

**Regular City Council Meeting
February 1, 2022
Council Chambers
6:30 PM**

COUNCILORS PRESENT

Councilor Beaudoin
Councilor Berlin
Councilor Desrochers
Councilor Fontneau
Councilor Gilman
Councilor Gray
Councilor Hainey
Councilor Hamann
Councilor Larochelle
Councilor Malone
Councilor Rice
Deputy Mayor Lachapelle
Mayor Callaghan

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Michael Scala, Director of Economic
Development
Julian Long, Community Development
Coordinator

COUNCILORS ABSENT

Minutes

1. Call to Order

Mayor Callaghan called the meeting to order at 6:30 PM. He announced that Councilor Fontneau is participating remotely. He asked Councilor Fontneau to state his name for the record, and to state if he was physically and reasonably not able to attend this meeting in person. Councilor Fontneau stated his name for the record and replied yes.

2. Opening Prayer

Mayor Callaghan led an opening prayer.

3. Pledge of Allegiance

Deputy Mayor Lachapelle led the Pledge of Allegiance.

4. Roll Call

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

present.

5. Acceptance of Minutes

5.1 City Council Inauguration: January 4, 2022, *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the City Council Inauguration Minutes of January 4, 2022. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Berlin, Desrochers, Gray, Fontneau, Hamann, Hainey, Lachapelle, Larochelle, Beaudoin, Malone, Gilman, Rice, and Mayor Callaghan voted in favor of the motion.

5.2 Regular City Council Meeting: January 11, 2022, *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the City Council Reconvened Regular City Council Minutes of January 11, 2022. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Rice, Beaudoin, Hamann, Desrochers, Lachapelle, Malone, Berlin, Hainey, Larochelle, Gray, Gilman, Fontneau, and Mayor Callaghan voted in favor of the motion.

6. Communications from the City Manager

6.1 City Manager's Report:

Contracts and documents executed since last month:

City Manager

- Rental Agreement – Sole City Dance

Economic Development

- FY22 CDBG Environ. Review – CAP Weatherization, January 3
- FY22 CDBG Environ. Review – CAP Weatherization, January 4
- FY22 CDBG Environ. Review – CAP Weatherization, January 6
- FY22 CDBG Environ. Review – CAP Weatherization, January 7
- FY22 CDBG Environ. Review – CAP Weatherization January 13
- FY22 CDBG Environ. Review – CAP Weatherization, January 18
- FY22 CDBG Environ. Review – CAP Weatherization, Yo's Thai
- FY22 CDBG Environ. Review – CAP Weatherization, Briar Ridge home
- FY22 CDBG Environ. Review – CAP Weatherization, January 24
- NH CDFA Contract – Gafney Home Project

Finance

- MAAM Consulting services Amendment, PREP Engagement – Brown & Caldwell

Standard Report(s)

- Personnel Action Report Summary

7. Communications from the Mayor

Mayor Callaghan read a proclamation relative to Career Technical Education (CTE) for the week of February 14th.

7.1. Mayoral appointments for joint City Council/School Board committee

- **Councilor Hamann, Councilor Malone, Councilor Beaudoin**

Mayor Callaghan appointed Councilors Haman, Malone, and Beaudoin to serve on the Joint City Council/School Board Committee. He said the School Department requested to establish this Committee in order to look at the possibility of a new school building project.

8. Presentation of Petitions and Council Correspondence

8.1. Downtown Parking Review Group

City Manager Cox gave a brief overview of the proposed Parking Review Group (PRG) under the Self-directed Work Team Policy. He said he is seeking to have one member of the City Council appointed as one of the group's members. Mayor Callaghan advised any City Councilors that are interested in serving on this committee to reach out to him directly.

Councilor Hainey asked if the PRG meetings would be open to the public. Mayor Callaghan replied yes.

Councilor Beaudoin read a portion of the City's policy: "but *ultimate authority rests with the City Manager to act upon the recommendation as he/she sees fit.*" Councilor Beaudoin expressed concern over the way that portion of the policy is written and questioned whether or not the City Council would be allowed input on the final recommendation. City Manager Cox explained that the final recommendation would be brought back to the City Council for action.

Councilor Rice questioned if there would be agendas and minutes published for the PRG meetings. City Manager Cox clarified that it is a self-directed work team and that it would only be open to the public in the manner in which the group decides to involve the public, not necessarily at the meetings. He said part of the directive of the group will be to solicit input from the public in a manner in which they determine appropriate.

Councilor Desrochers said that she is interested in assisting in this process. She thanked Councilor Rice for asking about the public input portion of the project.

Councilor Gray understood that a group of citizens filed a petition with the City Clerk's office recently regarding the possibility of eliminating the use of the voting machines. He understood that the petition may have been more like a warrant article for a town; however, he felt the petition should be distributed to the full City Council and that the City Council should have a discussion about the matter and/or schedule a public hearing. The City Manager confirmed that the City Clerk's office did receive the request for a warrant article. No action was taken at this time.

Councilor Gray said that he feels that the machines are an asset to the City; however, the public took the time to submit the petition in writing and the City Council should acknowledge that fact.

9. Nominations, Appointments, Resignations, and Elections

No discussion.

10. Reports of Committees

10.1 Appointments Committee

10.1.1 Keith Fitts: Planning Board Alternate member – Term to expire 1/02/2025
consideration for approval

10.1.2 Paul Giuliano: Planning Board Regular member – Term to expire 01/02/2025
consideration for approval

- 10.1.3 Susan Rice: Planning Board Regular member – Term to expire 01/02/2025 *consideration for approval***
- 10.1.4 Michael McQuade: Planning Board Regular member – Term to expire 01/02/2023 *consideration for approval***
- 10.1.5 Matthew Richardson: Planning Board Alternate member – Term to expire 01/02/2025 *consideration for approval***
- 10.1.6 Robert May: Planning Board Regular member – Term to expire 01/02/2025 *consideration for approval***
- 10.1.7 Kristen Bournival: Rochester Economic Development Commission Regular Member – Term to expire 01/02/2025 *consideration for approval***

Councilor Gray reviewed the Committee report. He said there has not been a practice in place to send the applicants notification of meeting minutes after their interviews. He said moving forward the minutes will be sent out to the applicants as soon as possible following the Appointments Review Committee meetings.

Mayor Callaghan said there were irregularities in the last Appointments Review Committee meeting and that the meeting was not posted properly. He recommended that the applicants be invited back for another interview. He said rather than leaving all nominations off the table he **MOVED** to **NOMINATE** the following two applicants:

- **Robert May: Planning Board Regular member – Term to expire 01/02/2025 *consideration for approval***
- **Paul Giuliano: Planning Board Regular member – Term to expire 01/02/2025 *consideration for approval***

Councilor Lachapelle seconded the nominations. Councilor Berlin expressed his confusion about appointing only two of the members. Mayor Callaghan said there were irregularities with the posting of the meeting agenda. Councilor Lachapelle agreed and said these two applicants should have been vetted through the Appointments Review Committee last fall

and had been waiting on a decision.

Councilor Hainey asked for clarification on what the irregularities were. Mayor Callaghan clarified that the minutes were not written with enough information. Councilor Hainey wished to clarify for the record that the Appointments Review Committee asked appropriate questions and took consideration in the candidates chosen, which were ultimately brought forth for recommendation.

Councilor Desrochers stated that she did not receive the agenda because it apparently went to the incorrect email.

Councilor Lachapelle said anyone else interested in serving on the Planning Board at this point is also welcomed to submit an application. He said it is good to have such an abundance of applications on file.

Councilor Gray said if there is an issue with the Committee meeting minutes, the minutes could certainly be corrected. Councilor Berlin asked what is wrong with the minutes. Mayor Callaghan said he received feedback from some of the City Councilors who felt there was not enough information in the minutes for the City Council to make an informed decision. Councilor Lachapelle agreed and said the minutes typically give a full accounting of the votes taken. Secondly, the full City Council did not receive the Appointments Review Packet, with all of the Statements of Interest attached. He said that information is critical to make an informed decision.

Councilor Rice said he has never received the backup material for the Appointments Review Committee packet. Mayor Callaghan said the Clerk's office will be sending out that backup material to the full City Council moving forward.

Councilor Berlin asked if the "recommendations" that the Appointments Review Committee made are being sent back to the Committee to be reviewed and/or recommended again. Mayor Callaghan said yes, with the exception of 10.1.2, 10.1.6, and 10.1.7. Councilor Berlin questioned if the remaining candidates would be brought back in for further discussion. Mayor Callaghan replied yes, and other applications could be reviewed as well.

Councilor Larochelle gave a brief summary of his prior history as City Councilor, Mayor, and former Chair of the Appointments Review Committee. He indicated that he views the process that took place at the last Appointments Review Committee as irregular, and he brought those

concerns to the Mayor. Councilor Larochelle said the meeting was not posted in accordance with State law. He said there was a lack of information in the Committee's meeting minutes, and lastly, the full City Council did not receive the Statement of Interest of all the applicants. He said upon request, he has since received the Agenda and complete packet from the City Clerk's office. He now understands what information was given to the Committee; however, there is no indication in the minutes of the discussions that took place or how the Committee reached those recommendations. He said furthermore, there is no indication if the votes taken were unanimous or not. He reiterated that if the meeting had been posted properly, than any member of the City Council and/or public could have attended.

Councilor Larochelle said the appointment for the REDC should also be taken care this evening, since it is simply a re-appointment.

Councilor Hainey expressed disappointment over the fact that those applicants who have been waiting for so many months to be appointed are being held in Committee, again.

Councilor Gray asked if the reason for the rejection of the Committee recommendations is due to the unposted agenda or the lack of information provided in the Committee meeting minutes. He indicated that if the meeting minutes are the issue, the minutes could be corrected at this meeting. He said he has the information as to how Councilors voted. He added that the City Clerk could distribute the Statements of Interest of all the applicants to the City Council as well. Councilor Gray believed the draft minutes meet the requirement of State Law and he found the released draft minutes to be acceptable. He said he would need direction from the City Council about giving any more details of votes taken as he sees no benefit to the public for releasing that type of information, besides causing uncomfortable feelings for those applicants involved.

Councilor Rice agreed with some of the comments made by Councilor Gray. He agreed that the past practice is that the Appointments Review Committee minutes were not as detailed as other Committee meeting minutes because the interview process deals with reputations. He said the Council should step back and put trust in the Committee's recommendation. He questioned if the meeting was not posted properly. City Clerk Walters explained that the Appointments Review Committee Agenda was properly posted on the City Hall's bulletin board; however, it was not properly posted on the City's website. City Attorney clarified that the mis-posting was caught by City staff and informed legal counsel. His

legal opinion is that this was an advisory Committee and the remedial action the Mayor has chosen to take this evening is appropriate.

Councilor Rice said it seems all the recommendations should be sent back to the Committee and not just a chosen few. He added that the RSA stipulates that a member of a land-use board may continue serving on the land-use board even after their term has expired. City Attorney O'Rourke replied that is correct. Councilor Rice argued, if that is true, then Mr. May and Mr. Giuliano's recommendation to the Planning Board should not move forward this evening.

Councilor Larochelle stated that there was a motion on the floor and the discussion should be based upon that motion. Councilor Rice **MOVED** to **AMEND** the motion to send all of the Appointments Review Committee recommendations (10.1.1 through 10.1.7) back to the Committee. Councilor Berlin seconded the motion. The City Council debated the matter. The **MOTION FAILED** by a roll call vote of 3 to 10 as follows. Councilors Berlin, Hainey, and Rice voted in favor of the motion. Councilors Desrochers, Gray, Fontneau, Hamann, Lachapelle, Larochelle, Beaudoin, Malone, Gilman, and Mayor Callaghan voted against the motion.

Mayor Callaghan restated the nominations and included the following information:

- **Robert May: Planning Board Regular member – Term to expire 01/02/2025 consideration for approval**
- **Paul Giuliano: Planning Board Regular member – Term to expire 01/02/2025 consideration for approval**
- **Kristen Bournival: Rochester Economic Development Commission Regular Member – Term to expire 01/02/2025 consideration for approve**

Councilor Lachapelle reiterated his second to the motion. Councilor Lachapelle **MOVED** that nominations cease. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Rice, Beaudoin, Hamann, Desrochers, Lachapelle, Malone, Berlin, Hainey, Larochelle, Gray, Gilman, Fontneau, and Mayor Callaghan voted in favor of the motion.

Mayor Callaghan called for a vote on the motion to appoint Mr. May, Mr. Giuliano, and Ms. Bournival with terms to expire as stated above.

The **MOTION CARRIED** by a roll call vote of 11 to 2. Councilors Hainey, Gray, Malone, Gilman, Fontneau, Larochelle, Desrochers, Beaudoin, Hamann, Lachapelle, and Mayor Callaghan voted in favor of the motion. Councilors Rice and Berlin voted against the motion.

10.2 Community Development Committee

10.2.1 Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2021 for Reallocation of CDBG CARES Act Funds *first reading and consideration for adoption*

Councilor Hainey **MOVED** to read the resolution for a first time by title only. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Hainey, Gray, Malone, Gilman, Fontneau, Larochelle, Rice, Desrochers, Berlin, Beaudoin, Hamann, Lachapelle, and Mayor Callaghan voted in favor of the motion. Mayor Callaghan read the resolution for a first time as follows:

CITY OF ROCHESTER FY 22 CDBG ACTION PLAN AMENDMENT – REALLOCATION OF CDBG CARES ACT FUNDS

Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2021 for Reallocation of CDBG CARES Act Funds

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

WHEREAS, the City of Rochester has unexpended Community Development Block Grant (CDBG) funds through the Coronavirus Aid, Relief, and Economic Security (CARES) Act eligible projects and has unallocated prior year CDBG funds;

WHEREAS, the Mayor and City Council of the City of Rochester desire to program these funds into other worthwhile activities;

THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby adopt the allocation of Seven Thousand Dollars (\$7,000.00) for Waypoint NH and its Street Outreach Program for homeless youth, Seven Thousand Dollars (\$7,000.00) for My Friend's Place and hazard pay for its homeless shelter employees, and

Two Thousand Four Hundred Fourteen Dollars (\$2,414.00) for the Homeless Center for Strafford County and its acquisition of a building for use as a decompression shelter.

FURTHER, that the funds necessary to fund the above appropriation shall be drawn in their entirety from the above-mentioned CARES Act CDBG grant funds that the City of Rochester has received from the federal government.

FURTHER STILL, 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 accounts(s) as necessary to which said sums shall be recorded.

Councilor Hainey **MOVED** to **ADOPT** the resolution. Councilor Larochelle seconded the motion.

Councilor Beaudoin questioned what qualifies employees to receive hazard pay. Julian Long, Community Development Coordinator, replied that the hazard pay is for the homeless shelter employees due to exposure to Covid-19.

Councilor Beaudoin **MOVED** to **DIVIDE** the question, if the motion is in order. He requested that the \$7,000 for hazard pay for My Friends Place be separated out from the rest of the funding. It was determined that the motion was not in order to divide the question; however, an Amendment to the motion could be made.

Councilor Beaudoin **WITHDREW** his motion to **DIVIDE** the question.

Councilor Beaudoin **MOVED** to **AMEND** the resolution to separate out the \$7,000 for the hazard pay for My Friends Place from the rest of the funding. The City Council briefly discussed the matter.

Councilor Rice requested to call the question and Councilor Lachapelle seconded the request to call the question. Councilor Larochelle called for a point of order. He said any member of the City Council can make a motion to call the question; however, a 2/3 vote is required. He added that only the Mayor can call the question without a required vote.

Mayor Callaghan indicated that there was no second to the motion to amend the main motion so he called for a vote on the resolution.

The **MOTION CARRIED** by a roll call vote of 12 to 1. Councilors Berlin, Desrochers, Gray, Fontneau, Hamann, Hainey, Lachapelle, Larochelle, Malone, Gilman, Rice, and Mayor Callaghan voted in favor of the motion. Councilor Beaudoin voted against the motion.

10.2.2 Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2022 for Reallocation of Unexpended Prior Year Funds to New Hampshire Housing *first reading and consideration for adoption*

Councilor Hainey **Moved** to read the resolution for a first time by title only. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Gilman, Rice, Gray, Hainey, Larochelle, Berlin, Lachapelle, Fontneau, Hamann, Beaudoin, Desrochers, Malone, and Mayor Callaghan voted in favor of the motion. Mayor Callaghan read the resolution for a first time as follows:

**CITY OF ROCHESTER FY 22 CDBG ACTION PLAN AMENDMENT –
REALLOCATION OF CDBG UNEXPENDED PRIOR YEAR FUNDS**

**Resolution to Amend the Community Development Block Grant
(CDBG) Funds for Fiscal Year 2022 for Reallocation of
Unexpended Prior Year Funds to New Hampshire Housing**

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

WHEREAS, the City of Rochester has unexpended Community Development Block Grant (CDBG) funds through the U.S. Department of Housing and Urban Development for projects serving low to moderate income residents;

WHEREAS, the Mayor and City Council of the City of Rochester desire to program these funds into other worthwhile activities;

THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby adopt the allocation of Nine Thousand Two Hundred Twenty Six Dollars and Seventy Six Cents (\$9,226.76) to

New Hampshire Housing Finance Authority for matching funds for its lead remediation program.

FURTHER, that the funds necessary to fund the above appropriation shall be drawn in their entirety from the above-mentioned FY 2020 and FY 2021 CDBG grant funds that the City of Rochester has received from the federal government.

FURTHER STILL, 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 accounts(s) as necessary to which said sums shall be recorded.

Councilor Hailey MOVED to **ADOPT** the resolution. Councilor Lachapelle seconded the motion.

Councilor Hailey said there was an incorrect amount funding amount listed and **MOVED** to ensure the correct amount is on the Resolution, which is \$9,226.76. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilor Lachapelle seconded the motion. Gilman, Desrochers, Hamann, Malone, Fontneau, Larochelle Gray, Rice, Berlin, Hailey, Lachapelle, Beaudoin, and Mayor Callaghan voted in favor of the motion.

Mayor Callaghan called for a vote on the motion as amended. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Hamann, Desrochers, Gilman, Malone, Fontneau, Larochelle Gray, Rice, Berlin, Hailey, Lachapelle, Beaudoin, and Mayor Callaghan voted in favor of the motion.

Councilor Hailey reviewed the rest of the minutes and invited fellow Councilors to attend the next meeting, which is scheduled for February 28, 2022, at 6:00 PM in the City Hall Annex.

10.3 Finance Committee

10.3.1 Committee Recommendation: to approve the bid waiver for the Police Department body camera purchase as well as the changes to funding *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the bid waiver for the Police Department body camera purchase as well as the changes to funding. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Larochelle, Gilman, Berlin, Beaudoin, Rice, Fontneau, Hamann, Lachapelle, Malone, Desrochers, Gray, Hailey, and Mayor Callaghan voted in favor of the motion.

Councilor Rice requested that the Mayor slow down the process of voting to give an opportunity for discussions.

10.4 Public Safety

10.4.1 Committee Recommendation: to relocate the current 30 MPH speed limit sign on the Columbus Avenue end of Lowell Street to a location closer to Great Falls Avenue consideration for approval

Councilor Rice said this item should have been voted upon with the Regular Meeting in January; however, it is on this evening's agenda. He summarized the issue. Councilor Rice **MOVED** to **APPROVE** the Committee Recommendation to relocate the current 30 MPH speed limit sign on the Columbus Avenue end of Lowell Street to a location closer to Great Falls Avenue. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Desrochers, Gray, Hamann, Rice, Beaudoin, Hailey, Lachapelle, Gilman, Malone, Fontneau, Larochelle, Berlin, and Mayor Callaghan voted in favor of the motion.

10.4.2 Committee Recommendation: to install a 30 MPH speed limit sign in the westbound direction on Lowell Street just beyond Goodwins Way at the discretion of DPW consideration for approval

Councilor Rice **MOVED** to **APPROVE** the Committee Recommendation to install a 30 MPH speed limit sign in the westbound direction on Lowell Street just beyond Goodwins Way at the discretion of DPW. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Malone, Gray, Hamann, Rice, Beaudoin, Desrochers, Lachapelle, Gilman, Hailey, Fontneau, Larochelle, Berlin, and Mayor Callaghan voted in favor of the motion.

10.4.3 Committee Recommendation: to install two advance warning signs for “Double Side Roads” to be placed on Lowell Street in advance of Harding Street and Edgerly Way at the discretion of DPW consideration for approval

Councilor Rice **MOVED** to **APPROVE** the Committee Recommendation to install two advance warning signs for “Double Side Roads” to be placed on Lowell Street in advance of Harding Street and Edgerly Way at the discretion of DPW. Councilor Hamann seconded the motion. Council briefly discussed the double side roads. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Lachapelle, Larochelle, Hainey, Desrochers, Gilman, Berlin, Rice, Gray, Malone, Fontneau, Beaudoin, Hamann, and Mayor Callaghan voted in favor of the motion.

Councilor Rice said the next Public Safety Meeting will be February 16, 2022. He invited any City Councilors who are representing any of the streets near the William Allen School because there will be a discussion about these streets.

11. Old Business

No discussion.

12. Consent Calendar

No discussion.

13. New Business

13.1 Resolution Deauthorizing \$80,000.00 in New Hampshire Recreational Trails Program Grant Funds first reading and consideration for adoption

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Fontneau, Larochelle, Hainey, Desrochers, Gray, Malone, Rice, Belin, Gilman, Beaudoin, Lachapelle, Hamann, and Mayor Callaghan voted in favor of the motion. Mayor Callaghan read the resolution for a first time as follows:

**Resolution Deauthorizing \$80,000.00 in New Hampshire
Recreational Trails Program Grant Funds**

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

That the amount of Eighty Thousand Dollars (\$80,000.00) appropriated as part of the 2020 New Hampshire Recreational Trails Program grant is hereby deauthorized. The full amount of the deauthorization is grant reimbursement which will not be sought from the New Hampshire Trails Bureau.

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.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. Councilor Rice said this money was derived from a grant and it was not expended, so the money must be sent back. City Manager Cox agreed. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Gray, Larochelle, Hainey, Desrochers, Gilman, Lachapelle, rice, Berlin, Fontneau, Beaudoin, Malone, Hamann, and Mayor Callaghan voted in favor of the motion.

**13.2 Non-public meeting minutes related to the
sale of 38 Hanson Street *Motion to Unseal***

Councilor Lachapelle **MOVED** to **UNSEAL** the Non-Public meeting minutes related to the sale of 38 Hanson Street. Councilor Rice seconded the motion. Councilor Rice stated that he did not get a chance to review the Non-Public minutes because they were not in the City Manager's Office to review. He asked if other land issues, which may have been discussed during some of these minutes would be released as well. City Attorney O'Rourke replied no, the only Non-Public minutes being released are solely regarding the sale of 38 Hanson Street. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Beaudoin, Hamann, Hainey, Desrochers, Gray, Lachapelle, Rice, Berlin, Fontneau, Gilman, Malone, Larochelle, and Mayor Callaghan voted in favor of the motion.

**13.3 Resolution Authorizing Amendment to Lease
Agreement between the City and the
Department of Health and Human Services**

(DHHS) *first reading and consideration for adoption*

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Rice, Beaudoin, Hamann, Desrochers, Lachapelle, Malone, Berlin, Hainey, Larochelle, Gray Gilman, Fontneau, and Mayor Callaghan voted in favor of the motion. Mayor Callaghan read the resolution for a first time as follows:

**Resolution Authorizing Amendment to Lease Agreement
between the City and the Department of Health and Human
Services (DHHS)**

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

That the City Manager is hereby authorized to agree to an Amendment to the Lease Agreement between the City and DHHS for space within the Community Center. The Amendment includes an extension of the lease until April 30, 2024 and a 2.95% increase in the cost for square foot of the rental payment, bringing the total revenue amount to Three Hundred Two Thousand Two Hundred Seventeen and 50/100 Dollars (\$302,217.50) per year.

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.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion.

Councilor Lachapelle **MOVED** to **AMEND** the resolution by correcting the following figure: \$302,217.50, which should be \$302,217.60. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Gilman, Fontneau, Larochelle, Rice, Desrochers, Berlin, Beaudoin, Hamann, Lachapelle, Hainey, Gray, Malone, and Mayor Callaghan voted in favor of the motion.

Mayor Callaghan called for a vote on the motion as amended. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Hainey, Gray, Malone, Gilman, Fontneau, Larochelle, Rice, Desrochers,

Berlin, Beaudoin, Hamann, Lachapelle, and Mayor Callaghan voted in favor of the motion. The resolution as Amended is as follows:

Resolution Authorizing Amendment to Lease Agreement between the City and the Department of Health and Human Services (DHHS)

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

That the City Manager is hereby authorized to agree to an Amendment to the Lease Agreement between the City and DHHS for space within the Community Center. The Amendment includes an extension of the lease until April 30, 2024 and a 2.95% increase in the cost for square foot of the rental payment, bringing the total revenue amount to Three Hundred Two Thousand Two Hundred Seventeen and 60/100 Dollars (\$302,217.60) per year.

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.

13.4 Resolution Authorizing \$26,811.00 Expenditure from the RSA 162-k TIF Fund for the Innovation Drive Water-Sewer Line Extension Project *first reading and consideration for adoption*

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Berlin, Desrochers, Gray, Fontneau, Hamann, Hainey, Lachapelle, Larochelle, Beaudoin, Malone, Gilman, Rice, and Mayor Callaghan voted in favor of the motion. Mayor Callaghan read the resolution for a first time as follows:

Resolution Authorizing \$26,811.00 Expenditure from the Granite State Business Park RSA 162-k TIF for the Innovation Drive Water-Sewer Line Extension Project

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

That the amount of Twenty Six Thousand Eight Hundred Eleven Dollars (\$26,811.00) is hereby authorized to be expended from Granite State Business Park RSA 162-k TIF Retained Incremental Revenue balance to pay for the costs associated with the so-called Innovation Drive Water-Sewer Line Extension Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. All projects will be assigned a unique account number for tracking and reported purposes.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. Councilor Rice asked about the conduits found in the area. Michael Scala, Director of Economic Development, explained that the land is actually owned by the Pease Authority and there was no knowledge of these conduits in that area. He said S.U.R. is a reputable company. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Gilman, Rice, Gray, Hainey, Larochelle, Berlin, Lachapelle, Fontneau, Hamann, Beaudoin, Desrochers, Malone, and Mayor Callaghan voted in favor of the motion.

14. Other

No discussion.

15. Non-Public/Non-Meeting

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

Councilor Rice **MOVED** to enter into a Non-Public Session for Land, RSA 91-A:3, II (d) at 7:42 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Hamann, Desrochers, Gilman, Malone, Fontneau, Larochelle, Gray, Rice, Berlin, Hainey, Lachapelle, Beaudoin, and Mayor Callaghan voted in favor of the motion.

Councilor Rice **MOVED** to exit the Non-Public Session at 9:24 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Larochelle, Gilman, Berlin, Beaudoin, Rice, Fontneau, Hamann, Lachapelle,

Malone, Desrochers, Gray, Hainey, and Mayor Callaghan voted in favor of the motion.

Councilor Rice **MOVED** to seal the minutes because disclosure would render the proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll vote. Councilors Desrochers, Gray, Hamann, Rice, Beaudoin, Hainey, Lachapelle, Gilman, Malone, Fontneau, Larochelle, Berlin, and Mayor Callaghan voted in favor of the motion.

16. Adjournment

Mayor Callaghan **MOVED** to **ADJOURN** the meeting at 9:26 PM. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Malone, Gray, Hamann, Rice, Beaudoin, Desrochers, Lachapelle, Gilman, Hainey, Fontneau, Larochelle, Berlin, and Mayor Callaghan voted in favor of the motion.

Respectfully submitted,

Kelly Walters, CMC
City Clerk