

**Regular City Council Meeting
December 5, 2017
Council Chambers
7:00 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

Daniel Fitzpatrick, City Manager
Blaine Cox, Deputy City Manager
City Attorney O'Rourke
Shane Tufts, Buildings and Grounds

COUNCILORS EXCUSED

Councilor Abbott

MINUTES

1. Call to Order

Mayor McCarley called the meeting to order at 7:00 PM.

2. Opening Prayer

2.1. Opening Prayer led by Roland E. Patnode Jr. American Legion Color Guard

A representative from the Roland E. Patnode Jr. American Legion Color Guard led the Opening Prayer.

3. Presentation of the Colors

3.1. Pledge of Allegiance led by the Roland E. Patnode Jr. American Legion Color Guard

A representative from the Roland E. Patnode Jr. American Legion Color Guard led the Pledge of Allegiance.

4. Roll Call

Kelly Walters, City Clerk, took the roll call. All City Councilors were present except for Councilor Abbott who had been excused.

5. Acceptance of Minutes

5.1. Regular City Council Meeting: November 8, 2017 (Motion to Approve)

Councilor Lauterborn **MOVED** to **ACCEPT** the Regular City Council meeting minutes of November 8, 2017. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2. Special City Council Meeting: November 21, 2017 (Motion to Approve)

Councilor Lachapelle **MOVED** to **ACCEPT** the Special City Council meeting minutes of November 21, 2017. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1. Employee of the Month Award

City Manager Fitzpatrick invited Kaitlin Taatjes, Rochester Fire Department, and Fire Chief Klose to come forward. He announced that Ms. Taatjes has been awarded the Employee of the Month for December, 2017.

6.2. City Manager's Report

City Manager Fitzpatrick gave the following report:

Contracts and documents executed since last month:

- Assessing
 - Municipal Abatement Applications – Farmington Watershed Parcels
- City Manager
 - Letter from DES - Waste Management Application – Public Hearing Notice
 - Letter from Waste Management – Public Hearing Notice
 - Lighting in front of City Hall
- Department of Public Works
 - Cyanotoxin Monitoring Equipment and Training Grant
 - NHDES DWSRF Loan Amendment – Time Extension – Water Treatment Plant Upgrade Project
 - Security Agreement – 161 Salmon Falls Road & 122 Milton Road
 - Security Agreement – 123 Salmon Falls Road/120 Milton Road/25 Denali Drive

- Economic & Community Development
 - CDBG Environmental Review – Community Action Partnership
 - CDBG Environmental Review – Community Action Partnership Weatherization
 - ERZ Zone Expansion – Granite State Business Park
 - Sale of land – Innovation Drive
- Information Technology
 - Honeywell EBI Upgrade
 - Systems Engineering Server, Storage and Backup Solution Project - Change Order #1
- Recreation Department
 - Arena Roof Monitoring Project Proposal – Review of Funds

Standard Reports:

- City Council Request & Inquiry Report - **No Items – No Report included**
- Monthly Overnight Travel Summary – **None reported - No Report included**
- Permission & Permits Issued
- Personnel Action Report Summary

7. Communications from the Mayor

Mayor McCarley said there will be a Ward 1 Meeting on December 13, 2017, at Tara Estates, starting at 7:00 PM.

Mayor McCarley announced the Dewey Street Bridge Grand Opening is scheduled for Friday, December 8, 2017.

Mayor McCarley publicly thanked the Chamber of Commerce, City Staff, and others who worked on all of the festivities following the Christmas tree lighting. All events were well attended and without incident. Councilor Lachapelle said it should also be noted that the Department of Public Works has done an excellent job setting up the Christmas lights on the trees in the downtown area.

Mayor McCarley said that she accepted the letter of resignation from the Zoning Board of Adjustment from Councilor Torr earlier in the day. Councilor Torr stated that he had served on the ZBA for over 19 years.

Mayor McCarley said that the Rochester School Department sent her a letter of resignation from the School Board (Ward 4) Seat A from Travis Allen, who has recently accepted a job with the School Department.

8. Presentations of Petitions and Council Correspondence

- 8.1. Petition for Zoning Ordinance Amendment – MacKoul, Corey (*Motion to Accept or Reject*)**

Mayor McCarley stated that a motion to accept or reject this petition is in order. Councilor Bogan **MOVED** to **ACCEPT** the request for the MacKoul Petition. Councilor Gates seconded the motion. Councilor Varney stated that the motion should be **RESTATED** in order to include sending the petition to the Planning Board and to the Community Development Committee. Councilor Bogan agreed to restate the motion as offered. The **MOTION CARRIED** by a unanimous voice vote.

9. Nominations, Appointments, Resignations, and Elections

9.1. **Resignation:** Travis D. Allen, School Board

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation submitted by Travis D. Allen, Rochester School Board, Ward 4 (Seat A), with regret. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10. Reports of Committees

10.1. Appointments Review Committee

10.1.1. **Appointment:** Terese Dwyer, Planning Board, Regular Member, Term to Expire on 01/02/2021

Councilor Keans reviewed the Committee recommendation for Terese Dwyer. Mayor McCarley nominated Terese Dwyer, to be elevated from an Alternate on the Planning Board to serve as a Regular Member of the Planning Board, with a term to expire on January 2, 2021. Councilor Lachapelle **MOVED** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice votes. Mayor McCarley announced that Ms. Dwyer has been appointed by a unanimous ballot vote.

10.1.2. **Appointment:** Kyle Starkweather, Planning Board, Regular Member, Term to Expire on 01/02/2020

Councilor Keans reviewed the Committee recommendation for Kyle Starkweather. Mayor McCarley nominated Kyle Starkweather, to be elevated from an Alternate on the Planning Board to serve as a Regular Member of the Planning Board, with a term to expire on January 2, 2020. Councilor Lachapelle **MOVED** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Torr asked what Mr. Starkweather does for a living. Jim Campbell recalled that he worked at Frisbie Hospital as an EMT. Mayor McCarley announced that Mr. Starkweather has been appointed by a unanimous ballot vote.

10.1.3. **Appointment:** Mark Collopy, Planning Board, Alternate Member, Term to Expire on 01/02/2019

Councilor Keans said the Committee recommended Mark Collopy to be appointed as an Alternate Member to the Planning Board; however, at the time of the recommendation there were

no available positions. Now that two alternate members have been elevated to the Regular member position this appointment can be made. Mayor McCarley nominated Mark Collopy, to be appointed as an Alternate member to serve on the Planning Board with a term to expire on January 2, 2019. Councilor Lachapelle **MOVED** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice votes. Mayor McCarley announced that Mr. Collopy has been appointed by a unanimous ballot vote.

10.1.4. Re-Appointment: Nancy Carignan, Recreation and Arena Commission, Term to Expire on 01/02/2020

Councilor Keans said the Committee had not seen a need to meet with Nancy Carignan for appointed as a member to the Recreation and Arena Commission, because she had been appointed to finish a vacated term very recently. Mayor McCarley nominated Nancy Carignan to be appointed as a member to serve on the Recreation and Arena Commission. Councilor Lachapelle **MOVED** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice votes. Mayor McCarley announced that Ms. Carignan has been appointed by a unanimous ballot vote.

Councilor Willis asked about the current status of the Planning Board, he believed that Nel Sylvain had not yet been re-appointed; however, Mr. Sylvain has stated his interest in continuing to serve on the Planning Board as the Chair. Mayor McCarley replied that she is scheduled to meet with Mr. Sylvain later this week to have such a discussion.

10.2. Codes and Ordinances Committee

10.2.1. AB 66 Amendment to Chapter 19.1 of the General Ordinances of the City of Rochester Regarding Residential Recycling Bins (*Second Reading Required*)

Councilor Lachapelle stated that this is an action item that had been carried over to this meeting. He **MOVED** to read the Amendment by title only for a first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the first time.

Amendment to Chapter 19 of the General Ordinances of the City of Rochester Regarding Residential Recycling Bins

THE CITY OF ROCHESTER ORDAINS:

That Chapter 19 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

19.1 Definitions

v). Residential Recycling Bin Cart- ~~Any reusable container that is labeled for recycling. Container shall be no larger than eighteen (18) gallons.~~ It shall be a specifically designed wheeled container or cart

distributed by Waste Management to be used for the storage of acceptable recyclables in the automated collection process. No other receptacles will be permitted for collection by the City's waste collection contractor.

The effective date of these amendments shall be upon passage. CC FY 18 12-05 AB 66

Councilor Lachapelle **MOVED** to read the Amendment by title only for the second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment by title only for the second time.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.2.2. AB 67 Amendment to Chapter 19.8 of the General Ordinances of the City of Rochester Regarding Storage of Containers and Dumpsters (Second Reading Required)

Councilor Lachapelle **MOVED** to read the Amendment by title only for the first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment by title only for the first time.

Amendment to Chapter 19 of the General Ordinances of the City of Rochester Regarding Storage of Containers and Dumpsters

THE CITY OF ROCHESTER ORDAINS:

That Chapter 19 of the General Ordinances of the City of Rochester, currently before the Rochester City Council, be amended as follows:

19.8 Storage of Containers and Dumpsters. Except on the day scheduled for collection and during the time period provided in 19.6 of this chapter, no person shall place or store any refuse in any street, alley or other public place or upon any private property within the City of Rochester unless such refuse is placed in proper containers/dumpsters. ~~and such containers/dumpsters are stored in such a manner as to be adequately screened from view from any public way.~~

The effective date of these amendments shall be upon passage. CC FY 18 2017, 12-05 AB 67

Councilor Lachapelle **MOVED** to suspend the rules and read the Amendment by title only for the second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the second time by title only.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Varney opposed the Amendment as currently written. He **MOVED** to send this Amendment back to the Committee for further review. Councilor Lachapelle agreed that the proposed amendment could be tweaked; however, without this proposed amendment, many residents would find themselves in violation with the current ordinance. Councilor Gates seconded

the motion to send it back to the Committee. The **MOTION CARRIED** to **SEND** this **AMENDMENT BACK** to the Codes and Ordinances Committee. Councilor Torr seconded the motion. The **MOTION CARRIED** to **send the Amendment back to the Codes and Ordinances Committee** by a majority voice vote.

Panhandling Discussion:

Councilor Keans asked what the status is of the City's panhandling ordinances. It seems that the City of Manchester had been successfully sued over such a similar ordinance. City Attorney O'Rourke said the City of Rochester has suspended the enforcement of our version of a similar ordinance and it will be re-written so as not to be in any conflict of the laws or Constitution.

Councilor Keans said it does not make good sense to keep an ordinance on the "books" that is essentially no longer enforceable. Councilor Gates cautioned against selective enforcement. Councilor Lachapelle informed the Council that the Codes and Ordinances is intending to review this ordinance at the next available meeting, which is likely to be held February 1, 2017.

Councilor Lauterborn **MOVED** to **REPEAL** Chapter 63 Pedestrians. Councilor Keans seconded the motion. Councilor Varney argued that it should not be repealed and that suspending the penalties until the ordinance is reviewed by the Legal Department is enough.

The City Council discussed the panhandling ordinance. City Attorney O'Rourke announced that the City has currently suspended the penalties of the ordinance while it is under review. This has been referred back to the Codes and Ordinances Committee or the next City Council Workshop. Councilor Lauterborn **WITHDREW** her motion.

Councilor Keans asked what is the legal status of not enforcing one of the City's ordinances. Attorney O'Rourke and City Manager Fitzpatrick agreed that the City is not in violation of any laws by suspending such penalties for further legal review.

10.3. Community Development Committee

10.3.1. Committee Recommendation to the Full City Council: That the downtown holiday lights be left on the trees until May 2018 (Motion to Approve)

Councilor Lauterborn reviewed the Community Development Committee minutes. She mentioned the discussion about the holiday tree lighting and wished to modify the motion after viewing the Public Works Committee discussion of the same subject. Councilor Lauterborn **MOVED** to keep the holiday lights in place in the downtown area until such time as the Department of Public Works deems they have become a problem to maintain. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Lauterborn said the Community Development Committee had a second meeting scheduled in order to tour the Old East Rochester Fire Station. There has been a great deal of

interest to restore an historic stage curtain. This project has been placed on hold awaiting clear direction of where this curtain would be displayed once it has been restored or until the City decides to renovate the historic building. She added that knowing where the curtain is to be displayed once it has been restored is one of the requirements of the grant application.

Councilor Lauterborn said the December Community Development Committee meeting has been canceled. The next Community Development Committee meeting is to be held on January 8, 2018, at 7:00 PM held in the Rochester City Hall Annex Building. She said it is important to meet to review the CDBG applications.

10.4. Finance Committee

10.4.1. AB 63 Amendment to the City of Rochester’s General Ordinances Relative to Chapter 17.34 Entitled “Water Rate and Fee Schedule” (First Reading and Refer to a Public Hearing)

Councilor Lachapelle **MOVED** to read the Amendment by title only for the first time and refer the matter to a public hearing. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment by title only for the first time.

Amendment to the City of Rochester’s General Ordinances Relative to Chapter 17.34 Entitled “Water Rate and Fee Schedule”

THE CITY OF ROCHESTER ORDAINS:

I. That Chapter 17, Section 17.34 of the General Ordinances of the City of Rochester, entitled "Water Rate and Fee Schedule", be amended by deleting the portion of said ordinance entitled "Quarterly Water Rates" and by replacing such portion of the ordinance with the following:

17.34 Water Rate and Fee Schedule

Quarterly Water Rates

Residential Customers without exemption:	\$5.55	per 100 cu. ft. of water use
Residential Customers with exemption:	\$2.40	
Commercial and industrial customers:	\$5.55	

Unmetered Residential Customers: Per quarter per unit without exemption:	\$148.53
Per quarter per unit with exemption:	\$74.25

Minimum Fee:	
Per quarter per unit without exemption:	\$21.09
Per quarter per unit with exemption:	\$16.91

II. That this Ordinance amendment shall take effect on February 1, 2018 CC FY 18 12-05 AB 63

10.4.2. AB 64 Amendment to the City of Rochester’s General Ordinances Relative to Chapter 16.25 Entitled “Wastewater Rate and Fee Schedule” (First Reading and Refer to a Public Hearing)

Councilor Lachapelle **MOVED** to read the Amendment by title only for the first time and refer the matter to a public hearing. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment by title only for the first time.

Amendment to the City of Rochester’s General Ordinances Relative to Chapter 16.25 Entitled “Wastewater Rate and Fee Schedule”

THE CITY OF ROCHESTER ORDAINS:

- I. **That** Chapter 16, Section 16.25 of the General Ordinances of the City of Rochester, entitled "Wastewater Rate and Fee Schedule", be amended by deleting the portion of said ordinance entitled "Quarterly Wastewater Rates" and by replacing such portion of the ordinance with the following:

16.25 Wastewater Rate and Fee Schedule

Quarterly Wastewater Rates

Residential Customers without exemption:	\$6.75	per	100 cu.	ft. of	water use
Residential Customers with exemption:	\$4.49	per	100 cu.	ft. of	water use
Commercial and industrial customers:	\$6.75	per	100 cu.	ft. of	water use
High Volume Customer (I.e. customers using more than 5,000 units **monthly)	\$6.08	per	100 cu.	ft. of	water use
Unmetered Residential Customers:					
Per quarter per unit without exemption:	\$215.91				
Per quarter per unit with exemption:	\$107.94				
Sewer-Metered Customers:	\$6.75	per	100 cu.	Ft.	
Minimum Fee:					
Per quarter per unit without exemption:	\$32.28				
Per quarter per unit with exemption:	\$25.70				
Septage Discharge:	\$52.00	per	500 gal.	or portion thereof	
RV Septage Discharge:	\$15.00	flat fee			
Graywater Disposal	\$28.00	per	2000 gal.	or portion thereof	

10.4.3. AB 70 Resolution Authorizing the Acceptance of an Internet Crimes Against Children (ICAC) Task Force Reimbursement and Supplemental Appropriation Connected Thereto in the amount of \$76,000.00 (Second Reading Required)

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution by title only for a first time as follows:

Resolution Authorizing the Acceptance of an Internet Crimes Against Children (ICAC) Task Force reimbursement and Supplemental Appropriation Connected Thereto in the amount of \$76,000.00

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept a reimbursement from the ICAC Task Force in the amount of Seventy Six Thousand Dollars (\$76,000.00).

Further, the Mayor and City Council hereby authorize a supplemental appropriation in the amount of Seventy Six Thousand Dollars (\$76,000.00) to the Police Department fiscal year 2018 operating budget with the entirety of said supplemental appropriation being derived from the aforementioned ICAC Task Force reimbursement.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY18 12-05 AB 70**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution by title only for a second time.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.4.4. Committee Recommendation to the Full City Council: AB 71 Resolution Authorizing Supplemental Appropriation to provide Funding for Consulting Services to Update the Riverwalk Master Plan in the amount of \$5,500 (Resolution & Second Reading Required)

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution by title only for a first time as follows:

Resolution Authorizing Supplemental Appropriation to provide Funding for Consulting Services to Update the Riverwalk Master Plan in the amount of \$5,500.00

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

That the sum of Five Thousand Five Hundred Dollars (\$5,500.00) be, and hereby is, appropriated as a supplemental appropriation for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the entering into an agreement with Fuss & O'Neill, Inc. to review and update the existing Master Plan for the proposed Riverwalk. Funds for the supplemental appropriation shall be derived from the Economic Development Reserve Fund and any shortfall shall be derived from the General Fund unassigned fund balance.

Further, the Mayor and City Council authorize the City Manager to enter into an agreement with Foss & O'Neil, Inc. and to execute all documents necessary to complete the transaction.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY18 12-05 AB 71**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution by title only for a second time.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote.

10.4.5. Committee Recommendation to the Full City Council: AB 72 Resolution Authorizing the Acceptance of Radiological Emergency Preparedness (REP) Grant and Supplemental Appropriation Connected Thereto in an amount of \$12,697 (Second Reading Required)

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution by title only for a first time as follows:

Resolution Authorizing the Acceptance of Radiological Emergency Preparedness (REP) Grant and Supplemental Appropriation Connected Thereto in the amount of \$12,697.00

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept a REP Grant in the amount of Twelve Thousand Six Hundred Ninety Seven Dollars (\$12,697.00).

Further, the Mayor and City Council hereby authorize a supplemental appropriation in the amount of Twelve Thousand Six Hundred Ninety Seven Dollars (\$12,697.00) to the Fire Department fiscal year 2018 operating budget with the entirety of said supplemental appropriation being derived

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY18 12-05 AB 72**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution by title only for a second time.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.4.6. Committee Recommendation to the Full City Council: That the City Council indicate support that the City Manager Include an Appropriation in his proposed Fiscal Year 2019 Budget for a City sponsored Fireworks display (Motion to Approve)

Mayor McCarley **MOVED** to support the Committee's recommendation as written above. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a 9 to 3 show-of-hands vote as the original voice vote had been unclear.

Mayor McCarley said the following items have been kept in Committee at this time: elderly tax exemption, veterans' tax credit, GIS employee position, and the Senior Planner employee position.

10.5. Government Channel

Councilor Willis gave the Government Channel report. He indicated that much of the meeting was dedicated to reviewing the proposed Comcast Franchise Agreement.

10.6. Public Safety Committee

10.6.1. Committee Recommendation to the Full City Council: To place "no thru trucks" signs on both ends of Quail Drive with the gross vehicle weights recommended by DPW (Motion to Approve)

Councilor Lachapelle said residents of Quail Drive attended the Committee meeting to request that a No Thru Trucks sign be erected at both ends of the Street. Councilor Lachapelle **MOVED** to accept the Committee's recommendation as written. Councilor Bogan seconded the motion. Councilor Torr asked what the gross vehicle weight limit would be printed on the sign. The City Council discussed if 26,000 lbs limit would be appropriate weight for this street, which would allow utility vehicles to get through. Councilor Torr said the laws have changed and the correct number must be added to the sign. Councilor Varney **MOVED** to **TABLE** the motion. Councilor

Keans seconded. The **MOTION CARRIED** to **TABLE** the Committee's recommendation by a unanimous voice vote.

10.6.2. Committee Recommendation to the Full City Council: To extend the sidewalk from Irish Street to Charles Street using existing sidewalk funds (Motion to Approve)

Councilor Lachapelle **MOVED** to accept the Committee's recommendation as written above. Councilor Bogan seconded the motion. Councilor Keans asked for clarification on the location. Councilor Torr said there are other important sidewalk projects in the City and questioned how much this project would cost. Councilor Gray said there are school children who must access this street and it becomes a safety issue where the pavement of the sidewalk ends. Peter Norse, Director of City Services, gave a budgetary review of the sidewalk funds. He agreed to gather the figures and report back to the City Council. Councilor Bogan stated that the sidewalks located on Portland Street should take precedence over Irish Street. Councilor Torr concurred. Councilor Gray requested that the Department of Public Works supply options with financial estimates for the City Council to review.

Councilor Torr **MOVED** to **AMEND** the motion to include the requirement of only using asphalt for the sidewalk on Irish Street. Councilor Gray seconded the motion. The City Council discussed the issue and determined it is too premature to vote on this issue. Councilor Lauterborn **MOVED** to **SEND** the Committee's recommendation to the Public Works Committee for further review. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote.

10.6.3. Committee Recommendation to the Full City Council: To Move the pole and streetlight in the middle of Irish Street to a new location outside of the paved roadway at the discretion of DPW (Motion to Approve)

Councilor Lachapelle **MOVED** to accept the Committee's recommendation as written. Councilor Gates seconded the motion. Councilor Lauterborn **MOVED** to **SEND** the matter to the Public Works Committee. Councilor Varney seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.6.4. Committee Recommendation to the Full City Council: To Move the streetlight on Sullivan Farm Drive closer to the intersection (but to also contact the two residents that would be affected by the action) (Motion to Approve)

Councilor Lachapelle briefed the City Council about the Committee's recommendation and explained that this request is in line with the City's Street Light Policy. He **MOVED** to accept the Committee's recommendation as written above. Councilor Bogan seconded the motion. Mayor McCarley questioned if the Department of Public Works reached out to the residents as of yet. Councilor Gray clarified that the motion to inform the residents had only been an appropriate act and not to seek permission. The **MOTION CARRIED** by a unanimous voice vote.

10.7. Public Works and Building Committee

10.7.1. Committee Recommendation to the Full City Council: To send the matter of 24 Stonewall Drive – Easement to the Planning Board for review (*Motion to Approve*)

Councilor Torr reviewed the Committee’s recommendation. Councilor Torr **MOVED** to accept the Committee recommendation as written. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

11. Old Business

No discussion.

12. Consent Calendar

No discussion.

13. New Business

13.1. AB 61 Resolution Authorizing the City of Rochester to Enter Into a Cable Franchise Agreement with Comcast (*Second Reading Required*)

Councilor Lachapelle **MOVED** to read the resolution by title only for a second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution by title only for a first time.

Resolution Authorizing the City of Rochester to Enter Into a Cable Franchise Agreement with Comcast

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, approve the Proposed Franchise Agreement (attached as Exhibit A) between the City of Rochester and Comcast, Inc and further authorize the City Manager to execute all documents necessary to effectuate said Agreement. **CC FY 18 12-05 AB 61**

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Mayor McCarley called for a vote on the motion.

The City Council briefly discussed the proposed Cable Franchise Agreement. Councilor Lachapelle requested a roll call vote. Councilor Gray seconded the request. The **MOTION CARRIED** by a roll call vote of 11 to 1. Councilors Bogan, Varney, Willis, Gray, Barnett, Torr, Hamann, Gates, Keans, Lauterborn, and Mayor McCarley voted in favor of the motion. Councilor Lachapelle voted against the motion.

13.2. AB 68 Resolution Authorizing the Acceptance of A Conservation License Plate Grant [Moose Plate Grant] and Making a Supplemental Appropriation in

Connection therewith in order to Fund the Preservation of 18th Century and 19th Century Municipal Documents in the Amount of \$9,025 (*Second Reading Required*)

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution by title only for a first time as follows:

Resolution Authorizing the Acceptance of A Conservation License Plate Grant [Moose Plate Grant] and Making a Supplemental Appropriation in Connection therewith in order to Fund the Preservation of 18th Century and 19th Century Municipal Documents in the Amount of \$9,025.00

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept a Conservation License Plate Grant (“Moose Plate Grant”) grant in the amount of Nine Thousand Twenty-Five Dollars (\$9,025.00) awarded to the City of Rochester is hereby accepted by the City of Rochester;

Further, the Mayor and City Council hereby authorize a supplemental appropriation in the amount of Nine Thousand Twenty-Five Dollars (\$9,025.00) to a non-lapsing Special Revenue Fund to be created for the purpose of carrying out historic restoration work on 18th and 19th century municipal documents identified by the Rochester Historic Document Preservation Committee as historically important and worthy of preservation with the entirety of said supplemental appropriation being derived from the aforementioned Moose Plate Grant Grant:

FURTHER, that the City Manager is authorized to sign all applicant grant agreement documents required to enter into a grant agreement with the New Hampshire State Library to receive and administer the grant funds detailed above; and

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY 18 12-05 AB 68**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution by title only for a second time.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.3. AB 62 Acceptance of the Economic Development Strategic Plan for Adoption to the City Master Plan (*Acceptance and Referral to the Community Development Committee*)

Councilor Lachapelle **MOVED** to accept the Economic Development Strategic Plan and to

refer the matter to the Community Development Committee. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.4. AB 39 Amendment to Chapter 42.4 of the General Ordinances of the City of Rochester Regarding Variances (*Second Reading & Adoption*)

Councilor Lachapelle **MOVED** to read the Amendment for a first time by title only. Councilor Bogan seconded the motion. Mayor McCarley read the Amendment by title only for a first time. See Addendum A.

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Willis questioned if this Amendment is being presented due to a requirement of State Law. City Attorney O'Rourke explained that State law requires that all five criteria are met; however, this is not currently happening on the Zoning Board of Adjustment. He added that the current process of accepting the five criteria all at once is causing problems when the City has been called into court. He recommended approving this Amendment to improve on transparency of the votes taken by the Zoning Board of Adjustment [ZBA]. Councilor Torr indicated that is the reason he submitted his resignation from the ZBA. Councilor Willis questioned if the process could be streamlined and/or provide additional training sessions for the Committee members. Attorney O'Rourke replied that training has been provided and the City staff is subject to review all five criteria as well. The **MOTION CARRIED** by a show-of-hands vote of 9 to 3, because the original voice vote had been unclear.

13.5. AB 69: Resolution Authorizing the Rochester Fire Department to Apply for a New Hampshire Department of Homeland Security Grant for the purpose of Swiftwater Rescue Equipment in the amount of \$60,000 (*Second Reading Required*)

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice. Mayor McCarley read the resolution by title only for a first time as follows:

Resolution Authorizing the Rochester Fire Department to Apply for a New Hampshire Department of Homeland Security Grant for the Purpose of the Purchase of Swiftwater Rescue Equipment in the Amount of \$60,000.00

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the Rochester Fire Department to apply for a grant in the amount of Sixty Thousand Dollars (\$60,000.00) from the New Hampshire Department of Homeland Security grant program in order to fund the purchase of Swiftwater Rescue Equipment.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY18 12-05 AB 69**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by unanimous voice vote. Mayor McCarley read the resolution by title only for a second time.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.6. AB 59 Resolution Authorizing the Acceptance of Criminal Forfeitures and Supplemental Appropriation Connected Thereto in the amount of \$3,041.09 (Second Reading Required)

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice. Mayor McCarley read the resolution by title only for a first time as follows:

Resolution Authorizing the Acceptance of Criminal Forfeitures and Supplemental Appropriation Connected Thereto in the amount of \$3,041.09

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept criminal forfeitures in the amount of Three Thousand Forty One and 09/100 Dollars (\$3,041.09) from three (3) criminal cases.

Further, the Mayor and City Council hereby authorize a supplemental appropriation in the amount of Three Thousand Forty One and 09/100 Dollars (\$3,041.09) to the Police Department fiscal year 2018 operating budget with the entirety of the supplemental appropriation being derived from the aforementioned forfeitures.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY18 12-05 AB 59**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by unanimous voice vote. Mayor McCarley read the resolution by title only for a second time.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.7. AB 60 Resolution Authorizing the Acceptance of Criminal Forfeitures from the United States Government and Supplemental Appropriation Connected Thereto in the amount of \$1,525.27 (*Second Reading Required*)

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice. Mayor McCarley read the resolution by title only for a first time as follows:

Resolution Authorizing the Acceptance of Criminal Forfeitures from the United States Government and Supplemental Appropriation Connected Thereto in the amount of \$1,525.27

BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept criminal forfeitures in the amount of One Thousand Five Hundred Twenty Five and 27/100 Dollars (\$1,525.27) from the United States Government.

Further, the Mayor and City Council hereby authorize a supplemental appropriation in the amount of One Thousand Five Hundred Twenty Five and 27/100 Dollars (\$1,525.27) to the Police Department fiscal year 2018 operating budget with the entirety of the supplemental appropriation being derived from the aforementioned forfeiture.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY18 12-05 AB 60**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by unanimous voice vote. Mayor McCarley read the resolution by title only for a second time.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.8. AB 65 Amendment to the City of Rochester General Ordinances Relative to Chapter 42.19 Dimensional Standards (*First Reading and Refer to the Planning Board & Schedule the City Council Public Hearing for January 16, 2018*)

Councilor Lachapelle **MOVED** to read the Amendment for the first time and refer to the Planning Board and to schedule a City Council Public Hearing for January 16, 2018. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Dimensional Standards

THE CITY OF ROCHESTER ORDAINS:

That Chapter 42 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

42.19 Dimensional Regulations

b. Dimensional Provisions. General dimensional regulations and other regulations (as well as clarifications, notes, and references) specifically referenced to the tables follow.

- 8. Density Rings.** The density rings are shown on the Official City of Rochester's Zoning Map that is adopted as part of this Ordinance and only apply to multi-family dwellings/developments ***not within the DC Zone***. The rings are as follows:

The minimum lot area per dwelling unit within a one (1) mile radius of the center of Rochester shall be 5,000 square feet. The minimum lot area per dwelling unit outside of the one (1) mile radius of the center of Rochester. Shall be 7,500 square feet.

The minimum lot area per dwelling unit within a one-half (1/2) mile radius of the center of Gonic and East Rochester, shall be 5,000 square feet. The minimum lot area per dwelling unit outside of the one-half (1/2) mile radius of the center of Gonic and East Rochester, shall be 7,500 square feet.

For multi-family dwellings/developments within the DC Zone, the minimum lot per dwelling unit shall be 500 square feet.

Any lot that is partially within the radius of a density ring shall be treated as if it were entirely within the radius of the density ring.

The effective date of these amendments shall be upon passage. ***CC FY 18 12-05 AB 65***

14. Other

Councilor Gates wished to clarify if Councilor Torr's resignation had been accepted as resigning from his position as chair, in which case he would still serve on the Zoning Board of Adjustment as a Regular Member. Councilor Torr indicated that his intention is to resign from the ZBA completely.

Councilor Varney informed the City Council that a copy of the rules set by the Trustees of the Trust Fund for use of Hanson Pines has been distributed and if any City Council members have any questions about the rules they ask the City Manager. Councilor Lachapelle asked about rule number 3 regarding restricting certain apparatus was grammatically correct. Councilor Lauterborn stated that it did read clearly.

Councilor Barnett questioned if the proposed elderly tax exemption would be discussed at the next Finance Committee. Mayor McCarley stated this had been added as an agenda item for the next Committee meeting.

15. Non-Meeting/Non-Public Session

15.1. Non-Public Session, Land, RSA 91-A:3 II (d)

15.2. Non-Public Session, Personnel, RSA 91-A:3,II (a)

Councilor Lauterborn **MOVED** to enter into Non-Public Sessions under, Land, RSA 91-A:3 II (d) and Personnel, RSA 91-A:3,II (a) at 8:17 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 11 to 0 (*Councilor Abbott had been excused and Councilor Varney was not present at the time the vote was taken*). Councilors Gray, Hamann, Torr, Keans, Gates, Barnett, Bogan, Lauterborn, Willis, Lachapelle, and Mayor McCarley voted in favor of the motion.

Councilor Lauterborn **MOVED** to exit the Non-Public Session at 8:50 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lauterborn **MOVED** to seal the minutes of the Non-Public Session because it had been determined that divulgence of this information likely would render a proposed action ineffective. The **MOTION CARRIED** to seal the minutes by a 12 to 0 roll call vote. Councilors Barnett, Keans, Lauterborn, Hamann, Lachapelle, Willis, Gates, Torr, Gray, Bogan, Varney, and Mayor McCarley voted in favor of the motion.

16. Adjournment

Respectfully submitted,

Kelly Walters, CMC
City Clerk