

**Regular City Council Meeting
November 5, 2014
COUNCIL CHAMBERS
7:05 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Attorney Wensley
Members of the Department
of the Building, Zoning, and
Licensing Services [BZLS]
Sheldon Perkins, Compliance
Officer, BZLS
Tori Kortz, Director of the Share
Fund
Rich Hilow, LPL, Financial Services

MINUTES

1. Call to Order

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

2. Presentation of the Colors by the Rochester Veterans Council

The Veterans Council led the presentation of Colors.

2.1. Proclamation for Veterans Day

Mayor Jean read a proclamation in honor of Veterans Day and presented it to the Veterans Council.

Norm Sanborn Sr., Veterans Council, informed the City Council about the following activities:

- November 6, 2014, Rochester Middle School Veterans Assembly at 1:00 PM
- November 7, 2014, "Red Shirt Friday"
- November 11, 2014, Veterans Ceremony at the Rochester Common at 10:00 AM and First Methodist Church at 7:00 PM
- November 18, 2014, Veterans Lunch

- November 20, 2014, Veterans Council Meeting

Mr. Sanborn said that Celeste Plaia, City of Rochester, produced a Veterans Council Documentary. This production will be shown on the Government Channel many times during the month of November in honor of all Veterans.

Mayor Jean stated that if there were no objections from the City Council at this time he would add one more proclamation to the Agenda.

Mayor Jean invited Tori Kortz, Director of the Share Fund and Rich Hilow, LPL, Financial Services, to come forward. Mayor Jean read a special citation from the Governor's Office announcing that the Rochester, New Hampshire Share Fund has been selected as one of thirty finalists of the Safe Co. Make More Happen Contest.

Ms. Kortz said the Share Fund has received a \$3,000 donation and this nonprofit organization qualifies to win a \$10,000 donation. In order to win the contest, the Share Fund must receive the most electronic votes on line, by visiting the following website and voting for the Share Fund: www.safeco/make-more-happen.com

Mr. Hilow thanked the City Council for this opportunity to express thanks to the Community and for all of the City Council's assistance through the years.

Councilor Gray said that the Share Fund has sub-organization such as Gerry's Food Pantry, the Community Clothing Shop, and the Financial Assistance program. He encouraged the Community to support this non-profit organization by voting as often as possible.

3. Opening Prayer

The Veterans Council led the opening prayer earlier in the meeting.

4. Roll Call

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

5. Acceptance of Minutes

- 5.1. [October 7, 2014, Regular City Council Meeting Minutes](#)

Councilor Walker **MOVED** to **ACCEPT** the October 7, 2014, Regular City Council meeting minutes as written. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2. [October 21, 2014, Special City Council Meeting Minutes](#)

Councilor Walker **MOVED** to **ACCEPT** the October 21, 2014, Special City Council meeting minutes as written. Councilor Lachapelle wished to recuse himself from the vote, as he was not present for this particular meeting. Councilor Gray 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 said that one of his first tasks as City Manager was to create the position of a Compliance Officer for the Building, Zoning, and Licensing Services Department. He is pleased to announce that Sheldon Perkins, Compliance Officer, has been selected as the Employee of the Month for November. He invited Jim Grant, Director of the Building, Zoning, and Licensing Services, to join Sheldon Perkins on the platform to be recognized as the Employee of the Month for November.

6.2 City Manager's Report

City Manager Fitzpatrick said the following Management Team Meeting minutes have been enclosed in the City Council Packet:

- September 29, 2014
- October 6, 2014
- October 14, 2014
- October 20, 2014

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

- Bond Anticipation Note
- Consolidated Annual Performance and Evaluation Report (CAPER)
- Chamber Rental Agreement
- Consulting Services – Conservation land and easements
- Honeywell – Ice Arena Controls Upgrade
- Highway Safety Fund Project – approval
- Horne Construction – change order #7- #11
- HUD Certificate of Consistency
- RHA – 5 Year Plan

- Structural Engineering Services approval
- Anti-Nepotism Policy – waiver

City Manager Fitzpatrick said the following standard reports have been enclosed within the City Council packet:

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

Councilor Larochelle said one sentence is confusing on page 49 of the City Council packet: *...As you can see these CO's are a NET decrease in the GMP.* He said it seems that NET should not be capitalized and questioned what the acronym is for GMP. Deputy City Manager Cox replied that GMP should be the Guarantee Maximum Pricing. City Manager Fitzpatrick agreed that NET should not be capitalized and would direct the staff to end the use of acronyms as much as possible.

Councilor Varney referred to page 46 of the City Council packet. He requested to have more information about Conservation Easement. City Manager Fitzpatrick recalled that this easement is being paid for using the Conservation Fund; however, he agreed to provide more information to the City Council about the matter.

Councilor Varney referred to page 47 of the City Council packet regarding the use of expense line items for control upgrades for the Arena. City Manager Fitzpatrick replied that this would not require a supplemental appropriation and that the cost would be covered somehow through this year's budget.

Councilor Varney asked about the Housing Partnership, which he recalled is part of the Neighborhood Stabilization Program. He recalled that the City Council would no longer be seeking such partnership after the experience with the Neighborhood Stabilization. City Manager Fitzpatrick replied that the City Council is not partnered with the Housing Partnership; however, it could be a program in which the Housing Authority is involved with; however, it is not by using any City funds.

7. Communications from the Mayor

7.1. Proclamation: National American Indian Heritage Month

Mayor Jean requested that the minutes reflect that there is a proclamation for National American Indian Heritage Month and the full proclamation could be found in the City Council packet.

7.2 *Clarification: Community Revitalization Tax Relief Incentive Application for 2-6 North Main Street

Mayor Jean recalled that at the time of the Public Hearing for the above-referenced application, Mayor Jean indicated to one resident that there would be second Public Hearing scheduled prior to the adoption of this particular application; however, the City Council sent the application request to the Finance Committee instead. At that point, the application was reviewed by the Finance Committee and sent back to the City Council for adoption; however, the City Council did not hold a second public hearing as previously stated. He publicly apologized for this oversight.

Mayor Jean stated that now that the General Election is over, any candidate wishing to request a recount should contact the Secretary of State's Office no later than 5:00 PM by calling 271-3242.

Mayor Jean thanked the City Clerk's Office staff for the hard work involved with ensuring the Election process ran smoothly. He indicated that the Ward Four Polling Location at Home Depot had a few problems with the ACCUVOTE Machine, which were resolved fairly quickly.

Mayor Jean congratulated all the winning candidates and thanked all of the candidates who had been defeated for participating in the process.

8. Presentations of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

10. Reports of Committee

10.1. Appointments Committee

Councilor Larochelle said that the Appointments Committee unanimously recommends that Nel Sylvain be reappointed to the Planning Board, with a term to expire January 2, 2018. Mayor Jean nominated Nel Sylvain to be reappointed to the Planning Board, with a term to expire January 2, 2018. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease and the Clerk cast one ballot for Nel Sylvain. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Larochelle said that the Appointments Committee unanimously recommends that Robert Jaffin be reappointed to the Planning Board, with a term to expire January 2, 2018. Mayor Jean nominated Robert Jaffin to be reappointed

to the Planning Board, with a term to expire January 2, 2018. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease and the Clerk cast one ballot for Robert Jaffin. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Larochelle said that the Appointments Committee unanimously recommends that Robert May be appointed to the Planning Board, as an Alternate, with a term to expire January 2, 2018. Mayor Jean nominated Robert May to be appointed to the Planning Board, as an Alternate, with a term to expire January 2, 2018. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease and the Clerk cast one ballot for Robert May. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Larochelle said that Richard Tilton Jr., had been appointed as Selectman for Ward 1, with a term to expire January 2, 2020, at the last City Council meeting.

Councilor Larochelle said that the Appointments Committee unanimously recommends that Janet Davis be reappointed to the Rochester Economic Development Commission, with a term to expire January 2, 2018. Mayor Jean nominated Janet Davis to be reappointed to the Rochester Economic Development Commission, with a term to expire January 2, 2018. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease and the Clerk cast one ballot for Janet Davis. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Larochelle said there are no current vacancies for the Rochester Economic Development Commission; however, the Appointments Committee unanimously recommends that Robert Jaffin be considered for appointment to the REDC, when an opening is available.

10.2. Codes and Ordinances Committee

Councilor Lachapelle said there were no action items at this time; however, the Committee would meet on December 4, 2014, in order to discuss the Polling Locations. He added that the Ward Three Polling Location is rather small and that the Ward One Polling Location, which is held at the VFW Hall, could be closing soon.

Councilor Lachapelle stated that Councilor Gates would also be submitting an Agenda item for the December meeting.

10.3. Community Development - Meeting Canceled

No discussion.

10.4. Finance Committee

Mayor Jean said Chris Bowlen, Director of the Recreation and Arena Department, gave the Committee an update on the enhancements of the Arena. He added that this information could be found in the City Council packet.

Mayor Jean said the Finance Committee discussed keeping the Arena as an Enterprise Fund or to have it as a City General Fund Department. The Arena Commission has been tasked with developing a Five Year Capital Plan for the Arena facility. More information would be provided as it becomes available. He reiterated that this idea is only for consideration at this time and no final plans have been made. Councilor Lachapelle stated that the Arena Commission and the Recreation Commission is scheduled to meet together on November 17, 2014, in order to discuss this in more detail. Councilor Varney requested that more information be provided to the Finance Committee to ensure that the Arena could remain an Enterprise Fund if such changes are made.

Mayor Jean stated that Deputy City Manager Cox would give some guidance if an amendment to the City Ordinances would have to made or not.

Mayor Jean stated that the Committee discussed the Codes software proposals and the outsourcing of the Building and Grounds Department; however, both items have been retained in Committee.

Mayor Jean **MOVED** to **ACCEPT** Phase 1 A, of Serverino's Trucking Co., Inc., which are known as the three street sections outlined in blue on the map provided by Nel Sylvain, Chair of the Planning Board as follows: all of Lantern Lane and those portions of Miller's Farm Drive and Rangeway Drive (all as shown on the aforesaid map in blue) extending westerly from Norway Plains Road to the western most points of intersection of Miller's Farm Drive and Rangeway Drive with Lantern Lane. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. **The map in question is attached to this set of minutes as Addendum B.**

10.5. Joint Building Committee

Councilor Keans gave a brief update on the progress of the new East Rochester School Project and stated that she is proud to be a part of a Committee that can report each month that the project is on time and under budget. She said more information could be found in the City Council packet.

10.6. Public Safety Committee

Councilor Walker said the new soccer field is not yet equipped with enough parking and the Committee is still working on a solution to this problem. The matter is being retained in Committee at this time.

Councilor Walker **MOVED** to install a stop sign at the discretion of the Public Works Department to be placed on City property, which would require traffic to stop prior to entering Cedarbrook Village. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to place "no parking" signs on both sides of Maple Street between Fairway Avenue and Haig Street. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The Council briefly discussed the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Gates said Tom D'Arcy, resident of Estes Road, has been concerned about the Estes Road/Route 202 intersection, and has been seeking to lower the speed limit in this area. It seems that Mr. D'Arcy has not been given clear direction of how to resolve this issue. Councilor Keans reported that the State is seeking to widen the road near this intersection in order to make this a safer area. Councilor Walker stated that Mr. D'Arcy should be instructed to contact the State's Department of Transportation because Route 202 is under the State's jurisdiction. Councilor Gates agreed to contact Mr. D'Arcy with this information.

10.7. Public Works Committee

Councilor Torr reported that there were no action items at this time.

Councilor Torr expressed concern that the New Hampshire Department of Transportation is still conducting a historical review of the 2-4 Walnut Street building, which, as the City Council knows, is not a historical building. He added that this is what is holding up the process of the Strafford Square Roundabout Project. Councilor Keans stated that the historical review is a state requirement that the State's Department of Transportation must abide to.

11. Old Business

12. New Business

12.1. AB 60 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with International Brotherhood of Teamsters, Local 633, (Library Employees)

Mayor Jean asked if any member of the City Council wished to seek a Non-Public Session prior to voting on the following Collective Bargaining Agreement. No City Councilor requested such meeting.

Councilor Walker **MOVED** to read the resolution by title only for the first time. Councilor Gray 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
INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 633
(Library 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 International Brotherhood of Teamsters Local 633 Bargaining Unit, covering the period July 1, 2014 to June 30, 2016, as set forth in the proposed contract, and as more particularly detailed on the attached "EXHIBIT A: Teamsters Cost Items - October 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.

EXHIBIT A: Teamsters Cost Items Summary – October 2014

| Assumptions | | | |
|---------------------------|------------------|-------------|-------------|
| City Health Contribution | 80/20 | 80/20 | 80/20 |
| | MTB20IPDE | MTB20IPDE | MTB20IPDE |
| Proposed Medical Plan | D(07) - | D(07) - | D(07) - |
| Projected Health Increase | | | 5.00% |
| Projected Wage Increase | | 2.5% | 0-3% |
| | Current - | FY15 | FY16 |

| | | | |
|------------------------|-------|------------|--------------|
| Wages | | | |
| Base Wages: Full-Time | 325,6 | 333,7 | 342,1 |
| Base Wages: Part-Time | 217,9 | 223,3 | 228,9 |
| Longevity: Full-Time | 3,55 | 3,55 | 3,70 |
| Longevity: Part-time | 3,07 | 3,22 | 3,55 |
| | | | |
| Total | 550,1 | 563,9 | 578,3 |
| Dollar | | 13,73 | 14,40 |
| % Change | | 2.5 | 2.55% |
| Benefits | | | |
| Social Security | 42,0 | 43,1 | 44,2 |
| Health Insurance | 91,7 | 89,5 | 93,8 |
| Dental | 1,600 | 1,600 | 1,600 |
| Life | 586 | 601 | 616 |
| STD | 1,656 | 2,834 | 2,905 |
| LTD | 2,299 | 3,934 | 4,033 |
| | | | |
| Total | 139,9 | 141,6 | 147,2 |
| Dollar | | 1,69 | 5,52 |
| % Change | | 1.2 | 3.90% |
| Totals | | | |
| Total Wages Benefits & | 690,1 | 705,5 | 725,5 |
| Dollar Change | | 15,43 | 19,92 |
| % Change | | 2.2 | 2.82% |

Councilor Walker **MOVED** to suspend the rules and read the resolution for the second time by title only. Councilor Torr seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Mayor Jean indicated that this collective bargaining agreement is in line with the rest of the City's collective bargaining agreements, which are all based on the 0% to 3% merit plan. The **MOTION CARRIED** by a unanimous voice vote.

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

Councilor Walker **MOVED** to read the resolution by title only 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 2014-2015 CAPITAL IMPROVEMENTS BUDGET OF THE
CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS, SEWER
WORKS FOR THE SO-CALLED SALMON FALLS ROAD SEWER
RECONSTRUCTION PROJECT**

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

That the sum of Ninety-Eight Thousand Five Hundred Fifteen Dollars and Thirty-Five Cents (\$98,515.35) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 capital improvements budget of the City of Rochester, Department of Public Works, Sewer Works, for the purpose of providing sums necessary to pay costs and/or expenditures with respect to the so-called Salmon Falls Road sewer reconstruction project (the "Project"), and provided further that such appropriation shall be drawn in its entirety from the proceeds of bonding/borrowing to be undertaken by the City of Rochester.

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

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

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

12.3. AB 57 Second Hand Dealer's License Renewal – Seeking Approval

Councilor Torr **MOVED** to **APPROVE** the second hand dealer's license named "We Buy Stuff." Councilor Varney requested that the address be provided at the time a second hand license approval is sought. Councilor Bogan recalled this business is located on Union Street. Attorney Wensley clarified that this is only a change of ownership. He said one of the partners has left the business and now the remaining partner will keep the business open and retain the name "We Buy Stuff." Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean suggested that the application be included with the packet.

12.4. AB 59 A Resolution Accepting and Adopting the 2014 Update to the City of Rochester's Local Emergency Operations Plan ("LEOP") – First Reading and Adoption

Councilor Walker **MOVED** to **ADOPT** the Local Emergency Operations Plan for 2014. Councilor Varney seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

RESOLUTION ACCEPTING AND ADOPTING
2014 UPDATE TO THE CITY OF ROCHESTER'S
LOCAL EMERGENCY OPERATIONS PLAN ("LEOP")

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

WHEREAS, the City of Rochester, acting under the supervision of the Rochester Fire Department, and with outside assistance from Hubbard Consulting, has been engaged in the City's updating of its Local Emergency Operations Plan ("LEOP"); and

WHEREAS, such updating process has been funded, in part, with grant funds provided by and/or through the Federal and State sources, as well as by funds and services provided by the city of Rochester; and

WHEREAS, the updates to the City's Local Emergency Operations Plan have been completed and are ready to be adopted by the City;

NOW THEREFORE, the Mayor and City Council, by passage of this Resolution, hereby adopt the revised and updated LEOP, in the form presented to the said Mayor and City Council by the Rochester Fire Chief prior to this meeting and hereby authorize the use of said Local Emergency Operations Plan in its revised and updated form. **CC FY15 11-05 AB 59**

12.5. Discussion: City Hall Annex

Mayor Jean recalled the City Council had a lengthy discussion about the City Hall Annex at the October Workshop. It was determined that the City Hall Annex should be on each Agenda to be discussed until all decisions have been reached; however, it would make more sense to discuss this project at the City Council Workshops and to invite the Department Heads who would be affected by any changes to attend the meetings.

A discussion ensued about seeking an off-site location, utilizing the space at the Community Center, or tearing down the existing City Hall Annex to reconstruct a more efficient building. Mayor Jean encouraged the City Council members to bring such ideas to be discussed at the November City Council meeting.

**12.6. AB 56 Resolution for the Bond Financing Public Hearings
– Ratifications First Reading, Second Reading and
Adoption**

Mayor Jean stated the following three resolutions are part of the Bond Financing Public Hearings Ratifications. Councilor Lachapelle **MOVED** to read all three resolutions for the first time by title only. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read all three resolutions for the first time as follows:

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

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

**And, in the Alternative, Re-Adopting the Same
First Reading, Second Reading, and Adoption**

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

**“RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATIONS TO
THE 2009-2010 CAPITAL BUDGET OF THE CITY OF ROCHESTER**

**FOR ENGINEERING SERVICES RELATIVE TO BROCK STREET
AND AUTHORIZING BONDING IN CONNECTION THEREWITH"**

AND, IN THE ALTERNATIVE, RE-ADOPTING THE SAME

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

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

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

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

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

a. The Mayor and City Council of the City of Rochester ratify, affirm, and confirm the approval and adoption of the Brock Street Engineering and Bonding Resolution annexed hereto as **Exhibit A**, on June 15, 2010, and to the extent necessary and/or possible legalize such actions; and

b. In the alternative, and to the extent necessary, the Mayor and City Council of the City of Rochester hereby re-adopt and re-approve the Brock

Street Engineering and Bonding Resolution annexed hereto as **Exhibit A**, effective as of June 15, 2010. **CC FY 15 11-05 AB 56 (1)**

EXHIBIT A

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

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

That the sum of Fifty Thousand Dollars (\$50,000.00) be, and hereby is appropriated as a supplemental appropriation to the City of Rochester 2009-2010 capital budget of the City of Rochester, Department of Public Works, for the purposes of providing funds for use in connection with engineering services related to so-called Brock Street Reconstruction project, involving the reconstruction of Brock Street and infrastructure located therein and/or related thereto. Further, that the sums necessary to fund such supplemental appropriation shall be drawn in their entirety from the issuance of bonds and/or notes by the City of Rochester, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter. The useful life for the aforesaid additional Brock Street Reconstruction project is 20 years. To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY 15 11-05 AB 56 (1)**

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

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

And, in the Alternative, Re-Adopting the Same

First Reading, Second Reading, and Adoption

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

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

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

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

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

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

NOW THEREFORE, by passage of this resolution, the Rochester Mayor and City Council, not only adopt this resolution in its entirety, but further hereby

take the following specific actions with regard to the North Main Street Bridge Project Completion and Bonding Resolution, to wit:

- a. The Mayor and City Council of the City of Rochester ratify, affirm, and confirm the approval and adoption of the North Main Street Bridge Project Completion and Bonding Resolution annexed hereto as **Exhibit A**, on October 5, 2010, and to the extent necessary and/or possible legalize such actions; and
- b. In the alternative, and to the extent necessary, the Mayor and City Council of the City of Rochester hereby re-adopt and re-approve the North Main Street Bridge Project Completion and Bonding Resolution annexed hereto as **Exhibit A**, effective as of October 5, 2010. **CC FY 15 11-05 AB 56 (2)**

EXHIBIT A

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

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

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

Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby is authorized to borrow the sum of up to Four Hundred Fifty-Eight Thousand Six Hundred Fifteen Dollars and Eighty-Four Cents (\$458,615.84), through the issuance of bonds and/or notes, for the purpose of providing funds necessary for the completion of the so-called North Main Street Bridge repair project referred to in the preceding paragraph of this resolution, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA

33:9 and Section 45 of the Rochester City Charter. The useful life for the aforesaid so-called North Main Street Bridge repair project is 20 years.

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

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

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

**And, in the Alternative, Re-Adopting the Same
First Reading, Second Reading, and Adoption**

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

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

AND, IN THE ALTERNATIVE, RE-ADOPTING THE SAME

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

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

WHEREAS, it has come to the attention of the City that the posting of the Public Hearing Notice with respect to the 2-4 Walnut Street Acquisition and Bonding Resolution may not have been accomplished so as to meet the requirements for such posting established in RSA 91-A:2, II, since the Public

Hearing Notice was not published in a newspaper of general circulation within the City of Rochester, and (although the habitual and customary practice of the City is to post such a public hearing notice in two (2) appropriate places within the City of Rochester), the existing documentation as to whether the Public Hearing Notice was posted in two (2) appropriate places within the City of Rochester at least 24 hours, excluding Sundays and holidays prior to the meeting at which the Public Hearing was to be held, is unclear and/or inadequate: and

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

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

- a. The Mayor and City Council of the City of Rochester ratify, affirm, and confirm the approval and adoption of the 2-4 Walnut Street Acquisition and Bonding Resolution annexed hereto as **Exhibit A**, on October 5, 2010, and to the extent necessary and/or possible legalize such actions; and
- b. In the alternative, and to the extent necessary, the Mayor and City Council of the City of Rochester hereby re-adopt and re-approve the 2-4 Walnut Street Acquisition and Bonding Resolution annexed hereto as **Exhibit A**, effective as of December 7, 2010. **CC FY 15 11-05 AB 56 (3)**

EXHIBIT A

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

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

That the Mayor and City Council hereby approve the terms and conditions of a Purchase and Sales Agreement between the City and owner of a certain tract or parcel of land known, and referred to, as 2-4 Walnut Street, Rochester, NH, negotiated by the City Manager on behalf of the City of Rochester ("City") in November 2010, for use in purchasing said property

known, and referred to, as 2-4 Walnut Street for use in connection with improvements to the North Main Street, Jackson Street, Washington Street and Walnut Street intersection, and the said City Manager is further authorized to hold a closing in connection therewith and to bond the sum of sign all documents, and to take such actions, necessary to implement the land acquisition contemplated by the aforesaid Purchase and Sales Agreement.

Further, that the sum of Three Hundred Thousand Dollars (\$300,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2010-2011 capital budget for the City of Rochester, Department of Public works, such funds to be used in purchasing said property known, and referred to, as 2-4 Walnut Street for use in connection with improvements to the North Main Street, Jackson Street, Washington Street and Walnut Street intersection. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the proceeds of notes and/or bonds issued by the City of Rochester. Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby is authorized to borrow the sum of Three Hundred Thousand Dollars (\$300,000.00) through the issuance of bonds and/or notes, for the purpose of funding the aforesaid land purchase, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter. The useful life for the aforementioned land purchase and related project is 20 years.

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

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

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

Mayor Jean stated that if there were no objections he would amend the agenda to include a resolution in regards to Ten Rod Road. No objections were made.

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
CITY MANAGER TO INSTITUTE PROCESS
TO DISCONTINUE PORTION OF TEN ROD ROAD

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

WHEREAS, the traditional entrance to the so-called Ten Rod Road from North Main Street has been reconfigured in connection with the recent Spaulding Turnpike improvement project involving Exit 14, so that the entrance to the so-called Ten Rod Road is now located across North Main Street from the so-called Bank of New Hampshire at a four-way signalized traffic light; and

WHEREAS, such reconfiguration has resulted in a portion of the old Ten Rod Road, extending from such old entrance to the Ten Rod Road to the newly established boundary of the limited access right-of-way of the reconfigured entrance to the Ten Rod Road (at the new signal lights lying in and across North Main Street, directly in front of the Bank of New Hampshire branch), which is no longer necessary for City right-of-way purposes, such portion of the old Ten Rod Road being sometimes referred to as the "Ten Rod Road Annex",

NOW THEREFORE, the Mayor and City Council, by adoption of this Resolution, hereby instruct the City Manager, and/or his designee(s) to undertake such actions and other steps, including the provisions of required notices, all in accordance with absolute discontinuance of the shaded portion of the Ten Rod Road (f/k/a Ten Rod Road Annex right-of-way) depicted in **EXHIBIT A** annexed hereto, at a future meeting of the Mayor and City Council scheduled in accordance with the requirements of RSA 231:43 – RSA 234-46, and with such absolute discontinuance being made subject to the reservation of any and all existing sewer, drain, water pipe, and/or other utility easements (including all necessary maintenance and/or access easements) or any and all permits or licenses established pursuant to RSA 231: 159-182 **CC FY 15 AB 61 Exhibit A – Attached to this set of minutes as Addendum A**

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

13. Other

Councilor Collins talked about the town of Londonderry. He said they created a TIF District and were able to reduce their tax rate slightly this year.

Councilor Collins gave a lengthy history about residents of Rochester and the World War II memorial monument situated outside of City Hall. He encouraged all residents to look at the names on this monument and realize that at least one family had seven members of their family printed on this monument.

Councilor Varney publicly announced that the Middle School would hold its annual Veterans Day Assembly. Mayor Jean gave details about the event and invited the public to attend.

14. Non-Public Session

14.1. Non-Public Personnel, RSA 91-A 3 II (a)

Councilor Lachapelle **MOVED** to enter into a Non-Public Session, under Personnel, RSA 91-A 3 II (a) at 8:12 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilors Gray, Laroche, Lauterborn, Keans, Bogan, Varney, Hamann, Torr, Collins, Lachapelle, Gates, Walker, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Session and to seal the minutes indefinitely at 9:52 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

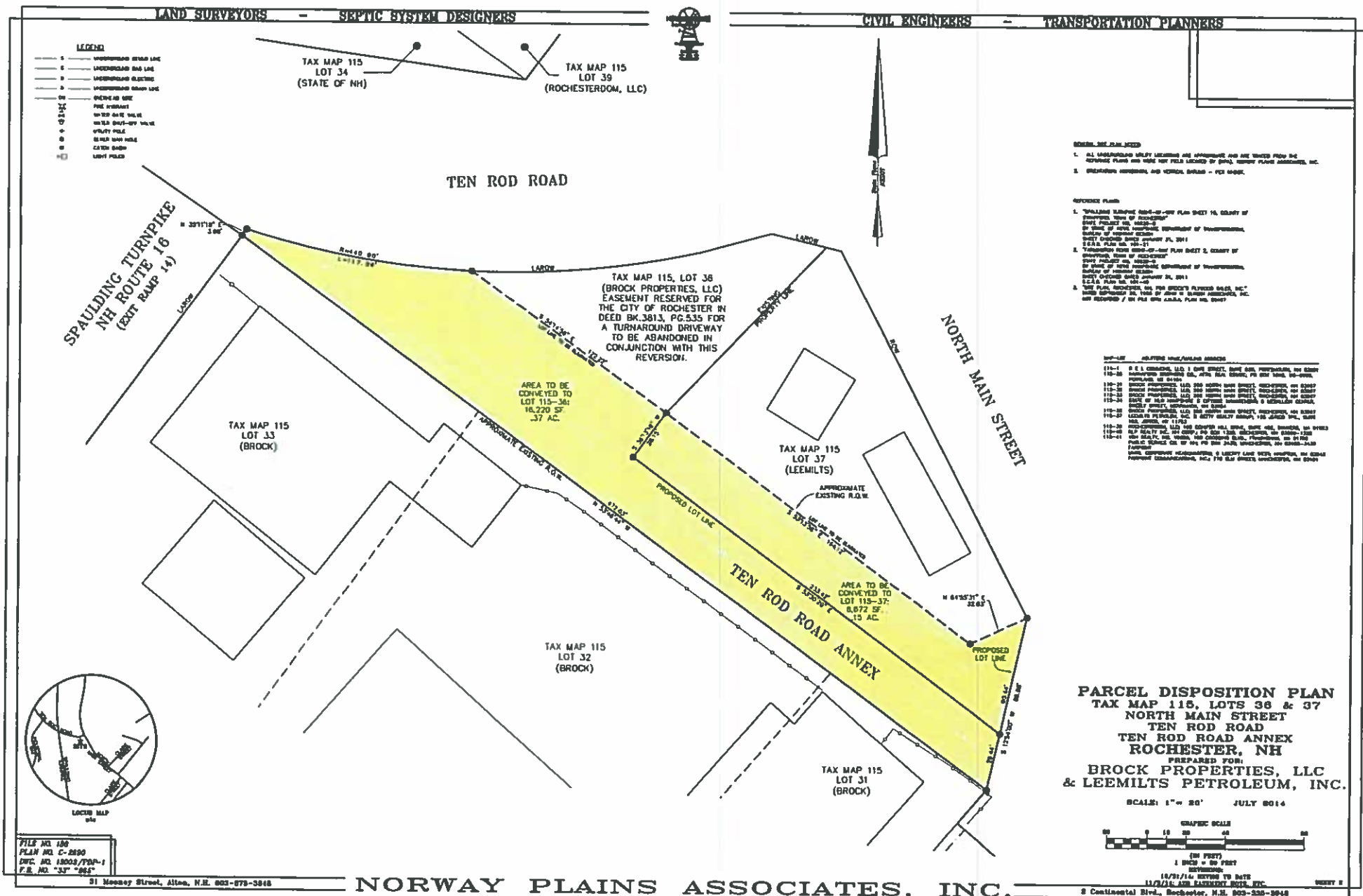
15. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 9:52 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters
City Clerk

Addendum A



**NORWAY PLAINS ROAD SUBDIVISION
ROADWAY AND LOT
PHASING**

Prepared by; Severino Trucking Co., Inc.
9/26/2014

Addendum B

Miller's
Farm
Drive

Lantern
Lane

Rongway
Drive

23 LOTS COMPLETED

AVAILABLE LOTS
PHASE #1A - 4 LOTS
PHASE #1B - 10 LOTS
PHASE #2 - 31 LOTS
PHASE #3 - 30 LOTS

GENERAL CONTRACTOR

SEVERINO
TRUCKING CO., INC.

SITE DEVELOPMENT

ROAD CONSTRUCTION

512 RAYMOND ROAD
PO BOX 202
CANDIA, NH 03034
PH. 603-483-2133
FX. 603-483-2998
EMAIL; estimating@
severinotrucking.com



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