

MINUTES OF CITY COUNCIL MEETING
FEBRUARY 4, 2013

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

There was a nonpublic session held between the presentation by Underwood Engineers at 6 pm and the Public Hearing on Ordinance No. 8-13 at 6:45 pm.

Councilor Witham, seconded by Councilor Tapscott made a motion to go into nonpublic session which passed with a roll call vote of 8-0. Mayor Spencer reported that the nonpublic session started at 6:18 pm. They discussed the Comcast Draft Renewal Agreement. There was a motion by Councilor Witham to exit the session which Councilor Tapscott seconded. The vote to exit was unanimous and the session ended at 6:40 pm.

Somersworth, NH
February 4, 2013

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

MINUTES OF THE PREVIOUS MEETING.

MINUTES OF 01/22/2013 CITY COUNCIL MEETING.

Councilor Pepin, seconded by Councilor Tapscott, made a motion to accept the minutes of the January 22nd council meeting. The motion passed.

COMMENTS BY VISITORS.

There were no visitor comments.

COMMUNICATIONS.

There were no communications.

PRESENTATION OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE.

There were no petitions.

MAYOR'S REPORT.

Mayor's Report of Monday, February 4, 2013

- January 22nd- Conducted an interview for an alternate member to the Historic District Commission.
- January 24th- Conducted an interview for a member to the Historic District Commission.
- January 24th- Somersworth Housing Authority (SHA) Commissioner Lori Bennett resigned. I will be interviewing residents of the SHA to fill the vacancy, as Lori Bennett was a resident commissioner.
- January 25th- Met with employees of the SHA.
- January 30th- Met with the executive director of the newly formed Strafford Family Justice Center in Rochester. They are currently only open to the public on Wednesday; however, they will be open Monday thru Friday once funding is secured from the county.
- February 1st- Attended the Board of Directors meeting for the New Hampshire Municipal Association (NHMA) in Concord. I have been appointed to the Outreach/ Communication committee of the NHMA.

***NHMA has become a separate organization from the Local Government Center (LGC). All league services now fall under the management of the NHMA Board of Directors. More information will be disseminated as it develops.

REPORTS OF STANDING COMMITTEES.

FINANCE COMMITTEE

Councilor Jarvis said that the Finance Committee has not met since the last council meeting. She said that there is a meeting on Friday, February 8th, at 8:30 am. They will be reviewing the bond compliance policy and the current veteran's credits.

GOVERNMENT OPERATIONS COMMITTEE

Councilor Tapscott said that the Government Operations Committee is tentatively scheduled to meet on Friday, February 8th at 3 pm in the Executive Conference Room.

PUBLIC SAFETY COMMITTEE

The following are Councilor Witham's minutes from the last Public Safety Committee meeting:

Meeting Location: Executive Conference Room, City Hall
Members Present: David Witham, Martin Pepin, Marcel Hebert
Members Absent: None

Staff Present: City Manager R. Belmore, Fire Chief K. Hoyle, Police Capt. R. Timmons, Finance Director S. Smith

Councilors Present: None

Public Present: AMR Ambulance Regional Manager Christopher Stawasz, AMR Operations Manager Roland Vaillancourt, Jason Cleary, FF Matt Wilder, Lt. Mike Clough, FF Bill Staples and Lt. Sean Houle

The Meeting was called to order at 8:00am.

Motion by Councilor Pepin seconded by Councilor Hebert to approve the minutes of the November 8, 2012 meeting - Passed 3-0

Fire Pumper Acquisition Status – Fire Chief/EMD Hoyle updated the committee on the status of the acquisition of a new fire/rescue pumper as approved in the FY 2013 budget (current budget). He explained that an in-house apparatus specification committee has met with manufacturers and has refined bid specifications to allow for competitive bidding ideally in line with appropriated funds. Bid specifications should be ready for posting by January 31st. Councilor Witham asked if the allotted funds would also outfit the truck with hose, nozzles and other peripheral equipment. Chief Hoyle noted that they would pursue as much of that equipment as possible depending on base bid results for the truck itself. Councilor Witham asked if this might include a thermal imaging camera in the CIP. Chief Hoyle remarked that in all likelihood that would need to remain in the CIP as it is too costly to lump in with this allocation. Councilor Pepin asked if we were planning on any trade and Chief Hoyle remarked the intent is to trade a 2002 Rossenbauer truck worth about \$20,000.

Ambulance Service – Councilors Witham and Pepin noted some concerns brought to their attention regarding perceived increases in response times and fees associated with the City’s current ambulance (EMS) provider, AMR. Manager Belmore introduced Mr. Chris Stawasz and Mr. Rolland Vaillancourt from AMR who offered background about recent changes in personnel at the management level and ongoing efforts to resolve such concerns. They assured members that they value the organization’s relationship with the City.

Manager Belmore and Chairman Witham noted that Care Plus and American Ambulance Service have been in contact with the City and would be interested in providing Ambulance/EMS service to the City if we were inclined to solicit alternate proposals.

Ambulance Service Continued...

Chief Hoyle remarked that he is currently in the process of getting and reviewing required reports from AMR to better identify any shortcomings if there are in fact any. He noted that mutual aid ambulances (Dover Fire or Frisbie Hospital) are often brought into the City for handling calls as AMR is tied up/unavailable.

Councilor Witham noted that service delivery is most important followed by costs and other related items. He noted a recent event that required a Farmington ambulance and a call for service at the high school that seemed concerning too.

Manager Belmore noted that the current contract with AMR is due to expire on June 30, 2013 and that Mr. Stawasz has offered to extend that contract under current terms. Committee member expressed some concerns with the current contract and Chief Hoyle noted some language is “vague”. Committee members agreed that soliciting request for proposal for Ambulance/EMS coverage would allow for better contract language and related service delivery.

Committee members discussed the idea of bringing ambulance/EMS service within the fire department as successful models like this exist within the state. Chief Hoyle said that anything could happen but concurred in part with Manager Belmore and Finance Director Smith that this would be a hasty and difficult undertaking in only four or five months time. Committee members endorsed the fire department working towards being better prepared to take over ambulance/EMS service in the future through training, negotiations and related endeavors. Committee members also endorsed having the Fire Chief in a more direct oversight role for EMS activity in the City and a greater fire service involvement in that process. Manager Belmore noted that down the road we may wish to consider funding a consultant to examine this scale of operational change.

Committee members ultimately agreed that requesting proposals for ambulance/EMS service was in the City’s best interest and directed the City Manager and staff to develop proposal language for consideration and asked that this be brought before the full Council for discussion/vote at the February 4, 2013 meeting. **Motion by Pepin, Seconded by Hebert to endorse these actions - Motion passed 3-0.**

Charging for Public Safety Emergency Response Services – Chief Hoyle shared information he received from Dover Fire & Rescue on a concept they researched and considered a few years ago. He also reported on conversations he has had with other fire chief’s across the Country. Aside from hazardous materials incidents and ambulance service it is very rare to see any fee for emergency service. One fear is that people may choose not to call 9-1-1 if they know a fee is attached and collection of fees may prove difficult.

Manager Belmore did note that the City may be able to do a better job billing for less significant hazardous materials incidents like gasoline spills and that could generate an additional \$1000/year. Councilors were fine with that and desired not to pursue this idea any further at this time.

Miscellaneous

Police Cruiser Pre-Order – Captain Timmons briefed the committee on the condition and mileage of the existing fleet. City Manager Belmore and Captain Timmons reminded committee members that waiting until July to order a cruiser limits availability and significantly delays delivery. Captain Timmons presented information on the Dodge Cruiser State Bid price that falls in line with expectations. **Motion by Pepin, Seconded by Hebert to have the City Manager draft a resolution authorizing the pre-order of one cruiser to be funded in the FY14 budget. Motion passed 3-0**

Fire Department Air Bags – Councilor Witham inquired about the rescue air lifting bags carried by the fire department as he understood they were out of service. Chief Hoyle noted that they were no longer serviceable and were dangerous to use so they must rely on Dover Fire to assist when needed. He remarked they were needed for a man trapped under a car within the last month and they had to wait for the Dover truck. Chief Hoyle said new air bags are in the proposed FY 14 budget for around \$10,000.

Councilor Witham asked if it were necessary to get this important equipment sooner. Manager Belmore indicated he would discuss with Chief Hoyle and if determined to be emergent would examine funding possibilities.

FD Grant - Manager Belmore noted that the Fire Department is in receipt of a \$36,550 state grant for mobile EOC equipment that would outfit the new command car (Chevy Tahoe) with needed lights, radios and miscellaneous equipment. He asked that the Committee endorse the acceptance of the grant. **Motion by Pepin, seconded by Hebert to endorse the grant - Motion passed 3-0.**

Comment – Manager Belmore noted that the Stafford County Corrections Work Program would be doing some much needed painting within the fire station within the coming month.

Motion to adjourn by Councilor Pepin, seconded by Councilor Hebert and the motion carried on a voice vote. Meeting adjourned at 9:22am.

Respectfully Submitted,



David A. Witham
Chairman

DRAFT submitted to Mayor, Council, City Manager, City Clerk: February 3, 2013
Minutes approved by committee:
Approved minutes submitted to City Clerk:

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER.

COAST

Councilor Pepin attended a COAST Bus Board of Directors meeting on January 23rd. They are looking at ways to relieve the ADA handicapped service, both cost and service. The Board approved staff to go after grants from the NHDOT; four different grants. There was a major discussion on fare changes, impact on ridership, etc. They concluded that it doesn't impact the ADA ridership much. The Board asked staff to look into having an outside consultant come in with ideas to manage the finances or routes better. The staff will have recommendations at the next Board meeting.

STRAFFORD REGIONAL PLANNING

Councilor Tapscott said there was a wonderful presentation on NH Estuaries and the Oyster Restoration Program taking place in Great Bay, saying that the Great Bay Estuary harbors the northernmost intact oyster reefs in North America. Since 2000, more than 15 acres of reefs have been restored.

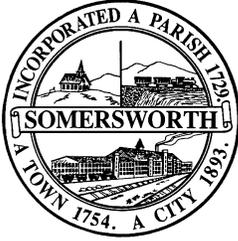
SCHOOL SECURITY REVIEW COMMITTEE

Councilor Witham reported that on January 30th, the newly formed School Security Review Committee, an ad hoc committee in response to recent tragedies in the country, held its first meeting at the SAU building. The principals of SAU schools, city representatives including the resource officer and the City Manager, and police from Rollinsford were present. Councilor Witham said that it was a very good discussion about our current security status in Somersworth, what has been done recently in regards to school security and what steps need to be done to enhance or validate school security in Somersworth and Rollinsford. All of the Schools now have lobby access control.

Staff training was identified. ...We want to be as safe as possible, Councilor Witham said, and also to be positioned to take advantage of available grants. There is more work to be done and he will report back.

VISION 2020

Councilor McCallion said that the Vision 2020 Committee met last Monday. They have been in touch with the Somersworth Festival Association to get more volunteers. They meet the same nights that Council meets so it is hard to get together, he said. There is a citizen representative slot vacant on the committee due to Lara Willard's acceptance of a position on the housing commission. Anyone interested is asked to contact Mayor Spencer or Councilor McCallion. Also, if anyone is interested in the Children's Festival, contact the Director.



CITY OF SOMERSWORTH Office of the City Manager

TO: Mayor Matthew Spencer and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, February 1, 2013

SUBJECT: City Manager's Report for Monday February 4, 2013
City Council Agenda

6:00 p.m. Workshop

Presentation by Underwood Engineers – Blackwater Road Pumping Station Report
Engineers Valerie Giguere and Steve Clifton are scheduled to present the attached PowerPoint presentation, followed by Questions and Answers.

6:45 p.m. Public Hearing

Ordinance No. 8-13 Amend Chapter 24 Housing Code

Director of Planning and Community Development, Dave Sharples will provide a summary of the proposed changes.

Nonpublic Session RSA 91-A:3 II (d)

Please consider a nonpublic session at the end of the regular meeting to consider the proposed Comcast Cable Franchise Agreement Renewal. Please bring copies that I provided to you at the last Council meeting.

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

Ordinances

- A. Ordinance No. 8-13 Amend Chapter 24 Housing Code.** This proposed ordinance change is sponsored by the Economic Development Committee.

New Business (under Section 13 of the Agenda):

Ordinances

A. Ordinance No. 9-13 Adopt New Chapter 31, Community Revitalization Tax Relief Incentive. Attached is memorandum from Director Sharples as well as additional information and a map of the proposed area. The Economic Development Committee is recommending its adoption. I recommend a Public Hearing prior to the next regular meeting on Tuesday, February 19th at 6:45 p.m.

Note: City Manager Belmore said that the City Attorney advocated strongly against inserting the words “completed” application because that would trigger the clock for a review process.

City Manager Belmore also said that this ordinance is in regards to revitalizing the downtown areas. The map reflects a large portion of the downtown. This is a tool that the state allows, and communities adopt, to try to infuse money to rehabilitate buildings that may be in disrepair. He encourages the Council to favor this, saying that other communities such as Durham, Concord and Berlin have had some success with this. This could help revitalize the downtown as far as private ownership (is concerned).

Resolutions

A. Resolution No. 23-13 Authorizing the City Manager to Enter into an Emergency Management Performance Grant Agreement with the New Hampshire Department of Safety to Purchase Mobile EOC Equipment for the Fire Department. I mentioned this Grant Award in my last meeting report to the Council. The Public Safety Committee is sponsoring/recommending this Resolution’s approval. The City funding match was appropriated in this Fiscal Year 2013 Budget. The City match includes \$31,370 for the Chevy Tahoe vehicle purchase and \$5,130. in miscellaneous related equipment and set-up charges.

B. Resolution No. 24-13 To Authorize the City Manager to Order One Police Cruiser which will be Funded in the Fiscal Year 2013-2014 Budget. The Public Safety Committee is sponsoring support for this action item. City Council passed a similar Resolution last year. If approved, the City will be able to order the new cruiser to ensure a more timely delivery once the Fiscal Year 2014 Budget is passed. We utilize the NH State Bidding Process for our cruiser purchases.

Other:

A. Vote to Approve a Request for Proposal (RFP) Process regarding EMS/Ambulance Services Contract. Requested by Public Safety Committee, Chairman David Witham.

- B. Vote to Amend Council Rules and Regulations, Order of Business. Amend by Inserting “Announcements by City Councilors” as Number 5 and Renumbering the Remaining Items – Councilor Tapscott, Chair of Government Operations Committee.** Council Rules maybe amended by a two-thirds vote of all members of the Council present (excerpt from Council Rules and Regulations).

City Manager’s Items (under section 9 of the Agenda)

A. Informational Items:

1. **City Council Annual Goal Setting Session.** I have attached a copy of a proposed workshop format for the Annual Goal Session scheduled for Saturday, February 9, 2013, starting at 8:30 a.m.

2. **High Street Infrastructure Bond Project Workshop.** I recommend the Council schedule a Workshop prior to the next regular meeting, Tuesday, February 19th, at 5:30 p.m. Hoyle Tanner Engineers will provide an update on the project. The Council will also be asked to weigh-in on some preliminary design concepts. Although it is not a public hearing, I plan to notice all property owners along the project area about this presentation.

3. **TD Green Streets Grant.** I authorized the submittal of this TD Bank Green Streets Grant application after being notified of the opportunity by Glen Ohlund, TD Bank’s Community Development Officer. Attached is a memorandum that provides a summary of the Grant’s purpose, that is, to make further improvements to Pine Street Park, the Library grounds and Noble Pines Park. There is no City funding match required with this Grant.

4. **Solar Power at Landfill-Superfund Site.** The City has received notification that the EPA will fund a solar feasibility study at our site. EPA plans to hire its’ support contractor SKEO Solutions to move forward with this study. Unless directed otherwise, I will be authorizing staff and take any other action needed to complete the study. Director Sharples has provided a memorandum regarding his contact with EPA.

B. Attachments:

1. Goal Setting Workshop Agenda for February 9, 2013

2. City Attorney Legal Opinion dated January 25, 2013, requested by Mayor Spencer
3. City Assessor Walker's Veteran Credits Memorandum of January 25, 2013
4. Blackwater Road Pumping Station Evaluation PowerPoint by Underwood Engineers

NOMINATIONS, APPOINTMENTS AND ELECTIONS.

HISTORIC DISTRICT COMMISSION

- Madeline DeSantis, Term to Expire 04/2016.
- Pius Charles Murray, Alternate, Term to Expire 04/2016.

Mayor Spencer said that he interviewed both Madeline DeSantis and Pius Charles Murray for these positions.

Councilor Witham, seconded by Councilor Tapscott, made a motion to suspend the rules to act upon these nominations this evening. The motion passed.

Councilor Witham, seconded by Councilor Donohue, made a motion to accept these two nominations to the Historic District Commission which passed unanimously.

LAY ON TABLE.

COMMUNICATION

Councilor Witham, seconded by Councilor Donohue, made a motion to remove the communication from Maxine Smirles from the table. The motion passed.

Councilor Witham requested that the following communication be read into the record:

To the Somersworth Councilors

This letter concerns the tax cap voted in by Somersworth residents. Every year since I've lived in Somersworth, taxes have gone up. I'm retired and concerned about the ever increasing tax rate Somersworth officials deem necessary.

Don't you think it is about time the people of Somersworth have some relief from the constant yearly tax increases?

Perhaps it's time for Somersworth to live within its means. Look for places to cut back or stop the ever increasing spending.

Thanks you,

Maxine Smirles
A concerned taxpayer

ORDINANCE

ORDINANCE NO. 8-13 AMEND CHAPTER 24 HOUSING CODE.

Councilor McCallion, seconded by Councilor Tapscott, made a motion to remove Ordinance No. 8-13 from the table. The motion passed.

Councilor McCallion said that this was in the Council's goal setting session the last two years to look at their code. They found out that their code is currently 1996; this will bring it up to 2009. The Planning Board has looked at this. He urges everyone to bring us (up to date.)

Ordinance No. 8-13 passed 8-0.

UNFINISHED BUSINESS.

There was no unfinished business.

NEW BUSINESS.

ORDINANCES

ORDINANCE NO. 9-13 ADOPT NEW CHAPTER 31, COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE.

Somersworth, NH
February 4, 2013

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the ordinances of the City of Somersworth, as amended, be further amended by adopting the following new Chapter 31, Community Revitalization Tax Relief Incentive:

CHAPTER 31

COMMUNITY REVITALIZATION TAX RELIEF INCENTIVE

State Law References: Community Revitalization Tax Relief Incentive, RSA 79-E, State Economic Growth, Resource Protection and Planning Policy, RSA 9-B, Appraisal of Taxed Property, RSA 75:1, Collection of Taxes, RSA 80:1-80:42-a, and Administrative Procedure Act, RSA 541-A.

Section 1 Declaration of Public Benefit

- A. It is declared to be a public benefit to enhance Somersworth's Downtown Revitalization District with respect to economic activity, cultural and historic character, sense of community, and in-town residential uses that contribute to economic and social vitality.
- B. It is further declared to be a public benefit to encourage the rehabilitation of underutilized structures in the downtown as a means of encouraging growth of economic, residential, and municipal uses in a more compact pattern, in accordance with RSA 9-B.
 - 1. In instances where a qualifying structure is determined to possess no significant historical, cultural, or architectural value and for which the City Council makes a specific finding that rehabilitation would not achieve one or more of the public benefits established in Chapter 31, Section 7 to the same degree as the replacement of the underutilized structure with a new structure, the tax relief incentives provided under this chapter may be extended to the replacement of an underutilized structure in accordance with the provisions of this chapter.
- C. Short-term property assessment tax relief and a related covenant to protect public benefit as provided under this ordinance are considered to provide a demonstrated public benefit if they encourage the substantial rehabilitation and use of qualifying structures, or in certain cases, the replacement of a qualifying structure, as defined in this ordinance

Section 2 Tax Relief Authority

The City of Somersworth hereby adopts RSA 79-E in the manner specified under RSA 79-E:3. In addition, the City has modified the incentive program to best suit the needs of the City and its constituents.

In the interpretation and enforcement of this article, all words other than those defined specifically below shall have the meanings implied by their context in the ordinance or the ordinarily accepted meanings. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Covenant. A formal and legally binding agreement or contract such as a lease, or one of the clauses in an agreement of this kind.

Qualifying Structure. A building located in the Downtown Revitalization District as depicted on the Official RSA 79:E Map of the City of Somersworth dated February 2013 and incorporated herein as Appendix A.

Replacement. The demolition or removal of a qualifying structure and the construction of a new structure on the same lot.

Substantial Rehabilitation. Rehabilitation of a qualifying structure which costs at least 15 percent of the pre-rehabilitation assessed valuation or at least \$75,000, whichever is less.

Tax increment finance district. Any district established in accordance with the provisions of NH RSA 162-K.

Tax Relief. A period of time, as determined by the City Council in accordance with this ordinance, the property tax on a qualifying structure shall not increase as a result of the substantial rehabilitation thereof.

Tax Relief Period. The finite period of time during which the tax relief will be effective, as determined by the City Council pursuant to Chapter 19, Sec. 19-20.

Section 4 Community Revitalization Tax Relief Incentive

- A. An owner of a qualifying structure who intends to substantially rehabilitate or replace such structure may apply to the City Council through the Department of Development Services. The applicant shall file a complete application form including the address of the property, a description of the intended rehabilitation or replacement, any changes in use of the property resulting from the rehabilitation or replacement, and submit the required non-refundable application fee of \$50.
 1. In order to assist the City Council with the review and evaluation of an application for replacement of a qualifying structure, an owner shall submit to the City Council as part of the application, a New Hampshire Division of Historical Resources Individual Resource Inventory Form, prepared by a qualified architectural historian and if the qualifying structure is located within a designated historic district established in accordance with NH RSA 674:46, a letter from the Somersworth Historic District Commission that identifies any and all historical, cultural, and architectural value of the structure or structures that are proposed to be replaced and the property on which the structure(s) are located. The application for tax relief shall not be deemed to be complete and the City Council shall not schedule the public hearing on the application for replacement of a qualifying structure as required under NH RSA 79-E:4,II until the inventory form and letter, as well as other required information, have been submitted.
- B. Upon receipt of an application, the application will be reviewed by the Director of Planning and Community Development and any other City official deemed appropriate by the Director for any compliance issues. The applicant must satisfactorily answer any questions they may have for the application to be deemed complete.
- C. The City Council will hold a duly noticed public hearing to take place no later than 60 days from receipt of an application, to determine whether the structure at issue is a qualifying structure; whether the proposed rehabilitation qualifies as

- substantial rehabilitation; and whether there is a public benefit to granting the requested tax relief and, if so, for what duration.
- D. No later than 45 days after the public hearing, the City Council shall render a decision granting or denying the requested tax relief and, if so granting, establishing the tax relief period.
 - E. The City Council may grant the tax relief, provided:
 - 1. The City Council grant the request by a majority vote; and
 - 2. The City Council finds a public benefit under Chapter 31, Section 7; and
 - 3. The specific public benefit is preserved through a covenant under Chapter 31, Section 8; and
 - 4. The City Council finds that the proposed use is consistent with the municipality's master plan and development regulations; and
 - 5. In the case of a replacement, the City Council specifically finds that the Somersworth Historic District Commission has determined that the replaced qualifying structure does not possess significant historical, cultural, or architectural value, the replacement of a qualifying structure will achieve one or more of the public benefits identified in Chapter 31, Section 7 to a greater degree than the renovation of the underutilized structure, and the historical, cultural, or architectural resources in the community will not be adversely affected by the replacement.
 - F. If the City Council grants the tax relief, they shall identify the specific public benefit achieved under Chapter 31, Section 7 and shall determine the precise terms and duration of the covenant to preserve the public benefit under Chapter 31 Section 8.
 - G. If the City Council, in its discretion, denies the application for tax relief, such denial shall be accompanied by a written explanation. The City Council's decision may be appealed either to the board of tax and land appeals or the superior court in the same manner as provided for appeals of current use classification pursuant to RSA 79-A:9 or 79-A:11 provided, however, that such denial shall be deemed discretionary and shall not be set aside by the board of tax and land appeals or the superior court except for bad faith or discrimination.
 - H. The City Council shall have no obligation to grant an application for tax relief for properties located within a tax increment finance district when the City Council determines, in its sole discretion, that the granting of tax relief will impede, reduce, or negatively affect:
 - 1. The development program or financing plans for such tax increment finance districts; or
 - 2. The ability to satisfy or expedite repayment of debt service obligations incurred for a tax increment finance district; or
 - 3. The ability to satisfy program administration, operating, or maintenance expenses within a tax increment financing district.

Section 5 Duration of Tax Relief Period

- A. The City Council may grant such tax assessment relief for a period of up to 5 years, beginning with the completion of the substantial rehabilitation.

1. For the approval of a replacement of a qualifying structure, the City Council may grant such tax assessment relief for a period of up to five years, beginning only upon the completion of construction of the replacement structure. The City Council may, in its discretion, extend such additional years of tax relief as provided for under this section, provided that no such additional years of tax relief may be provided prior to the completion of construction of the replacement structure. For the purposes of this section, the issuance of a Certificate of Occupancy shall constitute completion of construction. The municipal tax assessment of the replacement structure and the property on which it is located shall not increase or decrease in the period between the approval by the City Council for the replacement structure and the time the owner completes construction of the replacement structure and grants to Somersworth the covenant to protect the public benefit as required by this chapter. The City Council may not grant any tax assessment relief under this chapter with respect to property and structures for which an election has been made for property appraisal under NH RSA 75:1-a.

- B. The City Council may, in its discretion, add up to an additional 2 years of tax relief for a project that results in new non-subsidized residential units if the rehabilitation is done in conjunction with the retail/commercial portion of the building.

Tax relief for the rehabilitation of upper floor non-subsidized, non-single family residential units, as a stand-alone project, will be eligible for tax relief for a period of 2 years.

- C. The City Council may, in its discretion, add up to an additional 4 years of tax relief for the substantial rehabilitation of a qualifying structure that is listed on or determined eligible for listing on the National Register of Historic Places, state register of historic places, or is located within and important to a locally designated historic district, provided that the substantial rehabilitation is conducted in accordance with the U.S. Secretary of Interior's Standards for Rehabilitation.

Section 6 Resumption of Full Tax Liability

Upon expiration of the tax relief period, the property shall be taxed at its market value in accordance with RSA 75:1.

Section 7 Public Benefit

The proposed substantial rehabilitation must provide at least one of the following public benefits in order to qualify for tax relief under this ordinance:

- A. It enhances the economic vitality of the downtown;
- B. It enhances and improves a structure that is culturally or historically important on a local, regional, state, or national level, either independently or within the context of an historic district in which the building is located; or
- C. It promotes development of compact and vibrant municipal centers, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B.
- D. It increases non-subsidized residential housing in the Downtown Revitalization District.

Section 8 Covenant to Protect Public Benefit

- A. Tax relief for the substantial rehabilitation or replacement of a qualifying structure shall be effective only after a property owner grants to the municipality a covenant ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and as otherwise provided in this chapter.
- B. The covenant shall be coextensive with the tax relief period. The covenant may, if required by the City Council, be effective for a period of time up to twice the duration of the tax relief period.
- C. The covenant shall include provisions requiring the property owner to obtain and maintain a certificate of occupancy for the duration of the tax relief period.
- D. The covenant shall include provisions requiring the property owner to obtain casualty insurance, and flood insurance if appropriate. The covenant may include, at the City Council's sole discretion, a lien against proceeds from casualty and flood insurance claims for the purpose of ensuring proper restoration or demolition or damaged structures and property. If the property owner has not begun the process of restoration, rebuilding, or demolition of such structure within one year following damage or destruction, the property owner shall be subject to the termination of provisions set forth in Chapter 31, Section 9.
- E. To protect public benefit, the City Council shall provide for the recording of the covenant with the registry of deeds. It shall be a burden upon the property and shall bind all transferees and assignees of such property.
- F. The applicant shall pay any reasonable expenses incurred by the municipality in the drafting, review, and/or execution of the covenant. The applicant also shall be responsible for the cost of recording the covenant.

Section 9 Termination of Covenant; Reduction of Tax Relief; Penalty

- A. If the owner fails to maintain or utilize the building according to the terms of the covenant, or fails to restore, rebuild, or demolish the structure following damage or destruction as provided in Chapter 31, Section 8 D, the City Council shall, after a duly noticed public hearing, determine whether and to what extent the public benefit of the rehabilitation or replacement has been diminished and shall determine whether to terminate or reduce the tax relief period in accordance with such determination. If the covenant is terminated, the City Council shall assess all

taxes to the owner as though no tax relief was granted, with interest in accordance with paragraph B.

B. Any tax payment required under paragraph A shall be payable according to the following procedure:

1. The commissioner of the department of revenue administration shall prescribe and issue forms to the local assessing officials for the payment due, which shall provide a description of the property, the market value assessment according to RSA 75:1, and the amount payable.
2. The prescribed form shall be prepared in quadruplicate. The original, duplicate, and triplicate copy of the form shall be given to the collector of taxes for collection of the payment along with a special tax warrant authorizing the collector to collect the payment under the warrant. The quadruplicate copy of the form shall be retained by the local assessing officials for their records.
3. Upon receipt of the special tax warrant and prescribed forms, the tax collector shall mail the duplicate copy of the tax bill to the owner responsible for the tax as the notice of payment.
4. Payment shall be due not later than 30 days after the mailing of the bill. Interest at the rate of 18 percent per annum shall be due thereafter on any amount not paid within the 30-day period. Interest at 12 percent per annum shall be charged upon all taxes that would have been due and payable on or before December 1 of each tax year as if no tax relief had been granted.

Section 10 Lien for Unpaid Taxes

The real estate of every person shall be held for the taxes levied pursuant to RSA 79-E:9.

Section 11 Enforcement

All taxes levied pursuant to RSA 79-E:9 which are not paid when due shall be collected in the same manner as provided in RSA 80.

Section 12 Rulemaking

The City of Somersworth will abide by any rules the Commissioner of the Department of Revenue Administration adopts, pursuant to RSA 541-A, relative to the payment and collection procedures under RSA 79-E:9.

Section 13 Extent of Tax Relief

- A. Tax relief granted under this ordinance shall pertain only to assessment increases attributable to the substantial rehabilitation performed under the conditions approved by the City Council and not to those increases attributable to other factors including but not limited to market forces; or

- B. Tax relief granted under this ordinance shall be calculated on the value in excess of the original assessed value. Original assessed value shall mean the value of the qualifying structure assessed at the time the City Council approves the application for tax relief and the owner grants to the municipality the covenant to protect public benefit as required in this ordinance, provided that for a qualifying structure which is a building destroyed by fire or act of nature, original assessed value shall mean the value as of the date of approval of the application for tax relief of the qualifying structure that would have existed had the structure not been destroyed; or
- C. The tax relief granted under this chapter shall only apply to substantial rehabilitation or replacement that commences after the City Council approves the application for tax relief and the owner grants to the City Council the covenant to protect the public benefit as required in this chapter, provided that in the case of a qualifying structure which is a building destroyed by fire or act of nature, and which occurred within 15 years prior to the adoption of the provisions of this chapter by the City council, the tax relief may apply to such qualifying structure for which replacement has begun, but which has not been completed, on the date the application for relief under this chapter is approved.

Section 14 Other Programs

The provisions of this ordinance shall not apply to properties whose rehabilitation or construction is subsidized by state or federal grants or funds that do not need to be repaid totaling more than 50 percent of construction costs from state or federal programs.

Section 15 Reserved

This ordinance shall take effect upon its passage.

Introduced by Councilors

Jonathan McCallion
Robin Jarvis
Coty Donohue

Approved:

City Attorney

Councilor Tapscott, seconded by Councilor Witham, made a motion to suspend the rules to give Ordinance 9-13 a reading by title only this evening. The motion passed. After a being read by title only, the Mayor said that this will lay on the table until the next meeting.

Councilor Tapscott made a motion to schedule a public hearing for Ordinance No. 9-13 on February 19th at 6:45 pm. The motion was seconded by Councilor Hebert and passed.

RESOLUTIONS

RESOLUTION NO. 23-13 AUTHORIZING THE CITY MANAGER TO ENTER INTO AN EMERGENCY MANAGEMENT PERFORMANCE GRANT AGREEMENT WITH THE NEW HAMPSHIRE DEPARTMENT OF SAFETY TO PURCHASE MOBILE EOC EQUIPMENT FOR THE FIRE DEPARTMENT.

Somersworth, NH
February 4, 2013

WHEREAS, the City of Somersworth has applied for a State of New Hampshire Emergency Management Performance Grant (EMPG) through the New Hampshire Department of Safety; and

WHEREAS, the City of Somersworth has received notification of a Grant Award in the amount of \$73,100; and

WHEREAS, the City of Somersworth is required to provide a 50% match to the total project costs; and

EXPLANATION OF TOTAL PROJECT GRANT BREAKDOWN:

City Match	=	\$36,550
<u>State Grant Award</u>	=	<u>\$36,550</u>
Total Project Award	=	\$73,100

WHEREAS, the Grant will allow the City of Somersworth to fully equip the new Fire Department Command Vehicle with the purchase of emergency warning lights, siren, radio communications, computer equipment and mobile Fireground management tools and equipment,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute any documents, agreements and take any and all such actions on behalf of the City, which may be deemed necessary for the grant's execution and related purchases.

Introduced by Councilors

David A. Witham
Martin Pepin
Marcel Hebert

Approved:
City Attorney

Councilor Pepin, seconded by Councilor Witham, made a motion to suspend the rules to give Resolution No. 23-13 a second reading this evening. The motion passed.

Resolution No. 23-13 passed 8-0.

RESOLUTION NO. 24-13 TO AUTHORIZE THE CITY MANAGER TO ORDER ONE POLICE CRUISER WHICH WILL BE FUNDED IN THE FISCAL YEAR 2013-2014 BUDGET.

Somersworth, NH
February 4, 2013

WHEREAS, the City of Somersworth's Capital Improvement Plan proposes a replacement schedule for police cruisers to maintain fleet integrity and reduce maintenance costs; and

WHEREAS, the Somersworth City Council established a goal by consensus at their February 19, 2011 goal setting session whereby they may review and approve a priority list of CIP (capital improvement plan) items earlier than the actual FY budget approval process is complete in order to allow for timely ordering,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to order one new police cruiser which will be funded through an appropriation in the Fiscal Year 2013-2014 budget, said purchase with necessary patrol set-up would not exceed \$30,000.

Introduced by Councilors

David A. Witham
Martin Pepin
Marcel Hebert

Approved:

City Attorney

Mayor Spencer said that Resolution No. 24-13 will lay on the table until the next meeting

OTHER

VOTE TO APPROVE A REQUEST FOR PROPOSAL (RFP) PROCESS REGARDING EMS/AMBULANCE SERVICES CONTRACT. REQUESTED BY PUBLIC SAFETY COMMITTEE.

Councilor Witham referred to his Public Safety Committee report, given previously, saying that the Committee feels that it is time to sharpen their pencil with regard to EMS

contract language for EMS activity here in Somersworth to make sure that we are getting the service delivery that we require. The current language has been in place for a number of years, the number of calls, the complexity of calls, etc.; there have been a lot of changes since it was penned, he said. Going out to RFP would allow staff, particularly the Fire Chief and the City Manager, to work to develop language that would best serve the citizens of Somersworth.

City Manager Belmore pointed out that they are going out for the request for proposal process. It is not like buying computers, he said; Council can consider something other than the low bid contract. He said also that this is not presently a budgeted item; it does not cost the City anything for this service. They have an agreement where they garner their revenue by billing patients, whether it is a 911 call or a transport, they receive their money from the insurance companies or Medicaid. There is not a line item in the budget for this ambulance or this contract, so he just thought he would make it clear to the public that this is not a budgeted item right now. Although in the future... it may gravitate to that, either to budget for either an outside ambulance service or to bring it inside to the Fire Department.

The Council voted unanimously to approve the request for proposal process.

VOTE TO AMEND COUNCIL RULES AND REGULATIONS, ORDER OF BUSINESS, BY INSERTING “ANNOUNCEMENTS BY CITY COUNCILORS” AS NUMBER 5 AND RENUMBERING THE REMAINING ITEMS- COUNCILOR TAPSCOTT, CHAIR OF GOVERNMENT OPERATIONS COMMITTEE.

Councilor Tapscott explained that this was a question brought up by a member of the Government Operations Committee of the City Council a few weeks ago so that these announcements be made early in a meeting before residents start tuning out. This is *only* for announcements. It is nice to get the announcements early, rather than waiting until last. That is what it is all about. Because it is an amendment to the Council Rules and Regulations, it requires a 2/3 vote.

This amendment to the Council Rules and Regulations passed unanimously, by a roll call vote of 8-0.

PUBLIC HEARING ON COMCAST CABLE FRANCHISE AGREEMENT RENEWAL

Councilor Witham, seconded by Councilor Tapscott, made a motion to set the date and time of the public hearing for the Comcast Cable Franchise Agreement for March 18th at 6:45 pm prior to the second Council meeting in March.

The motion passed.

City Manager Belmore recommended that a workshop be scheduled on Tuesday, February 19th at 5:30 pm to consider the High Street Infrastructure Bond Project.

Mayor Spencer said the motion passed.

COMMENTS BY VISITORS.

Pius Charles Murray, Ward 4, thanked the Mayor for nominating him and thanked the Council for appointing him as an alternate to the Historic District Commission. He is deeply appreciative of this opportunity to be able to serve the citizens of Somersworth.

He also thanked each of the Mayor and Councilors for the public service that they undertake on behalf of the citizens; ...he is deeply appreciative of what they do.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Donohue thanked Mr. Murray for volunteering to serve on the Historic District Commission.

Councilor Sprague thinks that they should have a new picture of the Council taken which includes Councilor Donohue.

Councilor Sprague said that Foster's Daily Democrat wrote an editorial about three weeks ago and he believes that they were inaccurate in what they said about a change in Concord coming up with bills affecting a beer tax, (which the Governor has said that she would veto,) and an increase in gas tax. He said that they are inaccurate in how what they propose that the bills would do. He said they are half true. The gas tax, which is called the road toll tax in New Hampshire, (currently 18.5 cents, 3 cents goes to the Feds, he said,) has been raided despite, being strictly for road and their maintenance. Over the years the fund has been raided for other things but there is a bill in Concord to increase this tax. Something this community really needs are road improvements and we just don't have the money. He said to not be scared into thinking that if they raise the road toll tax 4 cents per year over the next three years that your gas is going to go up. It is not penny for penny at the pump. He said we are definitely the lowest in New England for the road toll tax, which means that the gas and oil companies make more money. Those companies will get as much as the market will bear, he said. He will propose an upcoming resolution that, as a Council, they talk to the State Representatives in Somersworth and Rollinsford, and in Concord to the members of the Ways and Means Committee and the Senate Transportation Committee. He thinks we should be in favor of the road toll tax increase. The other thing might be that they go back with the registration surcharge which isn't fair. He said someone might drive 1000 miles a year and he might drive 25,000 miles a year and they have the same charge. In his mind, that is not fair. If you ride the roads, it should be a user fee. He will speak in Concord, at both the Senate and in the House, in favor of this; he would like to go up and speak as a Councilor, not as just a lone Councilor. He said that this is money that we do need. ...This is something that the State definitely needs and he will look forward to doing a resolution...

Councilor Witham said that Councilor Sprague raises a very good point ...about the burdens that we have been placed under in Somersworth that are the direct result of the State “shifting costs”, for instance with State retirement by pushing hundreds of thousands of dollars of additional costs in Somersworth that they have had to burden taxpayers like Mrs. Smirles with all too frequently, that goes hand in hand with continued cuts to revenue sharing. They have projects to do and they have to do it alone because there isn’t any from the State level, at least with regard to a lot of these things. It is frustrating, he said.

He did ask residents to be patient about High Street, saying that they will get to it in the spring when they can do the work in a meaningful way and do it properly and not throw tens of thousands at a road that is just going to be dug up again. Some of the articles wondered about the State roads being done and why couldn’t we do that here. He said that they could but they just chose not to because of the price; (they don’t have the same access to materials, etc., that the state has.) Patience is important, staff is working on a proposal for that and they will get to it in the spring, is the hope.

FUTURE AGENDA ITEMS.

Councilor McCallion asked the City Manager to include in the Council packet (a memorandum) about the Veteran’s Credit. He hopes that they can revisit this to consider it as a future agenda item knowing that they have a lot of people that are serving overseas who may be looking to purchase in this area, who might also look at the Navy Yard as a possible employment place. ...This is something they should look at.

Mayor Spencer said that it is on the agenda of the Finance Committee. He also wondered about adding the “legislative comment” to the agenda as some other communities do; he would like Government Operations to look at that.

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

See first page of these minutes.

ADJOURNMENT.

Councilor Tapscott, seconded by Hebert, made a motion to adjourn. The motion pass and the meeting adjourned at 8:03 pm.

Respectfully submitted,

Elise B. Brellis, Deputy City Clerk