

**Regular City Council Meeting
August 6, 2019
Council Chambers
7:08 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Bogan
Councilor Hutchinson
Councilor Gates
Councilor Gray
Councilor Hamann
Councilor Keans
Councilor Lachapelle
Councilor Lauterborn
Councilor Torr
Councilor Walker
Deputy Mayor Varney
Mayor McCarley

OTHERS PRESENT

Blaine Cox, City Manager
Peter Nourse, Director of City Services

MINUTES

1. Call to Order

Mayor McCarley called the Regular City Council meeting to order at 7:08 PM.

2. Opening Prayer

Mayor McCarley requested a moment of silence for the victims of the Dayton, Ohio and El Paso, Texas mass shootings this past weekend.

3. Pledge of Allegiance

Mayor McCarley led the Pledge of Allegiance.

4. Roll Call

Kelly Walters, City Clerk, called the roll. All Council members were present.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: July 2, 2019 *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the Regular City Council meeting minutes of July 2, 2019. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2 Special City Council Meeting: July 16, 2019 *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the revised Special City Council meeting minutes of July 16, 2019. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1 Employee of the Month Award

City Manager Cox invited Police Chief Toussaint and Jeremy Aucoin, Police Department, to come forward. He briefed the City Council about the nomination letter relative to Mr. Aucoin to be awarded the Employee of the Month for August.

6.2 City Manager's Report

City Manager Cox said the City Manager's report has been included with the City Council packet.

Contracts and Documents:

- Assessor's Department
 - Tax Map Maintenance Proposal
 - Building, Zoning & Licensing Services
 - Viewpoint Cloud Software Implementation
- Department of Public Works
 - Abutter Impacts Survey – Round Pond Expansion
 - Colonial Pines Sewer Extension – Phase 2 Change Order #1
 - Community Center Lease Agreement – Crosspoint Church
 - Drainage System Evaluation - Colonial Pines Sewer Extension
 - Generator Connection – Main Aeration Blower
 - Honeywell Contract – Recreation Mini-splits
 - Hydraulic Modeling Assistance
 - Sidewall Blower Interconnection/Main Aeration System
 - Portland Street Sidewalk Project – Change Order #1
 - Route 11 Sewer Pump Station Final Design
 - Soda Ash System Replacement
 - Stream Gauge Assistance
 - Stormwater Management – MS4 Permit
 - Temporary Assistant City Engineer Assistance
 - Water Treatment Plant – Low Lift Pump Station Upgrades
 - Rt. 202A Water Extension Project Contract
- Economic Development Department
 - 19 Main Street & 13 Sawyer Avenue – Survey bid selection – lot line survey
 - CDBG – environmental review – Riverwalk kayak launch
 - CDBG FY2020 Annual Action Plan
 - CDBG Environmental Review – East Rochester Library / Rochester Child Care Center
 - Millyard Communications – Cooperative Advertising Contract Contract

- Finance Department
Melanson Heath Audit Engagement Letter
- Fire Department
ATV Co-operative Agreement
Emergency Management Trailer
- Human Resources
KRONOS Implementation
- Legal
Redemption of 40 Day Lilly
- Police Department
Housing Authority Contract

Standard Reports:

Permission & Permits Issued
Personnel Action Report Summary

Councilor Keans had questions about the bid selection for the lot line survey of 13 Sawyer Avenue. Why would the City subdivide the property if there is no interested buyers? Who would be responsible for paying these fees? City Manager Cox replied that the City has a real estate agency working with a group of investors who have shown interest in that particular property. He added that nothing has been confirmed as of yet. Councilor Keans asked if the interested party would be paying for the surveying services. City Manager Cox replied that it could be included with the negotiations as part of the purchase of this particular piece of land.

Councilor Varney asked if the City was to be surveying private owned property or City owned property. City Manager Cox replied that the City owns this parcel of land. Councilor Keans requested that a map of the said parcel of land be sent out to the City Council for review.

7. Communications from the Mayor

7.1 Non-Public Meeting Minutes Review Committee

Mayor McCarley appointed Councilors Lauterborn and Varney to serve on the Non-Public Meeting Minutes Review Committee and bring back to the City Council next month a recommended list of non-public meeting minutes to be released.

Mayor McCarley announced that the 10th Annual Rival Softball Game Gonic vs. East Side would be held on Saturday, August 10, 2019, at 10:00 AM at the Riverside Park.

8. Presentation of Petitions and Council Correspondence

Mayor McCarley announced that unfortunately Robert Goldstein has submitted his resignation from the Zoning Board of Adjustments and the Board of Assessors effective immediately due to his current health concerns. She added that the City

accepts his resignation with regret and added that Mr. Goldstein had served the City well for many years.

9. Nominations, Appointments, Resignations, and Elections

9.1. Resignation: Tyffany Spear, Ward 2 Moderator

Councilor Walker **MOVED** to **ACCEPT** the resignation of Tyffany Spear, Ward 2, Moderator, with regret and to send a letter of thanks. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10. Reports of Committees

10.1 Appointments Committee

10.1.1 Reappointment: Robert Pallas – Trustees of the Trust Fund, Term to Expire 1/2/2022

Councilor Keans reviewed the Appointments Committee meeting minutes. Mayor McCarley nominated Robert Pallas, Trustees of the Trust Fund, to be reappointed for a term to expire on January 2, 2022. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that the Clerk cast one ballot for Mr. Pallas and that nominations cease. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Pallas has been reappointed to serve on the Trustees of the Trust Fund.

Councilor Keans noted that this board is still in need of volunteers and there are no current pending applicants for this particular board. There are however many applicants for other boards for the Committee to review at its meeting the following evening.

10.2 Codes & Ordinances Committee

Councilor Lachapelle said the Committee met this past Thursday; however, the meeting minutes are not available as of yet.

Councilor Lachapelle said the Committee did discuss the potential new polling location for Ward 2. He **MOVED** that the Ward 2 polling location to be moved from St. Mary Church to the Chamberlain Street Elementary School. Councilor Bogan seconded the motion. Councilor Keans spoke strongly against the motion. She said the proposed new location would confuse voters because it is on the very edge of the boundary lines of Ward 2. She said the census is approaching soon and the ward boundaries could be moved anyway. Councilor Keans suggested seeking the use of the YMCA (Recreation & Arena Department) which is located near the current polling location (St. Mary Church). Councilor Keans questioned why a proposed change is being considered. Kelly Walters, City Clerk, said the complaints are based on election officials of that ward; however, the main reason is due to the fact that St. Mary's Church holds their annual craft fair each year in November which limits the space needed for setting up the polling location. Councilor Lauterborn said she was the individual councilor who voted against this motion at the Committee meeting.

The City Council discussed the use of the Recreation & Arena offices located at the Rochester Arena. Councilor Walker **MOVED** to **TABLE** the motion. Councilor Hamman seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.3 Community Development Committee

10.3.1 Committee Recommendation: To recommend adoption of the draft Analysis of Impediments to Fair Housing *consideration to accept*

Councilor Lauterborn said Mr. Long has prepared the draft Analysis of Impediments to Fair Housing. Councilor Varney stated this report is not supposed to be adopted by the City Council; however, the report could be accepted by the City Council. He added that some of the ideas in the report are not necessarily appropriate for Rochester. Councilor Lauterborn said the City Council should have clarification on whether or not the report is required to be adopted or not. She added that there should have been a link within the City Council packet for the City Council/public to read the report online. It appears there is no link within the City Council packet. She suggested this action item be delayed by a month in order to give folks time to read the document online. Councilor Hamman agreed and indicated that he is not in favor of voting for something he himself has not had a chance to read. Councilor Walker **MOVED** to **TABLE** the Committee Action of acceptance of the Analysis of Impediments to Fair Housing. Councilor Hamman seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley suggested the link to the report be sent out to the Council the following day.

Councilor Lauterborn said the Committee did participate in a tour of the 22 Main Street site of a 79E application with the Vettors and the architect. This is the same 79E application which was discussed at the City Council Public Hearing earlier this evening. The Committee recommended, by a unanimous vote, that the City Council approve the request for an eleven-year tax abatement for this renovation project for which the site is eligible under RSA 79E.

Councilor Lauterborn informed the Council that Anthony Ejarque, Rochester Opera House and Governor's Inn, made a proposal to the Committee about a possible partnership between the City of Rochester and the Rochester Opera House in order to create a summer Arts Festival during the summer months at the Rochester Opera House. It would be similar to what Dover and Portsmouth are currently doing. She said the Opera House is not overly utilized in the summer months and it would be available for such a project as a summer Arts Festival. Mr. Ejarque is hoping to receive some kind of feedback from the City Council about any interest in moving in this direction. He inquired if the City would be interested in supporting this type of project, including financial support. Councilor Hamman asked if any CDBG funds could be used for this type of project. Councilor Lauterborn replied that she was not sure; however, that type of financial support could be explored. Councilor Varney asked what types of programs would be offered. It was determined that it would be more of the performing arts programs and such events would be held inside the Opera House to avoid the logistics of bad weather from time to time. Mayor McCarley supported the idea and shared that she has discussed the matter with Mr. Ejarque in the recent past. She suggested that the matter stay in the Community Development Committee for a next step in the process.

Councilor Lauterborn said the Community Development Committee has received three additional funding request since the final adoption of the CDBG grant has taken place. She did not recall this situation arising often after the final adoption of the CDBG grant; however, it seems that there are some remaining funds available in the administration category. She briefed the City Council upon how the funds are divided up between certain categories. The administration funds cannot be used for social services; however, they can be used for facility money. The three request are as follows:

Strafford County Homeless Center [\$3,000]

To pay for the required phase I Environmental review for its previously-approved land acquisition project.

My Friend's Place [\$5,000]

For its generator budget.

Community Action CAP [\$5,000]

To reallocate matching funds for a state CDBG grant application to open an emergency winter homeless shelter.

Councilor Lauterborn gave details for each request and said that the Committee voted and supported the request for My Friend's Place and Community Action. This is not on the agenda for this evening; however, she wished to explain the situation to the City Council prior to being asked to vote on this amendment at the next City Council meeting.

Mayor McCarley said the tri-city mayors are meeting with the County Commissioners and others including Betsey Andrews Parker, CEO of Community Action Partnership of Strafford County to discuss Strafford County's intent to work on opening an emergency cold weather shelter as they did last year.

Councilor Lauterborn stated that the next Community Development Committee meeting will be held next Monday evening August 12, 2019. It was supposed to take place at the City Hall Annex; however, the location has been changed to 73-77 North Main Street (Hartigan Block Building) at which there is another potential site for a 79E application. The meeting is to begin at 7:00 PM. The meeting will proceed back to the City Hall Annex if any other items need to be discussed.

10.4 CTE Joint Building Committee

10.4.1 Construction Update

Councilor Varney stated that the City Council could find the construction update material for the Spaulding High School Creteau Technology Center included with the City Council packet. This project is a little ahead of schedule and within budget.

10.5 Finance Committee

10.5.1 Non-Union Annual CPI Wage Scale Adjustments

Mayor McCarley said she was unable to attend the July 9th Finance Committee. A motion was made at the Committee for the Non-Union Annual CPI Wage Scale

Adjustments which failed by a 3 to 3 tie-vote. Mayor McCarley **MOVED** to **APPROVE** the Non-Union Annual CPI Wage Scale Adjustment. Councilor Walker seconded the motion. Mayor McCarley said this is not about giving out raises but rather keeping up with the Non-Union Annual CPI Wage Scale. She noted that some employees would receive a slight increase in wages due to the fact that they are currently below the new minimum CPI Wage Scale. She added that this is a way to ensure that the Non-Union employees in line with the market. Mayor McCarley referenced a study conducted a few years ago which indicated that there were still some Non-Union employees behind the market for their pay scales.

Councilor Gray expressed reservations about voting in favor of this motion. He believes that the total compensation of what employee wages can be increased by should be limited to about the same calculation of the consumer price index (CPI) which is what the City's budget is limited to each year and that "fringe benefits" must be calculated and adjusted in that total. In some cases this ends up being slightly less than the CPI calculation and in other cases, such as reduced healthcare costs, it ends up being slightly more than the CPI calculation; however, the cost to the City remains the same. The **MOTION CARRIED** by a unanimous voice vote.

10.6 Public Safety

10.6.1 Committee Recommendation: That the parking spot to the left of the 109 North Main Street driveway be striped for "no parking" *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the Committee Recommendation that the Parking Spot to the left of the 109 North Main Street Driveway be striped for "no parking." Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.6.2 Committee Recommendation: To deny the speed bumps on Maplewood Avenue *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the Committee's Recommendation to **DENY** the request for speed bumps on Maplewood Avenue. Councilor Lachapelle seconded the motion. Councilor Gray said many of these neighborhoods have small children living there and riding their bikes on these streets. He said last week there was a police chase off one of these streets. It is still a concern for the parents of these children. The police offered to go and visit repeat offenders that live in the neighborhood. The **MOTION CARRIED** by a unanimous voice vote.

10.6.3 Committee Recommendation: To add school speed limit assembly signage (20 mph) in both directions on Charles Street in the area of the Granite Street crosswalk at the discretion of DPW *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the Committee Recommendation to add school speed limit assembly signage (20 mph) in both directions on Charles Street in the area of the Granite Street Crosswalk at the discretion of DPW. Councilor Lachapelle

seconded the motion. Councilor Keans asked how far down Charles Street the signs would be placed. Councilor Walker said the signs would be placed within the standard radius for schools. The **MOTION CARRIED** by a unanimous voice vote.

10.6.4 Committee Recommendation: To paint arrows on Wakefield Street at the discretion of DPW consideration for approval

Councilor Walker said another vehicle recently traveled the wrong way on Wakefield Street. He **MOVED** to **APPROVE** the Committee Recommendation to paint arrows on Wakefield Street at the discretion of DPW. Councilor Lachapelle seconded the motion. Councilor Keans asked where on Wakefield Street this occurred. Councilor Walker said it appears someone was at the gas station (Dave's Towing) and turned left rather than right. Councilor Lachapelle said it would also prevent travelers from taking a left off Summer Street as well. The **MOTION CARRIED** by a unanimous voice vote.

10.7 Public Works

Councilor Torr said the Commissioner of Public Works should give the Council an update about the condition of the sewer systems on the south end of town.

Commissioner Nourse came forward to address the City Council. He said the project which is being referred to by Councilor Torr is Phase II of the Colonial Hill Pines project. He said the existing closed drainage pipes from the mid 60's are in very poor condition. The contractor of this project has been informed of these issues with drainage and discussions have taken place about an option of closing that failed system. A discussion took place about possibly improving the drainage on some of the driveways in that area. There was a large turnout of residents for the public informational meeting held in February, 2019. Residents were very concerned about water ponding in their driveways due to the grades of the side roads. He gave more information about why this occurs. There are about twenty-five driveways which could be improved surface-drainage wise. Resolving the closed drainage issues is much more extensive. At least 6,000 feet of pipe would need to be replaced in this phase of the project estimated at about \$800,000 to replace the closed drainage system and about \$225,000 to \$300,000 for the surface drainage. Commissioner Nourse said he would bring this discussion back to the Public Works Committee meeting and seek a recommendation from the Committee for a supplemental appropriation in the amount of approximately \$1,000,000 to go toward the combined drainage issues. There seemed to be some support in moving in this direction rather than revisiting the issue after the project has been completed. Councilor Walker agreed with taking this next step because it makes sense to get all the work completed now while the project is ongoing. In fact, he received another complaint this week from a resident of that neighborhood relative to drainage issues.

Commissioner Nourse gave more information about the type of piping to be installed and the improvements that would result from the work in this area. Councilor Varney questioned how soon the funding is needed in order not to cause a delay in construction. Commissioner Nourse said adoption by September 3, 2019, would work. Councilor Varney supported the project but suggested the City Council

should probably look at cash funding for the supplemental appropriation as opposed to bonding another \$3,000,000. Councilor Walker agreed. Mayor McCarley wished for clarification that the contractor is almost certain that the project could be completed prior to winter. Commissioner Nourse replied yes, as long as the supplemental appropriation is approved by September if possible. He reminded the City Council that the additional funding should be coming out of the general fund as opposed to the Sewer fund. Mayor McCarley thanked Mr. Nourse and mentioned that there is also the Special Meeting in August to consider the supplemental appropriation.

Councilor Torr asked about the bids from the Granite State Business Park. Commissioner Nourse replied that the bids came in between \$1,200,000 and \$2,000,000. He is currently looking into background checks on the low bidder because the City has not worked with them before.

Councilor Torr said there have been several complaints about the condition of the portable toilets at the Common. Councilor Varney said he spoke with Lisa Clark, Department of Public Works, and they are sending staff over to close them more often. He said it is not a perfect situation but it is an improvement over what it was previously. Commissioner Nourse clarified that the buildings and grounds staff is cleaning them at least twice a week and focusing on cleaning them every Tuesday morning which is the day of the Farmers Market. Councilor Varney recalled that the former City Manager John Scruton had proposed placing a more permanent structure for bathrooms at the Rochester Common; however, that has unintended consequences.

11. Old Business

11.1. Amendment to Chapter 75 of the General Ordinances of the City of Rochester Regarding Means of Escape [Fires and Fire Safety] *consideration for second reading and adoption*

Councilor Lachapelle **MOVED** to read the Amendment to Chapter 75 for the second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for a second time by title only as follow:

Amendment to Chapter 75 of the General Ordinances of the City of Rochester Means of Escape

THE CITY OF ROCHESTER ORDAINS:

That Chapter 75 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (changes in red):

§ 75-11 Means of escape.

~~All factories, hotels, tenement houses, public halls, schoolhouses and other buildings used as places of public resort in the City shall be provided with ample means of escape in case of a fire and adequate facilities for entrance and exits on all occasions, and be so erected as not to endanger the health and safety of persons who occupy them.~~

The effective date of these amendments shall be upon passage.

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment to Chapter 75. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

11.2. Amendment to Chapter 94 of the General Ordinances of the City of Rochester Regarding Overcrowded Housing *consideration for second reading and adoption*

Councilor Lachapelle **MOVED** to read the Amendment to Chapter 94 for the second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for a second time by title only as follow:

Amendment to Chapter 94 of the General Ordinances of the City of Rochester Regarding Overcrowded Housing

THE CITY OF ROCHESTER ORDAINS:

That Chapter 94 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (changes in red):

§ 94-1. Overcrowded housing.

No owner, lessee, or keeper of any tenement house, lodging house, or boardinghouse shall cause or allow any such house to be overcrowded or allow so great a number of persons to dwell or sleep in such house or houses or any portion thereof so as to cause danger to health, and no such place or room shall be so overcrowded that there shall be less than 500 cubic feet of air or a floor space of less than 50 square feet to each occupant of such place, building or room. ~~No room as a living or sleeping room shall hereafter be built without direct opening to the outdoor air.~~

The effective date of these amendments shall be upon passage.

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment to Chapter 94. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

11.3. Amendment to Chapter 40 of the General Ordinances of the City of Rochester Regarding Building, Plumbing, Electrical, and Life Safety Codes *consideration for second reading and adoption*

Councilor Lachapelle **MOVED** to read the Amendment to Chapter 40 for the second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for a second time by title only as follow:

Amendment to Chapter 40 of the General Ordinances of the City of Rochester Regarding Building, Plumbing, Electrical, and Life Safety Codes

THE CITY OF ROCHESTER ORDAINS:

That Chapter 40 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (changes in red):

§ 40-1 Statutory authority.

The provisions of New Hampshire Revised Statutes Annotated Chapter 673, as amended, pertaining to an inspector of buildings, building plans, regulations, and appeal are hereby adopted.

§ 40-2 Building Code Board of Appeals.

The power of a Building Code Board of Appeals in Chapter 673 of the New Hampshire Revised Statutes Annotated shall be vested in the Rochester Zoning Board of Adjustment.

§ 40-3 Recognition and adoption of State Building Code and State Fire Code.

The City of Rochester hereby recognizes that the State Building Code under RSA 155-A and the State Fire Code under RSA 153 are applicable within the City of Rochester and for enforcement purposes adopts the provisions of the same.

§ 40-4 Department of Building, Zoning, and Licensing Services.

For enforcement purposes by the City of Rochester, all references in the State Building Code under RSA 155-A, or in any applicable successor code, to the "department of building safety" shall be deemed to refer to the Department of Building, Zoning, and Licensing Services for the City of Rochester, and all duties as defined therein, including those imposed upon the "Building Official," shall be assumed by said Director of the Building, Zoning, and Licensing Services Department, along with the right to enforce the same.

§ 40-5 Adoption of other codes.

- A.** Pursuant to the provisions of RSA 47:22, 674:51 and 674:51-a, there are hereby adopted by the City of Rochester for the purpose of establishing rules and regulations, including the issuance of permits for the construction, alteration, removal, demolition, equipment, location, maintenance, use and occupancy of buildings and structures, installation of plumbing, use of concrete, masonry, metal, iron and wood, and other building material, the installation of electric wiring, and fire protection incident thereto and for the prevention of fires, the following codes:
- (1)** International Property Maintenance Code (2006 edition), published by the International Code Council, Inc., Copyright 2006.
 - (2)** International Existing Building Code ~~(2009 edition), published by the International Code Council, Inc., Copyright 2009.~~ as codified at RSA 153.
- B.** Three copies of each of the aforesaid codes have been and are now on file in the office of the City Clerk of the City of Rochester and three copies of such codes are filed with the Department of Building, Zoning, and Licensing Services for the City of Rochester. Such codes are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this section shall take effect, the provisions thereof shall be controlling on the construction of all buildings and other structures within the corporate limits of the City of Rochester. There are annexed to such of the aforesaid codes, as filed in the office of the City Clerk and the Department of Building, Zoning, and Licensing Services, as set forth below, the

following exhibits setting forth the insertions in, deletions from, exceptions to and/or changes in such codes, which insertions, deletions, exceptions and/or changes are adopted as part of the aforementioned codes:

- (1) Exhibit A, Statement dated September 4, 2007, of insertions in, deletions from, exceptions to and changes in the International Property Maintenance Code (2006 edition) by the City of Rochester, New Hampshire.
- (2) Exhibit A, Statement dated January 4, 2011, of insertions in, deletions from, exceptions to and changes in the International Existing Building Code (2009 edition) by the City of Rochester, New Hampshire.

§ 40-6 Life Safety Code.

The duties defined in and the enforcement of the Life Safety Code, ~~NFPA-101 (2003 edition)~~, as codified at RSA 153 or any applicable successor code, shall be assumed by the Fire Chief of the City of Rochester or his/her authorized representative.

§ 40-7 Electrical Code and Property Maintenance Code.

The duties defined in and the enforcement of the NEC 2005, National Electrical Code ~~(2005 edition)~~, as codified by RSA 155-A and the International Property Maintenance Code (2006 edition), or any applicable successor codes, shall be assumed by the Director of Building, Zoning, and Licensing Services or his/her authorized representative.

§ 40-8 Plumbing Code.

The duties defined in and the enforcement of the International Plumbing Code ~~(2006 edition)~~, as codified at RSA 153 or any applicable successor code, shall be assumed by the Director of Building, Zoning, and Licensing Services, or his/her authorized representative, except as otherwise provided in Chapter 200, Sewers, of the Code of the City of Rochester where the same are defined as the duties of the Commissioner of Public Works, with inspections to be done by the Director of Building, Zoning, and Licensing Services or an authorized member of the Division of Water Supply Works or Division of Sewage and Waste Treatment Works.

The effective date of these amendments shall be upon passage.

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment to Chapter 40. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

12. Consent Calendar

No discussion.

13. New Business

13.1 Amendment to Chapter 275 of the General Ordinances of the City of Rochester regarding the Downtown Commercial District *first reading and refer to the Planning Board, Codes and Ordinances Committee, and to a public hearing on August 20, 2019*

Councilor Lachapelle **MOVED** to read the Amendment to Chapter 275 for the first time by title only and to refer the matter to the Planning Board, Codes and

Ordinances Committee, and to a Special Meeting to be held on August 20, 2019. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment by title only for a first time by title only.

See attached.

Councilor Keans questioned if the City Council should be updating Chapter 275 while there is Committee working on the Master Plan. Councilor Walker said the Planning Board would let the City Council know if there was a conflict with the Master Plan and a proposed Amendment to Chapter 275. Mayor McCarley said the Master Plan committee will be working on the master plan for the next three to four months. Councilor Keans suggested sending this proposed amendment to the master plan committee for further review. Mayor McCarley said she would inform the Committee of the proposed amendment.

13.2 Resolution For Supplemental Appropriation to the Conservation Fund for Fiscal Year 2018-2019 Pursuant to the Provisions of Section 11.21(s) of the General Ordinances of the City of Rochester *first reading, consideration for a second reading and adoption*

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

**RESOLUTION FOR SUPPLEMENTAL APPROPRIATION TO
THE CONSERVATION FUND FOR FISCAL YEAR 2018-2019
PURSUANT TO THE PROVISIONS OF SECTION 11.21(c)
OF THE GENERAL ORDINANCES OF THE CITY OF
ROCHESTER**

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

As a supplemental appropriation to the 2018-2019 fiscal year operating budget of the City of Rochester, the sum of Sixty Two Thousand Eight Hundred Sixty Seven Dollars (\$62,867.00); from annual excess Land Use Change Tax funds for fiscal year 2018-2019 (account number to be designated/determined by the Finance Director) to the City of Rochester Conservation Fund (account number to be designated/determined by the Finance Director), the sums necessary to fund such supplemental appropriation to be drawn in their entirety from the aforesaid annual excess Land Use Change Tax revenues received during fiscal year 2018-2019.

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. The effective date of this Resolution shall be June 30, 2019.

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

CARRIED by a majority voice vote.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Mayor McCarley said this is a standard practice for the City Council to take each year. The **MOTION CARRIED** by a unanimous voice vote.

13.3 Resolution Granting Community Revitalization Tax Relief to the Property Located at 22 South Main Street Under the Provisions of RSA 79-E in Connection with a Proposed Rehabilitation Project
first reading and refer to a Special Meeting on August 20, 2019

Councilor Lachapelle **MOVED** to read the Resolution by title only for a first time and to refer the matter to a Special City Council meeting on August 20, 2019. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for a first time by title only as follows:

Resolution Granting Community Revitalization Tax Relief to the Property Located at 22 South Main Street 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 Norman Vetter & Staci Vetter Revocable Trust, owner of the so-called 22 South Main Street 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 structure located upon the so-called 22 South Main Street; 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 22 South Main Street property contemplated by the owner's Community Revitalization Tax Relief Application dated June 28, 2019, 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 22 South Main Street property 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 22 South Main Street property project; and

(3) The proposed substantial rehabilitation project with respect to the aforesaid 22 South Main Street provides the following public benefits to downtown Rochester:

I. It enhances the economic vitality of the downtown;

II. It enhances and improves a structure that is culturally 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 July 8, 2019; (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 eleven (11) years beginning with the completion of the substantial rehabilitation of the structure upon the so-called 22 South Main Street property.

14. Other

Councilor Keans questioned the status of the solar project. City Manager Cox replied that it was intended for the new Department of Public Works Facility. Councilor Keans recalled that the idea was supposed to be expanded to other areas of the City.

Councilor Torr questioned the status of the deserted building on Hanson Street. City Manager Cox said Keller Williams is representing the City and there are currently two to three interested parties in the conversations now. Mayor McCarley said the deadline has been extended to October, 2019.

Councilor Keans questioned if the City Council could discuss a recent court case with legal counsel. City Manager Cox replied that the City Attorney would include that discussion with his quarterly report to be given at the City Council Workshop in August.

15. Non-Public/Non-Meeting

15.1 Non-Public Public Session, Personnel, RSA 91-A:3,II (a)

Councilor Lauterborn **MOVED** to enter into a Non-Public Public Session, Personnel, RSA 91-A:3,II (a) at 8:03 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Torr, Abbott, Varney, Hutchinson, Lachapelle, Gray, Walker, Bogan, Hamann, Gates, Keans, Lauterborn, and Mayor McCarley voted in favor of the motion.

Councilor Lauterborn **MOVED** to exit the Non-Public meeting at 8:08 PM. Councilor Gates seconded the motion. Councilor Lachapelle **MOVED** to seal the minutes. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

16. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 8:09 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk

ADDENDUM A

Regular City Council Meeting September 3, 2019

Chapter 75

Fires and Fire Safety

§ 75-16 Fireworks.

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- D. Subject to and in accordance with the provisions of Chapter 160-C of the New Hampshire Revised Statutes Annotated it shall be lawful to possess and/or display permissible fireworks upon compliance with the following requirements:
- (1) A person who is 21 years of age or older may display permissible fireworks on private property with the written consent of the owner or in the owner's presence, subject to the provisions of this section and RSA 160-C and any other applicable ordinance, regulation or statute.
 - (2) No display of permissible fireworks shall be permitted within the City except between the hours of 6:00 p.m. and 11:00 p.m. on the following holiday: Fourth of July (including the evening of July 3 beginning at 6:00 p.m., including from such time until 12:00 midnight on any rain date established for the annual City-wide fireworks display held ~~at the Rochester Fairgrounds~~), after obtaining a permit. **[Amended 6-6-2013; 2-14-2017]**
 - (3) The display of permissible fireworks shall be of such a character, and so located and conducted, that it shall not be hazardous to property or endanger any person. In accordance with the provisions of RSA 160-C, permissible fireworks shall not be permitted on public property and must be at least 50 feet from nearby buildings, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases.
 - (4) No permissible fireworks may be used, discharged, exploded, or displayed during periods of very high or extreme fire danger as determined by the Fire Chief or the New Hampshire Division of Forests and Lands.
 - (5) Permissible fireworks may be used, discharged, exploded, or displayed in a manner such that any and all discharge debris shall remain within the property lines of the lot on which the display originates.
 - (6) Anyone using permissible fireworks shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property, and any private property within 24 hours. Anyone failing to remove such debris shall be financially responsible for its cleanup. **[Amended 3-5-2019]**
 - (7) Display of permissible fireworks shall be permitted on public property the evening of July 3 beginning at 6:00 p.m., including from such time until 12:00 midnight on any rain date established for the annual City-wide fireworks display ~~held at the Rochester Fairgrounds~~, provided that such display shall be authorized in a duly issued block party application/permit from the City's Licensing Board covering the public property on which the display is to occur. **[Added 6-4-2013]**

§7-38 Legal basis.

The provisions of this article governing purchasing procedures to be used by the City of Rochester are incorporated with the Administrative Code in accordance with the requirements of Section 27 of the Rochester City Charter.

§ 7-39 Purchase orders required.

Purchase orders authorized by the proper authority shall be used in all instances.

§ 7-40 Purchasing procedures.

[Amended 9-4-2007; 10-15-2013]

A. All purchases shall have electronic approval, and said sums for each category below shall not be exceeded for any one item, or combination of items to be purchased from any single vendor. Approval levels are noted for each category.

~~A.B. All~~ All Purchases ~~under one up to five thousand dollars one dollar (\$1,001.) (\$5,000)~~ shall have the electronic approval of the Department Head and Purchasing Department. ~~with the limitation that said sum shall not be exceeded for any one item or combination of items to be purchased from any single vendor.~~

~~B.C.~~ All purchases ~~one five thousand and one dollars (\$1,000.) (\$5,001)~~ up to fifteen ~~than ten thousand one dollars (\$15,000) (\$10,001.)~~ shall have a minimum of three (3) quotations comparable for the same product or service quotes. The three quotations must be written vendor responses, no verbal quotations allowed. The quotation, or notes, must be attached to the requisition request. Approval is required by Department Head, Purchasing Department, Finance Director, or Deputy Finance Director, before conversion to purchase order.

~~If three quotes are not available then an exception may be made with the approval of the City Manager, or his/her designee, clearly documenting the reason for the exception in the electronic requisition document. The maximum of ten thousand dollars (\$10,000.) shall not be exceeded for any one item or combination of items to be purchased from any single vendor.~~

~~C.D.~~ All purchases fifteen thousand and one dollars (\$15,001) or greater require competitive sealed bid process. Utilization of approved vendor lists, or other approved bid lists may be substituted for the sealed bid process with approval of City Manager, or designee. Approval is required by the Department Head, Purchasing Department, Finance Director, or Deputy Finance Director, and City Manager. Bid results/quotation notes must be attached to requisition request.

E. Exceptions to the above may be allowed for the following, provided its determined to be in the best overall interest of the City; Approval required by City Manager, or designee.

1 Professional service contracts

2. Sole Source Vendors.

3 .Computers, complex Information Technology (IT) equipment, and software.

4. Documented reasons why the bid or required amount of quotations cannot be sourced

5. Emergency situations which create immediate risk to City.

~~D. All individual item purchases or contracts over ten thousand dollars (\$10,000.) shall require a competitive sealed bid process and approval of the department head, Finance Director and the City Manager. Exceptions for purchases over ten thousand dollars (\$10,000.) may be allowed at the discretion of the City Manager for professional service contracts, computer software/hardware, passenger vehicles/one-ton vehicles or smaller, or other items where comparative pricing instead of a sealed bid process may be in the best overall interest of the City. The City Council shall be formally notified whenever an exception to the sealed bid process occurs.~~

§ 7-4I Sale of tax-deeded property.

[Amended 2-1-2005]

- A. In accordance with the provisions of RSA 80:42 and/or 80:80, the City Manager is hereby indefinitely, and until such time as this section is repealed, authorized to transfer tax liens upon real property acquired by the City at a Tax Collector's sale for nonpayment of taxes thereon and/or to convey property acquired by the City by tax deed for nonpayment of taxes; provided, however, that a public auction and/or advertised sealed bid sale is held, and the results of said public auction and/or sealed bid sale are confirmed by a majority vote of the City Council. In conducting such public auction and/or sealed bid sale, the City Manager may establish a minimum amount for which the property is to be sold and the terms and conditions of sale.
- B. The City Manager, by ordinance, may be authorized to dispose of tax liens or tax-deeded property in a manner otherwise than provided in this section, as justice may require.
- C. Upon the affirmative two-thirds vote of the Rochester City Council, the City Manager may be authorized to transfer tax liens upon real property acquired by the City at a Tax Collector's sale for nonpayment of taxes thereon and/or to convey property acquired by the City by tax deed for nonpayment of taxes without conducting a public auction and/or advertised sealed bid sale, subject to such terms and conditions as the City Council shall establish.
- D. For purposes of this section, the authority to dispose of the property "as justice may require" shall include the power of the City Manager to transfer the tax lien(s) and/or convey the property to a former owner, or to a third party for benefit of a former owner, upon such reasonable terms as may be agreed to in writing, including the authority of the City to retain a mortgage interest in the property, or to reimpose its tax lien, contingent upon an agreed payment schedule, which need not necessarily reflect any prior redemption amount. Any such agreement shall be recorded in the Registry of Deeds. This subsection shall not be construed to obligate the City to make any such conveyance or agreement.

ADDENDUM C

Regular City Council Meeting September 3, 2019

The following Code does not display images or complicated formatting. Codes should be viewed online. This tool is only meant for editing.

§ 7-62 ~~Undesignated~~ General Fund unassigned fund balance.

- A. Purpose. The Rochester City Council recognizes that the establishment and maintenance of fiscal responsibility and the promotion of property tax stabilization are goals which promote the public health, safety and welfare of the City of Rochester and its inhabitants. Therefore, it is the purpose of the Rochester City Council in adopting this section to establish a mechanism whereby the fiscal integrity of the City is strengthened and maintained, and the long-term stability of the City's property tax rate is promoted, through the establishment of a systemic and disciplined process for the prudent and planned utilization of revenues. In adopting this section, the Rochester City Council recognized that it is prudent financial practice for municipalities such as Rochester to establish and maintain ~~an undesignated~~ a minimum General Fund Unassigned fund balance (as hereinafter more particularly defined) of ~~between 58% and 1017% of their respective total general~~ between 58% and 1017% of their respective total General fund appropriations expenditures. General Fund expenditures include City, County, and School collectively.
- B. Minimum ~~undesignated~~ General Fund unassigned fund balance requirement. The ~~General Fund Unassigned Fund~~ General Fund Unassigned fund balance of the City, at the end of any fiscal year, as established and reported to the State of NH on Form MS-535 "Financial Report of the Budget" and confirmed within the notes of the City's annual in accordance with generally accepted accounting principles (GAAP), including any and all balances derived from accounts and/or operations taken into account in the "general fund" column of the City's annual audit, and excluding any and all reserves, and any dedicated fund balances of the general fund audited financial statements, shall for the purposes of this section be designated as the ~~"undesignated Unassigned fund balance"~~ "undesignated Unassigned fund balance" of the ~~General Fund~~ General Fund of the City of Rochester, and shall be referred to throughout this section as the ~~"undesignated Unassigned fund balance."~~ "undesignated Unassigned fund balance." The ~~undesignated unassigned~~ undesignated unassigned fund balance for any fiscal year shall be maintained at a minimum level of ~~between not less than 85% and 17% of the actual total~~ between not less than 85% and 17% of the actual total ~~General Fund appropriations expenditures~~ General Fund appropriations expenditures for the City for that fiscal year.
- C. Use of ~~undesignated~~ General Fund Unassigned fund balance – Non-Recurring. In any subsequent fiscal year, the City Council may, upon adoption of a written resolution, by a two-thirds majority vote, after notice and public hearing, utilize the excess of the actual ~~Unassigned Fund~~ Unassigned fund balance of the ~~General Fund~~ General Fund (as determined by the annual audit of the City) over the prescribed ~~undesignated unassigned~~ undesignated unassigned fund balance level established in Subsection B of this section from the prior fiscal year for capital projects, transfers to capital projects, transfers to capital reserve, or for any other appropriation of a non-recurring nature.
- D. ~~Emergency appropriations~~ Use of General Fund undesignated Unassigned Fund balance - Recurring. At any time in a budget

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year, the City Council may, upon adoption of a written resolution, by ~~majority~~ a two-thirds majority vote, after notice and public hearing, make ~~emergency~~ appropriations from the ~~G~~general ~~F~~fund ~~U~~unassigned ~~F~~fund balance of the City of Rochester to meet an essential need for public expenditure. If such ~~emergency~~ appropriation reduces the ~~undesignated~~ unassigned fund balance to a level below the minimum prescribed by Subsection **B** of this section, the resolution authorizing such appropriation shall include a plan to restore the ~~undesignated~~ unassigned ~~F~~fund ~~B~~balance to the minimum level established in Subsection **B** of this section within a period not to exceed 2 years.

*This section supplements and supersedes the provisions promulgated under the City of Rochester Fund Balance Policy