

**Regular City Council Meeting
October 6, 2015
COUNCIL CHAMBERS
7:03 PM**

COUNCILORS PRESENT

Councilor Bogan
Councilor Collins
Councilor Gates
Councilor Gray
Councilor Hamann
Councilor Keans
Councilor Lachapelle
Councilor Larochelle
Councilor Lauterborn
Councilor Torr
Councilor Varney
Councilor Walker
Mayor Jean

OTHERS PRESENT

City Manager Daniel Fitzpatrick
Deputy City Manager Blaine Cox
Terence O'Rourke, City Attorney
Jenn Marsh, Economic Development
Specialist
Rick Vincent, City Assessor
Commissioner of Public Works Storer
Michael Riley, Facilities Manager
Joe Rousseau, Police Department
Police Chief Michael Allen
Michael Bezanson, City Engineer
Jennifer Murphy Aubin, Executive
Secretary, Office of Community and
Economic Development Department

Minutes

1. Call to Order

Mayor Jean called the meeting to order at 7:03 PM.

2. Pledge of Allegiance

Mayor Jean led the Pledge of Allegiance.

3. Opening Prayer

Mayor Jean called for a moment of silence in honor of our military personnel fighting for our freedom.

4. Roll Call

Kelly Walters, City Clerk, took the roll call. All Councilors were present.

5. **AB 43 A Resolution Authorizing the Issuance of Refunding Bonds dated October 6, 2015 - **First Reading and Refer to a Public Hearing****

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

CITY OF ROCHESTER, NEW HAMPSHIRE
A Resolution
Authorizing the Issuance of Refunding
Bonds dated as of October 6, 2015

WHEREAS, the City of Rochester, New Hampshire (the "City") has issued certain \$16,025,000 General Obligation Bonds dated December 14, 2005 (the "2005 Bonds"), which 2005 Bonds that mature on January 15 of the years 2017 through 2026, inclusive, in the aggregate principal amount of \$2,035,000 are eligible to be refunded at par on any interest payment date on or after January 15, 2016 (the "Refunded Bonds"); and

WHEREAS, it appears likely that bonds issued today would have a net interest cost less than the net interest cost on the Refunded Bonds; and

WHEREAS, the City may be able to realize debt service savings by issuing certain refunding bonds (the "Refunding Bonds"), the proceeds of which would be utilized to current refund or advance refund the Refunded Bonds and to pay certain other costs relating thereto;

NOW THEREFORE, BE IT RESOLVED that the City, acting by and through its City Council, hereby authorizes the issuance of Refunding Bonds pursuant to the provisions of RSA 33:3-d, the proceeds of which shall be utilized to current refund or advance refund the Refunded Bonds, to pay the redemption premium, if any, applicable thereto, any principal and interest coming due on the Refunded Bonds prior to any redemption date, and to pay the costs of issuance of the Refunding Bonds, including any costs of credit enhancement; provided, however, that such refunding is only authorized to the extent that the same will achieve a net present value debt service savings in an amount equal to at least three percent (3%) of the outstanding principal amount of the Refunded Bonds; and

IT IS FURTHER RESOLVED that the City Treasurer, with the approval of the City Manager, is hereby authorized to issue the aforesaid Refunding Bonds by entering into a Bond Purchase Contract with such bond purchaser or underwriter as they may deem appropriate in connection with the issuance of the Refunding Bonds to evidence the City's approval of the

terms and conditions of the Refunding Bonds; and

IT IS FURTHER RESOLVED that an Escrow Contract and such other documents as shall be required in connection with the issuance of the Refunding Bonds shall be signed on behalf of the City by the aforementioned individuals, or such other individuals as may be required by state law or as may be specified by bond counsel; and engage such other professionals (including a Financial Advisor, Escrow Agent, Verification Agent and Paying Agent), and to do such other things as are necessary to consummate the aforesaid refunding; and

IT IS FURTHER RESOLVED that all actions heretofore taken by the City consistent with the foregoing are hereby confirmed, ratified and approved.
CC FY16 Resolution 26 AB 43 2015-10-6

6. Recess to Public Hearing

Mayor Jean recessed the Regular City Council meeting at 7:05 PM in order to hold a Public Hearing.

7. Reconvene Regular City Council meeting

Mayor Jean reconvened the Regular City Council meeting at 7:07 PM.

8. Acceptance of Minutes

8.1. September 1, 2015, Regular City Council Meeting

Councilor Lachapelle **MOVED** to **ACCEPT** the September 1, 2015, Regular City Council meeting minutes. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

8.2. September 15, 2015, Special City Council Meeting

Councilor Lachapelle **MOVED** to **ACCEPT** the September 15, 2015, Special City Council meeting minutes. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean invited Jenn Marsh, Economic Development Specialist, to come forward for the reading of the Proclamation relative to Manufacture Day. He read the proclamation and declared October 9, 2015, as Manufacture Day in the City of Rochester.

9. Communications from the City Manager

9.1. Employee of the Month Award

City Manager Fitzpatrick invited Joe Rousseau, Police Department, to come forward. He said Mr. Rousseau took the initiative to create a database for the Police Dispatch Center on his own time. He has been chosen as the Employee of the Month. City Manager Fitzpatrick thanked Mr. Rousseau for his hard work and gave him the Employee of the Month Award for October.

Deputy City Manager Cox introduced the new City Assessor, Rick Vincent. Mayor Jean welcomed Mr. Vincent on behalf of the City Council.

Commissioner Storer introduced the new Facilities Manager Michael Riley. He noted that Mr. Riley has been working for the City of Rochester for about three weeks and has already made a good impression on the department. Mayor Jean welcomed Mr. Riley on behalf of the City Council.

9.2. City Manager's Report

City Manager Fitzpatrick read the following report:

Management Team Meeting minutes:

- August 24, 2015
- August 31, 2015

Contracts and documents executed since last month:

- Economic & Community Development Department
 - H & M Machine Alteration of Terrain application
 - HUD Performance Evaluation Registry System Registration
 - CDBG Environmental Review for RHA Accessibility Ramps & Bathroom Fixtures project
- Department of Public Works
 - Catherine/Sheridan/Knight St Reconstruction – Change Order 2
 - Chesley Hill Road Project – Amendment 3
 - Chesley Hill Road Project – Change Order 1
 - Four Pump Station (Weeping Willow/Sawyer Ave/Kristen & Autumn St) – Change Order 3
 - Rochester Reservoir – Recommendation to award bid #16-04
 - Route 125 Pump Station – Change Orders 3 & 4
 - Strafford Square Intersection Project – Amendment 1
 - Water Treatment Plant Upgrade project – Loan Amendment 2
- Fire Department
 - 3,000 gallon Pumper/Tanker bid #16-12 Contract

- Planning Department
 - Letter of Understanding – Southeast Land Trust of NH and City for services related to closing on Ten Rod Road Farm Conservation Easement
- Police Department
 - Highway Safety Grants
 - Homeland Security/NH Dept. of Safety Grant application

Computer Lease/Purchase and Tuition Reimbursement:

- Computer Purchase – Hoyt, Ken – Fire

Standard Reports:

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

City Manager Fitzpatrick invited the following individuals who were in attendance to the meeting to come forward: Samantha Rodgerson, Executive Assistant to the City Manager and City Council; Capt. Gary Boudreau, Support Division Commander, Rochester Police Department; Jennifer Murphy Aubin, Executive Secretary, Office of Community and Economic Development; Michael Bezanson, City Engineer, Public Works Department; and Kelly Walters, City Clerk. City Manager Fitzpatrick stated that on October 2, 2015, these five individuals graduated from the Property Liability Trust Foundations of Local Government Leadership Levels 1 and 2.

City Manager Fitzpatrick asked if there were any questions regarding his report. Councilor Varney said page 16 of the City Council packet indicates that a determination has been made that the approvals are no longer vested on the site that The Homemakers had approved for development. He asked for clarification on the matter. City Manager Fitzpatrick agreed to get back to the City Council with more information on this matter.

Councilor Varney asked about the City Attorney's opinion relative to a question about the separation of church and state and the City approving permit requests that would allow church services or church music on City land. Attorney O'Rourke said the information is forthcoming.

10. Communications from the Mayor

Mayor Jean announced that the November 3, 2015, Municipal Election Absentee Ballots have arrived to the City Clerk's office.

Mayor Jean appointed Julian Long, Economic Development Coordinator

as a Co-Chair for the Historic Document Preservation Committee.

11. Presentations of Petitions and Council Correspondence

11.1. Council Correspondence: Roads Scholar Program

Mayor Jean briefed the City Council about the Roads Scholar Program and said three of our Public Works employees have obtained the Roads Scholar Designation: William Prentice, David Desjardin, and Paul Michaud. He added that this reflects positively on the City of Rochester and Councilor Larochelle had previously obtained this designation as well. He congratulated them for this achievement.

12. Nominations, Appointments, Resignations, and Elections

Mayor Jean said if there were no objections he would act upon a resignation recently submitted by Fred Leonard from the Rochester Planning Board. As there were no objections, Mayor Jean **MOVED** to **ACCEPT** the resignation, with regret, for Fred Leonard, Rochester Planning Board. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13. Reports of Committees:

13.1. Community Development – 9/24/2015

Councilor Gray said there were no action items to report. He directed attention to the discussion about the “courage wall” presentation. The recommendation is that one of the walls inside the Rochester Community Center be designated to hold this wall of courage. He briefly reviewed other items within the report.

13.2. Finance Committee Meeting – 9/8/2015

Mayor Jean stated the September 8, 2015, Finance Committee meeting began at 6:30 at 27 Hancock Street in order to discuss a lot line revisions; however, the Committee is awaiting more information from the developer. This matter has been held in Committee.

Mayor Jean said a discussion took place regarding Election Officials' salaries. He **MOVED** that the Election Officials stipends be increased as follows:

- Moderator from \$125 to \$150

- Ward Clerk from \$100 to \$125
- Supervisor of the Checklist from \$125 to \$150
- Selectman from \$100 to \$120
- Ballot Clerks from \$85 to \$100

Councilor Lachapelle seconded the motion. A discussion ensued about the Supervisors of the Checklist salary in regards to the half hour Supervisors Sessions. It was determined that this would not be a part of this motion; however, since the workload for such sessions has decreased so should the salaries. Councilor Gray suggested making the effective date beginning on January 1, 2016. Councilor Keans agreed. She said salaries should not be increased during the active terms of office. Mayor Jean said since no effective date was stated in his motion, he would be agreeable to slating January 1, 2016, as the effective date. Councilor Lachapelle who seconded the motion agreed to the change. Mayor Jean called for a vote on the motion to increase the Election Officials salaries as stated above and include the effective date as January 1, 2016. The **MOTION CARRIED** by a unanimous voice vote.

Mayor Jean referenced the Finance Committee Agenda Bill distributed prior to the City Council meeting, regarding changes to the City's Policy Handbook and Merit Plan, which can be found as an addendum to this City Council packet material. He **MOVED** to **ACCEPT** the Merit Plan changes as outlined in the Addendum to the City Council packet. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

13.3. Joint Building Committee – 9/14/2015

Councilor Keans said the building of the new East Rochester School has reached the final stages and it seems to be finishing under budget. She commented on the success of this project.

13.4. Public Safety Committee – 9/16/2015

Councilor Walker said the Committee discussed the timing of the signal lights at the Ten Rod Road/North Main Street intersection. He **MOVED** to have the Ten Rod Road/North Main Street intersection signal lights be reprogrammed. Councilor Lachapelle seconded the motion. Councilor Keans questioned the problem at this location. Councilor Walker summarized that there is a current problem at this location with both lanes of traffic able to receive a "green" light at the exact same time. This action would delay one of the lanes of traffic to make the exiting onto the busy intersection safer, similar to the Home Depot signal light. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker said all other items have been kept in Committee.

13.5. Public Works Committee - 9/17/2015

Councilor Torr said there were no action items. He added that a discussion took place regarding the Strafford Square round a bout, which he is not in favor of at this time. He said more work has to be done to resolve traffic issues on Union Street and North Main Street prior to moving forward on this project.

A lengthy discussion took place regarding the Union Street and North Main Street traffic and sidewalk issues. Commissioner Storer gave a brief update on the matter and said the engineer is tasked with resolving some of these issues. It was determined that Commissioner Storer would bring some revisions to the Strafford Square Project at the next Public Works Committee meeting. It is hoped that the Department of Transportation would by that time have submitted its preference for the Public Works Committee to review.

Councilor Torr said the City Hall Annex would stay in Committee.

Councilor Torr stated that the new Cumberland Farms being built is a fine example of a successful development project.

Councilor Torr made a comment that if the City had built an intersection bridge over Chesley Hill Road in order to connect that road with North Main Street as originally planned many years ago, there would not be such a problem at Strafford Square. He believed the space to construct such a road is still available.

Councilor Varney requested an update about the State's mandate that requires any commercial or industrial water customers to have device(s) installed to prevent any contamination from entering back into the City's water lines. Commissioner Storer replied that there are about one hundred twenty-five customers that have not complied with this regulation. He stated the City's Ordinances give the Department of Public Works the authority to shut off water supplies if the customers are not in compliance with the State Law. He said the goal is to stay productive, but to be sensitive in dealing with customers who are not in compliance. He gave details of the process and said there is a letter being drafted by the Department of Public Works relative to the process of shutting off customers who are not in compliant with State Law. Mayor Jean thanked Commissioner Storer for the update and requested that the City Councilors be provided with a copy of the letter to be

sent out in order to answer questions for the constituents.

14. Old Business

14.1. **AB 161 Amendment to Chapter 42.29 of the General Ordinances of the City of Rochester Regarding Signage – Motion to Affirm Adoption**

Mayor Jean said a portion of the explanatory paragraph of the Amendment to Chapter 42.29 had been inadvertently missing [from the minutes] at the time of the adoption of Chapter 42.29 [June 16, 2015] and a motion to affirm this action is in order. Several discussions took place about the sign ordinance and posting signs in the City's right-of-way. Councilor Hamann **MOVED** to make a moratorium over this section of Chapter 42 until the matter of posting political signs is cleared up. Councilor Gates seconded the motion. It was determined that this motion was out of order and the motion was withdrawn.

Councilor Gray said the affirmation vote should be made first prior to any other action. Councilor Lachapelle **MOVED** to Affirm the Adoption of Chapter 42.29 as outlined in the explanatory paragraph. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote and is as follows:

AMENDMENTS TO CHAPTER 42 OF THE GENERAL ORDINANCES OF THE CITY OF ROCHESTER REGARDING SIGNAGE

THE CITY OF ROCHESTER ORDAINS:

That subsections 42.29 and 42.8 (j) (4) of Chapter 42 of the General Ordinances of the City of Rochester regarding signage and currently before the Rochester City Council, be amended as follows:

That subsection 42.29, presently before the Rochester City Council, be amended by deleting subsection 42.29 in its entirety, and by substituting in its stead, the following provisions, to be known as subsection 42.29 of the General Ordinances of the City of Rochester, and that subsection 42.8 (j) (4) be amended by striking all exceptions to subsection 42.29 contained therein, to wit:

The discussion has been sent to the November 5, 2015, Codes and Ordinances Committee and subsequently will be sent back to the Planning Board for review.

15. Consent Calendar

16. New Business

16.1. AB 48 Resolution Accepting Ten Rod Road Business Park Sign – First Reading and Adoption

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

**RESOLUTION ACCEPTING
TEN ROD ROAD BUSINESS PARK SIGN**

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

That the donation of the monument-style Ten Rod Road Business Park sign by the business owners of Ten Rod Road Business Park, specifically Granite State College, Eastern Propane, Continental ContiTech, Ashland Electric, YMCA of Strafford County, LAARS, Verweij & Associates Physical Therapy, and Riley Enterprises is hereby accepted by the City of Rochester.

CC FY 16 10-06 AB 48

Mayor Jean said this is the new Ten Rod Road Business Park sign, which had been paid for by the business owners of the Ten Rod Road Business Park as listed in the resolution above. Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

16.2. AB 42 Resolution Accepting United States Department of Justice Ballistic Vest Grant to the Rochester Police Department - First Reading, Second Reading, and Adoption

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

**RESOLUTION ACCEPTING UNITED STATES
DEPARTMENT OF JUSTICE BALLISTIC VEST GRANT
TO THE ROCHESTER POLICE DEPARTMENT**

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

That an United States Department of Justice Ballistic Vest Grant of Seven Thousand One Hundred Sixty Three and 94/100 Dollars (\$7,163.94) to the City of Rochester Police Department is hereby accepted by the City of Rochester.

Further, that the sum of Seven Thousand One Hundred Sixty Three and 94/100 Dollars (\$7,163.94) be, and hereby is, appropriated as a supplemental appropriation to the 2015-2016 operating budget for the City of Rochester Police Department. The source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid United States Department of Justice Ballistic Vest Grant to the City of Rochester.

Furthermore, 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 and to establish special revenue, non-lapsing, multi-year fund to which said sums shall be transferred.

CC FY 16 10-06 AB 42

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for the second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Keans asked how many vests this grant would pay for. Chief Allen replied twenty-three. Mayor Jean called for vote on the motion to adopt. The **MOTION CARRIED** by a unanimous voice vote.

16.3. AB 44 Resolution Authorizing the Rochester Police Department to Apply for a Highway Safety Equipment Grant - First Reading and Adoption

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

RESOLUTION AUTHORIZING THE ROCHESTER POLICE DEPARTMENT TO APPLY FOR A HIGHWAY SAFETY EQUIPMENT GRANT

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

CITY OF ROCHESTER, AS FOLLOWS:

That the Mayor and City Council of the City of Rochester, by adoption of this Resolution, approve the submission of a grant application in an amount up to Eleven Thousand Two Hundred Dollars (\$11,200.00) to the New Hampshire Department of Safety, Highway Safety Equipment Grant Fund in order to fund necessary equipment upgrades in the police vehicles, particularly two (2) in car video systems. **CC FY 16 10-06 AB 44**

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

16.4. AB 47 Resolution Authorizing Supplemental Appropriation to the City of Rochester Police Department Capital Improvement Project (CIP) Fund for Front Line Police Vehicle - First Reading, Second Reading, and Adoption

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

RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION TO THE CITY OF ROCHESTER POLICE DEPARTMENT CAPITAL IMPROVEMENT PROJECT (CIP) FUND FOR FRONT LINE POLICE VEHICLE

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

That the sum of Thirty Three Thousand Dollars (\$33,000.00) be, and hereby is, appropriated as a supplemental appropriation to the FY2016 City of Rochester Police Department (CIP) Fund for the costs associated with purchase of a front line police vehicle, including costs associated with the outfit of the vehicle and provided further that all of the funds for such supplemental appropriation shall be derived from the General Fund unassigned fund balance.

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. This shall be a non-lapsing, multi-year

appropriation. **CC FY16 10-06 AB 47**

Mayor Jean briefed the City Council about the type of vehicle to be purchased, as was discussed at the Finance Committee meeting.

Councilor Lauterborn asked for clarification. She recalled that the City Council had discussed purchasing this second vehicle in the budget deliberations and the City Council voted against the purchase. Mayor Jean said this is correct. He added that based on the presentation from Chief Allen at the Finance Committee he [Mayor Jean] felt there is an issue with the Dodge vehicles and they would no longer be purchased moving forward. He said the Crown Victoria is no longer available. He gave details about the vehicle.

Councilor Gray **MOVED** to **TABLE** the motion and refer the matter back to the Finance Committee for further discussion. Councilor Keans seconded the motion. Mayor Jean reiterated his concerns with the current Dodge vehicles. He understood that the City Council debated this matter in the budget deliberations; however, there have been substantial changes made concerning the Police Department's budget and the City would save some money due to the changes in the Legal Department. Councilor Varney recalled that part of the discussion which took place during the budget deliberations was that the City Council did not want to purchase two vehicles if only one vehicle was to be replaced at that time; however, there is now another vehicle that is in need of replacement and there would be no increase to the number of vehicles in the police fleet. He added that it would be the older Crown Victoria, which would be replaced. Councilor Lauterborn said the City Council had passed the budget just under the allotted Tax Cap, would this supplemental appropriation place the City's budget over the Tax Cap. Mayor Jean replied no because the source of funding would be the General Fund. Mayor Jean called for a motion on the floor to table the resolution and refer to the Finance Committee. Councilor Varney requested a roll call vote. Councilor Lachapelle seconded the request. The **MOTION FAILED** by a 3 to 10 roll call vote. Councilors Gray, Lauterborn, and Keans voted in favor of the motion. Councilors Laroche, Bogan, Varney, Hamann, Torr, Collins, Lachapelle, Gates, Walker, and Mayor Jean voted against the motion.

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for the second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote. Mayor Jean read the resolution by title only for the second time. Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a majority voice vote.

16.5. AB 46 A Resolution De-Authorizing City of Rochester Fire Department Capital Improvement Project (CIP) Funding for the Apparatus Replacement Program – First Reading, Second Reading, and Adoption

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

RESOLUTION DEAUTHORIZING CITY OF ROCHESTER FIRE DEPARTMENT CAPITAL IMPROVEMENT PROJECT (CIP) FUNDING FOR THE APPARATUS REPLACEMENT PROGRAM

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

In accordance with the provisions RSA 33:9, Three Hundred Seventy Five Thousand Dollars (\$375,000.00) of previous bond authority is deauthorized from the FY 2016 Fire Department CIP Fund for the Apparatus Replacement Program.

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. **CC FY16 10-06 AB 46 A**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for the second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only for the second time. Mayor Jean read the resolution by title only for the second time. Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Mayor Jean said this would de-authorize the bond of the fire apparatus and the subsequent resolution would be funded though the General Fund, which would have a significant savings. He congratulated the Finance Department for bringing this savings to the City Council's attention. Councilor Torr asked how much money is remaining in the Fund Balance. Mayor Jean replied it is estimated at almost \$14,000,000. Councilor Torr asked what would happen to the Fire Engine being replaced. Mayor Jean recommended that administration ensures the vehicle would be disposed in a manner to maximize its value. The **MOTION CARRIED** by a unanimous voice vote.

16.6. AB 46 B Resolution Authorizing Supplemental Appropriation to the City of Rochester Fire Department Capital Improvement Project (CIP) Fund for Apparatus Replacement – First Reading, Second Reading, and Adoption

Councilor Lachapelle **MOVED** to read the resolution by title only for the first time. Councilor Walker 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 THE CITY OF ROCHESTER FIRE DEPARTMENT CAPITAL IMPROVEMENT PROJECT (CIP) FUND FOR APPARATUS REPLACEMENT

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

That the sum of Three Hundred Seventy Five Thousand Dollars (\$375,000.00) be, and hereby is, appropriated as a supplemental appropriation to the FY2016 City of Rochester Fire Department (CIP) Fund for the costs associated with the replacement of an apparatus and provided further that all of the funds for such supplemental appropriation shall be derived from the General Fund unassigned fund balance.

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. This shall be a non-lapsing, multi-year appropriation. **CC FY16 10-06 AB 46 B**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for the second time. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution by title only for the second time. Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

16.7. AB 45 Amendment to Section 3.6 (a) of the General Ordinances of the City of Rochester - First Reading and Adoption

Mayor Jean stated this Amendment had been recommended by the

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

**AMENDMENT TO SECTION 3.6 (a) OF THE GENERAL ORDINANCES OF
THE CITY OF ROCHESTER**

THE CITY OF ROCHESTER ORDAINS:

That subsection 3.6 (a) of Chapter 3 of the General Ordinances of the City of Rochester regarding Boards and Commissions and currently before the Rochester City Council, be amended to change the total membership of the Board of the Trustees of the Trust Funds to five members, as follows:

"The Board of Trustees of Trust Funds shall consist of five members representing an increase from the traditional three members. The two additional members shall be appointed by the Mayor in accordance with the provisions of Section 74 of the Rochester City Charter with one Trustee appointed for a one-year term and one Trustee appointed for a two-year term. Thereafter, one Trustee shall be appointed annually in January by the Mayor in accordance with the provisions of Section 74 of the Rochester City Charter for a term of three years to replace those whose terms expire, and vacancies occurring in such office shall be filled in like manner for the unexpired term. The Trustees shall organize annually by electing one of their number treasurer, who shall keep the records and books of the Trustees."

**The effective date of these amendments shall be upon passage. CC
FY 16 10-06 AB 45**

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

**16.8. AB 43 Resolution Authorizing the Issuance of
Refunding Bonds dated October 6, 2015 – Second
Reading and Adoption**

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

CITY OF ROCHESTER, NEW HAMPSHIRE
A Resolution
Authorizing the Issuance of Refunding
Bonds dated as of October 6, 2015

WHEREAS, the City of Rochester, New Hampshire (the "City") has issued certain \$16,025,000 General Obligation Bonds dated December 14, 2005 (the "2005 Bonds"), which 2005 Bonds that mature on January 15 of the years 2017 through 2026, inclusive, in the aggregate principal amount of \$2,035,000 are eligible to be refunded at par on any interest payment date on or after January 15, 2016 (the "Refunded Bonds"); and

WHEREAS, it appears likely that bonds issued today would have a net interest cost less than the net interest cost on the Refunded Bonds; and

WHEREAS, the City may be able to realize debt service savings by issuing certain refunding bonds (the "Refunding Bonds"), the proceeds of which would be utilized to current refund or advance refund the Refunded Bonds and to pay certain other costs relating thereto;

NOW THEREFORE, BE IT RESOLVED that the City, acting by and through its City Council, hereby authorizes the issuance of Refunding Bonds pursuant to the provisions of RSA 33:3-d, the proceeds of which shall be utilized to current refund or advance refund the Refunded Bonds, to pay the redemption premium, if any, applicable thereto, any principal and interest coming due on the Refunded Bonds prior to any redemption date, and to pay the costs of issuance of the Refunding Bonds, including any costs of credit enhancement; provided, however, that such refunding is only authorized to the extent that the same will achieve a net present value debt service savings in an amount equal to at least three percent (3%) of the outstanding principal amount of the Refunded Bonds; and

IT IS FURTHER RESOLVED that the City Treasurer, with the approval of the City Manager, is hereby authorized to issue the aforesaid Refunding Bonds by entering into a Bond Purchase Contract with such bond purchaser or underwriter as they may deem appropriate in connection with the issuance of the Refunding Bonds to evidence the City's approval of the terms and conditions of the Refunding Bonds; and

IT IS FURTHER RESOLVED that an Escrow Contract and such other documents as shall be required in connection with the issuance of the Refunding Bonds shall be signed on behalf of the City by the aforementioned individuals, or such other individuals as may be required by state law or as may be specified by bond counsel; and engage such other

professionals (including a Financial Advisor, Escrow Agent, Verification Agent and Paying Agent), and to do such other things as are necessary to consummate the aforesaid refunding; and

IT IS FURTHER RESOLVED that all actions heretofore taken by the City consistent with the foregoing are hereby confirmed, ratified and approved.
CC FY16 Resolution 26 AB 43 2015-10-6

Councilor Walker **MOVED** to **ADOPT** the resolution. Councilor Lachapelle seconded the motion. Mayor Jean said this action would save the City money. Deputy City Manager Cox agreed and gave details about the bond rates. The **MOTION CARRIED** by a unanimous voice vote.

17. Non-Meeting/Non-Public Sessions:

17.1. Non-Meeting, Consultation with Legal Counsel, RSA 91-A 2 I (b)

17.2. Non-Public Session, RSA 91-A:3,II (a) Personnel

Councilor Lachapelle **MOVED** to enter the Non-Meeting, Consolation with Legal Counsel, under RSA 91-A 2 I (b) and the Non-Public Session, under RSA 91-A3:II (a) Personnel at 8:07 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Lachapelle **MOVED** to exit the Non-Public Session and to seal the minutes indefinitely at 8:14 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

18. Other

Councilor Lauterborn expressed concern that the Council Workshop agenda for October 20, 2015, contained a discussion of the pawnshop ordinance despite the item being held in the Codes & Ordinances Committee. Councilor Lauterborn requested that the licensed pawnshop owners be notified of the Council Workshop discussion item.

Councilor Collins shared with the Council the events surrounding the Great Fire of 1947.

19. Adjournment

Councilor Lachapelle **MOVED** to **ADJOURN** the Regular City Council meeting at 8:25 PM. Councilor Walker seconded the motion. The **MOTION**

CARRIED by a unanimous voice vote.

Respectfully submitted,

Kelly Walters
City Clerk