

**Regular City Council Meeting  
October 4, 2016  
Council Chambers  
7:02 PM**

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Barnett  
Councilor Bogan  
Councilor Gates  
Councilor Hamann  
Councilor Keans  
Councilor Lachapelle  
Councilor Lauterborn  
Councilor Torr  
Councilor Varney  
Councilor Willis  
Mayor McCarley

**OTHERS PRESENT**

City Manager Daniel Fitzpatrick  
Deputy City Manager Blaine Cox  
City Attorney Terence O'Rourke  
Commissioner John Storer  
Karen Pollard, Economic Developer  
Julian Long, Community Development  
Coordinator/Grant Manager  
Michael Riley, Director of the Building  
and Grounds Department

**MEMBERS EXCUSED**

Councilor Gray

**MINUTES**

**1. Call to Order**

Mayor McCarley called the Regular City Council Meeting to order at 7:02 PM.

**2. Pledge of Allegiance**

Mayor McCarley led the Pledge of Allegiance.

**3. Opening Prayer**

Mayor McCarley called for a moment of silence for all military personnel and for the residents of Haiti, who are expected to deal with a major hurricane over the next few days.

**4. Roll Call**

Kelly Walters, City Clerk, took a roll call. All Council members were present except for Councilor Gray, who had been excused.

**5. Acceptance of Minutes**

## **5.1 Regular City Council Meeting - September 6, 2016**

Councilor Lachapelle **MOVED** to **ACCEPT** the September 6, 2016, Regular City Council meeting minutes. Councilor Lauterborn 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 John Storer, Director of City Services and Michael Riley, Director of Buildings and Grounds to come forward. City Manager Fitzpatrick said both of these men have made a positive impact on City services and both started working for the City of Rochester about a year ago. He announced that he has chosen both men as Employee of the Month for October.

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

City Manager Fitzpatrick read the following report:

#### **Contracts and documents executed since last month:**

- City Clerk's Office
  - Codification - Change Order 1 – add Rules of Order
- Department of Public Works
  - Annex – contract amendment for additional engineering
  - DPW Building Study – scope of services
  - East End Dam – Notice of Bid Award
  - Fieldstone Village boundary and easement surveying
  - Honeywell Contract Renewal Service Agreement
- Economic & Community Development
  - CDBG Contract amendment – Hope on Haven Hill
  - CDBG – Moose Plate Grant
  - CDBG Contract – Strafford County CAP Weatherization Assistance Program
- Police Department
  - Highway Safety Grant – Bike/Pedestrian Safety
  - Highway Safety Grant – DWI patrols
  - Highway Safety Grant – E-Ticket Equipment
  - Highway Safety Grant – traffic enforcement

- City Council Request & Inquiry Report - there are no items
- Monthly Departments Travel Summary Report
- Permission & Permits Issued
- Personnel Action Report Summary

## 7. Communications from the Mayor

Mayor McCarley declared October 13, 2016, as Manufacture Day in the City of Rochester, New Hampshire, and read the full proclamation to be delivered to Karen Pollard, Economic Development Manager, following the Regular City Council meeting.

Mayor McCarley stated the the next City Council Workshop is to be held on October 18, 2016, at the Creteau Technology Center. More information is forthcoming.

Mayor McCarley announced that the Second Annual James W. Foley Freedom Run is to be held on October 15, 2016.

Mayor McCarley announced that the attempt to break the Guinness World Record for *Simultaneously Disc Throw* is to be held on Sunday, October 16, 2016.

Councilor Keans announced that the October Fest for the City of Rochester is to be held on October 8, 2016.

## 8. Presentations of Petitions and Council Correspondence

No discussion.

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

### 9. 1 **Resignation:** Daniel S. Peterson, Utilities Advisory Board

Mayor McCarley announced that Daniel S. Peterson has volunteered to serve on the Utility Advisory Board for many years; however, he has submitted a resignation to be effective at the end of this calendar year. Councilor Lachapelle **MOVED** to **ACCEPT** the resignation with regret and to send a letter of thanks. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley invited the public to notify the City if they have any interest in serving on the Utility Advisory Board or any other Board or Commission.

## 10. Reports of Committees

### **10.1. Appointments Committee**

Councilor Keans reviewed the August Appointments Committee meeting minutes. Mayor McCarley nominated Robert May to be appointed as a Regular Member of the Planning Board with a term to expire on January 2, 2019. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. May has been appointed as a Regular Member of the Planning Board with a term to expire on January 2, 2019, by a unanimous ballot vote.

Councilor Keans reviewed the September Appointments Committee meeting minutes. Mayor McCarley nominated Nancy Carignan to serve on the Recreation and Arena Commission with a term to expire on January 2, 2017. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Ms. Carignan has been appointed to serve on the Recreation and Arena Commission for a term to expire on January 2, 2017, by a unanimous ballot vote.

Councilor Keans said the Appointments Committee received a Statement of Interest for an Alternate Position for the Conservation Commission; however, the current board only allows for one Alternate Position [General Ordinances], which is already filled. Councilor Keans **MOVED** to refer an Amendment to the General Ordinances to the Codes and Ordinances Committee to allow for two Alternate Positions for the Conservation Commission rather than only one. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **10.2. Codes and Ordinance**

Councilor Lachapelle said the Committee voted to send the Amendment to Chapter 11 and Chapter 46 to the full City Council this evening under New Business. He announced that a few items have been held in Committee including a discussion of the General Ordinances relative to setting off fireworks will be covered at the October 6, Codes and Ordinances Committee meeting. He noted that the time of the meeting will be 6:00 PM.

### **10.3. Community Development**

Councilor Lauterborn reviewed the meeting minutes of September. She said the only action item is to accept the Conflict of Interest Policy for the CDBG Project. She said the City Council will need to vote upon the policy by the Regular City Council meeting in November.

Councilor Keans made a grammar suggestion for the second to last sentence in the second paragraph of the first page. Councilor Lauterborn agreed to make the question at the time the minutes are accepted at the November Community Development Committee meeting.

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

Mayor McCarley reviewed the Committee meeting minutes and stated that most of the action items are to be taken up under New Business. One action item needs to be taken care of now relative to selling the retired Fire Engine Number 7 to Acton Maine for the amount \$800. Mayor McCarley **MOVED** to sell the Fire Engine as previously stated. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **10.5. Government Channel Committee**

Councilor Willis reviewed the September Committee meeting minutes. There are no action items at this time.

#### **10.6. Public Safety Committee**

Councilor Hamann stated that there are no action items.

#### **10.7. Public Works Committee**

Councilor Varney briefed the City Council about the Public Works Committee meeting. He said it is important for the City Council to make a decision about having the utility lines buried under ground for the project. He believed the project is on hold until a decision is made about the utility lines. The City Council discussed the financial aspects of the Wakefield Street Project. Councilor Keans said it would make sense to bury the utility on lines since this is the only gateway of the City remaining with overhead utilities. Commissioner Storer confirmed that figures associated with the installation of the potential underground utility lines on Wakefield Street would be available for the next Public Works Committee meeting. He added that the plan is also to reach out to the residents of the neighborhood and the School Department. He gave some details about the research that has been done so far.

### **11. Old Business**

No discussion.

### **12. Consent Calendar**

No discussion.

### 13. New Business

Mayor McCarley said the last item of the New Business items is relative to a Collective Bargaining Agreement. She said if the City Council did not object she would entertain to deal with that resolution at this time. Seeing no objection she invited the Council to vote on the matter.

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

**A RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH**  
**PROPOSED CITY OF ROCHESTER**  
**MULTI-YEAR COLLECTIVE BARGAINING AGREEMENT WITH**  
**INTERNATIONAL BROTHERHOOD OF TEAMSTERS LOCAL 633**  
**(Library Personnel)**

**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, 2016 to June 30, 2019, as set forth in the proposed contract, and as more particularly detailed on the attached "EXHIBIT A: TEAMSTERS LOCAL 633 – SEPTEMBER 2016," 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. The provision of funds necessary to fund the aforementioned, and hereby approved, collective bargaining agreement "cost items" in the first year of the agreement will be contained in the Fiscal Year 2017 operating budget of the City. Exhibit A can be found as Addendum A of this set of minutes.

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

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

**13.1. AB 50 Resolution Authorizing Supplemental Appropriation to the Department of Public Works Capital Improvements Fund for the Purchase of 0 Dry Hill Road  
First Reading, Second Reading, and Adoption**

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION  
FOR THE EAST END DAM REPAIR PROJECT**

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

That the sum of One Hundred Thousand Dollars (\$100,000.00) be, and hereby is, appropriated as a supplemental appropriation to the Capital Improvement Project (CIP) fund of the City of Rochester Department of Public Works, Water Works for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the so-called East End Dam Repair Project. The funds shall be derived in their entirety from the Water Fund unreserved retained earnings.

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 FY17 10-04 AB 45**

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Varney asked where is "0" Dry Hill Road located. Attorney O'Rourke confirmed the location of said property is in Barrington, NH. The **MOTION CARRIED** by a unanimous voice vote.

**13.2. AB 42 Resolution Accepting New Hampshire Department of Safety Bicycle and Pedestrian Grant to the Rochester Police Department First Reading, Second Reading, and Adoption**

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

**RESOLUTION ACCEPTING NEW HAMPSHIRE DEPARTMENT OF SAFETY  
BICYCLE AND PEDESTRIAN GRANT  
TO THE ROCHESTER POLICE DEPARTMENT**

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

That a New Hampshire Department of Public Safety Bicycle and Pedestrian Grant of Four Thousand Five Hundred Six and 37/100 Dollars (\$4,506.37) to the City of Rochester Police Department is hereby accepted by the City of Rochester.

**Further**, that the sum of Four Thousand Five Hundred Six and 37/100 Dollars (\$4,506.37) be, and hereby is, appropriated as a supplemental appropriation to the 2016-2017 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the Grant.

**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 and to establish a special revenue, non-lapsing, multi-year fund to which said sums shall be transferred. **CC FY 17 10-04 AB 42**

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

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

**13.3. AB 41 Resolution Accepting New Hampshire Department of Safety DWI Patrol Grant to the Rochester Police Department First Reading, Second Reading, and Adoption**

Councilor Lachapelle **MOVED** to read the resolution only for the first

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

**RESOLUTION ACCEPTING NEW HAMPSHIRE DEPARTMENT OF SAFETY  
DWI PATROL GRANT  
TO THE ROCHESTER POLICE DEPARTMENT**

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

That a New Hampshire Department of Public Safety DWI Patrol Grant of Six Thousand One Hundred Forty-Five and 04/100 Dollars (\$6,145.04) to the City of Rochester Police Department is hereby accepted by the City of Rochester.

**Further**, that the sum of Six Thousand One Hundred Forty-Five and 04/100 Dollars (\$6,145.04) be, and hereby is, appropriated as a supplemental appropriation to the 2016-2017 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the Grant.

**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 and to establish a special revenue, non-lapsing, multi-year fund to which said sums shall be transferred. **CC FY 17 10-04 AB 41**

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

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

**13.4. AB 40 Resolution Accepting New Hampshire Department of Safety Sustained Traffic Enforcement Patrol (STEP) Grant to the Rochester Police Department  
First Reading, Second Reading, and Adoption**

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

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

**RESOLUTION ACCEPTING NEW HAMPSHIRE DEPARTMENT OF SAFETY  
SUSTAINED TRAFFIC ENFORCEMENT PATROL (STEP) GRANT  
TO THE ROCHESTER POLICE DEPARTMENT**

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

That an New Hampshire Department of Public Safety STEP Grant of Eight Thousand One Hundred Ninety-Three and 40/100 Dollars (\$8,193.40) to the City of Rochester Police Department is hereby accepted by the City of Rochester.

**Further**, that the sum of Eight Thousand One Hundred Ninety-Three and 40/100 Dollars (\$8,193.40) be, and hereby is, appropriated as a supplemental appropriation to the 2016-2017 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the Grant.

**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 and to establish a special revenue, non-lapsing, multi-year fund to which said sums shall be transferred. **CC FY 17 10-04 AB 40**

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

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

**13.5. AB 51 Resolution Accepting Disbursement  
from the State of New Hampshire to the Rochester  
Police Department First Reading, Second Reading, and  
Adoption**

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

for the first time by title only as follows:

**RESOLUTION ACCEPTING DISBURSEMENT FROM THE STATE OF  
NEW HAMPSHIRE  
TO THE ROCHESTER POLICE DEPARTMENT**

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

That an Disbursement from the State of New Hampshire from the case of *State v. Andrew Clement* in the amount of Two Thousand Nine Hundred Ninety-Seven and 45/100 Dollars (\$2,997.45) to the City of Rochester Police Department is hereby accepted by the City of Rochester.

**Further**, that the sum of Two Thousand Nine Hundred Ninety-Seven and 45/100 Dollars (\$2,997.45) be, and hereby is, appropriated as a supplemental appropriation to the 2016-2017 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety from the above named case.

**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 and to establish special revenue, non-lapsing, multi-year fund to which said sums shall be transferred. **CC FY 17 10-04 AB 51**

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

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

**13.6. AB 52 Resolution Authorizing the Application for, and Acceptance of, a State of NH Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan First Reading, Second Reading, and Adoption**

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

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

**RESOLUTION AUTHORIZING THE APPLICATION  
FOR AND ACCEPTANCE OF A STATE OF NH DEPARTMENT OF  
ENVIRONMENTAL SERVICES (NHDES) CLEAN WATER  
STATE REVOLVING FUND(CWSRF) LOAN**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the Department of Public Works to submit a loan application in the amount of Three Million Four Hundred Thousand Dollars (\$3,400,000.00) to the NHDES CWSRF Loan program in order to fund the Woodman and Myrtle Street Area Reconstruction project.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the loan amount of Three Million Four Hundred Thousand Dollars (\$3,400,000.00) from the NHDES CWSRF Loan program which is eligible for 100% principal forgiveness.

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 and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY17 10-04 AB 52**

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

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

**13.7. AB 53 Resolution Authorizing the Application for an Acceptance of a State of NH Department of Environmental Services (NHDES) Drinking Water State Revolving Fund (DWSRF) Loan First Reading, Second Reading, and Adoption**

Councilor Willis wished to abstain from voting on this matter due to a

conflict of interest. Councilor Lachapelle **MOVED** to read the resolution only for the first time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote, with Councilor Willis abstaining from the vote. Mayor McCarley read the resolution for the first time by title only as follows:

**RESOLUTION AUTHORIZING THE APPLICATION FOR AND  
ACCEPTANCE OF A STATE OF NH DEPARTMENT OF ENVIRONMENTAL  
SERVICES (NHDES) DRINKING WATER STATE REVOLVING FUND  
(DWSRF) LOAN**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the Department of Public Works to submit a loan application in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) to the NHDES DWSRF Loan program in order to fund the Woodman and Myrtle Street Area Reconstruction project.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the loan amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00) from the NHDES DWSRF Loan program which is eligible for 100% principal forgiveness.

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 and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY17 10-04 AB 53**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution for the second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote, with Councilor Willis abstaining from the vote. Mayor McCarley read the resolution for the second time by title only.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Barnett questioned if the City is guaranteed to be reimbursed. Councilor Varney replied that the City is planning to complete the project in hopes of being reimbursed. Councilor Willis agreed and explained the process for the City Council. Deputy City Manager Cox added that the City Council has appropriated the funds for this project and this resolution is allowing the City Council to file an application to

the State Revolving Loan Fund. This should assist the City Council in receiving a lower interest rate and a chance to seek principle forgiveness. The **MOTION CARRIED** by a unanimous voice vote, with Councilor Willis abstaining from the vote.

**13.8. AB 45 Proposal Authorizing Supplemental Appropriation for the East End Dam Repair Project First Reading, Second Reading, and Adoption**

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION  
FOR THE EAST END DAM REPAIR PROJECT**

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

That the sum of One Hundred Thousand Dollars (\$100,000.00) be, and hereby is, appropriated as a supplemental appropriation to the Capital Improvement Project (CIP) fund of the City of Rochester Department of Public Works, Water Works for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the so-called East End Dam Repair Project. The funds shall be derived in their entirety from the Water Fund unreserved retained earnings.

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 FY17 10-04 AB 45**

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Torr requested clarification. Commissioner Storer replied that this is essentially the entire eastern side of the reservoir, which the Department of Environmental Services considers to be a dam and subsequently has sent a letter of deficiency. This resolution should authorize any construction costs and the DES Mandated Inspection Service. The **MOTION CARRIED** by a unanimous voice vote.

**13.9. AB 18 City of Rochester Accounting Policy Manual  
Motion to Approve**

Councilor Lachapelle **MOVED** to accept the Accounting Policy Manual. The **MOTION CARRIED** by a unanimous voice vote. Councilor Keans said Roland Connors, Deputy Finance Director, excelled with this completed task.

**13.10. AB 44 Amendment to Chapter 46 of the General Ordinances Regarding Graffiti on Private Property First Reading, Second Reading, and Adoption**

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

**AMENDMENT TO CHAPTER 46 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING GRAFFITI ON PRIVATE PROPERTY**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 46 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

**CHAPTER 46  
GRAFFITI ON PRIVATE PROPERTY**

**SECTION ANALYSIS**

- 46.1 Authority
- 46.2 Purpose
- 46.3 Acts Prohibited
- 46.4 Definitions
- 46.5 Enforcement
- 46.6 Severability
- 46.7 Effective Date

**46.1 Authority.**

In accordance with and under the authority of New Hampshire Revised Statute Annotated 47:17, the City Council of the City of Rochester hereby adopts the following ordinance for the regulation of graffiti on private property.

**46.2 Purpose.**

This purpose of this Ordinance is to promote the health, safety and general

welfare of the community by creating an aesthetically pleasing environment in which graffiti is declared a nuisance which must be promptly abated by property owners and imposing penalties on vandals.

#### **46.3 Acts Prohibited.**

It shall be a nuisance for any person to place graffiti upon any property located within the City of Rochester. Any owner of property within the City of Rochester shall remove any graffiti on his/her property within five days of notice of its placement on such property. Maintenance of property in violation of this section is a public nuisance.

#### **46. 4 Definitions.**

(a) *Graffiti*: Any inscription, word, figure, marking or design that is written, marked, etched, scratched, drawn or painted on any real property that was not authorized in advance by the owner of the real property.

(b) *Owner*: Any person in possession of the affected property and any person having or claiming to have, any legal or equitable interest in the property.

(c) *Person*: Any individual, firm, partnership, corporation, association, or any other organization or entity, however formed.

(d) *Property*: All residential, industrial, or commercial real property, and other property, including but not limited to, fences, poles, signs, rocks, trees, paving, etc.

#### **46.5 Enforcement.**

(a) Any person who violates this Ordinance shall be guilty of a violation and shall be fined not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00).

(b) Any duly appointed police officer for the City of Rochester and the City of Rochester Code Enforcement Officer may enforce this Ordinance by utilizing any process authorized by state law, including but not limited to a Local Ordinance Citation pursuant to RSA 31:39-d and Chapter 44 of the City of Rochester Ordinance.

(c) All penalties collected for violations of this Ordinance shall be for the use of the City and deposited into the City's general fund.

#### **46.6 Severability.**

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

#### **46.7 Effective Date.**

This Ordinance shall take effect upon passage. **The effective date of these**

**amendments shall be upon passage. CC FY 17 AB 44**

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

*Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Lachapelle **MOVED** to **AMEND** the Amendment as follows:*

**46.3 Acts Prohibited.**

*It shall be a nuisance for any person to place graffiti upon any property located within the City of Rochester. Any owner of property within the City of Rochester shall remove any graffiti on his/her property within five **business** days of notice of its placement on such property. Maintenance of property in violation of this section is a public nuisance.*

*Councilor Bogan seconded the motion. A discussion ensued about extending the notification notice from "five" to "ten" business days. Councilor Lachapelle **WITHDREW** the above motion. Councilor Bogan **WITHDREW** her second to the motion.*

*Councilor Lachapelle **MOVED** to **AMEND** the Amendment as follows:*

**46.3 Acts Prohibited.**

*It shall be a nuisance for any person to place graffiti upon any property located within the City of Rochester. Any owner of property within the City of Rochester shall remove any graffiti on his/her property within five **ten business** days of notice of its placement on such property. Maintenance of property in violation of this section is a public nuisance.*

Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Keans strongly opposed adopting any type of ordinance against a property owner with regards to the removal of graffiti, and believed this could be unconstitutional. Councilor Gates agreed, and it seems the City would be punishing the victim. Councilor Willis stated that this proposed amendment originated with some vulgar graffiti, which had been painted on a stonewall at the entrance of a particular development near his residence. The graffiti was visible and offensive; however, because the graffiti was on private property, law enforcement could not address the issue without a supporting ordinance.

Councilor Abbott believed this type of regulation may already exist within the Property Maintenance Code adopted by the City Council many

years ago. Mayor McCarley called for a vote on the motion as amended. Councilor Gates requested a roll call vote. Councilor Torr seconded the motion. The **MOTION** as **AMENDED FAILED** by a 1 to 11 roll call vote. Councilor Willis voted in favor of the motion and Councilors Abbott, Lauterborn, Keans, Bogan, Varney, Hamann, Torr, Barnett, Lachapelle, Gates, and Mayor McCarley voted against the motion. It was determined that the Building, Zoning, and Licensing Services Department should review the Building Property Maintenance Code and report back to the City Council.

**13.11. AB 46 Amendment to Chapter 11 of the General Ordinance of the City of Rochester Regarding the School Department Capital Reserve Fund First Reading, Second Reading, and Adoption**

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

**AMENDMENT TO CHAPTER 11 OF THE GENERAL ORDINANCES OF  
THE CITY OF ROCHESTER REGARDING SCHOOL DEPARTMENT  
CAPITAL RESERVE FUND**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 11 of the General Ordinances of the City of Rochester regarding the School Department Capital Reserve Fund and currently before the Rochester City Council, be amended as follows:

**11.24 City of Rochester School Department Capital Reserve Fund.**

1. By adoption of a Resolution on December 15, 2015, the City Council established 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.

2. The City Council, at its sole discretion, may appropriate monies to said School Building Fund through the annual budgeting process. The City Council may also by favorable vote of  $\frac{3}{4}$  of its members, transfer to such fund after a public hearing with notice as provided in RSA 34:2, not more than  $\frac{1}{2}$  of its unencumbered surplus funds remaining on hand at the end of

the fiscal year, within limits as provided in RSA 34:4. No transfer from the City's unencumbered surplus funds 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 by majority vote.

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

**4.** 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.

**5.** 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 (Unassigned 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. **The effective date of these amendments shall be upon passage.**

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Lachapelle gave a brief explanation of why the Codes and Ordinances Committee sent this to the City Council for adoption. The creation of the Capital Reserve Fund for the School Department had been adopted last year and this is the creation of the guidelines for that specific reserve fund. The **MOTION CARRIED** by a unanimous voice vote.

**13.12. AB 54 Zoning Map Change Motion to refer to Planning Board**

Councilor Lachapelle **MOVED** to refer the Zoning Map Change to the Planning Board. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13.13. AB 55-A Resolution Authorizing Supplemental Appropriation for the Purchase of 0 Rochester Hill Road**

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION  
FOR THE PURCHASE OF 0 ROCHESTER HILL ROAD**

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

That the sum of One Hundred Sixty Thousand Dollars (\$160,000.00) be, and hereby is, appropriated as a supplemental appropriation to the CIP Fund 1501 (account # 15011081-771000-175xx) Land Acquisitions for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of 0 Rochester Hill Road, Rochester, New Hampshire by the City of Rochester. The entirety of the supplemental appropriation shall be derived from the General Fund unassigned fund balance.

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 FY17 10-04 AB 55-A**

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Varney **MOVED** to **AMEND** the resolution to ensure the money shall be derived from the Economic Development Reserve Fund fund balance.

Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The **MOTION** as **AMENDED CARRIED** by a unanimous voice vote. The resolution as adopted is as follows:

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION  
FOR THE PURCHASE OF 0 ROCHESTER HILL ROAD**

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

That the sum of One Hundred Sixty Thousand Dollars (\$160,000.00) be, and hereby is, appropriated as a supplemental appropriation to the CIP Fund 1501 (account # 15011081-771000-175xx) Land Acquisitions for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of 0 Rochester Hill Road, Rochester, New Hampshire by the City of Rochester. Fifty Seven Thousand Nine Hundred Thirty Three and 64/100 Dollars (\$57,933.64) of the supplemental appropriation shall be derived from the Economic Development Reserve Fund fund balance and One Hundred Two Thousand Sixty Six and 36/100 Dollars (\$102,066.36) of the supplemental appropriation shall be derived from the General Fund unreserved fund balance.

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.

**13.14 AB 55-B Resolution Authorizing Supplemental Appropriation for the Purchase of 296 Rochester Hill Road**

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION  
FOR THE PURCHASE OF 296 ROCHESTER HILL ROAD**

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

That the sum of no more than Two Hundred Fifty Thousand Dollars (\$250,000.00) be, and hereby is, appropriated as a supplemental appropriation to the CIP Fund 1501 (account # 15011081-771000-175xx) Land Acquisitions for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of 296 Rochester Hill Road, Rochester, New Hampshire by the City of Rochester. The entirety of the supplemental appropriation shall be derived from the General Fund unassigned fund balance.

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 FY17 10-04 AB 55-B**

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

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

**13.15. AB 58 Amendment to the General Ordinances of the City of Rochester Relative to Chapter 17.34 (water rates) First Reading and Refer to Public Hearing**

Councilor Lachapelle **MOVED** to read the resolution only for the first time by title only and refer to a Public Hearing. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the first time by title only as follows:

**ORDINANCE AMENDMENT RELATIVE TO WATER USER RATE**

**THE CITY OF ROCHESTER ORDAINS:**

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

**17.34 Water Rate and Fee Schedule**

Residential Customers without exemption:	\$5.29 per 100 cu. ft. of water use
Residential Customers with exemption:	\$2.29
Commercial and industrial customers:	\$5.29

Unmetered Residential Customers:	
Per quarter per unit without exemption:	\$141.46
Per quarter per unit with exemption:	\$70.71

Minimum Fee:

Per quarter per unit without exemption: \$20.09

Per quarter per unit with exemption: \$16.10

**II. That this ordinance amendment shall take effect on November 1, 2016**

It was determined that the effective date could be adjusted at the time of the time of the adoption.

**13.16. AB 59 Amendment to the General Ordinances of the City of Rochester Relative to Chapter 16.25 (sewer rates) First Reading and Refer to Public Hearing**

Councilor Lachapelle **MOVED** to read the resolution only for the first time by title only and refer to a Public Hearing. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the first time by title only as follows:

**ORDINANCE AMENDMENT RELATIVE TO SEWER USER RATE**

**THE CITY OF ROCHESTER ORDAINS:**

I. That Chapter 16, Section 16.25 of the General Ordinances of the City of Rochester, entitled "Wastewater Rate and Fee Schedule", be amended by deleting the portion of said ordinance entitled "Quarterly Wastewater Rates" and by replacing such portion of the ordinance with the following:

**16.25 Wastewater Rate and Fee Schedule**

**Quarterly Wastewater Rates**

Residential Customers without exemption:

\$6.52 per 100 cu. ft. of water use

Residential Customers with exemption:

\$4.34 per 100 cu. ft. of water use

Commercial and industrial customers:

\$6.52 per 100 cu. ft. of water use

High Volume Customer

\$5.87 per 100 cu. ft. of water use

(I.e. customers using more than 5,000

units \*\*monthly)

**Unmetered Residential Customers:**

Per quarter per unit without exemption:

\$208.61

Per quarter per unit with exemption:

\$104.29

Sewer-Metered Customers:

\$6.52 per 100 cu. Ft.

Minimum Fee:

Per quarter per unit without exemption: \$31.19  
Per quarter per unit with exemption: \$24.83

Septage Discharge: \$50.00 per 500 gal. or portion  
RV Septage Discharge: \$14.00 flat fee  
Graywater Disposal \$27.00 per 2000 gal. or portion  
thereof

**II. That this ordinance amendment shall take effect on November 1, 2016**

**13.17. AB 57 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with the International Brotherhood of Teamsters Local 633 [Local Personnel] First Reading, Second Reading, and Adoption**

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

**6. Non-Meeting/Non-Public Session**

**14.1. Non-Meeting: Consultation with Legal Counsel, RSA 91-A:2, I (b)**

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

Mayor McCarley said there is no need for a Non-Public Session this evening and entertained a motion to enter into the Non-Meeting. Councilor Lauterborn **MOVED** to enter into a Non-Meeting Session, Consultation with Legal Counsel, under RSA 91-A:2, I (b). Councilor Bogan seconded the motion. The **MOTION CARRIED** by a 12 to 0 roll call. Councilors Hamann, Gates, Keans, Varney, Gates, Barnett, Bogan, Lauterborn, Abbott, Willis, Lachapelle, and Mayor McCarley voted in favor of the motion. Councilor Willis **MOVED** to exit the Non-Meeting at 8:47 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**7. Other**

Councilor Varney **MOVED** to request that the City Attorney file a Motion for Rehearing with the ZBA regarding application # 2016-21. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **8. Adjournment**

Councilor Gates **MOVED** to **ADJOURN** the Regular City Council meeting at 8:48 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC  
City Clerk

# EXHIBIT A: TEAMSTERS LOCAL 633 – SEPTEMBER 2016

## TEAMSTERS - TA Cost Data

Addendum A

City Health Contribution	80/20	85/15		
Health Plan	HMO \$20 copay RX 10/20/45 DED \$250/750	NNEBT	NNEBT	NNEBT
Projected Health Increase		RATE	FY17\$ +3%	FY18\$ +3%
MERIT		0-4%	0-4%	0-4%
	<b>Current FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>FY19</b>
<b>Wages</b>				
Base Wage	581,043	598,474	616,428	634,921
Longevity	5,900	6,025	6,850	7,075
Total Wages	586,943	604,499	623,278	641,996
Dollar Change		17,556	18,779	18,718
<b>% Change</b>		<b>2.99%</b>	<b>3.11%</b>	<b>3.00%</b>
<b>Benefits</b>				
FICA	36,390	37,479	38,643	39,804
Medicare	8,511	8,765	9,038	9,309
Health Insurance	64,860	65,846	67,821	69,856
Opt Out	6,400	6,400	6,400	6,400
Dental*	1,750	750	750	750
Total Rollups	81,521	81,761	84,009	86,315
Dollar Change		241	2,248	2,306
<b>% Change</b>		<b>0.30%</b>	<b>2.75%</b>	<b>2.75%</b>
<b>Totals</b>				
Total Wages Benefits and F	668,463	686,260	707,287	728,311
Dollar Change		17,797	21,027	21,024
<b>% Change</b>		<b>2.66%</b>	<b>3.06%</b>	<b>2.97%</b>

20 Total Employees - 40% FT

\*Dental - NNEBT plan includes dental; FY17-FY19 costs are for employees enrolled in dental only.