

**City Council Public Hearing
May 16, 2023
Council Chambers
31 Wakefield Street
6:00 PM**

COUNCILORS PRESENT

Councilor Beaudoin
Councilor Berlin*
Councilor de Geofroy
Councilor Desrochers
Councilor Fontneau
Councilor Gilman
Councilor Gray
Councilor Hailey
Councilor Hamann
Councilor Lachapelle
Councilor Larochelle
Councilor Malone
Mayor Callaghan

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Shanna Saunders, Dir. of Planning
Tom Kaczysnki, resident
Peter Bruckner, resident
Mike Rademacher, resident
Ray Turner, resident
Susan Rice, resident
Peter Nourse, Dir. Of City Services

MINUTES

1. Call to Order

Mayor Callaghan called the City Council Public Hearing to order at 6:00 PM. All Councilors were present except for Councilors Berlin, who was attending the meeting remotely.

Mayor Callaghan announced that *Councilor Berlin would be connecting to the meeting remotely. He asked Councilor Berlin if it was reasonably impractical for him to attend the meeting in person and to state the reason (RSA 91-A,III a). Councilor Berlin confirmed this was true and cited illness as the reason. Mayor Callaghan asked if Councilor Berlin was alone in the room (RSA 91-A,III c). Councilor Berlin replied that he was alone in the room.

2. Resolution Adopting a FY 2024 Rochester CDBG "Action Plan for the City of Rochester, N.H." and Approving and Appropriating the FY 2024 Community Development Budget for the City of Rochester (click [HERE](#) for a link to the draft Action Plan)

**RESOLUTION ADOPTING AN FY 2024 ROCHESTER CDBG
"ACTION PLAN FOR THE CITY OF ROCHESTER, N.H." AND
APPROVING AND APPROPRIATING THE FY 2024 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 FY 2024 (July 1, 2023—June 30, 2024) "Action Plan for the Community Development Block Grant (CDBG) Program 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 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 Twenty Nine Thousand Five Hundred Seventy Six Dollars (\$229,576.00) be, and hereby is, approved and appropriated for fiscal year 2024 (July 1, 2023—June 30, 2024). 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 | \$ 45,915.00 |
| Public Service Agencies | \$ 34,436.00 |
| Housing/Public Facilities/Infrastructure | \$ 149,225.00 |

| | |
|--------------|----------------------|
| Total | \$ 229,576.00 |
|--------------|----------------------|

III. Further, that Two Hundred Forty One Thousand Fifty Six Dollars and Eighteen Cents (\$241,056.18) in the Job Opportunity Benefit revolving loan fund loan fund, plus the principal and interest received monthly from existing loans' repayments, be appropriated for continued use in the FY 2024 Action Plan year in granting loans to qualified small businesses that commit to the creation and/or retention of jobs made available to low to moderate-income Rochester residents.

This budget and the one-year action plan for FY 2024 may be reconsidered if federal funding is changed or if it is inconsistent with the total FY 2024 budget adopted for the Office of Economic and Community Development.

The sums necessary to fund the above appropriation in the amount of Two Hundred Twenty Nine Thousand Five Hundred Seventy Six Dollars (\$229,576.00) shall be drawn in their entirety from the above-mentioned FY 2024 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 the City Manager's designee in the Office of Economic and Community Development, is authorized to adjust 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.

There was no discussion on this item.

3. Amendments to Chapter 275 of the General Ordinances of the City of Rochester regarding Charitable Gaming and Sports Book Retail Facilities (addendum A)

Shanna Saunders, Director of Planning, gave an overview of the proposed charitable gaming ordinance. She stated that this ordinance had already gone before the Planning Board and had been recommended for approval.

Charitable gaming is not currently defined within the City's ordinances, and therefore is not permitted outside of a potential variance. There is also no criteria, such as architectural requirements or parking requirements, for such facilities. The Planning Department has developed definitions for these facilities, in keeping with the State laws and definitions, as well as defining sports betting facilities. Director Saunders clarified that sports book retail locations would only be allowable when colocated with Charitable Gaming Facilities. She explained that charitable gaming would be permitted in the Highway Commercial zone and allowed by Conditional Use in the Granite Ridge Zone. Sports betting facilities would be permitted in the Highway Commercial and Granite Ridge Zones. She outlined the conditions for use and requirements for such facilities.

Councilor Beaudoin referenced the requirement for EV charging stations Director Saunders had listed. He asked if the City would be requiring EV Charging stations on other new development projects or if this was specific to the charitable gaming locations. Director Saunders said that, for the time being, this requirement is specific to Charitable Gaming facilities, although the Planning Board does encourage it for all new development and is considering making it a requirement for other development in the future. Councilor

Beaudoin asked if the Planning Department had an idea of how much these charging stations cost. Director Saunders stated she did not have the numbers with her this evening, however these charging stations were priced out for other projects, so she would be able to supply that information.

Councilor Desrochers questioned the percentage of charging stations being required. Director Saunders clarified that 2% of parking spaces, with a minimum of at least four spaces, were required to be EV charging stations.

Mayor Callaghan asked if office space, security, and other administrative spaces would be included in the 20,000 square foot requirement. Director Saunders said that the gaming area itself would be required to be a minimum of 20,000 sqf, not including these other offices.

Tom Kaczynski, resident, questioned the criteria detailed by Director Saunders for these facilities, such as the encouragement to display public art and the requirement for EV charging stations. He suggested Council review further before adoption.

City Manager Cox said that there had been two public input email received in regards to Charitable Gaming: Subject - "Charitable Gaming Ordinance" from Jeffrey Bisson, and Subject - "Granite State Gambling/ Ordinance on Gaming Zone" from Donald "Skip" Smith. These emails have been distributed to all Councilors.

4. Resolution Approving Fiscal Year 2023-2024 Operating Budget for the City of Rochester (addendum B)

Tom Kaczynski, resident, felt that the proposed \$1.85 increase to the tax rate was excessive in the current economy and suggested using the undesignated fund balance to offset taxes.

Peter Bruckner, resident, directed Council to page 43 of the Issues and Options book to the Cocheco River Clean Up project and recommended Council support adding this into the budget.

Mike Rademacher, resident, spoke in support of the inclusion into the budget of the Cocheco River Clean up project.

Ray Turner, resident, urged the Council to carefully consider how growth and development and any budget decisions they are making will benefit the City and contribute to its sustainability after the Waste Management Host fees cease.

Susan Rice, resident, suggested the Council consider needs versus wants and consider the economic needs of the tax payers when reviewing the budget.

5. Resolution Authorizing and Approving Fiscal Year 2023-2024 Capital Budget for the City of Rochester and Authorizing Borrowing in connection therewith (addendum C)

There was no discussion on this item.

6. Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the General Fund Capital Improvements Plan (CIP) Fund in the amount of \$1,181,343.00

Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the General Fund Capital Improvements Plan (CIP) Fund in the amount of \$1,181,343.00

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 hereby appropriate One Million One Hundred Eighty One Thousand Three Hundred Forty Three and 00/100 Dollars (\$1,181,343.00) to the General Fund CIP for the purpose of paying the costs associated with the Portland Street Sidewalk Project and the appropriation shall be divided amongst two (2) fund sources as follows: Nine Hundred Forty Five Seventy Three and 85/100 Dollars (\$945,073.85) from NH DOT and Two Hundred Thirty Six Thousand Two Hundred Sixty Eight and 46/100 Dollars (\$236,268.46) in borrowing/bonding.

In accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of Two Hundred Thirty Six Thousand Two Hundred Sixty Eight and 46/100 Dollars (\$236,268.46) through the issuance of bonds and/or notes, and/or through other legal form(s), such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate.

Further, the Mayor and City Council of the City of Rochester, by adoption of this Resolution authorize the City Manager and/or the Finance Director to act

as the City's representative(s) for the execution of all documents necessary to complete the agreement with NHDOT for the project and to process all associate documentation.

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.

There was no discussion on this item.

7. Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the Tax Increment Finance (TIF) District Capital Improvements Plan (CIP) Fund in the amount of \$3,939,563.00

Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the Tax Increment Finance (TIF) District Capital Improvements Plan (CIP) Fund in the amount of \$3,939,563.00

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 hereby appropriate Three Million Nine Hundred Thirty Nine Thousand Five Hundred Sixty Three and 00/100 Dollars (\$3,939,563.00) to the Granite Ridge TIF CIP for the purpose of paying the costs associated with the Route 11 Highway Improvement Project and the appropriation shall be divided amongst two (2) fund sources as follows: Three Million One Hundred Fifty One Thousand Six Hundred Fifty and 40/100 Dollars (\$3,151,650.40) from NH DOT and Seven Hundred Eighty Seven Thousand Nine Hundred Twelve and 60/100 Dollars (\$787,912.60) in Tax Incremental Financing District borrowing/bonding.

In accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of Seven Hundred Eighty Seven Thousand Nine Hundred Twelve and 60/100 Dollars (\$787,912.60) through the issuance of bonds and/or notes, and/or through other legal form(s), such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester

City Charter to the extent required, necessary and/or appropriate.

Further, the Mayor and City Council of the City of Rochester, by adoption of this Resolution authorize the City Manager and/or the Finance Director to act as the City's representative(s) for the execution of all documents necessary to complete the agreement with NHDOT for the project and to process all associate documentation.

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.

Ms. Rice asked if there was City Staff who could explain this project. Peter Nourse, Director of City Services, explained that this project is to improve the safety of Route 11 by adding a signaled intersection and adding pedestrian sidewalks, which connect from this intersection down the overpass bridge. The second part of this project would add capacity to the stretch from Exit 15 up to the second phase of the Granite Ridge, expanding the roadway to add lanes.

Mayor Callaghan asked how much of the total project cost was being covered by NHDOT. Director Nourse stated that NHDOT would be covering 80% of this total cost, and the City would be responsible for just under \$800,000.00.

Mr. Kaczynski suggested that Waterstone could be required to assist with the cost of these improvements if the improvements were necessitated by their ongoing development at the Ridge.

8. Adjournment

Mayor Callaghan **ADJOURNED** the City Council Public Hearing at 6:28 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding Charitable Gaming and Sports Book Retail Facilities

THE CITY OF ROCHESTER ORDAINS:

That Chapter 275 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (deletions ~~struck out~~ additions in **RED**):

Chapter 275, Table 18, Use Table

ADD: Charitable Gaming Facility. Permitted in the Highway Commercial zone and allowed by Conditional Use in the Granite Ridge Zone.

Sports Betting Facility. Permitted in Highway Commercial and Granite Ridge Zones.

275-2.1 - Definitions

ADD: Charitable Gaming Facility: A charitable organization conducting games of chance as defined in RSA 287-D:4. The facility shall be licensed by the State of New Hampshire pursuant to RSA 287-D:7.

Sports Betting Facility: A facility licensed by the State of New Hampshire which conducts Sports wagering as authorized by RSA 287-I. Sports Betting facilities may include Sports Book Retail locations and Mobile Sports Wagering. Sports Betting is permitted only when collocated with Charitable Gaming Facilities.

275-20.2 Conditions for Particular Use

Charitable Gaming Facility. The Planning Board may approve the facility based on the following criteria in addition to standard requirements set by Zoning and Site Plan Regulations:

1. Minimum Square footage. The gaming floor of the facility, defined as the area within a gaming location authorized by the State of New Hampshire, shall have a minimum area of 20,000 square feet. The gaming floor does not include areas used for accounting, maintenance, surveillance, security, administrative offices, storage, cash or cash counting, and records.
2. Public Art. Public Art works to connect community with our built environment and support a sense of place and identity. With expansive parking and large-scale buildings required for Charitable Gaming Facilities, public artwork offers an opportunity to integrate the use with the community and maintain a high aesthetic value.

As part of the proposal, the applicant may consider integrating public art which serves to enhance community identity, this is not required but strongly encouraged. The Planning Board will review the amount of artwork in relation to the building façade and placement based on visibility from the public right of way. The applicant should consider utilizing public art as a design element of the proposal and engage local community and artists in the

planning process, the Arts and Culture Commission may be a resource. Additional art may also be included into the site layout including but not limited to sculptures and other visible art within the parking lot, landscape islands and along walkways. Public art must meet the intent of the definition of a mural and not be considered a sign.

Within 5 years of Planning Board approval, the property owner may petition the City Council to accept an easement for the public art to help provide adequate long-term maintenance. The easement will only be accepted if the public art proposal contributes to the public good and represents the values of the community, as determined by City Council.

3. Architectural standards. The following criteria is required in addition to standards set by Site Plan Regulations, Section 2 – Architecture.
 - a. In order to achieve a building with human scale, broad expanses of blank walls are prohibited. The building shall employ massing, materials, textures and color. Consider using architectural features such as pilasters, arches, windows (transparent or opaque) as well as masses of different heights.
 - b. A minimum of three colors/materials/textures shall be incorporated in the exterior design.
4. Parking and Traffic.
 - a. Parking lot design shall incorporate bus parking and bus loading zones.
 - b. Commercial loading areas shall be screened from the public right-of-way and abutting residential properties.
 - c. A traffic impact analysis is required and must include the expectation of bus traffic.
 - d. Bus and truck trailer parking is required to be screened from the public right-of-way and abutting residential properties for all uses of the property.
 - e. Required off-street parking shall be provided at a ratio of not less than 0.75 parking spaces for each gaming position in addition to all standards set by Site Plan Regulations Section 10 – Parking and Circulation. Additional principle uses including restaurants, entertainment, and lodging facilities shall follow parking standards outlined in Site Plan Regulations.
 - f. Two percent of required parking spaces must be equipped with Electric Vehicle Charging Stations with a minimum of four per site.

5. Additional principle uses to a site, including restaurants, entertainment, and lodging, shall follow requirements pursuant to Zoning Ordinance Regulations 275-19.2:L, Multiple Principle Uses.
6. Off Site Improvements. The developer is responsible for off-site improvements as specified by the Planning Board as per RSA 674-21.5:J.
7. Outdoor entertainment.
 - a. Outdoor events which exceed noise standards set by Zoning Ordinance Regulations 275-28.3 will require a special events permit.
 - b. The property owner has the burden of proof to show decibel ratings meet standards set by Zoning Ordinance Regulations 275-28.3 Noise.
 - c. The Zoning Board of Adjustment (ZBA) may grant a Special Exception for music and entertainment which exceed decibel limits subject to meeting appropriate conditions as per Zoning Ordinance Regulations 275-28.3 E(4)
8. Outdoor smoking and alcoholic beverage service areas shall be a minimum distance of 1000 feet from Schools, K-12 or Day Care establishments as defined in Zoning Ordinance Regulations 275-2.2.
9. Safety and security.
 - a. The facility is required to submit a safety and security plan subject to approval by the Rochester Fire and Police Departments. The plan shall outline all aspects of life safety to include emergency egress, access, site security, and occupancy limitations.
 - b. The facility shall provide an enclosed interior location, solely controlled by the Rochester Fire and Police Departments, which can sufficiently accommodate the requirements of First Responders.
 - c. One Automated External Defibrillator (AED) shall be mounted in an accessible public location for every 5000 square feet of gaming floor.
10. Landscaping. In addition to Site Plan Regulations, Section 5 – Landscaping; a Charitable Gaming Facility shall include:

11.

- a. A landscaping plan developed by a licensed landscape architect, to include a maintenance plan.
- b. Landscaping used as a design element of the site.
- c. A 15-foot landscape buffer between any structure and parking area, with the exception of vehicle and pedestrian access ways.
- d. Parking areas shall meet Site Plan Regulations as per Section 5 – Landscaping (E) Parking Lots

Sports Betting Facility. Sports Betting Facilities are permitted only when collocated with Charitable Gaming Facilities.

Amendments take effect upon passage.

**Resolution Approving Fiscal Year 2023-2024 Operating Budget for the
City of Rochester**

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

That a twelve (12) month operating budget for the City of Rochester be, and hereby is, approved and appropriated for the period beginning July 1, 2023 and ending June 30, 2024 in the amounts and for the purposes more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2024 (July 1, 2023 - June 30, 2024), as amended, the provisions of which are incorporated herein by reference thereto by attached **Exhibit A**.

This budget may be reconsidered before the tax rate is set if City, School and/or County revenues are changed by the State of New Hampshire or by the Federal Government. The budget appropriations contained in this Resolution are predicated upon projected revenues as more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2024 (July 1, 2023 - June 30, 2024), as amended, the provisions of which are incorporated herein by reference thereto.

PROPOSED 2023-2024 OPERATING BUDGET-EXHIBIT A

OPERATING BUDGET SUMMARY

| Appropriations: | | Proposed |
|-------------------------------------|-----------|--------------------|
| City | \$ | 44,729,082 |
| County Tax | \$ | 8,020,000 |
| Overlay | \$ | 350,000 |
| Estimated Veteran's Credits | \$ | 686,675 |
| School | \$ | 73,043,706 |
| School Federal Grants | \$ | 10,944,000 |
| School Lunch | \$ | 1,900,000 |
| School State Property Tax | \$ | 5,482,601 |
| City Grants & Special Revenues | \$ | 165,000 |
| Tax Incremental Financing Districts | \$ | 1,341,889 |
| Water Fund | \$ | 7,544,084 |
| Sewer Fund | \$ | 11,744,213 |
| Arena Special Revenue Fund | \$ | 413,290 |
| Community Center | \$ | 894,759 |
| Sub Total | \$ | 167,259,299 |

| | | |
|-------------------------------------|-----------|--------------------|
| Revenues: | | |
| City | \$ | 15,786,607 |
| Use of Fund Balance | \$ | 5,814,100 |
| School Revenues | \$ | 34,087,400 |
| School Federal Grants | \$ | 10,944,000 |
| School Lunch | \$ | 1,900,000 |
| City Grants and Donations | \$ | 165,000 |
| Tax Incremental Financing Districts | \$ | 1,341,889 |
| Water Fund | \$ | 7,544,084 |
| Sewer Fund | \$ | 11,744,213 |
| Arena Special Revenue Fund | \$ | 413,290 |
| Community Center | \$ | 894,759 |
| Amount to be Raised by Taxes * | \$ | 76,623,957 |
| Sub Total | \$ | 167,259,299 |

*Amount to be Raised by Taxes: Categories

| | | |
|------------------------|-----------|-------------------|
| City | \$ | 23,478,375 |
| Veterans Credits | \$ | 686,675 |
| County | \$ | 8,020,000 |
| School Local | \$ | 38,956,306 |
| School State Education | \$ | 5,482,601 |
| All Totals | \$ | 76,623,957 |

Resolution Authorizing and Approving Fiscal Year 2023-2024 Capital Budget for the City of Rochester and Authorizing Borrowing in connection therewith

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

That the capital budget for the City of Rochester for fiscal year 2023-2024 (July 1, 2023 to June 30, 2024) in the total amount specified in **Exhibit A** annexed hereto, be, and hereby is, authorized and appropriated, and, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, is hereby authorized to arrange borrowing to finance a portion of said capital budget appropriation as identified on **Exhibit A** annexed hereto.

The aforementioned borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter. The useful lives of the capital projects for which borrowing is authorized by this resolution shall be more particularly set forth in the "City of Rochester, New Hampshire, Proposed CIP Budget, Fiscal Year 2024 (July 1, 2023 – June 30, 2024), as amended.

PROPOSED 2023-2024 CAPITAL BUDGETS-EXHIBIT A

CAPITAL BUDGET SUMMARY

Proposed Capital Appropriations:

| | |
|-----------------------------|----------------------|
| City | \$ 15,728,023 |
| School | \$ 2,732,000 |
| Water Fund | \$ 7,497,500 |
| Sewer Fund | \$ 7,639,500 |
| Community Center | \$ 428,500 |
| Total Appropriations | \$ 34,025,523 |

Source of Revenues

General Fund

| | |
|---------------------------------------|----------------------|
| Bonding and/or other Borrowing | \$ 10,997,750 |
| Operating Budget | \$ 6,386,100 |
| Grants | \$ 1,479,673 |
| Other Sources | \$ 25,000 |
| Subtotal General Fund Revenues | \$ 18,888,523 |

Enterprise Funds & Tax Incremental Financing Districts

| | |
|---|----------------------|
| Bonding and/or other Borrowing | \$ 13,475,000 |
| Operating Budget | \$ 1,662,000 |
| Grants | \$ - |
| Subtotal Enterprise Funds & Tax Incremental Financing Revenues | \$ 15,137,000 |

| | |
|-----------------------|----------------------|
| Total Revenues | \$ 34,025,523 |
|-----------------------|----------------------|