

**Regular City Council Meeting  
April 5, 2022  
Council Chambers  
6:09 PM**

**COUNCILORS PRESENT**

Councilor Beaudoin  
Councilor Berlin  
Councilor Fontneau  
Councilor Gilman  
Councilor Gray  
Councilor Hailey  
Councilor Hamann  
Councilor Larochelle  
Councilor Malone  
Councilor Rice  
Deputy Mayor Lachapelle  
Mayor Callaghan

**OTHERS PRESENT**

Blaine Cox, City Manager  
Katie Ambrose, Deputy City Manager  
Terence, O'Rourke, City Attorney  
Julian Long, Community Development  
Coordinator  
Mark Sullivan, Deputy Finance  
Director

**COUNCILORS ABSENT**

Councilor Desrochers

**Minutes**

**1. Call to Order**

Mayor Callaghan called the meeting to order at 6:09 PM.

**2. Opening Prayer**

Mayor Callaghan requested a moment of silence for the people of Ukraine.

**3. Pledge of Allegiance**

Councilor Beaudoin led the Pledge of Allegiance.

**4. Roll Call**

Kelly Walters, City Clerk, called the roll. All Councilors were present, except for Councilor Desrochers who was excused.

## 5. Acceptance of Minutes

### 5.1 Regular City Council Meeting: March 1, 2022, consideration *for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council meeting minutes of March 1, 2022. Councilor Rice seconded the motion. Councilor Rice mentioned that the minutes of March 1<sup>st</sup> had not yet been posted online. City Clerk Walters agreed to check on the matter. The **MOTION CARRIED** by a unanimous voice vote.

### 5.2 City Council Special Meeting: March 15, 2022, consideration *for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the City Council Special meeting minutes of March 15, 2022. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## 6. Communications from the City Manager

### 6.1 City Manager's Report:

#### Contracts and Documents Executed Since Last Month:

- **Department of Public Works**
  - Change order #13, New DPW – Hutter Construction
  - Change order #14, New DPW – Hutter Construction
  - Scope of Services, Old Dover Rd landfill groundwater – Ransom Consulting
  - Change order, Rt 202A Water Main Ext – D&C Construction
  - Contract, Opera House Code review & remediation – Weston & Sampson
  - Certificate of substantial completion, new DPW – Hutter Construction
- **Economic Development**
  - FY22 CDBG-CV Contract – My Friend's Place
  - VOCA Grant Application
  - FY23 VOCA Grant Acceptance
  - NH CDFA Contract for Easter Seals project
  - NH CDFA Contract – Gafney Home project
  - FT22 CDBG Environ. Review – CAP Weatherization 3-29
  - FY22 CDBG Environ. Review – CAP Weatherization 3-30

- **Finance**
  - MLS Data subscription , Assessing- CoStar
- **IT**
  - Student enrollment – Certified Network Defender
  - System engineering quote – Azure DNS
- **Police Department**
  - Contract – Watchguard body worn cameras

### **Standard Report(s)**

- Personnel Action Report Summary

City Manager Cox announced that he will be presenting his City budget at the City Council Workshop scheduled for April 19, 2022. He added that there will be a budget presentation “retreat” scheduled for May 6<sup>th</sup> and 7<sup>th</sup>.

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

Mayor Callaghan gave Councilor Malone an opportunity to address the City Council.

Councilor Malone spoke about the SleepOut for Homeless youth Event (sponsored by Waypoint). She said the event raised over \$300,000 and gave details about the donations. Councilor Malone reported that some of the homeless youth have since been moved into appropriate housing. She said the event was well attended and that the support from Rochester was amazing. She mentioned that many local businesses participated as well as the following individuals who attended the overnight event: Spaulding High School students, Mayor Callaghan, Several Police Officers including Chief Boudreau and Nicole Rodler.

### **7.1. Proclamation: Arbor Day – April 29, 2022**

Mayor Callaghan read a Proclamation in Honor of Arbor Day and declared April 29, 2022 as Arbor Day in the City of Rochester.

Mayor Callaghan read the following statement:

*The City has received allegations accusing Christopher Rice of violating City Policies, which if true, would constitute misconduct in Office. As such, I am forming an Investigating Committee to investigate these allegations to determine if such allegations are well founded. The*

*Investigative Committee shall report back to the City Council (as a whole) with its conclusions. The members of the Committee are to be Deputy Mayor Lachapelle, Councilor Malone, and Councilor Gilman. I ask that the Investigation Committee produce its results or progress report, to the City Council, no later than May 17, 2022. Also pursuant to my authority under Section 2.8 of the City Council Rules of Order, during the pendency of this investigation, I am removing Councilor Rice as Chairperson of the Public Safety Committee and naming Deputy Mayor Lachapelle as Chairperson.*

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

No discussion.

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

No discussion.

## **10. Reports of Committees**

### **10.1 Appointments Committee**

#### **10.1.1 Reappointment: Jonathan Shapleigh – Rochester Economic Development Commission, Seat E, Regular Member term to expire 1/02/2025 consideration for approval**

Councilor Gray said the Committee recommended the re-appointment of Jonathan Shapleigh, Economic Development Commission (Seat E) with a term to expire on 1/2/2025.

Mayor Callaghan nominated Jonathan Shapleigh to serve on the Economic Development Commission (Seat E) with a term to expire on 1/2/2025. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease and that the Clerk cast one ballot for Mr. Shapleigh. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mr. Shapleigh has been re-appointed to the Economic Development Commission (Seat E) with a term to expire on 1/2/2025.

### **10.2 Codes and Ordinances Committee**

#### **10.2.1 Committee Recommendation: To approve the amendments to Chapter 80-26 "Outdoor Dining Establishments – Site Design Standards"**

**subsection (A) regarding maximum height of enclosure systems *consideration for approval***

Councilor Lachapelle directed the Council to the proposed change to Chapter 80-26, (sections A and B) and to Chapter 80-27 Section D. He **MOVED** to **APPROVE** all three amendments outlined under Sections 10.2.1, 10.2.2, and 10.2.3 of this agenda. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- A.** Outdoor dining establishments shall be separated from the public pedestrian space on the adjacent municipal sidewalk by an enclosure system as approved by the City Manager or his/her designee. *The enclosure system is defined as the out object that impedes passage or access for people or vehicles.* sSpecial attention shall be paid to the method used to support the enclosure system in order to avoid damage to public property and ensure public safety; the minimum height of the enclosure system shall be ~~30~~ **36** inches and the maximum height shall be ~~36~~ **48** inches, measured from the lowest point of the public space being utilized. **(Approved as presented)**

**10.2.2 Committee Recommendation:** To approve the amendments to Chapter 80-26 "Outdoor Dining Establishments – Site Design Standards" subsection (B) regarding permits for outdoor games/activities *consideration for approval*

- B.** Outdoor dining establishments shall not have live entertainment of any type located outside unless the establishment has applied for and received a special event permit pursuant to RSA 286 and Chapter 123 of this Code. *Any outdoor games or activities not related to the conduct of outdoor dining service, that are designed to be conducted within the Area, must be included in the Site Plan required by §80-15 of this Chapter with specific details on location, intensity, and hours of use. If, after the issuance of an Area Service Agreement, an applicant desires to add games or other activities to the Area, such games and activities will only be permitted upon application to the Licensing Board for a Special Event Permit.* **(Approved as presented)**

**10.2.3 Committee Recommendation:** To approve the amendment to Chapter 80-27, Section (D) regarding outdoor heating devices

***consideration for approval***

§ 80-27 Rules and regulations.

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:

\*  
\*  
\*

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. **Any outdoor heating devices or open flames of any kind must be approved by the Fire Department.**  
**(Approved as presented)**

**10.2.4 Committee Recommendation: To approve the amendment to chapter 7-58 "Audit of City Accounts" as detailed by City Staff**  
***consideration for approval***

Councilor Lachapelle referred the Council to the proposed amendment as follows:

**§ 7-58 Audit of City accounts.**

An independent audit of all accounts of the City shall be made annually by certified public accountants selected by the City Council **upon recommendation by the City Manager** and experienced in municipal accounting in accordance with the provisions of Section 46 of the Rochester City Charter.

Councilor Lachapelle **MOVED** to **APPROVE** the amendment as shown above. Councilor Hamann seconded the motion. Councilor Lachapelle stated that this amendment would simply add the City Manager's roll in this process. The **MOTION CARRIED** by a unanimous voice vote.

**10.2.5 Committee Recommendation: To approve the amendment to chapter 7-80 "Bonds Required" as detailed by City Staff**  
***consideration for approval***

Councilor Lachapelle directed the Council to the proposed amendments to Chapter 7-80 as follows:

~~§ 7-80 Bonds required; amount.~~

~~All City officials as are required by the New Hampshire Department of Revenue Administration or other obligee shall be bonded under coverage provided by the City's risk management provider. All City officials as are required to give bonds for the faithful discharge of their duties shall file the same with the City Clerk within 30 days after their election or appointment, in the amounts following:~~

~~— A. Tax Collector: amount required by New Hampshire Department of Revenue Administration.~~

~~— B. City Treasurer: twenty thousand dollars (\$20,000.).~~

~~— C. City Clerk: twenty thousand dollars (\$20,000.).~~

~~— D. Chief of Police: five hundred dollars (\$500.).~~

~~— E. Deputy Chief of Police: three hundred dollars (\$300.).~~

~~§ 7-81 City Council may require bond.~~

~~Other officers may be required to give bond as the City Council may determine.~~

~~§ 7-82 Form of bonds.~~

~~All bonds shall be drawn by the City Solicitor or approved by him/her as to legal form and proper execution before the same are presented to the City Council for approval and shall conform as near as possible to the following form:~~

~~— KNOW ALL MEN BY THESE PRESENTS:~~

~~That we of Rochester, County of Strafford and State of New Hampshire, as principal, and \_\_\_\_\_ as surety, are holden and stand firmly bound and obliged unto the City of Rochester, a municipal corporation in said county and state, in the sum of \_\_\_\_\_ dollars, to be paid to the City of Rochester, its successors or assigns, to the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, successors and assigns, jointly and severally firmly by these presents.~~

~~Sealed with our seals and dated this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_\_\_~~

~~The condition of the above obligation is such that whereas said \_\_\_\_\_ has been duly elected the \_\_\_\_\_ of such City of Rochester for the year 20\_\_\_\_ now, therefore, if the said \_\_\_\_\_ shall faithfully perform all the duties incumbent upon him/her as \_\_\_\_\_ and shall serve all processes lawfully directed to him/her and perform all other things whatever which a \_\_\_\_\_ may or ought by law to do and shall really and truly account to said City for all money coming into his/her hands as said~~

~~\_\_\_\_\_ then this instrument shall be null and void, otherwise to remain in full force and effect.~~

~~\_\_\_\_\_ Signed, sealed and delivered \_\_\_\_\_ In the presence of us,~~

Councilor Lachapelle said this amendment would reflect the current practice of the City's dealing with bonds. Councilor Lachapelle **MOVED to APPROVE** the amendment as shown above. Councilor Beaudoin seconded the motion. Deputy Ambrose briefed the City Council about the proposed changes. Councilor Rice asked if there was mention of the DRA requirements in the ordinance. Mayor Callaghan confirmed that the ordinance mentions the DRA requirement, which is part of the amendment outlined in red ink above. The **MOTION CARRIED** by a unanimous voice vote.

**10.2.6 Committee Recommendation: To approve the amendments to Chapter 7-64 "Conservation Fund" as recommended by City Staff consideration for approval**

Councilor Lachapelle directed the City Council to an amendment to Chapter 7-64 as follows:

~~C. Establishment of annual Conservation Fund budget. The City Manager shall include in the budget prepared and submitted to the City Council annually, pursuant to Section 40 of the Rochester City Charter, an appropriation to the Conservation Fund in an amount hereinafter provided for, the source of funds for which appropriation shall be specified as being drawn in their entirety from revenues received by the City during such budgetary period from the so called "current use change tax" provided for in RSA 79 A:7, or the corresponding provision of any recodification of such statute. Said appropriation shall be in an amount equal to all revenues, in excess of twenty five thousand dollars (\$25,000.), projected in the budget to be received by the City during such budgetary period from the so called "current use change tax." In the event that the funds received by the City from the so called "current use change tax" shall exceed the amount projected in the budget to be received from such source during such budgetary period, the City Manager shall, prior to the close of the fiscal year in question, present a supplemental appropriation in the amount of the excess receipts funds so received and identifying such excess receipts as the source of funding for such supplemental appropriation. The City Council shall act on such~~



supplemental appropriation in the ordinary course. ~~[Amended 8-6-2002]~~

C. All revenues collected related to Current Use Tax Warrants provided by RSA 79-A:7 shall be recorded in the Conservation Fund pursuant to RSA 79-A:25-Disposition of Revenues. The Finance Department shall provide to City Council by July 31<sup>st</sup> of each year the fund balance status of Conservation Fund, and prior fiscal year activity. City Council reserves the right to adjust percentages of future collected revenues placed in the Conservation Fund, or establish a not to exceed fund balance amount.

Councilor Lachapelle **MOVED** to **APPROVE** the amendment as shown above. Councilor Hamann seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

### **10.3 Community Development Committee**

#### **10.3.1 Resolution Adopting a FY 2023 Rochester CDBG "Action Plan for the City of Rochester, N.H." and Approving and Appropriating the FY 2023 Community Development Budget for the City of Rochester *first reading and refer to public hearing 4/19/22***

Councilor Hainey **MOVED** to read the resolution for a first time and refer the matter to a Public Hearing. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Callaghan read the resolution by title only as follows:

#### **RESOLUTION ADOPTING AN FY 2023 ROCHESTER CDBG "ACTION PLAN FOR THE CITY OF ROCHESTER, N.H." AND APPROVING AND APPROPRIATING THE FY 2023 COMMUNITY DEVELOPMENT BUDGET FOR THE CITY OF ROCHESTER**

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby adopt the one-year FY 2023 (July 1, 2022—June 30, 2023) "Action Plan for the Community Development Block Grant (CDBG) Program for the City of Rochester, N.H.," as prepared and presented to the Mayor and City Council by the City of

Rochester Office of Economic and Community Development, in connection with the City's CDBG program, including the goals, objectives, and concepts set forth therein;

II. Further, that a twelve (12) month Community Development Block Grant budget for the Office of Economic and Community Development for the City of Rochester in the total amount of Two Hundred Twenty Eight Thousand Five Hundred Sixty Three Dollars (\$228,563.00) be, and hereby is, approved and appropriated for fiscal year 2023 (July 1, 2022—June 30, 2023). Included in said approval and appropriation are expenditures set forth in the one-year action plan of the Office of Economic & Community Development for the City of Rochester for the Community Development Block Grant program, in the following categories and amounts:

|  |                      |
|--|----------------------|
| Administration and Planning              | \$ 45,712.60         |
| Public Service Agencies                  | \$ 34,284.45         |
| Housing/Public Facilities/Infrastructure | \$ 148,565.95        |
| <b>Total</b>                             | <b>\$ 228,563.00</b> |

III. Further, that Twenty Five Thousand Dollars (\$25,000.00) in prior year unexpended CDBG funds be reallocated to FY 2023 Housing/Public Facilities/Infrastructure activities outlined in the FY 2023 Annual Action Plan

IV. Further, that One Hundred Seventy Six Thousand Two Hundred Sixty Two Dollars and Sixty Six Cents (\$176,262.66) in the Job Opportunity Benefit revolving loan fund loan fund, plus the principal and interest received monthly from existing loans' repayments, be appropriated for continued use in the FY 2023 Action Plan year in granting loans to qualified small businesses that commit to the creation and/or retention of jobs made available to low to moderate-income Rochester residents.

This budget and the one-year action plan for FY 2023 may be reconsidered if federal funding is changed or if it is inconsistent with the total FY 2023 budget adopted for the Office of Economic and Community Development.

The sums necessary to fund the above appropriation in the amount of Two Hundred Twenty Eight Thousand Five Hundred Sixty Three Dollars (\$228,563.00) shall be drawn in their entirety from the above-mentioned FY 2023 Community Development Block Grant from the federal government to the City of Rochester. The Finance Director is

hereby authorized to create such line item accounts as shall be necessary to implement this Resolution.

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

Councilor Hainey listed the amounts of money for each category:

**FY 23 CDBG Public Service Agencies:**

- Waypoint, NH \$4,000
- SHARE Fund \$5,584.45
- My Friend's Place \$12,500
- Strafford Meals on Wheels \$3,000
- CASA of NH \$1,000
- Dover Adult Learning Center \$5,000
- Fair Housing \$200
- MY TURN \$1,000

**FY 23 CDBG Housing Rehabilitation/Public Facilities**

- Community Action Partnership of Strafford County – Weatherization Program \$75,000
- Recreation Department – Hanson Pines Improvement \$98,565.95

**10.3.2 Committee Recommendation: To approve the Public facilities naming policy *consideration for approval***

Councilor Hainey **MOVED** to **APPROVE** the Public Facilities Naming Policy. Councilor Lachapelle seconded the motion. Councilor Hainey stated that public input had been solicited in the creation of this policy. Councilor Rice complimented the work that has gone into creating this policy. He questioned if this policy had been sent to the Codes and Ordinances Committee for review. Councilor Hainey replied no; however, she felt it was a good idea. It was determined that since it was a policy and not an ordinance, it did not need to be sent to the Codes and Ordinance Committee for review. The **MOTION CARRIED** by a unanimous voice vote.

**10.4 Finance Committee****10.4.1 Committee Recommendation: To accept of the Community Outreach Facilitator position job description, classification, and pay grade consideration for approval**

Councilor Lachapelle **MOVED** to **APPROVE** the Community Outreach Facilitator position, job description, classification, and pay grade. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.4.2 Resolution Authorizing Allocation of \$143,083.00 from ARPA Funds for the Community Outreach Facilitator Program first reading and consideration for adoption**

Councilor Lachapelle **MOVED** to read the resolution for a first time. Councilor Malone seconded the motion. Councilor Rice asked for a breakdown of what the \$143,083.00 will fund. Deputy Ambrose gave the following information:

|   |           |
|---|-----------|
| • One Year Salary & Benefits            | \$84,083  |
| • Vehicle                               | \$45,000  |
| • Clothing/Office Furniture & Equipment | \$11,500  |
| • Vehicle Fuel                          | \$2,500   |
| Total                                   | \$143,083 |

Councilor Rice stated that this money would fund the position for one year. He asked if this would continue to be funded through the ARPA Funds or through the City's Operating Budget. Mayor Callaghan said after the first year, it would be sent back to the Finance Committee to determine the next step for financing.

Councilor Rice asked if it is possible that the City may not be able to hire the best candidate if there is a one-year proposal on the table and not the guarantee of future years. City Manager Cox said folks who work in this profession are aware that some positions which are funded through grants for limited timeframes. He said this proposed position is a relatively new job opportunity in this field and that some folks may wish to step up and take a chance in accepting a position as unique as this one.

Councilor Lachapelle asked for a point of order to “vote” upon the reading of the resolution prior to the discussion. City Attorney O’Rourke explained that the City Council adopted a change to the Rules of Order at the March meeting and there is no longer a requirement to vote upon a first reading. He said the Mayor should simply read the resolution and a vote to adopt would proceed after such reading has taken place.

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing Allocation of \$143,083.00 from ARPA Funds for the Community Outreach Facilitator Program**

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

That City hereby allocates One Hundred Forty-Three Thousand Eighty-Three Dollars (\$143,083.00) from the ARPA Funds for the purposes of funding the Community Outreach Facilitator position for one (1) year and startup costs associated with the Community Outreach Facilitator program.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution.

Councilor Hainey expressed concerns over the next year’s funding through the ARPA funds if they are not to be set aside. Deputy Manager Ambrose stated the remaining funds in the account are not committed to any other project at this point. City Manager Cox inquired about the deadline to allocate the ARPA funds. Deputy Manager Ambrose replied that the funds must be allocated by December 31, 2024 and expended by December 31, 2026.

Councilor Hainey reiterated that funds should be held aside for this purpose. Mayor Callaghan replied that this would be reviewed by the Finance Committee. It was determined that the City Council supported accepting the position; it is only a question of deciding on the manner in which it is funded.

Councilor Gray gave reasons why the City Council's past practice has been not to use such funds for "employee" positions but rather for more expensive one-time projects. City Manager Cox recalled that the City Council is using the ARPA funds to slowly move this position into the Operating Budget. He said the ARPA Funds slow down the process for a few years to eliminate a shock to the Tax Cap. Councilor Rice agreed and suggested a progression of slowly moving the position into the budget by supporting a partial amount between the budget and the ARPA funds over the next several years; by year five it can be fully supported by the City's Operating budget without the massive shock to the budget. Councilor Rice said a motion could be made now to allocate the ARPA funds, but not expend them yet. No formal motion was made. Mayor Callaghan called for a vote on the motion to adopt. The **MOTION CARRIED** by a unanimous voice vote.

**10.4.3 Resolution Authorizing Allocation of  
\$85,044.00 from ARPA Funds for Employee  
Premium Pay *first reading and consideration for  
adoption***

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing Allocation of \$85,044.00 from ARPA  
Funds for Employee Premium Pay**

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

That City hereby allocates Eighty-Five Thousand Forty-Four Dollars (\$85,044.00) from the ARPA Funds for the purposes of funding the Employee Premium Pay program.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Hamann seconded the motion. Councilor Beaudoin spoke against the motion. He said many employees who were working in private industries had to show up each day for work during the pandemic and they did not receive extra pay. He said many folks were unable to work or get paid because they were not permitted inside of homes/buildings during the

pandemic and they did not receive pay either. He said it is unfair to pay out funds to City employees when nothing is being given to the private sector.

Deputy City Manager Ambrose said that there were 106 first responder employees that did receive stipends provided through the CARES Act during the pandemic; however, there were some emergency responders who did not qualify to receive such stipends. She said under the approved guidelines of the grant, it would send a positive message to our employees to express the City's appreciation for those staff that had to physically come into work while the City was shut down and placed their health at risk. She mentioned the custodians who were at risk each time an infection was discovered. She said many employees put their health at risk. Councilor Beaudoin requested a roll call vote. Councilor Fontneau seconded the request for a roll call vote. Mayor Callaghan called for a vote upon the motion to adopt the resolution. The **MOTION CARRIED** by a 9 to 3 roll call vote. Councilors Gray, Fontneau, Hamann, Hainey, Lachapelle, Larochelle, Malone, Rice, and Mayor Callaghan voted in favor of the motion. Councilors Berlin, Beaudoin, and Gilman voted against the motion.

**10.4.4 Resolution Authorizing Allocation of  
\$1,400,000.00 from ARPA Funds for Employer  
Assisted Child Care Cooperative *first reading  
and consideration for adoption***

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing Allocation of \$1,400,000.00 from ARPA  
Funds for Employer-Assisted Child Care Cooperative**

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

That City hereby allocates One Million Four Hundred Thousand Dollars (\$1,400,000.00) from the ARPA Funds for the purposes of funding the Employer-Assisted Child Care Cooperative.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such multi-

year, non-lapsing accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

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

**10.4.5 Resolution Pursuant to RSA 34:1 Establishing a Fire Apparatus Replacement Capital Reserve Fund and Supplemental Appropriation of \$500,000.00 in Connection Therewith *first reading and refer to public hearing 4/19/22***

Councilor Lachapelle **MOVED** to read the resolution for a first time and to refer the matter to a public hearing on April 19, 2022. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Callaghan read the resolution as follows:

**Resolution Pursuant to RSA 34:1 Establishing a Fire Apparatus Replacement Capital Reserve Fund and Supplemental Appropriation of \$500,000.00 in Connection Therewith**

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

By adoption of this Resolution, the City Council establishes a Capital Reserve Fund pursuant to RSA 34:1 for the purpose of replacing large fire apparatus. The name of such fund shall be the Fire Apparatus Replacement Capital Reserve Fund.

Further, the City Council hereby appropriates Five Hundred Thousand Dollars (\$500,000.00) to said Fund with the entirety of the said appropriation being derived from the General Fund Unassigned Fund Balance.

Pursuant to RSA 34:6, the Trustees of Trust Funds shall have custody of all capital reserves transferred to the Fire Apparatus Replacement Capital Reserve Fund until such time as the City Council names an agent(s) to carry out the purpose of said Fund. The Trustees of the Trust Fund will hold the monies appropriated to the Fire Apparatus Replacement Capital Reserve Fund in a separate investment account. Appropriations made to the Fire Apparatus Replacement Capital Reserve



Fund will be submitted to the Trustees of the Trust Fund after July 1 but prior to June 30 of the fiscal year of the appropriation.

The City Council may dissolve the Fire Apparatus Replacement Capital Reserve Fund at its sole discretion. Upon dissolution of any portion of said fund any surplus shall be returned to the General Fund as unanticipated revenue.

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.

**10.4.6 Resolution Pursuant to RSA 34:1 Establishing a City Buildings Renovations Capital Reserve Fund and Supplemental Appropriation of \$500,000.00 in Connection Therewith *first reading and refer to public hearing 4/19/22***

Mayor Callaghan read the resolution for a first time by title only as follows:

**Resolution Pursuant to RSA 34:1 Establishing a City Buildings Renovations Capital Reserve Fund and Supplemental Appropriation of \$500,000.00 in Connection Therewith**

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

By adoption of this Resolution, the City Council establishes a Capital Reserve Fund pursuant to RSA 34:1 for the purpose of renovating, enlarging, rehabilitating, relocating and/or constructing City buildings and facilities. The name of such fund shall be the City Buildings Renovations Capital Reserve Fund.

Further, the City Council hereby appropriates Five Hundred Thousand Dollars (\$500,000.00) to said Fund with the entirety of the said appropriation being derived from the General Fund Unassigned Fund Balance.

Pursuant to RSA 34:6, the Trustees of Trust Funds shall have custody of all capital reserves transferred to the City Buildings Renovations Capital

Reserve Fund until such time as the City Council names an agent(s) to carry out the purpose of said Fund. The Trustees of the Trust Fund will hold the monies appropriated to the City Buildings Renovations Capital Reserve Fund in a separate investment account. Appropriations made to the City Buildings Renovations Capital Reserve Fund will be submitted to the Trustees of the Trust Fund after July 1 but prior to June 30 of the fiscal year of the appropriation.

The City Council may dissolve the City Buildings Renovations Capital Reserve Fund at its sole discretion. Upon dissolution of any portion of said fund any surplus shall be returned to the General Fund as unanticipated revenue.

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 refer the matter to a Public Hearing to be held on April 19, 2022. The **MOTION CARRIED** by a unanimous voice vote.

**10.4.7 Resolution Pursuant to RSA 34:1 Establishing a Public Works Apparatus Replacement Capital Reserve Fund and Supplemental Appropriation of \$500,000.00 in Connection Therewith *first reading and refer to public hearing 4/19/22***

Mayor Callaghan read the resolution by title only as follows:

**Resolution Pursuant to RSA 34:1 Establishing a Public Works Apparatus Replacement Capital Reserve Fund and Supplemental Appropriation of \$500,000.00 in Connection Therewith**

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

By adoption of this Resolution, the City Council establishes a Capital Reserve Fund pursuant to RSA 34:1 for the purpose of replacing large Public Works vehicles and equipment. The name of such fund shall be the Public Works Apparatus Replacement Capital Reserve Fund.

Further, the City Council hereby appropriates Five Hundred Thousand Dollars (\$500,000.00) to said Fund with the entirety of the said appropriation being derived from the General Fund Unassigned Fund Balance.

Pursuant to RSA 34:6, the Trustees of Trust Funds shall have custody of all capital reserves transferred to the Public Works Apparatus Replacement Capital Reserve Fund until such time as the City Council names an agent(s) to carry out the purpose of said Fund. The Trustees of the Trust Fund will hold the monies appropriated to the Public Works Apparatus Replacement Capital Reserve Fund in a separate investment account. Appropriations made to the Public Works Apparatus Replacement Capital Reserve Fund will be submitted to the Trustees of the Trust Fund after July 1 but prior to June 30 of the fiscal year of the appropriation.

The City Council may dissolve the Public Works Apparatus Replacement Capital Reserve Fund at its sole discretion. Upon dissolution of any portion of said fund any surplus shall be returned to the General Fund as unanticipated revenue.

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 refer the matter to a Public Hearing to be held on April 19, 2022. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.4.8 Resolution Authorizing \$50,000.00  
Appropriation from the General Fund  
Unassigned Fund Balance for the Creation of a  
History of Rochester *first reading—and  
consideration—for adoption refer to a public  
hearing***

Mayor Callaghan read the resolution for a first time by title only as follows:

**Resolution Authorizing \$50,000.00 Appropriation from the  
General Fund Unassigned Fund Balance for the Creation of a  
History of Rochester**

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

That the amount of Fifty Thousand Dollars (\$50,000.00) is hereby appropriated from the General Fund Unassigned Fund Balance to pay for the costs associated with for the creation of a History of the Town of Rochester.

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. All projects will be assigned a unique account number for tracking and reported purposes.

Mayor Callaghan **MOVED** to refer the matter to a Public Hearing to be held on April 19, 2022. Councilor Lachapelle seconded the motion. Councilor Hailey asked if the City received the information it was expecting from the professor. City Manager Cox replied that the City did receive some information; however, the City has not yet received the specific details about the funding that is needed. Councilor Hailey asked if the process should stop until such information is received. Mayor Callaghan said the process should move forward now: however, more information must be received by the Finance Committee prior to the final approval. The **MOTION CARRIED** by a unanimous voice vote.

**10.4.9 Committee Recommendation: To accept the  
donation of two pallets of N95 masks from  
Walmart at an estimated value of \$14,500  
*consideration for approval***

Councilor Lachapelle **MOVED** to **ACCEPT** the donation of two pallets of N95 Masks from Walmart at an estimated value of \$14,500. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Gray gave reasons why he would be bringing forth a recommendation to utilize at least \$1,000,000.00 from the Unassigned

Fund balance to the Department of Public Works for road maintenance. He said this would assist in getting the City back on track for road maintenance. City Manager Cox questioned if this recommendation would be made as part of the budget adoption or not. Councilor Gray suggested that the money be transferred as quickly as possible in order to utilize some of those funds in this fiscal year. He said any funds not utilized this fiscal year would simply fall back into the Unassigned Fund balance to be reallocated in the next fiscal year's budget.

### **10.5 Planning Board**

No discussion.

### **10.6 Public Safety**

#### **10.6.1 Committee Recommendation: To install a crosswalk across Portland Street to Carole Court with the appropriate signage, at the technical discretion of DPW *consideration for approval***

Councilor Lachapelle **MOVED** to **APPROVE** the Committee's recommendation to install a crosswalk across Portland Street to Carole Court with the Appropriate Signage, at the technical discretion of DPW. Councilor Berlin seconded the motion. Councilor Beaudoin asked where Carole Court is located. Councilor Hainey replied that it is located by the East Rochester School. The **MOTION CARRIED** by a unanimous voice vote.

#### **10.6.2 Committee Recommendation: To install a streetlight on the pole at the entrance of the new Department of Public Works at the technical discretion of DPW *consideration for approval***

Councilor Lachapelle **MOVED** to **APPROVE** the Committee's recommendation to install a streetlight on a pole located at the entrance of the new Department of Public Works Facility at the technical discretion of DPW. Councilor Berlin seconded the motion. A discussion ensued about the necessity of this streetlight; however, it was determined that the streetlight is needed for safety reasons. The **MOTION CARRIED** by a unanimous voice vote.

## 10.7 Public Works

**10.7.1 Committee Recommendation:** To authorize Supplemental Appropriation in the amount of \$500,000 from the General Fund Unassigned Fund Balance for the Paving Rehabilitation Program to include Winkley Farm Lane, Fiddlehead Lane, Bickford Road and other PCI selected streets *refer to Finance Committee*

Councilor Hamann summarized the issue. He **MOVED** to refer the matter to the Finance Committee. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## 11. Old Business

**11.1 Resolution Authorizing Change of Funding from Bond to General Fund Unassigned Fund Balance in the amount of \$3,710,641 *second reading and consideration for adoption***

Mayor Callaghan read the resolution by title only for the second time follows:

**Resolution Authorizing Change of Funding from Bond to General Fund Unassigned Fund Balance in the amount of \$3,710,641**

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

That the amount of Three Million Seven Hundred Ten Thousand Six Hundred Forty One Dollars (\$3,710,641) is hereby authorized as a change of funding from previously adopted Bonding authority to General Fund Unassigned Fund Balance. Thirteen (13) capital improvement projects have been identified (Exhibit A attached) for funding change.

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. All projects will be assigned a unique account number for tracking and reported purposes.

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

**11.2 Resolution Authorizing Transfer of General Fund Unassigned Fund Balance in the amount of \$1,000,084 to the Economic Development Special Reserve Fund *second reading and consideration for adoption***

Mayor Callaghan read the resolution for the second time as follows:

**Resolution Authorizing Transfer of General Fund Unassigned Fund Balance in the amount of \$1,000,084 to the Economic Development Special Reserve Fund**

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

That the amount of One Million Eight Four Thousand Dollars (\$1,000,084) is hereby authorized to be transferred from the General Fund Unassigned Fund Balance to the Economic Development Special Reserve Fund. The funds are hereby appropriated exclusively for economic development activity. Ineligible use of funds are ancillary administrative, marketing, conference, or travel expenses that may be related to the primary economic development activity.

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. All projects will be assigned a unique account number for tracking and reported purposes.

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

Councilor Lachapelle **MOVED** to **AMEND** the Resolution to correct the amount of \$1,000,084.00 to \$1,084,000.00. Councilor Hamann seconded the motion to amend.

Councilor Beaudoin **MOVED** to **AMEND** the motion further by referring the matter back to the Finance Committee for further review. Councilor Beaudoin said there are several issues with the way in which the City of Rochester set up the Economic Development fund under 7-63 of the City Ordinances. He said he realizes that the City Attorney is actively making some recommended changes to the ordinance under section 7-63. He said it makes sense to wait until those changes are completed prior to transferring any more money to that fund. He said this is not a time sensitive issue. Councilor Gray seconded the motion.

Mayor Callaghan called for a motion to amend the amount to \$1,084,000.00 prior to taking up the second amendment made by Councilor Beaudoin. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Beaudoin reiterated his request to refer this matter back to the Finance Committee. He said he does support the action in principle. He said this would give the Economic Development Fund an even \$1.5 million dollars, and once Chapter 7-63 is set up properly it will provide better tracking for the Economic Development Fund; however, the action is not time sensitive and it makes sense to wait for the proposed changes to occur prior to transferring any more funds into that account.

Councilor Larochelle asked the City Manager if there would be a negative impact on the Economic Development Fund if the resolution is delayed. City Manager Cox replied no.

City Attorney O'Rourke explained that when Chapter 7-63 was adopted back in 1998, it seemed to be created with a mix/match approach between a Special Revenue Fund and a Capital or Non-Capital Reserve Fund. As a result, there is language from both types of funds in this section of the ordinances and that the City has been operating in this manner for the last 24 years. He said the main purpose of this fund is to take money from one part of the City budget and deposit it into another part of the budget, which is a specific fund related to Economic Development. The plan is to amend Section 7-63 to create a new Non-Capital Reserve Fund for Economic Development, which will have the same purposes as the ordinance has now; however, it will follow the RSA under Chapter 34 which is the more appropriate RSA to follow for this



type of fund. He recommended following through with the resolution as proposed because once Chapter 7-63 has been adopted all the money will be transferred over to the new fund. He said the Finance Department has confirmed that none of the Economic Development Funds would be expended during that timeframe. He gave the following timeline for the adoption of that Amendment: He said an amendment to the City Ordinances of Section 7-63 shall be discussed at the April 12, 2022, Finance Committee meeting. It shall be advanced to the full City Council on May 3, 2022, after which a Public Hearing will be held on May 17, 2022, and finally consideration for adoption will be held at the June 7, 2022, meeting. He said this action would be followed by a final resolution to transfer all the money out of what is now called the Economic Development Special Reserve Fund to the new Non-Capital Reserve Fund for Economic Development. At that point, any remaining funds in the old fund would be deauthorized.

Councilor Gray said this is the first time the proposed plan is being heard by the City Council and Councilor Beaudoin has legitimate concerns. He supported delaying the motion to adopt the resolution. Councilor Beaudoin said the money currently exist in the unassigned fund balance and it could remain there until chapter 7-63 is updated.

Deputy Finance Director Mark Sullivan said there are two issues. The first issues is with the City's ordinance relative to Chapter 7-63, as it currently exist, and as it has existed, over the past two decades. He said the original ordinance is paired up with RSA 47:1 A & B. He said that, with this ordinance, the City has operated under the spirit of meeting all regulatory requirements of this RSA for several decades. During that time, the City has submitted all reporting requirements to the State and has been through yearly audits, and no one had ever questioned that process.

The other issue is to simply decide whether or not to transfer this money into the existing account under the current ordinance 7-63.

Mr. Sullivan said recently, Councilor Beaudoin questioned if the Economic Development Special Reserve Fund is being utilized in the correct manner. He said the City Attorney's testimony supports that Chapter 7-63 could be made better and it should be reviewed.

Mr. Sullivan said if the City Council delays the transfer of these funds there could be an unintended consequence because there are already funds committed on the current balance. He said there is a balance of \$216,000, of which Economic Development is seeking to spend approximately \$47,000 in the near future. He said if this transfer is delayed, then subsequently all activity in the fund should be halted. He questioned if that needs to happen since the City has operated in this manner for so long and it is essentially a bookkeeping maneuver. He said the end result will be a better product that includes better tracking of the Economic Development Fund.

Councilor Beaudoin asked what type of accounting the City Council will be receiving once the transaction has occurred and how frequently the City Council would receive such reporting. Mr. Sullivan said the Economic Development Department must still seek permission from the City Council before any expenditures are made. He said reports would be generated and submitted through the Finance Committee and explained that the transactions are always included; however, these transactions would be separated out in order to show a clear picture of what has been spent and what funds are coming in to the fund (such as a land sale). He said it would be performance-based; the Economic Development Department and Commission would have a defined budget and all activity would be monitored through one account structure versus the way it is currently operating through supplemental appropriations utilizing the Unassigned Fund balance, which has made tracking more difficult through the years.

Councilor Beaudoin **WITHDREW** his motion to amend the motion and Councilor Gray **WITHDREW** his second to that motion.

Mayor Callaghan called for a vote on the motion as amended. The **MOTION CARRIED** by a unanimous voice vote. The resolution as amended is as follows:

**Resolution Authorizing Transfer of General Fund Unassigned Fund Balance in the amount of \$1,084,000 to the Economic Development Special Reserve Fund**

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

That the amount of One Million Eighty Four Thousand Dollars (\$1,084,000) is hereby authorized to be transferred from the General Fund Unassigned Fund Balance to the Economic Development Special Reserve Fund. The funds are hereby appropriated exclusively for economic development activity. Ineligible use of funds are ancillary administrative, marketing, conference, or travel expenses that may be related to the primary economic development activity.

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. All projects will be assigned a unique account number for tracking and reported purposes.

**11.3 Resolution Authorizing Supplemental Appropriation to the General Fund Capital Improvement Project (CIP) Fund in the amount of \$1,565,000.00 and to the Water Fund CIP Fund in the amount of \$1,235,000.00 for the so-called Woodman Area Reconstruction Project and Borrowing Authority Pursuant to RSA 33:9  
*second reading and consideration for adoption***

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing Supplemental Appropriation to the General Fund Capital Improvement Project (CIP) Fund in the amount of \$1,565,000.00 and to the Water Fund CIP Fund in the amount of \$1,235,000.00 for the so-called Woodman Area Reconstruction Project and Borrowing Authority Pursuant to RSA 33:9**

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

That the sum of One Million Five Hundred Sixty Five Thousand Dollars (\$1,565,000.00) be, and hereby is, appropriated as a supplemental appropriation to the General Fund CIP Fund and One Million Two Hundred Thirty Five Thousand Dollars (\$1,235,000.00) to the Water Fund CIP Fund for the purpose of providing funds necessary to pay costs and/or

expenditures with respect to the so-called Woodman Area Reconstruction Project.

**Further**, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of Two Million Eight Hundred Thousand Dollars (\$2,800,000.00), through the issuance of bonds and/or notes, and/or through other legal form(s), for the purposes of funding the expenditures incident to the implementation of the Project outlined, and referred to, in the preceding paragraph, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to 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. All projects will be assigned a unique account number for tracking and reported purposes.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Hamann seconded the motion. Council briefly discussed the matter. The **MOTION CARRIED** by a unanimous voice vote.

## **12. Consent Calendar**

No discussion.

## **13. New Business**

**13.1. Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Wastewater Treatment Facility (WWTF) Secondary Clarifier Project in the Amount of up to \$600,000.00 *first reading and consideration for adoption***

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Wastewater Treatment Facility (WWTF) Secondary Clarifier Project in the Amount of up to \$600,000.00**

**BE IT RESOLVED BY THE MAYOR AND THE 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 Department of Public Works to submit a loan application in the amount of up to Six Hundred Thousand Dollars (\$600,000.00) to the NHDES CWSRF Loan program in order to finance the WWTF Secondary Clarifier Project.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the loan amount of up to Six Hundred Thousand Dollars (\$600,000.00) the NHDES CWSRF Loan program.

Further, the Mayor and City Council of the City of Rochester, by adoption of this Resolution authorize the City Manager and/or the Finance Director to act as the City's representative(s) for the execution of all documents necessary to complete the application to the CWSRF, process disbursements and execute loan documents associated with CWSRF.

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.

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

**13.2. Resolution Authorizing Supplemental Appropriation to the Sewer Capital Improvements Plan (CIP) Fund in the amount of \$990,000.00 for the Wastewater Treatment**

**Facility (WWTF) Secondary Clarifier Project**  
***first reading and refer to public hearing***  
***4/19/22***

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing Supplemental Appropriation to the Sewer Capital Improvements Plan (CIP) Fund in the amount of \$990,000.00 for the Wastewater Treatment Facility (WWTF) Secondary Clarifier Project**

**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 hereby authorized a supplemental appropriation to the Sewer Capital Improvements Plan Fund in the amount of Nine Hundred Ninety Thousand Dollars (\$990,000.00) for the WWTF Secondary Clarifier project with the funding for said appropriation to be derived as follows: Six Hundred Thousand Dollars (\$600,000.00) from a New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan and Three Hundred Ninety Thousand Dollars (\$390,000.00) from State of New Hampshire ARPA Grant funds.

Further, by adoption of this Resolution, the City of Rochester hereby accepts Three Hundred Ninety Thousand Dollars (\$390,000.00) in ARPA Grant funds from the State of New Hampshire.

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 refer the matter to a Public Hearing on April 19, 2022. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13.3. Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services**

**(NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Ledgeview Drive Pump Station Upgrade Project in the Amount of up to \$885,500.00 *first reading and consideration for adoption***

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing the Application for and Acceptance of a State of New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan for the Ledgeview Drive Pump Station Upgrade Project in the Amount of up to \$885,500.00**

**BE IT RESOLVED BY THE MAYOR AND THE 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 Department of Public Works to submit a loan application in the amount of up to Eight Hundred Eighty Five Thousand Five Hundred Dollars (\$885,500.00) to the NHDES CWSRF Loan program in order to finance the Ledgeview Drive Pump Station Upgrade Project.

It is further resolved that the Mayor and City Council of the City of Rochester, by adoption of this Resolution, accept the loan amount of up to Eight Hundred Eighty Five Thousand Five Hundred Dollars (\$885,500.00) from the NHDES CWSRF Loan program.

Further, the Mayor and City Council of the City of Rochester, by adoption of this Resolution authorize the City Manager and/or the Finance Director to act as the City's representative(s) for the execution of all documents necessary to complete the application to the CWSRF, process disbursements and execute loan documents associated with CWSRF.

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.

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

**13.4. Resolution Authorizing Supplemental Appropriation to the Department of Public Works Sewer Capital Improvements Plan (CIP) Fund in the amount of \$1,265,000.00 for the Ledgeview Drive Pump Station Upgrade Project**  
*first reading and refer to public hearing 4/19/22*

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing Supplemental Appropriation to the Department of Public Works Sewer Capital Improvements Plan (CIP) Fund in the amount of \$1,265,000.00 for the Ledgeview Drive Pump Station Upgrade Project**

**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 hereby authorized a supplemental appropriation to the Sewer Capital Improvements Fund in the amount of One Million Two Hundred Sixty Five Thousand Dollars (\$1,265,000.00) with the funding for said appropriation to be derived as follows: Eight Hundred Eighty Five Thousand Five Hundred Dollars (\$885,000.00) from a New Hampshire Department of Environmental Services (NHDES) Clean Water State Revolving Fund (CWSRF) Loan and Three Hundred Seventy Nine Thousand Five Hundred Dollars (\$379,500.00) from State of New Hampshire ARPA Grant funds.

Further, by adoption of this Resolution, the City of Rochester hereby accepts Three Hundred Seventy Nine Thousand Five Hundred Dollars (\$379,500.00) in ARPA Grant funds from the State of New Hampshire.

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 refer the matter to a Public Hearing to be held on April 19, 2022. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**13.5. Resolution Authorizing the Application for a State of New Hampshire Department of Environmental Services (NHDES) Critical Flood Risk Infrastructure Grant Program (CFRING) Grant for Gonic Dam/Gonic Sawmill Dam Project in the Amount of up to \$150,000.00**  
*first reading and consideration for adoption*

Mayor Callaghan read the resolution by title only as follows:

**Resolution Authorizing the Application for a State of New Hampshire Department of Environmental Services (NHDES) Critical Flood Risk Infrastructure Grant Program (CFRING) Grant for Gonic Dam/Gonic Sawmill Dam Project in the Amount of up to \$150,000.00**

**BE IT RESOLVED BY THE MAYOR AND THE 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 submission a loan application in the amount of up to One Hundred Fifty Thousand Dollars (\$150,000.00) to the NHDES CFRING Grant program in order to finance portions of the Gonic Dam/Gonic Sawmill Dam Project. The Project is being carried out by Gosport Properties, LLC, owner of the Gonic Dam and Keeper Striper Properties, LLC, owner of the Gonic Sawmill Dam.

Further, the Mayor and City Council of the City of Rochester, by adoption of this Resolution authorize the City Manager and/or the Finance Director to act as the City's representative(s) for the execution of all documents necessary to complete the application to the CFRING, process disbursements and execute loan documents associated with CFRING

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.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Hamann seconded the motion. Attorney O'Rourke spoke in support of this project. He said all back-up material has been provided in the packet. He said Gosport Properties, LLC has been working with the State to remove the two dams in Gonic (Cocheco River). He said this grant would allow the company (Gasport Properties LLC) to hire engineers and experts to accomplish two things: The first is to test the sediments behind the dam and the second is to protect the City's sewer lines while the dams are being removed. He said the LLC needed to work with the City to apply for the grant. Mayor Callaghan asked if the City is liable for any of the work. City Attorney O'Rourke replied no. The **MOTION CARRIED** by a unanimous voice vote.

**13.6. Unsealing of Non-public minutes *Motion to unseal the following:***

**13.6.1. March 2, 2021, RSA 91-A:3, II(d) Land**

**13.6.2. April 6, 2021, RSA 91-A:3, II(d) Land**

**13.6.3. April 20, 2021, RSA 91-A:3, II(d) Land**

**13.6.4. June 1, 2021, RSA 91-A:3, II(d) Land**

**13.6.5. July 6, 2021, RSA 91-A:3, II(d) Land**

**13.6.6. August 3, 2021, RSA 91-A:3, II(d) Land**

Councilor Lachapelle **MOVED** to **UNSEAL** the above-mentioned Non-Public Meeting Minutes. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**14. Non-Public/Non-Meeting**

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

Councilor Lachapelle **MOVED** to enter into a Non-Public Session at 7:07 PM under RSA 91-A:3,II (d). Councilor Rice seconded the

motion. The **MOTION CARRIED** by a 12 to 0 roll call vote as follows: Councilors Rice, Beaudoin, Hamann, Lachapelle, Malone, Berlin, Hainey, Larochelle, Gray, Gilman, Fontneau, and Mayor Callaghan voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Session at 7:29 PM. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Rice **MOVED** to seal the minutes because disclosure would render the proposed action ineffective. Councilor Malone seconded the motion. The **MOTION CARRIED** by a 12 to 0 roll call vote as follows: Councilors Hainey, Gray, Malone, Gilman, Fontneau, Larochelle, Rice, Berlin, Beaudoin, Hamann, Lachapelle, and Mayor Callaghan voted in favor of the motion.

## **15. Adjournment**

Mayor Callaghan **ADJOURNED** the meeting at 7:30 PM.

Respectfully submitted,

Kelly Walters, CMC  
City Clerk