

**City Council Public Hearing
March 31, 2020
Meeting Conducted Remotely
7:00 PM**

COUNCILORS PRESENT REMOTELY

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 REMOTELY

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Peter Nourse, Director of City Services
Michael Scala, Director of Economic
Development

MINUTES

1. Call to Order

Mayor McCarley called the City Council Public Hearing order and made the following statement:

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.

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting.

As noted in the public notice for tonight's Public Hearings, we have accepted public comment by way of e-mail, voicemail, and standard mail prior to the start of this meeting. These comments will be read aloud tonight during the Public Hearings. No further comment will be accepted tonight.

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 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.

Kelly Walters, City Clerk, called the roll. All Councilors were present. In addition, all Councilors indicated that they were alone in the location from which they were connecting remotely.

Mayor McCarley referred to the resolutions below and stated that two written comments were received in the acceptable manner and would be read by the City Manager.

2. Resolution Authorizing Supplemental Appropriation in the Amount of \$100,000 to the Assessing Department's FY20 Operating Budget for the Purchase of Assessing Software

Resolution Authorizing Supplemental Appropriation in the Amount of \$100,000.00 to the Assessing Department's FY20 Operating Budget for the Purchase of Assessing Software

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

The Mayor and City Council authorize a supplemental appropriation to the Assessing FY20 Operating Budget in the amount of One Hundred Thousand Dollars (\$100,000.00) to fund costs associated with the replacement and upgrade of Computer Assisted Mass Appraisal (CAMA) assessing software. The entire amount of the supplemental appropriation shall be derived 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 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.

3. Resolution Granting Community Revitalization Tax Relief to the Property Located at 28 North Main Street Under the Provisions of RSA 79-E in Connection with a Proposed Rehabilitation Project

Resolution Granting Community Revitalization Tax Relief to the Property Located at 28 North Main Street Under the Provisions of RSA 79-E in Connection with a Proposed Rehabilitation Project

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

Whereas, in an effort to stimulate local economic development and enhance City downtowns and Town centers, the New Hampshire Legislature has enacted RSA Chapter 79-E, entitled "Community Revitalization Tax Relief Incentive"; and

Whereas, the City of Rochester adopted the provisions of such Community Revitalization Tax Relief Incentive Program pursuant to RSA Chapter 79-E by Resolution of the City Council on October 7, 2008; and

Whereas, Ventina, LLC, owner of the so-called 28 North Main Street in downtown Rochester, is desirous of making use of the benefits of RSA Chapter 79-E and it has, therefore, proposed a substantial rehabilitation project with respect to the structure located upon the so-called 28 North Main Street; and

Whereas, RSA Chapter 79-E requires that the governing body of the City of Rochester make certain findings and determinations with regard to a proposed substantial rehabilitation project in order for the structure to qualify for the RSA Chapter 79-E Community Revitalization Tax Relief Incentive;

Now, Therefore, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby make the following findings and determinations with respect to the proposed substantial rehabilitation proposal for the so-called 28 North Main Street property contemplated by the owner's Community Revitalization Tax Relief Application dated February 19, 2020, to wit:

(1) Any tax relief under the provisions of RSA Chapter 79-E or this resolution that is to be accorded with respect to the so-called 28 North Main Street property project shall be accorded only after the property owner grants to the City a covenant pursuant to the provisions of RSA 79-E:8 ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and in accordance with the requirements of RSA 79-E:8; and

(2) The Mayor and City Council find public benefits under RSA 79-E:7 in the proposed revitalization project proposed with respect to the so-called 28 North Main Street property project; and

(3) The proposed substantial rehabilitation project with respect to the aforesaid 28 North Main Street provides the following public benefits to downtown Rochester:

- I. It enhances the economic vitality of the downtown;
- II. It enhances and improves a structure that is culturally and historically important on a local level, within the context of the City's Historic District and the City center in which the building is located;
- III. It promotes development of downtown Rochester, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B;

(4) The specific public benefit is preserved through a covenant under RSA 79-E:8 if the project is implemented consistent with (a) the aforementioned application; (b) the terms of this resolution; and (c) any other applicable requirements of Chapter 79-E; and

(5) The Mayor and City Council find that the proposed use is consistent with the City's Master Plan and development regulations.

Furthermore, as a result of making such determinations and findings, and subject to the owner's compliance therewith, and with the provisions of RSA Chapter 79-E, the Mayor and City Council hereby grant the requested tax relief for a period of seven (7) years beginning with the completion of the substantial rehabilitation of the structure upon the so-called 28 North Main Street property.

4. Resolution Authorizing Transfer from the General Fund Unassigned Fund Balance to the School Building Capital Reserve Fund in the amount of \$1,664,787.00

Resolution Authorizing Transfer from the General Fund Unassigned Fund Balance to the School Building Capital Reserve Fund in the amount of \$1,664,787.00

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

Pursuant to New Hampshire RSA Chapter 34, that One Million Six Hundred

Sixty Four Thousand Seven Hundred Eighty Seven Dollars (\$1,664,787.00) be, and hereby is, transferred from the General Fund Unassigned Fund Balance to the School Building Capital Reserve Fund, which was created by the City Council by way of Resolution on December 15, 2015.

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.

- 5. Supplemental for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the Department of Public Works (DPW) Sewer Capital Improvements Plan (CIP) Fund for National Pollution Discharge Elimination System (NPDES) Permit Technical and Legal Assistance in an amount not to exceed \$300,000.00**

**Resolution for Supplemental Appropriation and Authorizing
Borrowing Authority Pursuant to RSA 33:9 to the Department of
Public Works (DPW) Sewer Capital Improvements Plan (CIP) Fund
for National Pollution Discharge Elimination System (NPDES) Permit
Technical and Legal Assistance in an amount not to exceed
\$300,000.00**

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 appropriate an amount not to exceed Three Hundred Thousand Dollars (\$300,000.00) to the DPW Sewer CIP Fund for the purpose of paying costs associated with procuring technical and legal assistance related to the NPDES Permit, and further;

In accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby is authorized to borrow the sum of Three Hundred Thousand Dollars (\$300,000.00) through the issuance of bonds and/or notes, and/or through other legal form(s), such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate

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

6. Resolution Authorizing the Issuance of Refunding Bonds in Accordance with RSA 33:3-d

**Resolution Authorizing the Issuance
of Refunding Bonds in accordance
with RSA 33:3-d**

WHEREAS, the City of Rochester, New Hampshire (the "City") has issued certain \$9,263,000 General Obligation Bonds dated January 15, 2010 (the "2010 Bonds"), which 2010 Bonds that mature on January 15 of the years 2021 through 2030, inclusive, currently outstanding in the aggregate principal amount of Three Million Four Hundred Fifty Thousand Dollars (\$3,450,000.00) are eligible to be refunded at par on any interest payment date on or after January 15, 2020 (the "Refunded Bonds"); and

WHEREAS, it appears likely that bonds issued today would have a net interest cost less than the net interest cost on the Refunded Bonds; and

WHEREAS, the City may be able to realize debt service savings by issuing certain refunding bonds (the "Refunding Bonds"), the proceeds of which would be utilized to current refund the Refunded Bonds and to pay certain other costs relating thereto;

NOW THEREFORE, BE IT RESOLVED that the City, acting by and through its Mayor and City Council, hereby authorizes the issuance of Refunding Bonds pursuant to the provisions of RSA 33:3-d, the proceeds of which shall be utilized to current refund the Refunded Bonds, to pay the redemption premium, if any, applicable thereto, any principal and interest coming due on the Refunded Bonds prior to any redemption date, and to pay the costs of issuance of the Refunding Bonds, including any costs of credit enhancement; provided, however, that such refunding is only authorized to the extent that the same will achieve a net present value debt service savings in an amount equal to at least three percent (3%) of the outstanding principal amount of the Refunded Bonds; and

IT IS FURTHER RESOLVED that the City Treasurer, with the approval of the City Manager, is hereby authorized to issue the aforesaid Refunding Bonds by entering into a Bond Purchase Contract with such bond purchaser or underwriter as they may deem appropriate in connection with the issuance of the Refunding Bonds to evidence the City's approval of the terms and conditions of the Refunding Bonds; and

IT IS FURTHER RESOLVED that an Escrow Contract and such other documents as shall be required in connection with the issuance of the Refunding Bonds shall be signed on behalf of the City by the aforementioned individuals, or such other individuals as may be required by state law or as may be specified by bond counsel; and engage such other professionals (including a Municipal Advisor, Escrow Agent, Verification Agent and Paying Agent), and to do such other things as are necessary to consummate the aforesaid refunding; and

IT IS FURTHER RESOLVED that all actions heretofore taken by the City consistent with the foregoing are hereby confirmed, ratified and approved.

City Manager Cox read a total of two emails submitted electronically from the individuals listed below. Their comments shall be included with the City Council packet as an Addendum.

- Ray Barnett, Resident
- Lou Archembault, Resident

Mayor McCarley mentioned that the City Manager had reached out to Mr. Barnett and had a conversation to answer some of the questions he submitted.

City Manager Cox said that Mr. Barnett had several questions about how supplemental appropriations from undesignated fund balance might impact the tax cap. City Manager Cox explained that the supplemental appropriations from the undesignated fund balance have no impact on the tax cap calculation for the current fiscal year or the next fiscal year calculation. He added that the tax cap calculation is based on the prior year's total assessed property taxes.

City Manager Cox also stated that Mr. Barnett objected to approving the Assessing Software purchase and that such purchase should wait for the FY 21 budget cycle. City Manager Cox said the Assessing Department has expressed that this is a timing issue for their department. It is important to receive the appropriation now, rather than waiting another three or four months, in order to have the replacement software implemented in time for the next tax year.

7. Adjournment

Mayor McCarley closed the Public Hearing at 7:16 PM.

Respectfully submitted,

Kelly Walters, CMC
City Clerk