

**Regular City Council Meeting
February 4, 2014
COUNCIL CHAMBERS
7:03 PM**

COUNCILORS PRESENT

Councilor Collins
Councilor Gates
Councilor Gray
Councilor Hamann
Councilor Keans
Councilor Kittredge
Councilor Lachapelle
Councilor Larochelle
Councilor Lauterborn
Councilor Torr
Councilor Varney
Councilor Walker
Mayor Jean

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Deputy City Manager Pollard
Attorney Wensley
Chief Allen
Lt. Anthony Bossi
Sgt. Jeremy Aucoin
Jacob James Record and Family
Chief Sanborn
Assistant Chief Dupuis
Captain Burns
Llewelyn Millette, Rochester Area
Senior Citizens [RASC] Representative
WMUR News reporter

MINUTES

1. Call to Order

Mayor Jean called the Regular City Council 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 our military troops fighting for our freedoms.

4. Roll Call

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

5. Acceptance of Minutes

5.1. Correction: December 3, 2013, Regular City Council Minutes

Councilor Larochelle **MOVED** to correct and **APPROVE** the minutes of December 3, 2013, to read that "Councilor Larochelle" not "Councilor Lachapelle" gave input during the Appointments Committee report. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2. January 14, 2014, Adjourned Regular City Council Meeting

Councilor Walker **MOVED** to **APPROVE** the minutes of January 14, 2014. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Proclamation: Jacob James Record

This item has been deferred to later in the meeting just after City Council Petitions and Correspondence.

7. Communications from the City Manager

7.1. Employee of the Month Award

City Manager Fitzpatrick invited Lt. Anthony Bossi, Sgt. Jeremy Aucoin, and Chief Allen to come forward. He stated that there are two Employees of the Month for February.

City Manager Fitzpatrick reported that Lt. Anthony Bossi and Sgt. Jeremy Aucoin have been serving breakfast on Friday mornings to the children at the St. Charles Children's Home. This has had a positive impact on these children. He awarded both officers with the Employee of the Month for February.

- **Presentation of the Team Charter Use of Technology Self Directed Work Team**

City Manager Fitzpatrick stated that Tom Mullin, City Assessor, has been asked to Chair the Team Charter relative to the use of technology. City Manager Fitzpatrick noted that other employees have volunteered their time in order to participate in this project. He invited Mr. Mullin to come forward. City Manager Fitzpatrick requested that Mr. Mullin sign the Team Charter, which Mr. Mullin did in front of the City Council.

7.2 City Manager's Report

The City Manager's report has been included in the City Council's packet as follows:

Management Team Meeting minutes:

- January 6, 2014
- January 13, 2014
- January 21, 2014

For your information, please see the enclosed Department Head Meeting minutes:

- January 9, 2014

Contracts and documents executed since last month:

- Household Hazardous Waste Commitment letter
- Redesign and Conversion Service Agreement with [Virtual Towns and Schools](#)
- Environmental Review Process and Request for Release of Funds from HUD – Community Center Gym Heater project
- Certifications of Consistency – [HUD](#) (Housing and Urban Development) renewal funding for [The Housing Partnership](#)
- [Buxton Company](#) Contract for Marketing Services

For your further information:

- [HealthTrust](#) letter
- [Waste Management](#) – Quarterly Complaint Summary – Q3 2013 and Q4 2013
- [Waste Management – TLR-III Refuse and Disposal](#) Facility / 2013 Closure and Landfill Gas Management System Construction Project
- Utility Pole Licensing Procedures

The following standard reports have been enclosed:

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

Mayor Jean asked if there were any questions about the City Manager's Report. Councilor Larochelle thanked the City Manager for improving the report. He said the hyperlinks in the report were useful and there was improvement on the use of acronyms.

Councilor Gray noted that he had not been able to connect to Wi-Fi this evening in the City Council Chambers. Several Councilors concurred. City Manager Fitzpatrick agreed to check into the matter.

8. Communications from the Mayor

8.1. Mayoral Appointments

8.1.1. Appointments to Ad Hoc Committees

Mayor Jean asked Councilor Walker if the Riverwalk Committee has been active. Councilor Walker replied that the Committee had been in the process of seeking grants; however, the Committee is idle at this point in time.

8.1.2. Chair Appointments of Boards and Commissions

Mayor Jean made the following appointments:

Arena Advisory Commission	David Anctil	1 Year
Government Channel Committee	Peter Lachapelle	2 Years
Historic Documents Preservation	Kelly Walters, Co-Chair	2 Years
	VACANT, Co-Chair	2 Years
Recreation, Parks, and Youth Services	Sheila Colson	1 Year
River Walk Committee	David Walker	2 Years
Rochester Economic Development Commission	Rick Lundborn	1 Year
Welfare Appeals Board	TBA	3 Years
Skyhaven Airport Advisory Council	Peter Bruckner	2 Years

Mayor Jean asked the City Clerk to report back if the Chair of the Arts and Cultural Commission is a Mayoral appointment or not. Ms. Walters concurred.

9. Presentations of Petitions and Council Correspondence

9.1 Petition Relative to Senior Citizen Parking at the Rochester Community Center

Llewelyn Millette, resident, addressed the City Council. He stated that the Senior Citizens Center is located in room 10 of the Rochester Community Center. He said that the City Council recently posted four "senior citizen" parking signs for the senior citizens; however, two of these signs are now missing. He gave a brief history of the Senior Citizens Center and shared the fact that most of the members are in their seventies, eighties, and even ninety years of age. It is important for the elder senior citizens to have

ample parking available. He requested that the senior citizens be granted an additional two senior citizens parking spaces. He noted that each senior citizen member is given a [RASC] decal, which stands for Rochester Area Senior Citizens. He requested that each sign should be posted as follows: Senior Citizen Parking Only [Monday through Thursday from 9:00 AM until 2:00 PM.] He said in this way others would be permitted to park in these specific spaces after such hours.

The City Council discussed the handicap parking. Councilor Larochele felt that it is important for the City Council to assure there is ample handicap parking as well. It was determined that the two missing signs could be replaced without a City Council vote. The City Council discussed sending the matter of approving the additional signs to the Public Safety Committee.

Councilor Torr stated that there is no reason to postpone this matter for another month. Councilor Lauterborn **MOVED** to direct City staff to erect two additional senior citizen signs, with the Senior Citizens Center hours posted on each sign, in the same area of the existing signs. Councilor Collins seconded the motion. Mayor Jean stated that the logistics of placing the signs would be left to the discretion of the Department of Public Works staff. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Larochele **MOVED** to replace two handicap signs with a combination sign, which would state "Senior Citizen Handicap" parking space. Mayor Jean determined that the motion failed for lack of a second to the motion.

Council discussed the number of handicap signs available near the Senior Citizens Center. Councilor Gates asked if there was a formula to dictate how many signs should be required by law for the size of the Rochester Community Center. Councilor Walker replied yes and that the number of existing handicap signs complies with the law. Mayor Jean noted that the handicap signs could be sent to the Public Safety Committee.

- **Proclamation: Jacob James Record**

Mayor Jean noted that WMUR was present in order to broadcast the story of Jacob James Record and it would be appropriate at this time to invite Chief Sanborn, Assistant Fire Chief Mark Dupuis, , and Captain Joe Burns from the Fire Department to come forward. He additionally invited Jacob James Record and his family to come forward.

Chief Sanborn stated that the Fire Department would like to publicly recognize Jacob James Record for his quick and calm response to a fire which broke out in his own home. Jacob woke up his family in time to save

their lives and lessen the damage to the home. Chief Sanborn stated that Captain Burns was the first to respond to the fire call. Captain Burns gave a brief description of the events that occurred and stated that this young 13 year old child who responded to this emergency exactly as it should have been handled. Chief Sanborn, Assistant Chief Dupuis, and Captain Burns gave Jacob a true firefighter's helmet and named him an honorary firefighter.

Mayor Jean read the following proclamation on behalf of the City Council:

PROCLAMATION: Jacob James Record Day

WHEREAS, On Saturday, January 18th, 2014, Jacob James Record was faced with a surprising, and possibly life-threatening situation, and

WHEREAS, Jacob was able to remain calm and knew just what to do, and

WHEREAS, Jacob alerted his parents to a fire in the downstairs bathroom ceiling, and

WHEREAS, Due to his calm thinking and heroic actions, Jacob saved the home, and possibly the lives of his parents

NOW THEREFORE BE IT RESOLVED,

that I, Thomas J. Jean, Mayor of the City of Rochester, do hereby proclaim Tuesday, February 4, 2014 as Jacob James Record Day in the City of Rochester. Please join me and the Rochester City Council in celebrating the bravery and heroic actions of Jacob James Record.

IN WITNESS, WHEREOF, I hereunto set my hand and have caused the seal of the City of Rochester to be affixed this fourth day of February, in the year of our Lord Two Thousand Fourteen.

10. Nominations, Appointments, Resignations, and Elections

10.1 Mark Rowell, Historic Document Preservation Committee

Mayor Jean stated that the City Clerk, who is also the Co-Chair of the Historic Documents Preservation Committee, has recommended that the City Council appoint Mark Rowell to the Historic Document Preservation Committee. Mayor Jean nominated Mark Rowell to serve on the Historic Document Preservation Committee. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease and that

the Clerk cast one ballot for Mr. Rowell. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Mark Rowell has been appointed to serve on the Historic Document Preservation Committee.

10.2 Tracy Walbridge, Trustees of the Trust Fund

Mayor Jean stated that the City Council should recall that Tracy Walbridge had been appointed to the Trustees of the Trust Fund recently to fill the remainder of Brad Trafton's term, who had resigned from the position. It would make sense at this time to extend that term to January 2, 2017, without having Ms. Walbridge attend the Appointments Committee for an interview. He nominated Tracy Walbridge to serve as a member of the Trustees of the Trust Fund, with a term to expire on January 2, 2017. Councilor Walker seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease and that the Clerk cast one ballot for Ms. Walbridge. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Tracy Walbridge had been appointed to the Trustees of the Trust Fund.

11. Reports of Committee

11.1. Appointments Committee

Councilor Larochelle stated that the Appointments Committee meeting minutes should be corrected to reflect that Councilor Collins was present at the meeting.

Councilor Larochelle summarized the qualifications of Thomas H. Willis, Jr., and added that the Appointments Committee unanimously recommends Thomas H. Willis, Jr. for appointment to the Utility Advisory Board and as a Planning Board Alternate, terms to expire January 2, 2017.

Mayor Jean asked if there were enough Planning Board Alternate member positions available for the rest of the folks who attended the Appointments Committee seeking an Alternate position to the Planning Board. Councilor Larochelle replied yes.

Mayor Jean nominated Thomas H. Willis, Jr. to serve as a Regular Member of the Utility Advisory Board and as an Alternate Member to the Planning Board. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Mr. Thomas H. Willis, Jr. has been appointed to serve as a Regular Member of the Utility Advisory Board and as an Alternate Member to

the Planning Board, with a term to expire on January 2, 2017, by a unanimous ballot vote.

Councilor Larochelle summarized the qualifications of Fred Leonard to serve as an Alternate Member of the Planning Board and stated that the Appointments Committee unanimously recommended that Fred Leonard be appointed as an Alternate Member of the Planning Board, with a term to expire on January 2, 2017.

Mayor Jean nominated Fred Leonard to serve as an Alternate Member of the Planning Board with a term to expire on January 2, 2017. Councilor Walker seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Fred Leonard has been appointed to serve as an Alternate Member to the Planning Board, with a term to expire on January 2, 2017, by the following ballot vote: 11 yes votes, 1 no vote, and 1 blank vote.

Councilor Larochelle requested that land use board members be informed about upcoming training sessions.

Councilor Larochelle summarized the qualifications of Fidae Azouri to serve as an Alternate Member of the Zoning Board of Adjustment and stated that the Appointments Committee unanimously recommends Fidae Azouri for reappointment to Zoning Board of Adjustment as an Alternate Member, term to expire January 2, 2017.

Mayor Jean nominated Fidae Azouri to serve as an Alternate Member of the Zoning Board of Adjustment, with a term to expire on January 2, 2017. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Fidae Azouri has been reappointed to serve as an Alternate Member to the Zoning Board of Adjustment, with a term to expire on January 2, 2017, by a unanimous ballot vote.

Councilor Larochelle summarized the qualifications of Matthew Kozinski to serve as a Regular Member of the Planning Board and stated that the Appointments Committee unanimously recommends Matthew Kozinski for reappointment as a Regular Member of the Planning Board, term to expire January 2, 2017.

Mayor Jean nominated Matthew Kozinski to be reappointed to serve as a Regular Member of the Planning Board, with a term to expire on January 2, 2017. Councilor Lachapelle seconded the nomination. Councilor Lachapelle

MOVED that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Matthew Kozinski has been reappointed to serve as a Regular Member of the Planning Board, with a term to expire on January 2, 2017, by a unanimous ballot vote.

Councilor Larochelle summarized the qualifications of Rick Healey, who has served on the Planning Board for over 14 years, and stated that the Appointments Committee unanimously recommends Rick Healey for reappointment as a Regular Member of the Planning Board, term to expire January 2, 2017.

Mayor Jean nominated Rick Healey to be reappointed to serve as a Regular Member of the Planning Board, with a term to expire on January 2, 2017. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Gray seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Rick Healey has been reappointed to serve as a Regular Member of the Planning Board, with a term to expire on January 2, 2017, by a unanimous ballot vote.

Councilor Larochelle summarized the qualifications of Derek Peters, Planning Board Member, who could not attend the Appointments Committee meeting because of a timing conflict. The Committee is aware of his contributions to the Planning Board and the City in general and unanimously agreed to recommend Derek Peters to the Planning Board without waiting for the next opportunity for an interview. The term would expire on January 2, 2014.

Mayor Jean nominated Derek Peters to be reappointed to serve as a Regular Member of the Planning Board, with a term to expire on January 2, 2017. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Derek Peters has been reappointed to serve as a Regular Member of the Planning Board, with a term to expire on January 2, 2017, by a unanimous ballot vote.

Councilor Larochelle summarized the qualifications of Natalie Wensley, who has served as a Library Trustee for over two decades. He noted that the minutes should be corrected to reflect that Natalie applied for the Library Trustees and not the Planning Board. He added that the Appointments Committee unanimously recommends Natalie Wensley for reappointment as a Library Trustee, Ward Three, with a term to expire January 2 2017.

Mayor Jean nominated Natalie Wensley to be reappointed as a Library Trustee for Ward Three, with a term to expire on January 2, 2017. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Natalie Wensley has been reappointed to serve as the Ward Three representative to the Library Trustee with a term to expire on January 2, 2017, by a unanimous ballot vote.

11.2. Community Development

Councilor Gray stated that the Committee has no actions at this time. He reported that the Committee is in the process of reviewing the application criteria for the CDBG Block Grant. The anticipation is that the social services interested in seeking funds through the block grant would be attending the February Community Development and possibly the City Council meeting when the CDBG block grant is presented to the City Council.

Councilor Gray stated that a representative from Rochester Main Street gave a presentation to the Committee.

Councilor Gray stated that the City's five year plan is due to expire next year and the Committee is in the process of setting milestones in order to have the next Five Year Master Plan in place in a timely manner.

Councilor Varney requested that the City Council be supplied with monthly updates on the City's Job Loans Program. He is interested to know who approves the loans. He added that the City Council should be made aware of any change to the process. Councilor Gray suggested this monthly update could be added to the monthly Community Development minutes.

Mayor Jean encouraged new Council members to attend the Community Development Committee meetings in order to be informed of the process of selecting social agencies.

11.3. Government Channel [December 10, 2013]

Councilor Lachapelle stated that there were no action items at this time. He said the remaining funds from the Franchise Agreement would be used to purchase replacement equipment. He said the Committee discussed the plan to migrate to HD equipment.

Councilor Lachapelle informed the City Council that the Franchise Agreement is up for renewal next year. It is important that the City Council include the possibility of using High Definition [HD] equipment with the next Franchise Agreement. The City Council briefly discussed the use of HD

equipment. Mayor Jean stated that the goal is to seek digital equipment. Councilor Laroche supported the City Council moving in this direction.

11.4. Joint Building Committee

Mayor Jean stated that Councilor Keans has been selected as the Chair of the Joint Building Committee.

Councilor Keans stated that the minutes in the packet are not current; however, the Committee met at the proposed site to settle the driveway concerns. She reported that the project is under budget at this time. Mayor Jean stated that the correct set of minutes should be included in the next City Council packet.

11.5. Public Safety Committee

Councilor Walker **MOVED** to **DENY** a request of moving the street light on Upham Street. The motion was seconded by Councilor Gates. Councilor Keans asked if the Committee had been satisfied with the location of the lighting. Councilor Walker replied yes. Council briefly discussed the matter. The **MOTION CARRIED** by a unanimous voice vote.

11.6. Public Works Committee

Councilor Varney stated that there were no action items at this time. He asked the City Manager if there had been any updated information relative to the EDA Grant. City Manager Fitzpatrick replied no, not at this time.

12. Old Business

12.1. Repeal Panhandling Ordinance and Refer to Codes and Ordinances Committee for Review

Mayor Jean stated that the Panhandling Ordinance had been inadvertently placed on the Agenda for the City Council to take repeal action; however, if there is no objection the matter would be send to the Codes and Ordinances Committee for review prior to any City Council action. No Council member objected.

13. Consent Calendar

Councilor Walker **MOVED** to **ADOPT** the consent calendar as presented. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous

voice vote. Mayor Jean stated that the following items have been adopted as presented:

13.1. AB 20 Resolution De-Authorizing Funds in the Amount of \$1,429.97 Relative to Highway Safety Speed Enforcement Grant Project 13547 *First Reading, Second Reading, and Adoption*

**RESOLUTION DEAUTHORIZING PORTION OF
A FY 2012-2013 POLICE DEPARTMENT OPERATING BUDGET FOR
NH HIGHWAY SAFETY AGENCY GRANT FOR SPEED ENFORCEMENT**

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

WHEREAS, by resolution previously adopted by the Mayor and City Council in December 2012, the sum of Five Thousand Eight Hundred Fifty Dollars (\$5,850.00) to be derived from a State of New Hampshire, N.H. Highway Safety Agency grant to the City of Rochester, Police Department was appropriated in a FY 2012- 2013 Police Department operating budget special non-lapsing revenue account, for the purpose of conducting a so-called Speed Enforcement program (Grant 315-13A-094) (the "Project"); and

WHEREAS, One Thousand Four Hundred Twenty-Nine Dollars and Ninety-Seven Cents (\$1,429.97) of the funds appropriated for such Project are no longer necessary for such purpose, as the Project has been completed;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize One Thousand Four Hundred Twenty-Nine Dollars and Ninety-Seven Cents (\$1,429.97) previously appropriated for the said the Project, thereby leaving a total appropriation for such Project in the amount of Four Thousand Four Hundred Twenty Dollars and Three Cents (\$4,420.03).

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.

AB 20

13.2. AB 21 Resolution De-Authorizing Funds in the Amount of \$1,417.07 Relative to the Highway Safety Red Light Enforcement Grant Project 13546 *First Reading, Second Reading, and Adoption*

**RESOLUTION DEAUTHORIZING PORTION OF A FY 2012-2013
POLICE DEPARTMENT OPERATING BUDGET APPROPRIATION
REGARDING**

**NH HIGHWAY SAFETY AGENCY GRANT FOR RED LIGHT
ENFORCEMENT**

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

WHEREAS, by resolution previously adopted by the Mayor and City Council in November 2012, the sum of Five Thousand Eight Hundred Fifty Dollars (\$5,850.00) to be derived from a NH Highway Safety grant to the City of Rochester, Police Department was appropriated as a supplemental appropriation in the 2012-2013 operating budget of Rochester Police Department to a special non-lapsing revenue account, for the exclusive purpose of being used for so-called red light enforcement purposes (project no. 13546) (the "Project"); and

WHEREAS, One Thousand Four Hundred Seventeen Dollars and Seven Cents (\$1,417.07) of the of the aforesaid supplemental appropriation for such Project are no longer necessary for the Project, as the Project has been completed;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize One Thousand Four Hundred Seventeen Dollars and Seven Cents (\$1,417.07) previously appropriated for the said Project, thereby leaving a total appropriation for such Project in the amount of Four Thousand Four Hundred Thirty-Two Dollars and Ninety-Three Cents (\$4,432.93).

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. AB 21

**13.3. AB 22 Resolution De-Authorizing Funds in the Amount of
\$2,254.87 Relative to the Highway Safety DWI
Enforcement Grant Project 13545 **First Reading, Second
Reading, and Adoption****

**RESOLUTION DEAUTHORIZING PORTION OF A FY 2012-2013
POLICE DEPARTMENT OPERATING BUDGET APPROPRIATION FOR
NH HIGHWAY SAFETY AGENCY GRANT FOR DWI ENFORCEMENT**

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

WHEREAS, by resolution previously adopted by the Mayor and City Council in November 2012, the sum of Five Thousand Eight Hundred Fifty Dollars (\$5,850.00), to be derived from a State of New Hampshire, N.H. Highway Safety Agency grant to the City of Rochester, Police Department, was appropriated in a FY 2012-2013 Police Department operating budget special non-lapsing revenue account, for the purpose of conducting a so-called DWI Enforcement program (Grant 308-13A-028) (the "Project"); and

WHEREAS, Two Thousand Two Hundred Fifty-Four Dollars and Eighty-Seven Cents (\$2,254.87) of the funds appropriated for such Project are no longer necessary for such purpose, as the Project has been completed;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Two Thousand Two Hundred Fifty-Four Dollars and Eighty-Seven Cents (\$2,254.87) previously appropriated for the said the Project, thereby leaving a total appropriation for such Project in the amount of Three Thousand Five Hundred Ninety-Five Dollars and Thirteen Cents (\$3,595.13).

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.

AB 22

13.4. AB 23 Resolution De-Authorizing Funds in the Amount of \$8,984.49 and Transfer Cash Portion of \$2,454.22 back to General Fund Relative to the Heath Brook Bridge/Salmon Falls Road Project 08514 **First Reading, Second Reading, and Adoption**

**RESOLUTION DEAUTHORIZING PORTION OF FY 2007-2008
CAPITAL BUDGET APPROPRIATION FOR
THE HEATH BROOK BRIDGE AND SALMON FALLS ROAD PROJECT**

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

WHEREAS, by virtue of a June 2007 Resolution adopted by the Mayor and City Council, a Capital Improvements Budget appropriation in the amount of Two Hundred Sixteen Thousand Three Hundred Dollars (\$216,300.00) was appropriated in the FY 2007-2008 City of Rochester, Department of Public Works capital improvements budget for the so-called Heath Brook Bridge and Salmon Falls Road flood repairs project (project no. 08514) (the "Project"), with such appropriation to be funded to the extent of Twenty Seven Thousand and Thirty-Seven Dollars (\$27,037.00) from Public Works

Department cash, and, to the extent of One Hundred Eighty-Nine Thousand Two Hundred Sixty-Two Dollars (\$189,262.00) from the proceeds of the aforesaid state and/or FEMA grants; and

WHEREAS, such Project has been completed at a final cost of Two Hundred Seven Thousand Three Hundred Fifteen Dollars and Fifty-One Cents (\$207,315.51), thereby leaving the sum of Eight Thousand Nine Hundred Eighty-Four Dollars and Forty-Nine Cents (\$8,984.49) of the aforementioned funds appropriated for such Project, no longer necessary for such Project's purposes;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Eight Thousand Nine Hundred Eighty-Four Dollars and Forty-Nine Cents (\$8,984.49) of the previously appropriated funds for the so-called Project (consisting of Six Thousand Five Hundred Thirty Dollars and Twenty-Seven Cents (\$6,530.27) in unexpended proceeds from state and/or federal so-called FEMA grants, and Two Thousand Four Hundred Fifty-Three Dollars and Twenty-Two Cents (\$2,453.22) in unexpended Public Works Department cash, thereby leaving the sum of Two Hundred Seven Thousand Three Hundred Fifteen Dollars and Fifty-One Cents (\$207,315.51) appropriated for said Project, with such sum to be drawn, to the extent of One Hundred Eighty-Two Thousand Seven Hundred Thirty-One Dollars and Seventy-Three Cents (\$182,731.73) from the proceeds of state and/or federal so-called FEMA grants , and to the extent of Twenty-Four Thousand Five Hundred Eighty-Three Dollars and Seventy-Eight Cents (\$24,583.78).

Further, that the sum of Two Thousand Four Hundred Fifty-Three Dollars and Twenty-Two Cents (\$2,453.22) in deauthorized unexpended Public Works Department cash be transferred to the so-called City of Rochester General Fund fund 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. AB 23

13.5. AB 29 Resolution De-Authorizing Portion of the FY 2012-2013 Police Department Budget Regarding the NH US Marshalls Forfeiture Distribution **First Reading, Second Reading, and Adoption**

**RESOLUTION DEAUTHORIZING PORTION OF
FY 2012-2013 POLICE DEPARTMENT OPERATING BUDGET REGARDING NH
U.S. MARSHALL'S (N.H. DISTRICT) FORFEITURE DISTRIBUTION**

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

WHEREAS, by resolution previously adopted by the Mayor and City Council on May 7, 2013, the sum of Four Thousand Five Hundred Seventy Dollars and Thirty-One Cents (\$4,570.31) to be derived from an asset forfeiture distribution from the U.S. Marshall's Service (NH District) to the City of Rochester, Police Department was appropriated as a supplemental appropriation in the 2012-2013 operating budget of Rochester Police Department, and was placed in a special non-lapsing revenue account, for the exclusive purpose of being used for drug law enforcement purposes (the "Project"); and

WHEREAS, Four Hundred Fifty-Seven Dollars and Four Cents (\$457.04) of the aforesaid supplemental appropriation for such Project is no longer available for distribution to the Rochester Police Department because of a onetime sequester of 10% of such distribution by the federal government, thereby making such funds unavailable for their Project purposes;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Four Hundred Fifty-Seven Dollars and Four Cents (\$457.04) previously appropriated for the said Project, thereby leaving a total appropriation for such Project in the amount of Four Thousand One Hundred Thirteen Dollars and Twenty-Seven Cents (\$4,113.27).

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. AB 29

14. New Business

14.1.AB 13 Amendment to Water Ordinance Relative to Required Water System Connections *Second Reading and Possible Adoption*

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

AMENDMENT TO WATER ORDINANCE RELATIVE TO REQUIRED WATER SYSTEM CONNECTIONS

THE CITY OF ROCHESTER ORDAINS:

That chapter 17 of the General Ordinances of the City of Rochester, entitled "Water" as presently amended, be further amended by therefrom deleting

the existing Section 17.4 thereof, entitled "Water Service Connection Required", in its entirety, and by inserting in its stead the following subsection:

"Existing structures within two hundred (200) feet of the public water system of the City, and currently served by private wells shall connect to the public water system at such time as the well fails or the property is transferred, whichever occurs first. For the purposes of this section, existing structures shall mean houses, buildings, or property used for human occupancy, employment, recreation, or other purposes, that are constructed as of January 1, 2012. For the purposes of this section, the term "well fails" shall mean any well failure requiring additional earth disturbance such as digging and/or drilling, other than such activity associated solely with well pump replacement and/or access."

Councilor Walker **MOVED** to **ADOPT** the Amendment. Councilor Varney seconded the motion.

Councilor Larochelle opposed the motion, giving a history of the origins of water as it pertains to well water vs. city water and the matter of choice between the two. Councilor Collins and Councilor Gates agreed with Councilor Larochelle for opposing the proposed Amendment for different reasons. Councilor Varney clarified that the proposed ordinance is not seeking all residents to connect to the City water supply; however, this proposed ordinance would require that persons with a failed well system to connect to the City's water supply only if the well is close enough [200 feet] to the City's water supply. Councilor Walker stated that a person would be required to connect to the City's water supply if the well failed; however, if a person's pump to the well fails, they would not be required to connect to the City's water supply.

Councilor Lauterborn requested that the existing ordinance be included with the packet whenever there is a proposed change to the ordinances for clarity purposes.

Councilor Kittredge stated his opposition over the fact that the proposed ordinance would require one to connect to the City's water supply upon transfer of ownership of said property. He stated this would cause a financial hardship to many people. He added that drilling a second well on the same location should not be prohibited, just because one location has failed, it does not mean it could not be successful on another area nearby. He said there are many reasons for a well to fail and he would not support the motion to adopt.

Councilor Gray concurred that the requirement to connect to the City's water supply in the event of transfer of property should be removed.

Councilor Larochelle read a portion of the existing water ordinances as follows: "*The owners of all houses, buildings, or structures used for human occupancy, employment, recreation, or other purposes, situated within the City and currently connected to the public water system of the City, and the owner of any newly constructed house, building, or structure used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is located the public water system of the City, is hereby required at the owner(s) expense to extend water mains, in order to connect...*"

Councilor Larochelle stated that the existing ordinance does not make sense. Councilor Keans concurred. She said this is why the Utility Advisory Board has brought this proposal forward.

Councilor Varney stated that the practice in the City has been to require new structures to connect to the City's water if said structure is within 200 feet. He added that new housing developments are required to connect to the City's water supply for all new subdivisions.

Councilor Larochelle stated that one should have the right to choose to keep an existing well or connect to the City's water supply. Council debated the motion.

Councilor Gray **MOVED** to Amend the motion by placing a period after the word fails in the third sentence and by striking the rest of that sentence. Councilor Gates seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Larochelle requested a roll call vote. Councilor Walker seconded the request. Mayor Jean called for a vote on the motion as amended. The **MOTION CARRIED** to adopt the Amendment as further amended by an 11 to 2 roll call vote. Councilors Gray, Lauterborn, Keans, Kittredge, Varney, Hamann, Torr, Collins, Lachapelle, Walker, and Mayor Jean voted in favor of the motion. Councilors Larochelle and Gates voted against the motion. The Amended version is as follows:

**AMENDMENT TO WATER ORDINANCE RELATIVE TO
REQUIRED WATER SYSTEM CONNECTIONS**

THE CITY OF ROCHESTER ORDAINS:

That chapter 17 of the General Ordinances of the City of Rochester, entitled "Water" as presently amended, be further amended by therefrom deleting the existing Section 17.4 thereof, entitled "Water Service Connection Required", in its entirety, and by inserting in its stead the following subsection:

"Existing structures within two hundred (200) feet of the public water system of the City, and currently served by private wells shall connect to the public water system at such time as the well fails. ~~or the property is transferred, whichever occurs first.~~ For the purposes of this section, existing structures shall mean houses, buildings, or property used for human occupancy, employment, recreation, or other purposes, that are constructed as of January 1, 2012. For the purposes of this section, the term "well fails" shall mean any well failure requiring additional earth disturbance such as digging and/or drilling, other than such activity associated solely with well pump replacement and/or access."

14.2. AB 10 Amendment to Water Ordinance Relative to Water Rates *Second Reading and Possible Adoption*

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

ORDINANCE AMENDMENT RELATIVE TO WATER USER RATE

THE CITY OF ROCHESTER ORDAINS:

I. That Chapter 17, Section 17.34 of the General Ordinances of the City of Rochester, entitled "Water Rate and Fee Schedule", be amended by deleting the portion of said ordinance entitled "Quarterly Water Rates" and by replacing such portion of the ordinance with the following:

17.34 Water Rate and Fee Schedule

Quarterly Water Rates

Residential Customers without exemption:	\$4.67 per 100 cu. ft. of water use
Residential Customers with exemption:	\$2.02
Commercial and industrial customers:	\$4.67

Unmetered Residential Customers:

Per quarter per unit without exemption:	\$124.87
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Per quarter per unit with exemption:

\$62.42

Minimum Fee:

Per quarter per unit without exemption:

\$17.74

Per quarter per unit with exemption:

\$14.21

II. That this ordinance amendment shall take effect on March 1, 2014

Councilor Walker **MOVED** to **ADOPT** the Amendment to Ordinances relative to Chapter 17.34 water user rates. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

14.3. AB 8 Resolution Authorizing Supplemental Appropriation to the 2013-2014 Capital Budget for the City of Rochester, Public Works Department for the So-Called Salmon Falls Road Hazards Safety Improvement Project – *Possible Second Reading and Adoption*

Councilor Lachapelle **MOVED** to read the resolution for the second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE 2013-2014 CAPITAL BUDGET OF THE CITY OF ROCHESTER, PUBLIC WORKS DEPARTMENT FOR THE SO-CALLED SALMON FALLS ROAD HAZARDS SAFETY IMPROVEMENT PROJECT

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

That the sum of One Hundred Sixty-Four Thousand Seven Hundred Ninety-Six Dollars (\$164,796.00) be, and hereby is, appropriated as part of the City of Rochester 2013-2014 capital budget of the City of Rochester, Public Works Department, for the purpose of providing sums necessary for the so-called Salmon Falls Road Hazards Safety Improvement Project (the "Project"), and further, and contingent upon the award to, and receipt by, the City of Rochester, of the hereinafter referenced One Hundred Forty-Eight Thousand Three Hundred Sixteen Dollars and Forty Cents (\$148,316.40) from the NH Department of Transportation for the Project, that the sums necessary to fund such supplemental appropriation shall be derived, to the extent of One Hundred Forty-Eight Thousand Three Hundred Sixteen Dollars and Forty Cents (\$148,316.40) from federal and/or state funds provided through the NH Department of Transportation, and to the extent of Sixteen Thousand Four Hundred Seventy-Nine Dollars and Sixty Cents (\$16,479.60)

from the proceeds of bonds and/or notes to be issued by the City of Rochester.

Furthermore, 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 is authorized to borrow the sum of up to Sixteen Thousand Four Hundred Seventy-Nine Dollars and Sixty Cents (\$16,479.60) through the issuance of bonds and/or notes, for the purpose of providing funds necessary for the so-called Project, 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. The useful life for the aforesaid Project is 30 years.

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. AB 8

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Councilor Lauterborn asked if the City Council would actually seek to bond such a small amount of money [\$16,000]. Mayor Jean stated that this amount of money would not be bonded separately but would be bonded with the greater project. The **MOTION CARRIED** by a unanimous voice vote.

14.4.AB 26 Resolution Approving the New Hampshire Revitalization Zone Application Relative to Rochester Downtown Economic Revitalization Zone Tax Credits [ERZ] *First Reading, Possible and Adoption*

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only. Councilor Walker 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 FOR CITY MANAGER TO SUBMIT APPLICATION TO COMMISSIONER OF DRED TO HAVE THE SO-CALLED ROCHESTER DOWNTOWN ECONOMIC REVITALIZATION ZONE DESIGNATED AS AN ECONOMIC REVITALIZATION ZONE PURSUANT TO THE PROVISIONS OF RSA 162-N

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

WHEREAS, in an effort to stimulate local economic development the New Hampshire Legislature has enacted Chapter 162-N of the New Hampshire Revised Statutes Annotated, entitled "Economic Revitalization Zone Tax Credits"; and

WHEREAS, the City of Rochester seeks to avail itself of the opportunities and benefits available through said Chapter 162-N by the designation of the so-called Rochester Downtown Economic Revitalization Zone as a so-called "Economic Revitalization Zone" as provided for in Chapter 162-N; and

WHEREAS, in order to attain status as a so-called "Economic Revitalization Zone", the Commissioner of DRED must designate such area as an "Economic Revitalization Zone", in accordance with requirements established in Chapter 162-N; and

WHEREAS, the City of Rochester desires to allow the provisions of RSA Chapter 162-N to be available to qualifying businesses and property owners located in the so-called Rochester Downtown Economic Revitalization Zone; and

WHEREAS, the City of Rochester has prepared an Application to have the so-called Rochester Downtown Economic Revitalization Zone designated as an "Economic Revitalization Zone" as provided for in Chapter 162-N, so as to take advantage of the benefits associated with such Chapter of the New Hampshire Revised Statutes Annotated;

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby authorize the City Manager, and/or his designee(s), to take any and all steps necessary to file the above referenced Application with the Commissioner of DRED, and to take such other actions as are necessary and/or appropriate to obtain the above-referenced designation for the so-called e Rochester Downtown Economic Revitalization Zone.

Councilor Varney **MOVED** to **ADOPT** the resolution. Councilor Keans seconded the motion. Mayor Jean noted that maps have been included with the packet for the City Council's review.

14.5.AB 27 Resolution Approving the New Hampshire Revitalization Zone Application Relative to the Gonic ERZ
First Reading, Possible Second Reading and Adoption

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only. Councilor Walker 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 FOR CITY MANAGER TO SUBMIT APPLICATION
TO COMMISSIONER OF DRED TO HAVE THE SO-CALLED GONIC
ECONOMIC
REVITALIZATION ZONE DESIGNATED AS AN
ECONOMIC REVITALIZATION ZONE PURSUANT TO THE
PROVISIONS OF RSA 162-N**

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

WHEREAS, in an effort to stimulate local economic development the New Hampshire Legislature has enacted Chapter 162-N of the New Hampshire Revised Statutes Annotated, entitled "Economic Revitalization Zone Tax Credits"; and

WHEREAS, the City of Rochester seeks to avail itself of the opportunities and benefits available through said Chapter 162-N by the designation of the so-called Gonic Economic Revitalization Zone as a so-called "Economic Revitalization Zone" as provided for in Chapter 162-N; and

WHEREAS, in order to attain status as a so-called "Economic Revitalization Zone", the Commissioner of DRED must designate such area as an "Economic Revitalization Zone", in accordance with requirements established in Chapter 162-N; and

WHEREAS, the City of Rochester desires to allow the provisions of RSA Chapter 162-N to be available to qualifying businesses and property owners located in the so-called Gonic Economic Revitalization Zone; and

WHEREAS, the City of Rochester has prepared an Application to have the so-called Gonic Economic Revitalization Zone designated as an "Economic Revitalization Zone" as provided for in Chapter 162-N, so as to take advantage of the benefits associated with such Chapter of the New Hampshire Revised Statutes Annotated;

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby authorize the City Manager, and/or his designee(s), to take any and all steps necessary to file the above referenced Application with the Commissioner of DRED, and to take such other actions

as are necessary and/or appropriate to obtain the above-referenced designation for the so-called Gonic Economic Revitalization Zone. AB 27

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion.

Councilor Varney stated that this map is not detailed enough – not as the first map. Mayor Jean asked Deputy City Manager Pollard to make sure the map is clearly delineated prior to sending out the application. The **MOTION CARRIED** by a unanimous voice vote.

14.6. Pease Development Authority, 238 & 239 Rochester Hill Road

Councilor Varney stated that it is not made clear how the trees in this area would be cut down. Councilor Walker stated that the tall trees would be replaced with shorter growing trees. The City Council discussed the process of topping-off some of the trees. Councilor Walker stated that an arborist and professional tree service would properly cut down the tree. Councilor Varney suggested taking a tree completely down prior to seeking to “top” a tree.

Councilor Varney asked about the flashing strobe lights. Council briefly discussed the matter. Councilor Walker stated that this matter is being sent back to the Committee for further review.

Council briefly discussed extending the runway and the type of aircrafts which would be permitted to land at this airport. Mayor Jean stated that a corporate jet could potentially take-off and land at this airport.

Councilor Kittredge noted that this work is being done for safety reasons.

15. Items Removed from Consent Calendar:

16. Other

Councilor Gates stated that it would be beneficial to the public if the City Council or City’s administration would address the reasons why the Buxton program costing \$60,000 did not have to follow a competitive bidding process. Mayor Jean stated that this is a good point and his understanding is that there is a stipulation that allows the City government to seek certain professional services without following the standard bidding process. This is done on a case-by-case basis with the City Manager’s approval.

City Manager Fitzpatrick agreed with Mayor Jean and stated that this type of service did not even exist at the time this policy was created over two decades ago. He said the City could expect to see additional requests made in years to come pertaining to this type of service. The City Manager stated that the Administration is always open to reviewing the policy and procedures on a regular basis.

17. Non-Meeting/Non-Public Session

17.1 Non-Public Session – Land, RSA 91-A:3 (d)

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

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

Councilor Lachapelle **MOVED** to enter into Non-Public/Non-Meeting sessions under, RSA 91-A:3 (d), Personnel, RSA 91-A: 3 II (a), and Consultation with Legal Counsel, RSA 91-A: 2 (d) at 8:30 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Kittredge, Collins, Varney, Walker, Lachapelle, Gray, Larochelle, Torr, Hamann, Gates, Keans, Lauterborn, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Meeting/Non-Public Sessions and to seal the minutes indefinitely at 10:02 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean stated that if there were no objections he would nominate Councilor Lauterborn to serve on the Arts and Culture Commission. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that the Clerk cast one ballot for Councilor Lauterborn. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Councilor Lauterborn would serve on the Arts and Culture Commission as a City Council representative.

18. Adjournment

Respectfully submitted,

Kelly Walters
City Clerk

