

**Regular City Council Meeting
May 5, 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
Rochester AMVETS
Sons of the American Legion
Chief Allen
Chris Bowlen, Director of RAYS
Lauren Colanto, RAYS Assistant Director
Nicole Rodler, Juvenile Diversion - Teen
Drug Court Coordinator
Donna Desmarais, Volunteer
Bruce Montville, Volunteer
Other Volunteers of the Teen Night
Program
Carl Branco, Rochester Pawn

MINUTES

1. Call to Order

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

2. Presentation of the Colors by the Rochester AMVETS

2.1. Proclamation: Sons of American Legion – Rochester Memorial Day Parade

The Sons of American Legion presented the Colors. Mayor Jean presented the Sons of the American Legion with a proclamation in honor of Memorial Day. The Commander of the American Legion said he attended the Veterans Conference in Indianapolis as a representative for Squadron 7, with a check to be donated in the amount of \$15,070 to the American Legion Child Welfare Fund. He gave a brief update of the upcoming Veterans events:

- Armed Forces Day – May 16, 2015

- Memorial Day Parade – May 25, 2015

3. Opening Prayer

The Sons of the American Legion Chaplain led the City Council in prayer.

Mayor Jean stated if there were no objections from the City Council the Agenda could be amended to include a short presentation about the Teen Night Program.

Chief Allen stated that this year marks the fifth anniversary of the Teen Night Program. Over 300 teens are attending each event. This is a partnership which began with the Police Department, the Recreation Department, and the Bridging the Gaps Program, along with key community leaders. In 2013, the UNH Wildcat Youth mentors began to get involved and the program has grown substantially, providing college-aged mentors for the youth to establish connections and rapport with a trust-worthy adult. The fraternal order of Tau Kappa Epsilon provides the majority of volunteers and recently received the UNH Greek Award for Most Outstanding Philanthropy and Community Service Program in Greek Life. He thanked the following organizations that have donated towards the program as follows: the Rochester Rotary; Holy Rosary Credit Union; American Legion; Collins Sports, Renaissance Signs, and many others.

Chris Bowlen, Director of the Recreation and Arena Department, expressed gratitude to the many volunteers involved, which has made this program successful. He gave a brief overview of the amount of food, which has been donated, including the fact that homemade cookies are donated each month.

Nicole Rodler, Rochester Police Department, gave recognition to the following volunteers:

Rochester Recreation & Arena Staff: **Rochester Police Department:**

Lauren Colanto
Art Jacobs
Brett Paquette
Bill Young
Roy Edgerly
Steve Hyzer
Andy Gray
Courtney Bernier
Cindy Lamie
Renda Littlefield
Toby Magoon

SRO James Murphy
SRO Donny Funk
Housing Officer Tom Blair
Officer Tracy Hayes
Officer Keith Mackenzie
Nicole Rodler

Bridging the Gaps Coalition:

Jennie Seyer-O'Connell
Graham Griffin
Nicole Dale

DJ'S:

Bob and Sue Plaisted

LADC:

Mareidith Hamel

Wildcat Mentors:

Bruce Montville

Ari Shaaf

Chris Lacroix

Brothers from Tau Kappa Epsilon

Cookie Volunteers:

Donna Demarais

Demi Lozier

Ms. Rodler said in 2013 the City was blessed with an excellent volunteer connection through the UNH Wildcat Youth Mentors under the guidance of Bruce Montville. In 2014, the fraternity Tau Kappa Epsilon took this commitment to a new level and provided over 20 volunteers to cover Teen Night Support Staff. Chief Allen presented Mr. Montville with the "Support Staff of the Year" Award.

Ms. Rodler said that Donna Desmarais has been an ongoing supporter for this program since the first Saturday evening of the program. She has provided over 300 youth with homemade baked desserts for the past five years. Chief Allen presented Ms. Desmarais with the "Volunteer of the Year" Award.

Ms. Rodler said Derek Peters, Kittery Point Construction and Development, could not attend this evening's meeting; however, Mr. Peters has provided financial support and gracious donations of water bottles over the last five years. Derek Peters of Kittery Point Construction and Development has been chosen for the "Business of the Year" Award.

Chief Allen gave special recognition to Nicole Rodler for her organization skills, time, and talent for the Teen Night Program.

4. Roll Call

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

5. Acceptance of Minutes

5.1. [April 7, 2015. Regular City Council Meeting](#)

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council Meeting minutes of April 7, 2015. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1. Employee of the Month Award

Deputy City Manager Cox invited George Murray, Municipal Information Services [MIS], and Dennis Schafer, MIS Director, to come forward. He briefed the City Council on the nomination letter for George Murray written by Scott Dumas, Deputy Chief of Police. Deputy City Manager Cox read from the nomination letter and awarded Mr. Murray as the Employee of the Month for May, 2015.

6.2. City Manager's Report

The City Manager's report is as follows:

Management Team Meeting minutes:

- March 30, 2014
- April 13, 2015
- April 20, 2015

Contracts and documents executed since last month:

- Annual NPDES PII Small MS4 General Permit
- Bridging the Gaps – eligibility certification application
- Bridging the Gaps – new and continuing application
- Bulletproof Vest Grant application \$7,337.00 – Police Dept.
- Chesley Hill Road Infrastructure Improvement notice to proceed
- Council Chambers rental agreement – Rochester Opera House
- Employee Suggestion award – Gray, A and Snyder, K
- Global Fire Prevention Grant \$8,000.00 – CDBG recommendation
- Harding settlement agreement
- Health Trust medical benefit rate renewal
- Pictometry Contract
- Rochester Landfill – Consultant Services Agreement for CM review

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

- Computer Lease – Harding, J (Police)
- Computer Lease – Johnson, S (Fire Dept.)
- Tuition Reimbursement Pre-approval – Mears, M (Planning)

The Metrocast Cable Franchise Annual Report can be found in the City Council packet.

The following standard reports can be found in the City Council Packet:

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

Deputy City Manager Cox said the City of Rochester has been notified that the FEMA declaration in regards to the January blizzard has been extended. This results in an increase to the reimbursable items than was originally anticipated. The total reimbursable amount of funds is approximately \$199,811. He gave the details of the breakdown in costs and said the money would be accepted by the City into the Miscellaneous Unanticipated Revenue Fund.

Councilor Varney asked about the status of the Bridging the Gaps Coordinator. Chief Allen said the interviews are complete. He has made an employment offer to one of the candidates. If all goes as planned the candidate would begin employment with the City prior to June, 2015.

Councilor Varney asked about the resubmission of qualifications for the Bridging the Gaps Coordinator, in regards to the grant application. Julian Long, Economic Development, said this is part of the continuation grant for the Building the Gaps Program. The qualifications were filed with the application for the City to become the new fiscal agent for the Bridging the Gaps program.

Chief Allen said once the employee has been hired through the City of Rochester as a "temporary" employee another application will be submitted. The "employee" must be individually accepted through the grant, as well.

Councilor Varney asked about the status of the Health Trust Benefit Renewal Rate. Deputy City Manager Cox replied that the City did receive a reduced rate for the next fiscal year and a reimbursement check could be expected. He said it would be less than that of last year's reimbursement check. He added that the City Budget does not have this reimbursement calculated into the budget; however, the School Department has included the anticipated reimbursement within its budget.

Councilor Keans asked Chief Allen if the heating/cooling system is working in the Police Department's firing range. Chief Allen indicated that the Public Works Department is working on a solution to this problem with

the firing range vendor.

7. Communications from the Mayor

7.1. Proclamation: Kids to Park Day

Mayor Jean read the proclamation entitled Kids to Park Day and said this is a proclamation encouraging bringing the kids to the park.

7.2. Announcement: Dog Registration and Rabies Clinic

Mayor Jean reminded dog owners to register their dogs and gave information about the next rabies clinic.

7.3. Announcement: Letter Carriers "Stamp out Hunger" Food Drive

Mayor Jean gave information about the Annual United States Postal Service "Stamp out Hunger" Food Drive to be held Saturday, May 9, 2015.

8. Presentations of Petitions and Council Correspondence

9. Nominations, Appointments, Resignations, and Elections

9.1 Resignation: Lionel Lachapelle, Planning Board, Alternate Member

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation of Lionel Lachapelle with regret and to send a letter of thanks from the City Clerk's office. Councilor Walker seconded the motion. Councilor Torr encouraged Council to read the letter of resignation. The **MOTION CARRIED** by a unanimous voice vote.

9.2 Resignation: Madelene Moffett, Ward 3, Supervisor of the Checklist

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation of Madelene Moffett with regret and to send a letter of thanks from the City Clerk's office. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9.3 Appointment: AB 137 Granite Ridge Development – TIF Advisory Board

Mayor Jean read the following names to the City Council and requested a motion be made to confirm such appointments for the Advisory Board for the Granite Ridge Development District:

- Susan DeRoy, Vice-Chair of the Rochester Economic Development Commission
- Josh Levey, Waterstone Retail Development, Inc.
- Anthony DiLorenzo, Key Auto Group
- Ron Poulin , Country Tire and Auto

Councilor Lachapelle **MOVED** to confirm such appointments. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean stated that he would make the Mayoral appointment soon and would keep the City Council posted on that appointment.

10. Reports of Committees:

10.1 Appointments Committee

Councilor Larochelle stated that the Appointments Review Committee interviewed Dan Spencer who had been seeking to serve as the Moderator for Ward Five. Mr. Spencer was appointed at the last Regular City Council meeting.

Councilor Larochelle said the Appointments Committee interviewed Christine DeAngelis who is seeking to serve on the Rochester Economic Development Commission. The appointments committee unanimously agreed that Ms. DeAngelis would bring valuable skills to the REDC. As a resident of Gonic, she is fully qualified to be a member; however, there are no current openings on the Commission at this time.

Councilor Larochelle said that the Appointments Review Committee interviewed Eric Jan Adema, who is seeking to serve on the Historic District Commission (HDC). Mr. Adema is not a resident of Rochester and therefore is not eligible to serve on the HDC.

10.2 Community Development Committee

Councilor Gray stated that the Committee discussed the proposed location for the Head Start location; however, this topic is being held in Committee at this time.

10.3 Finance Committee

Mayor Jean said the Finance Committee discussed the report of the Mayor's Ad Hoc Committee relative to the discussion of increasing the City Council/Mayor stipends. The Ad Hoc Committee recommended that no increase be made to the City Council/Mayor's stipends; however, Councilor Walker made a motion to increase to the \$10 per meeting rate at the last Finance Committee meeting. Mayor Jean stated that there had been a lot of public interest and media coverage on this topic. He recommended that the City Council vote the matter down. He wished to clarify that City Council Members/Mayors past/present do not seek elections for the pay as it is a public service. He said he would make the motion and hopefully the motion would fail at this time. Mayor Jean **MOVED** to recommend to the full City Council that General Ordinance Section 5.3 (a) (3) be amended from \$10.00 per meeting to \$25.00 per meeting. Councilor Walker seconded the motion. The **MOTION FAILED** by a unanimous voice vote.

Mayor Jean reiterated that both recommendations out of the Finance Committee regarding an increase in pay for elected officials should be voted down. He stated that he would make the motion only to dispose of the matter. Mayor Jean **MOVED** to recommend to the full City Council that General Ordinance Section 5.3 (a) (1) be amended from \$2,400.00 per year for the Mayor to \$3,400.00 per year for the Mayor (a \$1,000.00 increase). Councilor Walker seconded the motion. The **MOTION FAILED** by a unanimous voice vote.

Councilor Gray recommended that the Election Officials' salaries be sent to the Finance Committee for review. He added this would include the Moderator, Ward Clerk, Supervisor of the Checklist, Selectman, and Ballot Clerks. Mayor Jean asked Deputy City Manager Cox to add this to the next Finance Committee Agenda for review.

Mayor Jean said the Finance Committee had a brief update about the Building, Zoning, and Licensing Services permitting software.

Mayor Jean said Brian Sylvester, Library Director, gave a brief presentation about the overdue collections for rented materials at the Library. This was held in Committee and Mr. Sylvester would supply the Finance Committee with more information on the matter.

Mayor Jean said the Fire Department gave an overview of the staffing levels, similar to the presentation which had been presented at the last Budget Workshop.

Mayor Jean stated that a request had been made to send a proposed Amendment of the General Ordinances to the Codes and Ordinances Committee regarding the membership level of the Trustees of the Trust Fund. Councilor Lachapelle confirmed that this is on the Codes and Ordinances Committee agenda for May 7, 2015.

Councilor Varney suggested voting on the Deputy City Manager's recommendations, which can be found in the Finance Committee minutes and are as follows:

1. Request to stipulate that employees hired after June 30, 2015, would be entitled to non-cumulative vacation days (use it or lose it). The **Sense of the City Council** is to support this request.

2. Request that the pay plan ranges for non-union employees would be adjusted annually by the change in the Consumer Price Index. The **Sense of the City Council** is **not** to support this request.

3. Request to phase in for non-union employees the Site-of-Service health plan in a manner similar to that achieved in the recently approved AFSCME collective bargaining agreement. The **Sense of the City Council** is to support this request.

4. Request that the inclusion of performance evaluations forms, processes, and dates similar to those contained in the seven (7) recently approved collective bargaining agreements, to include the 2% extraordinary bonus provisions. The **Sense of the City Council** is to support this request.

Councilor Torr expressed concern over the Conference Center Feasibility Center Study; this should not be limited to three or four parcels of land which have been identified as possible locations. Deputy City Manager Cox confirmed that this information has been conveyed to the firm working on the study.

10.4 Joint Building Committee 4/13/2015

- **Joint Building Sub-Committee – 4/06/2014 & 4/27/2015**

Councilor Keans said the East Rochester School project is slightly ahead of schedule. She said the classrooms were moved to the new building over the Rochester School April Vacation week. She added that the demolition of the old building would begin soon. She briefed the City Council about the cost saving ideas which have been provided by the Hutter Construction Company.

Councilor Collins publicly thanked Councilor Keans for stepping up to be the Chair of this Committee. Mayor Jean said he attended one of the walk-through meetings and was amazed at the difference between the old and new school facilities.

10.5 Public Safety Committee 4/15/2015

Councilor Walker stated there were problems with parking on Academy Street. He **MOVED** to install "no parking" signs [temporarily] on the left side of Academy Street. Councilor Hamann seconded the motion. Councilor Keans questioned how many residents of the street agreed with this option. Councilor Walker said the way the street is configured with the bump-outs the emergency vehicles cannot pass through if a car is parked on the left side of the street. The **MOTION CARRIED** by a majority voice vote. Councilor Walker said the Committee would refer the matter of removing bump-outs on Academy Street at the next Public Works Committee meeting.

Councilor Walker **MOVED** to install "municipal parking" signs like the ones at Portland Street/Columbus Avenue and City Hall for a matter of consistency. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to make May Street a one-way street as proposed by the Public Works Department. Councilor Hamann seconded the motion. Councilor Keans **MOVED** to **AMEND** the motion by making May Street a one-way street only a temporary action during the construction period. Councilor Gray seconded the amendment. Councilor Varney spoke against the motion. The **MOTION FAILED** to amend the motion. Mayor Jean called for a vote on the motion. The **MOTION CARRIED** by a majority voice vote.

Mayor Jean mentioned that a sign has recently appeared off from Portland Street. The sign has been placed outside of the business in the middle of a tire and it reads "Fifteen Minute Parking." Councilor Keans mentioned that it should be handled by the Building, Zoning, and Licensing Services.

10.6 Public Works Committee 4/16/2015

Councilor Torr briefed the City Council about the Public Works Committee minutes. He indicated that there is a major crack in the pavement on Washington Street and he has brought it to the attention of the Public Works Department.

Councilor Torr questioned when the Flat Rock Bridge Road project would begin. Councilor Varney replied it would begin in FY 2016.

Councilor Torr stated that the sidewalk projects have begun.

Councilor Walker said the Planning Board has started the discussion process about the construction of a public space or park being proposed within the Granite Ridge Development. He questioned who would pay and maintain this area. Mayor Jean recalled that it would be paid for by the developer. Councilor Torr expressed concern about who would pay for the maintenance of the area once it is constructed. Mayor Jean agreed to bring this to the City Manager's attention.

Councilor Larochelle requested that the City Council be provided with a copy of the paving list, which should have been attached to the Public Works minutes or packet.

Councilor Varney asked about the Granite Ridge Development Agreement and Escrow Agreement. Attorney O'Rourke confirmed that all sides have to come to an agreement on the language of the documents; however, the City is not yet in receipt of the executed document back from the developer.

11. Old Business

12. New Business

12.1 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 – Second Reading and Adoption

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

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a two-thirds majority voice vote.

12.2 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 – Second Reading and Adoption

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

I. 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;

II. 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**

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a two-thirds majority voice vote.

12.3 AB 143 Resolution Approving 2015-2016 Operating Budget for the City of Rochester – First Reading and Refer to a Public Hearing

Councilor Lachapelle **MOVED** to read the resolution by title only 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 for the first time as follows:

**RESOLUTION APPROVING 2015-2016 OPERATING BUDGET
FOR THE CITY OF ROCHESTER**

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

That a twelve (12) month operating budget for the City of Rochester be, and hereby is, approved and appropriated for the period beginning July 1, 2015 and ending June 30, 2016 in the amounts and for the purposes more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2016 (July 1, 2015 - June 30, 2016), as amended, the provisions of which are incorporated herein by reference thereto by attached **Exhibit A**.

This budget may be reconsidered before the tax rate is set if City, School and/or County revenues are changed by the State of New Hampshire or by the Federal Government. The budget appropriations contained in this Resolution are predicated upon projected revenues as more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2016 (July 1,

2015 - June 30, 2016), as amended, the provisions of which are incorporated herein by reference thereto. ***Exhibit A can be found as an attachment to this set of minutes.*** CC FY 15 AB 143

12.4 AB 144 Resolution Authorizing and Approving 2015-2016 Capital Budget for the City of Rochester and Authorizing Borrowing in Connection Therewith – First Reading and Refer to a Public Hearing

Councilor Walker **MOVED** to read the resolution by title only and refer the matter to a Public Hearing. 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 AND APPROVING 2015-2016 CAPITAL BUDGET FOR THE CITY OF ROCHESTER AND AUTHORIZING BORROWING IN CONNECTION THEREWITH

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

That the capital budget for the City of Rochester for the July 1, 2015 to June 30, 2016 fiscal year in the total amount specified in **Exhibit A** annexed hereto, be, and hereby is, authorized and appropriated, and, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, is hereby authorized to arrange borrowing to finance a portion of said capital budget appropriation as identified on Exhibit A annexed hereto.

The aforementioned borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter. The useful lives of the capital projects for which borrowing is authorized by this resolution shall be more particularly set forth in the "City of Rochester, New Hampshire, Proposed CIP Budget, Fiscal Year 2016 (July 1, 2014 –June 30, 2016), as amended. ***Exhibit A can be found as an attachment to this set of minutes.*** CC FY 15 AB 144

12.5 AB 139 Resolution Pursuant to Section 44 of the Rochester City Charter and RSA 33:9 Approving the Repurposing of the March 2015 General Obligation Bond (GOB) Premium to the Capital Improvements Project (CIP) Fun First Reading, Second Reading and Adoption

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean explained why the City would receive this funding and that it would be divided appropriately between the City and the School Department for the purpose of funding various projects. He read the resolution for the first time by title only as follows:

RESOLUTION PURSUANT TO
SECTION 44 OF THE ROCHESTER CITY CHARTER AND RSA 33:9
APPROVING THE REPURPOSING OF THE MARCH 2015 GENERAL
OBLIGATION BOND (GOB) PREMIUM TO THE CAPITAL IMPROVEMENT
PROJECT (CIP) FUND

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

WHEREAS, the March 2015 General Obligation Bond (GOB) issue, which closed on March 10, 2015, produced a net premium to the general fund of One Hundred Fifty Two Thousand Eight Hundred Two and 61/100 Dollars (\$152,802.61); and

WHEREAS, the City of Rochester's portion of the net premium is One Hundred Twenty Four Thousand Ninety and 98/100 Dollars (\$124,090.98) and the Rochester School District's portion of the net premium is Twenty Eight Thousand Seven Hundred Eleven and 63/100 Dollars (\$28,711.63); and

WHEREAS, the Mayor and City Council of the City of Rochester desire to repurpose the general fund net premium in the CIP Fund;

THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, in accordance with the provisions of Section 44 of the Rochester City Charter and RSA 33:9, hereby approve the repurposing of the general fund net premium in the CIP fund to Two (2) previously approved but yet to be bonded projects as follows:

- a. One Hundred Twenty Four Thousand Ninety and 98/100 Dollars (\$124,090.98) to the so-called Sheridan Glen Granite Streets project in the Department of Public Works CIP; and
- b. Twenty Eight Thousand Seven Hundred Eleven and 63/100 Dollars (\$28,711.63) to the so-called McClelland Roof project in the Rochester School District CIP.

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 FY15 05-07 AB 139**

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 a unanimous voice vote. Mayor Jean read the resolution for the second time by title only.

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

**12.5.1 AB 139-A Resolution Pursuant to RSA 33:9
Deauthorizing a Portion of the Bond Authority
From the So-Called Sheridan Glen Granite
Streets Projects in the Department of Public
Works Capital – First Reading, Second
Reading and Adoption**

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

**RESOLUTION PURSUANT TO RSA 33:9 DEAUTHORIZING A PORTION OF
THE BOND AUTHORITY FROM THE SO-CALLED SHERIDAN GLEN
GRANITE STREETS PROJECT IN THE DEPARTMENT OF PUBLIC WORKS
CAPITAL IMPROVEMENT PROJECT (CIP) FUND**

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 the City Council of the City of Rochester on May 5, 2015, the Mayor and City Council appropriated the amount of One Hundred Twenty Four Thousand Ninety and 98/100 Dollars (\$124,090.98) to the so-called Sheridan Glen Granite Streets project in the Department of Public Works CIP from the general fund; and

WHEREAS, the Mayor and City Council of the City of Rochester had previously authorized One Million One Hundred Thousand Dollars (\$1,100,000.00) in bond authority for the so-called Sheridan Glen Granite Streets project;

THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, in accordance with the provisions RSA 33:9, hereby withdraw and deauthorize One Hundred Twenty Four Thousand Ninety and 98/100 Dollars (\$124,090.98) of the previous bond authority for the so-called Sheridan Glen Granite Streets project, thereby reducing the amount of the aforesaid bond authority to Nine Hundred Seventy Five Thousand Nine Hundred Nine and 02/100 Dollars (\$975,909.02).

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.

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 a unanimous voice vote. Mayor Jean read the resolution for the second time by title only.

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

12.5.2 AB 139-B Resolution Pursuant to RSA 33:9 Deauthorizing a Portion of the Bond Authority from the So-Called McClelland Roof Project in the Rochester School District Capital Improvement Project (CIP) Fund - First Reading, Second Reading and Adoption

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

RESOLUTION PURSUANT TO RSA 33:9 DEAUTHORIZING A PORTION OF THE BOND AUTHORITY FROM THE SO-CALLED MCCLELLAND ROOF PROJECT IN THE ROCHESTER SCHOOL DISTRICT CAPITAL IMPROVEMENT PROJECT (CIP) FUND

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 the City Council of the City of Rochester on May 5, 2015, the Mayor and City Council

appropriated the amount of Twenty Eight Thousand Seven Hundred Eleven and 63/100 Dollars (\$28,711.63) to the so-called McClelland Roof project in the Rochester School District CIP from the general fund; and

WHEREAS, the Mayor and City Council of the City of Rochester had previously authorized One Hundred Ninety Thousand Dollars (\$190,000.00) in bond authority for the so-called McClelland Roof project;

THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, in accordance with the provisions RSA 33:9, hereby withdraw and deauthorize Twenty Eight Thousand Seven Hundred Eleven and 63/100 Dollars (\$28,711.63) of the previous bond authority for the so-called McClelland Roof project, thereby reducing the amount of the aforesaid bond authority to One Hundred Sixty One Thousand Two Hundred Eighty Eight and 37/100 Dollars (\$161,288.37).

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 FY15 AB 139-B**

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 a unanimous voice vote. Mayor Jean read the resolution for the second time by title only.

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

12.6 AB 140 Resolution Authorizing Supplemental Appropriation to the Groundwater Resource Development Project – 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 a unanimous voice vote. Mayor Jean read the resolution for the first time by title only as follows:

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE GROUNDWATER RESOURCE DEVELOPMENT PROJECT

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

ROCHESTER, AS FOLLOWS:

That the sum of One Thousand and 35/100 Dollars (\$1,000.35) be, and hereby is, appropriated as a supplemental appropriation to the capital improvements budget of the City of Rochester Water Works, for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the so-called Groundwater Resources Development project, and provided further that funds for such supplemental appropriation shall be derived in their entirety from the City of Rochester Water Fund retained earnings 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 05-07 AB 140**

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 a unanimous voice vote. Mayor Jean read the resolution for the second time by title only.

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

12.7 AB 141 Resolution Authorizing Application for and Acceptance of, on Behalf of the City of Rochester, Police Department, A United States Department of Justice, Office of Justice Programs, Bullet Proof Vest Partnership (BVP) Grant – First Reading, Second Reading, and Adoption

Councilor Walker **MOVED** to read the resolution by title only and refer the matter to a Public Hearing. 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 FOR AND ACCEPTANCE OF, ON BEHALF OF THE CITY
OF ROCHESTER,
POLICE DEPARTMENT,
A UNITED STATES DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE
PROGRAMS, BULLET PROOF VEST PARTNERSHIP (BVP) 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 United States Department of Justice, Office of Justice Programs, Bulletproof Vest Partnership (BVP) Grant in an approximate amount of Seven Thousand Three Hundred Thirty Seven Dollars (\$7,337.00), for the purpose of paying the costs associated with replacing expired bulletproof vests and providing new bulletproof vests to newly hired officers over the next Two (2) years. This Grant requires no City funding match and will be a multi-year fund.

Further, upon condition of the grant application being accepted and a grant awarded that the purchase of the new bullet proof vests for the Police Department in the amount of Seven Thousand Three Hundred Thirty Seven Dollars (\$7,337.00) be, and hereby is, approved and appropriated.

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 FY15 AB 141**

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 a unanimous voice vote. Mayor Jean read the resolution for the second time by title only.

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

**12.8 AB 117 Appeal of Branco's Pawn Broker License
Renewal – Action**

Mayor Jean said at the last meeting in which this appeal had been discussed the City Council took no action. Subsequent to that meeting, court documentation from the Rochester District Court has been provided to the City Council. This information can be found within the City Council packet. Mayor Jean said he does not feel that the City Council is equipped to make such decisions that should be decided within the court of law. He recommended upholding the Licensing Board's decision not to renew the Rochester Pawn Brokers License. In this way, Carl Branco, owner of the business, can seek relief through the local court system. Councilor Varney **MOVED** to affirm the Licensing Board decision to deny the second hand dealer's license renewal and pawnbroker's license renewal for Rochester

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

Mayor Jean indicated that the City Ordinance relative to secondhand dealer's application and pawnbroker's application, the renewal process, and setting up an appeal process is being sent to the Codes and Ordinances Committee for review.

12.9 AB 142 Legislative Activity Regarding the State Budget

Mayor Jean opened the matter up for discussion. Councilor Varney said the highway funding and the bridge aid are essential for the City of Rochester; this is an example of how the State downshifts the cost on the local government. Councilor Gray stated that the State budget has been turned over to the Senate for review. He said HB 1, HB 2 and HB 25 have been passed by the House and have been sent to the Senate. He recommended sending input directly to Senator Cataldo. Mayor Jean said if there were no objections he would draft a letter to be sent to Senator Cataldo and the entire Senate that indicates the City of Rochester's support in maintaining funding for the highways and local bridge projects. Councilor Keans suggested that the letter be sent to the State Representatives, as well.

Councilor Varney stated that another unfunded mandate was the State requiring the local communities to purchase the equipment to take pictures at the polls to prevent voter fraud. Councilor Gray stated that the funding of the cameras is still being discussed; however, the cost of each camera is approximately \$70. Mayor Jean asked if this topic should be included with the letter; however, the conversation faded and no clear direction had been given.

12.10 AB 146 Resolution Authorizing Supplemental Appropriation to the Department of Public Works for Columbus Avenue Parking Lot Extension – 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 AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE DEPARTMENT OF PUBLIC WORKS FOR COLUMBUS AVENUE

PARKING LOT EXTENSION

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

That the sum of One Hundred Twenty Thousand Dollars (\$120,000.00) be, and hereby is, appropriated as a supplemental appropriation to the operating budget of the City of Rochester Department of Public Works, for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the extension to the parking lot on Columbus Avenue to correct unsafe parking conditions, and provided further that funds for such supplemental appropriation shall be derived Fifty Percent (50%) or Sixty Thousand Dollars (\$60,000.00) from the General Fund Unassigned Fund Balance and Fifty Percent (50%) or Sixty Thousand Dollars (\$60,000.00) from a Private Donation from the China Palace Restaurant, Inc.

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 05-07 AB 146**

Mayor Jean said this project totals \$120,000 and would be used to extend the Columbus Avenue parking lot down towards Upham Street. He said 50% would be paid by the General Fund/Unassigned Fund Balance and 50% would be paid for by a private donation from the China Palace Restaurant. He added that there is currently an engineering firm working on the design and the owners of China Palace have provided 50% of the funding. 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 a unanimous voice vote. Mayor Jean read the resolution for the second time by title only.

Councilor Larochelle questioned why the Public Works recommendation was to provide \$7,000 for engineering of the project and suddenly the entire \$60,000 resolution is being voted upon this evening. Councilor Varney said the plan is for the project to go before the Planning Board, which would give the abutters an opportunity to give input. He said as far as funding the entire project this evening; it could be postponed as long as a vote is taken on the \$7,000.

Councilor Walker **MOVED** to **ADOPT** the resolution for the second time by title only. Councilor Lachapelle seconded the motion. Councilor Larochelle **MOVED** to **AMEND** the motion to approve a Supplemental Appropriation for \$14,000, [50% General Fund/Unassigned Fund Balance] and 50% from the owners of the China Palace Restaurant for the purpose of engineering of the

project. Councilor Torr seconded the motion. Councilor Keans said the only thing that was delaying this project was receiving the initial \$7,000 from the restaurant. She said now that it has been received it seems unreasonable to delay this funding any further.

Councilor Lauterborn asked what citizens or businesses would find this parking lot useful other than patrons of the China Palace Restaurant. Several Councilors felt it would result in overflow parking for events at the Common. Councilor Larochelle felt that in order to make this project geared more toward the citizens of Rochester, the parking lot should be extended further than originally planned. The **MOTION CARRIED** to **AMEND** the motion by a majority voice vote. Mayor Jean called for a vote on the motion as amended. The **MOTION CARRIED** by a unanimous voice vote.

13. Other

Councilor Gates expressed concern with the letter written by Lionel Lachapelle. It seems the Planning Board is seeking to find out if an applicant is financially stable as part as the approval process, which he does not feel is appropriate. He asked who should resolve this issue. Mayor Jean felt it should be dealt with by the Planning Board. He added that the decisions should be based upon land use qualifications and that the City should, in every case; ensure that sureties are in place to cover the project if the developer is not successful in the development. The City Council discussed the issue. Councilor Walker provided more information about the particular case in which the letter was written about and its unique situation.

Councilor Torr expressed concern over extending sidewalks two or three miles away from the center of the City. The law stipulates if you install a sidewalk then it must be maintained. He said this is something to consider as the sidewalks are being extended in different parts of the City.

Councilor Collins briefed the City Council about the illness that has inflicted our citizen's little boy. He gave details of how the community has pulled together with care and financial support.

Councilor Collins gave a brief history of the Wright brothers and a new book which has been dedicated to the lives of these two amazing individuals.

14. Non-Meeting

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

This meeting took place after the Regular City Council meeting; see the vote taken below.

15. Adjournment

Mayor Jean indicated that the City Council could simply combine the vote to be taken to enter a Non-Meeting and adjourn the Regular City Council meeting at the same time. Councilor Lachapelle **MOVED** to enter into a Non-Meeting under RSA 91-A:2 I(b) and to **ADJOURN** the Regular City Council meeting at 8:32 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters,
City Clerk

2015-2016 City of Rochester Operating Budget Resolution-Exhibit A

Operations	FY16 Mgr Proposed	Proposed
General Fund		
City Operations	\$22,711,610	
County Taxes	\$6,077,984	
Debt Service	\$4,735,036	
Capital Projects Transfer	<u>\$1,658,400</u>	
Total City General Fund Operations	\$35,183,030	
School	\$58,649,913	
School State Education Tax	\$4,935,450	
City Grants & Special Rev Funds	\$610,562	
School Grants & Special Rev Funds	\$4,860,000	
Community Center	\$779,937	
Total Operating Budgets	<u>\$105,018,892</u>	
Enterprise Funds		
Water Fund	\$5,414,066	
Sewer Fund	\$6,828,247	
Arena Fund	\$592,653	
Total Enterprise Operating Budgets	<u>\$12,834,966</u>	
Total Operations all Funds	<u>\$117,853,858</u>	

2015-2016 CAPITAL IMPROVEMENTS REVENUE SUMMARY-RESOLUTION EXHIBIT A

	PROJECT AMOUNT	BOND PROCEEDS	O&M CASH	FUND BAL RET EARN	DED REVENUE	OTHER SOURCES	GRANTS
<u>GENERAL FUND</u>							
CITY*	15,476,830	13,258,430	1,658,400	0	0	0	560,000
SCHOOL	1,093,400	901,000	192,400	0	0	0	0
TOTAL GENERAL FUND	16,570,230	14,159,430	1,850,800	0	0	0	560,000
<u>ENTERPRISE FUNDS</u>							
WATER	3,942,000	3,850,000	92,000	0	0	0	0
SEWER	6,658,000	6,500,000	158,000	0	0	0	0
AREA	860,000	850,000	10,000				
TOTAL ENTERPRISE FUNDS	11,460,000	11,200,000	260,000	0	0	0	0
TOTAL ALL CIP	28,030,230	25,359,430	2,110,800	0	0	0	560,000

* Includes Community Center Cash CIP

Proposed
