

Somersworth, NH
November 13, 2012

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

MINUTES OF THE PREVIOUS MEETING.

There were no minutes provided for approval.

COMMENTS BY VISITORS.

There were no comments by visitors.

COMMUNICATIONS.

There were no communications.

PRESENTATION OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE.

There were no petitions.

MAYOR'S REPORT 11/13/2012

November 6, 2012- Attended the Holiday Parade Committee Meeting. The parade is on December 8, 2012 at 4 pm.

November 9, 2012- Attended Somersworth Middle School Veteran's Ceremony.

November 11, 2012- Attended the American Legion Veteran's Ceremony.

Mayor Spencer thanked everyone for their well-wishes.

REPORTS OF STANDING COMMITTEES.

FINANCE COMMITTEE

Councilor Jarvis said that the Finance Committee met on October 23, 2012 at 3 pm. They approved past minutes; they discussed water treatment lagoon cleaning bids, recommending Resource Management, Inc. The Finance Director reviewed bond compliance policies with them and he will prepare policies which will then go back to the Finance Committee to review and then back to Council for review. The Rocky Hill Road tax deeded property sale was reviewed; there were two bids with regard to taking that to

market and putting it up for sale. Councilor Sprague removed himself from the meeting as he was one of the bidders. The Committee awarded that to Dale Sprague.

Councilor Jarvis said that Finance Director, Scott Smith brought up some ideas about their current banking services and is putting together some criteria for an RFP to see if it is time to make some changes.

PUBLIC SAFETY COMMITTEE

Councilor Witham reported that the Public Safety Committee met on November 8, 2012, all Councilors were present, as well as City staff. They were briefed on preparedness for Hurricane Sandy. Fire Chief Hoyle is the Emergency Management Director and he updated them on preparedness efforts, noting that the City fared very well compared to others. There were 21 storm related calls for service, mostly wire down type calls. There were a few trees on homes. There were no injuries. There were power outages but all PSNH service was restored within three days. Three residents without power did seek shelter in Rochester.

After reviewing the response protocol, they agreed that PSNH did a very good job in keeping the City informed of outages and related information.

Mr. Witham reported that City staff talked about measures to improve communication with residents through the Nixel alert system, through email and through cable channel 22. Moving forward, the Committee wants the police dispatch center to be the central point of information which is adjacent to the emergency operations center.

They hope to reimburse through FEMA for an estimated \$26,000-\$30,000 which is overtime and equipment costs for various departments (as well as) a damaged light pole in Millennium Park which blew over during the storm.

There were a number of miscellaneous items brought up at the meeting: a \$4,000 Fire Department grants for radio pagers. There was a discussion of fee-for-service for emergency response. They asked the Fire Chief and the City Manager to talk to Dover to find out what they thought when they researched this option to see if it is something we might want to consider here.

The City Manager and staff commented on a pending Council agenda item concerning a hiring freeze which could be “concerning” to operations. Staff urged caution if we explore that route.

Councilor Witham noted safety concerns at 62 Green Street, including accumulated trash. Staff works diligently on this and has recently filed action in Superior court to impose penalties.

Police Chief Crombie noted that the department is in line to receive drug forfeiture money; as much as \$115,000. The Committee applauded the Departments work.

Councilor Witham said that Councilors Hebert and Pepin both found their police ride-along to be beneficial and thanked staff for allowing that.

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER.

SCHOOL BOARD

Councilor Pepin attended the School Board meeting on the October 23, 2012. He said that Superintendent Mosca included a packet to the Council about details, reported at the meeting by Mr. Perkins, about the HVAC system. They are not here tonight because they had a meeting but they are very willing to talk to anyone about this.

He also said that Mr. Hanlon gave a report about the withdrawal committee which voted to send Rollinsford students to Marshwood. They have sent the paperwork to Concord. Councilor Pepin said (Somersworth School Board members) were very discouraged by the rapport with Rollinsford. He said he wasn't at the meeting but (heard) that there were a lot of harsh things said. It was taken "very deeply hurt." They wanted to make it perfectly clear that however Rollinsford goes, until that point "they are still our kids."

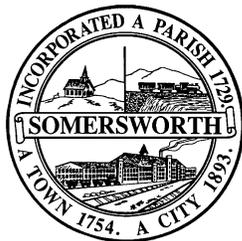
There was also a discussion about how it will influence the SAU office if the Rollinsford kids leave. They will decide those issues when Rollinsford makes a decision.

Councilor Jarvis asked how many kids that involves.

Councilor Pepin seems to remember 143 students he did not have the figures in front of him, however.

SUSTAINABILITY COMMITTEE

Councilor Soldati said that the Sustainability Committee will meet on November 15, 2012 at 6 pm. Anyone may attend.



CITY OF SOMERSWORTH
Office of the City Manager

TO: Mayor Matthew Spencer and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, November 9, 2012

**SUBJECT: City Manager's Report for Tuesday, November 13, 2012
City Council Agenda**

Public Hearings

- 6:00 P.M. – Resolution No. 18-13: Bond for the Completion of a Downtown Improvement Project,
Somersworth-Berwick Bridge Rehabilitation, and
Replacement of HVAC Units in Somersworth Schools
- 6:15 P.M. – Resolution No. 17-13: Establish an Additional Fee on Motor Vehicle Registrations
for the Purpose of Supporting a Municipal and Transportation Improvement Fund
- 6:30 P.M. – Resolution No. 19-13: To Establish a Capital Reserve Fund
for the Purpose of a Municipal Transportation Improvement Fund
- 6:45 P.M. – Ordinance No. 6-13: Amend the City of Somersworth Official Zoning Map –
Rezone Land on All or a Portion of Twenty-two (22) Properties
from Recreational (REC) to Residential Single Family (R1)
-

Unfinished Business (under Section 12 of the Agenda):

Ordinances:

- A. Ordinance No. 6-13 Amend the City of Somersworth Official Zoning Map – Rezone Land on All or Portion of Twenty-two (22) Properties from Recreational (REC) to Residential Single Family (R1).** This proposal is forwarded to you by the Planning Board. Director of Planning and Community Development Dave Sharples will be present to answer any zoning questions. Council Representatives to the Planning Board, David Witham and Brian Tapscott may also wish to speak on the proposal.

Resolutions:

- A. Resolution No. 16-13 Authorize the City Manager to Sign a Five-Year Lease Agreement with Cellco Partnership D/B/A Verizon Wireless of Basking**

Ridge, New Jersey. The draft agreement that I had been negotiating includes the first year monthly rent set at \$1,835. *I recommend an amendment as shown in the attached Draft Amended Resolution, striking the amount and inserting “to be determined by the City Manager”.* I have several Legal Counsel (Atty. Mark Believeau) recommended language changes that I will need to negotiate and I want to also make an attempt to address the rent again with Verizon. I would attempt to negotiate a higher rent with the \$1,835 monthly rent being the minimum acceptable rent. Again, please note that the legal review is being paid by Verizon.

B. Resolution No. 17-13 To Establish an Additional Fee on Motor Vehicle Registrations for the Purpose of Supporting a Municipal and Transportation Improvement Fund. Once more, the Public Works and Environment Committee is recommending a \$5.00 fee. If the fee is set at \$5.00, this fund may generate approximately \$60,000 a year. This is another creative strategy in utilizing an available tool to establish funds towards future Public Works projects such as road work and sidewalk rehabilitation. *The City Council should vote to table this matter until the December 10th meeting. There is a statutory requirement that the public hearing be held at least 15 days but not more than 30 days before a vote.*

C. Resolution No. 18-13 Bond for the Completion of a Downtown Improvement Project, Somersworth-Berwick Bridge Rehabilitation, and Replacement of HVAC Units in Somersworth Schools. Again, I do want to underscore that this additional funding would assist the City in meeting required matching funds for the Bridge project as present estimates show a City shortfall. This Bond would affect the City Tax Rate by an increase of approximately 11¢. *As requested, I have attached a Draft Amendment that would broaden the use of these funds for other road and school projects should the opportunity arise.*

D. Resolution No. 19-13 To Establish a Capital Reserve Fund for the Purpose of a Municipal Transportation Improvement Fund. This is the companion action required should Resolution No 17-13 pass. *Perhaps Council might want to table this action item since it would make little sense to create it if Resolution 17-13 fails at the December 10th Council meeting.*

New Business (under Section 13 of the Agenda):

Resolutions:

A. Resolution No. 20-13 Authorize the City Manager to Enter into a Contract with Resource Management Inc. of Holderness, NH for Water Treatment Facility Lagoon Cleaning. The Finance

Committee voted on October 23 to support this action. Attached is a copy of the two bids that were presented to the Committee. Council appropriated \$30,000 for this project in this fiscal year’s Water Enterprise budget.

B. Resolution No. 21-13 Authorizing the City Manager to Enter Into a Grant Agreement with the New Hampshire Department of Safety to Provide Radio Pagers for the Fire Department. The Public Safety Committee voted on November 8 to support this action.

Other:

A. Hiring/Spending Freeze Discussion – Councilor Witham.

B. Certification of Election Results for the Special Municipal Election Regarding a Tax and Spending Cap.

C. Certification of Election Results for the Special Municipal Election Regarding the Ward 5 City Council Seat.

D. City Council Vote to Grant a Three Month Extension to the COMCAST Cable Franchise Agreement. I anticipate having a Draft Agreement, that the Cable Committee has been working to complete, for your review at the December 10 Council meeting. The next step would be a City Council public hearing and vote in January/February. A copy of the Draft Extension Agreement is attached; it is similar to the last extensions prepared by Legal Counsel.

City Manager's Items (under Section 9 of the Agenda):

A. Informational Items:

- 1. City Council Requested Information.** I have attached two Memorandums that provide information requested by Councilors in regards to manufactured housing outstanding property taxes (D. Witham) and the School Department's HVAC capital replacement project (J. McCallion).
- 2. Hilltop School.** Attached is a copy of the latest information provided by Yankee Thermal Imaging. As you will read, the Company recommends a Level II Energy Assessment at a projected cost of \$11,250. This report was provided to the Friends of Somersworth organization.
- 3. Economic Revitalization Zones – State Tax Credits.** I am pleased to report that the State of NH – DRED has approved the City's request to expand ERZ-Zone 1 southeast to include several vacant and underutilized parcels. This ERZ designation is created as an incentive to increase business investment and job creation in the City. Also, always worth noting, there is no associated cost to the City or loss of revenue.

B. Attachments:

1. City Attorney Certifications (6).
2. Monthly Reports & related memorandums from Department Heads.
3. Economic Development Update, October 31, 2012 – presented by City Manager Belmore and EDM Davis to the Chamber Board of Directors

REMINDER: Chamber of Commerce *Business Before Hours* hosted by the City tomorrow morning, Wednesday, 7:30am to 9:00am
light breakfast while you network

NOMINATIONS, APPOINTMENTS AND ELECTIONS.

SUSTAINABILITY COMMITTEE BUSINESS COMMUNITY REPRESENTATIVE-COTY DONOHUE

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

LAY ON TABLE.

There is nothing on the table.

UNFINISHED BUSINESS.

ORIDNANCES

ORDINANCE NO. 6-13 AMEND THE CITY OF SOMERSWORTH OFFICIAL ZONING MAP-REZONE LAND ON ALL OR A PORTION OF TWENTY-TWO (22) PROPERTIES FROM RECREATIONAL (REC) TO RESIDENTIAL SINGLE FAMILY (R1).

Councilor Witham said that Director Sharples did a good job saying how we, (the Planning Board,) arrived at this particular zoning change. (There were) concerns raised by residents on Green St. with respect to tax implications- he said the word from the tax office is that there would be no tax implication as assessments would not change.

The driving force behind this, he said, is to limit density in the community. We are one of the more densely compact communities in the State and certainly, this would help to limit further dense development. The other notion is that it would just generally clean up the Zoning map. It maintains all the city parks and recreational zoning districts, they remain intact. Councilor Witham supports this.

Councilor Pepin asked if this changes the tax structure of the land.

City Manager said that this does not change for the folks who have bifurcated property. It may have some effect on the City owned property, but not on the privately owned portions.

Councilor Sprague stated that there is a piece on Willand Pond still in REC. He believes Dover is trying to acquire that land. ...He supports this ordinance change.

Ordinance No. 6-13 passed 8-0.

RESOLUTIONS

RESOLUTION NO. 16-13 AUTHORIZE THE CITY MANAGER TO SIGN A FIVE-YEAR LEASE AGREEMENT WITH CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS OF BASKING RIDGE, NEW JERSEY.

Councilor Jarvis added that the Finance Committee has reviewed the five year lease agreement and has unanimously supported it. She also supports the change that the City Manager recommended; a motion to amend was made by Councilor Jarvis and was seconded by Councilor Witham, deleting the amount \$1835, and replaced with “to be determined by the City Manager.”

The amendment passed.

Resolution No. 16-13, as amended, passed 8-0.

RESOLUTION NO. 17-13 TO ESTABLISH AN ADDITIONAL FEE ON MOTOR VEHICLE REGISTRATIONS FOR THE PURPOSE OF SUPPORTING A MUNICIPAL AND TRANSPORTATION IMPROVEMENT FUND.

After a motion by Councilor McCallion, which was seconded by Councilor Tapscott, Resolution No. 17-13 was tabled.

RESOLUTION NO. 18-13 BOND FOR THE COMPLETION OF A DOWNTOWN IMPROVEMENT PROJECT, SOMERSWORTH-BERWICK BRIDGE REHABILITATION, AND REPLACEMENT OF HVAC UNITS IN SOMERSWORTH SCHOOLS.

Councilor Hebert made a motion to broaden the amendment as recommended in the Council packets. The motion was seconded by Councilor Witham. The amended text of Resolution No. 18-13 would be as follows:

PROPOSED AMENDMENT-

RESOLUTION NO. 18-13 BOND FOR THE COMPLETION OF A DOWNTOWN IMPROVEMENT PROJECT, SOMERSWORTH/BERWICK BRIDGE

REHABILITATION, AND REPLACEMENT OF HVAC UNITS IN SOMERSWORTH SCHOOLS.

Somersworth, NH
October 15, 2012

WHEREAS, the City Council of the City of Somersworth adopted Resolution 8-13 to appropriate and bond funding for infrastructure improvements in the downtown area and the replacement of HVAC (Heating-Ventilation-Air Conditioning) Units throughout various school buildings; and

WHEREAS, the City of Somersworth has entered into a three-party agreement with the State of Maine and State of New Hampshire for the rehabilitation of the Somersworth/Berwick Bridge and has appropriated and encumbered a total of \$152,000 (One Hundred Fifty Two Thousand dollars) for the City's share and current estimates exceed this amount; and

WHEREAS, the City Council desires to complete other road improvements throughout the City in addition to the downtown improvement project, and

WHEREAS, the City Council desires to increase the funding for the infrastructure improvements in the downtown area, the Somersworth/Berwick Bridge rehabilitation, and provide for other road improvements throughout the City by a combined total of \$490,000 (Four Hundred Ninety Thousand dollars); and,

WHEREAS, the City Council desires to increase the funding and replace additional HVAC units and provide for other school capital improvements throughout various school buildings in the amount of \$510,000 (Five Hundred Ten Thousand dollars),

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT an amount not to exceed an aggregate of \$1,000,000 (One Million Dollars) is appropriated for infrastructure improvements in the downtown area, rehabilitation of the Somersworth/Berwick bridge, road improvements throughout the City, replacement of HVAC units, and other capital improvements in School buildings, and

BE IT FURTHER RESOLVED THAT (a.) the City Manager is authorized to borrow up to \$1,000,000 (One Million Dollars) under the Municipal Finance Act and issue bonds and notes payable within 15 years from their dates; (b.) the City Manager is authorized to issue temporary notes in anticipation of the issue of these bonds or notes; (c.) the estimated useful life of these projects is expected to exceed 15 years.

Introduced by Councilors

Marcel Hebert
Dale Sprague

This Resolution requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing (Sections 7.13 and 7.14 City Charter).

Approved:
City Attorney

Councilor Witham believes that Council's intent is to make sure that we have enough money to finish the downtown project which includes the bridge, some of the initial estimates coming in suggest that we don't have enough with the original \$4M bond which they floated. This would make sure that they have enough money to complete that project in its entirety. At the end of the day, if there is some money left over, they would not want to be backed into a corner and not be able to do some other projects. ...He appreciates the opportunity to broaden the language.

On the school side of the ticket, he said that the original resolution was to address additional HVAC units. This amendment would allow the School Board latitude (in determining where to best use the money.) It broadens to scope on both sides of the bond.

Councilor McCallion cannot support this. He has an issue with certain requests from the School and he does not feel comfortable giving any more money to that project until they figure out why the bid process went the way it did. He doesn't want to get to the amendment so he will not be supporting this.

Councilor Sprague spoke to how they came to the numbers as a sponsor of the resolution. He said that \$510,000 was arrived at for HVAC's, (3 @ \$170,000), and \$490,000 to the downtown project rounded out to a million. He will support the amendment, he wanted to increase road maintenance, (back then,) anyway, he said.

We have to have another Public Hearing, so if Council wants to go higher than the \$490,000, that could be changed.

He thinks there has already been a \$60,000 increase between the bridge and the rail portion. The other part that they need to think about is what they want the downtown to look like. (Whatever) they decide will come with a different dollar amount. The public and the businesses will be affected. He'd like to get their input. This is our one time to hit this out of the ballpark, he said. He likes this vehicle that they have come up with. ...for the School, too, (HVAC's) if it comes in lower, it just doesn't get bonded. ...Let's get this out through the door now, he said.

Councilor Jarvis said that she has an issue in that every year during budget season, they go around and around. They have worked well and hard with the School Board but the people that may be supporting this now are some of the same people who argue about the School being able to use money in different ways. She would like to suspend rules and allow the Finance Director address that in regards to whether it is accurate that they would have to come back to City Council or could they use the money for other CIP

items the way this is worded now. The motion was seconded by Councilor Tapscott and passed.

Councilor Sprague clarified that he is not saying that you can't move to another capital project, he is saying that at that point, the numbers are real. If they assume that each HVAC is \$170,000 and they come in at \$140,000, in years passed, without bonding there would be \$40,000 extra to be put somewhere else because that can't happen.

Finance Director Smith said that you are dealing with two issues here. The bond issue was specific to HVAC's at the School. They went out to bid and that cost is the extent of their authorization, so after that there are two alternatives. You either bond what they cost or if anyone would want to spend the additional funds it would need to come back to Council. This amended language gives them permission to spend any extra money on other bondable projects. When you amend this language you are giving two types of authorization between these two bond issues, as he understands this.

City Manager Belmore said that it is his understanding that they have to move forward with HVAC replacement in the first instance, they can't take that money for other capital improvement projects without first addressing the HVAC's.

Finance Director Smith said that is not clear to him that that is what that says, or the intent. He is sure that you could amend the language if that is the intent. He believes there is latitude as long as it is a bondable project.

Councilor Sprague thinks it would be impossible to do all the HVAC's because it is a long list, (about 36 of them;) his intent is that if they can't do the extra three, to allow them to do another capital improvement project, but it still have a real cost. The important part for him is that it is not rolling into operational expenses. He is all about the capital improvements.

Councilor Witham spoke to the intent of the amendment. He said that certainly the School Board could decide that doing 5 HVAC units is what they want to do, however, it occurs to him that they now, with the original \$4.7M bond, (\$700,000 to them,) is attacking the most critical of the HVAC units. As they move forward, there are many more units. He wonders, as they get into this next tier of HVAC units, if there isn't a project, outlined in the CIP, that the School Board might think is more important than (additional) HVAC units. Maybe they replace two or three and replace asbestos floor tiles. Or maybe they improve ADA accessibility. He wants to allow them some flexibility (on capital projects.)

Councilor McCallion said that they set up this bond anticipation note to do what they wanted it to do. He said again that when we show our hand (that's what we get for a bid.) ...He said it was not an open bid project. To pay a middle man to do that process, he has a problem with it...He said that red flags were going off for him when he watched the School Board meeting and Mr. Cowan was trying to get them to order the units, but the School Board shot that down, they wanted to see the final bids. ...Funny thing is that the

company that got it is the same company that we have been using since 2005, so if we need to throw in a contingency fee with a company that we have been doing business with since 2005... He would have liked to see them offer to put up a (concession stand) for the School and waive the contingency fee... He would have been the first supporter in line. But the way it looks on paper doesn't look right. And he's just watching from TV. If anybody else can tell him anything different, and he has asked the School Board for certain information and they gave them something in their packets which wasn't what he spoke to. He wants to see the minutes from the Grounds Committee, he wants to "see where they sat down and said, look, this is what we can do, this is our alternatives and brought in their company and said, the company that they are using now. Hey, what's our best course in this? Give us the most expensive, give us the least." Just like we did as a Council with Hoyle and Tanner. That's why they are talking about this bond now, because they need a little bit more to make the whole project better. He has a problem with the fact that he asked for minutes from that Committee to see what they talked about, we vet things out in our committees, that's what we do, and yet all he heard is something in the packets. Nothing from the committee. Nothing talked about any other solutions. We are just throwing money at a problem and throwing a little contingency on it and hoping to replace, replace. And he gets in the minutes of the School Board tonight saying that it is a lie, that he says it's 160, its Winnacunnet H.S. Go online, he said, it is in their budget. He doesn't know ...what they did, but they have the same issue we have. Just go online- its right there. He hasn't just talked to one company; he's probably talked to six different companies. He has a problem with this. We have to be the ones to look at this and say there is a problem here.

Councilor Jarvis said that with regards to the amendments, she agrees with everything except for the school and other capital improvements. This will stop her from voting for this. They are really pushing the limit. She is all for doing whatever they can for the school, she is very supportive, but they have gone, for the last two years, back and forth with them coming to (the Council) during budget season and saying that this is for this and this is for that, and Council getting upset when that doesn't happen. Here you are giving them that opportunity. The other point is that the whole purpose of a B.A.N., (Bond Anticipation Note,) is that you are anticipating this cost, but if it doesn't cost that, this is allowing them to take it and put it toward other capital improvements. So what is the sense of even putting it in a B.A.N.? We have gone for two years and everyone on this Council has gone to the School Board at those meetings and had them point out the process. They have revamped and revamped these scheduled items that are most important; the number of HVAC's versus the asbestos, etc. ...We've stood behind that up until this point now we are saying let's not do that any more. If that one area is still in there, I will not vote for it.

Councilor Soldati was disappointed in the documents provide to them by the School Board in response to Councilor McCallion's questions. It didn't really have a lot in it. She is uncomfortable with the bidding process and tends to concur with Councilor McCallion.

Councilor Witham said that if you look at the Capital Improvements Program, all of their projects are prioritized as a “Priority 1.” They all have been. When they listed them, they just happened to list HVAC’s then the others, but they are all Priority 1. He doesn’t think it is up to us to decide which are more important, but he is hearing the tone here and wonders if the amendment that was proposed included the words “and other capital improvements as authorized by the City Council,” could (be added.”)

Finance Director Smith said that they went through that and were told by legal bond counsel that they couldn’t apply language- that they have that authority. You can restrict a project, but you don’t have that oversight.

Councilor Witham suggested the wording “or other capital improvements as outlined in the current Capital Improvement Program.”

Mr. Scott said that sounds okay to him, off the top of his head, saying that they have to be capital projects to qualify for the bond, anyway.

Councilor Sprague asked the Finance Director if the \$770,000 for 5 HVAC’s- it came in lower- what was the amount?

Answer: A little over \$600,000.

Councilor Sprague said, “That’s where they stop. They can’t do anymore of anything.” Can we allocate that money for anything else, he asked, with coming back to Council.

Mr. Smith said that Council could. They can reallocate it or just not bond it.

Councilor Sprague said that maybe the solution is to just not do any amendments and we will have full purview over what happens. His thinking is that they came in under (the estimate,) he would like them to be able to do more. That list is not getting shorter and he doesn’t want to do this every year. He is not going to be bonding every year. They are going to have to figure this into their budget because we don’t have a magic bullet.

Councilor Tapscott agrees with Councilor Jarvis saying that this flies in the face of a Bond Anticipation Note. (B.A.N.) Not knowing what it is going to be spent on, he can’t...

Councilor Witham removed his second to the amendment.

Councilor Pepin wanted to table this until the School Department can be here. He is upset over some of the comments of this not being done legally...He sits as a representative of Council on the School Board, he knows of people who are very, very upset about comments that are being said. He thinks it is going to drive a wedge between the Council and School Board. He would love to get it resolved so everyone knows where everyone is coming from. ...He would prefer that this be tabled and a School Board representative come and they can hash this out.

Councilor Hebert removed his amendment so they are back to the original resolution.

Councilor Sprague said that if anyone on the Council believes they should move any of these numbers up, now is probably the time. ...and if they change the numbers it would probably need another public hearing.

Finance Director Scott said that if you change the numbers, you don't change the project; it is similar to what they did on the last bond issue.

Councilor Witham said that the Citizens of Somersworth voted in favor of a tax cap with a pretty strong vote at last Tuesday's election. He asked about tax cap implications.

Finance Director Smith said that it increases the budget so you either deal with it in the context of the tax cap or you have the ability to override it.

Councilor Jarvis asked, "If this were tabled, what is the time frame that this should go through, with regards to the B.A.N.?"

Mr. Smith said that he thinks we would be fine with that.

Councilor Witham asked about the amendment that didn't happen, if the downtown improvement projects came in less than \$490,000, could Council allocate that extra money toward another road project?

Mr. Smith said, yes, even without the amendment it would be similar with what they did for the elementary school, they could reallocate it.

Councilor McCallion made a motion to table the amendment. Jarvis/second. The Mayor ruled that the "ayes have it" and the motion passed.

Resolution No. 18-13 was tabled.

RESOLUTION NO. 19-13 TO ESTABLISH A CAPITAL RESERVE FUND FOR THE PURPOSE OF A MUNICIPAL TRANSPORTATION IMPROVEMENT FUND.

Councilor Witham, seconded by Councilor McCallion, made a motion to table. The motion passed with a roll call vote of 8-0.

Resolution No. 19-13 was tabled.

NEW BUSINESS.

RESOLUTIONS

RESOLUTION NO. 20-13 AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONTRACT WITH RESOURCE MANAGEMENT INC. OF HOLDERNESS, NH FOR WATER TREATMENT FACILITY LAGOON CLEANING.

Somersworth, NH
November 13, 2012

WHEREAS, the Fiscal Year 2012-2013 adopted budget contains an appropriation for lagoon cleaning at the Water Treatment Facility; and

WHEREAS, City staff solicited bids from qualified companies to clean and remove sludge from lagoon number 1 at the Somersworth Water Treatment Facility and recommends contracting with Resource Management Inc. of Holderness, NH; and

WHEREAS, the City Council's Finance Committee has reviewed the recommendation received from city staff and supports this recommendation,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to enter into a contract with Resource Management Inc. of Holderness, NH for Water Treatment Facility lagoon cleaning.

Introduced by Councilors

Robin S. Jarvis
Jennifer Soldati
Dale R. Sprague

Approved:

City Attorney

Councilor Tapscott made a motion to have a second reading, by title only, which was seconded by Councilor Jarvis which passed.

After a second reading, Councilor Jarvis summarized the bids saying that one bid was more than \$10,000 over the appropriation, one was \$2,000 under with an option of the extra yard, which was still under. There was no reason to go a different way.

Councilor Sprague said that the Public Works and Finance Committees both looked at this a month ago. There was one bidder originally, which was high. Then it went back out to bid and had that bid come in within the appropriation.

They are getting the same amount of work done as with the original bid.

Resolution No. 20-13 passed 8-0

RESOLUTION NO. 21-13 AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE NEW HAMPSHIRE DEPARTMENT OF SAFETY TO PROVIDE RADIO PAGERS FOR THE FIRE DEPARTMENT.

Somersworth, NH
November 13, 2012

WHEREAS, the City of Somersworth has applied for a Fiscal Year 2013 New Hampshire EMPG grant through the New Hampshire Department of Safety; and

WHEREAS, the City of Somersworth has received notification of a Grant Award in the amount of \$4,700; and

EXPLANATION OF TOTAL PROJECT GRANT BREAKDOWN:

State Grant Award	=	\$4,700
Total Project Award	=	\$4,700

WHEREAS, the Grant will allow the City of Somersworth to add ten (10) new radio pagers and complete the replacement of all units in the Fire Department for notification of off-duty firefighters of an alarm of fire in the City;

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

Introduced by Councilors

David Witham
Martin Pepin
Marcel Hebert

Approved:

City Attorney

Councilor Witham, seconded by Councilor Tapscott made a motion to suspend the rules for a second reading, by title only, this evening. The motion passed.

Councilors Witham, Pepin and Hebert all supported this resolution.

Resolution No. 21-13 passed 8-0.

OTHER

HIRING/SPENDING FREEZE DISCUSSION-COUNCILOR WITHAM

Councilor Witham referenced the passage of the tax cap last Tuesday. He said that it remains to be seen how they apply a tax cap here in the City. He asked about bonding and the override. He said there are more questions than answers as to how Council and staff put in place what the voters approved last Tuesday. Looking at other communities and (the Somersworth) budgets being as tight as they have been in recent years, he suspects that they will be faced with very, very difficult decisions as a City Council when this tax cap impacts our budget. His concern is not about saving money in the current budget, but he said, it is entirely possible that you could hire an employee to be then considering laying them off in June when the cap goes into effect. He wanted to plant a seed that this has occurred to him. Even if they don't enact a hiring freeze, it makes sense for departments to disclose this to those we might hire. Not sure what that might mean for attracting quality candidates. He is concerned about new employees.... Maybe at the end of the day the implications of the tax cap are not as bad as he makes them out to be. He is not sure how he feels about the 2/3 override. He looks at other communities where it is not viewed positively. He is not sure how he would vote. He put this on the agenda to plant a seed.

Councilor Pepin said that if he were looking for a job, he would hesitate to be hired by Somersworth. He doesn't think it helps the quality or the candidates that they might pick up. As far as he is concerned, what is in the budget now, is in the budget. The department heads should be able to hire- It leaves a lot of questions.

Councilor Sprague said whether they have a hiring freeze or not, they will still have raises, retirements, insurances, etc., to deal with. For every action there is a reaction. To the voters, "You want this," he said. What does it cost the City to run the street lights? There are reactions that will have to come about. What if we don't go out and plow until there is 6" of snow. They will have to come up with some ideas and know for real what they can do in the future.

Councilor Witham answered that it is \$120,000 a year for the street lights.

Councilor Sprague said that might be something that they are thinking about.

Councilor Jarvis ask that we stick to the agenda.

CERTIFICATION OF ELECTION RESULTS FOR THE SPECIAL MUNICIPAL ELECTION REGARDING A TAX AND SPENDING CAP.

Councilor Tapscott made a motion, seconded by Councilor Pepin, to certify the election results regarding a tax and spending cap. The motion passed.

CERTIFICATION OF ELECTION RESULTS FOR THE SPECIAL MUNICIPAL ELECTION REGARDING THE WARD 5 CITY COUNCIL SEAT.

Councilor Tapscott made a motion, seconded by Councilor McCallion, to certify the election results regarding the Ward 5 Council Seat. The motion passed.

CITY COUNCIL VOTE TO GRANT A THREE MONTH EXTENSION TO THE COMCAST CABLE FRANCHISE AGREEMENT.

Councilor Pepin said he had asked the City Manager what would happen if he voted no because it has dragged on for so long, but he decided instead to make a motion to grant the extension which was seconded by Councilor Tapscott.

Councilor Witham also said that it seems that they have been dealing with this since he started (as Councilor) and he was also tempted to vote no on principle but feels that it is probably more damaging than good, so he will probably vote yes, but not because he likes it.

The motion to grant the extension passed.

COMMENTS BY VISITORS.

Coty Donohue, Ward 5, said that he started working with the Sustainability Committee a month and a half ago; he is establishing a relationship with Seacoast Local out of Dover with a “shift our shopping” campaign to raise awareness about shopping locally, particularly here in Somersworth. The first is “plaid” Friday, on November 23rd, telling people to go downtown, along Route 108, or even the greater Seacoast area to keep the money in our community.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Tapscott said that the Somersworth Festival Association is holding their second annual penny sale fundraiser at Somersworth High School on Saturday, November 17, 2012, 10 am to 6 pm. Please attend.

He wished everyone a Happy Thanksgiving.

Councilor Soldati told everyone that they have the opportunity to win \$5,000, or a trip for two to China or Italy. The Chamber is holding its second annual great getaway sweepstakes. On plaid Friday there are six local retailers who will give discounts if you buy the sweepstakes tickets from them. Sales are limited to only 250 tickets. The following shops that are participating are the Now and Then shop, Poppy Seed Studio, Leroy’s Styles, Tri-City Flooring, Deb & Duke’s Monogrammers and the Teatoller Café & Bistro. The drawing party with a live band will be held at the Oaks on November 30, 2012. Each ticket admits two. (There will be a) cash bar, free hors d’oeuvres, lot of fun and live music.

The annual gingerbread house contest always brings a smile to the face of the City workers because it smells so sweet. (There will be) a \$50 prize for the top three winners.

She encourages everyone to take plaid Friday seriously, she has done this for several seasons and has bought gifts in Somersworth. We should take advantage of the wonderful shops that we have here in Somersworth.

Councilor Witham said he will try to find something good to say. He had asked City staff to look up some data on manufactured housing. Year after year, Council has voted to not take tax deeds on these properties because they would then be subject to park rent. He thought he would be surprised at what he would see when he looked at the details, but ...there is one here that has not paid their taxes since 2004. Really? It is time that as a Council we put this to a halt. He is not sure what their action is and is glad that the Economic Development Committee will be taking this up.

He spoke earlier on the recurring problem of the de-lamination on High Street. He thinks they were cost-conscious and had originally thought they took out the delaminated sections and repaved. He is very concerned about what the repairs to High Street will look like come February or March. He is very concerned about that and is interested in seeing some action there, it is our main corridor and is not a place where we can afford either the road or the image.

He said that they had received a report from Yankee Thermal Imaging about Hilltop School and their suggestion is that they move now to a level 2 energy assessment. He said that the level 1 assessment, frankly, didn't tell him anything that they didn't already know. He is concerned about their strategy and bears out his original suspicion and what was received in that first report is it, and that we now have to pay more.

Councilor McCallion asks at every meeting for people who want to volunteer for the Somersworth Festival Association to do so. Contact their website. He said that this weekend would be a great opportunity at the penny sale to see what they're all about.

He liked the Economic Year in Review reports that were in their packets. He spoke about Favorite Foods having the largest solar panel contiguous roof in New England and he said they were also one of the first to put all their trucks to bio-diesel. They are a really green company right here in Somersworth. ...Now with the tax cap you have to try to look outside the box to how to live within the box. He said that Favorite Food realized that they needed to make this expansion with Solar. ...Technology is moving all the time. We vet things out in this community: he spoke about rejecting that bid and then having it come in lower. He wants our money working for us as much as possible. We need to turn those stones over. He never said they did anything illegal. He said if you look at how it looks on paper, it doesn't look right. Go to the tape when they were trying to rush a vote. It doesn't make sense to him.

Lastly, he asked, if we are dealing with a company that we have been dealing with for so long, what is the contingency fee? He doesn't get it. He doesn't want to sever relations with the School Board; they have had great joint sessions. He said that they know they want to make it work for them. He doesn't want anybody to think he is against the School or the School Board; he just wants to know they are doing right with their money. That is what they are elected officials for.

With all the sports- Congratulations to the Somersworth football team for making it into the championship. It was a great game. It really helped the boosters and ... it made him feel good about Somersworth again. ...He said it all goes back to if we can teach a man to fish- if we could just give them a better concession stand they can make more money, ...and the bathrooms,. ...we have the children's concerts there, why can't we do this? It is not that expensive. He knows money is tight but this is something that would get a payback. Whether it is someone in the school or in the community, he said, we need to upgrade that area.

Happy Thanksgiving.

Councilor Pepin asked, for a future agenda item, that a representative of the School Board be added on to the next months meeting but they have a meeting on their budget that day so he doesn't know how to address it. We ought to see if we can have some kind of joint workshop or work something out with the School department before (December 10, 2012) so they can act on this in the near future. He doesn't know how to go about it. The \$10,000 contingency fund is there because they are relocating some of the HVAC systems and that means there will be structural changes to the building and they may need engineering, extra costs, or whatever. It was brought up at their School Board meeting and part of their presentation. He just does not want the public to get the wrong impression that things are done illegally either on our side or the School Board side. If there are questions that need to be answered, he knows that the School Board has been very outspoken in saying, please ask. He'd like to get the information out so everyone can be happy and they can continue to do what they are supposed to be doing.

Councilor Sprague offered congratulations to the high school football team, just to get there is a journey, be proud of it, he said, keep your head up, chin up. Tuesday was Veteran's Day; he thanked all the veterans who have served this country. He also would like to wish everyone a happy and safe Thanksgiving.

Councilor Jarvis had no comments.

Councilor Hebert had no comments.

FUTURE AGENDA ITEMS.

Councilor Witham wants a presentation by City Staff on the tax cap, how they implement it as a City Council and as a City. He needs to understand more about it. Frankly, he voted no and he read it a hundred times. He would like a bit of an explanation of that.

ADJOURNMENT.

The meeting was adjourned at 8:50 pm

Respectfully submitted,

Elise B. Brellis, Deputy City Clerk