

# MINUTES OF CITY COUNCIL MEETING

## JUNE 17, 2013

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

### MINUTES OF PREVIOUS MEETINGS.

#### MINUTES OF 6/03/13 CITY COUNCIL MEETING.

Councilor Sprague asked Councilor Pepin if Mr. Flanagan is retiring, or if it should read Mr. Patterson. Councilor Pepin replied it should read Mr. Patterson.

Councilor Sprague moved to amend the minutes by replacing “Mr. Flanagan” with “Mr. Patterson” and approve the minutes as amended. The motion was seconded by Councilor Pepin, and passed by a vote of 8 yeas, 1 abstention, Councilor Tapscott abstaining.

### COMMENTS BY VISITORS.

Maddy DeSantis, 43 Mt. Vernon Street, indicated that Chief Crombie has written a letter to the Council on her behalf in order to close Mt. Vernon Street, between Prospect and Grand Streets, for the purpose of having a block party and fireworks display on 6/29/13.

Ms. DeSantis said she and her boyfriend light off fireworks every year. This started several years ago when she worked at Hilltop Fireworks. After a couple of years, many people came and they realized they would need to close down a small portion of the street. They like putting on this display for the neighborhood and would like to carry on the tradition. If the Council approves this, they are welcome to come up and join them.

Real Roseberry, 405 Route 108, said for the record, in November of 2012 the tax cap was passed overwhelmingly by a vote of 3,080 yeas, 2,087 nays. There was no set date for implementation of the tax cap, but the people wanted it implemented as soon as possible. According to the law, the tax cap was supposed to be in force on 7/01/13, not 7/01/14. He had asked the City to explain to him why this happened. He asked for an explanation in writing, but was told he could not get that. He did not get one answer from anybody. He wants it on the record that he did the best he could. The budget increase was not supposed to go over 2.1% this year, but the Council voted for a 5.6% increase. That is a little high. When a city gets a tax cap, they try to get the rate as high as they can. He knows the game. He knows the tax bills are going to be high. He knows the tax cap was supposed to be implemented in July of 2013, and he demands that.

## MAYOR'S REPORT.

- 6/07/13 – Participated in the negotiations of the Local IAFF Fire Union and the City with Councilor Hebert, City Manager Belmore, Finance Director Smith and Fire Chief Hoyle.
- 6/11/13 – Invited to speak at the Graduation of the Class of 2013.
- 6/12/13 – Invited to the ribbon cutting ceremony for the Strafford Family Justice Center in Rochester.
- 6/12/13 – Invited to the Noble Pines Park thank you BBQ for those who made contributions for the new features at the Park.
- 6/13/13 – Invited to speak to the third graders at Maplewood Elementary School.
- 6/14/13 and 6/15/13 – Attended the 33<sup>rd</sup> Somersworth International Children's Festival.

## REPORTS OF STANDING COMMITTEES.

### FINANCE COMMITTEE.

Councilor Jarvis reported this Committee met on 6/14/13 at 10 a.m. and discussed the following items:

- CRF for Hilltop/FoS and associated RFP – Emmett Soldati gave them an overview of where they are at and what they are looking to do to move forward.
- Reviewed the Unassigned Fund Balance in the FY 2014 budget. Basically, we are always looking for ways to save the taxpayers money. Looking at the estimated tax rate, people should keep in mind that if we pull \$300,000 from the Unassigned Fund Balance to use on the tax rate, that is basically saving the taxpayer \$108 per year, based on a \$300,000 home. What we really need to look at is what happens going into the future. If we use this \$300,000 now to reduce the tax rate, we will have to replace that next year.
- Reviewed the Building Code and Fees – Director Sharples gave them an overview of the changes. It was unanimously voted to move this forward to Council.

### GOVERNMENT OPERATIONS COMMITTEE.

Councilor Tapscott reported this Committee met this evening at 5:00 p.m. and reviewed the legal opinions regarding charter changes and also looked at some additional recommended charter changes.

Councilor Tapscott said they will be moving these on to the City Council no later than the July 15<sup>th</sup> meeting. If the Council approves them, the City Clerk will send the proposed amendments to the Secretary of State, the Attorney General's Office and DRA for review. If we get a timely response, the City Clerk can publish a notice of public hearing. To comply with State law, the last date to act on this is 9/05/13 in order to have them on the November Municipal Election ballot to comply with State law.

Councilor Tapscott said they received a copy of a job description for the new position of Human Resources Manager from the City Manager. They will review this for the next meeting.

Councilor Tapscott said they hope to start the City Manager review process at the 7/15/13 Government Operations Committee meeting.

#### RECREATION COMMITTEE.

Councilor Pepin reported this Committee met on 6/14/13 and discussed the following items:

- Noble Pines Park – discussion on vandalism. Request of staff to look into possibility and cost of putting security cameras up, and to check with other municipalities to see about their cameras and/or security. Police Department will be consulted about pros/cons of security cameras as well as additional lighting.
- Dog nuisance – discussion on dog waste on baseball field hindering baseball players. Additional information concerning existing leash and animal waste laws will be handed out when dogs are registered as well as on the City website.
- Skateboard Park update – previous plans reviewed. Still on schedule for fall completion.
- Pine Street Park – grant applied for and denied. Will use existing \$6,000 donated by the Housing Authority with fall completion.
- Mast Point Dam – TD grant applied for by staff. Awaiting decision on grant before getting started on thinning out trees, making walking trails with water crossings and small boat launch.
- Councilor Witham thanked staff and workers for their planning and construction of the pavilion and the misting station at Noble Pines Park.
- A resident commented on the sidewalks on the hills and their need to be improved. The City is aware of the problem and there is no funding at this time.
- Councilor Witham requested of staff an updated list of needed repairs for the parks.
- City Manager advised that Liberty Mutual will be donating \$1,000 toward supplies and 50 volunteers to repair damage to the Willand Pond footbridge and surrounding area caused by the Mother’s Day Flood.

#### PUBLIC WORKS & THE ENVIRONMENT.

Councilor Sprague reported this Committee met on 6/14/13 at 11:00 a.m. and discussed the following items:

- They talked with Frank Underwood from Berwick, ME who updated the Committee on the sleeves through the bridge. It is on the agenda tonight and he will talk about it then.
- They talked about the water tariff and the water ordinance. They decided to put this out to a consultant. This is something we need to have staff do sooner than later. We need to bring this up to industry standards.

- Rochester is requesting extending the water line that we currently have into the Amazon Campground. Nobody from Rochester showed up to talk about this. They tabled this item.
- Mr. Janetos from Rollinsford is requesting a water extension for a Rollinsford home. They did not talk about it, however this is why our water ordinance needs to be brought up to date. When properties outside our community want to use our water system, we need to come up with a good fee structure and also there are legal matters since we do not have the ability to go across City lines and lien properties unless we have the correct language in our ordinance.
- They talked about spending \$76,000 for an upgrade in the soils at the Superfund Site.
- They talked about the High Street Project with Joe Ducharme who said it went very well. They had comments from residents that Bourassa communicated with them to let them know when they would be working in their area and they were happy with that. The striping will be done on Wednesday night.
- Hoyle & Tanner met with staff. That project is getting ready to go out to bid in August.

#### ECONOMIC DEVELOPMENT COMMITTEE.

Councilor McCallion reported this Committee met on 6/14/13 and discussed the following:

- Friends of Somersworth had a plan to go out to bid to see what it would take to get the Hilltop building habitable. There is a little money to pay for an architect to see what it would cost to get it going. We should hear from City staff on this and will know more about it in the next coming weeks.
- Briefly discussed a downtown TIF District. Newmarket, Durham and Exeter have done a great job with their downtown areas. Portsmouth did this years ago to enhance their infrastructure. Staff will be looking into this and will report back on it.

#### REPORTS OF SPECIAL COMMITTEES.

##### SCHOOL BOARD.

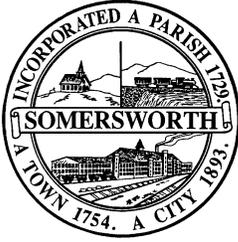
Councilor Pepin reported he attended a School Board meeting on 6/04/13 at 7:00 p.m.

The School Board did approve our budget proposal of giving them \$25,557,232.

##### SUSTAINABILITY COMMITTEE

Councilor Soldati indicated this Committee will meet this Thursday, 6/20/13 at 6:00 p.m. here at City Hall. The public is welcome to attend. The community gardens are going strong.

CITY MANAGER'S REPORT.



**CITY OF SOMERSWORTH  
Office of the City Manager**

**TO:** Mayor Matthew Spencer and City Council Members

**FROM:** Robert M. Belmore, City Manager

**DATE:** Friday, June 14, 2013

**SUBJECT:** City Manager's Report for Monday, June 17, 2013  
City Council Agenda

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**6:00 p.m. Presentation on Water Distribution System Evaluation by Wright-Pierce Engineers:  
Engineers Richard Davee and Christopher Berg; a copy of their presentation is attached.**

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***Unfinished Business (under Section 13 of Agenda)***

**Other:**

- A. Adopted FY 2014 Budget: Discuss Increasing the Use of Fund Balance Revenue (Councilor Tapscott).** The Finance Committee discussed the use of Fund Balance at their Friday, June 14<sup>th</sup> meeting. Attached is a chart that tracks the use of fund balance over the last 7 years and another copy of how additional use of Fund Balance may affect the projected tax rate.
- B. Berwick, ME Request to Install a Natural Gas Line and/or Sleeve; and a Utility Sleeve in Somersworth's Right-of-Way.** The Public Works & Environment Committee discussed these requests at their Friday, June 14<sup>th</sup> meeting. Attached is a letter and updated email from the Berwick Town Manager regarding Berwick's request. The meeting clarified that the request is for an all purpose Utility Sleeve-only.

***New Business (under Section 14 of Agenda)***

**Ordinances:**

- A. Ordinance No. 16-13 Amend Chapter 19, Zoning Ordinance, Section 25 – Definitions.** Please review the attached memorandum from Director Sharples regarding the Zoning Ordinance changes being forwarded by the Planning Board. Please note that the Board did hold a Public Hearing. I recommend the City Council schedule a Public Hearing prior to the next City Council meeting on July 15<sup>th</sup> at 6:15 p.m. in accordance with past practice.
- B. Ordinance No. 17-13 Amend Chapter 19, Zoning Ordinance – Table of Uses, Table 4.A.5.**  
See comments noted under Ordinance No. 16-13.
- C. Ordinance No. 18-13 Supplemental Appropriation for the Purchase of the Former Somersworth Police Station.** A Public Hearing should be considered prior to the next regular meeting on July 15<sup>th</sup> at 6:45 p.m. A two-thirds vote of City Council will be required to pass this appropriation. Should City Council approve the appropriation, further authorization should be provided to move forward with the purchase of this property.
- D. Ordinance No. 19-13 Amend Chapter 13, Police Offenses, Section 3.D No Parking Anytime.** There seemed to be Council consensus at the last meeting to address this request through a Public Hearing process. Therefore, respectfully I suggest a Hearing prior to the next regular Council meeting at 6:30 p.m. This action item is in reference to the Traffic Safety Committee's recommendation concerning an Otis Road parking issue at this location.

**Other:**

- A. Vote to Authorize City Manager to Sign a Contract Amendment with Geosyntec Consultants, Inc., for the Addition of Clean Fill to the Landfill Cover at the Sanitary Landfill Superfund Site.** I have attached a copy of the proposed Contract (Amendment). Both the Public Works Committee and Finance Committee received a briefing at their June 14<sup>th</sup> meetings. Presently, the total projected cost is \$75,900. Funding: over the years the City has realized a funding surplus in the Superfund Annual Monitoring Operational Costs that has accumulated to approximately \$95,000. As previously reported to Council, it appears that this EPA required project will be covered by the accumulated surplus being held in escrow to meet the requirements of the Superfund Consent Decree and associated actions being mandated by the EPA. Special Council to the City/Environmental Attorney Mark Beliveau has reviewed the proposed contract. He has offered some language changes to the copy provided to you that I will be working to complete. I recommend Council vote to approve this authorization.
- B. Letter from Chief Dean Crombie.** Attached is a letter from Chief Crombie regarding the closing of Mt. Vernon St. for the purpose of having a block party as approved by the City Licensing Board. Chief Crombie felt the Licensing Board did not have the authority to close down a street and that it

should go before the governing board. This might be something the Council might want to consider delegating to the City Licensing Board instead of bringing it here every time. Either way, we will work with your direction.

**City Manager's Items (under section 10 of Agenda)**

**A. Informational Items:**

- 1. City Engineer.** I have attached a copy of a memorandum from City Engineer Joseph Ducharme regarding an update on some of his present City assignments.
- 2. Liberty Mutual Community Service Project.** Attached is memorandum outlining Liberty Mutual's community service program being provided to the City; it will include work at the Willand Pond footbridge/trail and some grounds work at the Noble Pines Park.
- 3. Ward 5 – Messier Building.** The Fire Chief is coordinating the County crew painting the former fire station, which is the present Ward 5 voting location; i.e., free labor!

**B. Attachments:**

1. Department Head Reports.

The City Manager handed out a memo in regards to the meeting with Hoyle-Tanner as well as VHB Engineering that was mentioned by the Chair of the Public Works Committee. The memo provides an executive summary of the meeting and a schedule for the downtown infrastructure project to be put out to bid on 6/24/13. There will be a pre-bid meeting on 7/01/13; the deadline for questions from contractors interested in the project will be 7/12/13; bids would be due 7/25/13. We would look to schedule some Council sub-committee meetings on 7/08/13, Finance and Public Works Committees, to chime in on who they would recommend awarding the project to. It would then be placed on the 7/15/13 agenda, and he would encourage them to waive their rules and act on it that night so we can start some work this year. The award of the contract will be to do the actual brick and mortar work and also to award a contract to HTA for engineering oversight of the project itself.

Councilor Sprague mentioned a memo from Engineer Ducharme regarding drainage projects, specifically a project on Down Street, asking the City Manager if this is the same project on Down Street that was discussed at a Public Works Committee meeting where he indicated that someone filling in a drainage easement should come before the full Council before expending taxpayers' money.

The City Manager replied it is at the end of a dead-end road. The money is in the budget, however we can talk about it before we expend any funds. Determining where the right-of-way stops and starts seems to be a muddled issue. We can perhaps place it on the next Public Works Committee meeting agenda.

Councilor Sprague indicated it has always been past practice that if someone complained about something like this, we would fix it. He does not feel that is the way we should do things because if someone has a problem on their property, and it is in our easement, and is something the property owner has caused, then they should fix it. If we have a drainage easement that is filled in to create a house lot, we should not be responsible for taking care of their mishap. He does want to discuss this again at a future committee meeting.

The City Manager indicated that if this has been past practice, it has not been for the period of time he has been City Manager. We cannot, by law, spend money to improve private property and he has always been emphatic about that with City Councilors and City staff. This issue has been a little cloudy as far as how to move forward, and he has had a couple of Councilors over a period of time bring forth the resident's concern. He asked Joe Ducharme to get to the bottom of the issue and provide a clear recommendation.

#### LAY ON TABLE.

#### ETHICS COMMISSION NOMINATIONS.

Councilor Sprague moved to postpone voting on these. The motion was seconded by Councilor Donohue. The motion failed.

Councilor Witham moved that the position of Ethics Commissioner for William Guilmette with a term to expire 04/2016 be approved. The motion was seconded by Councilor Pepin.

Councilor Tapscott moved to approve all five nominations at one time.

Councilor Sprague stated the reason he wanted to postpone voting on these positions until next time is that it has been the practice since he has been on Council that they receive some sort of resume or some information on the people. He knows some of the people and approves of some of the appointments, but he doesn't think all the Councilors know everybody. The City Council members want to know who they are voting on. He feels we need more information before approving the nominations. We could also amend the nominations and submit other names. This is an important committee.

Mayor Spencer noted he is absolutely correct. In the City Charter, it indicates the Ethics Commission is to be appointed by the City Council, not the Mayor. He does have resumes for four of the nominees but he did not receive any calls from City Councilors asking for more information. Two City Councilors came up with two names, and he found some other people who were interested in serving on this Commission. If you want to take them off or add somebody else you can do that.

Councilor Sprague said he is not saying he doesn't like the names suggested, he just feels if there was further information available it is not appropriate to not include that in the City Council packets. That would be a courtesy to include the resumes and contact information. That is the way he operates.

Mayor Spencer replied that he provides resumes for his nominations. These names were suggestions for City Council consideration.

The appointment of William Guilmette as a member of the Ethics Commission passed by roll call vote of 8 yeas, 1 abstention, Councilor Donohue abstaining.

Councilor Sprague said he would have to guess that one of the Councilors abstained because they don't know that person. He thinks this is unfair.

Councilor Tapscott moved to approve the appointment of Arvid "Jim" Wiggin, term to expire 04/2016, as a member of the Ethics Commission. The motion was seconded by Councilor Pepin.

Councilor Pepin said Jim Wiggin served on this Council for many years and most people should know him.

The appointment of Arvid "Jim" Wiggin as a member of the Ethics Commission passed by a vote of 8 yeas, 1 nay, Councilor Sprague voting in the negative.

Councilor Tapscott moved to approve Phil Munck as a member of the Ethics Commission, term to expire 04/2016. The motion was seconded by Councilor Pepin and passed by roll call vote of 6 yeas, 3 nays, Councilors Soldati, Hebert and Sprague voting in the negative.

Councilor Tapscott moved to approve the appointment of Kirsten Larsen-Schultz as a member of the Ethics Commission, term to expire 04/2016. The motion was seconded by Councilor Pepin. The motion failed by roll call vote of 4 yeas, 4 nays, Councilors Soldati, Hebert, Witham and Sprague voting in the negative, and 1 abstention, Councilor Donohue abstaining.

Councilor Tapscott moved to approve the appointment of Brian Gauthier as a member of the Ethics Commission, term to expire 04/2016. The motion was seconded by Councilor Witham and passed unanimously.

#### UNFINISHED BUSINESS.

#### ADOPTED FY 2014 BUDGET: DISCUSS INCREASING THE USE OF FUND BALANCE REVENUE (COUNCILOR TAPSCOTT).

Councilor Tapscott indicated he brought this up and his proposal is to take \$200,000 from the Fund Balance which would reduce the tax rate increase from a whopping \$1.62 per

thousand down to \$1.36 per thousand. He would like to reduce the impact on the taxpayers.

Councilor Tapscott moved to take \$200,000 from the Fund Balance revenue to help reduce the tax rate increase. Councilor Witham seconded the motion for the purpose of discussion.

Councilor Witham said it is important that we discuss this, but he will not be voting in the affirmative. A couple of things come to mind here:

- 1) Councilor Jarvis, in her report on the Finance Committee, alluded to the notion of sustainability of this practice long-term. He does not believe that taking sums of money from the Fund Balance on a year-in, year-out basis is sustainable. If we were not already using part of the Fund Balance this year, the argument that Councilor Tapscott makes has some value and would be worth doing, but we are already using \$300,000+ in Fund Balance in the current budget that we just approved. We are already using a fair amount of Fund Balance. The City Council and City staff have worked very hard to establish what is now, finally, a healthy Fund Balance. It wasn't so many years ago that the Fund Balance wasn't very healthy. He feels we need to maintain our healthy Fund Balance.
- 2) He reminded Council that this past year we dug into the Fund Balance to deal with the High Street delamination. We may have another delaminating road next year where we have to go looking for that money which would further impact sustainability.

Councilor Witham said we did have a sizable increase to our tax rate with the budget we just passed. There was no getting around that if we wanted to maintain the services that we desired. We are looking to improve services and improve infrastructure. That is a course we have been on as a Council and he cannot see digging into the Fund Balance at these levels.

Councilor McCallion said he looked at spread sheets dating back to 2008 and he could not determine how much we increased the Fund Balance. When it is all said and done, it is the taxpayer's money. For a couple of years we had problems with the Enterprise Funds and we raised the rates to correct that problem. We are going to have to raise those rates again, and that will impact the user. He is a big fan of user fees. The tax rate impacts the people that own property and is not a user fee. A lot of people are elderly and on fixed incomes. He is all for building our Fund Balance because we know that can be a big help to us.

Councilor McCallion noted he cannot wrap his head around a tax rate over \$30 per thousand. It will have such a negative impact that we should not be over that amount. If we were considering taking \$200,000 from the Fund Balance, he feels we could even go \$500,000 from the Fund Balance as we did in 2011. We have been putting more than that in a year. It is all the taxpayer's money.

Councilor Sprague said if the tax assessment goes up the tax rate goes down, so essentially your tax bill stays the same. We have to look at our budget because that is how we run the City and it is what we need to operate. In his opinion, this is not the year we should be taking anything out of this fund. Right now we are actually at \$30.56 per thousand. The addition of the \$200,000 from the Fund Balance would move us down to \$30.32 per thousand. If anything, Fund Balance money should be used to fund capital improvements. The tax rate is over \$30 per thousand and we will have to live with it. He will not be supporting taking \$200,000 out of the Fund Balance.

Councilor Soldati said she voted against the budget because she thinks the tax level is way too high, but she cannot support going into the Fund Balance again. This is not the way to do it.

Councilor Tapscott said he believes the Fund Balance is probably at the highest level it has ever been, to the tune of \$3.6M. We should be able to take a lousy \$200,000 more to help alleviate the taxpayers of this community. He doesn't think he has ever seen such a high increase as \$1.62 per thousand. He will be voting for this.

Councilor Jarvis said looking back starting in 2008 there was \$200,000 that was taken to reduce taxes; in 2009, there was \$100,000; in 2010, there was \$100,000; in 2011, nothing was taken; in 2012, \$50,000; in 2013, \$300,000. Now we want to raise that \$200,000 more. This is just showing that ball escalating without looking at ways to increase revenue and other manners. She does not want her tax rate to go up either, but this would not be the way to solve it. The Fund Balance is not the highest it has ever been, last year it was over \$4.2M. We are also coming into a period of time when inflation will be raising and that has to be considered. This is not the time to be drawing from that. She cannot vote for this.

Councilor Witham indicated there were points well made by several Councilors. He applauds Councilor Tapscott for bringing the conversation forward. He thinks the reason we are having this conversation is because we do have a genuine interest in trying to control costs for the taxpayer. We wrangle with the budget every year and it is one of the hardest things they do. This comes down to sustainability. It is not a sustainable practice to do this year after year. The idea of worrying about things next year has not served this City well in any number of facets. Putting things off is not the answer.

Councilor Sprague echoed those comments. We just saw a presentation about water distribution and our storage tank evaluation. Over the next 20 years they suggest it will cost over \$1M per year. The items we need in this City that have not happened because of our past practices are going to come to roost. There are other roads in the City that are just crumbling before us. Our infrastructure is an asset and we are treating it like it is a hindrance to us. Not looking at it doesn't make it go away. Our Fund Balance needs to be really high because his fear is that everything is going to hit us all at once. We need to take care of ourselves.

Councilor McCallion said we are having this conversation because we did add some things into the budget. We knew there were some things that we needed. This was a critical time to move us forward as a City. We all had that understanding and we have wrangled with the fact that this will cost us a little bit more. Right now we are at a point where he just believes there is going to be a negative repercussion of where we are going to be with that hike of \$1.62 per thousand. He thinks there is a way we can change that.

The motion to take \$200,000 from the Fund Balance and add it to the budget to reduce the tax rate failed by a vote of 2 yeas, 7 nays, Councilors McCallion and Tapscott voting in the affirmative.

BERWICK, ME REQUEST TO INSTALL A NATURAL GAS LINE AND/OR SLEEVE; AND A UTILITY SLEEVE IN SOMERSWORTH'S RIGHT-OF-WAY.

Councilor Sprague said what Berwick is asking for now is no longer two sleeves, it is no longer gas, they are asking for a universal sleeve. The reason for this is that under current practices regarding the bridge when you get into "who pays for what", if it is something that is already there the State will step in and pay 80% towards the replacement of a water line. A universal sleeve would also encompass the use of a future water line. The State would be paying 80% and Somersworth would be responsible for 20%. The Public Works Committee voted unanimously to allow the City Manager to formulate a structured agreement with Berwick as long as there is no cost to the City. Our 20% would be picked up by the Town of Berwick. That is the engineering, design, oversight, installation, etc. We don't know if it will ever be used or not. He will support this.

Councilor Witham said he was sold on this idea the last time we discussed it and his position hasn't changed. No one knows what the future might bring and this makes sense from a planning perspective. As Councilor Soldati has pointed out in the past, the Greater Somersworth Chamber of Commerce encompasses the three Berwicks as well as Somersworth and Rollinsford.

Councilor Witham said this is also about our two communities bridging relations. This is a step forward. This is a small token of cooperation.

Councilor Pepin said he was opposed to this, not because he is against anything going into Berwick. He has dug for a private contractor for 20 years doing water services such as water lines, etc. and he can go by those job sites and tell you that no matter how hard they have tried to compact those sink holes he can actually show you where he has dug. You can still see the seams in the road. Here we are as a City Council replacing all our water mains so we won't be digging up the roads. That is where his heart really burns. He would love to do anything we can for the Town of Berwick, his only concern was digging in the roads. If the digging is done off to the side of the roads, he has no problem with it.

Councilor Soldati thanked the Berwick Town Manager for his very detailed letter. She reiterated that they are intertwined economically and historically. The five communities of Somersworth, the three Berwicks and Rollinsford have been historically tied since their beginnings. She is hoping that the Town of Berwick can convince some of the businesses in their community to support the Chamber of Commerce which actively promotes their town.

Councilor Soldati said she has great confidence in our City Manager's ability to work out a contract agreement with the Town of Berwick that will take in all the concerns of all of the Councilors. She is happy to see we are moving forward and she will wholeheartedly support this.

Councilor Witham moved to authorize the City Manager to sign an agreement with the Town of Berwick, ME regarding their request to install a universal sleeve in Somersworth's right-of-way. The motion was seconded by Councilor Soldati and passed unanimously.

NEW BUSINESS.

ORDINANCE NO. 16-13 AMEND CHAPTER 19, ZONING ORDINANCE, SECTION 25 – DEFINITIONS.

Somersworth, NH  
June 17, 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 as follows:

Amend Chapter 19, Zoning Ordinance, Section 25 Definitions by adding the following definition:

Convenience Store. A small retail establishment that offers convenience goods for sale, such as prepackaged food items, limited prepared food items to be consumed offsite, beverages, tobacco, personal care items, and other household goods.

Re-number this section of the Ordinance as appropriate.

This Ordinance shall be effective upon its passage.

Introduced by Councilors

David Witham  
Brian Tapscott

Approved:

City Attorney

Following the first reading of Ordinance No. 16-13, it was referred to the next meeting. There will be a public hearing on this Ordinance on 7/15/13 at 6:15 p.m.

ORDINANCE NO. 17-13 AMEND CHAPTER 19, ZONING ORDINANCE – TABLE OF USES, TABLE 4.A.5.

Somersworth NH  
June 17, 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 as follows:

Chapter 19, Table of Uses, Table 4.A.5 is hereby amended in the following manner:

Table 4.A.5.7 Laundry and/or dry cleaning shop:

DELETE B in the Permitted column

ADD B to the Prohibited Column

Table 4.A.5.9 Auto Convenience Market:

DELETE B in the Special Exception Column

ADD B to the Prohibited Column

Table 4.A.5.20 Motor Vehicle Repair Garage/Station:

DELETE B in the Special Exception Column

ADD B to the Prohibited Column

Table 4.A.5.29 Motor Vehicle Services:

DELETE B in the Special Exception Column

ADD B to the Prohibited Column

ADD “Convenience Store” to Table 4.A.5 and permit the use in the Commercial/Industrial (C/I), and Residential/Commercial (R/C) zoning districts. Permit the use via Special Exception in the Business (B) zoning district and prohibit them in all other zoning districts.

This Ordinance shall be effective upon its passage.

Introduced by Councilors

David Witham  
Brian Tapscott

Approved:

City Attorney

Following the first reading of Ordinance No. 17-13, it was referred to the next meeting. Mayor Spencer noted this Ordinance is a companion Ordinance to Ordinance No. 16-13 and a Public Hearing will be held at the same time.

ORDINANCE NO. 18-13 SUPPLEMENTAL APPROPRIATION FOR THE PURCHASE OF THE FORMER SOMERSWORTH POLICE STATION.

Somersworth, NH  
June 17, 2013

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 13-14 is amended as follows:

Appropriate \$60,000 from Unassigned Fund Balance to the Capital Outlay section of the FY 13-14 budget as follows:

Original Budget	Amendment	Revised Budget
\$ 182,947	\$ 60,000	\$ 242,947

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 General Fund – Fund Balance for the purpose of purchasing the former Somersworth Police Facility on Main Street.

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

Introduced by

Mayor Matthew Spencer  
By Request

Approved:

City Attorney

Following the first reading of Ordinance No. 18-13 it was referred to the next meeting. There will be a public hearing on this Ordinance at 6:30 p.m.

ORDINANCE NO. 19-13 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.D  
NO PARKING ANYTIME.

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BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 13, Police Offenses, Section 3.D No Parking Anytime, by adding the following:

- Otis Road, on the westerly side, an area 230 feet in length, beginning 500 feet north of West High Street.

This Ordinance shall take effect upon its passage.

Introduced by Councilor

Brian Tapscott

Approved:

City Attorney

Councilor Witham made a motion to suspend the rules in order to have a second reading and act on Ordinance No. 19-13 tonight. The motion was seconded by Councilor Pepin and passed unanimously.

Following the second reading of Ordinance No. 19-13 by title, Councilor Tapscott indicated this was recommended by the Traffic Safety Committee at their last meeting. There is a curve on one side of the road and people are parking there. It is becoming very hazardous. The recommendation was to designate an area 230' in length as a "No Parking Anytime" area.

Councilor Witham commented that we did have a resident of Otis Road speak to the Council about this. Subsequent to that meeting, some action was taken. There was concern with boulders on the side of the road, and they have since been removed. Public Works subsequently installed an array of delineator posts on the corner to prohibit parking in that area and to delineate the curve. On the opposite side of the roadway they installed a number of chevrons to delineate the curve as you approach it.

Councilor Witham noted he drives this road almost daily and he can say that he rarely sees a car parked on the road. He thinks there has been concern about vehicle activity on

the road, but parking probably is not the activity of concern. If you look at the road, there are a lot of skid marks. He feels this ordinance is a knee-jerk reaction to the problem and he is not willing to support it.

The City Manager remarked that he was informed by the Police Chief this evening and he feels the delineators seem to be working. Perhaps what has been done so far may have resolved the issue.

Councilor Pepin said this was done due to a complaint of a resident having a problem with a neighbor. He feels the City has addressed the problem very well and alleviated the person's problems. The rocks have been removed by the owner who has been very cooperative with the City. His concern now is that a neighbor two houses down has moved his stone wall 1-1/2' towards the road protecting his mailbox. This road is a winding road and the edge of the road is being torn up. Basically he feels the problem has been resolved and this ordinance is unnecessary.

Ordinance No. 19-13 failed by roll call vote of 9 nays.

VOTE TO AUTHORIZE THE CITY MANAGER TO SIGN A CONTRACT AMENDMENT WITH GEOSYNTEC CONSULTANTS, INC. FOR THE ADDITION OF CLEAN FILL TO THE LANDFILL COVER AT THE SANITARY LANDFILL SUPERFUND SITE.

Councilor Tapscott moved to authorize the City Manager to sign a contract amendment with GeoSyntec Consultants, Inc. for the addition of clean fill to the landfill cover at the sanitary landfill superfund site.

The motion was seconded by Councilor Pepin and passed unanimously.

LETTER FROM CHIEF DEAN CROMBIE.

June 12, 2013

The Honorable Mayor and Council:

Madeline DeSantis of 43 Mt. Vernon Street has requested a license for the purpose of having a block party and fireworks display June 29<sup>th</sup>. Additionally, she has requested Mt. Vernon Street, between Prospect and Grand Streets, be closed from 4:00 PM until 12:00 midnight.

The Licensing Board has approved the event, but does not have the authority to close down streets. I am requesting the council act on the closing of the above street during the proposed times and dates.

Respectfully,

Chief Dean Crombie  
Chairman, Somersworth Licensing Board

Councilor Witham said he thinks this event is a great idea. He noted that if this is a BYOB event he hopes this will be taking place off-street.

Ms. DeSantis replied that it would.

Councilor Soldati said she would be in favor of this. It is not a very long stretch of street. She has attended in the past and it is very nice and a great tradition. She supports it.

Councilor Pepin said he supports this also.

Councilor Donohue agreed with supporting this event. He has never attended. It sounds like more of a community building event.

Councilor Sprague said he will support this also. He assumed this would require that the Licensing Board request that there be an insurance binder.

City Manager Belmore said that was his understanding.

Councilor Sprague moved to suspend the rules to hear from the Police Chief. The motion was seconded by Councilor Witham and passed unanimously.

Police Chief Crombie said he intends on drawing up a letter with conditions listed on it. He did speak to Ms. DeSantis about this. The three requirements on his letter will state that insurance is required, no liquor on the public way, and before he signs the fireworks permit he wants to verify who will be lighting off the fireworks.

Councilor Pepin moved to allow the blockage of part of Mt. Vernon Street on 6/29/13 from 4:00 PM until 12:00 midnight. The motion was seconded by Councilor Soldati and passed unanimously.

#### CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Sprague said there were interesting comments tonight from the Recreation Committee regarding dog poop. He knows we do have a leash law. He thinks it is a matter of education because he happened to look out his front window over the weekend and saw his front lawn get bombed. The dog owner did not have a plastic bag, but he was happy to give them one. People walking their dogs should pick up after them, not just walk off.

Councilor Sprague said he hopes the Mayor doesn't think his comments about being linked with Berwick are any justification for the appointment of the Housing Authority Commissioners from Berwick. He also thinks we are linked with Dover and Rollinsford.

We were all a part of Dover at one time, but he would never endorse anybody from the City of Dover or the Town of Rollinsford sitting on any of our Commissions.

Councilor Witham spoke with regards to the Recreation Committee conversation about dogs. He thinks the pooper-scooper law is but one factor and the leash law is yet another. If a dog is not on a leash it is hard to see where they are doing their business. He feels the two are linked in some way. He is cautiously optimistic that the educational approach will work.

Councilor Witham said this past weekend, on Friday afternoon, Director Sharples turned the water on at the City splash pad at the Noble Pines. It got its first use on Friday afternoon. He was up there getting the ball field ready for a game and witnessed that. On Saturday, during the Children's Festival, the splash pad was overwhelmed. It is a cool sight to see and was really great. This has done as much for our image as the repaving of High Street. It's great to see our investment in that park paying off. Kudos to all the staff that got that going.

Councilor Witham said he is very pleased with the High Street road paving project that went on. He kindly requested Public Works to sweep the loose debris and rocks from that project stating that would be most helpful.

Councilor Witham said he only got to see the beginning and tail end of the Children's Festival over the weekend. It appeared to be a well-attended event and it was a picture perfect day. The only day that was perhaps nicer was Thursday when the Chamber of Commerce golf outing was held. He thanked Councilors McCallion and Sprague for partnering up with him and Mr. Campion from the Recreation Department. They didn't come in last and they didn't come in first but they held their own. Also, he won a case of beer per month for a year. He is not sure what he will do with all of it, but some Councilors might get some.

ADJOURNMENT.

Councilor Tapscott moved to adjourn. The motion was seconded by Councilor Hebert and passed unanimously. The meeting adjourned at 8:45 p.m.

Respectfully submitted,

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Diane M. DuBois, City Clerk

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Matthew L. Spencer, Mayor

