

MINUTES OF CITY COUNCIL MEETING

NOVEMBER 10, 2014

Mayor Hilliard called the meeting to order at 7:00 p.m., and upon roll call, the following members were found present: Pepin, Soldati, McCallion, Messier, Tapscott, Witham, Collins and Sprague. Absent: Hebert.

MINUTES OF PREVIOUS MEETING.

Councilor Pepin moved to accept the minutes of the October 20, 2014 Council meeting as recorded. The motion was seconded by Councilor Tapscott, and passed 8-0.

COMMENTS BY VISITORS.

Beth Poulin, 12 Grove Street, said she is here representing the Somersworth Christmas Parade Committee. The theme this year is "Believe." There will also be a winter gala. The gala will take place on December 6th beginning at 1:30 p.m., and the parade will be at 2:00 p.m. The Somersworth Plaza on Main Street will be transformed into a winter gala with a stage for continuous performances, exhibits such as Wild Life Encounters, ice sculpting, a parade-viewing area, and so much more. The event will close at 4:30 p.m. with a fireworks display. They are very excited about it and hope to see everybody there.

Arthur Hendrickson, 105 High Street, said he has been a Historic District Commissioner for many years. He finds it disturbing that for all the years he has served on the HDC many citizens have come before the board. There are rules on what they can and cannot do on their property in order to maintain the HDC, which is the largest in the State of New Hampshire. The City, however, feels they do not have to come in front of us. They do not have the courtesy to come before them and tell them what they are doing. For many years they have not allowed people to have landscaping blocks in the HDC, but the City is doing it now on High Street. Nobody came before the HDC to tell them what they are doing. That doesn't seem right to him. Why does he have to make other people bend to our policies when the City feels it can do whatever it wants?

Mr. Hendrickson said it is a disaster in front of his house. The elevation went from 7" to 31". Councilor Witham graciously came to him the other day to try to speak of ways to fix what they are doing on High Street. He talked to him about a two-tiered project where recycled granite would be used, filling it in with paving stones, then perhaps putting some planters there. He doesn't feel this would be right. The City actually has \$40,000-\$50,000 worth of granite out here in front of City Hall, which isn't even historic. Now you are talking about what can be done as a bandage to the gaping wound in front of my house, not even knowing if it is going to work. His house is one of the main houses on High Street. The City changed the contour of the ground. He didn't ask for that. His house is the third oldest house in Somersworth. This did not come in front of the HDC. This never would have been allowed in the HDC, but yet you want me to

accept it. You ruined the value of his property because it is not going to be level anymore. He doesn't know where to go with this. There was nobody out there doing any work today. We are going to hit the snow soon and this is going to carry over to next year. He doesn't know if his retaining wall is going to hold until then. They backfilled it a little bit.

Mr. Hendrickson said his biggest issue is there is no communication here from Planning. There is no courtesy. As one of the HDC members, he has not seen a member of Planning one time come up here and tell us what they are doing. They tell me the City is exempt from HDC rules, but yet nobody comes and talks to them. He doesn't get it. He has had his water shut down many times, has had the wires ripped out of his house, yet nobody talks to them.

Mr. Hendrickson said when someone comes before the HDC, by the time they leave the meeting the board members have a vision of what they want to do. He has no vision here, because nobody is telling him what is going on. He is putting his tax money in escrow, because he has no idea where this is going. His feeling is that he is not going to have a sidewalk.

MAYOR'S REPORT.

- For 40 years Chief Dean Crombie has been awaking each morning and rededicating himself to the motto of "Protect and Serve." Service in any career or profession for 40 years is to be respected and admired. Throughout his career in law enforcement Chief Crombie has brought pride and respect to the uniform. His dedication and commitment to community policing has aided in Somersworth maintaining its Yankee values and becoming a desirable location throughout the State. On behalf of the citizens of Somersworth I would like to recognize Chief Crombie in reaching this personal milestone.
- In my last Mayor's report I announced how in response to addressing area drug use concerns I will be attending the NH Community Behavioral Health Association Mayor's round table on mental health and substance abuse. The event will take place on November 18th at the NH Institute of Politics at St. Anselm's College. In addition to attending this event, I believe we have reached the point within our community where we must take the next steps in acknowledging that a drug problem does indeed exist. While our community is not the only one experiencing this social crisis, it is our responsibility to first recognize that a crisis does indeed exist, and then come up with working solutions that offer hope and alternatives.

I am, therefore, announcing this evening the appointment of a Drug Use Task Force. The purpose of the Task Force will be as follows:

1. Study and examine the community-wide drug problem. Explore, develop and report feasible policy creation and solutions to help combat future problems.

2. Engage the community in the recognition of the problem which exists within our community and surrounding communities. Allow feedback from the community on ideas to help render solutions.
3. Report back to the Mayor and Council on findings and recommendations by September, 2015.

The Task Force will be comprised of the following members, some of whom I am appointing this evening:

- a) Five members of the community at large
 - b) Steve McKenzie (Chair)
 - c) Sarah Flynn
 - d) Mark Sipple
 - e) Meme Poulin
 - f) Cristy O'Brien
 - g) Representative of the Police Department
 - h) Representative of the Fire Department
 - i) Two members of the School District: Amy Michaels and Maureen Jackman
 - j) Member of the Clergy: Mark Rideout
 - k) Representative of American Ambulance
 - l) Member of the City Council
 - m) Member of the business community: Debra Hendrickson
 - n) Student
 - o) Member of the School Board
- The next Mayor Community Forum is scheduled for Saturday, November 22nd from 9:00 a.m. to 10:30 a.m. The purpose of the forums is to allow community input and dialog in a non-formal setting. Hosting the November 22nd forum with me will be At Large City Councilors Witham and Tapscott, in addition to At Large School Board members Austin and Brennan.
 - The Somersworth Christmas Parade and Gala is scheduled for Saturday, December 6th from 1:30 p.m. to 4:30 p.m. The parade will highlight the full community spirit and bond that all of us share as residents of Somersworth. The gala scheduled for before and after the parade will host a variety of performances and end with a fireworks display. Anyone interested in participating or offering support should contact parade committee members. I, along with the full committee, am excited that this is shaping up to being a very unique event for the full seacoast to help spark the holiday spirit.
 - Speaking of spirit, nothing says community spirit like having your own donut. Last month the City Manager, Superintendent of Schools and I had the pleasure of unveiling the new Somersworth pride donut located at the Dunkin Donuts on Route 108. I would

like to thank the management of Dunkin Donuts for working with me in helping this come to our community.

- Thank you to Councilor Soldati for her superb job in running the last Council meeting while I was in Greece and Turkey. Democracy will always carry on.
- Last Friday, in my professional life, I had the honor of listening to an essay composed by 8th grader Zach Brown. Zach's essay was read as part of the Middle School's community day celebrating the dedication and sacrifices of our veterans. While I am never at a loss for words, I also can appreciate when someone is able to convey a message and reach an audience. Zach not only was able to accomplish both, but also made his message meaningful and memorable. I will be reading Zach's essay as my formal remarks tomorrow night at the American Legion Veteran's Day celebration. I will also share his essay with you this evening in honoring all our veterans. On behalf of the City of Somersworth and 8th grader Zach Brown, thank you for your service to our nation and for safeguarding democratic values for the world.

WHAT DOES IT MEAN TO BE A VETERAN

There are two words that apply to a veteran, heroic and patriotic. You're heroic because without you and without any branches of the military, the star spangled banner might not be waving and there might be no land of the free. You're patriotic because you know the 13 bars and 50 stars are more than just cloth and dye, they represent the United States of America. You fought for the flag, you went into harm's way and risked your life for that flag. A veteran is more than just a title, it shows that you saw, by the dawn's early light, that you wanted the US to be more than a world superpower, you wanted everything for your homeland. There's no way to describe how much respect I have for you, whether you went overseas or not, you had the guts to enlist. Thank you for your dedication to our country, and welcome home.

Zach Brown
8th Grade
Somersworth Middle School

REPORTS OF STANDING COMMITTEES.

ECONOMIC DEVELOPMENT COMMITTEE.

Councilor McCallion reported this Committee met on 11/07/14 at 8:00 a.m.

They discussed SB 347, legislation relative to allowing New Hampshire cities and towns to issue summons for land use violations, and felt we should have some type of workshop in December or January to bring everybody up to speed on what we have been working on for several years now. They have had the Code Enforcement Officer chime in on it, and also the City Prosecutor.

They will also have the City Attorney at that meeting. The passage of this bill would help us to move in the right direction. They have also asked the Housing Authority to come in for educational purposes down the road for landlords in the City. There was also some talk with them about their possible interest in the former police station building. No commitments were made.

They also discussed Constitutional way. They decided to bring this up at a later date when all the construction is done.

REPORTS OF SPECIAL COMMITTEES.

COAST BOARD OF DIRECTORS.

Councilor Pepin reported this Committee met on 10/22/14.

- The staff at COAST has been working closely with businesses at the Pease Tradeport to try to get them to use the commuter services. That is going well.
- On 10/01/14 staff had a meeting with Exeter, Newmarket, Stratham, Greenland and Portsmouth which is Route 7 to discuss financial problems because of low ridership. COAST does not want to abandon the riders that are using it, so they are trying to work with the communities to find out if there is some way to accomplish cost savings so they can keep the service going for these people. They are working with these towns at this time.
- The Board approved \$140,000 to purchase 3 small ADA vans. This will replace 2 they have now, and they will have one for a backup.
- The bylaws will be coming up for a vote at their November meeting.

CTC RENOVATION COMMITTEE.

Councilor Pepin reported this Committee met on 10/23/14. They discussed many items such as how the building should be laid out, what programs should be offered, etc. They are still gathering information that will be presented to the State.

FIRE STATION ADVISORY COMMITTEE.

The Committee met on 10/24/14. They went to the Dover Fire Station for a tour. They sat down with the Fire Chief and went through the procedures of the steps they went through for building their Fire Station. In our case, the codes have changed completely since our Fire Department was built.

This Committee also met on 11/07/14. They are at the point where they are gathering all the information and will be putting it together for a presentation to the Council.

SCHOOL BOARD.

Councilor Pepin reported he attended a School Board Meeting on 10/28/14. They talked about special education and the fact that it is hard to come up with a solid number because it is always changing. They may have to freeze their budget soon. They have ten new special education students they were not planning on.

SUSTAINABILITY COMMITTEE.

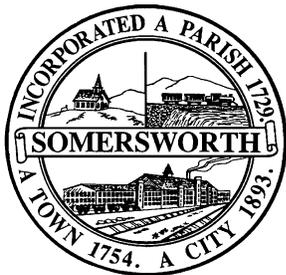
Councilor Soldati reported this Committee met on 10/16/14 and discussed the following:

- Mr. Fox Composting came and talked to the Committee about implementing a composting program in Somersworth schools. He did point out that Somersworth schools use mostly disposable products. Before we could even think about implementing this type of program in the schools we would need to work on waste reduction.
- They also discussed conducting an energy reduction project in the schools.
- There was discussion about the City's purchasing policy, which requires purchasing according to lowest bid. They are going to be looking at ways to identify green alternatives to products already used by the City and come up with some sort of plan that doesn't cost more money.

RAIL SERVICE ADVISORY COMMITTEE.

Councilor Sprague reported this Committee met on 10/21/14 for purposes of brainstorming. The Committee will be meeting again on 11/18/14.

CITY MANAGER'S REPORT.



CITY OF SOMERSWORTH

Office of the City Manager

TO: Mayor Dana Hilliard and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, November 7, 2014

**SUBJECT: City Manager's Report for Monday, November 10, 2014
City Council Agenda**

6:00 p.m. – Workshop with School Board and SAU Superintendent, Jeni Mosca.

6:15 p.m. –Workshop for an Update from HTA Engineer, Bill Davidson on the Downtown Infrastructure Project and Presentation from VHB Engineer, Greg Bakos Regarding TE Grant Project Changes.

6:45 p.m. – Public Hearing

Re: Ordinance No. 8-15 Amending Chapter 13, Police Offenses, Section 3.3, One Way Streets Relative to Main Street for Northerly Traffic Only between Station Street and Market Street.

Lay on the Table (under Section 12 of Agenda)

Ordinances:

- A. Ordinance No. 6-15 Amend Chapter 13, Police Offenses, Section 3.3 One Way Streets, Relative to Constitutional Way.**

Other:

- A. Authorize City Manager to Sign Unutil Agreement to Extend Natural Gas Service to Former Police Department Building.**

New Business (under Section 14 of Agenda)

Ordinances:

- A. Ordinance No. 8-15 Amend Chapter 13, Police Offenses, Section 3.3,One Way Streets Relative to Main Street for Northerly Traffic only Between Station Street and Market Street.**

Other:

- A. Discuss Former Police Station Building Site – Request of Councilor Denis Messier.**
FYI – The Economic Development met on Friday, November 7th. The disposition of this property was part of their meeting deliberations.
- B. Vote to Authorize the City Manager to Sign Agreement to Delay Eviction.** The property owner/resident is working with appropriate social service agencies to secure funding to remain in her home. She is battling an illness and needs more time. This “Draft” Agreement was written by City Attorney. Please consider approving City Staff’s recommendation for approval to allow an eviction stay with this Agreement.

I received another request from the owner of 109 Sherwood Glen, and ask that you consider allowing them another 30 days. They would pay \$8,000 by 12/15/14, and the remaining balance would be due 30 days later.

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

A. Information Items:

- 1. Tax Rate.** Attached is a memorandum that provides a detail breakdown of the City’s tax rate for 2014 as recently set by the NH Department of Revenue Administration. The 2014 rate is set at \$31.14 which is a .67 increase. Property Tax Bills will be mailed out the week of November 10th.
- 2. Highway Safety Grants.** I wanted to share that the Police Department submitted Grants for Cruiser Laptops (maximum of \$10,000) and a Radar Speed Display Trailer (maximum of \$6,000). It will be a few months before we know if we receive these Grant requests.
- 3. Goal Session.** I wanted to remind you that an annual Goal Session follow-up meeting is presently scheduled for Saturday, November 15th at 10:00 a.m.
- 4.** I also want to express my sincere appreciation to all our men and women, past and present, who protect our country with a particular shout-out to my son, Marine Captain Justin Belmore. Today marks the 239th anniversary of the Marine Corps.

B. Attachments:

1. City Attorney Certifications: One (1).
2. Department Head October Monthly Reports.

Without objection from the Council, Mayor Hilliard placed the vote to sign an agreement to delay eviction for two separate properties under New Business, Other, Item B.

NOMINATIONS, APPOINTMENTS AND ELECTION.

Mayor Hilliard stated that in accordance with the City Charter he is appointing two individuals this evening. Councilor Collins will now be Chair of the Vision 2020 Committee. He is also appointing Thomas Kefalas as a member of the Downtown Parking Committee.

NEW BUSINESS.

ORDINANCE NO. 8-15 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.3 ONE WAY STREETS RELATIVE TO MAIN STREET FOR NORTHERLY TRAFFIC ONLY BETWEEN STATION STREET AND MARKET STREET.

Somersworth, NH
November 10, 2014

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

Amend Chapter 13, Police Offenses, Section 3.3 One Way Streets by adding the following:

Upon being designated and signs posted, the following streets shall be one direction for vehicular traffic:

- Main St., for northerly traffic only between Station St. and Market St.

This ordinance shall take effect upon its passage.

Introduced by
Mayor Dana S. Hilliard

Councilors:
Dale R. Sprague
David Witham
Denis Messier
Brian Tapscott
Jonathan McCallion

Approved:

City Attorney

Councilor Witham made a motion to suspend the rules in order to have a second reading of Ordinance No. 8-15 tonight. The motion was seconded by Councilor Sprague and passed by unanimous voice vote.

Following the second reading of Ordinance 8-15 by title, Councilor Witham moved for adoption. The motion was seconded by Councilor Soldati. Ordinance No. 8-15 passed by unanimous roll call vote.

OTHER:

A. DISCUSS FORMER POLICE STATION BUILDING SITE – REQUEST OF COUNCILOR DENIS MESSIER.

Councilor Messier said he would like to start the discussion about what we are going to do with this building. We have had a proposal to tear it down and put in a park which went by the wayside because we wanted to try to sell it. Nobody wanted to bid on it, then one person came to us and said they were interested, then they backed out. The question is at what point does the Council decide what it is we want to do with the building? He wanted to start a dialogue about what our vision is for this building.

Mayor Hilliard commented that the Economic Development Committee was called upon to review all of the uses and future uses of the current vacant City properties. They are currently doing that and will be presenting findings back to the Council.

Councilor Witham said the person that was potentially interested in the building backed out for a variety of reasons. There still is an inclination of development there. They have had some discussions with the Housing Authority. This building still has a glimmer of hope, so he would encourage the Council to give it a bit of time.

Councilor Soldati said she still does not like the building. She thinks it is an eyesore. She would like to see it torn down and the park extended.

Councilor McCallion said with the investment we have just made in the downtown we've had more activity than we have had in the last few years. The last person that was interested backed out, but he thinks we are in discussion with another person. We will have a better idea come January or February.

B. VOTE TO AUTHORIZE THE CITY MANAGER TO SIGN AGREEMENT TO DELAY EVICTION.

#306 Sherwood Glen:

Councilor Sprague said he has an issue with this. These are some properties that were handpicked by the Finance Committee that were 10 years behind in their taxes. There is a precedent that can be set here. He wonders if we are serious here as a Board. Apparently the reality has set in for them and we are just hearing from some of them. He knows that people have medical issues, etc. but this has been ten years that taxes have not been paid. He feels that this is going down a road where we cannot turn around.

Councilor Witham said there is a word that describes these types of situations, it's called a conundrum. The pragmatic part of him is looking out for the City's finances. The other half is the humanistic part of him that says you need to have some understanding for people who are down and out on their luck. He asked the City Manager what would happen if we were to send this item to committee for review?

City Manager Belmore replied we are trying to meet certain timelines for the eviction process. Generally speaking we do not work out agreements, but if there are special circumstances he will bring that to the Council's attention for authorization or denial. Goodwin Community Health contacted us regarding one of the property owners and indicated there are some issues they are trying to resolve. The second property owner is no longer living there with his family. He indicated he was able to come up with some of the money and asked if we could give him a little more time to come up with the rest of it.

Councilor Soldati said she tends to agree with Councilor Sprague. Some people have been evicted. She was told they could not make arrangements because of how the State Statute reads. She has concerns about how we define special circumstances. These are people that are more than 10 years behind in paying their taxes.

City Manager Belmore said he does not have the authority to make these agreements. That is why he brought this to the City Council.

Councilor McCallion said that being on the Council for many years he has seen properties come up where they did not pay their taxes, and we did not take over the property because we did not want the liability. Within the last two years we have started to take some of the properties. The Finance Committee determined to take the properties that were the furthest in arrears. If we approve these agreements, we might be able to recoup some money. He feels we should set some parameters for the future.

Councilor Pepin asked if we would have to pay park rent on the properties if we do evict them. We have to take that into account also.

Councilor McCallion moved to suspend Council rules to allow Finance Director Smith to speak. The motion was seconded by Councilor Witham and passed unanimously.

Finance Director Smith stated the City has taken these properties and started eviction process. The day they were to quit was today. We normally go to court to get a writ of possession and the judge usually gives them more time to leave the property. We have generally always given people an additional 30 to 60 days to vacate the property. During that entire time, the City is on the hook for the rent and utilities. In this instance, we are shortstopping that. One of the property owners is willing to pay 80% of what is due on signing the agreement, and the balance within 30 days. When we take property, before we can sell it the first thing we have to do is go back to the tenant and ask if they want to buy back the property. Hopefully we can take care of the entire process within a 30 day window. If they do not come up with the money, we can go back to court for the writ of possession.

Councilor Sprague said this is what landlords go through. His understanding is that we have already taken these properties. At least if they sign these agreements we are giving them more time to come up with the money. He will probably support this.

Councilor Soldati said she will support this tonight. She suggests that we refer the whole issue back to the Finance Committee to come up with some clear guidelines on how to handle these situations.

Councilor Witham agreed to take up this issue at a Finance Committee meeting.

The Council voted to approve authorizing the City Manager to sign an agreement to delay eviction regarding property located at 306 Sherwood Glen by unanimous voice vote.

The Council voted to approve authorizing the City Manager to sign an agreement to delay eviction regarding property located at 109 Sherwood Glen by unanimous voice vote.

C. CITY COUNCIL CERTIFICATION OF RETURN OF VOTES FOR SPECIAL MUNICIPAL ELECTION HELD ON 11/04/2014.

Councilor Witham moved to certify the return of votes for the Special Municipal Election held on 11/04/2014. The motion was seconded by Councilor Tapscott and passed 8-0.

D. AUTHORIZE THE CHANGE ORDER #1 OF THE TE GRANT.

Councilor Witham made a motion to approve change order #1 of the TE Grant. The motion was seconded by Councilor Messier and passed unanimously.

E. AUTHORIZE THE CHANGE ORDER #2 OF THE TE GRANT.

Councilor Witham made a motion to approve change order #2 of the TE Grant. The motion was seconded by Councilor McCallion.

Councilor Witham moved to amend his motion to include that the property owners along the area in question on High Street should be consulted on the type of fill that will go there. The motion was seconded by Councilor Collins. The motion as amended passed unanimously.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Pepin commented that now that we are on the downhill side of the construction project hopefully we will be able to find out what the bugs are as far as parking. He said he would like to thank the businesses that survived this project. It wasn't easy for them. It also wasn't easy for the public. He hated coming down Washington Street and being stuck in traffic to get down to Main Street. Traffic also increased on the outskirts of town. He does know that we tried very hard to address the public about the changes we were going to make.

Councilor Soldati reminded the public that the deadline is November 22nd if you want to be in the parade. Your group or organization still has time to participate by getting in touch with a Committee member.

Councilor McCallion said he attended the Little Toppers Championship game this past weekend, and even though they lost in overtime, they had an undefeated season. Hats off to all the coaches that were there, and all the parents that were there volunteering. He was able to volunteer last week and this week also and that is where the spirit is. People are busy, but if there is anyone out there who wants to get involved he encourages them to do so. It helps out the community.

Councilor Witham said he noticed again today that Citizen's Bank was roped off because they were robbed again. He believes that addressing the issue of drugs and crime is a community issue, not just a police department issue. If there is an opportunity for a community conversation it would be a valuable thing. He would like to put his efforts to work and serve on the Drug Task Force if the Mayor is looking for a volunteer.

Councilor Witham said he talked to members of the Christmas Parade Committee and they asked if the Council members would be marching in the parade this year. He marched last year and it was a lot of fun.

Councilor Witham said he wanted to plant a seed with the Economic Development Committee regarding the bill that was pushed through the legislature to improve our code enforcement efforts. Someone he was talking to suggested handling code violations like a DWI. For the first offense you would go to a class or pay a penalty.

Councilor Collins thanked all the residents for coming out to vote. It is one of the most important rights and privileges we have. Regardless of whether your candidate won or not, voting is one of the most important things you can do. He urged all Councilors to join them in marching in the Christmas Parade.

Councilor Sprague said he would like to thank all the veterans out there for serving our country. He also thanked the voters of Somersworth who came out to vote and elected him as a Representative to District 8 at the State House again for another two years. He looks forward to working with Senator Watters on many things, and he looks forward to working with the Council to prohibit some of the things that cost us money, not only at the State level, but also the County. When something comes here, there is no place else to push it.

Councilor Sprague said he would love to look at our Historical District and think about re-sizing it. He gets the Historical District on the hill, but we are the largest Historical District in the State of New Hampshire. He thinks that sometimes stops some of our progress downtown. If a business is looking at a property to develop, it is a hindrance to have it labeled “Historical District.”

Councilor Sprague said the High Street paving from Sinclair Ave. to Chili’s is pretty much done. They will probably be striping tomorrow. He appreciates everyone’s patience enduring the noise when they worked at night.

Councilor Sprague said we will be looking at budget time right after the holiday season. We have been talking about building a new fire station. He really would like to put into the mix finding out what it would cost to have the City of Dover or some other City contract our fire services, therefore not having to build a new fire station. He is not talking about getting rid of our fire personnel. It seems like our firefighters spend a lot of time going to crashes and medical incidents. Why we have 5 engines is beyond him. He would like to get questions answered now.

ADJOURNMENT.

A motion was made by Councilor Tapscott, seconded by Councilor McCallion, to adjourn. The motion carried unanimously. The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Diane M. DuBois, City Clerk

