

**Regular City Council Meeting
April 1, 2014
COUNCIL CHAMBERS
7:00 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
Attorney Wensley
Jim Grant, Director of the
Building, Zoning, and
Licensing Services [BZLS]
Staff members of BZLS
Commissioner Nourse
Rochester School District's
Occupational Therapist:
Lori Gilbert, Occupational
Therapist
Elizabeth Callahan, Occupational
Therapist
Anne Lennig, Occupational
Therapist

MINUTES

1. Call to Order

Mayor Jean called the Regular City Council meeting to order at 7:00 PM.

2. Pledge of Allegiance

Councilor Collins led the Pledge of Allegiance.

3. Opening Prayer

Mayor Jean requested a moment of silence in honor of all military personnel. Additionally, he requested a moment of silence for two firefighters from Boston who recently lost their lives from battling a fire this past week.

4. Roll Call

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

5. Acceptance of Minutes

5.1. [March 4, 2014, Regular City Council Meeting](#)

Councilor Walker **MOVED** to **ACCEPT** the Regular City Council minutes of March 4, 2014. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2. [March 18, 2014, Special City Council Meeting](#)

Councilor Walker **MOVED** to **ACCEPT** the Special City Council minutes of March 18, 2014. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Proclamations:

6.1. Arbor Day

Mayor Jean stated that an Arbor Day Proclamation is read each year and by doing so it allows the City of Rochester to be a member of "Tree USA". If there is no objection from the City Council, this proclamation is to be submitted to the City Clerk's record and the Arbor Day Proclamation is to be sent to the Department of Public Works. No objection was stated.

6.2. Occupational Therapy Month

Mayor Jean invited the following Occupational Therapist from the Rochester School District to come forward: Lori Gilbert, Elizabeth Callahan, and Anne Lennig. He read the proclamation and announced that the Month of April is now proclaimed Occupational Therapy Month for the City of Rochester. He presented Ms. Gilbert with the Occupational Therapist Proclamation.

7. Communications from the City Manager

7.1. Employee of the Month Award

City Manager Fitzpatrick invited Jim Grant, Director of Building, Zoning, and Licensing Services Department, to join him at the podium. He stated that Mr. Grant had been instrumental in the reorganization process of this department and he is pleased to announce that Mr. Grant is the Employee of the Month for April.

7.2. City Manager's Report

City Manager Fitzpatrick read the following report for the record:

- Martha Ortmann has resigned from the Library Trustees.
- Nathaniel R. Goodspeed has been appointed to the Library Trustees with a three-year term, to expire January 1, 2017.
- Management Team Meeting minutes:
 - March 10, 2014
 - March 17, 2014
- Contracts and documents executed since last month:
 - Pictometry Agreement
 - Sub-Agreement for Green Infrastructure Grant
 - Harriman Architect & Engineers - Services for Bleacher bid
 - Compass Smart Shopper Contract Extension
 - Petition and Pole License(s)
- The following standard reports have been enclosed:
 - Personnel Action Report Summary
 - Permission & Permits Issued
 - City Council Request & Inquiry Report

Councilor Varney stated that the March 10, 2014, Management Team minutes, indicates that Mark Sullivan, *business Office need title*, would attend the Arena Commission meeting to discuss a rate analysis relative to debt service. When is this analysis expected to be completed? Deputy City Manager Cox replied that the matter would be discussed at the next Finance Committee meeting.

8. Communications from the Mayor

8.1 Chapter 42 Update

Mayor Jean stated that many City Councilors attended the Special Codes and Ordinances Committee which had been held on March 27, 2014. The Committee made a few recommendations to the full City Council and the Committee will meet again this coming Thursday.

Councilor Varney gave reasons not to hold the first reading of Chapter 42 this evening. It could be problematic for potential developers. He said there are unresolved issues with the language and there are fundamental issues with the map that have not been settled yet.

The City Council debated the time line in which Chapter 42 Comprehensive Rezoning should be adopted. Attorney Wensley advised that a 10 day public notice must be given prior to holding a public hearing.

It was discussed to have the public notice in the newspaper by this Friday in order to have a first reading and Public Hearing held on April 15, 2014. The intent is to have the second reading and possible adoption on April 22, 2014. Mayor Jean stated that this would allow extra weeks for adoption if needed. Mayor Jean stated that this could be discussed further later in the meeting under New Business.

Mayor Jean gave a detailed overview of the Safran grand opening ceremony. *Ask Samantha for more info.*

9. Presentations of Petitions and Council Correspondence

9.1 Memorandum from the Rochester Economic Development Commission Relative to Chapter 42

Mayor Jean stated that if there were no objections this letter would be submitted to the Clerk's Office for the permanent record. He encouraged City Councilors to ask questions if necessary. No objection was stated.

10. Nominations, Appointments, Resignations, and Elections

10.1. Resignation: Martha Ortmann, Library Trustee, City Manager's Designee

Councilor Walker **MOVED** to **ACCEPT** the resignation of Martha Ortmann, Library Trustee [City Manager's Designee] with regret. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

11. Reports of Committee

11.1. Appointments Committee

Councilor Larochelle stated the Appointments Committee unanimously recommended that Joan Strogon be reappointed to the Arena Commission, with a term to expire in January, 2017. Mayor Jean nominated Joan Strogon for reappointment to the Arena Commission, with a term to expire in January, 2017. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease and that the City Clerk cast one ballot for Joan Strogon. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that

Joan Strogon has been reappointment to the Arena Commission with a term to expire in January, 2017.

Councilor Larochelle stated that the Appointments Committee unanimously recommends that Michael Dionne be reappointed to the Conservation Commission, with a term to expire in January, 2017. Mayor Jean nominated Michael Dionne to be reappointed to the Conservation Commission, with a term to expire in January, 2017. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease and the City Clerk cast one ballot for Michael Dionne. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Michael Dionne has been reappointed to the Conservation Commission, with a term to expire in January, 2017.

Councilor Larochelle stated that the City Manager had requested that the Appointments Committee interview and make a recommendation for the Library Trustee [City Manager's Designee]. He stated that the Appointments Committee unanimously recommended that Nat Goodspeed be appointed as a Library Trustee, with a term to expire in January, 2017. He added that the City Manager has since appointed Nat Goodspeed to the Library Trustees as the City Manager's Designee.

Councilor Larochelle stated that the Appointments Committee unanimously recommended that Paul Roberts be reappointed to the Recreation, Parks, and Youth Commission, with a term to expire in January, 2017. Mayor Jean nominated Paul Roberts to be reappointed to the Recreation, Parks, and Youth Commission, with a term to expire in January, 2017. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease and that the City Clerk cast one ballot for Paul Roberts. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Paul Roberts has been reappointed to the Recreation, Parks, and Youth Commission, with a term to expire in January, 2017.

Councilor Larochelle stated that Heather Cremmen has sought reappointment to the Rochester Economic Development Commission and is very qualified; however, since she has changed her residence from Rochester to Milton, she is no longer eligible to be on the commission. Her appointment would be in excess of the maximum (four) of non-residents allowed under Rochester City Ordinance 3.21.

11.2. Codes and Ordinances Committee

Councilor Lachapelle stated that the Committee had recommended an Amendment to the Ordinances relative to Chapter 17. This can be found on the Agenda later in this meeting. He recommended that the public hearing

take place on May 1, 2014, at the Codes and Ordinances Committee meeting.

Councilor Lachapelle stated that the Codes and Ordinances Committee is scheduled to reconvene the Adjourned Special Codes and Ordinances Committee meeting this Thursday. This meeting is to be exclusively for the purpose of discussing Chapter 42.

11.3. Community Development

Councilor Gray reported that Michael Provost, Executive Director of the Rochester Main Street Program, gave information about the status of the Riverwalk and how they will promote the Riverwalk by hanging up banners in the downtown area.

Councilor Gray gave information about the Community Development Block Grant [CDBG] process and the City's portion of funding for social services. Councilor Larochelle asked what the final figure is associated with the CDBG Block grant for Rochester. It was determined that the amount was approximately \$239,000. He added that a more formal breakdown of the actual funding is forthcoming.

11.4. Finance Committee

Mayor Jean stated that the Committee discussed the Stillwater Circle agreement and decided to keep this matter in Committee at this time; however, a motion passed to direct Commissioner Nourse to solicit a price quote to adequately clay base, loam, and seed the area. Commissioner Nourse reported that he is waiting for the ground to dry up first prior to seeking a quote.

Mayor Jean stated that Chief Sanborn reported to the Finance Committee, that the salary budget for overtime is currently trending approximately \$19,000 over budget; however, the final estimate for the fiscal year is approximately \$150,000 over budget. He stated that this overage is caused by local fires, as well as personnel matters.

Marc Dupuis, Assistant Fire Chief, gave a PowerPoint presentation about meeting the staff requirements of the National Fire Protection Association [NFPA] and International Organization for Standardization [ISO]. He stated that the Fire Department is seeking two additional fire fighters at this time. Councilor Lachapelle asked if this request had been submitted with the City Manager's budget. City Manager Fitzpatrick replied that the additional two firefighters would be presented to the City Council during the budget process as an "Issues and Options" topic.

Councilor Gray requested that the Finance Committee meeting minutes be corrected to reflect that he was in attendance. Deputy City Manager Cox concurred.

Mayor Jean asked Deputy City Manager Cox if the "Hatfield" refund could be handled administratively. Deputy City Manager Cox replied yes.

Mayor Jean stated that the creation of a General Fund Balance policy would be kept in Committee at this time.

11.5. Joint Building Committee

Councilor Keans reported that the Committee discussed the fence issue and drainage issues.

Councilor Keans stated that one of the neighbors has concerns with the line-ups of the driveways. No decision has been made yet.

11.6. Public Safety Committee

Councilor Walker stated that a resident of Old Gonic Road requested that stop signs be posted in this area. He **MOVED** to **APPROVE** the installation of a stop sign on State Street near Old Gonic Road and another stop sign to be installed at the intersection of State Street and Emerson Avenue. Councilor Gates seconded the motion. Councilor Walker summarized the issue and stated that the Police Department has indicated that unless there is a stop sign in place, the Police Department cannot issue summonses to motorists for not stopping at the end of these streets. Councilor Keans took issue with installing too many stop signs at all little neighborhood intersections. She questioned if a stop line would allow a police officer to enforce the stopping of traffic at the end of a street. Chief Allen stated that it would not be enforceable. He added that a summons can only be given if a stop sign is posted. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to **APPROVE** the installation of stop signs on Pleasant Street, Orchard Street, and Glenwood Avenue. Councilor Lachapelle seconded the motion. Councilor Walker stated that the Police Department has recommended that these stop signs be installed. The **MOTION CARRIED** by a unanimous voice vote.

11.7. Public Works Committee

Councilor Torr asked for a status update on the City Hall Annex building. Commissioner Nourse stated that the process of interviewing

Architects for the City Hall Annex has begun and anticipated that a selection would be made by mid-April.

Councilor Torr stated that there are problems with the Upper City Dam located near River Street. This will be kept in Committee.

Councilor Torr stated that the Salmon Falls Road construction would not begin until 2015; however, the road is in deplorable condition. He **MOVED** to **APPROVE** the posting of Salmon Falls Road to "local Traffic Only" and to impose weight restrictions too. Councilor Walker seconded the motion.

Councilor Torr stated that the City recently paved Channing Drive and there are now log trucks traveling through the area, which is causing damage to the road. The trucks have been loading the log trucks near the cul-de-sac. He suggested that the road be posted with weight restrictions for about six weeks. The City Council debated if posting such a road restriction must be approved by the City Council or could it be approved by administration. Mayor Jean asked if there were any objections from the City Council to temporally post Channing Drive with weight restrictions. No objection was stated.

Mayor Jean asked if the paving list was still in the process of being created. Councilor Torr replied yes. The City Council discussed the expensive cost of paving. Councilor Varney stated that the list should be prioritized.

Mayor Jean asked about the status of Franklin Street. Commissioner Nourse stated that the Western Avenue Pump Station is scheduled to begin this summer and that the Franklin Street I/I has been scheduled to begin in construction season 2015. Mayor Jean stated concerns about the deplorable condition of Franklin Street and the fact that it is utilized for students traveling to Chamberlain Street School. Is there a temporary solution to this problem? Commissioner Nourse stated that the in-house budget for shimming [paving] is limited. He did not anticipate a complete overlay of shimming could be accomplished; however, spot shimming might be able to be done.

Councilor Gray questioned if a representative from the Public Works Department could attend the next Ward Six meeting scheduled for April 23, 2014, at the Rochester Community Center. This would be for the purpose of discussing the Franklin Street project with the residents. Commissioner Nourse concurred.

12. Old Business

No discussion.

13. Consent Calendar

Mayor Jean stated that the Consent Calendar consists of three de-authorizations. Councilor Walker **MOVED** to **APPROVE** the consent calendar. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.1. **AB 42** Resolution De-Authorizing So- Called Obtain Source Water Protection Land Project Capital Budget Appropriation – *First Reading, Second Reading, and Adoption*

RESOLUTION DEAUTHORIZING SO-CALLED OBTAIN SOURCE WATER PROTECTION LAND PROJECT CAPITAL BUDGET APPROPRIATION

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

WHEREAS, by virtue of a resolution adopted by the Mayor and City Council of the City of Rochester in June 2012, in connection with the 2012-20013 CIP Budget for the City of Rochester, Department of Public Works, Water Works, the Mayor and City Council appropriated the sum of Forty-Five Thousand Dollars (\$45,000.00) in the 2012-2013 capital improvements budget of the City of Rochester, Public Works Department, Water Works, for the purpose of funding the so-called Obtain Source Water Protection Land project (project #13525) (the "Project"), said appropriation to be funded from the proceeds of bonding by the said City of Rochester Water Works; and

WHEREAS, it has been determined that the Project is no longer needed, and no Project appropriated funds have been bonded and/or expended for the Project;

NOW THEREFORE, in light of the fact the Project is not necessary and the Project's purposes have been satisfied without the need for the Forty-Five Thousand Dollars (\$45,000.00) appropriated for the Project, the Mayor and City Council of the City of Rochester hereby deauthorize the aforesaid Forty-Five Thousand Dollars (\$45,000.00) previous appropriation for the Project in the 2012-2013 capital improvements budget for the City of Rochester, Department of Public Works, Water Works, and withdraw any and all bonding authority with respect to the aforesaid Project.

ADDITIONALLY, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY 14 04-01 AB 42**

**13.2. AB 43 Resolution De-Authorizing Portion of FY 2009-2010
So-Called Water Lines Relocation (Spaulding Turnpike)
Project Capital Budget Appropriation – *First Reading,
Second Reading, and Adoption***

**RESOLUTION DEAUTHORIZING PORTION OF FY 2009-2010
SO-CALLED WATER LINES RELOCATION (SPAULDING TURNPIKE)
PROJECT
CAPITAL BUDGET APPROPRIATION**

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

WHEREAS, by virtue of a resolution adopted by the Mayor and City Council of the City of Rochester in June 2009, in connection with the 2009-2010 CIP Budget for the City of Rochester, Department of Public Works, Water Works, the Mayor and City Council appropriated the sum of Six Hundred Seventy-Five Thousand Dollars (\$675,000.00) in the 2009-2010 capital improvements budget of the City of Rochester, Public Works Department, Water Works, for the purpose of funding the so-called Water Lines Relocation project (project #10517) (the "Project"), said appropriation to be funded by cash drawn from the unencumbered balance of the so-called Water Fund of the said City of Rochester Water Works; and

WHEREAS, the Project has been completed, and the City's expenditures for such Project totaled Four Hundred Forty-One Thousand Eight Hundred Sixty-Seven Dollars and Eleven Cents (\$441,867.11), leaving an unexpended appropriated balance for the Project in the amount Two Hundred Thirty-Three Thousand One Hundred Thirty-Two Dollars and Eighty-Nine Cents (\$233,132.89), which balance is no longer needed for the Project;

NOW THEREFORE, in light of the fact that the City's expenditures for such Project, left the sum of Two Hundred Thirty-Three Thousand One Hundred Thirty-Two Dollars and Eighty-Nine Cents (\$233,132.89) of Project funding unexpended and unnecessary for its purpose, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize Two Hundred Thirty-Three Thousand One Hundred Thirty-Two Dollars and Eighty-Nine Cents (\$233,132.89) of the previously appropriated Project funds for the 2009-2010 capital budget for the City of Rochester, Department of Public Works,

Water Works, for the above mentioned purpose, thereby reducing the remaining amount of the aforesaid appropriation to a total of Four Hundred Forty-One Thousand Eight Hundred Sixty-Seven Dollars and Eleven Cents (\$441,867.11) for the 2009-2010 fiscal year capital budget of the City of Rochester, Department of Public Works, Water Works, for the aforesaid purpose, and further transfer the above mentioned deauthorized cash funds in the amount of Two Hundred Thirty-Three Thousand One Hundred Thirty-Two Dollars and Eighty-Nine Cents (\$233,132.89) to the so-called Water Fund of the City of Rochester Water Works.

ADDITIONALLY, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY 14 04-01 AB 43**

13.3. AB 44 Resolution De-Authorizing So-Called Water Lines Relocation (Spaulding Turnpike Project FY 2010-2011 – First Reading, Second Reading, and Adoption)

**RESOLUTION DEAUTHORIZING SO-CALLED WATER LINES
RELOCATION (SPAULDING TURNPIKE) PROJECT FY 2010-2011
CAPITAL BUDGET APPROPRIATION**

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

WHEREAS, by virtue of a resolution adopted by the Mayor and City Council of the City of Rochester in June 2010, in connection with the 2010-2011 CIP Budget for the City of Rochester, Department of Public Works, Water Works, the Mayor and City Council appropriated the sum of Two Hundred Twenty-Five Thousand Dollars (\$225,000.00) in the 2010-2011 capital improvements budget of the City of Rochester, Public Works Department, Water Works, for the purpose of funding the so-called Water Lines Relocation project (project #11517) (the “Project”), said appropriation to be funded from the proceeds of bonding by the said City of Rochester Water Works; and

WHEREAS, it has been determined that the Project is no longer needed, and no Project appropriated funds have been bonded and/or expended for the Project;

NOW THEREFORE, in light of the fact the Project is not necessary and the Project’s purposes have been satisfied without the need for the Two Hundred Twenty-Five Thousand Dollars (\$225,000.00) appropriated for the Project, the Mayor and City Council of the City of Rochester hereby deauthorize the

aforesaid Two Hundred Twenty-Five Thousand Dollars (\$225,000.00) previous appropriation for the Project in the 2010-2011 capital improvements budget for the City of Rochester, Department of Public Works, Water Works, and withdraw any and all bonding authority with respect to the aforesaid Project.

ADDITIONALLY, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY 14 04-01 AB 44**

14. New Business

14.1. AB 45 Resolution Accepting a Emergency Management Performance Grant and Making a Supplemental Appropriation in Connection Therewith – *First Reading, Second Reading, and Adoption*

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

RESOLUTION ACCEPTING A EMERGENCY MANAGEMENT PERFORMANCE GRANT AND MAKING A SUPPLEMENTAL APPROPRIATION IN CONNECTION THEREWITH

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

I. That a Emergency Management Performance Grant through the NH Homeland Security & Emergency Management program in the amount of Two Thousand Five Hundred Dollars (\$2,500.00) to the City of Rochester, Fire Department, for the purpose of paying costs associated with the update of the City of Rochester's Local Emergency Operations Plan ("LEOP") is hereby accepted, and such grant funds shall be assigned to a non-lapsing multi-year account(s) established/designated by the Finance Director in the 2013-2014 fiscal-year operating budget of the Rochester Fire Department. The above grant has associated with it a 50% match from the City of Rochester, which match is to be paid from so-called in kind services to be provided by the City of Rochester with respect to the update of the LEOP.

Further, that the sum of Two Thousand Five Hundred Dollars (\$2,500.00) be, and hereby is, appropriated as a supplemental appropriation to the 2013-2014 operating budget for the City of Rochester, Fire Department,

such funds to be expended for the purpose of paying costs associated with the update of the City of Rochester's Local Emergency Operations Plan ("LEOP), and to be assigned to the account(s) to be established/designated by the Finance Director in the 2013-2014 fiscal year operating budget of the Rochester Fire Department. Further that the source of the revenues necessary to fund such appropriation shall be drawn in their entirety from the above referenced Emergency Management Performance Grant.

III. 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 are necessary to implement the transactions contemplated by this Resolution. **CC FY14 04-01 AB 45**

Mayor Jean stated that this grant requires a 50% match of City funds to be paid with in kind services to be provided by the City of Rochester with respect to the update of the Local Emergency Operations Plan [LEOP].

Councilor Walker **MOVED** to suspend the rules and 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 resolution for the second time by title only.

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

14.2. AB 47 Merit Plan Wages and Classification Analysis – Seeking Approval

Mayor Jean stated that the City Manager is seeking to obtain the services of Municipal Resources Inc. [MRI], in order to conduct a market survey, to review the sixteen Non-Union positions for the City's Non-Union Employment Policy Handbook or "Merit Plan". The total cost is \$4,000.

City Manager Fitzpatrick stated that the City's union employees have had incremental pay scale increases over the last several years; however, the same is not true for the Non-Union employees. Councilor Walker asked what the source of funding would be. Deputy City Manager Cox stated that it would be drawn from the Contracted Services account. Councilor Keans asked why the City would not utilize the New Hampshire Municipal Association survey of Municipal Employee salaries. Deputy City Manager Cox replied that not all the positions are listed in that survey. He added that the survey is no longer updated each year.

Councilor Walker **MOVED** to authorize the City Manager to proceed with this survey. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

14.3. AB 41 Amendment to Chapter 17 of the General Ordinances of the City of Rochester Regarding Water Leakage Prevention and Mitigation Procedures and Responsibilities – First Reading and Refer to Public Hearing

Councilor Lachapelle **MOVED** to read the Amendment to Chapter 17 of the General Ordinances and refer the matter to a Public Hearing to be held on May 1, 2014, at the Codes and Ordinance Committee meeting. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor Jean read the Amendment for a first time by title only as follows:

**AMENDMENTS TO CHAPTER 17 OF THE
GENERAL ORDINANCES OF THE CITY OF ROCHESTER
REGARDING WATER LEAKAGE PREVENTION AND
MITIGATION PROCEDURES AND RESPONSIBILITIES**

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 as follows:

- I. That Section 17.2 of the General Ordinances of the City of Rochester, as presently amended, and entitled "Definitions", be further amended, by adding to said Section 17.2, the following provision, to be known as Section 17.2 (g) of the General Ordinances of the City of Rochester, to wit:

17.2 Definitions.

"(g) Water Leakage. The loss of City water on the private property (or on other private property(s) over which the customer's water service must pass) of a City water customer due to a compromise of the customer's interior or exterior plumbing."

- II. That Section 17.3 of the General Ordinances of the City of Rochester, as presently amended, and entitled "Definitions", be further amended, by adding to said Section 17.3, the following provision, to be known as Section 17.2 (q) of the General Ordinances of the City of Rochester, to

wit:

17.3 Policy Statement.

"(g) Treated drinking water produced by City facilities and distributed through the City distribution system is a valuable public resource, funded by water rate payers. It is the obligation of all water customers to correct any leakages which occur on their property in a timely and effective manner. Customer failure to correct leakages on their property (or to have repaired leakage occurring on other private property(s) over which the customer's water service extends) is, after notification of the customer pursuant to the provisions of Section 17.20-A of this Chapter, for purposes of this Chapter, considered willful waste of water."

- III. That Chapter 17 of the General Ordinances of the City of Rochester, entitled "Water", as presently amended, be further amended, by adding to said Chapter the following new provision, to be known as Section 17.20-A of the General Ordinances of the City of Rochester, to wit:

"17.20-A Prevention and Enforcement of Willful Water Waste.

Treated drinking water produced by City facilities and distributed through the City distribution system is a valuable public resource, funded by water rate payers. It is the obligation of all water customers to correct any leakages which occur on their property (or to have repaired leakage occurring on private property(s) over which the customer's water service extends) in a timely and effective manner. Customer failure to correct leakages on such property is, for purposes of this Chapter, considered willful waste of water. The Department of Public Works shall utilize the following procedures to alert customers experiencing atypical variation increases in water consumption to alert customers to the possibility of leakage in their (or a master reader's) water service.

- (a) **Mobile/Manufactured Home Parks and other similar accounts, with Individual Unit Meters and a Master Meter(s).** Such accounts will have summed, by the Department of Public Works, or by its agent(s), the total consumption value of individual unit meters for each regular billing cycle. This summed value will be compared to the master meter consumption value, or in the event of multiple master meters, the sum value of the master meters. A variation of 10% or more between the sum value of the individual unit meter readings and the master meter value, or sum value of multiple master meter readings, will create/establish the obligation of the customer to investigate and, if

necessary, report and correct, at customer's expense, water leakage on their property (or on other private property(s) over which their water service extends). Such variations when identified will be documented by the Department of Public Works and a written notice shall be sent by certified mail, return receipt requested, to customer. Upon receipt of notification, customer will have 90 days to correct any water leakage and report completion of such repairs back to the Department of Public Works. In cases where no leakage is determined to exist, or to have existed, but increased consumption does occur, or is occurring, the customer has the obligation to communicate a credible explanation for the increased consumption to the Department, and to assume responsibility, in writing if requested by the Department of Public Works, for payment responsibility for such increased consumption. Failure of the customer to respond to such notice by communicating to the Department of Public Works the actions needed, and being taken to correct water leakage, and credible explanation for the increased consumption to the Department the time reasonably required to implement repairs, or by communicating a credible explanation for the increased consumption to the Department and indicating the customer's assumption of responsibility for payment responsibility for such increased consumption will constitute grounds for termination of water service following the expiration of the 90 day repair period, until such leakage is corrected or explanation received. In such cases, an appeal to the Utility Advisory Board for abatement of fees during the 90 day period will not be heard.

- (b) **Accounts of Individual Unit Meters without Master Meters.** The Department of Public Works monitors average quarterly water consumption reflected by customer's account(s), and such consumption is communicated to the customer in its monthly, quarterly or other regular bill. When monitoring, if above normal consumption, or a situation indicating a potential leakage of water on the customer's property (or on other private property over which the customer's water service extends) is identified, the Department will issue a written advisory to the customer.
- (c) **Water Leaks on Customer Property (or other Private Property over which a Customer's Water Service Extends) Known to Exist by Department of Public Works.** In such cases where it is apparent from the street, or the Department of Public Works otherwise knows of water leakage on the customer's property (or on other private property over which the customer's water service extends), the Department will advise the customer in writing of their obligation to investigate and respond to such leakage at their expense. Failure of the customer to

respond to such leakages and inform the Department of their response within 7 days of receipt will constitute grounds for termination of water service until such leakage is addressed by response. In the event of a known leak of significant volume on customer property (or on other private property over which the customer's water service extends) which cannot be isolated on the property, the Department of Public Works will immediately terminate service to the property. Customer shall be responsible for repairs to the leakage prior to resumption of City water service."

CC FY 14 04-01 AB 41

14.4. Amendment to Ordinances Repealing Chapter 42 of the General Ordinances of the City of Rochester and Adopting a New Comprehensive Zoning Ordinance, to be known as Chapter 42 of the General Ordinances of the City of Rochester in its Stead, – *First Reading and Refer to Public Hearing [April 15, 2014]*

Mayor stated that if there were no objections this first reading would be deferred to April 15, 2014, and the City Clerk would establish a public notice for the Public Hearing to be scheduled for the same evening [April 15, 2014]. No objections were stated.

Mayor Jean informed the City Council that he next opportunity for the City Council to discuss Chapter 42 would be this coming Thursday at the Adjourned Special Codes and Ordinances Committee.

15. Items Removed from Consent Calendar:

No discussion.

16. Other

Councilor Collins asked if the Skyhaven Airport was utilized by any of the distinguished visitors attending the Safran Grand Opening Ceremony. Mayor Jean did not recall that the airport had been utilized for this purpose.

Councilor Collins congratulated Mayor Jean for addressing such a prestigious crowd at the Safran Grand Opening Ceremony. He added that the City of Rochester is fortunate enough to have a Mayor that is capable of addressing a foreign guest in their native tongue.

17. Non-Meeting/Non-Public Sessions:

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

Councilor Lachapelle **MOVED** to enter into a Non-Meeting under RSA 91-A: 2 (d) at 8:01 PM. Councilor Gray seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Gray, Laroche, Lauterborn, Keans, Kittredge, Varney, Hamann, Torr, Collins, Lachapelle, Gates, Walker, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Meeting at 9:00 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

18. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 9:01 PM. Councilor Kittredge seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters
City Clerk