

**Regular City Council Meeting
January 3, 2023
Council Chambers
6:00 PM**

COUNCILORS PRESENT

Councilor Beaudoin
Councilor Berlin
Councilor de Geofroy
Councilor Desrochers
Councilor Fontneau
Councilor Gilman
Councilor Gray
Councilor Hainey
Councilor Hamann
Councilor Malone
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
Gary Boudreau, Chief of Police

COUNCILORS ABSENT

Minutes

1. Call to Order

Mayor Callaghan called the meeting to order at 6:00 PM.

2. Opening Prayer

Mayor Callaghan called for a moment of silence.

3. Pledge of Allegiance

Mayor Callaghan led the Pledge of Allegiance.

4. Roll Call

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

5. Acceptance of Minutes

5.1 Regular City Council Meeting: December 6, 2022

consideration for approval

Councilor Lachapelle **MOVED** to **ACCEPT** the December 6, 2022, Regular City Council meeting minutes. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2 Special City Council Meeting: December 20, 2022
consideration for approval

Councilor Lachapelle **MOVED** to **ACCEPT** the December 20, 2022, Special City Council meeting minutes. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1 City Manager's Report

City Manager Cox presented the following report:

Contracts and documents executed since last month:

- **Department of Public Works**
 - Award of Bid, Tata Estates Pump Station – Weston & Sampson
 - Certificate of substantial completion, WWTP Carbon storage – Apex Construction
 - Change Order, Strafford Square Utility Contract
- **Economic Development**
 - FY23 CAP Weatherization – Seasons Ln
 - FY22-FY23 CAP Weatherization – Bermuda Ln.
 - FY22-FY23 CAP Weatherization – Seneca Dr
- **IT**
 - Microsoft OpenValue Licensing Agreement

The following Standard Report has been enclosed:

- Personnel Action Report Summary

7. Communications from the Mayor

Mayor Callaghan read a proclamation in honor of the Cornerstone Visiting Nurses Association 110th Anniversary Celebration.

Mayor Callaghan **APPOINTED** the following Committee members as stated below:

7.1. Mayoral Reappointment: Mark Hourihane – Granite State Business Park TIF Advisory Board *Term to Expire on 12/31/2025*

7.2. Mayoral Reappointment: Peter Lachapelle – Granite Ridge Development District Advisory Board *Term to Expire on 12/31/2025*

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1 Mayoral Appointment/Confirm by City Council: Jonathan Shapleigh – Chair of the Rochester Economic Development Commission *Term to Expire on 01/02/2026*

Mayor Callaghan nominated Jonathan Shapleigh to serve as the Chair of the Economic Development Commission, with a term to expire on 1/2/26. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nomination cease and the Clerk cast one ballot for Mr. Shapleigh. The **MOTION CARRIED** by a unanimous voice vote.

9.2 Mayoral Nomination/Confirm by City Council: Conservation Commission Chair – Michael Dionne *Term to Expire on 01/02/2026*

Mayor Callaghan nominated Michael Dionne to serve as the Chair of the Conservation Commission, with a term to expire on 1/2/26. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nomination cease and the Clerk cast one ballot for Mr. Dionne. The **MOTION CARRIED** by a unanimous voice vote.

9.3 GSBP and GRDD TIF Advisory Board Membership memos *information only*

Mayor Callaghan said information regarding the GSBP and GRDD TIF Advisory Board Membership can be found in the packet materials.

10. Reports of Committees

10.1 Appointments Review Committee

10.1.1 Reappointment: Kris Ebbeson - Rochester Economic Development Commission, Seat B, *Term to expire 1/2/2026 consideration for approval*

10.1.2 Reappointment: Timothy Jones - Rochester Economic Development Commission, Seat G *Term to Expire 1/2/2026 consideration for approval*

10.1.3 Reappointment: Marsha Miller - Rochester Economic Development Commission, Seat I *Term to expire 1/2/2026 consideration for approval*

10.1.4 Reappointment: Whitney Apgar - Rochester Economic Development Commission, Seat H *Term to expire 1/2/2026 consideration for approval*

10.1.5 Reappointment: Candy Bailey – Library Trustees Ward 3 *Term to expire 1/2/2026 consideration for approval*

10.1.6 Reappointment: Pam Hubbard – Library Trustees Ward 5 *Term to expire 1/2/2026 consideration for approval*

10.1.7 Reappointment: Michael King – Zoning Board of Adjustments, Seat E *Term to expire 1/2/2026 consideration for approval*

10.1.8 Reappointment: Lawrence Spector – Zoning Board of Adjustments, Seat D *Term to expire 1/2/2026 consideration for approval*

10.1.9 Reappointment: Daniel Nickerson – Conservation Commission, Seat E *Term to expire*

1/2/2026 *consideration for approval*

**10.1.10 Reappointment: Michael McQuade – Planning Board, Alternate Seat N Term to expire 1/2/2026
*consideration for approval***

Mayor Callaghan nominated each individual as stated above. He read the names/positions aloud. Councilor Lachapelle seconded the nominations.

Councilor Lachapelle **MOVED** that nomination cease and the Clerk cast one ballot for each applicant as listed above. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Gray gave information about the next Appointments Review Committee meeting, which is scheduled prior to the January Workshop. Mayor Callaghan asked what time the meeting would start. Councilor Gray said the start of the meeting is dependent upon how many applicants are scheduled to meet with the Committee.

10.2 Community Development

No discussion.

10.3 Finance Committee

No discussion.

10.4 Planning Board

No discussion.

10.5 Public Safety

10.5.1 Committee Recommendation: To install an RRFB (rectangular rapid flashing beacon) on Columbus Avenue near KFC *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the Committee's recommendation to install an RRFB on Columbus Avenue near KFC. Councilor Berlin seconded the motion. The City Council briefly discussed the unfortunate recent fatality, that occurred in this crosswalk. Councilor

Gray questioned if the accident occurred further down the road; however, Chief Boudreau confirmed the fatality occurred in the sidewalk near KFC. Councilor Berlin informed the City Council that the DPW has a Pedestrian Safety Improvement Fund, which will be used to cover the cost of this beacon. The **MOTION CARRIED** by a unanimous voice vote.

10.5.2 Committee Recommendation: to install a “hospital” sign on Salmon Falls Road eastbound approaching Whitehall Road at the discretion of DPW, contingent on the hospital purchasing the sign *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the Committee’s recommendation to install a “hospital” sign on Salmon Falls Road eastbound approaching Whitehall Road at the discretion of DPW, contingent on the hospital purchasing the sign. Councilor Berlin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.5.3 Committee Recommendation: to install a “stop” sign at the intersection of Coleman and Richardson Street *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the Committee’s recommendation to install a “stop” sign at the intersection of Coleman and Richardson Streets. Councilor Berlin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.5.4 Committee Recommendation: to place a triangle “pedestrian walking” sign 1 on each end of Chesley Hill Road *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the Committee’s recommendation to place triangle “pedestrian walking” signs – one on each end of Chesley Hill Road. Councilor Berlin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

11. Old Business

No discussion.

12. Consent Calendar

No discussion.

13. New Business

13.1. Resolution Authorizing Supplemental Appropriation to the Sewer Capital Improvements Plan (CIP) Fund in the amount of \$50,000.00 for the Wastewater Treatment Facility (WWTF) Cybersecurity Project *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Authorizing Supplemental Appropriation to the Sewer Capital Improvements Plan (CIP) Fund in the amount of \$50,000.00 for the Wastewater Treatment Facility (WWTF) Cybersecurity Project

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 a supplemental appropriation to the Sewer Capital Improvements Plan Fund in the amount of Fifty Thousand Dollars (\$50,000.00) for the WWTF Cybersecurity Project with the funding for said appropriation to be derived in its entirety from a State of New Hampshire ARPA Cybersecurity Implementation Grant funds.

Further, by adoption of this Resolution, the City of Rochester hereby accepts Fifty Thousand Dollars (\$50,000.00) in ARPA Grant funds from the State of New Hampshire.

Still further, by adoption of this Resolution, the Mayor and City Council of the City of Rochester authorize the City Manager to execute a State of New Hampshire ARPA Grant Agreement for the WWTF Cybersecurity Project in the amount of Fifty Thousand Dollars (\$50,000.00) and to execute all other necessary and related documents.

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

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

13.2 Resolution for Supplemental Appropriation of \$566,700 to Department of Public Works (DPW) Sewer CIP Fund *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution for Supplemental Appropriation of \$566,700 to Department of Public Works (DPW) Sewer CIP Fund

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 appropriate an amount not to exceed Five Hundred Sixty-Six Thousand Seven Hundred Dollars (\$566,700.00) to the Sewer CIP Fund for the purpose of paying costs associated with the NPDES permit through the Municipal Alliance for Adaptive Management (MAAM) and Intermunicipal Agreement with the Cities of Dover, Portsmouth, Newington, Exeter, Milton, Rollinsford and Rochester, NH, and further;

The City of Rochester, Department of Public Works in accordance with the provisions of the Intermunicipal Agreement shall act as the fiscal agent for the Municipal Alliance for Adaptive Management. The source of funds related to carrying out the activities approved by the MAAM shall be derived from City of Portsmouth, NH, One Hundred Eighty-Four Thousand Nine Hundred Sixteen and 68/100 Dollars (\$184,916.68), City of Dover, NH, One Hundred Eighteen Thousand Five Hundred Sixty-Eight and 68/100 Dollars (\$118,568.68), Town of Exeter, NH, One Hundred Twenty-Two Thousand Six Hundred Ninety-Eight and 14/100 Dollars (\$122,698.14), Town of Newington, NH, Seven Thousand Three Hundred Fifteen and 94/100 Dollars (\$7,315.94), Town of Rollinsford, NH, Three Thousand Seven Hundred Eighty-Four and 11/100 Dollars (\$3,784.11), Town of Milton, NH, Two Thousand Five Hundred Twenty-Two and 74/100 Dollars (\$2,522.74) and City of Rochester's Sewer Fund Retained Earnings One Hundred Twenty-Six Thousand Eight Hundred Ninety-Three and 71/100 Dollars (\$126,893.71).

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. Councilor Fontneau asked about the funding of this resolution for the public's sake. Deputy City Manager Ambrose said that \$566,700 represents this calendar year's budget for the Municipal Alliance for Adaptive Management (MAAM) and Intermunicipal Agreement with the Cities of Dover, Portsmouth, Newington, Exeter, Milton, Rollinsford and Rochester, NH. She said the City of Rochester acts as the fiscal agent for the Municipal Alliance. She explained that the City of Rochester makes an appropriation for the total budget and subsequently, the other communities reimburse the City for that payment. She gave reasons why this year, the total contribution for the City of Rochester is \$126,893.71. The **MOTION CARRIED** by a unanimous voice vote.

13.3 Resolution Acknowledging the Requirements of RSA 199:4 *first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

Resolution Acknowledging the Requirements of RSA 199:4

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 acknowledge that, pursuant to RSA 199:4, the School Board of the City of Rochester is responsible for the care and control of all schoolhouse buildings indefinitely, until such time as said School Board of the City of Rochester determines that a schoolhouse building is no longer needed for public school purposes.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Desrochers seconded the motion. Councilor Hailey asked what this RSA actually means for the City in partnership with the School Department. Superintendent Repucci explained the relationship between the City and the School Department and summarized that this is basically an auditing

requirement. City Manager Cox agreed and said this does not change the relationship between the School/City; however, the wording clarifies/acknowledges what is already in State Statute. The **MOTION CARRIED** by a unanimous voice vote.

13.4 Amendment to Chapter 275 of the General Ordinances of the City of Rochester regarding the Location and Boundaries of Zoning Districts *first reading, refer to public hearing on 1/17/23, and refer to Planning Board*

Mayor Callaghan read the Amendment by title only and referred the matter to a Public Hearing and to the Planning Board. See Addendum A.

14. Non-Meeting/Non-Public Session

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

Councilor Lachapelle **MOVED** to enter into a Non-Meeting and a Non-Public Session for Personnel, RSA 91-A:3, II (a) at 6:18 PM. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors de Geofroy, Beaudoin, Hamann, Desrochers, Lachapelle, Malone, Berlin, Hainey, Larochelle, Gray, Gilman, Fontneau, and Mayor Callaghan voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Session at 6:57 PM. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

15. Adjournment

Mayor Callaghan **ADJOURNED** the Regular City Council Meeting at 6:58 PM.

Respectfully Submitted,

Kelly Walters, CMC
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.

EXHIBIT A

