

**City Council Public Hearing  
April 18, 2023  
Council Chambers  
7:06 PM**

**COUNCILORS PRESENT**

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

**OTHERS PRESENT**

Blaine Cox, City Manager  
Katie Ambrose, Deputy City Manager  
Shanna Saunders, Planning Director  
Ryan O'Connor, Senior Planner  
Jim Shannon, Attorney  
Susan Rice, resident  
Carol Petruszewicz, resident  
Sarah Rowe, resident  
human, resident  
Packy Campbell, resident  
Kelly Potenza, resident  
Sandy Keans, resident  
Tom Kaczynski, resident  
Dennis Dube, Fire Chief

**Minutes**

**1. Call to Order**

Mayor Callaghan called the City Council Public Hearing to order at 6:00 PM. Deputy City Clerk Cassie Givara took a silent roll call attendance. All Councilors were present.

**2. Amendment to the General Ordinances of the City of Rochester regarding Solar Energy (*Addendum A*)**

Mayor Callaghan asked Planning Department staff to give more information on the proposed amendment.

Shanna Saunders, Director of Planning and Zoning, clarified that there is currently no ordinance in the City of Rochester dealing with solar energy; this would be a new addition to the ordinances.

Ryan O'Connor, Senior Planner, stated that this ordinance had passed the Planning Board unanimously on March 20, 2023. He gave an overview of the purpose of this ordinance and outlined specific details

contained therein, including a use table showing in which zones each type of solar usage would be allowed to ensure that the community and abutters are not impacted adversely as these solar arrays increase in size.

Councilor Larochelle referenced one of the slides and asked why the ordinance limits the amount of power produced. Mr. O'Connor explained that it is not necessarily a limit to the production of power but rather placing a different level of review for each size of system.

Councilor Lachapelle read verbiage from the section regarding "abandonment and decommissioning" and asked who would absorb the cost of the clearing and restoration of these sites, and if there would be a bond for such issues. Mr. O'Connor explained that if they City held a bond for decommissioning of solar arrays, they would need to hold a bond for all structures. Councilor Lachapelle asked how the decommissioned solar equipment would be disposed of, due to the inability of this material to be landfilled or burned. Mr. O'Connor stated that the ordinance places this responsibility for both cost and disposal on the landowner.

Councilor Beaudoin asked if, based on the ordinance, solar panels would be allowable in a property owner's front yard as long as they are installed within the setback. He speculated on the size of solar arrays that would be allowable by ordinance and felt it would be intrusive in certain residential areas. He suggested that solar arrays in front of properties should only be allowed by special exception. Mr. O'Connor explained that the Planning Board had shared these same concerns, which was the reasoning behind the requirement of a 20,000 sqf lot minimum; the larger ground-mounted systems could be placed in these larger lots, but would require an exception from the Zoning Board for use in smaller lots. Councilor de Geofroy recalled that, based on GIS information reviewed at the Planning Board, there was a very small percentage of properties that met this 20,000 sqf minimum.

Councilor Fontneau asked if there were more strict requirements for apartments and multi-family units than there were for single-family homes. Mr. O'Connor confirmed that multi-unit properties are viewed in this ordinance as commercial establishments and would fall under those regulations.

Jim Shannon, Attorney for Bright Spot Solar LLC, addressed the Council regarding three amendments to the proposed solar ordinance and distributed these suggested amendments to Council. He summarized these suggestions and the reasoning behind them.

Susan Rice, resident, supported a solar ordinance but felt that there was further work needed on the draft. She detailed the items she felt needed further review.

Carol Petruszewicz, resident, inquired about the cost of abandonment and decommissioning and the responsibility thereof.

Sarah Rowe, resident, recommended visiting EPA.gov and searching "Solar Panel FAQ" for information on regulations, disposal, costs, etc.

human, resident, questioned the Rules of Order being followed for Public Hearings. He also pointed out inconsistencies within the proposed solar ordinance that he felt needed further work.

Packy Campbell, Bright Spot Solar LLC and resident, spoke in favor of the draft solar ordinance as a starting point and made some suggestions on further amendments.

Kelly Potenza, resident and State Representative, emphasized the need to determine responsibility for cost of disposal and to have this written into the ordinance prior to adoption.

Director Saunders stated that Planning Department staff had taken note of the questions and concerns expressed by residents and would draft a response. She clarified that, regarding decommissioning and disposal, the intent had been to treat solar arrays as any other abandoned structure, which become an enforcement issue. The intent is for the owner of the property to bear the cost as opposed to the City.

Councilor Larochelle spoke about the lifespan of solar panels based on their quality and materials. He spoke about the potential of including requirements for manufacturing specifications in the ordinance, which could help with disposal, future sale, and environmental safety of solar panels.

**3. Resolution Authorizing Supplemental Appropriation in The Amount of \$590,000 for City Hall and Opera House Life Safety Building Upgrades**

**Resolution Authorizing Supplemental Appropriation in the amount of \$590,000.00 for City Hall and Opera House Life Safety Building Upgrades**

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

That the Mayor and City Council of the City of Rochester hereby authorized a supplemental appropriation in the amount of Five Hundred Ninety Thousand Dollars (\$590,000.00) to cover the costs associated with the City Hall and Opera House life safety building upgrades project. The supplemental appropriation will be derived in its entirety from the General Fund Unassigned Fund Balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution.

Director of City Services Peter Nourse explained that, due to the large value of the proposed improvements as well as the historic nature of the property, the contractors considered for the project were prequalified. Of the two qualification packages received by the City, only one of these contractors submitted a bid. The sole bidder, Careno Construction, quoted a base price of \$555,500, which was \$105,500 more than the initial estimate presented to Council. He clarified, however, that this initial estimate did not include asbestos abatement. Director Nourse went over the options he had detailed at the April 4 Council meeting:

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

He outlined the pros and cons of each options, recommending option A due to the unknowns and potential drawbacks with the other two options. He suggested adding a 6% contingency, bringing the total allocation to \$590,000.

Councilor Fontneau asked Director Nourse to summarize why these improvements are needed. Director Nourse explained that the initial assessment had been carried out by the Fire Department and these improvement were identified in that report. He summarized the improvements that are requested in the Opera House and the reasoning

behind these improvements.

Councilor Beaudoin inquired how much of the asbestos-containing materials was actually being removed from the building. Director Nourse explained that the new wiring being installed would involve disrupting the plaster, which contains asbestos. There may also be work done involving the ceiling tiles, also containing asbestos. Councilor Beaudoin asked if the Director felt that the \$23,000 quoted for the asbestos abatement was a reasonable price. Director Nourse stated that the Department had felt that this price was quite low.

Councilor Beaudoin pointed out that the majority of the proposed work is inside the building. He wondered if the higher bid price from the responding contractor could be due to the time of the year when work will be completed, which would occur when most companies are already booked with outdoor projects. He speculated that there might be lower bids if the project were proposed during colder months.

Carol Petruszewicz, resident, asked if the City would be covering these costs for the life safety improvements if they were not the owners of the Opera House.

Susan Rice, resident, requested to hear from the Fire Department regarding these proposed improvements. She asked if the abatement would be taking care of the last remaining asbestos in the building.

Sandy Keans, resident, spoke about the importance of these improvements for the financial health and operations of the Opera House, bringing increased business to downtown, and for compliance with codes as is required of all other properties in the City.

Tom Kaczynski, resident, questioned the City's responsibility for the Opera House improvements and questioned the set of codes on which these improvements are based.

Dennis Dube, Fire Chief, addressed several of the questions posed by the public. He clarified that the Opera House is part of the City Hall building; the report which contains these suggested safety upgrades takes into account the entirety of the building, not just the Opera House. Chief Dube said the timing of the project was in an effort to make the upgrades less impactful for the Opera House and to avoid disrupting their operations as much as possible. He said that following the initial report, the lower impact items that were not imperative to life safety had been removed from the list. The items which remain on the list are those which the Fire Department feels are necessary to continue allowing congregation in the

Opera House and throughout City Hall.

Councilor Desrochers referenced a comment made during public input that there had never been a fire or adverse event in the Opera House to date. She asked if it would be advisable to wait until there *is* such an event to make these upgrades. Chief Dube stated that fire codes are based on tragedy, and some of the safety improvements in the report are based on mass casualty events. He stated that the improvements recommended are all suggested for good reason and are better done preventatively.

#### **4. Adjournment**

Mayor Callaghan **ADJOURNED** the City Council Public Hearing at 7:06 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk