

CITY COUNCIL WORKSHOP MEETING
August 20, 2013
COUNCIL CHAMBERS
7:00 PM

MEMBERS PRESENT

Councilor Gray
Councilor Hervey
Councilor Keans
Councilor LaBranche
Councilor Lachapelle
Councilor Larochele
Councilor Lauterborn
Councilor Torr
Councilor Varney
Councilor Walker
Mayor Jean

OTHERS PRESENT

Daniel Fitzpatrick, City Manager
Blaine Cox, Deputy City Manager
Robert Gates, Resident
Doris Gates, Resident
Tom Kaczynski, Resident

MEMBERS ABSENT

Councilor Reed-Erickson

MEMBERS EXCUSED

Councilor Hynes

MINUTES

1. Call to Order

Mayor Jean called the City Council Workshop meeting to order at 7:00 PM. Deputy City Clerk Marcia Roddy took a silent roll call. All members were present, with the exception of Councilor Hynes, who was excused, and Councilor Reed-Erickson.

2. Public Input

Doris Gates, resident, spoke about her concerns with tenants of the Community Center building. In particular, she said that Sole City Dance rents space at a reduced rate from other tenants. Their lease runs out on August 31, 2013, and she urges the City to require the organization to pay the same as other tenants, that being \$7.00 per square foot. She said that only non-profit organization should get a reduced rate. She said that the taxpayers are subsidizing the reduced rent. She has done research on

other dance studios and prepared a spreadsheet with comparisons. She left the spreadsheet with Deputy City Manager/Finance Director Blaine Cox.

Robert Gates, resident, shared his concerns with the proposed regionalization of the Police Dispatch Center. He said that over the past few days he and his wife have submitted three "right to know" requests, the last one asking for any communications during the period of June 1, 2013, and August 1, 2013, between the Rochester City Manager and Ray Bauer and/or the Strafford County Commissioners with regard to the Rochester Dispatch Center and the Strafford Dispatch Center regionalization. The last answer he received was that the City has searched all written and e-mailed communications and has not been able to locate any records that fall within the criteria specified. Mr. Gates had several e-mails from Mr. Bauer, the last one dated August 16, 2013, in which Mr. Bauer said he would not provide a copy of the report as he considered the document given to the City Manager a working draft and that the actual delivery of the draft to the City was on June 13, 2013.

Mr. Gates said he was concerned that the City cannot find any written communications within the dates specified, yet Mr. Bauer said he had delivered one on June 13, 2013. He said he would probably have to go before the Strafford County Commissioners and asking the same questions. His concerns are regarding lack of transparency and communications. He said that if there is a draft he would like to know that. There is no need to claim that there is no draft in place.

Mr. Gates added his opinion regarding smoking on the Common. Although he does not support smoking he feels that restricting smokers from the Common is another infringement on citizens' rights.

Thomas Kaczynski, resident, also commented on smokers who choose to smoke outside. He also feels smokers' rights are having their rights taken away time after time and should be outraged by this proposal to ban smoking on the Common.

Mr. Kaczynski also talked about the Federal government lying to the citizens. He thinks that local government should be better than that. He said that the Joint Building Committee is moving forward with plans, some of which are based on the idea that the students in East Rochester do not score as well as students in other schools in the City. He said that the fact is that the students do as well there as in other schools in the City. He does not believe that the School Board arguments are clear and that there seems to be a rush to move forward on the East Rochester School project. He feels that the City should consolidate schools and "put the brakes" on this project.

Mayor Jean closed Public Input at 7:15 PM.

Councilor Keans said that members of the public keep referring to the tracking of students' grades. She wanted to know how that information gets out as that should not be public information. She said that there appears to be a breach of confidentiality involved.

Mayor Jean said that he has a copy of the draft from Mr. Ray Bauer and that he had gotten a copy at a meeting on June 13, 2013. It had been hand-delivered, which is why there is no record of e-mail communication. He said that it is a non-public document as it will regard some personnel in the City and some collective bargaining agreements would be involved. Therefore, the Council cannot openly discuss the document as it stands now until it is adopted by the City Council. He said that the Finance Committee has a copy, as well. He wanted to clarify that it is a draft document and not ready for public viewing and nothing is being hidden.

3. Communications from the Mayor

3.1 Presentation of the 4th Annual Rivalry Cup [Soft Ball Game] - *Ward One vs. Ward Three*

Mayor Jean invited Councilor Lachapelle and Councilor LaBranche to come forward for the presentation of the softball rivalry cup. Mayor Jean said that the cross-town rivalry softball game took place on August 10, 2013, with a final score of Gonic 11 - East Rochester 3. Councilor LaBranche, being the manager of the East Rochester team, was wearing the jersey of the opposing team as a result of the loss and "bet" between the managers. He pointed out that the colors of the jersey were red and white, the same as Spaulding High School. Mayor Jean congratulated the winning team and presented Councilor Lachapelle with the cup.

3.2 Discussion about Making the Rochester Common a Smoke Free Environment

Mayor Jean said that he has been contacted by several constituents and that there is an online petition being signed, as well, regarding smoking at the Common. He said that it is specifically in the area near the playground. He said that he lives near the Common and frequently goes to the playground with his family. He has noticed that people sit at the tables near the playground and often will smoke there. The smoke can be smelled in the area around the play structure. People have asked him if the City can do anything about the smoking near the play structure, such as posting "no smoking" signs in the area. Mayor Jean asked the Council for their input.

Councilor Laroche recalled times some years ago when people could smoke just about anywhere in the workplace. Then employers started to designate areas and most moves to an outside area. He said that this is a matter of rights. People have the right to smoke, but people like himself have the right to breathe clean air.

Councilor Lauterborn asked if there is anything in State law that would prevent a municipality from acting on this matter. Mayor Jean said it is RSA 126-K.

Mayor Jean said there is a similar sign at Roger Allen Park that says No Smoking per RSA 126-K [the clean air RSA]. He added that he thinks there could be a compromise here by just banning smoking in the play structure area. He said that children should not be exposed to smoke while playing in that area. If people want to

smoke in other areas of the Common, walking the paths, etc., then that would be allowed.

Councilor Larochelle asked if people can drink [alcohol] on the Common. Mayor Jean said no, you cannot have an open container there. He added that smokers have an impact on those around them and should be sensitive to that.

Councilor Gray said he has been to events on the Common in the past, such as movie nights, where people have been smoking. He said that enforcing a non-smoking policy could be difficult and that it should be discussed at the Committee level and brought back to Council for formal recommendation.

Councilor Lauterborn recommended sending this matter to the Codes and Ordinances Committee for further review. By unanimous **SENSE OF COUNCIL**, the matter will be placed on the September 5, 2013, Codes and Ordinances Committee agenda.

3.3 Discussion about the Vacant School Board Seat [Ward 6, Seat A]

Mayor Jean said that now that James Gray is a member of the City Council, his position on the School Board is vacant. Councilor Larochelle said that according to City Charter: 68 - Vacancies, "... the City Council shall act to fill such vacancy no later than the second regular City Council meeting following the creation of such vacancy." Mayor Jean said that would be the October meeting.

Councilor Walker pointed out that by the time interviews are completed in late September, the appointment would not happen until October, and someone would have to run for election in November. Mayor Jean said that any appointed official by the City Council serves until the next election, and whoever wins that position in the election begins to serve immediately after the election.

Councilor Larochelle suggested following the City Charter, announce that the position is vacant, and see if anyone applies for the position. Councilor Gray reminded the Council that by that time the filing period may be closed and there may only be one candidate for the position. At this time, the position is vacant and anyone is welcome to submit a Statement of Interest.

4. Department Reports

Councilor Varney questioned an item in the Public Works and Buildings Committee report, in particular the Chamberlain Street water line project, which goes approximately 300' past the school. He said there are significant issues with water quality for those residents who have wells from that point to Whitehouse Road. The Committee had asked Commissioner Nourse to consider replacement of the water line, but to not do a final coat of pavement on Chamberlain Street and do a skim coat to get through the winter in order to allow the Committee to consider what the cost would be to extend the line to the end of Chamberlain Street.

Councilor Varney said that due to the high water table on Chamberlain Street, along with the septic systems and wells on the properties, this is something to address as a Council and would necessitate a supplemental appropriation over the winter.

Gretchen Young, Public Works Engineer, had estimates for the project of approximately One Million Dollars. This would be a water and sewer project. She pointed out that there is a lot of ledge in the area which is a big drawback to the project. She was asked what *just* the water cost would be. Ms. Young explained that because of the ledge removal it is more cost effective to do both water and sewer at the same time.

Councilor Varney suggested soliciting the residents of that area to see if they are willing to participate in the project and disruption. Mayor Jean agreed. Councilor Larochelle said that the water and sewer trenches are separate. Can they be separate jobs/ Ms. Young said yes, they are about 10 feet apart, but because the ledge needs to be removed for each trench it is more cost effective to do them at the same time. She said there could be some savings by not doing one or the other, but it would not be very much.

Councilor Torr said that at the recent Public Works and Buildings Committee meeting the topic of rest rooms at the Common was discussed. He is recommending to the Council on behalf of the Committee not to approve the project because the cost is quite a bit more than is acceptable (\$89,000). He said that putting the project out to bid and waiting thirty days to act on it is not worth doing. City Manager Fitzpatrick said that it has already gone out to bid and all of the bids received are very high. Due to that fact, the Public Works Committee recommends abandoning the project.

Councilor Varney thought it would be worth considering other types of units and said that modular units are being used in other cities around the country. He added that \$89,000 is a lot of money for this project.

Mayor Jean asked for a show of hands from the Council regarding abandoning the project. It was **SENSE OF COUNCIL** to abandon the project and revisit it at a later time.

Councilor Varney wanted to discuss the Chamberlain Street water and sewer project further. He suggested having Public Works continue to look at the cost breakdown between water and sewer.

Councilor Walker asked if it is possible to put in the water line and then later put in the sewer line without damaging the water line with blasting, etc.. Mayor Jean asked if it is 6 feet or 10 feet of separation between the two line. Ms. Young said it is 10 feet. Councilor Torr thought that the separation had been cut down to 6 feet, depending on the type of pipe. Mayor Jean said that getting rid of the ledge can most likely be done in a way to set up both trenches at the same time. Councilor Varney said it makes sense *cost-effective-wise* to do it once and not twice.

Councilor Larochelle asked a question about horizontal boring, but Ms. Young said that is a very costly method.

The matter will be kept in committee in order to get more firm numbers and cost estimates.

Councilor Walker said this project has been put off for 10 years or more and the City owes it to the constituents of the area to get it done.

Councilor Keans said she read in the Public Works & Buildings Committee minutes something about a bid for work on the roof at the Gonic Fire Station. She said she did not recall there being an issue there and questioned what it is. No council member could recall what it is for. Ms. Young will find out what it is and get back to Council.

Councilor Varney questioned the Assessor's Report regarding a review at the Baxter Lake Campground. He recalled some time ago that there were many strong complaints from residents on Four Rod Road regarding so-called campgrounds that had been turned into permanent structures. He suggested that this be investigated.

Councilor Torr said he spoke with the City Manager regarding been complaints about a property on Isabel Lane, the last house on the right, where it has been abandoned and left in deplorable condition. City Manager Fitzpatrick said he talked to the code enforcement officer to see if the bank/mortgage holder would agree to clean up the property.

Councilor Gray pointed out that the Police Report said that there were no ward meetings in July. He said that Ward 6 did have a meeting on July 24, 2013, and always meet on the third Wednesday of the month.

Councilor Lachapelle asked City Manager Fitzpatrick a question regarding fireworks that he had read in the Manager's Meeting minutes. It was an issue that the Deputy Fire Chief had and he would like to know what it is so he can address it.

Mayor Jean updated the Council on the water tank repair. It has been painted inside and out and once the paint has cured it will be filled, probably sometime in early September.

Councilor Walker said he has had two complaints from residents at the new housing on Brock Street. He said the lights are very tall and extremely bright. They light up the area like daylight and shine in the windows of the apartments. He suggested that this be looked into.

5. Non-Public Session

5.1 Personnel, RSA 91-A:3 II(a)

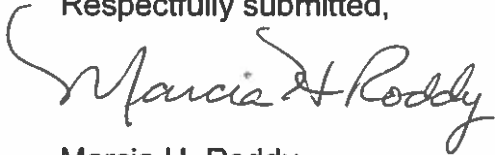
Councilor Walker **MOVED** to enter Non-Public Session under RSA 91-A:3 II(a) - Personnel at 7:50 PM. Councilor Larochelle seconded the motion. The **MOTION CARRIED** by unanimous roll call vote. Councilors Lauterborn, LaBranche, Hervey, Varney, Torr, Keans, Gray, Lachapelle, Walker, and Larochelle, and Mayor Jean all voted yes.

Councilor Lachapelle **MOVED** to exit the Non-Public session at 8:34 PM and seal the minutes indefinitely. Councilor Walker seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

6. Adjournment

Councilor Walker **MOVED** to adjourn the Workshop Meeting at 8:34 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

A handwritten signature in cursive script that reads "Marcia H. Roddy". The signature is written in dark ink and is positioned to the left of the printed name.

Marcia H. Roddy
Deputy City Clerk