

**Regular City Council Meeting
May 6, 2014
COUNCIL CHAMBERS
7:03 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Attorney Wensley
American Legion Family
Superintendent Hopkins
Linda Casey, Business Administrator
Daniel Harkinson, Chair of the
Rochester School Board
Commissioner Nourse
Deputy Police Chief Dumas
Elena Engle, Community Development
Specialist
Lauren Colanto, RAYS Assistant
Director

MINUTES

1. Call to Order

Mayor Jean called the City Council meeting to order at 7:03 PM. All City Councilors were present.

2. Presentation of the Colors by the American Legion Family

The American Legion Family presented the Colors to the City Council.

2.1. Proclamation: National Military Appreciation Month

• Flyer: Memorial Day Parade – May 26, 2014

Mayor Jean read the National Military Appreciation proclamation and declared May, 2014, through June, 2014, as National Military Appreciation Month in the City of Rochester. He presented the proclamation to the Commander of the American Legion Family.

The American Legion Commander invited the public to attend the following events:

- May 9, 2014, Ham and Bean Supper
- May 17, 2014, Military Expo at the Lilac Mall
- May 26, 2014, Memorial Day Parade
- June 14, 2014, Flag Day Ceremony

3. Opening Prayer

Norm Sanborn, American Legion Family, led the opening prayer.

4. Roll Call

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

5. Acceptance of Minutes

5.1. [April 1, 2014, Regular City Council Meeting](#)

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council meeting minutes of April 1, 2014. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2. [April 15, 2014, Special City Council Meeting](#)

Councilor Lachapelle **MOVED** to **ACCEPT** the Special City Council meeting minutes of April 15, 2014. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.3. [April 22, 2014, Special City Council Meeting](#)

Councilor Lachapelle **MOVED** to **ACCEPT** the Special City Council meeting minutes of April 22, 2014. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1. Employee of the Month Award

City Manager Fitzpatrick invited Seth Creighton to come forward. He briefed the City Council about Mr. Creighton's work ethics and great customer service skills. He awarded him with the Employee of the Month Award for May.

6.2. City Manager's Report

City Manager Fitzpatrick read the following items from his report:

- Janet Davis has been reappointed to the Rochester Housing Authority with a term to expire on June 30, 2019.

Management Team Meeting minutes:

- April 7, 2014
- April 14, 2014

Contracts and documents executed since last month:

- Hope Farm Grant Easement
- Haying Agreement – Parsell Farms
- Computer Lease/Purchase – Leonard, H.
- NPDES Stormwater Annual Report
- Weston & Sampson contract – DPW study

The following documents have been received:

- Tree City USA designation – Arbor Day Foundation
- Waste Management – 1st Qtr 2014 Host Agreement Fee

The following standard reports:

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

City Manager Fitzpatrick announced that Samantha Rodgerson, City Manager's Executive Assistant, has completed the Annual Report. This report has been printed and bound in-house and should be available on the City's website soon. He added that it is the finest Annual Report that he has seen as a City Manager in the last 35 years.

Mayor Jean stated that this Annual Report should be submitted to the Municipal Association for recognition.

Councilor Torr questioned what year the first Annual Report was completed. It was later determined this first Annual Report was completed 1841.

7. Communications from the Mayor

7.1. Proclamation: National Public Works Week

Mayor Jean invited Commissioner Nourse to come forward. Mayor Jean read the proclamation for National Public Works Week. He proclaimed the week of May 18, 2014, through May 24, 2014, as National Public Works Week in the City of Rochester. He gave the proclamation to Commissioner Nourse to be shared with the staff of the Department of Public Works.

Commission Nourse invited the City Council to attend the Public Works picnic to be held later in the week.

7.2. Proclamation: Police Memorial Week

Mayor Jean invited Deputy Police Chief Dumas to come forward. He read the proclamation for Police Memorial Week and proclaimed the week of May 11, 2014, through May 17, 2014, as Police Memorial Week, in the City of Rochester. He added that all flags should be flown at half staff on all Municipal buildings, on May 15, 2014, in honor of National Police Officers Day. Mayor Jean presented the proclamation to Deputy Chief Dumas to be shared with the Police Department's staff.

7.3. Special Presentation by Mayor Jean

Mayor Jean stated that the adoption of Chapter 42, Compressive Zoning Ordinance, on April 22, 2014, was a monumental achievement for the City of Rochester. He invited Nel Sylvain, Chair of the Rochester Planning Board, to come forward. Mayor Jean thanked Mr. Sylvain for his Leadership role on the Planning Board over the last two years. He presented Mr. Sylvain with a plaque as a token of appreciation. Mayor Jean also thanked Chief Planner Campbell.

Mayor Jean informed the public that May 10, 2014, is the Annual Post Office Food Drive, in which nonperishable items can be donated and sent to Gerry's Food Pantry.

8. Presentations of Petitions and Council Correspondence

Mr. Sylvain informed the City Council that Derek Peters tendered his resignation at the Planning Board Meeting held on May 5, 2014. He stated that there are currently three Alternate Members that serve on the Planning Board currently [Chuck Grassie, Jr., Fred Leonard, and Tom Willis.]

Mr. Sylvain informed the City Council that the Planning Board has requested that the City Council pass a resolution, or take a formal vote, in order to pull the surety for the Trinity Development Project/Copper Meadows Development located on Flagg Road. He stated that there has not been any real progress in at least four years. He stated that the "letter of credit" ends

on May 15, 2014. This would leave the City with about \$150,000 in order to finish the project. He estimated this to be about a \$16,000 shortfall of the total cost to complete the project. The abutters attended the Planning Board meeting last evening. They were informed of the process.

Mayor Jean **MOVED** to authorize the City Manager or his designee to pull the surety of the Trinity Development Project. Councilor Lachapelle seconded the motion. Councilor Varney asked if this would result in the City taking ownership/maintaining the street. Mayor Jean stated once the project was complete this would be a City owned street. Councilor Varney asked if this one developer would be prohibited from obtaining any more building permits or occupancy permits from the City of Rochester. Mr. Sylvain replied yes.

Councilor Varney asked what does the rest of the project entail. Mr. Sylvain stated that Gretchen Young, Engineer, would provide a complete list; however, some of these would include investigating the structures within the development and finishing the curbing and pavement.

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

9. Nominations, Appointments, Resignations, and Elections

9.1. Resignation: Joanne Pallas, Library Trustee, Ward 1

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation of Joanne Pallas with regret. Councilor Varney seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

9.2. Resignation: Jonathan E. Gray, Moderator, Ward 6

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation of Jonathon Gray with regret. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean stated if there was no objection he would add the following item to be listed as 9.3:

9.3 Resignation of Derek Peters, Planning Board, Regular Member

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation of Derek Peters with regret. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10. Reports of Committee

10.1. Appointments Committee

Councilor Larochelle gave the Appointments Committee report.

Mayor Jean nominated Mary Flynn to be reappointed to the Welfare Appeals Board, with a term to expire in January, 2017. Councilor Keans seconded the nomination. Councilor Walker **MOVED** that nominations cease and the City Clerk cast one ballot for Ms. Flynn. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean nominated Irene Creteau to be reappointed to the Welfare Appeals Board, with a term to expire in January, 2017. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease and the City Clerk cast one ballot for Ms. Creteau. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean nominated Jeffrey Turgeon to be reappointed to the Recreation Commission, with a term to expire in January, 2017. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease and the City Clerk cast one ballot for Mr. Turgeon. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean nominated Amy Marie Reagan, to be appointed to the Arts and Cultural Commission, with a term to expire in July, 2017. Councilor Walker seconded the nomination. Councilor Walker **MOVED** that nominations cease and the City Clerk cast one ballot for Ms. Reagan. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean nominated Kevin Barry to be appointed to the Arena Commission. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease and the City Clerk cast one ballot for Mr. Barry. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean stated that the Planning Board appointment would be made at the next Regular City Council meeting once the Appointments Committee reviewed the applications.

10.2. Codes and Ordinances Committee

Councilor Lachapelle stated that there were no action items and the minutes would be distributed to the City Council soon.

10.3. Community Development

Mayor Jean stated that if there were no objections the Agenda would be amended in order take up an item located under new business as follows:

- **Resolution Adopting a 2014-2015 Rochester CDBG “Action Plan” for the City of Rochester, New Hampshire and Approving and Appropriating the 2014-2015 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 by title only for the second time as follows:

**RESOLUTION ADOPTING A 2014-2015 ROCHESTER CDBG
“ACTION PLAN FOR THE CITY OF ROCHESTER, NH” AND
APPROVING AND APPROPRIATING THE 2014-2015
COMMUNITY DEVELOPMENT BUDGET FOR THE CITY OF ROCHESTER**

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby adopt the one-year 2014-2015 “Action Plan for the Department of Planning and Development for the City of Rochester, NH”, as prepared, and presented to the Mayor and City Council, by the City of Rochester Department of Planning and Development, in connection with the City’s CDBG program, including the goals, objectives and concepts set forth therein.

II. Further, that a twelve (12) month Community Development Block Grant budget for the Department of Planning and Development for the City of Rochester in the total amount of Two Hundred Thirty-Nine Thousand Dollars (\$239,000.00) be, and hereby is, approved and appropriated for fiscal year 2014-2015, such funds to be deposited in a special non-lapsing reserve account to be designated/established by the Finance Director pursuant to the provisions of RSA 34-1-a. Included in said approval and appropriation are expenditures set forth in the one-year action plan of the Department of Planning and Development for the City of Rochester for the Community Development Block Grant program, in the following categories and amounts:

Administration	\$47,800.00
Public Service Agencies	\$35,850.00
Economic Development	\$12,000.00
Housing	\$50,000.00
Public Facilities/Infrastructure	<u>\$93,350.00</u>
Total	<u>\$239,000.00</u>

This budget and the one-year action plan for 2014-2015 may be reconsidered if federal funding is changed or if it is inconsistent with the total 2014-2015 budget adopted for the Department of Planning and Development.

The sums necessary to fund the above appropriation in the amount of Two Hundred Thirty-Nine Thousand Dollars (\$239,000.00) shall be drawn in their entirety from the above-mentioned 2014-2015 fiscal year Community Development Block Grant from the federal government to the City of Rochester. The Finance Director is hereby authorized to create such line item accounts as shall be necessary to implement this Resolution.

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

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

Mayor Jean asked if Elena Engle, Community Development Specialist, had any further information for the City Council at this time. Ms. Engle stated that Lauren Colanto, RAYS Assistant Director, is available if there are any questions about the Hanson Pines Project. As there were no questions by Council members, Mayor Jean thanked both Ms. Engle and Ms. Colanto for attending the meeting.

Councilor Gray reported that the Community Development Committee discussed the Hanson Pines Project as part of the CDBG grant. There were no action items at this time.

10.4 Finance Committee

Mayor Jean stated that the Finance Committee discussed the Stillwater Circle proposal, which is listed in the minutes of the Public Works Committee as an action item for the full City Council.

Mayor Jean stated that the Committee discussed the East Rochester School Renovation project. The Joint Building Committee has formed a sub-committee in order to explore the idea of using "solar options". The School Department has requested that all school buildings be included with the Request for Qualifications [RFQ]/Solar Options exploration. He added that additionally, if the City Council did not object, it would be beneficial if the City Council would use the same RFQ for exploration of any/all city-owned buildings as well.

Mayor Jean stated that the Finance Committee would not be meeting in May or June due to the City Council Budget Workshop weekly meetings.

10.5 Joint Building Committee

Councilor Keans stated that the Committee discussed the RFQ for the solar panels. She added that Richard Drapeau has been hired as the Clerk of the Works for the East Rochester School Renovation Project.

10.5 Public Safety Committee

Councilor Walker **MOVED** to **DENY** the request for a sign [Child at Play] on Lupine Lane. Councilor Lachapelle seconded the motion. He stated these types of signs are not recognized by the State. The **MOTION CARRIED** to **DENY** the request.

Councilor Walker **MOVED** to **DENY** the request of placing signs [No Parking] on Broad Street. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to **APPROVE** the request to install a sign [Blind Drive-Way] to be erected at the discretion of the Department of Public Works located on 22 Little Falls Bridge Road. This sign would be placed at the owner's expense, which is consistent with other similar sign requests. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle mentioned that Gretchen Young, Engineer, informed the Committee that the line-item for signs has been exceeded. Commissioner Nourse stated that one reason the line-item was depleted two years ago was due to the Tebbetts Road intersection specialized signage project. This was not a typical project and the cost was very expensive. The Council discussed this dangerous intersection.

10.6 Public Works Committee

Councilor Torr **MOVED** to **APPROVE** a plan that includes using the \$10,360 for landscaping at the entrance to the Stillwater Development, which was donated by the developer many years prior, and to have the specific area placed on the City's mowing schedule. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Torr **MOVED** to **APPROVE** the paving of the following roads with the remaining FY14 paving appropriation estimated at \$468,000: Blackwater Road, Pawtucketts Way, and Crocker Court. Councilor Walker seconded the motion. Councilor Walker stated that it is a matter of reprioritizing the remaining projects with money available. Councilor Varney asked if there were any unanticipated funds which could be utilized this year as well. Deputy City Manager Cox replied the funds would not be available until the next fiscal year's budget. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Torr **MOVED** to **APPROVE** the paving of the following roads: Brickyard Drive, Railroad Avenue, Industrial Way, Yeagley Way, and Chamberlain Street, if not done as part of a water/sewer CIP Project with the FY15 paving appropriation, estimated at \$553,000, plus the possibility of additional funding, estimated at \$300,000 for Chamberlain Street. Councilor Walker seconded the motion. Councilor Collins asked if Industrial Way would be one of the top priorities. Mayor Jean stated that he has received feedback about the condition of this road, too, and he has forwarded this information to the City Manager as a priority.

Councilor Varney asked what the timeframe would be involved with paving some of these roads. He noted that some of these roads are located near the schools and should be attended to during the summer months. Commissioner Nourse agreed. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Torr stated that the Charles Street Project is progressing nicely.

Councilor Torr stated that the City Hall Annex is progressing nicely, too. He added that Oak Point Associates has been selected as the firm for this project.

Mayor Jean recommended that a representative from the Historic District Commission be contacted to keep the Commission updated with important information as the project progresses.

Councilor Varney stated that the intent is not to change the exterior parts of the building. Councilor Keans mentioned that the Historic District Commission had previously discussed making sure the front door to the building be constructed the same as the old police station's front door.

Mayor Jean stated that he would contact the Chair of the Historic District Commission.

Commissioner Nourse stated that the first meeting with Oak Point Associates would be held this Thursday in the City Council Chambers.

Councilor Gray pointed out that the Historic District Commission would likely be interested to know that the windows are replaced historically.

City Manager Fitzpatrick stated that these are the preliminary stages of the project and the meeting this Thursday is to discuss space needs with the architect.

Councilor Varney suggested that the Mayor reactivate the former sub-committee [building] for this project. Mayor Jean took the suggestion under advisement.

Councilor Torr stated that the Public Works Committee should revisit the Connector Road Project [Wakefield Street – Route 11].

Councilor Kittredge asked about an abutter's sidewalk and driveway near the Roberge Center. Commissioner Nourse recommended bringing this matter to the Public Works Committee. He mentioned that the job should be able to be done in-house with asphalt pavement.

11. Old Business

12. New Business

Mayor Jean stated that if the City Council did not object he would take care of item **12.4 New Business** at this time as follows:

- **Resolution Authorizing a Supplemental Appropriation for Repairs to the So-Called Upper City Dam** **First Reading and Refer to a Public Hearing**

Councilor Lachapelle **MOVED** to read the resolution by title only and refer the matter to a public hearing to be held on May 27, 2014. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution for the first time by title only as follows:

**RESOLUTION AUTHORIZING
SUPPLEMENTAL APPROPRIATION FOR
REPAIRS TO THE SO-CALLED UPPER CITY DAM**

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

That the sum of Thirty Thousand Dollars (\$30,000.00) be, and hereby is, appropriated as part of the 2013-2014 capital budget of the City of Rochester, Department of Public Works, for the purpose of providing sums necessary for the payment of costs related to, and incurred in connection with, repairs to the so-called Upper City Dam (the "Project"), further, that the sums necessary to fund such supplemental appropriation shall be derived, in their entirety, from the proceeds of bonds and/or notes to be issued by the City of Rochester, Department of Public Works.

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 is authorized to borrow the sum of up to Thirty Thousand Dollars (\$30,000.00) through the issuance of bonds and/or notes, for the purpose of providing funds necessary for the so-called Project, 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. The useful life for the aforesaid Project is 30 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.

12.1. AB 49 Resolution De-Authorizing Portions of FY 2005-2006 City of Rochester, Arena Capital Budget

Appropriation for So-Called Arena Cooling Tower **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 for the first time as follows:

**RESOLUTION DEAUTHORIZING PORTION OF
FY 2005-2006 CITY OF ROCHESTER, ARENA
CAPITAL BUDGET APPROPRIATION FOR
SO-CALLED ARENA COOLING TOWER**

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

WHEREAS, by resolution previously adopted by the Mayor and City Council in, June 2005, the sum of Fifty Thousand Dollars (\$50,000.00) was appropriated in the FY 2005-2006 City of Rochester, Capital Improvements Arena Budget for the purpose of the a so-called Arena Cooling Tower project (the "Project"), with funding for such Project to be derived, in its entirety, from the proceed of bonding; and

WHEREAS, such Project has been completed, and the sum of Sixteen Thousand Six Hundred Thirty-Nine Dollars (\$16,639.00) of the funds appropriated for the Project are no longer necessary for such Project purposes;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize the sum of Sixteen Thousand Six Hundred Thirty-Nine Dollars (\$16,639.00) of the funds appropriated for the said the Project, and furthermore withdraw previously authorized bonding authority with respect to the aforesaid Project to the extent of such deauthorized funds, thereby leaving an outstanding appropriation with bonding authority for such Project in the amount of Thirty-Three Thousand Three Hundred Sixty-One Dollars Fifty Cents (\$33,361.00).

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 FY14 05-06 AB 49*

Councilor Lachapelle **MOVED** to read the resolution for by title only for the second time. Councilor Walker seconded the motion. The **MOTION**

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

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

12.2 AB 48 Resolution Accepting Department of Justice, Drug Enforcement, Asset Forfeiture Distribution to the Rochester Police Department and Making a Supplemental Appropriation in Connection Therewith First Reading, Second Reading and Adoption

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

RESOLUTION ACCEPTING
DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT,
ASSET FORFEITURE DISTRIBUTION
TO 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, AS FOLLOWS:

That an asset forfeiture distribution from the U.S. Department of Justice, in the amount of Six Hundred Dollars (\$600.00), made to the City of Rochester, Police Department as a result of a drug investigations seizure and/or arrest made by law enforcement authorities, in which the Rochester Police Department was involved, is hereby accepted by the City of Rochester, and such distributions shall be assigned to a special non-lapsing reserve account to be established/designated by the Finance Director in the 2013-2014 operating budget of Rochester Police Department. Further, that the sum of Six Hundred Seventy Dollars (\$600.00) be, and hereby is, appropriated as a supplemental appropriation to the 2013-2014 operating budget of the City of Rochester, Police Department, in a special non-lapsing reserve account to be established/designated by the Finance Director, such funds to be used exclusively for drug law enforcement purposes. Further, that the source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid distribution.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. *CC FY 14 04-15 AB 48*

Councilor Walker **MOVED** to suspend the rules and read the resolution 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.

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

12.3 AB 89 Statistical Update of Assessed Values

Tom Mullin, City Assessor, said based on a statistical review of the sales that have occurred in the past year, the review indicates that there is a problem with the equity of Rochester assessments, which in this case, means that the lower valued manufactured homes, condominiums, and vacant house lots, are paying an unfair share of the tax burden as opposed to the higher value homes within the City.

Mr. Mullin requested that a vote be taken to correct this problem. He briefed the City Council about how the problem could be corrected and informed that according to RSA 75: 8-b that two public hearings would be required and the results of the reassessments would be publicized in the newspaper and on the City's website. Councilor Walker **MOVED** to authorize the assessment of properties as indicated by Assessor Mullin. Councilor Hamann second the motion. The **MOTION CARRIED** by a unanimous voice vote. Council discussed the process.

Councilor Varney asked when the FY 14 total evaluation estimate would be completed. Mr. Mullin replied within a few weeks time.

12.4 AB 91 Resolution Authorizing a Supplemental Appropriation for Repairs to the So-Called Upper City Dam First Reading and Refer to a Public Hearing

This item was presented at the beginning of New Business and the motion carried.

12.5 AB 90 Resolution Authorizing a Supplemental Appropriation to the 2013-2014 Operating Budget of the

**City of Rochester, School Department, for Unanticipated
Special Education and Retirement Related Costs **First
Reading, Second Reading and Adoption****

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
TO THE 2013-2014 OPERATING BUDGET OF THE
CITY OF ROCHESTER, SCHOOL DEPARTMENT FOR
UNANTICIPATED SPECIAL EDUCATION AND RETIREMENT RELATED
COSTS**

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

That the sum of Two Hundred Forty Thousand Dollars (\$240,000.00) be, and hereby is, appropriated as part of the City of Rochester 2013-2014 operating budget of the City of Rochester, School Department, for the purpose of providing sums necessary to pay expenditures for unanticipated tuition costs for contracted special education services as well as costs associated with contractual obligations associated unexpected retirement costs, and further, that the sums necessary to fund such appropriation shall be drawn in their entirety from previously unanticipated revenues from Medicaid and tuition reimbursements in the amount of Two Hundred Forty Thousand Dollars (\$240,000.00).

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 FY14 05-06 AB 90*

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. Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Laroche seconded the motion. Councilor Varney **MOVED** to **AMEND** the resolution to change the amount from \$240,000 to \$270,000. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** to amend the resolution by a unanimous voice vote. Council discussed the increase of cost to the Special Educational Program this year in particular. Superintendent Hopkins stated that there are funds over and above of what was originally anticipated. Councilor Gates asked a question about a possible conflict of interest matter. It was

determined that this should be discussed further one-on-one with the Superintendent and Councilor Gates or at the School Board level. Mayor Jean called for a vote on the motion as amended. The **MOTION CARRIED** as amended by a unanimous voice vote. The Amended Resolution is as follows:

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
TO THE 2013-2014 OPERATING BUDGET OF THE
CITY OF ROCHESTER, SCHOOL DEPARTMENT FOR
UNANTICIPATED SPECIAL EDUCATION AND RETIREMENT RELATED
COSTS**

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

That the sum of Two Hundred Seventy Thousand Dollars (\$270,000.00) be, and hereby is, appropriated as part of the City of Rochester 2013-2014 operating budget of the City of Rochester, School Department, for the purpose of providing sums necessary to pay expenditures for unanticipated tuition costs for contracted special education services as well as costs associated with contractual obligations associated unexpected retirement costs, and further, that the sums necessary to fund such appropriation shall be drawn in their entirety from previously unanticipated revenues from Medicaid and tuition reimbursements in the amount of Two Hundred Seventy Thousand Dollars (\$270,000.00).

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 FY14 05-06 AB 90*

**12.6 AB 93 Resolution Authorizing City Manager to Enter into
Permanent Easement and Temporary Construction
Easement with Respect to the So-Called New Hampshire
Route 125 Sewer Pump Station **First Reading and Adoption****

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

**RESOLUTION AUTHORIZING CITY MANAGER TO
ENTER INTO PERMANENT EASEMRNT
AND TEMPORARY CONSTRUCTION EASEMENT
WITH RESPECT TO SO-CALLED NH ROUTE 125
SEWER PUMP STATION**

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

That the City Manager be, and hereby is, authorized, on behalf of the City of Rochester (the "City"), to enter into a so-called sewer pump station and related matters easement (the "Easement") with Malibu Two Associates, LLC, the owner of certain land located across NH Route 125 from the so-called Rochester Country Club on which the so-called pump station is to be located, for the purpose of maintaining, expanding, improving and operating a sewer pump station and related appurtenances, such Easement to be upon such terms and conditions as the City Manager deems to be in the best interest of the City of Rochester. Further, that the City Manager be, and hereby is, authorized to take all such additional actions, and to execute any and all such documents as are necessary to effectuate and implement the purposes of this Resolution. *CC FY14 05-06 AB 93*

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

12.7 Resolution Approving 2014-2015 Operating Budget for the City of Rochester First Reading and Refer to a Public Hearing

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only and to refer the matter to a Public Hearing to be held on May 27, 2014. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only for the first time as follows:

RESOLUTION APPROVING 2014-2015 OPERATING BUDGET FOR THE CITY OF ROCHESTER

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

That a twelve (12) month operating budget for the City of Rochester be, and hereby is, approved and appropriated for the period beginning July 1, 2014 and ending June 30, 2015 in the amounts and for the purposes more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2015 (July 1, 2014 - June 30, 2015), as amended, the provisions of which are incorporated herein by reference thereto by attached **Exhibit A**.

This budget may be reconsidered before the tax rate is set if City, School and/or County revenues are changed by the State of New Hampshire or by the Federal Government. The budget appropriations contained in this

Resolution are predicated upon projected revenues as more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2015 (July 1, 2014 - June 30, 2015), as amended, the provisions of which are incorporated herein by reference thereto.

12.8 Resolution Authorizing and Approving 2014-2015 Capital Budget for the City of Rochester and Authorizing Borrowing in Connection Therewith **First Reading and Refer to a Public Hearing**

Councilor Lachapelle **Moved** to read the resolution for the first time by title only and to refer the matter to a Public Hearing to be held on May 27, 2014. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only for the first time as follows:

RESOLUTION AUTHORIZING AND APPROVING 2014-2015 CAPITAL BUDGET FOR THE CITY OF ROCHESTER AND AUTHORIZING BORROWING IN CONNECTION THEREWITH

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

That the capital budget for the City of Rochester for the July 1, 2014 to June 30, 2015 fiscal year in the total amount specified in **Exhibit A** annexed hereto, be, and hereby is, authorized and appropriated, and, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, is hereby authorized to issue bonds, notes and/or other forms of long term financing to finance a portion of said capital budget appropriation as identified on Exhibit A annexed hereto.

The aforementioned issuance of bonds, notes and/or other forms of long term financing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter. The useful lives of the capital projects for which bonds, notes and/or other forms of long term financing is authorized by this resolution shall be more particularly set forth in the "City of Rochester, New Hampshire, Proposed CIP Budget, Fiscal Year 2015 (July 1, 2014 – June 30, 2015), as amended.

12.9 Resolution Adopting a 2014-2015 Rochester CDBG "Action Plan" for the City of Rochester, New Hampshire and Approving and Appropriating the 2014-2015 **Second Reading and Adoption**

This item was adopted under the Community Development Report.

13. Other

Councilor Hamann congratulated Councilor Walker on the birth of his newest grandchild.

14. Non-Meeting/Non-Public Sessions:

14.1. Non-Public Session: Personnel, RSA 91-A: 2

14.2. Non-Meeting: Consultation with Legal Counsel, RSA 91-A: 2

Councilor Lachapelle **MOVED** to enter into a Non-Public Session under Personnel, RSA 91-A:2 and a Non-Meeting under RSA 91-A at 8:14 PM. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Gray, Laroche, Lauterborn, Keans, Kittredge, Varney, Hamann, Torr, Collins, Lachapelle, Gates, Walker, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public/Non-Meeting Sessions and seal the minutes indefinitely at 9:28 PM. Councilor Walker seconded the motion.

Mayor Jean stated if there were no objections he would add one item that was inadvertently missed from the original agenda items relative to the approval of the Junk Yard and Junk Dealer Renewals. Councilor Keans **MOVED** to **APPROVE** the Junk Yard and Junk Dealer Renewal applications. Councilor Torr asked to ensure when inspections are being completed that the inspector makes sure that the junk yard is limited to his/her own property. The **MOTION CARRIED** by a unanimous voice vote.

15. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the Regular City Council meeting at 9:30 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters
City Clerk

