

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

COUNCILORS PRESENT

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

OTHERS PRESENT

Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Fire Chief Klose
Police Chief Toussaint
Kyle Danie, Police Department

COUNCILORS EXCUSED/ABSENT

Councilor Lachance

Minutes

1. Call to Order

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

2. Opening Prayer

Mayor McCarley called for a moment of silence.

3. Pledge of Allegiance

Mayor McCarley led the Pledge of Allegiance.

4. Roll Call

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

5. Acceptance of Minutes

5.1 Regular City Council Meeting: February 4, 2020 *consideration for approval*

Councilor Walker **MOVED** to **ACCEPT** the Regular City Council meeting minutes of February 4, 2020. Councilor Lachapelle seconded the motion. Councilor Hamann stated that his name was misspelled. Councilor Lauterborn stated that Councilor Abbott was present and his name should be removed from the list of "excused councilors". The **MOTION CARRIED** with those amendments by a unanimous voice vote.

6. Communications from the City Manager

6.1 Employee of the Month Award

City Manager Cox said the Employee of the Month Award would be delayed. See "other".

6.2 City Manager's Report

City Manager Cox announced the following vacancies to the local City's Boards and Commissions:

- **Board of Health**
 - **City Physician/Regular Member**
- **Conservation Commission**
 - 1 Alternate Member
- **Historic District Commission**
 - 1 Alternate Position
- **Planning Board**
 - 1 Vacancy (Regular Member) *2 Pending Applicants*
 - 3 Alternate Vacancies
- **Recreation and Arena Commission**
 - 1 Vacancy
- **Strafford Regional Planning Commission**
 - 1 Vacancy
- **Trustees of the Trust Fund**
 - 2 Regular Positions
- **Zoning Board of Adjustment**
 - 1 Vacancy *Pending Applicants*

1 Alternate Vacancy

The City Manager's Report is as follows:

Contracts and Documents Executed Since Last Month:

- Assessing Department
 - CAI Mapping – Tax Map Maintenance Proposal
- City Manager's Office
 - Connectivity Point – Equipment Replacement and Maintenance- updated quotes
 - Memorandum of Understanding - 36 Allen Street – snow dump
- Department of Public Works
 - Bio-solids Dewatering and Carbon Storage Facilities – Change Order 1
 - Pink Street Water Main Easement & Maintenance Agreement
 - Strafford Square – lot line revision – property exchange
 - Woodman Area Infrastructure Improvements Amendment #2
- Economic Development/Community Development
 - CDBG Environmental Review CAP Weatherization plumbing repair
 - CDBG Environmental Review CAP Weatherization retrofit
 - CDBG Environmental Review CAP Weatherization heating system replacement
 - Victims of Crime Act Assistance (VOCA) grant application – Part-time Victims Witness Advocate
- Finance Department
 - Bond Counsel Engagement Letter
 - Colonial Pines Engagement Letter
 - PFM Financial Advisors Engagement Letter
- Fire Department
 - Ladder 1 Repairs information
- Information Technology
 - Atlantic Broadband – Dark Fiber IRU Addendum One
 - Atlantic Broadband – Static IP for WWTP Headworks
- Planning
 - Certified Local Government Grant –Historic Survey Downtown Commercial Overlay

Standard Reports:

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

City Manager Cox informed the City Council that the Leadership Team will be meeting on a weekly basis regarding preparedness for the Coronavirus and setting policy for City staff. He said information will be compiled and distributed to local businesses and especially restaurant owners of what precautions should be taken regarding the Coronavirus. He added that the Superintendent of Schools attended the Leadership Team meeting and there will be close communications between the City and the School Department. The City will be following the CDC guidelines for dealing with the coronavirus.

City Manager Cox informed the public that Hanson Pines and the Rochester Common playgrounds will be closed to the public in order to install new playground equipment. The park will be closed from March 16th through April 30th.

6.3 No-Fee ID Waiver and Policy

City Manager Cox informed the City Council that the proposed No-Fee ID Waiver Policy could be found in the Council packet.

Councilor Walker asked what a person would need to provide to the City Clerk's office as identification in order to obtain a vital record. City Manager Cox reviewed the process of obtaining a vital record without a valid Photo ID. He referred to a "Document Evidence Required" Form provided by the Division of Vital Records Administration which regulates what can be accepted in the absence of a Photo ID. City Manager Cox added that the individual would also be signing their name under perjury.

Councilor Hainey questioned if the utility bills being provided must be within the last thirty days. City Clerk Walters stated that the City Clerk staff deals with these documents on a case-by-case basis and if the Clerk's office does not feel there is enough evidence provided by an individual the Clerk staff would seek guidance through the State agencies.

Mayor McCarley recalled that the City Council had been in agreement with the idea of setting this new policy; however, several Councilors had requested that the proposed policy be presented prior to implementation. Now that a policy is being presented, and there are no objections, this policy will be implemented.

7. Communications from the Mayor

7.1 2020 Census Information

Mayor McCarley emphasized that it is important to respond to the 2020 Census for several reasons. She said the census reporting is used to redraw legislative districts lines and it is used to distribute over \$675 billion dollars each year to communities nationwide. It is critically important that everyone makes every effort to be counted. She said the census questionnaire does not include requirements for reporting of any social security numbers or banking information. There will be an informational session held at the Rochester Public Library on March 18 from 3:30 PM to 7:30 PM.

Mayor McCarley announced that she received a letter from the New Hampshire Air National Guard regarding twelve new KC- 46 refueling tankers. She said they would like to name one of them "The Lilac City Refueler". She said they were open to other names if the City did not like this one. There will be a ceremony held on May 16, 2020 and the City Council is invited to attend. More information will be provided in the Councilors mailboxes and she encouraged the Council to RSVP.

Mayor McCarley announced that Matt Pappas, School Board/Vice Chair, invited the City Council and School Board to attend this year's Spaulding High School Drama presentation "The Music Man". Tickets will be available for \$7 each. It would be nice if the School Board and City Council gathered on March 20th to watch the performance.

8. Presentation of Petitions and Council Correspondence

8.1 Amendment to Chapter 223.15 of the General Ordinances of the City of Rochester

Mayor McCarley said that this petition originated from some of our Spaulding High School students. She said if there were no objections, she would request that the City Attorney visit Spaulding High School to give a talk about the process of submitting a petition or initiating an ordinance change through the City Council.

9. Nominations, Appointments, Resignations, and Elections

9.1. Appointment: Jennifer Mutolo – Supervisor of the Checklist Ward 2

Mayor McCarley nominated Jennifer Mutolo as the Supervisor of the Checklist for Ward 2. Councilor Lachapelle seconded the motion. Councilor Lachapelle **MOVED** that nominations cease. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley called for a vote to appoint Ms. Mutolo as Supervisor of the Checklist for Ward 2.

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

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

Mayor McCarley nominated Thomas Evans to serve as a Selectman of Ward 3. Councilor Lachapelle seconded the motion. Councilor Walker **MOVED** that nominations cease. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Evans will be appointed as a Selectman for Ward Three by a roll call vote of 13 to 0. Councilors Hamann, Walker, Hutchinson, Belken, Lachance, Abbott, Gray, Rice, Bogan, Hainey, Lachapelle, Lauterborn, and Mayor McCarley voted in favor of the motion.

10. Reports of Committees

10.1 Appointments Committee

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

Councilor Bogan reviewed the Committee recommendation for Jamie Kinsley. Mayor McCarley nominated Ms. Kinsley to be appointed as a Regular Member to the Arts and Culture Commission, with a term to expire as stated above. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease and that the Clerk cast one ballot for Ms. Kinsley. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Ms. Kinsley has been appointed by a unanimous voice vote.

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

Councilor Bogan reviewed the Committee recommendation for Peter Bruckner. Mayor McCarley nominated Mr. Bruckner to be appointed as an Alternate Member of the Planning Board, with a term to expire as stated above. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease and that the Clerk cast one ballot for Mr. Bruckner. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Mr. Bruckner has been appointed by a unanimous voice vote.

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

Councilor Bogan reviewed the Committee recommendation for Sarah Elizabeth Duclus. Mayor McCarley nominated Ms. Duclus to be appointed as a Regular Member to the Arts and Culture Commission, with a term to expire as stated above. Councilor Lachapelle seconded the nomination. Councilor Walker **MOVED** that nominations cease and that the Clerk cast one ballot for Ms. Duclus. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley announced that Ms. Duclus has been appointed by a unanimous voice vote.

Councilor Bogan reviewed the Committee's recommendation for a number of re-appointments. Mayor McCarley nominated the following individuals to serve on the boards/commissions as listed below:

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

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

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

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

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

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

Councilor Lachapelle seconded the nomination(s). Councilor Walker **MOVED** that nominations cease and that the Clerk cast one ballot for each of the individuals, boards/commissions, and expiration dates as listed above. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a

unanimous voice vote. Mayor McCarley announced that all of the individuals listed above has been appointed.

10.2 Community Development Committee

Councilor Lauterborn said there were no action items coming out of Committee this month. She said the Committee has been meeting with social service agencies regarding their requests for funding through the CDBG Block Grant and or City funds.

Councilor Lauterborn announced that the new meeting time will be 6:00 PM; however, the next meeting will be an exception, because the meeting will begin at 5:15 PM at a potential 79-E Application property located at 28 North Main Street.

10.3 Fidelity Committee

Councilor Hutchinson said there is nothing new to report. He said the next meeting will take place next Thursday, March 12, 2020 at the Somersworth Middle School.

10.4 Finance Committee

10.4.1 Resolution Authorizing Waiver of Municipal Registration Fees for Applicants Qualifying under RSA 261:86 Special Number Plates for Certain Veterans *first reading, consideration for second reading and adoption*

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

Resolution Authorizing Waiver of Municipal Registration Fees for Applicants Qualifying Under RSA 261:86 Special Number Plates for Certain Veterans

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

That the City of Rochester shall waive the municipal portion of the motor vehicle registration fee for any applicant who qualifies for Special Plates under RSA 261:86, I (a)-(e).

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

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

10.4.2 Committee Recommendation: To use ~~Unexpected~~ Unexpended Appropriations in the Police Department FY 20 budget for purchase of office furnishings in the Detective Division in an amount of \$51,000 *motion to approve*

Councilor Lachapelle **MOVED** to **APPROVE** the recommendation to use unexpended appropriations in the Police Department FY 20 budget for the purchase of office furnishings in the Detective Division in an amount of \$51,000. Councilor Walker seconded the motion. Councilor Rice said it seems that this funding would be coming from the salaries line item due to the shortage of police officers. He questioned if this action would cause the overtime salaries line item to be over expended. Chief Toussaint said the overtime line item would likely be exceeded; however, the overall budget would not be over expended. The **MOTION CARRIED** by a unanimous voice vote. *City Manager said the title should be corrected from "unexpected" to "unexpended".*

10.4.3 Resolution Authorizing Supplemental Appropriation in the Amount of \$100,000 to the Assessing Department's FY20 Operating Budget for the Purchase of Assessing Software *first reading and refer to public hearing*

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only and refer the matter to a public hearing. Councilor Walker seconded the motion. The City Council briefly discussed the matter. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution by title only as follows:

Resolution Authorizing Supplemental Appropriation in the Amount of \$100,000.00 to the Assessing Department's FY20 Operating Budget for the Purchase of Assessing Software

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

The Mayor and City Council authorize a supplemental appropriation to the Assessing FY20 Operating Budget in the amount of One Hundred Thousand Dollars (\$100,000.00) to fund costs associated with the replacement and upgrade of CAMA software. The entire amount of the 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 establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution and to establish special revenue, non-lapsing, multi-year fund accounts(s) as necessary to which said sums shall be recorded.

10.5 Public Safety

10.5.1 Committee Recommendation: To install 2 "chevron" signs at the corner near the driveway of 161 Chesley Hill Road at the discretion of DPW *consideration for approval*

Councilor Hamann gave a brief overview of the Committee's recommendation to resolve issues with the driveway of 161 Chesley Hill Road. It seems the driveway is lined up directly with the curve in the road which causes cars to miss the turn and drive into the driveway. He **MOVED** to install 2 "chevron" signs at the corner near the driveway of 161 Chesley Hill Road at the discretion of DPW. Councilor Lachapelle seconded the motion.

10.5.2 Committee Recommendation: To place a "left turn yield on green" sign on the mast arm facing Old Dover Road *consideration for approval*

Councilor Hamann briefed the City Council about the Committee's recommendation. He **MOVED** to place a "left turn yield on green" sign on the mast arm facing Old Dover Road. Councilor Lachapelle seconded the motion.

The **MOTION CARRIED** by a unanimous voice vote.

10.5.3 Committee Recommendation: To install overhead streetlights and crosswalk signs with rectangular rapid flashing beacons at the North Main Street Crosswalk in an amount of \$50,000 *consideration for approval*

Councilor Hamann said the crosswalk near 103 North Main Street has been a safety concern for some time. He **MOVED** that the City install overhead streetlights and crosswalk signs with rectangular rapid flashing beacons at the North Main Street crosswalk which would cost approximately \$50,000. Councilor Lachapelle seconded the motion. Councilor Lachapelle referred to the diagram of this project in the City Council packet. He said the lights would need to fit with aesthetics of North Main Street. Councilor Walker **MOVED** to send the item to the Finance Committee. Mayor McCarley called for a vote on the motion to approve the project and send the matter to the Finance Committee to find the proper funding source. The **MOTION CARRIED** by a unanimous voice vote.

10.5.4 Committee Recommendation: To place a “no parking here to corner” sign at the corner of South Main Street in front of the China Palace at the discretion of DPW *consideration for approval*

Councilor Hamann **MOVED** to place a “no parking here to corner” sign at the corner of South Main Street in front of the China Palace at the discretion of DPW. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

10.6 Public Works

Councilor Walker said there were no action items and asked if there were any questions.

Mayor McCarley said that she has communicated with Councilor Hamann about representing the City Council at all of the meetings relative to the new facility for the Department of Public Works project. This would go beyond the Public Works Committee meetings and it would include the day to day meetings occurring, especially with the funding aspect of the project, for the new facility.

11. Old Business

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

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

Resolution Authorizing the Rochester Police Department (RPD) to accept a \$27,693.00 United States Department of Justice (USDOJ) Justice Assistance Grant (JAG)

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

That the RPD is hereby authorized to accept a Twenty Seven Thousand Six Hundred Ninety Three Dollars (\$27,693.00) USDOJ JAG Grant which the Council had previously authorized the RPD to apply for.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution and to establish special revenue, non-lapsing, multi-year fund accounts(s) as necessary to which said sums shall be recorded.

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

12. Consent Calendar

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

Councilor Lachapelle **MOVED** to **ACCEPT** the Consent Calendar. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. The Consent item(s) are as follows:

**Resolution Deauthorizing \$8,841.90 in funding related
to the FY2020 Granite Shield Grant Funds**

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

That the amount of Eight Thousand Eight Hundred Forty One and 90/100 Dollars (\$8,841.90) appropriated as part of the FY2020 Granite Shield Grant is hereby deauthorized. The total amount of the deauthorization is grant reimbursement which will not be sought from Strafford County Sheriff's Department.

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.

13. New Business

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

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

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

Be it Resolved by the Mayor and City Council of the City of Rochester, as follows:

Whereas, in an effort to stimulate local economic development and enhance City downtowns and Town centers, the New Hampshire Legislature has enacted RSA Chapter 79-E, entitled "Community Revitalization Tax Relief

Incentive”; and

Whereas, the City of Rochester adopted the provisions of such Community Revitalization Tax Relief Incentive Program pursuant to RSA Chapter 79-E by Resolution of the City Council on October 7, 2008; and

Whereas, Ventina, LLC, owner of the so-called 28 North Main Street in downtown Rochester, is desirous of making use of the benefits of RSA Chapter 79-E and it has, therefore, proposed a substantial rehabilitation project with respect to the structure located upon the so-called 28 North Main Street; and

Whereas, RSA Chapter 79-E requires that the governing body of the City of Rochester make certain findings and determinations with regard to a proposed substantial rehabilitation project in order for the structure to qualify for the RSA Chapter 79-E Community Revitalization Tax Relief Incentive;

Now, Therefore, the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby make the following findings and determinations with respect to the proposed substantial rehabilitation proposal for the so-called 28 North Main Street property contemplated by the owner’s Community Revitalization Tax Relief Application dated February 19, 2020, to wit:

(1) Any tax relief under the provisions of RSA Chapter 79-E or this resolution that is to be accorded with respect to the so-called 28 North Main Street property project shall be accorded only after the property owner grants to the City a covenant pursuant to the provisions of RSA 79-E:8 ensuring that the structure shall be maintained and used in a manner that furthers the public benefits for which the tax relief was granted and in accordance with the requirements of RSA 79-E:8; and

(2) The Mayor and City Council find public benefits under RSA 79-E:7 in the proposed revitalization project proposed with respect to the so-called 28 North Main Street property project; and

(3) The proposed substantial rehabilitation project with respect to the aforesaid 28 North Main Street provides the following public benefits to downtown Rochester:

- I. It enhances the economic vitality of the downtown;
- II. It enhances and improves a structure that is culturally and historically important on a local level, within the context of the City’s Historic District and the City center in which the building is located;

III. It promotes development of downtown Rochester, providing for efficiency, safety, and a greater sense of community, consistent with RSA 9-B;

(4) The specific public benefit is preserved through a covenant under RSA 79-E:8 if the project is implemented consistent with (a) the aforementioned application; (b) the terms of this resolution; and (c) any other applicable requirements of Chapter 79-E; and

(5) The Mayor and City Council find that the proposed use is consistent with the City's Master Plan and development regulations.

Furthermore, as a result of making such determinations and findings, and subject to the owner's compliance therewith, and with the provisions of RSA Chapter 79-E, the Mayor and City Council hereby grant the requested tax relief for a period of seven (7) years beginning with the completion of the substantial rehabilitation of the structure upon the so-called 28 North Main Street property.

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

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

Resolution Authorizing Acceptance of Granite Shield 2020 Substance Abuse Reduction Initiative Grant in the amount of \$15,000.00 and Supplemental Appropriation in Connection Therewith

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

WHEREAS, that the Granite Shield 2020 Substance Abuse Reduction Initiative Grant in the amount of Fifteen Thousand Dollars (\$15,000.00) awarded to the City of Rochester is hereby accepted by the City of Rochester;

FURTHER, that the sum of Fifteen Thousand Dollars (\$15,000.00) be, and hereby is, appropriated to the Police Department operating budget with the entirety of the supplemental appropriation being derived from the forfeiture; and

FURTHER, 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 account(s) as necessary to which said sums shall be recorded.

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 McCarley read the resolution for a second time by title only.

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

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

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

Resolution Authorizing Supplemental Appropriation in the Amount of \$10,000.00 to the Recreation Department General Donation Fund

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

The Mayor and City Council authorize a supplemental appropriation to the Recreation and Arena Department General Donation Fund in the amount of Ten Thousand Dollars (\$10,000.00). The entire amount of the supplemental appropriation shall be derived from the donations received by the Recreation Department.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution and to establish special revenue, non-lapsing, multi-year fund accounts(s) as necessary to which said sums shall be recorded.

Councilor Lachapelle **MOVED** to 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 McCarley read the resolution for a second time by title only.

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

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

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

Resolution Accepting Donation from St. Anselm's College to the Recreation and Arena Department and Supplemental Appropriation in the Amount of \$500.00

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

That a donation in the amount of Five Hundred Dollars (\$500.00) to the Recreation and Arena Department from the St. Anselm's College Road for Hope charity walk is hereby accepted.

Further, the Mayor and City Council authorize a supplemental appropriation to the Recreation and Arena Department Fiscal Year 2020 operating budget in the amount of Five Hundred Dollars (\$500.00). The entire amount of the supplemental appropriation shall be derived from the donation from St. Anselm's College.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution and to establish special revenue, non-lapsing, multi-year fund accounts(s) as necessary to which said sums shall be recorded.

Councilor Lachapelle **MOVED** to 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 McCarley read the resolution for a second time by title only.

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

13.5 Resolution Authorizing the Acceptance of a \$5,500 Grant by the Rochester Police Department (RPD) and Supplemental Appropriation in Connection Therewith *first reading, consideration for second reading and adoption*

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

Resolution Authorizing the Acceptance of a \$5,500 Grant by the Rochester Police Department (RPD) and Supplemental Appropriation in Connection Therewith

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

That a Five Thousand Five Hundred Dollars (\$5,500.00) State Governor's Commission on Alcohol Fund Grant is hereby accepted by the City on behalf of the RPD.

Further, the City Council authorizes a supplemental appropriation to the RPD operating budget in the amount of Five Thousand Five Hundred Dollars (\$5,500.00) with the entirety of the supplemental appropriation being derived from said Grant.

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

or account numbers as are necessary to implement the transactions contemplated in this Resolution and to establish special revenue, non-lapsing, multi-year fund accounts(s) as necessary to which said sums shall be recorded.

Councilor Lachapelle **MOVED** to 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 McCarley read the resolution for a second time by title only.

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

13.6 Authorizing Acceptance and Appropriation of Victims of Crime Act (VOCA) Grant Award for FY 2021 *first reading, consideration for second reading and adoption*

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

RESOLUTION AUTHORIZING ACCEPTANCE AND APPROPRIATION OF VICTIMS OF CRIME ACT (VOCA) GRANT AWARD FOR FY 2021

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

WHEREAS, that a Victims of Crime Act (VOCA) grant in the amount of Twenty-Five Thousand Eight Hundred and Thirty-Six Dollars (\$25,836.00) awarded to the City of Rochester's Legal Department is hereby accepted by the City of Rochester;

WHEREAS, the aforesaid grant requires a 20% cash match by the City of Rochester in the amount of Six Thousand Four Hundred Fifty Nine Dollars (\$6,459.00), to the Victims of Crime Act (VOCA) grant by City of Rochester's Legal Department;

FURTHER, that the sum of Twenty-Five Thousand Eight Hundred and Thirty-Six Dollars (\$25,836.00) be, and hereby is, appropriated to a non-lapsing Special Revenue Fund to be created for the purpose of carrying out the purposes of the Victims of Crime Act grant;

FURTHER, that the transfer of Six Thousand Four Hundred Fifty Nine Dollars (\$6,459.00) from the FY 2021 Legal Department Operating Budget to the non-lapsing Special Revenue fund stipulated above is hereby authorized;

FURTHER, that the City Manager is authorized to enter into a grant agreement and any other contracts with the New Hampshire Department of Justice that are necessary to receive and administer the grant funds detailed above; and

FURTHER, 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 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 McCarley read the resolution for a second time by title only.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Walker seconded the motion. Councilor Hailey asked what is the amount of the grant. City Attorney O'Rourke replied that the amount of the grant is \$25,836.00. The **MOTION CARRIED** by a unanimous voice vote.

13.7 Resolution Authorizing Transfer from the General Fund Unassigned Fund Balance to the School Building Capital Reserve Fund in the amount of \$1,664,787.00 *first reading and refer to a public hearing*

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

Resolution Authorizing Transfer from the General Fund Unassigned Fund Balance to the School Building Capital Reserve Fund in the amount of \$1,664,787.00

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

Pursuant to New Hampshire RSA Chapter 34, that One Million Six Hundred Sixty Four Thousand Seven Hundred Eighty Seven Dollars (\$1,664,787.00) be, and hereby is, transferred from the General Fund

Unassigned Fund Balance to the School Building Capital Reserve Fund, which was created by the City Council by way of Resolution on December 15, 2015.

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.

13.8 Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the Department of Public Works (DPW) Sewer Capital Improvements Plan (CIP) Fund for NPDES Permit Technical and Legal Assistance in an amount not to exceed \$300,000 *first reading and refer to public hearing*

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

Resolution for Supplemental Appropriation and Authorizing Borrowing Authority Pursuant to RSA 33:9 to the Department of Public Works (DPW) Sewer Capital Improvements Plan (CIP) Fund for NPDES Permit Technical and Legal Assistance in an amount not to exceed \$300,000.00

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

That the Mayor and City Council of the City of Rochester hereby appropriate an amount not to exceed Three Hundred Thousand Dollars (\$300,000.00) to the DPW Sewer CIP Fund for the purpose of paying costs associated with procuring technical and legal assistance related to the NPDES Permit, and further;

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 Three Hundred Thousand Dollars (\$300,000.00) through the issuance of bonds and/or notes, and/or through other legal form(s), 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 to the extent required, necessary and/or appropriate

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.

13.9 Resolution Authorizing the Issuance of Refunding Bonds in Accordance with RSA 33:3-d *first reading and refer to public hearing*

Councilor Lachapelle indicated that a revised version of this resolution has been distributed prior to the meeting. He **MOVED** to read the resolution for a first time by title only and refer the matter to a Public Hearing. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor McCarley read the resolution for the first time by title only as follows:

**Resolution Authorizing the Issuance
of Refunding Bonds in accordance
with RSA 33:3-d**

WHEREAS, the City of Rochester, New Hampshire (the "City") has issued certain \$9,263,000 General Obligation Bonds dated January 15, 2010 (the "2010 Bonds"), which 2010 Bonds that mature on January 15 of the years 2021 through 2030, inclusive, currently outstanding in the aggregate principal amount of Three Million Four Hundred Fifty Thousand Dollars (\$3,450,000.00) are eligible to be refunded at par on any interest payment date on or after January 15, 2020 (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 the Refunded Bonds and to pay certain other costs relating thereto;

NOW THEREFORE, BE IT RESOLVED that the City, acting by and through its Mayor and 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 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 Municipal 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.

13.10 Amendment to City of Rochester Employment Policy Handbook regarding Private Duty Assignment Compensation for Exempt Police Personnel *motion to approve*

Councilor Lachapelle **MOVED** to **APPROVE** the Amendment to the City of Rochester Employment Policy regarding Compensation for Exempt Police Personnel. Mayor McCarley invited Chief Toussaint to come forward and address the City Council about the proposed change.

Chief Toussaint said that he is requesting a change to the Employee Handbook which currently states that "exempt" employees of the Rochester Police Department, specifically lieutenants and captains, are not permitted to work any outside details for any additional compensation. The handbook indicates that they can work outside detail; however, because they are salaried employees they are not compensated. He said by implementing this change it would allow the three lieutenants and two captains to work outside

detail on occasion. He said they would not be compensated through City funds; however, they would be paid directly through whichever company is requesting the outside detail services. He added that it should be noted that any time a vendor requests our services, the City includes the cost of retirement and benefit cost with the bill for such services.

Chief Toussaint said the problem with not compensating the lieutenants and/or captains for outside detail is that it lessens the interest for promotions through the Police Department. He said staff sergeants (hourly position) have spoken openly about not seeking to be promoted to lieutenant or captain (salary position) because they would no longer be permitted to earn overtime. He gave reasons why this has become an issue within the department. Councilor Walker asked if this would be straight pay or time and a half pay. Chief Toussaint explained that it is an outside detail rate established by the union contract and it is paid by the vendor not the City. The pay is a flat rate, meaning it does not matter the rank for any particular officer, all are paid the same.

Councilor Rice said that the Chief indicated that the retirement cost is factored into the final bill submitted to a vendor for outside detail; however, the New Hampshire Retirement System does not allow for outside detail earnings to be included in an individual's retirement fund. Chief Toussaint agreed; however, there are some individuals which would be grandfathered and the earnings would be included.

Councilor Hainey questioned if the hourly positions would be offered the outside detail before any salary position officers. Chief Toussaint replied yes, and that would be stipulated in the union contract as well. He said the only exception to this process would be made for emergency situations.

Councilor Rice asked what safeguards would be in place so that lieutenants and captains would not simply call out of normal workhours to work outside detail. Chief Toussaint said any changes to their normal weekly schedule would need to be preapproved by himself or the Deputy Chief. Chief Toussaint gave a brief overview of how the salary positions would be allowed to work occasional outside detail. He reiterated that it is not an overtime rate and that it is a flat rate for all ranks of employees.

Councilor Rice wished to confirm that this change would only apply for the lieutenants and captains and would not include the Police Chief or Deputy Chief. Chief Toussaint replied that is correct.

Mayor McCarley called for a vote on the motion to approve the request. The **MOTION CARRIED** by a unanimous voice vote.

14. Other

Councilor Lachapelle announced that the City Council that there would be a Codes and Ordinances Committee meeting this coming Thursday, March 5, 2020, at 6:00 PM in the City Council Chambers.

City Manager Cox indicated that the Employee of the Month has arrived at the meeting. He invited Chief Toussaint and Kyle Danie of the Rochester Police Department to come forward. City Manager Cox read portions of the nomination letter for Kyle Danie. City Manager Cox said Officer Danie has been selected as the Employee of the Month for March.

15. Non-Public/Non-Meeting

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

Councilor Lauterborn **MOVED** to enter the Non-Public Session under Land, RSA 91-A:3,II (d) at 7:45 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call. Councilors Belken, Gray, Hamann, Rice, Lauterborn, Hainey, Lachapelle, Hutchinson, Walker, Abbott, Bogan, and Mayor McCarley voted in favor of the motion.

16. Adjournment

Councilor Lauterborn **MOVED** to exit the Non-Public Session at 8:58 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Councilor Lauterborn **MOVED** to seal the minutes because disclosure would render the proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call. Councilors Rice, Walker, Belken, Bogan, Lachapelle, Hamann, Lauterborn, Hainey, Abbott, Gray, Hutchinson, and Mayor McCarley voted in favor of the motion.

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 9:00 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters, CMC
City Clerk