

**Committee of the Whole Budget Workshop
May 17, 2022
Council Chambers
7:12 PM**

COUNCILORS PRESENT

Councilor Beaudoin
Councilor Berlin
Councilor Desrochers
Councilor Fontneau
Councilor Gilman
Councilor Gray
Councilor Hainey
Councilor Hamann
Councilor Larochelle
Councilor Malone
Deputy Mayor Lachapelle
Mayor Callaghan

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Tom Kaczynski, resident
Carol Petruszewicz, resident
human, resident
Cliff Newton, resident
Susan Rice, resident
Chuck Grassie, resident
Phil Hatcher, Map-a-Thon
Peter Nourse, Director of City Services
Gary Boudreau, Chief of Police
Perry Plummer, Fire Chief

Minutes

1. Call to Order

Mayor Callaghan called the Committee of the Whole Budget Workshop to order 7:12 PM. Deputy City Clerk Cassie Givara had taken a silent roll call attendance prior to the Public Hearing preceding the Workshop. All Councilors were present.

2. Public Input

Tom Kaczynski, resident and State Representative, spoke in opposition to the Employee Assisted Daycare ARPA proposal and asked for more details on the program.

Carol Petruszewicz, resident, addressed Council in regards to the security of the poll pads, which are part of the FY23 proposed budget.

human, resident, spoke in regards to the 5-minute time limit of public input at Council meetings and suggested amending the Rules of Order to reflect this limit if it is the Council's intent.

Cliff Newton, resident and State Representative, stood up and led the

room in the Pledge of Allegiance.

Susan Rice, resident, addressed Council in regards to potential residential development at the Granite Ridge and suggested further review before any decision are made on the proposed zoning amendment.

Chuck Grassie, resident and State Representative, spoke in favor of Rochester joining the City of Dover in their lawsuit against the proposed redistricting.

3. Communications from the City Manager

City Manager Cox announced that there was an email regarding an issue on Common Street received by a resident named Amy Alden for public input. However, the item was referred directly to the Public Safety Committee where it would be better handled.

4. Communications from the Mayor

Mayor Callaghan announced that the City Council currently has a vacancy for the Ward 5, Seat A position. He asked any interested residents to fill out a statement of interest and submit it to the City Clerk's office by June 15, 2022. Applicants will then appear before Council to be interviewed at the June 21, 2022 meeting, at which time a candidate will be chosen and sworn in.

Mayor Callaghan read a statement giving thanks to the law enforcement officers of Rochester and recognizing May 11 – 17 as National Police week.

Mayor Callaghan announced that 2022 marks the 300th Anniversary of Rochester's Town Charter. In honor of this occasion, the Lilac Family Fun Festival is being revived. This festival is being combined with the Independence Day fireworks and will feature food trucks, kid's carnival rides, games, family activities, and live entertainment. This event will take place on Saturday, July 9 from 4:00 PM to 9:00 PM. Mayor Callaghan requested that interested businesses and vendors go to rochesternh.net for a vendor application and schedule of events.

Mayor Callaghan announced that he would be forming an ad hoc committee to begin planning the 300th Anniversary of the settlement of Rochester, which will be observed in 2028.

Mayor Callaghan read a proclamation in honor of St. Elizabeth Seton School, which is in their final year of operation.

5. ~~Update on current Strafford Regional Planning Commission projects~~ ****rescheduled to the June 21, 2022 City Council Workshop**

6. **Discussion: Constitutionality of Redistricting**

Councilor Fontneau introduced Phil Hatcher of the Mapping Commission to give more information on the current status of redistricting.

Mr. Hatcher explained that he was a member of the Map-a-Thon team, which is a citizen's electoral district mapping effort running parallel to the work being done in the legislature. He explained that it is impossible to satisfy all requirements of the State constitution because of the population deviation requirements along with the requirements that small towns be placed in non-floterial districts. A small town surrounded by larger towns would need to join with one of those larger communities, denying the larger town one of its representatives. He reported that the Map-a-Thon team felt that the State should minimize the number of towns being denied a representative while still fulfilling all other constitutional requirements. The current plan which passed the State legislature has six wards within Strafford County being denied their own representative. The Map-a-Thon team presented a plan that minimized this to two communities denied representatives while still satisfying all other constitutional requirements, which they felt was the intent of the 2006 NH Constitutional Amendment regarding redistricting. They felt there was no justification for the additional four denials.

Mr. Hatcher stated that the Dover lawsuit was in its early stages, and if the Supreme Court hears the case, it is still unknown what the alternatives may be. He gave details on the plan that the Map-a-Thon team had proposed. He emphasized that the issue is not partisan, but rather constitutional.

Councilor Desrochers emphasized that the filing deadline for State Representative Candidates in June 10 and stated that if the City was going to join the lawsuit, it should be done quickly.

Councilor Gray stated that due to the potential that he could be called as a witness in the litigation, he would refrain from comment on the matter.

Councilor Fontneau stated that he felt Rochester should join the lawsuit initiated by Dover because Rochester's Ward 5 stands to lose their representation otherwise. He recommended that the Council ask the City Attorney to move forward with the process.

Councilor Berlin asked what the next steps would be if Rochester did

decided to join Dover in the lawsuit. Attorney O'Rourke reported that he is already in discussions with the Dover City Attorney and that it had been learned earlier today that the NH Supreme Court had denied Dover's petition for original jurisdiction, which would mean they need to start the process over at the Superior Court level. Dover has not yet made the decision on whether to proceed through the Superior Court, however if they do pursue the case they are willing to take on additional clients such as a Rochester resident or Council member who is willing to be a named plaintiff in the suit. Councilor Berlin asked if Dover had given indication that they are more likely to move forward if they have other affected communities join their efforts. Attorney O'Rourke stated that, if Rochester did decided to join Dover's case, the majority of the work had already been done for Rochester through Dover's lawsuit, and that it would be beneficial to have other communities intervene in the efforts.

Councilor Fontneau asked if it would be beneficial to get a sense of Council for Rochester to join Dover if Dover did decide to move forward through the Superior Court. Attorney O'Rourke advised that Council would not be able to vote on the matter at a budget meeting, but the Council could take a vote at the June meeting if desired. Attorney O'Rourke clarified that due to a tight timeline between the current time and the September Election, the representative seats as laid out in the State redistricting plan will likely remain for the upcoming election and are unlikely to be overturned regardless of whether Dover decides to move forward; however, this does not mean the decision cannot be overturned at a future date.

7. Department Reports

Mayor Callaghan read an announcement on behalf of the City Clerk's office:

- The final day to change party affiliation will be May 31, 2022 (prior to the September 13 State Primary election).
- The Supervisors of the Checklist will also meet on May 31 between 7:00 PM – 7:30 PM to authorize changes to the checklist and to accept new voter registrations.
- The Filing Period for the September 13 election will be June 1, 2022 at 8:00 AM to June 10, 2022 at 5:00 PM.

Mayor Callaghan also stated that the final day to license dogs on time was April 30, 2022. The warrant of unlicensed dogs will be coming to the City Council on June 7 to be sent to the Police Department for action.

Councilor Hamann announced that the Open House for the new Department of Public Works building is taking place on Friday, May 20 with the

ceremony starting at 10:00 AM. Director Nourse announced that the public open house is 11:00 AM to 5:00 PM.

8. Continued Budget Deliberations and Adjustments

Councilor Hainey referred to **page 20 of the CIP booklet to the "Hanson Pines Park Improvement"** project. She reported that the final numbers for CDBG had been received and they were able to increase their original \$75,000 CDBG funding allocation for this project by \$11,252. Councilor Hainey recommended that the Council reduce the total budgeted project amount of \$125,000 by this additional CDBG allocation of \$11,252. Deputy Finance Director Sullivan recommended that the motion be to reduce the \$50,000 cash portion of the funding by \$11,252 for a final cash amount of \$38,748 and to increase the grant amount by \$11,252 for a total of \$86,252.

Councilor Hainey **MOVED** to decrease the cash funding of the "Hanson Pines Park Improvement" by \$11,252 for a final cash amount of \$38,748 and to increase the CDBG grant amount by \$11,252 for a total of \$86,252. Councilor Malone seconded the motion. Councilor Gray suggested that this additional CDBG allocation could be better used for other purposes in the community and recommended not reducing the cash allocation. Councilor Fontneau stated that the CDBG funding is earmarked for specific types of projects; this particular project was one of only three that would qualify for the funding. The Community Development Committee had determined that this project was the best fit for the funding available. Councilor Gray asserted that the CDBG funding does not necessarily have to be expended in the year it is received and stated there may be another project in the future that would be a better use of the funds. Councilor Malone gave further information on the CDBG process and how projects are funded. She stated that the Community Development Committee had thoroughly discussed and vetted the projects and felt this project was the best use of the funding and would be well received by residents based on feedback. **The MOTION CARRIED** by a majority voice vote with Councilors Beaudoin, Hamann, Desrochers, Lachapelle, Malone, Berlin, Hainey, Laroche, Gilman, Fontneau, and Mayor Callaghan all voting in favor and Councilor Gray voting opposed.

Councilor Hainey spoke about the **Innovation Drive Sidewalk Extension and Lighting on page 7 of the CIP book**. She asked if the funding source listed as "Bond: City/School" is coming from TIF funds. Deputy Finance Director Sullivan stated that the way it is currently presented in the budget is as a general obligation bond from the General Fund. However, if desired Council could change the funding to TIF bond with the payments coming out of the Granite State Business Park (GSBP) TIF. Councilor Lachapelle asked if this TIF would be able to support the funding. Mr. Sullivan stated it would. Councilor

Lachapelle **MOVED** to change the funding source of the “Innovation Drive Sidewalk Extension and Lighting” to TIF bond. Councilor Fontneau seconded the motion. Councilor Beaudoin asked if the Innovation Drive sidewalks are being plowed by the City. Peter Nourse, Director of City Services, confirmed that the area is being handled with a sidewalk tractor. Councilor Beaudoin asked if it was feasible to use a small trailer to move the sidewalk tractor to the GSBP to minimize the wear and tear from driving it out to the area from downtown. Director Nourse stated that there is only one trailer for the four sidewalk plows, and with each plow going to different areas it would not be a plausible plan. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Hailey referred Council to **page 40 if the CIP book to the “Aerial Imagery Program.”** She pointed out that the project priority is listed as “desirable.” Councilor Hailey **MOVED** to exclude the \$110,000 cash from the FY23 budget. Councilor Beaudoin seconded the motion. Councilor Malone agreed that cutting projects such as this would be in good faith to the constituents to demonstrate that the City is not wastefully spending. Councilor Lachapelle asked if the motion was to remove the project from the budget entirely or to move it forward one fiscal year. Councilor Hailey stated that her motion was to remove the project from the budget entirely. The **MOTION CARRIED** by a majority voice vote.

Councilor Beaudoin **MOVED** to exclude the \$35,000 for the “**Downtown Traffic Study**” from the budget (page 26, CIP). Councilor Fontneau seconded the motion. Councilor Malone asked why the project priority/need is listed as “essential.” City Manager Cox stated that this study was considered as part of the current downtown parking review. City Manager Cox suggested that Council could leave this project in the budget and request that the parking review group report back to Council after they have issued their final report and advise Council on whether they feel there is a need to move forward with the study. At that time, if Council decides to not move forward with the study, the money will not be expended. Councilor Desrochers suggested looking into the potential of Strafford Regional Planning Commission assisting with the cost of this study. Councilor Fontneau stated that the Parking Review Group still has quite a bit of work to complete before they are able to determine if this study is necessary; he supported leaving the funding in the budget until the review group has finished their report. Councilor Berlin asked if there needed to be a stipulation in place that this funding could not be expended until such a time that the Council approves the study. City Manager Cox stated that he would not authorize use of the funds until the study was approved by Council. Councilor Beaudoin asked if the funding was excluded from the budget, if it could be later funded by a supplemental appropriation if needed. City Manager Cox replied that this was possible. The **MOTION CARRIED** by a majority hand count vote with 11 yes votes and 2 no votes.

Councilor Beaudoin **MOVED** to exclude the **\$85,000 School Department request for the "Articulated Boom Lift" (page 81, CIP)** from the budget. Councilor Fontneau seconded the motion. Councilor Beaudoin stated that for the infrequent amount of use, it would be more cost effective to rent a similar lift for approximately \$500 per day. Councilor Fontneau referenced a lift which the DPW has on order currently and had been spoken about at the budget retreat. Councilor Fontneau stated that the School Department would likely be able to borrow this DPW lift as needed. Councilor Gray stated that Council should solicit input from the School Department and DPW to determine what specifications would meet each of their needs to ensure that the lift which has been ordered would serve the purposes of all those involved. **The MOTION CARRIED** by a majority voice vote.

Councilor Hainey **MOVED** to exclude the following projects in the CIP: **"Columbus/Summer Intersection" page 41, "Columbus/Summer Intersection – Water" page 103, and "Columbus/Summer Intersection – Sewer" page 126.** Councilor Beaudoin seconded the motion. Councilor Beaudoin stated that he did not feel that this intersection was dangerous and did not feel the projects were urgent. Councilor Gray stated that he felt there was an issue with delays and congestion at this intersection and supported funding the projects. Director Nourse stated that the scope of this project would include replacing an aging water main and sewer lines, improving drainage, and addressing the lack of pedestrian safety measures in place such as a pushbutton, pedestrian phase in the light cycle, improvement to walkways, and additional sidewalks. City Manager Cox asked if there were any timelines in regards to the Wakefield Street improvements that would be affected if these Columbus/Summer projects were pushed out to the following fiscal year. Director Nourse said the Columbus/Summer intersection was scheduled to be completed prior to the Wakefield Street project. City Manager Cox asked if the intention was to remove these projects from the budget entirely or to move them out to a future fiscal year. **Councilor Hainey **AMENDED** her motion to exclude the Columbus/Summer Intersection projects in FY23 and move them to FY24.** Councilor Beaudoin seconded the amendment.

Councilor Larochelle asked what impacts it would have on other projects to delay the projects in question. Director Nourse stated that he did not feel it would cause significant confusion or impacts if these projects were delayed other than the potential of increased construction costs in the future, and stated that the DPW would find a way to make it work when it was eventually approved. Councilor Lachapelle cautioned against delaying these necessary projects because it is only delaying the inevitable and making it more costly and urgent further down the road. Mayor Callaghan asked the age of the current water lines. Director Nourse stated that these lines were originally installed in

1925. Councilor Hamann asked if delaying these projects would have an effect on the NHPDES permit or MS4 permit. Director Nourse stated that the City is statutorily required to have drainage which is functioning and intact. He said if this project is not approved by Council, DPW will need to find another way to complete the work. He stated it would be most efficient and cost effective to complete the project all at once as a roadway utility project while the entire roadway is open. There were continued discussions on the financial and logistical pros and cons of delaying these projects. The **MOTION FAILED** by a 6 to 6 vote, with Councilors Gilman, Hainey, Berlin, Fontneau, Beaudoin, Malone voting in favor and Councilors Gray, Laroche, Lachapelle, Hamann, Desrochers, and Mayor Callaghan voting opposed.

Councilor Berlin directed Council to **page 52 of the CIP booklet in regards to the DPW Vehicle Replacement Program**. He inquired the need for these replacements when the mileage was so low on both vehicles listed. Director Nourse detailed the issues that have been experienced with the vehicles in question and why they are in need of replacing. Councilor Beaudoin suggested that the DPW should look into gas-powered vehicles as opposed to diesel due to the increased cost of diesel fuel and the need for more frequent oil changes. Director Nourse stated that diesel is superior when it comes to hauling heavy loads and plowing. Councilor Lachapelle asked if DPW had considered looking into electric trucks. Director Nourse stated that these trucks are still in their first generation and there is not a wide variety available. The Department would prefer to wait and see how they advance to determine whether or not they are a good option.

Councilor Hainey **MOVED** to include **\$154,000 in the CIP for the Opera House Fly Wheel Replacement (page 56, I&O)** and to have the Opera House raise the remaining \$20,000 of their request. Councilor Fontneau seconded the motion. Councilor Fontneau reported that he had spoken to Anthony Ejarque, Director of the Opera House, who had explained that this request is being made for safety reasons; the weighted sandbag system used to raise and lower set pieces and backdrops is original to the Opera House and they feel it is only a matter of time before a component fails. Councilor Hainey stated that these sandbags are elevated over the stage under which performers are working. She felt that the City, as owners of the Opera House, would be liable for any accidents that potentially occur. Councilor Berlin clarified that the request states that the money would replace "a portion of the original fly wheel..." He speculated that this \$154,000 being allocated might not be enough, and the project should probably be completed all at once instead of piecemeal. Councilor Beaudoin stated that he felt the Opera House was capable of raising more than the \$20,000 and he gave examples of several investments the Opera House had made recently for significantly larger amounts. He agreed with Councilor Berlin that the money requested would only be covering a portion of

the total work being done and he discussed the type the lease between the City and the Opera House, which may require the leasee to cover particular costs. The **MOTION FAILED** by a 8 to 4 voice vote with Councilor Fontneau, Berlin, Hainey, and Lachapelle voting in favor and Councilors Hamann, Desrochers, Gilman, Malone, Larochele, Gray, Beaudoin, and Mayor Callaghan voting opposed.

Councilor Malone directed Council to **page 85 of the CIP book for the School Department "District Paving, Sealing, Crack Filling & Striping."** She stated that she believed a portion of the \$300,000 allocation was for the Maple Street Magnet School. She said that with the discussion about the potential of building a new school, the project could likely be pushed out one fiscal year. Councilor Malone **MOVED** to exclude the \$300,000 cash from the FY23 budget. Councilor Beaudoin seconded the motion. Councilor Hainey clarified that the project in question was likely the CIP project on page 95 "MMS Sitework Improvements." Councilor Malone confirmed this was the project she felt could be delayed. Councilor Malone **WITHDREW** her motion. Councilor Beaudoin withdrew his second.

Finance Director Ambrose explained that the MSMS Sitework Improvements project is a bonded project and the exclusion would not have any effect on the tax rate. She further explained that the School Department budget is subject to bottom-line adjustments; however, per the City Charter, the School Department still has the authority to make the purchases they see fit as long as they stay within the bottom line of their budget. She stated that this is also relevant to the adjustment made previously to exclude the funding for the School Department's articulated boom lift on page 81. Councilor Malone acknowledged the Council's inability to adjust the School Department's individual CIP requests, but she cautioned against funding projects at the Maple Street Magnet School when there is the potential of the school closing within the next several years and a new school being built.

Councilor Desrochers **MOVED** to include the "**Fire and Life Safety Inspector**" position at a cost of \$99,193 in the FY23 CIP budget. Councilor Lachapelle seconded the motion. Councilor Desrochers requested that Fire Department staff speak about the need for this position and the cost savings over time this position would afford the City. Chief Plummer stated that statistics have shown that for any proactive measure taken in fire prevention can save \$4-\$10 for every \$1 invested. Councilor Berlin referenced the discussion on this proposal that had taken place at the budget retreat. He said that the reason for many Councilors' reluctance to include the position was the potential of offsetting the cost with user fees. He reiterated the need to establish the fee schedule and funding piece prior to including the position. Councilor Malone agreed that the position was worthwhile, but suggested sending the

discussion to the Codes and Ordinances Committee in order to determine how fees could be used to offset the salary. The **MOTION FAILED** by a majority voice vote.

Mayor Callaghan **RECESSED** the Committee of the Whole Budget Workshop to enter into a non-meeting at 8:46 PM.

Mayor Callaghan called the meeting back to order following the recess at 9:23 PM.

Councilor Larochelle **MOVED** to include the Police Department Issues and Options requests for "**Additional Police Personnel – Support Lieutenant**" at a total of \$140,392 in the FY23 budget. Councilor Lachapelle seconded the motion. Councilor Larochelle said that the Police Department is understaffed and they are losing staff to due to burnout. He felt that authorizing this position would alleviate some of the administrative duties and pressures which they are experiencing due to lack of mid-level management. Chief Boudreau reported that over the past 14 years, the department has lost a total of 83 police officers; 23 to retirement, and 60 to resignation. Of the resignations, 40 left within their first five years of service and 31 left for better opportunities in other communities. Both pay and burnout was mentioned by these exiting officers. Chief Boudreau spoke about the gap that this position would fill and the tasks which would be handled by this officer to alleviate some of the pressure from other staff. He stated that this position, if approved, would likely be filled with an existing staff member and the department would then look to fill the field officer position left vacant. There was further discussion on the current staffing of the Police Department. The **MOTION CARRIED** to include the position by a 7 to 5 hand count.

9. Non-Meeting/Non-Public

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

There was no non-public meeting held this evening.

10. Adjournment

Mayor Callaghan **ADJOURNED** the City Council Committee of the Whole Budget Workshop at 9:31 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk