

MINUTES OF CITY COUNCIL MEETING

OCTOBER 21, 2013

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

MINUTES OF PREVIOUS MEETINGS.

- Public Hearing held on 9/16/13 – Councilor Pepin moved to accept the minutes as presented. The motion was seconded by Councilor Hebert and passed by a vote of 8 yeas, 1 abstention, Councilor Sprague abstaining.
- City Council Meeting held on 9/16/13 – Mayor Spencer indicated that on the bottom of page 5 “asked that” is stated twice and one needs to be deleted. Councilor Witham moved to approve the minutes with the amendment as listed above. The motion was seconded by Councilor Donohue and passed by a vote of 8 yeas, 1 abstention, Councilor Sprague abstaining.
- City Council Meeting held on 10/07/13 – Mayor Spencer stated a correction should be made on a motion on page 18, listing Councilor Soldati in place of Councilor Sprague. Councilor Tapscott moved to approve the minutes with the above correction. The motion was seconded by Councilor Pepin and passed unanimously.

Councilor Soldati asked that three items be added to tonight’s agenda under new business, other:

- Reconsideration of the vote on Resolution No. 18-13, regarding property located at 28 Green Street.
- The subject of minutes be revisited.
- Parking issues.

COMMENTS BY VISITORS.

Dana Hilliard, 11 Chabot Street, said he is here tonight in his official role as principal of the Somersworth Middle School representing his fellow colleagues and himself regarding some comments that were made at the 10/16/13 Planning Board Meeting dealing with the future development of the former Sunningdale Golf Course. While they appreciate and respect the citizen that made these comments, they wanted to clarify the truth that lies within the comments. The comment that was made was that our Somersworth school system does not provide an adequate education. Not only is this not true, but the Somersworth school system excels beyond what the definition of adequate is.

Mr. Hilliard went on to name several prestigious awards and recognitions each of the schools in our system has received over the last several years. He also pointed out that the dropout rate at the high school is less than 1%, more than 70% of the students attend post-secondary education, and last year over 275 students never received disciplinary forms. The high school has been fully accredited since 1951.

Mr. Hilliard said he loves being part of the SAU56 school system. Their track record of beyond an adequate education has been more than proven time and time again. He looks forward to continuing to serve the students for many years to come.

Marty Rouleau, the owner of Rouleau's Precision Repair at 20 Main Street in downtown Somersworth, said he has an issue with the construction on Main Street having to do with curbing and curb cuts. Up until construction started, he had no idea that curb cuts were going to affect his business. As it turns out, they have cut back his curb quite a bit as far as getting into his property. He has been following City concepts on the web, A through D. The concept the Council accepted was concept C. If you look at the curb cuts on concept C, he doesn't have a problem. All of a sudden, the area between his business and the 319 building is being curbed all the way across. He contacted Councilors Pepin and Sprague. Councilor Sprague was able to get him a 15' opening at that end so he can access that end of his property.

Mr. Rouleau doesn't feel he should have to lose any of the use of his property. His business has been there since 1970. All of a sudden he is finding out he will have limits to the access of his property. He wasn't notified about this. If he hadn't talked to a gentleman from Severino, he wouldn't have known they were going to put curb cuts in. His complaint is curb cuts.

Mr. Rouleau said he doesn't understand why they want to put a sidewalk on his side of Main Street. All the businesses are on the other side of the street. If they want to put a sidewalk that is fine, but the curb cuts will cause him hardship.

Marcy Perkins, Plaza Terrace, said that no one that lives there was notified when the new parking fee ordinance was passed, not even the person who rented her the apartment. Most of the people who live in the Plaza Terrace apartments are disabled. She is on Medicare and her income is very limited. One of the reasons she moved there was because of the great parking situation. She got blindsided by the \$20 per month to pay for parking. She will have to figure out if she can budget \$20 per month, or if she will have to break her lease.

ANNOUNCEMENTS BY COUNCILORS.

Councilor Jarvis wished to let residents know, regarding the upcoming election on 11/05/13, that her name is on the ballot but she has realized that she does not have the time and energy necessary to serve for two more years. She wanted to withdraw her name as a candidate, but found out that was prohibited. She urged voters to use their votes wisely. If she is voted in she will have to resign.

Councilor Soldati announced that there will be a Candidate's Forum on 10/28/13 at 7:00 p.m. here in Council Chambers. The public is invited to participate. There are question forms that can be picked up in the City Clerk's Office or at the Library, or you can get the form from the Chamber of Commerce web site. You can bring your questions to the Forum at 6:30 p.m. A member of the Chamber Board and Mike Pomp will review the questions and ask them per the wishes of the public.

Councilor Soldati said that several Council members are disturbed about the recently passed parking fees and hope to revisit this.

Councilor Witham announced there will be a benefit basketball game featuring the Harlem Wizards on Wednesday night at Somersworth High School. They were here last year and they were terrific. He is looking forward to a similar good time this year.

PRESENTATION OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE.

To: Somersworth City Council
Re: Lenox Park Subdivision Pump Station
Date: October 7, 2013

Each of the undersigned reside in the Lenox Street, Chadwick Lane, Norcross Street and Cass Street area of Somersworth area sometimes referred to as the "Lenox Park Subdivision." The City required the developer of the subdivision to do certain things, including the installation of a pump station.

The City failed to require the developer to file, set-up, or establish a Homeowners Association which would be responsible for the maintenance and repair of the pump station serving our community.

The underground pump station approved by the City has been the subject of constant breakdown, and appears to be undersized for the 25 homes served by the pump station. The City, in approving subsequent developments, apparently "learned" from its mistakes and, for a similar sized subdivision of approximately 29 homes required the recording, filing and establishment of a Homeowners Association and required the builder to construct an above-ground pump station capable of handling approximately 300 homes.

We are requesting that the City take over full responsibility for the operation, maintenance and repair of the pump station serving our community.

On our behalf, we have requested Bradley Miller, residing at 14 Chadwick Lane, and Paul Drager, residing at 32 Chadwick Lane, to speak on our behalf before the City Council and to continue discussions with appropriate departments in the City.

- Alex & Renee Tavarez – 4 Lenox St.
- Deanna Richards – 7 Chadwick Lane
- Shawn & Beth Nault – 10 Chadwick Lane

- Lisa Blakley – 11 Chadwick Lane
- Ryan & Rebekah Lensky – 15 Chadwick Lane
- James Landwert & Barbara Buford – 17 Chadwick Lane
- Stanley & Alana DeWitt – 28 Chadwick Lane
- Paul Drager & Bertha Robbins – 32 Chadwick Lane
- Edward & Catherine Ehlers – 3 Lenox St.
- Donald & Joice Lafleur – 15 Lenox St.
- Matthew & Pamela Zottos – 14 Lenox Park

Mayor Spencer indicated the Public Works & Environment Committee has been working with these people on this issue. He referred the petition to that Committee.

MAYOR’S REPORT.

Mayor Spencer reported the following events:

- October 8th - Attended the Skyhaven Airport Advisory Airport Committee meeting.*
- October 10th - Attended the NHMA Board of Directors Executive Committee meeting.*
- October 10th - Invited to and attended the Greater Somersworth Chamber of Commerce event at the Sarah Orne Jewett House in South Berwick, ME.
- October 12th - Attended the Pumpkin Festival and was asked to be a pumpkin pie judge.*
- October 16th - Attended the Traffic Safety Committee meeting.
- October 17th - Attended the NHMA Board of Directors meeting.*
- October 17th - Attended the NHMA Nominating Committee meeting.*
- October 17th - Attended the Sustainability Committee meeting.
- October 21st - Attended the City Council workshop in regards to recommendations for the downtown revitalization project by Hoyle, Tanner and Associates.

*Denotes morning meetings/events.

REPORTS OF STANDING COMMITTEES.

GOVERNMENT OPERATIONS COMMITTEE.

Councilor Tapscott reported this Committee met on 10/09/13 and discussed the following items:

- Board/Committee appointment process. They reviewed several forms used by other communities. After discussing the good points of these forms, it was asked of the City Manager to create a new form for the committee to review in several weeks.
- Public Works & Utilities Department – The City Manager suggested an interim Public Works Director for a period up to six months. The Committee agreed with this plan.
- Discussion ensued regarding the Police Department delivering City Council packets. They decided to leave the delivery service as is until something else comes along.

PUBLIC WORKS & ENVIRONMENT COMMITTEE.

Councilor Sprague reported this Committee met on 10/16/13 and discussed the following items:

- Residents from Lenox Park were at the meeting. Discussion ensued regarding some of the history behind the subdivision. They heard from some staff members and some residents, the end result being there are still questions. The City will be taking over the pump station and wants to make sure our staff can develop a list of requirements. They want to make sure the pump station will be set up correctly to not hamper city residents tax-wise. They will discuss this again in the near future.
- Engineers from Hoyle, Tanner Associates gave a project update. They talked about street lighting designs. Ms. Dibiaso indicated Severino will be wrapping up around Thanksgiving.
- At the last meeting a resident talked about three major roads in our City that should be looked at being addressed as far as resurfacing. He agrees with that person. Our Contract Engineer came up with some approximate prices on these roads: Blackwater Road, \$300,000; Main Street (John Parsons Drive to Centre Road), \$625,000; High Street from Sinclair Ave. to Dover line, \$615,000. The City has a bond that is going to be retiring next year, so it would not impact the tax rate too much if we were to address these roads.
- Talked about updating our road service management plan. A company from Maryland called E-Road Info drives around and catalogues every road in the City and gives you an analysis of the condition of the road, cracksealing that might be needed, potholes, and lines up with the GIS system that we currently use. The cost would be about \$28,000. Manchester is thinking about doing this right now and if we do it the same time as Manchester it could cut the cost to \$24,000. This would take the politics out of which roads need to get done.
- They went over the water ordinance draft. We do not have a meter at the town line of Rollinsford as we do at the Rochester line, so we have to bill the residents. The Committee agreed that if another resident from Rollinsford petitions us for water use they should petition their own town who will then talk to us about putting a meter at the town line. This would bring it into line.
- Councilor Sprague asked our Contract Engineer to see if he could work on somehow getting all the traffic lights on High Street to line up so you can travel High Street without stopping 13 times. The State DOT would help us with this.

REPORTS OF SPECIAL COMMITTEES.

Councilor Pepin reported he attended a School Board Meeting on 10/8/13. Bob Marquis did a very good presentation on College and Career Reading Standards. As the City Council toured the schools a few weeks ago, we saw the teachers teaching this to the students. People should watch it on Channel 22 if they have the chance.

SOMERSWORTH CAREER TECHNICAL CENTER RECONSTRUCTION MEETING.

Councilor Pepin said he attended this meeting on 10/9/13. It was their first meeting. They had a speaker, Scott Davis, who is going to be helping them. Mr. Davis is a retired career director out of Laconia. He will be very helpful. The next meeting will be on 11/13/13.

SOMERSWORTH BUILDING TRADES TRUST.

Councilor Pepin indicated they had a special meeting to approve the students building a mobile home which will be in Crystal Springs Mobile Home Park once it is completed. They will demolition one that is almost gutted out, then they will have the frame and wheels to transport the new one. The new one will be built inside the school, then will be placed on a lot that is already available and will be up for sale. The proceeds will go back into the Vocational Center Trust.

SUSTAINABILITY COMMITTEE.

Councilor Soldati reported this Committee had a cleanup day on 10/12/13 at the community gardens. She heard it went very well. People are very excited about the community gardens. Anyone who is interested in having a garden plot next year should get in touch with the Public Works Department.

Councilor Soldati indicated she is also a member of the Somersworth Career Technical Center Renovation Committee and attended the 10/9/13 meeting. This is a long-term planning committee. She is excited to be on the committee and looks forward to coordinating plans to renovate the center to meet the demands of the future careers of our students.

PLANNING BOARD.

Councilor Witham shared that at the Planning Board meeting on 10/16/13 a developer presented a concept plan for housing units at the former Sunningdale Golf Course. As we know, we now have a conservation subdivision ordinance which allows for denser development in areas provided we're keeping a fair amount of open space associated with the development. The developer and his staff presented proposals for both traditional development and also for open-space development looking for feedback from both the Planning Board and the community. The scales very much tipped in favor of the open-space model. A number of residents spoke at the meeting. This is a long-term conversation and planning project and appears to have some energy.

CITY MANAGER'S REPORT.



TO: Mayor Matthew Spencer and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, October 18, 2013

SUBJECT: City Manager's Report for Monday, October 21, 2013
City Council Agenda

6:00 P.M. - Private/Non-Meeting to Discuss Union Negotiations

6:30 P.M. - City Council Workshop with HTA Engineers

Unfinished Business (under Section 13 of Agenda)

Resolutions:

- A. Resolution No. 14-14 To Notify the City Tax Collector that the City Council Shall not Accept a Tax Deed on Properties Located on Wexford Lane Subject to an Unredeemed Tax Lien.** Background information was provided to you in the last meeting packet. These properties contain buried solid waste that would be costly to remove.

New Business (under Section 14 of Agenda)

Other:

- A. Vote to Re-adopt the City Investment Policy.** This is an annual housekeeping action item for the City Council. City staff supports re-adoption without any amendments. Attached is a copy of the City Investment Policy.

- B. Vote to Ratify Tentative Agreement with AFSCME/Highway Local 863 Union.** I have attached a *confidential* memorandum that outlines the changes as well as the projected cost for this Collective Bargaining Agreement.

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

A. Informational Items:

- 1. Public Works & Environment Committee Handouts.** Attached are handouts provided at the October 16th meeting regarding road resurfacing/reconstruction projects, as well as information on an approach we are considering to assist with a comprehensive update of our road resurface management plan. I would underscore that the quotes the Chair of the Public Works Committee talked about tonight are only for a 2" overlay. There would be other work on these roads in regards to drainage, sidewalks, and other aspects of the road project. I urge Council to look ahead to the \$1M bond we will be retiring and focus on CIP and road reconstruction projects. Also, they are excited about this asset and pavement management process. We do have a road service management plan in existence that needs to be updated. It's very costly and time consuming for staff. This looks like more of an economical way of getting it done utilizing today's technology. Staff will continue to pursue this and bring back a cost and hopefully we might be able to move forward with the project.
- 2. City Council Workshop-Code Enforcement.** Attached is a memo from Director Sharples. It provides an update on research to date. I have been in contact with Senator Watters and plan to reach out to him on Monday regarding his assistance.

B. Attachments:

1. Certification for Resolution No. 14-14.
2. Department Head Reports.
3. AFSCME/Highway Department Union Contract July 2011 – July 2012.
4. State of NH Department of Revenue Administration Tax Rates and Assessments.
5. HTA Construction Meeting Minutes on October 1, 2013.
6. Downtown Parking Map.

UNFINISHED BUSINESS.

RESOLUTION NO. 14-14 TO NOTIFY THE CITY TAX COLLECTOR THE CITY COUNCIL SHALL NOT ACCEPT A TAX DEED ON PROPERTIES LOCATED ON WEXFORD LANE SUBJECT TO AN UNREDEEMED TAX LIEN.

Resolution No. 14-14 passed by roll call vote of 9 yeas, 0 nays.

NEW BUSINESS.

VOTE TO RE-ADOPT THE CITY INVESTMENT POLICY.

Councilor Jarvis indicated a copy of the City of Somersworth Investment Policy was placed in all Councilors packets. It is pretty clear, and is something that needs to be re-adopted annually.

Councilor Witham moved to re-adopt the City Investment Policy. The motion was seconded by Councilor Tapscott and passed unanimously.

RATIFY TENTATIVE AGREEMENT WITH AFSCME UNION.

Councilor Witham moved to ratify the tentative agreement with AFSCME Union stating the provisions of this contract are generally in line with those we have approved for other bargaining units in the City.

Councilor Sprague noted that this Union is Public Works Employees.

The motion was seconded by Councilor Pepin and passed unanimously.

VOTE TO SEND A LETTER DRAFTED BY THE TRAFFIC SAFETY COMMITTEE AND RECOMMENDED BY THE PUBLIC SAFETY COMMITTEE IN REGARDS TO LOWERING THE SPEED LIMIT ON ROUTE 108 TO THE NH DOT.

Councilor Soldati noted this is to reduce the speed to 35 MPH for the entire length of Route 108.

Councilor Witham said the letter will go to NH Department of Transportation. They do not have to accept our recommendation.

The Council voted unanimously to send a letter drafted by the Traffic Safety Committee and Recommended by the Public Safety Committee in regards to lowering the speed limit on Route 108 to the NH DOT.

RESOLUTION NO. 18-14 AUTHORIZING THE CITY MANAGER TO SELL CITY TAX DEEDED PROPERTY AT 28 GREEN STREET THROUGH A NEGOTIATED SALE PROCESS.

A motion was made by Councilor Soldati to reconsider the vote on Resolution No. 18-14. The motion was seconded by Councilor Tapscott and passed unanimously.

Councilor Soldati moved to grant the City Manager the authority to sell this tax deeded property through a negotiated sale process.

The motion was seconded by Councilor Tapscott.

Following discussion regarding Councilor's concerns about what a developer might do with this property, it was pointed out that whatever was proposed would come back to the Council for a vote.

The motion to reconsider Resolution No. 18-14 passed by unanimous roll call vote.

Resolution No. 18-14 passed by roll call vote of 8 yeas, 1 nay, Councilor Sprague voting in the negative.

REVISIT DISCUSSION ON MEETING MINUTES.

Councilor Soldati said at the last meeting they had a discussion in terms of the enormous amount of paper they get, including minutes that are 27 pages long. Under Robert's Rules and State Statutes, minutes do not need to be verbatim. Robert's Rules actually prohibit some of the things that are included in our minutes. She would like to refer this to the Government Operations Committee.

Mayor Spencer sent this item to the Government Operations Committee for further action.

PARKING.

Councilor Soldati said she was originally disturbed about the \$20 fee for parking that was recently passed. After talking to some business owners, residents, and the police, and looking into the whole City's parking situation, she thinks they moved rather hastily on this. She thinks they could come up with something a little more resident and business friendly. She does not know if we can hold this in abeyance. She suggested that we include on the committee members of safety, some of the residents and some of the businesses to help them come up with a solution that is amenable to all parties.

Councilor Pepin said he received some phone calls from people about the parking. What concerns him is the Police Chief's letter saying he has 32 requests for parking spots, but there are only 16 parking spots available. It bewilders him how many people want to park in that lot. When you go down Constitutional Way, there isn't a car parked along that whole street, probably because it is two hour parking. Business owners or their employees do not want to go out and move their vehicle every two hours. He feels the Council needs to look at the parking situation throughout the whole community. There appears to be a problem with parking and he feels it needs to be looked at. We should try to help our businesses stay in the community.

Councilor McCallion said it would be great if the Mayor wanted to appoint an ad hoc committee to address the parking issues. We could talk about this all night. His opinion is that it is about timing. There could be a mix of City Council, City staff, business owners, etc. to look at the whole picture.

Councilor Witham said he fully supports the idea of an ad hoc committee with a mix of folks that would be impacted by the decision. Parking is a difficult issue. There is a fair amount of inconsistency.

Councilor Sprague agreed with this also. He is for opening up Constitutional Way to all day parking. We really need to look at the Plaza parking lot. He apologized to the new resident who encountered a problem from the get go. He agrees with her.

Councilor Soldati said we do not need to make final decisions on parking until the City is put back together again. We can make temporary arrangements. We want this to be a desirable, friendly City. We should work out something for everybody.

Councilor Witham said we need to do something in the interim.

The City Manager indicated three ordinances were passed. Ordinance No. 2-14 regarding two hour parking on Constitutional Way; Ordinance No. 3-14 and No. 4-14 were about establishing permit parking behind Nard's and changing the permit parking in the Plaza parking lot. He suggested perhaps making a motion for reconsideration or repealing them, or suspending the enforcement of the three ordinances. They could be placed on hold until the committee comes back to the Council with a comprehensive plan.

Councilor Sprague moved to freeze Ordinance No. 2-14 in reference to two-hour parking on Constitutional Way and Ordinance No. 4-14 in reference to Plaza permit parking until the ad hoc committee comes back with a recommendation. The motion was seconded by Councilor McCallion.

Councilor McCallion said he feels we need to come up with a date, perhaps January of 2014.

Councilor Soldati moved to make a friendly amendment to include Ordinance 3-14, which deals with permit parking behind Nard's. She feels there are other solutions. Perhaps the City can sell it to the tenants or landlords and they can be responsible for it. She feels a January deadline is too short a time for the committee to come up with a recommendation. The motion was seconded by Councilor Pepin and carried by a vote of 7 yeas, 2 nays, Councilors Witham and Sprague voting in the negative.

Councilor Pepin said he hopes we can look at all City parking. We will also have problems on Market Street. He is hoping we will be talking to the businesses also. This is very important.

The motion to freeze Ordinance No. 2-14 regarding two-hour parking on Constitutional Way, Ordinance No. 3-14 regarding permit parking in the lot behind Nards, and Ordinance No. 4-14 regarding permit parking in the Plaza passed by voice vote.

Mayor Spencer asked those who are interested in serving on the ad hoc committee regarding parking to contact him by e-mail or telephone at 692-9501. He will leave this open until 11/04/13.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Pepin said one of the Main Street business owners, Marty Rouleau, has called him several times about the problems that have been encountered. He was looking for guidance and

wondered who he could talk to get some answers. Councilor Sprague worked with him very diligently. The way the curbs are marked out makes him scratch his head. He doesn't know if the engineers have never driven trucks before and don't know what is involved, or maybe some people do not want that business there because it is an eyesore. He would like to see it cleaned up a little bit, but that business has been there for years. If that's the route we are going, he doesn't believe in that type of thing. He is not saying that is the case, but sometimes that is how it appears to people.

Councilor Pepin said he just would like to be able to work with businesses and have someone they can get answers from. The curb cuts in front of Mr. Rouleau's buildings do not make sense and he is very upset about this. We need to look at all aspects of the project and make the effort for our business owners. He doesn't feel the effort is there right now.

Councilor Tapscott reminded everybody that November 11th is Veteran's Day and at 7:00 p.m. at the American Legion Post 69 there will be a gathering to honor Somersworth veterans.

Councilor Sprague reiterated what Councilor Pepin said about Rouleau's Garage. He disagrees with Mr. Rouleau in one way, he believes we do need a sidewalk on that side of the road. It is wrong to do what we have done to him regarding curbs. He went down there today to speak with him. The curb cuts do not line up with his garage. He doesn't think it is fair to look at that establishment without remembering what it has done for our community before all the big companies came in. Mr. Rouleau pays taxes here and you can't just turn your back on him. If we don't like what is there, let's buy it. We shouldn't tell a business owner what they are going to do with their property.

Councilor Sprague commented that he is impressed by American Ambulance's response time. Their average is 3 minutes, 43 seconds. That is a far cry from what we were getting from our last provider. He didn't take part in the vote, but he commends all the Council members that went through a tough time supporting American Ambulance. It looks like it is paying off.

Councilor Witham said when they embarked on the downtown project they worked with Hoyle, Tanner engineering firm to arrive at a concept plan. The concept plan was to set in motion the engineering for the project. The concept plan was subject to change, as the engineering is subject to change. This would not be a radical redesign, but we need to be able to adjust on the downtown project. When we can work with business owners such as Mr. Rouleau without drastic compromises to cost it makes sense to do that.

Councilor Witham said he has found his way downtown a few times to see the work and has talked with some of the staff from Severino. They are very professional, and he is very impressed with what he has seen so far.

Councilor Witham said he went to the grand opening of Leaven on Market Street. It is a very nice establishment and he enjoyed his time there.

Councilor Witham said he contacted Public Works about 4 weeks ago about a damaged pedestrian walk signal on the corner of Washington and High Streets. It remains damaged today.

ADJOURNMENT.

There was a motion by Councilor Tapscott to adjourn. The motion was seconded by Councilor McCallion and passed unanimously. The meeting adjourned at 8:32 p.m.

Respectfully submitted,

Diane M. DuBois, City Clerk