.
 - C. Resolution No. 8-13 Bond for the Completion of a Downtown Improvement Project and Replacement of HVAC Units in Somersworth Schools.
13. New Business
 - A. Set Polling Hours for 11/06/2012 General Election – 8:00 a.m. – 7:00 p.m.
 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

Monday, August 13, 2012
City of Somersworth, NH
Honorable Mayor and City Council

I stand in opposition to the passage of the proposed Charter Amendment concerning the Tax and Spending Cap.

I would request that the proposed amendment should include and allow for a new provision that the tax cap limitation could be overridden by a five ninths (5/9) vote of all council members present during such a vote to override the limitation instead of by a proposed two-thirds (2/3) vote of all members of the City Council.

Further, I feel that we should table this amendment for further study and consideration to enhance the method one uses to factor the local property tax rate.

I would argue that the State of New Hampshire price indexes are more definitive of the local existing conditions and should be included in the configuration process of the property tax rate rather than having us relying solely on a politically driven National Consumer Price Index – Urban, as published by a forever altering United States Department of Labor.

This request does not infer that there is any defect in the City Manager's methodology, which is currently being used to formulate the City's property tax rate.

Please vote No! to this amendment and refer it back to the appropriate committees for a final review to verify that we have all of the available updated components needed to approve this significant Tax and Spending Cap Amendment.

Respectfully submitted,

William Connor
Pinewood Drive

August 29, 2012

Diane Dubois, City Clerk
City of Somersworth
One Government Way
Somersworth, NH 03878

Dear Diane,

It is with sadness that I write this letter to announce my resignation as Ward 5 Councilor for the City of Somersworth effective as of September 18th, 2012. When I was elected last November, I had every intention to serve out my entire 2 year term with hopes of serving the public for the foreseeable future. This past February my wife accepted a new job in Manchester and it was quickly evident that her commute was not sustainable. To alleviate this problem, we have decided to move to a new residence outside the city at the end of this month.

I want to thank Mayor Spencer, City Manager Belmore, City Staff and fellow Councilors for their assistance and guidance during my time on Council. I am humbled by the dedication and tireless work that these individuals exhibit daily in the effort to serve the public. The City is very fortunate to have such an amazing group working on behalf of their interests.

It has been my pleasure to serve the residents of Ward 5 and the citizens of Somersworth for the last 8 months. I will miss working with each of you and living in this wonderful community.

Sincerely,

Matthew J. Durkee
City Councilor, Ward 5

UNFINISHED

BUSINESS

ORDINANCE NO. 1-13 AMEND CHAPTER 13, POLICE OFFENSES, SECTION D.
NO PARKING ANYTIME.

Somersworth, NH
August 13, 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 D. No Parking Anytime, by adding
the following:

First Street on the west side.

This Ordinance shall take effect upon its passage.

Introduced by Councilor

Brian Tapscott

Approved:

City Attorney

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.

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.

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. 7-13 TO AUTHORIZE THE USE OF BOND PROCEEDS FOR WINDOW REPLACEMENT AND ASBESTOS REMOVAL IN SOMERSWORTH SCHOOL FACILITIES.

Somersworth, NH
August 13, 2012

WHEREAS, the City Council of the City of Somersworth adopted Resolution No. 28-09 to appropriate and bond \$19,930,790 (Nineteen Million Nine Hundred Thirty Thousand Seven Hundred Ninety dollars) for the purpose of constructing a new Somersworth elementary school; and

WHEREAS, upon completion of the new Somersworth elementary school, a balance of \$342,974 (Three Hundred Forty Two Thousand Nine Hundred Seventy Four dollars) of the bond proceeds remains unspent and unencumbered; and

WHEREAS, the Somersworth Fiscal Year 2013-2018 Capital Improvement Plan includes a window replacement project at the Somersworth High School and asbestos tile removal projects district wide,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the unspent and unencumbered balance of the bond proceeds originally appropriated for the purpose of constructing a new Somersworth elementary school is authorized to be used for the purpose of a window replacement project at the Somersworth High School; and

BE IT FURTHER RESOLVED that 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.

Introduced by Councilors

David Witham
Brian Tapscott

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).

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).



CITY OF SOMERSWORTH

Office of the City Manager

TO: Mayor Matthew Spencer and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, August 31st, 2012

SUBJECT: City Manager's Report for Tuesday, September 4th, 2012
City Council Agenda

PUBLIC HEARINGS

- 6:00 p.m.** – Public Hearing on Ordinance No. 2-13 Amend Chapter 19, Zoning Ordinance, Table 5.A.1 Dimensional and Density Regulations (Temporary Handicap Ramps and Similar Structures)
- 6:15 p.m.** – Public Hearing on Resolution No. 8-13 Bond for the Completion of a Downtown Improvement Project and Replacement of HVAC Units in Somersworth Schools
- 6:30 p.m.** – Public Hearing on Resolution No 7-13 to Authorize the Use of Bond Proceeds for Window Replacement and Asbestos Removal in Somersworth School Facilities
- 6:45 p.m.** – Public Hearing on Ordinance 3-13 Supplemental Appropriation of Accrued Investment Earnings From the New Elementary School Construction Bond
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Unfinished Business (under Section 12 of the Agenda):

Ordinances:

- A. Ordinance No. 1-13 Amend Chapter 13, Police Offenses, Section D, No Parking Anytime.**
- B. Ordinance No. 2-13 Amend Chapter 19, Zoning Ordinance, Table 5.A.1 Dimensional and Density Regulations (Temporary Handicap Ramps and Similar Structures).** As a reminder, this Ordinance change is being forwarded to City Council by the Planning Board.
- C. 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. 7-13 To Authorize the Use of Bond Proceeds for Window Replacement and Asbestos Removal in Somersworth School Facilities.** As a reminder, this Ordinance will require a 2/3rds vote of Council to pass.

- B. 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 information provided by Finance Director Smith regarding a draft bond amortization schedule and its projected estimated effect on the property tax rate.

New Business (under Section 13 of the Agenda):

Other:

- A. Set Polling Hours for 11/06/2012 General Election – 8:00 a.m. – 7:00 p.m.**

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

A. Informational Items:

1. **CIP Process.** Attached is my memorandum directive to City Department Heads and School Superintendent outlining the start of the annual CIP 2014-2019 development process.
2. **Solar/Wind Power.** Attached is a memorandum from Director Sharples regarding the possibility of the City developing solar/wind power at the City's Sanitary Landfill Site. I asked him and Public Works Director Willis to research this possibility for this potential re-use of our site. I have accepted his recommendation to continue to look at this possibility and to discuss it with the City's Sustainability Committee as a possible project they might embrace.