

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

**COUNCILORS PRESENT**

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

**OTHERS PRESENT**

City Manager Fitzpatrick  
Deputy City Manager Cox  
Attorney Wensley  
Zeke LaPierre, WWTF  
Timothy Green, WWTF  
Members of the Public Works  
Department

**MEMBERS EXCUSED**

Councilor Torr

**MINUTES**

**1. Call to Order**

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

**2. Pledge of Allegiance**

Mayor Jean led the Pledge of Allegiance.

**3. Opening Prayer**

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

**4. Roll Call**

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

## 5. Acceptance of Minutes

### 5.1. September 2, 2014, Regular City Council Meeting Minutes

Councilor Walker **MOVED** to **ACCEPT** the Regular City Council meeting minutes of September 2, 2014. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## 6. Communications from the City Manager

Mayor Jean said if there were no objections from the City Council he would amend the Agenda to allow a Non-Meeting Session, Labor Negotiations, under RSA 91-A 2 I (a), in order to discuss the Collective Bargaining Agreement between the Rochester School Administrators and the City of Rochester. Councilor Collins **MOVED** to enter the session as noted above at 7:03 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Gray, Larochelle, Lauterborn, Keans, Bogan, Varney, Hamann, Collins, Lachapelle, Gates, Walker, and Mayor Jean. *Mayor Jean indicated later in the meeting that Councilor Bogan wished to recuse herself from entering the Non-Public Session and voting on this particular collective bargaining agreement because of a conflict of interest. Councilor Bogan is employed by the Rochester School Department.*

Councilor Lachapelle **MOVED** to exit the Non-Meeting at 7:09 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean said if there were no objections from the City Council he would amend the Agenda in order to take action on the School Administrators Bargaining Agreement as follows:

***New Business – Agenda Item 12.2: AB 39 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with The Rochester Administrative Unit [School Administrative Employees] 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 as follows:

**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH**  
**PROPOSED CITY OF ROCHESTER**  
**MULTI-YEAR COLLECTIVE BARGAINING AGREEMENT WITH**  
**The Rochester Administrative Unit**  
**(School Administrative Employees)**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the cost items associated with the multi-year year collective bargaining agreement between the City of Rochester and the RMEA Bargaining Unit, covering the period July 1, 2013 to June 30, 2017, as set forth in the proposed contract, and as more particularly detailed on the attached **"EXHIBIT A": Administrative Unit Cost Items - September 2014**, which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. **CC FY 15 AB 39 Exhibit A is attached to this set of minutes as Addendum A.**

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

**6.1. Employee of the Month Award**

City Manager Fitzpatrick announced that there are two Employees of the Month for the month of October. He invited Timothy Green, Lead Operator, and Zeke LaPierre, Operator, both from the Public Works Department, Water Treatment Facility to come forward. He gave a brief overview of the operational improvements which have occurred at the facility.

City Manager Fitzpatrick congratulated both Mr. Green and Mr. LaPierre for receiving the 2013-2014 [NEWWA](#) Operator Meritorious Service Award. He indicated that Timothy Green is the son of David Green, who has received awards for his work at the Waste Water Treatment Facility and is also the grandson of former Mayor Green. He thanked both employees for a job well done.

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

City Manager Fitzpatrick stated that the following Management Team Meeting minutes have been provided in the City Council packet:

- August 25, 2014
- September 2, 2014
- September 8, 2014
- September 22, 2014

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

- Educational Reimbursement – Juneau
- Environmental Review – Housing Authority
- Environmental Review – Release of Funds – Library rooftop heating/cooling project
- Environmental Review – Release of Funds – Strafford CAP Weatherization Program
- Granite Ridge TIF – Engineering Contract
- GSBP Asset Allocation
- Market Basket / DeMoulas Development Agreement
- Police Dept. grant application - NH Hwy Safety Dept. – Operation Safe Commute
- NH DES/ NH DOT – Pomerleau well letter
- Opera House display request – authorization
- Opera House employee invite – authorization
- Opera House license renewal – City request
- Press release – Green/LaPierre
- Environmental Testing Proposal – Squamanagonic “club house”
- Water Filtration Plant Upgrades – Construction Agreement
- Water Filtration Plant Upgrades – Notice to Proceed
- Water Treatment Plant Upgrade – Notice of Award – Apex Construction

City Manager Fitzpatrick said information about the HealthTrust reimbursements has been received by the City Manager's office and has been enclosed with the City Council packet:

City Manager Fitzpatrick said, lastly, the following standard reports have been enclosed in the City Council packet for review:

- Personnel Action Report Summary
- Permission & Permits Issued

- City Council Request & Inquiry Report

## **7. Communications from the Mayor**

### **7.1. Proclamation: Manufacturing Day**

Mayor Jean said the State of New Hampshire has recognized the week of September 29, 2014, through October 2, 2014, as a week to raise awareness of the important role manufacturing plays in the local communities, as well as the nation. He proclaimed October 2, 2014, as Manufacturing Day in the City of Rochester. He said a proclamation had been presented to local manufacturing businesses last week.

### **7.2. Appointment: Virginia Rutledge, Historic Documents Preservation Committee**

Mayor Jean appointed Virginia Rutledge as member of the Historic Documents Preservation Committee.

### **7.3. Discussion: Date for the Regular City Council Meeting in November**

Mayor Jean opened discussion for the date of the November Regular City Council meeting. It was determined that because of the General Election taking place on November 4, 2014, the Regular City Council meeting for November would be delayed by one day and take place on Wednesday, November 5, 2014. He noted that the Police Commission would be asked to accommodate this arrangement by moving the location of their scheduled meeting from the City Council Chambers to the Police Department Lecture Hall.

Mayor Jean informed the public that a private business has been circulating a notification to property owners about insurance coverage. The supposed coverage is said to cover the water service lines of said properties and is being recommended by this organization named *HomeServe*. He clarified that this letter has not been endorsed by the City of Rochester, nor has the City recommended that property owners purchase such insurance coverage. He noted that the City Clerk would keep a copy of this notification with the City Council materials of this meeting date. [**Addendum A of the City Council packet**]

## **8. Presentations of Petitions and Council Correspondence**

## **9. Nominations, Appointments, Resignations, and Elections**

**9.1. Resignation: Ramona Schoff, Selectman, Ward 5**

Councilor Walker **MOVED** to **ACCEPT** the resignation of Ramona Schoff, Selectman, Ward 5, with regret and to declare the seat vacant. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**9.2. Resignation: Louisa Tapley, Supervisor of the Checklist, Ward 5**

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation of Louisa Tapley, Supervisor of the Checklist, Ward 5, with regret and to declare the seat vacant. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**9.3. Appointment: Tricia Torr, Supervisor of the Checklist, Ward 5**

Mayor Jean nominated Tricia Torr, resident of Ward 5, to fill the vacant Election Official position of Supervisor of the Checklist for Ward 5. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean called for a vote for the appointment of Ms. Torr. The **MOTION CARRIED** by a unanimous voice vote. The term will expire on January 2, 2016.

**9.4. Appointment: Louisa Tapley, Selectman, Ward 5**

Mayor Jean nominated Louisa Tapley, resident of Ward 5, to fill the vacant Election Official position of a Selectman for Ward 5. Councilor Walker seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean called for a vote on the appointment of Ms. Tapley. The **MOTION CARRIED** by a unanimous voice vote. The term will expire on January 2, 2020.

Councilor Larochelle informed the City Council that the Appointments Committee met and interviewed Richard Tilton Jr. prior to this evening's meeting. Mr. Tilton submitted a Statement of Interest Application to the City Clerk's office seeking to fill a vacant Selectman's position for Ward 1. The Committee unanimously recommends that Mr. Tilton be appointed as a Selectman for Ward 1.

Mayor Jean nominated Richard Tilton to fill the vacant Election Official position of a Selectman for Ward 1. 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 called for a vote on the appointment of Mr. Tilton. The **MOTION CARRIED** by a unanimous voice vote. The term of office will expire on January 2, 2020.

Mayor Jean announced that Lynette Plaisted, Ward Clerk, for Ward 3, has unfortunately moved out of the City of Rochester. Councilor Walker **MOVED** to declare the Election Official position of Ward Clerk for Ward 3 vacant. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **10. Reports of Committee**

### **10.1. Appointments Committee**

Councilor Larochelle stated that there are no action items at this time.

### **10.2. Codes and Ordinances Committee**

Councilor Lachapelle stated that there are no action items at this time.

### **10.3. Community Development**

Councilor Gray stated that a motion was made to send the 2-6 North Main Street 79-E Application to the Finance Committee along with a recommendation to request this to be a nine year tax relief. He said the City Council would ultimately determine the number of years at the time of the City Council adoption.

Councilor Gray stated that the discussion of expanding the RSA 79-E Boundary has been retained in Committee at this time.

Councilor Gray stated that the Committee voted to recommend that the Mayor form an Ad Hoc Committee for the purpose of developing the criteria for the Poet Laureate. The Committee would be asked to develop the nominating process and choose the new Poet Laureate. The Committee should be comprised of five members: three representatives from the Arts and Culture Commission; the current Poet Laureate; and one representative from the Library staff or Board of Directors. Mayor Jean agreed to appoint such a Committee and requested the City Clerk draft a letter on behalf of the Mayor to the following people: Chairman of the Arts and Culture

Commission; the current Poet Laureate; the Chairman of the Board of Directors for the Rochester Public Library; and send a copy of such letter to the Director of the Rochester Public Library. Mayor Jean hereby appointed this Ad Hoc Committee.

#### **10.4. Finance Committee**

Mayor Jean stated that Deputy City Manager Cox has been working to create a Fund Balance Policy for the City Council to adopt. The Finance Committee has reviewed the policy and recommends adoption at this time. Councilor Walker **MOVED** to adopt the Fund Balance Policy as presented. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean stated that the City's financial position is strong. He thanked the City Council and the current administration for the hard work involved with this practice.

Mayor Jean said the Committee discussed the methodologies of water service extension. This will be retained in Committee at this time.

Mayor Jean said the Committee is seeking out vendors to discuss software programs to better meet the needs of the City. This will be retained in Committee at this time.

Mayor Jean stated that the Committee discussed and recommended that the City execute a tax deed for 422 Old Dover Road. Mayor Jean **MOVED** to direct the Tax Collector to execute a tax deed upon the property located on 422 Old Dover Road. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Mayor Jean announced that Leann Rimes, renowned singer, will be performing at the Rochester Opera House on December 9, 2014, which coincides with the scheduled Finance Committee meeting. He said there will be heavy traffic and congestion due to this unique event. He recommended that the Finance Committee meeting be rescheduled. He added that it is also in the middle of the holiday season and if there are no pressing agenda items at that time the meeting would be canceled.

Mayor Jean said the Planning Department and Planning Board are in the process of reviewing all of the unclaimed sureties. The Finance Committee had a discussion about a few of the unclaimed sureties and have recommended action items to the full City Council.



Mayor Jean **MOVED** to transmit the "Ford" surety to the State of NH unclaimed property Division. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean **MOVED** to direct the City Manager to have the Planning Department work with Public Works Department to see if the "Chapman" surety could be used to fund site work improvements in that particular development. Councilor walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean **MOVED** that a full time civilian prosecutor position be created and the position to be funded for \$102,000. He said this would also assist in having more officers on the street. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean said the Monarch School tends to collaborate with the City by offering programs in which students are frequently involved with various public enhancement projects. The Monarch School is seeking to expand the existing facility. The Monarch School has requested some assistance from the City by asking if some of the building fee permits could be waived; however, the City Council does not have the authority to waive permit fees. The Finance Committee recommended making a donation for \$1,801 instead of waiving the permit fees. It was noted that the Finance Department had identified already appropriated funds in the City 2014-2015 operating budget which could be utilized for such donation. Mayor Jean **MOVED** to make a donation of \$1,801 to the Monarch School in consideration of the School's various efforts to support City projects, and that the City Manager, with the advice of the Finance Director be authorized to make such donation from funds the already appropriated funds in the City 2014-2015 operating budget which Finance Department had identified could be utilized for such donation. Councilor Keans seconded the motion.

Mayor Jean reiterated that the City Council would donate \$1,801 to the Monarch School in consideration of the Monarch School efforts to support and collaborate with the City in various public enhancement projects, in which students are frequently involved, with various public enhancement projects, which donation would have the effect of offsetting the School's building permit fee expense. Councilor Walker then **MOVED** the question. Councilor Hamann seconded the motion. The vote on the **MOTION** to authorize the donation then **CARRIED** by a unanimous voice vote.

A lengthy discussion ensued about scheduling the budget workshop meetings on Saturdays in the spring vs. several long weekday meetings. Several Councilors spoke against the idea, while Councilor Lachapelle

strongly supported the idea. This was heavily debated and is being kept in Committee at this time. Mayor Jean stated that the budget adoption process has improved greatly since 2010 and the matter could be discussed in depth at another time.

### **10.5. Public Safety Committee**

Councilor Walker stated that there are no action items. Councilor Keans pointed out that there is a typographic error on line three of the Public Safety meeting minutes: Route 125 should read Route 202. The information will be sent to the Public Works Department to be corrected.

### **10.6. Public Works Committee**

Councilor Varney stated that there is only one action item and it is listed under **New Business 12.2** – *Resolution Authorizing Issuance of Building Permit and/or Access Curb Cut on a Portion of the Classification of the So-Called Blackwater Road.*

## **11. Old Business**

Mayor Jean asked if there was a Committee update from the Joint Building Committee. Councilor Keans indicated that the Committee is scheduled to meet on the last Monday of October. She added that the Clerk of the Works has provided minutes about the project. Mayor Jean said that the project is progressing on schedule and on budget.

## **12. New Business**

### **12.1. AB 34 Amendment to Ordinances Repealing the Provisions of Section 17.4 of the General Ordinances of the City of Rochester, Entitled "Water Service Connection Required" Second Reading and Adoption**

Councilor Walker **MOVED** to read the Amendment to the City Ordinances 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 as follows:

**AMENDMENT TO ORDINANCES**  
**REPEALING THE PROVISIONS OF SECTION 17.4**  
**OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER,**  
**ENTITLED "WATER SERVICE CONNECTION REQUIRED"**

**THE CITY OF ROCHESTER ORDAINS:**

That Section 17.4 the General Ordinances of the City of Rochester, entitled "Water Service Connection Required" as presently amended, be further amended, by repealing such Section in its entirety. **CC FY15 09-02 AB 34**

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

**12.2. AB 48 Resolution Authorizing Issuance of Building Permit and/or Access Curb Cut on a Portion of the Classification of the So-Called "Old Blackwater Road" in Accordance with RSA 674:41,I(c) First Reading and Adoption**

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

**RESOLUTION AUTHORIZING ISSUANCE OF BUILDING PERMIT AND/OR ACCESS CURB CUT ON A PORTION OF THE CLASS VI SECTION OF THE SO CALLED "OLD BLACKWATER ROAD" IN ACCORDANCE WITH RSA 674:41, I(c)**

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

That in accordance with the provisions of RSA 674:41, I (c) (1), the Mayor and City Council hereby authorize the issuance of a building permit and/or access curb cut to the extent necessary to effectuate the change of access to the hereinafter lot from the Blackwater Road to the so called "Old Blackwater Road" (a Class VI road, the maintenance of the same having been discontinued in, or around the early 1980s) (the "Road") for the purpose of the construction of an access drive located off the Class VI portion of the so-called Road, in said Rochester, NH. The current owner of the property on which the project is to be located is K, K, and S Development, LLC, and the lots on which the construction is to occur are depicted on Rochester Tax Map 264, as Lot 1. This approval is granted subject to the requirement that, prior to the issuance of such building permit and/or access curb cut compliance with the requirements of RSA 674:41, I (c) (3) is achieved. Furthermore, pursuant to the provisions of RSA 674:41, I (c) (2), by authorizing the issuance of the above building permit(s), the City of Rochester neither

assumes responsibility for maintenance of the aforesaid portion of the Road on which the project is to be constructed, nor liability for any damages resulting from the use thereof, and that an acknowledgment, waiver and release of the City of such responsibility, signed by the property owner(s), in a form substantially similar to **Exhibit A** annexed hereto, and by the City Manager of the City on the City's behalf, shall be recorded in the Strafford County Registry of Deeds prior to the issuance of any building permit and/or access curb cut hereby authorized.

The City Manager, by approval of this resolution, is authorized to take any and all required steps, and to sign any and all necessary and/or appropriate documents necessary to implement the purposes of this resolution. **CC FY 15 AB 48 Exhibit A is attached to this set of minutes as Addendum D.**

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

Mayor Jean referred to a Memorandum, which had been provided to the City Council by the Deputy City Manager prior to the beginning of the City Council meeting.

Deputy City Manager Cox explained that in a recent review of resolutions adopted, it had been discovered that one resolution had not been adopted. The resolution was read for a first time and sent to a public hearing; however, it was never brought back to the City Council for final action. He requested that the matter be taken care of at this meeting.

Councilor Lachapelle **MOVED** to read the resolution by title only for the second time. 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 by title only as follows:

**Resolution Changing Funding Source of FY 2012-2013 Sewer Works  
Capital Improvements Budget for Waste Water Treatment Plant  
Upgrades and Related Costs**

**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 June 2012 a capital improvements budget for the City of Rochester, Department of Public Works, Sewer Works for fiscal year 2012-2013 was adopted with regard to the so-called Waste Water Treatment Plant upgrades

and related cost, including costs associated with the City's anticipated new NPDES Permit issuance (the "Project"), which included an appropriation of One Million Five Hundred Thousand Dollars (\$1,500,000.00) in funding for costs associated with such Project, which Project funding was originally designated to be financed, to the extent of One Million Five Hundred Thousand Dollars (\$1,500,000.00), from the proceeds from borrowing by the City of Rochester, Sewer Works from State of NH Clean Water State Revolving Fund sewer loan program ("NH CWSRF"); and

**WHEREAS**, the Mayor and City Council have been advised that NH CWSRF funds are not available to finance the Project; and

**WHEREAS**, the Project is essential and has already begun; the Mayor and City Council of the City of Rochester are desirous of completing the Project;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding source for the Project from the proceeds from borrowing by the City of Rochester, Sewer Works from NH CWSRF sewer loan program, to the proceeds of bonding by the City of Rochester for the Project in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00). Such bonding shall 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 and such bonding 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, and to take all such additional actions, as are necessary to implement the transactions contemplated by this Resolution.

**CC FY 15 AB 53 Former CC FY 14 AB 104; AB 10**

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

Councilor Varney took issue with the set interest rate imposed on the new property owner of the Laverdiere Farm at 3.25%. He suggested that this be discussed by the City Council. Mayor Jean agreed that the City Council could discuss the matter under the Non-Meeting session.

Mayor Jean stated that if there were no objections by the City Council he would request to enter the Non-Public Sessions/Non-Meeting Sessions at this time: Personnel, RSA 91-A 3 II (a); Labor Negotiations, RSA 91-A 2 I

(a); Consultation with Legal Counsel Reputation and Land RSA 91- A:2,I,  
(b). Mayor Jean **MOVED** to enter into the Non-Public Sessions/Non-Meeting Sessions as stated above at 7:55 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 12 to 0. Councilors Bogan, Collins, Varney, Walker, Lachapelle, Gray, Larochelle, Hamann, Gates, Keans, Lauterborn, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle exited the Regular City Council Meeting prior to the discussion about Waste Management in the Non-Meeting. Councilor Walker **MOVED** to exit the Non-Public/Non-Meeting Sessions at 8:35 PM Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**12.3. AB 39 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with The Rochester Administrative Unit [School Administrative Employees] First Reading, Second Reading, and Adoption**

*This resolution was adopted before the City Manager's report was given early this evening.*

**12.4. AB 52 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with The Rochester Municipal Management Group [Municipal Managers] First Reading, Second Reading, and Adoption**

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

**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH  
PROPOSED CITY OF ROCHESTER  
MULTI-YEAR COLLECTIVE BARGAINING AGREEMENT WITH  
Rochester Municipal Management Group  
(Municipal Managers)**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the cost items

associated with the multi-year year collective bargaining agreement between the City of Rochester and the RMEA Bargaining Unit, covering the period July 1, 2014 to June 30, 2018, as set forth in the proposed contract, and as more particularly detailed on the attached **"EXHIBIT" A: Municipal Management Cost Items - September 2014**, which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. **CC FY 15 AB 52 - Exhibit A is attached to this set of minutes as Addendum B.**

Councilor Walker moved to suspend the rules and to read the resolution by title only for the second time. Councilor Gates 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 Varney seconded the motion. Mayor Jean stated that this is a four-year agreement and it includes a merit plan system and provisions on accrued time for new employees hired in the third year of the agreement. He thanked the City's negotiation team for the success shown in these agreements. He added that almost all of the collective bargaining agreements for the City of Rochester now have provisions for the merit plan process. The **MOTION CARRIED** by a unanimous voice vote.

**12.5. AB 51 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with The Rochester Municipal Management Group [Middle Managers] First Reading, Second Reading, and Adoption**

**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH**  
**PROPOSED**  
**CITY OF ROCHESTER**  
**MULTI-YEAR COLLECTIVE BARGAINING AGREEMENT WITH**  
**Rochester Middle Management Group**  
**(Middle Managers)**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the cost items associated with the multi-year year collective bargaining agreement between the City of Rochester and the RMEA Bargaining Unit, covering

the period July 1, 2014 to June 30, 2018, as set forth in the proposed contract, and as more particularly detailed on the attached "EXHIBIT A: Middle Management Cost Items - September 2014, which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. **CC FY 15 AB 51 – Exhibit A is attached to this set of minutes as Addendum C.**

### 13. Other

Councilor Collins told a story with the theme "Did you ever go to Boston to buy a car?" The point of the story is that one resident had great difficulty with vendors located outside of the City limits as she tried to resolve an issue with her phone; however, in the end, a business located in the City of Rochester resolved her problem in a few short days.

Councilor Varney **MOVED** to direct the City Manager to change the interest rate of the Conservation Easement for the property owners of Laverdiere Farm from 3.25% to 1%. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### 14. Non-Meeting

#### 14.1. **AB 50** Non-Meeting: Consultation with Legal Counsel RSA 91- A:2,I,b

The City Council entered into a Non-Meeting during New Business.

### 15. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 8:44 PM. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice  
Respectfully submitted,

Kelly Walters,  
City Clerk



Rochester School Department  
Administrator Salary Calculations

	<u>Starting Salary</u>	<u>Increase</u>	<u>%</u>	<u>Merit</u>	<u>%</u>	<u>Total Salary</u>	<u>%</u>	<u>FICA</u>	<u>Health Ins</u>	<u>Dental</u>	<u>Total</u>	<u>% Increase</u>
<b><u>Based on a 3% increase the first year and Merit year 2 and 3</u></b>												
<b><u>Year 3 - All employees move to the Sight of Service Higher Deductible Plan</u></b>												
Current						1,930,318.56		147,669.37	393,236.22	4,244.24	2,475,468.39	
FY2014-2015	1,930,318.56	58,860.00	3.0%			1,989,178.56	3.0%	152,172.16	393,236.22	4,244.24	2,538,831.18	2.6%
FY2015-2016	1,989,178.56		0.0%	39,783.57		2,028,962.13	2.0%	155,215.60	412,898.03	4,456.45	2,601,532.22	2.5%
FY2016-2017	2,028,962.13		0.0%	40,579.24		2,069,541.37	2.0%	158,319.92	304,424.23	4,679.27	2,536,964.79	-2.5%
									88,811.99			

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EXHIBIT A: Municipal Management Cost Items - September 2014

Rochester Municipal Managers Group **Addendum B**

<b>Assumptions</b>					
City Health Contribution		80/20	80/20	80/20	80/20
Health Plan	HMO \$20 copay RX 10/20/45 DED \$250/750	HMO \$20 copay RX 10/20/45 DED \$250/750	HMO \$20 copay RX 10/20/45 DED \$250/750	HMO \$20 copay RX 10/20/45 DED \$250/750	HMO \$20 copay RX 10/20/45 DED \$250/750
Projected Health Increase			5.00%	5.00%	5.00%
Projected Wage Increase		2.5% COLA	0-3% MERIT	0-3% MERIT	0-3% MERIT
<b>Wages</b>	<b>Current</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>
Base Wages	819,472	839,959	860,958	882,482	904,544
Longevity	4,375	4,875	4,875	5,075	5,200
Total Wages	823,847	844,834	865,833	887,557	909,744
Dollar Change		20,987	20,999	21,724	22,187
<b>% Change</b>		<b>2.55%</b>	<b>2.49%</b>	<b>2.51%</b>	<b>2.50%</b>
<b>Benefits</b>					
Social Security	51,079	52,380	53,682	55,029	56,404
Medicare	11,946	12,250	12,555	12,870	13,191
Health Insurance	169,336	165,091	173,345	182,013	191,113
Opt Out	2,400	2,400	2,400	2,400	2,400
Dental	2,550	2,550	2,550	2,550	2,550
Life	2,360	2,419	2,480	2,542	2,605
STD	4,130	4,233	4,339	4,448	4,559
LTD	4,327	4,435	4,546	4,660	4,776
Total Rollups	248,127	245,758	255,896	266,509	277,599
Dollar Change		(2,369)	10,138	10,613	11,089
<b>% Change</b>		<b>-0.95%</b>	<b>4.13%</b>	<b>4.15%</b>	<b>4.16%</b>
<b>Totals</b>					
Total Wages Benefits & Rollups	1,071,974	1,090,592	1,121,729	1,154,066	1,187,342
Dollar Change		18,618	31,137	32,337	33,276
<b>% Change</b>		<b>1.74%</b>	<b>2.86%</b>	<b>2.88%</b>	<b>2.88%</b>

11 Total Employees - 100% FT

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# Rochester Middle Managers Group Addendum C

<b>Assumptions</b>					
City Health Contribution		80/20	80/20	80/20	80/20
Health Plan	HMO \$20 copay RX 10/20/45 DED \$250/750	HMO \$20 copay RX 10/20/45 DED \$250/750	HMO \$20 copay RX 10/20/45 DED \$250/750	HMO \$20 copay RX 10/20/45 DED \$250/750	HMO \$20 copay RX 10/20/45 DED \$250/750
Projected Health Increase			5.00%	5.00%	5.00%
Projected Wage Increase		2.5% COLA	0-3% MERIT	0-3% MERIT	0-3% MERIT
<b>Wages</b>	<b>Current</b>	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>
Base Wages	1,047,889	1,074,087	1,100,939	1,128,462	1,156,674
Longevity	5,750	5,950	6,500	7,200	7,625
Total Wages	1,053,639	1,080,037	1,107,439	1,135,662	1,164,299
Dollar Change		26,397	27,402	28,223	28,637
<b>% Change</b>		<b>2.51%</b>	<b>2.54%</b>	<b>2.55%</b>	<b>2.52%</b>
<b>Benefits</b>					
Social Security	65,326	66,962	68,661	70,411	72,187
Medicare	15,278	15,661	16,058	16,467	16,882
Health Insurance	269,259	262,509	275,635	289,417	303,887
Opt Out	2,400	2,400	2,400	2,400	2,400
Dental	4,050	4,050	4,050	4,050	4,050
Life	3,018	3,093	3,171	3,250	3,331
STD	5,281	5,413	5,549	5,687	5,830
LTD	5,533	5,671	5,813	5,958	6,107
Total Rollups	370,144	365,760	381,336	397,640	414,674
Dollar Change		(4,384)	15,576	16,304	17,034
<b>% Change</b>		<b>-1.18%</b>	<b>4.26%</b>	<b>4.28%</b>	<b>4.28%</b>
<b>Totals</b>					
Total Wages Benefits & Rollups	1,423,784	1,445,797	1,488,775	1,533,303	1,578,973
Dollar Change		22,013	42,978	44,528	45,670
<b>% Change</b>		<b>1.55%</b>	<b>2.97%</b>	<b>2.99%</b>	<b>2.98%</b>

17 Total Employees - 100% FT

# Addendum D

## EXHIBIT A

### AGREEMENT AND RELEASE REGARDING BUILDING PERMIT FOR CLASS VI HIGHWAY

NOW COMES K, K, and S Development, LLC (hereinafter referred to as the “Owner ”), a New Hampshire limited liability company with a place of business and mailing address of 63 Route 27, Raymond, New Hampshire 03077, and the City of Rochester, New Hampshire (the “City”), a municipal corporation existing under the laws of the State of New Hampshire, with a place of business and mailing address of 31 Wakefield Street, Rochester, New Hampshire 03867, and agree as follows:

WHEREAS, The Owner is the owner of certain real property by virtue of a Deed recorded at Book 4229, Page 422 at the Strafford County Registry of Deeds (the “Lot”), with frontage on both the Blackwater Road and on the so-called “Old Blackwater Road” (the “Road”) in Rochester; and

WHEREAS, the relevant portion of said Old Blackwater Road upon which the Owner’s real property fronts on the Road is a Class VI Highway as classified by New Hampshire Revised Statutes Annotated 229:5, the same having maintenance of the same having been discontinued in, or around the early 1980s;

WHEREAS the Lot currently has a single family home located on it which has access to the Blackwater Road by virtue of a driveway, the location of which is situated in a curve making such access problematic from a site line and similar safety related purposes;

WHEREAS, the Lot’s access to the Class VI portion of the Road, is in the opinion of the Owner and of City highway and planning officials more appropriate and safer than the existing access onto Blackwater Road; and

WHEREAS, the City has agreed to issue, to the extent necessary a building permit and/or an access curb cut for the construction of a driveway and an access curb cut from the Lot onto the Road, upon the filing of the within notice pursuant to New Hampshire Revised Statutes Annotated 674:41;

NOW THEREFORE, the City and Owner on behalf of itself, its heirs, legal representatives, agents, invitees, successors and assigns, covenant and agree as follows:

1. The City shall allow Owner to construct a driveway and an access curb cut from the Lot onto the Road pursuant, to the extent necessary to a building permit issued by the City on the Owner’s property on the Road;
2. The City neither assumes responsibility for maintenance, including snow plowing, nor liability for any damages resulting from the use of the Road;

3. Owner shall be responsible for maintaining access to the subject property and does hereby forever release and discharge the City, its officers, agents and employees from the obligation of maintaining the Road and from any claim of any nature, whether in tort or otherwise, which Owner might have against the City for any loss or damage, including those incurred through failure to provide municipal services, including police, fire, emergency apparatus or like.

IN WITNESS WHEREOF, the parties hereto have caused their hands to be affixed, by their respective representatives, this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

K, K, and S Development, LLC, Owner

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Kevin Cole, Jr., Member

City of Rochester, New Hampshire, City

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Daniel W. Fitzpatrick, City Manager

STATE OF NEW HAMPSHIRE  
STRAFFORD, SS

\_\_\_\_\_, 2014

Personally appeared Kevin Cole, Jr., duly authorized Member of K, K, and S Development, LLC, known to me or satisfactorily proven to be the same person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained on behalf of K, K, and S Development, LLC.

Before me,

\_\_\_\_\_  
Notary Public/Justice of the Peace  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF NEW HAMPSHIRE  
STRAFFORD, SS

\_\_\_\_\_, 2014

Personally appeared Daniel W. Fitzpatrick, duly authorized City Manager of the City of Rochester, New Hampshire, known to me or satisfactorily proven to be the same person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained on behalf of the City of Rochester, New Hampshire.

Before me,

\_\_\_\_\_  
Notary Public/Justice of the Peace  
Print Name: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_