

**Regular City Council Meeting
July 5, 2017
Council Chambers
7:00 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

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

COUNCILORS ABSENT/EXCUSED

Councilors Gates
Councilor Torr
Councilors Willis

Minutes

1. Call to Order

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

2. Presentation of the Colors/Proclamation: Rochester Knights of Columbus

2.1. Pledge of Allegiance

Mayor McCarley led the Pledge of Allegiance.

3. Opening Prayer

3.1. Opening Prayer: Knights of Columbus

Mayor McCarley called for a moment of silence in honor of Independence Day and for those who are serving in our military.

4. Roll Call

Kelly Walters, City Clerk, called the roll. All Council members were present, except for Councilors Gates, Torr, and Willis, who had been excused.

5. Acceptance of Minutes

5.1. Regular City Council Meeting: June 6, 2017 *consideration for approval*

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

5.2. Special City Council Meeting: June 13, 2017 *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes. 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 Toby Magoon, Department of Public Works & Public Buildings, has been selected as the Employee of the Month for July. Mr. Magoon could not attend the meeting; however, other arrangements would be made to present the plaque to him.

6.2. City Manager's Report

City Manager Fitzpatrick gave the following report:

Additional Information Received

- Eagle Scout Project – Hanson Pines

Contracts and Documents Executed

- **City Manager's Office**
 - Council Chambers/Conference Room rental agreement

- **Department of Public Works**
 - Dewey Street Bridge Contract
 - Honeywell Contract
 - MOU with Trustees of the Trust Fund – Dewey Street Bridge
 - NHDES – Cyanotoxin Monitoring Equipment and Training Grant
 - Williams Driving School – Lease Renewal
 - Lease Renewal – Crosspoint Church

- **Economic & Community Development**
 - Award Acceptance – VOCA (Victims of Crime Act) Assistant Grant
 - Cap, Homemakers – CDBG Contract
 - Coast, Cornerstone VNA – CDBG Contract
 - Community Partners – CDBG Contract
 - Environmental Reviews – CDBG
 - My Friend's Place, Crossroads House and CASA – CDBG Contracts
 - Strafford CAP – CDBG Contract
 - Distinctive Forest Creations – JOB Loan

- **Finance Department**
 - Cartographic Associates – Tax Map Maintenance Contract
 - Corcoran Consulting – Extend Services – Chief Assessor search

- **Police Department**
 - Ballistic Vests Grant

- **Recreation Department**
 - JSN Proposal – Arena Roof

Computer Lease/Tuition Reimbursement

- Tuition Reimbursement – Sullivan, M

Standard Reports

- City Council Request & Inquiry Report
- Monthly Overnight Travel Summary
- Permission & Permits Issued
- Personnel Action Report Summary

Councilor Keans asked if the *Victims of Crime* position is currently vacant. Attorney O'Rourke replied that the position has been filled. The new employee will be starting work on July 10, 2017.

Councilor Keans asked if the contract awarded to the Cartographic Associates Tax Map Maintenance Contract is the same company that had been used for the Pictometry software. Deputy City Manager Cox replied no, this is the company currently being used for the Tax office.

Councilor Varney asked about a specific job loan, which could be found on page 68 of the City Council packet. He questioned how someone could pay "principal" only for a period of one year. City Manager Fitzpatrick agreed to report back to the City Council with more information.

7. Communications from the Mayor

7.1. Appointment: Joint Building Committee for the Richard Creteau Technology Center

Mayor McCarley appointed the following Council members to serve on the *Joint Building Committee* for the *Richard Creteau Technology Center*: Councilors Hamann, Willis, Varney, and herself. Other Council members appointed were: Councilors Abbott and Gray.

Mayor McCarley thanked the Knights of Columbus for the Independence Day celebration held on July 4, 2017, at their facility.

Mayor McCarley announced the 8th Annual Softball Game "Gonic v East Side" would begin at 10:00 AM on August 12th [*rain date August 13th*] Riverside Park located behind the Department of Public Works.

8. Presentations of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1. Resignation: Kevin Quigley, Moderator, Ward 6

Councilor Gray **MOVED** to **ACCEPT** the resignation of Kevin Quigley, Moderator of Ward 6, and send a letter of thanks. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10. Reports of Committees

10.1. Appointments Committee

Recommended Appointment: Terese Dwyer, Alternate Member Planning Board, Term to Expire on 1/2/2018

Councilor Keans reviewed the Committee report and the recommendation made to appoint Terese Dwyer to the Planning Board.

Mayor McCarley **NOMINATED** Terese Dwyer to be appointed as an alternate member to the Planning Board with a term to expire on January 2, 2018. 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. Dwyer has been appointed to the Planning Board, as an Alternate member, by a unanimous ballot vote.

10.2. Public Safety

Recommended Action: To Place a “No Parking Here to Corner” sign or to paint diagonal crosshatch markings on Washington Street near Sylvain Street at the discretion of the Department of Public Works *consideration for approval*

Councilor Hamann gave a brief overview of the recommended action and **MOVED** to **APPROVE** the motion as stated above. Councilor Gates seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Hamann announced that the July Public Safety meeting is to be canceled due to lack of agenda items.

Councilor Keans asked about an agenda item, which had been reviewed by the Committee several months ago, about the Dunkin Donuts exit onto Little Falls Bridge Road. Councilor Hamann agreed to double check with Michael Bezanson, City Engineer, to find out what action had been recommended and to revisit this matter.

Councilor Lachapelle announced that the Codes and Ordinances Committee meeting scheduled for July 6, 2017, has been canceled. He added that the August meeting may be canceled if no action items are submitted for that agenda.

Councilor Lauterborn informed the City Council that the next Community Development Committee meeting is scheduled for July 10, 2017; however, the time of the meeting may change from 7:00 PM to 7:30 PM.

10.3. Public Works and Building Committee

Councilor Varney said the Public Works Committee recommended that Whitehouse Road should not be paved at this time and that these funds could be utilized to pave additional streets this summer.

11. Old Business

No discussion.

12. Consent Calendar

No items.

13. New Business

13.1. AB 01 Resolution Accepting New Hampshire Certified Local Government Grant Award from the New Division of Historic Resources in the Amount of \$15,000 *first reading, consideration for 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 Accepting New Hampshire Certified Local Government Grant Award from New Division of Historic Resources in the amount of \$15,000

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

WHEREAS, that a Certified Local Government ("CLG Grant") in the amount of \$15,000, with a \$2,000 City cash match requirement, and a \$10,000 in-kind (soft) match requirement, awarded to the City of Rochester is hereby accepted by the City of Rochester;

FURTHER, that the sum of Fifteen Thousand Dollars (\$15,000) be, and hereby is, appropriated to a non-lapsing Special Revenue Fund to be created for the purpose of hiring a consultant to create design guidelines for the City of Rochester's historic district.

FURTHER, that the sum of Two Thousand Dollars (\$2,000) shall be transferred from the Planning Department's FY 2017-2018 operating budget to serve as the required cash match for the grant;

FURTHER, that the City Manager is authorized to enter into a grant agreement and any other contracts with NH Division of Historical Resources 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.

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 02 Broadcasting Additional City Council Committee Meetings *sense of the City Council*

The City Council briefly discussed the possibilities of broadcasting additional City Council Sub-Committee meetings. It was determined that funding is in place for this purpose.

The City Council discussed broadcasting large-scale agendas for the Codes and Ordinances Committee and the Public Safety Committee meetings rather than broadcasting each meeting every month. It was determined that "select" broadcasting would not be allowed either all the meetings of a particular sub-committee must be broadcast or no meetings of such sub-committee should be broadcast.

Councilor Varney **MOVED** to start broadcasting *all* Codes and Ordinances Committee meetings. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The broadcasting of the Public Safety Committee meetings has been placed

13.3. Resolution Authorizing Acceptance of Donation from the Spaulding Alumni Association of All Remaining Monies upon Dissolution *first reading, consideration for second reading, and adoption*

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only. Councilor Bogan seconded the motion. Mayor McCarley read the resolution for the first time by title only as follows:

Resolution Authorizing Acceptance of Donation from the Spaulding Alumni Association of All Remaining Monies upon Dissolution

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

WHEREAS, that upon dissolution of the Spaulding Alumni Association the members wished to donate all remaining monies to the City of Rochester to be administered by the Trustees of the Trust Funds as they see fit;

THEREFORE, the donation of the remaining Spaulding Alumni Association funds is hereby accepted by the City of Rochester;

FURTHER, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to work with the Trustees of the Trust Funds to identify, designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

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. Councilor Keans questioned the writing of the last paragraph of the resolution. Deputy City Manager Cox agreed that the City Treasurer would be responsible to transfer the funds directly to the Trustees without the Finance Department having to set up specific accounts for the Trustees.

Councilor Lauterborn questioned the wording in the first paragraph of the resolution, which read "as they [Trustees] see fit."

She questioned how the Spaulding Alumni intended to have the Trustees expend the funds. Mayor McCarley agreed that follow up communication between the Trustees and the Spaulding Alumni should occur. Councilor Keans recalled that the Spaulding Alumni had previously discussed this matter with the Trustees of the Trust Fund. The **MOTION CARRIED** by a unanimous voice vote.

13.4. AB 05 Resolution Accepting Donation of a Portable Generator to the City of Rochester Fire Department Valued at Approximately \$1,000
first reading, consideration for 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 Accepting Donation of a Portable Generator to the City of Rochester Fire Department Valued at Approximately \$1,000

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

That a donation of one (1) new Briggs & Stratton Generator valued at approximately One Thousand Dollars (\$1,000.00) made to the City of Rochester Fire Department is hereby accepted by the City of Rochester.

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

Councilor Lachapelle **MOVED** to 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. Councilor Varney recommended that the Fire Department send a letter of thanks to the gentleman making the donation.

- 13.5. Correction to a Previously Adopted Resolution: Resolution Accepting Governor's Commission Alcohol Fund Grant and Authorizing Supplemental Appropriation to the Police Department in the Amount of \$25,170.00 – Original Adoption Date: 4/4/2017 *consideration for approval***

Note: Both the Agenda Bill and Resolution should be corrected to state that \$13,500 is to be expended in FY 18 and \$11,670 is to be expended in FY 19 – No change to the total amount of \$25,170

Councilor Lachapelle **MOVED** to **APPROVE** the corrections to the resolution as stated above. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- 13.6. AB 07 Motion to Authorize an Easement for Eversource off the end of Hillsdale Dr. (off Chestnut Hill Road) *consideration for adoption***

Councilor Lachapelle **MOVED** to Authorize an Easement for Eversource off the end of Hillsdale Drive. Councilor Bogan seconded the motion.

Attorney O'Rourke explained that the easement would give Eversource the authority to place infrastructure in the ground on that property. Councilor Keans expressed concern about granting this easement to Eversource. Councilor Bogan questioned if the City would, in turn, need permission to access the boat launch. City Attorney O'Rourke replied that this easement does not reach the boat launch area. City Manager Fitzpatrick stated that anyone could access this land because it would still remain public property.

Councilor Keans expressed concern about "gating" the access to the boat launch.

Mayor McCarley called for a motion to authorize the easement. The **MOTION CARRIED** by a unanimous voice vote.

14. Non-Meeting/Non-Public Session

- 14.1. Non-Public, Labor Negotiations, per RSA 91 –A:3, II (a)**

Councilor Lauterborn **MOVED** to enter into a Non-Public Session, Per RSA 91-A:3,II(a) at 7:33 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 10 to 0 roll call vote. Councilors Bogan, Abbott, Lachapelle, Gray, Barnett, Hamann, Keans, Lauterborn, Varney, and Mayor McCarley voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Session at 7:49 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

15. Other

Councilor Lachapelle **MOVED** to **APPROVE** the Tentative Collective Bargaining Agreement Ratified by Local 1451 of the International Association of Firefighters. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a 9 to 1 roll call vote. Councilors Bogan Gray, Abbott, Lachapelle, Hamann, Lauterborn, Keans, Barnett, and Mayor McCarley voted in favor of the motion. Councilor Varney voted against the motion.

16. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the Workshop at 7:55 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk