

**Rochester Regular City Council Meeting
August 6, 2013
COUNCIL CHAMBERS
7:02 PM**

MEMBERS PRESENT

*Councilor Gray
Councilor Hervey
Councilor Hynes
Councilor Keans
Councilor LaBranche
Councilor Lauterborn
Councilor Larochelle
Councilor Reed-Erickson
Councilor Varney
Councilor Walker
Mayor Jean

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Deputy City Manager Pollard
Attorney Wensley
Commissioner Nourse

MEMBERS EXCUSED

Councilor Lachapelle

MINUTES

1. Call to Order

Mayor Jean called the City Council meeting to order at 7:02 PM.

2. Pledge of Allegiance

Mayor Jean led the Pledge of Allegiance.

3. Opening Prayer

Mayor Jean called for a moment of silence for all military personal fighting for our freedom.

4. Roll Call

Kelly Walters, City Clerk, took a roll call. All Councilors were present except for Councilor Lachapelle who had been excused. **Councilor Gray was appointed to the Ward Six, Seat B, City Council Seat at 8:24 PM.*

5. Acceptance of Minutes

5.1 June 25, 2013, Special City Council Meeting

Councilor Walker **MOVED** to **ACCEPT** the Special City Council Meeting Minutes of June 25, 2013. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2 July 2, 2013, Regular City Council Meeting

Councilor Torr **MOVED** to **ACCEPT** the Regular City Council Meeting Minutes of July 2, 2013. Councilor Walker 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 Detective Christopher Mangum and Chief Allen to come forward. Chief Allen gave a brief overview of why Mr. Mangum has been selected as Employee of the Month for August and thanked him for his hard work. City Manager Fitzpatrick awarded Mr. Mangum with the Employee of the Month Award for August.

6.2 City Manager's Report

City Manager Fitzpatrick publicly recognized Kelly Walters, City Clerk, for graduating the New England Municipal Clerk's Institute.

City Manager Fitzpatrick announced that Karen Pollard, Deputy City Manager, has been re-appointed to the Great Bay Community College Advisory Board.

City Manager Fitzpatrick reported that the following Management Team Meeting Minutes have been included in the City Council's packet for review: June 24, 2013; July 1, 2013; July 8, 2013; July 15, 2013; and July 22, 2013.

City Manager Fitzpatrick reported that the following documents have been executed since the last City Manager's report:

- Brock Street – Change Order # 3
- MOA for COAST Community Funds License
- Traffic Directional and Control License for Marc Laurion
- Brox Industries Paving Contract – Change Order #4

City Manager Fitzpatrick informed the City Council about the Waste Management – *Notice of Intent to Construct*.

City Manager Fitzpatrick stated that the following routine reports have been enclosed with the City Council packet for review:

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

7. Communications from the Mayor

7.1 Proclamation Honoring Jerry Lachance

Mayor Jean invited Jerry Lachance and his wife, Deborah, to come forward for a special proclamation.

Mayor Jean read a proclamation honoring Jerry Lachance for over thirty-five years of teaching at Spaulding High School, as well as coaching. He has been a dedicated mentor for many students over the years. He declared July 31, 2013, as “Jerry Lachance Day” in the City of Rochester.

Mr. Lachance thanked the Mayor and City Council for the proclamation. He thanked all past students and athletes he had the honor of serving through the City of Rochester for over thirty-five years.

7.2 4th Annual Soft Ball Game – *Ward One vs. Ward Three*

Mayor Jean announced the Fourth Annual Rivalry Cup Softball Game between the residents of Ward One and Ward Three to be held on Saturday, August 10, 2013, at 10 AM. The game will take place at Riverside Park on Old Dover Road. All are welcome to attend.

7.3 City of Rochester’s 2013 Municipal Election – Filing Period

Mayor Jean announced that the Municipal Election Filing Period would begin on Friday, September 6, 2013, at 9:00 AM. The filing period would end on Monday, September 23, 2013, at 5:00 PM.

7.4 Great Bay Community College Campus

Mayor Jean publicly announced that Great Bay Community College has opened up a satellite campus near the Lilac Mall. There was a grand opening held on July 11, 2013. He said this is a state-of-the-art training center and

will be a great asset for the City of Rochester. Councilor Keans noted that there is a diverse age group enrolled in classes.

7.5 Joint Building Committee Meeting – August 12, 2013 New Location – City Council Chambers

Mayor Jean stated that the next Joint Building Committee meeting would be held here in the City Council Chambers on August 12, 2013, at 7:00 PM.

Mayor Jean asked if the City Council would allow an Amendment to be made to the current Agenda. There is a new secondhand dealer moving into One Wakefield Street and they are seeking the City Council's approval for the secondhand dealer's license. Councilor Walker **MOVED** to Amend the Agenda in order to take up this action on a new secondhand dealer's license under New Business. Councilor Reed-Erickson seconded the motion. The **MOTION CARRIED** by a unanimous voice vote, *which is the required two-thirds vote.*

8. Presentation of Petitions and Council Correspondence

9. Nominations, Appointments, Resignations, and Elections

9.1 Resignation: Donna Claveau, Rochester Historic District Commission

Councilor Keans **MOVED** to **ACCEPT** the resignation of Donna Claveau, Rochester Historic Commission, with regret and to send a letter of thanks for her service to the City of Rochester. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9.2 Resignation: Nel Sylvain, Rochester Historic District Commission

Councilor Walker **MOVED** to **ACCEPT** the resignation of Nel Sylvain, Rochester Historic Commission, with regret and to send a letter of thanks for his service to the City of Rochester. Councilor Reed-Erickson seconded the motion. The **MOTION CARRIED** by a majority voice vote.

9.3 Appointment of the Vacant City Council Seat [Ward 6, Seat B]

Mayor Jean nominated James Gray to serve as the City Councilor of Ward Six, Seat B. Councilor LaBranche seconded the nomination. Councilor

Walker **MOVED** that nominations cease. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors, Hynes, Torr, Keans, Varney, Reed-Erickson, LaBranche, Hervey, Lauterborn, Larochelle, Walker, and Mayor Jean voted in favor of electing Mr. Gray.

Councilor Gray served the City with a resignation from the School Board as well as from the Planning Board, upon his appointment to the City Council.

Councilor Torr **MOVED** to **ACCEPT** the resignation of James Gray from the School Board and declared the Seat Vacant. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to **ACCEPT** the resignation of James Gray from the Planning Board. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Attorney Wensley administered the Oath of Office to James P. Gray and Councilor Gray took his seat in the City Council Chambers.

10. Reports of Committees

10.1 Community Development

Councilor Lauterborn reported that the Community Development Committee has one action item, which is the acceptance of a Community Garden request. This item has been placed under New Business.

Councilor Lauterborn stated that the Committee had a lengthy discussion about the Downtown Master Plan. She added that the Committee would continue this discussion along with discussing CDBG items in the coming months. She said the Main Street Director and Economic Specialist have been working with the Committee on the Downtown Master Plan and that the City Council could expect to see a short presentation in a few months outlining the Committee's progress.

Councilor Reed-Erickson stated that he received a letter from a constituent regarding the lack of outside telephone booths in the downtown area. Mayor Jean stated that he received a similar letter via e-mail; however, this would be a telephone company responsibility and not that of the City of Rochester.

Councilor Varney understood that the Committee is not moving forward with plans regarding the Route 11 Park; however, the City staff

should ensure that the area is secured. He requested that the City Manager work with the Public Works Commissioner to secure the location.

Councilor Keans noted that an energy audit was supposed to be conducted on the Historical Society windows prior to completing the windows project. Elena Engle, Community Development Specialist, replied that an energy audit by a private contractor has been completed and that the results of the audit would be sent to the next Public Works Committee meeting. She stated that there were at least three options for the Committee to review. She added that more research on the historical windows is forthcoming.

Mayor Jean announced that an Arts in Rochester Awards Ceremony is to be held on August 12, 2013, at the Garage Café [Governor's Inn.] There will also be an event to honor Bill and Jan Keefe; however, no official date has been set for this event as of yet.

10.2 Codes and Ordinances Committee

Councilor Lauterborn stated that there is one action item coming out of the Codes and Ordinance Committee meeting minutes. Councilor Lauterborn requested that Chapter 25.17 be sent to Attorney Wensley for review and to place in ordinance form. Mayor Jean stated that if there was no objection this matter would be sent to Attorney Wensley.

Councilor Larochelle requested that the minutes always be sent out electronically, even if they are not ready for the packet. City Clerk Walters concurred.

10.3 Finance Committee

Mayor Jean stated that the Committee discussed the EDA Grants and that there are resolutions to follow under New Business.

Mayor Jean stated that Finance Committee would not be meeting in August.

10.4 Joint Building Committee

Mayor Jean stated that the Committee met on July 9, 2013. The Committee had a brief discussion with the architects regarding the plans for the building. The Committee discussed the wetlands issues at the location of the East Rochester School with a consultant.

Mayor Jean stated that the Committee approved Lavallee/Brensinger as the Architect for the East Rochester School Project.

Mayor Jean stated that the School Department would be handling the "Construction Manager" bids. The Joint Building Committee would review and interview the top bids [firms.]

Mayor Jean stated that the Committee discussed the possibility or consideration of a consolidation of the East Rochester Schools. This would be further discussed at the August meeting.

10.5 Public Safety Committee

Councilor Walker stated that there was some trepidation over the location of the Coast Bus Shelters by some of the City Councilors last month. He invited a Coast Bus Representative to come forward and address the City Council on the matter.

Councilor Walker requested to have Brian Deguzis, Coast Bus Representative, address the City Council about the two new locations for the bus shelters near Spaulding High School.

Councilor Torr expressed many concerns regarding the location of the bus shelters. He added that student traffic is a real concern in this location as well. Mr. Deguzis replied that Coast Bus prides itself in safety standards. He gave reasons why this location has been chosen and how the operators are trained to make stops in dense areas.

Councilor Hervey recalled that the average time the bus spends at each stop is quite short and sometimes the bus does not need to stop at all. Mr. Deguzis agreed and stated that the average stop is only about 30 seconds long.

Councilor Keans said the location of the new bus stop is too close to the next bus stop. It does not make sense to have two stops, so close together. The City Council continued to debate the matter. Mr. Deguzis explained that it is best/safest if there is enough area for a bus to pull off the road completely; however, if there is only a partial area to pull the bus off the road, then it is much safer to keep the bus in traffic. The worst case is to tempt a driver to pull off the road and allow vehicles to pass if there is not an adequate location to do so. He briefed the City Council about the distance between each bus stop.

Councilor Walker **MOVED** to **APPROVE** the bus shelter location as proposed by the Public Works Committee. Councilor Reed-Erickson seconded the motion. Councilor Varney **MOVED** to **AMEND** the motion by restricting any advertizing from being placed at the bus shelter located nearest the High School. Councilor Torr seconded the motion. Councilor Hynes wished to clarify that this was not the bus shelter near the Community Center. Councilor Walker said that bus shelter was already approved by the City Council last month. The City Council briefly discussed the advertizing placed on the bus shelters. The **MOTION CARRIED** to **AMEND** the motion by a unanimous voice vote. Mayor Jean called for a vote on the motion as amended. Councilor Keans requested a roll call vote. Councilor Walker seconded the request. The **MOTION CARRIED** by an 8 to 4 roll call vote as follows: Councilors Hervey, LaBranche, Walker, Gray, Larochele, Hynes, Reed-Erickson, and Lauterborn voted in favor of the motion. Councilors Varney, Torr, Keans and Mayor Jean voted against the motion.

Councilor Reed-Erickson questioned how many students travel to school by way of their own vehicles. Mayor Jean stated that he was not sure if that answer could be given; however, he would have the Superintendent of Schools check into the matter, if that is a number that could be provided.

Councilor Walker **MOVED** to replace the current yield sign with a stop sign for traffic traveling from Watson Drive onto Pinecrest Avenue, which would give the right-of-way to vehicles traveling on Maplewood Avenue. Councilor LaBranche seconded the motion. Councilor Keans questioned what this action would accomplish. Councilor Walker explained that the Police Department has recommended that this action would help to resolve some of the problems in this area. Councilor Keans did not agree and asked how many accidents have occurred at this location. Councilor Walker replied that he did not have that information available. Councilor Gray stated that the Police Department would have preferred to square-off the intersection completely; however, this was an alternate resolution to the problem. The City Council briefly discussed the matter. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to **APPROVE** the recommendation of the Committee as follows: To install a total of three 30 MPH Speed limit signs between Tebbetts Road and Rochester Hill Road. Two of the signs would be posted west bound and one sign would be posted east bound, all three would be posted at the discretion of the Department of Public Works staff. Councilor LaBranche seconded the motion. Councilor Larochele stated that the City Council has denied the same request by residents of Chesley Hill Road. He questioned what criteria Tebbetts Road meets and why Chesley Hill Road does not meet said requirements. Councilor Walker stated that this is

not a reduction of the current speed limit on Tebbetts Road; it is to make all the signs in that particular area uniform.

Gretchen Young, PE, Construction Engineer, briefed the City Council about the criteria involved with posting speed limit signs. Councilor Larochelle requested that reducing the speed limit on Chesley Hill Road be re-visited by the Public Safety Committee. Mayor Jean agreed to add this to the list of City Council action items.

Councilor Varney did not feel Tebbetts Road is a residential street and it does not make sense to make it 30 MPH. He said the matter should be looked into again. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to **APPROVE** the Committee's recommendation and direct staff to remove the "no turn on red" sign located on Bridge Street and to re-time the traffic lights to be equal. Councilor Keans questioned making the timing of the lights equal; this would create a problem. Councilor Walker stated that this action is what the consultant recommended. Councilor Varney **MOVED** to **DIVIDE** the question. Councilor Keans seconded the request. Mayor Jean agreed to divide the question. The City Council debated the timing of the lights.

Councilor Hervey asked if there was a sensor installed at the traffic light on Bridge Street. Mayor Jean replied yes.

Commissioner Nourse stated that this is really two different issues. He said by taking down the "no turn on red" sign [Bridge Street] there would be an immediate improvement and that the timing of the lights is a separate issue. It was determined that the Department of Public Works could adjust the timing of the lights on an "as needed" basis. Councilor Walker agreed to withdraw that part of the motion and Councilor LaBranche agreed to withdraw his 'second' to that part of the motion. The **MOTION CARRIED** by a unanimous voice vote to direct staff to remove the "no turn on red" sign located on Bridge Street.

Councilor Keans mentioned that the pedestrian stop lights are a major issue at this intersection as well as the Columbus Avenue intersection.

Councilor Walker **MOVED** to install "horse crossing" signs on Ten Rod Road at the discretion of the Department of Public Works. Councilor Keans asked who pays for the sign. Councilor Walker recalled that the only signs that residents usually pay for are the "blind drive" signs. Councilor Keans stated that a written policy should be made for this type of situation. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to **APPROVE** the Committee's recommendation by directing staff to remove the crosswalk at North Main Street mid-block near the Laundromat and Charlie's Pizza and move it to the corner of Letourneau Street and North Main Street, parallel to Lois Street and Letourneau Street, and to remove the crosswalk by the Carriage Hill building that crosses North Main Street to the vacant lot and install a new crosswalk where the sidewalk would end in order to cross pedestrian traffic over to where Burger King is currently located. Councilor Lauterborn seconded the motion. Councilor Keans stated there could be a safety concern near the parking lot near Charlie's Pizza. Ms. Young gave a brief description of the action plan. She added that there should have been photographs attached to the Public Safety minutes. The **MOTION CARRIED** by a unanimous voice vote.

10.6 Public Works & Buildings Committee

Councilor Torr spoke briefly about the discussions that took place at the Committee level.

Councilor Torr invited Commissioner Nourse to address the City Council. Commissioner Nourse stated that the Committee recommended approving the re-design of the roundabout by RTE and to have the project managed by CLD. Councilor Walker **MOVED** to **APPROVE** this request as outlined by Commissioner Nourse. Councilor Torr seconded the motion. Councilor Varney stated that this design includes the underground utilities. Mayor Jean agreed that this would include underground utilities at Strafford Square. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Torr **MOVED** to direct the City Manager to instruct the Department of Public Works to propose the scope of the Gap Project and make a presentation to the full City Council that includes the estimated cost of engineering and a request for funding. Councilor LaBranche seconded the motion. Mayor Jean asked if this would include the intersection of Union Street. Commissioner Nourse replied yes. Councilor Keans asked if there are currently underground telephone lines at Strafford Square. Councilor Walker recalled that there were, in fact, telephone lines underground currently at Strafford Square. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Gray requested to be appointed to the Planning Board as an Alternate Member. Mayor Jean nominated Councilor Gray as the Alternate City Council Member to the Planning Board. Councilor Walker seconded the nomination. Councilor Walker **MOVED** that nomination cease. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous

voice vote. Councilor Gray was appointed to the Planning Board as the Alternate Member/City Council Representative.

Mayor Jean stated if there was no objection from Councilor Gray or the City Council he would appoint Councilor Gray to serve on all of former City Councilor Savoie's Committees.

Councilor Torr requested that the City Council take care of the new secondhand dealer's license at this time. Mayor Jean asked if any member of City Council would like to postpone this action to let him know.

Mayor Jean stated that the City Clerk sent out information to the City Council about the new secondhand dealer's license earlier in the day. Councilor Torr **MOVED** to **APPROVE** the secondhand dealer's "Second Treasures." Councilor Walker seconded the motion. Councilor Keans asked for a copy of the application. Mayor Jean stated that it could be sent out later. He noted that the urgency of the passing of this secondhand dealer's license has come from himself and not by City staff. Councilor Lauterborn questioned if the motion should include approval on condition of passing the inspection. Councilor Torr did not see any need to amend the motion since the Codes Department has the final say in the matter. The **MOTION CARRIED** by a unanimous voice vote.

11. Old Business

No discussion.

12. New Business

12.1 Resolution Authorizing Supplemental Appropriation to the 2013-2014 Capital Budget of the City of Rochester for the So-Called Pump Station Upgrade Project to the Following Pump Stations: Weeping Willow; Autumn Street; Sawyer Avenue; Kirsten Pump Station

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO
THE 2013-2014 CAPITAL BUDGET OF THE CITY OF ROCHESTER FOR
THE SO-CALLED FOUR PUMP STATION UPGRADE PROJECT
(PROJECT# 145xx(TBD))**

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

That the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) be, and hereby is, appropriated as part of the City of Rochester 2013-2014 capital budget of the City of Rochester, Sewer Works, for the purpose of providing sums necessary for the so-called Four Pump Station Upgrade Project (the "Project"). Further, that the sums necessary to fund such supplemental appropriation shall be derived, in their entirety from unreserved retained earnings (cash) of the so-called Sewer Fund.

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

12.2 Resolution Accepting Federal EDA Grant and Certain Private Donations with Respect to the So-Called EDA Salmon Falls Road to the NH RTE 125 Water and Sewer Main Extension Project(s) and Making a Supplemental Appropriation in Connection Therewith

Councilor Walker **MOVED** to read the resolution for the first time by title only. Councilor LaBranche 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 FEDERAL EDA GRANT
AND CERTAIN PRIVATE DONATIONS
WITH RESPECT TO THE SO-CALLED
EDA SALMON FALLS ROAD TO NH RTE. 125
WATER AND SEWER MAIN EXTENSION PROJECT(S)
AND MAKING SUPPLEMENTAL APPROPRIATIONS
IN CONNECTION THEREWITH**

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

I. That a US EDA Grant to the City of Rochester, in the amount of One Million Nine Hundred Forty-Six Thousand One Hundred Dollars (\$1,946,100.00), for the purpose of funding costs associated with the so-called EDA Salmon Falls Road to NH Rte. 125 Water and Sewer Main Extension Project(s) (the 'Project'), is hereby accepted by the City of Rochester and such grant funds shall be assigned to such account, and/or accounts, and in such amounts, not to exceed in total One Million Nine Hundred Forty-Six Thousand One Hundred Dollars (\$1,946,100.00), as are established/designated by the Finance Director of the City of Rochester in the 2013-2014 Capital Improvements Budgets of the City of Rochester Public Works Department, Sewer Works and/or 2013-2014 Capital Improvements Budget of the City of Rochester Public Works Department, Water Works. Further, that the sum of One Million Nine Hundred Forty-Six Thousand One Hundred Dollars (\$1,946,100.00) be, and hereby is, appropriated as a supplemental appropriation to: (a) the 2013-2014 Capital Improvements Budget of the Rochester Department of Public Works, Water Works, and (b) to the 2013-2014 Capital Improvements Budget of the Rochester Department of Public Works, Sewer Works, in such amounts as established/designated by the Finance Director as provided for above, in such amounts, not to exceed in total One Million Nine Hundred Forty-Six Thousand One Hundred Dollars (\$1,946,100.00). Furthermore, that the source of the sums necessary to fund such supplemental appropriation(s) shall be drawn, in their entirety, from the aforesaid US EDA Grant. Such Grant requires a match by the City of Rochester, which match shall be funded from already budgeted and appropriated funds.

II. That private donations in a total amount of One Million Dollars (\$1,000,000.00) (which includes a donation from Demoulas Markets in the amount of Five Hundred Thousand Dollars (\$500,000.00)), for the purpose of funding costs associated with the so-called EDA Salmon Falls Road to NH Rte. 125 Water and Sewer Main Extension Project (the 'Project'), are hereby accepted by the City of Rochester. Such donated funds shall be assigned to such account, and/or accounts, and in such amounts, not to exceed in total One Million Dollars (\$1,000,000.00), as are established/designated by the Finance Director of the City of Rochester in the 2013-2014 Capital Improvements Budget of the City of Rochester Public Works Department, Sewer Works and/or the 2013-2014 Capital Improvements Budget of the City of Rochester Public Works Department, Water Works. Further, that the sum of One Million Dollars (\$1,000,000.00), be, and hereby is, appropriated as a supplemental appropriation to: (a) the 2013-2014 Capital

Improvements Budget of the Rochester Department of Public Works, Water Works, and (b) to the 2013-2014 Capital Improvements Budget of the Rochester Department of Public Works, Sewer Works, all in such amounts as established/designated by the Finance Director in such manner as provided for above, not to exceed, in total, One Million Dollars (\$1,000,000.00). Furthermore, that source of the sums necessary to fund such supplemental appropriation(s) shall be drawn, in their entirety, from the aforementioned private donations.

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

Mayor Jean clarified that this resolution is intended to accept the EDA Grant [Salmon Falls Road to the NH Rte 125, Water and Sewer] for which the City of Rochester has been awarded. The City Council briefly discussed the commitment of two private contributors to the project. Mayor Jean clarified that the grant is based on a private/public partnership and the grant cannot be administered without all participants to the grant. City Manager Fitzpatrick agreed and confirmed that the City of Rochester fully expects to have contributions made from two private sector entities prior to moving forward with this project. He added that the Commissioner of Public Works has also confirmed that this project is not expected to begin until next spring, so there is time to finalize the contributions from the two private entities prior to moving forward with the project. He reiterated that his stance is not to move forward with the project until the City has the proper legal binding agreement from the two private sector entities and that he would work with Deputy City Manager Pollard and Attorney Wensley until the proper documentation has been established.

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

Councilor Varney asked when/how the Grant funding is to be received by the City. City Manager Fitzpatrick replied that it is expected that disbursements would occur during the process of the project. The City would be up-fronting funds for a short period of time during this process. Councilor

Varney requested that the following follow-up resolution be presented to the City Council. Mayor Jean distributed copies of this resolution to the City Council as follows:

**RESOLUTION CHANGING FUNDING SOURCE OF FY 2012-2013
SEWER WORKS CAPITAL IMPROVEMENTS BUDGET SO-CALLED EDA
SALMON FALLS ROAD TO NH RTE 125 WATER AND SEWER MAIN
EXTENSION PROJECT AND RATIFYING AND AFFIRMING AN
APPROPRIATION IN CONNECTION THEREWITH**

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

WHEREAS, by action of the Mayor and City Council of the City of Rochester in September 4, 2012 a capital improvements budget for the City of Rochester for fiscal year 2012-2013 was adopted with regard to the so-called EDA Salmon Falls Road to NH Rte 125 Water and Sewer Main Extension Project, which included an appropriation of Five Hundred Eighty-Three Thousand, Eighteen Dollars (\$583,018.00), from an appropriation from the proceeds of bonds to be issued by the City of Rochester, Sewer Works; and

WHEREAS, while the Project has not yet been started, the Mayor and City Council have determined that it would currently be more advantageous, and less costly, to the City of Rochester, Sewer Works, than the costs associated with utilizing the proceeds of bonding to finance such portions of the Project, to instead finance the project from utilizing up to Five Hundred Eighty-Three Thousand, Eighteen Dollars (\$583,018.00) in funds from the currently unreserved fund balance (cash) of the City's General Fund; and

WHEREAS, the Mayor and City Council of the City of Rochester are desirous of availing the City of Rochester, Sewer Works of the aforesaid more advantageous funding source for the Project;

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding source for the Project from the proceeds of bonding to funds from the currently unreserved fund balance of the City's General Fund in an amount up to Five Hundred Eighty-Three Thousand, Eighteen Dollars (\$583,018.00), for the purpose of providing funds necessary for the Project, and further authorize and provide, in accordance with the preceding paragraph, that the sums necessary to fund such appropriation shall be derived, in their entirety from the currently unreserved fund balance of the City's General Fund up to the sum of Five Hundred Eighty-Three Thousand, Eighteen Dollars (\$583,018.00).

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

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

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

Council briefly discussed the legality of the matter and it was determined by the City Solicitor that this was a legal action. Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Varney seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

12.3 Review of the Rochester Aquifer Protection Ordinance

Mayor Jean stated that the City currently has a City Ordinance relative to Aquifer Protection [42.21]. He added that the Zoning Ordinance is under review at this time and there is an opportunity for the City to receive funding from the Department of Environmental Services [DES] in order to have a more comprehensive review of this portion of the ordinance by working in conjunction with the Strafford Regional Planning Commission. This would allow the City to have "grant" funding to allow for a full review of this ordinance and it would give the City Council some recommendations to consider in order to revise the current ordinance in terms of Aquifer Protection. He clarified that all final decisions would be made by the City Council.

Mayor Jean asked Deputy City Manager Pollard if the intention was only to apply for the grant at this time. Deputy City Manager Pollard stated that the action sought is to allow the City to apply and partner with the Strafford Regional Planning Commission to receive this grant funding. Mayor Jean wished to clarify that the final ordinance itself would be approved by the City Council.

Councilor Varney recalled that the City accepted a similar grant in the late 1990's as well as other grant over the years.

Councilor Walker asked if there were any strings attached to receiving this grant funding. Mayor Jean and Deputy City Manager Pollard clarified that the City would be allowed to have the last "say" on the matter. Deputy City Manager Pollard added that it would allow City staff and various City Committee/Commissions, including the Conservation Commission to have available resources for re-writing the City's Aquifer Ordinance. She added that it would also allow the City staff to work on the Natural Resources Chapter of the City's Master Plan.

Councilor Walker asked if there would be any strings attached or mandates that the City would have to follow in exchange for accepting the funding. Deputy City Manager Pollard explained the need for a thorough look at the current ordinance and how difficult it would be to accomplish without the assistance or funding provided by this particular grant; however, the City Council would not be obligated to implement all the recommendations, only the recommendations that the City Council reviewed and felt pertained to the City of Rochester. She reiterated that the City of Rochester would not be obligated to adopt any of the recommendations.

Councilor Torr recommended that a Committee investigate the aquifer off Route 11 at some point. He briefed the City Council about the problems and lack of water at this location. Deputy City Manager Pollard clarified that this particular effort is only to work on the current ordinance. She agreed that Councilor Torr's concerns are valid and could address the topic with the City Planner, Jim Campbell, at some point.

Councilor Keans **MOVED** to Authorize the City Council to apply and partner with the Strafford Regional Planning Commission for the purpose of the DES Grant. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a majority voice vote.

12.4 Review the Request Made by a Food Vendor Seeking Permission to Locate a Portable Food Cart at Two City Locations

Mayor Jean stated that Christopher Rango, Wowzers Wieners, is requesting permission to locate a portable food cart at two locations on city/public property, which would include late night hours of operation. Councilor Walker requested to know what locations are being sought. Mayor Jean replied both locations are on North Main Street, one is located in front of the Rochester District Court and the other is further down the road near the bridge.

Councilor Keans **MOVED** to **APPROVE** the request. Councilor Lauterborn seconded the motion. Councilor Varney stated that the late hours of operation are of great concern. The City Council debated the late hours of operation. Councilor Lauterborn recalled a similar vendor making the same request a few years back. The City Council briefly discussed the matter. Councilor Hervey recalled that the vendor request had been denied a few years ago because of the competition it would place on local restaurants.

Attorney Wensley recalled that new legislation may have passed to allow the sale of alcohol to occur until 2:00 AM. It was determined that this legislation would require local action in order to be in effect. Mayor Jean had strong reservations about approving this request; however, he would leave it up to the will of the City Council. Councilor Walker spoke against the request as well.

Mayor Jean informed the City Council that Mr. Rango apologized for not being able to attend the meeting because of a conflict of events. Councilor Larochelle asked how long the license would be in effect. Mayor Jean recalled a food vendor license is only good for one year. Councilor Reed-Erickson supported the motion. The **MOTION CARRIED** by a majority voice vote.

12.5 Creation of Community Garden Policy and Request to Use City Property [Shelby Lane, Gonic] for a Community Garden

Councilor Lauterborn **MOVED** to **APPROVE** the request. Councilor LaBranche seconded the motion. Councilor Lauterborn gave a brief description of the location in question. The City Council discussed the matter briefly. Councilor Lauterborn stated that Councilor Lachapelle is not present this evening; however, he has been supportive of this project, which would occur in City Ward Three. The **MOTION CARRIED** by a unanimous voice vote.

12.6 Resolution Approving and Supporting Strafford County CDBG Funds Grant for So-Called Rochester Hill Water Line Loop Project

Councilor LaBranche **MOVED** to read the resolution for the first time by title only. Councilor Hynes 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 APPROVING AND SUPPORTING
STRAFFORD COUNTY CDBG FUNDS GRANT
FOR SO-CALLED ROCHESTER HILL WATER LINE LOOP PROJECT

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

That the Rochester City Council, by adoption of this resolution, hereby authorize the City of Rochester, City Manager to take any and all appropriate actions to indicate to officials of Strafford County, and of the State of New Hampshire, the strong support of the City of Rochester, its Mayor and City Council, and its Administration, for Strafford County's application for CDBG grant funds, in the amount of approximately Two Hundred and Ten Thousand Dollars (\$210,000.00), for use in connection with the so-called Rochester Hill Water Line Loop Project (the "Project"), and, by adoption of this resolution, the said Mayor and City Council of the City of Rochester hereby authorize the City Manager, acting alone or through his designee(s), to take any, and all, appropriate steps to cooperate with, and/or to provide assistance to, Strafford County, with respect to its preparation and submission of an application for CDBG grant funds from the State of New Hampshire for the Project, in the above referenced amount. This grant requires a fifty percent (50%) City funding match.

Mayor Jean briefed the City Council about the resolution and invited Deputy City Manager Pollard to come forward to address the City Council. Deputy City Manager Pollard stated that the total cost of the project is estimated at \$420,000. She said fifty percent of that amount would need to be supplied by the City match and the remaining would be paid by use of the County level CDBG grant funding. Deputy City Manager Pollard briefed the City Council about several funding options, which were discussed previously at the City Council Finance Committee. She provided some updated information as well. Councilor Walker spoke against the motion. He said this project does not have to be completed at this time. He gave reasons why this project should be postponed until the next budget cycle.

City Manager Fitzpatrick questioned if this project could even begin prior to the next budget cycle. Deputy City Manager Pollard replied that the estimated time to begin the project is projected to be next spring, which is prior to the next budget cycle. The City Council discussed the matter briefly.

Councilor Walker mentioned that it does not make sense to move around City's CDBG funds. Councilor Hervey recalled that the City would be using Strafford County CDBG funding, not the City of Rochester CDBG funding. Mayor Jean stated that one of the funding options is to use the

County's CDBG funding as well as City of Rochester's CDBG funding. He said there are a number of different funding options, which deal with a more complex process. He added that Councilor Walker does have a valid point because one of the options involves the use of local CDBG funds.

Councilor Torr stated that the City has spent a considerable amount of money on Shaw Drive and he has questions about the exact location of the project. Deputy City Manager Pollard stated that the City has not finalized any plans as of yet; it is still in the preliminary stages and she discussed the location briefly.

Councilor Lauterborn supported the timing of the project because of the anticipated funding being in place. Mayor Jean agreed and said the City could apply for the grant because there is no commitment until the grant is awarded and accepted by the City. This would allow the City to finalize the plans and funding sources.

Councilor Keans asked if the City would be eligible to use County CDBG funds. Deputy City Manager Pollard stated that the City would be eligible to use the County's CDBG funding because this project has a regional impact. The employers within the Business Park would sign an agreement stating that they would be hiring from the local communities, not just the City of Rochester.

Councilor Varney questioned how a project as this one would fit under the TIF. He added that this is an unnecessary project. He agreed that it would be nice to take advantage of the County's CDBG funds; however, it should not be used for unnecessary projects. He talked about prioritizing City projects. Councilor Lauterborn stated that it would make sense to have plenty of water for this development. She added that the City's water tower did have a malfunction and left residents and businesses without City water for a period of time. She is not opposed to making sure there is plenty of water for this area.

Councilor Lauterborn **MOVED** to **ADOPT** the resolution. Councilor Hynes seconded the motion. The **MOTION FAILED** by a 6 to 6, show-of-hands vote; *the voice vote was unclear*.

12. 7 Consent Calendar:

Councilor Walker **MOVED** to **APPROVE** the items listed on the Consent Calendar *as specifically listed below*. Councilor LaBranche seconded the motion. Mayor Jean gave a brief overview of the items to be voted upon. He asked if any member of the City Council wished to remove any of the

items from the list. *No discussion.* Councilor Walker **MOVED** to **ADOPT** the Consent Calendar. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

12.7.1 Resolution Changing the Funding Source of FY 2002-2003 Sewer Works Capital Improvements Budget East Rochester I & I Project [03502], and Ratifying and Affirming an Appropriation in Connection Therewith *First Reading – Send to Public Hearing*

**RESOLUTION CHANGING FUNDING SOURCE
OF FY 2002-2003 SEWER WORKS
CAPITAL IMPROVEMENTS BUDGET
EAST ROCHESTER I & I PROJECT (PROJECT# 03502),
AND RATIFYING AND AFFIRMING AN APPROPRIATION
IN CONNECTION THEREWITH**

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

WHEREAS, by action of the Mayor and City Council of the City of Rochester in June 2002 a capital improvements budget for the City of Rochester for fiscal year 2002-2003 was adopted with regard to the so-called East Rochester I & I Project (project # 03502) (the "Project"), for the purposes of improving, upgrading and/or expanding the East Rochester I & I system, and with such Project originally to be financed, in its entirety, by an appropriation from the proceeds of bonds to be issued by the City of Rochester, Sewer Works; and

WHEREAS, that during the course of the implementation of aforementioned Project the City of Rochester, through its administration, became aware of the availability of State of New Hampshire CWSRF loan(s), in the amount of Two Hundred Thousand Dollars (\$200,000.00), to serve as a financing source for such Project, upon terms and conditions more advantageous, and less costly, to the City of Rochester, Sewer Works, than the costs associated with utilizing the proceeds of bonding to finance such Project; and

WHEREAS, the Mayor and City Council of the City of Rochester are desirous of availing the City of Rochester, Sewer Works of the aforesaid more advantageous borrowing source for the Project;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding source for the Project from the proceeds of bonding to the proceeds of State of New Hampshire CWSRF loan(s), to the extent of up to Two Hundred Thousand Dollars (\$200,000.00), and withdraw and deauthorize bonding authority for the Project in the amount of Two Hundred Thousand Dollars (\$200,000.00), thereby eliminating bonding authority for such Project (project# 03502)

Furthermore, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby ratify and affirm, as part of the City of Rochester 2002-2003 capital budget of the City of Rochester, Sewer Works, the June 2002 appropriation of the sum of Two Hundred Thousand Dollars (\$200,000.00), for the purpose of providing funds necessary for the Project (project# 03502), and further authorize and provide, in accordance with the preceding paragraph, that the sums necessary to fund such appropriation shall be derived, in their entirety from the proceeds of borrowing from the New Hampshire Clean Water State Revolving Fund (CWSRF) in an amount not to exceed up to Two Hundred Thousand Dollars (\$200,000.00), subject to, and upon, compliance with the requirements of Section 45 of the Rochester City Charter.

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.

**12.7.2 Resolution Changing the Funding Source of FY
2004-2005 Sewer Works Capital Improvements
Budget East Rochester I & I Project [05539] and
Ratifying and Affirming an Appropriation in
Connection Therewith *First Reading – Send to a
Public Hearing***

**RESOLUTION CHANGING FUNDING SOURCE
OF FY 2004-2005 SEWER WORKS
CAPITAL IMPROVEMENTS BUDGET
EAST ROCHESTER I & I PROJECT (PROJECT# 05539),
AND RATIFYING AND AFFIRMING AN APPROPRIATION
IN CONNECTION THEREWITH**

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

WHEREAS, by action of the Mayor and City Council of the City of Rochester in June 2004 a capital improvements budget for the City of Rochester for fiscal year 2004-2005 was adopted with regard to the so-called East Rochester I & I Project (project # 05539) (the "Project"), for the purposes of improving, upgrading and/or expanding the East Rochester I & I system, and with such Project originally to be financed, in its entirety, by an appropriation from the proceeds of bonds to be issued by the City of Rochester, Sewer Works; and

WHEREAS, the during the course of the implementation of aforementioned Project the City of Rochester, through its administration, became aware of the availability of State of New Hampshire CWSRF loan(s), in the amount of Two Hundred Seventy Thousand Dollars (\$270,000.00), to serve as a financing source for portions of such Project, upon terms and conditions more advantageous and less costly to the City of Rochester, Sewer Works, than the costs associated with utilizing the proceeds of bonding to finance such portions of the Project; and

WHEREAS, the Mayor and City Council of the City of Rochester are desirous of availing the City of Rochester, Sewer Works of the aforesaid more advantageous borrowing source for such portions of the Project;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding source for the Project from the proceeds of bonding to the proceeds of State of New Hampshire CWSRF loan(s), to the extent of up to Two Hundred Seventy Thousand Dollars (\$270,000.00), and withdraw and deauthorize bonding authority for the Project in the amount of Two Hundred Seventy Thousand Dollars (\$270,000.00) and thus reducing the amount of bonding authority for such Project to a total not to exceed One Million Eighty Thousand Dollars (\$1,080,000.00)(project # 05539).

Furthermore, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby ratify and affirm, as part of the City of Rochester 2004-2005 capital budget of the City of Rochester, Sewer Works, the June 2004 appropriation of the sum of Two Hundred Seventy Thousand Dollars (\$270,000.00), for the purpose of providing funds necessary for the Project (project# 05539), and further authorize and provide, in accordance with the preceding paragraph, that the sums necessary to fund such appropriation shall be derived, in their entirety from the proceeds of borrowing from the New Hampshire Clean Water State Revolving Fund

(CWSRF) in an amount not to exceed up to Two Hundred Seventy Thousand Dollars (\$270,000.00), subject to, and upon, compliance with the requirements of Section 45 of the Rochester City Charter.

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.

2.7.3 Resolution Authorizing Supplemental Appropriation to the FY 2013-2014 Capital Improvements Budget of the City of Rochester for the So-Called East Rochester I & I Sewer Project [06543] *First Reading – Send to a Public Hearing*

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE 2013-2014 CAPITAL BUDGET OF THE CITY OF ROCHESTER FOR THE SO-CALLED EAST ROCHESTER I & I SEWER PROJECT (PROJECT# 06543)

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

That the sum of One Hundred Twenty-Two Thousand Five Hundred Forty-Two Dollars and Eighty-Seven Cents (\$122,542.87) be, and hereby is, appropriated as part of the City of Rochester 2013-2014 capital budget of the City of Rochester, Sewer Works, for the purpose of providing sums necessary for the so-called East Rochester I & I Project (project# 06543)(the "Project"), further, that the sums necessary to fund such supplemental appropriation shall be derived, in their entirety from the proceeds of borrowing from the New Hampshire Clean Water State Revolving Fund (CW SRF) in an amount not to exceed One Hundred Twenty-Two Thousand Five Hundred Forty-Two Dollars and Eighty-Seven Cents (\$122,542.87), and upon compliance with the requirements of Section 45 of the Rochester City Charter.

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.

12.7.4 Resolution Authorizing Supplemental Appropriation to the FY 2013-2014 Capital Improvements Budget of the City of Rochester for

**the So-Called East Rochester I & I Sewer Project
[06543] First Reading – Send to a Public Hearing**

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO
THE 2013-2014 CAPITAL BUDGET OF THE CITY OF ROCHESTER FOR
THE SO-CALLED EAST ROCHESTER I & I SEWER PROJECT
(PROJECT# 06543)**

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

That the sum of Eleven Thousand Three Hundred Eighty Dollars and Twenty-Three Cents (\$11,380.23) be, and hereby is, appropriated as part of the City of Rochester 2013-2014 capital budget of the City of Rochester, Sewer Works, for the purpose of providing sums necessary for the so-called East Rochester I & I Project (project# 06543)(the "Project"). Further, that the sums necessary to fund such supplemental appropriation shall be derived, in their entirety from unreserved retained earnings (cash) of the so-called Sewer Fund.

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.

12.7.5 Resolution DeAuthorizing Portion of the Sewer Works Collection System Upgrade FY 2007-2008 Budget Appropriation First Reading, Second Reading and Adoption

**RESOLUTION DEAUTHORIZING PORTION OF
SEWER WORKS COLLECTION SYSTEM UPGRADE
FY 2007-2008 BUDGET APPROPRIATION**

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 June 2007, the sum of Three Hundred Thousand Dollars (\$300,000.00) was appropriated in the City of Rochester's FY 2007-2008 Capital Budget of the Rochester Department of Public Works, Sewer Works for the purpose of so-called Collection System Upgrades (project# 08531), such appropriation to be funded from unreserved retained earnings (cash) of the so-called Sewer Fund; and

WHEREAS, there currently remains an unspent and unencumbered balance in such account in an amount of over One Hundred Eighty Thousand Dollars (\$180,000.00); and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the appropriated balance remaining in the Project account is currently unnecessary for its appropriated purpose to the extent of approximately One Hundred Fifty Thousand Dollars (\$150,000.00);

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize, to the extent of the sum of One Hundred Fifty Thousand Dollars (\$150,000.00), previously appropriated funds for the aforesaid above stated Project budget appropriation.

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

12.7.6 Resolution Deauthorizing Portion of Internet Crimes Against Children Overtime Grant FY 2012-2013 Budget Appropriations in the Amount of \$2,017.07 First Reading, Second Reading, Adoption

**RESOLUTION DEAUTHORIZING PORTION OF
INTERNET CRIMES AGAINST CHILDREN OVERTIME GRANT
FY 2012-13 BUDGET APPROPRIATION**

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 November 13, 2012, The Mayor and City Council appropriated funds in the City of Rochester's FY 2012-2013 Police Department Operating Budget for the purpose of permitting the Police Department to fund overtime costs associated with the Department's participation in the work of the NH Internet Crimes Against Children (NHICAC) operations (the "Project")(project#13544); and

WHEREAS, the Rochester Police Department was unable to work sufficient ICAC related overtime hours during the grant period; and

WHEREAS, the grant monies available to fund such appropriation are no longer available given the expiration of the grant period;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize, to the extent of the sum of Two Thousand Seventeen Dollars and Seven Cents (\$2,017.07), previously appropriated ICAC grant funds from the aforesaid ICAC grant for the aforesaid above stated Project.

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

**12.7.7 Resolution Deauthorizing Utility Pole Relocation FY
2011-2012 Budget Appropriations *First Reading,
Second Reading, Adoption***

**RESOLUTION DEAUTHORIZING
UTILITY POLE RELOCATION
FY 2011-2012 BUDGET APPROPRIATION**

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 1, 2012, the sum of Seventy Thousand Dollars (\$70,000.00), was appropriated as a supplemental appropriation to the City of Rochester's FY 2011-2012 Economic Development Capital Budget for the purpose paying costs associated with the moving of certain PSNH transmission lines (project# 12566), such appropriation to be funded, in its entirety from funds derived from unreserved retained funds (cash) of the so-called the so-called Economic Development Fund; and

WHEREAS, the purpose for the project appropriation no longer exists, and, consequently, the Project appropriation is now unnecessary in its entirety for its appropriated purpose;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize, to the extent of the sum Seventy Thousand Dollars (\$70,000.00), the previously appropriated funds for the aforesaid above referenced Project budget appropriation, and direct the City Manager, and/or his designee(s), to restore the reauthorized funds to the so-called Economic Development Fund, free from such Project encumbrance.

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

13. Other

Councilor Torr mentioned that a specific developer has not followed through on a condition made with the Planning Board of a certain project. He said specifically, there were never any sidewalks placed as previously agreed upon. He stated that one of the City Council Planning Board advocates should follow up with this matter. Councilor Gray recalled that he had some new information about this project and would forward that information to Councilor Torr. Councilor Gray briefed the City Council about the sidewalk regulations.

Mayor Jean stated if there were no objections that he would refer the Clean Water State Revolving Loan funds to a City Council Public Hearing to be held on September 3, 2013, prior to the City Council meeting. No objection was stated.

14. Non-Meeting/Non-Public Session

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

14.2 Non-Public Session: Labor Negotiations and RSA 91-A:3 II(a)

Mayor Jean disclosed that he has formally submitted a letter to the City Clerk declaring a *Conflict of Interest* pursuant to Section 72, sub-paragraph A, of the Rochester City Charter, relative to the proposed collective bargaining agreement between the Rochester Federation of Teachers and the City of Rochester. This conflict arises as his wife is covered under this agreement as a teacher within the Rochester School District. He therefore requests to recuse himself from voting on this specific agreement. He added that pursuant to Section 72, sub-paragraph B, he is requesting that a vote of

the City Council be taken to authorize his participation in the discussion of all collective bargaining agreements which are being contemplated this evening. Councilor Varney **MOVED** to allow Mayor Jean to participate in said discussions. Councilor Keans seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor LaBranche **MOVED** to enter the Non-Meeting: Consultation with Legal Counsel, RSA 91-A: 2 (d) and the Non-Public Session: Labor Negotiations and RSA 91-A:3 II(a) and at 9:25 PM. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Keans, Walker, Larochelle, Varney, Reed-Erickson, LaBranche, Hervey, Lauterborn, Gray, Hynes, Torr, and Mayor Jean voted in favor of the motion. *The Non-Meeting ended at 9:56, which is when the non-public session was called to order.*

Councilor Walker **MOVED** to exit non-public & seal minutes indefinitely, Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote at 10:26 PM.

15. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 10:27 PM. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters
City Clerk