

MINUTES OF CITY COUNCIL MEETING

SEPTEMBER 3, 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.

MINUTES OF PREVIOUS MEETINGS.

- Minutes of 8/12/13 City Council Meeting. Mayor Spencer indicated Council members should have a paper before them with several changes noted. Councilor Witham moved to accept the minutes with amendments as noted. The motion was seconded by Councilor Tapscott and passed unanimously.
- Minutes of 8/26/13 Special City Council Meeting. Councilor Sprague said he would like to amend a couple of items: on page 3, third paragraph, where it says “Councilor Sprague indicated there is a difference of \$82,000 between Severino and Pandelena,” he would like it to point out that is just talking about the alternates, not the total base bids. Also, on page 4, fifth paragraph, should read “Councilor Sprague said he would wholeheartedly put his name on Severino. They are a class “A” company.” Councilor Pepin moved to approve the minutes with amendments. The motion was seconded by Councilor Tapscott and passed by a vote of 8 yeas, 1 abstention, Councilor Jarvis abstaining.

COMMENTS BY VISITORS.

Liz Miller, Ward 1, said there is a lot going in Somersworth in the month of September and she wanted to highlight a couple of events. On behalf of the Friends of Somersworth, the community is invited to the Friends of Somersworth annual general meeting which will be held next Wednesday, 9/11/13, at 6:00 p.m. at the Somersworth High School. This meeting is for everyone in the community interested in learning about this growing organization, the status of the Hilltop building, future events, and ways to get involved in Somersworth’s arts and cultural opportunities. Light refreshments will be served.

Ms. Miller also announced the Friends of Somersworth will hold their second annual Hidden Treasures event on 9/28/13 at the VFW Post. You are invited to join them for an evening of music, dancing, and a silent auction. For more information on both of these events, you can go to the Friends of Somersworth Facebook page or check out their web site at friendsofsomersworth.com.

Ms. Miller also mentioned that the Summersworth Historical Society will be holding an event at the Forest Glade Cemetery on Maple Street on 9/21/13 from 11:00 a.m. to 3:00 p.m. The event is called “The Past Comes Alive.” It will be a re-enactment of past historical Somersworth figures. There will be actors dressed in period attire that will come alive and reveal stories of the City’s more historic former inhabitants. This tour will have something for everyone. There will also be Civil and Revolutionary War veterans being re-enacted, Freemasons and more. Also, the beautiful Furber Chapel will be open for viewing. For more information, you can visit the Museum on a Sunday afternoon, or visit their Facebook page, which is Summersworth Historical Society.

Real Roseberry, Ward 1, talked about his tax cap. He gave a rundown about what happened to it. Back in 2009 his tax cap was defeated. He did his homework and came back the next year and picked up 836 to show his opponents he could beat them. The City took the tax cap to Superior Court to get a legal opinion and the taxpayers paid the bill for the lawyer. He called the Secretary of State and the Attorney General, and it cost him nothing. They told him everything was fine. The tax cap was passed in November of 2012 and should have been implemented on 7/01/2013. This did not happen due to the City Manager influencing the City Council to delay implementation until July of 2014. If the tax cap had been in effect on July 1, 2013, the tax increase would have been approximately 2.1%. It will now be approximately 5.6%. Also, the City Manager was given a 2 year extension on his contract with an increase in pay.

Mr. Roseberry said the five people that signed the petition are dissatisfied with this.

COMMUNICATIONS.

LETTER FROM CAPTAIN RUSS TIMMONS.

To: Members of the City Council

From: Captain Russ Timmons

Date: August 22nd

RE: Speed Limit Change Route 108

Dear Council Members:

A matter of concern was brought to the attention of The Traffic Safety Committee. This concern was raised by Real Roseberry who questioned why the speed limit on the North end of Route 108 is set at 40 MPH. This 40 MPH zone begins at the Rochester City line and ends near Aroma Joe’s. The speed limit then changes to 35 MPH. The Committee discussed the matter at length and after consideration of the information brought to us by Mr. Roseberry and some statistical review, specific to

documented accidents in that area, we voted to submit a request to NHDOT. Additional information considered, is the increase in traffic, attributed to some thriving businesses in that area of Route 108. We will be requesting NHDOT to lower the speed limit in that area to 35 MPH.

We provide this communication as notice of our intentions. As our committee is charged with submitting recommendations, no immediate action will be taken on this matter, as we are seeking approval to proceed. I look forward to your determination specific to this request.

Yours

Captain Russell Timmons,
Chairman Traffic Safety Committee

Mayor Spencer referred this item to the Public Safety Committee.

PRESENTATION OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE.

PETITION FROM REAL ROSEBERRY FOR DISSATISFACTION WITH THE SOMERSWORTH CITY MANAGER.

Mayor Spencer referred this petition to the Government Operations Committee.

MAYOR'S REPORT.

Mayor Spencer apologized to Councilor Witham, stating he was correct at the last meeting when he said that resolutions and ordinances require roll call votes.

Mayor Spencer reported the following activities:

- 8/15/13 – Attended the Sustainability Committee Meeting
- 8/16/13 – Attended the NH Municipal Association Board of Directors Meeting
- 8/21/13 – Attended the Traffic Safety Committee Meeting
- 8/23/13 – Spoke to and answered questions for the Burger King 101 Group
- 8/23/13 – Attended the Strafford County Delegation Executive Committee Meeting
- 8/28/13 – Attended a NH Municipal Association Executive Committee Meeting

REPORTS OF STANDING COMMITTEES.

PUBLIC SAFETY COMMITTEE.

Councilor Witham reported this committee will meet on Friday, 9/06/13 at 9:30 a.m. in the Executive Conference Room. A number of items concerning the Fire Department will be discussed, and updates from the Police Department and also from American Ambulance.

PUBLIC WORKS & ENVIRONMENT COMMITTEE.

Councilor Sprague reported this committee met on 8/28/13 at 3:00 p.m. All committee members were present, as well as Councilor Soldati, City Manager Belmore, Finance Director Scott Smith, Public Works Director Tom Willis, General Foreman Shawn McLean, Foster's reporter, and Mr. Pandelena. They discussed the following items:

- Approved minutes.
- Voted to accept a stainless steel sander that they had in their bid packages.
- Talked to Mr. Pandelena about the bid bond problem that we encountered. They decided to try to negotiate with him before taking action on calling his bond in. We might want to meet tonight to see if we can collectively come up with a dollar amount that would be palatable to us to accept.
- Talked about the water ordinance draft that we have been going over, changing from the water tariff to a water ordinance. We will review it for a future meeting.
- They had an update from the gas company. There is some hot top that has been cut from Market St. down to Main St. They will be continuing that portion of the gas line upgrading from steel to plastic. There is still some construction going on up on the hill. They should be wrapping up the City in the next month.
- City Manager asked if we wanted to sponsor a resolution that would allow construction work beyond the hours that are usually allowed. If this were done, he could just make the call instead of calling special City Council meetings all the time. With all the construction going on in the downtown, there probably will be times when they will have to break the time limits our ordinance stipulates.
- Talked about the one-way on Constitutional Way. There have been no calls or complaints so it seems like it is going pretty good.
- Had a brief discussion about Roundup. There are some other ideas, such as using vinegar, which does not work very well. They will discuss this more in the future. We really need to do something.

ECONOMIC DEVELOPMENT COMMITTEE.

Councilor McCallion reported this Committee met on 8/27/13. The following items were discussed:

- Hilltop School Building. Councilor McCallion said that ten companies responded to the RFP that was put out, and the selection was brought down to three. A panel is being set up to interview them. The panel will consist of one member of the Economic Development Committee or any other Councilor that may be interested and can be appointed by the Mayor, one member of Friends of Somersworth. The interviews will take place on 9/10/13 here at City Hall.
- In our goal setting session we talked about having a legislative conference to get an idea from our legislators about what they are going through and what we are going through regarding code enforcement. They would like to set that up for sometimes in the beginning of October. They would like to have a round table discussion with legislators regarding the pros and cons of the property maintenance code in the state.

REPORTS OF SPECIAL COMMITTEES.

SUSTAINABILITY COMMITTEE.

Councilor Soldati reported this committee met on 8/15/13 and discussed the following items:

- They discussed community gardens and the need to set up an advisory board. They would like the gardeners to be a part of this. They would make decisions about the gardens and come up with ideas or needs and wants they may have. If anyone is interested, they should call the Public Works Department.
- She hopes they will have a report soon on the EPA study on the feasibility of solar panels being installed at the landfill.
- They will be having another community produce exchange on 9/14/13 from 9:00 a.m. to 11:00 a.m., probably on High Street somewhere. People should watch the City web site for an announcement of where it will be.
- Grow a Row: Now that crops are coming in, they are asking you to bring any crops you have to City Hall on Wednesday afternoons, to the Economic Development Office.

The next meeting will be held on 9/19/13 at 6:00 p.m. The public is always invited.

SCHOOL BOARD.

Councilor Pepin reported he attended a School Board meeting on 8/13/13. There was a preliminary report on the FY 12-13 budget. Right now, the books are being audited and the numbers will change.

Councilor Pepin reported he attended another School Board meeting on 8/27/13. The CIP items for 2014-2020 was approved and will be forwarded to the City Manager. Also, there was a good update on the progress at the schools, such as the HVAC systems, the windows and the ventilation systems. These items made a big difference in the schools as far as air quality and how it feels inside the school because it takes the dampness out of the air. There has been a big improvement. The Superintendent invited the School Board members to have a walk-through at the school and she will also be inviting the City Council also.

COAST BOARD OF DIRECTORS.

Councilor Pepin reported he attended a COAST Board of Directors meeting on 8/14/13 and offered the following report:

- Some communities cut back on the funding that was requested, and one community totally dropped out.
- Because of funding cut backs, they had to cut some hours on Route 33 (transportation center to County Farm area) in Dover. They also eliminated FastTrans community connection on Routes 34 and 35 in Dover (downtown).
- They increased the fare on Route 33 (transportation center to County Farm area) from \$.50 to \$1.50.
- Routes 40 and 41 (Portsmouth) increase in fare from \$.50 to \$1.50.
- Ridership set a record in the month of July. In August, 2012 ridership was 45,797 and the ridership in July, 2013 was 46,123.
- Route 1 (Berwick to Dover transportation center) has had an increase in ridership of 22% in the last 4 months. Route 2 (Rochester to Market Square in Portsmouth) has increased 26% in the last 4 months.
- They discussed the 2014 budget. They are looking at probably a 13.5% increase just to keep the services they have right now. 80% of it is due to ADA requirements. Lamprey Healthcare Center does some of their contracted work and they are running into problems because they are not getting their funding. They will probably end up losing that type of transportation which is the reason the costs are jumping up so high.

VISION 2020.

Councilor McCallion reported this Committee met on 8/26/13. They went over some goals for 2014 and talked about the Master Plan projects we still have. There was a lot of discussion about the image of the City and how to bring out more of the positive things that are happening. They also talked about having a page on the City web site. They talked about having the students who are going to graduate have role playing with the

Student Council saying what they think Somersworth will look like in the year 2020. He believes the Committee is short one member, which would be a member of the public.

CITY MANAGER'S REPORT.



TO: Mayor Matthew Spencer and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Wednesday, August 28, 2013

SUBJECT: City Manager's Report for Tuesday, September 3, 2013

City Council Agenda

5:30 p.m. Private Meeting with City Legal Counsel, Attorney Tom Closson

6:00 p.m. Public Hearing

Re: Charter Amendments to be Voted on November 5th, Municipal Election

6:30 p.m. Public Hearing

Ordinance No. 1-14; Ordinance No. 2-14; Ordinance No. 3-14; Ordinance No. 4-14

Unfinished Business (under Section 12 of Agenda)

Resolutions:

- A. Resolution No. 4-14 To Notify the City Tax Collector that the City Council shall not Accept a Tax Deed on Certain Properties Subject to an Unredeemed Tax Lien.** Friendly Reminder: These are manufactured housing units. The Finance Committee recommends approval of this Resolution. On the recommendation of the Finance Committee, staff will be moving forward

to accept tax deeds on four (4) similar manufactured housing unit properties. The Finance Committee supports passage of this Resolution.

Ordinances:

- A. Ordinance No. 1-14 Amend Chapter 13, Police Offenses, Section 3.1.G Permit and Reserved Parking and Section 3.1.F.6 Time Limited Parking, All Day.**
- B. Ordinance No. 2-14 Amend Chapter 13, Police Offenses, Section 3.1.G Permit and Reserved Parking Section 3.1.F.3 One Hour Parking, Section 3.1.F.2 Two Hour Parking, and Section 3.1.D No Parking.**
- C. Ordinance No. 3-14 Amend Chapter 13, Police Offenses, Section 3.1.G Permit and Reserved Parking.**
- D. Ordinance No. 4-14 Amend Chapter 13, Police Offenses, Section 3.1.G, Permit and Reserved Parking.**

Friendly Reminder: All these Police Offense Ordinances involve proposed changes that are the result of discussions held at the City Council's annual goal setting session, discussions with certain Council Standing Committee/s, and discussions regarding the downtown bond infrastructure project. These proposed changes involve parking regulations along public ways and parking in the City owned parking lot behind the former Nard's building off Constitutional Way.

New Business (under Section 13 of Agenda)

Ordinances:

- A. Ordinance No. 5-14 Amend Chapter 19, Zoning Ordinance, BY Adding New Section 7 – Conservation Subdivision Ordinance.** This is a Planning Board recommendation. The Planning Board did hold a Public Hearing. It has been the practice of the City Council to also hold a Public Hearing on Zoning Ordinance proposed changes. Attached is a summary memorandum provided by Director Sharples. I suggest a Public Hearing prior to the September 16th regular Council meeting at 6:30 p.m.
- B. Ordinance No. 6-14 Amend Chapter 20, Building Code.** Attached is a summary from Director Sharples. I recommend a Public Hearing on September 16th at 6:45 p.m.

Resolutions:

- A. Resolution No. 9-14 To Authorize the City Manager to Waive Ordinance Chapter 13D (Noise/Nuisance Control) for Severino Trucking Company,**

Inc. and/or its Subcontractors to Permit Night Work as Needed as Part of the Downtown Improvement Project. This action was suggested at the City Council's special meeting on August 26th. I recommend passage. The Public Works & Environment Committee discussed this action item at their meeting on August 28th and the Committee has endorsed its adoption.

Other:

- A. Set Hours for November 5, 2013 Municipal Election 8:00 a.m. to 7:00 p.m.**
- B. Vote to Send Proposed Charter Amendments to November 5, 2013 Ballot.**

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

1. Informational Items:

- 1. Capital Improvement Program (CIP) for Fiscal Year 2015-2020.**
The CIP process has once again started. I have enclosed a copy of the memorandum that I issued to the Department Heads recently. I welcome any comments or direction that the City Council might offer.
- 2. 11th Annual Pumpkin Festival 2013.** Attached is my response to the Pumpkin Festival folks (c/o Anna Houde) confirming our City resources being available in supporting this year's event scheduled for Saturday, October 12th, 10:00 a.m. – 4:00 p.m.
- 3. Mast Point Dam Grant.** I had previously reported on our application and now I am pleased to announce the City has been awarded the Grant. I have included copies of the Grant Award Letter for the \$28,500 funding, as well as more information on the project. I will be discussing the project with the Recreation Committee on September 6th and will ask the Committee Councilors to sponsor the enclosed a Draft Resolution. The Finance Committee will most likely be reviewing this Grant Award too.

2. Attachments:

- 1.** City Manager letter to N. Pandelena Construction's Bond/Insurance Company dated August 28, 2013.
- 2.** City Attorney Legal Opinion on Mayoral Election.
- 3.** Economic Development Committee information packet for the meeting of August 27, 2013.
- 4.** Exit 10/108 Improvements Flyer from Strafford Regional Planning Commission.

NOMINATIONS, APPOINTMENTS AND ELECTIONS.

- Supervisor of the Checklist, Ward 5 – Raymond LaPointe, term to expire 09/2018.

Mayor Spencer indicated this will be referred to the next meeting for action.

UNFINISHED BUSINESS.

Nominations:

- Board of Cemetery Trustees – Mary E. Shaw, term to expire 02/2016.

Councilor Witham moved to approve this nomination. The motion was seconded by Councilor Pepin, and passed unanimously.

- Ethics Commission - Roger Berube, term to expire 04/2016.

Councilor Sprague commented that although he is familiar with this gentleman, there was no resume submitted. Other members might not be familiar with him.

Mayor Spencer pointed out that under City Council Rules & Regulations, #17, Appointments, it says “All appointments by the Mayor which require the consent of the Council, once made, shall automatically be laid on the table until the next regular meeting to allow the members of the Council opportunity to properly review the nominee’s qualifications.”

Councilor Sprague asked what qualifications they were supposed to look over. How would he contact Mr. Berube? There should at least be a phone number included.

Mayor Spencer indicated it is probably in the phone book and wondered why Councilor Sprague was belaboring this issue.

Councilor Sprague replied that out of due respect to members of the Council that may not know these people, we would simply like them to provide some information about themselves. If someone wants to serve on a committee, you should have them provide a resume. That is what he would do if he was leading this Council, but he is not.

Mayor Spencer replied that he could run for the position.

Councilor Pepin said he wished to comment on the submission of resumes to serve on City committees. He has asked people to sit on our committees and they most always say no. You are asking them to serve on a committee that pays nothing and sometimes they’re fearful about what people will say about them after they are on a committee. If you ask them to submit a resume, a lot of people will not want to serve. We know some of these people, and some we don’t. He feels that knowing weeks ahead of time when someone is nominated to serve on a committee gives them enough time to call a person and talk to them and ask them questions and determine if they are suitable to sit on the committee. That is his personal opinion.

Councilor Soldati said she disagrees with Councilor Pepin. A case in point, we have people on the Housing Authority Commission with a high school diploma. When someone is managing an organization and managing multi-millions of dollars she would like to see some heft behind their qualifications. It wouldn't hurt us to do a little work to look into people's qualifications. Just because someone has been in this community for many years doesn't mean they are qualified. She doesn't know two out of the three candidates on tonight's agenda. She doesn't think they should sell themselves short. If somebody takes offense about being asked about their qualifications, that would disqualify them in her opinion. She feels this City is full of qualified people who would serve very well on these committees. She doesn't think it is out of line for Councilor Sprague to want to make sure that we are appointing qualified people to our committees and commissions.

Councilor Pepin said he does not feel that someone has to have a college education to sit on a committee or board. He feels that is an insult to people. Just because a person hasn't gone to college doesn't mean they don't understand budgets, etc.

Councilor Witham moved to approve the nomination of Roger Berube to the Ethics Commission. The motion was seconded by Councilor Donohue and passed by roll call vote of 5 yeas, 4 nays, Councilors Soldati, Hebert, Jarvis and Sprague voting in the negative.

- Conservation Commission – George E. Wentworth, Jr., term to expire 04/2016.

Councilor Witham moved to approve this nomination. The motion was seconded by Councilor Tapscott and passed unanimously.

Ordinances:

ORDINANCE NO. 1-14 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.1.G PERMIT AND RESERVE PARKING AND SECTION 3.1.F.6 TIME LIMITED PARKING, ALL DAY.

Councilor Sprague said this takes away the two reserved spaces for personal parking on Highland Street that were reserved for Mr. Dumont of Dumont's Hardware Store.

Ordinance No. 1-14 passed by unanimous roll call vote.

ORDINANCE NO. 2-14 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.1.G PERMIT AND RESERVED PARKING, SECTION 3.1.F.3 ONE HOUR PARKING, SECTION 3.1.F.2 TWO HOUR PARKING, AND SECTION 3.1.D NO PARKING ANYTIME.

Councilor Sprague said this allows us to take away parking on the left side of Constitutional Way if you are going from High Street to Washington Street so we can have that as a travel lane. It allows us to put angled parking on the right hand side.

Councilor Witham said he is in support of all these parking ordinances for the reasons we have been talking about right along for the downtown enhancement project. As the one-way pattern is taking shape on Constitutional Way, he noticed that Public Works has delineated where they will mark out for the parking spaces at some eventual point in time. His question for the City Manager is if the single yellow line in the middle of the road will be going away. It is confusing.

The City Manager said it is his understanding that it will go away.

The City Manager pointed out that we should be more definitive about the entryway into the Washington Street Plaza. He would suggest that we just leave that open and not close it even though we would lose a couple of parking spaces.

Councilor Witham stated there are approximately 30 new parking spaces on that road so he is willing to give that a try and see how it works out. He doesn't think there is a need to close that entry.

Councilor Sprague also agreed with this. As soon as the project is done, he feels they will re-address Constitutional Way with more permanent markings and sidewalks. What we have done for patchwork on that road is just to get us through construction season.

Councilor Soldati agrees it should be left open. It is business friendly and she doesn't see any advantage to closing it. It should be permanently left open.

Councilor McCallion said we should keep in mind the reason they were going to close that entryway was for safety reasons. We need to make sure there is proper signage there if we are not going to close it.

Ordinance No. 2-14 passed by unanimous roll call vote.

ORDINANCE NO. 3-14 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.1.G PERMIT AND RESERVED PARKING.

Councilor Sprague said this ordinance establishes the sixteen spots owned by the City in back of the former Nard's Appliance Store. There would be a fee of \$20 per month for a parking space.

Councilor Witham said he is willing to pass this tonight, but at some point in the future we should revisit the \$20 per month. That is quite a deal. It should be higher than that.

Councilor Soldati said she is taking the exact opposite position. She thinks the fee should be eliminated, or it should be a nominal fee of \$5.00. She wonders how many of the business owners who will be parking back there have been consulted about this. They have enjoyed free parking up until now. She has a problem with the fee and feels our business owners should be able to park there for free.

Councilor Witham said he is of the understanding that this is for people that live in the apartments above the businesses.

The City Manager said it is his understanding that it could be a smattering of residents, business owners or business employees. It could also be people who live in the plaza below the parking lot.

Councilor Witham said he is leaning towards the fact that these spaces would be geared more for residents because of a similar situation that came before the Planning Board in the past in the Borderline Beverage area. He doesn't want to penalize business owners. He doesn't know how we would segregate the two.

Councilor Soldati pointed out that until now the business owners, employees, and apartment dwellers have been parking behind Nard's for free.

Councilor Witham moved to table Ordinance No. 3-14 and send it back to the Public Works & Environment Committee for further review. The motion was seconded by Councilor Soldati.

The motion to table Ordinance No. 3-14 passed by roll call vote of 7 yeas, 2 nays, Councilors Sprague and Tapscott voting in the negative.

Councilor Sprague asked if this could be sent to the Finance Committee since they already have a meeting scheduled. He is on the Finance Committee.

Councilor Jarvis made a motion to reconsider tabling Ordinance No. 3-14. The motion was seconded by Councilor Hebert and passed unanimously.

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

Chief Crombie said this has been kicked around a lot. The area in question is a dumping ground for stolen cars, abandoned cars, people who change transmissions, etc. Something needs to be done about this.

Chief Crombie said presently there are 15 spots down by the bridge that they charge \$20 for. He doesn't know if the issue is just charging too much, but he stressed that we need to do something with this area. It has been a problem for years.

Chief Crombie indicated people who have a permit would be issued a numbered decal so traffic control would know if the vehicle is supposed to be there or not. There are also 24 dedicated spots in the American Legion parking lot.

Councilor Witham asked if it would be possible for a business owner to have a different price strategy than a residential owner of a parking spot.

Chief Crombie said that would be fine with him. The reason he thought the price of \$20 was fair is because that is what the people down by the bridge are paying. Also, you can park there overnight.

Councilor Jarvis said this did come back to the Finance Committee a couple of times. Part of it deals with what they have access to or what is available to them and the upkeep versus some of the other spots.

Councilor McCallion said we are creating a bunch of spaces right across the street that would be for business owners or anybody that wants to park there. He doesn't want the business owners to have to pay to park.

The City Manager asked if the businesses down at the Plaza have permits.

The Police Chief indicated that is addressed in the next ordinance coming up. They pay \$5.

Councilor McCallion moved to make a friendly amendment to Ordinance No. 3-14 by adding "an owner of a business in the area would pay \$10 for a permit to park behind Nard's." The motion was seconded by Councilor Sprague.

Councilor Sprague asked how we are defining the owner. He thinks we are opening a can of worms.

Chief Crombie said they pretty much know who all the business owners are. Presently, everybody in the Somersworth Plaza who is a business owner or an employee of a business in the Plaza is entitled to a permit.

Councilor McCallion said we all know that we want permit parking. We do not want stolen vehicles, or people working on their transmissions there. We have to give the Police Dept. the tools to fix the situation, but we do not want to penalize the owners that have been parking there for free. If we come in line with what we are doing at the Somersworth Plaza, he feels we can make that friendly amendment and pass this through.

Councilor Jarvis said the Finance Department went round and round with the issues of fees. For what they receive in these parking spaces versus what they receive at the Plaza is different. They are getting a better parking space here versus the others.

Councilor Soldati said she doesn't have a problem with charging a fee, she just feels that \$20 per month is harsh. She would like to see it be more modest, maybe around \$10.

The friendly amendment to Ordinance No. 3-14, adding that business owners be allowed one permit for \$10, failed.

Ordinance No 3-14 passed by roll call vote of 6 yeas, 3 nays, Councilors Soldati, McCallion and Donohue voting in the negative.

ORDINANCE NO. 4-14 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.1.G, PERMIT AND RESERVED PARKING.

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

Chief Crombie addressed Plaza Terrace parking, stating residents of Plaza Terrace pay \$5 per year. They have the outside perimeter. They increased it by 6 spaces, so anyone who wants a car who lives there will have an opportunity to get a spot to park. Those spots are 24 hours, no snow ban. The Public Works Department has to plow around these cars several times and they felt that fee structure should be increased so they are paying the same as everybody else, is \$20 per month. Per ordinance, the first 5 spaces of every row are reserved for people going to the Plaza. If you have a permit, you would park further down so you are not taking the spaces designated for Plaza business clientele.

Councilor Witham has said many times that we will welcome the day when we have a parking problem here in the Hilltop City. He was looking at it from an economic vitality perspective. He thinks these charges are a decent first step to recoup some of the City's costs. If you own a car, there comes with it fees. Many communities around us have gone to "Pay and Display" meters for all of their spots. He was in a community this week that has parking meters which have been there since the 1940's. He feels what we are doing is extremely reasonable.

Ordinance No. 4-14 passed unanimously by roll call vote.

Resolutions:

RESOLUTION NO. 4-14 TO NOTIFY THE CITY TAX COLLECTOR THAT THE CITY COUNCIL SHALL NOT ACCEPT A TAX DEED ON CERTAIN PROPERTIES SUBJECT TO AN UNREDEEMED TAX LIEN.

Councilor Jarvis said the Finance Committee reviewed this in depth. They removed some of the parcels, so that has been revised.

Councilor Witham said the devil is in the details. We are accepting tax deeds on four properties.

Councilor Jarvis said the intent of the four that are being deeded is that there was a large difference in the top four. They looked at every aspect and what was cost effective for the City as well.

Councilor Pepin asked what the decision was based on.

Councilor Jarvis said they did not look as much at the amount of taxes due because everybody's situation is different. It was primarily based on the number of years and going with the policy that we already have in place.

Councilor Sprague said he has been on the Finance Committee for four years and they have never taken tax deeds on these properties because we would then have to pay park rent, insurance, etc. The four properties they pulled off were upwards of 12 years of non-payment of taxes. It really wasn't about the dollar amount, but more about the number of years.

Resolution No. 4-14 passed unanimously by roll call vote.

NEW BUSINESS.

Councilor Witham moved that Ordinance No. 5-14 be read by title only due to its length. The motion was seconded by Councilor Tapscott and passed unanimously.

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

Somersworth, NH
September 3, 2013

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Ordinances of the City of Somersworth, as amended, be further amended as follows:

- Amend Chapter 19, Zoning Ordinance, by adding new Section 7, Conservation Subdivision Ordinance, as follows:

SECTION 7 CONSERVATION SUBDIVISION ORDINANCE

I. PURPOSE

This Conservation Subdivision Ordinance is intended to encourage environmentally sound planning to conserve open space, retain and protect important natural and cultural

features, and provide for efficient use of land and community services to advance the goals stated in the master plan.

II. OBJECTIVES

- To maintain rural character, preserving farmland, forests and maintaining rural views.
- To preserve those areas of the site that have the highest ecological value, including, for example, wildlife habitat, e.g., large unfragmented blocks of undeveloped land, areas of highest condition identified based on NH Fish and Game's Wildlife Action Plan, and water resources, e.g., drinking water supply areas and watersheds, wetlands, streams and rivers.
- To locate buildings and structures on those portions of the site that are the most appropriate for development and avoiding developing in areas ill-suited for development, including, for example, areas with poor soil conditions, a high water table, that are subject to frequent flooding or that have excessively steep slopes.
- To preserve historic, archeological, and cultural features located on the site.
- To create a contiguous network of open spaces or "greenways" by linking the common open spaces within the subdivision and to open space on adjoining lands wherever possible.
- To reduce the impacts on water resources by minimizing land disturbance and the creation of impervious surfaces and stormwater runoff.
- To reduce the amount of roads, sidewalks, and stormwater management structures that must be built and maintained.
- To minimize the impact of residential development on the municipality, neighboring properties, and the natural environment.

III. DEFINITIONS

For the purpose of this chapter, the terms used herein are defined as follows:

Applicant: The owner of land proposed to be subdivided or his representative.

Buffer: Land area within which adequate vegetation is maintained or provided to visibly separate or screen one use from another and/or to minimize potentially negative impacts on surrounding areas, e.g., shield or block noise, light or other nuisances, reduce water pollution. Also known as a "vegetated buffer."

Buildable Area: Land area of a parcel excluding non-buildable area.

Buildable Lot: The smallest lot area established by the zoning ordinance on which a use or structure may be located in a particular district.

Building Envelope: Area of a building lot identified on a subdivision plan indicating the allowed limits of clearing and grading, and within which all structures, and, when applicable, the well and septic systems, including the tank and leach field, shall be located.

Conservation Easement: A permanent legal restriction against future development and other activities as specified in the conservation easement deed. An easement may be worded to permit or restrict public access, allow or disallow recreational uses, allow or disallow other uses, such as limited development, agriculture, or forestry. Easements are tied to the title of the land, regardless of subsequent ownership.

Conservation Subdivision: An alternative form of residential development where, instead of subdividing an entire tract into lots of conventional size, a similar number of housing units are arranged on lots of reduced dimensions, with the remaining area of the parcel permanently protected as designated open space. Also referred to as “open space subdivision.”

Deed Restriction: A restriction on the use of land usually set forth in the deed for the property. Also known as a “restrictive covenant.”

Designated Open Space: Reserved land that is permanently protected from further development and remains in a natural condition or is managed according to an approved management plan for natural resource functions, e.g., forestry, agriculture, habitat protection, passive recreation, or limited uses as approved by the Planning Board under this ordinance as part of a conservation subdivision.

Easement: The right or privilege that a person may have in another person’s property, often for the purposes of installing and maintaining utilities and drainage ways or allowing a right of passage.

Homeowners Association: A private corporation, association, or other legal entity organized in accordance with state law and established by the applicant or the member individuals for the benefit and enjoyment of its members, including oversight and management of common open space, designated open space, and/or shared facilities.

Non-buildable Area: Land area that cannot be counted toward the minimum lot size under a conventional subdivision, including areas with the following characteristics: wetlands or wetland soils as defined by RSA 482-A: 2, X; slopes greater than 20 percent

as measured over a 10 foot interval; submerged areas; utility rights-of way; land area within the 100-year flood-plain; or land that is restricted from development by covenant, easement or other restriction.

Open Space Common: Land within or related to a development, exclusive of land dedicated as designated open space, not individually owned, which is designed and intended for the common use or enjoyment of the residents of the development and/or the town and may include such complementary structures and improvements as are necessary, appropriate and approved by the planning board.

Restrictive Covenant: A restriction on the use of land usually set forth in the deed for the property.

Sketch Plan: A preparatory sketch of the preliminary subdivision layout that does not include engineering details, which is used to support a general discussion with the Planning Board as to the form of the plat and the objectives of the zoning ordinance and applicable subdivision or site plan regulations.

IV. AUTHORITY AND APPLICABILITY

A. To facilitate the implementation of the goals of the master plan, all subdivisions for residential use shall use a conservation subdivision design approach, unless exempted under Section IV.B or granted a special use permit under Section IV.C.

B. Exemptions: Subdivisions meeting any one of the following criteria shall be exempt from the requirements of this section, unless a landowner elects to follow the standards of this section.

1. The subdivision creates lots that are, on average, equal to or greater than 479,160 square feet (11 acres) in size and provided the deed for each lot created contains a restriction prohibiting the further subdivision of the lot;
2. The parent parcel is nine acres or less in total size and the subdivision does not require a new road; or
3. The subdivision creates five or fewer dwelling units and does not require a new road.

C. Authorization to Issue a Special Use Permit: Notwithstanding other provisions of the Somersworth Zoning Ordinance, authority is hereby granted to the planning board, as allowed under RSA 674:2 1, II, to issue a special use permit to modify the requirements of this section as follows:

1. The Planning Board may issue a special use permit for the parcel to be developed as a conventional subdivision when it finds that:

a. The parcel is ill-suited for development using conservation subdivision design, or a conventional design provides greater or equal benefits to the community; and

b. The conventional subdivision design retains and protects important natural and/or cultural features identified by the planning board and/or the site inventory.

2. The Planning Board may issue a special use permit for a modified conservation subdivision design to allow for variations from certain requirements of this section as specified herein. Such modifications shall be consistent with the purposes and standards of this section; fall within the guidelines contained herein, and shall not be detrimental to public health, safety or welfare.

D. Sequential Subdivisions: The provisions of this ordinance shall apply to the sequenced development of a parent parcel over time through separate successive applications. When a subdivision is proposed that involves part of a larger parcel or includes lots that are capable of further subdivision, the planning board may require that a site inventory and a conceptual (non-binding) long-range plan be submitted for the entire parcel and used to evaluate the proposed subdivision.

E. Review Process: A subdivision application under this section shall comply with the subdivision regulations, except that sections of the subdivision regulations that are clearly not applicable to a conservation subdivision design shall not be imposed on the applicant by the Planning Board.

F. Legal Review: Prior to final approval by the planning board, the applicant shall submit for review by the City Attorney any restrictive covenants, condominium or cooperative agreements, conservation easement, deed restrictions, or other legal agreements proposed for use in the conservation subdivision. The City Attorney shall advise the planning board of the adequacy of such legal provisions. The applicant shall pay all associated costs of the legal review and establish an escrow account, in an amount determined by the City, prior to the review.

V. MAXIMUM DEVELOPMENT DENSITY

A. Base Number of Development Units: The applicant shall choose one of the following methods for calculating the base number of dwelling units that may be constructed on the property unless a yield plan is required in accordance with V.3:

1. Formula Approach: Under the formula approach, the base number of dwelling units is determined by the following formula:

Example Formula

Base Number Dwelling Units =

$[(\text{Net Area}) \times (\text{Factor}) \div \text{Conventional Minimum Lot Size (\# Dwelling Units/Lot)}]$

Where Net Area =

Total Area of Parcel (sq. ft.) – “Non-Buildable Area” on the Parcel (sq. ft.)

Conventional Minimum Lot Size lot size determined for a single-family building, two-family building, or multi-family building (or combination of the above as permitted) based on the conventional zoning requirements.

Non-Buildable Area any area that cannot be counted toward the minimum lot size under a conventional subdivision or is restricted from development by covenant, easement or other restriction (see definition).

Factor number determined by the following:

Percentage of Parcel that is Wetlands and/or Steep Slopes* Factor

0-<10% 0.75

10-<20% 0.70

20-<30% 0.65

30% or more Use Yield Plan Approach

* Steep slopes are those greater than 20% as measured over a ten foot interval

The number of allowable dwelling units is determined based on the allowable number of units per building under the conventional zoning, where the result is rounded up for single family homes and down to the next whole number for buildings containing more than one dwelling unit.

If the subdivision involves only part of a parcel, the buildable area shall be calculated for that portion of the parcel proposed to be included in the subdivision. If a parcel is located in more than one district, the base number of allowable dwelling units will be determined for each portion of the parcel separately and added together and then rounded to the next whole number.

For example, for a 120 acre parcel in a 3 acre zone (i.e., 3 acre minimum lot size per single family home (1 dwelling unit per building)) with 30 acres of wetlands, the example formula approach above permits 20 dwelling units, as single family homes

$[(120-30)*0.65] \sim 3 = 19.5$ or 20 single family homes.

With a 4 acre minimum lot size per two-family building (each building containing two dwelling units), 14 two-family buildings are permitted

$[(120-30)*0.65] \sim 4 = 14.6$ or 14 buildings,

*2 dwelling units per building = 28 dwelling units.

2. Yield Plan Approach: Under this approach, the applicant presents a yield plan to the planning board to determine the number of allowable buildings and dwelling units permitted within the conservation subdivision. The yield plan is a sketch plan for a conventional subdivision development that fully complies with the requirements for a conventional subdivision. The yield plan shall include all information the Planning Board deems necessary to determine that the conventional design could be built. At a minimum, the yield plan shall show all right-of-ways, drainage areas, existing topography at two-foot contour intervals, lot lines, lot areas, lot frontages, building envelopes, easements or other land restrictions, wetlands, riparian and wetland buffers, floodplains, steep slopes, access points, and any other information the planning board deems necessary to evaluate the yield plan. The yield plan shall be stamped by a NH certified professional engineer with a note stating that this conventional design could be built under professional engineering design standards and meets all applicable City of Somersworth land use regulations.

3. Exceptions

a. If more than 30 percent of the area of the parcel consists of wetlands or steep slopes, then the applicant shall use the yield plan approach to determine the allowable number of buildings and dwelling units.

b. The planning board shall require the preparation of a yield plan if the subdivision creates 20 or more dwelling units as determined by the Formula Approach.

VI. DIMENSIONAL AND LOT REQUIREMENTS

A. All individual residential lots shall meet the minimum requirements set forth below. All dimensional requirements not specifically listed below shall be governed by the underlying zoning district in which the subdivision is located.

1. Buildings in a conservation subdivision shall be located on individual residential lots.

2. Minimum Lot Size: 10,000 square feet. At its discretion, the planning board may authorize up to 30% of the lots to have a minimum of 8,000 square feet with 60 feet of frontage.
3. Minimum Lot Frontage: 80 Feet*
4. Minimum yard setbacks for principal structures:

Front – 15 Feet
Side – 5 Feet
Rear – 5 Feet

5. Minimum yard setbacks for accessory structures*:

Front – 15 feet **or** at or behind the front of the principal structure, whichever is greater**

Side – 0 Feet
Rear – 0 Feet

*As set forth in 2 above, the planning board may authorize up to 30% of the lots to have a minimum of 60 feet of frontage

**Accessory structures 440 square feet or larger shall comply with the setbacks for principal structures

*** The intent of this provision is to require all accessory structures to be placed in line with or behind the front of the principal structure.

6. Lots may be irregular in size and shape provided they conform to the natural topography and features of the parcel (e.g., the lot lines follow an existing stone wall, stream, or other natural dividing feature).

7. Each individual lot shall have a minimum of two trees with a minimum 2” caliper in the front yard. Existing trees located in front yard areas can be utilized to meet this requirement provided that they are adequately protected during construction.

8. The Planning Board may authorize variations from the above standards by up to 50 percent by special use permit issued pursuant to Section IV.C.2, for the purpose of providing flexibility in the design of the subdivision to meet the objectives of this section or to support the creation or continuation of a traditional village-style development pattern.

9. Design Standards for Developed Areas: Subdivision plans shall comply with any additional applicable standards found elsewhere in this ordinance and as set forth in the Subdivision Regulations.

VII. OPEN SPACE REQUIREMENTS

A. At least 35 percent of the buildable area and 80 percent of the non-buildable area of the parcel shall be permanently protected as designated open space subject to the additional conditions below. The planning board may authorize a slight reduction in the area of designated open space by special use permit, when it finds that (1) the reduction is necessary to enable the use of the conservation subdivision approach based on the characteristics of the parcel, and (2) the proposed subdivision adequately meets all other requirements of this ordinance. In no case, shall the designated open space represent less than 25 percent of the total area of the parcel.

B. Portions of the parcel that comprise part of an individual house lot, roadway, driveway, access road, roadway right-of-way, other new or existing right-of-way, utility easement, private or community leachfields or other components of a wastewater management system, stormwater management structures, or are part of a required buffer between any new structure and an existing right-of-way, or any area that is less than 100 feet wide in any direction shall not count toward the calculation of the designated open space.

C. Any use of the designated open space is subject to approval of the planning board with a recommendation from the conservation commission and shall demonstrate that such uses shall not negatively impact the natural and/or cultural amenities preserved through the conservation subdivision design.

D. The following uses generally are permitted in the designated open space, unless specifically prohibited or restricted as a condition of subdivision approval for the purposes of protecting important natural features or characteristics of the parcel:

1. Forest management.
2. Agricultural cultivation and pastures.
3. Passive (non-motorized) trails and recreational uses.
4. Snowmobile trails.

E. Up to 50 percent of the designated open space may be permitted by special permit issued by the planning board to be used for the following. The Planning Board may impose specific criteria or restrictions on such uses as deemed necessary to support the goals of this section:

1. Agriculture involving animal husbandry and/or boarding.
2. Active outdoor recreation uses, including formal playgrounds and fields.
3. Parking areas for access to the designated open space. Parking areas shall not occupy more than 10% of the designated open space.

F. The removal of soil, trees and other natural features from the designated open space is prohibited, except as consistent with conservation objectives or permitted uses as provided above.

G. The designated open space shall be retained in a natural, undisturbed state, except for those activities permitted and approved as provided above, or as required for active management according to an approved conservation agreement and management plan approved by the planning board.

This Ordinance shall be effective upon its passage.

Introduced by Councilor

David Witham

Approved:

City Attorney

Following the first reading of Ordinance No. 5-14 by title, it was referred to the next meeting.

Councilor Witham moved that Ordinance No. 6-14 be read by title only due to its length. The motion was seconded by Councilor Tapscott and passed unanimously.

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

Somersworth, NH

September 3, 2013

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the ordinances of the City of Somersworth, as amended, be further amended as follows:

Amend Chapter 20, Building Code, by deleting it in its entirety, and replacing with the following Chapter 20, Building Code:

CHAPTER 20

BUILDING CODES

This Chapter is enacted pursuant to the authority granted by Section 22 of Chapter 47 of the New Hampshire Revised Statutes Annotated. The City of Somersworth hereby repeals the contents of Chapter 20 of the City of Somersworth Ordinance in its entirety as it was last revised and adopts the following as Chapter 20 of the City of Somersworth, and that the City of Somersworth will now officially recognize and use the State of New Hampshire Building codes, pursuant to New Hampshire RSA 155-A, as follows: *International Building Code 2009, the International Plumbing Code 2009, the International Mechanical Code 2009, the International Energy Conservation Code 2009, and the International Residential Code 2009, as published by the International Code Council, and the National Electric Code 2011.*

That the City of Somersworth City Clerk is hereby ordered and directed to cause this ordinance to be published.

That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect from and after the date of its final passage and adoption.

A. BUILDING CODE

An ordinance of the City of Somersworth adopting the 2009 edition of the *International Building Code (IBC)*, or current editions adopted now or in the future by the State of New Hampshire regulating and governing the conditions and maintenance of all property, buildings and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures that are unfit for human occupancy and use and the demolition of such structures in the City of Somersworth; and providing for the issuance of permits and collection of fees.

The City Council of the City of Somersworth does ordain as follows:

- 20.A.1** That a certain document, two (2) copies of which are available in the office of Code Enforcement and/or the City Clerk's office in the City of Somersworth, and being marked and designated as the *International Building Code, 2009* edition or current editions adopted and amended now or in the future by the State of New Hampshire as published by the International Code Council, be and is hereby adopted as the Building Code of the City of Somersworth, in the State of New Hampshire for regulating

and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use of the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the Office of the City of Somersworth and hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance with the additions, insertions, deletions and changes, if any, prescribed in Section 20.A.2 of this ordinance.

20.A.2 The following sections are hereby further revised:

Section 101.1. Insert [**City of Somersworth**]

Section 105.2 Under “Building:” delete paragraph 2

Section 103.2.8 After this paragraph add [**Exception: Group R-3 occupancies.**] (This exception is according to state law)

Section 1612.3 Insert [**Strafford County, New Hampshire**] Insert [**May, 17, 2005**]

Section 3412.2 Insert [*Date of acceptance of this ordinance*]

B. RESIDENTIAL CODE

An ordinance of the City of Somersworth adopting the 2009 edition or current editions and amendments adopted now or in the future by the State of New Hampshire of the *International Residential Code (IRC)*, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress in the City of Somersworth providing for the issuance of permits and collection of fees.

The City Council of the City of Somersworth does ordain as follows:

20.B.1 That a certain document, two (2) copies of which are on file in the office of Code Enforcement and/or the City Clerk’s office in the City of

Somersworth, and being marked and designated as the *International Residential Code*, 2009 edition or current editions and amendments adopted now or in the future by the State of New Hampshire as published by the International Code Council, be and is hereby adopted as the Residential Code of the City of Somersworth, in the State of New Hampshire for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the City of Somersworth are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 20.B.2 of this ordinance.

20.B.2 The following sections are hereby further revised:

Section R101.1. Insert: **[City of Somersworth]**

Section R105.2 under “Building:” delete paragraph.

Section 202 Insert Alphabetically **[Accessory Dwelling unit; Often referred to as “In-Law Apartment”: An additional living space attached to a single family home and the two spaces share either a bathroom or kitchen and are commutable to the shared space via active common living space and the two spaces will have no division of utilities or services]**

Table R301.2 (1) Insert: **[60]** under “*Ground Snow Load*”, **[90 Cat B]** under “*wind Speed (mph)*”, **[C]** under “*Seismic Design Category*”, **[Sever]** under “*Weathering*”, **[48”]** under “*frost Line Depth*”, **[Slight to Moderate]** under “*Termite*”, **[-3]** under “*Winter Design Temp*”, **[36”]** under “*Ice Barrier Underlayment Required*”, **[May 17, 2005 panel # 217, 218, 219, 238, 239, 310, 327, and 330]** under “*Flood Hazards*”, **[1209]** under “*Air Freezing Index*”, **[47°]** under “*Mean Annual Temp*”

Section R313 Delete entire section

Section P2603.6.1 Inserting in the first sentence following “shall be” **[according to NH State approved Septic design]** then striking the remainder of the sentence.

C. FUEL GAS CODE

An ordinance of the City of Somersworth adopting the 2002 *National Fire Protection Agency volume 54 (NFPA 54)* or current editions and amendments adopted now or in the future by the State of New Hampshire for the regulating and governing fuel gas systems and gas-fired appliances in the City of Somersworth providing for the issuance of permits and collection of fees

The City Council of the City of Somersworth does ordain as follows:

20.C.1 That a certain document, two (2) copies of which one is on file in the office of the Code Enforcement and/or the City Clerk’s office and one with the City of Somersworth Fire Department, being marked and designated as *NFPA 54 National Fuel Gas Code 2009*, or current editions and amendments adopted now or in the future by the State of New Hampshire as published by the National Fire Prevention Association, be and is hereby adopted as the Fuel Gas Code of the City of Somersworth in the State of New Hampshire for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the City of Somersworth are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 20.C.2 of this ordinance.

20.C.2 Fees: See Section 20.L.10 of Somersworth City Ordinance. Fees, Fines, and Penalties

D. MECHANICAL CODE

An ordinance of the City of Somersworth adopting the 2009 edition or current editions and amendments adopted now or in the future by the State of New Hampshire of the *International Mechanical Code*, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City of Somersworth providing for the issuance of permits and collection of fees.

The City Council of the City of Somersworth does ordain as follows:

20.D.1 That a certain document, two (2) copies of which are on file in the office of Code Enforcement, and/or the City Clerk’s office in the City of Somersworth, and being marked and designated as the International Mechanical Code, 2009 edition or current editions and amendments adopted now or in the future by the State of New Hampshire, as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the City of Somersworth, in the State of New Hampshire regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the City of Somersworth are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 20.D.2 of this ordinance.

20.D.2 The following sections are hereby revised:

Section 101.1. Insert: [**City of Somersworth**]

Section 106.5.2. Insert: [**See Section 20 L.10 of Somersworth City Ordinance. Fees, Fines, and Penalties**]

Section 106.5.3. Delete section sub paragraph 2 and 3. Insert: [**See Section 20.L Fees, Fines, and Penalties**]

Section 108.4. Delete section. Insert[**See Section 20 L of Somersworth City Ordinance. Fees, Fines, and Penalties**]

Section 108.5. Delete near end of paragraph “...shall be liable for a fine {Delete from here to the end of the paragraph} ~~of not less than [AMOUNT] dollars ore more than [AMOUNT] dollars~~” and insert [**according to Section 20 L.10 of Somersworth City Ordinance. Fees, Fines, and Penalties**]

E. ELECTRICAL CODE

An ordinance of the City of Somersworth adopting *NFPA 70 National Electrical Code (NEC) 2011* edition, or current editions and amendments adopted now or in the future by the State of New Hampshire of the *NFPA 70 NEC*

The City Council of the City of Somersworth does ordain as follows:

20.E.1 That a certain document, two (2) copies of which are on file in the office of Code Enforcement and/or the City Clerk's office in the City of Somersworth, and being marked and designated as *NFPA 70 National Electrical Code* or current editions and amendments adopted now or in the future by the State of New Hampshire, of the *NFPA 70 NEC*, is hereby adopted as the Electrical Code of the City of Somersworth, in the State of New Hampshire with the additions, insertions, deletions and changes, if any, prescribed in Section 20.E.2 of this ordinance.

20.E.2 The following sections are hereby revised:

Section 80.19(E) Fees: Delete section. Insert **[See Section 20 L.10 of Somersworth City Ordinance. Fees, Fines, and Penalties]**

20.F. RESERVED

G. PLUMBING CODE

An ordinance of the City of Somersworth adopting the 2009 edition or current editions and amendments adopted now or in the future by the State of New Hampshire of the *International Plumbing Code*, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City of Somersworth; providing for the issuance of permits and collection of fees

The City Council of the City of Somersworth does ordain as follows:

20.G.1 That a certain document, two (2) copies of which are on file in the office of Code Enforcement and/or with the City Clerk's office in the City of Somersworth, and, being marked and designated as the *International Plumbing Code, 2009 edition*, or current editions adopted and amendments now or in the future by the State of New Hampshire, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the City of Somersworth, in the State of New Hampshire regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the

City of Somersworth are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 20.G.2 of this ordinance.

20.G.2 The following sections are hereby further revised:

Section 101.1. Insert: [**City of Somersworth**]

Section 106.6.2. Insert [**See Section 20.L.11.2 of this Ordinance. Fees, Fines, and Penalties**]

Section 106.6.3. Delete section. Insert: [**See Section 20 .L.10 of this Ordinance. Fees, Fines, and Penalties**]

Section 108.4. Delete section. Insert: [**See Section 20 L of Somersworth City Ordinance. Fees, Fines, and Penalties**]

Section 108.5. Delete near end of paragraph after "...shall be liable for a fine..." {Delete from here to the end of the paragraph} and insert [**according to Section 20. L.10 of Somersworth City Ordinance. Fees, Fines, and Penalties**]

Section 305.6.1 Insert [**See New Hampshire Department Of Environmental Services, Chapter Env-Ws 1000, dated August 1990 and titled Subdivision and Individual Sewage Disposal System Design Rules**]

Section 904.1. Insert [**not less than 24 inches above roof**]

H. PRIVATE SEWAGE DISPOSAL CODE

The City of Somersworth recognizes that the State of New Hampshire is the governing body for approval and final inspection of Individual Sewage Disposal Systems, the guidelines for which are outlined in the New Hampshire Department Of Environmental Services (NHDES), Chapter Env-Ws 1000, dated August 1990 and titled Subdivision and Individual Sewage Disposal System Design Rules and that the State of New Hampshire has authority to protect water supplies, to prevent pollution in the surface and ground waters of the state and to prevent nuisances and potential health hazards as stated in State RSA, Title L, Water Management and Protection, Chapter 485-A, Water Pollution and Waste Disposal.

The city additionally recognizes the following in response to repairs of septic systems in kind: If septic systems require repair or replacement such repair or replacement must meet system guidelines as prescribed by NHDES.

The City Council of the City of Somersworth does ordain as follows:

20.H.1 That a certain document, two (2) copies of which are on file in the office of Code Enforcement and/or with the City Clerk's office and/or the Engineer's Office in the City of Somersworth, and being marked and designated as the Subdivision and Individual Sewage Disposal System Design Rules-and is hereby adopted as the Private Sewage Disposal Code of the City of Somersworth, in the State of New Hampshire regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to use or maintenance of individual sewage disposal systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Private Sewage Disposal Code on file in the office of the City of Somersworth are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance

I. ENERGY CONSERVATION CODE

The City of Somersworth recognizes that the State of New Hampshire is the governing body for regulating energy efficient building practices for new residential construction as stated in the New Hampshire State RSA, Title XII, Public Safety and Welfare, Chapter 155-D, Energy Conservation in New Building Construction. The State of New Hampshire requires that the City of Somersworth receive documentation in the form of a PUC Certification approval prior to the issuance of Residential Building Permits for the construction of new dwellings and major additions.

The city additionally recognizes the following in response to commercial building construction: An ordinance of the City of Somersworth adopting the 2009 edition or current editions and amendments adopted now or in the future by the State of New Hampshire, of the *International Energy Conservation Code*, regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems in the City of Somersworth; providing for the issuance of permits and collection of fees therefore;

The City Council of the City of Somersworth does ordain as follows:

20.I.1 That a certain document two (2) copies of which are on file in the office of Code Enforcement and/or the City Clerk's office in the City of Somersworth, and, being marked and designated as the *International Energy Conservation Code, 2009 edition*, or current editions adopted now or in the future by the State of New Hampshire as published by the International Code Council, be and is hereby adopted as the Energy Conservation Code of the City of Somersworth, in the State of New Hampshire regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of regulations, provisions, penalties, conditions and terms of said Energy Conservation Code on file in the office of the City of Somersworth are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 20.I.2 of this ordinance.

20.I.2 The following sections are hereby revised:

Section 101.1. Insert: **[City of Somersworth]**

20.J PERMIT CLASSIFICATION

20.J.1 Major Building Permits

Major Building Permits are required for: all new construction, placement of modular homes, placement of manufactured homes, additions greater than 600 sq.ft. on 1&2 family dwellings, additions to all commercial structures, and multi unit dwellings. It will also be required for renovations in which the scope of work will not allow habitation during the renovation (i.e.: complete gut and rehabilitation, fire restoration, etc.) or projects that remodel greater then 25% of the square footage of livable space. Projects that require a major building permit will require a Certificate of Occupancy prior to use or occupancy or re-use or re-occupancy.

20.J.2 Minor Building Permits

Minor Building Permits are required for all types of construction not described in 20.J.1

Exceptions are listed in IRC and IBC 105.2 (whichever is applicable) as amended by 20.A.2 or 20.B.2 of this ordinance.

20.J.3 Demolition Permits

Demolition Permits are required for all structure wrecking and removal, fire restoration and rehabilitation destruction exceeding 600 sqft.

Permits may need a State of New Hampshire DES completed form as well, based on the assessment of the Code Enforcement Office. Separate Demolition permits are required for hazardous waste remediation prior to the issuance of a demolition permit for the removal of the structure containing such hazard(s).

20.J.4 Mechanical Permits

Mechanical Permits are required for all gas work or installation of gas appliances downstream from the regulator that services the structure, any gas work that is inside the structure, all HVAC installations greater than 1 ton cooling and/or permanently designed furnace systems.

Exceptions: listed in IBC 105.2 as amended by 20.A.2 of this ordinance.

If the proposed work involves gas (LPG, NG, etc.) the permit must be applied for by a New Hampshire licensed Gas mechanic.

20.J.5 Plumbing Permits

Plumbing permits are required for any plumbing, boiler, waste runs or stacks, that is to be newly installed or a repair as specified in IBC 105.2.2 that exceeds \$300 in materials, or any renovations where a fixture is relocated.

Exceptions: listed in IBC 105.2, IPC 106 or as amended by this ordinance in 20.A.2.

A permit must be applied by a New Hampshire licensed plumber or the property owner if the work is in an owner occupied single family dwelling.

20.J.6 Electrical Permits

All electrical work requires a permit

Exceptions: As listed in IBC 105.2

A permit must be applied for by a licensed electrician or the property owner if the work is in an owner occupied single family dwelling.

20.J.7 Subsurface Sewer Disposal System

All new installations, replacements and repair of private subsurface effluent disposal systems, (septic system), are required to have a permit

based upon an engineered design meeting the requirements of the State of New Hampshire – Subsurface Systems Bureau

20.K. RESERVED

20.L. FEES, FINES, & PENALTIES

The City Council of the City of Somersworth does ordain that according to the provisions of IBC 2009 § 109 shall apply as follows:

20.L.1 BUILDING PERMIT FEE SCHEDULE

20.L.1.1 Residential 1 & 2 family dwellings:

For residential single family dwellings, modular homes, mobile homes less than 4000 sq. ft. in size or 2 family dwelling less than 8000 sq. ft. in size a fee of \$10.00 shall be charged for every building permit application filed. To this shall be added charges in the amount as follows:

For any construction or alteration the permit fee shall be the calculation of eight dollars (\$8.00) per one thousand dollars of estimated cost of construction or purchase. When labor is not considered, the calculation shall be ten (\$10.00) per thousand dollars of the materials value.

To estimate cost of construction where none is given for Residential buildings

- (1) First floor (with unfinished basement or crawl space).....\$50.00/sq. ft.
- (2) Other finished areas.....\$40.00/sq. ft.
- (3) Other unfinished areas.....\$30.00/sq. ft.
- (4) First floor on a slab or over a finished basement.....\$40.00/sq. ft.

For residential single family dwellings greater than 3999 sq. ft. or 2 family dwellings greater than 7999 sq. ft. use 20.L.1.2

Minimum application fee shall be \$25.00.

20.L.1.2 COMMERCIAL/INDUSTRIAL

Commercial/Industrial construction and/or renovations:

The fee is calculated at eight (\$8.00) per thousand of estimated cost of construction.

Minimum application fee shall be \$25.00.

Third party inspections may be required as determined by the City Engineer, Code Enforcement Officer, City Planner or, Fire Chief or their appointees. These inspections are, but not limited to: compaction, slump, torque, welding, structural, loading, lighting, drainage, subsurface waste, water treatment, pollution, and fire safety .The expense of such third party inspections is the responsibility of the applicant.

20.L.2 DEMOLITION PERMIT FEE SCHEDULE

For Demolition the fee shall be ten dollars (\$10.00) for the application then fifteen dollars (\$15.00) for any structure of less than 144 sq. ft., and twenty-five dollars (\$25.00) for any structure over 144 sq. ft.

20.L.3 PLUMBING PERMIT FEE SCHEDULE

20.L.3.1 Residential

A fee of \$10.00 shall be charged for every plumbing permit application filed. To this shall be added charges in the amount as follows:

\$10.00 for installing, adding, or changing the water distribution system.

\$10.00 for installing, adding, or changing the waste piping system.

\$10.00 per \$1000.00 cost for boiler and associated plumbing for hot water heating

For the purposes of this section of the ordinance, multi family will be considered residential.

\$5.00 per fixture. Fixtures are, but not limited to the following:

- | | |
|---------------------|-------------------|
| Stacks | Sewage Ejector |
| Sinks | Drinking Fountain |
| Bath Tubs | Pump |
| Water Closet | Sill Cocks |
| Lavatory | Showers |
| Water Heaters | Urinal |
| Water Storage Tanks | Catch Basin |
| Laundry Tray | Dishwasher |
| Floor Drains | Humidifier |

Kitchen Disposal
Clothes Washer
Special Wastes

Rainwater Leaders
Main backflow preventer
Miscellaneous Fixtures

Minimum application fee shall be \$20.00.

20.L.3.2 Commercial/Industrial Fee Schedule

A fee of \$10.00 shall be charged for every plumbing permit application filed. To this shall be added charges in the amount as follows:

\$8.00 per \$1,000.00 of estimated plumbing cost.

Minimum application fee shall be \$20.00.

20.L.4 MECHANICAL PERMIT FEE SCHEDULE

A fee of \$10.00 shall be charged for every mechanical permit application filed. To this shall be added charges in the amount as follows:

\$8.00 per \$1,000.00 of estimated mechanical cost.

Minimum application fee shall be \$20.00.

20.L.5 RESERVED

20.L.6 SUBSURFACE SEWER DISPOSAL INSTALLATION OR REPAIR PERMIT FEE SCHEDULE

A fee of \$35.00 shall be charged for every subsurface sewer disposal permit application filed.

20.L.7 ELECTRICAL PERMIT FEE SCHEDULE

A fee of \$10.00 shall be charged for every electrical permit application filed. To this shall be added charges in the amount as follows:

1. Service Installations:

≤100 amp service\$ 7.00

>100-400 amp	\$10.00
>400-600 amp	\$12.00
>600-800 amp	\$12.00
>800-1000 amp	\$15.00
>1000 amp	\$18.00

2. Meter Installation:

Domestic	\$ 5.00
Quick Recovery	\$5.00
Off Peak	\$5.00
Primary.....	\$5.00
Power	\$5.00
Temporary Service.....	\$15.00

3. Switches

Standard	\$1.00 each
W/ Light	\$1.00 each
Generator transfer.....	\$5.00 each

4. Fixtures

Standard incandescent.....	\$1.00 each
Standard fluorescent.....	\$1.00 each
4 light fluorescent	\$3.00 each
Sign.....	\$10.00 each
Neon.....	\$1.00/lineal foot of tube
LED. \$ 2.00 per sqft (sign type) or \$.50 per lineal foot	
Strip lighting or rope.....	\$.50 / each outlet
Smoke detector.....	\$3.00 each (\$25.00 Max)

5. Outlets

Standard duplex	\$1.00 each
Quadruple	\$1.00 each
GFCI	\$1.00 each
Hi-Intes. Lighting.....	\$10.00 each
Power (special):	
Less than 10 KW.....	\$10.00
10-25 KW.....	\$16.00
More than 25 KW	\$24.00

6. Baseboard Heat

Less than 10 KW.....	\$3.00
10-25 KW.....	\$5.00
More than 16 KW	\$.50 per KW

7. Equipment

The following residential equipment: is \$5.00 each:

Microwave	Clothes dryer
Disposal	Hot water heater
Dishwasher	Welding equipment
Exhaust fan	Air cond.
Oven	Oil burner
Range/oven combo	Electrical furnace
Warmer table	Motors less than ½ hp
Surface range	
Clothes washer	

The following Commercial equipment is \$6.00 each:

Cooking appliance
Hair Dryer
Clothes Dryer
Clothes Washer
Hot Water Heater
Welding Equipment
Oil Burner
Air Compressor ½ hp or greater
Motors greater then ½ hp
Exhaust fan
Dishwasher
AC (additional\$1.00 per ton over
2 tons)

Note: Commercial and industrial equipment not listed are to be priced based on the code officers estimate at the time of application

Minimum application fee shall be \$20.00.

20.L. REINSPECTION FEE

In the event an initial inspection fails and requires an additional second inspection that also fails for the same reasons identified in the first inspection, subsequent inspections will require an additional \$25 administration fee paid prior to each and every additional inspection until the failure has been remedied.

20.M. ENFORCEMENT

20.M.1 Fee/Penalty for non-permitted work.

Any property owner or agent of said property owner who is found to have demolished, constructed, altered, removed or changed the use of a building, structure, mechanical component, septic system or construction without the benefit of a building, electrical, plumbing, mechanical, demolition, or subsurface waste disposal system permit, where a permit would be required under this chapter, shall receive a written notice of said findings and shall submit an application(s) after-the-fact (ATF). The applicant shall bear the cost of the original permit fee and may incur a penalty of the same amount as the fee. This penalty shall have a maximum not to exceed \$500.00.

20.M.2 Appeals

Should an applicant feel that a permit was not required, an appeal may be filed in accordance with section 20.N of this ordinance. Work must be suspended pending the outcome of such an appeal or a permit shall be received in accordance with 20.M.1 above. If the appeal is successful and a permit was issued, the City shall reimburse the applicant the fee and penalty.

20.M.3 Enforcement of Conditions of Approval

Where approvals or permits are granted by the Planning Board, the Zoning Board of Adjustment, the Historic District Commission, or the Site Review Technical Committee, it shall be the duty of the Code Officer to enforce the specific conditions of approval attached to such approvals or permits by the respective boards.

20.M.4 Violations

Any person who shall violate a provision of this Code or shall fail to

comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions prescribed by RSA 155A:8. Each day that the violation continues shall be deemed a separate offense. Reference State RSA's 155A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

20.M.5 RESERVED

20.M.6 TRANSFERABILITY

All permits are not transferable.

20.N REVIEW OF DECISIONS AND APPEALS

After review, should the Building Inspector disapprove an application or refuse to grant a permit applied for under the Building Codes in this Chapter and/or in the Zoning Codes in Chapter 19, or when it is claimed that the provisions of the code and/or zoning do not apply or that the true intent and meaning of the code and/or zoning have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the building official to the Zoning Board of Adjustment pursuant to RSA 674:34 or RSA 676:5, whichever is applicable.

20.O INTERPRETATION AND SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional and/or against state law, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional and/or against state law.

That nothing in this ordinance or any of the codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes or action acquired or existing, under any act or ordinance hereby repealed as cited in this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance

Prior Chapter Amended.

10/02/1989
02/28/1994

03/06/1995
10/07/1996
12/14/1998
09/20/1999
10/07/2002
Prior Chapter Deleted
//20**
This chapter adopted
//20**

This Ordinance shall be effective upon its passage.

Introduced by Councilors

Robin Jarvis
Jennifer Soldati

Approved:

City Attorney

Following the first reading of Ordinance No. 6-14 by title, it was referred to the next meeting.

Resolutions:

RESOLUTION NO. 9-14 TO AUTHORIZE THE CITY MANAGER TO WAIVE ORDINANCE CHAPTER 13D (NOISE/NUISANCE CONTROL) FOR SEVERINO TRUCKING COMPANY, INC. AND/OR ITS SUBCONTRACTORS TO PERMIT NIGHT WORK AS NEEDED AS PART OF THE DOWNTOWN IMPROVEMENT PROJECT.

Somersworth, NH
September 3, 2013

WHEREAS, Chapter 13-D prohibits excessive noise as a result of construction activity at specific times during night time hours; and

WHEREAS, the City of Somersworth has engaged the services of Hoyle-Tanner and Associates to develop plans and specifications for a comprehensive infrastructure improvement project within the downtown core of the City of Somersworth; and

WHEREAS, the City adopted Resolution 8-14 to authorize the City Manager to contract with Severino Trucking Company, Inc. of Candia, New Hampshire to construct the downtown improvement project; and

WHEREAS, it is the desire of the City of Somersworth to minimize the disruption to the business and commerce within the downtown area as much as possible during the construction activity; and

WHEREAS, it may be in the best interest of the City to allow Severino Trucking Company, Inc. and/or its subcontractors to perform portions of the construction contract during night time hours,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT THE City Manager is authorized to waive the provisions of Chapter 13-D (Noise/Nuisance Control) for Severino Trucking Company, Inc. and/or its subcontractors to permit night work as needed as part of the downtown improvement project to meet the needs and the best interest of the City.

Introduced by Councilors

Dale Sprague
Brian Tapscott
Marcel Hebert

Approved:

City Attorney

Councilor Witham moved to suspend the rules for a second reading on Resolution No. 9-14. The motion was seconded by Councilor Tapscott and passed unanimously.

Following the second reading of Resolution No. 9-14 by title, Councilor Sprague explained this gives the City Manager the authority to use common sense and allow a company to do any work outside of the 7:00 a.m. to 7:00 p.m. time frame that is set forth in our ordinances.

Resolution No. 9-14 passed unanimously by roll call vote.

Other:

SET HOURS FOR 11/05/13 MUNICIPAL ELECTION – 8:00 A.M. TO 7:00 P.M.

Councilor Tapscott said he thinks these are common hours for voting in this area. He agrees with these hours.

Councilor Sprague said he would actually like to see it from 7:00 a.m. to 7:00 p.m. That is what Dover does. He thinks that extra hour makes a difference.

Councilor Witham asked if the City budget is supported to be open from 7:00 a.m. to 7:00 p.m. to pay the election workers appropriately for that hour?

City Manager Belmore said if it is not, he wouldn't worry about finding the extra money for one hour.

Councilor Soldati said the election workers are not paid hourly.

Councilor Witham said he knows we have heard noise from some election workers that the added hour causes extra work for them.

Councilor Sprague said the only reason he is bringing this up is there are a lot of polling areas and the last time he ran for a County position he noticed what other communities do. A lot of rumbling at the last election was from people who came from 5:00 p.m. on saying they couldn't come in the morning because they are on the road at 6:30 a.m. to 7:00 a.m. They were lined up out the door. In the past, we opened at 7:00 a.m. It is probably hard to find people to work that early because they have to set up an hour beforehand.

Councilor Soldati said she is in Ward 2 and there are not a lot of voters that come in between 7:00 a.m. and 8:00 a.m., probably two or three. The issue is for the election workers since there is a lot of preparation.

Councilor Tapscott said he is sticking to 8:00 a.m. to 7:00 p.m. He has heard a lot of grumbling from election workers. Also, this is not a presidential election.

Councilor Tapscott moved to approve that the polls be open from 8:00 a.m. to 7:00 p.m. for the Municipal Election on 11/05/13. The motion was seconded by Councilor Jarvis and passed unanimously.

VOTE TO SEND PROPOSED CHARTER AMENDMENTS TO NOVEMBER 5, 2013 BALLOT.

Councilor Tapscott moved to send the proposed charter amendments to the November 5, 2013 ballot. The motion was seconded by Councilor Witham and passed unanimously.

COMMENTS BY VISITORS.

Real Roseberry, 405 Route 108, said this is the funniest meeting he has ever attended. Getting back to his tax cap, he told the Council that Eliot, ME just passed a tax cap by an overwhelming vote. The law now says you can have a tax cap in towns.

Mr. Roseberry said the Council asking for resumes from people who want to serve on boards is a big joke. He bet half the Councilors would not be on the City Council if they had to submit a resume. Mr. Berube is a legend in Somersworth. He was been on the Council for many years. If you ask some people for resumes, they will laugh you out of town.

Mr. Roseberry does not think the City should charge business owners for parking. If people are leaving abandoned cars in the parking lot, they should be towed away. He enjoyed the meeting tonight.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Witham said things have been said and printed over the last couple of weeks that disappointed him. Some of it challenges his moral and ethical values.

Councilor Witham indicated we did put a member on the Ethics Commission tonight who did not submit a resume. That is one committee he hopes never has to meet. When he wanted to get on the Planning Board several years ago, then Mayor Watman nominated him. He doesn't remember if he submitted a resume, but he did show his face at the meeting when his nomination was going to be taken up and they did vote to put him on the Planning Board. He feels this is an area that needs some clarity. If we want to see resumes, it should clearly state that in our rules. That is something the Government Operations Committee can take up when it meets.

Councilor Witham thanked Chief Crombie for sticking around. Earlier in the evening, he applauded him and his agency for the good work they did in coordination with the Attorney General's Drug Task Force and ridding our community of a drug dealer. He appreciates the efforts of the agencies that were involved in this. One of the people arrested during the drug sting is a frequent panhandler on High Street. He appealed to the public to say that if they are inclined to share some of their hard-earned money with those that are less fortunate, there might be better ways to do that than by giving it to people standing on a street corner. The food pantry would put your money to good use, that way you know your money is being used for what you intended it for.

Councilor Witham said recently there was an editorial that appeared in Foster's written by a local resident that spoke about Council's decision to extend the City Manager's contract and give him a 2% raise. If we had done that in non-public session, he would suspect there was a "leak". The writer of the editorial was grossly inaccurate. The City Manager's contract extension and raise was done in public session. The minutes of the 8/12/13 meeting reflect that. He is concerned because it paints a false accusation. He has always considered himself to be a man of integrity, and this challenges his integrity. There was an inference made here again tonight that somehow the Council has acted illegally regarding the implementation of the tax cap. The tax cap was passed overwhelmingly by the voters here. They are following what the voters voted for, they have gotten legal opinions on this, it is being implemented with the upcoming budget in line with what the voters voted for. He takes great offense to the suggestion that the City Manager influenced him. He voted for some budget cuts, he voted for some budget increases. He was not influenced by the City Manager. People in this community voted for him, and if he chooses to run again this fall, they have a chance to vote for him or vote him out. He has full faith and confidence in the work of our City Manager which is why he voted for his contract extension and his pay increase. He feels we are getting a heck of a deal here in Somersworth.

Councilor Soldati said she wished to piggyback on what Councilor Witham said in commending our Police Department. They made us very proud. She spent about five years in the city of

Baltimore which has a population of 625,000. Ten percent of the population were addicted to heroin. She learned over time not to hand out her money. She did get into the habit of taking a person to restaurant and buying them a cup of coffee. Nine out of ten panhandlers are drug addicts. Drug addiction is a public health problem. She is disconcerted when she sees drug addicts treated like criminals.

Councilor Soldati said there is a new boutique on High Street, "New Beginnings," that serves the poor. There is also the food pantry. When you give a panhandler money you are helping them buy their drugs. People should keep that in mind. It is a serious problem and it is here in the Tri-City area.

Councilor Sprague said the petition that got sent forward to the Government Operations Committee this evening is a waste of time. Five names on a petition is ridiculous. To implicate the City Manager on why the tax cap wasn't implemented now is ridiculous. The City Manager works for the nine City Council members. We don't have time for these kinds of implications.

Councilor Sprague talked about an important issue, a GACIT hearing that will be held on 9/18/13 in Council Chambers. A GACIT hearing is the Governor and Council Intermodal Transportation 10-year highway plan. It's a 10-year highway plan that puts projects in and follows them through. It has to go through a public hearing and through the Governor's Council. The hearing will be held here on 9/18/13 at 4:30 p.m. before the Planning Board Meeting. This is very important. Exit 10 is possibly coming back alive. This will help our business corridor on Route 108 and building values.

Councilor Sprague indicated that Senator Watters is going to try to get \$100,000-\$200,000 in for us to get a rail study. Before the meeting, he wants to have Commissioner Clement come down, Colin Vas Ostern, City Councilors, City staff, Tony Donovan from Main Rail Coalition, to give our pitch to put that amount of money in.

Councilor Sprague said a tax cap is our reality now and we need to talk about how to bring revenue into the City. Hopefully we can get a commuter train in the City in the next seven years.

Councilor Sprague invited everyone to come down on 9/18/13. He urged people to e-mail him if they want to talk about it.

FUTURE AGENDA ITEMS.

Mayor Spencer said there will be two public hearings, Ordinance No. 5-14 and Ordinance No. 6-14, at 6:45 p.m. prior to the 9/16/13 City Council Meeting.

NON-PUBLIC SESSION.

Councilor Witham moved to go into non-public session. The motion was seconded by Councilor McCallion and passed unanimously.

Councilor Witham moved to seal the minutes until the City Council Meeting on November 4, 2013. The motion was seconded by Councilor Sprague and passed by a vote of 8 yeas, 1 nay, Councilor McCallion voting in the negative.

Motion by Councilor Witham to come out of non-public meeting. The motion was seconded by Councilor McCallion and passed unanimously.

ADJOURNMENT.

Councilor Pepin moved to adjourn. The motion was seconded by Councilor McCallion and passed by a vote of 8 yeas, 1 nay, Councilor Sprague voting in the negative.

The meeting adjourned at 9:23 p.m.

Respectfully submitted,

Diane M. DuBois, City Clerk

