

**Regular City Council Meeting  
December 6, 2016  
Council Chambers  
7:02 PM**

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Barnett  
Councilor Bogan  
Councilor Gates  
Councilor Gray  
Councilor Hamann  
Councilor Lachapelle  
Councilor Lauterborn  
Councilor Keans  
Councilor Torr  
Councilor Varney  
Councilor Willis  
Mayor McCarley

**OTHERS PRESENT**

City Manager Daniel Fitzpatrick  
Deputy City Manager Blaine Cox  
John Storer, Director of City Services

**Minutes**

**1. Call to Order**

Mayor McCarley opened the Regular City Council meeting at 7:02 PM.

**2. Presentation of the Colors**

**2.1. Pledge of Allegiance**

The American Legion Post 7 Officers presented the colors and led the Pledge of Allegiance.

**3. Opening Prayer**

The American Legion Post 7 Chaplain led the opening prayer.

**4. Roll Call**

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

**5. Acceptance of Minutes**

**5.1. *Accept:* Regular City Council Meeting Minutes – November 1, 2016 *motion to adopt***

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council Meeting minutes of November 1, 2016. Councilor Bogan 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 Fitzpatrick invited Theresa Hervey and Nancy Miller both of the Assessing Department to come forward to be recognized as the Employees of the Month for December. He mentioned that this is the second time that they have continued the operations at the Assessing Department without a Chief Assessor. He congratulated both employees.

**6.2. City Manager's Report**

City Manager Fitzpatrick gave the following report:

**Information only:**

- Metrocast rate and service change letter

**Contracts and documents executed since last month:**

- City Attorney's office
  - Ten Rod Road Farm – escrow deed release
  - Waterstone Agreement - addendum
- Department of Public Works
  - Annex – Change Order #1
  - Colonial Pines – soil exploration
  - Gonic Brickyard – revised applicant contract
  - Harriman – arena project administration and construction
  - Household Hazardous Waste Day – 2017 commitment
  - Pavement Assessment project
  - Salmon Falls HSIP easement
  - Salmon Falls Road Highway – recommendation to award bid
  - Salmon Falls Road Highway – construction phase engineering agreement
  - South Main Street bus shelter – abutter access agreement
  - Wallace Street - engineering contract
  - Harriman – Recreation satellite office – architectural assistance contract
- Economic & Community Development
  - Economic Development Strategic Plan – bid award to RKG

## Associates

- Finance Department
  - DWSRF Loan – Water Treatment Plant upgrades supplemental loan agreement

**Computer Lease/Purchase and Tuition Reimbursements:**

- Fire Department – Taatjes, K – computer purchase

**The following standard reports have been enclosed:**

- City Council Request & Inquiry Report
- Monthly Departments Travel Summary Report
- Permission & Permits Issued
- Personnel Action Report Summary

Councilor Varney questioned why the Bridging the Gaps Coordinator is now paid hourly rather than salary. City Manager Fitzpatrick agreed to get back to the City Council with that information.

Councilor Varney asked if the new bus station on North Main Street would have advertisements displayed. City Manager Fitzpatrick replied yes. It was determined that this bus station is on private property.

Councilor Varney requested a copy of the Waterstone Phase II Addendum with the change date included.

Mayor McCarley informed the City Council that the Hazardous Waste Day information should be corrected to change the date from 2018 to 2017.

**7. Communications from the Mayor**

Mayor McCarley indicated that the City's events surrounding the holidays have been amazing and well attended.

Mayor McCarley stated that the Grand Opening of Hope on Haven Hill [*residential treatment center for pregnant women with substance use disorders*] was today. In attendance of the grand opening were both the out-going Governor Hassan and Governor-Elect Sununu. This is another major success for the City of Rochester.

**8. Presentations of Petitions and Council Correspondence****8.1. Correspondence: Letter from Matt and Gretchen Scruton Request about their Mortgage Interest Rates**

No discussion.

**8.2. Correspondence: Non-Support of Scruton's Request for Money**

No discussion.

**9. Nominations, Appointments, Resignations, and Elections**

**9.1. Informational Only: Natalie Wensley, Library Trustees *no action/non-renewal***

Mayor McCarley publicly thanked Ms. Wensley for her time serving on the Library Trustees. She said this was informational only. Councilor Keans requested that Ms. Wensley be sent a thank you letter for her service.

**9.2. Information Only: Tracey Walbridge, Trustees of the Trust Fund *no action/non-renewal***

Mayor McCarley publicly thanked Ms. Walbridge for her time serving on the Trustees of the Trust Fund.

**9.3. Resignation: Roger Burkhart, Conservation Commission [Term would have expired on 01/02/2017] *motion to accept resignation***

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation with regret. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10. Reports of Committees**

**10.1. Appointments Committee**

**10.1.1. Appointment: Shon Stevens, Zoning Board of Adjustment [Alternate Member, to be appointed on 01/02/2017, term to expire on 01/02/2020] *ballot vote***

Mayor McCarley nominated Shon Stevens, to serve as an alternate member of the Zoning Board of Adjustment, with a term to expire on January 2, 2020. Councilor Bogan seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Stevens had been appointed to the Zoning Board of Adjustment by a unanimous ballot vote.

**10.1.2. Appointment: Esther Turner, Trustees of the Trust Fund [Regular Member, term to expire on ~~01/02/2018~~ 01/02/2020] *ballot vote***

Mayor McCarley nominated Esther Turner, to serve as a Member of the Trustees of the Trust Fund, with a term to expire on January 2, 2020. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Ms. Turner had been appointed to the Trustees of the Trust Fund by a unanimous ballot vote.

**10.1.3. Appointment: Elizabeth Tonkins-Agea, Arts & Culture Commission [Regular Member, term to expire on 7/01/2018] *ballot vote***

Mayor McCarley nominated Elizabeth Tonkins-Agea, to serve as a Member of the Arts and Culture Commission, with a term to expire on July 1, 2018. Councilor Bogan seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Ms. Tonkins-Agea had been appointed to the Arts and Culture Commission by a unanimous ballot vote.

**10.1.4. Appointment: Barbara Soley, Conservation Commission [Alternate Member, term to expire on 01/02/2019] *ballot vote***

Mayor McCarley nominated Barbara Soley to serve as an Alternate Member of the Conservation Commission, with a term to expire on January 2, 2019. Councilor Bogan seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Ms. Soley had been appointed to the Conservation Commission by a unanimous ballot vote.

Councilor Keans explained that the City Clerk would work with her to update the expiration dates in a timely manner in order to keep the appointment dates accurate. She noted that the last member appointed to the Utility Advisory Board could be incorrect and asked the City Clerk to research the date. This appointment will be brought back to the next meeting for a correction to the date.

**10.2. Community Development**

Councilor Lauterborn said the Farmers Market had been successful this past year; however, a few updates will be made to the schedule. Councilor Lachapelle asked why the event is scheduled during the work week. It seems appropriate to schedule some of the events on a Saturday to seek more attendance. He requested the Committee to discuss this matter at an upcoming meeting.

Councilor Lauterborn said Mr. Provost, Main Street Director, discussed the idea of having a Winter Fair. One suggestion is to have the Department of Public Works truck in clean snow for the event. This discussion has been sent to the Public Works Committee for further review.

Councilor Lauterborn said a request for \$21,180.81 from the Acorn Terrace Cooperative for its Water System Improvements Project had been discussed and referred to the Public Works Committee.

**10.2.1. Action Item: Resolution Authorizing the Reprogramming of Community Development Block Grant Funds in the Gross Amount of \$3,380 [AB 85] *first reading, second reading, and adoption***

Councilor Lauterborn **MOVED** to read the resolution for the first time by title only. Councilor Lachapelle seconded the motion. Mayor McCarley read the resolution for the first time by title only as follows:

**RESOLUTION AUTHORIZING THE REPROGRAMMING OF  
COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS  
IN THE GROSS AMOUNT OF \$3,380**

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

**WHEREAS**, there are unexpended funds from previous Community Development Block Grant (CDBG) grant years in the amount of Twenty One Thousand One Hundred Eighty and 81/100 Dollars (\$21,180.81);

**WHEREAS**, the Mayor and City Council desire to reprogram certain of these funds into other worthwhile activities;

**THEREFORE**, that the sum of Three Thousand Eighty Dollars (\$3,080.00) be expended on the Tri-City Co-op HVAC and handicap ramp project and that the sum of Three Hundred Dollars (\$300.00) be expended on the Homeless Center for Strafford County back-up generator project with all the funds to be derived from the aforementioned unexpended CDBG funds

consistent with the attached funding resolution form, leaving funds in the amount of Seventeen Thousand Eight Hundred and 81/1000 Dollars (\$17,800.81) remaining to be reallocated at a later date and time; and

**FURTHER**, 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. **CC FY17 AB 85**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution for the second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the second time by title only.

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

**10.2.2. Action Item: Resolution Authorizing Change of Purpose for Community Development Block Grant Revolving Loan Funds from Residential Rehabilitation Program to Weatherization Program in the Amount of \$6,603.92 [AB 84]**  
*first reading, second reading, and adoption*

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

**RESOLUTION AUTHORIZING CHANGE OF PURPOSE FOR COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN FUNDS FROM RESIDENTIAL REHABILITATION PROGRAM TO WEATHERIZATION PROGRAM IN THE AMOUNT OF \$6,603.92**

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

That the sum of Six Thousand Six Hundred Three and 92/100 Dollars (\$6,603.92) from the Community Development Block Grant (CDBG) Revolving Loan Funds previously accepted and appropriated for the purpose of funding the residential rehabilitation program be redirected to the Community Action Partnership of Strafford County weatherization program.

**Further**, that this resolution authorizes the complete expenditure of funds

from the account created to receive CDBG Revolving Load Funds for the residential rehabilitation program, to include any accrued interest, and that said account shall be closed thereafter.

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. **CC FY17 12-06 AB 84**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution for the second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the second time by title only.

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

### 10.3. Finance Committee

#### 10.3.1. **Action Item:** Agreement, Health and Human Services, Lease [AB 93] *motion to approve*

Mayor McCarley reviewed the Finance Committee report. She **MOVED** to **APPROVE** the Lease Agreement with Health and Human Services. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### 10.4. Public Safety Committee

#### 10.4.1. **Action Item:** Policy, Tree Policy [AB 92] *motion to approve*

Councilor Hamann briefed the Council about the request to install a "dead end" sign on Morrill Court. He **MOVED** to **APPROVE** the request to install a "dead end" sign on Morrill Court at the discretion of the Department of Public Works. Councilor Lachapelle seconded the motion. Councilor Lachapelle mentioned that the "dead end" signs are in stock at the Department of Public Works. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Hamann **MOVED** to **ACCEPT** the Tree Removal Policy [Exhibit A]. Councilor Lachapelle seconded the motion. Councilor Keans questioned who the Tree Warden would be in this policy. Councilor Hamann said it would be the "Arborist" that the City of Rochester contracted out for



that particular service. The Arborist would report to John Storer, Director of City Services. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Hamann **MOVED** to have the tree removed at 71 Stillwater Circle, at the owner's expense, using the new Tree Removal Policy. Councilor Lachapelle seconded the motion. Councilor Varney questioned if every tree to be cut down on City Property would need to come to the City Council. Councilor Hamann replied no, this was only the initial project with the implementation of the Tree Removal Policy. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Keans noted that one of the lights was out at the Intersection of North Main Street and Columbus Avenue.

### **Tree Policy – Addendum A**

#### **10.5. Public Works Committee**

##### **10.5.1. Action Item: Send Letter to Department of Environmental Services Relative to Winkley Farm Lane *motion to approve***

Councilor Torr reviewed the Committee report. He asked Councilor Willis to speak about the water quality on Winkley Farm Lane. Councilor Willis gave a lengthy report of the issues surrounding the water supply on Winkley Farm Lane, which has degraded to the point as no longer being treatable without spending an excessive amount of money. The Committee discussed the slight possibility of running the City waterlines up to that neighborhood, which is unlikely because of the cost involved for such a project. The Committee also discussed seeking NHDES Methyl Tertiary Butyl Ether [MtBE] Grant Funds. The City Council discussed the quality of water for this neighborhood at length. Councilor Varney felt strongly that there is not enough information at this point to make an informed decision. He suggested other options be investigated and better estimates on the figures associated with each option.

Councilor Willis said it is important to identify the problem by obtaining water samples [standard drinking water analysis] from each of the 31 homes on Winkley Farm Lane. City Manager Fitzpatrick agreed that this is the first step the Committee is seeking.

Councilor Willis **MOVED** to enter into a dialogue with the State about informing them of the issue and to seek their assistance, in addition to the MtBE issue. Councilor Lachapelle seconded the motion. Councilor Gray suggested that the tests being conducted need to be repetitive as it seems

the problem is progressively getting worse. Councilor Keans informed the City Council that the water samples from this neighborhood are brownish in color. This is a serious problem. John Storer, Director of City Services, explained that the Committee was seeking a resolution to support Option three, which is outlined in the Committee meeting minutes. There is a map that goes along with Option 3 that could be supplied to the full City Council prior to taking a vote. He mentioned that the State could dismiss the request if it was not backed by confirmation from the City Council. The City Council discussed what the original motion was intended to be. Councilor Willis **WITHDREW** his original motion and Councilor Lachapelle **WITHDREW** his second to the motion. Mayor McCarley restated the motion into three parts. Councilor Lachapelle **MOVED** to start a dialogue with the State of New Hampshire about the Winkley Farm Lane water supply issue, to request that the City be considered for a NHDES MtBE Grant, and that Option 3 be considered to be a possible solution. Councilor Torr seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

City Manager Fitzpatrick said the City of Rochester recognizes that the residents of Winkley Farm Lane have a real problem; however, it is going to take some time and much consideration to resolve any of these issues. He reiterated that this is not a problem that can be easily resolved.

**10.5.2. Action Item: Release of Water Line Easement,  
National Guard, 106 Brock Street [AB 65]  
*motion to approve***

Councilor Torr requested that Mr. Storer address this issue. Mr. Storer said a request has been made from the National Guard Armory for the release of a water line easement. Mr. Storer said that Captain Logan Kenney attended this meeting. Mr. Storer gave some history about the water line and said this water line has been abandoned by the City of Rochester and is no longer needed.

Councilor Lachapelle **MOVED** to **APPROVE** the release of the water line easement located at the National Guard Armory. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Keans said the Public Hearing relative to the Wakefield Street Construction Project held by Mr. Storer was informative and well attended. Councilor Keans asked if Mr. Storer would be presenting this matter to the City Council. Mr. Storer replied that the presentation would be made to the Public Works Committee and if they could potentially recommend that the presentation be made to the full City Council if they believed it to be necessary. He added that a meeting would take place with Eversource in order to gather better estimates for the utility lines.

Councilor Varney asked about the Chesley Hill Road Paving Moratorium. Mr. Storer said the City of Rochester has not yet received a formal request on this matter. He briefed the City Council about this area. It seems not too long ago the City disturbed the pavement due to a leakage/drainage issue. If any more disturbances were granted to the area it would seem reasonable to have an overlay of pavement grinded into this area incorporated as part of the final agreement; however, no formal request has been made. Councilor Varney asked if this would need to come back to the City Council for approval. Mr. Storer replied yes. Councilor Torr spoke about repairing pavement cuts on roads. He suggested that a standard 100 feet of pavement [both sides of initial cut] should be included with road repairs; otherwise, the roads are not blended properly.

Councilor Lauterborn announced that the Community Development Committee would not meet in December.

## **11. Old Business**

### **11.1. Resolution Authorizing Supplemental Appropriation for the East End Dam Repair Project and Borrowing Authority Pursuant to RSA 33.9 in the Sum of \$100,000 [AB 61-A] *second reading, and adoption***

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

#### **RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION FOR THE EAST END DAM REPAIR PROJECT AND BORROWING AUTHORITY PURSUANT TO RSA 33:9 IN THE SUM OF \$100,000**

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

That the sum of One Hundred Thousand Dollars (\$100,000.00) be, and hereby is, appropriated as a supplemental appropriation to the Capital Improvement Project (CIP) fund of the City of Rochester Department of Public Works, Water Works for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the so-called East End Dam Repair Project.

**Further**, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City

Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of One Hundred Thousand Dollars (\$100,000.00), through the issuance of bonds and/or notes, and/or through other legal form(s), for the purposes of funding the expenditures incident to the implementation of the Project outlined, and referred to, in the preceding paragraph, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate

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. **CC FY17 10-04 AB 61-A**

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Keans asked if this was a change of funding source. Deputy City Manager replied yes. The **MOTION CARRIED** by a unanimous voice vote.

**11.2. Resolution De-Authorizing Previous Funding for the East End Dam Repair Project in the Amount of \$100,000 [AB 61-B] *first reading, second reading, and adoption***

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

**RESOLUTION DEAUTHORIZING PREVIOUS FUNDING FOR THE EAST END DAM REPAIR PROJECT IN THE AMOUNT OF \$100,000**

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

**WHEREAS**, by virtue of a certain resolution adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated One Hundred Thousand Dollars (\$100,000.00) from the Water Fund unreserved retained earnings balance to the Water Works Capital Improvement Plan (CIP) fund for the purpose of completing the East End Dam Repair (the "Project"), and

**WHEREAS**, by Resolution, the Mayor and City Council have changed the

source of funding for the Project to borrowing;

**NOW THEREFORE**, in light of the above, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum of One Hundred Thousand Dollars (\$100,000.00) of previous appropriation of funds from the Water Works CIP and return the funds to the Water Fund unreserved retained earnings balance.

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. **CC FY 16 12-06 AB 61-B**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution for the second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the second time by title only.

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

## **12. Consent Calendar**

Councilor Lauterborn **MOVED** to **ADOPT** the Consent Calendar as presented. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- 12.1. Resolution De-Authorizing City of Rochester Department of Public Works Water Fund Capital Improvement Plan Project Funding for the Water Treatment Plant Roof Upgrade Project in the Amount of \$42,948.42 [AB 78] *first reading, second reading, and adoption***

**RESOLUTION DEAUTHORIZING CITY OF ROCHESTER DEPARTMENT  
OF PUBLIC WORKS WATER FUND CAPITAL IMPROVEMENT PLAN  
PROJECT FUNDING FOR THE WATER TREATMENT PLANT ROOF  
UPGRADE PROJECT IN THE AMOUNT OF \$42,948.42**

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

In accordance with the provisions RSA 33:9, Forty-Two Thousand Nine Hundred Forty-Eight and 42/100 Dollars (\$42,948.42) of previous bond

authority is deauthorized from the FY 2017 Department of Public Works Water Fund Capital Improvement Project Fund for the costs associated with the Water Treatment Plant Roof Upgrade Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 78**

- 12.2. Resolution De-Authorizing Appropriation from Department of Public Works Sewer Fund Capital Improvement Project Capital Improvement Project Fund for the Wastewater Treatment Plant Security Camera Project in the Amount of \$4,568 [AB 74] *first reading, second reading, and adoption***

**RESOLUTION DEAUTHORIZING APPROPRIATION FROM DEPARTMENT OF PUBLIC WORKS SEWER FUND CAPITAL IMPROVEMENT PROJECT FUND FOR THE WASTEWATER TREATMENT PLANT SECURITY CAMERA PROJECT IN THE AMOUNT OF \$4,568.00**

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

That the sum of Four Thousand Five Hundred Sixty-Eight Dollars (\$4,568.00) of the previous appropriation of funds from a Homeland Security Grant to the Sewer Fund Capital Improvements Plan for costs associated with the Waste Water Treatment Plant Security Camera Project is deauthorized.

Further, the Homeland Security Grant was based upon reimbursement, therefore the amount sought by the City in reimbursement will be reduced by Four Thousand Five Hundred Sixty-Eight Dollars (\$4,568.00).

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 74**

- 12.3. Resolution De-Authorizing Appropriation from Department of Public Works Water Capital Improvement Project Fund for the Water Treatment Plant Security Fencing Project in the Amount of \$6,311 [AB 76] *first reading, second reading, and adoption***

**RESOLUTION DEAUTHORIZING APPROPRIATION FROM DEPARTMENT  
OF PUBLIC WORKS WATER CAPITAL IMPROVEMENT PROJECT FUND  
FOR THE WATER TREATMENT PLANT SECURITY FENCING PROJECT IN  
THE AMOUNT OF \$6,311.00**

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

That the sum of Six Thousand Three Hundred Eleven Dollars (\$6,311.00) of the previous appropriation of funds from a Homeland Security Grant to the Water Fund Capital Improvement Plan for costs associated with the Water Treatment Plant Security Fencing Project is deauthorized.

**Further**, the Homeland Security Grant was based upon reimbursement, therefore the amount sought by the City in reimbursement will be reduced by Six Thousand Three Hundred Eleven Dollars (\$6,311.00)

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 76**

**12.4. Resolution De-Authorizing Funds from the Department of Public Works Water Capital Improvements Plan Project Fund for the Gina Drive Pump Station Project in the Amount of \$2,023.16 [AB 77] *first reading, second reading, and adoption***

**RESOLUTION DEAUTHORIZING FUNDS FROM THE DEPARTMENT OF  
PUBLIC WORKS WATER CAPITAL IMPROVEMENTS PLAN PROJECT  
FUND FOR THE GINA DRIVE PUMP STATION PROJECT IN THE  
AMOUNT OF \$2,023.16**

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

That Two Thousand Twenty-Three and 16/100 Dollars (\$2,023.16) of previously appropriated funds to the Water Capital Improvements Plan Fund for the Gina Drive Pump Station project is hereby deauthorized.

Further, the Council authorizes the transfer of said funds back to the Water Fund retained earnings balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts



and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 12-06 AB 77**

- 12.5. Resolution De-Authoring City of Rochester Department of Public Works Sewer Fund Capital Improvement Project Funding for the Wastewater Treatment Plant Disc Filter Capacity Project in the Amount of \$23,258.60 [AB 71] *first reading, second reading, and adoption***

**RESOLUTION DEAUTHORIZING CITY OF ROCHESTER DEPARTMENT OF PUBLIC WORKS SEWER FUND CAPITAL IMPROVEMENT PROJECT FUNDING FOR THE WASTEWATER TREATMENT PLANT DISC FILTER CAPACITY PROJECT IN THE AMOUNT OF \$23,258.60**

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

In accordance with the provisions RSA 33:9, Twenty-Three Thousand Two Hundred Fifty-Eight and 60/100 Dollars (\$23,258.60) of previous bond authority is deauthorized from the FY 2017 Department of Public Works Sewer Fund Capital Improvement Project Fund for the costs associated with the Wastewater Treatment Plant Disc Filter Capacity Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 12-06 AB 71**

- 12.6. Resolution De-Authoring City of Rochester Department of Public Works Capital Improvement Plan (CIP) Project, Water Fund CIP Project, and Sewer Fund CIP Project Funding for the Sheridan, Glen, and Granite Street Project in the Gross Amount of \$648,441.24 [AB 72] *first reading, second reading, and adoption***

**RESOLUTION DEAUTHORIZING CITY OF ROCHESTER DEPARTMENT OF PUBLIC WORKS CAPITAL IMPROVEMENT PLAN (CIP) PROJECT, WATER FUND CIP PROJECT, AND SEWER FUND CIP PROJECT FUNDING FOR THE SHERIDAN, GLEN, AND GRANITE STREET PROJECT IN THE GROSS AMOUNT OF \$648,441.24**

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



In accordance with the provisions RSA 33:9, Sixty Thousand Three Hundred Thirty-One and 19/100 Dollars (\$60,331.19) of previous bond authority is deauthorized from the FY 2017 Department of Public Works CIP Fund, Two Hundred Forty-Eight Thousand Fifty-Four and 83/100 (\$248,054.83) is deauthorized from the FY 2017 Department of Public Works Water Fund CIP Fund, and Three Hundred Forty Thousand Fifty-Five and 22/100 Dollars (\$340,055.22) is deauthorized from the FY 2017 Department of Public Works Sewer Fund CIP Fund for the costs associated with the Sheridan, Glen, and Granite Street Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 72**

**12.7. Resolution De-Authorizing Funds Associated with the Purchase of a Mail Processing Machine for the City Hall Business Office in the Gross Amount of \$4,998.00 [AB 73] *first reading, second reading, and adoption***

**RESOLUTION DEAUTHORIZING FUNDS ASSOCIATED WITH THE PURCHASE OF A MAIL PROCESSING MACHINE FOR THE CITY HALL BUSINESS OFFICE IN THE GROSS AMOUNT OF \$4,998.00**

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

That One Thousand Five Hundred Eighty-Four Dollars (\$1,584.00) of previously appropriated funds is deauthorized from the Business Office Capital Improvement Plan (CIP) Project Fund; One Thousand Seven Hundred Seven Dollars (\$1,707.00) is deauthorized from the Water CIP Fund, and One Thousand Seven Hundred Seven Dollars (\$1,707.00) is deauthorized from the Sewer CIP Fund for the costs associated with the purchase of a mail machine stuffer/insertter.

Further, that the Council hereby authorizes the transfer of One Thousand Five Hundred Eighty-Four Dollars (\$1,584.00) to the General Fund unassigned fund balance; One Thousand Seven Hundred Seven Dollars (\$1,707.00) to the Water Fund retained earnings; and One Thousand Seven Hundred Seven Dollars (\$1,707.00) to the Sewer Fund retained earnings.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or

account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 73**

- 12.8. Resolution De-Authorizing City of Rochester Department of Public Works Fund Capital Improvement Plan Project Funding for the Water Treatment Plant Upgrade Project and Rescission of Borrowing Authority in the Amount of \$21,546.25 [AB 75] *first reading, second reading, and adoption***

**RESOLUTION DEAUTHORIZING CITY OF ROCHESTER DEPARTMENT OF PUBLIC WORKS WATER FUND CAPITAL IMPROVEMENT PLAN PROJECT FUNDING FOR THE WATER TREATMENT PLANT UPGRADE PROJECT AND RECISSION OF BORROWING AUTHORITY IN THE AMOUNT OF \$21,546.25**

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

That Twenty-One Thousand Five Hundred Forty-Six and 25/100 Dollars (\$21,546.25) of previously appropriated funds is deauthorized from the FY 2017 Department of Public Works Water Fund Capital Improvement Project Fund for the costs associated with the WTP Upgrade project.

**Further**, the Mayor and City Council rescind authority to borrow funds associated with said Project from the State of New Hampshire Drinking Water State Revolving Fund in the amount of Twenty-One Thousand Five Hundred Forty-Six and 25/100 Dollars (\$21,546.25).

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 12-06 AB 75**

- 12.9. Resolution De-authorizing City of Rochester Department of Public Works Sewer Fund Capital Improvement Project Funding for the Route 125 Pump Station Project and Rescission of Borrowing Authority in the Amount of \$71,986.37 [AB 70] *first reading, second reading, and adoption***

**RESOLUTION DEAUTHORIZING CITY OF ROCHESTER DEPARTMENT OF PUBLIC WORKS SEWER FUND CAPITAL IMPROVEMENT PROJECT FUNDING FOR THE ROUTE 125 PUMP STATION PROJECT AND RECISSION OF BORROWING AUTHORITY IN THE AMOUNT OF**

**\$71,986.37**

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

That Seventy-One Thousand Nine Hundred Eighty-Six and 37/100 Dollars (\$71,986.37) of previously appropriated funds is deauthorized from the FY 2017 Department of Public Works Sewer Fund Capital Improvement Project Fund for the costs associated with the Route 125 Pump Station upgrade project.

Further, the Mayor and City Council rescind authority to borrow funds associated with said Project from the State of New Hampshire Clean Water State Revolving Fund in the amount of Seventy-One Thousand Nine Hundred Eighty-Six and 37/100 Dollars (\$71,986.37).

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 12-06 AB 70**

**12.10. Resolution De-Authorizing Appropriation from Industrial Park Signs Capital Improvement Project Fund and Transfer to the Economic Development Unassigned Fund Balance in the Amount of \$6,591.50 [AB 86] *first reading, second reading, and adoption***

**RESOLUTION DEAUTHORIZING APPROPRIATION FROM INDUSTRIAL PARK SIGNS CAPITAL IMPROVEMENT PROJECT FUND AND TRANSFER TO THE ECONOMIC DEVELOPMENT UNASSIGNED FUND BALANCE IN THE AMOUNT OF \$6,591.50**

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

That the sum of Six Thousand Five Hundred Ninety-One and 50/100 Dollars (\$6,591.50) of the previous appropriation of funds to the Industrial Park Capital Improvements Plan Project is deauthorized.

Be it further resolved that the sum of Six Thousand Five Hundred Ninety-One and 50/100 Dollars (\$6,591.50) deauthorized herein be transferred to the Economic Development Fund unassigned fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts

and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 86**

- 12.11. Resolution De-Authorizing Appropriation to the Department of Building, Zoning, and Licensing Services Capital Improvement Plan Project Fund for Vehicle and Equipment Replacement in the Amount of \$92.00 [AB 87] *first reading, second reading, and adoption***

**RESOLUTION DEAUTHORIZING APPROPRIATION TO THE DEPARTMENT OF BUILDING, ZONING AND LICENSING SERVICES CAPITAL IMPROVEMENT PLAN PROJECT FUND FOR VEHICLE AND EQUIPMENT REPLACEMENT IN THE AMOUNT OF \$92.00**

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

That the sum of Ninety Two Dollars (\$92.00) of the previous appropriation of funds to the Department of Building, Zoning and Licensing Services Capital Improvements Plan Fund for costs associated with vehicle and equipment replacement is deauthorized.

**Further**, that the Council authorizes the transfer of said deauthorized funds in the amount of Ninety Two Dollars (\$92.00) to the General Fund unassigned fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 87**

- 12.12. Resolution De-Authorizing Appropriation of Driving While Intoxicated Enforcement Grant Funding from the Rochester Police Department in the Amount of \$3,457.97 [AB 94] *first reading, second reading, and adoption***

**RESOLUTION DEAUTHORIZING APPROPRIATION OF DRIVING WHILE INTOXICATED ENFORCEMENT GRANT FUNDING FROM ROCHESTER POLICE DEPARTMENT IN THE AMOUNT OF \$3,457.97**

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

That the sum of Three Thousand Four Hundred Fifty-Seven and 97/100 Dollars (\$3,457.97) of the previous appropriation of funds from a Department of Safety Driving While Intoxicated (DWI) Enforcement Grant to Rochester Police Department for costs associated with DWI safety patrols is deauthorized.

**Further**, the Department of Safety DWI Enforcement Grant was based upon reimbursement, therefore the amount sought by the City in reimbursement will be reduced by Three Thousand Four Hundred Fifty-Seven and 97/100 Dollars (\$3,457.97).

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 94**

### **13. New Business**

#### **13.1. Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Accessory Apartments [AB 90-A] *first reading and refer to a Public Hearing***

Councilor Lachapelle **MOVED** to read the Amendment for the first time by title only and to refer the matter to a Public Hearing at the next Codes and Ordinances Committee. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Varney recommended that the Public Hearing take place at the January 17, 2017 City Council Workshop. Councilor Lachapelle **MOVED** that the Public Hearing take place at the City Council Workshop on January 17, 2017. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the first time by title only as follows:

#### **AMENDMENT TO CHAPTER 42 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING ACCESSORY APARTMENTS**

#### **THE CITY OF ROCHESTER ORDAINS:**

That Chapter 42 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

#### **42.23 Accessory Uses**

- a. General Provisions. The following provisions apply in evaluating

**proposed accessory uses, activities, structures, and situations.**

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\*

- b. Standards for Specific Accessory Uses. The following standards shall apply to these specific accessory uses, activities, structures, and situations wherever they are allowed:**

- 1. Accessory Apartment. An accessory apartment is permitted subject to compliance with all of the following standards and procedures:**
  - A. It is permitted where and as specified in the Table of Uses (by right or by special exception). However, if the accessory dwelling is detached from the single family dwelling, it must be approved by a special exception;**
  - B. It is accessory to a single family dwelling only and if detached from the single family dwelling it is similar in architectural style;**
  - C. ~~It must be a studio or one bedroom apartment;~~ It must be two bedrooms or less;**
  - D. It may not exceed 800 square feet;**
  - E. It may not house more than two occupants;**
  - F. It may be either part of the single family ~~house~~ dwelling or in a separate building, such as above a garage; if it is part of the single family house, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.**
  - G. There may be only one per lot;**
  - H. ~~The main house must be owner occupied;~~ The owner of the property must occupy one of the dwelling units and the owner must demonstrate that one of the dwelling units is his or her principal place of residence;**
  - I. At least one parking space must be provided for the unit;**

- J. Where municipal sewer service is not provided, the septic system shall meet NHDES requirements for the combined system demand for total occupancy of the property; and
- K. It is exempt from site plan review but a letter of intent must be submitted to the Building Inspector to ensure that the above conditions are met.
- L. If it is a security apartment, it shall not exceed 800 square feet and it shall be attached to or located with an allowed commercial, office or industrial use. Such unit may be occupied by the business owner, family member or employee whose purpose is to provide security and/or protection of the business premises. This use shall require Site Plan review.
- M. If it is a caretaker apartment it shall be attached to or located with an allowed residential or nonresidential use and it shall be occupied by the owner, family member or employee of the principal use and the gross floor area does not exceed 800 square feet. This use shall require Site Plan review.

The effective date of these amendments shall be upon passage.

**13.2. Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Table 18-A [AB 90-B] *first reading and refer to a Public Hearing***

Councilor Lachapelle **MOVED** to read the Amendment for the first time by title only and to refer the matter to a Public Hearing on January 17, 2017, City Council Workshop. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the first time by title only as follows:

***See Addendum B attached to this set of minutes***

**13.3. Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Entertainment Overlay District [AB 91] *first reading and refer to a Public Hearing***

Councilor Lachapelle **MOVED** to read the Amendment for the first

time by title only and to refer the matter to a Public Hearing at the January 17, 2017, City Council Workshop. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the first time by title only as follows:

**13.4. Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Location and Boundaries of Zoning Districts [AB 83] *first reading and refer to a Public Hearing***

Councilor Lachapelle **MOVED** to read the Amendment for the first time by title only and to refer the matter to a Public Hearing at the January 17, 2017, City Council Workshop. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the first time by title only as follows:

**AMENDMENT TO CHAPTER 42 OF THE GENERAL ORDINANCES OF  
THE CITY OF ROCHESTER REGARDING THE LOCATION AND  
BOUNDARIES OF ZONING DISTRICTS**

**THE CITY OF ROCHESTER ORDAINS:**

**WHEREAS**, Chapter 42.1, Section J 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 42.1, Section J further declares that the City of Rochester Zoning Map is incorporated by reference as party of Chapter 42 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 expand the Industrial Zone.

**THEREFORE**, the Mayor and City Council of Rochester ordain that the Industrial Zone in the City of Rochester shall be expanded to include the following properties:

1. 0255-0017-0000 290 Rochester Hill Road
2. 0255-0018-0000 294 Rochester Hill Road
3. 0255-0019-0000 296 Rochester Hill Road
4. 0255-0020-0000 302 Rochester Hill Road
5. 0255-0021-0000 0 Rochester Hill Road

**FURTHER**, the City of Rochester Zoning Map shall be amended and updated to reflect that the above named properties are included in the



Industrial Zone and are removed from the Agricultural Zone. **The effective date of these amendments shall be upon passage. CC FY17 AB 83**

**13.5. Resolution Adopting Amendments/Revisions to the Granite State Business Park Tax Increment Financing (TIF) District: Development Program and Financing Plan and Amending/Revising the Granite State Business Park (GSBP) TIF District [AB 82] *first reading and refer to a Public Hearing***

Councilor Lachapelle **MOVED** to read the Resolution for the first time by title only and to refer the matter to a Public Hearing at the next Finance Committee meeting [January 10, 2017]. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the first time by title only as follows:

**RESOLUTION ADOPTING AMENDMENTS/REVISIONS TO THE GRANITE STATE BUSINESS PARK TAX INCREMENT FINANCING (TIF) DISTRICT: DEVELOPMENT PROGRAM AND FINANCING PLAN AND AMENDING/REVISING THE GRANITE STATE BUSINESS PARK (GSBP) TIF DISTRICT BOUNDARIES**

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

**WHEREAS**, by Resolution adopted November 1, 2005, the Mayor and City Council adopted provisions of RSA 162-K, as amended, for the purpose of establishing one or more TIF districts within the City of Rochester; and

**WHEREAS**, by Resolution adopted July 5, 2011, the Mayor and City Council created the GSBP TIF District and Development Program and Financing Plan (the "Plan"); and

**WHEREAS**, changes in circumstances within the GSBP and adjacent areas have created conditions which, in the opinion of the District Administrator and the Mayor and City Council, leaves the GSBP TIF District and Plan in need of revisions and/or amendments to effectively carry out the purpose for which the GSBP TIF District was created and the Plan adopted; and

**WHEREAS**, RSA 162-K:6, III and RSA 162-K:9, IV permit the alteration of development programs and/or the modification of a TIF financing plan; and

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby resolves as follows:

1. After holding a public hearing on January 3, 2017, and taking public testimony, the Mayor and City Council hereby find that the establishment of alterations and/or revisions to the GSBP TIF District and to the Plan (all more completely set forth and described in the document annexed hereto as **Exhibit A** and entitled "Granite State Business Park Tax Increment Finance District: Development Program and Financing Plan", as revised on September 4, 2012), serve a public purpose pursuant to RSA 162-K:5, specifically the preservation and expansion of the City's tax and employment bases, as well as the promotion of development and/or redevelopment of new, vacant, and/or underutilized land and/or buildings within the GSBP TIF District; and
2. The City of Rochester hereby, by adoption of this Resolution, alters, revises and/or amends the GSBP TIF District, so as to be comprised of the properties depicted, described, and/or otherwise delineated in the **Exhibit A**; and
3. In accordance with RSA 162-K:6, 162-K:9, and 162-K:10, the Mayor and the City Council herein adopts the altered/revised GSBP TIF District Development Program and Finance Plan, as altered/revised on November 21, 2016, and as attached hereto as **Exhibit A**; and
4. This Resolution shall take effect upon its passage. **CC FY17 12-06 AB 82**

**13.6. Resolution Authorizing Two Applications for United States Environmental Protection Agency (USEPA) Brownfields Cleanup Grants in the Gross Amount of \$400,000 [AB 81] *first reading, adoption, and refer to a Public Hearing prior to applying for the Grant pursuant to federal guidelines***

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

**RESOLUTION AUTHORIZING TWO APPLICATIONS FOR UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA) BROWNFIELDS CLEANUP GRANTS IN THE GROSS AMOUNT OF \$400,000**

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

That the City of Rochester Department of Public Works is authorized to apply for two United States Environmental Protection Agency Brownfields Cleanup Grants in an amount up to Two Hundred Thousand Dollars (\$200,000.00) each to be used for soil decontamination efforts on City owned properties located at 10 Wallace Street and 16 Wallace Street. Said grants require a Twenty Percent (20%) cost share. **CC FY 17 AB 81**

Councilor Lachapelle **MOVED** to **ADOPT** the resolution and refer the matter to a Public Hearing at the Public Works Committee. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13.7. Resolution Authorizing Acceptance of Donation from the Trust under the Will of William W. Evans (Evans Trust) [AB 67] *first reading and adoption***

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

**RESOLUTION AUTHORIZING ACCEPTANCE OF DONATION FROM THE TRUST UNDER THE WILL OF WILLIAM W. EVANS (EVANS TRUST)**

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

**WHEREAS**, that upon dissolution of the Evans Trust, the 7th Circuit Court-Probate Division approved the donation of the remaining Evans Trust funds to the City of Rochester to be administered by the Trustees of the Trust Funds;

**THEREFORE**, the donation of the remaining Evans Trust funds is hereby accepted by the City of Rochester;

**FURTHER**, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to work with the Trustees of the Trust Funds to identify, designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY 17 AB 67**

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

**14. Other**

Councilor Varney said there is a lot of residential development in the City of Rochester. He requested that the Planning Board discuss Impact Fees and develop a fee structure. Councilor Willis requested that this topic be included with the Planning Board Agenda for January 23, 2017.

Councilor Hamann stated there would not be a Public Safety Committee meeting in December.

Councilor Torr referred to a letter sent by residents of Hillsdale Drive. He agreed that there is no need for a public boat launch in that area. Mayor McCarley said that letter has been sent to the Riverwalk Committee.

Councilor Gates wished the residents of Rochester a Merry Christmas and a Happy New Year.

## **15. Non-Public Session**

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

Councilor Lauterborn **MOVED** to enter into a Non-Public Session under RSA 91-A:3 II (d), Land at 7:58 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hamann, Willis, Abbott, Gates, Varney, Gray, Torr, Keans, Lauterborn, Lachapelle, Barnett, Bogan, and Mayor McCarley voted in favor of the motion.

Councilor Lauterborn **MOVED** to exit the Non-Public Session at 8:36 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lauterborn **MOVED** to seal the Non-Public minutes because it was determined that divulgence would render a proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote.

## **16. Adjournment**

Councilor Lachapelle **MOVED** to **ADJOURN** the Regular City Council meeting at 8:38 PM. Councilor Torr seconded the motion.

Respectfully submitted,

Kelly Walters, CMC

City Clerk



# POLICY AND PROCEDURE MEMO

SUBJECT: TREE REMOVAL POLICY

NO. 1.014

DATE: 10/7/2016.

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**CITY MANAGER**

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## I. PURPOSE

This purpose of this policy and procedure is to establish requirements and standards for the removal of trees within limits of city public ways, commons, parks, cemeteries and other public grounds. The Tree Removal Procedure is based on RSA 231:139 (et.seq) relative to trees and roadside growth. RSA 231:139 (et. seq) provides a method of appointing tree wardens and provides governing bodies of cities and town authority over certain tree(s) situated within the limits of City public ways, commons, parks, cemeteries and other public grounds.

## II. POLICY

As determined by the City, the duties of a tree warden shall be to help care for, maintain, protect, and perpetuate shade and ornamental community trees and shrubs in city public ways, commons, parks, cemeteries, and other public grounds, and to advise the governing body (in this case the Department of Public Works) from time to time and as may be necessary to help accomplish this purpose. The City's tree warden shall cooperate and work with other City agencies and officials in carrying out the intent.

This policy and procedure shall apply to the removal of trees that are defined as woody plant(s) with a single main stem that has the potential to grow to at least thirteen feet (13) and two (2) inches in diameter.

## III. PROCEDURE

1. Applicant wishing to remove trees completes the *Tree Removal Request* application and submits it to the Department of Public Works (DPW) administration staff.

- Application includes:
  - Applicant contact Information
  - Location of trees requested to be removed
  - Photo's of trees to be removed

2. DPW administration staff marks the date the application is received. The application is provided to the Assistant City Engineer (or other designated DPW employee) for review.

3. The designated employee provides a copy to the City's Tree Warden for a determination on the condition (health) of the tree(s) and if the tree(s) creates a



# POLICY AND PROCEDURE MEMO

SUBJECT: TREE REMOVAL POLICY

NO. 1.014  
DATE: 10/7/2016.

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**CITY MANAGER**

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public nuisance.

4. If a public tree(s) is considered to be a hazard or safety concern, the City will initiate removal immediately.

5. If there is any question about the health of a tree, the Tree Warden may engage the professional services of a Licensed Arborist to review. The Tree Warden shall strive to make a determination within 14 calendar days of the request. At the time of inspection, the Tree Warden will mark, with ribbon, the tree(s) proposed to be removed.

6. If the Tree Warden determines that the trees are healthy and do not warrant removal, Applicant may appeal tree removal requests due to perceived hazards to the City's Public Safety Committee. Removal requests of healthy trees for aesthetics or convenience will not be considered.

7. The Public Safety Committee typically meets the 3<sup>rd</sup> Wednesday of every month. Any tree removal requests appealed to the Committee must be submitted to the Department of Public Works by the 1<sup>st</sup> day of the month. This will allow time to announce a Public Hearing during the Public Safety Committee Meeting regarding the proposed removal of a public tree(s).

8. Public trees are City property. In consideration of a tree removal request, Applicant must complete an abutter's checklist, as developed by the City's Planning Department. All parcels of land which are contiguous to the subject property at any point or which would be contiguous if not for an intervening road or stream must be listed. The list is completed by the applicant directly from information on the computer terminal located in the Assessor's Office in the basement of City Hall and then acknowledged by the Applicant. The list may not be filled out more than 5 days prior to submission to the Public Works Department. Please note that holders of conservation or preservation easements must also be notified. If there are any they must be included on the abutter's list. 1 original only. The applicant must pay the City of Rochester the current postal rate for a certified letter to be mailed to everyone on the abutter list. The Department of Public Works will generate the public hearing notice and take it to the post office to be mailed certified. The applicant should supply 2 mailing labels for each name on abutter list.



## POLICY AND PROCEDURE MEMO

NO. 1.014

DATE: 10/7/2016.

SUBJECT: TREE REMOVAL POLICY

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**CITY MANAGER**

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9. The public hearing shall occur during the regularly scheduled monthly meeting of the Public Safety Committee. The meeting notice will be posted at City Hall and the DPW facility as well as at the location of the tree(s) at least 7 calendar days prior to the public hearing.

- If the tree(s) to be removed are determined to be outside the residential part of the City (such residential part to be determined by the Tree Warden), the Tree Warden may determine a public hearing is not necessary and written notice be issued by DPW for the tree(s) removal.

10. The Public Safety Committee, Tree Warden and/or representative of the DPW, based on input from the applicant and public, will make a determination at the public hearing as to whether the tree(s) will be permitted to be removed.

11. The Public Safety Committee will instruct the DPW to issue a written notice of the outcome of the public hearing and this notice shall be considered approval/ or disapproval of the applicants request.

12. If tree removal is allowed, the Applicant will be required to fund the cost of removal of any healthy trees. Applicant will be required to pre-deposit full amount of tree removal work. The City will then engage a Licenses Arborist to remove the tree(s). The City will only engage a reputable, Licensed Arborist, fully-insured to City standards.



TABLE 18-A RESIDENTIAL USES 8/7/2014

| RESIDENTIAL USES                           | Residential Districts |    |    |     | Commercial Districts |    |    | Industrial Districts |    | Special |    | Criteria/Conditions     |
|--|-----------------------|----|----|-----|----------------------|----|----|----------------------|----|---------|----|-------------------------|
|  | R1                    | R2 | AG | NMU | DC                   | OC | HC | GI                   | RI | HS      | AS | Section Reference       |
| Apartment, Accessory (accessory use)       | E                     | P  | P  | P   | P                    | P  | P  | I                    | I  | E       | I  | Section 42.21 & 42.23   |
| Apartment, Inlaw                           | P                     | P  | P  | P   | P                    | P  | P  | -                    | -  | -       | -  |                         |
| Apartment, Security                        | -                     | P  | -  | P   | P                    | P  | P  | P                    | P  | P       | P  | Sections 42.2 & 42.23   |
| Assisted Living Facility                   | -                     | C  | C  | C   | C                    | C  | C  | -                    | -  | C       | -  | Section 42.21           |
| Boarding House                             | -                     | -  | -  | -   | E                    | -  | -  | -                    | -  | -       | -  |                         |
| Community Residence - I                    | -                     | E  | E  | -   | E                    | E  | E  | -                    | E  | E       | -  | Section 42.22           |
| Community Residence - II                   | -                     | -  | E  | -   | -                    | E  | -  | -                    | E  | E       | -  | Section 42.22           |
| Conservation Subdivision                   | C                     | C  | C  | -   | -                    | C  | C  | -                    | -  | -       | -  | Sections 42.21 & 42.33I |
| Dwelling, Apartments (Apt/ Mixed Use Bldg) | -                     | -  | -  | P   | P                    | C  | P  | -                    | -  | -       | -  | Section 42.21           |
| Dwelling, Multifamily Development          | -                     | P  | -  | -   | C                    | -  | P  | -                    | -  | -       | -  | Sections 42.20 & 42.22  |
| Dwelling, Multifamily                      | -                     | P  | -  | -   | C                    | -  | P  | -                    | -  | -       | -  |                         |
| Dwelling, Single Family                    | P                     | P  | P  | P   | P                    | P  | P  | I                    | I  | P       | I  |                         |
| Dwelling, Three & Four Family              | -                     | P  | -  | C   | C                    | C  | P  | -                    | -  | -       | -  | Sections 42.21 & 42.33  |
| Dwelling, Two Family                       | -                     | P  | P  | P   | P                    | P  | P  | -                    | -  | -       | -  | Sections 42.21 & 42.33  |
| Flag Lots                                  | -                     | C  | C  |     | -                    | -  | -  | -                    | -  | C       | -  | Section 42.21           |
| Home Occupation - 1 (accessory use)        | P                     | P  | P  | P   | P                    | P  | P  | -                    | -  | P       | -  | Section 42.24           |
| Home Occupation - 2 (accessory use)        | P                     | P  | P  | P   | P                    | P  | P  | -                    | -  | P       | -  | Sections 42.22 & 42.24  |
| Home Occupation - 3 (accessory use)        | -                     | E  | E  | P   | P                    | P  | P  | -                    | -  | E       | -  | Sections 42.22 & 42.24  |
| Manufactured Housing Unit on own lot       | -                     | -  | P  | -   | -                    | -  | -  | -                    | -  | -       | -  | Sections 42.20 & 42.21  |
| Nursing Home                               | -                     | -  | C  | -   | -                    | C  | -  | -                    | -  | P       | -  | Sections 42.20 & 42.21  |
| Outdoor Wood-Fired Hydronic Boiler         | -                     | -  | P  | -   | -                    | -  | -  | -                    | -  | -       | -  | Section 42.20           |
| Porkchop Subdivision                       | -                     | -  | C  | -   | -                    | -  | -  | -                    | -  | -       | -  | Section 42.21           |
| Residential Facility                       | -                     | -  | E  | -   | -                    | E  | -  | -                    | E  | E       | -  | Section 42.22           |
| Senior Housing                             | -                     | P  | C  | C   | C                    | C  | -  | -                    | -  | -       | -  | Section 42.21           |
| Temporary Structure                        | P                     | P  | P  | P   | P                    | P  | P  | P                    | P  | P       | P  | Section 42.20           |
| Zero Lot Line Development                  | C                     | C  | C  | -   | -                    | C  | C  | -                    | -  | -       | -  | Section 42.33           |

\*LEGEND. P = Permitted Use, C = Conditional Use, E = Use Allowed by Special Exception

## **42.2 Definitions and Terminology**

### **a. General Provisions**

**1.** When used in this chapter, the words, terms, and phrases listed in subsection b, and the acronyms and abbreviations listed in subsection c of Section 42.2 Definitions and Terminology shall have the meanings ascribed to them therein, unless a contrary meaning is clearly indicated or implied.

**2. *Ordinary Meanings.*** Words, terms, and phrases that are not defined in Section 42.2 Definitions and Terminology shall have their ordinary accepted meanings or those that the context may clearly imply.

**3. *Regulations.*** In cases where there is a conflict in the definition of a word, term, phrase, or acronym given herein and that given in the City of Rochester Site Plan Regulations or City of Rochester Subdivision Regulations, the definition given herein shall be determining.

**4. *Interpretations/Dictionary.*** Director of Building, Zoning, and Licensing Services, or his/her designee, shall have the authority to interpret or define words, terms, and phrases used in this chapter that are not defined in 42.2 Definitions and Terminology. In case of conflicting definitions from various general dictionaries the definitions given in the Random House Webster's Unabridged Dictionary shall be determining.

**5. *Designations in this Chapter.*** For the purposes of this chapter, the words "this chapter" refers to this entire zoning ordinance, Chapter 42 of the City of Rochester General Ordinances. The words "this section" refers to a specific portion of this chapter, as designated by Arabic numerals (such as "42.1" or "42.2"). The words "this subsection" refers to a specific portion of a section as designated by a lower case letter (such as "a" or "b"). The levels continue by using an Arabic numeral (such as "1" or "2"), a capital letter (such as "A" or "B"), a lower case Roman numeral (such as "i" or "ii"), or another lower level designation. The words "this ordinance" applies to this chapter, a section of this chapter, or a subsection of this chapter, as the context may imply.

**6. *Specific Words.*** The words "shall" and "must" are mandatory, the word "may" is permissive, and the word "should" indicates a preferred or encouraged, but not necessarily a required course of action. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular. "Occupied" or "used" shall be considered as though followed by "or intended, arranged or designed to be occupied or used". "Includes" (or "including") means "includes, but is not limited to". The word "person" includes a(n) individual, firm, association, condominium association, organization, partnership, trust, entity, company or corporation as well as an individual.

**7. *Other Sections.*** Specialized sets of definitions are given in other sections in this chapter. In case of conflict between a definition given in a section and that given in

specific section. Additional definitions are provided in the following Sections: Aquifer Protection Overlay District, Aviation Overlay District, Conservation Overlay District, Flood Hazard Overlay District, Historic Overlay District, and Signs.

## **b. Definitions**

**1. Abutter:** Pursuant to RSA 672:3 "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term "abutter" shall include any person who is able to demonstrate that his or her land will be directly affected by the proposal under consideration. For purposes of receipt of notification by a municipality or a local land use board hearing, in the case of an abutting property being under a condominium or other collective form of ownership, the term abutter means the officers of the collective or association, as defined in RSA 356-B:3, XXIII. For purposes of receipt of notification by a municipality of a local land use board hearing, in the case of an abutting property being under a manufactured housing park form of ownership as defined in RSA 205-A:1, II, the term ""abutter" includes the manufactured housing park owner and the tenants who own manufactured housing which adjoins or is directly across the street or stream from the land under consideration by the local land use board.

**2. Accessory Apartment:** An independent dwelling unit subordinate to a single family house (See Section 42.23 – Accessory Uses.)

**3. Accessory Structure:** A building or structure that:

- A) is not attached to the principal building or structure on a lot or tract;
- B) accommodates a use customarily or reasonably associated with the use of the principal building or structure;
- C) is incidental and subordinate to the primary building, structure, or use; and
- D) is located on the same lot or tract as the principal building, structure, or use.

*Examples include garages, driveways, parking lots, sheds, signs, fences, and light poles.*

**4. Accessory Use:** A use that:

- A) is customarily or reasonably associated with the principal use;
- B) has hours of operation the same as or less than the principal use;
- C) is incidental and subordinate to the principal use; and
- D) is located on the same lot or tract as the principal use (for determinations whether a proposed use is an accessory use see Section 42.23 – Accessory Uses). *(See also "Secondary Use")*

**5. Adaptive Reuse:** The development of a new use for an older building or for a building originally designed for a different purpose.

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**100. Fair:** A large scale entertainment event, such as an annual summer/fall fair, **concert, or music festival** situated on land on which significant permanent structures have been erected largely to serve the fair, **concert or music festival**. A special, small scale, temporary entertainment event lasting no more than ten (10) days, such as a **motorized or non-motorized racing**, carnival, bazaar, or circus situated on land on which no significant permanent structures have been erected largely to serve the fair is considered an accessory use. **Temporary campsites erected for no more than ten (10) days are also considered an accessory use an annual summer/fall fair, concert or music festival.**

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