

MINUTES OF CITY COUNCIL MEETING

Somersworth, NH
November 7, 2016
7:00 P.M.

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

MINUTES OF THE PREVIOUS MEETING.

Minutes of the WORKSHOP - National Register of Historic Places Application Presentation from Lisa Mausolf, for the Forest Glade Cemetery

Councilor Pepin, seconded by Councilor Dumont, made a motion to accept the minutes. The motion passed unanimously.

Minutes of the PUBLIC HEARING for Community Development Block Grant (CDBG)

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

Minutes of the PUBLIC HEARING Ordinance No. 3-17 Amending Chapter 13 Police Offenses

Councilor Witham, seconded by Councilor McCallion, made a motion to accept the minutes. The motion passed 6-1, with Councilor Sprague abstaining.

Minutes for CITY COUNCIL MEETING held on October 17, 2016

Councilor Witham, seconded by Councilor Pepin, made a motion to accept the minutes. The motion passed 6-1, with Councilor Paradis Abstaining.

COMMENTS BY VISITORS

Dave Francoeur, of 48 Blue Heron Drive in Somersworth said that he paid his taxes yesterday and it was nice to see the taxes didn't increase. He thanked the Council. He also said he was there to answer any questions regarding open the street for the water main at 472 High Street.

MAYOR'S REPORT

Mayor Hilliard was out of town. Deputy Mayor Jennifer Soldati reported that the Mayor's Community Forum will take place Saturday, November 19th 9am – 10:30am. Attending the forum will be the ward 2 City Councilor, Jennifer Soldati and the Ward 2 School Board Representative, Dana Rivers.

REPORTS OF STANDING COMMITTEES

Economic Development Councilor McCallion reported that the committee met on Oct 29th. They discussed the assessment of the former police station. They want to get it back on the tax roll, want to make sure that it plays a roll in the downtown. Jean Gill from the SEDC was at the meeting. Councilor McCallion wants clarification as to when the SEDC changed from Somersworth Industrial Development to SEDC. The committee discussed Microbusiness and Micro Flats. They are looking at the whole picture, a bigger talk with other communities and looking into Form Based Codes.

Finance Committee - Councilor Witham said the committee met on Oct 26th. They discussed the sewer connection fee for the Hilltop laundry mat, which is moving from Washington Street to the Somersworth Plaza. The sewer connection fee was calculated at just over \$100,000. They are looking to revise the sewer ordinance. There was lengthy discussion. The committee felt there was no additional impact for the laundry mat to move. The committee voted to waive the connection in its entirety, with conditions associated with that. If there were additional machines they would pay the difference.

Government Operations – Councilor Soldati reported that the committee met on Nov 2, no public matters, into nonpublic session with the City Manager. It was a very productive meeting.

Public Works & Environment - The committee met on Oct 26. The meeting was a formality to go over the solar project, to move it on to council.

10. REPORTS OF SPECIAL COMMITTEES, CITY OFFICERS AND CITY MANAGER

Cultural Commission – Councilor Dumont said they continue to talk about the trip to Thedford Mines. They are also discussing the Cultural meals at the technical center. This will be part of their actual curriculum for this activity to take place. Flags and banners are still a discussion. In the Christmas Parade, there will be 5 flags. There is also an Ethnic cookbook which has been revitalized.

Historic District Commission met on Oct 26. An applicant came before the board; a multi family property on Grove Street. Didn't know I needed a permit. It was a life safety issue and had to get to work on it right away. The HDC put conditions of a timeline, the use of pressure treated lumber. This is the forth case of contractors saying they didn't know they needed a permit.

COAST Bus. Councilor Pepin said the City needs to look at the level of support. Looking forward to meeting with the board and better supporting the Coast bus system.

E911 met on Oct 18th. Old golf course is turning into housing. The committee approved the naming of the streets. Sunningdale Drive, Firefly circle. Then in Regan Estates, the old Jack & Jill, the committee approved the naming of streets. There are Resolutions tonight for first readings. Discussed Colonial Village.

School Board met on Oct 25. Nothing to report.

COAST Bus – Councilor Dumont said they met on October 26th in Dover. They discussed Portsmouth Shipyard and analysis for the future. Reconstruction of the Whittier Street Bridge in Dover effects 2 stops in that area. One happens to be Dover Housing. There are some options that they are looking into.

Site Development Committee - met on Oct 22. The contractor of the Sunningdale property attended the meeting to discuss how to help the board.

Councilor Sprague asked about the upgrades as promised in Millennial Park. If the developer does not complete the project, Councilor Sprague said he has problems with approving future Certificates of Occupancy. The construction entrance should be taken care of and cleaned.

Councilor Pepin said let's not take that out on the people who live there. We are governed under laws to name the streets.

Sustainability Committee - Met on Oct 20. They met with the State Forester. They are looking into reviving our community as a Tree City USA, which also involves money. There are a couple members of the public who would like to join the committee.

City Manager's 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, November 4, 2016

**SUBJECT: City Manager's Report for Monday, November 7, 2016
City Council Agenda**

***6:15pm: Workshop – FERC License Renewal and Information on the Sale
of the Hydroelectric Plant by the Present Operators.***

*Attached are materials that will be presented by Enel Green Power North
America.*

*6:45pm: Public Hearing of Ordinance No. 4-17 Supplemental
Appropriation for Engineering Service for Improvements at the
Somersworth Wastewater Treatment Facility.*

Unfinished Business (under Section 13 of Agenda)

Ordinances

- A. Ordinance No. 4-17 Supplemental Appropriation for Engineering Services for Improvements at the Somersworth Wastewater Treatment Facility.** Again, the Public Works & Environment Committee and Finance Committee voted to support the project as proposed as well as the funding source. Approval will also require a 2/3rd's majority vote of City Council.

Resolutions

- A. Resolution No. 19-17 To Authorize the City Manager to Contract with Wright Pierce Engineers of Portsmouth, N. H. for Engineering Services at the Somersworth Wastewater Treatment Facility.** Again, both the Public Works & Environment Committee and Finance Committee voted to support this Resolution.

New Business (under Section 14 of Agenda)

Resolutions

- A. Resolution No. 20-17 Authorize the Somersworth Housing Authority to Sell Property Located at 35 Bartlett Avenue to the Somersworth Early Learning Center.** The Finance Committee met on October 13th to discuss this potential sale. The Committee voted to endorse the sale contingent on a payment in lieu of taxes (PILOT) being maintained and the client base serving low and moderate income families keeping the operation in line with the original State Grant requirements. Attached is a copy of the proposed Purchase & Sales Agreement. Please note "Section 3-Covenant", which addresses these issues.
- B. Resolution No. 21-17 To Authorize the City Manager to Execute a Letter of Intent with NH Solar Garden of Portsmouth, NH to Develop a Solar Project Pursuant to RSA 362-A on the Somersworth Sanitary Landfill on Blackwater Road.** The Finance Committee met on October 13th and Public Works & Environment met on October 26th to discuss this proposal. The Committee members requested the City Manager to continue negotiations with the developer. Attached is a copy of the developer's proposed "Letter of Intent". As you will read this Agreement does not bind the City to any final build or contract terms.

C. Resolution No. 22-17 Naming Sunningdale Drive, Firefly Circle and Assigning Addresses, if Required. The E911 Committee met on October 18th and approved these Street Names in both Resolutions No. 22-17 & No. 23-17. Attached are copies of maps depicting the Streets on both of these Resolutions. Please note that these Resolutions ONLY designate Street Names and they DO NOT authorize acceptance as a City maintained road.

D. Resolution No. 23-17 Naming Bears Way, Wolfs Lane and Dudley Court at Regan Estates, Route 108 and Assigning Addresses, if Required. See above.

Other

A. Request to Waive Excavation Moratorium Period for a Water Service Improvement to 472 High Street (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.

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

A. Informational Items

1. **Tax Rate.** The Department of Revenue Administration has set the City's 2016 Tax Rate at \$32.12. This is a decrease of (\$.13) over last year's rate of \$32.25. Attach is a copy of the total City Tax Rate breakdown: City, School and County.
2. **New City Utility Bills.** I have provided a "*draft*" copy of the new City Utility Bill (water/sewer). Perhaps of particular note is the graph that tracks customers' monthly usage, which should be of interest to our Community members.
3. **Phase II Brownfields/Former Police Station Site.** I am pleased to report that Phase II environmental assessment will be completed under the Strafford Regional Planning Commission (SRPC) regional Brownfield's Grant funding.

B. Attachments:

1. City Attorney Certifications Four (4).
2. Department Head Monthly Reports.

NOMINATIONS, APPOINTMENTS AND ELECTIONS

Mayoral Nominations – For Council confirmation vote.

Mayoral Nominations – Council Confirmation Vote
Historic District Commission

Laura Barry, Term to expire April 2018

(Alternate to Member, to complete term of Albert Merotta)

Councilor Dumont, seconded by Councilor Witham, made a motion to accept the nomination of Laura Barry as a Member of the HDC. The motion passed unanimously.

Jenna Higgins, Term to expire October 2019

(Alternate to Member)

Councilor Dumont, seconded by Councilor Cameron, made a motion to accept the nomination of Jenna Higgins as a Member of the HDC. The motion passed unanimously.

Councilor Dumont said it has been an honor and privilege to have these people on the HDC. They both have background in Historic Property Education. These are wonderful appointments.

Zoning Board of Adjustment

John Kennedy, Term to Expire October 2019

(Alternate to Member)

Councilor Dumont made a motion to accept the nomination. With there being no second, the motion failed.

UNFINISHED BUSINESS

Ordinances

Ordinance No. 4-17 Supplemental Appropriation for Engineering Services for Improvements at the Somersworth Wastewater Treatment Facility.

Councilor Witham, Seconded by Councilor McCallion, made a motion to adopt Ordinance 4-17. Motion was approved unanimously.

Resolutions

Resolution No. 19-17 To Authorize the City Manager to Contract with Wright-Pierce Engineers of Portsmouth, N.H. for Engineering Services at the Somersworth Wastewater Treatment Facility.

Councilor Witham, Seconded by Councilor McCallion, made a motion to adopt Resolution 19-17. Motion was approved unanimously.

NEW BUSINESS

Resolutions

RESOLUTION NO. 20-17 AUTHORIZE THE SOMERSWORTH HOUSING AUTHORITY TO SELL PROPERTY LOCATED AT 35 BARTLETT AVENUE TO THE SOMERSWORTH EARLY LEARNING CENTER.

Somersworth, NH
November 7, 2016

WHEREAS, The City of Somersworth, as “Grantee”, and the Somersworth Housing Authority (SHA), as “Sub-recipient”, entered into an agreement with the Community Development Finance Authority for a grant to expand the facility at 35 Bartlett Ave. used by the Somersworth Early Learning Center (SELC), and

WHEREAS, on January 1, 2014 the SELC separated from the SHA and established their own non-profit status, and has now entered into an purchase and sales agreement with the SHA for this property, and

WHEREAS, pursuant to the CDFA grant agreement, the SHA as a sub-recipient must seek approval from the City of Somersworth to enter into this purchase and sale agreement, and

WHEREAS, the City Council believes any sale must be subject to the creation of an agreement to make a payment in lieu of taxes (PILOT), and the deed be amended to stipulate that the facility retain the requirement to provide child care services to low and moderate income households,

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the Somersworth Housing Authority is authorized to sell the facility at 35 Bartlett Ave. to the Somersworth Early Learning Center, subject to the requirement that the purchase and sales agreement provide the covenants that the buyer make a payment in lieu of taxes to the City of Somersworth and the property shall continue to be used as a child care facility to be made available to low and moderate income households.

Sponsored by Councilors
David A. Witham
Martin Pepin
Martin P. Dumont, Sr.

Approved:
City Attorney

Resolution 20-17 will remain in first read until the December 5, 2016 City Council Meeting.

RESOLUTION NO. 21-17 TO AUTHORIZE THE CITY MANAGER TO EXECUTE A LETTER OF INTENT WITH NH SOLAR GARDEN OF PORTSMOUTH, NH TO DEVELOP A SOLAR PROJECT PURSUANT TO RSA 362-A ON THE SOMERSWORTH SANITARY LANDFILL ON BLACKWATER ROAD.

Somersworth, NH
November 7, 2016

WHEREAS, the City of Somersworth solicited proposals from qualified companies to design, engineer, install, monitor, evaluate, maintain, finance and decommission community solar projects pursuant to the New Hampshire Group Net Metering statute, RSA 362-A and locate them on the closed sanitary landfill site on Blackwater Road, and

WHEREAS, the request for proposal required qualified companies to build the most economical, cost beneficial system that will maximize the power generating capacity of the site and provide the highest and best economic benefit to the City of Somersworth, and

WHEREAS, one proposal was submitted by NH Solar Garden and city staff has reviewed the proposal and interviewed this company, and

WHEREAS, the Finance Committee and the Public Works and Environment Committee of the City Council reviewed the proposal with staff and recommends executing the letter of intent with NH Solar Garden,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to execute a letter of intent with NH Solar Garden of Portsmouth, NH to develop solar projects pursuant to RSA 362-A on the Somersworth Sanitary Landfill on Blackwater Road and take any and all other such actions relative to this letter of intent determined to be in the best interest of the City.

Sponsored by Councilors:

David A. Witham
Dale R. Sprague
Martin Pepin
Martin P. Dumont, Sr.
Jennifer G. Soldati

Approved:

City Attorney

Resolution 21-17 will remain in first read until the December 5, 2016 City Council Meeting.

Councilor Witham, Seconded by Councilor Pepin, made a motion to suspend council rules to have Resolution 22-17 read by title only. The motion carried, 8-1.

**RESOLUTION NO. 22-17 NAMING SUNNINGDALE DRIVE, FIREFLY CIRCLE
AND ASSIGNING ADDRESSES, IF REQUIRED**

Somersworth, NH
November 7, 2016

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>
“Sunningdale Drive”	Names for these proposed roadways in the Sunningdale Development Project. Sunningdale Drive beginning off of Stackpole Road and ending on Green Street, and Firefly Circle being the first right off Sunningdale Drive from Stackpole Road. These are private ways. E911/Street Name & Address Committee approved these names at their October 18, 2016 meeting.
“Firefly Circle”	

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.

Sponsored by Councilor

Martin Pepin

Approved:

City Attorney

Resolution 22-17 will remain in first read until the December 5, 2016 City Council Meeting.

Councilor Witham, Seconded by Councilor McCallion, made a motion to suspend council rules to have Resolution 23-17 read by title only. The motion carried, 8-1.

RESOLUTION NO. 23-17 NAMING BEARS WAY, WOLFS LANE AND DUDLEY COURT AT REGAN ESTATES, ROUTE 108 AND ASSIGNING ADDRESSES, IF REQUIRED

Somersworth, NH
November 7, 2016

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>
“Bears Way”	Names for these proposed roadways for a private mobile home park, Regan Estates located off of Route 108 across from Midway Buick, with homes bordering Route 108 (Bears Way), homes within an inner Courtyard area (Dudley Court), and homes along a north facing drive (Wolfs Lane). These are private ways. E911/Street Name & Address Committee approved these names at their October 18, 2016 meeting.
“Wolfs Lane”	
“Dudley Court”	

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.

Sponsored by Councilor

Martin Pepin

Approved:

City Attorney

Resolution 22-17 will remain in first read until the December 5, 2016 City Council Meeting.

OTHER

Request to Waive Excavation Moratorium Period for a Water Service Improvement to 472 High Street (City Ordinance Ch. 12 Streets & Sidewalks).

Councilor Witham, seconded by Councilor Pepin, made a motion to waive council rules to allow Director Bobinsky to approach to address this issue.

Director Bobinsky said this stretch of High Street was overlayed in the fall of 2014. Anytime a street is reconstructed or rehabbed in anyway, there is a 5 year moratorium from digging or breaking into the pavement. There are exceptions; an emergency or if council were to waive the rules. The owner of 472 High Street responded to the city's call, to updated the service. There is a 2" stub in the street; however that is not large enough to provide the pressure that is needed for the fire suppression system.

The owner was presented an alternative; run a line by Tara Fields, about 800' of waterline would need to be run to connect to the 4" waterline. Whereas, 12' of water pipe would be required to connect from the middle of High Street.

There needs to be conditions, there will be 2 openings, and a process. The other aspect includes other fees and liability insurance. A traffic control plan will be required.

There was discussion about what type of bond would be required There was also discussion about the pavement line striping that was originally used was a higher quality and higher level of asphalt and a seamless application. They will need to follow the same spec. A sidewalk and section of curbing will also need to be replaced.

There was discussion about the cost of the road. Can they make a smaller cut in the center of the road. There has to be a better way.

The water line is in the center of the lane. McCallion said he couldn't support it. He'd be likely to meet in the middle going another way.

Councilor Sprague said letters were sent before we started the project. This person was asking about sewer upgrades. There are 1" and 2" lines for that property. Who made the call that 2" was sufficient. We put in a 6" stub for the police station.

The cost is about \$80,000 to go down the side of Tri City Road and tap into the 4" line.

Councilor Pepin said it irritates him that we try hard to repair this road; it has been a problem road for a long time, and now we have repaired it, somebody wants to cut into it. Holes are never the same, no matter how hard you try to repair it and compact it.

Councilor McCallion said he can't believe we are having this conversation. We care about that whole corridor, went through months of people complaining. He feels for the applicant, they are part of the community. We recently worked with them with the relief on the sewer. He can't support it.

Councilor Witham said the hot top plants are closed and we don't meet again until mid December. If we say no, it will force their hand of going down Tri City Road. The City can't share the cost, its illegal

City Manager Belmore said, if the council moves forward, they would have to adhere to the November 15th deadline for trench permits. The work must be completed by November 15th. The other option is to go down the side of tri city road. Goes into our 8" line. This does not cut into the hot top, just driveways. Probably more expensive, but that is the other option. We have helped relieve them monetarily already.

The estimated cost to cut into High Street is right at \$28,000. The property owner said the fire suppression system would be suffice with the 2" stub, originally, now need the 4"

Councilor McCallion said if there is any other option, he'd rather see that done.

Councilor Dumont said we have come to a point with this project after all of the hurdles. There has never been a solid plan for this project, because there was always one more thing. It's not our money, its their money, but that doesn't alleviate the concern. We are discussing a life safety issue at the end of a project. We are talking about disturbing the pavement on the best road in town. Will this entity provide more benefit to the community than that small piece of pavement? He aches for people in our community... He supports it.

Councilor Witham suggested a roll call vote to waive moratorium with the following conditions: The conditions will be that the excavation be done in accordance with the memo from Director of Public Works, a performance bond of \$100,000 available to the City for a period of 5 years, a traffic control plan to the satisfaction of the City, and excavation needs to be complete by the November 15th deadline.

Councilor Witham, seconded by Councilor Dumont, made a motion to waive the moratorium. Motion did not carry, vote 5-4.

CLOSING COMMENTS BY COUNCIL MEMBERS

Councilor Cameron asked that everyone get out and vote.

Councilor Sprague said he wants to look into the Sunningdale property and Millennium Park. The developer said that it would be taken care of. He would like to not allow anymore Cos until they complete their part of the agreement. Go vote.

Councilor Witham said in regards to Sunningdale, he is one of the more patient councilors, and not a thing has been done with the conditions of the planning; draining improvements, sidewalk from Stackpole Road. Swingset was supposed to be involved at the Millennium Park. The Developer put in a guardrail system that wasn't improved. We have played very nice; this is drawn out way too long. The city received a complaint from an abutter about the construction entrance. There is gravel that is being kicked out onto Green Street. The Planning Board has approved a number of projects, issuance of temporary COs, and zero work has been done at the pedestrian walkway.

Councilor Witham also mentioned that there is an annual fee is paid for the street lights throughout the city. There are 3-4 dozen streets that do not work. We need to generate a list of lights that are out and give them to Eversource.

Councilor Messier thanked the building owner across the street on High Street, who took care of maintenance issues. He is sad to see that we aren't going to do anything with the old police station. There are ragged trees and a light is out by the Ward 5 polling place.

Councilor McCallion said everyone should vote tomorrow. He said he would like someone to look into the plans for Indigo Hill Road. The natural flow of water may be a problem if we put the sidewalk where it is intended in the plans.

Councilor Dumont said he agrees with the other Councilors' concerns with Sunningdale. He was happy with the update on the new Dairy Queen going in at Tri City Plaza. He encouraged all to Get out and vote. He reminded everyone that Friday Night, November 11th, is the annual Veterans Ceremony at the VFW at 7:00pm.

He said he doesn't know how a contractor is unable to understand the permitting process. The standard answer is "I didn't know that I needed a permit." Need to check with a governing body about the requirements to do work in a community. Need to look at licensed contractors in the City of Somersworth. Permit fees are insignificant if you pull a permit. Some of these things are life safety issues. One case that came to the HDC, the neighbors are suffering a depreciation of value in the area. We are responsible for this and we need to put some teeth into our ordinance.

Councilor Pepin mentioned the work at Millennium Park was supposed to be done at the end of September. He thanked all of the volunteers who are manning the polls tomorrow. Enjoy your right to vote.

Councilor Soldati said the polls are open 7am-7pm. Call City Hall if you have questions and you can register to vote at the polls. Next council meeting is Dec 5th, so Happy Thanksgiving to all. Christmas Parade on Dec 3rd, with the town of Berwick.

ADJOURNMENT

Councilor Dumont, seconded by Councilor Cameron, made a motion to adjourn. The meeting adjourned at 8:45 pm.

Trish Harris, City Clerk

Jennifer G. Soldati, Deputy Mayor