

**Regular City Council Meeting
March 5, 2024
Council Chambers
6:00 PM**

COUNCILORS PRESENT

Councilor Creteau
Councilor de Geofroy
Councilor Fitzpatrick
Councilor Fontneau
Councilor Herman
Councilor Karolian
Councilor Lawrence
Councilor Richardson
Councilor Sullivan
Councilor Turner
Councilor Walker
Deputy Mayor Hamann
Mayor Callaghan

OTHERS PRESENT

Katie Ambrose Cox, City Manager
Terence O'Rourke, City Attorney

COUNCILORS ABSENT

Minutes

1. Call to Order

Mayor Callaghan called the Regular City Council meeting to order at 6:00 PM.

2. Opening Prayer

Mayor Callaghan called for a moment of silence.

3. Pledge of Allegiance

Councilor Karolian led the City Council and all those present in the Pledge of Allegiance.

4. Roll Call

Kelly Walters, City Clerk, took the roll call attendance. All Councilors were present as listed above.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: February 6, 2024 ***consideration for approval***

Councilor Walker **MOVED** to **ACCEPT** the minutes of the Regular City Council meeting of February 6, 2024. Councilor Hamann seconded the motion. Councilor Richardson stated that human informed him that his (human) remarks were not correctly recorded in the minutes. Councilor Richardson requested a review of the recording prior to accepting the minutes. The City Council briefly discussed the matter. Councilor Karolian **MOVED** to **TABLE** the matter until such time the recording was reviewed. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2 City Council Special Meeting: February 20, 2024 ***consideration for approval***

Councilor Walker **MOVED** to **ACCEPT** the minutes of the Special City Council meeting of February 20, 2024. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

City Manager Ambrose stated that the "Recreation and Arena Community Engagement" survey is posted on the City's website: rochesternh.gov. Ms. Ambrose stated that the Recreation and Arena Department is working in conjunction with the Strafford Regional Planning Commission in an effort to update the City of Rochester's Recreation Master Plan.

City Manager Ambrose publicly thanked the members of the CIP Committee and Department heads for embarking on a new process to review all CIP projects during the budget season. She said the committee has been a successful venture. The CIP Committee presented the CIP recommendations to the Planning Board last evening.

6.1 City Manager's Report

The City Manager Report is as follows:

Contracts and Documents executed since last month:

Department of Public Works

- Temporary Access Permit, Granite Ridge Phase 2 – Eversource
- Cert. Of Final Completion, Rt 11 Pump Station Upgrade.
- Scope of Services, Annex Space Planning and Design – Weston and Sampson.
- Amendment, Columbus/Summer Intersection – Fuss & Oneill
- Engineering Amendment, Union St Parking Lot – Fuss & Oneill
- Task Order, Cocheco Well Upgrades – Underwood Engineers
- Change Order, Biosolids Dewatering Facility – Apex Construction
- Woodman Water Service Homeowner Lien
- Change Order #2, Biosolids Dewatering Facility – Apex Construction
- Scope pf Services – Old Landfill Groundwater Permit Management contract – Ransom Consulting
- Scope of Service, Norway Plain Rd Sewer Main – S.U.R.

Economic Development

- Gafney Home Project extension request

Standard Reports:

- Personnel Action Report Summary

7. Communications from the Mayor

Mayor Callaghan echoed the City Manager’s sentiments spoken in relation to the success of the new CIP process and thanked all participants.

7.1. Above and Beyond Service Award – John “Moose” Mousette

Mayor Callaghan stated that a Spaulding High School student collapsed in the presence of John “Moose” Mousette, Athletic Trainer, in December 2023. Mr. Mousette immediately responded to the incident using life saving measures until the medical emergency crew arrived, which greatly aided in saving the student’s life.

Mayor Callaghan invited Mr. Mousette to come forward. Mayor

Callaghan said Mr. Mousette has been employed by the School Department for just over ten years. Mayor Callaghan shared a story about his own child's experiences involving Mr. Mousette's dedication to the students. He expressed appreciation for Mr. Mousette quick response during this unexpected event at Spaulding High School. Mayor Callaghan presented the "Above and Beyond Service" award to Mr. Mousette.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1. Resignation: Tim Jones – Rochester Economic Development Commission, Seat G *consideration for approval*

Councilor Walker **MOVED** to **ACCEPT** the resignation letter of Tim Jones with regret and to send a letter of thanks. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9.2. Appointment: Pamela Beliveau – Ward 6 Ward Clerk *consideration for approval*

Mayor Callaghan nominated Pamela Beliveau to be appointed as the Ward Clerk of Ward 6 and asked if there were any other nominations. Councilor Walker **MOVED** that nomination cease and a roll call be taken. Councilor Fitzpatrick seconded the motion. The **MOTION CARRIED** to appoint Ms. Beliveau as the Ward Clerk for Ward 6 by a unanimous roll call vote as follows: Councilors de Geofroy, Fitzpatrick, Sullivan, Lawrence, Walker, Herman, Fontneau, Turner, Creteau, Richardson, Hamann, Karolian, and Mayor Callaghan voted in favor of the motion.

10. Reports of Committees

10.1.1 New Appointment: Josephine Finocchiaro – Planning Board, Seat L, Alternate Member *Term to expire 1/2/2027 consideration for approval*

Councilor Walker recommended that Ms. Finocchiaro be appointed as an Alternate Member to the Planning Board with a term to expire on January 2, 2027. Mayor Callaghan concurred and asked if there were

any other nominations. The **MOTION CARRIED** to appoint Ms. Finocchiaro to the Planning Board by a unanimous voice vote.

10.1.2 New Appointment: Shawn Pierce – Arts and Culture Commission, Seat I, Regular Member Term to expire ~~1/2/2026~~ 7/1/2026 consideration for approval

Mayor Callaghan nominated Shawn Pierce to the Arts and Culture Commission; however, he made a correction to the term expiration as shown above. Mayor Callaghan asked if there were any other nominations. The **MOTION CARRIED** to appoint Mr. Pierce to the Arts and Culture Commission by a unanimous voice vote.

10.1.3 New Appointment: Bryan Karolian – Conservation Commission, Seat B, Regular Member Term to expire 1/2/2027 consideration for approval

Councilor Walker said the Committee recommended that Mr. Karolian be appointed as a Regular Member to the Conservation Commission with a term to expire on January 2, 2027. Councilor Hamann seconded the nomination. Mayor Callaghan concurred and asked if there were any other nominations. The **MOTION CARRIED** to appoint Mr. Karolian to the Conservation Commission by a unanimous voice vote.

10.1.4 New Appointment: George Bald – Economic Development Commission, Seat G, Regular Member Term to Expire 1/2/2026 consideration for approval

Councilor Walker said the Committee recommended that Mr. Bald be appointed as a Regular Member to the Economic Development Commission with a term to expire on January 2, 2026. Councilor Hamann seconded the nomination. Mayor Callaghan concurred and asked if there were any other nominations. The **MOTION CARRIED** to appoint Mr. Bald to the Economic Development Commission as shown above by a unanimous voice vote.

10.1.5 New Appointment: Susan Rice – Planning Board, Seat G, Regular Member Term to Expire 1/2/2026 consideration for approval

Councilor Walker stated that the Committee recommended, by a majority voice vote that Ms. Rice be appointed as a Regular Member of the Planning Board with a term to expire on January 2, 2027. Councilor Richardson seconded the nomination. Mayor Callaghan asked if there were any other nominations. The **MOTION FAILED** to appoint Ms. Rice to the Planning Board by a majority voice vote against the appointment.

10.1.6 Reappointment: Kevin Sullivan – Conservation Commission, Seat A, Regular Member Term to expire 1/2/2027 consideration for approval

Mr. Sullivan has been reappointed as a Regular Member of the Conservation Commission with a term to expire on January 2, 2027. See full vote of all reappointments just prior to the Codes and Ordinances Committee report.

10.1.7 Reappointment: Mark Jennings – Conservation Commission, Seat C, Regular Member Term to expire 1/2/2027 consideration for approval

Mr. Jennings has been reappointed as a Regular Member of the Conservation Commission with a term to expire on January 2, 2027. See full vote of all reappointments just prior to the Codes and Ordinances Committee report.

10.1.8 Reappointment: Merry Lineweber – Conservation Commission, Seat G, Regular Member Term to expire 1/2/2027 consideration for approval

Ms. Lineweber has been reappointed as a Regular Member of the Conservation Commission with a term to expire on January 2, 2027. See full vote of all reappointments just prior to the Codes and Ordinances Committee report.

10.1.9 Reappointment: Tanya Hervey – Economic Development Commission, Seat D, Regular Member Term to expire 1/2/2027 consideration for approval

Ms. Hervey has been reappointed as a Regular Member of the Economic Development Commission with a term to expire on January 2,

2027. *See full vote of all reappointments just prior to the Codes and Ordinances Committee report.*

**10.1.10 Reappointment: Ronald Poulin – Economic Development Commission, Seat F, Regular Member
Term to expire 1/2/2027 consideration for approval**

Mr. Poulin has been reappointed as a Regular Member of the Economic Development Commission with a term to expire on January 2, 2027. *See full vote of all reappointments just prior to the Codes and Ordinances Committee report.*

**10.1.11 Reappointment: Janet Davis – Economic Development Commission, Seat A, Regular Member
Term to expire 1/2/2027 consideration for approval**

Ms. Davis has been reappointed as a Regular Member of the Economic Development Commission with a term to expire on January 2, 2027. *See full vote of all reappointments just prior to the Codes and Ordinances Committee report.*

**10.1.12 Reappointment: Ralph Sanders – Utility Advisory Board, Seat A, Regular Member
Term to expire 1/2/2027 consideration for approval**

Mr. Sanders has been reappointed as a Regular Member of the Utility Advisory Board with a term to expire on January 2, 2027. *See full vote of all reappointments just prior to the Codes and Ordinances Committee report.*

**10.1.13 Reappointment: Eli Barnes – Utility Advisory Board, Seat C, Regular Member
Term to expire 1/2/2026 consideration for approval**

Mr. Barnes has been reappointed as a Regular Member of the Utility Advisory Board with a term to expire on January 2, 2026. *See full vote of all reappointments just prior to the Codes and Ordinances Committee report.*

10.1.14 Appointment: Dylan Dowe – Conservation Commission, Elevation from Alternate to Regular, Seat D, Term to Expire 1/2/2025 consideration for approval

Councilor Walker stated the Committee unanimously recommended to elevate Mr. Dowe from an Alternate Member to a Regular Member of the Conservation Commission with a term to expire on January 2, 2025. Mayor Callaghan asked if there were any other nominations. The **MOTION CARRIED** to appoint Mr. Dowe to the Conservation Commission by a unanimous voice vote.

10.1.15 Appointment: Michael McQuade – Planning Board, Elevation from Alternate to Regular, Seat B, Term to Expire 1/2/2027 consideration for approval

Councilor Walker stated the Committee unanimously recommended to elevate Mr. McQuade from an Alternate Member to a Regular Member of the Planning Board with a term to expire on January 2, 2027. Mayor Callaghan asked if there were any other nominations. The **MOTION CARRIED** to appoint Mr. McQuade to the Planning Board by a unanimous voice vote.

Councilor Walker offered to vote upon all reappointments at once, *if there were no objections.*

Councilor Walker **MOVED** to reappoint all the reappointments listed below. Councilor Hamann seconded the motion. Councilor Walker **MOVED** that nominations cease and the Clerk cast one ballot for all reappointments. The **MOTION CARRIED** by a unanimous voice vote.

- **Kevin Sullivan – Conservation Commission, Seat A, Regular Member Term to expire 1/2/2027**
- **Mark Jennings – Conservation Commission, Seat C, Regular Member Term to expire 1/2/2027**
- **Merry Lineweber – Conservation Commission, Seat G, Regular Member Term to expire 1/2/2027**
- **Tanya Hervey – Economic Development Commission, Seat D, Regular Member Term to expire 1/2/2027**

- **Ronald Poulin – Economic Development Commission, Seat F, Regular Member *Term to expire 1/2/2027***
- **Janet Davis – Economic Development Commission, Seat A, Regular Member *Term to expire 1/2/2027***
- **Ralph Sanders – Utility Advisory Board, Seat A, Regular Member *Term to expire 1/2/2027***
- **Eli Barnes – Utility Advisory Board, Seat C, Regular Member *Term to expire 1/2/2026***

10.2 Codes & Ordinances Committee

10.2.1 Resolution Pursuant to RSA 34:1-a Establishing a Waste Management Closure Reserve Fund *second reading and consideration for adoption*

Councilor de Geofroy stated that the Codes and Ordinances Committee unanimously recommended that the City Council approve the Resolution establishing the Waste Management Closure Reserve Fund. Councilor Hamann seconded the recommendation.

Mayor Callaghan read the resolution by title only for the second time as follows:

Resolution Pursuant to RSA 34:1-a Establishing an Waste Management Closure Reserve Fund

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

By adoption of this Resolution, the City Council establishes a Non-Capital Reserve Fund, Waste Management Closure Reserve Fund, pursuant to RSA 34:1-a for the purpose of creating a financial reserve for the anticipated closure of the Waste Management landfill in 2034. Upon closure of the Waste Management landfill the associated Waste Management Host Fee Revenues shall also cease. The purpose of this fund is to offset impacts to the amount to be raised by property taxes resulting from the complete loss, or material reduction, of the Waste Management Host Fee revenues, and any related additional waste disposal expenses.

The City Council, at its sole discretion, may appropriate monies to said Waste Management Closure Reserve Fund through the annual budgeting process, however, in no case shall said annual appropriation be less than One Million Dollars \$1,000,000. Revenue sources can be Waste Management Host Fee Revenues, or General Fund Unassigned Fund Balance.

Other unanticipated revenue sources may also be transferred to the fund upon a majority vote of Council. Upon 2/3 Council vote General Fund Unassigned Fund Balance contributions outside of the annual budget appropriation may occur after the annual fiscal year audit confirms the net changes to General Fund Unassigned Fund balance, and results are presented by the independent auditor.

Further, the City Council, at its sole discretion, may assign portions of the General Fund Unassigned Fund Balance as a reserve commitment to the Waste Management Closure Fund. This assigned status assures that an allocation of the General Fund Unassigned Fund balance is reserved for the Waste Management Closure Fund.

Further, the funds can be considered for utilization as a non property tax revenue source during the annual operating budget process upon realization of the following conditions, or combination of conditions. Waste Management's official ceasing of landfill operations and termination of all Host Fee Revenues, when landfill capacity materially decreases, which results in a material decrease of Host Fee Revenues, or when landfill capacity necessitates the implementation of new transfer station and disposal service expenses.

Pursuant to RSA 34:6, the Trustees of Trust Funds shall have custody of all non capital reserves transferred to the Waste Management Closure Reserve Fund. The Trustees of the Trust Fund will hold the monies appropriated to the Waste Management Closure Reserve Fund in a separate investment account. Appropriations made to the Waste Management Closure Reserve Fund will be submitted to the Trustees of the Trust Fund after July 1 but prior to June 30 of the fiscal year of the appropriation.

The City Council may dissolve the Waste Management Closure Reserve Fund at its sole discretion. Upon dissolution all available funds will lapse 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.

The City Council discussed if a roll call vote was necessary; however, it was determined that a voice vote would be sufficient. Mayor Callaghan called for a vote on approval. The **MOTION CARRIED** by a unanimous voice vote.

10.3 Community Development Committee

Councilor Creteau gave an update on the CDBG Grant application process, which should be finalized by the next meeting.

10.3.1 Resolution Adopting a FY 2025 Rochester CDBG "Action Plan for the City of Rochester, N.H." and Approving and Appropriating the FY 2025 Community Development Budget for the City of Rochester *first reading and refer to public hearing March 19, 2024*

Mayor Callaghan read the resolution by title only and referred the matter to a Public Hearing to be held on March 19, 2024.

Resolution for Supplemental Appropriation of \$250,000 to the FY24 General Fund CIP Fund for the Community Center Bleacher Replacement Project

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 hereby appropriate Two Hundred Fifty Thousand Dollars (\$250,000) to the General Fund CIP for the purpose of paying costs associated with the Community Center Gym Bleacher Replacement Project. This funding will address replacement of the second bank of bleachers. The first bank of bleacher replacements were funded in the FY24 Adopted General Fund CIP program budget. The entirety of this supplemental appropriation shall be derived from the General Fund Unassigned Fund Balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to 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.

10.3.2 Update on Easterseals Champlin Ridge Project *first reading and refer to public hearing March 19, 2024*

Mayor Callaghan said an update to the Easterseals Champlin Ridge Project would be referred to a Public Hearing to be held on March 19, 2024.

10.4 Finance Committee

10.4.1 Resolution for Supplemental Appropriation of \$250,000 to the General Fund CIP Fund for the Community Center Bleacher Replacement Project *first reading and refer to a Public Hearing March 19, 2024*

Mayor Callaghan read the resolution by title only and referred the matter to a Public Hearing to be held on March 19, 2024.

Resolution for Supplemental Appropriation of \$250,000 to the FY24 General Fund CIP Fund for the Community Center Bleacher Replacement Project

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 hereby appropriate Two Hundred Fifty Thousand Dollars (\$250,000) to the General Fund CIP for the purpose of paying costs associated with the Community Center Gym Bleacher Replacement Project. This funding will address replacement of the second bank of bleachers. The first bank of bleacher replacements were funded in the FY24 Adopted General Fund CIP program budget. The entirety of this supplemental appropriation shall be derived from the General Fund Unassigned Fund Balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to 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.

10.5 Planning Board

No discussion.

10.6 Public Safety

Councilor Fontneau said that there were no action items to review.

10.7 Public Works

Councilor Hamann said that there were no action items to review.

11. Unfinished Business

No discussion.

12. Consent Calendar

No discussion.

13. New Business

13.1. Resolution Pursuant to RSA 656:40 Authorizing Use of Certain Ballot Counting Devices *first reading and refer to public hearing March 19, 2024*

- [LHS ImageCast Precinct](#)
- [Voting Works VxSuite](#)

Mayor Callaghan read the resolution for a first time by title only and referred the matter to a Public Hearing to be held on March 19, 2024.

Resolution Pursuant to RSA 656:40 Authorizing Use of Certain Ballot Counting Devices

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 hereby authorize the use of the Dominion ImageCast Precinct Tabulator and the VotingWorks VxSuite ballot counting devices for the counting of ballots in the City of Rochester.

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.

14. Non-Meeting/Non-Public Session

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

Councilor Walker **MOVED** to enter a Non-Public Session at 6:16 PM, under RSA 91-A-3,II(d) Land. Councilor de Geofroy seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0 as follows: Councilors Turner, Richardson, Karolian, Fitzpatrick, Sullivan, Hamann, Lawrence, Herman, de Geofroy, Creteau, Fontneau, Walker, and Mayor Callaghan voted in favor of the motion.

Councilor Walker **MOVED** to exit the Non-Public Session at 6:52 PM and to seal the minutes indefinitely because disclosure would render the action ineffective. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0 as follows: Councilors Fitzpatrick, Turner, Hamann, Richardson, Sullivan, Fontneau, Karolian, Creteau, Herman, de Geofroy, Walker, Lawrence, and Mayor Callaghan voted in favor of the motion.

15. Adjournment

Mayor Callaghan Adjourned the Regular City Council meeting at 6:52 PM.

Respectfully submitted,

Kelly Walters, CMC
City Clerk