

**Regular City Council Meeting
March 1, 2022
Council Chambers
6:30 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Julian Long, Community Development
Coordinator

COUNCILORS ABSENT

Minutes

1. Call to Order

Mayor Callaghan called the meeting to order at 6:30 PM.

2. Opening Prayer

Mayor Callaghan requested a moment of silence for the people of Ukraine.

3. Pledge of Allegiance

Jason Collopy, Eagle Scout, led the Pledge of Allegiance.

4. Roll Call

Kelly Walters, City Clerk, called the roll. All Councilors were present.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: February 1, 2022, consideration *for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council meeting minutes of February 1, 2022. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1 City Manager's Report:

Contracts and documents executed since last month:

Department of Public Works

- Change order, WWTP Carbon Storage Facility – Apex Construction
- Notice of Bid Award, WWTP Aeration sidewall blower – Apex
- Scope of Services, Katie Lane Stormwater Watershed – S.U.R.
- Lease renewal – DHHS
- Scope of Services, Demolition of 38 Hanson – S.U.R.
- Scope of Services, GSBP public infrastructure – S.U.R.
- Task Order , WWTF – Brown & Caldwell

Economic Development

- FY22 CDBG Environ. Review – CAP Weatherization, February 1
- FY22 CDBG Environ. Review – CAP Weatherization, February 2
- FY22 CDBG Environ. Review – CAP Weatherization, February 15
- FY22 CDBG-CV Contract – Waypoint NH 7
- Fair Housing activity certification form – Gafney Home Project

Finance

- Tax Map Maintenance Proposal – CAI Technologies

IT

- Licensing Proposal – Central Square, Actian Software, PD Cruiser tablets.

Police Department

- Animal Shelter agreement – Pope Memorial Humane Society
- Grant application – NH Dept of safety, Body Worn and Dashboard Camera grant

Standard Report(s)

- Personnel Action Report Summary

Councilor Beaudoin stated that he was disappointed that the demolition of 38 Hanson Street and Barker Court had not been sent out to bid. He said the City could have saved a significant amount of money. Mayor Callaghan said this matter would be addressed under Finance.

7. Communications from the Mayor

Mayor Callaghan read a proclamation for Jason Collopy, who has recently obtained the title of Eagle Scout. Mayor Callaghan spoke about all the achievements Mr. Collopy has accomplished; including overseeing an entire project for the Middle School during the pandemic, which successfully brought to completion twelve quality picnic tables for their outdoor learning area.

Mayor Callaghan invited fellow City Councilors to join him at 9 AM on March 18, 2022, for a tour of the Scenic/Salinger Chinburg Properties building. He requested a headcount for any Councilors interested in attending. He said the opening date for this building is set for April 1, 2022.

Mayor Callaghan read a statement against the war in Ukraine brought on by Russia. He requested prayers for peace in Ukraine.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

No discussion.

10. Reports of Committees

10.1 Appointments Committee

10.1.1 Planning Board (Seat B) Reg/Member (Expires 1/02/2024)
Susan Rice (New) *consideration for approval*

Councilor Gray said the Committee recommended Susan Rice for Seat B of the Planning Board as stated above. Mayor Callaghan nominated Susan Rice to serve on the Planning Board, as a Regular Member, with a term to expire on 1/2/2024 (Seat B). Councilor Hamann nominated David Walker for the same seat (Seat B). Councilor Desrochers seconded the nomination.

Councilor Lachapelle **MOVED** that nominations cease. Councilor Fontneau seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

A vote was taken by secret ballot. City Manager Cox announced that David Walker received 8 votes and Susan Rice received 5 votes.

Councilor Rice **MOVED** to reconsider the vote taken. Councilor Gray called for a point of order and said that a call for reconsideration can only be requested from someone on the prevailing side of the issue. Councilor Rice responded that he believed he was on the prevailing side, and added that it was a secret ballot vote, so it was not known how any Councilors voted. He clarified that the reason he wished to have the vote reconsidered is because there was no call for discussion on the matter. Councilor Malone seconded the motion to reconsider. The **MOTION FAILED** by a roll call vote of 4 to 9. Councilors Berlin, Hainey, Malone, and Rice voted in favor of the motion. Councilors Desrochers, Gray, Fontneau, Hamann, Lachapelle, Larochelle, Beaudoin, Gilman, and Mayor Callaghan voted against the motion.

10.1.2 Planning Board (Seat G) Reg/Member (Expires 1/02/2023)
Keith Fitts (*Elevation from Alternate – current Seat M*) *consideration for approval*

Mayor Callaghan nominated Keith Fitts to the Planning Board as a Regular Member, with a term to expire 1/2/2023 (Seat G). Councilor Hainey nominated Susan Rice for the same seat (Seat G). Councilor Rice seconded the nomination. Councilor Rice **MOVED** that nominations cease. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Hainey spoke about the need for diversity on the Planning Board and gave details about Ms. Rice's qualifications.

Councilor Desrochers stated that the Planning Board voted to recommend both Dave Walker and Keith Fitts to the Planning Board based on their qualifications and experience.

Councilor Berlin was impressed with the professionalism and resume of Ms. Rice, which could not be compared to any other candidate.

Councilor Larochelle said past practice of the City Council is to only elevate Alternate Members of the Planning Board to the Regular Membership of its board. Councilor Beaudoin agreed.

Councilor Rice said on December 1, 2015, the City Council voted to send a former City Councilor, who lost the election, to serve on the Planning Board as a Regular Member without first being appointed as an Alternate Member. He added that the person in question had only been the City Council representative to the Planning Board prior to that appointment.

Councilor Berlin pointed out that there are no rules to prevent someone from being appointed as a Regular Member without first being appointed as an Alternate member. He reiterated that Ms. Rice has served extensively on other land use boards and has a lot of experience. He listed her qualifications.

Councilor Desrochers **MOVED** to **TABLE** the appointment. Mayor Callaghan said the motion to table is not valid without a "second" to the motion. There was no second on the motion to table.

Councilor Fontneau gave a brief history of Planning Board appointments and the protocol for new appointments to start at the Alternate level. He said that Ms. Rice's resume clearly speaks for itself; however, in his twenty years of serving on the Planning Board, there were very few circumstances where a new candidate would be placed in a Regular position if there was *an* Alternate Member serving on the board who had requested to be elevated. He added that the Planning Board took a vote to recommend both Mr. Walker and Mr. Fitts to be appointed as Regular Members of the Planning Board.

Mayor Callaghan stated his support for Mr. Fitts and briefed the City Council about the Planning Board Chair attending the last Appointment

Review Committee meeting and making a clear recommendation for Keith Fitts.

Councilor Hailey agreed but said the Planning Board Chair only spoke about one of these candidates and not both of them. Mayor Callaghan called for the vote.

A vote was taken by secret ballot. City Manager Cox reported that Mr. Fitts received 8 votes and Ms. Rice received 5 vote.

**10.1.3 Historic District Commission (Seat H)
Alt/Member (Expires 01/02/2025)
James Connor (New) *consideration for approval***

Mayor Callaghan said the remaining appointments could be voted upon as a group. Councilor Rice objected and requested that the votes be taken individually. He further requested that a roll call be taken. Councilor Berlin seconded the request for a roll call vote. Councilor Fontneau objected to calling a roll call if there is only one nomination for each position. Councilor Rice agreed, however, he requested the remaining appointments not be grouped together.

Mayor Callaghan nominated James Connor to serve on the Historic District Commission as an Alternate Member, with a term to expire on 1/2/2025 (SEAT H). Councilor Rice stated that there had been some confusion over alternate memberships on the HDC and questioned if this recommendation was written correctly. It was determined that the wording was correct.

Councilor Lachapelle **MOVED** to cease nominations. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Rice **MOVED** that the Clerk cast one ballot for Mr. Connor. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.1.4 Zoning Board of Adjustments (Seat F)
Alt/Member (Expires 1/2/2024)
James Connor (New) *consideration for approval***

Mayor Callaghan nominated James Connor to serve on the Zoning Board of Adjustments as an Alternate Member, with a term to expire on 1/2/2024. Councilor Rice **MOVED** that nominations cease and the clerk

cast one ballot for Mr. Connor. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.1.5 Economic Development Commission (Seat G)
Reg/Member (Expires 1/2/2023)
Tim Jones (New) *consideration for approval***

Mayor Callaghan nominated Tim Jones to serve on the Economic Development Commission as a Regular Member, with a term to expire on 1/2/2023 (Seat G). Councilor Desrochers **MOVED** to cease nominations and to have the Clerk cast a ballot for Mr. Jones. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a majority vote.

**10.1.6 Planning Board (Seat K), Alt/Member (Expires 1/02/2025)
James Hayden (New) *consideration for approval***

Mayor Callaghan nominated James Hayden to serve on the Planning Board as an Alternate Member with a term to expire on 1/2/2025 (Seat K). Councilor Lachapelle seconded the motion. Councilor Rice **MOVED** to cease nominations and that the Clerk cast one ballot for Mr. Hayden. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous vote.

**10.1.7 Planning Board (Seat N) Alt/Member (Expires 1/02/2023)
Michael McQuade New, *consideration for approval***

Mayor Callaghan nominated Michael McQuade to serve on the Planning Board as an Alternate Member with a term to expire on 1/2/2023 (Seat N). Councilor Lachapelle seconded the motion. Councilor Rice **MOVED** that nominations cease and the Clerk cast one ballot for Mr. McQuade. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**10.1.8 Planning Board (Seat L) Alt/Member (Expires 1/02/2024)
Matthew Richardson (New) *consideration for approval***

Mayor Callaghan nominated Matthew Richardson to serve on the Planning Board as an Alternate Member with a term to expire on 1/2/2024

(Seat L). Councilor Lachapelle seconded the nomination. Councilor Rice **MOVED** that nominations cease and the Clerk cast one ballot for Mr. Richardson. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.1.9 Planning Board (Seat M), Alt/Member (Expires 1/02/2025)
David Walker (New) *consideration for approval*

Councilor Desrochers nominated David Walker. Councilor Rice stated that David Walker was already appointed. Councilor Berlin nominated Susan Rice to serve on the Planning Board as an Alternate Member with a term to expire on 1/2/2025 (Seat M). Councilor Rice seconded the nomination. Councilor Rice **MOVED** that nominations cease and the Clerk cast one ballot for Ms. Rice. Councilor Gray informed the City Council that Ms. Rice was asked if she would consider accepting an alternate membership on the Planning Board and, at that time, she replied no. He wished to **AMEND** the motion to be contingent upon Ms. Rice accepting the position. The **MOTION to AMEND CARRIED** by a unanimous voice vote. Mayor Callaghan called for a vote on the motion as amended. The **MOTION CARRIED** by a unanimous voice vote.

10.1.10 Library Trustees (Ward 2) Reg/Member (Expires 1/02/2025)
Samantha Gee Reappointment: *consideration for approval*

Mayor Callaghan nominated Samantha Gee to the Library Trustees for Ward 2, with a term to expire on 1/2/2025. Councilor Rice **MOVED** that nominations cease and the Clerk cast one ballot for Ms. Gee. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.2 Codes and Ordinance Committee

10.2.1 *Committee Recommendation:* to accept the changes and deletions in section 1.4 "Remote Participation during Council and Board Meetings" as detailed by City staff *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the following Amendment to the City Council Rules of Order:

SECTION 1.5 REMOTE PARTICIPATION DURING COUNCIL AND BOARD MEETINGS**a) INTRODUCTION / PURPOSE**

The City Council strongly encourages board members to be physically present for all board and committee meetings. The Council recognizes, however, that extenuating circumstances may occasionally prevent a member from being physically present at a meeting. Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by NH RSA 91-A:2 Access to Governmental Records and Meetings, the Council authorizes remote participation in board meetings subject to the following procedures and requirements.

b) PERMISSIBLE REASONS FOR REMOTE PARTICIPATION

Remote participation is not to be used solely for a board member's convenience or to avoid attending a particular meeting in person. Any Board member who is unable to physically attend a meeting of the board may make arrangements to remotely participate in the meeting under the following conditions:

1. Personal illness or disability;
2. Out-of-town travel;
3. Unexpected lack of child-care;
4. Family member illness or emergency;
5. Weather conditions;
6. Military service;
7. Employment obligations; or
8. A scheduling conflict.
9. As determined by the Chair

c) PROCEDURE FOR REMOTE PARTICIPATION

1. *With the exception of an emergency*, a member of the board requesting to participate in a meeting remotely shall notify the board chair (the "Chair") as soon as practicable, but in no case less than 2 business days prior to the scheduled meeting.

2. The Chair will contact the board staff liaison as soon as possible and state they have allowed board member to participate remotely (state meeting date) based on criteria laid out in this document.

3. The staff liaison will contact the Government Channel Coordinator or designee to arrange technical logistics, based on currently available technology.

4 Staff liaison, the requesting board member, and the Government Channel Coordinator will arrange for a test prior to said meeting. While technological issues may arise that may be beyond staff control, this will ensure the best possible experience.

5. The remote participant(s) shall join the remote meeting 15 minutes prior to scheduled meeting time.

6. The Chair shall announce the remote participant *prior* to the Call to Order and follow this suggested script: "Board member (name) is participating in this meeting remotely. (name) are you there? (participant- "yes I am here") (name) was it reasonably impractical for you to be physically present at this meeting? (participant) – yes, it was impractical for me to be physically present)."

7. The Chair may decide how to address technical difficulties that arise when utilizing remote participation, but whenever possible, the Chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear, or be heard clearly by all persons present at the meeting location.

8. A member participating remotely shall notify the chair if leaving the meeting before it is adjourned or rejoining the meeting after a period of absence.

9. All votes taken during such a meeting shall be by roll call.

10. Participation by remote communication will be noted in the official board minutes. Any interruption to or discontinuation of the member's participation will also be noted in the minutes.

~~e) CONDITIONS / Authority~~

~~{State-NH RSA 91-A:2):~~

~~— III. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.~~

~~— (a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when~~

~~such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the _____ meeting.~~

~~_____ (b) Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an "emergency" means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the public body, and the facts upon which that determination is based shall be included _____ in _____ the _____ minutes _____ of _____ the _____ meeting.~~

~~_____ (c) Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location. Any member participating in such fashion shall identify the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting _____ location _____ specified _____ in _____ the _____ meeting _____ notice.~~

~~_____ (d) Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as _____ expressed _____ in _____ RSA _____ 91-A:1.~~

~~_____ (e) A member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.~~

~~d) Additional Conditions~~

~~A board member considered present through remote participation will be permitted to vote on any action item at the meeting except:~~

~~_____ Any item for which the member was not participating remotely during the entire discussion and deliberation of the matter preceding the vote; and~~

~~Any item that was being discussed when an interruption to the electronic communication occurred, if the board's discussion was not suspended during the interruption. A brief loss of simultaneous communication,~~

~~such as a few seconds, will not disqualify the member from voting on the matter under discussion.~~

~~Per RSA 91 A:1 All votes taken during such a meeting shall be by roll call vote.~~

~~A board member may participate remotely in a closed session of the board provided the member provides assurance to the board that no other person is able to hear, see, or otherwise participate in the closed session from the remote location.~~

~~The City of Rochester staff will not be held liable for failed technology or things beyond our control that would interfere with the remote communication.~~

~~Board member wishing to engage in remote participation shall adhere to following procedures: section (d).~~

~~e) PROCEDURE FOR REMOTE PARTICIPATION~~

~~1. With the exception of an emergency, a member of the board who desires to participate in a meeting remotely shall notify the board chair at least one week in advance of the meeting.~~

~~2. At the time of this writing, because current mode of phone call in only allows one member at a time, remote participation will be on first come first serve basis, when criteria is met.~~

~~3. Meeting Chair will contact the City Manager's office as soon as possible and state they have allowed board member to participate remotely (state meeting date) based on criteria laid out in this document.~~

~~4. City Manager's office will send participant call in phone number along with a copy of this policy / procedure document and arrange tentative "test date" for phone call. City Manager's office shall notify Government Channel Coordinator.~~

~~5. Previous to the meeting, the Chair will inform board members of the request and intention to allow remote participation of such board member.~~

~~6. A test a few days prior to the meeting should be performed to ensure that the caller's device will suffice, and that they can hear on their device at their remote location. While not always possible, it is recommended a land line phone be used with external speaker.~~

~~7. The participant shall initiate the phone call in to designated phone number at 6:45pm eastern standard time or 15 minutes prior to the meeting start. Caller should be aware of not to be near televised or live streaming audio during the meeting.~~

~~8. The chair shall announce the remote participant after the Call to Order and follow suggested script: "Board member (name) is participating in this meeting by telephone. (name) are you there? (participant—"yes I am here") (name) was it reasonably impractical for you to be physically present at this meeting? (participant)—yes, it was impractical for me to be physically present)."~~

~~9. The meeting chair may decide how to address technical difficulties that arise when utilizing remote participation, but whenever possible, the chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If, however, the technical difficulties distract from or impede the orderly progress of the meeting, a majority of the members physically present may vote to end the remote participation.~~

~~9. A member participating remotely shall notify the chair if leaving the meeting before it is adjourned or rejoining the meeting after a period of absence.~~

~~10. All votes taken during such a meeting shall be by roll call.~~

~~11. Remote participant may partake in non-public and non-meetings sessions, but in most cases will require participant to end the call to Council Chambers, call into Council conference room, and call back into Council Chambers, if required to do so per voting reasons of Council rules of Order.~~

~~12. Participation by remote communication will be noted in the official board minutes. Any interruption to or discontinuation of the member's participation will also be noted in the minutes.~~

~~13. Any telephone costs associated with remote participation shall be borne by the remote participant.~~

Councilor Rice seconded the motion. Councilor Lachapelle explained that the City Attorney proposed an entire revamp to the Rules of Order for Remote Participation. He said it is geared towards our new practice of utilizing Teams software, in certain circumstances, for remote participation at City Council and other meetings. Councilor Rice commented that the new language is less redundant, and it addresses both telephonic and Teams technology. Mayor Callaghan called for a vote on the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.2.2 Committee Recommendation: to approve the change to section 1.5 of the Rules of Order, removing #14 "Other" from "Order of Business" consideration for approval

Councilor Lachapelle **MOVED** to **APPROVE** the following Amendment to the City Council Rules of Order:

Section 1.56 Order of Business

- (a) **The order of business for Regular meetings of the City of Rochester shall be as follows :**
- 1. Call to Order**
 - 2. Pledge of Allegiance**
 - 3. Prayer**
 - 4. Roll Call**
 - 5. Approval of the minutes of the previous meeting(s)**
 - 6. Communications from the City Manager**
 - 7. Communications from the Mayor**
 - 8. Presentation of Petitions and Council Correspondence [and Disposal thereof Reference or Otherwise]**
 - 9. Nomination, Appointment, and Elections**
 - 10. Report of Committees**
 - 11. Old Business [Items Remaining from Prior Meetings]**
 - 12. Consent Calendar**
 - 13. New Business**
 - ~~14. Other~~**
 - ~~(15)~~ 14 Adjournment**

Councilor Beaudoin seconded the motion. Mayor Callaghan called for a vote on the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.2.3 Committee Recommendation: To change the wording in section 4.1 "Agenda Preparation" to "calendar days" and to change the meeting submission deadline from seven days to eleven days *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the following Amendment to the City Council Rules of Order as follows:

SECTION 4.1 AGENDA PREPARATION

The agenda for each Council meeting shall be prepared by the Mayor, the Deputy Mayor and the City Manager in conjunction with the City Clerk. Any Councilor may place an item on the agenda provided that the items be submitted in writing or email to the City Clerk, the Mayor, the Deputy Mayor or the City Manager ~~eleven seven-(117)~~ calendar days prior to the meeting of Council. The City Clerk shall provide Council members with copies of the agenda at least five (5) calendar days prior to the meeting of the Council.

Councilor Malone seconded the motion. Councilor Lachapelle said this was brought to the Committee's attention that the Rules of Order was not clear if the meaning of days meant calendar days or business days, thus that part of the amendment is being proposed.

Councilor Lachapelle explained the second part of the proposed change of allowing eleven days versus only five days. He said this is to resolve some scheduling conflicts with the current Mayor and Deputy Mayor. Mayor Callaghan said it gives City staff a few extra days to gather materials as well.

Councilor Hainey questioned if the timeframe would work for Committees to get their items on the agenda on time. Councilor Lachapelle clarified that it does not currently always work with the five days. He said if a Committee meets too late in the month to meet the agenda deadline, that the items are added to the following months' meeting Agenda. He listed other benefits of the change. Councilor

Hainey said with the Community Development Committee in particular, the timeline is stringent. She said there are timelines/deadlines to which they need to adhere. City Manager Cox explained that an urgent item could always be added to a Special meeting following the Workshop in the middle of the month. Councilor Fontneau asked if an item could be added to the agenda (if urgent) by a 2/3rd vote of the City Council. It was determined that it could be.

Councilor Rice disagreed that this would give staff more time. In the case of the Public Safety Committee, the secretary would have had only one day to transcribe the minutes and get material to the City Clerk for this agenda. He questioned if the City staff does have more time then the packet could be completed a day earlier. Councilor Gray gave reasons why he did not support the eleven-day cut-off. Councilor Rice requested a roll call vote. Councilor Malone seconded the request. The **MOTION CARRIED** by a roll call vote of 10 to 3. Councilors Beaudoin, Hamann, Desrochers, Lachapelle, Hainey, Larochelle, Gilman, Fontneau, and Mayor Callaghan voted in favor of the motion. Councilors Rice, Berlin, and Gray voted against the motion.

Councilor Hainey asked for reassurance that urgent items would still be added to the agenda. Mayor Callaghan replied yes.

Councilor Rice said that RSA 91-A states that the final agenda must be posted at least 24 hours in advance. He said agendas could be revised if necessary. Councilor Gray stated that the individual City Councilors could not achieve this unless approved by the Mayor or a majority of the City Council in order to accomplish revisions.

10.2.4 Committee Recommendation: To require the suspension of the rules and a 2/3 vote in order for a resolution to be read in its entirety *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the following Amendment to the City Council Rules of Order (changes in red):

SECTION 4.12 ORDINANCES AND RESOLUTIONS

Every Resolution, including those which propose to change the Ordinance, shall be placed on the City Council Agenda in accordance with ~~Rule~~ **Section** 4.1. Any Resolution shall receive a First Reading

during the first meeting in which it appears on the Agenda. Following the First Reading, the Council shall take one of the following actions:

1. Vote to disapprove the Resolution.
2. Refer to a Public Hearing if required by law.
3. Refer to an appropriate standing committee, or to the City Council sitting as a Committee of the Whole, for further review. Any Resolution proposing a change to the Ordinance, which did not originate in the Codes and Ordinances Committee, must be referred to said committee prior to a vote of approval. Resolutions referred to Public Hearing per action #2 may also be referred to committee.
4. If actions #2 and #3 do not apply to the Resolution, the Council may proceed to a vote of approval.

For a Resolution which is not subject to action #1 or #4, it shall receive a Second Reading at the next meeting during which it appears on the City Council Agenda. Following the Second Reading, for any Resolution referred to a standing committee, the chairperson of said committee shall deliver a report detailing the review of the Resolution. After the committee report is delivered, the City Council shall entertain any motions to amend. Following disposition of the motions to amend, the City Council shall vote on final approval or disapproval of the Resolution.

All Resolutions shall be read by title only for the First and Second Reading. Any Councilor desiring a Resolution to be read in its entirety shall Motion as such and said Motion shall require a second. In order to be successful, said Motion must receive a 2/3 vote of approval from the entire City Council.

Councilor Rice seconded the motion. Councilor Lachapelle explained that the only time the resolution is read in its entirety is for the resolution accepting polling places. He said in that instance, a motion would be made to suspend the rules and to read the resolution in its entirety. The **MOTION CARRIED** by a unanimous voice vote.

10.2.5 Committee Recommendation: To delete section 4.13 "Codes and Ordinances Committee, Ordinance Enrollment" in its entirety *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the following Amendment to the City Council Rules of Order:

**SECTION 4.13 CODES AND ORDINANCES COMMITTEE,
ORDINANCE ENROLLMENT**

~~It shall be the duty of the Codes and Ordinances Committee to examine every ordinance that shall have passed the several readings required, and if found correctly enrolled, officially made part of the general ordinances of the City of Rochester and/or the official record of the City Council and to report the same to the Council.~~

Councilor Beaudoin seconded the motion. Councilor Lachapelle said this change has been recommended by the City Attorney. The **MOTION CARRIED** by a unanimous voice vote.

**10.2.6 Committee Recommendation: to approve the changes to section 1.1 "Regular Meetings," moving the start time of Council meetings from 6:30 PM to 6:00 PM
*consideration for approval***

Councilor Lachapelle **MOVED** to **APPROVE** the following Amendment to the City Council Rules of Order:

SECTION 1.1 REGULAR MEETINGS

Regular meetings of the City Council shall be held in the Council Chamber in City Hall on the first Tuesday of each month, at ~~6:30~~ **6:00 o'clock** PM, except when a state general election or a regular municipal election is held on said first Tuesday of the month of November. The November meeting date in the year in which a regular municipal election is conducted shall be the Wednesday following said municipal election, in accordance with Section 52 of the City Charter. The November meeting date in the year in which a state general election is conducted shall be the second Tuesday of that month, unless the City Council shall otherwise direct. The inaugural meeting date following the regular municipal election shall be the first Tuesday after January 1. If any such date shall fall upon a legal holiday or upon the day on which a special state or municipal election is conducted the City Council shall vote to conduct said meeting on the day following or on the Tuesday following that holiday or Election Day.

Councilor Rice seconded the motion. Councilor Gray stated he would vote against the motion. Councilor Beaudoin stated that Councilor Gray also serves as a State Senator and it would be respectful to keep the meeting time at 6:30 PM. Councilor Lachapelle said he does respect Councilor Gray and his Senate seat; however, he has witnessed Councilor Gray attending meetings as early as 5:30 PM. Councilor Lachapelle said there has to be a more specific reason made by Councilor Gray for him (Councilor Lachapelle) to change his mind. The **MOTION CARRIED** by a majority voice vote.

10.2.7 Committee Recommendation: To approve the addition of a new section 1.3 to the Rules of Order regarding non-public meeting materials *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the following Amendment to the City Council Rules of Order (the addition of the following section):

SECTION 1.3 NON-PUBLIC SESSIONS

Items being considered for action in a non-public session shall be submitted and dealt with in accordance with Council Rules of Order sections 4.1, 4.2, and 4.3. Therefore, all supporting documentation, contracts, or proposals being considered during non-public session shall be submitted to council members at least five calendar days in advance of consideration. Such documentation shall be distributed in a confidential manner.

Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a majority voice vote.

10.2.8 Committee Recommendation: to approve the change to section 4.19 "Functions of Public Safety Committee" to add verbiage to include "Ambulance Service" *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the following Amendment to the City Council Rules of Order:

SECTION 4.18 FUNCTIONS OF PUBLIC SAFETY COMMITTEE

Functions shall include: Police, Fire, Parking, Traffic, Street Signs, Street Lights, Animal Control, and Public Health Services, and Ambulance Services.

Councilor Rice seconded the motion. Councilor Lachapelle said he noticed the actual amendment was not included in the packet material this evening; however, he described the changes as shown above. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle stated that concludes the Codes and Ordinances action items. He said the Committee shall meet again this coming Thursday.

10.3 Finance Committee

10.3.1 Resolution Authorizing Change of Funding from Bond to General Fund Unassigned Fund Balance in the amount of \$3,710,641 *first reading and refer to public hearing on 3/15/22*

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time and refer the matter to a Public Hearing on March 15, 2022. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous vote. Mayor Callaghan read the resolution for the first time by title only as follows:

Resolution Authorizing Change of Funding from Bond to General Fund Unassigned Fund Balance in the amount of \$3,710,641

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

That the amount of Three Million Seven Hundred Ten Thousand Six Hundred Forty One Dollars (\$3,710,641) is hereby authorized as a change of funding from previously adopted Bonding authority to General Fund Unassigned Fund Balance. Thirteen (13) capital improvement projects have been identified (Exhibit A attached) for funding change.

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. All projects will be assigned a unique account number for tracking and reported purposes.

10.3.2 Resolution Authorizing Transfer of General Fund Unassigned Fund Balance in the amount of \$1,000,084 to the Economic Development Special Reserve Fund *first reading and refer to public hearing on 3/15/22*

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time and refer the matter to a Public Hearing on March 15, 2022. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous vote. Mayor Callaghan read the resolution for the first time by title only as follows:

Resolution Authorizing Transfer of General Fund Unassigned Fund Balance in the amount of \$1,000,084 to the Economic Development Special Reserve Fund

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

That the amount of One Million Eight Four Thousand Dollars (\$1,000,084) is hereby authorized to be transferred from the General Fund Unassigned Fund Balance to the Economic Development Special Reserve Fund. The funds are hereby appropriated exclusively for economic development activity. Ineligible use of funds are ancillary administrative, marketing, conference, or travel expenses that may be related to the primary economic development activity.

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. All projects will be assigned a unique account number for tracking and reported purposes.

10.4 Planning Board

No discussion.

10.5 Public Safety

- 10.5.1 Committee Recommendation:** to remove the "2 hour parking" from Columbus Avenue to 34 Hanson Street with the stipulation to come

back when the building is built for committee review *consideration for approval*

Councilor Rice wished to amend the Committee's recommendation after he conducted more research. He **MOVED** to **APPROVE** the Committee Recommendation. Councilor Malone seconded the motion. Councilor Rice **MOVED** to **AMEND** the motion as follows: to remove the existing "2 hour parking" sign(s) on Hanson Street, from Columbus Avenue to approximately 50 Hanson Street. To add (at the discretion of DPW) 2- hour parking signs with arrows pointing, from 38 Hanson Street, and Central Avenue, on the opposite side (*down towards Parson Main*). (*With the stipulation to come back when the building is built for Committee review*). Councilor Malone seconded the motion. The **MOTION** to **AMEND CARRIED** by a unanimous voice vote. Mayor Callaghan called for a vote on the motion as amended. The **MOTION CARRIED** by a unanimous voice vote.

10.6 Public Works

10.6.1 Committee Recommendation: To approve Estes Road, Howard Brook Drive, Jessica Drive, Sandina Drive, Marcy Drive and McNeil Drive for paving as part of the 2022 Paving Rehabilitation Program as presented by the DPW *consideration for approval*

Councilor Hamann **MOVED** to **APPROVE** the Committee's Recommendation to approve Estes Road, Howard Brook Drive, Jessica Drive, Sandina Drive, Marcy Drive and McNeil Drive for paving as part of the 2022 Paving Rehabilitation Program as presented by the DPW. Councilor Lachapelle asked if the recommendation were made by DPW staff. Councilor Hamann replied yes. Mayor Callaghan asked Councilor Hamann to expand on how the determination of which streets should be re-paved was made. Councilor Hamann said the City hired a consultant for the Road Surface Program which assists in the process of selecting the roads most in need of re-pavement. The **MOTION CARRIED** by a unanimous voice vote.

10.6.2 Resolution Authorizing Supplemental Appropriation to the General Fund Capital Improvement Project (CIP) Fund in the amount of \$1,565,000.00

and to the Water Fund CIP Fund in the amount of \$1,235,000.00 for the so-called Woodman Area Reconstruction Project and Borrowing Authority Pursuant to RSA 33:9 *first reading and refer to public hearing on 3/15/22*

Councilor Hamann **MOVED** to read the resolution by title only for a first time and refer the matter to a Public Hearing on March 15, 2022. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous vote. Mayor Callaghan read the resolution for the first time by title only as follows:

Resolution Authorizing Supplemental Appropriation to the General Fund Capital Improvement Project (CIP) Fund in the amount of \$1,565,000.00 and to the Water Fund CIP Fund in the amount of \$1,235,000.00 for the so-called Woodman Area Reconstruction Project and Borrowing Authority Pursuant to RSA 33:9

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

That the sum of One Million Five Hundred Sixty Five Thousand Dollars (\$1,565,000.00) be, and hereby is, appropriated as a supplemental appropriation to the General Fund CIP Fund and One Million Two Hundred Thirty Five Thousand Dollars (\$1,235,000.00) to the Water Fund CIP Fund for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the so-called Woodman Area Reconstruction Project.

Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of Two Million Eight Hundred Thousand Dollars (\$2,800,000.00), through the issuance of bonds and/or notes, and/or through other legal form(s), for the purposes of funding the expenditures incident to the implementation of the Project outlined, and referred to, in the preceding paragraph, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate

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. All projects will be assigned a unique account number for tracking and reported purposes.

11. Old Business

No discussion.

12. Consent Calendar

No discussion.

13. New Business

13.1 Resolution Authorizing Acceptance of Granite Shield 2021 Substance Abuse Reduction Initiative Grant in the amount of \$5,000.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for acceptance*

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time. Councilor Larochelle seconded the motion. The **MOTION CARRIED** by a unanimous vote. Mayor Callaghan read the resolution for the first time by title only as follows:

Resolution Authorizing Acceptance of Granite Shield 2021 Substance Abuse Reduction Initiative Grant in the amount of \$5,000.00 and Supplemental Appropriation in Connection Therewith

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

WHEREAS, that the Granite Shield 2021 Substance Abuse Reduction Initiative Grant in the amount of Five Thousand Dollars (\$5,000.00) awarded to the City of Rochester is hereby accepted by the City of Rochester;

FURTHER, that the sum of Five Thousand Dollars (\$5,000.00) be, and hereby is, appropriated to the Police Department operating budget with the entirety of the supplemental appropriation being derived from the forfeiture; and

FURTHER, 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 and to establish special revenue, non-lapsing, multi-year fund account(s) as necessary to which said sums shall be recorded.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous vote.

13.2 Resolution Authorizing the Submittal of an Application for an Economic Development Agency (EDA) American Rescue Plan (ARPA) Construction Grant in the Amount of \$2,500,000.00 *first reading and consideration for acceptance*

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous vote. Mayor Callaghan read the resolution for the first time by title only as follows:

RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR AN ECONOMIC DEVELOPMENT AGENCY (EDA) AMERICAN RESCUE PLAN (ARPA) CONSTRUCTION GRANT IN THE AMOUNT OF \$2,500,000.00

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

WHEREAS, the City desires to apply for an EDA ARPA grant in the amount of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) to construct a road off of Innovation Drive within the Granite State Business Park. This road would provide access to a new proposed sewer pump station, as well as provide frontage and water and sewer infrastructure for the lot(s) located at 91 Innovation Drive, and is hereby accepted by the City of Rochester;

WHEREAS, the aforesaid grant requires a 20% cash match by the City

of Rochester in the amount of Five Hundred Thousand Dollars (\$500,000.00), to the EDA ARPA grant by the City of Rochester;

FURTHER, that the City Manager is authorized to enter into a grant agreement and any other contracts with the EDA that are necessary to receive and administer the grant funds detailed above; and

FURTHER, 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.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Malone seconded the motion. Councilor Beaudoin stated that he would vote against this motion. He understood what the funding was earmarked for and the cost will end up being over \$1,000 dollars per foot. He gave reasons why he felt this would be a waste of taxpayer dollars. Councilor Rice asked if this was part of the original ARPA funds. Mayor Callaghan replied no, this is a new grant. Mayor Callaghan said Councilor Beaudoin makes a good point; however, New Hampshire residents need to know that (New Hampshire) is a donor state. He said the State of NH pays more money to the Federal Government than it gets back. Councilor Desrochers agreed and said if the City does not accept the grant than another community will. Councilor Beaudoin requested a roll call vote. Councilor Rice seconded the request. The **MOTION CARRIED** by a 12 to 1 Roll call vote. Councilors Hainey, Gray, Malone, Gilman, Fontneau, Larochelle, Rice, Desrochers, Berlin, Hamann, Lachapelle, and Mayor Callaghan voted in favor of the motion. Councilor Beaudoin voted against the motion.

13.3 Resolution Authorizing Acceptance and Appropriation of American Rescue Plan Act Victim Services Grant Award in an amount of \$25,836.00 for FY 2023 *first reading and consideration for acceptance*

Councilor Lachapelle **MOVED** to read the resolution by title only for a first time. Councilor Larochelle seconded the motion. The **MOTION CARRIED** by a unanimous vote. Mayor Callaghan read the resolution for the first time by title only as follows:

**RESOLUTION AUTHORIZING ACCEPTANCE AND
APPROPRIATION OF AMERICAN RESCUE PLAN ACT VICTIM
SERVICES GRANT AWARD IN AN AMOUNT OF \$25,836.00 FOR
FY 2023**

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

WHEREAS, that an American Rescue Plan Act Victim Services grant in the amount of Twenty-Five Thousand Eight Hundred and Thirty-Six Dollars (\$25,836.00) awarded to the City of Rochester's Legal Department is hereby accepted by the City of Rochester;

WHEREAS, the aforesaid grant requires a 20% cash match by the City of Rochester in the amount of Six Thousand Four Hundred Fifty Nine Dollars (\$6,459.00), by City of Rochester's Legal Department;

FURTHER, that the sum of Twenty-Five Thousand Eight Hundred and Thirty-Six Dollars (\$25,836.00) be, and hereby is, appropriated to a non-lapsing Special Revenue Fund to be created for the purpose of carrying out the purposes of the American Rescue Plan Act Victim Services grant;

FURTHER, that the transfer of Six Thousand Four Hundred Fifty Nine Dollars (\$6,459.00) from the FY 2022 Legal Department Operating Budget to the non-lapsing Special Revenue fund stipulated above is hereby authorized;

FURTHER, that the City Manager is authorized to enter into a grant agreement and any other contracts with the New Hampshire Department of Justice that are necessary to receive and administer the grant funds detailed above; and

FURTHER, 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.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. Councilor Rice asked about the specific funding. Mayor Callaghan said it would be funded for the prosecution office and/or the Legal Department. Julian Long, Economic Development Grant Coordinator, addressed the City Council. He said

this would fund the Victims Witness Advocate, which is based out of the Prosecutor's Office. He explained that person would assist the witnesses of crimes, in order to assist them to gain restitution if possible and to offer support through the entire witness process. The **MOTION CARRIED** by a unanimous vote.

13.4 Lot Restoration of 154 Milton Road *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the Lot Restoration of 154 Milton Road. Councilor Rice seconded the motion. Councilor Rice asked if anyone knew when this lot was merged. Councilor Hamann recalled it was in the 1960's. City Manager Cox explained that the lot had been involuntarily merged and that is why it falls under that statute (RSA 674:39aa). He said the deed book and page references 1965. Councilor Gray explained why many lots were merged during that timeframe and the legislation has recently renewed the exemption relative to these lots and that is why these types of un-mergers will be brought forward. City Manager Cox gave details about language that should be included with the vote. Councilor Rice **MOVED** to **INCLUDE** the following with the original motion: to add a condition that the dividing lot line of the 100 ft frontage lot will need to be located 10 feet from the existing structure to make sure that structure does not become non-conforming to the side setback line. Councilor Lachapelle seconded the motion. Councilor Lachapelle confirmed his second to that motion as amended. The **MOTION CARRIED** by a unanimous vote.

14. Other

Councilor Rice stated reasons why he would like to remove the Agenda item "Prayer" from the City Council Rules of Order (Section 1.6) and change it to "moment of silence". Mayor Callaghan spoke in favor of the opening prayer and said he would invite different denominations to hold the prayer. It was determined that a 2/3rd vote would be needed in order to add this to the Agenda this evening. The City Council briefly discussed the matter.

Councilor Lachapelle said the matter could be reviewed next month at the Codes and Ordinances meeting, as it is too late for this week's agenda.

Councilor Rice **MOVED** to suspend the rules of order in order to add this item “an Amendment to the Rules of Order – Section 1.6” to the Agenda. Councilor Berlin seconded the motion. Councilor Beaudoin said this is a discussion that should be held in the Codes and Ordinances Committee. Councilors Desrochers and Fontneau agreed. Councilor Rice said all members of the Codes and Ordinances Committee are present this evening and the discussion could take place now. Councilor Hamann disagreed. Councilor Larochelle said the discussion could take place now with a 2/3rd vote of the City Council. Mayor Callaghan called for a vote on the motion and explained that a “yes” vote would allow the discussion to continue. Councilor Malone asked if this could still be discussed at the Codes meeting, if the vote failed. Mayor Callaghan replied yes.

Mayor Callaghan asked the Clerk to take a roll call. The **MOTION FAILED** by a roll call vote of 2 to 11. Councilors Rice and Berlin voted in favor of the motion. Councilors Gilman, Gray, Hainey, Larochelle, Lachapelle, Fontneau Hamann, Beaudoin, Desrochers, Malone, Mayor Callaghan voted against the motion.

Councilor Rice requested that the Mayor only allow yes/no votes and no other comments, such as one Councilor demonstrated this evening.

15. Adjournment

Mayor Callaghan **ADJOURNED** the meeting at 7:41 PM.

Respectfully submitted,

Kelly Walters, CMC
City Clerk