



**Regular City Council Meeting
March 3, 2020
Council Chambers
7:00 PM**

- 1. Call to Order**
- 2. Opening Prayer**
- 3. Pledge of Allegiance**
- 4. Roll Call**
- 5. Acceptance of Minutes**
 - 5.1 Regular City Council Meeting: February 4, 2020
*consideration for approval***
- 6. Communications from the City Manager**
 - 6.1 Employee of the Month Award**
 - 6.2 City Manager's Report**
 - 6.3 No-Fee ID Waiver and Policy**
- 7. Communications from the Mayor**
 - 7.1. 2020 Census Information**
- 8. Presentation of Petitions and Council Correspondence**
 - 8.1. Proposed Amendment to Chapter 223.15 of the General Ordinances of the City of Rochester**
- 9. Nominations, Appointments, Resignations, and Elections**
 - 9.1. *Appointment:* Jennifer Mutolo – Supervisor of the Checklist Ward 2**

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9.2. Appointment: Thomas G. Evans – Selectman Ward 3

10. Reports of Committees

10.1 Appointments Committee

10.1.1 Appointment: Jamie Kinsley – Arts & Culture Commission (new member) term to expire 7/1/2020

10.1.2 Appointment: Peter Bruckner – Planning Board Alternate (new member) term to expire 1/2/2022

10.1.3 Appointment: Sarah Elizabeth Duclus – Arts & Culture Commission (new member) term to expire 7/1/2020

10.1.4 Reappointment: Whitney Belton – Rochester Economic Development Commission term to expire 1/2/2023

10.1.5 Reappointment: Daniel Nickerson – Conservation Commission, term to expire 1/2/2023

10.1.6 Reappointment: Pamela Hubbard – Library Trustee Ward 5, term to expire 1/2/2023

10.1.7 Reappointment: Paul T. Roberts – Recreation & Arena Commission, term to expire 1/2/2023

10.1.8 Reappointment: Joan C. Strogen – Recreation & Arena Commission, term to expire 1/2/2023

10.1.9 Reappointment: Mark Collopy – Planning Board, term to expire 1/2/2023

10.2 Community Development Committee

10.3 Fidelity Committee

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10.4 Finance Committee

- 10.4.1 Resolution Authorizing Waiver of Municipal Registration Fees for Applicants Qualifying under RSA 261:86 Special Number Plates for Certain Veterans *first reading, consideration for second reading and adoption*
- 10.4.2 **Committee Recommendation:** To use Unexpected Appropriations in the Police Department FY20 budget for purchase of office furnishings in the Detective Division in an amount of \$51,000 *motion to approve*
- 10.4.3 Resolution Authorizing Supplemental Appropriation in the Amount of \$100,000 to the Assessing Department's FY20 Operating Budget for the Purchase of Assessing Software *first reading and refer to public hearing*

10.5 Public Safety

- 10.5.1 **Committee Recommendation:** To install 2 "chevron" signs at the corner near the driveway of 161 Chesley Hill Road at the discretion of DPW *consideration for approval*
- 10.5.2 **Committee Recommendation:** To place a "left turn yield on green" sign on the mast arm facing Old Dover Road *consideration for approval*
- 10.5.3 **Committee Recommendation:** 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*
- 10.5.4 **Committee Recommendation:** To place a "no parking here to corner" sign at the corner of South Main Street in front of the China Palace

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at the discretion of DPW *consideration for approval*

10.6 Public Works

11. Old Business

11.1 Resolution Authorizing the Rochester Police Department (RPD) to accept a \$27,693.00 United States Department of Justice (USDOJ) Justice Assistance Grant (JAG) *first reading, consideration for second reading and adoption*

12. Consent Calendar

12.1 Resolution Deauthorizing \$8,841.90 in funding related to the FY2020 Granite Shield Grant Funds *first reading, consideration for second reading and adoption*

13. New Business

13.1 Resolution Granting Community Revitalization Tax Relief to the Property Located at 28 North Main Street Under the Provisions of RSA 79-E in Connection with a Proposed Rehabilitation Project *first reading and refer to public hearing*

13.2 Resolution Authorizing Acceptance of Granite Shield 2020 Substance Abuse Reduction Initiative Grant in the amount of \$15,000.00 and Supplemental Appropriation in Connection Therewith *first reading, consideration for second reading and adoption*

13.3 Resolution Authorization Supplemental Appropriation in the Amount of \$10,000.00 to the Recreation Department General Donation Fund *first reading, consideration for second reading and adoption*

13.4 Resolution Accepting Donation from St. Anselm College to the Recreation and Arena Department and Supplemental Appropriation in the Amount of \$500.00 *first reading, consideration for second reading and adoption*

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- 13.5 Resolution Authorizing the Acceptance of a \$5,500 Grant by the Rochester Police Department (RPD) and Supplemental Appropriation in Connection Therewith *first reading, consideration for second reading and adoption***
- 13.6 Resolution Authorizing Acceptance and Appropriation of Victims of Crime Act (VOCA) Grant Award for FY 2021 *first reading, consideration for second reading and adoption***
- 13.7 Resolution Authorizing Transfer from the General Fund Unassigned Fund Balance to the School Building Capital Reserve Fund in the amount of \$1,664,787.00 *first reading and refer to a public hearing***
- 13.8 Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the Department of Public Works (DPW) Sewer Capital Improvements Plan (CIP) Fund for NPDES Permit Technical and Legal Assistance in an amount not to exceed \$300,000 *first reading and refer to public hearing***
- 13.9 Resolution Authorizing the Issuance of Refunding Bonds in Accordance with RSA 33:3-d *first reading and refer to public hearing***
- 13.10 *Amendment to City of Rochester Employment Policy Handbook regarding Private Duty Assignment Compensation for Exempt Police Personnel *motion to approve***
- 14. Other**
- 15. Non-Public/Non-Meeting**
 - 15.1 Non-Public Session – Land, RSA 91-A:3, II (d)**
- 16. Adjournment**

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City of Rochester Formal Council Meeting

AGENDA BILL

NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.

AGENDA SUBJECT Private Duty Assignments Compensation for Exempt Police Personnel
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Council Action Item <input checked="" type="checkbox"/> or Information Only <input type="checkbox"/>	Funding Required? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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Resolution Required? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Funding Resolution Worksheet? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
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AGENDA DATE	February 4, 2020
DEPT. HEAD SIGNATURE	Police Chief Toussaint
DATE SUBMITTED	January 2, 2020
ATTACHMENTS Yes <input type="checkbox"/> No <input type="checkbox"/>	Memorandum from City Manager Cox

COMMITTEE SIGN-OFF

COMMITTEE	NA
CHAIR PERSON	NA

DEPARTMENT APPROVALS

DEUPTY CITY MANAGER	NA
CITY MANAGER	City Manager Cox

FINANCE & BUDGET INFORMATION

DIRECTOR OF FINANCE APPROVAL	NA
SOURCE OF FUNDS	NA
SOURCE ACCOUNT NUMBER	NA
EXPENDITURE AMOUNT	NA
APPROPRIATION REQUIRED Yes <input type="checkbox"/> No <input type="checkbox"/>	NA

LEGAL AUTHORITY

EMPLOYMENT POLICY HANDBOOK

ARTICLE II

AMENDMENT OF RULES

The City Manager may amend these Rules and Regulations ... by submission of such amendments to the City Council. An amendment shall become effective upon a majority vote of the City Council taken within sixty (60) days of amendment submittal.

SUMMARY STATEMENT

This Agenda Bill recommends the City Council consideration of an amendment to the Employment Policy Handbook. Specifically, Police Chief Toussaint has requested that the City Council and City Manager amend a section of the Employment Policy Handbook that prevents exempt employees of the Police Department holding the rank of Lieutenant and Captain from working private duty assignments *for additional compensation*.

The applicable section of the Non-Union Employment Policy Handbook is as follows:

Section 2a: PRIVATE DUTY ASSIGNMENTS

Private duty assignments shall be limited to non-exempt employees and shall be compensated at the rate of one and one-half (1 ½) times their regular hourly rate of pay not to exceed the top step of the patrol scale as listed in the IBPO (Police) collective bargaining agreement. *Exempt employees may be allowed to work private duty assignments with no additional compensation* (emphasis & bold added).

The City Manager supports and recommends the City Council approve the suggested amendment based upon the following findings:

1. The positions of lieutenant and captain here in Rochester are salaried positions and are therefore exempt from receiving overtime pay for extra hours worked. However, in many police and fire agencies in the local area these senior positions are hourly positions that are in fact eligible for overtime compensation.
2. The Police Department routinely in the past few years has open extra duty assignments that they are unable to fill with hourly/ non-exempt personnel. This results in a need to reach out to outside agencies to provide the extra duty coverage needed by our customers. This sometimes results in senior staff from outside police agencies working the extra duty assignments.

3. It is thought that the current restriction upon salaried/ exempt personnel working extra duty hours for additional compensation resulted from a practice many years ago when senior police personnel were routinely working extra duty details which was seen negatively as “double dipping.” At that time, finding hourly personnel to fill the extra duty hours was not problematic so the restriction was imposed.
4. The lieutenant position is a difficult position to fill within Rochester PD. This dynamic is largely because those personnel that would move up in rank to lieutenant, the sergeant position, are eligible for overtime pay and would often earn less compensation as a lieutenant. In fact, the Police Chief relayed that several very qualified sergeants have told him personally that they would never seek promotion to lieutenant because they cannot afford the cut in pay.
5. The Chief of Police has consulted with the NEPBA (the “union”) regarding the suggested change in policy. The union has indicated that there is no objection on their part provided non-salaried personnel are provided first opportunity at the extra duty before salaried personnel.

RECOMMENDED ACTION

Adopt the below noted edits/ amendments:

Section 2a: PRIVATE DUTY ASSIGNMENTS

Private duty assignments shall be ~~limited to non-exempt employees and shall be compensated at the rate of pay outlined in the NEBPA one and one-half (1 ½) times their regular hourly rate of pay not to exceed the top step of the patrol scale as listed in the IBPO~~ (Police) collective bargaining agreement. Exempt employees of the Police Department holding the rank of Lieutenant or Captain may be allowed to work private duty assignments. ~~with no additional compensation.~~

Exempt employees of the Police Department may only volunteer for private duty assignments after the notice of the private duty assignment has been posted for a minimum of twenty-four (24) hours. The purpose of the twenty-four (24) hour wait period is to allow non-exempt employees an opportunity to volunteer for the assignment. In the event that a private duty assignment is posted with less than twenty-four (24) hours between the time of the posting and the time of assignment, the first person to sign shall have the right to take the private duty assignment, regardless of rank. If working an outside detail will involve changes to the exempt employee's normal work schedule, it will require the prior approval of the Chief of Police or his designee.