

Public Works and Buildings Committee
Meeting Minutes
December 20, 2018
Council Chambers

MEMBERS PRESENT

Councilor Ralph Torr, Chairman
Councilor Ray Varney- Vice Chairman
Councilor Sandy Keans
Councilor David Walker
Councilor Geoffrey Hamann

OTHERS PRESENT

Blaine M. Cox, City Manager
Peter C. Nourse PE, Director of City Service
Daniel Camara, GIS / Asset Management
Robert Benoit, President Roger Allen Park Association
William Elwell, 281 North Main Street
Al Benton, Roger Allen Park Association

MINUTES

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

1. Approve minutes from the November 15, 2018 Public Works & Building Meeting.

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

Councilor Walker made a motion to accept minutes as presented for the November 15, 2018 Public Works & Building Committee meeting. The motion was seconded by Councilor Hamann. The Motion passed unanimously.

2. Public Input

Mr. Robert Benoit introduced himself as President of the Roger Allen Park Association Board of Directors. He stated that the Roger Allen Park has serviced the youth of the community for many years. He stated that annually approximately 2000 children participate in sports at this park. Mr. Benoit stated that the maintenance and uniform budget for the park is approximately \$300,000 and is raised through all private donations without any City Tax contributions. Mr. Benoit stated that it is one of the best, if not the best, parks in the State of NH. Mr. Benoit stated for several years the park has been looking for access or egress to provide better safety for the traffic entering and exiting the park on Chestnut Hill Road. He stated that some time ago they learned that the park had a potential right of way through an adjoining property that dated back to the 1930's. He believes that if this right of way was utilized it would give better and safer access or egress from the park onto Chestnut Hill Road. Mr. Benoit stated that the adjoining property where he understood the right of way to exist is on the property of the new DPW

Facility at 209 Chestnut Hill Road. He stated that the Association and their legal counsel believe that the Right of Way is valid and he has heard that the City and their legal council does not believe that to be true. Mr. Benoit stated that he is here tonight to request that the City and the Association work together to find a solution that would give the Roger Allen Park Association a right of way that would give them access to Chestnut Hill Road and not cause any detriment to the City's planned DPW Facility. Mr. Benoit stated he would like this Committee to make a recommendation to the full City Council to work have the Public Works Department work with the Roger Allen Park Association on a mutually acceptable agreement regarding the Right of Way.

Mr. William Elwell of 281 North Main Street spoke of a sidewalk issue on North Main Street. He stated that in the area of Fortier Street on the north bound side of the road the sidewalk ends leaving pedestrians to walk in the street and across lawns. Mr. Elwell stated that approximately 5 years ago when the sidewalks were reconstructed in this area the engineers put in crosswalks to direct pedestrians to cross the street before the end of the sidewalk, but he stated this is not happening. He stated that the pedestrians are walking to Macdonald's and Cumberland Farms and it doesn't make sense for them to cross and then cross back at the traffic light. Mr. Elwell stated that he believed that this was a temporary situation and that the intent was to come back and put in this approximate 500 feet of sidewalks at a later date. He is requesting that this be done. Councilor Varney asked Director Nourse if there was sidewalk funds available. Mr. Nourse stated that the current funds have been awarded in a contract to reconstruct the sidewalks on Portland Street from Signal to Chamberlain Street. Councilor Varney asked for a cost estimate on this section of sidewalk. Mr. Nourse stated it is approximately a 600 foot area without sidewalk. He stated that this was looked at in the 2013 Sidewalk project on North Main Street. At the time it was determined that the numerous conflicts in the area made it very complicated and costly to install sidewalks in that section of the roadway. He stated that there maybe be utility pole relocations necessary, a landscaped curbed island just after Claire would need to be removed, and there is a parking lot, approximately 200 feet long at 267 North Main Street, at the Seacoast Fencing property. Mr. Nourse stated that in 2013 it was decided to direct the pedestrians to cross the road at Fortier Drive for those going to the Home Depot and Hannaford area, and those that needed to, could cross back safely at the light for Cumberland Farms and MacDonald's. Mr. Nourse stated with all that being said, it is clear that pedestrians are traveling this section without sidewalk. He stated he can see the worn down grass areas and he has witnessed the foot traffic in the area. Mr. Nourse stated without the impediments discussed sidewalks are about \$80 per linear feet, so minimally it would be a \$50,000 project. He stated that there have been other sidewalk requests for areas without sidewalk and those have been added as standalone projects to the CIP's and he thinks this one is a legitimate project as well. Councilor Varney asked that this project be added to

the CIP for consideration with the budget.

3. Other:

Councilor Varney made a motion to modify the agenda hear “Other” next. He stated he would like to address the Roger Allen Park Association. Councilor Keans seconded the motion. The motion passed.

Roger Allen Park Association request for cooperative agreement – Councilor Varney stated that he would like to hear from Peter Nourse and Blaine Cox on the issue as he believes that regardless of who is right about the validity of the right of way he believes that an agreement can be worked out that would not adversely impact the City and would give Roger Allen Park the ability to some day in the future benefit their situation. He believes that this volunteer group and others like this, has a large positive impact on the City. Councilor Varney suggested that the DPW and the architect consultants work with the park to give them what they need. Chairman Torr suggested that if City does to this it effects the sales agreement of the property to the City. He stated when the 209 Chestnut Hill Road property changed hands 3 years ago the right of way was not conveyed in the deed. Councilor Keans stated that whether there is or isn’t a right of way seems to be a debatable issue. Chairman Torr stated that the deed is clear, there is no right of way in the deed. Councilor Varney stated that it is not about who is right one way or the other, He believes that an agreement can be worked out that will not adversely impact the City and will be beneficial to Roger Allen Park. Chairman Torr reiterated that this could impact the sale of the property to the City. Mr. Cox stated that the City has executed a deed on the property of 209 Chestnut Hill Road and he and Mr. Nourse have discussed the ability to provide an access and they believe that this could be done without adverse effects to the new facility. Councilor Hamann stated that he is having difficulty visioning an access that would help the traffic at Roger Allen Park. He asked that a map be distributed showing the access. Councilor Varney stated that for this discussion he wanted to have the DPW and the Architects look at the situation and bring it to the City Council for discussion. Councilor Walker asked if the City has a legal opinion as to the validity of the right of way claim. Mr. Cox stated that the City Attorney has looked at it extensively and he does call into question whether it is valid or not, but the Park Association has a legal opinion that contradicts that. Councilor Varney again stated that the Council shouldn’t get hung up on who is right or wrong, but whether we can come to an agreement that is beneficial to both. He said we are not building a road for them, we are just going to allocate space for them to do so for future use. Councilor Walker stated that he would like to clear up the legal issue first. Councilor Keans stated she was opposed to litigation if the City can work something out with the park. Mr. Benton from the Roger Allen Park Association gave a history on his understanding of finding of the right of way when Chairman Torr bought the 209 Chestnut Hill Road property 3-4 years ago.

4. Strafford Square

Mr. Nourse stated we are in the right of way phase of the project. He stated there are approximately 25 abutters that we will have to address. He stated per the Uniform Act there are laws that require the City to compensate abutters for impacts. He said most of the impacts will be for temporary access and require minimal compensation. He states that NHDOT classifies the impacts as complicated and uncomplicated and in this area most are uncomplicated. Uncomplicated means the right of way gets closer to the boundaries, trees need removal, or even roadway access changes. He stated that they become complicated if there are 2 or more of these issues for one property. He further stated that the Uniform Act requires that for the complicated impacts you are required to get an independent appraisers to appraise the property to establish the monetary compensation. There are six properties in this project area that are considered complicated and the City is working on the process of establishing agreements with those abutters. Mr. Nourse stated that we have a proposal from Consolidated (formerly Fairpoint) and they are planning on doing the requested work. He stated that it is a very technical and complex undertaking for Consolidated and the Council should be made aware of potential issues due to the complexity of the job. He also stated that Consolidated is not sure of the amount of work that is required.

5. DPW Facility Update

Mr. Nourse stated that the onsite survey is completed. The architects are finishing up with the space needs determinations and working on permitting. He stated that staff and the architects will be presenting to the City's Technical Review Group (TRG) in February and going to the Planning Board on the first of April. He displayed a timeline schedule for the project. Councilors Varney and Keans asked that the schedule be emailed to the Committee. He stated that if project stays on schedule we are looking to be commissioning the new building in early 2021.

6. Other

Dewey Street Bridge - Mr. Nourse discussed the graffiti and destruction of public property in the area of the Dewey Street Bridge. He stated that we have been working with the IT and with Eversource on a camera project in the area. Eversource will not allow the City to install cameras on their poles so the City will have to put up our own poles and have metered services for the camera system and lights. He stated to put up one pole it will be about \$6,000 and to put one on each side of bridge it would be a total of about \$10,000. A camera on the Dewey Street side will be an additional \$5,000 for the equipment and cabling and the other side, Hanson Pines, would probably be \$6,000 as we would have to run the cable from the Yeagley Way area. Councilor Keans stated that there is already power on the poles there. Mr. Nourse explained that we would not be allowed to use those existing poles, we would have to put up our own. She asked if something could be worked out with them. Mr. Nourse stated we would work with Eversource to put up our own poles and have power supplied. Mr. Cox explained that

running cable across the bridge is not likely to work. Mr. Cox stated that we were looking to get direction from the Committee as to one or two cameras. The Committee was in agreement that the cameras were needed on both sides, but wanted additional information as to the project. Councilor Keans asked if a security company would be installing them. Councilor Hamann asked who would be monitoring, what the capability would be. Councilor Varney suggested that Mr. Nourse bring back the additional information regarding equipment, monitoring and cost for the installation of two cameras, one on each end. Mr. Cox stated that they had the direction needed and would bring back the information to the Committee on the installation of two cameras.

FY2019 and FY2020 Paving Plan – Mr. Nourse stated that we currently have 1.2 million dollars in the FY2019 CIP Paving Fund with a roll over remaining of \$63,000. Mr. Nourse stated that the department will be going out to bid on these projects in January. He stated that the pavement index recommended roads for FY2019 are just about that number. Mr. Nourse displayed the list on the monitor. The list included sections or all of the following Streets: Cove Ct, Cross Street, Foch Street, Jeremiah Lane, Louise Street, Maine St - East Rochester, Governors Road, Ten Rod Road, Charles Street, Springfield Court, and Walnut Street for a total of \$1,258,000. The list for FY 2020 includes all or sections of the following Streets: Columbus Ave, Colby Street, Chestnut Hill Road, Cross Road, Chapman, Johnathan, Huckins and Salmon Falls Road from Bernard to Stonewall. Mr. Nourse stated that some of these smaller roads will be done in house by the DPW Staff and not included in the paving projects bid. Mr. Nourse discussed the investment made in this pavement index program and how it selects roads for treatments. Councilor Keans asked if the program takes actual road usage into account. Mr. Nourse stated that there are not traffic counts but it does look at the type of road, such as arterials, connectors and neighborhoods. Councilor Varney asked about the remaining funds for work in the spring. Mr. Nourse stated there is a turnover of \$63,000 plus the FY2019 appropriation of \$1.2 million. Councilor Varney asked if this was for spring and summer paving. Mr. Nourse stated that we are in a position to go out to bid next month and to award the bid based on this plan. Because of the SB38 money we have been able to get on the desired budget cycle and will not have to wait to July to award. He stated he expects paving to resume at the start of the season. Councilor Varney stated that the Council does not want to see late season paving each year.

Councilor Varney made a motion to recommend the discussion and adoption of the paving list at the full City Council Meeting in January. Councilor Walker seconded the motion. The motion passed unanimously

209 Chestnut Hill Road / Roger Allen Park Association Right of Way Issue

Councilor Varney made a motion to recommend that the full council direct the administration to work with Roger Allen Park Association to bring a proposal back to

Council for discussion. The motion passed with Councilors Varney, Keans, Walker and Hamann voting to approve.

Councilor Walker made a motion to adjourn at 7:56 pm. Councilor Haman seconded the motion. The motion passed unanimously.

Minutes respectfully submitted by Lisa J. Clark, City of Rochester Administration and Utility Billing Supervisor.