

**City Council Regular Meeting
October 5, 2021
Council Chambers
6:30 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Bogan
Councilor Hainey
Councilor Hamann
Councilor Hunt-Hawkins
Councilor Hutchinson
Councilor Jean
Councilor Lachapelle
Councilor Rice
Councilor Walker
Mayor Lauterborn

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Peter Nourse, Director of City Services

COUNCILORS ABSENT

Councilor Fitzpatrick
Councilor Gray

Minutes

1. Call to Order

Mayor Lauterborn called the Regular City Council meeting to order at 6:30 PM.

2. Opening Prayer

Mayor Lauterborn asked the Council to observe a moment of silence.

3. Pledge of Allegiance

Mayor Lauterborn asked all present to stand, and led everyone in the Pledge of Allegiance.

4. Roll Call

Deputy City Clerk Cassie Givara took the roll call attendance. All Councilors were present except for Councilors Fitzpatrick and Gray, who were

both excused.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: September 7, 2021

Councilor Lachapelle **MOVED** to accept the minutes of the September 7, 2021 Regular City Council meeting. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2 City Council Special Meeting: September 21, 2021

Councilor Lachapelle **MOVED** to accept the minutes of the September 21 Special City Council meeting. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

City Manager Cox gave an update on the leak that had been identified in the arena's ice system. He said that the location of the leak has been found and there were successful repairs made yesterday. The Arena has now started to re-place the flooring and the ice making process will be starting up again within the next few days.

6.1 City Manager's Report

City Manager Cox said there was nothing in addition to his report as presented in the packet:

Contracts and documents executed since last month:

- **Department of Public Works**
 - Engineering Services Amendment, Colonial Pines – Underwood Engineers, Inc.
 - Change Order, Sidewalk Rehabilitation Project
 - Construction Contract, Route 11 Sewer Pump Upgrade – Northeast Mechanics
 - Change Order, River St Pump Station – Apex Construction
 - Bid Award, Colonial Pines phase 3 – S.U.R. Construction
 - Design proposal – Fuss & O'Neill
 - NHPDES Small MS4 General Permit
 - Grant Agreement - HHWD
 - Task order, emergency response plan – Wright Pierce
- **Economic Development**
 - FY 2021 CDBG Contract addendum– Rochester Child Care Center

- FY22 CDBG Annual Action Plan & CARES Act Grant Agreement
- F22 CDBG Environmental Reviews – CAP Weatherization
- **Finance**
 - Actuarial services agreement – Nyhart Company, Inc

The following standard reports have been enclosed:

- Permission & Permits Issued -none
- Personnel Action Report Summary

7. Communications from the Mayor

7.1. **Proclamation: Extra Mile Day, November 1, 2021**

Mayor Lauterborn read the proclamation designating November 1, 2021 as Extra Mile Day.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1 **Resignation: Daniel Rines – Planning Board, Regular Member**

Councilor Walker **MOVED** to accept the resignation of Daniel Rines with regret. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9.2 **Nomination: Donald Hamann, Strafford Regional Planning Commission, term to expire 6/30/2024 (recommended by Planning Board 9/20/21)**

Councilor Walker **MOVED** to approve the nomination of Donald Hamann to the Strafford Regional Planning Commission. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10. Reports of Committees

10.1 Appointments Committee

10.1.1 **New Appointment: Chloe White – Arts & Culture Commission, Regular Member, term to expire 1/2/2023**

Councilor Hunt-Hawkins **MOVED** to approve the appointment of Chloe White to the Arts & Culture Commission for a term as listed above. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.2 Community Development

Councilor Bogan stated that there were no action items from the Community Development Committee. She announced the Committee would be meeting again on October 18, 2021.

10.3 Finance Committee

10.3.1 Committee Recommendation: to recommend to full Council the Personnel Advisory Board recommendation for the Public Works Construction Inspector position

Councilor Lachapelle **MOVED** to accept the Personnel Advisory Board recommendation for the Public Works Construction Inspector position. Councilor Walker seconded the motion. Councilor Rice inquired if this position had already been funded in the current fiscal year budget. It was confirmed that this position was already in the budget for a part-time position. The **MOTION CARRIED** by a unanimous voice vote.

10.3.2 Resolution Authorizing Acceptance of \$6,147,502.00 of Coronavirus State and Local Fiscal Recovery Funds Through the American Rescue Plan Act ("ARPA Funds")

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

Resolution Authorizing Acceptance of \$6,147,502.00 of Coronavirus State and Local Fiscal Recovery Funds Through the American Rescue Plan Act ("ARPA Funds")

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

That City hereby accepts Six Million One Hundred Forty Seven Thousand Five Hundred Two Dollars (\$6,147,502.00) in ARPA Funds.

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

Mayor Lauterborn clarified that this resolution serves to accept the ARPA funds in their entirety. The funds can then be expended for individual projects to be voted on over the next several years.

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

10.3.3 Resolution Authorizing Allocation of \$129,815.00 to the Arena Special Revenue Fund from ARPA Funds

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

Resolution Authorizing Allocation of \$129,815.00 to the Arena Special Revenue Fund from ARPA Funds

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

That City hereby allocates to the Arena Special Revenue Fund One Hundred Twenty Nine Thousand Eight Hundred Fifteen Dollars (\$129,815) for lost revenues during Fiscal Year 2021 specifically related to the Coronavirus-19 pandemic. The source of the revenue reimbursement shall be derived entirely from ARPA Funds.

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

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. Mayor Lauterborn said that the Arena fund was greatly

affected due to COVID-19 and detailed the fund deficit the Arena was currently experiencing. She stated that due to the very small portion of the total ARPA funds this proposal would expend, the Finance Committee felt this should be handled early. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Lauterborn referenced the Health Coordinator position, which had been discussed at the prior Finance Committee meeting. She said that a discussion on this position would be coming to Council at the October 19 Workshop meeting.

10.4 Planning Board

Councilor Walker announced that with the resignation of Daniel Rines from the Planning Board, there will be a vacancy on the board. He advised interested parties to contact the City Clerk's office to obtain a statement of interest for application.

10.5 Public Safety

10.5.1 *Committee Recommendation:* To install signs reading "No Parking Wednesday 6AM - Noon" on both sides of Moores Court at the discretion of DPW

Councilor Hamann **MOVED** to accept the recommendation to install "No Parking" signs on Moores Court as detailed above. Councilor Lachapelle seconded the motion. Councilor Hamann recommended that this item be taken care of as soon as possible because trash removal is not being completed on this street due to the parking issue. The **MOTION CARRIED** by a unanimous voice vote.

10.5.2 *Committee Recommendation:* To install a "No U-Turn" sign at Ten Rod Road near Exit 14

Councilor Hamann **MOVED** to install a "No U-Turn" sign on Ten Rod Road near exit 14. He stated that there have been some close calls on this road with near accidents and, after conferring with NHDOT, the City was informed that it is within the City's purview to install such signs. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.5.3 *Committee Recommendation:* To change the posted speed limit on Four Rod Road to 30 mph

Councilor Hamann **MOVED** to change the posted speed limit on Four Rod Road to 30 mph. Councilor Rice seconded the motion. Councilor Walker asked about the current speed limit on this road. Council Hamann stated that the speed limit is currently set at 35 mph. He said that the police department had placed a speed trailer in the area and it was discovered that the highest recorded speed on the road was 77 mph with the median speed being 42 mph. Councilor Hamann said that with the road being so narrow, residents are hesitant to go towards their mailboxes due to the excessive speeds. The **MOTION CARRIED** by a unanimous voice vote.

10.5.4 Committee Recommendation: To install a "traffic signal ahead" warning sign, with a "Highland Street" sign underneath, on Salmon Falls Road at the discretion of DPW

Councilor Hamann **MOVED** to install a "traffic signal ahead" sign with a "Highland Street" sign posted directly underneath on Salmon Falls Road. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.5.5 Committee Recommendation: To install a "Hidden Driveway" sign by 661 Pickering Road at the owner's expense and at the discretion of DPW

Councilor Hamann **MOVED** to install a "Hidden Driveway" sign at 661 Pickering Road at the owner's expense. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.5.6 Committee Recommendation: To install a "Stop sign ahead" warning sign on Roy Street in the direction from Washington Street at the discretion of DPW

Councilor Hamann **MOVED** to install a "stop sign ahead" warning sign on Roy Street in the direction from Washington Street toward Walnut Street. Councilor Rice seconded the motion. Councilor Walker inquired if this sign would be effective given the short length of the road. Councilor Hamann clarified that since construction began in the Strafford Square area, people have been using Roy Street to bypass the construction and have not been stopping at the 4-way stop. This sign would be placed prior to the curve in the road. Councilor Rice said the sign would be placed on the straight portion of Roy Street directly off Washington, following which there is a curve and then

an abrupt 4-way stop. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle said there had been discussion in Committee regarding removable speed bumps for the issue on Roy Street. He stated that he was not in support of this measure. He speculated that if these were to be installed in this area, they would be requested in many other areas of the City; it would also be time-prohibitive for DPW to have to install and remove them later in the year.

Councilor Hamann stated that the Public Safety Committee would be meeting again on October 20.

10.6 Public Works

Councilor Walker said that there were no action items resulting from the Public Works meeting.

10.7 Redistricting Committee

10.7.1 Resolution Approving Revision of Ward Boundaries in Accordance With Section 3 of the City Charter

Councilor Walker directed Council to the map displayed in Council Chambers of the new ward lines, which would take effect with the proposed redistricting. Councilor Rice stated that this information is also available on the City website.

Councilor Lachapelle asked if the residents whose properties will be effected by the redistricting would be notified by certified mail that they had a new ward and polling location. Councilor Walker confirmed that the City Clerk's office would inform these residents via postcard when the redistricting goes into effect. He stated that this item would be further discussed at the October 19 Workshop meeting.

Councilor Walker **MOVED** to read the resolution for a first time and refer it to a public hearing on October 19, 2021. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Walker read the resolution for a first time by title only as follows:

Resolution Approving Revision of Ward Boundaries in Accordance With Section 3 of the City Charter

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

In accordance with Section 3 of the City Charter, the six (6) Ward Boundaries are hereby revised consistent with the attached **Exhibit A**. These Ward Boundary revisions shall take effect at the first election after the approval of this Resolution.

Councilor Lachapelle reminded Council that the Codes & Ordinances Committee would be meeting on Thursday, October 7 at 6 PM and invited all to attend.

11. Old Business

No discussion.

12. Consent Calendar

No discussion.

13. New Business

13.1 Resolution Authorizing \$17,000.00 Appropriation from the Economic Development Special Reserve Fund for Water Street Paving

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

Resolution Authorizing \$17,000.00 Appropriation from the Economic Development Special Reserve Fund for Water Street Paving

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

That, in accordance with §7-63 (A) (2), the amount of Seventeen Thousand Dollars (\$17,000.00) is hereby appropriated from the Economic Development Special Reserve Fund to pay for the costs associated with paving portions of Water Street associated with the City's Development Agreement for the so-called Scenic/Salinger Project which is part of the economic revitalization of the City's historic downtown.

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. All projects will be assigned a unique account number for tracking and reported purposes.

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

13.2 Resolution Granting Community Revitalization Tax Relief to the Properties Located at 45 and 55 North Main Street and 8 Barker Court Under the Provisions of RSA 79-E in Connection with a Proposed Rehabilitation Project

Councilor Lachapelle **MOVED** to read the resolution for a first time and refer it to a public hearing on October 19, 2021. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Lauterborn read the resolution for a first time by title only as follows:

Resolution Granting Community Revitalization Tax Relief to the Properties Located at 45 and 55 North Main Street and 8 Barker Court Under the Provisions of RSA 79-E in Connection with a 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 RSA Chapter 79-E, entitled "Community Revitalization Tax Relief Incentive"; and

Whereas, the City of Rochester adopted the provisions of such Community Revitalization Tax Relief Incentive Program pursuant to RSA Chapter 79-E by Resolution of the City Council on October 7, 2008; and

Whereas, the Lilac City Development, LLC, owner of the so-called 45 and 55 North Main Street and 8 Barker Court in downtown Rochester, is desirous of making use of the benefits of RSA Chapter 79-E and it has, therefore, proposed a substantial rehabilitation project with respect to the structures located upon the so-called 45 and 55 North Main Street and 8 Barker Court; and

Whereas, RSA Chapter 79-E requires that the governing body of the City of Rochester make certain findings and determinations with regard to a proposed substantial rehabilitation project in order for the structure to qualify for the RSA 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 findings and determinations with respect to the proposed substantial rehabilitation proposal for the so-called 45 and 55 North Main Street and 8 Barker Court properties contemplated by the owner's Community Revitalization Tax Relief Application dated September 29, 2021, to wit:

(1) Any tax relief under the provisions of RSA Chapter 79-E or this resolution that is to be accorded with respect to the so-called 45 and 55 North Main Street and 8 Barker Court properties project shall be accorded only after the property owner grants 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 public benefits under RSA 79-E:7 in the proposed revitalization project proposed with respect to the so-called 45 and 55 North Main Street and 8 Barker Court properties project; and

(3) The proposed substantial rehabilitation project with respect to the aforesaid 45 and 55 North Main Street and 8 Barker Court Main Street properties 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 and historically important on a local level, within the context of the City's Historic District and 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 City Council approved by the Community Development Committee on October

18, 2021 (c) the terms of this resolution; and (d) any other applicable requirements of Chapter 79-E; and

(5) The Mayor and City Council find that the proposed use is consistent with the City's Master Plan and 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 RSA Chapter 79-E, the Mayor and City Council hereby grant the requested tax relief for a period of seven (7) years beginning with the completion of the substantial rehabilitation of the structure upon the so-called 45 and 55 North Main Street and 8 Barker Court properties.

13.3 Non-Public Minutes from April 6, 2021 City Council Meeting *motion to unseal*

Councilor Lachapelle **MOVED** to unseal the minutes of the non-public meeting of April 6, 2021. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

14. Other

Councilor Bogan reported that PorchFest had gone wonderfully the prior Sunday and she thanked everyone involved in organizing the annual event as well as all those who came out and participated.

Councilor Rice thanked all city staff and participants who had attended Chief Klose's retirement celebration and final ride.

Councilor Rice reported that the Governor's Advisory Commission on Intermodal Transportation hearings had been held the day prior, at which several councilors were present along with Director of City Services Peter Nourse. He urged all councilors to participate in future meetings and to voice their support for the Route 11 corridor projects. He stated that the area is a safety hazard, and with hundreds of new residents moving to this location, the issue needs to be addressed as soon as possible. Peter Nourse, Director of City Services, said that there have been two projects identified (Route 11 signal and sidewalk project, which is scheduled for 5-years out and the Route 11 capacity enhancement which is 10-years out). He gave details on each of these projects. He stated that the City had arranged with NHDOT to exchange a lesser-priority project in the existing 10-year plan with one of these Route 11 projects, to take the same proposed timeline for a start date in 2026. Mr. Nourse said that the City had tried to obtain funding for these projects through federal programs in order to break ground earlier; thus far they have been

unsuccessful, leaving the original NHDOT 10-year plan as the timeline. He emphasized the need for advocacy from City officials for these projects, which are of high priority and cannot be funded by the City alone.

Councilor Rice reported that, of the five projects the Strafford Regional Planning Commission had presented as being of high priority, Rochester had two of those projects. He gave information to Council on how to submit comment and advocate for these projects to be moved up sooner.

15. Non-Public/Non-Meeting

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

Mayor Lauterborn announced that there was no longer a non-public session scheduled for this evening.

16. Adjournment

Mayor Lauterborn **ADJOURNED** the Regular City Council meeting at 6:57 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk