

**Committee Members Present**

Councilor Peter Lachapelle, Chair  
Councilor Ray Varney  
Councilor Julien Savoie  
Councilor Sandra Keans



**Committee Members Absent**

Councilor Elaine Lauterborn, Vice Chair

**Others Present**

Brian LaBranche, Councilor  
Andrea Lemire, Resident  
Jason Hamann – Moderator Ward 4  
Amy Valkavitch – GM Home Depot  
Lisa Stanley, Resident  
Barbara Soley, Resident  
Kelly Walters – City Clerk  
Officer Tracy Hayes

**MINUTES**

**CODES AND ORDINANCES COMMITTEE**

Of the Rochester City Council

**Thursday January 3, 2013**

City Council Chambers

31 Wakefield Street, Rochester, NH

7:00 PM

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**1. Call to Order**

Councilor Lachapelle called the Codes and Ordinances Committee meeting to order at 7:00 PM. All Councilors were present, except for Councilor Lauterborn.

**2. Public Input**

Councilor Lachapelle asked if any member of the public would like to come forward to address the Committee.

Councilor Lachapelle advised the residents in Council Chambers that they could address the committee at any time during the discussions of the topics at hand and closed this portion of public input at 7:05 PM.

**3. Approval of the Codes and Ordinances Committee Minutes**

- **November 1, 2012**

Councilor Savoie **MOVED** to **APPROVE** the Committee minutes of November 1, 2012. Councilor Varney seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **4. Pawn Shops**

Councilor Lachapelle explained to the Committee that he has still not received anything from the City Attorney, so this will be staying in committee.

#### **5. Fireworks**

Councilor Lachapelle informed members of the public and the Committee that they still have not heard back from the City Attorney on the proposed changes to this ordinance. He understood citizens were attending the meeting to speak on the subject of fireworks so he invited their input.

Lisa Stanley, resident, attended the meeting along with her neighbor to discuss the fireworks in regards to Grandview Campground. She stated that they are constantly being set off all summer and they have become a disturbance and terrorizing the neighborhood pets. Ms. Stanley would like fireworks to require a permit and have a limit on how many permits one can have during a season. Councilor Lachapelle stated that the committee looked into making fireworks a permit required code and the determination was that it could become an administrative nightmare.

Barbara Soley, resident of Four Rod Road, stated that the firework issue has been going on for several years, referring to the campground. She cited that it starts around Memorial Day, sometimes five nights a week and every weekend, lasting long after Labor Day, right up until October. She stated that there is usually debris in neighboring yards the next day. Ms. Soley would like to see fireworks regulated; she felt very strongly about this. Councilor Lachapelle stated the committee is trying to take steps and believes they have made significant gains and maybe they need to look at other alternatives.

Councilor Keans asked about the issue of the campground being private property in regards to the police. Councilor Savoie asked if anyone has approached the campground regarding the fireworks. Ms. Soley stated that some of the neighbors have done so. Councilor Savoie believes the campground should be putting something into effect. Councilor Keans concurs that they should enforce the City's ordinance.

Andrea Lemire, resident of Pine Street, wanted to follow up on the proposed fireworks ordinance. She was mainly concerned about section C.I. in regards to individuals getting permission from the property owner to allow them to set off fireworks and would this also include renters needing to get permission from their landlord to set off fireworks on their property. Her concern is that her neighborhood has a lot of renters who are setting off fireworks.

Officer Tracy Hayes explained that with renters there is some legality with that issue where they do have certain rights due to the fact this is their abode. The Codes and Ordinances Committee discussed this further. Councilor Lachapelle determined this needed to be reviewed with the LGC and the City Attorney.

Councilor Varney explained why they needed the property owner's permission. Ms. Lemire explained she was still concerned with renters. Councilor Savoie explained that landlords could make and set rules for their property. Officer Hayes and the Committee discussed this further.

Councilor Varney stated that if the campground is a chronic situation it might need to be patrolled, citing that when other areas of the City are having chronic issues the Chief is contacted to have them patrolled.

Ms. Stanley stated that she knows that banning fireworks is not the most popular thing to do, but maybe it is time that they are banned completely. Ms. Lemire hopes for the best resolution for all. Officer Hayes discussed the campground situation further with Ms. Soley. Ms. Stanley said that the ordinance needed teeth. Councilor Keans asked for suggestions. Ms. Soley suggested banning them because they are out of control. Councilor Lachapelle informed them the next meeting is on February 7, 2013 and he is hoping to have something back from the City Attorney. He invited the resident's back if they would like to give suggestions.

## **6. Polling Locations**

Kelly Walters, City Clerk, handed out a list of complaints regarding the two new polling locations in Ward 3 and Ward 4 to the Codes and Ordinances Committee.

Councilor Lachapelle stated that there will always be complaints. Councilor Keans said they get complaints about Ward 2 because it is a church. Councilor Keans asked why Ward 4 was no longer at Holy Rosary Church. Mr. Hamann gave her a few reasons why and the Committee discussed these reasons further.

Amy Valkavitch, General Manager of Home Depot, wanted to address the Committee on the Ward 4 polling location as it refers to the Home Depot. She stated that one of the complaints was from an elderly couple who felt the Home Depot was more convenient for them because of the location, but this couple did not live in this ward and need to vote in their own ward. Ms. Valkavitch then stated they received a lot of compliments and very little complaints, so in her eyes she believes it was a success.

Jason Hamann, Moderator for Ward 4, thought the logistics was not the most apropos spot, but they had requested a road sign from the City and were not allowed the sign because they are only used for construction zones. City Clerk Walters concurred with this, as well as Officer Hayes. However, he did get an eight-foot banner made, which the Home Depot hung over the entrance. The second negative he mentioned was

holding the polls at a retail facility, which a reporter from WMUR asked him about during an interview the day of the election.

Mr. Hamann stated the location overall was a success and the day went smoothly. The Home Depot management and staff went over and above to make this happen, scheduling extra crews after hours to make sure the City's set up would be easy and allowing the election workers use of their conference room to do the end of night tallies. Mr. Hamann told the committee that he had sent a letter to the district manager of Home Depot complimenting them on doing a great job to make the elections a success and that the staff is right on the ball and very supportive. Councilor Keans asked Ms. Valkavitch how many people did she think could get out of the elements and into the store while they are waiting to vote. Ms. Valkavitch and Mr. Hamann discussed this with Councilor Keans and the Committee further.

Ms. Valkavitch advised the Codes and Ordinances Committee that the Home Depot did not draw in any more business than usual the day of the election; they hosted the polling location for community involvement. She also informed them that their corporate office never received any complaints.

Councilor Varney asked about the signage issue. Ms. Valkavitch explained that they took what they learned from the September election and made changes for the November election. Mr. Hamann stated for the record that in the past he has had election officials come in to inspect the polling location and has gotten complaints about signage; he did not receive any for the November election. He did want to mention one concern in regards to Election Day. Citizens showed up before the polls even opened and he had to turn them away. The Codes and Ordinances Committee briefly discussed the polling hours.

Councilor Varney asked about the candidates sneaking closer to the doors of the polls as the night went on, causing confusion for people getting in line to vote. He referred to Ward 1. The Committee, along with Mr. Hamann, discussed this further.

City Clerk Walters asked the Committee hold off on discussions for Ward 3 as Dan Wensley was not in attendance and he is the Moderator for this ward. Ms. Walters then requested a sense of the Committee for the Home Depot polling location so that Ms. Valkavitch can make accommodations with her management team for future elections. It was the sense that Ward 4 polling location will stay at the Home Depot.

Councilor Varney **MOTIONED** to have a letter drafted and sent from Mayor Jean to thank the Home Depot for allowing the City the use of their facility for the elections with the appreciation of going forward with this location. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## 7. Panhandling

Officer Hayes explained to the Committee that she had been researching case law with respect to civil rights regarding panhandling. She reviewed this information with them. She stated that the police could enforce the law if panhandlers become aggressive or if their panhandling effects public safety.

Councilor Lachapelle gave an example: a gentleman offers to assist a lady in the parking lot of a store and after he helps her put the items in her car he expects to get a fee. Would this not be considered aggressive? Ms. Valkavitch from Home Depot agreed that this is happening in her parking lot. Officer Hayes stated this is not aggressive.

Officer Hayes did state that the police could ban panhandlers from certain areas, such as around ATM machines and around the ingress and egress from businesses. Ms. Valkavitch explained property owners could set in force a “no trespass” order. She also stated that she has been seeing an increase in panhandling and asked if the police could advise those individuals as to where they are allowed and not allowed to panhandle.

Councilor Varney asked Officer Hayes if the police were keeping individuals out of the median on Route 11. Office Hayes stated at this time they have not. She explained that she would like to have an ordinance, which would make panhandling an inconvenience. The Codes and Ordinances Committee discussed this further in regards to solicitation. Councilor LaBranche stated that there is a big issue with panhandling in the area of Signal Street.

Officer Hayes stated that she will propose an ordinance for the February 7, 2013, meeting and mentioned a proposal for a policy of theft by deception. She gave an example of what kinds of deception this would fall under. Ms. Valkavitch explained a situation at the Home Depot with a panhandler on Election Day. Officer Hayes brought up the “no trespass” order. Ms. Valkavitch thanked the Committee for allowing her the opportunity to speak.

## 8. Other

Councilor Savoie wanted to discuss re-codification of city ordinances and asked if this is something that should be discussed with City Manager Fitzpatrick. Councilor Savoie handed out some literature that he had found on line. City Clerk Walters stated that she was under the impression that this was already looked at. She will research it and will get back to the Committee on this matter.

## 9. Adjournment

Councilor Savoie **MOVED** to **ADJOURN** the Committee meeting at 8:18 PM. Councilor Varney seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Draft

Codes and Ordinances Committee  
January 3, 2013

Respectfully submitted,

Nancy Carignan  
Assistant City Clerk