

**Regular City Council Meeting  
January 3, 2017  
Council Chambers  
7:00 PM**

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Barnett  
Councilor Bogan  
Councilor Gates  
Councilor Gray  
Councilor Hamann  
Councilor Lachapelle  
Councilor Lauterborn  
Councilor Keans  
Councilor Torr  
Councilor Varney  
Councilor Willis  
Mayor McCarley

**OTHERS PRESENT**

City Manager Daniel Fitzpatrick  
Deputy City Manager Blaine Cox  
John Storer, Director of City Services  
Julia Libby, Department of Building,  
Zoning, and Licensing Services

**MINUTES**

**1. Call to Order**

Mayor McCarley called the Regular City Council meeting to order at 7:00 PM.

**2. Presentation of the Colors: Rochester Police Department Color Guard**

**2.1. Pledge of Allegiance**

The Rochester Police Department Color Guard presented the colors and led the Pledge of Allegiance.

**3. Opening Prayer**

**3.1. Representative of the Rochester Police Department Color Guard**

Reverend Cilley led the opening prayer.

**4. Roll Call**

Kelly Walters, City Clerk, took a roll call. All City Councilor members

were present.

## **5. Acceptance of Minutes**

### **5.1 Regular City Council Meeting Minutes – December 6, 2016**

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council meeting minutes of December 6, 2016. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **6. Communications from the City Manager**

### **6.1. Employee of the Month Award**

City Manager Fitzpatrick invited Julia Libby from the Building, Zoning, and Licensing Services Department to come forward. City Manager Fitzpatrick said that Ms. Libby has been employed by the City of Rochester for less than six months; however, she has earned the recognition of Employee of the Month for January. He presented Ms. Libby with the award.

### **6.2. City Manager's Report**

City Manager Fitzpatrick gave the following report:

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

- **Department of Public Works**
  - Annex – Change Order #2
  - Catherine Street project – Change Order # 3
  - Community Center and City Pool – Security Camera upgrade project
  - Department of Health and Human Service Lease amendment
  - East End Dam Modification – Change Order #1
  - Route 125 Bridge – Task Order #7
  - Salmon Falls Road – Security Agreements for New Water/Sewer
- **Economic & Community Development**
  - Wallace Street - Brownfields Grant application
  - Housing Authority – Memorandum of Understanding for environmental review
- **Finance Department**
  - Bond Counsel Engagement Letter
  - Interim Assessor Contract – Corcoran Consulting Services

- Training Agreement – Great Bay College
- **Police Department**
  - COPS Grant Approval
  - Specialized Training Grant Reimbursement Application
  - Biennial Wrecker Contracts
- **Standard Reports:**
  - City Council Request & Inquiry Report
  - Permission & Permits Issued
  - Personnel Action Report Summary

Councilor Varney asked about the Pedestrian Bridge Project. City Manager Fitzpatrick replied that the figures outlined in the City Council packet are for the design phase and not the project itself. Councilor Varney asked how the Pedestrian Bridge Project would be funded. John Storer, Director of City Services, explained that the engineering portion of the project is complex because of safety issues involved with installation of the guardrail. He said some of the funding would be allocated from the sidewalk rehabilitation line item. Councilor Varney suggested that the project should not be funded with that account because many sidewalks are in need of repair. He questioned if the project could be done prior to the opening of the schools in the fall. Mr. Storer replied yes.

## 7. Communications from the Mayor

### 7.1. **Mayoral Appointment:** Rochester Veterans Council Recommendation for Slate of Officers:

- **President: Dennis Sellers**
- **Treasurer: Rose Askins**
- **Secretary: Kelly Walters**

Mayor McCarley appointed the Rochester Veterans Council Slate of Officers as recommended above.

Mayor McCarley announced that there is a parking ban in effect this evening beginning at 10:00 PM.

Mayor McCarley announced that the City Council conducted an in-depth evaluation of the City Manager and it resulted in a recommendation for a salary increase. Councilor Lachapelle **MOVED** to provide the City Manager with a salary increase of 2.6%, to be retroactive to September 1, 2016 [*Salary increase from \$138,069 to \$141,656*]. Councilor Bogan

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

**8. Presentations of Petitions and Council Correspondence**

No discussion.

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

No discussion.

**10. Reports of Committees**

**10.1. Appointments Committee Reports**

**10.1.1. Appointment: Eli McCrady Barnes, Utility Advisory Board, Term to Expire on 1/2/2020**

Councilor Gray reviewed the Committee's recommendation for Eli McCrady Barnes. Mayor McCarley **NOMINATED** Eli McCrady Barnes to serve on the Utility Advisory Board with a term to expire on January 2, 2020. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. McCrady Barnes has been appointed to the Utility Advisory Board by a unanimous ballot vote.

**10.1.2. Appointment: Raymond Turner, Utility Advisory Board, Term to Expire on 1/2/2020**

Councilor Gray reviewed the Committee's recommendation for Raymond Turner. Mayor McCarley **NOMINATED** Raymond Turner to serve on the Utility Advisory Board with a term to expire on January 2, 2020. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Turner has been appointed to the Utility Advisory Board by a unanimous ballot vote.

**10.1.3. Appointment: Pamela Hubbard, Library Trustees [Ward 5], Term to Expire on 1/2/2020**

Councilor Gray reviewed the Committee's recommendation for Pamela Hubbard. Mayor McCarley **NOMINATED** Pamela Hubbard to serve on the Library Trustees with a term to expire on January 2, 2020. Councilor

Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Ms. Hubbard has been appointed to the Library Trustees by a unanimous ballot vote.

**10.1.4. Appointment: Ralph Torr, Zoning Board of Adjustment, Term to Expire on 1/2/2020**

Councilor Gray reviewed the Committee's recommendation for Ralph Torr. Mayor McCarley **NOMINATED** Ralph Torr to serve on the Zoning Board of Adjustment with a term to expire on January 2, 2020. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Torr has been appointed to serve on the Zoning Board of Adjustment by the following ballot vote of 10 to 3:

- 10 ballots: yes
- 1 ballot: no
- 1 ballot: blank
- 1 ballot: abstention

**10.1.5. Appointment: Matthew Kozinski, Planning Board [Regular Member], Term to Expire on 1/2/2020**

Councilor Gray reviewed the Committee's recommendation for Matthew Kozinski. Mayor McCarley **NOMINATED** Matthew Kozinski to be reappointed to serve on the Planning Board as a regular member with a term to expire on January 2, 2020. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Kozinski has been appointed to serve on the Planning Board by a unanimous ballot vote.

**10.1.6. Appointment: David Walker, Planning Board [Regular Member], Term to Expire on 01/2/2020**

Councilor Gray reviewed the Committees recommendation for David Walker. Mayor McCarley **NOMINATED** David Walker to be reappointed to the Planning Board with a term to expire on January 2, 2020. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Bogan seconded the motion. The **MOTION**

**CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Walker has been appointed to serve on the Planning Board as a Regular Member by the following ballot vote of 12 to 1:

- 12 ballots: yes
- 1 ballot: blank

**10.1.7. Appointment: Rick Healey, Planning Board [Regular Member], Term to Expire on 1/2/2020**

Councilor Gray reviewed the Committee's recommendation for Rick Healey. Mayor McCarley **NOMINATED** Rick Healey to be reappointed to the Planning Board with a term to expire on January 2, 2020. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Healey has been appointed to serve on the Planning Board as a Regular Member by a unanimous ballot vote.

Mayor McCarley publicly thanked the volunteers who submitted the Statement of Interest and was pleased to see a few new names amongst the appointments. Councilor Gray added that these citizens not only give of their time at the meetings but many hours are spent at training sessions as well.

**10.2. Codes and Ordinance Committee**

**10.2.1. Amendment to Chapter 45 of the General Ordinances of the City of Rochester Regarding Overnight Parking, Occupancy, and Camping on City Owned Property *second reading and motion to deny***

Councilor Lachapelle **MOVED** to read the Amendment for the second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment by title only for the second time as follows:

**AMENDMENT TO CHAPTER 45 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING OVERNIGHT PARKING, OCCUPANCY AND CAMPING ON CITY OWNED PROPERTY**

**THE CITY OF ROCHESTER ORDAINS:**

That Chapter 45 of the General Ordinances of the City of Rochester and

currently before the Rochester City Council, be amended as follows:

**CHAPTER 45**  
**OVERNIGHT PARKING, OCCUPANCY AND CAMPING ON CITY OWNED**  
**PROPERTY**

**SECTION ANALYSIS**

- 45.1 Authority
- 45.2 Purpose
- 45.3 Acts Prohibited
- 45.4 Definitions
- 45.5 Exceptions
- 45.6 Responsibility
- 45.7 Removal
- 45.8 Enforcement
- 45.9 Severability
- 45.10 Effective Date

**45.1 Authority.**

In accordance with and under the authority of New Hampshire Revised Statutes Annotated 41:11; 41:11-a; and 47:17, the City Council of the City of Rochester hereby adopts the following ordinance for the regulation of overnight parking or camping on all City-owned property.

**45.2 Purpose.**

This purpose of this Ordinance is to protect the public peace, preserve public law and order, promote safety and welfare and ensure proper and decent conduct for the residents of the City of Rochester and the general public, in the use of City-owned properties.

**45.3 Acts Prohibited.**

From and after the effective date of this ordinance it shall be unlawful for any person to camp or to park any vehicle or recreational vehicle with occupancy by one or more persons, either overnight or for any period of time over two hours between dusk and dawn, on any City-owned lands within the City of Rochester.

**45. 4 Definitions.**

(a) *Camp*: Includes pitching a tent, placing or erecting any other camping device, or sleeping in or on the City-owned property.

(b) *Recreational vehicle*: Any vehicle fitting the definition in RSA 216-I:1, VIII.

(c) *City-owned property*: All properties owned by the City of Rochester.

**45.5 Exceptions.**

Restrictions in this ordinance shall not apply when permission has been granted by the City Manager or the Chief of Police for official or emergency purposes or in conjunction with a special event.

**45.6 Responsibility.**

All violations of parking restrictions and charges accompanied therewith shall be deemed the responsibility of the registered owner of said vehicle. Such registrations may be proven as set forth in RSA 261:60. Said registered owner shall be conclusively presumed to be in control of the vehicle at the time of the parking violation, and no evidence of actual control or culpability needs to be proven as an element of the offense in accordance with RSA 231:132-a.

**45.7 Removal.**

Any vehicle parked in violation of this Ordinance shall be ordered towed by the Rochester Police Department at the expense of the owner or custodian of said vehicle.

**45.8 Enforcement.**

(a) Any person who violates this Ordinance shall be guilty of a violation and shall be fined One Hundred Dollars (\$100.00).

(b) Any duly appointed police officer for the City of Rochester may enforce this Ordinance by utilizing any process authorized by state law, including but not limited to a Local Ordinance Citation pursuant to RSA 31:39-d and Chapter 44 of the City of Rochester Ordinance.

(c) All penalties collected for violations of this Ordinance shall be for the use of the City and deposited into the City's general fund.

**45.9 Severability.**

The provisions of this Ordinance are declared to be severable, and if any section, subsection, sentence, clause or part thereof is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of any remaining sections, subsections, sentences, clauses or part of this Ordinance.

**45.10 Effective Date.**

This Ordinance shall take effect upon passage.

**The effective date of these amendments shall be upon passage.**



Councilor Lachapelle **MOVED** to **DENY** the Amendment. Councilor Bogan seconded the motion. The **MOTION CARRIED** to **DENY** the Amendment by a unanimous voice vote.

Councilor Lachapelle informed the public that the January 5, 2017, Codes and Ordinances Committee meeting had been canceled. The Fireworks discussion has been sent to the January 17, 2017, City Council Workshop. The next Codes and Ordinances Committee meeting is scheduled for February 2, 2017.

### **10.3. Finance Committee**

Mayor McCarley gave a brief update about the status of implementation of the Employee Position of a Chief Information Officer [CIO].

Mayor McCarley indicated that there are two action items listed below:

#### **10.3.1. AB 98 Resolution for Lease Purchase Agreement for the Purpose of Financing Reprographic Equipment & Related Service Agreements in the Amount of \$247,118.79 *first reading, second reading, and adoption***

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

#### **Resolution for Lease Purchase Agreement for the Purpose of Financing Reprographic Equipment & Related Service Agreements in the amount of \$247,118.79**

Voted: That, the City Manager of the City of Rochester, New Hampshire be and hereby is authorized to execute and deliver a tax-exempt lease purchase agreement with M.S.T. Government Leasing, LLC in the name and on behalf of the City of Rochester, New Hampshire (the "Issuer"), for the purpose of refunding and refinancing existing lease purchases of photocopier equipment and lease purchasing additional new and reconditioned photocopier equipment, any service agreements specifically financed in connection with certain equipment, consulting fees and related costs of issuance with an aggregate purchase price not exceeding Two Hundred Forty-Seven Thousand One Hundred Eighteen Dollars and Seventy-Nine Cents (\$247,118.79), at a rate of interest of not more than 3.190% per

year through August 1, 2021, and otherwise in such form as the City Manager may approve; and that the appropriate officials of the Issuer be and hereby are authorized to execute and deliver on behalf of the Issuer such other documents and certificates as may be required in connection with such tax-exempt lease purchase agreement; and that no part of the proceeds of said tax-exempt lease purchase agreement shall be used, directly or indirectly, to acquire any securities or obligations, the acquisition of which would cause the tax-exempt lease purchase agreement to be a "private activity bond" or an "arbitrage bond" within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"); and that the tax-exempt lease purchase agreement issued pursuant hereto be designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3)(B) of said Code; and that the City Manager be and hereby is authorized to covenant on behalf of the Issuer to file any information report and pay any rebate due to the United States in connection with the issuance of said tax-exempt lease purchase agreement, and to take all other lawful actions necessary to insure that the interest portion of the rental payments under and pursuant to the tax-exempt lease purchase agreement will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof. The City Council of the Issuer also authorizes the City Manager of the Issuer to sign the attached Contract with Specialized Purchasing Consultants, Inc. relating to acquisition of photocopying equipment for the Issuer and authorizes such person to make any elections under the Contract not exceeding the aggregate purchase price of this authorizing Vote.

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

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

**10.3.2. AB 99 Primex Workers' Compensation and  
Property & Liability Insurance CAP *motion to  
approve***

Councilor Lachapelle **MOVED** to **APPROVE** the Primex Workers' Compensation and Property Insurance CAP. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### 10.4. Public Works Committee

##### 10.4.1. Amendment to Chapter 16 of the General Ordinance of the City of Rochester Regarding the Requirement to Connect to Public Sewers *first reading and refer to the Finance Committee*

Councilor Lachapelle **MOVED** to read the **AMENDMENT** for the first time and refer the matter to the next Finance Committee meeting. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment for the first time by title only as follows:

#### Amendment to Chapter 16 of the General Ordinance of the City of Rochester Regarding the Requirement to Connect to Public Sewers

#### THE CITY OF ROCHESTER ORDAINS:

That Chapter 16, Section 3 of the General Ordinances of the City of Rochester regarding the requirement of property owners to connect to public sewers and currently before the Rochester City Council, be amended as follows:

##### 16.3 Use of Public Sewers Required.

- (a) -----
- (b) -----
- (c) -----
- (d) -----
- (e) ~~Existing~~ Structures within ~~two~~ one hundred (~~100~~ 200) feet of the public sewer and currently served by private wastewater disposal facilities shall connect to the public sewer within ninety (90) days after an official notice to do so. The City may grant a waiver to this requirement for properties with existing adequate sewage disposal systems which can be proven by the property owner to comply with applicable state and local regulations, to have been designed by a designer licensed in New Hampshire and to have been approved for construction by the New Hampshire department of environmental services after January 1, 1985. ~~at such time as the private wastewater system fails or the property is transferred whichever occurs first.~~ The cost of connection to the public sewer shall be borne by the property owner with the exception of the portion of the connection crossing the public right of way which costs shall be borne by the Rochester

**Sewer Enterprise Fund.** For the purpose of this section, *existing* structures shall mean houses, buildings, or property used for human occupancy, employment, recreation, or other purposes. ~~*, that are constructed as of January 1, 1999.*~~

**The effective date of these amendments shall be upon passage.**

Councilor Varney asked if there is a separate line item in order to track how much money has been collected by the City for stub fees. Deputy City Manager Cox replied there is a miscellaneous line item that could be researched to provide the City with an estimate.

Mayor McCarley said this Amendment would be discussed in more detail at the next Finance Committee meeting.

**11. Old Business**

**12. Consent Calendar**

**13. New Business**

**13.1. AB 96 Resolution Authorizing Acceptance and Appropriation of Land & Community Heritage Investment Program (LCHIP) Grant Award for Historic Restoration Work to the City Hall Annex in the amount of \$18,702.00 *first reading, second reading, and adoption***

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

**Resolution Authorizing Acceptance and Appropriation of Land & Community Heritage Investment Program (LCHIP) Grant Award for Historic Restoration Work to the City Hall Annex in the amount of \$18,702.00**

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

**WHEREAS**, that a Land & Community Heritage Investment Program Grant ("LCHIP Grant") grant in the amount of Eighteen Thousand Seven Hundred Two Dollars (\$18,702.00) awarded to the City of Rochester is hereby accepted by the City of Rochester;

**FURTHER**, that the sum of Eighteen Thousand Seven Hundred Two Dollars (\$18,702.00) be, and hereby is, appropriated to a non-lapsing Special Revenue Fund to be created for the purpose of carrying out historic restoration work to the City Hall Annex building;

**FURTHER**, that the City Manager is authorized to enter into a grant agreement and any other contracts with the New Hampshire Land & Community Heritage Investment Program to receive and administer the grant funds detailed above; and

**FURTHER**, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY 17 AB 96**

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

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

**13.2. AB 100 [A] Resolution Authorizing Supplemental Appropriation for the Purchase of 294 Rochester Hill Road in the amount of \$450,000 *first reading, second reading, and adoption***

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

**Resolution Authorizing Supplemental Appropriation for the Purchase of 294 Rochester Hill Road in the amount of \$450,000**

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

That the sum of Four Hundred Fifty Thousand Dollars (\$450,000.00) be, and hereby is, appropriated as a supplemental appropriation to the Capital Improvement Plan Fund 1501 (account # 15011081-771000-175xx) Land Acquisitions for the purpose of providing funds necessary to pay costs and/or

expenditures with respect to the purchase of 294 Rochester Hill Road, Rochester, New Hampshire by the City of Rochester. The entirety 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 designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY17 01-03 AB**

Councilor Lachapelle **MOVED** to read the resolution for the second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the second time by title only.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Torr requested a roll call. Councilor Lachapelle seconded the request. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Lauterborn, Torr, Willis, Abbott, Gray, Gates, Hamann, Bogan, Barnett, Lachapelle, Varney, Keans, and Mayor McCarley voted in favor of the motion.

**13.3. AB 100 [B] Purchase and Sales Agreement Between City of Rochester, New Hampshire and Ann J. Furina Revocable Living Trust, David Dupont, Trustee *motion to accept***

Councilor Lachapelle **MOVED** to **ACCEPT** the Purchase and Sales Agreement Between the City of Rochester, New Hampshire, and the Ann J. Furina Revocable Living Trust, David Dupont, Trustee. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Gates expressed concern about the appointments of volunteers on local boards/commissions and encouraged any disgruntled bystander to serve on such boards/commissions to learn more about the process.

Councilor Varney **MOVED** to **AMEND** the order of the Agenda to include an "other" prior to entering the Non-Public. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor McCarley explained that a resolution adopted by the City Council on October 4, 2016, has been sent back to the City Council for a correction. She said the original resolution included the following statement: which is eligible for 100% principal forgiveness. This statement is to be

deleted from the resolution. She indicated that there is expected to be some percentage of principal forgiveness; however, it is certain not to be 100%. Attorney O'Rourke advised the City Council that a first reading, second reading, and adoption would be in order.

Councilor Willis recused himself from participating in the vote on this resolution because of a conflict of interest, due to his employment.

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

**RESOLUTION AUTHORIZING THE APPLICATION FOR AND  
ACCEPTANCE OF A STATE OF NH DEPARTMENT OF ENVIRONMENTAL  
SERVICES (NHDES) DRINKING WATER STATE REVOLVING FUND  
(DWSRF) LOAN**

**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 One Million Five Hundred Thousand Dollars (\$1,500,000.00) to the NHDES DWSRF Loan program in order to fund the Woodman and Myrtle Street Area Reconstruction 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 One Million Five Hundred Thousand Dollars (\$1,500,000.00) from the NHDES DWSRF Loan program.

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. **CC FY17 10-04 AB 53**

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

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

Bogan seconded the motion. The City Council discussed the project. The **MOTION CARRIED** by a unanimous voice vote, *with Councilor Willis abstaining from the entire voting process.*

Councilor Varney recalled that the electronic message board located in front of City Hall should not be “flashing” or “scrolling.” He cautioned against allowing too many messages being displayed on the board on the same day, which would prevent the City Council meeting notifications from being noticed.

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

##### **14.1. Non-Meeting: Consultation with Legal Counsel, RSA 91-A:2, I (b)**

Mayor McCarley **MOVED** to enter into a Non-Meeting, Consultation with Legal Counsel, RSA 91-A:2, I (b) at 7:44 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote as follows: Councilors Willis, Gray, Gates, Bogan, Barnett, Lachapelle, Keans, Varney, Lauterborn, Abbott, Torr, Hamann, and Mayor McCarley, voted in favor of the motion.

#### **15. Other**

Mayor McCarley reconvened the Regular City Council meeting at 8:29 PM.

Councilor Varney **MOVED** to allow the City Attorney to enter litigation with the City of Rochester’s Zoning Board of Adjustment regarding application # 2016-21 [418 Old Dover Road, Map 0256 Lot 0054 Block 0001]. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Varney **MOVED** to request that the City Attorney file a motion for a Rehearing of the Zoning Board of Adjustment Case # 2016-31. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority voice vote.

#### **16. Adjournment**

Councilor Lachapelle **MOVED** to **ADJOURN** the Regular City Council meeting at 8:31 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,



Kelly Walters, CMC  
City Clerk