

**Rochester City Council Special Meeting
August 21, 2018
Council Chambers
8:48 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

Blaine Cox, City Manager
Terence O'Rourke, City Attorney
Sonja Gonzalez, CIO

Minutes

1. Call to Order

Mayor McCarley called the Rochester City Council Special meeting to order at 8:48 PM. Deputy City Clerk Cassie Givara took the roll. All Councilors were present.

2. Resolution Authorizing a Grant to SOS Recovery in the amount of \$25,000.00 *consideration for a second reading and adoption*

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

Resolution Authorizing a Grant to SOS Recovery in the amount of \$25,000.00

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

THAT the City Council approves a grant to SOS Recovery in the amount of Twenty Five Thousand Dollars (\$25,000.00) to be used in connection with rehabilitation and counseling services provided by SOS Recovery within the City of Rochester. The amount shall be derived in its entirety from existing appropriated funds in the Fiscal Year 2019 General Fund General Overhead operating budget Contingency Account.

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

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

Councilor Torr **MOVED** to request a roll call vote. Councilor Walker seconded the motion. The **MOTION CARRIED** to call the roll by a unanimous voice vote.

Councilor Hamann indicated he would be voting against the resolution. He stated that Council had voted on a budget and they needed to stay within the established budget rather than diverting funds; even if the funds are for a "good organization."

Councilor Varney stated that this Resolution does not change the budget; the money for this grant is found within the existing budget in the Overhead Contingency account.

Councilor Varney further stated that the opioid crisis is the most significant issue that the City currently faces, and that \$25,000 is a small price to pay to participate in the recovery of those seeking help. Councilor Varney said that next year when looking at the Community Development Block Grant, the City could see if there was any federal or state money that could be used to help with SOS funding and perhaps the City wouldn't have to contribute as much, if anything.

Councilor Keans spoke about recent statistics which have shown opioid deaths in the country have increased in the past year. She stated that the City needed to do something and can't just ignore the problem. Councilor Keans felt that if these funds could help people who are trying to kick the habit, it is worth it.

Councilor Gates stated that he would vote against the resolution based on a recent experience he had following a family member's surgery and their potential difficulty obtaining the oxycodone needed for post-operative pain relief. Councilor Gates attributes the difficulty getting these pain medications with the addicts who use them recreationally.

Councilor Walker inquired where the \$25,000 would come from in the budget. Blaine Cox, City Manager, stated that he recommended the funds come out of the General Overhead Contingency fund. Mr. Cox indicated that each year the City puts money into the operating budget contingency. These funds are used for things that come up that are unanticipated such as over-expenditure of the sand and salt budget.

Councilor Torr stated that he felt drug addiction was a matter of self-discipline. He indicated he would vote against the resolution because he didn't feel he should spend his own money to help people who misuse drugs.

Councilor Keans asked Terence O'Rourke, City Attorney, if there had been any movement on the class action lawsuit that the City had voted to join against the prescription opioid manufacturers. Attorney O'Rourke stated the lawsuit was moving forward; Merrimack County had joined the suit and their portion was just being finalized. The suit should be filed any day now.

Mayor McCarley talked about addiction as a disease. She also spoke about the roots of the current opioid crisis stemming from pharmaceutical industry unethically touting "safe" opiate medications and downplaying the addictive qualities. Mayor McCarley clarified that SOS Recovery serves those who are actively seeking help and trying to move into recovery.

Councilor Hutchinson urged members of Council to do their own research and educate themselves about addiction. He spoke about the importance of a community supporting their own and his moral obligation as an elected official to help those seeking assistance when they need it most.

The **MOTION CARRIED** by a 10 to 3 roll call vote. Councilors Lachapelle, Hutchinson, Bogan, Varney, Keans, Lauterborn, Gray, Walker, Abbott and Mayor McCarley voted in favor. Councilors Gates, Hamann and Torr voted no.

3. Resolution Authorizing a Supplemental Appropriation to the City Clerk's Operating Budget in an Amount not to exceed \$7,000 to Purchase Dog Licensing Software *first reading, consideration for second reading and adoption*

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only. Councilor Walker 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 a Supplemental Appropriation to the City Clerk's Operating Budget in an Amount not To Exceed \$7,000.00 to Purchase Dog Licensing Software

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

THAT City Council hereby authorizes a supplemental appropriation in an amount not to exceed Seven Thousand Dollars (\$7,000.00) to the City Clerk's Fiscal Year 2019 Operating Budget for the purpose of purchasing Dog Licensing Software. The source of funds for this supplemental shall be derived in its entirety from the General Fund Unassigned Fund Balance.

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

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 Gray inquired what had changed between the August Finance Committee meeting when this item was first presented and the current request for \$7,000.

Councilor Walker said that his understanding from the finance meeting was that the Clerk's Office had narrowed the software choices down to a few options and at this point had likely come to a final decision.

Kelly Walters, City Clerk, confirmed that the City Clerk's office had narrowed the options down to two vendors; Avitar and Interware. She indicated Sonja Gonzalez, CIO, would speak about the reasoning behind choosing one of these options as opposed to developing our own software for dog licensing.

Sonja Gonzalez, CIO, said that staff had attended demonstrations of both Avitar and Interware software and still had a few unanswered questions before reaching a final decision. Both programs would be under \$7,000.00 for the initial yearly fee, each program has a recurring yearly subscription fee, and they both have similar features. Ms. Gonzalez stated that she did explore the option of developing custom software for dog licensing, but this option wasn't feasible as it would cost over six figures and would require a significant amount of time to develop.

Councilor Walker asked where the money for this dog licensing software would come from in the budget. City Manager Cox stated that the money would be a supplemental appropriation from the fund balance.

Councilor Varney asked what the transition would be like from the current database to the proposed new database. Ms. Gonzalez stated the data would be imported electronically by the software provider and this data migration would be covered under the total cost.

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

4. Communications from the City Manager

4.1 Proposed hiring of Firefighter FY19

City Manager Cox discussed the firefighter position that was approved for hiring in January of this fiscal year. Due to the leave of absence of a current firefighter and the salary savings incurred from the leave, Mr. Cox recommends hiring this additional firefighter early. The leave of absence is estimated to save the City \$17,137.00 in salary monies. The estimated cost

to bring on a new firefighter for a mid-September start date would be \$14,223.00.

Councilor Walker **MOVED** to approve the early hiring of a firefighter in FY 19. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Gray inquired if the estimated cost to bring on the new firefighter included the cost of benefits. City Manager Cox confirmed this cost does include health care and benefits.

4.2 Fairgrounds – Prepayment of Fire Department and Police Details

City Manager Cox reported that he had received a financial analysis from RAMA (Rochester Agricultural and Mechanical Association) which anticipated net profits from the fair sufficient to pay for details. Mr. Cox recommends allowing RAMA to pay for fair details within 30 days after the close of the fair.

Councilor Varney inquired what the status was of the code violations found in some of the buildings and structures at the fairgrounds. Mr. Cox stated that his understanding is that there has been communications between the City and RAMA indicating that there is a plan in place to address these issues. This has been reviewed by the Fire Department as well.

Councilor Gates asked about the past payment history between RAMA and the City and he asked why this pre-payment was an issue. Mayor McCarley reported that the City had just recently been paid for the 2016 fair details. Mayor McCarley stated that historically RAMA had tried to pay for the police and fire details just prior to the start of the following years fair.

Councilor Walker stated that his understanding was that the grandstands at the fairgrounds were deficient and he doesn't feel that life safety codes should be waived. Councilor Walker said that he feels if these code violations affecting safety would preclude the fair from taking place, the City should not wait until the week before the slated opening to inform RAMA.

City Manager Cox stated that the work is ongoing for the fairgrounds to meet code and there are ongoing inspections by City staff. RAMA is aware that they will not be able to operate the fair until they meet these requirements.

Councilor Torr stated that sometimes the life safety violations go too far. The exhibition hall in question has been at the fairgrounds for 140 years and

one more year without updating is not a problem. Councilor Torr stated that he doesn't want to do anything to hinder the operations of the fair when they are struggling.

Councilor Keans reported that the grandstand issue was being addressed by adding another staircase. She stated that even if the exhibition hall does not meet code, it will not prevent the fair from occurring; there will just have to be alternate locations for hanging the art work, photographs, and other exhibits that are typically housed in that hall.

Mayor McCarley clarified some misinformation which had been published in the newspaper regarding the relationship between the City and RAMA.

5. Non-Public/Non-Meeting

Councilor Lauterborn **MOVED** to enter a Non-Public Session under Session, Land, RSA 91-A:3 II and Non-Meeting, RSA 91-A:2 ,I (b) at 9:19 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call of 13 to 0. Councilor Bogan, Abbott, Varney, Hutchinson, Lachapelle, Gray, Walker, Torr, Hamann, Gates, Keans, Bogan, and Mayor McCarley voted in favor of the motion.

5.1 Non-Public, RSA 91-A:3, II, Land

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

Councilor Lauterborn **MOVED** to exit the Non-Public Session and return to Public Session at 10:11 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Lauterborn **MOVED** to seal the minutes because it is determined that disclosure likely would render a proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by an 11 to 0 roll call vote. Councilors Hutchinson, Keans, Lauterborn, Hamann, Lachapelle, Abbott, Walker, Gray, Bogan, Varney, and Mayor McCarley voted in favor of the motion. Councilors Gates and Torr were not present.

Councilor Hutchinson **MOVED** per RSA 80:80 III-V that it is in the public interest to sell the Scenic Theater by way of request for proposal in order to maintain control over downtown redevelopment. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority voice vote.

6. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the Special Meeting at 10:12 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk