

**Regular City Council Meeting
May 2, 2017
Council Chambers
7:04 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

City Manager Daniel Fitzpatrick
Deputy City Manager Blaine Cox
City Attorney Terence O'Rourke

COUNCILORS ABSENT

Councilor Hamann

MINUTES

1. Call to Order

Mayor McCarley called the Regular City Council meeting to order at 7:04 PM.

2. Presentation of the Colors: Sons of the Roland E. Patnode Jr., American Legion Squadron 7

2.1. Pledge of Allegiance

The Sons of the Roland E. Patnode Jr., American Legion Squadron 7 presented the Colors and led the Pledge of Allegiance.

3. Opening Prayer

3.1. Opening Prayer: Sons of the Roland E. Patnode Jr., American Legion Squadron 7

Gordon Oliver, Chaplain, led the opening prayer.

Mr. Oliver invited the City Council to participate in the Rochester Memorial Day Parade this year. He said that he would reside as Officer of the Day for the Sons of the Roland E. Patnode Jr., American Legion Squadron 7 this year.

4. Roll Call

Kelly Walters, City Clerk, called the roll. All Councilors were present, except for Councilor Hamann, who had been excused.

5. Acceptance of Minutes

5.1. Regular City Council Meeting: April 4, 2017 *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council meeting minutes of April 4, 2017. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2. Special City Council Meeting: April 18, 2017 *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the Special City Council meeting minutes of April 18, 2017. 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 announced that Christopher Mangum, Rochester Police Department, is the Employee of the Month for May.

6.2. City Manager's Report

City Manager Fitzpatrick gave the City Manager's report as follows:

The Employee(s) of the Month is: Christopher Mangum, Police Department

Contracts and documents executed since last month:

- City Clerk's Office
 - Codification Status Update

- Department of Public Works
 - Annex renovation project – Change order #5
 - Bridge Aid Application - Four Rod Road
 - Employee Recognition & Achievements Team Charter – change
 - Salmon Falls Road Highway Safety Improvement Project – notice to proceed
- Economic & Community Development
 - Purchase & Sales Agreement – 38 Hanson Street
 - Wayfinding Contract – Beta Group
 - Environmental Review – Façade Program
 - Technical Assistance Grant Application
- Finance Department
 - Fire Chief Recruitment Contract – MRI
 - Statement of Work – Contract with ePlus
- Recreation Department
 - Fireworks Contracts – Fairgrounds and Central Main Pyrotechnic
- Police Department
 - Highway Safety Grants

The following standard reports have been enclosed:

- City Council Request & Inquiry Report
- Monthly Overnight Travel Summary (no report included – no travel reports submitted)
- Permission & Permits Issued
- Personnel Action Report Summary

7. Communications from the Mayor

Mayor McCarley said some of the proclamations would be read later this month.

7.1. Proclamation: Arbor Day

7.2. Proclamation: Kids to Park Day

7.3. Proclamation: Plant Something NH

7.4. Proclamation: Police Memorial Week

Mayor McCarley read the Proclamation for Police Memorial Week and

declared that the Week of May 14th through May 20th would be designated in the City of Rochester as Police Memorial Week.

7.5. Proclamation: National Public Works Week

Mayor McCarley said the John Storer, Director of City Services, requested that this time be spent notifying the public about the Household Hazardous Waste Day, which would be held on May 6, 2017.

8. Presentations of Petitions and Council Correspondence

9. Nominations, Appointments, Resignations, and Elections

10. Reports of Committees

10.1. Appointments Review Committee P. 101

10.1.1. Appointment: Beth Wittenberg, Arts & Culture Commission, Term to Expire on 7/1/2020 Consideration for Appointment

Councilor Keans briefed the City Council about the Appointments Review Committee's recommendation for Beth Wittenberg.

Mayor McCarley nominated Beth Wittenberg to be appointed to the Arts & Culture Commission with a term to expire on 7/1/2020. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **Moved** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Beth Wittenberg has been appointed by a unanimous ballot vote.

10.1.2. Appointment: Barbara Soley, Conservation Commission, Regular Member, Term to Expire on 1/2/2019 Consideration for Appointment

Councilor Keans recalled that Barbara Soley has served on the Conservation Commission for over a year. In the sudden passing of long time member Debra Shigo, there is an unfortunate vacancy.

Mayor McCarley nominated Barbara Soley to be appointed to the Conservation Commission, Regular Member, with a term to expire on January 2, 2019. Councilor Lachapelle seconded the motion. Councilor Lachapelle **Moved** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice

vote. Barbara Soley has been appointed by a unanimous ballot vote.

10.1.3. Appointment: Sheila Lulek, Conservation Commission, Alternate Member, Term to Expire 1/2/2019 Consideration for Appointment

Councilor Keans briefed the City Council about the Appointments Review Committee's recommendation for Sheila Lulek.

Mayor McCarley nominated Sheila Lulek to be appointed to the Conservation Commission with a term to expire on January 2, 2019. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Sheila Lulek has been appointed by a unanimous ballot vote.

10.2. Codes and Ordinances Committee

10.2.1. Action Item: Amendment to Chapter 23 Fire Safety Measures AB 162 first reading, second reading, and consideration for approval

Councilor Lachapelle said the Committee met on April 6, 2017; however, the Committee had not met since December, 2016. There are only two action items coming out of Committee as shown below.

Councilor Lachapelle explained that the Committee recommended splitting the Amendments up into sections to be voted upon separately. City Manager Fitzpatrick said this action is appropriate.

Councilor Lachapelle **MOVED** to **DIVIDE** the Amendments into sections to be voted upon separately. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. There was no objection. The entire amendment is as follows:

Amendment to Chapter 23 of the General Ordinances of the City of Rochester regarding Fire Safety Measures

THE CITY OF ROCHESTER ORDAINS:

That Chapter 23 of the General Ordinances of the City of Rochester regarding Fire Safety Measures and currently before the Rochester

City Council, be amended as follows:

23.11 Penalty

Any person, persons, firm, corporation or partnership who shall violate any provision of Chapter 23 shall be guilty of a violation punishable by a fine of not less than one hundred dollars (\$100) or not more than five hundred dollars (\$500). Each day that the violation continues to exist shall constitute a separate offense. **The owner of record of any property upon which a violation of this Chapter occurs shall be held strictly liable for any violation occurring on their property and shall be guilty of a violation in the same manner as stated above.**

23.13 Prohibition and Regulation of Fireworks.

C. Permit Required. No Person shall use discharge or explode any permissible fireworks without a permit issued by the City of Rochester.

i. Any person wishing to obtain a permissible fireworks display permit shall apply to the ~~Fire Chief or Police Chief~~ **Licensing Board** at least 15 days prior to the display.

ii. The applicant shall provide the following information:

- a. Date of application
- b. Name, address and telephone number of applicant
- c. Address of location where the display will be held
- d. Diagram of the display location, showing the location of all nearby property lines, nearby buildings, public ways, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases
- e. Name of the owner of the property where the display will be held

- f. Intended date and time of display, including a possible rain date
 - g. Written authorization of the property owner, if different from the applicant
 - h. Signature of the applicant
- iii. Permit fee. The fee for a permissible fireworks display shall be five dollars (\$5.00) per event. The fee shall be paid at the time of application and is non-refundable.
- iv. Site inspections:
- a. Prior to issuing a permit, the Police Chief or the Fire Chief may conduct an inspection of the display site to determine whether a permissible fireworks display can be held in a safe manner.
 - b. If, in the opinion of the ~~Fire Chief or Police Chief~~ **Licensing Board**, the proposed site is not suitable for the safe display of permissible fireworks, the application for a permit shall be denied.

D.*****

vii. ~~Display of permissible fireworks shall be permitted on public property the evening of July 3rd beginning at 6PM, including from such time until midnight on any rain date established for the annual city-wide fireworks display held at the Rochester Fairgrounds provided that such display shall be authorized in a duly issued Block Party.~~

The effective date of these amendments shall be upon passage.

Councilor Lachapelle **MOVED** to **AMEND** the Rochester General Ordinances as outlined below:

23.11 Penalty

Any person, persons, firm, corporation or partnership who shall violate any provision of Chapter 23 shall be guilty of a violation punishable by a fine of not less than one hundred dollars (\$100) or not more than five hundred dollars (\$500). Each day that the violation continues to exist shall constitute a separate offense. **The owner of record of any property upon which a violation of this Chapter occurs shall be held strictly liable for any violation occurring on their**

property and shall be guilty of a violation in the same manner as stated above.

Councilor Bogan seconded the motion. Councilor Keans questioned the legality of the issue. Attorney O'Rourke gave examples of other similar situations whereas the owner is held liable for any violation occurring on their property. The Committee debated the issue briefly. Chief Toussaint gave reasons why he is in favor of passing this Amendment and confirmed that the Police Department is always permitted to use their discretion. The **MOTION CARRIED** by a 10 to 2 show-of-hands vote.

Councilor Lachapelle **MOVED** to **AMEND** the City of Rochester General Ordinances as follows:

23.13 Prohibition and Regulation of Fireworks.

C. Permit Required. No Person shall use discharge or explode any permissible fireworks without a permit issued by the City of Rochester.

i. Any person wishing to obtain a permissible fireworks display permit shall apply to the ~~Fire Chief or Police Chief~~ **Licensing Board** at least 15 days prior to the display.

- ii. The applicant shall provide the following information:
- a. Date of application
 - b. Name, address and telephone number of applicant
 - c. Address of location where the display will be held
 - d. Diagram of the display location, showing the location of all nearby property lines, nearby buildings, public ways, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases
 - e. Name of the owner of the property where the display will be held
 - f. Intended date and time of display, including a possible rain date
 - g. Written authorization of the property owner, if different from the applicant

h. Signature of the applicant

iii. Permit fee. The fee for a permissible fireworks display shall be five dollars (\$5.00) per event. The fee shall be paid at the time of application and is non-refundable.

iv. Site inspections:

a. Prior to issuing a permit, the Police Chief or the Fire Chief may conduct an inspection of the display site to determine whether a permissible fireworks display can be held in a safe manner.

b. If, in the opinion of the ~~Fire Chief or Police Chief~~ **Licensing Board**, the proposed site is not suitable for the safe display of permissible fireworks, the application for a permit shall be denied.

Councilor Bogan seconded the motion. Councilor Keans spoke against the motion. She said the Fire Department is responsible for this type of activity and knows more about it. It does not make sense to send these permits to the Licensing Board. The City Council briefly discussed the matter. She noted that it is not well written.

Councilor Gates questioned how many people serve on the Licensing Board and permits require a unanimous decision of that board. City Manager Fitzpatrick said the Licensing Board is made up of three members: City Manager, Fire Chief, and the Police Chief. There does not need to be a unanimous decision for permits to be passed.

Mayor McCarley called for a vote on the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Lachapelle did not support the last amendment. He **MOVED to DENY** the proposed amendment as follows:

23.13 Prohibition and Regulation of Fireworks.

D.*****

vii. ~~Display of permissible fireworks shall be permitted on public property the evening of July 3rd beginning at 6PM, including from such time until midnight on any rain date established for the annual city-wide fireworks display held at the Rochester Fairgrounds provided that such display shall be authorized in a duly~~

~~issued Block Party.~~

Councilor Bogan seconded the motion. Councilor Varney cautioned against voting to deny this amendment. This would make the General Ordinances not consistent with itself; specifically, that no fireworks are to be set off on City property. Councilor Lauterborn agreed that she would vote against the motion. The City Council debated if the pavement is damaged by setting off fireworks. Councilor Gates questioned the liability of allowing a block party. Several Councilors agreed that it could be a liability issue. The City Manager stated that he would follow up on this matter by directing staff to draft some type of policy for such events. Mayor McCarley called for **MOTION to DENY** the Amendment. The **MOTION CARRIED** by a 8 to 4 show-of-hands vote.

10.2.2. Action Item: To approve the Ward 4 Polling Location to be moved from the Rochester Home Depot to the McClelland Elementary School *consideration for approval*

Councilor Lachapelle briefed the City Council about moving the polling location out of Home Depot and into the McClelland Elementary School. Ms. Walters confirmed that the City Clerk's Office sought out permission for the Rochester Middle School. Superintendent Hopkins confirmed that either location would be fine since there is enough notice to be given to the individual schools.

Councilor Lachapelle **MOVED** to change the polling location for Ward 4 from the Rochester Home Depot to the McClelland Elementary School. He added that Jason Hamann, Moderator of Ward 4 supported utilizing this location. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Lachapelle requested that an appreciation letter be sent to Home Depot for allowing access to the building for the last two years.

Councilor Lachapelle informed the City Council that there would not be a Codes and Ordinances Committee meeting this coming Thursday. The next meeting will be held on June 1, 2017, at 6:00 PM.

Councilor Keans questioned why the Committee is meeting at 6:00 PM. Councilor Lachapelle replied that it had been more convenient for himself, staff, and a few members; however, the meeting time may change back to 7:00 PM soon.

10.3. Community Development: April 10, 2017 *meeting canceled*

Councilor Lauterborn informed the City Council that they could find items that were to be discussed at the next Community Development Committee meeting in the packet; however, in addition, the Committee is taking a second look at the Social Services portion of the grant and could potentially make a few more adjustments at the next meeting.

Councilor Keans said there are a number of sub-committees which seem to have stemmed off from the Community Development Committee. She questioned if these Committees report back to the Community Development Committee or City Council. It seems that some of these Committees have similar specific issues to discuss, such as signage. She questioned how these different types of Committees are communicating with each other. Councilor Lauterborn replied that any sub-committee, which includes Grant Funding that is being managed by Julian Long, would report back to the Committee on a monthly basis.

Mr. Long explained that Rochester Listens is not a Rochester City Council sub-committee and that it is a Committee improving the downtown storefronts.

Mayor McCarley said that there are a lot of committees and discussions going on in the downtown area; however, it seems that Jenn Marsh and Julian Long would be the points of contact for several of the committees' input to be brought back to the Community Development Committee.

10.4. Finance Committee

No discussion.

10.5. Public Safety Committee

10.5.1. Action Item: To deny installation of a "stop" sign at Leonard Street/Harrison Ave. *consideration for approval*

Councilor Lachapelle **MOVED** to **DENY** the installation of a "stop" sign at Leonard Street/Harrison Avenue. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Keans requested that the Committee discuss having the crosswalks painted, especially near schools.

10.6. Public Works and Building Committee

10.6.1. Action Item: To grant an easement to Eversource if the City Attorney found it was within their authority. *consideration for approval*

Councilor Torr asked the City Attorney to address this issue. Attorney O'Rourke said it is certain that the City of Rochester is the owner of the property located behind the athletic field located on Chestnut Hill Road; therefore, it would be sent to the School Board for review and sent back to the City of Rochester in order to grant an easement for Eversource to access the power lines on the property. Mayor McCarley said the City Council would wait until the School Board reviews the issue and, therefore, the vote is postponed until that time.

10.6.2. Action Item: To approve an agreement for the Dialysis Center to use the center island on Sterling Drive to erect a lighted pole for the flying of the American Flag. *consideration for approval*

Councilor Torr **MOVED** to **APPROVE** the agreement for the Dialysis Center to use the center island on Sterling Drive to erect a lighted pole for the flying of the American Flag. Councilor Bogan seconded the motion. Councilor Torr suggested having a liability included in an agreement. Attorney O'Rourke agreed that liability would be included in the agreement. The **MOTION CARRIED** by a unanimous voice vote.

10.6.3. *Action Item:* Amendment to Chapter 16 of the General Ordinance of the City of Rochester Regarding the Requirement to Connect to Public Sewers **AB 174 *first reading and refer to Committee for a Public Hearing***

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

read the Amendment to Chapter 16 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 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) The owner(s) of all houses, buildings, or property used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary sewer of the City, is hereby required at the owner(s) expense to install suitable toilet facilities therein, and to connect such facilities directly with the proper public sewer in accordance with the provisions of this ordinance, within ninety (90) days after date of official notice to do so, provided that said public sewer is within ~~two hundred (200)~~ **one hundred (100)** feet of the building.

(e) Structures within one hundred (100) 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 ~~d-Department of e~~**Environmental s**~~S~~ervices after January 1, 1985. The cost of connection to the public sewer shall be borne by the property owner, **however if a sewer stub exists** ~~with the exception of the~~ **cost of the** portion of the connection within the public right of way ~~which costs~~ shall be borne by the Rochester ~~Water~~ **Sewer** Enterprise Fund. For the purpose of this section, structures shall mean houses, buildings, or property used for human occupancy, employment, recreation, or other purposes.

16.4 **Private Wastewater Disposal.**

(a) -----

(b) -----

(c) At such time as public sewer becomes available to a property served by a private wastewater disposal system, as provided in 16.3 (d), ***after connection to the public sewer***, ~~a direct connection shall be made to the public sewer within ninety (90) days in compliance with this ordinance, and~~ any septic tanks, cesspools, and similar private wastewater disposal facilities shall be cleaned of sludge and filled with suitable material.

The effective date of these amendments shall be upon passage.
[CC FY 17 05-02 AB 174](#)

Councilor Lachapelle **MOVED** to send the matter to a Public Hearing at the June 1, 2017, Codes and Ordinances Committee. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.6.4. Action Item: AB 168 Resolution Authorizing Supplemental Appropriation for the Dewey Street Pedestrian Bridge Project and Borrowing Authority Pursuant to RSA 33:9 in the Amount of \$170,000
first reading and refer to the Public Works Committee for a Public Hearing

Councilor Torr **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 Dewey Street Pedestrian Bridge Project and Borrowing Authority Pursuant to RSA 33:9 in the Amount of \$170,000

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

That the sum of One Hundred Seventy Thousand Dollars (\$170,000.00) be, and hereby is, appropriated as a supplemental appropriation to the Capital Improvement Project (CIP) fund of the City of Rochester Department of Public Works, for the purpose of

providing funds necessary to pay costs and/or expenditures with respect to the so-called Dewey Street Pedestrian Bridge 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 One Hundred Seventy Thousand Dollars (\$170,000.00), 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 designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY17 5-02 AB 168**

Councilor Torr gave reasons why he would be voting against the entire project.

Councilor Lachapelle **MOVED** to send the matter to the next Public Works Committee meeting to hold a public hearing. Councilor Bogan seconded the motion. Councilor Lachapelle and Councilor Bogan amended their motion to send the matter to the next Workshop. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Varney requested Commissioner Storer set up a site walk of the Hanson Pines Bridge. This would clear up any questions members may have.

Councilor Torr said it is time to consider how much of an impact approving more bonded projects has on the budget. This has a negative impact on the current projects to be finished. He named Washington Street as one example.

11. Old Business

12. Consent Calendar

13. New Business

13.1. AB 161 Resolution Authorizing Borrowing Authority Pursuant to RSA 33:9 for the Richard W. Creteau Technology Center Upgrade in the Amount of up to \$16,800,000 *second reading and consideration for approval*

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 Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 for the Richard W. Creteau Technology Center Upgrade in the Amount of up to \$16,800,000

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 Sixteen Million Eight Hundred Thousand Dollars (\$16,800,000) for the purpose of renovating and expanding the Richard W. Creteau Technology Center, and further;

Funding for the above stated purpose of renovating and expanding the Richard W. Creteau Technology Center will be derived from the following:

- Acceptance and expenditure of a grant from the State of New Hampshire in an amount not to exceed Twelve Million Dollars (\$12,000,000);
- 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 Four Million Eight Hundred Thousand Dollars (\$4,800,000.00), 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. **CC FY17 05-02 AB 161**

Councilor Gray **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Varney informed that this project would result in the City paying on a bond for approximately \$7,000,000 over the term and interest of this loan. This would also preclude other projects from being completed this year. Councilor Gates requested a roll call. Councilor Torr seconded the request.

Mayor McCarley stated that Councilor Varney is correct about the amount of interest to be paid, like any other bond project. Mayor McCarley reiterated that this is an opportunity to have the State fund \$12,000,000 for a City of Rochester project. This opportunity only comes once every twenty to twenty-four years. She encouraged the City Council to support this project. She said the Senate is now considering this project and has one more chance at this opportunity. Both Councilors Lachapelle and Torr voiced their support to this project; however, both voiced concerns about how this may affect other projects to be completed in the next few years.

Mayor McCarley called for a roll call to approve the resolution. Councilors Abbott, Bogan, Varney, Willis, Lachapelle, Gray, Torr, Keans, Lauterborn, and Mayor McCarley voted in favor of the motion. Councilors Barnett and Gates voted against the motion.

13.2. AB 171 Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding Taverns *first reading and refer to Committee for a public hearing*

Councilor Lachapelle **MOVED** to read the Amendment to Chapter 42 for the first time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the Amendment to Chapter 42 for the first time by title only as follows:

**Amendment to Chapter 42 of the General Ordinances of the City
of Rochester Regarding Taverns**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 42 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

42.2 Definitions and Terminology

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*

b. Definitions

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95. Eating and Drinking Establishments:

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*

G) **Tavern** (also known as a "bar" or "pub" or "***nano brewery***" or "***winery***" or "***distillery***"): A commercial establishment that sells alcoholic beverages for consumption on the premises. This may include the actual production of those alcoholic beverages on the premises, ***the carryout sales of those beverages produced on the premises,*** and the production and sale of food products on the premises.

The effective date of these amendments shall be upon passage.

Councilor Lachapelle **MOVED** to refer the matter to the next Codes and Ordinances Committee on June 1, 2017. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.3. AB 165 Resolution Authorizing Acceptance and Appropriation of Victims of Crime Act (VOCA) Grant Award for FY 2017-2018 *first reading, second reading, and adoption*

Councilor Lachapelle **MOVED** to read the resolution by title only

for the first time. 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
Victims of Crime Act (VOCA) Grant Award for Fiscal Year 2017-
2018 in the Amount of \$25,836.00**

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

WHEREAS, that a Victims of Crime Act (VOCA) grant in the amount of Twenty-Five Thousand Eight Hundred and Thirty-Six Dollars (\$25,836.00) awarded to the City of Rochester's Legal Department is hereby accepted by the City of Rochester;

WHEREAS, the aforesaid grant requires a 20% cash match by the City of Rochester of Six Thousand Four Hundred Fifty Nine Dollars (\$6,459.00), to the Victims of Crime Act (VOCA) grant by City of Rochester's Legal Department;

FURTHER, that the sum of Twenty-Five Thousand Eight Hundred and Thirty-Six Dollars (\$25,836.00) be, and hereby is, appropriated to a non-lapsing Special Revenue Fund to be created for the purpose of carrying out the purposes of the Victims of Crime Act grant;

FURTHER, that the transfer of Six Thousand Four Hundred Fifty-Nine Dollars (\$6,459.00) from the FY 2017 Legal Department Operating Budget to the non-lapsing Special Revenue fund stipulated above is hereby authorized;

FURTHER, that the City Manager is authorized to enter into a grant agreement and any other contracts with the New Hampshire Department of Justice that are necessary 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 5-02 AB 165**

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.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. Councilor Keans asked if the match to the grant would be withdrawn from the Legal Department's budget. Attorney O'Rourke confirmed that there is money in the budget for this item and that it would be withdrawn from the Legal Department Budget.

13.4. AB 179 Resolution Approving the 2017-2018 Operating Budget for the City of Rochester *first reading and refer to a Public Hearing*

Councilor Lachapelle **MOVED** to read the resolution by title only for the first time. 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 Approving Fiscal Year 2017-2018 Operating Budget for the City of Rochester

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

That a twelve (12) month operating budget for the City of Rochester be, and hereby is, approved and appropriated for the period beginning July 1, 2017 and ending June 30, 2018 in the amounts and for the purposes more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2018 (July 1, 2017 - June 30, 2018), as amended, the provisions of which are incorporated herein by reference thereto by attached **Exhibit A**.

This budget may be reconsidered before the tax rate is set if City, School and/or County revenues are changed by the State of New Hampshire or by the Federal Government. The budget appropriations contained in this Resolution are predicated upon projected revenues as more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2018 (July 1, 2017 - June 30, 2018), as amended, the provisions of which are incorporated herein by reference thereto. CC FY 17 5-02 AB 179

Councilor Lachapelle **MOVED** to send the matter to a City Council Public Hearing to be held on May 30, 2017. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.5. AB 180 Resolution Authorizing and Approving the 2017-2018 Capital Improvements Budget for the City of Rochester and Authorizing Borrowing in Connection Therewith *first reading and refer to a*

Public Hearing

Councilor Lachapelle **MOVED** to read the resolution by title only for the first time. 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 and Approving the 2017-2018 Capital Improvements Budget for the City of Rochester and Authorizing Borrowing in Connection Therewith

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

That the capital budget for the City of Rochester for the July 1, 2017 to June 30, 2018 fiscal year in the total amount specified in Exhibit A annexed hereto, be, and hereby is, authorized and appropriated, and, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, is hereby authorized to arrange borrowing to finance a portion of said capital budget appropriation as identified on Exhibit A annexed hereto.

The aforementioned borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter. The useful lives of the capital projects for which borrowing is authorized by this resolution shall be more particularly set forth in the "City of Rochester, New Hampshire, Proposed CIP Budget, Fiscal Year 2018 (July 1, 2017 –June 30, 2018), as amended. **CC FY 17 5-02 AB 180**

Councilor Lachapelle **MOVED** to send the matter to a City Council Public Hearing to be held on May 30, 2017. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

14. Non-Meeting/Non-Public Session

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

14.2. Non-Public Session: *(If necessary)*

Councilor Lauterborn **MOVED** to enter into the Non-Public Session under RSA 91-A:3 II d, for a land issue, and to the Non-Meeting, Consultation with Legal Counsel, RSA 91-A:2,I(b) at 8:24 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 12 to 0. Councilors Gray, Abbott,

Lauterborn, Keans, Bogan, Varney, Torr, Barnett, Lachapelle, Gates, Willis, and Mayor McCarley voted in favor of the motion.

Councilor Lauterborn **MOVED** to exit the Non-Public Session at 9:03 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Councilor Lauterborn **MOVED** to seal the minutes indefinitely as the divulgence of this information likely would render a proposed action ineffective. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilors Varney, Barnett, Keans, Lauterborn, Lachapelle, Abbott, Willis, Gates, Torr, Gray, Bogan, and Mayor McCarley voted yes.

15. Other

There was no discussion.

16. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the meeting at 9:05 PM. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk