

MINUTES OF CITY COUNCIL MEETING

Somersworth, NH

June 4, 2018

7:00 P.M.

The meeting was called to order at 7:04pm by His Honor, the Mayor, Dana S. Hilliard, and upon roll call the following Council members were present: Pepin, Vincent, Dumont, McCallion, Michaud, Witham, Sprague, Cameron and Levasseur.

City Manager Belmore led the Pledge of Allegiance.

PUBLIC HEARINGS

Resolution No. 34-18 – To Discontinue the Fund for the Education of Persons with Disabilities Non-Capital Reserve Fund in Accordance with RSA 34:11-A

Don Austin, of Ward 4, speaking on behalf of the School Board, he is hoping that the Council will vote to oppose this Resolution to discontinue the fund. He thinks it is important to maintain this for a couple reasons; the first being that special education is the most volatile portion of our total budget. So we never know from one year to the next what those final expenses will be. The way this fund was intended to be used, and he admitted right up front that it hasn't been used the way it originally was intended, but it was intended to be able to have some money available for when we recognized that special education expense were going to be short. Over the years the definition of when that money could be used has gotten muddy. We were continuously getting opinions that told us we couldn't access that money until our bottom line budget was zero, and that doesn't happen. We never accessed that money because we were told we couldn't do that. Ideally what that fund is supposed to be is money that is held in reserve so that when we recognize the special education expenses are running well behind that we can access that money and not impact the rest of the operating budget that is used for operating the schools and non-special education students. Which was the ultimate concern when the fund was first established is that we not have to penalize students who weren't special education coded, in favor of special education students. Back in 2009, when that fund was created that money would be set aside for when the time when we needed to use that. It was funded by excess revenues for the money other money that was returned back to the City, according to the formula that is in the Resolution. He would encourage the Council to allow that fund to remain open. He thinks it is a helpful tool moving forward and he thinks it is important to be very clear on the definition of when that money can be accessed.

Public Hearing closed at 7:08

COMMENTS BY VISITORS

None

CONSENT CALENDER

- A. Approve Minutes of the City Council Meeting held on May 21, 2018
- B. Vote to Schedule a Public Hearing on June 18, 2018 on the Proposed City Charter Amendment to the Section Entitled, Changes to Ward Boundaries (Article 1.4)
- C. Letter from Strafford Regional Planning Commission Regarding two (2) City Commissioner Vacancies

Councilor Witham, seconded by Councilor Levasseur made a motion to approve all items on the consent calendar. All in favor.

ANNOUNCEMENTS BY CITY COUNCILORS

Councilor Witham is pleased to report that the Somersworth High School Boys Varsity Baseball team is in the semi-finals at SNHU on 6/5/2018 against Bishop Brady High School.

COMMUNICATIONS

PRESENTATION OF PETITIONS AND DISPOSAL THEREOF BY REFERENCE OR OTHERWISE

MAYOR'S REPORT

Mayors Report for City Council Meeting June 4, 2018

- It was with pride and honor that on Friday I stood with members of the Cultural Commission as we celebrated the kick off to national LBGT pride month.

We are a nation of dreams, we are a nation of hope, and we are a nation of color and diversity. The two hundred and forty two years of success of the American experiment has been built upon a foundation amassed by the threads which compile the nation, we call home. Each of us comes to the table with our own unique thread, our threads interwoven adding to the beauty of our Nation's master piece. We come forth with our talents, our hopes, our dreams, our love, adding to strength of the society, the strength of the creed, as we continue the journey forward. For a society that will protect, honor, validate and celebrate the differences with which it draws its freedom and liberties from.

For two hundred and forty two years we have continued to progress; progressed towards becoming our brothers and sisters keeper and progressed towards the equality we echoed to the four corners of the world on that hot summer day in Philadelphia. We overcame some of the demons which have torn the very fabric we've created, the savagery of slavery, the inequality of women, the oppression of immigrants and the disparity of Jim Crow. Two

hundred and forty two years later, our nation continues to move forward as we march together, ensuring that unalienable rights bestowed to us by the creator and reaffirmed by our independence will continue to be protected for all.

This month we celebrate, we celebrate and honor all members of the LBGT community who have continued to carry the torch of justice despite acts of bigotry and violence. We celebrate how far we have journeyed, from the closets of oppression to the legislative halls of government. We say thank-you for those who stood before us, through the jeers, the barrage of hate, the punches, to ensure that those who gather today could celebrate their love, could contribute to their society could reaffirm the promise of the protection of their rights.

The colors of the rainbow flag remind us of how diverse the LBGT community is, how diverse our nation is. Each color on the flag shines in its only individual way, yet when sewn together become an inseparable entity illuminating the sky for all to see. This month we celebrate how far we have come, and remind ourselves as a community and nation how far we still have to journey.

For until every person within our nation is afforded the rights they were promised on July 4th, 1776 the work of equality will never end. Until every person is treated with the human dignity they deserve our work will never end. This month let the colors of the rainbow continue to shine, this month let us celebrate the diversity that makes our great Hilltop City, our state and nation so strong, this month let us celebrate each other and all the fine qualities each of us continue to bring to the quilt we call life.

Happy Pride Somersworth, Happy Pride New Hampshire, Happy Pride America!

The Pride flag will fly now at citizen's place throughout the month of June.

- Memorial Day is always humbling and reminds us of the cost of human freedom and liberty.

Two hundred and forty two years ago as a people united by the doctrine of Inalienable rights and Independence, we began the long journey as the protectors of human dignity and self-destine. Today monuments, grave markers and battlefields all stand silent as the whispers of the heroes who defended this great nation remind us of our creed, and the cost for the universal principals of freedom and liberty which represent each person who calls themselves an American. Two hundred and forty two years later that journey continues. For where the human spirit is suppressed, we will continue, continue our march to shatter the chains of those who enslave liberty with each breath of their tyranny.

Today we recognize the flags waiving silently in the wind as the true cost of freedom and as a nation we gather to show our gratitude to those who paid the ultimate price. Our goals, our journey, our purpose requires the willingness of each citizen to sacrifice their hopes, dreams and future for a nation that is still growing. With each life lost, the souls of those who

defended us reinforce the strength of liberty, the strength of justice the eternal power of the words etched upon our historic parchment “All Men Are Created Equal”. With that strength comes our re-commitment today, to ensure that that we will continue to carry the torch, guiding the path for all those who desire to be free, for all those who desire to continue the journey of building a nation founded upon the doctrine of equality for all.

“We the People” as a nation have endured each challenge cast upon our great county, standing with courage as we bore witness to the horrors of war, the pains of the loss of loved ones and the great responsibility each of us bear as we remember. As a free people, each of us are keepers of their memories, and must continue to perpetuate their stories of valor and sacrifice. Their unselfish act of surrendering their last breath was given so future generations could continue to build a society built upon the promise of freedom for all. Today as we stand in the land of the living let us listen to the voices of those who have passed in our name, for our dreams, for our hopes, for our liberties.

As the guardians of their memories, let us continue to educate each generation on their heroism. As we reflect on the true meaning of citizenship we must continue to honor, pay tribute and build the nation they were willing to sacrifice their lives for. Today as we march, play taps, and fire volleys of honor, may their souls find peace in not only the thanks each of us represents, but the re-commitment to our journey as Americans we continue on.

- As an eternal testament of thanks, it is with great pride and honor that I announce the formation of a Veterans Park Commission. Chaired by Ward 3 City Councilor Marty Dumont, the Commission will begin their work of re-designing Stein Park, so it may become a living tribute to all the brave men and women who answered the call of defending this great nation. It will be a place of honor, a place of reflection, a place of remembrance and a place of celebration. It will be a place for each citizen to remember the cost that each of us must be willing to pay, if liberties light are to continue to shine upon us.

A year from now as we gather once more it is my hope that we will break ground and as a united community we will begin to build a park. A park to remember those who have sacrificed all so that we may have the hopes and the freedoms we all enjoy today. Let each citizen, each business, and each organization step forth and willingly join and contribute to the vision and construction of a Somersworth Veterans Park. Let us be willing to construct a place of honor, built upon the reflection and the values of community and sacrifice. The values which they taught us through their deeds, the values a new park will re-enforce to each generation which walks through it.

May our great Hilltop Community continue to remember, continue to honor and continue to say thanks. May the great light of liberty forever continue to shine. And may God forever bless these great United States.

This evening I am announcing the following appointments to the **Veterans Park Commission;**

Councilor Marty Dumont Sr. Chair

Councilor Rick Michaud Vice – Chair

Jenne Holmes

Claudette Bayko

Raymond Doyan Past Commander American Legion

John Gregoire Commander Veterans of Foreign Wars

Doreen Cole Veterans of Foreign Wars Auxiliary

Richard Gagnon

Other citizens interested in serving on the commission or aiding in the vision should contact the Mayor's office or Councilor Dumont.

- Join me and other members of our great community for the 5th annual Hilltop Hustle 5k run or walk. The event will take place on Saturday June 16th at 8:30am beginning at Somersworth High School. The cost of the event is \$5.00 for ages 17 and below and \$15.00 for all adults. Proceeds will benefit the PTA. Registration forms can be picked up at any school or online at www.runreg.com/hilltophustle-5k
- The next Mayors Community forum will take place Saturday June 9th from 9:00 – 10:30 at City Hall. Including in this forum will be Ward 4 City Councilor Jonathan McCallion and Ward 4 School Board member Kyla Yoder and Ward 5 City Councilor Richard Michaud and Ward 5 School Board member Thomas McCallion. The purpose of the forums is 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

Item 12 Nominations, Appointments and Elections:

- Under nominations, appointments and Elections; In accordance with Council Rule 17 Appointments, the following are being brought for nomination.
- Pius Murray appointment as the Member of the Board of Library Trustees with a term to expire on June 2023

- Amy Labelle appointment as the Ward 3 Supervisor of the Checklist with a term to expire on June 2023
- In accordance with Council Rule 17 Appointments, the nomination shall remain open until the June 18th, scheduled Council meeting
- Also under nominations and appointments, in accordance with The City Charter I am naming the following Mayoral appointment:
- Brian Caple appointment as a member to the Somersworth Housing Authority Board of Commissioners with a term to expire in June 2023

In accordance with the City Charter Article 3.5 “C” this appointment does not require Council approval.

- Finally this evening in accordance with Council Rule 15 I am announcing the Establishment of a **Veterans Park Commission**. The mission of the Veterans Park Commission will be as follows;

Mission:

- 1) Seek and create proposals for a re-design of Stein Park into a living tribute to all Veterans
- 2) Forward a finalized design to be approved by Council before March 2019
- 3) Foster collaboration between government, business and citizens to raise funds and help offset cost for the construction of a Somersworth Veterans Park

This evening I am announcing the following appointments to the

Veterans Park Commission;

Councilor Marty Dumont Sr. Chair

Councilor Rick Michaud Vice – Chair

Jenne Holmes

Claudette Bayko

Raymond Doyan Past Commander American Legion

John Gregoire Commander Veterans of Foreign Wars

Doreen Cole Veterans of Foreign Wars Auxiliary

Richard Gagnon

Other citizens interested in serving on the commission or aiding in the vision should contact the Mayor’s office or Councilor Dumont.

This respectfully concludes the Mayors report for Monday June 4th, 2018

REPORTS OF STANDING COMMITTEES

Finance - Councilor Witham updated that the Committee met on May 30, 2018. Bulk of the agenda was FY18 budget for School Budget and CIP Bonding. The CIP Bonding element of that discussion was tabled until next meeting; our understanding is that the School was still getting the various elements to queue that up. With regard to the current FY18 budget there was discussion about additional, shortfall associated with Special Ed funding. The School Department is seeking a Supplemental Appropriation for funding out the rest of the current year budget. We had a discussion largely around what would happen if the Council doesn't buy a 2/3 vote, because a supplemental appropriation requires a 2/3 vote, what happens if is not approved by Council. Does the school department go in the red? We had a robust discussion on that and the Finance Director stated that they can't go in the red that they have to finish in the black. Business Administrator Katie Krauss was in attendance and she assisted with answering any questions. Regarding the FY18 City side of the budget was speaking about by Finance Director Scott Smith, there is 2 areas that need to encumber money, first is a marketing proposal in the amount of \$13,255, and second was \$1000 for updating City tax maps. We voted 3-0 to encumber those funds. Next was the desire to reorganize Assessing Office from Development Services Department to Finance and Administration Department, the thought is that Tax Office and the Assessing Office would work better together that way. The Finance Committee had no objections and it was already spoken about in Government Operations. Last on the agenda was the NHSolar Garden array project power purchase agreement and PILOT. Ongoing conversations with NHSolar they are now interested in offering a straight lease PILOT arrangement, with no power purchase arrangement. The Finance Committee endorsed exploring this on our agenda at the Council meeting tonight. Under miscellaneous the Public Works Director and City Manager took some time to outline a couple things associated with PIKE paving work. The Blackwater Rd manhole covers cost was outlined in terms of what PIKE will take care of. W. High St state is paving from 108 to Maple St. that is a section of State owned road way, there are some manhole covers out there that would be the City's responsibility. Other piece would be the paving of W. High St from Maple St to Cemetery Rd; PIKE is willing to work with us with pricing, as they will be paving a section of that road for the State. We would save some significant money if done while PIKE is in the area already. Finance Committee generally supports this concept. This idea will be flushed out through the Public Works & Environment Committee. We would waive our bidding requirements for the W. High St work and sole source it to PIKE as they are doing the State portion. That motion was supported 3-0.

Public Safety- Councilor Pepin spoke regarding the meeting on May 30th. The Police Chief spoke regarding the K9 Dog Program, we applied for a grant which started on June 8th and will hopefully be completed by June 15th. As it stands right now, they are trying to pick a handler which is going to be starting June 18-June 29. We will be using the Dog Foundation to also help who would be the best Officer for that. Training for the handler and the dog will start on or around July 1st. Chief Kretschmar also updated us on the reorganization in personnel Detectives. Fire Chief Hoyle updated that we received a Grant in the amount of \$11,327 to help pay overtime for training on the river, for Berwick & Somersworth. The training includes if chemicals are spilt in the water how to contain it. Training started on May 24th; with a tabletop exercise held on May 31st, and a full exercise on the river for June 21st. American Ambulance Chief Robidas reported that the EMS response time is 4:03. Under Miscellaneous Fire Chief

updated that they have hired another new on –call Firefighter. Police Chief updated that they are down two patrolmen. We had an update on the Fire Station with MRI that will be in the City to look over the feasibility.

Councilor Sprague stated that the Public Works & Environment Committee has not met since the last meeting. He asked if he could use his time to ask a question, without objection from Mayor. He stated he received the memo talking about PIKE man hole cover thing that is going on. We will have a meeting on this, but am I to understand that in regards to Blackwater Rd, they are going to charge us \$8400 to redo the manhole covers on that road. City Manager Belmore stated that we need a meeting to further discuss that, but he is not sure how much of that is labor, if any. He doesn't have the breakdown of the structure themselves. Councilor Sprague is wondering if they have anything to give to us for the hillside, Maple St, Rocky Hill Rd, and Winter St manhole covers, probably the answer would be no because they did those correctly. He wants to know why they are going to charge us for something where they did other work in another part of the City and didn't have problems. He thinks it is workmanship.

Recreation Committee – Councilor McCallion stated that they met on May 29th @ 4:30. Couple of things that we went over which will be in front of you tonight is conduct in City Parks, specifically the Malley Farm Ball Field which is up for discussion tonight. Recreation Supervisor Davenport gave us a handout, and found that one interesting thing is the Granite State track & field team that she coaches has doubled in size, very cool that kids and parents are coming out for the two day a week program. Talked about summer camp, Millennium Park and the Noble Pines, we asked about the condition of Millennium Park because quotes came in a little bit higher. Since we just did the fund we thought there is money there. Joe Ferland has come back for another season to handle clean-up and maintenance of the parks. Under miscellaneous we found out about the Veteran's Memorial Commission, congratulations to Councilor Dumont for doing this and everyone else that is involved.

REPORT OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

E911 Committee - Councilor Pepin spoke about a new housing development with 27 houses on Rocky Hill Rd. There are two proposed roads that are to be discussed in a Resolution tonight. We request that the Resolution be passed tonight because there is an existing house built and in the process of being sold. They also discussed Colonial Village and for years have been trying to get the name changed, the Police Chief is working with the Owner to get the name changed. Shaun's Ln which was part of that development earlier, there is currently only one house on it. He is unsure if the name was adopted by E911, we are looking into it.

School Board - Councilor Pepin attended on May 22nd, he discussed Resolution 34-18. He asked the school board if they were in favor of keeping it, he didn't want to be pounding his head against the wall to keep something if they didn't want to keep it. They all seemed to be in favor of it.

City Manager's Report



CITY OF SOMERSWORTH
Office of the City Manager

TO: Mayor Dana S. Hilliard and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, June 1, 2018

SUBJECT: City Manager's Report for Monday June 4, 2018
City Council Agenda

6:30 p.m. Council Photo
6:45 p.m. Non-meeting
School Union Tentative Agreement

Public Hearings (Under Section 3 of Agenda)

- A. Public Hearing on Resolution No 34-18 To Discontinue the Fund for the Education of Persons with Disabilities Non-Capital Reserve Fund in Accordance with RSA 34:11-A.**

Consent Calendar (Under Section 5 of Agenda)

- B. Vote to Schedule a Public Hearing on June 18, 2018 on the Proposed City Charter Amendment to the Section Entitled, Changes to Ward Boundaries (Article 1.4).** Attached is the timeline (schedule) for amending the City Charter through a ballot vote at a special November Municipal Election.

Lay on the Table (Under Section 13 of Agenda)

- A. Vote to rescind the authorization granted in Resolutions 35-17 and 38-17 to the City Manager to sign a PILOT, Lease and Net Metering Agreement with NHSolar Garden to construct a Solar Project on the Blackwater Road Sanitary Landfill Superfund Site – requested by the Finance Committee.** I have provided you another copy of Attorney Mark Beliveau's May 3rd Memorandum. I draw your attention to page 2 that provides an overview of the Solar Array status as discussed at the May 30rd Finance Committee, Council can now consider the project moving forward without a power purchase Agreement.

If Council is inclined to continue with the project, a vote to rescind only the Net Metering Agreement would be advisable. If approved, I would then recommend the City move forward with funding the risk studies to be conducted by our Superfund Consultant Engineers, Geosyntec. Andrew Kellar of NHSolar Garden has agreed to split the cost with the City.

Unfinished Business (Under Section 14 of Agenda)

Resolutions

- D. Resolution No. 34-18: To Discontinue the Fund for the Education of Persons with Disabilities Non-Capital Reserve Fund in Accordance with RSA 34:11-A.** Again, the Finance Committee voted at their May 11th meeting to recommend the discontinuance of this Non-Capital Reserve Fund. Currently there is \$240.00.

New Business (Under Section 15 of Agenda)

Ordinances

Please note: I recommend that these four (4) Ordinances be scheduled for a Public Hearing at the next regular Council Meeting on June 18th.

Without objection from Mayor the Public Hearings for Ordinances 10-18, 11-18, 12-18, and 13-18 are scheduled for June 18, 2018.

- A. Ordinance No. 10-18: To Amending Chapter 4, Personnel Rules and Regulations - Compensation Schedule.** The Government Operation Committee voted to support a 3% Cost of Living Increase (COLA) across the board wage adjustment for non-union employees covered under the City's Personnel Rules & Regulations. Just a reminder, this action, if approved, would carry over to provide members of the Water/Wastewater Collective Bargaining Unit the same COLA increase to their pay scale. Their Collective Bargaining Agreement (CBA)/Union Contract has language that provides for wage adjustments in accordance with the City's Personnel Rules & Regulations as may be approved by the City Council.
- B. Ordinance No. 11-18: Amend Chapter 29 Administrative Code to Assign Office of Assessing to the Department of Finance and Administration.** Based on my recommendation, the Government Operation Committee voted at their March 14th meeting to recommend this Ordinance change to move the Assessing Office from Development Services to the Finance Department. Finance Committee met on May 30th their consensus was to endorse this recommendation.

This change would improve our efforts to make communication more seamless between the Assessing and Tax offices. There are at least two critical times when it is particularly important, first as we develop the Budget and consider changes to

valuation and the amount needed for the overlay account, and second, when the tax bills are issued and the need for the assessment warrant to be delivered to the tax collector.

Manager Belmore stated that he appreciates the support in this recommendation.

C. Ordinance No. 12-18: Supplemental Appropriation for Additional Special Education Funding in the Somersworth School Department Budget. Please see the attached copy of the Memorandum provided by Superintendent Lori Lane.

D. Ordinance No. 13-18: Amend Chapter 30, Conduct in Public Parks, Section 2.2, Definitions and Section 12 City Trails and Section 13 Dog Waste in Parks. The Recreation Committee voted at their May 29th meeting to recommend these Ordinance changes. Attached is a copy of the pertinent sections of the Ordinance that would be amended.

Manager Belmore stated that there some housekeeping changes regarding Chapter 30, regarding Queensbury Mill Pocket Park. It is currently listed in our Ordinance as a bona fide park; it is really an adopt-a-spot where the COAST bus stop is. We want to eliminate the park from our listing. Another housekeeping change is to incorporate what is listed in our trail section, which included our redevelopment of our Mast Point Dam project which includes our boat launch and other improvements through that Grant project. Lastly, we do lease out the Malley Farm baseball field area. The people who lease the park want to post a no dogs allowed on the field, as the Council adopted that similar change to the baseball fields at the Noble Pines. We ask for your support of that.

Resolutions

- A. Resolution No. 37-18: To Authorize the City Manager to Enter into a Project Agreement with the New Hampshire Department of Transportation and to Accept a Congestion Mitigation and Air Quality (CMAQ) Improvement Program Grant Award.** Attached is a copy of the NH DOT Agreement. Just a reminder, the Council will need to eventually take action to appropriate the City's funding match.
- B. Resolution No. 38-18: Naming Whippoorwill Way, Sandlot Lane and Assigning Addresses if Required.** Attached is a copy of the Streets that are being proposed in this newly approved Subdivision. As noted in the Resolution, these Roads are to remain private.

Other

- A. Vote to Ratify Tentative 1-Year Agreement with Somersworth Educational Support Personnel Association (Maintenance and Custodial) and the**

Somersworth School District. Attached is a copy of the cost components for this one-year Tentative Agreement.

City Manager's Items (under section 11 of Agenda)

A. Informational Items.

- 1. Road Resurfacing Resolution No. 35-18.** Attached is a copy of a Memorandum from Public Works Director Mike Bobinsky regarding recommended strategies for the road resurfacing project Streets approved by Council in this Resolution.

B. Attachments.

- 1. City Attorney Certifications Six (6)**

FYI

former City Councilor Brian Tapscott Memorial Service
Wednesday, June 6th at 1:00 p.m.
Journey Church in Barrington, 8 Eastern Avenue, Barrington
(near intersection of Rte. 9 & 125)

NOMINATIONS, APPOINTMENTS AND ELECTIONS

A. Mayoral Appointment:

- a. Brian Caple, as a member of the Somersworth Housing Authority Board of Commissioners, with a term to expire June 2023

B. Nominations Requiring Council Approval:

- b. Pius Murray, as a member of the Board of Library Trustees, with a term to expire June 2023
- c. Amy LaBelle, as the Ward 3 Supervisor of the Checklist, with a term to expire June 2023

Nominations shall remain open until June 18, 2018 City Council Meeting.

As noted in the Mayor's Report, in accordance with Council Rule 15 he announced the establishment of the Veterans Park Commission. The mission of the Veterans Park Commission is as follows:

1. Seek and create proposals for a redesign of Stein Park into a living tribute for all Veterans.
2. Forward a finalized design to be approved by the Council before March of 2019.

3. Foster collaboration between Government, businesses and Citizens to raise funds to help offset costs for the construction of a Somersworth Veterans Park.

Veteran Park Commissioners are:

Chair – Councilor Martin P. Dumont Sr

Vice Chair – Councilor Richard Michaud

Jenne Holmes

Claudette Bayko

Raymond Doyan, Past Commander of the American Legion

John Gregoire, Commander of the Veterans of Foreign Wars

Doreen Cole, Veterans of Foreign War Auxiliary

Richard Gagnon

Any other members of Council or a Citizen, who are interested in serving on the Commission, please contact the Mayor's office or Councilor Dumont directly.

LAY ON THE TABLE

- A. Vote to rescind the authorization granted in Resolutions 35-17 and 38-17 to the City Manager to sign a PILOT, Lease and Net Metering Agreement with NHSolar Garden to construct a Solar Project on the Blackwater Road Sanitary Landfill Superfund Site – requested by the Finance Committee

Councilor Witham, seconded by Councilor Sprague made a motion that item (A) be removed from the table. Motion passed.

Councilor Witham stated that we have had ongoing conversations a couple of meetings ago we had our superfund attorney Mark Beliveau here we asked him some questions. He presented us with the current state of things out on the superfund site, including a number of blocks of information one of them being this very item. He thinks Council all along has had this sort of difficulty putting its foot in the water on this, largely associated with the power purchase agreement portion of the agreement with NHSolar Garden. This has been on our Agenda and we are looking to rescind various authorizations to contract with NHSolar. NHSolar Garden has decided to now allow a straight lease agreement and PILOT. He supports this endeavor. Obviously, the remaining risk is how would a solar farm impact the superfund site, on what has been very good performance clean-up remedy we have in place now. As it has been explained to me there would be a couple of steps in the process to study this. The 1st step would look at the impacts to our current clean-up remedy. If those pieces fell favorably that this would not have a favorable impact on that, and then there would be a more detailed and exhaustive examination of the impact on the clean-up remedy. Not only would we have one but there would be two remedies of protection to look at whether this would have an impact on basically water flow through the system that we currently have. That satisfies his initial risk with this project. If step one would have a negative impact we would never do step two. The financial outlay would be minimal; NHSolar Garden is willing to partner with the City on the financial cost associated with this study. It is a minimal investment on the City side, to make valuable use of the land,

otherwise has been an isolated land that is doing nothing for the City. If the first step is favorable then we would go ahead to the second step. If that threw up a red flag than we would have the opportunity to say no, so we have a couple of forms of a safety cushion. The numbers for a lease and PILOT would be better than what we get now, which is zero dollars. He is willing to move forward with this modified arrangement. He would need guidance from your Honor and the City Manager as to the mechanics of rescinding or modifying this Resolution.

Parliamentary guidance was provided by Mayor, under Roberts's Rules the best thing would be that anyone who would like to voice their opinion this evening please do so. We will continue in debate mode. He would then at that time place this back onto the table and then offer amendments to this and then bring it back forward and remove it from the table, amend and then the current legislation and then move forward with it. The legislation would need to be either amended or completely struck down and something new be brought forward. One option would be to vote to rescind, you can then bring a clean bill forward. The second option would be to place it back onto the table and then to bring forward the amendment, remove this from the table we start into the regular debate mode offer your amendment and it could then be amended at that point and then move forward. Whatever options the Council chooses both fall into Parliamentary Procedure and are prurient to the discussion tonight. Option one would be to simply place this back on the table after further debate. Leave it on the table and bring forward an amendment pull this back off the table at the next amendment, amend the version and then move forward. Or to simply vote to rescind all together and then bring forward another piece of legislation and start the process all over again.

Councilor Levasseur asked if they are able to make amendments to this now. Mayor answered yes you could in fact amend this tonight if in fact an amendment was drafted through this body and everyone would want to see a copy of it. If someone does have an amendment that they do wish to offer, floor amendments are in order.

Councilor Witham asked if it would be possible for us to vote to instead of rescind the authorization granted in the two Resolutions we would direct the City Manager to modify the wording in the two Resolutions and simply eliminate the power purchase agreement portion. Mayor responded that would be within order and it would also be in order to request that the chair refer this to a certain Committee and the Committee could work on that.

Councilor Levasseur reiterated that Resolution 35-17 is the net metering portion of this and Resolution 38-17 is the PILOT portion. Could we rescind just Resolution 35-17? City Manager responded that he would need further direction. Resolution 35-17 gave the City Manager authorization to execute a 20 year land lease agreement with the option of two additional five year terms and to complete a group net metering project. So he thinks that if Council is likely to move forward with this project, they would need to rescind the net metering portion of the agreement that was authorized in Resolution 35-17 to allow the lease and the PILOT to move forward.

Mayor stated that it appears that we have work to do on both ends. Unless there is objection from Council we will re-refer this to the Public Works Committee to dive into the over the next few

weeks and then come forward with a new version at the upcoming scheduled City Council meeting.

City Manager Belmore asked that if we can get a clear consensus that it is the intent of the City Council to move forward, we have been working with NHSolar Garden for a lengthy time now. They have been looking to pull the trigger on this project for a fair amount of time, not that that is our concern. But if I had the ability to tell them that this has a consensus or unanimous of Council to move forward and just remove this section of the project then that would go a long way continuing good faith efforts on our part.

Councilor Sprague offered to just go around and say how we feel. He would crush this and send it to the Committee to restart. He is all for doing something like this; he has some concerns with maintenance around those areas in the coming years. He would like something written in that would alleviate us from paying for anything that they may have created. This is kind of like the water tower and how we lease out space for the cell phone transmitters. If we can get some revenue great! We can talk about this in Committee, do something clean, present it to Council and move forward.

Councilor McCallion asked a question to City Manager if we rescind Resolution 35-17 this is just for you to enter in to try to negotiate, it would still have to come back to us. City Manager Belmore stated that we have already worked with our attorney on language it is pretty much done, you authorized me to move forward so it wasn't coming back. I could certainly bring it back to the attorney. He has a couple of clarifying questions that the Councilor asked, was that the proposal included \$15,000 a year lease with an escalator over time. Also, a PILOT starting out at \$5600, so there is some language on how that moves forward, as far as financially. We discussed that with the Finance Committee and the Public Works Committee has been told about it, but the Finance Committee has been looking at this more so than the Public Works Committee. The other question was what the cost would be if we hired our engineers to look at the risk analysis. To move forward with the risk because this is a unique clean-up process that we have here in the City, opposed to other Cities that have a capped site. Phase one of the risk analyses is \$3800 and NHSolar Garden is willing to split 50/50 that with us. So that would be \$1900. If that was favorable then we would move forward with some further engineering work. Then we would hire our consultants again to do phase two analyses with the overall projected cost of \$6500, and his understanding was that would also be split 50/50. All said and done it would be about \$5100-\$5200 cost to the City.

Councilor McCallion stated that he has been hearing about this for 10 years now and he doesn't know why we can't do it when other Communities have been able to do it. He knows we have different circumstances. Rather than scrap the whole thing if there is a way right now we can just say that this has to come back. He agrees with City Manager that we should let them know in good faith that we are for it.

Mayor stated that the current question from Council is the vote to rescind the authorization granted in Resolutions 35-17 and 38-17 to the City Manager to sign a PILOT lease net metering agreement with NHSolar Garden to construct a solar project on the Blackwater Road sanitary landfill super site requested by the Finance Committee.

Unless there is another motion we will proceed forward with this, he has outlined several options under parliamentary procedures. Unless I hear another motion from a Councilor we will proceed forward with the vote to rescind, another motion is in order.

Councilor Vincent is all in favor of this the part that he likes that is better now if we decide to move forward is the non-purchase power agreement. He doesn't like to enter into anything more than a 3 year agreement it's the rule so to speak. Maybe we should scrap it and starting over, there are a lot of questions.

Councilor Levasseur was going to make a motion, but yielded so that Councilor Dumont could debate as well.

Councilor Dumont likes the idea of revamping this he understands the loyalty to this company. He agrees with what Councilor Vincent just said, regarding the 3 year agreement. There are a lot of the things here that really need to be massaged before we make an offer.

Councilor Witham stated to be clear about what Councilor Vincent said. The 3 year commitment is if there is a power purchase agreement involved. The vote before us to rescind is to rescind the whole thing and then we sort of start from scratch. Absent the details, those details would be flushed out in documents and lease agreements. The piece of this that we are interested in rescinding is the net metering portion, not the PILOT and the lease. He is not sure why would throw it all out to start over again. I think we should throw out the piece we don't want and that is to rescind the net metering portion of the Resolutions.

Councilor Pepin agrees with Councilor Witham that scrapping this may be an issue and the person working with us may not be happy and may move on. Either we want to put solar arrays on the dump site or we don't, that is what this comes down to.

Councilor Cameron is in favor with doing away with net metering. Agrees moving forward with this would be the logical way to go.

Councilor Levasseur made a motion to table this vote, seconded by Councilor Cameron. Motion was defeated.

Councilor Witham makes a motion to amend Resolution 35-17 & 38-17 that any net metering agreement language be rescinded, seconded by Councilor Pepin.

Councilor Witham requested a roll call vote, seconded by Councilor Pepin. Roll call vote Pepin, Vincent, Dumont, McCallion, Michaud, Witham, Cameron and Levasseur voted yes. Councilor Sprague voted no. Amendment passed 8-1.

Mayor stated the question before the Council is to now rescind Resolution 35-17 & 38-17 as amended. You just amended it to strike the language on the net metering.

Councilor Witham asked where it was just a vote your honor, he just changed the nature of the vote. Mayor answered that you only changed the language. What really you want to do now is to defeat the vote to rescind because what you did was amend the Resolution just striking the

language of the net metering. So what the Council really wants to do now is to proceed forward, you want to defeat the current Resolution before you. Councilor Witham disagrees. Mayor responds that you are entitled to challenge the chair. Councilor Witham's motion was to amend the language striking the net metering from the Resolutions. The vote is still before you, you would want to defeat that unless you have another motion, you can offer another motion.


Councilor Witham makes a motion to recess for 5 minutes. Chair will recess without the motion.

Councilor Levasseur made a motion to authorize the City Manager to sign into a PILOT lease agreement with NHSolar Garden to contrast a solar garden on the superfund site, seconded by Councilor Witham. Motion passed.

UNFINISHED BUSINESS

Resolutions:

A second read of Resolution 34-18

	City of Somersworth – Resolution
	Resolution No: 34-18 TO DISCONTINUE THE FUND FOR THE EDUCATION OF PERSONS WITH DISABILITIES NON-CAPITAL RESERVE FUND IN ACCORDANCE WITH RSA 34:11-A

May 21, 2018

WHEREAS, the City Council adopted Resolution No. 46-09 to establish a non-capital reserve fund for the purpose of educating students in the Somersworth School District with disabilities, and

WHEREAS, the City Council’s Finance Committee voted at their May 11, 2018 meeting to recommend the discontinuance of this non-capital reserve fund, and

WHEREAS, the City Council accepts the Committee’s recommendation in determining that a more efficient manner in which to fund the education of persons with disabilities is through the City’s annual budget process and/or supplemental appropriations when needed, and

WHEREAS, RSA 34:11-a grants the City Council the authority to discontinue a non-capital reserve fund and direct the Trustees of Trust Funds to pay all the moneys in said fund to the City treasury,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Fund for the Education of Persons with Disabilities Non-Capital Reserve Fund shall be discontinued in accordance with RSA 34-11-a and direct the Trustees of Trust Funds to pay all the moneys in said fund to the City treasury.

Authorization	
<i>Sponsored by:</i> David A. Witham Dale R. Sprague Martin P. Dumont, Sr.	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 34-18

History

First Read Date:	05/21/2018	Tabled:	05/21/2018
Public Hearing:	06/04/2018	Removed From Table:	
Second Read:	06/04/2018		

Action

Councilor Witham moved for adoption, seconded by Councilor McCallion.

Discussion

Note: RSA 34-11-a requires a public hearing, and the public notice for the public hearing must include a statement distinctly stating the reason(s) for which such reserve is to be discontinued.

Councilor Witham addressed a couple of quick points; he supports this Resolution on a couple of premises. It has been articulated this evening this fund has been in existence since 2009. Since 2009, it has been funded maybe only a few times slightly more than \$100,000 sat in that fund unused since 2009. Until this past year to address the budget shortfall the School Board requested use of almost that entire fund to help with that. It has sat there for almost 10 years and no one has used it. The mechanics of this fund have been muddy, as to when does the money get put in and when does it get taken out. Its intent is clearly understood and noble. The mechanics of the Resolution are flawed, what that says to him is that we need to re-work this thing. We're down to \$45 in this account now to keep as a place holder. The issue that is in front of us currently with an almost \$412,000 shortfall in special education in the current FY School Department budget, that even if this fund were here at \$100,000. We would still need to look at a supplemental appropriation out of the general fund. The general fund is available for this very purpose.

Councilor McCallion stated he remembered voting on this and it having an issue when it came up. Since there is a Joint Commission now the School department and City talk a lot more, maybe it should go through Finance of City and School Board to talk about it.

Councilor Pepin stated that whole thing out of this deal is that what ends up happening is there are all kinds of protections for special education students, what about the normal students. What happens when they come back needing a supplemental appropriation at the beginning of the year and we say no ring out your budget as much as you can, then come back to give us the final figure. That is what is going to happen in the future. Every time it is going to come back to this Council we are going to say no, no ring out your budget then come back to us. This money was money that was supposed to be left over from the school department from the previous year up to \$50,000 a year max deposit. If they turned back \$150,000 at the end of the year the City would get \$100,000. It would give the School Board a little initiative to return some money at the end of the year. They don't have enough money now to replace 30 year old books because of the tax cap or the Council. If it helps one student than it is all worth it, he is frustrated that we want everything to come through the City Hall first. School Department has no additional funds to tap into like the City does nothing to protect the everyday student.

Councilor Vincent had a point of clarification that this money can only be used for students with disabilities. Mayor responded that the way the current legislation is stated is that it is for special education.

Councilor Sprague stated that when he was Council in the Finance Committee, this was probably the first thing that he worked on. He doesn't think this fits today with the way our structure is. School Board hasn't used this in 9 years, but we didn't have the right to use it either. That is money that was supposed to be turned back to the City, if this fund wasn't in existence. The vehicle that we can see the School Board has is under new business in Ordinance 12-18, which is the supplemental appropriation. He just doesn't see a need for it right now; it takes away from our needs to.

Councilor Dumont stated that at first glance he was in support of this. But then he started looking at it historically and the volatility that this is somewhat undermining the responsibility is bottom line appropriation for budgetary processes for the school. The City Council has been very gracious to the Schools of this Community, for example with the remodeling of the CTC roof repair. Most volatile part of our school budget is that one student in special education can be hundreds of thousands of dollars to our budget system. Council was very professional about the shortfall helping with the School Board, not their fault that prior people made mistakes with the budgetary process. A number of students require transportation to and from the school that are homeless. Now the Government has stepped in and we have to fund that transportation for that student. We need to plan for the future, not react to what has happened technology at Idlehurst is an example of this.

Councilor Witham stated that often times around elections there are a number of people that come up to him and say that he is the pro education City Councilor. This is not about the need or the desire or the intent behind the current legislation, this is about the mechanics of it. School Board is coming to us with a request for a supplemental appropriation. So this year at the end of the budget there will be no money to put in this fund. At the end of the FY19 budget, he is not optimistic that there will be funds left over to put in the fund. He is going to bet that the FY20, FY21 and FY22 there will not be any money to put it in. It is about the mechanics of it, despite the good intent of the Councilors who put it forward, it needs to go away.

Councilor Cameron had a technical question with the transportation piece having to do with students with disabilities and the deficit in the transportation piece. If there were money in this account would it be drawn to help with that deficit?

Councilor Pepin, made a motion to suspend Council rules and allow for superintendent or chair of the School Board to answer questions from Council, seconded by Councilor Vincent. Motion passed. 8-1

Interim Superintendent Lori Lane came up to the podium and answered Councilor Cameron's question. How she understands this is that it is like a rainy day fund that once all other lines are exhausted, she believes these funds would help with that.

Councilor McCallion also had a question for Lori Lane. Right now you have a lot of departments and line items, you can't tell every single department what is going to come in and what is going to be reimbursable. Lori Lane answered no, some things we could. At the end of year, with what we have in front of us is a supplemental appropriation for some things that are going on with the special ed. There is still going to be some reimbursements that are going to come back at the end of the year. If you look at the last 10 years, there is usually something that will come back to the general fund from the school.

Councilor Sprague asked Lori Lane, Do you need an incentive to return money back to the City? Lori

Lane answered no, we are doing our due diligence.

Councilor Levasseur asked if Lori Lane can you tell him how often funds have been deposited into this account? Funds were deposited maybe 2 years due to it being \$50,000 a year and the balance was \$100,000+.

Councilor Witham stated that when a budget is crafted on the City side, not only do we look at an expenditure side of the ledger; we also look at a revenue side. If on the revenue side we underestimate that's where we might have some money come back, that money would come back automatically, we don't need to incentivize that.

Councilor Pepin asked in the line items on special education if it goes way above, where would it come from? Lane answered that it comes from other lines, except this year as we have spent all.

Councilor Pepin asked the Chair of the School Board Don Austin, why hasn't it been spent? Austin answered that in his tenure we have probably asked for it once. He stated that Councilor McCallion was correct in stating that almost every year; money has come back to the general fund because of unanticipated revenue. It is his understanding that we have not requested that in the past few years. The things that we were looking for were not specifically special education projects they were building renovations or other kinds of projects.

Councilor Witham asked did the request have to be in the amount that we think we will be short. At the end of the year there might be some money left over, that would suggest to him that the School Department doesn't need that \$400,000 supplemental appropriation. Don Austin answered that based on discussions with the City's finance Director that the request had to be for the amount of the appropriation that we were going to be short. We do anticipate there will be some revenues come in to offset some of that at the end of the year through Medicaid reimbursement. The mechanics of the supplemental appropriation legislation as he understood them that we needed to ask for the full amount of what we are going to be short.

City Manager Belmore stated that the City Charter requires that if you do a supplemental appropriation we have to identify where the source is. We have to identify unanticipated revenue and fund balance. We are just adhering to the City Charter requirement for the Council to pass the supplemental appropriation. The other intent was to introduce in this meeting they still anticipate some further development. At the next Council meeting they may have further modification or an amendment to move forward to the Council to consider lessening that blow from fund balance.

Councilor Sprague stated we just had \$100,000 in this fund we now have \$45 in it. It clearly states that the City Council shall be the policy to make appropriations into this fund in the future annual budgets and amounts that are equivalent to 50% of the previous year's School Department surplus, but not to exceed \$50,000 dollars. He has sat on this Council since this passed and he doesn't remember ever making a vote to throw any money into this fund, so how did the money get in this fund.

City Manager Belmore stated that this is part of the budget process or inter-fund transfer to take place. He would have to go back and look at budget books, but it is part of the budget process. You pass your budget in April or May and the School Department doesn't pass theirs to July or August is what he was told. Sometimes even October when we set the tax rate and then the State put in their actual revenue.

Councilor Sprague is going to vote to abolish this tonight. If it stays around he wants to have a clear cut answer on how that money got into the fund, if I didn't place a vote on it. I don't know where the vote happened it should have been in this chamber, on TV so that the tax payer who's money it is, at the end of the day. It should also be historically viewed because we archive everything.

Councilor Levasseur is grappling with this as he has been hearing other fellow Councilors comments. It seems clear that we need to discontinue this fund and draft some new legislation.

Councilor Witham stated that this isn't anti-school or anti-special education funding, this is about mechanics and that it has not historically worked.

Councilor Dumont agreed that this is broke. That doesn't mean he wants to get rid of this idea. He recommended sending this to the Finance Committee to come back with a product that's more reflective to fix this.

Voting Record		YES	NO
Ward 1 Councilor	Pepin		X
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont		X
Ward 4 Councilor	McCallion		X
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham *	X	
At Large Councilor	Sprague	X	
At Large Councilor	Cameron	X	
At Large Councilor	Levasseur	X	
TOTAL VOTES:		6	3
On 06/ 04/2018. Resolution 34-18		PASSED	

NEW BUSINESS

Ordinances:

Councilor Witham made a motion to suspend Council rules to have Ordinance 10-18 read by title only, seconded by Councilor Levasseur. All in favor



City of Somersworth – Ordinance

Ordinance No: **10-18**

AMENDING CHAPTER 4, PERSONNEL RULES AND REGULATIONS - COMPENSATION SCHEDULE

June 4, 2018

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

Amend Chapter 4 by deleting the Compensation Schedule in its entirety and replacing it with the following:

Personnel Rules and Regulations FY2018-2019 Compensation Schedule (3% Increase effective July 1, 2018)

GRADE		HIRE	1	2	3	4	5
6	A	23,030.01	24,012.83	24,915.97	25,925.36	26,961.31	27,997.26
	H	11.0721	11.5447	11.9788	12.4641	12.9621	13.4602
7	A	24,145.64	25,048.79	26,164.42	27,200.37	28,183.20	28,528.52
	H	11.6085	12.0427	12.5791	13.0771	13.5497	13.7156
8	A	25,367.54	26,350.37	27,386.32	28,528.52	29,697.29	30,892.61
	H	12.1959	12.6685	13.1665	13.7156	14.2776	14.8522
9	A	26,642.56	27,705.07	28,820.71	29,989.48	31,158.24	32,459.82
	H	12.8089	13.3198	13.8561	14.4180	14.9799	15.6056
10	A	27,944.14	29,059.78	30,175.42	31,450.43	32,645.77	34,053.59
	H	13.4347	13.9710	14.5074	15.1204	15.6950	16.3720
11	A	29,378.54	30,573.86	31,716.06	32,991.09	34,345.78	35,727.05
	H	14.1243	14.6989	15.2481	15.8611	16.5124	17.1765
12	A	30,866.05	32,087.94	33,309.84	34,664.54	35,966.12	37,400.52
	H	14.8394	15.4269	16.0143	16.6656	17.2914	17.9810
13	A	32,406.69	33,681.71	35,062.98	36,497.38	37,905.22	39,498.99
	H	15.5802	16.1931	16.8572	17.5468	18.2237	18.9899
14	A	33,947.35	35,302.04	36,709.88	38,250.53	39,764.61	41,331.82
	H	16.3209	16.9721	17.6489	18.3897	19.1176	19.8711

GRADE		HIRE	1	2	3	4	5
15	A	35,727.05	37,188.02	38,648.97	40,163.06	41,677.14	43,324.04
	H	17.1765	17.8788	18.5812	19.3092	20.0371	20.8289
16	A	37,427.08	38,914.59	40,481.81	42,261.52	43,828.74	45,661.57
	H	17.9938	18.7089	19.4624	20.3181	21.0715	21.9527
17	A	39,366.17	40,959.94	43,722.48	44,280.30	46,033.45	47,866.28
	H	18.9260	19.6923	21.0204	21.2886	22.1315	23.0127
18	A	41,331.82	42,978.72	44,625.62	46,485.01	48,344.42	50,363.20
	H	19.8711	20.6628	21.4546	22.3485	23.2425	24.2130
19	A	43,324.04	45,103.75	46,963.15	48,902.24	50,788.20	52,860.10
	H	20.8289	21.6845	22.5784	23.5107	24.4174	25.4135
20	A	45,635.00	47,494.40	49,274.12	51,266.33	53,311.68	55,383.57
	H	21.9399	22.8339	23.6895	24.6473	25.6306	26.6267
21	A	47,866.28	49,752.24	51,824.15	53,842.93	55,994.52	58,172.68
	H	23.0127	23.9194	24.9155	25.8861	26.9205	27.9676
22	A	50,336.64	52,275.72	54,374.18	56,446.09	58,836.75	61,174.29
	H	24.2003	25.1325	26.1414	27.1375	28.2869	29.4107
23	A	52,806.98	54,932.01	57,003.91	59,368.01	61,732.10	64,229.01
	H	25.3880	26.4096	27.4057	28.5423	29.6789	30.8793
24	A	55,383.57	57,614.86	59,899.27	62,343.05	64,760.27	67,390.00
	H	26.6267	27.6995	28.7978	29.9726	31.1347	32.3991
25	A	58,172.68	60,589.89	62,927.43	65,530.59	68,213.44	70,896.29
	H	27.9676	29.1297	30.2536	31.5051	32.7949	34.0848
26	A	61,147.72	64,016.51	65,982.16	68,665.01	71,533.80	74,216.65
	H	29.3980	30.7771	31.7221	33.0120	34.3913	35.6811
27	A	64,069.64	66,779.05	69,382.21	72,251.00	75,146.35	78,041.70
	H	30.8027	32.1053	33.3569	34.7360	36.1281	37.5200
28	A	67,310.30	70,046.28	72,702.57	75,651.05	78,758.90	81,866.76
	H	32.3607	33.6761	34.9532	36.3707	37.8649	39.3590
29	A	70,657.23	73,526.01	76,394.80	79,422.97	82,769.89	86,010.56
	H	33.9698	35.3491	36.7283	38.1842	39.7932	41.3512

(3% increase of minimum and maximum effective July 1, 2018)				
Grade				
25	A	59,553.48		75,906.90
	H	28.6315		36.4937
30	A	75,610.66		92,185.90
	H	36.3513		44.3202
31	A	82,599.88		100,498.93
	H	39.7114		48.3168
32	A	83,373.40		101,578.52
	H	40.0834		48.8358
33	A	87,600.08		106,523.47
	H	42.1155		51.2132
34	A	92,020.14		111,938.04
	H	44.2405		53.8164
35	A	96,633.59		117,490.75
	H	46.4585		56.4859
36	A	101,495.65		123,374.96
	H	48.7959		59.3149
37	A	106,468.23		129,452.53
	H	51.1867		62.2368

This Ordinance will take effect upon adoption.

Authorization	
<i>Sponsored by Councilors:</i> Councilor Martin Dumont Councilor Nancie Cameron Councilor Edward Levasseur	<i>Approved:</i> City Attorney

City of Somersworth – Ordinance 10-18

History

First Read Date:	06/04/2018	Tabled:	
Public Hearing:	06/18/2018	Removed From Table:	
Second Read:			


Action

Councilor _____ moved for adoption, seconded by Councilor _____.

Discussion

Will remain in first read until the June 18, 2018 City Council Meeting.
Public Hearing scheduled for June 18, 2018

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont *		
Ward 4 Councilor	McCallion		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Sprague		
At Large Councilor	Cameron		
At Large Councilor	Levasseur		
TOTAL VOTES:			
On / / . Ordinance 10-18		PASSED	FAILED

	City of Somersworth – Ordinance
	<p>Ordinance No: 11-18</p> <p>AMENDING CHAPTER 29 ADMINISTRATIVE CODE TO ASSIGN OFFICE OF ASSESSING TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION</p>

June 4, 2018

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:

Delete Section 29.3.6.3, and Section 29.3.6.9, and replace with the following:

Section 29.3.6.3 Department of Finance and Administration

The Department of Finance and Administration shall be responsible for the Divisions of Finance and Library, the Offices of the City Clerk, Tax Collector, Welfare, Assessing, and the Utility Billing function within the Divisions of Water and Wastewater to include maintenance of the Water and Sewer funds on a utility basis.

Section 29.3.6.9 Department of Development Services

The Department of Development Services shall be responsible for the Divisions of Economic Development and Planning, Office of Code Enforcement, and the Division of Recreation.

Further amend Chapter 29 by renumbering as follows:

Section 29.3.6.9 Office of Assessing

Section 29.3.6.10 Department of Development Services

Section 29.3.6.11 Division of Economic Development and Planning

This Ordinance shall take effect upon its passage.

Authorization	
<p><i>Sponsored by Councilors:</i></p> <p>Councilor Martin Dumont Councilor Nancie Cameron Councilor Edward Levasseur Councilor David Witham</p> <p style="text-align: right;">27</p>	<p><i>Approved:</i></p> <p>City Attorney</p>

City of Somersworth – Ordinance 11-18

History

First Read Date:	06/04/2018	Tabled:	
Public Hearing:	06/18/2018	Removed From Table:	
Second Read:			

Action

Councilor _____ moved for adoption, seconded by Councilor _____.

Discussion

Will remain in first read until the June 18, 2018 City Council Meeting.
Public Hearing scheduled for June 18, 2018

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont *		
Ward 4 Councilor	McCallion		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Sprague		
At Large Councilor	Cameron		
At Large Councilor	Levasseur		
TOTAL VOTES:			
On / / . Ordinance 11-18		PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: **12-18**

SUPPLEMENTAL APPROPRIATION FOR ADDITIONAL SPECIAL EDUCATION FUNDING IN THE SOMERSWORTH SCHOOL DEPARTMENT BUDGET

June 4, 2018

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 17-18 is amended as follows:

Appropriate \$116,795 from unanticipated School Department Revenue and \$295,205 from General Fund balance as follows:

Original Budget	Amendment	Revised Budget
\$25,725,172	\$ 412,000	\$ 26,137,172

Approved as to Funding:

Scott A. Smith
Director of Finance and Administration

Recorded by:

Trish Harris
City Clerk

Background:

This ordinance appropriates funding to cover a shortfall in special education funding. The unanticipated revenue for the School Department is \$116,795 in Medicaid reimbursement.

Authorization

Sponsored by Councilors:

David A. Witham
Dale Sprague
Martin Pepin
Martin Dumont, Sr.

29

Approved:

City Attorney

City of Somersworth – Ordinance 12-18

History

First Read Date:	06/04/2018	Tabled:	
Public Hearing:	06/18/2018	Removed From Table:	
Second Read:			

Action

Councilor _____ moved for adoption, seconded by Councilor _____.

Discussion

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.

Will remain in first read until the June 18, 2018 City Council Meeting.
Public Hearing scheduled for June 18, 2018

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	McCallion		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham *		
At Large Councilor	Sprague		
At Large Councilor	Cameron		
At Large Councilor	Levasseur		
TOTAL VOTES:			
On / / . Ordinance 12-18		PASSED	FAILED



City of Somersworth – Ordinance

Ordinance No: **13-18**

**AMEND CHAPTER 30, CONDUCT IN PUBLIC PARKS, SECTION 2.2
DEFINITIONS, AND SECTION 12 CITY TRAILS, AND SECTION 13
DOG WASTE IN PARKS**

June 4, 2018

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 30, Conduct in Public Parks, Section 2.2 Definitions,
by deleting Queensbury Mill Pocket Park

AMEND Chapter 30, Conduct in Public Parks, Section 12 City Trails,
by adding Mast Point Dam Recreation Area

AMEND Chapter 30, Conduct in Public Parks, Section 13 (c) Dog Waste in Parks, by
adding Malley Farm Recreational Area Softball/Baseball Field

This Ordinance shall take effect upon its passage.

Authorization

Sponsored by Councilors:

Jonathan McCallion
Kenneth S. Vincent
Martin Pepin

Approved:

City Attorney

City of Somersworth – Ordinance 13-18

History

First Read Date:	06/04/2018	Tabled:	
Public Hearing:	06/18/2018	Removed From Table:	
Second Read:			

Action


Councilor _____ moved for adoption, seconded by Councilor _____.

Discussion

Will remain in first read until the June 18, 2018 City Council Meeting.
Public Hearing scheduled for June 18, 2018

Voting Record		YES	NO
Ward 1 Councilor	Pepin		
Ward 2 Councilor	Vincent		
Ward 3 Councilor	Dumont		
Ward 4 Councilor	McCallion *		
Ward 5 Councilor	Michaud		
At Large Councilor	Witham		
At Large Councilor	Sprague		
At Large Councilor	Cameron		
At Large Councilor	Levasseur		
TOTAL VOTES:			
On / / . Ordinance 13-18		PASSED	FAILED

Resolutions:

	City of Somersworth – Resolution
	<p>Resolution No: 37-18</p> <p>TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A PROJECT AGREEMENT WITH THE NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION AND TO ACCEPT A CONGESTION MITIGATION AND AIR QUALITY (CMAQ) IMPROVEMENT PROGRAM GRANT AWARD</p>

June 4, 2018

WHEREAS, the City of Somersworth has received notification of a Congestion Mitigation and Air Quality (CMAQ) Improvement Program Grant Award for the City in the amount of \$698,750 (Six Hundred Ninety-Eight, seven Hundred and Fifty Dollars), and

WHEREAS, the New Hampshire Department of Transportation had awarded the City a grant of \$559,000. (Five Hundred and Fifty-Nine Thousand Dollars), towards this project, such amount being 80% of the project's costs, and

WHEREAS, the City will be responsible for the remaining 20% of the project's costs, such amount being \$139,750. (One Hundred Thirty-Nine Thousand Seven Hundred and Fifty Dollars), and

WHEREAS, the Grant funds and City funds will be used to complete project activities to include a signal system optimization of the High Street Corridor in order to improve traffic flow and streamline intersections as well as provide for pedestrian improvements that provide a reduction in single-occupant vehicle travel, and

WHEREAS, the City Council voted on October 2, 2017 to commit its support for this CMAQ Grant Project;

NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute any documents and agreements necessary for the grant's acceptance and execution, and take any and all other such actions relative to this grant project's completion determined to be in the best interest of the City.

Authorization	
<p><i>Sponsored by Councilors:</i></p> <p>David A. Witham Dale R. Sprague Martin Pepin Martin P. Dumont Sr.</p>	<p><i>Approved:</i></p> <p>City Attorney</p>

City of Somersworth – Resolution 37-18

History

First Read Date:	06/04/2018	Tabled:	
Public Hearing:	NA	Removed From Table:	
Second Read:	06/04/2018		


Action

Councilor Sprague moved to suspend Council rules to allow for a second read, seconded by Councilor Witham. All in favor.

Councilor Sprague moved for adoption, seconded by Councilor Levasseur.

Discussion

Voting Record		YES	NO
Ward 1 Councilor	Pepin	X	
Ward 2 Councilor	Vincent	X	
Ward 3 Councilor	Dumont	X	
Ward 4 Councilor	McCallion	X	
Ward 5 Councilor	Michaud	X	
At Large Councilor	Witham *	X	
At Large Councilor	Sprague	X	
At Large Councilor	Cameron	X	
At Large Councilor	Levasseur	X	
TOTAL VOTES:		9	
On 06/04/2018. Resolution 37-18 PASSED			

	City of Somersworth – Resolution
	Resolution No: 38-18 NAMING WHIPPOORWILL WAY, SANDLOT LANE AND ASSIGNING ADDRESSES IF REQUIRED

June 4, 2018

Be it Resolved by the City Council of the City of Somersworth that the following roadways be named and addresses assigned, if required;

<u>NAME</u>	<u>REASONS/EXPLANATIONS</u>
“Whippoorwill Way”	1) Names requested by Developer
“Sandlot Lane”	2) Approved by E-911 Street Name and Address Committee on May 22 nd , 2018
	3) This development is on lower Rocky Hill Road, with a previous address of 138 Rocky Hill Road. The main road of the development to be Whippoorwill Way, with Sandlot Lane being the first right hand turn off of Whippoorwill Way

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT this action is in accordance with RSA 231:133; RSA 231:133-a; RSA 106-H; State of NH, Department of Safety, Division of Emergency Communications Addressing Standards, and Chapter 19, Section 23, City of Somersworth Ordinances; and that this action does not constitute “acceptance” of the above named roadways by the City of Somersworth City Council.

Authorization	
<i>Sponsored by Councilor:</i> Martin Pepin	<i>Approved:</i> City Attorney

City of Somersworth – Resolution 38-18

History

First Read Date:	06/04/2018	Tabled:	
Public Hearing:	N/A	Removed From Table:	
Second Read:	06/04/2018		

Action

Councilor Pepin moved to suspend Council rules to allow for a second reading, seconded by Councilor McCallion. All in favor.

Councilor Pepin moved for adoption, seconded by Councilor Levasseur.

Discussion

Councilor Pepin stated that there is already an existing house and in the process of being sold, we would like this passed tonight.

Voting Record			YES	NO
Ward 1 Councilor	Pepin	*	X	
Ward 2 Councilor	Vincent		X	
Ward 3 Councilor	Dumont		X	
Ward 4 Councilor	McCallion		X	
Ward 5 Councilor	Michaud		X	
At Large Councilor	Witham		X	
At Large Councilor	Sprague		X	
At Large Councilor	Cameron		X	
At Large Councilor	Levasseur		X	
TOTAL VOTES:			9	
On 06/04/2018. Resolution 38-18			PASSED	

OTHER

Vote To Ratify Tentative 1-Year Agreement with Somersworth Educational Support Personnel Association (Maintenance and Custodial) and the Somersworth School District

Councilor Witham made a motion to table, seconded by Councilor Vincent. No's have it. Motion to table was defeated.

Councilor Witham stated that with an impact to the school budget of around \$20,000, he was hoping to have a better picture of the current FY budget at the next meeting before he authorized spending \$20,000 on an already tight budget.

Councilor McCallion stated he heard that this has a timeline tonight. That these things happen, we are voting on contracts all the time. He thought the school was clear on what they were trying to achieve.

Councilor Dumont stated that this has already been budgeted in the FY19 budget.

Councilor Witham stated that the way he looked at it was that in the FY2019 budget it would be a \$21,000 less of a supplemental appropriation they would have to request.

The vote to ratify a tentative 1-year agreement with Somersworth Educational Support Personnel Association (Maintenance and Custodial) and the Somersworth School District passed, with a vote of 7-2. Councilors Vincent and Witham voted no.

COMMENTS BY VISITORS

Gerri Cannon, of 113 Indigo Hill Rd Ward 5, she is a member of the School Board. Here to thank the City for raising the Rainbow Flag. It has helped her and other people in this Community. Anyone that has driven by her home has seen the American Flag and the Rainbow Flag flown proudly. It is important for her to acknowledge diversity in this Community we still have a long way to go. When she first moved into the Community she found it a very welcoming Community. Just a week and a half ago she was in her driveway discussing the remodel of her front porch when a black truck drove by her house with an American Flag on, it slowed down and yelled out "faggot"; that hurts. This Community has a long way to go. It is going to be education that we are all equal and we are all to be treated with respect.

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Levasseur thanked his fellow Councilors with their commitment to the environment today, we voted to move forward with NHSolar Garden Blackwater superfund site. We also voted for the CMAQ Grant he appreciates the efforts of trying to being an environmentally sustainable Community.

Councilor Cameron congratulated the boy's baseball team and wished them good luck tomorrow night. It is with great sadness that Pastor Mark Rideout is retiring from her church, but he will still reside in Somersworth. He will leave a big hole in our hearts at First Parish Church.

Councilor Sprague offered his apologies to the resident for what was said to her. Hopefully, it doesn't reflect the whole City. Secondly, he offered his condolences to Brian Tapscott's family

and friends. He served with him for a few years on this Council and also on the Strafford County Regional Planning Commission. He had commitments to the City and did a fine job and was very conservative and he appreciated that.

Councilor Witham stated to the Family of Brian Tapscott, for many, many years Brian sat in his current seat and I sat next to him and he was juxtaposition and guided him through the City functions and Government. He also hopes the boys play baseball tomorrow night; his schedule is quite full with a son as a senior in high school. Every now and again he likes to jump on the property maintenance band wagon. Hilltop School needs to be mowed and the old AMR building on High St also needs to be mowed. This property has been occupied for some time now and not sure what the business is, but they have a number of vans parked in an unapproved lot. The City Manager and he have communicated about this issue and also to the owner that is there. Since it has been communicated they park more vans there, apparently they received the wrong message. Properties with tall grass need to be addressed by the code enforcement officer. On a real serious note the property that was subject to police activity on Green St, continues to be problematic. Structure is apparently still occupied by a number of folks; the number of trash on the property has hit a record high. The neighbors are frustrated and he is also frustrated. He doesn't know what actions the City needs to take or the Departments that need to be involved, but he suggested the departments of Code Enforcement, Fire and Police need to be involved; the property needs to be shut down! The City needs to take over the property, if we need to involve armored police to remove the occupants. He would like a report from City Manager's office within a week.

Councilor Michaud sends his condolences to Brian Tapscott and his family. Thanked the residents who congratulated him, he surprised that many people knew him. Sorry to resident Gerri about what occurred at her home.

Councilor McCallion also sends his condolences to Councilor Tapscott's and his family. He served on Council with him for many years, and served on a lot of Committees together. A story that he remembers is when we got roped into some volunteering; we would be there early morning along with Councilor Pepin. He would always bring his truck; he got into his truck with dirty shoes and apologized for his dirty shoes. He asked if he just got the truck and Councilor Tapscott said he got it in 2006. Councilor McCallion was amazed at how clean the truck was. He was meticulous and a good person to work with. He was on the Council for 30 years, so he must have done something right. To switch gears, by the time we come back to Council we will have a graduating class, the Children's Festival, the Hilltop Hustle, the Food Truck festival, the night before fireworks this City is going to be hopping for the next two weeks. Last year, he was beaming the whole weekend and volunteering. This year will be more special because he has a senior graduating.

Councilor Dumont extends his condolences to Brian Tapscott's family. The funeral is Wednesday in Barrington almost at the intersection of Route 4 and Route 9 at 1:00. The property maintenance regarding Green St Property has also been reached out to him, he agrees with Councilor Witham. Enough is enough; the place is an eye sore. He received a call from someone asking him a question but he couldn't answer the question for him, code enforcement cited the caller for property maintenance code to reply to and correct and he did. His question was when he can expect his sidewalks and streets to be taken care of; it's been a number of years since they

have got any attention. Then he stated I assume my tax assessment will go up because of the property maintenance I fixed. Councilor Dumont did not have an answer for him and he is not sure what happens. American Ambulance is a great addition to this Community and Community member, hats off to Paul Robidas. Service Credit Union celebrated their 10th year anniversary as a Credit Union in Somersworth; we put their flag up at Citizens Park. Service Credit Union has kept on with tradition in participating in the Community. Memorial Day parade was wonderful, Veterans are unique people and they stand together. He is disappointed in one of the School Board Members for reading a letter on TV that wasn't signed by anybody. If you have a hot dog wagon and you want to come somewhere to sell hot dogs, come to the City Hall he has been asked numerous times where to buy a hot dog.

Councilor Vincent said Brian Tapscott cared a lot about people. He heard this saying "You can't judge a person today by who they are, but you have to judge them by what they have accomplished in their life" and that guy accomplished a lot. He sent his condolences to Brian Tapscott's family. Resolution 46-09, he was torn he wasn't going to vote for that but he decided to vote upon it because he is hoping another Resolution is introduced for this money for the school. Maybe an idea would be to drop the word disability and just have a contingency fund for the school.

Councilor Pepin apologized to Gerri for having to put up with anything like that. It floors him the way people talk and treat other people in this day and age; they're missing out on the real thing. The real people are the people who support different people no matter what your color, race or religion. He always looks at it this way treat people the way you want to be treated, if we all did that we'd be in a better world today. Brian Tapscott, his sympathies go out to his family. He helped me so much when I got on this Council. He was always a heck of a worker. With the Children's Festival he's been there and we worked together on that. The only thing he can say is he will be thinking about him while we're setting up for the Children's Festival. Anyone that wants to help volunteer we sure could use the help.

FUTURE AGENDA ITEMS

NONPUBLIC SESSION

ADJOURNMENT

Councilor Michaud, seconded by Councilor Vincent, made a motion to adjourn. Motion passed 8-1. Councilor Sprague opposed. The meeting adjourned at 9:34 pm.

Kelly Gagne, Deputy City Clerk

Dana Hilliard, Mayor