MINUTES OF CITY COUNCIL MEETING

Somersworth, NH April 3, 2017 7:00 P.M.

The meeting was called to order by His Honor, the Mayor, Dana Hilliard, and upon roll call the following Council members were present: Pepin, Soldati, Dumont, McCallion, Messier, Witham, Sprague, Cameron, and Paradis.

Mayor Hilliard called for a moment of silence for former City Councilor and member of the Zoning Board, Armand Beaudet.

MINUTES OF THE PREVIOUS MEETING.

MINUTES of GOAL SETTING SESSION Held on March 11, 2017

Councilor Paradis, seconded by Councilor Pepin, made a motion to accept the minutes. The motion passed. Councilors McCallion and Soldati abstained.

MINUTES of the PROPOSED FY2017/2018 BUDGET PRESENTATION held on April 3, 2017

Councilor Paradis, seconded by Councilor McCallion, made a motion to accept the minutes. The motion passed unanimously.

MINUTES of the PUBLIC HEARING ON ORD 15-17 – PROPOSED FY17/18 BUDGET held on April 3, 2017

Councilor Paradis, seconded by Councilor Messier, made a motion to accept the minutes. The motion passed unanimously.

MINUTES of the PUBLIC HEARING ON ORD 13-17 held on April 3, 2017 Councilor Paradis, seconded by Councilor McCallion, made a motion to accept the minutes. The motion passed unanimously.

MINUTES of the PUBLIC HEARING ON ORD 14-17 held on April 3, 2017 Councilor Paradis, seconded by Councilor McCallion, made a motion to accept the minutes. The motion passed unanimously.

MINUTES of the CITY COUNCIL MEETING held on April 3, 2017 Councilor Paradis, seconded by Councilor McCallion, made a motion to accept the minutes. The motion passed unanimously.

COMMENTS BY VISITORS

Sue Gregoire, Director of Somersworth Festival Association, said she is there requesting \$5,000 for the organization. She was out of town and other members of the organization were not able to attend the Budget Workshop.

Richard Brooks, 18 Linden St, Ward 1. How many times have I heard this council point out that we need more residents involved? You will never get residents in here if you do not effectively inform them of meetings or public hearings. Why are public hearings not posted in a more prominent manner on the website? I understand you meet the 24 hour legal obligation by posting them in City Hall and across the street at the post office, but remember we are a bedroom community and most residents are unable to see those notices. Instead the public notices are usually buried in the agenda which is buried in the calendar, not easily noticed. And which happened to be listed incorrectly and displayed the Comcast public hearing notice only for the April 3 date. I would have rather spoke about the rezoning of the Hilltop School then before any vote, but was unaware of the public hearing until the topic was being discussed and then voted on during your last meeting. Please find a way to inform residents in a better more effective way.

The idea that the Hilltop School is the same as the other Somersworth projects completed by Mr. Chinburg, is wrong. I agree that many projects completed by him are excellent projects in both quality and when completed. Other projects such as the large mill complex on Canal St and the Great Falls School have been used as comparison, but neither is the same. The Great Falls School is less than half the size of Hilltop and impacts the immediate area and neighborhood far less. The large mill sits off by itself separated from the rest of the city by a canal and busy Rt9. It has created its own neighborhood rather than disrupting and potentially destroying an existing neighborhood. How many decades did that remain vacant? Maybe waiting is a better option at times rather than jumping on the only current option.

Yes, the reuse of the Hilltop school is needed, but thirty apartments? How many cars do you think will be housed at this one building when completed? The zoning currently on the hill requires only 1.5 parking spaces per housing unit. I do not know of any household that owns 1.5 cars. So where will the other half of that second car be parked? Most likely on the sidewalk. Drive through the Hilltop any late night and you will see many cars parked on most streets. Parking is already an issue on the hill and even downtown at times. The ordinances limiting parking to only one side of almost every street on the hill reflect that. Less than a year ago, a section of Maple only a block or so from the school was also limited to one side. That shows this is an ongoing issue still being dealt with. When the thirty apartments are completed and tenants move in and find only 45 parking spots, how will that affect parking around the hill? Don't forget to factor in the visitor parking that will be needed also. I know that Somersworth is considered a bedroom community, but maybe we need to find a way to stop adding bedrooms.

The notion of rezoning to accommodate new development seems reasonable at times, but I have to wonder how well thought out this is. I understand that we are the fourth most densely populated city in NH, now we are adjusting zoning to allow an even more dense population. We are clearly dense enough. Do you ever consider why the crime is so high just a few blocks south of here? Think of it this way, everyone here in this room, moves over into the executive conference room for the remainder of this meeting. I know it will be crowded, but if some of us forego the seats, we will all fit. How long will that be a pleasant experience? The space that we all have around us is what keeps us comfortable, crowd that and comfort is lost instantly. It doesn't matter if it's your personal space or your home living space. Overcrowded never results in happiness and often leads to crime. Portsmouth, Nashua, and Manchester are the only NH cities with a higher density and they all make the top 10 list of highest crime in NH with Somersworth at the tip top.

Take a moment to look at Somersworth Zoning Ordinance 19.2 titled Purpose. That has 8 different lines listing the purposes of Zoning Ordinances. First is, encourage the most appropriate use of land, second is prevent the overcrowding of land, third avoid undue concentration of the population, and fourth lessen the congestion in the streets. This rezoning of the Hilltop School clearly ignores those four. The remaining four speak more to the city services that keep the City safe and clean.

This is at least the second time that the zoning has been amended for this one particular parcel. Will the City Council be back at the next meeting with yet another amendment to appease a private developer? Has any land use boards even been involved with this rezoning decision? Maybe if the Planning or Zoning Boards were involved, it would have been one well-constructed amendment, rather than repeated, oh hey, we could do this too...

A real plan would offer more than just apartments. If this building will be nothing more than apartments, I suggest we bulldoze it, as we will need more green space to make up for the next poorly planned decision that will likely allow more development of land closer and closer to water. Please reverse this zoning change for the hilltop school. We need to get back to real planning that grows our community in a healthy and safe direction. Thank you.

ANNOUNCEMENTS BY COUNCILORS

Councilor McCallion said he was watching WMUR, and saw an ad for "Meet Me at the Park", which is a \$20,000 grant for parks in the area. Within minutes, he contacted the City Manager and we were signed up; you can vote every day. This grant would be used for Stein Park. This would be great for our city.

Councilor Paradis said Congratulations to Maley Clark, 3rd grader who won the Fifth Annual Fire and Life Safety Calendar Contest. Congratulations to Lisa Stone, Somersworth Teacher, who ran the Boston Marathon.

COMMUNICATIONS

Vachon Clukay, Auditor's presentation of financial audit for Fiscal Year ending June 30, 2016.

In attendance for the presentation was Bob Vachon, President of Vachon Clukay, and Matt Murray, Manager. The presentation is on file.

After the presentation, Council had the following questions.

Councilor McCallion, asked for explanation on slide 2, the deficit unrestricted net position increased by \$600,000 from (\$25.5 million) to (\$24.9 million).

Mr. Murray explained that in the accounting world, when something is presented in parenthesis, it is a credit.

Councilor Paradis asked how we measure up with other municipalities.

Mr. Murray replied that it is in the same realm of what other municipalities are experiencing. There are only a few governments who don't have a deficit unrestricted net position.

Councilor Witham said this is driven largely by the pension liability that exists. It is not something within our control. We have a liability that is presented to us that we can't do a blessed thing about.

Mr. Murray explained that even if the City were to pay it off, it will increase the City's proportionate share.

Councilor Witham said, for the record, he has no intention of paying it off.

Councilor Dumont said he has tried to become a student of the pension plan in the state of New Hampshire. The end of 2016 report is not a very good picture for the State retirement system. It was in a deficit of about \$4billion, which equals about 60% is actually funded, hence, the cost of the pension plan, we have to make up the difference. There is no feasibility to become competitive in the pension market in the State of New Hampshire because the way the legislature has established the pension plan, there is no opting out or getting in competitive bids for this unfunded liability. Councilor Dumont said that the concern he has is many of the City's employees, in the middle of their career, are faced with a concern that what they believe they are going to be entitled to may not be all that they think it is going to be. This does not affect the general fund or the tax rate; that is partially true. Our contribution to make up the state's failure comes from revenues that the City generates. It takes away from what the City of Somersworth can do for services and such, especially when working with a budget that is tax capped. He asked for clarification.

Mr. Vachon said he agrees, and understands what is happening with the employer contribution continuing to rise.

Without objection from Council, Mayor Hilliard changed the order of the agenda to hear the presentation, under OTHER.

Request to Waive Excavation Moratorium in location area of Tri-City Road and High Street Intersection (City Ordinance Ch. 12 Streets & Sidewalks).

Councilor Sprague said this was discussed in the Public Works & Environment Committee Meeting. The committee endorsed it, 3-0. This project, to be accomplished, they were comfortable with every bit of the street that they would be disturbing. He reminded the Council that Cumberland Farms came forward a few months ago, about some potential work on Blackwater Road. At that time, he wanted to press the point of paving curb to curb.

This project, the area will be paved curb to curb, compacted, bonded.

They also know that the High Street property that David Francoeur and Mike Hill has, came before the council about 5 months ago, with a fire line which needed to be connected to the water line in High Street. If they want to do their line now, he would be ok with extending out into High Street as far as they need to go to connect the fire line, but that patch would become the entire length of the entrance of Tri-City Road up to the

area of the trench needed by the Francoeur-Hill Property, which is about 15-20ft up High Street from the entrance of Tri City Road. It would be about 45ft total; not as much of an intrusive patch, more like repaving a road. He asked staff to reach out to David Francoeur and Mike Hill. If we are going to have moratoriums for roads, let's just treat everyone the same.

Councilor Witham said the Flatley Company submitted a plan for approval, for the property, Tara Fields, a new development beyond their current property, Tara Meadows at the end of Tri City Road. There was discussion at the Planning Board about the increased traffic volume on Tri City Road. Flatley Company said they agreed to widen the mouth of Tri City Road to provide a left and right hand turn lane, as well as placing a sidewalk along the northerly side of Tri City Road.

City Manager Belmore said there is a memo in the Council packet in regards to conditions if moratorium is approved. Insurance certificates and working with the police department for traffic control among other things are outlined in the memo. There are detailed cost estimates and a performance bond for \$55,000, which is the estimated cost for the improvements. This is all been shared with the applicant is agreeable to the conditions as outlined.

Councilor Witham said he supports this. He just wanted to emphasize that it is important to make a motion to vote to grant the moratorium with the conditions outline in the memo shared by the City Manager.

Councilor Pepin said he is a bit confused because there was discussion about the sprinkler system connection that is being added to the High Street property.

Councilor Sprague said this is strictly for the widening of Tri City Road, not the Francoeur-Hill Project. We do not have a plan from Mike Hill and David Francoeur at this time.

Councilor McCallion, seconded by Councilor Sprague, made a motion to waive council rules, to hear from Kevin Walker.

Kevin Walker from the John Flatley Company addressed the Council. One of the conditions of planning board approval was to perform the widening of the High Street Road intersection. He showed a diagram with highlighted areas which will be widened. He said he has met with Mr. Bobinsky and with the Public Works and Environment Committee and is in agreement with all of the requirements.

Councilor McCallion questioned how far they would have to go into High street. Mr. Walker said, just enough to make it a smooth transition. There is no utility connection.

Councilor Messier said from what he understood from Public Works and Environment, as a condition of approval, Flatley would contact the parties of the building (Francoeur-Hill) and offer them the ability to connect the fire line at the same time this job is going on. Flatley should not be responsible for extending any water lines. If they are not interested, then that offer goes away. That component should not stop this project.

Councilor Dumont, asked what the timeline would be to start this project without any major problems.

Mr. Walker said 6-18 months. There is some off site work and permits that will be needed. The start date all depends on who they plan out the construction sequence. In any case, the road work will be completed before any occupancy permits are obtained.

Councilor Dumont said out of consideration of the Bonfire Group they are still trying to resolve the line being put in. They were at a point where a special engineer was supposed to be procured, and waiting on a possible amendment from the Fire Chief. Councilor Dumont asked Fire Chief Hoyle to come up for questions.

Chief Hoyle said Bonfire was looking to speak with an engineer, to see if they can use a residential sprinkler as opposed to a commercial sprinkler.

City Manager Belmore said City Staff will be reaching out to the property owners, and place them in contact with the Flatley Company. The moratorium is up in a couple of years.

Councilor Witham, seconded by Councilor Messier, made a motion to waive the excavation moratorium, with conditions as outlined in the memo, in the location area of Tri-City Road and High Street Intersection. The motion passed unanimously.

MAYOR'S REPORT

Mayors Report for City Council Meeting April 17th 2017

- It was exciting to be part of the team along with State Representative and City Councilor Dale Sprague, showcasing to our Governor how the Hilltop City seeks solutions to homelessness. Thank you Lydia's House of Hope, for life long skills and long term solutions to addressing homelessness.
- I would also like to thank Lydia's House of Hope for getting me out of bed early on a cold Saturday morning and getting my first road race of the 2017 season out of way. While the morning was chilly and windy I truly appreciate running the annual "Out of Hibernation race". I am pleased that I now have an official time on the board to improve on.
- I enjoyed a perfect spring afternoon recently with the Summersworth Historical Society celebrating their new exhibit on the History of the Hilltop School. The museum is open every Sunday and I encourage all citizens to take some time and stroll through the museum and celebrate our community.

- I had the honor, in my officially capacity as Mayor, of welcoming the Easter Bunny to our Hilltop Community this past Friday. I would like to thank him for taking time out of his busy schedule and visiting the Hilltop City. Special thanks also to the Recreation Department for planning the annual Easter Egg hunt event. The event was very successful and again showcased all that is great about our community.
- The next Mayor's Community forum will take place on Saturday May 6th from 9:00

 10:30 at city Hall. Including in the May forum will be At Large City Councilors
 David Witham and Jessica Paradis and At-Large School Board members, Kelly
 Brennan and Matt Hanlon. The purpose of the forums are to foster dialog and ideas, in a non-formal setting to continue to move our community forward. All members of the community are welcome to attend any forums

Appointments

Under Nominations, Appointments and Elections; In accordance with Council Rule 17 Appointments, the following are before Council this evening for a confirmation vote.

- Doug Watson, Reappointment as a member of the Sustainability Committee with a term to expire April 2019
- Matt Keiser, Reappointment as a member of the Zoning Board with a term to expire April 2020
- Donald R. Routhier, Reappointment as a member of the Zoning Board with a term to expire April 2020
- James Cowan, Reappointment as a member of the Board of Assessors with a term to expire April 2020

I respectfully request that Council confirm all the nominees

Also this evening In accordance with Council Rule 17 Appointments, the following are being brought forward this evening for nomination;

- Richard Brooks, as a member of the Zoning Board of Adjustment with a term to expire May 2020
- Judith Goodnow, Reappointment as a member of the Library Board of Trustees with a term to expire May 2020
- Jeremy Rhodes, Reappointment as a member of the Conservation Commission with a term to expire May 2020

<u>In accordance with Council Rule 17 Appointments</u>, the nomination shall remain open until the May 1st, scheduled Council meeting.

This evening I am also establishing and naming the following members of the 125th Commission with a sunset date of January 1st 2019. In accordance with Council rules and the City Charter these appointments do not require Council approval.

Jenne Holmes, Chair
Rich Michaud, Vice Chair
Dina Gagnon
Gerry Cannon
Frank Kennedy
Mark Gauthier
Pius Murray
Eric Mommsen
Katy Guptil
Ann Ward
Angela Phillips

This respectfully concludes my April 17th, 2017 Mayors Report

REPORTS OF STANDING COMMITTEES

<u>Finance Committee</u> – Councilor Witham said the committee discussed the abatement request from the Hilltop Laundromat. Their attorney was present. He explained that the count of washing machines was off; it was a clerical error. The previous abatement was for a specific number of machines. This is not an increase in net flow in moving from one location to another. The abatement for the 4 additional machines was granted by the Finance Committee.

Next on the agenda was the Blackwater Road Sewer Pumping station. Unlike a lot of other larger projects, the bids were fairly close. The committee has endorsed a resolution for Apex to complete the rehabilitation work on the Pump Station. They also endorsed Underwood Engineers as the Contractor for this project.

An Ordinance for supplemental appropriation was also supported by the Finance Committee, to be funded by cash on hand.

There was discussion about closing out the Capital Reserve Fund of the Somersworth Berwick Bridge; the committee endorsed a resolution to release the funds and close out the capital reserve fund.

Under Reporting, Finance Director Smith informed the committee that the winter storms took a hit at the overtime and salt and sand budget. They are also still monitoring fire overtime.

There was also a brief discussion about the proposal for NH Solar garden. The committee would like to revisit that resolution to put some time parameters on that.

<u>Government Operations</u> – Councilor Soldati said they had a short meeting to discuss changing one word in the council Agenda. Number 5 on the council agenda, "announcements" to "comments", the committee endorsed unanimously.

<u>Public Works & Environment</u> – Councilor Sprague said the discussed the request from Flatley Company. Kevin Walker, representative of the Flatley Company was in attendance. They are asking to have the moratorium waived on High Street at Tri City Road.

The committee went on to discuss the Blackwater Road pump station. Apex Construction came in under budget. They also talked about the solar array agreement. The committee would like to see a time limit put on the agreement.

They discussed the sse of brine on the roads. There was a unanimous vote of 3-0, to not use the brine on the roads in our community. They also briefly discussed the Asphalt reclaimer. It is a \$32,000 unit.

The committee discussed having the Conservation Committee oversee the Tree Ordinance. There was talk about expectations.

They reviewed the driveway permit changes. There was a typo change.

They went on to discuss the Stormwater Coalition participation. It is \$2,000 a year. The City has not been part of that coalition for years. Seems like not a big deal now, but you just never know what is coming forward.

REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

Special Committees

<u>Joint Commission of City Council and School Board</u> - Councilor Dumont said they received an update of the budget, and talked about how they can be effective as they move forward.

<u>Cultural Commission</u> – Councilor Dumont said they are planning the Thedford Mines bus trip, Aug 17-19.

Cultural Meal is scheduled for May 10th at Mulligans Grill. It will be a sampling of the ethnic cultures within the city. The cost is \$10 and a limited number of tickets are being sold at the Chamber of Commerce. The food will be exciting and tasty.

There was a Discussion to reach out to the Public Works Director to see if stop, like what signs that we see in Canada, can be installed in the City of Somersworth.

They are in the process of planning to put an arrow sign, pointing to sister city, Thedford Mines, and to donate one to Thedford Mines, pointing to Somersworth.

<u>Vision 2020</u> – Councilor Paradis said they are meeting Thursday.

School Board – Councilor Pepin said it was a light agenda and there is nothing to report.



CITY OF SOMERSWORTH

Office of the City Manager

TO: Mayor Dana Hilliard and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, April 14, 2017

SUBJECT: City Manager's Report for Monday, April 17, 2017

City Council Agenda

6:45 p.m. Public Hearing
Re: Ordinance No. 18-17 Supplemental Appropriation LED Lighting

6:50 p.m. Public Hearing

Re: Ordinance No. 16-17 Police Offenses – Right Turn High St. onto Station St.

6:55 p.m. Public Hearing

Re: Ordinance No. 17-17 Police Offenses - Right Turn W. High St. onto High St.

Communications (under Section 6 of Agenda)

A. Vachon Clukay, Auditor's Presentation of Financial Audit for Fiscal Year Ending June 30, 2016. A copy of the Financial Statements for the Fiscal Year ending June 30, 2016 has been provided. The Auditor will give a summary at the meeting.

Lay on the Table (under Section 12 of Agenda)

Ordinances

A. Ordinance No. 15-17 FY 2017-2018 Budget. Attached is a copy of the Proposed Budget, page C-93, that shows the vehicles being proposed with the lease/purchase funding.

Also, attached is a breakdown provided by Finance Director Scott Smith on the revised health insurance premium costs for both the General Fund and Enterprise Funds. City Council can consider reducing the General Fund by a total of

\$32,500 and the Enterprise Funds: Wastewater by \$3,692 and Water by \$3,164 and authorize the adjustment to the various lines as shown on this spreadsheet.

Additionally, in regards to Streetlights, account No. 45430 on page C-73, Council might consider a reduction of \$37,500 based on an early projection of cost savings due to the contracted LED upgrades having been approved. The new budgeted number would be \$87,500 on this line and a new bottom line of \$107,100.

Unfinished Business (under Section 13 of Agenda)

Ordinances

- A. Ordinance No. 16-17 Amending Chapter 13 Police Offenses, Section 3.4-F, Right Turn Prohibited High Street onto Station Street.
- **B.** Ordinance No. 17-17 Amending Chapter 13 Police Offenses, Section 3.4-F, Right Turn Prohibited West High Street onto High Street. Again, Ordinance No. 16-17 and Ordinance No. 17-17 were reviewed at the March 15th Traffic Safety Committee and were voted on to seek Council approval.
- C. Ordinance No. 18-17 Supplemental Appropriation to Provide Funding for Resolution No. 34-17 Which Will Upgrade the Street Lights Throughout the City of Somersworth and Lights in Certain City Facility Lots to LED Lighting. Again, this Ordinance will require 6-Council votes to pass; i.e. a 2/3rds majority vote of the Council.

New Business (under Section 14 of Agenda)

Ordinances

A. Ordinance No. 19-17 Supplemental Appropriation for Improvements to the Somersworth Blackwater Road Pump Station. The Finance Committee reviewed this proposal at their meeting on Tuesday, April 11th and voted to support the project as proposed as well as the funding source, which would be available cash in the Wastewater Fund. Per City Charter, this Supplemental Appropriation requires a Public Hearing. I recommend it be scheduled for 6:45 pm prior to the next Council meeting on Monday, May 1st. Approval will also require a 2/3rd's majority vote of City Council.

Public Hearing for Ord 19-17 is scheduled for Monday, May 1st at 6:45pm, without objection from Council.

Resolutions

A. Resolution No. 38-17 To Authorize The City Manager to Sign a Payment-In-Lieu-Of-Taxes (PILOT) Agreement with NhSolar Garden of Portsmouth, **NH Pursuant to a 20 Year Land Lease on the Somersworth Sanitary Landfill on Blackwater Road.** Attached is a "*draft*" of the PILOT Agreement provided by NhSolar Garden. This will need to be reviewed by our City Attorney and City Assessor to ensure full compliance with State Law. This requires a Public Hearing, therefore I recommend it be scheduled prior to the next Council meeting on May 1st at 6:50 p.m.

Public Hearing for Res 38-17 is scheduled for Monday, May 1st at 6:50pm, without objection from Council.

- B. Resolution No. 39-17 To Authorize the Trustees of Trust Funds to Release the Balance of the Somersworth-Berwick Bridge Capital Reserve Fund and Close The Somersworth-Berwick Bridge Capital Reserve Fund. This is basically a housekeeping measure as we close the financial allocations for this project with the NH DOT and Maine DOT. The Finance Committee reviewed the attached spreadsheet provided by Finance Director Scott Smith before voting to support this action. As of the end of March there was \$15,615 in this Fund. Based on final approvals we may have an overrun of approximately \$2,000.
- C. Resolution No. 40-17 To Authorize the City Manager to Contract with Underwood Engineers of Portsmouth, New Hampshire For Professional Engineering Services Associated with the Rehabilitation of the Blackwater Road Sewer Pump Station. The Finance Committee has met and voted to support staying the course with our Project Engineer Underwood Engineers and to award the project bid to Apex Construction.
- D. Resolution No. 41-17 To Authorize the City Manager to Contract with Apex Construction of Somersworth, NH for the Rehabilitation of the Blackwater Road Sewer Pump Station. Apex Construction was the lowest of five (5) bids received. Underwood Engineers, Senior Project Manager Valerie Giguere vetted out references, confirmed the bid met all project specs, and received approval from NH DES to move forward with the project design. The Finance Committee met with City Staff and Valerie, and voted to support moving forward with the base bid and alternate 3 (driveway improvements). Attached are copies of the documents reviewed by the Finance Committee to include the bid comparison sheet and recommendation letters. The Public Works & Environment Committee is meeting Friday, April 14th and this project is on their Agenda.

Other

A. Request to Waive Excavation Moratorium in Location Area of Tri-City Road and High Street Intersection (City Ordinance Ch. 12 Streets & Sidewalks). Attached are copies of the request as well as a recommendation on certain conditions to be met from Public Works Director Mike Bobinsky should the City Council grant the waiver. A copy of the pertinent section of the City Ordinance has also been provided. I also have some large design maps should Council want to view one. I anticipate the applicant's engineer to be in attendance on Friday,

April 14th when the Public Works & Environment Committee reviews this request.

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

A. Informational Items

- **1. Malley Farm.** The City's brush & leaf drop off facility is now open. It is located off Centre Road in the Malley Farm Industrial Park (off Main Street). Hours: Monday-Friday, 7:30 a.m. 2:30 p.m. Saturday-Sunday, 8:00 a.m. 6:00 p.m.
- **2. General Fund Budget.** Attached is a copy of the General Fund year-end projections provided to the Finance Committee. We are still monitoring a couple of particular accounts that may require transfers, such as Public Works. That said, our General Fund total bottom line will be in the black by an early estimate of \$300,000 (+).

B. Attachments

- 1. City Attorney Certifications Five (5).
- **2.** Department Head Reports.
- 3. City Road Repair Estimates Engineer Memorandum dated March 1, 2017.

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Mayoral Nomination - For Council confirmation vote (Introduced April 3, 2017).

- Doug Watson Reappointment as a member of the Sustainability Committee, term to expire April 2019.
- Matt Keiser Reappointment as a regular member of the Zoning Board of Adjustment, term to expire April 2020.
- Donald R. Routhier Reappointment as a regular member of the Zoning Board of Adjustment, term to expire April 2020.
- James Cowan Reappointment as a member of the Board of Assessors, with term to expire April 2020.

Councilor Soldati, seconded by Councilor Dumont, made a motion to approve the nominations as a slate. The motion passed, 8-1.

Councilor Paradis, seconded by Councilor Soldati, motion to adopt the slate. The motion passed unanimously.

- A. Mayoral Nomination Requires Council confirmation vote.
 - a. Richard Brooks as a member of the Zoning Board of Adjustment, with term to expire in May 2020.
 - b. Judith Goodnow Reappointment as a member of the Board of Library Trustees, with term to expire in May 2020.
 - c. Jeremy Rhodes Reappointment as a member of the Conservation Commission, with term to expire in May 2020.

These nominations will remain open until the May 1, 2017 Council Meeting.

- B. Mayoral Appointments not requiring Council approval.
 - a. 125th Commission (Sunset date of January 1st 2019)

Jenne Holmes, Chair

Rick Michaud, Vice Chair

Dina Gagnon

Gerry Cannon

Frank Kennedy

Mark Gauthier

Pius Murray

Eric Mommsen

Kathy Guptil

Ann Ward

Angela Phillips

2. LAY ON TABLE

A. Ordinance No. 15-17 FY2017-2018 Budget.

Councilor Witham, seconded by Councilor Paradis, made a motion to remove Ordinance No. 15-17 from the table.

Councilor Soldati asked the Mayor to reiterate what they discussed earlier, before the meeting.

The Mayor explained that there was no pressure to pass the budget at this meeting. He said he would be happy to schedule a dedicated meeting to solely focus on the budget, if needed.

The motion to remove Ordinance 15-17 from the table, passed 8-1, by voice vote.

Councilor Witham, seconded by Councilor Pepin, made a motion to reduce line 45430, Street Lights, on page C-73 by \$37,500, to make that line, \$87,500.

Councilor Witham said it is well known that the City is converting to LED street lights part way through the fiscal year.

The motion to reduce line 45430, Street Lights, on page C-73 by \$37,500, passed unanimously, by voice vote.

Councilor Witham, seconded by Councilor Pepin, made a motion to reduce General Fund by \$32,500. The motion passed unanimously, by voice vote.

Councilor Witham, seconded by Councilor Paradis, made a motion to reduce the two enterprise funds; reduce wastewater enterprise fund by \$3,692 and water enterprise fund by \$3,164. The motion passed unanimously, by voice vote.

Councilor Witham said he has a question for the Superintendent of Schools about the kindergarten allocation. He said there was a reduction in the Kindergarten line, he would like to know what that means.

Superintendent Mosca said they went to a full day kindergarten and went from 4 teachers to 6, which still makes about 23 to 24 students per classroom. She hoped for one more kindergarten teacher.

Councilor Witham said, with the savings that they just cut, he makes a motion to increase school bottom line by 70,000, seconded by Councilor Pepin.

Councilor Paradis said she has heard from many parents and they will be very grateful. Councilor Pepin said have no control other than bottom line; how would we know that this increase would actually go towards the teacher?

Superintendent Mosca said she has been quite vocal that this is the number one thing that she would recommend.

Councilor Sprague said he is ok with doing the cuts, but to start adding things in, there are things going on in Concord that we don't even know are solidified yet. There are many grants etc. that we don't know about yet. He's ok with righting the ship, but there are a lot of things in flux. He is not looking at any reductions. He thinks there will be something in there from the senate. He doesn't want to reallocate yet.

Councilor Pepin said, listening to the school department, they have cut so much out of the budget; we don't know where special education will be tomorrow. If they over spend, if anything happens, we are running that fine line. If anything happens, they will have to come to us for supplemental monies. We are cutting so much. Secretaries are cut to part time. There isn't any more meat on the bone. This money will not go to waste.

Councilor Soldati said she understands what Sprague is saying. If we found extra money it should go to the school. If the State wants to give more money, we won't turn it away.

Councilor Dumont agrees with the thought that the schools have work with a budget that is very limited. However, we just started this. We are setting our selves up for what happened a few years ago; make all these changes and then change them back. He is not ready to support that at this point. At this point we are looking at a 60 cent increase on

out tax rate. We should have confidence in our staff. We just listened to an audit report. There is good management in place.

Councilor Witham said he has a plan, and they will be able to pass the budget tonight. He came prepared. He does not like the idea of the large kindergarten classrooms. Only other portion to look at is road resurfacing. City staff does an exceptional job.

The motion to increase the School Budget by \$70,000 was passed by a voice vote of 7-2.

Councilor Witham said, in reference to line 49104, Road Resurfacing, on Page C-68, he has heard from staff reports that in accordance with the pavement index report, we need fund closer \$1mil to make an impact. The \$258,000 that is currently budgeted, doesn't cut it. He asked what a \$500,000 increase would be on our tax rate.

Finance Director Scott Smith said it would increase the tax rate by about 60 cents.

Councilor Witham, seconded by Councilor Paradis, made a motion to increase line 49104, Road Resurfacing, by \$500,000.

Councilor Witham said this would require a 2/3, vote to over ride the tax cap. He doesn't like the tax rate increase, but this is something residents can see.

Councilor Sprague said this is hogwash. The City Manager cannot give us a budget that is higher than the spending cap. It makes no sense to budget this way. We are trying to work here and it might be a number that is higher than the tax cap.

Mayor Hilliard called for a brief recess to allow City Staff to have a discussion.

Mayor Hilliard said that with each amendment brought forward that raises us over that tax cap, we will not have a $2/3^{rd}$ vote. Instead, at the end, if the end line is over the tax cap, we will have a final bottom line vote, that would have to pass by a 2/3rds vote.

Councilor Witham said he does not throw this number out easily. As large as this is this year, it is now a sustainable number moving forward, because it is now in the budget. This isn't a shot in the dark. It doesn't get us there, but it gets us closer. We don't have to be an expert to see that we have to do something with the roads. Residents want to see their dollars at work.

Councilor Dumont said everything that Councilor Witham said is true, but we lack methodology. He has tried to put together a concept for a road maintenance program. Not against bonding the major reconstructions projects that we have, than just putting down a bunch of black hot top. Many streets in this City need attention. How do we say we are moving forward if we are taking 2 steps back. We don't know and we don't have a plan. We have roads where the asphalt has been plowed up. He cautions, that we need to do due diligence. We can't even look at a final number at this point. He supports a major project for the roads. We need to have a plan to maintain the roads. The lifespan is 15 years if maintained properly.

Councilor Witham read from a memo from Director Michael Bobinsky, under preservations, Salmon Falls Road price to reclaim and pave, \$612,500; Full reconstruction of Cemetery Road \$2,783,000; Constitution Way, \$674,600; Washington street, \$1,400,000; Indigo Hill Road, \$2,450,000; Main Street, \$3,400,000. As you can see, there is some sort of plan.

Councilor Sprague said there is a plan. We need about \$2.5mil to keep us up on that plan. Fifteen years is not an accurate lifespan for the roads in Somersworth. It depends on the way the road was built. The \$258,000 in last years budget doesn't do anything. When you neglect your roads they become more of a problem. He believes they will get some money from the State. We say we want to take care of the roads, but we don't want to put it in the budget. We can't talk out of both sides of our mouth. These roads have to be taken care of. If we keep doing what we have been doing, the cost will continue to go up. The budget number has to go up to something legitimate and we are not budgeting correctly.

Councilor Paradis said she agrees with Councilors Witham and Sprague, but Councilor Dumont has a good point with the methodology. She would completely support this. Councilor Paradis wanted to know details on the plan.

Director Bobinsky said they were asked to prepare that memo a few months ago, building off the existing data. They have a list of the worse roads and the best roads from the condition assessment. There is also a list of the top ten roads that required complete streets. Those projects are very expensive. Cemetery Road is linked with a possible DOT grant.

Councilor Pepin said he has been riding around town, and looking at the streets. They are deteriorated. He had a driveway paved and there is no way that the \$500,000 is enough to do all of the work that is needed. The report and data is now 3 years old. As much as he doesn't want to support this, he doesn't see any other way.

Councilor Dumont said he thinks they are in agreement, it needs to be more. What kind of plan do we have in place to accomplish this goal. We don't have a plan. The \$758,000 doesn't do it right. We don't have the whole budget yet. How much would the bond be to raise the budget 60 cents. It would give us a bigger bang for our buck. We are not doing it the right way here.

Councilor Pepin said from what he understands, it takes \$1mil a year to service the roads that are in good shape. We can't even take care of the roads that we have with the amount we have in the budget.

Councilor Witham there is a strategy. There are some pieces at work. There are some large complete streets projects. We did talk about queing up some projects with engineering dollars, including preservation and maintenance activities. There are a lot of roads that will not be in the que for complete streets. The added \$500,000 is about what it does for the future. This could really have an impact, long term.

The motion to increase Road Resurfacing by \$500,000, passed, 8-1, by roll call vote.

Councilor Pepin, seconded by Councilor Cameron, made a motion to decrease line item 44180, Storm Pretreatment on page C-70, by \$10,000. The motion passed, unanimously, by voice vote.

Councilor Sprague, seconded by Councilor McCallion made a motion to place the Ordinance No. 15-17. The motion failed, 3-7, by roll call.

Councilor Witham, seconded by Councilor Messier, made a motion to adopt Ordinance 15-17, as amended.

Councilor Witham said he understands that this will now require a $2/3^{rd}$ vote. Councilor Sprague has talked about additional aid that may be coming from the State. If that happens, we could leverage money in a different way. To hold our breath on what the state may do is not in our best interest.

Director Smith overall budget after all of the changes, sits at \$46,331,865. There is currently \$476,149 over the tax cap. The overall tax rate about will increase \$1.18.

Councilor Sprague asked where is the fund balance is right now.

Director Smith said it is a little over \$4mil; around 9%. The State suggests between 5 and 17%.

It is April 17th. We have until June to pass the Budget. It is a little too early. We cannot undo what is put in the papers. There are a lot of unknowns. There is no need to get this out tonight. It is way too premature. It is one thing to vote on it and other to have it pending on the table.

Councilor Dumont said he agrees with Councilor Sprague, this is not an appropriate action at this point. Tax payers deserve better. We owe it to our people.

Councilor McCallion said every year we get a list of the budget. Maybe we do need a separate meeting. After what we did last year, we are roller coastering. The tax rate decreased last year, and now we are looking at an increase. We need to stabilize the budget.

Councilor Messier said a few weeks ago, we went through the budget line by line. The line items were consistent. If you want to save the money in the budget, go to labor or the CIP plan or increase the revenue. The state can't even pass the budget out of the house. As he reads this room, he doesn't know if we have the 2/3 to pass at this time. Lay people off? We can't do that. We are already at a thin staff. Roads, we would still need a million a year to maintain them. In the past we have had supplemental appropriations. He supports passing the budget tonight.

Councilor Pepin said he has gone through the budget book page by page. We should have stayed at the rate of the tax cap. If you go backwards a year, you can't catch up.

We are still dealing with budget cuts that we have passed in previous years. There is nothing left to cut. We are at the bone marrow at this point.

Councilor Witham said those are all valid points. The bottom line is, that not any of us have the desire or will to make the kind of cuts needed. It would be people or programs that would have to be cut. Does the tax rate factor into the livability of this community. He doesn't like the tax rate any more than the next person.

Councilor Sprague asked if we take 500,000 out of fund balance and put it into the roads, where would we be. Director Smith said, at about 8%.

Councilor Sprague, seconded by Councilor Paradis, made a motion to amend, to take \$500,000 out of Fund Balance, and allocate it towards Road Resurfacing.

Councilor Pepin asked if we take the \$500,000 out of Fund Balance, will it go back into next year's budget as an increase? This won't help us in the future.

City Manager Belmore said he couldn't answer that at this point. He would have to look at what the tax cap parameters are for next year, and couldn't say that he could keep it at that point.

Councilor Soldati asked Director Smith what the fund balance was last year as compared to this year. Director Smith said it had increased by \$1.4mil.

Councilor Witham said he doesn't disagree with the thought process as far as increasing the road resurfacing. He does worry about the implication of the use of fund balance. Last year, we did a transfer from Fund Balance to the Municipal Transportation Fund. It's a bit of a shell game, but it is better from a budgetary perspective. This would require a supplemental appropriation from Fund Balance into Municipal Transportation Fund.

Councilor Sprague said he wanted to reply to Councilor Pepin's statement. Even by adding \$500,000, there is no guarantee. He sees that they are trying to pass the budget tonight even though he doesn't want to. He doesn't see any will for any cuts. He supports the budget with the additional \$500,000 in there.

Councilor Pepin, seconded by Councilor Paradis, made a motion to suspend council rules, to meet past the 10:00hour. The motion passed 7-2, by voice vote.

Councilor Dumont asked what a \$1.3mil bond would do to the tax rate.

Director Smith said a 10 year bond would affect the tax rate by approximately 22 cents, depending on timing.

Councilor Dumont said he believes that we are better off by bonding and raising the tax rate by 22 cents, than we are by raising the tax rate by 60 cents.

Councilor Witham said the bonding idea is an interesting one. Bonding is for complete streets; its not for pavement preservation. We don't want the bond to outlast the streets.

Although he would rather put the money into the Municipal Transportation Fund, he will support this motion. He likes the overall strategy.

Councilor Paradis said she would not support a bonding.

City Manager Belmore explained that this is an appropriation and a revenue increase so it is a neutral effect on the tax rate.

Councilor Witham, seconded by Councilor Paradise, made a motion to request Roll Call Vote for the amendment to increase the Road Resurfacing program by \$500,000. The motion passed unanimously.

Director Smith gave an update. The bottom line budget as amended is \$46,831,865, over the tax cap by \$476,149. Tax rate estimate is \$33.30; an increase of \$1.18 over the prior year budget.

The motion to adopt Ordinance No. 15-17, as amended, passed by Roll Call Vote, by 7-2, with Councilors Dumont and McCallion opposed.

UNFINISHED BUSINESS

Ordinances

Ordinance No. 16-17 Amending Chapter 13 Police Offenses, Section 3.4-F, Right Turn Prohibited – High Street onto Station Street.

Councilor Witham, seconded by Councilor Soldati, made a motion to approve Ordinance No. 16-17. The motion passed unanimously.

Councilor Messier asked if there had been any thought as to warning trucks about the "right turn prohibited". Councilor Witham said there was discussion about a signs being erected.

Ordinance No. 17-17 Amending Chapter 13 Police Offenses, Section 3.4-F, Right Turn Prohibited – West High Street onto High Street.

Councilor Paradis, seconded by Councilor Messier, made a motion to approve Ordinance No. 17-17. The motion passed unanimously.

Ordinance No. 18-17 Supplemental Appropriation to Provide Funding for Resolution No. 34-17 Which Will Upgrade Streetlights Throughout the City of Somersworth and Lights in Certain City Facility Lots to LED Lighting.

Councilor Messier, seconded by Councilor Paradis, made a motion to approve Ordinance No. 18-17. The motion passed unanimously.

NEW BUSINESS

Ordinances

ORDINANCE NO. 19-17 SUPPLEMENTAL APPROPRIATION FOR IMPROVEMENTS TO THE SOMERSWORTH BLACKWATER ROAD PUMP STATION.

Somersworth, NH April 17, 2017

THE CITY OF SOMERSWORTH ORDAINS THAT pursuant to Section 7.7(A) of the City Charter:

The annual budget for the City of Somersworth for Fiscal Year 16-17 is amended as follows:

Appropriate \$600,000 from Sewer Utility Fund budget as follows:

 Revised Budget
 Amendment
 Revised Budget

 \$ 2,477,471
 \$ 600,000
 \$ 3,077,471

Approved as to Funding: Recorded by:

Scott A. Smith Trish Harris
Director of Finance and Administration City Clerk

Sponsored by Councilors:

David A. Witham Martin Pepin Jennifer G. Soldati

Approved:

City Attorney

Background:

This ordinance appropriates the use of the Sewer Utility Funds for the purpose of improvements to the Blackwater Road Wastewater Pump Station. These improvements include construction, inspection, contract administration, and contingency.

This Ordinance requires a public hearing and requires a 2/3 majority vote of the City Council after the public hearing subject to Section 7.4.1 and .Section 7.7 (A) of the City Charter.

Ordinance No. 19-17 will remain in first read until the May 1st, 2017 City Council Meeting.

Resolutions

RESOLUTION NO. 38-17 TO AUTHORIZE THE CITY MANAGER TO SIGN A PAYMENT-IN-LIEU-OF-TAXES (PILOT) AGREEMENT WITH NhSOLAR GARDEN OF PORTSMOUTH, NH PURSUANT TO A 20-YEAR LAND LEASE FOR A SOLAR ARRAY ON THE SOMERSWORTH SANITARY LANDFILL ON BLACKWATER ROAD.

Somersworth, NH April 17, 2017

WHEREAS, the City Council passed Resolution No. 35-17, as amended, to authorize the City Manager to execute a twenty (20) year land lease agreement with NhSolar Garden to develop a solar project pursuant to RSA 362-A on the Somersworth Sanitary Landfill on Blackwater Road, and,

WHEREAS, the City Council authorized the lease contingent on the creation of an agreement with NhSolar Garden to make a payment-in-lieu-of-taxes (PILOT),

NOW, THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL OF THE CITY OF SOMERSWORTH approves the PILOT Agreement and furthermore authorizes the City Manager to sign the PILOT Agreement with NhSolar Garden of Portsmouth, NH and to take any other action deemed to be in the best interests to complete this action.

Sponsored by Request:

Councilor David A. Witham

Approved:

City Attorney

Note: In accordance with RSA 72:74, this resolution requires a public hearing.

Resolution No. 38-17 will remain in first read until the May 1st, 2017 City Council Meeting.

RESOLUTION NO. 39-17 TO AUTHORIZE THE TRUSTEES OF TRUST FUNDS TO RELEASE THE BALANCE OF THE SOMERSWORTH-BERWICK BRIDGE CAPITAL RESERVE FUND AND CLOSE THE SOMERSWORTH-BERWICK BRIDGE CAPITAL RESERVE FUND.

Somersworth, NH April 17, 2017

WHEREAS, the City of Somersworth City Council adopted Resolution No. 43-09 creating the Somersworth-Berwick Bridge Capital Reserve Fund for the purpose of accumulating the City's portion of the cost of repairs or reconstruction to the Somersworth-Berwick Bridge, including the cost of engineering, survey, or other ancillary costs directly related to the repair or reconstruction of the bridge, and,

WHEREAS, the Somersworth-Berwick Bridge reconstruction is completed and the balance of the capital reserve fund may be transferred to close out the project funding, 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 the balance of Somersworth-Berwick Bridge Capital Reserve Fund and close the Somersworth-Berwick Bridge Capital Reserve Fund.

Sponsored by Councilors:

David A. Witham Jennifer G. Soldati Martin Pepin

Approved:

City Attorney

Resolution No. 39-17 will remain in first read until the May 1st, 2017 City Council Meeting.

Councilor Witham, seconded by Councilor Messier, made a motion to have Resolution No. 40-17 and Resolution No. 41-17 read by title only. The Motion passed unanimously.

RESOLUTION NO. 40-17 TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH UNDERWOOD ENGINEERS OF PORTSMOUTH, NEW HAMPSHIRE FOR PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH THE REHABILITATION OF THE BLACKWATER ROAD SEWER PUMP STATION.

Somersworth, NH April 17, 2017 WHEREAS, the City of Somersworth contracted with Underwood Engineers to design the plans and provide the bid specifications for the rehabilitation of the Blackwater Road sewer pump station, and,

WHEREAS, the City requires professional engineering services associated with this project, which include contract administration and construction inspection, and,

WHEREAS, Underwood Engineers has provided a cost not to exceed \$68,000 (Sixty Eight Thousand dollars) to provide these professional engineering services,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with Underwood Engineers of Portsmouth, NH to provide professional engineering services associated with the rehabilitation of the Blackwater Road sewer pump station for an amount not to exceed \$68,000 (Sixty Eight Thousand dollars).

Sponsored by Councilors:

David A. Witham Martin Pepin Jennifer G. Soldati

Approved:

City Attorney

Resolution No. 40-17 will remain in first read until the May 1st, 2017 City Council Meeting.

RESOLUTION NO. 40-17 TO AUTHORIZE THE CITY MANAGER TO CONTRACT WITH UNDERWOOD ENGINEERS OF PORTSMOUTH, NEW HAMPSHIRE FOR PROFESSIONAL ENGINEERING SERVICES ASSOCIATED WITH THE REHABILITATION OF THE BLACKWATER ROAD SEWER PUMP STATION.

Somersworth, NH April 17, 2017

WHEREAS, the City of Somersworth contracted with Underwood Engineers to design the plans and provide the bid specifications for the rehabilitation of the Blackwater Road sewer pump station, and,

WHEREAS, the City requires professional engineering services associated with this project, which include contract administration and construction inspection, and,

WHEREAS, Underwood Engineers has provided a cost not to exceed \$68,000 (Sixty Eight Thousand dollars) to provide these professional engineering services,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to contract with Underwood Engineers of Portsmouth, NH to provide professional engineering services associated with the rehabilitation of the Blackwater Road sewer pump station for an amount not to exceed \$68,000 (Sixty Eight Thousand dollars).

Sponsored by Councilors:

David A. Witham Martin Pepin Jennifer G. Soldati

Approved:

City Attorney

Resolution No. 41-17 will remain in first read until the May 1st, 2017 City Council Meeting.

Other

Res 35-17 Vote to Authorize the City Manager to put into the lease agreement with Nhsolar Garden that the 20 year lease will start no later than 18 months of signing of the lease agreement.

Councilor Sprague said he wants to authorize the City Manager to put into the lease agreement with Nhsolar Garden that the 20 year lease will start no later than 18 months of signing of the lease agreement by the City Manager.

Councilor Witham said this does reiterate what the Finance Committee discussed.

The vote passed unanimously 9-0.

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Messier thanked Finance Director Scott Smith, and the School Board, for the positive report from the auditor. They are doing an exceptional job. He gave a shout out to the Recreation Department as well.

Councilor Witham said he was pleased with the auditors' presentation. It's always reassuring to have a healthy financial audit and it speaks volumes about what the staff does.

Councilor Sprague said they passed the budget. It is a \$1.18 increase. It can go down if the state gets their act together and send some revenue to us, so stay tuned.

ADJOURNMENT

Councilor Paradis, seconded by Councilor Soldati, made a motion to adjourn. The meeting adjourned at 10:10 pm.

Trish Harris, City Clerk	
Dana Hilliard, Mayor	