

**City Council Workshop
January 17, 2017
Council Chambers
7:06 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Barnett
Councilor Bogan
Councilor Gates
Councilor Gray
Councilor Hamann
Councilor Keans
Councilor Lachapelle
Councilor Lauterborn
Councilor Torr
Councilor Varney
Councilor Willis
Mayor McCarley

OTHERS PRESENT

Daniel Fitzpatrick, City Manager
Blaine Cox, Deputy City Manager
Terence O'Rourke, City Attorney
Jackie Raab, Resident
Dennis and Margie Hancock, Residents
T.J. Jean, Resident
Jim Miliner, Resident
Lisa Stanley, Resident
Steve Martineau, Resident
human, Resident
Paul Toussaint, Chief of Police
Tim Wilder, Fire Marshall

MINUTES

1. Call to Order

Mayor McCarley called the meeting to order at 7:06 PM. Deputy City Clerk Marcia Roddy took a silent roll call. All Council members were present.

2. Public Input

Mayor McCarley invited anyone from the public to come forward and speak on City issues.

Jackie Raab, resident, said she would like a ban on fireworks entirely in the City of Rochester.

Dennis Hancock, resident, and his wife, Margie, spoke against the use of fireworks in the City.

T.J. Jean, resident, spoke in favor of allowing fireworks in the City of Rochester. He suggested allowing fireworks usage on the 4th of July only and curtailing their use the rest of the year.

Jim Miliner, resident, said that sometimes fireworks are not such a bad thing as long as they are only on a certain holiday. He said it is hard to enforce a ban.

Lisa Stanley, resident, spoke on the pros and cons of fireworks and is in favor of banning their use.

Steve Martineau, resident, would like to see fireworks banned entirely.

human, resident, questioned the City's recent purchase of a tract of land near the industrial park and said he did not believe the City had any use for this land. He also commented on fireworks and cited the ordinance as written poorly.

Mayor McCarley closed Public Input at 7:43 PM.

3. Communications from the City Manager

City Manager reported on the resignation of Marybeth Walker from the Board of Assessors. Mayor McCarley said Ms. Walker has been a valuable member of the Board for quite some time and will be missed. The City Clerk will send a letter of appreciation to Ms. Walker.

4. Communications from the Mayor

Mayor McCarley had nothing to report at this meeting.

5. Discussion: Fireworks

Mayor McCarley asked the Councilors if anyone would like to speak on the issue of fireworks.

Councilor Lauterborn asked if the fireworks issue would be on the agenda of the next City Council meeting for the purpose of a vote. Mayor McCarley said yes.

Councilor Keans said she is not in favor of an outright ban of fireworks. She appreciated the comments from the residents during public input; however, the suggestions that fireworks be set off at the fairgrounds, although a good idea, are very expensive and not something that the City could afford to support. This type of display would have to be paid for through a fund raising program, for example. She said that fireworks are a legal product and a ban would be hard to enforce.

Councilor Keans said that she believes there are two types of fireworks: those that go up in the air (and do cause litter and debris), but, in her opinion, do not affect people with PTSD, dementia, or other disorders; and the other type are ground fireworks that are mostly loud noise explosions.

Councilor Lachapelle said he is not for an outright ban. He appreciated the comments made by the residents, but the Police Department should be called if there is a problem in the neighborhood with the illegal use of fireworks. He added that this type of call is not a priority of the Police Department if there is another call of a more serious nature. He said this topic has been vetted and discussed over and over, but it basically comes down to a police enforcement matter.

Councilor Bogan supports the ban of fireworks in the City. She said it is illegal and not policed. She believes that if there is an outright ban that people will get used to that.

Councilor Abbott said he had originally thought of supporting a permitting process and is not in favor of a ban. He also would like to see a plan to make it easier for the Police Department to enforce the ordinance by making it clear when or where displaying fireworks is permissible. He said that property owners need to be responsible for what happens on their property.

Councilor Varney added that there needs to be an ordinance that can be enforced. He thinks that the permitting process is necessary. He said that the City Council needs to finalize the wording of the ordinance and take responsibility for protecting the citizens. He is in favor of fireworks displays on the 4th of July only and a permit issued to those who wish to display fireworks.

Councilor Torr said he is in favor of displaying fireworks on the 4th of July only and not a complete ban of them.

Councilor Keans said she would like to see the City Attorney do an analysis of Chapter 23.11. She questions the legality of it as it is written.

Councilor Gates said he questions the language of some of the sections in Chapter 23. He said there are sections that are ambiguous. He is also in support of the Police Department prioritizing its emergency calls and that there are other matters that are more serious and requiring immediate response other than confiscating fireworks.

Councilor Varney suggested hearing from the Police Department and Fire Department regarding this matter.

Chief Toussaint said he is in favor of issuing a permit for using fireworks. It is a time consuming process to determine who is setting off fireworks. Issuing a permit helps in that regard. If fireworks are being set off on days that are not designated as permitted days, then the enforcement is easier for the police officers.

Councilor Bogan asked Chief Toussaint what happens if a neighbor retaliates if the police are called due to the illegal discharging of fireworks. Chief Toussaint said if

the police are called and nobody is setting off fireworks when they arrive, then the next best thing is to take a statement from the person who place the call or witnessed the event. If there is no cooperation then there is little the police department can do at that point.

Councilor Gray asked if the Police Chief would consider writing an Issues and Options item to have additional patrols when fireworks are being set off. The Chief said if the Council wants to give him money in his budget for those patrols then he is more than happy to do that!

Councilor Lachapelle said that banning or not banning does not matter -- the problem will still exist.

Chief Toussaint said it all comes back to making the property owner responsible for what happens on their property and makes the ordinance much easier to enforce.

Fire Marshall Tim Wilder believes that knowing there are restrictions regarding fireworks that people will adjust and the problem will fix itself.

Councilor Gates said that if people are not willing to call the Police Department with their complaints then nothing will get done. The Police Department needs to be called and informed of anyone who is violating the ordinance.

Mayor McCarley asked Attorney O'Rourke to go over the language in the ordinance and get it into a proposed ordinance change to be voted on at the February City Council meeting.

Councilor Lauterborn agreed that dealing with the ordinance should be done in two parts: ban or not; if not banned, then what days will be permitted. She said this has been a language problem and it goes back and forth. Mayor McCarley said yes, that is what she would like Attorney O'Rourke to work on.

Councilor Willis said he would like to see a restriction of the number of permits one person can get in the course of the year.

The councilors discussed the issue further regarding permits, bans, calls to the Police Department, and other amendment language for the ordinance.

6. Department Reports

Councilor Varney pointed out an item in the Economic Development report regarding two radio interviews regarding development trends in Rochester. He said that in the future it would be nice to know ahead of time when these broadcasts were going to happen so people could tune in to them.

7. Other

Mayor McCarley pointed out that the City has hired a Public Relations firm that has already started work in promoting and publicizing the City of Rochester. She said that there is a good plan for their work going forward.

8. Non-Public Meeting per RSA 91-A:3, II(a) - Personnel

Councilor Lauterborn MOVED to enter a Non-Public Meeting per RSA 91-A:3, II(a) - Personnel, at 8:19 PM. Councilor Bogan seconded the motion. The MOTION CARRIED by unanimous voice vote. Councilors Torr, Hamann, Gray, Keans, Varney, Gates, Barnett, Bogan, Lauterborn, Abbott, Willis, Lachapelle, and Mayor McCarley all voted yes.

Councilor Lauterborn MOVED to exit Non-Public Session at 8:33 PM. Councilor Bogan seconded the motion. The MOTION CARRIED by unanimous voice vote.

Councilor Lauterborn MOVED to seal the Non-Public minutes indefinitely because it was determined that divulgence of this information likely would affect adversely the reputation of any person other than a member of this board. Councilor Bogan seconded the motion. The MOTION CARRIED by unanimous roll call vote. Councilors Abbott, Barnett, Bogan, Gates, Gray, Hamann, Keans, Lachapelle, Lauterborn, Torr, Willis, Varney, and Mayor McCarley all voted yes.

9. Adjournment

Councilor Torr **MOVED** to **ADJOURN** the meeting at 8:34 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

/s/ *Marcia H. Roddy*

Marcia H. Roddy, CNHDCC
Deputy City Clerk