

**Regular City Council Meeting
June 5, 2018
Council Chambers
8:33 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Bogan
Councilor Gray
Councilor Keans
Councilor Lachapelle
Councilor Lauterborn
Councilor Torr
Councilor Walker
Deputy Mayor Varney

OTHERS PRESENT

Daniel Fitzpatrick, City Manager
Blaine Cox, Deputy City Manager
City Attorney Terence O'Rourke
Peter Nourse, Dir. of City Services

COUNCILORS ABSENT/EXCUSED

*Mayor McCarley
Councilor Gates
Councilor Hamann
Councilor Hutchinson

MINUTES

1. Call to Order

Deputy Mayor Varney called the City Council meeting to order at 8:33 PM.

2. Opening Prayer

2.1 Rochester Elks Lodge #1393

Members of the Rochester Elk's Lodge #1393 led the opening prayer.

3. Presentation of the Colors

3.1 Rochester Elks Lodge #1393

Members of the Rochester Elk's Lodge #1393 led the Pledge of Allegiance.

4. Roll Call

Deputy City Clerk Cassie Givara took the roll. All Councilors were present except for Councilors Hamann, Gates and Hutchinson who had been excused. *Mayor McCarley was not present at the meeting, but was connecting remotely via phone.

5. Acceptance of Minutes

5.1. Regular City Council Meeting – May 1, 2018 ***motion to accept***

5.2. Special City Council Meeting – May 15, 2018 ***motion to accept***

5.3. Special City Council Meeting – May 29, 2018 ***motion to accept***

Councilor Walker **MOVED** to accept the minutes of the above listed meetings. Councilor Torr seconded the motion.

Councilor Varney **MOVED** to **AMEND** the May 1, 2018 minutes. In the minutes contained in the packet, it is indicated that the motion to adopt the zoning amendment for manufactured housing failed by a 7 to 6 roll call vote. The revised minutes supplied by the City Clerk indicate the roll call failed by a 7 to 4 roll call vote which is the correct version. Councilor Lachapelle seconded the motion to amend the May 1, 2018. The **MOTION CARRIED** by a unanimous voice vote to accept the revised minutes of the May 1, 2018 meeting. The **MOTION CARRIED** by a unanimous voice vote to accept the minutes of the May 15, 2018 Special Meeting and the May 29, 2018 Special Meeting.

6. Communications from the City Manager

6.1. Employee of the Month Award

City Manager Fitzpatrick announced that Steve Brisson and Ken Vincent had been chosen as the Employees of the Months for July 2018.

6.2. City Manager's Report

City Manager Fitzpatrick read the following report:

Contracts and documents executed since last month:

- Department of Public Works
 - Easement – Fieldstone Waterline
 - Franklin Street Improvement Project – Change Order 3
 - NPDES PII Small MS4 Permit – Annual Report
 - Security Agreement – 128 Salmon Falls Road
 - UNH Agreement – Cocheco River Sonde Deployment and Monitoring
 - Watershed Properties Conservation Grant Applications
 - Water Treatment Plant – Low Lift Water Pump Station Upgrade Project – Keymont Construction – Construction Contract
- Economic & Community Development
 - CDBG Cap Weatherization – Environmental Reviews – Community Action Partnership
 - CDBG Contract – Community Action Partnership
 - CDBG Contract – Dover Adult Learning
 - CDBG Contract – My Friends Place
 - CDBG Contract – Community Partners
 - CDBG Contract – Share Fund
 - CDBG Cap Weatherization – Environmental Reviews – multiple projects
 - CDBG Cap Weatherization – Environmental Reviews – SHS Chairlift, Maple Street Magnet School chairlift installation
- Information Technology
 - Atlantic Broadband – Internet Service Agreement
 - Office 365 licenses
- Legal Department
 - Redemption – 828 Portland Street
 - Redemption – 39 Old Milton Road
 - Sale – 8 Moose Lane
 - Sale – 58 Maple Street
 - Sale – 82 Strafford Road
- Planning Department
 - Bid Acceptance – Transportation Master Plan
 - Plan NH – Technical Assistance Grant Program Agreement
- Tax Collector
 - Citizens Self Service – Value Payment Systems Contract

The following standard reports have been enclosed:

- City Council Request & Inquiry Report - **none**

- Monthly Overnight Travel Summary -
- Permission & Permits Issued
- Personnel Action Report Summary

7. Communications from the Mayor

Deputy Mayor Varney inquired if Mayor McCarley was still connected remotely to the meeting. Mayor McCarley confirmed that she was there via phone and thanked all the citizens who had taken part in Public Input for adding to the budget discussion.

7.1. Proclamation: "Arts for All"

Deputy Mayor Varney read the Proclamation declaring May 30, 2018 "Arts for All" day. The certificate of Proclamation was presented to John McKenna, chairman of the Opera House.

8. Presentations of Petitions and Council Correspondence

No Discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1. Resignation: Suzan King, Supervisor of the Check List (Ward 6)

Councilor Walker **MOVED** to accept Suzan King's resignation with regrets. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10. Reports of Committees

10.1. Codes and Ordinances

Councilor Lachapelle reported that the Codes & Ordinances Committee met May 3rd and there were action items resulting from that meeting. There will be an action item forthcoming regarding Regulation of Water Use during emergencies. The item has to be revised and when the legal department is finished with it, it will be presented to Council next month.

Councilor Lachapelle reported that the next Codes and Ordinances Committee meeting will be Thursday June 7, 2018 at 6:00 PM.

10.2. Community Development

Councilor Lauterborn said that the Community Development Committee met with numerous community organizations in May. There are no action items resulting from the meeting, but there will be some follow up on some of the discussion. Councilor Lauterborn said there was a motion made regarding the additional funds received under CDBG. No separate vote is needed because these funds went into the amended CDBG plan which recently went to Public Hearing and will come back to Council for a vote.

Councilor Lauterborn informed Council that the facility money which reflects an increase had been used to fund the chairlift at the high school. Some of the money was also used for additional money towards handicapped accessibility needed by the housing authority for a facility on Charles Street.

Under the Social Services agencies, \$9385.05 was allocated to various agencies. \$1,000 went to Crossroads House which was the same amount they were funded at last year. \$5,000 went to S.O.S Recovery. \$3,685 went to Tri-City Co-op, which was approximately half of the amount they had requested.

Councilor Lauterborn indicated that the June 11th meeting of Community Development Committee had been cancelled but they expect to meet the second week in July.

10.3. Joint Building Committee *forthcoming*

Deputy Mayor Varney reported that the next meeting of the Joint Building Committee would be August 8, 2018 at 7:00 PM. There will also be a Groundbreaking Ceremony on June 22, 2018 at 10:45 AM at the Tech Center for all wishing to attend.

10.4. Public Safety

10.4.1. Committee Recommendation: To Deny the Speed Limit Sign Request to be Placed on Nutter Street *consideration for approval*

Councilor Walker **MOVED** to deny the request for a speed limit sign on Nutter Street. Councilor Lachapelle seconded the motion. **MOTION CARRIED** by a unanimous voice vote.

10.5. Public Works and Building Committee

10.5.1. Committee Recommendation: To Approve a Supplemental Appropriation for design of the GSBP Water Loop Project and Support

the Full Project with the FY 19 CIP Budget

Deputy Mayor Varney reported that the Committee had thought it would be appropriate to approve an appropriation in advance of the FY19 Budget. Upon discussion with the finance department, it was determined that it could wait until the budget is approved by Council and the funding can be straightened out at that time. Therefore, no action is needed this evening.

10.5.2. Committee Recommendation: City Hall Parking Lot Plan *motion to approve*

Councilor Walker **MOVED** to approve the parking lot layout as shown in the packet. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Deputy Mayor Varney asked Peter Nourse, Director of City Services, if the new parking lot layout added parking spaces to the previous layout. Commissioner Nourse confirmed that the new layout does include more spaces as well as 5 handicapped spaces and 5 motorcycle spaces.

10.6. Task Force on Homelessness *forthcoming*

No Discussion

11. Old Business

No Discussion

12. Consent Calendar

No Discussion

13. New Business**13.1. Resolution Authorizing Expenditure of \$111,914.51 from the Economic Development Fund for the Purchase of 10 North Main Street *first reading, consideration for second reading, and adoption***

Councilor Keans requested that Council suspend voting on this resolution until they have had a chance to discuss it. It was determined that it could be read for a first time. Councilor Lachapelle **MOVED** to read the resolution for the first time by title only. Councilor Walker seconded the

motion. **MOTION CARRIED** by a unanimous voice vote. Deputy Mayor Varney read the resolution for the first time by title only as follows:

**Resolution Authorizing Supplemental Appropriation for the
Purchase of 10 North Main Street in the amount of
\$111,914.51**

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

That the sum of One Hundred Eleven Thousand Nine Hundred Fourteen and 51/100 Dollars (\$111,914.51) be, and hereby is, appropriated as a supplemental appropriation to the Economic Development CIP Fund 1501 (account # 15011081-771000-185xx) Property Acquisitions for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of 10 North Main Street, Rochester, New Hampshire by the City of Rochester.

Further, that the sums necessary to fund the above appropriation shall be drawn in their entirety from the Economic Development Fund unassigned fund balance.

Further, 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.

Deputy Mayor Varney indicated that the issue would be discussed in the non-public session later in the evening.*

**Council voted on the above Resolution following the non-public session. See section 14 below for Council action.*

**13.2. Discussion: Shall the Legislative Body Place the
Question (Keno) on the ballot for the next Municipal
Election *consideration for approval***

Councilor Lachapelle **MOVED** to place Keno on the ballot for the next municipal election. Councilor Bogan seconded the motion. The consensus of the Council was that the Keno question should be placed on the ballot so it is

more visible and doesn't get missed by voters. **MOTION CARRIED** by a majority voice vote.

13.3. Resolution Authorizing the Economic Development to Apply for a Local and Community Heritage Investment Program (LCHIP) Grant in the Amount of \$50,000 *first reading and consideration to approve*

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

Resolution Authorizing the Department of Economic Development to Apply for a Local and Community Heritage Investment Program (LCHIP) Grant in the Amount of \$50,000.00

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

That the City of Rochester Department of Economic Development is authorized to apply for a an LCHIP Grant in the amount of Fifty Thousand Dollars (\$50,000.00) to be used to restore seats in the Rochester Opera House.

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

13.4. Council Action: City of Rochester Dog Warrant (April 30, 2017 to April 30, 2018) *motion to send Warrant to the Police Department for Action*

Councilor Lachapelle **MOVED** to send the dog warrant to the Police Department. Councilor Walker seconded the motion. **MOTION CARRIED** by a unanimous voice vote.

13.5. Resolution Authorizing Acceptance and Appropriation of a Certified Local Government Grant Award for the Purpose of a Travel Grant to attend the National Alliance of Preservation Commissions in the Amount of \$3,126.34 *first reading,*

consideration for a second reading and adoption

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

Deputy Mayor Varney read the resolution for the first time by title only as follows:

Resolution Authorizing Acceptance and Appropriation of a Certified Local Government Grant Award for the purpose of a travel grant to attend the National Alliance of Preservation Commissions in the amount of \$3,126.34

Be it resolved by the Mayor and City Council of the City of Rochester, as follows:

WHEREAS, that a Certified Local Government (CLG) grant in the amount of Three Thousand One Hundred Twenty-Six Dollars and Thirty-Four Cents (\$3,126.34) awarded to the City of Rochester is hereby accepted by the City of Rochester;

FURTHER, that the sum of Three Thousand One Hundred Twenty-Six Dollars and Thirty-Four Cents (\$3,126.34) be, and hereby is, appropriated to a non-lapsing Special Revenue Fund to be created for the purpose of a travel grant to attend the National Alliance of Preservation Commissions;

FURTHER, that the City Manager is authorized to enter into a grant agreement and any other contracts with the New Hampshire Division of Historical Resources to receive and administer the grant funds detailed above; and

FURTHER, 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.

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

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

14. Non-Meeting/Non Public Session

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

Councilor Lauterborn **MOVED** to enter a Non-Public Session under Land, RSA 91-A:3 II (d) at 8:49 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 9 to 0. Councilors Lauterborn, Keans, Lachapelle, Walker, Gray, Abbott, Torr, Bogan, and Deputy Mayor Varney, and voted in favor of the motion. Councilors Hamann, Gates, Hutchinson and Mayor McCarley were excused.

Councilor Lauterborn **MOVED** to exit the non-public sessions at 9:23 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Lauterborn **MOVED** to seal the minutes indefinitely because it is determined that divulgence of this information likely would render a proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 9 to 0 with Councilors Keans, Lauterborn, Lachapelle, Abbott, Walker, Torr, Walker, Gray, Bogan, and Deputy Mayor Varney all voting in favor.

*Council returned to the discussion of agenda item 13.1, Purchase of 10 North Main Street. Councilor Lachapelle **MOVED** to read the resolution by title only for a second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Deputy Mayor Varney read the Resolution for a second time by title only as follows:

Resolution Authorizing Supplemental Appropriation for the
Purchase of 10 North Main Street in the amount of
\$111,914.51

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

That the sum of One Hundred Eleven Thousand Nine Hundred Fourteen and 51/100 Dollars (\$111,914.51) be, and hereby is, appropriated as a supplemental appropriation to the Economic Development CIP Fund 1501 (account # 15011081-771000-185xx) Property Acquisitions for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of 10

North Main Street, Rochester, New Hampshire by the City of Rochester.

Further, that the sums necessary to fund the above appropriation shall be drawn in their entirety from the Economic Development Fund unassigned fund balance.

Further, 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 Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

15. Other

No Discussion

16. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the meeting at 9:25 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk