

**Regular City Council Meeting
August 4, 2020
Meeting Conducted Remotely
6:34 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Belken
Councilor Bogan
Councilor Gray
Councilor Hainey
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
Kyle Repucci, Superintendent

Minutes

1. Call to Order

Mayor McCarley called the Regular City Council meeting to order at 6:34 PM. The following preamble was read 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.) **Providing public access to the meeting by telephone:** At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any

person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call-in to the below number using the conference code. Some meetings will allow live public input, however you must have pre-registered online, otherwise, the meeting will be set to allow the public to "listen-in" only, and there will be no public comment taken during the meeting. [Public Input Registration](#) (Please note: In order to notify the meeting host that you would like to speak, press 5* to be recognized and unmuted)

Phone number: 857-444-0744

Conference code: 843095

b.) **Public Access Troubleshooting:** If any member of the public has difficulty accessing the meeting by phone, please email PublicInput@RochesterNH.net or call 603-332-1167.

c.) **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).*

d.) **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.)

Kelly Walters, City Clerk, called the roll for the Regular meeting. All Councilors were present. In addition, all Councilors indicated that they were alone in the location from which they were connecting remotely, and/or mentioned whom may be passing through the room on occasion.

2. Opening Prayer

Mayor McCarley asked for a moment of silence before the start of the meeting.

3. Pledge of Allegiance

Mayor McCarley led the Pledge of Allegiance.

4. Roll Call

The roll call was taken following the preamble earlier in the evening. All Councilors were present.

5. Resolution Authorizing Supplemental Appropriation to the Rochester School Department in the amount of \$490,000.00 *first reading and referral to public hearing*

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

Supplemental Appropriation to the Rochester School Department in the amount of \$490,000.00

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

That the amount of Four Hundred Ninety Thousand Dollars (\$490,000.00) is hereby appropriated as a supplemental appropriation to the Rochester School Department for the purpose of paying costs associated with unanticipated costs related to the COVID-19 pandemic response. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution.

6. Recess to Public Hearing

Mayor McCarley recessed to the Public Hearing at 6:37 PM.

7. Reconvene Regular City Council Meeting

Mayor McCarley reconvened the Regular City Council Meeting at 6:46 PM.

8. Acceptance of Minutes

8.1 Regular City Council Meeting: July 7, 2020 *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the minutes of July 7, 2020 Regular Meeting. 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 voting in favor of the motion.

8.2 Special City Council Meeting: July 21, 2020 *consideration for approval*

Councilor Lachapelle **MOVED** to **APPROVE** the minutes of the July 21, 2020 Special Meeting. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilor Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

9. Communications from the City Manager

9.1 City Manager's Report

City Manager Cox stated that although the report was not included in the packet, a copy had been distributed to all Councilors prior to the meeting. He stated that the standard report, which were absent from the report, would be issued within the next few days.

10. Communications from the Mayor

Mayor McCarley asked for an amendment to the agenda for the evening so she could introduce a resolution strongly encouraging the use of face masks during the pandemic.

Councilor Lachapelle **MOVED** to **AMEND** the agenda to allow the introduction of a masking resolution. Councilor Belken seconded the motion. The **MOTION CARRIED** by a roll call vote of 11 to 2. Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Abbott, Bogan, and Mayor McCarley voted in favor of the motion. Councilors Walker and Lachance voted against the motion.

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

Resolution requesting all residents and visitors, in the strongest of terms, to wear appropriate face coverings while in public. All business owners and places of public accommodation, to the extent not already covered within guidance issued by the Governor, are requested to develop policies and procedures, including appropriate signage or notices, urging or requiring visitors to wear face coverings.

WHEREAS: The condition known as coronavirus disease 2019 ("COVID-19"), which is caused by the novel coronavirus (SARS-CoV-2), is presently affecting individuals throughout the United States and the State of New Hampshire; and

WHEREAS: COVID-19 is potentially fatal, predominantly but not exclusively for those at high risk; and

WHEREAS: Continuing study into COVID-19's non-fatal effects increasingly reveals damage, including long-term irreversible damage, to various human organs, including the lungs, heart, and possibly the brain and other organs or organ systems; and

WHEREAS: On March 13, 2020, Governor Christopher Sununu issued Executive Order 2020-04, declaring a state of emergency in

New Hampshire with respect to COVID-19 (novel coronavirus);
and

WHEREAS: The Governor, the federal Centers for Disease Control and Prevention ("CDC"), President Trump, and the World Health Organization ("WHO") have issued or recommended further restrictions aimed at minimizing exposure to the novel coronavirus, including social distancing, hygienic practices (*e.g.*, handwashing), and, now, face coverings; and

WHEREAS: Having had the opportunity to study the virus for several months, the CDC has confirmed that the virus spreads mainly from person to person through respiratory droplets produced when an infected person coughs, sneezes, talks, or raises their voice (*e.g.*, shouting, chanting, singing); and

WHEREAS: The CDC has also confirmed that a significant number of those infected with the virus are either asymptomatic or pre-symptomatic, yet can still readily transmit the virus to others unknowingly; and

WHEREAS: Multiple independent studies confirm, and agree, that widespread wearing of face coverings helps drastically reduce transmission of the virus to others by (i) reducing the amount of viral load exhaled or expelled into the air surrounding an infected person, and (ii) reducing the distance which that viral load travels or can travel; and

WHEREAS: Face coverings, and particularly medical grade ones, may also help protect the wearer to some degree; and

WHEREAS: Guidance from medical experts across the country strongly recommends the wearing of face coverings when in public, and particularly where a person is not able to maintain adequate distance from another person; and

WHEREAS: It is incumbent upon every resident and visitor in the City of Rochester to take all measures reasonably possible to protect the public health; and

WHEREAS: The purpose of this resolution is to ensure public awareness of the importance of face coverings, as well as ensure business owners are aware that they have the right, as a property owner or possessor, to control the manner of use of their property.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND ROCHESTER CITY COUNCIL THAT:

All residents and visitors within the City of Rochester who are medically able to are hereby requested, in the strongest of terms, to wear appropriate face coverings while in public. Face coverings should cover the nose and mouth of the person wearing it.

AND, BE IT FURTHER RESOLVED THAT:

All business owners and places of public accommodation, to the extent not already covered within guidance issued by the Governor, are requested to develop policies and procedures, including appropriate signage or notices, urging or requiring visitors to wear face coverings.

Councilor Lachapelle **MOVED** to **ADOPT**. Councilor Hutchinson seconded the motion. Councilor Gray made a parliamentary inquiry regarding whether or not a motion to send the resolution to committee would take precedence over the current motion. He suggested this matter be heard at the Codes & Ordinances Committee or be discussed first at a workshop meeting. City Attorney O'Rourke confirmed that a motion to send to a subcommittee takes precedence over the main motion, but it would require a second and is debatable. Councilor Lauterborn said that if the motion is passed, the resolution should be posted publicly on the website, bulletin boards, and all city buildings. Councilor Lachapelle clarified that the resolution is requesting that residents and visitors wear masks, but it is not a requirement. Mayor McCarley agreed that this is not a mandate but rather a strong recommendation. Councilor Hainey stated that she didn't feel the item to be heard at a subcommittee; it is a recommendation and not a mandate.

Councilor Gray **MOVED** to refer that the matter be sent to a committee. Councilor Lachance seconded the motion. Councilor Gray suggested having this heard and discussed in committee to give the public an opportunity to weigh in. He also stated that there needed to be more detail and specifics included. The **MOTION FAILED** by a roll call vote of 11 to 2. Councilors Walker and Gray voted in favor of the motion. Councilors, Hamann, Hutchinson, Belken, Lachance, Abbott, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted against the motion.

The original **MOTION CARRIED** by a 10 to 3 roll call vote. Councilors Bogan, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Abbott, Belken, and Mayor McCarley voted in favor of the motion. Councilors Gray, Walker, and Lachance voted against the motion.

11. Presentation of Petitions and Council Correspondence

No discussion.

12. Nominations, Appointments, Resignations, and Elections

12.1 Resignation: Deborah Casey – Supervisor of the Checklist Ward 3

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation with regret and to send a letter of thanks to Ms. Casey. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Lachapelle, Rice, Walker, Hainey, Abbott, Bogan, Gray, Belken, Hamann, Lauterborn, Lachance, Hutchinson, and Mayor McCarley voted in favor of the motion.

13. Reports of Committees

13.1 Fidelity Committee

Councilor Hutchinson reported that the next meeting of the Fidelity Committee would be held on August 13th at 6:00 PM via Zoom.

Councilor Lachance asked Mayor McCarley if her intent was to discuss the City Manager's evaluation at a non-public session. Mayor McCarley said that the evaluation is distributed to Council to complete and then submit to the Mayor. The Mayor will then tabulate the results and records all the comments, and these results will be placed in a packet for Council. The City Manager may or may not be called in for further discussion on the matter.

13.2 Finance Committee

13.2.1 Committee Recommendation: To approve the \$9,966 purchase of a trailer for the Fire Department for storage of PPE consideration for approval

Councilor Lachapelle **MOVED** to **APPROVE** the Finance Committee's

recommendation to purchase of a trailer for the Fire Department, for the proposed storage of PPE supplies, in the amount of \$9,966. Councilor Walker seconded the motion. The **MOTION CARRIED** by an 11 to 2 roll call vote. Councilors Rice, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion. Councilors Walker and Gray voted against the motion.

13.2.2 Committee Recommendation: To approve the conversion of the Economic Development Microloan Program into a grant consideration for approval

Councilor Lachapelle **MOVED** to **APPROVE** the Finance Committee's recommendation to approve the conversion of the Economic Development Microloan Program into a grant. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 12 to 1 roll call vote. Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Bogan, Hamann, Belken, and Mayor McCarley voted in favor of the motion. Councilor Gray voted against the motion.

13.3 Planning Board

Councilor Walker reported that the Planning Board had met the night prior and one of the items which had passed was the 56-lot subdivision development at 828 Portland Street. The Homeless Center of Strafford County presented their design review, which was passed. It now needs to go back for design and permitting.

Mayor McCarley asked if the Homeless Center was on track for design and groundbreaking. Councilor Walker reported that there needed to be some revisions made, but the center was on track and did intend to break ground on schedule.

13.4 Public Works

13.4.1 Committee Recommendation: To deny roadway access to abutting Barrington Development through the Stillwater Circle Neighborhood consideration for approval

Councilor Walker **MOVED** to **DENY** the roadway access to abutting Barrington Development through the Stillwater Circle Neighborhood. Councilor Hamann seconded the motion. Councilor Lachapelle asked for a legal opinion from the City Attorney on an email which had been distributed to Council in

regards to the subdivision in question. City Manager Cox said there had been some confusion regarding whether or not the City had requested to have a gate. City Manager Cox stated there was no formal request made by the city; the conversation between staff and the developer had been in regards to an emergency access roadway. Councilor Walker and City Manager Cox both reported that the residents of Stillwater Circle who had spoken had not been in favor of even an emergency gate or "crash gate." City Manager Cox said there is no legal requirements for the City to have such a gate. There are also no restrictions or complications to landowners on the Rochester side of the property. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hailey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

13.4.2 Committee Recommendation: approve the removal of the Oak tree at the front of City Hall consideration for approval

Councilor Walker **MOVED** to **APPROVE** the Committee's recommendation for the removal of the Oak tree at the front of the City Hall building. Councilor Hamann seconded the motion. Councilor Bogan spoke in opposition of the tree being removed. She stated there was not a valid reason for the tree to be removed if the primary concern was grass not growing beneath it. She suggested planting shade grass seed or shade plants beneath the tree. Councilor Walker said that it was not only the difficulty with the grass growing, but also the trip hazard posed by the acorns which fall as well as the tree blocking out a large portion of building frontage after money had been spent to provide lighting to the building face. Councilor Gray suggested bringing the item back to committee to discuss ways of trimming the tree and maintaining it to reduce the issues rather than cutting it down. Councilor Hutchinson inquired about the cost of the tree removal. It was stated that there is not an estimate available yet. Councilor Lachapelle asked if the sidewalk had been affected due to the tree roots. City Manager Cox said that there had been issues with a drain line underneath the walkway where roots had infiltrated the pipes. The **MOTION CARRIED** by a 7 to 6 roll call vote. Councilors Belken, Hamann, Rice, Lachapelle, Walker, Lachance, and Mayor McCarley voted in favor of the motion. Councilors Gray, Lauterborn, Hailey, Hutchinson, Abbott, and Bogan voted against the motion.

13.4.3 Resolution Authorizing \$132,000.00 Expenditure from the RSA 162-k TIF Fund for the Innovation Drive Water-Sewer Line Extension Project first reading and consideration for adoption

Councilor Walker **MOVED** to read the resolution by title only for the first time. Councilor Lachapelle seconded the motion. Councilor Hutchinson relayed a message which had been received by City Attorney who had lost power and was no longer connected to the meeting. Attorney O'Rourke stated that in the body of the resolution, the amount is listed as \$120,000 and should be listed as \$132,000. He stated that there needed to be a motion to amend the amount to \$132,000. Councilor Walker **MOVED** to **AMEND** the amount in the body of the resolution to \$132,000. Councilor Hutchinson seconded the motion. It was clarified that the resolution needed to be read for a first time by title only prior to any amendments being made. Councilor Walker rescinded his motion and Councilor Hutchinson rescinded his second. Mayor McCarley accepted the removal of the motion without a roll call vote. The original motion made by Councilor Walker and seconded by Councilor Lachapelle to read for the first time by title only was brought back to the table. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hutchinson, Lauterborn, Abbott, Hainey, Rice, Lachapelle, Walker, Gray Bogan, Hamann, Belken, Lachance, and Mayor McCarley voted in favor of the motion.

**Resolution Authorizing \$132,000.00 Expenditure from the RSA
162-k TIF Fund for the Innovation Drive Water-Sewer Line
Extension Project**

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

That the amount of One Hundred Thirty Two Thousand Dollars (~~\$120,000.00~~) (**\$132,000.00**) is hereby authorized to be expended from the RSA 162-k TIF Fund to pay for the costs associated with the so-called Innovation Drive Water-Sewer Line Extension Project.

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.

Councilor Walker **MOVED** to **ADOPT** and **CORRECT** the resolution to reflect the correct amount of \$132,000. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Lauterborn, Abbott, Hutchinson, Hainey, Rice, Lachapelle, Walker, Gray, Hamann, Bogan, Lachance, Belken, and Mayor McCarley voted in favor of the motion.

13.5 Public Safety**13.5.1 Committee Recommendation: To install a “blind driveway” sign at 122 Governors Road for traffic travelling from the town of Farmington into Rochester *consideration for approval***

Councilor Hamann **MOVED** to **APPROVE** the Committee’s recommendation to install a “blind driveway” sign at 122 Governors Road, for traffic traveling from the town of Farmington into Rochester. Councilor Walker inquired if there had been discussion of the cost of the blind driveway sign being covered by the resident to whom it would benefit as has been requested in the past. Councilor Hamann clarified that this had not been discussed at the meeting. Councilor Walker stated that the sign and post averages around \$70. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Walker, Hamann, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

13.5.2 Committee Recommendation: To remove the “no thru truck” signs on Autumn Street at the Highland Street end *consideration for approval*

Councilor Hamann **MOVED** to **APPROVE** the Committee’s recommendation. Councilor Lachapelle seconded the motion. Councilor Walker cautioned about having “no thru trucks” signs in such close proximity to a state road. He stated the signs also have to list weights. Peter Nourse, Director of City services, said that these large trucks must stay within a mile of designated routes (one being 202) unless they are going a terminus. He gave further details on the municipality’s role in these sign designations. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Bogan, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Belken, and Mayor McCarley voted in favor of the motion.

13.5.3 Committee Recommendation: To install a streetlight at the corner of Whitehall Road an Hillcrest Drive *consideration for approval*

Councilor Hamann **MOVED** to **APPROVE** the Committee’s recommendation. Councilor Lachapelle seconded the motion. Councilor Walker asked if the motion conformed to the City streetlight policy. Councilor Hamann confirmed that this does conform. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Lachapelle, Rice, Walker, Hainey, Abbott, Bogan, Gray,

Belken, Hamann, Lauterborn, Lachance, Hutchinson, and Mayor McCarley voted in favor of the motion.

13.5.4 Committee Recommendation: To add an additional pedestrian warning sign at the crosswalk near Church Street at the discretion of DPW *consideration for approval*

Councilor Hamann **MOVED** to **APPROVE** the Committee's Recommendation. Councilor Lachapelle seconded the motion. Councilor Lachapelle clarified that the area where the sign will be placed is at the end of Church Street where Pickering Road begins. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hailey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion.

13.5.5 Committee Recommendation: To approve the two new crosswalk locations on Charles Street and Congress Street as designed by DPW *consideration for approval*

Councilor Hamann **MOVED** to **APPROVE** the Committee's Recommendation. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Hailey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley voted in favor of the motion.

13.5.6 Committee Recommendation: To approve the dam safety signs to be installed on the side of the North Main Street Bridge *consideration for approval*

Councilor Hamann **MOVED** to **APPROVE** the Committee's Recommendation. Councilor Lachapelle seconded the motion. Councilor Lachance asked what the sign would contain. Councilor Hamann said they were given a copy of the sign in committee which warns kayakers and boaters of the dam up ahead. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Gray, Walker, Hutchinson, Belken, Lachance, Abbott, Hamann, Rice, Bogan, Hailey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

Councilor Lachapelle announced that the Codes & Ordinance meeting will be held on August 3 at 6:00 PM.

14. Old Business**14.1 Discussion: NHMA Policy Positions for Conference
October 2, 2020**

Councilor Lauterborn gave background on how this process has worked in previous years; she stated that the Council would offer one vote to support the policies and allow Councilor Hainey to cast Rochester's single vote and she would then use her own judgement to vote on amendments introduced at the conference. Councilor Lauterborn said that the two themes this year were maximizing local control and to lobby against legislation that reduces State financial support or increases local costs. Councilor Hainey said that if there were any policies that Rochester wants to bring forward, they would need to be submitted to the Municipal Association by August 21. Councilor Hainey directed Council to page 143 under "Labor & Employment" listing restrictions on a municipality's ability to privatize or use contracted services. She also referenced a policy on page 145 under "NH Retirement System" which further restricts a municipality's ability to employ NH retirement system retirees in part-time positions. She gave reasoning on why she felt Rochester should not support these two policies. It was clarified that the NHMA policies as set forth are opposing these two restrictions and therefore Rochester should support this opposition.

Councilor Walker clarified that if he votes yes, it would be in favor of restricting the municipality's ability to privatize or use contracted services. Councilor Lauterborn said that in this case, Councilor Hainey would vote no at the conference. She said the NHMA votes to oppose this legislation. Councilor Hainey in this case would not support opposing restrictions. ***There was no initial motion or second to this motion.* The **MOTION FAILED** 5 to 8. Councilors Gray, Rice, Lauterborn, Hamann, and Hutchinson voted in favor of the motion. Councilors Belken, Hainey, Lachapelle, Bogan, Lachance, Abbott, Walker, and Mayor McCarley voted against the motion.

Councilor Hainey referred again to page 145 regarding further restrictions on a municipality's ability to employ NH retirement system retirees in part-time positions. She said she felt it would harm the retirement system in the funding, making it that you can hire part-time employees which would cost municipalities more in the long run by filling full-time positions with part-time employees. Councilor Lauterborn said that the state already has restrictions on this to prevent employees from retiring and collecting a pension while simultaneously returning to their previous job. Councilor Hainey withdrew her opposition to this policy upon further discussion.

Councilor Belken directed Council to page 143 regarding Substance Misuse

Prevention and Response. Councilor Belken took objection with the use of the term “enforcement” within this section and inquired if this was a possibility to change this wording. Councilor Rice disagreed with Councilor Belken and said that the State should support enforcement and clarified that enforcement is not necessarily negative and gave examples. Councilor Hutchinson asked if the funding referenced for enforcement could potentially support LEAD (Law Enforcement Assisted Diversion) and suggested they receive further information on what programs this would fund and what enforcement entails. Mayor McCarley said that LEAD is currently being funded with grant money as opposed to State funds. Councilor Lauterborn stated that Councilor Hainey could ask for clarification at the conference on what “enforcement” means.

Councilor Walker **MOVED** to allow Councilor Hainey to cast Rochester’s vote at the NHMA conference. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Gray, Belken, Hainey, Rice, Lauterborn, Hamann, Lachapelle, Hutchinson, Bogan, Lachance, Abbott, Walker, and Mayor McCarley voting in favor of the motion.

15. Consent Calendar

No discussion.

16. New Business

16.1 Resolution Granting Community Revitalization Tax Relief to the Property Located at 10 – 14 North Main Street Under the Provisions of RSA 79-E in Connection with a Proposed Rehabilitation Project *first reading and referral to public hearing on August 18, 2020*

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only and to refer the matter to a public hearing on August 18, 2020. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hutchinson, Lauterborn, Abbott, Hainey, Rice, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley voted in favor of the motion.

Resolution Granting Community Revitalization Tax Relief to the Property Located at 10- 14 North Main Street Under the Provisions of RSA 79-E in Connection with a Proposed Rehabilitation Project

Be it Resolved by the Mayor and City Council of the City of Rochester, as follows:

Whereas, in an effort to stimulate local economic development and enhance City downtowns and Town centers, the New Hampshire Legislature has enacted RSA Chapter 79-E, entitled "Community Revitalization Tax Relief Incentive"; and

Whereas, the City of Rochester adopted the provisions of such Community Revitalization Tax Relief Incentive Program pursuant to RSA Chapter 79-E by Resolution of the City Council on October 7, 2008; and

Whereas, Scenic Salinger, LLC, owner of the so-called 10-14 North Main Street in downtown Rochester, is desirous of making use of the benefits of RSA Chapter 79-E and it has, therefore, proposed a substantial rehabilitation project with respect to the structure located upon the so- called 10-14 North Main Street; and

Whereas, RSA Chapter 79-E requires that the governing body of the City of Rochester make certain findings and determinations with regard to a proposed substantial rehabilitation project in order for the structure to qualify for the RSA Chapter 79-E Community Revitalization Tax Relief Incentive;

Now, Therefore, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby make the following findings and determinations with respect to the proposed substantial rehabilitation proposal for the so-called 10-14 North Main Street property contemplated by the owner's Community Revitalization Tax Relief Application dated July 29, 2020, to wit:

(1) Any tax relief under the provisions of RSA Chapter 79-E or this resolution that is to be accorded with respect to the so-called 10-14 North Main Street property project shall be accorded only after the property owner grants to the City a covenant pursuant to the provisions of RSA 79-E:8 ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and in accordance with the requirements of RSA 79-E:8; and

(2) The Mayor and City Council find public benefits under RSA 79-E:7 in the proposed revitalization project proposed with respect to the so-called 10-14 North Main Street property project; and

(3) The proposed substantial rehabilitation project with respect to the aforesaid 10-14 North Main Street provides the following public benefits to downtown Rochester:

- I. It enhances the economic vitality of the downtown;
- II. It enhances and improves a structure that is culturally and historically important on a local level, within the context of the City's Historic District and the City center in which the building is located;
- III. It promotes development of downtown Rochester, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B;

(4) The specific public benefit is preserved through a covenant under RSA 79-E:8 if the project is implemented consistent with (a) the aforementioned application; (b) compliance with the recommendation to the City Council approved by the Community Development Committee on August 17, 2020; (c) the terms of this resolution; and (d) any other applicable requirements of Chapter 79-E; and

(5) The Mayor and City Council find that the proposed use is consistent with the City's Master Plan and development regulations.

Furthermore, as a result of making such determinations and findings, and subject to the owner's compliance therewith, and with the provisions of RSA Chapter 79-E, the Mayor and City Council hereby grant the requested tax relief for a period of seven (7) years beginning with the completion of the substantial rehabilitation of the structure upon the so-called 10-14 North Main Street property.

16.2 Resolution for Supplemental Appropriation to the Conservation Fund for Fiscal Year 2019-2020 pursuant to the provisions of Section 7-64(c) of the General Ordinances of the City of Rochester *first reading and consideration for adoption*

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

**RESOLUTION FOR SUPPLEMENTAL APPROPRIATION TO THE
CONSERVATION FUND FOR FISCAL YEAR 2019-2020
PURSUANT TO THE PROVISIONS OF SECTION 7-64(c) OF THE
GENERAL ORDINANCES OF THE CITY OF ROCHESTER**

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

As a supplemental appropriation to the 2019-2020 fiscal year operating budget of the City of Rochester, the sum of Twenty Eight Thousand Fifty Three Dollars (\$28,053.00); from annual excess Land Use Change Tax funds for fiscal year 2019-2020 (account number to be designated/determined by the Finance Director) to the City of Rochester Conservation Fund (account number to be designated/determined by the Finance Director), the sums necessary to fund such supplemental appropriation to be drawn in their entirety from the aforesaid annual excess Land Use Change Tax revenues received during fiscal year 2019-2020.

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. The effective date of this Resolution shall be June 30, 2020.

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

**16.3 Resolution Establishing Polling Places and Times for
the September 8, 2020 State Primary Election *first
reading and consideration for adoption***

Councilor Lachapelle **MOVED** to read the resolution in its entirety. Councilor Walker seconded the motion. The **MOTION CARRIED** Councilors Bogan, Gray, Hamann, Rice, Lauterborn, Hailey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Belken, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution as follows:

**Resolution Establishing Polling Places and Times for the
September 8, 2020 State Primary 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 September 8, 2020 State Primary Election.

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

NEW: **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
Located on the Chestnut Hill Road Side 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.

Councilors Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Gray referenced an asterisk which was net to the ward 3 polling place and asked if it should be removed. City Clerk Kelly Walters confirmed this was not needed and the resolution can be adopted with the removal of the asterisk. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Belken, Abbott, Lachance, Walker, Hutchinson, Lachapelle, Hainey, Lauterborn, Rice, Hamann, Gray, Bogan, and Mayor McCarley voting in favor of the motion.

Councilor Lachapelle asked if there would be signage placed at the old ward 2 polling place directing voters to the new location. Ms. Walters confirmed that there would be signage placed at St. Mary's Church directing voters to the new polling location as well as postcards going out to all voters within the ward alerting them of the change in polling place.

16.4 Resolution Approving Cost Items Associated with proposed City of Rochester Multi-Year Collective Bargaining Agreement with Rochester Municipal Employees Association SEIU Local 1984 (Support Personnel All City Department) *first reading and consideration for approval*

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

**RESOLUTION APPROVING COST ITEMS ASSOCIATED
WITH PROPOSED CITY OF ROCHESTER
MULTI-YEAR COLLECTIVE
BARGAINING AGREEMENT WITH
ROCHESTER MUNICIPAL EMPLOYEES
ASSOCIATION SEIU LOCAL 1984
(Support Personnel All City Departments)**

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 cost items associated with the multi-year year collective bargaining agreement between the City of Rochester and the ROCHESTER MUNICIPAL EMPLOYEES ASSOCIATION (RMEA) Local 1984

Bargaining Unit, covering the period July 1, 2020 to June 30, 2023, as set forth in the proposed contract, and as more particularly detailed on the attached "**EXHIBIT A: RMEA LOCAL 1984 – JULY 2020**," which includes a summary financial analysis of the annual costs of the contract to the City provided by the Rochester Director of Finance, is hereby approved. The provision of funds necessary to fund the aforementioned, and hereby approved, collective bargaining agreement "cost items" in the first year of the agreement will be contained in the Fiscal Year 2021 operating budget of the City.

RMEA COST DATA - 7/6/2020 TA

EXHIBIT A: RMEA LOCAL 1984 - July 2020

City Health Contribution	80/20	80/20	80/20	80/20
	SOS \$20/40 RX 10/20/45 DED \$1000/3000	SOS \$20/40 RX 10/20/45 DED \$1000/3000	SOS \$20/40 RX 10/20/45 DED \$1000/3000	SOS \$20/40 RX 10/20/45 DED \$1000/3000
Health Plan				
Projected Health Increase			3.5%	3.5%
Projected Pay Adjustment				
	Current FY20	FY21	FY22	FY23
Wages				
Base Wage	1,819,839	1,904,475	1,982,560	2,074,739
Longevity	10,740	11,690	12,540	12,980
Total Wages	1,830,579	1,916,165	1,995,100	2,087,719
Dollar Change		85,586	78,935	92,619
% Change		4.68%	4.12%	4.64%
Benefits				
FICA	113,496	118,802	123,696	129,439
Medicare	26,543	27,784	28,929	30,272
Health Insurance	342,934	359,051	371,618	384,624
Opt Out	9,600	9,600	9,600	9,600
Dental	9,900	9,900	9,900	9,900
Disability Insurance	18,344	19,197	19,984	20,913
Life Insurance	2,839	2,971	3,093	3,237
Total Rollups	410,161	428,503	443,124	458,546
Dollar Change		18,343	14,620	15,423
% Change		4.47%	3.41%	3.48%
Totals				
Total Wages Benefits and Rollups	2,240,740	2,344,669	2,438,224	2,546,265
Dollar Change		103,929	93,555	108,042
% Change		4.64%	3.99%	4.43%

41 Total Employees - 80% full-time

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

16.5 Resolution Authorizing Supplemental Appropriation to the Rochester School Department in the amount of \$490,000.00 *second reading and consideration for adoption*

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

**Supplemental Appropriation to the
Rochester School Department in the amount of \$490,000.00**

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

That the amount of Four Hundred Ninety Thousand Dollars (\$490,000.00) is hereby appropriated as a supplemental appropriation to the Rochester School Department for the purpose of paying costs associated with unanticipated costs related to the COVID-19 pandemic response. The funding for this supplemental appropriation shall be derived in its entirety from the General Fund Unassigned Fund Balance.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Lachance asked what method the school department had used to come up with these figures and asked if the amount specified was proposed to carry the schools through the entire year and questioned why the price points on certain items were so high. Kyle Repucci, superintendent, confirmed that the amounts quoted were set to carry the schools through the entire year. Superintendent Repucci also stated that many of the items listed are in high-demand and he trusts that City staff did their due diligence and research to make a financially sound decision. Councilor Gray took issue with authorizing this expense so close to the

passing of the budget, especially not knowing what is to come with the upcoming school year. Councilor Hutchinson questioned the seemingly over-inflated prices of many of the items on the list and inquired if there were multiple bids taken. He felt the amounts were excessive and should be investigated further before authorization. Councilor Walker agreed that the prices seemed to be far above market rate for these items. Councilor Rice asked if the purchases would be made throughout the year or in one lump sum at the beginning of the year. He also asked if any unexpended funds would be returned to the School Department's general fund to be spent as they determine, or if the funds would be specific to COVID-19 expenditures. Superintendent Repucci said that certain items such as face masks and face shields were time sensitive and needed to be ordered up front before the start of the school year. He also clarified that the school department does not have any intention of spending this money on anything besides COVID-19 related items.

There was lengthy discussion about how the products would be ordered, whether or not they would be all used, the unknown nature of the upcoming school year and number of students attending, and how the items would be paid for. Councilor Lauterborn suggested that the School Department fund these items out of their own budget for now and then give an accounting of the COVID-related costs down the road for supplemental appropriation if needed. Superintendent Repucci clarified that these items are required in order to prepare the schools for the students and staff to be able to begin the school year safely. Councilor Lachapelle asked if these funds would be reimbursable. Mayor McCarley stated that it is unknown, but likely the City will be reimbursed. Councilor Gray clarified that he was not suggesting not funding the purchase for the schools, but rather delaying the funding to explore finding room in their budget to fund these items.

Councilor Lachance **MOVED to TABLE** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 9 to 4 roll call vote. Councilors Abbott, Walker, Bogan, Gray, Belken, Hamann, Lauterborn, Lachance, and Hutchinson voted in favor of the motion. Councilors Rice, Hainey, Lachapelle, and Mayor McCarley voted against the motion.

16.6 Resolution Authorizing \$20,000.00 Appropriation from the Economic Development Special Reserve Fund for

Water Street Paving *first reading and consideration for adoption*

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

Resolution Authorizing \$20,000.00 Appropriation from the Economic Development Special Reserve Fund for Water Street Paving**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER:**

That, in accordance with §7-63 (A) (2), the amount of Twenty Thousand Dollars (\$20,000.00) is hereby appropriated from the Economic Development Special Reserve Fund to pay for the costs associated with paving portions of Water Street associated with the City's Development Agreement for the so-called Scenic/Salinger Project which is part of the economic revitalization of the City's historic downtown.

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.

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

17. Other

No Discussion.

18. Non-Public/Non-Meeting

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

Councilor Lauterborn **MOVED** to enter a Non-Public Session, under RSA 91-A:3,II (d) at 8:54 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hutchinson, Lauterborn, Abbott, Hainey, Rice, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley voting in favor of the motion.

Councilor Lauterborn **MOVED** to exit the non-public session at 9:21. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 10-0 roll call vote with Councilors Abbott, Rice, Walker, Hainey, Lachapelle, Bogan, Gray, Belken, Hamann, Lauterborn, and Mayor McCarley voting in favor of the motion. Councilors Lachance and Hutchinson were not present at the time of the vote.

Councilor Lauterborn **MOVED** to seal the minutes of the non-public session as disclosure could render the proposed action ineffective. Councilor Walker seconded the motion. The **MOTION CARRIED** with Councilors Lachance, Lauterborn, Hamann, Belken, Gray, Bogan, Lachapelle, Hainey, Walker, Rice, Abbott, and Mayor McCarley voted in favor of the motion. *Councilor Hutchinson was not present at the time the vote had been taken.*

19. Adjournment

Mayor McCarley **ADJOURNED** the Regular City Council meeting at 9:22 PM.

Respectfully Submitted,

Kelly Walters
City Clerk