

MINUTES OF CITY COUNCIL MEETING

AUGUST 11, 2014

Mayor Hilliard called the meeting to order, and upon roll call, the following members were found present: Pepin, Soldati, Hebert, McCallion, Messier, Tapscott, Witham, Collins and Sprague.

MINUTES OF PREVIOUS MEETING.

- Minutes of Workshop held on 7/21/2014 – Motion by Councilor Pepin, seconded by Councilor McCallion, to accept the minutes as presented. The motion carried unanimously.
- Minutes of City Council Meeting held on 7/21/2014 – Motion by Councilor Pepin, seconded by Councilor Messier, to accept the minutes as presented. The motion carried unanimously.

COMMENTS BY VISITORS.

Katelyn Rideout, 6 Long Leaf Lane, Ward 4, thanked the City Council and said she appreciates the dialogue the Hilltop School building has created. The downtown renovation has been the first step in creating the vision of a thriving community. The renovation of the Hilltop School building is an extension of the process we already agreed was important by financially supporting the downtown renovation. Repurposing Hilltop will provide much needed space for the community for the formation of art activities and cultural programs. Because we lack this type of space residents must travel to other towns and our town loses out because of that. The Friends of Somersworth (FOS) has provided a viable option that would not only generate revenue for the town but would also enrich the experience of residents who live here and would attract others to move here. Quality of life is an important aspect when people are deciding where to live. It is time to now support the renovation of this building. It is a tough decision and it does have a price tag. Voting to renovate Hilltop shows your support of a vision we need Somersworth to become.

Joanna McKnight stated she recently moved here from Virginia and lives in Dover. She lives downtown in the middle of cultural activities, restaurants, and night life. She is here tonight due to her interest in historic preservation. With projects such as the Hilltop School rehabilitation, Somersworth is in a prime position to attract newcomers. For the past few years, she worked as an architectural historian and has seen many projects similar to the Hilltop School project in their early, mid, and final phases of implementation. These projects are never easy or straightforward, typically because there are a range of parties involved, bureaucracy and financial restraints at every single stage. The end result has always been worth it. The reuse of the Hilltop building furthers the idea of sustainable building and living green. Why not use the resource you have

inherent in an existing building and make it work for the benefit of the community at large? The longer the project is on hold the more maintenance the building will need and the greater the scope of the project. She supports the renovation of the Hilltop School and furthering renewed pride of the community.

Councilor Sprague asked the Mayor if it is customary to have non-taxpayers and non-residents speaking under public comment. The Mayor replied that history shows this body has allowed it in the past. The Government Operations Committee is examining all Council rules right now. We can examine drafting such a rule if that is what we want. For now, he will continue to allow it to happen.

Alexis Kochka said she wanted to follow up on alternative funding sources. There are no alternative funding sources to kickstart this project, it has to be done through the City of Somersworth. That is how it is being done in other communities. There are no grants that will give them money for work that has not been done. If you decide to fund this project, you will be in good company. You will be aligning yourself with all these communities that have kickstarted their own economy.

Keith Young, 3 Rouleau Drive, indicated the McConnell Center in Dover came to be as a result of a grassroots effort where they solicited funds from various sources to get that up and running. An entity can exist without taxpayer dollars. He wished to reiterate Councilor Sprague's comments about allowing non-residents to speak. If you're not writing the check on an annual basis he doesn't think this is the place for that kind of commentary, although he values people's opinions. It is the people that are paying the taxes that have a vested interest in how we run our City.

Mr. Young restated that he absolutely agrees there should be a center for the arts in the City, not necessarily at the Hilltop location, because that is a residential community. He does not feel that tax dollars should go towards paying for that. His suggestion is to demolish the building and create some living spaces there. He would love to see some Victorian homes there where people are actually paying taxes and contributing to the City. He cannot continue to pay \$8,000 per year in taxes. It has to stop. He likes the idea, but we cannot afford it.

Sean Santosuosso, Main Street, Ward 5, said the people who are here from other communities could be people that might be paying to come here and increasing revenue to the City if this goes through. This doesn't only involve our community, it involves all the surrounding communities.

Katherine Stewart, a resident of Portsmouth, said she is a theater and film maker, a teacher and facilitator. She works with youth from all surrounding areas. She is extremely interested in this project because she believes she would want to bring her theater company, her work with youth, to that space. It is a space that is unique to areas around here. She wants to bring her internationally recognized company here. She feels it is important to listen to outside voices because you want to be bringing people in. She is currently working with girls who attended

Hilltop School in the past and they asked her to tell the Council how much they love and miss that space.

John Joyal, 1 Molly Lane, Ward 4, said he is tickled pink that we have people from other communities coming here to voice their positive input about the opportunity that our citizens and our elected officials are facing. It resonates not only in this City, but across the County, how interested people are to see us with our bright future. He feels the first amendment is a powerful tool and he hopes it does not get shunned through this elected body.

Emmett Soldati, 7 Prospect St., Ward 1, said he has several reasons to speak tonight, and he also likes this community. He explained that the Friends of Somersworth (FOS) came into existence about 2-1/2 years ago when the Economic Development and Vision 2020 Committees decided the FOS could help find alternative funding solutions for the building so that the amount paid doesn't completely come out of the taxpayer's coffers. These Committees, as well as some private citizens, realized that after the Idlehurst Elementary School was built and Hilltop wasn't going to be an elementary school, we still needed to do something with this building. We needed to do something with this building for a lot of reasons: it is a City-owned municipal building, a historic structure, and it had activity going on there for a long period of time. Also, there were many people interested in this building and willing to fight for it and provide services in the building that would not just benefit a few people who lived here but would potentially benefit the entire community. It could also encourage people that don't currently live and spend money and pay taxes in the community to come and join us. It was always clear that this is a City-owned building. It was clear for several Councilors who have sat here that they knew that some level of financial commitment needs to be met by this City in order for this to get off the ground. He has been the Chair of the FOS for the last 2-1/2 years, and they have worked, they have organized, and they have fought. They have looked for several grant opportunities, they have talked to large corporations in our community, they've engaged with private and public donors that have engaged with them and have spent money on them, have contributed to the overall goal they believe in. One thing has been clear, that they need a financial commitment from the City, who owns the building, who let it fall into disrepair which causes the costs today to be what they are.

Mr. Soldati said they looked at grant opportunities, they looked at the EDA and the USDA. When they sat down with granting officials, they were told this project would be successful and these are the types of projects they are willing to fund. They indicated that the next step is to get a financial commitment from the City. The financial commitment from the City that is proposed tonight would also offer them leverage. It would allow them to actually turn those corporate bodies and private donors into interested parties because they know that it is money well spent. As several previous speakers have said, no money is being spent tonight. Any decision the Council makes about the financial commitment doesn't get spent until we uphold our end of the bargain. There is not some other grant opportunity out there waiting that does not require a financial commitment from the City. There isn't going to be another way. He is here to fight for the vision and the community he thinks several of you believe in and want to see. It is the reason

you spent the money to do the downtown improvement project right. He promises, as difficult as it is now, the businesses and the residents are going to love it and it's going to work. There are people waiting on the sidelines who are ready to participate in our community, pay taxes to our community, open businesses and patron our community when the City invests in itself. For those interested in rail service, he completely supports the concept. People will want to come here because there will be things here worth coming to. People who come to the Noble Pines Park from other communities are astounded because of the investment the City has put into that Park. The Hilltop building is no different. It is something that will draw people in and will bring back the vibrancy that counts and uphold the standards of the Master Plan and Vision 2020.

Mr. Soldati the dollar sign is a lot lower than it ever has been. The work that the FOS have done to make the City commitment only \$1M is the best solution we have ever had as a community. For those that think that demolition is the best solution, it would cost at least \$300,000 just to demolish it. That would have a negative impact on the taxpayers with no positive return on investment.

Mr. Soldati said the solution has been here, it is standing behind him and has been working with you in concert for 2-1/2 years to come up with the best financial opportunity for this building and the community.

Motion by Councilor Tapscott, seconded by Councilor Collins, to suspend the rules to allow Mr. Soldati to continue. The motion passed unanimously.

Motion by Councilor Witham, seconded by Councilor Tapscott, to suspend the rules to allocate more than 30 minutes for public comment. The motion passed unanimously.

Mr. Soldati said it has been said that we cannot keep hitting the individual taxpaying resident. It is time that we change the conversation to say that we cannot keep hitting the individual taxpaying resident without offering anything in return. Many people have spoken here tonight and on previous occasions and have engaged with you to help you understand how supporting this project now in its current form can have a return on the tax base. That is why we are here and why we make the argument for historic preservation, for arts and economic development, for providing cultural programming for students and for adults. He asked Councilors to reflect on these resolutions as the best opportunity to allow us to keep doing the work that we were asked, as a non-profit organization, to do. We were asked to find alternative funding solutions and we have found them. We need to keep moving. There is no blank check being cut. There are several opportunities to continue evaluating how we are going to make Somersworth the vibrant, sought after place we want to live in. Please do not shut the door on the FOS. Do not shut the door on the partnership you unanimously enacted 2-1/2 years ago, and please make the commitment to an 87 year old brick and mortar municipal building that can continue to serve the community, the City, and the region.

Bill Griffith, 52 Grove Street, Ward 1, said he is semi-retired after 50 years of working, some of which was major university management and information systems technology consulting. In doing that, he feels there are four things people have to think about when they have a problem:

- Structure – how we do things and how things are built.
- People – training people, time, etc.
- Political – taxes, money and how we spend it; practical living.
- Symbols – if we do not have symbols as human beings we do not operate well.

Mr. Griffith said we are the Hilltop City, and the Hilltop building is the symbol of that. You need to invest meaning in that, otherwise you do not have a community. He believes in the whole arts and culture idea. They always cut art first in schools. If you don't have art and you don't have music you don't have people.

ANNOUNCEMENTS BY COUNCILORS.

Councilor Soldati reminded residents there is going to be a Bluegrass Festival on 9/13/14. They have sold almost 200 tickets. She is hoping they will all come. Tickets can be bought online at www.hilltopcitybluegrass.com.

MAYOR'S REPORT.

- It Was with Honor that on Saturday August 2nd and Sunday August 3rd I proclaimed it "Market Basket Employee Day" in support of the ongoing efforts to reinstate Arthur T. Demoulas as the CEO. For weeks the employees of Market Basket have risked their jobs and careers to ensure not only fair labor practices but that the lower prices that consumers have enjoyed will continue to be honored. As Mayor I believe there is an everyday balancing act which occurs between what warrants making statements and taking an official stand from what needs to be worked out by private parties and free economy.

In the case of Market Basket it is clear that the time to allow the internal matter to be resolved within the best interest of the employees and consumers has expired. What we as citizens have witnessed over the last several weeks is certainly historical and precedent setting, members of management and labor uniting together not over wages or benefits but instead to restore their beloved CEO and protect consumer low prices. I have certainly been impressed by their actions and unimpressed by the unwillingness of the Board of Directors to resolve this issue.

The citizens of Somersworth have been directly affected by this private business dispute and have rallied alongside the employees calling for the reinstatement of Arthur T. Demoulas. Market Basket has been a staple business within our community providing jobs and the prices that align with the salaries and wages of our community. It is time that the Board of Directors looks beyond their own profit margins and selfish agenda and settles this dispute. It is my hope

that they will listen to the thousands of consumers and employees and reinstate Arthur T. Demoulas as CEO and allow Market Basket to recover and resume its regular operations.

- On Sunday August 3rd I partook in the Willand Pond cleanup day organized and sponsored by local Boy Scout David Brackett and the Boy Scouts of America. The event was well attended and I was pleased by how little waste was removed from the recreational site. The event was yet another example of how the citizens of Somersworth are willing to come together to move our community forward.
- A famous quote from the late Rev Martin Luther King states; “**Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that.**” Dr. King’s words were alive and well on Monday August 4th as Somersworth surrounding area residents opened their wallets in a sign of support and solidarity for Brandon Patterson, the victim of a recent cowardly attack. The employees and owner of the Somersworth House of Pizza donated all of their labor and profits for the day in support of Brandon. The event raised over \$11,000 dollars to help offset Brandon’s medical expenses. A heart filled thank you to all who participated and supported the event. The overwhelming support sets a clear tone of how the citizens of Somersworth and surrounding communities will not be prisoners within their own communities to those who wish to commit crimes.
- Congratulations to the Somersworth/Rollinsford Coalition who organized and sponsored “National Night Out” on Wednesday August 6th. I was very impressed with the level of attendance and participation at the event and the strong message of strengthening community spirit to help reduce crime and illegal drug use.
- This evening before Council for a second reading is Ordinance No 1-15 and Resolution 7-15, both dealing with moving forward with seeking funding for the revitalization of the former Hilltop School building.

Both pieces of legislation were introduced as options for this body to make some form of formal commitment to the project and allow us as a community to proceed forward. As I stated at the last Council meeting during my Mayor’s report, we have now reached the point where, as a Council, we must make some decisions of how we will move forward with the building so we do not make the same historical mistakes of the past. Two different funding options are now before this body to help move this project forward.

While both options are viable I believe Ordinance No. 1-15 not only is a better reflection of the spirit of partnership between cities, state, federal and private entities, but is also more palatable for this Council and the taxpaying community as a whole. Ordinance No 1-15 would release a million dollars from the city reserve fund only upon the successfully securing state, federal and private dollars for the other proportions of the needed funding. The amendment which will be introduced by Councilor Collins this evening takes a further

conservative approach to the project, allotting a two year time frame to secure the remaining funding. If within that two year period the remaining funds have not been secured then the million dollar commitment would become void and this body would explore and approve other options.

While as a community we may truly not be able to fiscally afford the project, our history has fallen victim to this argument each time we attempt to progress forward, from the construction of a new city hall, police station or infrastructure upgrades. The Hilltop building itself is a reflection of how in the past, our unwillingness to act leaves financial burdens upon future generations of Somersworth residents. Tonight we will make a historic decision which will impact the structure and direction our community will move towards. It is my hope that the abandoned building on the hill, which has served as a beam of hope and light for Somersworth for over a generation will be re-born this evening, ready to serve and guide the next century of Somersworth citizens. I therefore call upon the Council this evening to support Ordinance No 1-15 as amended, which in my opinion is the option which brings balance between progress and the reality of current and future restrictions.

- For the past several months TJ St. Jean, Mayor of Rochester, and I, have been discussing how our two communities can engage in greater collaboration and joint partnership. Such partnerships would benefit both communities which operate under the restrictions of a tax cap system and reflect what I like to call as true 21st Century governing practices.

Close to two decades ago this partnership was explored in creating a joint Career Technical Center (CTC) which would have been shared by both communities. The tri – city communities instead decided to venture into separate directions and construct separate facilities. Both the communities of Somersworth and Rochester are making their way up the state funding list and will soon be faced with making decisions to explore committing to bonding the renovations of separate CTC's. It is, in our opinion, that two separate centers reflect 20th century governing practices and may not be feasible for both communities to financially sustain. Both Mayor St. Jean and I, this evening, are calling upon both Rochester and Somersworth Superintendents and both cities' CTC Renovation Committees to form a joint committee to begin to explore the construction and feasibility of a combined joint Somersworth, Rochester CTC. Such a center would secure a higher level of state funding and would lessen the tax burden which would be split among the residents of both communities.

Given the funding level which would be allocated, Rochester and Somersworth would have an advantage of constructing and creating one of the most state of the art CTC facilities. Such a facility would be founded upon the 21st century education and business demands. The symbol of our two communities working together on this project would truly tear down walls and allow Somersworth, Rochester and Dover to continue to explore how the tri-city region can explore methods of jointly governing together.

- A friendly reminder to citizens that on Saturday August 23rd from 9:00 – 10:30 I will host the next Mayors Community Forum with Ward 3 City Councilor Marcel Herbert. Both Councilor Hebert and I look forward to sharing a cup of coffee with you and hearing your opinions and insight into how together we can continue to move Somersworth forward.

REPORTS OF STANDING COMMITTEES.

FINANCE COMMITTEE.

Councilor Witham reported this Committee met on 7/24/14 and discussed the following:

- They received an update from HTA Engineers and City staff on the downtown infrastructure project. Coming out of the Public Works Committee Meeting, a few change orders were approved there, and a few change orders that are pending based upon financial action by this body. It looks like the project is going to be slightly over-budget by about \$140,000. The Finance Committee discussed where that funding would come from. They voted 3-0 using the undesignated fund balance to pay for the additional costs.
- Regarding the High Street repaving project from the Dover City line to Sinclair Avenue, City Contract Engineer Ducharme recommended a more involved pavement process. That will require a significant additional investment if we are to do that project. We re-floated a \$1.1M bond, but this project is going to cost about \$2.5M. The Committee explored a number of options. The Finance Committee is recommending using undesignated fund balance to pay for the additional costs.

GOVERNMENT OPERATIONS COMMITTEE.

Councilor Soldati announced this Committee will meet on 8/21/14 @ 8:00 a.m.

PUBLIC SAFETY COMMITTEE.

Councilor Pepin reported this Committee met on 7/24/14 and the following items were discussed:

- Police Chief Crombie gave a report on some of the hot spots in the community. He also did a presentation showing them some video of some things that are going on that are very disturbing. They also talked about staffing levels. They also talked about combining the Fire Department and Code Enforcement to see if the issues are related to some of the buildings we have in our community. The bottom line was they asked Department Heads to do some more research and come back to the committee with ideas and recommendations. They will also look at surrounding communities to see what they are doing.
- Fire Chief Hoyle gave a report on the recent bid process for rescue tools. There were 4 bids for a “jaws of life” tool on the Massachusetts bid list. After presentations and demonstrations, the committee chose to go with the TNT model. Chief Hoyle explained

that their current tool is inadequate because the metal used on new cars is stronger than it used to be.

Regarding call firefighters, five have been hired. Two of them have training, and three will have to be trained.

- Paul Robidas of American Ambulance reported they are currently undergoing the CAAS accreditation process with an on-site inspection scheduled for 8/21/14 and 8/22/14. This is a national process and only about 2% of the services in this country go through this process. Mr. Robidas reported their average response time is 4 minutes and 4 seconds.

PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE.

Councilor Sprague reported this committee met on 7/24/14 and discussed the following items:

- They heard from HTA about project overruns. We will be talking about these increases later on tonight. Some of the items included \$61,356.67 for FairPoint Test Pits, water services, and traffic control; \$38,325 was for drainage on Hamilton Street and on Washington Street to replace clay pipe; \$35,000 for curbing and sidewalk improvements; a cap of \$12,800 for the traffic control left to finish the project on Main Street. These were all approved 3-0.
- They have had other overruns during the project. When the original bonding instrument was passed the base bid was about \$3.3M and we had about five alternates that we chose to go ahead with at that point in time. In case we did not use them, we could allocate them towards the project. It is expected there will be more overruns because of ledge.
- They also talked about High Street funding options. The options included more bonding or use of the fund balance.
- Contract Engineer Ducharme updated the committee explaining that the new paving specs should give High Street a life expectancy of at least 15 years. We felt it would be prudent to go ahead with that.
- Weed control – directed City staff to use whatever is needed to control weeds along the sidewalks/streets. What we have been using might be great for the environment, but it is not working.
- Interim Public Works Director Murray briefed the committee about a sinkhole by CVS which needs to be addressed for drainage purposes.

RECREATION COMMITTEE.

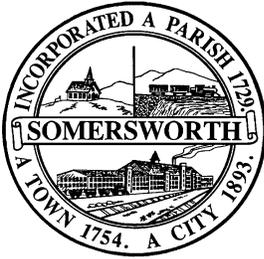
Councilor Pepin reported they had a meeting scheduled for 7/24/14 but did not have a quorum.

REPORTS OF SPECIAL COMMITTEES.

RAIL SERVICE ADVISORY COMMITTEE.

Councilor Sprague reported this Committee will be meeting tomorrow at 4:00 p.m. in the Executive Conference Room.

CITY MANAGER'S REPORT.



CITY OF SOMERSWORTH

Office of the City Manager

TO: Mayor Dana Hilliard and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, August 8, 2014

SUBJECT: City Manager's Report for Monday, August 11, 2014
City Council Agenda

6:30 p.m. – Public Hearing

- *Re: Ordinance No. 1-15 Supplemental Appropriation for Building Improvements for the Reuse of the Former Hilltop School.*
- *Resolution No. 1-15 To Establish a Trust Fund for the Purpose of Holding Post-Withdrawal Capital Payments Made by the Rollinsford School District to the Somersworth School District Pending Payment on Outstanding Bonded School Debt, 1996 – Series C Bonds, Dated August 15, 1996.*

Unfinished Business (under Section 13 of Agenda)

Ordinances:

- A. Ordinance No. 1– 15 Supplemental Appropriations for Building Improvements for the Reuse of the Former Hilltop School.**
- B. Ordinance No. 2-15 Amend Chapter 4, Personnel Rules & Regulations, Appendix 1, Assignment of Class to Grade for Human Resource Manager, Recreation Supervisor and Cable Access Coordinator.** This recommendation is forwarded from the Government Operations Committee.
 - Human Resource Manager - Housekeeping action.
 - Recreation Supervisor - City Council approved funding in this FY 14/15 Budget to upgrade the labor grade of this position.

- Cable Access Coordinator – Funded through Cable Franchise Fees.

Resolutions:

- A. Resolution No. 1-15 To Establish a Trust Fund for the Purpose of Holding Post-Withdrawal Capital Payments Made by the Rollinsford School District to the Somersworth School District Pending Payment on Outstanding Bonded School Debt, 1996 – Series C Bonds, Dated August 15, 1996.** The Finance Committee is recommending passage. In order to accept these payments this action is necessary (to be IAW State Law).
Resolution No. 2-15 To Authorize the City of Somersworth Trustees of Trust Funds to Pay Fees for Banks, Brokerage Firms, Portfolio Management Firms, and/or Investment Advisors from Capital Reserve Income. The Finance Committee is recommending passage as requested by the Trustees of Trust Fund. This action adopts a recent change in the State Law.
- B. Resolution No. 4-15 To Notify the City Tax Collector that the City Council shall not Accept a Tax Deed on Properties Located on Wexford Lane Subject to an Unredeemed Tax Lien.** This property contains buried debris/trash.
Resolution No. 5-15 To Notify the City Tax Collector that the City Council shall not Accept a Tax Deed on Certain Properties Subject to an Unredeemed Tax Lien.
 These are manufactured housing units.
- C. Resolution No. 7-15 To Direct the City Manager to Draft a Resolution to Bond \$3,000,000 (Three Million Dollars) To Bring Hilltop School in Compliance with Current Building and Life Safety Codes.** The Architect’s revised plans dated June 17, 2014 is located on our website under “News & Announcements”.

New Business (under Section 14 of Agenda)

Ordinances:

- A. Ordinance No. 3-15 Supplemental Appropriation for Additional Improvements as Part of the Downtown Improvement Project.** This action item was reviewed at the July 24th Public Works & Environment and Finance Committee meetings. Attached is a breakdown of Project expenses provided by Finance Director Scott Smith. The change orders total \$148,804 plus 20% equals \$29,761; we then rounded the total to \$180,000.
- B. Ordinance No. 4-15 Supplemental Appropriation for Additional Funding for High Street and Tri-City Road Improvements.** This action item was reviewed at the July 24th Public Works & Environment and Finance Committee meetings. A memorandum outlining funding options is attached. The new estimate has increased by \$1.4 million with the additional 7%, the new estimate requires approximately \$1,498,000.

Public Hearings

Both of these Supplemental Appropriations require a Public Hearing. I recommend Council schedule both for 6:30 p.m. prior to the next Council meeting on Tuesday, September 2nd. Ordinance No. 4-15 can immediately follow Ordinance No. 3-15.

Other:

- A. Vote to Authorize City Manager to Sign TE Grant Funding Letter.** Attached is a “Draft” letter that NH DOT has requested. Also a memorandum from Director Sharples is provided that explains the funding dilemma.

City Manager’s Items (under section 10 of Agenda)

A. Information Items:

- 1. Former Police Station Property.** We received no proposals to purchase this property. I asked our Economic Development Manager Christine Soutter to contact some folks to see why they did not respond to our RFP. Attached are 2 memo’s from Christine; one that provides some of their rationale for not responding. Respectfully, I would appreciate some further direction from the Mayor and City Council in regards to this City owned property.
- 2. PSNH Lighting Rebate.** Attached is a copy of an application for a PSNH rebate of \$4,000 for installation of out new downtown LED Streetlights. Once the lights are installed, PSNH conducts a site visit then the rebate check is cut.

B. Attachments:

1. City Attorney Certifications Seven (7).
2. Department Head Monthly Reports.
3. Sustainability Committee Invitation to the Community regarding an upcoming Composting Presentation on Thursday, August 21st at 6:00 p.m.
4. Community Cookout Invitation from Safe Haven for Monday, August 18th from 5:00 -7:00 p.m.

UNFINISHED BUSINESS.

NOMINATIONS:

Planning Board - Mark Richardson, regular member, term to expire 04/2017.
Harold Guptill, regular member, term to expire 04/2017.

Councilor Witham moved to approve both of these Planning Board nominations together. The motion was seconded by Councilor Tapscott and passed by voice vote of 8-1.

The nominations of Mark Richardson and Harold Guptill as regular members of the Planning Board passed by a vote of 9-0.

Conservation Commission – Scott Orzechowski, regular member, term to expire 04/2017.

A motion was made by Councilor Tapscott to approve this nomination. The motion was seconded by Councilor Hebert and passed by a vote of 9-0.

Conservation Commission – Frank Richardson, regular member, term to expire 04/2017.

A motion was made by Councilor Tapscott to approve this nomination. The motion was seconded by Councilor Hebert and passed by a vote of 9-0.

Conservation Commission – Elizabeth Wilson, regular member, term to expire 04/2017.

A motion was made by Councilor Tapscott to approve this nomination. The motion was seconded by Councilor Hebert and passed by a vote of 9-0.

Conservation Commission – Imants Millers, alternate member, term to expire 04/2017.

A motion was made by Councilor Tapscott to approve this nomination. The motion was seconded by Councilor Hebert and passed by a vote of 9-0.

Supervisor of the Checklist, Ward 2 – Nancie Cameron, term to expire 04/2019.

A motion was made by Councilor Soldati, seconded by Councilor Hebert, to approve this nomination. The motion passed by a vote of 9-0.

ORDINANCES:

ORDINANCE NO. 1-15 SUPPLEMENTAL APPROPRIATION FOR BUILDING IMPROVEMENTS FOR THE REUSE OF THE FORMER HILLTOP SCHOOL.

Following the second reading of Ordinance No. 1-15, Councilor Collins moved to amend the ordinance by inserting language from the City Charter, into Ordinance No. 1-15, as follows:

- Furthermore, this appropriation is subject to the Somersworth City Charter, Section 7.7.a, Lapse of Appropriations – Every appropriation, except an appropriation for capital expenditure, shall lapse at the close of the fiscal year to the extent it has not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it has been made is accomplished or abandoned; the purpose of any such appropriation shall be deemed abandoned if three years pass without any disbursement from or encumbrance of the appropriations.

The motion was seconded by Councilor Soldati.

Councilor Witham asked if this is a required amendment. Mayor Hilliard replied that it is not, it is simply stamping it onto the ordinance for clarification purposes.

The motion to amend Ordinance No. 1-15 passed by voice vote of 8 yeas, 1 nay.

Councilor Soldati moved to adopt Ordinance No. 1-15. The motion was seconded by Councilor Collins.

Councilor Soldati said she is very heartened there are so many community members who came out to speak their mind about the Hilltop School building. Approving this ordinance would not change the tax base one iota.

Councilor Soldati said she was recently asked why we have such high taxes. She explained that Somersworth is small, only 10 square miles. Other cities have 45 square miles, consequently they have more land to offer manufacturers and businesses to come in. She hopes some people have read the study put out by the New Hampshire Council on the Arts about how arts actually do help your tax base and bring in money to the community.

Councilor Soldati feels we could easily take \$1M from our undesignated fund balance to help leverage other money. She is not saying we should put in \$1M every year, she would be against that. We invest a lot of money into sports and parks, but we have nothing to offer for arts. She feels we are very lucky to have an empty building that has incredible historic value. We are also very lucky to have a group like the FOS who have been willing to beat the bushes, talk to state and national officials, and learn the hard truth that to get funding they have to have a city that is invested in the project. She would like to see the Council vote in favor of this ordinance.

Councilor Collins said leveraging the money in a conservative, safe way is what we are talking about. He has corresponded with approximately 70 constituents over the past few weeks and about two thirds of those people support the City's commitment to a portion of the cost contingent on the stipulations that are outlined in the amendment. The opposition consists of people who do not want the taxes raised, and those who feel we have bigger priorities.

Councilor Collins said he has seen both the City government and the School District respond to the need for fiscal restraint. It is a vital component of how we manage our City now and in the future, but so is taking calculated risk for growth. Both sides of this debate have very valid points which makes it very difficult. It is absolutely true that we have more needs than we have means. It is also true that we have to change our ideas about how we think about our City now and in the future. Research has shown him that the seacoast is the most prosperous area in the state insofar as location, amenities, services, and Somersworth is part of that region. Drawing talent to a community drives economic development. This is not just a financial decision, it is emotional, philosophical, and extremely personal. We have to stay focused on the long game and cannot be penny wise and pound foolish.

Councilor Pepin said this building is in his ward, and he takes it very seriously. He has met with the residents several times and they are super people. He ran for office because he feels we have to look down the road to the future and try to save money and invest it properly. As much as he loves the Hilltop building and feels it is a very strong structure, and also believes we need the arts and need to draw people into our community, he also needs to look at other things that are coming up that we will need to address. He noted that we have two ordinances for supplemental appropriations coming up tonight that total approximately \$1.7M. Now we are asking for another \$1M. He is having a very hard time accepting that. We get good reports from the City

Manager and City staff. Our contract Engineer has given us a report on what it will cost to redo Main Street, Indigo Hill Road from Main to High Street, and Blackwater Road from High Street to Route 108. The total is over \$10M. We are looking at building a new Fire Station to the tune of \$3,465,000. The school still needs HVAC systems which will cost over \$1M. The School Department has a new list of CIP items also. The renovation of the Career Technical Center is coming up for \$1.5M. Rollinsford School District is leaving our District which will leave a shortfall of \$1M. The total of all these projects comes to \$19,990,000. That's what he is looking at. Many of his family members have moved out of Somersworth. Even though he would like to support the arts, we have too many financial burdens. He agrees with everybody who spoke here tonight, but he has to look at the other needs of our community also.

Councilor Messier said a lot of the phone calls and emails he got about the Hilltop project were against the project for a lot of the reasons that Councilor Pepin talked about. We have other needs within the community that they felt were stronger than fixing a building up on the hill. He doesn't think anybody is really against the arts. The City and the FOS are supposed to be a partnership, but here we are 2-1/2 years later being asked for financial backing. A lot of people he has talked to said they would prefer that we tear the building down, or buy the three apartment buildings down on Market Street and fix those. The Hilltop building is not a priority for many of them. He feels the best proposal for this building was when someone offered to purchase it and put in high-end apartments. He cannot support this ordinance.

Councilor McCallion said he remembers the people that came up and pleaded to save Hilltop. He really thought we could save it, but he was in the minority. When we approved building the new elementary school, he felt strongly that we should preserve the Hilltop building. We should have done it then, but we didn't. It's easy to say no, but over the long term how will that affect our community? We had many studies done and many meetings, and nobody could agree on what to do with the building. There was no consensus. He does know there is a group that has gotten behind it and we worked a partnership with them to see what could be done. It was said at that time that we could never put taxpayer dollars towards this project, it was too unpopular. They have worked hard and they are back. They have hit obstacles that may be overcome. He is not ready to let go of Hilltop. We did not take care of it in the past, and we as a City need to decide what we are going to do with it. He would be in favor of letting it go one more step to see if the funding can come out. If we make a commitment that we are going to be behind this project he is willing to go one more step.

Councilor McCallion moved to suspend rules to allow questions for Finance Director Smith. The motion was seconded by Councilor Hebert and passed 9-0.

Councilor McCallion asked Director Smith if we can still earn interest on \$1M if it is encumbered.

Director Smith replied it would become encumbered, but would remain a part of your "assigned function" until you take action to expend or use it. We would still earn interest on it.

Councilor Witham indicated that City Councilors adopted a Fund Balance Policy and that recognizes that we shall maintain a balance of 5% to 17%. He asked Director Smith if we would still be within the guideline if we utilized a little more than one-half of our fund balance.

Director Smith said you would still be within the Policy, but on the lower end. Last year you finished at 10%. You would still be somewhere within 5% to 7%.

Councilor Soldati asked Director Smith what the impact would be on the tax rate if we used the proposed \$1M. Director Smith replied it would have no impact on the tax rate, it would simply remove it from your ability to use it for something else.

Councilor McCallion said that is key. He feels we should go that next step. This would give the FOS group the ability to see where they can go.

Councilor Witham said there are issues that come before us that are very difficult to deal with, and the Hilltop School is one of those issues. He has listened to everybody that spoke here tonight, has received numerous emails and phone calls, and frankly it doesn't offer clarity, it just offers more confusion and cloudiness to the issue. It is an important issue, and one that we have been talking about for a while. He applauds the Mayor's efforts looking for funding sources, and marvels even more at the energy of the FOS. People he talked to were split down the middle on this issue. In his mind, the fund balance is to be used for emergencies and he cannot support taking \$1M from this fund. He also cannot support bonding \$3M. He hopes this does not slam the door on this project.

Councilor Sprague agreed with this, stating the fund balance is our savings account to be used for emergency situations. This project comes down to wants versus needs. A few years ago, when a developer wanted to put apartments in the Hilltop building, the residents of the area banded together to stop that development. That morphed into the FOS and snowballed into saving the building in a different level. What we have all lost focus on here is while he supports the reuse of the building, he will never support putting taxpayer money into it. We have a public/private partnership, but to him that is not what this is. He doesn't see where the public/private partnership is in this relationship. We have offered to give the FOS the building for \$1 per year. He knows what they are up against, but this is a want, not a need. There are so many other things we should be putting into the community. He feels people in the community are looking for a strong school system. They are also looking for a safe community, and perhaps a stronger police presence, and cracking down on landlords that are out-of-state or non-existent. That will help bring people into the community and keep people in the community. That is a need. He is not saying that art and culture do not work, he is saying that we have other needs in the community that are more pressing and more important. It would probably be cheaper to build a new building somewhere else in the City than to reinvest \$4M into this building. The different levels in the building really messes it up. There is a reason why they didn't put it back into commission as a new school. We spent \$20,000 on a report that told us it would cost \$4M to bring the building up to code. We already knew that. It doesn't work. We are saving a white elephant up on the hill. Maybe we should do a study on where we should put an arts and culture center. He doesn't know how that got linked to the Hilltop School building.

Councilor Soldati said when it comes to wants and needs, this City needs a real economic development plan. There are volumes written on using arts and culture as a magnet to bring in economic development. She grew up in Portsmouth in the 1950's and it was a scary community back then. The Hilltop building got joined at the hip with arts and culture because of precedence

all over this nation. If you do some research, you will find that many communities have done this with abandoned buildings rather than letting them fall into disrepair. We should look at what other communities have done with their abandoned historic schools. Many of them made cultural centers out of them. We have spent multi-millions of dollars on roads and pipes and on a new elementary school, but we need economic development.

Councilor Soldati said the nice thing is that City management over the last few years has done a great job because we have more money than we needed to spend. To take \$1M out of that fund would be giving something back to the residents, a place where they and their family can go and be proud of. You can put in all the new roads you want, even rail service, but people won't come here if they don't have a reason to. Having a center for the arts, using an abandoned building, is not a brand new idea.

Councilor Witham moved to suspend the rules to meet beyond 10:00 p.m. The motion was seconded by Councilor Tapscott and passed unanimously.

Councilor Pepin said the reason why it was decided this building would become a culture and arts building was that the residents got together and decided that is what they want up there. He supports Hilltop School being an arts center, his problem is funding. We do not have art and music in the schools to the extent we should because we cut the budget. We also have a tax cap, which was voted on overwhelmingly. He cannot vote to support it because of the financial situation we are in.

Ordinance No. 1-15 failed by roll call vote of 4 yeas, 5 nays, Councilors Pepin, Messier, Tapscott, Witham and Sprague voting in the negative.

ORDINANCE NO. 2-15 AMEND CHAPTER 4, PERSONNEL RULES & REGULATIONS, APPENDIX 1, ASSIGNMENT OF CLASS TO GRADE FOR HUMAN RESOURCES MANAGER, RECREATION SUPERVISOR AND CABLE ACCESS COORDINATOR.

Following the second reading of Ordinance No. 2-15, Councilor Soldati moved to adopt Ordinance No. 2-15. The motion was seconded by Councilor Tapscott and passed by roll call vote of 9 yeas, 0 nays.

RESOLUTIONS:

RESOLUTION NO. 1-15 TO ESTABLISH A TRUST FUND FOR THE PURPOSE OF HOLDING POST-WITHDRAWAL CAPITAL PAYMENTS MADE BY THE ROLLINSFORD SCHOOL DISTRICT TO THE SOMERSWORTH SCHOOL DISTRICT PENDING PAYMENT ON OUTSTANDING BONDED SCHOOL DEBT, 1996 – SERIES C BONDS, DATED AUGUST 15, 1996.

Following the second reading of Resolution No. 1-15, Councilor Witham, seconded by Councilor Messier, moved to adopt. The motion passed by roll call vote of 9 yeas, 0 nays.

RESOLUTION NO. 2-15 TO AUTHORIZE THE CITY OF SOMERSWORTH TRUSTEES OF THE TRUST FUNDS TO PAY FEES FOR BANKS, BROKERAGE FIRMS, PORTFOLIO MANAGEMENT FIRMS, AND/OR INVESTMENT ADVISORS FROM CAPITAL RESERVE INCOME.

Following the second reading of Resolution No. 2-15, Councilor Messier, seconded by Councilor McCallion, moved to adopt. The motion passed by roll call vote of 9 yeas, 0 nays.

RESOLUTION NO. 4-15 TO NOTIFY THE CITY TAX COLLECTOR THAT THE CITY COUNCIL SHALL NOT ACCEPT A TAX DEED ON PROPERTIES LOCATED ON WEXFORD LANE SUBJECT TO AN UNREDEEMED TAX LIEN.

Following the second reading of Resolution No. 4-15, Councilor Messier, seconded by Councilor Witham, moved to adopt. The motion passed by roll call vote of 9 yeas, 0 nays.

RESOLUTION NO. 5-15 TO NOTIFY THE CITY TAX COLLECTOR THAT THE CITY COUNCIL SHALL NOT ACCEPT A TAX DEED ON CERTAIN PROPERTIES SUBJECT TO AN UNREDEEMED TAX LIEN.

Following the second reading of Resolution No. 5-15, Councilor Messier, seconded by Councilor Witham, moved to adopt. The motion passed by roll call vote of 9 yeas, 0 nays.

RESOLUTION NO. 7-15 TO DIRECT THE CITY MANAGER TO DRAFT A RESOLUTION TO BOND \$3,000,000 (THREE MILLION DOLLARS) TO BRING HILLTOP SCHOOL IN COMPLIANCE WITH CURRENT BUILDING AND LIFE SAFETY CODES.

Following the second reading of Resolution No. 7-15, Councilor Soldati moved to amend the Resolution by reducing the bonding from \$3M to \$1M. The motion was seconded by Councilor Hebert.

Councilor Witham said the report from AG Architects had the price of the improvements at \$3M. He knows that some of the grant proposals have been matching grants. Even if we matched at 100%, that is \$2M and would leave the project \$1M short.

Mayor Hilliard commented that after going through the building with Architect Peter Michaud, about \$500,000 was shaved off the cost of the project.

Councilor Collins said he is not in favor of placing the burden of bonding onto the taxpayer. The constituents he talked to were overwhelmingly against bonding.

City Manager Belmore said this Resolution merely authorizes further City Council direction and action. It merely directs him to consult with bond council and find out what the costs are, and

what the timeline is, then come back with another resolution that would be fully debated and voted on. It is not appropriating any money.

Councilor Messier said if two thirds of this Council know they are going to vote no on this Resolution, please do not waste everyone's time to walk down a path that is going to have a door slammed on it.

Councilor Witham agreed with this.

Following further discussion, the amendment to Resolution No. 7-15 failed by voice vote.

Councilor Sprague asked Director Smith what this would do to the tax rate. Director Smith replied it would add approximately 30 cents to the tax rate and would cost approximately \$86,000 the first year, principal and interest. Also, it would cut into the tax cap.

Councilor Sprague made a motion that Resolution No. 7-15 not be adopted. The motion was seconded by Councilor Witham. The motion carried by a vote of 6 yeas, 3 nays, Councilors Soldati, Hebert and Collins voting in the negative. Resolution No. 7-15 was not adopted.

NEW BUSINESS.

ORDINANCE NO. 3-15 SUPPLEMENTAL APPROPRIATION FOR ADDITIONAL IMPROVEMENTS AS PART OF THE DOWNTOWN IMPROVEMENT PROJECT.

Somersworth, NH
August 11, 2014

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 14-15 is amended as follows:

Appropriate \$180,000 from Unassigned Fund Balance to the Other Expenses section of the FY 14-15 General Fund budget as follows:

Original Budget	Amendment	Revised Budget
\$ 1,455,231	\$ 180,000	\$ 1,635,231

Approved as to Funding:

Scott A. Smith

Director of Finance and Administration

Recorded by:

Diane Dubois

City Clerk

Background:

This ordinance appropriates the use of Unassigned Fund Balance for additional funding required to complete the Downtown Improvements Project. A 20% contingency has been included with the funding required.

This Ordinance requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing subject to Section 7.4.1 and .Section 7.7 (A) of the City Charter.

Introduced by Councilors

David Witham

Dale R. Sprague

Martin Pepin

Approved:

City Attorney

Following the first reading of Ordinance No. 3-15, it was referred to the next regular meeting.

ORDINANCE NO. 4-15 SUPPLEMENTAL APPROPRIATION FOR ADDITIONAL FUNDING FOR HIGH STREET AND TRI-CITY ROAD IMPROVEMENTS.

Somersworth, NH

August 11, 2014

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 14-15 is amended as follows:

Appropriate \$1,498,000 from Unassigned Fund Balance to the Other Expenses section of the FY 14-15 General Fund budget as follows:

Original Budget	Amendment	Revised Budget
\$ 1,455,231	\$ 1,498,000	\$ 2,953,231

Approved as to Funding:

Scott A. Smith

Director of Finance and Administration

Recorded by:

Diane Dubois

City Clerk

Background:

This ordinance appropriates the use of Unassigned Fund Balance for the purpose of paving and other improvements to a portion of High Street and Tri-City Road. Resolution 21-14 provided a bond in the amount of \$1,100,000 used to fund a portion of this project. The purpose of this supplemental appropriation is to provide the additional funding required to complete the paving and other improvements. The proposed supplemental appropriation includes an additional 5% for contingency, 1% for Quality Assurance testing, and 1% for inspection.

This Ordinance requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing subject to Section 7.4.1 and .Section 7.7 (A) of the City Charter.

Introduced by Councilors

David Witham
Dale R. Sprague
Martin Pepin

Approved:

City Attorney

Following the first reading of Resolution No. 4-15, it was referred to the next regular meeting.

OTHER:

VOTE TO AUTHORIZE THE CITY MANAGER TO SIGN TE GRANT FUNDING LETTER.

City Manager Belmore explained that in regards to our TE Grant Funding we received permission from the State that as long as we continue to comply with the grant process we could go ahead and move forward with the project. This is a letter the DOT asked us to write. It mirrors the agreement the Council authorized him to sign that the Governor and Council approved in regards to this grant allocation. There is always jeopardy that federal funds won't come through so there may be some delay in our reimbursement.

The Council voted to approve authorizing the City Manager to sign the TE Grant funding letter by unanimous voice vote.

REPORT ON THE STAIRS AT MARKET AND PROSPECT STREETS.

The City Manager said he received an email from Bill Davidson of HTA. He had received correspondence from Severino that they were projecting a cost of \$36,000 to replace the stairs on Prospect Street. Council had approved \$20,000 for the stairs. Mr. Davidson was suggesting not putting the stairs back. He suggested a sidewalk and retaining wall to retain the slope with some plantings. He received further correspondence from him regarding Severino working up a cost. If we were to delete the stairs and construct a retaining wall 5 to 6 feet off the existing building, construct a short return to the building at the upper level, install a handrail, that would reduce the cost from \$36,000 to \$12,000. They would like to start this work in 2 weeks.

Councilor Witham commented the Public Works Committee is scheduled to meet tomorrow morning. Mayor Hilliard moved this issue be sent to the Public Works Committee.

Councilor Witham made a motion that the Public Works and Finance Committees be authorized to take appropriate action on these stairs without coming back to the full Council. The motion was seconded by Councilor Tapscott.

Councilor Messier said he is against this because he was told these stairs have historic significance. People in the Historic District cannot do things they want to do, but the City does it all the time.

Councilor Sprague said he hopes it will not be a poured wall. Allen blocks would look better. Hopefully, HTA will have some options for us.

Councilor Hebert said he has recently used that stairway on two occasions, and he feels there is nothing wrong with the stairs. He doesn't understand why we have to do anything about them.

Councilor Soldati said the stairs are fine. They are not perfect, but the issue is they do not conform to code in terms of the height. That is why we voted to replace them. She doesn't know what the rush is and feels the full Council should vote on it.

Councilor Sprague said we have requirements we have to abide with in this country now. Things have to be ADA accessible. He does not make the rules.

The motion that the Public Works and Finance Committees be authorized to take appropriate action on the stairs on Prospect Street passed by roll call vote of 6 yeas, 3 nays, Councilors Soldati, Hebert and Collins voting in the negative.

COMMENTS BY VISITORS.

Harold Guptill, 22 Tates Brook Road, thanked the Council for nominating him to serve on the Planning Board.

Keith Young, 3 Rouleau Drive, said it showed great fortitude for people to vote, either way, in terms of how they felt about the Hilltop project. He thanked the Council for all their effort and the time they take to do what they do every day. He knows it is a lot of work.

Emmett Soldati, 7 Prospect Street, announced the FOS will be hosting the second annual Jakarta Fair on August 23 from 11:00 a.m. to 5:00 p.m. Due to construction, they moved it to Memorial Drive. The Indonesian Consulate from New York will be in attendance providing consular services for Indonesians. He is hoping to meet with the Mayor and Council members and hopes to see them there.

CLOSING COMMENTS BY COUNCILORS.

Councilor Pepin said he would like to get the ordinances and resolutions that are up for second readings incorporated into what they receive on their I-pads.

Councilor Soldati wished to let everyone know she was a Councilor who did vote against the budget because it brought our tax rate over \$30 per thousand. At the same meeting she asked if there was anyone who voted in favor of the budget that would ask for reconsideration of the vote so we could take another crack at shaving off some of our spending to get it below \$30. All who had voted in favor declined to ask for reconsideration. Tonight those same Councilors are very concerned about 11 cents per thousand, or taking \$1M from the “rainy day fund”. She thought savings was also to be used to invest when an opportunity arises to create more money. She cannot foresee any particular time in the immediate future when the Council will want to invest in the arts.

Councilor Messier asked for updates on the following:

- The developer that may be interested in the former police station building. If there is nobody that wants to purchase the building, we will have to brainstorm to figure out what we are going to do with it.
- The three buildings on Market Street before the bridge.
- The solar panels, i.e. details of what it is we are looking for.
- Weeds on the sidewalks – we need to eradicate them.

Councilor Witham said at the last meeting he was frustrated. The downtown improvement project is complicated and costly. He spoke more viscerally than thoughtfully and didn't say the best things that are incumbent of this office to say. He wanted the public to know that he did seek out Mr. Kefalas. They have met and they understand each other quite well. They both care deeply about the community. He has and continues to buy pizza here in town at Mr. Kefalas' establishment and at Villa Pizza. To those businesses and residents that he may have offended, he deeply apologizes. He cares deeply about the community and will do whatever he can to make it better tomorrow than it is today.

Councilor Collins apologized. His intention was to do the best he could for the City with the community center at Hilltop. He considered the amendment he introduced to be reasonable and balances between progressive and conservative interests. It is very complicated.

ADJOURNMENT.

Councilor Tapscott moved to adjourn. The motion was seconded by Councilor Sprague and passed unanimously. The meeting adjourned at 10:37 p.m.

Respectfully submitted,

Diane M. DuBois, City Clerk

