

MINUTES OF CITY COUNCIL MEETING

JANUARY 7, 2013

The meeting was called to order by His Honor, Mayor Spencer, and upon roll call, the following members were found present: Pepin, Soldati, Hebert, McCallion, Donohue, Tapscott, Witham, Jarvis and Sprague.

MINUTES OF PREVIOUS MEETINGS.

- Minutes of 10/01/12 Workshop for Review of Goals – Motion by Councilor Witham to approve as recorded. The motion was seconded by Councilor Pepin and passed by a vote of 8 yeas, 1 abstention, Councilor Sprague abstaining.
- Minutes of 10/15/12 Public Hearing on Ordinance No. 4-13, 10/15/12 Public Hearing on Resolution No. 12-13, and 10/15/12 City Council Meeting – Councilor Tapscott moved to approve these minutes as recorded. The motion was seconded by Councilor Witham and passed unanimously.
- Minutes of 11/13/12 Public Hearings on Resolution Numbers 18-13, 17-13, 19-13 and Ordinance No. 6-13 – Motion by Councilor Tapscott to approve these minutes as recorded. The motion was seconded by Councilor Pepin and passed unanimously.
- Minutes of 11/13/12 City Council Meeting – Motion by Councilor Pepin to accept these minutes as recorded. The motion was seconded by Councilor Tapscott and passed unanimously.
- Minutes of 12/03/12 Joint City Council/School Board Workshop- Councilor Tapscott moved to approve these minutes. The motion was seconded by Councilor Pepin and passed unanimously.
- Minutes of 12/10/12 City Council Meeting – Motion by Councilor Tapscott to approve these minutes as recorded. The motion was seconded by Councilor Soldati and passed by a vote of 8 yeas, 1 abstention, Councilor Sprague abstaining.

COMMENTS BY VISITORS.

Real Roseberry, Ward 1, wished the City Council and all the people of Somersworth a happy New Year. Regarding the implementation date of the tax cap, he said he called people in Concord. They congratulated him and the voters of Somersworth for voting in the tax cap. They do not understand the implementation date. The people voted to get it implemented as soon as possible, like Rochester and Dover did. He was told the tax cap should have been effective the day after the election.

Mr. Roseberry said he watched a School Board Workshop over the weekend and they said the City is delaying the tax cap for a year. He was told the City should give him an answer on why they are waiting so long. He wants to know what is going on with the tax cap.

COMMUNICATIONS.

SUSTAINABILITY REPORT ON 2012 ACTIVITIES AND GOALS FOR 2013.

Liz Wilson, Chair of the Sustainability Committee, reported on the following 2012 activities:

- Through a grant awarded by Clean Air Cool Planet in February, 2012, the Committee established a recycling program in select public spaces. Two indoor recycling receptacles were installed in City Hall, and two outdoor receptacles were installed at the High School sports fields and/or the Noble Pines Park. The grant also provided funds for developing a traveling educational display containing information on waste reduction. The display board is currently in City Hall. In 2013, the Committee will work with the library and schools to periodically move the display board throughout the community.
- Community Garden – The Committee initiated a pilot garden project at Malley Farm where a community garden effort was made several years ago. The Malley Farm community garden was constructed in April, 2012 by the Committee and Somersworth residents with significant help from the Department of Public Works and local businesses, including Wentworth Greenhouses, Home Depot, and Commercial Maintenance and Landscape. This has proven to be a great spot for a community garden with access to water and visibility to the public from the adjacent compost area and ball fields. During the summer of 2012, 10 of 17 plots were occupied by gardeners, and all gardeners had access to a communal herb and tomato plot.
- Produce exchange – On September 9, 2012, the Committee hosted a community produce exchange. A handful of Somersworth residents as well as a few others from nearby communities came together to share gardening experiences, recipes, and produce. All leftover produce was donated to the Somersworth food pantry. It is the Committee's hope that the produce exchange will become an annual event.
- Buy Local Campaign – The Committee is beginning to work with Seacoast Local, an organization dedicated to educating the Seacoast about the community benefits of rooting more money locally to increase our region's economic, community and environmental strength. The City of Somersworth as well as the Greater Somersworth Chamber of Commerce are both now members of Seacoast Local. The first phase of the campaign was "Plaid Friday", a local alternative to Black Friday. Many businesses were in support and many saw a positive impact from increased local shopping on Plaid Friday. The Chamber sponsored a Night of Lights event that coincided with the Holiday Parade. Participating businesses displayed special lighting outside their shops, offered refreshments and special promotions, and remained open until 8:00 p.m. to encourage local shopping.
- Participation on Local Food Security Organization – A Committee member, Kyra Sawyer-Hartigan, has been working with other seacoast area individuals to establish Food Education Network (FEN), an organization dedicated to increasing

access to healthy, local and organic foods to low income communities with the overall goal of improving nutrition knowledge and cultivating cooking skills. Kyra Sawyer-Hartigan is working on a FEN local food guide publication that will serve as a resource to healthy local food. The FEN publication is due to be finalized by summer 2013.

Ms. Wilson reported on looking forward to 2013:

- In 2011 the Committee began developing a draft decision-making guidance document to assist City decision makers in implementing policies and procedures that employ sustainable practices. During 2013, the Committee will refine the document that is currently formatted as a user friendly checklist. The goal of this checklist is to assist the City in fulfilling the sustainability goals outlined in the 2010 Master Plan.
- Community Garden Board of Directors – The Committee is currently working to establish a community garden Board of Directors comprised of gardeners, Committee members, and other interested Somersworth residents. The Board will be responsible for managing garden memberships, seeking funding opportunities, maintaining the garden, and promoting educational opportunities.
- Enhanced Outreach – The Committee plans to further its sustainability education goal by coordinating workshops for the public, inviting guest speakers to the City, and hosting discussion groups.
- Grant Opportunities – The Committee continues to look for grant opportunities to fund the community garden as well as other projects. Currently the Committee is seeking grant opportunities to develop an edible landscape garden at the Library and provide material towards an edible landscaping/sustainable agriculture reading program at the Library.
- Solar Farm at the Former Municipal Landfill – Across the United States landfills are being looked at for possible reuse as solar “farms”, given their typically large size and exposure to sunlight. Dave Sharples performed a preliminary site evaluation of the former Somersworth Sanitary Landfill using a US EPA web-based tool to determine if the site exhibits the characteristics for solar energy generation. He has also spoken with an EPA representative about the site, and the EPA appears enthusiastic about a potential solar project and may have access to funding that could support a comprehensive feasibility study.
- Compost Bin Sale – For early 2013, the Committee is exploring the opportunity to purchase compost bins from the Northeast Resource Recovery Association at a discounted rate for sale to Somersworth residents at that same discounted rate. The goal is to promote composting by providing convenient, affordable access to bins for Somersworth residents.
- Participate in Seacoast Grow-A-Row – 5210 Steps Up is an initiative that began as a coalition of local organizations and health care advocates committed to promoting healthy choices in nutrition and physical activity known as Step It Up Seacoast (<http://www.5210.org>). Grow-A-Row is a 5210-sponsored program that encourages individual and community gardeners to plant and donate an extra row of produce for local food pantries and food relief organizations. One of the Committee’s 2013 goals is to promote the Grow-A-Row Program within the City.

Additionally, the Committee hopes to facilitate donations to food pantries by designating a weekly food drop-off location to make the giving experience convenient for Grow-A-Row participants.

- Website – The Committee has a designated section on the City’s website to post agendas, announcements and links to sustainability resources. During 2013, the Committee plans to enhance the functionality and use of the website.

Councilor Tapscott asked Ms. Wilson if they had any problems with wildlife at the Malley Farm gardens.

Ms. Wilson replied that they did. They encourage fencing, and will work with that.

Councilor Witham said he appreciates this summary from the Sustainability Committee. The Council gets regular updates from Councilor Soldati. It appears the Committee has been doing quite a lot of things and he encourages them to keep moving forward. He is excited about exploring a solar project at the old landfill site.

Ms. Wilson said there are some good demonstration projects in the northeast using landfills for solar. We would have a good model to follow.

LETTER FROM MICHELE SHELDON.

December 12, 2012

To all Somersworth HDC Members and Fellow Colleagues,

It has been an honor serving our City by being an alternate member of our Historic District Commission but, due to unforeseen circumstances, I must now step down from this position. Though I will continue to uphold our towns’ best interest in all regards, this change is effective immediately.

Respectfully,

Michele Sheldon

LETTER FROM DANIEL A. BISSON.

December 20, 2012

City of Somersworth
One Government Way
Somersworth, NH 03878

To: Historic District Commission

Attention: George Poulin, Chairman

Dear George and fellow Commissioners,

My spouse and I have accepted the sale of our home in Somersworth and we will be moving to a neighboring Town. This letter is to serve as official resignation from my current position as a Commissioner on the Historic District Commission. My last day will be December 28, 2012.

I have enjoyed my time on the Commission and have learned so much from all of you about how to work with and be compassionate with the public needs and concerns. I will cherish my memorable experiences on the Commission for years to come.

I am happy to assist in any way with the Commission or any of you in the future. I will leave my new phone number and email address with George if you wish to contact me.

I wish you and everyone the best and I hope to keep in touch.

Sincerely,

Dan Bisson

Councilor Witham remarked these are two resignations from the Historic District Commission. In his term on the HDC, there were few people on the Commission, and it was frequently a struggle to have quorums at meetings. One of the individuals who resigned was a mainstay at every meeting. This committee is in dire need of citizen participation. If someone is interested in participating on this Commission, there really is a need for some bodies on the Commission so that its important work can continue.

MAYOR'S REPORT.

Mayor Spencer reported the following activities:

- 12/11/12 – Attended the “volunteer” dinner formerly known as the “land use board dinner” at the Oaks.
- 12/12/12 – Attended the Somersworth Chamber of Commerce annual meeting at Frisbie Memorial Hospital.
- 12/13/12 – Attended the Community Action Program annual meeting at Frisbie Memorial Hospital.
- 12/14/12 – Appointed Lara Willard to the Somersworth Housing Authority Board of Commissioners.
- 12/15/12 – Presented awards to the gingerbread house winners at City Hall.
- 12/18/12 – Delivered several food and gift baskets with The Homemakers of Strafford County to several Somersworth residents.
- 12/18/12 – Attended Christmas Parade debriefing meeting. Next year's Christmas Parade will be on 12/14/12 at 3:00 p.m.
- 01/03/13 – Attended the Economic Development Committee meeting.

- 01/05/13 – Attended a ham and bean supper at the First Parish United Church of Christ Congregational Church on West High Street.
 - Two Rollinsford residents thanked the City Manager and Public Works Committee members for their efforts in allowing them to tie into the Somersworth water system.
 - They also stated they will be voting against moving Rollinsford students out of Somersworth schools.
- 01/07/13 – Attended the Skyhaven Airport Advisory Committee meeting.

The Mayor thanked the Public Works Department for their job plowing during our two snow storms. He also thanked the Fire Department for digging out the fire hydrants.

REPORTS OF STANDING COMMITTEES.

Councilor Jarvis indicated the Finance Committee will be meeting next week.

Councilor Witham said the Public Safety Committee will meet before the end of this month to discuss the contract with AMR.

Councilor Tapscott indicated the Government Operations Committee will be meeting on Friday, 1/11/13 at 4:00 p.m.

PUBLIC WORKS AND THE ENVIRONMENT COMMITTEE.

Councilor Sprague reported this Committee met on 12/21/12 to talk about the delamination on High Street. They talked to staff about causes, history, and remedies for the immediate future and what we will be doing next year. They voted to go out to bid to get some prices back on cold patch or hot patch.

ECONOMIC DEVELOPMENT COMMITTEE.

Councilor McCallion reported this Committee met on 12/14/12. They discussed the following items:

- Property Maintenance Code
- TIF District in the downtown. They have already set up an ERZ overlay district which could help businesses apply for grants and money through the State. They worked hard over the past couple of years to accomplish this. With this and improved infrastructure in the downtown, they think we are putting the right recipe together.
- Having the new Economic Development Director and a new Committee member helps them also. He asked Council members to take a look at the Somersworth Advantage newsletter Christine Davis put together. He thinks it is well written.

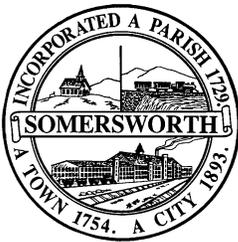
REPORTS OF SPECIAL COMMITTEES.

SCHOOL BOARD.

Councilor Pepin reported he attended a School Board Meeting on 12/11/12. They awarded the bids for the replacement of the windows at the High School. They had allotted \$420,736. They approved having the windows replaced at a cost of \$400,570. Granite State Glass will be doing the work during the summer months.

Councilor Pepin said he attended a School Board Budget Workshop on 12/13/12. They have a list of “out of control” items that they will be hit with in their budget such as retirement program, health insurance, and teachers contracts. These items come up to \$695,400. That is just the extra costs of running the school that they have no control over.

CITY MANAGER’S REPORT.



CITY OF SOMERSWORTH
Office of the City Manager

TO: Mayor Matthew Spencer and City Council Members

FROM: Robert M. Belmore, City Manager

DATE: Friday, January 4, 2013

SUBJECT: City Manager’s Report for Monday, January 7, 2013
City Council Agenda

New Business (under Section 13 of the Agenda):

Ordinances:

- A. Ordinance No. 8-13 Amend Chapter 24 Housing Code.** Please see attached Memorandum from Director of Planning & Community Development Dave Sharples. This action will bring our Code current with today’s building environment; it is sponsored by the Economic Development Committee. I recommend a Public Hearing be scheduled prior to the next regular Council meeting on Tuesday, January 22nd at 6:45 p.m.

Resolutions:

A. Resolution No. 22-13 Authorizing the City Manager to Sell Surplus City Property. City Attorney Mitchell has approved this Resolution's language. Any Purchase & Sale Agreement would be brought back to the City Council for review and approval. The Process would follow the format presented to the Council by Attorney Mitchell. This would include an independent appraisal and a sales listing. I have included copies of recent legal correspondence from City Attorney.

Other:

A. Superintendent Mosca "Security" Committee Formation - City Council Representative. Attached is a copy of an email from Superintendent Mosca regarding this Committee's composition and purpose. At her request I have agreed to sit on the Committee. I also anticipate other appropriate City staff joining the Committee.

B. Discussion of Monthly Utility Billing at the Request of Mayor Spencer:
I have included a memo from Finance Director Scott Smith regarding our E-Z Pay Program's success as well as additional information that was discussed at past meetings by Council Committees and by the full Council. As far as I know staff and I have not received any complaints for the better part of the prior year.

C. High Street Delamination Repairs: Attached is a copy of the bid repair proposal issued, due January 10, 2013. The Public Works Committee discussed this repair issue at their last meeting on December 21, 2012. I have attached some preliminary estimate information provided to the Committee from Public Works Director Tom Willis. Staff and I have reviewed the damage with contractors and also with HTA Engineer Bill Davidson to explore different repair options. If Council endorses a winter repair, the Public Works Committee and Finance Committee could approve the repair if a satisfactory bid is received under \$25,000, or it could be placed on the next Council meeting agenda or on a special Council meeting agenda. I have also attached an informational email with corresponding photos from the City Engineer, Joe Ducharme. He points out various items such as similar damage in other communities and the possibility of re-occurring delamination in this area after any winter repairs until a more appropriate and complete repair is done.

City Manager's Items (under section 9 of the Agenda)

A. Informational Items:

- 1. City Website and Economic Development E-Newsletter.** Attached is a copy of a draft electronic newsletter that Economic Development Manager Christine Davis has developed. She has also been working with our consultant in finalizing a launch date for the newly redesigned City website. I am told the new website will be launched this month barring any logistical delays in migrating data from the present website host, Govoffice.

2. **New Hampshire Department of Environment Services Public Hearing Re: a City of Dover Groundwater Permit Application.** A Public Hearing is scheduled for this Wednesday, January 9th, in the Council Chambers regarding Dover’s groundwater withdrawal permit for a well site adjacent to Willand Pond.
3. **Labor Union Negotiations.** I ask the Council to consider a private (non-meeting) session prior to the next regular meeting at 6:00 p.m. on January 22nd to discuss Labor Union Negotiations.

B. Attachments:

1. Copy of a DRAFT Electronic Newsletter from Economic Development Manager
2. Waste Management’s report on Recycling and Solid Waste results for 2012
3. City Manager correspondence regarding NHLGC Return of Surplus to the City
4. School Department FY 2014 Budget information from Councilor Pepin
5. Memorandum form Director Sharples regarding the Somersworth-Berwick Bridge Project – lighting component

Councilor Witham made a motion to schedule a public hearing on Ordinance No. 8-13 on January 22, 2013 at 6:45 p.m. The motion was seconded by Councilor Tapscott and passed unanimously.

NEW BUSINESS.

ORDINANCE NO. 8-13 AMEND CHAPTER 24 HOUSING CODE ORDINANCE.

Somersworth NH
January 7, 2013

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 24, Housing Code, by deleting it in its entirety, and replacing with the following Chapter 24, Property Maintenance Code:

CHAPTER 24 - Property Maintenance Code

24.A Property Maintenance Code

24.A.1 A certain document, two (2) copies of which are on file in the office of the City Clerk and/or The Development Services Office of the City of Somersworth, being marked and designated as “2009 International Property Maintenance Code”

as published by the International Code Council (ICC), is hereby adopted as the Property Maintenance Code of the City of Somersworth in the State of New Hampshire. For the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of said Property Maintenance Code are hereby referred to, adopted, and made part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions, and changes, if any.

24.A.2 The ICC's International Property Maintenance Code is amended and revised in the following respect:

Section 101.1 Insert: [City of Somersworth]
Section 103.5 Delete section
Section 112.4 Insert \$100 and \$1,000
Section 302.4 Insert [10 inches]
Section 304.14 Insert [May 1 to August 31]
Section 602.3 Insert [October 1 to June 1]
Section 602.3 Insert [October 1 to June 1]
Section 602.4 Insert [October 1 to June 1]

24.B Reserved

24.C Reserved

24.D Severability

24.D.1 Nothing in this Ordinance or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this Ordinance

This Ordinance shall be effective upon its passage.

Introduced by Councilors

Robin Jarvis
Jonathan McCallion
Coty Donohue

Approved

City Attorney

Following the first reading of Ordinance No. 8-13, it was referred to the next meeting.

Councilor Sprague indicated he would like to see what the differences are in this ordinance before it is voted on. He would like to see what the changes are.

Councilor Witham said he thinks it is good practice to have staff make brief presentations about ordinance changes.

The City Manager said he would get that together for the Council.

The City Manager indicated he would need to research something. Our building code indicates the property maintenance code should have a public hearing at the Planning Board level also. He will look into that prior to the next meeting.

RESOLUTION NO. 22-13 AUTHORIZING THE CITY MANAGER TO SELL SURPLUS CITY PROPERTY.

Somersworth, NH
January 7, 2013

WHEREAS, the City of Somersworth has acquired the following parcels of property through tax deed,

- 301 Green Street, Map 19 Block 1
- 31 Stackpole Road, Map 20 Block 5

and

WHEREAS, the properties were presented to City Boards to include the Conservation Commission and Planning Board to determine if any municipal need exists for the property; and

WHEREAS, after a review of the aforementioned there has been no determined municipal need for the property and it may be considered surplus,

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOMERSWORTH THAT the City Manager is authorized to sell these surplus city properties by any means determined to be in the best interest of the City.

Introduced by

Mayor Matthew Spencer
Councilor Jonathan McCallion

Approved:

City Attorney

Following the first reading of Resolution No. 22-13, it was referred to the next meeting.

OTHER.

SUPERINTENDENT MOSCA “SECURITY” COMMITTEE FORMATION – CITY COUNCIL REPRESENTATIVE.

Councilor Witham expressed an interest in serving on this Committee.

Councilor Pepin recommended the members of the Public Safety Committee be part of this Committee.

Councilor Soldati moved to recommend Councilor Witham as the Council representative on the Security Committee. The motion was seconded by Councilor Hebert and passed by a vote of 8 yeas, 1 abstention, Councilor Witham abstaining.

DISCUSSION OF MONTHLY UTILITY BILLING AT THE REQUEST OF MAYOR SPENCER.

Councilor Soldati said the water billing changed from quarterly to monthly before she was on the Council. She was opposed because she thought it would cost the City more money. She has not received any calls or communications about this from any person or any business. She has no evidence or reason to see why we should change. If any of her constituents have a problem with this, she asked that they let her know.

Councilor McCallion said the Finance Committee was going to put some data together regarding the monthly water billing. He has had one call about this matter. He is in favor of keeping it the way it is.

Councilor Pepin said he received two calls this week requesting that we go back to quarterly billing. It seems to be elderly people who are concerned about this because they have to come to pay it every month instead of quarterly. He was against monthly billing at first, now he has no problem with it.

Councilor Jarvis said this was sent to the Finance Committee previously and they came back with the recommendation of looking at it at a later date because they didn't have enough data at the time. She indicated the Finance Committee could review it again if the Council wants.

Councilor Witham said one person asked him how the monthly billing is working out. They said they did not like it at first, but have gotten used to it. They said it became less of a nuisance as time went by. With the EZ Pay option, it can be a straightforward process. Some people have said they like the monthly billing better. There will always be people on both sides of the equation. He is happy with it the way it is. He feels we have far bigger issues to worry about.

Councilor Tapscott said it is a matter of change. People sometimes do not like change, but have now gotten used to it. He was steadfast against it, and he would be happy if we

went back to quarterly billing. At the next meeting, he would like to see a collection of data showing exactly what the billing is costing us over a three month period as opposed to what it would cost to bill quarterly.

Councilor Sprague remarked that the Finance Committee will be looking at it next week. This process is good for leak detection. If you are a landlord and you have monthly water billing you will find out about a leak a lot quicker. That was one of the big reasons he was in favor of the monthly billing. Out of a population of 12,000 he has heard from five people.

HIGH STREET DELAMINATION REPAIRS.

Councilor Sprague said we have some delamination on a section of High Street. We did some patching there this summer. Winter weather will cause delamination much quicker than in the summertime. We need to get our road maintenance budget up in order to deal with this type of thing.

Councilor Sprague indicated that if we will be doing reconstruction on this section of High Street next year, there would be no point in patching it this year. It was determined that it would take three rounds of patching at the cost of \$17,000 each in order to fix it now.

Councilor Sprague feels we should wait until spring/summer and fix it correctly. We should acknowledge to residents that we do have a problem and it will be remedied in the near future.

Councilor Witham said this is a difficult position to be in. He has received more calls and communications on this issue than any other in the 3+ years he has been on the Council. There is no question that we need to do the correct fix this summer. This is based on rideability, safety, and City image. This is the main thoroughfare coming into and leaving our City. This has become a big issue and we need to tackle it. We have a very unsafe situation out there, caused by a perceived hazard in the roadway which causes people to swerve.

Councilor Witham said this could cost us around \$15,000 to patch this section of road once. He would like to hear from staff why it is thought we would have to do three rounds of patching. He feels we have a duty to at least warn motorists of the hazards. If we cannot repair this in the near term, he feels we need a more robust sign package. He is thinking multiple signs in each direction instructing cars to stay in lanes, reduce speed, etc. We need to do more than what we are doing now.

Councilor Witham moved to suspend the rules to allow City staff to speak. The motion was seconded by Councilor Sprague and passed unanimously.

Public Works Director Willis indicated the amount of \$17,000 for patching was based on the amount of delamination that was observed. There will be changes through the winter

and it will entail a greater area of delamination. The number of cars going over the roadway and water loosen the pavement and it will be a progressive thing. If we get cold weather and it stays cold, there would be less delamination.

Mr. Willis said if we put hot patch down, it will adhere but there is evidence there will be other areas that will unravel.

Councilor Soldati said she received a communication from a constituent who thought it would be foolish to try to repair this now. The message she is getting from people is that it is very inconvenient, but maybe our money will be better invested in better signage at this time and fixing the road in a more long-lasting fashion at a later date. This is a hot issue among residents.

Councilor Hebert said it goes beyond the area we are talking about. There is some deterioration that goes almost to the Tri City Plaza. He feels this is a bigger project than what we have been talking about.

Councilor McCallion said he cannot understand why the road is the way it is. He researched his notes and found that the previous Council had voted on doing the minimal amount necessary to fix the road, so what we got was what we paid for. What we need to do now is to fix it. He also believes the road needs to be squared up.

Councilor Tapscott said we might want a sign there that says "Caution – Reduce Speed". He feels the Council is all in agreement that this is not going to be a quick fix and this is the time of year we should be going out to bid if we are going to have this section of road redone. If you wait until June, you will not be able to get a contractor because they are all booked at that time.

Foreman Shawn McLean said the results of the core samples will be in on Wednesday. It appears there is a moisture problem in the area as well.

Councilor Witham said he was prepared to spend \$17,000 tonight to fix this problem, but after listening to staff and his fellow City Councilors he is dissuaded from that view. He agrees that we should put this out to bid now. We need to make sure that what we do is the right thing.

Councilor Witham said he does feel we have a duty to advise the motoring public. With proper signage, it would articulate to the public that we are aware there is a problem and we will be doing something about it. He wondered if rental of a variable message signboard might be the way to go.

Mr. Willis indicated the signboards cost several hundred dollars per week to rent.

The City Manager remarked that possibly the Department of Transportation could lend us some signs. He indicated that Public Works will get the "Bump" signs out tomorrow then we will work on a package the next couple of days.

Councilor Pepin stressed that he would like to find out exactly what the problem is there and to have this done right. He is not in favor of putting any money into the roadway this winter. His opinion is the signage should go up to make the public aware. He apologizes to the public for our roads being the way they are. This makes our community look bad.

Councilor McCallion feels we have to do something now. We should just do one round of patching. It is very embarrassing. He feels that throwing \$17,000 at a problem that may or may not work is better than doing nothing until spring. It is ridiculous that we are going to go through this for another two months.

Councilor Donohue said he was also prepared to agree to spending money tonight to fix this problem. He thanked everyone for making the actual situation clear. He is in favor of getting signs up and get this fixed right in the spring or summer.

Councilor Hebert said Councilor Witham's idea about the signs is excellent. In the meantime we will be working on getting bids for the project. If we need another bond, he will propose it.

Councilor Soldati said she wouldn't be too concerned about the image of Somersworth. She has been driving all around the Seacoast and other communities have their problems also.

Councilor Tapscott said our next meeting is in two weeks and hopefully we will have a lot more information at that time. He thinks we should wait until then to make any decisions.

COMMENTS BY VISITORS.

Real Roseberry, Ward 1, said that people will not call City Councilors about the water bills. He has a petition with 220 signatures on it, only signed by one person per household. He will be going out again to get signatures.

Regarding the tax cap, Mr. Roseberry said he was told that he needs people from the City to tell him why they are postponing the tax cap. He wants a letter as soon as possible.

Mr. Roseberry said he agrees with putting signs up on High Street. He suggested the City call Tilcon to fix the road. They are experts.

Mr. Roseberry said there is only one city that has overridden the tax cap, and that is Dover. He doesn't think they will do it again.

CLOSING COMMENTS BY COUNCIL MEMBERS.

Councilor Sprague suggested that if someone speaks to people in Concord they get the person's name, and if they want something from the City they should write a letter. The way the charter amendment was drafted, it starts on 7/1/13. That is in RSA 49-B:6, 5(B). City staff and School Board are in the middle of their budgets right now. We cannot pull the rug out from beneath them.

Councilor Sprague said his hat is off to the Public Works Department. We had a couple of storms and lost a couple of trucks, some people were sick, and they did really well under the circumstances. It was a long, drawn out storm.

Councilor Sprague welcomed Christina from Foster's. He hopes she will be here for a while and we will see her at the meetings.

Councilor Sprague wished everyone a happy New Year. He will not be at the next meeting.

Councilor Witham said Councilor Sprague had good points on the tax cap. The Council had a discussion of the tax cap at the last meeting with regard to whether or not we would implement the tax cap sooner than was prescribed by the charter amendment that was voted on by the residents. We have not delayed anything, we have just chosen not to implement it sooner. This Council acted with the advice of legal counsel, and he will be recommending under future agenda items that this Council discuss and vote to release the legal opinion offered on that matter by our City Attorney.

Councilor Witham said he too thought the folks at Public Works did an excellent job with the two storm events. When he was in college, he rode wing with the Public Works Department. A typical plow route takes 4-5 hours. When a truck breaks down, that means that trucks from other routes now have to pick up some of that slack. The 4-5 hour plow route now takes 6-7 hours.

Councilor Witham reminded residents to shovel out fire hydrants if they can.

Councilor Witham watched the recent School Board budget workshop and thought they had very thoughtful discussion. They articulated well on how they came up with their numbers. He offered them kudos for a job well done.

Councilor McCallion mentioned volunteerism. Tonight we had two people resign from the Historic District Commission. There are many volunteer opportunities in the community. There are exciting things happening behind the scenes. People are needed to help out, so please volunteer.

Councilor McCallion also thanked the Public Works Department. It was a tough storm.

FUTURE AGENDA ITEMS.

Councilor Witham – Discussion on release of the legal opinion on the tax cap issued through a City Manager memo on 12/07/12.

NON PUBLIC SESSION.

Councilor Sprague moved to go into non public session to discuss a legal matter. The motion was seconded by Councilor Tapscott and passed unanimously by roll call vote.

Motion by Councilor Tapscott to come out of non public session. The motion was seconded by Councilor Witham and passed unanimously.

ADJOURNMENT.

Councilor Tapscott moved to adjourn. The motion was seconded by Councilor Pepin and passed unanimously. The meeting adjourned at 9:06 p.m.

Respectfully submitted,

Diane M. DuBois, City Clerk