

**City Council Workshop Meeting  
August 18, 2020  
Meeting Conducted Remotely  
6:30 PM**

**COUNCILORS PRESENT**

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

**OTHERS PRESENT**

Blaine Cox, City Manager  
Katie Ambrose, Deputy City Manager  
Terence O'Rourke, City Attorney  
Mark Sullivan, Deputy Finance Director  
Ray Barnett, resident  
Kelly Walters, City Clerk

**Minutes**

**1. Call to Order**

Mayor McCarley called the Workshop meeting to order at 6:30 PM and read the following preamble:

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).*

## **1. Public Input**

Ray Barnett, resident, addressed Council in regards to the supplemental appropriation requested from the school board for purchase of PPE.

City Manager Cox read a letter of correspondence submitted by Ray Barnett in regards to the supplemental appropriation for the schools and school purchasing procedures. He also questioned the lack of a “public input” item on the public hearing

## **2. Communications from the City Manager**

City Manager Cox reported that Shanna Saunders, the City’s Director of Planning, had started work the day prior.

City Manager Cox also stated that there had been a great grand opening of the kayak and canoe launch on Hillsdale Drive the week prior and encouraged residents to check it out. He stated that the City is working with the YMCA and the school department on a childcare operation at the Community Center. This facility will be available for City and School staff from Monday through Friday for their children in grades K-5.

## **3. Communications from the Mayor**

Mayor McCarley responded to several of Ray Barnett’s comments from the public input portion of the agenda. She acknowledged that there is no “public input” item on the public hearing agenda, but the sole purpose of the public hearing is to accept public input. She also clarified that the City and the School Department had developed their budgets at the start of COVID when there were a great deal of unknowns regarding spending and revenues.

## **4. Update: Primary Election Absentee Ballot process**

Kelly Walters, City Clerk, gave an update on the preparations for the September 8 State Primary as well as the absentee ballot process. She stated that the Clerk’s office has received 895 absentee ballots back for the September election and there have been over 1000 absentee ballot requests for the November election so far. Ms. Walters reported that the State of NH has provided the City with a large amount of PPE for both upcoming elections, which will be sorted and distributed to each ward. The postcards notifying ward 2 voters that their polling location has moved were mailed out today.

Councilor Rice asked if there is a cut-off date by which voters need to request their absentee ballots in order to receive them in the mail and have them returned to the Clerk’s office in time for the election. Ms. Walters stated that there is no cut-off; voters can request an absentee ballot up until the day of the election.

She suggested voters give themselves adequate time to allow for delivery and for the ballot to be returned.

Ms. Walters said that starting on August 24, there would be a station set up in the entryway of City Hall to assist voters with registration, absentee ballot requests, voting and ballot drop off.

Councilor Lachapelle asked if there would be a sign set up at St. Mary's Church notifying voters that their polling location had moved to Chamberlain Street School. Ms. Walters stated that a banner is being ordered and will be placed prominently out front directing voters to their new polling location. There will also be signs posted at the entrances.

Councilor Hailey said there had been some confusion with voters dropping off absentee ballots at City Hall and asked whether or not the customers would need to stand in line to do so. Ms. Walters said that occasionally people mistakenly wait in the line for the revenue building next door to City Hall, in which case they will be redirected. There are occasional waits in City Hall, but the Clerk's office evaluates the line regularly to determine who is there simply to drop off a ballot and to accommodate that need. Ms. Walters reported that due to the dog licensing civil forfeiture fees being issued at the same time as election preparations, there are some unavoidable delays and busier times in the clerk's office.

City Manager Cox asked for Ms. Walters to clarify the use of the drop box in the front of the Revenue building. Ms. Walters stated that the drop box can be utilized for dropping off absentee ballot request forms but it cannot be used to drop off the ballot itself. If a ballot is dropped off in the box, the voter or designee will be contacted to appear in person to verify the ballot; otherwise it will be rejected.

## **5. Department Reports**

No Discussion.

## **6. Other**

Councilor Walker stated that he would like to get a sense of Council for whether or not to conduct an in-person meeting in September. He commented that if the City's students were going to be going to in-person schooling that the boards and commissions should be meeting in person as well.

Councilor Lachapelle agreed that it would be nice to meet in person again, but felt that the timing was too soon with the continued outbreaks of COVID and the high infection rates. He speculated that the school board might reverse their

decision for in-person schooling as well.

Mayor McCarley spoke about the issues the School Board has experienced with their audio when meeting in the larger conference room at the Community Center. She stated that if Council were to meet in person, it should be done in the Council Chambers to avoid the audio troubles. City Manager Cox reported that Celeste Plaia, Government Channel, had finalized the plans for a system to conduct hybrid meetings in Council Chambers with some members present in the room while others connect remotely. He said that he did not have a timeline on when the system would be in place, but anticipated it would be within the next month or two. Councilor Belken suggested that the September meeting would be too soon to have the hybrid system in place and the Council may need to aim for October or later.

Councilor Bogan supported meeting in person, but speculated that with some councilors connecting remotely and some in Council Chambers, there would still be a need for roll call votes on each action taken. She expressed that this would defeat one of the purposes of meeting in person. Councilor Lachance pointed out that there would be no way to meet in Council Chambers and have each Councilor maintain a 6-foot social distance from each other. City Manager Cox said that if some councilors were remote and some in person, this would allow proper social distancing.

Councilor Lachance suggested the Council meet in the cafeteria at the Community Center, which would allow adequate space for the entire council to meet and maintain social distance. He mentioned the Opera House as an option as well. Councilor Lachance acknowledged that there may be an issue transferring technology to these spaces for televised meetings, but stated that there is no legal requirement for the meetings to be televised to begin with. He said there might need to be a compromise of this manner if the Council wishes to meet in person.

City Manager Cox said that the Community Room at the Community Center would likely have a booking conflict and would not be an option for use for City meetings.

Councilor Walker requested a roll call sense of Council for meeting in September. The sense of Council failed by a 7 to 6 vote with Councilors Hamann, Walker, Lachance, Hainey, Lauterborn, and Mayor McCarley voting in favor and Councilors Hutchinson, Belken, Abbott, Gray, Rice, Bogan, and Lachapelle voting opposed.

Councilor Gray requested that the City Attorney give guidance on Councilors use of City email, letterhead, and title as Councilors in correspondence for the endorsement of a political candidate or support/opposition of a particular political

issue. He stated that the City Council is a non-partisan board and suggested that there should be some requirements and guidance set forth on this issue. There was a discussion on how the Hatch Act restricts members of the military and federal employees from this type of activity, and how it could translate on a municipal level. Councilor Walker stated that he thought there may be a stipulation in the Charter in regards to City Employees being restricted from participating in campaigns. Councilor Gray gave details on recent endorsements made by Mayor McCarley and questioned whether or not they were appropriate. Mayor McCarley stated that the City attorney could give his legal guidance on such matters, but could not determine whether something is "appropriate"; she stated that would be determined by the Council. Councilor Hutchinson clarified that the Hatch Act only applies to federal employees, which is unlikely to apply to most City Councilors. Councilor Belken commented that a recent statement made by Mayor McCarley was done on behalf of the "Tri-City Mayors", which is not a recognized body or organization, but rather a group of people. She speculated that in this circumstance, they are not making an endorsement on behalf of an organization. Councilor Hainey spoke about her career and the various organizations of which she is a member. She stated that these are things that define her, and there is not a reason these affiliations should not be used in expressing her opinions and endorsements as a private citizen. Councilor Gray spoke about the perception which might be conveyed if the mayor or councilors make endorsements or express political opinions and he reiterated that the City Attorney should weigh in on the matter. Councilor Lachance stated that taking an oath of office for council does not negate a councilors first amendment rights and as long as City resources are not being utilized, there should not be restrictions.

City Attorney O'Rourke stated that the titles of mayor or councilor does not prevent a person from stating their own opinion; even if sent from their City email or on business letterhead. He stated that there are no provisions in place to prevent elected officials from campaigning for a particular candidate or supporting issues; it would be up to the constituents to base their future vote on this information. Attorney O'Rourke spoke further about the protections in place for public officials in NH and said that there is no legal issue in the type of activity being discussed.

## **7. Non-Public**

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

Councilor Lauterborn **MOVED** to enter into a non-public session under RSA 91-A:3, II(d) Land at 7:42 PM. 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.

Councilor Lauterborn **MOVED** to exit the non-public session at 8:02 PM and to seal the minutes of the non-public session as disclosure would render the proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hailey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley all voting in favor.

## **8. Adjournment**

Mayor McCarley **ADJOURNED** the City Council Workshop meeting at 8:03 PM.

Respectfully Submitted,

Cassie Givara  
Deputy City Clerk