

**Regular City Council Meeting
April 4, 2017
Council Chambers
7:27 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

City Manager Daniel Fitzpatrick
Deputy City Manager Blaine Cox
City Attorney Terence O'Rourke
Superintendent Michael Hopkins

MINUTES

1. Call to Order

Mayor McCarley called the Regular City Council Meeting to order at 7:27 PM.

2. Presentation of the Colors

The AMVETS Post 1 of Rochester presented the colors and led the City Council in the Pledge of Allegiance.

3. Opening Prayer

Norm Sanborn, Sr. of the AMVETS Post 1 led the City Council in prayer.

Mr. Sanborn took a few minutes to inform everyone of the activities planned by the AMVETS in the coming months.

4. Roll Call

Marcia Roddy, Deputy City Clerk, took a roll call. All Council members were present.

5. Acceptance of Minutes

5.1 Regular City Council Meeting - March 7, 2017

Councilor Lachapelle **MOVED** to **ACCEPT** the March 7, 2017, Regular City Council meeting minutes. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2 Special City Council Meeting, March 21, 2017

Councilor Lachapelle **MOVED** to **ACCEPT** the March 21, 2017, Special City Council meeting minutes. 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 Officer Marc Cilley of the Rochester Police Department, to come forward to accept the Employee of the Month Award, along with Chief Paul Toussaint. Mr. Fitzgerald explained how Officer Cilley assisted a woman in the city with a heating issue and was being recognized for his public service.

6.2 City Manager's Report

City Manager Fitzpatrick read the following report:

Contracts and documents executed since last month:

- Department of Public Works
 - Asset Management Grant – additional information
 - Asset Management Grant
 - Clean Water & Storm Water Management grant
 - Colonial Pines – Notice of Award and Agreement
 - Franklin Street – Change Order 1
 - LED Streetlight Replacement Contract
 - Ransom Consulting – Rochester Landfill Monitoring – Amendment
 - Route 125 Pump Station – Performance Certificate
 - Salmon Falls Road – Modification #229
- Economic & Community Development
 - Bridging the Gaps Continuing Grant Application
 - Victims of Crime Act Assistance Grant

- Fire Department
 - Homeland Security -EMS - Warm Zone Equipment Grant Application Award
 - Pease Mutual Aid Agreement
 - FY 18 Seabrook Budget Request
 - Grant Paperwork Audit Clarification signoff
- Legal Department
 - M.S.T Leasing Agreement – copiers
- Planning Department
 - Conservation Easement – Baseline Conditions Document
- Recreation Department
 - Safe Schools - Teen Travel Camp Grant

The following standard reports have been enclosed:

- City Council Request & Inquiry Report (no report included - no items for discussion)
- Monthly Overnight Travel Summary
- Permission & Permits Issued
- Personnel Action Report Summary

7. Communications from the Mayor

7.1 Proclamation: Arbor Day

Mayor McCarley read a proclamation declaring April 28, 2017, as Arbor Day in the City of Rochester.

7.2 Proclamation: Telecommunicators Week

Mayor McCarley read a proclamation declaring April 9-15, 2017, as National Telecommunicators Week.

7.3 Announcement: Dog License Renewal

Mayor McCarley announced to the residents of the City that it is time to renew dog licenses. This can be done in the City Clerk's office.

7.4 Announcement: Upcoming Rabies Clinics

Mayor McCarley said that there will be two rabies vaccination clinics to be held at the 4H Building at the Fairgrounds. The first one will be on April 22, 2017, and the second one will be on May 20, 2017. Both clinics will be held

from 12:00 to 2:00 PM. All dogs must be on a leash and all cats must be in a carrier. The cost is \$15 *cash only* for each shot.

Mayor McCarley briefed the City Council on the recent events surrounding the proposed bonding vote for the Technical Center's renovation. She had been told by the Department of Education that it was not necessary to have a bonding vote. In March, she received a call that some sort of vote was needed in support of the matter. She said it would have been inappropriate for her to suggest to the Council that a public hearing be held and a vote taken on such short notice. After the March 21, 2017, City Council meeting, at which time there was a vote in support of the bonding and she relayed that information to the State. It was then determined by the Committee that the bond vote was needed.

Mayor McCarley has decided to form an *ad hoc* committee, consisting of Councilors Willis, Varney, and Hamann to work with the architect, designers, and Technology Center director to see if they can come back with a revised plan that is perhaps less expensive and to learn more about it. If possible, this may work toward a bonding vote that can be presented to the State for reconsideration.

Councilor Gray said that he believes the school should have representation on the *ad hoc* committee as it is too important an issue for it not to have a say in the matter. Mayor McCarley said that Superintendent Hopkins has already been contacted and he will be contacting the architect as well as the School Board to see if anyone would be interested in serving on the committee.

Councilor Lachapelle said that the Codes and Ordinances Committee will be meeting on Thursday, April 6, 2017, at 6:00 PM in Council Chambers.

8. Presentations of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

10. Reports of Committees

10.1 Appointments Committee

Councilor Keans reviewed the March 7, 2017, Appointments Committee meeting. She said that the committee interviewed Kyle Starkweather to fill a Planning Board Alternate Member position. She said he is an EMT at Frisbie Memorial Hospital and is interested in becoming active in the community. She said that the Appointments Committee recommends Mr. Starkweather as an Alternate Member of the Planning Board.

Mayor McCarley nominated Kyle Starkweather as an Alternate Member of the Planning Board with a term to expire on January 2, 2019. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Kyle Starkweather has been appointed as an Alternate Member of the Planning Board with a term to expire on January 2, 2019, by a unanimous ballot vote.

10.2 Community Development

Councilor Lauterborn reviewed the meeting minutes of March 13, 2017. She said the committee dealt with the CDBG grants and the public hearing will be coming up. There was one action item coming out of that meeting, namely:

10.2.1 Action Item AB 150: Resolution Authorizing the Reprogramming of Community Development Block Grant Funds in the Gross Amount of \$25,374.77

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

Resolution Authorizing the Reprogramming of Community Development Block Grant Funds in the Gross Amount of \$25,374.77

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

WHEREAS, there are unexpended funds from previous Community Development Block Grant (CDBG) grant years in the amount of Twenty Five Thousand Three Hundred Seventy Four 77/100 Dollars (\$25,374.77);

WHEREAS, the Mayor and City Council desire to reprogram certain of these funds into other worthwhile activities;

THEREFORE, that the sum of Twenty Five Thousand Three Hundred Seventy Four 77/100 Dollars (\$25,374.77) be reprogrammed to the Job Opportunity Benefit (JOB) Loan Program with all the funds to be derived from the aforementioned unexpended CDBG funds consistent with the attached funding resolution form; and

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 FY 17 AB 150**

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

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

Councilor Lauterborn said that due to the fact that the committee has a light agenda coming up that she would like to postpone the April meeting and the next meeting will be in May.

10.3 Finance Committee

10.3.1 Action Item: Official Announcements & Posting Policy
Committee Recommendation: **An indication of approval from the Council to finalize the policy** *Sense of Council*

The new posting policy will continue as discussed. Councilor Gates said that he had heard from a citizen who commented that the City Council agenda was posted in a timely manner, but that there was no agenda posted for the Planning Board and the Police Commission.

10.3.2 Action Item: Fireworks Discussion **Committee Recommendation:** **To direct the City Manager to retain the services of a fireworks display vendor for a date on or around the 4th of July, 2017** *consideration for approval*

Mayor McCarley **MOVED** that the City expend \$20,000 on a vendor (Central Maine Pyrotechnics) for an event on the evening of July 3, 2017. This company had good references and was the only company that could do the display on the evening of July 3.

Councilor Torr called for a roll call vote. He wanted the residents to know who was for and who was against the fireworks display.

Councilor Willis asked if there was a rain date. Mayor McCarley said there was no rain date set yet. Councilor Willis asked if any money had been spent would there be a refund if the event was rained out and there was no backup date. Mayor McCarley said that could certainly be an amendment to any contract. City Manager Fitzpatrick said this needs to be acted on tonight as the company has already extended the time needed to book the date.

Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by an 8-5 roll call vote. Councilors Barnett, Keans, Willis, Abbott, Hamann, Bogan, Varney, and Mayor McCarley voted yes. Councilors Lauterborn, Lachapelle, Gray, Torr, and Gates voted no.

10.3.3 Action Item: Chief Information Officer **Committee Recommendation:** **To approve an amendment to the Merit Plan to add the position of Chief Information Officer [Pay Grade 16]** *consideration for approval*

Councilor Gray said that this is a very good position to combine with the School Department and that having a Chief Information Officer at the School Department and at the City is a wasteful use of the money.

Councilor Willis asked if this position would be in charge of not only IT, but also public relations, as well. Mr. Fitzpatrick said no; the position would not encompass any of the new duties performed by the new public relations firm hired by the City.

Councilor Keans asked if this Officer would be working with the current IT staff. Mr. Fitzpatrick said yes; the Chief Information Officer would be the new boss of that department. He or she would be the Chief Strategy Officer; Chief Implementation Officer; and Chief Technology Officer in software and hardware, thus tying all of the department functions together.

Councilor Willis asked if the new GIS person in the Public Works Department would be part of this department. Mr. Fitzpatrick said that could happen in the future, but for now this person would have enough work without adding that to it.

Mayor McCarley called for a vote to approve the amendment, which **CARRIED** by a majority voice vote.

10.3.4 Action Item: City Prosecutor/Deputy City Attorney **Committee Recommendation:** **To approve an amendment to the Merit Plan to add the position of City Prosecutor/Deputy City Attorney [Pay Grade 15]** *consideration for approval*

Mayor McCarley **MOVED** to approve the amendment to the Merit Plan. Councilor Bogan seconded the motion.

Councilor Gates **MOVED** to **AMEND** the amendment to eliminate the Police Prosecutor position. He explained that if the new position is adopted that the Police Prosecutor position would appear as vacant. Councilor Lachapelle

seconded the motion.

Councilor Keans opposed adopting the amendment at this time without having a discussion about it. She said that previously the Police Prosecutor position was created so as to relieve police officers of the duty so they can concentrate on patrol work.

City Manager Fitzpatrick pointed out that the position referred to by Councilor Keans was the Juvenile Prosecutor, which will not be touched. He said that the prosecutor that had been hired will actually serve as the Deputy City Attorney. He said the job description should accurately describe the position.

Councilor Keans asked if the job description should be changed. Mr. Fitzpatrick said that the job description as it stands does not accurately reflect what the duties are.

Councilor Willis asked if the City Prosecutor position was currently filled and, if so, does this amendment mean it will transition to the new position, thus leaving the Police Prosecutor position vacant. Mr. Fitzpatrick said yes.

Councilor Willis asked if the new position would require the person to be a member of the Bar. Mr. Fitzpatrick said yes; the Police Prosecutor has been filled by a police officer, but now the duties will be performed by an attorney.

Councilor Varney said he did not think the Police Prosecutor position should be eliminated; it can just remain unfilled. He did not think the City Council could make these changes.

Mayor McCarley called for a vote on the motion to amend the amendment. The **MOTION CARRIED** by a 12-1 majority voice vote.

The original motion to approve the amendment *as amended* **CARRIED** by a unanimous voice vote.

10.3.5 Action Item: Non-Union Wage Ranges Adjustment
Committee Recommendation: To approve the recommended adjustment of non-union personnel wage ranges under the Merit Plan according to the CPI for fiscal year 2018
consideration for approval

Mayor McCarley called for a vote on the Committee Recommendation. Councilor Bogan seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

10.3.6 Action Item: Independent Auditor Contract **Committee**

Recommendation: To authorize the Deputy City Manager to negotiate a two-year contract extension with Melanson Health for the provision of Independent Audit Services
consideration for approval

Mayor McCarley called for a vote on the Finance Committee recommendation. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

10.4 Public Works Committee

Councilor Torr said there were no action items.

Councilor Torr said that the estimate for the underground services on the Wakefield Street project would be about \$2.8 million down to \$2.6 million, which he said is still a lot of money. He said the councilors should give this a lot of thought in the upcoming budget process.

Councilor Torr said the Arena continuously requires more money for the maintenance of the building. He cautioned that this is another item of concern for the budget process.

Councilor Torr asked for clarification of the "snow loads" at the Arena and would like to know why this is a concern, where it was barely mentioned in past years.

11. Old Business

11.1 Revised AB 02 Resolution Authorizing the Application for and Acceptance of a State of NH Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan and Supplemental Appropriation Connected Therewith ***[This resolution was adopted on July 12, 2016; however, the designated representatives must be updated in the resolution to file the application]*** *first reading, second reading, and consideration for approval*

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

**RESOLUTION AUTHORIZING THE APPLICATION FOR AND ACCEPTANCE
OF A STATE OF NH DEPARTMENT OF ENVIRONMENTAL SERVICES
(NHDES) CLEAN WATER STATE REVOLVING FUND (CWSRF) LOAN AND
SUPPLEMENTAL APPROPRIATION CONNECTED THEREWITH**

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 Department of Public Works to submit a loan application in the amount of Sixty Thousand Dollars (\$60,000.00) to the NHDES CWSRF Loan program in order to fund the GIS and Asset Management Program.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the loan amount of Sixty Thousand Dollars (\$60,000.00) from the NHDES CWSRF Loan program which is eligible for 100% principal forgiveness.

It is still further resolved that the amount of Thirty Thousand Dollars (\$30,000.00) is approved as a supplemental appropriation to the FY 2017 General Fund CIP and Thirty Thousand Dollars (\$30,000.00) to the FY 2017 Sewer CIP budget with the funds coming in their totality from the aforementioned NHDES CWSRF Loan program.

It is resolved further that the City Manager and the Deputy City Manager are given the authority to act as the City's representative for all CWSRF documentation regarding this Infrastructure and Asset Management Project.

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.

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

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

11.2 **AB 156** Amendment to Chapter 23 of the General Ordinances of the City of Rochester Regarding Fire Safety Measures
first reading and refer to the Codes and Ordinances Committee

Councilor Lachapelle **MOVED** to suspend the rules and read the

Amendment by title only for the first time.

The Mayor and Councilors discussed the process of first and second readings and suspending the rules. Mayor McCarley said she has been working hard to understand the process and make sure that this council is following proper procedure.

Councilor Keans said the agenda says this Amendment is to be sent to the Codes and Ordinances Committee for further consideration. Councilor Lachapelle asked if a matter goes back to a committee can it be killed in committee and not brought back to Council, or sent back to Council with no recommendation. Mr. Fitzpatrick said yes.

Councilor Lauterborn said no time is being spent on discussing the proposed changes to the Amendment. Councilor Gates said this topic has been beaten to death. Why not let it go as is for now and see how it goes for the next year or year and a half.

Councilor Abbott said this is an ordinance that will not be able to be enforced, especially by the Police Department. He said that neighbors will not want to report on their neighbors and will not want to sign affidavits.

Councilor Lachapelle reiterated that the ordinance will provide for fireworks discharged on two days only per year. Anything else he is strongly opposed to.

Councilor Abbott said he interpreted the Police Chief's remarks that in order to enforce the ordinance a police officer has to actually catch a person lighting off fireworks or someone has to execute an affidavit saying they saw someone doing it. This is very difficult to enforce.

Councilor Varney said that issuing permits to discharge fireworks should be done by the Licensing Board. He said no permits should be issued for lighting fireworks off in a city street.

Councilor Keans said she believes it would make more sense to have the Fire Department issue the permits. The Licensing Board is not readily available to do that.

Councilor Gray **MOVED** to read the Amendment by title only and refer it to the Codes and Ordinances Committee. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority 12-1 voice vote. Mayor McCarley read the Amendment by title only for the first time as follows:

Amendment 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 regarding Fire Safety Measures and currently before the Rochester City Council, be amended as follows:

23.11 Penalty

Any person, persons, firm, corporation or partnership who shall violate any provision of Chapter 23 shall be guilty of a violation punishable by a fine of not less than one hundred dollars (\$100) or not more than five hundred dollars (\$500). Each day that the violation continues to exist shall constitute a separate offense. **The owner of record of any property upon which a violation of this Chapter occurs shall be held strictly liable for any violation occurring on their property and shall be guilty of a violation in the same manner as stated above.**

23.13 Prohibition and Regulation of Fireworks.

C. Permit Required. No Person shall use discharge or explode any permissible fireworks without a permit issued by the City of Rochester.

i. Any person wishing to obtain a permissible fireworks display permit shall apply to the ~~Fire Chief or Police Chief~~ Licensing Board at least 15 days prior to the display.

ii. The applicant shall provide the following information:

- a. Date of application
- b. Name, address and telephone number of applicant
- c. Address of location where the display will be held
- d. Diagram of the display location, showing the location

- of all nearby property lines, nearby buildings, public ways, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases
- e. Name of the owner of the property where the display will be held
- f. Intended date and time of display, including a possible rain date
- g. Written authorization of the property owner, if different from the applicant
- h. Signature of the applicant
- iii. Permit fee. The fee for a permissible fireworks display shall be five dollars (\$5.00) per event. The fee shall be paid at the time of application and is non-refundable.
- iv. Site inspections:
 - a. Prior to issuing a permit, the Police Chief or the Fire Chief may conduct an inspection of the display site to determine whether a permissible fireworks display can be held in a safe manner.
 - b. If, in the opinion of the ~~Fire Chief or Police Chief~~ Licensing Board, the proposed site is not suitable for the safe display of permissible fireworks, the application for a permit shall be denied.

D.*****

~~vii. Display of permissible fireworks shall be permitted on public property the evening of July 3rd beginning at 6PM, including from such time until midnight on any rain date established for the annual city wide fireworks display held at the Rochester Fairgrounds, provided that such display shall be authorized in a duly issued Block Party.~~

The effective date of these amendments shall be upon passage.

11.3 AB 90 (a) Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the City of Rochester Regarding Accessory Apartments *second reading and consideration for approval*

- **Information only:** web-links to the New Hampshire Municipal Association and State Office of Energy and Planning

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

AMENDMENT TO CHAPTER 42 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING ACCESSORY APARTMENTS

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:

42.23 Accessory Uses

- a. General Provisions. The following provisions apply in evaluating proposed accessory uses, activities, structures, and situations.
 - *
 - *
 - *
- b. Standards for Specific Accessory Uses. The following standards shall apply to these specific accessory uses, activities, structures, and situations wherever they are allowed:
 1. Accessory Apartment. An accessory apartment is permitted subject to compliance with all of the following standards and procedures:
 - A. It is permitted where and as specified in the Table of Uses (by right or by special exception). However, if the accessory dwelling is detached from the single family dwelling, it must be approved by a special exception;
 - B. It is accessory to a single family dwelling only and if detached from the single family dwelling it is similar in architectural style;

- C. ~~It must be a studio or one bedroom apartment;~~ It must be two bedrooms or less;
- D. It may not exceed 800 square feet;
- E. It may not house more than two occupants;
- F. It may be either part of the single family ~~house~~ dwelling or in a separate building, such as above a garage; if it is part of the single family house, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.
- G. There may be only one per lot;
- H. ~~The main house must be owner occupied;~~ The owner of the property must occupy one of the dwelling units and the owner must demonstrate that one of the dwelling units is his or her principal place of residence;
- I. At least one parking space must be provided for the unit;
- J. Where municipal sewer service is not provided, the septic system shall meet NHDES requirements for the combined system demand for total occupancy of the property; and
- K. It is exempt from site plan review but a letter of intent must be submitted to the Building Inspector to ensure that the above conditions are met.
- L. If it is a security apartment, it shall not exceed 800 square feet and it shall be attached to or located with an allowed commercial, office or industrial use. Such unit may be occupied by the business owner, family member or employee whose purpose is to provide security and/or protection of the business premises. This use shall require Site Plan review.
- M. If it is a caretaker apartment it shall be attached to or located with an allowed residential or nonresidential use and it shall be occupied by the owner, family member or employee of the principal use and the gross floor area does not exceed 800 square feet. This use shall require Site Plan review.

The effective date of these amendments shall be upon passage.

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Varney **MOVED** to **AMEND** the Amendment by striking the language under Line E that says "It may not house more than two occupants." Councilor Abbott seconded the motion.

Councilor Keans said that this change is significant enough that there should be another public hearing on it. Councilor Lauterborn pointed out that if this is State law and the City is only coming into compliance with State law. Attorney O'Rourke said that because it is State law and the city should be in compliance with HUD.

The Motion to Amend **CARRIED** by unanimous voice vote.

The Motion to Adopt as Amended **CARRIED** by a majority 11-2 voice vote.

11.4 AB 90 (b) Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Table 18-A *second reading and consideration for approval*

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

**AMENDMENT TO CHAPTER 42 OF THE GENERAL ORDINANCES OF
THE CITY OF ROCHESTER REGARDING TABLE 18-A**

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:

The effective date of these amendments shall be upon passage.

TABLE 18-A RESIDENTIAL USES 8/7/2014

Residential Uses	Residential				Commercial			Industrial		Special		Criteria/Conditions Section Reference
	R1	R2	AG	NMU	DC	OC	HC	GI	RI	HS	AS	
Apartment, Accessory	E	P	P	P	P	P	P	I	I	E	I	Section 42.21 & 42.23
Apartment, Inlaw	P	P	P	P	P	P	P	-	-	-	-	
Apartment, Security	-	P	-	P	P	P	P	P	P	P	P	Sections 42.2 & 42.23
Assisted Living Facility	-	C	C	C	C	C	C	-	-	C	-	Section 42.21
Boarding House	-	-	-	-	E	-	-	-	-	-	-	
Community Residence - I	-	E	E	-	E	E	E	-	E	E	-	Section 42.22
Community Residence - II	-	-	E	-	-	E	-	-	E	E	-	Section 42.22
Conservation Subdivision	C	C	C	-	-	C	C	-	-	-	-	Sections 42.21 & 42.33I
Dwelling, Apartments (Apt/ Mixed Use Bldg)	-	-	-	P	P	C	P	-	-	-	-	Section 42.21
Dwelling, Multifamily Development	-	P	-	-	C	-	P	-	-	-	-	Sections 42.20 & 42.22
Dwelling, Multifamily	-	P	-	-	C	-	P	-	-	-	-	
Dwelling, Single Family	P	P	P	P	P	P	P	I	I	P	I	
Zero Lot Line Development	C	C	C	-	-	C	C	-	-	-	-	Section 42.33

*LEGEND. P = Permitted Use,
C = Conditional Use. E = Use

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority 12-1 voice vote.

12. Consent Calendar

12.1 **AB 154** Resolution Deauthorizing Bond Authority from the Building, Zoning, and Licensing Services (BZLS) Capital Improvement Plan Project Funding for the Viewpoint Permit and Inspection Software Project in the Amount of \$55,286.93 *first reading, second reading, and adoption*

Resolution Deauthorizing Bond Authority from the Building Zoning and Licensing Services (BZLS) Capital Improvement Plan Project Funding for the Viewpoint Permit and Inspection Software Project in the amount of \$55,286.93

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

In accordance with the provisions of RSA 33:9, that Fifty Five Thousand Two Hundred Eighty Six and 93/100 Dollars (\$55,286.93) of previously approved

bonding authority is deauthorized from the BZLS Capital Improvement Plan Project Fund for the costs associated with the Viewpoint Permit and Inspection Software Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution.

Councilor Lauterborn **MOVED** to accept the Consent Calendar. Councilor Bogan seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

13. New Business

- 13.1** **AB 152** Resolution Approving Contract and Cost Items Associated with Proposed City of Rochester School Department Multi-Year Collective Bargaining Agreement with Rochester Administrative Unit (Administration) *first reading, second reading, and consideration for approval*

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

**Resolution Approving Contract and Cost Items Associated with
Proposed City of Rochester School Department Multi-
Year Collective Bargaining Agreement with Rochester
Administrative Unit (Administration)**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the multi-year year collective bargaining agreement between the City of Rochester and the Rochester Administrative Unit employee collective bargaining group, covering the period July 1, 2017 to June 30, 2020, as set forth in the proposed contract, a copy of which proposed contract has been made available to the Mayor and City Council, and with its financial impacts as more particularly detailed on the attached "EXHIBIT A: Rochester Administrative Unit" dated February 17, 2017, which includes a summary financial analysis of the annual costs of the contract to the City provided by the Superintendent of Schools, is hereby approved, including, specifically, the cost items associated therewith.

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

Councilor Torr **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion.

Councilor Varney asked Superintendent Hopkins to clarify what the healthcare deductibles are (\$1,000 or \$3,000). Mr. Hopkins said the plan provides for a \$1,000 deductible for a single plan; \$2,000 deductible for a two person plan; and \$3,000 deductible for a family.

Councilor Varney asked Mr. Hopkins what happens to an employee who reaches the top of the salary range. Mr. Hopkins said the salary ranges are set up so that no one would reach the salary range during this bargaining period. Then there would be a discussion on changing the salary ranges during the next bargaining period.

Councilor Varney said he has an issue with the table provided. He said the pay scales in the City are changed according to the CPI (Consumer Price Index), whereas the School Department budget provides for a 2% increase every year. He said by increasing salary range according to the CPI there would be a much lower amount than by a set 2% increase. Councilor Varney suggested going back to the table of the last contract so as to increase salaries according to the CPI.

Councilor Varney asked for an explanation regarding the language in the contract that says "upon consideration of the written evaluation." Mr. Hopkins said that it allows the Superintendent to change a pay rate for someone who is performing duties that are beyond their current pay range.

Councilor Willis asked Mr. Hopkins how many administrative people are covered by the contract. Mr. Hopkins said there are 25.

Councilor Willis asked if a school administrative employee wishes to take off time during the summer do they have to use their accrued vacation time. Mr. Hopkins said yes.

Councilor Abbott asked if the salary range is adjusted, would the employee get an immediate raise. Mr. Hopkins said no; they would only get the adjustment for the higher cost of health insurance and the usual 0-3% merit raise.

Councilor Lauterborn asked if the same 25 people in an administrative contract mentioned will be the same 25 in the next contract. Mr. Hopkins said yes.

Councilor Barnett questioned the salary ranges - new vs. old.

Councilor Gates spoke against the contract provision for 67 days off with pay, and 15 sick days that can accumulate to 50. He thinks the School Board should re-think this provision.

Councilor Varney said the School Board should go back to the CIP formula for basing salary ranges. He is opposed to the contract as proposed.

The **MOTION FAILED** by a roll call vote of 3 - 10. Councilors Gray, Keans, and Bogan voted yes. Councilors Torr, Hamann, Varney, Gates, Barnett, Lauterborn, Abbott, Willis, Lachapelle, and Mayor McCarley voted no.

13.2 AB 151 Resolution Adopting a 2017-2018 Rochester CDBG "Action Plan for the City of Rochester, N.H." and Approving and Appropriating the 2017-2018 Community Development Budget for the City of Rochester *first reading and refer to a Public Hearing*

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

Resolution Adopting a 2017-2018 Rochester CDBG
"Action Plan for the City of Rochester, N.H." and Approving and
Appropriating the 2017-2018 Community Development Budget for the
City of Rochester

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby adopt the one-year 2017-2018 "Action Plan for the Community Development Division for the City of Rochester, N.H.," as prepared and presented to the Mayor and City Council by the City of Rochester Office of Economic and Community Development, in connection with the City's Community Development Block Grant (CDBG) program, including the goals, objectives, and concepts set forth therein;

II. Further, that a twelve (12) month Community Development Block

Grant budget for the Office of Economic and Community Development for the City of Rochester in the total amount of Two Hundred Sixteen Thousand Nine Hundred Forty-Six Dollars (\$216,946.00) be, and hereby is, approved and appropriated for fiscal year 2017-2018. Included in said approval and appropriation are expenditures set forth in the one-year action plan of the Office of Economic & Community Development for the City of Rochester for the Community Development Block Grant program, in the following categories and amounts:

Administration and Planning	\$ 43,389.20
Public Service Agencies	\$ 32,541.90
Housing/Public Facilities/Infrastructure	\$ 141,014.90
Total	\$ 216,946.00

This budget and the one-year action plan for 2017-2018 may be reconsidered if federal funding is changed or if it is inconsistent with the total 2017-2018 budget adopted for the Office of Economic & Community Development.

The sums necessary to fund the above appropriation in the amount of Two Hundred Sixteen Thousand Nine Hundred Forty-Six Dollars (\$216,946.00) shall be drawn in their entirety from the above-mentioned 2017-2018 fiscal year Community Development Block Grant from the federal government to the City of Rochester. The Finance Director is hereby authorized to create such line item accounts as shall be necessary to implement this Resolution.

Furthermore, in the event that federal funding for the above Community Development Block Grant budget is less than the total appropriation amount provided for in this Resolution, then, and in such event, the City Manager, or his designee in the Office of Economic and Community Development, is authorized to proportionately reduce the amounts for the budgetary categories stated above, as well as for any planned grants and/or other expenditures made from within such budgetary categories.

13.3 **AB 153** Resolution Accepting Safe Schools Healthy Students (SSHS) Grant and Authorizing Supplemental Appropriation to the Recreation Department in the Amount of \$5,000.00 *first reading, second reading, and consideration for approval*

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

Resolution Accepting Safe Schools Healthy Students (SSHS) Grant and Authorizing Supplemental Appropriation to the Recreation Department in the Amount of \$5,000.00

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 SSHS Grant from the New Hampshire Department of Education in the amount of Five Thousand Dollars (\$5,000.00) in connection with the Teen Travel Camp.

That the sum of Five Thousand Dollars (\$5,000.00) be, and hereby is, appropriated as a supplemental appropriation to the Recreation Department for the purpose of providing funds necessary to pay costs and/or expenditures with respect Team Travel Camp. The entire amount of the supplemental appropriation shall be derived from the SSHS Grant.

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.

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

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

13.4 AB 137 Resolution Adopting the Land Trust Alliance Standards and Practices *first reading and consideration for approval*

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

Resolution Adopting the Land Trust Alliance Standards and Practices

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

WHEREAS, that a Land & Community Heritage Investment Program Grant ("LCHIP Grant") grant in the amount of Eighteen Thousand Seven Hundred and Two Dollars (\$18,702) awarded to the City of Rochester has been accepted by the City of Rochester;

WHEREAS, the City of Rochester has reviewed *Land Trust Standards and Practices*, first published by the Land Trust Alliance in 1989, and with the most recent revision effective February 3, 2017;

WHEREAS, that adoption of the *Land Trust Standards and Practices*, published by the Land Trust Alliance in 2004, is required in order to receive the LCHIP Grant;

WHEREAS, the City of Rochester agrees that *Land Trust Standards and Practices* are the ethical and technical guidelines for the responsible operation of a land trust;

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Rochester hereby adopts the *Land Trust Standards and Practices* as guidelines for the City's operations, especially as related to the maintenance and upkeep of the City Hall Annex building, and commits to implementing the Standards as guidelines for the City's operations.

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

13.5 AB 155 Resolution Accepting Governor's Commission Alcohol Fund Grant and Authorizing Supplemental Appropriation to the Police Department in the Amount of \$25,170.00 *first reading, second reading, and consideration for approval*

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

Resolution Accepting Governor's Commission Alcohol Fund Grant and Authorizing Supplemental Appropriation to the Police Department in the Amount of \$25,170.00

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 Governor's Commission Alcohol Fund Grant in the amount of Twenty Five Thousand One Hundred Seventy Dollars (\$25,170.00) in connection with the New Hampshire Juvenile Court Diversion Network.

That the sum of Twenty Five Thousand One Hundred Seventy Dollars (\$25,170.00) be, and hereby is, appropriated as a supplemental appropriation to the Police Department for the purpose of providing funds necessary to pay costs and/or expenditures with respect to entering into a two year contract with the New Hampshire Juvenile Court Diversion Network to provide youth activities for the community's 14-16 year old population. The sum will be divided over the two year contract with Thirteen Thousand Five Hundred Dollars (\$13,500.00) being spent in Fiscal Year 2017 and Eleven Thousand Six Hundred Seventy Dollars (\$11,670.00) being spent in Fiscal Year 2018. The entire amount of the supplemental appropriation shall be derived from the Governor's Commission Alcohol Fund Grant.

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.

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

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

13.6 AB 139 Resolution Authorizing Supplemental Appropriation to the School Building Fund in the Amount of \$796,326.00 *second reading and consideration for approval*

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

A Resolution of the City of Rochester City Council Affirming the City of Rochester's Commitment to Support Pursuit of 75% State of New Hampshire Funded Renovations to the Richard W. Creteau Technology Center

Whereas, the Rochester School Board has determined that renovations and expansion of the Richard W. Creteau Technology Center are needed to adequately meet the Career and Technical Education mission as defined by the State of New Hampshire; and

Whereas, New Hampshire Revised Statutes Annotated Chapters 188-E:3 and 188-E:10 make provisions for the renovation of regional Career and Technical centers and allows for the possibility to seek State appropriations for renovation; and

Whereas, the State of New Hampshire through the Department of Education's Division of Career Technology and Adult Learning has indicated said funding would be formulated at this time as 75% State and 25% Local funded;

NOW, THEREFORE, IT IS HEREBY RESOLVED that the Rochester City Council affirms its commitment to pursue State appropriations, along with Local appropriations, for renovation and expansions to the Richard W. Creteau Technology Center.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion.

Councilor Gates asked how to know for sure that the money is going to be spent on what is proposed.

Mayor McCarley said the ordinance is very specific on how it is to be used for debt service.

City Manager Fitzpatrick said this action will not transfer any funds to the schools. State law says the money is being appropriated to the special building fund. It can only be done with City Council approval.

Councilor Gates asked if the unencumbered fund balance is controlled by the Trustees of the Trust Fund. Deputy City Manager Blaine Cox explained that the unassigned fund balance for the general fund remains in the custody of the City. However, by appropriating these funds to the School Building Fund under RSA 34 the funds are now being moved to a capital reserve fund, which, under RSA 34, capital reserve funds are under the custody of the Trustees of the Trust Fund.

Councilor Willis asked if this is analogous to setting up a dedicated savings account for a specific purpose. Mr. Fitzpatrick said yes, that is exactly what it is.

Councilor Willis asked if there is any limitation as to the source of funds, such as an impact fee mechanism. Mr. Fitzpatrick said yes, and simply put any

unexpended funds go into the fund balance.

Councilor Keans asked if, for example, someone should die and leave a substantial sum to the school department, can the money then go into the fund. Mayor McCarley explained the ordinance that governs this type of situation.

Councilor Gates said he fears this is a situation that can occur on a yearly basis.

Councilor Barnett asked how the School Department ended up with a \$1.6 million surplus. He also questioned the use of the surplus funds for catastrophic needs. Mayor McCarley said it is a reimbursement from the State.

Councilor Varney said the \$1.6 million was the audited surplus for both the City and the Schools. Mayor McCarley said the Schools returned half of that and now the City is giving it back to them.

Councilor Gray pointed out that the name "Catastrophic Aid" has been changed to "Special Needs Aid."

Councilor Gray requested a roll call vote. The resolution passed by a 12-1 roll call vote. Councilors Varney, Hamann, Abbott, Gray, Willis, Torr, Keans, Lauterborn, Lachapelle, Barnett, Bogan, and Mayor McCarley all voted yes. Councilor Gates voted no.

13.7 *AB 157 Resolution Approving a New Hampshire
Municipal Technical Assistant Grant Application to Plan NH
first reading and consideration for approval

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

RESOLUTION
APPROVING A NEW HAMPSHIRE MUNICIPAL TECHNICAL ASSISTANCE
GRANT APPLICATION TO PLAN NH

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, approve the submission of a grant application in an amount up to \$12,500.00, including \$2,500 in local cash matching funds, to Plan NH in order to fund a consultant to study the impact of the City of Rochester's

current zoning ordinances on downtown development and how the current ordinances can be revised to increase density in the downtown region and encourage a wider variety and more affordable housing developments.

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

14. Other

Councilor Gates suggested that "Other" be moved on the Agenda for a discussion prior to the Non-Meeting. Mayor McCarley agreed.

Councilor Gates said he had received a call from a resident who wanted to dispose of prescription drugs, but was told by the Police Department that they could not take them at this time. She said she found out that in Somersworth there is a security bin where prescription drugs can be deposited and they are secure in there. Councilor Gates asked Police Chief Toussaint if he would let everyone know what is being done in Rochester for drug disposal and whether or not this type of security bin is anything he has dealt with or knows about.

Chief Toussaint said the Rochester Police Department had been looking into it a couple of years ago and it was decided that it was more bother than it is worth as it would have to be installed in the Police Station lobby, monitored, emptied and inventoried for potentially harmful substances, etc.. He said in the alternative, Rochester will participate in the National Drug Take Back Day. This year it will be on April 29, 2017. People can come to the Police Department on that day and turn in unwanted prescription medications.

Chief Toussaint said that Bridging the Gaps has small packets available that medications can be put in and are neutralized by chemicals in the packet that can then be disposed of in the trash. He also suggested using a zip-lock bag that the pills can be put in with water and some other type of substance, such as coffee grounds or cat litter, and that can be disposed of in the trash. The packets can be obtained at the Police Department.

Councilor Gray said that the All Veterans Credit for property taxes has been approved by the State Legislature to cover certain gaps for periods of time between wars. He would like this referred to the Finance Committee.

Councilor Gray said that State law also allows for tax exemptions for solar energy installations.

15. Adjournment

Councilor Gates **MOVED** to **ADJOURN** the Regular City Council

meeting at 9:17 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Marcia H. Roddy, CNHDCC
Deputy City Clerk