

ROCHESTER REGULAR CITY COUNCIL MEETING
February 5, 2013
COUNCIL CHAMBERS
7:00 PM

MEMBERS PRESENT

Councilor Hervey
Councilor Hynes
Councilor Keans
Councilor Lachapelle
Councilor LaBranche
Councilor Reed-Erickson
Councilor Savoie
Councilor Varney
Councilor Walker
Mayor Jean

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Attorney Wensley
Nel Sylvain, Planning Board, Chair

MEMBERS EXCUSED

Councilor Lauterborn
Councilor Larochelle
Councilor Torr

MINUTES

1. Call to Order

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

2. Pledge of Allegiance

Councilor LaBranche led the Pledge of Allegiance.

3. Opening Prayer

Mayor Jean called for a moment of silence in honor of former Planning Board member and Conservation Commission member Gloria Larochelle, who is now the late wife of Councilor Larochelle. Ms. Larochelle passed away on February 3, 2013.

4. Roll Call

Kelly Walters, City Clerk, took a roll call. All Councilor Members were present except for Councilors Lauterborn, Larochelle, and Torr, who had been excused.

5. Acceptance of Minutes

5.1 January 8, 2013, Regular City Council Meeting

Councilor Lachapelle **MOVED** to **ACCEPT** the January 8, 2013, Regular City Council Meeting minutes. Councilor LaBranche 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 Leo Scarponi, Buildings and Grounds Department, to come forward. City Manager Fitzpatrick gave a brief history of Mr. Scarponi's employment with the City of Rochester since February 2011. He said Mr. Scarponi is responsible for ensuring that all City buildings are opened Monday thru Friday of each week. He acknowledged Mr. Scarponi work ethics and awarded Mr. Scarponi with the Employee of the Month Award for February.

6.2 City Manager's Report

City Manager Fitzpatrick reported that the following Management Team meetings were included in the City Council packet for review:

- December 31, 2012
- January 7, 2013
- January 14, 2013

City Manager Fitzpatrick reported that the following transactions have been completed since the last report:

- Commitment Letter for Household Hazardous Waste Day 2014
- CDBG-R Closeout Documents [*R-Recovery Act*]
- Sign-off on the New Hampshire Department of Health and Human Services application to USHUD for Housing Authority Certification of Consistency in Regards to Funding under the 2012 HUD –NOFA

City Manager Fitzpatrick reported that Deputy City Manager Cox has submitted an e-mail regarding the Round Pond Study. This e-mail has been included in the City Council packet for review.

City Manager Fitzpatrick stated that the following standard reports have been provided in the City Council Packet:

- Personnel Action Report
- Permission Permit Report
- City Council Inquiry Report

City Manager Fitzpatrick reported that Item # 19 of the City Council Inquiry Report could now be marked as closed. He indicated this is because Kenn Ortmann, Director of the Planning Department, is attending the Barrington Planning Board meeting this evening. He clarified that Mr. Ortmann is not submitting an opinion to the Barrington Planning Board in writing; however, he is representing the City's interest regarding the Barrington Excavation Project.

Councilor Varney asked questions about the Squanamagonic Firing Range. Is this firing range exclusive for permitted use only? Is the gate controlled by the Rochester Police Department? City Manager Fitzpatrick replied that the Rochester Police Department would receive an exclusive permit; however, the details of this arrangement are still being worked out with the Recreation Department. He said there would be a permit requirement to use the firing range for other agencies as well; however, the process and procedure has not yet been determined.

Councilor Varney questioned if the City Council would receive a status update on the Rines Right-of-way at next month's meeting. City Manager Fitzpatrick replied yes.

Councilor Varney said the letter submitted by Deputy City Manager Cox regarding the Berry River Dam does give details about the funding; however, it is important to keep the Round Pond project separate from the Berry River Dam project. It is not fiscally responsible to use general funds for a specific project. The projects should be kept separate in order to track the individual funding for each project. In this way, the City Council would have an exact figure of each completed project once they have been completed. City Manager Fitzpatrick concurred.

Councilor Lachapelle mentioned that he has received a couple of complaints about the Squanamagonic Recreation Park. It seems that the gate is being left unattended. Chief Allen explained that there are two gates at the Squanamagonic Recreation Park. The main gate is not controlled by the Police Department; however, the second gate, which is the entrance to the firing range, is controlled by the Police Department. This gate is locked at all times if not in use. City Manager Fitzpatrick agreed to check into the matter and thanked Councilor Lachapelle for bringing the matter to his attention.

7. Communications from the Mayor

7.1 Joint Meeting with Planning Board Relative to Chapter 42

Mayor Jean announced that there would be a Joint City Council/Planning Board meeting held on Monday, February 11, 2013, at 7:00 PM. The meeting would take place at the Frisbie Memorial Hospital Conference Center. He briefed the City Council about the process of bringing Chapter 42 to the full City Council from the Planning Board level.

Councilor Varney said there are still some changes being made to the definitions and the text of the document. He added that the new zoning map has not been posted as of February 4, 2013. He questioned how soon the map would be finalized for review.

Councilor Varney requested that each Councilor receive a printed hard copy of the document and the zoning map. Mayor Jean concurred.

Councilor Varney previously requested a breakdown of each zone. He said it is important to review what changes have made to each zone. He added the last time the City Council reviewed Chapter 42 there were a lot of changes to the residential zones. Mayor Jean concurred. He added that Art Nickless has been working with the Planning Board on Chapter 42 and could most likely provide that information. He believed that Mr. Nickless would be attending the Joint City Council/Planning Board meeting next week as well.

Mayor Jean thanked Nel Sylvain, Chair of the Planning Board, and the entire Planning Board for working so diligently on Chapter 42. Mr. Sylvain commented that Mr. Nickless had already compiled the changes per zone as requested by Councilor Varney. Mayor Jean requested that the information be provided to all Council members.

7.2 FY14 Budget Timeline Presentation

Mayor Jean questioned if any Council member had any issues or concerns with the budget timeline provided in the City Council packet. He added that the budget timeline would also be provided in the Finance Committee packet this month for further review. He said the City's portion of the employees' retirement system would have a significant impact on this year's budget.

Mayor Jean stated that the Tri-Chamber of Commerce has announced its Annual Legislative Reception to be held on February 25, 2013, at 6:00 PM. The meeting is to be held at the Frisbie Memorial Hospital Community Education and Conference Center. He encouraged all elected officials to attend.

8. Presentation of Petitions and Council Correspondence

9. Nominations, Appointments, Resignations, and Elections

10. Reports of Committees

10.1 Appointments Committee

Councilor Keans gave the Committee report in Councilor Larochelle's absence.

Councilor Keans briefed the City Council about the recommendations made by the Appointments Committee starting with all reappointments first.

Mayor Jean nominated Tim Fontneau to be reappointed to the Planning Board as a Regular member, with a term to expire on January 2, 2016. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Mr. Fontneau has been reappointed to the Planning Board by a ballot vote of 7 to 3.

Mayor Jean nominated Randy Lavallee to be reappointed to the Zoning Board of Adjustments as a Regular member, with a term to expire on January 2, 2016. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Mr. Lavallee has been reappointed to the Zoning Board of Adjustments by a unanimous ballot vote.

Mayor Jean nominated Sharon Parshley to be reappointed to the Utility Advisory Board as a Regular member, with a term to expire on January 2, 2016. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Ms. Parshley has been appointed to the Utility Advisory Board by a unanimous ballot vote.

Mayor Jean nominated Robert Goldstein to be reappointed to the Zoning Board of Adjustments as an Alternate member, with a term to expire on January 2, 2016. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Robert Goldstein has been reappointed to the Zoning Board of Adjustments with a unanimous ballot vote.

Mayor Jean nominated Margaret "Peg" Johnson to the Arts and Cultural Commission with a term to expire on January 2, 2015. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Ms. Johnson has been appointed to the Arts and Cultural Commission by a 9 to 1 ballot vote.

Mayor Jean nominated Gregory Jeanson to be appointed to the Planning Board as a Regular member, with a term to expire on January 2, 2014. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Mr. Jeanson has been appointed to the Planning Board by a unanimous ballot vote.

10.2 Community Development Committee

Councilor LaBranche gave the Community Development Committee report in the absence of Councilor Lauterborn. He stated that there were no action items.

Councilor Varney had a question on the Community Development Committee minutes, *which is on page 35 of the City Council packet*. He said the new CDBG Specialist position was supposed to dedicate a significant amount of time to grant writing. Have there been any grants submitted as of yet? He added that this was the only reason why the City Council approved the full funding of this employee's position.

Councilor Varney said that the Route 11 Park could possibly be opened by this summer. He questioned if the City had any plans to control the access to this park. Council discussed the matter. Councilor Lachapelle suggested sending the matter to the Community Development Committee for review.

10.3 Government Channel Committee

Councilor Lachapelle reported that there were no action items. He said the Committee would continue to review the Government Channel Policy. He is hoping the Committee would review the cost associated with upgrading some of the old equipment. He recalled that there is a City reserve fund available through Metrocast for this purpose. He questioned if the MIS Department submitted any CIP request for this year's budget. Deputy City Manager Cox stated that the Finance Department has not reviewed all the CIP material yet.

Mayor Jean said the on-line video on demand has been very successful. Councilor Lachapelle agreed and wished to thank Celeste Plaia, Government Channel Coordinator, for working diligently on this project. Mayor Jean agreed.

10.4 Public Safety Committee

Councilor Walker stated that there were a few action items to take care of with his report.

Councilor Walker **MOVED** to **DENY** the request to install a "one-way" traffic sign on Wellsweep Acres. Councilor LaBranche seconded the motion.

Councilor Walker briefed the City Council on the issue. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to **DENY** the request for a traffic sign “Do Not Block the Intersection” at the intersection of Washington Street and North Main Street. Councilor Lachapelle seconded the motion.

Councilor Varney stated that it is not a bad idea to remind people who are stopped at the end of Walnut Street not to pull forward to the small island awaiting entrance onto North Main Street. There is only room for one vehicle on this small piece of road and it is not noticeable until someone is blocking the intersection. Councilor Reed-Erickson agreed. He shared a past experience he had involving this small piece of road.

Councilor Keans gave reasons why she did not believe a sign should be erected at this intersection. The **MOTION CARRIED** by a majority voice vote.

10.5 Public Works & Buildings Committee

Councilor Varney gave the Public Works Report. He said there were no action items; however, Mr. Nourse attended the meeting and discussed extending the sewer lines on Portland Street and brought up concerns about the capacity issues of this area. He also made suggestions of how to resolve the issue. Councilor Varney said the City is spending a lot of money on the Salmon Falls Road project and it is important to proceed cautiously at this point. He said it seems that Mr. Nourse is not sure that the original plan might not be the best solution at this point. This should be kept in Committee and discussed at length.

Councilor Lachapelle asked about the Chesley Hill Road drainage project which is tentatively set for the FY15 CIP budget. He questioned what the temporary solution entails which had been discussed by the Committee. Mayor Jean stated that there is a suggested temporary paving solution; however, it would not resolve the drainage issue, which is a greater concern. It would require engineering to resolve the drainage issues on this road. Councilor Lachapelle hoped the road could at least be paved for the time being.

Councilor Keans asked which section of Chesley Hill Road has the drainage issues. Mayor Jean replied from the top of Chesley Hill Road down towards Route 125. He added that the drainage issues on the other side of Chesley Hill Road nearest Route 202 have already been resolved. Council briefly discussed the matter.

11. Old Business

12. New Business

12.1 Resolution Accepting US Justice Assistance (“JAG”) Homeland Security Grant in the Amount of \$22,900.80

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

**RESOLUTION ACCEPTING US JUSTICE ASSISTANCE (“JAG”)
HOMELAND SECURITY GRANT**

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

WHEREAS, The City of Rochester, Police Department was recently notified that it is eligible for a U.S. Justice Assistance Grant (“JAG”) Homeland Security grant consisting of ten (10) portable radios, the total value of such radios being Twenty-Two Thousand Nine Hundred Dollars and Eighty Cents (\$22,900.80); and,

WHEREAS, the aforesaid grant requires no matching funds from the City;

NOW THEREFORE, the City of Rochester, by adoption of this Resolution by the Mayor and City Council, hereby accepts the above referenced JAG Homeland Security grant and directs the Finance Director to appropriately reflect the receipt of such grant on the books of the City.

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

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Mayor Jean said there are no matching funds required to obtain this grant funding. Councilor Keans asked what happens to the old radios, once the new radios have been received. Chief Allen stated that the old radios would be placed in storage. He added that the Police Department received 40 radios this past year; however, the new radios are equipped with individual radio chargers. It is too difficult to have 60 individual radio chargers setting on a table waiting to be used. The Police Department is seeking to acquire a few “bank

multi-use chargers”, which allows multiple radios to be charged at the same time by the same unit. Once the bank multi-use chargers are in place all of the new radios would be implemented and the old radios would be placed in storage. Councilor Keans asked if the individual Police Officers actually bring the radios home with them after work. Chief Allen replied no. The Police Officers must sign in/out for use of the radios. The **MOTION CARRIED** by a unanimous voice vote.

12.2 Resolution Authorizing Grant Application by the City of Rochester Police Department the New Hampshire Department of Safety Competitive Homeland Security Grant in the Amount of up to \$75,000

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

RESOLUTION AUTHORIZING GRANT APPLICATION
BY THE CITY OF ROCHESTER POLICE DEPARTMENT
FOR NH DEPARTMENT OF SAFETY
COMPETITIVE HOMELAND SECURITY GRANT

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

That the Rochester City Council, by adoption of this resolution, hereby authorizes the City of Rochester Police Department to file a Competitive Grant application for a grant allocation from NH Department of Safety of a Department of Homeland Security/Federal Emergency Management Agency FY 2012 Homeland Security grant, in the amount of up to Seventy-Five Thousand Dollars (\$75,000.00), for the purpose of updating the Rochester Police Department’s cruiser radios (replacing approximately 21 cruiser radios at a cost of approximately \$3,225.00 per unit), and acquiring two (2) bank chargers for the Rochester Police Department’s portable radios (at a cost of approximately \$3,500.00 per unit). Such grant use would also promote and improve the interoperability of the Rochester Police Department’s communications capability with other law enforcement agencies and entities at the State and local levels, consistent with grant requirements established by state and federal administrators of such competitive grant allocations. This grant, if awarded, does not require a City funding match.

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

12.3 Resolution Authorizing an Application to Commissioner of DRED to have the So-Called Cocheco Revitalization Zone Designated as a So-Called Economic Revitalization Zone Pursuant to the Provisions of RSA 162-N, 1

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

RESOLUTION FOR CITY MANAGER TO SUBMIT APPLICATION TO COMMISSIONER OF DRED TO HAVE SO-CALLED COCHECO REVITALIZATION ZONE DESIGNATED AS A SO CALLED ECONOMIC REVITALIZATION ZONE PURSUANT TO THE PROVISIONS OF RSA 162-N,1

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

WHEREAS, in an effort to stimulate local economic development the New Hampshire Legislature has enacted Chapter 162-N of the New Hampshire Revised Statutes Annotated, entitled "Economic Revitalization Zone Tax Credits"; and

WHEREAS, the City of Rochester seeks to avail itself of the opportunities and benefits available through said Chapter 162-N of the designation of the so-called Cocheco Revitalization Zone as a so-called "Economic Revitalization Zone" as provided for in Chapter 162-N; and

WHEREAS, in order to attain status as a so-called "Economic Revitalization Zone", the Commissioner of DRED must designate such area as an "Economic Revitalization Zone", in accordance with requirements established in Chapter 162-N; and

WHEREAS, the City of Rochester desires to allow the provisions of RSA Chapter 162-N to be available to qualifying businesses and property owners located in the so-called Cocheco Revitalization Zone; and

WHEREAS, The City of Rochester has prepared an Application to have the so-called Cocheco Revitalization Zone designated as a so-called "Economic Revitalization Zone" as provided for in Chapter 162-N, so as to take advantage of the benefits associated with such Chapter of the New Hampshire Revised Statutes Annotated;

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby authorize the City Manager, and/or his

designee(s), to take any and all steps necessary to file the above referenced Application with the Commissioner of DRED, and to take such other actions as are necessary and/or appropriate to obtain the above referenced designation for the so-called Cocheco Revitalization Zone.

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

Mayor Jean stated that a map, which outlines the Cocheco Revitalization Zone, has been included in the Council packet. This is in the area of Old Dover Road. This would provide a State business enterprise tax credit for business growth in this particular area.

Mayor Jean stated that this revitalization zone has been endorsed by the Rochester Economic Development Commission. Councilor Walker asked for clarification. He said this is only used for a State business tax credit and therefore could not be used for local property taxes. Mayor Jean replied yes. The **MOTION CARRIED** by a unanimous voice vote.

13. Non-Public Session

13.1 Personnel, RSA 91-A: 3 II (a)

Councilor Lachapelle **MOVED** to enter into a Non-Public Session under Personnel, RSA 91-A: 3 II (a) at 7:45 PM. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous roll call of 10 to 0. Councilors Varney, Hynes, Reed-Erickson, Savoie, Walker, Keans, Lachapelle, LaBranche, Hervey, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Session and to seal the minutes at 9:31 PM. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

14. Other

Mayor Jean stated that the City Council has completed the review and evaluation process. He presented a proposed resolution which would increase the City Manager's pay by 2 ½ %, retroactive to September 1, 2012.

RESOLUTION REGARDING CITY MANAGER'S REVIEW AND EVALUATION

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

WHEREAS, the Mayor and City Council of the City of Rochester has recently concluded a contractually required review and evaluation of the City Manager's job performance; and,

WHEREAS, the results for such review and evaluation reveal that the Mayor and City Council of the City of Rochester conclude that the City Manager's job performance, during the review period, has been positively perceived by the Mayor and City Council, and has resulted in significant progress with respect to the administration of the City, as well as positive contributions to activities by the City that are bringing substantial progress to the City of Rochester and its residents;

NOW THEREFORE, in light of his positive review and evaluation, the Mayor and City Council of the City of Rochester hereby grant Daniel W. Fitzpatrick, for his work as City Manager of the City of Rochester, a salary increase of 2 ½%, effective September 01, 2012.

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

15. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 9:33 PM. Councilor Hynes seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters

Kelly Walters, CDCCNH
City Clerk