

**Regular City Council Meeting  
July 7, 2020  
Meeting Conducted Remotely  
6:34 PM**

**COUNCILORS PRESENT**

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

**OTHERS PRESENT**

Blaine Cox, City Manager  
Katie Ambrose, Deputy City Manager  
Terence O'Rourke, City Attorney  
Mark Sullivan, Deputy Finance Director  
Mark Klose, Fire Chief

**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](mailto: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](mailto: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.)

Deputy City Clerk Cassie Givara called the roll prior to the public hearing immediately preceding 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.

## 2. Opening Prayer

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

### 3. Pledge of Allegiance

City Manager Cox presented a video of the Spaulding High School Select Singers performing the Star Spangled Banner.

### 4. Roll Call

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

### 5. Acceptance of Minutes

#### 5.1. Regular City Council Meeting: June 2, 2020 *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the minutes of the June 2, 2020 Regular City Council Meeting. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lachapelle, Rice, Walker, Hainey, Abbott, Bogan, Gray, Belken, Hamann, Lauterborn, Lachance, Hutchinson, and Mayor McCarley all voting in favor.

#### 5.2. City Council Special Meeting: June 16, 2020 *consideration for approval*

Councilor Walker **MOVED** to **APPROVE** the minutes of the June 16, 2020 Special Meeting. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley all voting in favor.

### 6. Communications from the City Manager

City Manager Cox referred to an email received by Council earlier in the day from the Deputy City Clerk. The email contained two public input emails which had been submitted by residents prior to tonight's Public Hearing. City Manager Cox stated that the subject of the emails had not been germane to the topic of the public hearing, so they would instead be read at the July 21, 2020 workshop meeting.

#### 6.1. City Manager's Report

Councilor Lachapelle asked City Manager Cox if the subject of outdoor dining at City restaurants would be discussed at the July 21 workshop meeting. City Manager Cox confirmed that outdoor dining is on the agenda for the next workshop meeting and City Staff will be presenting some information for Council to review. Councilor Lachapelle asked if the City Attorney would be drafting an amendment to the ordinance as it

currently stands for Council to review. City Manager Cox stated that at this time they were not considering ordinance changes, but rather had suggestions for Council to consider and discuss.

## **7. Communications from the Mayor**

Mayor McCarley reminded all those watching that the Farmer's Market takes place at the Community Center each Tuesday from 3:00 PM through 6:00 PM.

### **7.1. Discussion: In-Person City Council Meetings**

Mayor McCarley indicated that originally, tonight's meeting had been proposed to take place in Council Chambers. There had been mixed feelings expressed by members of Council in regards to meeting in person and the pros and cons thereof. She felt it would be best to have a discussion to determine how everyone feels the meetings should proceed under the current circumstances.

Councilor Gray referenced the most recent statistics on COVID-19 which showed that although Rochester cases were declining, it is still the community in Strafford County with the highest number of active cases. He stated that this information should be taken into consideration.

Councilor Lachance said that although he preferred an in-person meeting, the remote meetings are working well and he would prefer to leave the decision to the discretion of the Chair.

Councilor Hutchinson stated that he didn't feel there was a need to rush into in person meetings when the remote format is working well; however he felt that if the Council did decide to reinstate in-person meetings, they should first have some public health policy in place to mitigate some of the risks. Personal Protective equipment, social distancing, and limitations on observers/audience members should be established prior to the start of in-person meetings.

Councilor Belken agreed that remote meetings were working well and it was most appropriate to continue on in this way; however she felt that public input was lacking in the remote format and said that it would be nice to offer a better option for the public to contribute during meetings.

Councilor Bogan agreed with Councilor Hutchinson that there was no need to rush into in-person meetings. She discussed the potential drawbacks of meeting in-person with Councilors, staff and the public needing to wear masks and the potential communication troubles. Councilor Bogan stated that she felt the public needed to be made more aware of how to call in to the meetings to speak live. She felt that the current system can seem confusing and suggested that instructions could be given on the government channel for those wishing to call in.

Council Walker emphasized the importance of in-person meetings and said that he felt Council should resume meetings in person. He stated that the public input portion is

imperative to Council meetings, but has been greatly lacking in the remote format. Councilor Lauterborn agreed with Councilor Walker's statements.

Councilor Hamann stated that he was in favor of in-person meetings, although with the caveat that he would not be able to wear a mask.

Councilor Lachapelle agreed that the public input portion had been lacking during remote meetings and he felt that it is easier to accomplish more when Council meets in person; that being said, he stated he did not yet feel comfortable meeting in person and gave several public health reasons.

Councilor Rice said he could see both sides of the issue; it is more possible to have in-depth conversations in person, but there are health and safety drawbacks to consider. He said he didn't feel the safety aspect could be overcome unless Council meetings were moved into a space larger than Council chambers. He speculated about the potential of using the Opera House as a meeting spot.

Councilor Hainey recommended that Council follow CDC guidelines in determining how to move forward with meetings, although she questioned the City asking staff to report to work daily and potentially be exposed while Council continues to meet remotely. She agreed that public input has been lacking during the remote meetings.

Mayor McCarley said that city staff had explored the option of using a larger space (School Board conference room), but the feedback after the trial run indicated that the sound quality had made it difficult to hear the discussion. Mayor McCarley reported that the City had initially looked at the Opera House as an option, but due to set up and technical issues, it was taken out of consideration. She stated that the City could take another look at the option.

Mayor McCarley indicated that for the foreseeable future, the Council will look to continue with remote Teams meetings. City Manager Cox said that city staff was continuing to work with consultants to work out the technical and audio issues. He suggested, with multiple Councilors undecided on in-person meetings, that the Council continue to meet remotely for at least the next meeting or two while the technical issues are being reviewed.

## **8. Presentation of Petitions and Council Correspondence**

No discussion.

## **9. Nominations, Appointments, Resignations, and Elections**

### **9.1. Resignation: Elizabeth Tonkins-Agea – Arts & Culture Commission**

Councilor Walker **MOVED** to **ACCEPT**, with regret, the resignation of Elizabeth Tonkins-Agea from the Arts & Culture Commission. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Belken,

Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley all voting in favor.

## 10. Reports of Committees

### 10.1. Community Development Committee

#### 10.1.1. Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2021 CDBG Action Plan prior to amendments *second reading and consideration for adoption*

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

#### **Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2021**

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

**WHEREAS**, the City of Rochester has received additional Community Development Block Grant (CDBG) funds through the Coronavirus Aid, Relief, and Economic Security (CARES) Act eligible projects and has unallocated prior year CDBG funds;

**WHEREAS**, the Mayor and City Council of the City of Rochester desire to program these additional funds into other worthwhile activities;

**THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby adopt the following allocations: Three Thousand Dollars (\$3,000.00) to the Homeless Center for Strafford County, Twenty-Five Thousand Dollars (\$25,000.00) to the Community Action Partnership of Strafford County, Ten Thousand Dollars (\$10,000.00) to Strafford Nutrition Meals on Wheels, Twenty Thousand Dollars (\$20,000.00) to My Friend's Place, Thirty Thousand Dollars (\$30,000.00) to HAVEN, Two Thousand Five Hundred Dollars (\$2,500.00) to SHARE Fund, Fifteen Thousand Two Hundred Seventy One Dollars and Twenty Cents (\$15,271.20) to Cross Roads House, Two Thousand Dollars (\$2,000.00) to Strafford County Public Health Network, and Twelve Thousand Dollars (\$12,000.00) to Dover Adult Learning Center.

**FURTHER**, that the funds necessary to fund the above appropriation shall be drawn in their entirety from the above-mentioned CARES Act CDBG grant funds that the City of Rochester has received from the federal government.

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

Councilor Lauterborn **MOVED** to **ADOPT** the resolution. 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 all voting in favor.

## **10.2. Finance Committee**

### **10.2.1. Committee Recommendation: To approve the Non-Union Annual CPI Wage Scale Adjustments consideration for approval**

Councilor Walker **MOVED** to **APPROVE** the non-union annual CPI wage scale adjustments. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lachapelle, Rice, Walker, Hainey, Abbott, Bogan, Gray, Belken, Hamann, Lauterborn, Lachance, Hutchinson, and Mayor McCarley all voting in favor.

## **10.3. Fidelity Committee**

Councilor Hutchinson reported that the Fidelity Committee would be meeting again via ZOOM on Thursday, July 9 at 6:00 PM. Councilor Hutchinson asked Mayor McCarley for an update on the recent meeting between the Tri-City Mayors and the County Commissioners in regard to a shelter location.

Mayor McCarley said that the Fidelity Committee as well as the Mayors had been discussing for quite some time the need for a permanent shelter option in the area. The Mayors and County Commissioners recently met with Betsey Andrews Parker of Community Action Partnership to review this issue. Ms. Andrews Parker reported that there is COVID-19 relief money available relative to homelessness and associated issues. The discussion centered on how to best put these funds to use; bringing in developers, identify land and location for shelter, and working through any potential zoning issues which may be encountered. The three cities and the County would take advantage of the federal funds available to establish a shelter and would collaborate on developing programming and operations for said shelter along with assistance from subject matter experts in local social service agencies. Mayor McCarley stated that the Mayors will be meeting with developers later in the week to discuss potential ideas and locations.

## **10.4. Planning Board**

Mayor McCarley indicated that the monthly report from the Planning Board has been added as a new ongoing agenda item in order for Council to stay up-to-date on the proposals and actions coming before the Board.

Councilor Walker reviewed several items which had been reviewed at the previous nights' Planning Board meeting as well as items which are being continued to future meetings.

Councilor Lachance asked about the proposed residential units being developed at 28 North Main Street and whether they would be market rate or a mix of market and low-income. Councilor Walker indicated that the developer intends the units to be market rate.

Councilor Lachapelle inquired about the proposed Irving station at the corner of Columbus Avenue and Brock Street. He asked if this Irving station would be in addition to the Irving already located further down Route 125 or if this would be a replacement thereof. Councilor Walker indicated that the developers did not mention any plans for the already existing Irving station on 125.

## **10.5. Personnel Advisory Board**

### **10.5.1 Public Information and Community Engagement Manager**

City Manager Cox referenced a new position which Council had approved during the recent budget hearings in regards to a Public Information specialist. City staff had then drafted a job description and came up with a recommended pay grade. The City Charter requires this information to be reviewed and approved by the Personnel Advisory Board, which has occurred, and the job description and pay grade is now coming to City Council for final approval.

City Manager Cox clarified that he had expanded upon the original public information piece, which the city had been contracting out, and added some community engagement functions. Originally it had been determined that the position would fall under Economic Development, but after looking at these additional functions and comparing to models in other cities, it had been decided that the position would fall under the City Manager's department.

Councilor Lachance **MOVED** to **APPROVE** the position as presented by the Personnel Advisory Board and City Manager. Councilor Walker seconded the motion. Councilor Rice inquired if this new position would be working with the Community Engagement Officer at the police department. City Manager Cox confirmed that not only would this new position be working with the community engagement officer at the police department, but would be working closely with all City departments, as well as collaborating with the School department. Mayor McCarley said it was envisioned that this position would also work with Rochester Main Street, the Chamber of Commerce, and other agencies throughout Rochester.



Councilor Lachapelle noted that he did not support the establishment of this new position and asked if this would be an outside hire. City Manager Cox indicated that the position would be posted and advertised like any open position within the City. He stated that they have received both internal and external candidate applications. Councilor Lachapelle asked if the job functions of the new position cross-referenced any existing positions. City Manager Cox responded that some of the job functions within the new position had previously been included under the senior executive assistant position, but these job functions have been removed from that position; there will be no duplication of job functions.

Councilor Rice asked how the employment review process would work for the new position and to whom the new employee would report. City Manager Cox said the position would be non-union, which has an established review process, and the position would report directly to the City Manager.

The **MOTION CARRIED** by an 11-2 roll call vote with Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Walker, Bogan, Hamann, Belken, Lachance, and Mayor McCarley voting in favor and Councilors Lachapelle and Gray voting opposed.

#### **10.6. Public Works**

##### **10.6.1 Committee Recommendation: To accept the donation of land for tax parcel, Map 256 Lot 38-2 by the property owner to the City of Rochester consideration for acceptance**

Councilor Walker **MOVED** to **APPROVE** the acceptance of a land donation from a property owner to the City of Rochester. Councilor Hamann seconded the motion. Councilor Walker clarified that this small parcel is a triangle of land where Old Dover Road meets Whitehall Road which the City may utilize if the intersection is ever reconfigured. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley all voting in favor.

##### **10.6.2 Resolution Authorizing Exchange of Rochester Project No. 40647 Route 125/Columbus Avenue Intersection Improvements for Capacity/Safety Improvements on Route 11 in the State of New Hampshire 10 Year STIP Plan and Supplemental Appropriation in Conjunction Therewith first reading and consideration for adoption**

Councilor Walker explained this resolution would adjust the order of a couple projects in the 10-year STIP plan in order to have the Route 11 improvements occur sooner. Councilor Walker **MOVED** to read the resolution for a first time by title only. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a unanimous

roll call vote with Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn and Mayor McCarley all voting in favor. Mayor McCarley asked if the resolution needed to be read for a first time by title only. Councilor Walker stated that the motion which was just read was to exchange the projects and authorize the supplemental appropriation in the same vote.

Councilor Walker reported that a representative from Rochester Rise Up had come to the Public Works Committee with a request to have decorative lights placed on the light posts downtown. He stated that there are examples of options included with the Public Works minutes and he would like to have Council review them prior to discussing and making a decision next month.

## **11. Old Business**

### **11.1 Resolution Authorizing Supplemental Appropriation from General Fund Unassigned Fund Balance in the amount of \$350,000.00 for the Purchase of 55 North Main *second reading and consideration for adoption***

Councilor Lachapelle **MOVED** to read the resolution for a second time by title only. 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 all voting in favor. The resolution was read by title only for a second time as follows:

#### **Resolution Authorizing Supplemental Appropriation from General Fund Unassigned Fund Balance in the amount of \$350,000.00 for the Purchase of 55 North Main**

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

That the sum of Three Hundred Fifty Thousand Dollars (\$350,000.00) be, and hereby is, appropriated to pay for the costs associated with the City's acquisition of the property located at 55 North Main Street, Rochester. The entirety of this supplemental appropriation shall be derived 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 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 Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Lachapelle stated that he would not be voting in favor of this resolution and thought that the City was paying far too much for the property. Mayor McCarley acknowledged that the City is paying much more than the assessed value for the property, but said she felt as though this purchase is a wise decision for the City; the property is an anchor store in the downtown area which the City has not been able to utilize for decades. This purchase will allow the property to be developed into something beneficial for Rochester. The **MOTION CARRIED** by a 10 – 3 roll call vote with Councilors Rice, Walker, Hainey, Abbott, Bogan, Belken, Hamann, Lauterborn, Lachance, and Mayor McCarley voting in favor and Councilors Lachapelle, Gray, and Hutchinson voting opposed.

**11.2 Committee Recommendation (Public Safety): To install overhead streetlights and crosswalk signs with rectangular rapid flashing beacons at the North Main Street Crosswalk in an amount of \$50,000 consideration for approval**

Mayor McCarley read the recommendation and **MOVED** to approve the installation of the lights and flashing beacons at the North Main Street crosswalk. Councilor Rice seconded the motion. Mayor McCarley reminded Council that this item had been tabled at a previous meeting due to concerns about cash flow with the General Fund during COVID-19. She stated that the money for this project would now be coming from contingency. Councilor Lachapelle suggested a less expensive option would be to remove one parking spot in this area of North Main Street which would open the line of sight a great deal. Councilor Bogan said that she has started to notice the same safety issues showing up at the Factory Court crosswalk and she expressed concern that if this first crosswalk project is authorized, then it would lead to the Factory Court crosswalk being authorized and the multiple flashing beacons would affect the aesthetic downtown.

Councilor Hamann said he has had multiple constituents reach out to him asking when this crosswalk would be fixed and he felt it was important to get it completed. Councilor Walker agreed that although the cost is high, the crosswalk is dark and dangerous and if it is not addressed it could potentially lead to tragedy. Councilor Lachance agreed that the cost to address this crosswalk is high and acknowledged that there are other crosswalks that pose safety concerns which will have to be addressed in the future. Councilor Lachance said that he felt the traffic was an issue coming from both directions at this particular crosswalk and neither removing parking spots nor adding flashing lights will completely fix the problem; he suggested there may need to be other traffic measures taken to address the issue downtown. The **MOTION CARRIED** by an 11 – 2 roll call vote with Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Walker, Gray, Hamann, Belken, Lachance, and Mayor McCarley voting in favor and Councilors Lachapelle and Bogan voting opposed.

**12. Consent Calendar**

No discussion.

**13. New Business****13.1 Resolution Authorizing Acceptance of Coronavirus Emergency Supplemental Funding Program Grant and Supplemental Appropriation in Connection Therewith *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 12 – 1 roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Abbott, Bogan and Mayor McCarley voting in favor and Councilor Lachance voting opposed. Mayor McCarley read the resolution for a first time by title only as follows:

**Resolution Authorizing Acceptance of Coronavirus Emergency Supplemental Funding Program Grant and Supplemental Appropriation in Connection Therewith**

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

That a U.S. Department of Justice Assistance Coronavirus Emergency Supplemental Funding Program Grant in the amount of Eighty-Nine Thousand Two Hundred Twenty-Six Dollars (\$89,226.00) awarded to the City of Rochester's Police Department is hereby accepted.

**Further,** that a supplemental appropriation in the amount of Eighty-Nine Thousand Two Hundred Twenty-Six Dollars (\$89,226.00) be, and hereby is, appropriated to the Rochester Police Department for the purpose of carrying out the purposes of the U.S. Department of Justice Assistance Coronavirus Emergency Supplemental Funding Program Grant. The entirety of the supplemental appropriation shall be derived from the U.S. Department of Justice Assistance Coronavirus Emergency Supplemental Funding Program Grant. The funds will be used for the purchase and retrofitting of a backup mobile dispatch center trailer for the Rochester Police Department.

**Still further,** that the City Manager or his designee is authorized to enter into a grant agreement and any other contracts with the U.S. Department of Justice Assistance Program that are necessary to receive and administer the grant funds detailed above; and

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. Councilor Rice asked for clarification on whether this motion was simply to accept the funds and then there would have to be separate action to appropriate the funds to a police department specific project. Deputy City Manager Ambrose stated that this vote would both accept the funding and appropriate the funds specifically for the mobile emergency dispatch center trailer. She stated that there is a \$10,000 balance between the awarded funds in phase one of the project. These additional funds would be handled through the COVID-19 emergency multi-year fund which was previously established. Councilor Rice asked for a cost for the total project. Deputy City Manager Ambrose said that the total cost is \$150,000. Councilor Rice implied that there may be additional requests in future budget cycles for vehicles to tow the trailer. Deputy City Manager Ambrose stated that any additional requests would have to be approved by Council. Councilor Rice stated that although he felt these funds could be utilized within the City, he felt that this project was not urgent and the options should be reviewed further. Councilor Hainey asked for more information on the cost of each phase of the project and where the additional money would be derived.

Deputy Chief Boudreau outlined what was entailed in phase one of the project and stated that the police department is not looking to request funding for phase two in the next fiscal year; they may look into additional grants in the next several years. Phase one would allow for a fully functioning emergency mobile dispatch unit which could also be used as a command post for events such as festivals or fireworks. Deputy Chief Boudreau clarified that there would be no future request for a tow vehicle for this mobile unit; there are vehicles available at both the fire department and department of public works which can be utilized.

Deputy City Manager Ambrose gave further details on the specifics of the grant. She reported that the City had a backup dispatch center set up utilizing equipment which has now been reallocated for its original purpose in the police station, so this was an area of risk identified which could be covered by the grant. This funding is available with no match requirement from the City, and the deadline to accept funding is August 2, 2020. The intent is to look for additional grant funding in the future for any additional phases of the project.

Councilor Lachance asked where the backup dispatch center had been located and why it had been dismantled. Deputy Chief Boudreau said that the backup dispatch center had been located in the Gonic Fire Station and the equipment which had been used was already purchased and planned for the equipment upgrades in the police department. The police station was not yet ready for the installation of the new equipment, so it was utilized for the back-up center in the case that the current

dispatch center was contaminated or if there had to be any temporary shutdowns due to COVID-19. It was clarified that the unit does not have to be mobile, but if it is established as a mobile unit it can serve additional functions for the police department and be more beneficial. Councilor Lachance asked if, in the event of an emergency, there was another organization which could handle dispatch functions. Deputy Chief Boudreau stated that Strafford County Dispatch is the current back up for Rochester, but they are not equipped to handle Rochester's workload for anything more than a temporary basis; it's only a short term plan. Deputy Finance Director Ambrose clarified that this funding is coming from a Department of Justice grant and needs to be specifically related to the police department and COVID-19.

Councilor Walker asked how long the current dispatch center has been in place and whether there had been any need for a backup in that time. Deputy Chief Boudreau answered that the current dispatch center was established in 2004, and there have been temporary crashes where Strafford County Dispatch was utilized for an hour or two at a time. Councilor Walker stated that he felt there should be a more worthy project determined for this funding and felt that the mobile dispatch unit is a want rather than a need.

Deputy City Manager Ambrose clarified that there would need to be special permission granted in order to change the project for which these grant funds have been intended, which is a possibility, but the August 2 deadline is still relevant. Mayor McCarley stated that if this motion is not approved, there would be limited time to review and source other COVID-19-related police department projects for which this funding could be used.

Councilor Walker inquired about the grant process and said that he thought grant funding had to be approved by Council with the specific project for which the funds are intended being approved by Council as well. City Manager Cox stated that a previous Council had voted to allow the City to apply for grants without Council permission as long as matching funds were not required; this grant does not require matching funds.

The **MOTION FAILED** by a 7 – 6 roll call vote with Councilors Hamann, Gray, Bogan, Hainey, Lachapelle, and Mayor McCarley voting in favor and Councilors Walker, Hutchinson, Belken, Lachance, Abbott, Rice and Lauterborn voting opposed.

**13.2 Resolution Authorizing the Acceptance of a \$3,750 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 for a first time by title only. 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. Mayor McCarley read the resolution for a first time by title only as follows:

**Resolution Authorizing the Acceptance of a \$3,750 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 Three Thousand Seven Hundred Fifty Dollars (\$3,750.00) State Governor's Commission on Alcohol Fund Grant is hereby accepted by the City on behalf of the RPD.

Further, the City Council authorizes a supplemental appropriation to the RPD operating budget in the amount of Three Thousand Seven Hundred Fifty Dollars (\$3,750.00) 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 Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Belken asked for more information on projects for which this funding would be used. Deputy Chief Boudreau said the money comes from the juvenile court diversion program and is typically used for events such as Teen Night, Teen travel camp, and providing opportunity for Rochester youth which they might not normally have.

*\*Mayor McCarley stated that the current motion is to be read by title only, which had been voted on previously\**

The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lachapelle, Rice, Walker, Hainey, Abbott, Bogan, Gray, Belken, Hamann, Lauterborn, Lachance, Hutchinson, and Mayor McCarley voting in favor. Mayor McCarley acknowledged that the resolution had already been read for a first time, and noted that the previous vote indicated a clear intent to adopt.

**14. Other**

Councilor Lachapelle asked how many permits had been issued for fireworks this past Fourth of July weekend and how many complaints were received. Deputy Chief Boudreau answered that there were 22 permits issued, and there had been 67 complaint calls to which the police department responded. There were 2 warnings issued and 15 summons issued for fireworks without a permit. Councilor Lachance referenced a discussion at one of the previous years' Codes & Ordinances meetings where the police department indicated they were going to have a directed patrol strictly to deal with fireworks complaints around this time of year. Deputy Chief Boudreau answered that this "problem oriented policing unit" was assigned specifically for fireworks using 2-3 officers each night and they had issued the majority of the summonses.

Councilor Lachapelle asked about the legality of including information on the fireworks ordinance and permits with the tax bills. City Manager Cox answered that it is not permissible to include anything in the tax bill mailings that does not pertain directly to taxes. Councilor Lachapelle asked about the cost of a specified mailing prior to the Fourth of July informing residents of the ordinance. City Manager Cox stated he would look into the cost.

There was a brief discussion regarding a cannon which had been discharged in the City on the Fourth of July and whether or not it was permitted.

Councilor Lachance asked if there was a way that Council could suspend the sign ordinance from August 9 to November 10 in regards to election signage. He stated that due to COVID-19 there would not be door-to-door electioneering or rallies, so he felt the sign ordinance should be reviewed without having to go through the normal process of Committee approval which would place an approval too late in the election season to be useful. Mayor McCarley stated that she would follow up with the State and the City Attorney to determine if this could be considered. Councilor Lachapelle said that the sign ordinance conversation would be added to the next Codes and Ordinances Committee meeting on August 6 which would take place remotely. Councilor Lauterborn asked Councilor Lachapelle to consider holding the next Codes & Ordinance meeting in person; She said that due to the small size of the Committee, it would not be difficult to social distance if given a large enough space. Councilor Lachapelle stated that he would consider this.

Councilor Lachance asked if it is legal to restrict attendance at a public meeting. Mayor McCarley spoke about the executive orders which had been enacted and since rescinded and the need to review this to determine how to move forward.

Councilor Hutchinson emphasized the need for consistency through the City's boards and commissions. Earlier in the evening when it had been discussed, the decision had been made to remain with remote meetings at least throughout the next several meetings. It needs to be decided if it will be a City-wide policy or will be left up to the chairperson of each board and commission. Mayor McCarley suggested that any remaining meetings for the month of July should be conducted remotely. The Council will discuss this matter again on July 21 at the workshop meeting and determine how to move forward. Councilor Walker disagreed and stated that it would



be possible to properly socially distance with small committees meeting in-person. He stated that it is a disservice to the public and the way they are able to provide comment by continuing with remote meetings. Councilor Gray noted that although some committees are small, the meetings are well attended by multiple City staff members as well as the public and there can be a great amount of people in the room.

Councilor Walker reiterated that he felt it was very important, especially for the Public Works Committee, to be able to meet in-person. He stated that there is a contentious item on the agenda which may generate a good deal of public input and the public should be able to more easily access this meeting. Councilor Hutchinson inquired if the public is allowed to submit input via email and voicemail as well as speaking live over the phone during the Public Works meetings. Councilor Walker confirmed these options are available, but he does not feel it is sufficient or user-friendly for the public. He stated that he understood there were Councilors who were still nervous about meeting in-person, but he speculated that if a definitive vote was taken on the matter, it may be that more want to meet in person. He felt is it possible to meet safely within CDC guidelines.

Councilor Hutchinson stated that it is not a matter or being nervous about COVID-19, but rather about an elected body modeling good public health policy, especially in light of the high number of deaths in this country due to the virus.

Councilor Gray said that although he did not disagree with the potential of in-person meetings, he did not feel it was possible in Council Chambers. He said the City needed to look at a larger space to allow social distancing. Councilor Abbott suggested the possibility of setting up a remote public input station, such as a laptop set up in Council Chambers. This laptop could be signed into the meeting allowing members of the public to be seen and speak "in person" to Council. City Manager Cox said he would look into the possibility, but believes this could be accomplished.

Councilor Lachance suggested there be a sense of Council taken. Mayor McCarley agreed. Mayor McCarley asked for a sense of council where a yes vote would be to meet in-person for the month of July and a no vote would be continuing to meet remotely. The sense of Council was to continue meeting remotely by a 7 – 6 roll call vote with Councilors Lauterborn, Abbott, Walker, Hamann, Belken, and Mayor McCarley voting yes and Councilors Hainey, Hutchinson, Rice, Lachapelle, Gray, Bogan and Lachance voting no.

Councilor Belken said she had been contacted by a constituent about some confusion regarding voting absentee and wanted to know if there was any updated guidance on this matter and how the elections would proceed. Deputy City Clerk Cassie Givara updated Council on the current absentee ballot process. She stated that the City Clerk's office has taken on additional help solely to deal with absentee ballots and election functions due to the large volume of absentee ballot requests anticipated. Ms. Givara reported that the City Clerk's office is in regular contact with the Secretary of State and well as the Attorney General to keep up to date on any new guidance and election law in regards to absentee ballots. There will likely be

much larger volumes and they will need to be pre-processed differently than they have in the past prior to Election Day in order to accommodate the volume. Councilor Gray clarified that there is no plan to count any votes prior to Election Day, but rather to pre-process the ballots by opening outer envelopes and verifying the proper affidavits have been signed.

Councilor Rice referenced requests from downtown businesses in regards to outdoor dining in the downtown area, such as allowing entertainment and extending hours and extending the season. Councilor Rice pointed out that if this issue is heard at the Codes meeting, it will not come back to City Council until September and any potential ordinance change would be even later. He recommended that action be taken sooner to benefit the downtown businesses before the season is over. City Attorney O'Rourke said these issues would be discussed at the July 21 workshop meeting along with presentations from City staff. He will then draft the ordinance amendments, which will not require a public hearing, and can be potentially voted on at the beginning of August once it has been determined which direction the Council wants to go.

There was a brief discussion about the current outdoor dining ordinance and some allowances which had been made due to COVID-19 such as extending the use of City property for outdoor dining. There was a discussion regarding the timeline needed for these potential ordinance changes and how to make it beneficial for the effected businesses. It was stated that there could be a Special meeting in July to vote on ordinance changes if necessary.

Councilor Gray suggested that, for the sake of proper process, the vote for agenda item 13.2 for the Police Department grant should be retaken with the proper annotation that it's being adopted. Mayor McCarley indicated the vote for adoption will be taken prior to the non-public session. Mayor McCarley asked for a roll call vote on the motion to **ADOPT** the grant. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Lachapelle, Rice, Walker, Hainey, Abbott, Bogan, Gray, Belken, Hamann, Lauterborn, Lachance, Hutchinson, and Mayor McCarley voting in favor.

## **15. Non Public/ Non Meeting**

Councilor Lachapelle **MOVED** to enter into a non-public session under Land, RSA 91-A:3, II (d) at 8:38 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan and Mayor McCarley all voting in favor.

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

Councilor Lachapelle **MOVED** to exit the non-public session at 9:23 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a majority roll call vote with Councilors Walker, Hutchinson, Belken, Lachance, Gray, Rice, Bogan,

Hainey, Lachapelle, Lauterborn, and Mayor McCarley voting in favor. Councilors Hamann and Abbott were not present at the time of the roll call vote.

Councilor Lauterborn **MOVED** to seal the minutes of the non-public session because disclosure would render the proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, and Mayor McCarley voting in favor.

## **16. Adjournment**

Mayor McCarley **ADJOURNED** the Regular City Council meeting at 9:26 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk