

**ROCHESTER CITY COUNCIL WORKSHOP
JANUARY 15, 2013
COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT

Councilor Hervey
Councilor Hynes
Councilor Keans
Councilor Labranche
Councilor Lachapelle
Councilor Lauterborn
Councilor Larochelle
Councilor Savoie
Councilor Torr
Councilor Varney
Councilor Walker
Mayor Jean

OTHERS PRESENT

Daniel Fitzpatrick, City Manager
Blaine Cox, Deputy City Manager
Dan Wensley, City Attorney
Gretchen Young, City Construction Engineer
Gregg DeNobile, Resident
Tom Kaczynski, Resident
Sue O'Connor, Resident
Michael Hopkins, Superintendent of Schools
Joe Gasbarro, City Engineer
Peter Nourse, Acting Public Works Director/
City Engineer
David Green, Wastewater Treatment
Dean Peschel, Great Bay Estuary Coalition

MEMBERS ABSENT

Councilor Reed-Erickson

MINUTES

1] Call to Order

Mayor Jean called the City Council Workshop Meeting to order at 7:04 PM. Marcia Roddy, Deputy City Clerk, took a silent roll call. All members were present except for Councilor Reed-Erickson.

2] Public Input

Gregg DeNobile, resident, wanted to follow up on a discussion regarding political signs at a previous City Council meeting. He asked the Council what defines political signs and the language used on them. He shared some examples of signs that he had made to illustrate his question. He also asked the Council if a political sign meets certain criteria would it be allowed on the median on Columbus Avenue between Hancock Street and South Main Street.

Mr. DeNobile cited RSA 236:81 - Penalty and asked if there is a fine for a sign violation, how much would it be, and who enforces it? Is there funding in place for enforcement? He pointed out that there is an election coming up in the fall and it would be helpful to have some clarity on this issue before then.

Mr. DeNobile questioned the Agenda items #8 and #9 and what is a Non-Meeting and a Non-Public meeting. He wanted to know if there are minutes from a Non-Meeting and what is it for. Can motions be made and what happens. He said he understands what a Non-Public meeting is. Mr. DeNobile thanked the Council for its time.

Tom Kaczynski, resident, thanked the Councilors who voted against the sign ordinance and said they had some respect for the First Amendment. He said that the rest [of the Councilors] lack respect for citizens' rights. He said that it is too bad that the citizens of Rochester are having their rights taken away from them. More taxes are taking away from the enjoyment of life of the taxpayers. He questioned the fact that the Rochester taxes keep going up. Mr. Kaczynski pointed out the topic of renovation of the East Rochester School and questioned the need for more school space when enrollment is down.

Mr. Kaczynski said he had heard a rumor that the City was considering buying the St. Elizabeth Seton School for some housing. He was against any thoughts of that as the City does not need any more government housing. He pointed out the example of Linscott Court where the City put the "down payment" [taxpayer money] on with the promise of shops on the lower level and upscale tenants. In reality, he said, it is a Section 8 haven.

Mr. Kaczynski went on to say that when Superintendent of Schools Hopkins was asked recently why there is a need for so much special education in the schools that Mr. Hopkins replied that it was because "we have too much work force housing here." He feels that this is the wrong image to project if Rochester is to be a more upscale community. Mr. Kaczynski thanked the City Council for their time.

Sue O'Connor, resident, spoke about the East Rochester School and the problems there with the "open concept" situation. She said this is a problem that should have been corrected a long time ago. It is difficult for the students and teachers to deal with the lack of walls for the classrooms. She asked the Council to give careful consideration to the proposal for renovation to be presented by the Superintendent of Schools. Ms. O'Connor thanked the Council for their time.

Mayor Jean closed public input at 7:15 PM.

3] Communications from the Mayor

Mayor Jean had attended a luncheon that day in Dover relative to the COAST bus service and how COAST is going through the municipal apportionment for the

various municipalities that use COAST service in the seacoast area. He said that apparently the new ADA requirements for bus service is causing COAST to have to increase some of their costs and they will be putting together an apportionment that details what Rochester's cost is going to be. There is going to be an increase and Mayor Jean has a copy of the presentation that Rad Nichols, Executive Director of COAST, gave that he will distribute to the Council members to see how that will impact the City during the budget process.

Mayor Jean went on to say that the bus service for the City of Rochester is strong, especially with the eastside routes that have been added. He said that ridership has increased and residents are taking advantage of the bus service.

3.1] Presentation: East Rochester School Building

Mayor Jean said that he had met with Superintendent of Schools Hopkins and School Board Chairman Watson recently and they had talked about what the School Board was doing with regard to the renovation project at East Rochester School. He said that the School Board is exploring cost estimates. Mayor Jean thought it would be a good idea to have Mr. Hopkins come before the City Council to update them on what is being considered for the project.

Mr. Hopkins said that the School Board has asked for Lavalley, Brensinger and Eckman Construction to come up with a cost estimate based on construction costs to get a solid number to use in order to move forward with a joint building and construction committee. The plan concerns the current "open concept" part of the building that was built in 1968 and when the entire new construction is finished that part of the building will be taken down. The School Board has looked at reconstruction of the current building and there does not appear to be a good solution for renovating a building that will not be able to support stripping it down entirely for rebuild and with a roof that most likely would not be able to support any new HVAC system. The plan would be to build a two-story building to take the place of the "open concept" building and remove a building that is of substandard condition.

The City Council was provided with a preliminary site plan to review. Mr. Hopkins pointed out that there are site issues at the present time regarding car drop-off and pick-up areas for students. The new plan would provide a long loop behind the school for this purpose and the buses would be able to pull up in front of the school to pick up students.

Mr. Hopkins went on to say that parts of the current school are in good shape and would be utilized, including the kindergarten/preschool building, the gymnasium, and the kitchen. The best part of this plan is that the construction can be done while the students are in the current classrooms and it would not disrupt the school year. Once the construction is complete, the classes would move to the new areas of the school and the old building would be removed.

Mr. Hopkins said that the School Board hopes to have some cost estimates by February 1, 2013. The Building Committee and the School Board will bring a proposal before the City Council that would ask for a joint building committee and then move forward with a bonded project. He said that the School Board has spent several years touring the school facilities and every time they see East Rochester School they realize something needs to be done about it.

Councilor Keans asked how many square feet would be added. Mr. Hopkins said that there would be one additional classroom added to what is currently there, but he did not know the square footage.

Councilor Keans asked Mr. Hopkins why a different engineer had been used for the new plans for the school rather than Frank Marinais who had been used in the past. Mr. Hopkins replied that it is a good idea to get a new and different perspective now and then to compare ideas.

Councilor Varney asked if the City owns all of the land around the East Rochester School. Mr. Hopkins said yes. Councilor Varney also asked for clarification on the plan as to where the existing building is. Mr. Hopkins explained it by referring to page two of the printed plan.

Councilor Savoie asked Mr. Hopkins a question about the HVAC system and the fact that the existing system would need to be replaced. Mr. Hopkins said that the open space area would be demolished and the experts who have evaluated the project believe that the existing supports for the system are undersized. The current system actually shakes the roof when it is operating, so it has been recommended that new equipment should be installed.

Councilor Savoie questioned Mr. Hopkins about the enrollment trend in the East Rochester School. Mr. Hopkins said that it is remaining at a steady level. A study done about four years ago, he added, said that the City's enrollment would decline by about 100 students and appears to be accurate.

Councilor Keans asked Mr. Hopkins what he thought the "rumor mill" was saying about school building aid. Mr. Hopkins said he did not have much confidence that the City would or could qualify for aid. He had an idea that if qualified, there could possibly be five million dollars available two years out. The delay in the process would be significant and the certainty of receiving funds was not good as there are projects out there in more need of funding than Rochester.

Councilor Hervey wanted to know if the decrease in enrollment had made a difference in the use of modular classrooms. Mr. Hopkins said that the approximate 100-student decrease was K-12 and is so spread out that it made very little difference. The new construction would eliminate the need for modular classrooms at East

Rochester School. This is a priority of the project, with the next priority of the School Department being to work on security at the High School.

Councilor Lauterborn cited the addition of one classroom and wanted to know what the capacity of the new building would be, not counting the modulars. Mr. Hopkins said it would be about 300 students.

Councilor Savoie asked Mr. Hopkins what the current enrollment is in East Rochester School. Mr. Hopkins said that grades K – 5 have about 250 students, and adding another classroom could accommodate 270-300. The preschool occupies the four modulars and when the new building is finished, those children would be in that building off to the right.

Councilor Torr asked Mr. Hopkins if there is a ballpark figure for the project. Mr. Hopkins said it is over ten million dollars. Mayor Jean added that the important thing to look at with this project is that in addition to eliminating the modular classrooms, it eliminates all open concept classrooms. He said that the classroom setup is less than ideal. Mayor Jean suggested that the City Council take a tour of the building at some point in order to get a better understanding of what the situation is and how necessary it is to build the new addition.

Councilor Varney asked Mr. Hopkins if the School Department would be retiring any significant debt in the near future. Mr. Hopkins said that the debt service should be dropping at about the time this project would be ready for bonding.

4] Presentation: Overview/Update of the Great Bay Estuary Coalition Efforts

Mayor Jean introduced Mr. Dean Peschel who is a consultant working with the City of Dover and who has been instrumental in working with the Great Bay Estuary Coalition, providing scientific updates on the state of the Great Bay Estuary, what some of the trends are in Great Bay relative to eelgrass population and nitrogen. Mayor Jean invited Mr. Peschel to the meeting to update the Council on what is happening with the project.

Mr. Peschel gave a detailed and informative PowerPoint presentation regarding the objectives of the Great Bay Municipal Coalition. Following his presentation, Mayor Jean offered the Council members the opportunity to ask questions.

Councilor Walker asked how far along the legislation is with the peer review. Mr. Peschel said there are bills that have been filed, the Coalition has engaged a lobbyist group to represent them. There are professionals working with the legislature.

Councilor Larochelle commented that we live in the “tailpipe” of the nation and we get a lot of air pollution from states west of New Hampshire, including nitrogen oxide

and wanted to know if this is a significant contribution to the source of nitrogen. Mr. Peschel said it is significant.

City Manager Fitzpatrick said that in the slide presentation there was only one mention of the Exeter and Newmarket permits and that the municipalities were going to have to enforce non-point sources. He said this was startling and asked Mr. Peschel to elaborate what the implications of that are.

Mr. Peschel said that there is a number used for the water quality standard and that whatever that is, we will be required by law to meet. Until we meet that number, we will be spending money. This would mean that all sources of water, such as septic systems, storm water runoff, etc. and we would have to start spending enormous amounts of money taking the water that is running off our streets into catch basins and somehow removing the nitrogen. It is very expensive technology.

Councilor Walker reiterated what Mr. Peschel had said that if the City has a non-point control in its permit that every household in Rochester that has a septic system would have to have a \$15,000-18,000 filter on it. Mr. Peschel concurred and added that one approach would be to have an extension from the system to go into the sewer system and go through the Wastewater Treatment Plant, also at great expense.

City Manager Fitzpatrick asked if putting the non-point source cost could be far larger than anything being anticipated for the Wastewater Treatment Plant. Mr. Peschel said yes. Mr. Fitzpatrick added that additional cost would be in policing these efforts, something that he feels the public does not understand that. Mr. Peschel agreed and added that the public does not understand it and the communities outside of the wastewater communities do not understand it, as well.

Mayor Jean thanked Mr. Peschel for his time and asked if Council could have electronic copies of his presentation. Mayor Jean also thanked Mr. David Green from the Wastewater Treatment Plant for all of his good work.

5] **Strafford Square CIP Project Update**

Peter Nourse, Acting Public Works Director/City Engineer, along with Joe Gasbarro, Construction Engineer, gave an update to the City Council regarding the Strafford Square 2015 project. He asked that the Council revisit the project in order to have a clear direction moving forward. Mr. Nourse said that he is not convinced that this project as currently designed will not have capacity and safety problems. The project is about ten years old and Mr. Nourse has been with the City for just about a year and half and has come in at the "eleventh hour" and his view may be somewhat objective. Mr. Gasbarro has been with the City for five years and has voiced concerns with the project regarding safety and logistics.

Mr. Nourse said that he is not certain that a roundabout is the best solution for this intersection and perhaps an alternative design roundabout would work better, but he is not convinced that there would not be problems with this either. He said that if this is correct, then the Council has probably not been best advised. He said that the DOT has stated in writing that the City may explore alternative designs and that it will not affect funding, reimbursements, or ratios. He asked the Council to work with the Public Works Committees to explore alternative designs so that they may find the best solution to this problem.

Mr. Nourse gave a PowerPoint presentation showing the existing "roundabout" at Strafford Square. He said that he has never seen one such as this before. He pointed out that about three quarters of the traffic at that area is on North Main Street. The design as it exists does not accommodate that traffic effectively.

Joe Gasbarro, City Engineer, described the current roundabout and explained how one of the newly proposed designs interferes with several driveways on North Main Street and Walnut Street and would ultimately eliminate some.

Mr. Nourse said that a serious concern in an urban roundabout is pedestrian traffic. There is concern about the merging outbound traffic on North Main Street and the close proximity to the pedestrian crosswalk. Another concern is emergency vehicle access.

Computer simulations were shown to demonstrate the traffic flow as proposed in a new roundabout and how the North Main Street traffic is affected. A "T" intersection with a traffic signal was considered, but Mr. Nourse said that is not a good solution and felt that the Council would agree.

Mr. Nourse showed an overhead design of a Hybrid Option that has recently been considered. In this proposal, North Main Street is ultimately left the way it is and the other streets are managed separately and routed with a maximum of left hand turns and minimum of right hand turns. He said a minor concern with this design is left turn traffic coming out of Washington Street to North Main Street outbound. This could be managed with a traffic signal that would not have to operate all of the time, but just during peak hours.

Councilor Lauterborn asked to see the slide showing the cars stopping on North Main Street southbound and wanted to know why they were stopping as there appears to be no one in their way. Mr. Nourse explained that as the cars enter the roundabout there is no way of knowing where they are going until they turn out of the roundabout and anyone coming from the north would have to wait until that car passes. He further explained that it is a single lane roundabout, not a double lane, so the cars are sharing the same space.

Councilor Varney addressed the question of utilities, poles, etc., and asked how that issue would be accommodated. Mr. Nourse said that the area as it is now has fifteen poles in conflict with the design that need to be moved somehow. He said that all of the roundabouts he has ever seen do not have visible poles anywhere, so it would mean encroaching on people's properties considerably or installed underground. That decision has yet to be made for this project. Councilor Varney asked what the cost would be for the installation of utilities. Mr. Nourse said it would be approximately \$1 million for underground installation and about half of that for aboveground. Councilor Varney said that adds approximately \$1.2 million to the project and Mr. Nourse said that the cost of the entire project would be about \$3 million with underground utilities and the alternative would be less by about \$1.2 million.

Councilor Varney asked about snowplowing the roundabout. Mr. Nourse said that it would be a challenge, as the plows would have to stagger their efforts around it. It would entail more work, but could be done.

Councilor Hervey asked if the second design proposed would cost more money. Mr. Nourse said that the cost for either of the designs would be about the same and the space involved is roughly the same.

Mayor Jean asked Mr. Nourse where the project is with the engineering. He asked if it was at about 90% complete. Mr. Nourse said no, it is more like 65-70% complete and needs some significant work. Mayor Jean said that the reason for bringing up this project is due to the fact that CIP budgeting is rapidly approaching and the City Council will have to discuss it. The Public Works Committee has already discussed the concept. It will be important for the City Council to provide the DPW with information as to what the Council would want. The construction is slated for 2015 with the expectation that the State funding will be 80%, the cap of which is \$700,000, leaving a funding balance of \$560,000.

Councilor Larochelle asked if a traffic survey has been done by a third party independent consultant. Mr. Nourse said yes and he has been working with them and they have produced the models that were shown at this meeting. He has just started working with them over the last several days and will continue to work with them with Council's permission.

Councilor Keans asked who the engineers were that had been consulted. Mr. Nourse said they are CMA Engineers, a firm that did work for the City on the Salmon Falls project and the City has been pleased with their work.

Councilor Hervey asked Mr. Nourse if CMA Engineers had similar concerns about the project and Mr. Nourse said yes; everyone is on the same page.

Councilor Varney added that it is a good time for the City to take a good look at the plans and costs of the project and to get it right when the time comes to go forward.

Mayor Jean said that it would be important for the Council to revisit this topic with Mr. Nourse at a time when more information can be provided regarding the design and costs involved. This will be helpful in “getting it right” and keeping the project cost effective.

6] Department Reports

Councilor Varney asked Deputy City Manager Cox a question under the Finance Committee Report regarding the Police Department salary adjustment line item of \$12,307 that has not been spent. Mr. Cox said that was correct. Councilor Varney said that at six months into the budget year the Police Department has not given raises to the command staff as authorized by the City Council.

Councilor Keans said she was looking at the authorized budget transfers, items #13 and #14, and asked why there are budget transfers and why they are not coming out of existing salary line items. Mayor Jean said he will take a look at it and get some information for the Council.

Councilor Keans also questioned items 3, 4, 5, 6, and 7 [Recreation Department] and asked if that is money left over from the last budget. Mr. Cox replied that he believes it is money left over from summer operations, but he will check on that.

7] Other

Councilor Varney said that he and Councilor LaBranche had recently learned that there is an application into FERC to raise the dam in East Rochester, referring to the one that was taken out in 2007 or 2008. He said he was not sure why the Council and the rest of the administration did not know that that application had been submitted a couple of years ago, but they should have known about it and he was concerned that they had missed the opportunity to comment on approval for the restoration of the dam. Councilor Varney said he had asked the City Manager to look into it and said he has and has scheduled a meeting with the property owner. Councilor Varney said that does not really help because he is concerned with the approval process. We need to find out what the status of the application is and if we still have an opportunity for comment. He pointed out that this would be a serious issue for the people who live along the Salmon Falls River who were flooded out several years in a row. He added that removal of the top portion of the dam would make a significant impact on the issue. Raising the level of the river two feet from the dam in East Rochester would not be good for the people who live there. He would like someone in the administration to contact FERC to find out what is being asked for in the application.

Councilor Keans asked if the Planning Department is fully staffed at this point. Mayor Jean said yes, as of December it is fully staffed.

Councilor Keans wanted to know who paid for the Police Department's dog, Fina, to travel out of state for various events; did it come out of the dog budget. Mayor Jean said we would need to contact Chief Allen for clarification. Mayor Jean added that Fina has now retired.

Councilor Torr asked if a "wing man" has been hired by Public Works. City Manager Fitzpatrick said they are hired occasionally. Councilor Torr said that with the new technology it irritates him when such a person is hired as he thinks that is unnecessary. Councilor Torr added that anyone who needs that type of assistance when driving a plow should be replaced by someone who can handle the job with the laser technology.

Councilor Keans pointed out that at a recent City Council meeting approval was granted for an employee purchase program of computers and it appears that only one department is taking advantage of it. She asked if there is any particular reason why that is so. Mr. Fitzpatrick said he could not answer that question and noted that there is only one and possibly two departments that take advantage of continuing education. There is no clear answer to these questions.

8] Non-Meeting

8.1 Land, RSA 91-A:2, I

9] Non-Public Session

9.1 Land, RSA 91-A:3, II (d)

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

9.3 Councilor Walker **MOVED** to enter into Non-Meeting under RSA 91-A:2, I and Non-Public Session under RSA 91-A:3, II (d) and RSA 91-A: 3 II (a). Councilor Lachapelle seconded the motion. The Deputy City Clerk took a roll call vote. Councilors Savoie, Lauterborn, Lachapelle, Walker, Larochelle, Hynes, Varney, Torr, Labranche, Hervey, Keans, and Mayor Jean all voted yes. Councilor Reed-Erickson was absent. The **MOTION CARRIED** by unanimous roll call vote.

The City Council entered Non-Public Session at 9:00 PM.

Councilor Lachapelle **MOVED** to exit Non-Public Session at 10:32 PM and seal the minutes of the Non-Public meeting indefinitely. Councilor Walker seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

10] Adjournment

Councilor Lachapelle **MOVED** to adjourn the Workshop meeting at 10:32 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Respectfully submitted,

Marcia H. Roddy
Deputy City Clerk