

**Regular City Council Meeting  
December 1, 2015  
Council Chambers  
7:02 PM**

**COUNCILORS PRESENT**

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

**OTHERS PRESENT**

Daniel Fitzpatrick, City Manager  
Blaine Cox, Deputy City Manager  
Terrence O'Rourke, City Attorney  
Members of the Spaulding High  
School Air Force JROTC Color  
Guard  
John Storer, Commissioner of  
Public Works  
Rick Lundborn, REDC  
Jeff Wiggin, Buildings and Grounds

**MEMBERS EXCUSED**

Councilor Hamann

**MINUTES**

**1. Call to Order**

Mayor Jean called the Regular City Council meeting to order at 7:02 PM.

**2. Presentation of the Colors – Spaulding High School AFJROTC - Color Guard**

**2.1. Pledge of Allegiance**

The Spaulding High School AFJROTC Color Guard – Lead Captains, presented the colors and led the Pledge of Allegiance.

**2.2. Proclamation: Spaulding High School AFJROTC - Color Guard – New Hampshire State Champions**

Mayor Jean presented the Spaulding High School AFJROTC Color Guard – Lead Captains, with a Proclamation declaring December 1, 2015, as Air Force JROTC Day and congratulated them on their many accomplishments. He said the AFJROTC Color Guard has earned the status of State Champions

for the third consecutive year.

### 3. Opening Prayer

Mayor Jean asked for a moment of silence in honor of all military personnel fighting for our Country's freedom and for those people who have lost their lives due to the senseless acts of terrorism both domestic and foreign.

### 4. Roll Call

Kelly Walters, City Clerk, took a roll call. All Councilors were present, except for Councilor Hamann, who had been excused, and Councilor Lachapelle who arrived at 7:11 PM. *Councilor Torr was later excused from the City Council meeting at 8:30 PM.*

### 5. Acceptance of Minutes

#### 5.1. [November 4, 2015, Regular City Council Meeting](#)

Councilor Walker **MOVED** to **ACCEPT** the November 4, 2015, Regular City Council meeting minutes. 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 invited Jeff Wiggin, Buildings and Grounds Department, to come forward. City Manager Fitzpatrick said Mr. Wiggin works for the Buildings and Grounds Department, and has also assisted at the Rochester Community Center. He always has a positive attitude at work. City Manager Fitzpatrick presented Mr. Wiggin the Employee of the Month Award for December.

#### 6.2. City Manager's Report

City Manager Fitzpatrick gave the following report:

Management Team Meeting minutes:

- October 26, 2015

- November 2, 2015
- November 9, 2015

Contracts and documents executed since last month:

- Department of Public Works
  - Community Center – Men's Locker Room – renovations agreement
  - DPW Facility Study – Phase I & II Environmental Assessments – 58 Pickering Road
  - Milton Road – EDA Project Time Extension request
  - Spring 2017 Household Hazardous Waste Day – grant application commitment letter
  - Pictometry authorization for consultant use – GIS mapping
  - Route 125 Pedestrian Bridge Replacement Project – agreement
- Economic & Community Development
  - Certificates of Consistency review – NH Bureau of Homeless and Housing Services
  - Community Development Block Grant (CDBG) Contract – Rochester Housing Authority (RHA) – accessibility improvements
- MIS Department
  - Interware Confidentiality Agreement – online tax and utility bill payment project

The following Computer Lease/Purchase and Tuition Reimbursement requests have been approved:

- Grenier, K – Buildings, Zoning & Licensing Services

The following additional information has been received:

- Metrocast – Local Origination programming change letter – Channel 12
- Metrocast – Rate change letter

The following standard reports have been enclosed:

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

Councilor Lauterborn referred to page 11 of the City Council packet. She said that the Management Team Minutes indicate that the Small

Businesses Development Center [SBDC] is no longer providing technical assistance for the small business in Rochester. She questioned if SBDC is a government agency or not. City Manager Fitzpatrick agreed to check into the matter for the City Council.

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

### **7.1. Announcement: East Rochester School Open House – December 2, 2015, at 6:00 PM**

Mayor Jean announced that the East Rochester School is having an Open House on December 2, 2015, at 6:00 PM.

### **7.2. Announcement: Rochester Christmas Tree Lighting - December 4, 2015 at 5:00 PM**

Mayor Jean announced that the Rochester Christmas Tree Lighting would be held on December 4, 2015, at 5:00 PM, with entertainment to follow.

### **7.3. Announcement: Rochester Christmas Parade - December 6, 2015 at 3:00 PM**

Mayor Jean announced that the Rochester Christmas Parade would be held on December 6, 2015, at 3:00 PM.

### **7.4. Recognition: Rick Lundborn, REDC**

Mayor Jean invited Rick Lundborn to come forward. He wished to thank Mr. Lundborn for serving on the Rochester Economic Development Commission as Chair for the last six years. Mayor Jean said Mr. Lundborn worked extensively on the Albany and Safron expansion project. He thanked Mr. Lundborn on behalf of the City of Rochester.

Mayor Jean read aloud a proclamation recognizing Waste Management, Inc. for preserving and restoring wildlife habitats across North America. He declared December 2, 2015 as "Local Wildlife Habitat Day" in the City of Rochester and asked citizens to celebrate with Waste Management by visiting their Gonic Trails and learning about some of the natural and cultural heritage while experiencing the outdoors.

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

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

**9.1. Elections: Jewel Hebert, Ward 3, Supervisor of the Checklist**

Mayor Jean **NOMINATED** Jewel Hebert, resident of Ward 3, to serve as the Supervisor of the Checklist with a term to expire on January 1, 2018. Councilor Keans seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Ms. Hebert has been elected to serve as the Supervisor of the Checklist for Ward 3, by a unanimous roll call vote.

**9.2. Resignation: Tom Willis, Planning Board**

Mayor Jean said Tom Willis, resident of Ward 4, has been elected to serve as a Member of the City Council, in which case he has submitted a resignation as a Regular Member to the Planning Board, as of January 5, 2016. Mayor Jean **MOVED** to **ACCEPT** the resignation with regret. Councilor Gates seconded the motion. Councilor Keans wished to clarify that this action would allow for another appointment to that seat now. Mayor Jean replied yes, however, Mr. Willis would serve at Planning Board Meetings until January 5, 2016. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean suggested filling one of the vacant Planning Board Seats this evening. He noted that the Chair of the Planning Board is not able to make some of the meetings in the January and February timeframe. He **NOMINATED** David Walker to serve on the Planning Board starting in on January 5, 2016. Councilor Torr seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that David Walker has been appointed to the Planning Board, with a term to expire on January 2, 2017, by a unanimous ballot vote of 12 to 0.

**10. Reports of Committees**

**10.1. Appointments Committee**

Councilor Larochelle said the Appointments Committee unanimously recommends Daniel Peterson for reappointment to the Utility Advisory Board, with a term to expire on January 2, 2018. He added that Mr. Peterson is currently the Chair of the Utility Advisory Board. Mayor Jean nominated Mr. Peterson for reappointment. Councilor Lachapelle seconded

the nomination. Councilor Walker **MOVED** that nominations cease and the City Clerk cast one ballot for Mr. Peterson. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Mr. Peterson has been reappointed to serve on the Utility Advisory Board, with a term to expire on January 2, 2018.

Councilor Larochelle said the Appointments Committee unanimously recommends Steven Maimes for reappointment to the Board of Library Trustees, Ward 2, with a term to expire on January 2, 2019. Mayor Jean nominated Mr. Maimes for reappointment. Councilor Walker seconded the nomination. Councilor Walker **MOVED** that nominations cease and the City Clerk cast one ballot for Mr. Maimes. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Mr. Maimes has been reappointed to serve on the Board of Library Trustees, Ward 2, with a term to expire on January 2, 2019.

Councilor Larochelle said the Appointments Committee unanimously recommends John Roese for reappointment to the Board of Library Trustees, Ward 6, with a term to expire on January 2, 2019. Mayor Jean nominated Mr. Roese for reappointment to the Library Trustees, Ward 6. Councilor Walker seconded the nomination. Councilor Walker **MOVED** that nominations cease and the City Clerk cast one ballot for Mr. Roese. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Mr. Roese has been reappointed to serve on the Board of Library Trustees, Ward 6, with a term to expire on January 2, 2019.

Councilor Larochelle stated that Councilor Gray had created a possible list of names and expiration dates for the City Council to approve relative to the New Recreation and Arena Commission. Mayor Jean said this could be taken up later in the meeting, after the formal Amendment to Chapter 21.4 had been taken.

## **10.2. Community Development**

Councilor Gray stated that the November 19, 2015, Community Development meeting had been canceled. The next meeting would be held on December 10, 2015, at 6:00 PM.

## **10.3. Finance Committee Meeting**

Mayor Jean briefed the City Council about the Finance Meeting. He said the Committee discussed the political campaign use at City facilities. He said a discussion regarding the creation of a School Facilities Capital Reserve Fund

had been discussed. He noted that the motion to send this matter to the full City Council failed; however, the resolution is on the Agenda under New Business and can be discussed further at that time.

Mayor Jean stated if there were no objections the Finance Committee meeting would be canceled due to lack of an Agenda. No objections were stated and there will not be a Finance Committee meeting in December.

#### **10.4. Public Safety Committee**

Councilor Walker said the Public Safety Committee discussed many items and some items have been kept in Committee. He reviewed the action items from the report.

Councilor Walker said the following motion had been approved at the Committee meeting: *to approve a "blind driveway" sign at the owner's expense located at 201 Chestnut Hill Road.* Subsequently, it was noted that the resident did not wish to pay for the sign; however, Councilor Walker suggested moving forward with the motion regardless. He **MOVED** to approve a "blind driveway" sign at 201 Chestnut Hill Road, at the discretion of the Public Works Department. Councilor Gates seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker said there is no streetlight within 50 feet of the intersection of Anderson Lane/Franklin Street. He **MOVED** to authorize the City Manager to direct staff to install a streetlight at the corner of Anderson Lane/Franklin Street. Councilor Lachapelle seconded the motion. Councilor Keans questioned if there was already a streetlight pole at that location. Councilor Walker replied yes. Councilor Keans noted that many streetlights are out throughout the City at this time. The **MOTION CARRIED** by a majority voice vote.

Councilor Walker said that curb cuts already exist on Franklin Street to Anderson Lane, however, a crosswalk had never been painted. Councilor Walker **MOVED** to direct the City Manager to have a crosswalk painted on Franklin Street at Anderson Lane. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker said Mrs. Rabb has requested that parking not be permitted on the Corner of Grove Street/Highland Street. Councilor Walker **MOVED** that a sign reading "no parking here to corner" be placed on Highland Street, at the discretion of Public Works. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker said there was a major discussion about the traffic flow around William Allen Elementary School. He showed photographs of the traffic issues during parental/child pick-up times before/after school on Daveyanne Locke Lane, and Woodman Street, This is a safety issue because emergency vehicles could not possibly make it through the lined up cars. He noted there had been a fire in one of the homes recently and the fire trucks were delayed because of the traffic issues. Councilor Walker said the Committee tried to compromise to resolve the tension between residents vs. parents dropping off their children for school. Councilor Walker **MOVED** to post signs that read ***Resident Parking Only and No Standing Monday-Friday 8:00 AM to 8:30 AM and 2:00 PM to 3:30 PM.*** Councilor Gates seconded the motion. The City Council discussed the matter. Superintendent Hopkins agreed that this would help in resolving the traffic issues; however, he suggested that Granite Street be included in the motion. Councilor Walker clarified that the motion should include posting the signs on Daveyanne Locke Lane, Woodman Street, and Granite Street. Superintendent Hopkins said the administration would assist in getting the word out to the parents until the signs have been posted. It was noted that the residents would have parking permit stickers to make it easier for the Police Department to identify the vehicles, which are not permitted to park in the area. Councilor Gray and Councilor Lauterborn felt Myrtle Street should be included in the Motion. Councilor Walker **MOVED** to add Myrtle Street to the list of streets in which to post such signs. Councilor Gates seconded the motion. Councilor Keans cautioned about posting signs around the park on Myrtle Street. Mayor Jean said there is no good resolution to this problem and the Public Safety Committee could keep revising the issue as needed. He called for a motion on the Amendment to add Myrtle Street. The **MOTION CARRIED** by a majority voice vote. The main motion is now as follows: to post signs on Daveyanne Locke Lane, Woodman Street, Granite Street, and Myrtle Street: ***Resident Parking Only and No Standing Monday-Friday 8:00 AM to 8:30 AM and 2:00 PM to 3:30 PM.*** The **MOTION CARRIED** by a unanimous voice vote.

#### **10.5. Public Works Committee**

Mayor Jean said Commissioner Storer gave the Public Works Committee a comprehensive review of all Public Works projects.

Mayor Jean said Owen Friend-Gray, new Assistant City Engineer, gave a brief review of the streets to be accepted by the City. Mr. Friend-Gray indicated that most of the streets seeking acceptance are not ready with the exception of the three streets in the subdivision off from Norway Plains Road, which are to be voted on later this evening.



Mayor Jean said the Committee discussed the City Hall Annex project. Unfortunately, the filing timeframe in which to apply for the LCHIP Grant has already passed. This project is still moving forward without this funding.

Councilor Varney and Councilor Torr stated concerns about recent changes to the design plan of the City Hall Annex. Councilor Torr said the Department Heads were getting involved with making changes. He requested that the Public Works Committee and City Council review these changes soon. Councilor Varney expressed concern about staying on track in order to send the project out to bid in early spring. Commissioner Storer replied that they have met with some of the Department Heads to review some of the proposed space needs. He agreed to bring the proposed plans/changes to the next Public Works Committee for review. He hoped to stay on track in order to go out to bid as soon as May 2016. He gave details about some of the floor plans, which he felt were changes in the right direction. He agreed to send out an email to the City Manager the following day. Mayor Jean confirmed that no elaborate changes to the plan have been made.

Mayor Jean **MOVED** to authorize the City Manager to direct staff to enter into the Mutual Aid Agreement for the New Hampshire Public Works Mutual Aid Program. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Torr asked about the status of the City Councilors mailbox project. Mayor Jean said the Committee discussed the possibility of installing City Council mailboxes in the hallway of City Hall to allow City Councilors to pick up their mail during times when the City Manager's office is closed. It was determined that a combination lock would be installed on the City Manager's door to allow City Councilors access to their mailboxes during times in which the City Manager's office is closed. This would also be the less expensive option.

Councilor Torr asked about the status of the electronic messaging sign. Mayor Jean said this has been held in Committee. The City Council discussed areas in which the sign could be placed, including the intersection of Union Street/Wakefield Street, Columbus Avenue near the oil tanks, the bottom of Rochester Hill Road, North Main Street near the cemetery, and City Hall parking lot. City Manager said the signs would be double-sided and thought the back entrance of the City Hall parking lot off Columbus Avenue should be considered as a potential location for the electronic message sign. Commissioner Storer stated that they would consider all these locations and added that another location could be near the Lowell Street intersection.

Councilor Torr said there was another water leak between the Rochester Reservoir and Round Pond. He said these water leaks seem to have increased in this area over the last five years. Commissioner Storer said there have been three waterleaks on the old waterline [1870's.] He gave details about the

difficulties in repairing the leaks. He is working on addressing this issue with a CIP request in the coming budget cycle.

Councilor Varney spoke about the School Department's snow removal process and the purchase of a front-end loader. He cautioned the City Council about allowing the School Department to purchase a lot of heavy equipment. Superintendent Hopkins said this equipment would be used for all the schools. Councilor Varney stated that he would be willing to supply the Department of Public Works with resources they may need to complete snow removal at all Rochester schools, instead of having equipment in both locations.

Councilor Torr agreed with having the Department of Public Works purchase the equipment. He said it would be worth it to spend a little more money on an efficient piece of equipment that could be used by both the Public Works and the School Department. Councilor Gates agreed and stated that it is a waste of taxpayers' money to allow a piece of equipment to be unused for more than 7 months out of each year.

Commissioner Storer expressed his willingness to meet with the School Department to discuss ways to share snow removal resources.

The City Council debated what type of vehicle should have been purchased for this situation.

## **11. Old Business**

## **12. Consent Calendar**

Councilor Walker **MOVED** to **ADOPT** the resolutions on the Consent Calendar as submitted. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **12.1. AB 61 Resolution De-Authorizing City of Rochester Recreation and Arena Department Capital Improvement Project (CIP) Funding for the Vehicle and Equipment Replacement Program First Reading, Second Reading, and Adoption**

#### **RESOLUTION DEAUTHORIZING CITY OF ROCHESTER RECREATION AND ARENA DEPARTMENT CAPITAL IMPROVEMENT PROJECT (CIP) FUNDING FOR THE VEHICLE AND EQUIPMENT REPLACEMENT PROGRAM**

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

Five Hundred Eighty Two and 64/100 Dollars (\$582.64) of previous appropriation of funds is deauthorized from the FY 2015 Recreation and Arena CIP Fund for the Vehicle and Equipment Replacement Program.

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 FY16 12-01 AB 61**

**12.2. AB 62 Resolution Pursuant to RSA 33:9 De-Authorizing A Portion of the Bond Authority From the So-Called Library Security System Streets Project in the Rochester Library Capital Improvement Project (CIP) Fund First Reading, Second Reading, and Adoption**

**RESOLUTION PURSUANT TO RSA 33:9 DEAUTHORIZING A PORTION OF THE BOND AUTHORITY FROM THE SO-CALLED LIBRARY SECURITY SYSTEM PROJECT IN THE ROCHESTER LIBRARY CAPITAL IMPROVEMENT PROJECT (CIP) FUND**

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

The Mayor and City Council of the City of Rochester, by adoption of this resolution, in accordance with the provisions RSA 33:9, hereby withdraw and deauthorize Three Dollars (\$3.00) of the previous bond authority for the so-called Library Security System project from the Rochester Library CIP fund.

**Furthermore**, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY16 12-01 AB 62**

**13. New Business**

**13.1. AB 63 Street Acceptance: Rangeway Drive, Millers Farm Drive, and Winch Way – First Reading refer to Public Works Committee**

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

**RESOLUTION ACCEPTING MILLER'S FARM WAY, WINCH WAY, AND  
RANGE WAY DRIVE  
AS CITY STREETS**

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

**That**, by adoption of this Resolution, the Mayor and City Council of the City of Rochester hereby accepts so-called Miller's Farm Road, Winch Way, and Range Way Drive at the Villages at Norway Plains as City streets, the location of said streets having been previously approved by the Planning Board in accordance with the provisions of R.S.A. 674:40.

**BE IT FURTHER RESOLVED** that the City Council "accepts" these roadways in their "as is" condition for the present benefit of the residents of these streets but by the acceptance does not waive, and specifically retains, any claims it may have against the developer of the street or any contractor or other party involved in the construction of the subdivision for any deficiencies that may exist. **CC 2013-09-03 AB 63**

Councilor Varney **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Mayor Jean said the Assistant City Engineer indicated that these particular streets were ready for acceptance. The **MOTION CARRIED** by a unanimous voice vote.

**13.2. AB 68 GIS Mapping of Water, Sewer, Stormwater  
& Highway Infrastructure –Transfer of Funds  
Within Existing CIP – Motion to Direct the  
Finance Department to Set Up a Project Specific  
Account for the GIS Implementation, and to  
Make the Necessary Transfers from Current  
Capital Accounts as Outlined in the Agenda Bill**

Councilor Lachapelle **MOVED** to authorize the necessary transfers [\$162,500] of funds from current Capital Accounts as outlined in the Agenda Bill for the GIS Implementation. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13.3. AB 60 Amendment to Chapter 21.4 Terms and  
Officers of Commission First Reading and  
Adoption**

Councilor Gray gave a brief overview of the proposed amendment.

Councilor Varney asked if all members from both the Arena Commission and the Recreation Commission would be appointed to the newly created Recreation and Arena Commission. Councilor Gray replied yes.

Councilor Gray **MOVED** to Amend Chapter 21.4 Terms and Officers as follows:

**21.4 Term and Officers of Commission. The terms of the City Council and School Board Commissioners shall be commensurate with their terms of service on their respective boards. Commencing January, 2016, the eleven (11) ~~five (5)~~ Commissioners shall be appointed for ~~a one (1), two (2) and three (3) year terms and six (6) Commissioners shall be appointed for a three (3) year term as determined by the City Council.~~ Thereafter, all appointments and reappointments shall be for a term of three (3) years. The Mayor shall appoint the chairman and the commission shall, from its own members, elect a secretary and other necessary officers to serve for one year or until their successors are elected.**

Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13.4. AB 64 Resolution Pursuant to RSA 34:1  
Establishing a School Building Capital Reserve  
Fund First Reading, Second Reading and  
Adoption**

Mayor Jean stated that this is the resolution discussed at the last Finance Committee meeting and the recommendation to send to the full City Council failed by a 3-to-3 tie vote. Mayor Jean forwarded this to the full Council under New Business this evening.

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

**RESOLUTION PURSUANT TO RSA 34:1 ESTABLISHING A SCHOOL  
BUILDING CAPITAL RESERVE FUND**

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

**By adoption of this Resolution,** the City Council establishes a Capital Reserve Fund pursuant to RSA 34:1 for the purpose of rehabilitating, enlarging, replacing, and/or constructing new school facilities and/or the purchase of land for the enlargement of existing school facilities and/ or siting of new school facilities. The name of such fund shall be the School Building Fund.

**The City Council,** at its sole discretion, may appropriate monies to said School Building Fund through the annual budgeting process and/or use of Unassigned General Fund fund balance. No transfer of a specific fiscal year's annual surplus to the School Building Fund shall be considered until after the annual audit presentation by the independent auditor and confirmation of the stated surplus. The City Council may also accept and appropriate gifts, legacies and trusts to the School Building Fund. Funds from the City's unencumbered surplus funds may be transferred into the School Building Fund after a 3/4 vote of the City Council. All other appropriations to the School Building Fund require a majority vote of the City Council.

Expenditure of funds from the School Building Fund is at the sole discretion of the City Council.

Pursuant to RSA 34:6, the Trustees of Trust Funds shall have custody of all capital reserves transferred to the School Building Fund. The Trustees of the Trust Fund will hold the monies appropriated to the School Building Fund in a separate account. Appropriations made to the School Building Fund will be paid over to the Trustees of the Trust Fund after July 1 but prior to June 30 of the fiscal year of the appropriation.

The City Council may dissolve the School Building Fund at its sole discretion. Upon dissolution of any portion of said fund appropriated from the General Fund said funds will lapse to surplus (Undesignated General Fund fund balance) and cannot be repurposed directly to a different capital fund or project. Any funds contained in the School Building Fund accepted and appropriated from gifts, legacies or trusts may be redirected at the discretion of the City Council.

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 FY16 12-01 AB 64**

Councilor Gray **MOVED** to **ADOPT** the resolution. Councilor Larochelle seconded the motion.

Mayor Jean said the Finance Committee had an extensive discussion about creating this fund. He said Daniel Harkinson, School Board Chair, supported this idea. This fund would outline future capital improvement plans for the Rochester Department. He mentioned several financial benefits this fund would provide. He stressed the point that the City Council would have full control of what money is placed in the fund and what money is expended from the fund.

Mayor Jean understood that Councilor Varney had prepared an amendment regarding how the resolution is written. Councilor Varney expressed concerns over how much control the City Council would actually have over this fund. He noted that future Councils could potentially move money from the General Fund into the proposed School Building Fund. He said the City Council currently uses about \$2,000,000 of the General Fund to offset taxes, which he believes needs to continue. He added that the School Board could potentially have the ability to appropriate an amount directly into the School Department's budget for the purpose of Capital Improvements and that the City Council does not have line-item veto power. This is why he would propose an amendment to the resolution.

The City Council discussed the required  $\frac{3}{4}$  vote. Attorney O'Rourke said the Statute does not specify whether the required  $\frac{3}{4}$  vote refers to the full City Council or Council members present at such a meeting. The City Council should clearly specify which type of vote would be required in the resolution.

Several Councilors expressed concerns and suggested the resolution be sent back to the Finance Committee for further review. Mayor Jean said this is not a pressing issue; however, he reiterated the benefits of establishing such a fund.

Councilor Keans expressed concerns in the potential amendment to the resolution presented to the City Council by Councilor Varney. Councilor Lauterborn supported sending this matter back to the Finance Committee. Councilor Varney **MOVED** to send the matter back to the Finance Committee. Councilor Gates seconded the motion. The **MOTION CARRIED** by a 7 to 5 show-of-hands, *the first voice vote was unclear*. Councilor Varney suggested that the Finance could meet in December to further discuss the issue.

**13.5. AB 65 Amendment to Chapter 5.3 Election  
Official Salaries First Reading, Second Reading,  
and Adoption**

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

**AMENDMENTS TO CHAPTER 5 OF THE GENERAL ORDINANCES OF THE  
CITY OF ROCHESTER REGARDING SALARIES OF MUNICIPAL  
ELECTION OFFICIALS**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 5 of the General Ordinances of the City of Rochester regarding the salaries of municipal election officials and currently before the Rochester City Council, be amended as follows:

**5.3 Elected Officials.**

The following salaries shall be paid to the following city officials:

(a) Effective January 1, 2008:

- (1) Mayor - \$2,400.00 per year in addition to salary as City Councilor;
- (2) Deputy Mayor - \$100.00 per year in addition to salary as City Councilor;
- (3) City Councilor - \$1,000.00 per year, plus \$10.00 per meeting for each member of a Regular, Workshop or Special City Council Committee attending a meeting of such committee of which a quorum is present. The chairman of any regular or special committee of the city council shall receive an additional \$100.00 per year;
- (4) School Board Member - \$1,000.00 per year, plus \$10.00 per meeting for each member of a Regular, Workshop or Special School Board Committee attending a meeting of such committee of which a quorum is present. The chairman of any regular or special committee of the School Board shall receive an additional \$100.00 per year;
- (5) Police Commissioner - \$1,000.00 per year;
- (6) Election Officials



- A. Ward Moderator - ~~\$125.00~~ **\$150.00** per day
- B. Ward Clerk - ~~\$100.00~~ **\$125.00** per day
- C. Selectman - ~~\$100.00~~ **\$120.00** per day
- D. Checklist Supervisor - ~~\$125.00~~ **\$150.00** per election or session day
- E. Checklist Supervisor Chairman – none

**[3]**

- F. Ballot Clerk - ~~\$85.00~~ **\$100.00** per day
- G. In the event that an election official, ~~other than a checklist supervisor~~, shall perform duties and/or attend any election related activity approved by the City Clerk and lasting four (4) or less hours, the election official(s) in question shall receive a per diem payment for the performance of such duties or attending such activity at a rate one-half that provided for in subparagraphs 6(a)(b)(c) and (f) above. ~~Checklist Supervisors, including the Chairman, shall receive a per diem payment of \$125.00 for performing such duties or attending such activities.~~

**This amendment shall take effect on January 1, 2016.**

Councilor Walker **MOVED** to **ADOPT** the Amendment. Councilor Lachapelle seconded the motion. Councilor Gray wished to be recused from the vote. The **MOTION CARRIED** by a unanimous voice vote, with Councilor Gray abstaining.

**13.6. AB 66 New Scholarship Funds for Rochester Trust Fund Motion to Approve**

Councilor Keans **MOVED** to **APPROVE** the transfer of the following Scholarship Funds from the School Department to the Trustees of the Trust Fund:

- 1. Arlene Meyer Scholarship Fund
- 2. Spaulding High School Scholarship [Student Planning a Career in the Teaching Profession]
- 3. Kevin Campbell Memorial

Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13.7. AB 67 Development Agreement Between the City and Waterstone Retail, Inc. Motion to Authorize City Manager to Sign the Development Agreement**

Councilor Varney **MOVED** to read the Agreement by title only for the first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Agreement between the City and Waterstone Retail, Inc. by title only for the first time. Councilor Lachapelle **MOVED** to suspend the rules and read the agreement by title only for the second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Agreement between the City of Rochester and Waterstone Retail, Inc. by title only for the second time. Councilor Walker **MOVED** to Authorize the City Manager to sign the Development Agreement between the City of Rochester and Waterstone Retail, Inc. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean said the tax rate has been set and it came in lower than anticipated. The new tax rate has increased by \$0.68 or 2.48%. The new tax rate is \$28.15 per thousand.

Councilor Gray mentioned that the newly formed Recreation and Arena Commission should be formally voted upon, with their expiration dates. Mayor Jean **MOVED** to appoint the following slate of members to the Recreation and Arena Commission as proposed in the City Council packet:

- Joan Cadorette-Strogen, term to expire on January 2, 2017
- Jeffrey Turgeon, term to expire on January 2, 2017
- Paul Roberts, term to expire on January 2, 2017
- Regan Dowe, term to expire on January 2, 2018
- Kevin Barry, term to expire on January 2, 2018
- David Anctil, term to expire on January 2, 2018
- Dale Bickford, term to expire on January 2, 2018
- Robert Brown, term to expire on January 2, 2019
- Richard Clough, term to expire on January 2, 2019
- David Colson, term to expire on January 2, 2019
- Shelia Colson, term to expire on January 2, 2019

Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **14. Non-Public Session**

##### **14.1. Non-Public Session, RSA 91-A:3,II (a) Personnel**

Councilor Lachapelle **MOVED** to enter into the Non-Public Session under RSA, 91-A:3,II (a) Personnel at 8:00 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to

0. Councilors Gray, Larochelle, Lauterborn, Keans, Bogan, Varney, Collins, Lachapelle, Gates, Walker, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Session at 9:13 PM and to seal the minutes indefinitely. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **15. Other**

Councilor Lauterborn suggested that the Council review literature from the recent NHMA conference regarding the recorded minutes of non-public sessions. Mayor Jean indicated that this topic would be added to the Council Workshop agenda of December 15, 2015.

Councilor Varney **MOVED** to adjust the City Manager's base salary by an increase of 3.75% retroactive to September 1, 2015. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Bogan, on behalf of the entire Council, presented Mayor Jean with a gift to signify the Council's appreciation for Mayor Jean's six years on the Council.

Councilor Collins suggested that as a means to better understand the significance of the December 7<sup>th</sup> Pearl Harbor Remembrance Day, that everyone ask an older person how they learned of the Japanese attack on December 7, 1941.

## **16. Adjournment**

Councilor Lachapelle **MOVED** to **ADJOURN** the Regular City Council meeting at 9:20 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters  
City Clerk