

Somersworth, NH
September 04, 2012

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

MINUTES OF THE PREVIOUS MEETING.

MINUTES OF THE 08/13/2012 PUBLIC HEARING ON TAX AND SPENDING CAP PETITION

Councilor Pepin, seconded by Councilor McCallion, made a motion to accept these minutes. The motion passed and the minutes were accepted (with Councilor Sprague abstaining from the vote.)

MINUTES OF 08/13/2012 CITY COUNCIL MEETING

Councilor Hebert questioned page 19, the second to last paragraph, saying that he thinks this section needs to be rewritten because his words had to do with an easement between 3M and 5M as the bond because that is where he is at on this. He said he did not say between 6-7M.

Councilor Witham made a motion to lay these minutes on the table until the City Clerk can research to see what was said. There was a second and the motion to table passed.

COMMENTS BY VISITORS.

Real Roseberry, Ward 1, believes that the City of Somersworth peddler's permits are driving small business away. He had an episode last Friday (where someone) had permission from the owner to open up. The inspector did his job telling them that he needed a peddler's permit. He had a state permit and a state food permit; he thought that would cover everything. The inspector and the person who owns the property lost their temper, so the property owner called Mr. Roseberry. Mr. Roseberry checked his licenses just like the inspector should have done. The inspector should have ...told him nicely that you need a peddler's license but he didn't say that; ...he just shut him down and the owner got riled up.

Mr. Roseberry said that City Hall told him that a year's permit is \$200 or \$10 for 48 hours but that you have to apply 7 days ahead. This is not too good. When you want a peddler's permit, you should be able to receive it right then. Why does it take seven days? That is wrong. Any permits should be checked over (as well as) the City Charter. Rochester is \$175/year and \$25/week. Dover is \$200/year and \$10/week. We should be charging \$10/week because we want to bring the business in town and you should be able to get it right there and then. Mr. Roseberry settled everything. The inspector did his job

but he wasn't polite; ...learn to be a little courteous to the taxpayers. you don't dictate to the taxpayers and property owners, he said.

Mr. Roseberry also commented that one City Councilor remarked that he was never asked to sign the Tax Cap Petition. He wouldn't have signed it anyway. Mr. Roseberry did not have anyone ... attached to the City sign his petition because once it was turned in to the City, they would be in trouble and so would their jobs, he said. He tried to save them trouble. They wanted to sign, but he refused to take their signatures.

Paul Goodwin, Ward 1, commented on Resolution 8-13 to voice his support. Given this time of low interest rates and the TE Grant that the City received, it just makes sense to go forward with the downtown improvements. They are long overdue ...this is worth investing in and this is the time to do it.

Diane Griffith, 52 Grove Street, apologized for her very long absence. She thanked the Council for everything that they continue to do for the City. She especially wants to recognize three people who work for the City who have been so helpful (to her) as vice-chair of the Friends of Somersworth: Dave Sharples, Tracy Gora and especially, Tim Metivier. They have been very, very helpful to them.

Emmett Soldati, Ward 1, supports Resolution 8-13. He thinks we live in interesting times and, as a business owner downtown, this can only mean good things.

Mr. Soldati thanked Councilor Durkee for the time that he served on this Council. He said, "I supported you from the beginning, I still do, and it is going to be a great loss when you're gone."

As the Chair of the Friends of Somersworth, he had some pretty interesting updates. They have recently finished a map of the downtown business district of Somersworth. They have over 2000 copies going out regionally to promote the City; the history and the businesses to help drive traffic into the downtown. On September 22, they have a "hidden treasures" silent auction at the VFW ballroom. There will be music and food and it will be a great way to engage with your neighbors and find out what we are doing with the Hilltop School project and get hidden treasures at the silent auction. If you want to donate, they can be reached at friendsofsomersworth.com or friendsofsomersworth@comcast.net.

Diane Griffith, also thanked the Friends of Somersworth Board and committee members, saying that we are very lucky to have this very dedicated, hardworking (group). She wants to thank them publicly.

COMMUNICATIONS.

LETTER FROM WILLIAM CONNOR

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

LETTER FROM COUNCILOR MATTHEW DURKEE

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

MAYOR'S REPORT.

- Wednesday August 29- Toured Airex Corporation
- Discussions with City staff and School Board Chairman and Superintendent on budget development for FY2013-2014
- Congratulations and welcome to Ms. Christine Davis, the Economic Development Manager
- Ward Clerk for Ward 2 for election day
- Ward 5 City Councilor
- September is NH Preparedness month and we are participating. The Fire Chief has the lead.
- Citizens of Somersworth please do your research on primary candidates and get out to vote on Tuesday, September 11th.
- Also, please continue to research the Tax and Spending Cap and a proposed NH Constitutional Amendment on forbidding a NH income tax, research both the benefits and the disadvantages if either were to pass.

REPORTS OF STANDING COMMITTEES.

FINANCE COMMITTEE

Councilor Jarvis said that the Finance Committee will meet on 09/05/2012 at 8:30 am.

GOVERNMENT OPERATIONS COMMITTEE

Councilor Tapscott reported that the Government Operations Committee met on 08/28/2012 at 4:30 pm to go over the (City Manager) Evaluation forms from the City Councilors. They worked long and hard, over three hours. He pointed out the hard work and dedication of Councilor Soldati who designed the new evaluation forms, especially the final summarization.

Mr. Tapscott said he will schedule a meeting with regards to the upcoming (Council) vacancy in Ward 5.

RECREATION COMMITTEE

Councilor Pepin said he does not have a report, but he urges Somersworth citizens to drive by to look at the Pavilion at the Pines. Highway workers have done most of the work, with help from Dave Sharples and Tim Metivier. Outstanding work. It looks great. His hat is off to them for all the work that they are doing; he wants them to be recognized for it.

VISION 2020

Councilor McCallion said that they had a workshop with the Festival Association. Much of the discussion was how they could help them. They need help with volunteers, so get in touch with them if you can help, especially with the Pumpkin Festival coming up- they are looking for volunteers.

ECONOMIC DEVELOPMENT COMMITTEE

Councilor McCallion said that the Economic Committee will be meeting shortly, especially with the new Economic Development Manager.

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER.

SCHOOL BOARD

Councilor Pepin reported that the majority of the conversation was doing up the drafts for the Rollinsford School Board proposal for educating the kids. There was a lot of discussion of how much the School Board would lose if Rollinsford withdrew, which is about 1.5M. There were questions asked whether we would save money with them being out of the school. The Superintendent felt there would be next to none, if any savings at all, because it is approximately 4 kids per classroom, so they have to basically run the same facilities.

They also discussed the two resolutions. Councilor Pepin noted that he told the School Board that ... if any money wasn't spent (as per the resolutions,) it would have to come back to the Council for a re-appropriation.

They met again on the 28th. On the 27th, RFP's had been given to the Board from Rollinsford for them to review. The window discussion came up again. The School Board wanted to make sure that with the way the resolution is worded, (it says window replacement,) that they know what is covered under "replacement". They would like clarification so that they are comfortable that everyone is on the same page.

COAST BUS

Councilor Pepin went to a Board meeting on 08/15/2012. They talked about the 2013 budget which is a 16.5 (%) increase. One of the major expenses is on ADA, handicapped funding which is based on an 8-9% growth and they are finding that they have a 63% increase in growth. It is costing \$53 per trip which is no way near what they are collecting. That is creating a problem. They are having a workshop on September 12th to start going over the fees to see if there is a way to solve that problem.

He described the "clipper" services and also the guaranteed ride back program which helps workers at the shipyard.

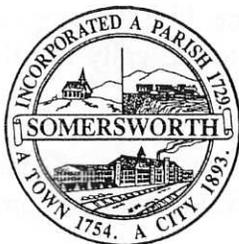
Councilor Tapscott said that he was contacted by Emily Sylvain of the Housing Authority and asked if he would serve on the Board of Directors of Strafford Nutrition, Meals on Wheels. He has accepted and the first meeting will be in October.

Councilor Witham spoke for the Planning Board, inviting people to watch the August Planning Board meeting on Channel 22 or the website to see information regarding COAST Bus. The COAST Bus is proposing advertising on bus shelters to add revenue.

He said that there are three or four recreationally zones districts in town that the Planning Board is considering rezoning. The Planning Board voted, (not unanimously,) to have a public hearing to move forward rezone the R1, residential single family areas which are the least dense areas in the City.

Councilor Sprague asked Councilor Pepin for clarification about the ADA percentages.

Councilor Pepin said that COAST must provide this service, but can't charge the actual amount that it costs to provide the service. All of a sudden they have an over 50% increase in ridership that they are providing. (It was a 63% increase last year, he said.)



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.

B. Attachments:

1. Certifications (5).
2. Fall/Winter 2012 Somersworth Newsletter.

Additionally, City Manager Belmore said that he learned about the month-long public information exercise for National Preparedness month when he received an email over the weekend from Mayor Spencer asking if that is something that City staff should be involved in. He agreed that it was and said that Fire Chief Hoyle, the Emergency Management Director, has signed on to it. They will release information throughout the month of September as they fine tune the process.

Mr. Belmore encouraged anyone with suggestions about the CIP to contact him or the Department heads.

UNFINISHED BUSINESS.

ORDINANCES

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

Councilor Tapscott said that this Ordinance was recommended by the Traffic Safety Committee to post no parking signs to allow residents up and down that street.

Councilor Witham said, guilty as charged, he has parked there. He said he would support this; it is a narrow street. There was work done there in the past and boulders were placed there, he thinks to protect seeded grass. He asked the City Manager to consider moving boulders and allow parking now which would alleviate the problem.

Councilor Sprague asked if this needs a public hearing.

Councilor Tapscott said no and that this came from resident complaints.

Councilor Sprague asked if the whole (Traffic Safety) Committee supported this.

Councilor Tapscott listed the members of the committee.

Councilor Sprague asked the City Manager what is the protocol for a public hearing. This, to him, should (have) a public hearing.

City Manager Belmore said that, relying on past practice, they have not had public hearings on these police offenses, but they could embark on that moving forward.

Mayor Spencer commented that during a game, if there was parking on both sides of the street, a fire truck would not be able to get through.

Councilor Sprague asked if they would enforce this.

The City Manager said he will talk to the Police Department, saying that he believes that they will give warnings first to be made aware.

Ordinance No. 1-13 passed 9-0.

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

Councilor Witham said that this comes through the Planning Board and although it fell well off his radar, here it is. He said that last year a resident approached him asking about a handicapped ramp at his home. He had become very, very ill and sadly passed away, thereafter. He was suddenly wheelchair bound and needed a ramp to his home. His ramp would be built to code to access the front door of his house. It was the case, it being an older house that the home was built right to the setbacks and he couldn't get a building permit. He needed to go to the Zoning Board of Adjustment to get a variance to install the ramp, which was an extra burden for him and also took time. It could take a matter of months to move through. To complicate matters further, if this home had been in the historic overlay district, he would need first a variance and then he would need to

go before the historic district commission to get their blessing with whatever requirements (they would have.) That would take even longer. Sadly, with a near end of life illness, they don't have a lot of time, or it is an accident that leaves them disabled for a period of months. The ramp would be temporary in both those cases. He supposes there are situations where the ramp would be there for the foreseeable future, but those are the exceptions. Therein lies the change to the ordinance to waive a variance of HDC approval to construct these ramps. They would oversee it for safety issues but they would streamline the process to get these boards out of the way and let City staff handle. This came forward through the Planning Board process, through a couple of meetings.

Councilor Sprague understands the intent but there are four things that he issues with as it is written. He thinks they will need to table this after discussion and write it so it is correct. He thinks in the situation that Councilor Witham just brought up, it is the right thing, but when you define the temporary handicapped ramps, (1) how do you define "regular use"? This sounds like someone who is just visiting, he said. What's going to happen is, if you have front or side steps and meet your setbacks, with a ramp you will be encroaching on the setbacks. (2) It should also define what is going to happen to new construction. It should already have the ability to have steps and should not be a way around. (3) When the person who has the regular use leaves the premises, that needs to be defined by adding change in ownership, and (4) when it references the abutters, it is circumnavigating the process that we have. Presently, as Councilor Witham said, you can go to the Zoning Board, but this doesn't give abutters the proper hearing if they want to talk against this. He is not saying throw the baby out with the bathwater; he is saying we need to define this.

Councilor Soldati concurs with Councilor Sprague about this circumnavigating a process already in place. She asks if it is possible, rather than creating a whole new ordinance, to address this at the Zoning level. And isn't it possible to create some sort of expedited process in the event of these kinds of emergencies? ...She would agree that we need to table this.

Councilor Soldati moved to table this, the motion was seconded by Councilor McCallion and passed 6-3. (Pepin, Tapscott and Witham opposed.)

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

Councilor Witham had comments about both Ordinance No 3-13 and Resolution No. 7-13. Ordinance No. 3-13 is about investment earnings that were gained and Resolution 7-13 is in regard to the actual monies that are left over from the Idlehurst bond. Collectively between 4 and 5 hundred thousand should be left over and both speak to using this money collectively to do window replacement at the high school as well as asbestos floor tile in either the middle or the high school. These are both captured in the Capital Improvement Program that the City's Planning Board and this Council have adopted for FY 2013-2018. On page 57 of the CIP, which speaks specifically to the

window replacement project at the high school, if you look at the description as well as the photo, not only is it the glass but it also speaks to the metal panels. None can be put in without touching another part of the window, frames, mullions, etc. When the question comes up, what is a window- it is basically anything from the brick-in. We are going to replace the entire window, not just fix the window. He supports this because the energy audits indicate that this would be one area that would have immediate impact on energy savings. The other issue is an aesthetics issue. The taxpayers have an easier time when they can see their taxes at work. People will see their tax dollars at work and he thinks they would generally support this. No one has spoken in opposition; it is a much needed project. He said that consultants, or anything else needed to do this project is in the parameters of "window replacement." Obviously, they have a vested interest in trying to streamline this project as much as possible. If there is money left over, it can be used for asbestos floor tile removal and replacement.

The great news on this is that it will have no impact on the taxpayers and we get some very meaningful projects done. Although it is a pittance of the overall CIP needs, it is a step in the right direction.

Councilor Pepin said that the concern was the wording. He said that the Joint Building Committee had had some problems in the gymnasium during the Idlehurst (project,) ... If we have the company put in windows without specifications, we are kind of at their mercy; what are we going to get? If there is something wrong, is there a way we can come back to them and say you need to correct this? If there are specifications written out it is a little clearer. The School Board... wants to make sure we are on the same page and that we understand each other ... so that there are no communication problems between the Council and the School Board.

Councilor McCallion said that the specs have got to be there for the windows that are currently there. You go through the bid process. There is not a lot of work out there right now; it is probably the best time. You make a guarantee with a reputable person. To bring a consultant in ...over windows... that's his dollars; he'd have a hard time trying to swallow that in taxes. There are companies that do that for a living. They are going to guarantee their products. You negotiate how well they are going to guarantee, you hold money in escrow until the job is done to your liking, so ...just pick a reputable company and go with it.

Councilor Tapscott said that as far as he is concerned, you have a brick opening and that is the area you've got to replace with a whole new window. It is up to the school department to decide what they want. As long as it is thermal pane and energy efficient and just fill that brick opening.

Councilor Jarvis thinks that this should definitely go back for another review and be more specific. Also she would like to hear some of the other options for this \$115,000 that were looked at, where it might be spent besides this; any other projects where this would be beneficial.

Councilor Sprague is a little baffled and doesn't know who to direct this to. He said he would fast forward to the next resolution that we will be talking about, Ordinance No. 8-13. "Why is this Ordinance referencing the increase in the School budget," he asked, "and Resolution No. 7-13 *not* referencing it?" He clarified that both monies are leftover from the elementary school.

Mayor Spencer said that one is the principle and one is the interest.

Councilor Sprague said that the problem he has is that we are increasing the budget on the school.

City Manager Belmore said that Resolution No. 7-13 is in regards to a City Council appropriation, a bond to build a new school. There is leftover money from that appropriation that has been appropriated for a specific purpose. Now the Council has to decide what to do with that money, but it has been appropriated, it is part of our fiscal picture. The Resolution regarding interest is money that was earned while we held that \$19M+ in the bank, and accrued investment earnings. The Council has not appropriated it, it is not part of any budget, it is not part of the original bond instrument; it is money that was generated while that \$19M sat in the bank as the project moved forward.

Councilor Sprague said that did not clarify it for him because in his mind, since it has already been appropriated, it is already included in that original budget.

The City Manager said that the bond was only specific to the Joint Building Committee's project.

Councilor Sprague asked if we were going to be increasing the School Board's budget by \$115,762. ...He doesn't know why it increases the budget.

The City Manager said that the DRA (Department of Revenue Administration) wants you to appropriate money, if there is money that hasn't been appropriated by the Council, so the Council has to vote on where to place that, in regards to bond proceeds, it can't just lapse to the general fund.

There was a motion, seconded, which passed, to allow the Finance Director to speak.

Finance Director, Scott Smith, answered that this does increase their budget. If it is not appropriated when they close the project, it will just lapse to the general fund. There is no authorization to spend this \$115,000. Really what they are doing on the other resolution is just changing the purpose of what you are expending the money for. You really only have a couple of choices of what to do with the leftover funding of that bond issue. Now that that project is closed and there is roughly \$342,000 left, the choice is to use it on another bondable project. In accordance with the Municipal Finance Act you can use it on another bondable project, whatever that might be, or you can pay down the debt that was borrowed for; the Idlehurst Bond Issue itself. Those are the two things you

can do with that money. They are linked to the extent that they are similar projects but the activity is really separate. You are taking two separate actions.

Councilor Durkee asked if there is any other way that this \$115,000 can get to this particular project without inflating this budgetary number of by the same amount. He doesn't feel very comfortable about pushing that number up but...

Finance Director Smith said it would need to be appropriated and their method of doing a supplemental appropriation is to list it ... associated under the School Department and done under the purview of the School Board. The supplemental appropriation is to your current budgetsomewhere.

Councilor Soldati said that the \$342,000 plus \$115,000 would give the School Board the entire amount that they would need for the window project, however, if we decide, as other councilors are concerned, and she is as well, that they have added to the budget, she is concerned about the \$115,000, they could take that money and put that into another school, say the Hilltop School, to help with that project... They could do that instead, is that not true, she asked?

Finance Director Smith said that they have more freedom on what they use the \$115,000 for than they do the \$343,000. As long as it is an allowable appropriation, he thinks they could do that.

Councilor Soldati said that would leave the school approximately \$100,000 short of fully completing the window project; they might have to wait another year.

Councilor McCallion thinks that cleared it up. He doesn't feel comfortable with inflating anybody's budget that way. Even if they appropriate it, you still have to appropriate it for that project, but they cut that budget for the CIP items, so if they were going to do those projects, they would have been looking at a higher budget number anyway, if you go back. So if you want them to do the windows, which we all do, he would be in favor of them doing the window. If we want to wait for the other \$115,000 until everybody is going- we are trying to group them together because if there is any left over they can spend it on the asbestos (removal). We're giving them a little bit more so they can do a little bit more. So if we take that away, now we're going back to where we cut ...and we are in the same ballgame again.

Councilor Tapscott asked if the Council deems that this is the best way to go, increasing the School Department budget by \$115,000, and say it doesn't get used for what it was originally added for by June 30th, does that money lapse also?

Finance Director Smith said, "Not necessarily." They would use it for purpose intended but it could be encumbered and carried forward. Assuming that the project is ongoing, then it could be encumbered.

Councilor Tapscott asked, "So this is about the only way we can get this \$115,000 to that project?"

Mr. Smith said that he is uncomfortable answering that question. It is a legal question if the concern is the supplemental appropriation increasing the School budget, but we would still like to spend the \$115,000 on the window replacement, but, for example, we want to associate it with something else in the budget, he thinks that would be a legal question as to how that affects the School Board's purview over that. He can't answer that.

Councilor Witham said that some number of years ago, he helped the Fire Department write a grant for acquisition of a new aerial ladder truck that was just shy of \$800,000. That grant money showed up in the City budget because it wasn't an allocated expense. It was money that was found, similar to this, so he uses this as an analogy because this money would go into the School Department budget because of accounting practice just like our City budget was inflated by \$800,000. If we don't like this idea, then shame on us to pursue or accept any grants moving forward because it is going to falsely inflate our budget. This is an accounting practice because you have to show the money someplace because it wasn't anticipated. We need to find a place to put it. This was money earmarked for the new school. The interest earnings were generated from money that was earmarked for the new school. To him, that money should still stay within the school department just because it makes sense, frankly. More importantly, when you look at the CIP, when you kick the can down the road, this list grows and expands in terms of cost. If we have some money available ...it makes all the sense in the world to (do this.) This is money that we have already paid for. ...He is in full support. This makes all the sense in the world.

Councilor Pepin wants to go back to the beginning of the budget ...when they cut \$.5M out of the CIP items that they had. Then, as a Council, we just about drained the maintenance budget saying that we're going to give you a carrot on the end of a string and today we are yanking the carrot out because we are worried about a figure that might be on next year's budget as a budget increase on a figure. We have had no problems in the past cutting the school budget. He doesn't think that next year they will have any problem cutting it again. He really doesn't see what the big problem is. You are taking money that has been appropriated, that is not costing the taxpayers one more penny at all on their tax rate and you are investing it into the School to try to correct problems to save heat, to save energy, and all the other things, to him it is a no brainer. Why we are arguing about increasing the school budget by this amount when we are going to cut it again next year; he thinks (it) is just crazy.

Councilor Sprague he agrees with Councilor Witham and Councilor Pepin, now if they can guarantee that this \$115,762 and \$342,974 will be used for construction items, CIP items, he would fully endorse that. His problem is that obviously the amount on Resolution No. 7-13 has to be put toward a capital project. The problem is, the \$115,000 doesn't.

Finance Director Smith said that might be a legal question. The intent is clear what it is to be used for.

Councilor Sprague said he wishes there was something in here that could marry the two together, that the \$115,000 would be used first and then the \$342,000 would be used to continue the window replacement and whatever is leftover would be used toward the asbestos tiles. That's what he is looking for reassurance. ... He understands that they are in the job of educating. We go through this all the time and he gets their stance, but they tend to not take care of the capital improvements. He doesn't want that to happen with the \$115,000.

Councilor Jarvis definitely wants these projects done and knows the need to have them done. The \$115,000 is her concern and she thinks they haven't looked at it enough and the whole idea that the whole \$115,000 has to go there. The potential for even a portion of that to go into Hilltop for some improvements ... otherwise there is another building that will be a cost to the taxpayers if they have to maintain it. Whether they want to send it back to be reviewed again... she doesn't feel that they are making the best decision without all the information, at this point.

Councilor Pepin asked if the Council would feel better if they went back to the School Board and ask them if they would vote that they would appropriate that money, if it were given to them, toward window replacement, would that suit the feelings of the Council if they put it on their next agenda?

Councilor Witham said he wants to back up several steps to the crafting of these Ordinances and Resolutions. He said that he met with Finance Director Smith and City Manager Belmore and his initial thought was lumping the investment earnings with the principle that was left over into one package. He quickly learned for a lot of legal and financial reasons that they couldn't do that, and that it had to be broken out into separate pieces. So that wasn't by design, it was based upon a need. Further he has spoken with the School Board Chair and the Superintendent ...and these projects were embraced by them. It is not like they have another project in the wind that they would rather this money go to. He believes that they think that this is a very worthwhile investment of these dollars. And , might I add, that they were very appreciative that we were keeping this in the School Department because they recognize that they don't have to do that. With a \$7M and growing list of CIP items on the heels of a budget that we cut out \$500,000+, he thinks it is their obligation to move forward with this. Perhaps they can't guarantee, the \$115,000, to the legal letter of the law, that they will use it toward window, but they have had the School Board Chair, they have had several members of the School Board with their heads nodding up and down (and) the Superintendent say this is what they would use the money for. A vote to do something other with this money tonight is saying , "We don't trust you." And they have worked damned hard over his tenure on this Council, to build some level of trust, at least he thought so, between the City Council and the School Board. Shooting down this ordinance tonight, even tabling it, is thumbing the nose at the School Board and the Superintendent and saying we really don't trust you. He senses that there are some other motives at play here for where we can

better utilize this money, he has heard Hilltop School a couple of times. As one Councilor, he won't vote to spend a dime on Hilltop School until this list, (CIP items,) is gone in its entirety.

Councilor Hebert made a motion to table this which was not seconded.

Councilor Witham called the question.

Ordinance No. 3-13 failed 5-4, (Councilors Jarvis, Sprague, Soldati and Hebert opposed.)
It required a 2/3 majority in order to pass.

Councilor Sprague asked if he could make a motion to have this Ordinance readdressed by the Finance Committee.

Councilor Witham believes that a motion to reconsider would be necessary by the prevailing members, those who voted no.

Councilor Sprague said that, being on the prevailing side, he asked for it to be reconsidered. He asked everyone to vote yes so they could put this back to the Finance Committee. The motion to reconsider was seconded by Councilor Jarvis, saying that she wanted it understood that it is to reconsider it and send it to Finance.

Councilor Soldati said that when you reconsider and you voted with the prevailing side, it is to reconsider that vote and to have another vote on it, it is not to amend it.

Councilor Sprague wants to bring it back, saying before we go back to the vote, someone should motion to table it to the Finance Committee before we take that second vote, that's the only way he can think of (to bring it back.)

Councilor Soldati thinks that is permissible but you can't bring it back and vote it a different way.

Mayor Spencer said that there has been a motion and a second to reconsider, he said this needs a 2/3 vote.

Councilor Pepin said we are sending it back to Finance but asked if we were giving them any guidance as to what they are supposed to be doing with it.

The voice vote to reconsider carried, Pepin opposed.

Councilor Sprague made a motion to table Ordinance No. 3-13 and refer it to the Finance Committee which was seconded by Councilor Jarvis who amended to request that the Finance Committee meet in conjunction with some School Board members to come to a conclusion before it is brought back.

Councilor Sprague said they will be meeting at 8:30 am tomorrow morning so that this can be done.

The motion to table and refer to the Finance Committee with School Board participation passed 7-2, (Pepin and Witham opposed.)

RESOLUTIONS

RESOLUTION NO 7-13 TO AUTHORIZE THE USE OF BOND PROCEEDS FOR WINDOW REPLACEMENT AND ASBESTOS REMOVAL IN SOMERSWORTH SCHOOL FACILITIES.

Councilor Witham said he is not quite sure what to do. There is not quite enough money to do the projects now.

Councilor Soldati moved the question.

Councilor Pepin asked for clarification regarding “where the window” is. He did hear some opposition to taking some money to fund an engineer. He has no idea how the Council feels on that and he feels that the School Board is looking for some guidance.

Councilor Witham said it is our job to appropriate money; it is not our job to tell them how to do the project. They could do one window and spend all their money on engineers if they want. He doesn't think that is what they will do. We are an appropriating body, our job ends there.

Resolution 7-13 passed 9-0.

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

Councilor Witham made a motion to amend Resolution No. 8-13 by \$115,000 so that the final amount would be \$3,115,000. He also added an additional “Whereas” statement as the fourth “Whereas”. Councilor Soldati seconded the amendment.

Councilor Tapscott said, listening to the amendment, asked if Councilor Witham was doing away with the \$770,000 (for HVAC units.)

Councilor Witham said, “No, this is an additional whereas.”

Councilor Sprague would like to add a friendly amendment to add on to it. He fully agrees and wants to increase the downtown road construction from \$2.2M and add another \$1.3M to increase it to \$3.5M.

Councilor Witham wants to handle these amendments one at a time. When asked, he restated his amendment.

With the failure of the Ordinance of the investment earnings, Councilor Witham said, he would like the School Department to proceed. There is planning, bids, etc needed so that this can get done next summer. He doesn't want to tie our hands because the Ordinance with the bond proceeds isn't enough to do that project. It makes no sense to do some windows only to reallocate it back to the school- that will add to the cost.

Councilor McCallion requested a recess which was seconded by Councilor Hebert, to see the amendment in writing.

There was a 10 minute recess.

The Deputy City Clerk read the following amended Resolution No. 8-13:

RESOLUTION NO. 8-13 BOND FOR THE COMPLETION OF A DOWNTOWN IMPROVEMENT PROJECT AND REPLACEMENT OF HVAC UNITS AND WINDOWS 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),

WHEREAS, THE School Board of the City of Somersworth has identified the replacement of windows at Somersworth High School that \$115,000 (One Hundred Fifteen Thousand Dollars) be allocated for that purpose,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT an amount not to exceed \$3,115,000 (Three Million One Hundred Fifteen Thousand Dollars) is appropriated for infrastructure improvements in the downtown area and replacement of five (5) HVAC units in School buildings and windows at Somersworth High School; and

BE IT FURTHER RESOLVED THAT (a.) the City Manager is authorized to borrow up to \$3,115,000 (Three Million One Hundred Fifteen Thousand 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).

Note: City Manager Belmore questioned whether the HVAC units were still part of Resolution No. 8-13. Although that part of the sentence in the fifth paragraph was inadvertently left out during the reading of the amended Resolution, it was still included as part of the Resolution. (Apologies, EBB.)

Councilor Soldati withdrew her second with the further amendments.

Councilor Pepin seconded the amended Resolution.

Councilor McCallion said, just to be clear, that this is a huge project and it has already gone through legal. It has already been looked at and now, at the last minute, we are going to throw something in to this and throw a wrench right now. He cannot support this, although the other two projects he was in support of. Maybe the dollar figures could change based on the consensus of Council right now, but he was in favor of both these projects until that came through.

Councilor Soldati's concern is spoiling the bond. During the recess she spoke with the Finance Director and the City Manager and said that they have time for them to go to the Bond Council and talk about this slight change and whether it would in any way jeopardize the bond because they have to sign off on all the little details of it. She suggested tabling it and reconsidering in two weeks. They need to be sure that the bond is secure.

Councilor Witham withdrew the amendment

Councilor Sprague made an amendment to the original resolution to increase the amount for improvements on High and Market Streets to include the water main from \$2.23M to \$3.5M to bring the bond to \$4.3M.

Councilor Sprague said he was not there for the presentation by Hoyle and Tanner but luckily it is streaming on line. He watched it a couple of times, and there are a couple of things that bother him. He said we are making a very large investment in downtown and that water line system is 3800 feet and it is 100 years old. It is typically replaced at this life span, if not before. Hoyle and Tanner, several times said that we have to figure out what our risk appetite is and whether we are comfortable with a couple of breaks every two years, which will mean we are going to be digging up that road a couple times every two years. We'll be throwing good money at something and you will not want to be on Council when they start digging. It is \$1.3M. If we are going to do this project, let's do it properly and make an investment in downtown. Let's not do it 75 or 80% of the way. We seriously need to think about doing this correctly. ... You are talking about disturbing the soils and that is when things start to go.

Councilor Witham made a motion to suspend the rules to allow the Public Works Director to speak. It was seconded by Councilor Tapscott and passed.

Councilor Witham asked, if we replaced all the water lines downtown, if that would be a guarantee that we wouldn't have any breaks.

Public Works Director Willis answered that it certainly improves your chances that you won't have ... but it is not a guarantee.

Councilor Durkee is a bit concerned at the frugality of this number. He understands that it is a very big number, but he seconded it because he is not sure that we are going far enough with this initial investment. He thinks the City is littered with projects where we scrimped and pruned and clipped and tried to find a way to get by, and it just didn't happen to have a life span that we thought. He is not sure what the right number is, he is interested to hear other people's thoughts, but he is concerned that they would redo the downtown and then dig it up twice a year. He takes the point that Councilor Witham is making that there are no guarantees in life, but investment is about reducing risk and if we are going to invest money we might as well invest it soundly, as much as possible. He tends toward putting more money and replacing the water main lines and doing this project right. He thinks it could be a very strong investment for downtown.

Councilor Sprague quoted Hoyle and Tanner, saying "If we are comfortable, it is all about risk." He understands there is no guarantee. If he is going to drive across country, he is going to drive the new car ... (the older) car has more chance of breaking down. If we want to reduce our risk, let's vote to add some more money. He would love to put even more. We need to address downtown. Other cities do it, we need to do it. He is fiscally conservative, this is him coming out of his comfort level, but it is something he really thinks they need to do for the city.

Councilor Witham said that at the beginning of the meeting, Mr. Connor asked what would be the tax impact of the proposed bond; the short answer is about 39 cents on level principle over a 15 year bond. He is not sure where Mr. Sprague's number would take them.

Finance Director Smith said that this would impact water rates. There is some small portion of the \$3M that is affected by water and sewer but something this large would affect the water rates. That could be calculated. It would affect the Enterprise Funds which are paid for by the users and are self supporting.

Resolution No. 8-13, (as amended,) failed 2-7. (Pepin, Soldati, Hebert, McCallion, Tapscott, Witham and Jarvis opposed.)

Councilor Tapscott , seconded by Councilor Jarvis, made a motion to table Resolution No. 8-13 which passed on a voice vote. (Witham opposed.)

NEW BUSINESS.

SET POLLING HOURS FOR 11/06/2012 GENERAL ELECTION- 8:00 A.M. TO 7:00 P.M.

The polling hours for the 11/06/2012 General Election from 8 am to 7 pm passed on a voice vote, Witham opposed.

COMMENTS BY VISITORS.

There were no comments by visitors.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Soldati commented on a letter that City Manager Belmore received from the City of Dover on the potential purchase of land. When she looks at a map and sees this land that goes way into Somersworth, currently privately owned ...she asked if it would be taxed. The City Manager thought not. She said it looks as if the City of Dover is encroaching. She doesn't want to give Dover any of our land, she said. This is a proposed purchase, she thinks. The City Manager thought they were very close to a purchase and sales. This disturbs her.

Councilor Soldati is also disturbed and wants to publicly let the School Board and the Superintendent know that she does trust them, and if, once in a while, she votes in a way that seems counter to their wishes, it has nothing to do with her personal feelings toward the School Board or the Superintendent and she resents remarks that imply that.

She reminded people that the Friends of Somersworth is going to have a silent auction on September 22 at the VFW Hall in Somersworth to try to raise money so that they can

enter into a public/private partnership to find a reuse for the Hilltop School that would benefit the entire community. She hopes every Councilor will attend with their spouse and have a grand show of public support to save this school for the betterment of the entire community.

Councilor Tapscott thinks that Councilor Soldati brought up a good point about the City of Dover planning to purchase that land in Somersworth. It'll still be Somersworth. He said Dover owns small lots around Willand Pond. It is still Somersworth. The issue was brought up about why Dover is not paying property taxes to the City of Somersworth. He doesn't remember the end result. He thought Dover was approached and agreed to pay property taxes on those small lots on the Somersworth side of Willand Pond. He has no qualms about charging the City of Dover for taxable property. Find out more, he said.

Councilor Witham said that during the debates this evening, his phone was ringing off the hook; he half suspects that one of them was his mother scolding him for being a little too tightly wound this evening. He apologized to his fellow councilors. He really did feel that these were important projects to the community. He feels that they have been derailed, a little bit. He wonders what the end result will be. Where are we going? To be honest, he thought that these would get nearly unanimous votes here this evening.

He said that Mr. Sharples generated a memo about solar power on top of the superfund site. On face value, he thinks (we should) run with that idea. That seems to make sense because there is very little we can do on that parcel of land. If this is something that we can do in a productive manner, it seems to make sense, so at least for the time being, he embraces that.

With regard to the Dover purchase of land, he thinks we might start our research on that situation by considering Lake Massabesic which is largely in the Town of Auburn but is the water supply for the City of Manchester. Manchester has purchased much of the land around this lake to protect its water supply. To his knowledge, Auburn taxes Manchester for that land.

Councilor Pepin spoke about the Noble Pines project. The Pavilion looks great, it is coming along well, thanks in large part to the work of the Public Works staff and city employees. Mr. Sharples and Mr. Metivier were there helping with roofing on one Friday; (there were) lots of hands on deck and the project is looking great.

On the issue of the Tax Cap, he was speaking over the weekend with the mother of a recent high school graduate of a high school not too far from here that happens not to be accredited. This was a near straight-A student who applied to a lot of schools and was turned down, not because of his grades, but because he came from a non-accredited high school. He does not believe it is rhetoric that a tax cap would threaten the fabric of the school and whether it will be an accredited school. ...Do your research to find out what a tax cap is all about. If you have children going into the school system, that's a very big reality. Is that something you want to gamble with? In his opinion, the answer is no, but it is something that could occur. And if you think an override by 2/3 is easy-it wasn't so

easy tonight. He is deeply, deeply concerned about the tax cap. He spoke about the impact that such tax caps have had in the City of Manchester. He said that they have classes in the cafeteria because the classes are 50-60 people. Is that the direction we are headed? He doesn't have a crystal ball but the tax cap would suggest that. He will continue to talk about it. If he thought this had no chance of passing, he wouldn't talk about it. He thinks this has a chance of passing because of the simple question, "Are you paying too much in taxes?" There isn't a person in this City who would say they aren't paying their fair share. Do your research and understand the ramifications. It is not going to lower your taxes, property taxes will still go up, but he does know that it can impact service delivery, the biggest right now being within the school department.

Councilor Witham said that Councilor Durkee has been a professional on this Council, articulate, he's spoken his views. They don't always agree but he always respects Councilor Durkee's views and opinions and frankly likes to listen to what he has to say because it gauges him back and gives him pause and sometime even changes his mind. He applauds his position on the Council and said he will be deeply missed.

Councilor Jarvis had no comments.

Councilor Sprague disclosed that he has represented Mr. Stackpole in other property transactions, not this one, but said that this was 11 buildable acres but 54 in total. He said that the City of Dover is trying to protect their water supply. They are not trying to invade us or take us over. It is an investment that they have decided to go after.

He welcomed Christine Davis to the City, the new Economic Development Director. He said that she has past employment experience with DRED: The NH Department of Resources and Economic Development. He wished her good luck and thinks she will bring a lot to the table.

As to the tax cap, he has a lot of issues with it. First of all, he said, it does affect the bond rating as Dover is well aware now. The bonds that they are talking about today would have a higher interest rate. People don't really know what they are voting for.

He said that Mr. Connor's letter tonight is very interesting; he said that for his letter alone, the tax cap should be voted down. It is very true that you should not tie the tax cap to the national consumer price index, but instead to NH's consumer price index, the same way that you don't use the national weather forecast, it is all regional. For that reason alone he would vote the tax cap down. He said that , furthermore, he has seen a lot of tax cap signs. But they are showing up on public property. Do not confuse the amount of signs that you see as support for the tax cap, he said. He runs for elections a lot. If signs meant votes, he would never be elected. The signs that are out there do not tell you that there is major support out there for the tax cap, especially what is on public property.

Councilor Pepin has a problem with the tax cap for several reasons. He asked the City Manager, if a tax cap were in place, how it would affect the City and the department heads. Basically, he said that the City department heads would be given the order they

would have to follow the amount of money that is appropriated out of the tax cap. His problem is, he likes to see down the road and see if things need to be done that he could spend a little bit of money to save a lot of money down the road. This doesn't give them the opportunity to listen to their department heads to say, if we do this, this will save us down the road.

The second thing that probably bothers him the most is that they educate Rollinsford students. He has represented the City Council on the School Board, he sits there as a City Councilor, when it comes budget time he sees Somersworth and Rollinsford residents trying to fight for programs to keep music, sports, or ...the fundamentals in the schools. It is at the point right now that the accreditation is in jeopardy. They are short now, he understands that they need someone to teach sewing and probably cooking and that is not in the budget. They have sent two proposals to the State which have been rejected. They've gone to Rochester to see if they can get it done there, but it has (also) been cut from there. If he is a Rollinsford parent and sees \$7M worth of CIP's, including HVAC's that may crap out at any time and has to come every year to fight for programs so their kid can go to school, he knows what his decision would be. So to the people who have their tax cap on, he thinks they can prepare for \$1.5M in 2015 being added on to the tax rate.

Councilor Hebert agrees with all of them regarding the tax cap. Where is the money going to come from? The State of NH? Strafford County? It's going to come from property taxes, that's all there is. Where is it going to come from? It is going to come from property taxes unless we have changes in the State government that puts in a sales tax or an income tax. Where is it going to come from? Property taxes, he said. And if there is a cap on it how many of us are going to be willing to oversee it? He is against it and he hopes the people of Somersworth vote "no" on it. We are not all here making money coming here twice a month to fool the people of Somersworth. ... (If) we kick it down the road, ...we hear from the School Board that the amount is going up. It is no longer \$3-4-5M; it is \$7-8-9M. This group built a new elementary school that will be good for, what, ten years and then things will start breaking down, but it will come from your property taxes unless the State institutes other ways of bringing in financing. It has to come from somewhere or just close it down and do nothing.

Where is it going to come from, he asked again.

Councilor McCallion said that he was always against the sales tax until he got on the Council. He believes that one of the Carolinas has a consumption tax, basically it is another sales tax, but the municipalities get to take some of that money. That's a great idea. There are primary's coming up. There are people running for the State. We should all be looking at that, especially since we have a Target and a Wal-Mart down the road. Again, he said that he was never in favor of a sales tax until he was on the Council and it is very hard to make some of the decisions that you have to make and see where the costs come from. Get out and vote. Get out and volunteer. He will say this every time. We have the Pumpkin Festival coming up and the Children's Festival coming up. They have

a great organization. We need to help. And on September 22 over at the VFW, we need to help the fundraiser grass roots efforts in our town and take care of our own right now

Councilor Durkee had hoped that there wouldn't be so much doom and gloom in his last two meetings, but we are tackling some serious issues and he know it is frustrating, he said. He is frustrated with the process but this is how it works. This is how things get done or don't get done. He has one more meeting and two closing comments.

In terms of a tax cap, he finds himself a bit conflicted. He feels that his constituents elected him to make decisions about budgets; about expenditures. He thinks that that is the authorization to make these decisions, so, intrinsically, he has a problem with putting an arbitrary number on what can and can not be spent or what is justified. He doesn't think that anyone up here thinks we are going to excess. If you look at our budgets, we are doing everything they can to cut where necessary and stem the tide of some of the increases that they have seen. When he actually looks at a tax cap, he is confused by the rhetoric that he hears. Part of it is he hears a sense of giving up on the fact that political will can override some of these concerns. If a school is failing, if roads are in disrepair, it is the job of the people sitting in those seats to do everything they can to allocate those funds and override those constraints to be able to fund those things. Shame on people if they are elected to do a job (but) they can't have the political will to do what is right and then have the voters judge (them). What he hears, in surrounding communities, is that people are afraid to take on the responsibility of overriding a tax cap and they've determined that it is not their political will to do so. He doesn't blame people who say that their tax rate goes up and there is arbitrary spending, they would like to put a barrier there to that or at least set a standard that the people of a community would like to meet. The one compelling reason not to have one would be the bond rating. That's the first time he had heard about that, he is not particularly learned on that. He finds it interesting that elected officials would say that they would let the roads deteriorate and let the schools fail and not get a two thirds majority to do something. He doesn't think they hold people accountable enough in these positions to make tough decisions and that is why they are in the position that they are in.

His next comment is about (Ordinance) No. 3-13, allocating those funds. He was supportive of allocating those funds and he understands Councilor Witham's frustration because at times it seems adversarial to the school department that they wouldn't be trusting of them with the funds to see those fixed. It is their own interest and the students there and I would trust them. Having said that, he doesn't think that just because we have a few meetings and talk about shared responsibility that they don't have a duty to ask the right questions. He voted in favor of that and he hopes that at some point that gets passed. He would like to comment that the amount of money that they are putting toward these school projects is just a drop in the bucket in comparison to that \$7M CIP. He is sure that they will start the process of the CIP for another year and they are going to see a number that staggers them again. He doesn't think it is particularly courageous to only put \$500,000 toward the school that needs \$7M in repairs. But it is a step in the right direction and he hopes they at least put a little bit more towards that. He thinks everyone

here has the good faith to do that but they owe it to their constituents to say that there is a lot more that needs to be done. Where it comes from, he is not sure.

He will be here for the next meeting. He thanked Councilor Witham for his kind words he appreciates working with him and he encourages people in Ward 5 to put their names forward to the Mayor. He ran unopposed. He wasn't particularly thrilled about that, he would like to see several resumes from that ward submitted. We've got a month; he doesn't think there is any reason that this seat should be vacant moving forward. He will do anything possible to make sure that that transition is smooth. He appreciated the opportunity to serve here and looks forward to next week.

Mayor Spencer mentioned, for clarification purposes, that currently the City does not have a bond rating. So that would not be an impact. What would impact, if they did go in the future, for a bond rating, for some reason they didn't want to use a municipal bond bank, and they had to get ... another rating, the tax cap would affect the rating. Right now, they do not have a bond rating.

He said to the School Board that he feels that they are not adversarial and they are still trying to work with them.

FUTURE AGENDA ITEMS.

NONPUBLIC SESSION (AS NECESSARY, PENDING ROLL CALL VOTE BY COUNCIL).

The Council went into non-public session regarding personnel after a motion by Councilor Witham which was seconded by Councilor McCallion. The motion passed 8-1, (McCallion opposed.)

ADJOURNMENT.

The Mayor reported that Councilor Witham made a motion to come out of non-public session which was seconded by Councilor Tapscott. The motion passed and the Council adjourned at 11:20 pm.

Respectfully submitted,



Elise B. Breilis, Deputy City Clerk