

**ROCHESTER CITY COUNCIL SPECIAL MEETING**  
**August 19, 2014**  
**CITY COUNCIL CHAMBERS**  
**7:35 PM**

**MEMBERS PRESENT**

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

**OTHERS PRESENT**

Blaine Cox, Deputy City Manager  
Dan Wensley, City Solicitor  
Seth Creighton

**MEMBERS EXCUSED**

Councilor Keans

**MINUTES**

**1. Call to Order**

Mayor Jean called the Special Meeting of the City Council to order at 7:35 PM. Deputy City Clerk Marcia Roddy took a silent roll call. All Councilors were present except for Councilor Keans, who had been excused.

**2. AB 30 Resolution Authorizing Supplemental Appropriation to the City of Rochester, for the So-Called Granite Ridge Development District in the Amount of \$5,000,000 - First Reading and Refer to Public Hearing**

Councilor Walker **MOVED** to read the resolution by title only for the first time and refer it to a public hearing on September 2, 2014. Councilor Lachapelle seconded the motion. Mayor Jean read the resolution by title only as follows:

**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**

**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 2014-2015 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, 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 FY15 08-19 AB 30**

Councilor Varney commented on the development agreement that was passed a few weeks prior to this meeting. He said that there are supposed to be some restrictions for the billboard that had been approved for on Route 11 and he did not see that anywhere in the documents. Attorney Wensley said that he believed that agreement was contained in the documents that had been signed and he could provide that documentation if desired.

Councilor Varney questioned the reference to the Granite Ridge TIF Advisory Board as having a budget and said that the Advisory Board would not have a budget that he was aware of. They would have a maintenance budget, but nothing more. Attorney Wensley explained that the Advisory Board would not be controlling any budget for spending. That is the function of the City Manager.

Councilor Varney also questioned the reference to the Advisory Board's function in the appeal process and said that Board's function should only be informational. Attorney Wensley said the Board will only make recommendations to the City Manager.

**3. AB 29 Resolution Authorizing Supplemental Appropriation to the to the 2014-2015 Capital Improvements Budget of the City of Rochester, Department of Public Works, for the So-Called Forest Park Drive and Plante Street Drainage Project - First Reading and Refer to Public Hearing**

Councilor Walker **MOVED** to read the resolution by title only for the first time and refer it to public hearing at the September 2, 2014, regular City Council meeting. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote. Mayor Jean read the resolution by title only for the first time as follows:

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION  
TO THE 2014-2015 CAPITAL IMPROVEMENTS BUDGET OF THE  
CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS,  
FOR THE SO-CALLED FOREST PARK DRIVE & PLANTE STREET  
DRAINAGE PROJECT**

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

That the sum of Two Hundred Thousand Dollars (\$200,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 capital improvements budget of the City of Rochester, Department of Public Works, for the purpose of providing sums necessary to pay costs and/or expenditures with respect to drainage work and/or repairs needed in the vicinity of 24 and 30 Forest Park Drive and 8 Plante Street (the "Project").

**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 Two Hundred Thousand Dollars (\$200,000), 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 20 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 FY15 08-19 AB 29**

**4. AB 23 Resolution Conditionally Accepting Conservation Easement with Respect to Property Situate at 195 Ten Rod Road in Rochester, Known as the Laverdiere Farm and Making a Supplemental Appropriation in Connection Therewith - Second Reading, and Adoption**

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

**RESOLUTION CONDITIONALLY ACCEPTING  
CONSERVATION EASEMENT WITH RESPECT TO PROPERTY SITUATE AT  
195 TEN ROD ROAD IN ROCHESTER,  
KNOWN AS THE LAVERDIERE FARM  
AND MAKING A SUPPLEMENTAL APPROPRIATION IN CONNECTION  
THEREWITH**

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

**I.** That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, do conditionally accept a conservation easement over portions of the property situate at 195 Ten Rod Road in Rochester, New Hampshire (Tax Map 217,

Lot 48) currently owned by the Laverdiere family, and known as the Hope Farm, and by such conditional acceptance indicates its approval for the Rochester Conservation Commission to acquire said conservation easement interest in the aforesaid property in the name of the City of Rochester (the "Project), such acceptance and approval being specifically subject to the following two (2) conditions, to wit:

A. That the form and content of the Conservation Easement Deed and related documents to be utilized to convey such conservation easement interest to the City of Rochester, prior to the payment for the same by the Rochester Conservation Commission out of funds to be drawn from the so-called Conservation Fund of the City of Rochester in an amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) shall be approved by the City Manager of the City of Rochester, or his designee, prior to their expenditure of funds for such Project; and

B. That to the extent that the total expenditure for such conservation easement shall exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), including related costs of acquisition, for the said Project, the City Manager shall either approve the use of such funds, or, to the extent that such funds require appropriation by the Mayor and City Council of the City of Rochester, the City Manager shall present a supplemental appropriation resolution for such funds to the said Mayor and City Council.

II. Further, that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, and upon compliance with the conditions established in this Resolution, hereby appropriate, as a supplemental appropriation to the City of Rochester, 2014-2015 CIP for the City of Rochester, Conservation Commission in an amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) (exclusive of any funds provided subject to the provisions of paragraph I (B) above), for the purpose of providing funds necessary for the Project, and further provide, that the sums necessary to fund the Project shall be derived from the so-called Conservation Fund of the City of Rochester in an amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00).

**FURTHERMORE**, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate, establish, and/or eliminate such accounts and/or account numbers, and to take all such other steps, as may be necessary to implement the transactions contemplated by this Resolution. CC FY15 08-05 AB 23

Attorney Wensley provided an amended resolution. Mayor Jean read the resolution by title only as amended as follows:

**RESOLUTION CONDITIONALLY ACCEPTING  
CONSERVATION EASEMENT WITH RESPECT TO PROPERTY SITUATE AT  
195 TEN ROD ROAD IN ROCHESTER,  
KNOWN AS THE LAVERDIERE FARM**

**AND MAKING A SUPPLEMENTAL APPROPRIATION IN CONNECTION  
THEREWITH**

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, do conditionally accept a conservation easement (including, without limitation an executory interest with, to the extent necessary and/or required, a third-party right of enforcement) over portions of the property situate at 195 Ten Rod Road in Rochester, New Hampshire (Tax Map 217, Lot 48) currently owned by the Laverdiere family, and known as the Hope Farm, and by such conditional acceptance indicates its approval for the Rochester Conservation Commission to acquire said conservation easement interest in the aforesaid property in the name of the City of Rochester (the "Project"), such acceptance and approval being specifically subject to the following two conditions, to wit:

A. That the form and content of the Conservation Easement Deed and related documents to be utilized to convey such conservation easement interest to the City of Rochester, prior to the payment for the same by the Rochester Conservation Commission out of funds to be drawn from the so-called Conservation Fund of the City of Rochester in an amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) shall be approved by the City Manager of the City of Rochester, or his designee, prior to their expenditure of funds for such Project; and

B. That to the extent that the total expenditure for such conservation easement shall exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), including related costs of acquisition, for the said Project, the City Manager shall either approve the use of such funds, or, to the extent that such funds require appropriation by the Mayor and City Council of the City of Rochester, the City Manager shall present a supplemental appropriation resolution for such funds to the said Mayor and City Council.

II. Further, that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, and upon compliance with the conditions established in this Resolution, hereby appropriate, as a supplemental appropriation to the City of Rochester, 2014-2015 CIP for the City of Rochester, Conservation Commission in an amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) (exclusive of any funds provided subject to the provisions of paragraph I (B) above), for the purpose of providing funds necessary for the Project, and further provide, that the sums necessary to fund the Project shall be derived from the so-called Conservation Fund of the City of Rochester in an amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00).

III. **FURTHERMORE**, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate, establish, and/or eliminate such accounts and/or account numbers, and to take all such other steps, as

may be necessary to implement the transactions contemplated by this Resolution. CC FY15 08-05 AB 23 Revised

Councilor Walker **MOVED** to adopt the resolution. Councilor Lauterborn seconded the motion.

Councilor Lauterborn said there was a mistake in the resolution. Line five refers to the "Hope Farm" instead of the "Laverdiere Farm." Attorney Wensley agreed and Mayor Jean said that will be corrected by amendment, per Attorney Wensley's advice.

Councilor Lauterborn **MOVED** to amend the resolution on line five to correct the "Hope Farm" to "Laverdiere Farm" and to include verbiage of Attorney Wensley. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** to adopt as amended by unanimous voice vote.

Final version of amended resolution:

**RESOLUTION CONDITIONALLY ACCEPTING**  
**CONSERVATION EASEMENT WITH RESPECT TO PROPERTY SITUATE AT**  
**195 TEN ROD ROAD IN ROCHESTER,**  
**KNOWN AS THE LAVERDIERE FARM**  
**AND MAKING A SUPPLEMENTAL APPROPRIATION IN CONNECTION**  
**THEREWITH**

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, do conditionally accept a conservation easement (including, without limitation an executory interest with, to the extent necessary and/or required, a third-party right of enforcement) over portions of the property situate at 195 Ten Rod Road in Rochester, New Hampshire (Tax Map 217, Lot 48) currently owned by the Laverdiere family, and known as the Laverdiere Farm, and by such conditional acceptance indicates its approval for the Rochester Conservation Commission to acquire said conservation easement interest in the aforesaid property in the name of the City of Rochester (the "Project"), such acceptance and approval being specifically subject to the following two

II. conditions, to wit:

A. That the form and content of the Conservation Easement Deed and related documents to be utilized to convey such conservation easement interest to the City of Rochester, prior to the payment for the same by the Rochester Conservation Commission out of funds to be drawn from the so-called Conservation Fund of the City of Rochester in an amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) shall be approved by the City Manager of the City of Rochester, or his designee, prior to their expenditure of funds for such Project; and

B. That to the extent that the total expenditure for such conservation easement shall exceed Three Hundred Fifty Thousand Dollars (\$350,000.00),

including related costs of acquisition, for the said Project, the City Manager shall either approve the use of such funds, or, to the extent that such funds require appropriation by the Mayor and City Council of the City of Rochester, the City Manager shall present a supplemental appropriation resolution for such funds to the said Mayor and City Council.

**II.** Further, that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, and upon compliance with the conditions established in this Resolution, hereby appropriate, as a supplemental appropriation to the City of Rochester, 2014-2015 CIP for the City of Rochester, Conservation Commission in an amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) (exclusive of any funds provided subject to the provisions of paragraph I (B) above), for the purpose of providing funds necessary for the Project, and further provide, that the sums necessary to fund the Project shall be derived from the so-called Conservation Fund of the City of Rochester in an amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000.00).

**III. FURTHERMORE,** to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate, establish, and/or eliminate such accounts and/or account numbers, and to take all such other steps, as may be necessary to implement the transactions contemplated by this Resolution. CC FY15 08-05 AB 23 Revised, Amended, and Adopted.

Mayor Jean introduced Seth Creighton, Staff Planner for the City of Rochester. Mr. Creighton indicated that most of the Conservation Commission was in attendance and potential purchasers of the property. He passed out a second resolution and a letter from Attorney Durbin.

Attorney Wensley gave a legal explanation of the transaction.

Seth Creighton introduced Dwayne Hyde, the Land Protection Director for the Southeast Land Trust. He explained the grant program called ALE, or Agricultural Land Easement, and why this project was submitted for funding. He said this project is in the queue for New Hampshire and is in the highest position for funding in New Hampshire. He said the final decision on whether this project receives the grant will be by the end of September.

Mr. Hyde said that because the farm bill is new that the rules are being written now and it is likely that sometime in January or February the award would be granted and the City of Rochester would receive the funds.

Councilor Varney asked if and when the grant money comes in does it go into the undesignated fund balance. Mayor Jean said yes.

Mayor Jean called for a vote on the motion currently on the floor to allow the Conservation Commission to access the funds currently in the Conservation Fund. Councilor Torr **MOVED** for a roll call vote. Councilor Varney seconded the motion.



Councilors Hamann, Walker, Larochele, Gates, Varney, Gray, Torr, Lauterborn, Lachapelle, Collins, Bogan, and Mayor Jean all voted yes. The **MOTION CARRIED**.

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION  
TO THE 2014-2015 OPERATING BUDGET OF THE  
CITY OF ROCHESTER TO PROVIDE REMAINING FUNDING NECESSARY TO  
ACQUIRE CONSERVATION EASEMENT FOR PROPERTY SITUATE AT 195 TEN  
ROD ROAD**

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

That the sum of two hundred twenty-one thousand, one hundred and fifty dollars (\$221,150.00) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 operating budget of the City of Rochester to fund the remainder purchase price and transactional costs associated with the acquisition of the conservation easement over portions of the property situate at 195 Ten Rod Road (Tax Map 217, Lot 48) (the "Project"), and provided further that such appropriation shall be drawn, in its entirety, from the City of Rochester General Fund, undesignated fund balance.

In requesting said supplemental appropriation, the City of Rochester's Conservation Commission, in coordination with the Southeast Land Trust of New Hampshire, will apply for a maximum grant from the Natural Resources Conservation Service Agricultural Land Easement (ALE) program in the amount of approximately two hundred and fifty-seven thousand five hundred dollars (\$257,500.00) to offset a portion of the City's acquisition costs for the Project.

The City Manager or his Designee is hereby authorized, to negotiate, enter into, accept and execute any security agreements (e.g., escrow agreement and/or mortgage), conveyance documents, conservation easement deed, agreements and grant applications relative to the project that the City Manager deems to be in the best interest of the City of Rochester. Further, the City Manager or his Designee is authorized to take such additional actions on behalf of the City of Rochester and to negotiate, enter into, accept and execute any amendments and any additional, supplemental or complimentary documents to effectuate the Project, as the City Manager deems necessary and to be in the best interests of the City of Rochester.

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 transaction(s) contemplated by this **Resolution. CC FY15 AB 23-a**

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

Councilor Lachapelle **MOVED** to amend the funding source from Operating Budget to Capital Improvements budget. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

The motion on the floor to adopt the resolution **AS AMENDED** was voted on by roll call vote. Councilors Walker, Collins, Varney, Bogan, Lachapelle, Gray, Larochelle, Torr, Hamann, Gates, Lauterborn, and Mayor Jean all voted yes and the **MOTION CARRIED**.

#### **5. Resignation: Gregory Jeanson, Planning Board, Regular Member**

Councilor Walker **MOVED** to accept the resignation of Gregory Jeanson, with regret, as a Regular Member of the Planning Board. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

#### **6. Nomination: Gretchen Young, Strafford Regional Planning Commission, Technical Advisory Committee**

Councilor Torr **MOVED** to nominate Gretchen Young to served on the Strafford Regional Planning Commission Technical Advisory Committee. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

#### **7. Non-Public Sessions**

##### **7.1. Non-Public Session, Personnel, RSA 91-A:3 II (a)**

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

Councilor Lachapelle **MOVED** to enter Non-Public Session, Personnel, RSA 91-A:2 (a) and Non-Meeting, Consultation with Legal Counsel, RSA 91-A: 2 (d). Councilor Walker seconded the motion. Councilors Gates, Lauterborn, Walker, Lachapelle, Gray, Larochelle, Torr, Hamann, Bogan, Collins, Varney, and Mayor Jean all voted yes. The City Council entered Non-Public Session and Non-Meeting at 8:05 PM.

Councilor Lachapelle **MOVED** to exit Non-Public Session at 8:40 PM and to seal the minutes indefinitely. Councilor Walker seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

## 8. Adjournment

Councilor Walker **MOVED to** adjourn. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote. The meeting adjourned at 8:40 PM.

Respectfully submitted,

*Marcia H. Roddy*

Marcia H. Roddy, NHCDCC  
Deputy Clerk