

**Regular City Council Meeting**  
February 3, 2015  
**COUNCIL CHAMBERS**  
**7:03 PM**

**COUNCILORS PRESENT**

Councilor Bogan  
Councilor Collins  
Councilor Gates  
Councilor Gray  
Councilor Hamann  
Councilor Keans  
Councilor Lachapelle  
Councilor Larochelle  
Councilor Lauterborn  
Councilor Torr  
Councilor Varney  
Councilor Walker  
Mayor Jean

**OTHERS PRESENT**

City Manager Fitzpatrick  
Deputy City Manager Cox  
Attorney Wensley  
Chief Planner Campbell

**MINUTES**

**1. Call to Order**

Mayor Jean called the Regular City Council meeting to order at 7:03 PM.

**2. Opening Prayer**

Mayor Jean led the Pledge of Allegiance and called for a moment of silence for all military personnel fighting for our freedom.

**3. Roll Call**

Kelly Walters, City Clerk, took a roll call. All City Council members were present.

**4. Acceptance of Minutes**

**4.1. January 6, 2015, Regular City Council Meeting Minutes**

The City Clerk had sent out a revised set of minutes via e-mail for City Council's review earlier in the day. Councilor Walker **MOVED** to **ACCEPT** the

January 6, 2015, Regular City Council meeting minutes. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **4.2. January 20, 2015, Special City Council Meeting Minutes**

Councilor Walker **MOVED** to **ACCEPT** the minutes of January 20, 2015, Special City Council meeting. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean stated if the City Council did not object, he would take up Agenda Item 12.5 at this time. No objection was stated.

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

#### **AB 98 Resolution Authorizing the City Manager to Direct Staff to Un-merge Two Lots that were Involuntarily Merged to Form the Parcel Currently Known as 59 Richardson Street [Map/Lot 128-98] - First Reading and Adoption**

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Councilor Keans understood that at the time the original land merger took place, there were issues with non-conforming zoning lots and assumed this would still be the case now. Attorney Wensley replied that the Richardson Street lots prior to 1986 were in fact non-conforming in two different ways: one lot was undersized and the other lot had minimal frontage access. He said the 1986 adopted zoning ordinance allowed the Assessing Department, at that time, to consolidate non-conforming lots to achieve close to conformity as possible. In 2011, RSA 674, 39-AA, had passed, and provided legislation for such land lots that had been consolidated involuntarily; this would allow the land owners to request to have the land lots returned to their previous status. The request must be made to the local governing body and it would be up to the local governing body to prove there was any voluntary action of the landowner in order to deny such a request. In this case, it is believed that the merger of the two lots was primarily the work of the Planning Department and the Assessing Department. Neither department could find evidence of any voluntary action

on the landowner's part. It is evident that the state statute, in this case, would require that the lots be unmerged at the request of the landowner. He said if the lots were to be developed, the land owners would need to acquire building permits and possibly variances because of the non-conforming status.

Mayor Jean called for a vote on the motion to adopt. The **MOTION CARRIED** by a unanimous voice vote.

## **5. Communications from the City Manager**

Mayor Jean stated that the City Manager was unable to attend this evening's meeting and invited Deputy City Manager Cox to address the City Council in his absence. Deputy City Manager Cox stated that the Employee of the Month for February is Paul Michaud of the Public Works Department. Unfortunately, due to the winter storm, he was unable to attend the meeting and that another time would be scheduled for him to receive this award. Mayor Jean publicly thanked the entire Public Works staff for their hard work clearing the roads with multiple heavy snowstorms upon the City of Rochester. Their work is much appreciated.

Councilor Varney inquired about the grader that is in need of repair. Deputy City Manager Cox replied that the crew is still seeking some of the parts to repair the equipment and as of yesterday, February 2<sup>nd</sup>, the equipment has not yet been repaired.

Deputy City Manager Cox stated that the City Manager's report could be found in the City Council packet as follows:

Management Team Meeting minutes:

- December 29, 2014
- January 5, 2015
- January 12, 2015
- January 20, 2015

Contracts and documents executed since last month:

- Annual DMR Authorization letter
- Brock Street – Initiation of Operation Certification
- COOP Grant signoff – Fire Dept.

- EMPG grant – EOC equipment – Fire Dept.
- Engagement letter – Melanson Heath – FY 14 audit
- EMPG grant – Fire Dept.
- Granite Ridge Development District – engineering contract amendments 1 & 2
- Notification of Award – WTP tank maintenance
- PRB Construction – Change Order #2
- RSA 79e Covenants – 124 North Main Street / 2-6 North Main Street
- Route 125 pump station – Change Order #1
- Snow Storage agreement with Rochester Fairgrounds
- State of NH Dept of Safety – Seabrook Station Exercise thank you letter
- Strafford Square – Engineering contract
- Utility Billing Office – position upgrade

The following Computer Lease/Purchase and Tuition Reimbursement requests have been approved:

- Computer Lease – Dube, D (Fire Dept.)
- Tuition Reimbursement – Mears, M (Planning)

The following standard reports have been enclosed:

- City Council Request & Inquiry Report
- Permission & Permits Issued
- Personnel Action Report Summary

## **6. Communications from the Mayor**

### **6.1. AB 96 Letter Addressed to Executive Councilor Colin Van Ostern Regarding FairPoint Communications Contract Negotiations**

Mayor Jean stated that the letter written to Executive Councilor Colin Van Ostern regarding concerns of the FairPoint Communications contract negotiations has been included in this City Council packet for review. He has not yet been able to reach Executive Councilor Colin Van Ostern at this time; however, Mayor Jean is aware that a number of public hearings have been scheduled throughout the State to gather input about the FairPoint Service contract.

Mayor Jean stated that was part of a conference call last week with Dover Mayor Weston and Somersworth Mayor Hilliard concerning the Organization for Refugee and Immigrant Success (ORIS), an independent nonprofit agency considering applying to the US Department of State to provide refugee relocation services. He stated that Barbara Seebart, New Hampshire's Refugee Coordinator, has said there are no immediate plans to relocate refugees to the Tri-City region at this time. Mayor Jean said the Mayors indicated that the Tri-City infrastructure would not support such relocations. It was noted by Ms. Seebart that if any community would be considered for such a program the community must be notified well in advance and ample public input from each community involved; it is about a two-year process. Mayor Jean felt confident that there are no immediate plans for such relocation to occur in the Tri-City region at this time.

**7. Presentations of Petitions and City Council Correspondence**

**8. Nominations, Appointments, and Resignations**

**8.1. Sharon Parshley, Utility Advisory Board**

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation of Sharon Parshley from the Utility Advisory Board, with regret. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean requested that a letter of thanks be sent to Ms. Parshley. City Clerk Walters concurred.

**9. Reports of Committees**

**9.1. Appointments Review Committee**

Councilor Larochelle stated that the Appointments Review Committee unanimously recommends that David M. Anctil be reappointed to the Arena Advisory Commission, with a term to expire on January 2, 2018. Mayor Jean nominated Mr. Anctil to be reappointed to the Arena Advisory Commission with a term to expire on January 2, 2018. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease and the City Clerk cast one ballot for Mr. Anctil. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Larochelle stated that the Appointments Review Committee unanimously recommends that Dale Bickford be reappointed to the Arena Advisory Commission, with a term to expire on January 2, 2018. Mayor Jean nominated Mr. Bickford to be reappointed to the Arena Advisory Commission with a term to expire on January 2, 2018. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease and the City Clerk cast one ballot for Mr. Bickford. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Larochelle stated that the Appointments Review Committee unanimously recommends that Susan DeRoy be reappointed to the Rochester Economic Development Commission, with a term to expire on January 2, 2018. Mayor Jean nominated Ms. DeRoy to be reappointed to the Rochester Economic Development Commission with a term to expire on January 2, 2018. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease and the City Clerk cast one ballot for Ms. DeRoy. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Larochelle stated that the Appointments Review Committee unanimously recommends Roger Burkhart to serve on the Conservation Commission. Mayor Jean recommended postponing this appointment until other members of the Conservation Commission have a chance to submit their Statement of Interest forms to the City Clerk's office.

## **9.2. Community Development Committee**

Councilor Gray stated that the Committee is continuing to work on the five-year plan.

Councilor Gray stated that according to the Department of Housing and Urban Development there have been some changes within Rochester as to the status of low to moderate income. He said more information would be distributed to the entire City Council once it becomes available.

Councilor Gray stated that the CDBG Block Grant process has begun and the Committee would begin taking input from various non-profit agencies soon. He noted that the summer lunch program would no longer be

funded and it would be appropriate to take all of this under consideration when recommendations are made for the budget.

Mayor Jean stated that it should be a good sign that the City of Rochester is now being assessed as low to moderate income, because it shows an improvement in income levels. Councilor Gray agreed but it will change the way in which the funding of the CDBG Grant can be used in the future.

### **9.3. Finance Committee**

Mayor Jean stated that there was a lot of discussion about the "Bridging the Gaps" program at the last Finance Committee meeting. Subsequently, City Council action was taken on this matter at the January 20, 2015, Special City Council meeting.

Mayor Jean stated that the Finance Committee gave direction to the City Manager about the Independent Assessing Review to be conducted by Municipal Resources, Incorporated.

Councilor Keans asked about a land issue. Deputy City Manager Cox replied that it would be discussed later in non-public.

### **9.4. Joint Building Committee**

Councilor Keans stated that the East Rochester School project is still progressing very well. There was a delay in the construction of the roof due to the Thanksgiving Day storm; however, the construction portion is only about a week behind schedule now. She stated the entire project is about \$400,000 under budget. She said the Joint Building Committee took action on purchasing a better tile for the floor at the last meeting. This tile will be easier to maintain and have a longer life span.

### **9.5. Public Safety Committee**

Councilor Walker **MOVED** to direct staff to install a "blind-driveway" sign on 30 Betts Road, at the discretion of the Public Works Department. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to **ACCEPT** the Highway Safety Grant. Councilor Gates seconded the motion. Councilor Walker said this is the same grant which the City accepts each year to compensate funding for overtime used for extra patrols and DWI patrols.

#### **9.6. Public Works Committee**

Councilor Torr **MOVED** to approve the installation of concrete sidewalks on Franklin Street. Councilor Walker seconded the motion. Councilor Varney gave reasons why it made sense to use concrete for this project. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Torr stated that the Columbus Avenue Parking Lot issue would stay in Committee for now. He said a certain business did not contribute to the overall cost last time. Councilor Keans did not agree that a final agreement was ever made requiring a contribution of funds from the business in question and that the original concerns/complaints of the neighborhood have subsided; however, the site to be developed is currently being used for a construction site. Councilor Larochelle recalled that it was the City's decision to cover the cost of the parking lot because of all the discussion and changes which took place in the neighborhood. Councilor Torr noted that the construction contractor has the right to use that parcel of land for the duration of the project. It was determined that this would stay in Committee for now.

Councilor Torr stated that the Milton Road Corridor Study is incomplete at this time.

Councilor Torr said the Wakefield Street Reconstruction Project is still in Committee.

Councilor Torr stated that there are discussions about the water meters at Fieldstone Village. He said a report indicates that the City of Rochester owns that waterline and he felt that the report is incorrect. Mayor Jean stated that this should be discussed in a non-public session.

Councilor Torr said that the Strafford Square Project is still in Committee.

#### **10. Old Business**



## 11. Consent Calendar

~~11.1. **AB 100** Resolution De-Authorizing a Fiscal Year 2012  
NHIDOT Sign Grant – **First Reading, Second Reading, and  
Adoption**~~

Mayor Jean indicated that one item has been requested to be removed from the Consent Calendar. Councilor Walker **MOVED** to **APPROVE** only items 11.2 and 11.3. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

11.2. **AB 97** Resolution De-Authorizing Funds - EDA Salmon Falls Road Project – Highway/Water/Sewer – **First Reading, Second Reading, and Adoption**

**RESOLUTION DEAUTHORIZING A PORTION OF  
CERTAIN CAPITAL IMPROVEMENT BUDGET APPROPRIATIONS  
FOR THE SO-CALLED  
SALMON FALLS/MILTON ROAD EDA  
PUBLIC INFRASTRUCTURE IMPROVEMENT PROJECT,  
AND TRANSFERRING CERTAIN PORTIONS  
OF SUCH DEAUTHORIZED FUNDS**

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

**WHEREAS**, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester on September 4, 2012, August 6, 2013 and December 2, 2014 the Mayor and City Council appropriated and/or transferred funds, through supplemental appropriations to various fiscal year Capital Improvement Budgets of the City of Rochester, Public Works Departments, Highway, Water Works and Sewer Works Divisions the sum of Four Million Four Hundred Seventy-Eight Thousand Four Hundred Eighteen Dollars and Sixty-Six Cents (\$4,478,418.66) for the purpose of paying for costs and expenses incurred with respect to the various aspects of the so-called Salmon Falls/Milton Road EDA public infrastructure improvement project (the "Project"), all as more fully shown on **Exhibit A** annexed hereto; and

**WHEREAS**, the aforesaid supplemental appropriations have resulted in appropriated funds for the Project which exceed the current budget for such

Project by the sum of Five Hundred Eighty-Six Thousand Two Hundred Eighteen Dollars and Sixty-Six Cents (\$586,218.66);

**NOW THEREFORE**, in light of the current excess appropriation of funds for the Project, in the total amount of Five Hundred Eighty-Six Thousand Two Hundred Eighteen Dollars and Sixty-Six Cents (\$586,218.66) in the various aforesaid Capital Improvement budget account(s) of the City of Rochester, Public Works Departments, Highway, Water Works and Sewer Works Divisions and shown in **Exhibit A** annexed hereto, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum Five Hundred Eighty-Six Thousand Two Hundred Eighteen Dollars and Sixty-Six Cents (\$586,218.66) of the previous appropriation of funds for the aforementioned Project from the various aforesaid Capital Improvement budget account(s) of the City of Rochester, Public Works Departments, Highway, Water Works and Sewer Works Divisions as shown on **Exhibit A** annexed hereto, thereby reducing the amount of the aforesaid appropriation for such Project, from Four Million Four Hundred Seventy-Eight Thousand Four Hundred Eighteen Dollars and Sixty-Six Cents (\$4,478,418.66) to Three Million Eight Hundred Ninety-Two Thousand Two Hundred Dollars (\$3,892,200.00).

**FURTHERMORE**, that the sum of Fifty-Five Thousand Three Hundred Thirty-Nine Dollars and Fifty-Seven Cents (\$55,339.57) of the aforementioned deauthorized fund be transferred to the City of Rochester's so-called undesignated Fund Balance, and that the sum of Thirty Thousand Eight Hundred Seventy-Nine Dollars and Nine Cents (\$30,879.09) of said deauthorized funds be transferred to the City of Rochester's so-called Economic Development Fund.

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 15 02-03 AB 97**

- 11.3. AB 95 Resolution De-Authorizing the Unexpended Balance of \$9,978 Related to Purchasing What is Known as the "Clement Conservation Easement" on 30 Bickford Road – First Reading, Second Reading, and Adoption**

**RESOLUTION DEAUTHORIZING**  
**FY 2012-13 ROCHESTER CONSERVATION COMMISSION**  
**CAPITAL IMPROVEMENT BUDGET APPROPRIATION**

**FOR PURCHASE OF A CONSERVATION EASEMENT  
ON THE SO-CALLED CLEMENT PROPERTY ON BICKFORD ROAD**

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

**WHEREAS**, by resolution previously adopted by the Mayor and City Council, on December 4, 2012 as part of the FY 2012-2013 Capital Improvement Projects budget of the City of Rochester, Conservation Commission, Conservation Fund the Mayor and City Council authorized for the purpose of providing funds to be used by the Rochester Conservation Commission in connection with the acquisition of a Conservation Easement on the so-called Clement property on Bickford Road in Rochester, the amount of Two Hundred Eighty-One Thousand Two Hundred Sixty-One Dollars (\$281,261.00) was appropriated in the City of Rochester's FY 2012-2013 capital improvements budget of the City of Rochester, Conservation Commission, Conservation Fund, for the purpose of acquiring a conservation easement on the so-called "Clement property" on Bickford Road (the "Project"), such Project to be funded in its entirety from funds herein appropriated from the so-called Conservation Fund; and

**WHEREAS**, such Project has, of the present date, been completed in its entirety in a manner leaving an unexpended portion of the above referenced supplemental appropriation in the amount of Nine Thousand Nine Hundred Seventy-Eight Dollars (\$9,978.00) unexpended and unnecessary for Project purposes;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize the above mentioned appropriation to the City of Rochester FY 2012-2013 capital improvements budget for the aforesaid Project purposes to the extent of Nine Thousand Nine Hundred Seventy-Eight Dollars (\$9,978.00), thereby leaving an unexpended balance in the above referenced supplemental appropriation for Project purposes in the amount of zero (\$0.00).

**FURTHERMORE**, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate, establish, and/or eliminate such accounts and/or account numbers, and to take all such other steps, as may be necessary to implement the transactions contemplated by this Resolution. **CC FY15 02-03 AB 95**

**Consent Calendar Item Removed:**

**11.1 AB 100 Resolution De-Authorizing a Fiscal Year 2012  
NHDOT Sign Grant – First Reading, Second Reading, and  
Adoption**

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

**RESOLUTION DEAUTHORIZING A PORTION OF A CERTAIN  
FY 2012-2013 STATE OF NH, DEPARTMENT OF TRANSPORTATION  
GRANT TO CITY OF ROCHESTER FOR  
TEN ROD ROAD BUSINESS PARK SIGN**

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

**WHEREAS**, by resolution previously adopted by the Mayor and City Council, in June 2012 adopting the City of Rochester FY 2012-2013 Capital Improvements Projects budget the sum of Sixty-Three Thousand Nine Hundred Dollars (\$63,900.00) was appropriated to the City of Rochester, for the purpose of paying costs associated with the construction of signage for the so-called Ten Rod Road Business Park (the "Project"), with funding for such Project to be drawn, to the extent of Thirteen Thousand Nine Hundred Dollars (\$13,900.00) from a grant in such amount from the State of NH, Department of Transportation (DOT), and to the extent of Fifty Thousand Dollars (\$50,000.00) from the proceeds of bonds to be issued by the City of Rochester; and

**WHEREAS**, the NH DOT grant towards the Project, was paid directly to a Project vendor by the NH DOT, in a manner rendering the aforesaid grant appropriation to be funded from a NH DOT grant to the City in the amount of Thirteen Thousand Nine Hundred Dollars (\$13,900.00) unnecessary for its appropriated Project purposes; and

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby withdraw and deauthorize the above mentioned appropriation to the FY 2012-2013 City of Rochester, City of Rochester, Economic Development Department Capital Improvement Project budget for the Project to the extent of Thirteen Thousand Nine Hundred

Dollars (\$13,900.00), leaving an appropriated balance in such Project account of Fifty Thousand Dollars (\$50,000.00).

**FURTHER**, 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 FY15 02-03 AB 100**

*It was later determined that a second reading would be necessary and the motion took place as follows:* Councilor Walker **MOVED** to suspend the rules and read the resolution by title only for the second time. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Varney **MOVED** to **AMEND** the resolution by changing the funding source as follows: ~~proceeds of "bond"~~ to the "Economic Development Fund". Councilor Walker seconded the motion. Councilor Varney said that Deputy City Manager Cox had indicated that there is currently \$130,000 in the Economic Development Fund, not including the additional \$30,000 as a result of other items on this evening's agenda. This would save about \$10,000 in interest cost. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean called for a vote on the motion as amended. The **MOTION CARRIED** by a unanimous voice vote.

**A RESOLUTION DEAUTHORIZING A PORTION OF A CERTAIN  
FY 2012-2013 STATE OF NH, DEPARTMENT OF TRANSPORTATION  
GRANT TO CITY OF ROCHESTER FOR  
TEN ROD ROAD BUSINESS PARK SIGN**

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

**WHEREAS**, by resolution previously adopted by the Mayor and City Council, in June 2012 adopting the City of Rochester FY 2012-2013 Capital Improvements Projects budget the sum of Sixty-Three Thousand Nine Hundred Dollars (\$63,900.00) was appropriated to the City of Rochester, for the purpose of paying costs associated with the construction of signage for the so-called Ten Rod Road Business Park (the "Project"), with funding for such Project to be drawn, to the extent of Thirteen Thousand Nine Hundred

Dollars (\$13,900.00) from a grant in such amount from the State of NH, Department of Transportation (DOT), and to the extent of Fifty Thousand Dollars (\$50,000.00) from the Economic Development Fund to be issued by the City of Rochester; and

**WHEREAS**, the NH DOT grant towards the Project, was paid directly to a Project vendor by the NH DOT, in a manner rendering the aforesaid grant appropriation to be funded from a NH DOT grant to the City in the amount of Thirteen Thousand Nine Hundred Dollars (\$13,900.00) unnecessary for its appropriated Project purposes; and

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby withdraw and deauthorize the above mentioned appropriation to the FY 2012-2013 City of Rochester, City of Rochester, Economic Development Department Capital Improvement Project budget for the Project to the extent of Thirteen Thousand Nine Hundred Dollars (\$13,900.00), leaving an appropriated balance in such Project account of Fifty Thousand Dollars (\$50,000.00).

**FURTHER**, 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 FY15 02-03 AB 100**

## **12. New Business**

### **12.1. AB 82 Amendment to Chapter 23 of the General Ordinances of the City of Rochester Regarding "Fire Safety Measures" – Second Reading and Adoption**

Councilor Lachapelle **MOVED** to read the Amendment by title only for the second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution for the second time by title only as follows:

#### **AMENDMENTS TO CHAPTER 23 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING "FIRE SAFETY MEASURES"**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 23 of the General Ordinances of the City of Rochester, entitled "Fire Safety Measures", as presently amended, be further amended as follows:

- I. That Chapter 23 of the General Ordinances of the City of Rochester, entitled "Fire Safety Measures", as presently amended, be further amended, by amending the "introductory "SECTIONAL ANALYSIS" of such Chapter 23, so as to provide as follows:

**"Fire Safety Rules and Regulations**

- 23.1 Smoke Detector Wiring
- 23.2 Enforcement Officer
- 23.3 Control of Outdoor Fires
- 23.4 Knox Box Installations
- 23.5 Public Safety Amplification System Required in Large Facilities
- 23.6 Administration and Enforcement
- 23.7 Means of Escape
- 23.8 Fire Department Access
- 23.9 Control of Fire Hazards
- 23.10 Penalty
- 23.11 Sprinkler Requirements for Certain Single-family Dwelling Units
- 23.12 Prohibition and Regulation of Fireworks
- 23.13 Certificate of Fitness Program
- 23.14 Regulation of Fire Alarms"

- II. That Section 23.7 of the General Ordinances of the City of Rochester entitled "Administration and Enforcement", as presently amended, be further amended, by amending said Section 23.7, as presently enacted, to provide as follows, said amended Section to be known as Section 23.7 of the General Ordinances of the City of Rochester, to wit:

**"23.1 Administration and Enforcement.**

The authority having jurisdiction for the administration and enforcement of this chapter shall be Fire Prevention of the City of Rochester. The fee schedule under this chapter shall be as follows:

Tank Removal	\$25.00
Blasting	\$25.00
Incident Report	\$5.00
Fire Marshal's Investigation	\$25.00
Report	
Photographs (Fire Scene)	\$15.00
CD Photos (Fire Scene)	\$15.00
Fire Alarm System Plan Review	\$1.00 per device or \$50.00 minimum
Sprinkler System Plan Review	\$1.00 per device or \$50.00 minimum
Commercial Hood Fire	\$1.00 per device or \$50.00 minimum
Suppression	\$1.00 per device or \$50.00 minimum
Clean Agent	\$1.00 per device or \$50.00 minimum
Initial Inspection	
Re-Inspections	\$50.00 per person with \$100.00 minimum

(Sprinkler Systems, Fire Alarm Systems, Commercial Hood Fire Suppression, Clean Agent)

Fine ~~\$100.00~~ 175.00 (working without a permit or license)

Certificate of Fitness \$25.00 per year, per restriction

False Alarm, Fire alarm activation \$175 after 2 consecutive, per calendar year"

III. That Chapter 23 of the General Ordinances of the City of Rochester entitled "Fire Safety Measures", as presently amended, be further amended, by adding to said Chapter 23, a new Section, to be known as Section 23.14 of the General Ordinances of the City of Rochester, said Section 23.14 to



provide as follows, to wit:

**"23.14 Certificate of Fitness Program."**

In accordance with NFPA 1:2009 1.13, The Rochester Fire Department enacts the applicable section of the currently adopted version of NFPA 1 for the Certificate of Fitness Program. The Fire Chief or his designee shall promulgate administrative rules for the management of the Certificate of Fitness program."

IV. That Chapter 23 of the General Ordinances of the City of Rochester entitled "Fire Safety Measures", as presently amended, be further amended, by adding to said Chapter 23, a new Section, to be known as Section 23.15 of the General Ordinances of the City of Rochester, said Section 23.15 to provide as follows, to wit:

**"23.15 Regulation of Fire Alarms."**

The Fire Chief or his designee shall promulgate administrative rules for the management the installation and maintenance of Fire Alarms." **CC FY 15 01-06 AB 82**

Councilor Keans **MOVED** to refer the Amendment back to the Codes and Ordinances Committee for further review. Councilor Gates seconded the motion. Councilor Keans said the Fire Marshall would bring some new verbiage for the Committee to review at the Codes and Ordinances Committee. The **MOTION CARRIED** by a unanimous voice vote.

**12.2. AB 83 Amendment to Chapter 34 of the General Ordinances of the City of Rochester regarding "Junk and Second-Hand Dealers" Second Reading and Adoption**

Councilor Lachapelle **MOVED** to read the Amendment by title only for the second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Amendment for the second time by title only as follows:

**AMENDMENTS TO CHAPTER 34 OF THE  
GENERAL ORDINANCES OF THE CITY OF ROCHESTER  
REGARDING "JUNK AND SECOND-HAND DEALERS"**

## THE CITY OF ROCHESTER ORDAINS:

That Chapter 34 of the General Ordinances of the City of Rochester, entitled "Junk and Second-Hand Dealers", as presently amended, be further amended as follows:

- V. That Section 34.4 of the General Ordinances of the City of Rochester entitled "License Applications", as presently amended, be further amended, by amending said Section 34.4, as presently enacted, to provide as follows, said amended Section to be known as Section 34.4 of the General Ordinances of the City of Rochester, to wit:

**"34.4 License Applications.** Applications for licenses shall be made to the Licensing Board and filed with the Director of Building, Zoning, & Licensing Services Department upon blanks furnished by the Director of Building, Zoning, & Licensing Services Department for that purpose, and shall be submitted by the Director of Building, Zoning, & Licensing Services Department to the Chief of Police who shall cause an investigation to be made of the fitness of the applicant to engage in the business of a junk dealer or second-hand dealer and report his findings to the Licensing Board before such license is acted upon by the City Council. The license fee for each license shall be Fifty Dollars (\$50.00) per year payable in advance to the Building, Zoning, & Licensing Services Department. There shall be no fee for non-profit charitable organizations, public schools, and public institutions.

The Licensing Board, after a satisfactory investigation by the Police Chief, may issue a temporary license to existing junk or second-hand dealer establishments when there is only a change of ownership."

- VI. That Section 34.4 of the General Ordinances of the City of Rochester entitled "License Applications", as presently amended, be further amended, by amending said Section 34.4, as presently enacted, to provide as follows, said amended Section to be known as Section 34.4 of the General Ordinances of the City of Rochester, to wit:

**"34.5 License Revocation/Expiration.** ~~Such Annual licenses shall expire on April 1<sup>st</sup> of each year, unless sooner revoked, and shall not be assigned or transferred, but it may be revoked at any time by the Licensing Board after notice and hearing for just cause.~~ Temporary licenses shall expire after 45 days from the date issued or when acted upon by the City Council, whichever occurs first. Licenses shall not be re-assigned or transferred and may be revoked at any time by the Licensing Board after notice and hearing for just cause." CC FY 15 01-06 AB 83

Councilor Walker **MOVED** to **ADOPT** the Amendment. Councilor Lachapelle seconded the motion. Council discussed the fees for the new owners. Mayor Jean stated that this is amendment would allow a 45 day grace period for the business to operate under new ownership. The **MOTION CARRIED** by a unanimous voice vote.

**12.3. AB 84 – 1 Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Zoning – Second Reading and Adoption**

Councilor Walker **MOVED** to read the resolution by title only for the second time. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Amendment by title only for the second time as follows:

Add amendment

Councilor Walker **MOVED** to **ADOPT** the Amendment. Councilor Lachapelle seconded the motion.

Councilor Torr spoke about the HUD seal on manufactured homes. He said these regulations do not comply with the new HUD regulations. He gave details about the regulations and legalities of the issues. Councilor Keans **MOVED** to refer the Amendment back to Committee. Councilor Varney seconded the motion. Council debated the issue. Jim Campbell, Chief Planner, stated that the City cannot set standards below the State and HUD standards; however, they are permitted to require more than the standard. He said mobile home parks are separate from mobile home subdivisions. He added that no more mobile home parks are permitted in the City of Rochester. He said Chapter 43 deals specifically with existing mobile home

parks. Councilor Keans **WITHDREW** her motion to refer back to the Codes and Ordinances Committee. Councilor Varney **WITHDREW** his second to the motion. Mayor Jean stated that the amendment could be adopted now and adjusted later. The **MOTION CARRIED** by a majority voice vote.

**12.4. AB 84 – 2 Amendment to Chapter 43 of the General Ordinances of the City of Rochester Regarding the “Mobile Home Park Ordinance” Second Reading and Adoption**

Councilor Lachapelle **MOVED** to read the Amendment by title only for the second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Amendment by title only for the second time as follows:

Add amendment

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Walker seconded the motion. Mr. Campbell gave a brief history of how this amendment came forth from the Planning Department. Councilor Torr expressed concerns over issues of Chapter 42.2 and Chapter 43. Mayor Jean stated that Chapter 43 deals primarily with grandfathered Mobile Home Parks. He agreed that Chapter 42.2 could be looked at again. He called for a vote on the motion on the floor. The **MOTION CARRIED** by a majority voice vote.

**12.5. AB 98 Resolution Authorizing the City Manager to Direct Staff to Un-merge Two Lots That Were Involuntarily Merged to Form the Parcel Currently Known as 59 Richardson Street [Map/Lot 128-98]- First Reading and Adoption**

*This resolution was adopted earlier in the meeting under Acceptance of Minutes.*

**12.6. AB 99 Ten Rod Road Tenant Sign Location Change - motion to approve**

Councilor Lachapelle **MOVED** to **APPROVE** the Ten Rod Road Tenant Sign Location Change. Councilor Walker seconded the motion. Mayor Jean referred to a map which outlined the change of location. The **MOTION CARRIED** by a unanimous voice vote.

Attorney Wensley advised the City Council that since Agenda Item 11.1 Resolution De-Authorizing the NHDOT Sign Grant was taken off from the Consent Calendar, then the resolution should have had a second reading. Subsequently, Mayor Jean entertained a motion to suspend the rules and read the resolution for the second time as reflected in the minutes of that portion of the minutes above.

### **13. Other**

### **14. Non-Public Sessions**

#### **14.1. Non-Public Session, RSA 91-A, Land**

#### **14.2. Non-Public Session, RSA, 91-A 3, 2 for Personnel**

Councilor Lachapelle **MOVED** to enter two Non-Public Sessions at 8:06 PM under RSA, 91-A: 3, II (d) Land, and RSA 91-A 3, II, (a) Personnel. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Gray, Hamann, Torr, Keans, Varney, Gates, Collins, Bogan, Lauterborn, Larochele, Walker, Lachapelle, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle **MOVED** to **EXIT** the Non-Public Sessions at 8:20 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **15. Adjournment**

Councilor Lachapelle **MOVED** to **ADJOURN** the Regular City Council meeting at 8:21 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters  
City Clerk

