

**CITY COUNCIL SPECIAL MEETING  
January 20, 2015  
COUNCIL CHAMBERS  
7:28 PM**

**COUNCILORS PRESENT**

Councilor Bogan  
Councilor Collins  
Councilor Gates  
Councilor Gray  
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  
Chief Michael Allen  
Bob Brown, Bridging the Gaps  
Melissa Silvey, Bridging the Gaps  
Capt. Dave Terlemezian, Dover P.D.

**MEMBERS EXCUSED**

Councilor Hamann

**MINUTES**

**1. Call to Order**

Mayor Jean called the City Council Special Meeting to order at 7:28 PM. Deputy City Clerk Marcia Roddy took a silent roll call. All members were present, with the exception of Councilor Hamann, who was excused.

**2. AB 86 Resolution Authorizing a Supplemental Appropriation to the Fiscal Year 2014-2015 Capital Improvements Budget of the City of Rochester, Department of Public Works, Water Works, for the So-Called Water Tank Maintenance Project [Bond] Second Reading and Adoption**

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

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION  
TO THE 2014-2015 CAPITAL IMPROVEMENTS BUDGET OF THE  
CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS, WATER WORKS  
FOR THE SO-CALLED WATER TANK MAINTENANCE PROJECT**

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

That the sum of Seventy Five Thousand Dollars (\$75,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2014-2015 capital improvements budget of the City of Rochester, Department of Public Works, Water Works, for the purpose of providing sums necessary to pay costs and/or expenditures with respect to the so-called Water Tank Maintenance Program (the "Project"), and provided further that such appropriation shall be drawn in its entirety from the proceeds of bonding/borrowing to be undertaken by the City of Rochester.

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 are authorized to borrow the sum of Seventy Five Thousand Dollars (\$75,000.00), through the issuance of bonds and/or notes, and/or through other legal form(s), for the purposes of funding the expenditures incident to the implementation of the Project outlined, and referred to, in the preceding paragraph, 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. The useful life for the aforesaid Project is 20 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 Walker **MOVED TO ADOPT** the resolution. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

3. **AB 90 Resolution Accepting a So-Called New Hampshire Homeland Security and Emergency Management Grant [EMP] to the Rochester Fire Department for Emergency Operations Center Equipment and Making a Supplemental Appropriation in Connection Therewith 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 unanimous voice vote. Mayor Jean read the resolution by title only as follows:

**RESOLUTION ACCEPTING A SO-CALLED EMP GRANT  
TO THE ROCHESTER FIRE DEPARTMENT FOR  
EMERGENCY OPERATIONS CENTER EQUIPMENT  
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:**

WHEREAS, the City of Rochester is eligible for, and will be, awarded a grant from the NH Homeland Security and Emergency Management office, in the amount of Seven Thousand Dollars (\$7,000.00), such sums being awarded pursuant to a grant for the purpose of paying costs associated with the upgrade, acquisition, and/or replacement, of equipment used in connection with the City of Rochester's so-called Emergency Operations Center (the "Project"), the Mayor and City Council of the City of Rochester, by adoption of this Resolution, do hereby accept such grant for the Project on behalf of the City of Rochester; and

WHEREAS, the aforesaid grant requires a 50% match by the City of Rochester, which match will be accomplished by in-kind services from the City, with a value of Seven Thousand Dollars (\$7,000.00), with regard to the Project;

NOW THEREFORE, by adoption of this Resolution the sum of Seven Thousand Dollars (\$7,000.00) to be received by the City of Rochester as a grant pursuant to the aforementioned grant for the Project be, and hereby is, appropriated as part of the 2014-2015 operating budget of the City of Rochester Fire Department, the same to be deposited in a special non-lapsing account by the Finance Director, or his designee(s), for the purpose of paying costs associated with the up-grade, acquisition, and/or replacement, of equipment used in connection with the Project, all as more specifically set forth in the grant application and/or other grant documents, and that the sums necessary to fund the aforesaid appropriation shall be drawn, in their entirety, from funds received from the abovementioned grant to the City of Rochester.

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

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

#### 4. **AB 93 Presentation: Bridging the Gaps**

Mayor Jean explained that the program "Bridging the Gaps" is before the City Council for discussion. He said that the Finance Department has reviewed the program and the decision for the council is how to keep the program successful and whether or not the City should act as fiscal agent for the program. There are certain deadlines to be met.

Mayor Jean said that a motion was made at the Finance Committee meeting to bring the matter before the full council and discuss having the City act as the fiscal agent, or hire an independent coordinator to work as coordinator. By doing so, the City would not be hiring a municipal employee, but rather the person would work until the grant funding is terminated and the City would not be responsible for unemployment compensation and benefits.

Chief Michael Allen came forward to introduce Board Members of "Bridging the Gaps" to provide information from the board's perspective.

Bob Brown, a Board Member and spokesman for ONE Voice introduced Melissa Silvey, saying that she was not feeling well and perhaps would like to speak and leave the meeting if she desired.

Ms. Silvey, a Rochester resident, has worked with Bridging the Gaps since its beginning in 2006 and has been part of the grant writing team since that time. She said that her opinion is that the proposed coordinator should not be a contracted position. She said that the City should have accountability of the coordinator by placing the position with a City department.

Councilor Keans asked Ms. Silvey to explain what the Board of Directors' responsibility is. Ms. Silvey explained that they are not a "non profit" board of directors and they are not the employer of record. They can advise and guide, but they have no legal authority to hire and fire. They do not have 501 C-3 status.

Councilor Lauterborn questioned the "matching in-kind" and whether or not that is a 50/50 sharing. Ms. Silvey said no, it is not a cash match and they are at a 125% match this year. She sees no problem in meeting that goal.

Councilor Walker asked Ms. Silvey if she did not recommend hiring a contract worker for the coordinator position. Ms. Silvey said yes, that according to the State of New Hampshire Department of Labor standards they would not be able to tell that person how to implement the work plan. An employee can be told how to handle the job.

Councilor Walker commended the program and thinks it is excellent; however, he said that originally the plan was for the City to act as a fiscal agent, but now there is a suggestion to hire an employee at a cost to the City. He said if the position is not sub-contracted then he would not support it.

Councilor Varney said that in his experience sub-contractors take direction just as anyone else would and that should not be a problem. Ms. Silvey said that the position is, in her opinion, far too broad to be a contracted one. Councilor Varney disagreed.

Councilor Torr said this had been discussed at length at the Finance Committee meeting and a recommendation had been made. He did not like the idea of that recommendation being ignored.

Councilor Lachapelle said that he was told that the Police Department could handle the program without hiring anyone. Mayor Jean said that the program itself requires a coordinator, whether that be a municipal employee or a contractor. The core issue is that "Bridging the Gaps" is not a 501 C-3 and the Board cannot act to employ such a coordinator. The City was asked to act as a fiscal agent, but by hiring an employee when the grant runs out then theoretically the employee's pay source runs out and the employee would be terminated. That, in turn, incurs the expense to the City for unemployment benefits. He said this is what the Finance Committee had to look at and why they recommended hiring an independent contractor.

Mr. Brown said the President and Vice President approached the Police Chief on November 25, 2014, to see if he would consider being the fiscal agent. He said that the Chief had compiled some questions to be asked of the Board on December 19, 2014. The dialogue continued and the Chief came back to the Board on December 29, 2014. On January 12, 2015, all questions were answered and with further information the Board agreed that Rochester could take on the grant.

Mr. Brown went on to say that Julien Long of the Economic Development Department would be capable of overseeing the grant process. He pointed out that 10% of the grant goes back to the City. Mr. Brown asked the City Manager if a temporary employee was hired for the position would the City Manager have to terminate the employee when the term of the grant ran out. Mr. Fitzpatrick said yes.

Mr. Brown pointed out that January 28, 2014, is the deadline to go forward and if a decision is not made by then he believes that the matter will be dead and the half million dollars will be gone.

Councilor Keans asked Mr. Brown if Mr. Long would be the "director" of the program. City Manager Fitzpatrick answered by explaining that Mr. Long's role is to manage the grant and to see that the City stays in good stead with the Federal government. He reminded the Council that the goals of Bridging the Gaps fall within the mission of the police department. Mr. Long would not be involved in the programs, but would only see to it that the grant is administered properly.

Councilor Keans said she remembers when the original D.A.R.E. program was run by police departments and how terribly they were administered. She said she would not want the Bridging the Gaps program handled by the police department for that reason.

Mr. Brown said that Mr. Long would be responsible for making sure that the reports are submitted. He said that the correct person hired to oversee the program should do what the Board envisions it to be run.

Councilor Varney asked how many hours a week someone from the Police Department is involved in the program. Chief Allen said that presently not many because there is no coordinator to work with. Hiring of a full time coordinator would not mean any significant burden on the police department staff.

Chief Allen introduced Captain Dave Terlemezian of the Dover Police Department to speak on how the program is running in Dover. Capt. Terlemezian oversees grants in the Dover Police Department, including Bridging the Gaps.

Capt. Terlemezian said that Dover is now in its tenth year with the program and their coalition coordinator is paid directly from the grant. He said it has been a successful program that has opened up many other opportunities within the city.

Councilor Varney questioned the number of employees of the Dover coalition. Capt. Terlemezian said that the coordinator is a full time employee, but others are paid on a per diem basis for specific work and projects.

Councilor Walker asked how much time Capt. Terlemezian's office spends in working with the coalition. Capt. Terlemezian said very little; they are fortunate to have a very talented and experienced coordinator who runs the program well. In general, he said he works with the program a few hours a week.

Councilor Walker asked Capt. Terlemezian what types of duties he has regarding oversight. Capt. Terlemezian said he goes to coalition meetings, one-on-one meetings with the coordinator for discussions regarding the work plan, and overall management of the program.

Councilor Keans questioned how the budgeted money is used. She wanted to know how the \$125,000 is spent. Captain Terlemezian said it is spread out over various expenses, including salary, programs, travel, supplies, etc..

After conferring with City Manager Fitzpatrick and Deputy City Manager Cox, Mayor Jean offered a proposal to the City Council. He said that if the City would fund the coordinator position in order to get the program started, with the expectation that the Board of Directors would actively seek and obtain 501 C-3 status, at which point the employee would voluntarily resign city employment and the city would not have to pay for unemployment as it would be paid by the grant. The employee/coordinator would become an employee of the Bridging the Gaps Board and once the grant term expires then the Board would be tasked with finding other community resources (i.e. donations, other programs, grant writing) to fund the employee. This would get the program going and buys time so that the money isn't lost.

The Council discussed the pros and cons of a temporary employee, voluntary resignation, unemployment benefits, etc.. The City Manager said that it does not matter

whether the employee is a temporary employee or a contract employee; it all depends on who is hired and "who you can get."

Councilor Lauterborn asked a question regarding the Dover's plan, citing a position of Coalition Assistant paid by the hour. She wanted to know if that is a contract position or a full time employee of the city. Capt. Terlemezian said that employee is nearly a full time employee under other funds and a portion of her time is charged against the grant.

Councilor Gray provided information regarding the time frame of how the plan will proceed. He said that it will take time for the funding to be available and any activities will have to be paid through other means. Everything is contingent upon the Federal approval of the grant.

Councilor Walker **MOVED** to go forward with Bridging the Gaps under the auspices of hiring a contracted employee to be the coordinator. Councilor Torr seconded the motion. It was clarified by the mayor that the contracted employee would not be hired unless and until the grant is approved. Councilors Walker and Torr agreed to that understanding. The **MOTION CARRIED** by a roll call vote of 11-1: Councilors Gates, Keans, Lauterborn, Walker, Gray, Larochele, Torr, Bogan, Collins, Varney, and Mayor Jean all voted yes. Councilor Lachapelle voted no.

## 5. Non-Public/Non-Meeting Sessions

### 5.1 Non-Public, Personnel, RSA 91-A 3 II (a)

### 5.2 **AB 92** Non-Public, Consultation with Legal Counsel, Land, RSA 91-A: 3, II (d)

### 5.3 Non-Meeting, Consultation with Legal Counsel, 91-A

Councilor Lachapelle **MOVED** to enter Non-Public Session, Personnel, RSA 91-A 3 II (a), Non-Public Session, Consultation with Legal Counsel, Land, RSA 91-A: 3, II (d), and Non-Meeting, Consultation with Legal Counsel, 91-A at 8:25 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a roll call vote of 12-0: Councilors Walker, Larochele, Gates, Varney, Gray, Torr, Keans, Lauterborn, Lachapelle, Collins, Bogan, and Mayor Jean all voted yes.

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

Councilor Varney **MOVED** to award a merit salary increase to City Manager Fitzpatrick of 2.5% retroactive to September 1, 2014. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

**6. Adjournment**

Councilor Walker **MOVED to ADJOURN** at 9:37 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Respectfully submitted,

*Marcia H. Roddy*

Deputy City Clerk