

**Regular City Council Meeting
April 4, 2023
Council Chambers
6:01 PM**

COUNCILORS PRESENT

Councilor Beaudoin
Councilor Berlin
Councilor de Geofroy
Councilor Desrochers
Councilor Fontneau
Councilor Gilman
Councilor Gray
Councilor Hainey
Councilor Hamann
Councilor Malone
Councilor Larochelle
Deputy Mayor Lachapelle
Mayor Callaghan

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Peter Nourse, Director of City Services

Minutes

1. Call to Order

Mayor Callaghan called the meeting to order at 6:01 PM.

2. Opening Prayer

Mayor Callaghan called for a moment of silence.

3. Pledge of Allegiance

Mayor Callaghan asked Councilor Beaudoin to lead the Pledge of Allegiance.

4. Roll Call

Kelly Walters, City Clerk, called the roll. All City Councilors were present.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: March 7, 2023

consideration for approval

Councilor Lachapelle **MOVED** to **ACCEPT** the March 7, 2023, Regular City Council meeting minutes. Councilor Desrochers seconded the motion. Councilor Beaudoin requested a correction to the minutes: Salman Falls Road should be Salmon Falls Road. Mayor Callaghan called for a vote on the minutes as corrected. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager**6.1 City Manager's Report**

City Manager Cox said the Willand Emergency Warming Shelter closed for the season on March 31, 2023. He said the program was a success and gave a detailed report on the data collected. City Manager Cox thanked the SOS Recovery Community Organization, Dr. Tory Jennison PhD RN (Strafford County), the many volunteers, as well as the Tri-City Communities for all their donations.

City Manager Cox reported that Mark Sullivan, Deputy Finance Director, has served as the City Manager's Appointee on the Planning Board. He wished to thank Mr. Sullivan for serving on the Planning Board for eleven years. Mr. Sullivan has decided to step-down from the position. City Manager Cox informed the City Council that Alan Dews, DPW Construction Inspector, shall be appointed to the Planning Board as the City Manager's Appointee moving forward.

City Manager Cox announced that Hydrant Flushing would begin in the City of Rochester on April 23, 2023, through June 2, 2023. He said the flushing would occur between the hours of 11:00 PM until 7:00 AM. He said some dis-coloration is to be expected as well as low water pressure at some times during the flushing. He advised anyone with who has additional questions is directed to call the Department of Public Works at 603-332-4096.

Councilor Beaudoin said the City is expending \$54,000 for a Sewer System Master Plan for the sewer collection evaluation of the Route 11 area. He questioned if there is a concern that the current capacity would not be adequate for new development (residential) in that area. City Manager Cox replied that his understanding is that the sewer capacity is adequate for currently approved developments in that area; however, the study is to ensure that the sewer capacity will be adequate for any future development (residential), which is permitted

in that area. Peter Nourse, Director of City Services, agreed. He said there had been a recent upgrade to the Route 11 Sewer Pump Station back in 2019. He said the study was based on the 2019 Mayberry Study, which included some assumptions of the Granit Ridge Development; however, since that time, residential development has been approved for that area and there must be another study to consider what impact that change will have on the sewer system. He said the study would cover the 1,000 acres of land and the full potential build-out on this land, which includes residential development. This will help determine what upgrades may be necessary for sewer/water to support any potential full build-out.

Councilor Beaudoin questioned if the Planning Board would be apprised of this report in order to make determinations for future development projects in that district. Mr. Nourse replied yes. He said the Planning Department and Economic Development Department will also be involved.

Councilor Beaudoin questioned why some projects totaling over \$218,000 were recently awarded without the typically bidding process. City Manager Cox believed that these projects fell under the City's typical retainage contract, which were for the New DPW Concrete Rehab Project, Water Main Extension/Connection (Highland Avenue), and the Video Inspection – Water 20" Transmission Main Rehab. Mr. Nourse confirmed that those projects were dealt with by the City's on-call contractor. He gave a brief summary of how an on-call contractor is selected by a complete bidding process every few years.

The City Manager's Report is as follows:

Contracts and documents executed since last month:

- **Department of Public Works**

- Task Order, Cocheco Well Pilot Study – Underwood Engineers
- Task Order, Rt 11 Sewer Capacity Evaluation – Weston & Sampson.
- Cocheco Well Improvement: CDS Program grant application
- Change Order, Rt. 202A Water Main Extension – D&C Construction
- Change Order, WWTF Carbon Storage – Apex Construction
- Signatory Authority for Wastewater Discharge Monitoring Reports
- Scope of Services, Old Landfill Groundwater Permit – Ransom Consulting

- Task Order Amendment, Cocheco Well Treatment Improvements
- ARPA Grant Consultant Selection Form, Cocheco Well
- Scope of Services, New DPW Concrete rehab – S.U.R.
- Scope of Services, Highland Water Main extension/connection – S.U.R.
- Estimate, Video Inspection of 20" water main – S.U.R.
- Task Order , SSMP – Weston & Sampson
- **Economic Development**
 - FY22-FY23 CAP Weatherization – Brook Street
 - FY22-FY23 CAP Weatherization – S. Cranberry
 - FY22-FY23 CAP Weatherization – Tradewind Pl.
 - FY22-FY23 CAP Weatherization – Damours
 - FY22-FY23 CAP Weatherization – Royal Crest
- **IT**
 - Consolidated Contract - CCI
 - Server upgrade, Honeywell

The following standard report has been enclosed:

- **Personnel Action Report Summary**

7. Communications from the Mayor

Mayor Callaghan announced that there is a proposal for a new Rochester Courthouse included with the Governor's proposed budget for the next Fiscal Year. Mayor Callaghan thanked the Governor/staff, Judge Ashley, Senator Gray (Councilor Gray), the City's Economic Development staff, as well the recently retired Chuck Morse, President of the Senate, who took the time to visit the City of Rochester and assess the downtown area and courthouse.

Mayor Callaghan announced that April 22nd is Earth Day and the City is planning to clean-up the downtown area. He said volunteers are welcome.

7.1. Proclamation: Arbor Day

Mayor Callaghan read the Arbor Day Proclamation and declared April 28th as Arbor Day in the City of Rochester.

8. Presentation of Petitions and Council Correspondence

8.1. Petition to Amend the Zoning Ordinance, Chapter 275-26.6 "Class VI Roads" *Motion to accept or deny*

Councilor Lachapelle **MOVED** to **DENY** the Petition to Amend the Zoning Ordinances, Chapter 275-26.5 "Class VI Roads". Councilor Desrochers seconded the motion.

Councilor Lachapelle said the wording is arbitrary and this change would treat each Class VI Road on a case-by-case basis, which is not the way government should operate. He said there needs to be consistency in the way Class VI Roads are handled with an established set of standards. City Attorney O'Rourke agreed. He gave the legalities of the issue and said the City is required to follow the standards which are set by the State for development on Class VI Roads. He added that there is also a set standard for dealing with any appeals. He said this petition is written in an arbitrary manner and is problematic. Attorney O'Rourke gave a brief summary of how the current ordinance is set up to classify and handle petitions on Class VI Roads.

Councilor Beaudoin said it seems this petition does merit a second look. He questioned if it would make sense to refer the matter to the Codes and Ordinances Committee for further study. He said a policy could be developed for the Zoning Board to follow. Attorney O'Rourke replied that the Zoning Board must follow State standards for all appeals. He gave reasons why any review should be conducted by the Planning Board and not the Codes and Ordinances Committee. Attorney O'Rourke suggested that the City Council could deny the petition and "ask" the Planning Board to take another look at this section of the ordinance.

Councilor Lachapelle wished to amend his motion to include the following verbiage: To **DENY** the petition and refer the matter to the Planning Board for review. Councilor Desrochers seconded the motion.

Councilor Gray gave reasons he believed not all Class VI roads in Rochester should be treated the same. He supported the Planning Board taking another look at the ordinance. Mayor Callaghan called for a vote on the motion as amended. The **MOTION CARRIED** by a majority voice vote.

8.2. Petition regarding Extended Operations of Willand Warming Center - *referred to the Tri-City Mayors for consideration due to the Tri-City nature of the request*

Mayor Callaghan referred the matter to the Tri-City Mayors for

review.

9. Nominations, Appointments, Resignations, and Elections

No discussion.

10. Reports of Committees

10.1 Appointments Review Committee

10.1.1 New Appointment: Stephen Foster – Zoning Board of Adjustments, Seat G, New Alternate Member *Term to expire 1/2/2025 consideration for approval*

10.1.2 New Appointment: Dylan Dowe – Conservation Commission, Seat H, New Alternate member *Term to Expire 1/2/2026 consideration for approval*

10.1.3 Reappointment: James Connor – Zoning Board of Adjustments, Seat C – Elevation from an Alternate to a Regular Member *Term to expire 1/2/2025 consideration for approval*

10.1.4 Reappointment: James Connor – Historic District Commission, Seat D – Elevation from an Alternate to a Regular Member *Term to expire 1/2/2025 consideration for approval*

Mayor Callaghan said if there were no objections, and no other nominations, all four appointments would be voted upon together.

Councilor Gray **MOVED** to **APPROVE** all four request as outlined above. Councilor Desrochers seconded the motion. Mayor Callaghan nominated all individuals named above and called for a vote. The **MOTION CARRIED** by a unanimous voice vote.

10.2 Codes & Ordinances Committee

10.2.1 Committee Recommendations: To approve the addition of section 1.9 to the Rules of Order “Guidelines for Public Input” *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the **AMENDMENT** to the City Council Rules of Order (See Addendum A). Councilor Beaudoin seconded the motion. Councilor Larochelle made one grammatical correction to the verbiage in the third paragraph: *When that happens the Chair determines whether the rules have **been** violated.* Mayor Callaghan called for a vote upon the motion as corrected. The **MOTION CARRIED** by a unanimous voice vote.

10.2.2 Committee Recommendation: To approve the changes to Section 4.21 of the Rules of Order "Inaugural Meeting, Order Exercises" consideration for approval

Councilor Lachapelle **MOVED** to **APPROVE** the **AMENDMENT** to the City Council Rules of Order as follows:

SECTION 4.21 INAUGURAL MEETING, ORDER EXERCISES

The order of exercises at the meeting held on the first Tuesday after January 1, or Wednesday, January 2, following the regular municipal election shall be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Prayer
4. Roll Call of Councilors-Elect
5. Mayor takes Oath of Office
6. Councilors-Elect take Oath of Office
7. Roll Call of School Board Members-Elect
8. School Board Members-Elect take Oath of Office
9. Roll Call of Police Commissioners-Elect
10. Police Commissioner-Elect takes Oath of Office
11. Election of Deputy Mayor
12. Inaugural Address
13. Recess to Time Certain
14. Committee of the Whole: Review of Code of Ethics and Conduct
15. Old and/or New Business

Councilor Beaudoin seconded the motion. The City Council briefly discussed the change.

Councilor Hailey questioned if this was an appropriate time to deal

with another amendment to this section of the City Council Rules of Order. She said both her and Councilor Desrochers received a request from a constituent. Councilor Lachapelle said this section of the City Council Rules of Order is listed on the upcoming Codes and Ordinance Committee agenda and it could be reviewed at the same time. Councilor Hailey concurred.

Mayor Callaghan called for a vote on the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.3 Community Development

Councilor Hailey reported that the Committee met and discussed allocations for the CDBG Block Grant. She said there will be public hearings forthcoming.

10.4 Planning Board

No discussion.

10.5 Planning Board

10.5.1 Amendment to Chapter 275 of the General Ordinances of the City of Rochester regarding Solar Energy *first reading and refer to public hearing 4/18/2023*

Mayor Callaghan read the Amendment by title only and referred the matter to public hearing. See Addendum B

10.6 Public Safety

10.6.1 Committee Recommendation: To change the speed limit on Salmon Falls Road coming from Maine to 35 mph to be uniform with the other speed limit sign *consideration for approval*

Councilor Lachapelle **MOVED** to change the speed limit on Salmon Falls Road coming from Maine, to 35 mph, to be uniform with the other speed limit sign in the opposite lane. Councilor de Geofroy seconded the motion.

Councilor Lachapelle said if you are traveling on Salmon Falls road to Maine the speed limit is 35 mph; however, traveling from Maine into

Rochester, the speed limit is only 30 mph. Councilor Fontneau informed the City Council that he decided to travel from Berwick Maine to Rochester (Salmon Falls Road). He confirmed that the speed limit sign is already 35 mph.

Councilor Berlin said the purpose of this motion was because the speed limit was lowered to 25 mph from the intersection traveling towards Maine and this change would be bringing the speed limit to 35 mph, which is consistent with the other side of the road. Councilor Lachapelle recalled that the 25 mph proposal was still in Committee; however, due to the confusion he **WITHDREW** his motion in order to send this topic back to Committee for review. Councilor de Geofroy **WITHDREW** the second to the motion.

10.6.2 Committee Recommendation: To install a "stop" sign at the intersection of Hemlock/Lowell Street *consideration for approval* Consent Calendar

Councilor Lachapelle **MOVED** to install a "stop" sign at the Intersection of Hemlock/Lowell Street. Councilor de Geofroy seconded the motion.

Councilor Beaudoin, who lives on Hemlock Street, questioned the need for the sign. He said it is obvious that a stop is needed, and he cannot recall a stop sign ever being placed at that intersection. Councilor Lachapelle agreed; however, the proposal is being made by a resident with a family member who recently visited from out of State and questioned the missing stop sign. Councilor Lachapelle confirmed that there is a white-lined stop bar at the intersection.

Councilor de Geofroy said the Police Officer attending the Public Safety meeting had confirmed that a stop bar without a stop sign is not enforceable.

Councilor Fontneau said it seems like the City Council makes "knee-jerk" reactions to such complaints based on one or two residents. He gave reasons why he did not support the motion.

Councilor Gray said there is a need for a stop sign at any major intersections in the City. He supported the motion. The **MOTION CARRIED** by a majority voice vote.

11. Old Business

11.1. Resolution Authorizing Supplemental Appropriation in the amount of \$450,000.00 for City Hall and Opera House Life Safety Building Upgrades *second reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Authorizing Supplemental Appropriation in the amount of \$450,000.00 for City Hall and Opera House Life Safety Building Upgrades

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 authorized a supplemental appropriation in the amount of Four Hundred Fifty Thousand Dollars (\$450,000.00) to cover the costs associated with the City Hall and Opera House life safety building upgrades project. The supplemental appropriation will 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.

Katie Ambrose, Deputy City Manager, said as a direct result of the bidding process for this project, it has been determined that more funding is necessary to complete the project, which would require another public hearing.

Peter Nourse, Director of City Services, addressed the City Council. He said because of the historic nature and life safety issues involved in this project, the City chose to pre-qualify any bidders on this project. He confirmed that two bidders were found to be satisfactory and were approved to bid on this project. The two approved construction companies were as follows: Hutters Construction Corporation, New Ipswich, NH and Careno Construction, Portsmouth, NH. Mr. Nourse said, of these two contractors, Careno Construction was the only contractor to submit a bid, which was estimated at \$550,000 for the base work. The original estimate determined for the original funding resolution did not include asbestos abatement, which is required and it did not include a contingency fund.

Mr. Nourse gave details of the pros/cons of three options for the City to take at this point:

- A. Accept the sole bid and proceed with the upgrades.
- B. Do not accept the sole bid and re-issue pre-qualification packets, seeking more bid offers.
- C. Do not accept the sole bid, do not re-issue pre-qualification packets and re-solicit the work to the lowest bid.

Mr. Nourse gave reasons why he supported Option A. Mayor Callaghan questioned how much funding is needed for Option A. Mr. Nourse replied \$590,000. He said that equates to the lump sum of \$550,000 for the base work (estimated by the contractor) and an estimated 6% for a contingency fund.

Councilor Lachapelle asked how long the Careno Construction bid is valid. Mr. Nourse recalled the bid is only valid for sixty days starting last Thursday.

Mayor Callaghan questioned how long this project would take to complete. Mr. Nourse said the projection is four months. He added there is no anticipation of delays in receiving the materials at this time. He said the contractor intends to conduct the work during the day in order to keep the Opera House functional in the evenings.

Councilor Fontneau asked the estimated cost of the asbestos abatement for this project and what other differences are reasons for the \$100,000 increase to the bid. Mr. Nourse did not have the entire break-down of estimates; however, the estimate for asbestos abatement is estimated at \$23,000, which should have been included in the original estimates along with including funding for a contingency plan. Mr. Nourse said the fire alarm work to be done and the demolition work had both been underestimated as well.

Councilor Lachapelle **MOVED** to increase the funding for this resolution from \$450,000 to \$590,000 and refer the matter to a public hearing. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

12. Consent Calendar

No discussion.

13. New Business

13.1. Resolution Authorizing Disposal of Property Room Bicycles Pursuant to RSA 471-C:13 *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Authorizing Disposal of Property Room Bicycles Pursuant to RSA 471-C:13

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

Whereas, the City of Rochester Police Department Property Room contains bicycles that have no known owner; and

Whereas, some of said bicycles have been in the Property Room in excess of One Hundred Eighty (180) days, and

Whereas, there are no local bicycle safety programs in the city; and

Therefore, the Mayor and the City Council, pursuant to RSA 471-C:13, I, authorize said bicycles to be sold at public auction and for the proceeds of the auction to be used as determined by the City Council.

Further, if attempting to auction said bicycles, it is determined that the bicycles have no monetary value worthy of auction ,then, pursuant to RSA 471-C:13, II, the Chief of the Rochester Police Department may depose or destroy them at his/her discretion.

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 Lachapelle **Moved** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a majority voice vote.

13.2 Resolution Authorizing Release of all Tax Liens Filed Prior to January 1, 1997 *first reading and consideration for*

adoption

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing Release of all Tax Liens Filed Prior to
January 1, 1997**

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

WHEREAS: The City of Rochester is not owed any delinquent property taxes prior to January 1, 1997; and

WHEREAS: The City of Rochester may not have filed lien releases for all property tax liens filed prior to January 1, 1997 even though those taxes have been redeemed; and

WHEREAS: The City of Rochester recognizes that unreleased liens may be unnecessarily clouding titles on properties within the city; and

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND
ROCHESTER CITY COUNCIL THAT:**

The Mayor and City Council authorize the City of Rochester Tax Collector to file a blanket release of all property tax liens filed by the City of Rochester prior to January 1, 1997.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor de Geofroy seconded the motion. The **MOTION CARRIED** by a majority voice vote.

**13.3 Resolution Authorizing the Application for and
Acceptance of a Congressionally Directed Spending
Fund (CDS) Grant for the Septage Receiving
Facility Upgrade Project in an Amount of up to
\$825,000 and Change of Funding source in
Connection Therewith *first reading and
consideration for adoption***

Mayor Callaghan read the Resolution by title only as follows:

**Resolution Authorizing the Application for and Acceptance of a
Congressional ~~Delineated~~ Directed Spending Funds (CDS)
Grant for the Septage Receiving Facility Upgrade Project in an**

Amount of up to \$825,000.00 and Change of Funding Source in Connection Therewith

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the Department of Public Works to submit a grant application in the amount of up to Eight Hundred Twenty Five Thousand Dollars (\$825,000.00) to the United States Environmental Protection Agency (USEPA) Region 1 CDS Grant program in order to finance the Septage Receiving Facility Upgrade Project.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the Grant amount of up to Eight Hundred Twenty Five Thousand Dollars (\$825,000.00) from the USEPA CDS Grant program.

Further, as the City Council has previously funded said Project in the amount of Eight Hundred Twenty Five Thousand Dollars (\$825,000.00) with Borrowing/Bonding as the revenue source, the Mayor and City Council hereby change the source of funding for said appropriation to the USEPA CDS Grant monies.

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 application to the USEPA, process disbursements and execute loan documents associated with the CDS.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. Councilor Beaudoin questioned if this was a project recently worked upon by the City. Mr. Nourse confirmed that work has been done; however, this is a separate part of the Treatment Facility. He added that this project is necessary to stay in compliance with the EPA Permit for Nitrogen. He said the City had already set aside funding for this project; however, the City shall now take

advantage of this grant funding.

Councilor Lachapelle **MOVED** to **AMEND** the motion to make one correction to the Resolution presented in the packet materials: to change "delineated" to "directed". Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Callaghan called for a vote on the motion as corrected. The **MOTION CARRIED** by a unanimous voice vote.

13.4. Resolution Authorizing the Acceptance of a State of New Hampshire American Rescue Plan Act (ARPA) Grant for the Nutrient Load Reduction Plan Project of \$100,000.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Authorizing the Acceptance of a State of New Hampshire American Rescue Plan Act (ARPA) Grant for the Nutrient Load Reduction Plan Project of \$100,000.00 and Supplemental Appropriation in Connection Therewith

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

Having previously approved the application to the State of New Hampshire, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the Grant amount of One Hundred Thousand Dollars (\$100,000.00) from the State of New Hampshire ARPA Grant program and make a supplemental appropriation to the Sewer Fund CIP in the same amount with the entirety of the supplemental appropriation being derived from the ARPA Grant to be used in connection with the Nutrient Load Reduction Plan Project.

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 application to the State of New Hampshire ARPA Grant program, process disbursements and execute documents associated with the ARPA Grant.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts

and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded.

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

13.5. Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Sewer System Master Plan Project in an Amount of up to \$100,000.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption*

This resolution was inadvertently missed and shall be added to the next available meeting.

Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Sewer System Master Plan Project in an Amount of up to \$100,000.00 and Supplemental Appropriation in Connection Therewith

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the Department of Public Works to submit a loan application in the amount of up to One Hundred Thousand Dollars (\$100,000.00) to the NHDES CWSRF Loan program in order to finance the Sewer System Master Plan Project.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the loan amount of up to One Hundred Thousand Dollars (\$100,000.00) from the NHDES CWSRF Loan program and make a supplemental appropriation to the General Fund CIP in the same amount with the entirety of the supplemental appropriation being derived from the NHDES CWSRF Loan.

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 application to the CWSRF, process disbursements and execute loan documents associated with CWSRF.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded.

13.6 Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Water Pollution and Flooding Reduction Study Project in an Amount of up to \$100,000.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Water Pollution & Flooding Reduction Study Project in an Amount of up to \$100,000.00 and Supplemental Appropriation in Connection Therewith

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the Department of Public Works to submit a loan application in the amount of up to One Hundred Thousand Dollars (\$100,000.00) to the NHDES CWSRF Loan program in order to finance the Water Pollution & Flooding Reduction Study Project.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the loan amount of up

to One Hundred Thousand Dollars (\$100,000.00) from the NHDES CWSRF Loan program and make a supplemental appropriation to the General Fund CIP in the same amount with the entirety of the supplemental appropriation being derived from the NHDES CWSRF Loan.

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 application to the CWSRF, process disbursements and execute loan documents associated with CWSRF.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded.

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

13.7 Resolution for Supplemental Appropriation of \$536,949.00 to the General Fund CIP Fund for Pavement Rehabilitation *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution for Supplemental Appropriation of \$536,949.00 to the General Fund CIP Fund For Pavement Rehabilitation

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 Five Hundred Thirty-Six Thousand Nine Hundred Forty Nine Dollars (\$536,949.00) to the General Fund CIP for the purpose of paying costs associated with pavement rehabilitation. The entirety of this supplemental appropriation shall be derived from a SB 401 State Aid Grant, one time payment to the annual Highway Block Grant aid.

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.

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

13.8 Resolution Authorizing Acceptance of a State of New Hampshire Housing Opportunity (HOP) Grant in the amount of \$45,000.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Authorizing Acceptance of a State of New Hampshire Housing Opportunity (HOP) Grant in the amount of \$45,000.00 and Supplemental Appropriation in Connection Therewith

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

That the City of Rochester hereby accepts a State of New Hampshire HOP Grant in the amount of Forty Five Thousand Dollars (\$45,000.00) to pay for costs associated with the update and redraft of the City's Conservation Subdivision Ordinance.

Further, that the Mayor and City Council of the City of Rochester hereby authorized a supplemental appropriation in the amount of Forty Five Thousand Dollars (\$45,000.00) to the FY23 Planning CIP. The supplemental appropriation will be derived in its entirety from the HOP Grant.

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.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor de Geofroy seconded the motion. The **MOTION CARRIED** by a

unanimous voice vote.

13.9 Resolution Authorizing Acceptance of a New Hampshire Preservation Alliance Grant in an amount of \$4,500.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Authorizing Acceptance of a New Hampshire Preservation Alliance Grant in an amount of \$4,500.00 and Supplemental Appropriation in Connection Therewith

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 accepts the New Hampshire Preservation Alliance for a Grant in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) to help pay costs associated with a Conditions Assessment Report for the City-owned Clock and Steeple located at 34 South Main Street.

Further, a supplemental appropriation of Four Thousand Five Hundred Dollars (\$4,500.00) is made to the FY23 Planning CIP with entirety of the appropriation being derived from said Grant.

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.

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

13.10 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with Rochester Middle Management Group *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only (See Addendum C)

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. Mayor Callaghan called for roll call vote on the motion to adopt. The **MOTION CARRIED** by a 9 to 4 roll call vote. Councilors Hamann, Desrochers, Lachapelle, Malone, Hainey, Larochelle, Fontneau, de Geofroy and Mayor Callaghan voted in favor of the motion. Councilors Beaudoin, Berlin, Gray, Gilman, voted against the motion.

Councilor Berlin **MOVED** to suspend the rules of the City Council in order to bring forth a motion (action item). He requested a roll call vote. Councilor Beaudoin seconded the motion. Several City Councilors asked the purpose of the motion to be voted upon. Councilor Beaudoin stated that this type of motion is non-debatable.

City Attorney O'Rourke agreed that the motion is non-debatable; however, the topic must be mentioned. Councilor Berlin reiterated that he would like to bring forward a motion and a City Council action item and he had requested a roll call vote.

Mayor Callaghan called for a vote on the motion. The **MOTION FAILED** by a 6 to 7 roll call vote. Councilors Hainey, Gray, Malone, Gilman, Berlin, and Beaudoin, voted in favor of the motion. Councilors Fontneau, Larochelle, de Geofroy, Desrochers, Hamann, Lachapelle, and Mayor Callaghan voted against the motion.

14. Non-Meeting/Non-Public Session

No discussion.

15. Adjournment

Mayor Callaghan **ADJOURNED** the Regular City Council Meeting at 6:38 PM.

Respectfully Submitted,

Kelly Walters, CMC
City Clerk

Section 1.96 PUBLIC INPUT (Including during Public Hearings) – Guidelines for Public Comment.

The City Council hereby acknowledges and affirms the value of and need for public input as it conducts the City's business. Public input and comment periods during City Council and subcommittee meetings is an essential part of local government meetings. This is ~~an the~~ opportunity for members of the public to inform the City Council of their views and offer unique insights regarding topics ~~within the the City Council's purview. is discussing.~~ However, it must be clear that ~~these are business~~ meetings ~~of belong to~~ the City Council. The public does not participate in the decision-making process. The public's role is to provide input for the City Council's consideration in making its decisions. ~~Public input and comment are, therefore, limited to the purposes for which the City Council has requested the same~~

The receipt of constructive input must be balanced with the City Council's need to conduct its business in an orderly and fair manner. The meeting Chair must have discretion to curtail and even cut off public input which he/ she reasonably perceives to be irrelevant to the City Council's particular purposes or public input that constitutes defamation¹, fighting words², or a criminal threat³. Determining relevancy, although sometimes challenging, is fairly clear. Determining what constitutes appropriate criticism of elected and appointed officials versus unprotected speech is more challenging.

Although the Chair has the primary responsibility to enforce the rules, all members of the City Council and subcommittees have a responsibility to raise a Point of Order when appropriate. When that happens, the Chair determines whether the rules have ~~been~~ violated and whether a speaker is allowed to continue. Any two Councilors can challenge the Chair's decision. In that event, by majority vote, the Council/ committee will decide whether the speaker is allowed to continue.

Citizens have a right to complain about elected officials as well as appointed officials, including City employees. These complaints are protected speech per the First Amendment to the U.S. Constitution. However, the City Council will not

¹ Defamatory statements are those that a speaker (a) knows to be false and defames the object of the statements; (b) makes with a reckless disregard for whether the statements are true or false; or (c) negligently fails to ascertain whether the statements are true. *McCarthy v. Manchester Police Dep't*, 168 N.H. 202, 210 (2015).

² "[F]ace-to-face words plainly likely to cause a breach of the peace by the" recipient. *State v. Oliveira*, 115 N.H. 559, 561 (1975).

³ RSA 631:4; *State v. Hanes*, 171 N.H. 173, 179 (2018).

allow defamation, fighting words, or criminal threats. These types of utterances are not protected by the First Amendment.

Comments identifying a specific action or a specific issue of concern are appropriate. However, accusations of wrongdoing or illegal acts without evidence are is defamatory and will be not allowed.

Example of protected speech: The City Manager was wrong to eliminate parking in downtown Gonic. He failed to consider the needs of the residents who live there in the downtown that need the parking in close proximity. ./ He incorrectly determined that the parking obstructed the view of northbound motorists.

Example of an unprotected utterance: The City Manager was wrong to eliminate parking in downtown Gonic. He did this because he took a bribe from the landowner adjacent to the parking.

Citizens who wish to submit a criticism regarding elected and/ or appointed officials are encouraged to do so in writing or to meet with appropriate officials in a non-public setting to convey their input. However, if a citizen wishes to make a public criticism, the City Council recognizes the right to do so if it is conveyed in a manner that is -legitimate speech.

Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding Solar Energy

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**):

275-2.2 Definitions

Ground Mount: A Solar Collection System and associated mounting hardware that is affixed to or placed upon the ground including but not limited to fixed, passive, or active tracking racking systems.

Rated Nameplate Capacity: Maximum rated alternating current (“AC”) output of solar collection system based on the design output of the solar system.

Roof Mount: A Solar Collection System that is on a roof of a building or structure, including limited accessory equipment associated with system which may be ground mounted.

Solar, Accessory Commercial: A Solar Collection System primarily for on-site commercial use and consisting of one or more ground mounted solar array(s) or a roof mounted Solar Collection System. Accessory Commercial Solar Systems are intended to primarily reduce on-site consumption of utility power with a rated nameplate capacity of 100kW AC or less.

Solar, Accessory Residential: A Solar Collection System primarily for on-site residential use consisting of a ground or a roof mounted Solar Collection System. Accessory Residential Solar Systems are intended to primarily reduce on-site consumption of utility power with a rated nameplate capacity of 25kW AC or less.

Solar, Accessory Industrial: A Solar Collection System primarily for on-site industrial use and consisting of one or more ground mounted solar array(s) or a roof mounted Solar Collection System. Accessory Industrial Solar Systems are intended to primarily reduce on-site consumption of utility power with a rated nameplate capacity of 100kW AC or less.

Solar, Commercial: A principle use of land that consists of one or more free-standing, ground mounted, or roof mounted Solar Collection Systems with a rated nameplate capacity of up to 1 MW AC.

Solar, Community: A principle use of land that consists of one or more free-standing, ground mounted, or roof mounted solar collection systems up to 250 kW AC.

Solar, Utility: A principle use of land that consists of one or more free-standing, ground mounted Solar Collection Systems larger than 1MW AC.

Solar Collection System: Includes all equipment required to harvest solar energy to generate and transmit generated energy to the point of interconnection electricity. The Solar Collection System includes storage devices, power conditioning equipment, transfer equipment, and parts related to the

functioning of those items. Solar Collection Systems include only equipment up to (the point of interconnection to the utility grid or site service point.

275 Attachment 4

Table 18-D “Industrial-Storage-Transport-Utility Uses”

Use Table												
	R1	R2	NMU	AG	DC	OC	GR	HC	GI	RI	HS	AS
Solar, Accessory Residential	P or E	P or E	P	P	P	P	P	P	P	P	P	P
Solar, Accessory Commercial	E	E	E	P	C	P	P	P	P	P	C	C
Solar, Accessory Industrial	E	E	E	P	C	P	P	P	P	P	C	C
Solar, Community	-	-	E	C	C	E	C	C	C	C	E	C
Solar, Commercial	-	-	-	E	-	E	C	C	C	C	E	E
Solar, Utility	-	-	-	E	-	E	E	E	E	E	E	E

275-23.2 .22 Solar Collection Systems (Standards for Specific Accessory Uses)

A. Solar Collection Systems in Residential One and Residential Two zones.

- 1) Free standing or ground mounted Accessory Residential Solar Collection Systems in Residential One and Residential Two zones require a minimum lot size of 20,000 square feet or a special exception.
- 2) Accessory Commercial Solar Collection Systems in Residential One and Residential Two zones require a special exception.

B. Height

- 1) Building or roof mounted solar equipment shall not exceed the maximum allowed height in any zoning district by more than ten (10) inches for pitched roofs and five (5) feet for systems mounted on flat roofs.
- 2) Ground or pole mounted Solar Collection System shall not exceed height restrictions for the zoning district which they are placed when oriented at maximum tilt.

- 3) Solar Collection Systems placed over parking areas or drive aisles require a minimum panel height of fourteen feet measured at maximum tilt and must be designed to allow for snow removal and treatment.

C. Setbacks

- 1) Solar Collection Systems shall be considered structures and comply with building setback requirements from lot lines for the entire system, including the panels. Tracking systems shall have the setback measured from the point and time where the array is closest to the lot line. No portion of a system may cross into the setback.
- 2) Roof or Building Mounted systems – The Solar Collection System shall not extend beyond the exterior perimeter of the building. Exterior piping or electrical connections not located at the rear of buildings shall be screened from the street to the extent practical as per Site Plan Regulations – Section 7.E(2) Utility Elements
- 3) No portion of equipment associated with a Solar Collection System (transformers, utility structures, or other axillary features) shall be permitted in the setback.

D. Visibility

- 1) Roof-mount or ground-mount Solar Collection Systems visible from the closest edge of any public right-of-way shall follow the aesthetic restrictions below:
 - a. Roof-mounted systems on pitched roofs that are visible from the nearest edge of the front right-of-way shall have the same finished pitch as the roof and be no more than ten inches above the roof.
 - b. Roof-mount systems on flat roofs that are visible from the nearest edge of the front right-of-way shall not be more than five feet above the finished roof exclusive of any rooftop equipment or mechanical screening system.
 - c. The use of reflectors to enhance solar production are prohibited.

E. Plan Approval

- 1) Applications that meet the design requirements of this ordinance for a Solar Collection System as an accessory use shall be granted administrative approval through submittal of applicable building permits and shall not require Planning Board review. Compliance with Building or Electric Code is required regardless of system size or capacity.
- 2) All Solar Collection System proposals must include a plot plan with horizontal scale and profile drawing with a vertical scale showing:

- a. The location of all System components on the building/structure or on the property for a ground-mount system;
 - b. Property lines, public rights-of-ways, and setbacks;
 - c. Lot size;
 - d. Point of interconnection;
 - e. Height of existing and proposed structures;
 - f. Equipment specifications and ratings.
- 3) All proposals under this Ordinance may be subject to special investigation and the review of documents under RSA 674:44-V.
- 4) Accessory ground-mount Solar Collection Systems shall be exempt from stormwater management requirements provided the ground below the System is not compacted and vegetated.
- 5) Solar Collection Systems requiring a Conditional Use Permit shall meet Base Criteria conditions set by 275-21.3 of the Zoning Ordinance.
- 6) Solar Collection Systems requiring a Special Exception from the Zoning Board of Adjustment shall meet provisions identified under the Primary Use section of this chapter.

F. Expansion of Existing Solar Collection Systems

- 1) Additions to existing solar systems shall not be exempt from any requirement in this ordinance. Solar Collection System capacity is cumulative and will determine the level of review for each proposed expansion.
- 2) Any expansions shall meet the requirements outlined in the Solar Ordinance.

275-21.4.P Solar, Community & Solar Commercial Systems (Conditions for Particular uses)

A. Screening

- 1) Ground mounted Solar Collection Systems shall have perimeter fencing and/or vegetative screening as approved by the Planning Board. The use of vegetative screening is encouraged.

- 2) Perimeter fencing for the site shall not include barbed wire or woven wire designs without visual screening and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom.

B. Glare

- 1) Significant glare shall be considered a nuisance as per Rochester Zoning Ordinance 275-28.2. D Performance Standards.
- 2) Applicants must demonstrate that the Solar Collection System design has reasonably considered and mitigated potential impacts of significant glare onto abutting structures and roadways. Mitigation may include angle of panels, anti-reflective panel coating or additional screening to minimize impacts.

C. Noise

- 1) Loud or disruptive noise shall be considered a nuisance as per Rochester Zoning Ordinance 275-28.3 Noise.
- 2) Noise levels at the property line shall be in accordance with the municipal noise ordinance.
- 3) Applicants must demonstrate that operation of the Solar Collection System will not exceed permissible noise levels at the property line. Mitigation measures may be required to achieve permissible noise levels.

D. Electric and Communication Lines

- 1) Power and communication lines between the Solar Collection System and the point of interconnection shall be buried underground.

E. Ground Cover

The following provisions shall apply to the clearing of existing vegetation and establishment of vegetated ground cover.

- 1) Preservation of trees and existing vegetation that will not impede or shade the functioning of the Solar Collection System is encouraged.
- 2) Applicants that propose a ground mounted Solar Collection Systems exceeding 30% lot coverage or 1 acre, whichever is greater shall submit a vegetative management plan prepared by a landscape architect or similarly qualified professional The plan shall identify:
 - a. The qualified professional(s) consulted or responsible for the plan.

- b. The mix of proposed perennial vegetation intended to prevent erosion, and manage run off. Vegetative cover should include a mix of native perennial grasses and wildflowers.
 - c. The management methods and schedules for how the vegetation will be managed (mowing, replacement, etc.).
- 3) The Solar Collection System shall be approved by the Planning Board prior to any site work or lot clearing.

F. Stormwater

- 1) Ground mounted Solar Collection Systems are subject to City standards for stormwater management, erosion and sediment control provisions, as well as any applicable State and Federal requirements.
- 2) If the Solar Collection System is less than 30% lot coverage or less than one acre shall be exempt from stormwater management requirements provided the ground below the System is not compacted and vegetated.
- 3) Ground mounted systems that require land clearing and grubbing of forested cover greater than 1 acre, shall at a minimum, submit a Stormwater Permit to the Department of Public Works.

G. Abandonment and Decommissioning

- 1) Solar Collection Systems shall be deemed to be abandoned by a municipal official as evidenced by the lack of system maintenance or operation discontinuance without prior written consent of the municipality (such as for reasons beyond the control of the owner/operator).
- 2) An abandoned system shall be removed, and the site restored with vegetative cover within 12 months of abandonment.

H. Submittal Requirements for Primary Use Solar Collection System

- 1) Primary Use Solar Collection Systems shall submit a Site Plan Application.
- 2) All Solar Collection Systems shall comply with applicable aspects of the Zoning Ordinance and Site Plan Regulations. Applications must address all requirements for Principle Use Solar Collection Systems as well as provide the following:
 - i. A plot plan with a horizontal scale and a profile drawing with a vertical scale showing the lot to include:
 - ii. Existing structures, property lines, setbacks, lot size, ROWs;

- iii. Land clearing or grading required for the installation and operation of the system;
 - iv. The location of all equipment to be installed on site including utility connection point(s) and equipment.
 - v. Equipment, except for utility connections, shall comply with required setbacks.
- 3) Equipment Specifications
 - i. All proposed equipment or specifications must be included with the application. Such information can be supplied via manufacturer's specifications.
- 4) Emergency Response Plan
 - i. Access to the site for emergency response shall be provided and detailed on the plan.
 - ii. A narrative or manual for municipal shall be provided to the Rochester Fire Department detailing response guidance and disconnection locations necessary for fire response.
- 5) Solar Collection Systems requiring a Conditional Use Permit shall meet Base Criteria conditions set by 275-21.3 of the Zoning Ordinance.
- 6) Solar Collection Systems requiring a Special Exception from the Zoning Board of Adjustment meet applicable criteria set 275-22.3 of our Zoning Ordinance and meet provisions identified under the Primary Use section of this chapter as well as applicable Site Plan Regulations.
- 7) All applicable State and Federal permitting associated with the Solar Energy System must be obtained prior to Building Permit issuance. Copies of the permits or confirmation of the approvals must be submitted to the Planning Department.
- 8) All proposals under this Ordinance may be subject to special investigation and the review of documents under RSA 674:44-V.

275-22-3.L Solar, Community & Solar Commercial & Solar, Utility Systems (Conditions for Particular uses)

I. Screening

- 3) Ground mounted Solar Collection Systems shall have perimeter fencing and/or vegetative screening as approved by the Planning Board. The use of vegetative screening is encouraged.

- 4) Perimeter fencing for the site shall not include barbed wire or woven wire designs without visual screening and shall preferably use wildlife-friendly fencing standards that include clearance at the bottom.

J. Glare

- 1) Significant glare shall be considered a nuisance as per Rochester Zoning Ordinance 275-28.2. D Performance Standards.
- 2) Applicants must demonstrate that the Solar Collection System design has reasonably considered and mitigated potential impacts of significant glare onto abutting structures and roadways. Mitigation may include angle of panels, anti-reflective panel coating or additional screening to minimize impacts.

K. Noise

- 1) Loud or disruptive noise shall be considered a nuisance as per Rochester Zoning Ordinance 275-28.3 Noise.
- 2) Noise levels at the property line shall be in accordance with the municipal noise ordinance.
- 3) Applicants must demonstrate that operation of the Solar Collection System will not exceed permissible noise levels at the property line. Mitigation measures may be required to achieve permissible noise levels.

L. Electric and Communication Lines

- 1) Power and communication lines between the Solar Collection System and the point of interconnection shall be buried underground.

M. Ground Cover

The following provisions shall apply to the clearing of existing vegetation and establishment of vegetated ground cover.

- 4) Preservation of trees and existing vegetation that will not impede or shade the functioning of the Solar Collection System is encouraged.
- 5) Applicants that propose a ground mounted Solar Collection Systems exceeding 30% lot coverage or 1 acre, whichever is greater shall submit a vegetative management plan prepared by a landscape architect or similarly qualified professional The plan shall identify:
 - a. The qualified professional(s) consulted or responsible for the plan.

- b. The mix of proposed perennial vegetation intended to prevent erosion, and manage run off. Vegetative cover should include a mix of native perennial grasses and wildflowers.
 - c. The management methods and schedules for how the vegetation will be managed (mowing, replacement, etc.).
- 6) The Solar Collection System shall be approved by the Planning Board prior to any site work or lot clearing.

N. Stormwater

- 1) Ground mounted Solar Collection Systems are subject to City standards for stormwater management, erosion and sediment control provisions, as well as any applicable State and Federal requirements.
- 2) If the Solar Collection System is less than 30% lot coverage or less than one acre shall be exempt from stormwater management requirements provided the ground below the System is not compacted and vegetated.
- 3) Ground mounted systems that require land clearing and grubbing of forested cover greater than 1 acre, shall at a minimum, submit a Stormwater Permit to the Department of Public Works.

O. Abandonment and Decommissioning

- 1) Solar Collection Systems shall be deemed to be abandoned by a municipal official as evidenced by the lack of system maintenance or operation discontinuance without prior written consent of the municipality (such as for reasons beyond the control of the owner/operator).
- 2) An abandoned system shall be removed, and the site restored with vegetative cover within 12 months of abandonment.

P. Submittal Requirements for Primary Use Solar Collection System

- 1) Primary Use Solar Collection Systems shall submit a Site Plan Application.
- 2) All Solar Collection Systems shall comply with applicable aspects of the Zoning Ordinance and Site Plan Regulations. Applications must address all requirements for Principle Use Solar Collection Systems as well as provide the following:
 - i. A plot plan with a horizontal scale and a profile drawing with a vertical scale showing the lot to include:
 - ii. Existing structures, property lines, setbacks, lot size, ROWs;

- iii. Land clearing or grading required for the installation and operation of the system;
 - iv. The location of all equipment to be installed on site including utility connection point(s) and equipment.
 - v. Equipment, except for utility connections, shall comply with required setbacks.
- 3) Equipment Specifications
 - i. All proposed equipment or specifications must be included with the application. Such information can be supplied via manufacturer's specifications.
- 4) Emergency Response Plan
 - i. Access to the site for emergency response shall be provided and detailed on the plan.
 - ii. A narrative or manual for municipal shall be provided to the Rochester Fire Department detailing response guidance and disconnection locations necessary for fire response.
- 5) Solar Collection Systems requiring a Conditional Use Permit shall meet Base Criteria conditions set by 275-21.3 of the Zoning Ordinance.
- 6) Solar Collection Systems requiring a Special Exception from the Zoning Board of Adjustment meet applicable criteria set 275-22.3 of our Zoning Ordinance and meet provisions identified under the Primary Use section of this chapter as well as applicable Site Plan Regulations.
- 7) All applicable State and Federal permitting associated with the Solar Energy System must be obtained prior to Building Permit issuance. Copies of the permits or confirmation of the approvals must be submitted to the Planning Department.
- 8) All proposals under this Ordinance may be subject to special investigation and the review of documents under RSA 674:44-V.

Zoning Overlay District Section Amendments

275-11.4.B Aviation Overlay District Use Restrictions

Solar Collection Systems located within the Airport Overlay District or within approach zones of an airport must demonstrate compliance with applicable Federal Aviation Administration (FAA) regulations.

275-14.9.B (others shifted) Effect of Inclusion in Historic Overlay District

Solar Collection Systems within the Historic Overlay District must receive and document approval from the Historic District Commission in the permit application.

275-12.9.A.2 Conservation Overlay District Conditional Use Approvals

A. The following uses are allowed with a conditional use approval:

(1) Roads and other accessways; drainageways; pipelines, power lines and other transmission lines; docks, boat launches, and piers; domestic water wells (and associated ancillary pipes and equipment); and replacement septic tanks and leach fields.

(2) No portion of ground mounted Solar Collection Systems or associated vegetative clearing is permitted in the Conservation Overlay District without a Conditional Use Permit approval recommendation by the Conservation Commission to the Planning Board.

In addition, where evidence is shall be submitted that no alternative location is available on the property, provided and that all of the following conditions are found to exist:

- (a) The proposed construction is essential to the productive use of land not within the CO District.
- (b) Design and construction methods will be such as to minimize impact upon the wetlands and will include restoration of the site consistent with the permitted use.
- (c) There is no feasible alternative route on land controlled by the applicant that does not cross the CO District nor has less detrimental impact on the wetlands. Nothing in this section shall limit the applicant from exploring alternatives with abutting property owners.
- (d) Economic advantage is not the sole reason for the proposed location of the construction.
- (e) If clearing is required within the Conservation Overlay District to reduce shade and improve the function of a Solar Collection System, a vegetative management plan shall be submitted with a Conditional Use Permit.

The effective date of these amendments shall be upon passage.

**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH
PROPOSED
CITY OF ROCHESTER
MULTI-YEAR COLLECTIVE BARGAINING
AGREEMENT WITH
ROCHESTER MIDDLE MANAGEMENT
GROUP**

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 multi-year year collective bargaining agreement between the City of Rochester and the ROCHESTER MIDDLE MANAGEMENT (RMID) Bargaining Unit, covering the period July 1, 2023 to June 30, 2026, as set forth in the proposed contract, and as more particularly detailed on the attached "**EXHIBIT A: RMID – JULY 2023**," which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. The provision of funds necessary to fund the aforementioned, and hereby approved, collective bargaining agreement "cost items" in the first year of the agreement will be contained in the Fiscal Year 2024 operating budget of the City.

EXHIBIT A: RMID – JULY 2023

Rochester Middle Management Group

City Health Contribution	80/20	80/20	80/20	80/20
	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000
Health Plan				
Projected Health Increase		7.60%	6.00%	6.00%
	Current FY23	FY24	FY25	FY26
Wages				
Base Wage	\$1,707,314.34	\$1,836,179.23	\$1,937,751.81	\$2,041,949.42
Longevity	\$5,650.00	\$6,050.00	\$6,175.00	\$7,150.00
Total Wages	\$1,712,964.34	\$1,842,229.23	\$1,943,926.81	\$2,049,099.42
Dollar Change		\$129,264.89	\$101,697.58	\$105,172.61
% Change		7.55%	5.52%	5.41%
Benefits				
Medicare	\$24,837.98	\$26,712.32	\$28,186.94	\$29,711.94
Social Security	\$106,203.79	\$114,218.21	\$120,523.46	\$127,044.16
Health Insurance	\$251,750.30	\$270,736.30	\$286,863.47	\$303,958.28
Opt Out	\$7,400.00	\$7,400.00	\$7,400.00	\$7,400.00
Dental	\$5,350.00	\$5,350.00	\$5,350.00	\$5,350.00
Life Insurance	\$3,687.80	\$3,966.15	\$4,185.54	\$4,410.61
STD Disability Insurance	\$9,219.50	\$9,915.37	\$10,463.86	\$11,026.53
LTD Disability Insurance	\$13,317.05	\$14,322.20	\$15,114.46	\$15,927.21
Total Benefits & Rollups	\$421,766.42	\$452,620.55	\$478,087.74	\$504,828.73
Dollar Change		\$30,854.12	\$25,467.20	\$26,740.99
% Change		7.32%	5.63%	5.59%
Totals				
Total Wages, Benefits & Rollups	\$2,134,730.76	\$2,294,849.78	\$2,422,014.56	\$2,553,928.15
Dollar Change		\$160,119.02	\$127,164.78	\$131,913.59
% Change		7.50%	5.54%	5.45%

22 Total Employees - 100% FT