

**Regular City Council Meeting
April 7, 2015
COUNCIL CHAMBERS
7:00 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Attorney O'Rourke
Jim Campbell, Planning
Joseph Lessard, Vice President
Michael Bezanson, Interim
Director of Public Works

MINUTES

1. Call to Order

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

2. Pledge of Allegiance

Mayor Jean led the City Council in the Pledge of Allegiance.

3. Opening Prayer

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

4. Roll Call

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

5. Acceptance of Minutes

5.1. March 3, 2015, Regular City Council Meeting Minutes

Councilor Walker **MOVED** to **ACCEPT** the Regular City Council meeting minutes of March 3, 2015. Councilor Lachapelle 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 stated that Kathy Mallett, Rochester Public Library, has been selected as the Employee of the Month for April. She was unable to attend the meeting.

6.2. City Manager's Report

City Manager Fitzpatrick gave the report as follows:

Management Team Meeting minutes:

- February 23, 2015
- March 2, 2015
- March 9, 2015
- March 16, 2015
- March 23, 2015

Contracts and documents executed since last month:

- Bridging the Gaps – Memorandum of Understanding
- CDBG – release of funds – Library Heating/Cooling units project
- Chesley Hill improvements project – bid award
- Eversource/FairPoint infrastructure - construction contracts – GRDD (Granite Ridge Development District)
- Force Engineering proposal – arena roof
- State Highway Grant notification – PD DUI Patrols
- State Highway Grant notification – PD Enforcement Patrols
- GRDD (Granite Ridge Development District) – bid award – Severino Trucking
- GRDD (Granite Ridge Development District) Infrastructure Improvements – Severino Trucking construction agreement
- Lakes Region – GIS mapping request
- LexisNexis agreement
- Pump Station amendment
- Seabrook Power Plant FY16 Budget
- Water Storage Tank Rehab project
- Watershed Assistance Grant – Grant Award Acceptance documents

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

- Computer Lease – McVay, K (Police)
- Computer Lease – Stevens, C (Fire Dept.)
- Computer Lease – Warburton, R (Police)

Other information:

- Attorney opinion – Rochester Fairgrounds
- Metrocast Franchise Fees received
- Parsell Haying Agreement

Standard reports:

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

Councilor Keans asked for more information about a court case relative to a junk yard which had been discussed at the March 16, 2015, Management Team Meeting minutes. City Manager Fitzpatrick agreed to get back to the City Council with more information.

Councilor Varney asked about the conservation easement for Granite Ridge and what the problem is with the Attorney General's Office. City Manager Fitzpatrick stated that the information had been provided by Attorney Wensley and that he could get back to the City Council with more information.

Councilor Torr asked about the Parsell Haying Agreement. He asked if the City received any revenue per the current agreement. He added that other interested citizens might be willing to pay the City a small stipend for such a profitable agreement. Mayor Jean stated that the matter could be looked into.

Councilor Varney stated the March 9, 2015 Management Team meeting indicates that the "State Street Rodders" is seeking to utilize the Community Center parking lot a few days a month. It was mentioned that this organization would get a port-a-potty during the event days. He disagreed with the idea since there are bathroom facilities located at the Community Center. City Manager Fitzpatrick agreed to look into the matter.

7. Communications from the Mayor

7.1. Proclamation: Arbor Day

Mayor Jean read a portion of the Arbor Day proclamation and declared April 24, 2015, as Arbor Day in the City of Rochester. This proclamation would be sent to the Department of Public Works for display.

7.2. Announcement: Dog Registration and Rabies Clinics

Mayor Jean said that it is time for dog owners to register their dogs.

Mayor Jean announced that there would be two City Rabies Clinics to give an opportunity for dog owners to have their pets vaccinated and licensed at the same time. The two rabies clinics dates are as follows: April 18, 2015 and May 30, 2015. Both clinics will be held at the Rochester Fair Grounds in the 4H Building located at 72 Lafayette Street, Rochester, New Hampshire from 12:00 PM to 2:00 PM. For more information visit the City's website at rochesternh.net

Mayor Jean stated that Executive Councilor Colin VanOstern announced that there would be a public hearing with officials from Fairpoint Communications to be held on Wednesday, April 15, 2015, from 12:00 PM – 1:30 PM in the City of Rochester Council Chambers. Mayor Jean indicated that he forwarded the message to the City's Department Heads for potential input. He encouraged participation.

8. Communications from the Deputy City Manager

8.1. AB 135 Budget Calendar

Deputy City Manager Cox stated that there have been two notable changes to the Budget Calendar. The first is that the Police Department would not present its budget on April 28, 2015, as originally planned. The new date for the Police Department budget presentation is to be May 12, 2015. Secondly, the East Rochester Library Director would actually have an opportunity to present their budget to the City Council on May 5, 2015.

Mayor Jean asked when the 2016 Budget Books would be presented to the City Council. Deputy City Manager Cox replied the books would be presented to the City Council at the April 21, 2015, City Council Workshop.

9. Presentations of Petitions and Council Correspondence

9.1. AB 134 Review of Update of Values – Report from

Municipal Resources, Inc.

Mayor Jean invited Joseph Lessard, Vice President of Municipal Resources, Inc., to come forward to address the City Council.

Mr. Lessard gave a brief overview of the report which can be found in the City Council packet for this evening. He found that an appropriate process was used by the City Assessor's Department to update the values for the City of Rochester. He said Municipal Resources found that the evaluations, subsequent to the update of values, were more equitable than prior evaluations; however, it is intended to improve proportionality.

Councilor Varney stated that a small "sample" size was used in updating values in some of the neighborhoods. He asked for clarification on this process. Mr. Lessard explained that some neighborhoods are tough to re-evaluate if there are not enough sales to set the tone of a neighborhood. Subsequently, other methods are used in order to determine the value within the neighborhood. In reviewing this complicated process for Rochester he noted that it seems to have been done correctly. Mayor Jean thanked Mr. Lessard for the presentation. He noted that it would make sense to create a link to this review directly from the City Assessor's website page.

10. Nominations, Appointments, Resignations, and Elections

10.1. Resignation: Daniel Spencer, Ward Clerk: Ward Five

Councilor Hamann **MOVED** to **ACCEPT** the resignation of Daniel Spencer, as the Ward Clerk for Ward Five. Councilor Lachapelle seconded the motion. Mayor Jean noted that Mr. Spencer has subsequently applied for the vacant moderator's position. The **MOTION CARRIED** by a unanimous voice vote.

10.2. Appointment: Daniel Spencer, Moderator: Ward Five

Councilor Walker **MOVED** to appoint Daniel Spencer as the Moderator for Ward Five, with a term to expire on January 1, 2016. Councilor Lachapelle seconded the motion. Councilor Larochelle informed the City Council that the Appointments Committee met with Mr. Spencer prior to this City Council meeting and agreed to make a recommendation for his appointment. The **MOTION CARRIED** by a unanimous voice vote.

11. Reports of Committees:

11.1. Appointments Committee

Councilor Larochelle reviewed the Appointments Committee meeting minutes of March 3, 2015. He said the Committee met with three Conservation Commission members: Jeff Winders, Meredith Lineweber, and Kevin Sullivan. The Committee kept those appointments in Committee at that time.

Councilor Larochelle reviewed the Appointments Committee meeting minutes of March 17, 2015.

Councilor Larochelle gave a brief overview of the Appointments Committee recommendation for Martha Wingate for reappointment to the Historic District Commission, with a term to expire January 2, 2018. Mayor Jean nominated Ms. Wingate for reappointment to the Historic District Commission, with a term to expire January 2, 2018. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease and to have the City Clerk cast one ballot for Ms. Wingate. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Larochelle gave a brief overview of the Appointments Committee recommendation of David Ouellette for reappointment to the Trustees of the Trust Fund, with a term to expire January 2, 2018. Mayor Jean nominated Mr. Ouellette for reappointment to the Trustees of the Trust Fund, with a term to expire January 2, 2018. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease and to have the City Clerk cast one ballot for Mr. Ouellette. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Larochelle said the Appointments Committee made the following recommendations at the March 17, 2015, Committee meeting: Meredith Lineweber be reappointed as a Regular member of the Conservation Commission with a term to expire January 2, 2018; Kevin Sullivan be appointed as a Regular Member of the Conservation Commission, with a term to expire January 2, 2018; and that Roger Burkhart be appointed as an Alternate Member of the Conservation Commission, with a term to expire January 2, 2017.

Mayor Jean nominated Meredith Lineweber to be reappointed as Regular member of the Conservation Commission with a term to expire January 2, 2018. Councilor Walker seconded the nomination. Councilor Walker **MOVED** that nominations cease and the City Clerk cast one ballot for Ms. Lineweber. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean nominated Kevin Sullivan to be appointed as a Regular Member of the Conservation Commission with a term to expire January 2, 2018. Councilor Walker seconded the nomination. Councilor Walker nominated Jeff Winders to be

reappointed to the Conservation Commission with a term to expire January 2, 2018. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Kevin Sullivan has been appointed to the Conservation Commission by an 8 to 5 ballot vote as follows:

- Kevin Sullivan – 8 Votes
- Jeff Winders – 5 Votes

Councilor Larochelle reviewed the Committee's recommendation to appoint Roger Burkhart as an Alternate member of the Conservation Commission with a term to expire January 2, 2017. Mayor Jean nominated Mr. Burkhart as an Alternate member of the Conservation Commission with a term to expire January 2, 2017. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease and the City Clerk cast one ballot for Mr. Burkhart. The **MOTION CARRIED** by a unanimous voice vote.

11.2. Community Development Committee

Councilor Gray said the proposed CDBG Block Grant and the CDBG Five-Year Consolidated Plan are on the Agenda for this evening.

Councilor Gray said Karen Pollard, Economic Development Manager, attended the Community Development Committee and stated that the Office of Economic and Community Development is considering a feasibility study for a hotel and conference center that would serve the Seacoast Region. Councilor Gray said the Committee gave a unanimous endorsement to proceed on February 12, 2015.

Councilor Gray asked what the cost would be for the feasibility study of the hotel and conference center. City Manager Fitzpatrick recalled that the cost of the study is approximately \$30,000 and the funds have been budgeted for in this year's budget. Councilor Varney asked if the three private entities have contributed any funds to the study. He named the three entities as follows: the Rochester Fairgrounds, the former Thompson Center Arms site, and a site on Route 11. City Manager Fitzpatrick said he was not aware of any entities contributing to this study. He reiterated that the funds have been budgeted in this year's budget.

Councilor Walker asked if the CDBG service agencies are the same as last year. Councilor Lauterborn replied that there is one new service agency that has applied for CDBG Block Grant funding which is the New Hampshire Legal Assistance Housing Justice Project. She added that there is slightly less funding

available this year.

Councilor Varney requested that someone compile a list of what was authorized last year versus what is being requested this year from each service agent. Mayor Jean agreed that this type of information could be provided in the City Council Workshop packet.

- **Codes and Ordinances Committee**

Councilor Lauterborn stated that the Committee discussed the codification process and kept other items in Committee as well.

11.3. Finance Committee

Mayor Jean said the Finance Committee discussed the Bridging the Gap Program with Chief Allen. Chief Allen is seeking to obtain funds in order to keep the program in place while an Executive Director is being sought. The funding request is up to a six-month period. Mayor Jean stated that if there is no objection a funding resolution has been provided for this evening's meeting.

Councilor Lachapelle **MOVED** to read the resolution by title only for the first time. Councilor Varney 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 AUTHORIZING SUPPLEMENTAL APPROPRIATION TO
THE 2014-2015 OPERATING BUDGET OF THE CITY OF ROCHESTER
FOR SERVICES RELATED TO THE BRIDGING THE GAP PROGRAM**

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

That the sum of Thirty Two Thousand Two Hundred Forty Dollars (\$32,240.00) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 operating budget of the City of Rochester for the purpose of providing funds for use in connection with the Bridging the Gap Program to fund the program director for up to six (6) months. Further, that the sums necessary to fund such supplemental appropriation shall be drawn in their entirety from the General Fund fund balance. 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 and to establish a special revenue, non-lapsing, multi-year

fund to which said sums shall be transferred. **CC FY 15 04-07 AB 136**

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Varney seconded the motion.

Councilor Gates **MOVED** to **AMEND** the resolution by amending the following sentence as follows in **bold**: for up to six months **at which time financing ceases not to be reinstated**. The City Council debated the amendment and determined that this motion would not be a legal amendment. Councilor Gates **Withdrew** his motion. Mayor Jean indicated that the funding would end in six months and another resolution would need to be adopted in order to continue funding. Councilor Lauterborn said she would vote against the motion. She gave reasons why it does not make sense to use a "temp" agency now that the City is paying for this funding. Mayor Jean asked Deputy City Manager Cox to provide the City Council with a comparison of the cost of using a "temp" agency versus hiring an employee [with a benefit package].

Councilor Gray and Councilor Larochelle disclosed that they serve on the Bridging the Gap Board; however, there is no financial gain for either participants which is not a conflict of interest and would not preclude the two Councilors from voting.

Councilor Walker requested a roll call vote. Councilor Lachapelle seconded the request. The **MOTION CARRIED** by a 10 to 3 roll call vote. Councilors Gray, Larochelle, Keans, Bogan, Varney, Hamann, Collins, Lachapelle, Gates, and Mayor Jean voted in favor of the motion. Councilors Lauterborn, Torr, and Walker voted against the motion.

Mayor Jean stated that the Finance Committee discussed the Welfare Guidelines which is on this Agenda under New Business. He gave a brief overview of the presentation which had been provided by Todd Marsh, Welfare Director. Mayor Jean commended the Welfare Department for establishing these guidelines. It was noted that the Welfare Department has done a tremendous job of keeping costs down over the past several years. *These guidelines were approved later in the minutes under New Business.*

Mayor Jean stated that the Finance Committee discussed the Mayor's and City Councilors' stipends and decided it would be beneficial to create an

Ad Hoc Committee to review the stipends. The following people have been appointed to an Ad Hoc Committee to review this process:

- Bob Steel, former City Manager
- Lisa Stanley, former City Councilor and Business Owner
- Gerry Gilbert, Business Leader

Mayor Jean said the Committee would meet this coming Friday, April 10, 2015. The Committee has been provided with information of the current ordinances along with comparable pay for other mayors and city councilors throughout the state. The Committee will use this information to formulate its recommendation to the Finance Committee which will meet on Tuesday, April 14, 2015.

11.4. Joint Building Committee

Councilor Keans said she is remarkably pleased with Hutter Construction Company work on the East Rochester School. She said the current funds for the project have been expended to about fifty percent. She reviewed a couple of change orders in the flooring and furniture.

Councilor Keans said the Committee approved the Solar Energy Purchase Power Agreement.

Councilor Keans mentioned there are about five local subcontractors that have been hired for some of the work as well.

Councilor Gray mentioned that a scheduled walk-through of the East Rochester School would take place on April 26, 2015. Councilor Keans added that any Council member could attend the next Joint Building Committee meeting on April 13, 2015, and take an unofficial walk-through of the building.

11.5. Public Safety Committee

Councilor Walker stated that several items have been kept in Committee and that there are no action items for the City Council this evening.

11.6. Public Works Committee

Councilor Varney said the Committee received public input from residents of Collins Circle and there is a subsequent agenda item for this matter later on the Agenda under New Business.

Councilor Varney said the Committee is waiting to hear back from the owners of the China Palace about the proposed China Palace/Columbus Avenue Parking Lot Extension Project Request.

Councilor Varney stated that the Committee is waiting to hear more about the proposed park on Route 11.

Councilor Varney stated that the Committee is reviewing the Strafford Square project. It seems that using the underground utilities is going to cost a lot more than originally anticipated. Several Councilors were against paying this substantial amount of money for the benefit of having the underground utilities. Councilor Keans said the City Council should really investigate this situation in order to keep the utility lines underground. Councilor Lauterborn questioned if Eversource is the only service provider for this project. Mayor Jean understood that Eversource is the owner of the powerlines, poles, and the conduit; therefore, the only service provider in this situation.

Mr. Bezanson stated that the proposed utility fees in the spreadsheet are only estimates from the City's consultant and not actual fees provided by Eversource at this time. The expectation is that the estimates are high. He added that the original estimate includes placing the lines underground starting at the bridge; however, it may be possible only to use the underground utilities at Strafford Square, which would drive the cost down substantially. He said this decision could be made during the budget season without delaying the project.

Councilor Lauterborn asked if maintenance costs would be decreased if the power lines were buried underground. Mr. Bezanson replied that the theory makes sense; however, the power companies do not admit to it. Mayor Jean suggested delaying any vote on the underground utilities until the accurate figures are presented to the City Council.

Councilor Torr asked if it is necessary to spend a half million dollars on the booster station located on Route 11. Councilor Varney recalled that the booster station is needed for this phase of the Granite Ridge Development Project and it would be built with room for future expansion as additional phases of development occur. Mayor Jean said this would be paid for by the bonding funds from the Granite Ridge Development TIF.

12. Old Business

13. Consent Calendar

Councilor Walker **MOVED** to **ADOPT** all the items on the Consent Calendar. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.1. AB 121 Resolution De-Authorizing FY 2004 – 2005 Capital Improvement Budget Appropriation for the So-Called Strafford Square Project – First Reading, Second Reading, and Adoption

RESOLUTION DEAUTHORIZING
FY 2004- 2005 CAPITAL IMPROVEMENT BUDGET APPROPRIATION
FOR THE SO-CALLED STRAFFORD SQUARE PROJECT

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

WHEREAS, by virtue of a certain resolution adopted by the Mayor and City Council of the City of Rochester in June 2004, the Mayor and City Council approved a supplemental appropriation to the FY 2005 Capital Improvement Budget of the City of Rochester, Public Works Departments, Highway Division, in the sum of One Million Forty-Five Thousand Dollars (\$1,045,000.00) for the purpose of paying for costs and expenses incurred with respect to the various aspects of the so-called Strafford Square project (the "Project"), with such supplemental appropriation to be funded to the extent of Eight Hundred Thirty-Six Thousand Dollars (\$836,000.00) from a Federal/NH Department of Transportation grant to the City, and to the extent of Two Hundred Nine Thousand Dollars (\$209,000.00), from the proceeds of bonds to be issued by the City of Rochester; and

WHEREAS, the aforesaid supplemental appropriation has, to date, remained unexpended to the extent of Six Hundred Ninety-Five Thousand Thirty Dollars and Fifty-Two Cents (\$695,030.52), and the plans for the originally proposed Project have been revised so as to encompass different components (the "Revised Project"), which different components can be paid for utilizing different funding sources which are currently available to fund various aspects and components of the Revised Project; and

WHEREAS, the changes in the physical aspects and available funding sources for the Revised Project, have rendered the Project and its original funding source, no longer necessary, appropriate and/or in the best interests if the City, to the extent of the Six Hundred Ninety-Five Thousand Thirty Dollars and Fifty-Two Cents (\$695,030.52) portion of the appropriation referred to above;

NOW THEREFORE, in light of the above resulting in an excess appropriation of funds for the Project, in the total amount of Six Hundred Ninety-Five Thousand Thirty Dollars and Fifty-Two Cents (\$695,030.52), the Mayor and City Council of the City of Rochester hereby deauthorize the sum of Six Hundred Ninety-Five Thousand Thirty Dollars and Fifty-Two Cents (\$695,030.52) of the above appropriation of funds for the aforementioned Project, with Two Hundred Twenty-Six Thousand Three Hundred Forty-Four Dollars Fifty-Eight Cents (\$226,344.58) of said deauthorized funds being drawn from the Federal/NH Department of Transportation grant to the City and One Hundred Twenty-Three Thousand Six Hundred Twenty-Four Dollars Ninety Cents (\$123,624.90) being drawn from the abovementioned proceeds of bonds to be issued by the City, thereby reducing the amount of the aforesaid appropriation for such Project to Three Hundred Forty-Nine Thousand Nine Hundred Sixty-Nine Dollars Forty-Seven Cents (\$349,969.47). Furthermore, the Mayor and City Council hereby withdraw and discontinue all bonding authority with respect to the deauthorized portion of the Project funding to be derived from the proceeds of bonding deauthorized herein.

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 04-07 AB 121**

13.2. AB 122 Resolution De-Authorizing FY 2011-2012 Capital Improvement Budget Appropriation for the So-Called Strafford Square Project – First Reading, Second Reading, and Adoption

RESOLUTION DEAUTHORIZING
FY 2011-2012 CAPITAL IMPROVEMENT BUDGET APPROPRIATION
FOR THE SO-CALLED STRAFFORD SQUARE PROJECT

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

WHEREAS, by virtue of a certain resolution adopted by the Mayor and City Council of the City of Rochester in June 2011, the Mayor and City Council approved an appropriation to the FY 2011-2012 Capital Improvement Budget of the City of Rochester, Public Works Departments, Highway Division, the sum of Five Hundred Twenty-Five Thousand Dollars (\$525,000.00) for the purpose of paying for costs and expenses incurred with respect to the various aspects of the so-called Strafford Square project (the "Project"), with such appropriation to be funded to the extent of Three Hundred Ninety-Three Thousand, Seven Hundred Fifty Dollars (\$393,750.00)

from a Federal/NH DOT Highway grant, and to the extent of One Hundred Thirty-One Thousand Two Hundred Fifty Dollars (\$131,250) from the proceeds of bonds to be issued by the City of Rochester; and

WHEREAS, the aforesaid supplemental appropriation has, to date, remained unexpended to the extent of Four Hundred Eleven Thousand Fifty-Seven Dollars and Sixteen Cents (\$411,057.16), and the plans for the originally proposed Project have been revised so as to encompass different components (the "Revised Project") which different components can be paid for utilizing different funding sources which are currently available to fund various aspects and components of the Revised Project; and

WHEREAS, the changes in the physical aspects and available funding sources for the Revised Project, have rendered the Project and its original funding source, no longer necessary, appropriate and/or in the best interests if the City to the extent of the Four Hundred Eleven Thousand Fifty-Seven Dollars Sixteen Cents (\$411,057.16) of the appropriation referred to above;

NOW THEREFORE, in light of the above resulting in an excess appropriation of funds for the Project, in the total amount of Four Hundred Eleven Thousand Fifty-Seven Dollars Sixteen Cents (\$411,057.16), the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum Four Hundred Eleven Thousand Fifty-Seven Dollars Sixteen Cents (\$411,057.16) of the previous appropriation of funds for the aforementioned Project, with Three Hundred Ninety-Three Thousand, Seven Hundred Fifty Dollars (\$393,750.00) of said deauthorized funds being drawn from the Federal/NH Department of Transportation grant to the City, and Seventeen Thousand Three Hundred Seven Dollars and Sixteen Cents (\$17,307.16) being drawn from the abovementioned proceeds of bonds to be issued by the City, thereby reducing the amount of the aforesaid appropriation for such Project to One Hundred Thirteen Thousand Nine Hundred Forty-Two Dollars and Eighty-Four Cents (\$113,942.84), to be raised in its entirety from the proceeds of bonding by the City of Rochester. Furthermore, the Mayor and City Council hereby withdraw and discontinue all bonding authority with respect to the deauthorized portion of the Project funding to be derived from the proceeds of bonding deauthorized herein.

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 04-07 AB 122**

**13.3. AB 123 Resolution De-Authorizing FY 2013 – 2014
Capital Improvements Budget Appropriation for the**

**So-Called Strafford Square Project – First Reading,
Second Reading, and Adoption**

**RESOLUTION DEAUTHORIZING
FY 2013-2014 CAPITAL IMPROVEMENT BUDGET APPROPRIATION
FOR THE SO-CALLED STRAFFORD SQUARE PROJECT**

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

WHEREAS, by virtue of a certain resolution adopted by the Mayor and City Council of the City of Rochester in June 2013, the Mayor and City Council approved an appropriation to the Capital Improvement Budget of the City of Rochester, Public Works Departments Division the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) for the purpose of paying for costs and expenses incurred with respect to the various aspects of the so-called Strafford Square project (the "Project"), with such appropriation to be funded, in its entirety, from funds derived from issuance of bonds by the City of Rochester; and

WHEREAS, the aforesaid supplemental appropriation has, to date, remained unexpended, and the plans for the originally proposed Project have been revised so as to encompass different components (the "Revised Project") which different components can be paid for utilizing different funding sources which are currently available to fund various aspects and components of the Revised Project; and

WHEREAS, the changes in the physical aspects and available funding sources for the Revised Project, have rendered the Project and its original funding source, no longer necessary, appropriate and/or in the best interests if the City to the full extent of the One Hundred Fifty Thousand Dollars (\$150,000.00) appropriation referred to above;

NOW THEREFORE, in light of the above resulting in an excess appropriation of funds for the Project, in the total amount of One Hundred Fifty Thousand Dollars (\$150,000.00), the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum of One Hundred Fifty Thousand Dollars (\$150,000.00) of the previous appropriation of funds for the aforementioned Project, thereby reducing the amount of the aforesaid appropriation for such Project to zero (\$0.00). Furthermore, the Mayor and City Council hereby withdraw and discontinue all bonding authority with respect to the deauthorized portion of the Project funding to be derived from the proceeds of bonding deauthorized herein.

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 04-07 AB 123**

14. New Business

14.1. AB 120 Welfare Guidelines – Motion to Approve

Councilor Lachapelle **MOVED** to **ACCEPT** the Welfare Guidelines as written. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

14.2. AB 127 Resolution Adopting a 2015-2016 Rochester CDBG "Action Plan for the City of Rochester, NH" and Approving and Appropriating the 2015-2016 Community Development Budget for the City of Rochester – First Reading and Refer to a Public Hearing

A revised resolution was handed out prior to the City Council meeting. Councilor Lachapelle **MOVED** to read the resolution by title only for the first time and refer the matter to a Public Hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only as follows:

RESOLUTION ADOPTING A 2015-2016 ROCHESTER CDBG
"ACTION PLAN FOR THE CITY OF ROCHESTER, N.H." AND
APPROVING AND APPROPRIATING THE 2015-2016
COMMUNITY DEVELOPMENT BUDGET FOR THE CITY OF ROCHESTER

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby adopt the one-year 2015-2016 "Action Plan for the Community Development Division for the City of Rochester, N.H.," as prepared and presented to the Mayor and City Council by the City of Rochester Office of Economic and Community Development, in connection with the City's Community Development Block Grant (CDBG) program, including the goals, objectives, and concepts set forth therein;

II. Further, that a twelve (12) month Community Development Block Grant budget for the Office of Economic and Community Development for the City of

Rochester in the total amount of Two Hundred Twenty-Seven Thousand and Sixty-Two Dollars (\$227,062.00) be, and hereby is, approved and appropriated for fiscal year 2015-2016. Included in said approval and appropriation are expenditures set forth in the one-year action plan of the Office of Economic & Community Development for the City of Rochester for the Community Development Block Grant program, in the following categories and amounts:

Administration and Planning	\$ 45,412.00
Public Service Agencies	\$ 34,059.00
Economic Development	\$ 12,000.00
Housing	\$ 50,000.00
Public Facilities/Infrastructure	<u>\$ 85,591.00</u>
Total	\$227,062.00

This budget and the one-year action plan for 2015-2016 may be reconsidered if federal funding is changed or if it is inconsistent with the total 2015-2016 budget adopted for the Office of Economic & Community Development.

The sums necessary to fund the above appropriation in the amount of Two Hundred Twenty-Seven Thousand and Sixty-Two Dollars (\$227,062.00) shall be drawn in their entirety from the above-mentioned 2015-2016 fiscal year Community Development Block Grant from the federal government to the City of Rochester. The Finance Director is hereby authorized to create such line item accounts as shall be necessary to implement this Resolution.

Furthermore, in the event that federal funding for the above Community Development Block Grant budget is less than the total appropriation amount provided for in this Resolution, then, and in such event, the City Manager, or his designee in the Office of Economic and Community Development, is authorized to proportionately reduce the amounts for the budgetary categories stated above, as well as for any planned grants and/or other expenditures made from within such budgetary categories. **CC FY 15 AB 127**

- 14.3. ~~**AB 128 Resolution Adopting a 2015-2020 Rochester CDBG "Consolidated Action Plan for the City of Rochester, NH" and Approving and Appropriating the 2015-2016 Community Development Budget for the City of Rochester**~~ **Revised: Resolution Adopting a 2015-2020 Rochester CDBG " Consolidated Action Plan for the City of Rochester, NH" - First Reading and Refer to a Public Hearing**

Mayor Jean stated that this resolution had been revised prior to the City Council meeting. Councilor Walker **MOVED** to read the resolution by title only and send the matter to a Public Hearing. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution as follows:

RESOLUTION ADOPTING A 2015-2020 ROCHESTER CDBG
"CONSOLIDATED ACTION PLAN FOR THE CITY OF ROCHESTER, N.H."

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, by adoption of this Resolution, hereby adopt the five-year 2015-2020 "Consolidated Action Plan for the Community Development Division for the City of Rochester, N.H.," as prepared and presented to the Mayor and City Council by the City of Rochester Office of Economic & Community Development, in connection with the City's Community Development Block Grant (CDBG) program, including the goals, objectives, and concepts set forth therein.

The budget for Year 1 of the 2015-2020 "Consolidated Action Plan for the Community Development Division for the City of Rochester, N.H.," which is contained and detailed in the *Resolution Adopting a 2015-2016 Rochester CDBG "Action Plan for the City of Rochester, N.H." and Approving and Appropriating the 2015-2016 Community Development Budget for the City of Rochester*, may be reconsidered if federal funding is changed or if it is inconsistent with the total 2015-2016 budget adopted for the Office of Economic & Community Development.

Furthermore, in the event that federal funding for any Community Development Block Grant budget is less than the total appropriation amount provided for in this Resolution, then, and in such event, the City Manager, or his designee in the Office of Economic & Community Development, is authorized to proportionately reduce the amounts for the relevant budgetary categories, as well as for any planned grants and/or other expenditures made from within such budgetary categories. **CC FY 15 AB 128**

- 14.4. **AB 131** Resolution Authorizing Permission to the Rochester Police Department to Apply for Paul Coverdell Forensic Science Improvements Grant in the Amount of \$119,359 – **First Reading and Adoption**

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

RESOLUTION AUTHORIZING
APPLICATION, ON BEHALF OF THE CITY OF ROCHESTER,
POLICE DEPARTMENT,
FOR A SO-CALLED PAUL COVERDELL
FORENSIC SCIENCE IMPROVEMENTS GRANT

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

That the Mayor and City Council, of the City of Rochester, by adoption of this resolution, hereby authorizes the City of Rochester, City Manager and/or his Designee, and the Rochester Police Department to apply for a so-called Paul Coverdell Forensic Science Improvements Grant Federal grant (the "Grant") in an approximate amount of One Hundred Nineteen Thousand Dollars (\$119,000.00), for the purpose of paying the costs associated with best preparing and sending five (5) Department Police Officers to receive instruction with regard to forensic crime scenes. This Grant requires no City funding match.

Further, that the City Manager, and or his designee, be, and hereby are authorized to sign all documents and perform all actions necessary and/or appropriate to apply for such Grant. **CC FY 15 04-07 AB 131**

Councilor Lachapelle **MOVED** to **ADOPT** the resolution by title only for the first time. Councilor Walker seconded the motion. Councilor Keans is pleased with this grant. It requires five officers to attend the training at the same time; however, the cost of the attendees, as well as any overtime used in the absence of the five employees, is all covered in the cost of the grant. There is truly no cost to the City for this proposed training. The **MOTION CARRIED** by a unanimous voice vote.

**14.5. AB 116 Secondhand Dealer Renewal License for "A
Formal Affair" – Motion to Approve**

Councilor Walker **MOVED** to **APPROVE** the second hand dealer license known as "A Formal Affair." Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**14.6. AB 126 New Secondhand Dealer Application
"World's Largest Yard Sale" – Motion to Approve**

Councilor Walker **MOVED** to **APPROVE** the second hand dealer license to be known as "The World's Largest Yard Sale." Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

14.7. AB 119 2017-2026 State of New Hampshire Ten Year Transportation Improvement Plan – *Submit any Comments to the Strafford Metropolitan Planning Organization*

Mayor Jean stated that the Public Works Committee prioritized items to submit for the State's Ten Year Transportation Plan as follows:

1. Pedestrian Bridge – Dewey Street
2. North Main Street – Gap Project
3. Route 125 – Charles Street Intersection
4. Milton Road Intersection and Sidewalks
5. Route 125 and Lowell Street Intersection

Councilor Lachapelle mentioned that the Old Dover Road/Tebbetts Road Intersection should be on the list. It was determined that the State has no interest in investing in this area and that the City has placed "flashing" stop signs at the intersection to help remedy the dangerous situation. Councilor Walker **MOVED** to send the prioritized list to the Strafford County Metropolitan Planning Organization in the form of a letter from the Mayor. Councilor Varney seconded the motion. Councilor Gray clarified that the NHDOT Transportation Plan and the money used for the Turnpike are different funds. The **MOTION CARRIED** by a unanimous voice vote.

14.8. AB 118 Resolution Pursuant to Section 60 of the Rochester City Charter Approving the City Manager's Proposed Amendment to the City of Rochester's So-Called "Merit Plan" Creating the Position of "Director of City Services" and Making Certain Related Changes/Additions to Said Plan – *First Reading and Adoption*

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

RESOLUTION PURSUANT TO

SECTION 60 OF THE ROCHESTER CITY CHARTER
APPROVING CITY MANAGER'S PROPOSED AMENDMENT TO
TO THE CITY OF ROCHESTER'S SO-CALLED "MERIT PLAN"
CREATING THE POSITION OF "DIRECTOR OF CITY SERVICES" AND
MAKING CERTAIN RELATED CHANGES/ADDITIONS TO SAID PLAN

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, by adoption of this resolution, in accordance with the provisions of Section 60 of the Rochester City Charter hereby approve the proposed amendment and changes to the City's so-called "Merit Plan" proposed by the City Manager, and submitted to the said Mayor and City Council of the City of Rochester on April 7, 2015, with regard to the creation of the position of "Director of City Services", and containing related changes to said plan consistent with the accompanying job description and pay grade information attached hereto as **EXHIBIT A** and with additional Agenda Bill materials submitted to the Mayor and City Council contained in the so-called "Packet" provided to Council members in connection with its April 7, 2015 meeting. **CC FY15 04-07 AB 118**

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

14.9. **AB 111 Resolution Accepting Grant to the Rochester Police Department for DWI/DUI Enforcement Patrols and Making a Supplemental Appropriation in Connection Therewith in the Amount of \$7,664.28 – First Reading, Second Reading, and Adoption**

Councilor Lachapelle **MOVED** to read the resolution by title only for the first time. 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 GRANT
TO THE ROCHESTER POLICE DEPARTMENT
FOR DWI/DUI ENFORCEMENT PATROLS
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 grant by the State of New Hampshire, N.H. Highway Safety Agency in the amount of Seven Thousand Six Hundred Sixty-Four Dollars and Twenty-Eight Cents (\$7,664.28) to the City of Rochester, Police Department, for the purpose of conducting DWI/DUI Enforcement Patrols, is hereby accepted by the City of Rochester, and such funds shall be assigned to a special non-lapsing revenue account, the number of which account is to be established by the Finance Director, in the 2014-2015 operating budget of the Police Department. Further, that the sum of Seven Thousand Six Hundred Sixty-Four Dollars and Twenty-Eight Cents (\$7,664.28) be, and hereby is, appropriated to special non-lapsing revenue account 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 conducting DWI/DUI Enforcement Patrols. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid State of New Hampshire, Highway Safety Agency grant.

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 111**

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

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Councilor Gates wished to clarify that this grant is intended for roads and not roadblocks. Mayor Jean replied yes. The **MOTION CARRIED** by a unanimous voice vote.

**14.10. AB 112 Resolution Accepting Grant to the Rochester Police Department for Speeding Enforcement Patrols and Making a Supplemental Appropriation in Connection Therewith in the Amount of \$5,748.21—
First Reading, Second Reading, and Adoption**

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

**RESOLUTION ACCEPTING GRANT
TO THE ROCHESTER POLICE DEPARTMENT**

FOR SPEEDING ENFORCEMENT PATROLS
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 grant by the State of New Hampshire, N.H. Highway Safety Agency in the amount of Five Thousand Seven Hundred Forty-Eight Dollars and Twenty-One Cents (\$5,748.21) to the City of Rochester, Police Department, for the purpose of conducting Speeding Enforcement Patrols, is hereby accepted by the City of Rochester, and such funds shall be assigned to a special non-lapsing revenue account, the number of which account is to be established by the Finance Director, in the 2014-2015 operating budget of the Police Department. Further, that the sum of Five Thousand Seven Hundred Forty-Eight Dollars and Twenty-One Cents be, and hereby is, appropriated to special non-lapsing revenue account 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 conducting Speeding Enforcement Patrols. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid State of New Hampshire, Highway Safety Agency grant.

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 112**

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

14.11. AB 124 Resolution De-Authorizing a Portion of the 2010-2011 Capital Improvement Budget Appropriation for the So-Called Strafford Square Project – First Reading, Second Reading, and Adoption

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

title only for the first time as follows:

**RESOLUTION DEAUTHORIZING A PORTION OF THE
2010-2011 CAPITAL IMPROVEMENT BUDGET APPROPRIATION
FOR THE SO-CALLED STRAFFORD SQUARE PROJECT,**

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

WHEREAS, by virtue of a resolution adopted by the Mayor and City Council of the City of Rochester in December 2010, the Mayor and City Council authorized a Capital Improvement Budget supplemental appropriation for FY 2010-2011 to the City of Rochester, Public Works Departments, Highway Division in the sum of Three Hundred Thousand Dollars and (\$300,000.00) for the purpose of paying for costs and expenses incurred with respect to land acquisition for the so-called Strafford Square (the "Project), such appropriation to be funded, in its entirety, from the proceeds of bonding to be issued by the City of Rochester; and

WHEREAS, the aforesaid Project has been completed, through the use, in part, of another funding source, in a manner resulting in a balance of Two Hundred Thirty-Six Thousand Ninety-Six Dollars Fifty Cents (\$236,096.50) in funds no longer necessary for the Project;

NOW THEREFORE, in light of the current excess appropriation of unneeded funds for the Project, in the total amount of Two Hundred Thirty-Six Thousand Ninety-Six Dollars and Fifty Cents (\$236,096.50) in a Capital Improvement budget account of the City of Rochester, Public Works Department Division, the Mayor and City Council of the City of Rochester hereby deauthorize the sum of Two Hundred Thirty-Six Thousand Ninety-Six Dollars and Fifty Cents (\$236,096.50) of the previous supplemental appropriation of funds for the aforementioned Project, and further withdraw bonding authority with respect to such deauthorized portion of said supplemental appropriation, thereby reducing the amount of the remaining aforesaid supplemental appropriation for such Project, from Three Hundred Thousand Dollars (\$300,000.00) to Sixty-Three Thousand Nine Hundred Three Dollars and Fifty Cents (\$63,903.50), such remaining portion of such supplemental appropriation to be funded from the proceeds of bonding to be issued by the City of Rochester as previously authorized.

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 AB 124**

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

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

14.12. AB 125 Resolution Authorizing Supplemental Appropriation to the 2014-2015 Capital Improvements Budget of the City of Rochester, Department of Public Works, for Land Acquisition for the Strafford Square Project and Accepting NH DOT Grant Regarding the Same – First Reading, Second Reading, and Adoption

Councilor Walker **MOVED** to read the resolution by title only for the first time. Councilor Varney 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 AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE 2014-2015 CAPITAL IMPROVEMENTS BUDGET OF THE CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS, FOR LAND ACQUISITION FOR THE STRAFFORD SQUARE PROJECT AND ACCEPTING NH DOT GRANT REGARDING THE SAME

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

That the sum of Two Hundred Thirty-Six Thousand Dollars (\$236,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 capital improvements budget of the City of Rochester, Department of Public Works, Highway Division, for the purpose of providing funds necessary to pay costs and/or expenditures with respect to land acquisition related to the so-called Strafford Square project, (the "Project"), and provided further that funds for such supplemental appropriation shall be derived in their entirety from a Federal/NH Department of Transportation highway related grant to the City of Rochester Capital Projects Fund for land acquisition reimbursement to the City of Rochester related to the Project, which grant, by passage of this Resolution, is hereby accepted by the City of Rochester.

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 04-07 AB 125**

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

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

14.13. AB 132 Amendment to Chapter 15.5 of the General Ordinances of the City of Rochester Regarding "Highways, Bridges, Sidewalks, and Street Lighting" – First Reading and Adoption

Councilor Lachapelle **MOVED** to read the Amendment to Chapter 15.5 of the General Ordinances of the City of Rochester by title only for the first time. Councilor Walker seconded the motion. Mayor Jean read the Amendment by title only as follows:

**AMENDMENTS TO CHAPTER 15 OF THE
GENERAL ORDINANCES OF THE CITY OF ROCHESTER
REGARDING "HIGHWAYS, BRIDGES, SIDEWALKS, AND STREET
LIGHTING"**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 15 of the General Ordinances of the City of Rochester, entitled "Highways, Bridges, Sidewalks, and Street Lighting", be amended as follows:

- I. That Chapter 15 of the General Ordinances of the City of Rochester, entitled "Highways, Bridges, Sidewalks, and Street Lighting", by amending Section 15.5 Permit for Excavation Upon Highway or Sidewalk (b):

15.5 Permit for Excavation Upon Highway or Sidewalk.

(a) No person shall break or dig up the ground, stone or concrete in any street, lane or alley, or in any sidewalk or common in the City, or erect any staging for building, or fence off any portion of said street or sidewalk, or place or deposit any stone, brick, timber, or other building material thereon,

without first obtaining a written license from the Commissioner and complying in all respects with conditions said Commissioner may impose. Whenever any street, lane, alley, sidewalk, or other public place in the City shall, under any license granted, be dug up, obstructed or encumbered, and thereby rendered unsafe or inconvenient for travelers, the person so digging up, obstructing or encumbering, shall put, and at all times keep up, a suitable railing or fence around the section or parts of any street, lane, alley, or sidewalk or other public place so dug up, obstructed or encumbered, so long as the same shall be, or remain, unsafe or inconvenient as aforesaid, and shall also keep one or more lighted lanterns fixed to such fence, or in some proper place, every night from twilight in the evening and throughout the whole night so long as such railing or fence shall be kept standing. He/She shall also, at his/her expense, to the acceptance of the Commissioner, and within such reasonable time as the Commissioner shall direct, repair such street, lane, alley, sidewalk or public place.

(b) For a period of three (3) years, beginning with the date of the completion of the final paving of a public street or way relating to the construction or reconstruction of said street or way, no person, firm or corporation or any agent servant thereof shall excavate, construct or in any way encumber the paved or traveled portion of the street or way in the City of Rochester at any time, except for emergencies as may be deemed necessary by the Commissioner of Public Works and then only upon the posting by such entity of sufficient security, as determined by the Commissioner of Public Works and the agreement by such entity, to pay the cost of restoring such street or way to its original condition **"or with the approval by majority vote of the City Council."** For one (1) year after being notified of the completion of such restoration by such entity, the Commissioner may reduce the amount of the security posted by such entity, however, the Commissioner shall retain sufficient security to insure that such restoration has been performed in a manner that will insure that said street or way has been restored to its original condition. One (1) year after being notified of the completion of such restoration, the Commissioner shall inspect the area restored and shall release such security if, in the judgment of the Commissioner, such restoration is satisfactory. **CC FY 15 AB 132**

Councilor Lachapelle asked if this should be sent to a public hearing. Mayor Jean replied no, because it is not a land use ordinance change. Councilor Walker **MOVED** to suspend the rules and read the Amendment by title only for the second time. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Amendment by title only for the second time.

Councilor Walker **MOVED** to **ADOPT** the Amendment as Amended to

Chapter 15.5 of the General Ordinances of the City of Rochester by inserting the words as shown above highlighted and in red ink. Councilor Lachapelle seconded the motion. Councilor Larochelle expressed concern about quality of the repair of the road once the project is finished. He suggested that Public Works staff be sent to the work site to ensure that the repair of the road is completed properly. Councilor Varney recalled that repairing the road properly once the project is complete is part of what has already been discussed. The **MOTION CARRIED** by a unanimous voice vote.

**14.14. AB 136 Collins Circle Gas Line Service Project –
Motion to Approve**

Mayor Jean stated that a majority vote of the City Council would be required to allow the work to be done on Collins Circle. Councilor Walker **MOVED** to **APPROVE** the request for the Collins Circle Gas Line Service Project. Councilor Varney seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

15. Other

Councilor Torr said an organization appeared before the last Zoning Board meeting seeking to set up another “parts” store located in the old Ford Garage Parts Store; however, they were told that it would require that this one-story existing building would need to install a sprinkler system. Furthermore, they cannot get an answer if there is an adequate water supply on Hanson Street to meet this requirement. The potential business owner is not willing to spend any more time waiting for this answer and may walk away from this venture. This is not how to revitalize the downtown. Councilor Torr asked why there is not adequate water supply in the downtown area of the City of Rochester. Mr. Bezanson stated that the Department of Public Works staff has checked the status of water supply in this area; however, it is unknown if the amount of water pressure is adequate for the sprinkler design.

Councilor Keans expressed frustration that the Rochester Fire Department informed the owner of the one-story building that they would be required to install a sprinkler system and then were told “and...by the way, the water pressure is not adequate.” Council discussed the issue. It was determined that the Director of Public Works would contact the Planning Department and Building, Zoning, and Licensing, Services about the what the water pressure is for that section of the City. The Public Safety Committee could discuss with the Fire Department why this type of building would be required to install a sprinkler system at its next meeting. City Manager Fitzpatrick agreed to look into the matter immediately.

Councilor Collins briefed the City Council about a book review which he read entitled *Washington's Circle*. He said in 1795, controversy over a treaty that John Jay had negotiated with Britain began to erode Washington's popularity. He added that in 1796, a House Resolution was created to extend best wishes to the president on his 64th birthday; however, the resolution was defeated by a shocking vote of 52 to 38 against the resolution. He encouraged the City Council to read the article if they had time.

16. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 8:33 PM. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters
City Clerk

DIRECTOR OF CITY SERVICES

Statement of Duties

Administrative, supervisory, technical and professional work in planning, organizing, directing, monitoring and supervising City Services, including:

- Engineering
- Highway
- Water and Wastewater Treatment and Distribution
- Public Buildings and Grounds
- Vehicle Maintenance

Serves and acts on behalf of City Manager or Deputy City Manager as assigned, including in the manager's absence supervision of those department heads that report directly to the City Manager.

Demonstrates leadership and organization skills to plan and direct the work of the department's managerial, professional and other staff. Performs such other duties as may be assigned from time to time by the City Manager.

Supervision

Works under the general administrative direction of the City Manager.

Performs highly responsible work requiring the exercise of considerable independent judgment and initiative in the planning, direction, and control of the operation and maintenance of public works and public buildings infrastructure including highway, fleet, buildings, grounds, water and sewer for the City of Rochester.

Supervises, both directly and through subordinates, a department of 54 full-time, part-time and seasonal employees; directly supervises five division heads. Outlines operating policies and issues work assignments and areas of responsibility. Evaluates complete work for effectiveness and conformity to established procedures, practices, work plan or other instructions.

Job Environment

Work is generally performed under typical office conditions; occasional exposure to variable outdoor weather conditions and hazards associated with construction sites and various public works projects. Frequently required to work outside normal business hours. In addition, may be required to work on weekends and may be contacted at home at any time to respond to important situations and emergencies.

Operates computers and standard office equipment; operates automobile.

City of Rochester, N. H.
Director of City Services/Grade 18
Adopted xxxxxx

Makes frequent contacts requiring perceptiveness and discretion with other city officials, boards and commissions, local state and federal agencies, engineers, attorneys, architects, and the general public.

Has access to department-oriented confidential information including personnel records, lawsuits, collective bargaining negotiations and bid proposals. When assigned Acting City Manager duties, access is increased to city-wide confidential information.

Errors in administrative decisions could result in lower standards of service, substandard construction and inadequate maintenance programs, with consequent danger to public safety; errors in supervisory and financial decisions could result in excessive costs for both construction and maintenance programs.

City of Rochester, N. H.
Director of City Services/Grade 18
Adopted xxxxxx

Essential Functions

The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

Plans, directs, and administers all aspects of the Department of Public Works, including the Building Equipment and Vehicle Maintenance, Engineering, Highway, Solid Waste, Sewer and Water Divisions; formulates, develops, and recommends departmental policies, projects, and procedures; confers with division heads concerning ongoing and future projects.

Responsible for maintenance and repair to all public buildings, parks and upkeep of grounds. Identifies structural, non-structural and equipment-related problems; recommends improvements to facilities and grounds to City Manager.

Oversees management of department personnel administration, labor relations, training, staffing, and evaluation of employees; participates in labor negotiations; administers all division budgets; administers all short and long-term planning; maintains department records and correspondence.

In the absence of the City Manager and/or Deputy City Manager, serves as Acting City Manager including the supervision of those department heads that report directly to the City Manager.

Conducts public hearings on department projects; represents the City of Rochester as an expert witness on public works projects.

Acts as spokesperson for the City of Rochester on public works projects; responds to media questions and inquiries on public works projects.

Reviews all major engineering, design, and construction projects for the department; oversees services and other technical assistance to all other city departments engaged in capital projects, as required.

Coordinates preparation of division budgets; presents annual budget to City Manager for approval; reports to the City Manager as required.

Oversees the planning, design and operation of Water & Wastewater Treatment Facilities, sewer collection system and water distribution, storm drainage systems, road construction and improvements, winter maintenance, public buildings, equipment maintenance, and various special projects related to public works.

Responsible for the scheduled maintenance and repair of all buildings and related equipment. Develops and Implements preventive maintenance program and the development of a long-range capital program. Ensures that all buildings and equipment are in proper and safe working order.

City of Rochester, N. H.
Director of City Services/Grade 18
Adopted xxxxxx

Investigates costs related to the care and maintenance of the buildings and grounds; contacts various contractors and vendors to determine the most cost-efficient alternative for repair and maintenance activities. Develops schedules for recommended equipment and facilities improvements, prioritizing activities for both short-term and long-term care; responds and reacts to City department head's request for maintenance needs.

Oversees the competitive bidding process to ensure compliance with applicable regulations; reviews bid proposals and interviews prospective contractors and consultants; monitors and evaluates contractual services for compliance with specifications and applicable conditions.

Represents the department at a variety of meetings both within and outside of the City system; is in frequent contact with county, state, and federal agencies to ensure compliance with all laws and regulations affecting the work of the department.

Prepares and oversees applications and documentation for state and federal grants and loans for DPW projects and purchases.

Performs other similar or related work as required or as situation dictates.

Recommended Minimum Qualifications

Education and Experience

Bachelor of Science degree in civil engineering; fifteen years progressively responsible experience in municipal public works construction, maintenance, and engineering, five of which are in a management position, strong public administration background highly desirable; or an equivalent combination of education and experience.

Special Requirements

Licensed Professional Engineer
Valid Motor Vehicle Operator's License

Knowledge, Ability and Skill

Knowledge: Comprehensive technical and practical knowledge of the materials, methods and techniques relative to public works projects and issues; thorough knowledge of public works financing and administration. Thorough knowledge of the materials, methods and techniques relative to road construction and maintenance. Knowledge of snow and ice control techniques and practices. Detailed knowledge of the physical characteristics of the city and its road system. General knowledge of computer applications in engineering design and drafting, word processing, data collection, and spreadsheets.

City of Rochester, N. H.
Director of City Services/Grade 18
Adopted xxxxxx

Ability: Ability to plan, assign and supervise the work of groups of employees engaged in a variety of public works construction and maintenance operations. Ability to communicate effectively orally and in writing. Ability to establish and maintain effective and harmonious working relationships with city officials and departments, state agencies and the general public. Ability to deal with employees tactfully and effectively and maintain positive public relations. Ability to prepare and administer budgets and to prepare financial reports.

Skill: Excellent management and leadership skills. Skill in developing policies and procedures to accomplish goals and objectives. Excellent public relations skills.

Physical Requirements

Minimal physical effort generally required in performing duties under typical office conditions. Position requires the ability to operate a keyboard and standard office equipment. The employee is occasionally required to use hands to finger, handle, or feel objects, tools, or controls, and reach with hands and arms. The employee is frequently required to sit, talk and hear.

This job description does not constitute an employment agreement between the employer and employee, and is subject to change by the employer, as the needs of the employer and requirements of the job change.

City of Rochester, N. H.
Director of City Services/Grade 18
Adopted xxxxxx