

**MINUTES OF CITY COUNCIL MEETING
COUNCIL CHAMBERS
OCTOBER 6, 2014
7:00 PM**

Somersworth, NH
October 6, 2014

The meeting was called to order by His Honor, the Mayor, and upon roll call the following Council members were present: Pepin, Soldati, Hebert, McCallion, Messier, Tapscott, Witham and Collins. (Councilor Sprague' absence was excused by the Mayor.)

MINUTES OF THE PREVIOUS MEETING.

- Minutes of Public Hearings held on 09/22/2014 on Ordinance No. 5-15 and Ordinance No. 6-15. Councilor Pepin, seconded by Councilor Hebert made a motion to approve the minutes. The motion passed.
- Minutes of City Council Meeting held on 09/22/2014. Councilor Soldati, seconded by Councilor Hebert made a motion to approve the minutes. The motion passed.

COMMENTS BY VISITORS.

None.

ANNOUNCEMENTS BY CITY COUNCILORS

Councilor Soldati reported that the Chamber of Commerce will be hosting a Candidates' forum for candidates running in contested races for City Council, State Senate, State Representatives and contested County offices on Thursday, October 23, 2014 at 6:30 pm in City Council Chambers, Somersworth, NH. She said that a form is available on the Chamber of Commerce website, www.somersworthchamber.com, for Somersworth residents and business owners/managers to submit questions.

Councilor Tapscott reminded everyone that the Pumpkin Festival is this Saturday, October 11, 2014 at the Somersworth High School.

Councilor McCallion mentioned the Jeanne's Journey 5K road race which will be held on Saturday before the Pumpkin Festival. Register to run at www.jeannesjourney5k.com.

COMMUNICATIONS.

Glenn and Joan Austin

**94 Rocky Hill Rd
Somersworth, NH 03878**

October 6, 2014

Diane M. DuBois, City Clerk
City of Somersworth
One Government Way
Somersworth, NH 03878

Re: City Council Meeting / October 6, 2014 / Rocky Hill Road Speed Limit

Dear Ms. DuBois:

We are in favor of reducing the speed limit on Rocky Hill Road. We have lived at 94 Rocky Hill Road for 15 years. During this time, there have been four accidents in our neighborhood with speed being a factor. We recently suffered significant property damage due to someone driving in excess of the posted speed limit. In addition, there have been many instances where we have noticed people are exceeding the speed limit and crossing over the double solid yellow line.

If the speed limit is reduced, we would hope to see some police presence to enforce the new speed limit.

For the safety of all Rocky Hill Road residents, everyone would benefit by a reduction in the speed limit. Thank you for your time and consideration.

Sincerely,

Glenn Austin

Joan Austin

Mayor Hilliard said that, without objection, this communication will be entered into the permanent record.

PRESENTATION OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE.

None.

MAYOR'S REPORT.

- Congratulations to Mike Pomp who recently celebrated thirty years of dedicated and distinguished service on the air with AM 1270 WTSN. For three decades

Mike has provided a balanced news approach engaging and keeping tri-city residents updated on major issues and concerns. I had the honor of attending a recent celebration for Mike with my fellow Mayor colleagues Mayor TJ Jean of Rochester and Mayor Karen Weston. All three of us extend accolades to Mike. In honor of this service Friday, September 26th was declared Mike Pomp Day in the City of Somersworth.

- In response to addressing area drug use concerns, I am happy to announce that I will be attending the NH Community Behavioral health Association's Mayor's round table on mental health and substance abuse. The event will take place on November 18th at the New Hampshire Institute of Politics at Saint Anselm College. The round table will highlight the challenges that New Hampshire's Mayors and other municipal officials face when dealing with untreated mental illness and substance abuse disorders within their communities, and begin a dialogue for developing workable solutions. I am also honored to invite Steve MacKenzie to join me at this discussion.
- Reminder that the next forum will take place Saturday October 25th from 9:00-10:30 with the Ward 5 Councilor and School Board member. All members of the public are invited to each forum despite what ward they reside in.
- Congratulations to the Somersworth Fire Department for hosting a successful open house on Saturday October 4th. The event attracted a packed house of families and area residents learning various aspects of fire safety. In coordination with National Fire Safety Week, I am proclaiming this week as Fire Safety Week in Somersworth and invite our Fire Chief to come forward so I (can) present him with the proclamation.
- As part of the Greater Somersworth Chamber of Commerce Discovery trips, I will be traveling to Greece and Turkey from October 15th -24th. During that time Christen DuBois and Bill Travascio from the Mayor's office will be on hand during their regular scheduled time to aid or listen to citizen's concerns. Councilor Soldati will also be chairing the regular scheduled City Council meeting on October 20th.

Nominations, Appointments and Elections:

Under Nominations, Appointments and Elections, the following are being brought forward this evening for appointment. In accordance with Council Rule 17 Appointments, the nominations shall remain open until the October 20th scheduled meeting.

- Pius Murray, as a Regular member to the Historic District Commission with a term to expire on April 2017.

- Laura Barry, as an Alternate member of the Historic District Commission with a term to expire on April 2017.

REPORTS OF STANDING COMMITTEES.

Finance Committee

Councilor Witham stated that there have been no meetings held since the last City Council meeting.

Government Operations Committee

Councilor Soldati reported that the committee discussed the City Manager evaluation process and that Linda Corriveau, the Human Resources Manager, is investigating the pros and cons of earned time.

Economic Development Committee

Councilor McCallion reported that the committee met last Monday at Tradeport USA at 22 Canal Street. Business owners are busy, so, he said, they are bringing meetings to them so that they can get feedback. He recommended that any interested business owners should contact Economic Development Manager, Christine Soutter.

Councilor McCallion spoke about enforcement, especially with regard to cleanups and garages, to comply with Code. He also said that they have received a proposal for the old Police Station which looks favorable.

Public Safety Committee

Councilor Pepin said that this committee will schedule a meeting soon.

Public Works and the Environment Committee

Councilor Witham had no report as the committee had not met since the previous City Council meeting.

Recreation Committee

Councilor Pepin said that this committee met on September 29, 2014 and discussed fees for the Children's programs. He said that with so many last minute sign-ups, it makes it very difficult to get coaches, etc. They are considering increasing fees as program dates get closer to help alleviate this problem.

He spoke about pee-wee soccer, community walks, "No Hunting" signs at Willand Ponds, fence replacement at Noble Pines, the delayed closing of the Splash pad due to

favorable weather, and discussion of the Ash Street Park and sidewalk updates. The committee also discussed the feasibility of combined sports booster fundraisers.

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER.

School Board

Councilor Pepin said that the School Board met on September 23, 2014. He mentioned that the Special Education budget is high right now because of an influx of students but that this is subject to fluctuation.

COAST Bus

Councilor Pepin attended the Coast Board of Directors annual meeting. The head of NH DOT was there. The Board elected officers and accepted the 2015 operating budget. COAST is getting two second hand coach busses for the Clipper Connection.

Building Trades Trust

Councilor Pepin spoke about Mobile Home construction, saying the chassis does not meet standards but they are still working on it but that money is tied up at this point. He said that they did work for the cemetery. They discussed lab work equipment and next years projects.

Fire Station Advisory Committee

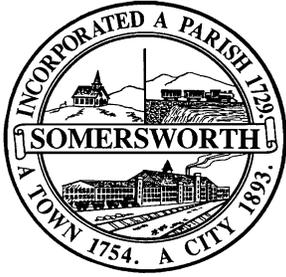
Councilor Pepin reported that they have begun the discussion for a new fire station and on October 24, 2014 they will visit a Dover Fire Station and begin to look at future needs.

Ad Hoc Parking Committee

Councilor Pepin reported that the next Ad Hoc Parking Committee will meet on October 16, 2014 at 3:00 pm.

City Manager Belmore prefaced his report by reporting that Pike, the company currently resurfacing High Street, believes they will be able to do the Blackwater and Whitehouse Road projects this year, maybe beginning the week of October 13th, 2014.

Councilor McCallion of the Economic Development Committee got a redraft proposal for the old Police Department building; the City Manager has more information. Mayor Hilliard assigned the EDC to review this. The City Manager wants to move this forward in an orderly fashion.



CITY OF SOMERSWORTH
Office of the City Manager

TO: Mayor Dana Hilliard and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, October 3, 2014

SUBJECT: City Manager's Report for Monday, October 6, 2014
City Council Agenda

6:00 p.m. – Workshop

*Presentation by Dr. Lucas Kolm, EMS Medical Director for American Ambulance
Re: EMS Quality of Care Services Being Provided, as Well as New Initiatives.*

6:45 p.m. – Public Hearing

Re: Ordinance No. 7-15 Amending Chapter 13, Police Offenses, Section 3.4.B, Motor Vehicle Operations, Speeds, Rocky Hill Road.

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.

Unfinished Business (under Section 13 of Agenda)

Ordinances:

- A. Ordinance No. 7-15 Amend Chapter 13, Police Offenses, Section 3.4.B Motor Vehicle Operation, Speeds, Rocky Hill Road.** This Ordinance is recommended by the Traffic Safety Committee. Attached is a 5-day traffic report from Captain Timmons done by the Strafford Regional Planning Commission. This survey was done in 2013, however Captain Timmons feels these numbers would be similar if the survey was done this year.

Resolutions:

- A. Resolution No. 17-15 Authorize the City Manager to Contract with Industrial Protection Services LLC of Wilmington, MA for the Purchase of Self Contained Breathing Apparatus for the Fire Department.** The Finance Committee reviewed and accepted Fire Chief Hoyle's recommendation. This year's budget appropriation of \$55,764 covers the purchase.

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

A. Information Items:

- 1. FY 2014 NH Department of Safety Grant (Schools Safety Enhancement Equipment).** I am pleased to inform you that I have signed off, authorizing the following Grant application. The City, Somersworth Police Department, Fire Department, SAU56 and American Ambulance have partnered to submit a Grant in the amount of \$177,290 for Schools Safety Enhancement Equipment and Special Team/Special Response Enhancements to include a training component. The attached copy provides some detail as to the cost elements of the Grant.

- 2. CVS Pharmacy Drug Turn in Box.** CVS has graciously awarded the City of Somersworth a "drug turn in box". It has been installed in the lobby of the Police Department. It will allow citizens to turn in unwanted prescriptions and over the counter medicines year round without having to wait for a drug take back day.

B. Attachments:

1. City Attorney Certifications: Two (2).
2. Recreation Committee September 29th Meeting Information.

NOMINATIONS, APPOINTMENTS AND ELECTIONS.

- Historic District Commission- Pius Charles Murray, Regular Member, Term to Expire 04/2017.
- Historic District Commission- Laura Barry, Alternate Member, Term to Expire 04/2017.

Councilor Tapscott made a motion, seconded by Councilor Collins, to waive rules to approve the appointment of Pius Charles Murray as a regular member of the HDC this evening. The motion passed on a voice vote. (Witham opposed.)

The Council confirmed the appointment of Pius Murray to the HDC on a voice vote.

LAY ON TABLE.

Ordinance:

ORDINANCE NO. 6-15 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.3 ONE WAY STREETS, RELATIVE TO CONSTITUTIONAL WAY.

Councilor Witham, seconded by Councilor Messier, made a motion to remove Ordinance No. 6-15 from the table. The Mayor indicated that the motion passed despite opposition. (Voice vote.)

Councilor Witham wants this on the table with the date 4/1/2015. Mayor Hilliard said that would contradict Council Rules which specify that anything laid on the table must be disposed of before the end of the calendar year.

Councilor Witham, seconded by Councilor Messier, made a motion to adopt Ordinance No. 6-15.

Councilor McCallion objected saying that one Councilor is missing tonight, (Councilor Sprague, Chairman of Public Works,) and that we should wait until the work is done before voting on this. He was not sure why this is off the table and felt that we were jumping the gun until they see this project finished.

Councilor Hebert agreed with this. It bothers him to go to Main Street and around. But once High Street is liberated from the work he could go down and make the turn. They should wait and give it a chance to see if people will use it the way it (was intended.)

Councilor Sprague arrived at 7:30 pm.

Although Councilor Soldati finds it inconvenient and frustrating, she urged the Council to wait and see. She mentioned that she heard rumors that the Citizen's Bank branch is closing, her feeling was that, if true, this would have been in the works prior to this.

Mayor Hilliard said that he stands corrected, it is the end of the *fiscal* year, not the calendar year, when items on the table (expire.)

Councilor Witham and Councilor Messier, made a motion to table the ordinance until April 2015. Mayor Hilliard said a motion to table is in order, (however) a (specific) date is not in order. A motion to table at any point is within order on any legislation at any time. It is a higher order of a motion which precedes all other motions and it is non-debatable. Both Councilors removed their motion to table for the moment.

Councilor Pepin knows that the Council tried to address construction and parking concerns when they did this, but that is not how it is being used. He thinks he has seen three cars parked there. This is not worth the inconvenience to the public and it has not accomplished what it was meant to. He thinks they need a committee meeting but he doesn't see the use of keeping it (one way.)

Councilor Collins has received calls from people complaining but he doesn't think it is the right time to make a change. It is too early to make the decision.

Councilor Witham said he could go either way; waiting until spring or changing it back today. There have been lots of citizen complaints. He said it was originally a matter of safety to the Traffic Safety Committee, if we wait until spring, he said that we need lines and he wondered what will happen to the barricade at the end this winter. He thinks the barricade belong to Severino (Trucking.) He brought this up for discussion.

After he asked the City Manager to respond, Mr. Belmore said that he could talk to the Police Chief but that he was not really sure what (he was being asked to do.)

Councilor Witham wants lines repainted, at a minimum. Mayor Hilliard offered help, as a parliamentarian, and said that he could refer this to committee.

Councilor Witham made a motion, seconded by Councilor McCallion, to refer this to the Public Works and Environment Committee. The motion passed on a roll call vote, 6-3. (Pepin, Messier and Tapscott opposed.)

Other:

AUTHORIZE THE CITY MANAGER TO SIGN UNUTIL AGREEMENT TO EXTEND NATURAL GAS SERVICE TO THE FORMER POLICE DEPARTMENT BUILDING.

This item was not taken off the table.

UNFINISHED BUSINESS.

Ordinances:

ORDINANCE NO. 7-15 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.4.B MOTOR VEHICLE OPERATION, SPEEDS, ROCKY HILL ROAD.

Councilor Witham, seconded by Councilor Collins, moved to accept Ordinance No. 7-15.

Councilor Messier will support this, but doesn't think it will slow (people) down.

Councilor Pepin explained that he sponsored this because of the complaints. He said that part of the road is fairly straight and that cars go fast, but that lower Rocky Hill Road is very windy and narrow; there are more pedestrians and it is a safety hazard. He thinks this won't make them slow down, they need law enforcement. He said that hopefully it would make people feel safer.

Councilor Hebert agreed, saying there are signs but no-one pays attention. If the PD would stop people and ticket it would have an affect.

Councilor Collins thinks that signage does matter. He thinks it wouldn't dissuade everyone but helps for the majority.

Councilor Witham agrees with all of the above and thinks signage will help some. He thinks the 5 mph change is incrementally better and mentioned bikers and walkers, encouraging the use of protective/reflective gear, etc. He pondered the use of speed radar trailers and whether the City might find grant opportunities to acquire.

Ordinance No. 7-15 passed 8-0 on a roll call vote. (Councilor Sprague left before this vote was taken.)

Resolutions:

RESOLUTION NO. 17-15 AUTHORIZE THE CITY MANAGER TO CONTRACT WITH INDUSTRIAL PROTECTION SERVICES LLC OF WILMINGTON, MA FOR THE URCHASE OF SELF CONTAINED BREATHING APPARATUS FOR THE FIRE DEPARTMENT.

Councilor Soldati, seconded by Councilor Hebert made a motion to adopt Resolution No. 17-5. The motion passed 8-0 on a roll call vote.

NEW BUSINESS.

None.

COMMENTS BY VISITORS.

Pius Charles Murray, 231 High Street, thanked Councilors for their vote to accept him as a regular member of the Historic District Commission.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Pepin thanked the Fire Department, the Police Department and American Ambulance for being there. He noted the inflatable house where kids (could practice) getting out of the house, classes, etc. He thanked all those who gave their time for this.

Councilor McCallion also thanked them, saying that the Open House was a great success. He wanted to clarify, with respect to the Recreation minutes, that he wants City and staff to consolidate (as far as sports booster fundraising.) If everybody gets united, things can happen. He thinks we're at that point. We can't keep eliminating programs and getting embarrassed. We just need to get it together.

Councilor Messier thanked American Ambulance for becoming accredited, an initiative that he believes they took upon themselves, he doesn't think that was part of the contract.

Councilor Witham observed that the down project contractor is doing a marvelous job. He said they have started to put some of the finishing touches on various areas.

Last week they started on what he described as the retaining wall up against the properties on High Street between Noble and Hamilton. He recalls the conversation when this project was in the planning phase and they chose a design option. Specifically he remembers asking the question how that retaining wall was going to be constructed: granite, dry stack stone, or whatever exactly it was going to be. He remembers one of the engineers, (Marisa DiBiaso, if he has that name correct,) was sitting in the third chair in the front row that nodded her head aggressively and wrote a note because he said this is within the Historic District because he was reminded that when he sat on the HDC some years ago, ...they had a property on one of the faces of the Hill that had a retaining wall that for some reason, back in the day, was made of concrete block, cemented together and painted. Over the years, the wall had failed and was leaning out precariously, dangerously into the sidewalk. The City notified the landowner that he had to do something with the wall because it could fall on the sidewalk and was in danger of collapsing. He remembers sitting on the HDC when that building owner, a landlord from Portsmouth he believes, came before the HDC and proposed using dry stack masonry block, but the decorative ones that are used in landscaping that interlock. He came before the HDC looking to do that and, "No. No. It is not historically accurate, you need to use either use granite or dry stack stone," and they sent him away. He came back the following month and he said to replace the wall the system that he wanted to use was about \$10,000, to do the granite or the dry stack stone was more like \$30,000 to \$40,000 and he didn't have that kind of money. The HDC said that the stone he wanted to use was a man-made product and he could not use it. Unfortunately the landowner went away without the approval. What remains today it the concrete block wall painted various colors leaning out into the sidewalk; unattractive and unsafe. There has been no progress made on it. So, Councilor Witham said that if we are going to be that difficult with a landowner, he sure hopes that as a community, when we do an improvement project, like they are doing on High Street, that they follow the rules that they set forth. Unfortunately, the wall that is going up on High Street is a manmade product, almost

identical to what this landowner wanted to use. They are going to be using that within a stone's throw of this wall that is collapsing that he couldn't replace with this kind of wall. Really, it kind of befuddles him how they tap-dance with the Historic District Commission. Either as a community they want to embrace what they do, or as a community they should just do away with it. He is not sure where they stand. When he was on the HDC, many of the people that had to come in front of them were caught by Code Enforcement doing stuff that the Historic District and the rules it has are there to protect those folks, but they're the very ones that sometimes violate it.

He finds himself between a rock and a hard place; truly, he guesses he doesn't know what he is asking. He is just stating that he is kind of displeased that they are using this man-made block instead of a proper stone for this retaining wall which from a glance of an eye is going to be 3-4 feet in that section of High Street, it is the only area that we're using that type of retaining wall. He is curious on the feedback. He has a bit of disappointment with our engineering firm who seem to articulate with a nod of the head and a stroke of the pen that its going to be that way and apparently it isn't going to be that way. "Sorry for the long lament. It is a bit of a concern."

More positively, regarding the Open House at the Fire Station, he said "Nice Job!" to Fire Chief Hoyle, his staff and all who helped. He said that he was surprised by the turnout. He mentioned that he recently called the Police Department about dogs running amok at the Noble Pines ball field. There is a leash law and no dogs are supposed to be on the field. He is looking for fines and penalties.

He mentioned sports fundraisers saying that on November 1st and 2nd there will be a basketball camp. It is \$40 for two days.

Councilor Collins has five kids in the public school system and they have been hearing complaints recently about language around sports. He said there was an incident which wasn't appropriate and it was address quickly. He said that coaches go through background checks and that the vast majority do our City very well. He thinks (the situation) was handled well. This type of behavior is demoralizing and unacceptable, but was rectified immediately. He does not bewlieve there will be further problems.

FUTURE AGENDA ITEMS.

None.

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

None.

ADJOURNMENT.

Councilor Hebert, seconded by Councilor Tapscott, made a motion to adjourn. The motion passed and the meeting adjourned at 8:03 pm.

Respectfully submitted,

Elise B. Brellis, Deputy City Clerk