

**Regular City Council Meeting
June 7, 2016
Council Chambers
7:00 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Barnett
Councilor Bogan
Councilor Gates
Councilor Gray
Councilor Hamann
Councilor Lachapelle
Councilor Lauterborn
Councilor Keans
Councilor Torr
Councilor Varney
Councilor Willis
Mayor McCarley

OTHERS PRESENT

City Manager Daniel Fitzpatrick
Deputy City Manager Cox
Roland Connors, Deputy Finance
Director
Michael Hopkins, Superintendent of
Schools

MINUTES

1. Call to Order

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

2. Pledge of Allegiance

**2.1. Presentation of the Colors and Pledge of Allegiance:
Rochester Lodge of Elks # 1393**

The Rochester Lodge of Elks # 1393 Color Guard presented the colors to the City Council and led the Pledge of Allegiance.

3. Opening Prayer

**3.1. Opening Prayer: Representative of the Rochester Lodge
of Elks # 1393**

The Rochester Lodge of Elks # 1393 led the opening prayer.

Mayor McCarley read the Flag Day Proclamation and presented it to Rochester Lodge of Elks # 1393.

Rochester Lodge of Elks #1393 gave a few announcements about the Flag Day events.

4. Roll Call

Kelly Walters, City Clerk, took the roll call. All Councilor Members were present.

Mayor McCarley clarified for the public that public input would take place prior to next week's Budget Workshop and the anticipated date for the budget adoption is June 21, 2016.

5. Acceptance of Minutes

5.1. May 3, 2016: Regular City Council Meeting

Councilor Torr **MOVED** to **ACCEPT** the May 3, 2016, Regular City Council meeting minutes. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2. May 17, 2016: Special City Council Meeting

Councilor Lachapelle **MOVED** to **ACCEPT** the May 17, 2016, Special City Council meeting minutes. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1. Employee of the Month Award

City Manager Fitzpatrick announced that Mark Sullivan, Senior Accountant, has been selected as the Employee of the Month for June.

6.2. City Manager's Report

City Manager Fitzpatrick gave the following report:

Management Team Meeting minutes:

- April 25, 2016
- May 2, 2016
- May 9, 2016
- May 16, 2016

Contracts and documents executed since last month:

City Manager's Office

Rochester Farmer's Market – additional sign request

Department of Public Works

- EDA Milton Road/Salmon Falls Road Sewer Extension project contract
- Gonic Dam Removal grant contract
- Granite Ridge Phase I – Change Orders 4 & 5
- Head Start Lease renewal
- Head Start Lease renewal – modification
- Multiple Meter Agreement – Little Falls Bridge Co-Op Mobile Home Park
- Sewer CIP - follow-up memo

Economic & Community Development

- First Impressions - MOU
- CDBG - Collaboration Agreement with Rochester Housing Authority
- CDBG Funding – Crossroads House
- CDBG Funding – Share Fund
- CDBG SF-424 Form for Action Plan
- CDBG - Victims of Crime Act Assistance Grant

The following standard reports have been enclosed:

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

City Manager Fitzpatrick said the Rochester Farmer's Market letter had not been ready for the packet and should not have been included until the letter had been properly typed. He apologized for the oversight.

7. Communications from the Mayor

No discussion.

8. Presentations of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

No discussion.

10. Reports of Committees

10.1. Appointments Committee

Councilor Keans stated that Nancy McGinnis, resident, submitted a Statement of Interest to serve on the Welfare Appeals Board. This Board has not had a need to meet in over two years, however, Ms. McGinnis would like to serve.

Mayor McCarley nominated Nancy McGinnis to serve on the Welfare Appeals Board, with a term to expire in January, 2019. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Ms. McGinnis has been appointed by a unanimous ballot vote.

10.2. Codes and Ordinances Committee

Councilor Lachapelle said the Codes and Ordinances Committee discussed the Fire Works Ordinance. It was determined that the problem with setting off fireworks is more of an enforcement issue and a letter would be sent to the Police Chief.

Councilor Lachapelle stated that there were a few action items listed under new business and the next Committee meeting would take place on August 4, 2016.

10.3. Community Development Committee

Councilor Lauterborn stated that the action items for this report have been addressed. She said the Community Development Committee would review another grant opportunity at the next meeting.

10.4. Government Channel Committee

Councilor Willis reported that the Government Channel Committee reviewed the City's retention policy for keeping the digital copies of the City Council meetings. He added that few request for digital copies have been received and it seemed appropriate to shorten the retention law for retaining such copies. There is more information available in the City Council packet.

Councilor Willis stated that the Committee reviewed the final changes to the Government Channel Policy and it was recommended that the policy would be sent to the City Attorney's Department for review.

Councilor Willis stated that at least half of the households in Rochester, or 6,777, residents subscribe to Metrocast. The information has been provided by Metrocast.

10.5. Public Safety Committee

Councilor Hamann said there were no action items.

Councilor Hamann reviewed several items from the Public Safety Committee report and stated the Committee requested that Michael Bezanson, City Engineer, write a thank you letter to the State for resolving the problems with the intersection of Washington Street/Estes Road.

10.6. Public Works Committee

Councilor Torr said there were no action items other than to send the Leak Abatement Policy to the next Codes and Ordinances Committee meeting for review.

Councilor Torr stated that the Committee reviewed some of the pavement projects.

11. Old Business

No discussion.

12. Consent Calendar

12.1. AB 168 Resolution De-Authorizing Funding From the Department of Public Buildings CIP First Reading, Second Reading, and Adoption

12.2. AB 171 Resolution De-Authorizing Funding for the Four Pump Stations Project First Reading, Second Reading and Adoption

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

13. New Business

13.1. AB 167 Motor Vehicle Junk Yards and Junk Dealers Motion to Approve

Councilor Lachapelle **MOVED** to **APPROVE** the Motor Vehicle Junk Yards and Junk Dealers. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Under "other" Councilor Keans requested that the specific Motor Vehicle Junk Yards and Junk Dealers be included with the official record as follows:

Motor Vehicle Junk Yards and Junk Dealers approved are as follows:

1. American Used Auto Parts – location: 40 Little Falls Bridge Road, Rochester, NH 03867 **Motor Vehicle Junk Yard & Junk Dealer**
2. Colony Used Auto Parts – location: 181 A Milton Road, Rochester, NH 03868 **Motor Vehicle Junk Yard**
3. Lambert's Auto Truck Recyclers Inc. – location: 2 Salmon Falls Road, Rochester, NH 03868 **Motor Vehicle Junk Yard & Junk Dealer**

13.2. AB 175 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with Rochester Municipal Employees Association SEIU Local 1984 (Support Personnel All City Departments) First Reading, Second Reading, and Adoption

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

**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH
PROPOSED
CITY OF ROCHESTER
MULTI-YEAR COLLECTIVE BARGAINING AGREEMENT WITH
ROCHESTER MUNICIPAL EMPLOYEES ASSOCIATION SEIU LOCAL
1984
(Support Personnel All City Departments)**

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 MUNICIPAL EMPLOYEES ASSOCIATION (RMEA) Local 1984

Bargaining Unit, covering the period July 1, 2016 to June 30, 2020, as set forth in the proposed contract, and as more particularly detailed on the attached "EXHIBIT A: RMEA LOCAL 1984 – JUNE 2016," 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 2017 operating budget of the City.

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

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

- 13.3. AB 159 Resolution Authorizing the Rochester Police Department to Apply for a US Department of Justice "COPS" Grant First Reading, Second Reading, and Adoption**

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

**RESOLUTION AUTHORIZING THE ROCHESTER POLICE DEPARTMENT TO
APPLY FOR A U.S. DEPARTMENT OF JUSTICE “COPS” GRANT**

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 approve the submission of a grant application in a total amount up to Six Hundred Ninety Nine Thousand Seven Hundred Eleven and 72/100 Dollars (\$699,711.72) to the U.S. Department of Justice, Office of Community Oriented Policing Services (COPS) by the the Rochester Police Department for the purpose of hiring two (2) additional police officers over a four-year period.

Further, that such grant would provide a total reimbursement over a three-year period of up to Two Hundred Fifty Thousand Dollars (\$250,000) from the U.S. Department of Justice.

Further, that the total estimated cost to the City of Rochester over the four-year period is Four Hundred Forty Nine Thousand Seven Hundred Eleven and 72/100 Dollars (\$449,711.72).

Further, that such grant is subject to the understanding that it requires that the level of sworn officers in the Rochester Police Department, including the two (2) officers hired as a result of the grant, may not be reduced during the three-year life of the grant or for one year after the conclusion of the term of the grant. **CC FY 16 AB 159**

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion.

Councilor Keans spoke against the motion. She said the Police Department currently has a full staff and the City Council has budget constraints to deal with this year's budget. It does not make sense to add positions at this time.

Councilor Willis said this is a competitive grant and the City may not be awarded the grant. He could not support the City seeking two new Police Department positions; however, he could support the City applying for just one position. Chief Allen stated that there is no guarantee that the City would be awarded just half the grant; however, he would be willing to scale down the request to just *one* officer if the City Council wished to do so. He reiterated that the reason for requesting applying for two positions was directly related to drug and violence prevention education during the school year. He confirmed that if only one position was awarded the priority would be with specific needs of the schools.

Councilor Lachapelle **MOVED** to **AMEND** the resolution by reducing the funding and application to seek only "one" police officer and not two. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor McCarley called for a vote on the motion as amended. The **MOTION CARRIED** as amended by a 10 to 2 roll call, as the first voice vote had been unclear. Councilor Torr requested the roll call and Councilor Gates seconded the request. Councilors Bogan, Abbott, Varney, Willis, Lachapelle, Gray, Barnett, Torr, Hamann, Gates, and Mayor McCarley voted in favor of the motion. Councilor Keans and Lauterborn voted against the motion.

13.4. School Budget Revisits (Honeywell, Debt Service) **Discussion**

Michael Hopkins, Superintendent of Schools, gave a PowerPoint presentation about Honeywell and Debt Service, as it relates to the Fiscal Year 2017 proposed budget.

Councilor Willis asked if the estimated savings shown on the charts would be an estimate of the "annual" savings. Mr. Hopkins replied yes, which if approved as presented would start in Fiscal Year 2018; however, some of the cost savings would begin sooner and are not calculated in with the projected annual savings.

The City Council discussed the initial bid process. Councilor Varney questioned if the City Council approved this request this year, would the

School Department be back again within two years for a similar request. Mr. Hopkins confirmed that it is not likely that the School Department would be back with such a request within the next two years.

Councilor Gates asked about the final accounting of the New East Rochester School project. Mr. Hopkins said the Joint Building Committee met and discussed the final figures of the project. He said once the painting is completed and other purchases are made [some window shades and signage] the final project should be \$11,784,000.

Deputy City Manager Cox said the original bond authorization for this project had been \$13,100,000 and the actual amount bonded had been \$12,205,000. This is \$420,000 less the original bond. The amount of \$895,000 should be de-authorized and the amount of \$420,000 should be repurposed.

Mayor McCarley informed the City Council that the purpose to add this topic to the Agenda this evening had *only* been for discussion purposes. She thanked Mr. Hopkins for providing the additional information.

13.5. AB 164 Resolution Authorizing Acceptance and Appropriation of Certified Local Government Grant Award First Reading, Second Reading, and Adoption

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

RESOLUTION AUTHORIZING ACCEPTANCE AND APPROPRIATION OF CERTIFIED LOCAL GOVERNMENT GRANT AWARD

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

WHEREAS, that a Certified Local Government (CLG) grant in the amount of Twenty-Five Thousand Four Hundred Dollars (\$25,400.00) awarded to the City of Rochester is hereby accepted by the City of Rochester;

FURTHER, that the sum of Twenty-Five Thousand Four Hundred Dollars (\$25,400.00) be, and hereby is, appropriated to a non-lapsing Special

Revenue Fund to be created for the purpose of carrying out historic restoration work to the City Hall Annex building;

FURTHER, that the City Manager is authorized to enter into a grant agreement and any other contracts with the New Hampshire Division of Historical Resources to receive and administer the grant funds detailed above; and

FURTHER, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. CC FY 16 AB 164

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

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

**13.6. AB 165 Resolution Authorizing Supplemental Appropriation for the Purchase of 2 St. James Terrace
First Reading, Second Reading, and Adoption**

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
FOR THE PURCHASE OF 2 ST. JAMES TERRACE**

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

That the sum of Two Hundred Thirty Thousand Dollars (\$230,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2015-2016 General Overhead Department capital improvement (CIP) budget of the City of Rochester to provide sums necessary to pay costs and/or expenditures with respect to the purchase of the property located at 2 St.

James Terrace, Rochester, New Hampshire and provided further that such appropriation shall be drawn 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 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. **CC FY16 06-07 AB 165**

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

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

13.7. AB 166 Resolution Approving A Historic Restoration Grant Application to the Land and Community Heritage Investment Program First Reading and Adoption

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

RESOLUTION
APPROVING A HISTORIC RESTORATION GRANT APPLICATION TO
THE LAND AND COMMUNITY HERITAGE INVESTMENT PROGRAM

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, by adoption of this Resolution, approve the submission by the Office of Economic and Community Development of a grant application in an amount up to Fifty Seven Thousand Dollars (\$57,000.00) to the Land and Community Heritage

Investment Program in order to fund necessary historic restoration of the façade of the City Hall Annex building. **CC FY 16 AB 166**

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

13.8. AB 170 Resolution Authorizing Supplemental Appropriation to the 2015-2016 Rochester City Clerk Special Revenue Fund for Codification Services of the General Code First Reading, Second Reading, and Adoption

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
TO THE 2015-2016 ROCHESTER CITY CLERK SPECIAL REVENUE FUND
FOR CODIFICATION SERVICES OF THE GENERAL CODE**

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

That a sum not to exceed Eleven Thousand Three Hundred Nineteen Dollars (\$11,319.00) be, and hereby is, appropriated as a supplemental appropriation to the 2015-2016 City of Rochester City Clerk's, Non-Lapsing Special Revenue Fund, for the purpose of providing funds necessary to pay costs and/or expenditures associated with the ongoing Codification Services of the General Code.

Further, that the funds for such supplemental appropriation shall be derived from the FY2016 City Clerk's Operating Budget.

Further, that a transfer of Eleven Thousand Three Hundred Nineteen Dollars (\$11,319.00) from the FY 2016 General Fund City Clerk's Operating Budget to the FY 2016 City Clerk's Non-Lapsing Special Revenue Fund stipulated above is hereby authorized;

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. **CC FY16 05-17 AB 170**

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Keans asked how long this account would remain open. Ms. Walters replied that once the final payment is made in Fiscal Year 2017, the account should be closed. The City Clerk already has a budget line item for annual fees related to codification. The **MOTION CARRIED** by a unanimous voice vote.

13.9. AB 169 Amendment to the General Ordinances of the City of Rochester [Chapter 5.3 Elected Officials]First Reading and refer to Codes and the Codes and Ordinances Committee

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

AMENDMENTS TO CHAPTER 63 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER

THE CITY OF ROCHESTER ORDAINS:

That subsections 63.2. (b) of Chapter 63 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

63.2 The Passing of Items to or from the Occupant of a Motor Vehicle on a Roadway.

(a) Definitions. For the purpose of this Section, the following definitions apply:

(1) **Pass/Passing.** Distributing any item to, receiving any item from, or exchanging any item with the occupant of a motor vehicle that is located in the roadway.

(2) **Roadway.** All ways within the City as that term is defined in RSA 259:125, II. This definition excludes privately owned property not open for public use or generally maintained for the benefit of the public, areas in which parking is permitted in the City, and property maintained specifically for drive-thru or drive-up transactions.

(3) **Item.** Any physical object.

(b) Prohibitions on Roadways. It shall be unlawful to violate any of the prohibitions set forth below in the City.

(1) ***No person shall knowingly pass any item to the occupant of any motor vehicle when the vehicle is located in the roadway, nor shall any occupant of any motor vehicle located in the roadway pass any item to a person located outside of the vehicle.***

(2) This Section shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle on privately owned property not open for public use or generally maintained for the benefit of the public, areas in which parking is permitted in the City, and property maintained specifically for drive-thru or drive-up transactions.

(3) This Section shall not apply to any law enforcement officer acting in the scope of his official duty.

(4) This Section shall not apply to the distribution, receipt or exchange of any item with the occupant of a motor vehicle located in the roadway in order to assist the occupant after a motor vehicle accident, with a disabled motor vehicle or where the occupant is experiencing a medical emergency.

(c) Penalty. A person found in violation of this Section shall be fined as follows:

- (1) 1st Offense: Not less than \$500.00.
- (2) 2nd Offense: Not less than \$750.00.
- (3) 3rd and subsequent Offenses: Not less than \$1,000.00.

(d) Severability. If any provision of this section is declared invalid or unconstitutional by any Court of competent jurisdiction, the remaining provisions shall be severable and shall continue in full force and effect.

The effective date of these amendments shall be upon passage.

Councilor Keans requested the matter be sent to the Codes and Ordinances Committee for review. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.10. AB 172 Amendment to the General Ordinances Relative to Chapter 63.2 The Passing of Items to or from the Occupant of a Motor Vehicle on a Roadway First Reading and Adoption

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

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Bogan seconded the motion. Councilor Keans spoke against the motion. She stated that this motion would tighten up the existing language of the ordinance; however, she opposes the existing ordinance. She added that there is enough examples of why the City should not get involved with this topic. Councilor Lachapelle stated that the City Attorney attended the Codes and Ordinances Committee to explain why the amendment is needed. The **MOTION CARRIED** by a unanimous voice vote.

13.11. AB 173 Amendment to the General Ordinance Relative to Chapter 42.2 First Reading and Refer to a Public Hearing

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

**AMENDMENTS TO CHAPTER 42 OF THE GENERAL ORDINANCES OF
THE CITY OF ROCHESTER**

THE CITY OF ROCHESTER ORDAINS:

That subsections 42.2.161 and 42.20 (b) of Chapter 42 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

42.2 **Definitions.**

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161. Manufactured Housing: Any structure, meeting the federal Manufactured Home Construction and Safety Standards Act, commonly known as the HUD Code, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, and have at least **320** square feet of habitable space, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein. Manufactured Housing as defined here does not include pre-site housing as defined in RSA 674:31-a.

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42.20 **Standards for Specific Permitted Uses.**

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b. **Conditions for Particular Uses**

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9. **Manufactured Housing Subdivision**

A. Overall Development

iii.

10. **Manufactured Housing Unit**

C.

**The effective date of these amendments shall be upon passage. CC
FY 16 AB 173**

Councilor Varney stated that this Amendment has not yet been reviewed by the Planning Board. Councilor Lachapelle **MOVED** to send the Amendment to the Planning Board. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13.12. AB 177 Draft Economic Development Reserve Fund
Discussion**

Mayor McCarley clarified that the City Council took a vote to dissolve the Economic Development Fund and subsequently, through review by the Codes and Ordinances Committee, deleted Chapter 11.20 Economic Development Reserve Fund. It has been determined that the City Council did not eliminate the fund properly according to RSA 47:1-c and therefore no change has been made to the fund; however, the City Council no longer has an ordinance to give guidance to how the money within the fund is spent.

Mayor McCarley requested that the matter be discussed at the next Codes and Ordinance Committee meeting in August. Councilor Lauterborn requested that the relative RSA's be included with the Codes and Ordinances packet as well.

**13.13. AB 174 Presentation of the 2016 Dog Warrant Motion to
Send to the Rochester Police Department for Action**

Councilor Lachapelle **MOVED** to **ACCEPT** and send the 2016 Dog Warrant to the Rochester Police Department for action. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

14. Other

Mayor McCarley stated that there will be another Budget Workshop held on June 14, 2016. The anticipated budget adoption is to take place on June 21, 2016.

Councilor Keans requested that the names and addresses of the Junk Yard Dealers be included with the minutes.

Councilor Lauterborn questioned if the anticipated grant award for an additional police officer should be discussed at next week's meeting. City

Manager Fitzpatrick replied that when and if the grant is awarded the City Council should deal with the matter at that point.

Councilor Gates mentioned that June 6th marks the 72nd Anniversary of The Battle of Normandy.

Councilor Torr expressed concern that the Planning Board members reviewed the amendment to Chapter 42.2 Manufactured Homes at the Planning Board meeting. City Manager Fitzpatrick confirmed that the City Attorney has requested that the change be made to Chapter 42.2 and that the Federal law trumps the local ordinance.

Councilor Willis requested to have a chart/graph showing the average amount of general funds used to offset the tax rate in the last five to seven years.

15. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the meeting at 7:57 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk