

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

COUNCILORS PRESENT

Councilor Abbott
Councilor Barnett
Councilor Bogan
Councilor Gates
Councilor Gray
Councilor Hamann
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
Mark Klose, Fire Chief
Sara Eames, Resident
David Stevens, Resident

MINUTES

1. Call to Order

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

2. Presentation of the Colors: American Legion Unit 7 – Junior Auxiliary

2.1. Pledge of Allegiance

The American Legion Unit 7 Junior Auxiliary led the Pledge of Allegiance.

3. Opening Prayer

3.1. Opening Prayer: American Legion Unit 7 – Junior Auxiliary

The American Legion Unit 7 Junior Auxiliary led the opening prayer.

4. Roll Call

Kelly Walters, City Clerk, took the roll call. All Councilors were present.

5. Acceptance of Minutes

5.1. Regular City Council Meeting: August 1, 2017 *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the August 1, 2017, Regular City Council meeting 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 Matt Furtney, Fire Department, has been selected as the Employee of the Month for September. City Manager Fitzpatrick invited Fire Chief Klose to accept the plaque for Mr. Furtney and present it to him at a later date.

6.2. City Manager's Report

City Manager Fitzpatrick gave the following report:

Contracts and documents executed since last month

- **City Manager's Office**
 - Chamber Support Letter
 - Homeland Security Grant close-out – (Warm-Zone Equipment)

- **Department of Public Works**
 - 38 Hanson Street – demo and parking lot construction contract
 - 216 Salmon Falls Road – Security Agreement
 - Clean Water SRF Project
 - Community Center Lease Renewal – Strafford Regional Planning Commission
 - EDA Salmon Falls Project – Change Order #1
 - EDA Salmon Falls Project - Amendment
 - Eversource Easement
 - Franklin St. /Western Ave. Project – Change Order #2
 - Geological Survey Contract
 - Honeywell HVAC Contract
 - Underwood Engineers Contract – Ground Water Eval & Tech Assist.
 - Western Ave Pump Station – Cert. of Substantial Completion

- Water Supply Evaluation & Groundwater Evaluation
- **Economic & Community Development**
 - CDBG FY 17-18 Annual Action Plan
 - CDBG Release of Funds – CAP Weatherization & Tennis Courts
 - Community Partners – Contract Amendment
 - Homeless Center of Strafford County generator project
 - Housing Authority environmental review
 - Share Fund – contract addendum
 - Strafford County CAP – environmental review
 - Crossroads House and My Friend’s Place – contract addendum
- **Finance Department**
 - Homeless Center - MOU
 - Partial Lien Release – Little Quarry Drive
- **Legal Department**
 - Tax Deeds – Kipling Road and Strafford Road

The following Computer/Lease Purchase or Tuition Reimbursement Forms have been approved:

- Computer Lease/Purchase – Deluca, A – Police Department
- Tuition Reimbursement – Pollard, K – Economic Development

The following standard reports have been enclosed:

- City Council Request & Inquiry Report [*No Items – No Report included*]
- Monthly Overnight Travel Summary
- Permission & Permits Issued
- Personnel Action Report Summary

7. Communications from the Mayor

7.1. Municipal Filing Period

Mayor McCarley announced that the November 7, 2017 Municipal Election Filing Period would be starting this Friday, September 8, 2017 at 8 AM and would remain open until Monday, September 25, 2017 at 5:00 PM.

7.2. Mayor McCarley Rochester Listens

Mayor McCarley informed the public that *Rochester Listens* would meet on September 6, 2017 at the Annex for a community collaborative of area

groups to discuss the downtown area.

7.3. Farmers Market

Mayor McCarley encouraged City Council and the public to attend the last few of the Rochester Farmer's Market events, which includes free entertainment and demonstrations.

Mayor McCarley said the Historic District Commission is invited to attend the October Workshop to make a presentation to the City Council about the historic building located on 38 Hanson Street.

8. Presentations of Petitions and Council Correspondence

9. Nominations, Appointments, Resignations, and Elections

9.1. Resignation: Robert Jaffin, Planning Board

9.2. Resignation: Robert Jaffin, Strafford Regional Planning Commission

Mayor McCarley announced that Robert Jaffin is moving to the State of Maine and can no longer serve on the Planning Board and the Strafford Regional Planning Commission. Councilor Lachapelle **MOVED** to **ACCEPT** the resignations submitted by Robert Jaffin for both the Planning Board and for the Strafford Regional Planning Commission, with regret, and to send a letter of thanks. Councilor Willis seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9.3. Resignation: Rick Healey, Planning Board

9.4. Resignation: Rick Healey, Historic District Commission

9.5. Resignation: Rick Healey, Government Channel

Mayor McCarley said Rick Healey has served the Rochester Community for many years and is no longer able to serve at this time. Councilor Lachapelle **MOVED** to **ACCEPT** the resignations submitted by Rick Healey for the Planning Board, Historic District Commission and for the Government Channel, with regret, and to send a letter of thanks. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9.6. Candidate(s) for Moderator – Ward 6

9.6.1. Sara Eames, Ward 6

Mayor McCarley nominated Sara Eames, registered voter, to serve as the new Moderator for Ward 6. 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. Eames has been elected as the new Moderator for Ward 6 by a 13 to 0 roll call vote. Councilors Bogan, Abbott, Varney, Willis, Lachapelle, Gray, Barnett, Torr Hamann, Gates, Keans, Lauterborn, and Mayor McCarley voted in favor of the motion.

9.7. Candidate(s) Police Commission Ward 1 & 2:

9.7.1. David Stevens, Ward 1

Mayor McCarley nominated David Stevens, Ward 1, to serve as the new Police Commissioner Representative for Wards 1 & 2. Councilor Lachapelle seconded the nomination. Councilor Torr **MOVED** that nominations cease. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Stevens has been elected as the new Police Commissioner Representative for Wards 1 & 2 by a 13 to 0 roll call vote. Councilors Gray, Hamann, Torr, Keans, Varney, Gates, Barnett, Bogan, Lauterborn, Abbott, Willis, Lachapelle, and Mayor McCarley voted in favor of the motion.

10. Reports of Committees

10.1. Appointments Review Committee - no action

No discussion.

10.2. Public Safety Committee

10.2.1. Recommended Committee Action: To Move the COAST bus stop to the Intersection of Roulx Drive & Salmon Falls Road and put the sign on the same post as the stop sign [Coast would relocate the sign] consideration for approval

Councilor Hamann **MOVED** to **APPROVE** the Public Safety Committee recommendation as stated above. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.2.2. Recommended Committee Action: To Paint stop bars – one coming in and one coming out of Ledgeview Drive consideration for approval

Councilor Hamann **MOVED** to **APPROVE** the Public Safety Committee recommendation as stated above. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- 10.2.3. Recommended Committee Action:** *To place three 25 mph signs one coming in on Hansonville Road, one coming in on Oak Street, and one on the lower half of Ledgeview Drive near Punch Brook Way at the discretion of DPW consideration for approval*

Councilor Hamann said many concerned citizens attended the Public Safety meeting from the Ledgeview Drive area. He **MOVED** to **APPROVE** the Public Safety Committee recommendation as stated above. Councilor Lachapelle seconded the motion. Councilor Willis questioned if the signage would be kept inside the Ledgeview Drive development. Councilor Hamann replied yes. The **MOTION CARRIED** by a unanimous voice vote.

- 10.2.4. Recommended Committee Action:** *To send a letter to the State to request a turning lane between the intersection of 125/Gear Road and Colonial Drive consideration for approval*

Councilor Hamann **MOVED** to **APPROVE** the Public Safety Committee recommendation as stated above. Councilor Lachapelle seconded the motion. The Council discussed the matter. Councilor Willis **MOVED** to **AMEND** the motion to strengthen the letter to include a speed limit request of 45 MPH starting at the Rochester Boundary Line up to the Intersection of Colonial Hill/Gear Road. Secondly, to extend the request of a turning lane at the Intersection of Colonial Drive/Gear Road, to construct a center lane [turning lane] from the Rochester Border to Church Street in Gonic. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley called for a vote on the amended motion. The **MOTION CARRIED** by a unanimous voice vote.

- 10.2.5. Recommended Committee Action:** *To put the stop sign back up near the Shell Station on Little Falls Bridge Road consideration for approval*

Councilor Hamann **MOVED** to **APPROVE** the Public Safety Committee recommendation as stated above. Councilor Lachapelle seconded the motion. Councilor Willis expressed concern about posting a public stop sign

on private property. The **MOTION CARRIED** by a unanimous voice vote.

10.3. Public Works and Building Committee

- 10.3.1. **Recommended Committee Action:** *To direct the City Manager to have Staff work with the Brocks to have the deed transferred to the City so the full City Council can vote to accept the street in the current condition and continue with maintenance and other City services consideration for approval*

Councilor Torr reviewed the motion made by the Public Works and Building Committee relative to Laura Drive as stated above. Attorney O'Rourke said at this point, it would make sense to make a motion to accept the deed for Laura Drive. Councilor Keans asked if there had been any transfer of money for this deed. Attorney O'Rourke replied no. Councilor Varney **MOVED** to **ACCEPT** the Deed for Laura Drive as a City Street. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- 10.3.2. **Recommended Committee Action:** *to recommend that the full City Council support the ¾" overlay (pavement) of the downtown area consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the Public Works and Building Committee recommendation as stated above. Councilor Bogan seconded the motion. Councilor Torr expressed concern that pavement should be completed by mid-November. Councilor Willis expressed concern of how this overlay pavement project would affect the 'reveal' of the sidewalks. City Manager Fitzpatrick concurred. The **MOTION CARRIED** by a unanimous voice vote.

11. Old Business

No discussion.

12. Consent Calendar

Councilor Lachapelle **MOVED** to **APPROVE** the Consent Calendar. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

- 12.1. **AB 21** Resolution Deauthorizing FY 2016-2017 Funding related to the New Hampshire Department of Justice Victims of Crime Act (VOCA) in the Amount of \$2,201.31 *first reading, second reading, and consideration for approval*

13. New Business

- 13.1. **Question to Voters:** November 7, 2017, Municipal Election ballot:

“Shall we allow the operation of keno games within the City of Rochester?” *motion to approve placing this question on the ballot and to schedule a public hearing*

Mayor McCarley called for a vote on the motion as stated above. Councilor Varney requested a roll call vote. Councilor Lachapelle seconded the request. Councilor Lachapelle **MOVED** to **APPROVE** the above ballot question for the November 7, 2017 Municipal Election Ballot and to schedule a Public Hearing as required by State Law. The **MOTION CARRIED** by a 12 to 1 roll call vote. Councilors Gray, Abbott, Keans, Bogan, Varney, Hamann, Torr, Barnett, Lachapelle, Gates, Willis, and Mayor McCarley voted in favor of the motion. Councilor Lauterborn voted against the motion.

- 13.2. **AB 27** Resolution Authorizing the Rochester Police Department to Apply for a United States Department of Justice (USDOJ) Justice Assistance Grant (JAG) in the Amount of \$26,029 *first reading and consideration for 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 the Rochester Police Department to Apply for a United States Department of Justice (USDOJ) Justice Assistance Grant (JAG) in the Amount of \$26,029

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 Rochester Police Department to apply for a grant in the amount of Twenty Six Thousand Twenty Nine Dollars (\$26,029.00) from the USDOJ JAG program in order to fund the purchase of evidence collection

equipment. The City of Somersworth will act as agent for this application in exchange for Five Percent (5%) of any monies awarded to the City of Rochester.

Further, the Mayor and City Council authorize the City Manager to enter into a inter-local agreement with the City of Somersworth to apply for the grant and authorize the City Manager to execute any documents and agreements necessary for the grant's acceptance and execution.

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 FY18 09-05 AB 27**

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

13.3. AB 26 Resolution for Supplemental Appropriation to the Conservation Commission Fund for Fiscal Year 2016-2017 Pursuant to the Provisions of Section 11.21 (c) of the General Ordinances in the Amount of \$87,195 *first reading, 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 to the Conservation Fund for Fiscal Year 2016-2017 Pursuant to the Provisions of Section 11.21(c) of the General Ordinances in the Amount of \$87,195

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

As a supplemental appropriation to the 2016-2017 fiscal year operating budget of the City of Rochester, the sum of Eighty Seven Thousand One Hundred Ninety Five Dollars (\$87,195.00); from annual excess Land Use Change Tax funds for fiscal year 2016-2017 to the City of Rochester Conservation Fund, the sums necessary to fund such supplemental appropriation to be drawn in their entirety from the aforesaid annual excess

Land Use Change Tax revenues received during fiscal year 2016-2017.

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. The effective date of this Resolution shall be June 30, 2017. **CC FY18 09-05 AB 26**

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 Willis asked if this would essentially transfer funds from the last fiscal year to the current fiscal year. Deputy City Manager Cox replied no, this is the additional revenue for the Land Use Change Tax Funds above the \$10,000 appropriated during the 2017 budget. Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.4. AB 24 Resolution Consenting to the Transfer of Metrocast's Cable Franchise to Atlantic Broadband *first reading and consideration for 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 Consenting to the Transfer of Metrocast's Cable Franchise to Atlantic Broadband

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

WHEREAS, The City of Rochester ("Franchising Authority") has received a request from MetroCast Cablevision of New Hampshire, LLC ("MetroCast") to assign to Atlantic Broadband (NH- ME), LLC, a wholly-owned, indirect subsidiary of Cogeco Communications, Inc., ("Atlantic Broadband") the cable television franchise held by MetroCast ("Franchise").

WHEREAS, The Franchise requires that MetroCast obtain the Franchising Authority's prior consent for the assignment of the Franchise by MetroCast to Atlantic Broadband.

WHEREAS, MetroCast and Atlantic Broadband have properly requested the

Franchising Authority's consent to the assignment and transfer of the Franchise and related assets to Atlantic Broadband.

WHEREAS, Atlantic Broadband has the financial, technical, and legal ability to fulfill the obligations of the Franchise, and the assignment of the Franchise to Atlantic Broadband will serve the public interest.

THEREFORE, the Mayor and City Council resolve that the Franchising Authority consents to the transfer to Atlantic Broadband of the Franchise and all of MetroCast's rights in and under the Franchise. Upon the closing of the sale of MetroCast's cable system to Atlantic Broadband ("Closing"), Atlantic Broadband shall become bound by the Franchise and shall perform and discharge all obligations and duties under the Franchise that arise on and after the Closing. Upon Closing, the Franchising Authority releases MetroCast from all obligations and liabilities under the Franchise that relate to periods from and after the Closing. Upon Closing, Caisse de depot et placement du Quebec ("CDPQ") will have an indirect equity interest in Atlantic Broadband. Atlantic

Broadband may: (a) assign or transfer its assets to an entity directly or indirectly controlling, controlled by, or under common control with Atlantic Broadband; (b) restructure debt or change the ownership interests among its existing equity holders and/or CDPQ; (c) pledge or grant to any lender a security interest in Atlantic Broadband's assets to secure indebtedness; and (d) sell equity interests in Atlantic Broadband or any of Atlantic Broadband's affiliates. All Franchising Authority action necessary to approve this Resolution and the Franchise transfer has been duly and validly taken.

Furthermore, 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.

The effective date of this resolution shall be upon passage.

Councilor Willis asked about the customers currently utilizing the Metrocast.net domain. It seems this would be a burden for many of the customers. City Manager Fitzpatrick gave a brief history of cable franchise agreements. He agreed to direct staff to communicate this concern to Atlantic Broadband. The City Council briefly discussed the matter. The **MOTION CARRIED** by a unanimous voice vote.

- 13.5. AB 25 Resolution Accepting NH Department of Environmental Services (NHDES) Grant, in Connection with 2018 Household Hazardous Waste Day and Authorizing City Manager to Enter Into a Contract with**

NHDES not to exceed \$14,000 *first reading, 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 Accepting
NH Department of Environmental Services (NHDES) Grant,
in Connection with 2018 Household Hazardous Waste Day
and Authoring City Manager to Enter Into a
Contract with NHDES not to exceed \$14,000**

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

That a NHDES Grant, in the amount not to exceed Fourteen Thousand Dollars (\$14,000.00) to the City of Rochester, for the purpose of hosting hazard mitigation, is hereby accepted by the City of Rochester and, when received, such grant funds shall be assigned to account number 13010057-533007 previously approved by the Council in the 2018 operating budget of the City of Rochester.

Additionally, the City Manager of the City of Rochester, be, and hereby is authorized to enter into a contract with the NHDES with respect to such grant and the conduct of the aforementioned 2018 Household Hazardous Waste Day.

Furthermore, 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 FY18 09-05 AB 25**

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.

13.6. AB 22 Resolution Authorizing Supplemental Appropriation for the so-called EDA Sewer and Salmon Falls Road Reconstruction Project in the Amount of

\$110,000 *first reading, 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 Authorizing Supplemental Appropriation for the so-called EDA Sewer and Salmon Falls Road Reconstruction Project in the Amount of \$110,000

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

That the sum of One Hundred Ten Thousand Dollars (\$110,000.00) be, and hereby is, appropriated as a supplemental appropriation to the Sewer Capital Improvement Plan Project Fund for the purpose of providing funds necessary to pay costs and/or expenditures with respect to homeowner connections related to the EDA Sewer and Salmon Falls Road Reconstruction Project. The entire supplemental appropriation shall be derived from the Sewer Fund Retained Earnings 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 FY18 09-05 AB 22**

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 Willis asked if individual residents would be paying the City back for this investment. City Manager Fitzpatrick said yes and payment plans would be acceptable. Councilor Varney asked about the utility rates. Deputy City Manager Cox replied that the Utility Advisory Board would be presenting the utility rates to the City Council in October. The **MOTION CARRIED** by a unanimous voice vote.

- 13.7. AB 28 - A Resolution Authorizing Supplemental Appropriation for the So-Called Forest Park Drive and Plant Street Drainage Project in the Amount of \$900 *first reading, 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 Authorizing Supplemental Appropriation for the so-called Forest Park and Plante Street Drainage Project in the Amount of \$900

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

That the sum of Nine Hundred Dollars (\$900.00) be, and hereby is, appropriated as a supplemental appropriation to the Department of Public Works Capital Improvement Plan Project Fund for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the Forest Park and Plante Street Drainage Project. The entire 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 FY18 09-05 AB 28 - A**

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 City Council briefly discussed the matter. The **MOTION CARRIED** by a unanimous voice vote.

13.8. AB 28 – B Resolution Deauthorizing \$2,935,050.66 Related to Various Projects Funded from the Department of Public Works & Public Buildings Capital Improvement Plan Project Fund *first reading, 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 Deauthorizing \$2,935,050.66 related to various projects funded from the Department of Public Works & Public Buildings Capital Improvement Plan Project Fund

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

That Two Million Nine Hundred Thirty Five Thousand Fifty and 66/100 Dollars (\$2,935,050.66) of previously appropriated funds is deauthorized from various completed, cancelled, or postponed projects in accordance with Exhibit A.

Further, in accordance with RSA 33:9, Two Million Eight Hundred Thirty Five Thousand Eight Hundred Two and 18/100 Dollars (\$2,835,802.18) in previously authorized bonding authority is hereby revoked as shown in Exhibit A.

Still further, the amount of Ninety Four Thousand Four Hundred Two and 99/100 Dollars (\$94,402.99) shall be returned to the General Fund unassigned fund balance and Four Thousand Eight Hundred Forty Five and 49/100 Dollars (\$4,845.49) shall not be sought as reimbursement for the two grants as identified in Exhibit A .

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. **CC FY18 09-05 AB 28-B**

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. Mayor McCarley confirmed that the funds to be deauthorized by this resolution are from projects which have been completed or eliminated. The **MOTION CARRIED** by a unanimous voice vote.

13.9. AB 20 Resolution Authorizing Supplemental Appropriation to Renew Contract with the Buxton Company in the Amount of \$40,000 *first reading, 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 Authorizing Supplemental Appropriation to Renew
Contract with the Buxton Company in the Amount of \$40,000**

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

That the sum of Forty Thousand Dollars (\$40,000.00) be, and hereby is, appropriated as a supplemental appropriation for the purpose of providing funds necessary to pay costs and/or expenditures with respect to contracting with the Buxton Company to provide analytical data regarding recruitment of retail ventures. The entire supplemental appropriation shall be derived from the General Fund unassigned fund balance.

Further, the City Manager is authorized to sign all necessary instruments to effect the contract between the City of Rochester and the Buxton Company.

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 FY18 09-05 AB 20**

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 Willis questioned if this funding would be worth the investment. Both the City Manager Fitzpatrick and Karen Pollard, Economic Developer, agreed this would be a financial benefit investment for the City. Ms. Pollard said that the City of Rochester is one of the most successful City's in the Country to utilize the Buxton Data. Councilor Lauterborn added that this year's contract has an important component which includes the downtown area. The City Council discussed the funding source. The **MOTION CARRIED** by a unanimous voice vote.

14. Other

Councilor Gates had questions about the dumpsters in the downtown area. He asked if there is an existing City Ordinance relative to screening-in the dumpsters in the downtown area. Councilor Gray said there could be some regulations about screening-in dumpsters directed to owners from the

Planning Board Site Regulations. Councilor Lachapelle agreed that the screened-in dumpsters would look nice aesthetically; however, it would become a financial burden for many business owners. He recalled that the Codes and Ordinances Committee reviewed this ordinance about six years ago. He agreed to have the Codes and Ordinances Committee review this ordinance at the October Committee meeting.

15. Non-Meeting/Non-Public Session

15.1. Non-Public Session, Land, RSA 91-A:3 II (d)

15.2. Non-Public Session, Personnel, RSA 91-A:3,II (a)

Councilor Gray **MOVED** to enter into a Non-Public Session, under RSA 91-A:3,II (a), for Personnel and RSA 91-A:3 II (d) for land at 7:56 PM. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Keans, Willis, Lachapelle, Abbott, Varney, Gates, Barnett, Bogan, Lauterborn, Gray, Hamann, Torr, and Mayor McCarley voted in favor of the motion.

Councilor Lauterborn **MOVED** to exit the Non-Public Session and return to the Public Session at 8:44 PM. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lauterborn **MOVED** to seal the minutes indefinitely because it is determined that divulgence of this information likely would render a proposed action ineffective. Councilor Gates seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call. The following Councilors voted in favor of the motion: Councilors Barnett, Keans, Lauterborn, Hamann, Lachapelle, Abbott, Willis, Gates, Torr, Gray, Bogan, Varney, and Mayor McCarley voted in favor of the motion.

16. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the Regular City Council meeting at 8:45 PM. Councilor Willis seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk

Attachments: AB 28-B Exhibit A

EXHIBIT A

Account Number	Project Name	Revised Budget	Expended	Deauthorize			Total	To Be Bonded
				Cash	Bond	Grant	De-authorization	
15013010-771000-12512	Howard Brook	\$ 173,830.00	\$ 34,717.17	\$ 8,830.83	\$ 130,282.00	\$ -	\$ 139,112.83	\$ -
15013010-771000-15525	Howard Brook	\$ 350,000.00	\$ -	\$ -	\$ 350,000.00	\$ -	\$ 350,000.00	\$ -
15013010-771000-15527	North Main Gap	\$ 100,000.00	\$ -	\$ -	\$ 100,000.00	\$ -	\$ 100,000.00	\$ -
15013010-771000-15550	Forest Park & Plante Drainage	\$ 200,000.00	\$ 112,497.37	\$ -	\$ 88,402.63	\$ -	\$ 88,402.63	\$ -
15013010-771000-16525	Milton/Salmon fls intersection	\$ 150,000.00	\$ -	\$ -	\$ 150,000.00	\$ -	\$ 150,000.00	\$ -
15013010-771000-16529	Lowell Culvert	\$ 230,000.00	\$ 99,529.63	\$ -	\$ 130,470.37	\$ -	\$ 130,470.37	\$ 22,579.80
15013010-771000-16588	Gonic Dam	\$ 34,273.00	\$ 33,249.51	\$ -	\$ -	\$ 1,023.49	\$ 1,023.49	\$ -
15013010-771000-17530	Woodman Myrtle	\$ 1,700,000.00	\$ -	\$ -	\$ 1,700,000.00	\$ -	\$ 1,700,000.00	\$ -
15011090-772000-16516	Opera House lift	\$ 10,000.00	\$ -	\$ 10,000.00	\$ -	\$ -	\$ 10,000.00	\$ -
15011090-772000-16548	DHHS Upgrades	\$ 30,000.00	\$ -	\$ 30,000.00	\$ -	\$ -	\$ 30,000.00	\$ -
15011090-772000-16549	Heating Second fl Com Ctr	\$ 12,000.00	\$ 11,519.84	\$ 480.16	\$ -	\$ -	\$ 480.16	\$ -
15011090-772000-16552	Replace Gym Sound Boards	\$ 25,000.00	\$ -	\$ 25,000.00	\$ -	\$ -	\$ 25,000.00	\$ -
15011090-772000-17517	PD Roof Repair	\$ 25,000.00	\$ 8,730.00	\$ 16,270.00	\$ -	\$ -	\$ 16,270.00	\$ -
15011090-772000-17550	DHHS Space Renovations	\$ 100,000.00	\$ -	\$ -	\$ 100,000.00	\$ -	\$ 100,000.00	\$ -
15011090-772000-17552	Inter & Exterior Security Cam	\$ 100,000.00	\$ 33,998.82	\$ -	\$ 86,647.18	\$ -	\$ 86,647.18	\$ 33,998.82
15011090-773100-17514	Central Fire Generator	\$ 110,000.00	\$ 102,356.00	\$ 3,822.00	\$ -	\$ 3,822.00	\$ 7,644.00	\$ -
				\$ 94,402.99	\$ 2,835,802.18	\$ 4,845.49	\$ 2,935,050.66	\$ 56,578.62

GENERAL FUND PROJECTS READY FOR DE-AUTHORIZATION