

CITY COUNCIL WORKSHOP MEETING
September 17, 2013
COUNCIL CHAMBERS
7:00 PM

MEMBERS PRESENT

Councilor Gray
Councilor Hervey
Councilor Hynes
Councilor Keans
Councilor LaBranche
Councilor Lachapelle
Councilor Larochelle
Councilor Lauterborn
Councilor Reed-Erickson
Councilor Varney
Councilor Walker
Mayor Jean

MEMBERS EXCUSED

Councilor Torr

OTHERS PRESENT

Daniel Fitzpatrick, City Manager
Karen Pollard, Deputy City Manager
Chief Michael Allen
Jim Campbell, Chief Planner
Nel Sylvain, Planning Board Chair
Peter Nourse, Director of Public Works
Fred Leonard, Resident
Bonnie Billings Resident
Lou Archambault, Resident
Felicia LaBranche, Resident/Business Owner
Roland Hersey, Business Owner
Gregg DeNobile, Resident
Tom Kaczynski, Resident
Jeff Walters, Business Owner
Carl Branco, Business Owner
Jerry DeLemus, Resident

MINUTES

1. Call to Order

Mayor Jean called the City Council Workshop meeting to order at 7:03 PM. Deputy City Clerk Marcia Roddy took a silent roll call. All members were present, with the exception of Councilor Torr, who was excused.

2. Public Input

Fred Leonard, resident, spoke on the recently signed teachers' contract. He said he was disappointed that the City would approve this contract knowing that money is so tight. He added that research shows that the salaries of teachers does not always reflect the quality of education being provided to the City's students.

Mr. Leonard said he was disappointed that the mayor had become involved with the teachers' contract negotiations.

Mr. Leonard pointed out that the Rochester Fair owes the City money and that the last check paid to the City had bounced. He wondered if there has been any follow up to that and he would like an answer.

Bonnie Billings, resident, spoke about the proposed zoning changes for Chesley Hill Road. She said she has lived in that area most of her life, especially near Mitchell Hill. She said that she has fond childhood memories of spending a lot of time on Mitchell Hill, especially during the winter. The area offers a good deal of recreation opportunities and it would be a shame to allow apartment buildings to be built there and destroy that natural resource. The neighborhood would suffer.

Lou Archambault, resident, also had issues with the proposed zoning changes for Chesley Hill Road. He said that at the recent Planning Board meeting it was mentioned that the residents of the area had been offered a "buy out." He said that he has spoken with the residents and not one person claims to have been given that offer. He went on to say that his property abuts the property in questions (the "Ramsey Estate") on three sides. A home lot was carved out of the estate property on one of the three sides to buffer his property. The remark made at the Planning Board meeting by Mr. Grassie misrepresented the residents of Chesley Hill Road. He questioned how Mr. Grassie knew about the buy-out; what information was he privy to that the residents of Chesley Hill were not made aware of?

Mr. Archambault cited an article in *Foster's Daily Democrat* dated July 28, 2004, that a development firm was planning a Gonic shopping center. It was reported that residents on Ancil Court were approached about purchasing property to serve as the main entrance. Several residents on Chesley Hill, it was reported, were offered a buy-out. Mr. Archambault checked with the residents of the area and nobody was offered a buy-out. He went on to cite the report of the Planning Board acting under a "cloak of secrecy" and that people who had attended their meetings were "gaveled down" by the then chair Julie Brown and were not able to speak. He concluded by questioning why all of this activity had not been investigated by the Attorney General's office.

Felicia LaBranche, resident and co-owner of Trinkets and Treasures, a second hand dealer in Rochester, spoke to the City Council with her concerns regarding the proposed ordinance for a holding period/reporting system for pawn shops and second hand dealers. Ms. LaBranche disclosed that she is the wife of City Councilor Brian LaBranche.

Ms. LaBranche said that the ordinance proposed by the Codes and Ordinances Committee would require secondhand dealers to hold certain items for fourteen days from the date of purchase and report each item in a police database. A letter from her to the City Council detailing her concerns was included in the council packet.

Ms. LaBranche understood that the Police Department wanted this ordinance in place in order to recover stolen property; the database would save the Police Department in investigative time. Her concern was the expense and how it would affect the businesses and would it penalize those dealers who deal responsibly. She would like to see more thought given to the proposed ordinance at the committee level. She urged the City Council to hold a public hearing on the matter prior to coming to a decision on the ordinance and how it will impact the citizens and business owners in the City of Rochester.

Roland Hersey, owner of Gold & Things Trading Center, said he does careful checking on items and has a good database. He has a good checking system and good relationship with the Police Department. He said that software is expensive and he is concerned with the costs that are typically associated with such programs. However, he added, thefts do happen and he does everything he can to prevent it with the program he has. He feels that the new program that is being proposed by the Police Department will be an added cost to the business owners.

Gregg DeNobile, resident, thanked the Council for getting the speed limit reduced on Chesley Hill Road.

Mr. DeNobile said that with regard to comprehensive rezoning he would like to see people be notified when their zoning changes.

Mr. DeNobile asked what should be done if you see a political sign on an Adopt-a-Spot. Who should be called?

Mr. DeNobile asked a question regarding the Strafford Regional Planning Commission. He said he read an article in the newspaper about representatives from Strafford Regional Planning Commission showing up on an individual's property. He questioned under whose authority does the commission act, in particular when they show up on someone's property. He added that it would be a good idea if the Council got a report from the Commission every now and then, at least quarterly, to be aware of what the Commission is actually doing.

Tom Kaczynski, resident, thanked the four Councilors who voted for him in his bid to serve on the Strafford Regional Planning Commission.

Mr. Kaczynski spoke about the new teachers contract and all of the increases that came with it (salaries, pensions, etc.). He said that the City did not act responsibly in approving the contract. Studies have shown, he said, that more money spent on salaries does not necessarily result in higher performance results by students. He said that the number of teachers on staff has gone up while student enrollment has gone down.

Jeff Walters, owner of Seacoast Gun and Pawn, and Carl Branco, owner of Rochester Pawn, spoke about the proposed ordinance regarding pawnbrokers. Mr. Walters specifically pointed out paragraph 34.8-a(b) and questioned the language "...retain on the premises all items purchased or pawned ...". He wanted to know if the word "pawn" was being used to refer to an item that was offered as collateral for a loan. He said this ordinance would defeat the purpose of the business in which a customer may be looking for a short term loan, but would not be able to get their property back in a few days if there was a hold on it.

Mr. Branco also questioned the holding period as there are many incidents where a customer is looking for a short term cash loan. He does not feel that the dealer should have to tell them they cannot have their item back right away if there is a hold on it. Many customers only need to borrow money for a few days. He said businesses like

his provide a needed service to the community and a holding period would put a burden on the citizens who use their service.

Jerry DeLemus, resident, addressed the Council with his concerns regarding the teachers' contract. He pointed out that the number of pawnbrokers and secondhand dealers is a sign of the times and the economy. He said that with a government that keeps spending money that it doesn't have, it is necessary to be very cautious with how tax money is spent. He urged the Council to be very careful and cautious with pay increases.

Mayor Jean closed Public Input at 7:47 PM.

3. Communications from the Mayor

3.1 Smoking restrictions on the Common

Mayor Jean asked Councilor Lachapelle to update the Council on what was discussed at the Codes and Ordinances Committee meeting regarding smoking on the Common. The proposal is for the area around the playground to be a designated non-smoking area and when there is an event, such as a concert, there would be portable non-smoking signs put up for that area being used on the Common. Mayor Jean said that he felt this was a very good compromise.

Councilor Lachapelle said this is the recommendation from the Codes and Ordinances Committee and it will be voted on at the next City Council meeting on October 1, 2013.

4. Communications from the City Manager

4.1 Merit Plan: Office Manager Job Classification

City Manager Fitzpatrick passed out a memo regarding the upgrading of the DPW Secretary II position to Office Manager, grade 10. On March 7, 2013, the Personnel Advisory Board created the classification of Office Manager at grade 8. Mr. Fitzpatrick's recommendation to the City Council is to compromise and modify the Merit Plan by creating the position of Office Manager, grade 9.

Mayor Jean explained that there is no action required of the City Council at this time. They have sixty days to take action.

Councilor Varney asked the City Manager if he had completed the Hay Study for the recommendation. Mr. Fitzpatrick replied no. Councilor Varney asked him if he intended to. Mr. Fitzpatrick said he did not know it was required. Councilor Varney said he recommended doing the study and Mr. Fitzpatrick said he will take it under consideration.

5. Regional Automated Property Information Database [RAPID] presentation

Chief Michael Allen said the issue of secondhand dealers and pawnbrokers has been in discussion for around two years at the Codes and Ordinances Committee level. He would like to put some finality to the matter and either implement the program or dismiss it altogether. The Committee asked the Chief to come before the Council and talk about the proposal and bring some additional statistical data regarding stolen property and recovered property.

Chief Allen said that Dion MacArthur of BWI [Business Watch International] would be giving a presentation on how the software program works. He explained that the software would integrate into one of the proposed changes in the ordinance as far as the electronic reporting requirement. He said that there are two changes to the ordinance that are being proposed: one is the fourteen day hold for property that has been sold or pawned at a pawn shop in the city; and the second item is the electronic reporting requirement. The current ordinance, he explained, has no hold period for any item pawned or sold and no electronic reporting requirement.

Chief Allen said that the electronic reporting system is a growing trend that has been adopted by several communities. The Salem Police Department has implemented the program and there are several other communities that are very interested in the program. He said the purpose of the program is not to hurt the businesses, but rather to protect the citizens with regard to property crime.

Chief Allen gave a PowerPoint presentation with illustrations and statistics regarding stolen property. He explained how the Business Watch International (BWI) RAPID System would benefit the City of Rochester. The impact of stolen property on the community is very big and he believes the program would be a great benefit. He introduced Mr. Dion MacArthur of BWI who gave a PowerPoint presentation about the company.

Councilor Keans asked Mr. MacArthur who pays for this program. Mr. MacArthur said the City actually does pay for it, but the first year BWI will waive all fees associated with bringing the city online. There is no charge to the citizens for the Home Watch; the stores do not pay for their data entry or for use of the website; and the police departments are charged \$250 per store per year. The only thing that cannot be waived is the hosting cost for the Police Department to use the server, which is 10% of the \$250 (or \$25 per store). The cost to the City of Rochester, with its 30 stores, would be \$750. Going forward, it would cost \$7,500 which includes the hosting fees built into it. He said that historically the price has not gone up every year.

Chief Allen explained that the cost to the dealers would be increasing their \$50 licensing fees to \$250, thus including the licensing fee and offsetting the software fee. He said that one way to look at this is that if a dealer prevents \$200 in loss from stolen property, then the software has paid for itself. He explained to Councilor Keans that not all dealers use an electronic program. If the Police Department needs to look through paper records when tracking stolen property the task becomes more labor intensive.

Councilor Walker said that, at one time, another councilor had asked if there was any data from other communities who do fourteen day delays and if it prevents crime or

increases arrests. Chief Allen said that the hold period is designed to give the victim time to report the crime and for the police to investigate it and make a determination if it has been pawned. He said he does not have specific data from other communities. He said the software program has proven to be very effective in other jurisdictions around the country, but it is relatively new to New Hampshire. Salem is the only community, at this time, that is using the software.

Councilor Larochelle said that he thinks the people who buy and sell used goods have an actual stake in this because if they purchase an item that has been stolen then they are out the money. He thinks the dealers should be invited to brainstorm with the Police Department on this as they stand to lose. Chief Allen agreed.

Councilor Lachapelle, who is also Chair of the Codes and Ordinances Committee, said he thinks the software is a good idea; however, he said he is reluctant to pass the cost on to the pawn shops and secondhand dealers. He said that the topic is going to remain in committee at this time. The next Codes and Ordinances Committee meeting is on October 3, 2013, at 7:00 PM, at which time the matter is going to be discussed thoroughly. He reiterated that there needs to be a balance regarding the dealers and the citizens and the cost involved.

Councilor Varney asked for clarification on the one-year trial period and if there is any commitment from the City at the end of the one-year period. Mr. MacArthur said absolutely not, but in the 15 years of the company's existence he has never lost a customer.. Councilor Varney said he thinks it is a good idea for the City to take advantage of the free trial period and see if it is a useful tool.

Councilor Keans asked Chief Allen why the Town of Salem charges \$1,000 per location and the City of Rochester would charge \$250. She was concerned that Rochester's fees would go up. Chief Allen explained that the \$250 fee per location payable to BWI is the same for everyone; Salem just happens to add an additional \$750 charge for their licensing fee, whereas Rochester would not.

Mayor Jean repeated the date and time of the next Codes and Ordinances Committee meeting (October 3, 2013 at 7:00 PM) where the discussion regarding the RAPID program would continue with a recommendation from the committee to be presented at the November Regular City Council meeting.

Chief Allen said the Police Department wants to work with the business community and protect the dealers and citizens from theft and crime. He welcomes input from the businesses.

6. Presentation from Planning Board - Chapter 42

Mr. Nel Sylvain, Chairman of the Planning Board, was introduced by Mayor Jean, who commended the members of the Planning Board for their hard work on the zoning project.

Mr. Sylvain said he recently resigned from the HDC and at the most recent Planning Board meeting he nominated Rick Healey to serve on the HDC and Mr. Healey accepted the appointment.

Mr. Sylvain said that an issue came up at the September 22, 2013, Planning Board meeting regarding a resident on Church Street in Gonic (Mr. Lindsey). He said that in 2008 an individual in the Planning Department went to the Council without going to the Planning Board and asked for a resolution to pull the individual's surety. The surety never got pulled and the individual is now requesting his money in the amount of \$7,500. Mr. Sylvain is going to put this request in writing to the City Council to reverse the resolution and to release the surety. Mayor Jean said yes, that would be the correct procedure.

Mr. Sylvain said that the Planning Board intends to vote on what they have now regarding Chapter 42 at the October 7, 2013, Planning Board meeting and send it to the City Council for action.

Mayor Jean commented on the activities of the Planning Board in working on the project. He said that members of the Planning Board have attended Ward meetings to have discussions with the residents. Councilor Varney said that the meetings were held prior to the final draft document and thinks that it would be important for the Wards to review that. Mayor Jean said that the best procedure would be to have the City Council review and discuss the proposal and then bring that to the Ward meetings for further review.

Councilor Lachapelle asked if the Planning Department would be providing a current map and a proposed map for comparison. Mayor Jean said yes, as well as a copy of the current ordinance and the proposed ordinance. More information will be posted on the City website.

Councilor Larochelle asked if it will be easy to view side-by-side comparisons of the new ordinance. Mr. Sylvain said yes; however, there are significant changes and the new version is drastically different.

Councilor Lauterborn asked if there will be an easy way to view the changes in uses. Mayor Jean said there will be tables to use.

Councilor Gray said that when viewing the table of uses they could look identical, but that it is necessary to look at the current definitions.

Mayor Jean said this process will not be rushed. There will be plenty of time for the councilors to take it to the Ward meetings; there will be time for the public to comment at a public hearing and public input sessions; there is no set date for it to pass. Chapter 42 will ultimately come up for a vote before the City Council.

Mr. Sylvain added that the Chesley Hill Road matter has two issues going on. He is going to go to the Registry of Deeds to look up the Ramsey Foundation deeds. The representatives of the Foundation may not be able to come before the Planning

Board and make the requests because of the way the deeds read. To clarify, the Ramsey Foundation came before the Planning Board to change all of their property to commercial property. The Ramsey property and the Mitchell Hill property are across from each other and both are the subject of a proposal to change to commercial properties.

7. Amendment to Ordinances Relative to Secondhand Dealers', Junk Dealers', and Pawnbrokers' Holding Period

Mayor Jean said this item furthers the discussion in Item 5 of the agenda. The discussion will continue at the committee level.

8. Spaulding Turnpike Exit 10

Mayor Jean announced that there will be a hearing on September 18, 2013, in Somersworth at the City Council Chambers to look at the ten-year master plan for transportation projects in the area. One of the issues to be discussed is Exit 10, a project that was thoroughly vetted in the past. The time of the hearing will be at 4:30 PM.

Councilor Varney said that Rochester should support Exit 10 given the time it takes to get out of the airport area and to the Spaulding Turnpike. He pointed out that some of the projects on the list are outdated and there are other needs that come before them.

Deputy City Manager Karen Pollard said she would be attending the meeting. She said that the ten-year plan is not always accurate as sometimes it takes more than ten years to get a project on the list. Certain projects may have been completed and there could be ways to modify the plan.

Councilor Lauterborn said she did not see Exit 10 on the list. Ms. Pollard said that is correct; it had been removed several years ago. The intension is to have the matter put back on the plan.

Councilor Lachapelle asked if the Exit 10 project had been removed because of opposition from the residents of the area. Ms. Pollard said no, it was purely a financial decision. Councilor Lachapelle said the traffic in the Old Dover Road/Pickering Road area has increased. There was a brief discussion about the location and need for Exit 10.

Councilor Walker noted that Strafford Square was not on the list. Mayor Jean said that it has already been approved and funding is in place. Peter Nourse, Public Works Director, concurred.

Ms. Pollard said that the current list of projects for Rochester in the next ten years is inadequate for suiting the needs of Rochester and economic growth,.

Councilor Reed-Erickson said he rides his bicycle frequently and there are no bike lanes on most of the roads around Rochester. He asked Ms. Pollard to look into having more bike lanes on the roads.

Councilor Keans said she worked on the Exit 10 project some years ago. She pointed out that projects are constrained by Federal dollars and categories.

9. Department Reports

Councilor Varney questioned the report from Buildings and Grounds. He noted the Gonic Fire and Library roof bids. He said he did not know there was a problem with the Gonic Fire Station roof. Peter Nourse said there are problems with rust and it is deteriorating.

10. Non-Public Session per RSA 91-A:2 (c)

Councilor Walker **MOVED** to enter Non-Public Session under RSA 91-A:2 (c) - Personnel at 9:10 PM. Councilor Larochelle seconded the motion. The **MOTION CARRIED** by unanimous roll call vote. Councilors Lauterborn, LaBranche, Hervey, Reed-Erickson, Varney, Hynes, Keans, Gray, Lachapelle, Walker, Larochelle, and Mayor Jean all voted yes. Councilor Torr had been excused from the meeting.

Councilor Lachapelle **MOVED** to exit the Non-Public session at 9:43 PM and seal the minutes indefinitely. Councilor Walker seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

11. Other

There was no other business before the Council.

12. Adjournment

Councilor Walker **MOVED** to adjourn the Workshop meeting at 9:43 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Marcia H. Roddy

Marcia H. Roddy

Deputy City Clerk