

**Rochester Regular City Council Meeting  
November 6, 2013  
COUNCIL CHAMBERS  
7:00 PM**

**MEMBERS PRESENT**

Councilor Gray  
Councilor Hervey  
Councilor Hynes  
Councilor Keans  
Councilor Lauterborn  
Councilor Lachapelle  
Councilor Larochelle  
Councilor Reed-Erickson  
Councilor Varney  
Councilor Walker  
Mayor Jean

**OTHERS PRESENT**

City Manager Fitzpatrick  
Deputy City Manager Cox  
Attorney Wensley  
Commissioner Nourse  
Elena Engle, Community  
Development Specialist  
Donald Hamann, Councilor Elect

**MEMBERS EXCUSED**

Councilor LaBranche

**MINUTES**

**1. Call to Order**

Mayor Jean called the Regular City Council meeting to order at 7:00 PM.

**2. Pledge of Allegiance**

The Rochester Veterans Counsel presented the Colors.

**3. Opening Prayer**

The Rochester Veterans Counsel led the City Council in prayer in honor of Veterans Day.

Mayor Jean announced that the Rochester Veterans Association would hold its Annual Veterans Day Celebration on November 11, 2013. A representative of the Veterans Association stated that the celebration would be held at the Rochester Common at 10:30 AM. A veterans' luncheon would be held at the American Legion. He added the festivities would conclude with a church service held at the First Methodist Church at 7:00 PM.

Mayor Jean encouraged the public to participate in the Veterans' Day Celebration.

The residents and staff of the Riverside Rest Home located in Rochester honored the Rochester Veterans Council with an award in mid-October 2013 for going "Above and Beyond" providing assistance to the veterans of the City of Rochester. The Veterans Counsel presented this plaque to display at City Hall. They pledged to the City of Rochester to continue great service to all veterans.

Mayor Jean stated that he attended the Rochester Middle School's Veterans Day Ceremony again this year. He added that it was another wonderful event honoring the local veterans.

#### **4. Roll Call**

Kelly Walters, City Clerk, called the roll. All Councilor members were present except for Councilor LaBranche, who had been excused.

#### **5. Acceptance of Minutes**

##### **5.1. Correction to the September 3, 2013, Regular City Council Meeting Minutes**

Mayor Jean **MOVED** to **AMEND** page 7 of the minutes of September 3, 2013, by correcting the statement made by Councilor Lachapelle to Councilor Laroche, who actually made the statement. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Lachapelle **MOVED** to **ACCEPT** the minutes as amended. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

##### **5.2. October 1, 2013, Regular City Council Minutes**

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes as written. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

##### **5.3. October 15, 2013, Revised Special City Council Minutes**

Councilor Walker **MOVED** to **ACCEPT** the revised minutes as written. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**6. Resolution Authorizing and Approving A Transfer Within the Fiscal Year 2013-2014 Community Block Grant Budget and Making a Supplemental Appropriation in Connection Therewith**

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

**RESOLUTION AUTHORIZING AND APPROVING A TRANSFER  
WITHIN THE FISCAL YEAR 2013-2014 COMMUNITY BLOCK GRANT  
BUDGET AND MAKING A SUPPLEMENTAL APPROPRIATION IN  
CONNECTION THEREWITH FOR GONIC SCHOOL PLAYGROUND  
PROJECT**

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

That the sum of Thirty Thousand Dollars (\$30,000) presently appropriated in line items below

FY 14 CDBG <Fund 6100)	\$30,000
	\$30,000

in the Community Development Block Grant Budgets for the Department of Planning and Development for the above indicated fiscal years be, and hereby is, transferred to a "Public Facilities" line item of the corresponding fiscal year's Community Development Block Grant Budget, for the purpose of providing funds necessary for the so-called Gonic School Playground Project. Additionally, the appropriations in the line item account from which the above transfer is to be made as specified above are hereby withdrawn and deauthorized to the extent of \$30,000.

Further, the sum of Thirty Thousand Dollars (\$30,000) hereby transferred to the "Public Facilities" line items of the various Community Development Block Grant Budgets referred to above, be, and hereby are, appropriated as supplemental appropriations to the corresponding fiscal year various Community Development Block Grant Budgets for the Department of Planning and Development Budget for the purpose of providing sums necessary for the so-called Gonic School Playground Project, such appropriations to be drawn in their entirety from the herein above funds

transferred to the "Public facilities" line item of the various Community Development Block Grant Budgets referred to above.

To the extent necessary and/or appropriate, the Finance Director is hereby authorized to assign account numbers to accounts and/or to establish accounts necessary to implement this resolution.

Ms. Elena Engle, Community Development Specialist, briefed the City Council about the Gonic School Playground Project. She added that the Gonic School Playground Fundraising Committee has already provided funds to install one large piece of equipment and they are now working with Waste Management and other entities to resolve some of the drainage issues.

The Council decided to refer the matter to a public hearing on November 19, 2013, prior to the City Council workshop with the anticipated adoption date to be at the Regular City Council meeting in December.

Matt Pappas, School Board member, and Gwen Rhodes, Gonic School Principal, presented the City Council with a sketch of the new playground. Mr. Pappas stated that the Committee has worked hard and acknowledged that one of the parents, Kelley LeRue, had been instrumental in the project since the start. Mayor Jean thanked them for the presentation.

## **7. Communications from the City Manager**

### **7.1. Employee of the Month Award**

City Manager Fitzpatrick asked Chief Sanborn and Captain Paul LaClair, Rochester Fire Department, to come forward. He stated that Mr. LaClair has been very active in civic organizations such as the Toy Bank and Relay for Life. He thanked Mr. LaClair and awarded him with the Employee of the Month plaque for the Month of October.

### **7.2. City Manager's Report**

City Manager Fitzpatrick announced that the City has been implementing the Corporate Compliance Program. He added that the City of Rochester is one of the first cities of its size to implement such a program. He is anticipating being able to provide more information to the City Council by the end of the year.

City Manager Fitzpatrick stated that the Department Head Meeting minutes of October 3, 2013, have been included with the City Manager's Report along with the following Management Team Meeting minutes:

- September 30, 2013
- October 7, 2013
- October 15, 2013
- October 21, 2013

City Manager Fitzpatrick stated that the following contracts and documents have been executed since last month:

- Tuition Reimbursement – Rhonda Young
- Brock Street - Change Order #5
- Vacation carry-over request – Deputy Chief Dumas
- Lucky 7 Promotion Detail – Fire Department write-off request
- Tuition Reimbursement – Jason Thomas
- Little Falls Bridge Road Water Line Extension – Change Order #2
- Moving PSNH Easement at GSBP – *release of former easement and acceptance of new easement area*
- Letter of Support for Partnership with SRPC on Aquifer Protection
- Substantial Amendment to FY13-14 CDBG Action Plan
- Boutin Law Engagement letter
- Social Worker Job Description Update

City Manager Fitzpatrick stated that information about the Amazon Mobile Home Park, *water supply expansion permission from Somersworth*, has been included in the City Manager's Report for the City Council's review.

City Manager Fitzpatrick stated that the following standard reports have been enclosed in the City Manager's Report:

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

### **7.3. Office Manager – Job Classification**

City Manager Fitzpatrick read the following letter which he submitted to the City Council on September 17, 2013. *"The City Charter allows the City Manager to amend the City Merit Plan after submittal to and approval by the City Council. The City Council has 60 days from submittal to approve the change. On August 15, 2013, the Public Works Committee approved the upgrading of the DPW Secretary III position to Office Manager, grade 10. On March 7, 2013, the Personnel Advisory Board, created the classification of the Office Manager at grade 8. It is my recommendation to this governing body to modify the Merit Plan by creating the position of Office Manager, grade 9."*

Councilor Walker **MOVED** to **APPROVE** the recommendation of the City Manager to upgrade the DPW Secretary III position to Office Manager, grade 9. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **8. Communications from the Mayor**

### **8.1. Proclamation – Extra Mile Day**

Mayor Jean proclaimed that November 1, 2013, be known as Extra Mile Day in the City of Rochester. He encouraged citizens to go the extra mile to help out our Community. He stated that he would send the proclamation to the requester of the proclamation.

### **8.2. Rochester Planning Board Cordially Invites the Rochester City Council to Attend the Annual Planning Board Retreat [December 11, 2013]**

Mayor Jean stated that the Annual Planning Board Retreat would take place on December 11, 2013. Councilor Lauterborn questioned what would be discussed at this retreat. Councilor Walker stated that it is basically an opportunity for the Planning Board to discuss the goals for the coming year, along with setting guidelines for developers. He added that it is important to know what the City Council's vision is for the Planning Board's approval process. Mayor Jean added that it is an opportunity for the Planning Board to receive some feedback from the City Council. Councilor Gray stated that the Planning Board would also analyze the projects of the past year.

Mayor Jean asked Commissioner Nourse about the status of Brock Street. Commissioner Nourse stated that Brock Street is officially a two-way street once again as of this day at 3:00 PM. Mayor Jean stated that the construction on Brock Street is not yet complete; however, it will be easier for the residents now that the street is able to handle the two-way traffic. He congratulated Commissioner Nourse and the Department of Public Works on the success of the project and pointed out that the project is currently under budget and on schedule for completion.

Mayor Jean thanked Deputy City Manager Cox for sending out a detailed memorandum relative to the Fiscal Year 2014 tax rate which has been set by the Department of Revenue Administration at \$26.36 per thousand. This is an increase of sixty-eight cents or 2.65% above the Fiscal Year 2013 tax rate of \$25.68 per thousand.

**9. Presentations of Petitions and Council Correspondence**

**10. Nominations, Appointments, Resignations, and Elections**

**10.1. Acceptance of the November 5, 2013, Municipal Election Returns**

Kelly Walters, City Clerk, announced that the Rochester Municipal Election had a City-wide turnout of 19%. She stated that the Official Vote Returns were sent out via e-mail late last evening. She stated that a few corrections should be made prior to accepting these results. She said Lynette Plaisted, Ward Three, and Nancy Tilton, Ward One, did not receive the required 10 write-in votes needed to be elected to fill the vacant seats. Councilor Lachapelle **MOVED** to **ACCEPT** the Municipal Election Vote Returns as presented and amended by the City Clerk. This can be found as an attachment to the minutes. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean stated that now that the Election results have been approved it would trigger the recount timeline. City Clerk Walters indicated that the deadline to request a recount would be Wednesday, November 13, 2013, at 5:00 PM.

It was determined that Mayor Jean could nominate the two individuals who showed an interest in obtaining the Election Officials positions.

Councilor Walker nominated Lynette Plaisted, registered voter of Ward Three, to serve as the Ward Clerk for Ward Three. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** to have nomination cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Lynette Plaisted has been elected to serve as the Ward Clerk for Ward Three by a unanimous roll call vote. Councilors Hervey, Hynes, Keans, Lachapelle, Larochelle, Lauterborn, Reed-Erickson, Gray, Torr, Varney, Walker, and Mayor Jean voted in favor of the motion.

Mayor Jean nominated Nancy Tilton, registered voter of Ward One, to serve as the Supervisor of the Checklist, for Ward One. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** to have nomination cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Nancy Tilton has been elected to serve as the Supervisor of the Checklist for Ward One by a unanimous roll call vote. Councilors Hervey, Hynes, Keans, Lachapelle,

Larochelle, Lauterborn, Reed-Erickson, Gray, Torr, Varney, Walker, and Mayor Jean voted in favor of the motion.

Councilor Gray stated that Section 68 of the City Charter only allows the City Council to appoint a vacant City Council/School Board/Police Commission position up until the Municipal Election date. Mayor Jean explained that the City Council has historically waited until the conclusion of the recount period to make any appointments to avoid confusion. In this case, it will be the first item of business at the November 19, 2013, Workshop.

#### **10.2. Rochester Police Commission Seat Declared Vacant for Ward 5/6**

Mayor Jean explained that since Al Bemis, Police Commissioner of Wards 5/6, had passed away on October 16, 2013, the seat should be declared vacant. Councilor Walker **MOVED** to declare the Ward 5/6 Police Commission position vacant. Councilor Keans seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **11. Reports of Committee**

#### **11.1. Codes and Ordinances Committee**

Councilor Lachapelle reported that there were no action items to be addressed at this time. He added that the next Codes and Ordinances Committee meeting would be held on December 5, 2013.

#### **11.2. Community Development Committee**

Councilor Lauterborn stated that the set of minutes in the packet were not able to be received in time for the last City Council meeting and so they have been included with this evening's packet. The one action item from the meeting minutes had been dealt with at the last City Council meeting. The Committee is continuing to review the Ten Year Master Plan of the Downtown. The outline of the findings has been included in the City Council packet for review and information about creative ideas relative to moving forward with the Master Plan has also been included in the City Council packet. She requested to have the Planning Department file the six pages of notes with the Downtown Master Plan located in the Planning Department.

#### **11.3. Finance Committee**

Mayor Jean reported that the Finance Committee met on October 8, 2013.



Mayor Jean briefed the City Council about the recommendation made by the Committee relative to the LGC Surplus. He **MOVED** to **APPROVE** that the contributions be returned back to those Employees [active and retirees] who contributed to the fund. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Reed-Erickson requested that the record show that any retired employees who contributed funds would be reimbursed as well. Mayor Jean confirmed that this is the City Council's intent. A brief discussion ensued about how the School Department did not include retired employees with the distribution of funds of the LGC Surplus.

Mayor Jean **MOVED** to **APPROVE** the use of the Database Administration appropriated funds for a part-time technician. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle asked if the City now owns the small parcel of land near the entrance of Stillwater Circle. Mayor Jean confirmed that the research which had been conducted concluded that the City owns the small parcel of land near the entrance of Stillwater Circle; however, the issue with developing the land is now in question. It does not seem fair to ask the Department of Public Works to maintain this parcel of land once it has been developed. Mayor Jean stated that this matter has been referred to the Public Works Committee for further review.

Councilor Varney asked about the status of refinancing the Business Finance Authority Loan [BFA.] Deputy City Manager Cox confirmed that the Finance Department would present information relative to the matter at the next Finance Committee meeting.

#### **11.4. Joint Building Committee**

Councilor Keans stated that the Committee discussed some project alternatives and are anticipating more information about some of the proposals; however, the Committee is recommending some changes which could result in \$400,000 worth of savings with some of the design work.

#### **11.5. Mayor's Ad-Hoc Committee on Health Benefits**

Mayor Jean reported that the Committee has met twice, seeking to gain more control over the City's healthcare expenditures, both for the City and the employees.

Mayor Jean briefed the City Council about a new tax on healthcare benefits known as the "Cadillac" tax, anticipated going into effect by 2018. He

gave reasons why the City Council must be made aware of the healthcare reform and changes in healthcare costs. He added that the City Council would discuss how this knowledge would impact the collective bargaining parameters and it would be discussed in further detail during a Non-Public Session. He said if individual City Council members were interested in finding out more about the matter, he would encourage them to attend the Mayor's Ad-Hoc Committee meetings on Health Benefits.

#### **11.6. Public Safety Committee**

Councilor Walker **MOVED** to **APPROVE** changing the current thirty minutes parking signs in front of Phagin's Restaurant to two hour parking. Councilor Lachapelle seconded the motion. Councilor Walker stated this change would make the parking limit consistent with similar signs erected in the City. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to **APPROVE** installing two thirty-five mph speed limit signs on Salmon Falls Road on either side of Autumn Street in each direction so that motorists entering onto Salmon Falls Road would be made aware of the speed limit. Councilor Gray seconded the motion. The City Council briefly discussed the matter briefly. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to **APPROVE** installing three additional thirty mph speed limit signs; one at Governors Road at the Farmington town line; one on Chestnut Hill Road south of Betts Road; and one on Chestnut Hill Road south of Little Falls Bridge Road. Councilor Hervey seconded the motion. Council debated the matter. Councilor Varney suggested having City staff check the traffic engineering in this area. Commissioner Nourse agreed the speed limits could be looked at from a traffic engineering point-of-view to determine what speed limit is warranted. Councilor Torr **MOVED** to **AMEND** the motion to change the proposed thirty mph speed limit signs on Governors Road to thirty-five mph speed limit signs, one in each direction. Councilor Gray seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor Jean called for a vote on the main motion as amended. The **MOTION CARRIED** by a majority voice vote.

#### **11.7. Public Works Committee**

Councilor Torr stated that the Commissioner of Public Works would report back to the Committee regarding the responses to letters which were sent out to residents of Chamberlain Street relative to water and sewer issues.

Councilor Torr gave a brief history about land which was deeded to the City many years ago by the developer of Stillwater Circle for the purpose of developing a ball field. Councilor Torr stated that Councilor Gray suggested finding out if the Stillwater Circle residents had an association. Councilor Lachapelle stated that these are individual home owners so there is no association. He agreed to invite the residents to attend a workshop meeting. He requested to have the research of the original plans sent to him.

The City Council discussed the history of the Stillwater Circle Park and the future of maintaining the proposed City-owned Park. Councilor Varney stated that there should be a process to follow in a case such as this to give back the surety/donation. Mayor Jean disclosed that one option could be to return the funds to the developer; however, the original developer has moved away. Councilor Hynes stated that if the City is seeking to return funds back to the developer, than the new land owner, who purchased Stillwater Circle, should be the one entitled to the funds.

It was decided that Councilor Lachapelle should reach out to the residents of Stillwater Circle and the Planning Board should research the original Stillwater Circle "notice of decision" regarding the donation of such funds to the City for the purpose of developing this piece of land. He added that if the City is to back-out of developing the land for any reason then there should be a procedural process to follow to dispose of the funds.

Councilor Torr spoke briefly about the Backflow Prevention Project.

Councilor Torr spoke to the City Council about a pilot program and asked Commissioner Nourse to elaborate on the matter. Commissioner Nourse stated that there will be a change to the City's NPDES permit in regards to nitrogen levels. He stated that City staff and contracted engineers are working on a pilot study that involves an alternative to using algaecides. This is known as GridBee circulator and it will be used as an alternate carbon source to assist in lowering the nitrogen effluent levels. This will be done by partnering with Pilgrim Foods of Greenville, New Hampshire, in hopes of using a waste stream of vinegar created by their manufacturing process. This vinegar has high carbon content. He stated Pilgrim Foods would be supplying the City with the product at no cost. Mayor Jean stated that this would assist the City in meeting the required nitrogen effluent levels. Commissioner Nourse stated that it would not get the City to the required level; however, he agreed that it would have a positive impact on the nitrogen effluent levels.

Councilor Torr spoke about the Historical Society building maintenance project. He **MOVED** to have the Finance Department transfer funds of up to \$5,000 to the Historical Society building maintenance in order to have the

Public Works staff complete the gas boiler installation. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Torr stated that the Commissioner of Public Works is not satisfied with the work completed on the Gonic Fire Station Roof Project; however, this matter would be addressed during the next budget season. Commissioner Nourse agreed and stated it would most likely be proposed with the FY15 Operating budget for Public Works.

Councilor Torr asked City Manager Fitzpatrick to give an update on the demolition of the old police department building. City Manager Fitzpatrick confirmed that the demolition began earlier in the week. Commissioner Nourse stated that an attempt is being made to minimize the labor force and that a demolition robot would be utilized for parts of the job. He gave some details of the project. A public announcement with more information could be anticipated soon.

Councilor Varney asked about the EDA Salmon Falls Road project. City Manager Fitzpatrick confirmed that the construction contracts are in the process of being finalized; however, the City is also in the process of having the agreements signed by the two other entities involved with the funding of the project, which would be presented to the City Council prior to approval. Commissioner Nourse added that the City is still waiting for the Federal EDA grant, which is at a standstill at this point because of the Federal furlough. Councilor Varney expressed concern about missing out on the beginning part of the construction season. City Manager Fitzpatrick suggested inviting Deputy City Manager Pollard into a Non-meeting in order to have an update on the project.

## **12. Old Business**

No discussion.

## **13. Consent Calendar**

Mayor Jean stated that one of the resolutions below has been removed from the Agenda for this evening. Councilor Walker **MOVED** to **APPROVE** the Consent Calendar [Items 13.1 and 13.2]. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority voice vote.

### **13.1. AB 13 Resolution De-Authorizing FY 2005-2006 City of Rochester Economic Development Capital Budget Appropriation**

**RESOLUTION DEAUTHORIZING**  
**FY 2005-2006 CITY OF ROCHESTER ECONOMIC DEVELOPMENT**  
**CAPITAL BUDGET APPROPRIATION**

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

**WHEREAS**, by Resolution adopted in the fall of 2005, a Capital Improvements Budget appropriation by the Mayor and City Council, in the sum of Fifty Thousand Dollars (\$50,000.00) was appropriated in the FY 2005-2006 City of Rochester, Economic Development Capital Improvements Project budget, for the so-called River Walk Study project (the "Project"), which appropriation was to be funded, in its entirety, from cash from the so-called Economic Development Fund; and

**WHEREAS**, the Project has been completed, and there remains, in such account, the unencumbered sum of Twenty-Two Thousand Five Hundred Eleven Dollars and Thirty-Seven Cents (\$22,511.37); and

**WHEREAS**, the sum of Twenty-Two Thousand Five Hundred Eleven Dollars and Thirty-Seven Cents (\$22,511.37) of the aforementioned funds appropriated for such Project are, therefore, no longer necessary for such Project's purposes;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Twenty-Two Thousand Five Hundred Eleven Dollars and Thirty-Seven Cents (\$22,511.37) of the previously appropriated funds for the so-called Project, leaving no appropriated funds (\$0.00) for said Project. Further, that the Finance Director is hereby directed to transfer the deauthorized Twenty-Two Thousand Five Hundred Eleven Dollars and Thirty-Seven Cents (\$22,511.37) to the so-called Economic Development Fund.

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

**13.2. AB 2 Resolution De-Authorizing a Portion of a Certain FY 2011-2012 Rochester Fire Department (RFD) NH Fire Safety and Training Homeland Security Grant Funds Operating Budget Appropriation**

**RESOLUTION DEAUTHORIZING A PORTION OF A CERTAIN**  
**FY 2011-2012 ROCHESTER FIRE DEPARTMENT ("RFD")**

**NH FIRE SAFETY AND TRAINING HOMELAND SECURITY GRANT FUNDS  
OPERATING BUDGET APPROPRIATION**

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

**WHEREAS**, by resolution previously adopted by the Mayor and City Council, in May 2012 as part of the FY 2011-2012 City of Rochester, Fire Department operating budget, the sum of One Hundred Fifty-Nine Thousand Dollars (\$159,000.00) was appropriated in the City of Rochester's Fire Department FY 2011-2012 operating budget for specific Technical Rescue Training, Hazardous Materials Training and some Fireground Survival Training purposes (the "Project"), such Project to be funded by a One Hundred Fifty-Nine Thousand Dollar (\$159,000.00) grant from the NH Fire Safety and Training Homeland Security Grant Funds program (the "Grant"); and

**WHEREAS**, such training has been completed, and the sum Fifty-Two Thousand Three Hundred Eighteen Dollars and Forty-Five Cents (\$52,318.45), originally anticipated for such purpose, remains unexpended, and is no longer necessary for its original appropriated purposes; and

**WHEREAS**, in light of the fact that the sum of Fifty-Two Thousand Three Hundred Eighteen Dollars and Forty-Five Cents (\$52,318.45) in the FY 2011-2012 Fire Department operating budget remains unexpended, which sum is no longer necessary for its appropriated purposes:

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize the above mentioned appropriation to the Rochester Fire Department FY 2011-2012 operating budget for the aforesaid training purposes to the extent of Fifty-Two Thousand Three Hundred Eighteen Dollars and Forty-Five Cents (\$52,318.45), and further authorize the Finance Director and/or his designee(s) to take all appropriate steps to reimburse the aforementioned Grant program to the extent of the aforesaid deauthorized Fifty-Two Thousand Three Hundred Eighteen Dollars and Forty-Five Cents (\$52,318.45).

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

~~**13.3. AB 11 Resolution De-Authorizing a Portion of a Certain FY  
2003-2004 Rochester Sewer Works So-Called Route 108**~~

~~**Sewer Extension Project CIP Budget Appropriation in  
Connection Therewith**~~

**14. New Business**

**14.1. Approval of Secondhand Dealer's License for Kiosk in the Lilac Mall**

Councilor Lachapelle **Moved** to **APPROVE** the secondhand dealer's license. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**14.2. Approval of Secondhand Dealer's License "Bev's Bear Creek Café"**

Councilor Varney **Moved** to **APPROVE** the secondhand dealer's license. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**14.3. AB 6 Resolution Establishing Levels for Certain Real Property Tax Exemptions and/or Credits in the City of Rochester for the 2014 and Subsequent Tax Years**

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

**RESOLUTION ESTABLISHING LEVELS FOR CERTAIN  
REAL PROPERTY TAX EXEMPTIONS AND/OR CREDITS  
IN THE CITY OF ROCHESTER FOR THE 2014  
AND SUBSEQUENT TAX YEARS**

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

**WHEREAS**, RSA 72:27-a, establishes a means whereby cities, such as Rochester, may, from time to time, adjust the level of property tax exemptions and/or property tax credits available to taxpayers pursuant to various statutory provisions; and

**WHEREAS**, the City of Rochester has previously adopted the provisions of RSA 72:37-b relative to the property tax Exemption for the Disabled; and the provisions of RSA 72:39-b relative to the so-called Elderly Exemption; and

**WHEREAS**, in accordance with the provisions of RSA 72:27-a, the Rochester City Council wishes to modify such credits and exemptions by increasing the level of credit and/or exemption to which qualifying taxpayers are entitled;

**NOW THEREFORE**, by adoption of this Resolution, the Mayor and City Council of the City of Rochester hereby reaffirm the City of Rochester's adoption of the credits and/or exemptions referred to above and hereby establish that for property tax years beginning April 1, 2014, and continuing for subsequent property tax years until further modified, the level of property tax credit and/or property tax exemption for the following classes of taxpayers shall be modified so that the level of tax credit and/or tax exemption shall be as follows:

- (a) the net income from all sources amount of the Disabled provided for and established in RSA 72:37-b, for a qualified single person, shall be Twenty-Nine Thousand Nine Hundred Dollars (\$29,900.00), as determined in the manner provided for by statute with respect to such exemption; and
- (b) the net income from all sources amount of the Elderly provided for and established in RSA 72:39-a, for a qualified single person, shall be Twenty-Nine Thousand Nine Hundred Dollars (\$29,900.00) as determined in the manner provided for by statute with respect to such exemption.

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

**14.4. AB 8 Resolution Accepting Donation to the City of Rochester, Fire Department, from the Wal-Mart Foundation**

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

**RESOLUTION ACCEPTING WAL-MART DONATION**  
**OF TWO (2) I-PADS**  
**TO THE ROCHESTER FIRE DEPARTMENT**  
**FOR USE IN CONNECTION WITH FIRE SAFETY RELATED INSPECTIONS**

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

**WHEREAS**, The City of Rochester, Fire Department has recently been notified that Wal-Mart is proposing to make a donation to the Rochester Fire Department, consisting of two (2) I-Pads, for use in connection the conduct of



its fire safety related inspections program, with the total value of such I-Pads being One Thousand Two Hundred Fifty-Eight Dollars (\$1,258.00); and

**WHEREAS**, the Rochester Fire Department has determined that aforesaid donation would be of assistance to the Rochester Fire Department with regard to the conduct of its fire safety related inspections program;

**NOW THEREFORE**, the City of Rochester, by adoption of this Resolution by the Mayor and City Council, hereby accepts the above referenced Wal-Mart donation of two (2) I-Pads to the Rochester Fire Department, and hereby directs the Finance Director to appropriately reflect the receipt of such donation on the books of the City, and authorizes the City Manager and/or his designees to take all steps necessary to effectuate the purposes of this Resolution.

**FURTHERMORE**, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such account(s) and/or account numbers as necessary to implement the transactions contemplated by this Resolution

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

~~14.5. AB 10 Resolution Changing Funding Source of FY 2011-2012  
Sewer Works Capital Improvements Budget for Waste Water  
Treatment Plant Upgrades and Related Costs and Making a  
Supplemental Appropriation in Connection Therewith **First**  
**Reading and Refer to a Public Hearing**~~

Mayor Jean stated that Item 14.5 has been removed from this evening's agenda.

**14.6. AB 12 Resolution Changing Funding Source of FY 2011-2012  
Sewer Works Capital Improvements Budget for NH Route  
125 Pump Station Project, and Repurposing Funds and  
Taking Additional Actions in Connection Therewith **First**  
**Reading and Refer to a Public Hearing****

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only and send to a Public Hearing to be held on November 19, 2013. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only as follows:

**RESOLUTION CHANGING FUNDING SOURCE OF**

**FY 2011-2012 SEWER WORKS CAPITAL IMPROVEMENTS BUDGET FOR  
NH RTE. 125 PUMP STATION PROJECT,  
AND REPURPOSING FUNDS AND TAKING ADDITIONAL ACTIONS  
IN CONNECTION THEREWITH**

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

**WHEREAS**, by action of the Mayor and City Council of the City of Rochester in June 2011 a capital improvements budget for the City of Rochester, Department of Public Works, Sewer Works for fiscal year 2011-2012 was adopted, which included funds for the so-called NH Rte. 125 Pump Station project (the "Project"), which Project was funded by an appropriation of Five Hundred Forty-Five Thousand Dollars (\$545,000.00) of funding for costs associated with such Project, which Project funding was originally designated to be drawn, to the extent of Five Hundred Twenty-Five Thousand Dollars (\$525,000.00), from the proceeds from bonding by the City of Rochester, Sewer Works, and, to the extent of Twenty-Thousand Dollars (\$20,000.00) from cash from the so-called Sewer Works, Sewer Fund; and

**WHEREAS**, the Mayor and City Council have been advised that there are Three Hundred Sixty-One Thousand Fifteen Dollars and Seventy-Three Cents (\$361,015.73) available US EPA so-called Stag Grant funds, which were originally to be used for the so-called NH Rte. 108 sewer extension project (Homemakers), but which are no longer necessary for such project, but are nevertheless eligible for use with regard to the Project, and that borrowing of NH CWSRF funds for the Project, to the extent of One Hundred Eighty-Three Thousand Nine Hundred Eighty-Four Dollars and Twenty-Seven Cents (\$183,984.27) are also available for the Project, thus making a total of US EPA Stag Grant funds and NH CWSRF funds available for the Project in the total amount of Five Hundred Forty-Five Thousand Dollars (\$545,000.00); and

**WHEREAS**, the Mayor and City Council of the City of Rochester are desirous of taking advantage of these less costly funding sources, from the US EPA Stag Grant funds and the NH CWSRF funds, to complete the Project;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding source for the Project from the proceeds of bonding, to the extent of Five Hundred Twenty-Five Thousand Dollars (\$525,000.00) and, to the extent of Twenty-Thousand Dollars, from cash from the so-called Sewer Works, Sewer Fund, to Three Hundred Sixty-One Thousand Fifteen Dollars and Seventy-Three Cents (\$361,015.73) from the above referenced repurposed US EPA Stag grant funds, and from the proceeds from by the City of Rochester, Sewer Works borrowing

from State of NH CWSRF, to the extent of One Hundred Eighty-Three Thousand Nine Hundred Eighty-Four Dollars and Twenty-Seven Cents (\$183,984.27), thereby bring the funding for the above referenced existing appropriation for the Project to a full funding balance of Five Hundred Forty-Five Thousand Dollars (\$545,000.00).

**Furthermore**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby take, and/or, to the extent necessary, authorize the City Manager, or his designee(s) to take, the following steps and/or actions necessary to implement the transactions contemplated by this Resolution, to wit;

- (a) Withdraw and deauthorize bonding authority in connection with the Project;
- (b) Deauthorize the use of Twenty-Thousand Dollars (\$20,000.00) from cash from the so-called Sewer Works, Sewer Fund for the Project, and transfer such cash back the so-called Sewer Works, Sewer Fund; and
- (c) Repurpose funds from the so-called NH Rte. 108 sewer extension project (Homemakers) to the Project in the manner, and to the extent, set forth above.

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

**14.7 AB 1 Resolution Establishing a Revenue Account for Receipt of Rochester Police Department ICAC Grant Awards and Making a Supplemental Appropriation in Connection Therewith**

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

**RESOLUTION ESTABLISHING A REVENUE ACCOUNT FOR RECEIPT OF ROCHESTER POLICE DEPARTMENT ICAC GRANT AWARDS AND MAKING A SUPPLEMENTAL APPROPRIATION IN CONNECTION THEREWITH**

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

**WHEREAS**, the City of Rochester, Police Department has for many years participated in the New Hampshire Internet Crimes Against Children ("NH ICAC") task force by allowing members of its department to assist in investigations and related police services in connection with NH ICAC task force activities during overtime periods; and

**WHEREAS**, Rochester Police Department Officers participating in NHICAC task force activities have been paid, at overtime rates covering police officer pay and benefits, from the proceeds of Internet Crimes Against Children ("ICAC") grants, administered by the Portsmouth Police Department for the ICAC program, which have been awarded and distributed to the City of Rochester; and

**WHEREAS**, the Rochester Police Department is desirous of improving the speed and efficiency by which Rochester Police Department Officers participating in NHICAC task force activities are paid, and in pursuit of such goal wishes to establish a more efficient procedure for budgeting for and appropriating funds to pay overtime costs associated with the participation of Rochester Police Department Officers in NHICAC task force activities;

**NOW THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby:

- (a) direct the Finance Director to establish an account or accounts, the number(s) of which is/are to be established by the Finance Director in the 2013-2014 operating budget of the Police Department, in the amount of Two Thousand Dollars (\$2,000.00) for the exclusive purpose of receiving funds from Internet Crimes Against Children ("ICAC") grant(s), awarded to the City of Rochester, Police Department; and
- (b) appropriate, as a supplemental appropriation to the 2013-2014 operating budget of the Police Department the sum of Two Thousand Dollars (\$2,000.00), such funds to be used exclusively for the purpose of providing overtime related reimbursement funds to Rochester Police Department Officers in connection with work in regard to the Department's participation in the NHICAC task force operations, and further provide that the sums necessary to fund such appropriation shall be drawn exclusively, and in their entirety from a grant, or grants, from NHICAC grant program(s).

**FURTHERMORE**, 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.

Councilor Walker **MOVED** to suspend the Rules and read the resolution by title only for the second time. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution for the second time by title only. Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Councilor Keans questioned the reason for setting up a special account. Attorney Wensley replied that the reason for setting up the special account is to have a designated funding source to be used during the budget adoption each year. He said essentially it would enable for the ICAC grant to be adopted as part of adopting the budget each year in the amount of up to \$2,000. Councilor Keans understood that the Portsmouth Police Department receives the grant and hires the Rochester Police Department as a subcontractor. Attorney Wensley concurred. Councilor Keans asked if the grant funding had been segregated for the past five years. Mayor Jean said yes; however, there has been no specific account to segregate the money and so the Finance Department has had to create a separate account each time. This would essentially create a line-item within the Police Department's budget. The **MOTION CARRIED** by a unanimous voice vote.

**14.8 AB 9 Resolution De-Authorizing a So-Called NH Route 108  
Sewer Extension Project Clean Water State Revolving Fund  
Appropriation in the Amount of \$600,000.00**

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

**RESOLUTION DEAUTHORIZING A  
SO-CALLED NH RTE. 108 SEWER EXTENSION PROJECT  
CLEAN WATER STATE REVOLVING FUND  
APPROPRIATION IN THE AMOUNT OF \$600,000.00**

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

**WHEREAS**, by virtue of a resolution adopted by the Mayor and City Council of the City of Rochester in June 2004, in connection with the 2004-2005 CIP Budget for the City of Rochester, the Mayor and City Council appropriated to the 2004-2005 capital improvements budget of the City of Rochester, Public Works Department, Water Works, the sum of Six- Hundred Thousand Dollars (\$600,000.00), for utilization in connection with a so-called NH Rte. 108 Sewer Extension Project (Homemakers) (the "Project"), said appropriation to be funded from the proceeds of State of New Hampshire Clean Water State

Revolving Fund (NH CWSRF) funds for the purpose of extending the public sewer along NH Rte. 108 (Homemakers); and

**WHEREAS**, it has been determined that the purposes of the Project have been satisfied through the use of other accounts and the project and its funding are no longer needed for the project purposes;

**NOW THEREFORE**, the Project's purposes having been satisfied without the need for the Six Hundred Thousand Dollars (\$600,000.00) in NH CWSRF funding authorized and appropriated for the Project as aforesaid, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize Six Hundred Thousand Dollars (\$600,000.00) of the previous appropriation of Program funds from the 2004-2005 capital improvements budget for the City of Rochester, Department of Public Works, Sewer Works, for the above mentioned purpose, thereby eliminating the aforesaid appropriation in its entirety from the 2004-2005 fiscal year capital improvements project budget of the City of Rochester, Department of Public Works, Sewer Works for the aforesaid purpose.

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

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

## **15. Items Removed from Consent Calendar**

No discussion.

## **16. Other**

Councilor Walker asked the City Manager to direct staff to replace the no parking signs which were removed at the time the telephone poles were replaced on the left-hand side of Maple Street.

Councilor Walker stated that the pavement on the corner of Old Gonic Road and Waverly Street had been damaged due to the construction equipment

site for Brock Street. He suggested having Public Works touch up the damaged pavement.

Mayor Jean asked about the status of the lights at the elderly housing unit situated on Brock Street. He added that he had been notified that the lights have been turned completely off until the problem could be resolved. Councilor Walker agreed to find out if the lights were still causing a problem. Councilor Hynes asked to be excused from attending the Non-Public/Non-Meeting.

## **17. Non-Meeting/ Non-Public Session**

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

### **17.2 Non-Public Session – Land, RSA 91-A:3 (d)**

Councilor Lachapelle **MOVED** to enter into the Non-Meeting/Non-Public Sessions under RSA 91-A: 2 (d), Consultation with Legal Counsel and RSA 91-A:3 (d), Land, at 8:25 PM. Councilors Keans, Lachapelle, Reed-Erickson, Gray, Hervey, Hynes, Larochelle, Lauterborn, Torr, Walker, Varney, and Mayor Jean voted in favor of the motion. Mayor Jean excused Councilor Hynes and he exited the City Council Chambers at 8:26 PM.

Councilor Walker **MOVED** to exit Non-Public Session and to seal the minutes indefinitely at 10:28 PM. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **18. Adjournment**

Councilor Walker **MOVED** to **ADJOURN** the City Council meeting at 10:28 PM. Councilor Torr seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters  
City Clerk