

CODES AND ORDINANCES COMMITTEE MEETING

Of the Rochester City Council

Thursday May 1, 2013

City Council Chambers

31 Wakefield Street, Rochester, NH

Immediately Following the Public Hearing

Committee Members Present

Councilor Peter Lachapelle, Chair
Councilor Elaine Lauterborn, Vice Chair
Councilor Ray Varney
Councilor Robert Gates
Councilor Derek "Mac" Kittredge

Others Present

Councilor Hamann
Councilor Walker
Councilor Gray
Joshua Keays, Resident
Shanna Gray, Resident

MINUTES

1. Call to Order

Councilor Lachapelle called the Codes and Ordinances Committee Meeting to order at 7:03 PM. Nancy Carignan, Assistant City Clerk took a silent roll call. All committee members were present.

2. Public Input

Councilor Lachapelle explained that the public could speak during the discussion of the item which they have concerns with. He asked if anyone would like to address the Codes and Ordinances Committee. There was no discussion.

3. Approval of the Codes and Ordinances Committee Minutes

• **March 27, 2014**

Councilor Kittredge **MOVED** to **AMEND** and **ACCEPT** the Committee minutes of March 27, 2014, (removing Councilor Gates from Others Present). Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

• **April 3, 2014**

Councilor Gates **MOVED** to **ACCEPT** the Committee minutes of April 3, 2014. Councilor Kittredge seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4. Panhandling Discussion

Councilor Lachapelle explained that he has not received any updates from legal counsel at this time pertaining to panhandling.

Councilor Varney recommended that the committee get a twelve month report from the Police Department on panhandling complaints. Councilor Lachapelle suggested that they request copies of all complaints from 2013 and four months into 2014. He suggested they discuss this issue at the June 5, 2014, meeting.

Councilor Lachapelle also wanted Kelly Walters, City Clerk, to reach out to Attorney Wensley regarding this issue.

5. Amendment Chapter 17 – Water Leakage Prevention

Councilor Lachapelle explained that they did not need to discuss this issue at this time. The City Council has already had a first reading and it was sent back to the Codes and Ordinances Committee as the vehicle to hold the Public Hearing. At this time it will go back to the full City Council.

Councilor Varney expressed concern on the way they have been enrolling bills. The Codes and Ordinances Committee should be signing off on the amendments such as Chapter 42. Councilor Lachapelle agreed that going forward this will be done.

6. Other

Joshua Keays, resident, expressed his concerns with the cat issues in Rochester. He cited state ordinance 433.16 a, which treats cats the same way that dogs are treated. He has made complaints to the Animal Control Officer and was told that they do not handle cats. He was informed that he could trap them on his property, but he felt that trapping them would make him liable and he felt that the City should be doing the trapping.

Mr. Keays went on to explain that the City could implement the NH state ordinance as it pertains to cats and this is an ordinance that he felt should be implemented. He reiterated that cats should be tagged just as dogs are tagged.

Mr. Keays explained that there was a recent article in the "Fosters Daily Democrat" regarding his issue. He explained that he has had classic cars ruined by cats. He felt that the City is responsible for this situation and should be responsible for these damages. Mr. Keays is not looking to make a claim against the City; he is just looking for some resolution to the issue.

Councilor Lachapelle wants to check with the Animal Control Officer in regards to responsibility. Councilor Gates thought getting a report on these types of complaints would help to address a possible serious issue. Councilor Lachapelle agreed and stated that other animals not just dogs, should be addressed.

Councilor Kittredge mentioned that there is a lady who is trapping cats in the City now, and she is having them spayed or neutered. He would like her to come and speak, as well as the Animal Control Officer.

Councilor Lachapelle explained to the residents how the committees work. He cited that they could only make recommendations to the full City Council. Mr. Keays asked if it could be presented to the next City Council meeting. Councilor Lachapelle explained that they need more information on this issue and that it needed to stay in committee.

Mr. Keays stated that he had talked to the City Manager's Secretary and was informed that there was an organization, which was a non-profit, called Voice for Animals that will trap cats. He explained that they are from Milton and he felt that this would be passing responsibility to another community.

Shanna Gray, resident, reiterated Mr. Keays' concerns. She also cited that stray cats spread disease.

Councilor Lachapelle did not feel that enforcing the State RSA would stop a cat from roaming into another yard and urinating on personal property. He mentioned that cats do roam.

Mr. Keays explained that a GPS system might help with the tracking of cats. Councilor Lachapelle explained that would not be mandatory.

Ms. Gray said that her dogs are not allowed in other residents yards, why are cats?

Councilor Walker asked if anyone in the State has implemented this type of ordinance. Councilor Lachapelle asked Nancy Carignan, Assistant City Clerk, to look into this. Councilor Walker explained that cats roam when they are let out and you cannot stop that. He went on to explain that you cannot put GPS on cats because it would be an enforcement nightmare.

Councilor Kittredge asked if the licensing could be handled at the same time the cat gets a rabies shot and the cat could be assigned a colored tag to help identify them. Councilor Walker reiterated it would not be cost effective.

Ms. Gray suggested that it be handled on a case-by-case basis. She suggested talking to the Animal Control Officer at the next meeting.

Mr. Keays said that this should be in the Animal Control Officer's job description. They need to take care of all animals and trapping these cats could be an avenue. Mr. Keays explained a situation where an iguana was spotted in a tree, which someone had called on, and they were told the Animal Control Officer does not handle exotic animals.

Councilor Varney cited Chapter 29.2: the Animal Control Officer is to handle dogs and other animals. He stated that a discussion with the Police Department should occur. Councilor Varney also mentioned that iguanas are not allowed in New Hampshire per State law.

Mr. Keays commented that the Animal Control Officer is an appointed position, not an elected official.

Councilor Varney wanted to clarify that the agency "Voice of the Animals" is funded through the SPCA. He said in retrospect, no one goes out to look for dogs running at large. When a complaint comes in, the Animal Control Officer investigates. Councilor Lauterborn mentioned this is a specific case pertaining to cats. Councilor Varney would like information from Sue Paradis in writing about these cat complaints and addressing the issues if she cannot make it to the June 5, 2014, meeting.

The Codes and Ordinances Committee debated this issue further.

Councilor Walker asked Mr. Keays where he restores cars and if he had a garage to store them in. Mr. Keays explained that he just had an open yard.

Councilor Lachapelle expressed that he would like Ms. Paradis at the June 5, 2014, meeting. He said that this topic would be staying in committee. He invited Mr. Keays and Ms. Gray to attend the June 5, 2014, Codes and Ordinances meeting.

7. Adjournment

Councilor Lauterborn **MOVED** to **ADJOURN** the Committee meeting at 7:38 PM. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Nancy Carignan
Assistant City Clerk