

**Codes and Ordinances Committee**

Councilor Peter Lachapelle, Chair  
Councilor Steve Beaudoin, Vice Chair  
Councilor Skip Gilman  
Councilor Ashley Desrochers  
Councilor Tim Fontneau



**CODES AND ORDINANCES COMMITTEE**  
Of the Rochester City Council  
**Thursday, April 6, 2023**  
**Council Chambers**  
**6:00 PM**

**Minutes**

**1. Call to Order**

Chair Lachapelle called the meeting to order at 6:00 PM. Deputy City Clerk Cassie Givara took a silent attendance. All Councilors were present except for Councilor Desrochers, who was excused.

**2. Public Input**

There was no public input.

**3. Acceptance of the Minutes**

**3.1 March 2, 2023 *motion to approve***

Councilor Beaudoin **MOVED** to approve the minutes of the March 2, 2023 Codes and Ordinances Committee meeting. Councilor Gilman seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**4. Discussion: Potential ordinance regarding “raised speed tables”**

Chair Lachapelle said he had discussed this agenda item with the Chair of the Public Safety Committee, and it was decided that it would be added to the next agenda for the Public Safety meeting on April 20 to receive input from the Department of Public Works staff. The item will then come back to the Codes and Ordinances Committee.

**5. Discussion: Installation of Noise Ordinance signs at Entrances to City**

Chair Lachapelle explained that this item had been raised by a Councilor at a previous City Council meeting. Chair Lachapelle stated that he felt having signs citing the City's noise ordinance at the entryways into the city was not feasible due to the large number of roadways coming into the City, some of which are State roads.

Councilor Beaudoin said he was opposed to the proposal of noise ordinance signs. He pointed out that there are many State laws and local ordinances pertaining to the operation of motor vehicles and it did not make sense to target one specific type of violation. Additionally, such signs are often ignored or overlooked. Councilor Beaudoin clarified that this is not an issue unique to Rochester, and the addition of signs would do little to help.

Councilor Fontneau agreed that such signage would not be beneficial; the Rochester Police Department will address motor vehicle ordinance violations as they encounter them. It is not plausible to post signs for each potential type of motor vehicle violation that could occur in the City.

No action was taken on the item.

## **6. Amendment to Rules of Order Section 1.6 "Order of Business" #11 "Old Business"**

Chair Lachapelle said that he had initiated an amendment to the Order of Business on meetings agendas; however, there had also been suggested edits received from a constituent.

The constituent had suggested changes to section 4.21 "Inaugural Meeting, Order Exercises." The first suggestion is to change the first sentence as follows:

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

Chair Lachapelle stated that he felt this addition was redundant, as the title of the section already specifies that this is pertaining to the Inaugural meeting. Councilor Beaudoin agreed that this suggested amendment was unnecessary given that the word "Inaugural" was already in the title.

The other suggested amendment was to change the order of the following items:

- 4. Roll Call of Councilors-Elect**
- 5. Mayor takes Oath of Office**

The constituent had indicated that these items should be reversed in order to follow the same process as the school board and police commission roll calls and oaths on the remainder of the agenda. Chair Lachapelle stated that when the roll call of Councilors is taken at the Inauguration, the last person called is the Mayor. He suggested the following edit for clarification: **"4. Roll Call of Councilors-Elect *and Mayor-Elect.*"** It was stated that this process is the same as roll calls taken at Council meetings; with the Councilors called first and the Mayor last. Chair

Lachapelle **MOVED** to recommend to full Council the amendment to the Rules of Order section 4.21, changing #4 to “Roll Call of Councilors-Elect and Mayor-Elect.” Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Chair Lachapelle **MOVED** to recommend to full Council an amendment to the Rules of Order section 1.6 “Order of Business,” changing #11. Old Business to “Unfinished Business.” Councilor Beaudoin agreed that this change would bring the terminology in line with what is laid out in Robert’s Rules of Order. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## 7. Other

Councilor Beaudoin requested an addition to the next Codes and Ordinances meeting agenda to discuss once again adding “Other” as an agenda item at full Council meetings. He referenced an instance at the prior Council meeting where a Councilor had requested an action item be added to the agenda, requiring a 2/3 vote for this suspension of the rules; the 2/3 vote was not received and the Councilor did not have the opportunity to discuss the item. Chair Lachapelle agreed to add the discussion to the next Codes and Ordinances agenda; however, he clarified that the reason the Councilor in question had been denied at the Council meeting was due to the lack of information provided on the topic he wanted to discuss. Chair Lachapelle agreed to add this item to the May 4, 2023 agenda for discussion.

Councilor Beaudoin said he had received a constituent complaint the prior week. The constituent reported that he had attempted to register his vehicle under an LLC and was told that he would need to file a project narrative with the Planning Department in order to do so. The constituent had questioned the statutory authority under which this directive was given. Councilor Beaudoin said that he was given State statutes as well as administrative rules via the City Manager to support what the constituent had been advised; however, Councilor Beaudoin stated he did not agree that these statutes supported such requirements. Councilor Beaudoin indicated that he had reached out to the State DMV to determine if the City has the authority to deny a constituent in this manner. He speculated that, since the City is an agent of the State, they do not have the ability to impose regulations above and beyond what the State requires. He asked if this was a Council-approved policy and asked who had initially issued the directive.

Attorney O’Rourke explained that there have multiple instances of people attempting to register vehicles at addresses where they claim to own a business. He said that there is no follow-up when a business is filed with the Secretary of State’s office to verify if such a business actually exists at the stated address. There have been countless instances where residents of states outside NH have been allowed to register vehicles within the State, to such an extent that there was a class action lawsuit filed against the State of New Hampshire due to lost revenues suffered from other States. There was then a dedicated unit of the State Police formed specifically to investigate registration and title fraud. Attorney O’Rourke clarified that there is no requirement for a resident to file a project narrative, as referenced by Councilor Beaudoin. However, the tax collector does need to determine if there is actually a business at the address where the resident is claiming. In this instance referenced, the tax collector was not able to verify that there was a business at the address where the constituent was trying to register the vehicle. He acknowledged that paperwork may have been filed with the State indicating that there is an LLC at a particular address, however

it does not mean there is a business there. Attorney O'Rourke suggested that if the resident in question wanted to pursue the matter, the City would turn the issue over to the State Police for further investigation.

Councilor Beaudoin agreed that the issue should be handled by the State Police, but stated that the resident should not be denied the right to register his vehicle while such an investigation occurs. Attorney O'Rourke read an excerpt from the State RSA related to auto registration by a business. He reiterated that the Tax Collector was unable to verify that a business existed at the address the resident claimed, and was doing her due diligence to determine the validity of these claims prior to registration.

Councilor Fontneau inquired if a business has to be registered with the City, even if it is a small home-based business, and if that is the only way to prove that a business exists at a given address. Attorney O'Rourke answered that in order to have such a business, the owner would have to file and be approved for a home occupation. The tax collector would then be able to verify this home occupation exists prior to registering a vehicle in the business name. Councilor Beaudoin surmised that the resident would need to just file the project narrative stating that the business exists. Attorney O'Rourke responded that the business would need to be approved, and the filing of the paperwork alone is not adequate. Councilor Beaudoin speculated that these requirements would add significant time to the startup of a new business. Councilor Fontneau clarified that the project narrative is simply the application through the Planning Department for the first tier of a home occupation, detailing what the occupation will entail.

There was further discussion on what constitutes a home occupation/home business, whether or not these should be filed and approved with the City of Rochester, and what zones would allow certain aspects of a home business, such as a lettered vehicle. Attorney O'Rourke reiterated that if the resident did want to pursue the issue further, the City would hand the matter over to the State police.

Councilor Beaudoin reiterated his questions regarding the authority under which the City was asking for these requirements. Attorney O'Rourke stated that the Councilor would need to make that request through the City Manager.

## 8. Adjournment

Chair Lachapelle announced that the next Codes and Ordinances Committee would take place on May 4, 2023.

Chair Lachapelle **ADJOURNED** the Codes and Ordinances Committee meeting at 6:24 PM.

Respectfully Submitted,

Cassie Givara,  
Deputy City Clerk