

**Rochester Regular City Council Meeting
May 7, 2013
COUNCIL CHAMBERS
7:00 PM**

MEMBERS PRESENT

Councilor Hervey
Councilor Hynes
Councilor Keans
Councilor Lachapelle
Councilor LaBranche
Councilor Lauterborn
Councilor Larochelle
Councilor Reed-Erickson
Councilor Savoie
Councilor Torr
Councilor Varney
Councilor Walker
Mayor Jean

OTHERS PRESENT

City Manager Fitzpatrick
Deputy City Manager Cox
Deputy City Manager Pollard
Attorney Wensley
Commissioner Nourse
AMVETS POST 7

MINUTES

1. Call to Order

Mayor Jean called the meeting to order at 7:00 PM.

2. Presentation of the Colors by the AMVETS POST 7

• Pledge of Allegiance

The AMVETS Post 7 led the Pledge of Allegiance and presented the Colors to the City Council.

3. Opening Prayer

The AMVETS Post 7 led the opening prayer.

• Proclamation: National Military Appreciation Month

Mayor Jean presented the National Military Appreciation Month Proclamation to Dennis Sellers, President of the Veterans Council and proclaimed the period of May 1st through June 14th as a special time to show appreciation for our military. Mr. Sellers gave a brief overview of the upcoming veterans' events. Norman Sanborn, Sr. invited the City Council members to participate in the upcoming Memorial Day Parade. The public is welcome to attend.

4. Roll Call

Kelly Walters, City Clerk, took a roll call. All Council members were present.

5. Acceptance of Minutes

5.1 April 2, 2013, Regular City Council Meeting

Councilor Walker **MOVED** to **APPROVE** the Regular City Council minutes of April 2, 2013. Councilor Keans seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

5.2 April 16, 2013, Special City Council Meeting

Councilor Walker **MOVED** to **APPROVE** the Special City Council minutes of April 16, 2013. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

6. Communications from the City Manager

6.1 Employee of the Month Award

City Manager Fitzpatrick invited Karen Bonneau, Police Department, and Chief Allen to come forward. He said Ms. Bonneau has been nominated for the Employee of the Month Award for May for her outstanding customer service skills. He awarded Ms. Bonneau as the Employee of the Month for May.

6.2 City Manager's Report

City Manager Fitzpatrick reported that the following Management Team minutes have been included with the City Manager's Report for review:

- March 25, 2013
- April 1, 2013
- April 16, 2013
- April 22, 2013

City Manager Fitzpatrick reported that the following change orders have been approved since the last report:

- SUR Construction – Change Order #2 – Salmon Falls Road Reconstruction Project
- Brock Street – Change Order #1 – *Additional \$15,034.61*
- Pine Street – Change Order # 4

City Manager Fitzpatrick reported that the permits that have issued since the last report are as follows:

- Waived Fees for the Scoreboard at Roger Allen Girls Softball
- Waived Fees for the Fireworks – *The Night Before the 4th of July*

City Manager Fitzpatrick reported that other action items since the last report are as follows:

- Renewed Community Center Lease with the Strafford County Community Action
- Rental of City Council Chambers and Conference Room to Arts Rochester for April 6, 2013 and June 2, 2013
- Necessary sing-offs for the Chamber Community Expo

City Manager Fitzpatrick stated that the following routine reports have been included for the City Council review:

- Personnel Action Report Summary
- Permission and Permits Issued
- City Council Request and Inquiry Report

7. Communications from the Mayor

7.1 Special Presentation by Mayor Jean

Mayor Jean invited Patty Kairo, City Manager's Executive Secretary, to come forward. He announced that Ms. Kairo is retiring from the City of Rochester after twenty-five years of service as of May 31, 2013. He invited former Mayors Larochelle and Walker to join them on the platform.

Mayor Jean read a proclamation on behalf of the City Council to honor Ms. Kairo and proclaimed May 31, 2013, as "Patty Kairo Day" in the City of Rochester. He added that all of the former mayors who have served the City while Ms. Kairo was serving the City of Rochester as the City Manager's Secretary, beginning with Mayor Green, have signed this proclamation. He indicated that the one exception to this is that former Mayor Bernier would sign the proclamation on his return from vacation this coming Friday.

Mayor Jean thanked Ms. Kairo for all the hard work she has done, especially since he was elected as Mayor in 2009.

Mayor Jean read an e-mail written by former Mayor Bernier relative to Ms. Kairo's twenty-five years of service to the City of Rochester.

7.2 Proclamation: National Public Works Week

Mayor Jean read a proclamation proclaiming the week of May 19th through May 25th as National Public Works Week and presented the proclamation to Commissioner Nourse.

7.3 Proclamation: Municipal Clerks Week

Mayor Jean read a proclamation proclaiming the week of April 28th through May 4th as Municipal Clerks Week and presented the proclamation to Kelly Walters, City Clerk, Marcia Roddy, Deputy City Clerk, and Nancy Carignan, Assistant City Clerk.

7.4 Proclamation: Police Memorial Week

Mayor Jean read a proclamation proclaiming the week of May 12th through May 18th as Police Memorial Week and presented the proclamation to Commissioner Bemis and Chief Allen.

7.5 Joint City Council/School Board Meeting Discussion

Mayor Jean clarified that the creation of a Joint Building Committee does not guarantee funding or approval for a proposed building project. The Committee would review the building proposal and recommend to the City Council proceed or not to proceed. There are still a lot of questions left to be answered and it is appropriate to create the Joint Building Committee at this time. He added that Attorney Wensley has given the City Council legal direction regarding how to proceed.

Mayor Jean appointed the following City Council Members to serve on the Joint City Council/School Board Building Committee: Mayor Jean, Deputy Mayor Varney and Councilors Lauterborn, Keans, Walker, and Torr. He encouraged all Council members to attend and/or give relative input.

Councilor Hervey asked if the first meeting date had been set. Mayor Jean stated that a meeting date could be set once the School Board appoints six School Board members to the Committee. The Committee would follow the State regulations regarding electing a Chair, setting up meeting dates, et cetera.

7.6 Public Notice: Rabies Clinic – May 11, 2013

Mayor Jean announced that there would be a rabies vaccination clinic on May 11, 2013, at the 4-H Building/Rochester Fair Grounds. He reminded dog owners that the deadline for registration of dogs was May 1, 2013.

7.7 **US Postal Service Food Drive – May 11, 2013

Mayor Jean announced that the United States Postal Service Food Drive is scheduled for May 11, 2013. He said last year twelve thousands pounds of food was collected for Gerry's Food Pantry.

Mayor Jean publicly congratulated Attorney Wensley for being inducted into the Rochester Sports Hall of Fame relative to being a great contributor to the athletics held in the Rochester Community.

8. Presentation of Petitions and Council Correspondence

No discussion.

9. Nominations, Appointments, Resignations, and Elections

9.1 Resignations: Brian Albertelli, Historic District Commission

Councilor Walker **MOVED** to **ACCEPT** the resignation of Brian Albertelli, Historic District Commission, with regret. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

9.2 Resignation: Peter Meyer, Rochester Zoning Board

Councilor Walker **MOVED** to **ACCEPT** the resignation of Peter Meyer, Zoning Board of Adjustment, with regret. Councilor Torr seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Keans requested that “thank you” letters be sent out to the two volunteers. Mayor Jean agreed. He publicly thanked Mr. Meyer for his many years of dedicated service to the Zoning Board of Adjustment. Councilor Torr, Chair of the ZBA, wished to also publicly thank Mr. Meyer.

9.3 Appointment: Strafford Regional Planning Commission

Mayor Jean stated that Kenn Ortmann, Director of the Planning Department, is retiring from his position with the City of Rochester; however, Mr. Ortmann has indicated his desire to continue to serve on the Strafford Regional Planning Commission position.

The City Council determined that this appointment should be made by the Planning Board. Mayor Jean requested that the Planning Board be notified of the reappointment. City Clerk Walters concurred.

9.4 Re-Appointment: Rochester Economic Development Commission – Jonathan Shapleigh

Mayor Jean explained that Jonathan Shapleigh had only been appointed for a six month period in order to fill the vacant Economic Development Commission.

Mayor Jean nominated Mr. Shapleigh to be reappointed to the Rochester Economic Development Commission for a term to expire on January 1, 2016. Councilor Walker seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion.

Mayor Jean announced that Mr. Shapleigh has been reappointed to the Rochester Economic Development Commission by a unanimous ballot vote.

10. Reports of Committees

10.1 Codes and Ordinances Committee

Councilor Lachapelle reported that there were no action items.

10.2 Finance Committee

Mayor Jean reported that there were two action items from the April 9, 2013, Finance Committee Meeting; however, both action items have already been dealt with by the City Council.

10.3 Public Safety Committee

Councilor Walker reported that all action items have been kept in Committee at this time.

10.4 Public Works & Buildings Committee

Councilor Torr stated that the Committee had a discussion relative to displaying “art” at the City Hall building. He said the Committee discussed removing all of the past portraits of the Rochester mayors and replacing each portrait with a unified 8 by 10 framed portrait of each mayor to be displayed at City Hall, however, it was disputed that the original portraits should be preserved in the historical frames in order to keep the historical theme of the building.

City Manager Fitzpatrick said he is working with the Rochester *Museum of Fine Art* in order to display some art work on the hallways of the City Hall building. He briefed the City Council of his original intention to provide a gallery of former mayors in a uniform manner in the City Hall. He will work with the Rochester *Museum of Fine Art* and keep with the Committees wishes. He would also make an attempt to ensure any missing mayor portraits are replaced.

Councilor Torr **MOVED** to ensure that the missing mayor’s portraits be replaced and displayed at City Hall. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Torr **MOVED** to authorize the City Manager to direct the Department of Public Works to remove the City owned building located at 1 Walnut Street as soon as possible. He explained that the Rochester Housing Authority was no longer responsible for maintaining the building effective May 1, 2013. He gave reasons why this building should be demolished as soon as possible. Councilor LaBranche seconded the motion. Mayor Jean restated the motion and said the demolition should take place prior to July 1, 2013. The **MOTION CARRIED** by a unanimous voice.

Councilor Torr wished to have the minutes reflect that it is the Public Works Committee's recommendation not to proceed with the Crosswalk at Route 125/Brock Street.

Councilor Torr requested that the Anderson Lane project be resolved soon. Mayor Jean stated that there is a Resolution relative to Anderson Lane under New Business that could be voted upon this evening.

Councilor Varney said the Public Works Committee is ready to reach an agreement with the City of Somersworth regarding the Amazon Campground as previously stated in the last Department of Public Works minutes. There would be no cost to the City of Rochester. Councilor Varney **MOVED** to authorize the City Manager to write the letter required by the agreement to the City of Somersworth that would allow Amazon Campground to tie into the City of Rochester water line, which is supplied by Somersworth. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Varney requested that City staff research the history of the waterlines relative to the Amazon Campground as follows: how and why the waterline, which was originally installed, did not continue far enough to connect with the Somersworth waterline in the first place; and how this waterline was originally approved and why it was terminated. He requested that both the Planning Board and City Council minutes be researched to find out the history of this problem.

Mayor Jean asked if the Committee had a recommended paving list to be considered. Peter Nourse, Public Works Director, addressed the City Council about the paving list. He said Common Street and Grant Street were included in the proposed list. He informed the City Council that the "bump-outs" would be removed as previously recommended by the Public Works Committee. Mayor Jean asked if any member of the City Council objected to the removal of the bump-outs on Grant Street and Common Street. No City Council member objected.

Mr. Nourse informed the City Council that the Common/Grant Streets project would take about three full weeks and would result in a superior product. He said there will be times during the day that the streets would be closed down for the traffic. He gave details of the project.

Councilor Torr spoke about the lack of contingency funds remaining for the Brock Street project. Mr. Nourse stated that the City has about \$27,000 left in contingency funds for the Brock Street project; however, he recalled that the distribution funds should cover the remaining cost. He added that this would be discussed at the next Public Works Committee meeting.

Mayor Jean and the City Council publicly congratulated Mr. Nourse for recently securing the Commissioner of Public Works position with the City of Rochester.

Mayor Jean questioned if the City Council should make a formal vote relative to the proposed paving list. Councilor Varney suggested that other members of the City Council be granted some time in order to give input relative to adding/removing streets from the list. This street list should be prioritized over the next month. He requested that the Department of Public Works supply a paving list with associated cost of each street.

Councilor Torr mentioned that no recommendation has been made by the Committee relative to the roadway bump on Twombly Street. Council briefly discussed the matter. No motion was made by the City Council.

Councilor Hervey asked about the status of the United Methodist Church clock. Mayor Jean replied that a discussion took place at the last Finance Committee meeting. He stated that Bruce Young, Buildings and Grounds Department, has been in contact with Charlie Devito, United Methodist Church, and they are coordinating a power shut-off to the cellular equipment. He added that this would allow Mr. David Graft to repair the clock.

11. Old Business

11.1 MS4 Stormwater Permit Coalition Efforts

Mr. Nourse gave an overview of the MS4 Stormwater Permit Coalition being formed. He informed the City Council that the EPA has granted an additional ninety days to the “public comment” period which would now be extended until August 15, 2013. He asked if the City Council had any questions.

Mayor Jean recalled that the City of Rochester has already reserved funds for the coalition efforts in the amount of approximately \$100,000. At this time, there is no need for a formal resolution because the funding is already in place. He said a formal vote of the City Council should be taken in order for the City of Rochester to join the MS4 Stormwater Permit Coalition efforts.

Councilor Lauterborn stated that sixty communities are being affected by the stormwater permits; however, only seven communities have formally joined the coalition. This is not a lot of support. Mr. Nourse understood Councilor Lauterborn’s concerns; however, the number of communities who have joined has recently increased to sixteen. He is hopeful that the attendance would increase in the next few weeks. He briefed the City Council about the fees associated with joining if more communities would join the coalition. He said it would be great if more communities would join; however, it is still better than fighting the EPA as a single community.

Councilor Savoie asked what the financial impact of the EPA mandate would be on the City of Rochester. Mr. Nourse replied that the information has not been sufficient in order to answer that question. The EPA has disclosed that based on a community’s infrastructure, the new EPA mandates could be estimated between \$80,000 and \$800,000 for a community to comply; however, in the Chesapeake Bay area, where permits have been an “issue” for several years, the average cost of compliance is approximately \$50,000 per impervious acre of land. He estimated Rochester’s

compliance cost upwards of \$230,000,000.

Councilor Savoie questioned if Mr. Nourse is agreeable to the statement that there are no real problems which have arisen to warrant such mandates. Mr. Nourse said some of the data supplied by the EPA has been questionable and experts have tried to answer such questions. He said some of the mandates are a result of only "suspected" problems with no evidence. He gave other examples of why it is important to challenge the EPA mandates. This can be best challenged through a coalition effort. Councilor Savoie stated that regardless of how many other communities join the coalition that the City of Rochester must join in order to challenge these mandates.

Councilor Keans stated her disinterest in joining any more coalitions relative to cleaning up the Great Bay. She said it seems that the original Great Bay Coalition is creating a roadblock and stalling in its own efforts. She is against the City of Rochester joining the MS4 Stormwater Coalition. This is not a new issue; she attended meetings on this matter over nine years ago. She gave reasons that this issue should be reviewed by the Planning Board and Zoning Board, not the City Council. She suggested scheduling a joint meeting with all three governing bodies: Planning Board, Zoning Board, and City Council.

Mayor Jean asked how the City Council wished to proceed at this time. Councilor Savoie **MOVED** to authorize the City of Rochester to participate in the MS4 Stormwater Coalition Permit Efforts. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

11.2 Resolution Authorizing Supplemental Appropriation to Address, Complete, Correct, and/or Take Other Appropriate Actions Relative to the So-Called Anderson Lane Subdivision Conditions of Approval

Councilor Walker **MOVED** to read the resolution by title only. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only as follows:

**RESOLUTION AUTHORIZING
SUPPLEMENTAL APPROPRIATION
TO ADDRESS, COMPLETE, CORRECT
AND/OR TAKE OTHER APPROPRIATE ACTIONS
RELATIVE TO THE
SO-CALLED ANDERSON LANE SUBDIVISION CONDITIONS OF APPROVAL**

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

That the sum of One Hundred Ninety-Two Thousand Seven Hundred Ninety-Four Dollars and Ninety-Six Cents (\$192,794.96) be, and hereby is, appropriated as part of the City of Rochester 2012-2013 capital budget of the City of Rochester, Public Works Department (account numbers to be assigned by the Finance Director), such sum to be used for the purpose of addressing, completing, correcting and/or taking other actions deemed appropriate by the City Manager and/or his designee to implement the so-called "conditions of approval" of the so-called Anderson Lane subdivision. Further, that

the sums necessary to fund such appropriation shall be derived in their entirety from the surety for such Anderson Lane subdivision project taken and/or received by, and/or surrendered to, the City by the developer of such so-called Anderson Lane subdivision project, in an amount not to exceed One Hundred Ninety-Two Thousand Seven Hundred Ninety-Four Dollars and Ninety-Six Cents (\$192,794.96).

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

Mayor Jean gave a brief update on Anderson Lane. Councilor Walker asked if the amount indicated in the resolution included the surety. Mayor Jean replied yes, the resolution reflects the amount of surety in order to complete the project. City Manager Fitzpatrick wished to clarify that this resolution has been created in order to ensure that Anderson Lane is completed to the Department of Public Works standards and not to the standards of the original developer. He added that it is an estimate based, without the knowledge, of what might be found underneath the pavement. This is the best estimate which could be supplied from the information that could be obtained. Councilor Larochelle wished to clarify that no tax dollars would be paying for this project. City Manager Fitzpatrick stated that if a problem occurred and the Commissioner of Public Works is in need of more money to finish the basic project, he would be required to address the full City Council prior to proceeding.

Councilor Varney stated that he read the resolution and the figures do not add up. It seems that money is being drawn from another source. Mr. Nourse stated that the project was recently reviewed and certain items were eliminated from the overall project so that only surety money would be spent on the very basic items such as sewer, roads, and sidewalks. Councilor Varney asked if once the project is completed, would it be in a condition to be accepted by the City of Rochester as a City street. Mr. Nourse replied yes.

A discussion ensued about the granite curbing of the cul-de-sac and installing sidewalks. Mr. Nourse agreed that the granite curbing would be removed. No changes were made to installation of the sidewalks. Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for a second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only for a second time. Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

12. New Business

12.1 Resolution Authorizing City Manager to Execute a Lease Purchase Agreement for the Purpose of Refunding and Repurchasing Photocopier Equipment

Councilor Lachapelle **MOVED** to read the resolution by title only. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only as follows:

**RESOLUTION AUTHORIZING CITY MANAGER TO EXECUTE A LEASE PURCHASE
AGREEMENT FOR THE PURPOSE OF REFUNDING & REPURCHASING
PHOTOCOPIER EQUIPMENT**

That, the City Manager of the **City of Rochester, New Hampshire** be and hereby is authorized to execute and deliver a tax-exempt lease purchase agreement with M.S.T. Government Leasing, LLC in the name and on behalf of the **City of Rochester, New Hampshire** (the "Issuer"), for the purpose of refunding and refinancing existing lease purchases of photocopier equipment and lease purchasing additional new and reconditioned photocopier equipment, any service agreements specifically financed in connection with certain equipment, consulting fees and related costs of issuance with an aggregate purchase price not exceeding **One Hundred Fifty-Eight Thousand Three Hundred and Sixty-One Dollars and Six Cents (\$158,361.06)**, at a rate of interest of not more than **2.680%** per year through **August 1, 2017**, and otherwise in such form as the City Manager may approve; and that the appropriate officials of the Issuer be and hereby are authorized to execute and deliver on behalf of the Issuer such other documents and certificates as may be required in connection with such tax-exempt lease purchase agreement; and that no part of the proceeds of said tax-exempt lease purchase agreement shall be used, directly or indirectly, to acquire any securities or obligations, the acquisition of which would cause the tax-exempt lease purchase agreement to be a "private activity bond" or an "arbitrage bond" within the meaning of Sections 141 and 148, respectively, of the Internal Revenue Code of 1986, as amended (the "Code"); and that the tax-exempt lease purchase agreement issued pursuant hereto be designated as a qualified tax-exempt obligation within the meaning of Section 265(b)(3)(B) of said Code; and that the City Manager be and hereby is authorized to covenant on behalf of the Issuer to file any information report and pay any rebate due to the United States in connection with the issuance of said tax-exempt lease purchase agreement, and to take all other lawful actions necessary to insure that the interest portion of the rental payments under and pursuant to the tax-exempt lease purchase agreement will be excluded from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause such interest portion of the rental payments to become includable in the gross income of the owners thereof.

Deputy City Manager Cox gave an overview of the reasons and cost savings associated with combining the copier and printer needs with other municipalities and school districts as well as the Rochester School Department. The name of the company is Specialized Purchasing Consultants Corporation. He added that there is a formal resolution which has been created in order to authorize the City of Rochester to participate in the five year copier and printer lease agreement. He listed the many benefits associated with participating with the Specialized Purchasing Consultants Corporation's proposal. He introduced Paul Garozzo, Specialized Purchasing Consultants Corporation.

Mr. Garozzo gave a brief overview of the copier and printer proposal. He asked if any member of the City Council had any questions.

Councilor Walker asked how soon this would take effect. Mr. Garozzo replied that there is a tentative appointment set for Wednesday, May 8, 2013, at 1:30 PM.

Councilor Walker asked how the payment would be made in this year's budget if the resolution is accepted. Mr. Garozzo replied that no payment would be made in this year's fiscal year budget. The first payment would be due in August of this year, which would be the next fiscal year's budget and the program could begin as soon as the agreement is signed.

Councilor Lauterborn wished to clarify that there would be a cost savings associated with the proposed budget. Mayor Jean replied yes.

Councilor Savoie asked why the City would borrow money in order to pay for copiers and printers. Deputy City Manager Cox explained that the savings is significant; however, the City would use installment payments rather than paying the entire up front price of purchasing all the new printers and copiers at one time.

Councilor Keans asked who would be responsible for maintenance on the copiers and printers. Mr. Garozzo replied the City would contact the vendor directly; in this case it would either be Xerox or AAA HP's.

Councilor Varney stated that there should be funding in place to pay for these copiers, printers, and supplies throughout the City's budget. How would they remove these cost items from each department's budget. Deputy City Manager Cox replied that the Finance Department would locate this funding in each department's budget and forward a list of adjustments to the City Council by the June timeframe.

Councilor Keans questioned how the City would save almost \$90,000 per year. Mr. Garozzo gave details of the cost savings which equates to almost \$97,000 each fiscal year. Mayor Jean believed the largest saving would be gained by purchasing the most efficient machines which would produce the same amount of copies for much less of an overall cost.

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

12.2 Resolution Authorizing Supplemental Appropriations to the 2012-2013 Operating Budget of the Rochester Police Department for the Purchase of Three (3) Police Cruisers

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only as follows:

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATIONS TO THE
2012-2013 OPERATING BUDGET OF THE ROCHESTER POLICE DEPARTMENT
FOR THE PURCHASE OF THREE (3) POLICE CRUISERS**

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

That the sum of Eighty-Seven Thousand Dollars (\$87,000.00) be, and hereby is, appropriated as part of the City of Rochester 2012-2013 operating budget of the City of

Rochester, for the Police Department (account numbers to be assigned by the Finance Director), such sum to be used for the acquisition of three (3) new police cruisers for use by the Rochester Police Department. Further, that the sums necessary to fund such appropriation shall be derived in their entirety from the transfer of surplus funds in an amount not to exceed Eighty-Seven Thousand Dollars (\$87,000.00) from the salary and/or health benefits line items in the 2012-2013 operating budget of the City of Rochester, Police Department. Further, to the extent that any funds are drawn from the salary and/or health benefits line items in the 2012-2013 operating budget of the City of Rochester, Police Department for the above acquisition of three (3) new police cruisers, the existing appropriations to such salary and/or health benefits line items in the 2012-2013 operating budget of the City of Rochester, Police Department are correspondingly reduced.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

Chief Allen addressed the City Council. He said the Police Department is seeking to alter the purchase date of the model year replacement police cruisers from July 1st of each year to April 30th of each year. He said April is the month in which the current year's models are expiring. This would produce a cost savings to the Police Department. This would become the new timeframe in which to order the current year's model cruisers at a reduced rate.

Chief Allen stated that due to attrition in the Police Department's employee salary and benefit line item, there has been a significant cost savings. This attrition has been attributed to three sworn officers leaving the department, along with some unsworn officers not making it through the hiring process. It has been a challenge finding qualified individuals to serve on the force, which has resulted in unanticipated savings in the salary and benefits line items, which could reach approximately \$130,000 by the end of this fiscal year. This savings is enough to cover the cost of the three cruisers. This is the only reason that this resolution is being presented to the City Council at this time.

Chief Allen listed other benefits of ordering the cruisers early in the season and the advantage of using the State bid pricing process.

Mayor Jean recalled that there are three cruisers [\$28,000] already in the CIP budget for the Police Department; however, these cruisers are expected to cost \$29,000 per cruiser. Chief Allen explained that the \$29,000 price included all the additional options and change over cost. He gave other details of the cost relative to pricing of a vehicle.

Councilor Walker wished to clarify the action. He understood that three cruisers would be paid for using unexpended salary and benefits money. He questioned if the three cruisers from the proposed CIP budget would then be removed. Chief Allen replied if the City Council passed the resolution, then three cruisers would be purchased now and the proposed CIP budget [cruisers] purchase date would be delayed until April 2014. This is how the purchasing date could be altered to better fit the needs of the Police Department.

Councilor Walker asked if the police cruiser [current year's model] is no longer available after July 1st of each year. Chief Allen said the current year's model is no longer available to be *ordered* with the typical options normally chosen or through the State's bid price.

Council debated how this action would change the process of the budget adoption. Councilor Walker pointed out that this would essentially equate to purchasing three (3) extra cruisers during this fiscal year. Chief Allen agreed; however, the purchase of the CIP cruisers would be significantly delayed in an effort to change the purchasing cycle.

Chief Allen spoke about the mileage and wear and tear of the current cruisers. Councilor Walker asked why the Chief could not just delay the CIP budget purchase until next April and not replace any cruisers at this time. Chief Allen explained that it would not be possible to delay the purchase of at least 3 cruisers now or upon July 1st because of the current millage and wear of tear of the current vehicles. Councilor Walker disagreed.

Councilor Lauterborn questioned how many cruisers have already been purchased in this fiscal year. Chief Allen replied four. Councilor Lauterborn said it sounds like a great proposal; however, the City should not spend the unexpended salary and benefit funds to purchase cruisers. It seems the police department operated fine without the \$87,000 for salary and benefits this current year. Councilor Keans agreed and said if the City Council approved this resolution that it would be allowing seven cruisers to be purchased in one fiscal year.

Councilor Hervey asked for clarification on the delivery timeframe associated with the purchase of the cruisers. Chief Allen stated that if the cruisers are purchased now they would be delivered in about 5 weeks; however, the manufacture has informed the Police Department that the 2014 models being ordered after July 1, 2013, could be delivered in the December/January timeframe. Councilor Hervey surmised that there must be documentation that supports the need to replace vehicles once they reach a certain amount of millage. Chief Allen concurred.

Councilor Varney wished to clarify that the City has already expended over \$2,000,000 from the General Fund Balance to offset taxes and to purchase a fire truck. Deputy City Manager replied that this was correct.

Councilor Varney wished to clarify that another \$1,700,000 would be proposed again this year in order to offset taxes. Deputy City Manager Cox replied this was correct, too. Councilor Varney said any surplus money should go back to the General Fund and it is obvious this year that there will be a lack of surplus coming back to the City from the School Department. He would normally support this type of change to the purchasing cycle; however, he listed reasons why the City Council must first go through the budget process prior to allowing this purchase.

Councilor Lachapelle said that the comment made by Councilor Lauterborn indicating that the Police Department's salary and budget line had been over-funded this year was inaccurate. Chief Allen agreed. He said this savings in the salary and

budget line is not because of the lack of effort on the Police Department's side. This has been a unique year in the hiring process as far as finding qualified applicants is concerned.

Mayor Jean asked if the City has ever in the past spent unexpended salary and benefit funds on a capitol cost item such as cruisers. Deputy City Manager Cox replied no, not that he could recall. Mayor Jean stated that this could create a problem for other departments.

Councilor Lauterborn stated that this idea could be easy to support if there would be \$87,000 worth of savings for the upcoming budget; however, there would not be a significant amount of savings associated with this purchase.

Mayor Jean said the City Council could, in fact, approve this resolution to approve the early purchase of the three cruisers and then remove the proposed CIP cruisers from the upcoming budget. Councilor Walker gave reasons why this would have an impact on the upcoming budget. He said it circumvents the process.

Councilor Lauterborn asked what the "drop dead" purchase date for obtaining the proposed vehicles would be in order to benefit from the savings which the chief has outlined. Chief Allen was not sure what that date would be for a number of reasons.

Council discussed the current fleet of police vehicles. Councilor Savoie stated that the Police Department has replaced seven of the ten front line vehicles in this fiscal year. Do the remaining three vehicles need to be replaced in the fiscal year 14 budget? Chief Allen replied two of the front line would be replaced and two of the back line vehicles. The vehicles are high in millage and might not make it through another fiscal year.

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution for a second time by title only. Councilor LaBranche seconded the motion. The **MOTION FAILED** to receive the required two-third majority vote, by a hand vote of 5 to 8. *The first voice vote was unclear.*

Councilor Lauterborn asked if this means that the resolution failed and would not be brought up again. Mayor Jean replied no, it now must appear on the next Regular City Council meeting agenda as "old business".

Councilor Varney requested an updated spreadsheet of the Police Department vehicles and current millage. Chief Allen distributed the information to the City Council.

12.3 Resolution Adopting the Fiscal Year 2014 Operating Budget – First Reading

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only as follows:

**RESOLUTION APPROVING 2013-2014 OPERATING BUDGET
FOR THE CITY OF ROCHESTER**

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

That a twelve (12) month operating budget for the City of Rochester be, and hereby is, approved and appropriated for the period beginning July 1, 2013 and ending June 30, 2014 in the amounts and for the purposes more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2014 (July 1, 2013 - June 30, 2014), as amended, the provisions of which are incorporated herein by reference thereto by attached Exhibit A.

This budget may be reconsidered before the tax rate is set if City, School and/or County revenues are changed by the State of New Hampshire or by the Federal Government. The budget appropriations contained in this Resolution are predicated upon projected revenues as more particularly set forth in the City of Rochester, Proposed Budget, Fiscal Year 2014 (July 1, 2013 - June 30, 2014), as amended, the provisions of which are incorporated herein by reference thereto.

Exhibit A – *This can be found as an attachment to this set of minutes.*

12.4 Resolution Adopting the Fiscal Year 2014 CIP Budget – First Reading

Councilor Lachapelle **MOVED** to read the resolution for the first time by title only. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only as follows:

**RESOLUTION AUTHORIZING AND APPROVING 2013-2014 CAPITAL BUDGET
FOR THE CITY OF ROCHESTER AND AUTHORIZING BORROWING IN
CONNECTION THEREWITH**

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

That the capital budget for the City of Rochester for the July 1, 2013 to June 30, 2014 fiscal year in the total amount specified in **Exhibit A** annexed hereto, be, and hereby is, authorized and appropriated, and, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, is hereby authorized to issue bonds, notes and/or other forms of long term financing to finance a portion of said capital budget appropriation as identified on Exhibit A annexed hereto.

The aforementioned issuance of bonds, notes and/or other forms of long term financing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter. The useful lives of the capital projects for which bonds, notes and/or other forms of long term financing is authorized by this resolution shall be more particularly set forth in the "City of Rochester, New Hampshire, Proposed CIP Budget, Fiscal Year 2014 (July 1, 2013 – June 30, 2014), as amended.

Exhibit A – This can be found as an attachment to this set of minutes.

12.5 Consent Calendar:

Mayor Jean asked if any City Council member desired to remove any of the items from the Consent Calendar. No motion was made to remove any of the consent calendar items.

Councilor Walker **MOVED** to **ADOPT** the consent calendar resolutions. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The resolutions have been adopted as follows:

12.5.1 Resolution Accepting a US Department of Justice Reimbursement Funds and Authorizing a Supplemental Appropriation to the 2012-2013 Operating Budget of the Rochester Police Department to Reimburse the OCDETF Related Overtime Expenditures in the Amount of \$11,000

RESOLUTION ACCEPTING U.S. DEPARTMENT OF JUSTICE REIMBURSEMENT FUNDS AND AUTHORIZING SUPPLEMENTAL APPROPRIATIONS TO THE 2012-2013 OPERATING BUDGET OF THE ROCHESTER POLICE DEPARTMENT TO REIMBURSE OCDETF RELATED OVERTIME EXPENDITURES

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

That the sum of Eleven Thousand Dollars (\$11,000.00) to be paid to the City of Rochester, Police Department by the U.S. Department of Justice, for reimbursement of OCDETF overtime related expenses incurred by the Rochester Police Department with respect to OCDETF related activities, is hereby accepted by the City of Rochester, and such distributions shall be assigned to a special non-lapsing reserve account to be established/designated by the Finance Director in the 2012-2013 operating budget of Rochester Police Department.

Further, that the sum of Eleven Thousand Dollars (\$11,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2012-2013 operating budget of the City of Rochester, Police Department, to a special non-lapsing reserve account to be established/designated by the Finance Director, such funds to be used exclusively for overtime related expenses incurred by the Rochester Police Department with respect to OCDETF related activities. Further, that the source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid U.S. Department of Justice distribution.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

12.5.2 Resolution Accepting a Department of Justice, Drug

**Enforcement, Drug Forfeiture Distribution, to the City of
Rochester and Making a Supplemental Appropriation in
Connection Therewith in the amount of \$4,570**

**RESOLUTION ACCEPTING
DEPARTMENT OF JUSTICE, DRUG ENFORCEMENT,
DRUG FORFEITURE DISTRIBUTION
TO THE ROCHESTER POLICE DEPARTMENT
AND MAKING A SUPPLEMENTAL APPROPRIATION
IN CONNECTION THEREWITH**

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

That an asset forfeiture distribution from the U.S. Marshall's Service (District of NH)*, in the amount of Four Thousand Five Hundred Seventy Dollars and Thirty-One Cents (\$4,570.31), made to the City of Rochester, Police Department as a result of four (4) drug investigations, seizures and/or arrests made by law enforcement authorities, and in which the Rochester Police Department was involved, is hereby accepted by the City of Rochester, and such distributions shall be assigned to a special non-lapsing reserve account to be established/designated by the Finance Director in the 2012-2013 operating budget of Rochester Police Department. Further, that the sum of Four Thousand Five Hundred Seventy Dollars and Thirty-One Cents (\$4,570.31) be, and hereby is, appropriated as a supplemental appropriation to the 2012-2013 operating budget of the City of Rochester, Police Department, in a special non-lapsing reserve account to be established/designated by the Finance Director, such funds to be used exclusively for drug law enforcement purposes. Further, that the source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid distribution.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

**12.5.3 Resolution Deauthorizing an Internet Crimes Against
Children Overtime Grant in the Amount of \$2,672**

**RESOLUTION DEAUTHORIZING
INTERNET CRIMES AGAINST CHILDREN OVERTIME GRANT
FY 2012-13 BUDGET APPROPRIATION**

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

WHEREAS, by resolution previously adopted by the Mayor and City Council on November 13, 2012, the sum of Two Thousand Six Hundred Seventy-Two Dollars and Thirty Cents (\$2,672.30) was appropriated in the City of Rochester's FY 2012-2013 Police Department Operating Capital Budget for the Police Department's participation in

the work of the NH Internet Crimes Against Children (NHICAC) operations; and

WHEREAS, the funds appropriated for such purpose were to be drawn from an Internet Crimes Against Children ("ICAC") grant; and

WHEREAS, the aforesaid grant funding has been reallocated so that such funding source is no longer available to fund the aforesaid appropriation;

NOW, THEREFORE, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize the entire Two Thousand Six Hundred Seventy-Two Dollars and Thirty Cents (\$2,672.30) previously appropriated for the aforesaid above stated purpose.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

12.5.4 Resolution Accepting a US Marshall's Service, Drug Forfeiture Distribution, to the Rochester Police Department and Making a Supplemental Appropriation in Connection Therewith in the Amount of \$1,707.44

**RESOLUTION ACCEPTING
U.S. MARSHALL'S SERVICE,
DRUG FORFEITURE DISTRIBUTION
TO THE ROCHESTER POLICE DEPARTMENT
AND MAKING A SUPPLEMENTAL APPROPRIATION
IN CONNECTION THEREWITH**

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

That an asset forfeiture Equitable Sharing distribution from the U.S. Marshall's Service, New Hampshire, in the amount of One Thousand Seven Hundred Seven Dollars and Forty-Four Cents (\$1,707.44), made to the City of Rochester, Police Department as a result of a drug investigation, seizure and/or arrest made by law enforcement authorities, and in which the Rochester Police Department was involved, is hereby accepted by the City of Rochester, and such distributions shall be assigned to a special non-lapsing reserve account to be established/designated by the Finance Director in the 2012-2013 operating budget of Rochester Police Department. Further, that the sum of One Thousand Seven Hundred Seven Dollars and Forty-Four Cents (\$1,707.44) be, and hereby is, appropriated as a supplemental appropriation to the 2012-2013 operating budget of the City of Rochester, Police Department, in a special non-lapsing reserve account to be established/designated by the Finance Director, such funds to be used exclusively for drug law enforcement purposes. Further, that the source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid distribution.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers

as necessary to implement the transactions contemplated by this Resolution.

13. Other – Rochester Hill Water Tower Supplemental Appropriation –First Reading

Mayor Jean indicated that a resolution had been submitted in order to address the Rochester Hill Water Hill Tower Repair Project. Councilor Walker **MOVED** to read the resolution by title only. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution as follows:

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE 2012-2013 CAPITAL BUDGET OF THE CITY OF ROCHESTER, WATER WORKS FOR THE SO-CALLED ROCHESTER HILL WATER TOWER REPAIR PROJECT AND AUTHORIZING BONDING IN CONNECTION THEREWITH

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

That the sum of up to Thirty-Three Thousand Six Hundred Fifty Dollars (\$33,650.00) be, and hereby is, appropriated as part of the City of Rochester 2012-2013 capital budget of the Department of Public Works, Water Works, for the purpose of providing sums necessary for the purpose of performing work in connection with the so-called Rochester Hill Water Tower Repair Project. Further, that the sums necessary to fund such appropriation shall be derived in their entirety through the proceeds of bonds and/or notes to be issued by the City of Rochester, Water Works (Department of Public Works).

Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby is authorized to borrow the sum of up to Thirty-Three Thousand Six Hundred Fifty Dollars (\$33,650.00), through the issuance of bonds and/or notes, for the purpose of providing funds necessary for the completion of the so-called Rochester Hill Water Tower Repair Project referred to in the preceding paragraph of this resolution, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter. The useful life for the aforesaid so-called Rochester Hill Water Tower Repair project is 30 years.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate and/or establish such accounts and/or account numbers as necessary to implement the transactions contemplated by this Resolution.

Councilor Lachapelle **MOVED** to send the matter to a Public Hearing to be held on May 14, 2013, at 7:00 PM, prior to the City Council Budget Workshop. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Torr spoke about a problem which should be resolved relative to the drawing of the fog-lines on the eastern part of Summer Street. City Manager Fitzpatrick indicated that he is currently engaging the Police Chief and the Commissioner of Public

Works to resolve the issue.

Councilor Torr said a request for a handicap parking space has been made by the owners of the China Palace Restaurant. He spoke in favor of honoring this request. Mayor Jean stated that this issue has already been dealt with at the last Regular City Council meeting.

Deputy Chief Police Dumas informed the City Council that the information relative to the Police Department vehicles and millage was last updated in January of this year and not current to date as originally stated. Mayor Jean requested that the information be updated and sent out to the full City Council.

14. Non-Meeting/Non-Public Session

14.1 Non-Meeting: Consultation with Legal Counsel, RSA 91-A: 2 (d)

Councilor Lachapelle **MOVED** to enter into a Non-Meeting – Consultation with Legal Counsel, RSA 91-A:2(d) at 9:02 PM. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Hervey, LaBranche, Varney, Walker, Lachapelle, Savoie, Laroche, Torr, Hynes, Reed-Erickson, Keans, Lauterborn, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Meeting at 9:35 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

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

Mayor Jean informed the City Council that there was no longer a reason to meet for Land, RSA 91-A: 3,II (d).

15. Adjournment

Councilor Walker **MOVED** to adjourn the Regular City Council meeting at 9:36 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CDCCNH
City Clerk

2013-2014- City of Rochester Operating Budget Resolution-Exhibit A

Operations	FY14 Mgr Proposed
Operating Budgets	
City Operations	21,371,074
County Taxes	5,739,529
Debt Service	4,494,970
Capital Projects Transfers	<u>1,711,050</u>
Total City General Fund Operations	33,316,623
School Operating Budget	56,473,652
School State Education Tax	4,839,669
School Grants & Special Rev Funds	4,988,000
Community Center	743,668
City Grants & Special Rev Funds	413,407
Total Operating Budgets	<u>100,775,019</u>
Water Operating Budget	4,926,040
Sewer Operating Budget	6,318,960
Arena Operating Budget	527,196
Total Enterprise Operating Budgets	<u>11,772,196</u>
Total Operations all Funds	<u>112,547,215</u>

CAPITAL IMPROVEMENTS PLAN- RESOLUTION EXHIBIT A

	PROJECT AMOUNT	BOND PROCEEDS	O&M CASH	FUND BAL RET EARN	DED REVENUE	OTHER SOURCES	GRANTS
<u>GENERAL FUND</u>							
CITY*	5,910,550	4,199,500	1,461,050	250,000	0	0	0
SCHOOL	15,274,038	15,129,038	145,000	0	0	0	0
TRANSFER TO GENERAL FUND	400,000	0	0	0	400,000	0	0
TRANSFER TO ECON DEVEL FUND	100,000	0	0	0	100,000	0	0
TOTAL GENERAL FUND	21,684,588	19,328,538	1,606,050	250,000	500,000	0	0
<u>ENTERPRISE FUNDS</u>							
WATER	4,636,500	2,700,000	116,500	0	0	1,820,000	0
SEWER	5,342,500	5,315,000	27,500	0	0	0	0
ARENA	650,000	650,000	0	0	0	0	0
TOTAL ENTERPRISE FUNDS	10,629,000	8,665,000	144,000	0	0	1,820,000	0
TOTAL ALL CIP	32,313,588	27,993,538	1,750,050	250,000	500,000	1,820,000	0

* Includes Community Center CIP