

**City Council Regular Meeting
July 7, 2015
COUNCIL CHAMBERS
7:05 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Attorney O'Rourke

MEMBERS EXCUSED

Councilor Collins

MINUTES

1. Call to Order

Mayor Jean called the Regular City Council meeting to order at 7:05 PM.

2. Pledge of Allegiance

Mayor Jean led the Pledge of Allegiance.

3. Opening Prayer

Mayor Jean called for a moment of silence for our military personnel fighting for our freedom.

4. Roll Call

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

5. Acceptance of Minutes

- 5.1. [June 2, 2015, Regular City Council Meeting](#)
- 5.2. [June 9, 2015, Special City Council Meeting](#)
- 5.3. [June 16, 2015, Revised Special City Council Meeting](#)

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council meeting minutes of June 2, 2015. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle **MOVED** to **ACCEPT** the Special City Council meeting minutes of June 9, 2015. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle **MOVED** to **ACCEPT** the revised Special City Council meeting minutes of June 16, 2015. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1. Employee of the Month Award

City Manager Fitzpatrick invited Dennis Schafer, Director of the MIS Department and Karl Morse, MIS Department, to come forward. He awarded Mr. Morse as Employee of the Month for July, 2016. City Manager Fitzpatrick said Mr. Morse is responsible for televising the City Council meetings. He said this is the man behind the camera. He thanked Mr. Morse for his work.

6.2. City Manager's Report

City Manager Fitzpatrick gave the City Manager's Report as follows:

Management Team Meeting minutes:

- May 18, 2015
- June 1, 2015
- June 8, 2015
- June 15, 2015
- June 22, 2015

Personnel Advisory Board minutes:

- May 27, 2015 P. 31

Contracts and documents executed since last month:

- Cartographic Association Renewal – Tax Map Maintenance FY2016
- CDBG – FY 2015-2020 Consolidated Plan and FY 2015-2016 Action Plan
- CDBG – Community Action Partnership – weatherization program extension
- Community Center Lease Renewals
 - Community Action Partnership of Strafford County – Workplace Success
 - Crosspoint Church
 - Share Fund - Gerry's Food Pantry
 - Share Fund – Emergency Financial Assistance Program
 - Williams Driving School
- DMR (Discharge Monthly Report) Signature Letter – authorize new director
- DPW Staff – uniform contract
- Fest Events – fireworks permit
- Fest Events – lawn signs approval
- Fire Department – April/May incidents
- Job Loan Committee and process information
- Nyhart Agreement – annual actuarial update
- Rochester Housing Authority – Environmental Review Statement
- Rochester Housing Authority – Supplemental Police Officer
- Rochester Main Street – approve hospitality garden in North Main Street parking lot during festival
- Route 125 pump station – Scherbon Consolidated Change Order #2
- Water Tank Rehabilitation – Revised Notice to Proceed

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

- Computer Lease/Purchase – Aucoin, J – Police Dept.

Standard Reports:

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

Councilor Keans asked if the Management Team is seeking to change the easement policy. City Manager Fitzpatrick said no, in fact, the Management Team is seeking clarification on the existing policy.

Councilor Varney asked about a purchase request for Tax Map 125 Lot 152. Attorney O'Rourke replied that it would be discussed in the Executive Session.

7. Communications from the Mayor

Mayor Jean noted that two new speakers have been installed in the City Council Chambers to improve the sound quality of the meetings.

Mayor Jean said that the Sixth Annual Gonic Vs. East Side's Softball Tournament would be held on August 8, 2015, *rain date to be held August 9, 2015*. The game is to take place at Riverside Park at 10:00 AM. For more information please contact the team captains: Councilor Lachapelle, Gonic, or Councilor Varney, East Rochester. Council briefly discussed the matter.

8. Presentations of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

No discussion.

10. Reports of Committees:

10.1. Appointments Committee – *No Meeting Minutes*

- **Motion to approve correction: Lori-Jean Chick, Library Trustee, ~~Ward 3~~, Ward 4**

Councilor Laroche explained that there had been an error in the Appointments Committee meeting minutes of (insert date), which carried over to the final vote on June 2, 2015. The Appointments Committee meeting minutes read that Lori-Jean Chick, Library Trustee, be appointed as the Ward 3 representative and this should be corrected to Ward 4. Mayor Jean **MOVED** to **ACCEPT** the correction to the Appointments Committee. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean said if there are no objections this correction would be made to the City Council meeting minutes of June 2, 2015.

10.2. Codes and Ordinances Committee – *June 4, 2015*

Councilor Lachapelle said there were two action items, which could be found under the New Business portion of the meeting.

10.3. Joint Building Committee – July 8, 2015

Councilor Keans said the East Rochester School Rehabilitation Project is moving forward; however, there had been a slight delay after discovering asbestos prior to the demolition of the building. She reported that the classrooms, not the administrative portion of the project, should be ready in time for the new school year in September.

10.4. Public Safety Committee – June 17, 2015

Councilor Walker summarized the sidewalk issue on Maple Street. He **MOVED** to direct staff to paint crosshatch markings near the crosswalks in the area of Chestnut Street, Pine Street, and Waldron Court. He added that “no parking” signs would be placed on the fence at Maple Street. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to move two existing streetlights located on Pinecrest Avenue and Ashwood Avenue closer to the intersection, which would result in compliance with the existing streetlight policy for the City of Rochester. Councilor Hamann seconded the motion. Councilor Keans asked about the cost of moving the streetlights. Councilor Walker said there is a fee associated with erecting a new pole and a fee for moving an existing pole. He said in this case, it would cost the same because the existing pole would be moved into the new location.

Mayor Jean said the Subway Restaurant located on North Main Street, recently repaved their parking lot; however, one of the newly painted parking lines had been painted directly through the sidewalk area. He explained if a car is parked in this particular parking spot, the sidewalk is blocked. The matter had been referred to the Public Safety Meeting.

10.5. Public Works Committee - June 18, 2015

Councilor Torr briefed the City Council about a request made to tie a residence into the gas line on High Street. He **MOVED** to waive the three-year moratorium on cutting the newly paved road located on 27 High Street in order to allow Mr. Moore of 27 High Street to tie his residence into the gas line. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Torr said that Renda Cate, Art Esprit, asked for permission to proceed with this year's Art Esprit project, which is to add art to the plain looking traffic signal boxes in the downtown area. The **Sense of the City Council** is to allow the project to proceed under the authority of the City Manager's office; however, the City Council directed the City Manager not to allow the four or five stainless steel traffic signal boxes to be painted.

Councilor Torr requested that Councilor Gray speak about the discussion involving painting bicycle path in the downtown area, based on the movement to "share the road", which had been generated from the Community Development Committee. Councilor Gray stated that a template relative to what the path painting would look like had been submitted to the Public Works Committee last year and no action has been taken on the matter as of yet. The City Council discussed the dangers of having a bike path in a roadway where car doors have potential of opening as a bicyclist is passing by. It was determined that the issue should be sent to the July Public Works Committee. It was determined that the Public Works Committee should have backup material and the City Attorney should review the legalities of the issue too.

Councilor Gates asked if there is a wash bay located at the Department of Public Works facility. The Commissioner of Public Works, John Storer, stated that there is not an indoor wash bay at the current Department of Public Works facility. The idea of an indoor wash bay is being discussed with the plans of constructing a new Public Works facility. He noted that the Department of Transportation is in the process of constructing a new maintenance building off from Exit 16 of the Spaulding Turnpike; however, a proposed wash bay is no longer part of that project.

Councilor Gates requested that more information be provided on the City's website about construction projects throughout the City. Commissioner Storer replied that updating the website is a project being worked on at this time. He hoped that within the next couple of weeks the website would provide detailed information about the construction projects in the City. He added that it is the goal of the Department of Public Works to send out courtesy letters to the abutters of such construction projects.

Councilor Gates requested an update on the Strafford Square Projects. Commissioner Storer gave a brief update on the project and stated that a meeting would occur the following day with the engineers of the Strafford Square Project. The project is expected to go out to bid by this fall. He would provide more information about the project subsequent to meeting with the engineers.

Councilor Torr talked about the poor design of the Lee Traffic Circle.

Commissioner Storer agreed that the design of the roundabout is vitally important to control the traffic in this area, factoring in the pedestrian crossing in this area. He agreed to provide an update to the Public Works Committee meeting later this month.

11. Old Business

Councilor Gray stated that he received an email from human, resident of Rochester, concerning a right-to-know request that has not been resolved. Mayor Jean indicated that City staff would deal with this request.

12. Consent Calendar

No discussion.

13. New Business

13.1. **AB 01 Resolution Authorizing Supplemental Appropriation to the Economic Development Fund Fund Balance – First Reading, Second Reading, and Adoption**

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

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE ECONOMIC DEVELOPMENT FUND FUND BALANCE

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

That the sum of Forty Nine Thousand Six Hundred Four and 55/100 Dollars (\$49,604.55) be, and hereby is, appropriated as a supplemental appropriation to the fund balance of the City of Rochester Economic Development Fund and provided further that the entirety of the funds for such supplemental appropriation shall be derived from the so-called Excess Fiscal Year 2015 Host Community Fees.

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 effective date of this Resolution shall

be June 30, 2015. **CC FY16 RESOLUTION 01 07-07 AB 01**

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

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Varney seconded the motion. Councilor Lachapelle requested to recuse himself from the vote. The **MOTION CARRIED** by a unanimous voice vote, with Councilor Lachapelle abstaining from voting.

13.2. AB 08 Resolution Authorizing Supplemental Appropriation to the Economic Development Fund Marketing Account – First Reading, Second Reading, and Adoption

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

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE ECONOMIC DEVELOPMENT FUND MARKETING ACCOUNT

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

That the sum of Forty Nine Thousand Six Hundred Four and 55/100 Dollars (\$49,604.55) be, and hereby is, appropriated as a supplemental appropriation to the Economic Development Fund so-called marketing account, 70231010-534007, and provided further that all of the funds for such supplemental appropriation shall be derived from the Economic Development Fund unassigned fund balance account, 7023001-406101.

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 FY16 RESOLUTION 3 07-07 AB 08**

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 for the second time by title only.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Varney seconded the motion. Councilor Lauterborn requested to recuse himself from the vote. Councilor Varney requested a financial breakdown of the funding. Mayor Jean indicated that the marketing budget would be itemized with the next fiscal year's budget. The **MOTION CARRIED** by a unanimous voice vote, with Councilor Lachapelle abstaining from voting.

13.3. AB 02 Resolution Accepting NH Department of Environmental Services Grant, in Connection with 2016 Household Hazardous Waste Day and Authorizing the City Manager to enter into a Contact with NHDES with Respect to the 2016 Household Hazardous Waste Day Grant – First Reading, Second Reading, and Adoption

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

**RESOLUTION ACCEPTING
NH DEPARTMENT OF ENVIRONMENTAL SERVICES GRANT,
IN CONNECTION WITH 2016 HOUSEHOLD HAZARDOUS WASTE DAY
AND AUTHORIZING CITY MANAGER TO ENTER INTO A
CONTRACT WITH NHDES WITH RESPECT TO
THE 2016 HOUSEHOLD HAZARDOUS WASTE DAY GRANT**

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

That a NH Department Environmental Services Grant, in the amount not to exceed Fourteen Thousand Three Hundred Ten Dollars (\$14,310.00) to the City of Rochester, for the purpose of hosting hazard mitigation, is hereby accepted by the City of Rochester and, when received, such grant funds shall be assigned to account number(s) to be established by the Finance Director in the 2016 operating budget of the City of Rochester.

Additionally, the City Manager of the City of Rochester, be, and hereby is authorized to enter into a contract with the New Hampshire Department of Environmental Services with respect to such grant and the conduct of the aforementioned 2016 Household Hazardous Waste Day.

Furthermore, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY16 RESOLUTION 02 07-07 AB 02**

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.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Councilor Keans asked how this funding is processed. Deputy City Manager Cox explained the City would submit a request for reimbursement. The **MOTION CARRIED** by a unanimous voice vote.

13.4. AB 03 Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Multifamily Dwellings – Second Reading and Adoption

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

AMENDMENTS TO CHAPTER 42 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING MULTIFAMILY DWELLINGS

THE CITY OF ROCHESTER ORDAINS:

That subsections 42.2, 42.20, and 42.27 of Chapter 42 of the General Ordinances of the City of Rochester regarding Multifamily Dwellings and currently before the Rochester City Council, be amended as follows:

42.2 Definitions and Terminology

A. General Provisions

1. When used in this chapter, the words, terms, and phrases listed in Section B, and the acronyms and abbreviations listed in Section C of this article shall have the meanings ascribed to them therein, unless a contrary meaning is clearly indicated or implied.

....

b. Definitions

....

82. Development, Multifamily: A development containing 2 or more buildings containing ~~five (5)~~ **three (3)** or more residential units **in total** on the same lot, ~~i.e. most any dwelling other than a single family and/or duplex dwelling.~~ Multifamily development can take many forms.

....

89. Dwelling, Multifamily: A building **or portion thereof** containing five ~~(5)~~ **three (3)** or more residential units, ~~i.e. most any dwelling other than a single family and/or two family dwelling.~~ Multifamily dwellings can take many forms. **with separate cooking and toilet facilities for each dwelling on one individual lot.**

....

91. Dwelling, Two-family: A building which:

1. Contains exactly 2 residential units;
2. Is not attached to any other dwelling or dwelling unit; and
3. Occupies its own individual lot on which there is no other dwelling or principal use

~~("Duplex" refers to two family dwellings as well as 2 unit buildings situated on the same lot with other 2 unit buildings, other dwellings, and/or other principal uses).~~

42.20 Standards for Specific Permitted Uses

a. General Provisions. For certain permitted uses that could impact surrounding neighborhoods, conflict with adjacent uses, or have other significant impacts, specific standards are provided below. These standards apply only to those uses which are permitted by right shown as "P" in tables XVIII-A through XVIII-E except where specifically noted otherwise. Other particular standards applicable to Conditional Uses, Special Exceptions, and Accessory Uses are articulated in separate articles.

....

11. Multifamily Dwellings/Development. The following requirements shall apply to multifamily dwellings/developments of 5 **3** or more dwelling units:
- a. Buffers from Roads. A 50 foot buffer shall be established from all neighboring roads, including roads from which access is taken. The Planning Board shall determine treatment of the buffer area, whether it is to be left undisturbed, to have supplemental plantings installed, to be designated part of the overall open space plan for the development, and/or to be part of an individual lot but protected from construction. No roofed structures may be erected in the buffer area.
 - b. Buffers from Single Family. A 100 foot buffer shall be established adjacent to any existing single family house or any vacant lots less than 3 acres that are zoned residential.
 - c. Access. Any new multifamily development must take access from an existing collector or arterial road rather than an existing local road. The Planning Board may waive this requirement by conditional use upon a finding that it is preferable to take access from a local rather than a collector road and that taking access from the local road will have no significant adverse impact upon residents or property owners located on the local road.

42.27 Miscellaneous Provisions

- a. **Buffers for Residential Property**. All nonresidential development – including any parking and storage areas - shall be screened/buffered from any adjacent residential property situated to the side or rear as stipulated by the Planning Board under site review. The board may stipulate plantings and/or fencing, as reasonably appropriate. See *Figure XXVII-A – Screening between Commercial and Residential Uses as an example*.

All multifamily development, consisting of 5 **3** units of more – including parking areas – shall be screened/buffered from any adjacent single family dwellings situated to the side or rear as required by the Planning Board under site review. The board may stipulate plantings and/or fencing, as reasonably appropriate. This requirement does not apply in situations where multifamily development is specifically designed to integrate with single-family dwellings in mixed use developments.

**The effective date of these amendments shall be upon passage. CC
FY 16 AMENDMENT 1 07/07 AB 03**

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

13.5. AB 04 Resolution Accepting Unanticipated Grant Revenues to the Rochester School Department and Making a Supplemental Appropriation in Connection Therewith – First Reading, Second Reading, and Adoption

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

**RESOLUTION ACCEPTING UNANTICIPATED GRANT REVENUES
TO THE ROCHESTER SCHOOL 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 total grant funds received by and/or anticipated to be received by the Rochester School Department for Fiscal Year 2015 are, as of the current date, anticipated to total Four Million Seventy Thousand Two Hundred Twenty Four and 20/100 Dollars (\$4,070,224.20), thereby bringing the total additional grants anticipated to be received for Fiscal Year 2015 to the Rochester School Department to an amount of One Million Three Hundred Eleven Thousand Two Hundred Twenty Four and 20/100 Dollars (\$1,311,224.20) higher than anticipated; and

THEREFORE, the sum of One Million Three Hundred Eleven Thousand Two Hundred Twenty Four and 20/100 Dollars (\$1,311,224.20) in additional grants is hereby accepted, the particulars of such grants being more particularly set forth in the attached **Exhibit A** (June 19, 2015 letter from Michael L. Hopkins, Superintendent of Schools, to Daniel Fitzpatrick, City Manager and Members of the Rochester City Council, with accompanying “Rochester School Department FY 2015 Grants” statement);

FURTHER, the sum of One Million Three Hundred Eleven Thousand Two Hundred Twenty Four and 20/100 Dollars (\$1,311,224.20), hereby is, appropriated as a supplemental appropriation to the Fiscal Year 2015 operating budget of the Rochester School Department. 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 effective date of this Resolution shall be June 30, 2015. **CC FY16 RESOLUTION 6 07-07 AB 04**

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.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Varney questioned why some of the projects for FY 2015 had no funding; however, somehow funding is later shown for such projects. Linda Casey, School Department, explained that the Fresh Fruits and Vegetables Program is not always received by the School Department, so in this case no funding had been anticipated. These programs are on a reimbursement basis, requested on a monthly basis. She anticipates receiving such funding moving forward and the budget would show this anticipation in next year's budget. Councilor Gates asked if any of the funding could be used to reinstate staff positions which were cut through the budget process. Ms. Casey replied no, this funding is used for the programs not funded through the operating budget. The City Council discussed some of the programs. Ms. Casey reiterated that there are no savings involved with the programs because it is on a reimbursement basis only. Councilor Gates asked if these programs have an impact on the Tax and Spending Cap relative to next year's budget calculations. Ms. Casey replied no, these are one-time items which are not included in that calculation. The **MOTION CARRIED** by a unanimous voice vote.

13.6. AB 06 Amendments to Chapter 40 of the General Ordinances of the City of Rochester Regarding Permit Application Fee – First Reading, Second Reading, and Adoption

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

AMENDMENTS TO CHAPTER 40 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING PERMIT APPLICATION FEE
THE CITY OF ROCHESTER ORDAINS:

That subsections 40.16 (1) of Chapter 40 of the General Ordinances of the City of Rochester regarding Permits and currently before the Rochester City Council, be amended to change the application fee from Ten Dollars (\$10.00) to Twenty Five Dollars (\$25.00), as follows:

40.16 Permits

....

(1) On proposed work, the fee of Nine Dollars (\$9.00) per thousand dollars of estimated cost of work, or any portion thereof, with a minimum fee of Ten Dollars (\$10.00), in addition to an application fee of Twenty-Five Dollars (\$25.00) for each permit.

The effective date of these amendments shall be upon passage. CC FY 16 AMENDMENT 2 07/07 (AB 06)

Councilor Walker **MOVED** to **ADOPT** the Amendment. Councilor Keans seconded the motion. Councilor Lachapelle stated that the Codes and Ordinances Committee is not to increase the application permit fees. Councilor Walker said if this motion does not pass and the City Council included the anticipated increase to revenue in the Fiscal Year 2016 budget, what happens. Deputy City Manager Cox explained that the anticipated funds were based on revenue and not on appropriation. He said if the motion fails the matter would be discussed at the time of submitting the MS 4 Form to the State in order to properly calculate the tax rate. Jim Grant, Director of the Building, Zoning, and Licensing Services said the amount is estimated at \$29,000. He indicated that many application permits require onsite inspections and this increase is reasonable. Councilor Lauterborn understood the work in which the department must do in order to follow through with some of the application permits, but it is an unreasonable increase due to the fact that minor permits, with no required inspections, would be increased by the same amount of money. Mr. Grant reiterated reasons why the department felt this is a reasonable request due to the work it takes to complete the permit application fees. He noted that some of the surrounding communities charge a fee of \$50, whereas the City of Rochester charges only \$10. Councilor Torr requested a roll call vote. Councilor Lachapelle seconded the request. The **MOTION FAILED** by a roll call vote of 2 to 10. Councilors Gray and Keans voted in favor of the motion. Councilors Larochelle, Lauterborn, Bogan, Varney, Hamann, Torr, Lachapelle, Gates, Walker, and Mayor Jean voted against the motion.

**13.7. AB 05 Resolution De-Authorizing Certain
Rochester School Department Capital**

Improvement Project (CIP) Funding – First Reading, Second Reading, and Adoption

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

RESOLUTION DEAUTHORIZING CERTAIN ROCHESTER SCHOOL DEPARTMENT CAPITAL IMPROVEMENT PROJECT (CIP) FUNDING

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

1. By letter dated May 22, 2015, Michael Hopkins, Superintendent of the City of Rochester School Department informed the City Manager and members of the City Council that the School Board requests that One Hundred Eighty Nine Thousand Nine Hundred Thirty Three and 58/100 Dollars (\$189,933.58) be deauthorized from certain CIP projects previously authorized to be bonded. (**Exhibit A**).

2. In accordance with the provisions RSA 33:9, One Hundred Eighty Nine Thousand Nine Hundred Thirty Three and 58/100 Dollars (\$189,933.58) of previous bond authority is deauthorized from the City of Rochester School Department CIP fund as requested in Exhibit A.

3. To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY16 RESOLUTION 5 07-07 AB 5**

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

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

13.8. AB 07 Resolution Authorizing Supplemental Appropriation to Provide Electricity to the Granite State Business Park (GSBP) Sign – First Reading, Second Reading, and Adoption

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
TO PROVIDE ELECTRICITY TO
THE GRANITE STATE BUSINESS PARK (GSBP) SIGN**

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

That the sum of Twenty Thousand Dollars (\$20,000.00) be, and hereby is, appropriated as a supplemental appropriation to the Economic Development Department Capital Improvement Project (CIP) Fund for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the provision of electricity to the GSBP island sign for the so-called Industrial Park Sign Project and provided further that all of the funds for such supplemental appropriation shall be derived from the GSBP TIF Increment Revenues Reserve Fund.

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 FY16 RESOLUTION 4 07-07 AB 07**

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

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Councilor Torr asked if this would include internal or external lighting. Karen Pollard confirmed that it would be both internal and external lighting. Councilor Torr indicated that the electricity line would need to run across the street; he hoped that the pavement patching would be completed in a professional manner. Councilor Varney **MOVED** to **AMEND** the resolution by adding the verbiage to clarify that the amount is "up to" \$20,000. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean called for a vote on the motions as amended. The **MOTION CARRIED** as amended by a unanimous voice vote. The City Council discussed the details of the sign. The amended resolution is as follows:

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
TO PROVIDE ELECTRICITY TO
THE GRANITE STATE BUSINESS PARK (GSBP) SIGN**

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

That the sum of up to Twenty Thousand Dollars (\$20,000.00) be, and hereby is, appropriated as a supplemental appropriation to the Economic Development Department Capital Improvement Project (CIP) Fund for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the provision of electricity to the GSBP island sign for the so-called Industrial Park Sign Project and provided further that all of the funds for such supplemental appropriation shall be derived from the GSBP TIF Increment Revenues Reserve Fund.

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 FY16 RESOLUTION 4 07-07 AB 07**

13.9. **AB 09 Resolution Authorizing Supplemental
Appropriation for the Water Treatment Plant
Upgrade Project – **First Reading, Second
Reading and Adoption****

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION FOR
THE WATER TREATMENT PLANT UPGRADE 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 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 Water Treatment Plant (WTP) Upgrade Project, and provided further that funds

for such supplemental appropriation shall be derived in their entirety from the City of Rochester Water Fund retained earnings balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY16 RESOLUTION 09 07-07 AB 09**

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

13.10. AB 10 Resolution Accepting Grant to the Rochester Fire Department from the Emergency Management Performance Grant Program, and Making a Supplemental Appropriation in Connection Therewith – First Reading, Second Reading and Adoption

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

**RESOLUTION ACCEPTING GRANT
TO THE ROCHESTER FIRE DEPARTMENT
FROM THE EMERGENCY MANAGEMENT PERFORMANCE GRANT
PROGRAM,
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 Emergency Management Performance Grant (EMPG) in the amount of Nine Thousand Three Hundred Thirty-Five Dollars (\$9,335.00) to the City of Rochester Fire Department, for the purpose of providing funds to Virtual Desktop Infrastructure Tablet Project, is hereby accepted by the City of

Rochester.

Further, that the sum of Nine Thousand Three Hundred Thirty Five Dollars (\$9,335.00) be, and hereby is, appropriated as a supplemental appropriation to the 2015-2016 operating budget for the City of Rochester Fire Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid EMPG to the City of Rochester.

Furthermore, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution and to establish special revenue, non-lapsing, multi-year fund to which said sums shall be transferred. **CC FY 16 07-07 RESOLUTION 10 AB 10**

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

13.11. AB 12 Resolutions Relative to the Reconstruction and Rehabilitation of the City Hall Annex

13.11.1 Resolution De-Authorizing Public Building Capital Improvement Project (CIP) Funding for the So-Called Annex Project - **First Reading, Second Reading, and Adoption**

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

RESOLUTION DEAUTHORIZING PUBLIC BUILDINGS CAPITAL IMPROVEMENT PROJECT (CIP) FUNDING FOR THE SO-CALLED ANNEX PROJECT

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

In accordance with the provisions RSA 33:9, Three Million Dollars (\$3,000,000.00) of previous bond authority is deauthorized from the FY 2105 Public Buildings CIP Fund for the so-called Annex Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. **CC FY16 RESOLUTION 7 07-07 AB 12**

Mayor Jean gave a brief overview of the two resolutions. The first resolution would deauthorize the funding in place up to this point and the second resolution would reauthorize the funding for this project. Deputy City Manager indicated that the second resolution is related to bonding so this would be a first reading and refer the matter to a public hearing.

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

13.11.2 Resolution Authorizing Supplemental Appropriation to the FY 2016 Public Buildings Capital Improvement Project (CIP) Fund for the So-Called Annex Project and Borrowing Authority Pursuant to RSA 33:9 **First Reading and Refer to a Public Hearing**

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

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO

**THE FY 2016 PUBLIC BUILDINGS CAPITAL IMPROVEMENT PROJECT
(CIP) FUND FOR THE SO-CALLED ANNEX 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 Three Million Seven Hundred Thirty Four Thousand Dollars (\$3,734,000.00) be, and hereby is, appropriated as a supplemental appropriation to the FY 2016 Public Buildings Capital Improvement Project (CIP) fund for the purpose of providing funds necessary to pay costs and/or expenditures with respect to reconstruction and rehabilitation of the City Hall Annex, the so-called Annex 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 Three Million Seven Hundred Thirty Four Thousand Dollars (\$3,734,000.00), 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 FY16 RESOLUTION 8 07-07 AB 12**

The City Council discussed the project. Councilor Torr requested that the matter be sent back to the July Public Works Committee meeting. Mayor Jean concurred and said the Public Hearing would take place at the August 4, 2015, Regular City Council meeting.

14. Non-Meeting/Non-Public Sessions:

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

14.2. Non-Public Session, Land, RSA 91-A:3 II (d)

Councilor Lachapelle **MOVED** to enter into the above Non-Meeting and Non-Public Sessions as listed above at 8:11 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 12 to 0. Councilors Gray, Hamann, Torr, Keans, Varney, Gates, Bogan, Lauterborn, Larochele, Walker, Lachapelle, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Meeting and Non-Public Session at 8:45 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

15. Other

Mayor Jean **MOVED** to authorize the City Manager to negotiate the sale of two City owned lots in the Granite State Business Park to H & M Machine at a sale price of \$135,000. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean made a statement in reference to the email Councilor Gray received from human, a resident of Ward 6, concerning human's Right-to-Know Law Requests. Specifically, Mayor Jean noted that all of the information that human has requested to date has been made readily available to human or is available for inspection by human at the City's Legal Department office. In addition, the Mayor stated that the Attorney has been designated as the point of contact for all Right-to-Know Law requests.

16. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 8:48 PM. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters,
City Clerk