

**Regular City Council Meeting
February 7, 2023
Council Chambers
6:00 PM**

COUNCILORS PRESENT

Councilor Beaudoin
Councilor Berlin
Councilor Desrochers
Councilor Gilman
Councilor Gray
Councilor Hailey
Councilor Hamann
Councilor Larochelle
Deputy Mayor Lachapelle
Mayor Callaghan

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Peter Nourse, Director of City Services
Mike Scala, Director of Economic Dev.

COUNCILORS EXCUSED

Councilor de Geofroy
Councilor Fontneau
Councilor Malone

Minutes

1. Call to Order

Mayor Callaghan called the City Council Regular meeting to order at 6:00 PM. He announced that two Councilors were connecting to the meeting remotely; Councilor Beaudoin and Councilor Hamann. He asked both Councilors if it was reasonably impractical for them to be present in person at the meeting. They both confirmed this was true.

2. Opening Prayer

Mayor Callaghan asked all to stand and bow their heads for a moment of silence in honor of the earthquake victims in Turkey and Syria.

3. Pledge of Allegiance

Councilors Desrochers led the Council in the Pledge of Allegiance.

4. Roll Call

Deputy City Clerk Cassie Givara took the roll call attendance. The following Councilors were present in Council Chambers: Councilors Berlin, Desrochers, Gilman, Gray, Hailey, Hamann, Larochelle, Deputy Mayor Lachapelle, and Mayor Callaghan. Councilors Beaudoin and Hamann were connecting remotely via Microsoft Teams. Councilors de

Geofroy and Malone were excused. Councilor Fontneau was absent, however Mayor Callaghan stated that he would be connecting remotely around 6:30 PM.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: January 3, 2023 *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the January 3 Regular City Council meeting. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Beaudoin, Hamann, Desrochers, Lachapelle, Berlin, Hainey, Larochelle, Gray, Gilman, and Mayor Callaghan all voting in favor.

6. Communications from the City Manager

City Manager Cox gave a summary of the operations at the Willand Warming Center. Due to the subzero temperatures the prior week, there had been 54 guests at the shelter on Thursday, February 2, 21 of whom were Rochester residents. On Friday 2/3, there were 61 guests, 23 of whom were Rochester residents. City Manager Cox said the facility remained open throughout the day on Saturday because of the frigid temperatures, and there were 55 guests who stayed during the day and 64 overnight guests. The facility was open on Monday evening and there will be another activation for tomorrow evening, Wednesday, February 8.

6.1 City Manager's Report

The City Manager's report appeared in the packet as follows:

Contracts and documents executed since last month:

- **Department of Public Works**
 - Task Order Amendment – WTP Residuals Management
 - Engineering Design Phase Agreement – Ledgeview Sewer Pump Station
 - Technical Assistance Task Order – Underwood Engineers
 - Engineering Services proposal, Tufts Pond Dam Rehab
 - Final Change Order, DPW Sidewalks – Hutter Construction
 - ARPA Cybersecurity Implementation grant
 - Engineering Services Task Order, Ridge Phase 2 – Hoyle & Tanner
 - Temporary Engineering Services – Weston & Sampson
 - Change Order Rt 202A Water Main/Storage Tank – D&C Construction
 - Agreement for consulting services (PREP Engagement) – Brown & Caldwell
 - Change Order, WWTF Sidewall Blower – Apex Construction
 - Scope of Services, Reservoir Dam engineering – SLR International
- **Economic Development**
 - FY22-FY23 CAP Weatherization – 12-29
 - FY22-FY23 CAP Weatherization – Monadnock
- **IT**

- EDR Managed Threat Platform
- **Finance**
 - Agreement for Ambulance Services – Frisbie Hospital
 - Tax Map Maintenance – CAI Technologies
 - Application for Group Insurance – MetLife
- **Planning**
 - Parking Monetization Study
- **Police**
 - Animal Shelter Agreement
- **Recreation & Arena**
 - Fireworks Contract – Central Maine Pyrotechnics

The following standard report has been enclosed:

- Personnel Action Report Summary

Councilor Beaudoin asked if the project awarded to Hoyle Tanner and Associates, as listed in the City Managers report, went out to bid or if the company was a preferred contractor with the City. Director of City Services Peter Nourse explained that Hoyle Tanner was contracted through the QVS process, which is a rigorous State process that is qualification-based. He further explained what is involved with this process, which allows DPW to use contractors for federal funds.

Councilor Beaudoin asked if the \$90,500 monthly fee for ambulance services contract referenced in the City Manager's report was an increase over the prior year. City Manager Cox confirmed this is an increase over the \$57,687 per month from the prior year. He explained that the hospital is required by law to get a fair market value assessment for every contract. It was data from this assessment, which necessitated the increase.

62 City Land Purchase Process/Policy

City Manager Cox directed Council to the packet, which contains a draft version of his outline of a land purchase policy, and requested input. City Manager Cox referenced the portions that outline potential Council actions and he explained the flexibility granted to Council, which has been written into the policy. He gave further detail on the remainder of the policy and asked for input from the Council.

Councilor Larochelle thanked the City Manager for drafting this policy in a manner that makes the process more clear.

Councilor Beaudoin referenced section 4(D) of the policy regarding purchase and sales agreements. He stated that he felt these agreements should be reviewed by City Council before being signed by the City Manager. Councilor Beaudoin stated that he supports a third party buyer's agent and felt the City should utilize these on an as-needed basis. Councilor Beaudoin suggested that the minutes of the non-public land meetings should be unsealed immediately upon the signing of a purchase and sales agreement.

City Manager Cox said that he envisioned bringing staff recommendations to Council

at the same time as potential land proposals are presented.

7. Communications from the Mayor

Mayor Callaghan addressed comments that had been made at the prior workshop meeting regarding public input submissions via email. He pointed out that the City website states “Public input received by mail or through the online portal will be provided to the City Council but will not be read aloud or posted online.” He explained this policy has been in place for quite some time and is not a new procedure.

Mayor Callaghan thanked the Rochester Police Department, Welfare, and the Community Outreach Coordinator for their work with the area’s homeless population, ensuring that they were safe and/or had access to the warming center during the recent cold temperatures.

Mayor Callaghan read a proclamation designating the month of February 2023 as Career Technical Education month.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

No discussion.

10. Reports of Committees

10.1 Appointments Review Committee

10.1.1 New Appointment: Brylye Collins – Zoning Board of Adjustments, Alternate Member, Seat H, Term to expire 1/2/2026 *consideration for approval*

Mayor Callaghan nominated Brylye Collins to serve as an alternate member on the Zoning Board of Adjustments, Seat H, with a term to expire 1/2/2026. Councilor Lachapelle **MOVED** that nominations cease. Councilor Larochelle seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Hainey, Gray, Gilman, Larochelle, Desrochers, Berlin, Beaudoin, Hamann, Lachapelle, and Mayor Callaghan all voting in favor. The **MOTION CARRIED** to appoint Ms. Collins to serve as an alternate member of the ZBA by a 10 – 0 roll call vote with Councilors Berlin, Desrochers, Gray, Hamann, Hainey, Lachapelle, Larochelle, Beaudoin, Gilman, and Mayor Callaghan voting in favor.

10.1.2 New Appointment: Tanya Hervey - Rochester Economic Development Commission, Regular Member, Seat D Term to Expire 1/2/2024 *consideration for approval*

Mayor Callaghan nominated Tanya Hervey to serve as a regular member of the Rochester Economic Development Commission, Seat D, with a term to expire 1/2/2024. Councilor Lachapelle **MOVED** that nominations cease. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Hainey, Gray, Gilman, Larochelle, Desrochers, Berlin, Beaudoin, Hamann, Lachapelle, and Mayor Callaghan all voting in favor. The **MOTION CARRIED** to appoint Ms. Hervey to serve as a regular member of the REDC by a 10 – 0 roll call vote with Councilors Berlin, Desrochers, Gray, Hamann, Hainey, Lachapelle, Larochelle, Beaudoin, Gilman, and Mayor Callaghan voting in favor.

10.13 Appointment: Lance Powers – Zoning Board of Adjustments, Request for elevation from an Alternate to a Regular Member, Seat A Term to expire 1/2/2024 *consideration for approval*

10.14 Reappointment: Mark Collopy – Planning Board, Regular Member, Seat F Term to expire 1/2/2026 *consideration for approval*

Mayor Callaghan nominated Lance Powers to be elevated from an alternate member to a regular member of the ZBA, seat A, with a term to expire 1/2/2024, and nominated Mark Collopy to be reappointed as a regular member of the Planning Board, Seat F, with a term to expire 1/2/2026. Councilor Lachapelle **MOVED** that nominations cease. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Gilman, Gray, Hainey, Larochelle, Berlin, Lachapelle, Hamann, Beaudoin, Desrochers, and Mayor Callaghan all voting in favor. The **MOTION CARRIED** to appoint both Mr. Powers and Mr. Collopy, as detailed above, by a 10 – 0 roll call vote with Councilors Hamann, Desrochers, Gilman, Larochelle, Gray, Berlin, Hainey, Lachapelle, Beaudoin, and Mayor Callaghan voting in favor.

102 Codes & Ordinances Committee

10.21 Committee Recommendation: To install signs stating “two-hour parking between 8:00 AM – 8:00 PM, Monday through Saturday” in the two spaces across Summer Street from Tangles Salon *consideration for approval*

Councilor Lachapelle **MOVED** to install “two-hour parking between 8:00 AM – 8:00 PM, Monday through Saturday” signs in the two spaces across Summer Street from Tangles Salon. Councilor Beaudoin seconded the motion. Councilor Hainey asked why this item had not gone through the Public Safety committee. Councilor Lachapelle responded that this was not a safety issue and seemed like it would be better handled at the Codes Committee. Councilor Desrochers clarified that there were cars being parked in these spaces for great lengths of time, which were impeding the owners’ ability to run their business; however, it was not a public safety concern. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Desrochers, Gray, Hamann, Beaudoin, Hainey, Lachapelle, Gilman, Larochelle, Berlin, and Mayor Callaghan all voting in favor.

1022 Committee Recommendation: To direct the City Manager to develop a policy with the Director of Building and Licensing Services regarding EPA “Renovation, Repair, and Painting” certification numbers on building permits for Council consideration *consideration for approval*

Councilor Lachapelle **MOVED** to direct the City Manager to develop a policy with the director of Building and Licensing Services regarding adding the EPA “Renovation, Repair, and Painting” certification numbers to building permits. Councilor Desrochers seconded the motion. Councilor Hainey inquired if, because this is a City policy, it should come back to City Council for approval. Councilor Lachapelle said that this motion would allow the City Manager to draft a policy, which he has already started, that will then go to the Board of Health for review before coming back to Council for consideration. Councilor Hainey asked for clarification on the motion “for approval.” Councilor Lachapelle explained that the approval is authorizing the City Manager to move forward with the drafting of the policy, not approving the policy itself. Councilor Beaudoin clarified that the minutes reflect that the policy will be drafted by the City Manager and then brought back to Council for final approval. Councilor Berlin agreed that the motion on the floor is simply to “approve” the City Manager to move forward with the development of the policy. Councilor Desrochers spoke about high prevalence of lead poisoning in children in Rochester, and clarified that this proposal is not enforcement but rather education and awareness. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Larochelle, Gilman, Berlin, Beaudoin, Hamann, Lachapelle, Desrochers, Gray, Hainey, and Mayor Callaghan all voting in favor.

1023 Committee Recommendation: To adopt the Code of Ethics, as amended, and to review biannually along with the Council Rules of Order, and to authorize distribution to all candidates filing for office or for City Boards/Commissions *consideration for approval*

Councilor Lachapelle **MOVED** to **ADOPT** the Code of Ethics, as amended, to review it biannually along with the Council Rules of Order, and to authorize distribution to all candidates filing for office or for City Boards/Commissions. Councilor Gray stated that this item has come before City Council twice before and he has opposed it each time. He referenced the opening page of the Code of Ethics that says board members should “comply with both the letter and spirit of the laws and policies affecting the operations of government.” Councilor Gray felt that this verbiage would cause any illegal activity outside of Council, such as exceeding the speed limit, to be a violation of this proposed code. Councilor Gray said that the existing City Charter and Rules of Order were sufficient and covered most situations referenced in the Ethics Code. Additionally, he felt the Code of Ethics conflicts with the existing Rules of Order, and he felt that due to this conflict it would require a 2/3 majority vote to pass. Councilor Gray referenced the sanctions portion of the Code of Ethics, which he felt conflicted with the Rules of Order’s requirement for a 2/3 majority vote by Council for removal of members from boards. He also questioned the portion of the Code regarding accepting gifts and the financial disclosure form requiring that any source of income over \$10,000 be disclosed.

Councilor Gray felt that the proposed Code of Ethics expands the duties of the Mayor

beyond what is detailed in the Rules of Order. He said, in his opinion, the Code of Ethics is “illegal” because it directly conflicts with the Rules of Order, which would take a 2/3 vote to override.

Councilor Beaudoin agreed with Councilor Gray and his statements on the remaining issues with the Code. Councilor Beaudoin stated that his understanding from the Codes and Ordinances meetings was that there was no rush to approve the Code of Ethics and he felt there were still multiple items that needed to be reworked and revised before it would be ready for a vote. He suggested that the Council vote down the acceptance of the Code of Ethics and send it back to Codes and Ordinances for further work.

Councilor Hainey said that her understanding from the Codes and Ordinances Committee level was that the Committee had not had adequate time to review changes due to the incorrect version of the Code being placed in the packet at their last meeting; a version not containing the most recent edits. Councilor Lachapelle clarified that the Codes and Ordinances Committee had vetted the Code of Ethics numerous times over the course of two years and had previously received the correct version, which all members had available with ample time for review. There was input and collaboration from both the School Board and the Police Commission, and the Code had been reworked several times. There were multiple opportunities for additional edits. Deputy Mayor Lachapelle reiterated that this is a living document, which can be amended as needed post-adoption. He said that if Councilors do not want to support the adoption of a Code of Ethics, which he feels is common sense, he would question why and stated they will only have their constituents to answer to.

Councilor Desrochers reiterated that the Code of Ethics had spent months in Committee and had been thoroughly reviewed with plenty of time for input and edits. She spoke about the need for such a Code and said that the proposed Code of Ethics does not dictate what members can do but rather what they *cannot* do.

Councilor Berlin addressed a comment made by Councilor Gray in regards to the Code of Ethics dictating how a member should conduct themselves in their personal life. Councilor Berlin said the Code says these guidelines apply to members “...while representing the City of Rochester” in their official capacity.

Mayor Callaghan asked the City Attorney to comment on Councilor Gray’s statements that the Code of Ethics conflicted with the City Charter or Rules of Order. Attorney O’Rourke said that the 2/3 majority vote to change the Rules of Order referenced by Councilor Gray is only in a circumstance where Council is suspending their own rules during a meeting; however the Rules of Order (document) can be changed with a simple majority vote. Attorney O’Rourke said that he did not feel the Code of Ethics conflicts with the charter regarding the duties of the Mayor and, in fact, would limit the role of the Mayor beyond what is currently in the Rules of Order. This would necessitate an amendment to the Rules of Order; however, this could be done with a majority vote.

Councilor Hainey said she had been approached by a member of the Codes and Ordinances Committee who had expressed that they felt the Code of Ethics needed to be reviewed more thoroughly before a vote. She said she would not be voting to adopt at this

time. Councilor Hainey requested a point of order and asked, if the Mayor called the question, would Council need to vote on said motion. Mayor Callaghan said the Council would need to vote to call the question. It was clarified that the Mayor can call the question, however if a Councilor called the question they would need a 2/3 vote. There was further discussion on semantics of Robert's Rules.

Councilor Gray asked for a point of order on what would happen with the current Rules or Order if this Code of Ethics were adopted, specifically as it relates to perceived conflicts between the documents. Attorney O'Rourke said in the instances where there may be a conflict, the more recently passed and/or more specific provision would have precedence. He suggested if there were such situations, that the Rules of Order be amended to remove any conflicting language.

Councilor Desrochers referenced Councilor Gray's assertion that the proposed Code of Ethics is illegal and asked for the City Attorney's input before taking a vote. Attorney O'Rourke said this is not true; the Council has the authority to create their own rules of order, and they have the authority to create this Code of Ethics in that same manner. He clarified that the Council does not have the authority to impose these rules on either the School Board of the Police Commission, although both boards have indicated that they will bring this Code to their boards for a vote if Council adopts. The Mayor called for a vote on the question. The **MOTION CARRIED** to call the question by a 6 – 4 roll call vote with Councilors Lachapelle, Larochelle, Desrochers, Berlin, Hamann, and Mayor Callaghan voting in favor and Councilors Hainey, Gilman, Gray, and Beaudoin voting opposed.

Councilor Larochelle asked for a point or order on a councilor calling the question to cease debate and the process that should be followed. He said his understanding was that the Mayor can call the question when he feels debate is finished, but if a Councilor does so they will need a 2/3 vote. Attorney O'Rourke agreed that the Mayor had not indicated that debate was over, but in order to do so by a Councilor, there would need to be a 2/3 majority vote. There was not a 2/3 majority on the vote, so debate may continue.

Councilor Gilman said that he felt the Code of Ethics should be returned to the Codes and Ordinances Committee for further review of the revised and updated Code. Councilor Lachapelle reiterated that the Code of Ethics had been thoroughly reviewed at the Committee level and questioned why those who were reluctant to pass it in its current iteration had not attended Codes meetings to give their input the multiple times it has been on the agenda.

Councilor Beaudoin said he had more than a page of additional edits that he did not want to review at this meeting, but felt that the Code of Ethics should go back to Committee to address the potential conflicts with the Rules of Order as well as several other suggested changes. Councilor Beaudoin questioned the term "unwelcome conduct" which is defined in the document, but which he felt was too broad. He stated that there is no need to implement this Code of Ethics immediately because there is "no one on this Council who is misbehaving right now." He felt that the Code needed additional review and work and should not be passed until it is "perfect."

Councilor Desrochers reinforced the statement by Councilor Lachapelle that if a

Councilor feels that they have not had adequate time to read and review the proposed Code, it is unacceptable given the amount of times the Code has been reviewed and distributed over the past year.

There was discussion in Committee reiterating the reach of the Code of Ethics and the fact that it only covers Councilors or board members while in their official capacity and does not cover conduct in their personal lives.

Councilor Hainey asked for details on the financial disclosure section of the Code of Ethics and whether she would need to disclose her entire salary as a school department employee. Councilor Gray clarified that the financial disclosure form asks for any investments or income over \$10,000, but not for specific dollar amounts. He also clarified the reasoning for this disclosure as it relates to potential conflicts of interest.

Councilor Hainey asked how the Code of Ethics would affect Councilors wearing items with the City Seal and whether that would be prohibited. Councilor Berlin stated that Councilors would need to be clear and upfront that their views and opinions outside of Council are not those of the City of Rochester, regardless of what they may be wearing.

Councilor Desrochers said that the implementation of this Code would simply put a process in place if there were issues or situations that arise and would give guidelines on how these situations should be handled. By its nature, the Code could be discussed ad nauseam and there could potentially still be suggested changes, but by adopting this Code it would give the Council and adopting boards a starting point. Councilor Beaudoin said he is not opposed to an Ethics policy in general, however he feels this one needs further work at the Committee level.

Councilor Berlin asked for clarification on the motion. Councilor Lachapelle stated that if the Code is voted down by Council, it can still go back to the Codes and Ordinances Committee for further review.

Mayor Callaghan called for a vote on the adoption of the Code of Ethics. The **MOTION FAILED** by a 4 to 6 roll call vote with Councilors Desrochers, Lachapelle, Laroche, and Berlin voting in favor and Councilors Gray, Hamann, Beaudoin, Gilman, Hainey, and Mayor Callaghan voting opposed.

103 Community Development

No Discussion.

104 Finance Committee

No Discussion.

105 Planning Board

No Discussion.

10.6 Public Safety**10.6.1 Committee Recommendation: To change the speed limit to 25 mph from Strafford square down North Main Street to Chestnut Hill Road and post signs at both ends *consideration for approval***

Councilor Lachapelle **MOVED** to change the speed limit from 30 mph to 25 mph on North Main Street from Strafford Square through downtown to South Main at the intersection with Franklin Street, and from that intersection on South Main Street through downtown to Wakefield Street at the intersection with Chestnut Hill Road, and to post signs at both ends. Councilor Desrochers seconded the motion. Councilor Beaudoin acknowledged that speeding is a problem downtown, but felt that lowering the posted limit by 5 mph would not be effective. He felt it was more of an issue with enforcement and less with the posted speed, which he said would be disregarded by speeders anyway.

Councilor Lachapelle said there had been discussion on raising the crosswalks (speed tables) downtown to slow traffic as well; lowering the posted speed limit is just another step to try to make the downtown area safer. Councilor Berlin stated that before the City could look into the use of speed tables, they will need to establish guidelines. He requested that if anyone has any input or guidelines for speed tables, that they send the information to the Public Safety Committee.

Councilor Larochelle acknowledged that drivers tend to go slightly above the posted speed limit, and having 25 mph signs in the downtown will send a message that people need to slow down in this area. Mayor Callaghan said that the Parking Review Group was looking at the downtown area and the potential of using materials and physical barriers that would force traffic to slow in this area. Councilor Berlin reported that the Public Safety Committee had received input from businesses in the downtown area who supported this slower speed limit. The **MOTION CARRIED** by a 8 – 2 roll call vote with Councilors Larochelle, Hailey, Desrochers, Gilman, Lachapelle, Berlin, Hamann, and Mayor Callaghan voting in favor and Councilors Gray and Beaudoin voting opposed.

10.6.2 Committee Recommendation: To install “no parking” signs on the left side of Sarah Court (toward Harrison Ave) *consideration for approval*

Councilor Lachapelle **MOVED** to install “no parking” signs on the left side of Sarah Court towards Harrison Avenue. Councilor Desrochers seconded the motion. Councilor Berlin explained that Deputy Mayor Lachapelle had confirmed with Waste Management that this side of the street where the signs are to be placed is the correct side for the operation of garbage trucks on this narrow street. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Beaudoin, Hamann, Hailey, Desrochers, Gray, Lachapelle, Berlin, Gilman, Larochelle, and Mayor Callaghan all voting in favor.

10.6.3 Committee Recommendation: to install “no parking” striping south of the crosswalk on Wakefield Street near Linscott Court *consideration for approval*

Councilor Lachapelle **MOVED** to install “no parking” striping south of the crosswalk on Wakefield Street near Linscott Court. Councilor Desrochers seconded the motion. Councilor Beaudoin inquired about the length of the no parking striping and distance from the crosswalk. Councilor Lachapelle stated that the striping needs to be within 15-feet of the crosswalk. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Larochelle, Hailey, Desrochers, Gray, Berlin, Gilman, Beaudoin, Lachapelle, Hamann, and Mayor Callaghan all voting in favor.

1064 Committee Recommendation: To stripe double yellow lines and 2 white lines on Chelsey Hill Road between Donald Street and Browning Drive *consideration for approval*

Councilor Lachapelle **MOVED** to stripe double yellow lines and two white lines on Chesley Hill Road between Donald Street and Browning Drive. Councilor Desrochers seconded the motion. Councilor Larochelle said that when driving down Chesley Hill, there is a dip or retention in the road on the west side that blocks oncoming traffic from view. Councilor Larochelle **AMENDED** the motion to extend the striping from the top of the hill down to Washington Street to alert drivers not to straddle the middle of the road and potentially drift into the opposing lane. Councilor Lachapelle seconded the amendment. Councilor Beaudoin asked if white striping on the side of the road prohibits vehicles from parking in these areas. Director of City Services Peter Nourse explained that these white lines are called “fog lines” and they ensure that vehicles remain in the travel lane and do not veer off in foggy conditions. Councilor Gray said that this striping issue on Chesley Hill Road has come up several times in the past and it has been voted down because the road did not meet the state criteria for traffic counts. Director Nourse explained that traffic count is not the only criteria for striping; it is also speed, configuration of the road, and other factors considered. Councilor Berlin explained that there is a cost associated with the extension of the striping; the 1,900 feet of road originally designated for striping were estimated at \$500 per year, whereas the entire length of the road would come at a cost of just under \$2,000 per year. Councilor Lachapelle estimated that the cost of striping the portion of road in the amended motion would be approximately \$1500 per year. The **MOTION CARRIED** to amend the motion by an 8 – 2 roll call vote with Councilors Beaudoin, Hamann, Desrochers, Lachapelle, Hailey, Larochelle, Gilman, and Mayor Callaghan voting in favor and Councilors Berlin and Gray voting opposed. Councilor Larochelle clarified that the amended motion is to stripe the road starting at Donald Street down to Washington Street. The amended **MOTION CARRIED** by a 9 – 1 roll call vote with Councilors Hailey, Gilman, Larochelle, Desrochers, Berlin, Beaudoin, Hamann, Lachapelle, and mayor Callaghan voting in favor and Councilor Gray voting opposed.

1065 Committee Recommendation: To place “deer crossing” signs on Salmon Falls Road between Whitehall Road and Haven Hill Road in each direction at the technical discretion of DPW *consideration for approval*

Councilor Lachapelle **MOVED** to place “deer crossing” signs on Salmon Falls Road between Whitehall Road and Haven Hill Road. Councilor Desrochers seconded the

motion. Councilor Lachapelle said that the police department had reported there had been eight deer hit in the area the prior year. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Berlin, Desrochers, Gray, Hamann, Hainey, Lachapelle, Laroche, Beaudoin, Gilman, and Mayor Callaghan all voting in favor.

10.7 Public Works

10.7.1 Committee Recommendation: To approve the pavement moratorium waiver for 2 Spruce Street with the conditions set for the pavement patch by the DPW *consideration for approval*

Councilor Hamann **MOVED** to approve the pavement moratorium waiver for 2 Spruce Street with the conditions set for the pavement patch by the DPW. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Gilman, Gray, Hainey, Laroche, Berlin, Lachapelle, Hamann, Beaudoin, Desrochers, and Mayor Callaghan all voting in favor.

10.7.2 Committee Recommendation: To install no parking signs to protect the grass on portions of Innovation way (at the technical discretion of the Department of Public Works) *consideration for approval*

Councilor Hamann **MOVED** to install “no parking” signs to protect the grass on portions of Innovation Way at the technical discretion of the Department of Public Works. He clarified that this action was to stop the large tractor and trailers from parking along the road and ruining the grass. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Hamann, Desrochers, Gilman, Laroche, Gray, Berlin, Hainey, Lachapelle, Beaudoin, and Mayor Callaghan all voting in favor.

11. Old Business

11.1 Amendment to Chapter 275 of the General Ordinances of the City of Rochester regarding the Location and Boundaries of Zoning Districts *Second Reading and Consideration of Adoption*

Mayor Callaghan read the resolution for a second time (*addendum A*). Councilor Lachapelle **MOVED** to **ADOPT** the amendment. Councilor Desrochers seconded the motion. Councilor Beaudoin stated that he would be voting against this amendment. He felt that the land and former DPW property was a huge public asset and the building in its current state and zone is more valuable to the City. He also speculated that current neighboring businesses in this zone would need to appear before the ZBA for a variance if they wanted to expand their operations in the future, because their use would now be nonconforming. Councilor Beaudoin further spoke about these parcels of land being zoned industrial being beneficial in their location directly off the highway.

Councilor Berlin said he has heard several questions about what development or buyer would potentially be moving into these parcels. He stated that this is not the issue on which Council is voting, but rather whether the parcels should be rezoned from industrial to residential.

Councilor Desrochers acknowledged that these parcels being zoned industrial could allow current businesses to expand and potentially other businesses to develop; however, there is a workforce housing shortage in Rochester that could be helped with this rezoning.

Mike Scala, Director of Economic Development, explained that the six parcels included in the proposal comprise 1.8% of the City's industrial acreage. This land also includes the baseball field, which is in a flood plain and could likely not be redeveloped for industrial use. Director Scala outlined the higher assessed value for residential use versus industrial use, and agreed that there is a great need for housing in the City. He also said that most developers and manufacturers seeking industrial land are not looking for such small parcels and this land would be more beneficial if zoned residential.

Councilors Gray asked for clarification on what would occur if the existing neighboring businesses wanted to expand, or if their uses became more non-confirming with the land being zoned residential. Attorney O'Rourke summarized the types of non-conformity (uses, lots, site conditions). He clarified that the uses currently in the area, which would be non-conforming in an R2 zone, would be allowed to continue in their current non-conformity until the businesses were no longer operating or until they tried to change their use.

Councilor Beaudoin inquired if the intention of the City was to sell the land "as is" or if the former DPW building would be demolished prior to such a sale. Director Scala said there are no current plans to demolish the former DPW. This decision, including who would cover the cost of the demolition, would be dependent on the potential buyer and would be negotiated during the purchase and sales process.

Councilor Beaudoin inquired about the cost of the land with and without the building. Director Scala said that the City had not moved that far into the process and there would need to be consultation with the Chief Assessor to determine these numbers. Councilor Beaudoin asked if there had been any interest in the property. Director Scala said he has been contacted by three interested parties at this time.

There was further discussion regarding the housing needs of the City.

Mayor Callaghan cautioned against the industrial uses in the middle of residential areas, such as the parcels in question. He speculated about the type of development that could move in and the hardships and issues it could cause neighboring residents. He further emphasized the need for housing in the City, which has also been expressed by manufacturers whose workers are having difficulty obtaining housing. Mayor Callaghan stated that he has not heard opposition from any Ward 2 residents for the rezoning of this area to residential at either the public hearings or the planning board meetings.

Councilor Berlin asked if the existing infrastructure in this area would be able to support the increase in bedrooms if this was rezoned to residential and a development was put in place. Director Nourse stated that there would be studies performed if there were any proposals for development, however he was fairly confident the infrastructure could support new development.

Councilor Beaudoin acknowledged the need for housing in the City, but stated that there are several developments underway that are not counted as available units currently. He reiterated that he felt the former DPW building in its current state is a more valuable asset than using the land for residential development. Mayor Callaghan stated that residential (R2) generated double the tax revenue that industrial square footage generates.

The **MOTION CARRIED** by a 9 – 1 roll call vote with Councilors Desrochers, Gray, Hamann, Hainey, Lachapelle, Gilman, Larochelle, Berlin, and Mayor Callaghan voting in favor and Councilor Beaudoin voting opposed.

12. Consent Calendar

No discussion.

13. New Business

13.1. Amendment to Chapter 275-21 of the General Ordinances of the City of Rochester Regarding Conditional Uses in the Granite Ridge District *first reading and refer to public hearing 2/22/23*

Mayor Callaghan read the amendment for a first time (*addendum B*) and referred to a public hearing on February 22, 2023.

13.2. 60 Shaw Drive Application for Building Permit on a Class VI Road *Motion to approve or deny*

Mayor Callaghan invited Packy Campbell, landowner of 60 Shaw Drive who is requesting this permit, to come forward and address Council.

Mr. Campbell explained that he is intending to build a solar farm (and blueberry farm) on the 60 Shaw Drive property and distributed a site plan detailing the proposal.

There was a brief pause in the meeting while the documentation provided by Mr. Campbell was made accessible for the Councilors connecting remotely.

Mr. Campbell reported that this proposal has been approved by the Planning Board at their November 7 meeting, he had received a variance from the Zoning Board, and his conditional use permit was approved by the Conservation Commission. He explained that the final piece is the approval of a waiver from the City Council to allow this project to move forward on a Class VI road. Mr. Campbell clarified that the waiver had already been filed, per request by the City, at the registry of deeds. He spoke about Rochester's ordinance, which states that the only development authorized on Class VI roads are for single family, forestry, or agricultural uses. However, he asserted that his use of the property is passive and will not generate any additional traffic, and will not have regular employees or hours of operation for the public. He stated that this is an ancillary use to a farming operation in an agricultural zone. He gave further detail on the how the property was being managed in regards to the wetlands and setbacks. Mr. Campbell spoke about the function of the proposed solar farm and the energy generated.

Councilor Larochelle said he supported such a project, which he felt was in the public interest to produce renewable energy.

Councilor Desrochers asked for clarification on how the blueberry farm would be run and operated following Mr. Campbell's assertion that there would not be public parking, business hours, or frequent employee traffic. Mr. Campbell explained "agrivoltaics" and how the placement of the blueberry plants underneath the solar panels makes the panels more efficient, amongst other benefits for the blueberry bushes. He clarified that he did not plan on having a "pick your own" farm which would generate traffic or require parking spaces.

Councilor Beaudoin asked if the Class VI road, on which this project is occurring would be restored to its original condition or improved upon following the completion of the proposal. Mr. Campbell said that as part of the TRG (Technical Review Group) and Planning Board approval, he was required to upgrade the existing road.

Councilor Lachapelle asked if the City had previously issued permits on Class VI roads. Attorney O'Rourke clarified that there had been a permit issued for Tractor Supply in 2013 prior to the adoption of the City's current zoning ordinance in 2014, which would have prohibited the issuance of that permit. There was also a permit issued for the construction of a credit union; however, the credit union would not have needed a Class VI permit because they already had access to and from their property.

Mayor Callaghan asked for specifics on the height of the solar structures. Mr. Campbell reported that the bottom edge of the structures is approximately 9' 6" off the ground, with the upper edge at 32' off the ground; which he clarified was within the structure height requirements for this zone. He gave more detail on the configuration of the property, which would not have fencing or ground disturbance and would be open for the wildlife corridor.

Councilor Hainey asked if the permit is being requested for the solar farm or if it was for a single utility building. Mr. Campbell said the permit was for the entire solar project, part of which is a small utility building/inverter room, which he referenced on the site plan.

Councilor Hainey asked for clarification that this project had already been approved by Planning Board, ZBA, and Conservation Commission. It was confirmed that the project had received these approvals. Attorney O'Rourke stated that what is before Council tonight is a separate issue than what was decided at these other boards. Mayor Callaghan explained that only City Council could approve development on a Class VI road. Attorney O'Rourke explained that applications for building permits on a class VI road are governed by RSA 674:41 (State Zoning) and City ordinance chapter 275-26.6. The State RSA applies to the entire State, regardless of whether it is adopted by the City. Attorney O'Rourke explained why the State RSA limits development on Class VI roads. The City of Rochester adopted this RSA under their zoning ordinance and stipulated that the only development on a Class VI road could be agricultural, single family homes, or forestry. He asserted that the applicant is proposing to build a power generation utility for commercial use on this property, which is not authorized under any approved uses for Class VI roads. Attorney O'Rourke said that the Council is obligated by their own ordinances to deny the permit and clarified that there are no provisions in place to allow this proposed use.

Councilor Hainey asked if Chapter 275-26.6 could be amended. Attorney O'Rourke confirmed that this could potentially be changed by following the process to amend the zoning ordinance, including Planning Board approval and public hearing. Councilor Hainey asked if the Council could approve the Class VI permit by way of a variance. Attorney O'Rourke said that City Council is not authorized to issue variances; they must go through the Zoning Board of Adjustments. He clarified that the ZBA had authorized a variance for the power generation utility, not for the Class VI road permit. Councilor Hainey asked if the only way to approve the permit was to amend the City Ordinances. Attorney O'Rourke confirmed that this is true.

Mr. Campbell outlined the process he had followed and the approvals that had already been obtained through City boards over the past year towards the goal of the permit approval. He suggested that the Council does have the authority to overturn their ordinances to allow this permit and felt there was past precedent for such an approval. Mr. Campbell gave reasons why he felt he did not meet the criteria for a power generation utility and said the distinction was made because the City does not have a solar ordinance. He spoke about the two lawsuits he currently had with the City regarding this project and speculated that he could accomplish the same goal by upgrading the existing road to a public roadway and having said road accepted; however, he stated that the City would need to sign a wetlands application in this circumstance because they would own the road.

Councilor Gray asked if a potential zoning amendment could be drafted in time to be added to the agenda for the February 22, 2023 Public Hearing. Attorney O'Rourke stated that this could not be accomplished for the upcoming Public Hearing; Councilor Gray asked what the timeline would be to have this amendment go to Public Hearing. Attorney O'Rourke said that there would need to be specific recommendations made before a draft was

developed at which time the zoning amendment process, which is detailed in the City Ordinances, would need to be followed. Councilor Gray stated that he felt there should be a faster way to complete this process and suggested draft language could be sent to the March Codes and Ordinances meeting for a public hearing. Councilor Lachapelle said he would need more information on the legality and pros and cons of amending the zoning ordinance for this purpose before the proposal was added to the Codes and Ordinances agenda. He gave the timeline for the required meetings at which this item would need to appear and speculated that it would not be ready for an additional Council vote until April at earliest.

Councilor Berlin inquired what the threshold would be for allowing solar panels and determining what is personal use versus a “power generation utility.” He questioned the conflicting definitions of “power generation utility” in the State law as opposed to the City ordinances, and felt that Mr. Campbell’s proposed project would be authorized under the State’s definition. Mr. Campbell agreed and clarified that the State statute defines a “customer generator” as producing up to 1 megawatt, which his solar farm would not exceed. He reiterated the option of upgrading the roadway to a public road and adhering to the frontage guidelines for agricultural usage on the property; although he surmised that the process of having a public road accepted would take another year.

Councilor Larochelle spoke in support of the approval of the building permit and felt that the Council needed to reduce the barriers for project such as this, which he felt were in the public interest.

Councilor Berlin reiterated that he did not feel the project being proposed meets the State definition of a power generation utility and therefore whether or not such a utility should be approved is a moot point. Attorney O’Rourke said that the definition of “power generation utility” being used is taken from the City zoning ordinance and the City’s zoning administrator had determined that Mr. Campbell’s project was, in fact, a power generation utility. There was an appeal made to the Zoning Board of Adjustments and the Zoning Administrator’s decision was upheld. The Planning Board then approved the project *as* a power generation utility. Attorney O’Rourke clarified that if this project was not being proposed on a Class VI road, it would not be an issue; the City’s ordinances do not allow the proposed use on a Class VI road.

Councilor Larochelle **MOVED to APPROVE** the Class VI road building application permit for 60 Shaw Drive. Councilor Hainey seconded the motion. Councilor Beaudoin said that the Council’s hands are tied and unless they go through the process of amending the zoning ordinance to allow this usage, the Council must follow their laws and vote against the permit, which is not authorized on a Class VI road. The **MOTION CARRIED** by a 7 – 3 roll call vote with Councilors Larochelle, Hainey, Gilman, Berlin, Gray, Hamann, and Mayor Callaghan voting in favor and Councilors Lachapelle, Desrochers, and Beaudoin voting opposed.

13.3. Resolution Authorizing Acceptance of \$10,000 Donation from Rochester Youth Hockey Boosters *first reading and consideration for adoption*

Mayor Callaghan read the resolution for a first time by title only as follows:

Resolution Authorizing Acceptance of \$10,000.00 Donation from Rochester Youth Hockey Boosters

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 accept a Ten Thousand Dollar (\$10,000.00) donation from the Rochester Youth Hockey Boosters to be used for the purchase and installation of synthetic ice surfaces at the Rochester Ice Arena

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Gray, Hamann, Beaudoin, Desrochers, Lachapelle, Gilman, Hailey, Larochelle, Berlin, and Mayor Callaghan all voting in favor.

134 Resolution Authorizing Amended CDBG Application Regarding the Hanson Pines Improvement Project first reading and consideration for adoption

Mayor Callaghan read the resolution for a first time by title only as follows:

Resolution Authorizing Amended CDBG Applications Regarding the Hanson Pines Improvement Project

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

WHEREAS, the Mayor and City Council approved One Hundred Nine Thousand Eight Hundred Eighteen and 75/100 Dollars (\$109,818.75) for the Hanson Pines Improvement Project (the “Project”) as part of the FY23 CDBG Plan; and

WHEREAS, the Department of Housing and Urban Development (HUD) informed the City that the Project should be separated into two (2) separate project applications; and

WHEREAS, the separation of the Project into two (2) separate project applications does not affect the approved FY23 CDBG Plan.

THEREFORE, the Mayor and City Council authorize the submittal of one Pickle Ball Court Project application in the amount of Eighty Seven Thousand Fifty Dollars (\$87,050.00) and one Teen Area/Cameras Project application in the amount of Twenty Two Thousand Seven Hundred Sixty Eight and 75/100 Dollars (\$22,768.75).

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors

Gray, Larochelle, Hailey, Desrochers, Gilman, Lachapelle, Berlin, Beaudoin, Hamann, and Mayor Callaghan all voting in favor.

135 Resolution Authorizing the Rochester Public Library to Apply for a National Endowment for the Humanities Grant of up to \$150,000.00 *first reading and consideration for adoption*

Mayor Callaghan read the resolution for a first time by title only as follows:

Resolution Authorizing the Rochester Public Library to Apply for a National Endowment for the Humanities Grant of up to \$150,000.00

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 authorize the Rochester Public Library to apply for a National Endowment for the Humanities Grant in an amount up to One Hundred Fifty Thousand Dollars (\$150,000.00). The City shall serve as the fiscal sponsor of the grant, but it shall not be required to provide any matching funds.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Beaudoin, Hamann, Hailey, Desrochers, Gray, Lachapelle, Berlin, Gilman, Larochelle, and Mayor Callaghan all voting in favor.

136 19 Gonic Road Development Agreement *Motion to approve or deny*

Councilor Lachapelle **MOVED** to **APPROVE** the development agreement for 19 Gonic Road Councilor Larochelle seconded the motion. Deputy Finance Director Mark Sullivan explained that there is a 170-unit subdivision being build at this property, and the nearby sewer pump station on Route 125 will need to be upgraded to accommodate these new users. The agreement is that the developer will pay a \$107,000 exaction upon receipt of final approvals. The exaction will go to the pump station upgrade project. The City will have 36 months from receipt of funds to build the pump station and get it operational. The developer will also guarantee \$250,000 in new property tax generation within four years of the initial issuance of the building permit. This \$250,000 will be held in escrow from the initial issuance of the building permit.. He said that the City will ultimately receive \$357,000 as assurance that the developer will complete their plan. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Larochelle, Hailey, Desrochers, Gray, Berlin, Gilman, Beaudoin, Lachapelle, Hamann, and Mayor Callaghan all voting in favor.

137 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with Local 1451

International Association of Firefighters *first reading and consideration for adoption*

Mayor Callaghan read the resolution for a first time by title only (*addendum C*).

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a 9 – 1 roll call vote with Councilors Hamann, Desrochers, Lachapelle, Berlin, Hainey, Larochelle, Gray, Gilman, and Mayor Callaghan voting in favor and Councilor Beaudoin voting opposed.

138 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with New England Police Benevolent Association Local #23 (Police Patrol Personnel) *first reading and consideration for adoption*

Mayor Callaghan read the resolution for a first time by title only (*addendum D*).

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Larochelle seconded the motion. The **MOTION CARRIED** by an 8 – 2 roll call vote with Councilors Hainey, Gray, Gilman, Larochelle, Berlin, Hamann, Lachapelle, and Mayor Callaghan voting in favor and Councilors Desrochers and Beaudoin voting opposed.

14. Non-Meeting/Non-Public Session

Councilor Gray requested that the Codes and Ordinances Committee discuss amending the Class VI road portion of the zoning ordinance, as discussed earlier in the evening, to potentially allow an additional uses. Councilor Gray also reminded Ward 4 residents that the Special Election is taking place February 21, 2023 and that absentee ballots are available for those unable to make it to the polls on Election Day. Mayor Callaghan gave a reminder that due to the Election on February 21, the next City Council Workshop would take place the following evening; Wednesday, February 22 at 6:00 PM.

Councilor Lachapelle requested that Councilor Gray draft verbiage for his proposed amendment to Chapter 275-26.6 and submit this language to both himself and the City Clerk to be added to the next Codes and Ordinances agenda.

14.1. Non-Public Session – Personnel, RSA 91-A:3, II (a)

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

Councilor Lachapelle **MOVED** to enter into a Non-Public Session for Personnel, RSA 91-A:3, II (a) and Land, RSA 91-A:3, II (d) at 8:28 PM. Councilor Desrochers seconded the motion. Councilor Beaudoin stated that of the four land purchase proposals being discussed in the non-public session, he felt two of them did not meet the qualifications for a non-public session under RSA 91-A and stated that they should be held publicly. The

MOTION CARRIED by a 9 – 1 roll call vote with Councilors Berlin, Desrochers, Gray, Hamann, Hainey, Lachapelle, Larochelle, Gilman, and Mayor Callaghan voting in favor and Councilor Beaudoin voting opposed.

Councilor Lachapelle **MOVED** to exit the Non-Public Session at 9:46 PM. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Gilman, Gray, Hainey, Larochelle, Berlin, Lachapelle, Hamann, Beaudoin, Desrochers, and Mayor Callaghan voting in favor.

Councilor Lachapelle **MOVED** to seal the minutes of the non-public session because divulgence would render the proposed action ineffective. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a 10 – 0 roll call vote with Councilors Hamann, Desrochers, Gilman, Larochelle, Gray, Berlin, Hainey, Lachapelle, Beaudoin, and Mayor Callaghan all voting in favor.

15. Adjournment

Mayor Callaghan **ADJOURNED** the City Council Regular Meeting at 9:48 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

Amendment to Chapter 275 of the General Ordinances of the City of Rochester
Regarding the Location and Boundaries of Zoning Districts

THE CITY OF ROCHESTER ORDAINS:

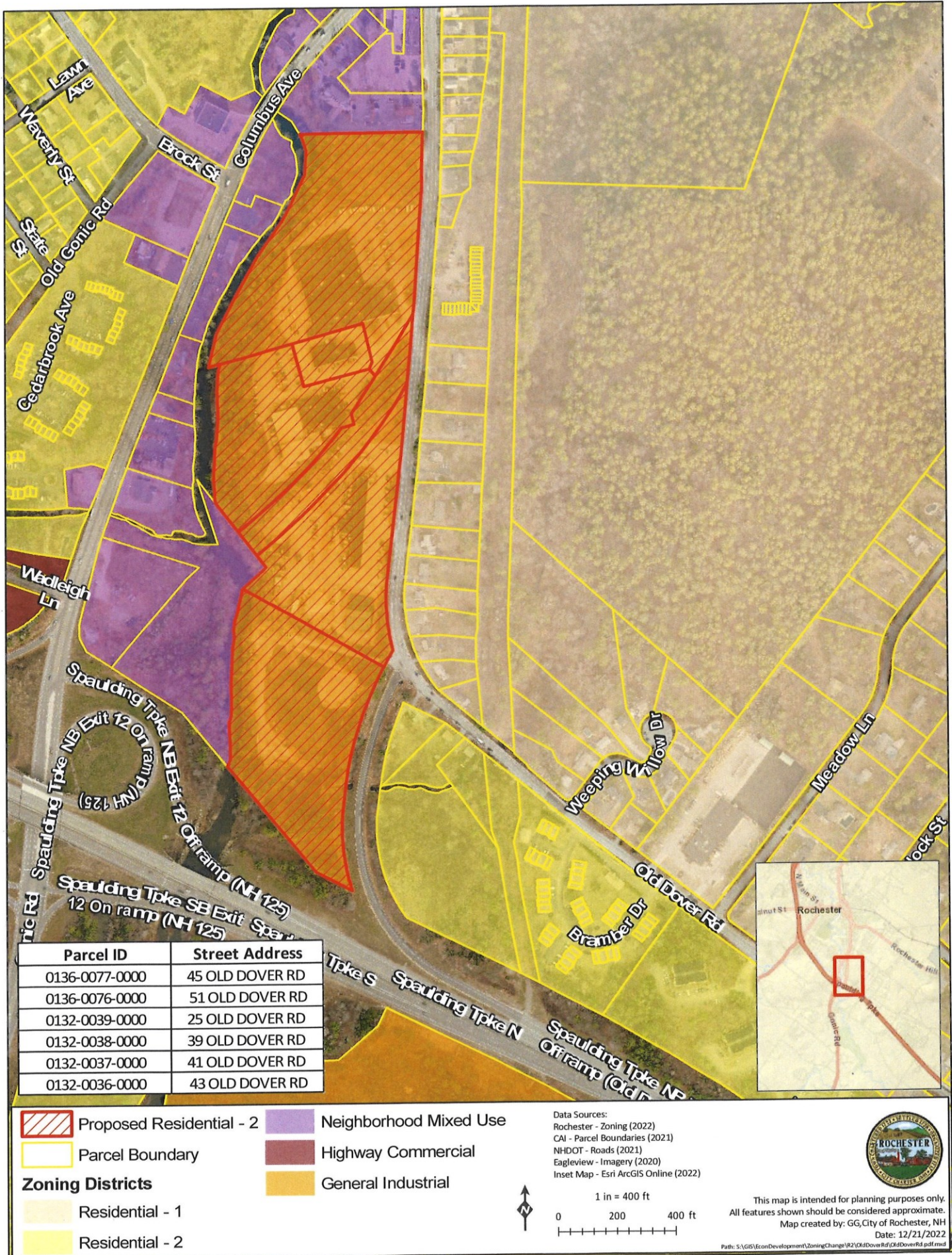
WHEREAS, Chapter 275-1.10 establishes that the location and boundaries of zoning districts within the City of Rochester are established as shown on a map titled, "City of Rochester Zoning Map."

WHEREAS, Chapter 275-1.10 further declares that the City of Rochester Zoning Map is incorporated by reference as part of Chapter 275 of the General Ordinances of Rochester regarding zoning.

WHEREAS, the Mayor and City Council of Rochester desire to amend the City of Rochester Zoning Map to convert certain properties from the General Industrial Zone to the Residential-2 Zone.

THEREFORE, the Mayor and City Council of Rochester ordain that properties shall be converted to the Residential-2 Zone in accordance with the Attached Exhibit. **(Exhibit A)**.

The effective date of these amendments shall be upon passage.



Amendment to Chapter 275 of the General Ordinances of the City of Rochester
Regarding Conditional Uses in the Granite Ridge District

THE CITY OF ROCHESTER ORDAINS:

That Chapter 275 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (additions in red):

§275-21.4 Conditions for particular uses.

*

*

*

R. Granite Ridge District Residential Housing-§275.8

The Commercial footprint of fifty-five percent (55%), and Residential footprint of forty-five percent (45%) may be adjusted to increase the residential footprint percentage. The applicant shall demonstrate that a residential need exists which current market conditions are not adequately serving, or that commercial market conditions have changed which makes the 55% commercial footprint requirement economically unfeasible.

The completion and occupancy allocations of fifty percent (50%) of the residential development that may be occupied prior to the completion of between twenty-five to fifty percent (25%-50%) of the non-residential structures may be adjusted to increase the residential percentage. The applicant shall demonstrate that either residential or commercial market conditions are impacting the ability to comply with the allocation.

The effective date of these amendments shall be upon passage.

**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH
PROPOSED
CITY OF ROCHESTER
MULTI-YEAR COLLECTIVE BARGAINING
AGREEMENT WITH
LOCAL 1451
INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the cost items associated with the multi-year year collective bargaining agreement between the City of Rochester and the INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF) Local 1451 Bargaining Unit, covering the period July 1, 2023 to June 30, 2027, as set forth in the proposed contract, and as more particularly detailed on the attached "**EXHIBIT A: IAFF LOCAL 1451 – JULY 2023**," which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. The provision of funds necessary to fund the aforementioned, and hereby approved, collective bargaining agreement "cost items" in the first year of the agreement will be contained in the Fiscal Year 2024 operating budget of the City.

Exhibit A: IAFF Local 1451 - July 2023

International Association of Fire Fighters Local 1451 (IAFF)

City Health Contribution	80/20	80/20	80/20	80/20	80/20
Health Plan	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000
City Health Contribution	100/0	100/0	100/0	100/0	100/0
Health Plan	ABSOS 25/50 RX 10/20/45 DED \$3000/\$9000	ABSOS 25/50 RX 10/20/45 DED \$3000/\$9000	ABSOS 25/50 RX 10/20/45 DED \$3000/\$9000	ABSOS 25/50 RX 10/20/45 DED \$3000/\$9000	ABSOS 25/50 RX 10/20/45 DED \$3000/\$9000
Projected Health Increase		7.60%	6.00%	6.00%	6.00%
	Current FY23	FY24	FY25	FY26	FY27
Wages					
Base Wage	\$2,212,217.28	\$2,512,211.52	\$2,658,605.04	\$2,773,046.64	\$2,864,752.80
Holiday Pay	\$86,695.57	\$132,857.34	\$140,599.31	\$146,651.51	\$151,501.35
Educational Incentive	\$22,600.00	\$22,600.00	\$22,600.00	\$22,600.00	\$22,600.00
Total Wages	\$2,321,512.85	\$2,667,668.86	\$2,821,804.35	\$2,942,298.15	\$3,038,854.15
Dollar Change		\$346,156.01	\$154,135.48	\$120,493.80	\$96,556.00
% Change		14.91%	5.78%	4.27%	3.28%
Benefits					
Medicare	\$33,661.94	\$38,681.20	\$40,916.16	\$42,663.32	\$44,063.39
Health Insurance	\$427,135.73	\$459,598.04	\$487,173.93	\$516,404.36	\$547,388.62
Opt Out	\$19,400.00	\$19,400.00	\$19,400.00	\$19,400.00	\$19,400.00
Dental	\$9,600.00	\$9,600.00	\$9,600.00	\$9,600.00	\$9,600.00
Life	\$432.00	\$432.00	\$432.00	\$432.00	\$432.00
Total Benefits & Rollups	\$490,229.66	\$527,711.24	\$557,522.09	\$588,499.68	\$620,884.01
Dollar Change		\$37,481.58	\$29,810.85	\$30,977.60	\$32,384.32
% Change		7.65%	5.65%	5.56%	5.50%
Totals					
Total Wages, Benefits & Rollups	\$2,811,742.51	\$3,195,380.10	\$3,379,326.43	\$3,530,797.83	\$3,659,738.16
Dollar Change		\$383,637.59	\$183,946.33	\$151,471.40	\$128,940.33
% Change		13.64%	5.76%	4.48%	3.65%

40 Total Employees (Firemen, Captain & Lieutenant) - 100% FT

**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH
PROPOSED
CITY OF ROCHESTER
MULTI-YEAR COLLECTIVE BARGAINING
AGREEMENT WITH
NEW ENGLAND POLICE BENEVOLENT
ASSOCIATION
LOCAL #23 (Police Patrol Personnel)**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the cost items associated with the multi-year year collective bargaining agreement between the Rochester Police Commission and the NEW ENGLAND POLICE BENEVOLENT ASSOCIATION (NEPBA) Local #23 Bargaining Unit, covering the period July 1, 2023 to June 30, 2027, as set forth in the proposed contract, and as more particularly detailed on the attached "**EXHIBIT A: NEPBA LOCAL #23 – JULY 2023**," which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. The provision of funds necessary to fund the aforementioned, and hereby approved, collective bargaining agreement "cost items" in the first year of the agreement will be contained in the Fiscal Year 2024 operating budget of the City.

Exhibit A: NEPBA Local #23 - July 2023

New England Police Benevolent Association Local #23 (NEPBA)

City Health Contribution	80/20	80/20	80/20	80/20	80/20
Health Plan	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000	ABSOS 20/40 RX 10/20/45 DED \$1000/\$3000
City Health Contribution	100/0	100/0	100/0	100/0	100/0
Health Plan	ABSOS 25/50 RX 10/20/45 DED \$3000/\$9000	ABSOS 25/50 RX 10/20/45 DED \$3000/\$9000	ABSOS 25/50 RX 10/20/45 DED \$3000/\$9000	ABSOS 25/50 RX 10/20/45 DED \$3000/\$9000	ABSOS 25/50 RX 10/20/45 DED \$3000/\$9000
Projected Health Increase		7.60%	6.00%	6.00%	6.00%
	Current FY23	FY24	FY25	FY26	FY27
Wages					
Base Wage	\$3,364,042.14	\$3,861,243.58	\$4,117,157.78	\$4,332,758.45	\$4,529,760.97
Early Report	\$105,123.98	\$120,663.86	\$128,661.18	\$135,398.70	\$141,555.03
Holiday Pay	\$142,324.89	\$163,360.31	\$174,187.44	\$183,309.01	\$191,643.73
Educational Incentive	\$8,500.00	\$8,500.00	\$8,500.00	\$8,500.00	\$8,500.00
Longevity	\$7,000.00	\$7,500.00	\$8,000.00	\$9,000.00	\$10,000.00
Total Wages	\$3,626,991.01	\$4,161,267.75	\$4,436,506.41	\$4,668,966.16	\$4,881,459.73
Dollar Change		\$534,276.73	\$275,238.66	\$232,459.75	\$212,493.57
% Change		14.73%	6.61%	5.24%	4.55%
Benefits					
Medicare	\$52,591.37	\$60,338.38	\$64,329.34	\$67,700.01	\$70,781.17
Health Insurance	\$477,453.82	\$513,740.31	\$544,564.72	\$577,238.61	\$611,872.92
Opt Out	\$32,800.00	\$32,800.00	\$32,800.00	\$32,800.00	\$32,800.00
Dental	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00	\$12,000.00
Life	\$3,078.00	\$3,078.00	\$3,078.00	\$3,078.00	\$3,078.00
Total Benefits & Rollups	\$577,923.19	\$621,956.69	\$656,772.07	\$692,816.62	\$730,532.09
Dollar Change		\$44,033.50	\$34,815.38	\$36,044.55	\$37,715.47
% Change		7.62%	5.60%	5.49%	5.44%
Totals					
Total Wages, Benefits & Rollups	\$4,204,914.20	\$4,783,224.44	\$5,093,278.48	\$5,361,782.78	\$5,611,991.82
Dollar Change		\$578,310.24	\$310,054.04	\$268,504.30	\$250,209.04
% Change		13.75%	6.48%	5.27%	4.67%

57 Total Employees (Patrol & Sergeant) - 100% FT