

**Regular City Council Meeting  
February 2, 2021  
Council Chambers  
31 Wakefield Street  
Remotely via Microsoft Teams  
6:30 PM**

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Belken  
Councilor Bogan  
Councilor Gray  
Councilor Hainey  
Councilor Hamann  
Councilor Hutchinson  
Councilor Lachance  
Councilor Lachapelle  
Councilor Rice  
Councilor Walker  
Deputy Mayor Lauterborn  
Mayor McCarley

**OTHERS PRESENT**

Blaine Cox, City Manager  
Katie Ambrose, Deputy City Manager  
Terence O'Rourke, City Attorney  
Rajan Zed, Spiritual Leader  
Peter Nourse, Director of City Services

**Minutes**

**1. Call To Order**

Mayor McCarley called the Regular City Council meeting to order at 6:30 PM and read the following preamble:

Good Evening, as Chairperson of the City Council, I am declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

a.) **Public Input:** Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still

ensuring participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the City Council (Public Hearing and/or Workshop settings) are encouraged to do so by the following methods:

- **Mail:** City Clerk/Public Input, 31 Wakefield Street, Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)
- **email** [PublicInput@rochesternh.net](mailto:PublicInput@rochesternh.net) (*must be received no later than 4:00 pm of meeting date*)
- **Voicemail** 603-330-7107 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

Please include with your correspondence the intended meeting date for which you are submitting. *All correspondence will be included with the corresponding meeting packet (Addendum).*

In addition to the above listed public access information, the City Council will be allowing the public to enter Council Chambers and speak in person during the Public Input portion of this meeting. In an effort to adhere to CDC guidelines: enter only at the front Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance. Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Please note; the seating in Council Chambers will not be available for the public during meetings.

At this time, I also welcome members of the public accessing this meeting by phone. The public can call-in to the below number using the conference code. This meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken via conference line during the meeting.

Phone number: 857-444-0744

Conference code: 843095

b.) **Roll Call:** Please note that all votes that are taken during this meeting shall be done by Roll Call vote.

Let's start the meeting by taking a Roll Call attendance. When each member states their name (and/or ward), also please state whether there is anyone in the room with you during this meeting, which is required under the Right-to-

Know law. (Additionally, Council members are required to state their name and ward each time they wish to speak.)

## **2. Roll Call**

Deputy City Clerk Cassie Givara took the roll call. All Councilors were present and indicated that they were alone in the location from which they were connecting remotely.

## **3. Opening Prayer**

Rajan Zed, President of the Universal Society of Hinduism, led the Council in an interfaith invocation.

## **4. Pledge of Allegiance**

Mayor McCarley led the Council in the Pledge of Allegiance.

## **5. Acceptance of Minutes**

### **5.1 Regular City Council Meeting: January 5, 2021** ***consideration for approval***

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the January 5, 2021 City Council regular meeting. Councilor Walker seconded the motion. Councilor Lachance directed Council to page 19 of the minutes, the passage in which he inquired about motorized wheelchairs. He clarified that he also inquired about segways and requested that additional verbiage be added to the minutes to reflect this. Councilor Lauterborn directed Council to the bottom of the same page where it is stated that a section of chapter 254-27 was removed; Councilor Lauterborn stated that it is actually chapter 254-7 which had been amended. The **MOTION CARRIED** to accept the minutes as corrected by a roll call vote of 13 – 0 with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor.

### **5.2 City Council Special Meeting: January 19, 2021** ***consideration for approval***

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the January 19, 2021 Special City Council Meeting. Councilor Walker seconded the motion. Councilor Rice clarified that he was not present at the special meeting although the meeting minutes reflect otherwise. The **MOTION CARRIED** to accept the minutes as corrected by a roll call vote of 13 – 0 with Councilors Abbott,

Hutchinson, Bogan, Lauterborn, Rice, Lachance, Hamann, Lachapelle, Belken, Walker, Gray, Hainey, and Mayor McCarley all voting in favor.

## **6. Communications from the City Manager**

City Manager Cox gave the Council an update on the Willand Drive warming center in Somersworth. The Tri-City Managers, Community Action Partnership and Tri-City EMDs have been coordinating efforts for the warming center. The trigger for opening the center will rest with the EMDs as well as CAP and is dependent on not only weather, but ability to staff the warming center. CAP, SOS and some other local social service agencies are taking care of the staffing of the warming center while the City of Dover is maintaining the building and providing liability insurance, and Rochester is taking the lead on working with the County on leveraging grant funding for the center. The plan is to have the center available through April as needed.

### **6.1 City Manager's Report**

The City Manager's report was presented in the packet as follows:

Contracts and documents executed since last month:

- **Department of Public Works**
  - Power Purchase Agreement – Revision Energy
  - Home Owner Option Security Agreement - Sewer Tie-in, 8 Beaudoin Avenue
  - HHW 2021 Grant Agreement
  - Disbursement Request, Brownfields Grant – Wallace Street
- **Economic Development**
  - Dumpster License Agreement – Chinburg
  - FY21 CDBG-CV Round 3 Contracts – Homeless Center for Strafford County
  - FY21 CDBG Enviro. Reviews – CAP Weatherization – Multiple repairs
  - FY21 CDBG-CV Round 3 Contracts – New Generation
  - FY21 CDBG Environmental Review – HCSC Apartment Building Purchase
  - Purchase & Sales Agreement – 8 Amarosa/0 Milton Road
  - FY21 CDBG-CV Round 3 Contracts – Community Partners
  - FY21 CDBG Environmental Review – Lead Remediation Program
- **Other Documents signed:**
  - Tax Map Maintenance Proposal – CAI Technologies

The following standard reports have been enclosed:

- Monthly Overnight Travel Summary - none
- Permission & Permits Issued -none
- Personnel Action Report Summary

## **7. Communications from the Mayor**

### **7.1 Letter in opposition to changes to HB 439**

Mayor McCarley stated that she was looking for support to send this letter in opposition of some changes to House Bill 439 which involves the flexibility of municipalities regarding passing and amending ordinances. Councilor Gray objected to the letter being sent. Councilor Lachapelle **MOVED** to recommend the letter be sent by either the Mayor or City Manager with appropriate edits to reflect it came from the City of Rochester. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 12 – 1 roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voting in favor and Councilor Gray voting opposed.

## **8. Presentation of Petitions and Council Correspondence**

No Discussion.

## **9. Nominations, Appointments, Resignations, and Elections**

### **9.1 Resignation: Steven Maimes, Library Trustees, Ward 2** ***consideration for approval***

Councilor Lachapelle **MOVED** to **ACCEPT**, with regret, the resignation of Steven Maimes as the Ward 2 Library Trustee. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley all voting in favor.

## **10. Reports of Committees**

### **10.1 Appointments Committee**

**10.1.1 New Appointment: Peg Higgins – Library Trustees, Regular Member, Ward 1. Term to expire 1/02/2023**  
***consideration for approval***

**10.1.2 New Appointment: Kathleen Noble – Library Trustees, Regular Member, Ward 4. Term to expire 1/02/2023**

***consideration for approval***

- 10.1.3 New Appointment:** Ronald Poulin – Rochester Economic Development Commission, Regular Member. *Term to expire 1/02/2024 consideration for approval*
- 10.1.4 Re-Appointment:** Jamie Kinsley – Arts & Culture Commission, Regular Member. *Term to expire 7/01/2023 consideration for approval*
- 10.1.5 Re-Appointment:** Sarah Duclos – Arts & Culture Commission, Regular Member. *Term to expire 7/01/2023 consideration for approval*
- 10.1.6 Re-Appointment:** Amy Regan – Arts & Culture Commission, Regular Member. *Term to expire 7/01/2023 consideration for approval*
- 10.1.7 Re-Appointment:** Kristin Ebbeson – Arts & Culture Commission, Regular Member. *Term to expire 7/01/2023 consideration for approval*

Councilor Bogan read the list of candidates and their term expirations and indicated that the Appointments Committee had unanimously recommended each of them to be approved by Council. Mayor McCarley **MOVED** to **APPROVE** all of the appointments as read into the record. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley all voting in favor.

Councilor Rice asked for an updated list of which boards and committees still had vacancies. Deputy City Clerk Cassie Givara stated that she would distribute this list.

**10.2 Codes and Ordinances**

Councilor Lachapelle stated that there are no action items resultant from the last Codes and Ordinances meeting, but the Committee will be meeting again on Thursday, February 4 if anyone would like to attend.

**10.3 Community Development**

Councilor Lauterborn reported that although there was further discussion at the Community Development meeting on the CDBG action plan, it is being held in Committee for further review and fine tuning. This will be coming back to the March council meeting for action.

#### **10.4 Fidelity Committee**

Councilor Hutchinson said there are no action items from the Fidelity Committee meeting. They will next be meeting on Thursday, February 11 at 6:00 PM.

#### **10.5 Finance Committee**

Mayor McCarley stated that the bulk of the finance committee meeting was discussing concerns with the upcoming budget from both City and School sides as well as potential revenue concerns entering into the second budget cycle under COVID. There are no action items at this time.

#### **10.6 Planning Board**

Councilor Walker brought up a discussion which had occurred at the prior nights' Planning Board meeting in regard to Impact Fees. He reported there was a resident who had built a new house and moved to the new house from within a short distance in Rochester. The resident had been assessed an impact fee which they felt was unjust because there was no additional impact to the City generated from the resident moving a short distance, not using City water or sewer and not putting students into the school system. Councilor Walker requested that this issue be taken up at the Codes & Ordinances Committee. He felt that the Planning Board should be allowed the authority to waive certain portions of the impact fee and assess whether there is an impact at all so it can be evaluated fairly. Councilor Hamann agreed that the Planning Board should have more flexibility in waiving fees.

Councilor Lachapelle said he would be anticipating having this discussion at Thursday's Codes and Ordinances Committee meeting and requested that copy of the current Impact fee ordinance be sent out to the committee prior to the meeting.

#### **10.7 Public Safety**

- 10.7.1 Committee Recommendation:** to place a stop sign at the discretion of DPW at the end of Gagne Street and one at the end of the Fownes Mill Development *consideration for approval*

Councilor Hamann **MOVED** to place the stop signs at the end of Gagne Street and the end of Fownes Mill at the discretion of the Department of Public Works. Councilor Lachapelle seconded the motion. Councilor Walker asked if the Fownes Mill site plan had been reviewed and if the developer was supposed to pay for a stop sign, and he stated he didn't believe this was a City-accepted street yet. Councilor Hamann confirmed Fownes Mill Court is not an accepted street, but he was not certain if there had been discussion with the developer about a stop sign.

Director of City Services Peter Nourse stated that they would try to have the developer install the stop sign because it will be a private road which will go back to the Planning Board. If an agreement cannot be made between the City and the developer, Director Nourse said they could probably place a stop sign in the public right-of-way. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor.

**10.7.2 Committee Recommendation: to install Chevron signs in both directions on Pickering Road at the discretion of DPW, *consideration for approval***

Councilor Hamann clarified that this item is in regards to the curve in Pickering Road near the Dover line. The request is to place a set of chevron signs both northbound and southbound to warn of the curve. Councilor Hamann **MOVED** to recommend the installation of these signs. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Abbott, Hutchinson, Bogan, Lauterborn, Rice, Lachance, Hamann, Lachapelle, Belken, Walker, Gray, Hainey, and Mayor McCarley all voting in favor.

**10.8 Public Works & Buildings**

**10.8.1 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) CIP Fund in the Amount of \$150,000.00 for the Purchase of a Multi-Hog Sidewalk Tractor *first reading and refer to public hearing***

Councilor Walker reported that the sidewalk tractors currently owned by DPW are in disrepair and the frames have to be welded regularly to combat rust and rot. This particular sidewalk tractor has an articulating frame which allows for better maneuverability. This could be purchased for arrival before the end of February to replace one of the aging machines and to be used



during this winter season. Councilor Walker stated that if the purchase was put into the budget process, the tractor could not be used until next winter if approved, although there may be additional purchases in the budget process to continue the replacement of older equipment. Councilor Walker **MOVED** to read the resolution for a first time by title only and refer to a public hearing. Councilor Lachapelle seconded the motion. Councilor Walker read the resolution for a first time by title only as follows:

**Resolution Authorizing Supplemental Appropriation to the  
Department of Public Works (DPW) CIP Fund in the Amount of  
\$150,000.00 for the Purchase of a Multi-Hog Sidewalk Tractor**

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

That the amount of One Hundred Fifty Thousand Dollars (\$150,000.00) is hereby appropriated as a supplemental appropriation to the DPW CIP Fund for the purpose of paying costs associated with the purchase of a Multi-Hog Sidewalk Tractor. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

The **MOTION CARRIED** by a 12 – 1 roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voting in favor and Councilor Lachance voting in opposition. Due to the resolution being read prior to the roll call, it was read for a second time by title only as listed above. Councilor Lachance acknowledged the need for the aging machinery at DPW to be replaced, but cautioned that these larger purchases should wait until the budget season due to the uncertainty of revenues under COVID this coming fiscal year.

Mayor McCarley said that the public hearing for this item will be held on Tuesday, February 16 prior to the workshop meeting.

**11. Old Business**

No discussion.

## **12. Consent Calendar**

No discussion.

## **13. New Business**

### **13.1 Amendments to Chapter 275 of the General Ordinances of the City of Rochester regarding Murals**

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only and refer to a public hearing on February 16. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley all voting in favor. Mayor McCarley read the resolution for a first time by title only as follows:

#### **Amendments to Chapter 275 of the General Ordinances of the City of Rochester regarding Murals**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 275 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows

#### **Purpose:**

The City of Rochester understands the importance of adopting regulations for murals on private property and public property. The regulations for murals were formulated as a means to continue visual aesthetic while allowing for creative expression in appropriate locations and with sensitivity to the Historic Downtown nature of permitted areas. The established review criteria provide guidance concerning the compatibility and appropriateness of theme, location, design, placement, massing, scale, and materials of mural art with no intrusion into the artistic expression or the content of work.

#### **Definitions**

**Vandalism:** Any unpermitted writings, drawings, or other material posted on a public or private property. Typically this is unlawfully placed on property not owned by the person posting the material.

**Mural:** Any permitted art painted or applied directly on a building, structure, fence, or object within the public view that is located on public or private property.

**Historic Wall Graphics:** includes any graphic shown to be at least 60 years old that is recognized as distinctly important in the social science of history that records, studies, and explains the character and significance of past human activities in Rochester.

**Sign:** For definitions of numerous sign types see Article 29, Signage.

### **Zones where Murals are Permitted:**

Murals are permitted by Conditional Use Permit in the following districts: Neighborhood Mixed Use, Downtown Commercial District, Office Commercial, Highway Commercial, and Granite Ridge Development District.

### **Approval for Murals:**

#### **A) General Requirements**

The City of Rochester exempts public art, including murals, that are located outside the Historic Overlay District from Article 29: Sign Ordinance. However murals must be permitted and approved, per the process below.

Murals that include trademarks service marks, or other markings, colors, or patterns identifying or associated with business, profession, trade, occupation, may be permitted if it is shown that they are historic wall graphics on private property. Otherwise such will be considered commercial applications and shall be considered signs.

All applications shall include the property owner's signature indicating their approval of the submission of the application and of the mural.

All applications shall include a description of the artist's qualifications.

All application shall include a long-term maintenance plan.

Any mural without approval may be considered vandalism or a sign and enforced accordingly.

Rotating murals in which an applicant plans to apply more than one mural to the same wall within a year period require approval for each submission.

**B) Murals on Public Property**

Applicants shall submit a Public Art Install Application for review and approval by the City Council.

**C) Murals on Private Property that is visible from the Public Right-of-Way:**

- 1) Applicants shall submit a Public Art Install Application for review and approval by Arts and Culture Commission.
- 2) Once the Arts and Culture Commission has approved the install the applicant must check if they are in the Historic Overlay District. Any mural located within the Historic Overlay District that is visible from the public right-of-way shall be reviewed by the Historic District Commission and must comply with the Department of Secretary Interiors Standards for treatment for historic masonry buildings.
- 3) Once HDC approval is obtained the applicant shall apply for a Permit from the Planning Board.

**Review Criteria:**

**A) Location**

1. The mural complements and enhances the building.
2. The mural does not cover or detract from significant or character defining architectural features.
3. The mural enhances and complements the surround neighborhood.
4. The treatment and application of murals located on properties within the Historic District Overlay follows the National Parks Services Department of Secretary Interiors Standards for Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings Technical Preservation Services. The mural enhances the building or wall and is incorporated architecturally into the character of the Historic District.
5. Murals that are mounted onto buildings are done so in a way that prevents damage from moisture and condensation behind the attached panel. The hanging or anchoring of murals should be reversible.
6. The mural does not cover over the exterior surfaces of any building opening such as windows, doors and vents. This excludes any City sanctioned event that may involve temporary window paintings.

**B) Design**

1. Preparation to substrate must be identified and condition must also be addressed including surface conditions, fragility, permeability, and porosity.
2. The scale of the mural is appropriate for the building. Murals located on the primary street façade shall not exceed more than 25% of the area of façade of which the mural is located.
3. The mural enhances the surrounding neighborhood.
4. The mural is an original design.
5. The name, logo, or other indicator of the sponsor of the mural or the mural artist shall be discreetly displayed and shall not exceed 5% of the overall design.
6. Materials are of superior quality and intended for exterior use.
7. Use of reflective, neon, or fluorescent paints is limited.
8. Permanent installations have a weatherproof and vandalism resistant coating.
9. The mural contains no defamation, incitement, obscenity, illegal content, or images of child pornography. Obscene matter is that which the average resident of the City, applying community standards, would find, taken as a whole, appeals to a prurient interest and lacks serious literary, artistic, political, or scientific value.

**Maintenance:**

1. The maintenance of the mural is the responsibility of the property owner. In the case of murals on public property, maintenance shall be the responsibility of the organization that commissioned the mural.
2. The long-term maintenance plan must be prepared and include a plan for periodic touch up or repainting condition of the surface must be inspected.
3. The mural must be properly maintained to ensure that material failure, such as peeling paint, is corrected and vandalism is removed promptly in accordance with the Property Maintenance Code.
4. A long term maintenance plan for periodic touch up or repainting is required with submission.
5. Rotating murals (in which an applicant plans to apply more than one mural to the same wall within a year period) requires approval for each submission.

**Enforcement**

1. When an official interpretation is deemed necessary, the Zoning Administrator will determine if a proposal is a mural or sign. This decision may be appealed by the Zoning Board of Adjustment.

**Amendments effective upon passage.**

**13.2 Resolution Deauthorizing \$910.77 from the Rochester Police Department JAG Fund Grant**

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley all voting in favor. Mayor McCarley read the resolution for a first time by title only as follows:

**Resolution Deauthorizing \$910.77 from the Rochester Police Department JAG Fund Grant**

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

That Nine Hundred Ten and 77/100 Dollars (\$ 910.77) of funds previously appropriated to the Rochester Police Department as part of an JAG Fund Grant is hereby deauthorized. The City will reduce its reimbursement request to the State of New Hampshire under JAG Fund grant by the amount deauthorized herein.

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 Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Walker, Belken, Rice, Lachance, Abbott, Hamann, Gray, Bogan, Lauterborn, Hainey, Lachapelle, Hutchinson, and Mayor McCarley all voting in favor.

**13.3 HCA Ambulance Service Contract *Motion to Approve***

Councilor Lachapelle **MOVED** to **APPROVE** the HCA Ambulance service contract. Councilor Walker seconded the motion. Councilor Hutchinson

pointed out that the contract says it goes into effect January 1, 2021. He asked if this would be prorated and the City would not be responsible for the first \$57,687 for January. City Manager Cox said that the City had requested a three month extension. The contract will take effect January 1, but it does not take this extension into consideration. The City will be responsible for the referenced payment.

Councilor Lachance asked if there had been a discussion about not placing the words "Rochester Fire Department" on the side of the ambulances. City Manager Cox said that earlier versions of the contract had this wording in error. The ambulances will actually say "Emergency Paramedic Service for the City of Rochester, NH."

Councilor Rice asked if there was a stipulation in the contract which stated how many ambulances had to be within the City at any given time. He said that currently HCA provides medical intercepts outside the City and he felt that if the City of Rochester is paying \$700,000 a year for ambulance service, they should have a guarantee that there will be a certain amount of ambulances available. He asked if there was verbiage which required this coverage and, if not, if there were financial ramifications if they have to call in mutual aid. City Manager Cox said there are no financial ramifications if HCA has to call in mutual aid and there are no stipulations for the amount of ambulances which have to remain staffed within the City at any time. City Manager Cox said there are requirements for response time to be within 8-12 minutes dependent on the level of call. There are also requirements for the number and level of EMTs on each unit.

Councilor Lachapelle inquired about neighboring communities contracting the use of these ambulances and how payment for this arrangement would work. City Manager Cox stated that in the past these communities had individual contracts with Frisbie Hospital, and this would likely continue.

Councilor Rice asked if the contract included that HCA provides training to fire department staff for CPR and if there would medical supplies or oxygen included in the contract. City Manager Cox said there are provisions in the contract regarding training and HCA is also providing a mass casualty incident trailer which is required to be stocked.

The **MOTION CARRIED** by a 10 – 3 roll call vote with Councilors Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, Gray, Lachance, and Mayor McCarley voting in favor and Councilors Rice, Hainey, and Hutchinson voting in opposition.

Mayor McCarley spoke briefly about the 2-year contract and determining after that duration whether or not the City would continue. She said she would discuss at the workshop meeting the forming of a committee to review this over the course of the next year and help make a determination. She stated that Councilors Rice and Hainey had previously expressed interest in serving on such a committee and asked for a third councilor to participate. Councilor Walker stated he would like to be involved.

**13.4 Resolution Demanding Non-Partisan Redistricting by State of New Hampshire and the City of Rochester *first reading and consideration for adoption***

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 – 2 roll call vote with Councilors Abbott, Hutchinson, Bogan, Lauterborn, Rice, Lachance, Hamann, Lachapelle, Belken, Hainey, and Mayor McCarley voting in favor and Councilors Walker and Gray voting in opposition. Mayor McCarley read the resolution for a first time by title only as follows:

**Resolution Demanding Non-Partisan Redistricting by State of New Hampshire and the City of Rochester**

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

WHEREAS, the U.S. Census will be completed in 2021; and

WHEREAS, the New Hampshire General Court is obligated to redraw the maps of political districts within the state for state and federal elected positions; and

WHEREAS, the City of Rochester is obligated to redistrict the voting wards for elected positions within the City of Rochester; and

WHEREAS, the New Hampshire General Court conducted the 2010 census redistricting without transparency; and

WHEREAS, the public was not able to view the proposed redistricting maps at public hearings in 2010 while additional proposed maps created by the public were ignored; and

WHEREAS, the 2010 proposed redistricting maps were created to benefit one political party over all other parties and non-affiliated candidates.



NOW, THEREFORE, the Mayor and City Council demand of the State of New Hampshire and resolve for themselves that:

1. Redistricting shall be fair, nonpartisan, and ensure effective representation; and
2. Voting maps shall not be gerrymandered to favor a political party or candidate; and
3. Communities of interest shall be considered when redistricting; and
4. The process of redistricting communities shall be transparent and open to public input at all stages; and
5. The City of Rochester shall call upon its elected state legislators, in writing, to uphold these fair redistricting principles when creating state redistricting maps; and
6. The City of Rochester shall also adhere to these fair redistricting principles when creating city redistricting maps; and
7. This resolution shall take effect upon its passage.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. Councilor Lauterborn inquired who had drafted the resolution and requested that it appear on the meeting agenda. Mayor McCarley answered that Councilor Rice had submitted the resolution and she had agreed to include it on the agenda. Councilor Lauterborn asked where the resolution would go if it is approved by Council. Councilor Rice stated that it would be distributed to the City of Rochester's elected officials who serve in the State House and Senate. Councilor Lauterborn agreed that redistricting should be non-partisan and should be done by an independent commission, but disagreed with the general tone of the resolution. She emphasized the need for local elected officials to remain non-partisan and to leave party affiliation out of the process.

Councilor Lachance agreed with Councilor Lauterborn and stated that it has been the practice of the City Council since its inception to act in a non-partisan manner. He expressed that passing a resolution which is partisan in nature is contrary to the mission of the Council. Councilor Lachance suggested removing the last three "whereas" paragraphs in the resolution and removing the use of the word "demanding" to be replaced with "encouraging." Councilor Walker agreed that partisan politics are not appropriate for the City Council.

Councilor Hutchinson pointed out that the resolution uses the term "non-partisan" within the text. Councilor Gray stated that it was a violation of the NH State Constitution to hand over redistricting to a commission and that the Legislature is the redistricting authority. Councilor Gray spoke about prior redistricting and the perception that the process will not be fair without an

independent commission. He spoke about how the current process works and said that it is not unconstitutional to do redistricting on a partisan basis. Councilor Gray felt that the resolution as written is unconstitutional. Councilor Rice said he had brought this resolution forward to start a discussion and had hoped that, as opposed to voting it down immediately, they could make some positive changes. Councilor Rice stated that he agrees with Councilor Lachance's suggested verbiage changes.

Councilor Lachance suggested that if this item was intended as a discussion, the vote could be delayed. Councilor Lachance **MOVED** to **TABLE** to resolution. Councilor Walker seconded the motion. The **MOTION FAILED** to table the motion by a 7 – 6 roll call vote with Councilors Gray, Hamann, Lachance, Walker, Abbott, and Mayor McCarley voting in favor and Councilors Belken, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, and Bogan voting in opposition.

Councilor Lachance **MOVED** to **AMEND** the resolution by changing the word "demanding" in the title to "encouraging," removing the last three "whereas" paragraphs in the resolution, and by changing the word "demands" to "requests" in the "Now therefore" paragraph. Councilor Belken seconded the motion. Councilor Rice **MOVED** to split this amendment into two separate motions, with a vote for the wording changes separate from the removing of the "whereas" paragraphs. Councilor Lachance and Councilor Walker clarified that a motion cannot be divided into two separate motions, but rather needed to be voted on as presented. Councilor Lachance withdrew his motion to amend. Councilor Belken withdrew her second. Councilor Lachance **MOVED** to **AMEND** the resolution by changing the word "demanding" in the title to "encouraging" and changing the word "demands" to "requests" in the "now therefore paragraph." Councilor Rice seconded the motion. The **MOTION CARRIED** by a 9 – 4 roll call vote with Councilors Rice, Hainey, Abbott, Hutchinson, Lachance, Lauterborn, Walker, Belken and Mayor McCarley voting in favor and Councilors Lachapelle, Gray, Bogan and Hamann voting opposed.

Councilor Lachance **MOVED** to **AMEND** the resolution by striking the last three whereas paragraphs. Councilor Walker seconded the motion. Councilor Belken stated that although she personally agreed with the statements included in the resolution, they are presented in an overly partisan manner which warrants them being removed. Councilor Gray took issue with the assertion that the paragraphs suggested to be removed are factual. Councilor Rice disagreed that the paragraphs being removed are not factual and encouraged other to vote against the amendment. The **MOTION CARRIED** by a 10 – 3 roll call vote with Councilors Walker, Belken, Lachance, Abbott, Hamann, Gray, Bogan, Lauterborn, Lachapelle, and Mayor McCarley voting in favor and Councilors Rice, Hainey, and Hutchinson voting opposed.

Mayor McCarley referenced the redistricting which happened 20 years ago and how it was an awful process, and well as acknowledging the experience Councilor Gray conveyed about a similar redistricting 10 years prior. She thanked the Councilor for having a constructive conversation on the matter and emphasized the importance of the discussion.

The amended **MOTION** to **ADOPT FAILED** by a roll call vote of 7 – 6 with Councilors Rice, Belken, Hainey, Hutchinson, Lachance, and Mayor McCarley voting in favor and Councilors Walker, Bogan, Lachapelle, Hamann, Lauterborn, Abbott, and Gray voting opposed.

#### **14. Non – Public**

Mayor McCarley clarified that the standing agenda item for “other” had inadvertently been left off the agenda this evening and opened the floor for any further discussion.

Councilor Lachance stated that he had concerns over the upcoming revenue situation for the City budget due to COVID-19 and he **MOVED** to **RESCIND** the action taken by Council on January 5 in which \$75,575.67 of previous appropriations were approved for the CTE center to complete the paving project, as well as rescinding whatever actions needed to be taken to stop the additional \$185,000 of funding going towards this project. Councilor Lachance felt, upon further review, that the project was unnecessary and work could be done in the parking lot to a much lesser degree. He also said that there are other roads in the City in more critical need of paving, and alternately this money could be better utilized for other purchases within the school department. Councilor Walker seconded the motion. Councilor Gray stated that before this action could take place, they needed to determine if there had already been a contract signed and if these funds had already been obligated. Mayor McCarley questioned the practice of taking this item up under “other” because it is, in fact, a new resolution.

Councilor Lachance **AMENDED** the motion to **RESCIND** to include verbiage stating “in so far as these funds have not already been committed by a signed contract for paving.” Attorney O’Rourke confirmed that this action is more than an “other” discussion point, but is rather adding an agenda item. He clarified that in order to take action, the Council would need a 2/3 vote to suspend their rules and add the resolution which had not been presented to Council prior to the meeting. Councilor Lachance would also need to present the resolution in written form. He suggested waiting to discuss this item until the workshop in two weeks or upcoming special meeting. Councilor Rice **MOVED** to **TABLE** the motion to rescind until the Special Meeting on February

16, 2021. Councilor Gray asked if there was already a special meeting scheduled; he did not agree the item could be tabled for time certain if the meeting was not already scheduled. Mayor McCarley stated that she felt the intention of the motion was to discuss the item at the February 16 workshop meeting. Councilor Hainey inquired if the request should include, that if the school department had not already entered into a paving contract, that they not do so. Mayor McCarley confirmed that this would be part of the discussion at the February 16 meeting. Councilor Abbott seconded the motion. The **MOTION CARRIED** to **TABLE** until a time certain by a roll call vote of 9 – 4 with Councilors Belken, Rice, Lauterborn, Hainey, Hutchinson, Walker, Abbott, Bogan, and Mayor McCarley voting in favor and Councilors Gray, Hamann, Lachapelle, and Lachance voting opposed.

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

#### **14.2 Non-Public Session – Reputation, RSA 91-A:3, II (c)**

Councilor Lauterborn **MOVED** to enter into non-public session under RSA 91-A:3, II (d) for land and RSA 91-A:3, II (c) for Reputation at 8:03 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 13 – 0 roll call vote with Councilors Abbott, Hutchinson, Bogan, Lauterborn, Rice, Lachance, Hamann, Lachapelle, Belken, Walker, Gray, Hainey, and Mayor McCarley all voting in favor.

Councilor Lachapelle **MOVED** to exit the non-public session at 10:23 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority roll call vote with Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hamann, Walker, Lauterborn, Belken, and Mayor McCarley all voting in favor. Councilors Lachance and Hutchinson were not present/audible for the vote.

Councilor Lauterborn **MOVED** to seal the minutes of the non-public session under RSA 91-A:3, II (d) land as disclosure would render the proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority roll call vote with Councilors Walker, Belken, Rice, Abbott, Hamann, Gray, Bogan, Lachapelle, Lauterborn, Hainey, and Mayor McCarley all voting in favor. Councilors Lachance and Hutchinson were not present/audible for the vote.

Councilor Lauterborn **MOVED** to seal the minutes of the non-public session under RSA 91-A:3, II (c) reputation as disclosure of the discussion could adversely affect the reputation of a person other than a member of the board. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority roll call vote with Councilors Bogan, Gray, Rice, Hainey, Walker, Abbott, Lachapelle, Hamann, Belken, Lauterborn, and Mayor McCarley all

voting in favor. Councilors Lachance and Hutchinson were not present/audible for the vote.

**15. Adjournment**

Mayor McCarley **ADJOURNED** the Regular City Council Meeting at 10:28 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk