

**Regular City Council Meeting
April 7, 2020
Meeting Conducted Remotely
7:00 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

Minutes

1. Call to Order

Mayor McCarley called the meeting to order at 7:00 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.

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.

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 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.

Kelly Walters, City Clerk, called the roll. 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 called for a moment of silence to reflect on the impact of COVID-19.

3. Pledge of Allegiance

Mayor McCarley led the Pledge of Allegiance.

4. Roll Call

Kelly Walters, City Clerk, took a roll call under the preamble earlier in the meeting.

5. Acceptance of Minutes

5.1 Regular City Council Meeting: March 3, 2020 *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council meeting minutes of March 3, 2020. Councilor Walker seconded the motion. The **MOTION CARRIED** by a roll call of 13 to 0. Councilors Hainey, Lauterborn, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, Abbott, and Mayor McCarley voted in favor of the motion.

5.2 Special City Council Meeting March 31, 2020

Councilor Lachapelle **MOVED** to **ACCEPT** the Regular City Council

meeting minutes of March 31, 2020. Councilor Walker seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

6. Communications from the City Manager

6.1 Employee of the Month Award

City Manager Cox announced that Jim Grant, Director of the Building, Zoning, and Licensing Services, is the Employee of the Month for April. City Manager Cox said the "Rochester Rise Up Group" nominated Mr. Grant.

6.2 City Manager's Report

The City Manager's Report is as follows:

Contracts and Documents Executed Since Last Month:

- Department of Public Works
 - Colonial Pines Phase II – Change Order #4
 - Portland Street culvert
- Economic Development/Community Development
 - CDBG Environmental Review CAP Weatherization – emergency electrical repair
 - CDBG Environmental Review CAP Weatherization – emergency replacement water heater
 - CDBG Environmental Review CAP Weatherization – Briar Ridge home
 - CDBG Environmental Review CAP Weatherization – heating system replacement
 - CDBG Environmental Review CAP Weatherization – central region home
 - CDBG Environmental Review CAP Weatherization – Briar Ridge retrofit
 - Discharge of Promissory Note – Autumn Street
 - Purchase & Sales Agreement Chinburg
 - Victims of Crime Act Assistance (VOCA) grant award acceptance
- Finance Department
 - Authorization to Write Off Taxes – 17 Quaker Lane
 - Claim for Abandoned Property
 - PFM Financial Advisors Engagement Letter – Including Refunding Bonds

- Information Technology
 - VMFirmware Fusion Licensing
- Legal
 - 374 Pond Hill Road Easement
 - Aubert Corrective Quitclaim Deed
- Police
 - JAG Grant Acceptance

The following computer lease/purchase or tuition reimbursement requests have been included for information:

- Tuition reimbursement – Parker-Wright – Library

Standard Reports:

- Monthly Overnight Travel Summary
- Permission & Permits Issued
- Personnel Action Report Summary

6.3 COVID-19 City Staff Paid Leave

City Manager Cox said he recently sent a summary page, relative to COVID-19 City staff paid leave, to the City Council.

City Manager Cox reported the following actions that were listed in the summary page:

- March 13, 2020, per CDC guidance, any/all high-risk City Staff were sent home and placed on Administrative Leave, with pay.
- March 18, 2020, City Hall was closed to all walk-in traffic.
- March 22, 2020, informed Department Heads to follow all social distancing working models for City staff. During this time, any employees that could not work from their office or remotely were also placed on Administrative leave, with pay. These individuals were not required to use their sick/vacation earned time.

City Manager Cox said in light of these adjustments made to the City Staff and City Hall, the City remains open for business. The City is documenting all employees placed on Administrative Leave during COVID-19 in order to submit an application for federal grant funding.

City Manager Cox indicated that the Municipality of Portsmouth recently announced that some of their employees would be furloughed due to revenue concerns directly related to COVID-19.

City Manager Cox informed the City Council that he implemented a budget freeze on March 19, 2020, which will continue until further notice. The Finance Department is carefully watching over the City's cash reserves in order to meet payroll and account payable obligations. The City of Rochester has not seen major drops in revenue as of yet; however, the Finance Department will be watching over the cash reserves closely.

Councilor Walker questioned how many employees have been placed on Administrative Leave. City Manager Cox agreed to gather that information and provide it to the City Council.

Councilor Gray said that he has concerns with the action that the City Manager took as outlined in the summary page (COVID-19 Administrative Leave – with pay). He said the City Manager did not provide a policy outlining the next steps to be taken. Councilor Gray said it seems much of what has been done by the City Manager has been based upon possible symptoms of COVID-19 and not necessarily the actual virus. Mr. Gray said these discussion about Administrative Leave should have been discussed with the City Council and negotiated with the City unions, so that a formal policy would be in place for the duration of the pandemic and there would be a clear picture of what is expected to occur once the pandemic has ended.

City Manager Cox said that he followed the CDC guidelines and recommendation for dealing with high-risk employees. He added that he has followed the CDC guidelines for ensuring social distancing of essential personnel. The City has followed the guidelines in order to determine which, if any, employees should be placed on Administrative Leave. He said once the CDC guidelines have declared that such employees are no longer categorized as high-risk or that social distancing is no longer needed, the employees would be removed from Administrative Leave. City Manager Cox said efforts are being made to reduce the number of employees placed on Administrative Leave. He said employees are following the social distance guidelines of the CDC by splitting work shifts and by working remotely when possible, which is all being carefully documented.

Councilor Gray stated that the City Manager did not have the ability to take these actions without approval from the City Council. He reiterated that there is no written policy in place. He reiterated that a formal policy should be negotiated with the unions so that all parties have the same understanding and expectations of how this will phase out once the threat of COVID-19 has ended. He said this would protect both the City and employees.

City Manager Cox stated that he could write some type of formal process if that is what the City Council directs him to do.

Councilor Walker questioned if the high-risk employees would remain on Administrative Leave, even if the pandemic lasts into the Fall of 2020 or later. City Manager Cox replied that he did not anticipate that the high-risk employees would remain on Administrative Leave for that long. He said if the stay-at-home order lasts longer than anticipated then the situation would be reassessed at that point. City Manager Cox added that if the City finds itself in a revenue crunch than the City of Rochester may need to consider laying off employees. He said the employees that cannot report to work would likely be the first ones to be laid-off.

Councilor Rice asked about car registration renewals. He understood that the renewal of auto registration has been extended. He questioned if the City has done anything to reduce the convenience fee associated with online payments to the City Departments. City Manager Cox ensured Councilor Rice that residents can still pay by submitting a check in order to avoid paying the convenience fee. City Manager Cox said the convenience fee is not charged by the City or the State but rather by the credit card companies. City Manager Cox agreed to reach out to the Governor's office about this matter.

Councilor Gray clarified that the auto registration renewal deadline has not been extended because residents can re-register their vehicles online or through the mail; however, the deadline for new vehicle registrations has been extended because new vehicle registrations cannot be done through the mail or online.

Councilor Gray mentioned that the City could generate a list of residents who prefer to pay cash for auto registration and extend the registration until such time as the City offices re-open.

7. Communications from the Mayor

Mayor McCarley thanked City staff for the enormous amount of work that has been done in order to have City services continue as much as possible during this pandemic. She said a lot of work has been done in order to set up remote City Council meetings. She also stated that a lot of work has been done to create new City forms due to COVID-19. She said it is worth mentioning all the hard work that the City Manager has accomplished with Department Head and Leadership meetings; In a normal set of circumstances, the steps taken by the City Manager due to COVID-19 would have typically been sent to the City Council for review; however, the City Manager had a great deal of safety concerns to contend with and the Mayor stated that she believed that he proceeded appropriately during this pandemic. Mayor McCarley said the City Manager has been keeping in close contact with the School Department as

well.

Mayor McCarley stated that the CDC has informed the nation that this coming week is critical in terms of the spread of COVID-19. She said it is critically important to continue the social distancing and thanked folks at home for their efforts in social distancing.

Councilor Rice had a question about the City Manager's Report and the pay adjustment issued to Deputy Fire Chief Timothy Wilder. City Manager Cox said this a temporary adjustment. He said Mr. Wilder shall serve as the Acting Fire Chief during the time in which Fire Chief Klose is serving as the Director of the EOC (Emergency Operations Center). City Manager Cox agreed to provide the City Council with the figures associated with that pay adjustment.

Mayor McCarley briefed the City Council about meetings being held with the Tri-City Mayors each Monday morning. She said the governor would be sending out a survey to all communities regarding what their needs are during this pandemic. She said the Tri-City Mayors agreed to respond to the Governor's survey as soon as possible.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

No discussion.

10. Reports of Committees

10.1 Codes and Ordinances Committee

10.1.1 Amendment to section 4.12 of the Council Rules of Order regarding suspending the rules for second readings *consideration for approval*

Councilor Lachapelle briefed the City Council about the Amendment to the Rules of Order. He **MOVED** to **APPROVE** the Amendment to Section 4.12 of the City Council Rules of Order regarding Suspending the Rules of Order as follows:

PROPOSED CHANGE TO RULE OF ORDER 4.12

Every Resolution, including those which propose to change the Ordinance, shall be placed on the City Council Agenda in accordance with Rule 4.1. Any Resolution shall receive a First Reading during the first meeting in which it appears on the Agenda. Following the First Reading, the Council shall take one of the following actions:

1. Vote to disapprove the Resolution.
2. Refer to a Public Hearing if required by law.
3. Refer to an appropriate standing committee, or to the City Council sitting as a Committee of the Whole, for further review. Any Resolution proposing a change to the Ordinance, which did not originate in the Codes and Ordinances Committee, must be referred to said committee prior to a vote of approval. Resolutions referred to Public Hearing per action #2 may also be referred to committee.
4. If actions #2 and #3 do not apply to the Resolution, the Council may proceed to a vote of approval.

For a Resolution which is not subject to action #1 or #4, it shall receive a Second Reading at the next meeting during which it appears on the City Council Agenda. Following the Second Reading, for any Resolution referred to a standing committee, the chairperson of said committee shall deliver a report detailing the review of the Resolution. After the committee report is delivered, the City Council shall entertain any motions to amend. Following disposition of the motions to amend, the City Council shall vote on final approval or disapproval of the Resolution.

Councilor Walker seconded the motion. Councilor Lachance questioned if this action would ultimately remove the need to suspend the rules, at the time, of the second reading. City Attorney O'Rourke replied that is correct, the only time a second reading would occur after this amendment, is if the resolution had been referred to a Committee or Public Hearing. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hailey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley voted in favor of the motion.

10.1.2 Amendment to section 1.1 of the Council Rules of Order regarding start time of Meeting
consideration for approval

Councilor Lachapelle **MOVED** to **APPROVE** the Amendment to the City Council Rules of Order Section 1.1 regarding changing the start time of City Council meetings from 7:00 PM to 6:00 PM. Councilor Walker seconded the motion.

Councilor Gray spoke against the motion and listed reasons why the start time should remain at 7 PM. Councilor Lachance agreed with Councilor Gray and stated that he would vote against the motion. Councilor Walker asked if this change is intended for all City Council meetings and sub-Committee meetings. Councilor Lachapelle said many standing Committees have already switched to earlier meeting times. He said the earlier start time would be better for City staff as well. Councilor Lachapelle supported amending the start time to 6:30 PM if necessary. Councilor Lachance **MOVED** to **AMEND** the motion to change the start time of the meetings from 6 PM to 6:30 PM. Councilor Lachapelle seconded the motion. The City Council briefly debated the matter. The **MOTION CARRIED** to **AMEND** the motion to a 6:30 start time by a 9 to 4 roll call vote. Councilors Walker, Belken, Lachapelle, Lauterborn, Gray, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion. Councilors Rice, Bogan, Hainey, and Abbott voted against the amendment to the original motion.

Mayor McCarley called for a roll call vote on the motion as amended. The **MOTION CARRIED** as **AMENDED** (6:30 PM Start Time for Council Meetings) by a roll call vote of 11 to 2. Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Bogan, Hamann, Belken, Lachance, and Mayor McCarley voted in favor of the motion. Councilors Walker and Gray voted against the motion. The City Council Meetings shall now start at 6:30 PM.

Councilor Lachapelle requested that the City Clerk make an amendment to the Codes and Ordinances Committee meeting minutes to indicate that Councilor Lachapelle made the motion to change the start time of the City Council meetings and not Councilor Walker as stated erroneously in the minutes.

10.1.3 Amendment to Chapter 7.26 of the General Ordinances of the City of Rochester regarding Board of Health appointments *consideration for approval*

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

**Amendment to Chapter 7 of the General Ordinances of the City of
Rochester Regarding the Board of Health**

THE CITY OF ROCHESTER ORDAINS:

That Chapter 7 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows (changes are struck out):

§ 7-6 Board of Health

A. The composition of the Board of Health shall be as provided in Section 21 of the Rochester City Charter. The three Board members, other than the City Physician and the City Health Officer, shall be appointed by the City Manager. ~~for three year terms, with said terms so arranged that one of the three appointed members, other than the City Physician or the City Health Officer, shall be appointed each year in January. Vacancies in these three appointed positions shall be filled by the City Manager for the unexpired term.~~

The effective date of these amendments shall be upon passage.

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

10.2 Community Development Committee

10.2.1 Resolution Adopting a FY 2021 Rochester CDBG "Action Plan For The City Of Rochester, N.H." and Approving And Appropriating The FY 2021 Community Development Budget for The City Of Rochester [Click Here for Annual Action Plan](#) *first reading and refer to public hearing*

Councilor Lauterborn **MOVED** to read the Resolution by title only and to refer the matter to a Public Hearing. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion.

**RESOLUTION ADOPTING AN FY 2021 ROCHESTER CDBG
"ACTION PLAN FOR THE CITY OF ROCHESTER, N.H." AND**

**APPROVING AND APPROPRIATING THE FY 2021
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 2021 (July 1, 2020—June 30, 2021) "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 Fifty Four Thousand Five Hundred Dollars (\$254,500.00) be, and hereby is, approved and appropriated for fiscal year 2021 (July 1, 2020—June 30, 2021. 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	\$ 50,900.00
Public Service Agencies	\$ 38,175.00
Housing/Public Facilities/Infrastructure	\$ 165,425.00
Total	\$ 254,500.00

III. Further, that Nine Thousand Five Hundred Nine Dollars and Seventy Four Cents (\$9,509.74) in prior year unexpended CDBG funds be repurposed for use in the FY 2021 Action Plan year.

IV. Further, that Ninety Eight Thousand One Hundred Ninety Eight Dollars and Sixteen Cents (\$98,198.16) 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 2021 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.

This budget and the one-year action plan for FY 2021 may be reconsidered if federal funding is changed or if it is inconsistent with the total FY 2021 budget adopted for the Office of Economic and Community Development.

The sums necessary to fund the above appropriation in the amount of Two Hundred Fifty Four Thousand Five Hundred Dollars (\$254,500.00) shall be drawn in their entirety from the above-mentioned FY 2021 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 categories.

**10.2.2 Resolution Adopting a FY 2020-2025 CDBG
"Consolidated Plan for The City Of Rochester,
N.H." [Click Here for Consolidated Plan](#) *first
reading and refer to public hearing***

Councilor Lauterborn **MOVED** to read the Resolution by title only and to refer the matter to a Public Hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the Resolution for a first time as follows:

**RESOLUTION ADOPTING AN FY 2020-2025 CDBG
"CONSOLIDATED PLAN FOR THE CITY OF ROCHESTER, N.H."**

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 five-year 2020-2025 "Consolidated 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 & Community Development, in connection with the City's CDBG program, including the goals, objectives, and concepts set forth therein;

II. The budget for Year 1 of the FY 2020-2025 "Consolidated Plan for the Community Development Block Grant (CDBG) Program for the City of Rochester, N.H.," which is contained and detailed in the *Resolution Adopting an FY 2021 CDBG "Action Plan for the City of Rochester, N.H."*, may be reconsidered if federal funding is changed or if it is inconsistent with the total FY 2021 budget adopted for the Office of Economic & Community Development for the Rochester CDBG Program;

Furthermore, in the event that federal funding for any 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 & Community Development, is authorized to proportionately reduce the amounts for the relevant budgetary categories, as well as for any planned grants and/or other expenditures made from within such budgetary categories.

Councilor Lauterborn said that the Committee recommended that the Public Hearing be held prior to the next Workshop meeting in April. A final vote on the matter should be held at the Regular Meeting in May. Councilor Lauterborn wished to brief the City Council about the CDBG Action Plan. She said the deadline for submission has been extended to August; however, Julian Long, Community Development Specialist, has recommended that the City Council stay on track for the original timeframe in order to allow agencies to receive their funding after July 1, 2020 rather than delaying funds until the Fall. Councilor Lauterborn said there is now \$100,000 in additional funding that the City should receive. She stated that when more information has been received from HUD about how this money can be distributed, the City Council shall make a final decision. In the meantime, Mr. Long will gather information about the various agencies' needs to make an informed decision.

10.3 Fidelity Committee

Councilor Hutchinson said the Fidelity Committee shall meet remotely this coming Thursday, April 9, 2020 at 6:00 PM. The Agenda has been

modified because of COVID-19; however, the Committee will be seeking to forward a resolution relative to Recovery Friendly Workplaces in Rochester. In addition, there will be data collected from the Strafford County region regarding efforts made to assist the homeless community in response to the COVID-19 pandemic.

10.4 Finance Committee

10.4.1 Committee Recommendation: To recommend the Utility Advisory Board's report as submitted for a water/sewer rate increase

Mayor McCarley stated that this recommendation should actually be divided into two motions for the two separate Amendments to the Ordinances as follows: Amendment to Sewer User Rates and Amendment to Water User Rates.

Councilor Lachapelle **MOVED** to read the Amendment to the Ordinances regarding the Sewer Users Rates for a first time and refer the matter to a Public Hearing. Councilor Walker seconded the motion. Councilor Walker had concerns about when the rates would become effective if these Amendments passed. Mayor McCarley stated they would not become effective until July 1, 2020. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for a first time by title only as follows:

ORDINANCE AMENDMENT RELATIVE TO SEWER USER RATE

THE CITY OF ROCHESTER ORDAINS:

I. That Chapter 200, Section 23 of the General Ordinances of the City of Rochester, entitled "Wastewater Rate and Fee Schedule", be amended by deleting the portion of said ordinance entitled "Quarterly Wastewater Rates" and by replacing such portion of the ordinance with the following:

200.23 Wastewater Rate and Fee Schedule

Quarterly Wastewater Rates

Residential Customers without exemption:	\$7.43	per 100 cu. ft. of water use
Residential Customers with exemption:	\$4.94	per 100 cu. ft. of water use
Commercial and industrial customers:	\$7.43	per 100 cu. ft. of water use
High Volume Customer	\$6.68	per 100 cu. ft. of water use

(I.e. customers using more than 5,000
units **monthly)

Unmetered Residential Customers:

Per quarter per unit without exemption: \$229.47

Per quarter per unit with exemption: \$114.72

Sewer-Metered Customers: \$7.43 per 100 cu. Ft.

Minimum Fee:

Per quarter per unit without exemption: \$34.31

Per quarter per unit with exemption: \$27.31

Septage Discharge: \$55.00 per 500 gal. or portion thereof

RV Septage Discharge: \$16.00 flat fee

Graywater Disposal \$30.00 per 2000 gal. or portion thereof

II. That this ordinance amendment shall take effect on July 1, 2020

Councilor Lachapelle **MOVED** to read the Amendment to the Ordinances regarding the Water Users Rates for a first time and refer the matter to a Public Hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution for a first time by title only as follows:

**ORDINANCE AMENDMENT
RELATIVE TO WATER USER RATE**

THE CITY OF ROCHESTER ORDAINS:

I. That Chapter 260, Section 17 of the General Ordinances of the City of Rochester, entitled "Water Rate and Fee Schedule", be amended by deleting the portion of said ordinance entitled "Quarterly Water Rates" and by replacing such portion of the ordinance with the following:

260.17 Water Rate and Fee Schedule

Quarterly Water Rates

Residential Customers without exemption: \$5.83 per 100 cu. ft. of water use

Residential Customers with exemption: \$2.52

Commercial and industrial customers: \$5.83

Unmetered Residential Customers:
Per quarter per unit without exemption: \$155.96
Per quarter per unit with exemption: \$77.96

Minimum Fee:
Per quarter per unit without exemption: \$22.14
Per quarter per unit with exemption: \$17.76

II. That this ordinance amendment shall take effect on July 1, 2020

10.4.2 Committee Recommendation: To approve the request for an \$18,000 supplemental appropriation from the Economic Development Fund and to request that the City Manager provide further information in regards to an additional \$40,000 supplemental appropriation from the Economic Development Fund and determine if any funding could come from the TIF

Councilor Lachapelle **MOVED** to **APPROVE** the Committee Recommendation. Councilor Walker seconded the motion. Mark Sullivan, Deputy Finance Director, informed the City Council about a revision to this Committee action. He advised that the funding request should not be coming out of the Economic Development Fund but rather from the TIF District fund (GSBP). Mayor McCarley agreed that should be revised as an Amendment to the motion. Councilor Lachapelle **MOVED** to **AMEND** the motion to change the funding source to the TIF District (GSBP). City Manager Cox clarified that there are actually two amendments that should be made. First, changing the funding source from the ED Fund to the TIF Fund (GSBP) for the \$18,000 supplemental appropriation. Secondly, Michael Scala, Director of Economic Development, has withdrawn the request for the additional \$40,000 supplemental appropriation at this time. The **MOTION CARRIED** to **AMEND** the motion, as corrected by City Manager Cox, by a roll call vote of 13 to 0. Councilors Hainey, Lauterborn, Abbott, Hutchinson, Rice, Lachapelle, Walker, Gray, Bogan, Hamann, Belken, Lachance, and Mayor McCarley voted in favor of the motion. Mayor McCarley called for a vote on the motion as amended. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

Mayor McCarley questioned the need for a second reading on the previous motion. City Attorney O'Rourke replied no because of the amendment to the Rules of Order, which passed earlier in the meeting.

10.4.3 Committee Recommendation: To approve a \$50,000 supplemental appropriation from the Unassigned Fund Balance for the 103 North Main Street crosswalk lighting

Councilor Lachapelle **MOVED** to **APPROVE** the Committee's Recommendation. Councilor Walker seconded the motion. Mayor McCarley asked the City Manager if this request to utilize the Unassigned Fund Balance is appropriate at this time due to COVID-19. City Manager Cox replied that the Finance Department is now requesting that this project be postponed in order to preserve the Unassigned Fund Balance due to COVID-19. Councilor Walker **MOVED** to **TABLE** the motion. Councilor Bogan seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Bogan, and Mayor McCarley voted in favor of the motion.

Councilor Lachapelle said that this was an expensive proposed project; however, in the absence of the project going forward he felt something should be done to resolve this safety concern. He suggested that some of the parking spots might need to be removed until a more permanent solution can be approved. He suggested bringing up the idea of removing parking spots at the next Public Safety Meeting

Councilor Rice requested that a correction be made to the Finance Committee meeting minutes. He stated that the full date of the meeting should be added to the first page of the minutes. City Clerk Walters took note.

10.5 Public Works

No discussion.

10.6 Public Works – no March meeting

No discussion.

11. Old Business

11.1 Wrestling Event *consideration to approve wrestling venue permit [American Legion] Motion to take off the Table for Council Action*

Councilor Lachapelle **MOVED** to remove the Action Item from the **TABLE**. Councilor Bogan seconded the motion. Councilors Rice, Belken,

Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion. Councilor Walker voted against the motion.

Councilor Lachapelle **MOVED** to **APPROVE** the venue location for a wrestling event (Date TBD). Councilor Walker seconded the motion.

Councilor Rice said he could not find information about the person hosting this event, except for items dating back to the early 2000's. He said the application itself calls for safety measures to be taken which he could not find any details about in the application. He said the Fire Department has provided information about the amount of people permitted to attend the event; however, Councilor Rice indicated that he is not yet satisfied with this individual's application for a wrestling event in Rochester. He raised more questions about the public's safety. Councilor Lachance agreed.

City Attorney O'Rourke informed the City Council that the motion is not about the individual's application to be a promoter for the wrestling event, which is between this individual and the State of NH. He said the City Council is only voting on the venue for the wrestling event.

Councilor Rice disagreed, he said this is a City of Rochester application and he reiterated that the City of Rochester should be informed of the safety measures that will be in place for this event that is being held in Rochester, NH.

Councilor Lauterborn questioned if the City Council had a legal right to prevent the American Legion from holding such an event. City Attorney O'Rourke said the City of Rochester's General Ordinances requires that this application approval is dependent upon the approval of the State's application. He reiterated that this motion is to approve the location and the City Council would need a clear reason of why it would not approve a location that is otherwise safe.

Councilor Walker suggested that if the City does not approve this location then the State application is likely to be denied as well. The City Council briefly discussed the matter.

Councilor Rice asked the City Attorney if the State application is dependent upon the City's application to approve the location. City Attorney O'Rourke replied that he did not know the answer to that question.

Councilor Lachapelle recalled that the City Council had already approved other wrestling events at this location in the past. Councilor Walker recalled

that such events were held at the Community Center and Councilor Lauterborn recalled that such events had been held at the Opera House. Mayor McCarley called for a vote on the motion. The **MOTION CARRIED** by a roll call vote of 9 to 4. Councilors Gray, Belken, Hamann, Lauterborn, Hainey, Lachapelle, Hutchinson, Abbott, and Bogan voted in favor of the motion. Councilors Rice, Walker, Lachance, and Mayor McCarley voted against the motion.

11.2 Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding Temporary Use Shelters *second reading and consideration for adoption*

Mayor McCarley informed the City Council that the Planning Board voted against recommending this Amendment to the City Council. She did not feel this could move forward without that recommendation; however, she said it is important to reach out to the different organizations in the City that might have an interest in working with the City to provide a temporary use shelter and develop language that works for both the organization and the City. She stated she felt it would be good to have something in place by September. Councilor Gray recalled that since the Planning Board rejected the Amendment the City Council would need a super-majority vote in order to pass the amendment, but it could be voted upon this evening. City Attorney O'Rourke agreed that since the Planning Board rejected the Amendment it would take a two-thirds vote to pass at the City Council level.

Councilor Lauterborn asked if the City Council could simply agree to accept the recommendation made by the Planning Board. City Attorney O'Rourke said the Planning Board essentially voted down the Amendment in its entirety and did not vote on individual amendments.

Mayor McCarley advised at this point, it might be best to discuss new language with those individual organizations that might be providing such services in order to make a better determination of what is needed in terms of an Amendment to the Ordinances.

Councilor Lachapelle **MOVED** to read the Amendment for a second time by title only. Councilor Lachance seconded the motion. The **MOTION CARRIED** by a 12 to 1 roll call vote. Councilors Rice, Walker, Belken, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion. Councilor Bogan voted against the motion.

Councilor Lachapelle **MOVED** to **ADOPT** the Amendment. Councilor Walker seconded the motion. Councilor Lauterborn said she would vote no on this motion and would like to see all of the recommendations from the Planning

Board. Mayor McCarley said she would also vote no because she felt this Amendment should be made in conjunction with the folks who will be offering such services.

Councilor Hutchinson said that the Fidelity Committee has been seeking out information over the past year from the specific organizations that would potential be providing such services. This Amendment was based upon recommendation coming from the Fidelity Committee. Mayor McCarley clarified that she wished to find out why organizations have not stepped forward to offer these services as of yet in order to find language that would satisfy their needs to offer these services in the future. Councilor Hutchinson said the current permitting process as designed is too restrictive and this Amendment is meant to be less restrictive in order to give those providing services more options. He added that is likely the reason why faith and non-faith organizations have not yet stepped forward. He gave reasons why this vote should not be delayed. Councilor Gray listed some of the reasons why the Planning Board did not vote in favor of the Amendment. He said the Planning Board did not have experts at their meeting to answer their questions. Councilor Lauterborn wished to hear from Councilor Hutchinson. Councilor Hutchinson said he prefers to get something in place now that might be a little more restrictive and then work to lessen those restrictions in the near future. The **MOTION CARRIED** by a two-thirds roll call vote of 9 to 4. Councilors Hainey, Abbott, Hutchinson, Rice, Lachapelle, Gray, Hamann, Belken, and Councilor Lachance voted in favor of the motion. Councilors, Lauterborn, Walker, Bogan, and Mayor McCarley voted against the motion.

Amendment to Chapter 275 of the General Ordinances of the City of Rochester Regarding Temporary Use Shelters

THE CITY OF ROCHESTER ORDAINS:

That Chapter 275 of the General Ordinances of the City of Rochester and currently before the Rochester City Council, be amended as follows:

§275-2.2 Definitions shall be amended to add the following definition:

TEMPORARY USE SHELTER

A structure whose primary use is for something other than sheltering services which, however, from time to time may provide the same services as a Shelter for no more than fifteen (15) total days between November 1st and March 31st. Any such use exceeding fifteen (15) days shall result in the facility being reclassified as a Shelter.

Table 18-B shall be amended to add the use Temporary Use Shelter as follows:

Permitted: Highway Commercial Zone

Special Exception: Downtown Commercial Zone (DC), Office Commercial Zone (OC), General Industrial Zone (GI), Recycling Industrial Zone (RI), and Hospital Special Zone (HS)

These amendments shall take effect upon passage.

12. Consent Calendar

Councilor Lauterborn **MOVED** to **ACCEPT** the Consent Calendar. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion. Councilor Gray requested that a thank you note be sent to A&D Plumbing. Mayor McCarley said that is already being done.

12.1. Donation of Emergency Supplies from A&D Plumbing estimated value \$3,500 *first reading, consideration for second reading and adoption*

13. New Business

13.1 90 Day Postponed Payment of Food Permit Fees *motion to approve*

Councilor Lachapelle **MOVED** to **APPROVE** the 90-Day Postponed Payment of Food Permit Fees. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley voted in favor of the motion.

13.2 Tentative Bargaining Agreement with School Administrators *motion to approve*

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

**RESOLUTION APPROVING CONTRACT
AND COST ITEMS ASSOCIATED WITH PROPOSED
CITY OF ROCHESTER
SCHOOL DEPARTMENT
MULTI-YEAR COLLECTIVE BARGAINING
AGREEMENT WITH ROCHESTER ADMINISTRATIVE UNIT
(Administration)**

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

That pursuant to, and in accordance with, the provisions of Chapter 273-A of the New Hampshire Revised Statutes Annotated, the multi-year year collective bargaining agreement between the City of Rochester and the Rochester Administrative Unit employee collective bargaining group, covering the period July 1, 2020 to June 30, 2023, as set forth in the proposed contract, a copy of which proposed contract has been made available to the Mayor and City Council, and with its financial impacts as more particularly detailed on the attached "**EXHIBIT A: Rochester Administrative Unit**" dated **February 17, 2020**, which includes a summary financial analysis of the annual costs of the contract to the City provided by the Superintendent of Schools, is hereby approved, including, specifically, the cost items associated therewith.

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

13.3 Supplemental # 3 Code updates (eCode) - *Motion to suspend the Rules of Order and consideration to approve*

Councilor Lachapelle **MOVED** to Suspend the Rules of Order – Section 4.13 and **APPROVE** item number 13.3. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

13.4 Resolution Authorizing Transfer of Operating Funds into Multi-Year Funds in the amount of \$332,000.00 *first reading, consideration for second reading and 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 13 to 0 roll call vote. Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, Bogan, and Mayor McCarley voted in favor of the motion. Mayor McCarley read the resolution by title only for a first time as follows:

**Resolution Authorizing Transfer of Operating Funds into Multi-Year
Funds in the amount of \$332,000.00**

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

That the amount of Three Hundred Thirty Two Thousand Dollars (\$332,000.00) is hereby transferred from various operating accounts identified in Exhibit A into multi-year accounts. The Three Hundred Thirty Two Thousand Dollars (\$332,000.00) originated from previously adopted FY20 Operating & Maintenance Budgets.

Due to the multitude of interruptions caused by the Covid-19 pandemic the identified projects and contingency reserves will likely not be expended by Fiscal Year 2020 end, June 30, 2020, and all funding will lapse. Transferring these funds into multi-year accounts now preserves the appropriations. This action eliminates pressure to re-appropriate under the FY21 Tax Cap thresholds, or present supplemental appropriations from General Fund unassigned fund balance. This action simply creates non-lapsing multi-year accounts the same as any other adopted Capital Improvement Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. All projects will be assigned a unique account number for tracking and reported purposes.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilor Walker questioned what type of funds would expire at the end of the Fiscal Year. Mr. Sullivan said some of these proposed projects were set up in the operating budget, which is non-lapsing; however, because of the budget freeze, some of these projects will be delayed and the funds are due to expire at Fiscal Year End. This motion will allow these operating budget

projects to be moved into a multi-year CIP fund. Councilor Walker questioned if these projects could potential hang in the CIP accounts for a long time. Mr. Sullivan said the intention is only to provide a little more time for the Departments to finish the projects that may be delayed during COVID-19; if the funds are not used, they would be deauthorized and returned to the General Fund. Councilor Lachance asked if this is how the CIP already operates. Mr. Sullivan replied yes, that is true for the first five items on the list. The other two items are to set up a contingency due to COVID-19. He added that in both cases, if the money is not utilized, it will be deauthorized. Councilors Bogan, Rice, Walker, Belken, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, Lachance, and Mayor McCarley voted in favor of the motion.

13.5 Resolution Authorizing Supplemental Appropriation in the Amount of \$25,000.00 to the COVID-19 Donation Fund

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

Resolution Authorizing Supplemental Appropriation in the Amount of \$25,000.00 to the General Fund Overhead Account for COVID-19 Donations

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

The Mayor and City Council authorize a supplemental appropriation to the General Fund Overhead Account in the amount of Twenty Five Thousand Dollars (\$25,000.00). The entire amount of the supplemental appropriation shall be derived from the donations received by the City to combat the COVID-19 pandemic.

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. The **MOTION CARRIED** by a roll call vote of 13 to 0, Councilors Walker, Hamann, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

14. Other

No discussion.

15. Non-Public/Non-Meeting

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

Councilor Lauterborn **MOVED** to enter the Non-Public Session under Land, RSA 91-A:3,II (d) at 8:40 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call. Councilors Bogan, Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Lachance, Abbott, and Mayor McCarley voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Session at 9:08 PM. Councilor Lachance seconded the motion. The **MOTION CARRIED** by an 11 to 0 roll call vote. Councilors Rice, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Lachance, and Mayor McCarley voted in favor of the motion. Councilors Hutchinson and Walker could not be reached remotely.

Councilor Lauterborn **MOVED** to seal the minutes because disclosure would render the proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a 12 to 0 roll call vote. Councilors Lachance, Gray, Abbott, Hainey, Lauterborn, Hamann, Lachapelle, Bogan, Belken, Rice, Walker, and Mayor McCarley voted in favor of the motion. Councilor Hutchinson could not be reached remotely.

16. Adjournment

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 9:10 PM. Councilor Lachapelle seconded the motion. Mayor McCarley stated that no official vote is needed to adjourn a meeting.

City of Rochester

Regular City Council Meeting
April 7, 2020

Respectfully submitted,

Kelly Walters, CMC
City Clerk