

MINUTES OF CITY COUNCIL MEETING

OCTOBER 7, 2013

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

COMMENTS BY VISITORS.

Paul Drager, 32 Chadwick Lane, said they just moved there in March. When they moved into the community, they were surprised to learn that they apparently belong to a homeowner's association, however they found out there is no homeowner's association. The homeowner's association is responsible for the maintenance and upkeep of a pump station that the City required for the sub-division called Lenox Park around 2005. When they did further research to see if there had been anything recorded that would suggest that there was indeed a homeowner's association, they were unable to find anything. There are references in their deed that the 25 families in the development are supposed to pay a \$150 fee for the maintenance of this particular pump. This becomes difficult to enforce given there is no homeowner's association.

Mr. Drager indicated that over the years there has been a constant problem with sewage backup with a pump station that may or may not be undersized.

Mr. Drager said there are several members of the Lenox Park area here tonight. One of the residents, Brad Miller, has actually lived in the subdivision from the beginning. What they found out was that in 2008 there was a major sewage overflow. Apparently the City became involved and the EPA was called in. There have been constant problems with whether or not this particular pump is appropriate. Also, there is a sewage tank right in front of somebody's house. He is not sure how the City approved that to begin with. In any event, they are having problems continuing to maintain this pump station. They have called in the City on a number of occasions to try to get additional information. They would like the City to take a look at this problem and see if they can take over this pump station.

William Connor, 41 Pinewood Drive, read his letter regarding the legality of the City of Somersworth, NH 2012 tax and spending cap petition:

Honorable Mayor and City Council,

On 11/13/12 the City Council voted to pass a motion to certify the special municipal election results regarding a tax and spending cap legislation action.

I would request now that the City Council undertake a judicious reconsideration to this 2012 City tax and spending cap legislation that was voted on and approved by the City's voters in the special municipal election and henceforth was certified by the City Council.

A petition is a legally written request signed by many citizens for the purpose of demanding a specific action from an authority or government pleading a cause, reason, circumstance for invoking justification.

I would note some of the State of NH's RSA 32:B.5/RSA 49:B.5 both containing requirements of authenticating and the certifying of any tax and spending cap petition brought before any City Council, that they should include the following considerations:

1. Who is the authenticator of the petition document and are the records of this task available for review?
2. Who confirmed the genuineness of the petition documents, that they have been recognized as legal by a means of forensic examination and that the documents do so exhibit a status of bona fide authenticity?
3. Who has established and confirmed, by the use of the State of NH RSA's and its accepted methods, that the factual signatures on the petition documents are authentic and have been proven by investigational methods to have been validated as legally binding.

I would put forward that this City Council reconsider the 2012 tax and spending cap petition document that was submitted by the petitioner, that was voted on and then approved by the City's voters and then certified by the City Council. **As to be considered to be an invalid petition document for the aforesaid, unsubstantiated and legally necessary justifications giving.**

My intention in this matter is that the City Council will demonstrate they have done due diligence in the authentication of the 2012 tax and spending cap petition documents. In addition, that all petitions submitted to the City Council receive the same levels of scrutiny to comply with our State's RSA's.

Moreover, that we not follow the methods and techniques of others that have signed and approved legislation and then took their time to read its contents after its passage, to their chagrin.

Respectfully,

William L. Connor

Real Roseberry, 405 Route 108, said he gave all his tax cap information to the Secretary of State, the Attorney General, and the Internal Revenue. They have everything.

Mr. Roseberry said last Sunday he watched a program on Channel 9 about the people running for Mayor in Laconia. They love his tax cap. They feel it is the best thing that ever happened in Laconia. The Mayor from Franklin said the same thing. Next week somebody from Rochester will be on. He wants the people from Somersworth to watch and find out what the tax cap is all about. The tax cap is the best thing that ever happened. Nobody is going to suffer and everything is going to run smooth.

Brad Miller, 14 Chadwick Lane, said they have other issues with Lenox Park. A zoning amendment was passed at a City Council Meeting in 2008 addressing the number of people that can live in one house at any given time. It doesn't do much good to pass an ordinance if the City isn't going to enforce it. Also, Lenox Park was forced to put in sidewalks which will be maintained by the City. He has been there for seven years and the sidewalks have not once been plowed.

ANNOUNCEMENTS BY COUNCILORS.

Councilor Soldati thanked the citizens for turning out last weekend for the Friends of Somersworth (FOS) Hidden Treasures auction. She wished to thank the City Councilors who attended, Councilors Witham, Pepin, Hebert and Donohue. It meant a lot to the FOS to have your presence and your support.

COMMUNICATIONS.

LETTER FROM ROBERT CRICHTON, CHAIRMAN OF BOARD OF COMMISSIONERS, SOMERSWORTH HOUSING AUTHORITY.

Somersworth Housing Authority
25A Bartlett Ave, PO Box 31
Somersworth, NH 03878
September 17, 2013

To Whom It May Concern:

On the 3rd of September 2013 the Board of Commissioners announced Deborah Evans as the new Executive Director for the Somersworth Housing Authority in Somersworth, NH. This letter confirms the new director has been voted on and approved. Please update your records to show this change.

Sincerely,

Robert Crichton
Chairman of Board of Commissioners

Deborah Evans, Executive Director of the Somersworth Housing Authority, introduced herself to the Council for those who do not know her. For those not familiar with their inventory, some of the developments they own as public housing are as follows:

- Albert J. Nadeau Homes on Bartlett Ave. and Verona Street, 56 family units.
- Charpentier Apartments, 49 elderly and disabled units located on the corner of Green and Franklin Streets.
- Filion Terrace on Washington Street, 64 elderly and disabled units.

They also manage properties for different owners:

- Preservation Park located on Main Street, 26 elderly and disabled units owned by Coolidge & Cullinane Associates.
- Smokey Hollow, 225 Main Street, is a family development consisting of 16 units, also owned by Coolidge & Cullinane Associates.
- Albert Jack LaBonte Apartments, located at 191 Maple Street, has 37 elderly and disabled apartments, and is a tax credit building.
- Queensbury Mill, 1 Market Street, 24 elderly and disabled apartments is also a tax credit building.

Ms. Evans said they also administer the Section 8 Voucher Program, which consists of approximately 183 vouchers. Their newest venture this year has been the Queensbury Mill. They purchased the limited partnership from TD Bank. They are planning some renovations for the Queensbury Mill Building.

The Housing Authority is also a sponsor for the Meals-on-Wheels Program. They also have a Youth Save Haven Program/Police Mini Station located in the modular at the Albert J. Nadeau Homes that benefits a lot of after-school programs and helps kids with their homework.

They also have a congregate housing program located at Charpentier Apartments. They also sponsor the Somersworth Early Learning Center, which is at 35 Bartlett Ave. and has the capacity to care for children aged 8 weeks to school age.

She is proud to be part of the mission of the Somersworth Housing Authority. She has been there for a long time and plans on being there a while longer. The staff and the Board of Commissioners are looking forward to moving forward and partnering with the City on different developments. She invited any Council members to stop by the office and meet their staff.

MAYOR'S REPORT.

- 9/18/13 – Attended groundbreaking ceremony for the downtown revitalization construction.

- 9/18/13 – Attended the NH DOT GACIT public hearing.
- 9/19/13 – Attended the NHMA Board of Directors meeting.
- 9/19/13 – Invited to and attended the Senior Picnic.
- 9/20/13 – Invited to and attended the SMS NELMS Award presentation.
- 9/21/13 – Attended the Summersworth Historical Society fundraiser at the Forest Glade Cemetery. Thank you to all who attended, and thank you to Councilor Soldati who played one of the characters.
- 9/24/13 – Invited to and attended the Somersworth Schools Tour put on by SAU 56.
- 10/1/13 – Invited to and attended the NHDES BMP Workshop at the Pease International Tradeport.
- 10/4/13 – Attended the Fire Station Open House.
- 10/7/13 – Invited to and attended the NH Afterschool annual meeting with fellow Mayor of Franklin.
- 10/7/13 – Attended the City Council workshop with NH State Legislatures.

REPORTS OF STANDING COMMITTEES.

FINANCE COMMITTEE.

Councilor Jarvis reported this Committee met on 9/26/13 and discussed the following items:

- Reviewed the budgeted lease/purchase of a 1-ton Ford Plow Truck and Backhoe. They approved sponsoring the resolutions to support the purchases.
- Reviewed tax deeded property on Wexford Lane. They discussed two lots that have municipal waste on them, such as appliances and other waste. The extent of cleanup at this time is unknown. The amount of taxes due on each property is approximately \$3,000. Motion was made to sponsor a resolution to reject the Tax Collector's deed. All approved.
- Reviewed a quote for the purchase of the equipment for the School Cable Channel in the amount of \$31,614. They reviewed exactly what this quote would do. The Superintendent said this will allow us to broadcast events from all the schools on the school channel. She hopes this could be in place by spring but there is still a lot of work to do. All members approved motion to sponsor a resolution for the purchase of the equipment.

PUBLIC SAFETY COMMITTEE.

Councilor Witham reported this Committee met on 10/03/13. The Committee members were present as well as several staff members, Councilor Donohue, Paul Robidas from American Ambulance, Christina Hufiani and Rick Michaud. The following items relative to the Police Department were discussed:

- Rt. 108 Speed Limit – Per request of Mayor Spencer, the Committee reviewed a draft letter for submission to the State of NH regarding speed limits on Route 108. The section in question is between the Rochester line and the West High Street intersection, and the request is to lower the speed limit from 40mph to 35mph. According to Captain Timmons this section of roadway has seen more accidents in recent years and the speed reduction would make all of Route 108 in Somersworth a uniform speed at 35mph. The Committee endorses sending the letter and will refer action back to the Mayor and full City Council.
- Curfew Ordinance – Chief Crombie addressed the issues related with establishing a curfew. He noted that in his research he found that no other NH community has a curfew. Dover tried it a few years ago and almost immediately repealed it. He noted that if a juvenile were picked up for violation of the curfew the officer would need to locate a parent. If a parent were not immediately located the officer would have to stay with the juvenile until the parent is either found or the juvenile is turned over to a protective services agency. They cannot be locked up or left alone at their home as we have in essence assumed custody and control. This leads to the very real possibility of reducing available officers for calls on what are already thinly staffed shifts.
Ms. Hufiana and Mr. Michaud understood the Chief’s concerns and seemed less enamored with a curfew. The Committee members had an open dialogue with the visitors and the police command staff and everyone seemed pleased with several actions being planned by the police in areas identified as being problematic. The Committee did not recommend pursuing a curfew ordinance at this time and instead supports the planned added police presence and activity.
- Command Staff Structure – At the request of Chief Crombie the Committee discussed going into non-public session in accordance with RSA 95a – Personnel regarding the possible promotion and compensation of a Police Department employee. There was a motion by Councilor Pepin, seconded by Councilor Hebert, to go into non-public session which passed on roll call vote of 3-0. The Committee agreed with the Manager’s pending approval of the Police Chief’s plan to re-institute a Lieutenant Detective Rank which would allow the promotion of an officer. The PD command staff explained the organizational structure and deployment of staff within the department. The Committee supported the plan. Motion by Councilor Pepin, seconded by Councilor Hebert to come out of non-public session. Motion passed 3-0.

Ambulance Service – Mr. Robidas noted that things continue to go smoothly and response times remain between 3 and 4 minutes.

PUBLIC WORKS & THE ENVIRONMENT COMMITTEE.

Councilor Sprague reported this Committee met on 9/26/13 and discussed the following items:

- One-ton Ford Plow Truck purchase and a Backhoe purchase, which are two budgeted items.
- Amazon Park water request.
- Down Street drainage issue. Another abutting resident contacted him voicing his concern about what was going to be happening with the drainage easement behind their home. The residents gave the Committee a synopsis of what has been going on the past few years. We agreed to move forward with the survey work to get the data needed by our City Engineer so that we actually know what we are doing. We need to come up with a plan.
- They put off the water ordinance draft until their next meeting on 10/16/13.

Councilor Sprague expressed that the people from Chadwick Lane can speak to him after the meeting if they want to wait. It sounds like there are a couple of issues, one being the homeowner's association and one being the pump station.

GOVERNMENT OPERATIONS COMMITTEE.

Councilor Tapscott said this Committee will be meeting on 10/09/13 at 4:00 p.m.

REPORTS OF SPECIAL COMMITTEES.

SCHOOL BOARD.

Councilor Pepin said he attended a tour of the schools on 9/24/13. He thanked the School Board for inviting the City Council. Every time he goes through the schools he sees something different. There has been very good progress on the HVAC systems and the windows look great. He also thanked the culinary students, who prepared lunch. It was a great lunch.

Councilor Pepin reported that he attended a School Board meeting on 9/24/13. There was some talk about cancelling the meeting because of the loss of one of the members, Jerry Perkins, but they decided to hold the meeting. The school audit is done on the 2012-13 budget and it has been forwarded to the City Manager.

Councilor Pepin said it was discussed that in two weeks the special education department received 28 new students in the system. They feel they can absorb the costs into their budget.

COAST BOARD OF DIRECTORS.

Councilor Pepin reported he attended a COAST Board of Directors meeting on 9/25/13 and the following items were discussed:

- Election of officers for the 2014 calendar year.
- They approved a 6% increase in the 2014 operating budget.

- COAST bus now is accepting credit cards for monthly passes and for the Clipper Connection that goes to the Shipyard.
- Ridership in August, 2013 was 48,726 breaking another monthly record.

SOMERSWORTH BUILDING TRADES TRUST.

Councilor Pepin reported this meeting was held on 10/01/13. They had an election of officers. They had a long discussion about looking for a project. Right now the students are doing projects in-house at the school. They are looking for some type of building or single-wide trailer. There was discussion about a piece of property up the street from the school that is going up for sale and needs a lot of work. They thought perhaps they could make arrangements with whoever buys the house to do some of the work. If you have to bus students to a building site then bus them back, it doesn't leave them much time to actually work on the project. Right now, they could build a modular building inside the school or if a contractor needs framework done they could do that.

STRAFFORD REGIONAL PLANNING COMMISSION (SRPC).

Councilor Tapscott reported this Committee met on 9/26/13. The following items were discussed:

- Approved the Fiscal Year 2015 SRPC dues, which will be the same as the last two years.
- There was a presentation of the draft of the Strafford Regional broadband plan by Mr. Sullivan who gave an informative power point presentation. The project will be complete by 6/30/14.
- They had a presentation on a report on water infrastructure by Kyle Pimentel who is the Senior Regional Planner. He gave an informative power point presentation and explained key factors of the project.
- They were distributed the latest Commissioner's handbooks.

CITY MANAGER'S REPORT.



TO: Mayor Matthew Spencer and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, October 4, 2013

SUBJECT: City Manager's Report for Monday, October 7, 2013

City Council Agenda

5:30 p.m. City Council Workshop with New Hampshire Legislators

Regarding Councilor Sprague's comments concerning the next Public Works & Environment Committee Meeting, it will be next Wednesday, 10/16/13 at 8:30 a.m. If we are going to be taking up the Chadwick Lane matter on the pump station for the sewage situation, I would ask that one of the residents stop by my office and share some of the information with me so I can do some research in preparation for that meeting.

In regards to the next regular Council Meeting on 10/21/13, I would ask that you consider a workshop at 6:30 p.m. with HTA Engineers to show some designs on our downtown project, particularly the light poles and how they might be designed and how they might look. I know the Council wanted to weigh in on that. One issue they are looking for a more immediate decision on Main Street is if we want all our light poles downtown to have an extra receptacle for electrical Christmas decorations. That would be a change order and would cost some money. Our resident Engineer is looking into the exact costs with Severino. I would ask the Public Works Committee or the full Council to weigh in on this.

Unfinished Business (under Section 12 of Agenda)

Resolutions:

- A. Resolution No. 10-14 Authorizing the City Manager to Enter into a Grant Agreement with the State of New Hampshire Department of Resources and Economic Development for a Land and Water Conservation Fund (LWCF) Grant to Conduct the Mast Point Dam Revitalization Project.** Background information was provided to you in the last meeting packet.
- B. Resolution No. 11-14 Authorizing the City Manager to Contract with Industrial Protection Services, LLC of Wilmington, MA for the Purchase of Self-Contained Breathing Apparatus.** Background information was provided to you in the last meeting packet.

New 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.** The Finance Committee supports this action based on their discussion with staff on September 26th. Attached is a map of these parcels. There is buried solid waste on these parcels, please note – not hazardous waste. As we are not sure of the extent of waste, and therefore the cost, the recommendation is to refuse the tax deeds at this time.
- B. **Resolution No. 15-14 Authorizing the City Manager to Contract with Milton Cat of Hopkinton, NH for the Purchase of a Backhoe.** Attached is supporting memorandums from the Highway Division Foreman and the Public Works Director. The City Council's approved budget allocated \$15,000 for this lease/purchase. The recommendation includes keeping the old backhoe, therefore there is no trade-in value being deducted.
- C. **Resolution No. 16-14 Authorizing the City Manager to Contract with Grappone Ford of Concord, NH for the Purchase of a One-Ton Plow Truck.** Attached is a recommendation on this purchase from Public Work Director Willis. This fiscal year's budget appropriates \$16,500 for this lease/purchase. This purchase includes the truck and all associated equipment.
- D. **Resolution No. 17-14 To Authorize the School Department to Utilize a Portion of the Cable Franchise Fee to Purchase Equipment Necessary to Start a Local Educational Access Channel.** The Finance Committee discussed this purchase with City Staff and School Superintendent Jeni Mosca. The purchase would be made with franchise fee escrowed funds, not the general fund. I have attached a copy of the proposed equipment purchases. This equipment is needed to begin the process in launching the School Department's Educational Channel.
- E. **Resolution No. 18-14 Authorizing the City Manager to Sell City Tax Deeded Property at 28 Green Street through a Negotiated Sale Process.** The Economic Development Committee discussed the possibility of the City retaining this property. The Committee voted to recommend selling it with further City Council involvement as to the eventual purchase acceptance.

Other:

- A. **To Act on the City of Rochester's Request to Supply Amazon Park Municipal Water.** Attached is a copy of information provided to the Public Works & Environment Committee regarding this request. As you will read, the City has an intermunicipal agreement in place with the City of Rochester. Presently, we bill Rochester for the current property owners that are provided with Somersworth water. Should the Council authorize water to Amazon Park, the City of Rochester would pay for the water used by the Park residents. I have also provided some advice from the City Attorney on this matter in the attached confidential email.
- B. **Request to Reconsider the Vote to Call N. Pandelena Construction Bond.** Attached is a copy of the recommendation provided by City Attorney. The City is holding \$10,000 in escrow at this time. The City did receive written verification

from the Bond Company that any agreement entered into by the City would not interfere with our ability to call the bond later down the road.

- C. To Consider the Issuance of an Order to Remove a Hazardous Building at 11 Crest Drive.** City Attorney has approved the Draft Order. Attached is a copy of this Draft Order and other supporting documents.
- D. Discussion of Paper Reduction, Requested by Councilor Pepin.**

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

A. Informational Items:

- 1. Police Grant.** I am please to report that the Police have received a Highway Safety Grant in the amount of \$4,680 for additional patrols under their "Operation Safe Commute Program". The program is aimed to encourage motorist to focus on the task of driving and operating their vehicles safely during their daily commute hours. I have approved the City's acceptance of this Grant and Program funding.
- 2. FEMA.** We received our money from FEMA in regards to the storm last fiscal year. We were reimbursed for our expenditures for equipment and personnel during that storm.

B. Attachments:

- 1.** Certifications for Resolutions No. 10-14 and 11-14 were provided to you in the last meeting packet.
- 2.** Miscellaneous Correspondence

UNFINISHED BUSINESS.

RESOLUTION NO. 10-14 AUTHORIZING THE CITY MANAGER TO ENTER INTO A GRANT AGREEMENT WITH THE STATE OF NEW HAMPSHIRE DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT FOR A LAND AND WATER CONSERVATION FUND (LWCF) GRANT TO CONDUCT THE MAST POINT DAM REVITALIZATION PROJECT.

Councilor Pepin said this was established by the Conservation Commission. Several years ago they purchased some land along the river and they were trying to find a way to develop the land so the public would be able to utilize it. This proposal would thin out the area, making some nice trails and a boat launch so people can utilize canoes and kayaks. This would give us the opportunity to have something for our citizens to enjoy.

Resolution No. 10-14 passed by roll call vote of 9 yeas, 0 nays.

RESOLUTION NO. 11-14 AUTHORIZING THE CITY MANAGER TO CONTRACT WITH INDUSTRIAL PROTECTION SERVICES, LLC OF WILMINGTON, MA FOR THE PURCHASE OF SELF-CONTAINED BREATHING APPARATUS.

Councilor Witham said the masks that Firefighters wear are probably one of the most important pieces of equipment they have. The most important thing about this resolution is that it sets in place the wheels for a four-year replacement program to fully outfit the agency. The current breathing apparatus are at the end of their useful life. This is an important resolution to pass.

Resolution No. 11-14 passed by roll call vote of 9 yeas, 0 nays.

NEW BUSINESS.

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.

Somersworth, NH
October 7, 2013

WHEREAS, RSA 80:76 directs the Tax Collector, after 2 years, to execute to the City a deed of the land subject to the real estate tax lien and not redeemed; and

WHEREAS, the Governing Body of a municipality may refuse to accept a tax deed on behalf of the municipality because in its judgment, acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, or for any reason that would be contrary to the public interest,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Tax Collector be notified that for those reasons the City shall refuse to accept the tax deeds on property located at the following locations:

<u>Location</u>	<u>Tax Map/Lot</u>
5 Wexford Lane	35-12A
7 Wexford Lane	35-12B

Introduced by Councilors

Robin S. Jarvis
Dale R. Sprague
Jennifer Soldati

Approved by:

City Attorney

Following the first reading of Resolution No. 14-14, it was referred to the next meeting.

RESOLUTION NO. 15-14 AUTHORIZING THE CITY MANAGER TO CONTRACT WITH MILTON CAT OF HOPKINTON, NH FOR THE PURCHASE OF A BACKHOE.

Somersworth, NH

October 7, 2013

WHEREAS, the fiscal year 2013-2014 adopted budget contains an appropriation for a down payment toward the purchase of a backhoe through a lease/purchase agreement; and

WHEREAS, City staff solicited sealed bids from authorized dealerships and recommends contracting with Milton Cat of Hopkinton, NH for an amount not to exceed \$114,000 (One Hundred Fourteen Thousand dollars); and

WHEREAS, the Public Works and Environment Committee for the City of Somersworth has reviewed and supports the recommendation; and

WHEREAS, the Finance Committee for the City of Somersworth has reviewed and supports the recommendation,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with Milton Cat of Hopkinton, NH for the purchase of a backhoe for an amount not to exceed \$114,000 (One Hundred Fourteen Thousand dollars), and

BE IT FURTHER RESOLVED THAT the City Manager is authorized to execute a five-year lease/purchase agreement for the acquisition of the backhoe in order to meet the needs and best interests of the City.

Introduced by Councilors

Dale R. Sprague

Robin S. Jarvis

Jennifer Soldati

Brian Tapscott

Marcel Hebert

Approved

City Attorney

Councilor Sprague moved to suspend the rules in order to have a second reading of Resolution No. 15-14 tonight. The motion was seconded by Councilor Tapscott and passed unanimously.

Councilor Sprague pointed out to the Council that this was not the lowest bid brought forth to the Committee, there was a company that was \$1,000 lower. You cannot look at the net bid because they decided to keep the current backhoe to use for salt loading in the winter months. Even though we aren't trading it in now, it will maintain its value and we could still trade it at a later date. The Public Works Committee went with the caterpillar because of the hydraulic powers and the loading capabilities. Also, we purchased a trench box and this machine would be able to handle that.

Councilor Witham said he likes the fact that when we purchase a piece of equipment we have our operators actually sit and run it and get their feedback. He feels that is particularly valuable.

Resolution No. 15-14 passed by roll call vote of 9 yeas, 0 nays.

RESOLUTION NO. 16-14 AUTHORIZING THE CITY MANAGER TO CONTRACT WITH GRAPPONE FORD OF CONCORD, NH FOR THE PURCHASE OF A ONE-TON PLOW TRUCK.

Somersworth, NH
October 7, 2013

WHEREAS, the fiscal year 2013-2014 adopted budget contains an appropriation for a down payment toward the purchase of a one-ton plow truck through a lease/purchase agreement; and

WHEREAS, City staff solicited quotes from authorized Ford dealerships and recommends contracting with Grappone Ford of Concord, NH for an amount not to exceed \$77,290 (Seventy Seven Thousand Two Hundred Ninety dollars); and

WHEREAS, the Public Works and Environment Committee for the City of Somersworth has reviewed and supports the recommendation; and

WHEREAS, the Finance Committee for the City of Somersworth has reviewed and supports the recommendation,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with Grappone Ford of Concord, NH for the purchase of a one-ton plow truck for an amount not to exceed \$77,290 (Seventy Seven Thousand Two Hundred Ninety dollars), and

BE IT FURTHER RESOLVED THAT the City Manager is authorized to execute a five-year lease/purchase agreement for the acquisition of a one-ton plow truck in order to meet the needs and best interests of the City.

Introduced by Councilors

Dale R. Sprague
Robin S. Jarvis
Jennifer Soldati
Brian Tapscott
Marcel Hebert

Approved

City Attorney

Councilor Sprague moved to suspend the rules for a second reading of Resolution No. 16-14. The motion was seconded by Councilor Tapscott and passed unanimously.

Councilor Sprague commented that the \$77,290 includes not only the one-ton truck, but also a 3-yard dump body and a sander. It will be replacing an item we are putting out to pasture.

Resolution No. 16-14 passed by roll call vote of 9 yeas, 0 nays.

RESOLUTION NO. 17-14 TO AUTHORIZE THE SCHOOL DEPARTMENT TO UTILIZE A PORTION OF THE CABLE FRANCHISE FEE TO PURCHASE EQUIPMENT NECESSARY TO START A LOCAL EDUCATIONAL ACCESS CHANNEL.

Somersworth, NH
October 7, 2013

WHEREAS, the City of Somersworth recently concluded negotiations and authorized a cable franchise agreement with Comcast; and

WHEREAS, the franchise agreement with Comcast provided for an upfront payment of the annual franchise fee for which a portion was intended to purchase equipment capable of broadcasting an Educational access channel; and

WHEREAS, School Department staff and City staff have worked together to itemize the equipment necessary at an approximate amount of \$31,614 (Thirty One Thousand Six Hundred Fourteen dollars); and

WHEREAS, the Finance Committee of the City of Somersworth has reviewed this equipment request provided by staff and recommends purchasing this equipment,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the School Department is authorized to utilize a portion of the cable franchise fee to purchase equipment necessary to start a local Educational access channel at an amount of \$31,614 (Thirty One Thousand Six Hundred Fourteen dollars).

Introduced by Councilors

Robin S. Jarvis
Dale R. Sprague
Jennifer Soldati

Approved

City Attorney

Councilor Soldati moved to suspend the rules to have a second reading of Resolution No. 17-14 this evening. The motion was seconded by Councilor Hebert and passed unanimously.

Councilor Jarvis said the quote was for \$31,614. They reviewed with the Superintendent of Schools all aspects of what it will allow us to do, and actually felt that it was more than they expected.

Councilor Witham asked the City Manager about our equipment needs here at City Hall. He wondered if this amount impacts anything here.

The City Manager replied that what was needed here at City Hall has already been purchased. As we move forward, there may be a need to repair or replenish and they will work with the School Department to utilize this franchise fee funding.

Councilor Soldati said we began talking about this several years ago, so she is pretty excited for the school district and can't see delaying this.

Resolution No. 17-14 passed by roll call vote of 9 yeas, 0 nays.

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

Somersworth, NH

October 7, 2013

WHEREAS, the City of Somersworth has acquired the following parcel of property through tax deed,

- 28 Green Street, Map 10 Block 178
- and

WHEREAS, after a review of the aforementioned there has been no determined municipal need for the property and it may be considered surplus,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager, utilizing a sale process in the best interest of the City, is authorized to negotiate a purchase and sale of this surplus city property to be presented to the City Council for its consideration and vote.

Introduced by Councilors

Jonathan McCallion

Coty J. Donohue

Approved:

City Attorney

Councilor McCallion moved to suspend the rules to have a second reading of Resolution No. 18-14. The motion was seconded by Councilor Donohue.

Councilor McCallion said the Economic Development Committee had asked for this to go through their Committee so they could look at how this building could be sold as surplus property. They looked at all options, either selling it to a developer or to the highest bidder.

Councilor Witham said unless convinced otherwise he generally supports this resolution. We own way too much property and he is not comfortable with that because it ends up involving maintenance, security, etc. We are not in that business. Also, this is a negotiated sale process, which allows for some give and take. Whatever the negotiated terms are, it would come back to this body for a vote.

Councilor Soldati said this is a piece of property that was set aside because she wondered if any citizens had any ideas about what could be done with the building. There was one suggestion from Mr. Roseberry that we could make a brewery out of it, however that would not work in this building. She feels we need tax income more than we need the property.

Councilor Sprague said he has heard that someone might be interested in this property for housing. He feels that is the last thing we need in that corridor. He doesn't like this process, but it sounds like it is going to get pushed through. He is a bit taken aback by this. This is in the middle of our corridor. We are improving our downtown and he feels we should keep this property. He has talked about getting rail back in this community, and this building is within walking distance.

Councilor McCallion said he is the last one that would want something pushed through. The Committee looked at a lot of options. There are some obstacles, because there are some easements that go directly in the center. Our alternatives are to keep it or sell it to the highest bidder, which we would have no control over. It would come back to us either way which is why he is in favor of this.

Councilor Soldati said she had suggested making this a green space, a wonderful park in the middle of our blighted area. That didn't go anywhere.

City Manager Belmore said he wasn't aware there would be a motion to waive rules on this resolution. He indicated there is a waiting period on selling these properties. There was an organization that was possibly interested in this property but there is no proposal on paper.

Councilor Sprague indicated this property will have value someday because it is located in the center of our City.

Resolution No. 18-14 failed by roll call vote of 3 yeas, 6 nays, Councilors Pepin, Soldati, Hebert, Witham, Jarvis and Sprague voting in the negative.

Other:

TO ACT ON THE CITY OF ROCHESTER'S REQUEST TO SUPPLY AMAZON PARK MUNICIPAL WATER.

Councilor Sprague said this came to the Public Works Committee a couple of months ago and they put it on delay because they were going over the water ordinance. The owner of Amazon Campground needs water because they have some failing wells. There is a meter on the Rochester/Somersworth line. We would send a bill to the City of Rochester every month and they would reimburse us. His only question is what would happen if we were to have a problem such as what happened during the Mother's Day floods a few years back. If our treatment plant goes down and we have to purchase water from Dover, could we then increase what we are charging Rochester to reflect the increased rates?

City Manager Belmore said we are locked into the current agreement until 2018. At that time we could renegotiate and change the parameters.

Councilor Pepin said Amazon Campground is talking about approximately 6,000 gallons of water per day, which our water plant can handle very easily. He will be supporting this.

Councilor Sprague made a motion to enter into an agreement with the City of Rochester to supply municipal water to Amazon Park. The motion was seconded by Councilor Hebert and passed unanimously.

REQUEST TO RECONSIDER THE VOTE TO CALL THE N. PANDELENA CONSTRUCTION BOND.

Councilor Soldati moved to reconsider the vote to call the N. Pandelena Construction Bond. The motion was seconded by Councilor Witham.

Councilor Witham asked the City Manager if this is the advice of our City Attorney, or if this is a request made because they were contacted by the attorney representing Pandelena.

The City Manager replied that he contacted the City Attorney to pull the bond after the vote. He moved forward to contact the surety company to find out what the process would be. In the meantime, he also contacted Mr. Pandelena who contacted his attorney, who then contacted our attorney. It would take a while and some legal costs to pull the bond. Fairly quickly, another check showed up and we now hold approximately \$10,000.

Councilor Soldati indicated the reason she wanted the City to pull the bond is because she feels we got an insulting offer from Mr. Pandelena. We were asking for \$25,000 and he gave us \$3,000 for a deposit. There was no offer of negotiating with the City, it was his response to what we said were our legitimate expenses. He then indicated he would pay another \$10,000 but that he needed a year to do that.

Councilor Soldati said she is very irritated with this company, however we have \$10,000 and we can still go back and pull the bond if there is any renegeing on this offer.

Councilor Pepin said this Council was very sympathetic to Mr. Pandelena, because we knew if we pulled the bond he would probably go out of business. We asked him to reimburse us for what our costs were and he thought that was reasonable, then Mr. Pandelena turned around and said he was only going to pay us \$15,000. He thought that was a slap in the face. We on the City Council are not trying to make him go out of business. He will have to think about this one.

Councilor Witham said that although this moves us closer to where we desire to be, it's not where we desire to be. We wanted \$25,000. Although we will get that amount, it's nine months hence. We need to tack on some interest. The more he thinks about this the more irritated he gets, and he thinks he will vote to not change what we already voted for.

Councilor Hebert said he voted yes to pull the bond. He really thinks that Pandelena is up against a wall. He made a mistake when he put out his bids and they weren't accepted by the bonding company. He agrees that some interest should be added to this amount, but if we pull the bond he is out of business. Since we will be getting \$25,000 he feels we should go for some interest on that amount, and that's it.

Councilor Tapscott said he is wondering what will happen if he files for bankruptcy before we get the rest of our money.

Councilor Hebert said we could still pull the bond.

Councilor Pepin said he doesn't feel that this Council should be negotiating on this. Either pull the bond or go for the \$25,000. He put himself in this spot.

Councilor Witham said a vote this evening would be to reconsider this Council's vote to pull the bid bond which would set the wheels in motion for this negotiated settlement. If at some point in 2014 the thing unravels and we need to pull the bid bond, it seems to him we would need to take another vote to do that, and we might not all be sitting here then. He feels this is our responsibility and he feels it is important that we maintain ownership of it.

Councilor Sprague said he wasn't here for the vote and therefore will abstain from this vote. He feels that if you decide to reconsider and not pull the bond, he would say that Council could reconsider and give him another month to come up with the rest of the money. The amounts he has sent so far show that he is making an effort. He doesn't think he is a malicious person and his heart is there. He apparently got into a situation that was over his head. We did give him the latitude to re-address his figures. If we were to reconsider and give him one more month and stick to that it would be the right thing to do.

Councilor Soldati said she cringes to think we would be making decisions on any legislation based on our fears of what a future governmental body would do. For that matter, every decision we have made in the last two years can be undone after the next election. We cannot make our decisions based on our fears of what another Council will do. We have actually undone some things that past Councils have done.

Councilor Soldati said she likes the idea of tacking on some interest.

Councilor Donohue said this is a tough decision. We did vote to pull the bond, but that was based on his original offer saying he was going to give us \$15,000. Now that we have information that tells us we can pull the bond later down the road if he doesn't fulfill the \$25,000 he is currently agreeing to, he feels we should vote to reconsider.

The motion to reconsider pulling the bond passed by roll call vote of 6 yeas, 2 nays, 1 abstention, Councilors McCallion and Witham voting in the negative and Councilor Sprague abstaining.

Councilor Pepin moved to go with our attorney's recommendation of recouping what the taxpayer's have paid into it. He doesn't think the interest penalty is worth it right now.

Councilor Witham said if we are going to go this route, he wonders if June, 2014 is too far away. Why should we have to wait for the money that is rightfully ours?

Councilor Jarvis recommended that we give him 30 days to find a way of getting the rest of the money. There has been a reasonable amount of time to try to work something out.

Councilor Sprague moved to pull Pandelena's bond if we do not receive the full \$25,000 by the last day of November, 2013. The motion was seconded by Councilor Jarvis.

Councilor Witham said he would support this. We should be negotiating on our terms, not his.

Councilors Soldati and McCallion said they would support this also.

The motion to pull Pandelena's bond if we do not receive the full \$25,000 by the last day of November, 2013 passed by unanimous roll call vote.

TO CONSIDER THE ISSUANCE OF AN ORDER TO REMOVE A HAZARDOUS BUILDING AT 11 CREST DRIVE.

Councilor Witham said a couple of meetings ago we gave permission to exhume a grave, which we had never done before. This is yet a new one. Councilor Witham said what we would be doing is instructing the property owner to raze the building at 11 Crest Drive. He asked the City Manager if it would be the City's responsibility to raze the building and place a lien on the property if the owner did not do it.

City Manager Belmore replied that it would. The building is boarded up and many neighbors have complained about the property. The City Attorney has reviewed the order that staff drafted and they are comfortable that it complies with State law. This is an order that has to be issued by the governing body of the community.

Councilor Witham moved to issue an order to remove a hazardous building at 11 Crest Drive. The motion was seconded by Councilor Pepin and passed unanimously.

DISCUSSION OF PAPER REDUCTION, REQUESTED BY COUNCILOR PEPIN.

Councilor Pepin said that in their Council packets they frequently receive duplicates of paperwork they have already received in the past and he feels it is a waste of everyone's time and also a waste of paper. He sometimes gets very frustrated with all the paper. There were two fairly long ordinances, which they got copies for when there was a first reading, then again when there was the second reading. He doesn't feel that is necessary. He feels we should condense things a little so we are not using so much paper.

Councilor Soldati feels we need to revisit the idea of Councilors having i-pads. We had talked about it previously, and it was rejected, however it's beginning to look like a really good idea. School Board members all have them now, and they've convinced her it is the way we should go. We need to get into the 21st century.

Councilor McCallion said he has often questioned that. It wouldn't necessarily mean purchasing i-pads for everyone. If we had document software like "Dropbox", we could have archived minutes. We are probably one of the only City Councils that get our packets on Friday night for a Monday night meeting. Some other cities get their packets a week before their scheduled meeting and they have a lot more time to review it. There are a lot of weekends when he spends most of his time reading. We need to look at a document solution we can all utilize.

Councilor Donohue said he recently went through his filing cabinet at home and realized he had a ton of paper that he probably was never going to look at again. If it was all electronic, he could bring his laptop here. You could always have that at your fingertips. When the School Board first got i-pads, they had somebody come and tutor them. He would be in favor of getting items electronically.

Councilor Witham said he agrees with this. There is a lot of paperwork. His Planning Board packet trumps the Council packet by a lot because there are a lot of maps. There is a need for us to embrace technology in some way. We need to begin looking in that direction. He is in favor of doing something a little bit different.

Councilor Sprague said he burns wood, so he likes the paper. There is a lot of redundancy, but for him there is something to be said for the paper. He writes a lot of notes on the paper. It makes him look at it. He's old fashioned.

Mayor Spencer said he agrees with Councilor Sprague. He is in-between generations. If he has a paper in front of him, he's going to read it.

Councilor Soldati said in reading Robert's Rules, minutes only have to reflect motions and who made them, and the vote. These meetings are being recorded, so we do not need a transcription, which is pretty much what our minutes are. If there was ever a question, we have tapes we can review.

Councilor Soldati said she would like to add another item under "Other". She has questions about the police grant.

Mayor Spencer said he believes State law governs minutes.

The City Manager indicated if there is a consensus from Council, we could have the City Clerk's Office work on less transcription and more generalization. We will also stop duplicating if everyone can keep their first issuance of their ordinances and resolutions. If anyone needs more copies, please contact the City Clerk or himself and we will print copies for you.

Regarding the questions of i-pads, the City Manager said he will look for direction from the Council. This would involve expending some money.

Mayor Spencer indicated the Government Operations Committee should look at this, since it has already gone to the Finance Committee in the past.

Councilor Soldati moved to suspend the rules in order to allow staff to speak. The motion was seconded by Councilor Witham and passed unanimously.

Councilor Soldati asked the Police Chief about the Highway Safety Grant received by the Police Department. It says this is for additional patrols, specifically to discourage people from texting.

Chief Crombie said it is not solely for texting, but for distracted driving.

Councilor Soldati said the \$4,680 is for additional patrols, and she wondered what we are talking about.

Chief Crombie said it is two per shift for that amount of money, depending on the overtime rate. There is a window where we can have the patrols.

Councilor Soldati asked if this grant is a continuous rollover grant that you can get every year.

Chief Crombie said they never know when they are going to get it. This is something they applied for and received. This particular grant is a one-time grant, but it may come back again next year depending on how much money the State has.

Chief Crombie said the last grant they had that was recurring, they had to give some money back because they couldn't fill the patrols. They did not have a complement that was big enough to fill the grant. The Rochester Police Department has had the same problem. He is hoping they can fulfill this one.

COMMENTS BY VISITORS.

Bill Boulanger, Ward 4, said that Council suspension of rules always bothered him when he was on the Council. He feels this Council does a good job. Regarding the water billing, he wants them to keep it the way it is, monthly billing. We recently upgraded the Water Plant and the Wastewater Plant. We need funds for operating expenses and to pay for the bonds. By the time the bonds are paid, it will probably be time to upgrade again.

Mr. Boulanger said the main thing about monthly billing is if a person gets a high bill, they know they may have a problem a lot sooner than they would with quarterly billing. This makes good business sense for the City and for the residents.

Mr. Boulanger said now that the budget has passed, he is asking this Council to overlay High Street from the Dover line to Stackpole Road. He knows it will be tough with the tax cap. We spent \$10M on High Street 13 years ago and it is now falling apart. We cracksealed it, but that is only a short-term fix. It needs a two-inch overlay and it needs to be done next year. It cannot wait. The other roads that need to be done are Blackwater Road and Main Street (from Rollinsford to downtown). He is going to come here and complain every chance he gets. You have to fix your main drags.

Don Austin, Ward 4, School Board Chair, thanked the Council for authorizing the funds for the educational access channel. They are excited about this.

Mr. Austin said i-pads are a wonderful thing. The School Board has had them for a couple of months now and they are starting to feel pretty comfortable with them. It's good that you are considering technological alternatives. They do not get paper packets anymore.

Mr. Austin said he wished to make a clarification on Councilor Pepin's report regarding the 28 new special education students. He wants to make sure people know what was meant when it was reported they were absorbed into the budget. It means that those 28 students don't require any additional staff or any additional services that we do not already provide.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Jarvis said she has a friend who lives in Dover and had a regular quarterly water bill of approximately \$90. Her friend had a hose behind the house that was leaking which increased her water bill to \$340 and also increased her sewer bill to \$340. A leak can cause a substantial increase, a good reason for monthly billing.

Councilor Witham thanked Bill Boulanger for coming out. They don't hear enough from residents who want these improvements, so this certainly helps them. Several of the roads mentioned are on their radar screen. They have some bonds expiring in the next few years and they have talked about using some of those for road improvements.

Councilor Witham said last week was the beginning of their downtown construction project. It was exciting for him as a resident of 47 years. It was a long time in coming. This is a major project that will be loud, dusty and disruptive. It is the nature of getting to the end point. Our City staff is working diligently to communicate with businesses now as they have for many months and will continue to do so. Hopefully we can make it as reasonable as possible.

Councilor Witham said he attended the open house at the Fire Department this past weekend. It gave him the opportunity to look at two new pieces of equipment that have recently been placed in service, one being the Fire Chief's command car and the other the forestry vehicle. He noted that one of our firefighters, Parks Christenbury, spent his time off hours to install all the radios, all the warning equipment, antennas, etc. He is very talented and has saved the City a lot of money by doing this. There are many City employees that do such things. He thanked Firefighter Christenbury for his work on this.

Councilor Witham said he also attended the Senior Picnic at the Fire Station. He knows the Police Department also helps with this and the seniors appreciate it.

Councilor Soldati invited the public to the Somersworth Festival Association (SFA) Pumpkin Fest this Saturday from 10:00 a.m. to 4:00 p.m. She will be serving Soldati's famous pumpkin soup.

Councilor McCallion said the Pumpkin Fest is a good way to get out and support your community.

Councilor McCallion thanked the Public Works and Police Departments for putting up barricades to manage traffic flow in his neighborhood recently.

Councilor Sprague said he respects Bill Boulanger and feels that with the knowledge he has he should run for Council. He is right about the streets, but the costs just keep going up. He thanked him for his comments and said it is nice to hear him say the Council is doing a good job.

ADJOURNMENT.

Councilor Pepin moved to adjourn. The motion was seconded by Councilor Tapscott and passed unanimously.

Respectfully submitted,

Diane M. DuBois, City Clerk