

**Regular City Council Meeting  
September 5, 2023  
Council Chambers  
6:00 PM**

**COUNCILORS PRESENT**

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

**OTHERS PRESENT**

Katie Ambrose, City Manager  
Peter Nourse, Director of City Services  
Terrence O'Rourke, City Attorney  
Mark Sullivan, Deputy Finance Director  
Michael Scala, Director of Economic Dev.  
Norman Vetter, Resident/Developer

**COUNCILORS EXCUSED/ ABSENT**

**Minutes**

**1. Call to Order**

Mayor Callaghan called the meeting to order at 6:00 PM and immediately recessed the meeting to enter a Non-Public Session.

Councilor Lachapelle **MOVED** to enter into a Non-Public Session for Land under RSA 91-A:3 I (d) at 6:01 PM. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote as follows: Councilors de Geofroy, Beaudoin, Hamann, Desrochers, Lachapelle, Malone, Berlin, Hailey, Larochelle, Gray, Gilman, Fontneau, and Mayor Callaghan voted in favor of the motion.

Mayor Callaghan reconvened the Regular City Council meeting at 6:44 PM. Councilor Lachapelle **MOVED** to exit the Non-Public Session at 6:44 PM. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle **MOVED** to seal the minutes of the Non-Public Session because disclosure would render the proposed action ineffective. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote as follows: Councilors Hainey, Gray, Malone, Gilman, Fontneau, Larochelle, de Geofroy, Desrochers, Berlin, Beaudoin, Hamann, Lachapelle, and Mayor Callaghan voted in favor of the motion.

## **2. Opening Prayer**

Mayor Callaghan asked everyone to stand for a moment of silence for the victims of the recent natural disasters.

## **3. Pledge of Allegiance**

Councilor Desrochers led 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: August 1, 2023 *consideration for approval***

Councilor Lachapelle **MOVED** to **ACCEPT** the August 1, 2023, Regular City Council meeting minutes. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **6. Communications from the City Manager**

### **6.1 City Manager's Report**

The City Manager Report is as follows:

#### **Contracts and documents executed since last month:**

- **Department of Public Works**
  - Scope of Service, City Hall Roof Drain Remediation – Weston & Sampson
  - ARPA Grant application – Water Treatment cyber security
  - Environmental Wetlands Monitoring Agreement – GZA Geo

Environmental Services

- Scope of Service, SSMP Building Inspection – Weston & Sampson.
- Change Order, Woodman St Area Reconstruction – S.U.R.
- Change Order, Biosolids/Dewater facility – Apex Construction
- Notice to Proceed, Concrete & Bituminous sidewalks – S.U.R.
- Task Order, WWTP NPDES Permit Technical assistance – Brown & Caldwell
- Task Order, WWTP technical assistance & Steam Gage project – Wight-Pierce
- Task Order, Pavement Conditions Index Update – Hoyle Tanner

• **Economic Development**

- FY23-24 CAP Weatherization – Mavis Ave
- FY23-24 CAP Weatherization – Brownstone Ln.
- FY24 CDBG Funding Approval/Agreements
- CDBG - Exempt and categorically excluded activities
- FY23-24 CAP Weatherization – Cherokee Way
- Scope of Work, Water St Improvements – Fuss & O’neill
- FY23-24 CAP Weatherization – Melrose Dr.
- FY23-24 CAP Weatherization – Colby St.
- Audit Certification for EMPG Grant
- FY23-24 CAP Weatherization – Strafford Rd.
- Gafney Home Project form updates
- CDBG Public Facilities – Environmental Reviews
- Gafney Home Project Amendment

• **HR**

- Document Scanning - ViaTron

**The following Standard Report has been enclosed:**

- Personnel Action Report Summary

City Manager Ambrose announced that September 16, 2023 is National Thank a Police Officer Day. She gave details about the “paint the City blue” initiative to honor the Rochester Police Department during the month of September.

City Manager Ambrose announced that Elizabeth Green, IT Services, has been promoted to the position of Deputy Chief Information Officer.

**7. Communications from the Mayor**

Mayor Callaghan announced that the November Regular City Council meeting would be delayed by one day due to the Municipal Election being held on November 7, 2023. The Regular City Council meeting shall be held on November 8, 2023, at 6:00 PM, at which time the City Council will canvas the Municipal Election Results.

Mayor Callaghan said the Rochester Office of Economic Development, in collaboration with the Greater Rochester Chamber of Commerce and the NH Small Business Association, held a Small Business Resource Workshop – “Small Businesses Thriving in Rochester” on August 29, 2023. He said the event was well attended.

Mayor Callaghan briefly spoke about the successful reading event held over the summer at the Rochester Public Library.

Mayor Callaghan said the Moonlight Madness event was successful.

Mayor Callaghan said the State of the City Event shall be held on September 15, 2023 at 7:30 AM. He said this Chamber of Commerce hosted event shall be held at the Frisbie Memorial Hospital/Conference Room.

**7.1. Filing Period for November 7, 2023 Municipal Election:  
Friday, September 8<sup>th</sup> at 9:00 AM through Monday,  
September 25<sup>th</sup> at 5:00 PM**

Mayor Callaghan announced that the Filing Period begins this Friday as stated above.

**7.2. Supervisors of the Checklist will meet Thursday,  
September 7<sup>th</sup> at 6:00 PM**

Mayor Callaghan announced that the Supervisors of the Checklist will be in Session this Thursday as stated above.

**8. Presentation of Petitions and Council Correspondence**

No discussion.

**9. Nominations, Appointments, Resignations, and Elections**

No discussion.

**10. Reports of Committee**

**10.1.Appointments Review Committee - No August Meeting**

No discussion.

**10.2 Codes & Ordinances Committee – No August Meeting**

No discussion.

**10.3 Community Development Committee – No August Meeting**

No discussion.

**10.4 Finance Committee**

**10.4.1 Resolution for Supplemental Appropriation to FY24 General Fund CIP of \$546,000 for Community Center Solar Array Project and Acceptance of Anticipated \$164,000 Investment Tax Credit-Direct Payment first *reading and refer to public hearing September 19, 2023***

Mayor Callaghan read the resolution by title only and referred the matter to a Public Hearing to be held on September 19, 2023.

**Resolution for Supplemental Appropriation to FY24 General Fund CIP of \$546,000 for Community Center Solar Array Project & Acceptance of Anticipated \$164,000 Investment Tax Credit-Direct Payment.**

**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 Forty Six Thousand Dollars (\$546,000.00) to the FY2024 General Fund CIP-Public Buildings for the purpose of paying costs associated with construction of a Solar Array for the Community Center. The entirety of this supplemental appropriation shall be derived from General Fund Unassigned Fund Balance.

Further, the IRS has made changes to laws related to solar Investment Tax Credits (ITC) that offers a direct payment to municipalities of Thirty

Percent (30%) of the construction costs in lieu of a tax credit. This direct payment opportunity is anticipated to be One Hundred Sixty Four Thousand Dollars (\$164,000.00).

Further, that the Mayor & City Council agree to accept the anticipated One Hundred Sixty Four Thousand Dollars (\$164,000.00) as a General Fund Miscellaneous Revenue when received.

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.

**10.4.2 Resolution to Appropriate \$750,000 in ARPA Grant Funding to Affordable Housing Initiatives**  
***first reading and consideration for adoption***

Mayor Callaghan read the resolution by title only as follows:

**Resolution to Appropriate \$750,000 in ARPA Grant Funding to Affordable Housing Initiatives**

**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 Seven Hundred Fifty Thousand Dollars (\$750,000.00) of previously accepted, but uncommitted, ARPA funding to Affordable Housing Initiatives. Affordable Housing is an eligible use of ARPA funding per US Treasury Coronavirus State & Local Fiscal Recovery Funds Final Rule under Public Health & Negative Economic Impacts category. Further, the Mayor & City Council agree that any Affordable Housing Initiative project shall be presented to City Council for final approval and authority to expend.

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 **APPROVE** the resolution. Councilor Desrochers seconded the motion. Councilor Beaudoin stated that he would be opposing the motion because the funding would impact future generations, and he referred to this proposal as “corporate welfare”. He

gave examples of long-lasting projects, which the ARPA funding should be used to support. He said these developers (workforce housing) are reimbursed by the Federal Government and do not need local funds.

Councilor Desrochers supported the motion. She said there is a great need for affordable housing in the City of Rochester. She spoke about residents struggling to maintain/afford their housing, which has been amplified by the pandemic as well other factors. Councilor Fontneau agreed and said a recent news article revealed that the number one concern for residents is affordable housing. Mayor Callaghan agreed and stated that the Governor expended millions of dollars of ARPA Funds last year to support housing initiatives. He said it is an appropriate and important use of ARPA Funds.

Councilor Beaudoin stated that the City will soon have over 1,400 subsidized housing units/apartments. He questioned what percentage of the City's housing should be subsidized. He agreed there should be a certain percentage of subsidized housing in the City; however, he felt that goal has been reached. He said the city has a 9% poverty rate, yet 28% of the housing units will be subsidized by the government. He said he supports workforce housing; however, it seems the City of Rochester has done its share.

Michael Scala, Director of Economic Development, said affordable housing is a pressing issue, which has impacted the Seacoast area. He said that the Governor has mentioned affordable housing as one of the top issues for the State of NH at this time. Mr. Scala said affordable housing is also used to support local schoolteachers, firefighters, police officers, etc. Councilor Desrochers asked for clarification on how the funding would be used. Mr. Scala said this funding would be used to support workforce housing and/or affordable housing (30% of household gross income), with the specific goal to bring affordable housing to Rochester.

Mark Sullivan, Deputy Finance Director, clarified that the money would be set aside in a fund to be used for the purpose of affordable/workforce housing; however, the Director of Economic Development must bring any proposed projects back to the City Council for final approval.

Mayor Callaghan said this initiative would attract more workers to Rochester and make the Rochester businesses even stronger, which will result in bringing prosperity to our City and the State of New Hampshire. Mayor Callaghan called for a vote on the motion. The **MOTION CARRIED** by a majority voice vote.

**10.4.3 Committee Recommendation: To approve the seven new positions and/or reclassifications recommended by the Personnel Advisory Board *consideration for approval***

Mayor Callaghan clarified that the funding for these positions and/or reclassifications of positions were included in the approved FY 24 budget. Councilor Lachapelle **MOVED** to **APPROVE** the seven new positions and/or reclassifications recommended by the Personnel Advisory Board. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a majority voice vote.

**10.5 Planning Board**

No discussion.

**10.6 Public Safety**

No discussion.

**10.7 Public Works**

No discussion.

**11. Unfinished Business**

No discussion.

**12. Consent Calendar**

No discussion.

**13. New Business**

**13.1. Resolution Accepting NH Department of Environmental Services (NHDES) Grant, in Connection with 2023 Household Hazardous Waste Day and Authorizing City Manager to Enter into a Contract with NHDES not to exceed \$12,759.00 *first reading and consideration for adoption***

Mayor Callaghan read the resolution by title only as follows:

**Resolution Accepting**



**NH Department of Environmental Services (NHDES) Grant,  
in Connection with 2023 Household Hazardous Waste Day  
and Authorizing City Manager to Enter Into a  
Contract with NHDES not to exceed \$12,759.00**

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

That a NHDES Grant, in the amount not to exceed Twelve Thousand Seven Hundred Fifty Nine Dollars (\$112,759.00) to the City of Rochester, for the purpose of hosting hazard mitigation, is hereby accepted by the City of Rochester. The associated revenue and expenses accounts have previously been approved by the Council in the Department of Public Works 2024 operating budget of the City of Rochester.

**Additionally**, the City Manager of the City of Rochester, be, and hereby is authorized to enter into a contract with the NHDES with respect to such grant and the conduct of the aforementioned 2023 Household Hazardous Waste Day.

**Furthermore**, 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 Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. Councilor de Geofroy **MOVED** to **AMEND** the resolution by correcting the dollar figure ~~(\$112,759.00)~~ in the resolution, which should be **(\$12,759.00)** and to correct some of the verbiage in the Resolution as follows: for the purpose of hosting ~~hazard mitigation~~ **the Household Hazardous Waste Day**. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** to **AMEND** the motion by a unanimous voice vote. The main **MOTION CARRIED** as **AMENDED** by a unanimous voice vote.

The resolution as **AMENDED** is as follows:

**Resolution Accepting NH Department of Environmental  
Services (NHDES) Grant, in Connection with 2023 Household  
Hazardous Waste Day and Authorizing City Manager to Enter  
Into a Contract with NHDES not to exceed \$12,759.00**

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

That a NHDES Grant, in the amount not to exceed Twelve Thousand Seven Hundred Fifty Nine Dollars (\$12,759.00) to the City of Rochester, for the purpose of hosting the Household Hazardous Waste Day, is hereby accepted by the City of Rochester. The associated revenue and expenses accounts have previously been approved by the Council in the Department of Public Works 2024 operating budget of the City of Rochester.

**Additionally**, the City Manager of the City of Rochester, be, and hereby is authorized to enter into a contract with the NHDES with respect to such grant and the conduct of the aforementioned 2023 Household Hazardous Waste Day.

**Furthermore**, 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. RSA 79-E Extension for property located at 22 South Main Street *motion to approve***

Councilor Lachapelle **MOVED** to **APPROVE** the RSA 79-E Extension for property located at 22 South Main Street. Councilor Desrochers seconded the motion.

Councilor Beaudoin asked if staff from the Assessing Department has conducted a walk-through of the building and submitted the memorandum of findings. Mayor Callaghan confirmed that this statement is correct. Councilor Beaudoin questioned the findings of the Assessing Department because it did not seem to him that 50% of the project had been completed as indicated in the memorandum. He questioned if the anticipated completion date is truly to be six more months. Several Councilors mentioned that a new city council is to be elected soon and in six months' time there will be a new Council to contend with in regard to any further extensions of this specific project.

Councilor de Geofroy stated that the Assessing Department has submitted its memorandum indicating that the developer has met the requirements, which were set by this City Council. He said extension should be granted; otherwise, the City Council would be acting in bad faith.

Councilor Berlin gave the opinion that by granting this request for the six-month extension it should eliminate the need for another extension in six-months' time. He stated that he is not against another extension; however, guaranteeing another extension is beyond what this City Council could approve.

Michael Scala, Director of Economic Development, addressed the City Council. He explained the differences between the two separate buildings. His assessment of complying with the 50% completion goal included the amount of demolition needed for each building. He said the South Main Street property had to deal with a significant amount of demolition, which was much more than the other property. He said that fact was taken into consideration for calculating the 50% mark.

Norman Vetter, resident and owner of 22 South Main Street, addressed the City Council. He explained that there are still delays receiving materials and equipment and it would not be possible for him to guarantee the project could be completed by the six-month extension period. He said that it will take at least seven months to receive the "switch gear" for the building, and that this delay, must be considered. He wished to clarify the City Council's expectations on the potential for a request on any future extensions, or he would find it necessary to stop the 2-million-dollar project and go elsewhere. Councilor Berlin gave reasons why he understood that Council was told that the project would be completed within a certain time range, and he reiterated that this City Council cannot answer for what the next City Council will or will not do in regards to approving another extension. Mr. Vetter understood Councilor Berlin's concerns; however, he stated the only way this project will work is by being supported by the 79-E program. He reiterated that he could not guarantee a completion date at this time.

Councilor Fontneau said he served on the Planning Board for over twenty years. He was fortunate enough to work with Mr. Vetter and witnessed the completion of many of his (Mr. Vetter) City projects during that time. He shared a recent experience about the length of time it took to gather electrical and other related construction supplies. Councilor Malone reiterated the positive reputation that Mr. Vetter has with the City. She confirmed that the construction market is greatly impacted with delays in obtaining workers and materials.

Councilor Larochelle said there is little to no cost in delaying the project and cannot be compared to the benefit of seeing the project completed.

The City Council continued to discuss the matter in detail. Councilor Hainey **MOVED** to extend the requested 6-month extension to twelve months. Councilor Fontneau seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Callaghan called for a vote on the motion as amended. The **MOTION CARRIED** by a unanimous voice vote.

**13.3. RSA 79-E Extension for property located at 73-77 North Main Street *motion to approve***

Councilor Lachapelle **MOVED** to **APPROVE** the RSA 79-E Extension for property located at 79-77 North Main Street. Councilor Desrochers seconded the motion. Councilor Beaudoin asked if the prior vote was supposed to be for both properties. City Attorney O'Rourke clarified that there are two separate agenda items to be voted upon. The **MOTION CARRIED** by a unanimous voice vote.

**13.4. Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding Charitable Gaming and Commercial Bingo Halls *first reading and refer to public hearing September 19, 2023***

Mayor Callaghan read the resolution by title only and referred the matter to a Public Hearing to be held on September 19, 2023.

**Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding Charitable Gaming and Commercial Bingo Halls**

**THE CITY OF ROCHESTER ORDAINS:**

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

**Chapter 275, Table 18, Use Table**

**ADD: Commercial Bingo Hall – Permitted in Highway Commercial and Granite Ridge Zones**

**275-2.1 - Definitions**

ADD: Collocation: Facilities, equipment, or uses located within the same structure or parcel, often sharing the same driveway and parking facilities.

Commercial Bingo Hall: Any hall owned or leased by an individual, corporation, realty trust, partnership, association, or any other person who rents or leases the hall to a charitable organization for the operation of bingo games or Lucky 7, excluding halls owned by any charitable organization or governmental subdivision as defined by RSA 287-E:1.

## **275-20.2 Conditions for Particular Use**

ADD: Commercial Bingo Hall. Commercial Bingo Halls are permitted only when collocated with Charitable Gaming Facilities or by Special Exception.

1. Facilities and buildings are subject to Parking, Landscaping, and Architectural standards set by Charitable Gaming Facilities as per Zoning Ordinance Regulations 275-20.2
2. The facility is required to submit a safety and security plan subject to approval by the Rochester Fire and Police Departments. The plan shall outline all aspects of life safety to include emergency egress, access, site security, and occupancy limitations.

**Amendments take effect upon passage.**

### **13.5. Resolution Authorizing Acceptance of a State of New Hampshire Highway Safety Traffic Enforcement Grant in the amount of \$8,200.00 *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 Highway Safety Traffic Enforcement Grant in the amount of \$8,200.00**

**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 Highway Safety Traffic Enforcement Grant in the amount of Eight

Thousand Two Hundred Dollars (\$8,200.00) to pay for costs overtime enforcement patrols. The City is required to make a Twenty Five Percent (25%) in kind match of Two Thousand Fifty Dollars (\$2,050.00) which will be derived, in whole, from the existing Police Department Operating Budget.

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 **APPROVE** the resolution. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13.6. Non-Public Minutes of November 15, 2022 *motion to unseal***

Councilor Lachapelle **MOVED** to **UNSEAL** the minutes of November 15, 2022. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**14. Non-Meeting/Non-Public Session**

**14.1. Non-Public Session – Land, RSA 91-A:3, II (d)**

Councilor Lachapelle **MOVED** to enter into a Non-Public Session for Land under RSA 91-A:3 I (d) AT 7:21 PM. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote as follows: Councilors de Geofroy, Beaudoin, Hamann, Desrochers, Lachapelle, Malone, Berlin, Hainey, Larochelle, Gray, Gilman, Fontneau, and Mayor Callaghan voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Session at 7:51 PM. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle **MOVED** to seal the minutes of the Non-Public Session because disclosure would render the proposed action ineffective. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote as follows: Councilors Gilman, de Geofroy, Gray, Hainey, Larochelle, Berlin, Lachapelle, Fontneau, Hamann, Beaudoin, Desrochers, Malone, and Mayor Callaghan voted in favor of the motion.

**15. Adjournment**

Mayor Callaghan Adjourned the Regular City Council Meeting at 7:52 PM.

Respectfully Submitted,

Kelly Walters, CMC  
City Clerk