

MINUTES OF CITY COUNCIL MEETING
SEPTEMBER 16, 2013

Somersworth, NH
September 16, 2013

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, Donohue, Tapscott, Witham and Jarvis. Councilor Sprague was absent.

MINUTES OF THE PREVIOUS MEETING.

MINUTES OF 09/03/2013 PUBLIC HEARING ON PROPOSED CHARTER AMENDMENTS.

Councilor McCallion, seconded by Councilor Pepin, made a motion to accept the minutes of the Public Hearing on the proposed Charter Amendments, as written. The motion passed.

MINUTES OF 09/03/2013 PUBLIC HEARING ON ORDINANCE NO.1-14 THROUGH 4-14.

Councilor Witham, seconded by Councilor McCallion, made a motion to accept the minutes of the Public Hearing on Ordinance No 1-14 through 4-14, as written. The motion passed

MINUTES OF 09/03/2013 CITY COUNCIL MEETING.

Councilor Tapscott, seconded by Councilor Soldati, made a motion to accept the minutes of the 09/03/2013 City Council meeting, as written. The motion passed.

COMMENTS BY VISITORS.

George Poulin, Ward 1, said that the Somersworth Historical Society is doing its first Cemetery guided tour at Forest Glade Cemetery this Saturday and he wants to invite everyone (to attend.) It will be held from 11:00 am to 3:00 pm and he hopes to have crowds of 10-12 every 15 minutes or so. The tour lasts about an hour and twenty minutes. Check us out, he said.

Real Roseberry, Ward 1, attended a meeting last Friday and said he knew what the result would be. He was right. These people ignored his signatures, just like they ignored the tax cap. The water bill will be coming back again; it is not forgotten. People are signing this petition because these people are unhappy with (the Council) and they signed this to tell them that they did wrong. They send him to the Government (Operations) Committee- he enjoy that; he knows what is going to happen. Anything that happens in

this City he knows ahead of time. He said he took his petition, threw it on the table; they ignored it, wouldn't even look at it. They passed something, but whatever they passed, it was illegal. It was the biggest conflict of interest. They voted to ignore this and then they voted to correct their mistake. It says, "If you would like a change, please sign below." They signed it. Number 1 is to tell you people you did wrong, number two is make him spokesman for these people. It's legal, he checked it out.

He doesn't know what they did to evaluate the City Manager; he tried to get a copy and couldn't get one but that's okay, he's going to do his own evaluation. He is going to ask the City Council for a report at every meeting.

Two years ago he said that they needed to save the taxpayer's money. He would like to know if the Office of the City Manager has put in anything for the Charter. How much did he put in and how much is he saving the City of Somersworth. That is how he is going to evaluate him; he wants to know what he is doing for them; that's his question. Next Council meeting he will have some more information.

He won't back down for nobody.

The water bill- he let it sleep, he let them have their way but now the water bill is coming back. That will be his next agenda unless people tell him that they are happy; but people are not telling him they are happy. They want to go back quarterly. They should have two bills, one monthly and one quarterly, and we'd still be saving money, he said.

Diane Griffith, Ward 1, wanted to say something positive. She just had the privilege to work on a committee and Councilor McCallion and paid City officials were a pleasure to work with and professional and as a citizen, she appreciates the hard work that they put in.

Emmett Soldati, Ward 1, commented on behalf of the Friends of Somersworth, FoS: He thanked all Councilors and City staff who came out for the annual general meeting last Wednesday. He said it was well attended and it was a good opportunity for people to learn about their organization.

He thanked Councilors, staff and the Executive Director of the Chamber who came out for a very last minute meeting with the NY Consulate General of Indonesia who came up to visit with the City and the Chamber and the Friends of Somersworth. He thinks everyone felt it was a very positive and constructive meeting. And a very interesting meeting to have someone of such global stature here in Somersworth, meeting with our City officials, talking about ways of developing relationships with a large segment of our population. He had the pleasure of touring through Hilltop with the Consulate and discussing plans and projects and if programming can be involved in a cultural way. It was a very positive meeting. He thinks it was a great first step to have this meeting.

He reminds everyone that on Saturday, September 28th, they are holding the second annual Hidden Treasures silent art and antique auction at the VFW. He hopes that all

Councilors can attend. There is a last minute opportunity to donate: go to their website at friendsofSomersworth.com. The FoS think people are going to be very pleasantly surprised at the caliber of work that will be on auction.

He thanked the City for the process of looking for someone for the study and including the FoS in that process. After discussing, they wholeheartedly support the recommendation to go with AG Architects; they seemed the most excited to do this and he thinks they will have a nice, professional package to move the ball forward. They gladly request a second reading, if the Council feels that is appropriate. The FoS also supports the recommendation for CAD drawings if the Council so chooses.

Emmet Soldati wished Councilor Soldati a happy birthday.

Christina Hafiani, Ward 5, Main Street, wanted to bring up a subject that is not being discussed at all; vandalism and the, Ward 5 especially, kids are getting very unruly at night. She thinks it is about time to impose some sort of curfew for underage kids. She has seen kids under the age of 17 who are smoking pot out in the open, smoking cigarettes, drinking. On the 11th, her whole sidewalk was vandalized with Jewish slurs. She hears them sometimes until 2 am out in large groups; both male and female teenagers. Something needs to be done. If parents are not going to do it for their own kids, we need to do something as a City.

ANNOUNCEMENTS BY CITY COUNCILORS

Councilor Soldati invites the public to the Forest Glade Cemetery tour where she will play the part of Mary Clement. She invites the public to hear the story but warns that it is sad so bring Kleenex.

COMMUNICATIONS.

There were no communications.

PRESENTATION OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE.

There were no petitions introduced.

MAYOR'S REPORT.

Mayor's Report of Tuesday, September 16, 2013

- September 11th-Invited and attended an open house at Merrimac River Medical Services.
(Mayor Spencer said there is a heroin outpatient treatment clinic that treats 300 people a day, 400 on the weekend because Newington is closed, and he didn't

- even know it was there. He asked anyone who would like information to just let him know.)
- September 12th-Invited and attended the Seacoast Business Expo at UNH in Durham.
 - Invited and attended the Somersworth High School and Career Technical Center Freshman Convocation.
 - September 13th-Attended a Special City Council Workshop to welcome the Indonesian Consulate General from New York City to the City of Somersworth.

(Mayor Spencer showed the gifts that the City received from the Indonesian Consulate and said he would like to have a cabinet to display them.)

Mayor Spencer also reminded everyone that the senior picnic is this week as well.

REPORTS OF STANDING COMMITTEES.

FINANCE COMMITTEE

Councilor Jarvis reported on the Finance Committee meeting which was held on September 6, 2013 at 10:30 pm.

- They approved the prior meeting minutes.
- They approved the purchase of a stainless steel sander. The low bid was \$10,550; \$12,300 was budgeted.
- Approved SCBA, self-contained breathing apparatus, purchase, (old SCBA's originally purchased in 2002 with a ten year life expectancy.)
- Mast Point Dam Grant- Consensus to sponsor resolution to accept grant to improve approximately ½ -1 mile, providing river access and selective trail clearing.
- Government Access Channel- Cable TV camera equipment upgrade. Currently have \$111,000 available. The City and School are working together to coordinate purchases. Motion by Councilor Jarvis/Soldati^{2nd} to authorize \$25,000 for equipment replacement. Motion approved.
- LGC Refund- Some will be returned to employees and retirees and balance of \$185,941 to go into the General Fund. Councilor Jarvis/Sprague^{2nd} to let it go to the General Fund. Motion approved.
- Primex Insurance Renewal- Councilor Witham left the meeting before this discussion.
Primex offered to renew Property Liability Insurance with the same terms with a 7% cap and the Workers Compensation Insurance with an 8% cap. (We are in the last year of our contract.) Winter-fest will be covered if it is a City sponsored event.
Motion to renew was made by Councilor Soldati/Jarvis^{2nd}. Motion passed.
- Miscellaneous- The Economic Development Committee decided to interview three companies for the Hilltop architect proposal. The City Manager asked the

Finance Committee if they were willing to sponsor a resolution to release funds from the CRF. There are time constraints. Motion by Councilor Jarvis/Soldati^{2nd} to support. Motion approved.

PUBLIC SAFETY COMMITTEE

Councilor Witham reported that the Public Safety Committee met on September 6, 2013. The committee conducted the following business:

- Passed May minutes.
- There were a number of updates for the Fire Department, including the SCBA, self-contained breathing apparatus, purchase (6 for \$44,376) which is budgeted as part of a four year plan. This purchase includes spare parts, etc. Councilor Habert/Pepin^{2nd} to endorse the purchase. The motion passed.
- Command Vehicle for the Fire Department. He got a tour of the vehicle which is very well equipped. They also recently acquired a HumVee from Harrisville. It will soon be in service. There will be some training required and the local Army Reserve and National Guard have offered to do the training. The current forestry vehicle will then become more of a utility vehicle.
- The Fire Department recently hired two full time personnel. The Call Department has been brought up to 10 now from a level of 3 when he first started. The Chief has submitted another SAFER grant; a federal grant program for additional call firefighters. He did this last year but it was not successful. He scaled the request back considerably in hope that a smaller request will be granted.
- The Police Chief updated the committee. They asked about camera and video equipment purchase with drug forfeiture money. That money has been slow in coming but he assures them that it is still coming. He told them that three officers have graduated from the police academy and will be on the streets this week.
- American Ambulance members attended. Several positive trends were noted, including response times which are somewhere around three minutes which they find exceptional. Since July 1st, there have been three mutual aid responses into the City which is a marked improvement. There in an EMT and EMT Advanced class training; he hopes Fire and Police personnel will be involved in that. The Mass Casualty Incident, MCI trailer is nearly ready and ambulance locator tracking is not on the ambulances per the contract which helps for reporting and response time. They are providing CPR training to all City staff in October and are also working on other initiatives.
- Miscellaneous- The Fire Department will host its second open house on Saturday, October 5th.

Mayor Spencer asked that asked that the Ward 5 (resident request) be added to the Committee's next agenda.

PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE

Councilor Sprague was not present, so Councilor Tapscott reported for the Public Works and the Environment Committee. The committee met on August 28, 2013. They discussed the following:

- Stainless steel Sander budgeted purchase- Low bid, of five, was HP Fairfield for a Swenson Model EV 100. Net bid was \$10,550, (Bid of \$11,300 with a \$750 trade in.) Councilor Tapscott/Hebert^{2nd} motion to recommend to the Finance Committee. Motion approved 3-0.
- Pandelena Bid Bond Update- Mr. Paul Pandelena was present at this meeting. The Pandelana bid for the Downtown Improvement Project had been nullified and the project was awarded to the second lowest bidder, Severino Trucking Company on August 26th. After outlines and explanations of the situation, the sense of the Committee was not to call in the bid bond at this time but to get a cost of what the City had lost during this process, to determine a settlement, and to report back to the committee. (Councilor Tapscott reported that there is no time limit on calling one in.)
- Water Ordinance Draft- The City Manager summarized the issue of a Water Ordinance to replace the old Water Tariff; and how they arrived at this, and which would be more consistent with other city ordinances. They discussed a fee schedule. Councilor Soldati suggested removing the water and sewer consumption rates from this schedule.
Amazon is going ahead with their project independent of our decision to provide them water because of time constraints.
Chairman Sprague suggested getting a written agreement with Rollinsford to put a meter in at Green St and Kelwyn Dr. Councilor Tapscott concurred.
- Miscellaneous- Councilor Sprague suggested that Committee sponsor a resolution to allow night work at the discretion of the City Manager.
There were questions about the one-way traffic implementation, progress on the gas company work in the Hilltop area and the number of patches to the streets.
Councilor Sprague wants a discussion at Council level on the use of Round-Up.
Councilor Soldati suggested that they look into what are sustainable practices.

GOVERNMENT OPERATIONS COMMITTEE

Councilor Tapscott said that the Government Operations Committee met on September 13, 2013, 8:30 am. They discussed:

- Petition request. The committee unanimously agreed that the petition was built on assumptions and misinformation and voted to recommend to the full Council to dismiss. They would like to add this recommendation to New Business this evening.
- They reviewed resumes for appointees to different boards and commissions. They discussed whether to (require) resumes versus short written information.
- The Committee agreed that Council Rules and Regulations will have written change in Section 17 under appointments at a future meeting.

- Miscellaneous- They discussed the Exit 10 proposal and agreed to sign on to sponsor a resolution sent to Concord. They hope to have full Council support for that this evening. They will have the first reading tonight and hope also to suspend the rules to have a second reading, also, and be able to present it at the GACIT meeting on Wednesday, September 18th at City Hall.

Councilor Witham underscored the idea of adding the petition under new business.

RECREATION COMMITTEE

Councilor Pepin Reported that the Recreation Committee met on September 8, 2013 at 8:30 am. All members were present. A representative from Foster's was there, as well as a resident.

- They discussed Noble Pines and the skateboard park. Public Works has worked hard on this project. It is ready for pavement and within the next two weeks the pavement should be down and that project will be pretty much complete. They did discuss lighting for safety. Public Service has been contracted to install floodlights over the park. They also discussed putting cameras up there. They have also hired a contractor to start construction of the concession stand. Verizon may put more communication towers up there. Part of that proposal includes improvements to the landscaping.
- Nick Champion, Recreation Supervisor, gave them an update on the Trends and kids programs. This year that program is in the black. He's probably going to have a waiting list next year. That is some good news.
- The Mast Point Dam improvements resolution will be brought up today, walking trails and a boat launch and upgrades to facilities and the parking area. He hopes Council supports that when it comes up.
- Councilor Pepin referred to the comment by the resident today saying it was funny because Councilor Witham has brought up people after hours at the parks. The rules say everyone out at dusk. He has called the police department before and then gone back. They are trying to make sure that the parks are being vacated so they have already contacted the Police Chief and he will put extra patrols on the parks.
- The City Manager told the Committee that they are possibly going to do future electrical updates at Millenium Park for a possible stage area. They will look at that in the near future.
- Nick Champion, Recreation Supervisor, reported about informing people about dog waste.

ECONOMIC DEVELOPMENT COMMITTEE

Councilor McCallion said that the Economic Development Committee met last week. They just represented the panel this week that they can talk to later on.

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER.

SCHOOL BOARD

Councilor Pepin attended the September 10, 2013 School Board meeting. They had a very light agenda. The School Board had one heck of a scare, the State backed out on what they were planning on funding for this years budget, which would have meant a shortfall of about \$315,000; they were concerned but the problem has been solved and they have gone back to their original budget.

Councilor Pepin, seconded by councilor Hebert, asked that the rules be suspended to allow Scott Smith, the Finance Director, to speak. The motion passed.

Councilor Pepin asked if the money from the Special Education Non-Capital Reserve Fund could be used in such a situation.

Finance Director Smith answered, “No,” his understanding is that you would not be able to use it for a revenue shortfall in this case. This would be in case you overspent your budget. This would supplement over-expenditures. The School Board are named as agents to expend that fund specific.



CITY OF SOMERSWORTH
Office of the City Manager

TO: Mayor Matthew Spencer and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, September 13, 2013

**SUBJECT: City Manager’s Report for Monday, September 16, 2013
City Council Agenda**

6:45 p.m. Public Hearings
Ordinance No. 5-14 Amend Chapter 19, Zoning Ordinance
by adding New Section 7 – Conservation Subdivision Ordinance

Ordinance No. 6-14 Amend Chapter 20, Building Code

Unfinished Business (under Section 12 of Agenda)

Ordinances:

- A. Ordinance No. 5-14 Amend Chapter 19, Zoning Ordinance, BY Adding New Section 7 – Conservation Subdivision Ordinance.** Reminder, this is a Planning Board recommendation. Dave Sharples, Director of Planning & Community Development will give a summary report prior to the Public Hearing on both Ordinance changes.

- B. Ordinance No. 6-14 Amend Chapter 20, Building Code.**

New Business (under Section 13 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. The Recreation and Finance Committee discussed the project at their meetings on Friday, September 6th.

Note: City Manager Belmore thanked everyone who worked on this and supported it. He remarked that it is a very exciting project for the City.

- 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.** Attached is information provided to the Public Safety and Finance Committee regarding this budgeted equipment purchase. SCBA gear is one of the most critical pieces of equipment for a firefighter and as the Resolution states this is the first year of a four year replacement schedule.

The City Manager stressed the importance of the Capital Improvement Program.

- C. Resolution No. 12-14 To Support Placing the Exit 10 Project Back into the New Hampshire Ten Year Transportation Plan.** I suggest Council rules be suspended so that this can be presented at Wednesday's GACIT hearing. The Government Operations Committee discussed this Resolution at their Friday, September 13th meeting, as noted by their sponsorship. The Committee recommends full Council support.

Note: The hearing will be televised. At 4:00 pm there will be a groundbreaking at High Street in front of City Hall. Foster's will be there.

D. Resolution No. 13-14 To Authorize the City Manager to Contract with AG Architects, PC of Dover, NH for Architectural Services for the Hilltop School/Building and to Utilize the Hilltop School Property Rehabilitation Capital Reserve Fund. Attached is an interview panel report recommending the full Council support to award the project to AG Architects.
Note: There is an option here; Council may want to consider amending the resolution up to \$14,400 by adding an additional \$4,200. (That would include CAD drawings.)

Other:

- A. Discuss October Meeting with State of New Hampshire Legislators.** This was a targeted goal that the City Council set at the annual Goal Setting Workshop, as mentioned by Economic Development Chairman, Councilor McCallion at the last Council meeting. One discussion topic might be a goal to pass enabling legislation to allow more timely code enforcement at the local level.
Note: The City Manager asked if Council wants him to zero in on a date in October to set up a meeting.
- B. Discuss N. Pandelena Construction Co. Surety Bid Bond.** I have attached a copy of a letter submitted by Mr. Pandelena and a copy of the check that he provided.

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

A. Informational Items:

- 1. Downtown Infrastructure Project.** Unless directed differently, I will authorize our construction contractor, Severino, the use of the former Police Station parking lot and approximately 6 parking spaces on Main Street as construction staging areas. This fall the contractor will be primarily working on Main Street.
- 2. City Insurance.** After discussing the renewal proposal received from our present insurance provider, PRIMEX, with the Finance Committee, I will be moving forward with a 3-year agreement with PRIMEX for property liability, workers compensation and unemployment compensation insurances. The Finance Committee did vote to support the renewals.
- 3. Willand Pond Eagle Scout Project.** Attached is a memorandum from Director Sharples regarding an Eagle Scout Project proposed by a local Scout, David Brackett. As you will read, it is a very robust, detailed plan. I have given approval for the project to proceed.

Note: The City Manager apologized that he forgot to mention this project at the Recreation Committee meeting. He commends David Brackett's efforts. It is a very professional plan. He looks forward to that project.

4. **SAFER Grant Application.** I have authorized Chief Hoyle to submit for a federal grant to expand our call firefighter force. This \$99,068 grant application would fund 10 more call positions. As you may recall, City Council has noted the expansion of our call firefighter force as an on-going goal.

B. Attachments:

1. City Attorney Certifications (6).
2. Department Head Monthly Reports.

Councilor Soldati notices from the packet that FEMA will be reimbursing the City about \$49,000 for the February snowstorm. She wonders if that goes back to the General Fund as part of the fund balance.

City Manager Belmore answered yes and no, if it is submitted in the same fiscal year, he said that they can just reimburse that account, so it is a reimbursement for actual cost of labor and equipment. If this happened in a prior fiscal year it would roll in to the fund balance and we could not apply it to our fund balance and we could not apply it to appropriations. It is another unforeseen, good thing for our fund balance.

NOMINATIONS, APPOINTMENTS AND ELECTIONS.

SUPERVISOR OF THE CHECKLIST, WARD 5- RAYMOND LAPOINTE, TERM TO EXPIRE 09/2018.

Councilor Witham, seconded by Councilor Tapscott, made a motion to support the nomination of Raymond LaPointe as Supervisor of the Checklist for Ward 5. The motion passed.

LAY ON TABLE.

There was nothing on the table.

UNFINISHED BUSINESS.

ORDINANCES.

ORDINANCE NO. 5-14 AMEND CHAPTER 19, ZONING ORDINANCE, BY ADDING NEW SECTION 7-CONSERVATION SUBDIVISION ORDINANCE.

Councilor Witham referred to Director Sharples' presentation during the public hearing saying he had given a good overview of how it would be applied. Councilor Witham had been skeptical of this and met with Director Sharples a couple of times. This would be no more or less dense than a conventional sub-division; it is just where the houses are placed. The net result is a lot of protected open space which is useful. That is positive note in his view.

He asked about property assessments. Answer: The home assessment would be the same but the land would be less value, but there would be less infrastructure costs, less pipe to maintain and less roads to pave and plow and maintain; ultimately the savings on maintenance might be gained. He said that the Planning Board can decide that a cluster subdivision is not in the best interest of a particular piece of property and could move a developer toward more conventional plans. It allows some flexibility. He plans to support this because he thinks that the advantages outweigh the disadvantages.

Resolution No. 5-14 passed, 8-0.

ORDINANCE NO. 6-14 AMEND CHAPTER 20, BUILDING CODE.

Councilor Witham said that, overall, this is designed as a housekeeping tool to align with State law and to spruce up our codes. The fees for building permits (will be more in line with other communities) and will help offset the cost of running that department. He supports the ordinance.

Mayor Spencer apologized to Councilor Jarvis, as she actually sponsored this with Councilor Soldati.

Councilor Jarvis added, as Director Sharples had stated, they had not increased fees since 1990. This is an area that should have been looked at some time ago. It will help (increase revenues.)

Councilor Soldati said that she loves found money and is excited that they can raise some money without hurting taxpayers which is why she is one of the sponsors.

Ordinance No. 6-14 passed, 8-0.

NEW 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.

Somersworth, NH

September 16, 2013

WHEREAS, the City of Somersworth has applied for LWCF Grant Funding to the State of New Hampshire by and through the Department of Resources and Economic Development; and

WHEREAS, the City of Somersworth has received notification of a \$28,500.00 Grant Award; and

WHEREAS, the total cost of the project is estimated to be \$57,000.00; and

WHEREAS, the City intends to provide in-kind professional services and funding from the Conservation Commission for the required 50% match for the project; and

WHEREAS, the Grant will allow the City of Somersworth to redevelop the recreation area along the Salmon Falls River, which includes re-grading of the gravel access drive, establishing gravel parking area with railings and barriers, establishing a launch for hand carry boats, establishing and improving a trail network with hard packed stone dust, constructing a footbridge within the trail network over a small tributary stream, establishing two open picnic areas with tables, and installing park signage;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute any documents, agreements and take any and all such actions on behalf of the City which may be deemed necessary for this grant's execution, and furthermore, the City Manager is authorized to take any necessary action deemed to be in the best interests of the City in order to complete this Project.

Introduced by Councilors

Martin Pepin
Coty Donohue
David A. Witham
Robin S. Jarvis
Dale R. Sprague
Jennifer Soldati

Approved:

City Attorney

Mayor Spencer said that Resolution No. 10-14 will lay on the table until the next meeting.

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.

Somersworth, NH
September 16, 2013

WHEREAS, the Somersworth Capital Improvement Program for Fiscal Years 2014 through 2019 contains a recommendation to replace the Self Contained Breathing Apparatus (SCBA) used by the Fire Department over a cycle of four fiscal years; and

WHEREAS, the fiscal year 2013-2014 adopted budget contains an appropriation for the first year of this four year replacement cycle for the purchase of SCBA; and

WHEREAS, city staff recommends purchasing the SCBA by utilizing the State of New Hampshire bid list; and

WHEREAS, the Public Safety Committee for the City of Somersworth has reviewed the recommendation to utilize the State of New Hampshire bid list and supports the recommendation; and

WHEREAS, the Finance Committee for the City of Somersworth has reviewed the recommendation to utilize the State of New Hampshire bid list 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 Industrial Protection Services, LLC of Wilmington, MA for the purchase of self-contained breathing apparatus (SCBA) for the Fire Department at a cost not to exceed \$44,376 (Forty Four Thousand Three Hundred Seventy Six dollars).

Introduced by Councilors

David A. Witham
Robin S. Jarvis
Martin Pepin
Marcel Hebert
Dale R. Sprague
Jennifer Soldati

Approved

City Attorney

Mayor Spencer said that Resolution No. 11-14 will lay on the table until the next meeting.

RESOLUTION NO. 12-14 RESOLUTION TO SUPPORT PLACING THE EXIT 10 PROJECT INTO THE NEW HAMPSHIRE TEN YEAR TRANSPORTATION PLAN

Somersworth, NH
September 16, 2013

WHEREAS, the Somersworth City Council supports the addition of the proposed Spaulding Turnpike Exit 10 and U-Alternative projects into the New Hampshire Ten Year Transportation Plan; and

WHEREAS, the “Spaulding Turnpike Exit 10” project will create a new interchange and access road from the Spaulding Turnpike to NH Route 108 in the City of Somersworth; and

WHEREAS, the “U-Alternative” project proposes complete streets enhancements to NH Route 108 to include: bus pullouts, strategically placed sidewalks, and multimodal safety enhancements along the Somersworth corridor from Dover to Rochester; and

WHEREAS, these projects will support the City of Somersworth in reducing traffic congestion, travel delays, and heavy truck traffic on the NH Route 108 corridor; and

WHEREAS, these projects will support the City of Somersworth in enhancing safety for motorists, transit users, pedestrians, and bicyclists on NH Route 108; and

WHEREAS, these projects will support the City of Somersworth and the Region in attracting business development on the NH Route 108 corridor; and

WHEREAS, these projects will support the City of Somersworth in improving freight access from the NH Route 108 corridor to the Spaulding Turnpike and the national highway infrastructure; and

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City of Somersworth fully supports placing the Exit 10 project back into the State of New Hampshire’s Ten Year Transportation Plan

Introduced by Councilors
Dale Sprague
Brian Tapscott
David A. Witham
Jennifer Soldati

Approved:

City Attorney

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

time, Councilor Tapscott repeated that he would like this be presented at the upcoming GACIT meeting.

Resolution No. 12-14 passed, 8-0.

RESOLUTION NO. 13 – 14 TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH AG ARCHITECTS, PC OF DOVER, NH FOR ARCHITECTURAL SERVICES FOR THE HILLTOP SCHOOL/BUILDING AND TO UTILIZE THE HILLTOP SCHOOL PROPERTY REHABILITATION CAPITAL RESERVE FUND.

Somersworth, NH
September 16, 2013

WHEREAS the City of Somersworth solicited and received proposals from qualified architects to provide professional services to develop strategies and cost estimates to bring Hilltop School in compliance with current building and life safety codes, and

WHEREAS the City formed a committee consisting of a City Councilor, a member of the Friends of Somersworth, and City staff to interview selected respondents and recommend award of the contract, and

WHEREAS the committee recommends awarding the contract to AG Architects, PC of Dover, NH for an amount not to exceed \$10,200 (Ten Thousand Two Hundred dollars), and

WHEREAS, the City Council adopted Resolution 12-13 creating the Hilltop School Property Rehabilitation Capital Reserve fund for the purpose of reconstruction or rehabilitation of Hilltop School property, including the cost of engineering and other ancillary costs directly related to the reconstruction or rehabilitation of the property, and

WHEREAS, the City Council is designated as agents to expend these funds,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with AG Architects, PC of Dover, NH to develop strategies and cost estimates to bring Hilltop School in compliance with current building and life safety codes for an amount not to exceed \$10,200 (Ten Thousand Two Hundred dollars), and

BE IT FURTHER RESOLVED that the cost of this project shall be paid by utilizing funds from the Hilltop School Property Rehabilitation Capital Reserve Fund.

Introduced by Councilors

Robin S. Jarvis
Dale R Sprague
Jennifer Soldati

Jonathan McCallion
Coty Donohue

Approved

City Attorney

Councilor McCallion made a motion to suspend the rules to get a second reading. After being seconded by Councilor Jarvis, the motion passed and the resolution was read a second time by title only.

Councilor Witham called for discussion. He asked if there was a need to suspend rules tonight, a time line, etc.

Councilor McCallion said that the money is already there. They want to just get it, as quick as they can, through. The need is to get it done, he said.

Councilor Soldati remembers that there was a need to amend this to “not to exceed \$14,400.”

They passed the motion to suspend rules.

Councilor Jarvis said that the Economic Development Committee has worked with the Friends of Somersworth, in conjunction with City staff. They previously put aside money in a capital reserve fund. They are at a point where this is really the next step to get them where they need to go.

Councilor McCallion thanked the Finance Committee for the leap of faith on getting this on the agenda. The panel was great. They just need to see what comes out of this. He thinks they need to give the little extra money to get those drawings. He made a motion to increase that cost.

City Manager reiterated that it an increase of \$4,200 to \$14,400 in two places in the Resolution.

Councilor McCallion thinks that right now, we need to have the architects do the work and get it back in front of us as soon as possible.

Councilor Soldati attended the session presented by AG Architects and learned that because of the Friends of Somersworth over the last year or two, they have saved the City quite a bit of money because the architect had built in several thousand more dollars to have public hearings, so they have already done that. The architect was quite thrilled that that part would not have to be done over again. Thank you, Friends of Somersworth.

Councilor Pepin will be supporting this 100%. The longer we leave that building (empty), the more vandalism can be done and we might not be able to save it. We have lost too much of our history.

Councilor Witham said he had not heard a motion yet.

Councilor McCallion/Pepin 2nd, made a motion to amend the resolution to read, “Not to exceed \$14,400.00,” in the third and sixth paragraphs.

Councilor Witham understands that the additional money will be for CAD, Computer Aided Design, drawings. He asked what this will help us with.

Councilor McCallion/Witham 2nd, made a motion to suspend the rules to allow Director Sharples or staff to speak. The motion passed.

Director Sharples said that the architects told him since they are doing a code compliance review, looking at the plan, with a CAD drawing they can determine distances and dimensions exactly, which will help in determining costs. It is not 100% critical at this point, he could do this project without the CAD drawings although they would be very helpful to him, but if you are going to get to the point of construction documents, you *have* to do them. If you go forward the next two steps, you would have to do them anyway.

Councilor McCallion said that we are spending the time right now to get all of the facts that they need to make a decision down the road.

Councilor Witham has seen the work of AG Architects and he thinks they have picked a great firm to do this work. He asked if there is any kind of time-table for AG to complete this work. We are talking about heating for the winter, and that is knocking at the door.

Director Sharples doesn't have the proposal, so he would need to confirm, but he believes it was 45 days from a notice to proceed.

Resolution No. 13-14 passed, 8-0, as amended.

OTHER

DISCUSS OCTOBER MEETING WITH STATE OF NEW HAMPSHIRE LEGISLATORS.

Councilor McCallion said he brought this up at the last meeting. They have had some deep discussions on property maintenance and code throughout the state, what other communities are doing. This has been a hot point as long as he has been on Council and he believes it is the root of our image, if we clean up our back yard everything else will fall in line. He really feels that way. To hear from one of our people tonight, he said, talk about that same thing... We need to have our legislators come, maybe for the

second/third week of October, maybe for the Pumpkin Fest. They need to start some dialog.

Councilor Witham thinks meeting with our legislative body makes a tremendous amount of sense. He said that so often their hands are tied at this level because of something imposed at the state level, so they really do need to get their ear and cooperation. He concurs that allowing the City more clout with respect to property maintenance is so important. Time after time, they cite owners who don't take care of their property but the judges don't want to hear it because it is too miniscule a matter. They need more clout when it comes to property maintenance.

Councilor Witham said that school funding is the biggest part of our budget and sadly has the greatest amount of unpredictability associated with it. At least have it be a bit more predictable, that would help from a budgeting perspective. Time after time there are too many surprises from the state level, for instance, state building aid.

He talked about the money coming our way for road and related infrastructure improvements. We are looking at repaving the outer portion of High Street, State Route 9, in the future, but there is no State Route 9 money, it is going to be Somersworth money.

The Council had recently passed a resolution encouraging our state legislative body to support the increase in the gas tax here in the State because we knew that some of that money would come our way, and the State legislature decided that that wasn't important.

Those things need to be front and center in their discussion.

Councilor Soldati said that there will likely be a candidates forum sponsored by the Chamber sometime in October, so she urges the Council to work together to establish a date, so that they don't have a conflict there.

Before her election, she said that she sat on the Vision 2020 Committee when they adopted the Master Plan. That group had serious issues with absentee landlords; just the physical appearance of our City, particularly Ward 5 and in her ward, Ward 2. She doesn't know the history, but knows that someone introduced legislation because they looked into it. The City of Berlin adopted legislation that allowed the City more control over the behavior of absentee landlords, in terms of allowing more responsibility for what their tenants may be doing. She would like someone to explain that history.

Councilor McCallion said that it was a pretty big fight and that there were more landlords in here that day. It didn't seem right because it penalized the good landlords... There is a way to do it and a right way to do it through education, through the Housing Authority, to educate people. What they are working on now is a total solution that is going to work for everybody. They want it to be legislation that is right, not where it could end up in court. They are trying to eliminate that because if you go down that road, as Councilor Witham said, half the time the judges don't want to hear it. It was a big fight, they

probably could have had the votes, but it probably would have cost them a lot to get that Code Enforcement, that new software, all the things that would go along with it and, in essence you'd be penalizing the good landlords.

Councilor Soldati said, "So, essentially, after that vote, there was no more done about it."

Councilor Jarvis said that when the Economic Development Committee was reviewing that over the course of a couple of years, they initially went back because this has (come up before.) They were never able to get something through. They wanted to make sure it is truly what it needs to be for the Community.

Councilor Soldati said that perhaps we need to get more of the residents in the room with big signs that say, "Clean up our City." It is unfortunate that you couldn't have organized before the next election. Politics is politics. You need to fill the room with people. She thinks that the City has done a tremendous job in the last couple of years in responding to complaints and getting the streets cleaned up. It is very, very noticeable in her ward.

She would like to look into the legality of a curfew on a number of levels, not just for kids who are vandalizing, but kids can get into a lot of trouble, the whole drug issue is very important, we need to protect our children. She doesn't think the issue is dead.

Councilor Witham thinks we have digressed.

Councilors Soldati said that the implication has been that we can't do anything because state law is preventing it. She would like to know those things.

Mayor Spencer asked if they were in concurrence that they have the City Manager work with the Chamber and the State legislature on setting up a date that is feasible in October.

City Manager Belmore asked if they would like to invite the School Board.

The Mayor thought that would be a good thing, if they would like to be.

DISCUSS N PANDELENA CONSTRUCTION CO. SURETY BID BOND.

Councilor Witham said that there could be legal action associated with this. He would be far more comfortable handling this in non-public session.

The City Manager said he doesn't have the law in front of him but they can only go into non-public session if it is litigation that is currently in place; they don't have current litigation in place. When they went into non-public at the last meeting, it was the reputation of the contractor himself. Otherwise it is just a vote to direct him to pull the bond. He would engage the City Attorney to take the necessary legal steps to start that particular action.

Councilor Soldati said that she finds the offer from Pandelena a bit insulting. She asks if our only recourse is to pull the bond. If that is his offer...

City Manager Belmore summarized that the Council voted to engage Pandelena Construction to do the downtown project. The City Council awarded the bid and (the company) had trouble securing the necessary surety bond in order to move forward with the project. They have the ability to pull the surety bond which is about 5%, about \$159,000, for his lack of following through with the award. It was a sealed bid, a bid document, he placed a bond and Council can vote to pull that bond. He has been directed by Council to notify the Surety bond company that they need 30 days to figure out what their loss was and whether the construction company would make them whole. They though their loss was in the vicinity of \$25,000, real cost. He has written a letter which the City Manager believes would be a public document offering them only \$15,000 and presenting (a) \$3,500 check and asks for a year to follow up and pay the remainder of the \$15,000. That is where they stand. He feels that it is okay to divulge where they stand right now.

Councilor Jarvis said that is what she was going to ask. They are looking at giving (the City Manager) the authority to pull the bond or not. She thinks the second discussion, is the discussion of the offer. Her question is: If they say no and instruct the City Manager *not* to pull the bond at this time, is there a 30 day window?

The City Manager said we are within that 30 day window right now and think it will expire before the next meeting. ...He notified the company and said they would be back in touch with them. His understanding, in talking with the Finance Director and the City Attorney, is that there is no expiration date on the bond. They can wait until another meeting if (the Council) wants more information, if they want him to talk to the City Attorney. He would just notify the company that they are still negotiating.

Councilor Witham said it is a conundrum. He wants to try to work with anybody to try to come to a reasonable solution because he thinks that goes to the notion of City image as much as anything; however, they also have an obligation to their residents because they are in to this dilemma by about \$25,000. The question is which has greater weight? Our image in dealing nicely with a company which from all outward appearances appears to be struggling or to our residents and their tax dollars? Pulling a bid bond is a serious matter. It means everything in terms of a company's reputation, ...even whether they stay in business.

Councilor Soldati sympathizes. Her problem is that the only cash they can give us at this point is \$3,500. His offer is \$15,000; a little over half, but she doesn't have a lot of faith that even if they give him a year to pay back half of what he owes them that he can make it. She doesn't want to be the Big Bad Wolf and pull the bond and put the guy out of business, but ...perhaps he shouldn't be in business. She doesn't know. She wouldn't want this decision to be solely on her shoulders; she is glad they have to vote on it. It's a hard one. Does this negatively impact the City's image if they pull the bond? She doesn't know.

“Business is business,” said Councilor McCallion. That’s the way it is. ...He said that he is not ready to make this decision tonight. He needs to weigh it out. He hopes they can table this tonight and get a little bit from the City Attorney because it is a big decision. At the same time, he said, if they had to vote tonight, he would be voting to pull the bond. That’s it. It’s business.

Councilor Pepin agrees; he hates to put anyone out of business and that is not his intent but they have a responsibility to the taxpayer. If they lose money, they have to find some way of regaining it. If there is a vote tonight he will be voting to pull the bond.

Councilor Witham asked what would be gained by delaying this. Will any more information come to light or is this just another two weeks of agony, thinking about this.

City Manager Belmore can’t think of what it will gain them. He asked if the Finance Director has thought of anything.

Councilor Witham, seconded by Councilor McCallion made a motion to suspend the rules to allow the Finance Director to speak. The motion passed.

The City Manager said that he does not have any legal questions that need to be answered. He has given the Mayor and Council copies of the correspondence.

Finance Director Smith reaffirmed that there is no expiration date on the surety bond that they are aware of; it is based on the performance, or lack of performance, on Pandelena’s part. He is not sure what can be gained by waiting unless the Council feels there is still an opportunity to negotiate the settlement in the near term. If their offer is unacceptable, he is not sure what the alternative is.

Councilor Witham doesn’t think the offer is at all satisfactory from a financial point of view. He tends to agree with Councilor Soldati about allowing this to be paid back over the span of a year. Who knows what could happen over the span of a year. His inclination is to pull the bid bond. The one thing- there was a death in Mr. Pandelena’s family which is why he wasn’t there tonight. Councilor Witham said that part of him says to give him another opportunity to speak face to face and then pull the bid bond if that is what they have to do.

Councilor McCallion asked about making a caveat to the vote to give them 60 days and that they are really serious about the \$25,000. 60 days or it is pulled, no if-and-ands.

Councilor Donohue thinks that their primary responsibility is to the taxpayers and if they vote tonight, he would be in favor of pulling the bond. As Councilors have said, who knows what could happen over the next year and all we’ve gotten is the \$3,500. He thinks Councilor McCallion’s (suggestion) is a really great idea.

Councilor Witham made a motion, seconded by Councilor Soldati, to direct the City Manger to pull the surety bid bond on N. Pandelena Construction.

Councilor Witham called for a roll call vote.

Councilor McCallion asked again about giving him 60 days but did not make a friendly amendment to the motion.

Councilor Hebert really thinks this company is approaching bankruptcy. ...He doesn't think they will be able to get anything out of him. He hates pulling the bid bond ...but what can they do? Where is the money going to come from?

Councilor Soldati repeats Councilor McCallion in that business is business. The whole point of having the bond is to protect us. It is hard to act on these things without feeling for the person, personally. ...The bond exists to protect us from just this very kind of happening. She hates to sound merciless but she feels the offer ... was very unprofessional. On one level she thinks they escaped, ...she doesn't think he was really up to it. She is going to vote to pull the bond.

Councilor Jarvis agreed that the point needs to be made that they are talking about a (give or take) \$4M project. Where that put us, as a City, was in danger and that is what the bond is there for. They are talking about a \$4M project that could have gotten into a lot of trouble. That is what he was going after.

Councilor Tapscott asked how they will be notified.

City Manager Belmore said that he would engage City Attorney Walter Mitchell to move forward with pulling the bond. It is a legal matter; they would pursue it in the proper legal manner.

The City Council voted 8-0 to pull the surety bond on N. Pandelena Construction.

DISCUSS PETITION REQUEST.

Councilor Tapscott repeated that this was discussed in the Government Operations Committee and they felt that it was based on assumptions and misinformation and the Committee voted to dismiss the petition itself.

Councilor Witham said that citizens are certainly able to submit petitions for their review, but it is his hope that when a petition is submitted that it is based on fact and, as importantly, that the petition is clear as to what they are recommending Council to do. He then read through the petition point by point articulating what was factual or clear, and what was not. (This Petition) was neither factual nor clear, he said.

Councilor Hebert asked Councilor Witham to repeat what he just said as Mr. Roseberry had not been in the room to hear his comments.

Councilor Witham said that he did not need to repeat it, this was for the Council's discussion for the public and it is recorded on film.

Mayor Spencer said it will also be in the minutes.

Councilor Hebert said that it was an attorney, not the City Manager, who said that they did not have to implement it immediately.

Mayor Spencer said that Mr. Roseberry can hear this on the video; the Councilors have heard it and that is who will be voting.

Councilor Witham made a motion to dismiss this petition based upon misinformation and lack of direction as to what the petition is actually seeking. The motion to dismiss passed 7-1, (McCallion opposed.)

COMMENTS BY VISITORS.

Real Roseberry, Ward 1, said "the people told you what they wanted and you went against them again. When are you people going to learn? People! Election! November 5th!" He said he will go around and push this and there will be some changes. If they don't want to listen to the people, then the people will take it into their own hands.

Mr. Roseberry asked about our Recreation Department that has gone down to nothing. That is why these kids are out at night, he said, they don't have (anything) to do (with) no Recreation. He went to Dover- one side football, the other baseball. You couldn't find a parking space. Somersworth: no sports- no nothing. High school sports- your parents have to pay for it. What happened to our sports? Our sports went down when we lost McLin. He had a routine that didn't cost the City and the school (any) money. What happened? You give it to the City; the City spent it, now we're in trouble. Hockey? People got to go to the race car to pay for the hockey. What happened to our sports? All gone down the drain.

What happened to the \$538,000 that we got from the golf course? Is that going to go against our the tax cap or that going in to the treasury to spend the way you want to spend it so our taxes can rise again? We're getting money... where is that money going? In the kitty so you can spend? We spend more than we take in; I've been telling you that. We're coming to the end. You people are ruining this City. It was bad, but lately it is worse. Over \$30 (per) thousand is ridiculous. ...We're paying for it now.

Why are all the employees telling me that they are leaving because they don't want to work here? We lost a lot of good people. You people don't look into that stuff. You just look at what is in front of your nose; look a little down the road. This City is going on bankruptcy. \$30/thousand; look at all the houses for sale and you can't move them. No one from Massachusetts wants to move here, taxes are too high. ...You got to cut that

rate back. You should have frozen everything, everybody's salary. No increases, you think of that?

...You just told the people that you ignored the petition.

Diane Griffith, Ward 1, thanked (the Council) for their hard work and especially for passing Resolution No 13-14, as amended, it has been a long, long road and they are excited about what is coming down the road.

Christina Hafiani, Ward 5, Main St, wanted to bring up one other issue. She was at the Police Department today and asked the officers what we can do as residents. ...He actually mentioned that the curfew is the best idea. ... This is out of control. She has seen 8 year olds smoking pot on Main Street. This is not behind closed doors. You see the little kids starting to look up to the teenagers and they want to be cool like them and it will just pass on. There is no good recreational place for them to go, but the parents wouldn't push them toward that anyway. ...In some of the wards they really need to get stricter. She implores that they vote for a curfew to get done. The police can't do anything until a law is set to give them the opportunity. ... (Fines) would help us with issues with money.

Real Roseberry came to the podium a second time. There was a motion by Councilors Pepin/Tapscott^{2nd}, to allow Mr. Roseberry two minutes to speak. The motion failed.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Tapscott said that both he and Councilor Sprague have noticed that there are a lot of vehicles parking on sidewalks. It is pretty bad when kids coming down the sidewalk have to go out in the road to skirt around these vehicles. He thinks a lot of them are these landscape vehicles. You see it all the time. He thinks the Police Department should be more aware of it and if they are not ticketing, at least telling them to move.

Councilor Donohue thanked Miss Hafiani for coming tonight. Coming to the full Council can be a very effective way of getting your voice heard. He said that Councilor Witham will be putting it on the Public Safety agenda and he would like to personally help with that. He will probably be attending and would like to get her contact information.

He said that our Recreation and our schools have a lot of good programs out there for the students to engage in, but it is about the parents, too. Anyone who wants to know what the schools or the Recreation Department, there is a newsletter; he thinks both the City and Recreation have one.

He wanted to publically thank the Eagle Scouts for the work they will be doing at Willand Pond. It looks like a robust project. It is something that residents have mentioned over the years. This is a really good example of how volunteerism and community can build itself and make itself better on top of what the City tries to do. He

doesn't know where they are getting their funding. It is not City money. He thinks it is really great.

Councilor Soldati followed up on what Councilor Tapscott said about the sidewalks. The real issue is that this is damaging our sidewalks, she said. It has become a major problem. Last Friday a pickup truck from Maine took up half the sidewalk in front of one of our stores. She went to the Finance Director; they guy moved it. It turns out that he was related to one of the shop-owners. She would like the cops to go after these people. Pedestrians had to walk around the truck, if you can imagine this. Thank You, Scott (Smith.)

Councilor Pepin said that he sometimes gets very upset when he listens to our residents, especially when they talk about taxes and the tax cap, and then on the other breath talking about how we don't (provide) sports in our community and they have to pay for everything. The reason that they have to pay is that they hand the School Board money to pay for their budget, usually after we cut it to death. They have no alternative but to decide do we educate the kids, do the sports or whatever. As a School Board representative he sees how they struggle with it. He has been here when the hall has been packed about not cutting sports programs and them trying to work out deals. He is on the Recreation Committee and he has watched the staff do everything they possibly can with the money that they have. He looks at parks and Recreation and things that need to be corrected. Councilor Witham got sod donated up at the Pines; he spent his own personal time with members of his leagues to (put it down.) And he gets told, as your City Councilor, that he is wasting your money and that he doesn't provide sports, he doesn't provide anything, but he's not supposed to increase your taxes. He doesn't know how to do that. He's sorry. And he doesn't know if there is anyone else who does. If you do, please take this seat, he said.

(There is a) second thing that makes him mad. They have a resident come in a few months ago complaining that neighbors were parking in his yard. He placed boulders and then was very upset because he couldn't find his boundary lines. City staff did whatever they could to correct the situation. They made him remove the boulders. They went out and put linear sticks out there. They put chevron signs on the opposite side of the street. This all cost the taxpayers money. A resident backed over it and bent it over, so they told highway about it. They came and corrected the problem. Another three weeks, another one bent in the same area. Two days later, two of them are missing, and then one of the chevron signs is completely unbolted and twisted around. He knows highway didn't put it that way. Whoever is doing this to aggravate is costing the taxpayers money and it leaves us in a position- how do we fix it? Court and fine a person? You're lucky if you get a judge who will even want to look at it. Usually they throw it out and laugh at you. The Police Chief tells them, with building maintenance, that the judges are so booked up and overwhelmed that they don't want to see this stuff which is probably right. Our kids are trying to be taken care of by the school system. ...It's up to us to do the best we can with the money that we have in the Rec. Dept. We apply for grants and we've done improvement at the Pines that packs the place now. Most of the (work) is done by the Highway Department. They have done everything possible to save the City taxpayer

money. He is very upset with the idea that they are blowing (the taxpayers) money, especially when you turn around and say that the tax cap is going to solve your problems. We will find out in a few years when you can't even get the sports programs that you have now because we have to cut what little we are putting into it. When it comes to education, he is sure that the School Department is going to try to keep the kids educated and the schools certified.

Councilor Witham doesn't know where to start. Two words, he said, "I'm insulted." First, they have a petition that comes in front of the Council that basically calls him a liar. He is insulted. You may not agree with his decisions, but he does not lie. Is he ever influenced? Sure, by residents who call him, and that doesn't happen very often... It is very seldom that he gets called by a resident. It is very seldom that they come up and share their concerns. They are thrilled to have those. He appreciates having those comments. He's insulted to hear that they don't do anything for sports in the Hilltop City. He showed his phone, with a picture from the internet of the Somersworth High football game this past Saturday night. An aerial shot that someone titled "Saturday night lights in the great City of Somersworth." As Councilor Pepin mentioned, on Labor Day weekend, he didn't camp, he didn't go shopping, he didn't go to the beach, he spent three solid days, with very few volunteers, mind you, working at the Noble Pines baseball field, seeding, sodding, 150 square feet of sod, it is looking pretty good right now. He is president of Babe Ruth baseball; they have just shy of 50 kids who participate in that. He didn't seek the presidency; no-one else wanted it. Prior to that, he was involved with Somersworth Little League baseball for 35 years; about 300 kids participate in that. Go up to Noble Pines, Crockett's Crossing, and Millenium Field this past weekend, you were probably hard pressed to find a field without a bunch of soccer players on it. Go to the High School soccer field on a Saturday morning and there are hundreds of kids participating in RoSo Soccer. So for someone to come up here and spew what he calls "faction", (it sounds real but it's not,) to come up here and say that we don't have sports programs here in Somersworth is a complete lie. Twice tonight he has been called a liar. He is insulted. Stop with the faction. Stick with the facts or continue to spew the fiction, one or the other.

Councilor Witham said it was noted about hockey and having to pay. He played hockey in high school in Somersworth from 1980 to 1984 a good long time ago. We had to pay our own way. My parents held dances, we had car washes, we did bake sales and yard sales and who knows what else. It wasn't cheap then, it isn't cheap now. There hasn't been much change in that. Be great to have the school support it all, but as Councilor Pepin said, we try to be cautious with taxpayer dollars. He will be anxious to see how the tax cap will play out with all of that.

He generally finds himself more insulted tonight than anything else because he thinks he and a whole lot of other people work hard to make it a great place. Like the photo of "Saturday night lights" here, there is a lot of good going on.

If he understood it correctly tonight, they were told that the City Manager influenced some of the changes that are being proposed on the Charter. To his knowledge, many of

these changes are to align with State law or to clean up things that were enacted by the voters in 2009. There are a few new things that he thinks were generated by Councilors. He doesn't think there was anything generated by the City Manager, so for someone to get up and say that the City Manager orchestrated these changes is another lie and we should all be insulted. Way to go.

As far as the issue that Councilor Pepin brought up about Otis Road, we will probably have to look at that.

Councilor Pepin suggested that Councilor Witham will probably want to put the street light on the list, too.

Councilor Witham added that to the Public Safety agenda. He didn't have much, now he has a lot.

So often at these meetings, we are talking about enforcement, etc., as a councilor, his expectation is that the Departments will all be here at a meeting. It is not a rule but an expectation and if you are not available please send a staff member in your place, he said. He is particularly speaking about the Police Department this evening which is noticeably absent and they have talked about ...law enforcement activities.

They talked about the Property Maintenance Code; about two weeks ago he submitted a list of 24 trash and tall grass and various violations. At last glance about half of those have been addressed, they continue to work at it. He reminds Council that some number of years ago they dealt with a block along Green Street and the City incurred a number of costs and actually fined the gentleman and the Stafford County Court didn't act on the whole matter. When he talks about legislation, he wants to put a bit more meat into their current property maintenance code than they have. At least for what they have now and he thinks they can do more with that.

Finishing on a positive note, he spoke about the Indonesian Consulate coming last Friday. He came down and had some nice conversation and some Indonesian food. Some of it had jasmine in it...it was good.

He thanked the Mayor for letting him vent.

FUTURE AGENDA ITEMS.

Councilor Pepin wanted to put something on the agenda for paperwork. In the Council packets there were 27 pages x 9 = 243 pages *just* for minutes of the last meeting? Is there some way we can condense them, he asked? We also have resolutions, etc, in our packets for new business and another copy for the next meeting. Is there some way that we can condense this? No way does he want it taken that they diminish what they are getting for materials. He just thinks that triplicate of everything is a little overboard. He would like to have it as a discussion item and has staff come back with some ideas. He

thinks it is total waste of the taxpayer's money. He would like the full Council to have a discussion.

City Manager Belmore said that a while ago they had a resolution in regards to a tax deeded property and Council had pulled one of those properties off the list. He is not particularly fond of getting property and trying to maintain it and budget for it. He needs some direction on the Green Street property, the old Creamery, on looking at how they are going to develop a plan. It hasn't been referred to a Committee; he doesn't have any clear direction. They need to start thinking about whether they are going to sell it or keep it and maintain it and plan for it's for future use. With all due respect, he needs some direction.

Councilor McCallion said that he would like it in their Committee, the Economic Development Committee.

Mayor Spencer referred it to the EDC.

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

The Council did not go in to non-public session.

ADJOURNMENT.

Councilor Tapscott, seconded by Councilor Hebert, made a motion to adjourn. The meeting adjourned at 9:30 pm.

Respectfully submitted,

Elise B. Brellis, Deputy City Clerk