

**Regular City Council Meeting
November 1, 2016
Council Chambers
7:02 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

City Manager Daniel Fitzpatrick
Deputy City Manager Blaine Cox
Attorney O'Rourke
John Storer, Commissioner of Public Works
Police Chief Allen
Members of the Veterans' Council
Chris Bowlen, Director of the Recreation
Arena and Youth Services
Roy Edgerly, Recreation, Arena, and Youth
Services
Ms. Crawford, Representative of the
Fieldstone Village Association

Members Excused

Councilor Barnett

MINUTES

1. Call to Order

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

2. Pledge of Allegiance

Dennis Sellers, President of the Rochester Veterans Council led the Pledge of the Allegiance.

3. Opening Prayer

Rose Askins, Treasurer of the Rochester Veterans Council, led the opening prayer.

4. Roll Call

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

5. Acceptance of Minutes

5.1. October 4, 2016, Regular City Council Meeting Minutes

Ms. Walters indicated that she received an email correspondence from Samantha Kelley, Finance Department, with two corrections for the October 4, 2016, Regular City Council Meeting minutes. Councilor Lachapelle **MOVED** to **ACCEPT** the minutes with those changes. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1. Employee of the Month

City Manager Fitzpatrick invited Chris Bowlen, Director of the Recreation and Arena Department, and Roy Edgerly, Arena Department, to come forward. City Manager Fitzpatrick announced that Mr. Edgerly is the Employee of the Month for November, 2016.

City Manager Fitzpatrick invited Blaine Cox, Deputy City Manager, and Ginny Gray, Deputy Tax Collector, to come forward. He announced that Ms. Gray received an above average score of "94" on her final Tax Collector's Certification Test. He awarded Ms. Gray with a City Manager's citation for a job well done.

6.2. City Manager's Report

City Manager Fitzpatrick read the following report:

- **Contracts and documents executed since last month:**
 - **Department of Public Works**
 - East End Dam Modifications - Contract to Proceed
 - Geological Survey Contract
 - Lowell Street Culvert – Drainage – *Change Order #1 (\$12,276)*
 - **Economic & Community Development**
 - CDBG – Certified Local Government Grant and Moose Plate Grant Awards
 - CDBG – MOU between Bridging the Gaps and Rochester School Dept.
 - CDBG – Watershed Assistance Grant
 - Purchase and Sales Agreement – 296 Rochester Hill Road

- **Finance Department**
 - Water Treatment Plant upgrade – supplemental loan agreement
- **Fire Department**
 - Brush Permit reappointment forms

Computer Lease/Purchase and Tuition Reimbursements:

- Police Department – Frechette, R – computer purchase
- City Manager's office – Rodgerson, S – tuition reimbursement
- Planning Department – Mears, M – tuition reimbursement

The following standard reports have been enclosed:

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

City Manager Fitzpatrick said the newest *City Manager's Corner* video is expected to be released soon.

7. Communications from the Mayor

Mayor McCarley stated that it has come to her attention that Isabel "Izzy" Eames, freshman at Spaulding High School, has coped with Type 1 Diabetes since age 10. Miss Eames started to educate her peers about this disease in 2015, while she attended the eighth grade at the Rochester Middle School. Mayor McCarley read a proclamation and declared the month of November Diabetes Awareness month for the City of Rochester and presented the proclamation to Miss Eames.

Mayor McCarley announced that Olivia LaPolla, Intern for the Mayor's Office, attended the Rochester Listens First Impression Meeting. Miss LaPolla has submitted a draft copy of minutes for the City Council's review.

Councilor Bogan said she attended the Rochester Listens First Impression's meeting. She is pleased about the effort being made to make Rochester unique. She added that the group is seeking volunteers.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

No discussion.

10. Reports of Committee

10.1. Appointments Committee

Councilor Keans reviewed the recommendation for the Chairman of the Supervisor's of the Checklist. Ms. Walters explained that the process of implementing this position is not yet ready. A job description and salary are still in question; however, she appreciated the Committee recommending the applicant.

Councilor Keans said the Committee recommended that Ralph Sanders be appointed as a Member of the Utility Advisory Board. Mayor McCarley nominated Ralph Sanders to be appointed as a Member of the Utility Advisory Board, with a term to expire on January 2, 2018. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nomination cease. Councilor Keans seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Sanders has been appointed to the Utility Advisory Board, by a unanimous ballot vote.

10.2. Codes and Ordinances Committee

10.2.1. Chapter 45 – Overnight Parking

Councilor Lachapelle said the Committee recommended an Amendment to Chapter 45 of the General Ordinances relative to overnight parking, by a majority voice vote.

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

AMENDMENT TO CHAPTER 45 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING OVERNIGHT PARKING, OCCUPANCY AND CAMPING ON CITY OWNED PROPERTY

THE CITY OF ROCHESTER ORDAINS:

That Chapter 45 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

CHAPTER 45

OVERNIGHT PARKING, OCCUPANCY AND CAMPING ON CITY OWNED PROPERTY

SECTION ANALYSIS

- 45.1 Authority**
- 45.2 Purpose**
- 45.3 Acts Prohibited**
- 45.4 Definitions**
- 45.5 Exceptions**
- 45.6 Responsibility**
- 45.7 Removal**
- 45.8 Enforcement**
- 45.9 Severability**
- 45.10 Effective Date**

45.1 Authority.

In accordance with and under the authority of New Hampshire Revised Statutes Annotated 41:11; 41:11-a; and 47:17, the City Council of the City of Rochester hereby adopts the following ordinance for the regulation of overnight parking or camping on all City-owned property.

45.2 Purpose.

This purpose of this Ordinance is to protect the public peace, preserve public law and order, promote safety and welfare and ensure proper and decent conduct for the residents of the City of Rochester and the general public, in the use of City-owned properties.

45.3 Acts Prohibited.

From and after the effective date of this ordinance it shall be unlawful for any person to camp or to park any vehicle or recreational vehicle with occupancy by one or more persons, either overnight or for any period of time over two hours between dusk and dawn, on any City-owned lands within the City of Rochester.

45. 4 Definitions.

(a) *Camp*: Includes pitching a tent, placing or erecting any other camping device, or sleeping in or on the City-owned property.

- (b) *Recreational vehicle*: Any vehicle fitting the definition in RSA 216-I:1, VIII.
- (c) *City-owned property*: All properties owned by the City of Rochester.

45.5 Exceptions.

Restrictions in this ordinance shall not apply when permission has been granted by the City Manager or the Chief of Police for official or emergency purposes or in conjunction with a special event.

45.6 Responsibility.

All violations of parking restrictions and charges accompanied therewith shall be deemed the responsibility of the registered owner of said vehicle. Such registrations may be proven as set forth in RSA 261:60. Said registered owner shall be conclusively presumed to be in control of the vehicle at the time of the parking violation, and no evidence of actual control or culpability needs to be proven as an element of the offense in accordance with RSA 231:132-a.

45.7 Removal.

Any vehicle parked in violation of this Ordinance shall be ordered towed by the Rochester Police Department at the expense of the owner or custodian of said vehicle.

45.8 Enforcement.

- (a) Any person who violates this Ordinance shall be guilty of a violation and shall be fined One Hundred Dollars (\$100.00).
- (b) Any duly appointed police officer for the City of Rochester may enforce this Ordinance by utilizing any process authorized by state law, including but not limited to a Local Ordinance Citation pursuant to RSA 31:39-d and Chapter 44 of the City of Rochester Ordinance.
- (c) All penalties collected for violations of this Ordinance shall be for the use of the City and deposited into the City's general fund.

45.9 Severability.

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

45.10 Effective Date.

This Ordinance shall take effect upon passage.

The effective date of these amendments shall be upon passage.

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

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Bogan seconded the motion.

The City Council debated the matter. John Storer, Director of City Services, explained why this Amendment had been sent to the Public Works Committee and to the Codes and Ordinances Committee for review. He gave details of residents camping on City property, including the Rochester Public Library property, and the mess that is left behind. This is one way to begin the process of resolving this issue. Councilor Willis pointed out that many cross-country travelers seek a place to rest before continuing their journey. He believed the Amendment was too general and should include giving travelers a place to rest.

Councilor Varney **MOVED** to **AMEND** proposed Amendment to Chapter 45 relative to Section 45.7 *Removal* as follows:

Any vehicle parked in violation of this ordinance ~~shall~~ **may** be ordered towed by the Rochester Police Department at the expense of the owner or custodian of said vehicle.

Councilor Lauterborn seconded the motion. Councilor Varney explained this would give the Rochester Police Department the discretion to act on this ordinance or not, in such cases in which Councilor Willis had referred to. The **MOTION CARRIED** by a unanimous voice vote.

The City Council debated this ordinance further. Councilor Varney **MOVED** to **TABLE** the motion. Councilor Bogan seconded the motion. Mayor McCarley explained that a motion to table a motion is not debatable. She said if the City Council wished to send this Ordinance to the Public Safety Committee they should first vote against the motion to table. She called for a vote on the motion to table. The **MOTION FAILED** by a unanimous voice vote. The matter will be sent to the next Public Safety meeting.

10.2.2. Chapter 23 City-wide ban on Fire Works

Councilor Lachapelle **MOVED** to read the Amendment for the first time by title only and refer the matter to the Codes and Ordinances Committee for a Public Hearing. Councilor Bogan seconded the motion. The **MOTION**

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

CHAPTER 23

FIRE SAFETY MEASURES

SECTION ANALYSIS

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

*

*

*

23.1 Prohibition and Regulation of Fireworks.

- A.** In accordance with the provisions of RSA 160-C, it shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, purchase, possess, use, explode or display any permissible fireworks within the City of Rochester.
- B.** The Police Chief and/or Fire Chief are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this ordinance.

10.2.3. Chapter 23 Further Restrictions

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

CHAPTER 23

FIRE SAFETY MEASURES

SECTION ANALYSIS

- 23.16 Fire Safety Rules and Regulations**
- 23.17 Smoke Detector Wiring**
- 23.18 Enforcement Officer**
- 23.19 Control of Outdoor Fires**
- 23.20 Knox Box Installations**
- 23.21 Public Safety Amplification System Required in Large Facilities**
- 23.22 Administration and Enforcement**
- 23.23 Means of Escape**
- 23.24 Fire Department Access**
- 23.25 Control of Fire Hazards**
- 23.26 Penalty**
- 23.27 Sprinkler Requirements for Certain Single-family Dwelling Units**
- 23.28 Prohibition and Regulation of Fireworks**
- 23.29 Listed Agent Program**
- 23.30 Regulation of Fire Alarms**

23.2 Prohibition and Regulation of Fireworks

- A.** In accordance with the provisions of RSA 160-C, it shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, purchase, possess, use, explode or display any permissible fireworks within the City of Rochester, except as specifically provided for in this ordinance.
- B.** As used in this ordinance:
 - i. "Display" means the use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a firework to do what it was manufactured to do.

- ii. "Permissible fireworks" means those consumers firework devices defined as "permissible fireworks" in RSA 160-C, as the same currently exists or as, from time to time, hereinafter amended.
 - iii. "Fire Chief" means the Fire Chief of the City of Rochester or his/her designee.
 - iv. "Police Chief" means the Police Chief of the City of Rochester or his/her designee.
- C. Permit Required. No Person shall use discharge or explode any permissible fireworks without a permit issued by the City of Rochester.
- i. Any person wishing to obtain a permissible fireworks display permit shall apply to the Police Chief and the Fire Chief at least 15 days prior to the display. The time frame may be waived at the discretion of the Police and Fire Chief.
 - ii. The applicant shall provide the following information:
 - a. Date of application
 - b. Name, address and telephone number of applicant
 - c. Address of location where the display will be held
 - d. Diagram of the display location, showing the location of all nearby property lines, nearby buildings, public ways, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases
 - e. Name of the owner of the property where the display will be held
 - f. Intended date and time of display, including a possible rain date
 - g. Written authorization of the property owner, if different from the applicant
 - h. Signature of the applicant
 - iii. Permit fee. The fee for a permissible fireworks display shall be five dollars (\$5.00) per event. The fee shall be paid at the time of application and is non-refundable.
 - iv. Site inspections:
 - a. Prior to issuing a permit, the Police Chief or the Fire Chief

may conduct an inspection of the display site to determine whether a permissible fireworks display can be held in a safe manner.

- b. If, in the opinion of the Police Chief or Fire Chief, the proposed site is not suitable for the safe display of permissible fireworks, the application for a permit shall be denied.
- D. Subject to, and in accordance with the provisions of Chapter 160-C of the New Hampshire Revised Statutes Annotated it shall be lawful to possess and/or display permissible fireworks upon compliance with the following requirements:
 - v. A person who is 21 years of age or older may display permissible fireworks on private property with the written consent of the owner or in the owner's presence, subject to the provisions of this ordinance and RSA Chapter 160-C, and any other applicable ordinance regulation or statute.
 - ii. No display of permissible fireworks shall be permitted within the City except between the hours of 6 PM and 11 PM on the following holiday: , Fourth of July (including the evening of July 3rd beginning at 6PM, including from such time until midnight on any rain date established for the annual city-wide fireworks display held at the Rochester Fairgrounds), after obtaining a permit.
 - iii The display of permissible fireworks shall be of such a character, and so located and conducted, that it shall not be hazardous to property or endanger any person. In accordance with the provisions of RSA Chapter 160-C no permissible fireworks shall be permitted on public property and must be at least 50 feet from nearby buildings, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases.
 - iv No permissible fireworks may be used, discharged, exploded, or displayed during periods of very high or extreme fire danger as determined by the Fire Chief or the NH Division of Forests and Lands.
 - v. Permissible fireworks may be used, discharged, exploded, or

displayed in a manner such that any all discharge debris shall remain within the property lines of the lot on which the display originates.

- vi. Anyone using permissible fireworks shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property, and any private property within twenty-four hours. Anyone failing to remove such debris shall be financially responsible for its clean up.
 - vii. Display of permissible fireworks shall be permitted on public property the evening of July 3rd beginning at 6PM, including from such time until midnight on any rain date established for the annual city-wide fireworks display held at the Rochester Fairgrounds, provided that such display shall be authorize in a duly issued Block Party Application/Permit from the City's Licensing Board covering the public property on which the display is to occur."
- E. A violation of this ordinance shall be subject to the penalties provided for in Chapter 23, Section 23.11, Penalty, of the City of Rochester General Ordinance.
- F. This ordinance shall be construed consistently with NH Code of Administrative Rules Saf c 2600, as made applicable by state statute and as adopted by reference in Section 23.1, of the General Ordinances of the City of Rochester, and is not meant to repeal any section thereof. Nothing in this ordinance shall be interpreted so as to conflict with the provisions of Chapters 160-B or 160-C of the New Hampshire Revised Statutes Annotated, as currently written, or as from time to time hereafter amended. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct independent provision and such holding shall not affect the validity of the remaining portions thereof.11-9-10
- G. The Police Chief or Fire Chief may suspend the use of permissible fireworks for any of the following reasons:
- vi. Unfavorable weather conditions, including but not limited to, lightning storms or high wind conditions exceeding 20 miles per

hour or higher.

- vii. If any person under the age of 21 possesses, uses, discharges or explodes, used, discharged or exploded any permissible firework device.
 - viii. If any person who is using, discharging, exploding, or displaying the permissible fireworks appears to be under the influence of alcohol or drugs;
 - ix. If, in the opinion of the Police Chief or Fire Chief, the use, discharge, exploding, or display of permissible fireworks would create a threat to public safety.
- H. The Police Chief and/or Fire Chief are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this ordinance."
- I. The City Manager, Mayor, and/or the City Council may declare a Special Event of cultural or civic significance and authorize the display of fireworks on the same terms as Section D. ii on particular days to celebrate those Special Events.

10.2.4. Amendment to Chapter 3 of the General Ordinances of the City of Rochester Regarding the Composition of the Conservation Commission Alternate Membership First reading, second reading, and adoption

Councilor Lachapelle said the Committee recommended an Amendment to Chapter 45 of the General Ordinances relative to overnight parking, by a majority voice vote.

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

AMENDMENT TO CHAPTER 3 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING THE COMPOSITION OF THE CONSERVATION COMMISSION

THE CITY OF ROCHESTER ORDAINS:

That Chapter 3 of the General Ordinances of the City of Rochester regarding the composition of the Conservation Commission and currently before the Rochester City Council, be amended as follows:

3.9 Conservation Commission.

- (a) -----
- (b) The Conservation Commission shall consist of seven (7) members, one of whom may be a member of the Planning Board. Members of the Commission shall be appointed by the Mayor in accordance with the provisions of Section 74 of the Rochester City Charter for terms of three years. The terms of members of the Commission shall be so arranged that two regular members of said Commission shall be appointed annually and a chairperson shall be appointed every third year by the Mayor. Vacancies shall be filled for the unexpired terms. Two (2) alternate members of the Commission shall be appointed in the same manner as regular members of the Commission for a terms of three years, and when such alternates serve in the absence or disqualification of a regular member, he or she shall have full voting powers.
- (c) -----

The effective date of these amendments shall be upon passage.

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

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Bogan seconded the motion. Councilor Keans said this ordinance is mandating that the Alternate Conservation Commission positions are appointed by the Mayor every 3 years, which contradicts all other mayoral appointments, and does not make sense. Mayor McCarley agreed and stated that there are inconsistencies with our ordinances and some of these issues will be addressed at the Codes and Ordinances Committee on December 1, 2016. She added that all proposed ordinances should be sent to the City Council with track changes in order for the City Council to be clear on what

is being voted upon. The City Council discussed the verbiage of this typically ordinance and the appointment process of the Conservation Commission's Chair. Mayor McCarley said this could be reviewed by the Codes and Ordinances Committee again; however, this part of the Amendment could be voted upon now, and she called for a vote on the motion on the floor. The **MOTION CARRIED** by a unanimous voice vote.

10.2.5. Codification Review

Councilor Lachapelle **MOVED** to **APPROVE** the codification review. Councilor Bogan seconded the motion. Councilor Willis asked if this would follow a standard format for Ordinances. City Manager Fitzpatrick stated that there are only a few companies that work on Codification and the City of Rochester has selected General Codes and the format that they use. The **MOTION CARRIED** by a unanimous voice vote.

Ms. Walters wished to confirm that the Committee recommended that the Codification process not include the Rules of Order. Councilor Lachapelle confirmed that not including the Rules of Order was a Committee recommendation.

Councilor Keans wished to clarify where a copy of the Rules of Order would be kept. It was determined that the City Clerk's office would have a copy readily available for the public and City Manager Fitzpatrick agreed to supply the Rochester Public Library with a copy of the Rules of Order as well.

10.3. Finance Committee

10.3.1. Resolution Authorizing the Acceptance of a new Hampshire Department of Safety (NHDOS) E-Ticket Equipment Grant and 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 Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the first time by title only as follows:

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF A NEW
HAMPSHIRE DEPARTMENT OF SAFETY (NHDOS) E-TICKET
EQUIPMENT GRANT AND SUPPLEMENTAL APPROPRIATION
CONNECTED THEREWITH**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the grant in the amount of Nine Thousand Dollars (\$9,000.00) from the NH DOS E-Ticket Equipment Grant program in order to fund the purchase of in-cruiser ticket processing equipment.

Further, that the sum of Nine Thousand Dollars (\$9,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2016-2017 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the Grant.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. CC FY17 11-01

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

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

10.3.2. Resolution Authorizing the Acceptance of a New Hampshire Department of Safety (NHDoS) Opioid Abuse Reduction Initiative (OARI) Grant Supplemental Appropriation Connected Therewith **First reading, second reading, and adoption**

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

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF A NEW
HAMPSHIRE DEPARTMENT OF SAFETY (NHDOS) OPIOID ABUSE
REDUCTION INITIATIVE (OARI) GRANT AND SUPPLEMENTAL
APPROPRIATION CONNECTED THEREWITH**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the grant in the amount of Twenty Thousand Dollars (\$20,000.00) from the NH DOS OARI Grant program in order to fund opioid related drug investigations.

Further, that the sum of Twenty Thousand Dollars (\$20,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2016-2017 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the Grant.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. CC FY17 11-01

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

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

**10.3.3. Resolution Authorizing the Acceptance of
a United States Department of Justice (USDOJ) COPS
Hiring Program (CHP) Grant **First reading, second
reading, and adoption****

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

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF A UNITED STATES
DEPARTMENT OF JUSTICE (USDOJ) COPS HIRING PROGRAM (CHP)
GRANT AND SUPPLEMENTAL APPROPRIATION CONNECTED
THEREWITH**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the grant in the amount of One Hundred Twenty Five Thousand Dollars (\$125,000.00) from the USDOJ CHP Grant program in order to fund the addition of an Elementary School Resource Officer to the Rochester Police Department over a three (3) year period.

Further, that the sum of Forty One Thousand Six Hundred Sixty Seven and 67/100 Dollars (\$41,667.67) be, and hereby is, appropriated as a supplemental appropriation to the 2016-2017 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the Grant and represents the first year of the grant monies.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. CC FY17 11-01

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

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

Mayor McCarley informed the Council the next Finance Committee would be held at 6:30 PM on November 15, 2016.

10.4 Government Channel – *Did not meet*

No discussion.

10.5 Public Safety Committee

Councilor Hamann reported no action items. Councilor Lachapelle asked if there was an update about the tree at Stillwater Circle. Councilor Hamann replied that is still being worked upon in Committee.

10.6 Public Works Committee

Councilor Torr said there is one action item concerning Fieldstone Village. He explained that due to numerous water leaks Councilor Varney recommended to the full City Council that Fieldstone Village be responsible to pay 50% of the water and sewer bills until such time the issue is resolved by the Public Works Department. The City Council briefly discussed the matter and John Storer, Director of the City Services, invited Ms. Crawford to speak on the issue. Mayor McCarley apologized to Ms. Crawford stating it is out of order taking any public input during a business meeting of the Rochester City Council.

Councilor Varney gave more details about why the Committee decided to charge Fieldstone Village fifty percent of the current flat rate for the water and sewer bill, which is approximately \$5,000. He **MOVED** that Fieldstone Village be responsible to pay, effective November 1, 2016, the amount of \$5,000 for the water and sewer bill, until the installation of the new meter(s) by the City of Rochester. Councilor Bogan seconded the motion. Councilor Torr requested a roll call vote and Councilor Lachapelle seconded the request. Mayor McCarley called for a vote on the motion by way of a roll call vote.

The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Keans, Lauterborn, Willis, Lachapelle, Gray, Abbott, Torr, Hamann, Bogan, Gates, Varney, and Mayor McCarley voted in favor of the motion.

Councilor Torr said there are problems with the new intersection near Cumberland Farms on Milton Road. A lot of gravel is being tossed onto the road, which causes a hazardous situation for motorcyclists. This should be taken care of immediately. Councilor Varney confirmed that the Director of City Services is aware of the issue and is planning to install some type of

curbing to prevent gravel from being tossed onto the paved area of the road. He agreed this is an urgent matter.

Councilor Torr said it would be wise to install underground utilities on at least a portion of the Wakefield Street reconstruction project. The City Council discussed the matter. It was determined that figures associated with the installation of the underground utilities would be discussed in more detail at the next Public Works Committee.

Councilor Torr stated that the City Council must agree upon what type of lighting is to be installed for the entrance of the business park near the Airport on Rochester Hill Road in order to finalize the project. City Manager Fitzpatrick believed this should be settled at the November Public Works Committee and subsequently sent to the December 6, 2016, Council meeting.

11. Old Business

11.1 AB 58 Water User Rates, Chapter 17.34 Second Reading, and Adoption

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

ORDINANCE AMENDMENT RELATIVE TO WATER USER RATE

THE CITY OF ROCHESTER ORDAINS:

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

17.34 Water Rate and Fee Schedule

Quarterly Water Rates

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

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

Minimum Fee:	
Per quarter per unit without exemption:	\$20.09
Per quarter per unit with exemption:	\$16.10

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

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Keans stated that not every Committee meeting is publicized and the public may not be aware of the increase in water/sewer rates. This is one of the Council action items that should not be expedited. She preferred not to vote on the water/sewer rates this evening; however, since the public did not show up for the public hearing she did not wish to delay the process. Mayor McCarley explained how the process took place but agreed the process should be reviewed. Councilor Gates questioned why the prior rates were not presented with the proposed new rates. Mayor McCarley explained that the Codes and Ordinances Committee would be discussing how proposed ordinances should be presented to the City Council for adoption, which would include clear information of what exists and what is to be proposed. Mayor McCarley informed the City Council and the public that the standard current rates were as follows:

Standard Water Rate:

- Current Rate: \$4.81
- Proposed Rate: \$5.29 [December 1, 2016]

Standard Sewer Rate:

- Current Rate: \$6.24
- Proposed Rate: \$6.52 [December 1, 2016]

The **MOTION CARRIED** by a majority voice vote. Councilor Torr and Councilor Gates requested that the City Clerk show in the record how they voted. The City Council discussed the matter briefly. This action was deemed out of order since there was no request for a roll call vote prior to the vote taken. Mayor McCarley indicated that a simple statement would be handled only this time indicating that both Councilors Torr and Gates voted "no"; however, the City Council would go forward not recording how a City Council voted unless a roll call had been previously requested.

11.2 AB 59 Sewer User Rates, Chapter 17.34 Second Reading, and Adoption

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

ORDINANCE AMENDMENT RELATIVE TO SEWER USER RATE

THE CITY OF ROCHESTER ORDAINS:

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

16.25 Wastewater Rate and Fee Schedule

Quarterly Wastewater Rates

Residential Customers without exemption:	\$6.52 per 100 cu. ft. of water use
Residential Customers with exemption:	\$4.34 per 100 cu. ft. of water use
Commercial and industrial customers:	\$6.52 per 100 cu. ft. of water use
High Volume Customer: (I.e. customers using more than 5,000 units **monthly)	\$5.87 per 100 cu. ft. of water use

Unmetered Residential Customers:

Per quarter per unit without exemption:	\$208.61
Per quarter per unit with exemption:	\$104.29

Sewer-Metered Customers: \$6.52 per 100 cu. Ft.

Minimum Fee:

Per quarter per unit without exemption: \$31.19

Per quarter per unit with exemption: \$24.83

Septage Discharge: \$50.00 per 500 gal. or portion thereof

RV Septage Discharge: \$14.00 flat fee

Graywater Disposal \$27.00 per 2000 gal. or portion thereof

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

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Bogan seconded the motion. Councilor Gates requested a roll call vote and Councilor Lachapelle seconded the request. The **MOTION CARRIED** by a 12 to 0 roll call vote. Councilors Lauterborn, Willis, Lachapelle, Keans, Gray, Abbott, Hamann, Bogan, Varney, and Mayor McCarley voted in favor of the motion. Councilors Torr and Gates voted against the motion.

12. Consent Calendar

No discussion.

13. New Business

13.1 AB 62 CDBG Conflict of Interest Policy Motion to Approve

Councilor Lachapelle **MOVED** to **APPROVE** the policy. Councilor Bogan seconded the motion. Councilor Lauterborn explained that this was part of last month's Community Development Report, and had not been supplied with the City Council material. This is a requirement of the federal

government for CDBG programs. Mayor McCarley called for a vote on the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.2 AB 61 East End Dam Resolution **First Reading and refer to a Public Hearing**

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
FOR THE EAST END DAM REPAIR PROJECT AND BORROWING
AUTHORITY PURSUANT TO RSA 33:9**

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

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

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 One Hundred Thousand Dollars (\$100,000.00), 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

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts

and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY17 10-04 AB 61**

13.3 Resolution for JAG Grant First Reading, Second Reading, and Adoption

Agenda Item 13.3 had been adopted under Agenda Item 10.3.3. This information is only being provided for anyone viewing the City Council dvd. Each Agenda Item will show true adoption of each resolution under the proper place on the agenda to avoid confusion with reference to the minutes.

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

**RESOLUTION AUTHORIZING THE ROCHESTER POLICE DEPARTMENT
TO APPLY FOR A UNITED STATES DEPARTMENT OF JUSTICE (USDOJ)
JUSTICE ASSISTANCE GRANT(JAG)**

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

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, authorize the Rochester Police Department to apply for a grant in the amount of Twenty Two Thousand Eight Hundred Seven Dollars (\$22,807.00) from the USDOJ JAG program in order to fund the purchase of mobile data terminals. The City of Somersworth will act as agent for this application in exchange for Five Percent (5%) of any monies award to the City of Rochester.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. CC FY17 11-01

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

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

14. Non-Meeting/Non-Public Session

14.1 Non-Public Session, Personnel, RSA 91-A:3,II (a)

Mayor McCarley stated that there is not a Non-Public Session this evening. It was determined that the City Council could adjourn the meeting and vote to enter a Non-Meeting after the adjournment of the Regular City Council meeting.

15. Other

Mayor McCarley informed the City Council that the Water Loop on Whitehall Road relative to the Granite State Business Park Expansion Project would be discussed at the next Finance Committee to be held on November 15, 2016, at 6:30 PM, in the Council Chambers.

City Manager Fitzpatrick announced that Chief Allen recently appeared on the cover of the Granite State College Magazine along with a featured article about Chief Allen. City Manager Fitzpatrick congratulated Chief Allen upon this success.

16. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the Regular City Council meeting 7:55 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk