

**Regular City Council Meeting  
January 6, 2015  
COUNCIL CHAMBERS  
7:04 PM**

**COUNCILORS PRESENT**

Councilor Bogan  
Councilor Collins  
Councilor Gates  
Councilor Gray  
Councilor Hamann  
Councilor Keans  
Councilor Lachapelle  
Councilor Larochelle  
Councilor Lauterborn  
Councilor Torr  
Councilor Varney  
Councilor Walker  
Mayor Jean

**OTHERS PRESENT**

City Manager Fitzpatrick  
Deputy City Manager Cox  
Attorney Wensley  
Commissioner Nourse  
Shane Tufts, Acting Director  
Public Buildings and Grounds  
Jennifer Marsh, Economic  
Development Specialist  
David Cornell, NH State Dept. of  
Revenue Administration  
Paul Haggemiller, Firefighter  
Peter Cutrer, Fire Marshall  
Newton Kershaw, Elm Grove  
Companines  
Steve Flemming, Property  
Manager of 124 North Main St.  
John Hajjar, Owner of North and  
South Property Advisors  
Jason Garland, North and  
South Property Advisors  
[1 Wakefield Street]

**MINUTES**

**1. Call to Order**

Mayor Jean called the Regular City Council meeting to order at 7:04 PM.

**2. Opening Prayer**

Mayor Jean called for a moment of silence in memory of Art Nickless, who recently passed away and all military personnel fighting for our freedom.

**3. Roll Call**

Kelly Walters, City Clerk, took a roll call. All Councilors were present.

#### 4. Acceptance of Minutes

##### 4.1. [Revised - December 2, 2014, Regular City Council Meeting](#)

##### 4.2. [December 16, 2014, Special City Council Meeting](#)

Councilor Walker **MOVED** to **ACCEPT** the December 2, 2014, Regular City Council meeting minutes as revised. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to **ACCEPT** the December 16, 2014, Special City Council meeting minutes. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### 5. Communications from the City Manager

##### 5.1. Employee of the Month Award

##### 5.2. City Manager's Report

City Manager Fitzpatrick invited Commissioner Nourse and Shane Tufts, Acting Supervisor of Public Buildings and Grounds, to come forward. He said Mr. Tufts has stepped up to the task of leading the Public Buildings and Grounds Department while the City continues to seek contracting this particular service out to the private sector. He noted that Mr. Tufts has done a great job under these difficult circumstances. City Manager Fitzpatrick awarded Mr. Tufts as Employee of the Month for January, 2015.

City Manager Fitzpatrick said the Management Team Meeting minutes have been included in the City Council packet as follows:

- November 24, 2014 (corrected)
- December 1, 2014
- December 8, 2014
- December 15, 2014
- December 22, 2014

City Manager Fitzpatrick stated that the contracts and documents that have been executed by the City Manager's office since last month are as follows:

- 79E Covenant – Studley Flower Garden
- Applications for State Bridge Aid Program – Preliminary Estimate
- Brock Street Change Order #9 – Final Change

- Community Showcase Video Program by CGI Communications
- Contract of Purchase for two Bond Anticipation Notes (BAN) totaling \$18,207,000
- Fire Department Emergency Management Performance Grant (EMPG) – to cover cost of Continuity of Operations Plan (COOP)
- Fire Department Emergency Operations Center (EOC) Equipment Grant - \$7,000
- Fire Department Forestry Report Form
- Granite Ridge TIF Project – Engineering Services Contract – Water System
- Integrated Disbursement & Information System (IDIS) Online Access request for CDBG Specialist – Long, J (Economic Development Dept.)
- Letter of Commitment – Household Hazardous Waste (HHW) Collection Event
- Letter of Support – Conservation Easement Amendment – 92 Farmington Road
- Stillwater Circle Bridge – Change Order #1
- Underwood Engineers Contract – Groundwater Development
- United States Geological Survey (USGS) – Joint Funding Agreement – Cocheco River Stream Gage Station

City Manager Fitzpatrick stated that the following Computer Lease/Purchase and Tuition Reimbursement requests have been approved as follows:

- Computer Lease – Babine, E (Police Dept.)
- Computer Lease – Mangum, C (Police Dept.)
- Tuition Reimbursement – Juneau, S (Utility Billing)
- Tuition Reimbursement – Murray, G (MIS Dept.)
- Tuition Reimbursement – Young, R (Police Dept.)

City Manager Fitzpatrick said the following standard reports have been enclosed with the City Council packet:

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

## **6. Communications from the Mayor**

### **6.1 Proclamation: Rochester Professional Firefighters Toy Bank**

Mayor Jean invited Paul Haggemiller, Firefighter, and Peter Cutrer, Fire Marshall, to come forward. He read a Proclamation regarding the

Rochester Professional Firefighters Toy Bank. Mr. Haggemiller thanked the Community, the American Legion, as well as other supporters of the Toy Bank.

## **7. Presentations of Petitions and Council Correspondence**

### **7.1. AB 85 Department of Revenue Representative: Assessing Process**

Mayor Jean said the City Council, at its last Regular meeting, requested that a representative of the Department of Revenue Administration attend this meeting to address concerns about the recent city-wide tax assessment. Mayor Jean invited David Cornell, Department of Revenue Administration, to address the City Council.

Councilor Gates noted that many residents in the audience attended the meeting regarding an increase to their property taxes based on the city-wide assessment. He wished to apologize to Mr. Cornell and residents for referring to Mr. Cornell as "Mr. Driscoll" in an email which circulated around to the some of his constituents.

Mr. Cornell gave an overview of the Tax Assessor's Certification process and of the assessments occurring across the State of New Hampshire. He said the Department of Revenue Administration [DRA] provides a general oversight of assessments throughout the State. He stated the DRA has three main functions for conducting oversight of city and town assessments as follows: <http://www.revenue.nh.gov/mun-prop/property/documents/asb-manual.pdf>

1. Physically inspections are conducted to a portion of property, which is randomly selected, to ensure that the base data is accurate.
2. Audit Assessing files.
3. Annual Equalization Ratio Study, which compares the assessment of the property to the selling price of the property.

Mr. Cornell elaborated on these functions. More information can be found by accessing the following web address:

Councilor Varney questioned what part of the assessment evaluation is left up to the discretion of the City Assessor. Mr. Cornell replied that the job/goal of the City Assessor is to capture what the specific factors are that influence the value of each property.

Councilor Varney asked for clarification as to how one neighborhood could be compared to another neighborhood, even if these two neighborhoods could be several miles apart, and is this responsibility left up to the discretion of the local assessor. Mr. Cornell replied yes, the local assessor would determine which neighborhoods are most alike for reporting purposes in order to collect enough data for statistical testing. This process can be challenging and it is one area in which the State DRA would take a closer look at if figures seemed to be out of line with other assessed properties.

Councilor Gates understood the process of a property owner seeking abatement; however, he requested more information about the Petition for Reassessment and asked if these both could occur at the same time. Mr. Cornell explained that if a taxpayer feels they are over-assessed on their property they must file for an individual Tax Abatement prior to March 1st. This is the absolute deadline which must be met in order to file for Abatement. He explained that the Petition for Reassessment is a separate action. He said this action is intended for a group of taxpayers to file a petition to the Board of Land and Tax Appeals, which could result in an investigation of a municipality. Mr. Cornell believed the number of signatures required for such a petition is fifty; however, he agreed to get back to the City Council if that is not the correct answer.

Councilor Gates questioned the conduct of a city or town assessor. He gave a scenario of a city assessor entering a neighborhood with three known homeowners who have pulled permits and made improvements to their home; however, one homeowner did not allow the assessor to enter the home under his/her constitutional right. Is it then constitutional or appropriate for that assessor to assume this one homeowner also made improvements and raise their tax assessment based on no factual information. Mr. Cornell agreed that under New Hampshire State Law the homeowner is not required to allow the assessor access to their home. The assessor must be fair and equitable to all taxpayers of the City. It is up to the assessor at this point to provide the correct information to the best of his/her ability, which can be a difficult process without being allowed access to a homeowner's property. Councilor Walker gave his opinion; he feels that it is best for the homeowner to allow access to the homeowner's property and, if not, the tax assessor must use his/her best judgment. Councilor Gates gave his opinion; he feels that the local assessor is given too much latitude over the process.

Mayor Jean stated that State Statutes for Assessors make it clear that the authority and duty of the Assessor is to make the most reasonable assessment on the property for which they have been denied access. Mr. Cornell agreed. He said if a homeowner believes he/she is being taxed for a

home improvement they have not had, then the abatement process can move fairly quickly to have the issue resolved. The discussion continued.

Councilor Keans said there have been numerous foreclosures in the past five years. She questioned how this has affected the property values. Mr. Cornell stated that the number of foreclosures, along with other economic issues, has brought the property values down, which drove the tax rate up. He added that this happened across the state. Councilor Varney said it seems that the foreclosures in Strafford County have had a negative impact on the real estate market.

Councilor Lachapelle asked if there were any costs involved with the Petition for Reassessment. Mr. Cornell believed the cost is to be \$65 collectively.

Councilor Varney asked if the City could conduct citywide assessments each year if the need arose. Mr. Cornell replied yes, the State Law requires a reassessment every five years; however, the process can be done more often if the city or town saw fit. The discussion continued about commercial sales vs. residential sales.

Mayor Jean thanked Mr. Cornell for attending the meeting.

Mayor Jean gave reasons why he felt the communication between the City Council and the City Assessor must continue to grow stronger through the budget season. He believed that the City Council may decide to request city-wide re-assessments to be conducted sooner than the five-year requirement in order to best avoid such dramatic turns in assessing property values. He cautioned Council that no matter how much effort and communication occurs between the City Council and the Assessing Department there will always be a change in the estimates from the period of June when the City Council adopts the budgets and September when the DRA sets the Tax Rate for the City.

Mayor Jean suggested hiring an independent review of the city-wide Tax Reassessment in order to address the valid concerns of the residential taxpayers and commercial taxpayers. He said the estimated cost ranges from \$2,000 to \$3,000. The City Council debated if this sort of review should be completed and if it should be conducted now or after the abatement deadline.

Councilor Lachapelle **MOVED** to hire an independent firm to conduct an independent review of the city-wide assessing process. Councilor Varney seconded the motion. Councilor Walker cautioned that this process should wait until after the Abatement process. Councilor Varney stated that the

Abatement process would not reveal if there was a problem with the assessing process. Councilor Keans did not believe this type of independent review would provide the answers which are being sought.

Councilor Gray stated that the discussion has morphed into more of what should happen at a Committee level. He **MOVED** to send the matter to the Finance Committee for further review. Councilor Walker seconded the motion. The City Council debated the topic and the parliamentary procedures. Councilor Torr stated that the public would not be aware of decisions being made if this took place at the Finance Committee. Mayor Jean suggested voting to approve the request for funding in order to make it clear to the public that the City Council is taking action on the city-wide reassessment and afterward send the matter to the Finance Committee to work out the details. He encouraged the City Council to vote against sending the item to the Finance Committee until after a vote on the original motion has taken place. The **MOTION FAILED** to send the matter to the Finance Committee for review by a show-of-hands vote of 6 to 7.

Councilor Lachapelle **MOVED** to **AMEND** his motion to seek an independent firm to conduct a review of the city-wide assessment and to send the matter to the Finance Committee to work out any details involved. Councilor Varney confirmed his second to the motion as stated. Councilor Keans asked a parliamentary inquiry. She asked how the Finance Committee could be given such a task if the City Council Rules of Order does not grant a Committee the authority to act on behalf of the City Council. Mayor Jean stated that by approving the action at the City Council level first, it would allow the taxpayers and the commercial developers to know what the City Council action is for this evening and the details would be worked out at the Committee level. The **MOTION to AMEND CARRIED** by a show-of-hands vote of 8 to 5, the original voice vote had been unclear. Mayor Jean called for a vote on the main motion as amended. The **MOTION as AMENDED CARRIED** by a majority voice vote.

## **8. Nominations, Appointments, Resignations, and Elections**

## **9. Reports of Committees**

### **9.1. Appointments Committee**

Councilor Larochelle said the Appointments Committee unanimously recommends that Robert Goldstein be reappointed as a ~~an~~ **Alternate** Regular Member to the Zoning Board of Adjustment, with a term to expire January 2, 2018. Mayor Jean nominated Mr. Goldstein to serve as a Regular Member of the ZBA with a term to expire on January 2, 2018. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease

and the City Clerk cast one ballot for Mr. Goldstein. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mr. Goldstein has been reappointed to the ZBA.

Councilor Larochelle said the Appointments Committee requested that the City staff provide the Committee with information about the attendance records for any board members seeking re-appointment. Mayor Jean stated that it would make sense for the City Clerk's office to make this information available through the Statement of Interest process. Councilor Torr suggested that the City Clerk's office turn in any training certificates they receive as well. Ms. Walters concurred.

## **9.2. Codes and Ordinances Committee**

Councilor Lachapelle requested to take care of several New Business items under his Committee Report; however, the minutes have been kept in order of the original agenda. *See Agenda Items as follows: 12.1; 12.3; 12.4; 12.5; and 12.6.*

## **9.3. Community Development Committee**

Councilor Gray said the Committee meeting consisted of reviewing two 79-E applications. He stated that the last time one of these types of applications had been brought to the City Council it was referred to the Finance Committee for further review. He asked if the City Council would follow the same process or take action this evening. Mayor Jean said if there were no objections from the City Council the 79-E applications could bypass the Finance Committee since the City Council has had more experience with the process. No objection had been stated. *See Agenda Items under New Business as follows: 12.8.1 and 12.8.2.*

## **9.4. Finance Committee**

Mayor Jean stated that there are no action items this evening. All the action items for the December Finance Committee were dealt with at the December 16, 2014, City Council Workshop.

## **9.5. Public Safety Committee**

Councilor Walker **MOVED** to install two signs on Old Wakefield Road as follows: Do Not Litter - \$250 Fine. Councilor Gates seconded the motion. Councilor Walker stated that the town of Farmington had been successful by installing these types of signs on their end of the road. The **MOTION CARRIED** by a majority voice vote.



## **9.6. Public Works Committee**

Councilor Varney stated that the Franklin Street and the I and I Project off from Franklin Street is going to cost substantially more than originally anticipated. The Committee discussed recommending to the full City Council that the two projects be separated. The Commissioner is seeking a directive from the City Council to use concrete or asphalt for the sidewalks.

Commissioner Nourse explained that the base of the project would be the Franklin Street reconstruction project and the reconstruction of the sewer pump station. The alternate project would be the rebuild of First through Fifth Streets along with Western Avenue and Adams Street. The entire project is estimated at \$6,000,000. There is \$4,000,000 already in the budget for this purpose and there is a FY16 CIP request for the remaining \$2,000,000. Councilor Varney stated that the details of the funding would need to be worked out with the Deputy City Manager. Deputy City Manager Cox replied that the Base Project could be funded as originally planned and work the remainder of the project in the next budget cycle.

The City Council debated what to use for the sidewalks either concrete or asphalt. Commissioner Nourse confirmed that curbing would be used on Franklin Street and he agreed to get an estimated price of using concrete opposed to asphalt for the sidewalks. Councilor Walker requested to get an estimate of what it would cost to use concrete for the sidewalks, but switch to asphalt for the driveway sections.

Council briefly discussed creating a city policy of using concrete or asphalt for sidewalks; however, Mayor Jean said this would likely stay at the Committee level for now.

## **10. Old Business**

## **11. Consent Calendar**

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

### **11.1. AB 77 Resolution De-Authorizing Portion of the FY 2011-2014 Capital Budget Appropriation of the City of Rochester for Land Purchase Related to the So-Called Granite State Business Park [Katz Property] - First Reading, Second Reading, and Adoption**

### **RESOLUTION DEAUTHORIZING PORTION OF FY 2011-2012**

**CAPITAL BUDGET APPROPRIATION OF THE CITY OF ROCHESTER**  
**FOR LAND PURCHASE RELATED TO**  
**THE SO-CALLED GRANITE STATE BUSINESS PARK**

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

**WHEREAS**, by virtue of a Resolution by the Mayor and City Council in October 2011, a Capital Improvements Budget appropriation in the amount of Seven Hundred Ten Thousand Dollars (\$710,000.00) was adopted and approved in the FY 2011-2012 City of Rochester, Department of Public Works budget, for the purpose of purchasing approximately 77 acres of land in and/or adjacent to the so-called Granite State Business Park, for use in the City's expansion of such Business Park (the "Project"), with such appropriation to be funded, in its entirety, from the proceeds of bonding to be undertaken by the City of Rochester; and

**WHEREAS**, the Project has been completed, and the sum of Eight Thousand Three Hundred Twenty-Eight Dollars Fifty Cents (\$8,328.50) of funds appropriated for the Project are no longer necessary for such Project's purposes;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Eight Thousand Three Hundred Twenty-Eight Dollars Fifty Cents (\$8,328.50) of the aforementioned previously appropriated funds for the so-called Project, and hereby further withdraw and discontinue the previous borrowing authority granted with respect to the above Project appropriation to the extent of Eight Thousand Three Hundred Twenty-Eight Dollars Fifty Cents (\$8,328.50), thereby leaving a total appropriation for such Project in the amount of Seven Hundred One Thousand Six Hundred Seventy-One Dollars and Fifty Cents (\$701,671.50).

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 15 1-06 AB 77**

- 11.2. AB 78 Resolution De-Authorizing Portion of a Fiscal Year 2013-2014 Police Department Operating Budget for the New Hampshire Highway Safety Agency Grant for Operation Safe Commute Patrols - First Reading, Second Reading, and Adoption**

**RESOLUTION DEAUTHORIZING PORTION OF**

**A FY 2013-2014 POLICE DEPARTMENT OPERATING BUDGET FOR  
NH HIGHWAY SAFETY AGENCY GRANT  
FOR OPERATION SAFE COMMUTE PATROLS**

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

**WHEREAS**, by resolution previously adopted by the Mayor and City Council in October 2013, the sum of Four Thousand Six Hundred Eighty Dollars (\$4,680.00) to be derived from a State of New Hampshire, N.H. Highway Safety Agency grant to the City of Rochester, Police Department was appropriated to a FY 2013-2014 operating budget special non-lapsing reserve account of the City of Rochester, Police Department, for the purpose of providing funding designed to improve the safety of Rochester's roads and highways through the so-called "Operation Safe Commute" program (the "Project"); and

**WHEREAS**, One Thousand Five Hundred Twenty-Three Dollars Eighty-Six Cents (\$1,523.86) of the funds appropriated for such Project are no longer necessary for such purpose, as the Project has been completed;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize One Thousand Five Hundred Twenty-Three Dollars Eighty-Six Cents (\$1,523.86) previously appropriated for the said Project, thereby leaving a total appropriation for such Project in the amount of Three Thousand One Hundred Fifty-Six Dollars and Fourteen Cents (\$3,156.14).

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 15 1-06 AB 78**

**11.3. AB 79 Resolution De-Authorizing Portion of a Fiscal Year 2004-2005 Capital Budget Appropriation of the City of Rochester Department of Public Works for the So-Called Intermodal Surface Transportation Efficiency Act [ISTEA] Federal Grant Funds - First Reading, Second Reading, and Adoption**

**RESOLUTION DEAUTHORIZING PORTION OF FY 2004-2005  
CAPITAL BUDGET APPROPRIATION OF THE CITY OF ROCHESTER  
DEPARTMENT OF PUBLIC WORKS  
SO-CALLED ISTEA FEDERAL GRANT FUNDS**

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

**WHEREAS**, by virtue of a Resolution by the Mayor and City Council in June 2004, a Capital Improvements Budget appropriation in the amount of Sixteen Thousand Dollars (\$16,000.00) was adopted and approved in the FY 2004-2005 City of Rochester, Department of Public Works budget, for purpose of providing funds for certain DPW capital improvement grant qualifying activities (the "Project") (project# 05552), with such appropriation to be funded, in its entirety, from the proceeds of the above referenced ISTEA Grant funds; and

**WHEREAS**, the Project has been completed, and the sum of Five Thousand One Hundred Fifty Dollars (\$5,150.00) of funds appropriated for the Project have already been deauthorized, and the additional sum of Five Hundred Dollars (\$500.00) of the aforesaid Project appropriation is no longer necessary for such Project's purposes;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Five Hundred Dollars (\$500.00) of the aforementioned previously appropriated, and currently undeauthorized, funds for the so-called Project, thereby leaving a total appropriation for such Project in the amount of Ten Thousand Three Hundred Fifty Dollars (\$10,350.00).

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 15 1-06 AB 79**

**12. New Business**

- 12.1. AB 72 Amendment to Ordinances Adopting a New Chapter of the General Ordinances of the City of Rochester, to be known as Chapter 68 of the General Ordinances of the City of Rochester – Second Reading**

**AMENDMENT TO ORDINANCES**  
**ADOPTING A NEW CHAPTER OF THE**  
**GENERAL ORDINANCES OF THE CITY OF ROCHESTER,**  
**TO BE KNOWN AS CHAPTER 68 OF THE**  
**GENERAL ORDINANCES OF THE CITY OF ROCHESTER**

**THE CITY OF ROCHESTER ORDAINS:**

I. That the General Ordinances of the City of Rochester, as presently amended, be further amended, by adding to Title IV – Traffic Code thereof, a new Chapter, said Chapter to be known as Chapter 68 of the General Ordinances of the City of Rochester and entitled “Distribution of Items To and From Motor Vehicles”, said Chapter 67 to provide as follows:

## **“CHAPTER 68**

### **DISTRIBUTION OF ITEMS TO AND FROM MOTOR VEHICLES**

#### **68.1 Intent of Ordinances.**

This Ordinance is intended to provide for the free flow of motor vehicle traffic on roadways in the City. The City Council finds that persons who distribute any item to, receive any item from, or exchange any item with, the occupant of a motor vehicle upon a Roadway present a threat to the free and safe flow of motor vehicle traffic. By this Ordinance, the City Council intends to promote the health, safety, and welfare of the citizens traveling by vehicle in the City.

#### **68.2 Definitions.**

For purposes of this Chapter, the following definitions apply:

- (a) 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.
- (b) Roadway. All public roads open to motorized vehicles within the City. This definition excludes private roads and private property. This definition also excludes areas in which parking is permitted in the City.
- (c) Item. Any physical object.

#### **68.3 Prohibition of Roadway.**

It shall be unlawful to violate any of the prohibitions set forth below in the City.

- (a) No person shall knowingly distribute any item to, receive any item from, or exchange any item with the occupant of any motor vehicle when the vehicle is located in the Roadway.

(b) This Ordinance shall not apply to the distribution, receipt, or exchange of any item with the occupant of a motor vehicle on private property or in a permitted parking area.

(c) This Ordinance shall not apply to any law enforcement officer acting in the scope of his/her official duties.

(d) This Ordinance 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.

#### **68.4 Penalty.**

A person found in violation of this section shall be guilty of a violation and may be fined not more than \$500.00.

#### **68.5 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."

**II.** This ordinance shall take effect upon its passage. **CC FY 15 12-02 AB 72**

Councilor Lachapelle **MOVED** to refer this Amendment to the General Ordinances of the City of Rochester back to the Codes and Ordinances Committee. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **12.2. AB 81 Resolution Accepting a So-Called Emergency Management Performance [EMP] Grant to the Rochester Fire Department for the Development of a Continuity of Operations Plan for the City and Making a Supplemental Appropriation in Connection Therewith – First Reading, Second Reading, and Adoption**

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

#### **RESOLUTION ACCEPTING A SO-CALLED EMP GRANT TO THE ROCHESTER FIRE DEPARTMENT FOR THE DEVELOPMENT**

**OF A CONTINUITY OF OPERATIONS PLAN FOR THE CITY**  
**AND MAKING A SUPPLEMENTAL APPROPRIATION**  
**IN CONNECTION THEREWITH**

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

**WHEREAS**, the City of Rochester is eligible for, and will be, awarded a grant in the amount of Six Thousand Five Hundred Dollars (\$6,500.00), such sums being awarded pursuant to a federal grant for the development of a so-called Continuity of Operations Plan for the City of Rochester (the "Project"), the Mayor and City Council of the City of Rochester, by adoption of this Resolution, do hereby accept such grant on behalf of the City of Rochester; and

**WHEREAS**, the aforesaid grant requires a 50% match by the City of Rochester, which match will be accomplished by in-kind contributions, with a value of Six Thousand Five Hundred Dollars (\$6,500.00), to the development of the said Continuity of Operations Plan by the City's provision of various City forces and services to the Project;

**NOW THEREFORE**, by adoption of this Resolution the sum of Six Thousand Five Hundred Dollars (\$6,500.00) to be received by the City of Rochester as a grant pursuant to the aforementioned federal grant for the development of a so-called Continuity of Operations Plan be, and hereby is, appropriated as part of the 2014-2015 operating budget of the City of Rochester Fire Department, the same to be deposited in a special non-lapsing account by the Finance Director, or his designee(s), for the purpose of paying costs associated with the development of a so-called Continuity of Operations Plan, all as more specifically set forth in the grant application and/or other grant documents, and that the sums necessary to fund the aforesaid appropriation shall be drawn, in their entirety, from funds received from the abovementioned grant to the City of Rochester.

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 FY15 01-06 AB 81**

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

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Mayor Jean said that the grant requires a 50% match by the City of Rochester, which match will be accomplished by in-kind contributions, with a value of Six Thousand Five Hundred Dollars. The **MOTION CARRIED** by a unanimous voice vote.

**12.3. AB 82 Amendment to Chapter 23 of the General Ordinances of the City of Rochester Regarding "Fire Safety Measures" - First Reading and Refer to a Public Hearing**

Councilor Lachapelle **MOVED** to read the Amendment to Chapter 23 of the General Ordinances of the City of Rochester by title only and to refer the proposed amendment to a Public Hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Amendment by title only for the first time as follows:

**AMENDMENTS TO CHAPTER 23 OF THE  
GENERAL ORDINANCES OF THE CITY OF ROCHESTER  
REGARDING "FIRE SAFETY MEASURES"**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 23 of the General Ordinances of the City of Rochester, entitled "Fire Safety Measures", as presently amended, be further amended as follows:

- I. That Chapter 23 of the General Ordinances of the City of Rochester, entitled "Fire Safety Measures", as presently amended, be further amended, by amending the "introductory "SECTIONAL ANALYSIS" of such Chapter 23, so as to provide as follows:

"

- 23.1 Fire Safety Rules and Regulations
- 23.2 Smoke Detector Wiring
- 23.3 Enforcement Officer
- 23.4 Control of Outdoor Fires
- 23.5 Knox Box Installations
- 23.6 Public Safety Amplification System Required in Large Facilities
- 23.7 Administration and Enforcement
- 23.8 Means of Escape
- 23.9 Fire Department Access
- 23.10 Control of Fire Hazards
- 23.11 Penalty
- 23.12 Sprinkler Requirements for Certain Single-family Dwelling Units
- 23.13 Prohibition and Regulation of Fireworks



- 23.14 Certificate of Fitness Program  
23.15 Regulation of Fire Alarms"

II. That Section 23.7 of the General Ordinances of the City of Rochester entitled "Administration and Enforcement", as presently amended, be further amended, by amending said Section 23.7, as presently enacted, to provide as follows, said amended Section to be known as Section 23.7 of the General Ordinances of the City of Rochester, to wit:

**"23.1 Administration and Enforcement.**

The authority having jurisdiction for the administration and enforcement of this chapter shall be Fire Prevention of the City of Rochester. The fee schedule under this chapter shall be as follows:

Tank Removal	\$25.00
Blasting	\$25.00
Incident Report	\$5.00
Fire Marshal's Investigation Report	\$25.00
Photographs (Fire Scene)	\$15.00
CD Photos (Fire Scene)	\$15.00
Fire Alarm System Plan Review	\$1.00 per device or \$50.00 minimum
Sprinkler System Plan Review	\$1.00 per device or \$50.00
Commercial Hood Fire Suppression	\$1.00 per device or \$50.00 minimum
Clean Agent Initial Inspection	\$1.00 per device or \$50.00 minimum
Re-Inspections	Free of Charge \$50.00 per person with \$100.00 minimum

(Sprinkler Systems, Fire Alarm Systems, Commercial Hood Fire Suppression, Clean Agent)

Fine	<del>\$400.00</del> <u>\$175.00</u> (working without a permit or license)
Certificate of Fitness	\$25.00 per year, per restriction
False Alarm, Fire alarm activation	\$175 after 2 consecutive, per calendar year"

III. That Chapter 23 of the General Ordinances of the City of Rochester

entitled "Fire Safety Measures", as presently amended, be further amended, by adding to said Chapter 23, a new Section, to be known as Section 23.14 of the General Ordinances of the City of Rochester, said Section 23.14 to provide as follows, to wit:

**"23.14 Certificate of Fitness Program."**

In accordance with NFPA 1:2009 1.13, The Rochester Fire Department enacts the applicable section of the currently adopted version of NFPA 1 for the Certificate of Fitness Program. The Fire Chief or his designee shall promulgate administrative rules for the management of the Certificate of Fitness program."

**IV.** That Chapter 23 of the General Ordinances of the City of Rochester entitled "Fire Safety Measures", as presently amended, be further amended, by adding to said Chapter 23, a new Section, to be known as Section 23.15 of the General Ordinances of the City of Rochester, said Section 23.15 to provide as follows, to wit:

**"23.15 Regulation of Fire Alarms."**

The Fire Chief or his designee shall promulgate administrative rules for the management the installation and maintenance of Fire Alarms." **CC FY 15 01-06 AB 82**

**NOTE:** Deleted matter appears with ~~strikeout~~ (e.g. ~~strikeout~~)  
Added matter appears in red (e.g. red)

Life and safety issue –

Councilor Keans questioned why the City would risk being involved with micro-managing private services. She expressed concern that the City could be faced with liability issues. Councilor Lachapelle stated that this has turned into a life and safety matter. Mayor Jean invited Peter Cutrer, Fire Marshall, to address the City Council.

Fire Marshall Cutrer stated that this is a public health and safety issue that the Fire Department has been entrusted to enforce the State Fire Code Saf 6000 in the City of Rochester. He said both the State of New Hampshire and the State of Maine have removed this small section of the Fire Code and referred it to local governing bodies. This gives the local governing bodies the authority to adopt such code as wanted/needed for themselves. The smaller towns have not been able to adopt this part of the Fire Code for enforcement reasons; however, most cities have adopted this Fire Code, including Salem, Nashua, Manchester, Concord, Hooksett, Portsmouth, and Lebanon, Maine. He gave a brief overview of how this process would work. He added that without regulations many contractors have taken advantage

of local residents and businesses. He reiterated that it is also a life and safety issue.

Councilor Keans reiterated that this could be a liability issue and this should be regulated at the State level. She requested to have more information provided to the City Council about other cities or towns who have adopted such an ordinance prior to voting on this matter. She specifically requested that each ordinance be included with the packet material.

Councilor Keans stated that there has been an indication that City buildings may have some sprinklers installed inappropriately, which could have been a matter of fraud. City Manager Fitzpatrick confirmed that the City had some sprinklers installed that were not working and did suspect fraudulent activity. He stated that the issue has been resolved and the matter has been turned over to the Rochester Police Department for investigation.

Mayor Jean agreed that this information could be included with the City Council packet and stated that the Public Hearing would be scheduled for January 20, 2015, prior to the City Council Workshop.

**12.4. AB 83 Amendment to Chapter 34 of the General Ordinances of the City of Rochester Regarding "Junk and Second-hand Dealers" - First Reading and Refer to a Public Hearing**

Councilor Lachapelle **MOVED** to read the Amendment to Chapter 34 for a first time by title only and to refer the matter to a Public Hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Amendment by title only for the first time by title only as follows:

**AMENDMENTS TO CHAPTER 34 OF THE  
GENERAL ORDINANCES OF THE CITY OF ROCHESTER  
REGARDING "JUNK AND SECOND-HAND DEALERS"**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 34 of the General Ordinances of the City of Rochester, entitled "Junk and Second-Hand Dealers", as presently amended, be further amended as follows:

- V.** That Section 34.4 of the General Ordinances of the City of Rochester entitled "License Applications", as presently amended, be further amended, by amending said Section 34.4, as presently enacted, to

provide as follows, said amended Section to be known as Section 34.4 of the General Ordinances of the City of Rochester, to wit:

**"34.4 License Applications.** Applications for licenses shall be made to the Licensing Board and filed with the Director of Building, Zoning, & Licensing Services Department upon blanks furnished by the Director of Building, Zoning, & Licensing Services Department for that purpose, and shall be submitted by the Director of Building, Zoning, & Licensing Services Department to the Chief of Police who shall cause an investigation to be made of the fitness of the applicant to engage in the business of a junk dealer or second-hand dealer and report his findings to the Licensing Board before such license is acted upon by the City Council. The license fee for each license shall be Fifty Dollars (\$50.00) per year payable in advance to the Building, Zoning, & Licensing Services Department. There shall be no fee for non-profit charitable organizations, public schools, and public institutions.

The Licensing Board, after a satisfactory investigation by the Police Chief, may issue a temporary license to existing junk or second-hand dealer establishments when there is only a change of ownership."

**VI.** That Section 34.4 of the General Ordinances of the City of Rochester entitled "License Applications", as presently amended, be further amended, by amending said Section 34.4, as presently enacted, to provide as follows, said amended Section to be known as Section 34.4 of the General Ordinances of the City of Rochester, to wit:

**"34.5 License Revocation/Expiration.** Such ~~Annual~~ licenses shall expire on April 1<sup>st</sup> of each year ~~, unless sooner revoked, and shall not be assigned or transferred, but it may be revoked at any time by the Licensing Board after notice and hearing for just cause.~~ Temporary licenses shall expire after 45 days from the date issued or when acted upon by the City Council, whichever occurs first. Licenses shall not be re-assigned or transferred and may be revoked at any time by the Licensing Board after notice and hearing for just cause." CC FY 15 01-06 AB 83

NOTE: Deleted matter appears with strikeout (e.g. ~~strikeout~~)  
Added matter appears in red (e.g. ~~red~~)

Mayor Jean stated that the Public Hearing would be scheduled for January 20, 2015, prior to the City Council Workshop.

**12.5. AB 84 A Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Zoning - First Reading and Refer to a Public Hearing**

Councilor Lachapelle **MOVED** to read the Amendment to Chapter 42 for a first time by title only and to refer the matter to a Public Hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Amendment by title only for the first time by title only as follows:

**AMENDMENTS TO CHAPTER 42 OF THE  
GENERAL ORDINANCES OF THE CITY OF ROCHESTER  
REGARDING "ZONING"**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 42 of the General Ordinances of the City of Rochester, entitled "Zoning", as presently amended, be further amended, as follows:

**VII.** That Section 42.2 of the General Ordinances of the City of Rochester entitled "Definitions and Terminology", as presently amended, be further amended, by amending the definition of "Manufactured Housing" as presently contained in Section 42.2(a), to provide as follows, said amended Section to be known as the definition of "Manufactured Housing" as contained Section 42.2(a) of the General Ordinances of the City of Rochester, to wit:

**"42.2 Definitions and Terminology.**

\* \* \*

**161. Manufactured Housing:** Any structure, meeting the Federal Manufactured Home Construction and Safety Standards Act, commonly known as 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, is **a minimum of 13 feet in overall width and have at least 320 700 square feet or more 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 heating systems contained therein. Manufactured Housing as defined here does not include pre-site built housing as defined in RSA 674:31-a."

**VIII.** That Section 42.20 of the General Ordinances of the City of Rochester entitled "Standards for Specific Permitted Uses", as presently amended, be further amended, by amending subsections (b)(9) and (b)(10) of Section 42.20, entitled "Manufactured Housing Subdivision" and "Manufactured Housing Unit" respectfully, as presently enacted, to provide as follows, said amended subsections of Section 42-20 to be known as subsections (b)(9) and (b)(10) of Section 42.20 of the General Ordinances of the City of

Rochester, to wit:

b. **Conditions for Particular Uses.**

For each individual use listed below listed below, all of the specific conditions attached to that use must be met along with any requirements of this chapter.

\* \* \*

9. **Manufactured Housing Subdivision – Not part of an existing Mobile Home Park – See Chapter 43 for existing Mobile Home Parks**

A. **Overall Development.**

- i. All requirements otherwise applicable to subdivision of lots for conventional houses within a conservation subdivision shall apply.
- ii. **Additions to Manufactured Housing Units (or "Homes")**. There shall be no additions constructed onto manufactured homes with the exception of **garages**, skirting, carports, cabanas, awnings, canopies, porches, decks, and steps. All must be approved by the Director of Building, Zoning, and Licensing Services.
- iii. **Minimum Size**. Every manufactured home shall be at least **2823** feet in overall width ~~at the body~~ and have at least 700 square feet of habitable living space."

10. **Manufactured Housing Unit – Not part of an existing Mobile Home Park – See Chapter 43 for existing Mobile Home Parks**

- A **Manufactured Homes are allowed only:** i) on individual lots in the AG zoning district; ii); within manufactured housing subdivisions, located in the AG zoning district; and iii) within established mobile home parks on approved pads/lots.
- B. **Additions to Manufactured Homes**. There shall be no additions constructed onto manufactured homes with the exception of **garages**, skirting, carports, cabanas, awnings,

canopies, porches, decks, and steps. All must be approved by the Director of Building, Zoning, and Licensing Services.

- C. Minimum Size. Every manufactured home shall be at least ~~28~~23 feet in **overall** width ~~at the body~~ and have at least 700 square feet of habitable living space.

- IX.** That Section 42.23 of the General Ordinances of the City of Rochester entitled "Accessory Uses", as presently amended, be further amended, by amending subsection (a)(2) of Section 43.5, as presently enacted, to provide as follows, said amended subsection Section to be known as subsection (a)(2) of Section 43.5 of the General Ordinances of the City of Rochester, to wit:

**"42.23 Accessory Uses**

\* \* \*

- b. Standards for Specific Accessory Uses.** The following standards shall apply to these specific accessory uses, activities, structures, and situations wherever they are allowed:

5. Commercial Vehicles, Parking of. Parking commercial vehicles outdoors overnight within residential districts is permitted as an accessory use as follows:
- A. One small commercial vehicle - a passenger automobile, pick-up truck, or van - is allowed. Additional commercial vehicles may be allowed by special exception.
  - B. Other larger types of commercial vehicles – ~~such as box trucks or vehicles with more than 2 axles~~ **those weighing over 26,000 gv**w - are permitted only by special exception subject to the property owner being able to provide adequate buffering and sound mitigation.
  - C. Adequate off-street parking must be provided. Parking shall not be within any public right-of-way."

- X.** That Section 42.28 of the General Ordinances of the City of Rochester entitled "Performance Standards", as presently amended, be further amended, by amending subsection (d)(1)(A) of Section 42.28, as presently enacted, to provide as follows, said amended



subsection Section to be known as subsection (d)(1)(A) of Section 42.28 of the General Ordinances of the City of Rochester, to wit:

**d. Other Specific Standards**

**1. Glare or Light**

- a, ~~All lighting installations, for every use (including single family dwellings), shall be shielded in order to avoid skyglow or undue glare onto any road or adjoining property.~~ All exterior lights shall be designed, located, installed, and directed in such a manner so as to prevent glare and objectionable light trespass onto neighborhood properties or roads. CC FY 15 01-06 AB 84 (1)

NOTE: Deleted matter appears with strikeout (e.g. ~~strikeout~~)  
Added matter appears in red (e.g. red)

Mayor Jean stated that the Public Hearing would be scheduled for January 20, 2015, prior to the City Council Workshop.

**12.6. AB 84 B Amendment to Chapter 43 of the General Ordinances of the City of Rochester Regarding the "Mobile Home Park Ordinance"**

Councilor Lachapelle **MOVED** to read the Amendment to Chapter 43 for a first time by title only and to refer the matter to a Public Hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Amendment by title only for the first time by title only as follows:

**AMENDMENTS TO CHAPTER 43 OF THE  
GENERAL ORDINANCES OF THE CITY OF ROCHESTER  
REGARDING "MOBILE HOME PARK ORDINANCE"**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 43 of the General Ordinances of the City of Rochester, entitled "Mobile Home Park Ordinance", as presently amended, be further amended as follows:

- XI.** That Section 43.1 of the General Ordinances of the City of Rochester entitled "Purpose and Intent", as presently amended, be further amended, by amending said Section 43.1, as presently enacted, to provide as follows, said amended Section to be known as Section 43.1



of the General Ordinances of the City of Rochester, to wit:

**"43.1 Purpose and Intent.**

The purpose of this ordinance is to establish minimum standards for the construction in and maintenance of mobile home parks existing (as of April 22, 2014) in the City of Rochester. The intent of the ordinance is that mobile home parks existing (as of April 22, 2014) shall provide a healthful, safe, pleasant, and attractive residential atmosphere for their occupants, while at the same time being compatible with existing and anticipated future development in the surrounding areas."

**XII.** That Section 43.3 of the General Ordinances of the City of Rochester entitled "Definitions", as presently amended, be further amended, by amending subsection (j) of Section 43.3, as presently enacted, to provide as follows, said amended subsection Section to be known as subsection (j) of Section 43.3 of the General Ordinances of the City of Rochester, to wit:

"(j) **Manufactured Housing.** Any structure, 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~~ and when erected on site, is at least 13 feet in overall width and have at least 320 square feet or more of habitable living space, and which is built on a permanent chassis and is designed to be used as a single-family habitation with or without a permanent foundation when connected to required utilities, which include plumbing, heating, and electrical systems contained therein (in conformance with the definition in RSA 674:31, as amended)."

**XIII.** That Section 43.5 of the General Ordinances of the City of Rochester entitled "Design Standards", as presently amended, be further amended, by amending subsection (a)(2) of Section 43.5, as presently enacted, to provide as follows, said amended subsection Section to be known as subsection (a)(2) of Section 43.5 of the General Ordinances of the City of Rochester, to wit:

"(a)

\* \* \*

(2) No mobile home with accessory buildings, garage, structures, storage building and paved parking spaces shall occupy in excess of ~~twenty-five percent (25%)~~ **thirty five percent (35%)** of a mobile home lot." **CC FY 15 01-06 AB 83**

NOTE: Deleted matter appears with strikeout (e.g. ~~strikeout~~)  
Added matter appears in red (e.g. **red**)

Councilor Keans said the Committee discussed using an effective date for this particular ordinance of December 31, 2014, which is prior to the adoption of the amendment to the ordinances. Councilor Hamann recalled that it was to be used as a time-certain for enforcement issues. Attorney Wensley stated that the date was not included with the amendment because the amendment can only take effect once the amendment has been adopted by the full City Council at which time the enforcement date would be the same as the adoption of the amendment.

Mayor Jean stated that the Public Hearing would be scheduled for January 20, 2015, prior to the City Council Workshop.

Councilor Torr asked about the changes to the regulations for mobile homes. Councilor Varney stated that the wording has never been easy to understand; however, it would prevent camper trailers from being permitted to being placed inside mobile home parks.

Councilor Torr requested that staff investigate the issue further because mobile homes are being constructed as little as 12 feet wide. Mayor Jean stated that this Amendment would not be adopted this evening; he recommended that this concern could be dealt with by the Codes and Ordinances Committee.

The City Council briefly discussed other regulations.

**12.7. AB 86 Resolution Authorizing a Supplemental Appropriation to the Fiscal Year 2014-2015 Capital Improvements Budget of the City of Rochester, Department of Public Works, Water Works, for the So-Called Water Tank Maintenance Project - First Reading and Refer to a Public Hearing**

Councilor Walker **MOVED** to read the resolution for the first time by title only and to refer the matter to a Public Hearing to be scheduled for January 20, 2015. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only for the first time by title only as follows:

**RESOLUTION AUTHORIZING SUPPLEMENTAL  
APPROPRIATION TO THE 2014-2015  
CAPITAL IMPROVEMENTS BUDGET  
OF THE CITY OF ROCHESTER,  
DEPARTMENT OF PUBLIC WORKS,  
WATER WORKS FOR THE SO-CALLED  
WATER TANK MAINTENANCE PROJECT**

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

That the sum of Seventy Five Thousand Dollars (\$75,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 capital improvements budget of the City of Rochester, Department of Public Works, Water Works, for the purpose of providing sums necessary to pay costs and/or expenditures with respect to the so-called Water Tank Maintenance Program (the "Project"), and provided further that such appropriation shall be drawn in its entirety from the proceeds of bonding/borrowing to be undertaken by the City of Rochester.

**Further**, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of Seventy Five Thousand Dollars (\$75,000.00), through the issuance of bonds and/or notes, and/or through other legal form(s), for the purposes of funding the expenditures incident to the implementation of the Project outlined, and referred to, in the preceding paragraph, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary, and/or appropriate. The useful life for the aforesaid Project is 20 years.

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 FY15 01-06 AB 86**

**12.8. AB 88 Resolution(s) Granting Community Revitalization Tax Relief Under the Provisions of RSA 79-E In Connection with its Proposed Rehabilitation Project: P.**

**12.8.1. AB 88 A Resolution Granting Community Revitalization Tax Relief to the Property Situate at 1 Wakefield Street Under the Provisions of RSA 79-E In Connection with its Proposed Rehabilitation Project**

Councilor Gray **MOVED** to read the resolution by title only for the first time. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by

a unanimous voice vote. Mayor Jean read the resolution by title only as follows:

**RESOLUTION GRANTING**  
**COMMUNITY REVITALIZATION**  
**TAX RELIEF TO THE PROPERTY SITUATE AT 1 WAKEFIELD STREET**  
**UNDER THE PROVISIONS OF RSA 79-E**  
**IN CONNECTION WITH ITS PROPOSED REHABILITATION PROJECT**

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

**WHEREAS**, in an effort to stimulate local economic development and enhance City downtowns and Town centers, the New Hampshire Legislature has enacted Chapter 79-E of the New Hampshire Revised Statutes Annotated, entitled "Community Revitalization Tax Relief Incentive"; and

**WHEREAS**, the City of Rochester on October 7, 2008 availed itself of the opportunities and benefits available through the adoption of Chapter 79-E, by adopting the provisions of such Community Revitalization Tax Relief Incentive Program pursuant to the Provisions RSA Chapter 79-E on October 7, 2008; and

**WHEREAS**, the owner(s) of the so-called 1 Wakefield Street property in downtown Rochester is/are desirous of taking advantage of the potential opportunities and benefits available to property owners as a result of the adoption of Chapter 79-E and they have, therefore, proposed a substantial rehabilitation project with respect to the so-called 1 Wakefield Street property structure; and

**WHEREAS**, Chapter 79-E requires that the governing body of the City of Rochester make certain findings and or determinations with regard to a proposed substantial rehabilitation project in order for the structure subject to such rehabilitation project to qualify for the Chapter 79-E Community Revitalization Tax Relief Incentive;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby make the following determinations and findings with respect to the proposed substantial rehabilitation proposal for the so-called 1 Wakefield Street property contemplated by the owner's Community Revitalization Tax Relief Application dated September 23, 2014, to wit:

- (1) Any tax relief under the provisions of Chapter 79-E or this resolution that is to be accorded with respect to the so-called 1

Wakefield Street property project shall be accorded only after the property owners grant to the City a covenant pursuant to the provisions of RSA 79-E:8 ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and in accordance with the requirements of RSA 79-E:8; and

(2) The Mayor and City Council find a public benefit(s) under RSA 79-E:7 in the proposed revitalization project proposed with respect to the so-called 1 Wakefield Street property project; and

(3) The proposed substantial rehabilitation project with respect to the aforesaid 1 Wakefield Street provides the following public benefits to downtown Rochester:

- I. It enhances the economic vitality of the downtown;
- II. It enhances and improves a structure that is culturally or historically important on a local level, within the context of Rochester's Historic District and/or the City center in which the building is located;
- III. It promotes development of downtown Rochester, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B;

(4) The specific public benefit is preserved through a covenant under RSA 79-E:8 if the project is implemented consistent with (a) the aforementioned application; (b) compliance with the recommendation to the Council approved by the Community Development Committee at its December 15, 2014 meeting; (c) the terms of this resolution; and (d) any other applicable requirements of Chapter 79-E; and

(5) The Mayor and City Council finds that the proposed use is consistent with the City's master plan and/or development regulations.

**Furthermore**, as a result of making such determinations and findings, and subject to the owner(s) compliance therewith, and with the provisions of Chapter 79-E, the Mayor and City Council hereby grants the requested tax relief for a period of seven (7) years beginning with the completion of the substantial rehabilitation of the so-called 1 Wakefield Street property structure. **CC FY15 01-06 AB 88 A**

Councilor Gray **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Council briefly discussed the matter. The **MOTION CARRIED** by two-thirds voice vote.

**12.8.2. AB 88 Resolution Granting Community Revitalization Tax Relief to the Property Situate at 124 North Main Street Under the Provisions of RSA 79-E In Connection with its Proposed Rehabilitation Project**

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

**RESOLUTION GRANTING  
COMMUNITY REVITALIZATION  
TAX RELIEF TO THE PROPERTY SITUATE AT  
124 NORTH MAIN STREET  
UNDER THE PROVISIONS OF RSA 79-E  
IN CONNECTION WITH ITS PROPOSED REHABILITATION PROJECT**

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

**WHEREAS**, in a effort to stimulate local economic development and enhance City downtowns and Town centers, the New Hampshire Legislature has enacted Chapter 79-E of the New Hampshire Revised Statutes Annotated, entitled "Community Revitalization Tax Relief Incentive"; and

**WHEREAS**, the City of Rochester on October 7, 2008 availed itself of the opportunities and benefits available through the adoption of Chapter 79-E, by adopting the provisions of such the Community Revitalization Tax Relief Incentive Program pursuant to the Provisions RSA Chapter 79-E on October 7, 2008; and

**WHEREAS**, the owner(s) of the so-called 124 North Main Street property in downtown Rochester is/are desirous of taking advantage of the potential opportunities and benefits available to property owners as a result of the adoption of Chapter 79-E and they have, therefore, proposed a substantial rehabilitation project with respect to the so-called 124 North Main Street property structure; and

**WHEREAS**, Chapter 79-E requires that the governing body of the City of Rochester make certain findings and or determinations with regard to a

proposed substantial rehabilitation project in order for the structure subject to such rehabilitation project to qualify for the Chapter 79-E Community Revitalization Tax Relief Incentive;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby make the following determinations and findings with respect to the proposed substantial rehabilitation proposal for the so-called 124 North Main Street property contemplated by the owner's Community Revitalization Tax Relief Application dated November 14, 2014, to wit:

(1) Any tax relief under the provisions of Chapter 79-E or this resolution that is to be accorded with respect to the so-called 124 North Main Street property project shall be accorded only after the property owners grant to the City a covenant pursuant to the provisions of RSA 79-E:8 ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and in accordance with the requirements of RSA 79-E:8; and

(2) The Mayor and City Council find a public benefit(s) under RSA 79-E:7 in the proposed revitalization project proposed with respect to the so-called 124 North Main Street property project; and

(3) The proposed substantial rehabilitation provides the following public benefits to downtown Rochester:

I. It enhances the economic vitality of the downtown;

II. It enhances and improves a structure that is culturally or historically important on a local level, within the context of Rochester's Historic District and/or the City center in which the building is located;

III. It promotes development of downtown Rochester, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B;

(4) The specific public benefit is preserved through a covenant under RSA 79-E:8 if the project is implemented consistent with (a) the aforesaid application; (b) compliance with the recommendation to the Council approved by the Community Development Committee at its December 15, 2014 meeting; (c) the terms of this resolution; and (d) any other applicable requirements of Chapter 79-E; and

(5) The Mayor and City Council finds that the proposed use is consistent with the City's master plan and/or development regulations.

Furthermore, as a result of making such determinations and findings, and subject to the owner(s) compliance therewith, and with the provisions of Chapter 79-E, the Mayor and City Council hereby grants the requested tax relief for a period of nine (9) years beginning with the completion of the substantial rehabilitation of the so-called 124 North Main Street property structure. **CC FY15 01-06 AB 88 B**

Councilor Gray **MOVED** to **ADOPT** the resolution. Councilor Lauterborn seconded the motion. Councilor Walker **MOVED** to **AMEND** the Resolution to reduce the number of years from nine years to seven years. Councilor Keans seconded the motion. The **MOTION CARRIED** by a majority voice vote. Councilor Varney recalled that the reason the Finance Committee had reviewed the 79-E Applications in the past is to disclose how much money this would cost to the taxpayers. It was determined that the tax revenue would could be estimated at approximately \$30,000 over the seven years of tax relief. Councilor Gray reiterated that it is assumed that the property value would increase by that amount and that the estimate is only based on the increased evaluation which at this point is based on an assumption. Mayor Jean called for a vote on the main motion as amended. The **MOTION CARRIED** by a two-thirds majority voice vote. The Amended Resolution is as follows:

**RESOLUTION GRANTING**  
**COMMUNITY REVITALIZATION**  
**TAX RELIEF TO THE PROPERTY SITUATE AT**  
**124 NORTH MAIN STREET**  
**UNDER THE PROVISIONS OF RSA 79-E**  
**IN CONNECTION WITH ITS PROPOSED REHABILITATION PROJECT**

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

**WHEREAS**, in a effort to stimulate local economic development and enhance City downtowns and Town centers, the New Hampshire Legislature has enacted Chapter 79-E of the New Hampshire Revised Statutes Annotated, entitled "Community Revitalization Tax Relief Incentive"; and

**WHEREAS**, the City of Rochester on October 7, 2008 availed itself of the opportunities and benefits available through the adoption of Chapter 79-E, by adopting the provisions of such the Community Revitalization Tax Relief Incentive Program pursuant to the Provisions RSA Chapter 79-E on October 7, 2008; and



**WHEREAS**, the owner(s) of the so-called 124 North Main Street property in downtown Rochester is/are desirous of taking advantage of the potential opportunities and benefits available to property owners as a result of the adoption of Chapter 79-E and they have, therefore, proposed a substantial rehabilitation project with respect to the so-called 124 North Main Street property structure; and

**WHEREAS**, Chapter 79-E requires that the governing body of the City of Rochester make certain findings and or determinations with regard to a proposed substantial rehabilitation project in order for the structure subject to such rehabilitation project to qualify for the Chapter 79-E Community Revitalization Tax Relief Incentive;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby make the following determinations and findings with respect to the proposed substantial rehabilitation proposal for the so-called 124 North Main Street property contemplated by the owner's Community Revitalization Tax Relief Application dated November 14, 2014, to wit:

(1) Any tax relief under the provisions of Chapter 79-E or this resolution that is to be accorded with respect to the so-called 124 North Main Street property project shall be accorded only after the property owners grant to the City a covenant pursuant to the provisions of RSA 79-E:8 ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and in accordance with the requirements of RSA 79-E:8; and

(2) The Mayor and City Council find a public benefit(s) under RSA 79-E:7 in the proposed revitalization project proposed with respect to the so-called 124 North Main Street property project; and

(3) The proposed substantial rehabilitation provides the following public benefits to downtown Rochester:

I. It enhances the economic vitality of the downtown;

II. It enhances and improves a structure that is culturally or historically important on a local level, within the context of Rochester's Historic District and/or the City center in which the building is located;

III. It promotes development of downtown Rochester, providing for

efficiency, safety, and a greater sense of community, consistent with RSA 9-B;

(4) The specific public benefit is preserved through a covenant under RSA 79-E:8 if the project is implemented consistent with (a) the aforesaid application; (b) compliance with the recommendation to the Council approved by the Community Development Committee at its December 15, 2014 meeting; (c) the terms of this resolution; and (d) any other applicable requirements of Chapter 79-E; and

(5) The Mayor and City Council finds that the proposed use is consistent with the City's master plan and/or development regulations.

Furthermore, as a result of making such determinations and findings, and subject to the owner(s) compliance therewith, and with the provisions of Chapter 79-E, the Mayor and City Council hereby grants the requested tax relief for a period of seven (7) years beginning with the completion of the substantial rehabilitation of the so-called 124 North Main Street property structure. **CC FY15 01-06 AB 88 B – Amended and Adopted on 01-06-2015**

### **13. Other**

Councilor Varney suggested having the Planning Board involved with the discussions about the Cumberland Farms Project and the Intersection of Flat Rock Bridge Road/Milton Road. Councilor Walker understood that it would be presented to the Planning Board at the next meeting.

Councilor Varney expressed concern over the fact that the City Council approved changes to the Conservation Easement Granite State Ridge TIF and the Conservation Commission was not properly informed of the changes. City Manager Fitzpatrick agreed to check into the matter.

Councilor Keans stated that Fairpoint Communications is seeking a \$13,000,000 renewal with the State of New Hampshire. She stated that the process of approving the contract has been delayed because of how many complaints have been reported regarding its services. She suggested that the City Council voice its concerns to the State prior to the renewal. Mayor Jean agreed and stated that he would seek input from Chief Allen and Chief Sanborn regarding the loss of services during the Thanksgiving storm. He would have Samantha Rodgeron, Executive Secretary, draft a letter on behalf of the Mayor and it would be included in the City Council packet.

Councilor Torr gave some examples of poor communications from the power company. It can be a dangerous situation for folks who dependent

upon oxygen tanks to be without power for extended periods of time. He questioned why the City Shelter was not utilized during the Thanksgiving Storm. Mayor Jean confirmed that the shelter was open during the storm and was only utilized by one occupant. Councilor Torr asked the City Manager to find out why some residents were told the shelter was not open when they called City Hall.

**14. Non-Meeting and Non-Public Session(s):**

**14.1. AB 87 RSA 91-A:2 Non-Meeting for Consultation with Legal Counsel**

**14.2. Non-Public Session for Personnel, RSA 91-A:3 II (b)**

Councilor Lachapelle **MOVED** to enter into the Non-Meeting/Non-Public Sessions under RSA 91-A:2 Non-Meeting for Consultation with Legal Counsel and Non-Public Session for Personnel, RSA 91-A:3 II (b) at 9:05 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote as follows: Councilors Gray, Gates, Collins, Bogan, Hamann, Keans, Lauterborn, Larochelle, Lachapelle, Torr, Varney, Walker, and Mayor Jean voted in favor of the motion. Councilor Lachapelle **MOVED** to exit the Non-Meeting/Non-Public Sessions and to seal the minutes indefinitely 9:58 PM. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**15. Adjournment**

Councilor Lachapelle **MOVED** to adjourn the Regular City Council meeting at 9:58 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters  
City Clerk