

MINUTES OF CITY COUNCIL MEETING

Somersworth, NH
September 21, 2015
7:00 P.M.

The meeting was called to order at 7:00 p.m. by His Honor, the Mayor, and upon roll call the following Council members were present: Pepin, Soldati, Dumont, McCallion, Messier, Tapscott, Witham, Collins and Sprague.

MINUTES OF THE PREVIOUS MEETING.

MINUTES OF NON-PUBIC SESSION HELD ON 08/17/2015.

Councilor McCallion, seconded by Councilor Tapscott, made a motion to accept the minutes as presented. Motion passed, 9-0.

MINUTES OF CITY COUNCIL MEETING HELD ON 09/08/2015.

Councilor Tapscott, seconded by Councilor McCallion, made a motion to accept the minutes as presented. Motion passed, 9-0.

COMMENTS BY VISITORS.

Richard Boulanger, Parkview Terrace, Ward 2, wanted to make a proposal that a left turn from High Street onto Indigo Hill Road is dangerous and unsafe. He would like the City to at least consider putting in a left green turn arrow, or prohibit left turns completely because it is unsafe. Also, some of the streets, Wolcott and Chelsey, were changed from avenue to street. He does not understand why this was changed for no reason. His childhood house was on Drew Road, it was changed to Drew Street. A lot of people petitioned, and changed it back to Drew Rd.

ANNOUNCEMENTS BY CITY COUNCILORS

Councilor Soldati said thank you to the people of Somersworth, the City of Somersworth and the Somersworth School District. The Chamber held the Bluegrass Festival and there were a number of volunteers. The event was very well attended. We couldn't have done it without you.

MAYOR'S REPORT.

Mayors Report for City Council Meeting September 21st, 2015

- **I would like to thank Timberland boot and shoe company for their overwhelming support on September 17th during their annual "Serve – a – palooza. On that day**

not only were three city parks transformed (Willand Pond recreation area, The Nobel Pines, and Mast Point Dam) but every student at Idlehurst elementary school was given a new pair of boots, socks and backpack. The total monetary donation of that day exceeds well over \$40,000 for a company which is not based in Somersworth. The true lesson of the day was commitment towards the values of community, and how, by working together, we can resolve issues and continue to reaching goals and progress.

As a citizen of Somersworth and Mayor of this community I am forever grateful for the Army of volunteers which converged on our community that day. Each volunteer truly represented the pillars of the human spirit, neighbor helping neighbor and despite traveling from different communities, represented the values of what it means to be a Hilltopper. I find it only fitting to request that the recreation committee explore the possibilities of re-naming the Mast Point dam park to Timberland Park. I believe this would be a fitting tribute to Somersworth's new champions, Timberland boot and shoe company. If agreed upon by the Recreation Committee, Councilor Witham and I will introduce a formal resolution to rename the park.

- Hats off to the Greater Somersworth Chambers of Commerce for once again planning a successful New England known, Bluegrass Festival. What an enjoyable way to spend a Saturday afternoon, conversing with residents and neighbors and listing to top quality Bluegrass performers. The festival continues to highlight why our community is quickly gaining a positive reputation throughout the Seacoast.**
- Thank you to the Fosters Daily Democratic for the recent editorial validating the commitment of residence, elected officials, busy leaders and professional who believe in Somersworth. The revolution which continues to occur within our community is inspired by the rich history which fills Somersworth lineage. We have always, in some way, been the underdog of the seacoast and have fought and struggled for every advancement we have made. However, like most Hilltoppers, I take pride in being an underdog and embrace the challenge of every critic and foe who continues to dismiss our community.**

As a community we have re-learned the value of working together, and the power in uniting and embracing differences rather than engaging in divisiveness. Yes, there will be times when we do agree, when we do not see eye to eye, when there is a divide in the direction our journey should take. Within our democratic system such debate is healthy, and helps to hold to demanding nothing but excellence. However, we have learned that the most vocal critics also want Somersworth to succeed. That they must be heard and listened to, and that a true community values the opinion of every resident.

We are well aware that Somersworth's new journey towards greatness has just begun; that the path ahead of us will be filled with barriers and struggles. That nothing worth gaining ever comes easy, that it is hard, tiring and yes, or lack of a better word, just plain sucks. This is our journey however, and we are traveling together. I take great pride in bearing witness to how far we have advanced in just two short years. Thank you Fosters for acknowledging the Hilltopper spirit and what can be accomplished by a community whose blood runs Hilltopper Blue.

- The next Mayor's Community forum which was scheduled for October 10th will be re-scheduled. This will allow me to participate in the Jeanne's Journey 5k road raced scheduled for that morning. After discussion, a new date will be decided with Councilor Sprague and Tapscott.

Nominations, Appointments and Elections:

The following nominee is before the Council for consideration this evening;

- Kyla Yoder, to fill an At-Large vacancy on the School Board until the upcoming November election.

I respectfully request that Council approve the nomination.

This respectfully concludes my September 21st, 2015 Mayor's Report

REPORTS OF STANDING COMMITTEES.

There were no reports.

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER.

CITY MANAGER'S REPORT.

TO: Mayor Dana Hilliard and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, September 18, 2015

**SUBJECT: City Manager's Report for Monday, September 21, 2015
City Council Agenda**

6:45pm Public Hearing
Re: Ordinance No. 5-16 Amend Chapter 7, Streets, Highways, Sewers, Section 7.4 Fees.
City Pay-per bag program for MSW (Municipal Solid Waste) curbside collection

6:50pm Public Hearing
Re: Ordinance No. 6-16 Supplemental Appropriation for Road Resurfacing Projects

Lay on the Table (under Section 12 of Agenda)

Ordinances

A. Ordinance No. 24-15 Amend Chapter 13, Police Offenses, Section 3.G, Permits and Reserved Parking (Re-referred to the Public Safety Committee).

Old Business (under Section 13 of Agenda)

Ordinances

A. Ordinance No. 5-16 Amend Chapter 7, Streets, Highways, Sewers, Section 7.4 Fees. As previously reported, presently we charge \$1.75 for a 30 gallon bag and \$1.20 for a 15 gallon bag. The new costs would rise to \$1.80/1.85 over the next 2 years and \$1.25/1.30 respectively. These funds are maintained in a dedicated enterprise fund for this program.

B. Ordinance No. 6-16 Supplemental Appropriation for Road Resurfacing Projects. These funds, if approved, would be added to other available funds for road projects. That is, \$168,908 encumbered from the Blackwater/Whitehouse Road projects and \$150,000 in this year's road resurfacing budget. This would provide a new total of \$615,931 in available funding for road improvements.

C. Ordinance No. 7-16 Adopt New Chapter 13F, Juvenile City Curfew. If approved, this Chapter would be added to our Police Offenses Ordinance section (Referred to Public Safety Committee).

Resolutions

A. Resolution No. 5-16 Elderly Tax Exemption. The projected tax rate impact if adopted (0.03 cents). This Resolution is written to be effective next year. Therefore, the tax impact would ***not*** be realized this fiscal year (Referred to Finance Committee).

New Business (under Section 14 of Agenda)

Resolutions

- A. Resolution No. 6-16 To notify the City Tax Collector that the City Council shall not accept a Tax Deed on Property Located at 1 Winter Street, Tax Map/Lot Number 11-181A.** This is the former Breton Cleaners property site that has been listed in the State of NH contaminated property inventory. The environmental cost for the clean-up is the concern at this time.
- B. Resolution No. 7-16 To notify the City Tax Collector that the City Council shall not accept a Tax Deed on Properties Located on Wexford Lane Subject to Unredeemed Tax Lien.** The City has information that confirmed there is some level of buried trash and/or debris on these properties. There would be a significant expense to clean these properties. Both parcels are vacant land without buildings.
- C. Resolution No. 8-16 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.** Finance Committee reviewed these properties and supports passage of these 3-Resolutions; No. 6-16, 7-16 and 8-16. These properties are all Manufactured Housing Units in four different parks. If approved, the City Council can reverse this action at any future meeting on any of these properties.

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

A. Information Items:

- 1. Fire Department Open House.** The Fire Department will sponsor an “*Open House*” on Saturday October 3rd from 10:00 a.m. to 2:00 p.m. to kick off Fire Prevention Week, October 4-10.
- 2. Timberland Serv-a-palooza.** See attached memorandum from Director Dave Sharples regarding the Timberland Serv-a-palooza day on Thursday, September 17th. Thank you to Timberland, City of Somersworth Staff and School Staff for their support in this partnership. It was truly a “**WOW**” day of service!

B. Attachments:

- 1. City Attorney Certifications Three (3).**
- 2. Department Head Reports.**

SPECIAL COMMITTEES

Councilor Pepin stated that he attended a School Board Committee Meeting on September 10th. The building grounds did a report on construction management and reported that they will be nominating a construction manager at the next school board meeting. They also negotiated an architectural contract for \$467,500, which is about 8% of the construction cost fee, which is lower than normal. The board nominated 2 members to be on the building committee.

NOMINATIONS, APPOINTMENTS AND ELECTIONS.

SCHOOL BOARD AT-LARGE. Kyla Yoder

Councilor Pepin, seconded by Councilor Collins made a motion to accept the nomination.

Councilor Witham said he is not sure how to vote on this, based on the resume. He would like for their person to be here tonight to address the council. This is particularly important for a school board position.

Councilor Collins said he is familiar with the Yodar family. They have a large family and she could not make it tonight. She has been very involved with the school system. This person is just as qualified as anybody to fill the position.

Councilor Sprague said he will be voting no. It is an important position, and the person should be able to present at a meeting. Council and school board appointments, he would like to speak to the person.

Councilor McCallion stated a lot of times he has had the ability to speak with a candidate, at least by phone. He does not know this person.

Councilor Witham questioned that one of the most important assets is attendance at the meeting. If this meeting is tough, are we sure she can attend school board meetings?

The Mayor stated that this was posted, and it closed after the 14 day time period, with no applicants. It had to be re-opened and was posted a second time. This appointment would fill only through the election. Anyone appointed would have to file for the seat by Thursday, or the seat would remain vacant.

Councilor Collins stated he wants to make a motion to table this. The motion was seconded by Councilor Witham. The motion to table was passed by Roll Call vote with 6 yeas and 3 nays. This has been tabled.

Councilor Sprague asked if it even needs to be filled at this time, since we are close to the election. After a brief recess, The Mayor said, according to City Charter, there is no regulation stating that it does not need to be filled based on election date. It actually states just the opposite; that the position needs to be filled immediately. This is the same language as for the Mayor or City Council Members.

LAY ON TABLE.

ORDINANCE

ORDINANCE NO. 24-15 AMEND CHAPTER 13, POLICE OFFENSES, SECTION 3.G, PERMIT AND RESERVED PARKING, (RE-REFERRED TO THE PUBLIC SAFETY COMMITTEE)

Remained on the table

UNFINISHED BUSINESS.

ORDINANCE

ORDINANCE NO. 5-16 AMEND CHAPTER 7, STREETS, HIGHWAYS, SEWERS, SECTION 7.4 – FEES.

Councilor Witham made a motion to adopt Ordinance No. 5-16, seconded by Councilor Soldati. The ordinance was adopted by Roll Call vote, 9-0.

Councilor Messier asked if the tipping fees for the blue bags is what is driving this increase. City Manager Belmore replied by saying that the proceeds from the sale of the blue bags is placed into a fund, and the funds are getting low because of the tipping increase over the years.

Councilor Witham mentioned that it was discussed in committee that the manufacturer could distribute the bags to the various stores and outlets. The committee voted against that since there were added fees involved.

ORDINANCE NO. 6-16 SUPPLEMENTAL APPROPRIATION FOR ROAD RESURFACING PROJECTS.

Councilor Witham made a motion to adopt Ordinance No. 5-16, seconded by Councilor Messier. The ordinance was adopted by Roll Call vote, 9-0.

ORDINANCE NO. 7-16 ADOPT NEW CHAPTER 13F, JUVENILE CITY CURFEW (REFERRED TO THE PUBLIC SAFETY COMMITTEE.)

Since this the Public Safety Committee has not met and cannot report on this ordinance, this will remain in first read, under Unfinished Business.

RESOLUTION

RESOLUTION NO. 5-16 ELDERLY TAX EXEMPTION (REFERRED TO FINANCE COMMITTEE.)

Since this the Finance Committee has not met and cannot report on this ordinance, this will remain in first read, under Unfinished Business.

NEW BUSINESS.

RESOLUTION

RESOLUTION 6-16 TO NOTIFY THE CITY TAX COLLECTOR THAT THE CITY COUNCIL SHALL NOT ACCEPT A TAX DEED ON PROPERTY LOCATED AT 1 WINTER STREET, TAX MAP/LOT NUMBER 11-181A

Councilor Witham, seconded by Councilor Tapscott, made a motion to suspend council rules and allow a second reading. All were in favor.

Councilor Witham made a motion to adopt Resolution No. 6-16, seconded by Councilor Pepin. The ordinance was adopted by Roll Call vote, 9-1.

RESOLUTION 7-16 TO NOTIFY THE CITY TAX COLLECTOR THAT THE CITY COUNCIL SHALL NOT ACCEPT A TAX DEED ON PROPERTIES LOCATED ON WEXFORD LANE SUBJECT TO AN UNREDEEMED TAX LIEN

Councilor Witham, seconded by Councilor Soldati, made a motion to suspend council rules and allow a second reading. All were in favor.

Councilor Dumont questioned why they are making a motion to suspend council rules when this property isn't going anywhere. Nothing is going to happen to the property between this month and next month. He said it seems like we are setting a precedent. What is the plan? It seems like we are not accepting these properties out of fear of the expense of bringing these properties up to an acceptable condition. We are taking action like this is a matter of real importance to do it now. He likes to drive by the properties to look at them, and he has not had a chance to look at these yet.

Councilor McCallion said we are close to downtown properties. Some architects have come in and done some free designs of the area, and city staff has worked on it. There are budgetary restrictions, but what is the timeline. We need to look at our valuation. We will have new councilors soon. Deal with it now, or deal with it later. He thought this year we could get this through the budget.

Councilor Witham said these properties have been in front of them for the full 6 years he has been on the council. He has met with the City Environmental Attorney, Mark

Belleveau, and he believes they should not take that property until there is a plan in place. There is contamination and the level is unknown. It is underground so you cannot see it. It is subject to a fair amount of testing. We can vote at anytime to take the property. The next resolution about manufactured housing has a lot more discussion and more at stake. We do plan on taking a few more properties to encourage people to pay their taxes. But on the Wexford Lane properties and the Breton Cleaners properties, the environmental contamination is something that we have no idea of the cost to clean up and he is not sure that the City would ever want to take these properties unless we have some type of grant.

City Manager Belmore stated the RSA says that this needs to go to a vote of the City is obligated to deed the properties. These are the only 2 properties that are contaminated. The City is being aggressive and still actively taking properties, and looking to sell a few city owned properties that were deeded in the past. He does not recall the amount of money, but there is a cost involved to clean up the debris on the properties.

Councilor Witham made a motion to adopt Resolution No. 7-16, seconded by Councilor Tapscott. The ordinance was adopted by Roll Call vote, 9-1.

RESOLUTION 8-16 TO NOTIFY THE CITY TAX COLLECTOR THAT THE CITY COUNCIL SHALL NOT ACCEPT A TAX DEED ON PROPERTIES SUBJECT TO AN UNREDEEMED TAX LIEN

Resolution 8-16 will remain in first reading until the October 5, 2015 City Council Meeting.

COMMENTS BY VISITORS.

No comments.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Pepin thanked Timberland as Chair of the Recreation Committee. It's always a struggle to keep the parks up. Staff does a great job with grants and supplemental funds. He also thanked Public Works, and stated they have done a great job.

Councilor Soldati thanked the Somersworth Festival Association. She said they are always looking for new people. The Bluegrass Festival is becoming known in the northern New England states. Thanks to all who helped with set up and breakdown.

Councilor Dumont stated that the Bluegrass Festival was a classy event for Somersworth. We've talk about doing things and getting out of the box. There are many roots around the area of bluegrass music. It is a classy event with some of the finest entertainers that will grow with potential to fill a football field. It was great and relaxing. He also thanked Fosters for the editorial, considering us a leading community. He shared his

appreciation of Timberland. They were involved with the Malley Farm Boys Home for a number of years, and he fully supports changing the name of a park.

The property maintenance code, list is growing, but it is good. A community develops its value in the easiest ways first, by having things like Timberland come in to help. Cleanliness is the next thing to godliness. Properties need to be put into marketable positions. That is where the disconnect is. Property owners need to do more than just live in a property. We hear that people are not happy with the tax rate, but it comes down to, what does it look like. What we have done on Market Street is a beginning, not an end. We need to take that attitude into the future. If we are not happy in having to spend money to provide the services that we do, it needs to come from evaluations. The curb appeal of the property is taken into consideration. Commercial properties help our tax base. We don't even include irrigation, which adds value because the grass stays green with little weeds. You can see what irrigation does for a property, Contitech, Velcro and Medical buildings look marvelous. It adds value to our community. New businesses do not have irrigation. Bad landscaping diminishes value. There are weeds in the granite curbing. These are the things that make the community a lot more viable. There are some buildings on high street that need to be attended to. There are properties that could be assessed for more, but they don't look appealing based on appearance. It is not the city's responsibility to make the whole city look nice. But it is the city's responsibility to show the citizen's how things should look. Irrigation will increase the enterprise fund and possibly reduce water rates.

Councilor McCallion thanked the Bluegrass Festival. There was a good turnout. Thank you to all of the volunteers. Kudos to everybody involved. Keep volunteering. Step up to the plate. He attended an open house at the school. They have done a very good job this year. He shared a story about a teacher who stayed for a field hockey game just because a student asked her to. The community does not know the level of dedication and the things the staff does to make this community work. At the next meeting, he would like to take all manufactured housing that is up for tax deed, and have a drawing and pick 2 to be deeded.

Councilor Messier thanked Timberland for their generosity. He has concerns about renaming Mast Point. Liberty mutual did work as well. We should actively pursue the Bretons Cleaners property. We talk about code... this looks bad when coming in from Berwick. At minimum we should tear the building down. Thanks to Public Works for the work at the Pines. Code Enforcement should continue their work. There are properties that he has noticed that are now cleaned.

Councilor Witham said the Timberland serve-a-palooza was a great event. Aside from the work, were the statements from the volunteers. Many did not know the parks were in Somersworth. It goes to the notion that Somersworth is not yet discovered by many. The Bluegrass Festival and other events is just a sample of what is available in our community. On Friday night, his family went out to eat. It was standing room only at almost every establishment downtown. The vibrance in downtown was exciting to see. He was amazed at the crowd that he saw at the Bluegrass Festival. Thank you Fosters for

capturing all that in an editorial. The irrigation is a pet peeve. Maybe irrigation should be a requirement in site plan regulations. There is a pride in how a business maintains a property, others do not. Some consumers do not care how a business looks, and some do. He sends the City Manager a bevy of properties that need to be addressed on a weekly basis, and the Code Enforcement department has been “Johnny-on-the-spot” about addressing the issues.

Councilor Collins said he worked for Timberland for a number of years. They do this every year. We should be thankful that they chose Somersworth. The youth curfew, He encourages everyone to read up about the youth curfew. The mayors of 500 cities in the United States say it has made a difference. This is an important issue we have here in Somersworth. Read the 1, 4, and 14 amendment of the Constitution. Anyone that is against this ordinance should read the amendments and think about it.

Councilor Sprague said the tax deeded properties are like Groundhog Day over and over again. They were just trying to get it out of the way. There were 50 or 60 properties when he first began as a councilor. You have to set precedence. The council goes after years of non compliance, not a dollar amount. For MHU, they only have to pay taxes on the home. The property owner pays for the land. In a couple of years, he would like to see the list down to about 5 properties.

The name put forward for the vacancy in the School Board, it meant no disrespect. When dealing with budget and schools, the subject is are dear to his heart on a council level. The SAU budget is like the Holy Grail. They are told a budget exists, but council is only given a number. There is no info about where that number comes from.

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

Councilor Witham, seconded by Councilor Dumont, made a motion to go into non-public session. The motion passed by Roll Call vote, 8-1.

ADJOURNMENT.

The meeting adjourned at 8:05 p.m., and Council entered into nonpublic session.

Trish Harris, City Clerk

Dana S. Hilliard, Mayor