

**Regular City Council Meeting
August 5, 2014
COUNCIL CHAMBERS
7:04 PM**

COUNCILORS PRESENT

*Councilor Bogan
Councilor Collins
Councilor Gates
Councilor Gray
Councilor Hamann
Councilor Keans
Councilor Kittredge
Councilor Lachapelle
Councilor Larochelle
Councilor Lauterborn
Councilor Torr
Councilor Walker
Mayor Jean

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Attorney Wensley
Commissioner Nourse
Deb Shigo, Conservation Commission
Dwayne Hyde, Land Protection
for Southeast Land Trust of NH
Tara Paradis, Candidate, Ward 6

MINUTES

1. Call to Order

Mayor Jean called the Regular City Council meeting to order at 7:04 PM.

2. Pledge of Allegiance

Mayor Jean led the Pledge of Allegiance.

3. Opening Prayer

Mayor Jean called for a moment of silence for all military personnel fighting for our freedoms.

4. Roll Call

Kelly Walters, City Clerk, took a roll call. All City Council members were present. *Councilor Bogan joined the City Council after she was elected under **Agenda Item 9.1.1 Nominations, Appointments, Resignations, and Elections.***

5. Acceptance of Minutes

5.1. July 1, 2014, Regular City Council Meeting Minutes

Councilor Walker **MOVED** to **ACCEPT** the Regular City Council meeting minutes of July 1, 2014. 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

City Manager Fitzpatrick stated that the staff of the Children's Room at the Rochester Public Library is being recognized this month for their contributions to the Summer Reading Program. He invited Brian Sylvester, Director of the Library, and the staff to come forward to be recognized.

Mr. Sylvester introduced each member of staff as follows: Marie Kelly, Lisa Melone, Shannon Perry, Jennifer Bent, Peggy Trout, Grace Larochelle, Jill Young, and Melissa Sauer.

6.2. City Manager's Report

City Manager Fitzpatrick stated that the following Management Team Meeting minutes have been included with the City Council packet:

- June 23, 2014
- June 30, 2014
- July 7, 2014
- July 14, 2014
- July 21, 2014

City Manager Fitzpatrick read the following contracts and documents that have been executed since the last City Manager's Report:

- Arena restrooms – Change Order #2
- Catherine St/Sheridan Ave/Knight St – notice of award
- Catherine St/Sheridan Ave/Knight St – construction agreement
- George, M – Deputy Warden appointment
- Household Hazardous Waste contract
- New Route 125 Pump Station Upgrade
- Paving Contract 11-27 – Change Order #5
- Stillwater Bridge – Notice of Award – Beck & Bellucci
- Stillwater Bridge Rehab – Construction Agreement
- The Network contract – Ethics & Compliance hotline management
- Upper City Dam Repairs – Change Oder #1
- Watershed Assistance Grant – City Council letter of support

- Watershed Assistance Grant – Pre-proposal

City Manager Fitzpatrick stated that other items received by the City Manager are as follows:

- East Rochester Library – thank you letter
- Homemakers – thank you for support letter
- RMS – Factory Court Lease payment
- Waste Management – Type I-B permit modification – notice of application
- Waste Management – 2nd quarter host community fees

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

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

Councilor Lachapelle asked if the Stillwater Bridge Project has been started. Commissioner Nourse replied that the project has been started and it should be completed by this fall.

Councilor Varney asked about the Farmington Road Shell Station. It seems that the sentence written on page 61 of the City Council packet is incomplete. City Manager Fitzpatrick agreed to provide more information to the City Council.

7. Communications from the Mayor

7.1. Appointment: Sandra Keans, Strafford Regional Planning Commission

Mayor Jean stated that the Planning Board has recommended Sandra Keans to be appointed to the Strafford Regional Planning Commission. Mayor Jean nominated Sandra B. Keans to serve on the Strafford Regional Planning Commission with a term to expire consistent with that of the provisions of the Commission. Councilor Lachapelle seconded the nomination. Mayor Jean called for a vote on the appointment. Sandra B. Keans has been appointed to serve on the Strafford Regional Planning Commission.

7.2. Appointment: Peter Lachapelle, City Council Representative to the Recreation Advisory Commission

Mayor Jean nominated Peter Lachapelle to serve as the City Council Representative to the Recreation Arena Advisory Commission, with a term to expire consistent with his term of office as a City Councilor. Councilor Walker seconded the nomination. Mayor Jean called for a vote on the appointment and announced that Peter Lachapelle has been appointed to serve on the Recreation Advisory Commission as the City Council Representative.

Mayor Jean publicly invited the public to attend the Annual Gonic/East Side Softball Game is to be held this Saturday, August 9, 2014, at 9:00 AM, at the Riverside Park. He added that Councilor Lachapelle is the team captain for Gonic and former Councilor LaBranche is the team captain for East Side.

Mayor Jean wished Councilor Torr a Happy Birthday.

Mayor Jean stated that if there were no objections, he would amend the Agenda to take up Agenda Item 13.12. No objections were stated. Councilor Walker **MOVED** to **ACCEPT** the new second hand dealer's license [Glass Slippers, located at 43 North Main Street]. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

8. Presentations of Petitions and Council Correspondence

9. Nominations, Appointments, Resignations, and Elections

9.1. City Council Statement of Interest

9.1.1 Donna Bogan, Ward 6, City Council, Seat A

Donna Bogan, resident, addressed the City Council. She gave a brief overview of her qualifications to serve as a City Council.

9.1.2 Tara Paradis, Ward 6, City Council, Seat A

Tara Paradis, resident, addressed the City Council. She gave a brief overview of her qualifications to serve as a City Councilor.

Mayor Jean nominated Donna Bogan to fill the vacant City Council Seat [City Council, Ward 6, Seat A]. Councilor Lachapelle seconded the nomination. Mayor Jean nominated Tara Paradis to fill the vacant City Council Seat [City Council, Ward 6, Seat A]. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Donna Bogan has been

elected to fill the vacant seat of the Ward 6 Council Seat A by a unanimous roll call vote as follows: Councilors Gray, Larochelle, Lauterborn, Keans, Varney, Hamann, Torr, Collins, Lachapelle, Gates, Walker, and Mayor Jean voted in favor of appointing Donna Bogan.

Mayor Jean thanked both candidates for attending the meeting. He invited Donna Bogan to come forward. Attorney Wensley administered the Oath of Office and Councilor Bogan took her seat.

9.2. School Board Statement of Interest

Councilor Lachapelle asked if any member of the public has submitted a Statement of Interest to serve on the School Board. Mayor Jean replied no. He added that anyone interested should submit a Statement of Interest at the City Clerk's office.

9.3. Appointment: Robert Pallas, Ward 2, Selectman

Mayor Jean nominated Robert Pallas to be appointed to fill the vacant Ward 2, Selectman Seat. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean called for a vote on the appointment of Robert Pallas. The **MOTION CARRIED** by a unanimous voice vote.

10. Reports of Committee

10.1. Appointments Committee

Mayor Jean **MOVED** to send the nomination of Theresa Hickman to the Department of Environmental Services, to serve on the Local River Managers [Cocheco]. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Lachapelle **MOVED** that nominations cease and the Clerk cast one ballot for Ms. Hickman. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Larochelle stated that the Appointments Committee unanimously recommends Michael Provost for reappointment to the Arts & Culture Commission, with a term to expire July 2017. Mayor Jean nominated Michael Provost for reappointment to the Arts & Culture Commission, with a term to expire in July 2017. Councilor Hamann seconded the nomination. Councilor Walker **MOVED** that nominations cease and the Clerk cast one ballot for Mr. Provost. Councilor Lachapelle seconded the motion. Mayor Jean

announced that Mr. Provost has been reappointed to the Arts & Culture Commission, with a term to expire in July 2017 by a unanimous vote.

Councilor Larochelle stated that the Appointments Committee unanimously recommends Cristina Dorvillier for reappointment to the Arts & Culture Commission, with a term to expire July 2017. Mayor Jean nominated Cristina Dorvillier for reappointment to the Arts & Culture Commission, with a term to expire in July 2017. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease and the Clerk cast one ballot for Ms. Dorvillier. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Ms. Dorvillier has been reappointed to the Arts & Culture Commission, with a term to expire in July 2017 by a unanimous vote.

10.2. Community Development

Councilor Gray stated that the Community Development Committee discussed placing a curfew restriction on the Common. This will be kept in Committee for the time being and may be sent to the Codes and Ordinance Committee at some point.

Councilor Gray stated that the Community Development Committee discussed the 79-E application. He stated that there is uncertainty if this tax relief should be granted for five years or have it extend it to nine years. This will be reviewed again under New Business.

10.3. Finance Committee

Mayor Jean stated that the Merit Plan discussion would be addressed under the New Business items.

Mayor Jean stated that the Committee had a brief discussion about the Monarch School permit fees; however, no action was taken.

Mayor Jean stated there were no other action items.

10.4. Joint Building Committee

Councilor Keans stated that the project is moving forward and keeping within budget. She added that construction has begun for the new access road. She mentioned that there was a lot of sludge in the area that needed to be removed.

Councilor Keans stated that the next meeting would be held on Monday, August 18, 2014, at the location of the school.

10.5. Public Safety Committee

Councilor Walker **MOVED** to **DENY** the "speed limit" sign on Cemetery Road. Councilor Lachapelle seconded the motion. Councilor Walker stated that the Committee felt the road too short to post a speed limit sign. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to direct staff to place two "deer crossing" signs at the following locations: one near Four Rod Road and the other at the Farmington line. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker stated that the City received a response letter from the New Hampshire Department of Transportation, which indicated that the State is not in favor of reducing the speed limit signs on Pickering Road. He **MOVED** to leave the speed limit signs on Pickering Road as they were prior to the last City Council meeting vote. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to move the street light one pole closer to the intersection of Cross Road and Milton Road. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker stated that all other items have been left in Committee.

Councilor Gray publicly announced that the speed trailer has been placed on Route 202 near Fillmore Street in order to monitor traffic in this area.

10.6. Public Works Committee

Councilor Varney stated that a discussion ensued about expending City funds to complete a drainage repair on Ryan's Circle. Councilor Walker **MOVED** to instruct the City Manager to direct City staff to complete the drainage repair and installation described in the SUR proposal of \$20,000, using city funds, for Ryan's Circle. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a majority voice vote. Councilor Varney mentioned that Commissioner Nourse may need to request a supplemental appropriation at some point to cover some of the cost relative to drainage issues that are being discovered on Forest Park and Hancock Street.

Councilor Varney asked for some clarification about the Yeagley Way Project, which seems to have morphed into a larger project than originally planned. Commissioner Nourse replied that the road itself is larger than most people would have anticipated. He stated that it is a reclaim and pave project. He gave details about the project, including the ADA walkway to the school's flagpole. He stated that the parking has been improved as well.

Councilor Torr expressed frustration that this was not the original plan of the project. He questioned the cost of the project. Commissioner Nourse confirmed that the project of Yeagley Way and Dominicus Court would cost \$175,000. Commissioner Nourse gave some details of how they have tried to keep the cost down.

Councilor Torr questioned why the project did not include the back of the City pool and the Creteau Building parking lot. Commissioner Nourse stated that the staff could look at addressing the parking lot with the Committee.

Councilor Lachapelle stated that the Codes and Ordinances Committee did not meet in July; however, there is a Committee meeting set for this Thursday. He asked if Councilor Bogan should take over the Committee appointments which had been previously held by former City Councilor Kittredge. Mayor Jean replied yes, and said that Councilor Bogan would serve on both the Codes and Ordinances Committee and the Community Development Committee.

11. Old Business

12. Consent Calendar

Councilor Lachapelle **MOVED** to **ADOPT** the Consent Calendar. Councilor Varney seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

12.1. AB 15 Resolution De-Authorizing Portion of FY 2011-2012 Capital Budget Appropriation for the City of Rochester, Department of Public Works, Water Works, for the So-Called Salmon Falls Road Water Project [\$241,236.25]— First Reading, Second Reading, and Adoption

RESOLUTION DEAUTHORIZING PORTION OF FY 2011-2012 CAPITAL BUDGET APPROPRIATION FOR THE CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS, WATER WORKS, FOR THE SO-CALLED SALMON FALLS ROAD WATER 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 of 2011, a Capital Improvements Budget appropriation in the amount of Three Hundred Sixty-Six Thousand Dollars (\$366,000.00) was adopted and approved in the FY 2011-2012 City of Rochester, Department of Public Works, Water Works capital improvements budget for the so-called Salmon

Falls Road Water 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 Two Hundred Forty-One Thousand Two Hundred Thirty-Six Dollars and Twenty-Five Cents (\$241,236.25) of the aforesaid appropriated funds 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 Two Hundred Forty-One Thousand Two Hundred Thirty-Six Dollars and Twenty-Five Cents (\$241,236.25) 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 Two Hundred Forty-One Thousand Two Hundred Thirty-Six Dollars and Twenty-Five Cents (\$241,236.25), thereby leaving a balance of the aforesaid FY 2011-2012 appropriation with borrowing authority in the amount of One Hundred Twenty-Four Thousand Seven Hundred Sixty-Three Dollars and Seventy-Five Cents (\$124,763.75).

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 08-05 AB 15**

**12.2. AB 17 Resolution De-Authorizing Portion of FY 2009-2010
Capital Budget Appropriation for the City of Rochester,
Department of Public Works, Sewer Works, for the So-
Called Spaulding Turnpike Sewer Project [\$61,562.18]–
First Reading, Second Reading, and Adoption**

**RESOLUTION DEAUTHORIZING PORTION OF FY 2009-2010
CAPITAL BUDGET APPROPRIATION FOR THE
CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS,
SEWER WORKS, FOR THE SO-CALLED
SPAULDING TURNPIKE SEWER 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 of 2009, a Capital Improvements Budget appropriation in the amount of Four

Hundred Seventy-Five Thousand Dollars (\$475,000.00) was adopted and approved in the FY 2009-2010 City of Rochester, Department of Public Works, Sewer Works capital improvements budget for the so-called Spaulding Turnpike Sewer 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 Sixty-One Thousand Five Hundred Sixty-Two Dollars and Eighteen Cents (\$61,562.18) 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 Sixty-One Thousand Five Hundred Sixty-Two Dollars and Eighteen Cents (\$61,562.18) 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 Sixty-One Thousand Five Hundred Sixty-Two Dollars and Eighteen Cents (\$61,562.18), thereby leaving a balance of the aforesaid FY 2009-2010 appropriation with borrowing authority in the amount of Four Hundred Thirteen Thousand Four Hundred Thirty-Seven Dollars and Eighty-Two Cents (\$413,437.82).

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 08-05 AB 17**

12.3. AB 18 Resolution De-Authorizing Portion of the FY 2010-2011 Capital Budget Appropriation for the City of Rochester, Department of Public Works, Sewer Works, for the So-Called Spaulding Turnpike Sewer Project [\$200,000.00] - First Reading, Second Reading, and Adoption

**RESOLUTION DEAUTHORIZING PORTION OF FY 2010-2011
CAPITAL BUDGET APPROPRIATION FOR THE
CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS,
SEWER WORKS, FOR THE SO-CALLED
SPAULDING TURNPIKE SEWER 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 of 2010, a Capital Improvements Budget appropriation in the amount of Two Hundred Thousand Dollars (\$200,000.00) was adopted and approved in the FY 2010-2011 City of Rochester, Department of Public Works, Sewer Works capital improvements budget for the so-called Spaulding Turnpike Sewer 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 Two Hundred Thousand Dollars (\$200,000.00) 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 Two Hundred Thousand Dollars (\$200,000.00) 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 Two Hundred Thousand Dollars (\$200,000.00), thereby leaving no balance of the aforesaid FY 2010-2011 appropriation with borrowing authority.

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 08-05 AB 18**

12.4. AB 19 Resolution De-Authorizing FY 2010-2011 City of Rochester, Sewer Works, Business Office Capital Budget Appropriation [\$55.50]– First Reading, Second Reading, and Adoption

RESOLUTION DEAUTHORIZING
FY 2010-2011 CITY OF ROCHESTER, SEWER WORKS,
BUSINESS OFFICE CAPITAL BUDGET APPROPRIATION

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

WHEREAS, by Resolution adopted in June of 2010, a Capital Improvements Budget appropriation by the Mayor and City Council, in the sum of Five Thousand Dollars (\$5,000.00) was appropriated in the FY 2010-20011 City of Rochester, Sewer Works Capital Improvements Project budget, for the so-called Business Office Mail Folder Inserter project (the "Project"), which appropriation was to be funded, in its entirety, from cash from the so-called Sewer Works Sewer Fund; and

WHEREAS, the Project has been completed, and there remains, in such account, the unencumbered sum of Fifty-Five Dollars and Fifty Cents (\$55.50), which funds are 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 the sum of Fifty-Five Dollars and Fifty Cents (\$55.50) of the previously appropriated funds for the so-called Project, leaving appropriated funds for said Project in the FY 2010-20011 City of Rochester, Sewer Works Capital Improvements Project budget in the amount of Four Thousand Nine Hundred Forty-Four Dollars and Fifty Cents (\$4,944.50). Further, that the Finance Director is hereby directed to transfer the deauthorized Fifty-Five Dollars and Fifty Cents (\$55.50) to the so-called Sewer Works Sewer Fund.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY15 08-05 AB 19**

**12.5. AB 22 Resolution De-Authorizing FY 2009-2010 Rochester Conservation Commission Capital Improvements Budget Appropriation for Purchase of a Conservation Easement on the So-Called Jacob's Farm – [\$350,000] [USDA GRANT]
First Reading, Second Reading, and Adoption**

**RESOLUTION DEAUTHORIZING
FY 2009-2010 ROCHESTER CONSERVATION COMMISSION
CAPITAL IMPROVEMENTS BUDGET APPROPRIATION
FOR PURCHASE OF A CONSERVATION EASEMENT
ON THE SO-CALLED JACOB'S FARM**

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

WHEREAS, by resolution previously adopted by the Mayor and City Council, on September 15, 2009 as part of the FY 2009-2010 Capital Improvement

Project budget of the City of Rochester for the purpose of providing funds to be used by the Rochester Conservation Commission in connection with the acquisition of a Conservation Easement on the so-called Jacobs' Property a/k/a Jacob's Farm, in the amount of Three Hundred Fifty Thousand Dollars (\$350,000.00) was appropriated in the City of Rochester's FY 2009-2010 capital improvements budget for the purpose of acquiring a conservation easement on the so-called Jacob's Farm (the "Project"), such Project to be funded in its entirety, by a grant of Three Hundred Fifty Thousand Dollars (\$350,000.00) from the National Resources Conservation Service (NCRS)/ Farm and Ranch Lands Protection Program (FRPP) grant (the "Grant"); and

WHEREAS, such Project has, of the present date, never been implemented and the Grant has never been received, thereby making the Project as originally contemplated, no longer practicable; and

WHEREAS, in light of the fact that the Grant for the Project has not been received, thereby making implementation of the Project for its appropriated purposes in the manner originally contemplated, impossible, at the current time:

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize the above mentioned appropriation to the City of Rochester FY 2009-2010 capital improvements budget for the aforesaid Project purposes to the extent of Three Hundred Fifty Thousand Dollars (\$350,000.00), and further withdraw the City's acceptance of the aforesaid Grant, thereby deauthorizing such appropriation in its entirety.

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 22**

13. New Business

13.1. AB 08 Resolution Authorizing Supplemental Appropriation to the 2014-2015 Capital Improvement Budget of the City of Rochester, Department of Public Works, Water Works for the So-Called Water Treatment Plant Upgrades Project and Authorizing Borrowing in Connection Therewith - Second Reading and Adoption

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
TO THE 2014-2015 CAPITAL IMPROVEMENTS BUDGET OF THE
CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS,
WATER WORKS FOR THE SO-CALLED
WATER TREATMENT PLANT UPGRADES PROJECT
AND AUTHORIZING BORROWING IN CONNECTION THEREWITH**

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

That the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00) 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, Water Works for the purpose of providing sums necessary to pay expenditures with respect to the so-called Water Treatment Plant Upgrades project (the "Project"), and provided further that such appropriation shall be drawn in its entirety from the proceeds of borrowing by the City of Rochester from the State of N.H. Drinking Water State Revolving Fund with respect to the aforesaid Project.

Additionally, and to the extent applicable, the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of Section 45 of the Rochester City Charter, the City Treasurer, with the approval of the City Manager, be, and hereby is, authorized to borrow the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00), for the purpose of providing funds necessary for the so-called Project, 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. Furthermore, such borrowing is authorized subject to compliance with the provisions Section 45 of the Rochester City Charter. 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 07-01 AB 8**

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

13.2. AB 06 Resolution, Pursuant to New Hampshire RSA 75:8-b, to Authorize the City of Rochester to Annually Appraise Real Estate at Market Value, as Defined in RSA 75:1 – Second Reading and Adoption

Councilor Walker **MOVED** to 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 as follows:

RESOLUTION, PURSUANT TO N.H. RSA 75:8-b,
TO AUTHORIZE THE CITY OF ROCHESTER TO ANNUALLY
APPRAISE REAL ESTATE AT MARKET VALUE,
AS DEFINED IN RSA 75:1

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

WHEREAS, the City of Rochester is desirous of availing itself of the authority granted to it by the provisions of RSA 75:8-b, to annually appraise real estate within the City at market value, as defined in RSA 75:1; and

WHEREAS, the City of Rochester, acting through its Mayor and City Council has held two (2) public hearings with regard to the annual appraisal of real estate at market value, as defined in RSA 75:1, in compliance with the requirements of RSA 75:8-b;

NOW THEREFORE, the Mayor and City Council of the City of Rochester, hereby authorize the City of Rochester, beginning immediately, to exercise the authority granted to said City by the provisions of RSA 75:8-b, to annually appraise real estate within the City at market value, as defined in RSA 75:1. **CC FY15 AB 006 former CC FY14 AB 89 [Assessing]**

Mayor Jean recalled that the first Public Hearing for this resolution was held on July 1, 2014, by the Rochester City Council and the second Public Hearing for this resolution was held on July 8, 2014, by the Rochester Finance Committee. He stated that a motion to adopt is in order.

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

13.3. AB 11 Resolution Granting Community Revitalization Tax Relief to the Property Situate at 82 Wakefield Street Under the Provisions of RSA 79-E in Connection with the Proposed Rehabilitation Project for Such Premises First Reading and Adoption

Councilor Lachapelle **MOVED** to read the resolution by title only for the second time. Councilor Walker seconded the motion. Mayor Jean read the resolution by title only for the second time as follows:

RESOLUTION GRANTING
COMMUNITY REVITALIZATION
TAX RELIEF TO THE PROPERTY SITUATE AT 82 WAKEFIELD STREET
UNDER THE PROVISIONS OF RSA 79-E
IN CONNECTION WITH ITS PROPOSED REHABILITATION PROJECT

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

WHEREAS, in an effort to stimulate local economic development and enhance City downtowns and town centers, the New Hampshire Legislature has enacted Chapter 79-E of the New Hampshire Revised Statutes Annotated, entitled "Community Revitalization Tax Relief Incentive"; and

WHEREAS, the City of Rochester on October 7, 2008 availed itself of the opportunities and benefits available through the adoption of Chapter 79-E, by adopting the provisions of such the Community Revitalization Tax Relief Incentive Program pursuant to the Provisions RSA Chapter 79-E on October 7, 2008; and

WHEREAS, the owner(s) of the so-called 82 Wakefield Street property in downtown Rochester is/are desirous of taking advantage of the potential opportunities and benefits available to property owners as a result of the adoption of Chapter 79-E and they have, therefore, proposed a substantial rehabilitation project with respect to the so-called 82 Wakefield Street property structure; and

WHEREAS, Chapter 79-E requires that the governing body of the City of Rochester make certain findings and or determinations with regard to a proposed substantial rehabilitation project in order for the structure subject

to such rehabilitation project to qualify for the Chapter 79-E Community Revitalization Tax Relief Incentive;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby make the following determinations and findings with respect to the proposed substantial rehabilitation proposal for the so-called 82 Wakefield Street property contemplated by the owner's Community Revitalization Tax Relief Application dated July 1, 2014, to wit:

(1) Any tax relief under the provisions of Chapter 79-E or this resolution that is to be accorded with respect to the so-called 82 Wakefield Street property project shall be accorded only after the property owners grant to the City a covenant pursuant to the provisions of RSA 79-E:8 ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and in accordance with the requirements of RSA 79-E:8; and

(2) The Mayor and City Council find a public benefit(s) under RSA 79-E:7 in the proposed revitalization project; and

(3) The proposed substantial rehabilitation provides the following public benefits to downtown Rochester:

- I. It enhances the economic vitality of the downtown;
- II. It enhances and improves a structure that is culturally or historically important on a local level, within the context of Rochester's Historic District and/or the City center in which the building is located;
- III. It promotes development of downtown Rochester, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B;

(4) The specific public benefit is preserved through a covenant under RSA 79-E:8 if the project is implemented consistent with (a) the aforesaid application; (b) compliance with the recommendation to the Council approved by the Economic Development Committee at its July 24, 2014 meeting; (c) the terms of this resolution; and (d) any other applicable requirements of Chapter 79-E; and

(5) The Mayor and City Council finds that the proposed use is consistent with the City's master plan and/or development regulations.

Furthermore, as a result of making such determinations and findings, and subject to the owner(s) compliance therewith, and with the provisions of Chapter 79-E, the Mayor and City Council hereby grants the requested tax relief for a period of five (5) years beginning with the completion of the substantial rehabilitation of the so-called 82 Wakefield Street property structure. **CC FY14 08-05 AB 11**

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion.

Mayor Jean gave a brief overview of the tax relief offered through this type of an agreement. Councilor Lauterborn stated that the Community Development Committee discussed this agreement and the recommendation made by Karen Pollard, Economic Development Manager, to extend the tax relief for an additional four years. She stated that this development is located in the Downtown District and the amount of money being spent by the owner is almost four times as much is required by the RSA. She **MOVED** to **AMEND** the resolution to add an additional four years to the last paragraph as recommended. Councilor Larochelle seconded the motion.

Councilor Varney spoke against making this decision at this time. Councilor Lauterborn stated that the hope of the owners was to start construction in August. Council discussed the assessed values with City Assessor Mullin. Mr. Mullin deferred the conversation to Attorney Wensley.

Ms. Pollard read the RSA 79-E to the City Council. Council debated if this particular project would be regarded as historic. Attorney Wensley gave an overview of RSA 79-E. He stated that if the owner knew upfront how long the tax relief would be in place, it would have an impact on how much that owner would be willing to invest in improving that particular property.

Councilor Keans pointed out that the majority of work being done is on the greenhouse and not the historical building itself. Councilor Gray questioned what portion of the RSA Ms. Pollard read that allows for additional tax relief. Ms. Pollard stated that she is not a historic expert; however, this property is located in the Historic District as designated by the City of Rochester. She added that the Planning Department has more information about the creation of the Historic District and specifically it lists this property as being a valuable historic structure. A discussion ensued about approving the resolution with a five-year term and later on extending the term to nine years.

Councilor Torr asked about other times that the City has voted in favor of a tax relief program in the City of Rochester. City Assessoror stated that

he is only aware of one other time this has been done and that was for the Scenic Theater in the downtown area; however, the owner was not able to obtain sufficient funding in order to complete the project. Councilor Larochelle mentioned that the City has supported a similar tax relief program for historic barns.

Councilor Lauterborn encouraged the City Council to move forward on this action now and to send a positive message to businesses located in the downtown area. Mayor Jean called for a vote on the motion to amend the resolution. The **MOTION CARRIED** by a majority voice vote.

Councilor Varney mentioned that there is a typographical error in paragraph four, which refers to the Economic Development Committee. He said this should read "Community Development Committee". Attorney Wensley confirmed that this error could be corrected without a Council vote.

Mayor Jean called for a vote on the motion to adopt as amended. The **MOTION CARRIED** by a majority voice vote. The resolution as amended is as follows:

RESOLUTION GRANTING
COMMUNITY REVITALIZATION
TAX RELIEF TO THE PROPERTY SITUATE AT 82 WAKEFIELD STREET
UNDER THE PROVISIONS OF RSA 79-E
IN CONNECTION WITH ITS PROPOSED REHABILITATION PROJECT

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

WHEREAS, in an effort to stimulate local economic development and enhance City downtowns and town centers, the New Hampshire Legislature has enacted Chapter 79-E of the New Hampshire Revised Statutes Annotated, entitled "Community Revitalization Tax Relief Incentive"; and

WHEREAS, the City of Rochester on October 7, 2008 availed itself of the opportunities and benefits available through the adoption of Chapter 79-E, by adopting the provisions of such the Community Revitalization Tax Relief Incentive Program pursuant to the Provisions RSA Chapter 79-E on October 7, 2008; and

WHEREAS, the owner(s) of the so-called 82 Wakefield Street property in downtown Rochester is/are desirous of taking advantage of the potential opportunities and benefits available to property owners as a result of the adoption of Chapter 79-E and they have, therefore, proposed a substantial

rehabilitation project with respect to the so-called 82 Wakefield Street property structure; and

WHEREAS, Chapter 79-E requires that the governing body of the City of Rochester make certain findings and or determinations with regard to a proposed substantial rehabilitation project in order for the structure subject to such rehabilitation project to qualify for the Chapter 79-E Community Revitalization Tax Relief Incentive;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby make the following determinations and findings with respect to the proposed substantial rehabilitation proposal for the so-called 82 Wakefield Street property contemplated by the owner's Community Revitalization Tax Relief Application dated July 1, 2014, to wit:

(1) Any tax relief under the provisions of Chapter 79-E or this resolution that is to be accorded with respect to the so-called 82 Wakefield Street property project shall be accorded only after the property owners grant to the City a covenant pursuant to the provisions of RSA 79-E:8 ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and in accordance with the requirements of RSA 79-E:8; and

(2) The Mayor and City Council find a public benefit(s) under RSA 79-E:7 in the proposed revitalization project; and

(3) The proposed substantial rehabilitation provides the following public benefits to downtown Rochester:

IV. It enhances the economic vitality of the downtown;

V. It enhances and improves a structure that is culturally or historically important on a local level, within the context of Rochester's Historic District and/or the City center in which the building is located;

VI. It promotes development of downtown Rochester, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B;

(4) The specific public benefit is preserved through a covenant under RSA 79-E:8 if the project is implemented consistent with (a) the aforesaid application; (b) compliance with the recommendation to the Council approved by the Community Development Committee at its July 24, 2014

meeting; (c) the terms of this resolution; and (d) any other applicable requirements of Chapter 79-E; and

(5) The Mayor and City Council finds that the proposed use is consistent with the City's master plan and/or development regulations.

Furthermore, as a result of making such determinations and findings, and subject to the owner(s) compliance therewith, and with the provisions of Chapter 79-E, the Mayor and City Council hereby grants the requested tax relief for a period of nine (9) years beginning with the completion of the substantial rehabilitation of the so-called 82 Wakefield Street property structure. **CC FY14 08-05 AB 11**

13.4. AB 12 Resolution Accepting a NH Department of Safety, Homeland Security Exercise and Evaluation Grant and Making a Supplemental Appropriation in Connection Therewith [\$9,016.14] - First Reading, Second Reading, and Adoption

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

**RESOLUTION ACCEPTING A
NH DEPARTMENT OF SAFETY, HOMELAND SECURITY
EXERCISE AND EVALUATION GRANT
AND MAKING A SUPPLEMENTAL APPROPRIATION
IN CONNECTION THEREWITH**

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

I. That a Emergency Management Performance Grant through the State of NH, Department of Safety, Homeland Security & Emergency Management, Homeland Security Exercise and Evaluation Program in the amount of Nine Thousand Sixteen Dollars and Fourteen Cents (\$9,016.14) to the City of Rochester, Fire Department (and/or other various impacted Project related budgets), for the purpose of paying costs associated with the conduct of a Rochester School Department SAU Table-top Emergency Plans Drill Exercise (the "Project") is hereby accepted, and such grant funds shall be assigned to a special revenue non-lapsing multi-year account established/designated by the Finance Director in the 2014-2015 fiscal-year operating budget of the

Rochester Fire Department (and/or other various impacted Project related budgets).

Further, that the sum of Nine Thousand Sixteen Dollars and Fourteen Cents (\$9,016.14) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 operating budget for the City of Rochester, Fire Department (and/or other various impacted Project related budgets), such funds to be expended for the purpose of paying costs associated with the Project, and to be assigned to a special revenue non-lapsing multi-year account established/designated by the Finance Director in the 2014-2015 fiscal year operating budget of the Rochester Fire Department (and/or other various impacted Project related budgets). Further that the source of the revenues necessary to fund such appropriation shall be drawn in their entirety from the above referenced Grant.

III. To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as are necessary to implement the transactions contemplated by this Resolution. **CC FY15 08-05 AB 12**

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Collins informed the City Councilor believed that this evaluation process would occur this Thursday.

13.5. AB 14 Resolution Authorizing Supplemental Appropriation to the 2014-2015 Capital Improvements Budget of the City of Rochester, Department of Public Works, for the So-Called Route 11 Widening Project [\$155.94] - First Reading, Second Reading, and Adoption

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only. 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 SUPPLEMENTAL APPROPRIATION
TO THE 2014-2015 CAPITAL IMPROVEMENTS BUDGET OF THE
CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS,
FOR THE SO-CALLED ROUTE 11 WIDENING PROJECT**

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

That the sum of One Hundred Fifty-Five Dollars and Ninety-Four Cents (\$155.94) 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 expenditures with respect to the so-called Route 11 Widening project (the "Project"), and provided further that such appropriation shall be drawn in its entirety from the so-called 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 FY15 08-05 AB 14**

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

13.6. AB 13 Resolution, Pursuant to Section 60 of the Rochester City Charter, Endorsing Proposed Amendments to the So-Called Merit Plan of the City of Rochester Proposed by the City Manager - First Reading and Adoption

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only. 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, PURSUANT TO SECTION 60
OF THE ROCHESTER CITY CHARTER,
ENDORING PROPOSED AMENDMENTS TO THE
SO-CALLED MERIT PLAN OF THE CITY OF ROCHESTER
PROPOSED BY THE CITY MANAGER

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

WHEREAS, Section 60 of the Rochester City Charter provides for the establishment of a so-called Merit Plan (the "Plan") for the City of Rochester to establish rules and regulation governing personnel related matters, such as hiring, compensation and discipline of City employees, among other things: and

WHEREAS, said Section 60 further provides for the amendment of such rules and regulations, from time to time by amendments proposed by the Rochester City Manager, provided that such proposed amendment(s) shall become effective only "...upon majority vote of the City Council" within sixty (60) days of the amendment(s) submittal of the same to the City Council; and

WHEREAS, based upon a study and resulting report commissioned by the City Council at the request of the City Manager, Municipal Resources, Inc. conducted a study and submitted to the City Manager a report dated June 2014, and entitled "Final Report – City of Rochester, New Hampshire, Classification and Compensation Study" (the "Report"), recommending adjustments in compensation to and, in some instances, classification of, the non-union classified positions covered by the Plan; and

WHEREAS, the City Manager, on August 5, 2014, has submitted to the City Council the Plan, as proposed amendments to such Plan the recommendations contained in the Report, along with his request that (1) the changes proposed in the Report be incorporated in the Plan as an amendment thereto; and (2) the City Council, in accordance with the provisions of the aforesaid Section 60 of the Rochester City Charter, within 60 days of August 5, 2014, adopt a resolution approving and endorsing the City Manager's proposed amendments and authorizing their incorporation in the Plan;

NOW THEREFORE, by adoption of this Resolution, the Mayor and City Council of the City of Rochester, in accordance with the requirements of Section 60 of the Rochester City Charter, hereby endorse the City Manager's proposed amendments as reflected in the details of the Report, and authorize the City Manager to incorporate such details in the Plan as amendments thereto. **CC FY15 08-05 AB 13**

Mayor Jean gave a brief overview of the resolution and the merit plan changes. Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor

Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.7. AB 20 Resolution Authorizing Acceptance Donation of Services to the City of Rochester Fire Department from Servpro of the Seacoast, INC. [\$1,699.36] - First Reading, Second Reading, and Adoption

Councilor Walker **MOVED** to read the resolution for the first time by title only. 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 AUTHORIZING ACCEPTANCE OF DONATION OF SERVICES
TO THE CITY OF ROCHESTER FIRE DEPARTMENT
FROM SERVPRO OF THE SEACOAST, INC.

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

That a donation of services of a value of One Thousand Six Hundred Ninety-Nine Dollars and Thirty-Six Cents (\$1,699.36) from Servpro of the Seacoast, Inc., to the City of Rochester, Rochester Fire Department, for the purpose of providing mold removal and remediation services, is hereby accepted by the Mayor and City Council of the City of Rochester on behalf of the City of Rochester.

Further, that the Finance Director is hereby authorized to appropriately reflect such donation in the City's financial records. **CC FY15 08-05 AB 20**

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

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Larochelle seconded the motion.

13.8. AB 21 Resolution Accepting Liberty Mutual Insurance Donation to the City of Rochester Recreation and Arena Department, and Making a Supplemental Appropriation in Connection Therewith [\$1,000] - First Reading, Second Reading and Adoption

Councilor Walker **MOVED** to read the resolution for the first time by title only. 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 ACCEPTING LIBERTY MUTUAL INSURANCE DONATION
TO THE ROCHESTER RECREATION AND ARENA DEPARTMENT,
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:

That a Liberty Mutual Insurance donation, in the amount of One Thousand Dollars (\$1,000.00), to the City of Rochester, Recreation and Arena Department, for the purpose of funding costs associated with general Department related/operated programs and/or activities, is hereby accepted by the City of Rochester, and such donation shall be assigned to an account to be established by the Finance Director in the 2014-2015 operating budget of City of Rochester, Recreation and Arena Department.

Further, that the sum of One Thousand Dollars (\$1,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 operating budget of the City of Rochester, Recreation and Arena Department, such funds to be used for the purpose of funding costs associated with general Department related/operated programs and/or activities. The source of the sums necessary to fund such supplemental appropriation shall be drawn, in their entirety, from the aforesaid Liberty Mutual Insurance donation to 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 are necessary to implement the transactions contemplated by this Resolution. **CC FY15 08-05 AB 21**

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

13.9. 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 - First Reading, Second Reading, and Adoption

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only. 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 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).

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**

Deb Shigo, Chairperson of the Rochester Conservation Commission, set up the PowerPoint presentation of the Laverdiere Farm located at 195 Ten Rod Road. She said the Conservation Commission is seeking to place this 182 acres of farm land under a conservation easement. She gave an overview of the benefits this action would have for the City of Rochester.

Dwayne Hyde, Land Protection Director for Southeast Land Trust of New Hampshire, addressed the City Council. He gave a PowerPoint presentation of the Laverdiere Farm. Mayor Jean stated that this should be addressed at the next workshop.

Mr. Hyde stated that 178 acres of the Laverdiere Farm is being proposed to be placed under a Conservation Easement. He added that the four additional acres located around the house would not be placed under the Conservation Easement.

Mr. Hyde stated that the total cost of the Conservation Easement is \$571,150. This includes the purchase price of the conservation, surveys and other related costs. He stated that there is a young farming couple who are scheduled to close on the land in September in order to work the land as a farm; however, the bottom line is that there is a shortage of funds. He said the appraisal of the property has been commissioned and the cost of the

conservation easement is to be \$515,000. The Conservation Commission is able to contribute \$350,000 toward the Conservation Easement. This leaves a balance of \$163,000. The Conservation Commission is seeking out some creative solution in order to succeed with this project. One proposed solution is to apply to the Natural Resources Program and save \$257,500 or 45% of the project cost. The only problem with this solution is that this program can take 12 to 18 months to complete, during which time the conservation easement must remain incomplete. This option does not work for the current buyers, who are hoping to close in September.

Mr. Hyde stated that another option is for the City to pay the \$515,000 in advance and securing that payment from one of two methods: either through a mortgage that the City would hold on the property until it is paid in full, or hold the easement in escrow [not close on the easement until such time that the funds are awarded from the Natural Resources Program]. He added that either of these options would also give the Conservation Commission time to seek out other grants and to save the City even more money.

Mr. Hyde stated that this has been an informational setting and he would recommend that the City Council set up a Special City Council meeting in August in order to make a more informed decision with the City Attorney's recommendations.

Mayor Jean stated that this is a valuable farm for the City of Rochester and the Conservation Fund has \$350,000 to be used toward this project. It is important to set up the next meeting and discuss other options as more information is provided to the City Council. Councilor Walker agreed that the City has waited a long time to place this land in conservation. He hoped to have the funding options available soon. Mayor Jean stated that the information should be ready for the City Council Workshop. It was determined that a Public Hearing would not be necessary since no money would be bonded.

13.10. AB 24 Resolution Accepting a US Department of Justice Byrne Justice Assistance Grant to the Rochester Police Department and Making a Supplemental Appropriation in Connection Therewith [\$22,984.00] First Reading, Second Reading, and Adoption

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

RESOLUTION ACCEPTING
US DEPARTMENT OF JUSTICE,
BYRNE JUSTICE ASSISTANCE GRANT,
TO THE ROCHESTER POLICE DEPARTMENT
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:

That a U.S. Department of Justice, Justice Assistance grant (Grant No. 2014-DJ-BX-0134) in the amount of Twenty-Two Thousand Nine Hundred Eighty-Four Dollars (\$22,984.00) to the City of Rochester, Police Department, for the purpose of providing funds for the purchase of computer work stations and mobile computer data terminals (the "Project"), all as more particularly set forth in the application for such grant and the notice of award thereof, is hereby accepted by the City of Rochester, and such funds shall be assigned to an account(s) the number(s) of which is/are to be established by the Finance Director in the 2014-2015 operating budget of the City of Rochester, Police Department. Further, that the sum of Twenty-Two Thousand Nine Hundred Eighty-Four Dollars (\$22,984.00) 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 Project purposes. Further, that the source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid grant. Such grant program shall be administered by the Strafford County Sheriff's Department as fiscal agent for this multi-jurisdictional Justice Assistance grant.

ADDITIONALLY, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY15 08-05 AB 24**

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

13.11. AB 26 Resolution Accepting Donation to the Rochester Police Department's D.A.R.E. Program from the Jason Danner Memorial Fund, and Making a Supplemental Appropriation in Connection Therewith [\$175.00] – First Reading, Second Reading, and Adoption

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

RESOLUTION ACCEPTING DONATION
TO THE ROCHESTER POLICE DEPARTMENT
D.A.R.E. PROGRAM
FROM THE JASON DANNER MEMORIAL FUND,
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:

That a donation from the Jason Danner Memorial Fund, in the amount of One Hundred Seventy-Five Dollars (\$175.00), made to the City of Rochester, Police Department, for utilization in connection with the Department's so-called DARE Program is hereby accepted by the City of Rochester, and such donation shall be assigned to a special revenue non-lapsing account to be established, and/or designated by the Finance Director in the 2014-2015 operating budget of the Rochester Police Department.

Further, that the sum of One Hundred Seventy-Five Dollars (\$175.00) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 operating budget of the City of Rochester, Police Department, such funds to be used in connection with the Department's so-called DARE Program (account number(s) of which to be established by the Finance Director in a special revenue non-lapsing fund). Further, that the source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid Jason Danner Memorial fund donation (see **Exhibit A** hereto for a list of donors to the Jason Danner Memorial fund).

FURTHER, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such account(s) and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY 15 08-05 AB 26**

EXHIBIT A

Jason Danner Memorial Donations

Donor	Amount Donated
William & Elizabeth Danner	\$50.00
Patrick & Lisa Perkins	\$25.00
Lindsey & Adam Boisvert	\$25.00
Dennis Schafer	\$25.00
Marilyn Raymond	\$25.00
William & Lois Bacon	\$25.00

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

13.12. AB 27 New Second Hand Dealer's License – Glass Slippers, 43 North Main Street, Rochester, NH – Seeking Approval

- *This item was approved during Communications From the Mayor.*

13.13. AB 25 Resolution Establishing Polling Locations and Times for the September 9, 2014, State Primary Election and the November 4, 2014, State General Election First Reading and Adoption

Councilor Lachapelle **MOVED** to read the resolution in its entirety. Councilor Walker seconded the motion. Mayor Jean read the resolution as follows:

**RESOLUTION ESTABLISHING POLLING LOCATIONS AND TIMES:
September 9, 2014, State Primary Election
November 4, 2014, State General Election**

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

That the following polling places are hereby established for the State Primary Election on September 9, 2014 and the State General Election on November 4, 2014.

- WARD 1: VFW Post 1772**
43 Highland Street/Route 202, East Rochester
- WARD 2: St. Mary's Parish Center**
71 Lowell Street, Rochester
- WARD 3: Briar Ridge Estates/Function Room
f/k/a Lilac City Estates**
2 Roseberry Lane/ Rochester
- WARD 4: Rochester Home Depot**
280 North Main Street, Rochester
- WARD 5: Rochester Community Center**
150 Wakefield Street/Community Way,
Rochester
Chestnut Hill Road Side of Building
- WARD 6: Elks Lodge #1393**
295 Columbus Avenue, Rochester

Further, that in accordance with RSA 659:4, in the City of Rochester all polling places shall be open from 8:00 A.M. to 7:00 P.M., on said Election Day(s), in the City of Rochester, New Hampshire.

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

Councilor Lauterborn requested that the City Council Workshop packet include the New Hampshire Municipal Association Legislative Policy recommendations. In addition, the City Council should be prepared in September to vote its position on such policies and assign a Council member delegate to attend the fall conference. She gave a brief history of why the City of Manchester dropped out of the association several years ago and is now rejoining the Association this year.

Councilor Collins shared an experience he had while waiting in line at Metrocast Cablevision. He said through this experience he learned that each

Metrocast customer is eligible to receive two free converter boxes. He was also given information about the new chart system. The City Council briefly discussed the matter. Scott Voegtlin, Camera Operator, offered more clarification about the matter.

14. Other

15. Non-Meeting/Non-Public Sessions

15.1. Non-Public Personnel, RSA 91-A:3 II (c)

15.2. Non-Meeting Consultation with Legal Counsel, RSA 91-A:2

Mayor Jean **MOVED** to enter into a Non-Public Session under Personnel, RSA 91-A:3 II (c) and a Non-Meeting Session under Consultation with Legal Counsel, RSA 91-A:2 at 8:43 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call. Councilors Keans, Walker, Lachapelle, Larochele, Varney, Gates, Collins, Bogan, Lauterborn, Gray, Hamann, Torr, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Meeting and the Non-Public session and to seal the minutes indefinitely of the Non-Public Meeting at 10:20 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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

**RESOLUTION AUTHORIZING CITY MANAGER TO
NEGOTIATE AND ENTER INTO
A SO-CALLED DEVELOPMENT AGREEMENT,
AND TO TAKE AND/OR PERFORM OTHER ACTIONS,
WITH RESPECT TO CERTAIN PROPERTY SITUATE WITHIN
THE SO-CALLED GRANITE RIDGE DEVELOPMENT DISTRICT**

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

By adoption of this resolution, the Mayor and City Council hereby approve, on behalf of the City of Rochester ("City"), the so-called Development Agreement (the "Contract") involving various parties, with

regard to certain property located within the so-called Granite Ridge Development District, as exhibited to it in connection and conjunction with this Resolution, and further, that the City Manager hereby is authorized, to negotiate and/or enter into such changes to the terms and conditions of said Contract as the City Manager deems to be in the best interest of the City of Rochester. Further, the City Manager is authorized to take such additional actions, and/or to execute, on behalf of the City of Rochester, the said Contract, and/or to negotiate and approve changes and additional, supplemental and/or complimentary documents, as the City Manager deems necessary to effectuate the negotiation, execution and/or implementation of the aforesaid "Contract", as well as any such documents, actions and/or activities as are contemplated and/or required by, and/or are necessary to implement, such Contract, and which the City Manager deems to be in the best interests of the City of Rochester. **CC FY15 08-05 AB 28**

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote as follows: Councilors Bogan, Walker, Lachapelle, Lauterborn, Collins, Gray, Gates, Laroche, Keans, and Mayor Jean voted in favor of the motion. Councilor Torr voted against the motion and Councilor Varney was not present at the time of the vote.

16. Adjournment

Respectfully submitted,

Kelly Walters
City Clerk