

**Regular City Council Meeting
December 4, 2018
Council Chambers
7:00 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

Blaine Cox, City Manager
City Attorney Terence O'Rourke
Jessica Gray, Fire Department
Chief Klose, Fire Department
Alexis Makris, Makris R.E.
Development LLC
Christian Smith, Beals Associates

COUNCILORS EXCUSED

Mayor McCarley

Minutes

1. Call to Order

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

2. Opening Prayer

2.1 Rochester Veterans Council

The Rochester Veterans Council led the opening prayer.

3. Presentation of the Colors

3.1. Pledge of Allegiance

The Rochester Veterans Council led the Pledge of Allegiance.

4. Roll Call

Kelly Walters, City Clerk, called the roll. All City Council members were present except for Mayor McCarley who had been excused.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: November 13, 2018 ***consideration for approval***

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council meeting minutes of November 13, 2018. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1 Employee of the Month Award

Blaine Cox, City Manager, invited Chief Klose and Jessica Gray, Fire Department, to come forward. City Manager Cox read the nomination letter of Ms. Gray. He announced that Ms. Gray has been selected as the Employee of the Month for December, 2018.

6.2 City Manager's Report

City Manager Cox said the Tax Rate has been set by the Department of Revenue at \$27.52, which is five cents lower than what had been anticipated with the budget adoption in June, 2018. The Tax Bills are to be mailed out on December 12, 2018 and shall be due on January 11, 2019.

City Manager Cox gave the rest of the report as follows:

Contracts and documents executed since last month:

- **Department of Public Works**
 - Brown & Caldwell – Task Order Change 29 – Great Bay Coalition – EPA & NH DES Technical Support Service
 - Sebago Technics Contract
 - Southeast Land Trust (SELT) Agreement – WTP Watershed (3) Parcels Purchase and & Conservation Easement Document
- **Economic & Community Development**
 - CDBG Environmental Review – Cap Weatherization Program – multiple projects
- **Legal Department**
 - 23 Cleo Circle Redemption
 - 20 Cove Court Shoreline Cleanup Agreement

Other documents for information:

- Computer Leases
 - Woodbury, M – Fire

The following standard reports have been enclosed:

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

7. Communications from the Mayor

Deputy Mayor Varney announced that there are a number of Public Hearings to take place as follows:

December 10, 2018

East Rochester Elementary School – 773 Portland Street

7:00 PM

Renaming and Renumbering of Main Street and Autumn Street

(To comply with the NH Department of Safety Divisions of Emergency Services, Bureau of Emergency Communications, Enhanced 9-1-1 Mapping Guidelines.)

December 11, 2018

Gonic Elementary School – 10 Railroad Avenue

7:00 PM

Renaming and Renumbering of Main Street and Pickering Road

(To comply with the NH Department of Safety Divisions of Emergency Services, Bureau of Emergency Communications, Enhanced 9-1-1 Mapping Guidelines.)

December 18, 2018

Council Chambers

7:00 PM

1. CDBG Annual Action Plan for Fiscal Year 2019-2020

2. Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the Department of Public Works Capital Improvements Plan Fund for the Granite Ridge II in the Amount Not to Exceed \$2,430,000

3. Resolution for Supplemental Appropriation and Authorizing

Borrowing Authority Pursuant to RSA 33:9 to the Granite State Business Park Tax Increment Financing District (TIF)

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

No discussion.

10. Reports of Committees

10.1. CTE Joint Building Committee

Councilor Varney reviewed the Committee report and said a rather large change order was approved relative to the electrical controls; however, the project is still on-time and within allotted budget.

10.2. Public Safety

10.2.1 Committee Recommendation: To stripe for “no parking” to the next intersection in front of 36 Washington Street at the discretion of Public Works *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the request to stripe for “no parking” to the next intersection in front of 36 Washington Street at the discretion of Public Works. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a majority voice vote.

10.2.2 Committee Recommendation: To place a sidewalk on the south side of Chesley Hill Road across the street *consideration for approval*

Councilor Walker reviewed the Committee’s recommendation to place a serpentine sidewalk on the south side of Chesley Hill road and said the matter could be sent to the Workshop for more discussion. Councilor Lauterborn **MOVED** to suspend the Rules of Order to Amend the Agenda to allow the Developer to speak directly to the City Council about the matter. Councilor Walker seconded the motion. Councilor Gray spoke against the motion. He said this gives no notice to others that may want to participate in the discussion. He said this is circumventing the citizens who attended the Planning Board meetings and were satisfied with the Planning Board’s

approved plan. Councilor Lauterborn said that is the point, the Planning Board worked with the developer and took citizen's input for a long period of time in order to finalize a plan. She added that the Public Safety Committee met and amended that final plan without notice or input to the developer. She encouraged the City Council to allow the Developer to respond to the Public Safety recommendation. Councilor Keans agreed and said this project had been vetted through the Public Safety Committee months ago. Councilor Varney supported the motion to add the discussion to the agenda; however, voting on the matter should wait until the workshop. The **MOTION CARRIED** to Amend the Agenda.

10.2.2.1 Chesley Hill Sidewalk Discussion with Markis R.E. Development LLC

Alexis Makris, Makris R.E. Development LLC, reviewed the Chesley Hill Sidewalk project. She said Christian Smith, Beals Associates, an engineering firm, is present this evening as well if any technical questions arise. Ms. Makris said the abutters had been in support of the sidewalks although most recently some have been against installing the sidewalks. In other developments around the City, some sidewalks have been exempt from the final development plan for various reasons. She clarified that installing the sidewalks throughout the subdivision did not come into question until it came to connecting the Donald Street sidewalk to Route 125. She said all interested parties were part of these conversations and many potential issues were brought to light. She engaged a reputable trucking company named Severino Trucking to assess the situation. The assessment led to many concerns and a site review by the Planning Board. It seemed at that time that both sides agreed the original plan was not a plausible plan. It was noted that there were safety issues in terms of crossing Chesley Hill Road. She said Chesley Hill Road is not striped and it is a high traffic road, according to the abutters. Other safety concerns were brought to light including the nine percent grade-slope down a portion of Chesely Hill Road, which would cause the sidewalk not to meet ADA requirements. She gave reasons why an alternative option was put in place, which is what is being called the serpentine sidewalk. The approved serpentine sidewalk approved by the Planning Board has now been modified by the Public Safety Committee to further work with the Public Works concerns as follows:

- Width of the sidewalk has been widened
- Added two staging areas (pedestrian stop areas)

- Reduced the sidewalk slope from a 9% grade to an 8.3 % grade
- Added removable bollards
- Turn-areas have been included for the sidewalk plows
- Added lighting

Ms. Makris noted that in order for this serpentine sidewalk to be built, some trees will need to be removed. She gave a verbal description of how the streets would be connected from Norman Street to Route 125. She said this is the best alternative solution in order to construct a safe sidewalk in this subdivision. The sidewalk would be built in phases along with the subdivision. It is not a perfect situation; however, it is a reasonable solution to the problem.

Deputy Mayor Varney questioned if this agenda item should now be sent to the next Workshop. Councilor Walker requested that a vote be taken in order for the developer to begin the project. He said the abutters were able to discuss the concerns with the serpentine sidewalk with the Planning Board already. Ms. Makris added that after the discussion with abutters at the Planning Board level the Planning Board still approved the serpentine sidewalks.

Councilor Walker **MOVED** to **APPROVE** the request to place the sidewalk as approved by the Planning Board. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a majority voice vote.

10.3 Public Works

10.3.1 Resolution *Committee Recommendation*: Petition for Street Acceptance for Miller's Farm Drive *motion to accept*

Councilor Torr **MOVED** to **ACCEPT** Millers Farm Drive as a City Street in Rochester. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.3.2 *Committee Recommendation*: Petition for Street Acceptance for Smoke Street and Laredo Lane *motion to accept*

Councilor Torr **MOVED** to **ACCEPT** Smoke Street and Laredo Lane as City Streets in Rochester. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.3.3 Committee Recommendation: Resolution Appropriating to the 2018-2019 Department of Public Works Capital Improvement Plan Fund and Acceptance of a New Hampshire Department of Environmental Services (NHDES) Brownfields Cleanup Grant in the Amount of up to \$200,000 *first reading, consideration for second reading and adoption*

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

Resolution Appropriating to the 2018-2019 Department of Public Works Capital Improvement Plan Fund and Acceptance of a New Hampshire Department of Environmental Services (NHDES) Brownfields Cleanup Grant in the Amount of up to \$200,000

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

Whereas, that a NHDES Brownfields Cleanup Grant in an amount up to Two Hundred Thousand Dollars (\$200,000.00) to be used for remedial actions at the City-owned properties located at 10 Wallace Street and 16 Wallace Street has been awarded to and is hereby accepted by the City of Rochester.

Further, that the sum of Two Hundred Thousand Dollars (\$200,000.00) be, and hereby is, appropriated to the 2018-2019 Department of Public Works Capital Improvement Plan Fund. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the grant.

Further, that 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) to enter into the agreement with New Hampshire Department of Environmental Services for the execution of all documents necessary for the Brownfields Cleanup Grant.

Further, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to identify, 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 needed.

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 to read the resolution by title only for a second time. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority voice vote. Deputy Mayor Varney read the resolution by title only for a second time.

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

10.4 Tri-City Mayor's Task Force on Homelessness

Councilor Hutchinson said the Task Force met twice in November, with one meeting dedicated to a workshop setting and used to discuss the 7 strategies to combat homelessness at length. The next meeting is scheduled for December 6, 2018, at the Somersworth Middle School (media room) at 6:00 PM. This will be considered a Regular meeting and the workshop strategies shall be presented to the three mayors of the tri-city area.

Councilor Keans questioned the goal of the Task Force. She believed that the Emergency Cold Weather Shelter would be the task on which to stay focused. Councilor Hutchinson said the focus is broken down into two major components; the urgent need for an Emergency Cold Weather Shelter and, secondly, the implementation of a plan to combat and prevent homelessness long term. This Task Force is likely to continue to meet for a good part of 2019.

Councilor Hutchinson said a plan had been in place to suggest that the Salvation Army be permitted to serve as an Emergency Cold Weather Shelter; however, there is a variance matter that must be dealt with first. This variance issue is causing a delay in use of this facility. In the absence of an emergency Zoning Board of Adjustment Special hearing to adjust this variance issue, no Emergency Cold Weather Shelter is in place at this time.

11. Old Business

Councilor Keans questioned the status of the Deputy City Manager position. City Manager Cox replied that the City is seeking a candidate for the Finance Director/Deputy City Manager position. Councilor Varney confirmed the position is being posted as Finance Director/Deputy City Manager as it is listed in the City's Merit Plan.

12. Consent Calendar

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

12.1. Resolution Deauthorizing \$3,150 in funding from the 2016-2017 Economic Development Capital Improvement Plan Fund related to the ERZ Signs Project *first reading, consideration for second reading and adoption*

Resolution Deauthorizing \$3,150 in funding from the 2016-2017 Economic Development Capital Improvement Plan Fund related to the ERZ Signs Project

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

That the amount of Three Thousand One Hundred Fifty Dollars (\$3,150) appropriated for the ERZ Signs Project as part of the 2016-2017 Economic Development Capital Improvement Plan Fund is hereby deauthorized and shall be returned to 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.

13. New Business

No discussion.

14. Non-Meeting/Non-Public Session

14.1 Non-Public, RSA 91-A:3, II, Land

Councilor Lauterborn **MOVED** to enter into a Non-Public, RSA 91-A:3, II, Land at 7:35 PM. Councilor Lachapelle seconded the motion. The **MOTION**

CARRIED by a unanimous roll call vote of 13 to 0. Councilors Gates, Keans, Lauterborn, Walker, Lachapelle, Gray, Abbott, Torr, Hamann, Bogan, Hutchinson, and Deputy Mayor Varney voted in favor of the motion.

Councilor Lauterborn **MOVED** to exit the Non-Public Session and return to Public Session at 7:42 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

15 Other

Councilor Gates requested that the City Manager direct staff to create a spreadsheet showing the Tax Rate and Assessment adjustments over the last ten-years. Councilor Lauterborn pointed out that when a citywide assessment adjustment is conducted, it causes the tax rate to go up or down in a way that is unrelated to the adopted budget cycles. City Manager Cox replied that the information is available and it can be uploaded to the City's website. The document does include the assessment data.

15. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 7:43 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk