

**Regular City Council Meeting
March 4, 2014
COUNCIL CHAMBERS
7:00 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Attorney Wensley

MINUTES

1. Call to Order

Mayor Jean called the Regular City Council meeting to order at 7:04 PM.

2. Pledge of Allegiance

Mayor Jean led the Pledge of Allegiance.

3. Opening Prayer

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

4. Roll Call

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

5. Acceptance of Minutes

5.1. February 4, 2014, Regular City Council Minutes

Councilor Walker **MOVED** to **ACCEPT** the Regular City Council meeting minutes of February 4, 2014. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2. February 18, 2014, Special City Council Meeting

Councilor Walker **MOVED** to **ACCEPT** the Special City Council meeting minutes of February 18, 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 stated that the Employee of the Month Committee did not make a recommendation this month and therefore he has selected Brian Sylvester, Director of the Rochester Public Library, to be the Employee of the Month for March 2014. He invited Mr. Sylvester to the stage area to receive his award.

6.2. City Manager's Report

City Manager Fitzpatrick stated that the following items could be found in the City Council's packet for the City Council to review:

Management Team Meeting minutes:

- January 27, 2014
- February 3, 2014
- February 10, 2014

Contracts and documents executed from the City Manager's office since the last City Manager's Report:

- [Harriman Architect & Engineers](#) proposal – Arena bleachers
- Permission for Police Department to enter into Contracted Services with [BAIR Analytics](#) to fill crime analyst position
- Discharge Monitoring Report (DMR) Signature delegation for [EPA](#) –for wastewater reports
- [Gomez & Sullivan](#) Contract Amendment #2

- Fire Department Grant Application for Emergency Operations Plan Update proposal
- Sub recipient Commitment Form – [UNH Green Infrastructure Grant](#)
- Employee Computer Lease/Purchase Program – Rhonda Young
- [Neighborhood Stabilization](#) Closeout Documents for Community Development & Finance Authority (CDFA) & Housing & Urban Development (HUD)
- Neighborhood Stabilization Closeout – CDFA upload documentation

Other information provided with the City Council's packet:

- Permission given to Opera House to "paint" a yellow brick road outside City Hall
- Wireless Router installed – upgrade of 3 pieces in City Hall

The following standard reports have been enclosed with the City Council's packet:

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

Councilor Varney stated that the bleachers project is estimated at \$6,000, which seems excessive. He requested more information about this project. City Manager Fitzpatrick stated that he would recommend that the Project Manager for the Bleachers Project attend the next Public Works Committee meeting in order to provide more information and answer questions about the project.

Councilor Gates stated that the Management Team Minutes of January 27, 2014, reads that a City employee would be asked to manage the Employee Payroll Campaign for United Way. He questioned why the City would allow an employee to donate of their time for such a project and if the City would allow another agency the same treatment. City Manager Fitzpatrick replied that this has been an ongoing practice in many communities and large corporations for United Way for many years; however, if other agencies were to seek out the City's assistance in this way then the process would have to be reviewed. This seems to be a unique situation with United Way.

Councilor Gray announced that IRS Certified Volunteer Tax Preparers would be available to the public at the Rochester Public Library until April

2014 and that more information about the matter could be found in the City Council's packet or by calling 1-800-556-9300.

6.3. Team Charter: Employee Recognition & Achievement Team

7. Communications from the Mayor

Mayor Jean stated if there were no objections from the City Council he would amend the Agenda in order to take action on the E-911 Committee recommendation and the School Department resolutions. No member of the Council objected.

[12.3] AB 35 Resolution Regarding Renaming and/or Renumbering Portions of Calef Highway, NH Route 125, Gonic Road, Charles Street, Hancock Street, Columbus Avenue, Columbus Avenue Extension, Old Dover Road, Anctil Court, Gear Road, Main Street, Hanson Street, and Rochester Neck Road – Second Reading and Adoption

Councilor Lachapelle **MOVED** to 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 as follows:

RESOLUTION REGARDING THE RENAMING AND RENUMBERING PORTIONS OF CALEF HIGHWAY, NH RTE 125, GONIC RD., CHARLES ST., HANCOCK ST., COLUMBUS AVE., COLUMBUS AVE. EXT., OLD DOVER RD., ANCTIL CT., GEAR RD., MAIN ST., HANSON ST., AND ROCHESTER NECK RD.

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

That the so-called Rochester E-911 Committee, acting in conjunction with such other City Boards, Agencies and/or Entities, as it may deem necessary to carry out the intent of this Resolution, is hereby authorized to take any, and all, steps necessary, and/or required, by the provisions of NH RSA 231:133 and/or NH RSA 231:133-a and by Sections 15.9, 15.9-a and/or 15.9-b of the General Ordinances of the City of Rochester to effectuate the renaming, renumbering or such other actions permitted by such Statutes/Ordinances as the said Rochester E-911 Committee deems necessary and or appropriate and in the best interests of the City of Rochester and/or its residents and/or property owners.

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

Mayor Jean stated that the City Council voted for these changes last year; however, the City Council did not hold a Public Hearing on the matter. There have been no changes to the E-911 Committee's request since last year. This is presented to the City Council again in order to meet the legal obligation to hold a Public Hearing on the E-911 Committee's recommendations, which would allow the general public a chance to address the City Council about their concerns.

Councilor Keans preferred to see the matter tabled. She questioned if there were appropriate neighborhood hearings on the said changes. Councilor Walker replied that the E-911 Committee attended a Public Safety meeting [public meeting] in order to discuss changes being made to the numbering of Calef Highway.

Councilor Keans stated that Calef Highway is a well-known State maintained highway and changing the name of a well-known highway could cause potential safety issues for emergency vehicles. She stated she would vote against the motion.

Mayor Jean stated that this is the last piece of the renaming process for the E-911 Committee recommendations that began several years ago.

Seth Creighton, Planning Department's Staff Planner, stated that if the City Council approves this action this evening, then the information would be sent to the State Department of Transportation and the public utility companies would be notified of the changes immediately.

Mayor Jean wished to confirm that this is the last piece of the renumbering process for Rochester. Mr. Creighton concurred that this is the last of the E-911 recommendations for renumbering/renaming streets in Rochester; however, if other issues/concerns arise, they would be dealt with at that time.

The **MOTION CARRIED** by a majority voice vote.

[12.2] AB 3-a Resolution Authorizing Bonding in an Amount of up to \$173,783.00 in Connection with, and for the Purpose of, Providing Funds for, and/or Related to, the So-Called William Allen School Entrance Construction Project – Second Reading and Adoption

Councilor Walker **MOVED** to 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 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.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Varney seconded the motion. Mayor Jean stated that the Finance Committee recommended that this resolution ought to pass.

Councilor Lauterborn understood that this would be a matter of repurposing funds and this action would not increase the amount of money

to bond. Mayor Jean replied yes, this project is being funded with surplus of funds from other completed projects which have already been de-authorized. Councilor Walker requested a roll call vote. Councilor Varney seconded the request. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Gray, Larochelle, Lauterborn, Keans, Kittredge, Varney, Hamann, Torr, Collins, Lachapelle, Gates, Walker, and Mayor Jean voted in favor of the motion.

Councilor Lauterborn asked about the timing of this project. Mayor Jean stated that the project would begin in the July/August time frame. Michael Hopkins, Superintendent of Schools, stated that it should be completed during this summer; however, the project is set to begin on Catherine Street, so it is dependent upon how quickly they can complete the water/sewer and drainage infrastructure on Allen Street. The project would be completed by next year, if not this year.

[12.7] AB 37 (a) Resolution De-Authorizing a Portion of a Certain Fiscal Year 2013-2014 Rochester School Department Supplemental Appropriation and Making Certain Supplemental Appropriations in Connection With the Aforesaid De-authorized Funds – First Reading, Second Reading, and Adoption

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

**RESOLUTION DEAUTHORIZING A PORTION OF A CERTAIN
FY 2013-2014 ROCHESTER SCHOOL DEPARTMENT
SUPPLEMENTAL APPROPRIATION
AND MAKING CERTAIN SUPPLEMENTAL APPROPRIATIONS
IN CONNECTION WITH THE AFORESAID DEAUTHORIZED FUNDS**

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

I. WHEREAS, by resolution previously adopted by the Mayor and City Council, in September 2013 as part of the FY 2013-2014 City of Rochester, School Department operating and Capital Improvements budgets, the said Mayor and City Council appropriated funds not to exceed the sum of One Million Twenty-Three Thousand Two Hundred Forty-Nine Dollars and Ten Cents (\$1,023,249.10), as follows:

(a) a sum of up to, but not to exceed, One Hundred Ninety-Three Thousand Five Hundred Seventy-Nine Dollars and Seventy-One Cents (\$193,579.71),

to a special non-lapsing account in the FY 2013-2014 operating budget of the City of Rochester, School Department, such funds to be used solely and exclusively for the purpose of paying reimbursement(s) to certain School Department employees with respect to certain portions of such employee's contributions toward certain LGC provided Health and/or Dental premiums during FY 2010 (the "Reimbursements"); and

(b) a sum of up to, but not to exceed, Eight Hundred Twenty-Nine Thousand Six Hundred Sixty-Nine Dollars and Thirty-Nine Cents (\$829,669.39), to the FY 2013-2014 Capital Improvements Project budget of the City of Rochester, School Department, such funds to be used solely and exclusively for the purpose of paying costs associated with the Rochester School Department's so-called "District Wide Security and Safety" improvements and upgrades project (the "District Wide Security and Safety Project"); with the funding for both the Reimbursements and the District Wide Security and Safety Project to be drawn in their entirety from certain Local Government Center ("LGC") refunds to City of Rochester, School Department, from various health/dental trust related premiums, in the total amount of One Million Twenty-Three Thousand Two Hundred Forty-Nine Dollars and Ten Cents (\$1,023,249.10), such refunds having been accepted by the Mayor and City Council of the City of Rochester on September 3, 2013; and

WHEREAS, the Mayor and City Council of the City of Rochester, have, at the request of the School Department, decided that to the extent of Eight Hundred Thousand Three Hundred Eighty-Five Dollars (\$800,385.00), it is appropriate to utilize sources other than the abovementioned LGC refunds to fund the aforementioned District Wide Security and Safety Project;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby withdraw and deauthorize the sum of Eight Hundred Thousand Three Hundred Eighty-Five Dollars (\$800,385.00) from FY 2013-2014 Capital Improvements Project budget of the City of Rochester, School Department previously appropriated for the purposes of the so-called District Wide Security and Safety Project, and transfer and appropriate such funds in the total amount of Eight Hundred Thousand Three Hundred Eighty-Five Dollars (\$800,385.00), as follows:

(a) a sum of up to One Hundred Thousand Three Hundred Eighty-Five Dollars (\$100,385.00) to a special non-lapsing account in the FY 2013-2014 operating budget of the City of Rochester, School Department, such funds to be used solely and exclusively for the purpose of paying reimbursement(s) to certain School Department retired former employees with respect to certain portions of such retiree former employee's contributions toward certain LGC provided Health and/or Dental insurance premiums during FY

2010 due to certain School Department retired former employees (the "Retiree Reimbursements"); and

(b) a sum of up to, but not to exceed, Seven Hundred Thousand Dollars (\$700,000.00), to the FY 2013-2014 operating budget of the City of Rochester, School Department, such funds to be used solely and exclusively for the purpose of paying costs associated with the Rochester School Department's Special Education tuition costs; thereby leaving the sum of Twenty-Nine Thousand Two Hundred Eighty-Four Dollars and Thirty-Nine Cents (\$29,284.39) in previously appropriated funds in the FY 2013-2014 Capital Improvements Project budget of the City of Rochester, School Department, such funds to be used solely and exclusively for the purpose of paying costs associated with the Rochester School Department's so-called District Wide Security and Safety Project.

II. 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.

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

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Mayor Jean clarified that the total amount of the de-authorization is \$800,385.00. The Finance Committee has recommended that this resolution ought to pass. Councilor Walker requested that a roll call vote be taken. Councilor Torr seconded the request. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Gray, Hamann, Torr, Keans, Varney, Gates, Collins, Kittredge, Lauterborn, Laroche, Walker, Lachapelle and Mayor Jean voted in favor of the motion.

**[12.8] AB 37 (b) Resolution Authorizing Supplemental Appropriation to the 2013-2014 Capital Improvements Budget of the City of Rochester, School Department for the So-Called District Wide Security and Safety Project—
First Reading, Second Reading, and Adoption**

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO
THE 2013-2014 CAPITAL IMPROVEMENTS BUDGET OF THE CITY OF
ROCHESTER, SCHOOL DEPARTMENT FOR THE SO-CALLED DISTRICT
WIDE SECURITY AND SAFETY PROJECT**

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

That the sum of One Million Two Hundred Ten Thousand Six Hundred Eighty-Three Dollars and Sixty-One Cents (\$1,210,683.61) 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 Rochester School Department's so-called District Wide Security and Safety improvements and upgrades project (the "District Wide Security and Safety Project"), such funds to be used solely and exclusively for the purpose of paying costs associated with the same, and further, that the sums necessary to fund such appropriation shall be drawn in their entirety from the unexpended so-called City of Rochester General Fund fund balance. Upon the adoption of the aforesaid appropriation, the total amount of funds appropriated in the City of Rochester 2013-2014 capital budget of the City of Rochester, School Department will be One Million Two Hundred Thirty-Nine Thousand Nine Hundred Sixty-Eight Dollars (\$1,239,968.00).

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 to read the resolution for the second time by title only. Councilor Varney seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Varney seconded the motion. Mayor Jean requested that the City Clerk take a roll call. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Kittredge, Collins, Varney, Walker, Lachapelle, Gray, Larochelle, Torr, Hamann, Gates, Keans, Lauterborn, and Mayor Jean voted in favor of the motion.

7.1. Mayoral Appointment

- **Appointment of City Council Representative to the Historic District Commission**

Mayor Jean appointed Councilor Keans as the City Council's representative to the Historic District Commission.

7.2. Chapter 42: Timeline

Mayor Jean read the following Chapter 42 timeline to the City Council:

March 4, 2014: Distribution of Chapter 42 review/adoption timeline.

March 12, 2014: Deadline for City Councilors to submit written inquiries and/or concerns for review by Chief Planner and Planning Board Chairman. All inquiries will be addressed with a written response from Mr. Campbell and Mr. Sylvain and provided to the full City Council at the March 18, 2014, City Council Workshop.

March 18, 2014: Review of Councilor inquiries/concerns, along with the response of the Chief Planner and Planning Board Chairman. Referral of Concern Items to Special Codes and Ordinances Committee Meeting on March 27, 2014.

March 27, 2014: Special Codes and Ordinances Committee Meeting for the purposes of discussing inquiry/concern items brought forth by members of the City Council.

April 1, 2014: First Reading of amendment to Chapter 42 and establishment of a Public Hearing on April 15, 2014.

April 3, 2014: Codes and Ordinances Committee to conclude special review of Chapter 42 and make recommendations to full Council for review.

April 15, 2014: Public Hearing of amendment to Chapter 42. Workshop meeting for further discussion. Special City Council meeting to address recommendation of Codes & Ordinances Committee. Second reading and deliberation of proposed amendment. Possible vote on the adoption of the amendment.

April 22, 2014: ***IF NECESSARY*** Special City Council Meeting for the purpose of discussing and possible vote on the amendment to Chapter 42.

Councilor Walker provided information about fencing as submitted by the Planning Board on March 3, 2014. This is of concern to the Planning Board and should be dealt with during the Chapter 42 deliberations of the City Council. This can be found as an addendum to the City Council packet.

Councilor Lauterborn wished to clarify that public input would be allowed at the March 27, 2014, Special Codes and Ordinances Committee

meeting. Mayor Jean replied yes, as permitted through the City Council Rules of Order.

Councilor Varney stated that it is optimistic to schedule final adoption on the same evening that public input is accepted. He requested the following information from the Planning Department:

- Which Chapters have not had any changes?
- What the original acreage per zone was and what it is proposed to be now?

Councilor Varney asked at what point significant changes to Chapter 42 would be considered substantial enough to be sent back through the Planning Board process. Attorney Wensley stated that a significant change requiring that Chapter 42 to be sent back through the Planning Board process would be a substantial change potentially having an impact on the entire document. Councilor Gates asked who would ultimately determine if a change was substantial enough. Mayor Jean replied that a decision would be made by the City Council with direction from the City Solicitor. Attorney Wensley agreed. Councilor Gates asked if the action would be taken by a required two-thirds vote or by a simple majority vote of the City Council. Attorney Wensley said it would depend on the circumstance; however, it would likely be a simple majority vote required unless there was a significant legal concern.

7.3. Proclamation: Read Across America

Mayor Jean read the Proclamation entitled *Read Across America* in honor of Dr. Seuss's birthday. He declared March 2, 2014, as Read Across America Day for Rochester.

7.4. Survey of Packet Material

Councilor Larochelle gave a brief overview of what he would be seeking from fellow Council members about what should be included in the City Council's packet. He requested that Council members contact him directly about the matter.

Mayor Jean announced that Ward One has scheduled their Ward Meeting on Wednesday, March 12, 2014. The meeting is to be held at in the Community Room of Tara Estates.

8. Presentations of Petitions and Council Correspondence

8.1. Letter Submitted from the Planning Board Chairman

Mayor Jean stated that a letter from the Planning Board Chairman could be found in the City Council's packet. This is a letter supporting the Capital Improvement Projects item [CIP] relative to the Turning Lane Study on Milton Road. Mayor Jean stated if there is no discussion the letter would be accepted and filed as presented.

9. Nominations, Appointments, Resignations, and Elections

9.1. Resignation: Jennifer Stimac, Library Trustee, Ward Six

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation of Jennifer Stimac, Ward Six/Library Trustee, with regret. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9.2. Appointment: Bill Mello, CFO for Phase II Medical, to the TIF Advisory Board, Three Year Term

Mayor Jean nominated Bill Mello, Chief Financial Officer for Phase II Medical, to serve as a member of the TIF Advisory Board, with a term to expire in three years. Councilor Walker seconded the nomination. Councilor Walker **MOVED** that nominations cease and that the Clerk cast one ballot for Bill Mello. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10. Reports of Committees

10.1. Appointments Committee

Councilor Larochelle gave a brief overview of the qualifications of Regan Dowe to serve on the Recreation Commission. He stated that the Appointments Committee unanimously recommends that Regan Dowe be appointed to the Recreation Commission with a term to expire in January, 2017.

Mayor Jean nominated Regan Dowe to serve on the Recreation Commission with a term to expire in January, 2017. Councilor Walker seconded the nomination. Councilor Walker **MOVED** that nominations cease. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Regan Dowe has been appointed to the Recreation Commission by a unanimous ballot vote.

Councilor Larochelle stated that John "Jack" Hackett has served on the Conservation Commission for 10 years. He said that the Appointments Committee unanimously recommends that John Hackett be reappointed to the Conservation Commission with a term to expire in January, 2017.

Mayor Jean nominated John "Jack" Hackett to be reappointed to the Conservation Commission with a term to expire in January, 2017. 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 John "Jack" Hackett has been reappointed to serve on the Conservation Commission by a unanimous ballot vote.

Councilor Larochelle briefed the City Council about the qualifications of John P. Roese. He said that the Appointments Committee unanimously recommends that John P. Roese fill the vacant Library Trustee seat for Ward 6, with a term to expire January, 2016.

Mayor Jean nominated John P. Roese, to fill the vacant seat [Library Trustee, Ward Six], with a to term expire in January, 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 John P. Roese has been appointed to fill the vacant seat [Library Trustee, Ward 6] with a term to expire in January, 2016 by a unanimous ballot vote.

Councilor Larochelle stated that Marilyn Jones has served on the Historic District Commission for 6 years. He said the Appointments Committee unanimously recommends Marilyn Jones for reappointment to the Historic District Commission with a term to expire January, 2017.

Mayor Jean nominated Marilyn Jones to be reappointed to the Historic District Commission with a term to expire in January, 2017. Councilor Walker seconded the motion. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Marilyn Jones has been reappointed to serve on the Historic District Commission by a unanimous ballot vote, with a term to expire in January, 2017.

10.2. Codes and Ordinances Committee

Councilor Lachapelle **MOVED** to **ACCEPT** the Committee's recommendation to the full City Council that the following Amendment be made to the City Council Rules of Order:

Incumbents of any Committee who have submitted Statements of Interest for reappointment and are running unopposed are not required to appear before the Appointments Committee.

Councilor Walker seconded the motion. Council debated the issue and what section this ought to be listed under for the Rules of Order.

Councilor Keans spoke against the motion. She said the wording is not correct and the wording should allow a waiver to be granted instead of changing the Appointments Committee process.

Councilor Larochelle **MOVED** to **AMEND** the wording as follows: *The Appointments Committee reserves the right to waive the presence of the candidate.* Councilor Walker seconded the motion.

Councilor Hamann recommended striking the last sentence. Councilor Keans disagreed and stated that would eliminate the requirement of persons appearing before the Appointments Committee completely.

Councilor Lauterborn stated that this amendment should be placed under 4.21 and not Section 4.4 as originally presented to the Codes and Ordinances Committee. Mayor Jean confirmed that this is correct and stated that could be amended.

Councilor Lauterborn **MOVED** to send the amendment back to the Codes and Ordinances Committee. Councilor Keans seconded the motion. Councilor Walker spoke against the motion. The **MOTION FAILED** by a 5 to 8 show-of-hands vote, *the first voice vote was unclear.*

Councilor Keans **MOVED** to re-word the Amendment with *"may waive" the presence of the candidate.* Councilor Larochelle requested that the motion in which he made first be voted upon first.

Mayor Jean stated that the motion to be voted upon now is as follows: *The Appointments Committee reserves the right to waive the presence of the candidate.*

Councilor Lachapelle **MOVED** to place the above mentioned amendment under 4.21 of the City Council Rules of Order. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote and the Amendment to the Council Rules of Order is as follows:

SECTION 4.21 FUNCTIONS OF THE APPOINTMENTS REVIEW COMMITTEE:

Functions shall include: Interviewing of candidates for Council-appointed positions on various boards of the City, including, but not exclusive of, Planning Board, Zoning Board of Adjustment, Trustees of the Trust Fund,

Library Trustees, Arena Commission, Recreation, Parks, and Youth Services, Welfare Appeals Board, and Utility Advisory Board.

New:

Incumbents of any Committee who have submitted Statements of Interest for reappointment and are running unopposed: the Appointments Committee reserves the right to waive the presence of the candidate.

Councilor Lachapelle **MOVED** to **ACCEPT** the Codes and Ordinances Committee recommendation to the full City Council as italicized below:

SECTION 4.14 ELECTIONS BY BALLOT

In all elections by ballot on the part of the City Council, blank ballots and all ballots for persons not eligible shall be reported to the Council. To be elected any person seeking election must receive a majority of the votes of those members present and voting. Tally of the ballots shall be reported to the Council and recorded in the minutes. Unless otherwise directed by the Council all ballots shall be destroyed after being reported.

- A. Boards and Commissions appointments shall be elected by ballot of the City Council with the exception of a single candidate. Single candidates upon nominations ceasing will be elected by City Council voice vote that the City Clerk cast one ballot for that candidate.*

Councilor Walker seconded the motion. Councilor Varney spoke against the motion. He said the existing rule is in place because we live in a small community and results of such votes can be hurtful to some candidates.

The **MOTION CARRIED** by a 9 to 4 show-of-hands vote, the first voice vote was unclear.

Councilor Lachapelle **MOVED** to **ACCEPT** the Codes and Ordinances recommendation to the full City Council that the following Amendment be made to Section 4.24 of the City Council Rules of Order as italicized below:

All meeting minutes of the City Council including all standing and special committees of the Council, shall take roll call at all committee meetings and record their proceedings and provide minutes of any meeting to the City Clerk's office in a manner prescribed under NH RSA 91-A (NH Right to Know Law.) Furthermore, that Clerk staff will summarize each topic with a detailed summary of any and all decisions made. All public input and guest speakers' comments will be summarized to state the person's name, topic addressed, and if they opposed or supported a certain topic.

Councilor Walker seconded the motion. Councilor Keans suggested simply quoting the existing RSA 91-A Right to Know Law rather than confusing the matter with additional language. Kelly Walters, City Clerk, replied that the City Clerk staff is seeking

to supersede the law. Mayor Jean asked Ms. Walters if she objected to simply quoting the RSA 91-A Right to Know Law. Ms. Walters did not object to the change to the motion; however, she wished to clarify that the minutes may supersede the law at times.

Councilor Varney advised that there should be some degree of language in the minutes in order to make sense of items voted upon. He added that the minutes which were written in the 1970's are an example of what should not be acceptable. Ms. Walters concurred.

Mayor Jean asked for the City Attorney's input on the matter. Attorney Wensley agreed that much information had been lost due to the manner in which the 1970's minutes were written; however, he understood that the City Clerk is seeking to write the minutes in a manner of "summary" versus "verbatim."

The **MOTION CARRIED** by a majority voice vote. *It was later determined that the City Council Rules of Order already addresses NH RSA 91-A Right to Know Law in Section 4.24 of the current City Council Rules of Order; hence, no changes will be made to this portion of the City Council Rules of Order.*

Councilor Varney asked about the Amendment to Ordinances relative to Chapter 17 [Water,] which was recommended to be sent to the full City Council. Councilor Lachapelle stated that there is no resolution on the Agenda so the matter would stay in Committee for now.

10.3. Community Development Committee

Councilor Gray briefed the City Council about the CDBG grant process. He encouraged Council members to submit projects they felt would be good projects to invest with CDBG funding.

Councilor Gray stated that the Committee is working on a preliminary timeline in order to develop the next Five Year Plan. The Committee would be seeking input at the Ward meetings and other such meetings.

Councilor Gray indicated that a status update about the Job Loans has been included with the Community Development Committee minutes; however, he suggested that the information be included every three months instead of monthly as previously requested. He said the financial information is only updated every three months unless a significant change has been made.

Councilor Varney requested to receive the outline of the estimated funding breakdown and the rating exercise which Ms. Engle distributed to the Committee at its last meeting.

10.4. Finance Committee

Mayor Jean stated that Chris Harpenau, of Energov, gave a demonstration of the Tyler Computer Systems software at the last Finance Committee meeting. This was a very impressive presentation; however, the service seems rather costly. The matter has been sent to the budget deliberations for this year's budget process.

Mayor Jean stated that the Committee discussed the changes to the Merit Plan pertaining to the City Attorney position, the City Attorney's Assistant position, and the Evidence Technician position. Subsequently, these Merit Plan changes were adopted at the Special City Council Meeting held on February 18, 2014.

Mayor Jean stated that the Committee briefly discussed the survey of Council material which Councilor Larochelle volunteered to gather.

10.5. Joint Building Committee

Councilor Keans stated the Committee had authorized the Superintendent of Schools to create the Request for Proposal [RFP] for the Clerk of the Works.

Councilor Keans stated that the Architects gave a presentation of the project overview to the schools, the Conservation Commission, and to the Planning Board.

Councilor Varney expressed concern about the "rain" gardens and removing the stonewall near the East Rochester School. Councilor Walker stated that the Planning Board discussed "moving" the stonewall forward and were told that the stone wall was not being removed. This matter would be discussed further at the next meeting.

10.6. Public Safety Committee

Councilor Walker stated that the Public Safety Committee discussed a problem with a property owner's fence obstructing vehicular traffic. It was decided that the Committee would send a recommendation to the Planning Board pertaining to Zoning Ordinances - Chapter 42.10 Fences. Subsequently, the Planning Board has submitted a revised proposed change to the City Council regarding site plans [Chapter 42.10 Fences.] This can be found as an attachment to the City Council packet.

Councilor Walker stated that the Fire Department's Insurance Services Office [ISO] report had been included with the Committee packet and asked that the report be posted to the City's Website.

10.7. Public Works Committee

Councilor Torr reported that there was a discussion about the water/sewer on the Cross Roads Project. He added that Councilors Walker and Varney agreed with him that it would be more cost effective to extend the water/sewer project to a portion of Route 125. This would be discussed more at the next Committee meeting.

Councilor Torr gave an update about the winter snow budget, which seems to be doing well at this time.

Councilor Larochelle asked about the "STAG" grant acronym. Deputy City Manager Cox stated that it is an acronym for State Aid Grant. *United States [US] Environmental Protection Agency [EPA] State and Tribal Assistance Grants [STAG.]*

11. Old Business

No discussion.

12. New Business

12.1. Presentation: AB 34 Vachon Clukay & Company, PC, Comprehensive Financial Report for the Fiscal Year July 2012 to June 2013 Audit

Deputy City Manager Cox introduced Jarad Vartanian, CPA, Director of Assurance Services, and Robert Vachon, Managing Director to the City Council. He added that Roland Connors, Deputy Finance Director and Audit Team Leader for the City of Rochester, is also available to answer any questions.

Mr. Vartanian gave a lengthy PowerPoint presentation about the Comprehensive Financial Report for the 2013 Fiscal Year.

City Manager Fitzpatrick stated that he is impressed with the work of the Finance Department and noted that there were no "management" findings in this report.

Mayor Jean asked the presenters of the PowerPoint their opinion of the financial status of the City of Rochester. Mr. Vachon replied that the City of Rochester has done an excellent job to improve their bond rating and now has a 14% General Fund Balance. Mr. Vartanian attributed some of the City's success to the fact that the City spends money on capital improvement projects prior to bonding the money. This has had a positive

impact on the City's financial status. City Manager Fitzpatrick added that the City has continued to save a substantial amount of money by operating in this manner.

Mayor Jean stated that this was a great audit and thanked the entire Finance Department for their hard work.

12.2. AB 3-a Resolution Authorizing Bonding in an Amount of up to \$173,783.00 in Connection with, and for the Purpose of, Providing Funds for, and/or Related to, the So-Called William Allen School Entrance Construction Project – Second Reading and Adoption

This resolution was adopted under Communications from the Mayor.

12.3. AB 35 Resolution Regarding Renaming and/or Renumbering Portions of Calef Highway, NH Route 125, Gonic Road, Charles Street, Hancock Street, Columbus Avenue, Columbus Avenue Extension, Old Dover Road, Anctil Court, Gear Road, Main Street, Hanson Street, and Rochester Neck Road – Second Reading and Adoption

This resolution was adopted under Communications from the Mayor.

12.4. Granite State Business Park TIF Advisory Board Update

This item had been included for informational purposes only and is now being referred to the budget process.

12.5. AB 38 Annual Renewals for Secondhand Dealers /Pawnbrokers Licenses – Seeking Approval

Councilor Walker **MOVED** to **APPROVE** the annual renewals of Secondhand Dealers/Pawnbrokers Licenses. Councilor Torr seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Keans questioned why Wal-Mart was on the list of Secondhand Dealers. Mayor Jean recalled that Wal-Mart accepts "used" cell phones and it must follow the renewal application process of a secondhand dealer.

12.6. AB 36 Resolution Changing Funding Source for the New Hampshire Route 125 Pump Station Project, and Making a Supplemental Appropriation, and Taking Additional

Actions, in Connection Therewith – FIRST READING ONLY
– Refer to a Public Hearing

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO
THE 2013-2014 CAPITAL IMPROVEMENTS BUDGET OF THE
CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS, SEWER
WORKS FOR THE SO-CALLED NH RTE. 125 PUMP STATION PROJECT**

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

WHEREAS, by action of the Mayor and City Council of the City of Rochester in November 2013, with respect to the repurposing of certain funds previously appropriated in the fiscal year 2010-2011 capital improvements budget for the City of Rochester, Department of Public Works, Sewer Works for fiscal year 2010-2011, a resolution was adopted, which repurposing resolution resulted in appropriated funds in a total amount of Five Hundred Forty-Five Thousand Dollars (\$545,000.00) being designated for use for the so-called NH Rte. 125 Pump Station project (the "Project"), such sums to be drawn to the extent of One Hundred Eighty-Three Thousand Nine Hundred Eighty-Four Dollars and Twenty-Seven Cents (\$183,984.27) from NH CWSRF funds available for the Project, and to the extent of Three Hundred Sixty-One Thousand Fifteen Dollars and Seventy-Three Cents (\$361,015.73) in available previously appropriated US EPA so-called Stag Grant funds, which were originally to be used for the so-called NH Rte. 108 sewer extension project (Homemakers), but which were no longer necessary for such project, thus making a total of US EPA Stag Grant funds and NH CWSRF funds available for the Project in the total amount of Five Hundred Forty-Five Thousand Dollars (\$545,000.00); and

WHEREAS, the Mayor and City Council of the City of Rochester has recently been advised by City administrators, that the current cost projection for the Project, as currently contemplated, is estimated to be between \$875,000.00 and \$890,000.00, thereby requiring additional funding if the Project is to be completed; and

WHEREAS, as the result of an earlier approved application by the City to the State of New Hampshire, the City has been authorized to receive an additional Three Hundred Sixty-One Thousand Fifteen Dollars and Seventy-Three Cents (\$361,015.73) for the purposes of the Project; and

WHEREAS, the Mayor and City Council of the City of Rochester are desirous of taking advantage of this less costly funding source, from the aforementioned NH CWSRF funds, to complete the Project;

NOW THEREFORE, by adoption of this Resolution the Mayor and City Council of the City of Rochester hereby make a supplemental appropriation in the amount of up to Three Hundred Sixty-One Thousand Fifteen Dollars and Seventy-Three Cents (\$361,015.73), as part of the City of Rochester 2013-2014 capital budget of the City of Rochester, Department of Public Works, SewerWorks, for the purpose of providing funds for the Project, and further provide that the sums necessary to fund such supplemental appropriation shall be derived, to the extent of up to Three Hundred Sixty-One Thousand Fifteen Dollars and Seventy-Three Cents (\$361,015.73), from borrowing of NH CWSRF funds available for the Project from the State of New Hampshire acting through its Department of Environmental Services, thereby making a total of US EPA Stag Grant funds and NH CWSRF funds appropriated and available for such project in the amount of Nine Hundred and Six Thousand Fifteen Dollars and Seventy-Three Cents (\$906,015.73), consisting of US EPA Stag Grant funds in the amount of Three Hundred Sixty-One Thousand Fifteen Dollars and Seventy-Three Cents (\$361,015.73), and Five Hundred Forty-Five Thousand Dollars (\$545,000) from NH CWSRF funds.

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

Mayor Jean stated that this item would be sent to a Public Hearing to be held prior to the City Council Workshop on March 18, 2014.

12.7. AB 37 (a) Resolution De-Authorizing a Portion of a Certain Fiscal Year 2013-2014 Rochester School Department Supplemental Appropriation and Making Certain Supplemental Appropriations in Connection With the Aforesaid Dauthorized Funds – First Reading, Second Reading, and Adoption

This resolution was adopted under Communications from the Mayor.

12.8. AB 37 (b) Resolution Authorizing Supplemental Appropriation to the 2013-2014 Capital Improvements Budget of the City of Rochester, School Department for

**the So-Called District Wide Security and Safety Project—
First Reading, Second Reading, and Adoption**

This resolution was adopted under Communications from the Mayor.

13. Other

Mayor Jean briefed the City Council about State Senate Bill [SB344] relative to New Hampshire cable franchises. Councilor Walker nominated Councilor Keans to testify on the City Council's behalf in support of this legislation and attend the hearing scheduled for March 6, 2014, to be held at the Legislative office building, room 102. Councilor Lauterborn seconded the nomination. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean alerted Council members that the Zoning Board of Adjustments would be discussing the proposed signage along Route 11 at the next Committee meeting.

Councilor Keans questioned why the Rochester Police Department would arrest a person, outside of the City's boundaries, for crossing across the street, where there were no crosswalks. She requested more information about this incident.

Councilor Keans asked why the Police Department is posting pictures of shoplifters in the local newspapers. It would be best to keep these photos on the Police Department's social media. She said having these photos appear in the newspaper constantly reflects poorly on the City.

Councilor Keans spoke about the job description of the City Attorney. She said the language should be tightened up to make it clear that the potential City Attorney must obtain his license and the license cannot be suspended during his/her employment with the City. The current description is unclear. City Manager Fitzpatrick agreed to look at the matter.

14. Non-Meeting/Non-Public Session

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

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

Councilor Walker **MOVED** to enter into Non-Meeting, Consultation with Legal Counsel, RSA 91-A: 2 (d) and a Non-Public Session under Personnel, RSA 91-A: 3 II (a) at 9:08 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors

Hamann, Walker, Larochelle, Gates, Varney, Gray, Torr Keans, Lauterborn, Lachapelle, Collins, Kittredge, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Meeting and the Non-Public Session at 9:55 PM and to seal the minutes indefinitely of the Non-Public minutes. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

15. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the City Council meeting at 9:55 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters
City Clerk