

MINUTES OF CITY COUNCIL MEETING
MAY 20, 2013

The meeting was called to order by His Honor, the Mayor, and upon roll call the following Council members were present: Pepin, Soldati, Hebert, Donohue, Tapscott, Jarvis and Sprague. (Councilor Witham arrived at approximately 7:15 pm. Councilor McCallion was absent.)

MINUTES OF THE PREVIOUS MEETING.

MINUTES OF 04/06/13 BUDGET WORKSHOP

Councilor Pepin, seconded by Councilor Tapscott, made a motion to accept the minutes of the 04/06/2013 Budget Workshop. The motion passed.

MINUTES OF 05/06/13 CITY COUNCIL MEETING

Councilor Tapscott, seconded by Councilor Hebert, made a motion to accept the minutes of the 05/06/2013 City Council Meeting. The motion passed.

COMMENTS BY VISITORS.

Emmett Soldati, Ward 1, thanked everyone who participated and attended the Hilltop yard sales over the weekend. He said that the Jakarta Fair will be held on July 20, 2103-an Indonesian food festival which will happen on Constitution Way all day.

Mr. Soldati distributed the following communication to Council members requesting a workshop with the full Council:

Monday, May 20, 2013

To Mayor and Council,

In 2012, the Friends of Somersworth, (FoS,) and the City of Somersworth established a partnership to explore the reuse of the Hilltop Elementary School building for the benefit of the City. Since this partnership began, FoS has gained non-profit status, trained members on grant writing, networked with potential tenants/partners in the arts, culture, and educational sectors, drafted floor plans and programming for first-floor use of the Hilltop building, worked with professionals to estimate renovation costs, established and implemented an annual programming plan and set ground work for arts and culture events in Somersworth.

In this time, we have affirmed that the Hilltop building must remain city-owned to ensure its future as an arts and cultural center serving the community. We believe that in order to open the building on a reasonable timeline to prevent the building from standing

vacant for several more years, the building requires more work than can be funded through grants and community efforts of FoS alone.

We have spent considerable time in the last several months, working with city staff and several councilors, to explore options for the building and its required improvements. In the interest of a timely and diligent solution, the FoS are requesting a meeting and workshop with full council to go over what we believe are the necessary steps to get the building open and occupied.

Sincerely,

Emmett Soldati
Chair
Friends of Somersworth

He listed some organizations who have expressed interest/intent in being paying tenants of Hilltop:

- The Ceramics Center
- The Coheco Arts and Technology Academy which is leaving Dover
- One World Language
- The Franco-American Center of Manchester which is looking for satellite space
- Arts in Reach out of New Castle which brings arts programming to young teenage girls

These organizations want to be part of the Somersworth project.

He said that at this point they can't move forward much without the City being involved in the process. FoS would like to lay out their solutions and proposals and talk about them to get the ball rolling. He requests a date be set within the next couple of weeks to do that during a workshop with the Council.

ANNOUNCEMENTS BY CITY COUNCILORS

Councilor Tapscott announced that the Memorial Day Parade will be held on May 27, 2013. They will meet at the American Legion parking lot at 10am to step off at 10:30am. Ceremonies will be held at the former City Hall and the Berwick Bridge. Any veterans needing a ride in the parade can call 692-9898. Memorial Services will also be held at each cemetery as follows: 8:30am at the Greek Orthodox Cemetery; 8:45am at the St. Martin's Cemetery; 9:00am at Holy Trinity Cemetery; 9:15am at Forest Glade Cemetery. Participants should be at the High School Memorial at 7:40am on Cemetery Rd.

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, May 20, 2013

- May 7th – Attended NHMA Communication/Outreach Committee in Concord.
- May 8-9th – Attended the Primex Annual Conference with City Councilor David Witham and City Manager Bob Belmore. Attended the following sessions:
 1. General Session - The Creative Mind
 2. Managing Up
 3. Creativity Toolkit
 4. Putting the Fish on the Table: Conflict Resolution Tools and Practice
 5. General Session – Imagine That! Firing Up Your Brain for Extreme Success

Thank you to Councilor Witham for running me through Primex's shoot and no shoot simulation scenarios. It brought back memories of my Coast Guard career.

- May 11th – Attended Part II of the Local Officials Workshop in Concord.
- May 15th – Attended the monthly Traffic Safety Committee meeting.
- May 16th – Invited to spend time talking with 3rd graders at the Idlehurst Elementary School.
- May 16th – Attended the monthly Sustainability Committee meeting.

- May 17th – Attended the monthly meeting of NHMA in Concord. I was nominated by City Councilor Karen Liot Hill of Lebanon, NH and Laconia City Manager Scott Myers to sit on the Executive Committee of NHMA.
- May 17th – Invited to read, “The Gingerbread Man” to the kindergartners at the Idlehurst Elementary School.
- May 17th – Attended the Somersworth Youth Connection advisory meeting.
- May 17th – Attended the Greater Somersworth Chamber of Commerce annual “Gala” event in South Berwick, ME.
- May 20th - Appointed Rebecca (McCabe) England to the SHA Board of Commissioners. She has deep roots in Somersworth, her dad was a Somersworth Postmaster, her Uncle Donnie was a Somersworth Firefighter, and her cousin was a Somersworth Police Officer (who is now a NH State Trooper). She is an accountant and a manager with Liberty Mutual, who specializes in internal/external auditing. She is also currently attending classes to earn her degree in forensic accounting.
- We still need 5 people to fill the ethics commission. As of today, I have not received any recommendations from city councilors. The city charter on pages 24 and 25 recommends who should be members on the commission. If councilors have some recommendations, I ask them to please email me their contact information.

Councilor Sprague asked where the appointee to the Somersworth Housing Authority resides, and when told that she resides in Berwick, he questioned having Berwick (Maine) residents running the Housing Authority.

Mayor Spencer said that she is the best candidate that he has found.

Councilor Sprague is troubled by having two out-of-state Commissioners at the Housing Authority. He asked the Mayor to double think his nomination.

The Mayor noted his opinion.

Councilor Witham arrived.

REPORTS OF STANDING COMMITTEES.

FINANCE COMMITTEE

Councilor Jarvis reported that the Finance Committee met on May 14, 2013. They reviewed the recommendation to amend the Noble Pines tower telecommunications lease with Cingular Wireless and voted unanimously to accept the City Manager's recommendation. They also reviewed the Personnel Ordinance (for the compensation schedule) and voted unanimously to accept his recommendations for that.

PUBLIC SAFETY COMMITTEE

Councilor Witham apologized for being late. He said that the Public Safety Committee will meet on Thursday to discuss the possible acquisition of a brush fire truck for the Fire Department, radio frequencies for the new ambulance service and the standing agenda item of targeted police patrols.

PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

Councilor Sprague reported on the following for the meeting held on May 14, 2013:

- Approved meeting minutes.
- Discussed downtown parking and speed issues. Captain Timmons talked with Mr. Lambert from the NH DOT, whose advice was that if it is just to help out the business community, it will not be an easy process. They need to have data that there are problems with lines of sight, accidents, etc.
- They asked staff and the Police Department to locate all the parking lots and all the parameters set on them now and have a meeting to start to address what they will be doing in the future.
- Discuss making Constitutional Way one way to make it easier for the businesses there.
- They talked about the two Berwick water issues: a utility sleeve for the possible water/gas connection in the future and possibility of allowing Berwick to use Somersworth water during standpipe improvements. He asked if we can move this item up on the agenda so that the Berwick Town Manager, Patrick Venne, doesn't need to (stay so long.)

- Gas line update. Staff would like to shut down High St. during the night for 3 nights, beginning tomorrow, so that we don't impact the businesses.
- Rocky Hill culvert project will start on schedule when school stops.
- De-lamination of High St is a little behind; they are looking to (begin) during the first week of June and laying asphalt during the second week of June.

Councilor Sprague mentioned that he can't find his budget book and said the he would like it back if it is found.

Councilor Soldati, seconded by Councilor Sprague, made a motion to suspend the rules to address part of Councilor Sprague's report regarding traffic. The motion passed.

Councilor Soldati is more than annoyed. She went to a meeting of the Traffic Safety Committee to present her idea for lowering the speed limit within the City, within the business district area, to 25 mph. She read the statute; her understanding was that they did not need permission within the urban compact. She asked that if Committees continue to move on an issue, that they (notify her/Councilors) as a courtesy.

Councilor Sprague made a motion to suspend the rules to allow Captain Timmons to speak. Councilor Hebert seconded the motion which passed with some opposition.

Captain Timmons reported on his various communication, including one with Mr. Lambert of the NH DOT, saying that to make the changes, a 25 mph speed limit on areas of Main and High Streets, there would need to be "true, realistic justifications," including studies and surveys and engineering reports. Even given that this is in the in-town compact area, it would end up in front of the Commissioner.

Councilor Soldati appreciates that Captain Timmons moved forward, but she would have appreciated being fully informed and allowed to participate in the discussion and the write-up of what was presented. Perhaps they could have gotten a legal opinion. Maybe she is out of line; maybe it is just up to the Chair (to decide how to approach the Commissioner.) This is important to her; she wanted to know what steps were taken.

Captain Timmons said that the charge of the Traffic Safety Committee is to make recommendations. They made the recommendations: follow up inquiries were made and they couldn't go further. The NH DOT does not have any official request from us, he said. Mr. Lambert said he would put together a package of information explaining how to accomplish that speed change.

The City Manager believes that Councilor Tapscott requested that it be placed on the agenda as a discussion point and his assumption was that they were getting an update. Nothing formally has been presented to Council or the State DOT.

Councilor Soldati formally requests that she be informed of all steps taken in this matter.

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER.

SCHOOL BOARD

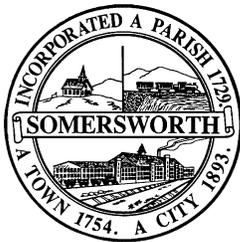
Councilor Pepin attended the School Board meeting on May 7, 2013. He reported that the federal government has changed the way that they give the meals to the students. They have increased meal prices at the middle and high Schools from to \$2.40 to \$2.50. The elementary school price went from \$1.85 to \$2.00. They handed out a memorandum from the Barrington School District to allow Barrington students to attend Somersworth schools. It is an agreement between Barrington and Somersworth.

He reported that construction on the HVAC units and windows will start on June 16th.

STRAFFORD REGIONAL PLANNING

Councilor Tapscott announced that on May 29, 2013, Strafford Regional Planning Commission will have its annual meeting at the Governor's Inn in Rochester at noontime. They will present the proposed budget for the next fiscal year, as well as the appointment of officers.

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, May 17, 2013

SUBJECT: City Manager's Report for Monday, May 20, 2013
City Council Agenda

6:00 pm Workshop – Mr. Anthony Donovan
Re: a more active Rail to Downtown Somersworth.

Lay on Table (under Section 12 of Agenda)

Ordinances:

- A. Ordinance No. 12-13 FY 2013-2014 Budget.** Attached is the Budget Ordinance as amended by Council on May 6th as well as the revised projected tax rate. I have also included information regarding projected costs associated with recent Council votes concerning employee wages and labor union agreements. These costs will be covered by next FY's \$80,000 Contingency line. There is also a Memorandum providing the additional funding needed to move the Building-Code/Assessing Offices' Clerk to a full time position.

(Note: City Manager Belmore said that there was a revised budget which incorporated the amendment to the School Department budget made at the last Council meeting and there is a new projected tax rate increase provided by the Finance Director of \$1.56.)

Communication:

- A. Letter from Scott Kohn, AFSCME/United EMS Workers, Local 4911.**

New Business (under Section 14 of Agenda)

Ordinances:

- A. Ordinance No. 13-13 Amending Chapter 4, Personnel Rules and Regulations.**

The Finance Committee reviewed my recommendation and supports this action. Non-Union employees have been paying 12% of their Health Insurance premiums over the last year as have the Water and Wastewater Union employees. At some point Council should consider increasing the Health Insurance buyout to match the recent increases to Union Labor Agreements.

Resolutions:

- A. Resolution No. 32-13 Authorize the City Manager to Amend the Lease Agreement with New Cingular Wireless PCS, LLC of Norcross, Georgia.**

The City presently has a lease that allows for 6 antennas; this amendment allows the placement of 3 additional antennas. Attorney Mark Beliveau, Special Counsel to the City, reviewed and approved the lease language at Cingular's expense. Cingular offered to pay the City \$250 more per month which I negotiated up to \$425 per month (\$5,100 yr.). The Finance Committee has reviewed this proposal and recommends passage.

Other:

- A. Discussion of City Council and School Board Members' Compensation Penalty – Sections 3.6 and 10.2 of the City Charter.** per Government Operations Committee

- B. Town of Berwick, ME Water Requests.** These items were discussed at the recent Public Works Committee meeting.
- **Standpipe Repair Related Water Request.** Attached is a copy of an email from the Town of Berwick’s Water Department. I have also included a copy of Council Resolution No. 2-13 passed on July 16, 2012, which authorized the attached Water Agreement for this project. The Agreement was never executed. I have also included a copy of the 1987 Intermunicipal Agreement.
 - **Bridge Rehabilitation Project Work Request.** Attached is a Memorandum with information from Director Sharples regarding Berwick’s desire to incorporate an all purpose utility (water) sleeve and *gas line sleeve* on the City’s side of the Bridge/ROW.
- C. Vote on Letter of Support for Regional Planning (SRPC) TIGER Grant application for Rail.** SRPC Executive Director Cynthia Copeland is requesting City support for their Grant application.
- D. Vote to Waive City Ordinance for UNITIL gas line construction permit to allow for night work (Chapter 13D Noise-Nuisance Control).** The suggested waiver timeline is: Tuesday, May 21st – Friday, May 24th between the hours of 8:00 pm – 6:00 am. for High Street work.
- E. Vote to ratify a 3-year Wage and Working Agreement between the City and the Somersworth Public Administrator’s Association.** Attached is a Memorandum that provides an outline of the Tentative Agreement with associated costs.

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

A. Informational Items:

- 1. Nonpublic Session.** I recommend the City Council discuss the possible purchase of the former Police Station in Nonpublic Session: IAW RSA 91-A:3, II (d) the consideration of the acquisition of personal property.
- 2. City Council Workshop.** I recommend the Council schedule a workshop to receive a presentation from Wright-Pierce Engineers regarding a summary of their evaluation of the City’s Water Distribution System. The Council meeting date of June 17th would work for them with a starting time of 6:00 pm.

B. Attachments:

1. City Department Head Monthly Reports.

After asking if Councilors had any problems with the proposed scheduling for the Wright-Pierce Engineers workshop, Mayor Spencer set the workshop for June 17, 2013 at 6pm.

Councilor Witham made a motion, seconded by Councilor Hebert, to amend this evenings agenda to discuss the Berwick, Maine water request under section 11-A. The motion passed.

NOMINATIONS, APPOINTMENTS AND ELECTIONS.

There were no nominations, appointments or elections.

TOWN OF BERWICK, ME WATER REQUESTS:

1. STANDPIPE REPAIR RELATED WATER REQUEST.

City Manager Belmore referred to Council packets which included copies of a previous agreement that was forwarded to Berwick regarding water for signatures, but which the town did not sign, and therefore, Mr. Belmore did not sign. He further pointed out that there was a stipulation for Berwick to pay an annual amount of \$500 to Somersworth to keep this water line in place if it were to be needed, which referred back to an agreement from 1987. Certain conditions were placed the last time this came up; other conditions may be placed at this time.

Councilor Witham sees this as being fairly straightforward; he thinks it is a simple request which was made in 2012. The annual rate was never collected. The Resolution passed 8-0 at their July meeting last year which included 4 predominant points. He is okay with this; make it happen, he said.

The City Manager said there was some difference of opinion originally because Berwick did not want to pay the prevailing rate and they didn't want Somersworth to meter it, so there were things that need to be ironed out. It was ready to be signed; they just pulled back and decided that they didn't need our water.

Sprague agreed. Our rates are our rates. We can't possibly allow another municipality buy our water from us cheaper than what we charge our citizenry. We'd be tarred and feathered and dragged through the streets as a Council. We passed it once. It is a no-brainer: we should pass it tonight and get on to the next issue.

Councilor Sprague made a motion to direct the City Manager to move ahead with prior authorization. Councilor Witham seconded the motion, which passed unanimously.

2. BRIDGE REHABILITATION PROJECT WORK REQUEST.

Councilor Sprague thinks that the discussion is whether the water line will be put back after the bridge construction. There is the question of both a water and gas sleeve being included in the upcoming construction. He does not dispute that that is a smart move.

He thinks there is mixed communications. His problem is if they connect and the gas line is not used within a certain time, then they will go back and disconnect it. That was his feedback from Unitil. He would like to do the connection off the main drag into Winter Street, so that if they do disconnect or even if they just don't connect, then the future connection would not (be such an upheaval.) He thinks maybe they could pass something contingent on getting acceptable feedback.

He made a motion to suspend the rules, seconded by Councilor (Pepin?) to allow anyone to speak as needed to address this issue. The motion passed.

City Manager Belmore believes that NH DOT leaves it up to the City to decide whether to place the sleeve on our side of the bridge or not. We need to make the decision whether to include this in the design.

Development Services Director Dave Sharples reiterated that in his discussions with the DOT, the City of Somersworth controls the right of way on the Somersworth side, so it is your decision, he said.

Councilor Pepin said he is concerned if they will need to do more digging later to install a line. He wants to be a good neighbor but does not want to do any digging later. He can't see us paying for something that has no benefit to us. ...It should be on Berwick's dime, not the City of Somersworth.

Mr. Sharples said that he was told that ME DOT was going to use federal funds to pay the cost of the multi purpose sleeve and then they would bill the Town of Berwick for the 20% match. Our money would not go toward those improvements. If you put in a multi-purpose sleeve without any pipe, you are going to have to dig it up. It only gets you under the moment slab so you are going to have to dig up the road to make a connection, at some future point. If it is water, just put in a line and go over to Winter Street and cap it and go through the bridge and cap it. Then to make a future connection, you wouldn't have to rip it up.

The City Manager is not trying to create drama, but (previously) in talking about the design of the bridge; the Council did not want him to authorize any type of water line design unless they had a new agreement and a water pit. Now is our leverage if you want anything, he said. ...He wants clear direction because (you, the Council) didn't want anything to do with a water line a few months back unless we had a new agreement and water pit design. The gas line is whole new item on the table.

Councilor Sprague said it has changed from a water line to now a utility sleeve. But he still wants to get it out of the main drag. Having the water line on our side of the road is no benefit to us whatsoever. Even on Berwick's dime, we still have a utility that is in the bottom of our road and if it is used we could have a water break on our side. It would be Berwick's dime, he understands that, but it is still not a pretty scenario to have a utility that could have problems. That is the decision; do we want to allow the utility sleeve to

come through on our side. If we could get it out to Winter Street, then fine, but he doesn't really want it on Market Street right now, to tell the truth.

Councilor Witham said that common sense tells him that the sleeve makes good sense for a future plan. We have been saying we will not pay for that because we will yield no benefit. The one issue that muddies this is, if in the future they want to hook up, then we have to dig up our pretty road, therein lies in the dilemma. ...We don't have to worry about them digging up the pretty road for five years unless there is an emergency. So five years out, what does that look like? Okay, dig up the road. We might have to dig it up anyway. He is fine with the sleeve. He is fine with the whole idea.

Councilor Soldati agrees. This is a tempest in a teapot; let's go ahead with the sleeve. She concurs with Councilor Witham.

Councilor Hebert wondered if Unitil is also in Maine.

Patrick Venne, Town Manager of Berwick, answered that Unitil is in Maine, but said that there are complications of whether they would go with Unitil in South Berwick or across the interstate line in Somersworth.

Mr. Venne said that Berwick has been contemplating two + possibilities: Water, gas or a multipurpose utility sleeve. At their last meeting the Board moved to authorize the design and construction, contingent on tonight's action, of one multi-purpose utility sleeve with no line in it. The purpose of that is to poke through the moment slab; concrete that holds the earth back when you dig under the railroad tracks. In the future if they want to install (water, etc,) they could work out the details. In the future, you, (the Somersworth Council,) could (add contingencies.)

Mr. Venne stated that the secondary issue is the installation of a gas sleeve encasement and a gas line. Berwick is interested in allowing immediate connection. We would like to bring that all the way across the bridge and connect immediately to Somersworth Unitil gas provision lines. ...The concerns raised are legitimate; he doesn't think anyone on the Berwick side would disagree. They want to just do whatever is practicable to connect as soon as possible. The issue is whether the PUC rules would allow you to have a dead ended or capped line. They don't have a user base presently. They do, but it is a small one, so they would like to cap it on their side of the river. They would like to facilitate, through the construction and design, immediate connection to Somersworth gas. Having a dead-ended gas line for more than 3-4 years would be the concern, unless he is misstating.

Councilor Sprague thinks Mr. Venne is confused on what he said. They can connect the gas line today, bring it across the bridge but where is going from that point? It is going to be capped, exactly right. Unitil says if it is capped for x number of years, if there is no usage, they are going to go back in the road in Somersworth and disconnect.

City Manager Belmore asked, respectfully, if they could dispose of the water issue and then get back to the gas.

WATER LINE DISCUSSION

Councilor Pepin is still having heartburn over the water line being put in. He doesn't know why they would just install a sleeve and then have to dig it back up again, why not extend the water line to that point. Have them put a meter pit in, have the water line terminate outside of the line, the line would be shut off, there is no water in it to freeze and then if they want to extend it later, let them go from that point.

Councilor Sprague said because it cheaper for Berwick.

Councilor Sprague said he is not going to sit there on Council and vote for it. He doesn't like it. If you get it onto Winter Street, he's happy with it.

Councilor Pepin understands the expense (part of it.) He is looking at that on our side, but if we have to dig it up, it is an inconvenience to the community; he is not comfortable with that. He is against just a sleeve. He has no problem with them going with a water meter and having a dry line to the edge of the bridge, then they can extend it later.

Councilor Witham agrees that they just deal with the water issue now. He understands what Councilor's Sprague and Pepin are saying about the cost issue. His dilemma is that after five years, for instance if a business on Market Street wants to hook up with gas, they will be digging. If a business on High Street wants to put in a sprinkler system, they'll be digging in High Street. After five years, our guarantees of the road staying pristine are gone, based on his understanding. He's not so concerned about that.

Councilor Witham made a motion to allow the utility sleeve to be entered into the design of the bridge. The motion was seconded by Councilor Soldati.

Councilor Sprague added the discussion of what benefit this is to us. We can't find the benefit. Maybe we should put something in that would trigger a payment every year, maybe the light comes down. Call me crazy, but that light is a problem. This is our bargaining chip. ...What's the value to us? If we are just going to put it through the wall like that, let's do the same thing for the gas line. Let's not connect the gas line because he has a fear that if it is connected, it is going to be disconnected. He doesn't see that use over in Berwick right now. Let's just allow that to go through that moment slab at this point in time, too. We're losing a lot of our bargaining with things on the other side of the bridge.

Councilor Pepin will be voting no ...simply because we are not sending the water line out through that wall. He would love to give Berwick as much help as they can but he feels that this is a disadvantage to our community.

Councilor Tapscott agrees, feeling that this addition, at the last minute, is being done on the cheap at our expense and he can't go with it.

Councilor Pepin said we just spent money all this money to put new water mains in and saying okay just tear it up, he just doesn't understand it.

The motion to allow the utility sleeve to be entered into the design of the bridge failed 3-5. (Councilors Pepin, Donohue, Tapscott, Jarvis and Sprague opposed; Councilor McCallion absent.)

GAS LINE DISCUSSION

Councilor Witham does not view the gas line the same at all, because that is less in our control; that is in Unutil's control.

Councilor Tapscott thinks there will be (problems) with gas and it being brought between two states.

Councilor Pepin has no problem with the gas line as long as they don't dig in Somersworth.

Councilor Sprague made a motion to approve that the Town of Berwick put a gas line through the moment slab as long as it bends around to Winter Street and out of our new project area and it can either be dead-ended or connected at that time. The motion was seconded by Councilor Pepin.

Councilor Tapscott wondered if it can be bent to connect onto Winter Street.

Councilor Sprague is not worried about it. If it can't be done, it can't be done. Get that line out of our project area. He is sticking up for us. If Berwick wants to talk to us again...

Councilor Witham wondered about this Unutil directive about the line not being used within a length of time. Do we have a formal communication from Unutil? Also- define "dig up".

Councilor Sprague thinks maybe he should expand the motion to be on Berwick's dime. ...Gas companies have changed how they do things. The PUC has problems now with connections.

Mayor Spencer suggested sending this to the Public Works and the Environment Committee.

Councilor Witham believes there are too many moving parts with this. ... This requires a resolution and should be run through committee. He can't support this motion.

City Manager Belmore agrees all costs should be incurred by Unutil and the Town of Berwick, with regards to design work and the bridge project, also with regards to engineering and our City project. They also need to make sure that our engineers are on

board as well as legal review. There are several components that they need to make sure of project monies where they may need to ante up 20%.

Councilors Sprague and Pepin both retract the preceding motion.

MAYOR Spencer said this will be sent to committee to get answers.

LAY ON TABLE.

LETTER FROM SCOTT KOHN, AFSCME/UNITED EMS WORKERS, LOCAL 4911

Scott Kohn had indicated to the City Clerk that he did not want his letter read at the meeting.

Councilor Tapscott made a motion to remove this letter from the table, which was seconded by Councilor Witham, and passed.

Councilor Tapscott made a motion to remove this letter from the agenda, which was seconded by Councilor Witham, and passed.

ORDINANCE NO. 12-13 FY 2013-2014 BUDGET.

Councilor Witham made a motion to remove Ordinance No. 12-13 from the table which was seconded by Councilor Pepin. The motion passed unanimously.

As Councilor Witham outlined, the following is the current Ordinance after being amended at the previous meeting by adding \$75,000 to the School Department budget for capital improvements to include all asbestos abatement at the Somersworth Middle School.

Somersworth, NH
May 6, 2013

The City Council of the City of Somersworth ordains that budgets for the City of Somersworth for the 2013-2014 Fiscal Year shall be:

DEPARTMENT

PROPOSED BUDGET

GENERAL FUND

Elected Leadership	\$ 119,811
City Management	407,324
Finance and Administration	1,115,818
Development Services	870,176
Police	3,373,708
Fire	2,027,493
Public Works	2,043,302

Other Expenses	1,366,817
Capital Outlay	267,263
Intergovt. Assessments – County	2,285,590
School Department	<u>25,482,232</u>

TOTAL GENERAL FUND **39,359,534**

ENTERPRISE FUNDS

Wastewater Department	2,312,743
Water Department	2,049,647
Solid Waste	<u>378,100</u>

TOTAL ENTERPRISE FUNDS **4,740,490**

TOTAL FY 2013-2014 APPROPRIATION **\$44,100,024**

This ordinance shall take effect upon its passage.

Introduced by

Mayor Matthew Spencer

By request

Approved:
City Attorney

Councilor Witham stated that the budget was put back on the table and there are some ideas spinning around for potential changes to the budget. He would like to consider these and thinks the sooner they can pass the budget, the better.

Councilor Witham made a motion to suspend the rules to ask the Fire Chief to speak about overtime replacement. He wants to make sure what is budgeted here covers 4 (firefighters) on at night and 3 during the day. The motion was seconded by Councilor Pepin. The motion passed.

Fire Chief Hoyle said that he had talked during the workshop about adding \$19,000 to cover weekend shifts. He said there were 56 vacant weekend shifts last year. Because of vacation time, last July, August and September, they were at three every weekend. During that time, they only got 2.5 firefighters back on recalls if they needed personnel for a fire or station coverage; they couldn't staff an engine or a ladder in those circumstances. He has asked for this additional \$19,000 in the interest of public safety.

Councilor Witham added that Chief Hoyle is around on weekdays.

Chief Hoyle mentioned that in their five peer communities, none drop below 4, day or night. He said that if they try to cover all daytime shifts, they are looking at \$50,000-\$55,000.

City Manager Belmore asked that this be rounded up to \$26,000 to cover associated retirement costs.

(This increase would be a little shy of 3 cents per thousand, increase on the tax rate.)

Councilor Witham, seconded by Councilor Hebert, made a motion to increase line #0901 by \$20,000 more and Line #1780 by \$6,000 more. The motion passed 7-1, (Tapscott opposed; McCallion absent.)

Councilor Sprague made a motion to increase line # 0240, Development Services Clerk by \$28,425, which was seconded by Councilor Pepin. CM Belmore referenced the document that outlined the breakdown of these increases. (This would be about another 3 cents on the tax rate.)

Councilor Witham asked to understand the rationale.

Councilor Sprague sees it as a valuable position for the whole department. With an uptake in the economy he believes this position (should) be full time.

City Manager Belmore outlined how this position supports Assessing, Code and covers when the Planning secretary is away.

Councilor Sprague said that we cut this position to save money several years ago. He said this fall, there is the potential of 160+ homes being built in (Sunningdale). Maybe next year we might be looking at a full time engineer again. Who knows? He doesn't want this qualified person to go on to another position.

Councilor Witham supports this. He commented that ...cutting positions, whether on the City or the School side is probably never the right thing to do. It also demonstrated how lean we do operate. A person takes vacation and there is perhaps no one to come to the customer service counter? That's pretty lean. We are trying to put some putty in some pretty wide cracks with this budget.

The motion passed as outlined in a memo from the Finance Director dated 05/09/2013.

Councilor Soldati moved to change the title of the Human Resource "Coordinator" to Human Resource "Manager." The motion was seconded by Councilor Witham. This is a very important position for the City ... so that this person has some stature. The motion passed.

Councilor Soldati said that they had discussed this as an eight month position, but she asked, we really want this to be a full time position, correct?

City Manager Belmore said that it is proposed as a new full-time position, budgeted for eight months with a pay range of between \$51,000 and \$66,000.

Councilor Soldati noted that the City Management budget is 57% higher than the previous budget.

City Manager Belmore said this is because of creating that new position as well as increasing the budget for the City Manager's Executive Assistant.

Councilor Sprague made a motion to increase the Road Resurfacing budget, line #9104, from \$150,000 to \$400,000. The motion was seconded by Councilor Hebert.

Councilor Tapscott asked how much a \$250,000 increase would increase the tax rate.

(30 cents.)

Councilor Sprague asked the cost of not doing repairs, saying it doesn't go away. He said the \$150,000 is not even close to where we ought to be. ...Even \$400,000 is not adequate. It's an easy item to cut until everything comes to roost.

Councilor Soldati said that she is losing track of the increases.

Finance Director Scott Smith said that with the changes made to this point, not including this amendment, the total budget is \$44,229,449 which is a tax rate estimate of \$30.56, reflecting an increase of \$1.62, so far.

Councilor Pepin knows they need to improve roads but he thought there was a bond coming up that he wants to look at. He has a hard time with a 30 cent increase.

Councilor Jarvis said this is way too high. This didn't happen over night and we won't get them back to where they should be overnight. She is not sure that this is the year to increase it.

Councilor Witham said it could be \$1M and we would still be playing catch up. They need to balance their list of needs with affordability. We are at \$1.62 (increase,) for very good reason. If it weren't for the discussion about bonding that they had, he would be more in favor. He'd love to put more in, but that amount is not tolerable and he can't support it.

The motion to increase the Road Resurfacing budget, line #9104, from \$150,000 to \$400,000 failed 3-5, (Pepin, Soldati, Tapscott, Witham, and Jarvis opposed; McCallion absent.)

Councilor Sprague made a motion to increase the Road Resurfacing budget, line #9104, from \$150,000 to \$350,000. There was no second.

Councilor Sprague made a motion to increase the Road Resurfacing budget, line #9104, from \$150,000 to \$300,000, which was seconded by Councilor Hebert. The motion

failed 2-6, (Pepin, Soldati, Donohue, Tapscott, Witham and Jarvis opposed; McCallion absent.)

Councilor Witham made a motion to increase the Road Resurfacing budget, line #9104, from \$150,000 to \$200,000, which was seconded by Councilor Soldati and passed 7-1, (Tapscott opposed; McCallion absent.)

Councilor Sprague made a motion to increase the Road Resurfacing budget, line #9104, from \$200,000 to \$250,000, which was seconded by Councilor Donohue. The motion failed 2-6, (Pepin, Soldati, Hebert, Tapscott, Witham and Jarvis opposed; McCallion absent.)

Councilor Witham made a motion that Ordinance No. 12-13, the Fiscal Year 2013-2014 Budget , as amended be approved, the motion was seconded by Councilor Pepin.

Councilor Sprague said that he had another motion.

The motion to approve the amended budget was removed with the consent of Councilors Witham and Pepin.

Councilor Sprague moved to increase the contingency fund, Line # 0999, from \$80,000 to \$200,000. Councilor Soldati seconded this motion.

Councilor Sprague asked the City Manager to verify that this fund has been typically used in the past for negotiations for increases in wages with unions.

City Manager Belmore thinks he supplied numbers to Council, he said that Council has taken action and considering action that will use up at least half of this.

Councilor Sprague asked if we were to purchase a small parcel, whether it would come out of this fund.

City Manager said that it could, if the contingency could handle it, or it could come out of the fund balance with a supplemental appropriation.

Councilor Sprague asked what happens to the money if it is not used.

The City Manager answered that it rolls back to the general fund.

Councilor Sprague asked, if this were increased to \$200,000, whether it would stay at that rate for the next budget even if they only used \$40,000.

City Manager Belmore said it would be up to the City Manager to make a recommendation. He usually level funds it. When he first began as City Manager it was up in the vicinity of \$150,000 to \$200,000.

Finance Director reiterated that with the approved amendments, the Council now is at an estimated tax rate of \$30.62. This would be an additional 14 cents, (and would bring it up to \$30.76: an overall increase of \$1.82,) which, if it were not used, would lapse to the general fund.

Councilor Sprague would like this to be the benchmark that they could set going into next year when the budget will be based upon the CIP-National Urban. At the \$30.76 increase, he asked what percentage increase that is from last year's budget.

Councilor Soldati said she is uncomfortable, if they vote on this tonight she will vote no.

Finance Director Smith answered that, including the proposed contingency increase of \$120,000, the City budget would be up \$743,000 which is about 6.7%, and the School budget is up about 2.6%. If he excludes this motion, then that would reduce it about a percent to about 5.7%.

Mr. Smith had estimated that with the tax cap in place, without any amendments, they would have had to reduce the budget by about \$600,000 to meet the tax cap.

Councilor Tapscott asked, before this last proposed amendment, what would be the effect of the increases on the taxes on a \$200,000 home in the City.

It would be an approximate \$336.00 increase.

Councilor Sprague said that is a valid question but does not quantify how the values of the homes will reduce by not providing services provided in this budget. Our assessed values are down. There is nothing in this (budget) book that he can find that we can cut that would bring us to a place of harmony.

The motion to increase Contingency, Line # 0999, from \$80,000 to \$200,000 failed, 1-7, (Pepin, Soldati, Hebert, Donohue, Tapscott, Witham, and Jarvis opposed; McCallion absent.)

Councilor Witham made reference to page C-89 of the budget book with the following: #9053-DPW Facility Back Up Generator, \$40,000; #9054-City Hall HVAC Control System, \$13,000; # 9062-Fire Gas Meter Replacement, \$3,400; # 9064 Replace PW Snow Plows for 1-Ton, \$9,550; # 9065 PW High Capacity Leaf Vacuum, \$4,756.

He made a motion to reduce the following line items to zero: # 9053, 9054, 9064 and 9065. Councilor Soldati seconded the motion.

City Manager Belmore reminded the Council that some of these are matching grant situations so that the actual savings will be half those amounts and he also mentioned # 9046- Back up generator City Hall, \$17,000.

Councilor Witham added that to his motion to reduce to zero.

Councilor Sprague will not support it because it de-leverages some money through grants.

Finance Director Smith said that the gross reduction is \$84,000, but the net impact is more like \$60,000, or about 6.6 cents. ...If this motion passes, it would bring the tax rate to \$30.56.

Councilor Soldati said that they have 56 cents to go as far as she is concerned. The 30 is killing her.

The motion to reduce line items # 9046, #9053, #9054, #9064 and #9065 to zero passed on a voice vote, with opposition.

City Manager Belmore proposed discussing the possibility of putting a few more dollars in from the fund balance.

Finance Director Smith said that they are still well within their fund balance, he said to keep in mind that they used \$350,000 to reduce the tax rate and they also used \$246,000 as a supplemental appropriation two months ago which brought them down about 9.4%. They have to close their books, so there will be some coming back in, he would think, which would put them around 8.7% as a fund balance. Well within the range of 5-17% that they have in their fund balance policy. To reduce the tax rate by about 56 cents, to reduce the tax rate to around \$30.00 would be an additional \$470,000 dollars you'd have to use.

Councilor Sprague asked how much is in the fund balance right now.

Finance Director Smith said almost \$3.7M in the unassigned fund balance, with the \$325,000 used in the current year budget.

City Manager Belmore said that last year they used \$350,000. This year he proposed using \$325,000; usually he is very conservative with what he puts on the table as far as what he uses to reduce the fund balance. They had grabbed \$246,000 directly from fund balance for projects, plus \$350,000, so they used almost \$600,000.

The fund balance is a rainy day fund which contains approximately \$3.7M.

Councilor Sprague asked if you could take \$200,000 from fund balance and put into contingency for going into a tax cap scenario.

CM Belmore said that yes, theoretically you could do that, but we certainly want to stay strong, fiscally. Things come up, for instance this year they used \$246,000 from the fund balance because contingency can't handle it. The other thing that happens, as well as staying in the required parameters, is that it helps with cash flow.

Councilor Sprague asked if we grabbed \$525,000 from that fund would we still be in respectable area that we want to be in.

Finance Director Smith, “Yes, we would still be within the parameters of the guidelines.”

Councilor Sprague suggested throwing \$200,000 into contingency and \$325,000 at the tax rate.

Mr. Smith said you can do that but putting \$200,000 in contingency doesn’t change the tax rate, it is a wash.

Councilor Witham reiterated that the Council has, he thinks, wholeheartedly supported the addition of a Human Resource Manager, increasing the Development Services Clerk position, increasing the hours of the City Manager’s Executive Assistant, adding \$75,000 to the School Department budget; staffing the Fire Department to a higher level on the weekends. Just think back to the last couple of budgets where we didn’t add anything, they still had a pretty hefty increase to the tax rate. To think that we can do these things without an impact on the tax rate is crazy. You just can’t do it. He is not super comfortable with where they are at. He thinks that they have done what they can do. We are grasping at straws.

He is prepared to act tonight.

Councilor Pepin agrees.

Councilor Witham made a motion to accept Ordinance No. 12-13, the Fiscal Year 2013-2014 Budget, as amended. Councilor Pepin seconded the motion.

Finance Director Smith recapped the amendments that were made, after stating that the original Ordinance was \$44,100,024. The bottom line of the budget to be passed now is \$44,195,243.00 with an estimated impact on the tax rate of \$1.62 to \$30.56. The bottom line number included the Enterprise Funds.

Ordinance No. 12-13, as amended, passed 5-3, (Soldati, Tapscott and Jarvis opposed; McCallion absent.)

UNFINISHED BUSINESS.

There is no unfinished business.

NEW BUSINESS.

ORDINANCES:

ORDINANCE NO. 13-13 AMENDING CHAPTER 4, PERSONNEL RULES AND REGULATIONS.

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

Amend Chapter 4 by deleting the Compensation Schedule in its entirety and replacing it with the following:

Personnel Rules and Regulations
FY2013-2014 Compensation
Schedule (2% Increase effective
July 1, 2013)

GRADE		HIRE	1	2	3	4	5
6	A	20,356.14	21,224.85	22,023.13	22,915.33	23,831.00	24,746.68
	H	9.7866	10.2043	10.5880	11.0170	11.4572	11.8974
7	A	21,342.25	22,140.53	23,126.64	24,042.31	24,911.03	25,216.25
	H	10.2607	10.6445	11.1186	11.5588	11.9765	12.1232
8	A	22,422.27	23,290.99	24,206.66	25,216.25	26,249.32	27,305.87
	H	10.7799	11.1976	11.6378	12.1232	12.6199	13.1278
9	A	23,549.26	24,488.41	25,474.52	26,507.59	27,540.66	28,691.12
	H	11.3218	11.7733	12.2474	12.7440	13.2407	13.7938
10	A	24,699.72	25,685.83	26,671.94	27,798.92	28,855.47	30,099.85
	H	11.8749	12.3490	12.8230	13.3649	13.8728	14.4711
11	A	25,967.58	27,024.12	28,033.71	29,160.70	30,358.12	31,579.01
	H	12.4844	12.9924	13.4777	14.0196	14.5952	15.1822
12	A	27,282.39	28,362.42	29,442.44	30,639.86	31,790.32	33,058.18
	H	13.1165	13.6358	14.1550	14.7307	15.2838	15.8934
13	A	28,644.16	29,771.15	30,992.04	32,259.90	33,504.28	34,913.01
	H	13.7712	14.3131	14.9000	15.5096	16.1078	16.7851
14	A	30,005.93	31,203.35	32,447.73	33,809.50	35,147.80	36,533.05
	H	14.4259	15.0016	15.5999	16.2546	16.8980	17.5640

GRADE		HIRE	1	2	3	4	5
15	A	31,579.01	32,870.35	34,161.68	35,499.98	36,838.27	38,293.96
	H	15.1822	15.8031	16.4239	17.0673	17.7107	18.4106
16	A	33,081.66	34,396.47	35,781.72	37,354.80	38,740.05	40,360.09
	H	15.9046	16.5368	17.2028	17.9590	18.6250	19.4039
17	A	34,795.61	36,204.34	38,646.14	39,139.19	40,688.80	42,308.84
	H	16.7287	17.4059	18.5799	18.8169	19.5619	20.3408
18	A	36,533.05	37,988.73	39,444.42	41,087.94	42,731.45	44,515.84
	H	17.5640	18.2638	18.9637	19.7538	20.5440	21.4018
19	A	38,293.96	39,867.04	41,510.56	43,224.51	44,891.51	46,722.85
	H	18.4106	19.1668	19.9570	20.7810	21.5825	22.4629
20	A	40,336.61	41,980.13	43,553.21	45,314.12	47,121.99	48,953.34
	H	19.3926	20.1828	20.9390	21.7856	22.6548	23.5353
21	A	42,308.84	43,975.83	45,807.18	47,591.57	49,493.35	51,418.62
	H	20.3408	21.1422	22.0227	22.8806	23.7949	24.7205
22	A	44,492.37	46,206.32	48,061.15	49,892.49	52,005.59	54,071.73
	H	21.3906	22.2146	23.1063	23.9868	25.0027	25.9960
23	A	46,675.90	48,554.20	50,385.55	52,475.17	54,564.78	56,771.79
	H	22.4403	23.3434	24.2238	25.2284	26.2331	27.2941
24	A	48,953.34	50,925.56	52,944.74	55,104.79	57,241.37	59,565.77
	H	23.5353	24.4834	25.4542	26.4927	27.5199	28.6374
25	A	51,418.62	53,555.19	55,621.33	57,922.25	60,293.61	62,664.97
	H	24.7205	25.7477	26.7410	27.8472	28.9873	30.1274
26	A	54,048.25	56,583.96	58,321.39	60,692.75	63,228.47	65,599.83
	H	25.9847	27.2038	28.0391	29.1792	30.3983	31.5384
27	A	56,630.92	59,025.76	61,326.68	63,862.39	66,421.58	68,980.78
	H	27.2264	28.3778	29.4840	30.7031	31.9335	33.1638
28	A	59,495.33	61,913.65	64,261.53	66,867.68	69,614.70	72,361.73
	H	28.6035	29.7662	30.8950	32.1479	33.4686	34.7893
29	A	62,453.66	64,989.38	67,525.09	70,201.68	73,160.01	76,024.42
	H	30.0258	31.2449	32.4640	33.7508	35.1731	36.5502

(2% increase of minimum and maximum effective July 1, 2013)

Grade		MINIMUM	MAXIMUM
25	A	52,639.10	67,093.84
	H	25.3073	32.2567
30	A	66,831.99	81,482.77
	H	32.1308	39.1744
31	A	73,009.74	88,830.64
	H	35.1008	42.7070
32	A	73,693.45	89,784.89
	H	35.4295	43.1658
33	A	77,429.39	94,155.71
	H	37.2257	45.2672
34	A	81,336.27	98,941.63
	H	39.1040	47.5681
35	A	85,414.08	103,849.65
	H	41.0645	49.9277
36	A	89,711.64	109,050.67
	H	43.1306	52.4282
37	A	94,106.87	114,422.62
	H	45.2437	55.0109

This Ordinance will take effect upon its passage.

Introduced by Councilors:

Robin S. Jarvis

Dale R Sprague

Jennifer Soldati

Approved:
City Attorney

Mayor Spencer indicated that this will lay on the table until the next meeting.

RESOLUTIONS:

RESOLUTION NO. 32 – 13 AUTHORIZE THE CITY MANAGER TO AMEND THE LEASE AGREEMENT WITH NEW CINGULAR WIRELESS PCS, LLC OF NORCROSS, GEORGIA.

Somersworth, NH
May 20, 2013

WHEREAS, the City Council of the City of Somersworth authorized the City Manager to sign a lease agreement with New Cingular Wireless PCS, LLC to lease space on the Noble Pines water tower and on the adjacent land to install and maintain equipment for the purpose of transmission and reception of wireless communication signals, and

WHEREAS, New Cingular Wireless PCS, LLC (through its Manager, AT&T Mobility Corporation) has contacted City staff and made a request to expand the equipment allowed through the lease agreement by adding 3 (three) new antennas, and

WHEREAS, they have further agreed to amend the lease by increasing the annual rent paid to the City by \$5,100 (Five Thousand One Hundred dollars) per year,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to amend the lease agreement with New Cingular Wireless PCS, LLC to allow the installation of 3 (three) new antennas, to increase the annual rent due the City of Somersworth an additional \$5,100 (Five Thousand One Hundred dollars) per year, and on such other terms and conditions as the City Manager may determine to be in the best interest of the City.

Introduced by Councilors

Robin S. Jarvis
Dale R. Sprague
Jennifer Soldati

Approved:
City Attorney

Mayor Spencer said that this will lay on the table until the next meeting.

OTHER:

DISCUSSION OF CITY COUNCIL AND SCHOOL BOARD MEMBERS' COMPENSATION PENALTY-SECTIONS 3.6 AND 10.2 OF THE CITY CHARTER.

Councilor Tapscott said that the Government Operations Committee met and discussed the section (of the Charter) which includes “the compensation reduced by \$50 regular meeting missed by such an elected official.” He said that they all know that they attend more than two meetings a month. He believes Councilor Soldati was questioning whether they ought to be penalized for missing a meeting. They want to bring this to the Council for discussion to consider whether it ought to be amended.

Councilor Soldati understands that some Councilors feel that other Councilors are not there as often as they want them to be. Her feeling is that that is what the ballot box is all about. If voters don't feel that they are getting full representation, let them vote the person out. ...

Councilor Pepin thought this was part of the charter amendments. The voters did vote on it. If you are amending it, he said, that is where his problem lies.

Councilor Soldati said that technically the voters agreed to this, but the idea came from within the Council. She doesn't have a problem with elected officials getting paid. There is a lot of time put in.

Councilor Jarvis believes there is also something in there if you miss a certain number of meetings. Most of the absenteeism is legitimate. But if someone is consistently absent, there has got to be something to cover that.

Councilor Tapscott said you are talking about “recall.”

The City Manager said that the Government Operation Committee wants to get a sense from the Council as to whether they are in agreement with this. They are waiting on some information about other charter changes from the City Attorney. Part of the discussion, 3.6 in the City Charter, “the Council may determine the salary of Councilors by Ordinance” and then it gives some parameters. The City Attorney determined that it would be okay to come up with language to let the compensation be dictated by Ordinance and then the City Council can change the pay parameters from time to time and not have to go through a charter change all the time.

Councilor Soldati said that it is currently in the charter, so they would have to amend the charter all over again. There are also other things in the charter that need to be fixed.

Councilor Witham is fine with Council moving forward with a proposed charter change for the penalty. That makes sense to allow greater latitude in terms of language. There are a number of other proposed charter changes that they had hoped to get on the last ballot, but the Secretary of State said, not this year. (These would include, for instance,)

how we fill Council vacancies. Government Operations may be looking to include this as well. He reminds Council that you have to be careful with how many charter changes you propose as a simple amendment because at some point in time you reach a threshold where the Secretary of State says you have to have a charter commission again. He doesn't know what the threshold is, but he senses we are probably knocking on the door to that.

Mayor Spencer reminded (the Government Operations Committee) that they still have an issue with Library Trustees, that needs to be looked at, he said.

Councilor Tapscott agrees with Councilor Witham, there already are several changes proposed.

VOTE TO SEND LETTER OF SUPPORT FOR REGIONAL PLANNING (SRPC) TIGER GRANT APPLICATION FOR RAIL.

Councilor Tapscott, seconded by Councilor Pepin, made a motion to send a letter of support for Regional Planning (SRPC) TIGER Grant Application for Rail.

Councilor Sprague would like there to be something in the letter letting them know we are in support but that we also want to look at the commuter/passenger aspect of it. He doesn't want to take our eye off this.

The motion passed.

VOTE TO WAIVE CITY ORDINANCE ON UNITIL GAS LINE CONSTRUCTION PERMIT FOR NIGHT WORK (CHAPTER 13D NOISE/NUISANCE CONTROL.)

Councilor Sprague said this would allow Unitil, from 8pm to 6am, to do night work for three days on High Street.

Councilor Witham is fine with this; no cost is incurred by the City. Once we get further into this rehabilitation project, it is going to be disruptive to the business community. They will try to be as business friendly as possible but most of that work will probably be done during the day. This is one piece that will be a little less disruptive but to suggest that it will be that way throughout the next few years is not true.

Councilor Sprague said, to Public Works staff, the intent is to have the work done from 8pm to 6am, he doesn't expect work to continue after 6am. He hopes they have thought about this.

The motion passed.

VOTE TO RATIFY A THREE-YEAR WAGE AND WORKING AGREEMENT BETWEEN THE CITY AND THE SOMERSOWRTH PUBLIC ADMINISTRATOR'S ASSOCIATION.

Councilor Tapscott, seconded by Councilor Pepin, made a motion to ratify a three-year Wage and Working Agreement Between the City and the Somersworth Public Administrator's Association.

Councilor Witham indicated that he will abstain from this vote as he missed the details.

The motion passed, (Councilor Witham abstaining, Councilor McCallion absent.)

COMMENTS BY VISITORS.

There were no comments by visitors.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Witham said that he is now the President of Babe Ruth Baseball. Yesterday, there were juveniles on razor scooters on the splash pad at Noble Pines hitting against the spray elements. He called the police. It occurs to him that there is fair amount of nuisance vandalism at Noble Pines. If Chairman Pepin is so inclined, he would like to have a Recreation Committee meeting about vandalism and security and he has some thoughts he would like to share at a committee level meeting. He would also like to add as an agenda item: dogs in public parks. The issue of unleashed dogs at Noble Pines is prolific.

Mr. Witham expressed concern about trees over lights but said Public Works has taken care of that. He appreciates their prompt response.

Councilor Tapscott, seconded by Councilor Witham, made a motion to suspend the rules to go beyond 10pm. The motion passed.

Councilor Soldati asked if we have an Animal Control Officer. We do. She then advocated for a dog park to encourage people to have a place to let their dog off leash to get real exercise. Walking on a leash is not real exercise for a dog, she said. We have a lot of land over at Malley Farm. Just a thought.

Councilor Pepin said that he had forgotten to say, on behalf of the Chair of the School Board, that the Board appreciates all the effort from the Council and how it has improved the Schools so much.

Mr. Pepin also said that he sounded negative to Berwick and that was not his intent. His intent was just to keep our community looking decent. He does not want to dig up the road five years down the road. If Berwick wants to come back and actually extend the water main through the concrete, he will vote for that. He wanted to make that clear.

Councilor Sprague hopes they can clarify and maybe do something with Berwick. He thinks they are just trying to make it easier on their budget and he understands that.

Mr. Sprague had a very hard time when Mr. Crichton was made Commissioner to the Housing Authority. He thinks he has lived in our community and has a lot of strong ties both to the community and to the Housing Authority, but he does not live in the City; he doesn't live in the State. He wants to make notice of that. He doesn't want outside forces controlling the future of Housing in the City. For it to happen one time and then to have it happen again and not to have it mentioned, to have a Councilor have to ask the question, he finds it disingenuous. That's all he's going to say on that note right now.

Mr. Sprague said that he is having shoulder surgery on Friday and would open any cards that anyone sent him.

He said that the Hill open house with the yard sales over the weekend was tremendous. He lives on Page Street and ... he hopes it is something that they do every year. It was a hit.

Councilor Hebert commented on the Somersworth Housing Authority, he said it to the Mayor at the time that he appointed people who had been suggested to him, and he is assuming that, he thinks that the Committee should have been people who are unrelated to it and just totally out of that area to make the decisions that they made. At the Chamber of Commerce on Friday, he heard that according to the newspaper, the three attorneys who were appointed were not collection attorneys. So getting the money back, close to a million dollars, from the family living in Rochester, who knows where that is going? He wants to say that he thinks it was an error to appoint those people. People should have been taken from outside the area of Somersworth Housing.

Councilor Soldati wants to address Councilor Sprague's observation in terms of residency of Commissioners. She doesn't know how many Commissioners there are. Three? Five? (Five.) But they have now two who don't live in this state. One more and they will be a majority. She has a problem with that and she has a problem with this "no one is coming up with names to propose to the Mayor, consequently he's forced to put out-of-state-ers as the governing body of our Commission." We need to keep our governing bodies from the state if not from Somersworth.

FUTURE AGENDA ITEMS.

Councilor Donohue requested a workshop for the Friends of Somersworth to meet with the full Council which was set to be held prior to the next Council meeting on June 3, 2013 at 6pm.

Per Councilor Witham's request, the following two items will be considered by the Recreation Committee:

- Vandalism at Noble Pines
- Dogs in Public Parks

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

There was a motion by Councilor Witham, which was seconded by Councilor Tapscott, to go into non-public session (in Accordance with RSA 91-a:3, II (d) the consideration of the acquisition of personal property.) The motion passed 7-1, (Jarvis opposed; McCallion absent.)

The Council went into non-public session at 10:13pm.

Motion by Councilor Witham to come out of non-public session at 10:30pm. The motion was seconded by Councilor Tapscott and passed unanimously.

ADJOURNMENT.

Motion by Councilor Witham to adjourn. The motion was seconded by Councilor Tapscott and passed unanimously.

Elise B. Brellis, Deputy City Clerk

Matthew L. Spencer, Mayor