

**REGULAR CITY COUNCIL MEETING**  
**September 2, 2014**  
**CITY COUNCIL CHAMBERS**  
**7:13 PM**

**MEMBERS 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  
Dan Wensley, City Solicitor  
Commissioner Nourse  
Dennis Strattin, Public Buildings

**MINUTES**

**1. Call to Order**

Mayor Jean called the Regular City Council meeting to order at 7:13 PM.

**2. Pledge of Allegiance – *Scheduled to Take Place During Public Hearing***

**3. Opening Prayer**

Mayor Jean requested a moment of silence in memory of James Foley, freelance journalist, who had been executed after having been held against his will in the Middle East. He asked that the Foley family be remembered and kept in our thoughts, as well as all 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. August 5, 2014, Regular City Council Meeting minutes**

Councilor Walker **MOVED** to **ACCEPT** the Regular City Council meeting minutes of August 5, 2014. Councilor Lachapelle seconded the motion. Councilor Varney noted that his name was omitted from the attendance. The **MOTION CARRIED** to accept the minutes as amended.

**5.2. August 19, 2014, Special City Council Meeting Minutes**

Councilor Walker **MOVED** to **ACCEPT** the Special City Council meeting minutes of August 19, 2014. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** to accept the minutes.

**6. Communications from the City Manager**

**6.1. Employee of the Month Award**

City Manager Fitzpatrick announced that Dennis Strattin of Public Buildings and Grounds has been selected as the Employee of the Month for August 2014. He briefed the City Council about the nomination and invited Peter Nourse to come forward to congratulate his worker and participate in the presentation.

**6.2. City Manager's Report**

City Manager Fitzpatrick publicly congratulated Marcia Roddy, Deputy City Clerk, as she has received her New Hampshire Deputy City Clerk Certification on August 15, 2014.

City Manager Fitzpatrick said the following Management Team Meeting minutes have been included with the City Council packet:

- July 28, 2014
- August 11, 2014

City Manager Fitzpatrick stated that the following contracts and documents have been executed since last month:

- Engineering Consultant Master Service Agreements
- Water Treatment Plant upgrade project – contract amendment #1
- Payment in Lieu of Taxes (PILOT) Agreement – Marshview Housing
- Green Infrastructure Grant Sub-Agreement – updated key personnel

- US Geological Survey Joint Funding Agreement – Cocheco River Stream Gage Station
- Northeast Earth Sidewalk contract 13-4 – Change order #2

City Manager Fitzpatrick stated that other items received by the City Manager have been included with the City Council packet as follows:

- Resident letter – regarding Metrocast rate increases
- Metrocast channel realignment transition
- Families First – thank you letter
- PSNH letter – regarding charge for relocation of streetlight

City Manager Fitzpatrick stated that the following standard reports have been enclosed with the City Council packet:

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

Councilor Varney requested that a list be provided relative to the Engineering Consultant Master Service Agreements. City Manager Fitzpatrick concurred.

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

Mayor Jean reminded the public that the State Primary Election would take place next Tuesday, September 9, 2014. He stated that the polling locations would open at 8:00 AM and close at 7:00 PM in the City of Rochester. He stated that all questions relative to the elections can be directed to the City Clerk's office at 332-2130 or visit the City's Website at rochesternh.net.

Mayor Jean stated that the Finance Committee would be postponed by a day due to the timing of the Primary Election.

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

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

### **9.1. Statement of Interest [School Board, Ward 6, Seat [A]**

- **Thomas O'Connor, MSW**

Mayor Jean invited Thomas O'Connor, MSW, to address the City Council about his interest in serving on the School Board.

Mr. O'Connor, MSW, resident of Rochester, addressed the City Council about why he is seeking to fill the vacant School Board Seat. He gave an extensive history about his career, which involved assisting families and especially children for the past eighteen years. He stated that he and his wife are involved with the schools and the community of Rochester. A copy of Mr. O'Connor's Statement of Interest and Resume can be found in the City Council packet dated September 2, 2014.

Mayor Jean stated that no other member of the public has submitted a Statement of Interest to the City Clerk's office. He said if there were no objections the City Council could take action this evening.

Mayor Jean **nominated** Thomas O'Connor, MSW, registered voter of Ward 6, to fill the vacant School Board Seat 6-A, with a term to expire after the recount period of the next Municipal Election in 2015. Councilor Walker seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Thomas O'Connor, MSW, was appointed to the vacant School Board 6-A, by a unanimous roll call vote as follows: Councilors Gray, Larochelle, Lauterborn, Keans, Bogan, Varney, Hamann, Torr, Collins, Lachapelle, Gates, Walker, and Mayor Jean voted in favor of the motion.

## **9.2. Appointment: Voting Delegate to the NHMA Legislative Policy Conference**

Mayor Jean nominated Elaine Lauterborn to serve as the voting delegated to the NHMA Legislative Policy Conference. Councilor Walker seconded the motion. Councilor Lauterborn thanked Mayor Jean for the nomination, however, she is willing to allow another Councilor to step forward if they so desire. No other member of the City Council stepped forward. The **MOTION CARRIED** by a unanimous voice vote.

## **10. Reports of Committee**

### **10.1. Appointments Committee**

Councilor Larochelle briefed the City Council about Kevin Sullivan's qualifications to serve on the Conservation Commission. He stated that the Appointments Committee unanimously recommends that Kevin Sullivan be appointed as an Alternate Member to the Conservation Commission with a term to expire in January, 2017. Mayor Jean nominated Kevin Sullivan to

serve on the Conservation Commission as an Alternate Member with a term to expire in January, 2017. Councilor Walker seconded the nomination. Councilor Walker **MOVED** that nominations cease and the Clerk cast one ballot for Mr. Sullivan. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Larochelle stated that the minutes reflect that a recommendation has been made by the Appointments Committee that Robert Pallas be appointed as the Selectman of Ward 2; however, this action took place at the last City Council meeting.

Councilor Larochelle stated that the Appointments Committee met prior to the City Council meeting and unanimously recommended that Charles Grassie be appointed to the Planning Board as a Regular member. He stated that Mr. Grassie has an extensive planning and development background and has served the longest out of the three alternate members of the Planning Board. Councilor Walker stated that the Planning Board has not made a recommendation yet and suggested that the appointment wait until other alternate members could have a chance to submit a statement of interest. After a brief discussion all three members were nominated.

Mayor Jean nominated Charles Grassie to serve as the Regular Member of the Planning Board. Councilor Keans seconded the nomination. Councilor Walker nominated Fred Leonard to serve as the Regular Member of the Planning Board. Councilor Hamann seconded the nomination. Councilor Walker nominated Lionel Lachapelle to serve as the Regular Member of the Planning Board. Councilor Hamann seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The ballot vote is as follows:

- Charles Grassie    10 votes
- Fred Leonard       3 votes
- Lionel Lachapelle   0 votes

Charles Grassie has been appointed to the Planning Board to serve as a Regular member with a term to expire in January, 2016.

## **10.2. Codes and Ordinances Committee**

Councilor Lachapelle stated that the Codes and Ordinances Committee met in August; the action items are listed under New Business. He stated that the Committee will be meeting Thursday, September 4, 2014.

### **10.3. Community Development**

Councilor Gray stated that the Community Development Committee met last Thursday evening. The minutes and backup material were distributed prior to this evening's meeting. He said the Community Development Committee discussed another 79-E application. He added that state statute regulates how soon a public hearing must occur after being in receipt of a 79-E application. He said the Committee discussed how many years the abatement should be approved for; however, the details about this particular application have been deferred to the next Community Development Committee meeting.

Councilor Gray stated that it would be beneficial for the City Council to read the material found in the packet provided by the Committee relative to the boundaries that are used for 79-E in Rochester.

Councilor Gray stated that the Poet Laureate selection process is being reviewed by the Committee.

Councilor Gray stated that the Job loan report has been provided in the packet. He noted that one borrower in particular has been faced with some financial challenges and input from the Deputy City Manager has been sought out. Councilor Varney requested to hold a Non-Public Session under Reputation. Mayor Jean agreed.

Mayor Jean stated that if there were no objections a public hearing relative to the new 79-E application would occur prior to the City Council Workshop on September 16, 2014, in order meet the State statues regulating the 79-E application process. The Community Development Committee should make its recommendations relative to this application and send the matter to the Finance Committee for review. After the Finance Committee reviews the Community Development Committee's recommendation the matter would be sent back to the City Council with a recommendation from the Finance Committee.

### **10.4. Joint Building Committee**

Councilor Keans stated that the Committee is pleased that the project is progressing on time and within the parameters of the budget. The Committee has not had any problems with any of the contractors. The project is progressing smoothly.

### **10.5. Public Safety Committee**

Councilor Walker **MOVED** to direct staff to install a dead-end sign at the entrance of Broadway Street, which is off Portland Street. Councilor Collins seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker stated that there is a bus stop for a handicapped child located on Salmon Falls Road. The bus stop happens to be located directly after a sharp curve in the road. This is a dangerous situation because a vehicle traveling on the same side of the road takes the corner and finds a bus stopped in the middle of the road. The recommendation is to erect two signs before the curve that read "School Bus Stop Ahead." He **MOVED** to direct the City Manager to have City staff erect the two signs at discretion of the Public Works Department. Councilor Collins seconded the motion. The City Council briefly discussed other options to resolve this issue. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker said the Committee discussed another traffic hazard. He said there are no stop signs currently posted as a driver exits Cedebrook Village on to Old Gonic Road. He stated that the Committee requested that a letter be sent to the owners of this property requesting that a stop sign be posted. He added that City staff is also researching this matter to find out if posting stop signs was part of a stipulation of the original site plan. He said this is being kept in Committee for now.

Councilor Gates mentioned that one resident of Cederbrook Village has stated that he does not have a problem exiting Cederbrook Village on to Old Gonic Road. Councilor Walker stated that the complaints are from folks traveling on Old Gonic Road and being cut off by vehicles exiting Cederbrook Village.

Councilor Gates asked if this would be the time to bring up another similar problem on State Street. Mayor Jean asked Councilor Gates to bring this matter up at the next Public Safety meeting.

Mayor Jean stated that a constituent contacted him about the Sampson Road street sign as one travels on Route 202 A. He said apparently drivers do not see the sign until they have traveled past the street and end up turning around in driveways. Councilor Walker stated that this matter was brought up a few months ago as it seemed that the street sign was placed on top of the stop sign and over time it seemed to become twisted. He recalled that the Committee recommends that the Sampson Street street sign be moved to its own pole, which should occur soon.

Councilor Gates questioned the accuracy of the speed trailer currently located on Walnut Street. It was determined that the speed trailer should pick up on the vehicle passing by; however, the radar display may be effected by the speed of another vehicle.

#### **10.6. Public Works Committee**

Councilor Torr **MOVED** to direct the City Manager to write a letter to the State of New Hampshire Department of Transportation and the State of New Hampshire, Department of Environmental Services, regarding the Well Replacement Program. Councilor Varney seconded the motion. He recalled that the original motion was to contact the Commissioners of each of these departments in order to get some answers quickly. Councilor Torr agreed to include that stipulation as part of the motion and Councilor Varney agreed to adjust his second to the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Torr spoke about the Granite State Business Park Waterline. He stated that the project began at the cost of \$300,000 and is now estimated at \$1,000,000. Mayor Jean **MOVED** to recommend that the City Manager have the staff seek out grants and/or local partnerships in regards to the funding and to have the Finance Department provide an update of what the City's debt service would be if these figures were included. Councilor Torr seconded the motion. Councilor Varney said this is not just about the debt service. He said this is an area with a single feedline for the water and if the feedline fails at any point, it would mean that hundreds of people and businesses would be without water. He pointed out that there are other areas in the City where there is only one feed-line of water. It is alleged that this would have an impact on the growth of the business park, however, no information about the compactly of the existing line has been provided to the City Council. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Torr stated that the Commissioner of Public Works has suggested that the plain cement stairs in front of the Police Station be made to look more presentable. This would be a proposed FY16 CIP budget item. Mayor Jean stated that no action would be needed this evening.

#### **11. Old Business**

#### **12. New Business**

##### **12.1. AB 29 Resolution Authorizing Supplemental Appropriation to the 2014-2015 Capital Improvements**



**Budget of the City of Rochester, Department of Public Works, for the So-Called Forest Park Drive and Plante Street Drainage Project – **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 following resolution by title only for the second time as follows:

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION  
TO THE 2014-2015 CAPITAL IMPROVEMENTS BUDGET OF THE  
CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS,  
FOR THE SO-CALLED FOREST PARK DRIVE & PLANTE STREET  
DRAINAGE PROJECT**

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

That the sum of Two Hundred Thousand Dollars (\$200,000.00) 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, for the purpose of providing sums necessary to pay costs and/or expenditures with respect to drainage work and/or repairs needed in the vicinity of 24 and 30 Forest Park Drive and 8 Plante Street (the "Project").

**Further**, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of up to Two Hundred Thousand Dollars (\$200,000), through the issuance of bonds and/or notes, and/or through other legal form(s), for the purposes of funding the expenditures incident to the implementation of the Project outlined, and referred to, in the preceding paragraph, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary, and/or appropriate. The useful life for the aforesaid Project is 20 years.

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 08-19 AB 29**

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

**12.2. AB 30 Supplemental Appropriation in Connection with Public Infrastructure Improvements to be made within the So-Called Granite Ridge Development District and Authorizing Bonding and/or Borrowing in Connection Therewith - Second Reading and Adoption**

Councilor Walker **MOVED** to 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 for the second time by title only as follows:

**SUPPLEMENTAL APPROPRIATION IN CONNECTION WITH  
PUBLIC INFRASTRUCTURE IMPROVEMENTS  
TO BE MADE WITHIN THE SO-CALLED  
GRANITE RIDGE DEVELOPMENT DISTRICT  
AND AUTHORIZING BONDING AND/OR BORROWING  
IN CONNECTION THEREWITH**

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

That the sum of Five Million Dollars (\$5,000,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 fiscal year capital budget for the City of Rochester for Economic Development, such funds to be used for the purpose of paying for costs and expenses incurred with respect to the planning, design, construction, administration, implementation and related actions and activities incident to the construction/reconstruction and extension of certain Public Infrastructure Improvements, including within such undertaking the construction/extension/accommodation of accompanying public and private utilities, including, but not limited to, roads, sidewalks, water and sewer services, drainage and other related infrastructure improvements (the "Project"), the same to be located on the Easterly and Westerly sides of, as well as within, NH Rte. 11, both north and south of its intersection with the so-called Little Falls Bridge Road, within the so-called Granite Ridge Development District, so as to promote economic development, including particularly commercial economic development, for the purposes of furthering the goals and objectives of the so-called "Granite Ridge Development District: Tax Increment Development Program & Financing Plan", and the implementation of the goals set forth therein, as well as to

promote the creation and availability of developable land, within the Granite Ridge Development District, for commercial and other economic development purposes.

**Further**, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of up to Five Million Dollars (\$5,000,000.00), through the issuance of bonds and/or notes, and/or through other legal form(s), for the purposes of funding the expenditures incident to the implementation of the Project outlined, and referred to, in the preceding paragraph, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate. The useful life for the aforesaid Project is 30 years.

**Additionally**, the above borrowing and repayment of the sums expended in furtherance of the Project described in the first paragraph of this resolution, is authorized in, and is to be repaid by utilizing the, tax increment financing mechanism authorized and set forth in Chapter 162-K of the New Hampshire Revised Statutes Annotated (including specifically, but not limited to RSA 162-K:8 through RSA 162-K:10.

**Further**, to the extent not otherwise provided for in this Resolution the City Manager and/or his designee(s) is authorized to sign all documents necessary to implement the purposes of this resolution, including the signing of any engineering and/or services, materials, construction and or similar or related type contract(s) necessary to carry out the purposes of this resolution.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

The City reasonably expects to issue tax exempt bonds in the future to finance certain expenses related to this Project, the proceeds of which may be used, in part, to reimburse the City for Project expenses paid prior to the issuance of such bonds, including those authorized above. To that end, without in any way committing the City to issue such bonds, and/or notes, and/or other legal forms of borrowing, this Resolution shall be deemed to

constitute the City's "official intent" with respect to such plans within the meaning of IRS Reg. 1.150-2. **CC FY15 08-19 AB 30**

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Varney seconded the motion. The **MOTION CARRIED** by a 12 to 1 roll call vote as follows: Councilors Bogan, Collins, Varney, Walker, Lachapelle, Gray, Larochelle, Torr, Hamann, Gates, Keans, Lauterborn, and Mayor Jean voted in favor of the motion. Councilor Torr voted against the motion.

**12.3. AB 34 Amendment to Ordinances Repealing the Provisions of Section 17.4 of the General Ordinances of the City of Rochester, Entitled "Water Service Connection Required"**

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:

**AMENDMENT TO ORDINANCES**  
**REPEALING THE PROVISIONS OF SECTION 17.4**  
**OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER,**  
**ENTITLED "WATER SERVICE CONNECTION REQUIRED"**

**THE CITY OF ROCHESTER ORDAINS:**

That Section 17.4 the General Ordinances of the City of Rochester, entitled "Water Service Connection Required" as presently amended be further amended, by repealing such Section in its entirety. **CC FY15 09-02 AB 34**

After a brief discussion Mayor Jean stated that if there were no objections the matter would be sent to a public hearing to be held on September 16, 2014.

**12.4. AB 31 Resolution Accepting Federal Emergency Management Grant and Making a Supplemental Appropriation in Connection Therewith - 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 by title only as follows:

**RESOLUTION ACCEPTING**  
**FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT**  
**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 Federal Emergency Management Agency (FEMA) grant in the amount of Three Hundred Thousand Dollars (\$300,000.00) (the "Grant"), made to the City of Rochester, Fire Department, for the purpose of paying costs incurred in connection with the purchase of up to 41 Scott Air Packs, and related items, for use by Rochester firefighters, be, and hereby is accepted, and such grant funds shall be assigned to an account(s) established by the Finance Director in the 2014-2015 capital budget of the Rochester Fire Department. That the aforesaid required Grant amount includes a 10% match amount, from the City of Rochester, in the amount of Thirty Thousand Dollars (\$30,000.00).

**Further**, that the sum of Two Hundred Seventy Thousand Dollars (\$270,000.00), from the above referenced FEMA Grant, be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 capital improvements program budget for the City of Rochester, Fire Department, for the purpose of paying costs incurred in connection with the purchase of up to 41 Scott Air Packs, and related items, for use by Rochester firefighters. The source of the sums necessary to fund such appropriation shall be drawn, from the aforesaid Federal Emergency Management Agency (FEMA) Grant, to the extent of the Two Hundred Seventy Thousand Dollars (\$270,000.00) hereby appropriated, and, to the extent of Thirty Thousand Dollars (\$30,000.00) to cover the City of Rochester's required 10% Grant matching funds, from funds previously appropriated for the Rochester Fire Department's FY15 capital improvements program budget.

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 are necessary to implement the transactions contemplated by this Resolution. **CC FY15 09-02 AB 31**

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

**12.5. AB 33 Resolution Accepting Grant for Purchase of Bulletproof Vests for the Rochester Police Department and Making a Supplemental Appropriation in Connection Therewith**

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 ACCEPTING GRANT FOR PURCHASE OF  
BULLETPROOF VESTS FOR THE ROCHESTER POLICE DEPARTMENT  
AND MAKING A SUPPLEMENTAL APPROPRIATION  
IN CONNECTION THEREWITH**

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

**WHEREAS**, the City of Rochester has been awarded a grant in the amount of Four Thousand Fourteen Dollars and Fourteen Cents (\$4,014.14), such sums being awarded pursuant to the 2014 Bulletproof Vest Partnership Grant Program administered by the United States Department of Justice, Bureau of Justice Assistance, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, do hereby accept such grant on behalf of the City of Rochester.

**Further**, that the sum of Four Thousand Fourteen Dollars and Fourteen Cents (\$4,014.14) to be received by the City of Rochester as a grant under the provisions of the 2014 Bulletproof Vest Partnership Grant Program be, and hereby is, appropriated as part of the 2014-2015 operating budget of the City of Rochester Police Department, the same to be deposited in a special non-lapsing account by the Finance Director, or his designee(s), for the purpose of purchasing bulletproof vests, all as more specifically set forth in the grant application and/or grant documents, and that the sums necessary to fund the aforesaid appropriation shall be drawn, in their entirety, from funds received from the aforesaid grant to the City of Rochester from the 2014 Bulletproof Vest Partnership Grant Program.

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 09-02 AB 33**

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. Mayor Jean called for a vote on the motion. The **MOTION CARRIED** by a unanimous voice vote.

**12.6. AB 37 Amendment to Ordinances Relative to Chapter 17**

**12.6.1. CC FY14 AB 41 Amendment to Ordinances Regarding Water Leakage Prevention and Mitigation Procedures and Responsibilities**  
*First Reading took place on April 1, 2014. Public Hearing took place at the Codes and Ordinance Committee on May 1, 2014. Second Reading and Further Amended [But not adopted] took place on June 3, 2014, by the City Council. The City Council Sent the Ordinance back to the Codes and Ordinances Committee for further review. **TABLED ?***

Councilor Keans **MOVED** to remove the Amendment from the **TABLE**. Councilor Varney seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. 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 Amendment by title only for the second time as follows:

**AMENDMENTS TO CHAPTER 17 OF THE  
GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING  
WATER LEAKAGE PREVENTION AND MITIGATION PROCEDURES AND  
RESPONSIBILITIES**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 17 of the General Ordinances of the City of Rochester, entitled "Water", as presently amended, be further amended as follows:

**I.** That Section 17.2 of the General Ordinances of the City of Rochester, as presently amended, and entitled "Definitions", be further amended, by adding to said Section 17.2, the following provision, to be known as Section 17.2 (g) of the General Ordinances of the City of Rochester, to wit:

**17.2 Definitions.**

**II.** That Section 17.2 of the General Ordinances of the City of Rochester, as presently amended, and entitled "Definitions", be further amended, by adding to said Section 17.2, the following provision, to be known as Section 17.2 (g) of the General Ordinances of the City of Rochester, to wit:

**17.3 Policy Statement.**

"(g) Treated drinking water produced by City facilities and distributed through the City distribution system is a valuable public resource, funded by water rate payers. It is the obligation of all water customers to correct any leakages which occur on their property in a timely and effective manner. Customer failure to correct leakages on their property (or to have repaired leakage occurring on other private property(s) over which the customer's water service extends) is, after notification of the customer pursuant to the provisions of Section 17.20-A of this Chapter, for purposes of this Chapter, considered willful waste of water."

**III.** That Chapter 17 of the General Ordinances of the City of Rochester, entitled "Water", as presently amended, be further amended, by adding to said Chapter the following new provision, to be known as Section 17.20-A of the General Ordinances of the City of Rochester, to wit:

**"17.20-A Prevention and Enforcement of Willful Water Waste.**

Treated drinking water produced by City facilities and distributed through the City distribution system is a valuable public resource, funded by water rate payers. It is the obligation of all water customers to correct any leakages which occur on their property (or to have repaired leakage occurring on private property(s) over which the customer's water service extends) in a timely and effective manner. Customer failure to correct leakages on such property is, for purposes of this Chapter, considered willful waste of water. The Department of Public Works shall utilize the following procedures to alert customers experiencing atypical variation increases in water consumption to alert customers to the possibility of leakage in their (or a master reader's) water service.

**(a) Mobile/Manufactured Home Parks and other similar accounts, with Individual Unit Meters and a Master Meter(s).**

Such accounts will have summed, by the Department of Public Works, or by its agent(s), the total consumption value of individual unit meters for each regular billing cycle. This summed value will be compared to the master meter consumption value, or in the event of multiple master meters, the sum value of the master meters. A variation of 10% or more between the sum value of the individual unit meter readings and the master meter value, or sum value of multiple master meter readings, will create/establish the obligation of the customer to investigate and, if



necessary, report and correct, at customer's expense, water leakage on their property (or on other private property(s) over which their water service extends). Such variations when identified will be documented by the Department of Public Works and a written notice shall be sent by certified mail, return receipt requested, to customer. Upon receipt of notification, customer will have 90 days to correct any water leakage and report completion of such repairs back to the Department of Public Works. ~~In cases where no leakage is determined to exist, or to have existed, but increased consumption does occur, or is occurring, the customer has the obligation to communicate a credible explanation for the increased consumption to the Department, and to assume responsibility, in writing if requested by the Department of Public Works, for payment responsibility for such increased consumption. Failure of the customer to respond to such notice by communicating to the Department of Public Works the actions needed, and being taken to correct water leakage, and credible explanation for the increased consumption to the Department the time reasonably required to implement repairs, or by communicating a credible explanation for the increased consumption to the Department and indicating the customer's assumption of responsibility for payment responsibility for such increased consumption will constitute grounds for termination of water service following the expiration of the 90 day repair period, until such leakage is corrected or explanation received. In such cases, an appeal to the Utility Advisory Board for abatement of fees during the 90 day period will not be heard.~~

(b) **Accounts of Individual Unit Meters without Master Meters.**

The Department of Public Works monitors average quarterly water consumption reflected by customer's account(s), and such consumption is communicated to the customer in its monthly, quarterly or other regular bill. When monitoring, if above normal consumption, or a situation indicating a potential leakage of water on the customer's property (or on other private property over which the customer's water service extends) is identified, the Department will issue a written advisory to the customer.

(c) **Water Leaks on Customer Property (or other Private Property over which a Customer's Water Service Extends) Known to Exist by Department of Public Works.**

In such cases where it is apparent from the street, or the Department of Public Works otherwise knows of water leakage on the customer's property (or on other private property over which the customer's water service extends), the Department will advise the customer in writing of their obligation to investigate and respond to such leakage at their expense. Failure of the customer to respond to such leakages and inform the Department of their response within 7 days of receipt will constitute grounds for termination of water service until such leakage is addressed by response. In the event of a known leak of significant volume on customer property (or on other private property over which the customer's water service extends) which cannot be isolated on the property, the Department of Public Works will

immediately terminate service to the property. Customer shall be responsible for repairs to the leakage prior to resumption of City water service." **CC FY 14 AB 41**

**Continued:**

**12.6.2. CC FY15 AB 37 AMENDMENT TO THE  
Amendment to Ordinances Regarding Water  
Leakage Prevention and Mitigation Procedures  
and Responsibilities – Reading and Adoption**

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Gray seconded the motion. Councilor Lachapelle **MOVED** to replace the existing amendment with the Amendment to the ordinances as shown below. Councilor Varney seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the Amendment by title only as follows:

**AMENDMENT TO:**

**"AMENDMENTS TO CHAPTER 17 OF THE  
GENERAL ORDINANCES OF THE CITY OF ROCHESTER  
REGARDING WATER LEAKAGE PREVENTION AND  
MITIGATION PROCEDURES AND RESPONSIBILITIES"**

**THE CITY OF ROCHESTER ORDAINS:**

That Sub-Section III of the "Amendments to Chapter 17 of the General Ordinances of the City of Rochester Regarding Water Leakage Prevention and Mitigation Procedures and Responsibilities", and currently before the Rochester City Council, on so-called Second Reading, be amended as follows:

**A.** That Sub-Section III of the "Amendments to Chapter 17 of the General Ordinances of the City of Rochester Regarding Water Leakage Prevention and Mitigation Procedures and Responsibilities", presently before the Rochester City Council on so-called Second Reading, be amended, by deleting the proposed Section 17.20-A thereof in its entirety, and by substituting in its stead, the following provision, to be known as Section 17.20-A of Chapter 17 of the General Ordinances of the City of Rochester, to wit:

**"17.20-A Prevention and Enforcement of Willful Water Waste.**

Treated drinking water produced by City facilities and distributed through the City distribution system is a valuable public resource, funded by water rate payers. It is the obligation of all water customers to correct any leakages which occur on their property (or to have repaired leakage occurring on private property(s) over which the customer's water service extends) in a timely and effective manner. Customer failure to correct leakages on such property is, for purposes of this Chapter, considered willful waste of water. The Department of Public Works shall utilize the following procedures to alert customers experiencing atypical variation increases in water consumption to alert customers to the possibility of leakage in their (or a master reader's) water service.

(a) **Mobile/Manufactured Home Parks and other similar accounts, with Individual Unit Meters and a Master Meter(s)**. Such accounts will have summed, by the Department of Public Works, or by its agent(s), the total consumption value of individual unit meters for each regular billing cycle. This summed value will be compared to the master meter consumption value, or in the event of multiple master meters, the sum value of the master meters. A variation of 10% or more between the sum value of the individual unit meter readings and the master meter value, or sum value of multiple master meter readings, will create/establish the obligation of the customer to investigate and, if necessary, report and correct, at customer's expense, water leakage on their property (or on other private property(s) over which their water service extends). Such variations when identified will be documented by the Department of Public Works and a written notice shall be sent by certified mail, return receipt requested, to customer. Upon receipt of notification, customer will have 90 days to correct any water leakage and report completion of such repairs back to the Department of Public Works. In cases where no leakage is determined to exist, or to have existed, but increased consumption does occur, or is occurring, the customer has the obligation to communicate a credible explanation for the increased consumption to the Department, and to assume responsibility, in writing if requested by the Department of Public Works, for payment for such increased consumption. Failure of the customer to respond to such notice by communicating to the Department of Public Works: (a) the actions needed, and being taken, to correct water leakage; (b) a credible explanation for the increased consumption to the Department; (c) a time reasonably required to implement repairs-; (d) or by communicating a credible explanation for the increased consumption to the Department and indicating the customer's assumption of responsibility for payment -for such increased consumption, may constitute a violation following the expiration of the 90 day repair period, until such leakage is corrected or explanation received. In such cases, an appeal to the Utility Advisory Board for abatement of fees during the 90 day period will not be heard.

(b) **Accounts of Individual Unit Meters without Master Meters**. The Department of Public Works monitors average quarterly water consumption reflected by customer's account(s), and such consumption is communicated to the customer in its monthly, quarterly or other regular bill. When monitoring, if above normal consumption, or a situation indicating a potential leakage of water on the customer's property (or on other private property over which the customer's water service extends) is identified, the Department will issue a written advisory to the customer.

The Department of Public Works may, at its discretion, require a response and credible explanation of the increased usage within 90 days of notification. If determined to be leakage, the customer may be required to respond with a plan to repair said leakage within 90 days or as otherwise agreed by the of the Department of Public Works.

Failure of the customer to respond to such notice by communicating to the Department of Public Works: (a) the actions needed, and being taken, to correct water leakage; (b) a credible explanation for the increased consumption to the Department; (c) a time reasonably required to implement repairs-; (d) or by communicating a credible explanation for the increased consumption to the Department and indicating the customer's assumption of responsibility for payment -for such increased consumption, may constitute a violation following the expiration of the 90 day repair period, until such leakage is corrected or explanation received. In such cases, an appeal to the Utility Advisory Board for abatement of fees during the 90 day period will not be heard.

(c) **Penalty** Any person who, in a manner, directly or indirectly violates the provisions of this Section shall be guilty of a violation. Violation of this Section may be punishable by a fine of One Hundred Dollars (\$100.00) per day of offence.

After a debate about the penalty for violating the provisions of this ordinance Councilor Larochelle **MOVED** to **AMEND** the revised Amendment by removing the penalty. Councilor Torr seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean called for a vote on the main motion as amended by the revised amendment and further amended by Councilor Larochelle. The **MOTION FAILED** by a majority voice vote.

## **12.7. AB 36 Discussion: Legislative Policy Recommendations**

Councilor Walker **MOVED** to allow Councilor Lauterborn to vote as she sees fit at the NHMA Legislative Conference. Councilor Lachapelle seconded

the motion. After a brief discussion about the material to be discussed Councilor Lachapelle recused himself from the vote. The **MOTION CARRIED** by a unanimous voice vote.

**12.8. AB 35 Discussion: EDA Grant, Salmon Falls Road Infrastructure Extensions Project**

Councilor Varney stated that there is a strong commitment by the developer at this time and the Deputy City Manager has identified a funding source for the City's portion of the Salmon Falls Road Infrastructure Extension Project. He hoped that the engineering portion of the project could begin in the winter so that the construction would begin in the spring of 2015. Attorney Wensley advised that a resolution would need to be created in order to repurpose the funds. City Manager Fitzpatrick stated that this could be added to the Workshop Agenda for September.

Councilor Gates stated that there has been some concern about the Rochester Hill Road's water tower [capacity] for the Industrial Park. He questioned if there is also concern about the water capacity for the expansion of the Granite Ridge Development

**13. Other**

Councilor Collins requested that the Agenda be corrected of the spelling errors. City Clerk Walters agreed to revise the Agenda.

**14. Non-Meeting/Non-Public Sessions:**

**14.1. Non-Meeting, Consultation with Legal Counsel, Land, RSA,**

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

**14.3. Non-Public Session, Reputation, RSA 91-A**

Mayor Jean stated that if there were no objections from the City Council he would amend the Agenda to add another Non-Meeting [Reputation] to the agenda.

Councilor Walker **MOVED** to enter into the following Non-Meeting/Non-Public Sessions: Non-Meeting, Consultation with Legal Counsel, Land, Non-Public Session, Personnel, RSA 91-A:3 II (a), Non-Public Session, Reputation, RSA 91-A. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilors Bogan, Collins, Varney, Walker, Lachapelle, Gray, Larochelle, Torr, Hamann, Gates, Keans,

Lauterborn, and Mayor Jean voted in favor of the motion. Councilor Lachapelle **MOVED** to seal the minutes indefinitely and to exit the Non-Meeting/Non-Public Sessions at 9:37 PM.

## **15. Adjournment**

Councilor Lachapelle **MOVED** to **ADJOURN** the Regular City Council meeting at 9:38 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters  
City Clerk