

CITY COUNCIL REGULAR MEETING
March 3, 2015
COUNCIL CHAMBERS
7:00 PM

COUNCILORS PRESENT

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

OTHERS PRESENT

City Manager Daniel Fitzpatrick
Deputy City Manager Blaine Cox

MINUTES

1. Call to Order

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

2. Pledge of Allegiance

Mayor Jean led those in attendance with the Pledge of Allegiance.

3. Opening Prayer

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

4. Roll Call

Deputy City Clerk Marcia Roddy took the roll call. All members were present.

5. Acceptance of Minutes

5.1 February 3, 2015, Regular City Council Meeting

Councilor Walker **MOVED** to **ADOPT** the minutes of the February 3, 2015, Regular City Council Meeting. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

5.2 February 17, 2015, Special City Council Meeting Minutes

Councilor Walker **MOVED** to **ADOPT** the minutes of the February 17, 2015, Special City Council Meeting. Councilor Collins seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

6. Communications from the City Manager

6.1 Employee of the Month Award

City Manager Fitzpatrick announced that Don Graves of the Building, Zoning, and Licensing Services Department is the Employee of the Month. Mr. Graves was not present to accept the award, but Mr. Fitzpatrick said he will see that he gets the award.

6.2 City Manager's Report

The City Manager said that the minutes of the following Management Team meetings are enclosed in the packet for the City Council's information:

- January 26, 2015
- February 2, 2015
- February 9, 2015
- February 17, 2015

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

- Chesley Hill Amendment # 2
- Grant – Hubbard Consulting contract – Fire Dept.
- Employee Recognition Team – Charter update
- Haying Agreement – Parsell Farms
- Highway Safety Grants – Police Department
- MRI Contract – DPW review
- Viewpoint Software – Planning & Permitting
- Water Treatment Plant upgrade – Change order #1
- Workplace Safety Team – review
- Wrecker Contracts

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

- Computer Lease – Frechette, R (Police Dept.)

- Computer Lease – Wheeler, J (Fire Dept.)

Also included in the report is a thank-you letter from Bank of America.

The following standard reports have been enclosed:

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

Councilor Torr asked what piece of property is referred to in the Haying Agreement with Mr. Parsell. Mr. Fitzpatrick said he will get back to him on that.

Councilor Keans asked what is being done at the Water Treatment Plant. It was her understanding that all work had been completed there. Mr. Fitzpatrick asked the Acting Director, Mike Bezanson, to answer that question. Mr. Bezanson said there were quite a few upgrades that are being done as well as the CIP approved projects.

7. Non-Meeting:

7.1 AB 106 Non-Meeting, RSA 91-A:2, I (b), Consultation with Legal Counsel

Councilor Torr **MOVED** to enter a Non-Meeting under RSA 91-A:2, I (b) [Consultation with Legal Counsel] at 7:10 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a roll call vote of 13-0. Councilors Hamann, Walker, Laroche, Gates, Varney, Gray, Torr, Keans, Lauterborn, Lachapelle, Collins, Bogan, and Mayor Jean all voted yes.

Councilor Lachapelle **MOVED** to exit the Non-Meeting at 7:42 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

8. Collective Bargaining Agreements:

8.1 AB 109 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with the American Federation of State, County, and Municipal Employees (AFSCME)

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

RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH PROPOSED CITY OF ROCHESTER MULTI-YEAR COLLECTIVE BARGAINING AGREEMENT WITH THE AMERICAN FEDERATION OF STATE, COUNTY AND

**MUNICIPAL EMPLOYEES (AFSCME)
LOCAL 863
(Public Works 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 American Federation of State, County and Municipal Employees Local 863 Bargaining Unit, covering the period July 1, 2015 to June 30, 2018, as set forth in the proposed contract, and as more particularly detailed on the attached "EXHIBIT A: AFSCME Cost Items - March 2015," which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. **CC FY 15 AB 109**

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

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

8.2 AB 110 Resolution Approving Cost Items Associated with Proposed City of Rochester Multi-Year Collective Bargaining Agreement with the American Federation of State, County, and Municipal Employees (AFSCME) Local 93 (School Department Custodial, Grounds and Skilled Employees)

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

**RESOLUTION APPROVING COST ITEMS ASSOCIATED WITH PROPOSED
CITY OF ROCHESTER
MULTI-YEAR COLLECTIVE BARGAINING AGREEMENT WITH
THE AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES (AFSCME)
LOCAL 93
(School Department Custodial, Grounds and
Skilled 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 collective bargaining agreement between the City of Rochester and the American Federation of State, County and Municipal Employees Local 93 Bargaining Unit, covering the period July 1, 2014 to June 30, 2017, as set forth in the proposed contract, and as more particularly detailed on the attached "**EXHIBIT A: AFSCME Cost Items - March 2015**," which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester School Department Business Administrator, is hereby approved. **CC FY 15 AB 110**

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

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lauterborn seconded the motion. Councilor Varney called for a roll call vote. Councilor Walker seconded the motion. The **MOTION to ADOPT CARRIED** by a 9-4 roll call vote. Councilors Hamann, Larochelle, Gates, Gray, Keans, Lauterborn, Collins, Bogan, and Mayor Jean voted yes. Councilors Varney, Walker, Torr, and Lachapelle voted no.

9. Communications from the Mayor

9.1 Appointment: Norman Sanborn, Jr. to Licensing Board

Mayor Jean said this is Norman Sanborn, Jr.'s annual appointment to the Licensing Board.

Councilor Walker **MOVED** to appoint Norman Sanborn, Jr. to the Licensing Board. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

9.2 Proclamation: Read Across America

Mayor Jean read the Proclamation for Read Across America in its entirety. He said that he has recently spent time in the schools reading to the children.

9.3 Discussion: City Hall Annex

Mayor Jean said that the Council and Finance Committee have had discussions over the last several months regarding the City Hall Annex. He said that at the last Finance Committee meeting it was suggested that the Council have the building looked at by a local contractor and get some suggestions on what can be done with the building.

Councilor Torr commented on the building and the many discussions and studies that have transpired over the years regarding the building. He **MOVED** to have the building demolished and, if the motion passes, to have the City Manager submit the demolition out to bid and put this matter to rest. Councilor Walker seconded the motion.

Councilor Keans spoke against the motion. She pointed out that about \$500,000 has been invested in the building and several structural engineers have said it is a totally solid building. It has a slate roof that does not leak. She added that it is a historically sound building and unique to the City. If nothing can be done with it at the present time, then it should be "buttoned up" and kept as is for the time being.

Councilor Lauterborn said that she went to an Historical Society forum that was held regarding the Annex building that attracted a different group of people than had been heard from previously. There were several ideas presented that she thinks would be worth looking at. Her opinion is that some of those suggestions be considered before going forward with destroying the building.

Councilor Walker said that he supports Councilor Torr's motion. He said that this Council needs to make a decision on the building and the City's space needs. He did not think the Council will want to look for a piece of land to build on and until the Annex building is torn down nothing will happen going forward.

Councilor Lachapelle asked how much it would cost to have a contractor come in and give an estimate on renovations of the Annex. Mayor Jean said he did not know, but said that there is someone in mind to do it and they have not been contacted yet. He said that, in his opinion, there would most likely be no change in the estimate.

Councilor Varney said he did not think that a good estimate has been found. He said that the City has a reputation for tearing down buildings that could have been rehabilitated and that there should be a good plan in place before tearing down the Annex.

Councilor Larochelle said it is premature to consider tearing down the building. He said it makes more sense to have a plan in mind before going forward.

Mayor Jean said that there needs to be a decision made on the building if there is going to be any thought of City Hall expansion. The discussion will go around and around unless some decision is made.

Councilor Lachapelle asked if the third floor space in the Police Department building could be used, even if it on a temporary basis. Mayor Jean asked Chief Allen if he know what the square footage is. Chief Allen said he did not know. He said the problem with the third floor is the lack of windows and how well the space could be used for additional office space and conference rooms.

Councilor Collins said that he believes the structure [Annex building] will eventually have to come down, but he would like to see more options before that happens. He asked if anyone has spoken with Budell Construction to see if they would be willing to look at the building. He said he is not ready to make a decision at this time.

Councilor Lauterborn questioned how much staff expansion is needed, given the fact that with so much new technology the departments will most likely become more streamlined. She believes that the Annex building could accommodate the Planning Department, Economic Development, and Building, Zoning, and Licensing Department. That would free up space in the City Hall for offices such as the Legal Department. She thinks that there has not been enough research done to evaluate the needed office space.

Mayor Jean said he is not sure how much more studying needs to be done to evaluate what is needed. He said it is an emotional issue and most likely nothing new will be learned.

Councilor Keans reiterated that the space available is adequate for the approximate eighteen people who would be working there. She does not think the right questions are being asked regarding the space needs.

Councilor Varney asked how can you discuss a plan when there is no design. How can a plan or design be discussed without a quote for the work. He also thinks that there is space at the Community Center that can be utilized.

Councilor Torr said that using space at the Police Department should not be considered. The Police Department building was built for the use of the Police Department and should solely for that purpose. He pointed out the proposed expense for a new Public Works building. He voiced his displeasure with the design of the Council Chambers, saying he does not like the fact that the councilors sit above the citizens/audience. He disapproves of other projects in the city where money is being spent on things that are not necessary when other projects are more important.

Councilor Bogan asked how many studies have been done and how long has this discussion been going on. Mayor Jean said that the building has been vacant for eleven years and a study was done in 2007-2008 and an architectural presentation was made. Approximately a year and half ago a second study was suggested which resulted in the Oak Point Architects proposal.

Councilor Walker said that the council is suffering from "analysis paralysis." He said they will never come to terms with what is needed.

Councilor Varney said they should go through the budget process before coming to a decision on what to do with the building. They had a budgeted amount at one time and the latest estimate is significantly higher than that. He said he is not willing to give up on fixing streets and roads for a building that has no plan.

Councilor Bogan asked if it would be feasible to set a deadline after the budget process to make a decision on the building. Mayor Jean said that has been tried before.

Councilor Varney pointed out the long-term debt issue needs to be considered before going ahead with the project.

Councilor Hamann asked if the bridge connecting the buildings has been determined to be unsafe and needs to come down. Mr. Fitzpatrick said the Oak Point study takes that into consideration, but it is not unsafe and is not being used.

The **MOTION** to tear down the building **FAILED** by a 5-8 roll call vote. Councilors Walker, Torr, Hamann, Gates, and Mayor Jean all voted yes. Councilors Collins, Varney, Bogan, Lachapelle, Gray, Larochelle, Keans, and Lauterborn voted no.

Mayor Jean said he had sent a letter to Executive Councilor Colin Van Ostern encouraging him to look at the Fairpoint contract issue. There was going to be a hearing here in Rochester, but that is a moot point at this time as the contract dispute has settled. He wanted to let people know that Fairpoint issues may be backlogged and hopefully will be resolved soon.

Mayor Jean said that at the recent Finance Committee meeting he had said he would be drafting a letter to the REDC and had hoped to have it included in the packet. He apologized for not having it done but would have it ready for the next meeting.

Mayor Jean reminded everyone that the State of the City address would be on Thursday morning, March 5, 2015, at 7:30 AM at Frisbie Memorial Hospital to be hosted by the Chamber of Commerce. He said that the Chamber of Commerce would also be having a legislative reception at Frisbie Memorial Hospital on Monday, March 23, 2015, at 7:30 AM.

10. Presentations of Petitions and Council Correspondence

10.1 Letter of Appreciation: Bank of America

Covered under the City Manager's report.

11. Nominations, Appointments, Resignations, and Elections

11.1 Resignation: Tom D'Arcy, Moderator: Ward Five

Councilor Walker **MOVED** to accept the resignation of Tom D'Arcy as Moderator of Ward Five. Councilor Torr seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

12. Reports of Committees

12.1 Appointments Committee

Councilor Larochelle read the qualifications of Eric Adema for appointment to the Arts and Culture Commission. Mayor Jean nominated Eric Adema for appointment to the Arts and Culture Commission with a term to expire July 1, 2018. Councilor Walker seconded the nomination. Councilor Walker **MOVED** to have nominations cease and to have the City Clerk cast one ballot for Eric Adema. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Councilor Larochelle read the qualifications of Kristin Ebbeson for appointment to the Rochester Economic Development Commission. Mayor Jean nominated Kristin Ebbeson for appointment to the Rochester Economic Development Commission with a term to expire January 2, 2018. Councilor Walker seconded the nomination. Councilor Walker **MOVED** to have nominations cease and to have the City Clerk cast one ballot for Kristin Ebbeson. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

12.2 Codes and Ordinances Committee

Councilor Lachapelle reported that the Codes and Ordinances Committee had one action item and it is under New Business.

12.3 Community Development Committee

Councilor Gray said that the Community Development Committee met on February 26, 2015. He said it was the start of their annual review of the CDBG. The five year plan and one year plan were reviewed. A special meeting will be held on March 16, 2015, regarding a project at the high school. He said that the music and vocal room there it is not handicap accessible and the committee will be reviewing that area of the high school prior to their next regular meeting at the end of March.

12.4 Finance Committee

Mayor Jean said the Finance Committee met on February 10, 2015, and had a presentation of the annual city audit. He said it was a good audit. He added that the audit also covers the School Department and suggested that in the future the School Department Finance Committee should be in attendance at the audit presentation. He said that the Fund Balance has gone down slightly, but otherwise there were no major changes.

Mayor Jean said the committee discussed the permitting software and that is moving forward. They talked about the budget calendar, which should be available at the Workshop meeting.

Also discussed at the Finance Committee meeting was the REDC letter, which Mayor Jean said would be forthcoming.

Deputy City Manager Blaine Cox had updated the committee regarding the Municipal Resources Incorporated (MRI) Assessing review process.

12.5 Public Safety Committee

Councilor Walker **MOVED** to have "Do Not Enter" signs installed at the entranceway to the parking lot of the Library. There have been a few near misses there recently. Councilor Gates seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Councilor Walker **MOVED** to have a street light installed at the corner of Brickyard and Harry streets in Gonic. Councilor Gates seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

12.6 Public Works Committee

Councilor Torr said there was a discussion regarding a business owner who would like to expand a parking lot at her business location. He said that if the business owner does not pay for her part of the study the issue will be dead, but kept in committee.

Councilor Torr said the Milton Road corridor plan will likely be a few years away.

Councilor Torr said the Strafford Square traffic circle has increased in cost due to the proposed underground utilities. Councilor Varney added that he would like Mr. Bezanson to put together a one-page estimate on the cost for the project.

Councilor Keans said that she recalled that putting the utility lines underground on South Main Street ended up being close to triple the original estimate. She felt that going back to review that project would be helpful in planning the Strafford Square project.

Councilor Torr reviewed the paving list for 2015. He said there is not enough money to do all of the projects on the list and invited the councilors to delete some.

Councilor Torr said a question came up regarding the TIF district and asked Councilor Varney to speak on it. Councilor Varney said an Operating and Maintenance budget should be created for the TIF.

13. Old Business

There was no old business.

14. Consent Calendar

There was no discussion.

15. New Business

15.1 AB 113 Annual Renewal of Second Hand Dealers Licenses/Pawn Brokers Licenses

Councilor Torr **MOVED** to accept the Annual Renewal for Second Hand Dealers Licenses and Pawn Brokers Licenses. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

15.2 AB 103 Resolution Accepting Grant to the Rochester Police Department from the NH Police Standards and Training Council, and Making a Supplemental Appropriation in Connection Therewith and Training Council – First Reading, Second Reading, and Adoption

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

**RESOLUTION ACCEPTING GRANT
TO THE ROCHESTER POLICE DEPARTMENT
FROM THE NH POLICE STANDARDS AND TRAINING COUNCIL,
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 a State of New Hampshire, Police Standards & Training Council grant in the amount of One Thousand Dollars (\$1,000.00) to the City of Rochester, Police Department, for the purpose of providing funds to send one of the Department's Detectives to a week-long crime processing course in connection with the Department's efforts to further develop its evidence collection team, is hereby accepted by the City of Rochester and such grant funds shall be assigned to an account the number of which is to be established by the Finance Director in the 2014-2015 operating budget of the Rochester Police Department.

Further, that the sum of One Thousand Dollars (\$1,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 operating budget for the City of Rochester, Police Department, such funds to be used for the purpose of providing funds to send one of the Department's Detectives to a week-long crime processing course in connection with the Department's efforts to further develop its evidence collection team (account number of which is to be established by the Finance

Director in the 2014-2015 operating budget of the Rochester Police Department). The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid State of New Hampshire, Police Standards & Training Council grant to the City of Rochester.

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 FY 15 03-03 AB 103**

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

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

15.3 AB 102 Resolution De-Authorizing Portion of FY 2011-2012 Capital Budget Appropriation of the City of Rochester for Land Purchase Related to the So-Called Granite State Business Park and Taking Other Related Actions

**RESOLUTION DEAUTHORIZING PORTION OF FY 2011-2012
CAPITAL BUDGET APPROPRIATION OF THE CITY OF ROCHESTER
FOR LAND PURCHASE RELATED TO
THE SO-CALLED GRANITE STATE BUSINESS PARK
AND TAKING OTHER RELATED ACTIONS**

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

WHEREAS, by virtue of a Resolution by the Mayor and City Council, adopted on September 20, 2011, a Capital Improvements Budget supplemental appropriation in the amount of Seven Hundred Ten Thousand Dollars (\$710,000.00) was approved and adopted as part of the FY 2011-2012 City of Rochester, general overhead capital budget, for the purpose of purchasing approximately 77 acres of land in and/or adjacent to the so-called Granite State Business Park, for use in the City's expansion of such Business Park (the "Project"), with such appropriation to be funded, in its entirety, from funds derived from the City of Rochester's undesignated Fund Balance; and

WHEREAS, the Project has been completed, and the sum of Eight Thousand Three Hundred Twenty-Eight Dollars and Fifty Cents (\$8,328.50) of funds appropriated for the Project are no longer necessary for such Project's purposes;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Eight Thousand Three Hundred Twenty-Eight Dollars and Fifty

Cents (\$8,328.50) of the aforementioned previously appropriated funds for the so-called Project, and hereby authorize the transfer of said deauthorized funds in the amount of Eight Thousand Three Hundred Twenty-Eight Dollars and Fifty Cents (\$8,328.50) to the City of Rochester's so-called General Fund, thereby leaving a total appropriation for such Project in the amount of Seven Hundred One Thousand Six Hundred Seventy-One Dollars and Fifty Cents (\$701,671.50).

FURTHERMORE, the adoption on January 6, 2015 of the resolution entitled "Resolution Deauthorizing Portion of FY 2011-2012 Capital Budget Appropriation of the City of Rochester for Land Purchase Related to the So-Called Granite State Business Park", be and hereby is rescinded in its entirety, and the City Clerk is hereby authorized to amend the January 6, 2015 Minutes of the Meeting of the Rochester City Council to appropriately cross-reference this action with the action taken during said January 6, 2015 meeting with respect to the aforementioned January 6, 2015 Resolution.

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 03-03 AB 102**

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

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

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

15.4 AB 104 Resolution Authorizing Supplemental Appropriation to the 2014-2015 Operating Budget of the City of Rochester, Department of Public Works, Highway Division, for Winter Highway Conditions Maintenance Purpose

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

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
TO THE 2014-2015 OPERATING BUDGET OF THE**

**CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS, HIGHWAY DIVISION,
FOR WINTER HIGHWAY CONDITIONS MAINTENANCE PURPOSES**

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

That the sum of Sixty-Four Thousand Seven Hundred and Fifty Dollars (\$64,750.00) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 operating budget of the City of Rochester, Department of Public Works, Highway Division, for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of sand and salt for use on, or with respect to, public highways, infrastructure and related winter highway conditions maintenance and other purposes (the "Project"), and provided further that funds for such appropriation shall be drawn in their entirety from the City of Rochester General Fund, undesignated 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 FY15 03-03 AB 104**

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

15. 5 AB 105 Resolution Authorizing the Trustees of Trust Funds for the City of Rochester to Pay Certain Fees Related to the Management of Capital Reserve Funds from Capital Reserve Fund Income in Accordance with the Provisions of RSA 34:16,II

**RESOLUTION AUTHORIZING THE TRUSTEES OF
TRUST FUNDS FOR THE CITY OF ROCHESTER TO PAY CERTAIN
FEES RELATED TO THE MANAGEMENT OF CAPITAL
RESERVE FUNDS FROM CAPITAL RESERVE FUND INCOME
IN ACCORDANCE WITH THE PROVISIONS OF RSA 34:16, II**

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

WHEREAS, the State of New Hampshire has amended the provisions of Chapter 34 of the New Hampshire Revised Statutes Annotated, by inserting therein RSA 34:16 which permits the governing body of a city (such as the Mayor and City Council of the City of Rochester) to authorize the local trustees of trust funds to charge fees incurred from for banks, brokerage firms, portfolio management departments, and/or investment advisors against the capital reserve funds as provided for in such Section; and

WHEREAS, such authority once granted shall remain in effect until rescinded, and no vote by the governing body to rescind such authority shall occur within five (5) years of the original adoption of such authorization; and

WHEREAS, the Rochester Trustees of Trust Funds and the Finance Department have indicated support for the adoption of the provisions of Section 34:16, II, now therefore, by adoption of this resolution, the Mayor and City Council of the City of Rochester hereby authorize the Rochester Trustees of Trust Funds to pay fees for banks, brokerage firms, portfolio management departments and/or investment advisors from capital reserve fund income in accordance with the provisions of RSA 34:16, II.

Further, 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, if any, to implement the transactions contemplated by this Resolution. **CC FY15 03-03 AB 105**

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

Councilor Keans questioned why quarterly reports from the Trustees have not been provided in a couple of years. Councilor Varney said the Trustees have been invited to attend Finance Committee meetings to go over some of the line items. There was a brief discussion concerning the Trust Funds.

Councilor Varney **MOVED** to **ADOPT** the resolution. Councilor Gates seconded the motion. The **MOTION CARRIED** by majority voice vote.

15.6 AB 107 REVISED Amendment to Chapter 23 of the General Ordinances of the City of Rochester Regarding “Fire Safety Measures” Second Reading, MOVE to Substitute the Original Proposed Amendment for the Revised Proposed Amendment and Adoption.

Councilor Walker **MOVED** to substitute the original proposed Amendment with the revised amendment, read the Amendment by title only and to **ADOPT** the Amendment. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

**AMENDMENTS TO CHAPTER 23 OF THE
GENERAL ORDINANCES OF THE CITY OF ROCHESTER
REGARDING “FIRE SAFETY MEASURES”**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 23 of the General Ordinances of the City of Rochester, entitled “Fire Safety Measures”, as presently amended, be further amended as follows:

- I. That Chapter 23 of the General Ordinances of the City of Rochester, entitled “Fire Safety Measures”, as presently amended, be further amended, by amending the “introductory **“SECTIONAL ANALYSIS”** of such Chapter 23, so as to provide as follows:

- “23.1 Fire Safety Rules and Regulations
- 23.2 Smoke Detector Wiring
- 23.3 Enforcement Officer
- 23.4 Control of Outdoor Fires
- 23.5 Knox Box Installations
- 23.6 Public Safety Amplification System Required in Large Facilities
- 23.7 Administration and Enforcement
- 23.8 Means of Escape
- 23.9 Fire Department Access
- 23.10 Control of Fire Hazards
- 23.11 Penalty
- 23.12 Sprinkler Requirements for Certain Single-family Dwelling Units
- 23.13 Prohibition and Regulation of Fireworks
- 23.14 Listed Agent Program
- 23.15 Regulation of Fire Alarms”

- II. That Section 23.7 of the General Ordinances of the City of Rochester entitled “Administration and Enforcement”, as presently amended, be further amended, by amending said Section 23.7, as presently enacted, to provide as follows, said amended Section to be known as Section 23.7 of the General Ordinances of the City of Rochester, to wit:

“23.7 Administration and Enforcement.

The authority having jurisdiction for the administration and enforcement of this chapter shall be Fire Prevention of the City of Rochester. The fee schedule under this chapter shall be as follows:

Tank Removal	\$25.00
Blasting	\$25.00
Incident Report	\$5.00
Fire Marshal's Investigation Report	\$25.00
Photographs (Fire Scene)	\$15.00
CD Photos (Fire Scene)	\$15.00
Fire Alarm System Plan Review	\$1.00 per device or \$50.00 minimum
Sprinkler System Plan Review	\$1.00 per device or \$50.00 minimum

Commercial Hood Fire Suppression	\$1.00 per device or \$50.00 minimum
Clean Agent Initial Inspection	\$1.00 per device or \$50.00 minimum Free of Charge
Re-Inspections	\$50.00 per person with \$100.00 minimum
(Sprinkler Systems, Fire Alarm Systems, Commercial Hood Fire Suppression, Clean Agent)	
Fine	\$100.00 \$ 1 7 5 . 0 0 (working without a permit or license)
Listed Agent	\$25.00 per year, per restriction
False Alarm, Fire Alarm Activation	\$175 after 2 consecutive, per calendar year"

- III. That Chapter 23 of the General Ordinances of the City of Rochester entitled "Fire Safety Measures", as presently amended, be further amended, by adding to said Chapter 23, a new Section, to be known as Section 23.14 of the General Ordinances of the City of Rochester, said Section 23.14 to provide as follows, to wit:

"23.14 Listed Agent Program

In accordance with NFPA 1:2009 1.13, or the applicable adopted section of the current Code, the Rochester Fire Department enacts the Listed Agent Program. The Fire Chief or his designee shall promulgate administrative rules for the management of the Listed Agent Program."

- IV. That Chapter 23 of the General Ordinances of the City of Rochester entitled "Fire Safety Measures", as presently amended, be further amended, by adding to said Chapter 23, a new Section, to be known as Section 23.15 of the General Ordinances of the City of Rochester, said Section 23.15 to provide as follows, to wit:

"23.15 Regulation of Fire Alarms

The Fire Chief or his designee shall promulgate administrative rules for the management of the installation and maintenance of Fire Alarms." CC FY15 03-03 AB 107

Mayor Jean asked if there was no objection he would like to add an additional resolution. Councilor Walker **MOVED** to read the resolution for the first time by title only. Councilor Varney seconded the motion. The **MOTION CARRIED** by unanimous voice vote. Mayor Jean read the resolution for the first time as follows:

Resolution Accepting
Donation of Land
From Cumberland Farms, Inc.
In the Vicinity of the Intersection of NH Route 125 and Flat Rock Bridge Road

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

That the Mayor and City Council of the City of Rochester hereby authorize the City Manager, acting on behalf of the City of Rochester, to accept the donation of an approximately 1,151 sq. ft (0.026 acre) parcel of land from Cumberland Farms, Inc. by Quitclaim Deed Situate at the current intersection of NH Route 125 and the Flat Rock Bridge Road, as shown on Exhibit A annexed hereto, such parcel to be used by the City for improvements to the Intersection of the aforesaid roads, and acceptance being subject to the provisions of a Quitclaim Deed from the said Cumberland Farms, Inc. to the City of Rochester in a form acceptable to the City Manager and/or his designee (which easement deeds shall not be recorded until each such deed is approved by the City Manager and/or his designee.) CC FY 15 AB 114

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

Councilor Varney asked Mike Bezanson where Public Works is with this project. Mr. Bezanson said the project is before the Planning Board.

The **MOTION CARRIED** by unanimous voice vote.

16. Other

Councilor Gates asked if the snow removal of the Community Center roof was done by city employees on straight time. Mr. Fitzpatrick said no, most of the labor was done by contractors at a cost of about \$6,000. Mr. Gates asked if there was any structural damage done to the building. Mr. Fitzpatrick said none that he was aware of.

Councilor Torr said that some time ago there was a discussion regarding pay for the councilors and school board members, as well as a \$1,000 raise for the mayor. He said, in his opinion, that the mayor of the city is not paid enough for all of the work that he does. He made a **MOTION** to refer the subject of the mayor's salary to the Finance Committee. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Councilor Collins said that obviously there is going to be a massive snow melt. He asked if the citizens of the city would take the time to clean around the storm drains in their neighborhoods it will help with the water runoff.

Councilor Collins added that in the areas north of the city there will be a huge amount of water going into the rivers and streams. He asked if the city has taken any precautions for dealing with the water. Mr. Fitzpatrick said the water levels are controlled by three agencies: the City, the State, and Federal governments.

Councilor Keans asked if the Code Red alert can be used for such things as river flooding. The reverse 911 is also available for such emergencies.

Councilor Lachapelle pointed out that there is a major pothole on Twombly Street where a citizen had a tire blow out.

Councilor Torr said there was a time when Rochester flooded out (approximately 1920's) and the water rushed down the main streets, washing out businesses as well as the first floor of the Gonic Mill. Councilor Collins added an anecdote to the story.

17. Non-Meeting and Non-Public Session (cancelled)

18. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the meeting at 9:10 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Respectfully submitted,

Marcia H. Roddy
Deputy City Clerk