

ROCHESTER CITY COUNCIL WORKSHOP

April 16, 2013

Council Chambers

7:04 PM

MEMBERS PRESENT

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

OTHERS PRESENT

Daniel Fitzpatrick, City Manager
Blaine Cox, Deputy City Manager
Mark Sullivan, Sr. Accountant
Peter Nourse, City Engineer and
Acting Public Works Director
Roland Connors,
Karen Pollard, Deputy City Manager
Doris Gates, Resident
Robert Gates, Resident
Gregg DeNobile, Resident
Tom Kaczynski, Resident
Matt Pappas, Resident
Jake Collins, Resident
Jean Taylor, Resident

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 Councilors were present.

Mayor Jean asked all in attendance to please rise and recite the Pledge of Allegiance. Following the pledge, he asked for a moment of silence and prayer in honor of the three who lost their lives and the hundreds who were wounded in the Boston Marathon bombings the previous day.

2. Public Input

Doris Gates, resident, came forward to speak on the proposed Dispatch Center Regionalization. Ms. Gates thanked the Council for all of their work and the burden placed on them to deal with the budget, school issues, and how to save money.

Ms. Gates said in 2009 the County had a report commissioned by them and reported in April of that year. Ms. Gates said she had a copy of that report that she wished to share with the City Council. She pointed out that there are some towns who became part of the regionalization and who are now trying to separate from that service as they do not have a dispatch center of their own and are unable to afford one. Ms.

Gates said that is something that the City of Rochester needs to consider as it moves forward. Ms. Gates said that she and her husband has submitted three "Rights to Know" to the City Manager on Monday (April 15, 2013).

Ms. Gates attended the July 22, 2010, Strafford County Regionalization meeting, as well as Mayor Jean and other city officials in the county. They came up with 25 different ideas on ways the county could save money. Seven of the top programs were chosen to focus on, including the Dispatch Center, Health and Human Services, Welfare programs, Direct Assistance, Prosecution services, Special Education, and Central Purchasing.

Ms. Gates gave a copy of her document to the Deputy City Clerk for distribution.

Ms. Gates pointed out that there are twelve items in her report, but that she would be discussing only three of them at the Workshop meeting. The first item concerned reference to the Dispatch Center being housed in a "stand alone" building. She questioned who would be responsible for paying for such a building. She added that this could possibly be a reason why the regionalization did not materialize.

The next item Ms. Gates pointed out was a secondary back-up dispatch center, which could be housed at Rochester or even Rockingham County. She said that the citizens of Rochester should remember the bond being paid for regarding an over Five Million Dollar police station that includes a dispatch center with the most updated equipment. It started out with three stations and a fourth was added for future growth. A firing range was added in the basement for future revenues, a function that she does not believe ever happened. Ms. Gates said that then Chief Dubois was in favor of this center, but now that he is Sheriff he is supporting the regionalization plan.

On the item of radio communication systems, Ms. Gates noted that the accommodations at the regional operation would cost about \$700,000 and that the present system is no longer in production and is a concern. To update this system at the County level could possibly cost up to a million dollars. Who would pay for that?

Robert Gates, resident, also commented on the regionalization of the Dispatch Center. He said there are certain considerations that should be looked at before giving up dispatching duties to Strafford County. How much money will the Rochester taxpayers have to pay to have every file entered into the State Police terminal that the Rochester dispatchers currently do? Mr. Gates said that Rochester, Somersworth, and Dover all have HUD housing requiring a specific background check be performed on all individuals wishing to live in HUD housing. He asked how much the County would charge Rochester to perform this specific duty.

Mr. Gates questioned if the County would check for ICE warrants. This is currently done by the City's dispatchers and wondered what the County would charge to do this particular administrative function. There are other administrative duties

performed by the City's dispatchers and Mr. Gates asked what charges the County would levy to take over these duties. Would people need to be hired to perform these duties?

Mr. Gates suggested that the Council consult with dispatchers, officials of the municipalities who have the County handling their calls, and the municipalities who do not have the County handling their calls for them and why they chose that position. He asked to explore both the positive aspects and negative aspects of regionalization, as well as consulting with the New Hampshire Emergency Dispatch Association in order to make a fully informed decision.

Gregg DeNobile, resident, said he has been following the zoning changes that are being proposed throughout the city and gives the Planning Board credit for doing a very thorough job in reviewing them. However, Mr. DeNobile said that the last few meetings he has attended he has heard a lot about what is "good" for the City of Rochester. He questioned what is being referred to as "good" for the City of Rochester.

Mr. DeNobile brought up the Buxton project and asked what has become of it. He said that he wished people who have ideas for the community would have information or plans that could be shared, especially on the City's website.

Mr. DeNobile said he would like to see more of the "master plan" and better plans and supporting statistics and backup information on what people are expecting to see happen in the City.

Tom Kaczynski, resident, had comments on the budget process. He said he had looked up the word "cut" in the dictionary and found 83 definitions of the word. The two he found that he feels pertain to what the City Council needs to do with the budget are: *verb* "to lower, reduce, or diminish; and *noun* "reduction in price, salary, etc." In past budgets, Mr. Kaczynski added, the Council referred to budget cuts.

Mr. Kaczynski has lived in Rochester for 23 years and he cannot recall any year when less money was spent than in the previous year. He would not say the budget was cut if there was not less money spent. He said he does not believe there is one employee in the city earning less money than they did in the previous year.

Mr. Kaczynski recalled the year 1999 when taxes went down as a result of Rochester being the beneficiary of redistribution of income from other areas of the state. This was an exception. He compared the city to a corporation and would like to see "dividends" paid to the taxpayers in the form of a reduction in taxes.

Matt Pappas, resident, referred to a study done on gravel mine operations on property values. The study says that properties adjacent to a gravel pit will see a 30% reduction in value. Moving one mile away there is a decrease to 14.5%; 2 miles away drops to 4.9%. Mr. Pappas said that this study is similar to the project proposed in

Barrington, one in which 18 million cubic yards of material is expected to be mined over 20 years.

Mr. Pappas said that the Barrington gravel pit project will bring a significant loss to the City of Rochester, in particular the Stillwater Circle neighborhood, including Stillwater Creek, Echo Brook, Spirit Creek, and Sugar Brook Roads. Mr. Pappas said the total property values in this area add up to \$18,079,800 and the revenue collected was approximately \$464,000 in property taxes on those properties. According to the study Mr. Pappas has referred to, the City could expect to see a reduction of 14 to 30%. A median figure of 22% would mean that Rochester would stand to lose a total of 3.9 million dollars in property value.

Mr. Pappas said he realizes that this proposed gravel pit is in Barrington and that the City of Rochester has no vote on the Barrington Planning Board, but the constituents of the [City Council] are waiting for a decision.

Mr. Pappas said that the City of Rochester will receive nothing from this project but headaches. He said that there will be added costs due to lost revenue; added police patrols will be needed to keep big rig truck off of the streets; there will be added health risks for nearby residents, citing the dust that blows through the air on a breezy day. He pointed out the risks of a sand pit as close as 100 feet from a property. Kids are attracted to a sand pile, not realizing the danger.

Mr. Pappas urged prompt action on this matter as the Town of Barrington will most likely be making a decision on the project soon. He thanked the Council for their time.

Jake Collins, resident, spoke about the April 10, 2013, Zoning Board of Adjustment meeting. He praised the residents who also attended that meeting and spoke regarding zoning issues. He also commended the fact that a City Councilor had attended the meeting, as well as the fact that the members of the Board were committed to doing a good job serving on the Board. Mr. Collins urged the City Council to keep in mind this type of commitment and strive to keep local control and basic freedoms. He wished the Council good luck in the hard task ahead during budget season.

Jean Taylor, resident, praised the City Council for the way they discuss certain projects and "bounce" ideas off each other and with cooperative teamwork they decide what is best for the city. She was speaking out regarding the proposed bathrooms on the Common.

Ms. Taylor said that she has walked around the Common for years and at one time would pick up papers, cans, and other trash just to keep the area clean. She said she has observed the use of the porta potties in recent years. They are accessible to anyone 24 hours a day. Sometimes she sees workers making deliveries to Arthur's

Market use the porta-potties, as well as people driving through to Boston or to the northern part of New Hampshire.

Ms. Taylor pointed out that spending money to install permanent restrooms on the Common would mean that additional money would have to be spent to maintain and keep them clean. She is concerned about evening use, as well, as the restrooms become very messy as the day goes on. She is also concerned about vandalism and the need for additional police surveillance of the area.

Ms. Taylor had done research on the rentals of the porta-potties. She found that it cost the City \$900.40 in 2012 for them and \$850 for the current fiscal year, a cut in cost that one rarely sees.

Ms. Taylor thanked the Council for its time.

Mayor Jean closed Public Input at 7:35 PM.

3. Art Esprit 2013 Public Art Exhibit Presentation

Susan Schwake, a representative of Art Esprit, gave a presentation of the proposed 2013 Art Esprit Public Art Exhibit. The project will be entitled "The Postcards of Rochester" which will consist of 4' x 6' postcards. Ms. Schwake apologized for not having any visuals of the project, but said that most people know what a postcard looks like. The postcards will be made by Spaulding High School, the Magnet School, and twelve other artists based in the Rochester area.

Ms. Schwake said that the postcards will be placed in a healthy walking tour as has been done in the past. The exhibit brings visitors to the City of Rochester and is a boost to the local economy. She went on to say that some of the postcards will be historically based. Others will be created with a cut-out for a person to put their head in and have a picture taken. The postcards will have poetry incorporated on the backs of them.

Councilor Lachapelle asked where the money comes from to pay for this project. Mayor Jean said that it comes from the ED fund balance.

Ms. Schwake said that in the past Art Esprit has created 15,000 rack card brochures that are put in the entryways to the state and coming down from North Conway. They are the only "advertisements" for the City of Rochester and attract many people to the city.

Mayor Jean pointed out that New Hampshire Magazine had cited the "Mythology of Rochester" with an honor for a public art display. Ms. Schwake said yes, they had received "Best of New Hampshire" and "Best Public Art Exhibit" in the state, an honor

that is huge due to the fact that almost every major city in the State of New Hampshire has a public art display.

Councilor Varney asked what the total cost of the project is. Ms. Schwake said that the total cost of the project this year is around \$11,000-\$12,000, which includes scholarships to graduating students of Spaulding High School. Any money left over from the creation of these projects goes to the graduating high school students.

Mayor Jean said that this matter will be the subject of a resolution to be voted on at the Special Meeting to be held later in the evening. He thanked Ms. Schwake for her presentation.

4. Communications from the City Manager

4.1 Presentation of the Fiscal Year 2014 Operating & Maintenance Budget

City Manager Fitzpatrick gave a PowerPoint presentation of the Operating and Maintenance Budget for Fiscal Year 2014. He pointed out that it has been two years that evening since he was appointed City Manager of the City of Rochester. The Council was given bound copies of the proposed budgets, copies of which are available in the City Clerk's office for viewing.

5. Communications from the Mayor

5.1 Proclamation in Honor of Arbor Day [April 26, 2013]

Councilor Varney **MOVED** to read the proclamation for the record. Councilor Lachapelle seconded the motion. Mayor Jean read the proclamation. The proclamation will be posted in the offices of Public Works in recognition of the City of Rochester being named a Tree City USA.

5.2 Joint Meeting of School Board and Council Finance Committees – Thursday, April 25, 2013, at East Rochester School

Mayor Jean reminded the Council of the joint meeting of the School Board and Council Finance Committees on April 25, 2013, beginning with a tour of the school beginning at 6:30 PM, followed by a discussion at 7:00 PM with the architects and engineers of the project. It has been requested of the School Department to provide more detailed engineering plans for review prior to that meeting. All councilors are invited and urged to attend the meeting.

5.3 Rochester Pride Clean-up Day – April 20, 2013, 8:30-12:00

Mayor Jean reminded the community that April 20, 2013, is Rochester Pride Clean-up Day. People are asked to meet at the Union Street parking lot at 8:30 AM to participate in the event.

5.4 Dog Registration

Mayor Jean said that the City Clerk's office is now licensing dogs for the 2013-2014 year and that all dogs must have a current rabies vaccination on file with the Clerk's office in order to be licensed. The deadline is June 1, 2013, for licensing dogs.

5.5 Rabies Clinics April 20, 2013 Rochester Fair Grounds 4-H Building

Mayor Jean reported that there is a rabies vaccination clinic planned for Saturday, April 20, 2013, and May 11, 2013, at the Rochester Fairgrounds 4-H Building. Both clinics will be held from 12:00 noon to 2:00 PM. All shots are \$15.00. Dogs must be on a leash and cats must be in a carrier.

Mayor Jean said that there will be a household hazardous waste collection on May 4, 2013, from 8:30 AM to 12:30 PM at the Turnkey Landfill, 90 Rochester Neck Road. This is for items that are potentially hazardous, including house and garden products, garage products, car wax, polish, fuel additives, carburetor and fuel injection cleaners, etc.. Items that are not accepted are latex paint (containers can be left open to dry and disposed of in the trash), motor oil, tires, computers, batteries, and propane tanks, all of which must be disposed of through other venues.

5.6 Discussion: MS4 Storm water Permit

Peter Nourse, Acting Director of Public Works/City Engineer, was asked to bring the Council up to date on obtaining authorization from the City Council for the city to join a greater coalition of communities to address this new permit. In February of this year, the EPA issued the MS4 Permit to the entire State of New Hampshire. This affects 60 communities, encompassing one-half of the population of the state.

Mr. Nourse explained that this permit is an update of a 2003 permit that is currently in place and the draft 2008 permit that came out of the EPA has been updated for a variety of reasons. The existing permit from 2003 is about 60 pages; the new permit is about 600 pages. The requirements of the permit as written are extraordinary. The EPA estimates that communities will spend in compliance anywhere from \$80,000 to \$100,000 per year, depending upon the complexity of the infrastructure. Mr. Nourse opines that that is very low. A neighboring community has calculated its cost to be over one hundred million dollars over twenty years to comply with this permit as it is currently written.

Mr. Nourse said the coalition would ideally encompass all 60 affected communities. He said that Attorney John Hall recommends a coalition approach. Mr.

Nourse said that the coalition that has been in place for wastewater (Dover, Portsmouth, and Rochester) has born fruit. The experts believe this is the best approach.

According to Mr. Nourse, the public comment period for this permit has been extended thirty (30) days from April 15, 2013, to May 15, 2013. Attorney Hall and other legal professionals agree that all communities should write to the EPA and request an additional ninety (90) day extension to allow more time to address this.

Mr. Nourse said that the coalition will seek legal counsel. He added that a rather large law firm in Manchester has expressed interest in working with the communities. The formation of the coalition is still in the early stages and other communities are in the process of asking permission from their governing bodies.

Mr. Nourse pointed out that back in 2008 the then City Council and Mayor saw this coming and encumbered funding and right now the City has almost \$178,000 of funding that is storm water permit related. There is money that could be used toward this effort.

Mr. Nourse said that the public comment period is a key part of the whole process because that is how to memorialize the community's position and is very important. The coalition seeks to gather the comments from all of the communities and present them in one format to the EPA.

Councilor Lauterborn asked what are the potential penalties that the Federal government could impose on local governments *en masse* that simply do not comply. Mr. Nourse said that the figures he has heard and read for noncompliance are upwards of \$37,500 per day per community in addition to incarceration. Mr. Nourse said if this permit is issued the way it is written now, communities would immediately be in noncompliance. Every time it rains, water discharges into waters that are impaired and the EPA recognizes that there are certain limits to certain pollutants going in there, so if nothing is done, then there is noncompliance. He said that with legal counsel communities would be able to barter and negotiate permit conditions.

Councilor Keans asked if this is a different coalition from the one that is working on the Great Bay matter. Mr. Nourse said yes. Councilor Keans asked if Attorney Hall is representing us [the City]. Mr. Nourse said yes and Mayor Jean added that Attorney Hall is representing the Great Bay Coalition and is mostly in an advisory capacity for this coalition. Mr. Nourse explained that there is a law firm in Manchester that is interested in representing the coalition. Nothing has been finalized as of yet for legal counsel.

Councilor Savoie asked what are some of the elements of driving force of the permit. Mr. Nourse explained about the various water outlets in the city, the run-off, substances in the water, etc. He said there are a lot of unknowns in the permit due to its complexity.

City Manager Fitzpatrick said he agrees that there are a lot of unknowns. He said the EPA is “making it up as they go along” as there are so many regulations. It will probably be more expensive than quoted at this meeting.

Councilor Savoie asked if there is any community with experience in managing runoff water that would meet these criteria. Mr. Nourse said no, he does not think there is any community that will comply right away.

Councilor Hervey asked if he is hearing that the storm water will actually have to be directed through the City’s wastewater treatment plant. Mr. Nourse said he does not believe that is the intent of the EPA. There already is a lot of storm water going through the treatment plant now, but ideally the EPA would like to have wastewater and storm water separated.

Mayor Jean said he is concerned with money being spent, or potentially could be spent, on another coalition regarding water. He has worked with the Great Bay Coalition extensively and is concerned about more legal fees. He asked if there is some way the two factions could work together for basically the same reasons. Mr. Nourse explained the proposal and function of the legal representatives, especially regarding their expertise in negotiating and interpreting the permit. He believes they would pro-rate their fees dependent on the population size of the community. He said that the initial quote was \$75,000 to go over the draft comments, produce a package, and submit it to the EPA. Based on the pro-rations of the cities and towns and depending on how many communities were in the coalition, Rochester’s share could be about \$2,000-3,000. His opinion is that no community can afford to not do this and not do it without legal representation because of the ramifications and costs.

Mayor Jean asked if discussing this topic again and at length at the May 7, 2013, Regular City Council meeting would be soon enough. Mr. Nourse said yes and there is a fact sheet that he would provide.

Councilor Savoie asked if the coalition had any type of budget or game plan in place at this point. Mr. Nourse said there is nothing in final form, but it is in the very preliminary stages.

Mayor Jean asked that further discussion on the MS4 Storm Water Permit be on the agenda for the May 7, 2013, Regular City Council meeting. Mr. Nourse will provide the fact sheet and a link to the full document.

Councilor Keans said she assumes that because this is not related to the sewer system *per se* that this will be paid for by tax dollars and not the user fees. Mayor Jean said yes. City Manager Fitzpatrick added that he sees that in the future the City will have to be dealing with these issues and it is too soon to know how or where the funds will be coming from.

The City Council discussed the matter further and talked about time constraints. Mr. Nourse said this is in the early stages and there is time before action is needed.

6. Bacon Felt Dam Status Update

Peter Nourse introduced Howard Greenlaw from the Bacon Felt Company to give an update on progress of the dam. Mr. Greenlaw had a consultant with him, as well.

Mr. Greenlaw said that the company has made an application to the Federal Energy Regulatory Commission to rebuild the dam. The application is being considered and that is where they stand at this point.

Councilor Varney said that the residents on Salmon Falls Road and Mill Street are concerned about the level of the dam. One of the concerns is that one of the elevations along lower Mill Street was not included in the elevation report and how does that impact the residents of that area. Mr. Greenlaw said there are misconceptions on the elevation of four feet as reported. He said that the dam is going to be built back to approximately the same height that it is now, about five feet off the riverbed. On top of that will be the other four feet, bringing it back to the historic nine-foot drop. There will be no change in the level upstream. Councilor Varney said that he would like some assurance that the residents will not be flooded out again since the dam has not been at the height that is being proposed for quite some time and he has concerns that during flood situations the residents will be flooded out. Mr. Greenlaw said that with the 4-foot flashboards on the dam, the flashboards will collapse down to the five-foot height of the dam and there should be no affect in the water level upstream.

Councilor Labranche wanted to know if, with the new construction of the dam, will there be a fish ladder. He also asked if the minimum flow requirements will be maintained at the dam. Mr. Greenlaw said that they are under no obligation to put in a fish ladder at this time, but they have been asked to look at eels and there will be further research done to see if it is necessary to install an eel ladder. He added that they are also under no obligation to alter the river flow as it is a "runner river dam." What comes in goes out. They are not allowed to stop the flow or increase the flow.

Councilor Labranche asked if there is an emergency action plan and available to be looked at. Mr. Greenlaw said there is a plan in his office, but that a new plan will be developed for the new dam.

Al Nash, an engineer on the dam project, wanted to clarify the fish passage question. Fish and Wildlife has said that at this time they are under no obligation to provided migrant passage for fish either upstream or downstream outside of eels. That is because the dam at the Somersworth end does not have an active fish way. Fish and Wildlife has the authority to mandate that when and if that comes to pass. Councilor Labranche said that that has changed drastically since that has always been a

requirement at that dam, according to the documentation he has seen. Mr. Nash said that there is a recent letter available on the website that clarifies their position.

Councilor Varney asked if there is any investment in any new equipment at this time. Mr. Greenlaw said no, they are using existing equipment. The only investment will be in the dam itself.

7. Department Reports

No discussion.

Mayor Jean asked if there was no objection he would like to amend the agenda to put the Non-Public Session after the Special Meeting.

Councilor Walker commented that a post installed on Washington Street to divert traffic from Brock Street was hit by a car and is gone. He said there is a sharp remnant of the post sticking up at road level, which could puncture tires or hurt someone. He asked to have someone look at that.

Councilor Varney said that the Regional Planning Commission did a very detailed review of the Barrington project and submitted a well-done letter to the Barrington Planning Board with a long list of recommendations. He was asking if anyone knows of a response from the Barrington Planning Board, in particular traffic and road studies and how trucks and heavy loads would affect the Rochester roads and streets. Mayor Jean said he has read the comprehensive study and suggested sending a letter to the Barrington Planning Board encouraging them to review the Strafford Regional Planning Commission recommendations and implement them in any permits that they do.

Councilor Varney asked who has been attending the Barrington Planning Board meetings. Kenn Ortmann said he and Jim Campbell have been attending the meetings. Councilor Varney said that he does not think sending a letter makes any sense. By attending the meetings it can be determined what has been discussed and already agreed to. Mr. Ortmann said that until someone actually makes a motion and has conditions of approval there is no way to know. As an abutter, the City of Rochester has reason to ask the Town of Barrington to pay attention to specific issues.

8. Adjournment

Councilor Varney **MOVED** to adjourn at 8:45 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Respectfully submitted,

Marcia H. Roddy
Deputy City Clerk