

**Regular City Council Meeting
October 6, 2020
Council Chambers
31 Wakefield Street
and remotely via Microsoft Teams
6:46 PM**

COUNCILORS PRESENT

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

OTHERS PRESENT

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

Minutes

1. Call To Order

Mayor McCarley called the City Council Regular meeting to order at 6:46. She had read the following preamble prior to the Public Hearing immediately preceding the regular meeting:

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

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

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

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

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

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

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

Phone number: 857-444-0744 Conference code: 843095

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

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

2. Roll Call

Deputy City Clerk Cassie Givara took the roll call preceding the Public Hearing prior to the Regular Meeting. The following Councilors were present in Council Chambers: Councilors Belken, Gray, Hainey, Hamann, Rice, Walker, Lauterborn and Mayor McCarley. The following Councilors were connecting remotely and stated that they were alone in the location from which they were connecting: Councilors Abbott, Bogan, Hutchinson, Lachance, and Lachapelle.

3. Opening Prayer

Mayor McCarley asked for all those present to observe a moment of silence.

4. Pledge of Allegiance

Mayor McCarley led the Council in the Pledge of Allegiance.

6. Acceptance of Minutes

6.1 Regular City Council Meeting: September 1, 2020 *consideration for approval*

Councilor Walker **MOVED** to **ACCEPT** the minutes of the September 1, 2020 Regular City Council meeting. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley voting in favor.

7. Communications from the City Manager

7.1 City Manager's Report

No Discussion.

8. Communications from the Mayor

8.1 **Proclamation: Elks Lodge Day, October 24th 2020**

Mayor McCarley read the proclamation for Elks Lodge Day on October 24, 2020 and announced that the Elks were about to celebrate their 100th year.

8.2 **Announcement: November Regular City Council meeting date - Tuesday, November 10, 2020**

Mayor McCarley announced that due to the next Regular City Council meeting falling on the same day as the General Election, per the City Charter the meeting will be rescheduled to the following week (Tuesday, November 10, 2020) immediately following the Finance Meeting.

Councilor Gray stated that the Charitable Trust division of the State Attorney General's office had posted an item regarding Frisbee Hospital and how the assets are going to be distributed. This information is available for public comment at this time. Mayor McCarley stated that a link had been posted in Foster's for the public to access this information.

9. Presentation of Petitions and Council Correspondence

No Discussion.

10. Nominations, Appointments, Resignations, and Elections

No Discussion.

11. Reports of Committees

11.1 Codes & Ordinances Committee

Councilor Lachapelle reported that there are no action items resultant from the September Codes meeting; however the committee did meet on October 1st and will be bringing several items to full council at the November 10, 2020 meeting. Councilor Lachapelle stated that the next Codes & Ordinances meeting would take place at 6:00 PM on Thursday, November 5, 2020.

Councilor Rice reported that the Codes & Ordinances Committee is currently reviewing the City ordinances one department at a time. He suggested councilors review the ordinances and recommend amendments or revisions.

11.2 Fidelity Committee

Councilor Hutchinson stated that the Fidelity Committee would be meeting next on Thursday, October 8 at 6:00 PM.

11.3 Finance Committee

11.3.1 Committee Recommendation: To approve the creation of the "Assistant Director of Economic Development" position

Councilor Hamann **MOVED** to approve the creation of the Assistant Director of Economic Development position. Councilor Walker seconded the motion. Councilor Lauterborn said that she does not support this position due to its timing after the approval of the current budget; she stated that she would be more likely to support the position if it was included in the next fiscal year budget. Councilor Walker agreed with Councilor Lauterborn. Mayor McCarley stated that when the budget was being discussed and adopted, there were still many unknowns in regards to revenue and incoming funds due to COVID; because of the position had not been included in the budget although it was a request by the department at that time. The **MOTION CARRIED** by a 9-4 roll call vote with Councilors Rice, Belken, Bogan, Lachapelle, Hamann, Hainey, Abbott, Lachance, and Mayor McCarley voting in favor and Councilors Walker, Lauterborn, Gray, and Hutchinson voting opposed.

11.3.2 Committee Recommendation: To approve the creations of the "Deputy Chief Information Officer" and "Solutions Architect" positions

Councilor Lachapelle **MOVED** to **APPROVE** the creation of the Deputy Chief Information Officer and Solutions Architect positions. Councilor Belken seconded the motion. Councilor Lauterborn clarified that these positions had been included in the current fiscal year adopted budget. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley voting in favor.

11.3.3 Resolution for Supplemental Appropriation of \$225,000 for 145 Airport Drive Land Purchase from Granite State Business Park TIF 162-K Retained Earnings *first reading and consideration for adoption*

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

Resolution for Supplemental Appropriation of \$225,000 for 145 Airport Drive Land Purchase from Granite State Business Park TIF 162-K Retained Earnings

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

WHEREAS, by virtue of a resolution adopted by the Mayor and City Council of the City of Rochester, the Mayor and City Council appropriated the sum of Three Million Dollars (\$3,000,000) to the FY2020 REDC CIP Fund for the REDC-LDI construction project with funds to be borrowed from NH Business Finance Authority.

As part of this project the City purchased 145 Airport Drive for Two Hundred and Twenty Five Thousand Dollar (\$225,000) and included that expenditure as part of the total project costs to be borrowed by NH Business Finance Authority. The City and borrower, LDI, have agreed to different terms related to the land transfer, and LDI purchased the 145 Airport Rd parcel with their own cash.

WHEREAS, the Mayor and City Council of the City of Rochester have determined that the best interests of the City are served by expending the land purchase of Two Hundred Twenty Five Thousand Dollars (\$225,000) from the Granite State Business Park TIF 162-K, Fund 7028, retained earnings.

NOW THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby approve a supplemental appropriation of Two Hundred and Twenty Five Thousand (\$225,000) for the 145 Airport Drive land purchase from the Granite State Business Park TIF 162k, Fund 7028, retained earnings.

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 designate such multi-year, non-lapsing accounts, and or account numbers as are necessary to implement the transactions contemplated by this Resolution.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by an 11 – 2 roll call vote with Councilors Hamann, Walker, Belken, Lachance, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voting in favor and Councilors Hutchinson and Abbott voting opposed.

11.4 Planning Board

Councilor Walker reported that the Planning Board had met the night before. The board approved the conditional use of a dance studio in the Boucher's building in east Rochester as well as a Pella Windows in the Granite State Business Park. He stated that the murals ordinance was held in committee and is being discussed further and being reviewed by legal. There was a brief discussion about the process of the mural ordinance, how it is considered and where it would go after being reviewed at the Planning Board.

11.5 Public Safety

11.5.1 Committee Recommendation: to recommend the 3 steps for the Old Dover Road/Tebbetts Road intersection as laid out by NH DOT in the road safety audit *consideration for acceptance*

Councilor Hamann referred Council to item #1 which has a truck prohibition. He stated that after discussed at the Public Works Committee the following night, they mentioned that truck prohibition in this area would not be a good idea. It would mean that trucks would end up being diverted to other roads and taking longer trips. Also, the study showed that no trucks had been involved in any of the accidents at this intersection. Councilor Hamann **MOVED** to **ACCEPT** the three steps minus the truck prohibition. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hailey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley all voting in favor.

Councilor Hamann said the next Public Safety meeting will take place on October 21, 2020.

11.6 Public Works

11.6.1 Resolution Authorizing Acceptance of Newly Realigned Rochester Neck Road *first reading and consideration for adoption*

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a 12-0 roll call vote with Councilors Rice, Walker, Belken, Bogan, Lauterborn, Hamann, Hailey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor. Councilor Lachapelle recused himself from the vote due to his involvement with Waste Management. Councilor Walker read the resolution for a first time by title only as follows:

**Resolution Authorizing Acceptance of Newly Realigned Rochester
Neck Road**

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

That the City of Rochester hereby approves the Road Acceptance Petition submitted by Waste Management of New Hampshire and accepts the newly realigned Rochester Neck Road as a City road.

Further, the Mayor and City Council authorize the City Manager or his designee to execute all documents necessary to both accept the newly realigned Rochester Neck Road and to deed to Waste Management of New Hampshire certain City-owned property which previously made up portions of Rochester Neck Road as proposed in the aforementioned Road Acceptance Petition.

These amendments shall take effect upon passage.

Councilor Walker moved to **ADOPT** the resolution. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a 12 – 0 roll call vote with Councilors Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley all voting in favor. Councilor Lachapelle recused himself from the vote.

12. Old Business

No Discussion.

13. Consent Calendar

No Discussion.

14. New Business

14.1 Resolution Approving Contract and Cost Items Associated With Proposed City Of Rochester School Department Multi-Year Collective Bargaining Agreement With Local 863 Of The American Federation Of State, County And Municipal Employees(AFSCME) *first reading and consideration for adoption*

Councilor Walker **MOVED** to read the resolution for the first time by title only. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a

unanimous roll call vote with Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley all voting in favor. Mayor McCarley read the resolution for a first time by title only as follows:

**RESOLUTION APPROVING CONTRACT AND COST
ITEMS ASSOCIATED WITH PROPOSED CITY OF
ROCHESTER SCHOOL DEPARTMENT MULTI-YEAR COLLECTIVE
BARGAINING AGREEMENT WITH LOCAL 863 OF THE AMERICAN
FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES
(AFSCME)**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the multi-year year collective bargaining agreement between the City of Rochester and the American Federation of State, County and Municipal employee collective bargaining group, covering the period July 1, 2020 to June 30, 2023, as set forth in the proposed contract, a copy of which proposed contract has been made available to the Mayor and City Council, and with its financial impacts as more particularly detailed on the attached "**EXHIBIT A: AFSCME Tentative Agreement**", which includes a summary financial analysis of the annual costs of the contract to the City provided by the Superintendent of Schools, is hereby approved, including, specifically, the cost items associated therewith.

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

**14.2 Resolution Approving Contract and Cost Items Associated
With Proposed City Of Rochester School Department Multi-
Year Collective Bargaining Agreement With Rochester
Federation Of Teachers-Paraprofessional Unit *first reading
and consideration for adoption***

Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a 12 – 0 roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, and Mayor

McCarley voting in favor. Councilor Bogan recused herself from the vote due to her work as a paraprofessional. Mayor McCarley read the resolution for a first time by title only as follows:

**RESOLUTION APPROVING CONTRACT AND COST ITEMS
ASSOCIATED WITH PROPOSED CITY OF ROCHESTER
SCHOOL DEPARTMENT MULTI-YEAR COLLECTIVE BARGAINING
AGREEMENT WITH ROCHESTER FEDERATION OF TEACHERS-
PARAPROFESSIONAL UNIT**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the multi-year year collective bargaining agreement between the City of Rochester and the Rochester Federation of Teachers- Paraprofessional Unit collective bargaining group, covering the period July 1, 2020 to June 30, 2023, as set forth in the proposed contract, a copy of which proposed contract has been made available to the Mayor and City Council, and with its financial impacts as more particularly detailed on the attached "EXHIBIT A: Paraeducator Tentative Agreement, which includes a summary financial analysis of the annual costs of the contract to the City provided by the Superintendent of Schools, is hereby approved, including, specifically, the cost items associated therewith.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Hamann seconded the motion. The **MOTION CARRIED** by 12 – 0 roll call vote with Councilors Rice, Walker, Belken, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley voting in favor. Councilor Bogan recused herself from the vote.

**14.3 Resolution Establishing Polling Places and Times for the
November 3, 2020 State General Election *first reading and
consideration for adoption***

Councilor Lachapelle **MOVED** to read the resolution for a first time in its entirety. Councilor Belken seconded the motion. Mayor McCarley read the resolution for the first time in its entirety as follows:

**Resolution Establishing Polling Places and Times for the
November 3, 2020 State General Election**

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

ROCHESTER:

That the following polling places are hereby established for the City of Rochester for the upcoming November 3, 2020 State General Election.

WARD 1: East Rochester Elementary School
773 Portland Street, East Rochester

WARD 2: Chamberlain Street School
65 Chamberlain Street, Rochester

WARD 3: Gonic Elementary School
10 Railroad Avenue, Rochester

WARD 4: McClelland Elementary School
59 Brock Street, Rochester

WARD 5: Rochester Community Center
150 Wakefield Street/Community Way,
Rochester
NEW: *Main Entrance at front of building*

WARD 6: Elks Lodge #1393
295 Columbus Avenue, Rochester

Further, that in accordance with RSA 659:4, and Section 47 of the City Charter – All polling places shall be open from 8:00 A.M. to 7:00 P.M., on said Election Day.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Rice, Councilor Lachapelle, Rice, Gray, Hainey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken, and Mayor McCarley all voting in favor.

Councilor Gray requested that the City Clerk give an update on the work being done at the satellite election office. City Clerk Kelly Walters reported that the satellite office has been well received and is working out very well. Mayor McCarley thanked the clerk's office for the work they have put into this satellite location and praised Ms. Walters for the benefit this office provides for Rochester's citizens. Councilor Gray referenced the WMUR story done on satellite location offices which he felt was good publicity for the City Clerk's office and stated that the clerks should be commended for their efforts.

14.4 Motion to approve the move of the Granite State Lab COAST bus stop to the new proposed location *consideration for approval*

Councilor Lauterborn **MOVED** to **APPROVE** the move of the COAST bus stop by the Granite State Lab location. Councilor Walker seconded the motion. Councilor Lauterborn explained that this is a small move; the stop is being moved from one telephone pole to the next. There were some safety issues which arose having the stop located in the current location which come into play when the bus needs to turn. Councilor Rice asked if the Washington Street stops were doing well. Councilor Lauterborn stated that the other three stops on the street are going well; this was the only locations which posed a problem. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley all voting in favor.

14.5 Resolution Authorizing Acceptance of check from HealthTrust to the Rochester Police Department in the amount of \$500 *first reading and consideration for adoption*

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

Resolution Authorizing the Acceptance of a \$500.00 Health Trust Wellness Reward by the Rochester Police Department (RPD) and Supplemental Appropriation in Connection Therewith

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

That a Five Hundred Dollar (\$500.00) Health Trust Wellness Reward is hereby accepted by the City on behalf of the RPD.

Further, the City Council authorizes a supplemental appropriation to the RPD operating budget in the amount of Five Hundred Dollars (\$500.00) with the entirety of the supplemental appropriation being derived from said Reward.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution and to establish special revenue, non-lapsing, multi-year fund accounts(s) as necessary to which said sums shall be recorded.

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

15. Other

16. Non-Public/Non-Meeting

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

Councilor Lauterborn **MOVED** to enter into a non-public session under land, RSA 91-A:3, II (d) at 7:35 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hailey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor.

Councilor Lauterborn **MOVED** at 8:01 PM to exit the non-public session and seal the minutes as disclosure would render the proposed action ineffective. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lachapelle, Rice, Gray, Hailey, Abbott, Bogan, Hutchinson, Lachance, Hamann, Lauterborn, Walker, Belken and Mayor McCarley all voting in favor.

17. Adjournment

Mayor McCarley **ADJOURNED** the Regular City Council Meeting at 8:03 PM.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk