

**Regular City Council Meeting
April 5, 2016
Council Chambers
7:05 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
Members of the Jr. Civil Air Patrol
Commissioner John Storer
Julian Long, Community Development
Coordinator/Grant Manager

MINUTES

1. Call to Order

Mayor McCarley called the Regular City Council meeting to Order at 7:05 PM.

2. Pledge of Allegiance

**2.1. Presentation of the Colors: Roland E. Patnode Jr.
American Legion Post 7 Color Guard**

The Roland E. Patnode Jr. American Legion Post 7 Color Guard presented the Colors to the City Council and led the Pledge of Allegiance.

3. Opening Prayer

**3.1. Opening Prayer: Harry Twitchell, Post 7 American
Legion Chaplain**

Harry Twitchell, Post 7 American Legion Chaplain, gave the opening prayer.

4. Roll Call

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

5. **AB 131 Resolution Authorizing Supplemental Appropriation to the 2015-2016 Capital Improvements Budget of the City of Rochester, Department of Public Works, for the So-Called Salmon Falls Road EDA Sewer Extension Project – First Reading, Refer to a Public Hearing First Reading and Refer to the 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 SUPPLEMENTAL APPROPRIATION TO THE 2015-2016 CAPITAL IMPROVEMENTS BUDGET OF THE CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS FOR THE SO-CALLED SALMON FALLS ROAD EDA SEWER EXTENSION PROJECT

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

That the sum of Eight Hundred Sixty Five Thousand Dollars (\$865,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2015-2016 capital improvements (CIP) budgets of the City of Rochester, Department of Public Works as follows: Two Hundred Fifteen Thousand Dollars (\$215,000.00) to the General Fund CIP fund; Three Hundred Seventy Three Thousand Dollars (\$373,000.00) to the Water CIP fund; and Two Hundred Seventy Seven Thousand Dollars (\$277,000.00) to the Sewer CIP fund. The purpose of this supplemental appropriation is to provide sums necessary to pay costs and/or expenditures with respect to the so-called Salmon Falls Road EDA Sewer Extension Project (the "Project"), and provided further that such appropriation shall be drawn in its entirety from the proceeds of bonding/borrowing to be undertaken by the City of Rochester.

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 Eight Hundred Sixty Five Thousand Dollars (\$865,000.00) 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.

Further, the Mayor and City Council hereby determine that the expected useful life of each element of the Project to be at least twenty (20) years.

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 16 04-05 AB 131**

Councilor Lachapelle **MOVED** to refer the matter to a Public Hearing. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Recess to Public Hearing

Mayor McCarley recessed the Regular City Council Meeting at 7:10 PM.

7. Reconvene Regular City Council Meeting

Mayor McCarley reconvened the Regular City Council Meeting at 7:12 PM.

8. Acceptance of Minutes

8.1. [March 1, 2016 Regular City Council Meeting](#)

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council meeting minutes of March 1, 2016. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

8.2. [March 15, 2016 Special City Council Meeting](#)

Councilor Lachapelle **MOVED** to **ACCEPT** the Special City Council meeting minutes of March 15, 2016. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9. Communications from the City Manager

9.1. Employee of the Month Award

City Manager Fitzpatrick announced that Karen Bonneau, Utility Billing, could not attend this evening's meeting due to a family emergency and she would be invited back for the April 19, 2016, City Council Workshop meeting.

9.2. City Manager's Report

City Manager Fitzpatrick gave the following report:

Management Team Meeting minutes:

- February 22, 2016
- February 29, 2016
- March 7, 2016
- March 14, 2016
- March 21, 2016

Contracts and documents executed since last month:

- City Clerk
 - Codification Bid Award – General Code
- City Manager's Office
 - Council Chambers Rental Agreement – Rochester Opera House
- Department of Public Works
 - DMR (Discharge Monthly Report) Agreement
 - Salmon Falls Road Highway Safety Improvement Project – Engineering Services Agreement – Contract Amendment #3
- Economic & Community Development
 - Accessibility for New England contract - SHS elevator
 - Victims of Crime Act Assistance grant application
- Finance Department
 - Ambulance Dispatching Service Agreement update
 - Century Bank Collateralization Agreement
 - Franklin Pierce University – MOU
 - MIS/IT – Professional Services Agreement - MRI Assessment
- Fire Department
 - FY17 Seabrook Power Plant Budget request

- Legal Department
 - Waterstone Phase II Development Agreement – date amendment

- Police Department
 - Highway Safety Grant – Bicycle and Pedestrian Safety Patrols
 - Highway Safety Grant – Motorcycle Lease Grant
 - Rochester Housing Authority Contract amendment – previous memo explanation

- Recreation Department
 - Ice Rate Information – previous memo explanation

- Rochester Main Street
 - Letter of Support to NH Liquor Commission

Computer Lease/Tuition Reimbursement have been approved:

- Tuition Reimbursement – Rodgerson, S

Additional information that has been received:

- In car video policy
- Metrocast Franchise Payment letter

Standard reports:

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

Councilor Varney asked about the Waterstone Phase II bonding. He gave reasons why the City Council discussed seeking ten-year bonds rather than twenty-year bonds. The bonds should be paid off as soon as possible in order to benefit the taxpayers. Councilor Torr gave reasons why he agreed. Deputy City Manager Cox said it is anticipated that the bonds would be paid off much sooner than twenty years. He confirmed that the Waterstone Phase II has not yet been through the bonding process. City Manager Fitzpatrick suggested referring this matter to the Finance Committee for further discussion.

Councilor Lauterborn questioned the memorandum received by the Rochester Recreation and Arena Department. She questioned why the figures in the memorandum do not match the figures listed on the spreadsheet. City Manager Fitzpatrick agreed to have the Director of the Rochester Recreation

and Arena report back to the City with clarification.

Councilor Varney referred to the memorandum from the City Attorney regarding an amendment to the Waterstone Agreement relative to the specific date required for Waterstone to obtain the title of the property. He questioned if this is the only change to the agreement. Attorney O'Rourke replied yes.

10. Communications from the Mayor

10.1. Proclamation: Arbor Day [April 29th]

Mayor McCarley read the Proclamation for Arbor Day and stated this proclamation would be to the Department of Public Works.

10.2. Proclamation: Week of the Young Child [April 10th April 16th]

Mayor McCarley read the proclamation and stated that a Week of the Young Child Celebration is planned for April 13, 2016, at the Rochester Common.

10.3. Announcement: The 2016-2017 Dog Licenses are now Available

Mayor McCarley announced that the 2016-2017 Dog Licenses are now available at the City Clerk's office.

10.4. Announcement: Rabies Clinic [April 16, 2016, Rochester Fair Grounds]

Mayor McCarley announced that the City Clerk's office will host a Rabies Clinic on April 16, 2016, and on May 21, 2016, at the Rochester Fair Grounds. For more information contact the City Clerk's office.

10.5. Announcement: Rochester Pride Day

Mayor McCarley announced that the Rochester Pride Day is to be held on Saturday, April 23, 2016. For more information contact the Rochester Recreation Department.

Mayor McCarley announced that the Ward 1 Neighborhood Committee is scheduled to meet on April 9, 2016, at Tara Estates, at 7:00 PM.

11. Presentations of Petitions and Council Correspondence

11.1. Letter from the City of Rochester School Department – School Calendar Adjusted for all Schools for the September 13, 2016, State General Primary Election Day and the November 8, 2016, Presidential Election Day

Mayor McCarley said the City Clerk received a letter from the Rochester School Department relative to the 2016-2017 School Calendar as it relates to the upcoming Elections. The Ward Three polling location is to be discussed under New Business.

12. Nominations, Appointments, Resignations, and Elections

12.1. Resignation: James P. Gray, Moderator, Ward 6

Councilor Varney **MOVED** to **ACCEPT** the resignation of James P. Gray, Moderator of Ward 6. Councilor Willis seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13. Reports of Committees:

13.1. Appointments Committee

Councilor Gray gave a brief overview of the proposed appointments and the Appointments Committee meeting.

Mayor McCarley **NOMINATED** Robert Gates, to serve on the Zoning Board of Adjustment 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. Mayor McCarley announced that Mr. Gates has been appointed to the Zoning Board of Adjustment by a ballot vote of 12 to 0.

Mayor McCarley **NOMINATED** Jonathan Shapleigh to serve on the Rochester Economic Development Commission with a term to expire on January 2, 2019. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Abbott seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Shapleigh has been appointed to the Rochester Economic Development Commission by a ballot vote of 12 to 0.

Mayor McCarley **NOMINATED** Molly Meulenbroek to serve on the

Historic District Commission with a term to expire on January 2, 2019. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Willis seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Ms. Meulenbroek has been appointed to the Historic District Commission by a ballot vote of 12 to 0.

Mayor McCarley **NOMINATED** Randy Lavallee, to serve on the Zoning Board of Adjustment 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. Mayor McCarley announced that Mr. Lavallee has been appointed to the Zoning Board of Adjustment by a ballot vote of 12 to 0.

Councilor Gray stated that the Committee discussed the possibility of perhaps adding an addendum page to the Statement of Interest for "re-appointments." He encouraged the City Council to read the material over and report back to the Committee if they had any questions/concerns.

13.2. Codes and Ordinances Committee

Councilor Lachapelle stated that the action for the March 3, 2016, Codes and Ordinances Committee meeting are to be taken up under New Business. He said the Codes and Ordinances Committee scheduled for April 7, 2016, has been canceled. He added that the next Codes and Ordinances Committee Meeting will be held on May 5, 2016.

13.3. Community Development

Councilor Lauterborn said the Committee reviewed the CDBG applications. She said the First Reading is listed under New Business and that the Public Hearing is scheduled for April 19, 2016. She said the Committee is scheduled to meet next Monday, April 11, 2016. One of the topics for discussion is the Lead Paint Abatement Grants. She said the City Council turned down this grant last year; however, the Committee is going to take a second look at these types of grants.

13.4. Finance Committee Meeting

Mayor McCarley said one of the action items coming from the Finance Committee is the acceptance of a grant. It has been determined that this vote is going to require a first and second reading. She entertained a motion to start that process.

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 by title only for the first time as follows:

Resolution Accepting the NH Highway Safety Grant for the Replacement of Police Vehicle Video Cameras in the Amount of \$5,600 and to Appropriate said Funds to the FY 2016 Police Department Budget

Councilor Lachapelle **MOVED** to suspend the Rules of Order and read the resolution by title only for the second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. *It was later determined that this resolution had been adopted on March 15, 2016.*

Mayor McCarley gave a brief overview of the rest of the items on the Finance Committee report. She said more information relative to the Civil Air Patrol Lease Agreement is needed. City Manager Fitzpatrick informed the City Council that the Civil Air Patrol has been invited to attend the April 12, 2016, Finance Committee meeting for further discussion.

Councilor Lachapelle requested a copy of the City Council Budget Workshops. Deputy City Manager Cox agreed to provide the list to the full City Council through email.

13.5. Government Channel Committee

Councilor Willis gave a brief overview of the topics discussed at the Government Channel Committee meeting. He said the Committee is working on a draft policy for programming. This is expected to be presented to the full City Council for adoption soon. He added that it is unknown if the previous policy had ever been formally adopted by the City Council.

13.6. Public Safety Committee

Councilor Lachapelle gave a brief overview of the items left in the Committee. He said there are no action items to report.

13.7. Public Works Committee

Councilor Torr gave a brief overview of the Committee report. He **MOVED** to change the proposed cedar fencing for the City Hall Annex to

vinyl fencing. Councilor Varney seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Torr gave reasons why he supports applying for the Transportation Investment Generating Economic Development Grant [TIGER]. It was determined that this would be taken up under New Business.

Councilor Lachapelle said a resident of Gonic addressed the Public Works Committee meeting regarding a utility billing matter. Councilor Lachapelle questioned if this matter had been sent to the appeal process at the Utility Advisory Board yet. Councilor Willis replied that the next Utility Advisory Board meeting is scheduled for April 13, 2016, at 5:30 PM. Councilor Lachapelle stated that he would attend that meeting.

Councilor Torr added that homeowners should check their meters more often to avoid such a situation.

Councilor Varney asked if the early paving plan would be sent to the Finance Committee for review. Deputy City Manager Cox replied that the Finance Department has reviewed the financing with Commissioner Storer and it would be sent back to the Public Works Committee for discussion.

14. Old Business

No discussion.

15. Consent Calendar

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

15.1. AB 136 Resolution De-Authorizing Funds from the FY 2011 Ballistic Vest Grant Account for the Rochester Police Department First Reading, Second Reading, and Adoption

RESOLUTION DEAUTHORIZING FUNDING FROM THE BALLISTIC VEST GRANT

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

WHEREAS, by virtue of a certain resolution adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated funds to the Rochester Police Department Operating Budget derived from the Department of Justice Fiscal Year 2011 Ballistic Vest Grant, and

WHEREAS, Fourteen and 32/100 Dollars (\$14.32) of the original appropriation remains unexpended and the Grant is now closed;

NOW THEREFORE, in light of the above, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum of Fourteen and 32/100 Dollars (\$14.32) of previous appropriation of funds. The amount of reimbursement sought from the Ballistic Vest Grant will be reduced by said amount.

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 16 04-05 AB 136**

16. New Business

- 16.1. AB 142 Resolution Support of S.2423 Entitled the "Opioid and Heroin Epidemic Emergency Supplemental Appropriations Act, 114th Congress, 1st Session First 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 by title only for the first time as follows:

RESOLUTION SUPPORT OF S.2423 ENTITLED THE
"OPIOID AND HEROIN
EPIDEMIC EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT",
114th CONGRESS, 1st SESSION

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

WHEREAS: The opioid and heroin abuse epidemic is national public health emergency, which is having a direct and serious impact in the State of

New Hampshire; and

WHEREAS: New Hampshire residents are dying and families and communities are being devastated by this epidemic; and

WHEREAS: Local public health and safety officials, including those within the City of Rochester, are on the front lines of addressing this ever growing emergency; and

WHEREAS: New Hampshire Senator Jeanne Shaheen has introduced legislation in the United States Senate (S.2423) entitled the "Opioid and Heroin Epidemic Emergency Supplemental Appropriations Act," which would allocate \$600 million in emergency funding to address this national emergency; and

WHEREAS: This emergency funding would greatly assist public health and safety officials across the country, and in New Hampshire, in combating opioid and heroin abuse; and

WHEREAS: Increased funding from the Federal Government is imperative if this epidemic is to be addressed on both a local and national level.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND ROCHESTER CITY COUNCIL THAT:

The United States Congress pass S.2423, the Opioid and Heroin Epidemic Emergency Supplemental Appropriations Act, without further delay.

Councilor Lachapelle **MOVED** to **ADOPT** the Resolution. Councilor Bogan seconded the motion. Councilor Gray **MOVED** to **AMEND** the motion by including language that he provided to the City Council that evening. The City Council briefly discussed the matter. The **MOTION** to **AMEND CARRIED** by a unanimous voice vote. Mayor McCarley spoke in favor of the amendment and the motion on the floor and called for a vote on the resolution as amended. The **MOTION CARRIED** by a unanimous voice vote.

The amended Resolution is as follows:

RESOLUTION SUPPORT OF S.2423 ENTITLED ~~THE~~
"~~OPIOID AND HEROIN~~
~~EPIDEMIC EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT~~
"A BILL MAKING APPROPRIATIONS TO ADDRESS THE HEROIN AND

**OPIOID DRUG ABUSE EPIDEMIC FOR THE FISCAL YEAR ENDING
SEPTEMBER 30, 2016, AND FOR OTHER PURPOSES"**

114th CONGRESS, 1st SESSION

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

WHEREAS: The opioid and heroin abuse epidemic is national public health emergency, which is having a direct and serious impact in the State of New Hampshire; and

WHEREAS: New Hampshire residents are dying and families and communities are being devastated by this epidemic; and

WHEREAS: Local public health and safety officials, including those within the City of Rochester, are on the front lines of addressing this ever growing emergency; and

WHEREAS: New Hampshire Senator Jeanne Shaheen has **sponsored and New Hampshire Senator Kelly Ayotte and 15 other Senators have co-sponsored legislation in the United States Senate (S.2423) entitled** ~~introduced legislation in the United States Senate (S.2423)~~ **entitles the "A Bill Making Appropriations to Address the Opioid and Heroin and Opioid Drug Abuse Epidemic for the Fiscal Year Ending September 30, 2016, and for other Purposes", Epidemic Emergency Supplemental Appropriations Act,** which would allocate \$600 million in emergency funding to address this national emergency; and

WHEREAS: This emergency funding would greatly assist public health and safety officials across the country, and in New Hampshire, in combating opioid and heroin abuse; and

WHEREAS: Increased funding from the Federal Government is imperative if this epidemic is to be addressed on both a local and national level.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND ROCHESTER CITY COUNCIL THAT:

The United States Congress pass S.2423, the Opioid and Heroin Epidemic Emergency Supplemental Appropriations Act, without further delay.

- 16.2. AB 128 Resolution Adopting a 2016-2017 Rochester CDBG "Action Plan for the City of**

Rochester, NH and Approving and Appropriating the 2016-2017 Community Development 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 ADOPTING A 2016-2017 ROCHESTER CDBG
"ACTION PLAN FOR THE CITY OF ROCHESTER, N.H." AND
APPROVING AND APPROPRIATING THE 2016-2017
COMMUNITY DEVELOPMENT BUDGET FOR THE CITY OF ROCHESTER**

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby adopt the one-year 2016-2017 "Action Plan for the Community Development Division for the City of Rochester, N.H.," as prepared and presented to the Mayor and City Council by the City of Rochester Office of Economic and Community Development, in connection with the City's Community Development Block Grant (CDBG) program, including the goals, objectives, and concepts set forth therein;

II. **Further**, that a twelve (12) month Community Development Block Grant budget for the Office of Economic and Community Development for the City of Rochester in the total amount of Two Hundred Forty-One Thousand and Fifty-Two Dollars (\$241,052.00) be, and hereby is, approved and appropriated for fiscal year 2016-2017. Included in said approval and appropriation are expenditures set forth in the one-year action plan of the Office of Economic & Community Development for the City of Rochester for the Community Development Block Grant program, in the following categories and amounts:

Administration and Planning	\$ 48,210.40
Public Service Agencies	\$ 36,157.80
<u>Housing/Public Facilities/Infrastructure</u>	<u>\$156,683.80</u>
Total	\$241,052.00

This budget and the one-year action plan for 2016-2017 may be reconsidered if federal funding is changed or if it is inconsistent with the total 2016-2017 budget adopted for the Office of Economic & Community

Development.

The sums necessary to fund the above appropriation in the amount of Two Hundred Forty-One Thousand and Fifty-Two Dollars (\$241,052.00) shall be drawn in their entirety from the above-mentioned 2016-2017 fiscal year Community Development Block Grant from the federal government to the City of Rochester. The Finance Director is hereby authorized to create such line item accounts as shall be necessary to implement this Resolution.

Furthermore, in the event that federal funding for the above Community Development Block Grant budget is less than the total appropriation amount provided for in this Resolution, then, and in such event, the City Manager, or his designee in the Office of Economic and Community Development, is authorized to proportionately reduce the amounts for the budgetary categories stated above, as well as for any planned grants and/or other expenditures made from within such budgetary categories. **CC FY 16 AB 128**

Councilor Lachapelle **MOVED** to refer the matter to a Public Hearing to be held on April 19, 2016. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

16.3. AB 137 Resolution Approving a Historic Restoration Grant Application to the New Hampshire Division of the Historical Resources First 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 by title only for the first time as follows:

RESOLUTION
APPROVING A HISTORIC RESTORATION GRANT APPLICATION TO
THE NEW HAMPSHIRE DIVISION OF HISTORICAL RESOURCES

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, by adoption of this Resolution, approve the submission by the Office of Economic and Community Development of a grant application in an amount up to Fifty Seven Thousand Dollars (\$57,000.00) to the New Hampshire Division of Historical Resources in order to fund necessary historic restoration of the façade of the City Hall Annex building. **CC FY16 04-05 AB 137**

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

16.4. AB 127 City of Rochester, New Hampshire – A Resolution Authorizing the Issuance of Refunding Bonds Second Reading and Adoption

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

**CITY OF ROCHESTER, NEW
HAMPSHIRE
A Resolution
Authorizing the Issuance of Refunding Bonds**

WHEREAS, the City of Rochester, New Hampshire (the "City") has issued certain \$18,710,000 General Obligation Bonds, 2008 Series A (Tax Exempt) dated February 15, 2008 and which closed on February 28, 2008 (the "2008 Bonds"), which 2008 Bonds that mature on February 15 of the years 2019 through 2028, inclusive, in the aggregate principal amount of \$7,550,000 are eligible to be refunded at par on any interest payment date on or after February 15, 2018 (the "Refunded Bonds"); and

WHEREAS, it appears likely that bonds issued today would have a net interest cost less than the net interest cost on the Refunded Bonds; and

WHEREAS, the City may be able to realize debt service savings by issuing certain refunding bonds (the "Refunding Bonds"), the proceeds of which would be utilized to current refund or advance refund the Refunded Bonds and to pay certain other costs relating thereto;

NOW THEREFORE, BE IT RESOLVED that the City, acting by and through its City Council, hereby authorizes the issuance of Refunding Bonds pursuant to the provisions of RSA 33:3-d, the proceeds of which shall be utilized to current refund or advance refund the Refunded Bonds, to pay the redemption premium, if any, applicable thereto, any principal and interest coming due on the Refunded Bonds prior to any redemption date, and to pay the costs of issuance of the Refunding Bonds, including any costs of credit enhancement; provided, however, that such refunding is only authorized to the extent that the same will

achieve a net present value debt service savings in an amount equal to at least three percent (3%) of the outstanding principal amount of the Refunded Bonds; and

IT IS FURTHER RESOLVED that the City Treasurer, with the approval of the City Manager, is hereby authorized to issue the aforesaid Refunding Bonds by entering into a Bond Purchase Contract with such bond purchaser or underwriter as they may deem appropriate in connection with the issuance of the Refunding Bonds to evidence the City's approval of the terms and conditions of the Refunding Bonds; and

IT IS FURTHER RESOLVED that an Escrow Contract and such other documents as shall be required in connection with the issuance of the Refunding Bonds shall be signed on behalf of the City by the aforementioned individuals, or such other individuals as may be required by state law or as may be specified by bond counsel; and engage such other professionals (including a Financial Advisor, Escrow Agent, Verification Agent and Paying Agent), and to do such other things as are necessary to consummate the aforesaid refunding; and

IT IS FURTHER RESOLVED that all actions heretofore taken by the City consistent with the foregoing are hereby confirmed, ratified and approved.

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

16.5. AB 131 Resolution Authorizing Supplemental Appropriation to the 2015-2016 Capital Improvements Budget of the City of Rochester, Department of Public Works, for the So-Called Salmon Falls Road EDA Sewer Extension Project – Second Reading and Adoption

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

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE 2015-2016 CAPITAL IMPROVEMENTS BUDGET OF THE CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS FOR THE SO-CALLED SALMON FALLS ROAD EDA SEWER EXTENSION PROJECT

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

That the sum of Eight Hundred Sixty Five Thousand Dollars (\$865,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2015-2016 capital improvements (CIP) budgets of the City of Rochester, Department of Public Works as follows: Two Hundred Fifteen Thousand Dollars (\$215,000.00) to the General Fund CIP fund; Three Hundred Seventy Three Thousand Dollars (\$373,000.00) to the Water CIP fund; and Two Hundred Seventy Seven Thousand Dollars (\$277,000.00) to the Sewer CIP fund. The purpose of this supplemental appropriation is to provide sums necessary to pay costs and/or expenditures with respect to the so-called Salmon Falls Road EDA Sewer Extension Project (the "Project"), and provided further that such appropriation shall be drawn in its entirety from the proceeds of bonding/borrowing to be undertaken by the City of Rochester.

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 Eight Hundred Sixty Five Thousand Dollars (\$865,000.00) 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.

Further, the Mayor and City Council hereby determine that the expected useful life of each element of the Project to be at least twenty (20) years.

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 16 04-05 AB 131**

Councilor Lachapelle **MOVED** to **ADOPT** the Resolution. Councilor Bogan seconded the motion. Councilor Willis questioned if the figures in the resolution are consistent with what the bid figures were for this particular project. He recalled a discussion of discrepancies at the Public Works Committee meeting. Commissioner Storer replied that he provided

an explanatory spreadsheet to the City Council on page 63 of the packet. He briefly reviewed the spreadsheet for the City Council. The **MOTION CARRIED** by a unanimous voice vote.

16.6. AB 129 Resolution Authorizing Supplemental Appropriation to the Arena Department Enterprise Fund – 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 by title only for the first time as follows:

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE ARENA DEPARTMENT ENTERPRISE FUND

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

That the sum of Seventy Thousand Four Hundred Ninety Eight Dollars (\$70,498.00) be, and hereby is, appropriated as a supplemental appropriation to the City of Rochester Arena Department Enterprise Fund, for the purpose of providing funds necessary to pay costs and/or expenditures associated with the FY15 deficit in said Enterprise Fund and provided further that funds for such supplemental appropriation shall be derived in their entirety 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 FY16 04-05 129**

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

16.7. AB 138 Resolution Authorizing the Rochester Department of Public Works (DPW) to Apply for a Transportation Investment Generating Economic Development (TIGER) Grant First 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 by title only for the first time as follows:

**RESOLUTION AUTHORIZING THE ROCHESTER DEPARTMENT OF
PUBLIC WORKS (DPW) TO APPLY FOR A TRANSPORTATION
INVESTMENT GENERATING ECONOMIC DEVELOPMENT (TIGER)
GRANT**

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, approve the submission of a grant application by DPW to the United States Department of Transportation TIGER Grant program in order to fund a connector road between North Main Street and Wakefield Street.
CC FY16 04-05 AB 138

Councilor Lachapelle **MOVED** to **ADOPT** the Resolution. Councilor Bogan seconded the motion. Commissioner Storer explained that the Department of Public Works recently became aware of this grant through the Strafford Regional Planning Commission and the deadline for submission is April 29, 2016. The project needed to be in excess of \$5,000,000 for submission. The Department of Public Works staff sent the idea of the old connector road back to the Public Works Committee for discussion. The application itself is a complex process. He added that there is only a slim chance that the City of Rochester would be awarded the grant; however, every effort would be made to obtain the grant. Councilor Keans expressed concern that this grant could have been focused on Glenwood Avenue, especially with the work which is being accomplished on Washington Street. He agreed that Glenwood Avenue could have been considered and would be taken that into consideration if the opportunity arises again.

Julian Long, Community Development Coordinator/Grant Manager, informed the City Council that if the City is awarded the grant there is a requirement for matching funds of twenty percent of the project cost. The estimated cost of the project is \$5,000,000 so the City's match would be \$1,000,000. City Manager Fitzpatrick said if the City is awarded the grant, it would need to come back to the City Council for adoption. The **MOTION CARRIED** by a unanimous voice vote.

16.8. AB 98 Resolution De-Authorizing Funding From the Green Infrastructure Grant – This Resolution

had been pulled from the February 2, 2016, Meeting and has been reviewed and resubmitted
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 by title only for the first time as follows:

RESOLUTION DEAUTHORIZING FUNDING FROM
THE GREEN INFRASTRUCTURE GRANT

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

WHEREAS, by virtue of a certain resolutions adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated funds to the City of Rochester Capital Project General Fund account, of which, Sixteen Thousand Dollars (\$16,000) was to be derived from the Green Infrastructure Grant and Four Thousand Dollars (\$4,000) was derived from the General Fund unassigned fund balance, and

WHEREAS, Three Thousand Eight Hundred Ninety Four and 02/100 Dollars (\$3,894.02) of the original appropriation remains unexpended;

NOW THEREFORE, in light of the above, the Mayor and City Council of the City of Rochester hereby withdraw and deauthorize the sum of Three Thousand Eight Hundred Ninety Four and 02/100 Dollars (\$3,894.02) of the previous appropriation of funds.

FURTHER, that the Mayor and City Council authorize the transfer of Three Thousand Eight Hundred Ninety Four and 02/100 Dollars (\$3,894.02) back to 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 FY 16 02-02 AB 98**

Councilor Lachapelle **MOVED** to 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 Lauterborn stated that this resolution had been pulled from the February 3, 2016, Regular City Council meeting agenda for further review. She

questioned if the City is still in compliance as to what the grant required. Mr. Long said that the grant stipulated that the matching funds could be up to \$4,000; however, it was not a grant requirement to spend any funds for a match. The City is in compliance with the grant and the funds can now be de-authorized. The **MOTION CARRIED** by a unanimous voice vote.

16.9. AB 132 Amendment to Chapter 11 of the General Ordinances of the City of Rochester Regarding Economic Development Special Reserve Fund First Reading and Adoption

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

AMENDMENT TO CHAPTER 11 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING ECONOMIC DEVELOPMENT SPECIAL RESERVE FUND

THE CITY OF ROCHESTER ORDAINS:

That subsections 11.20 of Chapter 11 of the General Ordinances of the City of Rochester regarding the Economic Development Special Reserve Fund and currently before the Rochester City Council, be amended as follows:

11.20 City of Rochester Economic Development Special Reserve Fund.

~~**(a) City of Rochester Economic Development Special Reserve Fund – Statement of Purpose.** The City of Rochester currently serves as the “Host Community” for the Turnkey Recycling and Environmental Enterprises Waste Disposal Facility (“TREE”) currently operated by Waste Management of New Hampshire, Inc., and located on the Rochester Neck Road. By virtue of its status as Host Community for TREE, the City of Rochester, in addition to incurring significant expenses in connection with such facility, receives significant financial benefits in the form of real property taxes, users fees (in the form of so-called “Host Community Fees”) and various other benefits relative to the cost to the City and its inhabitants of the disposal and/or recycling of various solid waste, including reduced and/or eliminated fees for the disposal and/or recycling of solid waste generated within the City of Rochester. It is currently estimated that the permitted capacity of the TREE Waste Disposal Facility (TLR-III) will be reached in approximately the year 2023. When such facility is filled to its permitted capacity, it is anticipated that the City will experience a loss in revenues, and the City and its inhabitants will~~

~~experience increased costs associated with the disposal and/or recycling of solid waste, particularly in the form of reduced and/or lost users fees and reduced property tax revenues, as well as increased costs associated with the disposal and/or recycling of solid waste. Therefore, in an effort to offset the expected loss of revenues and increased costs occurring to the City as a result of the anticipated filling of the TREE Waste Disposal Facility to its permitted capacity and to promote the general fiscal strength and well being of the City, it is necessary that economic development in the City of Rochester be promoted and/or maintained to insure the existence and/or expansion of a vibrant economic base for the City and its inhabitants. Therefore, the City Council of the City of Rochester, pursuant to the authority granted by RSA 47:1-b and RSA 47:1-c, hereby establishes a special revenue reserve fund from the specific source identified in subsection (b) of this Section 11.20 for the specific purpose of paying expenditures associated with the promotion of new, and maintenance of current sources and levels of economic development within the City of Rochester. The special reserve fund established in subsection (b) of this Section 11.20 shall be known as the "City of Rochester Economic Development Special Reserve Fund." No expenditure from the said City of Rochester Economic Development Special Reserve Fund shall be made without an appropriation of such funds having been adopted by the Rochester City Council, which appropriation shall provide that such appropriation is for economic development purposes and shall contain a statement and/or finding by the City Council indicating the manner in which it is anticipated that such appropriation is related to the economic development of the City of Rochester.~~

~~**(b) City of Rochester Economic Development Special Reserve Fund.**~~

~~There is hereby created a non-lapsing budgetary account within the City of Rochester, pursuant to the authority granted to the City by the provisions of RSA 47:1-b, such special reserve fund to be known as the 'City of Rochester Economic Development Special Reserve Fund'. Such fund shall be funded on an annual basis by the appropriation by the City Council to such special reserve fund of an amount not less than \$100,000 from the funds annually payable to the City of Rochester by Waste Management of New Hampshire, Inc. from the so-called "Host Community Fees" payable to the City pursuant to the provisions of the "Host Agreement" between the City and Waste Management of New Hampshire, Inc., or of any successor to such Agreement. In addition to such minimum funding level, the City Manager may, during any fiscal year of the City, upon written notification to, and appropriation by, the City Council, transfer to said 'City of Rochester Economic Development Special Reserve Fund' unappropriated 'Host Community Fees' in an amount not to exceed the difference between the total amount of Host Community Fees received from Waste Management of New Hampshire, Inc. during such fiscal year and the amount of such 'Host Community Fees' previously appropriated by the Rochester City Council during such fiscal year (having in mind the minimum funding/appropriation~~

~~requirement provided for herein and any other appropriation of such fiscal year's 'Host Community Fees' by the City Council during such fiscal year). The 'City of Rochester Economic Development Special Reserve Fund' shall, upon appropriation by the City Council to such fund, include funds currently in Account #1501-324400, in the amount of \$1,537,613.54, as of the date of adoption of this ordinance, and such funds shall be expended only for the specific purpose set forth in subsection (a) of this Section 11.20 and shall be expended only in accordance with the provisions of subsection (a) of such Section.~~

The effective date of these amendments shall be upon passage.

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

16.10. AB 133 Amendment to Chapter 44 of the General Ordinances of the City of Rochester Regarding Local Ordinance Citations: Pleas by Mail First Reading and Adoption

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

AMENDMENT TO CHAPTER 44 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING LOCAL ORDINANCE CITATIONS; PLEAS BY MAIL

THE CITY OF ROCHESTER ORDAINS:

That Chapter 44 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

**CHAPTER 44
LOCAL ORDINANCE CITATIONS; PLEAS BY MAIL**

SECTION ANALYSIS

- 44.1 Purpose and Objectives
- 44.2 Authority
- 44.3 Fine Schedule

44.1 Purpose and Objectives.

In addition to any other enforcement procedure authorized by law, any City official with authority to prosecute an offense under any municipal code, ordinance, bylaw, or regulation, if such offense is classified as a violation under applicable law, may issue and serve upon the defendant, in addition to a summons to appear in the Circuit Court, a local ordinance citation as set forth in this section. A defendant receiving such a citation may plead guilty or *nolo contendere* by mail by entering that plea as provided herein. If such a plea is accepted by the Circuit Court and the prescribed fine is paid with the plea by mail, the defendant shall not be required to appear personally or by counsel; otherwise the defendant shall appear as directed by the court.

44.2 Authority.

This Ordinance is adopted pursuant to the authority vested in the City by RSA 31:39-d.

44.3 Fine Schedule.

Any defendant issued a local ordinance citation may plead guilty or *nolo contendere* by mail within ten (10) days of receipt of the local ordinance citation consistent with the following violation fine schedule:

Category	1st Offense	2nd offense
Permits	\$50.00	\$100.00
Garbage, Rubbish, & Debris	\$75.00	\$150.00
Infestation	\$100.00	\$200.00
Interior, Building Elements	\$125.00	\$250.00
Exterior, Building Elements	\$150.00	\$300.00
Exterior, Motor Vehicles	\$200.00	\$400.00
All other violations	\$100.00	\$275.00

The effective date of these amendments shall be upon passage.

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

16.11. **AB 134 Amendment to Chapter 40 of the General Ordinances of the City of Rochester Regarding Penalties **First Reading and Adoption****

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

AMENDMENT TO CHAPTER 40 OF THE GENERAL ORDINANCES OF THE

CITY OF ROCHESTER REGARDING PENALTIES

THE CITY OF ROCHESTER ORDAINS:

That subsections 40.12 of Chapter 40 of the General Ordinances of the City of Rochester regarding Penalties and currently before the Rochester City Council, be amended as follows:

40.12 Penalties.

(a) Any person who shall violate any provisions of any code adopted herein, or fails to comply therewith or with any requirements thereof, or who shall erect, construct, alter, or repair or has erected, constructed, altered, or repaired a building or structure or portion thereof in violation of a detailed statement or plan submitted and approved thereunder, or of a permit or certificate issued thereunder, shall be punished by a civil penalty of **\$275 for the first offense, and \$550 for subsequent offenses**, for each day that such violation is found by a court to continue after the conviction date or after the date on which the violator receives written notice from the City that he/she is in violation thereof, whichever date is earlier. **Each day that a violation continues shall be a separate offense.** The owner of a building or structure or portion thereof, or of the premises where anything in violation of this code shall be placed or shall exist, and an architect, building contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of such violation shall be guilty of a separate offense and upon conviction thereof shall be punishable by a civil penalty of **\$275 for the first offense, and \$550 for subsequent offenses**, for each day that such violation is found by the court to continue after the conviction date or after the date on which the violator receives written notice from the City that he/she is in violation thereof, whichever date is earlier. **Each day that a violation continues shall be a separate offense.**

The effective date of these amendments shall be upon passage.

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

16.12. AB 139 Amendment to Chapter 26.10 of the General Ordinances of the City of Rochester Regarding Outdoor Dining on City Property First Reading and Adoption

Councilor Lachapelle **MOVED** to read the Amendment by title only.

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

AMENDMENT TO CHAPTER 26 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING OUTDOOR DINING ON CITY PROPERTY

THE CITY OF ROCHESTER ORDAINS:

That Chapter 26 of the General Ordinances of the City of Rochester regarding a Public License for outdoor dining on city property and currently before the Rochester City Council, be amended as follows:

CHAPTER 26

PUBLIC LICENSE

26.10 Use of City Property for Outdoor Dining.

- *
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*
*

*21. **Exception:** Use of City property, other than sidewalks, for outdoor dining as defined in this Chapter and the terms of said use must be separately negotiated with the City outside of the above delineated permitting process.*

This Ordinance shall take effect upon the passage by the City Council.

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

**16.13. AB 140 Lease Agreement for Factory Court
Motion to Approve**

Councilor Lachapelle **MOVED** to **APPROVE** the Lease Agreement for Factory Court. Councilor Bogan seconded the motion. Councilor Varney expressed concern that the City's sidewalks always remain open. City Manager Fitzpatrick agreed and said the sidewalks would always remain open. The **MOTION CARRIED** by a unanimous voice vote.

**16.14. AB 141 New Polling Location for Ward 3 Voters:
Gonic School Motion to Approve**

Councilor Lachapelle **MOVED** to **APPROVE** the Ward 3 Polling Location as the Gonic School. Councilor Bogan seconded the motion. Councilor Lachapelle stated that the City Clerk's office should begin to advertize on the City's website, Government Channel, and the newspaper if possible. He added that more signage is needed at the polling locations. The **MOTION CARRIED** by a unanimous voice vote.

17. Non-Public Session:

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

Councilor Lachapelle **MOVED** to enter the Non-Public Session, RSA 91-A:3, II at 8:10 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a 12 to 0 roll call vote. Councilors Bogan, Abbott, Varney, Willis, Lachapelle, Gray, Barnett, Torr, Gates, Keans, Lauterborn, and Mayor McCarley voted in favor of the motion. *Councilor Torr was excused from the meeting at 8:10 PM.*

Councilor Lauterborn **MOVED** to exit the Non-Public Session and seal the minutes indefinitely at 8:42 PM. Councilor Lachapelle seconded the motion.

18. Other

No discussion.

19. Adjournment

Councilor Gates **MOVED** to **ADJOURN** the Regular City Council Meeting at 8:43 PM. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk