

City Council Public Hearing Meeting

November 5, 2014

COUNCIL CHAMBERS

7:03 PM

COUNCILORS PRESENT

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

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Attorney Wensley

MINUTES

1. Call to Order

Mayor Jean called the City Council Public Hearing to order at 7:03 PM. Kelly Walters, City Clerk, took a silent roll call. All Council members were present.

2. AB 46 Resolution Authorizing Supplemental Appropriation to the 2014-2015 Capital Improvements Budget of the City of Rochester, Department of Public Works, Sewer Works, for the So-Called Salmon Falls Road Sewer Reconstruction Project

Mayor Jean read the resolution by title only as follows:

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
TO THE 2014-2015 CAPITAL IMPROVEMENTS BUDGET OF THE
CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS, SEWER
WORKS FOR THE SO-CALLED SALMON FALLS ROAD SEWER
RECONSTRUCTION PROJECT**

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

That the sum of Ninety-Eight Thousand Five Hundred Fifteen Dollars and Thirty-Five Cents (\$98,515.35) be, and hereby is, appropriated as a

supplemental appropriation to the 2014-2015 capital improvements budget of the City of Rochester, Department of Public Works, Sewer Works, for the purpose of providing sums necessary to pay costs and/or expenditures with respect to the so-called Salmon Falls Road sewer reconstruction project (the "Project"), and provided further that such appropriation shall be drawn in its entirety from the proceeds of bonding/borrowing to be undertaken by the City of Rochester.

Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of Ninety-Eight Thousand Five Hundred Fifteen Dollars and Thirty-Five Cents (\$98,515.35), through the issuance of bonds and/or notes, and/or through other legal form(s), for the purposes of funding the expenditures incident to the implementation of the Project outlined, and referred to, in the preceding paragraph, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary, and/or appropriate. The useful life for the aforesaid Project is 20 years.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY15 10-07 AB 46**

3. AB 56 Resolution for the Bond Financing Public Hearings – Ratifications

Mayor Jean stated the following three resolutions are part of the Bond Financing Public Hearings Ratifications. Mayor Jean read all three resolutions by title only as follows:

3.1 AB 56 (1) Resolution Ratifying, Affirming, and Confirming, June 15, 2010 Actions of the Rochester Mayor and City Council with Respect to the Following, To Wit:

"Resolution Authorizing Supplemental Appropriation to the 2009-2010 Capital Budget of the City of Rochester for Engineering Services Relative to Brock Street and Authorizing Bonding in Connection Therewith"

And, in the Alternative, Re-Adopting the Same

**RESOLUTION RATIFYING, AFFIRMING, AND CONFIRMING
JUNE 15, 2010 ACTIONS OF THE ROCHESTER MAYOR AND CITY
COUNCIL WITH RESPECT TO THE FOLLOWING, TO WIT:**

**"RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATIONS TO
THE 2009-2010 CAPITAL BUDGET OF THE CITY OF ROCHESTER
FOR ENGINEERING SERVICES RELATIVE TO BROCK STREET
AND AUTHORIZING BONDING IN CONNECTION THEREWITH"**

AND, IN THE ALTERNATIVE, RE-ADOPTING THE SAME

WHEREAS, on June 15, 2010 the Rochester Mayor and City Council, after conducting a Public Hearing on the same, adopted a resolution entitled: "Resolution Authorizing Supplemental Appropriations to the 2009-2010 Capital Budget of the City Of Rochester for Engineering Services Relative to Brock Street and Authorizing Bonding in Connection Therewith" (hereinafter referred to as the "Brock Street Engineering and Bonding Resolution"); and

WHEREAS, a copy of the Brock Street Engineering and Bonding Resolution is annexed hereto as **Exhibit A**; and

WHEREAS, it has come to the attention of the City that the posting of the Public Hearing Notice with respect to the Brock Street Engineering and Bonding Resolution may not have been accomplished so as to meet the requirements for such posting established in RSA 91-A:2, II, since the Public Hearing Notice was not published in a newspaper of general circulation within the City of Rochester, and (although the habitual and customary practice of the City is to post such a public hearing notice in two (2) appropriate places within the City of Rochester), the existing documentation as to whether the Public Hearing Notice was posted in two (2) appropriate places within the City of Rochester at least 24 hours, excluding Sundays and holidays prior to the meeting at which the Public Hearing was to be held, is unclear and/or inadequate: and

WHEREAS, the Rochester Mayor and City Council have, this evening, conducted a Public Hearing, complying with the posting requirements of RSA 91-A:2, II, with respect to this resolution and the Brock Street Engineering and Bonding Resolution;

NOW THEREFORE, by passage of this resolution, the Rochester Mayor and City Council, not only adopt this resolution in its entirety, but further hereby take the following specific actions with regard to the Brock Street Engineering and Bonding Resolution, to wit:

- a. The Mayor and City Council of the City of Rochester ratify, affirm, and confirm the approval and adoption of the Brock Street Engineering and Bonding Resolution annexed hereto as **Exhibit A**, on June 15, 2010, and to the extent necessary and/or possible legalize such actions; and
- b. In the alternative, and to the extent necessary, the Mayor and City Council of the City of Rochester hereby re-adopt and re-approve the Brock Street Engineering and Bonding Resolution annexed hereto as **Exhibit A**, effective as of June 15, 2010. **CC FY 15 11-05 AB 56 (1)**

EXHIBIT A

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATIONS TO THE 2009-2010 CAPITAL BUDGET OF THE CITY OF ROCHESTER FOR ENGINEERING SERVICES RELATIVE TO BROCK STREET AND AUTHORIZING BONDING IN CONNECTION THEREWITH

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

That the sum of Fifty Thousand Dollars (\$50,000.00) be, and hereby is appropriated as a supplemental appropriation to the City of Rochester 2009-2010 capital budget of the City of Rochester, Department of Public Works, for the purposes of providing funds for use in connection with engineering services related to so-called Brock Street Reconstruction project, involving the reconstruction of Brock Street and infrastructure located therein and/or related thereto. Further, that the sums necessary to fund such supplemental appropriation shall be drawn in their entirety from the issuance of bonds and/or notes by the City of Rochester, 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. The useful life for the aforesaid additional Brock Street Reconstruction project is 20 years. 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 FY 15 11-05 AB 56 (1)**

**3.2 AB 56 (2) Resolution Ratifying, Affirming and Confirming
October 5, 2010 Actions of the Rochester Mayor and City
Council with Respect to the Following, To Wit:**

"Resolution Authorizing Supplemental Appropriation to the 2010-2011 Capital Budget of the City of Rochester for the Completion of the North Main Street Bridge Project and Authorizing Bonding in Connection Therewith"

And, in the Alternative, Re-Adopting the Same

**RESOLUTION RATIFYING, AFFIRMING AND CONFIRMING
OCTOBER 5, 2010 ACTIONS OF THE ROCHESTER MAYOR AND CITY
COUNCIL WITH RESPECT TO THE FOLLOWING, TO WIT:**

**"RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO
THE 2010-2011 CAPITAL BUDGET OF THE CITY OF ROCHESTER FOR
THE COMPLETION OF THE NORTH MAIN STREET BRIDGE PROJECT
AND AUTHORIZING BONDING IN CONNECTION THEREWITH"
AND, IN THE ALTERNATIVE, RE-ADOPTING THE SAME**

WHEREAS, on October 5, 2010 the Rochester Mayor and City Council, after conducting a Public Hearing on the same, adopted a resolution entitled: "Resolution Authorizing Supplemental Appropriation to the 2010-2011 Capital Budget of the City of Rochester for the Completion of The North Main Street Bridge Project and Authorizing Bonding in Connection Therewith" (hereinafter referred to as the "North Main Street Bridge Project Completion and Bonding Resolution"); and

WHEREAS, a copy of the North Main Street Bridge Project Completion and Bonding Resolution is annexed hereto as **Exhibit A**; and;

WHEREAS, it has come to the attention of the City that the posting of the Public Hearing Notice with respect to the North Main Street Bridge Project Completion and Bonding Resolution may not have been accomplished so as to meet the requirements for such posting established in RSA 91-A:2, II, since the Public Hearing Notice was not published in a newspaper of general circulation within the City of Rochester, and (although the habitual and customary practice of the City is to post such a public hearing notice in two (2) appropriate places within the City of Rochester), the existing documentation as to whether the Public Hearing Notice was posted in two (2) appropriate places within the City of Rochester at least 24 hours, excluding Sundays and holidays prior to the meeting at which the Public Hearing was to be held, is unclear and/or inadequate: and

WHEREAS, the Rochester Mayor and City Council have, this evening, conducted a Public Hearing, complying with the posting requirements of RSA

91-A:2, II, with respect to this resolution and the North Main Street Bridge Project Completion and Bonding Resolution;

NOW THEREFORE, by passage of this resolution, the Rochester Mayor and City Council, not only adopt this resolution in its entirety, but further hereby take the following specific actions with regard to the North Main Street Bridge Project Completion and Bonding Resolution, to wit:

a. The Mayor and City Council of the City of Rochester ratify, affirm, and confirm the approval and adoption of the North Main Street Bridge Project Completion and Bonding Resolution annexed hereto as **Exhibit A**, on October 5, 2010, and to the extent necessary and/or possible legalize such actions; and

b. In the alternative, and to the extent necessary, the Mayor and City Council of the City of Rochester hereby re-adopt and re-approve the North Main Street Bridge Project Completion and Bonding Resolution annexed hereto as **Exhibit A**, effective as of October 5, 2010. **CC FY 15 11-05 AB 56 (2)**

EXHIBIT A

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO
THE 2010-2011 CAPITAL BUDGET OF THE CITY OF ROCHESTER FOR
THE COMPLETION OF THE NORTH MAIN STREET BRIDGE PROJECT
AND AUTHORIZING BONDING IN CONNECTION THEREWITH**

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

That the sum of Four Hundred Fifty-Eight Thousand Six Hundred Fifteen Dollars and Eighty-Four Cents (\$458,615.84) be, and hereby is, appropriated as part of the City of Rochester 2010-2011 capital budget of the Department of Public Works, for the purpose of providing funds necessary for the purpose of the completion of the so-called North Main Street Bridge repair project, that the sums necessary to fund such appropriation shall be received through the proceeds of bonds and/or notes issued by the City of Rochester.

Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby is authorized to borrow the sum of up to Four Hundred Fifty-Eight Thousand Six Hundred Fifteen Dollars and Eighty-Four Cents (\$458,615.84), through

the issuance of bonds and/or notes, for the purpose of providing funds necessary for the completion of the so-called North Main Street Bridge repair project referred to in the preceding paragraph of this resolution, 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. The useful life for the aforesaid so-called North Main Street Bridge repair project is 20 years.

Further, that the Finance Director is hereby authorized to establish such accounts as are required to implement the provisions of this resolution.

3.3 AB 56 (3) Resolution Ratifying, Affirming and Confirming December 7, 2010 Actions of the Rochester Mayor and City Council with Respect to the Following, To Wit:

"Resolution Approving Purchase and Sale Agreement with Regard to Real Property Situate at 2-4 Walnut Street and Making a Supplemental Appropriation in Connection Therewith"

And, in the Alternative, Re-Adopting the Same

**RESOLUTION RATIFYING, AFFIRMING, AND CONFIRMING
DECEMBER 7, 2010 ACTIONS OF THE ROCHESTER MAYOR AND
CITY COUNCIL WITH RESPECT TO THE FOLLOWING, TO WIT:**

**"RESOLUTION APPROVING PURCHASE & SALE AGREEMENT WITH
REGARD TO REAL PROPERTY SITUATE AT 2-4 WALNUT STREET
AND MAKING A SUPPLEMENTAL APPROPRIATION
IN CONNECTION THEREWITH"**

AND, IN THE ALTERNATIVE, RE-ADOPTING THE SAME

WHEREAS, on December 7, 2010 the Rochester Mayor and City Council, after conducting a Public Hearing on the same, adopted a resolution entitled: "Resolution Approving Purchase & Sale Agreement with regard to Real Property Situate at 2-4 Walnut Street and Making a Supplemental Appropriation in Connection Therewith" (hereinafter referred to as the "2-4 Walnut Street Acquisition and Bonding Resolution"); and

WHEREAS, a copy of the 2-4 Walnut Street Acquisition and Bonding Resolution is annexed hereto as **Exhibit A**; and

WHEREAS, it has come to the attention of the City that the posting of the Public Hearing Notice with respect to the 2-4 Walnut Street Acquisition and Bonding Resolution may not have been accomplished so as to meet the requirements for such posting established in RSA 91-A:2, II, since the Public Hearing Notice was not published in a newspaper of general circulation within the City of Rochester, and (although the habitual and customary practice of the City is to post such a public hearing notice in two (2) appropriate places within the City of Rochester), the existing documentation as to whether the Public Hearing Notice was posted in two (2) appropriate places within the City of Rochester at least 24 hours, excluding Sundays and holidays prior to the meeting at which the Public Hearing was to be held, is unclear and/or inadequate: and

WHEREAS, the Rochester Mayor and City Council have, this evening, conducted a Public Hearing, complying with the posting requirements of RSA 91-A:2, II, with respect to this resolution and the 2-4 Walnut Street Acquisition and Bonding Resolution;

NOW THEREFORE, by passage of this resolution, the Rochester Mayor and City Council, not only adopt this resolution in its entirety, but further hereby take the following specific actions with regard to the 2-4 Walnut Street Acquisition and Bonding Resolution, to wit:

a. The Mayor and City Council of the City of Rochester ratify, affirm, and confirm the approval and adoption of the 2-4 Walnut Street Acquisition and Bonding Resolution annexed hereto as **Exhibit A**, on October 5, 2010, and to the extent necessary and/or possible legalize such actions; and

b. In the alternative, and to the extent necessary, the Mayor and City Council of the City of Rochester hereby re-adopt and re-approve the 2-4 Walnut Street Acquisition and Bonding Resolution annexed hereto as **Exhibit A**, effective as of December 7, 2010. **CC FY 15 11-05 AB 56 (3)**

EXHIBIT A

**RESOLUTION APPROVING PURCHASE & SALE AGREEMENT WITH
REGARD TO REAL PROPERTY SITUATE AT 2-4 WALNUT STREET
AND MAKING A SUPPLEMENTAL APPROPRIATION
IN CONNECTION THEREWITH**

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

That the Mayor and City Council hereby approve the terms and conditions of a Purchase and Sales Agreement between the City and owner of a certain tract or parcel of land known, and referred to, as 2-4 Walnut Street, Rochester, NH, negotiated by the City Manager on behalf of the City of Rochester ("City") in November 2010, for use in purchasing said property known, and referred to, as 2-4 Walnut Street for use in connection with improvements to the North Main Street, Jackson Street, Washington Street and Walnut Street intersection, and the said City Manager is further authorized to hold a closing in connection therewith and to bond the sum of sign all documents, and to take such actions, necessary to implement the land acquisition contemplated by the aforesaid Purchase and Sales Agreement.

Further, that the sum of Three Hundred Thousand Dollars (\$300,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2010-2011 capital budget for the City of Rochester, Department of Public works, such funds to be used in purchasing said property known, and referred to, as 2-4 Walnut Street for use in connection with improvements to the North Main Street, Jackson Street, Washington Street and Walnut Street intersection. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the proceeds of notes and/or bonds issued by the City of Rochester. Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby is authorized to borrow the sum of Three Hundred Thousand Dollars (\$300,000.00) through the issuance of bonds and/or notes, for the purpose of funding the aforesaid land purchase, 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. The useful life for the aforementioned land purchase and related project is 20 years.

Further, that the City Manager and/or his designee be authorized sign all documents necessary to implement the purposes of this resolution, and that the Finance Director is hereby authorized to assign the transactions contemplated by this resolution to the appropriate budget accounts of the City, and/or to establish appropriate accounts therefore.

Furthermore, the supplemental appropriation approved On October 5, 2010 for the purchase of 2-4 Walnut Street is hereby rescinded. **CC FY 15 11-05 AB 56 (3)**

Mayor Jean invited the public to address the City Council about the proposed public hearings. No member of the public addressed the City Council.

4. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the City Council Public Hearing at 7:05 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters
City Clerk