

CITY OF SOMERSWORTH  
CITY COUNCIL MEETING

AGENDA FOR FEBRUARY 16, 2016

6:00 P.M. – CITY COUNCIL WORKSHOP – Solar Project  
6:45 P.M. – PUBLIC HEARING – Ord 12-16 Amending Chapter 13, Police Offenses  
6:50 P.M. – PUBLIC HEARING – Res 20-16 Adopting the Provisions of New Hampshire  
RSA Chapter 162-K Municipal Economic Development and Revitalization Districts  
7:00 P.M. – CITY COUNCIL MEETING

1. Roll Call of Members
2. Pledge of Allegiance
3. Minutes of Previous Meetings
  - A. Minutes of City Council Meeting held on February 1, 2016.
4. Comments by Visitors
5. Announcements by Councilors
6. Communications
  - A. Email from Emilee Kenyon
7. Presentation of Petitions and Disposal Thereof by Reference or Otherwise
8. Mayor's Report
9. Reports of Standing Committees
10. Reports of Special Committees, City Officers and City Manager
11. Nominations, Appointments and Elections
  - A. Mayoral Nominations – Confirmation Vote.
    1. Board of Library Trustees, Re-appointment  
Donna Donovan, Term to expire February 2019.
    2. Planning Board – Alternate  
Mark Fearis, Term to expire January 2019.
  - B. Mayoral Nominations – Requires Council Confirmation Vote
    1. Historic District Commission Alternate  
Richard Brooks, Term to expire February 2019

2. Conservation Commission  
Miechelle Poulin, Term to expire February 2019

C. Mayoral Appointments

1. Hilltop Commission  
Sarah McGraw, Term to expire January 2018

2. Cultural Commission  
Pius Murray, Term to expire January 2018

12. Lay on Table

13. Unfinished Business

Ordinances:

- A. Ordinance 12 - 16 Amending Chapter 13, Police Offenses

Resolutions:

- A. Resolution No. 20 -- 16 Adopting the Provisions of New Hampshire RSA Chapter 162-K Municipal Economic Development and Revitalization Districts.

14. New Business

Ordinances:

- A. Ordinance No. 13 – 16 Amending Chapter 4, Personnel Rules and Regulations by Amending Section 7.6 Titled “Vacation” and Section 8.2 Titled “Suspension”.
- B. Ordinance No. 14 – 16 Amending Chapter 29, Administrative Code by Amending Section 3.5 Titled “Department Head Authority, Duty & Responsibility” And Section 3.6.2 Titled “Common Duties and Responsibilities.”

Resolutions:

- A. Resolution No. 21 – 16 To Authorize The City Manager to Notify The State of New Hampshire and State Of Maine That The City Shall Provide Funding for the Eddy Bridge Project.
- B. Resolution No. 22 – 16 To Authorize The City Manager to Order Two SUV Style Police Cruisers Which Will Be Funded By A Lease Purchase Arrangement.

- C. Resolution No. 23 – 16 Vote To Authorize The Trustees of Trust Funds to Release The First Payment Due The Somersworth School District From The Post-Withdrawal Capital Trust Fund ...

Other:

- C. Vote to authorize the City Manager to pursue an Amendment to the existing COMCAST Cable TV Franchise Agreement.

15. Comments by Visitors

16. Closing Comments by Council Members

17. Future Agenda Items

18. Nonpublic Session (as necessary, pending roll call vote by Council)

19. Adjournment

ORDINANCE NO. 12 - 16 AMENDING CHAPTER 13 POLICE OFFENSES

February 1, 2016

Somersworth NH

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 13.5, Police Offenses, Section D. No Parking Anytime, by adding the following:

When signs are erected giving notice thereof, it shall be unlawful for any person having custody or control of any vehicle, to park or cause the same to be parked at any time at any of the following locations:

Kings Lane on the northerly side.

Kings Lane on the southerly side.

This Ordinance shall be effective upon its passage.

Introduced by:

Councilor David Witham  
Councilor Jennifer G. Soldati

Approved:

City Attorney

Explanation: Kings Lane is a narrow "Dead End" way, off Union Street. There are areas of the travel portion of Kings Lane that measure 12 to 15 feet in width. It appears most homes have adequate off street parking. The concern is, that any vehicle parking on the travel portion of Kings Lane has a potential to create a safe passage issue to vehicles and emergency equipment that may respond to that road. The matter is compounded during winter months.

RESOLUTION NO. 20 -16 ADOPTING THE PROVISIONS OF NEW HAMPSHIRE  
RSA CHAPTER 162-K MUNICIPAL ECONOMIC DEVELOPMENT AND  
REVITALIZATION DISTRICTS.

Somersworth, NH  
February 1, 2016

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SOMERSWORTH that the City of Somersworth hereby adopts the provisions of Chapter 162-K Municipal Economic Development and Revitalization Districts.

WHEREAS, RSA 162-K enables municipalities to adopt its provisions to authorize the establishment of Tax Increment Financing (TIF) development districts; and

WHEREAS, TIF districts provide an opportunity for economic development; and

WHEREAS, The addition of TIF districts pursuant to the statute will enhance the attractiveness of the City of Somersworth for economic development creating a stronger tax base for the citizens of Somersworth; and,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the provisions of RSA 162-K permitting the establishment of TIF districts in the City of Somersworth are adopted by the Somersworth City Council to promote economic development.

Introduced by

Jonathan McCallion  
Martin P Dumont, Sr.  
David Witham  
Dale R. Sprague

Approved:

City Attorney

*A PUBLIC HEARING IS REQUIRED WITH POSTING FOR SEVEN (7) DAYS IN A  
NEWSPAPER. NO ACTION MAY BE TAKEN BY THE CITY COUNCIL UNTIL FIFTEEN  
(15) DAYS AFTER THE PUBLIC HEARING IS CONDUCTED.*

ORDINANCE NO. 13 -16 AMENDING CHAPTER 4, PERSONNEL RULES AND REGULATIONS BY AMENDING SECTION 7.6 TITLED "VACATION" AND SECTION 8.2 TITLED "SUSPENSION".

Somersworth, NH  
February 16, 2016

THE CITY OF SOMERSWORTH ORDAINS THAT the ordinances of the City of Somersworth, as amended, be further amended as follows:

AMEND Chapter 4, Section 7.6 titled "Vacation" by deleting it in its entirety and replacing it with the following:

Vacation is earned in increments of a whole day beginning with the first day of employment of the current employment with the City according to the schedule below:

Years of Service	Days per Year Earned
6mo. To 1 year	5 working days
Over 1 yr. to 5 yrs.	10 working days
Over 5 yrs. to 10 yrs.	15 working days
Over 10 years	15 working days plus one day per year of service over ten years to a maximum of 30 days

For recruitment purposes of exempt employees the City Manager may approve additional days of vacation taking into consideration years of service or previous experience.

Exempt employees may carryover or cashout up to 5 days (40 hours) vacation time with prior City Manager approval.

AND FURTHER AMEND Chapter 4, Section 8.2 titled "Suspension" by deleting it in its entirety and replacing it with the following:

8.2 Suspension

The City Manager may suspend an employee without pay for inefficiency, incompetence, misconduct, negligence, insubordination, or for other sufficient cause. A written statement setting forth the reasons for such action will be filled with the Personnel Officer.

This ordinance will take effect upon its passage.

Introduced by Councilors:

Jennifer G. Soldati  
Martin P. Dumont, Sr.  
Nancie Cameron  
Jessica Paradis

Approved:

City Attorney

ORDINANCE NO. 14 -16 AMENDING CHAPTER 29, ADMINISTRATIVE CODE BY AMENDING SECTION 3.5 TITLED "DEPARTMENT HEAD AUTHORITY, DUTY & RESPONSIBILITY" AND SECTION 3.6.2 TITLED "COMMON DUTIES AND RESPONSIBILITIES."

Somersworth, NH  
February 16, 2016

THE CITY OF SOMERSWORTH ORDAINS THAT the ordinances of the City of Somersworth, as amended, be further amended as follows:

AMEND Chapter 29, Section 3.5 titled "Department Head Authority, Duty & Responsibility", by removing "for purposes of the Personnel Plan and" and adding "as defined by".

The Section will read as follows:

- b) Department heads serve at the pleasure of the City Manager for indefinite terms and are salaried, exempt employees as defined by the Fair Labor Standards Act.

AND FURTHER AMEND Chapter 29, Section 3.5 titled "Department Head Authority, Duty & Responsibility", by removing section d) in its entirety.

AND FURTHER AMEND Chapter 29, Section 3.6.2 titled "Common Duties and Responsibilities" by removing "more than once in every five (5) years", and adding "without approval of the City Manager."

The Section will read as follows:

- d) No funds shall be expended to defray the costs of a department head attending a national convention or a national training session without approval of the City Manager.

This ordinance will take effect upon its passage.

Introduced by Councilors:

Jennifer G. Soldati  
Martin P. Dumont, Sr.  
Nancie Cameron  
Jessica Paradis

Approved:

City Attorney

RESOLUTION NO. 21 – 16 TO AUTHORIZE THE CITY MANAGER TO NOTIFY THE STATE OF NEW HAMPSHIRE AND STATE OF MAINE THAT THE CITY SHALL PROVIDE FUNDING FOR THE EDDY BRIDGE PROJECT.

Somersworth, NH  
February 16, 2016

WHEREAS, the Fiscal Year 2017-2022 Capital Improvements Program contains a recommendation for funding for improvements to the Eddy Bridge on Salmon Falls Road connecting Somersworth, NH and Berwick, Maine, and

WHEREAS this Project is a three-party project with funding provided from the City of Somersworth, State of New Hampshire, and the State of Maine, and

WHEREAS, the City Council has appropriated an initial \$5,000 in this fiscal year's budget for preliminary Eddy Bridge Improvement Project work, and

WHEREAS, additional Project funding required of the City of Somersworth is \$45,000 (Forty Five Thousand dollars), and

WHEREAS, the City Council adopted Resolution 17-13 to create the Municipal and Transportation Fund for the purpose of improvements in the local or regional transportation system including roads, bridges, bicycle and pedestrian facilities, parking and intermodal facilities, and public transportation, and

WHEREAS, the City Council is the designated agent to expend these funds,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to notify the State of New Hampshire and the State of Maine that the City will provide funding in an amount of \$50,000 (Fifty Thousand dollars) for this project and the City Manager is further authorized to take any and all necessary action to complete this project in the best interest of the City, and

BE IT FURTHER RESOLVED that the additional Project funding of \$45,000 (Forty Five Thousand dollars) is authorized to be funded from the Municipal and Transportation Fund.

Introduced by Councilors

David Witham  
Dale R Sprague  
Jennifer Soldati  
Martin Pepin  
Denis Messier

Approved

City Attorney

RESOLUTION NO. 22 – 16 TO AUTHORIZE THE CITY MANAGER TO ORDER TWO SUV STYLE POLICE CRUISERS WHICH WILL BE FUNDED BY A LEASE PURCHASE ARRANGEMENT.

Somersworth, NH  
February 16, 2016

WHEREAS the City of Somersworth's Capital Improvement Plan proposes a replacement schedule for police cruisers to maintain fleet integrity and reduce maintenance costs, and

WHEREAS the Somersworth City Council has an established goal whereby they may review and approve a priority list of CIP (capital improvement plan) items earlier than the actual FY budget approval process is complete in order to allow for timely ordering, and

WHEREAS, the Somersworth City Council would like to improve the fleet of police cruisers by initiating the replacement of traditional sedan style cruisers with a more modern SUV style of police cruiser,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to order two new "SUV" style police cruisers which will be funded as part of the annual budget process through a lease purchase arrangement.

Introduced by Councilors

Martin Pepin  
David Witham  
Dale Sprague  
Jennifer Soldati  
Denis Messier  
Jessica Paradis

Approved:

City Attorney

RESOLUTION NO. 23 – 16 VOTE TO AUTHORIZE THE TRUSTEES OF TRUST FUNDS TO  
RELEASE THE FIRST PAYMENT DUE THE SOMERSWORTH SCHOOL DISTRICT FROM THE  
POST-WITHDRAWAL CAPITAL TRUST FUND.

Somersworth, NH  
February 16, 2016

WHEREAS, the City of Somersworth City Council adopted Resolution 1-15 creating the Post-withdrawal Capital Trust Fund created for the purpose of holding the post-withdrawal payment made by the Rollinsford School district to the Somersworth School District for pending payments on outstanding bonded school debt, namely the 1996 Series C bonds dated August 15, 1996, and

WHEREAS, the Fiscal Year 2016 debt payment has been made by the Somersworth School District and the amount due from the post-withdrawal capital trust fund for that payment is \$82,743 (Eighty Two Thousand Seven Hundred Forty Three dollars), and

WHEREAS, the Somersworth City Council has been named as agents to expend,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH, that the Trustees of Trust Funds are authorized to release \$82,743 (Eighty Two Thousand Seven Hundred Forty Three dollars) to the Somersworth School District from the Post-withdrawal Capital Trust Fund.

Introduced by Councilors

David Witham  
Dale Sprague  
Jennifer Soldati  
Martin Pepin

Approved

City Attorney