




**Regular City Council Meeting
January 3, 2017
Council Chambers
7:00 PM**

Agenda

1. Call to Order
2. Presentation of the Colors: Rochester Police Department Color Guard
 - 2.1. Pledge of Allegiance
3. Opening Prayer
 - 3.1. Representative of the Rochester Police Department Color Guard
4. Roll Call
5. Acceptance of Minutes
 - 5.1 Regular City Council Meeting Minutes – December 6, 2016 P. 7
6. Communications from the City Manager
 - 6.1. Employee of the Month Award P. 38
 - 6.2. City Manager's Report P. 37
7. Communications from the Mayor
 - 7.1. **Mayoral Appointment:** Rochester Veterans Council
Recommendation for Slate of Officers:
 - President: Dennis Sellers
 - Treasurer: Rose Askins
 - Secretary: Kelly Walters
8. Presentations of Petitions and Council Correspondence
9. Nominations, Appointments, Resignations, and Elections



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10. Reports of Committees P. 57

10.1. Appointments Committee Reports P. 59

- 10.1.1. **Appointment:** Eli McCrady Barnes, Utility Advisory Board, Term to Expire on 1/02/2020 P. 59
- 10.1.2. **Appointment:** Raymond Turner, Utility Advisory Board, Term to Expire on 1/02/2020 P. 59
- 10.1.3. **Appointment:** Pamela Hubbard, Library Trustee [Ward 5], Term to Expire on 1/02/2020 P. 59
- 10.1.4. **Appointment:** Ralph Torr, Zoning Board of Adjustment, Term to Expire on 1/02/2020 P. 60
- 10.1.5. **Appointment:** Matthew Kozinski, Planning Board [Regular Member], Term to Expire on 1/02/2020 P. 60
- 10.1.6. **Appointment:** David Walker, Planning Board [Regular Member], Term to Expire on 01/02/2020 P. 60
- 10.1.7. **Appointment:** Rick Healey, Planning Board [Regular Member], Term to Expire on 1/02/2020 P. 60

10.2. Codes and Ordinance Committee P. 61


- 10.2.1. Amendment to Chapter 45 of the General Ordinances of the City of Rochester Regarding Overnight Parking, Occupancy, and Camping on City Owned Property **second reading and motion to deny** P. 67

10.3. Finance Committee P. 73

- 10.3.1. **AB 98** Resolution for Lease Purchase Agreement for the Purpose of Financing Reprographic Equipment & Related Service Agreements in the Amount of \$247,118.79 **first reading, second reading, and adoption** P. 77



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10.3.2. **AB 99** Primex Workers' Compensation and Property & Liability Insurance CAP *motion to approve* P. 81

10.4. Public Works Committee P. 83

10.4.1. Amendment to Chapter 16 of the General Ordinance of the City of Rochester Regarding the Requirement to Connect to Public Sewers *first reading and refer to the Finance Committee* P. 89

11. Old Business

12. Consent Calendar

13. New Business P. 91

13.1. **AB 96** Resolution Authorizing Acceptance and Appropriation of Land & Community Heritage Investment Program (LCHIP) Grant Award for Historic Restoration Work to the City Hall Annex in the amount of \$18,702.00 *first reading, second reading, and adoption* P. 91

13.2. **AB 100 [A]** Resolution Authorizing Supplemental Appropriation for the Purchase of 294 Rochester Hill Road in the amount of \$450,000 *first reading, second reading, and adoption* P. 97

13.3. **AB 100 [B]** Purchase and Sales Agreement Between City of Rochester, New Hampshire and Ann J. Furina Revocable Living Trust, David Dupont, Trustee *motion to accept* P. 103

14. Non-Meeting/Non-Public Session


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

15. Other

16. Adjournment



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**Regular City Council Meeting
December 6, 2016
Council Chambers
7:02 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

City Manager Daniel Fitzpatrick
Deputy City Manager Blaine Cox
John Storer, Director of City Services

Minutes

1. Call to Order

Mayor McCarley opened the Regular City Council meeting at 7:02 PM.

2. Presentation of the Colors

2.1. Pledge of Allegiance

The American Legion Post 7 Officers presented the colors and led the Pledge of Allegiance.

3. Opening Prayer

The American Legion Post 7 Chaplain led the opening prayer.

4. Roll Call

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

5. Acceptance of Minutes

5.1. *Accept:* Regular City Council Meeting Minutes – November 1, 2016 *motion to adopt*

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council Meeting minutes of November 1, 2016. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1. Employee of the Month Award

City Manager Fitzpatrick invited Theresa Hervey and Nancy Miller both of the Assessing Department to come forward to be recognized as the Employees of the Month for December. He mentioned that this is the second time that they have continued the operations at the Assessing Department without a Chief Assessor. He congratulated both employees.

6.2. City Manager's Report

City Manager Fitzpatrick gave the following report:

Information only:

- Metrocast rate and service change letter

Contracts and documents executed since last month:

- City Attorney's office
 - Ten Rod Road Farm – escrow deed release
 - Waterstone Agreement - addendum
- Department of Public Works
 - Annex – Change Order #1
 - Colonial Pines – soil exploration
 - Gonic Brickyard – revised applicant contract
 - Harriman – arena project administration and construction
 - Household Hazardous Waste Day – 2017 commitment
 - Pavement Assessment project
 - Salmon Falls HSIP easement
 - Salmon Falls Road Highway – recommendation to award bid
 - Salmon Falls Road Highway – construction phase engineering agreement
 - South Main Street bus shelter – abutter access agreement
 - Wallace Street - engineering contract
 - Harriman – Recreation satellite office – architectural assistance contract

- Economic & Community Development
 - Economic Development Strategic Plan – bid award to RKG Associates
- Finance Department
 - DWSRF Loan – Water Treatment Plant upgrades supplemental loan agreement

Computer Lease/Purchase and Tuition Reimbursements:

- Fire Department – Taatjes, K – computer purchase

The following standard reports have been enclosed:

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

Councilor Varney questioned why the Bridging the Gaps Coordinator is now paid hourly rather than salary. City Manager Fitzpatrick agreed to get back to the City Council with that information.

Councilor Varney asked if the new bus station on North Main Street would have advertisements displayed. City Manager Fitzpatrick replied yes. It was determined that this bus station is on private property.

Councilor Varney requested a copy of the Waterstone Phase II Addendum with the change date included.

Mayor McCarley informed the City Council that the Hazardous Waste Day information should be corrected to change the date from 2018 to 2017.

7. Communications from the Mayor

Mayor McCarley indicated that the City's events surrounding the holidays have been amazing and well attended.

Mayor McCarley stated that the Grand Opening of Hope on Haven Hill [*residential treatment center for pregnant women with substance use disorders*] was today. In attendance of the grand opening were both the out-going Governor Hassan and Governor-Elect Sununu. This is another major success for the City of Rochester.

8. Presentations of Petitions and Council Correspondence

8.1. Correspondence: Letter from Matt and Gretchen Scruton Request about their Mortgage Interest Rates

No discussion.

8.2. Correspondence: Non-Support of Scruton's Request for Money

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1. Informational Only: Natalie Wensley, Library Trustees *no action/non-renewal*

Mayor McCarley publicly thanked Ms. Wensley for her time serving on the Library Trustees. She said this was informational only. Councilor Keans requested that Ms. Wensley be sent a thank you letter for her service.

9.2. Information Only: Tracey Walbridge, Trustees of the Trust Fund *no action/non-renewal*

Mayor McCarley publicly thanked Ms. Walbridge for her time serving on the Trustees of the Trust Fund.

9.3. Resignation: Roger Burkhart, Conservation Commission [*Term would have expired on 01/02/2017*] *motion to accept resignation*

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation with regret. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10. Reports of Committees

10.1. Appointments Committee

10.1.1. Appointment: Shon Stevens, Zoning Board of Adjustment [Alternate Member, to be appointed on 01/02/2017, term to expire on 01/02/2020] *ballot vote*

Mayor McCarley nominated Shon Stevens, to serve as an alternate

member of the Zoning Board of Adjustment, with a term to expire on January 2, 2020. Councilor Bogan seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Stevens had been appointed to the Zoning Board of Adjustment by a unanimous ballot vote.

10.1.2. Appointment: Esther Turner, Trustees of the Trust Fund [Regular Member, term to expire on ~~01/02/2018~~ 01/02/2020] ballot vote

Mayor McCarley nominated Esther Turner, to serve as a Member of the Trustees of the Trust Fund, with a term to expire on January 2, 2020. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Ms. Turner had been appointed to the Trustees of the Trust Fund by a unanimous ballot vote.

10.1.3. Appointment: Elizabeth Tonkins-Agea, Arts & Culture Commission [Regular Member, term to expire on 7/01/2018] ballot vote

Mayor McCarley nominated Elizabeth Tonkins-Agea, to serve as a Member of the Arts and Culture Commission, with a term to expire on July 1, 2018. Councilor Bogan seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Ms. Tonkins-Agea had been appointed to the Arts and Culture Commission by a unanimous ballot vote.

10.1.4. Appointment: Barbara Soley, Conservation Commission [Alternate Member, term to expire on 01/02/2019] ballot vote

Mayor McCarley nominated Barbara Soley to serve as an Alternate Member of the Conservation Commission, with a term to expire on January 2, 2019. Councilor Bogan seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Ms. Soley had been appointed to the Conservation Commission by a unanimous ballot vote.

Councilor Keans explained that the City Clerk would work with her to update the expiration dates in a timely manner in order to keep the appointment dates accurate. She noted that the last member appointed to the Utility Advisory Board could be incorrect and asked the City Clerk to research the date. This appointment will be brought back to the next meeting for a correction to the date.

10.2. Community Development

Councilor Lauterborn said the Farmers Market had been successful this past year; however, a few updates will be made to the schedule. Councilor Lachapelle asked why the event is scheduled during the work week. It seems appropriate to schedule some of the events on a Saturday to seek more attendance. He requested the Committee to discuss this matter at an upcoming meeting.

Councilor Lauterborn said Mr. Provost, Main Street Director, discussed the idea of having a Winter Fair. One suggestion is to have the Department of Public Works truck in clean snow for the event. This discussion has been sent to the Public Works Committee for further review.

Councilor Lauterborn said a request for \$21,180.81 from the Acorn Terrace Cooperative for its Water System Improvements Project had been discussed and referred to the Public Works Committee.

10.2.1. Action Item: Resolution Authorizing the Reprogramming of Community Development Block Grant Funds in the Gross Amount of \$3,380 [AB 85] *first reading, second reading, and adoption*

Councilor Lauterborn **MOVED** to read the resolution for the first time by title only. Councilor Lachapelle seconded the motion. Mayor McCarley read the resolution for the first time by title only as follows:

RESOLUTION AUTHORIZING THE REPROGRAMMING OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS IN THE GROSS AMOUNT OF \$3,380

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

WHEREAS, there are unexpended funds from previous Community Development Block Grant (CDBG) grant years in the amount of Twenty One

Thousand One Hundred Eighty and 81/100 Dollars (\$21,180.81);

WHEREAS, the Mayor and City Council desire to reprogram certain of these funds into other worthwhile activities;

THEREFORE, that the sum of Three Thousand Eighty Dollars (\$3,080.00) be expended on the Tri-City Co-op HVAC and handicap ramp project and that the sum of Three Hundred Dollars (\$300.00) be expended on the Homeless Center for Strafford County back-up generator project with all the funds to be derived from the aforementioned unexpended CDBG funds consistent with the attached funding resolution form, leaving funds in the amount of Seventeen Thousand Eight Hundred and 81/1000 Dollars (\$17,800.81) remaining to be reallocated at a later date and time; and

FURTHER, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY17 AB 85**

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

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

10.2.2. Action Item: Resolution Authorizing Change of Purpose for Community Development Block Grant Revolving Loan Funds from Residential Rehabilitation Program to Weatherization Program in the Amount of \$6,603.92 [AB 84]
first reading, second reading, and adoption

Councilor Lauterborn **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 McCarley read the resolution for the first time by title only.

RESOLUTION AUTHORIZING CHANGE OF PURPOSE FOR COMMUNITY DEVELOPMENT BLOCK GRANT REVOLVING LOAN FUNDS FROM RESIDENTIAL REHABILITATION PROGRAM TO WEATHERIZATION

PROGRAM IN THE AMOUNT OF \$6,603.92

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

That the sum of Six Thousand Six Hundred Three and 92/100 Dollars (\$6,603.92) from the Community Development Block Grant (CDBG) Revolving Loan Funds previously accepted and appropriated for the purpose of funding the residential rehabilitation program be redirected to the Community Action Partnership of Strafford County weatherization program.

Further, that this resolution authorizes the complete expenditure of funds from the account created to receive CDBG Revolving Load Funds for the residential rehabilitation program, to include any accrued interest, and that said account shall be closed thereafter.

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 FY17 12-06 AB 84**

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

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

10.3. Finance Committee

10.3.1. Action Item: Agreement, Health and Human Services, Lease [AB 93] *motion to approve*

Mayor McCarley reviewed the Finance Committee report. She **MOVED** to **APPROVE** the Lease Agreement with Health and Human Services. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.4. Public Safety Committee

10.4.1. Action Item: Policy, Tree Policy [AB 92] *motion*

to approve

Councilor Hamann briefed the Council about the request to install a “dead end” sign on Morrill Court. He **MOVED** to **APPROVE** the request to install a “dead end” sign on Morrill Court at the discretion of the Department of Public Works. Councilor Lachapelle seconded the motion. Councilor Lachapelle mentioned that the “dead end” signs are in stock at the Department of Public Works. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Hamann **MOVED** to **ACCEPT** the Tree Removal Policy [Exhibit A]. Councilor Lachapelle seconded the motion. Councilor Keans questioned who the Tree Warden would be in this policy. Councilor Hamann said it would be the “Arborist” that the City of Rochester contracted out for that particular service. The Arborist would report to John Storer, Director of City Services. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Hamann **MOVED** to have the tree removed at 71 Stillwater Circle, at the owner’s expense, using the new Tree Removal Policy. Councilor Lachapelle seconded the motion. Councilor Varney questioned if every tree to be cut down on City Property would need to come to the City Council. Councilor Hamann replied no, this was only the initial project with the implementation of the Tree Removal Policy. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Keans noted that one of the lights was out at the Intersection of North Main Street and Columbus Avenue.

10.5. Public Works Committee

10.5.1. Action Item: Send Letter to Department of Environmental Services Relative to Winkley Farm Lane *motion to approve*

Councilor Torr reviewed the Committee report. He asked Councilor Willis to speak about the water quality on Winkley Farm Lane. Councilor Willis gave a lengthy report of the issues surrounding the water supply on Winkley Farm Lane, which has degraded to the point as no longer being treatable without spending an excessive amount of money. The Committee discussed the slight possibility of running the City waterlines up to that neighborhood, which is unlikely because of the cost involved for such a project. The Committee also discussed seeking NHDES Methyl Tertiary Butyl Ether [MtBE] Grant Funds. The City Council discussed the quality of water

for this neighborhood at length. Councilor Varney felt strongly that there is not enough information at this point to make an informed decision. He suggested other options be investigated and better estimates on the figures associated with each option.

Councilor Willis said it is important to identify the problem by obtaining water samples [standard drinking water analysis] from each of the 31 homes on Winkley Farm Lane. City Manager Fitzpatrick agreed that this is the first step the Committee is seeking.

Councilor Willis **MOVED** to enter into a dialogue with the State about informing them of the issue and to seek their assistance, in addition to the MtBE issue. Councilor Lachapelle seconded the motion. Councilor Gray suggested that the tests being conducted need to be repetitive as it seems the problem is progressively getting worse. Councilor Keans informed the City Council that the water samples from this neighborhood are brownish in color. This is a serious problem. John Storer, Director of City Services, explained that the Committee was seeking a resolution to support Option three, which is outlined in the Committee meeting minutes. There is a map that goes along with Option 3 that could be supplied to the full City Council prior to taking a vote. He mentioned that the State could dismiss the request if it was not backed by confirmation from the City Council. The City Council discussed what the original motion was intended to be. Councilor Willis **WITHDREW** his original motion and Councilor Lachapelle **WITHDREW** his second to the motion. Mayor McCarley restated the motion into three parts. Councilor Lachapelle **MOVED** to start a dialogue with the State of New Hampshire about the Winkley Farm Lane water supply issue, to request that the City be considered for a NHDES MtBE Grant, and that Option 3 be considered to be a possible solution. Councilor Torr seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

City Manager Fitzpatrick said the City of Rochester recognizes that the residents of Winkley Farm Lane have a real problem; however, it is going to take some time and much consideration to resolve any of these issues. He reiterated that this is not a problem that can be easily resolved.

**10.5.2. Action Item: Release of Water Line Easement,
National Guard, 106 Brock Street [AB 65]
*motion to approve***

Councilor Torr requested that Mr. Storer address this issue. Mr. Storer said a request has been made from the National Guard Armory for the release of a water line easement. Mr. Storer said that Captain Logan

Kenney attended this meeting. Mr. Storer gave some history about the water line and said this water line has been abandoned by the City of Rochester and is no longer needed.

Councilor Lachapelle **MOVED** to **APPROVE** the release of the water line easement located at the National Guard Armory. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Keans said the Public Hearing relative to the Wakefield Street Construction Project held by Mr. Storer was informative and well attended. Councilor Keans asked if Mr. Storer would be presenting this matter to the City Council. Mr. Storer replied that the presentation would be made to the Public Works Committee and if they could potentially recommend that the presentation be made to the full City Council if they believed it to be necessary. He added that a meeting would take place with Eversource in order to gather better estimates for the utility lines.

Councilor Varney asked about the Chesley Hill Road Paving Moratorium. Mr. Storer said the City of Rochester has not yet received a formal request on this matter. He briefed the City Council about this area. It seems not too long ago the City disturbed the pavement due to a leakage/drainage issue. If any more disturbances were granted to the area it would seem reasonable to have an overlay of pavement grinded into this area incorporated as part of the final agreement; however, no formal request has been made. Councilor Varney asked if this would need to come back to the City Council for approval. Mr. Storer replied yes. Councilor Torr spoke about repairing pavement cuts on roads. He suggested that a standard 100 feet of pavement [both sides of initial cut] should be included with road repairs; otherwise, the roads are not blended properly.

Councilor Lauterborn announced that the Community Development Committee would not meet in December.

11. Old Business

11.1. Resolution Authorizing Supplemental Appropriation for the East End Dam Repair Project and Borrowing Authority Pursuant to RSA 33.9 in the Sum of \$100,000 [AB 61-A] *second reading, and adoption*

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

for the first time by title only as follows:

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
FOR THE EAST END DAM REPAIR PROJECT AND BORROWING
AUTHORITY PURSUANT TO RSA 33:9 IN THE SUM OF \$100,000**

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

That the sum of One Hundred Thousand Dollars (\$100,000.00) be, and hereby is, appropriated as a supplemental appropriation to the Capital Improvement Project (CIP) fund of the City of Rochester Department of Public Works, Water Works for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the so-called East End Dam Repair 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 One Hundred Thousand Dollars (\$100,000.00), 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

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 FY17 10-04 AB 61-A**

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Keans asked if this was a change of funding source. Deputy City Manager replied yes. The **MOTION CARRIED** by a unanimous voice vote.

- 11.2. Resolution De-Authorizing Previous Funding for the East End Dam Repair Project in the Amount of \$100,000 [AB 61-B] *first reading, second reading, and adoption***

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

**RESOLUTION DEAUTHORIZING PREVIOUS FUNDING FOR THE
EAST END DAM REPAIR PROJECT IN THE AMOUNT OF \$100,000**

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

WHEREAS, by virtue of a certain resolution adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated One Hundred Thousand Dollars (\$100,000.00) from the Water Fund unreserved retained earnings balance to the Water Works Capital Improvement Plan (CIP) fund for the purpose of completing the East End Dam Repair (the "Project"), and

WHEREAS, by Resolution, the Mayor and City Council have changed the source of funding for the Project to borrowing;

NOW THEREFORE, in light of the above, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum of One Hundred Thousand Dollars (\$100,000.00) of previous appropriation of funds from the Water Works CIP and return the funds to the Water Fund unreserved retained earnings balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY 16 12-06 AB 61-B**

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

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

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

12. Consent Calendar

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

- 12.1. Resolution De-Authorizing City of Rochester Department of Public Works Water Fund Capital Improvement Plan Project Funding for the Water Treatment Plant Roof Upgrade Project in the Amount of \$42,948.42 [AB 78] *first reading, second reading, and adoption***

RESOLUTION DEAUTHORIZING CITY OF ROCHESTER DEPARTMENT OF PUBLIC WORKS WATER FUND CAPITAL IMPROVEMENT PLAN PROJECT FUNDING FOR THE WATER TREATMENT PLANT ROOF UPGRADE PROJECT IN THE AMOUNT OF \$42,948.42

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

In accordance with the provisions RSA 33:9, Forty-Two Thousand Nine Hundred Forty-Eight and 42/100 Dollars (\$42,948.42) of previous bond authority is deauthorized from the FY 2017 Department of Public Works Water Fund Capital Improvement Project Fund for the costs associated with the Water Treatment Plant Roof Upgrade Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 78**

- 12.2. Resolution De-Authoring Appropriation from Department of Public Works Sewer Fund Capital Improvement Project Capital Improvement Project Fund for the Wastewater Treatment Plant Security Camera Project in the Amount of \$4,568 [AB 74] *first reading, second reading, and adoption***

**RESOLUTION DEAUTHORIZING APPROPRIATION FROM DEPARTMENT
OF PUBLIC WORKS SEWER FUND CAPITAL IMPROVEMENT PROJECT
FUND FOR THE WASTEWATER TREATMENT PLANT SECURITY CAMERA
PROJECT IN THE AMOUNT OF \$4,568.00**

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

That the sum of Four Thousand Five Hundred Sixty-Eight Dollars (\$4,568.00) of the previous appropriation of funds from a Homeland Security Grant to the Sewer Fund Capital Improvements Plan for costs associated with the Waste Water Treatment Plant Security Camera Project is deauthorized.

Further, the Homeland Security Grant was based upon reimbursement, therefore the amount sought by the City in reimbursement will be reduced by Four Thousand Five Hundred Sixty-Eight Dollars (\$4,568.00).

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 74**

- 12.3. Resolution De-Authorizing Appropriation from Department of Public Works Water Capital Improvement Project Fund for the Water Treatment Plant Security Fencing Project in the Amount of \$6,311 [AB 76] *first reading, second reading, and adoption***

**RESOLUTION DEAUTHORIZING APPROPRIATION FROM DEPARTMENT
OF PUBLIC WORKS WATER CAPITAL IMPROVEMENT PROJECT FUND
FOR THE WATER TREATMENT PLANT SECURITY FENCING PROJECT IN
THE AMOUNT OF \$6,311.00**

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

That the sum of Six Thousand Three Hundred Eleven Dollars (\$6,311.00) of the previous appropriation of funds from a Homeland Security Grant to the Water Fund Capital Improvement Plan for costs associated with the Water Treatment Plant Security Fencing Project is deauthorized.

Further, the Homeland Security Grant was based upon reimbursement,

therefore the amount sought by the City in reimbursement will be reduced by Six Thousand Three Hundred Eleven Dollars (\$6,311.00)

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 76**

- 12.4. Resolution De-Authorizing Funds from the Department of Public Works Water Capital Improvements Plan Project Fund for the Gina Drive Pump Station Project in the Amount of \$2,023.16 [AB 77] *first reading, second reading, and adoption***

RESOLUTION DEAUTHORIZING FUNDS FROM THE DEPARTMENT OF PUBLIC WORKS WATER CAPITAL IMPROVEMENTS PLAN PROJECT FUND FOR THE GINA DRIVE PUMP STATION PROJECT IN THE AMOUNT OF \$2,023.16

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

That Two Thousand Twenty-Three and 16/100 Dollars (\$2,023.16) of previously appropriated funds to the Water Capital Improvements Plan Fund for the Gina Drive Pump Station project is hereby deauthorized.

Further, the Council authorizes the transfer of said funds back to the Water Fund retained earnings balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 12-06 AB 77**

- 12.5. Resolution De-Authoring City of Rochester Department of Public Works Sewer Fund Capital Improvement Project Funding for the Wastewater Treatment Plant Disc Filter Capacity Project in the Amount of \$23,258.60 [AB 71] *first reading, second reading, and adoption***

RESOLUTION DEAUTHORIZING CITY OF ROCHESTER DEPARTMENT OF PUBLIC WORKS SEWER FUND CAPITAL IMPROVEMENT PROJECT

**FUNDING FOR THE WASTEWATER TREATMENT PLANT DISC FILTER
CAPACITY PROJECT IN THE AMOUNT OF \$23,258.60**

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

In accordance with the provisions RSA 33:9, Twenty-Three Thousand Two Hundred Fifty-Eight and 60/100 Dollars (\$23,258.60) of previous bond authority is deauthorized from the FY 2017 Department of Public Works Sewer Fund Capital Improvement Project Fund for the costs associated with the Wastewater Treatment Plant Disc Filter Capacity Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 12-06 AB 71**

**12.6. Resolution De-Authoring City of Rochester
Department of Public Works Capital Improvement
Plan (CIP) Project, Water Fund CIP Project, and
Sewer Fund CIP Project Funding for the Sheridan,
Glen, and Granite Street Project in the Gross Amount
of \$648,441.24 [AB 72] *first reading, second reading,
and adoption***

**RESOLUTION DEAUTHORIZING CITY OF ROCHESTER DEPARTMENT
OF PUBLIC WORKS CAPITAL IMPROVEMENT PLAN (CIP) PROJECT,
WATER FUND CIP PROJECT, AND SEWER FUND CIP PROJECT
FUNDING FOR THE SHERIDAN, GLEN, AND GRANITE STREET
PROJECT IN THE GROSS AMOUNT OF \$648,441.24**

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

In accordance with the provisions RSA 33:9, Sixty Thousand Three Hundred Thirty-One and 19/100 Dollars (\$60,331.19) of previous bond authority is deauthorized from the FY 2017 Department of Public Works CIP Fund, Two Hundred Forty-Eight Thousand Fifty-Four and 83/100 (\$248,054.83) is deauthorized from the FY 2017 Department of Public Works Water Fund CIP Fund, and Three Hundred Forty Thousand Fifty-Five and 22/100 Dollars (\$340,055.22) is deauthorized from the FY 2017 Department of Public Works Sewer Fund CIP Fund for the costs associated with the Sheridan, Glen, and Granite Street Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 72**

12.7. Resolution De-Authorizing Funds Associated with the Purchase of a Mail Processing Machine for the City Hall Business Office in the Gross Amount of \$4,998.00 [AB 73] *first reading, second reading, and adoption*

RESOLUTION DEAUTHORIZING FUNDS ASSOCIATED WITH THE PURCHASE OF A MAIL PROCESSING MACHINE FOR THE CITY HALL BUSINESS OFFICE IN THE GROSS AMOUNT OF \$4,998.00

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

That One Thousand Five Hundred Eighty-Four Dollars (\$1,584.00) of previously appropriated funds is deauthorized from the Business Office Capital Improvement Plan (CIP) Project Fund; One Thousand Seven Hundred Seven Dollars (\$1,707.00) is deauthorized from the Water CIP Fund, and One Thousand Seven Hundred Seven Dollars (\$1,707.00) is deauthorized from the Sewer CIP Fund for the costs associated with the purchase of a mail machine stuffer/insertter.

Further, that the Council hereby authorizes the transfer of One Thousand Five Hundred Eighty-Four Dollars (\$1,584.00) to the General Fund unassigned fund balance; One Thousand Seven Hundred Seven Dollars (\$1,707.00) to the Water Fund retained earnings; and One Thousand Seven Hundred Seven Dollars (\$1,707.00) to the Sewer Fund retained earnings.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 73**

12.8. Resolution De-Authorizing City of Rochester Department of Public Works Fund Capital Improvement Plan Project Funding for the Water Treatment Plant Upgrade Project and Rescission of Borrowing Authority in the Amount of \$21,546.25

[AB 75] *first reading, second reading, and adoption*

**RESOLUTION DEAUTHORIZING CITY OF ROCHESTER DEPARTMENT
OF PUBLIC WORKS WATER FUND CAPITAL IMPROVEMENT PLAN
PROJECT FUNDING FOR THE WATER TREATMENT PLANT UPGRADE
PROJECT AND RECISSION OF BORROWING AUTHORITY IN THE
AMOUNT OF \$21,546.25**

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

That Twenty-One Thousand Five Hundred Forty-Six and 25/100 Dollars (\$21,546.25) of previously appropriated funds is deauthorized from the FY 2017 Department of Public Works Water Fund Capital Improvement Project Fund for the costs associated with the WTP Upgrade project.

Further, the Mayor and City Council rescind authority to borrow funds associated with said Project from the State of New Hampshire Drinking Water State Revolving Fund in the amount of Twenty-One Thousand Five Hundred Forty-Six and 25/100 Dollars (\$21,546.25).

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 12-06 AB 75**

12.9. Resolution De-authorizing City of Rochester Department of Public Works Sewer Fund Capital Improvement Project Funding for the Route 125 Pump Station Project and Rescission of Borrowing Authority in the Amount of \$71,986.37 [AB 70] *first reading, second reading, and adoption*

**RESOLUTION DEAUTHORIZING CITY OF ROCHESTER DEPARTMENT
OF PUBLIC WORKS SEWER FUND CAPITAL IMPROVEMENT PROJECT
FUNDING FOR THE ROUTE 125 PUMP STATION PROJECT AND
RECISSION OF BORROWING AUTHORITY IN THE AMOUNT OF
\$71,986.37**

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

That Seventy-One Thousand Nine Hundred Eighty-Six and 37/100 Dollars

(\$71,986.37) of previously appropriated funds is deauthorized from the FY 2017 Department of Public Works Sewer Fund Capital Improvement Project Fund for the costs associated with the Route 125 Pump Station upgrade project.

Further, the Mayor and City Council rescind authority to borrow funds associated with said Project from the State of New Hampshire Clean Water State Revolving Fund in the amount of Seventy-One Thousand Nine Hundred Eighty-Six and 37/100 Dollars (\$71,986.37).

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 12-06 AB 70**

12.10. Resolution De-Authorizing Appropriation from Industrial Park Signs Capital Improvement Project Fund and Transfer to the Economic Development Unassigned Fund Balance in the Amount of \$6,591.50 [AB 86] *first reading, second reading, and adoption*

RESOLUTION DEAUTHORIZING APPROPRIATION FROM INDUSTRIAL PARK SIGNS CAPITAL IMPROVEMENT PROJECT FUND AND TRANSFER TO THE ECONOMIC DEVELOPMENT UNASSIGNED FUND BALANCE IN THE AMOUNT OF \$6,591.50

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

That the sum of Six Thousand Five Hundred Ninety-One and 50/100 Dollars (\$6,591.50) of the previous appropriation of funds to the Industrial Park Capital Improvements Plan Project is deauthorized.

Be it further resolved that the sum of Six Thousand Five Hundred Ninety-One and 50/100 Dollars (\$6,591.50) deauthorized herein be transferred to the Economic Development Fund unassigned fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 86**

12.11. Resolution De-Authorizing Appropriation to the

**Department of Building, Zoning, and Licensing
Services Capital Improvement Plan Project Fund for
Vehicle and Equipment Replacement in the Amount
of \$92.00 [AB 87] *first reading, second reading, and
adoption***

**RESOLUTION DEAUTHORIZING APPROPRIATION TO THE
DEPARTMENT OF BUILDING, ZONING AND LICENSING SERVICES
CAPITAL IMPROVEMENT PLAN PROJECT FUND FOR VEHICLE AND
EQUIPMENT REPLACEMENT IN THE AMOUNT OF \$92.00**

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

That the sum of Ninety Two Dollars (\$92.00) of the previous appropriation of funds to the Department of Building, Zoning and Licensing Services Capital Improvements Plan Fund for costs associated with vehicle and equipment replacement is deauthorized.

Further, that the Council authorizes the transfer of said deauthorized funds in the amount of Ninety Two Dollars (\$92.00) to the General Fund unassigned fund balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 87**

**12.12. Resolution De-Authorizing Appropriation of Driving
While Intoxicated Enforcement Grant Funding from
the Rochester Police Department in the Amount of
\$3,457.97 [AB 94] *first reading, second reading, and
adoption***

**RESOLUTION DEAUTHORIZING APPROPRIATION OF DRIVING WHILE
INTOXICATED ENFORCEMENT GRANT FUNDING FROM ROCHESTER
POLICE DEPARTMENT IN THE AMOUNT OF \$3,457.97**

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

That the sum of Three Thousand Four Hundred Fifty-Seven and 97/100 Dollars (\$3,457.97) of the previous appropriation of funds from a Department of Safety

Driving While Intoxicated (DWI) Enforcement Grant to Rochester Police Department for costs associated with DWI safety patrols is deauthorized.

Further, the Department of Safety DWI Enforcement Grant was based upon reimbursement, therefore the amount sought by the City in reimbursement will be reduced by Three Thousand Four Hundred Fifty-Seven and 97/100 Dollars (\$3,457.97).

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY17 AB 94**

13. New Business

13.1. Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Accessory Apartments [AB 90-A] *first reading and refer to a Public Hearing*

Councilor Lachapelle **MOVED** to read the Amendment for the first time by title only and to refer the matter to a Public Hearing at the next Codes and Ordinances Committee. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Varney recommended that the Public Hearing take place at the January 17, 2017 City Council Workshop. Councilor Lachapelle **MOVED** that the Public Hearing take place at the City Council Workshop on January 17, 2017. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the first time by title only as follows:

AMENDMENT TO CHAPTER 42 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING ACCESSORY APARTMENTS

THE CITY OF ROCHESTER ORDAINS:

That Chapter 42 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

42.23 Accessory Uses

- a. General Provisions. **The following provisions apply in evaluating proposed accessory uses, activities, structures, and situations.**

*
*
*

- b. Standards for Specific Accessory Uses. The following standards shall apply to these specific accessory uses, activities, structures, and situations wherever they are allowed:

1. **Accessory Apartment.** An accessory apartment is permitted subject to compliance with all of the following standards and procedures:
 - A. It is permitted where and as specified in the Table of Uses (by right or by special exception). However, if the accessory dwelling is detached from the single family dwelling, it must be approved by a special exception;
 - B. It is accessory to a single family dwelling only and if detached from the single family dwelling it is similar in architectural style;
 - C. ~~It must be a studio or one bedroom apartment;~~ It must be two bedrooms or less;
 - D. It may not exceed 800 square feet;
 - E. It may not house more than two occupants;
 - F. It may be either part of the single family house dwelling or in a separate building, such as above a garage; if it is part of the single family house, an interior door shall be provided between the principal dwelling unit and the accessory dwelling unit.
 - G. There may be only one per lot;
 - H. ~~The main house must be owner occupied;~~ The owner of the property must occupy one of the dwelling units and the owner must demonstrate that one of the dwelling units is his or her principal place of residence;
 - I. At least one parking space must be provided for the

unit;

- J. Where municipal sewer service is not provided, the septic system shall meet NHDES requirements for the combined system demand for total occupancy of the property; and
- K. It is exempt from site plan review but a letter of intent must be submitted to the Building Inspector to ensure that the above conditions are met.
- L. If it is a security apartment, it shall not exceed 800 square feet and it shall be attached to or located with an allowed commercial, office or industrial use. Such unit may be occupied by the business owner, family member or employee whose purpose is to provide security and/or protection of the business premises. This use shall require Site Plan review.
- M. If it is a caretaker apartment it shall be attached to or located with an allowed residential or nonresidential use and it shall be occupied by the owner, family member or employee of the principal use and the gross floor area does not exceed 800 square feet. This use shall require Site Plan review.

The effective date of these amendments shall be upon passage.

13.2. Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Table 18-A [AB 90-B] *first reading and refer to a Public Hearing*

Councilor Lachapelle **MOVED** to read the Amendment for the first time by title only and to refer the matter to a Public Hearing on January 17, 2017, City Council Workshop. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the first time by title only as follows:

See Addendum B attached to this set of minutes

13.3. Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Entertainment Overlay District [AB 91] *first reading*

and refer to a Public Hearing

Councilor Lachapelle **MOVED** to read the Amendment for the first time by title only and to refer the matter to a Public Hearing at the January 17, 2017, City Council Workshop. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the first time by title only as follows:

13.4. Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Location and Boundaries of Zoning Districts [AB 83] *first reading and refer to a Public Hearing*

Councilor Lachapelle **MOVED** to read the Amendment for the first time by title only and to refer the matter to a Public Hearing at the January 17, 2017, City Council Workshop. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the first time by title only as follows:

**AMENDMENT TO CHAPTER 42 OF THE GENERAL ORDINANCES OF
THE CITY OF ROCHESTER REGARDING THE LOCATION AND
BOUNDARIES OF ZONING DISTRICTS**

THE CITY OF ROCHESTER ORDAINS:

WHEREAS, Chapter 42.1, Section J establishes that the location and boundaries of zoning districts within the City of Rochester are established as shown on a map titled, "City of Rochester Zoning Map."

WHEREAS, Chapter 42.1, Section J further declares that the City of Rochester Zoning Map is incorporated by reference as party of Chapter 42 of the General Ordinances of Rochester regarding zoning.

WHEREAS, the Mayor and City Council of Rochester desire to amend the City of Rochester Zoning Map to expand the Industrial Zone.

THEREFORE, the Mayor and City Council of Rochester ordain that the Industrial Zone in the City of Rochester shall be expanded to include the following properties:

1. 0255-0017-0000 290 Rochester Hill Road
2. 0255-0018-0000 294 Rochester Hill Road
3. 0255-0019-0000 296 Rochester Hill Road

4. 0255-0020-0000 302 Rochester Hill Road
5. 0255-0021-0000 0 Rochester Hill Road

FURTHER, the City of Rochester Zoning Map shall be amended and updated to reflect that the above named properties are included in the Industrial Zone and are removed from the Agricultural Zone. **The effective date of these amendments shall be upon passage. CC FY17 AB 83**

13.5. Resolution Adopting Amendments/Revisions to the Granite State Business Park Tax Increment Financing (TIF) District: Development Program and Financing Plan and Amending/Revising the Granite State Business Park (GSBP) TIF District [AB 82] *first reading and refer to a Public Hearing*

Councilor Lachapelle **MOVED** to read the Resolution for the first time by title only and to refer the matter to a Public Hearing at the next Finance Committee meeting [January 10, 2017]. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the first time by title only as follows:

RESOLUTION ADOPTING AMENDMENTS/REVISIONS TO THE GRANITE STATE BUSINESS PARK TAX INCREMENT FINANCING (TIF) DISTRICT: DEVELOPMENT PROGRAM AND FINANCING PLAN AND AMENDING/REVISING THE GRANITE STATE BUSINESS PARK (GSBP) TIF DISTRICT BOUNDARIES

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

WHEREAS, by Resolution adopted November 1, 2005, the Mayor and City Council adopted provisions of RSA 162-K, as amended, for the purpose of establishing one or more TIF districts within the City of Rochester; and

WHEREAS, by Resolution adopted July 5, 2011, the Mayor and City Council created the GSBP TIF District and Development Program and Financing Plan (the "Plan"); and

WHEREAS, changes in circumstances within the GSBP and adjacent areas have created conditions which, in the opinion of the District Administrator and the Mayor and City Council, leaves the GSBP TIF District and Plan in need of revisions and/or amendments to effectively carry out the purpose for which the GSBP TIF District was created and the Plan adopted; and

WHEREAS, RSA 162-K:6, III and RSA 162-K:9, IV permit the alteration of development programs and/or the modification of a TIF financing plan; and

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby resolves as follows:

1. After holding a public hearing on January 3, 2017, and taking public testimony, the Mayor and City Council hereby find that the establishment of alterations and/or revisions to the GSBP TIF District and to the Plan (all more completely set forth and described in the document annexed hereto as **Exhibit A** and entitled "Granite State Business Park Tax Increment Finance District: Development Program and Financing Plan", as revised on September 4, 2012), serve a public purpose pursuant to RSA 162-K:5, specifically the preservation and expansion of the City's tax and employment bases, as well as the promotion of development and/or redevelopment of new, vacant, and/or underutilized land and/or buildings within the GSBP TIF District; and

2. The City of Rochester hereby, by adoption of this Resolution, alters, revises and/or amends the GSBP TIF District, so as to be comprised of the properties depicted , described, and/or otherwise delineated in the **Exhibit A**; and

3. In accordance with RSA 162-K:6, 162-K:9, and 162-K:10, the Mayor and the City Council herein adopts the altered/revised GSBP TIF District Development Program and Finance Plan, as altered/revised on November 21, 2016, and as attached hereto as **Exhibit A**; and

4. This Resolution shall take effect upon its passage. **CC FY17 12-06 AB 82**

13.6. Resolution Authorizing Two Applications for United States Environmental Protection Agency (USEPA) Brownfields Cleanup Grants in the Gross Amount of \$400,000 [AB 81] *first reading, adoption, and refer to a Public Hearing prior to applying for the Grant pursuant to federal guidelines*

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

RESOLUTION AUTHORIZING TWO APPLICATIONS FOR UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (USEPA) BROWNFIELDS CLEANUP GRANTS IN THE GROSS AMOUNT OF \$400,000

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

That the City of Rochester Department of Public Works is authorized to apply for two United States Environmental Protection Agency Brownfields Cleanup Grants in an amount up to Two Hundred Thousand Dollars (\$200,000.00) each to be used for soil decontamination efforts on City owned properties located at 10 Wallace Street and 16 Wallace Street. Said grants require a Twenty Percent (20%) cost share. **CC FY 17 AB 81**

Councilor Lachapelle **MOVED** to **ADOPT** the resolution and refer the matter to a Public Hearing at the Public Works Committee. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.7. Resolution Authorizing Acceptance of Donation from the Trust under the Will of William W. Evans (Evans Trust) [AB 67] *first reading and adoption*

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

RESOLUTION AUTHORIZING ACCEPTANCE OF DONATION FROM THE TRUST UNDER THE WILL OF WILLIAM W. EVANS (EVANS TRUST)

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

WHEREAS, that upon dissolution of the Evans Trust, the 7th Circuit Court-Probate Division approved the donation of the remaining Evans Trust funds to the City of Rochester to be administered by the Trustees of the Trust Funds;

THEREFORE, the donation of the remaining Evans Trust funds is hereby accepted by the City of Rochester;

FURTHER, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to work with the Trustees of the Trust Funds to identify, designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY 17 AB 67**

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

14. Other

Councilor Varney said there is a lot of residential development in the City of Rochester. He requested that the Planning Board discuss Impact Fees and develop a fee structure. Councilor Willis requested that this topic be included with the Planning Board Agenda for January 23, 2017.

Councilor Hamann stated there would not be a Public Safety Committee meeting in December.

Councilor Torr referred to a letter sent by residents of Hillsdale Drive. He agreed that there is no need for a public boat launch in that area. Mayor McCarley said that letter has been sent to the Riverwalk Committee.

Councilor Gates wished the residents of Rochester a Merry Christmas and a Happy New Year.

15. Non-Public Session

15.1. Non-Public Session, Land, RSA 91-A:3 II (d)

Councilor Lauterborn **MOVED** to enter into a Non-Public Session under RSA 91-A:3 II (d), Land at 7:58 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hamann, Willis, Abbott, Gates, Varney, Gray, Torr, Keans, Lauterborn, Lachapelle, Barnett, Bogan, and Mayor McCarley voted in favor of the motion.

Councilor Lauterborn **MOVED** to exit the Non-Public Session at 8:36 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lauterborn **MOVED** to seal the Non-Public minutes because

it was determined that divulgence would render a proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote.

16. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the Regular City Council meeting at 8:38 PM. Councilor Torr seconded the motion.

Respectfully submitted,

Kelly Walters, CMC
City Clerk



City of Rochester, New Hampshire

OFFICE OF THE CITY MANAGER
31 Wakefield Street • Rochester, NH 03867
(603) 332-1167
www.RochesterNH.net

CITY MANAGER'S REPORT January 3, 2017

The Employee(s) of the Month is: Julia Libby, Building, Zoning & Licensing Services Department ***CM Report P. 2***

Contracts and documents executed since last month:

- Department of Public Works
 - Annex – Change Order #2 ***CM Report P. 3***
 - Catherine Street project – Change Order # 3 ***CM Report P. 4***
 - Community Center and City Pool – Security Camera upgrade project ***CM Report P. 5***
 - Department of Health and Human Service Lease amendment ***CM Report P. 6***
 - East End Dam Modification – Change Order #1 ***CM Report P. 7***
 - Route 125 Bridge – Task Order #7 ***CM Report P. 8***
 - Salmon Falls Road – Security Agreements for New Water/Sewer ***CM Report P. 9***
- Economic & Community Development
 - Wallace Street - Brownfields Grant application ***CM Report P. 10***
 - Housing Authority – Memorandum of Understanding for environmental review ***CM Report P. 11***
- Finance Department
 - Bond Counsel Engagement Letter ***CM Report P. 12***
 - Interim Assessor Contract – Corcoran Consulting Services ***CM Report P. 13***
 - Training Agreement – Great Bay College ***CM Report P. 14***
- Police Department
 - COPS Grant Approval ***CM Report P. 15***
 - Specialized Training Grant Reimbursement Application ***CM Report P. 16***
 - Biennial Wrecker Contracts ***CM Report P. 17***

The following standard reports have been enclosed:

- City Council Request & Inquiry Report ***CM Report P. 18***
- Permission & Permits Issued ***CM Report P. 19***
- Personnel Action Report Summary ***CM Report P. 20***

Lisa Clark

From: Bob Veno
Sent: Wednesday, September 21, 2016 2:22 PM
To: Lisa Clark
Subject: Employee of the month

Dear Superstar,

I would like to nominate our Building, Zoning & Licensing Administrative Assistant, Julia Libby.

Julia has only been with us since the beginning of July but has had a tremendous impact on our department. She came into an overwhelming pile of work and quickly went through it on her own. She has also mastered the new software "View Point " as well as done a presentation for the council. She has downsized and customized the inspection for the Rochester Fair for the Health Inspector. She has now started to organize and downsize the filling system. Thanks for the consideration.

Robert Veno CDM,CFPP
Health/ Plumbing Inspector
City of Rochester, NH
(603) 332-3976

RECEIVED
SEP 22 2016
CITY CLERK'S OFFICE
ROCHESTER, NH



City of Rochester Dept of Public Works

45 Old Dover Road
Rochester, NH 03867
Phone: (603) 332-4096
Fax: (603) 335-4352

CITY OF
Rochester
Received
DEC 8 2016
City Manager
ROCHESTER

Memo

To: Dan Fitzpatrick, City Manager
Blaine Cox, Deputy City Manager
From: John B. Storer, P.E. Director of City Services
Date: December 7, 2016
Re: Annex Renovation – Change Order #2, Contract 16-38

Attached for your review and signature are three originals of Change Order No. 2 for the Annex Renovation Project. The Change Order reflects 4 different items noted as follows, and results in a total additional cost of \$14,119. There is no change to the Contract Time.

Credit of \$695 for revised elevator electrical feed. The electrical wiring and conduit to supply the limited-use, limited-occupancy elevator was able to be reduced in size. Contractor had carried an allowance for a larger elevator.

Additional cost of \$2,472 for relocation of on-site drainage structures. There was a field conflict with a buried Unifit natural gas line that caused one catch basin to be relocated, and resulted in a change in size of another drainage basin.

Additional cost of \$7,927 for restoration of the chimney. Work on the chimney was omitted from the Base Bid. Field investigations determined it to be in poor shape structurally. It could have been removed, but the restoration of the chimney helps match the historical appearance (*see note at bottom of page about receiving grant funding for aesthetic restoration*).

Additional cost of \$4,415 for more aggressive cleaning of West Façade. The west façade is the "front" side facing Wakefield Street. It was covered with a brick veneer installed in the 1970's. The Base Bid assumed a light chemical cleaning of the original brick would be sufficient for restoration. However, after removal of the brick veneer, there was excessive mortar "splashed" onto the original brick. The extra cost is for a heavier cleaning agent specifically designed to remove residual mortar. A test spot was conducted with positive results. The veneer obscured identification of this issue.

Approval of Change Order #2 is recommended, which includes the 4 items described. The Project had a healthy Construction Contingency of \$311,720 before this change. The Contingency will be \$297,601 after this change.

Additionally, the Annex Renovation qualified for 3 separate historical renovation grants totaling \$54,102. This amount will help offset costs, essentially increasing our project contingency by this amount. In accepting the grants, our contingency could be as much as \$351,703. Additional future changes are anticipated for expanded vinyl fencing, installation of fire station generator, and generator wiring and conduit.



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096

Fax (603) 335-4352

www.rochesternh.net

CITY OF
Received
DEC 8 2016
City Manager
ROCHESTER

INTEROFFICE MEMORANDUM

TO: Dan Fitzpatrick, City Manager
Blaine M. Cox, Deputy City Manager

FROM: Lisa J. Clark, DPW *LJC*

DATE: December 7, 2016

SUBJECT: Catherine Street Area Improvements Final
Change Order #3 – Balancing Final Change
Final Completion Documents

CC: John B. Storer, PE, Director of City Services

Enclosed please (5) five opies of the final balancing Change Order #3 for SUR Construction. The construction was completed at \$183,000 under budget. Also attached are (3) three copies of the Final Completion document. The project is completed and this document has been reviewed and recommended for signature by our Project Manager at Wright-Pierce Engineers.

If you have any questions please let me know, if not, please sign and pass on to the City Manager for signature. This document should be returned to the DPW for distribution.

Signature

(Blaine M Cox, Deputy City Manager)



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096

Fax (603) 335-4352

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12/29/16

CITY OF
Received

DEC 2 2016

City Manager
ROCHESTER

INTEROFFICE MEMORANDUM

TO: Dan Fitzpatrick, City Manager
Blaine Cox, Deputy City Manager

FROM: Lisa J. Clark, DPW Office Manager

DATE: December 2, 2016

SUBJECT: Community Center & City Pool – Security Camera Upgrade Proj.
Exactitude – Contract Amendment

CC: John B. Storer, PE, Director of City Services

Enclosed please find one (1) copy of the amendment for additional work and changes associated with the Security Camera Upgrade Project at the Hanson Pines Pool and the Community Center. Exactitude was awarded this project based on pricing in bid number #17-13. The bid documents allowed us to obtain comparable pricing based on a specific number of camera installations. A preconstruction walk through was held on 11/21/16 and it was determined that an additional 8 Camera's were needed. These additions mandate an upgraded server which was not part of the original scope of service.

The original appropriated budget for these two projects was \$110,000
The award for the original bid, which covered basic cost of installation & equipment, was \$23,604. This amendment will bring the total cost to date to \$41,262.

There is sufficient funding in the following accounts:

15013010-772000-17552

15011090-772000-17515

If you have any questions please let me know, if not, please sign and pass on to the City Manager for signatures. These documents should be returned to the DPW for distribution.

Signature Blaine Cox
(Blaine Cox, Finance Director / Deputy City Manager)



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096

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CITY OF
Received
DEC 22 2016
City Manager
ROCHESTER

INTEROFFICE MEMORANDUM

TO: Daniel W. Fitzpatrick, City Manager
FROM: Lisa J. Clark, DPW Office Manager *LJC*
DATE: December 22, 2016
SUBJECT: State of NH Department of Health and Human Services Community Center Lease amendment
CC: John Storer, PE - Director of City Services

Per City Council action taken on December 6, 2016 the City Manager is authorized to enter into an agreement with the State of NH Department Health and Human Services to extend their contract to August 31, 2018 /18,000 square feet of office space at approximately \$15.30 per square foot and 1,750 square feet of storage space at approximately \$3.06 per square foot.

Please date, initial and sign the lease where indicated and return to me at your earliest convenience. **Please have staff notarize signature.**



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

(603) 332-4096

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DEC 21 2016

City Manager
ROCHESTER

INTEROFFICE MEMORANDUM

TO: Dan Fitzpatrick, City Manager
Blaine M. Cox, Deputy City Manager

Date: December 21, 2016

From: Lisa J. Clark, DPW Office Manager

SUBJECT: East End Dam Modification
Change Order #1 \$6,300

CC: Michael S. Bezanson, PE City Engineer

Enclosed please (3) three copies of Change Order #1 for Nelson Communications. Nelson is the contractor on site working on the East End Dam Repair. They were selected as lowest bidder for this project. Bid #17-16. This change is for work associated with additional drainage work that is outside the scope of services/contract.

There is sufficient funding in the project account # 55016010-771000-17535

If you have any questions please let me know, if not, please sign and pass on to the City Manager for signature. This document should be returned to the DPW for distribution.

Signature

(Blaine M Cox, Deputy City Manager)

12/29/16



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

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CITY OF
Received

DEC 12 2016

City Manager
ROCHESTER

INTEROFFICE MEMORANDUM

TO: Dan Fitzpatrick, PE, City Manager
FROM: Lisa J. Clark, DPW Office Manager *LJC*
DATE: December 8, 2016
SUBJECT: Hoyle Tanner & Associates
Rt 125 Pedestrian Bridge Task Order 7
CC: John B. Storer, PE Director City Services

Attached please find the Hoyle Tanner & Associates task order #7 regarding the sidewalk approaches at the NHRT 125 Pedestrian Bridge Project. This task order is for engineering assistance to design a pedestrian bridge approach rail system.

The funding for this will use the remaining in the bridge repair account and from the sidewalk repair account.

15013010-771000-16557 \$2,000

15013010-771000-16530 \$5,500

If you have any questions please let me know, if not, please sign and pass on to the City Manager for signatures. These documents should be returned to the DPW for distribution.

Signature

Blaine M. Cox, Deputy City Manager

12/29/16



City of Rochester, New Hampshire

PUBLIC WORKS DEPARTMENT

45 Old Dover Road • Rochester, NH 03867

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CITY OF
Received

DEC 28 2016

City Manager
ROCHESTER

INTEROFFICE MEMORANDUM

TO: Dan Fitzpatrick, City Manager
Date: December 28, 2016
From: Owen Friend-Gray PE, Assistant City Engineer
SUBJECT: Salmon Falls Road Security Agreements for New Water/Sewer
#229 Salmon Falls Road
#143 Salmon Falls Road
CC: Michael S. Bezanson, PE City Engineer

Please see the two attached, signed security agreements for connecting new city water to #229 and #143 Salmon Falls Road. These agreements are for the extended payback option as part of the homeowner option on the EDA Crossroads Project. These agreements allow us to collect funds at a given rate over a given period of time. It also binds the property owners to the payment plan and references the deed to the property.

Please let me know if you have any questions.

Signature _____
(Dan Fitzpatrick, City Manager)

12/29/16

Date: December 16, 2016

To: Dan Fitzpatrick
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

CITY OF
Received
DEC 16 2016
City Manager
ROCHESTER

Re: EPA Brownfields Cleanup Grant – Wallace St. Redevelopment

Please see attached the draft EPA Brownfields Cleanup Grant grant application requesting funding to remediate contamination and redevelop the former Advanced Recycling property on Wallace Street. This application has been drafted in conjunction with the Department of Public Works, and approval to submit this grant application was obtained from City Council at the December 6, 2016 City Council meeting. The application requires the signature of the City Manager as the certifying official for the City.

Thank you very much. Please contact Julian with any questions or concerns.

Date: December 9, 2016

To: Dan Fitzpatrick
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

CITY OF
Received
DEC 9 2016
City Manager
ROCHESTER

Re: Rochester Housing Authority Memorandum of Understanding Regarding
Environmental Reviews

Please see attached the Memorandum of Understanding between the Rochester Housing Authority and the City of Rochester regarding responsibilities of each party during the U.S. Department of Housing and Urban Development-mandated environmental review process. As per 24 CFR 58, the City of Rochester is the responsible entity for conducting environmental reviews for the Rochester Housing Authority. The Memorandum of Understanding has been reviewed and approved by the City Attorney and requires the signature of the City Manager as the City of Rochester authority.

Thank you very much. Please contact Julian with any questions or concerns.

Samantha Rodgerson

From: Blaine Cox
Sent: Tuesday, November 29, 2016 1:45 PM
To: Dan Fitzpatrick
Cc: Samantha Rodgerson; Roland Connors; Terence O'Rourke
Subject: FW: City of Rochester - Engagement Letter for Bond Counsel Services
Attachments: Engagement Letter (M3338472x9DD8D).pdf

City of
 Received
 NOV 29 2016
 City Manager
 ROCHESTER

Dan – We are preparing for our next bond issuance early in calendar 2017. You will find attached an engagement letter for bond counsel services from Devine Millimet law firm. The City of Rochester has used this firm for Bond Counsel services for many years and I recommend continuing this relationship.

Please review, and if agreeable, sign the engagement letter and return to the Finance Office.

Blaine M Cox, ICMA-CM
 Deputy City Manager/
 Director of Finance & Administration
 City of Rochester, New Hampshire
 31 Wakefield Street
 Rochester, NH 03867
 Telephone: (603)335-7609
 Email: blaine.cox@rochesternh.net

The Right-To-Know Law (RSA 91-A) provides that most e-mail communications, to or from City employees regarding the business of the City of Rochester, are government records available to the public upon request. Therefore, this e-mail communication may be subject to public disclosure.

From: Susan Melanson [<mailto:smelanson@devinemillimet.com>]
Sent: Tuesday, November 29, 2016 9:32 AM
To: Blaine Cox <blaine.cox@rochesternh.net>
Cc: David H. Barnes <dbarnes@devinemillimet.com>; Renelle L. L'Huillier <rlhuillier@devinemillimet.com>
Subject: City of Rochester - Engagement Letter for Bond Counsel Services

Dear Blaine,

I have attached a copy of our standard form of engagement letter for the City's proposed bond issue. I would appreciate it if you could have it signed on behalf of the City by an authorized representative (City Manager or Treasurer) and return the same to me in PDF format.

If, upon your review of the attached, you have any questions or comments, please let me know.

Dave and I look forward to working with you.

Best regards,
 Renelle

Renelle L. L'Huillier
 Devine, Millimet & Branch, PA
 43 N. Main Street
 Concord, NH 03301
 Tel: 603.410.1709
 Fax: 603.518.2982

OFFICE OF THE CITY MANAGER
FINANCE OFFICE
31 WAKEFIELD STREET
ROCHESTER NH 03867

DANIEL FITZPATRICK
VOICE 603.335.1167
FAX 603.335.7589

E-MAIL: Daniel.fitzpatrick@rochesternh.net

LETTER OF TRANSMITTAL

TO: Daniel Fitzpatrick, City Manager
FROM: Blaine Cox, Deputy City Manager *Blaine Cox*
DATE: December 27, 2016

CITY OF
Received
DEC 27 2016
City Manager
ROCHESTER

I am sending you: X Attached Under Separate Cover

The following items:

Interim Assessing Contract with Corcoran Consulting Services, Inc.

These are transmitted as checked below:

<u> X </u>	For Approval	<u> </u>	For Your Use/Information
<u> </u>	As Requested	<u> </u>	For Review & Reply
<u> </u>	Approved as Submitted	<u> </u>	Approved as Noted
<u> </u>	Returned for Corrections		
<u> </u>	Re-submit <u> </u> Copies for approval		
<u> </u>	Submit <u> </u> Copies for distribution		
<u> </u>			

REMARKS:

A Request for Proposals (RFP) was issued by Rochester for the purpose of contracting for Chief Assessor support services. Three responses to the RFP were received as follows:

- | | |
|------------------------------------|----------------|
| 1. Granite Hill Municipal Services | \$60 per hour |
| 2. Corcoran Consulting Associates | \$80 per hour |
| 3. David Cornell, MAI, CAE | \$125 per hour |

Granite Hill and Corcoran were interviewed on December 21, 2016. As a result of said interviews, I recommend retaining the services of Corcoran Consulting Associates.

OFFICE OF THE CITY MANAGER
FINANCE OFFICE
31 WAKEFIELD STREET
ROCHESTER NH 03867

DANIEL FITZPATRICK
VOICE 603.335.1167
FAX 603.335.7589
E-MAIL: Daniel.fitzpatrick@rochesternh.net

LETTER OF TRANSMITTAL

TO: Daniel Fitzpatrick, City Manager
FROM: Blaine Cox, Deputy City Manager
DATE: December 27, 2016

Blaine Cox

CITY OF
Rochester
Received
DEC 27 2016
City Manager
ROCHESTER

I am sending you: X Attached Under Separate Cover

The following items:

Training Agreement with Great Bay Community College

These are transmitted as checked below:

<u> X </u>	For Approval	<u> </u>	For Your Use/Information
<u> </u>	As Requested	<u> </u>	For Review & Reply
<u> </u>	Approved as Submitted	<u> </u>	Approved as Noted
<u> </u>	Returned for Corrections		
<u> </u>	Re-submit <u> </u> Copies for approval		
<u> </u>	Submit <u> </u> Copies for distribution		
<u> </u>	<u> </u>		

REMARKS:

A training program agreement has been worked out with Great Bay Community College to provide City Staff Introductory, Intermediate and Advanced levels of instruction on the application & use of Microsoft Excel. A total of 10 sections have been scheduled with 66 "seats" reserved for City staff at their facility located on Milton Road.

12/29/16



ROCHESTER POLICE DEPARTMENT

23 WAKEFIELD STREET
ROCHESTER NH, 03867-1933

BUSINESS (603) 330-7127
FAX (603) 330-7159
www.rochesterpd.org

"Dedication, Pride, Integrity"

POLICE COMMISSION

DEREK J. PETERS
Chairman
BRUCE E. LINDSAY
Vice Chairman
LUCIEN G. LEVESQUE
Commissioner

MICHAEL J. ALLEN
Chief of Police



December 19, 2016

TO: Daniel Fitzpatrick
City Manager

FROM: Michael J. Allen
Chief of Police

RE: Signature on COPS Grant

CITY OF
Received
DEC 22 2016
City Manager
ROCHESTER

Dear Mr. Fitzpatrick:

As you know the Community Oriented Policing Grant was approved by the Council on November 1, 2016.

Unlike previous awards, the grant office is using electronic approval signatures for this grant. We will ask Samantha to create a user file for you. Once that has been done, we ask that you log in and electronically sign the grant.

Please let us know if you encounter any problems or need further information in this regard.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Michael J. Allen".
Michael J. Allen
Chief of Police

12/29/16



ROCHESTER POLICE DEPARTMENT

23 WAKEFIELD STREET
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Chairman
BRUCE E. LINDSAY
Vice Chairman
LUCIEN G. LEVESQUE
Commissioner

MICHAEL J. ALLEN
Chief of Police



October 19, 2016

CITY OF
Received

OCT 21 2016

City Manager
ROCHESTER

TO: Daniel Fitzpatrick
City Manager

FROM: Michael J. Allen
Chief of Police

RE: Specialized Training Grant from Police Standards and Training

Dear Mr. Fitzpatrick:

The Police Department is seeking your authorization to apply for a training reimbursement grant from Police Standards and Training.

The grant reimbursement amount being requested is \$400.00. If awarded, the funds will be used to offset the up-front expenses to send one of our Lieutenants to an Internal Affairs Training Course hosted in Concord by Roger Williams University. I have attached a copy of the application for your review.

If we are approved by the Training Council for the grant reimbursement we will come back to the Council requesting a supplemental appropriation to the Police Department budget to our staff development line.

Please let me know if you need further in this regard.

Sincerely Yours,

A handwritten signature in black ink, appearing to read "Michael J. Allen".

Michael J. Allen
Chief of Police

12/29/16



ROCHESTER POLICE DEPARTMENT

23 WAKEFIELD STREET
ROCHESTER NH, 03867-1933

BUSINESS (603) 330-7127
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POLICE COMMISSION

DEREK J. PETERS
Chairman
BRUCE E. LINDSAY
Commissioner
LUCIEN G. LEVESQUE
Commissioner

MICHAEL J. ALLEN
Chief of Police

December 21, 2016



CITY OF
Received

DEC 28 2016

City Manager
ROCHESTER

TO: Daniel Fitzpatrick
City Manager

FROM: Michael J. Allen *MJA*
Chief of Police

RE: Bid 17-28 Wrecker Services

Dear Mr. Fitzpatrick:

Bid 17-28 for wrecker services for the next biennium were opened on December 15, 2016. The ordinance allows for six rotating companies, and all six of our current services bid. The bid paperwork has been reviewed and all vendors fall within the guidelines as outlined in the City Ordinance and subsequent wrecker services agreement.

Given that there are no notable changes, I would recommend awarding contracts to the six vendors who bid. I have prepared the contracts for signature of the licensing board members so that we can file all the appropriate paperwork with the vendors for the new year.

Attachments

Council Inquiry report 20161219

NUMBER	COUNCIL MEMBER	FORUM	REQUEST/INQUIRY	ACTION
1	Willis	11/17/2016 Public Works Committee	Asked if the funds were State of NHDES Grants USEPA Grants and what the grants are to be used for.	Director Storer sent the information in the form of a memo to the Council. Item closed.
2	Varney	12/6/2016 city Council meeting	Why Bridging the Gaps Coordinator is now paid hourly rather than salary.	City Manager provided information to Council. Item closed.
3	Varney	12/6/2016 city Council meeting	Copy of Waterstone Phase II Addendum	City Manager provided to council. Item closed.
4	Keans	12/6/2016 city Council meeting	UAB new member, asked for research for correct term expiration.	To be researched by City Clerk's office.

12/29/16

Permits Issued report - December 2016

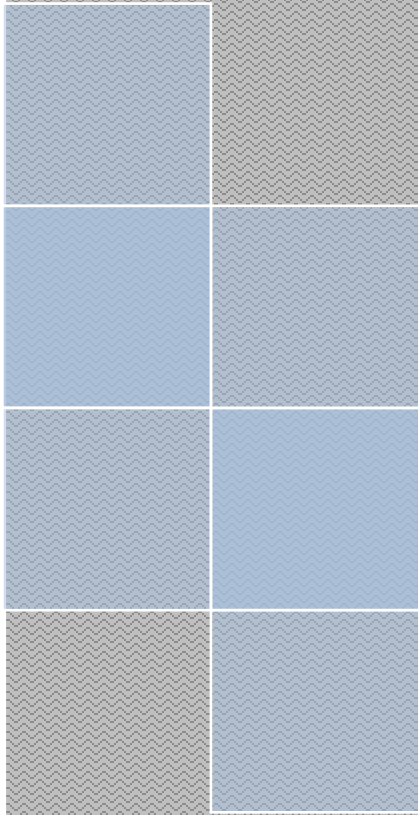
[illegible]

PERSONNEL ACTIONS.xls, DECEMBER 2016

COMMITTEE REPORTS

DECEMBER 2016

- Appointments Committee
- Codes and Ordinances Committee
- Community Development - *did not meet*
- Finance Committee
- Government Channel Committee - *did not meet*
- Public Safety Committee - *did not meet*
- Public Works Committee



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**Appointments Committee Minutes
December 7, 2016**

Committee Members Present:

James Gray, Vice-Chair
Ray Barnett
Tom Abbott
Donna Bogan

Also present:

Eli McCrady Barnes
Pamela Hubbard
Ralph Torr
Matthew Kozinski
David Walker
Raymond Turner

Committee Members Excused:

Sandra Keans, Chair

Vice-Chairman Gray called the meeting to order at 6:30 p.m. on December 7, 2016.

1) Utility Advisory Board (UAB)

Eli McCrady Barnes

Mr. McCrady Barnes wants to get involved in public service. He has reviewed the minutes of the advisory to acquaint himself with the functions of the board and what will be expected of him as a member of the UAB.

Councilor Abbott recommended and Councilor Bogan seconded Mr. McCrady Barnes for a term of 3 years, ending 1/02/2020. The Appointments Committee unanimously recommends Eli McCrady Barnes for appointment as a regular member to the UAB, term to expire January 2, 2020.

Raymond Turner

Mr. Turner is now retired and would like to become involved in public service. He has met with the Committee twice now and has an understanding of the functions of the board and his background has prepared him to be a productive member of the UAB.

Councilor Bogan recommended and Councilor Abbott seconded Mr. Turner for a term of 3 years, ending 1/02/2020. The Appointments Committee unanimously recommends Raymond Turner for appointment as a regular member to the UAB, term to expire January 2, 2020.

2) Library Trustees

Pamela Hubbard

Ms. Hubbard has been a valued member of the Library Trustees for many years and is requesting re-appointment.

Councilor Bogan recommended and Councilor Barnett seconded Ms. Hubbard for a term of 3 years, ending 1/02/2020. The Appointments Committee unanimously recommends Pamela Hubbard for re-appointment as a Library Trustee, term to expire January 2, 2020.

3) Zoning Board of Adjustment

Ralph Torr

Mr. Torr has been a member of the Zoning Board of Adjustment for about 18 years and for more than 10 of those years as its chairman. He is requesting re-appointment.

Councilor Abbott recommended and Councilor Bogan seconded Mr. Torr for a term of 3 years, ending 1/02/2020. The Appointments Committee unanimously recommends Ralph Torr for re-appointment to the Zoning Board of Adjustment as a regular member, term to expire January 2, 2020.

4) Planning Board

Matthew Kozinski

Mr. Kozinski is asking for re-appointment to the Planning Board, he is currently serving as the Board Secretary. He has participated in the training provided.

Councilor Bogan recommended and Councilor Abbott seconded Mr. Kozinski for a term of 3 years, ending 1/02/2020. The Appointments Committee unanimously recommends Matthew Kozinski for re-appointment to the Planning Board as a regular member, term to expire January 2, 2020.

David Walker

Mr. Walker is asking for re-appointment to the Planning Board, he is currently serving as the Vice-Chairman of the Board. He has participated in the training provided.

Councilor Abbott recommended and Councilor Bogan seconded Mr. Walker for a term of 3 years, ending 1/02/2020. The Appointments Committee unanimously recommends David Walker for re-appointment to the Planning Board as a regular member, term to expire January 2, 2020.

Rick Healey

Mr. Healey has asked for re-appointment to the Planning Board. Although Mr. Healey was not available to meet with the committee several Committee Members were familiar with his participation in the planning board.

Councilor Abbott recommended and Councilor Gray seconded Mr. Healey for a term of 3 years, ending 1/02/2020. The Appointments Committee unanimously recommends Rick Healey for re-appointment to the Planning Board as a regular member, term to expire January 2, 2020.

The meeting was adjourned at 7:40pm.

Respectfully submitted, James P Gray, Vice-Chair

CODES AND ORDINANCES COMMITTEE

Of the Rochester City Council
Thursday, December 1, 2016

City Council Chambers
31 Wakefield Street, Rochester, NH
6:00 PM

Members Present

Councilor Lachapelle, Chair
Councilor Abbott
Councilor Bogan
Councilor Gates

Members Excused

Councilor Lauterborn, Vice Chair

Others Present

Attorney O'Rourke Councilor
Deputy Police Chief Toussaint
Dennis Hancock, Resident
Lisa Stanley, Resident
Jackie Raab, Resident
Jim Miller, Resident
Barbara Soely

MINUTES

1. Call to Order

Councilor Lachapelle called the meeting to order at 6:00 PM. All Committee members were present except for Councilor Lauterborn, who had been excused, and Councilor Gates who arrived at 6:25 PM.

2. Public Input

Councilor Lachapelle invited the public to address the Committee.

Dennis Hancock, resident, addressed the Committee about the dangers of setting off fireworks. He stated opposition to allowing any fireworks to be set off in Rochester.

Lisa Stanley, resident, addressed the Committee about the current City Ordinances relative to prohibiting fireworks at certain times of the year. She said this ordinance should be more restrictive and understand that setting-off fireworks at certain times of the year still interferes with the quality of life for many residents. She suggested that the entire discussion of fireworks be sent to the full City Council at a Workshop.

Jackie Raab, resident, addressed the Committee about the current City Ordinances. She understood folks would always set off fireworks for the Independence Day Celebration. She expressed frustration that the City Council is not listening to the residents about banning fireworks for all other times of the year.

Jim Miller, resident, addressed the Committee about the type of fireworks that are being set off at the Grandview Camp Ground. It does not seem that these are residential fireworks; they seem more like commercial fireworks and are potentially even more dangerous. He said residents of Massachusetts travel to this campground likely to set off such fireworks.

Barbara Soely, resident, agreed with the other speakers and requested that this topic be brought to the full City Council for a discussion. She added that neighbors are not notified of the intentions of people setting off fireworks, which intensifies the situation in many cases.

Councilor Lachapelle closed the Public Input at 6:20 PM.

3. Approval of the Codes and Ordinances Committee Minutes – October 6, 2016

Councilor Bogan **MOVED** to **ACCEPT** the minutes of October 6, 2016. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4. Discussion: Fireworks

Deputy Chief Toussaint gave reasons why it is difficult to enforce the current ordinance relative to setting off fireworks. He gave reasons why the Rochester Police Department supports the idea of implementing a permitting process for residents to set off fireworks.

The Committee discussed how to amend the current ordinance to have the correct verbiage for enforcement with the understanding that this cannot, in reality, be more than the standard low priority call [priority 3]. Deputy Chief Toussaint informed the Committee that it will always be a difficult case to prove.

The Sense of the Committee is to send this matter to the City Council Workshop in January for discussion. The Committee made corrections to the proposed Amendment and requested that this be posted to the City's website in advance of the City Council Workshop.

5. Amendment to the General Ordinances Relative to Chapter 45, Overnight Parking, Occupancy and Camping on City-Owned Property

The Committee discussed that much of what is being proposed in this Ordinance already exists in the current General Ordinances of Chapter 21.

Councilor Abbott MOVED to send Chapter 45 Overnight Parking,

Occupancy, and Camping on City-Owned Property, back to the full City Council on January 3, 2017 to NOT RECOMMEND. Councilor Bogan seconded the motion. The MOTION CARRIED by a unanimous voice vote.

6. Amendment to Chapter 3

City Attorney O'Rourke recalled that this Amendment was passed by the City Council; however, there is still some concern with boards and commissions expiration terms. Councilor Lachapelle kept this Amendment in Committee until the next meeting.

7. Council Rules of Order

Councilor Lachapelle referred to an email [see attached] from Deputy City Manager Cox explaining some of the City Council Rules of Order and how they pertain to our City Council Agenda processes.

8. Other

Councilor Gray reported that a resident of Vernon Street had excessive water being discharged on his property due to a construction project of an abutter.

9. Adjournment

Councilor Abbott **MOVED** to **ADJOURN** the Codes and Ordinances Committee meeting at 6:55 PM.

Respectfully submitted,

Kelly Walters
City Clerk, CMC

From: [Blaine Cox](#)
To: [Kelly Walters](#)
Subject: Requested Info for Packet related to Codes Committee
Date: Thursday, December 29, 2016 10:03:48 AM

From: Blaine Cox
Sent: Friday, August 12, 2016 10:41 AM
Subject: FW: Pathway of Issues/ Items from/ to Sub-Committees

The Council Rules require:

1. **Any Changes to the City's General Ordinances** must first go to the City Council for a first reading, referred to the appropriate Council sub-committee for public hearing, review & recommendation and then back to the Council for second reading and Council final action.
2. **Any Resolution Imposing Penalties** must first go to the City Council for a first reading, referred to the appropriate Council sub-committee for public hearing, review & recommendation and then back to the Council for second reading and Council final action.
3. **Any Resolution Authorizing the Expenditure of Money** must first go to the City Council for a first reading, referred to the appropriate Council sub-committee for public hearing, review & recommendation and then back to the Council for second reading and Council final action.
4. **All Other Issues & Items** are able to start either at the full Council level or at a sub-committee level.

Here is the link to the Council's Rules of Order:
http://www.rochesternh.net/sites/rochesternh/files/file/council_rules_2016_-16_.pdf

I would refer you to:

Section 1.4(b): New Business: Items requiring Council action may be introduced by any member of the City Council, but may not be acted upon at the meeting in which they are introduced unless the items are properly filed in accordance with Article 4, Section 4.1 herein. The Council may act upon said items if they have not been filed in advance by suspending Council Rules by a two-third (2/3) vote of the City Council.

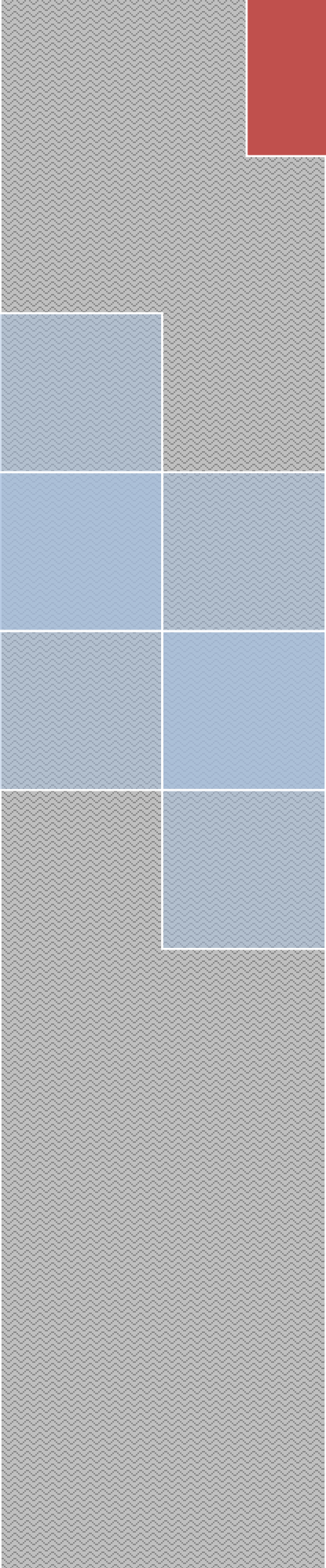
Section 4.12: ORDINANCES AND RESOLUTIONS

Every ordinance, and all resolutions imposing penalties or authorizing the expenditure of money when introduced, shall be written and shall pass through the following stages before they shall be considered as having received the final action of the Council, to wit: First reading for information, and if not rejected or otherwise disposed of, the City Attorney and City Clerk, shall carefully examine them to see that they are in technical form and that their provisions are not repugnant to the Laws and Constitution of the State of New Hampshire or to the Charter and Ordinances of the City of Rochester: They shall then be referred by the chair to the appropriate Council committee for review, public hearing (if required) and discussion. All

committees shall make a report for final action to the Council. After such report, the question shall be, "Shall they be read a second time?" If not then rejected, the question shall be on the passage of the same to be enrolled. Upon an affirmative vote, the chair shall refer such ordinance or resolution to the Codes and Ordinances Committee for review as set forth in Section 4.13. and make a report of them to the Council, at which time they shall be deemed to be enrolled. No ordinance or resolution as above referred shall be amended except on its second reading. All other resolutions shall have one reading before they shall finally be passed by the Council.

Blaine M Cox, ICMA-CM
Deputy City Manager/
Director of Finance & Administration
City of Rochester, New Hampshire
31 Wakefield Street
Rochester, NH 03867
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**AMENDMENT TO CHAPTER 45 OF THE GENERAL ORDINANCES OF THE CITY
OF ROCHESTER REGARDING OVERNIGHT PARKING, OCCUPANCY AND
CAMPING ON CITY OWNED PROPERTY**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 45 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

CHAPTER 45

**OVERNIGHT PARKING, OCCUPANCY AND CAMPING ON CITY OWNED
PROPERTY**

SECTION ANALYSIS

45.1 Authority

45.2 Purpose

45.3 Acts Prohibited

45.4 Definitions

45.5 Exceptions

45.6 Responsibility

45.7 Removal

45.8 Enforcement

45.9 Severability

45.10 Effective Date

45.1 Authority.

In accordance with and under the authority of New Hampshire Revised Statutes Annotated 41:11; 41:11-a; and 47:17, the City Council of the City of Rochester hereby adopts the following ordinance for the regulation of overnight parking or camping on all City-owned property.

45.2 Purpose.

This purpose of this Ordinance is to protect the public peace, preserve public law and order, promote safety and welfare and ensure proper and decent conduct for the residents of the City of Rochester and the general public, in the use of City-owned properties.

45.3 Acts Prohibited.

From and after the effective date of this ordinance it shall be unlawful for any person to camp or to park any vehicle or recreational vehicle with occupancy by one or more persons, either overnight or for any period of time over two hours between dusk and dawn, on any City-owned lands within the City of Rochester.

45. 4 Definitions.

(a) *Camp*: Includes pitching a tent, placing or erecting any other camping device, or sleeping in or on the City-owned property.

(b) *Recreational vehicle*: Any vehicle fitting the definition in RSA 216-I:1, VIII.

(c) *City-owned property*: All properties owned by the City of Rochester.

45.5 Exceptions.

Restrictions in this ordinance shall not apply when permission has been granted by the City Manager or the Chief of Police for official or emergency purposes or in conjunction with a special event.

45.6 Responsibility.

All violations of parking restrictions and charges accompanied therewith shall be deemed the responsibility of the registered owner of said vehicle. Such registrations may be proven as set forth in RSA 261:60. Said registered owner shall be conclusively presumed to be in control of the vehicle at the time of the parking violation, and no evidence of actual control or culpability needs to be proven as an element of the offense in accordance with RSA 231:132-a.

45.7 Removal.

Any vehicle parked in violation of this Ordinance shall be ordered towed by the Rochester Police Department at the expense of the owner or custodian of said vehicle.

45.8 Enforcement.

(a) Any person who violates this Ordinance shall be guilty of a violation and shall be fined One Hundred Dollars (\$100.00).

(b) Any duly appointed police officer for the City of Rochester may enforce this Ordinance by utilizing any process authorized by state law, including but not limited to a Local Ordinance Citation pursuant to RSA 31:39-d and Chapter 44 of the City of Rochester Ordinance.

(c) All penalties collected for violations of this Ordinance shall be for the use of the City and deposited into the City's general fund.

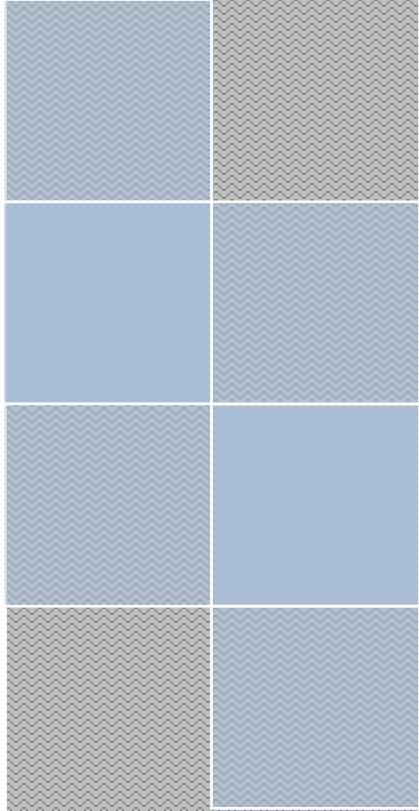
45.9 Severability.

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

45.10 Effective Date.

This Ordinance shall take effect upon passage.

The effective date of these amendments shall be upon passage.



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Rochester City Council

Community Development Committee

MEETING MINUTES

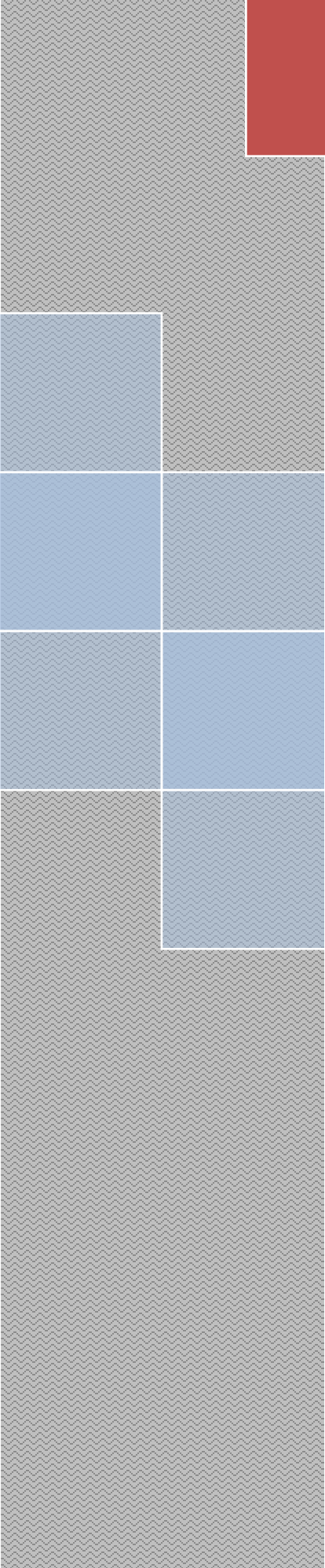
Elaine Lauterborn, Chairperson
 Donna Bogan, Vice Chairperson
 Tom Abbott
 Ray Barnett
 A. Raymond Varney, Jr.

Meeting Date:	Monday, December 12, 2016	
Members Present:	None	Members Absent: N/A
Guests/Staff:	None	

The meeting for December 12, 2016 was cancelled. No meeting was held for the Community Development Committee in December.

Next Meeting – Monday, January 9, 2017 at 7:00 p.m. in the City Council Conference Room at City Hall

Topics – Strafford Regional Planning Commission Transportation Presentation, CDBG Projects Program Report, CDBG FY 17-18 Annual Action Plan



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FINANCE COMMITTEE

Meeting Minutes

Meeting Information

Date: December 13, 2016
Time: 7:00 P.M.
Location: City Council Chambers
31 Wakefield Street
Rochester, New Hampshire

Committee members present were: Mayor McCarley, Deputy Mayor Varney, Councilor Keans, Councilor Hamann and Councilor Gray. Committee members excused were Councilors Torr and Lauterborn. City staff present were: Deputy City Manager Cox, Economic Development Manager Pollard, MIS Network Administrator Schafer and MIS IT Technician Watkins. IT Consultant Valerie Roman was also present.

Agenda & Minutes

1. Call to Order

Mayor McCarley called the meeting to order at 7:02 PM.

2. Public Input

There were no members of the public that addressed the Committee.

3. Unfinished Business

There was no unfinished business taken up by the Committee.

4. New Business

4.1 Management Information Technology Department (MIS) Assessment

Deputy City Manager Cox provided a detailed summary of the four MIS assessment documents provided to the Committee as part of the meeting packet. Mayor McCarley suggested that the City may want to pursue some of the issues identified in the assessment after a Chief Information Officer (CIO) position is created and filled thus allowing the new department head direct input. Deputy Mayor Varney expressed his desire to have a specific capital and strategic IT plan developed with priorities,

timetables and costs before the fiscal year 2018 budget is acted upon by the Council. Councilor Gray suggested the City look for ways to cultivate and expand the IT relationship with the School Department. Councilor Hamann expressed his concern regarding the magnitude and critical nature of the City's IT infrastructure needs. Deputy Mayor Varney suggested the City may want to create and fill the CIO position prior to adoption of the fiscal year 2018 budget. In response to the feedback expressed by the Committee, Deputy City Manager Cox indicated that over the next three months a two-part effort would be carried out to (1) address the most critical issues identified in the assessment using already appropriated funds and (2) develop a three to five year plan to be presented as part of the fiscal year 2018 budget proposal presented by the City Manager to the Council. In addition, a CIO job description would be written and brought back to the Finance Committee. Deputy Mayor Varney requested monthly progress reports on these issues be provided to the Finance Committee.

4.2 Spaulding Turnpike "Attractions" Signage

Economic Development Manager Pollard appeared before the Committee and explained that the State of New Hampshire adopted legislation last year expanding the allowable signage that could be erected on the Spaulding Turnpike to include "attractions." However, Ms. Pollard also informed the Committee that the State did not have funding for these types of signs. Options include allowing private entities to fund attraction signage or the City could fund the signage and seek reimbursement from the entities appearing on the signs. The Committee was supportive of having attractions signage at the City's Spaulding Turnpike exits and requested Ms. Pollard to continue to work on this issue.

4.3 Official Announcements and How/where We Post Them

Mayor McCarley stated her desire for clarification as to when public notices are published in the newspaper. Deputy Mayor Varney expressed his desire to have full meeting agendas posted in advance of meetings. Councilor Keans stated she very

much admired the Chamber of Commerce website for its ease of use and effectiveness in conveying information. Deputy City Manager Cox indicated he would draft a set of guidelines addressing the issues raised and bring these back to the Committee for review & comment.

4.4 Copier & Printer Contracts

Deputy City Manager Cox reviewed the copier & printer capital lease and service/supply proposals received by the City for photocopiers and printers. Deputy Mayor Varney moved that the Finance Committee recommend to the full City Council to authorize the City Manager to enter the proposed 5-year capital lease for photocopier and printer replacements as well as the 5-year service & supply contracts that go along with these units. Councilor Hamann seconded the motion which was then adopted by the Committee.

4.5 Primex Workers' Compensation and Property & Liability Insurance CAP

Deputy City Manager Cox reviewed the information in the Committee packet detailing the Contribution Assurance Program (CAP) offered by Primex. Deputy Mayor Varney moved that the Finance Committee recommend to the full City Council to authorize the City Manager to enter the proposed CAP agreements with Primex for Workers' Compensation and Property & Liability. Councilor Hamann seconded the motion which was then adopted by the Committee.

5. Finance Director's Report

Deputy City Manager Cox reviewed one item from his written report to the committee: status of the Chief Assessor position. Mr. Cox stated that three responses had been received to the Request for Proposals to provide Interim Chief Assessor Services. The hourly rates proposed were \$60, \$80 and \$125. In addition, a salary survey has shown that Rochester's Chief Assessor salary range is \$8,884 to \$13,014 below the average for comparable communities.

6. Monthly Financial Statements

There was no discussion regarding the monthly financial statements.

7. Other

There was no other business taken up by the Committee.

8. Non-Public

Councilor Gray moved to enter Non-Public Session per RSA 91-A:3, II(d) "Land." Deputy Mayor Varney seconded the motion which was then adopted unanimously by a roll call vote at 8:04 pm. Councilor Hamann moved to exit Non-Public Session and the motion was seconded by Deputy Mayor Varney. The motion was adopted at 8:07 pm. Councilor Hamann then moved to seal the minutes indefinitely as divulgence would render a proposed action ineffective. Deputy Mayor Varney seconded said motion which was adopted unanimously by a roll call vote.

9. Adjournment

Councilor Hamann moved to adjourn the meeting. Deputy Mayor Varney provided a second to the motion which was then adopted. The meeting adjourned at 8:08 PM.

Resolution for Lease Purchase Agreement for the Purpose of Financing Reprographic Equipment & Related Service Agreements in the amount of \$247,118.79

Voted: That, the City Manager of the **City of Rochester, New Hampshire** be and hereby is authorized to execute and deliver a tax-exempt lease purchase agreement with M.S.T. Government Leasing, LLC in the name and on behalf of the **City of Rochester, New Hampshire** (the “Issuer”), for the purpose of refunding and refinancing existing lease purchases of photocopier equipment and lease purchasing additional new and reconditioned photocopier equipment, any service agreements specifically financed in connection with certain equipment, consulting fees and related costs of issuance with an aggregate purchase price not exceeding **Two Hundred Forty-Seven Thousand One Hundred Eighteen Dollars and Seventy-Nine Cents (\$247,118.79)**, at a rate of interest of not more than **3.190%** per year through **August 1, 2021**, and otherwise in such form as the City Manager may approve; and that the appropriate officials of the Issuer be and hereby are authorized to execute and deliver on behalf of the Issuer such other documents and certificates as may be required in connection with such tax-exempt lease purchase agreement; and that no part of the proceeds of said tax-exempt lease purchase agreement shall be used, directly or indirectly, to acquire any securities or obligations, the acquisition of which would cause the tax-exempt lease purchase agreement to be a “private activity bond” or an “arbitrage bond” within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the “Code”); and that the tax-exempt lease purchase agreement issued pursuant hereto be designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3)(B) of said Code; and that the City Manager be and hereby is authorized to covenant on behalf of the Issuer to file any information report and pay any rebate due to the United States in connection with the issuance of said tax-exempt lease purchase agreement, and to take all other lawful actions necessary to insure that the interest portion of the rental payments under and pursuant to the tax-exempt lease purchase agreement will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof. The City Council of the Issuer also authorizes the City Manager of the Issuer to sign the attached Contract with Specialized Purchasing Consultants, Inc. relating to acquisition of photocopying equipment for the Issuer and authorizes such person to make any elections under the Contract not exceeding the aggregate purchase price of this authorizing Vote.



12/29/16

City of Rochester Formal Council Meeting**AGENDA BILL****NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.**

AGENDA SUBJECT

Copying & Printing Capital Lease and Service & Supply Contracts

COUNCIL ACTION ITEM ☒
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☐ NO ☒
* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☒ NO ☐FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	January 3, 201	
DEPT. HEAD SIGNATURE		
DATE SUBMITTED	December 13, 2016 (Finance Committee Action Item)	
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	Finance
CHAIR PERSON	Mayor McCarley

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	

LEGAL AUTHORITY

City Charter and Municipal Budget Act.

SUMMARY STATEMENT

1. In 2013 we joined a bid consolidation process managed by Specialized Purchasing Consultants (SPC). Through this process, we replaced 78 of our 80 photocopiers as well as all 70 of our printers through a capital lease agreement and a 5-year service agreement for less than the annual cost we were already paying for machine replacements and service/ maintenance fees. The hardware was financed through a Capital Lease-Purchase arrangement at 2.68% and contained a "non-appropriation" clause. Under this 2013 arrangement, there is only 1 payment remaining. The Cost Per Copy (CPC) for service on the equipment acquired in 2013 includes all consumables except staples & paper.
2. As noted above, we have one more lease payment due in August of 2017, the capital lease and CPC contracts expire in June of 2018. The equipment, copiers & printers, will be 5 years old at that time.
3. SPC has conducted another round of consolidated group bids and has invited Rochester to take advantage of the current pricing they have obtained. There were 8 bidders that participated. This would involve entering into another 5-year capital lease arrangement (at 3.19%) as well as 5-year service and supply contracts. This would allow the City to once again replace/ upgrade all of our photocopiers and printers that are now approaching 5 years old. The annual leasing costs would increase, however, the cost per copy bids received are lower than our current contracts and nearly offset the increased lease costs (current \$64,810.94 total annual costs would increase to \$67,732.70).

Finance Committee Meeting Minutes of December 13, 2016:

Deputy Mayor Varney moved that the Finance Committee recommend to the full City Council to authorize the City Manager to enter the proposed 5-year capital lease for photocopier and printer replacements as well as the 5-year service & supply contracts that go along with these units. Councilor Hamann seconded the motion which was then adopted by the Committee.

RECOMMENDED ACTION

Accept/ Adopt the Finance Committee recommendation to the full Council to authorize the City Manager to enter into the proposed 5-year capital lease for photocopier and printer replacements as well as the 5-year service & supply contracts that go along with these units.

Present vs. Proposed Recommendations as of 2/1/2017

PRESENT SITUATION

- 1) Guarantees on Photocopiers...**One Year**
- 2) Annual Price Ceilings Left... **One Year**
- 3) High Volume Console Units...**8**
- 4) Units to be Traded...**101**
- 5) Photocopiers...**18**
- 6) Color Photocopiers Networked ...**9**
- 7) MFP's....**17 w/9 Color**
- 8) Network Printers....**66 w/ 28 Color**

Total number of Units...**101**

- 9) Duplex's...**80**
- 10) Finisher's...**15**

PROPOSED SITUATION

- 1) Guarantees for both New, Recons & Used Photo's...**Five+ Years**
- 2) 5% or CPI Annual Ceilings, whichever is less...**Five+ Years**
- 3) High Volume Console Units with 3 Million plus...**8**
- 4) Replaced **96 New**
- 5) Photocopiers...**18 with Secure Print/Confidential Mailbox**
- 6) Low Cost Color Photocopiers Networked...**8**
- 7) MFP's....17 with #9 Color
- 8) Network Printers...**61 w/ 27 Color**

Total number of Units...**99 CO 5 Due to Low Volume**9) Duplex's... **99**10) Finisher's... **15****Overall Description of Equipment Fleet:**

Presently, you have **Three different Manufacturers & 13 of different Models Network Printers. The new arrangement will shift to one manufacture and three models (Two Black & one Color) servicing everything.** This will greatly reduce cost and improve reliability.

Capital:

Presently, you have **one** municipal lease & one Commercial Lease that will be paid off by SPC (One Payment remains). In addition SPC ship back the equipment to Great America Leasing. With the new arrangement, you will again have **one** 'municipal' master lease at 3.19% interest. Your first of five annual lease payments will be due on **August 1st 2017**. A legal opinion from SPC's bond counsel (John Larouche in Augusta ME) will be done on this lease transaction. This will assure that all documents are prepared correctly and signed by the appropriate City and bank officials, and that the lease purchase is a tax-exempt obligation with no premium payable by the City for prepayment. At your own expense, you can have your own bond counsel also review the documents which would simply duplicate this service.

Service & Supplies:

Considering all of your consumable cost centers including service you are averaging **\$0.008199 for black and \$0.07173 for Color**. The new contract will come in at a CPC of **\$0.004137 for Black and \$0.052964 for Color. (Note that Black CPC for Photocopiers is at .0032)**

Vendor Packages:

SPC has brought to you **8** different vendor, matching up the best technology available to meet your needs. We would like to highlight the most qualified bid combination for your City, which is **KMBS with Konica Minolta for both Copiers and Printers all with OEM supplies.** (Note: KMBS are currently servicing Rochester School District with both Copiers & Printers.)

<u>Cost Center</u>	<u>Present</u>	<u>KMBS (OEM All New)</u>
1. Service & Supplies Color Photo only	\$10,613.44	\$7,836.70
2. Service & Supplies Black Photo only	\$12,829.34	\$6,473.05
3. Annual Muni Lease	\$33,668.16	\$53,407.11
4. Forced Upgrade (23 Owned machines)	\$7,700.00	\$00.00
Totals	\$64,810.94	\$67,716.86

Note: Your call, but to me the best overall bid is KMBS with all new and all OEM. Also, only a couple of different printer models vs keeping what you have.

*Although the lease cost does go up the service and supply cost savings offsets the increase. Note that with the last upgrade only **78 New units were purchased while 96**

New units are part of the lease.

The successful bidders will have a blanket servicing contract that includes all consumables excluding only staples and paper for all of the equipment that is under their factory authorized ability to service. They will provide one easy 'Cost per Copy' billing plan done twice a year in July & January with a reconciliation invoice in June. Your service contract will be fixed through **June 30th 2017**. A contract extension has been negotiated for four more years, which will have an annual price ceiling of five percent or CPI, whichever is less. You however, only commit funds for one-year at a time to the servicing vendor. And even this scenario allows you to upgrade, lowering the service costs, if it is to your advantage to go out to bid at any time. SPC will set up both the service- supply contracts and the warranty cards with the successful bidding vendors.

Security package: Wiping out old data on trade out units has been included in the package.



12/29/16

City of Rochester Formal Council Meeting**AGENDA BILL****NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.**

AGENDA SUBJECT

Primex Workers' Compensation and Property & Liability Insurance CAP

COUNCIL ACTION ITEM ☒
INFORMATION ONLY ☐FUNDING REQUIRED? YES ☐ NO ☒
* IF YES ATTACH A FUNDING RESOLUTION FORMRESOLUTION REQUIRED? YES ☐ NO ☒FUNDING RESOLUTION FORM? YES ☐ NO ☒

AGENDA DATE	January 3, 2017	
DEPT. HEAD SIGNATURE		
DATE SUBMITTED	December 13, 2016 (Finance Committee Action Item)	
ATTACHMENTS YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	

COMMITTEE SIGN-OFF

COMMITTEE	Finance
CHAIR PERSON	Mayor McCarley

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Signature on file
CITY MANAGER	Signature on file

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	Signature on file
SOURCE OF FUNDS	
ACCOUNT NUMBER	
AMOUNT	
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

LEGAL AUTHORITY

City Charter

SUMMARY STATEMENT

The City contracts for loss reimbursement (insurance) through Primex for Workers' Compensation claims as well as for Property & Liability (general liability) claims. Primex is one of the two public entity risk pools organized in New Hampshire (HealthTrust is the other). Primex offers participants a Contribution Assurance Program (CAP) for both of these lines of coverage. These CAP programs guarantee a maximum not-to-exceed annual percentage increase for 3 years in exchange for a 3 year commitment to continue coverage services with Primex. Specifically, the Workers' Compensation CAP is 6% annually and the Property & Liability CAP is 5%.

The Finance Committee minutes of December 13, 2016:

Deputy Mayor Varney moved that the Finance Committee recommend to the full City Council to authorize the City Manager to enter the proposed CAP agreements with Primex for Workers' Compensation and Property & Liability. Councilor Hamann seconded the motion which was then adopted by the Committee.

RECOMMENDED ACTION

Accept/ Adopt the Finance Committee recommendation to the full City Council to authorize the City Manager to enter into these CAP agreements with Primex.

Public Works and Buildings Committee**December 15, 2016 7PM****Council Chambers****MEMBERS PRESENT**

Councilor Ralph Torr – Chairman

Councilor Ray Varney- Vice Chairman

Councilor Sandy Keans

Councilor Donald Hamann

Councilor Thomas Willis

OTHERS PRESENT

Councilor James Gray

Councilor Ray Barnett

Dan Fitzpatrick, City Manager

John B. Storer, Director of City Services

Julian Long, Community Development Coordinator / Grants Manager

Kenneth Mavrogeorge, PE – Tighe & Bond Engineers

MINUTES

Vice Chairman Varney called the Public Works and Buildings Committee to order at 7:05 PM following the Public Hearing.

1. Approve minutes from November 17, 2016 meeting -

Vice Chairman Varney requested comments or a recommendation on last month's minutes.

Councilor Hamann made a motion to accept minutes as presented for the November 17, 2016 Meeting. The motion was seconded by Councilor Willis. The Motion passed unanimously.

2. Public Input – None

- 3. Wakefield Street Reconstruction Project** - Mr. Storer stated that design for this project is at approximately 60% complete. He stated that a public informational meeting was held November 30, 2016 at the Community Center. He said there were approximately 35 people that attended. Mr. Storer introduced Kenneth Mavrogeorge from Tighe & Bond Engineers. Mr. Mavrogeorge gave a PowerPoint presentation showing the project area as it is now and he showed slides of the current design and changes. He discussed parking configurations, a center turn lane, Coast Bus shelters and pull offs, pedestrian crossings, banner poles and lighting. Mr. Mavrogeorge stated they would be upgrading the water main in the project area and there is some sewer work but stated the sewer had been upgraded previously. Councilors Willis, Varney, Keans and Torr stated strong opposition to the head in parking proposed on the Wakefield Street side of the Triangle. Councilor Gray asked if there were any deeded restrictions to the land at Torr Park. He believed the

current plan encroached 10 feet onto that area. Councilor Varney suggested head in parking on the Yeagley Way side of the Triangle and he suggested that new trees be planted both on the Wakefield Street side and the Yeagley Way side of the Triangle. Councilor Varney stated to have uniformity with the tree size would be nice. Councilor Varney asked if the center turn lane on Wakefield Street from the school entrance to Torr Park was necessary. Mr. Mavrogeorge stated that current conditions allow traffic to go around cars turning into the school and the curbing that will be in the area will prohibit that. Councilor Willis stated that it appears that with this current design the traffic traveling south will be lead onto Columbus Avenue at the intersection rather than just a straight road into town. Mr. Mavrogeorge stated that the design is to have the right lane continue into town and to make it feel like an entry way into the downtown. Councilor Keans was opposed to the idea as she believed it could take business out of the downtown area. Councilor Willis stated that there are several businesses in that area that we would not want to discourage access to. Mr. Storer stated that a representative from Studley's Flower Shop was present at the public meeting and he was not opposed to the design. Mr. Storer stated that he would be meeting with the Gafney Home Board of Directors to get feedback on the impacts proposed at their location, and that he would also meet with the other businesses in the area as well as the Main Street Organization and other downtown people. Mr. Storer stated that the current budget is likely to be insufficient and the amount would vary based on the options or alternates that the City Council approves. He stated that the sewer fund and the water fund budgets are sufficient, it is the general fund for the roadway, drainage and lighting that is short. He stated for the current design they could be as much as 1.5 million short and depending on lighting , underground utilities and the inclusion of some or all of the side streets in the project area it could be as much as 2.5 million short. Councilor Willis asked if the underground electrical utility costs were included in the current plan. Mr. Storer stated they were not. He stated that Eversource was reluctant to estimate the cost without looking formally at the design, and he stated that the design cost would be fifteen thousand dollars upfront that would be credited back to the construction cost if we decided to go that route. The Committee was in favor of spending the fifteen thousand in order to get a more accurate cost estimate. Councilor Willis discussed the Glenwood Avenue and the railroad crossing. He stated that he realizes the cost would be high, but he believed it would be beneficial. Councilor Keans agreed that making it a through way would benefit the residents in the area. Councilor Varney suggested that Mr. Storer get estimates regarding the current short fall and then for each additional alternate / option, so that the Council could consider the inclusions based on cost and the ability to fund them.

4. **Strafford Square** – Mr. Storer displayed a new graphic for the Strafford Square Roundabout that he will be adding to the Public Works web page on the City of Rochester website www.rochesternh.net. The graphic is an animated plan that shows all

types of vehicles navigating the designed roundabout. Councilor Willis stated that a informational handout should be distributed and posted that gives directions to navigate this roundabout. He stated that this is a hybrid design where there is a single lane on the eastside and a dual lane on the west side. Councilor Willis stated that NHDOT had to do this when the Lee Traffic Circle was completed as there were issues.

5. **MS4 & NPDES Permits** – Mr. Storer stated that the City is still waiting on both permits. He stated that the MS4 permit may come in January and the Wastewater NPDES permit is expected any day.
6. **Riverwalk Committee** – Mr. Storer stated that he was unable to make this week's meeting but his understanding is that the Committee would like to know if the Council would be receptive to providing an access to the river for kayaking and other activities and adding a parking area on Hillsdale Street. Chairman Torr stated that the residents on the streets in that area are already frustrated with the current parking problems that are caused by the recently added athletic fields. He suggested providing access to the river from the former park area up on Farmington Road. He stated that after the turnpike widening project that area had been closed off by the City. Councilor Keans was not opposed to doing that, but she stated that area is outside of the area that the Riverwalk Committee is working on. Councilor Keans suggested that a meeting with the residents on Hillsdale was needed but it would be a meeting set up by the City not the Committee.
7. **Winterfest on the Common** – Mr. Storer stated that the Rochester Main Street organization has brought up the possibility of having a Winterfest event on the Common. He stated that at this time they are just looking for assistance from the DPW to haul in snow. Mr. Fitzpatrick stated that where it is on the Common and City staff and equipment would be needed to haul in snow, this would be a Co-sponsored event and he stated he doesn't see a problem with that. He said he has seen similar type events handled this way in other Cities. Chairman Torr stated they would need to find a field or some other property that they could haul clean snow from.
8. **City Hall Annex** – Mr. Storer stated that the project is moving along and that there have been a couple of change orders to date. He stated that he wanted to keep the City Council up to date as they would be seeing some of the change order memo's in the City Managers report to Council. Mr. Storer stated that there are several grants that are contributing and that the fire department generator grant will also be incorporated into the cost of the necessary electrical connections, slab and conduit to accommodate the generator. Mr. Storer stated that the project is well within budget and currently does not see any funding issues.
9. **Water Quality/Disinfection Byproducts update** – Mr. Storer stated that he had discussed this issue with this Committee back in September and he wanted to keep the Council posted as to the status of this concern. He stated that the City had a spike in the testing for disinfection byproducts that caused the rolling average to go above the maximum level allowed by NHDES. He stated that this had occurred during the warm

weather this past summer. Mr. Storer stated that after doing additional treatment and flushing we were able to get the numbers down. The rolling average was updated to reflect the additional test results which brought the rolling average down to below the maximum levels. He stated that NHDES disagreed with City Staff on whether there was an actual violation. Mr. Storer stated that after some back and forth with NHDES unfortunately it looks like we will be required to notify all users that a violation occurred.

- 10. Community Center hours of operation** – Mr. Storer stated that the Recreation Department had expressed concern that people were wandering around the building late in the evening and that they were concerned for safety and property. Mr. Storer stated the City Manager had set up an interdepartmental meeting and that the custodial staff will be locking the side entrance of the building earlier to try to reduce the un attended comings and goings from the building. Councilor Keans asked about the evening meetings and the School Department. Mr. Storer stated that Mike Riley had met with all tenants and will stay on top of any issues that arise.
- 11. Colonial Pines** – Mr. Storer stated that the Spaulding Turnpike Crossing part of this project has gone out to bid with SUR Construction being the lowest bidder. He stated that the project funds were insufficient. In meeting with the bidders it was determined that if the City did some geotechnical exploration and the soils were found to be good, the project cost could be reduced to within budget limits. Mr. Storer stated that the geotechnical work is completed and the conditions appear favorable. He stated that they are working with the contractor to award and the project will proceed this winter. Chairman Torr stated that would be interested to see some of the work as it is being performed.
- 12. LED Street Lights** – Mr. Storer stated that he is going to be adding a project to the CIP to replace the existing lights in the City with LED lights. He stated that Eversource is offering incentives and if the calculations are accurate the payback for this project could be 2.5 years. There was discussion as to amount of light that would be shed and Mr. Storer stated that he will be testing some areas around the city. They are looking at both the cobra heads and changing out the current LED's in the City Lamp posts. Mr. Storer stated that he is looking to use a brighter LED to shed more light in the downtown where we know there to be issues. Chairman Torr stated that he has had complaints about the area on North Main Street from the Church to McDonald's.
- 13. CIP Preliminary Discussions** – Mr. Storer stated a lengthy list of projects in progress. He stated that his request for this year's CIP Project this year to be lower than recent years. He stated with more than 40 million dollars of project in the cue he would like to get some of them buttoned up prior to starting new. Councilor Varney stated that it may make sense to put some projects on hold. He stated if Wakefield Street is determined to be the priority we might hold Woodman Street area off a bit.
- 14. Honeywell Contract** – Mr. Storer stated that both the School Department and the Buildings and Grounds Division have been contracted with Honeywell for many years.

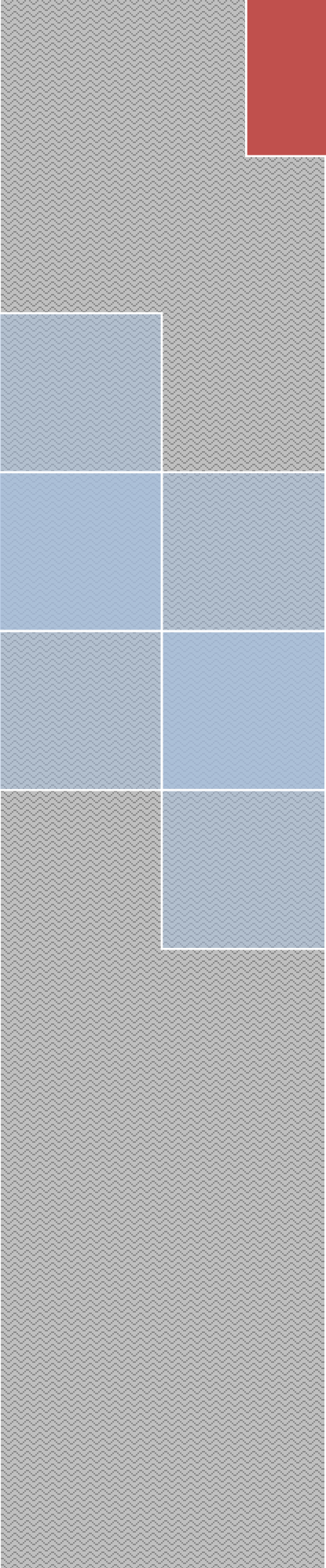
He stated that this is a proprietary contract and that we extended the City buildings contract by one year to get on the same cycle as the school. Mr. Storer stated he would be meeting with the School staff soon to look into coordinating efforts and negotiating the contract together.

- 15. Flat Rate Sewer Fees** – Mr. Storer stated that the current City Ordinance requires that sewer customers not tied into the water system pay the flat rate fee. He further stated that the ordinances require property owners pay all cost associated with tying into the sewer and water systems. He stated that the only incentive offered is the interest free loans for the cost of the tie in. He stated the current sewer ordinance requires property owners to tie in if property is within 200 feet of the sewer main at the time the system fails or prior to the sale of the property. Councilor Varney stated that requiring the tie in at the sale of the property is a burden to homeowners that have sufficient property to allow for sewer systems. He suggested changing the ordinance to mirror the State of NH RSA that says 100 feet. Councilor Willis stated as there is no City permit or approval required there is no way for us to know if a septic system fails and is to be repaired or replaced. Councilor Willis stated in many other communities there is an approval required prior to state permits being issued for replacement or repair. The Committee suggested that Mr. Storer work with the City Attorney to draft changes to the ordinance that could be referred by the City Council to the Codes and Ordinance Committee at the January meeting. They suggested changing the ordinance to require tie in when within 100ft of the sewer main for all new structures and when a septic system fails. They also wanted to remove the language requiring tie in at the sale of a property and to add language that will require City approval prior to repair or replacement of existing septic systems.

- 16. Other** – Keay Field – John Storer stated that Keay Field would like to put dugouts in at the Baseball Field. He stated that when they looked into the boundaries it was determined that their fence and the fence for the East Rochester Cemetery are encroaching on the City right of way. Mr. Storer stated that if there is no objection he would work with the City Attorney to come up with a license agreement for them that would allow them to build the dugout on the City property with the understanding that if the City ever needs to use the right of way it would need to be removed. There were no Committee objections.

Councilor Hamann made a motion for adjournment at 9:49 pm. The motion was seconded by Councilor Willis. The motion passed unanimously.

Minutes respectfully submitted by Lisa J. Clark, City of Rochester Administration and Utility Billing Supervisor.



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**Amendment to Chapter 16 of the General Ordinance of the City of Rochester Regarding
the Requirement to Connect to Public Sewers**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 16, Section 3 of the General Ordinances of the City of Rochester regarding the requirement of property owners to connect to public sewers and currently before the Rochester City Council, be amended as follows:

16.3 Use of Public Sewers Required.

(a) -----

(b) -----

(c) -----

(d) -----

(e) ~~Existing~~ Structures within ~~two~~ one hundred (~~100~~200) feet of the public sewer and currently served by private wastewater disposal facilities shall connect to the public sewer within ninety (90) days after an official notice to do so. The City may grant a waiver to this requirement for properties with existing adequate sewage disposal systems which can be proven by the property owner to comply with applicable state and local regulations, to have been designed by a designer licensed in New Hampshire and to have been approved for construction by the New Hampshire department of environmental services after January 1, 1985. at such time as the private wastewater system fails or the property is transferred whichever occurs first. The cost of connection to the public sewer shall be borne by the property owner with the exception of the portion of the connection crossing the public right of way which costs shall be borne by the Rochester Sewer Enterprise Fund. For the purpose of this section, ~~existing~~ structures shall mean houses, buildings, or property used for human occupancy, employment, recreation, or other purposes, ~~that are constructed as of January 1, 1999.~~

The effective date of these amendments shall be upon passage.



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Resolution Authorizing Acceptance and Appropriation of Land & Community Heritage Investment Program (LCHIP) Grant Award for Historic Restoration Work to the City Hall Annex in the amount of \$18,702.00

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

WHEREAS, that a Land & Community Heritage Investment Program Grant (“LCHIP Grant”) grant in the amount of Eighteen Thousand Seven Hundred Two Dollars (\$18,702.00) awarded to the City of Rochester is hereby accepted by the City of Rochester;

FURTHER, that the sum of Eighteen Thousand Seven Hundred Two Dollars (\$18,702.00) be, and hereby is, appropriated to a non-lapsing Special Revenue Fund to be created for the purpose of carrying out historic restoration work to the City Hall Annex building;

FURTHER, that the City Manager is authorized to enter into a grant agreement and any other contracts with the New Hampshire Land & Community Heritage Investment Program to receive and administer the grant funds detailed above; and

FURTHER, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY 17 AB 96**



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12/29/16

City of Rochester Formal Council Meeting**AGENDA BILL****NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.**

AGENDA SUBJECT Acceptance of and Appropriation of Funds for LCHIP Grant (AB 96)
--

COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
--	--

RESOLUTION REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	FUNDING RESOLUTION FORM? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
--	--

AGENDA DATE	January 3, 2017		
DEPT. HEAD SIGNATURE	Karen Pollard, on file		
DATE SUBMITTED	December 13, 2016		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED	3	

COMMITTEE SIGN-OFF

COMMITTEE	
CHAIR PERSON	

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	Signature on file
CITY MANAGER	Signature on file

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	Signature on file
SOURCE OF FUNDS	NH LCHIP
ACCOUNT NUMBER	TBD
AMOUNT	\$18,702.00
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

LEGAL AUTHORITY

City Charter.

SUMMARY STATEMENT

The City of Rochester has been awarded a Land & Heritage Community Investment Program ("LCHIP") grant from the Land & Heritage Community Investment Program, in order to fund historical restoration work on the City Hall Annex building, in the amount of \$18,702.00.

RECOMMENDED ACTION

Accept the grant, appropriate the necessary funds, and authorize the City Manager to enter into a grant agreement with the NH Land & Heritage Community Investment Program to sign applicable grant agreement documents.

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Date: Fiscal Year:

Fund (select):

GF Water Sewer Arena CIP Water CIP Sewer CIP Arena CIP Special Revenue Fund Type: Lapsing Non-Lapsing

Deauthorization

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1				-	-	-
2				-	-	-
3				-	-	-
4				-	-	-

Appropriation

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	TBD	TBD	TBD	-	\$18,702.00 -	-
2				-	-	-
3				-	-	-
4				-	-	-

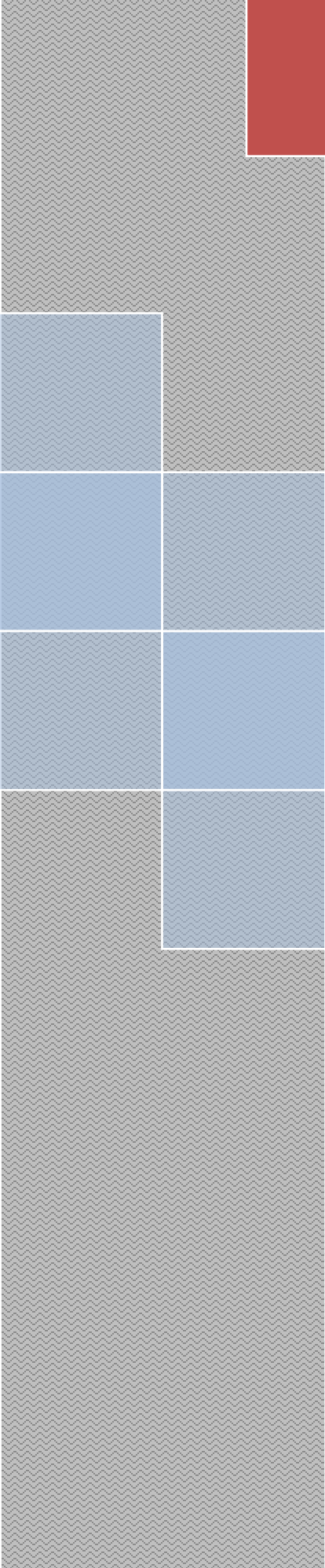
Revenue

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	TBD	TBD	TBD	-	\$18,702.00 -	-
2				-	-	-
3				-	-	-
4				-	-	-

DUNS # CFDA # Grant # Grant Period: From
To

If de-authorizing Grant Funding appropriations: (select one)

Reimbursement Request will be reduced Funds will be returned



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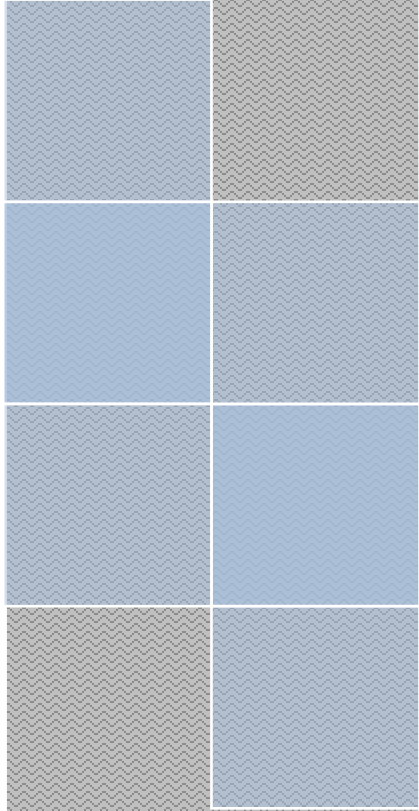
Resolution Authorizing Supplemental Appropriation for the Purchase of 294 Rochester Hill Road in the amount of \$450,000

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

That the sum of Four Hundred Fifty Thousand Dollars (\$450,000.00) be, and hereby is, appropriated as a supplemental appropriation to the Capital Improvement Plan Fund 1501 (account # 15011081-771000-175xx) Land Acquisitions for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of 294 Rochester Hill Road, Rochester, New Hampshire by the City of Rochester. The entirety of the supplemental appropriation shall be derived from the General Fund unassigned fund balance.

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

CC FY17 01-03 AB 100 [A]



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12/29/16

City of Rochester Formal Council Meeting**AGENDA BILL****NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.**

AGENDA SUBJECT
Land Acquisition and Supplemental Appropriation

COUNCIL ACTION ITEM <input checked="" type="checkbox"/> INFORMATION ONLY <input type="checkbox"/>	FUNDING REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> * IF YES ATTACH A FUNDING RESOLUTION FORM
RESOLUTION REQUIRED? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	FUNDING RESOLUTION FORM? YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

AGENDA DATE	January 3, 2016		
DEPT. HEAD SIGNATURE	Karen Pollard, Economic Development Manager		
DATE SUBMITTED	December 28, 2016		
ATTACHMENTS YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	* IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED		

COMMITTEE SIGN-OFF

COMMITTEE	Rochester Economic Development Comm.
CHAIR PERSON	Susan DeRoy

DEPARTMENT APPROVALS

DEPUTY CITY MANAGER	
CITY MANAGER	

FINANCE & BUDGET INFORMATION

FINANCE OFFICE APPROVAL	
SOURCE OF FUNDS	Undesignated Fund Balance
ACCOUNT NUMBER	
AMOUNT	\$450,000
APPROPRIATION REQUIRED YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>	

LEGAL AUTHORITY

--

SUMMARY STATEMENT

The City of Rochester has successfully leveraged public investments into Phases 1 & 2 of the Granite State Business Park, attracting new private investment and job creation. The economic benefits have exceeded estimates and the Rochester Economic Development Commission (REDC) suggests additional expansion of the Granite State Business Park to maximize return on public investment into infrastructure already made.

Negotiations have been successful to acquire 1 (one) property to expand the Granite State Business Park.

PID#0255-0018-0000 294 Rochester Hill Road

RECOMMENDED ACTION

Please consider and approve the property acquisitions and appropriate funds to complete the purchases of \$450,000

AGENDA BILL - FUNDING RESOLUTION

EXHIBIT

Project Name: Granite State Business Park Land Acquisition

Date: December 28, 2016

Fiscal Year: FY 2017

Fund (select):

GF Water Sewer Arena CIP Water CIP Sewer CIP Arena CIP Special Revenue Fund Type: Lapsing ☒ Non-Lapsing ☐

Deauthorization

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1	NEW			-	-	-
2				-	-	-
3				-	-	-
4				-	-	-

Appropriation

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1				-	-	450000 -
2				-	-	-
3				-	-	-
4				-	-	-

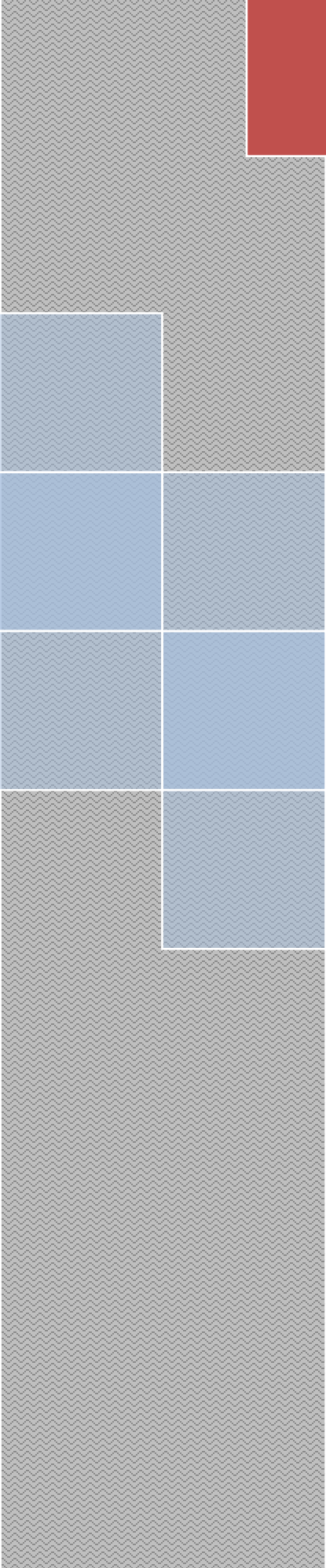
Revenue

	Org #	Object #	Project #	Fed Amount \$	State Amount \$	Local Amount \$
1				-	-	-
2				-	-	-
3				-	-	-
4				-	-	-

DUNS # CFDA # Grant # Grant Period: From
To

If de-authorizing Grant Funding appropriations: (select one)

Reimbursement Request will be reduced Funds will be returned



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Purchase and Sales Agreement
between
City of Rochester, New Hampshire
and
Ann J. Furina Revocable Living Trust,
David Dupont, Trustee

This agreement is entered into this ____ day of January, 2017, by and between the Ann J. Furina Revocable Living Trust, David Dupont, Trustee, and the City of Rochester, a New Hampshire Municipal Corporation (City).

WHEREAS, it is the intent of the City to encourage economic development that will increase employment and expand the real estate tax base of the City; and

WHEREAS, in October 2006 the City adopted the Master Plan Chapter related to Strategic Economic Development, which prioritizes the purchase and marketing of vacant industrial properties in the community; and

WHEREAS, the City believes that the purchase and attraction of business and industry to the Properties are in the vital and best interests of the City and its residents; and

WHEREAS, the City intends to acquire, market and develop certain real property at 294 Rochester Hill Road, Rochester NH, referred to as PID **0255-0018-0000** (18.000 ac)(the "Property") in the City; and,

WHEREAS, the Ann J. Furina Revocable Living Trust are the owners of record of the Property,

NOW THEREFORE, the parties, in exchange for the promises herein contained the receipt and sufficiency of which are hereby acknowledged agree as follows:

1. The Trustee hereby agrees to convey to the City the Property described in this Agreement. Conveyance of title shall be by warranty deed conveying title to the property free and clear of all liens, claims and encumbrances, subject to all building lines and building restrictions, public utility easements and any restrictions or matters set as of the date of delivery of possession. Conveyance of title shall occur not later than February 28, 2017. The sale price of the Properties shall be Four Hundred Fifty Thousand Dollars (\$450,000.00).
2. The Trustee shall provide copies of all environmental assessments, data, studies, and test results associated with the property in its possession to the City. The Trustee shall deliver the material to the City no later than fifteen (15) business days from the date of on this Agreement.
3. The Trustee shall make arrangements for removal of the Barn from the property, at no cost and with no liability to the City. It shall be the responsibility of the

- Trustee to obtain all necessary permits and to comply with local, state, and federal laws and regulations in removing the Barn. Proof of removal must be submitted to the City no later than 10 days prior to closing.
4. The Trustee will provide relevant data regarding legal ownership and disputes regarding residency, and guarantees all such issues are resolved allowing the Ann J. Furina Revocable Living Trust to sell this property to the City. The Trustee guarantees that there are no residents at 294 Rochester Hill Road, and that any personal property of the former occupants will be removed as of the date of the closing. Any remaining property becomes City-owned and will be disposed of as the City sees fit. Proof to the effect of this paragraph must be submitted to the City no later than 10 days prior to the closing date in the form of an Affidavit from the Trustee.
 5. The Trustee hereby grants permission to the City, its employees, representatives, and agents to enter the premises for the purpose of completing environmental assessments and for all other purposes necessary to carry out the terms of this Agreement. The Trustee shall bear no responsibility for, and the City shall defend, indemnify and hold harmless the Trustee from and against, any and all claims, fines, penalties, actions, damages, losses, settlement or compromises and liabilities (including reasonable attorneys' fees, court costs and costs of investigation) arising from or related to the City's activities pursuant to this paragraph.
 6. Time is of the essence in this Agreement.
 7. While this Agreement remains in effect, the Trustee shall not enter into any other purchase agreements regarding the Properties without the City's express written consent. The City may withhold such consent if, in the City's sole discretion, the City determines that the sale would not be in the best interest of the City.
 8. While this Agreement remains in effect, the Trustee shall not undertake or authorize any work to be performed in or on the premises without the City's written consent. The City may withhold such consent if, in the City's sole discretion, the City determines that such work is likely to cause, aggravate, or worsen any conditions existing at the Property as of the date of this Agreement.
 9. The Trustee shall be responsible for payment of all property taxes and fees (including but not limited to water and sewer fees) owed on the Property through the date of Closing.
 10. The City shall prepare all deeds at its own expense. The Trustee shall have at least ten (10) business days to review the deeds prior to the Closing.
 11. In the event of a default under this Agreement by either party hereto which default is not cured within thirty (30) days of the date of receipt of notice to the defaulting

- party specifying that said party has failed to perform a particular obligation, the other party shall have an action for damage or, in the event damages would not fairly compensate the non-defaulting party of this Agreement, the non-defaulting party shall have such other equity rights and remedies as are available at law or in equity.
12. Delays by the Trustee or City in performing its obligations hereunder due to acts of God or belligerent powers, strikes, floods, fires, explosions, wars, differences with workers, delays in transportation or accidents to construction, military arrest or restraints, acts, demands or requirements of the United States or any state or territory thereof, or any governmental subdivision thereof, or due to any other causes whatsoever, whether similar or dissimilar to those above enumerated which are beyond the Trustee or City's control and not resulting from the Trustee or City's fault shall cause an automatic extension of the starting dates for the period attributable to any such cause. The affected component of this Agreement shall be deemed suspended for so long as its extension is prevented or delayed by such cause.
 13. This Agreement shall be governed and construed in accordance with the laws of the State of New Hampshire.
 14. If any term or provision of this Agreement is held to be invalid or unenforceable, to any extent, the remainder of this Agreement shall continue to be fully valid and enforceable.
 15. Notices, demands, consents, approvals or other instruments required to be permitted by this Agreement shall be in writing and shall be executed by the party or an officer, agent, attorney of the party, and shall be deemed to have been effective as to the date of actual delivery, if delivered personally, or as of the third day from and including the date on which it is mailed by registered or certified mail, return receipt requested, with postage prepaid addressed as follows:

To the Trustee:	David Dupont 28 Sumner Rd. Dover, NH 03820
To City:	Daniel W. Fitzpatrick, City Manager City of Rochester 31 Wakefield Street Rochester, NH 03867
 16. On and after the Effective Date of this Agreement, the Trust shall defend, indemnify and hold harmless City and each of their officers, agents and employees (collectively the "Indemnitees" and individually an "Indemnatee") from and against any and all liabilities, losses, damages, costs, expenses, claims, obligations, penalties and causes of action (including without limitation,

reasonable fees and expenses for attorneys, paralegals, expert witnesses and other consultants at the prevailing market rate for such services) whether based upon negligence, strict liability, absolute liability, product liability, misrepresentation, contract, implied or express warranty or any other principal of law.

17. Except as may be otherwise expressly provided herein, no approval to be made by the City under this Agreement or any inspection of the work by City under this Agreement, shall render the City liable for failure to discover any defects or non-conformance with this Agreement, or a violation of or noncompliance with any federal, state or local statute, regulation, ordinance or code.

18. This Agreement shall be binding upon and inure to the benefit of the parties hereto, and their devisees, successors and assigns.

ANN J. FURINA REV LIV TRUST

Acknowledged by: _____
David Dupont, Trustee

Date: _____, 2017

CITY OF ROCHESTER, NEW HAMPSHIRE

Acknowledged by: _____
Daniel W. Fitzpatrick

Date: _____, 2017