

**City Council Budget of the Whole Workshop
April 20, 2021
Community Center and
Conducted Remotely via Microsoft Teams
6:30 PM**

COUNCILORS PRESENT

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

Members Excused or Not Present

Councilor Abbott
Councilor Lachance

OTHERS PRESENT

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

Minutes

1. Call to Order

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

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

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

1. **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*)
2. **email** PublicInput@rochesternh.net (*must be received no later than 4:00 pm of meeting date*)
3. **Voicemail** 603-330-7107 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

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

In addition to the above listed public access information, the City Council will be allowing the public to enter the Community Room and speak in person during the Public Input portion of this meeting. In an effort to adhere to CDC guidelines: enter only into the right side door on the Chestnut Hill Road entrance at the rear of the building and exit through the opposing door. Please adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Community Room entrance. The public will be allowed to attend the meeting in-person. Please note, seating will be provided that is arranged such that 6-foot social distancing can be maintained.

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

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

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

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

name and ward each time they wish to speak.)

City Clerk Kelly Walters took the roll. All Councilors were present and/or indicated that they were alone in the location from which they were connecting.

2. Public Input

Mayor McCarley indicated that no member(s) of the public were present (Virtual or In-Person). Mayor McCarley indicated that there are two emails (public input), which were directly related to the re-numbering of Tebbetts Road. She said these emails would be read aloud at the Public Hearing which deals with the re-numbering of Tebbetts Road.

3. Communications from the City Manager

City Manager Cox read an excerpt from page 67 of the City Council packet as follows:

"The 2020-2021 Ice Season was both challenging and successful. Our team navigated the difficult waters of COVID-19 while maintaining safe and efficient operations. Going into this ice season, our stated goal was to safely keep our youth engaged and on the ice with some sense of normalcy. Through a strong collaboration with Rochester Youth Hockey, youth hockey skated 97% of their traditional, pre-COVID, scheduled ice time. High school hockey skated 70% of their traditional ice time and adult hockey programs skated 45% of their traditional ice time."

City Manager Cox commended the Recreation and Arena Department for their efforts on this success.

City Manager Cox announced that the City of Rochester is planning a July 3rd Fireworks show. The location will be the Community Center.

4. Communications from the Mayor

Mayor McCarley announced that Household Hazard Waste Day is scheduled to take place on May 8th. She added that as a result that the residential drop-off for trash would be closed on that day.

Mayor McCarley announced that the City Council is in receipt of a resignation from Douglas Lachance, Councilor Ward 1 (Seat B). This

resignation letter will be forwarded to the May 4, 2021, Regular City Council meeting for action. The vacancy would be posted and the presumption would be that any registered voters from that Ward could address the City Council later in the month for possible interviews at a workshop setting. The City Council would presumably take action at the following Regular Meeting in June. Council briefly discussed the matter.

5. Discussion: Code of Ethics/Ethics Commission

Councilor Lachapelle gave an update on the process. He said currently there is a representative from the Police Commission and two members from the Rochester School Board, who have volunteered to reside on this Commission. Councilors Walker, Belken, and Hutchinson volunteered as well. Councilor Lachapelle said he would work directly with the City Manager and City Attorney in order to set up a meeting. The anticipation that a draft copy would be presented to the full City Council for review soon. Councilor Rice questioned if this would be sent to the Codes and Ordinances Committee for review and if it would be sent to the School Board and Police Commission for review/input. It was determined that the intention is to have the Commission draft a policy to be reviewed by the full council. At that point Council could choose to adopt it or refer it to the Codes and Ordinances for further review. Councilor Rice suggested that the School Board and Police Commission have an opportunity to weigh in on the discussion prior to final adoption. Mayor McCarley agreed and indicated that is why those boards have representation on the Commission.

6. Discussion: Charter Amendments

Mayor McCarley said the City Attorney and City Clerk have been working on these proposed Amendments and opened up for discussion.

Councilor Lauterborn questioned the first proposed amendment relative to Section 8 Election of Mayor. She supported Councilor Rice's comments that it would not be wise to risk a prolonged appointment in the event a Mayor terminated their term too soon after the Election. She referred to the City Charter Section 68 Vacancies in elected offices. She said it seems the language in the last sentence deals with this situation as follows:

"If the term of the seat thus filled would not otherwise be open for the election at the first regular municipal election following the occurrence of the such vacancy, then at said municipal election the seat shall be filled for the balance of the unexpired term".

Councilor Rice agreed that is what the sentence means; however, in

certain situations, a Mayor could be essential appointed for close to two-years, in certain situations. The voters and not the City Council should elect the Mayor. Attorney O'Rourke said that maybe the proposed Amendment could be presented as follows: *If the successful candidate for Mayor is a sitting City Councilor with more than 2 years remaining on a term in office, on Election Day, 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.*

Council discussed the appropriate language to be utilized for clarification. Councilor Rice asked what is the timeframe involved with a Special Election. Councilor Gray stated that Special Elections are a waste of time and money. The last Special Election which was held by the City was such a low turnout and the ballots were hand counted in order to save the City money.

Councilor Rice gave reasons why he supported the Special Election process. Councilor Walker gave reasons why an appointed candidate would never exceed two years. He agreed that Special Elections have a very low turnout.

Councilor Gray said this issue could be resolved by simply making an Amendment to the City Charter under Section 67. Mayor McCarley agreed; however, all of this is only relevant if the Charter Amendment to convert to the four-year terms prevails.

The City Council continued to discuss/debate the matter. Councilor Hainey expressed concerns about the City Council appointing a Councilor opposed to the voters from that ward. Councilor Lauterborn suggested waiting for the issue of four-year terms to be settle prior to taking action on the Special Election issue. Mayor McCarley asked the City Attorney if the Amendments could be set up in contingency of other Charter Amendments passing. Attorney O'Rourke said both himself and the City Clerk could receive some guidance from the Secretary of State's office about how to set up the language of the Amendments. He said obviously, if the four-year terms did not prevail at the Election then some of the contingent amendment would be invalid, even if they passed.

City Clerk Walters said it would cost approximately \$3,000 for one Special Election for one ward.

Councilor Lachapelle indicated that by appointing a Councilor/Mayor to finish a term until the next bi-annual election would be no different from what the current City practice is now. He said no Councilor/Mayor would ever be

appointed for more than the two years, which is the way it works now.

Councilor Lachapelle questioned if a sitting councilor, who decides to run for Mayor mid-term would first need to resign from their office. City Attorney O'Rourke replied no.

The Council debated whether or not to hold Special Elections or what language should be proposed.

A discussion ensued about when a resignation of a Councilor/Mayor can be accepted. Councilor Gray believed the Charter reads that a resignation is in effect as soon as it is received by the Mayor and City Council. Mayor McCarley said there has been a precedent set of this council to follow the acceptance of a resignation letter from one of its members. The City Council continued to debate the issue. Councilors Walker and Bogan spoke about being appointed (*opposed to being elected*) for an extended period of time.

Mayor McCarley said the language of the proposed Amendment of Section 8 of the City Charter seems clear. She suggested changing the 90 days to 60 days; however, she would support it in either case. Councilor Rice supported this section as well. Councilor Belken asked if these Amendments could be packaged as one Amendment. City Attorney O'Rourke agreed to work with the City Clerk and the Secretary of State's office to present the Amendments with contingency on other Amendments passed. He said this is not an unfamiliar request for the State with all of the town election ballots. It will just be a matter of working on the wording of the amendments with the Secretary of State's office.

Councilor Hailey said that the proposed Amendment for 4-year terms vs the 2-year terms would in effect leave the City Council with at least 6 Councilors (history) on the Board.

City Clerk Walters said that the proposed Amendment to the City Charter Section 48 should be withdrawn. City Attorney O'Rourke said that some of these could be bundled into one Amendment, which would make the proposed amendments more concise.

Councilor Walker questioned if the proposed Amendment only removing the words "or the Mayor" was necessary. Councilor Lauterborn stated that it was necessary because it is in direct conflict with another section of the Charter.

Mayor McCarley suggested that some of the less substantive changes could be possibly be grouped together. City Attorney O'Rourke agreed to

check into that matter. Mayor McCarley requested that the City Attorney and City Clerk work on these proposed amendments for the May meeting.

7. FY21 Economic Development Update

Michael Scala, Director of Economic and Development, gave a PowerPoint presentation of an update on Economic Development and invited the City Council to ask questions. Mayor McCarley thanked Mr. Scala for the presentation.

8. Department Reports

No discussion.

9. City Manager's Proposed Budget for Fiscal Year 2022

City Manager Cox gave a PowerPoint presentation and talked about the Pandemic had upon the last budget season. He opened up for questions.

Councilor Walker asked about the May 4th meeting. He said it seemed to be too much for one evening. He recalled that past practice was not to hold the budget presentation on the same evening as the Regular meetings. City Manager Cox replied that is why there are some open meeting dates at the end of the budget schedule; this allows the City Council to shift those dates if necessary. Councilor Walker recommended that those dates be utilized now to avoid any Agendas being too long. Councilors Walker and Rice agreed that the Public Hearing be moved to May 25th as well. Council briefly discussed the matter. City Manager Cox concurred.

Councilor Gray requested that anyone who submits a Statement of Interest be sent a link to the budget material and budget calendar. Mayor McCarley concurred.

City Manager Cox continued with his budget presentation.

Councilor Gray asked questions about the next anticipated increase to the Waste Management Host fees. City Manager Cox anticipated that the completion of their next project would be at the closing of this calendar year. Councilor Rice asked if this construction was on time with the current contract with the City. City Manager Cox replied yes.

10. Other

No discussion.

11. Non-Public Session/Non-Meeting**11.1. Non-Public Session – Land, RSA 91-A:3, II (d)****11.2. Non-Public Session – Personnel, RSA 91-A:3, II (a)**

Councilor Lauterborn **MOVED** to enter into a Non-Public Session/Non-Meeting, for Land, RSA 91-A-3,II (d) and under Personnel, RSA 91-A:3 II (a). Councilor Belken seconded the motion. The **MOTION CARRIED** by a unanimous 11 to 0 vote. Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Gray, Hutchinson, and Mayor McCarley voted in favor of the motion.

Councilor Lauterborn **MOVED** to exit the Non-Public Session for Personnel at 9:11 PM and to seal the minutes because the discussion includes labor negotiations. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 10 to 0 roll call vote. Councilors Lachapelle, Rice, Bogan, Hutchinson, Hamann, Lauterborn, Walker, Belken, Gray, and Mayor McCarley voted in favor of the motion.

Councilor Lauterborn **MOVED** to exit the Non-Public Session for Land at 9:13 PM and to seal the minutes because the proposed action could render the action ineffective. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 11 to 1. Councilors Hamann, Walker, Hutchinson, Belken, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

12. Adjournment

Mayor McCarley **ADJOURNED** the meeting at 9:14 PM.

Respectfully submitted,

Kelly Walters, CMC
City Clerk