

**Rochester Regular City Council Meeting  
December 3, 2013  
COUNCIL CHAMBERS  
7:03 PM**

**MEMBERS PRESENT**

Councilor Gray  
Councilor Hervey  
Councilor Keans  
Councilor LaBranche  
Councilor Lachapelle  
Councilor Lauterborn  
Councilor Reed-Erickson  
Councilor Torr  
Councilor Varney  
Councilor Walker  
Mayor Jean

**OTHERS PRESENT**

City Manager Fitzpatrick  
Deputy City Manager Cox  
Deputy City Manager Pollard  
Attorney Wensley  
Commissioner Nourse  
Gretchen Young, City Engineer  
Members of the Public Works staff  
Elena Engle, Community  
Development Specialist

**MINUTES**

**1. Call to Order**

Mayor Jean called the Regular City Council 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 troops.

**4. Roll Call**

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

**5. Acceptance of Minutes**

**5.1. Correction to the July 17, 2012, Regular City Council Meeting Minutes**

Councilor Walker **MOVED** to **AMEND** the minutes of July 17, 2012, and to **ACCEPT** the minutes as amended. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **5.2. November 6, 2013, Regular City Council Minutes**

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of November 6, 2013. Councilor Walker seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

## **6. Resolution Authorizing and Approving A Transfer Within the Fiscal Year 2013-2014 Community Block Grant Budget and Making a Supplemental Appropriation in Connection Therewith AB 13**

Mayor Jean stated that a Public Hearing on this matter was held on November 19, 2013. Councilor Walker **MOVED** to read the resolution for the second time by title only. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean read the resolution for the second time by title only as follows:

### **RESOLUTION AUTHORIZING AND APPROVING A TRANSFER WITHIN THE FISCAL YEAR 2013-2014 COMMUNITY BLOCK GRANT BUDGET AND MAKING A SUPPLEMENTAL APPROPRIATION IN CONNECTION THEREWITH FOR GONIC SCHOOL PLAYGROUND PROJECT**

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

That the sum of Thirty Thousand Dollars (\$30,000) presently appropriated in line items below:

FY 14 COBO (Fund 6100) =	<u>\$30,000</u>
	\$30,000

in the Community Development Block Grant Budgets for the Department of Planning and Development for the above indicated fiscal years be, and hereby is, transferred to a "Public Facilities" line item of the corresponding fiscal year's Community Development Block Grant Budget, for the purpose of providing funds necessary for the so-called Gonic School Playground Project. Additionally, the appropriations in the line item account from

which the above transfer is to be made as specified above are hereby withdrawn and deauthorized to the extent of \$30,000.

Further, the sum of Thirty Thousand Dollars (\$30,000) hereby transferred to the "Public Facilities" line items of the various Community Development Block Grant Budgets referred to above, be, and hereby are, appropriated as supplemental appropriations to the corresponding fiscal year various Community Development Block Grant Budgets for the Department of Planning and Development Budget for the purpose of providing sums necessary for the so-called Gonic School Playground Project, such appropriations to be drawn in their entirety from the herein above funds transferred to the "Public facilities" line item of the various Community Development Block Grant Budgets referred to above.

To the extent necessary and/or appropriate, the Finance Director is hereby authorized to assign account numbers to accounts and/or to establish accounts necessary to implement this resolution.

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

Mayor Jean stated that a memorandum relative to the JOB loan program status update had been provided to the City Council. Mayor Jean stated that any questions should be directed to Elena Engle, Community Development Specialist. *This will be included as an Addendum to the City Council packet.*

## **7. Communications from the City Manager**

### **7.1. Employee of the Month Award**

City Manager Fitzpatrick invited the Commissioner of Public Works, Peter Nourse, and Gretchen Young, City Engineer, to come forward. City Manager Fitzpatrick stated that a two page letter had been submitted nominating Ms. Young to be awarded Employee of the Month. He awarded Gretchen Young as the Employee of the Month for December.

### **7.2. City Manager's Report**

City Manager Fitzpatrick reported that the Management Team Meeting minutes have been included in the City Manager's Report as follows:

- October 28, 2013
- November 4, 2013
- November 12, 2013
- November 18, 2013

City Manager Fitzpatrick stated that the contracts and documents executed since the last City Manager's Report are as follows:

- Vachon Clukay engagement letter – independent audit
- FY 15 and FY 16 PLT insurance coverage renewal
- Advanced Roof Management proposal – Arena roof analysis
- Continuant phone maintenance plan
- Arts Rochester DBA Sole City Dance Lease
- Computer Lease/Purchase Program – Nick Marique – Fire Dept.
- Housing Authority- Environmental Review
- Supplemental Loan Agreement – ARRA Project 2001010-08

City Manager Fitzpatrick stated that he received a notice from Metrocast relative to a rate change. *This can be found in the City Manager's Report portion of the City Council packet.*

City Manager Fitzpatrick stated that the following standard reports have been enclosed in the City Manager's Report as follows:

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

City Manager Fitzpatrick announced that City Clerk Walters has been accepted into the Property-Liability Trust, Inc. Leadership Institute Level 1 Program for 2014.

Mayor Jean stated that there had been several street lights "out" in the downtown area. He thanked the Commissioner of Public Works for resolving the problem so quickly. City Manager Fitzpatrick stated that a rumor circulated that the outage was associated with the Public Works Department decorating the Christmas tree in the downtown area, which is not correct. Mayor Jean stated that apparently the outage had been caused by a few problematic lamp posts within the downtown area.

## **8. Communications from the Mayor**

### **8.1. Recognitions of City Councilors**

Mayor Jean invited Councilors Hervey, LaBranche, and Reed-Erickson, to come forward. He announced that these three Councilmen did not seek re-election and therefore their respected terms would be expiring on January 2, 2014. He wished to thank each individual Councilor for their service and wished them good luck on future endeavors.

## **8.2. Christmas Parade**

Mayor Jean announced that the Christmas Parade would take place this Sunday, December 8, 2013, starting at Spaulding High School at 3:00 PM. He encouraged participation from the City Councilors and invited the public to attend.

Mayor Jean stated that the Planning Board Retreat would be held on December, 11, 2013, from 6:30 PM to 9:00 PM. He encouraged participation from the City Council.

Mayor Jean stated that he had a brief conversation with the City Clerk regarding sending out letters of "thanks" to board/committee members who have finished their service with the City; however, these folks are not consistently recognized since there is no City Council action associated with a board/committee member deciding not to continue once their term has expired. The City Clerk is seeking permission to send out a letter of thanks to individuals who have given notice that they are no longer able to keep such commitment and have served the City of Rochester for a long period of time. The City Council briefly discussed the matter and agreed that a letter of thanks could be written on behalf of the City Council to those individuals not seeking re-appointment and are in the category of a long-standing public service.

Mayor Jean stated that the Historical Society Christmas Social is to be held on Thursday, December 12, 2013, at the Historical Society museum located on Hanson Street. He encouraged participation.

## **9. Presentations of Petitions and Council Correspondence**

## **10. Nominations, Appointments, Resignations, and Elections**

Mayor Jean gave reasons why it would be more efficient to appoint the Council Representative to the Planning Board this evening rather than waiting until the Inauguration to make the appointment. Councilor Lauterborn nominated Councilor Walker to continue his service on the Planning Board as the Representative of the City Council for another two years, with a term to expire on January 2, 2016. Councilor Lachapelle

seconded the nominations. Councilor Lachapelle **MOVED** that nomination cease. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Councilor Walker had been appointed to the Planning Board, by a unanimous voice vote and thanked him for volunteering for another two years.

Mayor Jean suggested appointing the Alternate City Council Member to the Planning Board at this time. Councilor Keans nominated Councilor Gray to serve as the Alternate City Council Representative to the Planning Board, with a term to expire on January 2, 2016. Councilor LaBranche seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Councilor Gray has been appointed as the Alternate City Council Representative to the Planning Board by a unanimous voice vote.

Mayor Jean stated that this is the time of the year when the terms will expire soon. He encouraged board and committee members that are interested in seeking re-election to fill out a Statement of Interest.

#### **10.1. Appointment: Tom D'arcy, Moderator, Ward Five**

Councilor Reed-Erikson nominated Tom D'arcy to be appointed to the vacant Moderator position for Ward Five. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Mr. D'arcy has been appointed to serve as the Moderator for Ward Five, with an expiration date of January 2, 2016.

#### **10.2. Resignation: Mickey Conroy, Selectman, Ward Two**

Councilor Walker **MOVED** to **ACCEPT** the letter of resignation from Mickey Conroy, Selectman, for Ward Two, with regret and to send a letter of thanks. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

### **11. Reports of Committees**

#### **11.1. Appointments Committee**

Councilor Lachapelle said that Pamela Hubbard has been a Library Trustee for several years. She has been a lifetime user and supporter of the Library and the Appointments Committee unanimously recommends Pamela Hubbard for

reappointment as a Library Trustee, with a term to expire in January 2017. Mayor Jean nominated Pamela Hubbard as a Library Trustee, with a term to expire in January 2017. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nomination cease. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Ms. Hubbard has been appointed as a Library Trustee with a term to expire in January 2017, by a unanimous ballot vote.

Councilor Larochelle stated that Councilor Torr is seeking re-appointment to the Zoning Board of Adjustment. He has served on the Board for 14 years and has served as Chair for 6 of those years. He said the Appointments Committee unanimously recommends that Councilor Torr be re-appointed to the Zoning Board of Adjustment, with a term to expire in January 2017. Mayor Jean nominated Councilor Torr. Councilor Lachapelle seconded the nomination. Councilor Lachapelle **MOVED** that nominations cease. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote. Mayor Jean announced that Councilor Torr has been reappointed to the Zoning Board of Adjustment with a term to expire in January 2017, by a unanimous ballot vote.

## **11.2. Finance Committee**

Mayor Jean stated that a letter has been sent to residents of Stillwater Circle asking if the residents of Stillwater Circle are interested in forming a homeowners' association. In this way, money could be transferred to the association without continuous involvement from the City Council.

Councilor Lachapelle recalled that Attorney Wensley had new information about the original agreement between the City of Rochester and the original owner of the land [Stillwater Circle Development.] Attorney Wensley reported that the money left to the City by the developer was not an "exaction", subject to be used for a specific purpose, but was given rather in the nature of a "donation", which would give flexibility to the City Council in the expenditure of the money. It was determined that Councilor Lachapelle would touch base with the residents of Stillwater Circle and Chris Bowlen, Recreation and Arena Director, and report back to the City Council.

Councilor Keans expressed concern that there were a lot of homeowners in this development and only a few residents ever show up at the City meetings relating to this matter.

A discussion ensued as to whether the transfer of money included transferring the City portions of land in this area to the residents, as well. It was determined that it was the intent to transfer the land and money

conditional upon the establishment of a Stillwater Circle Development Homeowners' Association.

Mayor Jean stated that Norman Sanborn, Jr., Fire Chief, has notified the Finance Committee that the Fire Department is currently overspent in the overtime salary lines due to the "staffing issues" which has prompted the use of replacement personnel on an overtime basis.

Mayor Jean said that Chief Sanborn reported that the City's Tower Aerial vehicle is in need of major repair.

Mayor Jean stated that the Finance Committee discussed the water and sewer rates and it would be kept in Committee at this time; however, the Codes and Ordinances Committee would be involved with reviewing the abatement procedures at some point.

Councilor Larochelle said that the third paragraph on page three of the Finance Committee meeting minutes should read **10 percent** of the full cost, not **10 cents**, as currently written. Mayor Jean stated that this could be corrected and accepted at the next Finance Committee meeting.

Councilor Varney asked to confirm that the UAB Discussion would be placed on the next Finance Committee Agenda. Deputy City Manager Cox concurred.

### **11.3. Joint Building Committee**

Councilor Keans reported that the Joint Building Committee met on November 18, 2013, and that the meeting had been televised. She stated that the Committee met with John Ramsey, Planet Green LLC, about checking into obtaining further rebates and money saving costs associated with the project. She said that more information would be provided once it becomes available.

Councilor Varney asked if the cost of the solar photovoltaic and renewable energy system panels would be proposed within the School Department's CIP Budget for Fiscal Year 2015. Mayor Jean replied yes.

### **11.4. Public Safety Committee**

Councilor Walker **MOVED** to **APPROVE** the removal of the twenty-eight "no parking" signs located on Brock Street. Councilor LaBranche seconded the motion. The City Council briefly discussed the matter. The **MOTION CARRIED** by a unanimous voice vote.



Councilor Walker **MOVED** to **DENY** the request to post speed limit signs on Norway Plains Road. Councilor LaBranche seconded the motion. Councilor Walker said it does not make sense to post speed limit signs in the middle of a development such as Norway Plains. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Walker **MOVED** to **APPROVE** placing "no parking" signs in front of C & G Auto. Councilor Varney seconded the motion. Councilor Walker stated that this problem is a result of placing no parking signs in front of the nearby Dunkin Donuts. Now, there are trucks parked a little further down the road in front of C & G Auto, causing traffic issues. Councilor Varney asked about the recently approved auto sales store located next door to C & G Auto. Councilor Walker assured Councilor Varney that this section is included in the proposed "no parking" area. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Varney recalled that the City intended to transfer land over to one of the owners [not C & G Auto] once an approved site plan had been in place. Mayor Jean agreed to have the City staff check on the status of the site plan and agreement.

Councilor Walker **MOVED** to place a yield sign at the intersection of Hemlock Street and Balsam Street at the discretion of the Department of Public Works. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

#### **11.5. Public Works Committee**

Councilor Torr gave reasons why bullet proof glass should be installed at the new police station. He gave reasons why this glass should be installed at the reception desk window. He said that there is an existing piece of bullet proof glass, which has been recently discovered, at the old police station. This glass could be used at no cost to the City. He **MOVED** to have the old police station's bullet proof glass installed at the reception desk window of the new police station. Councilor LaBranche seconded the motion.

Several Councilors said that installing bullet proof glass would send the wrong message to the public. Councilor Walker agreed; however, he pointed out that this glass would also be used to block the area from a potential break in to the entire police department. He explained if someone was able to access the room through the existing reception area window, they would also have access to much more. City Manager Fitzpatrick agreed that

installing bullet proof glass sends the wrong message; however, he stated that there are many reasons to secure this area of entrance, and this action has been recommended by the Joint Loss/Safety Management Committee.

Councilor Keans stated that installing bullet proof glass sends the wrong message and it makes it too difficult to communicate with the public through a thick piece of glass. She strongly opposed the motion.

The City Council discussed how thick the glass is and the communication problems that would occur. Councilor Hervey suggested using a more modern piece of bullet proof glass. City Manager Fitzpatrick stated that the idea originated from finding the existing bullet proof glass and how it would be of no cost to the City. Councilor Gray reported that the glass is only about one inch thick according to the Public Works Commissioner.

The City Council had a lengthy discussion of whether to install the bullet proof glass or not. Councilor Torr stated that this argument has really lasted for about ten years. He said this is the same argument which took place during the construction of the new police station. Mayor Jean called for a vote on the motion. The **MOTION CARRIED** by a majority voice vote.

Councilor Lachapelle stated that the Public Works minutes should be corrected to reflect that "Councilor Lachance" should actually be "Councilor Larochelle" and Councilor LaBranche's name is spelled incorrectly toward the end of the minutes.

Councilor Torr spoke briefly about the bids for the Historical Society "boiler" and asked the Commissioner of Public Works to address the City Council. Commissioner Nourse stated that he is still waiting to hear back about one more estimate for this project; however, the City Council had previously voted to approve setting aside an additional \$5,000 for this project and he felt confident about having enough funds in order to move forward with the project.

Councilor Torr stated that the Committee voted unanimously to send the Chamberlain Street water and sewer extension project to the full City Council for approval. Councilor Larochelle challenged a "vote" stated in the Committee meeting minutes. He did not agree that the project received a unanimous vote to send this project to the full City Council for final approval. Councilor Walker agreed and clarified that the Committee did not agree to send it to the full City Council for approval; however, it was sent to the full City Council for discussion purposes only. He added that a majority of the members of the Committee were in favor of the project.

Councilor Torr stated that this is an expensive project and would only service about twenty-two residents. He advised that some other projects may have to be scaled back in order to make accommodations for this project. Councilor Torr **MOVED** to approve the project and appropriate funds to complete the water and sewer extensions, which is estimated at 1.6 million. Councilor Walker seconded the motion. Councilor Walker gave details about the problem with the water and sewer systems in this area. He believed that the City Council should at least vote to consider the project.

The City Council debated if the original motion was to seek consideration from the full City Council to approve this project or to send it to the full City Council for discussion purposes only. It was determined that the "Public Works Committee" recommendation should have stipulated that the City Council should only discuss this project as part of next year's CIP budget requests; however, the motion on the "floor" is to vote to approve this project and appropriate 1.6 million dollars to do so. The City Council debated the matter. Councilor Torr **WITHDREW** his motion and Councilor Walker **WITHDREW** the second to the motion.

Councilor Walker **MOVED** to instruct the City Manager to include, *for consideration*, the Chamberlain Street water and sewer extension project with the Department of Public Works' proposed CIP projects for Fiscal Year 2015. Councilor Varney seconded the motion. Commissioner Nourse expressed concern over the negative impact this expensive project could potentially have on next year's budget. Mayor Jean stated that it could be debated further in the budget deliberations.

Councilor Larochelle said that the City should be consistent when dealing with the public relative to water and sewer extension projects and individual water and sewer hook-ups. He said there should be a standard policy created in order to ensure each case is treated the same. He added that this project is going to have a great impact on the sewer rates and he is hesitant to pass a major project such as this one without the creation of a policy moving forward. Mayor Jean said this could be placed on the Finance Committee agenda. He added that at some point the matter would be sent to the Codes and Ordinances Committee, as well. The City Council briefly discussed the matter. Councilor Keans stated that she has had many complaints from residents of Evergreen Lane and if such a questionnaire were to be sent to those residents, there would be a positive response of folks interested in hooking up to the sewer lines.

Commissioner Nourse stated that the guiding principle of creating such a policy [water installation] should be focused on whether or not the project

improves or maintains water quality and if it is an economically responsible project. He voiced his opposition to the Chamberlain Street water/sewer extension project for these reasons. He added that he is concerned about the impact that such a project would have on the Fiscal Year 2015 budget. Mayor Jean asked Commissioner Nourse to formalize his notes and submit them to the Finance Committee to consider during deliberations of creating a water/sewer installation standard policy.

Councilor Varney informed the City Council that the Public Works Committee discussed extending water and sewer lines on Chamberlain Street; however, the real issue is not the water lines, but is actually the sewer lines that are problematic. He added that septic failure would lead to more problems.

Councilor Varney cautioned the City Council about the proposed zoning ordinance as it relates to allowing a large number of multi-family units in an agricultural zone.

Mayor Jean called for a vote on the motion on the floor. The **MOTION CARRIED** by a majority voice vote.

Councilor Torr expressed concern relative to the EDA Grant. He stated that normally a grant would cover about fifteen to twenty percent of the engineering portion of the project; however, only eight percent is being covered with this EDA Grant. Councilor Varney wished to clarify the engineering costs relative to this project and the potential short fall associated with this grant. Commissioner Nourse stated that the proposed engineering costs are approximately eighteen percent of the entire project which equates to about \$720,000. He stated that the City of Rochester had been informed last month that the EDA Grant is only covering a total of eight percent of engineering costs: six percent for engineering design and two percent for engineering construction costs, which equates to a short fall of about \$457,750.

Commissioner Nourse said that this matter has been brought to the attention of Deputy City Manager Pollard. Deputy City Manager Pollard confirmed that letters have been sent to legislators to seek an increase to the engineering costs. She gave details of the project and agreed to keep the City Council posted. Mayor Jean offered to assist in writing letters to legislators if necessary.

## **12. Old Business**

## **13. Consent Calendar**

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

**13.1. Resolution De-Authorizing a Portion of a Certain FY 2003-2004 Rochester Sewer Works So-Called Route 108 Sewer Extension Project CIP Budget Appropriation in Connection Therewith AB 11**

**RESOLUTION DEAUTHORIZING A PORTION OF A CERTAIN  
FY 2003-2004 ROCHESTER SEWER WORKS  
SO-CALLED RTE. 108 SEWER EXTENSION PROJECT  
CIP BUDGET APPROPRIATION  
AND MAKING A SUPPLEMENTAL APPROPRIATION  
IN CONNECTION THEREWITH**

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

**I. WHEREAS**, by resolution previously adopted by the Mayor and City Council, in June 2003 as part of the FY 2003-2004 City of Rochester, Department of Public works, Sewer Works CIP Budget, the sum of Seven Hundred Fifty Thousand Dollars (\$750,000.00) was appropriated for the purpose of the so-called Rte. 108 sewer extension project (the "Project"), with funding for such Project to be drawn from Federal EPA and NH SRF Sewer sources: and

**WHEREAS**, such Project has been completed, and there currently remains an unexpended balance of Two Hundred Twenty-One Thousand Eight Hundred Dollars and Eighty-Five Cents (\$221,800.85), originally anticipated for such Project, and all funds anticipated from Federal EPA and NH SRF sources have been received; and

**WHEREAS**, in light of the fact that the appropriation of Two Hundred Twenty-One Thousand Eight Hundred Dollars and Eighty-Five Cents (\$221,800.85) in City of Rochester, Sewer Works FY 2003-2004 CIP Budget account for the Project is reflected in such Project account, but is no longer necessary, and/or available for its appropriated Project purposes:

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby withdraw and deauthorize the above mentioned appropriation to the FY 2003-2004 City of Rochester, Sewer Works CIP Budget for the Project to the extent of Two Hundred Twenty-One

Thousand Eight Hundred Dollars and Eighty-Five Cents (\$221,800.85), leaving an appropriation balance in such Project account of Five Hundred Twenty-Eight Thousand One Hundred Ninety-Nine Dollars and Fifteen Cents (\$528,199.15).

**II. WHEREAS**, available funds for the above mentioned Rte. 108 sewer extension project (the "Project") from Federal EPA and NH SRF funds left a balance of necessary funds for the Project in the amount of Two Thousand Eight Hundred Forty Dollars and Forty Cents (\$2,840.40);

**WHEREAS**, such funds are necessary to complete payments for the Project;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby appropriate, as a supplemental appropriation to the City of Rochester, 2013-2014 CIP for the Rochester Sewer Works the sum of Two Thousand Eight Hundred Forty Dollars and Forty Cents (\$2,840.40), for the purpose of providing funds necessary for the Project, and further provide, that the sums necessary to fund the Project shall be derived, in their entirety, from the presently unexpended Sewer Fund balance of the Rochester Sewer Works.

**III. FURTHERMORE**, to the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to designate, establish, and/or eliminate such accounts and/or account numbers, and to take all such other steps, as may be necessary to implement the transactions contemplated by this Resolution.

**13.2. Resolution De-Authorizing Portion of FY 2012-2013, City of Rochester, Sewer Works, Capital Budget Appropriation for the So-Called Soda Ash Silo Maintenance Project AB 9**

**RESOLUTION DEAUTHORIZING PORTION OF  
FY 2012-2013 CITY OF ROCHESTER, SEWER WORKS  
CAPITAL BUDGET APPROPRIATION FOR  
SO-CALLED SODA ASH SILO MAINTENANCE PROJECT**

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

**WHEREAS**, by resolution previously adopted by the Mayor and City Council in June 2012, the sum of Thirteen Thousand Five Hundred Dollars (\$13,500.00) was appropriated in the FY 2012-2013 City of Rochester, Department of Public Works, Sewer Works Capital Budget, for the purpose of

the so-called Soda Ash Silo Maintenance project (the "Project"), such Project to be funded through cash from the so-called Sewer Fund; and

**WHEREAS**, such Project has been completed, and the sum of Five Thousand Six Hundred Eighty-Seven Dollars and Forty-Cents (\$5,687.40) of the funds appropriated for the Project are no longer necessary for such purpose;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize the sum of Five Thousand Six Hundred Eighty-Seven Dollars and Forty-Cents (\$5,687.40) of the funds appropriated for the said the Project, thereby leaving an outstanding appropriation for such Project in the amount of Seven Thousand Eight Hundred Twelve Dollars and Sixty Cents (\$7,812.60). Furthermore, that the deauthorized Project funds be, and hereby are transferred to the Department of Public Works, Sewer Works so-called Sewer Fund.

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.

**13.3. Resolution De-Authorizing Portion of Fiscal Year 2011-2012, City of Rochester, Sewer Works, Capital Budget Appropriation for the So-Called UV Disinfection Project AB  
8**

**RESOLUTION DEAUTHORIZING PORTION OF  
FY 2011-2012 CITY OF ROCHESTER, SEWER WORKS  
CAPITAL BUDGET APPROPRIATION FOR  
SO-CALLED UV DISINFECTION PROJECT**

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

**WHEREAS**, by resolution previously adopted by the Mayor and City Council on March 6, 2012, the sum of Twenty-Five Thousand Dollars (\$25,000.00) was appropriated in the FY 2011-2012 City of Rochester, Department of Public Works, Sewer Works Capital Budget for the purpose of the so-called UV Disinfection project (the "Project"), with funding for such Project to be derived, in its entirety, from a donation from Waste Management of New Hampshire, Inc.; and

**WHEREAS**, such Project has been completed, and the sum of Fifteen Thousand Dollars (\$15,000.00) of the funds appropriated for the Project are no longer necessary for such Project purpose;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Fifteen Thousand Dollars (\$15,000.00) of the Twenty-Five Thousand Dollars (\$25,000.00) currently appropriated for the said Project, thereby leaving an outstanding appropriation for such Project in the amount of Ten Thousand Dollars (\$10,000.00).

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.

**13.4. Resolution De-Authorizing a Portion of the Fiscal Year 2007-2008 City of Rochester, Sewer Works, Capital Budget Appropriation for the So-Called Clarifier Maintenance Program AB 7**

**RESOLUTION DEAUTHORIZING PORTION OF  
FY 2010-2011 CITY OF ROCHESTER, SEWER WORKS  
CAPITAL BUDGET APPROPRIATION FOR  
SO-CALLED CLARIFIER MAINTENANCE PROGRAM**

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

**WHEREAS**, by resolution previously adopted by the Mayor and City Council in June 2010, the sum of Forty Thousand Dollars (\$40,000.00) was appropriated in the FY 2010-2011 City of Rochester, Department of Public Works, Sewer Works Capital Budget for the purpose of the a so-called Clarifier Maintenance Program (the "Project"), with funding for such Project to be derived, in its entirety, from cash from the so-called Sewer Fund; and

**WHEREAS**, such Project has been completed, and the sum of Six Thousand Thirty-Seven Dollars Fifty-Cents (\$6,037.50) of the funds appropriated for the Project are no longer necessary for such Project purposes;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize the sum of Six Thousand Thirty-Seven Dollars and Fifty-Cents (\$6,037.50) of the funds appropriated for the said Project, thereby leaving an outstanding appropriation for such



Project in the amount of Thirty-Three Thousand Nine Hundred Sixty-Two Dollars and Fifty Cents (\$33,962.50). Furthermore, that the deauthorized Project funds be, and hereby are transferred to the Department of Public Works, Sewer Works so-called Sewer Fund.

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.

**13.5. Resolution De-Authorizing Portion of FY 2007-2008 City of Rochester, Sewer Works, Capital Budget Appropriation for the So-Called Leachate Discharge Study AB 6**

**RESOLUTION DEAUTHORIZING PORTION OF  
FY 2007-2008 CITY OF ROCHESTER, SEWER WORKS  
CAPITAL BUDGET APPROPRIATION FOR  
SO-CALLED LEACHATE DISCHARGE STUDY**

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

**WHEREAS**, by resolution previously adopted by the Mayor and City Council in January 2008, the sum of Twenty-Four Thousand Dollars (\$24,000.00) was appropriated in the FY 2007-2008 City of Rochester, Department of Public Works, Sewer Works Capital Budget for the so-called purpose of conducting a so-called Leachate Discharge Study (the "Project"), with funding for such Project to be derived, in its entirety, from a donation from Waste Management of New Hampshire, Inc.; and

**WHEREAS**, such Project has been completed, and the sum of Seven Hundred Fifty Dollars and Fifty-Three Cents (\$750.53) of the funds appropriated for the Project no longer necessary for such Project purpose;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Seven Hundred Fifty Dollars and Fifty-Three Cents (\$750.53) of the Twenty-Four Thousand Dollars (\$24,000.00) appropriated for the said Project, thereby leaving an outstanding appropriation for such Project in the amount of Twenty-Three Thousand Two Hundred Forty-Nine Dollars and Forty-Seven Cents (\$23,249.47).

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.

**13.6. Resolution De-Authorizing Portion of FY 2007-2008 City of Rochester, Sewer Works, Capital Budget Appropriation for the So-Called Alternate Wastewater Discharge Study AB 5**

**RESOLUTION DEAUTHORIZING PORTION OF  
FY 2007-2008 CITY OF ROCHESTER, SEWER WORKS  
CAPITAL BUDGET APPROPRIATION FOR  
SO-CALLED ALTERNATE WASTEWATER DISCHARGE STUDY**

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

**WHEREAS**, by resolution previously adopted by the Mayor and City Council in, June 2007, the sum of One Hundred Thousand Dollars (\$100,000.00) was appropriated in the FY 2007-2008 City of Rochester, Department of Public Works, Sewer Works Capital Budget for the so-called purpose of conducting a so-called Alternate Wastewater Discharge Study (the "Project"); and

**WHEREAS**, as a result of previous actions of the Mayor and City Council of the City of Rochester, the sum of Seventy-Five Thousand Dollars of the funds appropriated for such Project was deauthorized, leaving a currently outstanding appropriation for the Project in the amount of Twenty-Five Thousand Dollars (\$25,000.00); and

**WHEREAS**, Eighty Dollars and Eighty Cents (\$80.80) of the funds appropriated for such Project are no longer necessary for such purpose, as the Project has been completed;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Eighty Dollars and Eighty Cents (\$80.80) of the Twenty-Five Thousand Dollars (\$25,000.00) currently appropriated for the said Project, thereby leaving an outstanding appropriation for such Project in the amount of Twenty-Four Thousand Nine Hundred Nineteen Dollars and Twenty Cents (\$24,919.20). Furthermore, that the deauthorized Project funds be, and hereby are transferred to the Department of Public Works, Sewer Works so-called Sewer Fund.

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.

**13.7. Resolution De-Authorizing the So-Called Lagoons Number 2 Pump Station Project Capital Budget Appropriation AB 4**

**RESOLUTION DEAUTHORIZING  
SO-CALLED LAGOONS NUMBER 2 PUMP STATION PROJECT  
CAPITAL BUDGET APPROPRIATION**

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

**WHEREAS**, by virtue a resolution adopted by the Mayor and City Council of the City of Rochester in June 2006, in connection with the 2006-2007 CIP Budget for the City of Rochester, the Mayor and City Council appropriated the sum of Ninety Thousand Dollars (\$90,000.00) in the 2006-2007 capital improvements budget of the City of Rochester, Public Works Department, Sewer Works, for the purpose of funding the so-called Lagoons Number 2 Pump Station project (the "Project"), said appropriation to be funded from the proceeds of bonding by the said City of Rochester Sewer Works; and

**WHEREAS**, it has been determined that the Project is no longer needed, and no Project appropriated funds have been bonded and/or expended for the Project;

**NOW THEREFORE**, in light of the fact the Project is not necessary and the Project's purposes have been satisfied without the need for the Ninety Thousand Dollars (\$90,000.00) appropriated for the Project, the Mayor and City Council of the City of Rochester hereby deauthorize the aforesaid Ninety Thousand Dollars (\$90,000) previously appropriation for the Project in the 2006-2007 capital improvements budget for the City of Rochester, Department of Public Works, Sewer Works, and withdraw any and all bonding authority with respect to the aforesaid Project.

**ADDITIONALLY**, 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 De-Authorizing Portion of the Fiscal Year 2006-2007 Sewer Works Capital Budget Appropriation for Collection System Upgrades and Changing the Funding**

**Source of the Remaining Capital Appropriation for Such  
Project AB 3**

**RESOLUTION DEAUTHORIZING PORTION OF  
FY 2006-2007 SEWER WORKS CAPITAL BUDGET APPROPRIATION  
FOR COLLECTION SYSTEM UPGRADES  
AND CHANGING THE FUNDING SOURCE  
OF THE REMAINING CAPITAL APPROPRIATION FOR SUCH PROJECT**

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

**WHEREAS**, by action of the Mayor and City Council of the City of Rochester in June 2006 a capital improvements budget for the City of Rochester for fiscal year 2006-2007 was adopted with regard to the so-called City of Rochester Sewer Works for the purpose of the so-called Collection System Upgrades and related cost (the "Project"), which resolution included an appropriation of Three Hundred Thousand Dollars (\$300,000.00) of funding for costs associated with such Project, which Project funding was designated to be derived from the proceeds from bonding by the City of Rochester, Sewer Works; and

**WHEREAS**, the Mayor and City Council have been advised, after the expenditure of Fifteen Thousand Four Hundred Forty Dollars and twenty cents (\$15,440.20) in investigational Project related costs, that the implementation of the Project is unneeded at the present time; and

**WHEREAS**, the Mayor and City Council have concluded that further implementation of the Project is currently unnecessary;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize, to the extent of Two Hundred Eighty-Four Thousand Five Hundred Fifty-Nine Dollars and Eighty Cents (\$284,559.80), the capital budget appropriation of the City of Rochester in the 2006-2007 CIP for the City of Rochester, Sewer Works the sum of Three Hundred Thousand Dollars (\$300,000.00), for the purpose of providing funds necessary for the Project, thereby leaving an outstanding FY 2006-2007 CIP budget appropriation for the Project in the amount Fifteen Thousand Four Hundred Forty Dollars and twenty cents (\$15,440.20). Furthermore, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding source for the Project from the proceeds from bonding by the City of Rochester, Sewer Works, to cash to be derived from unencumbered so-called Sewer Fund funds, and withdraw any and all bonding authority with respect to the Project.

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, and to take all such additional actions, as are necessary to implement the transactions contemplated by this Resolution.

**13.9. Resolution De-Authorizing Portion of the Rochester Police Department Operating Budget for NH Highway Safety Agency Grant for Pedestrian Patrols AB 2**

**RESOLUTION DEAUTHORIZING PORTION OF  
A FY 2012-2013 POLICE DEPARTMENT OPERATING BUDGET FOR  
NH HIGHWAY SAFETY AGENCY GRANT FOR PEDESTRIAN PATROLS**

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

**WHEREAS**, by resolution previously adopted by the Mayor and City Council on December 4, 2012, the sum of Five Thousand Seven Hundred Twenty Dollars (\$5,720.00) to be derived from a State of New Hampshire, N.H. Highway Safety Agency grant to the City of Rochester, Police Department was appropriated in a FY 2012-2013 Police Department operating budget special non-lapsing revenue account, for the purpose of conducting a so-called Pedestrian Patrols (the "Project"); and

**WHEREAS**, Two Thousand Four Hundred Twenty-Nine Dollars and Eighty-Five Cents (\$2,429.85) of the funds appropriated for such Project are no longer necessary for such purpose, as the Project has been completed;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby deauthorize Two Thousand Four Hundred Twenty-Nine Dollars and Eighty-Five Cents (\$2,429.85) previously appropriated for the said Project, thereby leaving a total appropriation for such Project in the amount of Three Thousand Two Hundred Ninety Dollars and Fifteen Cents (\$3,290.15).

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.

**14. New Business**

**14.1. Amendment to Chapter 18 of the General Ordinances of the City of Rochester Entitled "Regulation of Cross-Connection Between Potable and Non-Potable Systems"**

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

**CHAPTER 18**

**REGULATION OF CROSS-CONNECTION  
BETWEEN POTABLE AND NON-POTABLE SYSTEMS**

**ARTICLE I      GENERAL PROVISIONS**

**Section 1.1      Purpose**

New Hampshire Code of Administrative Rules, Env-Ws 364, requires that the City of Rochester take appropriate actions to prevent the reverse flow of water previously delivered to customers, or, the backflow of harmful substances into the public water system. Each public water system serving 1,000 or more persons must have a written Cross-Connection Control Program Ordinance.

Cross-connections between water supplies and non-potable sources of contamination represent one of the most significant threats to health in the water supply industry. This program is designed to accomplish the following:

- A. To protect the City of Rochester, New Hampshire public potable water supply from contamination by isolating, within its customers' internal distribution systems, contaminants that could backflow or backsiphon into the public water system.
- B. To promote the elimination or control of existing cross-connections, actual or potential, between the customer's in-plant potable and non-potable water systems by isolating those contaminants that could backflow or backsiphon into the customer's internal distribution system.
- C. To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination of potable water systems via cross connections.
- D. To supplement the regulations promulgated and revised by the New

Hampshire Department of Environmental Services as listed in Section 1.2 below.

### **Section 1.2**      **Authority.**

New Hampshire Administrative Rules Env-Ws 364 *Backflow Prevention* Section 2.3 Responsibilities of the Water Treatment Chief Operator. The City of Rochester public water system rules and regulations, adopted.

### **Section 1.3**      **Responsibilities of the Department**

The Department is responsible for protecting the public potable water distributions system from contamination due to the backflow or backsiphon of contaminants through the water service connection.

### **Section 1.4**      **Definitions**

A. Air Gap (approved for both high and low hazard protection): An unobstructed vertical distance, through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood level rim of the receptacle. Physically defined as a distance equal to twice the diameter of the supply side pipe but never less than one inch.

B. Approved Backflow Prevention Device: A backflow prevention device that has been

(1) Manufactured to allow for accurate testing and inspection so as to allow verification of performance; and

(2) Tested and certified by the University of Southern California, Foundation for Cross-Connection control and Hydraulic Research.

C. Approved Source: A source of water utilized by a public water system for distribution to the public for consumption purposes and which is approved by the NHDES Water Supply Division for said use following a required and/or approved treatment process.

D. Auxiliary Water Supply: Any water supply on, or available to, a premises other than the Town's approved public potable water supply.

E. Backflow: The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water supply from any source or sources other than the intended source.

F. Backflow Prevention Device: A device or means designed to prevent backflow or back siphonage. Most commonly categorized as air gap, reduced pressure principle device, double check valve assembly, pressure vacuum breaker, atmospheric vacuum breaker, hose bib vacuum breaker, residential dual check, double check with intermediate atmospheric vent, and barometric loop.

G. Reduced Pressure Zone Principle Backflow Prevention Device or "RPZ" (approved for both high and low hazard protection): An assembly consisting of two (2) independently operating approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the two (2) check valves and below the first check valve. These units are located between two tightly closing, resilient-seated shut off valves as an assembly and equipped with properly located resilient-seated test cocks for the testing of the check valves and the relief valve.

H. Double Check Valve Assembly or "DCA" (approved for low hazard protection only): An assembly of two independently operating spring-loaded check valves with tightly closing shut off valves on each side of the check valves, plus properly located test cocks for the testing of each check valve.

I. Pressure Vacuum Breaker or "PVB" (approved for low hazard protection only): A device containing one or two independently operating spring-loaded check valves and an independently operating spring-loaded air inlet valve located on the discharge side of the check or checks. The device includes tightly closing shut off valves on each side of the check valves plus properly located test cocks for the testing of each of the check valve(s).

J. Atmospheric Vacuum Breaker: A device which prevents back siphonage by creating an atmospheric vent when there is either a negative pressure or sub-atmospheric pressure in a water system.

K. Hose Bibb Vacuum Breaker: A device which is attached to a hose bib and which acts as an atmospheric permanently vacuum breaker.

L. Residential #7 Dual Check: An assembly of two independently operating, spring-loaded check valves without tightly closing shut off valves and test cocks. Generally employed immediately downstream of the water meter to act as a containment device. This is a non-testable device.

M. Backflow preventer with Intermediate Atmospheric Vent: A device having two (2) independently operating check valves separated by an intermediate chamber with a means for automatically venting it to the atmosphere. The check valves are force loaded to a normally closed position and the venting



means is force loaded to abnormally open position.

N. Barometric Loop: A section of pipe rising at least 35 feet at its topmost point above the highest fixture it supplies. It is utilized in water supply systems to protect against back siphonage (only).

O. Backflow Prevention Device Inspector - Certified: A person who has proven his competency to inspect and test backflow prevention devices by the possession of a valid backflow prevention device certification issued by the New England Water Works Association, or other equivalent certification approved by NHDES.

P Back Pressure: Pressure created by mechanical means or other means causing water, liquids, or other substances to flow or move in a direction opposite of what is intended.

Q. Back Siphonage: The flow of water or other liquids, mixtures, or substances into the distribution pipes of a potable water system from any source other than its intended source, that is caused by negative or reduced pressure in the potable water system.

R. Check Valve: A self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal flow.

S. Containment Philosophy: The method and philosophy of backflow prevention which requires a backflow preventer at the service entrance which isolates the customer's facility from the public water supply.

T. Fixture Isolation Philosophy: A more complex isolation approach whereby protective devices are placed at individual fixtures within a facility as well as where cross connections exist at the last free flowing outlet to ensure occupants of a facility are protected within.

U. Contaminant: As defined in RSA 485: 1-a, II, any physical, chemical, biological or radiological substance or matter in water.

V. Cross Connection: Any actual or potential physical connection or arrangement between two otherwise separate systems, one of which contains potable water and the other of which contains water of unknown or questionable safety and/or steam, chemicals, gasses, or other contaminants whereby there may be a flow of an unapproved water or other substance to a potable water system.

W. Customer (Owner): Any person who has legal title to, or license to

operate or habitat in a property at which a cross-connection Inspection is to be made or at which a cross-connection is present.

X. Department: The City of Rochester Department Public Works.

Y. Division: Division of Water, New Hampshire Department of Environmental Services.

Z. [Reserved]

AA. High Degree of Hazard: A condition where, if a backflow were to occur, the resulting effect on the water supply could cause injury, illness or death if consumed by humans. The foreign substance may be hazardous to humans from a chemical, biological, physical, or radiological standpoint. The effects of the contaminant may result from short- or long-term exposure.

BB. Low Degree of Hazard: A condition where, if a backflow were to occur, the resulting effect on the water supply would be a change in aesthetic qualities. The foreign substance must be nontoxic and non-hazardous to humans.

CC Device Upgrade: The replacement of an existing backflow prevention device with another appropriate device designed for a higher hazard duty when the degree of hazard is increased.

DD. Person: As defined in RSA 485:1-a, XIII, any individual, partnership, company, public or private corporation, political subdivision or agency of the state, department, agency or instrumentality of the United States, or any other legal entity.

EE. Permit: A document issued by the Department that allows the use of a backflow preventer.

FF. Potable Water: Water from a source that has been approved by the Division for human Consumption.

GG. Public Water System: As defined by RSA 485:1-a, XV, a system for the provision to the public of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. Such term includes any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Any

water system which meets all of the following conditions is not a public water system: (a) Consists only of distribution and storage facilities (and does not have any collection and treatment facilities); (b) Obtains all of its water from, but is not owned or operated by, a public water system; and (c) Does not sell water to any person.

HH. Supplier: Any person who controls, owns, or generally manages a public water supply system.

II. Water Service Entrance: The point in the customer's water system beyond the sanitary control of the Department; generally considered to be the outlet end of the water meter and always before unprotected branch.

JJ. Water Treatment Chief Operator: The Water Treatment Chief Operator of the City of Rochester, New Hampshire Water Treatment Facility, Department of Public Works, or his designated representative, who is vested with the authority and responsibility for implementation of a cross-connection control program and for enforcement of the provisions of the Municipal Water System Ordinance and these regulations.

KK. Water Utility: The suppliers of water.

LL. Site Surveys: Initial site Surveys of existing commercial and industrial properties are required to determine degree of compliance with the regulations herein. Such activities shall be executed by the Department either using its own resources or contracted resources. Activities shall include on site surveys of commercial and industrial users of the public water supply which in the judgment of the Department may present risk of cross contamination.

MM Premises: The industrial, commercial or residential facility or dwelling subject connected to the public water supply.

## **ARTICLE II**      **REQUIREMENTS**

### **Section 2.1**      **Department**

A. The Department will determine if an approved backflow prevention device is required at the City's water service connection to any customer's premises.

B. The Department may, directly or through a designated representative, give notice in writing to any such customer to install an approved backflow prevention device at each water service connection to their premises.

C. The Department will issue permits for all new backflow prevention devices and amended permits for any upgrades to such devices for higher hazard duty. No permit will be issued by the Department without an application from the Owner.

D. Permits shall have a duration based upon degree of hazard for the protective device. High hazard device permits shall have a duration of 6 months to coincide with semi-annual inspection and testing requirements. Low hazard device permits shall have a duration of 12 months to coincide with annual inspection and testing requirements. All permits shall automatically renew following certification from Owner that periodic inspection and testing has been completed on schedule.

E. There will be no fees for permits issued.

F. Existing commercial and industrial properties at the time of the issuance of this ordinance shall be the subject of site surveys conducted by the Department to determine the need for backflow prevention devices.

G. The department will not allow any cross-connection to remain unless it is protected by an approved backflow preventer for which a permit has been issued and which will be regularly tested per required schedule to ensure satisfactory operation.

H. If the Department determines at any time that a serious threat to the public health exists, the water service will be terminated immediately.

I. The Department will maintain records to include all applications for backflow prevention devices, installation, inspection and testing certification forms, notices of inspection/test requirement and permits.

J. The Department will monitor for permit compliance. Permits shall lapse and become void if inspection and testing are not certified on schedule. A void permit shall constitute grounds for discontinuation of water.

K. The Department will inform the Owner by letter of any failure to comply with scheduled inspection and testing and resulting permit violation. The Department will allow an additional 14 days past the original due date for completion of inspection and testing and Owner certification. In the event that the Owner fails to provide the certification within the additional 14 days, the Department will inform the Owner by letter, that the water service to the Owner's premises will be terminated. In the event that the Owner informs the Department of extenuating circumstances as to why the certification has

not been made on schedule, a time extension may be granted by the Department, but in no case will exceed an additional thirty (30) days.

L. All new residential water services will be required to install a residential #7 dual check device immediately downstream of the water meter.

M. Installation of a residential dual check valve results in a potential closed plumbing system within the residence. As such, provisions shall be made by the Owner to provide for thermal expansion within the closed loop system, i.e., the installation of thermal expansion devices and/or pressure relief valves.

N. New and retrofit installations of reduced pressure zone principle devices and double check valve backflow preventer include the installation of strainers located immediately upstream of the backflow device. The installation of strainers will preclude fouling of backflow devices due to both foreseen and unforeseen circumstances occurring to the water supply system such as water main repairs, water main breaks, fires, periodic flushing and cleaning of mains, etc. These occurrences may stir up debris within the water main that will cause fouling of backflow devices installed without the benefit of strainers.

## **Section 2.2**      **Owner**

NOTE: Homeowners are permitted to work on their own residential plumbing. A licensed plumber with a valid New Hampshire license is required for work on all industrial, commercial, and rental properties.

A. The Owner shall be responsible for the elimination or protection of all cross-connections on their premises.

B. The Owner shall ensure the protection of the water supply within their premises by the installation of approved backflow prevention devices, where necessary, or by Fixture Isolation techniques. All testing inspection and maintenance shall be the responsibility of the Owner. These devices internal to the facility will not be regulated by the Department.

C. The Owner, after having been informed by letter from the Department, shall at their expense install, maintain, and test, or have tested, any and all backflow preventers on their premises.

D. On new commercial and industrial installations, the Owner or their qualified agent supplying the device(s) shall propose the type of backflow preventer, if any, that will be required. The Owner shall supply a complete

application for the installation of a backflow prevention device and provide to the Department for permit issuance. The Department shall approve proposed devices.

E. The Owner shall inform the Department of any proposed or modified cross-connections and also of existing cross-connections of which the Owner is aware but may not be known by the Department.

F. The Owner shall not install a by-pass around any backflow preventer unless there is a backflow preventer of the same type on the bypass. Owners who cannot shut down operation for testing of the device(s) must supply additional devices necessary for testing to take place.

G. The Owner shall install backflow devices with the minimum requirements as provided herein in a manner approved by the Department, or its Designee and in accordance with approved plumbing regulations. All new devices shall be tested satisfactorily upon installation.

H. The Owner shall install only a backflow preventer approved by the Department and the Division.

I. Any Owner having a private well or other private water source shall not connect ("hard pipe") to the Department's system. The Owner may be required to install a backflow preventer at the service entrance if a private water source is maintained, even if it is not cross-connected to the Department's system.

J. In the event the Owner installs plumbing to provide potable water for domestic purposes which is on the Department's side of the backflow preventer, such plumbing must have its own backflow preventer installed.

K. The Owner shall be responsible for the payment of all fees for device installation or replacement, annual or semi-annual device inspection and testing, re-testing in the case that the device fails to operate correctly, and second reinsertions for non-compliance with Department rules and regulations.

L. Should a backflow prevention device be required or an upgraded device whether determined by the Department or otherwise the Owner, the Owner shall be responsible for submitting an application for such device to the Department.

M. There will be no fee for applications submitted.

N. Owners shall certify the installation of new or upgraded backflow prevention devices in writing to the Department within 90 days of issuance by the Department of the permit.

O. Failure, refusal, or inability on the part of the Owner to install the required initial or upgrade device(s) and provide certification to the Department within 90 days shall constitute grounds for discontinuing water service to the premises until such time as the required certification of compliance is received by the Department.

P. Owner shall be responsible for providing certification of inspection and testing to the Department within 14 days of regularly scheduled periodic inspection and testing, and re-testing following initial test failure if applicable. Failure to submit the certification within 14 days shall void the permit and constitute grounds for discontinuing water service to the premises.

Q. The Owner shall correct at their cost any malfunction of the backflow preventer, which is revealed by periodic testing. Corrections that impact the required certification schedule above shall be communicated to the Department at the earliest possible time.

### **Section 2.3 Administration**

A. The Department will operate a cross-connection control program, to include keeping of necessary records, which fulfills the requirements of the Division's Backflow Prevention Regulations and is approved by the Division.

B. Philosophy. The City will administer the program on the theory of Containment, the approach of which utilizes a minimum of backflow devices and isolates the customer from the public water supply so that contamination of the public water system does not occur. If they so desire, the owner may utilize public health officials or private consultants to assist in the survey of their facilities and to assist in the selection of proper fixture isolation devices and the proper installation of these devices.

C. The Owner shall allow their property to be inspected for possible cross-connections and shall follow the provisions of the Department's program and the Division's regulations if a cross connection is required.

### **ARTICLE III DEGREE OF HAZARD**

The Department recognizes the threat to the public water system arising from cross-connections. These threats are classified as follows in this Article:



### **Section 3.1      Low-Hazard**

If a backflow were to occur, the resulting effect on the water supply would, at the most, be a change in its aesthetic qualities. The foreign substance(s) must be non-toxic to humans. All threats classified as "low hazards" will require, at a minimum, the installation of approved double check valve assembly.

### **Section 3.2      High-Hazard**

If a backflow were to occur, the resulting effect on the water supply could cause illness, injury or death if consumed by humans. The foreign substances may be hazardous to humans from a physical, chemical, biological, and/or radiological standpoint. The effects of the contaminants may result from short or long-term exposure. All threats classified as "high-hazard" will require the installation of approved reduced pressure zone principle backflow prevention devices or air gaps.

### **ARTICLE III-a      AUXILIARY WATER SOURCES**

Where a single or dual family residential customer served by public water supply system has or proposes to install an auxiliary water supply (i.e., well, cistern, spring , etc.), the supplier of the water shall protect the public water supply against backflow by requiring the customer to perform one of the following:

- A. Permanently disconnect the auxiliary water supply from any direct connection to the public water supply system. An inspection to determine compliance with this requirement shall be made by the supplier of the water, local plumbing or building code enforcement official, or his designee. The frequency of the inspections shall be at the time of the disconnection and at periodic intervals thereafter (i.e. every three to five years).
- B. Abandon the auxiliary water supply in a manner acceptable by the water supplier.
- C. Install an approved reduced pressure zone (RPZ) device at the public water supply service connection.
- D. The customer shall provide the water supplier with backflow prevention device test results per required schedule or the customer's water service from the water provider will be shut off until the data is supplied to the water supplier.



## **ARTICLE IV    PERMITS**

The Department shall not permit a cross-connection within the public water supply system unless it is considered necessary and that it cannot be eliminated.

### **Section 4.1    Permits**

A. Cross-connection permits that are required for backflow prevention devices are obtained from the Department. A permit will be issued for each individual device. There will be no fees for initial permits and subsequent renewals. Permits shall be issued with a duration which coincides with the inspection and testing schedule of the device. High hazard devices shall have permits with durations of 6 months; low hazard devices shall have durations of 12 months. Failure of the Owner to provide certification of inspections and testing on required schedule shall void the permit and constitute grounds for discontinuation of water.

B. Amended permits shall be issued for any premises whereby there are any increases in degree of hazard such as to supersede the effectiveness of the present backflow preventer. Owners are responsible for submitting applications for the amended permits.

C. The permit shall contain the information required in Env-Ws 364, Backflow Prevention.

D. Permits are subject to revocation for cause by the Department and become immediately revoked if the Owner should so change the type of cross-connection or degree of hazard associated with the service without proper notification to the Department.

E. Fixture Isolation devices internal to a facility will not be regulated by the Department and permits are not required.

## **ARTICLE V    EXISTING IN-USE BACKFLOW PREVENTION DEVICES**

### **Section 5.1    Existing Backflow Prevention Devices**

Any existing backflow preventer shall be allowed by the Department to continue in service if in good working order unless the degree of hazard is such as to supersede the effectiveness of the present backflow preventer, or result in an unreasonable risk to the public health. Permits for existing devices shall be issued with durations to coincide with the required schedule

of inspection and testing. Where the degree of hazard has increased, as in the case of a residential installation converting to a business establishment, an existing backflow preventer must be upgraded to a reduced pressure zone principle device, or a reduced pressure zone principle device must be installed in the event that no backflow device is present.

## **ARTICLE VI**     **INSTALLATION**

### **Section 6.1**     **Installation Requirements**

Initial installations, replacements and upgrades shall be performed by a plumber licensed in the state of New Hampshire with a current Backflow Prevention Device Inspector/Tester Certification from the New England Water Works Association (NEWWA).

### **Section 6.2**     **Reduced Pressure Zone Backflow Prevention Devices**

A. The reduced pressure zone backflow prevention device shall be installed on the Owner's side of the water meter on the potable water supply line.

B. For "in-plant" protection, lines for safety showers, and lines for eye-wash units must be taken off the upstream side of the reduced pressure zone backflow prevention device.

C. The reduced pressure zone backflow prevention device shall be located so as to permit easy access and provide adequate and convenient space for maintenance, inspection, and testing. The device must be protected from freezing, flooding, and mechanical damage.

D. The reduced pressure zone backflow prevention device and shut-off valves must be installed in a horizontal alignment between three and four feet from the floor to the bottom of the device and a minimum of 12 inches from any wall, unless the device is approved by the Water Department or its Designee, for vertical installations.

E. Tightly closing valves must be installed at each end of the device and must be immediately accessible unless otherwise approved by the Water Department or its Designee.

F. If a drain is to be provided for a relief valve port, there must be an approved air gap separation between the port and the drain line. To be approved, the air gap must be at least twice the internal diameter of the discharge line, or two (2) inches minimum.

### **Section 6.3**      **Double Check Valve Assemblies**

A. The double check valve assembly shall be installed on the Owner's side of the water meter on the potable water supply line.

B. For "in-plant" protection, lines for safety showers, and lines for eye wash units must be taken off the upstream side of the double check valve assembly.

C. The double check valve assembly shall be located so as to permit easy access and provide adequate and convenient space for maintenance, inspection, and testing. The device must be protected from freezing, flooding, and mechanical damage.

D. The double check valve assembly and shut-off valves must be installed in a horizontal alignment and the top of the double check valve assembly must be between 30 inches and 53 inches from the floor to the bottom of the device and a minimum of 12 inches from any wall, unless the device is approved by the Water Treatment Department Chief Operator or his Designee.

E. Tightly closing valves must be installed at each end of the device and be immediately accessible unless otherwise approved by the Water Treatment Department Chief Operator or His Designee.

F. Double check valve assemblies must be provided with suitable connections and appurtenances for testing.

G. Pit installations shall be approved only as, *but* not limited to the requirements provided in Section 6.4 below.

### **Section 6.4**      **Pit Installations**

No backflow prevention device shall be installed in pits.

## **ARTICLE VII**      **PERIODIC TESTING**

A. Backflow prevention devices shall be inspected and tested at least semi-annually for high hazard applications and at least annually for low hazard applications. All new devices in new facilities shall be tested for positive operation upon installation. Responsibility for ensuring inspections and testing and providing certification to the Department shall be the Owner's. Failure to certify inspections and testing on the required schedule shall void the permit and be grounds for discontinuation of water service.

B. Testing and Inspection of all devices to include reduced pressure principle backflow devices, testable double check valve assemblies, and testable pressure vacuum breakers shall be performed by a New Hampshire with a current Backflow Prevention Device Inspector/Tester Certification from the New England Water Works Association (NEWWA)..

C. Any backflow preventer, which fails during a periodic test, shall be repaired or replaced. When repairs are necessary, upon completion of the repair, the device shall be re-tested at Owner's expense to ensure correct operation. High hazard situations shall not be allowed to continue unprotected if the backflow preventer fails the test and cannot be repaired immediately. The Owner is responsible for spare parts, repair tools, or a replacement device. Parallel installation of two (2) devices is an effective means of ensuring that uninterrupted water service during testing and repair of devices is maintained; and is strongly recommended when the Owner desires such continuity.

D. Backflow devices will be tested more frequently than specified in "A" above, in cases where there is a history of test failures and the Department feels that due to the degree of hazard involved, additional testing is warranted. Cost of the additional testing will be borne by the Owner.

E. Failure to test a backflow prevention device as required, or failure to repair a device when needed shall result in termination of the water service.

## **ARTICLE VIII**      **RECORDS AND REPORTS**

### **Section 8.1**      **Records**

The Department will initiate and maintain the following:

A. Master files on existing and new properties requiring backflow prevention devices.

B. Master files on customer cross-connection tests and/or inspections for all applicable properties.

C. Master files on cross-connection permits.

D. Copies of permits and permit applications.

E. Master files on backflow prevention device installation/inspection and testing certification forms.

F. Copies of lists and summaries supplied to the Division.

## **Section 8.2**      **Reports**

The Department will submit the following to the Division:

A. Initial listing of low-hazard cross-connections on New Hampshire Department of Environmental Services, Water Supply Division Low-Hazard form X-I (L).

B. Initial listing of high-hazard cross-connections on New Hampshire Department of Environmental Services, Water Supply Division High-Hazard form X-I (H).

C. Annual update lists of Items 1 and 2, above.

D. Annual summary of cross-connection inspections and tests . This report shall be submitted to the department no later than April 1<sup>st</sup> of the year following the inspection year.

E. Additionally, the Department will submit to the Division:

- The permit number of the backflow prevention device
- The name of the Owner of the backflow prevention device
- The location of the backflow prevention device
- The date of each inspection and test performed during the year of reporting
- The name, certifying organization, and certification number of the certified backflow prevention device inspector who performed the inspection and test on the device
- The result of each inspection and test
- If the inspection or test result is unsatisfactory, the date at which the backflow prevention device was found to be satisfactory following a subsequent inspection and test in that calendar year period.

## **ARTICLE IX**      **VALIDITY**

A. If a provision of this Ordinance is found to be in conflict with any provision of zoning, building, safety or health or other Ordinance or code of the City of Rochester, or the State of New Hampshire, or the Federal government existing on or subsequent to the effective date of this Ordinance, that provision, which in the judgment of the City of Rochester, establishes the higher standard of safety and protection shall prevail.

B. The validity of any article, section, clause, sentence, or provision of this Ordinance shall not affect the validity of any other part of this Ordinance that can be given effect without such invalid part or part

## **ARTICLE X**     **INTERPRETATION OF REQUIREMENTS**

### **Section 10.1**     **Interpretation**

The provisions of this Ordinance with respect to the meaning of technical terms and phrases, the classification of different plumbing devices, the regulations with respect to installing, inspecting, or testing backflow prevention equipment, and other technical matters shall be interpreted and administered by the Department acting in and for the City of Rochester , New Hampshire .

### **Section 10.2**     **Appeals**

Any party aggrieved by any decision, regulation or provision under this Ordinance, as amended, from time to time, shall have the right to appeal said decision to the Department who shall issue a decision within 30 calendar days of the appeal. If said appeal is denied by Department, then the aggrieved party shall have the right to appeal to the Utilities Advisory Board and then to the City Manager.

## **ARTICLE XI**     **MODIFICATIONS**

The City reserves the right to adopt, from time to time, additional rules and regulations as it shall deem necessary and proper relating to control and management of cross-connections, which additional rules and regulations, to the extent appropriate, shall be a part of these regulations. Future changes to this ordinance will be submitted to NHDES for approval prior to City adoption.

## **ARTICLE XII**     **ORDINANCE IN FORCE**

This Ordinance shall be in full force and effect immediately following its passage, as provided by law. The adoption of this Ordinance specifically repeals any previously adopted cross-connection ordinance or rules of the City of Rochester New Hampshire with regard to cross-connections between water supplies of potable non-potable systems and/or sources."

Mayor Jean stated that a Public Hearing had been held on November 19, 2013, relative to this amendment. Councilor Walker **MOVED** to **ADOPT** the Amendment to the Ordinances. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**14.2. Resolution Approving FEMA Grant Application by the City of Rochester Fire Department AB 1**

Councilor Lachapelle **MOVED** to read the resolution by title only for the first time. Councilor LaBranche 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 APPROVING FEMA GRANT APPLICATION**  
**BY THE CITY OF ROCHESTER FIRE DEPARTMENT**

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

That the Rochester City Council, by adoption of this resolution, hereby authorizes the City of Rochester, Fire Department to apply for a grant from Federal Emergency Management Agency grant in the approximate amount of up to Three Hundred Forty-One Thousand Dollars (\$34,100.00), for the purpose of defraying the cost of purchasing up to forty-one (41) Scott Air Packs and accessories, for use by Rochester Fire Department firefighters. This grant requires a ten percent (10%) City funding match, which match would be in an amount of up to Thirty-Four Thousand One Hundred Dollars (\$34,100.00), depending on the ultimate grant award, if the grant application is successfully approved, with the remaining ninety percent (90%) of the cost for such Air Packs and accessories in an amount of up to Three Hundred Six Thousand Nine Hundred Dollars (\$306,900.00) being derived from the aforesaid Federal Emergency Management Agency grant.

Councilor Keans questioned if the Fire Department has indicated where the City match of ten percent [\$34,100] would be coming from. City Manager Fitzpatrick stated that it would be required that the Fire Department would supply the money from their own budget. Councilor Lauterborn stated that the narrative is clear that the Fire Department is constantly repairing the existing air packs. Councilor Varney recalled that purchasing air packs is already listed in next year's CIP budget from the Fire Department. The City Council briefly discussed the matter.

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

**14.3. Resolution Changing Funding Source of FY 2011-2012  
Sewer Works Capital Improvements Budget for Waste  
Water Treatment Plant Upgrades and Related Costs and  
Making a Supplemental Appropriation in Connection  
Therewith AB 10**

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

**RESOLUTION CHANGING FUNDING SOURCE  
OF FY 2012-2013 SEWER WORKS  
CAPITAL IMPROVEMENTS BUDGET FOR  
WASTE WATER TREATMENT PLANT UPGRADES AND  
RELATED COSTS**

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

**WHEREAS**, by action of the Mayor and City Council of the City of Rochester in June 2012 a capital improvements budget for the City of Rochester, Department of Public Works, Sewer Works for fiscal year 2012-2013 was adopted with regard to the so-called Waste Water Treatment Plant upgrades and related cost, including costs associated with the City's anticipated new NPDES Permit issuance (the "Project"), which included an appropriation of One Million Five Hundred Thousand Dollars (\$1,500,000.00) in funding for costs associated with such Project, which Project funding was originally designated to be financed, to the extent of One Million Five Hundred Thousand Dollars (\$1,500,000.00), from the proceeds from borrowing by the City of Rochester, Sewer Works from State of NH Clean Water State Revolving Fund sewer loan program ("NH CWSRF"); and

**WHEREAS**, the Mayor and City Council have been advised that NH CWSRF funds are not available to finance the Project; and

**WHEREAS**, the Project is essential and has already begun; the Mayor and City Council of the City of Rochester are desirous of completing the Project;



**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding source for the Project from the proceeds from borrowing by the City of Rochester, Sewer Works from NH CWSRF sewer loan program, to the proceeds of bonding by the City of Rochester for the Project in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00).

Such bonding shall 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 and such bonding is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter. The useful life for the aforesaid Project is 30 years.

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

Councilor Lachapelle **MOVED** to refer the resolution to a Public Hearing on December 17, 2013. Councilor Lauterborn seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**14.4.Resolution Changing Funding Source of FY 2011-2012  
Sewer Works Capital Improvements Budget for NH Route  
125 Pump Station Project, and Repurposing Funds and  
Taking Additional Actions in Connection Therewith AB 14**

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:

**RESOLUTION CHANGING FUNDING SOURCE OF  
FY 2011-2012 SEWER WORKS CAPITAL IMPROVEMENTS BUDGET  
FOR NH RTE. 125 PUMP STATION PROJECT,  
AND REPURPOSING FUNDS AND TAKING ADDITIONAL ACTIONS  
IN CONNECTION THEREWITH**

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

**WHEREAS**, by action of the Mayor and City Council of the City of Rochester in June 2011 a capital improvements budget for the City of Rochester, Department of Public Works, Sewer Works for fiscal year 2011-2012 was

adopted, which included funds for the so-called NH Rte. 125 Pump Station project (the "Project"), which Project was funded by an appropriation of Five Hundred Forty-Five Thousand Dollars (\$545,000.00) of funding for costs associated with such Project, which Project funding was originally designated to be drawn, to the extent of Five Hundred Twenty-Five Thousand Dollars (\$525,000.00), from the proceeds from bonding by the City of Rochester, Sewer Works, and, to the extent of Twenty-Thousand Dollars (\$20,000.00) from cash from the so-called Sewer Works, Sewer Fund; and

**WHEREAS**, the Mayor and City Council have been advised that there are Three Hundred Sixty-One Thousand Fifteen Dollars and Seventy-Three Cents (\$361,015.73) available US EPA so-called Stag Grant funds, which were originally to be used for the so-called NH Rte. 108 sewer extension project (Homemakers), but which are no longer necessary for such project, but are nevertheless eligible for use with regard to the Project, and that borrowing of NH CWSRF funds for the Project, to the extent of One Hundred Eighty-Three Thousand Nine Hundred Eighty-Four Dollars and Twenty-Seven Cents (\$183,984.27) are also available for the Project, thus making a total of US EPA Stag Grant funds and NH CWSRF funds available for the Project in the total amount of Five Hundred Forty-Five Thousand Dollars (\$545,000.00); and

**WHEREAS**, the Mayor and City Council of the City of Rochester are desirous of taking advantage of these less costly funding sources, from the US EPA Stag Grant funds and the NH CWSRF funds, to complete the Project;

**NOW, THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby change the funding source for the Project from the proceeds of bonding, to the extent of Five Hundred Twenty-Five Thousand Dollars (\$525,000.00) and, to the extent of Twenty-Thousand Dollars, from cash from the so-called Sewer Works, Sewer Fund, to Three Hundred Sixty-One Thousand Fifteen Dollars and Seventy-Three Cents (\$361,015.73) from the above referenced repurposed US EPA Stag grant funds, and from the proceeds from by the City of Rochester, Sewer Works borrowing from State of NH CWSRF, to the extent of One Hundred Eighty-Three Thousand Nine Hundred Eighty-Four Dollars and Twenty-Seven Cents (\$183,984.27), thereby bring the funding for the above referenced existing appropriation for the Project to a full funding balance of Five Hundred Forty-Five Thousand Dollars (\$545,000.00).

**Furthermore**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution, hereby take, and/or, to the extent necessary, authorize the City Manager, or his designee(s) to take, the following steps

and/or actions necessary to implement the transactions contemplated by this Resolution, to wit;

- (a) Withdraw and deauthorize bonding authority in connection with the Project;
- (b) Deauthorize the use of Twenty-Thousand Dollars (\$20,000.00) from cash from the so-called Sewer Works, Sewer Fund for the Project, and transfer such cash back the so-called Sewer Works, Sewer Fund; and
- (c) Repurpose funds from the so-called NH Rte. 108 sewer extension project (Homemakers) to the Project in the manner, and to the extent, set forth above.

Additionally, 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 are 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 a unanimous voice vote.

**14.5. Resolution Authorizing Finance Director to Serve as a Fiscal Agent for the So-Called Peer-Review Great Bay Nitrogen Science and Related Studies AB 12**

Councilor Lachapelle **Moved** to read the resolution by title only. 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 FINANCE DIRECTOR  
TO SERVE AS FISCAL AGENT FOR SO-CALLED PEER-REVIEW  
GREAT BAY NITROGEN SCIENCE AND RELATED STUDIES**

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

**WHEREAS**, New Hampshire seacoast municipalities have joined together for the purpose of providing input to the United States Environmental Protection Agency (the "EPA") as to the appropriate maximum nitrogen levels to be contained in renewals of their respective so-called NPDES permits; and

**WHEREAS**, one of the types of input that the so-called coalition municipalities, and the NH Department of Environment Services, agree

would be particularly appropriate in helping to determine the proper nitrogen level(s) to incorporate in the seacoast municipalities' respective so-called NPDES renewal permits, is a so-called scientific peer-review of the Great Bay science and related studies upon which the EPA and the NH DES intend to rely on for their establishment of the maximum nitrogen discharge level(s) to be included in the respective so-called NPDES permits of seacoast municipalities; and

**WHEREAS**, the Cities of Dover, Portsmouth and Rochester have committed to contribute the sum of up to One Hundred Thousand Dollars (\$100,000.00) for the purpose of equally financing the conduct of the aforementioned so-called scientific peer-review of the Great Bay science and related studies; and

**WHEREAS**, the Cities of Dover and Portsmouth have agreed to allow the city of Rochester to serve as the Fiscal Agent with respect to the collection of the contributions of the Cities of Dover, Portsmouth and Rochester and the payment of the costs of the aforementioned so-called scientific peer-review of the Great Bay science and related studies from the contributions;

**NOW THEREFORE**, the Mayor and City Council of the City of Rochester, by adoption of this Resolution accept the designation of the City of Rochester as the Fiscal Agent for the receipt and disbursement of the aforementioned peer-review contribution, and further designate the Finance Director of the City of Rochester as the City's agent for handling the contributions and disbursements, with authority to take any and all steps necessary to collect the contributions to the Project, pay the expenses of the Project and to make refunds, if any are made.

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

**14.6. Cocheco Valley Sportsmen Association to Establish the  
"Cocheco Valley Sportsmen Association Scholarship Fund  
for the Environment"**

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

**COCHECO VALLEY SPORTSMEN ASSOCIATION TO ESTABLISH  
THE "COCHECO VALLEY SPORTSMEN ASSOCIATION  
SCHOLARSHIP FUND FOR THE ENVIRONMENT"**

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

**WHEREAS**, the Cocheco Valley Sportsmen Association is a New Hampshire non-profit voluntary association which, for many years, has devoted itself to the promotion of outdoor recreational activities such as hunting and fishing, as well as to preservation and improvement of the environment, so as to enable members and non-members of the Association, as well as others, to continue to pursue such outside recreational activities for years to come; and

**WHEREAS**, the Association is currently in the process of disbanding and, in furtherance of such action, is desirous of seeing that its assets are devoted to the cause of promoting the health and wellbeing of the New Hampshire environment, particularly with respect to its ability to support and to accommodate activities such as those for which the Association was created, and has promoted during its existence; and

**WHEREAS**, the Association, and its individual members, are desirous of promoting a healthy environment for outdoor recreation and activities of the type for which the Association was founded by turning over to the Trustees of the Trust Fund of the City of Rochester the sum of Twenty-Five Thousand Dollars (\$25,000.00), for the purpose of encouraging and supporting Spaulding High School graduates in their pursuit of post-secondary education, at an accredited college, in the pursuit of Environmental Studies leading to an academic degree, by creating the so-called "Cocheco Valley Sportsmen Association Scholarship Fund for the Environment", said funds, and the scholarship(s) herein provided for, to be held and administered by the said Trustees of the Trust Fund in the manner, and subject to the terms and conditions, provided for in **Exhibit A** annexed hereto, and entitled "Cocheco Valley Sportsmen Association Scholarship"; and

**WHEREAS**, RSA 31:22, provides that all trust funds, once accepted by the municipality, are to be administered by so-called Trustees of the Trust Fund;

**NOW, THEREFORE**, the City of Rochester hereby accepts the generous donation, by the Cocheco Valley Sportsmen Association, of the sum of Twenty-Five Thousand Dollars (\$25,000.00), for the purpose of creating a scholarship fund to be known as the "Cocheco Valley Sportsmen Association Scholarship Fund for the Environment", and in accordance with the provisions of RSA 31:22, hereby directs that upon receipt, such funds shall be held and administered by the Trustees of the Trust Fund of the City of Rochester, in accordance with the terms and conditions set forth in **Exhibit**

**A** annexed hereto and consistent with the provisions of RSA 31:22, and that the Trustees be, and hereby are, authorized to accept such additional contributions to the Fund on behalf of the City of Rochester, as may from time to time be made to the said "Cocheco Valley Sportsmen Association Scholarship Fund for the Environment". That further, the Mayor and City Council, on behalf of the City of Rochester, hereby extend the thanks of the City of Rochester and its citizens to the Cocheco Valley Sportsmen Association, and its members as the same are noted in **Exhibit A** annexed hereto.

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

**15. Items Removed from Consent Calendar:**

**16. Other**

**17. Non-Public Session**

**17.1 Non-Public Session – Land, RSA 91-A:3 (d)**

Councilor Lachapelle **MOVED** to enter into the Non-Public Session under Land, RSA 91-A:3 (d) at 8:15 PM. Councilor Walker seconded the motion. The **MOTION CARRIED** by a 13 to 0 roll call vote. Councilors Gray, Larochelle, Lauterborn, Keans, Hervey, Varney, Hamann, Torr, LaBranche, Lachapelle, Reed-Erickson, Walker, and Mayor Jean voted in favor of the motion.

Councilor Lachapelle **MOVED** to exit the Non-Public Session and to seal the minutes indefinitely at 9:19 PM. Councilor LaBranche seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**18. Adjournment**

Councilor Walker **MOVED** to **ADJOURN** the Regular City Council meeting at 9:19 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully submitted,

Kelly Walters,

City Clerk