

**Regular City Council Meeting
March 1, 2016
Council Chambers
7:00 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Bogan
Councilor Gates
Councilor Gray
Councilor Hamann
Councilor Keans
Councilor Lachapelle
Councilor Lauterborn
Councilor Torr
Councilor Varney
Councilor Willis
Mayor McCarley

MEMBERS EXCUSED

Councilor Barnett

OTHERS PRESENT

City Manager Daniel Fitzpatrick
Deputy City Manager Blaine Cox
City Attorney Terence O'Rourke
Molly Martuscello, Police Department
Chief Michael Allen

Agenda

1. Call to Order

Mayor McCarley called the meeting to order at 7:00 PM.

2. Pledge of Allegiance

**2.1. Presentation of the Colors: The Spaulding High School
AFJROTC Color Guard**

Gabe Drapeau, Daniel Kerteris, Maddie Jemiolio, and Chris Belair of the Spaulding High School Air Force Junior ROTC, presented the Colors. Mr. Kerteris led the Pledge of Allegiance.

3. Opening Prayer

Mr. Kerteris called for a moment of silence for all our military troops fighting for our freedom and for those troops returning home.

4. Roll Call

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

except for Councilor Barnett, who had been excused.

5. Acceptance of Minutes

5.1. February 2, 2016, Regular City Council Meeting

Councilor Lauterborn said the City Clerk found a few errors in the February 2, 2016, City Council meeting minutes and revised that set of minutes with those corrections. Councilor Lauterborn **MOVED** to **ACCEPT** the revised set of minutes of February 2, 2016. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1. Employee of the Month Award

Molly Martuscello, Coalition Coordinator for Bridging the Gaps, has met all of the City's expectations and has saved the federal funding for this program. City Manager Fitzpatrick invited Ms. Martuscello and Chief Allen to come forward. City Manager Fitzpatrick announced that Ms. Martuscello has been selected as the employee of the month for March.

6.2. City Manager's Report

City Manager Fitzpatrick gave the following report.

Management Team Meeting minutes:

- January 25, 2016
- February 1, 2016
- February 8, 2016

Contracts and documents executed since last month:

- **Department of Public Works**
 - Columbus Avenue – municipal parking lot site plan
 - Partial Release of Lien – Little Quarry Development
 - Rochester Reservoir- West End Dam Spillway – Certificate of Substantial Completion
 - Rochester Reservoir West End Dam – Change Order # 2
 - Rochester Reservoir West End Dam – Change Order #3
 - Water Filter Plant Upgrade – Certificate of Substantial Completion
 - Water Storage Tank Rehabilitation – Change Order #1
- **Economic & Community Development**
 - Bike Racks Project – Release of Funds

- Environmental Review – Rochester Eye Care JOB Loan
- **Police Department**
 - Highway Safety Grant – In-Car Video
 - Highway Safety Grant – Traffic Enforcement
 - Housing Authority Contract – Amendment
- **Recreation Department**
 - Ice Rate Information
 - Software Agreement
- **School Department**
 - Election – School use
 - Reallocate Funds Request

Standard Reports:

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

Councilor Lauterborn said that the 2016-2017 Ice Rate Report submitted by the Recreation Department seems to have a clerical error. She said the wording on the document does not match up with figures on the backside of that document. City Manager Fitzpatrick agreed to have staff rectify the matter.

Councilor Keans questioned the legalities of the amendment made to the Housing Authority Contract and the memorandum submitted by Chief Allen. City Manager Fitzpatrick agreed to have the Legal Department review the matter.

7. Communications from the Mayor

7.1. Special Committee Appointed by Mayor: Entertainment Zone Committee

Mayor McCarley appointed a Committee to establish the framework for what an entertainment/recreation zone might be for the City of Rochester. She said currently there is no such zone for the City of Rochester.

Mayor McCarley appointed Councilor Varney as Chair of the Committee. She said other members would include an appointee from the Rochester Economic Development Commission; the Economic Development Director or designee; an appointee from the Planning Board; the Planning Department Director or designee; an appointee from the Fair Association; and a private citizen. She said Jeff Taylor has volunteered to serve on the Committee as a private citizen of Rochester. She also spoke with Norm Vetter, Rochester Fair

Association, who would like to serve on the Committee. She said Chief Allen and herself would serve as ex-officio members. She requested that the Committee report back to the City Council in two to three months.

7.2. Announcement: State of the City Breakfast 2016

Mayor McCarley announced that the State of the City Breakfast for 2016 will be held Thursday, March 4, 2016, at Frisbie Memorial Hospital Conference Center.

Mayor McCarley stated that the Rochester Historic Commission is committed to ensuring that the City Hall Annex Facility is to be restored with historic correctness. She said Peter Bruckner, Historic District Commission, has announced that the Rochester Historic Commission is to begin a fundraiser campaign to assist in the funding associated with restoring of the City Hall Annex to its original façade of 1908.

Mayor McCarley stated that the School District is seeking a grant with the YMCA to institute an afterschool program at the Middle School for about 48 students. They have requested a letter of support for this grant from the Mayor of Rochester. She added that a letter will be drafted and sent.

8. Presentations of Petitions and Council Correspondence

8.1. Correspondence: Meeting Minutes of the Tri-City Coalition – February 12, 2016

Councilor Lauterborn stated that she and Councilor Hamann attended the February 12, 2016 Tri-City Coalition Meeting and the minutes are enclosed with the City Council packet material. The next meeting is to be held at the Dover City Hall on March 17, 2016. The County Commissioners have been invited to attend the next meeting. She said the City Council is welcome to submit topics for discussion.

8.2. Correspondence: Letter from the Rochester School Department Relative to the 2016-2017 School Calendar

Mayor McCarley stated that the Rochester School Department is willing to close the East Rochester School on September 13, 2016, in order to accommodate an adequate polling location for the residents of Ward 1. They are seeking to confirm that the City Council intends to hold the Primary Election for Ward 1 voters at the East Rochester Elementary School prior to amending the 2016-2017 school calendar. The School Department has already amended the 2016-2017 school calendar to accommodate for the November 8, 2016, General Election. The Sense of Council is to send a letter to the School District regarding this matter.

Mayor McCarley stated that the City Manager's office received a letter from the School District regarding reauthorization of funds for a roof project. This has been referred to the next Finance Committee meeting.

9. Nominations, Appointments, Resignations, and Elections

10. Reports of Committees:

10.1. Codes and Ordinances Committee

Councilor Lachapelle stated that the Codes and Ordinances Committee has a few action items listed under new business.

10.2. Community Development Committee

Councilor Lauterborn stated the Community Development Committee listened to input from applicants for the Community Development Block Grant at the last meeting. She added that the Committee will review all CDBG applications for funding and report back to the City Council in April. She encouraged other members of the City Council to give input on the matter to herself or one of the Committee members.

10.3. Finance Committee

Mayor McCarley said the Finance Committee supported the idea of allowing the hiring of summer employees [Recreation Department] for the Life Guard Summer Program prior to the start of the FY 17 budget cycle, which has been done in the past.

Mayor McCarley briefed the Council about the discussion regarding the Arena Fund Budget. Mayor McCarley **MOVED** to approve a supplemental appropriation for \$70,498 from the General Fund to the Arena Fund in order to offset the Arena Funds Fiscal Year 2015-2016 deficit. Councilor Gray seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor McCarley said the Finance Committee discussed the elimination of the Economic Development Reserve Fund and to move the appropriations currently in this fund into the Economic Development Department Annual Operating Budget. The plan is to move forward with the process of eliminating the Economic Development Reserve Fund. She added that the Codes and Ordinances Committee would review the deletion of the General Ordinances relative to the Economic Development Reserve Fund and report back to the City Council in April.

Mayor McCarley said the Finance Committee discussed the Merit Plan. Mayor McCarley **MOVED** that the nonunion employee salary ranges be

increased by 2.4% effective July 1, 2016. Councilor Gray seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.4. Government Channel Committee

Councilor Willis said the Committee met on February 17, 2016. The Committee discussed the fact that Metrocast would no longer support Channel 12 after March 1, 2016; however, the Committee is taking a wait and see stance, since there has not been a lot of public input on the matter.

Councilor Willis said the Committee would continue to discuss the renegotiation of the Franchise Agreement with Metrocast.

Councilor Varney asked if video streaming was discussed at the Committee meeting. Councilor Willis replied no; however, Councilor Willis agreed to add this as an agenda item for the next meeting.

10.5. Public Safety Committee

Councilor Hamann said the Committee met on February 17, 2016. He said a resident has requested that a stop sign be posted on King Street and Farrington Street; however, the Department of Public Works is checking to see whether or not there was ever a stop sign at the end of Farrington Street. This will not require a City Council vote unless there was never a stop sign erected at the end of Farrington Street. He added that a stop line would be painted at the end of Farrington Street at the discretion of the Department of Public Works.

10.6. Public Works Committee

Councilor Torr briefed the City Council about Chapter 15 of the General Ordinances of the City of Rochester, which places a 3-year moratorium for cutting into newly paved streets. The Committee is recommending that the moratorium be extended to five (5) years. This City Council briefly discussed the matter and has been adopted under new business.

Councilor Torr briefed the City Council about the other Committee discussions. He believed the idea of installing a 100-foot flagpole would be sent back to the Public Works Committee meeting. He clarified that a 100-foot flagpole sounds bigger than it actually is and this is an important part of the project for the specific business which has requested it.

11. Old Business

12. Consent Calendar

Councilor Lachapelle **MOVED** to **ADOPT** the resolutions on the Consent Calendar as presented. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**12.1. AB 102 Resolution De-Authorizing Funding From the
SWAT Ballistic Vest CIP Fund First Reading and Adoption**

**RESOLUTION DEAUTHORIZING FUNDING FROM
THE SWAT BALLISTIC VEST CIP FUND**

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

WHEREAS, by virtue of a certain resolution adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated funds to the Rochester Police Department Operating Budget derived from the Ballistic Vest CIP Fund, and

WHEREAS, Five Thousand Nine Hundred Twenty Dollars (\$5,920.00) of the original appropriation remains unexpended;

NOW THEREFORE, in light of the above, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum of Five Thousand Nine Hundred Twenty Dollars (\$5,920.00) of the previous appropriation of funds. The funds should be returned to the General Fund unassigned fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY 16 03-01 AB 102**

**12.2. AB 112 Resolution De-Authorizing Funding from the
Highway Safety Operation Safe Commute Grant First
Reading and Adoption**

**RESOLUTION DEAUTHORIZING FUNDING FROM T
HE HIGHWAY SAFETY OPERATION SAFE COMMUTE GRANT**

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

WHEREAS, by virtue of a certain resolution adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the amount of Four Thousand Five Hundred Eighty-Six Dollars (\$4,586.00) to the

Rochester Police Department Operating Budget derived from the Highway Safety Operation Safe Commute Grant, and

WHEREAS, One Thousand Eight Hundred Twenty-One and 51/100 Dollars (\$1,821.51) of the original appropriation remains unexpended;

NOW THEREFORE, in light of the above, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum of One Thousand Eight Hundred Twenty- One and 51/100 Dollars (\$1,821.51) of the previous appropriation of funds. This will decrease the total amount the Police Department will seek in reimbursement from the Highway Safety Operation Safe Commute Grant 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. **CC FY 16 03-01 AB 112**

13. Items Removed From Consent Calendar

No items were removed from the Consent Calendar.

14. New Business

14.1. AB 113 Resolution Authorizing the Rochester Fire Department to Apply for an Emergency Management Performance Grant (EMPG) for Electronic Signs First Reading and Adoption

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

RESOLUTION AUTHORIZING THE ROCHESTER FIRE DEPARTMENT TO APPLY FOR AN EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) FOR ELECTRONIC SIGNS

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, approve the submission of a grant application in an amount up to Seventy Thousand Dollars (\$70,000.00) to the Emergency Management Performance Grant program in order to fund the purchase of two (2)

electronic community announcement signs. **CC FY16 02-02 AB 113**

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Keans asked for clarification about the City's obligation for a 50% match to the grant. City Manager Fitzpatrick stated that the City's 50% match is to be identified as the electronic message sign, which has already been purchased. Councilor Gates asked how many electronic message boards/signs the City would purchase. City Manager Fitzpatrick replied that is up to the City Council; however, only one sign has been purchased and this grant would pay for one additional sign. Deputy City Manager Cox clarified that this resolution is only for a grant application. The **MOTION CARRIED** by a unanimous voice vote.

14.2. AB 114 Resolution Authorizing the Rochester Fire Department to Apply for an Emergency Management Performance Grant (EMPG) for a Generator First Reading and Adoption

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

RESOLUTION AUTHORIZING THE ROCHESTER FIRE DEPARTMENT TO APPLY FOR AN EMERGENCY MANAGEMENT PERFORMANCE GRANT (EMPG) FOR A GENERATOR

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, approve the submission of a grant application in an amount up to Fifty-Five Thousand Dollars (\$55,000.00) to the Emergency Management Performance Grant program in order to fund the purchase of one (1) generator for Fire Station 1. **CC FY16 02-02 AB 114**

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Several Councilors asked questioned about the grant application. Commissioner Storer clarified that this grant application could potentially assist the City in securing funds for a large generator exclusively for the Fire Department. The existing generator is to be repurposed for City Hall and the Annex. There is a fifty-five percent match requirement for this grant. The overall cost for the generator project is estimated at \$110,000 and the City's portion would be estimated at \$60,500; which would be paid for out of next year's CIP fund, if approved.

He gave details for this project, which would handle all the primary functions for the Fire Station in the event of a power outage. The unit would be equipped with dual fuel systems and would have sound attenuation for noise reduction.

Commissioner Storer said the cost of the propane tank and other necessary equipment is included in the estimated cost of \$110,000. The generator and fuel would be placed on the outside of the eastside of the Fire Department. The **MOTION CARRIED** by a unanimous voice vote.

**14.3. AB 111 Resolution Accepting Highway Safety Motorcycle Lease Grant and Supplemental Appropriation Thereof
First Reading, Second Reading, and Adoption**

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

**RESOLUTION ACCEPTING HIGHWAY SAFETY MOTORCYCLE LEASE
GRANT AND SUPPLEMENTAL APPROPRIATION THEREOF**

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

WHEREAS, that a Highway Safety Motorcycle Lease Grant in the amount of Seven Hundred Fifty Dollars (\$750.00) to the City of Rochester Police Department is hereby accepted by the City of Rochester.

FURTHER, that the sum of Seven Hundred Fifty Dollars (\$750.00) be, and hereby is, appropriated as a supplemental appropriation to the City of Rochester Police Department Operating Budget, with such sums to be placed in a special non-lapsing reserve account to be established/designated by the Finance Director, such funds to be used exclusively for grant purposes. Further, that the source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid grant.

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. **CC FY16 02-02 AB 95**

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

Councilor Gates asked if this grant would equip the Police Department with a second motorcycle. Chief Allen said this grant would fund one (1) of the leased motorcycles for half of the summer and the other motorcycle has been donated to the City. This would reduce the Police Department's budget by \$750. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the second time. Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

14.4. AB 121 Resolution Accepting Highway Safety Sustained Traffic Enforcement Grant and Supplemental Appropriation Thereof First Reading, Second Reading, and Adoption

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

**RESOLUTION ACCEPTING HIGHWAY SAFETY
SUSTAINED TRAFFIC ENFORCEMENT GRANT
AND SUPPLEMENTAL APPROPRIATION THEREOF**

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

WHEREAS, that a Highway Safety Sustained Traffic Enforcement Patrol Grant in the amount of Four Thousand Three Hundred Seventy Two and 26/100 Dollars (\$4,372.26) to the City of Rochester Police Department is hereby accepted by the City of Rochester.

FURTHER, that the sum of Four Thousand Three Hundred Seventy Two and 26/100 Dollars (\$4,372.26) be, and hereby is, appropriated as a supplemental appropriation to the City of Rochester Police Department Operating Budget, with such sums to be placed in a special non-lapsing reserve account to be established/designated by the Finance Director, such funds to be used exclusively for grant purposes. Further, that the source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid grant.

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. **CC FY16 03-01 AB 121**

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

14.5. AB 110 Resolution Authorizing Supplemental Appropriation to the Department of Public Works Capital Improvement Plan (CIP) Fund First Reading, Second Reading, and Adoption

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
TO THE DEPARTMENT OF PUBLIC BUILDINGS
CAPITAL IMPROVEMENT PLAN (CIP) FUND**

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

That a sum not to exceed Five Thousand Dollars (\$5,000.00) be, and hereby is, appropriated as a supplemental appropriation to the City of Rochester Department of Public Buildings CIP Fund, for the purpose of providing funds necessary to pay costs and/or expenditures associated with the removal of an underground fuel storage tank located between City Hall and the City Hall Annex and provided further that funds for such supplemental appropriation shall be derived in their entirety from the General Fund unassigned fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY16 02-02 AB 110**

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

motion. The **MOTION CARRIED** by a unanimous voice vote.

14.6. AB 123 William Allen School – Approval to Post Parking Restrictions on Woodman Street and DaveyAnne Locke Lane Motion to Approve One of the Two Parking Ban Options

Councilor Hamann briefed the City Council about the Public Safety recommendation relative to the William Allen School traffic concerns. He said originally the Committee agreed to ban parking on the right side of Myrtle Street and DaveyAnne Locke Lane would have one particular spot with a no parking sign. He clarified that the buses would travel down Woodman Street and then down DaveyAnne Locke Lane.

Mayor McCarley said the City Council needs to choose one of the two parking ban options. Councilor Lauterborn supported the least restrictive parking ban option. Superintendent Hopkins confirmed that the proposed dates and times written on the proposed signage would be acceptable for the school hours and school year.

Councilor Lauterborn stated one resident has observed the flow of traffic for the new bus route and found that the proposed parking ban on the corner of Woodman Street/DaveyAnne Locke Lane had not been necessary. Commissioner Storer confirmed that he has exchanged emails with a resident of DaveyAnne Locke Lane who had stated these concerns. He gave a brief overview of the bus route and stated that any parking ban imposed on DaveyAnne Locke Lane could be minimal, if the Department of Public Works were to be granted discretion on posting such signs. Councilor Lauterborn **MOVED** to **ADOPT** the recommendation to ban parking with the specific time and dates as outlined in the packet material and to leave the location of posting such signs up to the discretion of the Department of Public Works. Councilor Lachapelle seconded the motion.

Councilor Keans stated that the signs could have a morning time and afternoon time ban listed on each sign to minimize the impact on the residents living in this neighborhood. Councilor Gray agreed; however, the school delays and early release days would not and could not be anticipated on a parking ban sign. The **MOTION CARRIED** by a unanimous voice vote.

14.7. AB 108 Resolution De-Authorizing Funding From the New Hampshire Bureau of Emergency Management (NHBEM) Hazard Mitigation Grant First Reading and Adoption

Councilor Bogan **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 McCarley read the resolution for the first time as follows:

**RESOLUTION DEAUTHORIZING FUNDING FROM
THE NEW HAMPSHIRE BUREAU OF EMERGENCY MANAGEMENT
(NHBEM) HAZARD MITIGATION GRANT**

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

WHEREAS, by virtue of a certain resolution adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated One Hundred Thirty Thousand Two Hundred Eighty-Two Dollars (\$130,282.00) to the Rochester Department of Public Works CIP account, funding to be derived from the NHBEM Hazard Mitigation Grant for the so-called Howard Brook Culvert Replacement Project (the "Project"), and

WHEREAS, the Project was deemed ineligible to receive funds from the NHBEM Hazard Mitigation Grant;

NOW THEREFORE, in light of the above, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum of One Hundred Thirty Thousand Two Hundred Eighty-Two Dollars (\$130,282.00) of the previous appropriation of funds.

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 16 03-01 AB 108**

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

14.8. AB 109 Resolution Authorizing Supplemental Appropriation to the 2015-2016 Capital Improvements Budget of the City of Rochester Department of Public Works for the So-Called Howard Brook Culvert Replacement Project First Reading and Refer to a Public Hearing

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the first

time as follows:

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
TO THE 2015-2016 CAPITAL IMPROVEMENTS BUDGET OF THE
CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS
FOR THE SO-CALLED HOWARD BROOK CULVERT REPLACEMENT
PROJECT**

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

That the sum of One Hundred Thirty Thousand Two Hundred Eighty-Two Dollars (\$130,282.00) be, and hereby is, appropriated as a supplemental appropriation to the 2015-2016 capital improvements budget of the City of Rochester, Department of Public Works, Water Works, for the purpose of providing sums necessary to pay costs and/or expenditures with respect to the so-called Howard Brook Culvert Replacement Project (the "Project"), and provided further that such appropriation shall be drawn in its entirety from the proceeds of bonding/borrowing to be undertaken by the City of Rochester.

Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of One Hundred Thirty Thousand Two Hundred Eighty-Two Dollars (\$130,282.00) through the issuance of bonds and/or notes, and/or through other legal form(s), for the purposes of funding the expenditures incident to the implementation of the Project outlined, and referred to, in the preceding paragraph, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate.

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 FY16 03-01 AB 109**

Councilor Lachapelle **MOVED** to refer the matter to a Public Hearing. Councilor Bogan seconded the motion. Councilor Keans asked if this project had already begun. Commissioner Storer replied that the project is currently at the design stage and should be ready for construction this fall. He added that the assumption was that the project would be covered by grant funding; however, the project did not qualify for the grant funding. He agreed to

provide the City Council with more information if requested. The **MOTION CARRIED** by a unanimous voice vote.

14.9. AB 115 Supplemental Appropriation in Connection with Public Infrastructure Improvements to be made within the So-Called Granite Ridge Development District and Authorizing Bonding and/or Borrowing in Connection Therewith First Reading and Refer to a Public Hearing

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

**SUPPLEMENTAL APPROPRIATION IN CONNECTION WITH
PUBLIC INFRASTRUCTURE IMPROVEMENTS
TO BE MADE WITHIN THE SO-CALLED
GRANITE RIDGE DEVELOPMENT DISTRICT - PHASE 2
AND AUTHORIZING BONDING AND/OR BORROWING
IN CONNECTION THEREWITH**

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

That the sum of Five Million Dollars (\$5,000,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2015-2016 fiscal year capital budget for the City of Rochester for Economic Development, such funds to be used for the purpose of paying for costs and expenses incurred with respect to the planning, design, construction, administration, implementation and related actions and activities incident to the construction/reconstruction and extension of certain Public Infrastructure Improvements, including within such undertaking the construction/extension/accommodation of accompanying public and private utilities, including, but not limited to, roads, sidewalks, water and sewer services, drainage and other related infrastructure improvements (the "Project"), the same to be located on the Easterly and Westerly sides of, as well as within, NH Rte. 11, both north and south of its intersection with the so-called Little Falls Bridge Road, within the so-called Granite Ridge Development District Phase 2, so as to promote economic development, including particularly commercial economic development, for the purposes of furthering the goals and objectives of the so-called "Granite Ridge Development District: Tax Increment Development Program & Financing Plan", and the implementation of the goals set forth therein, as well as to promote the creation and availability of developable land, within the Granite Ridge Development District, for commercial and other economic development

purposes.

Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are, authorized to borrow the sum of up to Five Million Dollars (\$5,000,000.00), through the issuance of bonds and/or notes, and/or through other legal form(s), for the purposes of funding the expenditures incident to the implementation of the Project outlined, and referred to, in the preceding paragraph, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate. The useful life for the aforesaid Project is 30 years.

Additionally, the above borrowing and repayment of the sums expended in furtherance of the Project described in the first paragraph of this resolution, is authorized in, and is to be repaid by utilizing the, tax increment financing mechanism authorized and set forth in Chapter 162-K of the New Hampshire Revised Statutes Annotated (including specifically, but not limited to RSA 162-K:8 through RSA 162-K:10.

Further, to the extent not otherwise provided for in this Resolution the City Manager and/or his designee(s) is authorized to sign all documents necessary to implement the purposes of this resolution, including the signing of any engineering and/or services, materials, construction and or similar or related type contract(s) necessary to carry out the purposes of this resolution.

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.

The City reasonably expects to issue tax exempt bonds in the future to finance certain expenses related to this Project, the proceeds of which may be used, in part, to reimburse the City for Project expenses paid prior to the issuance of such bonds, including those authorized above. To that end, without in any way committing the City to issue such bonds, and/or notes, and/or other legal forms of borrowing, this Resolution shall be deemed to constitute the City's "official intent" with respect to such plans within the meaning of IRS Reg. 1.150-2. **CC FY16 03-01 AB 115**

Councilor Lachapelle **MOVED** to refer the matter to a Public Hearing.

Councilor Bogan seconded the motion. Councilor Torr questioned the amount of the funding request. City Manager Fitzpatrick explained that the amount listed is an authorization to borrow and not the actual amount to be borrowed. He briefed the City Council about the process of creating the budget for the Granite Ridge Development. Commissioner Storer agreed that it is a cost estimate. He gave details about the access road, utilities, and widening the road. Councilor Willis asked what the cost had been on phase I of the project. Commissioner Storer replied it was also estimated at \$5,000,000; however, currently it is expected to be slightly over \$4,000,000. Councilor Willis said the Planning Board recently approved the layout design for Phase II of the project. The City Council briefly discussed the matter. Commissioner Storer clarified what the City has a responsibility in the public part of the TIF boundary lines and it does include the access road. The access road which would run parallel to Route 11 would become City property and become the City's responsibility for maintenance. He gave details of what it would entail. The **MOTION CARRIED** by a unanimous voice vote.

14.10. AB 118 Amendment to Chapter 15 of the General Ordinances of the City of Rochester Regarding Pavement First Reading and Adoption

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

AMENDMENT TO CHAPTER 15 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING HIGHWAYS, SIDEWALKS, BRIDGES AND STREET LIGHTING

THE CITY OF ROCHESTER ORDAINS:

That subsection 15.5 (b) of Chapter 15 of the General Ordinances of the City of Rochester regarding Permits for Excavation Upon Highway or Sidewalk and currently before the Rochester City Council, be amended as follows:

15.5 Permit for Excavation Upon Highway or Sidewalk

(b) For a period of ~~three (3)~~ **five (5)** years, beginning with the date of completion of the final paving of a public street or way relating to the construction or reconstruction of said street or way, no person, firm or corporation or any agent servant thereof shall excavate, construct or in any way encumber the paved or traveled portion of the street or way in the City of Rochester at any time, except for emergencies as may be deemed

necessary by the Commissioner of Public Works and then only upon the posting by such entity of sufficient security, as determined by the Commissioner of Public Works and the agreement of such entity, to pay the cost of restoring such street or way to its original condition or with the approval by majority vote of the City Council.

The effective date of these amendments shall be upon passage.

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Bogan seconded the motion. Councilor Abbott questioned if property owners would be notified prior to a pavement project, which would result in a five-year moratorium. Commissioner Storer replied that notification is given to landowners prior to such paving projects. He added that staff also meets regularly with Unitil to keep them aware of upcoming pavement projects.

Commissioner Storer said the Ordinance stipulates that the five-year moratorium could be overridden by a majority vote of the City Council for emergency situations. Councilor Willis questioned if smaller pavement jobs completed by City staff would trigger a five-year moratorium. Commissioner Storer replied no, this would only be paving projects which are contracted out. The **MOTION CARRIED** by a unanimous voice vote.

14.11. AB 116 Amendment to Chapter 26.1 of the General Ordinances of the City of Rochester Regarding the Licensing Board First Reading and Adoption

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

AMENDMENT TO CHAPTER 26 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING THE LICENSING BOARD

THE CITY OF ROCHESTER ORDAINS:

That subsections 26.1 of Chapter 26 of the General Ordinances of the City of Rochester regarding Permits and currently before the Rochester City Council, be amended as follows:

26.1 Licensing Board Established.

There is hereby established a Licensing Board for the City of Rochester which shall consist of the City Manager, Chief of Police, and **Chief of the Fire Department, or their designee.** ~~and one other person to be appointed by~~

~~the Mayor in accordance with the provisions of Section 74 of the Rochester City Charter, at the first January meeting of the City Council following the regular municipal election for a term of two (2) years.~~ The Licensing Board shall have such powers and duties as are prescribed in RSA 286.

The effective date of these amendments shall be upon passage.

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

14.12. AB 117 Amendment to Chapter 40 of the General Ordinances of the City of Rochester Regarding Permits First Reading and Adoption

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

AMENDMENT TO CHAPTER 40 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING PERMITS

THE CITY OF ROCHESTER ORDAINS:

That subsections 40.16 of Chapter 40 of the General Ordinances of the City of Rochester regarding Permits and currently before the Rochester City Council, be amended as follows:

40.16 Permits.

*
*
*

(c) The Director of Building, Zoning, and Licensing Services shall issue no building permit, certificate of occupancy, and or/other construction permit for improvement or changes in real property for any real property for which there are delinquent municipal taxes, sewer user charges, assessments, penalties and/or fines.

(d) The City Manager is authorized to waive the provisions of subsection (c) for natural persons seeking a building permit, certificate of occupancy, and or/other construction permit for improvement or changes to the person's homestead property, if the person qualifies for an elderly tax exemption pursuant to RSA 72:39-a, a disability tax exemption pursuant to RSA 72:37-a or a elderly or disability tax deferral pursuant to RSA 72:38-a.

The effective date of these amendments shall be upon passage.

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Bogan seconded the motion. Councilor Keans stated that she contacted the Municipal Association and found out that the City could be setting themselves up for a legal challenge with the adoption of this Ordinance. Attorney O'Rourke stated that he called the NH Municipal Association as well. He said they are taking a more conservative stance on the matter. He gave the legalities of the ordinance to the City Council. Councilor Torr asked where this idea originated. Attorney O'Rourke replied that under the new software database information from different departments is being entered. It was discovered that when a resident applies for a building permit, information about taxes being up to date is also available. The Finance Department felt this idea should be explored.

Councilor Abbott stated that the RSA relative to collecting taxes is over thirty pages long. It seems the State of New Hampshire would have covered all options for collecting taxes and withholding building permits is not mentioned. He requested information that proves a problem even exists. The City Council debated the matter. Councilor Gates requested a roll call vote. Councilor Torr seconded the motion. Mayor McCarley called for a vote on the motion on the floor. The **MOTION FAILED** by a 4 to 8 roll call vote. Councilors Hamann, Lachapelle, Bogan, and Varney voted in favor of the motion. Councilors Keans, Lauterborn, Torr, Abbott, Gates, Gray, Willis, and Mayor McCarley voted against the motion.

14.13. AB 120 Amendment to Chapter 26.10 of the General Ordinances of the City of Rochester Regarding Outdoor Dining on City Property First Reading and Adoption

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

AMENDMENT TO CHAPTER 26 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING OUTDOOR DINING ON CITY PROPERTY

THE CITY OF ROCHESTER ORDAINS:

That Chapter 26 of the General Ordinances of the City of Rochester regarding a Public License for outdoor dining on city property and currently before the Rochester City Council, be amended as follows:

CHAPTER 26 PUBLIC LICENSE

26.10 Use of City Property for Outdoor Dining.

1. ----
2. ----
3. The terms and conditions of any such requests that are approved by the City Manager in any given year shall be described in an annual Area Service Agreement, which includes a clear depiction of the area approved for outdoor dining use and the time period of approved use ("Season"), with said Area Service Agreement to be signed by the City Manager and the party or parties making the request. The Season shall run from April 1st ~~May 1st~~ through October 31st ~~the day after Columbus Day~~.
4. ---
5. ---
6. ---
7. The Area specified for outdoor dining use in the Area Service Agreement shall be restored upon termination of the Area Service Agreement at Season's end. Specifically, at Season's end, the enclosure system, tables, chairs and all other materials in their entirety shall be removed from the City-owned area with the area left in an unobstructed, undamaged, clean and sanitary condition at no cost to the City. ~~Semi-permanent objects may remain in the Area at Season's end at the discretion of the City Manager.~~

This Ordinance shall take effect upon the passage by the City Council.

Councilor Lachapelle **Moved** to **ADOPT** the Amendment. Councilor Bogan seconded the motion. Mayor McCarley briefed the City Council about two minor amendments. The **MOTION CARRIED** by a majority voice vote.

14.14. AB 119 Proposal to Reconfigure the Boundary Lines for Wards Three and Four in order to Facilitate a More Convenient and Accessible Polling Location for Voters in Ward Three Motion to Refer to a Public Hearing

Councilor Lachapelle **Moved** to refer the matter to a Public Hearing. Councilor Bogan seconded the motion. The City Council briefly discussed the matter. The **MOTION CARRIED** by a majority voice vote.

14.15. AB 124 Proposed Changes to the City Council Rules of Order Motion to Approve

Councilor Lachapelle **MOVED** to **APPROVE** the proposed changes to the City Council Rules of order. Councilor Bogan seconded the motion. Councilor Keans asked about Section 1.5 of the City Council Rules of Order that states all speakers should be residents of the City. Councilor Lachapelle said that Section 1.5 could be reviewed at the next Codes and Ordinances Committee meeting. He mentioned that Councilor Abbott had a proposed change which had also stayed in Committee. It was determined that the City Council would adopt the proposed amendments to the City Council Rules of Order as outlined in the City Council packet material and any other proposed changes would be sent to the next Codes and Ordinances Committee. The **MOTION CARRIED** by a unanimous voice vote.

15. Other

Councilor Gates questioned when the City Council would receive a financial accounting statement regarding the East Rochester Elementary School project. The report should be submitted soon prior as the City Council is to enter the budget season.

Councilor Gates said a couple of residents from Woodside Lane had contacted him about the total disrepair of the road. Is this road on the paving schedule and is the paving list posted to the City's website? Commissioner Storer stated that he found out that the City reluctantly accepted Woodside Lane in December of 2005 and it should not have been accepted by the City. It is going to be a costly project to resolve these issues. He said staff will begin the process of obtaining an estimate and trying to have this road listed on the priority list of roads to be paved.

Councilor Torr believed more information should be given to the public regarding snow emergencies and parking bans. Commissioner Storer gave a lengthy list of notifications which are given to residents at least 6 hours prior to a parking ban, including email, radio broadcast, and newspaper notices. He said only two complaints have been received this year regarding towing of vehicles.

Councilor Keans stated that the Joint Building Committee is to meet soon to discuss the final appropriations to the East Rochester Elementary School project and the budget is not completely settled; however, the total project is still on under budget at this point.

16. Adjournment

Councilor Torr **MOVED** to **ADJOURN** the Regular City Council meeting at 8:26 PM. Councilor Lachapelle seconded the motion. The

MOTION CARRIED by a unanimous voice vote.

Respectful submitted,

Kelly Walters, CMC
City Clerk