

**Regular City Council Meeting
June 2, 2020
Meeting Conducted Remotely
6:30 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Mark Sullivan, Deputy Finance Director
Mark Klose, Fire Chief

Minutes

1. Call to Order

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

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

a.) **Providing public access to the meeting by telephone:** 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. The public can call-in to the below number using the conference code. Some meetings will allow live public input, however you must have pre-registered online, otherwise, the meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken during the meeting. [Public Input Registration](#) (Please note: In order to notify the meeting host that you would like to speak, press 5* to be recognized and unmuted)

Phone number: 857-444-0744

Conference code: 843095

b.) **Public Access Troubleshooting:** If any member of the public has difficulty accessing the meeting by phone, please email PublicInput@RochesterNH.net or call 603-332-1167.

c.) **Public Input:** Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the City Council (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

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

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

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

Let's start the meeting by taking a Roll Call attendance. When each member states their name (and/or ward), also please state whether there is anyone in

the room with you during this meeting, which is required under the Right-to-Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)

Deputy City Clerk Cassie Givara 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.

2. Opening Prayer

Mayor McCarley asked for all attending to join in a moment of silence to reflect on our Country's continued battle with racism and the horrific events of the past week across the United States.

3. Pledge of Allegiance

Mayor McCarley asked all gathered to stand and join in reciting the Pledge of Allegiance.

4. Roll Call

Deputy City Clerk Cassie Givara had taken the roll following the preamble earlier in the meeting.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: May 5, 2020 *consideration for approval*

Councilor Walker **MOVED** to approve the minutes of the May 5, 2020 regular meeting. Councilor Lachapelle seconded the motion. Councilor Lauterborn offered a correction to the minutes. She directed Council to page 14 of the minutes; in the last paragraph it reads "Councilor Lachapelle **MOVED** to adopt the amendment to the sewer ordinance" but the vote was actually for the water ordinance. Councilor Lauterborn asked that the word "sewer" be corrected to "water." The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Walker, Belken, Bogan Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor

5.2 City Council Special Meeting: May 19, 2020 *consideration for approval*

Councilor Walker **MOVED** to approve the minutes of the May 19, 2020

special meeting. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley all voting in favor

6. Communications from the City Manager

City Manager Cox gave an update on the work the City has been doing in order to facilitate in-person board and Council meetings. He stated that there has been a dry run with a small amount of staff, but the logistics have not yet been worked out. City Manager Cox said they have acquired a new piece of hardware and will try another trial next week with hopes of having the first in-person City Council Meeting on June 16, 2020.

6.1 City Manager's Report

No Discussion.

7. Communications from the Mayor

Mayor McCarley reported that she has been contacted by the League of Conservation Voters in regards to net metering bills which are being heard in Concord. She said the Mayors have been asked to consider signing on to support this legislation or an amendment thereof. Mayor McCarley indicated she is looking for a motion from Council to support her signing.

Councilor Lachance **MOVED** to endorse Mayor McCarley signing the letter in support of net metering. Councilor Lauterborn seconded the motion. Councilor Walker asked for a synopsis on the net metering issue. Mayor McCarley said that it involves selling extra power back to the grid. She indicated that there is a question on the potential impact on businesses and whether or not there is a competitive aspect to the selling back of power. Councilor Gray said the reason this has been vetoed over the past few years involves who pays for the reduction for the people doing the net metering. If a City has solar cells, the amount they'd have to be refunded for any energy which goes out onto the grid is higher than what the energy companies would pay if they bought the energy on the market. Councilor Gray stated that there is a conflict as this applies to lower income housing; this bill could raise energy costs if the amount being rebated to the people generating energy onto the net receive the price as it appears in this bill and in previous bills.

Councilor Lachance asked City Manager Cox if the City of Rochester is ever in a position where their power-generating sources generate more power than the City uses. City Manager Cox stated that the City currently does not

have any power-generating sources. It was clarified that the on the school side, there are solar panels in use. Paul Lynch, Chair of the School Board, stated that in the summer months the schools produces enough energy that they get credits towards power consumption bill.

The **MOTION CARRIED** to endorse Mayor McCarley signing the letter in support of net metering by a 12 – 1 roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Rice, Bogan, Hainey, Lachapelle, Lauterborn and Mayor McCarley voting in favor and Councilor Gray voting opposed.

8. Presentation of Petitions and Council Correspondence

No Discussion.

9. Nominations, Appointments, Resignations, and Elections

No Discussion.

10. Reports of Committees

10.1 Fidelity Committee

Councilor Hutchinson reported that the committee had met via Zoom meeting on May 14, 2020. The Committee discussed the increased need for housing and rental assistance funding reported, and at the time of the meeting the CARES act money for housing had not yet been released. There were also issues reported of stimulus money being considered as income which is causing some of those in need to become ineligible for certain benefits due to this added "income."

Councilor Hutchinson reminded Council that the Committee still has access to \$500,000 for the construction or establishment of a regional shelter, which could include the renovation of an existing structure. Thus far, there has been no interest shown by any of the local communities in housing such a shelter, and Councilor Hutchinson suggested the Council consider the possibility of Rochester being the location of this potential facility.

Councilor Hutchinson stated that John Burns from SOS had spoken to the Committee regarding a mobile health unit currently located in Dover. The unit offers behavioral health consultations as well as medical care and suboxone or methadone treatments for those in need. Mr. Burns had reported that he had originally reached out to the City of Rochester in hopes of locating the unit in the City once weekly, but there had been no agreement made with

Rochester. Councilor Hutchinson inquired why the discussion to locate the mobile health unit in Rochester had not gone further. City Manager Cox indicated that Mr. Burns had reached out to City administration in regards to the idea of this unit and the potential of locating it within Rochester; after several rounds of questions back and forth, the discussions had ceased when Mr. Burns indicated the mobile unit was being set up in Dover. There was discussion about Mr. Burns potentially starting discussions again with Rochester if they are able to expand their services in the future and determine whether or not an additional unit could be located in Rochester.

Councilor Hutchinson referenced the shower unit which had been deployed in Rochester for the homeless community. The unit is currently not up and running due to lack of participation, but there does seem to be a need in Dover. Councilor Hutchinson inquired if the shower could be deployed to Dover where it can be better utilized. City Manager Cox indicated that when the unit was originally constructed, the intention was that it could be used in Dover and Somersworth as well if the need arose.

Mayor McCarley said that there had been a recent meeting with the City Manager and several local non-profits and churches to discuss the reluctance of organizations to step forward and offer facilities for cold weather centers. The Mayor said that although some of the reasoning was logistics with how the facilities are set up and which areas can be utilized, a majority of the reasoning is lack of volunteers and burnout of current volunteers. Councilor Hutchinson said there was a discussion by the Committee regarding the potential of offering pay for a limited portion of volunteers in the form of stipends and the committee is currently looking into CDBG for funds as well as other grant and funding opportunities.

10.2 Public Works

10.2.1 Committee Recommendation: To accept the donation of banners supporting the graduating class of 2020 and approval for the banners to be hung on light posts downtown consideration for acceptance

Councilor Walker **Moved** to accept the donation of the banners. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley all voting in favor.

10.2.2 Committee Recommendation: To approve the

DPW plan to pave Salmon Falls Road this season and to continue with the FY2020 paving in late fall or early next paving season *consideration for acceptance*

Councilor Walker **MOVED** to approve the DPW plan to pave Salmon Falls Road and to continue with the FY20 paving schedule. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor.

10.2.3 Resolution Authorizing Acceptance of a \$1,664,000.00 Grant from the New Hampshire Department of Environmental Services (NHDES) Drinking Water/Groundwater Trust Fund (DWGWTF) and a \$993,000.00 Grant from the MTBE Remediation Bureau Fund and Supplemental Appropriation to the Water Fund CIP in an amount of \$3,888,000.00 for Route 202A Water Main Extension Project In Connection Therewith *first reading and refer to public hearing June 16, 2020*

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Hamann seconded the motion. Councilor Walker read the resolution title in full. There was a discussion regarding point of order. Councilor Lachapelle recommended there be a single motion to read for a first time and refer to a public hearing. Councilor Walker withdrew his motion and Councilor Hamann withdrew his second. Councilor Lachapelle **MOVED** to read the resolution for a first time by title only and refer to a public hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley all voting in favor. Councilor Walker read the resolution for a first time by title only as follows:

Resolution Authorizing Acceptance of a \$1,664,000.00 Grant from the New Hampshire Department of Environmental Services (NHDES) Drinking Water/Groundwater Trust Fund (DWGWTF) and a \$993,000.00 Grant from the MTBE Remediation Bureau Fund and Supplemental Appropriation to the Water Fund CIP in an amount of

**\$3,888,000.00 for Route 202A Water Main Extension Project In
Connection Therewith**

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

The City of Rochester hereby accepts a grant from the NHDES DWGWTF in the amount of One Million Six Hundred Sixty Four Thousand Dollars (\$1,664,000.00) and a grant from the MTBE Remediation Bureau Fund in the amount of Nine Hundred Ninety Three Thousand Dollars (\$993,000.00).

It is further resolved that the amount of Three Million Eight Hundred Eighty Eight Thousand Dollars (\$3,888,000.00) is hereby appropriated as a supplemental appropriation to the Department of Public Works Water CIP fund for the purpose of paying costs associated with the Route 202A Water Main Extension

The cash funds for this supplemental appropriation shall be derived as follows: Nine Hundred Ninety Three Thousand Dollars (\$993,000.00) from an MtBE Remediation Bureau Grant, One Million Six Hundred Sixty Four Thousand Dollars (\$1,664,000.00) from an NHDES DWGWTF Grant, and One Million Two Hundred Fifty One Thousand Dollars (\$1,251,000.00) from the Water Fund Retained Earnings Account.

Still further, the City Manager and Deputy City Manager are hereby authorized to execute all documents necessary to complete the above transactions on behalf of the City.

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.

Mayor McCarley noted that the Public Hearing will take place on June 16, 2020.

Peter Nourse, Director of City Services, made a clarification to the motion. He stated that the way the resolution reads indicates that the Water Fund would be supporting \$3,888,000; but the way it is structured the Water Fund would actually be providing a \$1,251,000 portion of the total cost.

10.2.4 Committee Recommendation: To approve the removal of the black posts around the downtown trees *consideration for acceptance*

Councilor Walker **MOVED** to approve the removal of the black posts around the trees downtown. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley all voting in favor.

11. Old Business

11.1 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 \$600,000.00 *second reading and consideration for adoption*

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

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 \$600,000.00

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 Six Hundred Thousand Dollars (\$600,000.00) 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 Six Hundred Thousand Dollars (\$600,000.00) 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 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 Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor.

12. Consent Calendar

There are no items on the consent calendar.

13. New Business

13.1 *Discussion: Final Budget adjustments motion to accept the Committee of the Whole budget adjustments*

Mayor McCarley indicated that per the City Attorney's advice, there needed to be a motion to go into a Committee of the Whole Workshop in order to review budget proposals. Councilor Walker **MOVED** to go into a Committee of the Whole Workshop at 7:06 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley all voting in favor.

Mayor McCarley suggested a vote to accept the budget adjustments which had been supplied in the meeting packet; this will give Council a starting number to work from and any further adjustments can be made from that starting point. Councilor Lachapelle **MOVED** to accept the Committee of the

Whole budget adjustments which were supplied by the finance department. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley all voting in favor.

Mayor McCarley stated that after the initial adjustments, the budget currently stands at \$7,499 over the tax cap.

Councilor Lachapelle **MOVED** to reduce the bottom line school budget (expenses only) by \$7,499 in order to make the school budget tax cap compliant. Councilor Lachance seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley all voting in favor.

Councilor Lauterborn **MOVED** to remove the Sewer Department item on page 122 of the CIP book for "NPDES Permit Technical/Legal Support" for \$500,000 bond. Councilor Walker seconded the motion. Councilor Lauterborn clarified that the item is for the following year, but the money is being requested in the current year's budget. Katie Ambrose, Finance Director, confirmed that earlier in the evening when Council had approved the supplemental appropriation for \$600,000 it made the bond unnecessary. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Walker, Belken, Bogan Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor.

Councilor Lachapelle **MOVED** to **AMEND** the City Manager's O&M proposed budget under General Fund Revenues "General Overhead" account #401603 "Rooms and Meals Tax" to be increased by \$500,000 for a new total of \$1,500,000. Councilor Lauterborn seconded the motion. Mayor McCarley gave some background on the item and reported that the State has assured the City that these funds will be coming this year. Councilor Lachance asked if it is possible that the legislature could change the State law, changing this number and reducing the payments from the State to the City. Mayor McCarley stated was unlikely, but clarified that this money will be moved into a contingency line item which will then go back to fund balance at the end of the year, so this motion is appropriate. Councilor Lauterborn also stated that the legislature is meeting for the last time on June 11 and the City will not adopt the budget until June 16. If the State does change these numbers,

Council will know prior to budget adoption and can adjust accordingly. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley all voting in favor.

Councilor Lauterborn **MOVED** to appropriate \$217,680 of the \$500,000 to fund the anticipated HCA ambulance contract with the remainder of the money going into the general fund contingency. Councilor Lachance seconded the motion. Finance Director Ambrose wanted to clarify that the motion reflects the \$7,499 offset from the tax cap. Councilor Lauterborn indicated she would deal with the \$7,499 in a separate motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley all voting in favor.

Councilor Lauterborn **MOVED** to remove the duplicate police department O&M budget clothing line of \$7,499. Councilor Walker seconded the motion. Mayor McCarley asked if this motion would put the budget at the tax cap. Finance Director Ambrose confirmed that this motion would place the budget at the tax cap. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley all voting in favor.

There was a brief discussion on where the budget stands at this point in relation to the tax cap. Finance Director Ambrose stated that the Council is currently at the tax cap.

Councilor Lachance **MOVED** to **increase** the City Manager's O&M proposed Budget (Debt service, O&M page 104 "other goods and services" account # 583000 Account name "Interest expense") of \$963,705 by \$44,970 for a new total of \$1,008,675 due to a revised 20-year schedule to a refunding of bonds. Councilor Walker seconded the motion. Finance Director Ambrose explained that there was a refund from the 2010 bond issue resulting in a savings; the difference between what was budgeted and the final schedule, between principal and interest, is \$42,726. Ms. Ambrose stated that Council would have to reduce the principal line and increase the interest line to make the adjustment in FY21. If no adjustment is made, it would lapse to the general fund at fiscal year's end. The **MOTION CARRIED** by a 10 – 3 roll call vote with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann,

Hainey, Abbott, Hutchinson, and Lachance voting in favor and Councilors Lauterborn, Gray and Mayor McCarley voting opposed.

Councilor Lachance **MOVED** to reduce the City Manager's proposed budget (Debt Service, account# 591000, account name "redemption of principal ") from the City Manager's proposed amount of \$3,550,241 to be reduced by \$87,696 for a new total of \$3,462,545 due to the revised 20-year schedule due to refunding of bonds. Councilor Walker seconded the motion. Finance Director Ambrose explained that with the approval of this motion, the budget would be \$42,726 below the tax cap. Councilor Lauterborn stated that she felt the Council had made a mistake with the previous motion and if the current motion is passed, it will create a bad position with the budget coming in so far below the tax cap. She suggested that perhaps one of the Councilors who had previously voted in favor of the first motion could reconsider. Councilor Abbott **MOVED** to reconsider the motion. Councilor Bogan seconded the motion to reconsider. City Attorney O'Rourke indicated that Council first had to dispense of the motion already in front of them before a reconsideration motion. Councilor Lachance said that if the current motion passes, he intends to move to add \$42,000 to the fire department budget for a part-time fire fighter which would correct the tax cap imbalance. Councilor Abbott stated that when he made his reconsideration motion, he was not aware that the money would be put back into the fire department budget. Councilor Abbott **withdrew** his reconsideration motion. Councilor Bogan withdrew her second. Councilor Hutchinson asked for clarification on the implications of coming in below the tax cap. Councilor Lauterborn explained that if the budget is underspent, it resets the bottom line and not only effects the current fiscal year, but underspends each fiscal year moving forward. Councilor Gray said that when the part-time fire fighter was originally removed from the budget, there was also associated equipment and gear removed from the budget. If the Council is going to consider reinstating that position, they need to look at the total cost associated including this gear. Finance Director Ambrose stated that the additional cost of the gear for a firefighter would be \$8,000. Councilor Lachance asserted that the Fire Department would likely be able to find \$8,000 within their own budget to cover this additional expense. It was clarified that the current motion on the table is the \$87,696 reduction. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley all voting in favor.

Councilor Lachance **MOVED** to restore \$42,000 to the Fire Department personnel line for the purposes of hiring a part-time firefighter for a start date of July 1. Councilor Rice seconded the motion. Councilor Lauterborn suggested changing the amount to \$42,726 to include the entire amount which is below the tax cap. Councilor Lachance **AMENDED** his motion for a new total of \$42,726 to be restored to the Fire Department. Councilor Rice amended his second. Councilor Gray **AMENDED** the motion to restore \$34,726 to the budget for the firefighter and \$8,000 for the gear for a total of \$42,726. Councilor Lachance seconded the motion. Councilor Gray said that this motion may delay the hiring of the firefighter for a month or so, but when it does occur the money for the gear will already be available in the budget. Councilor Lauterborn agreed that the full \$42,726 should be restored to the fire department budget and the additional \$8,000 for gear can be found within the Fire Department's existing budget. Chief Klose confirmed that the Fire department will be able to find the \$8,000 within their budget. Chief Klose also clarified that the start date for the new firefighter would be January 1, not July 1. Councilor Gray said that in light of the information from the Chief, he would withdraw his amended motion. Councilor Lachance withdrew his second. The original **MOTION CARRIED** (to restore \$42,726 to the Fire Department personnel line for the purposes of hiring a part-time firefighter) by a 9 – 4 roll call vote with Councilors Hamann, Hutchinson, Lachance, Abbott, Gray, Rice, Bogan, Hainey, and Lauterborn voting in favor and Councilors Walker, Belken, Lachapelle and Mayor McCarley voting opposed.

Councilor Lachapelle **MOVED** to include \$7,500 from contingency to install a truck sander for the ice arena's plow truck. Councilor Bogan seconded the motion. Mark Sullivan, Deputy Finance Director, clarified that this money was requested from the Arena Fund and would have no impact on the tax cap, but it could be requested from contingency. Councilor Lauterborn stated that if it is supposed to be arena money it should be added to the arena budget. Deputy Finance Director Sullivan clarified that the money could be added to the arena fund and they would increase the amount of retained earnings to balance revenues to cover the amount; there won't be an issue on the General Fund side. Councilor Lachapelle amended his motion to reflect the information given by Mr. Sullivan. Councilor Rice asked if this adjustment would affect the payroll line for Recreation and Arena if they would have to bring in additional personnel to sand the parking lot or pay overtime. Lauren Krans, Assistant Director of Recreation and Arena, said that this would allow the department to be more efficient. Currently staff is already doing the task, it would just

take them less time. Councilor Gray stated he did not support each individual department having their own vehicles and suggested the City have a transportation department servicing all departments. Councilor Lachapelle clarified that the Arena already owns this $\frac{3}{4}$ ton truck and there is already Arena staff sanding the parking lot; this sander would just make the task more efficient and would save the Department of Public Works from having to handle the task. Councilor Rice inquired if the motion is approved, if there would be an increase in the sand and salt budget line and if there is a possibility there would be additional funds requested if the winter is especially harsh. Councilor Lachapelle stated the money for sand and salt is already allocated for the Department of Public Works which is where the Arena would be getting the material. Ms. Krans agreed and stated that if there was a need for additional sand and salt, the Arena department had room in the budget for such a purchase. Councilor Lachance speculated that there would be increased labor cost when the Department of Public Works moves to their new facility due to the proximity between the new facility and the Arena and travel time in between. Councilor Hutchinson asked if there are significant delays in getting the Arena parking lot treated. Ms. Krans stated that there are delays, and with the Arena having programs from very early in the morning to late at night, it would be more efficient for them to be able to care for the parking lot themselves. The **MOTION CARRIED** by a 8 – 5 roll call vote with Councilors Belken, Hamann, Lauterborn, Hainey, Lachapelle, Lachance, Abbott and Bogan voting in favor and Councilors Gray, Rice, Hutchinson, Walker and Mayor McCarley voting opposed.

Mayor McCarley indicated that the Finance Department would put together all the budget adjustments made from tonight's meeting and they would be distributed for review. The Council will vote on the final budget on June 16, 2020.

13.2 Resolution Authorizing Supplemental Appropriation from General Fund Unassigned Fund Balance in the amount of \$350,000.00 for the Purchase of 55 North Main *first reading and refer to public hearing June 16, 2020*

Councilor Lachapelle **MOVED** to read the resolution by title only and refer to a public hearing. Councilor Walker seconded the motion. Councilor Lachance stated that this resolution refers to the purchase of the old Hoffman's Furniture building which has been vacant for many years and has

been an issue with the City for a long time. He said that although he felt the price may be high, he encouraged Council to support the resolution. Mayor McCarley clarified the current motion is only for a first reading of the resolution. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor. **the resolution was not read for a first time by title only during the meeting. The resolution is as follows:*

**Resolution Authorizing Supplemental Appropriation from
General Fund Unassigned Fund Balance in the amount of
\$350,000.00 for the Purchase of 55 North Main**

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

That the sum of Three Hundred Fifty Thousand Dollars (\$350,000.00) be, and hereby is, appropriated to pay for the costs associated with the City's acquisition of the property located at 55 North Main Street, Rochester. The entirety of this 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.

**13.3 Acceptance of Donation of Jersey Barriers from SUR
Construction, estimated value \$2,000 *motion to accept***

Councilor Lachapelle **MOVED** to accept the donation of the Jersey barrier from SUR construction. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley all voting in favor.

**13.4 City of Rochester Dog Warrant (April 30, 2019 to April
30, 2020) *motion to send Warrant to the Police
Department for Action***

Councilor Lachapelle **MOVED** to send the dog warrant to the police department for action. Councilor Walker seconded the motion. Councilor Walker asked for clarification on the purpose of a dog warrant and what it entailed. Deputy City Clerk Cassie Givara explained that dog licensing is due in Rochester by April 30 of each year. All dogs that remain still unlicensed by June 1st are issued an additional \$1 penalty fee and listed on a dog warrant for the animal control officer to follow up on. All owners are then issued a civil forfeiture fee if their dogs remain unlicensed by July. Councilor Rice stated that he was going on the understanding that any penalty fees were being waived. Ms. Givara stated that licensing fees as well as penalty fees are State mandated and the City does not have the authority to waive these fees. Mayor McCarley indicated this issue could be explored further at the State level. The **MOTION CARRIED** by a 12 – 1 roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voting in favor and Councilor Rice voting opposed.

13.5 Resolution Authorizing Transfer of Water Fund Operating Funds into Multi-Year Funds in the amount of \$25,500.00
first reading and consideration for adoption

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

Resolution Authorizing Transfer of Water Fund Operating Funds into Multi-Year Funds in the amount of \$25,500.00

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

That the amount of Twenty Five Thousand Five Hundred Dollars (\$25,500) is hereby transferred from various Water Fund operating accounts identified in Exhibit A into multi-year accounts. The \$25,500 originated from previously adopted FY20 Water Fund Operating & Maintenance Budgets.

Due to the multitude of interruptions caused by the Covid-19 pandemic the identified projects will not be completed by Fiscal Year 2020 end, June 30, 2020, and all funding will lapse. Transferring these funds into multi-year

accounts preserves the appropriations. This action eliminates re-appropriation in the FY21 Water O&M or CIP budgets. This action simply creates non-lapsing multi-year accounts the same as any other adopted Capital Improvement Project.

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 Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor.

13.6 Resolution Authorizing Transfer of Sewer Fund Operating Funds into Multi-Year Funds in the amount of \$118,500.00
first reading and consideration for adoption

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

Resolution Authorizing Transfer of Sewer Fund Operating Funds into Multi-Year Funds in the amount of \$118,500.00

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

That the amount of One Hundred Eighteen Thousand Five Hundred Dollars (\$118,500) is hereby transferred from various operating accounts identified in Exhibit A into multi-year accounts. The \$118,500 originated from previously adopted FY20 Sewer Operating & Maintenance Budgets.

Due to the multitude of interruptions caused by the Covid-19 pandemic the identified projects will not be completed by Fiscal Year 2020 end, June 30, 2020, and all funding will lapse. Transferring these funds into multi-year accounts preserves the appropriations. This action eliminates re-appropriation

in the FY21 Sewer O&M or CIP budgets. This action simply creates non-lapsing multi-year accounts the same as any other adopted Capital Improvement Project.

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 Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley all voting in favor.

13.7 Reaffirming Existing Filing Fee structure (ZBA)
consideration for approval *backup forthcoming

Mayor McCarley suggested that Council delay voting in the ZBA fee structure due to the backup not being supplied as well as the finance department indicating that this vote is not urgent. City Attorney O'Rourke offered to provide the information for Council to make a determination. He said that the State statute requires the local governing body to approve the fees for applications to the Zoning Board of Adjustments. The City is having difficulty finding record of when the Council originally approved the current fee structure. He stated that Council only needs to vote to reaffirm the already existing fee structure; all applications are \$175, plus the abutter notices which go based on cost of postage.

Councilor Lauterborn **MOVED** to REAFFIRM the existing filing fees for the ZBA. Councilor Lachapelle seconded the motion. Councilor Rice stated that he felt the backup documentation should have been disseminated to Council for review and research prior to the meeting. Councilor Rice **MOVED** to **TABLE** the reaffirming of the ZBA fees. Councilor Lachance seconded the motion. The **MOTION to table FAILED** by a 9 – 4 roll call vote with Councilors Rice, Belken, Hainey, and Lachance voting in favor and Councilors Walker, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, Gray, Hutchinson, and Mayor McCarley voting opposed.

The **MOTION CARRIED** to reaffirm the ZBA filing fees by a 9 – 4 roll call vote with Councilors Gray, Hamann, Lauterborn, Lachapelle, Hutchinson, Walker, Abbott, Bogan and Mayor McCarley voting in favor and Councilors Belken, Rice, Hainey, and Lachance voting opposed.

14. Other

No discussion.

15. Adjournment

Mayor McCarley **ADJOURNED** the June 2, 2020 Regular City Council Meeting at 8:25 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk