

**Regular City Council Meeting
July 2, 2019
Council Chambers
7:00 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

Blaine Cox, City Manager
Terence O'Rourke, City Attorney
Mark Klose, Fire Chief
Andrew Watkins, IT Department
Sonja Gonzalez, CEO

COUNCILORS EXCUSED

Councilor Lachapelle

MINUTES

1. Call to Order

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

2. Opening Prayer

Mayor McCarley requested a moment of silence.

3. Pledge of Allegiance

Mayor McCarley led the Pledge of Allegiance.

4. Roll Call

Kelly Walters, City Clerk, called the roll. All Council members were present, except for Councilor Lachapelle who was excused.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: June 4, 2019 *consideration for approval*

Councilor Walker **MOVED** to **ACCEPT** the June 4, 2019, Regular 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 Cox invited Andrew Watkins, IT Department, and Sonja Gonzalez, CEO, to come forward. City Manager Cox said that Mr. Watkins had quickly responded to save the network switches for the Library's public computers from the water leak which occurred at the Rochester Public Library. Had it not been for Mr. Watkins quick response and the assistance of others, the Library could not have re-opened the following business day. For this reason and others Mr. Watkins has been selected as the Employee of the Month for the City of Rochester in July, 2019.

6.2 City Manager's Report

City Manager Cox introduced Kathryn "Katie" Ambrose to the City Council. Ms. Ambrose has been hired as the Deputy City Manager.

City Manager Cox referred to his report which can be found in the City Council's packet as follows:

Contracts and Documents:**• City Manager's Department**

- Connectivity Point Contracts for Audio Maintenance Phase I, Phase II and equipment purchase

• Department of Public Works

- Brown & Caldwell NPDES Negotiation & Compliance Assistance
- Community Center Lease – Strafford Regional Planning Commission
- CWSRF Loan Project – disbursement #5
- GZA Environmental Wetland Monitoring Agreement – Cocheco Well Site

- Keymont Construction Low Lift Pump Upgrades Project
- SUR - Calef Highway Waterline Extension Contract
- Low Lift Pump Upgrades Project – Change Orders 3 & 4
- Strafford Square Project Amendments 4 & 5

- **Economic Development**

- Digital Advertising Campaign – Multiview
- CDBG Environmental Review – East Rochester Library building renovations–
- Rochester Child Care Center – sprinkler installation
- CDBG – East Rochester Library Services Contract
- Non CDBG – Strafford CAP Services Contract
- CDBG – Rochester Child Care Center sprinkler installation contract
- Non-CDBG – COAST Contract
- CDBG – East Rochester Services Contract
- CDBG Gonic Pool Environmental Review
- CDBG Homeless Center of Strafford County Services Contract
- CDBG Riverwalk Kayak/Canoe Launch – environmental review
- CDBG SOS Services Contract
- CDBG Cornerstone VNA Contract
- CDBG MY TURN Services Contract
- CDBG My Friend’s Place and Community Partners Services Contract
- CDBG Easter Seals Services Contract

- **Finance Department**

- Nyhart Actuarial Services Agreement
- Cooperative Purchasing Group Contract Houston Galveston
- Area Council Fire Department
- Forest Warden Appointment

- **IT Department**

- Phone System Replacement CN#1 – quote adjustment
- Phone System Replacement CN#2 – additional equipment

- **Legal**

- Redemption of 25 Royal Crest Mobile Home Park

- **Planning Department**

- Sidewalk Agreement – 306 North Main Street
- **Computer Lease/Purchase or Tuition Reimbursement Requests:**
 - Wilder, T - Fire
- **Standard Reports:**
 - Monthly Overnight Travel Summary
 - Permission & Permits Issued
 - Personnel Action Report Summary

7. Communications from the Mayor

Mayor McCarley announced that the Farmers' market has had a successful start this year.

Mayor McCarley announced that the City of Rochester is hosting a fireworks display again this year at the Rochester Community Center on July 3, 2019. She thanked Rochester Main Street and the Rochester Recreation and Arena Department for their hard work.

Councilor Gray said that he received positive feedback about the Farmers' Market that had been relocated to the Rochester Arena Center a few weeks ago due to weather related issues.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1 Nomination: Jon Batson, NHDES Local River Management Advisory Committee

Mayor McCarley **NOMINATED** Jon Batson to be appointed to the NHDES Local River Management Advisory Committee. Councilor Keans seconded the nomination. Councilor Walker **MOVED** that nominations cease and the Clerk cast one ballot for Mr. Batson. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10. Reports of Committees

10.1. Codes & Ordinances Committee

Councilor Lauterborn said one minor correction is needed to the June 4, 2019, Codes and Ordinances Committee meeting minutes. She said the meeting commenced at 6:00 PM and not at 7:00 PM as stated in the meeting minutes.

10.1.1 Amendment to Chapter 210 of the General Ordinances of the City of Rochester Regarding Solid Waste *first reading, consideration for a second reading and adoption*

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

Amendment to Chapter 210 of the General Ordinances of the City of Rochester Regarding Solid Waste**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 210 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (changes in red):

RECYCLABLE MATERIAL — Any material, including various glass, paper, cardboard, metal cans, plastics or other materials, that can be processed or treated at a the Waste Management Material Recovery Facility in order to produce reusable materials.

§ 210-3. Residential solid waste collection.

The City of Rochester shall only collect residential solid waste on public streets or highways. For those properties served by streets other than public streets or highways, including but not limited to mobile home parks, condominiums, or streets not yet accepted by the City, residential solid waste shall not be placed within the public street curbside for collection unless agreed to by the Commissioner of Public Works or his/her designee and the City's waste collection contractor.

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§ 210-6. Receptacles for residential solid waste.

All residential solid waste shall be placed in ~~suitable~~-receptacles, provided by the City's waste collection contractor, as defined under § 210-1. Residential solid waste that does not fit in the approved receptacle shall not be collected unless such waste is recyclable materials as defined in § 210-1 and placed at ~~roadside-curb~~side as described in § 210-17.

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§ 210-17. Residential ~~roadside-curb~~side recycling.

Recyclable material will be collected from residences (as defined by § 210-1) on the same day as residential solid waste collection. Recyclable material must be placed in the approved residential recycling receptacles (as defined by § 210-1). The approved residential recycling receptacles must be placed at the ~~roadside-curb~~side on the evening before or by 7:00 a.m. on the scheduled pickup day. Unacceptable material found in the approved residential recycling receptacles will not be collected.

The effective date of these amendments shall be upon passage.

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

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

Councilor Lauterborn briefed the City Council about the proposed amendment. She said the amendment had been presented to the Committee by Councilor Lachapelle. She noted that the language about the Waste Management Facility is being removed. The general term "Material Recovery Facility" will remain. She said other minor changes were proposed to clarify the required receptacles to be used for waste collection. Lastly, the word "curbside" is to replace the word "roadside." Mayor McCarley called for a vote on the motion to approve the Amendment. The **MOTION CARRIED** by a unanimous voice vote.

10.1.2 Amendment to Chapter 75 of the General Ordinances of the City of Rochester Regarding Means of Escape [Fires and Fire Safety] *first reading, consideration for a second reading and adoption*

Councilor Keans expressed concern regarding the following three

amendments. She **MOVED** to send the next three amendments to a public hearing at the next City Council Workshop. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote. Councilor Gray suggested that the Amendments should be read for a first time this evening.

Councilor Walker **MOVED** to read the Amendment to Chapter 75 for a first time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the first time by title only as follows:

Amendment to Chapter 75 of the General Ordinances of the City of Rochester Means of Escape

THE CITY OF ROCHESTER ORDAINS:

That Chapter 75 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (changes in red):

§ 75-11 Means of escape.

~~All factories, hotels, tenement houses, public halls, schoolhouses and other buildings used as places of public resort in the City shall be provided with ample means of escape in case of a fire and adequate facilities for entrance and exits on all occasions, and be so erected as not to endanger the health and safety of persons who occupy them.~~

The effective date of these amendments shall be upon passage.

This Amendment shall be sent to a public hearing at the next City Council Workshop.

10.1.3 Amendment to Chapter 94 of the General Ordinances of the City of Rochester Regarding Overcrowded Housing *first reading, consideration for a second reading and adoption*

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

Amendment to Chapter 94 of the General Ordinances of the City of Rochester Regarding Overcrowded Housing

THE CITY OF ROCHESTER ORDAINS:

That Chapter 94 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (changes in red):

§ 94-1. Overcrowded housing.

No owner, lessee, or keeper of any tenement house, lodging house, or boardinghouse shall cause or allow any such house to be overcrowded or allow so great a number of persons to dwell or sleep in such house or houses or any portion thereof so as to cause danger to health, and no such place or room shall be so overcrowded that there shall be less than 500 cubic feet of air or a floor space of less than 50 square feet to each occupant of such place, building or room. ~~No room as a living or sleeping room shall hereafter be built without direct opening to the outdoor air.~~

The effective date of these amendments shall be upon passage.

This Amendment shall be sent to a public hearing at the next City Council Workshop.

10.1.4 Amendment to Chapter 40 of the General Ordinances of the City of Rochester Regarding Building, Plumbing, Electrical, and Life Safety Codes *first reading, consideration for a second reading and adoption*

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

Amendment to Chapter 40 of the General Ordinances of the City of Rochester Regarding Building, Plumbing, Electrical, and Life Safety Codes

THE CITY OF ROCHESTER ORDAINS:

That Chapter 210 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (changes in red):

§ 40-1 Statutory authority.

The provisions of New Hampshire Revised Statutes Annotated Chapter 673, as amended, pertaining to an inspector of buildings, building plans, regulations, and appeal are hereby adopted.

§ 40-2 Building Code Board of Appeals.

The power of a Building Code Board of Appeals in Chapter 673 of the New Hampshire Revised Statutes Annotated shall be vested in the Rochester Zoning Board of Adjustment.

§ 40-3 Recognition and adoption of State Building Code and State Fire Code.

The City of Rochester hereby recognizes that the State Building Code under RSA 155-A and the State Fire Code under RSA 153 are applicable within the City of Rochester and for enforcement purposes adopts the provisions of the same.

§ 40-4 Department of Building, Zoning, and Licensing Services.

For enforcement purposes by the City of Rochester, all references in the State Building Code under RSA 155-A, or in any applicable successor code, to the "department of building safety" shall be deemed to refer to the Department of Building, Zoning, and Licensing Services for the City of Rochester, and all duties as defined therein, including those imposed upon the "Building Official," shall be assumed by said Director of the Building, Zoning, and Licensing Services Department, along with the right to enforce the same.

§ 40-5 Adoption of other codes.

A. Pursuant to the provisions of RSA 47:22, 674:51 and 674:51-a, there are hereby adopted by the City of Rochester for the purpose of establishing rules and regulations, including the issuance of permits for the construction, alteration, removal, demolition, equipment, location, maintenance, use and occupancy of buildings and structures, installation of plumbing, use of concrete, masonry, metal, iron and wood, and other building material, the installation of electric wiring, and fire protection incident thereto and for the prevention of fires, the following codes:

(1) International Property Maintenance Code (2006 edition), published by the International Code Council, Inc., Copyright 2006.

(2) International Existing Building Code ~~(2009 edition), published by the International Code Council, Inc., Copyright 2009.~~ as codified at RSA 153.

B. Three copies of each of the aforesaid codes have been and are now on file in the office of the City Clerk of the City of Rochester and three copies of such codes are filed with the Department of Building, Zoning, and Licensing Services for the City of Rochester. Such codes are hereby adopted and incorporated as fully as if set out at length herein, and from the date on

which this section shall take effect, the provisions thereof shall be controlling on the construction of all buildings and other structures within the corporate limits of the City of Rochester. There are annexed to such of the aforesaid codes, as filed in the office of the City Clerk and the Department of Building, Zoning, and Licensing Services, as set forth below, the following exhibits setting forth the insertions in, deletions from, exceptions to and/or changes in such codes, which insertions, deletions, exceptions and/or changes are adopted as part of the aforementioned codes:

- (1) Exhibit A, Statement dated September 4, 2007, of insertions in, deletions from, exceptions to and changes in the International Property Maintenance Code (2006 edition) by the City of Rochester, New Hampshire.
- (2) Exhibit A, Statement dated January 4, 2011, of insertions in, deletions from, exceptions to and changes in the International Existing Building Code (2009 edition) by the City of Rochester, New Hampshire.

§ 40-6 Life Safety Code.

The duties defined in and the enforcement of the Life Safety Code, ~~NFPA 101 (2003 edition)~~, as codified at RSA 153 or any applicable successor code, shall be assumed by the Fire Chief of the City of Rochester or his/her authorized representative.

§ 40-7 Electrical Code and Property Maintenance Code.

The duties defined in and the enforcement of the NEC 2005, National Electrical Code ~~(2005 edition)~~, as codified by RSA 155-A and the International Property Maintenance Code (2006 edition), or any applicable successor codes, shall be assumed by the Director of Building, Zoning, and Licensing Services or his/her authorized representative.

§ 40-8 Plumbing Code.

The duties defined in and the enforcement of the International Plumbing Code ~~(2006 edition)~~, as codified at RSA 153 or any applicable successor code, shall be assumed by the Director of Building, Zoning, and Licensing Services, or his/her authorized representative, except as otherwise provided in Chapter 200, Sewers, of the Code of the City of Rochester where the same are defined as the duties of the Commissioner of Public Works, with inspections to be done by the Director of Building, Zoning, and Licensing Services or an authorized member of the Division of Water Supply Works or Division of Sewage and Waste Treatment Works.

The effective date of these amendments shall be upon passage.

Councilor Abbott stated that the reference to RSA 153 for the plumbing

code should be corrected to RSA 155-A prior to sending the matter to a public hearing. The City Attorney concurred. This Amendment shall be sent to a public hearing at the next City Council Workshop.

10.2. Community Development Committee

Councilor Lauterborn said the Committee did not meet in June. The next meeting shall meet for a site tour followed by a meeting at Rochester City Hall Annex in the Isinglass Conference Room. Councilor Keans asked for the address of the site tour. Councilor Lauterborn replied 22 South Main Street.

10.3 Public Safety

10.3.1 Committee Recommendation: To Install "Do Not Enter" signs at the corner of Maple Streets and Waldron Avenue at the discretion of DPW consideration for approval

Councilor Walker **MOVED** to **APPROVE** the Committee Recommendation stated above. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.3.2 Committee Recommendation: To deny moving the crosswalk on Washington Street consideration for approval

Councilor Walker **MOVED** to **APPROVE** the Committee Recommendation to **DENY** the request to move the crosswalk on Washington Street. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.3.3 Committee Recommendation: To replace all the old signs near the Chestnut Hill Road corner crosswalks with the modern school zone crossing sign package consideration for approval

Councilor Walker **MOVED** to **APPROVE** the Committee Recommendation stated above. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.3.4 Resolution Authorizing Supplemental Appropriation in the amount of \$19,932.00 to the 2019-2020 Rochester Fire Department Operating Budget and Acceptance of an Emergency Management

**Performance Grant (EPMG) in the amount of
\$9,966.00 *first reading, consideration for second
reading and adoption***

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

**Resolution Authorizing Supplemental Appropriation in the amount of
\$19,932.00 to the 2019-2020 Rochester Fire Department Operating
Budget and Acceptance of an Emergency Management Performance
Grant (EPMG) in the amount of \$9,966.00**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept a grant in the amount of Nine Thousand Nine Hundred Sixty Six Dollars (\$9,966.00) from the State of New Hampshire EPMG Grant program in order to the purchase of emergency response trailer for Seabrook Nuclear Plant emergencies. The EPMG requires a Fifty Percent (50%) match by the City.

Still further, that the sum of Nineteen Thousand Nine Hundred Thirty Two Dollars (\$19,932.00) be, and hereby is, appropriated as a supplemental appropriation to the 2019-2020 operating budget for the City of Rochester Fire Department. The source of the sums necessary to fund such appropriation shall be drawn Nine Thousand Nine Hundred Sixty Six Dollars (\$9,966.00) from the EPMG Grant and Nine Thousand Nine Hundred Sixty Six Dollars (\$9,966.00) 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 accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution and to establish special revenue, non-lapsing, multi-year fund accounts(s) as necessary to which said sums shall be recorded.

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

Councilor Keans requested more information about the vehicles being purchased. She questioned the high price of the trailer. Councilor Walker replied that it is a newer trailer than the one that the City has currently and that the length is 22 feet long. He said the City is utilizing a Homeland Security Emergency Grant to replace the existing old rusted trailer. The new one is an enclosed trailer.

Chief Klose said this is a new 2019 trailer. He gave more details about the new trailer and said the existing trailer has been infested with mice and ants. The old trailer will be sent back to the Emergency Management Program because the City only managed that trailer.

Councilor Walker **MOVED** to **ADOPT** the Resolution. The City Council briefly discussed the matter. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.3.5 Resolution Authorizing the Acceptance of a Donation from the State of New Hampshire Department of Natural and Cultural Resources Division of Forest and Lands of a Yamaha 4 x 4 Big Bear ATV *first reading, consideration for second reading and adoption*

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

Resolution Authorizing the Acceptance of a Donation from the State of New Hampshire Department of Natural and Cultural Resources Division of Forest and Lands of a Yamaha 4 x 4 Big Bear ATV

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

The City hereby accepts a donation of a Yamaha 4 x 4 Big Bear ATV from State of New Hampshire Department of Natural and Cultural Resources Division of Forest and Lands to be used by the Rochester Fire Department.

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 Walker **MOVED** to suspend the rules and read the Resolution

for a second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor McCarley read the Resolution for a second time by title only.

Councilor Walker **MOVED** to **ADOPT** the Resolution. Councilor Bogan seconded the motion. The City Council briefly discussed the matter. The **MOTION CARRIED** by a majority voice vote.

10.3.6 Committee Recommendation: To install a “No right on Red” sign on the mast arm facing Lowell Street at the discretion of DPW *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the Committee Recommendation stated above. Councilor Bogan seconded the motion. Councilor Walker explained that vehicles were taking a right-turn-on-red from Lowell Street onto Columbus Avenue; however, the problem is that Hancock Street is between those two streets and this could potentially cause collisions with cars exiting on Hancock Street. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Gray stated that he had received complaints about speeding on Maplewood Avenue. It has been brought the Public Safety Committee in the past; however, the problem has not been resolved.

Councilor Walker referred to a complaint about another street and it turned out that the speed tracker produced data that did not warrant any Committee action. Councilor Gray reiterated that residents on Maplewood Avenue do not feel safe. This topic will be sent to the next Public Safety Committee Agenda.

10.4 Public Works

10.4.1 Committee Recommendation: To waive the paving moratorium on Gear Road for the installation of the two water lines with the pavement patch recommended by the DPW *Consideration for approval*

Councilor Torr **MOVED** to **APPROVE** the Committee Recommendation stated above. Councilor Bogan seconded the motion. Councilor Torr briefed the City Council about the request to waive the paving moratorium on Gear Road. The **MOTION CARRIED** by a unanimous voice vote.

10.4.2 Committee Recommendation: To approve the large

**335kw Solar Array using a PPA for the roof of the new
DPW Facility *Consideration for approval***

Councilor Torr **MOVED** to **APPROVE** the Committee Recommendation stated above. Councilor Walker seconded the motion. Councilor Varney said a summary of the agreement is attached to the Committee meeting minutes and this is exactly the same type of agreement established for similar request in the City. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lauterborn wished to compliment Lisa Clark, City of Rochester Administration and Utility Billing Supervisor, for being thorough with taking the meeting minutes for the Public Works and Buildings Committee.

11. Old Business

No discussion.

12. Consent Calendar

**12.1 Resolution Deauthorizing \$473 of Previously Accepted
Federal Forfeiture Funds *first reading, consideration for
second reading and adoption***

Councilor Walker **MOVED** to **ACCEPT** the Consent Calendar. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**Resolution Deauthorizing \$473.00 of Previously Accepted Federal
Forfeiture Funds**

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

That Four Hundred Seventy Three Dollars (\$473.00) previously awarded to and accepted by the City of Rochester is hereby deauthorized as the original amount accepted by the City did not reflect the amount of money retained by the Federal Government.

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.

13. New Business**13.1 Resolution Authorizing Acceptance of New Hampshire Department of Justice (NHDOJ) Forfeiture Funds and Appropriation in Connection Therewith in the amount of \$2,391.75 *first reading, consideration for second reading and adoption***

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

Resolution Authorizing Acceptance of New Hampshire Department of Justice (NHDOJ) Forfeiture Funds and Appropriation in Connection Therewith in the amount of \$2,391.75**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER, AS FOLLOWS:**

WHEREAS, that NHDOJ Forfeiture Funds in the amount of Two Thousand Three Hundred Ninety One and 75/100 Dollars (\$2,391.75) awarded to the City of Rochester is hereby accepted by the City of Rochester;

FURTHER, that the sum of Two Thousand Three Hundred Ninety One and 75/100 Dollars (\$2,391.75) be, and hereby is, appropriated to the General Fund Unassigned Fund Balance fund; 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.

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

Councilor Walker **MOVED** to **ADOPT** the Resolution. Councilor Bogan seconded the motion. Councilor Keans expressed concern that the money ought to go back to the department which the money had been intended for and not just be returned to the General Fund.

Councilor Keans **MOVED** to **AMEND** the resolution to deposit the funds into the already established forfeiture funds account. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley called for a vote on the motion as amended. The **MOTION CARRIED** by a unanimous voice vote.

The Amended resolution is shown below:

Resolution Authorizing Acceptance of New Hampshire Department of Justice (NHDOJ) Forfeiture Funds and Appropriation in Connection Therewith in the amount of \$2,391.75

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

WHEREAS, that NHDOJ Forfeiture Funds in the amount of Two Thousand Three Hundred Ninety One and 75/100 Dollars (\$2,391.75) awarded to the City of Rochester is hereby accepted by the City of Rochester;

FURTHER, that the sum of Two Thousand Three Hundred Ninety One and 75/100 Dollars (\$2,391.75) be, and hereby is, appropriated to the Established Forfeiture Fund(s) Account:

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.

13.2 Resolution Approving Cost Items Associated with Proposed Rochester School Department Multi-Year Collective Bargaining Agreement with the Rochester Federation of Food Service Bargaining Unit *first reading consideration for second reading and adoption*

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

Resolution Approving Cost Items Associated with Proposed Rochester School Department Multi-Year Collective

**Bargaining Agreement with the Rochester Federation of
Food Service Bargaining Unit**

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 cost items associated with the three (3) year collective bargaining agreement between the Rochester School Board, Rochester School Department and the Rochester Federation of Food Service Bargaining Unit, covering the period beginning July 1, 2019 and ending June 30, 2022, as set forth in the proposed contract, copies of which have been provided to members of the Rochester City Council, and as more particularly detailed in a letter dated June 7, 2019, and financial summary analysis provided by the Superintendent of Schools, Rochester School Department, to the City Manager, a copy of which is annexed hereto as **Exhibit A**, is hereby approved.

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

Councilor Walker **MOVED** to **ADOPT** the Resolution. Councilor Bogan seconded the motion. Councilor Walker requested a roll call vote. Councilor Hamann seconded the request. The **MOTION CARRIED** to **ADOPT** the resolution by a unanimous roll call vote of 12 to 0. Councilors Lauterborn, Keans, Walker, Hutchinson, Gray, Abbott, Torr, Hamann, Bogan, Gates, Varney, and Mayor McCarley voted in favor of the motion.

**13.3 Resolution Granting Discretionary Preservation Easement
to the Property Located at 290 Chestnut Hill Road Under
the Provisions of RSA 79-D in Connection with its
Proposed Preservation Project *first reading,
consideration for second reading and adoption***

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

**Resolution Granting
Discretionary Preservation Easement to the Property Located at 290
Chestnut Hill Road Under the Provisions of RSA 79-D**

In Connection With Its Proposed Preservation Project

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

WHEREAS, the owner(s) of the so-called 290 Chestnut Hill Road property in Rochester, being the same property described in the Warranty Deed from David J. Torr to the Torr Family Trust, dated June 12, 2018 and recorded on June 12, 2018 at the Strafford County Registry of Deeds at Book 4575 Page 0576, is/are desirous of taking advantage of the potential opportunities and benefits available to property owners as a result of the adoption of Chapter 79-D and they have, therefore, proposed a preservation of historic agricultural structure with respect to the so-called 290 Chestnut Hill Road Historic Barn preservation; and

WHEREAS, Chapter 79-D requires that the governing body of the City of Rochester make certain findings and or determinations with regard to a proposed substantial preservation project in order for the structure subject to such preservation project to qualify for the Chapter 79-D Discretionary Preservation Easement Tax Relief Incentive;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby make the following determinations and findings with respect to the proposed preservation for the so-called 290 Chestnut Hill Road property contemplated by the owner's Discretionary Preservation Easement application, to wit:

(1) Any tax relief under the provisions of Chapter 79-D or this resolution that is to be accorded with respect to the so-called 290 Chestnut Hill Road project shall be accorded only after the property owners grant to the City a discretionary preservation easement pursuant to the provisions of RSA 79-D:4 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-D:1; and

(2) The Mayor and City Council find a public interest under RSA 79-D:1 in the proposed preservation project proposed with respect to the so-called 290 Chestnut Hill Road project; and

(3) The proposed historic agricultural structure preservation provides the following public benefits to Rochester:

I. It prevents the loss of historic agricultural structures due to

property taxation at values incompatible with their preservation;
and

II. It maintains the historic rural character of the City's landscape, sustaining agricultural traditions, and providing an attractive scenic environment for work and recreation of the City's citizens and visitors

(4) The specific public benefit is preserved through a discretionary preservation easement pursuant to the provisions of RSA 79-D:4 if the project is implemented consistent with (a) the aforesaid application; (b) compliance with the recommendation to the Council approved by the Historic District Commission at its May 8, 2019 meeting; (c) the terms of this resolution; and (d) any other applicable requirements of Chapter 79-D; and

(5) The Mayor and City Council finds that the proposed use is consistent with the City's master plan and/or 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 Chapter 79-D, the Mayor and City Council hereby grants the requested tax relief for a period of ten (10) years during which the qualifying historic barn shall be assessed at Fifty Percent (50%) of its full value assessment, beginning with the granting of the discretionary preservation easement of the so-called 290 Chestnut Hill Road Historic Barn to the City of Rochester.

In accordance with RSA 79-D:8, III, upon the expiration of the terms of the discretionary easement, the owner(s) may apply for renewal, and the owner(s) and the City of Rochester shall have the same rights and duties with respect to the renewal application as they did with respect to the original application.

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

Councilor Walker **MOVED** to **ADOPT** the Resolution. Councilor Bogan seconded the motion. Councilor Varney said the barn would not be restored to its original design and questioned if this was a direction for the City to take. Councilor Keans replied that the barn did not need to be restored to its 200-year old design. City Manager Cox said the minutes should indicate that this would be approved at 50% of the assessed value of the qualifying barn. The

MOTION CARRIED by a majority voice vote.

14. Other

Councilor Torr requested an update on the Creteau Technology Building project. Councilor Varney replied that there will be a tour of the new building on Monday, July 8, 2019.

15. Non-Public/Non-Meeting

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

Councilor Walker **MOVED** to enter into a Non-Public Session under RSA 91-A:3, II (d), for Land at 7:40 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 12 to 0. Councilors Torr, Abbott, Varney, Hutchinson, , Gray, Walker, Bogan, Hamann, Gates, Keans, Lauterborn, and Mayor McCarley voted in favor of the motion.

Councilor Lauterborn **MOVED** to exit the Non-Public meeting at 8:51 PM. Councilor Gates seconded the motion. Councilor Lauterborn **MOVED** to seal the minutes because it is determined that disclosure likely would render a proposed action ineffective. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

16. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 8:53 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk

EXHIBIT A

RFT Food Service Tentative Agreement

School Health Contribution	80/20 plus \$1000/\$1500/\$ 2000 towards Deductible	86/14	83/17	80/20
Health Plan	SOS \$20/40 RX 10/20/45 DED \$1000/3000	SOS \$20/40 RX 10/20/45 DED \$1000/3000	SOS \$20/40 RX 10/20/45 DED \$1000/3000	SOS \$20/40 RX 10/20/45 DED \$1000/3000
Projected Health Increase		FY 2020 Rates	5%	5%
MERIT				
	Current FY19	FY20	FY21	FY22
Wages				
Base Wage	\$ 507,094	\$ 549,260	\$ 581,634	\$ 612,775
Total Wages	\$ 507,094	\$ 549,260	\$ 581,634	\$ 612,775
Dollar Change		\$ 42,166	\$ 32,373	\$ 31,141
% Change		8.3%	5.9%	5.4%
Benefits				
FICA/Medicare	\$ 38,793	\$ 42,018	\$ 44,495	\$ 46,877
Health Insurance	\$ 203,105	\$ 206,140	\$ 208,896	\$ 211,413
Opt Out				
Dental	\$ 2,368	\$ 2,424	\$ 2,473	\$ 2,522
Total Rollups	\$ 244,266	\$ 250,582	\$ 255,864	\$ 260,812
Dollar Change				
% Change		2.6%	2.1%	1.9%
Totals				
Total Wages Benefits and Rollups	\$ 751,359	\$ 799,842	\$ 837,497	\$ 873,587
Dollar Change		\$ 48,483	\$ 37,655	\$ 36,090
% Change		6.5%	4.7%	4.3%

37 Total Employees