

**Regular City Council Meeting
July 6, 2021
Council Chambers
6:39 PM**

COUNCILORS PRESENT

Councilor Abbott
Councilor Belken
Councilor Bogan
Councilor Gray
Councilor Hailey
Councilor Hamann
Councilor Hutchinson
Councilor Jean
Councilor Lachapelle
Councilor Rice
Councilor Walker
*Mayor Lauterborn

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney

COUNCILORS ABSENT/EXCUSED

**Mayor McCarley submitted her resignation effective June 30, 2021. Deputy Mayor Lauterborn was sworn into office as Mayor on July 1, 2021.*

Minutes

1. Call to Order

Mayor Lauterborn called the Regular City Council meeting to order at 6:39 PM.

2. Opening Prayer

Mayor Lauterborn called for a moment of silent to reflect on change, as the City has dealt with much change this year.

3. Pledge of Allegiance

Mayor Lauterborn led the Pledge of Allegiance.

4. Roll Call

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

Mayor McCarley submitted a resignation to take effect on June 30, 2021. Former Deputy Mayor Lauterborn was sworn in as Mayor on July 1, 2021 at the City Clerk's Office.

5. Acceptance of Minutes

5.1 City Council Regular City Council Meeting: June 1, 2021 *consideration for approval*

Mayor Lauterborn made one correction to the minutes to add Councilor Hainey's name to the Councilors present list. Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council meeting minutes of June 1, 2021 as corrected. Councilor Walker seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

6. Communications from the City Manager

6.1 City Manager's Report

Katie Ambrose, Deputy City Manager, gave an update on the City's Fireworks Event, which had been scheduled for July 3, 2021, at the James W. Foley Memorial Community Center. The event had been postponed until July 10, 2021, due to inclement weather. The event is scheduled to begin around 9:30 PM; however, a permit is pending from the State and the weather is being watched closely.

The City Manager's report is as follows:

Contracts and Documents executed since last month:

- Department of Public Works
 - o Easement Agreement– Unitil gas line
 - o Change Orders – Hutter Construction, New DPW
 - o Compliance Report – AOC related to NPDES Permit
 - o Recommendation of Bid award – SUR
 - o Scope of Services/Agreement – Geosyntec Consultants
 - o Software & Hardware contract – EJ Prescott
 - o Software Contract – Esri GIS Enterprise Software
 - o Professional Services Contract – Honeywell
 - o Right-of-Way Certificate – Strafford Square Improvements
 - o Scope of Services/Agreement – Weston & Sampson
 - o Scope of Services/Design engineering – Weston & Sampson
 - o Water/Sewer work force study – Jacobs Consulting
 - o Notice to Proceed – SUR, Strafford Square Project

- o Community Center Lease Renewals
 - o USGS Annual Joint Funding Agreement
 - o MOU – Granite State Credit Union
 - o Conceptual Design Agreement – Ledgeview Dr Sewer Pump
 - o Master Service Agreement - Stantec
 - o Annual Lab Analysis Agreement – Granite State Analytical
- Economic Development
 - o FY22 CDBG contract – Meals on wheels
 - o FY22 CDBG contracts – HCSC and My Turn
 - o FY21 CDBG Environmental Review – CAP weatherization
- IT
 - o Service Agreement – RecDesk Recreation Software
 - o Equipment Quote – Patrol PC, Spare parts
 - o System Engineering Licensing – KnowBe4
- Planning
 - o Service agreement for temporary staffing – Kelly Services

Standard Reports:

- Permission & Permits Issued -none
- Personnel Action Report Summary

7. Communications from the Mayor

Mayor Lauterborn said she would do her best to live up to the high standards set by previous Mayors of the City of Rochester. She requested the City Councilors support during the remaining six months of this term.

Mayor Lauterborn declared a vacancy for the Ward 2 City Council Seat A – position. Any registered voters may fill out a Statement of Interest Form. The deadline to submit such form will be July 28, 2021. The Statement of Interest Forms will be printed in the City Council packet for the Regular Meeting in August. A vote shall be taken at the August 3, 2021 Regular City Council meeting. These candidates are invited to address the City Council at its Workshop on July 20, 2021.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections**9.1 Resignation: Nathaniel Byrne, School Board Ward 4, Seat A**
consideration for acceptance

Councilor Walker **MOVED** to **ACCEPT** the resignation with regret. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Lauterborn declared a vacancy for the Ward 4 School Board – Seat A position. She said the same process would be taken to fill this vacancy as outlined above in the Communications from the Mayor.

9.2 Resignation: Caroline McCarley, Mayor *consideration for acceptance*

Councilor Lachapelle **MOVED** to **ACCEPT** the resignation with regret. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

9.3 Election: Deputy Mayor

Mayor Lauterborn reviewed the process for electing the Deputy Mayor which had been agreed upon during the Regular Meeting in June. She gave reasons why it was agreed that the City Councilors would email the City Attorney any nominations and subsequently cast their ballot by a certain deadline; however, two City Councilors cast their ballot after the deadline. She said the question is whether or not the City Council wishes to accept the late ballots, or to follow the process that had been taken, in the past, since all Councilor members are present in person at this evening's meeting. She reiterated the three options the City Council could take:

- Allow the two late votes cast after the deadline
- Accept the vote standing as-is without the late votes
- Discard the first vote and re-vote this evening

Councilor Gray felt the previous vote taken was in direct violation of RSA 91-A. Councilor Jean had some of the same concerns as Councilor Gray; however, he understood the reasons behind the request of this method. He said it was uncertain at the time this process was presented if all City Councilors would be present in-person for this evening's meeting and if not, would pose a difficult process for all members to cast their secret ballot. He said the ratification of such a vote must be taken at this meeting. He supported counting all votes cast, even the late votes. Councilor Rice agreed that the ratification of the votes must take place at this meeting; however, the City Council agreed on a process in June and the late votes should not be counted. Councilor Hutchinson agreed that the two late votes should not be counted and the fact that no City Councilor at the June meeting objected to the process. Councilor Gray said he objected to the process from the start because the position was not even vacant at the time in which the votes were being cast.

Councilor Hutchinson reiterated that Councilor Gray did not object to the process at the meeting nor has he made a motion to change the process now. Councilor Belken agreed that it was not the best process for the City Council to take; however, the City Council did agree to the process.

Councilor Gray **MOVED** to revert to the original process of voting in person for the Deputy Mayor position. Councilor Walker seconded the motion. The voice vote was unclear and subsequently the **MOTION CARRIED** by an 8 to 4 show-of-hands vote.

Mayor Lauterborn opened up for any nominations of the Deputy Mayor. Councilor Rice nominated Councilor Lachapelle to fill the vacant Deputy Mayor position. Councilor Belken seconded the nomination. Councilor Bogan nominated Councilor Walker to fill the vacant Deputy Mayor position. Councilor Jean seconded the motion.

The first vote is as follows:

- Councilor Walker 6 Votes
- Councilor Lachapelle 5 Votes
- Councilor Jean 1 Vote

City Attorney O'Rourke announced the results as outlined above and said our City Charter dictates that a majority vote for a candidate is required according to the City Charter – Section 68. No candidate has received a majority of the vote.

Councilor Lauterborn proposed that each candidate serve for three months each. Councilor Gray said the City Charter dictates that re-votes shall be taken. Council discussed and debated the matter further. Councilor Hutchinson **MOVED** to postpone the vote until the Ward 2 vacancy is filled. Councilor Rice seconded the motion. The City Council debated the matter. City Attorney clarified that there is no harm if a deputy mayor is not selected this evening. He further clarified that the action of voting for a deputy mayor is not covered in the City Charter. He said the City Charter states that the City Council will choose a deputy mayor; however, no process is in place as to how that occurs; however, if a vote is taken, then it must follow the required majority vote of votes cast. The **MOTION FAILED** by a majority voice vote.

Mayor Lauterborn requested that a second vote be taken and the results are as follows:

- Councilor Walker 7 Votes
- Councilor Lachapelle 5 Votes

City Attorney O'Rourke read the results above and Mayor Lauterborn and Councilor Lachapelle congratulated Deputy Mayor Walker.

9.4 Mayoral Committee/Board Appointments

Mayor Lauterborn made the following appointments:

- Finance Committee
 - (Mayor Lauterborn will assume the Chair position)
 - Deputy Mayor Walker is appointed as the Vice-Chair
 - Councilor Lachapelle is appointed to fill the vacant seat
- Codes and Ordinances Committee
 - Councilor Abbott is appointed as Vice-Chair
- Community Development Committee
 - Councilor Bogan is appointed as Chair
 - Councilor Hainey is appointed as Vice-Chair
- Special Mayor's Committee – Redistricting
 - Deputy Mayor Walker is appointed as Chair
 - Councilor Hamann is appointed as a member
 - Councilor Jean is appointed as a member

Mayor Lauterborn said the figures associated with the redistricting are not back from the State as of yet. Councilor Gray, who serves as a State Senator, said there is a free software called DRA 2020, which is more than adequate to assist with redistricting and the data will be imported from the State once finalized. Councilor Rice questioned if this redistricting would be in place for the Municipal Election. Mayor Lauterborn confirmed it would not take effect until prior to the State Primary Election of 2022. Council briefly discussed the process.

Mayor Lauterborn said there is a vacant City Council position on the Historic District Commission and requested that any interested Councilors reach out to her prior to the next Regular City Council meeting.

10. Reports of Committees

10.1 Community Development Committee

10.1.1 Resolution Authorizing an application for Community Development Block Grant – COVID-19 (CDBG-CV) Housing Funding To Support Renovation of the Gafney Home first reading and refer to Public Hearing July 20

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

**RESOLUTION AUTHORIZING AN APPLICATION FOR COMMUNITY
DEVELOPMENT BLOCK GRANT – COVID-19 (CDBG-CV) HOUSING
FUNDING TO SUPPORT RENOVATION OF THE GAFNEY HOME**

- WHEREAS: The 2020-2025 Rochester CDBG Consolidated Action Plan documents rising demand for housing for elderly residents, including residents living on fixed incomes; and
- WHEREAS: HUD Community Development Block Grant CARES Act (CDBG-CV) funds are available through the NH Community Development Finance Authority for housing grants of up to \$500,000; and
- WHEREAS: A primary component of the CARES Act is assistance to State, Local, Territorial, and Tribal Government for the direct impact of the COVID-19 pandemic; and
- WHEREAS: Community Action Partners of Strafford County (CAPSC) own the location at 90 Wakefield Street Rochester, NH 03867, also known as the Gafney Home (hereafter the "Gafney Home"); and
- WHEREAS: CAPSC propose to renovate the Gafney Home to create 21 apartments to serve an income-qualified population of residents aged 62 and older; and
- WHEREAS: The Gafney Home and its services will benefit a limited clientele made up entirely of individuals or families aged 62 and older; and
- WHEREAS: Elderly persons are presumed by HUD to be low- to moderate-income for the purposes of CDBG eligibility; and
- WHEREAS: An application for a CDBG-CV grant has been prepared by Strafford Regional Planning Commission (SRPC) on behalf of the City of Rochester and in collaboration with CAPSC; and

WHEREAS: A duly-noticed public hearing for the purposes of soliciting feedback from the public and meeting the requirements of the CDBG program is to be held on July 20, 2021.

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

- I. That the City of Rochester will submit an application for Community Development Block Grant COVID-19 funds of up to \$500,000 for the purpose of renovating the property at 90 Wakefield Street, Rochester, NH 03867 in partnership with Community Action Partners of Strafford County, who intends to create 21 apartments to serve income-qualified elderly persons
- II. The City Manager is authorized to apply for, accept, and expend the CDBG-CV funds of up to \$500,000 and to officially represent the City of Rochester in connection with the application, including execution of contracts on behalf of the

City and any other related documents necessary or convenient to carry out the intent of said grant agreement (including acting as the certifying officer for HUD environmental documents) without further action of the City Council for the purposes set forth in the grant agreement.

- III. The City Manager is hereby authorized to enter into agreement(s) with Community Action Partners of Strafford County as subrecipients and Strafford Regional Planning Commission as grant-writers and grant administrators for the purposes of this grant.

Councilor Bogan **MOVED** to refer the matter to a Public Hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Hainey asked if these would be Covid-19 funds derived from the City or State. Mayor Lauterborn confirmed these were Covid-19 funds from the State.

10.1.2 Resolution Amending the FY 2022 Rochester CDBG "Action Plan for the City of Rochester, N.H." and Approving and Appropriating the FY 2022 Community Development Budget for the City of Rochester *Second reading and consideration for adoption*

Councilor Bogan **MOVED** to read the resolution for a second time by title only. Councilor Belken seconded the motion. The **MOTION CARRIED** by a

unanimous voice vote. Mayor Lauterborn read the resolution for a second time by title only as follows:

RESOLUTION AMENDING THE FY 2022 ROCHESTER CDBG
"ACTION PLAN FOR THE CITY OF ROCHESTER, N.H." AND
APPROVING AND APPROPRIATING THE FY 2022 COMMUNITY
DEVELOPMENT BUDGET FOR THE CITY OF ROCHESTER

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

I. That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby adopt the one-year FY 2022 (July 1, 2021—June 30, 2022) "Action Plan for the Community Development Block Grant (CDBG) Program for the City of Rochester, N.H.," as prepared and presented to the Mayor and City Council by the City of Rochester Office of Economic and Community Development, in connection with the City's CDBG program, including the goals, objectives, and concepts set forth therein;

II. Further, that a twelve (12) month Community Development Block Grant budget for the Office of Economic and Community Development for the City of Rochester in the total amount of Two Hundred Seventy Two Thousand Eight Hundred Sixty One Dollars (\$272,861.00) be, and hereby is, approved and appropriated for fiscal year 2022 (July 1, 2021—June 30, 2022). Included in said approval and appropriation are expenditures set forth in the one-year action plan of the Office of Economic & Community Development for the City of Rochester for the Community Development Block Grant program, in the following categories and amounts:

Administration and Planning	\$54,572.20
Public Service Agencies	\$40,929.15
Housing/Public Facilities/Infrastructure	\$177,359.95

Total	\$ 272,861.00
--------------	----------------------

III. Further, that One Hundred Forty Three Thousand Eight Hundred Sixty Five Dollars and Ninety Cents (\$143,865.90) in the Job Opportunity Benefit revolving loan fund loan fund, plus the principal and interest received monthly from existing loans' repayments, be appropriated for continued use in the FY 2022 Action Plan year in granting loans to qualified small businesses that commit to the creation and/or retention of jobs made available to low to moderate-income Rochester residents.

IV. Further, that Ten Thousand Six Hundred One Dollars and Sixteen Cents

(\$10,601.16) in prior year unexpended Community Development Block Grant Funds be appropriated for use in the FY 2022 Action Plan for housing rehabilitation and public facilities activities.

This budget and the one-year action plan for FY 2022 may be reconsidered if federal funding is changed or if it is inconsistent with the total FY 2022 budget adopted for the Office of Economic and Community Development.

The sums necessary to fund the above appropriation in the amount of Two Hundred Seventy Two Thousand Eight Hundred Sixty One Dollars (\$272,861.00) shall be drawn in their entirety from the above-mentioned FY 2022 Community Development Block Grant from the federal government to the City of Rochester. The Finance Director is hereby authorized to create such line item accounts as shall be necessary to implement this Resolution.

Furthermore, in the event that federal funding for the above Community Development Block Grant budget is less than the total appropriation amount provided for in this Resolution, then, and in such event, the City Manager, or the City Manager's designee in the Office of Economic and Community Development, is authorized to adjust the amounts for the budgetary categories stated above, as well as for any planned grants and/or other expenditures made from within such budgetary categorie.

Councilor Bogan **MOVED** to **ADOPT** the Resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.2 Fidelity Committee

Councilor Hutchinson announced that the meeting in July has been canceled and the next meeting will be held on August 12, which will be an in-person meeting.

Councilor Hutchinson said there are laundry/shower trailers purchased by Dover which will be shared between the tri-city areas. The City of Rochester will need to decide where the trailer would be located in the event it is set up in Rochester (temporarily). He said it makes the most sense logistically to set it up at the James W. Foley Memorial Community Center.

Councilor Rice questioned if there would be a fence erected to prevent any indecency at the location. Councilor Hutchinson said these are deployable shower/laundry trailers, which are all self-contained. A user would be allotted time to fully shower and leave the facility discreetly. The City Council briefly discussed the matter. It was determined that volunteers would be there to monitor access

and cleaning purposes.

Councilor Bogan asked if this unit would continue to be mobile and not stationary. Councilor Hutchinson replied yes, they could also be lent out to surrounding communities if needed.

Councilor Hailey asked about the previous shower unit set up at the community center. Commissioner Nourse said a few years back the Department of Public Works fashioned a small mobile shower on a very small trailer, which is not like these new trailers.

Councilor Walker asked how long the trailer would be set up in the City of Rochester. Councilor Hutchinson said that is uncertain at this time. He said the first step will be to gather permission from the City Council of Rochester to agree to host the trailer and details would be discussed at that time.

Councilor Rice asked the Deputy City Manager to work with Staff to confirm a proposed location in time for the Workshop meeting. Councilor Hutchinson explained that the only adequate location will be the James W. Foley Memorial Community Center. He said the Fidelity Committee has preference to locate the trailer at the Community Center as well.

10.3 Finance Committee

10.3.1 Committee Recommendation: Transfer of \$844,000 from the school capital reserve fund into the School Department FY22 revenue account *consideration for acceptance*

Councilor Lachapelle **MOVED** to **ACCEPT** the Committee's Recommendation to Transfer \$884,000 from the School Capital Reserve Fund into the School Department FY 22 Revenue Account. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.4 Planning Board

Councilor Walker said due to the Independence Day Holiday falling on July 5, 2021, the Planning Board meeting had been canceled. The Regular Planning Board will meet next Monday, July 12, 2021.

10.5 Public Safety

10.5.1 Committee Recommendation: To place a "No Outlet" sign on Ramsey Drive at the discretion of DPW

consideration for approval

Councilor Hamann **MOVED** to **APPROVE** the Committee Recommendation to place a "No Outlet" sign on Ramsey Drive at the discretion of DPW. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.5.2 Committee Recommendation: To install a streetlight at the entrance of the wastewater treatment facility on Pickering Road *consideration for approval*

Councilor Hamann **MOVED** to **APPROVE** the Committee Recommendation to install a streetlight at the entrance of the Wastewater Treatment Facility on Pickering Road. Councilor Lachapelle seconded the motion. Councilor Walker asked what the poll number was. Councilor Lachapelle recalled that the pole in question is across the street and unfortunately the poll number information had not been provided to the Committee. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Rice recalled that a street light request had been approved on Elmo Lane and questioned when it would be installed. Commissioner Nourse agreed to check on that issue.

10.6 Public Works

10.6.1 Committee Recommendation: To approve a waiver to the pavement moratorium on the effected downtown streets with repairs to be made per DPW specifications and direction *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the Committee recommendation to approve a waiver to the pavement moratorium on the effected downtown streets with repairs to be made per DPW specifications and direction. Councilor Hamann seconded the motion. Councilor Lachapelle questioned what area of the downtown would be impacted. Councilor Rice said it was near the Holy Rosary Credit union and Fire Station on Wakefield Street. The **MOTION CARRIED** by a unanimous voice vote.

10.6.2 Resolution Authorizing Supplemental Appropriation to the Department of Public Works (DPW) Sewer CIP Fund in the Amount of \$200,000.00 for the Route 11 Pump Station Upgrade Project *first reading and refer to Public Hearing on July 20*

Councilor Walker **MOVED** to read the resolution for a first time and refer the matter to a Public Hearing on July 20, 2021. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Lauterborn read the resolution for a first time by title only as follows:

**Resolution Authorizing Supplemental Appropriation to the
Department of Public Works (DPW) Sewer CIP Fund in the Amount of
\$200,000.00 for the Route 11 Pump Station Upgrade Project**

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

That the amount of Two Hundred Thousand Dollars (\$200,000.00) is hereby appropriated as a supplemental appropriation to the DPW Sewer CIP Fund for the purpose of paying costs associated with the Route 11 Pump Station Upgrade Project. The funding for this supplemental appropriation shall be derived in its entirety from borrowing.

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 Hundred Thousand Dollars (\$200,000.00) through the issuance of bonds and/or notes, and/or through other legal form(s), 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.

11. Old Business

11.1 Resolution Authorizing Placement of Proposed Charter Amendments On The November, 2021 Municipal Ballot in Accordance With RSA 49-B:5 *second reading and consideration for adoption*

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

unanimous voice vote. Mayor Lauterborn read the resolution by title only as follows:

Resolution Authorizing Placement of Proposed Charter Amendments on the November, 2021 Municipal Ballot in Accordance with RSA 49-B:5

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

That, in accordance with RSA 49-B:5, and after a duly notice public hearing, the Proposed Charter Amendments contained in **Exhibit A** (*See Addendum A – Proposed Amendments*) of this Resolution shall be placed on the November, 2021 Municipal Ballot.

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

Councilor Jean had a question about Section 6 “Qualifications of Councilors”. It seems the only change is to strike the verbiage “or the Mayor”. He asked what the purpose of this proposed change is about. Attorney O’Rourke explained that if the Mayor resigns or is removed from office, then the Deputy Mayor is sworn in, there is already a process in place and this paragraph presents a contradiction to that process.

Councilor Jean had a question about Section 8 Election of Mayor. He asked if the Mayor would remain at two-year terms or four-year terms. Councilor Rice confirmed that the Mayor would remain on two-year terms.

Councilor Jean had a clarifying question about Section 22 Board of Library Trustees. He understood this proposed change to bring the City Charter consistent with the State Statues which governs such boards. City Attorney O’Rourke replied that is correct.

Councilor Jean asked about Section 70 Removal of Elected Officials. He understood that the City Council is responsible for all elected positions that become vacant. He asked why this would not also be the board which would be responsible to remove an elected official from office is the need arises. City Attorney O’Rourke stated that the original wording of Section 70 had been in place prior to the current RSA regulating the removal of elected bodies from said offices. The current RSA only allows the Mayor and City Council to remove the Mayor or a City Council member. He indicated that if a School Board member or Police Commission member were to be removed it would have to be done legally with a court order. The City Council discussed this process.

Councilor Lachapelle supported all the Amendments except for Section 5 for the proposed four-year terms. Councilor Belken agreed.

Councilor Abbott **MOVED** to divide the question by removing Sections 5 and 8 from the remaining Amendments. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** to divide the question by a majority voice vote.

Mayor Lauterborn called for the motion to **ADOPT** the remaining Amendments without Sections 5 and 8. The **MOTION CARRIED** by a unanimous voice vote.

For clarity Councilor Walker **MOVED** to vote on the motion as amended to include all amendments excluding for Sections 5 and 8 to move forward to the ballot in November. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. *See Addendum B – Amendments as Adopted*

12. Consent Calendar

No discussion.

13. New Business

13.1 Resolution Authorizing the Acceptance of a \$125.00 Health Trust Wellness Reward by the Rochester Police Department (RPD) and Supplemental Appropriation in Connection Therewith *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 voice vote. Mayor Lauterborn read the resolution for a first time by title only as follows:

Resolution Authorizing the Acceptance of a \$125.00 HealthTrust 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 One Hundred Twenty Five Dollar (\$125.00) HealthTrust Wellness Reward is hereby accepted by the City on behalf of the RPD.

Further, the City Council authorizes a supplemental appropriation to the RPD Health Trust Special Revenue Fund (6013) in the amount of One Hundred Twenty

Five Dollar (\$125.00) 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 voice vote.

13.2 Resolution Authorizing the Acceptance of a \$2,500 Juvenile Court Diversion Network Program Grant by the Rochester Police Department (RPD) and Supplemental Appropriation in Connection Therewith *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 voice vote. Mayor Lauterborn read the resolution for a first time by title only as follows:

Resolution Authorizing the Acceptance of a \$2,500.00 Juvenile Court Diversion Network Program Grant 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 Two Thousand Five Hundred Dollar (\$2,500.00) Juvenile Court Diversion Network Program Grant is hereby accepted by the City on behalf of the RPD.

Further, the City Council authorizes a supplemental appropriation to the RPD Juvenile Alcohol Grant fund 6128 in the amount of Two Thousand Five Hundred Dollar (\$2,500.00) with the entirety of the supplemental appropriation being derived from said Grant.

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 voice vote.

13.3 City of Rochester Dog Warrant (April 30, 2020 to April 30, 2021) *motion to send warrant to the Police Department for action*

Councilor Lachapelle **MOVED** to send the warrant to the Police Department for action. Councilor Walker seconded the motion. Councilor Rice asked how many names were listed on the warrant. City Clerk Walters replied there were 1,091 names on the warrant this year. She added that this is much less than previous years because of the work done by the Animal Control Officer. Councilor Rice asked how the new dog software is working. City Clerk Walters confirmed the new data base is working efficiently.

Councilor Hailey asked how much is the dog fine. City Clerk Walters confirmed that there is a Civil Forfeiture fee of \$25 and a \$5 Administrative fee per owner (to cover the cost of the certified letter).

Councilor Rice asked if the fine is imposed even if the dog is now deceased. Ms. Walters confirmed that the fine is waived if the owner has moved out of the City or no longer owns the dog, or if the dog has passed away.

Councilor Hutchinson asked how folks are reminded prior to enforcing the late fees and fines. Ms. Walters explained that dog owners are encouraged to give an email address. She added that the Senior Citizens are called each year prior to the forfeiture date and every effort is made to contact all dog owners if possible. The **MOTION CARRIED** by a unanimous voice vote.

14. Other

Councilor Gray asked about the proposed needle exchange program. He indicated that Councilor Belken has been working with the City Manager to ensure safety of all our citizens. He asked if she would be willing to update the City Council on that effort. Councilor Belken felt a full discussion at the City Council level would be inappropriate at this time. She did not wish to speak on behalf of her employer at this time.

Councilor Rice mentioned that there are several private businesses are now establishing Needle Drop-Off boxes in Rochester and he questioned if there should be some type of policy/ordinance governing such situations for proper disposal of such needs.

Councilor Bogan has received phone calls about full syringes being found throughout certain parts of the City. Councilor Belken said there are plenty of

people using such drugs that are not part of a needle exchange program and there will be syringes found. She added that this will be discussed in a future Workshop and an expert in the field will be asked to speak about programs that are available for the City. She gave some details about needle collection and clean-up efforts in place now.

Councilor Hutchinson asked about the Fireworks display for the City being postponed until this Saturday, June 10, 2021; however, there may be inclement weather approaching again with Tropical Storm Elsa. Deputy City Manager Ambrose confirmed that if the event is delayed again, it would likely be delayed until it gets closer to September.

Councilor Hainey commented that the crosswalk "button" is now in place by the Lilac City Grill. She thanked the Department of Public Works for getting that in place.

15. Non-Public/Non-Meeting

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

Councilor Rice **MOVED** to enter a Non-Public Session under Land, RSA 91-A-3,II (d) at 7:54 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Abbott, Belken, Hutchinson, Lachapelle, Gray, Walker, Bogan, Hamann, Hainey, Jean, and Mayor Lauterborn voted in favor of the motion.

Councilor Rice **MOVED** to exit the Non-Public Session at 8:28 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Rice **MOVED** to seal the Non-Public Session minutes because disclosure of the minutes could render the proposed action ineffective. Councilor Walker seconded the motion. The **MOTION CARRIED** by a roll call vote. Councilors Hainey, Rice, Walker, Hutchinson, Bogan, Lachapelle, Jean, Abbott, Belken, Hamann, Gray, and Mayor Lauterborn voted in favor of the motion.

16. Adjournment

Mayor Lauterborn **ADJOURNED** the meeting at 8:30 PM.

Respectfully submitted,

City of Rochester

Regular City Council Meeting
July 6, 2021

Kelly Walters, CMC
City Clerk

Amendment to Section 5

Section 5 **Election of Councilors.**

~~Beginning with the regular municipal election of 2003, two Councilors shall be elected from each ward, for terms of two years each, commencing on the first business day after January 1 following their election.~~

Beginning with the regular municipal election of 2023, each ward shall elect a Councilor A and a Councilor B, each Councilor A shall be elected for a term of four years and each Councilor B shall be elected for a term of two years, commencing on the first business day after January 1 following their election. Beginning with the regular municipal election of 2025, each Councilor B shall be elected for a term of four years, commencing on the first business day after January 1 following their election. Pursuant to Section 47 of this Charter, the City Clerk shall establish each ward seat as a separate municipal office, and shall establish a system to distinguish each separate ward seat on the municipal election ballot. Qualified persons may declare their candidacy for no more than one seat on the City Council at any municipal election.

Section 6 Qualifications of Councilors.

Each City Councilor and the Mayor shall be a registered voter of the City of Rochester at the time they file their declaration of candidacy, pursuant to Section 47 of this Charter. Each Ward Councilor shall be a resident and registered voter of their ward at the time they file said declaration, at the time of their election, and throughout their term of office. If a City Councilor ~~or the Mayor~~ moves their residence from the City of Rochester during their term of office, then their office shall be declared vacant, and the vacancy shall be filled as provided in Section 68 of this Charter. If a Ward Councilor moves their residence from their ward during their term of office, then their office shall be declared vacant, and the vacancy shall be filled as provided in Section 68 of this Charter.

Section 8 **Election of Mayor.**

At the municipal election to be held in November 1989, and at every regular municipal election thereafter, the Mayor shall be elected for a term of two years. *If the successful candidate for Mayor is a sitting City Councilor with more than 2 years remaining on a term in office, then a Special Election shall be held within 90 days of the successful Mayoral candidate's inauguration to elect a candidate to serve the remaining time of said City Council term of office.*

Section 22 **Board of Library Trustees.**

The Board of Library Trustees shall be comprised of the City Manager, or his designee, and six members to be elected by the City Council, one member to be elected from each ward for a term of three years, and their election so arranged that 1/3 of the members of the Board shall be elected each year. Elections by the City Council shall be conducted pursuant to Section 68 of this Charter. The duties and powers of said Board of Trustees shall be those enumerated in Chapter 202-a of the Revised Statutes Annotated, as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated. The Board of Trustees of the Public Library shall organize annually by the choice of a Chairman and such other officers and committees as it deems necessary. ~~The Board of Trustees of the Public Library shall elect a Library Director and such other employees as may be necessary for the efficient operation of the Public Library, as vacancies occur.~~ *The Board of Trustees shall appoint a librarian who shall not be a trustee and their compensation and other terms of employment shall be in conformity with relevant provisions of this Charter and City Ordinances.*

Section 70 **Removal of elected officials.**

By an affirmative roll-call vote of at least nine City Councilors, the City Council may ~~remove any elected City official from office for prolonged absence, inattention to duty, mental or physical incapacity, incompetence, willful violations of state statutes, this Charter, or City ordinances, or misconduct in office. Such vote shall be on specific written charges approved by a majority of the City Council, and after due notice and hearing called upon the majority vote of the Council,~~ **on specific charges and after due notice and hearing, at any time remove the Mayor or one of its own members for cause, including but not limited to prolonged absence from or other inattention to duties, crime or misconduct in office, or as specified in the charter.** A vacancy occasioned by removal under this section shall be filled in the manner provided in the Charter.

Addendum A

AS PROPOSED

Amendment of Section 57

~~Section 57 Supervisors of the Checklist, election day duties.~~

~~The Chairman of said Board, with the advice and consent of the other members, shall, at every election, select one of their number to serve in each ward, whose duty shall be to decide such contested cases as may arise by reason of the omissions specified in Section 55 of this act.~~

Amendment of Sections 47, 51, 53, 54, 55, 56

Section 47 **Municipal election filing period, ballot preparation.**

The name of any qualified person shall be printed upon the municipal election ballot upon his filing with the City Clerk not later than five o'clock in the afternoon of the 45th day, nor earlier than nine o'clock in the forenoon of the 60th day prior to the date of said municipal election, his declaration in writing that he is a candidate for an office to be filled at the next succeeding municipal election. Each candidate shall pay to the City Clerk a filing fee in an amount established by ordinance, but which in no event shall exceed \$50 for any office.⁽¹⁾ The City Clerk shall prepare the ballots to be used at the municipal election. The ballot shall contain the names, ~~in alphabetical order~~ **according with RSA 656:5-a**, without party designation, of all persons who qualify with the City Clerk as a candidate for any office to be voted on at said municipal election. Below the list of names of candidates for each office there shall be as many blank spaces for write-in votes as there are votes permitted for such office.



Section 51 **Absentee voting.**

Any registered voter in the City of Rochester who qualifies, **under RSA 657:4**, for an absentee ballot is ~~absent from the City on the day of the municipal election or any City election, or who cannot appear in public on an election day because of his observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person~~, may vote at such election by absentee ballot. The provisions of RSA 669:26 through 669:29 as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated shall apply to such absentee balloting, except that the duties performed therein by the Town Clerk shall be performed by the City Clerk.

~~Section 53 **Election of Supervisors of the Checklist.**~~

~~Each ward at every regular municipal election shall choose, by ballot and plurality vote, one Supervisor of Checklists, and the City Council shall also, in January following each regular municipal election, by ballot and majority vote, choose one Supervisor of Checklists for all the wards of the City, and the member chosen by the City Council shall be Chairman of the Board. All vacancies occurring in the Board shall be filled by the City Council by ballot and majority vote.~~



Section 54 **Voter checklist preparation.**

~~Said Supervisor, The City Clerk having been first duly sworn to the faithful discharge of the duties of their office, and a certification thereof recorded by the City Clerk, shall, previous to every election, prepare, revise, and post up, in the manner required by law, an alphabetical list of the legal voters in each ward. In preparing~~

Addendum A

AS PROPOSED

~~said list they shall record in full the first or Christian name of each voter, but may use initial letters to designate the middle name of any voter.~~

Section 55 **Supervisors' session, voter registration.**

For each municipal election said Board of Supervisors shall be in session for the purpose of revising and correcting the list of voters at such places as they shall designate in accordance with the requirements of RSA 654:27, as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated. In the preparation of said list the said Board of Supervisors shall have all of the powers granted to and perform all of the duties imposed upon such Supervisors by the provisions of Chapter 654 of the New Hampshire Revised Statutes Annotated, so far as the same are not inconsistent with the provisions hereof. ~~Any person of legal age who shall present either his birth certificate or other evidence of birth in the United States or naturalization papers to the City Clerk and shall sign a written affidavit as to his Rochester residence under oath before either said City Clerk or justice of the peace or notary public or commissioned officer of the armed forces for those in the military service shall be registered to vote in the forthcoming elections. The Board of Supervisors of the Checklist shall receive said affidavit and certification from said City Clerk on forms to be prepared by said Board of Supervisors of the Checklist. The City Clerk shall receive such applications at any time, but no applications received within 10 days of the next election shall be considered for said election.~~



Section 56 **Voter checklist, election day.**

~~Said Supervisors shall deliver to t~~~~The City Clerk~~ **shall provide** attested copies of the list of voters in each ward, prepared and corrected as aforesaid, before the hour of meeting, and said checklist so corrected, and no others, shall be used at the election. After the closing of the polls at said election, the Moderator and the Ward Clerk in each ward shall certify on the checklist used by them that such checklist is in fact the one used by them at said election and that it contains a corrected and complete list of the legal voters in their ward. One marked copy of each checklist used in said election shall be turned over to the City Clerk by the Supervisors. The City Clerk shall preserve such checklists in his custody for a public record for a period of no less than ~~five~~ **seven** years. Immediately after the ballots cast at a municipal election have been tabulated and the result have been announced, the Moderator or his designee, in the presence of the Selectman or their designees, shall seal and certify the ballots as provided by RSA 659:95 and shall deliver them to the City Clerk in the manner prescribed by RSA 659:98.

AS ADOPTED ON JULY 6, 2021
Addendum B

**Resolution Authorizing Placement of Proposed Charter Amendments on the November,
2021 Municipal Ballot in Accordance with RSA 49-B:5**

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

That, in accordance with RSA 49-B:5, and after a duly notice public hearing, the Proposed Charter Amendments contained in **Exhibit A** of this Resolution shall be placed on the November, 2021 Municipal Ballot.

Exhibit A

Addendum B

Amendment of Section 6

ADOPTED ON JULY 6, 2021

Section 6 **Qualifications of Councilors.**

Each City Councilor and the Mayor shall be a registered voter of the City of Rochester at the time they file their declaration of candidacy, pursuant to Section 47 of this Charter. Each Ward Councilor shall be a resident and registered voter of their ward at the time they file said declaration, at the time of their election, and throughout their term of office. If a City Councilor ~~or the Mayor~~ moves their residence from the City of Rochester during their term of office, then their office shall be declared vacant, and the vacancy shall be filled as provided in Section 68 of this Charter. If a Ward Councilor moves their residence from their ward during their term of office, then their office shall be declared vacant, and the vacancy shall be filled as provided in Section 68 of this Charter.

ADOPTED ON JULY 6, 2021

Section 22 **Board of Library Trustees.**

The Board of Library Trustees shall be comprised of the City Manager, or his designee, and six members to be elected by the City Council, one member to be elected from each ward for a term of three years, and their election so arranged that 1/3 of the members of the Board shall be elected each year. Elections by the City Council shall be conducted pursuant to Section 68 of this Charter. The duties and powers of said Board of Trustees shall be those enumerated in Chapter 202-a of the Revised Statutes Annotated, as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated. The Board of Trustees of the Public Library shall organize annually by the choice of a Chairman and such other officers and committees as it deems necessary. ~~The Board of Trustees of the Public Library shall elect a Library Director and such other employees as may be necessary for the efficient operation of the Public Library, as vacancies occur.~~ *The Board of Trustees shall appoint a librarian who shall not be a trustee and their compensation and other terms of employment shall be in conformity with relevant provisions of this Charter and City Ordinances.*

ADOPTED ON JULY 6, 2021

Section 70 Removal of elected officials.

By an affirmative roll-call vote of at least nine City Councilors, the City Council may ~~remove any elected City official from office for prolonged absence, inattention to duty, mental or physical incapacity, incompetence, willful violations of state statutes, this Charter, or City ordinances, or misconduct in office. Such vote shall be on specific written charges approved by a majority of the City Council, and after due notice and hearing called upon the majority vote of the Council,~~ **on specific charges and after due notice and hearing, at any time remove the Mayor or one of its own members for cause, including but not limited to prolonged absence from or other inattention to duties, crime or misconduct in office, or as specified in the charter.** A vacancy occasioned by removal under this section shall be filled in the manner provided in the Charter.

Addendum B

ADOPTED ON JULY 6, 2021

Amendment of Section 57

~~Section 57 Supervisors of the Checklist, election day duties.~~

~~The Chairman of said Board, with the advice and consent of the other members, shall, at every election, select one of their number to serve in each ward, whose duty shall be to decide such contested cases as may arise by reason of the omissions specified in Section 55 of this act.~~

Amendment of Sections 47, 51, 53, 54, 55, 56

Section 47 **Municipal election filing period, ballot preparation.**

The name of any qualified person shall be printed upon the municipal election ballot upon his filing with the City Clerk not later than five o'clock in the afternoon of the 45th day, nor earlier than nine o'clock in the forenoon of the 60th day prior to the date of said municipal election, his declaration in writing that he is a candidate for an office to be filled at the next succeeding municipal election. Each candidate shall pay to the City Clerk a filing fee in an amount established by ordinance, but which in no event shall exceed \$50 for any office.⁽¹⁾ The City Clerk shall prepare the ballots to be used at the municipal election. The ballot shall contain the names, ~~in alphabetical order~~ **according with RSA 656:5-a**, without party designation, of all persons who qualify with the City Clerk as a candidate for any office to be voted on at said municipal election. Below the list of names of candidates for each office there shall be as many blank spaces for write-in votes as there are votes permitted for such office.



Section 51 **Absentee voting.**

Any registered voter in the City of Rochester who qualifies, **under RSA 657:4**, for an absentee ballot is ~~absent from the City on the day of the municipal election or any City election, or who cannot appear in public on an election day because of his observance of a religious commitment, or who, by reason of physical disability, is unable to vote in person~~, may vote at such election by absentee ballot. The provisions of RSA 669:26 through 669:29 as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated shall apply to such absentee balloting, except that the duties performed therein by the Town Clerk shall be performed by the City Clerk.

~~Section 53 **Election of Supervisors of the Checklist.**~~

~~Each ward at every regular municipal election shall choose, by ballot and plurality vote, one Supervisor of Checklists, and the City Council shall also, in January following each regular municipal election, by ballot and majority vote, choose one Supervisor of Checklists for all the wards of the City, and the member chosen by the City Council shall be Chairman of the Board. All vacancies occurring in the Board shall be filled by the City Council by ballot and majority vote.~~



Section 54 **Voter checklist preparation.**

~~Said Supervisor, The City Clerk having been first duly sworn to the faithful discharge of the duties of their office, and a certification thereof recorded by the City Clerk~~, shall, previous to every election, prepare, revise, and post up, in the manner required by law, an alphabetical list of the legal voters in each ward. ~~In preparing~~

~~said list they shall record in full the first or Christian name of each voter, but may use initial letters to designate the middle name of any voter.~~

Section 55 Supervisors' session, voter registration.

For each municipal election said Board of Supervisors shall be in session for the purpose of revising and correcting the list of voters at such places as they shall designate in accordance with the requirements of RSA 654:27, as presently enacted or the corresponding provisions of any recodification or amendment of the New Hampshire Revised Statutes Annotated. In the preparation of said list the said Board of Supervisors shall have all of the powers granted to and perform all of the duties imposed upon such Supervisors by the provisions of Chapter 654 of the New Hampshire Revised Statutes Annotated, so far as the same are not inconsistent with the provisions hereof. ~~Any person of legal age who shall present either his birth certificate or other evidence of birth in the United States or naturalization papers to the City Clerk and shall sign a written affidavit as to his Rochester residence under oath before either said City Clerk or justice of the peace or notary public or commissioned officer of the armed forces for those in the military service shall be registered to vote in the forthcoming elections. The Board of Supervisors of the Checklist shall receive said affidavit and certification from said City Clerk on forms to be prepared by said Board of Supervisors of the Checklist. The City Clerk shall receive such applications at any time, but no applications received within 10 days of the next election shall be considered for said election.~~



Section 56 Voter checklist, election day.

~~Said Supervisors shall deliver to t~~~~The City Clerk~~ **shall provide** attested copies of the list of voters in each ward, prepared and corrected as aforesaid, before the hour of meeting, and said checklist so corrected, and no others, shall be used at the election. After the closing of the polls at said election, the Moderator and the Ward Clerk in each ward shall certify on the checklist used by them that such checklist is in fact the one used by them at said election and that it contains a corrected and complete list of the legal voters in their ward. One marked copy of each checklist used in said election shall be turned over to the City Clerk by the Supervisors. The City Clerk shall preserve such checklists in his custody for a public record for a period of no less than ~~five~~ **seven** years. Immediately after the ballots cast at a municipal election have been tabulated and the result have been announced, the Moderator or his designee, in the presence of the Selectman or their designees, shall seal and certify the ballots as provided by RSA 659:95 and shall deliver them to the City Clerk in the manner prescribed by RSA 659:98.