

**Regular City Council Meeting
April 3, 2018
Council Chambers
7:00 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Bogan
Councilor Gates
Councilor Gray
Councilor Hamann
Councilor Hutchinson
Councilor Hamann
Councilor Keans
Councilor Lachapelle
Councilor Lauterborn
Councilor Torr
Councilor Walker
Councilor Varney
Mayor McCarley

OTHERS PRESENT

Daniel Fitzpatrick, City Manager
Blaine Cox, Deputy City Manager
City Attorney Terence O'Rourke
Owen Friend-Gray, DPW

Minutes

1. Call to Order

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

2. Opening Prayer

2.1. AMVET Riders

The AMVET Riders, offered the opening prayer.

3. Presentation of the Colors

3.1. Pledge of Allegiance – AMVET Riders

The AMVET Riders led the Pledge of Allegiance.

4. Roll Call

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

present.

5. Acceptance of Minutes

5.1. March 6, 2018 – Regular City Council meeting (*motion to accept*)

Councilor Walker **MOVED** to **ACCEPT** the Regular City Council meeting minutes of March 6, 2018. Councilor Lachapelle 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 Owen Friend-Gray, Department of Public Works, has been selected to receive the Employee of the Month Award for April. The Planning Department nominated Mr. Friend-Gray.

6.2. City Manager's Report

City Manager Fitzpatrick read the following report:

Contracts and Documents:

- **Department of Public Works**

- Notice of Award – Route 125 Bridge Guardrail and Approaches
- Cocheco Well wetland monitoring services- GZA GeoEnvironmental, Inc
- Final Survey – Dewey Street Bridge
- Landfill monitoring – Ransom Consulting – Additional Testing Services required by NHDES
- Uniform Rental & Cleaning – 2-year contract renewal G & K Services

- **Economic & Community Development**

- Blue Oasis JOB Loan – mortgage release
- Environmental Review – CAP Weatherization
- Victims of Crime Act Assistance Grant – continuing grant application

- **Information Technology**

- Exchange Service and Office Upgrade

- **Legal Department**
 - Tax Deeds – 70 Strafford Road, 39 Old Milton Road, 11 Bramer II
- **Police Department**
 - Highway Safety Grants
- **Planning Department**
 - RFP #18-20- Design Guidelines and RFP #18-20- Downtown Density Regulation Update – Award Contract – Bendon Adams
 - Release of Easement – 24 Stonewall Avenue

Standard Reports:

- **City Council Request & Inquiry Report - none**
- **Monthly Overnight Travel Summary - none**
- **Permission & Permits Issued**
- **Personnel Action Report Summary**

Councilor Keans question the bid awarded for the Route 125 Bridge Guardrail and Approaches. Peter Nourse, Director of City Services, replied that the final bid was \$98,672; the original bid was slightly higher \$127,672. He added that the project should start mid-April, 2018.

City Manager Fitzpatrick wished to set the record straight about the status of the Kelly's Gymnastic Building located in the downtown area. He mentioned at the *State of the City Address* that the Kelly's Gymnastic Building had been taken over by the City for non-payment of property taxes. This is not the case and the building is actively on the market at this time.

6.3. Public Hearing Announcement (April 17, 2018):

Mayor McCarley announced that the following Zoning petitions have been scheduled for April 17, 2018, prior to the Workshop meeting:

- **Amendment to Chapter 42 of the General Ordinances of the City of Rochester Regarding the Location and Boundaries of Zoning Districts and to Table 18-B, Permitted Uses**
- **Amendment to Chapter 42, Table 18-, Residential Uses of Chapter 42, and Chapter 43 of the General Ordinances of the City of Rochester Regarding Manufactured Housing Parks**

7. Communications from the Mayor

7.1. Proclamation: Arbor Day

Mayor McCarley presented the Arbor Day Proclamation to Peter Nourse, Director of City Services.

7.2. Employment Agreement and to Appoint Blaine M. Cox City Manager (*motion to approve*)

Mayor McCarley stated that the City Council has reached a tentative agreement with Blaine Cox, Deputy City Manager, to be appointed as the next City Manager. A vote to affirm is in order. Councilor Lachapelle **MOVED** to **APPROVE** the agreement. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley and the City Manager expressed confidence in the City Council's decision to promote the Deputy City Manager.

Councilor Keans questioned if the City Council would have a goal setting session with Blaine Cox. Mayor McCarley replied yes; however, the review of the goals set would not be held until September of 2019.

8. Presentations of Petitions and Council Correspondence

8.1. Petition: Request for Amendment to the Zoning Ordinances – Section 42.29 (m) (6) Development and Construction Signs (*motion to accept or deny the petition; if the petition is accepted the matter shall be referred to the Legal Department and to the Planning Board*)

Councilor Lauterborn **MOVED** to **ACCEPT** the petition and refer the matter to the Legal Department and to the Planning Board. Councilor Bogan seconded the motion. Councilor Varney questioned how many signs would be approved per development. It was determined that the petition is seeking two "signs" per development. If the City Council accepts the petition this evening the details of the petition would be reviewed by the Planning Board. The City Council would have time to review the recommendation from the Planning Board prior to being asked to adopting this Zoning Petition. The **MOTION CARRIED** by a unanimous voice vote.

9. Nominations, Appointments, Resignations, and Elections

No discussion.

10. Reports of Committees

10.1. Appointments Committee

10.1.1. Appointment: Glenn Watt, Rochester Arts & Culture Commission, Term to Expire 7/01/2020

Mayor McCarley nominated Glenn Watt, business owner, to be appointed as a Regular Member to the Rochester Arts & Culture Commission, with a term to expire on 7/1/2020. Councilor Walker seconded the nomination. Councilor Walker **MOVED** that the Clerk cast one ballot for Mr. Watt. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.1.2. Re-Appointment: Merry Lineweber, Conservation Commission, Term to Expire on 01/02/2021

Mayor McCarley nominated Merry Lineweber, resident, to be re-appointed as a Regular Member to the Conservation Commission, with a term to expire on 01/02/2021. Councilor Walker seconded the nomination. Councilor Walker **MOVED** that the Clerk cast one ballot for Ms. Lineweber. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.1.3. Re-Appointment: Amy Marie Regan, Arts & Culture Commission, Term to Expire on 07/01/2020

Mayor McCarley nominated Amy Marie Regan, resident, to be re-appointed as a Regular Member to the Rochester Arts & Culture Commission, with a term to expire on 7/1/2020. Councilor Walker seconded the nomination. Councilor Walker **MOVED** that the Clerk cast one ballot for Ms. Regan. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.1.4. Re-Appointment: Shawn Libby, Utility Advisory Board, Term to Expire 1/02/2021

Mayor McCarley nominated Shawn Libby, resident (*Chair of the Utility Advisory Board*), to be reappointed as a Regular Member to the Utility Advisory Board, with a term to expire on 01/2/2021. Councilor Walker seconded the nomination. Councilor Walker **MOVED** that the Clerk cast one ballot for Mr. Libby. Councilor Bogan seconded the motion. The

MOTION CARRIED by a unanimous voice vote.

A discussion ensued about the way in which the City Council votes for the Appointment Committee's recommendations. Councilor Keans gave a brief history of elected officials using a "secret ballot" vote. She requested that the City Attorney provide an explanation about why the City Council is back to using the method of the "Clerk cast one ballot".

10.2. Codes and Ordinances Committee

10.2.1. Amendment to City Council Rules of Order: *Committee Recommendation: Section 4.12 Ordinances and Resolutions ... except those placed on the Agenda by the Mayor which have already been examined and approved in form by the City Manager, City Attorney, City Clerk, and Finance Director (motion to approve)*

Councilor Lachapelle **MOVED** to **APPROVE** the Amendment to the City Council Rules of Order. Councilor Hamann seconded the motion.

Councilor Keans spoke against the motion. She said this action would have unintended consequences. Councilor Varney said that the City Council moves to suspend the rules to read the "resolution for a second time"; however, at the same time the City Council suspends the rules to read any amendment/resolution "by title only." Councilor Lauterborn **MOVED** the Committee recommendation for the Rules of Order Section 4.12 to the City Council Workshop for a discussion (and to the May Regular City Council meeting for action.) The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle announced that the April 5, 2018 Codes and Ordinances Committee meeting has been postponed until May 3, 2018 at 6:00 PM in the City Council Chambers.

10.3. Community Development Committee

10.3.1. *AB 102 – Committee Recommendation: Application to the National Fitness Court Campaign (motion to approve)*

Councilor Lauterborn reviewed the Committee report. She said the Economic Development Department had presented a proposal about applying for a National Fitness Court Campaign Grant. This is a proposed CIP project for fiscal year 2019. Councilor Lauterborn **MOVED** to

APPROVE the Committee recommendation as shown above. Councilor Bogan seconded the motion. Karen Pollard, Economic Development Manager, gave a description of what the Fitness Court would entail. The City Council briefly discussed the matter. The **MOTION CARRIED** by a unanimous voice vote.

**10.3.2. AB 103 Committee Recommendation:
Resolution Regarding an Independence Day
Festival in Partnership with Rochester Main
Street (*first reading and consideration for
adoption*)**

Councilor Lauterborn said Rochester Main Street presented the idea of holding an Independence Day Festival in the downtown area, which would include a fireworks show. The location for setting off the fireworks is yet to be determined. Councilor Lauterborn **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 Regarding an Independence Day Festival in
Partnership with Rochester Main Street**

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

WHEREAS, that the City of Rochester desires to host an Independence Day celebration including fireworks display;

FURTHER, that Rochester Main Street desires to enter into a partnership with the City of Rochester to host an Independence Day festival;

FURTHER, that Rochester Main Street has requested the City to contribute Ten Thousand Dollars (\$10,000) to cover costs associated with the festival;

THEREFORE, the City Manager is directed to allocate the sum of Ten Thousand Dollars (\$10,000) from the FY 2017-2018 General Fund city budget to be used for the Independence Day festival;

FURTHER, that the City Manager is authorized to enter into any necessary contracts or other agreements for the City of Rochester to partner with Rochester Main Street to host the Independence Day festival; and

FURTHER, to the extent not otherwise provided for in this Resolution, the

Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution. **CC FY 18 04-03 AB 103**

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

City Manager Fitzpatrick said there would be a good chance the Spaulding High School athletic field may be the location chosen to set off the fireworks display. Councilor Hamann said that location would interfere with the athletic programs at the High School. Councilor Keans agreed but stated that the care of the athletic field was more of a concern. Mayor McCarley recalled that past events, such as the Lilac City Fun Day had been held in that location and the City always cleaned up after each event. City Manager Fitzpatrick said the resolution could be adopted with the notion "if details could be worked out". Mayor McCarley called for a vote on the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lauterborn stated that the Community Development Committee for April has been canceled.

10.4. Finance Committee

Mayor McCarley stated that the discussion about the "All Veterans Tax Credit" had been postponed because the resident who requested the discussion was not available for the Finance Committee meeting. This will be discussed at the April 10, 2018, Finance Committee.

10.4.1. Committee Recommendation: That the Recreation Department be Authorized to Proceed with Summer 2018 Hiring in Advance of Receiving Approval of the Fiscal Year 2019 Recreation Department Budget (*motion to approve*)

Mayor McCarley **MOVED** to **APPROVE** the Committee's recommendation as stated above 10.4.1. Councilor Walkers seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

10.4.2. Acceptance of the City Manager's Recommendation to the IT Technician Position Classification

Mayor McCarley **MOVED** to **APPROVE** the Committee's recommendation as stated above 10.4.2. Councilor Walkers seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

10.4.3. Acceptance of the City Manager's Recommendation to the Systems Administrator Position Classification

Mayor McCarley **MOVED** to **APPROVE** the Committee's recommendation as stated above 10.4.3. Councilor Walker seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

10.5. Joint Building Committee

Councilor Varney gave a brief report about the Committee meeting and stated that the CTE project is on "schedule" as planned.

10.6. Public Safety Committee

10.6.1. Committee Recommendation – To add a Streetlight on Eastern Avenue on Pole 840/7 (motion to approve)

Councilor Walker **MOVED** to **APPROVE** the Committee's recommendation as outlined above (10.6.1). Councilor Hutchinson seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.6.2. Committee Recommendation – To deny the request to place a "speed limit" sign on Airport Drive (motion to approve)

Councilor Walker **MOVED** to **DENY** the Committee's recommendation as outlined above (10.6.2). Councilor Hutchinson seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.6.3. Committee Recommendation – To approve four recommendations for the downtown crosswalks and striping from Rochester Main Street (motion to approve)

Councilor Walker **MOVED** to **APPROVE** the Committee's recommendation as outlined above (10.6.3). Councilor Hutchinson seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.6.4. Committee Recommendation – To deny the request for a "Stop" or "yield" sign on corner of

Granite Street (*motion to approve*)

Councilor Walker **MOVED** to **DENY** the Committee's recommendation as outlined above (10.6.4). Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.6.5. Committee Recommendation – To deny the request for 30 mph speed limit signs in the area of Hancock and Common Streets (*motion to approve*)

Councilor Walker **MOVED** to **DENY** the Committee's recommendation as outlined above (10.6.5). Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.6.6. Committee Recommendation – To deny the request for a School Zone Sign with Times Posted on Portland Street near the East Rochester School (*motion to approve*)

Councilor Walker **MOVED** to **DENY** the Committee's recommendation as outlined above (10.6.6). Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.6.7. Presentation: Downtown Striping Plan

Michael Bezanson, City Engineer, gave a detailed presentation about the options to choose for the Downtown Striping Plan. The City Council discussed the two options. Councilor Walker **MOVED** to **APPROVE** Option B, including the following stipulations:

1. To move a mid-block crosswalk on North Main Street near the bridge and municipal parking lot.
2. To move a mid-block crosswalk on Union Street.
3. Striping to be parallel rather than angled parking spaces.
4. Striping bike lanes and painting sharrow symbols throughout the downtown area.

Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority voice vote. *The limits of this downtown re-striping effort are*

Wakefield Street from Parson Main to Columbus, Union Street, North Main Street from the bridge to Parson Main, and South Main Street from Parson Main to Portland Street.

Councilor Walker **MOVED** to direct City staff to install brick stamped crosswalks in the same downtown area. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.7. Public Works and Building Committee

10.7.1. Committee Recommendation - Submission of a Pre-Approval letter to be sent to the State of NH DES subsurface Division requesting pre-approval status on septic systems for the City of Rochester (*motion to accept*)

Councilor Varney **MOVED** to **APPROVE** the request outlined in 10.7.1. Councilor Torr seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

11. Old Business

11.1. Easement & Warranty Deed for the Norway Plains Phase II Road Acceptance Project (Norway Plains Road, Rangeway Drive, Lantern Lane, Winch Way, and Millers Farm Road) (*motion to approve*)

Councilor Lachapelle **MOVED** to **ACCEPT** the Easement and Warranty Deeds as outlined in 11.1. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

11.2. Rochester/Wakefield AREA Agreement (*motion to approve*)

Councilor Walker **MOVED** to **ACCEPT** the Rochester/Wakefield AREA Agreement. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

12. Consent Calendar

12.1. AB 105 Resolution Deauthorizing Funding for the Department of Justice Ballistic Vest Grant in the Amount of \$1,731.94 (*first reading, second reading, and adoption*)

Councilor Walker **MOVED** to **APPROVE** the Consent Calendar as

submitted. Councilor Lachapelle seconded the motion. The MOTION CARRIED by a unanimous voice vote.

**Resolution Deauthorizing Funding for the Department of Justice
Ballistic Vest Grant in the Amount of \$1,731.94**

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

That One Thousand Seven Hundred Thirty One and 94/100 Dollars (\$1,731.94) of previously appropriated funding from the fiscal year 2015-2016 Police Department budget for the so-called Department of Justice Ballistic Vest Grant, account # 61142010-561010-16565, is deauthorized as the grant has expired and the funds are no longer available. The amount of One Thousand Seven Hundred Thirty One and 94/100 Dollars (\$1,734.94) shall not be sought as reimbursement from the Department of Justice Ballistic Vest Grant program.

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 04-03 AB 105**

13. New Business

**13.1. AB 109 Acceptance of the City Manager's
Recommendation to Add the Position of
GIS/Construction Technician to the City's
Classification, Compensation, Merit, and Evaluation
Plan as Presented (*motion to accept*)**

Councilor Lachapelle **MOVED** to **ACCEPT** the City Manager's recommendation as stated above (13.1 AB 109). Councilor Walker seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

**13.2. AB 106 Amendment to Chapter 22 Fire Department
Organization (*refer to the Codes and Ordinances
Committee*)**

Councilor Lachapelle **MOVED** to refer Chapter 22 of the General Ordinances to the Codes and Ordinances Committee to review and make a recommendation. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.3. Resolution in accordance with Ordinance 4.4 (c)

Authorizing the City Manager to Sell 6 Gina Drive, a Tax Deeded Property, without an Auction or Sealed Bid Sale *(first reading, second reading, and consideration for adoption)*

Councilor Lachapelle **MOVED** to read the resolution for a 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 in accordance with Ordinance 4.4 (c) Authorizing the City Manager to Sell 6 Gina Drive, a Tax Deeded Property, without an Auction or Sealed Bid Sale

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, in accordance with Ordinance 4.4 (c), hereby authorize the City Manager to dispose of 6 Gina Drive, which the City has taken by Tax Deed, without using a sealed bid sale or an auction sale, directly to Arthur Seale for Ten Thousand Six Hundred Seventy Nine and 22/100 Dollars (\$10,679.22) within thirty (30) days of the approval of this resolution.

Further, the City Manager is authorized to execute any and all documents necessary to effect the purpose of this Resolution. **CC FY18 04-03 AB 13.3**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution for the second time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor McCarley read the resolution for the second time by title only. Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.4. Resolution Rescinding Authority to Demolish the Building Located at 38 Hanson Street and Rescinding the Build of a Municipal Parking Lot

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Hutchinson 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 Rescinding Authority to Demolish the Building Located

**at 38 Hanson Street and Rescinding Authority
to Build a Municipal Parking Lot**

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

Hereby rescind the authority granted to the City Manager on August 1, 2017 to demolish the building located at 38 Hanson Street and the authority to build a municipal parking lot thereon. The City property located at 38 Hanson Street is deemed "excess property" and should be disposed of by the City Manager forthwith.

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 04-03 AB 13.4**

Councilor Varney spoke against the motion. He **MOVED** to **POSTPONE** this discussion/vote until August. Councilor Hutchinson seconded the motion. The **MOTION CARRIED** to **POSTPONE** by an 8 to 5 show-of-hands vote.

13.5. AB 107 Resolution Authorizing the Rochester Police Department to Apply for a United States Department of Justice Ballistic Vest Grant in the Amount of \$12,214.00 (first reading and consideration for adoption)

Councilor Lachapelle **MOVED** to read the resolution for a 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 Ballistic Vest Grant in
the Amount of \$12,214.00**

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

Authorizes the Rochester Police Department to apply for a so-called United States Department of Justice Ballistic Vest Grant in the amount of Twelve Thousand Two Hundred Fourteen Dollars (\$12,214.00). The grant monies will be used towards the replacement of Thirty One (31) expired vests and vests purchased for new hires over the next Two (2) years.

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 and to establish special revenue, non-lapsing, multi-year fund accounts as necessary to which said sums shall be recorded. **CC FY18 04-03 AB 107**

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

13.6. *AB 99 Resolution Authorizing Supplemental Appropriation in the amount of \$6,500 for the Resurfacing Machine and Borrowing Authority Pursuant to RSA 33:9 (*second reading and consideration for adoption*)

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

Resolution Authorizing Supplemental Appropriation in the amount of \$6,500 for the Ice Resurfacing Machine and Borrowing Authority Pursuant to RSA 33:9

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

That the sum of Six Thousand Five Hundred Dollars (\$6,500.00) be, and hereby is, appropriated as a supplemental appropriation to the Arena Capital Improvement Plan Project Fund of the City of Rochester for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the purchase of an Ice Resurfacing Machine. This supplemental appropriation is in addition to One Hundred Twenty Thousand Dollars (\$120,000.00) previously appropriated for the purchase.

Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of One Hundred Twenty Six Thousand Five Hundred Dollars (\$126,500.00), 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 purchase 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. This represents an increase of Six Thousand Five Hundred Dollars (\$6,500.00) over the prior borrowing authorization for this purchase.

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 03-06 AB 99**

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

**13.7. AB 87 Resolution Authorizing Supplemental Appropriation to the Water Capital Improvements Plan Fund for the Water Treatment Plant (WTP) Low Lift Pump Station Upgrade Project and Borrowing Authority Pursuant to RSA 33:9 in the amount of \$111,823.00
(second reading and consideration for adoption)**

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

Resolution Authorizing Supplemental Appropriation to the Water Capital Improvement Plan Fund for the Water Treatment Plant (WTP) Low Lift Pump Station Upgrade Project and Borrowing Authority Pursuant to RSA 33:9 in the Amount of \$111,823.00

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

That the sum of One Hundred Eleven Thousand Eight Hundred Twenty Three Dollars (\$111,823.00) be, and hereby is, appropriated as a supplemental appropriation to the Water Capital Improvement Plan Fund for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the WTP Low Lift Pump Station Project.

Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of One Hundred Eleven Thousand Eight Hundred Twenty Three Dollars (\$111,823.00)), through the issuance of bonds and/or notes, and/or through other legal form(s), such as borrowing from Drinking Water State Revolving Fund (DWSRF), 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 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.

Still further, the City Manager or his designee is authorized to execute all documents necessary to carry out this Resolution and to act as the City's representative regarding the DWSRF.

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 as multi-year non-lapsing funds.**CC FY18 03-06 AB 87**

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

14. Non-Meeting/Non Public Session

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

Councilor Lauterborn **MOVED** to enter a Non-Public Session under Land, RSA 91-A:3 II (d). Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote of 13 to 0. Councilors Lauterborn, Keans, Walker, Hutchinson, Lachapelle, Gray, Abbott, Torr, Hamann, Bogan, Deputy Mayor Varney, and Mayor McCarley voted in favor of the motion.

Councilor Lauterborn **MOVED** to exit the Non-Public Session at 9:15 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lauterborn **MOVED** to seal the minutes of the Non-Public Session of April 3, 2018 because disclosure would render the proposed action ineffective. The **MOTION CARRIED** by a unanimous roll call. Councilors Bogan, Gray, Torr, Gates, Walker, Abbott, Lachapelle, Hamann, Luaterborn, Hutchinson, Deputy Mayor Varney, and Mayor McCarley voted in favor of the motion. Councilor Keans voted no.

15. Other

Councilor Varney **MOVED** on behalf of the City Council to hereby terminate negotiations with RAMA and any/all purchases of property. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote of 12 to 0. (*Mayor McCarley abstained from voting due to a conflict of interest.*)

Councilor Varney **MOVED** to unseal the Non-Public Session minutes of February 6, 2018. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

16. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the Regular City Council meeting at 9:19 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk