

**ADJOURNED REGULAR CITY COUNCIL MEETING**  
**January 12, 2016**  
**COUNCIL CHAMBERS**  
**7:01 PM**

**COUNCILORS PRESENT**

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

**OTHERS PRESENT**

City Manager Daniel Fitzpatrick  
Deputy City Manager Blaine Cox  
City Attorney Terence O'Rourke  
Jenn Marsh, Economic Development  
Specialist

**MINUTES**

**1. Call to Order**

Mayor McCarley called the Adjourned Regular City Council meeting of January 5, 2016 Meeting to order at 7:01 PM.

**2. Pledge of Allegiance**

Mayor McCarley led the reciting of the Pledge of Allegiance.

**3. Opening Prayer**

Mayor McCarley asked for a moment of silence to reflect on those who are suffering from the afflictions regarding violence across the globe and to pray for them.

**4. Roll Call**

Deputy City Clerk Marcia Roddy took a roll call. All councilors were present.

## 5. Acceptance of Minutes

### 5.1 [December 1, 2015, Revised Regular City Council Meeting](#)

Councilor Lachapelle **MOVED** to accept the revised minutes of the December 1, 2015, Regular City Council meeting. Councilor Bogan seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

### 5.2 [December 15, 2015, Special City Council Meeting](#)

Councilor Lachapelle **MOVED** to accept the minutes of the December 15, 2015, Special City Council meeting. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Councilor Keans asked if before starting any actual business would a set of temporary rules be needed. Mayor McCarley said that it appears that the current ordinances and charter stipulates that the City Council sets its own rules after each municipal election. She said her plan is to send the current rules that the Council is working under to the Codes and Ordinances Committee to take a look at them. The Council will continue to work under the previous administrations rules until the Codes and Ordinances Committee reports back, most likely in March.

## 6. Communications from the City Manager

### 6.1 Employee of the Month Award

Manager Fitzpatrick invited Jenn Marsh from the Economic Development Department to come forward to receive the Employee of the Month Award for the month of January.

### 6.2 City Manager's Report

City Manager Fitzpatrick gave the following report:

Contracts and documents executed since the last City Manager's report:

- Department of Public Works
  - 60 Leonard Street – Plowing MOU Granite Ridge Development District – Change Order #3
  - Granite Ridge Development District – TIF Engineering Amendment # 4 and Change Order # 3
  - NH Public Works Mutual Aid application

- Road Scholars notifications
  - ✓ Stephen Poligni
  - ✓ Richard Dunton
  - ✓ Gregg Barron
- Rochester Reservoir West End Dam Spillway Mods. – Change Order #1
- Water Treatment Plant – Homeland Security Grant application
- Dewey Street Bridge – engineering design services
- Route 125 Pedestrian Bridge Replacement Project – contract amendment
- Waste Water Treatment Plant – Homeland Security Grant processing documents
- Economic & Community Development
  - FY 15/ FY 16 Environmental Review – Seacoast Gymnastics JOB Loan review
- Response for questions on Small Business Development Center
- Finance Department
  - Homemakers Insurance Reimbursement check
- Fire Department
  - Emergency Shelter Workshop and Drill grant - \$3,545.00
- Planning Department
  - Community Map Data
  - Strafford Regional Planning Commission – Transportation Advisory Committee - City representatives
- Police Department
  - Highway Safety Grant – DWI Enforcement

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

- Ward, S – Recreation and Arena

The following additional information has been received:

- MetroCast – AMC Networks contract discussion

The following standard reports have been enclosed:

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

Councilor Torr asked why the City is being charged \$42,800 by Tighe and Bond Engineers. He thought this was due to the contractor's fault and not the City. City Manager Fitzpatrick asked Commissioner Storer why that happened and he said he will look into it.

Councilor Varney questioned Chief Allen's report regarding the telephone system failures. Deputy City Manager said that it was not a telephone system failure, but rather a connectivity problem and it has been fixed.

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

### **7.1 Appointments: City Council Standing Committees**

Mayor McCarley said she has made some changes to the Standing Committee appointments.

First, she is asking that Councilor Hamann not serve on the Appointments Committee, but instead have Councilor Bogan serve on that committee.

Second, she is asking Councilor Keans to remove herself from the Community Development Committee, ask Councilor Bogan to serve as the Vice Chair, and ask Councilor Abbott to serve on that committee.

### **7.2 Discussion: City Council Workshop for January**

Mayor McCarley said there is a need to have a Workshop meeting on January 19, 2016.

Regarding Rules of Order, Mayor McCarley said she will be having the Codes and Ordinances Committee review them. She asked for any suggestions or comments from the Councilors.

Mayor McCarley said that Councilor Hamann stated an interest in the NHMA Waste Council and believes that Councilor Hamann has already been in touch with them.

Mayor McCarley has not heard from anyone regarding the appointment to the Recreation and Arena Commission and she will wait to hear from them.

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

There were no presentations.

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

### **9.1 Other Appointments**

Mayor McCarley appointed Susan DeRoy as the new Chair of the Economic Development Commission. She said that Ms. DeRoy has expressed an interest in the position and is eager to serve.

Mayor McCarley nominated Councilor Tom Willis as the City Council regular member of the Planning Board. Councilor Lachapelle seconded the nomination. Councilor Gray said that he has served as an Alternate Member of the Planning Board for about five years and wished to be considered as the City Council representative. Councilor Torr asked if this position was to take the place of former Councilor David Walker. Mayor McCarley said yes.

Councilor Varney seconded Councilor Gray's nomination of himself to serve as a Regular Member of the Planning Board.

Councilor Lachapelle **Moved** that nominations cease. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Councilor Willis was voted to be the City Council representative to the Planning Board by a 10-3 secret ballot vote.

Mayor McCarley nominated Councilor Gray to serve as the Alternate Member of the Planning Board. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **Moved** to cease nominations. Councilor Hamann seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Councilor Gray was voted to serve as an Alternate Member of the Planning Board by a 13-0 secret ballot vote.

Mayor McCarley nominated Chief Norman Sanborn to serve as the third member of the Licensing Board. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **Moved** to cease nominations. Councilor Varney seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Chief Sanborn was voted to serve as a member of the Licensing Board by a 13-0 secret ballot vote.

Mayor McCarley said there is an opening for Chair of the Conservation Commission and Chair of the new Recreation and Arena Commission. She said those appointments will be held over until February.

Councilor Willis pointed out that there are some vacancies for the Utility Advisory Board. The Board meets the second Monday of every month at 5:30 PM.

## 10. Reports of Committees

### 10.1 Appointments Committee

Councilor Keans said that the appointment of David Walker to the Planning Board was done in December.

Councilor Keans said that Deb Shigo stepped down as Chair of the Conservation Commission, but still wished to serve as a regular member of the Commission. Ms. Shigo would also like to serve as an Alternate Member of the Planning Board.

Doug Lachance was interviewed to serve as an Alternate Member of the Planning Board.

Mayor McCarley nominated Doug Lachance to serve as an Alternate Member of the Planning Board. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Gates seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Doug Lachance was voted to serve as an Alternate Member of the Planning Board with a term to expire January 2, 2019, by a 13-0 secret ballot vote.

Mayor McCarley nominated Deb Shigo to serve as a member of the Conservation Commission with a term to expire January 2, 2019. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Varney seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Deb Shigo was voted to serve as a member of the Conservation Commission with a term to expire January 2, 2019, by a 13-0 secret ballot vote.

Mayor McCarley nominated Deb Shigo to serve as an Alternate Member of the Planning Board with a term to expire January 2, 2019. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Varney seconded the motion. The **MOTION CARRIED** by unanimous voice vote

Deb Shigo was voted to serve as an Alternate Member of the Planning Board with a term to expire January 2, 2019, by a 12-1 secret ballot vote.

Councilor Keans provided a list of candidates for various positions who had submitted a Statement of Interest for re-appointment.

Mayor McCarley nominated Leo Brodeur to serve as an Alternate Member of the Zoning Board of Adjustment with a term to expire January 2, 2019. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Varney seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Leo Brodeur was voted to serve as an Alternate Member of the Zoning Board of Adjustment with a term to expire January 2, 2019, by a 13-0 secret ballot vote.

Mayor McCarley nominated Tim Fontneau to serve as a Regular Member of the Planning Board with a term to expire January 2, 2019. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Varney seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Tim Fontneau was voted to serve as a Member of the Planning Board with a term to expire January 2, 2019, by a 13-0 secret ballot vote.

Mayor McCarley nominated Charles Grassie, Jr. to serve as a Regular Member of the Planning Board with a term to expire January 2, 2019. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Varney seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Charles Grassie, Jr. was voted to serve as a Member of the Planning Board with a term to expire January 2, 2019, by an 11-2 secret ballot vote.

Mayor McCarley nominated Mark Jennings to serve as a Regular Member of the Conservation Commission with a term to expire January 2, 2019. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** to have nominations cease. Councilor Varney seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Mark Jennings was voted to serve as a Regular Member of the Conservation Commission with a term to expire January 2, 2019, by a 13-0 secret ballot vote

Mayor McCarley nominated Councilor Elaine Lauterborn to serve as a Regular Member of the Arts and Culture Commission with a term to expire January 2, 2019. Councilor Lachapelle seconded the nomination. Councilor Lauterborn said that this is a government representative position on the Arts and Culture Commission. She said that she expressed an interest in the position as it needs to be filled; however, if anyone else on the Council is interested she would gladly step down. She added that she believes the term of service should coincide with the term of office on the Council, which would be January 2, 2018.

Councilor Lachapelle **MOVED** to have nominations cease. Councilor Hamann seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Councilor Lauterborn was voted to serve as a Regular Member of the Arts and Culture Commission with a term to expire January 2, 2018, by a 13-0 secret ballot vote

## **10.2 Codes and Ordinances Committee**

Councilor Lachapelle reported on the December 3, 2015, Codes and Ordinances Committee meeting. He said that the issue regarding the Pawnbrokers/Secondhand Dealer ordinance is still in committee and will be brought up again in the February meeting.

Other action items will be brought up under New Business.

## **10.3 Community Development**

Councilor Gray said that a discussion was held regarding the Courage Wall and the committee agreed that it should be at the Community Center for ninety days and then be reviewed.

Councilor Gray said that the committee had a presentation by the Welfare Director regarding a 79-E application. He said the application did not come to the committee.

Regarding CDBG projects, Councilor Gray said that Mr. Long had given the committee updates.

Councilor Lauterborn announced that the CDBG projects will be the main topic of discussion for the next several months. She announced that the January meeting will be held as originally scheduled for the fourth



Thursday; however, it will be at 7:00 PM instead of 6:00 PM. She said that starting in February, the committee will meet on the second Monday of the month at 7:00 PM.

#### 10.4 Finance Committee

Mayor McCarley said that the Finance Committee met on December 15, 2015, to act on one item that was moved out of committee and brought before the City Council prior to the Workshop meeting. There are no additional items to report at this time.

#### 10.5 Public Safety Committee

Councilor Hamann said that the committee recommends changing Knight Street from Columbus Avenue to Upham Street to a one-way street due to the fact that there have been many traffic concerns in that area. Councilor Hamann, on behalf of the Public Safety Committee, **MOVED** to make Knight Street one way between the intersection of Columbus Avenue and Upham Street. Councilor Gates seconded the motion.

Councilor Varney said that there is a design problem at that corner as there are entrances and exits to and from Cumberland Farms, *as well as the two other streets*. He did not think that a one-way change is the answer to the problem.

Councilor Willis questioned the direction for the one-way on Knight Street. Councilor Hamann clarified that it would be from Columbus Avenue toward Upham Street.

Councilor Keans agreed that it is a serious problem intersection and **MOVED** to continue the discussion at the Workshop on January 19, 2016. Councilor Lachapelle seconded the motion. Councilor Varney asked that the City Engineer take a look at the intersection and report back to the Council. The **MOTION TO COMMIT** (meaning that the original motion would be brought forward to the Council Workshop) carried by unanimous voice vote.

Councilor Hamann said there is a question regarding two streetlights that are needed on Davis Boulevard. He **MOVED** to erect those two streetlights to bring the street up to City standards. Councilor Torr seconded the motion. Councilor Varney said he would like the Planning Department to see if they are still holding any surety for the Jay Way development project because those streetlights should have been erected by the developer. If there is still some surety then that could defray some of the cost of putting in the lights. The **MOTION CARRIED** by unanimous voice vote.

Councilor Hamann said that there is an issue with the large trucks parking at the Milton Road Cumberland Farms and blocking the view for customers trying to enter and exit the parking lot. The committee **MOVED** to post "no parking" or "no standing" signs between the Milton Road entrances of Cumberland Farms. Councilor Varney seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Councilor Hamann said there is a request for a 30 mph speed limit sign on Twombly Street. The Police Department put the speed trailer on Twombly Street and recorded speeds from 35 mph up to 63 mph. He **MOVED** to post a 30 mph sign on either end of Twombly Street. Councilor Bogan seconded the motion. Councilor Varney pointed out that there is a state law that all residential streets are 30 mph and there should not be a need to post signs on all of the streets. Councilor Hamann said that this was a unanimous vote by the committee, but if the Police Department would enforce the limit there should be no problem. The **MOTION CARRIED** by majority voice vote.

Councilor Hamann said that there are concerns with the Gonic Main Street/Church Street/Post Office line of sight. He **MOVED** that the Public Works Department, at its discretion, stripe the street by one car length on either side of the Gonic Post Office driveway.

Councilor Willis questioned the length of "one car length" and said that it should be a specific number. He recommends twenty feet on either side and **MOVED** to **AMEND** the committee's recommendation. Councilor Gray said that Public Works usually has the discretion of the length of the space. He disagreed with the suggestion to block off twenty feet on either side of the driveway as it could possibly interfere with other driveways.

Mayor McCarley called for a vote on the motion to amend. The **MOTION FAILED** by unanimous voice vote.

The **MOTION CARRIED** to stripe the spaces on either side of the Post Office driveway at the discretion of the Public Works Department, by a unanimous voice vote.

Councilor Varney questioned a resident requesting a "No Parking Here to Corner" sign on Highland Street at Grove Street. He understood that it was a NHDOT matter, but would like clarification on that since the request was for Grove Street. The City Manager said he will look into it.

## 10.6 Public Works Committee

Councilor Torr said that due to the fact that there are funds left in the budget that a request for a pavement roller, a trailer, and a stainless steel one-ton body be considered at this time. The committee voted unanimously to recommend to the full Council that these items be purchased. Councilor Torr **MOVED** to approved these purchases. Councilor Varney seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Councilor Torr opened the discussion regarding trapping on City-owned property. He **MOVED** to ban trapping on all City Property. Councilor Hamann seconded the motion.

Councilor Willis asked if there is any City policy regarding removing nuisance animals, such as a beaver, that would be causing problems with water damming, for example. Commissioner Storer said there are options for humane trapping and relocation of nuisance animals.

Councilor Gray **MOVED** to refer the matter to the Codes and Ordinances Committee for consideration. Councilor Bogan seconded the motion. Councilor Gray said that in essence the Council is doing committee work here and this should be handled at the committee level.

Councilor Torr said that there is a cruelty matter here and that should be considered. The Councilors discussed the matter further. Councilor Bogan withdrew her second to Councilor Gray's motion. Councilor Gray said he would withdraw his motion if the motion from Councilor Torr was amended so that the City policy is not to issue permits.

Commissioner Storer said there are permits that can be issued for residents to trap on City property and that two such permits had been issued this fall, which triggered the discussion about trapping. Councilor Lauterborn said that what Councilor Torr has presented is very clear and simple and should be passed.

There being no second to Councilor Gray's motion, the Council voted on the original motion to ban trapping on city property. The **MOTION CARRIED** by majority voice vote.

Councilor Torr asked if there are any other changes made to the plans for the City Hall Annex the Public Works Committee would like to be made aware of them right away.

## 11. Other Business

No discussion.

## **12. Consent Calendar**

Items 12.2, 12.3, 12.4, and 12.5 had been removed from the Consent Calendar.

### **12.1 AB 78 Resolution De-Authorizing Funding for the Hope Farm Easement Project. First Reading, Second Reading, and Adoption.**

Councilor Lachapelle **MOVED** read the resolution by title only. Councilor Torr seconded the motion. Mayor McCarley read the resolution by title only for the first time as follows:

#### **RESOLUTION DEAUTHORIZING FUNDING FOR THE HOPE FARM EASEMENT PROJECT**

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

**WHEREAS**, by virtue of a certain resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the amount of One Hundred Ninety-nine Thousand Nine Hundred Ninety-nine Dollars (\$199,999.00) from the Conservation Commission Fund to the Operating Budget for the purpose of paying for costs and expenses incurred with respect to acquiring the Hope Farm Easement, and

**WHEREAS**, the Hope Farm Easement has been obtained and Fourteen Thousand Three Hundred Fifty-seven and 75/100 Dollars (\$14,357.75) of the original appropriation remains unexpended;

**NOW THEREFORE**, in light of the above, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum of Fourteen Thousand Three Hundred Fifty-seven and 75/100 Dollars (\$14,357.75) of the previous appropriation of funds for the aforementioned Hope Farm Easement Project, and authorize transfer of said funds back to the Conservation Commission 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 FY 16 01-12 AB 78**

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

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

### **Items Removed from Consent Calendar:**

#### **12.2 AB 77 Resolution Accepting Donation from St. Anselm's College and Authorizing Supplemental Appropriation to the City of Rochester Department of Recreation. First Reading and Adoption**

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

#### **RESOLUTION ACCEPTING DONATION FROM ST. ANSELM'S COLLEGE AND AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE CITY OF ROCHESTER DEPARTMENT OF RECREATION**

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

That a donation from St. Anselm's College awarded to the City of Rochester for the Department of Recreation's participation in the Road for Hope program in the amount of One Thousand Three Hundred Dollars (\$1,300.00) be, and hereby is, accepted by the City of Rochester.

**Further**, that the sum of One Thousand Three Hundred Dollars (\$1,300.00) be, and hereby is, appropriated as a supplemental appropriation to the City of Rochester Department of Recreation and provided further that all of the funds for such supplemental appropriation shall be derived from the St. Anselm's College donation awarded 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) to which said sums shall be recorded.

**CC FY16 01-05 AB 77**

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

**12.3. AB 75 Resolution Accepting New Hampshire Department of Public Safety Homeland Security Grant Program Grant (HSGP) for Fencing and Authorizing Supplemental Appropriation to the City of Rochester Department of Public Works (DPW) Water Fund Capital Improvement Plan (CIP) Fund. First Reading and Adoption**

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

**RESOLUTION ACCEPTING NEW HAMPSHIRE DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY GRANT PROGRAM GRANT (HSGP) FOR FENCING AND AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE CITY OF ROCHESTER DEPARTMENT OF PUBLIC WORKS (DPW) WATER FUND CAPITAL IMPROVEMENT PLAN (CIP) FUND**

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

That the New Hampshire Department of Public Safety HSGP grant awarded to the City of Rochester DPW Water Fund in the amount of Twenty-five Thousand Dollars (\$25,000.00) be, and hereby is, accepted by the City of Rochester.

**Further**, that the sum of Twenty-five Thousand Dollars (\$25,000.00) be, and hereby is, appropriated as a supplemental appropriation to the City of Rochester DPW Water Fund CIP Fund for fencing at the Water Treatment Facility and provided further that all of the funds for such supplemental appropriation shall be derived from the New Hampshire Department of Safety HSGP grant awarded to DPW Water Fund CIP 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 and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY16 01-05 AB 75**

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

**12.4 AB 76 Resolution Accepting New Hampshire Department of Public Safety Homeland Security Grant Program Grant (HSGP) for Camera System and Authorizing Supplemental Appropriation to the City of Rochester Department of Public Works (DPW) Sewer Fund Capital Improvement Plan (CIP) Fund. First Reading and Adoption**

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

**RESOLUTION ACCEPTING NEW HAMPSHIRE DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY GRANT PROGRAM GRANT (HSGP) FOR CAMERA SYSTEM AND AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE CITY OF ROCHESTER DEPARTMENT OF PUBLIC WORKS (DPW) SEWER FUND CAPITAL IMPROVEMENT PLAN (CIP) FUND**

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

That the New Hampshire Department of Public Safety HSGP grant awarded to the City of Rochester DPW Sewer Fund in the amount of Twenty-five Thousand Dollars (\$25,000.00) be, and hereby is, accepted by the City of Rochester.

**Further**, that the sum of Twenty-five Thousand Dollars (\$25,000.00) be, and hereby is, appropriated as a supplemental appropriation to the City of Rochester DPW Sewer Fund CIP Fund for the installation of a camera system at the Waste Water Treatment Facility and provided further that all of the funds for such supplemental appropriation shall be derived from the New Hampshire Department of Safety HSGP grant awarded to DPW Sewer Fund CIP 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 and to establish special revenue, non-lapsing, multi-year fund account(s) to which said sums shall be recorded.

**CC FY16 01-05 AB 76**

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

**12.5. AB 79 Resolution Accepting New Hampshire Department of Public Safety Homeland Security Grant for Homeland Security Exercise and Evaluation Program and Authorizing Supplemental Appropriation to the Rochester Fire Department Operating Budget. First Reading and Adoption**

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

**RESOLUTION ACCEPTING NEW HAMPSHIRE DEPARTMENT OF PUBLIC SAFETY HOMELAND SECURITY GRANT FOR HOMELAND SECURITY EXERCISE AND EVALUATION PROGRAM AND AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE CITY OF ROCHESTER FIRE DEPARTMENT OPERATING BUDGET**

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

That the New Hampshire Department of Public Safety grant awarded to the City of Rochester Fire Department in the amount of Three Thousand Five Hundred Forty-five Dollars (\$3,545.00) be, and hereby is, accepted by the City of Rochester.

**Further**, that the sum of Three Thousand Five Hundred Forty-five Dollars (\$3,545.00) be, and hereby is, appropriated as a supplemental appropriation to the City of Rochester Fire Department operating budget for costs associated with a Homeland Security Exercise and Evaluation Program and provided further that all of the funds for such supplemental appropriation shall be derived from the New Hampshire Department of Safety grant awarded the City of Rochester Fire 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 and to establish special revenue, non-



lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded. **CC FY16 01-05 AB 79**

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

### **13. New Business**

#### **13.1 AB 81 Resolution Authorizing Supplemental Appropriation to the FY 16 Rochester Fire Department General Fund First Reading, Second Reading, and Adoption**

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

#### **RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE FY 2016 ROCHESTER FIRE DEPARTMENT GENERAL FUND OPERATING BUDGET**

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

That the sum of Thirteen Thousand Six Hundred Dollars (\$13,600.00) be, and hereby is, appropriated as a supplemental appropriation to the FY 2016 Rochester Fire Department general fund operating budget for the purpose of providing funds necessary to pay costs and/or expenditures associated with the Rochester Fire Department's participation in the New Hampshire Radiological Emergency Response Plan for the Seabrook Station program and provided further that all of the funds for such supplemental appropriation shall be derived from a reimbursement through the New Hampshire Homeland Security and Emergency Management.

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 01-12 AB 81**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for the second time. Councilor Bogan seconded the

motion. The **MOTION CARRIED** by unanimous voice vote. Mayor McCarley read the resolution by title only for the second time.

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

**13.2 AB 83 Resolution Authorizing the City Manager to Enter into Lease Agreement with the New Hampshire Department of Health and Human Services First Reading and Adoption**

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

**RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO LEASE AGREEMENT WITH THE NEW HAMPSHIRE DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**BE IT RESOLVED BY THE MAYOR AND 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 City Manager to enter into a Twelve (12) month lease agreement with the New Hampshire Department of Health and Human Services (HHS) from January 1, 2016 to December 31, 2016 to temporarily extend HHS's lease with the City for use of Nineteen Thousand Seven Hundred Fifty (19,750) square feet at 150 Wakefield Street, Rochester, New Hampshire, originally signed between the City and HHS on May 24, 2005. **CC FY 16 01-12 AB 83**

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

**13.3 AB 72 Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Signage – Second Reading and Adoption**

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

**CARRIED** by unanimous voice vote. Mayor McCarley read the amendment by title only for the second time as follows:

**AMENDMENT TO CHAPTER 42 OF THE GENERAL ORDINANCES OF THE  
CITY OF ROCHESTER REGARDING SIGNAGE**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 42 of the General Ordinances of the City of Rochester regarding signage in the Highway Commercial District and currently before the Rochester City Council, be amended as follows:

**42.6 Commercial Zoning Districts**

**f. Highway Commercial District**

~~D. Signage. All provisions of Section 42.29 Signage, herein shall apply  
except for the following allowances:~~

~~—— i. For buildings located between the Service Road and the main traffic  
artery, an additional building mounted sign is permitted.~~

~~—— ii. Off premises directory style signs and off premises directional signs  
are permitted by Conditional Use by the Planning Board.~~

Further amended on January 12, 2016

**The effective date of these amendments shall be upon passage.  
CC FY 16 AB 72**

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

**13.4 AB 73** Amendment to Chapter 26 of the General Ordinances of the City of Rochester Regarding Outdoor Dining on City Property **First Reading, Second Reading and Adoption**

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

**AMENDMENT TO CHAPTER 26 OF THE GENERAL ORDINANCES OF THE  
CITY OF ROCHESTER REGARDING OUTDOOR DINING ON CITY  
PROPERTY**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 26 of the General Ordinances of the City of Rochester regarding a Public License for outdoor dining on city property and currently before the Rochester City Council, be amended as follows:

**CHAPTER 26**

**PUBLIC LICENSE**

**26.10 Use of City Property for Outdoor Dining.**

1. Requests for use of City property for outdoor dining providing food and alcohol service shall be made in writing to the City Manager on an annual basis by February 1st with no expectation of continued year-to-year use of the City property on a continuing basis. Requests will only be accepted by businesses licensed to serve food to the public. In the event that a new business opens during the outdoor dining season and wishes to incorporate outdoor dining in its plans, an application will be allowed for the remainder of the dining season only.
2. Such requests shall include a dimensioned site plan of the existing conditions, including a depiction of public infrastructure such as curb lines, light poles, bike racks, street trees, tree grates, manhole covers, meters, licensed A-frame signs, adjacent on-street parking and loading zones, adjacent accessible sidewalk curb cuts and the like. Such requests shall also include a dimensioned site plan depicting the proposed table/chair layout plan for outdoor dining dimensioned routes of travel within the outdoor dining area and on the adjoining public sidewalk, as well as detail sheets for the proposed enclosure system, tables, chairs, lighting, trash receptacles, and the like. These plans will be reviewed by the Technical Review Group and suggestions forwarded to the City Manager.
3. The terms and conditions of any such requests that are approved by the City Manager in any given year shall be described in an annual Area Service Agreement, which includes a clear depiction of the area approved for outdoor dining use and the time period of approved use ("Season"), with said Area Service Agreement to be signed by the City Manager and the party or parties

making the request. The Season shall run from May 1st through the day after Columbus Day.

4. Area Service Agreements shall not be assignable to other parties.
5. Use of the Area subject to the Area Service Agreement (the "Area") may be precluded, modified or made subject to any such terms and conditions as may be determined by the City Manager at any time during the Season in order to accommodate special municipal events.
6. A minimum fee for the season of \$25 shall be required even if the size of the Area subject to the Agreement is less than 100 square feet. A fee of \$1 per square foot will be charged for the Area subject to the Agreement for all square feet above 100 square feet. The fee shall be due and payable to the City of Rochester prior to authorization to use the Area.
7. The Area specified for outdoor dining use in the Area Service Agreement shall be restored upon termination of the Area Service Agreement at Season's end. Specifically, at Season's end, the enclosure system, tables, chairs and all other materials in their entirety shall be removed from the City-owned area with the area left in an unobstructed, undamaged, clean and sanitary condition at no cost to the City.
8. Outdoor dining establishments on City property shall indemnify and hold harmless the City of Rochester and shall maintain and provide insurance of the types and amounts specified by the City's Legal Department and shall list the City as additional insured. A certificate of insurance documenting said types and amounts of insurance are to be submitted to the City's Legal Department before the start of the Season.
9. Outdoor dining establishments shall not damage sidewalks, curbing, bike racks, street trees, light poles, trash containers, utilities or any other City amenities or infrastructure, or make same inaccessible for public use (other than within the approved Area) or maintenance purposes.
10. Outdoor dining establishments may utilize the Area for Outdoor Dining during their normal business hours, except that all tables within the Area shall be cleared of all food and alcoholic beverages by 11:00 p.m. Monday through Saturday and by 10:00 p.m. on Sunday with no alcohol served within the Area subsequent to one-half hour before the foregoing closure times.
11. Outdoor dining establishments shall agree at all times to comply with all laws, rules and regulations of the NH State Liquor Commission and all other local, state and federal laws. Approval of the Area Service Agreement by the State Liquor Commission

is required. Alcoholic beverage violations shall be self-reported to the State Liquor Commission and the City Manager. See RSA 178:24 and RSA 179:27.

12. Outdoor dining establishments shall only serve alcoholic beverages to patrons who are seated at a table and who are ordering food with service at tables conducted by wait staff only.
13. Outdoor dining establishments will agree that they shall be solely responsible for compliance with the Americans with Disabilities Act.
14. The Area Service Agreement may be suspended at the sole discretion of the City on an administrative basis.
15. The Area Service Agreement may be revoked in its entirety, excepting for indemnity provisions, by the City Manager at any time.
16. Outdoor dining establishments with alcohol service should meet the following site Design standards:
  - a) Be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system consisting of heavy duty black decorative metal materials or equivalent as approved by the City Manager or his designee; special attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and insure public safety; the minimum height of the enclosure system shall be 30 inches and the maximum height shall be 36 inches.
  - b) Outdoor dining establishments shall not have live entertainment of any type located outside, and no visual entertainment shall be situated on the inside of the building in such a manner that it is directed toward patrons in the outdoor dining area.
  - c) For those outdoor dining establishments serving alcohol, seating shall be appurtenant and contiguous to a doorway accessing the main restaurant facility with service provided within the Area approved by the City Manager. Exceptions to this provision will be allowed consistent with NH State Liquor Commission approval for particular licensees.
  - d) The internal dimensions and table/chair layout of the outdoor dining Area must allow for the passage of customers and wait staff and shall, in any event, meet ADA requirements.
  - e) Outdoor dining establishments must provide a 5-foot radius clearance from the center of restaurant doorways (exterior) and doorways shall be kept clear at all times and a 5-foot minimum clear pedestrian path in front of

restaurant doorways (exterior) shall be maintained at all times.

- f) The enclosure system, tables and chairs shall be movable/non-permanent.
  - g) In all areas where outdoor dining establishments are allowed the width for the pedestrian way adjacent to the Area shall, at a minimum, be 3-feet and, in any event, meet ADA requirements, but will depend on site conditions. The pedestrian way in both instances shall allow for and provide clear unimpeded passage and access along the Area. The pedestrian way shall be located entirely on the public sidewalk and shall meet criteria that ensure pedestrian safety, usability and ADA compliance. In no event shall the Area interfere with accessibility or public safety, including safe lines of sight for motor vehicles.
  - h) Canopies over the outdoor dining areas shall not be allowed unless they are completely supported by hardware on the building structure, that is, there shall be no vertical supports in or around the outdoor dining. Table umbrellas are allowed, but must not extend beyond the Area.
  - i) No object strictly related to advertising shall be allowed in the Area.
  - j) No improvements or personal property located within the Area shall extend on or over any City property located outside the Area.
17. Outdoor dining establishments shall agree at all times to comply with all local laws, rules, regulations and orders including, but not limited to the following:
- a) Health Department to approve outdoor food service operations and cleaning operations, with the Area to be left in a clean and sanitary condition at all times and no outdoor garbage containers will be permitted. The Area shall be left in clean condition at close of business with all garbage removed in its entirety from the Area, and any ground debris swept up, at close of daily business. No food prep, grilling, service windows, service counters, wait stations, or bus buckets shall be allowed in the Area and no condiments, paper products or the like shall be stored on the tables in the Area. Health Department shall review/approve that kitchen facilities are sufficient to support additional seating.

- b) The Director of Buildings, Zoning and Licensing shall review/approve that bathroom facilities are sufficient to support outdoor dining seating.
  - c) Only decorative lighting shall be permitted.
  - d) A Place of Assembly inspection and updated Place of Assembly permit shall be required from the Fire Department and the Fire Department shall review/approve means of egress as part of the Technical Review Group process.
18. No Area Service Agreement should be approved by the City Manager except in conformance with the foregoing.
19. The above are policy guidelines that will serve as the basis for Area Service Agreements, which may include other terms and conditions deemed by the City Manager to be in the public interest.
20. The number and location of Outdoor dining establishments on City property shall be at the sole unfettered discretion of the City Manger acting in the public interest and no entitlement is created by this policy for any party to have outdoor dining at any location.

**Further amended on January 12, 2016**

**This Ordinance shall take effect upon the passage by the City Council. CC FY 16 AB 73**

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

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Bogan seconded the motion. The **MOTION CARRIED** by majority voice vote.

**13.5 AB 84 Amendment to Chapter 40 of the General Ordinances of the City of Rochester Regarding Permits  
First Reading, Second Reading, and Adoption**

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



**AMENDMENT TO CHAPTER 40 OF THE GENERAL ORDINANCES OF THE  
CITY OF ROCHESTER REGARDING PERMITS**

**THE CITY OF ROCHESTER ORDAINS:**

That subsections 40.16 of Chapter 40 of the General Ordinances of the City of Rochester regarding Permits and currently before the Rochester City Council, be amended as follows:

**40.16 Permits.**

(a)

(4) Fees for building permits shall be waived for a ***honorably discharged veteran or an active duty, National Guard or reserve member of the United States Armed Forces***, who plans to construct or have constructed for himself a home or appurtenance to a home already owned by him for exclusive occupancy by himself and his immediate family.

(c) ***The Director of Building, Zoning, and Licensing Services shall issue no building permit, certificate of occupancy, and or/other construction permit for improvement or changes in real property for any real property for which there are delinquent municipal taxes, sewer user charges, assessments, penalties and/or fines.***

**The effective date of these amendments shall be upon passage. CC  
FY 16 AB 84**

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

Councilor Abbott asked whether the Council had statutory authority to withhold permits. He said that RSA 80 is clear on how the City can secure property taxes and it does not appear that this shortcut would be one of those methods.

Attorney O'Rourke said this would not get property taxes, but would withhold permits. It would not be a way to collect taxes. He said the permit fee cannot be changed in order to collect the "bill" that is owed.

Councilor Abbott said that this would be about the people who do not believe that permits are for general public safety but rather a revenue-generating method. He did not see this as anything that would accomplish something positive.

Councilor Abbott **MOVED** to strike paragraph (c) in its entirety and then he would fully support paragraph (4) regarding the Veterans' benefits. Councilor Gates seconded the motion.

Councilor Willis asked if there could be some language added in order to protect people who have a hardship issue. City Manager Fitzpatrick agreed and said perhaps the City Manager could be given the authority to waive the fee if there is a hardship issue. He said that would be an amendment to the amendment.

Councilor Keans **MOVED** to refer the amendment to the Codes and Ordinances Committee for review. Councilor Hamann seconded the motion.

Councilor Varney said he thought it would be possible to pass the first paragraph, which properly defines the Veteran credit and send the second paragraph, which is (c) to the Codes and Ordinance Committee.

City Attorney O'Rourke explained that what happening is that people who are asking to have the permit fees waived are veterans of WW I, WW II, the Korean War, and the Viet Nam War. The Building, Zoning, and Licensing Services department then checks to see if the person is getting a Veteran's tax exemption and then waive the permit fee. He said those people are not being asked to provide evidence of having served in the wars and the practice is continuing as it always has been.

Councilor Gray asked if the motion to refer to committee is divisible. City Manager Fitzpatrick said it is. Councilor Gray then **MOVED** to divide the amendment. Councilor Varney seconded the motion. The **MOTION CARRIED** by majority voice vote.

Mayor McCarley called for a vote on the divided question and the matter of referring paragraph (4) to the Codes and Ordinance Committee for further reviewed. The **MOTION FAILED** by majority voice vote.

Mayor McCarley called for the other part of the divided question which is to refer paragraph (c) to the Codes and Ordinances Committee. The **MOTION CARRIED** by majority voice vote.

Councilor Abbott withdrew his motion.

Mayor McCarley called for a vote on paragraph (4) of the amendment. The **MOTION CARRIED**, to approve paragraph (4) by unanimous voice vote. The Amendment that is approved is as follows:

**AMENDMENT TO CHAPTER 40 OF THE GENERAL ORDINANCES OF THE  
CITY OF ROCHESTER REGARDING PERMITS**

**THE CITY OF ROCHESTER ORDAINS:**

That subsections 40.16 of Chapter 40 of the General Ordinances of the City of Rochester regarding Permits and currently before the Rochester City Council, be amended as follows:

**40.16 Permits.**

(a)

(4) Fees for building permits shall be waived for a ***honorably discharged veteran or an active duty, National Guard or reserve member of the United States Armed Forces***, who plans to construct or have constructed for himself a home or appurtenance to a home already owned by him for exclusive occupancy by himself and his immediate family. **The effective date of these amendments shall be upon passage. CC FY 16 AB 84**

**13.6 AB 85 Resolution Establishing Polling Places and Times for the February 9, 2016, Presidential Primary **First Reading and Adoption****

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

**RESOLUTION ESTABLISHING POLLING PLACES AND TIMES  
FOR THE FEBRUARY 9, 2016, PRESIDENTIAL PRIMARY ELECTION**

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

That the following polling places are hereby established for the City of Rochester's Presidential Primary Election to be held on February 9, 2016.

**WARD 1:** [Tara Estates/Club House](#)  
53 Eagle Drive, East Rochester

**WARD 2:** [St. Mary's Parish Center](#)  
71 Lowell Street, Rochester

**WARD 3:** [Briar Ridge Estates/Club House](#)  
2 Roseberry Lane/Briar Ridge Estates, Rochester  
*Located behind Park Office located at 40 Lilac Drive*

**WARD 4:** [Rochester Home Depot](#)  
280 North Main Street, Rochester

**WARD 5:** [Rochester Community Center](#)  
150 Wakefield Street/Community Way, Rochester  
*Located on the Chestnut Hill Road Side of Building*

**WARD 6:** [Elks Lodge #1393](#)  
295 Columbus Avenue, Rochester

**Further, that in accordance with RSA 659:4, and Section 47 of the City Charter – All polling places shall be open from 8:00 A.M. to 7:00 P.M., on said Election Day.**

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

Councilor Keans said that she has concerns about the Ward 3 polling location, in particular for the presidential election. Councilor Lachapelle pointed out that there are no available locations in Ward 3 that are suitable for an election, including any that are also ADA compliant.

Councilor Varney said that he has heard that there might be consideration for using some of the schools for polling locations. Mayor McCarley said she had planned to have this discussion at the Workshop to be held on January 19, 2016.

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

#### **14. Non-Public Session**

##### **14.1 Non-Public under Land, RSA 91-A:3, II (d)**

Councilor Varney **MOVED** to enter Non-Public session. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous roll call vote of 13 to 0. Councilors Bogan, Abbott, Varney, Willis, Lachapelle,

Gray, Barnett, Torr, Hamann, Gates, Keans, Lauterborn, and Mayor McCarley all voted yes.

Councilor Lachapelle **MOVED** to exit Non-Public session at 8:50 PM. Councilor Gates seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Councilor Lauterborn **MOVED** to seal the minutes because disclosure would render the proposed action ineffective. Councilor Gates seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

## **16. Adjournment**

Councilor Bogan **MOVED** to **ADJOURN** the meeting at 8:51 PM. Councilor Gates seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Respectfully submitted,

Marcia H. Roddy, NHCDCC  
Deputy City Clerk