

**Regular City Council Meeting
December 2, 2014
COUNCIL CHAMBERS
7:03 PM**

COUNCILORS PRESENT

Councilor Bogan
Councilor Collins
Councilor Gates
Councilor Gray
Councilor Hamann
Councilor Keans
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
Karen Pollard, Economic
Development Manager
Jennifer Murphy-Aubin, Executive
Secretary for the Economic
Development Department

MINUTES

1. Call to Order

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

2. Opening Prayer

Mayor Jean called for a moment of silence in honor of all military personnel fighting for our freedom.

3. Roll Call

Kelly Walters, City Clerk, took a silent roll call. All Councilors were present, except for Councilor Lauterborn, who arrived just after roll call was taken.

Mayor Jean asked if any member of the City Council objected to amending the Agenda.

Mayor Jean invited Brianne Nickless St.Pierre [daughter of Art Nickless], her husband Austin, and their son Austin to come forward. Mayor Jean read a proclamation in honor of Art Nickless, Norway Plains, for his dedication and service to the community over the years. Mayor Jean

declared December 2, 2014, as Art Nickless Day in the City of Rochester. Ms. St.Pierre thanked Mayor Jean for the proclamation and said her father [Art Nickless] wished to extend his sincere thanks for the outpouring of caring from the community these past few months. She added that Mr. Nickless indicated that he wished he could have been present at the meeting. Mayor Jean stated that there is a website dedicated to assisting the Nickless family during this difficult time in order to ease the burden of the medical expenses. He encouraged the community to return the generosity to the Nickless family during this difficult time, by making a donation at www.youcaring.com.

Mayor Jean invited Kevin Hebert, Athletic Director for Spaulding High School and Spaulding High School's Unified Soccer Team to come forward. Mayor Jean stated that this team is the winner of the State Championship this year and has won this title three times out of a four-year period.

Mr. Hebert introduced Dan Curran, Head Coach and listed the following players of the team: Cassie Papas, Kayleigh Martin, Kyle Cunningham, Michael Sealey, Colby Lake, Chris Greenwood, James Banon, Dylan Cunningham, Jake Nasson, Andrew Rant, and Cam Stanley.

4. Acceptance of Minutes

4.1. November 5, 2014, Regular City Council Meeting Minutes

Councilor Walker **MOVED** to **APPROVE** the November 5, 2014, Regular City Council meeting minutes. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4.2. **AB 71 Correction to Various City Council Meeting Minutes:**

4.2.1. June 16, 2009, Special City Council meeting minutes

4.2.2. May 4, 2010, Regular City Council meeting minutes

4.2.3. August 7, 2012, Special City Council meeting minutes

4.2.4. September 4, 2012, Regular City Council meeting minutes

Mayor Jean explained that the City Clerk had reviewed the meeting minutes listed above and has confirmed that the corrections to be made involve correcting the minutes to what actually occurred. One example she gave is that a majority voice had been listed and a two-thirds vote was required for a bonding issue. After reviewing the DVD it was found that the

required two-thirds vote had occurred. Councilor Keans questioned if this governing body could legally correct minutes from several years ago. Attorney Wensley said this is a continuing body and these corrections are only a correction to what has actually occurred. Councilor Walker **MOVED** to correct the meeting minutes as recommended in AB 71. Councilor Keans seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- **AB 70 Resolution Authorizing Discontinuance of a Portion of the So-Called Ten Rod Road (also known as Ten Rod Road Annex – First Reading and Adoption)**

Mayor Jean asked to take one more item out of order from the original agenda, which would be the discontinuance of Ten Rod Road. He pointed out that the folks concerned about the issue were present in the audience.

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 AUTHORIZING
DISCONTINUANCE OF PORTION OF THE SO-CALLED
TEN ROD ROAD (also known as TEN ROD ROAD ANNEX)**

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

That, in accordance with the provisions of RSA 231:43 et seq. (including specifically the provisions of RSA 231:46), and by adoption of this Resolution, the Mayor and City Council of the City of Rochester, hereby authorize the absolute discontinuance of a portion of the so-called Ten Rod Road (such portion being also sometimes referred to as the "Ten Rod Road Annex") as more particularly depicted in **EXHIBIT A** annexed hereto, subject to the reservation of any and all existing sewer, drain, water pipe and/or other utility easements or any and all permits or licenses previously established pursuant to RSA 231:159-182, which such easements, and permits and/or licenses shall be reserved and shall remain in effect as an encumbrance upon the underlying land, as provided for in RSA 231:46.

FURTHERMORE, that the Mayor and City Council, by adoption of this Resolution, hereby authorize the City Manager, in his discretion as to the requirements of the best interests of the City, to issue so-called Quitclaim Deed(s) of the City's discontinued interests in the aforesaid portion of the Ten Rod Road (also sometimes referred to as the "Ten Rod Road Annex") as more particularly depicted on **EXHIBIT A** annexed hereto, to the abutters of

the discontinued portion(s) of such road, such Quitclaim Deed(s) to be specifically subject to the reservation of any and all permits, licenses, existing sewer, drain, water pipe and/or other utility easements (including all necessary maintenance and/or access easements) or any and all permits or licenses previously established pursuant to RSA 231:159-182, and on such other terms and conditions as the said City Manager deems to be in the best interests of the City of Rochester. **CC FY 15 12-02 AB 70**

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

5. Communications from the City Manager

5.1. Employee of the Month Award

Mayor Jean invited Karen Pollard, Economic Development Manager, and Jennifer Murphy Aubin, Executive Secretary for the Economic Development Department, to come forward. City Manager Fitzpatrick said that Ms. Murphy Aubin has been selected to be the Employee of the Month for December. Ms. Murphy Aubin introduced her son Jack to the City Council.

5.2. City Manager's Report

City Manager Fitzpatrick said that the following Management Team Meeting minutes were enclosed with the City Council packet:

- October 27, 2014.
- November 3, 2014
- November 10, 2014.
- November 17, 2014
- November 24, 2014 DRAFT

City Manager Fitzpatrick said the contracts and documents executed since last month are as follows:

- Household Hazardous Waste (HHW) Contract
- Watershed Assistance Grant – New Hampshire Department of Environmental Services (NHDES) proposal
- Patriot Properties Assessing Software – upgrade agreement
- Brock Street – Substantial Completion and Certificate of Final Completion
- Rental Agreement – Council Chambers/Conference Room
- Strafford County Public Health Region Memorandum of Understanding

City Manager Fitzpatrick said the following standard reports have been enclosed with the City Council packet:

- Personnel Action Report Summary
- Permission & Permits Issued
- City Council Request & Inquiry Report (no new requests)

City Manager Fitzpatrick said the Finance Committee recommended two changes to the Merit Plan and referred to pages 30 to 39 under the City Manager's Report. Mayor Jean stated that these two items would be dealt with under the Finance Committee's Report.

Councilor Keans said there is an unusual right-to-know request found in the Management Team minutes of November 3, 2014. She questioned if the City has responded to the request involving surveillance tapes at the Rochester Public Library. She requested to have a legal opinion prior to providing this information to a citizen noting that other individual privacy rights could be violated in the process. City Manager Fitzpatrick agreed to seek legal advice about the process.

6. Communications from the Mayor

6.1. Rescheduled: Finance Committee Meeting to be held on December 10, 2014

Mayor Jean gave reasons why the Finance Committee meeting had been rescheduled to December 10, 2014. He said the location will be the City Manager's office.

6.2. Holiday Reminders:

6.2.1. December 5, 2014, Christmas Tree Lighting

6.2.2. December 7, 2014, Holiday Parade

Mayor Jean announced that the Christmas Tree Lighting would be held on December 5, 2014, at 5:30 PM.

Mayor Jean announced that the Holiday Parade would begin at 3:00 PM starting at Spaulding High School and continuing to the Rochester Common on December 7, 2014.

Mayor Jean said the City Assessor has been invited to the next City Council Workshop in order to answer any questions relative to the Citywide

Property Reassessment. He explained that the reassessments; are set by State Statute. The City Council and City Administration have no control over the outcome of such assessments, therefore, questions directed at the City Assessor should be only be about the process and not about individual properties, which could compromise the City's disposition in any potential land taxation appeal(s).

7. Presentations of Petitions and Council Correspondence

8. Nominations, Appointments, Resignations, and Elections Presentations of Petitions and Council Correspondence

8.1. Resignation: Timothy Cremmen, Rochester Economic Development Commission

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation, with regret, of Timothy Cremmen from the Rochester Economic Development Commission. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9. Reports of Committee

9.1. Appointments Committee

Councilor Larochelle said the Appointments Committee unanimously recommends Larry Spector for reappointment to the ZBA, with a term to expire January 2, 2018. Mayor Jean nominated Larry Spector to be reappointed the Zoning Board of Adjustment. Councilor Torr seconded the nomination. Councilor Walker **MOVED** that nominations cease and the City Clerk cast one ballot for Mr. Spector. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Larochelle said the Appointments Committee unanimously recommends Amy Y. Lemelin to fill the vacant position of Library Trustee for Ward 1. Councilor Larochelle stated that this term is scheduled to expire on January 2, 2015. He recommended that the term expire on January 2, 2018. Mayor Jean agreed and nominated Ms. Lemelin to fill the vacant position of Library Trustee for Ward 1 with a term to expire on January 2, 2018. Councilor Lachapelle seconded the motion. Councilor Walker **MOVED** that nominations cease and the City Clerk cast one ballot for Ms. Lemelin. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Larochelle stated that Appointments Committee recently recommended both Adam T. Krans and Robert Jaffin to serve on the Rochester Economic Development Commission. He added that there is only one vacant seat at this time. Mayor Jean asked that this appointment be postponed for another month.

9.2. Finance Committee

Mayor Jean said David Ouellette, Trustee of the Trust Fund, provided an update about the meetings and work of the Trustees of the Trust Fund. The Finance Committee had been surprised with the amount of work involved with the Trustees over the past few years.

Mayor Jean said that the Finance Committee has requested that a Trustees of the Trust Fund yearly report be submitted to the City Manager's office to be included with the City's Annual Report, and that the meeting agendas/minutes should be posted in accordance with State Law.

Councilor Gray suggested that the Trustees of the Trust Fund be provided with a page of the City's Website in order to post meeting agendas and minutes. A short discussion ensued about what Department would offer support staff for the Trust Fund.

Mayor Jean stated that the unspent bond proceeds from the Granite State Business Park be repurposed to the Salmon Falls Road Project. He said this item would be dealt with under New Business.

Mayor Jean stated that the City Manager mentioned two changes to the Merit Plan under the City Manager's Report. He suggested taking each item separately.

Mayor Jean **MOVED** to **APPROVE** the creation of an Assistant City Engineer position within the Merit Plan. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean **MOVED** to **APPROVE** the reclassification of the Deputy Finance Director as outlined in the City Council's packet [classification level 14]. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean stated that there was an action item out of the Finance Committee to recommend to the full City Council a change to the Merit Plan. It was recommended that specific language be added to the Merit Plan/Merit Pool and that the Merit Plan scale range be reduced down to 0% to 3%.

Mayor Jean stated that he had one more opportunity to further discuss this matter with the Police Commission at one of their meetings and it seems that there is now a mutual understanding about salary increases and transparency. Mayor Jean recommended deferring this action item until after the January Finance Committee. He added that the Police Commission has been invited to attend the Finance Committee meeting scheduled for January 2015 to review this process.

9.3. Public Safety Committee

Councilor Walker **MOVED** to remove the “no parking” signs from the right-hand side of Maple Street. Councilor Lachapelle seconded the motion. Councilor Keans confirmed that this would allow parking on the same side of the street as Maple Street School. Councilor Keans suggested a change to the Council Rules of Order or having a neighborhood meeting prior to making such a dramatic change in a small neighborhood. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker said the Committee discussed sprinklers and fire alarm safety. He **MOVED** to send the proposed changes to the Fire Safety Measures Ordinance to the Codes and Ordinances Committee for review. Councilor Gray seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Larochelle indicated that there were other fire related changes being proposed.

9.4. Public Works Committee

Councilor Torr said a discussion about using either asphalt or concrete on certain sidewalks of the City. Councilor Keans suggested creating a policy to deal with this inconsistency. The City Manager said the Commissioner of Public Works agreed to specifically mention if asphalt or concrete pavement would be used at the time of the CIP presentation. This information would be included with the CIP request and easily found. Mayor Jean questioned if a policy were to be created where would such a policy be made and kept. Councilor Walker replied with the other policies in the City Manager’s office.

Councilor Torr said the Committee talked about the paving concerns on School Street.

Councilor Torr said the Committee had a lengthy discussion about the sewer extension project on Salmon Falls Road/Milton Road, and why the increase to the depth of the design plans would increase the cost of the overall project significantly and is considered much more dangerous for the workers.

Councilor Varney requested that the two TIF District Reports [annual] be provided at the next City Council Workshop. He questioned if there would be any revenue left to be transferred to the General Fund once all expenses were paid. Councilor Varney said these reports and what is in the reports must be provided according to State Law.

Councilor Gray stated that the Community Development Committee is not listed on the Agenda; however, it is important to mention that there are two new 79-E requests that would be discussed at the next meeting. The first new 79-E request is One Wakefield Street and the second is One Hundred Twenty-Four North Main Street. The meeting was originally scheduled at 4:00 PM on December 15, 2014; however, it would make more sense to have the meeting begin at 3:00 PM in order to have more daylight during the walking tour of the two buildings.

Councilor Torr expressed his concern of 79-E applications. He shared that one of the houses in question would create more apartments for parents and children with no plan in place for the children to play other than the street.

10. Old Business

11. Consent Calendar

11.1. AB 62 Resolution De-Authorizing a Portion of a Certain FY 2014-2015 City of Rochester, Fire Department Appropriation for Rochester School Department SAU Table-Top Emergency Plans Drill Exercise - First Reading, Second Reading, and Adoption

RESOLUTION DEAUTHORIZING A PORTION OF A CERTAIN FISCAL YEAR 2014-2015 CITY OF ROCHESTER FIRE DEPARTMENT APPROPRIATION FOR ROCHESTER SCHOOL DEPARTMENT SCHOOL ADMINISTRATIVE UNIT TABLE-TOP EMERGENCY PLANS DRILL EXERCISE

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

I. WHEREAS, by resolution previously adopted by the Mayor and City Council, on August 5, 2014 a supplemental appropriation to the Fiscal Year 2014-2015 City of Rochester, Fire Department operating budget in the sum of Nine Thousand Sixteen Dollars and Fourteen Cents (\$9,016.14) was made to the City of Rochester, Fire Department operating (special account) budget

(and/or other various impacted Project related budgets), for the purpose of paying costs associated with the conduct of a Rochester School Department School Administrative Unit Table-top Emergency Plans Drill Exercise (the "Project"), with funding for such Project to be drawn, in their entirety, from an Emergency Management Performance Grant through the State of New Hampshire, Department of Safety, Homeland Security & Emergency Management, Homeland Security Exercise and Evaluation Program: and

WHEREAS, such Project has been completed in its entirety, in a manner leaving an unexpended appropriated balance of Two Thousand Two Hundred Forty-Four Dollars and Forty-Two Cents (\$2,244.42), in funds originally anticipated for such Project, and which funds are no longer necessary for Project purposes; and

WHEREAS, expenditures for the completed Project have totaled Six Thousand Seven Hundred Seventy-One Dollars and Seventy-Two Cents (\$6,771.72); and

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby withdraw and deauthorize a portion of the above mentioned appropriation to the Fiscal Year 2014-2015 City of Rochester, Fire Department operating budget for the Project to the extent of Two Thousand Two Hundred Forty-Four Dollars and Forty-Two Cents (\$2,244.42), leaving an appropriation balance in such Project account of Six Thousand Seven Hundred Seventy-One Dollars and Seventy-Two Cents (\$6,771.72). **CC FY15 12-02 AB 62**

11.2. AB 63 Resolution De-Authorizing Portion of Fiscal Year 2013-2014 Capital Budget Appropriation for the City of Rochester, Department of Public Buildings, for the So-Called Management Information System Server Room Air Conditioning and Fire Suppression System Project - First Reading, Second Reading, and Adoption

RESOLUTION DEAUTHORIZING PORTION OF FISCAL YEAR 2013-2014
CAPITAL BUDGET APPROPRIATION FOR THE
CITY OF ROCHESTER, DEPARTMENT OF PUBLIC BUILDINGS,
FOR THE SO-CALLED MANAGEMENT INFORMATION SYSTEM SERVER
ROOM AIR CONDITIONING &
FIRE SUPPRESSION SYSTEMS PROJECT

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

WHEREAS, by virtue of a Resolution by the Mayor and City Council in June 2013, a Capital Improvements Budget appropriation in the amount of Seventy-Five Thousand Dollars (\$75,000.00) was adopted and approved in the Fiscal Year 2013-2014 City of Rochester, Department of Public Buildings, capital improvements budget for the so-called Management Information Systems Server Room Air Conditioning & Fire Suppression Systems Project (the "Project"), with such appropriation to be funded, in its entirety, from the proceeds of bonding to be undertaken by the City of Rochester; and

WHEREAS, such Project has been completed in a manner leaving the sum of Thirty-Six Thousand Twenty-Four Dollars (\$36,024.00) of the aforesaid appropriation funding authorized to be derived from the proceeds of bonding by the City of Rochester, no longer necessary for such Project's purposes;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Thirty-Six Thousand Twenty-Four Dollars (\$36,024.00) of the aforementioned previously appropriated funds for the so-called Project, and hereby further withdraw and discontinue the previous borrowing authority granted with respect to the above Project appropriation to the extent of Thirty-Six Thousand Twenty-Four Dollars (\$36,024.00), thereby leaving a balance of the aforesaid Fiscal Year 2013-2014 appropriation with borrowing authority in the amount of Thirty-Eight Thousand Nine Hundred Seventy-Six Dollars (\$38,976.00).

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 FY15 12-02 AB 63**

11.3. AB 64 Resolution De-Authorizing Portion of the Fiscal Year 2013-2014 Capital Budget Appropriation for the City of Rochester, Department of Public Buildings, for the So-Called Community Center Automatic Sprinkler Project System Project - First Reading, Second Reading, and Adoption

RESOLUTION DEAUTHORIZING PORTION OF FISCAL YEAR 2013-2014
CAPITAL BUDGET APPROPRIATION FOR THE
CITY OF ROCHESTER, DEPARTMENT OF PUBLIC BUILDINGS,
FOR THE SO-CALLED COMMUNITY CENTER AUTOMATIC
SPRINKLER SYSTEM PROJECT

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

WHEREAS, by virtue of a Resolution by the Mayor and City Council in June 2013, a Capital Improvements Budget appropriation in the amount of Four Hundred Thousand Dollars (\$400,000.00) was adopted and approved in the Fiscal Year 2013-2014 City of Rochester, Department of Public Buildings, capital improvements budget for the so-called Community Center Automatic Sprinkler System project (the "Project"), with such appropriation to be funded, in its entirety, from the proceeds of bonding to be undertaken by the City of Rochester; and

WHEREAS, such Project has been completed in a manner leaving the sum of Forty-Four Thousand Four Hundred Sixty-Six Dollars and One Cent (\$44,466.01) of the aforesaid appropriated fund authorized to be derived from the proceeds of bonding by the City of Rochester, no longer necessary for such Project's purposes;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Forty-Four Thousand Four Hundred Sixty-Six Dollars and One Cent (\$44,466.01) of the aforementioned previously appropriated funds for the so-called Project, and hereby further withdraw and discontinue the previous borrowing authority granted with respect to the above Project appropriation to the extent of Forty-Four Thousand Four Hundred Sixty-Six Dollars and One Cent (\$44,466.01), thereby leaving a balance of the aforesaid Fiscal Year 2013-2014 appropriation with borrowing authority in the amount of Three Hundred Fifty-Five Thousand Five Hundred Thirty-Three Dollars and Ninety-Nine Cents (\$355,533.99).

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 FY15 12-02 AB 64**

**11.4. AB 67 Resolution De-Authorizing Portion of a Fiscal Year
2012-2013 Police Department Operating Budget for the
Department of Justice Grant for Bulletproof Ballistic Vests
- First Reading, Second Reading, and Adoption**

**RESOLUTION DEAUTHORIZING PORTION OF
A FISCAL YEAR 2012-2013 POLICE DEPARTMENT OPERATING
BUDGET FOR
DEPARTMENT OF JUSTICE GRANT
FOR BULLETPROOF BALLISTIC VESTS**

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 July 2012, the sum of Seven Thousand Three Hundred Seventy Dollars (\$7,370.00) to be derived from a Department of Justice Grant to the City of Rochester, Police Department was appropriated to a 2012-2013 operating budget special non-lapsing reserve account of the City of Rochester, Police Department, for the purpose of providing funding for 50% of the cost of bulletproof ballistic vests for Police Department personnel (the "Project"); and

WHEREAS, Three Thousand Five Hundred Ninety-Two Dollars and Sixty Cents (\$3,592.60) of the funds appropriated for such Project are no longer necessary for such purpose, as the Project purchase of bulletproof ballistic vests has been completed;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Three Thousand Five Hundred Ninety-Two Dollars and Sixty Cents (\$3,592.60) previously appropriated for the said the Project, thereby leaving a total appropriation for such Project in the amount of Three Thousand Seven Hundred Seventy-Seven Dollars and Forty Cents (\$3,777.40).

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 15 12-02 AB 67**

Councilor Walker **MOVED** to **ADOPT** the resolutions listed under the consent calendar. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

12. New Business

12.1. AB 69 Resolution De-Authorizing a Portion of the FY 2011-2012 Capital Improvement Project Supplemental Appropriation, for the So-Called Granite State Business Park Public Infrastructure Improvements Project, Transferring and Repurposing such Deauthorized Funds, and Making a Supplemental Appropriation Therewith, for the So-Called EDA Salmon Falls NH Route 125 Infrastructure Improvements Project First Reading, and Adoption

Councilor Walker **MOVED** to read the resolution by title only for the first time. Councilor Lachapelle 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 DEAUTHORIZING A PORTION
FY 2011-2012 CAPITAL IMPROVEMENT PROJECT SUPPLEMENTAL
APPROPRIATION, FOR THE SO-CALLED
GRANITE STATE BUSINESS PARK
PUBLIC INFRASTRUCTURE IMPROVEMENTS PROJECT,
TRANSFERRING AND REPURPOSING SUCH DEAUTHORIZED FUNDS,
AND MAKING A SUPPLEMENTAL APPROPRIATION THEREWITH,
FOR THE SO CALLED EDA SALMON FALLS ROAD NH ROUTE 125
INFRASTRUCTURE IMPROVEMENTS PROJECT

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 on December 20, 2011, the Mayor and City Council appropriated the sum of Five Million Dollars (\$5,000,000.00) to the fiscal year 2011-2012 City of Rochester Capital Improvement Project budget for Economic Development, for the purpose of paying for costs and expenses incurred with respect to the planning, design, administration, construction, implementation and related actions and activities incidental to the so-called Granite State Business Park project (the "Project"); and

WHEREAS, the aforesaid Project has been completed, and there remains in such appropriation account(s) an unexpended and currently unnecessary appropriation balance, in an amount of Five Hundred Eighty-Six Thousand Two Hundred Eighteen Dollars and Sixty-Six Cents (\$586,218.66); and

WHEREAS, the bonds necessary to fund the aforesaid Project appropriation have already been issued by the City of Rochester, such issuance having been accomplished subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter;

NOW THEREFORE, in light of the completion of the aforesaid Project, in a manner leaving an appropriated balance of unneeded and unexpended appropriated funds for such project in the amount of Five Hundred Eighty-Six Thousand Two Hundred Eighteen Dollars and Sixty-Six Cents (\$586,218.66) in the aforesaid Capital Improvement budget account(s), the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize Five Hundred Eighty-Six Thousand Two Hundred Eighteen Dollars and Sixty-Six Cents (\$586,218.66) of the previous appropriation of

funds for the aforementioned Project, thereby reducing the amount of the aforesaid appropriation for such Project, from Five Million Dollars (\$5,000,000.00) to Four Million Four Hundred Thirteen Thousand Seven Hundred Eighty-One Dollars and Thirty-Four Cents (\$4,413,781.34).

FURTHERMORE, that the sum of Five Hundred Eighty-Six Thousand Two Hundred Eighteen Dollars and Sixty-Six Cents (\$586,218.66) of the aforesaid deauthorized funds from the Project, is hereby transferred to a 2014-2015 fiscal year Capital Improvement Project budget account of the City of Rochester, Department of Public Works, and such funds are hereby repurposed and appropriated as a supplemental appropriation to said 2014-2015 City of Rochester Department of Public Works CIP budget, for use in connection with the payment of costs and expenses incurred with respect to the so-called EDA Salmon Falls Road NH Route 125 Infrastructure Improvements Project. Additionally, that the sum of Five Hundred Eighty-Six Thousand Two Hundred Eighteen Dollars and Sixty-Six Cents (\$586,218.66) necessary to fund such supplemental appropriation shall, subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter, be derived in its entirety, from the proceeds of bonds and/or notes issued with respect to the aforementioned repurposed funds transferred to the so-called EDA Salmon Falls Road NH Route 125 Infrastructure Improvements project from the so-called Granite State Business Park project. The useful life of the so-called EDA Salmon Falls Road NH Route 125 Infrastructure Improvements project, is thirty (30) years.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY 15 12-02 AB 69**

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

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote, which meets the two-thirds requirement for bonding.

12.2. AB 72 Amendment to Ordinances Adopting a New Chapter of the General Ordinances of the City of Rochester, to be known as Chapter 68 of the General Ordinances of the City of Rochester – First Reading and Refer to a Public Hearing

Councilor Lachapelle **MOVED** to read the Amendment by title only and to refer the matter to public hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Amendment by title only as follows:

AMENDMENT TO ORDINANCES
ADOPTING A NEW CHAPTER OF THE
GENERAL ORDINANCES OF THE CITY OF ROCHESTER,
TO BE KNOWN AS CHAPTER 68 OF THE
GENERAL ORDINANCES OF THE CITY OF ROCHESTER

THE CITY OF ROCHESTER ORDAINS:

I. That the General Ordinances of the City of Rochester, as presently amended, be further amended, by adding to Title IV – Traffic Code thereof, a new Chapter, said Chapter to be known as Chapter 68 of the General Ordinances of the City of Rochester and entitled “Distribution of Items To and From Motor Vehicles”, said Chapter 67 to provide as follows:

“CHAPTER 68

DISTRIBUTION OF ITEMS TO AND FROM MOTOR VEHICLES

68.1 Intent of Ordinances.

This Ordinance is intended to provide for the free flow of motor vehicle traffic on roadways in the City. The City Council finds that persons who distribute any item to, receive any item from, or exchange any item with, the occupant of a motor vehicle upon a Roadway present a threat to the free and safe flow of motor vehicle traffic. By this Ordinance, the City Council intends to promote the health, safety, and welfare of the citizens traveling by vehicle in the City.

68.2 Definitions.

For purposes of this Chapter, the following definitions apply:

(a) Pass/Passing: Distributing any item to, receiving any item from, or exchanging any item with the occupant of a motor vehicle that is located in the Roadway.

(b) Roadway. All public roads open to motorized vehicles within the City. This definition excludes private roads and private property. This definition also excludes areas in which parking is permitted in the City.

- (c) Item. Any physical object.

68.3 Prohibition of Roadway.

It shall be unlawful to violate any of the prohibitions set forth below in the City.

- (a) No person shall knowingly distribute any item to, receive any item from, or exchange any item with the occupant of any motor vehicle when the vehicle is located in the Roadway.
- (b) This Ordinance shall not apply to the distribution, receipt, or exchange of any item with the occupant of a motor vehicle on private property or in a permitted parking area.
- (c) This Ordinance shall not apply to any law enforcement officer acting in the scope of his/her official duties.
- (d) This Ordinance shall not apply to the distribution, receipt, or exchange of any item with the occupant of a motor vehicle located in the roadway in order to assist the occupant after a motor vehicle accident, with a disabled motor vehicle or where the occupant is experiencing a medical emergency.

68.4 Penalty.

A person found in violation of this section shall be guilty of a violation and may be fined not more than \$500.00.

68.5 Severability.

If any provision of this section is declared invalid or unconstitutional by any Court of competent jurisdiction, the remaining provisions shall be severable and shall continue in full force and effect."

II. This ordinance shall take effect upon its passage.

CC FY 15 12-02 AB 72

It was determined that the Public Hearing would be held on December 16, 2014, prior to the City Council Workshop.

12.3. AB 70 Resolution Authorizing Discontinuance of a Portion of the So-Called Ten Rod Road (also known as Ten Rod Road Annex – First Reading and Adoption

This Resolution was adopted earlier in the meeting.

13. Other

Councilor Gates requested to be provided with a spreadsheet listing what the tax rate has been for past ten years. Councilor Varney requested the following additional information: the assumed assessed valuation at the time of the City Council setting the budget as compared to the actual assessed valuation approved by the DRA, with the utilities listed separately from the residential properties.

Councilor Collins announced that the Holiday Parade would take place this Sunday, December 07, 2014 and it is also the same day as National Pearl Harbor Remembrance Day. He stated that the citizens on the home front were just as important as those fighting in the actual battles. He listed one family member's name from each member of the City Council along with the City Manager, Deputy City Manager, the City Clerk, and the Government Channel Operator. He thanked the Mayor for allowing him to address this important event.

Mayor Jean stated that the Veterans' Council would meet at City Hall at 10:00 AM on December 7, 2014, in honor of National Pearl Harbor Remembrance Day.

Councilor Torr stated that it has been 62 years since the Battle of Chosin Reservoir - Korean War. He thanked the many Marines for fighting in that great battle.

Councilor Torr shared his thoughts on future power outages.

City Manager Fitzpatrick publicly thanked the Rochester Fire Department for successfully battling a fire during the power outage. Mayor Jean also commended the Commissioner of Public Works for the work during the recent power outage, including shifting generators back and forth between pump stations to prevent the pump stations from failing. City Manager Fitzpatrick agreed and stated that the Water and Sewer Departments do not usually get the recognition that the Fire Department and the Police Department normally receive.

Councilor Gates stated that the power linemen risk their lives and they ought to be acknowledged.

14. Non-Meeting and Non-Public Session(s):

14.1. AB 68 Non-Meeting for Legal Consultation under RSA 91-A: 2 I (b) Great Bay Coalition Efforts

14.2. Non-Public Personnel, RSA 91-A 3 II (a)

Councilor Lachapelle **MOVED** to enter into the Non-Meeting Sessions under RSA 91-A 2 I, (b) for Legal Consultation and RSA 91-A 3 II (a) Personnel at 8:10 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Gray, Larochelle, Lauterborn, Keans, Bogan, Varney, Hamann, Torr, Collins, Lachapelle, Gates, Walker, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public session 8:45 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

15. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 8:45 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters,
City Clerk

LAND SURVEYORS

SEPTIC SYSTEM DESIGNERS

CIVIL ENGINEERS

TRANSPORTATION PLANNERS



LEGEND

- S — UNDERGROUND SEWER LINE
- E — UNDERGROUND GAS LINE
- W — UNDERGROUND ELECTRIC
- D — UNDERGROUND DRAIN LINE
- O — OVERHEAD WIRE
- TX — FIRE HYDRANT
- W — WATER METER VALVE
- W — WATER SHUT-OFF VALVE
- U — UTILITY POLE
- S — SEWER MAN HOLE
- C — CATCH BASIN
- L — LIGHT POLES

TAX MAP 115
LOT 34
(STATE OF NH)

TAX MAP 115
LOT 39
(ROCHESTERDOM, LLC)

TEN ROD ROAD

SPAULDING TURNPIKE
NH ROUTE 16
(EXIT RAMP 14)

N 30°11'18" E
3.90'

R=440.00'
L=117.04'

LAROW

TAX MAP 115, LOT 36
(BROCK PROPERTIES, LLC)
EASEMENT RESERVED FOR
THE CITY OF ROCHESTER IN
DEED BK.3813, PG.535 FOR
A TURNAROUND DRIVEWAY
TO BE ABANDONED IN
CONJUNCTION WITH THIS
REVERSION.

AREA TO BE
CONVEYED TO
LOT 115-36:
16,220 SF.
.37 AC.

TAX MAP 115
LOT 33
(BROCK)

APPROXIMATE EXISTING R.O.W.

TAX MAP 115
LOT 37
(LEEMILTS)

APPROXIMATE
EXISTING R.O.W.

NORTH MAIN STREET

TAX MAP 115
LOT 32
(BROCK)

TAX MAP 115
LOT 31
(BROCK)

TEN ROD ROAD ANNEX

AREA TO BE
CONVEYED TO
LOT 115-37:
6,872 SF.
.15 AC.



FILE NO. 188
PLAN NO. C-2890
DWG. NO. 19003/PDP-1
F.B. NO. "33" "865"

FY 15 - P. 186

NORWAY PLAINS ASSOCIATES, INC.

GENERAL NOTE: SEE SHEET

1. ALL UNDERGROUND UTILITY LOCATIONS ARE APPROXIMATE AND ARE TRACED FROM THE REFERENCE PLANS AND WERE NOT FIELD LOCATED BY DPM. ANYWAY PLAINS ASSOCIATES, INC.
2. ORIENTATION: HORIZONTAL AND VERTICAL DATUMS - PER RECORD.

REFERENCE PLANS

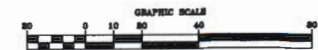
1. "BUILDING TURNPIKE RIGHT-OF-WAY" PLAN SHEET 18, COUNTY OF STAFFORD, TOWN OF ROCHESTER
STATE PROJECT NO. 19003-0
BY STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION,
BUREAU OF HIGHWAY DESIGN
SHEET DATED JANUARY 31, 2011
S.E.A. PLAN NO. 101-21
2. "TRANSPORTATION ROAD RIGHT-OF-WAY" PLAN SHEET 8, COUNTY OF STAFFORD, TOWN OF ROCHESTER
STATE PROJECT NO. 19003-0
BY STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION,
BUREAU OF HIGHWAY DESIGN
SHEET DATED JANUARY 31, 2011
S.E.A. PLAN NO. 101-21
3. "THE PLANS, SPECIFICATIONS AND FOR BROCK'S ALYSSA SALES, INC." DATED SEPTEMBER 28, 1980 BY JOHN W. OGDON ASSOCIATES, INC. NOT RECORDED / ON FILE WITH A.S.D.A. PLAN NO. 80097

MAP-LOT ADDRESS NAME/MAIL ADDRESS

- | | |
|--------|---|
| 115-1 | R. E. L. COMPANY, LLC 1 DATE STREET, SUITE 800, PORTSMOUTH, NH 03801 |
| 115-2 | UNIVERSITY PROPERTIES CO., 4701, REAL ESTATE, PO BOX 1900, NH-03001, PORTLAND, ME 04104 |
| 115-3 | BROCK PROPERTIES, LLC 288 NORTH MAIN STREET, ROCHESTER, NH 03867 |
| 115-4 | BROCK PROPERTIES, LLC 288 NORTH MAIN STREET, ROCHESTER, NH 03867 |
| 115-5 | BROCK PROPERTIES, LLC 288 NORTH MAIN STREET, ROCHESTER, NH 03867 |
| 115-6 | STATE OF NEW HAMPSHIRE & CITY ENGINE MANAGEMENT, 5 MEDALLION CENTER, 1000 STATE STREET, SEASIDE, NH 03844 |
| 115-7 | BROCK PROPERTIES, LLC 288 NORTH MAIN STREET, ROCHESTER, NH 03867 |
| 115-8 | LEEMILTS PETROLEUM, INC. 8 CITY REALTY GROUP 150 JORDON INC., SUITE 100, JORDON, NH 03853 |
| 115-9 | ROCHESTER, LLC 100 CENTER HILL DRIVE, SUITE 400, DANDEN, MA 01923 |
| 115-10 | NEW HAMPSHIRE, LLC 100 CENTER HILL DRIVE, SUITE 400, DANDEN, MA 01923 |
| 115-11 | NEW HAMPSHIRE, LLC 100 CENTER HILL DRIVE, SUITE 400, DANDEN, MA 01923 |
| 115-12 | PUBLIC SERVICE CO. OF NH 400 PO BOX 2400, ROCHESTER, NH 03867-0240 |
| 115-13 | FAIRPORT COMMUNICATIONS, INC. 770 ELIA STREET, WARDEN, NH 03844 |

PARCEL DISPOSITION PLAN
TAX MAP 115, LOTS 36 & 37
NORTH MAIN STREET
TEN ROD ROAD
TEN ROD ROAD ANNEX
ROCHESTER, NH
PREPARED FOR:
BROCK PROPERTIES, LLC
& LEEMILTS PETROLEUM, INC.

SCALE: 1"= 80' JULY 2014



(IN FEET)

1 INCH = 80 FEET

REVISIONS:

10/31/14: REVISION TO DATE

11/9/14: AND REVISION TO DATE

SHEET 2

31 Mooney Street, Alton, N.H. 603-875-3948

2 Continental Blvd., Rochester, N.H. 603-335-3948

EXHIBIT A