

**Regular City Council Meeting
December 1, 2020
Council Chambers
31 Wakefield Street
Remotely via Microsoft Teams
6:30 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Belken
Councilor Bogan
Councilor Gray
Councilor Hainey
Councilor Hamann
Councilor Hutchinson
Councilor Lachance
Councilor Lachapelle
Councilor Rice
Councilor Walker
Deputy Mayor Lauterborn
Mayor McCarley

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Paul Toussaint, Chief of Police
Peter Nourse, Director of City Services
Paul Toussaint, Chief of Police

Minutes

1. Call To Order

Mayor McCarley called the City Council Regular meeting to order at 6:30 PM and read the following preamble:

Good Evening, as Chairperson of the City Council, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

a.) **Public Input:** Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring

participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the City Council (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

- **Mail:** City Clerk/Public Input, 31 Wakefield Street, Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)
- **email** PublicInput@rochesternh.net (*must be received no later than 4:00 pm of meeting date*)
- **Voicemail** 603-330-7107 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

Please include with your correspondence the intended meeting date for which you are submitting. *All correspondence will be included with the corresponding meeting packet (Addendum).*

In addition to the above listed public access information, the City Council will be allowing the public to enter Council Chambers and speak in person during the Public Input portion of this meeting. In an effort to adhere to CDC guidelines: enter only at the front Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Please note; the seating in Council Chambers will not be available for the public during meetings.

At this time, I also welcome members of the public accessing this meeting by phone. The public can call-in to the below number using the conference code. This meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken via conference line during the meeting.

Phone number: 857-444-0744

Conference code: 843095

b.) **Roll Call:** Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name (and/or ward), also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)

2. Roll Call

Kelly Walters, City Clerk, took the roll. The following Councilors were connecting remotely and indicated that they were alone in the location from which they were attending: Councilors Abbott, Belken, Bogan, Gray, Hainey, Hamann, Hutchinson, Lachance, Lachapelle, Rice, Walker, Deputy Mayor Lauterborn, and Mayor McCarley.

3. Opening Prayer

In lieu of an opening prayer, Mayor McCarley requested a moment of silence.

4. Pledge of Allegiance

Mayor McCarley led the Pledge of Allegiance.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: November 10, 2020 *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the minutes of the November 10, 2020 Regular City Council meeting. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Rice, Walker, Belken, Bogan, Lachapelle, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, Hamann, and Mayor McCarley voted in favor.

6. Communications from the City Manager

6.1 City Manager's Report

City Manager Cox did not have anything to add to his report as follows:

Contracts and documents executed since last month:

- **Department of Public Works**
 - Certificate of substantial completion – GSBP Water Main Ext – Defelice Corp.
 - Scope of Services – Little Falls Bridge/Chestnut Hill Rd – Hoyle Tanner
 - Change Order – Hutter Construction
 - Change Order – Methuen Construction
 - Certificate of Final Completion - Four Rod Rd Culvert – Ted Berry

- Certificate of substantial completion – Portland St twin culvert – Integrity Earthworks
- **Economic Development**
 - CDBG Environmental Reviews – CAP Weatherization oil furnace replacement
 - CDBG Environmental Reviews – CARES act Round 3 Allocations
 - CDBG – CAP Weatherization Heating system replacement
 - PILOT agreement – Sig Sauer
 - Boundary Survey agreement– Berry Surveying & Engineering

The following standard reports have been enclosed:

- Monthly Overnight Travel Summary - none
- Permission & Permits Issued -none
- Personnel Action Report Summary

7. Communications from the Mayor

Mayor McCarley gave a brief update on the creation of an extreme weather shelter. She indicated that property in Somersworth is in the process of being purchased. She explained that there is one stipulation to the grant funding, which is that the building must be opened as soon as possible for the remainder of the year. She said the building would be open 24 hours per day starting between December 15th and December 20th until the end of the calendar year. She said after that point, the facility would be treated as an extreme cold weather shelter for the tri-city area. It will be determined which weather conditions would trigger the opening of such shelter. The Mayor gave some details of the support staff and donations that would be needed. She noted that this shelter is in addition to the shelter currently located at the Garrison Hotel.

Councilor Lachance asked if this new location would be a permanent situation. Mayor McCarley explained that because of COVID-19, grant funding was available to purchase the building to be used as an extreme cold weather shelter. Mayor McCarley said it is thought that after the first of the year, this facility would be utilized in place of the Hanson Street cold weather shelter for the Rochester residents as well as the tri-city area. She said that some type of transportation plan would need to be in place. There will be a volunteer coordinator and staff members at times when the building is in operation. Mayor McCarley said that the Emergency Management Team would be seeking guidance as to what operational hours might take effect for this extreme weather shelter.

Councilor Lachance asked why the facility would not just remain open 24

hours a day. Mayor McCarley said this topic had been discussed over the past few years and it does not make logical sense to keep such a shelter open during the day if there are places people can go to avoid the cold; however, this issue can be addressed at another time if the need arises.

Councilor Walker asked how many people would be able to stay at the shelter at one time with COVID -19 restrictions in place. Mayor McCarley recalled that during COVID-19 it seems that at least forty to fifty people could be sheltered. She added that this is in addition to the residents staying at the Garrison location. She recalled that, in the past, it seems that no more than about seventy people were seeking shelter in the tri-city area at any one time.

8. Presentation of Petitions and Council Correspondence

No Discussion.

9. Nominations, Appointments, Resignations, and Elections

No Discussion.

10. Reports of Committees

10.1.1 Appointments Committee

Councilor Bogan said the Committee met on November 17th and have reviewed a number of reappointments. There are no new appointments this evening. She suggested if there were no objections then she would read the names all at once for a combined course of action. There were no objections. Councilor Bogan read the following list of re-appointments for the record as follows:

10.1.1.1 Re-Appointment: Janet Davis, Rochester Economic Development Commission (Regular Member) – term to expire 1/02/2024 consideration for approval

10.1.1.2 Re-Appointment: Paul Giuliano, Rochester Economic Development Commission (Regular Member)– term to expire 1/02/2024 consideration for approval

10.1.1.3 Re-Appointment: Paul Giuliano, Planning Board (Alternate Member) – term to expire 1/02/2024 consideration for approval

- 10.1.1.4 Re-Appointment: Lionel Sylvain, Planning Board (Regular Member/Chair) – term to expire 1/02/2024 consideration for approval**
- 10.1.1.5 Re-Appointment: Peter Bruckner, Planning Board (Regular Member) – term to expire 1/02/2024 consideration for approval**
- 10.1.1.6 Re-Appointment: Peter Bruckner, Historic District Commission (Regular Member) – term to expire 1/02/2024 consideration for approval**
- 10.1.1.7 Re-Appointment: Therese Dwyer, Planning Board (Regular Member) – term to expire 1/02/2024 consideration for approval**

Mayor McCarley **MOVED** to approve all of the above listed appointments with the terms to expire as indicated. Councilor Walker seconded the motion. Councilor Rice questioned if Paul Giuliano is currently an alternate member of the Planning Board. Mayor McCarley confirmed that is correct. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Lauterborn, Hainey, Rice, Walker, Hutchinson, Bogan, Lachapelle, Lachance, Abbott, Belken, Hamann, Gray and Mayor McCarley voted in favor of the motion.

10.2 Community Development

10.2.1 Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2021 first reading and refer to public hearing

Councilor Lauterborn **MOVED** to read the Resolution for a first time and to refer the matter to a Public Hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 12 to 1 roll call vote. Councilors Hamann, Walker, Hutchinson, Belken, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion. Councilor Lachance voted against the motion.

Mayor McCarley said this resolution would be sent to a public hearing to be held on December 15, 2020. Mayor McCarley read the resolution for the first time by title only as follows:

CITY OF ROCHESTER FY 21 CDBG ACTION PLAN SECOND AMENDMENT – PLANNING AND ADMINISTRATION ALLOCATION

**Resolution to Amend the Community Development Block Grant
(CDBG) Funds for Fiscal Year 2021**

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

WHEREAS, the City of Rochester has received additional Community Development Block Grant (CDBG) funds through the Coronavirus Aid, Relief, and Economic Security (CARES) Act;

WHEREAS, the Mayor and City Council of the City of Rochester desire to program these additional funds into other worthwhile activities;

THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby adopt the allocation of One Hundred Forty Six Thousand Five Hundred Seventy Six Dollars (\$146,576.00) for activities related to the CARES Act CDBG grant: Three Thousand Dollars (\$3,000.00) for COAST/Alliance for Community Transportation, Five Thousand Dollars (\$5,000.00) for Community Partners, Five Thousand Dollars (\$5,000.00) for the Homeless Center for Strafford County, Ten Thousand Dollars (\$10,000.00) for the Rochester Opera House, Five Thousand Dollars (\$5,000.00) for Strafford Nutrition Meals on Wheels, Seven Thousand Dollars (\$7,000.00) for New Generation, One Thousand Five Hundred Dollars (\$1,500.00) for Court Appointed Special Advocates of New Hampshire, Twenty Five Thousand Dollars (\$25,000.00) for My Friend's Place, Six Thousand Dollars (\$6,000.00) for MY TURN, Nineteen Thousand Seventy Six Dollars (\$19,076.00) for Easter Seals, Forty Thousand Dollars (\$40,000.00) for the Community Action Partnership of Strafford County, and Twenty Thousand Dollars (\$20,000.00) for HAVEN.

FURTHER, that the funds necessary to fund the above appropriation shall be drawn in their entirety from the above-mentioned CARES Act CDBG grant funds that the City of Rochester has received from the federal government.

FURTHER STILL, 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 accounts(s) as necessary to which said sums shall be recorded.

Councilor Rice requested more information regarding the ways in which the applicants plan to utilize the additional funding. Councilor Lauterborn

confirmed that more information is available on each of the applications and could be obtained from Julian Long, Grants Coordinator. Councilor Walker requested that the applications be available for the City Councilors to review at the public hearing. Mr. Long agreed to provide that information along with a summary page of all applications. Mayor McCarley stated that the public hearing is scheduled for December 15, 2020.

10.3 Fidelity Committee

Councilor Hutchinson said he had no new information, other than what is available in the City Council packet. He said the Fidelity Committee is scheduled to meet again on December 10, 2020, remotely on Teams.

10.4 Finance Committee

10.4.1 Resolution Authorizing the Change of Funding Sources and De-authorizing Previous Appropriations of the Department of Public Works EDA Salmon Falls Road Capital Improvement Plan Project and Supplemental Appropriation from General Fund Unassigned Fund Balance in an amount not to exceed \$17,674.28 *first reading and refer to public hearing*

Mayor McCarley said the Finance Committee met on November 10, 2020, and there is one action item which is the Salmon Falls Road Capital Improvement Project. She said this is more of a housekeeping item now that the project is complete.

Councilor Lachapelle **MOVED** to read the resolution for a first time and to refer the matter to a public hearing (December 15, 2020). Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution by title only as follows:

Resolution Authorizing the Change of Funding Sources and De-authorizing Previous Appropriations of the Department of Public Works EDA Salmon Falls Road Capital Improvement Plan Project and Supplemental Appropriation from General Fund Unassigned Fund Balance in an amount not to exceed \$17,674.28

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

- CIP FUND 1501 – Department of Public Works (Highway Division)

WHEREAS, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of One Million One Thousand Five Hundred Dollars (\$1,001,500.00) to the Department of Public Works Capital Improvement Plan EDA Salmon Falls Road project # 13551 of the City of Rochester, all as more particularly set forth in Exhibit A annexed hereto; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by changing the funding sources for the EDA Salmon Falls Road project # 13551 referenced in Exhibit A.

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding sources for the EDA Salmon Falls Road project # 13551 referenced in Exhibit A.

FURTHER, the Mayor and City Council of the City of Rochester, hereby de-authorize the sum of Twenty Eight Thousand Nine Hundred Sixty Three and 33/100 Dollars (\$28,963.33) of previously appropriated funds from the EDA Salmon Falls Road project # 13551.

FURTHER STILL, in accordance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter, the Mayor and City Council of the City of Rochester, hereby withdraw borrowing authority in the amount of Thirty Four Thousand Three Hundred Twenty Four and 05/100 Dollars (\$34,324.05).

- WATER CIP FUND 5501 – Department of Public Works (Water Division)

WHEREAS, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of One Million Eighty Thousand Two Hundred Dollars (\$1,080,200.00) to the Department of Public Works Water Fund 5501 Capital Improvement Plan EDA Salmon Falls Road project budgets of the City of Rochester, all as more particularly set forth in Exhibit A annexed hereto; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by changing the

funding sources for the EDA Salmon Falls Road project referenced in Exhibit A.

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding sources for the EDA Salmon Falls Road project referenced in Exhibit A.

FURTHER, the Mayor and City Council of the City of Rochester, hereby de-authorize the sum of One Hundred Nine Thousand Two Hundred Seventy Nine and 48/100 Dollars (\$109,279.48) of previously appropriated funds from the EDA Salmon Falls Road project # 13551.

FURTHER STILL, in accordance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter, the Mayor and City Council of the City of Rochester, hereby withdraw borrowing authority in the amount of Two Hundred Seven Thousand Five Hundred Seventy Seven and 53/100 Dollars (\$207,577.53).

- SEWER CIP FUND 5502 – Department of Public Works (Sewer Division)

WHEREAS, by virtue of various resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of Two Million Seven Hundred Eighty Five Thousand Five Hundred Dollars (\$2,785,500.00) to the Department of Public Works Sewer Fund 5502 Capital Improvement Plan EDA Salmon Falls Road projects # 13551 and # 18549 of the City of Rochester, all as more particularly set forth in Exhibit A annexed hereto; and

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by changing the funding sources for the EDA Salmon Falls Road projects referenced in Exhibit A.

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding sources for the EDA Salmon Falls Road projects referenced in Exhibit A. – *(See Addendum A)*

FURTHER, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby de-authorize \$16,181.96 of previously appropriated funds for the EDA Salmon Falls Road project #18549 and repurpose the Sewer Fund retained earnings funding source for said project to the EDA Salmon Falls Road project #13551.

FURTHER, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby de-authorize Nineteen Thousand Eight Hundred Two and 54/100 Dollars \$19,802.54 of previously appropriated funds for the EDA Salmon Falls Road project # 13551.

FURTHER STILL, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby authorize a supplemental appropriation in the amount of Seventeen Thousand Six Hundred Seventy Four and 28/100 Dollars (\$17,674.28) for the purpose of fully funding the completed EDA Salmon Falls Rd project # 13551. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund unassigned fund 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.

10.5 Planning Board

Councilor Walker said that the Planning Board met and reviewed some sureties and continuances of projects; however, there is nothing specific to report on at this time.

Councilor Rice asked what the status is for the mural ordinance. Councilor Walker reported that the mural ordinance is in the process of being drafted by the legal department. He recalled that the next step would be to send the ordinance to a public hearing before it is sent over to the City Council.

10.6 Public Safety

10.6.1 Committee Recommendation: To have DPW order 3 new signs with revised parking time limits and work with Economic Development to place the signs on North Main Street and in the Union Street parking lot *consideration for approval*

Councilor Hamann said there is one action item that has been discussed over the last few months by both the Economic Development Department and the Safety Committee. He **MOVED** to **APPROVE** the Committee's recommendation to have DPW order three (3) new signs with revised parking time limits and work with the Economic Development Department to place the signs on North Main Street and in the Union Street Parking lot. Councilor

Walker seconded the motion. Councilor Hamann stated that the signs would stipulate a fifteen-minute parking allotment in order to allow for customers to park and retrieve their food pick-up orders quickly. Councilor Lachance supported the motion because it addresses the restaurant parking needs during this pandemic. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voted in favor of the motion.

10.7 Public Works

10.7.1 Committee Recommendation: To support legislative efforts for the proper labeling and disposal of non-woven sanitary wipe products *consideration for approval*

Councilor Walker **MOVED** to approve the Committee's recommendation to support legislative efforts for the proper labeling and disposal of non-woven sanitary wipe products. Councilor Rice seconded the motion. Councilor Walker said the flushing of such wipes has become a real problem for the wastewater systems. Councilor Hainey asked if there is already a Legislative Service Request (LSR) for this effort. Peter Nourse, Commissioner of Public Works, replied that there is draft bill, which is co-authored by DES and the NH Water Pollution Control Association. He said the proposed law would require the manufactures of such products to include in their labels language to the effect that such products are not suitable for flushing. Councilor Hainey had reservations about voting on this effort without seeing the actual legislative language and to ensure that this bill does not get attached to another bill that the City Council may or may not agree with. Council discussed which types of sanitary wipes cause havoc with the wastewater systems. Mr. Nourse confirmed that most sanitary wipes cannot be accommodated by wastewater pump stations or treatment processes. This legislative effort only focuses on the non-woven wipes. The City Council discussed the matter. Councilor Lachapelle supported the legislation. Councilor Gray informed the City Council that there is a known pushback from the manufactures/distributers. Councilor Gray indicated that he could not support the legislation at this time and suggested that Mr. Nourse could contact the State Senator from District 4 David Watters about submitting the legislation because there is a deadline for submitting new bills.

Councilor Walker asked why woven wipes are not included in this legislative effort to prevent the flushing of such products. Mr. Nourse read directly from the proposed legislation and reiterated that there are many products that are not safe to flush; however, this legislative bill only address

the non-woven wipes, and it is worth supporting. Councilor Hainey said if the products are causing havoc with the City's wastewater systems, then by supporting the legislative effort, the City Council is saving taxpayer dollars. Mr. Nourse said it is a safety issue for employees to unclog such systems and it becomes very costly (at the taxpayer/ratepayer's expense). Councilor Rice spoke in favor of the motion and encouraged Senator Gray to support this important legislative issue, which if not supported could result in additional expenses to the taxpayers. The **MOTION CARRIED** by a 12-1 roll call vote. Councilors Hainey, Abbott, Belken, Hutchinson, Lachapelle, Walker, Bogan, Hamann, Rice, Lachance, Lauterborn, and Mayor McCarley voted in favor of the motion. Councilor Gray voted against the motion.

Mayor McCarley recalled that the Committee received an update on a change order for the New Public Works Faculty. She questioned if this change order was expected or not. Commissioner Norse stated that there have been four change orders to date; however, they are withdrawing from the contingency fund for such expenditures, which is approximately 8% of the construction cost. He said there is about 82% remaining in the contingency fund at this time.

Councilor Lachapelle announced that the Codes and Ordinances Committee is scheduled to meet this Thursday, December 3, 2020 at 6:00 PM, remotely.

11. Old Business

11.1 Barker Resolution Authorizing a Supplemental Appropriation in the Amount of \$290,000.00 for the Purchase of 11 Barker Court *second reading and consideration for adoption*

Councilor Lachapelle **MOVED** to read the resolution for the second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 10 to 3. Councilors Walker, Rice, Bogan, Lachapelle, Hamann, Hainey, Lauterborn, Abbott, Lachance, and Mayor McCarley voted in favor of the motion. Councilors Belken, Gray, and Hutchinson voted against the motion. Mayor McCarley read the resolution for a first time by title only as follows:

Resolution Authorizing a Supplemental Appropriation in the Amount of \$290,000.00 for the Purchase of 11 Barker Court

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

That the amount of Two Hundred Ninety Thousand Dollars (\$290,000.00) is hereby appropriated as a supplemental appropriation for the purpose of paying costs associated with the purchase of 11 Barker Court. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Rice asked if the cost remains at \$290,000 or if the City was able to negotiate a lower price. City Manager confirmed the price remains at \$290,000. The **MOTION CARRIED** by a 9 to 4 roll call vote. Councilors Abbott, Walker, Lachance, Hamann, Rice, Bogan, Hainey, Lauterborn, and Mayor McCarley voted in favor of the motion. Councilors Hutchinson, Belken, Gray, and Lachapelle voted against the motion.

11.2 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$200,000 for the Milton Road/Amarosa Drive/Salmon Falls Road Intersection Improvement Project *first reading and refer to public hearing*

Councilor Lachapelle **MOVED** to read the resolution for the second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of Councilors Gray, Belken, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution by title only as follows:

Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$200,000.00 for the Milton Road/Amarosa Drive/Salmon Falls Road Intersection Improvement Project

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

That the amount of Two Hundred Thousand Dollars (\$200,000.00) is hereby appropriated as a supplemental appropriation to the DPW CIP Fund for the

purpose of paying costs associated with the Milton Road/Amarosa Drive/Salmon Falls Road Intersection Improvement Project. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

Councilor Lachapelle **MOVED** to **ADOPT** the Resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Bogan, Abbott, Belken, Hutchinson, Lachapelle, Gray Walker, Rice, Hamann, Hainey, Lachance, Lauterborn, and Mayor McCarley voted in favor of the motion.

12. Consent Calendar

No discussion.

13. New Business

13.1 Resolution Deauthorizing Department of Public Works (DPW) CIP Fund 1501 Project Funding For Various Projects in the Amount of \$254,985.92 and Deauthorization of Bond Authority *first reading and consideration for adoption*

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 12 to 1 roll call vote. Councilors Hutchinson, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Rice, and Mayor McCarley voting in favor of the motion. Councilor Lachance voted against the motion. Mayor McCarley read the resolution for the first time by title only as follows:

Resolution Deauthorizing Department of Public Works (DPW) CIP Fund 1501 Project Funding For Various Projects in the Amount of \$254,985.92 and Deauthorization of Bond Authority

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

That Two Hundred Fifty Four Thousand Nine Hundred Eighty Five and 92/100 Dollars (\$254,985.92) of previously appropriated funds is deauthorized from the DPW CIP Fund 1501 for the costs associated with various completed projects consistent with Exhibit A.

Further, as part of the overall deauthorization, in accordance with RSA 33:9, the City withdraws bond authority in the amount of Two Hundred Twelve Thousand One Hundred Fifty Seven and 70/100 Dollars (\$212,157.70).

Further, the amount of Forty Two Thousand Eight Hundred Twenty Eight and 22/100 Dollars (\$42,828.22) in cash funding shall be returned to the General Fund Unassigned Fund balance.

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.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Lachance, Walker, Hutchinson, Belken, Hamann, Abbott, Gray, Rice, Bogan, Hainey, Lauterborn, Lachapelle, and Mayor McCarley all voting in favor of the motion.

13.2 Resolution Authorizing a Supplemental Appropriation in the Amount of \$270,000.00 for the Purchase of 8 Amarosa Drive and 0 Milton Road *first reading and refer to public hearing*

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only and refer the matter to a public hearing to be held on December 15, 2020. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 9 to 4 roll call vote. Councilors Rice, Walker, Lachapelle, Hamann, Hainey, Abbott, Gray, Bogan, and Mayor McCarley voted in favor of the motion. Councilors Belken, Lauterborn, Hutchinson, and Lachance voted against the motion.

Resolution Authorizing a Supplemental Appropriation in the Amount of \$270,000.00 for the Purchase of 8 Amarosa Drive and 0 Milton Road

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

That the amount of Two Hundred Seventy Thousand Dollars (\$270,000.00) is hereby appropriated as a supplemental appropriation for the purpose of paying costs associated with the purchase of 8 Amarosa Drive and 0 Milton Road. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

13.3 Resolution Authorizing the Renumbering of 4 Jessica Drive to 6 Jessica Drive in Compliance with E911 Standards *first reading and consideration for adoption*

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. Councilor Lachance asked for clarification on the renumbering of Jessica Drive. It was determined that 4 Jessica Drive would now be known as 6 Jessica Drive, because there is a new lot being developed at what is currently known as 4 Jessica Drive.

Councilor Lachance questioned if the first reading and adoption could take place all at one time. Mayor McCarley said the City Council has not opted to take that approach yet; however, the City Council could take that approach on the next motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hainey, Lauterborn, Hutchinson, Rice, Walker, Gray, Bogan, Abbott, Lachapelle, Hamann, Belken, Lachance, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for a first time by title only as follows.

Resolution Authorizing the Renumbering of 4 Jessica Drive to 6 Jessica Drive in Compliance with E911 Standards

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

That pursuant to RSA 231:133, RSA 231:133-a, and consistent with the State of New Hampshire's E911 standards, the City Council hereby authorizes the renumbering of 4 Jessica Drive to 6 Jessica Drive.

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hainey, Lauterborn, Hutchinson, Rice, Walker, Gray, Lachapelle, Abbott, Bogan, Hamann, Belken, Lachance, and Mayor McCarley

voted in favor of the motion. Mayor McCarley read the resolution for a first time by title only as follows.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Gray, Rice, Abbott, Lachapelle, Bogan, Hainey, Lauterborn, and Mayor McCarley voted in favor of the motion.

13.4 Resolution Authorizing the Acceptance of a \$10,896.00 Highway Safety Grant by the Rochester Police Department (RPD) and Supplemental Appropriation in Connection Therewith *first reading and consideration for adoption*

Councilor Walker **MOVED** to read the resolution for a first time by title only and to **ADOPT** the resolution. Councilor Walker seconded the motion.

Councilor Lauterborn questioned the process of adopting the resolution at the same time as the first reading. She said typically the first reading triggers the time to open up the discuss on the resolution. Mayor McCarley recalled that the discussion could still take place under the adoption portion of the motion. Councilor Lachance questioned what this money would be used for and if any of the funding would be utilized for a DWI Checkpoint. Chief Toussaint replied that none of the funding would be utilized for DWI Checkpoints. Chief Toussaint indicated that the City of Rochester does not currently conduct DWI Checkpoints at all.

Councilor Gray wished to make a motion to separate out the adoption portion of the motion. Mayor McCarley stated that rather than separate out another motion, she would simply ask the Councilors to withdraw their original motions. Councilor Lachapelle **WITHDREW** his motion to read the resolution by title only and adopt the resolution. Councilor Walker **WITHDREW** his second to that motion.

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for a first time by title only as follows.

Resolution Authorizing the Acceptance of a \$10,896.00 Highway Safety Grant by the Rochester Police Department (RPD) and Supplemental Appropriation in Connection Therewith

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

That a Ten Thousand Eight Hundred Ninety Six Dollar (\$10,896.00) Highway Safety Grant is hereby accepted by the City on behalf of the RPD.

Further, the City Council authorizes a supplemental appropriation to the RPD operating budget in the amount of Ten Thousand Eight Hundred Ninety Six Dollar (\$10,896.00) with the entirety of the supplemental appropriation being derived from said Grant. The Grant requires a Two Thousand Seven Hundred Twenty Four Dollar (\$2,724.00) local match which will be met through in-kind enforcement activities conducted by police officers as part of their daily job functions.

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 and to establish special revenue, non-lapsing, multi-year fund accounts(s) as necessary to which said sums shall be recorded.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley voted in favor of the motion.

14. Other

Councilor Lachance wished to clarify the Rules of Order in terms of the requirements of a first and second reading. City Attorney O'Rourke clarified that the City Council amended its Rules of Order to eliminate the unnecessary step of two readings on the same evening. Each resolution must be read for a first time and then it can proceed as follows:

- Refer to a public hearing
- Refer to a Committee
- Motion to Adopt

Attorney O'Rourke said that the only time a second reading is required is when the resolution is sent back to the City Council under Old Business. Mayor McCarley thanked the City Attorney for the clarification and Councilor Gray for pointing out the correction.

Mayor McCarley informed the City Council that the new Water and Sewer Rates, which were adopted by the City Council this past May, would be going into effect as of January 1, 2021. Mayor McCarley asked if there were any concerns about the effective date of January 1, 2021. Mayor McCarley indicated that there have not been reports of increased cases of requests for service to the Welfare Department, which the Director has been tracking carefully. No other discussion took place.

15. Non - Public

15.1 Non-Public Session – Land, RSA 91-A:3, II (d)

Councilor Lauterborn **MOVED** at 7:29 PM to enter into non-public session under RSA 91-A:3, II (d), Land. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley all voted in favor of the motion.

Councilor Lachance **MOVED** to exit the non-public session at 8:11 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilor Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion.

Councilor Lauterborn **MOVED** to seal the minutes of the non-public session as disclosure would render the proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 12 to 0 roll call vote. Councilors Walker, Rice, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, and Mayor McCarley voted in favor of the motion. Councilors Hutchinson and Lachance voted against the motion.

16. Adjournment

Mayor McCarley **ADJOURNED** the Regular City Council meeting at 8:14 PM.

Respectfully Submitted,

Kelly Walters, CMC
City Clerk

EXHIBIT A

CIP FUND 1501 PROJECTS READY FOR DE-AUTHORIZATION

Account Number	Project Name	Revised Budget	Expended	Deauthorize		Total De-authorization	To Be Bonded	Comment
				Cash	Bond			
15013010-771000-20533	Portland St Roadway/underdrain	\$ 220,000.00	\$ 59,247.30		\$ 160,752.70	\$ 160,752.70	\$ 59,247.30	Project completed under budgeted amount
15013010-772000-17551	Community Center Fac Reno	\$ 100,000.00	\$ 68,356.00		\$ 180.00	\$ 180.00	\$ -	Org appropriation was borrowing, funding source change to fund balance for expended amount. Left this \$180 as funding bond funding source
15011090-772000-20509	Gonic Fire Kitchen Reno/drainage	\$ 40,000.00	\$ 28,299.78	\$ 11,700.22		\$ 11,700.22		Completed Cash Project
15011090-772000-20510	Gonic Pool Improvements	\$ 50,000.00	\$ 34,898.00	\$ 15,102.00		\$ 15,102.00		Completed Cash Project
15011090-772000-20511	N Main St Cemetery Fence	\$ 20,000.00	\$ 11,794.00	\$ 8,206.00		\$ 8,206.00		Completed Cash Project
15011090-772000-20512	Commons Playground	\$ 220,000.00	\$ 209,424.00		\$ 10,576.00	\$ 10,576.00	\$ -	APR 2020 Bond
15011090-772000-20513	Hanson Pines Playground	\$ 250,000.00	\$ 209,351.00		\$ 40,649.00	\$ 40,649.00		APR 2020 Bond
15011090-772000-20565	AC Recreation Office	\$ 35,000.00	\$ 27,180.00	\$ 7,820.00		\$ 7,820.00		Completed Cash Project
						\$ -		
						\$ -		
				\$ 42,828.22	\$ 212,157.70	\$ 254,985.92	\$ 59,247.30	

Addendum A