

CITY OF SOMERSWORTH  
CITY COUNCIL MEETING

AGENDA FOR JULY 21, 2014

6:30 P.M. – WORKSHOP ON DESIGN ELEMENTS OF THE DOWNTOWN/TE  
PROJECT

7:00 P.M. – CITY COUNCIL MEETING

1. Roll Call of Members
2. Pledge of Allegiance
3. Minutes of Previous Meetings
  - A. Minutes of City Council Meeting Held on 6/16/2014.
4. Comments by Visitors
5. Announcements by Councilors
6. Communications
  - A. Resignation of Paul Robidas from the Strafford Regional Planning Commission (SRPC).
7. Presentation of Petitions and Disposal Thereof by Reference or Otherwise
8. Mayor's Report
9. Reports of Standing Committees
10. Reports of Special Committees, City Officers and City Manager
11. Nominations, Appointments and Elections
  - A. Planning Board
    - Marc Richardson, Regular Member, Term to Expire 04/17.
    - Harold Gupstill, Regular Member, Term to Expire 04/17.
  - B. Conservation Commission
    - Scott Orzechowski, Regular Member, Term to Expire 04/17.
    - Frank Richardson, Regular Member, Term to Expire 04/17.

- Elizabeth Wilson, Regular Member, Term to Expire 04/17.
- Imants Millers, Alternate, Term to Expire 04/17.

C. Christmas Parade Committee

- Fred Zinkevich, Term to Expire 01/16.

D. Supervisor of the Checklist, Ward 2

- Nancie Cameron, Term to Expire 04/19.

12. Lay on Table

13. Unfinished Business

14. New Business

Ordinances:

- A. Ordinance No. 1-15 Supplemental Appropriation 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 Resources Manager, Recreation Supervisor and Cable Access Coordinator.

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.
- B. 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.
- C. Resolution No. 3-15 To Notify the City Tax Collector that the City Council shall not Accept a Tax Deed on Property Located at 1 Winter Street, Tax Map/Lot Number 11-181A.
- D. 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.

- E. 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.
- F. Resolution No. 6-15 Authorize the City Manager to Contract with 2 Way Communications Inc., of Newington, NH for the Purchase of Portable Radios for the Fire Department.
- G. 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.

Other:

- A. Vote to Close Down a Portion of Main Street between Washington and Fayette Streets on Saturday, August 23, 2014 between the Hours of 8:00 A.M. and 6:00 P.M. for the Friends of Somersworth Jakarta Fair.
  - B. Installation of Poles for "Banner" Signs for City Events and Non-Profit Partner Events.
  - C. Vote to Temporarily Waive Section 29.3.5 of Chapter 29, Administrative Code, Requiring the Director of Public Works & Utilities to Reside within the City and to Authorize the City Manager to Impose a 30 Mile/30 Minute Residency Requirement for this Position.
  - D. Vote to Waive Section 7.6.2 of Chapter 4, Personnel Rules & Regulations, for the Purposes of Recruiting a New Director of Public Works & Utilities and to Authorize the City Manager to Negotiate an Appropriate Annual Leave/Vacation Hire Credit.
  - E. Vote to Approve the Removal of an Engineering Degree (P.E.) as a Requirement for the Position of Director of Public Works & Utilities.
- 15. Comments by Visitors
  - 16. Closing Comments by Council Members
  - 17. Future Agenda Items
  - 18. Nonpublic Session (as necessary, pending roll call vote by Council)
  - 19. Adjournment

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

Somersworth, NH  
July 21, 2014

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 \$1,000,000 from General Fund Unassigned Fund Balance to the Capital Outlay section of the FY 14-15 General Fund budget as follows:

Original Budget	Amendment	Revised Budget
\$ 255,757	\$ 1,000,000	\$ 1,255,757

Approved as to Funding:

Recorded by:

Scott A. Smith  
Director of Finance and Administration

Diane Dubois  
City Clerk

**Background:**

This ordinance appropriates the use of General Fund Unassigned Fund Balance for the purpose of making building and life safety code improvements for the reuse of the former Hilltop Elementary School. This funding could include improvements to the building structure and building site to include any and all ancillary costs such as architectural, engineering and legal fees, financing fees and other associated project costs. Furthermore, this funding will only be used as the City's match toward securing any Federal, State, and/or private grants to make the listed repairs currently estimated at a minimum of \$3,000,000.

***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

Mayor Dana Hilliard  
Councilor Jennifer Soldati

Approved:

City Attorney

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.

Somersworth, NH

July 21, 2014

THE CITY COUNCIL OF THE CITY OF SOMERSWORTH ORDAINS THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

1. Amend Chapter 4, Personnel Rules & Regulations, Appendix 1, Assignment of Class to Grade (Covering Classes Classified as Exempt under the Fair Labor Standards Act) as follows:
  - Add Human Resources Manager Grade 25
  
2. Further Amend Chapter 4, Personnel Rules & Regulations, Appendix 1, Assignment of Class to Grade (Covering Classes Classified as Nonexempt under the Fair Labor Standards Act) as follows:
  - Change Recreation Supervisor from Grade 13 to Grade 19
  - Add Cable Access Coordinator Grade 18

These ordinance changes shall take effect upon passage.

Introduced by Councilors

Jennifer G. Soldati

Sean Collins

Brian Tapscott

David Witham

Approved:

City Attorney

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.

Somersworth, NH  
July 21, 2014

WHEREAS, the City of Somersworth School District has entered into a post-withdrawal Agreement with the Rollinsford School District in which Rollinsford has agreed to make certain offsetting payments against capital debt incurred by the City in support of the AREA Agreement; and

WHEREAS, NH RSA 195-A:14(V) requires that these payments shall be deemed to be trust funds and shall be applied by the Somersworth School District solely in payment of its indebtedness which was incurred to finance area school facilities and which was outstanding on the effective date of the withdrawal vote,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH, that pursuant to NH RSA 195-A:14(V), and NH RSA 34:1(VII) the Council establish a Trust Fund for the specific statutory purpose of receiving up to the sum of \$163,657.96 in revenue anticipated pursuant to paragraph Ten (10) of the June 9, 2014 Agreement between the Somersworth School District and the Rollinsford School District; said revenue shall be held in trust in accordance with NH RSA 195-A:14(V) and applied solely against payment of the outstanding, bonded school debt, 1996 - Series C Bonds dated August 15, 1996; and

BE IT FURTHER RESOLVED THAT the City Council is hereby designated as agents to expend these funds in accordance with the purpose set forth herein.

Introduced by Councilors

David Witham  
Dale R. Sprague  
Denis Messier

Approved

City Attorney

***In accordance with RSA 34:2, this Resolution requires a public hearing, which must be published and posted at least one week in advance of the public hearing.***

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.

Somersworth, NH  
July 21, 2014

WHEREAS, the State of New Hampshire amended RSA 34 by inserting Section 34:16 effective July 26, 2014, which allows the governing body, which is the City Council, to authorize the Trustees of Trust Funds to charge fees for banks, brokerage firms, portfolio management departments, and/or investment advisors against the capital reserve funds involved; and

WHEREAS, such authority shall remain in effect until rescinded, and no vote by the governing body to rescind shall occur within 5 (five) years of the original adoption of this article; and

WHEREAS, the City Trustees of Trust Funds held a meeting on July 3, 2014, and voted to support the adoption of this article,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City of Somersworth Trustees of Trust Funds are authorized to pay fees for banks, brokerage firms, portfolio management departments, and/or investment advisors from capital reserve income.

Introduced by Councilors

David Witham  
Dale R. Sprague  
Denis Messier

Approved:

City Attorney

RESOLUTION NO. 3-15 TO NOTIFY THE CITY TAX COLLECTOR THAT THE CITY COUNCIL SHALL NOT ACCEPT A TAX DEED ON PROPERTY LOCATED AT 1 WINTER STREET, TAX MAP/LOT NUMBER 11-181A.

Somersworth, NH  
July 21, 2014

WHEREAS, RSA 80:76 directs the Tax Collector, after 2 years, to execute to the City a deed of the land subject to the real estate tax lien and not redeemed; and

WHEREAS, the Governing Body of a municipality may refuse to accept a tax deed on behalf of the municipality because in its judgment, acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, or for any reason that would be contrary to the public interest,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Tax Collector be notified that for those reasons the City shall refuse to accept the tax deed on property located at 1 Winter Street, Tax Map/Lot number 11-181A.

Introduced by Councilors

David Witham  
Dale R. Sprague  
Denis Messier

Approved by:

City Attorney

*Note – It is believed that this property contains contaminated soils and/or buried debris.*

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.

Somersworth, NH  
July 21, 2014

WHEREAS RSA 80:76 directs the Tax Collector, after 2 years, to execute to the City a deed of the land subject to the real estate tax lien and not redeemed, and

WHEREAS the Governing Body of a municipality may refuse to accept a tax deed on behalf of the municipality because in its judgment, acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, or for any reason that would be contrary to the public interest,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Tax Collector be notified that for those reasons the City shall refuse to accept the tax deeds on property located at the following locations:

Location	Tax Map/Lot
5 Wexford Lane	35-12A
7 Wexford Lane	35-12B

Introduced by Councilors

David Witham  
Dale R. Sprague  
Denis Messier

Approved by:

City Attorney

*Note – It is believed that these properties contain contaminated soils and/or buried debris.*

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.

Somersworth, NH  
July 21, 2014

WHEREAS, RSA 80:76 directs the Tax Collector, after 2 years, to execute to the City a deed of the land subject to the real estate tax lien and not redeemed; and

WHEREAS, the Governing Body of a municipality may refuse to accept a tax deed on behalf of the municipality because in its judgment, acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, or for any reason that would be contrary to the public interest,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Tax Collector be notified that for those reasons the City shall refuse to accept the tax deeds on property located at the following locations:

<u>Location</u>	<u>Tax Map/Lot</u>
141 Colonial Village	81-141M
30 Crystal Springs Way	82-1M
41 Crystal Springs Way	82-16M
32 Jack and Jill	83-32M
102 Sherwood Glen	87-102M
204 Sherwood Glen	87-204M
206 Sherwood Glen	87-206M
208 Sherwood Glen	87-208M
307 Sherwood Glen	87-307M
331 Sherwood Glen	87-331M
510 Sherwood Glen	87-510M
621 Sherwood Glen	87-621M
631 Sherwood Glen	87-631M
5 Ringer Drive	88-10M

Introduced by Councilors

Dave Witham  
Dale R. Sprague  
Denis Messier

Approved by:

City Attorney

RESOLUTION NO. 6-15 AUTHORIZE THE CITY MANAGER TO CONTRACT WITH 2 WAY COMMUNICATIONS INC., OF NEWINGTON, NH FOR THE PURCHASE OF PORTABLE RADIOS FOR THE FIRE DEPARTMENT.

Somersworth, NH  
July 21, 2014

WHEREAS, the Somersworth Capital Improvement Program for Fiscal Years 2015 through 2020 contains a recommendation to replace the portable radios used by the Fire Department over a cycle of four fiscal years; and

WHEREAS, the fiscal year 2014-2015 adopted budget contains an appropriation for the first year of this four year replacement cycle for the purchase of portable radios; and

WHEREAS, City staff recommends purchasing the portable radios by utilizing the State Massachusetts bid list; and

WHEREAS, the Finance Committee for the City of Somersworth has reviewed the recommendation to utilize the State Massachusetts bid list and supports the recommendation,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with 2 Way Communications Inc., of Newington, NH for the purchase of portable radios for the Fire Department at an amount not to exceed \$36,000 (Thirty Six Thousand dollars).

Introduced by Councilors

David Witham  
Jennifer G. Soldati  
Denis Messier

Approved

City Attorney

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.

Somersworth, NH

July 21, 2014

WHEREAS, the City Council adopted Resolution 17-12 to authorize a public-private collaboration between the City of Somersworth and the Friends of Somersworth to pursue the preservation of Hilltop School as a Community Resource; and

WHEREAS, the City Council adopted Resolution 13-14 to authorize the City Manager to contract with AG Architects of Dover, NH to provide a report that would develop strategies and cost estimates to bring Hilltop School in compliance with current building and life safety codes; and

WHEREAS, AG Architects completed the report and presented it to the City Council; and

WHEREAS, the report concluded that the cost to bring the building in compliance with current building and life safety codes will range between \$3,000,000 (Three Million dollars) and \$4,000,000 (Four Million dollars); and

WHEREAS, the City would like to pursue Federal, State, or private grants to assist in funding these facility improvements and has concluded to qualify for consideration of any available grants the City must make a formal commitment to funding the facility improvements,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is directed 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, and

BE IT FURTHER RESOLVED THAT the City Manager is authorized to engage Bond Counsel and to take other action/s to draft the aforesaid resolution in the best interest of the City.

Introduced by

Mayor Dana Hilliard

Councilor Jennifer G. Soldati

Approved:

City Attorney

*Note: This resolution does not appropriate any funding for improvements mentioned, it only directs the City Manager to prepare a Bond Resolution for future consideration of the Somersworth City Council with Bond Counsel and other needed assistance.*