

Public Works and Buildings Committee

February 15, 2018

Council Chambers

MEMBERS PRESENT

Councilor Ralph Torr – Chairman

Councilor Ray Varney

Councilor Sandy Keans

Councilor David Walker

Councilor Geoff Hamann

OTHERS PRESENT

Councilor James Gray

Daniel Fitzpatrick, City Manager

Blaine Cox, Deputy City Manager

Peter C. Nourse PE, Director of City Service

Dan Camara, GIS Coordinator

Chris Bowlen, Director of Recreation & Arena

Michael Riley, Municipal Supervisor – Buildings & Grounds

MINUTES

Chairman Torr called the Public Works and Buildings Committee to order at 7:00 PM.

1. **Approve minutes from the January 18, 2018 Public Works & Buildings Meeting.**

Chairman Torr requested comments or a recommendation on last month's meeting.

Councilor Keans made a motion to accept minutes as presented for the January 18, 2018 Public Works Committee meeting. The motion was seconded by Councilor Walker. The Motion passed unanimously.

2. **Public Input -**

There was no one present for public input.

3. **10 North Main Street – Scenic Theater** – Mr. Nourse stated that there had been a request from the Planning Department to use one thousand dollars of the funds that were set up to maintain the tax deed properties for sprucing up the building. He stated that he thought that a Planning Department Representative was going to be present to answer any specific questions the Councilor might have, but as there was no one present from that department he stated he believed the plan is to do some painting and other minor items to make the façade of building look better for the downtown area. Mr. Cox stated that he had the same recollection of Planning Department's intent. Councilor Varney stated that the building is to be sold as is at the appropriate time. Councilor Keans stated it could hurt the appearance of the downtown to do a little something to the front until it's sold.

There was some discussion of the interior and exterior structural components. Councilor Varney suggested that the Planning Department let the Committee know what specifically they wanted to do. Councilor Varney asked when the property will be sold. Mr. Cox stated that the auction is intended to be in April.

4. **Downtown Striping** - Mr. Nourse stated that this item will probably be on the Public Safety Committee agenda and he believes that it should also be presented to the Main Street Organization and the Historic District Committee. Mr. Nourse stated that the Consultants have brought back the first draft of a striping plan for the downtown area that will be painted once the area is resurfaced this construction season. He stated the plan shows parking options for angled in and parallel, and it addresses narrowing the travel lanes and includes bike lanes and sharrows for bike traffic. Councilor Walker asked if it would be possible to invite the Historic District Committee and the Main Street Organization to the Public Safety Committee Meeting for next Wednesday, February 21, 2018. Mr. Nourse stated that he would do that. Councilor Walker stated that he believes angle in parking is more dangerous for drivers and pedestrians. Councilor Gray stated that people do not know how to parallel park, never mind on the opposite side of the road, and they tend to drive in and take up too much space. He suggested angle in on one side of North Main. Councilor Walker asked Mr. Nourse to define the downtown area being discussed. Mr. Nourse showed the map and stated the area as from the bridge on North Main down to the South Main intersection of Portland Street, Union Street, and the section of Wakefield up to the Columbus Ave Intersection.
5. **NPDES Permitting** - Mr. Nourse stated that last month he updated this Committee on a positive meeting with Governor Christopher Sununu and the Great Bay Coalition (GBC) and this month on February 6th Meeting was held with the GBC and the new US EPA Region Commissioner, Ms. Dunn, and it was another very productive and positive meeting. He stated that they had reviewed the uniqueness of the Great Bay Area and the seven year history of the Coalition and why it was formed. Mr. Nourse stated that they were able to discuss the various scientific studies and the conflicting opinions with NHDES and EPA. He stated that we were able to point out the efforts that Rochester has made to reduce the phosphorus levels by 60% and the nitrogen by 82% without spending multi-millions of dollars. Mr. Nourse stated he believes that this meeting and the meeting with the Governor seem to be a very positive turn for the Coalition and he will continue to keep the Councilors informed.
6. **Marketplace Boulevard**-Mr. Nourse stated that the Developers Agreement with Waterstone Developers and the City has the City taking over maintenance of Market Place Boulevard on April 1, 2018. Mr. Nourse showed a map that he believes defines the area in question. He stated that the agreement has the City Maintaining the area within the right of way and that he has heard that Waterstone would also like to do some maintenance, especially in the round about area, as the City may not be able to keep it cleared as often Waterstone would want to see it during a storm. He stated that City staff

has been trying get with Waterstone to define the scope and they are waiting for a response from Waterstone. Mr. Nourse stated that there are other complications as well that need to be discussed. He stated the maintenance of the drainage infrastructure that is shared will also need to be discussed. Mr. Nourse stated he is concerned that this will not be worked out prior to April 1, 2018. Councilor Torr suggested that the City will need to discuss this with Walmart as well. Councilor Walker suggested an easement over the roadway for Waterstone could be allowed to plow the roundabout more frequently. Councilor Hamann suggested that the contractor could damage the road or infrastructure and leave it for us to repair. Councilor Varney stated that the roadway agreement said it was to be ours as of April 1 and we should take responsibility for plowing. Councilor Keans asked if the road had been accepted as a City Street. Mr. Fitzpatrick suggested keeping in Committee while it is being discussed with Waterstone and updating the Committee again in March.

7. **Farmington Watershed Property** – Mr. Nourse stated that this is property near the Tufts Pond Reservoir and it is property owned by Rochester that is in Farmington. He stated he had updated the Committee last month that the Town of Farmington had removed the “Current Use” designation from these properties because Cities cannot use that designation for land owned in other towns. He stated as a result the tax bill had gone from approximately \$250 to almost \$30,000. Mr. Nourse stated that he has proposed that Rochester sell the properties to South East Land Trust as they would have the same goal of preserving the land. He stated that we have worked with them to do this on other properties. We would want to be able to maintain the structures on the property and the forestry. He stated the issue now is that if that is not completed by the April 1, 2018 we will again have to pay the \$30,000 tax bill. Mr. Nourse mentioned that a delegation from Rochester had made an appeal to the town of Farmington that had been denied. He also stated that there is another option that he is looking into but he is not ready to discuss in a public forum yet.
8. **Whitehouse Road Paving / Unutil Agreement** – Mr. Nourse stated that in construction season 2016 the City was ready to pave Whitehouse Road and it was determined that Unutil needed to upgrade their gas main and the services on that road. The City held off and did a heavy shim pave in the area and Unutil was to make a 50/50 contribution to that paving. Mr. Nourse stated that the cost of the shim and overlay was \$90,000 and Unutil will be issuing a check in the amount of \$45,000 that he would like to see go back to the CIP Paving account. Councilor Keans suggested that this has been going on for 3 years and she would like confirmation that they will finish their work this season. Mr. Nourse stated that he will be meeting with them, but through discussions had with Unutil, he stated that it is their intent to have the work completed in July of this year.
9. **Ice Arena** – Mr. Bowlen addressed the Committee. He stated he was here to brief the Committee on his CIP Projects. He stated that the Roof Monitoring Project will be started the third weekend of March after the ice season wraps up. This project is for

installation of a monitoring tool that will measure the snow load in lieu of replacing the roof as that project was cost prohibitive. Mr. Bowlen stated that the vendor selection for the Cold Floor Replacement Project will be selected within the next week. The bids for that project have been opened and are being evaluated. He stated that dasher boards will be replaced at the same time and once that is completed they will finish up with the LED lighting of the facility. He stated that there is also an Ice Resurfacer in the budget. Mr. Bowlen stated he is working with the Finance Office and expects to have a de-authorization of funds previously appropriated for the other structural components. He stated that he expects that de-authorization to be approximately \$640,000. Councilor Varney asked what would be done with the old dasher boards. Mr. Bowlen stated that he has had contacts from interested parties regarding these boards and that there is considerable value to them. Councilor Varney suggested they should be sold.

10. **Other -**

Read to a Child Banners - Mr. Nourse stated that the department had received a request from Marty Brennan to hang the Rochester Reads Banners. He stated that he believed they were looking to be hung in September with the Rochester Fair Banners that are no longer hung. Mr. Riley stated that the request was put them up after September 11th as the US Flag banners were kept up until then. He stated that they would be up approximately 3 weeks from September 12th until the Halloween scarecrows go up. Councilor Hamann stated he was in favor of that plan.

Chairman Keans made a motion to recommend that the full City Council approve the banners be hung from September 12 until the Scarecrows go up, which is approximately 3 weeks. Councilor Hamann seconded the motion. The motion passed unanimously

Mandatory Connections to Sewer System – Mr. Nourse stated that during the process of the EDA Salmon Falls Road Sewer Extension Project the City Council had amended the ordinance from a mandatory connection at sale or fail for anyone within 200 feet of an existing sewer to mandatory connection at 100 feet and notice to connect within 90 days. The sale or fail component was removed. Mr. Nourse stated that there are approximately 23 property owners that had been notified in meetings and by door hangers to connect that have either refused or chose not to connect while the project was under construction. He stated the department will be mailing out notices of mandatory connection requirements to those property owners. Mr. Nourse stated that the letters would be mailed out around March 1st and he was seeking guidance on enforcement. Councilor Walker asked what the enforcement options in the ordinance were. Mr. Nourse stated it referred to the State Law RSA which he believed could result in fines of up to \$275 per day. He stated that the letter could state the RSA and the fines. Mr. Nourse stated that he feels that he needs to keep the Council informed as it could become a large issue. Councilor Keans asked if there were provisions for waivers for working septic systems. Mr. Nourse stated that there are for systems newer than 1985 that had

verifying inspections amongst other requirements. Councilor Hamann questioned if the City was required to enforce the RSA. Councilor Walker stated that it would not be right to reward the property owners that chose to violate the law. Councilor Walker asked if the State of NH verified with the City prior to issuing permits that might be requested in areas where there are City sewer available. Mr. Nourse stated he could check. Councilor Varney and Councilor Walker stated that the City Attorney should be consulted for enforcement. Councilor Gray stated that the MS4 permits could result in property owners with septic systems installing pretreatment systems which would be costly to those on septic. There was discussion of the environmental impacts. Councilor Walker asked the cost typically associated with tying into the City Sewer. Mr. Nourse stated it varies based on the distance to the main and whether the property owner reroutes the sewer from the back of the house to the front. He stated that there is less external digging and piping but more internal plumbing cost if the homeowner moves the connection to the front of the house. Mr. Nourse stated that the ordinance change did also reduce the homeowner's cost by removing the fee to get to the main or the cost of the stub. He stated the City now pays for the stub or bringing it all the way to the property line. There was further discussion regarding the law and enforcement Councilor Varney suggested again that the issue should be worked out by the City Attorney.

NHDOT Paving Letter – Mr. Nourse stated the City had received a Municipal Work Zone agreement document from NHDOT. Councilor Keans asked when. Mr. Nourse stated the letters states between spring and fall.

Street Acceptance Ordinance – Councilor Varney stated that he has been asked several times about the delay in street acceptance from many of the developers. He stated that he would like to see an ordinance that spells out a timeline required for the street to be completed or we should be taking surety and completing it for them. He mentioned the Chesley Hill Road development. Councilor Walker stated that the Planning Board is looking at that development for taking the surety. Councilor Varney stated that there are some trigger points that have been discussed. He stated that one is that the pavement wearing course should be required to go through one winter season prior to acceptance. He then said another is that typically ½ the lots should be built out, but that is not in writing. Mr. Nourse stated that is correct, it has been practiced but is not in writing. Councilor Varney stated another criteria could be five years after the first certificate of occupancy has been issued we could seize the surety and finish the roads. Councilor Varney stated there is another issue to address as well. He stated for example the City took the surety and finished Trinity Circle and now there is no surety and the developer is out there building, working and selling and there is no surety for the stuff going on out there. Councilor Walker stated that we took surety, which was insufficient, on another road and completed it and the developer walked away. He said that developer is now back there selling lots again. Councilor Varney proposed that he would spend some time with the City Attorney to put a draft together to be sent around to the departments for

input. He stated this needs to be done to keep the tax payers from having to do work that should be paid for by the developers. He also stated that the residents living on the streets of these developments that have lingering street acceptance are not getting the services of the City plows or City trash pickup. He stated that the developers do not provide the same standard of service. Councilor Keans asked if it was considered during the assessment process if a home was on an unaccepted street. Councilor Varney stated that the assessor could be asked if it was considered when assessing a property.

Chairman Torr made a motion to adjourn at 7:56 PM. Councilor Walker seconded the motion. The motion passed unanimously.

Minutes respectfully submitted by Lisa J. Clark, Administrative & Utility Billing Supervisor.