

**Regular City Public Hearing  
September 3, 2019  
Council Chambers  
7:00 PM**

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Bogan  
Councilor Gates  
Councilor Gray  
Councilor Hamann  
Councilor Keans  
Councilor Lachapelle  
Councilor Lauterborn  
Councilor Torr  
Councilor Walker  
Deputy Mayor Varney  
Mayor McCarley

**OTHERS PRESENT**

Blaine Cox, City Manager  
Terence O'Rourke, City Attorney  
Tom Kaczynski, resident  
Justin Gargiulo, 73-77 No. Main Owner

**COUNCILORS EXCUSED/ABSENT**

Councilor Hutchinson

**MINUTES**

**1. Call to Order**

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

**2. Supplemental Appropriation to the Department of Public Works CIP in an Amount of \$1,000,000 for the Colonial Pines Subdivision Drainage Project**

Mayor McCarley invited members of the public to come forward and speak regarding the above listed subject. There was no discussion.

**Supplemental Appropriation to the Department of Public Works CIP in an amount of \$1,000,000.00 for the Colonial Pines Subdivision Drainage Project**

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

That the amount of One Million Dollars (\$1,000,000.00) is hereby appropriated as a supplemental appropriation to the Department of Public Works CIP fund for the purpose of paying costs associated with the Colonial Pines Subdivision Project. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

3. **Resolution Granting Community Revitalization Tax Relief to the Property Located at 73-77 North Main Street Under the Provisions of RSA 79-E in Connection with a Proposed Rehabilitation Project**

Mayor McCarley invited members of the public to come forward and speak regarding the above listed subject.

Tom Kaczynski, resident, spoke in opposition of the 79-E approval and stated that when a tax break is given, the money needs to be taken from the taxpayers. He gave further reasoning for opposing the 79-E incentive.

Justin Gargiulo, owner of 73-77 North Main Street, asked for the Council's consideration in approving the 79-E incentive. He spoke about the future plans for the property and the current state of disrepair, including the potential costs of restoration.

**Resolution Granting Community Revitalization Tax Relief to the Property Located at 73- 77 North Main Street Under the Provisions of RSA 79-E in Connection with a Proposed Rehabilitation Project**

**Be it Resolved by the Mayor and City Council of the City of Rochester, as follows:**

**Whereas**, in an effort to stimulate local economic development and enhance City downtowns and Town centers, the New Hampshire

Legislature has enacted RSA Chapter 79-E, entitled "Community Revitalization Tax Relief Incentive"; and

**Whereas**, the City of Rochester adopted the provisions of such Community Revitalization Tax Relief Incentive Program pursuant to RSA Chapter 79-E by Resolution of the City Council on October 7, 2008; and

**Whereas**, Justin Gargiulo, owner of the so-called 73-77 North Main Street in downtown Rochester, is desirous of making use of the benefits of RSA Chapter 79-E and he has, therefore, proposed a substantial rehabilitation project with respect to the structure located upon the so- called 73-77 North Main Street; and

**Whereas**, RSA Chapter 79-E requires that the governing body of the City of Rochester make certain findings and determinations with regard to a proposed substantial rehabilitation project in order for the structure to qualify for the RSA Chapter 79-E Community Revitalization Tax Relief Incentive;

**Now, Therefore**, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby make the following findings and determinations with respect to the proposed substantial rehabilitation proposal for the so-called 73-77 North Main Street property contemplated by the owner's Community Revitalization Tax Relief Application dated July 19, 2019, to wit:

4. Any tax relief under the provisions of RSA Chapter 79-E or this resolution that is to be accorded with respect to the so-called 73-77 North Main Street property project shall be accorded only after the property owner grants to the City a covenant pursuant to the provisions of RSA 79-E:8 ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and in accordance with the requirements of RSA 79-E:8; and

5. The Mayor and City Council find public benefits under RSA 79-E:7 in the proposed revitalization project proposed with respect to the so-called 73-77 North Main Street property project; and

6. The proposed substantial rehabilitation project with respect to the aforesaid 73-77 North Main Street provides the following public benefits to downtown Rochester:

- It enhances the economic vitality of the downtown;
- It enhances and improves a structure that is culturally and historically important on a local level, within the context of the City's Historic District and the City center in which the building is located;
- It promotes development of downtown Rochester, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B;

7. The specific public benefit is preserved through a covenant under RSA 79-E:8 if the project is implemented consistent with (a) the aforementioned application; (b) compliance with the recommendation to the City Council approved by the Community Development Committee on August 12, 2019; (c) the terms of this resolution; and (d) any other applicable requirements of Chapter 79-E; and

8. The Mayor and City Council find that the proposed use is consistent with the City's Master Plan and development regulations.

**Furthermore**, as a result of making such determinations and findings, and subject to the owner's compliance therewith, and with the provisions of RSA Chapter 79-E, the Mayor and City Council hereby grant the requested tax relief for a period of eleven (11) years beginning with the completion of the substantial rehabilitation of the structure upon the so-called 73-77 North Main Street property.

Mayor McCarley **ADJOURNED** the Public Hearing at 7:09 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk