

**Adjourned Regular City Council Meeting
January 14, 2014
COUNCIL CHAMBERS
7:00 PM**

COUNCILORS PRESENT

Councilor Collins
Councilor Gates
Councilor Gray
Councilor Hamann
Councilor Keans
Councilor Kittredge
Councilor Lachapelle
Councilor Larochele
Councilor Lauterborn
Councilor Torr
Councilor Varney
Councilor Walker
Mayor Jean

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Deputy City Manager Pollard
Attorney Wensley
Samantha Rodgerson, City Manager's
Executive Assistant
Elena Engle, Community Development
Specialist
Seth Creighton, Staff Planner
Timothy Kinnicutt, Consultant
Thomas DeLacey, Principal Consultant

MINUTES

1. Call to Order [Reconvene the Adjourned Meeting of January 7, 2014]

Mayor Jean called the meeting to order at 7:05 PM.

2. Pledge of Allegiance

Councilor Collins led the Pledge of Allegiance.

3. Opening Prayer

Mayor Jean called for a moment of silence in honor of our military troops fighting for our freedoms.

4. Roll Call

Kelly Walters, City Clerk, took a roll call. All Councilors were present.

5. Acceptance of Minutes

5.1. December 3, 2013, Regular City Council Minutes

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of December 3, 2013. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2. January 7, 2014, Inauguration Minutes

Councilor Walker **MOVED** to **ACCEPT** the minutes of January 7, 2014. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1. Employee of the Month Award

City Manager Fitzpatrick invited Samantha Rodgerson, City Manager's Executive Assistant, to come forward. He stated that this is the third time that Ms. Rodgerson is to receive the Employee of the Month award. He congratulated Ms. Rodgerson and awarded her with the Employee of the Month award for January 2014.

Mayor Jean also expressed gratitude for Ms. Rodgerson's work ethics.

6.2. City Manager's Report

City Manager Fitzpatrick said the Department Head Meeting minutes from December 5, 2013, have been included in the City Council's packet, along with the following Management Team Meeting minutes:

- November 25, 2013
- December 2, 2013
- December 9, 2013
- December 16, 2013
- December 23, 2013
- December 30, 2013

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

- Brock Street Change Order #6
- Environmental Review – Housing Authority – *request for funds*
- Substantial Amendment to FY13-14 CDBG Action Plan
- Rental of Council Chambers & Conference Room – Arts Rochester
- Peer review – Great Bay Estuary

City Manager Fitzpatrick stated that the following other information has been included with the City Council's packet for your further information:

- FY12 Consolidated Annual Performance and Evaluation Report (CAPER)
- ACLU Right to Know Request pertaining to the City's Panhandling Ordinance
- Fire Department Letter – ISO Analysis
- NHMA – Ethics and Compliance Training information
- The Lifelight Foundation letter to the City
- Cooperative Alliance for Seacoast Transportation letter

City Manager Fitzpatrick stated that the following standard reports have been included in the City Council's packet:

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

City Manager Fitzpatrick stated that he has issued a Press Release today relative to the recent Public Protection Classification [PPC] survey. He stated the Insurance Services Office [ISO] analysis has ranked the City of Rochester an entire level higher than ever before. He stated that the primary reason for this increase is the investment into the water infrastructure. This investment has paid-off and it will have a positive impact on the residents' homeowners Insurance [fire]. He recommended referring this matter to the Safety Committee for further review.

Councilor Larochelle stated that City staff should be careful about using acronyms in its correspondence to the City Council. He also suggested that hyperlinks within such documents should be used more frequently.

Councilor Larochelle expressed concern relative to the Gonic Fire Station boiler, which is no longer operating properly.

Councilor Larochelle questioned some of the figures in the ISO documentation. He suggested that the Public Safety Committee review this document carefully. Mayor Jean stated that if there were no objections this matter would be sent to the February Public Safety Committee.

6.3. Merit Plan/Position Classifications

City Manager Fitzpatrick stated that the Finance Committee [December 10, 2013] discussed his recommendation to enhance the Merit Plan/Position

Classification for the Payroll/Human Resources Specialist and Human Resource Manager at pay ranges of 5 and 11. The Finance Committee sent this item to the full City Council to take a formal vote on the matter. *This action was approved under the Finance Committee Report.*

6.4. City Manager's Appointments

These appointments have been included in the City Council packet as follows:

- David Dubois, Personnel Advisory Board, term to expire on January 2, 2015
- Robert Goldstein, Board of Assessors, term expires January 2, 2017
- John Larochelle, Board of Health, term expires January 2, 2017

6.5. ACLU Letter Regarding Panhandling

City Manager Fitzpatrick stated that the American Civil Liberties Union [ACLU] has submitted a right-to-know request to the City of Rochester relative to the recently adopted "panhandling" ordinance, which can be found in the City Manager's report. This has been referred to Attorney Wensley and should be discussed in more detail during a Non-Meeting, consultation with a legal consultant.

6.6. Presentation of the Team Charter Use of Technology Self Directed Work Team

City Manager Fitzpatrick stated that this presentation has been postponed until the Regular City Council Meeting on February 3, 2014.

7. Communications from the Mayor

Mayor Jean shared that he received a Mayor Jean bobble-head for a Christmas gift this year from his family.

7.1. Rules of Order

Mayor Jean stated if there were no objections the Rules of Order would be sent to the Codes and Ordinances Committee for review. He encouraged City Councilors to attend the meeting or send suggestions to the Codes and Ordinances Committee prior to the meeting to be held on February 6, 2014.

7.2. Committee Assignments of 2014-2015

Mayor Jean submitted the following Committee Assignments of 2014-2015 to the City Council:

Appointments Committee

John Larochele, Chairperson
Sandra Keans, Vice Chairperson
Jake Collins
James Gray
Donald Hamann

Public Safety Committee

David Walker, Chairperson
Peter Lachapelle, Vice Chairperson
Donald Hamann
Robert Gates
Jake Collins

Codes and Ordinances Committee

Peter Lachapelle, Chairperson
Elaine Lauterborn
Ray Varney
Derek "Mac" Kittredge
Robert Gates

Public Works Committee

Ralph Torr, Chairperson
Ray Varney, Vice Chairperson
David Walker
Sandra Keans
Donald Hamann

Community Development Committee

James Gray, Chairperson
Elaine Lauterborn, Vice Chairperson
Derek "Mac" Kittredge
Sandra Keans
Jake Collins

Finance Committee

Thomas Jean, Chairperson
Ray Varney, Vice Chairperson
John Larochele
David Walker
Sandra Keans
Elaine Lauterborn
Ralph Torr

Councilor Larochele informed the Council members that they are still permitted to attend a Committee meeting and participate in the discussions. Mayor Jean concurred.

7.3. Mayoral Appointments

7.3.1. Appointments to Ad Hoc Committees

Mayor Jean announced that this matter has been postponed until the City Council Workshop.

7.3.2. Chair Appointments of Boards and Commissions

Mayor Jean announced that this matter has been postponed until the City Council Workshop.

8. Presentations of Petitions and Council Correspondence

9. Nominations, Appointments, Resignations, and Elections

10. Reports of Committees

10.1. Appointments Committee

Mayor Jean stated that John Larochele has served on the Rochester Economic Development Commission [REDC] for six years and has expressed an interest in continuing this service to the City. Mayor Jean nominated John Larochele to serve as a Regular Member of the REDC, with a term to expire on January 2, 2017. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease and the Clerk cast one ballot for John Larochele. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Councilor Larochele has been appointed to the REDC by a ballot vote.

Councilor Walker asked about the status of the re-appointments of some of the Planning Board members, specifically, Rick Healey, Derek Peters, and Gregory Jeanson. Councilor Larochele confirmed that Mr. Jeanson's term does not expire until 2017, and Mr. Healey and Mr. Peters have both submitted Statements of Interest. He suggested that the Chairmen of such boards and commissions should remind the members to stay abreast of the re-appointment process. Councilor Varney stated that the members of such boards and commissions are permitted to serve as voting members while awaiting the re-appointment process.

10.2. Finance Committee

Mayor Jean stated that the consensus of the Finance Committee is to approve the merit plan adjustments as proposed by City Manager Fitzpatrick. Councilor Walker **MOVED** to **ACCEPT** the Merit Plan/Position Classification for the Payroll/Human Resources Specialist and Human Resource Manager at pay ranges of 5 and 11. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean **MOVED** that the outside detail expenses for events to be co-sponsored by the City are to be included in the City Manager's annual budget presented to the City Council. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.2.1. Amendment to Water Ordinance Relative to Required Water System Connections – 1st Reading Only and Refer to a Public Hearing

Councilor Lachapelle **MOVED** to read the resolution by title only for the first time and to refer this matter to a Public Hearing to be held on February

4, 2014. Councilor Walker 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:

**AMENDMENT TO WATER ORDINANCE RELATIVE TO
REQUIRED WATER SYSTEM CONNECTIONS**

THE CITY OF ROCHESTER ORDAINS:

That chapter 17 of the General Ordinances of the city of Rochester, entitled "Water" as presently amended, be further amended by deleting therefrom the existing subsection (b) of Section 17.4 thereof, entitled "Water Service "Connection Required", in its entirety, and by inserting in its stead the following subsection, said subsection (b) of Section 17.4 of the General Ordinances of the City of Rochester.

"(b) Existing structures within two hundred (200) feet of the public water system of the City, and currently served by private wells shall connect to the public water system at such time as the well fails or the property is transferred, whichever occurs first. For the purposes of this section, existing structures shall mean houses, buildings, or property used for human occupancy, employment, recreation, or other purposes, that are constructed as of January 1, 2012. For the purposes of this section, the term "well fails" shall mean any well failure requiring additional earth disturbance such as digging and/or drilling, other than such activity associated solely with well pump replacement and/or access."

Councilor Varney said the goal is to have the water ordinance mirror the sewer ordinance in terms of system failure. This Amendment requires folks to hook-up to the water system if their well fails and it also describes what is meant by a failed water system. Councilor Lachapelle stated that this ordinance originated from the Codes and Ordinances Committee and had been reviewed by the Utility Advisory Board.

Councilor Torr asked what happens if a water pump fails. Councilor Varney read a portion of the proposed amendment for clarification purposes...*well fails shall mean any well failure requiring additional earth disturbance such as digging and/or drilling, other than such activities associated solely with well pump replacement and/or access.*"

**10.2.2. Amendment to Water Ordinance Relative
to Water Rate – 1st Reading Only and Refer
to a Public Hearing**

Councilor Walker **MOVED** to read the resolution by title only for the first time and to refer this matter to a Public Hearing to be held on February 4, 2014. Councilor Lachapelle 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:

**ORDINANCE AMENDMENT RELATIVE
TO WATER USER RATE**

THE CITY OF ROCHESTER ORDAINS:

I. That Chapter 17, Section 17.34 of the General Ordinances of the City of Rochester, entitled "Water Rate and Fee Schedule", be amended by deleting the portion of said ordinance entitled "Quarterly Water Rates" and by replacing such portion of the ordinance with the following:

**17.34 Water Rate and Fee
Schedule**

Residential Customers without exemption:	\$4.67 per 100 cu. ft. of water use
Residential Customers	\$2.02
Commercial and industrial customers:	\$4.67

Unmetered Residential Customers:	Per quarter per unit	\$124.87
Per quarter per unit with exemption:		\$62.42

Minimum Fee:	
Per quarter per unit without exemption:	\$17.74
Per quarter per unit with exemption:	\$14.21

II. That this ordinance amendment shall take effect on March 1, 2014

Councilor Varney said the Rochester Economic Development Commission has discussed "branding"; however, the City Clerk researched the last couple of years of City Council meeting minutes and there has been no discussion relative to "branding." He understood that some of the money would be donated; however, he wished to learn more about what this would mean for the City of Rochester. Councilor Larochelle confirmed that the idea originated from the REDC and the goal is to attract more economic development. The source of funds would be an Economic Development Fund as well as private contributions. Mayor Jean suggested that the REDC work on presenting this idea to the full City Council.

Councilor Lauterborn stated that in the newspaper article it seemed that no City funds would be allocated. Mayor Jean stated that there was a

\$10,000 line-item [marketing] under the Economic Development Fund in the current year budget. The Economic Development Fund would supply up to \$10,000 and the remaining \$30,000 would be raised by private contributions. Council discussed sending the matter to the Finance Committee if it is to cost more than \$10,000. Mayor Jean suggested the first step should be to allow the REDC to make a formal presentation of the matter to the City Council during a City Council Workshop.

Deputy City Manager Pollard confirmed this “branding” project had been included in the Economic Development Budget under marketing and agreed to invite the REDC to make a presentation of the matter at a City Council Workshop. She reminded Council that this would not be a City administered project. This is a group effort being made by the Chamber of Commerce, Main Street Program, and many of the major businesses in the Community.

10.3. Public Safety Committee

Councilor Walker **MOVED** to **DENY** the request to erect a stop sign on Allen Street. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker **MOVED** to **DENY** the request for a guardrail by Stuart’s Greenhouse check spelling. Councilor Lachapelle seconded the motion. Council briefly discussed the matter. Councilor Walker stated that this is the third time that the Safety Committee has reviewed and denied this request. Councilor Varney stated that some of the fencing is actually on City property. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to **DENY** the request for the “right turn only” sign on Glenwood Avenue. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.4. Public Works Committee

Councilor Torr briefed the Council about one action item related to the Salmon Falls Road project. Council began to discuss the matter. Mayor Jean indicated that this matter would be discussed under New Business.

Councilor Varney stated that the EDA/Salmon Falls Road Project has been delayed; however, the part of the road from Highland Street to Milton Road is in need of major repair and something should be done soon. He indicated that local residents have been showing up at the Ward Meetings. If this project is not moving forward this summer then a Plan B should be

taken into consideration in order to resolve some of the major issues temporarily. Councilor Torr agreed.

Deputy City Manager Pollard confirmed that there were no updates on the EDA/Salmon Falls Road Project at this time. Mayor Jean agreed it is time to seek out a Plan B for this project.

Councilor Varney suggested that the Catherine Street Project be sent to the Planning Board to review the sidewalks, exits, and entrances.

Councilor Varney mentioned that the State of New Hampshire Department of Transportation [NHDOT] is building a new facility, with a wash bay, on the Chestnut Hill Road connector. He suggested that the City Manager find out if the State would be interested in sharing the wash bay with the City and if there is enough land for future development of a north end fire station. Council discussed the matter. Councilor Walker stated that the NHDOT appeared before the Planning Board and seemed open to allowing a shared wash bay. Mayor Jean stated that the City Manager should proceed with engaging in conversations with NHDOT about a shared wash bay and possible land use for the future development of a north end fire station, even if just to reserve the land for now.

Councilor Lachapelle stated that the Codes and Ordinances Committee met on December 5, 2013. The Committee recommended the Amendment to the Water Ordinances, which was taken up under the Finance Committee Report. He stated that all other items have been left in Committee. The next meeting will be held on February 6, 2014.

Councilor Gray stated that the Community Development Committee would be meeting on the 4th Thursday, which will be the 23rd of January. He would like to move the meeting time from 7:00 PM to 6:30 PM.

Councilor Gray reminded the City Council that there would be a new Councilors orientation occurring on January 17, 2014, at the Community Center.

11. Old Business

12. Consent Calendar

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

**12.1.AB 1 Resolution De-Authorizing Portion of FY 2010-2011
Water Works Capital Budget Appropriation in the Amount
of \$126,540.62 Relative to the Alum Sludge Management
Program *First Reading, Second Reading, and Adoption***

**RESOLUTION DEAUTHORIZING
PORTION OF FY 2010-2011 WATER WORKS
CAPITAL BUDGET APPROPRIATION**

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

WHEREAS, by June 2011 Resolution adopted by the Mayor and City Council, a Capital Improvements Budget appropriation in the amount of One Million Fifty Thousand Dollars (\$1,050,000.00) was appropriated in the FY 2010-2011 City of Rochester, Water Works Capital Improvements budget for the so-called Alum Sludge Management project (project# 11515) (the "Project"), with such appropriation to be funded, in its entirety, from the proceeds of bonding by the City of Rochester; and

WHEREAS, such Project has been completed at a final cost of Nine Hundred Twenty-Three Thousand Four Hundred Fifty-Nine Dollars and Thirty-Eight Cents (\$923,459.38), thereby leaving the sum of One Hundred Twenty-Six Thousand Five Hundred Forty Dollars and Sixty-Two Cents (\$126,540.62) of the aforementioned funds appropriated for such Project, 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 One Hundred Twenty-Six Thousand Five Hundred Forty Dollars and Sixty-Two Cents (\$126,540.62) of the previously appropriated funds for the so-called Project, thereby leaving the sum of Nine Hundred Twenty-Three Thousand Four Hundred Fifty-Nine Dollars and Thirty-Eight Cents (\$923,459.38) appropriated for said Project, and further withdraws all bonding authority with respect to the aforesaid deauthorized portion of the original Project appropriation.

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 2014-01-14 AB 1

12.2. AB 2 Resolution De-Authorizing a Portion of a Certain FY 2006-2007 Rochester Water Works So-Called Washington Street High Pressure Zone Project CIP Budget Appropriation and Making a Supplemental Appropriation in Connection Therewith **First Reading, Second Reading, and Adoption**

**RESOLUTION DEAUTHORIZING A PORTION OF A CERTAIN
FY 2006-2007 ROCHESTER WATER WORKS
SO-CALLED WASHINGTON STREET HIGH PRESSURE ZONE PROJECT
CIP BUDGET APPROPRIATION
AND MAKING A SUPPLEMENTAL APPROPRIATION
IN CONNECTION THEREWITH**

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

WHEREAS, by resolution previously adopted by the Mayor and City Council in June 2006 as part of the FY 2006-2007 City of Rochester, Department of Public Works, Water Works CIP Budget, the sum of Three Million Twenty Thousand Dollars (\$3,020,000.00) was appropriated for the purpose of the so-called Washington Street High Pressure Zone project (the "Project"), with funding for such project to be drawn, to the extent of Two Million Eighty-Five Thousand Dollars (\$2,085,000.00) from various federal, state and/or private sources, and, to the extent of Nine Hundred Thirty-Five Thousand Dollars (\$935,000.00) from the proceeds of bonding by the City of Rochester: and

WHEREAS, through various resolutions of the Mayor and City Council, the sum of Two Million One Hundred Thirty-Five Thousand Dollars (\$2,135,000.00), of the Three Million Twenty Thousand Dollars (\$3,020,000.00) originally appropriated for such Project, has already been deauthorized, leaving an appropriated amount for the Project of Eight Hundred Eighty-Five Thousand Dollars (\$885,000.00), with all of such funds to be derived from the proceeds of bonding by the City of Rochester; and

WHEREAS, in January of 2010, the sum of Seven Hundred Seventy-Eight Thousand Twenty-One Dollars (\$778,021.00) of the aforesaid Eight Hundred Eighty-Five Thousand Dollars (\$885,000.00) in outstanding appropriated bonding authority was bonded by the City of Rochester, leaving a current amount of appropriated but, as yet, un-bonded, spending authorization of for the Project of One Hundred and Six Thousand Nine Hundred Seventy-Nine Dollars (\$106,979.00); and

WHEREAS, the Project is completed, and expenditures for the completed Project have totaled Seven Hundred Eighty-Four Thousand Twenty Dollars and Sixty-Nine Cents (\$784,020.69), a total of Five Thousand Nine Hundred Ninety-Nine Dollars and Sixty-Nine Cents (\$5,999.69) more than the amount of the existing bonded funds received by the City for the Project; and

WHEREAS, the costs, and other factors, associated with bonding the sum of an additional Five Thousand Nine Hundred Ninety-Nine Dollars and Sixty-Nine Cents (\$5,999.69) to provide for the remaining funds to necessary to defray all of the costs associated with the Project would be counter-productive and disproportionately expensive at this time;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby withdraw and deauthorize the above mentioned appropriation to the FY 2006-2007 City of Rochester, Water Works CIP Budget for the Project to the extent of One Hundred and Six Thousand Nine Hundred Seventy-Nine Dollars (\$106,979.00) (leaving an appropriation balance in such Project account of Seven Hundred Seventy-Eight Thousand Twenty-One Dollars (\$778,021.00) and withdraw any and all authority to borrow with respect to the same.

Further, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby appropriate, as a supplemental appropriation to the City of Rochester, 2013-2014 CIP for the Rochester Water Works the sum of Five Thousand Nine Hundred Ninety-Nine Dollars and Sixty-Nine Cents (\$5,999.69), for the purpose of providing funds necessary for the Project, and further provide, that the sums necessary to fund the Project shall be derived, in their entirety, from funds drawn from the presently unexpended so-called Water Fund balance of the Rochester Water Works.

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

CC 2014-01-14 AB 2

13. New Business

13.1. AB 3 Resolution De-Authorizing Portions of the Rochester School Department Fiscal Year's 2011, 2012, and 2014 Budget Capital Budget Appropriations for Various Completed Capital Projects **First Reading, Second Reading, and Adoption**

**RESOLUTION DEAUTHORIZING PORTIONS OF ROCHESTER SCHOOL
DEPARTMENT FISCAL YEAR'S 2011, 2012 AND 2014 CAPITAL
BUDGET APPROPRIATIONS
FOR VARIOUS COMPLETED CAPITAL PROJECTS**

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

WHEREAS, by various resolutions previously adopted by the Mayor and City Council with regard to Fiscal Year's 2011, 2012 and 2014, various sums were appropriated in the City of Rochester, School Department Capital Budgets for the purpose of paying the costs associated with certain capital improvement projects, with the funds from which the costs of such projects being designated as, and derived, in their entirety, from the proceeds of bonding by the City of Rochester (such projects being more particularly designated in the Exhibit referred to in the following paragraph, and being collectively hereinafter referred to as the "Projects"); and

WHEREAS, such Projects, as more particularly identified in **Exhibit A** annexed hereto, have been completed, and the unexpended balances remaining in such individual project accounts, and with respect to which bonding is authorized, totals One Hundred Seventy-Three Thousand Seven Hundred Eighty-Three Dollars (\$173,783.00) of the total funds appropriated for such Projects, which amounts are no longer necessary for such Projects' purposes;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize the sum One Hundred Seventy-Three Thousand Seven Hundred Eighty-Three Dollars (\$173,783.00) appropriated for the said Projects in the individual project accounts in the amount of the unexpended balances remaining in each individual project account as reflected in the annexed **Exhibit A**, and further withdraw any and all bounding authority with respect to, and to the extent of, the appropriations herein deauthorized.

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 2014-01-14 AB 3**

Note: Exhibit A is attached to the end of this set of minutes.

Councilor Lachapelle **MOVED** to read the resolution by title only for the first time. Councilor Walker seconded the motion. The **MOTION**

CARRIED by a unanimous voice vote. Mayor Jean read the resolution by title only for the first time as follows:

Councilor Walker **MOVED** to suspend the rules 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 by title only for the second time.

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

- **AB 3-a Resolution Authorizing Supplemental Appropriation to the 2013-2014 Capital Budget of the City of Rochester, School Department for the So-Called William Allen School Entrance Construction Project**

Councilor Lachapelle **MOVED** to read the resolution by title only for the first time and refer the matter to a Public Hearing to be held on February 4, 2014. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only for the first time as follows:

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO
THE 2013-2014 CAPITAL BUDGET OF THE
CITY OF ROCHESTER, SCHOOL DEPARTMENT
FOR THE SO-CALLED WILLIAM ALLEN SCHOOL
ENTRANCE CONSTRUCTION PROJECT**

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

That the sum of One Hundred Seventy-Three Thousand Seven Hundred Eighty-Three Dollars (\$173,783.00) be, and hereby is, appropriated as part of the City of Rochester 2013-2014 capital budget of the City of Rochester, School Department, for the purpose of providing sums necessary for the so-called William Allen Entrance Construction project (the "Project"), further, that the sums necessary to fund such supplemental appropriation shall be derived, in their entirety, from the proceeds of bonds and/or notes to be 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 One Hundred Seventy-Three

Thousand Seven Hundred Eighty-Three Dollars (\$173,783.00), through the issuance of bonds and/or notes, for the purpose of providing funds necessary for the so-called Project, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. 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 Project is 30 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 2014-01-14 AB 3-a

Mayor Jean stated that during the Catherine Street project, the William Allen School Entrance Construction Project would also be taking place. The existing kindergartner playground will be moved to the lower level area and closer to the school. Mayor Jean stated that Granite Street is currently a one-way street; however, he asked if the idea of two-way traffic on Granite Street is to be considered for the duration of the project. Michael Hopkins, Superintendent, addressed the City Council. He has met with the Department of Public Works and it has been determined that a portion of the road will be closed off to through traffic. He said they will allow the buses to go through; however, the parents dropping-off/picking-up students will have to turn left onto Granite Street, which will be converted into two-way traffic for the duration of the project. The long term goal is to create a parent drop-off/pick-up area for the parents only on Davyane Locke Lane, which would be a separate area than the buses drop-off/pick-up area. The Department of Public Works would have to determine if Granite Street should remain open to two-way traffic after the construction period. Council briefly discussed the matter.

- **AB 6 Resolution Accepting Green Infrastructure Grant to the City of Rochester and Making a Supplemental Appropriation in Connection Therewith**

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

RESOLUTION ACCEPTING
GREEN INFRASTRUCTURE GRANT
TO THE CITY OF ROCHESTER
AND MAKING A SUPPLEMENTAL APPOROPRIATION
IN CONNECTION THEREWITH

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

WHEREAS, in furtherance of a Resolution adopted by the Mayor and City Council of the City of Rochester on October 15, 2013, the City of Rochester, Planning and Community Development Department was authorized to apply for a grant from the Southeast Watershed Alliance for a so-called "Green Infrastructure" grant (the "Grant") in the amount of Sixteen Thousand Dollars (\$16,000.00), to enable the City to adopt a commitment to develop a program to review and consider Low Impact Design ("LID") and Green Infrastructure ("GI") when reviewing and/or altering and/or amending the City's current standards, regulations and ordinances, such as Site Plan Regulations, Subdivision Regulations, Public Works Infrastructure Design Standards, and the like strategies (the "Project"); and

WHEREAS, the application for such Grant required that if such Grant was approved in the amount requested in the application submitted by the City and was accepted by the City and the grant funds were provided to the City, the City would be required to provide matching funds for the Project in an amount of up to Four Thousand Dollars (\$4,000.00); and

WHEREAS, the application for such Grant has been accepted, and the Grant, in the amount of Sixteen Thousand Dollars (\$16,000.00), is to be provided to the City, as a sub-grantee, by the University of New Hampshire the primary grantee of the larger grant award from the Southeast Watershed Alliance;

NOW THEREFORE, the City of Rochester, by adoption of this Resolution by the Mayor and City Council, hereby accept the aforementioned Grant, in the amount of Sixteen Thousand Dollars (\$16,000.00), and such grant funds shall be assigned to a special non lapsing reserve account(s) established by the Finance Director in the 2013-2014 operating budget of the Planning and Community Development Department.

Further, that the sum of Twenty Thousand Dollars (\$16,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2013-2014 operating budget for the City of Rochester, Planning and Community Development Department, such funds to be used for the purpose enabling the City of Rochester to adopt a commitment to develop a program to review and consider Low Impact Design ("LID") and Green Infrastructure ("GI") strategies when reviewing and/or altering and/or amending the City's current standards, regulations and ordinances, such as Site Plan Regulations, Subdivision Regulations, Public Works Infrastructure Design Standards, and the like (the "Project"). The source of the sums necessary to

fund such appropriation shall be drawn, to the extent of up to Sixteen Thousand Dollars (\$16,000.00), from the aforesaid Grant to the City of Rochester, and, to the extent of up to Four Thousand Dollars (\$4,000.00) from the previously adopted fiscal year 2014 General Fund operating budget of the Community Development Department and/or the General Overhead Department.

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 2014-01-14 AB 6**

Mayor Jean asked what the City's financial obligation would be for this grant. Elena Engle, Community Development Specialist, stated that the City would be required to match up to \$4,000.

Ms. Engle briefed the City Council about the Green Infrastructure Grant. The goal is to have funding available to work with a consultant to manage the storm water regulations and standards. The City's ordinances relative to storm water are outdated and not consistent. One of the specific goals would be to review the City Ordinances relative to storm water. She added that the most important parts of this process would be to establish a Committee to work with the consultant. She added that no changes would be made to the City's regulations and standards without the City Council's final approval. It is being recommended that at least one Councilor be a member of such Committee.

Ms. Engle invited Seth Creighton, Planning Department, to address the City Council about another aspect of the project. It will be important to identify the "hot spots" throughout the City.

Mr. Creighton explained that there are a number of private storm water structures throughout the City that would have a great negative impact to the City's public property and natural resources if such structures were to suddenly fail. These "hot spots" would remain private; however, it is important to identify such locations in order to track the upkeep of the potential "hot spot" areas of the City.

Councilor Walker asked where the \$4,000 would be allocated from. Deputy City Manager Cox stated that it would be funded through the Community Development Budget or the Contingency Fund.

Councilor Walker asked what would be the procedure to follow if the City locates a private storm water structure that is not being maintained. Mr. Creighton stated that there should be documentation as to what was

originally approved by the Planning Board. There are also storm water maintenance agreements held at the Department of Public Works, which are actual legal documents. Councilor Walker asked what would happen if the original owners were no longer available to be contacted. Ms. Engle stated that it is important to locate and document all the hot-spots throughout the City. She added that once this is complete, the City Council would have to determine what type of action and procedure to take next.

Ms. Engle stated that there may or may not be enough funding to begin the process of identifying the hotspots throughout the City and that it is dependent upon how much grant funding is available. The grant funding would mostly be used to review storm water regulations and standards. She said the following documents should be reviewed: the storm water ordinance, the Department of Public Works storm water document, subdivision storm water document, and the site-plan regulations storm water document. Mr. Creighton stated that all four documents have specific regulations and standards that do not currently match up together. This is very confusing for developers. He gave more information about the funding of the grant. The City Council discussed where the grant originated from. Councilor Keans spoke in favor of the grant and allowing Ms. Engle to seek out such grants.

Councilor Walker wished to know if there would be any strings attached to receiving the funding. Ms. Engle stated that there is no obligation on the City's part to follow any of the recommended changes and that no action would be taken by the Committee without final approval from the full City Council.

City Manager Fitzpatrick supported accepting the grant rather than waiting to be ordered by the EPA to have the work done without such funding available. Deputy City Manager Pollard agreed and said that storm water regulations will have an impact on economic development. This is a low level analysis of our documents with some recommendations to follow. The Conservation Commission would be involved with the process. She stated that this would be a way to start gathering all the information and reviewing the information in order to be consistent with the City's storm water management documents. Councilor Gates wished to confirm that there would not be any financial obligations attached to receiving this grant funding. Deputy City Manager Pollard replied that there are no financial obligations attached and that it would be based upon recommendation only for the City Council to consider.

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

motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only for the second time.

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

Mayor Jean stated if there were no objections from the City Council the Agenda would be amended to take up item 13.6 at this time. No Council member objected to the amending the Agenda.

AB 7 Resolution Conditionally Accepting Conservation Easement with Respect to Property Situate on Peaslee Road in Rochester, New Hampshire Known as Hope Farm

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

**RESOLUTION CONDITIONALLY ACCEPTING
CONSERVATION EASEMENT WITH RESPECT TO
PROPERTY SITUATE ON PEASLEE ROAD
IN ROCHESTER, NEW HAMPSHIRE
KNOWN AS THE HOPE FARM**

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby accept from the State of New Hampshire, State Conservation Committee, Conservation License Plate Grant Program in an amount not to exceed Four Thousand Nine Hundred Ninety-Nine Dollars (\$4,999.00), and 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.

II. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, do conditionally accept a conservation easement over portions of the property situate at 36 Peaslee Road in Rochester, New Hampshire (Tax Map 253, Lot 49) currently owned by Hope Farm Real Estate Holdings, LLC, and known as the Hope Farm, and by such conditional acceptance indicates its approval for the Rochester Conservation

Commission to acquire said conservation easement interest in the aforesaid property in the name of the City of Rochester (the "Project), such acceptance and approval being specifically subject to the following two (2) conditions, to wit:

A. That the form and content of the Conservation Easement Deed and related documents to be utilized to convey such conservation easement interest to the City of Rochester, prior to the payment for the same by the Rochester Conservation Commission out of (i) funds to be drawn from the so-called Conservation Fund of the City of Rochester in an amount not to exceed One Hundred Eighty-Five Thousand Dollars (\$185,000.00); and (ii) grant funds to the City of Rochester, Conservation Commission from the State of New Hampshire, State Conservation Committee, Conservation License Plate Grant Program, in an amount not to exceed Four Thousand Nine Hundred Ninety-Nine Dollars (\$4,999.00), shall be approved by the City Manager of the City of Rochester, or his designee, prior to their expenditure of funds for such Project; and

B. That the total cost for such conservation easement Project to the City of Rochester, including related costs of acquisition, be in an amount not to exceed One Hundred Eighty-Nine Thousand Nine Hundred Ninety-Nine Dollars (\$189,999.00) for the said Project.

III. Further, that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, and upon compliance with the conditions established in this Resolution, hereby appropriate, as a supplemental appropriation to the City of Rochester, 2013-2014 CIP for the City of Rochester, Conservation Commission in an amount not to exceed One Hundred Eighty-Nine Thousand Nine Hundred Ninety-Nine Dollars (\$189,999.00), for the purpose of providing funds necessary for the Project, and further provide, that the sums necessary to fund the Project shall be derived, in an amount not to exceed One Hundred Eighty-Five Thousand Dollars (\$185,000.00) drawn from the so-called Conservation Fund of the City of Rochester, and in an amount not to exceed Four Thousand Nine Hundred Ninety-Nine Dollars (\$4,999.00) drawn from grant funds received by the City of Rochester, Conservation Commission from the State of New Hampshire, State Conservation Committee, Conservation License Plate Grant Program.

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

CC 2014-01-14 AB 7

Deborah Shigo, Chair of the Conservation Commission, gave a brief overview of the formal request to approve the Conservation easement of the Hope Farm, located in Rochester on 36 Peaslee Road [Map 253 Lot 49]. She gave a brief explanation for the sake of the new City Councilors. She stated the Conservation Commission was not successful in receiving the LCHIP Grant; however, they were successful in receiving a Moose Plate Conservation Grant in the amount of \$4,999, which is only available with the approved Conservation Easement being proposed this evening. She added that the Conservation Fund has funding available to cover the cost of the proposed easement. Deputy City Manager Cox confirmed that the current balance of the Conservation Commission is \$523,263.65. Mayor Jean stated that the cost of the easement is \$189,999.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Varney asked who would be responsible to monitor the easement. Ms. Shigo replied that the Conservation Commission would monitor the easement. The **MOTION CARRIED** by a unanimous voice vote.

1.1. AB 11 Insurances Update from Workplace Benefits Solutions

Mayor Jean stated that Timothy Kinnicutt, Consultant for the Workplace Benefit Solutions and Thomas DeLacey, Principal Consultant, Workplace Benefit Solution were present to give a PowerPoint Presentation to the City Council.

Mr. DeLacey gave a lengthy Powerpoint presentation to the City Council, which can be found on the City's Website, per Councilor Larochelle's request.

Mayor Jean stated that it is important for the City to begin taking steps in the right direction in order to be in compliance with the healthcare reform by 2018. This is information to assist the Administration, City Council, and the negotiation teams, to make informed decisions about the cost of healthcare in future years. This will be a team effort to better position the City to face this challenge. Mayor Jean said the next step to be taken will be to have Deputy City Manager Cox work with this agency to provide an in-depth analysis of the City of Rochester's healthcare benefits for the purpose

of educating the City Council, Administration, and negotiation teams of what is to come and what changes would benefit all involved. Mayor Jean stated that it is important to note that Workplace Benefit Solutions is a third party entity and therefore does not present a bias opinion to the table.

13.3 AB 12 Resolution Authorizing Supplemental Appropriation to the 2013-2014 Operating Budget of the City of Rochester, Economic Development Department, for the Economic Development Marketing Services Purposes

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
TO THE 2013-2014 OPERATING BUDGET
OF THE CITY OF ROCHESTER, ECONOMIC DEVELOPMENT
DEPARTMENT,
FOR ECONOMIC DEVELOPMENT MARKETING SERVICES PURPOSES**

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

That the sum of Sixty Thousand Dollars (\$60,000.00) be, and hereby is, appropriated as part of the City of Rochester 2013-2014 operating budget of the City of Rochester, Department of Economic Development Department, for the purpose of providing sums necessary for the purposes of obtaining and implementing Economic Development marketing and related services for the City of Rochester provided by Buxton Co. Further, that the sums necessary to fund such appropriation shall be derived, in their entirety, from the undesignated fund balance of the so-called Rochester Economic Development Fund.

Further, that the City Manager, and/or his designee, is hereby authorized to enter into a contract and/or other agreement(s) with the said Buxton Co. for the above referenced marketing and related services, on such terms and conditions as the said City Manager deems to be in the best interests of the City of Rochester, and to execute such documents and to take such other actions as are necessary to implement the purposes of this resolution

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 majority voice vote. Mayor Jean read the resolution for the second time by title only.

Mayor Jean stated that the City of Rochester retained the use of Buxton's data back in 2007. Since that time, new information and technology is now available. It is time to refresh this information and use the newest technology. The funding for the program would be drawn from the Rochester Economic Development Fund.

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

Councilor Lauterborn asked if someone could justify paying \$60,000 to this company who supplied the same service back in 2007 for \$10,000 less than what is being requested this year.

Mayor Jean gave a brief overview of how this valuable information is used. There is information about spending patterns/trends which is used at trade shows and for local businesses. The newest technology available allows the ability to identify the demographic spending trends and household purchases, using credit card data to track spending down to the area of the consumer using the zip code, *plus its additional 4-digit level*.

Deputy City Manager Pollard informed the public that the presentation of Buxton to the Rochester Economic Development Commission can still be found on the City's website. She gave an in-depth explanation of how this information has been utilized since 2007, and how it is more important than years past to have this information available for economic growth. She said the new data is mobile-based and is updated every six to eight weeks of the contract. This information provides a competitive advantage for the City and it can be used to assist the local retailers as well. She stated that the return on investment has been significant and the analysis has been included in the City Council's packet for this evening.

Councilor Lauterborn asked how many years is the contract good for. Deputy City Manager Pollard stated that this is a two-year agreement. She added that year one costs the City \$60,000 and year two costs another \$50,000. The City is able to continue to use all the tools and information purchased after the two years have ended; however, the information will no longer be refreshed. She added that year two also comes with a retail match list. This is very valuable information.

Councilor Torr felt this is a waste of taxpayers' money. Councilor Walker asked if the City could opt out of the second year agreement. City Manager Pollard replied no, because it is a two year agreement.

Councilor Gates wished to confirm that the return on investment is \$91 on every \$1 spent and asked if the details of such data could be supplied to anyone who doubts this is true. Deputy City Manager Pollard replied yes, and she read some of the details to the City Council.

Councilor Kittredge wished to confirm that local retailers are able to have access to this information for marketing purposes. Deputy City Manager Pollard replied yes. The City would receive four licenses in order to utilize this information and it can be shared by staff visiting a specific site and assisting with digesting the information. There are currently monthly meetings set up for local businesses to ask questions of the Economic Development Specialist. The City Council discussed getting the word out to the Community.

Councilor Varney asked why a two-year agreement was sought out. Deputy City Manager Pollard replied that Buxton no longer offers a one year agreement and, in fact, would prefer to only sign off on three year agreements. The City Council discussed how to utilize the information and the new technology available. Councilor Varney spoke against accepting a two-year agreement.

Councilor Gates requested to know which retailers are located in the City of Rochester today because of the purchase of Buxton's data back in 2007. Deputy City Manager Pollard read the long list of retailers which have been identified, in some way, relative to the purchase of this program. She added that this list can be found in the City Council's packet for this evening.

Councilor Gates reiterated Councilor Varney's concerns about the cost of the two year agreement and asked if Deputy City Manager Pollard would be amendable to seeking out a one-year program. Deputy City Manager Pollard replied that she would certainly attempt to reduce the agreement down to one year; however, Buxton has been clear that they do not offer any more one year programs for various reasons.

The City Council briefly discussed other such companies that provide a similar data program and weighed the "pros and cons" of this investment. Councilor Keans supported the investment. Councilor Gates asked if it would be appropriate to table this motion until more information about a one year agreement could be provided. Mayor Jean replied that it would be appropriate. City Manager Fitzpatrick stated that the appropriate motion to table to another meeting date would be called a "motion to postpone until a

time certain." Councilor Gates **MOVED** to postpone this discussion until the Regular scheduled meeting in April 1, 2014, and asked for a full report back from Deputy City Manager Pollard at that time. Councilor Walker seconded the motion. The City Council debated the motion. Mayor Jean asked Councilor Gates if he would be willing to clarify the motion on the floor to state "or when the information becomes available prior to April 1, 2014." Councilor Gates concurred. The City Council discussed the possible consequence of postponing the purchase of this program and economic development.

Mayor Jean opened discussion about voting on the agreement with the understanding that the City is only committed to a year one of the agreement thus far. The **MOTION** to postpone **FAILED** by a majority voice vote.

Councilor Varney informed the City Council that the resolution on the floor is to approve appropriating \$60,000 and does not mention future years or a second year obligation. Attorney Wensley agreed that the City Manager could, with this vote of authorization, choose to make the second year optional on the City's end of an agreement, and to allow Buxton to agree to these terms or not, which would be in the purview of this motion, as currently written. Mayor Jean wished to clarify if the resolution referred to the agreement in the City Council's packet. Attorney Wensley clarified that it does not.

Mayor Jean called to vote on the resolution and read the following paragraph from the resolution itself...*"that the City Manager, and/or his designee, is hereby authorized to "on the conditions, is hereby authorized to enter into a contract and/or other agreement(s) with the said Buxton Co. for the above referenced marketing and related services, on such terms and conditions as the said City Manager deems to be in the best interests of the City of Rochester, and to execute such documents and to take such other actions as are necessary to implement the purposes of this resolution."* City Manager Fitzpatrick stated that he supports a two-year agreement; however, if this resolution passes as written, than he will only commit to a one year agreement. He added that if Buxton is not willing to sign a one year agreement, then he would bring that information back to the City Council for another discussion. Councilor Torr requested a roll call vote. Councilor Walker seconded the request. The **MOTION CARRIED** by a 12 to 1 roll call vote. Councilors Hamann, Walker, Larochelle, Gates, Varney, Gray, Keans, Lauterborn, Lachapelle, Collins, Kittredge, and Mayor Jean voted in favor of the motion. Councilor Torr voted against the motion.

13.4 AB 5 Approval of a New Second Hand Dealer – *Craziee Collectors* Located on 14 North Main Street

Councilor Walker **MOVED** to **APPROVE** the second hand dealer's license named Craziee Collectors, pending final inspection. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.5 AB 6 Resolution Accepting Green Infrastructure Grant to the City of Rochester and Making a Supplemental Appropriation in Connection Therewith

This resolution had been adopted at the beginning of the New Business items.

13.6 AB 7 Resolution Conditionally Accepting Conservation Easement with Respect to Property Situate on Peaslee Road in Rochester, New Hampshire Known as Hope Farm

This resolution had been adopted at the beginning of the New Business items.

13.7 AB 4 Resolution Accepting Grant from the State of New Hampshire for the City of Rochester's So-Called "Teen Night" Program and Making a Supplemental Appropriation in Connection Therewith

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

RESOLUTION ACCEPTING GRANT
FROM THE STATE OF NEW HAMPSHIRE
FOR THE
CITY OF ROCHESTER'S
SO-CALLED "TEEN NIGHT" PROGRAM
AND MAKING A SUPPLEMENTAL APPROPRIATION
IN CONNECTION THEREWITH

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

That a grant in the amount of Ten Thousand Dollars (\$10,000.00) from the State of New Hampshire, Department of Health and Human Services, Division of Children and Youth Services to the City of Rochester, Police Department, for the purpose of providing funds for the conduct of the so-called "Teen Night" program (the Project), is, hereby accepted by the City of

Rochester, pending authorization by the Governor and Executive Council and signature by the Governor of such Grant amount. Such funds, when received, shall be assigned to an account(s) the number(s) of which is/are to be established by the Finance Director in the 2013-2014 operating budget of the City of Rochester, Police Department.

Further, that the aforesaid sum of Ten Thousand Dollars (\$10,000.00) be, and hereby is, appropriated as a supplemental appropriation to the City of Rochester 2013-2014 operating budget for the City of Rochester, Police Department, with such sum to be placed in a special non-lapsing reserve account to be established/designated by the Finance Director, such funds to be used exclusively for the aforesaid Project purposes. Further, that the source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid grant funds received from the State of New Hampshire, Department of Health and Human Services, Division of Children and Youth Services to the City of Rochester, Police Department.

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 2014-01-14 AB 4**

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

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

13.8 AB 8 Resolution Authorizing Supplemental Appropriation to the 2013-2014 Capital Budget for the City of Rochester, Public Works Department for the So-Called Salmon Falls Road Hazards Safety Improvement Project

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

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE 2013-2014 CAPITAL BUDGET OF THE CITY OF ROCHESTER, PUBLIC WORKS DEPARTMENT FOR THE SO-CALLED SALMON FALLS ROAD

HAZARDS SAFETY IMPROVEMENT PROJECT

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

That the sum of One Hundred Sixty-Four Thousand Seven Hundred Ninety-Six Dollars (\$164,796.00) be, and hereby is, appropriated as part of the City of Rochester 2013-2014 capital budget of the City of Rochester, Public Works Department, for the purpose of providing sums necessary for the so-called Salmon Falls Road Hazards Safety Improvement Project (the "Project"), and further, and contingent upon the award to, and receipt by, the City of Rochester, of the hereinafter referenced One Hundred Forty-Eight Thousand Three Hundred Sixteen Dollars and Forty Cents (\$148,316.40) from the NH Department of Transportation for the Project, that the sums necessary to fund such supplemental appropriation shall be derived, to the extent of One Hundred Forty-Eight Thousand Three Hundred Sixteen Dollars and Forty Cents (\$148,316.40) from federal and/or state funds provided through the NH Department of Transportation, and to the extent of Sixteen Thousand Four Hundred Seventy-Nine Dollars and Sixty Cents (\$16,479.60) from the proceeds of bonds and/or notes to be issued by the City of Rochester.

Furthermore, 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 Sixteen Thousand Four Hundred Seventy-Nine Dollars and Sixty Cents (\$16,479.60) through the issuance of bonds and/or notes, for the purpose of providing funds necessary for the so-called Project, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. 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 Project is 30 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 2014-01-14 AB 8

[The following motions are not valid because the resolution should have been referred to a Public Hearing prior to adoption. To avoid confusion, there will be a Public Hearing on this resolution taking place on February 4, 2014, and the adoption process will be repeated entirely.]

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

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

13.9 AB 14 Resolution Authorizing City Manager to Convey City's Interest in Property Situate in Former Old Milton Road Right-of-Way

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 for the first time by title only as follows:

**RESOLUTION AUTHORIZING CITY MANAGER
TO CONVEY CITY'S INTEREST IN PROPERTY SITUATE
IN FORMER OLD MILTON ROAD RIGHT-OF WAY**

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

That the City Manager be, and hereby is, authorized to convey, to the record owners of the two (2) parcels of real property (that is Rochester Tax Map 125, Lot 91; Rochester Tax Map 125, Lot 92; and Rochester Tax Map 125, Lot 93) located in the vicinity of the intersection of South NH Rte. 125) and the so called Old Milton Road, and which abut the two (2) parcels described in the resolution adopted by the Mayor and City Council of the City of Rochester on November 13, 2012, discontinuing such former portions of the so-called Old Milton Road, the parcel which abuts their respective properties. Such authorized conveyance shall be accomplished by Quitclaim Deed, which conveyance shall be subject to the reservation, to the City of Rochester and/or other lawful owner thereof, of any and all existing sewer, drain, water pipe and/or other utility pipes, structures, appurtenances and/or easements and/or any and all permits or licenses previously established pursuant to RSA 231:159-182, which such easements, and permits and/or licenses shall be reserved and shall remain in effect as an encumbrance upon the underlying land, as provided for in RSA 231:46.

Further, that the City Manager be, and hereby is, authorized to sign any and all documents, and to take all such additional actions, as are necessary to effectuate the implementation and execution of the acts authorized in this resolution.

CC 2014-01-14 AB 14

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Gray seconded the motion. Councilor Walker asked if all the conditions have been met. Councilor Varney replied yes. The **MOTION CARRIED** by a unanimous voice vote.

14. Items Removed from Consent Calendar:

15. Other

Councilor Larochele stated that the Rochester Economic Development Committee had inquired if the residents of this area were getting an equitable amount of toll money from the tolls located on Route 16. He questioned if it would be appropriate to apply for a right-to-know request to the State. Councilor Keans stated that it would not be necessary to submit a request because that information is public and available. Council briefly discussed the matter.

Councilor Gates jokingly stated that he is not the same Robert Gates that is often times at war in the newspapers.

Councilor Walker asked if City staff is seeking to apply for a Transportation Investment Generating Economic Recover Grant [TIGER] for the railroad crossing on Allen Street and Glenwood Avenue. The City Council discussed using such a grant for an entrance to an industrial park. It was determined that this matter is being addressed at the Management Team meetings.

16. Non-Meeting/Non-Public Session

16.1 Non-Meeting: Consultation with Legal Counsel, RSA 91-A: 2 (d)

16.2 Non-Public Session: Personnel, RSA 91-A: 3 II (a)

Councilor Lachapelle **MOVED** to enter into the Non-Meeting and Non-Public Session at 9:54 PM under, Consultation with Legal Counsel, RSA 91-A: 2 (d) and Personnel, RSA 91-A: 3 II (a). Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous roll call. Councilors Collins, Keans, Lauterborn, Walker, Lachapelle, Gray, Larochele, Torr, Hamann, Kittredge, Gates, Varney, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit non-public session and to seal the minutes indefinitely at 10:50 PM. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council Meeting at 10:50 PM. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

17. Adjournment

Respectfully submitted,

Kelly Walters
City Clerk

City of Rochester School Department

Mr. Michael Hopkins
 Superintendent of Schools
 e-mail: hopkins.m@rochesterschools.com

Mrs. Mary A. Moriarty
 Assistant Superintendent of Schools
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December 13, 2013

Mr. Daniel Fitzpatrick, City Manager
 and the Rochester City Council
 Rochester City Hall
 31 Wakefield Street
 Rochester, NH 03867

ROCHESTER
 City Manager
 DEC 17 2013
 Received
 CITY OF

Dear Mr. Fitzpatrick and Council Members:

At its regular meeting of December 12, 2013, the Rochester School Board voted to approve the allocation of \$185,000 towards the William Allen School Entrance construction with the City's construction projects. I am submitting a request on behalf of the Rochester School Board to City Council for a change of purpose for the CIP lines as outlined below, totaling \$173,783 to the William Allen School Entrance construction project:

Line 15019000 743000 12103 RMS Mechanical Units		
Project Status - Complete	Balance	\$ 10,212.
Line 15019000 743000 14103 Boiler Retrofit		
Project Status - Complete	Balance	\$ 4,743.
Line 15019000 745000 11102 ERS Roof		
Project Status - Complete	Balance	\$126,420.
Line 15019000 745000 12101 Building Enhancements		
Project Status - Complete	Balance	\$ 32,408.

The work on the front entrance is in conjunction with the Catherine Street Roadway and sewer work. We have been working in conjunction with the Public Works Department and City Engineer to plan the project. This would go out to bid as part of the city project.

I request that this be placed on the agenda for your next City Council meeting and to advise us of the date when the request will be considered. We will be happy to attend the meeting to answer any questions you may have.

Sincerely,

Michael L. Hopkins
 Superintendent of Schools

MLH/mgm

cc Rochester School Board