

**Special City Council Meeting
August 16, 2016
Council Chambers
7:25 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

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

COUNCILORS EXCUSED

Councilor Gray
Councilor Torr
Councilor Willis

MINUTES

1. Call to Order

Mayor McCarley called the Special City Council meeting to order at 7:25 PM. Marcia Roddy, Deputy City Clerk, took the roll call. All Council members were present except for Councilors Gray, Torr, and Willis, who had been excused.

2. **AB 16 Amendment to Chapter 42 of the General Ordinances of the City of Rochester. **First reading, refer to Public Hearing.****

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

**AMENDMENTS TO CHAPTER 42 OF THE GENERAL ORDINANCES OF
THE CITY OF ROCHESTER**

THE CITY OF ROCHESTER ORDAINS:

That subsections 42.2.161 and 42.20 (b) of Chapter 42 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

42.2 **Definitions.**

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161. Manufactured Housing: Any structure, meeting the federal Manufactured Home Construction and Safety Standards Act, commonly known as the HUD Code, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, ~~is a minimum of 13 feet in overall width and have at least 700~~ **320** square feet of habitable space, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein. Manufactured Housing as defined here does not include pre-site housing as defined in RSA 674:31-a.

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42.20 **Standards for Specific Permitted Uses.**

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b. **Conditions for Particular Uses**

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9. **Manufactured Housing Subdivision**

A. **Overall Development**

~~iii. Minimum Size. Every manufactured home shall be at least 23 feet in width and have at least 700 square feet of habitable living space.~~

10. **Manufactured Housing Unit**

~~C. Minimum Size. Every manufactured home shall be at least 23 feet in width and have at least 700 square feet of habitable living space.~~

The effective date of these amendments shall be upon passage.

3. Aeration Diffusers at Water Treatment Plant

3.1 AB 17 Resolution Authorizing Supplemental Appropriation to the FY 2017 Department of Public Works Sewer Fund Capital Improvements Fund for Emergency Repairs to the Wastewater Connection Therewith. First reading, refer to Public Hearing.

Councilor Lachapelle **MOVED** to read the resolution by title only for the first time and refer it to a Public Hearing. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the first time and referred it to a Public Hearing as follows:

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION
TO THE FY2017 DEPARTMENT OF PUBLIC WORKS SEWER FUND
CAPITAL IMPROVEMENTS FUND FOR EMERGENCY REPAIRS TO THE
WASTEWATER TREATMENT PLANT
AND AUTHORIZING BONDING AND/OR BORROWING IN
CONNECTION THEREWITH**

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

That the sum of Two Hundred Twenty Thousand Dollars (\$220,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2017 fiscal year Department of Public Works Sewer Fund Capital Improvements Fund such funds to be used for the purpose of providing funds necessary to pay costs and/or expenditures associated with repairing the aeration system at the Wastewater Treatment Plant.

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 up to Two Hundred Twenty Thousand Dollars (\$220,000.00) 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. The useful life for the aforesaid Project is 10 years.

Further, to the extent not otherwise provided for in this Resolution the City Manager and/or his designee(s) is authorized to sign all documents necessary to implement the purposes of this resolution, including the signing of any engineering and/or services, materials, construction and or similar or related type contract(s) necessary to carry out the purposes of this resolution.

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

The City reasonably expects to issue tax exempt bonds in the future to finance certain expenses related to this Project, the proceeds of which may be used, in part, to reimburse the City for Project expenses paid prior to the issuance of such bonds, including those authorized above. To that end, without in any way committing the City to issue such bonds, and/or notes, and/or other legal forms of borrowing, this Resolution shall be deemed to constitute the City's "official intent" with respect to such plans within the meaning of IRS Reg. 1.150-2.

It should be noted that the Agenda Bill for this resolution incorrectly stated "Water Treatment Plant," but should be "Wastewater Treatment Plant."

4. Non-Public Session

4.1 Non-Public Session, RSA 91-A:3, II (d) [Land]

4.2 Non-Meeting: Consultation with Legal Counsel, RSA 91-A:2, I (b)

Councilor Lachapelle **MOVED** to enter Non-Public Session under RSA 91-A:3, II (d) [Land] and Non-Meeting under RSA 91-A:3, I (b) at 7:25 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by roll call vote. Councilors Bogan, Abbott, Varney, Lachapelle, Barnett, Hamann, Gates, Keans, Lauterborn, and Mayor McCarley all voted yes.

Councilor Lauterborn **MOVED** to exit Non-Public session at 7:56 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Councilor Lauterborn **MOVED** to seal the minutes of the Non-Public session because it is determined that divulgence of this information likely would render a proposed action ineffective. Councilor Bogan seconded the motion. The **MOTION CARRIED** by roll call vote. Councilors Varney, Barnett, Lauterborn, Hamann, Lachapelle, Abbott, Gates, Bogan, and Mayor McCarley all voted yes. Councilor Keans voted no.

5. Other

Deputy Mayor Varney revisited the issue of compliance with the fireworks ordinance that was raised during the Public Input portion of the meeting. He suggested that enforcement of the provisions of the ordinance would benefit from a "permit system." Councilor Lachapelle indicated that the Codes and Ordinances Committee would take up the issue.

6. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the Special City Council Meeting at 8:00 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Marcia H. Roddy, CNHDCC
Deputy City Clerk