

**Rochester Regular City Council Meeting  
June 4, 2013  
COUNCIL CHAMBERS  
7:00 PM**

**MEMBERS PRESENT**

Councilor Hervey  
Councilor Hynes  
Councilor Keans  
Councilor Lachapelle  
Councilor LaBranche  
Councilor Lauterborn  
Councilor Larochelle  
Councilor Reed-Erickson  
Councilor Savoie  
Councilor Torr  
Councilor Varney  
Councilor Walker  
Mayor Jean

**OTHERS PRESENT**

City Manager Fitzpatrick  
Deputy City Manager Cox  
Deputy City Manager Pollard  
Attorney Wensley  
Peter Nourse, Commissioner  
of Public Works  
Chief Allen  
Elena Engle, Community  
Development Specialist

**MINUTES**

**1. Call to Order**

Mayor Jean called the meeting to order at 7:03 PM.

**2. Pledge of Allegiance**

Mayor Jean led the Pledge of Allegiance.

**3. Opening Prayer**

Mayor Jean called for a moment of silence for the military troops fighting for our freedoms overseas and for those who have lost their lives in the recent tragic tornadoes that have hit mid-west.

**4. Roll Call**

Kelly Walters, City Clerk, took a roll call. All Councilors were present except for Councilors Lauterborn and Keans. Councilor Lauterborn arrived at 7:11 PM and Councilor Keans arrived at 7:35 PM.

**5. Acceptance of Minutes**

**5.1 May 7, 2013, Regular City Council Meeting**

Councilor Walker **MOVED** to **ACCEPT** the May 7, 2013, Regular City Council meeting minutes. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **5.2 May 14, 2013, Special City Council Meeting**

Councilor Walker **MOVED** to **ACCEPT** the May 14, 2013, Regular City Council meeting minutes. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **5.3 May 21, 2013, Special City Council Meeting**

Councilor Walker **MOVED** to **ACCEPT** the May 21, 2013, Special City Council meeting minutes. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **5.4 May 28, 2013, Special City Council Meeting**

Councilor Walker **MOVED** to **ACCEPT** the May 28, 2013, Special City Council meeting minutes. Councilor LaBranche 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 Roland Connors, Deputy Finance Director, and Blaine Cox, Deputy City Manager, to come forward. City Manager Fitzpatrick stated that an entire page was written on behalf of Roland Connors work ethic. He awarded Roland Connors as Employee of the Month for June.

### **6.3 City Manager's Report**

City Manager Fitzpatrick reported that the Management Team minutes for the following dates have been included in the City Council packet:

- April 29, 2013
- May 6, 2013
- May 13, 2013

City Manager Fitzpatrick reported that the following contracts have been executed since the last report:

- Agreement with Sheehan, Phinney, Bass, and Green, PA for legal services regarding preparation and submittal of the draft MS4 Permit.

- Agreement with Dan Bisson of Harriman and A & E Services for work on the City arena.
- Renewed lease with the State of New Hampshire Health and Human Services for the Community Center.
- Renewed lease for the Community Center with Williams Driving School.

City Manager Fitzpatrick reported that a letter from Art Esprit has been included in the City Council packet regarding this year's public art exhibition.

City Manager Fitzpatrick reported that information regarding an executed "haying" agreement with Mr. Randall Parsell has been included in the City Council packet.

City Manager Fitzpatrick reported that the Cable Television Franchise Annual Report is included in the City Council packet.

City Manager Fitzpatrick stated that the following routine reports have also been included in the City Council's packet:

- Personnel Actions Summary Report
- Permissions and Permits Issued
- City Council Request Inquiry Report

## **7. Communications from the Mayor**

Mayor Jean reported that he is working in conjunction with the School Board Chairperson in order to set up the first Joint Building Committee meeting. The goal is to try to set up the first meeting prior to the City's budget adoption anticipated for June 18, 2013. If not, it might be wise to delay the budget adoption by one week in order to have ample time for the Joint Building Committee to at least meet for the first time. He said more information on the status of the first meeting should be available by the next budget workshop.

Mayor Jean publicly thanked the first grade class of William Allen Elementary School for inviting him to participate in their discussion about the Community.

## **8. Communications from Deputy City Manager Cox**

### **8.1 Budget Memo**

Deputy City Manager Cox addressed the City Council concerning the budget memorandum. He said an additional correction should be made to page 141 of the Library's portion of the CIP Book. The project entitled "Innovate

Interface Licensing” is listed as a Fiscal Year 2015 Project and it should be corrected to be listed as a Fiscal Year 2014 Project.

Councilor Varney **MOVED** to **AMEND** page 139 of the Library’s portion of the proposed CIP Book, by changing the current cost shown as \$2,400 to \$14,400, for the project entitled “Authority Control.” Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Varney **MOVED** to **AMEND** page 141 of the Library’s portion of the proposed CIP Book, by changing the funding of the proposed project from Fiscal Year 2015 to Fiscal Year 2014, which is in the amount of \$25,000. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Varney **MOVED** to **AMEND** page 85, the Public Works Department portion of the proposed CIP Book, by eliminating the \$120,000 listed as bonding in the chart relative to Salmon Falls Road. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Deputy City Manager Cox requested clarification of the first two motions relative to the Library’s proposed CIP as specifically “cash” items. Mayor Jean replied yes.

Councilor Varney distributed a spreadsheet to the City Council prior to the City Council meeting, which can be found as Addendum A of the City Council packet. He briefed the City Council about the Audit Report and stated that the City Council should be cautious about using too much of the General Fund in an effort to keep the City’s bond and interest as low as possible.

## **9. Budget Presentations**

Mayor Jean invited Peter Nourse, Commissioner of Public Works, to address the City Council. Commissioner Nourse stated if there was no objection that he wished to rearrange the order of budget presentations.

Commissioner Nourse introduced the Public Works Team: Lisa Clark of Administration; David Green of the Waste Water Treatment Plant; Christopher Silke a Consultant from Wright Pierce Engineering Consultants; Bruce Young, Buildings and Grounds; and Kenneth Henderson, Utilities and Highways.

Commissioner Nourse stated that the budget is being presented in the spirit of facility stewardship and financial responsibilities. The projects were carefully chosen, keeping in mind what could be accomplished in the fiscal year and other projects which were already started.

Commissioner Nourse briefed the City Council about the proposed CIP budget and budget constraints relative to salary and benefit lines on the Operating side of the budget. Many line items were reduced in an effort to accommodate the increased cost of the salaries and benefits in this year's budget.

- **Department of Public Works – CIP**

Commissioner Nourse stated that the proposed CIP projects for Fiscal Year 2014 have decreased by almost a million dollars from the Fiscal Year 2013 actual CIP projects.

Commissioner Nourse supported Project 33, which is the conceptual plan "study" for a new Department of Public Works facility. He believed this project is also supported by the City Council. This would give a tangible plan of what it would cost for two sites throughout the City relative to constructing a facility at some point in the future.

Commissioner Nourse listed project 34, which is funding for pavement maintenance "crack sealing" and "shimming". He added that there is still about \$35,000 remaining in the Fiscal Year 2013 CIP Budget. The goal is to keep up on the crack sealing in order to have longer lasting roads in the City.

Commissioner Nourse said there is currently a \$500,000 "cash" allowance for pavement maintenance remaining in the current FY 2013 CIP Budget [Project 35]; however, the City Council has authorized the pavement of sixteen roads for Fiscal Year 2014, totaling approximately \$960,000.

Commissioner Nourse said Project 37 is the repair of the Stillwater Circle Bridge. The bridge is about twenty-five years old and it is not registered with the State of New Hampshire. The project cost is listed as \$150,000. The bridge is not in imminent danger of destruction; however, it should be repaired soon as it has structural problems.

Commissioner Nourse gave a brief update on Project 38, which is the Sheridan, Glen, Granite Streets Rehabilitation.

Commissioner Nourse stated that Project 40 [Strafford Square Gap Project and Project 41 [Strafford Square Reconstruction] were requested about six months ago in anticipation of redesigning Strafford Square. He is not certain that these projects should remain in the CIP at this point. He added that there is funding in place to complete the anticipated work of Strafford Square for Fiscal Year 2014.

Commissioner Nourse stated that Project 44, Vehicle Equipment and Replacement Program, is estimated at \$365,000. He said basically the

Department of Public Works operates with “people” and “equipment.” He has great people and must have the equipment necessary to keep the department running efficiently. He said the average age of the current fleet of vehicles is sixteen years old and one vehicle is twenty-nine years old.

Councilor Torr requested more information on each vehicle and specifically the bobcat. He asked what time of the year the bobcat is used. Commissioner Nourse replied that the bobcat is a 1994 model and it is used year-round. He listed a few problems with this particular vehicle and stated the fact that attachments for this model are no longer sold.

Commissioner Nourse stated that the DPW Vehicle 38 is a 1984 Caterpillar 926 Loader and is no longer street worthy. He talked about reasons a new wheel loader is being requested. Councilor Torr asked if a new wheel loader was purchased in Fiscal Year 2013. Commissioner Nourse replied no. Mr. Henderson stated that one of the three wheel loaders was purchased two years ago. Councilor Torr asked what the wheel loaders are used for during the summer months. Commissioner Nourse replied that the wheel loaders are used to move rocks, loam, asphalt, and dirt. Councilor Torr asked what the City would gain by purchasing a new wheel loader at \$155,000. Commissioner Nourse stated that the wheel loader being replaced is twenty-nine years old and the new one would have a flail cutter attachment. He gave reasons why the decision was made to include the mower attachment with this vehicle. Councilor Torr was hesitant on this action.

Councilor Torr asked if a new sidewalk tractor would be purchased this year. Commissioner Nourse stated that the City would save a significant amount of money by refurbishing the current sidewalk tractors.

Councilor Lauterborn asked about Project 33, which is the New DPW Facility Study. She recalled that one of the justifications of the project is that the vehicle service life would be extended. Commissioner Nourse stated that studies have shown that by housing vehicles indoors would extend the vehicle service life of the vehicles. The current vehicles at the Department of Public Works are subject to the weather elements year-round. He gave a brief history of the increased needs of the vehicles since the facility was built in 1952. Councilor Lauterborn asked if the new facility would need to be significantly larger. Commissioner Nourse said it is not certain that the dimensions of the facility are to be significantly larger; however, the new layout would be vitally important. He gave some examples.

Councilor Lauterborn questioned Project 34, which is the Pavement Maintenance “crack sealing”. She said the funding for this project is to be cash drawn from the Transportation Tax fee; however, she noted that the transportation tax fee is projected to be approximately \$170,000 and this project is supposed to cost \$50,000. She asked what would become of the remaining

\$120,000. Commissioner Nourse stated that he is not certain of what would become of the remaining funds. He said \$50,000 is the amount of funding that could be spent on this project in one year, including the remaining Fiscal Year 2013 funds.

Councilor Lauterborn spoke about Project 41, which is the Strafford Square Reconstruction Project. She said this is supposed to be an 80/20 split with the New Hampshire Department of Transportation funding. Is the \$2,000,000 representing the City's portion of the project? Commissioner Nourse stated that the project is between \$2,000,000 and \$3,000,000; depending upon the Gap Project. It is most likely \$2,000,000 without the Gap Project. He said the agreement with the State of New Hampshire was based upon the original project and the maximum amount of funding that the City is likely to receive is no more than \$1,100,000.

Councilor Varney recalled that the City must bond for the Strafford Square Reconstruction Project and then be reimbursed annually by the Department of Transportation.

Councilor Varney stated that there is about \$30,000 remaining from the sidewalk project. Does this mean that the City should expect to complete about \$100,000 worth of projects in a year's time? Commissioner Nourse stated that it was requested that the Department of Public Works request \$200,000 worth of sidewalk project for Fiscal Year 2014. He said currently there is \$30,000 remaining in the CIP budget and the CIP request for Fiscal Year 2014 is an additional \$150,000, which is close to the \$200,000. It is expected to be used for North Main Street and any surplus would apply to Wakefield Street or Charles Street.

Councilor Varney recommended that the Commissioner set up another time for the City Council to investigate the current vehicles at the Department of Public Works. Commissioner Nourse concurred and said he would set up a walk-through of the current vehicles for the City Council. Mayor Jean concurred.

- **Water Works Sewer Department – CIP Budget**

Commissioner Nourse stated that the total Water Works CIP request is \$2,836,500; which is about \$200,000 above the request made for Fiscal Year 2013. It is important to note that the Franklin Street Project is reflected as construction in Fiscal Year 2014; however, it should be corrected to read Fiscal Year 2015. He apologized for the oversight. Councilor Walker **MOVED** to delay the Franklin Street/ Western Avenue Project from Fiscal Year 2014 to Fiscal Year 2015, which removes \$1,725,000 from the proposed Fiscal Year 2014 CIP budget. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Commissioner Nourse noted that Project 64, which is the replacement of water mains on May and Upham Streets has recently been moved into Project 65, which is the Sheridan, Glen, Granite Streets Rehabilitation Project. He said \$75,000 could safely be removed from Project 64. Mayor Jean asked if this would add \$75,000 to Project 65. Commissioner Nourse replied no, the \$75,000 has already been incorporated into Project 65. Councilor Keans **MOVED** to remove \$75,000 from Project 64. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Torr informed the Commissioner of new legislation to pass in January 2014.

Commissioner Nourse stated that there is now a Municipal Cross-Connection City Ordinance in place. He said Project 62, which is the Cross-Connection Control Survey, is the necessary funding in order to survey all the commercial and industrial customer base in the City to find out what the back flow needs are and to establish a permitting process.

Commissioner Nourse said that Project 66 is the Vehicle and Equipment Replacement Program. He listed the vehicle to be replaced. The total amount requested is \$56,500, which is the portion of the Water Works shared vehicles.

Commissioner Nourse stated that Project 67, which is the Water Plant Capital Upgrades is the most critical project for the Water Treatment Department. The total cost is estimated at \$1,820,000. This facility was constructed in 1986 and since then has had no capital upgrades. This project addresses the heart of the operation. The project qualifies to be covered by the State of New Hampshire Revolving Fund. Mayor Jean stated that the State Revolving Loan Fund has not been managed well over the past few years.

Councilor Torr asked what happened to the red Ford truck from the Water Treatment Department. Commissioner Nourse stated that was the 1995 model meter reader truck and has been replaced with a smaller Chevy van.

Councilor Keans recalled the City Council approved a Capital Improvement Project for the Water Treatment Facility a few years ago. Commissioner Nourse replied that \$800,000 was approved in order to retrofit the silo a few years ago.

- **Wastewater Treatment Department – CIP Budget**

Commissioner Nourse stated that the proposed CIP Budget for the Wastewater Treatment Department is almost \$1,000,000 less than last year's request, once the Franklin Street I & I project is delayed until Fiscal Year 2015.

Councilor Walker **MOVED** to **AMEND** the proposed CIP Budget by delaying the funding for the Sewer side Franklin Street/Western Avenue project to Fiscal

Year 2015. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Commissioner Nourse stated that an error should be corrected in the proposed CIP Budget for the Wastewater Treatment Department. He said Project 80, replacement of vehicle equipment, is listed as \$27,500 and it should be increased to match the Water Treatment Department amount which is \$56,500. Councilor Walker **MOVED** to increase the original amount requested of \$27,500 to \$56,500. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Commissioner Nourse said Project 78 is the Pump Station replacement for Franklin Street/Western Avenue. The total cost is estimated at \$650,000 for construction. There are about thirty pump stations in the City of Rochester and the goal is to replace one pump station each year. This is the oldest pump station in the State. He gave details of the project. It is hopeful that construction would begin in Fiscal Year 2014.

Councilor Varney asked what the status is for the other four pump station projects, currently being worked on. Commissioner Nourse stated that the bidding process is almost complete and the pump stations should be completed within this calendar year as well as the Route 125 pump station. Councilor Varney stated that this would be almost \$9,000 worth of pump station projects to be completed in this calendar year. Commissioner Nourse agreed.

Commissioner Nourse stated that the City of Rochester encumbered \$1,500,000 to fund various legal and technical expenses during Fiscal Year 2013 related to the Great Bay Permit issues. He said there is approximately \$1,000,000 remaining, which should be sufficient in order to fund this expense during Fiscal Year 2014.

- **Buildings and Grounds – CIP Budget**

Commissioner Nourse briefed the City Council about the need to replace the twenty-year old generator at the Central Fire Station [Project 12], in the amount of \$95,000 and the need to replace the roof top heating/cooling units [Project 14] at the Rochester Public Library in the amount of \$50,000.

Commissioner Nourse stated that Project 17, Vehicle and Equipment Replacement Program, is the funding for the one-ton dump truck for the Building and Grounds Department that is used constantly and should be replaced soon.

Commissioner Nourse said that he has not been involved with the City Hall and Annex Master Plan [Project 11] at this point. Councilor Varney asked if the first phase of this project has been completed as of yet. Commissioner Nourse replied not yet. He gave reasons why the project would be delayed.

Councilor Varney stated that the need for the Fire Department's generator is listed as "desirable" and not "essential". Commissioner Nourse stated that it should be fixed now; however, there is no way of knowing how long it will last, at which time it will become essential.

Mayor Jean asked if the number of hours that the generator has been used is available. Commissioner Nourse stated that the number of hours that it has been used is recorded and could be supplied to the City Council.

City Manager Fitzpatrick requested to know if it would make more sense to delay the purchase of the generator until the status of the City Hall Annex is made clearer. He suggested at that point, the project could be combined. Commissioner Nourse stated that the new generator would be located on the rear of the Fire Department building and the existing generator does supply some power to parts of the computer panels at City Hall; however, it is not certain how long the City Hall Annex project would be delayed.

Councilor Varney questioned if the \$60,000 worth of work has been completed this year for the Rochester pools. Commissioner Nourse replied that the work has begun for the two pools at Hanson Pines and the Fiscal Year 2014 would fund the repairs to the Gonic School, in the amount of \$45,000.

Councilor Torr asked where the sewer lines would be installed for the Common Street restroom project. Commissioner Nourse replied that water and sewer lines were installed at the Common about ten years ago and it will be no trouble to tie into the lines now.

Councilor Torr thanked Commissioner Nourse and his staff for ridding the City of the bump-outs around the Rochester Common and nearby streets.

Councilor Lauterborn questioned the funding source for Project 16, Common Restrooms. Why would this funding source be listed as bonding? Is this project being completed with CDBG grant funding?

Councilor Walker **MOVED** to cut \$55,000 from the proposed CIP Budget, Project 16, Common Restrooms, as this project is being funded through the CDBG grant. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- **Community Center – CIP Budget**

Commissioner Nourse stated that Project 94, AC Unit for the Recreation Office Spaces, was cut last year, and it is being requested again this year. He added that the need for the unit is still necessary. Councilor Lauterborn supported the project.

Councilor Varney requested to know if the Community Center is self-sustaining and if not, how much the City is contributing to keep the facility operating.

Commissioner Nourse briefed the City Council about Project 95, Installation of the Automatic Sprinkler System.

Commissioner Nourse briefed the City Council about Project 96, Replace Gym Heater System, which was also cut from the CIP Budget last year, and is being requested again this year. The City Council discussed the cost of the large heating unit. Councilor Savoie asked if there was also an air conditioning unit being installed. Commissioner Nourse replied no, not in the gymnasium.

### **Department of Public Works – OM Budget**

Commissioner Nourse gave an overview of the Operating budget and the proposed Issues and Options for the Department of Public Works.

Commissioner Nourse stated that a cut has been made to the supplies line because typically the budgeted \$80,000 is not usually entirely expended. It seemed appropriate to cut that line item.

Mayor Jean noted that the expenditures for the supplies line totaled \$79,358 as of April 2013. He asked if the goal is to cap-it off at \$55,000. Commissioner Nourse said there is less paving in-house and it would need to be capped-off at \$55,000 for Fiscal Year 2014. Mayor Jean asked if Mark Sullivan, Senior Accountant would research to find out if \$79,358 was an accurate figure.

Councilor Varney asked if the figure, which spiked in the in-house paving line was due to the “shim” work completed on Salmon Falls Road. Commissioner Nourse replied yes, almost a mile of paving was completed on Salmon Falls Road this year, which is an anomaly.

Mayor Jean noted that the snow removal line item has also been almost completely expended and asked if the snow removal line item is being reduced. Commissioner Nourse replied yes. This was an unusual year and he felt confident that the snow removal line item could be reduced for Fiscal Year 2014.

Commissioner Nourse continued to review the operating budget. Councilor Lachapelle questioned which CPI was used for rubbish collection. He added that it should be at 1.8% increase. It was later determined that Waste Management sent a confirmation letter to the City and the increase was in fact 18%.

### **Water Treatment Department – OM Budget**

Commissioner Nourse stated that the OM Budget for the Water Treatment Department is actually about 3% less than last year's budget. He gave a brief overview of the OM budget.

Councilor Walker asked about the Interest Expense Line Item, which has increased by \$83,000. It was determined that a large part of this is due to cost associated with the Cocheco River.

- **Wastewater Treatment Department – OM Budget**

Commissioner Nourse stated that the Proposed Wastewater Treatment Department is about \$163,000 less than last year's budget. He gave a brief overview of the proposed budget and some cost saving efforts.

- **Buildings and Grounds – OM Budget**

Commissioner Nourse stated that the Buildings and Grounds Budget is nearly at a 4% increase over last year's budget. He listed several reasons why this budget has increased including the increased cost of electricity. He added that there has been a three year average decrease of \$12,500 for heating fuel. Councilor Keans asked about the increased cost of electricity. Commissioner Nourse replied that this line item pays for 16 City public buildings.

Councilor Keans stated that the City should be getting a handle on the cost of electricity within the City public buildings. Is there some type of audit or conservation program monitoring the expensive cost of electricity? Councilor Larochelle recalled that the figures associated with electricity should be able to find the exact figures in the Munis program.

A discussion ensued about monitoring the utility cost and conducting an audit. It was determined that recent studies/audits have occurred; however, the City Manager agreed to look into the matter.

Councilor Lachapelle stated that it seems that the Police Department and Fire Department pay utility expenses too. Lisa Clark, Public Works, addressed the City Council. She explained reasons why utility expenses could show up in other department's budgets.

Councilor Larochelle recalled that the electricity meter for City Hall is shared with the Fire Department. Ms. Clark concurred.

- **Community Center – OM Budget**

Commissioner Nourse stated that the Community Center budget is approximately \$3,500 over last year's budget. He gave a brief overview of the budget.

Councilor Lauterborn questioned the narrative under the revenue assumptions that states the Department of Health and Human Services has a provision that would allow the agency to terminate the contract with the City of Rochester in writing [60 day notice]. She questioned what would happen to the City's revenues if this ever occurred without more than sixty day notice. This is a \$275,000 line item and would have a great impact on the City's budget if they decided to terminate the lease prior to the termination date of the lease. Ms. Clark stated that the Department of Health and Human Services has recently signed a two year contract with the City of Rochester. She added that this provision had been part of the last contract signed as well.

Mayor Jean stated that this is a good point and maybe the next negotiation could include a provision that the lease not be terminated until the end of a fiscal year.

Councilor Walker requested to have a breakdown of all utilities by department. Mayor Jean asked the Finance Department to assist with supplying this information to the City Council.

Councilor Savoie asked if each department is responsible for reimbursing the Building and Grounds Department for utilities. Commissioner Nourse replied no.

Mayor Jean asked a question regarding the installation of the sprinkler system at the Rochester Community Center. If the Bud Carlson Academy was no longer located at the Community Center, would this eliminate the requirement to install the sprinkler system? Commissioner Nourse understood that this scenario was correct; if students were not located in the building, the requirement would be dismissed.

Councilor Varney requested to provide more information about the Public Works Department projects which have been completed and closed. It is important for the City Council to see which projects are still "on" the books as incomplete. This is a way to see what the debt service would look like. Deputy City Manager Cox did not feel this information could be supplied prior to adopting the budget.

Mayor Jean called for a recess at 8:30 PM and reconvened the meeting at 8:42 PM.

## **10. Presentation of Petitions and Council Correspondence**

### **10.1 Petition to Refrain from Renaming of Calef Highway**

Mayor Jean stated that the City received a petition on May 20, 2013, regarding the re-naming of Calef Highway, which 17 residents have signed. Mayor Jean recalled that the re-naming of Calef Highway would not reach as far as Gonic. He suggested that the E-911 Committee be informed of the petition for some clarification and feedback. He asked that the matter be sent to the Management Team meeting.

## **11. Nominations, Appointments, Resignations, and Elections**

### **11.1 Resignation: Leah Stevens, Strafford Regional Planning Commission**

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

Councilor Lauterborn stated that Ms. Stevens indicated in her resignation letter that she was unable to attend the meetings due to the fact that the meetings were held in the mornings. She asked if the meeting times have indeed been moved to the mornings. Councilor Keans replied yes, 9:00 AM on the third Friday of the month.

### **11.2 Appointments: Recommendation from the Rochester Planning Board regarding Appointments to the Strafford Regional Planning Commission**

Mayor Jean stated that the Planning Board is in the process of reviewing applications for the Regional Planning Commission and it was originally thought that a recommendation had been made to re-appoint Kenn Ortmann, Director of the Planning Department, to the seat prior to the end of his term; however, since that time, other members of the Community have submitted Statements of Interest. He recommended the Planning Board review all the applications.

The City Council discussed this particular appointment process and determined that any other member of the public who is interested in serving on the Strafford Regional Planning Commission should fill out a Statement of Interest and attend the next Planning Board meeting. He said the Planning Board should make a recommendation to the City Council prior to the next Regular City Council meeting.

Mayor Jean asked if there was any objection to the City Council meeting on July 2, 2013, as it is during a holiday week. The City Council did not object to meeting on July 2, 2013. Mayor Jean stated that the July Workshop could be canceled depending upon City business.

### **11.3 Resignation: Julien Savoie, City Council Seat [Ward 6, Seat B]**

Councilor Walker **MOVED** to **ACCEPT** the resignation of Julien Savoie, City Councilor for Ward 6, Seat B and declare the Seat vacant effective June 10, 2013. Councilor Reed-Erickson seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean thanked Mr. Savoie for serving on the City Council and wished him well in his endeavors.

## **12. Reports of Committees**

### **12.1 Appointments Committee**

Councilor Larochelle briefed the City Council about the Committee's recommendation of Shawn Libby to serve on the Utility Advisory Board. Mayor Jean nominated Shawn Libby to serve on the Utility Advisory Board with a term to expire in January 2018. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Keans recalled that an Amendment to the City Ordinance would be considered later this evening under "Old Business". Attorney Wensley recommended appointing Mr. Libby with a term to expire in January 2016 contingent upon the approved City Ordinance to be voted upon later this evening. Mayor Jean stated if there was no objection he would amend his nomination to state the term would expire in January, 2016, contingent upon the successful adoption of the Amendment to the City Ordinances under "Old Business". No member of the City Council objected. Mayor Jean announced that Mr. Libby has been appointed to the Utility Advisory Board by a unanimous ballot vote with a term to expire in January 2016.

Councilor Larochelle gave a brief overview of the Committee's recommendation to appoint Cristina Danielle Dorvillier to the Arts and Culture Commission. Mayor Jean nominated Cristina Danielle Dorvillier to serve on the Arts and Culture Commission, with a term to expire in July of 2014. Councilor Lachapelle seconded the motion. Councilor Lachapelle **MOVED** that nominations cease. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Ms. Dorvillier has been appointed to the Arts and Culture Commission with a term to expire in July 2014 by a 12 to 1 ballot vote.

Councilor Larochelle reported that the Appointments Committee determined that Fidae Azouri is qualified to serve as a Regular Member of the Zoning Board of Adjustment; however, a few other applicants should be reviewed prior to making a final recommendation to the City Council.

Councilor Larochelle **MOVED** to **AMEND** the minutes of February 7, 2013, and list Margaret Johnson's, Arts and Culture Commission, term expiration date as July 2015 and not as January 2015, as currently written. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **12.2 Codes and Ordinances Committee**

Councilor Lachapelle stated that the Committee has several action items, which are listed separately on this agenda. He added that the Codes and Ordinances Committee meeting scheduled for June 6, 2013, is now canceled. There will not be a meeting in July. The next Codes and Ordinance Committee meeting will be scheduled for August 1, 2013.

Mayor Jean requested that the Codes and Ordinances Committee address the way in which the City Council meeting minutes are written. He said it has come to his attention that there is some concerns related to what should be included in the minutes relative to public commentary and if public documentation should be added to the City Council meeting minutes. He added that the Codes and Ordinances Committee should formalize a type of policy to make clear guidelines for staff and City administration. Councilor Larochelle concurred. The City Council briefly discussed the matter.

## **12.3 Community Development Committee**

Councilor Lauterborn stated that there were no action items; however, the Committee met with the Chair of the Conservation Commission at the May meeting. She said the Committee discussed the process of implementing a procedure relative to tracking documentation of current "open" space within the City limits. She gave some details of how the open space would be categorized including where the open space is located.

Councilor Lauterborn stated that the Committee discussed the Route 11 Park site with the Conservation Commission. It was determined that the Conservation Commission would schedule a Route 11 Park site-walk and report back to the Community Development Committee with any recommendations.

Councilor Lauterborn stated that it is not likely that the Community Development Committee would schedule a meeting in June; however, the next scheduled meeting would include an agenda item in order to discuss the goals of the City's Master Plan related to the downtown area with the Main Street Director.

## **12.4 Government Channel Committee**

Councilor Lachapelle stated that the Committee met in May; however, there are no action items at this time. The Committee is contemplating reviewing the Government Channel Policy, once the City's budget is finalized. Mayor Jean asked if the Committee is reviewing equipment upgrades. Councilor Lachapelle replied yes.

Councilor Keans asked about the staffing needs relative to the Government Channel operations. Celeste Plaia, Government Channel Coordinator, confirmed that there will be a vacancy at the end of June; however, the position has already been posted.

### **12.5 Public Safety Committee**

Councilor Walker summarized the need for additional Coast Bus Shelters within the City's limits. Councilor Walker **MOVED** to **APPROVE** the modifications to the proposed Coast Bus locations and approve the construction of the two new shelters, contingent upon the funding being paid through grant funding. Councilor Savoie seconded the motion. Councilor Keans asked how many shelters were being erected and what is the exact location of the sites. Elena Engle, Community Development Specialist, stated that there are two proposed shelter locations. One is near the Rochester Community Center [southbound] and the other is near Spaulding High School. She added that the City Council should expect to have more information about the grant process by the next City Council meeting. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker summarized the need to upgrade the school zone signs near Main Street/East Rochester Schools. He **MOVED** to direct staff to replace the old school zone signs with new signs near the schools. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to direct staff to erect a "stop" sign on Sunview Lane at the intersection of Sunview and Forest Avenue. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker summarized a parking issue on Summer Street. He **MOVED** to direct the staff to paint over the current lines with black paint and to repaint the fog lines. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Varney asked about the request for a horseback riding sign to be posted on Salmon Falls Road. The City Council briefly discussed the matter. Councilor Reed-Erickson recalled that a sign relative to this matter had been posted at this location about a year ago. Councilor Walker stated that the matter would be kept in Committee until more information could be gathered.

### **12.6 Public Works & Buildings Committee**

Mayor Jean questioned if Councilor Torr would like to defer the Public Works Committee report over to Councilor Varney, since he was unable to attend the subject meeting. Councilor Torr deferred to Councilor Varney.

Councilor Varney reported that the only Committee action item is related to the Old Dover Road waterline connection to Somersworth. He asked if any new information regarding the Old Dover Road waterline connection to Somersworth is available. City Manager Fitzpatrick replied not that he is aware of at this time. Councilor Varney stated that he did not support the project and questioned if he should make a motion to deny moving forward with the project. City Manager Fitzpatrick replied it would not be necessary. No action was taken.

### **13. Old Business**

#### **13.1 Resolution Authorizing Supplemental Appropriations to the 2012-2013 Operating Budget of the Rochester Police Department for the Purchase of Three (3) Police Cruisers**

Mayor Jean stated there was some confusion at the last City Council meeting relative to the purchase of the subject three (3) police cruisers. He clarified that this request is actually a separate budget issue, and has not been included in the CIP proposal. He said the primary purpose of this resolution is to amend the purchasing cycle. He agreed that the City should, at some point, change the purchase cycle. He also stated that funds were available for this purchase through unanticipated funds in the fund balance; however, it is vitally important to be aware of the amount of money being spent out of the General Fund.

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATIONS TO THE  
2012-2013 OPERATING BUDGET OF THE ROCHESTER POLICE  
DEPARTMENT  
FOR THE PURCHASE OF THREE (3) POLICE CRUISERS**

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

That the sum of Eighty-Seven Thousand Dollars (\$87,000.00) be, and hereby is, appropriated as part of the City of Rochester 2012-2013 operating budget of the City of Rochester, for the Police Department (account numbers to be assigned by the Finance Director), such sum to be used for the acquisition of three (3) new

police cruisers for use by the Rochester Police Department. Further, that the sums necessary to fund such appropriation shall be derived in their entirety from the transfer of surplus funds in an amount not to exceed Eighty-Seven Thousand Dollars (\$87,000.00) from the salary and/or health benefits line items in the 2012-2013 operating budget of the City of Rochester, Police Department. Further, to the extent that any funds are drawn from the salary and/or health benefits line items in the 2012-2013 operating budget of the City of Rochester, Police Department for the above acquisition of three (3) new police cruisers, the existing appropriations to such salary and/or health benefits line items in the 2012-2013 operating budget of the City of Rochester, Police Department are correspondingly reduced.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor LaBranche seconded the motion. Councilor Hervey asked if the subject vehicles were still available. Chief Allen said the research has not been done yet.

Councilor Varney supported the idea of changing the timing of the vehicle purchase; however, the Police Department must choose to purchase the vehicles now or in July, not both. He added that the City Council should be aware of the fact that the City is not going to be getting back a large surplus this year from the school department or other city departments. The City Council discussed the issue. The **MOTION FAILED** by majority voice vote.

### **13.2 Amendment to City Ordinances Chapter 17.29 Relative to Utility Advisory Board**

Councilor Lachapelle **MOVED** to read the Amendment by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Amendment to the City Ordinances Relative to Chapter 17.29 as follows:

#### **AMENDMENT TO ORDINANCES** **RELATIVE TO UTILITY ADVISORY BOARD** **TERMS OF OFFICE**

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

That Chapter 17 of the General Ordinances of the City of Rochester, entitled "Water", as currently amended, be further amended by repealing subsection (c) of Section 17.29 thereof, as currently amended, in its entirety, and by inserting in its stead the following subsection, to be known as subsection (c) Section 17.29 of

the General Ordinances of the City of Rochester, such subsection to provide as follows:

“(c) Term. Members appointed on, or after, June 1, 2013 shall serve a term of three (3) years from the date of appointment.”

Councilor Lachapelle **MOVED** to read the Amendment for the second time, by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Amendment to the City Ordinances for the second time by title only.

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

**13.3 Resolution Adopting a 2013-2014 Rochester CDBG “Final Action Plan for the City of Rochester, NH “ and Approving and Appropriating the 2013-2014 Community Development Budget for the City of Rochester Councilor Walker moved Lachapelle seconded the motion.**

Councilor Walker **MOVED** to read the resolution by title only for a second time. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution for a second time by title only. Attorney Wensley advised Mayor Jean that the second reading should have been in fact a second reading for the original CDBG resolution. He added that once a motion to adopt the resolution is on the floor, an amendment to replace the existing resolution could then be amended to the final action plan. Mayor Jean stated if there were no objections he would re-read the original resolution for a second time by title only. No member of the City Council objected. Mayor Jean read the original CDBG Action Plan Resolution as follows:

**RESOLUTION ADOPTING A 2013-2014  
ROCHESTER CDBG “ACTION PLAN FOR THE  
CITY OF ROCHESTER, NH” AND APPROVING  
AND APPROPRIATING THE 2013-2014  
COMMUNITY DEVELOPMENT BUDGET FOR THE CITY OF  
ROCHESTER**

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby adopt the one-year 2013-2014 “Action Plan for the Department of Planning and Development for the City of Rochester, NH”, as

prepared, and presented to the Mayor and City Council, by the City of Rochester Department of Planning and Development, in connection with the City's CDBG program, including the goals, objectives and concepts set forth therein.

II. Further, that a twelve (12) month Community Development Block Grant budget for the Department of Planning and Development for the City of Rochester in the total amount of Two Hundred Three Thousand Three Hundred Sixty-Five Dollars (\$203,365.00) be, and hereby is, approved and appropriated for fiscal year 2013-2014. Included in said approval and appropriation are expenditures set forth in the one-year action plan of the Department of Planning and Development for the City of Rochester for the Community Development Block Grant program, in the following categories and amounts:

Administration	\$ 40,673.00
Public Service Agencies	\$ 30,505.00
Economic Development	\$ 12,000.00
Housing	\$ 43,458.23
Public Facilities/Infrastructure	<u>\$ 76,728.77</u>
<b>Total</b>	<b>\$ 203,365.00</b>

This budget and the one-year action plan for 2013-2014 may be reconsidered if federal funding is changed or if it is inconsistent with the total 2013-2014 budget adopted for the Department of Planning and Development.

The sums necessary to fund the above appropriation in the amount of Two Hundred Three Thousand Three Hundred Sixty-Five Dollars (\$203,365.00) shall be drawn in their entirety from the above mentioned 2013-2014 fiscal year Community Development Block Grant from the federal government to the City of Rochester. The Finance Director is hereby authorized to create such line item accounts as shall be necessary to implement this Resolution.

Furthermore, in the event that federal funding for the above Community Development Block Grant budget is less than the total appropriation amount provided for in this Resolution, then, and in such event, the City Manager, or his designee in the Department of Planning and Development, is authorized to proportionately reduce the amounts for the budgetary categories stated above, as well as for any planned grants and/or other expenditures made from within such budgetary categories.

Councilor Walker **MOVED** to **ADOPT** the original CDBG Action Plan resolution. Councilor Lachapelle seconded the motion. Councilor Walker **MOVED** to replace the original resolution with the "final" Action Plan [CDBG] resolution.

Councilor Lachapelle seconded the motion. Councilor Lauterborn questioned if this final action plan included the Historical Society Windows Project. Mayor Jean said the Historical Society Windows Project/Resolution would need to be adopted separately from this resolution. The **MOTION CARRIED** to replace the original resolution with the final resolution by a unanimous voice vote. Mayor Jean called for the vote on the motion to adopt as amended. The **MOTION CARRIED** to **ADOPT** the resolution as amended as follows:

**RESOLUTION ADOPTING A 2013-2014 ROCHESTER CDBG**  
**“FINAL ACTION PLAN FOR THE CITY OF ROCHESTER, NH”**  
**AND APPROVING AND APPROPRIATING THE 2013-2014**  
**COMMUNITY DEVELOPMENT BUDGET FOR THE CITY OF ROCHESTER**

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby adopt the one-year 2013-2014 “Action Plan for the Department of Planning and Development for the City of Rochester, NH”, as prepared, and presented to the Mayor and City Council, by the City of Rochester Department of Planning and Development, in connection with the City’s CDBG program, including the goals, objectives and concepts set forth therein.

II. Further, that a twelve (12) month Community Development Block Grant budget for the Department of Planning and Development for the City of Rochester is estimated in the total amount of Two Hundred Twenty Four Thousand, Five Hundred and Five Dollars (\$224,505.00) be, and hereby is, approved and appropriated for fiscal year 2013-2014. Included in said approval and appropriation are expenditures set forth in the one-year action plan of the Department of Planning and Development for the City of Rochester for the Community Development Block Grant program, in the following categories and amounts:

Administration	\$ 44,901.00
Public Service Agencies	\$ 33,675.00
Economic Development	\$ 12,000.00
Housing	\$ 43,458.00
Public Facilities/Infrastructure	<u>\$ 90,471.00</u>
<b>Total</b>	<b>\$ 224,505.00</b>

This budget and the one-year action plan for 2013-2014 shall be amended once federal funding is determined and if it is inconsistent with the total 2013-2014 budget adopted for the Department of Planning and Development.

The sums necessary to fund the above appropriation in the amount of Two Hundred Twenty Four Thousand, Five Hundred and Five Dollars (\$224,505.00) shall be drawn in their entirety from the above mentioned 2013-2014 fiscal year Community Development Block Grant from the federal government to the City of Rochester. The Finance Director is hereby authorized to create such line item accounts as shall be necessary to implement this Resolution.

- **Historical Society Windows Resolution**

Councilor Lachapelle **MOVED** to read the resolution regarding the Historical Society Windows Project for the second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution for the second time by title only as follows:

**RESOLUTION AUTHORIZING AND APPROVING TRANSFERS IN VARIOUS  
PRIOR FISCAL YEARS TO THE 2013-2014 COMMUNITY BLOCK GRANT  
BUDGET AND MAKING A SUPPLEMENTAL APPROPRIATION IN  
CONNECTION THEREWITH FOR HISTORIC SOCIETY WINDOWS AND  
INSULATION**

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

That the sum of Eighteen Thousand Dollars (\$18,000.00) presently appropriated in various line items below:

FY09 CDBG (Fund 6057) =	\$10,091.78
FYIO CDBG (Fund 6064) =	\$724.39
FYIO CDBG (Fund 6064) =	\$139.74
FYII CDBG (Fund 6082) =	\$3,339.94
FYII CDBG (Fund 6082) =	\$703.64
FY12 CDBG (Fund 6091) =	\$2,187.02
<u>FY13 CDBG (Fund 6097) =</u>	<u>\$813.49</u>
	<b>\$18,000.00</b>

in the Community Development Block Grant Budgets for the Department of Planning and Development for the above indicated fiscal years be, and hereby is, transferred to a "Public Facilities" line item of the corresponding fiscal year's Community Development Block Grant Budget, for the purpose of providing funds necessary for the so-called Historic Society Windows and Insulation Project. Additionally, the appropriations in the line item accounts from which the above transfers are to be made as specified above are hereby withdrawn and deauthorized to the extent of \$18,000.00.

Further, the sum of Eighteen Thousand Dollars (\$18,000.00) hereby transferred to the "Public Facilities" line items of the various Community Development Block Grant Budgets referred to above, be, and hereby are, appropriated as supplemental appropriations to the corresponding fiscal year various Community Development Block Grant Budgets for the Department of Planning and Development Budget for the purpose of providing sums necessary for the so-called Historic Society Windows and Insulation Project, such appropriations to be drawn in their entirety from the herein above funds transferred to the "Public Facilities" line item of the various Community Development Block Grant Budgets referred to above.

To the extent necessary and/or appropriate, the Finance Director is hereby authorized to assign account numbers to accounts and/or to establish accounts necessary to implement this resolution.

The City Council discussed the details of the projects. Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Keans understood that there is currently a pending energy audit to seek out the best heating option should be for this building. Ms. Engle stated that this is correct and the audit has been started but not completed at this time. Mayor Jean suggested amending the resolution. Councilor Keans **MOVED** to **AMEND** the resolution to read "building improvements" instead of "windows installation." Councilor Lachapelle seconded the motion. The **MOTION CARRIED** to **AMEND** the resolution. Mayor Jean called for a vote on the motion to adopt as amended. The **MOTION CARRIED** to **ADOPT** the resolution as amended by a unanimous voice vote. The amended resolution is as follows:

**RESOLUTION AUTHORIZING AND APPROVING TRANSFERS IN VARIOUS  
PRIOR FISCAL YEARS TO THE 2013-2014 COMMUNITY BLOCK GRANT  
BUDGET AND MAKING A SUPPLEMENTAL APPROPRIATION IN  
CONNECTION THEREWITH FOR THE SO-CALLED HISTORIC SOCIETY  
BUILDING IMPROVEMENTS PROJECT**

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

That the sum of Eighteen Thousand Dollars (\$18,000.00) presently appropriated in various line items below:

FY09 CDBG (Fund 6057) = \$10,091.78  
FYIO CDBG (Fund 6064) = \$724.39  
FYIO CDBG (Fund 6064) = \$139.74  
FYII CDBG (Fund 6082) = \$3,339.94  
FYII CDBG (Fund 6082) = \$703.64

FY12 CDBG (Fund 6091) = \$2,187.02  
FY13 CDBG (Fund 6097) = \$813.49  
**\$18,000.00**

in the Community Development Block Grant Budgets for the Department of Planning and Development for the above indicated fiscal years be, and hereby is, transferred to a "Public Facilities" line item of the corresponding fiscal year's Community Development Block Grant Budget, for the purpose of providing funds necessary for the so-called Historic Society Building Improvements Project. Additionally, the appropriations in the line item accounts from which the above transfers are to be made as specified above are hereby withdrawn and deauthorized to the extent of \$18,000.00.

Further, the sum of Eighteen Thousand Dollars (\$18,000.00) hereby transferred to the "Public Facilities" line items of the various Community Development Block Grant Budgets referred to above, be, and hereby are, appropriated as supplemental appropriations to the corresponding fiscal year various Community Development Block Grant Budgets for the Department of Planning and Development Budget for the purpose of providing sums necessary for the so-called Historic Society Buildings Improvements Project, such appropriations to be drawn in their entirety from the herein above funds transferred to the "Public Facilities" line item of the various Community Development Block Grant Budgets referred to above.

To the extent necessary and/or appropriate, the Finance Director is hereby authorized to assign account numbers to accounts and/or to establish accounts necessary to implement this resolution.

#### **14. New Business**

##### **14.1 Acceptance of Dog Licensing Warrant – Referral to Police Department for Action**

Mayor Jean stated that any dog owners who have not licensed their dogs as of yet should do so as soon as possible to avoid paying a police fine. Councilor Keans reminded dog owners to inform the City Clerk's office if they no longer have their dogs for any reason.

Councilor Lachapelle **MOVED** to **ACCEPT** the Dog Licensing Warrant and to refer the warrant to the Police Department for action. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

##### **14.2 New Secondhand Dealer's License – Renaissance Firearms, LLC**

Councilor Lachapelle **MOVED** to **APPROVE** the new secondhand dealer's license entitled "Renaissance Firearms, LLC." Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **14.3 New Secondhand Dealer's License – Bev's Bear Creek Café**

Councilor Lachapelle **MOVED** to **APPROVE** the new secondhand dealer's license entitled "Bev's Bear Creek Café." Councilor Walker seconded the motion.

Councilor Varney stated concern over this secondhand dealer's application. He said there is a site-plan, which includes a drive-through service, for this location of business. He said this site-plan should go back to the Planning Board for further review.

Councilor Varney stated that he requested information from the Planning Department and the Building and Safety Department last week and has not received an answer as of yet. He **MOVED** to **TABLE** the application until more information is provided by the Planning Board. Councilor Lachapelle seconded the motion.

Deputy City Manager Pollard apologized for not having someone get back to Councilor Varney; however, she met with Jim Campbell, Chief Planner, and Jim Grant, Building and Safety Department, yesterday, in order to discuss this application. She added that the business owner has been in touch with the Planning Department and agrees that a site-plan should be completed prior to approving the secondhand dealer's license. Mayor Jean called for a vote on the motion to table. The **MOTION CARRIED** to **TABLE** the application until the Planning Board approves the site-plan.

#### **14.4 Annual Renewal for Junk Dealer and Motor Vehicle Junk Yard License**

Councilor Torr **MOVED** to **APPROVE** the annual renewals for the following Motor Vehicle and Junk Yard licenses:

- Motor Vehicle Junk Yard:
  - Lambert's Auto & Truck Inc.
  - American Used Auto Parts
  - Colony Used Auto Parts
- Junk Dealers
  - Lambert's Auto & Truck Inc.
  - American Used Auto Parts

Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **14.5 Amendment to City Ordinances Relative to Chapter 31 Panhandling**

Councilor Varney **MOVED** to read the Amendment to the City Ordinances Relative to Chapter 31 Panhandling, by title only for the first time. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor Jean read the Amendment for the first time by title only as follows:

### **PROPOSED PANHANDLING ORDINANCE** **CHAPTER 31** **PANHANDLING**

#### **31.1 Intent of Ordinance.**

This ordinance is adopted in order to, and for the purpose of: (a) protecting persons from threatening, intimidating or harassing behavior; (b) keeping public places safe for use by all members of the community; and (c) maintaining and preserving public places where all of the community can interact in a peaceful manner.

This ordinance is also intended and adopted for the purpose of providing for the free flow of pedestrian and vehicular traffic on streets and sidewalks in the City.

This ordinance is intended to promote the health, safety and welfare of all those that live, work or visit the City.

#### **31.2 Definitions.**

The following definitions shall apply in the interpretation and enforcement of this ordinance:

**a) Solicit/Solicitation** - The spoken, written, or printed word and/or such other act(s) or bodily gesture(s) as are undertaken and/or engaged in, in furtherance of the purpose of immediately obtaining money or any other object of value from another person without the exchange of corresponding equivalent compensation therefor.

**b). Aggressive Manner** – (1) Knowingly or recklessly making any physical contact with, or engaging in the touching of, another person, or any approaching within an arm's length of such other person, except with such other person's consent; in the course of a solicitation;

**(2)** Knowingly or recklessly follows a person being solicited if such conduct is:

**i)** likely to cause any reasonable person to fear imminent bodily harm or the commission of a criminal act upon the person being solicited and/or followed, or to a person in the company of the person being solicited and/or followed, or upon

and/or with regard to property in the person's possession or hat of a person in the company of such person; or

ii)..likely to intimidate the person being solicited and/or followed, or to a person in the company of the person being solicited and/or followed, into responding affirmatively to the solicitation.

**(3)** Knowingly or recklessly continuing to solicit within five feet of the person being solicited after the person has made a negative response to such solicitation, if continuing the solicitation is:

i) likely to cause any reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

ii) likely to intimidate the person being solicited and/or followed the person being solicited and/or followed, or any person in the company of the person being solicited and/or followed into responding affirmatively to the solicitation;

**(4)** Knowingly or recklessly blocks the safe or free passage of the person being solicited and/or followed, or requires the driver of a vehicle, to take evasive action (including stopping, slowing down, or not accelerating) to avoid physical contact with the person making the solicitation;

**(5)** Knowingly or recklessly using words:

i) likely to cause any reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

ii) likely to intimidate the person into responding affirmatively to the solicitation; or

**(6)** Knowingly or recklessly approaches the person being solicited in a manner that is:

i) likely to cause any reasonable person to fear imminent bodily harm or the commission of a criminal act upon property in the person's possession; or

ii) likely to intimidate the person being solicited and/or followed into responding affirmatively to the solicitation.

**(7)** Knowingly or recklessly makes any physical contact with or touches another person's property including but not limited to their vehicle, or approaches within an arm's length of the person's property, except with the person's consent; in the course of the solicitation.

**c) Automated Teller Machine** -.A device, linked to a financial institution's account records, which is able to carry out any of the following transactions, such

as but not limited, to account transfers, deposits, cash withdrawals, balance inquiries, and mortgage and loan payments.

**d). Automated Teller Machine Facility** - The area comprised of one or more automated teller machines, and any adjacent space which is made available to banking customers after regular banking hours.

**e) Banking Organization** - Any bank, trust company, private banker, savings bank, industrial bank, safe deposit company, savings and loan association, mutual and guaranty savings bank; cooperative bank; building and loan association; credit union; other financial institution organized and operating under the banking laws of the State of New Hampshire; small loan company; first mortgage banker or broker; second mortgage home loan lender; motor vehicle sales finance company; retail sellers of motor vehicles; debt adjusters; and mortgage servicer and investment company as defined in the Rules of the New Hampshire Banking Department.

**f) Private Place** - Any area owned by a private individual(s), business, or organization including any structure and all property surrounding.

**g) Roadway** - Any area that is, or can be, traveled on or by a motor vehicle, including but not limited to paved and non-paved roads, parking spaces, and shoulder of roads.

**h) Deception** - Any spoken, written or gestured non-truthful statement.

### **31.3 Aggressive Panhandling Prohibited.**

**a)** No person shall knowingly or recklessly solicit in an aggressive manner in a public place.

**b)** No person shall knowingly or recklessly solicit within 50 feet of an automated teller machine or an entrance or exit of an automated teller machine facility.

**c)** No person shall knowingly or recklessly solicit within 50 feet of any entrance or exit of a banking organization or a licensed cashier of checks during its business hours.

**d)** No person shall knowingly or recklessly solicit when either the person soliciting or the person being solicited is in a bus shelter or at a bus stop.

**e)** No person shall knowingly or recklessly solicit within 50 feet of any entrance or exit of any business or organization during its business hours.

**f)** No person shall knowingly or recklessly solicit from the median of any public road.

- g) No person shall solicit on private property, even if the property is open to the public, without the owner's written consent.
- h) No person shall step into the roadway to collect any money or other object of value resulting from solicitation.
- i) No person shall solicit through deception.

Councilor Lachapelle recommended holding a public hearing on the matter. Mayor Jean stated that it is not required; however, he is not opposed to holding a public hearing on the matter, ultimately it is at the discretion of the City Council.

Councilor Varney stated that the Police Department basically wrote the proposed ordinance in order to use it as a tool to deal with aggressive panhandling. He added that the proposed ordinance has been reviewed by the City Attorney.

Councilor Keans asked if the matter would be sent to the Codes and Ordinances Committee for further review. Mayor Jean replied no. Councilor Keans spoke against adopting the ordinance at this time. She said it is too broad of an ordinance and it could lead to legal actions against the City. Councilor Savoie agreed and suggested removing the following five (5) paragraphs: B, C, D, E, and F. He said the goal should be to restrict aggressive panhandling and not to regulate where a person has the right *or not* the right to stand in any particular area. He believed the City Council is over regulating the issue.

Mayor Jean stated there does not seem to be enough support to send the matter back to the Codes and Ordinances Committee for a public hearing. He said there are two options for the City Council to take this evening. The first option is to take no action and the Amendment would appear on the next Regular City Council Meeting Agenda in July as "Old Business". The second option is that the City Council could suspend the rules and take action this evening.

Councilor Lachapelle **MOVED** to suspend the rules and read the Amendment for a second time. Councilor LaBranche seconded the motion. The **MOTION FAILED** to receive a required two-thirds majority vote [8 to 5.] *The first voice vote was unclear.*

#### **14.6 Amendment to the City Council Rules of Order**

Councilor Lachapelle **MOVED** to read the Amendment to the City Council's Rules of Order for a first time, by title only. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the following amendments relative to the Rules of Order [1.3, 1.5, and 4.7], by title only:

## **Amendment to the City Council's Rules of Order**

### **Amendment:**

**Section 1.3** *The first sentence on page four should remove the word "ballot" and replace with a "roll call" vote.*

### **New:**

#### **1.5 Public Hearings**

Public Hearings – To receive citizen input and feedback on certain specific matters that have been placed on the meeting agenda for consideration and action by the City Council, Public Hearings will be scheduled and held as required by law and/or whenever referred for a public hearing by simple majority vote of Council Members present. Upon being referred by Council vote, Public Hearings will be noticed for and held during a subsequent Regular and/or Special Meeting or Committee Meeting. At the request of the presiding officer, Ordinances or Resolutions scheduled on an agenda for public hearing will be briefly introduced with appropriate explanations by staff. Citizens will then have the opportunity to address the Council speaking to the specific item(s) subject to public hearing, subject to the following guidelines:

- i. All speakers shall be residents of the City of Rochester, property owners in the City of Rochester, and/or designated representatives of recognized civic organizations or businesses located and/or operating in the City of Rochester;
- ii. All speakers shall address their comments to the presiding officer and the Council as a body and not to any individual member;
- iii. Speakers shall first recite their name and address for the record, and, if applicable, the name and address of the civic organization and/or business they have been designated to represent;
- iv. For each public hearing item, a speaker shall be provided a single opportunity for comment;
- v. Public Hearings are not intended to be utilized for a two-way dialogue between speaker(s), Council Member(s), and/or the City Manager, or administrative staff:  
and
- vi. The presiding officer shall preserve strict order and decorum for and by all speakers appearing before the Council.

### **New:**

#### **4.7 Public Input at Workshop or Committee Meetings**

(Added at the end of 4.7)

- i. Speakers shall be residents of the City of Rochester, property owners in the City of Rochester, and/or designated representatives of recognized civic organizations or businesses located and/or operating in the City of Rochester;
- ii. Speakers shall address their comments to the presiding officer and the Council as a body and not to any individual member;
- iii. Speakers shall first recite their name and address for the record, and, if applicable, the name and address of the civic organization and/or business the have been designated to represent;
- iv. Each speaker shall be provided a single opportunity for comment, limited to five (5) minutes with the five (5) minutes beginning after the obligatory statement of named and address by the speaker;
- v. Public Input shall not be a two-way dialogue between speaker(s), Council Member(s), and/or the City Manager, or administrative staff; and
- vi. The presiding officer shall preserve strict order and decorum for and by all speakers appearing before the Council.

Councilor Larochelle stated that the amendment to section 1.3 is only changing the word “ballot” to “roll call vote”; however, Sections 1.5 and 4.7 are entirely new sections to be added to the rules of order.

Councilor Larochelle stated that he was not opposed to Section 1.5; however, Public Hearings are a State Law requirement. He questioned if this would be a conflict between the State law and the City Council Rules of Order. A discussion ensued about the legality of allowing only residents to speak at a public hearing. Attorney Wensley advised that Section 1.5 is not an illegal policy.

Councilor Lauterborn stated that the City Council could always make an exception to its own rules of order by taking a required two-thirds vote. Mayor Jean concurred. A discussion ensued about residents from out of town speaking at the City of Rochester’s City Council meetings.

Councilor Lachapelle **MOVED** to **ADOPT** the amendments to the City Council’s Rules of Order [Sections 1.3, 1.5 and 4.7]. Councilor Lauterborn seconded the motion.

Councilor Savoie requested a roll call vote. Councilor Walker seconded the request. The **MOTION CARRIED** by a 9 to 4 roll call vote. Councilors Hynes, Torr, Varney, Reed-Erickson, LaBranche, Lauterborn, Larochele, Lachapelle, and Mayor Jean voted in favor of the motion. Councilors Savoie, Keans, Hervey, and Walker voted against the motion.

#### **14.7 Amendment to the City Ordinances Relative to Chapter 23.13 Fireworks**

Councilor Lachapelle **MOVED** to read the Amendment to the City Ordinances Relative to Chapter 23.13 Fireworks, for the first time by title only. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Amendment for the first time by title only as follows:

#### **AMENDMENT TO ORDINANCES RELATIVE TO FIREWORKS**

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

That Chapter 23 of the General Ordinances of the City of Rochester, entitled "Fire Safety Measures", as currently amended, be further amended by repealing sub-subsection (ii) of Section 23.13 (C) thereof, as currently amended, in its entirety, and by inserting in its stead the following sub-subsection, to be known as sub-subsection (ii) of Section 23.13 (C) of the General Ordinances of the City of Rochester, and by adding to said subsection A the following sub-subsection to be known as such sub-subsection (vii) of 23.13 (C), said sub-sections to provide as follows:

"ii No display of permissible fireworks shall be permitted within the City except between the hours of 6 PM and 11 PM on Saturdays in the months of June and July and between the hours of 6 PM and 10 PM on Saturdays between the months of August through May. Permissible fireworks shall be permitted on the following holidays: Labor Day, Fourth of July (including the evening of July 3<sup>rd</sup> beginning at 6PM), on New Year's Eve (December 31<sup>st</sup>), provided, however, that on New Year's Eve such display shall be permitted to occur between the hours of 6 PM on December 31<sup>st</sup> and 1:00 AM on January 1<sup>st</sup>.

\* \* \*

vii Display of permissible fireworks shall be permitted on public property during a period provided for in sub-subparagraph (ii) above, provided that such display shall be authorized in a duly issued Block Party Application/Permit from the City covering the public property on which the display is to occur."

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

Mayor Jean read the Amendment for the second time by title only. The **MOTION CARRIED** by a majority voice vote.

Mayor Jean stated that the purpose of the proposed amendment in the first paragraph is to include the eve of the July 4<sup>th</sup> festivities. Councilor Lauterborn asked if this was the only change to the ordinance. Councilor Varney replied no. He gave reasons why paragraph vii should be eliminated entirely.

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Lauterborn seconded the motion.

Councilor Varney **MOVED** to strike the seventh paragraph [vii] entirely from the Amendment. Councilor Savoie seconded the motion.

City Manager Fitzpatrick clarified that there are a few residents in the City who conduct their own fireworks display/block party on July 3<sup>rd</sup> each year and they are required to apply to the City's licensing Board to obtain a permit each year. The permit allows for the resident to set up the block party and to display fireworks; however, this is the only day of the year this type of block party is granted and it must be submitted to the Licensing Board for approval. Councilor Lauterborn did not feel the paragraph was written clearly enough for residents to understand the intention of the paragraph. Attorney Wensley advised that the wording should be corrected to read "Licensing Board" and that a provision for a rain-date should be included. This rain-date should be clearly written on the permit application.

Councilor Varney stated that paragraph seven [vii] refers to the first paragraph, which includes all the dates above. Councilor Lauterborn agreed.

Mayor Jean **MOVED** to **AMEND** paragraph seven [vii] by stipulating that the block party application would only be valid only for July 3<sup>rd</sup> or on a rain date specified on the application, and to amend the wording of "City" to "Licensing Board". Councilor Lachapelle seconded the motion. Mayor Jean called for a vote on this motion. The **MOTION CARRIED** by majority voice vote.

Mayor Jean called for a vote on Councilor Varney's motion to strike paragraph seven [vii]. The **MOTION FAILED** by a majority voice vote.

Mayor Jean called for a vote on the motion as amended. The **MOTION CARRIED** by a majority voice vote. The Adopted Amendment is as follows:

**AMENDMENT TO ORDINANCES**  
**RELATIVE TO FIREWORKS**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 23 of the General Ordinances of the City of Rochester, entitled "Fire Safety Measures", as currently amended, be further amended by repealing sub-subsection (ii) of Section 23.13 (C) thereof, as currently amended, in its entirety, and by inserting in its stead the following sub-subsection, to be known as sub-subsection (ii) of Section 23.13 (C) of the General Ordinances of the City of Rochester, and by adding to said subsection A the following sub-subsection to be known as such sub-subsection (vii) of 23.13 (C), said sub-sections to provide as follows:

"ii - No display of permissible fireworks shall be permitted within the City except between the hours of 6 PM and 11 PM on Saturdays in the months of June and July and between the hours of 6 PM and 10 PM on Saturdays between the months of August through May. Permissible fireworks shall be permitted on the following holidays: Labor Day, Fourth of July (including the evening of July 3<sup>rd</sup> beginning at 6PM, including from such time until midnight on any rain date established for the annual city-wide fireworks display held at the Rochester Fairgrounds), on New Year's Eve (December 31<sup>st</sup>), provided, however, that on New Year's Eve such display shall be permitted to occur between the hours of 6 PM on December 31<sup>st</sup> and 1:00 AM on January 1<sup>st</sup>.

\* \* \*

vii - Display of permissible fireworks shall be permitted on public property the evening of July 3<sup>rd</sup> beginning at 6PM, including from such time until 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."

#### **14.8 Resolution Accepting and Appropriating Excess Host Community Fees**

Councilor Lachapelle stated a conflict of interest and wished to abstain from the vote and discussion of the resolution.

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

#### **RESOLUTION ACCEPTING AND APPROPRIATING EXCESS HOST COMMUNITY FEES**

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

**WHEREAS**, the City of Rochester receives revenues each fiscal year from Waste Management of New Hampshire, Inc., which fees are customarily referred to as Host Community Fees; and

**WHEREAS**, the fiscal year operating budget of the City of Rochester for FY 2013 contained appropriations and/or supplemental appropriations of Host Community Fees by the City of Rochester based upon Waste Management of New Hampshire, Inc's estimates of such fees; and

**WHEREAS**, during the said FY 2013 excess Host Community Fees in the amount of \$457.33 have been received by the City of Rochester; and

**WHEREAS**, pursuant to the provisions of Section 11.20(d) of the General Ordinances of the City of Rochester, the City Manager may, during any fiscal year of the City, upon written notification to, and appropriation by, the City Council transfer to the City of Rochester Economic Development Reserve Fund un-appropriated Host Community Fees in the amount not to exceed the difference between the amount of such fees received in a fiscal year and the amount of such fees previously appropriated by the Rochester City Council for such fiscal year;

**NOW THEREFORE**, by adoption of this resolution, the Mayor and City Council of the City of Rochester hereby appropriate the sum of \$457.33 to the City of Rochester Economic Development Special Reserve Fund, such total appropriation reflecting previously un-appropriated Host Community Fees received by the City of Rochester for FY 2013. Further, that the sums necessary to fund shall be drawn in there entirety from previously un-appropriated Host Community Fees received by the City of Rochester during FY 2013

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

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

## **15. Other**

Councilor Savoie **MOVED** to cut the Fiscal Year 2013 School Board Budget by \$322,000. He gave reasons why he felt the cut should be made to the Fiscal Year 2013 budget. Councilor Torr seconded the motion. Councilor Keans said it is no longer under the purview of the City Council and that the City Council cannot make this cut legally. Attorney Wensley explained the legality of the situation. Mayor Jean deemed the motion to be "out-of-order" and no action was taken.

## **16. Non-Meeting/Non-Public Session**

**16.1 Non-Meeting: Consultation with Legal Counsel, RSA 91-A: 2 (d)**

Councilor Lachapelle **MOVED** to enter the Non-Meeting under Consultation with Legal Counsel, RSA 91-A:2(d) at 10:12 PM. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. It was determined that a motion could be taken to adjourn the Regular City Council Meeting at this point. *The City Council exited the Non-Meeting at 10:31 PM.*

**17. Adjournment**

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 10:13 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters  
City Clerk