

**CITY COUNCIL SPECIAL MEETING  
March 15, 2016  
COUNCIL CHAMBERS  
8:35 PM**

**COUNCILORS PRESENT**

Councilor Abbott  
Councilor Barnett  
Councilor Bogan  
Councilor Gates  
Councilor Gray  
Councilor Hamann  
Councilor Keans  
Councilor Lachapelle  
Councilor Lauterborn  
Councilor Torr  
Councilor Willis  
Deputy Mayor Varney

**OTHERS PRESENT**

City Manager Daniel Fitzpatrick  
Deputy City Manager Blaine Cox  
Terence O'Rourke, City Attorney  
Chief Michael Allen

**EXCUSED**

Mayor McCarley

**MINUTES**

**1. Call to Order**

Deputy Mayor Varney called the Special Meeting of the Rochester City Council to order at 8:35 PM. Deputy City Clerk Marcia Roddy took a silent roll call. All councilors were present, except for Mayor McCarley, who had been excused.

**2. **AB 125** Resolution Authorizing the Rochester Legal Department to Apply for a Victims of Crime Act (VOCA) Grant **First Reading, Second Reading, and Adoption****

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

**RESOLUTION AUTHORIZING THE ROCHESTER LEGAL DEPARTMENT TO APPLY  
FOR A VICTIMS OF CRIME ACT (VOCA) 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 Twenty-Six Thousand Dollars (\$26,000.00) to the New Hampshire Department of Justice VOCA Grant program in order to fund a Victim-Witness Advocate position.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion.

Councilor Keans asked if this position will be fully funded by the grant. City Attorney O'Rourke said no; the City would have to make a 20% match in the amount of \$6,450. Councilor Keans asked where this person would work. Attorney O'Rourke said they would have office space in his office.

Councilor Torr asked what happens with the position after a year. Attorney O'Rourke said the need for the position would be evaluated at that time and then go forward with considering it to be a funded position.

Councilor Lauterborn agreed that this seems to be a very worthy program, but questioned the idea of increasing the size of the Legal Department with another person. She asked Attorney O'Rourke if it would be a 3-year grant, to which he responded yes. Councilor Lauterborn was concerned with adding another full time person to the Legal Department.

Councilor Lauterborn asked if the Justice Center at the Community Center provided these same services. Attorney O'Rourke said no. He asked the City Prosecutor, Andrea Mitrushi, to come forward to address this line of questioning.

Attorney Mitrushi explained that a victim witness advocate provides assistance to people who are involved with a court case who are not familiar with the legal process in all aspects of the case. She gave some details of what this person would do and how it would help her.

Councilor Keans asked how the District Court cases differ from those that are now being referred to the Superior Court Level. She asked for examples of the types of cases being handled by the Prosecutor. Attorney Mitrushi cited theft and simple assault, for example.

Attorney O'Rourke said it is a part-time (30 hour) position and would start in the next fiscal year (July 1, 2016). It would remain a part-time position in the future.

Councilor Willis asked how stable this program is and whether it has been around for awhile. Attorney O'Rourke said he does not know the exact number of years, but the program has been around for as long as he can remember in communities such as Portsmouth, Concord, and Dover.

Councilor Lauterborn asked if this is only a one-year grant. Attorney O'Rourke said that it is a one-year position to start with, but the City has the opportunity to re-apply at the end of the year.

Councilor Willis asked if there are other proceeds that can be applied to the funding of the program, such as the money being received from drug proceeds. Attorney O'Rourke said he thought it could be.

Councilor Keans said she did not think enough was known about the program and it is basically expanding the Legal Department. She added that the court system has been redefined and cases are being referred to the Superior Court level. She did not see the need for the position at this time.

Councilor Lachapelle said the Legal Department has a heavy work load and the City should take advantage of this program at this time.

Councilor Torr **MOVED** for a roll call vote. Councilor Bogan seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

The original **MOTION** to **ADOPT CARRIED** by a 10-2 majority roll call vote. Councilors Barnett, Lauterborn, Willis, Lachapelle, Gray, Abbott, Hamann, Bogan, Gates, and Deputy Mayor Varney all voted yes. Councilors Keans and Torr voted no.

**3. AB 126 Resolution Accepting Highway Safety Equipment Grant and Supplemental Appropriation Thereof First Reading, Second Reading, and Adoption**

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

**RESOLUTION ACCEPTING HIGHWAY SAFETY EQUIPMENT GRANT AND  
SUPPLEMENTAL APPROPRIATION THEREOF**

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

**WHEREAS**, that a Highway Safety Equipment Grant in the amount of Five Thousand Six Hundred Dollars (\$5,600.00) to the City of Rochester Police Department is hereby accepted by the City of Rochester.

**WHEREAS**, the aforesaid grant requires a 100% cash match by the City of Rochester of Five Thousand Six Hundred Dollars (\$5,600.00) to the development of the said Highway Equipment Grant by the City's provision of various City forces and services to the Project;

**FURTHER**, that the sum of Five Thousand Six Hundred Dollars (\$5,600.00) be, and hereby is, appropriated as a supplemental appropriation to the City of Rochester Police Department Operating Budget, with such sums to be placed in a special non-lapsing reserve account to be established/designated by the Finance Director, such funds to be used exclusively for grant purposes. Further, that the source of the sums necessary to fund such appropriation shall be drawn as follows: Five Thousand Six Hundred Dollars (\$5,600.00) from the aforesaid grant and Five Thousand Six Hundred Dollars (\$5,600.00) from the FY2016 City of Rochester Police Department Operating Budget.

**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 for the second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by unanimous voice vote. Deputy Mayor Varney read the resolution for the second time by title only.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion.

Councilor Keans questioned whether the resolution indicated that two pieces of equipment were being purchased. She said it is not clear. Councilor Lauterborn said it had been the complete description was in the summary statement as reviewed by the Finance Department.

Councilor Lauterborn said she attended a conference last fall where the topic of dashboard cameras and individually worn cameras. There are policies in place and she asked Chief Allen if he could provide a copy of the policy to the City Council.

The motion to adopt **CARRIED** by unanimous voice vote.

**4. AB 122 Resolution Accepting State of New Hampshire Drug Forfeiture Funds and Supplemental Appropriation Thereof First Reading, Second Reading, and Adoption**

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

**RESOLUTION ACCEPTING STATE OF NEW HAMPSHIRE DRUG FORFEITURE  
FUNDS AND SUPPLEMENTAL APPROPRIATION THEREOF**

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

**WHEREAS**, that drug forfeiture funds from the State of New Hampshire in the amount of Eight Hundred Twenty-two and 60/100 Dollars (\$822.60) to the City of Rochester Police Department is hereby accepted by the City of Rochester.

**FURTHER**, that the sum of Eight Hundred Twenty-two and 60/100 Dollars (\$822.60) be, and hereby is, appropriated as a supplemental appropriation to the City of Rochester Police Department Operating Budget, with such sums to be placed in a special non-lapsing reserve account to be established/designated by the Finance Director, such funds to be used exclusively for grant purposes. Further, that the source of the sums necessary to fund such appropriation shall be drawn, in their entirety, from the aforesaid grant.

**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 for the second time by title only. Councilor Bogan seconded the motion. The **MOTION CARRIED** by unanimous voice vote. Deputy Mayor Varney read the resolution by title only for the second time.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion.

Councilor Lauterborn asked if Chief Allen could tell them what the Police Department spends these funds on.

Chief Allen said this type of funding has been received over the years as an asset forfeiture from drug investigations. The funding has been spent on a variety of reasons, all of which related to drug investigations. It has been used primarily for equipment.

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

**5. AB 109 Resolution to Authorize Borrowing Through the Issuance of Bonds and/or Notes, and/or Through Other Legal Form(s), as Authorized Under the Provisions of RSA 33:9, and/or Other Legal Authority, in an Amount of up to**

**\$130,282 for the Purpose of Funding the Howard Brook Culvert Replacement Project Second Reading and Adoption**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for the second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by unanimous voice vote. Deputy Mayor Varney read the resolution by title only for the second time as follows:

**RESOLUTION AUTHORIZING SUPPLEMENTAL APPROPRIATION  
TO THE 2015-2016 CAPITAL IMPROVEMENTS BUDGET OF THE  
CITY OF ROCHESTER, DEPARTMENT OF PUBLIC WORKS  
FOR THE SO-CALLED HOWARD BROOK CULVERT REPLACEMENT PROJECT**

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

That the sum of One Hundred Thirty Thousand Two Hundred Eighty-Two Dollars (\$130,282.00) be, and hereby is, appropriated as a supplemental appropriation to the 2015-2016 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 Howard Brook Culvert Replacement Project (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 One Hundred Thirty Thousand Two Hundred Eighty-Two Dollars (\$130,282.00) 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.

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 **ADOPT** the resolution. Councilor Bogan seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

**6. AB 115 Resolution to Authorize Borrowing Through the Issuance of Bonds and/or Notes, and/or Through Other Legal Form(s), as Authorized Under the Provisions of RSA Chapter 162-K, and/or Other Legal Authority, in an Amount of**

**up to \$5,000,000 for the Purpose of Funding Public Infrastructure Improvements within the So-Called Granite Ridge Development District Second Reading and Adoption**

Councilor Lachapelle **MOVED** to suspend the rules and read the resolution by title only for the second time. Councilor Bogan seconded the motion. The **MOTION CARRIED** by unanimous voice vote. Deputy Mayor Varney read the resolution by title only for the second time as follows:

**SUPPLEMENTAL APPROPRIATION IN CONNECTION WITH**  
**PUBLIC INFRASTRUCTURE IMPROVEMENTS**  
**TO BE MADE WITHIN THE SO-CALLED**  
**GRANITE RIDGE DEVELOPMENT DISTRICT - PHASE 2**  
**AND AUTHORIZING BONDING AND/OR BORROWING**  
**IN CONNECTION THEREWITH**

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

That the sum of Five Million Dollars (\$5,000,000.00) be, and hereby is, appropriated as a supplemental appropriation to the 2015-2016 fiscal year capital budget for the City of Rochester for Economic Development, such funds to be used for the purpose of paying for costs and expenses incurred with respect to the planning, design, construction, administration, implementation and related actions and activities incident to the construction/reconstruction and extension of certain Public Infrastructure Improvements, including within such undertaking the construction/extension/accommodation of accompanying public and private utilities, including, but not limited to, roads, sidewalks, water and sewer services, drainage and other related infrastructure improvements (the "Project"), the same to be located on the Easterly and Westerly sides of, as well as within, NH Rte. 11, both north and south of its intersection with the so-called Little Falls Bridge Road, within the so-called Granite Ridge Development District Phase 2, so as to promote economic development, including particularly commercial economic development, for the purposes of furthering the goals and objectives of the so-called "Granite Ridge Development District: Tax Increment Development Program & Financing Plan", and the implementation of the goals set forth therein, as well as to promote the creation and availability of developable land, within the Granite Ridge Development District, for commercial and other economic development purposes.

**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 up to Five Million Dollars (\$5,000,000.00), 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 30 years.

Additionally, the above borrowing and repayment of the sums expended in furtherance of the Project described in the first paragraph of this resolution, is authorized in, and is to be repaid by utilizing the, tax increment financing mechanism authorized and set forth in Chapter 162-K of the New Hampshire Revised Statutes Annotated (including specifically, but not limited to RSA 162-K:8 through RSA 162-K:10).

Further, to the extent not otherwise provided for in this Resolution the City Manager and/or his designee(s) is authorized to sign all documents necessary to implement the purposes of this resolution, including the signing of any engineering and/or services, materials, construction and or similar or related type contract(s) necessary to carry out the purposes of this resolution.

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.

The City reasonably expects to issue tax exempt bonds in the future to finance certain expenses related to this Project, the proceeds of which may be used, in part, to reimburse the City for Project expenses paid prior to the issuance of such bonds, including those authorized above. To that end, without in any way committing the City to issue such bonds, and/or notes, and/or other legal forms of borrowing, this Resolution shall be deemed to constitute the City's "official intent" with respect to such plans within the meaning of IRS Reg. 1.150-2.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Bogan seconded the motion.

Councilor Willis asked what the payback period is expected to be. Deputy City Manager Cox said he believes it to be 12-14 years. He explained that the payback period is scheduled for 20 years, but it is expected to be less and closer to the 12-14 year range.

The **MOTION CARRIED** by an 11-1 majority voice vote, with Councilor Torr voting no.

**7. AB 127 A Resolution Authorizing the Issuance of Refunding Bonds First Reading and Refer to a Public Hearing**

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

**CITY OF ROCHESTER, NEW HAMPSHIRE**



**A RESOLUTION**  
**AUTHORIZING THE ISSUANCE OF**  
**REFUNDING BONDS**

**WHEREAS**, the City of Rochester, New Hampshire (the "City") has issued certain \$18,710,000 General Obligation Bonds dated February 28, 2008 (the "2008 Series A Bonds"), which 2008 Bonds that mature on February 15 of the years 2019 through 2028, inclusive, in the aggregate principal amount of \$7,550,000 are eligible to be refunded at par on any interest payment date on or after February 15, 2018 (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.

Councilor Lachapelle **MOVED** to refer the resolution to a public hearing. Councilor Bogan seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Deputy Mayor Varney **MOVED** to unseal the minutes of the September 15, 2016 Non-Public meeting. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

## **8. Adjournment**

Councilor Lachapelle **MOVED** to **ADJOURN** the Special Meeting at 9:00 PM. Councilor Bogan seconded the motion. The **MOTION CARRIED** by unanimous voice vote.

Respectfully submitted,

Marcia H. Roddy, NHCDCC  
Deputy City Clerk