**Regular City Council Meeting**
**March 1, 2022**
**Council Chambers**
**6:30 PM**

## Agenda

1. **Call to Order**

2. **Opening Prayer**

3. **Pledge of Allegiance**

4. **Roll Call**

5. **Acceptance of Minutes**

   5.1 **City Council Regular Meeting: February 1, 2022** ***consideration for approval*** **P. 9**

6. **Communications from the City Manager**

   6.1 **City Manager's Report P. 29**

7. **Communications from the Mayor**

8. **Presentation of Petitions and Council Correspondence**

9. **Nominations, Appointments, Resignations, and Elections**

10. **Reports of Committees**

    10.1 **Appointments Committee P. 47**

    10.1.1 **Planning Board (Seat B) Reg/Member (Expires 1/02/2024)**
    **Susan Rice (New)** ***consideration for approval***

    10.1.2 **Planning Board (Seat G) Reg/Member (Expires 1/02/2023)**
    **Keith Fitts** ***(Elevation from Alternate – current Seat M)*** ***consideration for approval***

    10.1.3 **Historic District Commission (Seat H) Alt/Member (Expires 01/02/2025)**
    **James Connor (New)** ***consideration for approval***

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City Clerk's Office

**10.1.4 Zoning Board of Adjustments (Seat F) Alt/Member (Expires 1/2/2024)**
**James Connor (New)** ***consideration for approval***

**10.1.5 Economic Development Commission (Seat G) Reg/Member (Expires 1/2/2023)**
**Tim Jones (New)** ***consideration for approval***

**10.1.6 Planning Board (Seat K), Alt/Member (Expires 1/02/2025)**
**James Hayden (New)** ***consideration for approval***

**10.1.7 Planning Board (Seat N) Alt/Member (Expires 1/02/2023*)***
**Michael McQuade New,** ***consideration for approval***

**10.1.8 Planning Board (Seat L) Alt/Member (Expires 1/02/2024)**
**Matthew Richardson (New)** ***consideration for approval***

**10.1.9 Planning Board (Seat M), Alt/Member (Expires 1/02/2025)**
**David Walker (New)** ***consideration for approval***

**10.1.10 Library Trustees (Ward 2) Reg/Member (Expires 1/02/2025)**
**Samantha Gee Reappointment:** ***consideration for approval***

**10.2 Codes and Ordinances Committee P. 61**

**10.2.1 Committee Recommendation: to accept the changes and deletions in section 1.4 "Remote Participation during Council and Board Meetings" as detailed by City staff** ***consideration for approval*** **P. 64**

**10.2.2 Committee Recommendation: to approve the change to section 1.5 of the Rules of Order, removing #14 "Other" from "Order of Business"** ***consideration for approval*** **P. 65**

**10.2.3 Committee Recommendation: To change the wording in section 4.1 "Agenda Preparation" to "calendar days" and to change the meeting submission deadline from seven days to eleven days** ***consideration for approval*** **P. 66**

**10.2.4 Committee Recommendation: To require the suspension of the rules and a 2/3 vote in order for a resolution to be read in its entirety** ***consideration for approval*** **P. 67**

**10.2.5 Committee Recommendation: To delete section 4.13 "Codes and Ordinances Committee, Ordinance Enrollment" in its entirety** ***consideration for approval*** **P. 67**

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City Clerk's Office

**10.2.6 Committee Recommendation: to approve the changes to section 1.1 "Regular Meetings," moving the start time of Council meetings from 6:30 PM to 6:00 PM *consideration for approval* P. 68**

**10.2.7 Committee Recommendation: To approve the addition of a new section 1.3 to the Rules of Order regarding non-public meeting materials *consideration for approval* P. 68**

**10.2.8 Committee Recommendation: to approve the change to section 4.19 "Functions of Public Safety Committee" to add verbiage to include "Ambulance Service" *consideration for approval* P. 69**

**10.3 Finance Committee P. 95**

**10.3.1 Resolution Authorizing Change of Funding from Bond to General Fund Unassigned Fund Balance in the amount of $3,710,641 *first reading and refer to public hearing on 3/15/22* P. 105**

**10.3.2 Resolution Authorizing Transfer of General Fund Unassigned Fund Balance in the amount of $1,000,084 to the Economic Development Special Reserve Fund *first reading and refer to public hearing on 3/15/22* P. 109**

**10.4 Planning Board P. 117**

**10.5 Public Safety P. 125**

**10.5.1 Committee Recommendation: to remove the "2 hour parking" from Columbus Avenue to 34 Hanson Street with the stipulation to come back when the building is built for committee review *consideration for approval* P. 130**

**10.6 Public Works P. 131**

**10.6.1 Committee Recommendation: To approve Estes Road, Howard Brook Drive, Jessica Drive, Sandina Drive, Marcy Drive and McNeil Drive for paving as part of the 2022 Paving Rehabilitation Program as presented by the DPW *consideration for approval* P. 132**

**10.6.2 Resolution Authorizing Supplemental Appropriation to the General Fund Capital Improvement Project (CIP) Fund in the amount of $1,565,000.00 and to the Water Fund CIP Fund in the amount of $1,235,000.00 for the so-called Woodman Area Reconstruction Project and Borrowing Authority Pursuant to RSA 33:9 *first reading and refer to public hearing on 3/15/22* P. 167**

**11. Old Business**

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City Clerk's Office

**12. Consent Calendar**

**13. New Business**

**13.1 Resolution Authorizing Acceptance of Granite Shield 2021 Substance Abuse Reduction Initiative Grant in the amount of $5,000.00 and Supplemental Appropriation in Connection Therewith *first reading and consideration for acceptance* P. 173**

**13.2 Resolution Authorizing the Submittal of an Application for an Economic Development Agency (EDA) American Rescue Plan (ARPA) Construction Grant in the Amount of $2,500,000.00 *first reading and consideration for acceptance* P. 179**

**13.3 Resolution Authorizing Acceptance and Appropriation of American Rescue Plan Act Victim Services Grant Award in an amount of $25,836.00 for FY 2023 *first reading and consideration for acceptance* P. 183**

**13.4 Lot Restoration of 154 Milton Road *consideration for approval* P. 189**

**14. Other**

**15. Adjournment**

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City Clerk's Office

**Regular City Council Meeting**
**February 1, 2022**
**Council Chambers**
**6:30 PM**

**COUNCILORS PRESENT**
Councilor Beaudoin
Councilor Berlin
Councilor Desrochers
Councilor Fontneau
Councilor Gilman
Councilor Gray
Councilor Hainey
Councilor Hamann
Councilor Larochelle
Councilor Malone
Councilor Rice
Deputy Mayor Lachapelle
Mayor Callaghan

**OTHERS PRESENT**
Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager
Terence O'Rourke, City Attorney
Michael Scala, Director of Economic Development
Julian Long, Community Development Coordinator

**COUNCILORS ABSENT**

## Minutes

### 1. Call to Order

Mayor Callaghan called the meeting to order at 6:30 PM. He announced that Councilor Fontneau is participating remotely. He asked Councilor Fontneau to state his name for the record, and to state if he was physically and reasonably not able to attend this meeting in person. Councilor Fontneau stated his name for the record and replied yes.

### 2. Opening Prayer

Mayor Callaghan led an opening prayer.

### 3. Pledge of Allegiance

Deputy Mayor Lachapelle led the Pledge of Allegiance.

### 4. Roll Call

Kelly Walters, City Clerk, called the roll. All Councilors were

present.

## 5. Acceptance of Minutes

### 5.1 City Council Inauguration: January 4, 2022, *consideration for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the City Council Inauguration Minutes of January 4, 2022. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Berlin, Desrochers, Gray, Fontneau, Hamann, Hainey, Lachapelle, Larochelle, Beaudoin, Malone, Gilman, Rice, and Mayor Callaghan voted in favor of the motion.

### 5.2 Regular City Council Meeting: January 11, 2022, consideration *for approval*

Councilor Lachapelle **MOVED** to **ACCEPT** the City Council Reconvened Regular City Council Minutes of January 11, 2022. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Rice, Beaudoin, Hamann, Desrochers, Lachapelle, Malone, Berlin, Hainey, Larochelle, Gray, Gilman, Fontneau, and Mayor Callaghan voted in favor of the motion.

## 6. Communications from the City Manager

### 6.1 City Manager's Report:

**Contracts and documents executed since last month:**

**City Manager**

- Rental Agreement – Sole City Dance

**Economic Development**

- FY22 CDBG Environ. Review – CAP Weatherization, January 3
- FY22 CDBG Environ. Review – CAP Weatherization, January 4
- FY22 CDBG Environ. Review – CAP Weatherization, January 6
- FY22 CDBG Environ. Review – CAP Weatherization, January 7
- FY22 CDBG Environ. Review – CAP Weatherization January 13
- FY22 CDBG Environ. Review – CAP Weatherization, January 18
- FY22 CDBG Environ. Review – CAP Weatherization, Yo's Thai
- FY22 CDBG Environ. Review – CAP Weatherization, Briar Ridge home
- FY22 CDBG Environ. Review – CAP Weatherization, January 24
- NH CDFA Contract – Gafney Home Project

**Finance**

- MAAM Consulting services Amendment, PREP Engagement – Brown & Caldwell

**Standard Report(s)**

- Personnel Action Report Summary

## 7. Communications from the Mayor

Mayor Callaghan read a proclamation relative to Career Technical Education (CTE) for the week of February 14th.

### 7.1. Mayoral appointments for joint City Council/School Board committee

- **Councilor Hamann, Councilor Malone, Councilor Beaudoin**

Mayor Callaghan appointed Councilors Haman, Malone, and Beaudoin to serve on the Joint City Council/School Board Committee. He said the School Department requested to establish this Committee in order to look at the possibility of a new school building project.

## 8. Presentation of Petitions and Council Correspondence

### 8.1. Downtown Parking Review Group

City Manager Cox gave a brief overview of the proposed Parking Review Group (PRG) under the Self-directed Work Team Policy. He said he is seeking to have one member of the City Council appointed as one of the group's members. Mayor Callaghan advised any City Councilors that are interested in serving on this committee to reach out to him directly.

Councilor Hainey asked if the PRG meetings would be open to the public. Mayor Callaghan replied yes.

Councilor Beaudoin read a portion of the City's policy:"but *ultimate authority rests with the City Manager to act upon the recommendation as he/she sees fit."* Councilor Beaudoin expressed concern over the way that portion of the policy is written and questioned whether or not the City Council would be allowed input on the final recommendation. City Manager Cox explained that the final recommendation would be brought back to the City Council for action.

Councilor Rice questioned if there would be agendas and minutes published for the PRG meetings. City Manager Cox clarified that it is a self-directed work team and that it would only be open to the public in the manner in which the group decides to involve the public, not necessarily at the meetings. He said part of the directive of the group will be to solicit input from the public in a manner in which they determine appropriate.

Councilor Desrochers said that she is interested in assisting in this process. She thanked Councilor Rice for asking about the public input portion of the project.

Councilor Gray understood that a group of citizens filed a petition with the City Clerk's office recently regarding the possibility of eliminating the use of the voting machines. He understood that the petition may have been more like a warrant article for a town; however, he felt the petition should be distributed to the full City Council and that the City Council should have a discussion about the matter and/or schedule a public hearing. The City Manager confirmed that the City Clerk's office did receive the request for a warrant article. No action was taken at this time.

Councilor Gray said that he feels that the machines are an asset to the City; however, the public took the time to submit the petition in writing and the City Council should acknowledge that fact.

## 9. Nominations, Appointments, Resignations, and Elections

No discussion.

## 10. Reports of Committees

### 10.1 Appointments Committee

**10.1.1 Keith Fitts: Planning Board Alternate member – *Term to expire 1/02/2025* *consideration for approval***

**10.1.2 Paul Giuliano: Planning Board Regular member – *Term to expire 01/02/2025* *consideration for approval***

**10.1.3 Susan Rice: Planning Board Regular member – *Term to expire 01/02/2025 consideration for approval***

**10.1.4 Michael McQuade: Planning Board Regular member – *Term to expire 01/02/2023 consideration for approval***

**10.1.5 Matthew Richardson: Planning Board Alternate member – *Term to expire 01/02/2025 consideration for approval***

**10.1.6 Robert May: Planning Board Regular member – *Term to expire 01/02/2025 consideration for approval***

**10.1.7 Kristen Bournival: Rochester Economic Development Commission Regular Member – *Term to expire 01/02/2025 consideration for approval***

Councilor Gray reviewed the Committee report. He said there has not been a practice in place to send the applicants notification of meeting minutes after their interviews. He said moving forward the minutes will be sent out to the applicants as soon as possible following the Appointments Review Committee meetings.

Mayor Callaghan said there were irregularities in the last Appointments Review Committee meeting and that the meeting was not posted properly. He recommended that the applicants be invited back for another interview. He said rather than leaving all nominations off the table he **MOVED** to **NOMINATE** the following two applicants:

- **Robert May: Planning Board Regular member – *Term to expire 01/02/2025 consideration for approval***
- **Paul Giuliano: Planning Board Regular member – *Term to expire 01/02/2025 consideration for approval***

Councilor Lachapelle seconded the nominations. Councilor Berlin expressed his confusion about appointing only two of the members. Mayor Callaghan said there were irregularities with the posting of the meeting agenda. Councilor Lachapelle agreed and said these two applicants should have been vetted through the Appointments Review Committee last fall

and had been waiting on a decision.

Councilor Hainey asked for clarification on what the irregularities were. Mayor Callaghan clarified that the minutes were not written with enough information. Councilor Hainey wished to clarify for the record that the Appointments Review Committee asked appropriate questions and took consideration in the candidates chosen, which were ultimately brought forth for recommendation.

Councilor Desrochers stated that she did not receive the agenda because it apparently went to the incorrect email.

Councilor Lachapelle said anyone else interested in serving on the Planning Board at this point is also welcomed to submit an application. He said it is good to have such an abundance of applications on file.

Councilor Gray said if there is an issue with the Committee meeting minutes, the minutes could certainly be corrected. Councilor Berlin asked what is wrong with the minutes. Mayor Callaghan said he received feedback from some of the City Councilors who felt there was not enough information in the minutes for the City Council to make an informed decision. Councilor Lachapelle agreed and said the minutes typically give a full accounting of the votes taken. Secondly, the full City Council did not receive the Appointments Review Packet, with all of the Statements of Interest attached. He said that information is critical to make an informed decision.

Councilor Rice said he has never received the backup material for the Appointments Review Committee packet. Mayor Callaghan said the Clerk's office will be sending out that backup material to the full City Council moving forward.

Councilor Berlin asked if the "recommendations" that the Appointments Review Committee made are being sent back to the Committee to be reviewed and/or recommended again. Mayor Callaghan said yes, with the exception of 10.1.2, 10.1.6, and 10.1.7. Councilor Berlin questioned if the remaining candidates would be brought back in for further discussion. Mayor Callaghan replied yes, and other applications could be reviewed as well.

Councilor Larochelle gave a brief summary of his prior history as City Councilor, Mayor, and former Chair of the Appointments Review Committee. He indicated that he views the process that took place at the last Appointments Review Committee as irregular, and he brought those

concerns to the Mayor. Councilor Larochelle said the meeting was not posted in accordance with State law. He said there was a lack of information in the Committee's meeting minutes, and lastly, the full City Council did not receive the Statement of Interest of all the applicants. He said upon request, he has since received the Agenda and complete packet from the City Clerk's office. He now understands what information was given to the Committee; however, there is no indication in the minutes of the discussions that took place or how the Committee reached those recommendations. He said furthermore, there is no indication if the votes taken were unanimous or not. He reiterated that it the meeting had been posted properly, than any member of the City Council and/or public could have attended.

Councilor Larochelle said the appointment for the REDC should also be taken care this evening, since it is simply a re-appointment.

Councilor Hainey expressed disappointment over the fact that those applicants who have been waiting for so many months to be appointed are being held in Committee, again.

Councilor Gray asked if the reason for the rejection of the Committee recommendations is due to the unposted agenda or the lack of information provided in the Committee meeting minutes. He indicated that if the meeting minutes are the issue, the minutes could be corrected at this meeting. He said he has the information as to how Councilors voted. He added that the City Clerk could distribute the Statements of Interest of all the applicants to the City Council as well. Councilor Gray believed the draft minutes meet the requirement of State Law and he found the released draft minutes to be acceptable. He said he would need direction from the City Council about giving any more details of votes taken as he sees no benefit to the public for releasing that type of information, besides causing uncomfortable feelings for those applicants involved.

Councilor Rice agreed with some of the comments made by Councilor Gray. He agreed that the past practice is that the Appointments Review Committee minutes were not as detailed as other Committee meeting minutes because the interview process deals with reputations. He said the Council should step back and put trust in the Committee's recommendation. He questioned if the meeting was not posted properly. City Clerk Walters explained that the Appointments Review Committee Agenda was properly posted on the City Hall's bulletin board; however, it was not properly posted on the City's website. City Attorney clarified that the mis-posting was caught by City staff and informed legal counsel. His

legal opinion is that this was an advisory Committee and the remedial action the Mayor has chosen to take this evening is appropriate.

Councilor Rice said it seems all the recommendations should be sent back to the Committee and not just a chosen few. He added that the RSA stipulates that a member of a land-use board may continue serving on the land-use board even after their term has expired. City Attorney O'Rourke replied that is correct. Councilor Rice argued, if that is true, then Mr. May and Mr. Giuliano's recommendation to the Planning Board should not move forward this evening.

Councilor Larochelle stated that there was a motion on the floor and the discussion should be based upon that motion. Councilor Rice **MOVED** to **AMEND** the motion to send all of the Appointments Review Committee recommendations (10.1.1 through 10.1.7) back to the Committee. Councilor Berlin seconded the motion. The City Council debated the matter. The **MOTION FAILED** by a roll call vote of 3 to 10 as follows. Councilors Berlin, Hainey, and Rice voted in favor of the motion. Councilors Desrochers, Gray, Fontneau, Hamann, Lachapelle, Larochelle, Beaudoin, Malone, Gilman, and Mayor Callaghan voted against the motion.

Mayor Callaghan restated the nominations and included the following information:

- **Robert May: Planning Board Regular member – *Term to expire 01/02/2025 consideration for approval***

- **Paul Giuliano: Planning Board Regular member – *Term to expire 01/02/2025 consideration for approval***

- **Kristen Bournival: Rochester Economic Development Commission Regular Member – Term to expire 01/02/2025 consideration for approve**

Councilor Lachapelle reiterated his second to the motion. Councilor Lachapelle **MOVED** that nominations cease. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Rice, Beaudoin, Hamann, Desrochers, Lachapelle, Malone, Berlin, Hainey, Larochelle, Gray, Gilman, Fontneau, and Mayor Callaghan voted in favor of the motion.

Mayor Callaghan called for a vote on the motion to appoint Mr. May, Mr. Giuliano, and Ms.Bournival with terms to expire as stated above.

The **MOTION CARRIED** by a roll call vote of 11 to 2. Councilors Hainey, Gray, Malone, Gilman, Fontneau, Larochelle, Desrochers, Beaudoin, Hamann, Lachapelle, and Mayor Callaghan voted in favor of the motion. Councilors Rice and Berlin voted against the motion.

### 10.2 Community Development Committee

#### 10.2.1 Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2021 for Reallocation of CDBG CARES Act Funds *first reading and consideration for adoption*

Councilor Hainey **MOVED** to read the resolution for a fist time by title only. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Hainey, Gray, Malone, Gilman, Fontneau, Larochelle, Rice, Desrochers, Berlin, Beaudoin, Hamann, Lachapelle, and Mayor Callaghan voted in favor of the motion. Mayor Callaghan read the resolution for a first time as follows:

**CITY OF ROCHESTER FY 22 CDBG ACTION PLAN AMENDMENT – REALLOCATION OF CDBG CARES ACT FUNDS**

**Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2021 for Reallocation of CDBG CARES Act Funds**

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

**WHEREAS,** the City of Rochester has unexpended Community Development Block Grant (CDBG) funds through the Coronavirus Aid, Relief, and Economic Security (CARES) Act eligible projects and has unallocated prior year CDBG funds;

**WHEREAS**, the Mayor and City Council of the City of Rochester desire to program these funds into other worthwhile activities;

**THEREFORE,** the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby adopt the allocation of Seven Thousand Dollars ($7,000.00) for Waypoint NH and its Street Outreach Program for homeless youth, Seven Thousand Dollars ($7,000.00) for My Friend's Place and hazard pay for its homeless shelter employees, and

Two Thousand Four Hundred Fourteen Dollars ($2,414.00) for the Homeless Center for Strafford County and its acquisition of a building for use as a decompression shelter.

**FURTHER,** that the funds necessary to fund the above appropriation shall be drawn in their entirety from the above-mentioned CARES Act CDBG grant funds that the City of Rochester has received from the federal government.

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

Councilor Hainey **MOVED** to **ADOPT** the resolution. Councilor Larochelle seconded the motion.

Councilor Beaudoin questioned what qualifies employees to receive hazard pay. Julian Long, Community Development Coordinator, replied that the hazard pay is for the homeless shelter employees due to exposure to Covid-19.

Councilor Beaudoin **MOVED** to **DIVIDE** the question, if the motion is in order. He requested that the $7,000 for hazard pay for My Friends Place be separated out from the rest of the funding. It was determined that the motion was not in order to divide the question; however, an Amendment to the motion could be made.

Councilor Beaudoin **WITHDREW** his motion to **DIVIDE** the question.

Councilor Beaudoin **MOVED** to **AMEND** the resolution to separate out the $7,000 for the hazard pay for My Friends Place from the rest of the funding. The City Council briefly discussed the matter.

Councilor Rice requested to call the question and Councilor Lachapelle seconded the request to call the question. Councilor Larochelle called for a point of order. He said any member of the City Council can make a motion to call the question; however, a 2/3 vote is required. He added that only the Mayor can call the question without a required vote.

Mayor Callaghan indicated that there was no second to the motion to amend the main motion so he called for a vote on the resolution.

The **MOTION CARRIED** by a roll call vote of 12 to 1. Councilors Berlin, Desrochers, Gray, Fontneau, Hamann, Hainey, Lachapelle, Larochelle, Malone, Gilman, Rice, and Mayor Callaghan voted in favor of the motion. Councilor Beaudoin voted against the motion.

**10.2.2 Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2022 for Reallocation of Unexpended Prior Year Funds to New Hampshire Housing *first reading and consideration for adoption***

Councilor Hainey **MOVED** to read the resolution for a first time by title only. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Gilman, Rice, Gray, Hainey, Larochelle, Berlin, Lachapelle, Fontneau, Hamann, Beaudoin, Desrochers, Malone, and Mayor Callaghan voted in favor of the motion. Mayor Callaghan read the resolution for a first time as follows:

**CITY OF ROCHESTER FY 22 CDBG ACTION PLAN AMENDMENT – REALLOCATION OF CDBG UNEXPENDED PRIOR YEAR FUNDS**

**Resolution to Amend the Community Development Block Grant (CDBG) Funds for Fiscal Year 2022 for Reallocation of Unexpended Prior Year Funds to New Hampshire Housing**

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

**WHEREAS,** the City of Rochester has unexpended Community Development Block Grant (CDBG) funds through the U.S. Department of Housing and Urban Development for projects serving low to moderate income residents;

**WHEREAS,** the Mayor and City Council of the City of Rochester desire to program these funds into other worthwhile activities;

**THEREFORE,** the Mayor and City Council of the City of Rochester, by adoption of this resolution, hereby adopt the allocation of Nine Thousand Two Hundred Twenty Six Dollars and Seventy Six Cents ($9,226.76) to

New Hampshire Housing Finance Authority for matching funds for its lead remediation program.

**FURTHER,** that the funds necessary to fund the above appropriation shall be drawn in their entirety from the above-mentioned FY 2020 and FY 2021 CDBG grant funds that the City of Rochester has received from the federal government.

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

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

Councilor Hainey said there was an incorrect amount funding amount listed and **MOVED** to ensure the correct amount is on the Resolution, which is $9,226.76. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilor Lachapelle seconded the motion. Gilman, Desrochers, Hamann, Malone, Fontneau, Larochelle Gray, Rice, Berlin, Hainey, Lacahpelle, Beaudoin, and Mayor Callaghan voted in favor of the motion.

Mayor Callaghan called for a vote on the motion as amended. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Hamann, Desrochers, Gilman, Malone, Fontneau, Larochelle Gray, Rice, Berlin, Hainey, Lacahpelle, Beaudoin, and Mayor Callaghan voted in favor of the motion.

Councilor Hainey reviewed the rest of the minutes and invited fellow Councilors to attend the next meeting, which is scheduled for February 28, 2022, at 6:00 PM in the City Hall Annex.

### 10.3 Finance Committee

**10.3.1 Committee Recommendation: to approve the bid waiver for the Police Department body camera purchase as well as the changes to funding *consideration for approval***

Councilor Lachapelle **MOVED** to **APPROVE** the bid waiver for the Police Department body camera purchase as well as the changes to funding. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Larochelle, Gilman, Berlin, Beaudoin, Rice, Fontneau, Hamann, Lachapelle, Malone, Desrochers, Gray, Hainey, and Mayor Callaghan voted in favor of the motion.

Councilor Rice requested that the Mayor slow down the process of voting to give an opportunity for discussions.

**10.4 Public Safety**

**10.4.1 Committee Recommendation: to relocate the current 30 MPH speed limit sign on the Columbus Avenue end of Lowell Street to a location closer to Great Falls Avenue *consideration for approval***

Councilor Rice said this item should have been voted upon with the Regular Meeting in January; however, it is on this evening's agenda. He summarized the issue. Councilor Rice **MOVED** to **APPROVE** the Committee Recommendation to relocate the current 30 MPH speed limit sign on the Columbus Avenue end of Lowell Street to a location closer to Great Falls Avenue. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Desrochers, Gray, Hamann, Rice, Beaudoin, Hainey, Lachapelle, Gilman, Malone, Fontneau, Larochelle, Berlin, and Mayor Callaghan voted in favor of the motion.

**10.4.2 Committee Recommendation: to install a 30 MPH speed limit sign in the westbound direction on Lowell Street just beyond Goodwins Way at the discretion of DPW *consideration for approval***

Councilor Rice **MOVED** to **APPROVE** the Committee Recommendation to install a 30 MPH speed limit sign in the westbound direction on Lowell Street just beyond Goodwins Way at the discretion of DPW. Councilor Hamann seconded the motion. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Malone, Gray, Hamann, Rice, Beaudoin, Desrochers, Lachapelle, Gilman, Hainey, Fontneau, Larochelle, Berlin, and Mayor Callaghan voted in favor of the motion.

**10.4.3 Committee Recommendation: to install two advance warning signs for "Double Side Roads" to be placed on Lowell Street in advance of Harding Street and Edgerly Way at the discretion of DPW *consideration for approval***

Councilor Rice **MOVED** to **APPROVE** the Committee Recommendation to install two advance warning signs for "Double Side Roads" to be placed on Lowell Street in advance of Harding Street and Edgerly Way at the discretion of DPW. Councilor Hamann seconded the motion. Council briefly discussed the double side roads. The **MOTION CARRIED** by a roll call vote of 13 to 0. Councilors Lachapelle, Larochelle, Hainey, Desrochers, Gilman, Berlin, Rice, Gray, Malone, Fontneau, Beaudoin, Hamann, and Mayor Callaghan voted in favor of the motion.

Councilor Rice said the next Public Safety Meeting will be February 16, 2022. He invited any City Councilors who are representing any of the streets near the William Allen School because there will be a discussion about these streets.

## 11. Old Business

No discussion.

## 12. Consent Calendar

No discussion.

## 13. New Business

**13.1 Resolution Deauthorizing $80,000.00 in New Hampshire Recreational Trails Program Grant Funds *first reading and consideration for adoption***

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Fontneau, Larochelle, Hainey, Desrochers, Gray, Malone, Rice, Belin, Gilman, Beaudoin, Lachapelle, Hamann, and Mayor Callaghan voted in favor of the motion. Mayor Callaghan read the resolution for a first time as follows:

**Resolution Deauthorizing $80,000.00 in New Hampshire Recreational Trails Program Grant Funds**

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

That the amount of Eighty Thousand Dollars ($80,000.00) appropriated as part of the 2020 New Hampshire Recreational Trails Program grant is hereby deauthorized. The full amount of the deauthorization is grant reimbursement which will not be sought from the New Hampshire Trails Bureau.

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

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. Councilor Rice said this money was derived from a grant and it was not expended, so the money must be sent back. City Manager Cox agreed. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Gray, Larochelle, Hainey, Desrochers, Gilman, Lachapelle, rice, Berlin, Fontneau, Beaudoin, Malone, Hamann, and Mayor Callaghan voted in favor of the motion.

**13.2 Non-public meeting minutes related to the sale of 38 Hanson Street *Motion to Unseal***

Councilor Lachapelle **MOVED** to **UNSEAL** the Non-Public meeting minutes related to the sale of 38 Hanson Street. Councilor Rice seconded the motion. Councilor Rice stated that he did not get a chance to review the Non-Public minutes because they were not in the City Manager's Office to review. He asked if other land issues, which may have been discussed during some of these minutes would be released as well. City Attorney O'Rourke replied no, the only Non-Public minutes being released are soley regarding the sale of 38 Hanson Street. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Beaudoin, Hamann, Hainey, Desrochers, Gray, Lachapelle, Rice, Berlin, Fontneau, Gilman, Malone, Larochelle, and Mayor Callaghan voted in favor of the motion.

**13.3 Resolution Authorizing Amendment to Lease Agreement between the City and the Department of Health and Human Services**

**(DHHS)** ***first reading and consideration for adoption***

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Rice, Beaudoin, Hamann, Desrochers, Lachapelle, Malone, Berlin, Hainey, Larochelle, Gray Gilman, Fontneau, and Mayor Callaghan voted in favor of the motion. Mayor Callaghan read the resolution for a first time as follows:

**Resolution Authorizing Amendment to Lease Agreement between the City and the Department of Health and Human Services (DHHS)**

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

That the City Manager is hereby authorized to agree to an Amendment to the Lease Agreement between the City and DHHS for space within the Community Center. The Amendment includes an extension of the lease until April 30, 2024 and a 2.95% increase in the cost for square foot of the rental payment, bringing the total revenue amount to Three Hundred Two Thousand Two Hundred Seventeen and 50/100 Dollars ($302,217.50) per year.

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

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

Councilor Lachapelle **MOVED** to **AMEND** the resolution by correcting the following figure: $302,217.50, which should be $302,217.60. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Gilman, Fontneau, Larochelle, Rice, Desrochers, Berlin, Beaudoin, Hamann, Lachapelle, Hainey, Gray, Malone, and Mayor Callaghan voted in favor of the motion.

Mayor Callaghan called for a vote on the motion as amended. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Hainey, Gray, Malone, Gilman, Fontneau, Larochelle, Rice, Desrochers,

Berlin, Beaudoin, Hamann, Lachapelle, and Mayor Callaghan voted in favor of the motion. The resolution as Amended is as follows:

**Resolution Authorizing Amendment to Lease Agreement between the City and the Department of Health and Human Services (DHHS)**

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

That the City Manager is hereby authorized to agree to an Amendment to the Lease Agreement between the City and DHHS for space within the Community Center. The Amendment includes an extension of the lease until April 30, 2024 and a 2.95% increase in the cost for square foot of the rental payment, bringing the total revenue amount to Three Hundred Two Thousand Two Hundred Seventeen and 60/100 Dollars ($302,217.60) per year.

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

**13.4 Resolution Authorizing $26,811.00 Expenditure from the RSA 162-k TIF Fund for the Innovation Drive Water-Sewer Line Extension Project *first reading and consideration for adoption***

Councilor Lachapelle **MOVED** to read the resolution for a first time by title only. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Berlin, Desrochers, Gray, Fontneau, Hamann, Hainey, Lachapelle, Larochelle, Beaudoin, Malone, Gilman, Rice, and Mayor Callaghan voted in favor of the motion. Mayor Callaghan read the resolution for a first time as follows:

**Resolution Authorizing $26,811.00 Expenditure from the Granite State Business Park RSA 162-k TIF for the Innovation Drive Water-Sewer Line Extension Project**

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

That the amount of Twenty Six Thousand Eight Hundred Eleven Dollars ($26,811.00) is hereby authorized to be expended from Granite State Business Park RSA 162-k TIF Retained Incremental Revenue balance to pay for the costs associated with the so-called Innovation Drive Water-Sewer Line Extension Project.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. All projects will be assigned a unique account number for tracking and reported purposes.

Councilor Lachapelle **MOVED** to **ADOPT** the resolution. Councilor Rice seconded the motion. Councilor Rice asked about the conduits found in the area. Michael Scala, Director of Economic Development, explained that the land is actually owned by the Pease Authority and there was no knowledge of these conduits in that area. He said S.U.R. is a reputable company. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Gilman, Rice, Gray, Hainey, Larochelle, Berlin, Lachapelle, Fontneau, Hamann, Beaudoin, Desrochers, Malone, and Mayor Callaghan voted in favor of the motion.

## 14. Other

No discussion.

## 15. Non-Public/Non-Meeting

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

Councilor Rice **MOVED** to enter into a Non-Public Session for Land, RSA 91-A:3, II (d) at 7:42 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Hamann, Desrochers, Gilman, Malone, Fontneau, Larochelle, Gray, Rice, Berlin, Hainey, Lachapelle, Beaudoin, and Mayor Callaghan voted in favor of the motion.

Councilor Rice **MOVED** to exit the Non-Public Session at 9:24 PM. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote. Councilors Larochelle, Gilman, Berlin, Beaudoin, Rice, Fontneau, Hamann, Lachapelle,

Malone, Desrochers, Gray, Hainey, and Mayor Callaghan voted in favor of the motion.

Councilor Rice **MOVED** to seal the minutes because disclosure would render the proposed action ineffective. Councilor Lachapelle seconded the motion. The **MOTION CARRIED** by a unanimous roll vote. Councilors Desrochers, Gray, Hamann, Rice, Beaudoin, Hainey, Lachapelle, Gilman, Malone, Fontneau, Larochelle, Berlin, and Mayor Callaghan voted in favor of the motion.

## 16. Adjournment

Mayor Callaghan **MOVED** to **ADJOURN** the meeting at 9:26 PM. Councilor Rice seconded the motion. The **MOTION CARRIED** by a unanimous roll call vote of 13 to 0. Councilors Malone, Gray, Hamann, Rice, Beaudoin, Desrochers, Lachapelle, Gilman, Hainey, Fontneau, Larochelle, Berlin, and Mayor Callaghan voted in favor of the motion.

Respectfully submitted,

Kelly Walters, CMC
City Clerk

*Intentionally left blank…*

City Clerk's Office

*City of Rochester, New Hampshire*
OFFICE OF THE CITY MANAGER
31 Wakefield Street • Rochester, NH 03867
(603) 332-1167
www.RochesterNH.net

**CITY MANAGER'S REPORT**
**February 2022**

Contracts and documents executed since last month:

- **Department of Public Works**
  - Change order, WWTP Carbon Storage Facility – Apex Construction **P. 30**
  - Notice of Bid Award, WWTP Aeration sidewall blower – Apex **P. 31**
  - Scope of Services, Katie Lane Stormwater Watershed – S.U.R. **P. 32**
  - Lease renewal – DHHS **P. 33**
  - Scope of Services, Demolition of 38 Hanson – S.U.R. **P. 34**
  - Scope of Services, GSBP public infrastructure – S.U.R. **P. 35**
  - Task Order , WWTF – Brown & Caldwell **P. 36**
- **Economic Development**
  - FY22 CDBG Environ. Review – CAP Weatherization, February 1 **P. 37**
  - FY22 CDBG Environ. Review – CAP Weatherization, February 2 **P. 38**
  - FY22 CDBG Environ. Review – CAP Weatherization, February 15 **P. 39**
  - FY22 CDBG-CV Contract – Waypoint NH 7 **P. 40**
  - Fair Housing activity certification form – Gafney Home Project **P. 41**
- **Finance**
  - Tax Map Maintenance Proposal – CAI Technologies **P. 42**
- **IT**
  - Licensing proposal – CentralSquare, Actian Software, PD Cruiser tablets **P. 43**
- **Police Department**
  - Animal Shelter agreement – Pope Memorial Humane Society **P. 44**
  - Grant application – NH Dept of Safety, Body Worn and Dashboard Camera grant **P. 45**

The following standard report has been enclosed:

- Personnel Action Report Summary **P. 46**

*City of Rochester, New Hampshire*
PUBLIC WORKS DEPARTMENT
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(603) 332-4096
www.RochesterNH.net

## INTEROFFICE MEMORANDUM

**TO:** **BLAINE COX, CITY MANAGER**
**KATIE AMBROSE, DEPUTY CITY MANAGER/DIRECTOR OF FINANCE & ADMIN**

**FROM:** **LISA J. CLARK, ADMINISTRATIVE SUPERVISOR**

**DATE:** January 26, 2022

**SUBJECT:** Apex Construction, Inc
WWTP Carbon Storage Facility Construction
Electrical Scope/Ewing Electric
Amount $166,533.44

**CC:** Peter C. Nourse, PE, Director of City Services
Michael S. Bezanson, PE City Engineer

---

Attached please find (1) one copy of the Apex Construction Inc Change Order #1 for the WWTP Carbon Storage Facility. Apex Construction was awarded the Carbon Storage Facility Construction Contract after the termination of the Methuen Construction Contract. The award to Apex noted that the electrical work would be at an additional cost once quotes were received from the contractors hired and paid by the City to evaluate the remaining scope and submit cost quotes. Ewing was the lower of the two responding companies and this Change Order is for work to complete the electrical portion of the project.

The funds are available in the following Sewer CIP Account:

55026020-772000-20571 = $166,533.44

If you have any question, please call, if not please pass on to the City Manager for signature. Please return document to me at the DPW for Distribution

_____
(Katie Ambrose, Deputy City Manager/ Director of Finance & Administration)

*City of Rochester, New Hampshire*
PUBLIC WORKS DEPARTMENT
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(603) 332-4096
www.RochesterNH.net

## INTEROFFICE MEMORANDUM

**TO:** **BLAINE COX, CITY MANAGER**
**KATIE AMBROSE, DEPUTY CITY MANAGER/DIRECTOR OF FINANCE & ADMIN**

**FROM:** **LISA J. CLARK, ADMINISTRATIVE SUPERVISOR** LJC

**DATE:** January 26, 2022

**SUBJECT:** Apex Construction, Inc
WWTP Aeration System Sidewall Blower Connection
Amount $145,137.00

**CC:** Peter C. Nourse, PE, Director of City Services
Michael S. Bezanson, PE City Engineer

---

Attached please find (1) one copy of the Apex Construction Notice of Award document for signature. Apex Construction, Inc. has submitted bid pricing to complete the Aeration Sidewall Blower Connection project previously awarded to Renew Mechanical. Renew Mechanical has defaulted on the original contract and the City's Legal Department will be seeking reimbursement for the additional fees associated with contract completion. Apex Construction was 2nd lowest bidder on original bid, and lowest on recent cost quotes sought to complete the project.

The funds are available in the following Sewer CIP Account & Sewer Fund O&M:

55026020-772000-18537 = $117,035.00
52602074-533000 - $28,102.00

If you have any question, please call, if not please pass on to the City Manager for signature. Please return document to me at the DPW for Distribution

_____
(Katie Ambrose, Deputy City Manager/ Director of Finance & Administration)

*City of Rochester, New Hampshire*
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## INTEROFFICE MEMORANDUM

**TO:** **BLAINE COX, CITY MANAGER**
**KATIE AMBROSE, DEPUTY CITY MANAGER/DIRECTOR OF FINANCE & ADMIN**

**FROM:** **LISA J. CLARK, ADMINISTRATIVE SUPERVISOR** LJC

**DATE:** January 26, 2022

**SUBJECT:** SUR Construction
Katie Lane Stormwater Watershed Improvements
Amount $40,061.10

**CC:** Peter C. Nourse, PE, Director of City Services
Michael S. Bezanson, PE City Engineer

---

Attached please find (1) one copy of the SUR Construction Company estimate/ scope of service for signature. SUR is the Emergency Service & Construction Contractor per pricing for time and materials in Bid #21-35, which is good through 12/31/2022. This work is for Katie Lane / Portland Street Stormwater / Water Shed Improvement and is associate with the MS-4 Storm Water Compliance initiatives. .

The funds are available in the following General Fund Storm Water / EPA MS4 Accounts:

15013010-771000-21521 – $4,206.73
15013010-771000-22530 - $35,854.37

If you have any question, please call, if not please pass on to the City Manager for signature. Please return document to me at the DPW for Distribution

_____
(Katie Ambrose, Deputy City Manager/ Director of Finance & Administration)

*City of Rochester, New Hampshire*
PUBLIC WORKS DEPARTMENT
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## INTEROFFICE MEMORANDUM

**TO:** **Katie Ambrose, Deputy City Manager**

**Blaine Cox, City Manager**

**FROM:** **Ronda Boisvert, Administrative Assistant II**

**DATE:** February 3, 2022

**SUBJECT:** State of NH Dept. of Health and Human Services
Community Center Lease Agreement

---

Attached please find the renewal Lease for the State of NH Dept. of Health and Human Services leased space at the Community Center. Per City Council approval given at the 2/1/2022 Regular City Council meeting. The lease rent has increased with this agreement, the annual amount was $293,600.04 and the new annual amount is $302,217.60.

1. Please initial and date each page
2. Please sign page 14
3. Notarize

If you have any questions, please call, if not please pass on to the City Manager for signature. Please return document to DPW for distribution.
***NOTE this does require an in person Notary Signature.***

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www.RochesterNH.net

## INTEROFFICE MEMORANDUM

**TO:** **BLAINE COX, CITY MANAGER**
**KATIE AMBROSE, DEPUTY CITY MANAGER/DIRECTOR OF FINANCE & ADMIN**

**FROM:** **LISA J. CLARK, ADMINISTRATIVE SUPERVISOR** LJC

**DATE:** February 10, 2022

**SUBJECT:** SUR Construction
Demolition – 58 Hanson Street $58,617.00
Underground Storage Tank Removal (UTS) $15,684.00
Total $73,301.00

**CC:** Peter C. Nourse, PE, Director of City Services
Michael S. Bezanson, PE City Engineer
Michael Scala, Economic Development Director

---

Attached please find (1) one copy each of the (2) SUR Construction Company estimate/ scope of service for signature. SUR is the Emergency Service & Construction Contractor per pricing for time and materials in Bid #21-35, which is good through 12/31/2022. The first scope of work is for the demolition of the building at 58 Hanson Street, $58,617 and the second is for removal of the Underground Storage Tank at same location, $15,684. The total Purchase order amount will be $73,301.00.

The funds available for this project are in the following account:

15013010-771000-18547 - SUR $73,301.00

If you have any question, please call, if not please pass on to the City Manager for signature. Please return document to me at the DPW for Distribution

_____
(Katie Ambrose, Deputy City Manager/ Director of Finance & Administration)

*City of Rochester, New Hampshire*
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## INTEROFFICE MEMORANDUM

**TO:** **BLAINE COX, CITY MANAGER**
**KATIE AMBROSE, DEPUTY CITY MANAGER/DIRECTOR OF FINANCE & ADMIN**

**FROM:** **LISA J. CLARK, ADMINISTRATIVE SUPERVISOR** LJC

**DATE:** February 14, 2022

**SUBJECT:** SUR Construction
GSBP – Public Infrastructure – Innovation Drive
Additional Work Unforeseen Conditions
Amount $42,239.00

**CC:** Peter C. Nourse, PE, Director of City Services

---

Attached please find (1) one copy of the SUR Construction Company estimate/ scope of service for City Manager signature. This additional site work at Granite State Business Park (GSBP) on Innovation Drive is to be completed in advance of the Prep Partners Project. The pricing is per the Contracted Services Bid 21-35 good through 12/31/2022. The additional funds for this scope of work were approved at the February 1, 2022 City Council meeting

The funds are available from the GSBP / Innovation Drive - Land Improvement Account:

60963010-771000-21559 = $42,000
11012351-534006 = $239

If you have any question, please call, if not please pass on to the City Manager for signature. Please return document to me at the DPW for Distribution

(Katie Ambrose, Deputy City Manager/ Director of Finance & Administration)

# City of Rochester, New Hampshire

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## INTEROFFICE MEMORANDUM

**TO:** Blaine Cox, City Manager
Katie Ambrose, Deputy City Manager/ Director of Finance & Administration

**FROM:** Michael Bezanson, PE, City Engineer MSB

**DATE:** February 18, 2022

**SUBJECT:** **WWTF Carbon Storage & Feed Building Construction Phase Services Contract**

**CC:** Peter Nourse, PE, Director of City Services

---

Attached is one (1) original Task Order for Construction Phase Engineering Professional Services for the construction of the WWTF Carbon Storage & Feed Building project. This Task Order No. 36 is an agreement between the City and Brown and Caldwell for construction administration, materials testing, and resident project representative services in the amount $587,000.00. Funds are available for this contract in the following account line:

- Sewer Fund CIP account line: 55026020-772000-20571

Katie - If you have any questions, please let me know. If not, please sign below and pass on to the City Manager for signature. The signed original of this contract should be returned to DPW for distribution. Thank you.

Signature_____

Katie Ambrose
Deputy City Manager/ Director of Finance & Administration

Attachment: Brown & Caldwell Construction Phase Services Task Order No. 36

Date: February 1, 2022

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2022 CDBG Environmental Reviews – CAP Weatherization Environmental Review

Please see attached the completed FY 2022 Community Development Block Grant (CDBG) environmental review for the replacement of a heating system in a manufactured home located in the northwestern region of the city. The City Council approved funding to the CAP weatherization program at the May 4, 2021 City Council meeting.

The environmental review requires the signature of the City Manager as the authorized official for the City of Rochester. Thank you very much, and please contact Julian with any questions or concerns.

Date: February 2, 2022

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2022 CDBG Environmental Reviews – CAP Weatherization Environmental Reviews

Please see attached the completed Community Development Block Grant (CDBG) environmental reviews for (1) a new lead remediation project for a duplex home located in East Rochester and (2) the COVID-19 pandemic social services activities to be conducted by Waypoint NH, My Friend's Place, and the Homeless Center for Strafford County. The City Council approved funding for these activities at the February 2, 2022 City Council meeting.

The environmental reviews require the signature of the City Manager as the authorized official for the City of Rochester. Thank you very much, and please contact Julian with any questions or concerns.

Date: February 15, 2022

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2022 CDBG Environmental Reviews – CAP Weatherization Environmental Review

Please see attached the completed FY 2022 Community Development Block Grant (CDBG) environmental review for the repair of an electrical system in a mobile home located in the southern region of the city. The City Council approved funding to the CAP weatherization program at the May 4, 2021 City Council meeting.

The environmental review requires the signature of the City Manager as the authorized official for the City of Rochester. Thank you very much, and please contact Julian with any questions or concerns.

Date: February 16, 2022

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: FY 2022 CDBG-CV Contract – Waypoint NH

Please see attached the signed copy of the FY 2022 Community Development Block Grant (CDBG) CARES Act contract between the City of Rochester and Waypoint NH. City Council approved funding for this activity at the February 1, 2022 City Council meeting.

The contract requires the signature of the City Manager and the signature of a witness. The contract has been reviewed and approved by the Community Development Coordinator.

Thank you very much. Please contact Julian with any questions or concerns.

Date: February 17, 2022

To: Blaine Cox
City Manager

From: Julian Long
Community Development Coordinator/Grants Manager

Re: Request for Signature on Fair Housing Certification

Please see attached the fair housing activity certification form. It is required by the NH Community Development Finance Authority as part of the Gafney Home affordable housing project grant. The certification requires the signature of the City Manager as the authorized official.

Thank you very much. Please contact Julian with any questions or concerns.

# *City of Rochester, New Hampshire*

Finance Office

31 Wakefield Street • Rochester, NH 03867-1917

(603) 335-7609 Fax (603) 332-7589


MEMO

TO: Blaine Cox

FROM: Katie Ambrose, Deputy City Manager/Director of Finance & Administration

DATE: January 27, 2022

RE: CAI Technologies – Tax Map Maintenance Proposal

---

Attached please find the annual agreement with CAI Technologies for tax map maintenance. The proposal is consistent with last year's agreement with the exception of a $300 annual increase. This pricing is acceptable based on the increase in map changes due to new parcel development.

Feel free to let me know if you have any questions. If you concur, please sign and return to my attention for distribution.

_____

Katie Ambrose

Deputy City Manager/Director of Finance & Administration

Enclosures: Tax Map Maintenance Proposal for the City of Rochester, NH

*City of Rochester, New Hampshire*
INFORMATION TECHNOLOGY SERVICES
31 Wakefield St • Rochester, NH 03867
www.rochesternh.net

## INTEROFFICE MEMORANDUM

**TO:** Blaine City Manager
Katie Ambrose, Finance Director

**FROM:** Elizabeth Green, Executive Secretary

**DATE:** February 3, 2022

**SUBJECT:** CentralSquare – Actian Software for PD MDTs- $500.00

**CC:**

Attached please find one copy of the Central Square, Actian software licensing proposal. The work described in this scope of services is for the PD Cruiser tablets.

There is sufficient funding in the Software account 565000.

If you have any questions, please let me know. If not, please sign and pass on to the City Manager for signature. This document should be returned to Andrew Watkins for distribution.

Signature_____

Katie Ambrose, Finance Director

*City of Rochester, New Hampshire*
23 Wakefield Street . Rochester, NH 03867
603-330-7128
www.rochesterpd.org

## INTEROFFICE MEMORANDUM

**TO: CITY MANAGER BLAINE COX, FINANCE DIRECTOR KATIE AMBROSE**

**FROM: CHIEF GARY BOUDREAU**

**DATE: 2/7/22**

**SUBJECT: ANIMAL SHELTER AGREEMENT**

**CC:**

---

As part of normal operations of the animal control officer and police officers, we are often called to catch stray animals, mostly dogs and cats throughout the city. In most cases, we are able to reunite the animal with their owners rather quickly. In certain cases if an owner cannot be located or if the need arises in an animal cruelty case we need extended shelter/care for an animal we need house the said animal at a facility. During my entire career, we have exclusively utilized the Rochester Veterinary Clinic who work with us without any type of contract. Unfortunately, Dr. Moon is no longer able to provide services after hours and on weekends to care for the animals at this time.

ACO Paradis has checked with the other veterinarian facilities in the city and they are unable to provide services on the weekends.

Like many of the other municipalities, we are now turning to Pope Memorial Humane Society to provide these services to us after hours. As part of working with them, they require an agreement to lay out the terms.

Funds to cover required services as needed are paid from our animal boarding line (12010053-533011) in our O&M budget.

*City of Rochester, New Hampshire*
23 Wakefield Street . Rochester, NH 03867
603-330-7128
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**INTEROFFICE MEMORANDUM**

**TO: CITY MANAGER BLAINE COX, FINANCE DIRECTOR KATIE AMBROSE**

**FROM: CHIEF GARY BOUDREAU**

**DATE: February 14, 2022**

**SUBJECT: NH Department of Safety Body Worn and Dashboard Camera Grant**

**CC:**

---

Please see the attached request for approval to apply for the NH Department of Safety Body Worn and Dashboard Camera Grant to help offset the costs to our body worn camera program we are starting. Awards are capped at no more than $50,000 per applicant and can only cover 50% of the costs of a program. Applications are due March 15, 2022 at noon.

| DEPT | NAME | POSITION | # of Employees | FT | PT | SEASONAL/TEMP | NEW HIRE | REHIRE | RETIREMENT | SEPARATED | STEP (CBA) | COLA (CBA) | MERIT PAY ADJ | NU PAY ADJ | PAY ADJ | PROMOTION | OTHER | MISC. INFO |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| ASSESSING | LEONA ALAMEDA | ADMINISTRATIVE TECHNICIAN II | 1 | X | | | | | | | X | | | | | | | ANNIVERSARY DATE 02/10/2014 |
| ASSESSING | SUSAN SERINO | ASSESSOR II | 1 | X | | | | | | X | | | | | | | | |
| COMMUNICATIONS | TIFFANY PEARCE | COMMUNICATIONS SPECIALIST | 1 | X | | | | | | | X | | | | | | | ANNIVERSARY DATE 11/07/2016 |
| DPW | JOSHUA STONE | MEDIUM EQUIPMENT OPERATOR | 1 | X | | | | | | X | | | | | | | | |
| DPW | KENNETH BRIAND | LIGHT EQUIPMENT OPERATOR | 1 | X | | | | | | X | | | | | | | | |
| FINANCE | ANN ARSENAULT | ACCOUNTANT I | 1 | X | | | | | | | | | | | | | X | 2% LUMP SUM |
| FIRE | JOHN BOODEY | FIREFIGHTER | 1 | X | | | | | | | X | | | | | | | ANNIVERSARY DATE 01/18/2021 |
| FIRE | MICHAEL GEORGE | FIRE CAPTAIN | 1 | X | | | | | | | X | | | | | | | PROMOTION DATE 02/01/2018 |
| FIRE | KEVIN BANKS | FIREFIGHTER | 1 | X | | | | | | | | | | | | | X | RETURN MILITARY DEPLOYMENT |
| FIRE | JOSEPH RILEY | FIREFIGHTER | 1 | X | | | | | | | | | | | | | X | RETURN MILITARY DEPLOYMENT |
| FIRE | MICAH RUEL | FIRE LIEUTENANT | 1 | X | | | | | | | X | | | | | | | PROMOTION DATE 02/10/2021 |
| HUMAN RESOURCES | KAY SNYDER | PR/HR SPECIALIST | 1 | X | | | | | | | X | | | | | | | PROMOTION DATE 01/06/2003 |
| IT | ANDREW WATKINS | DEPUTY CIO | 1 | X | | | | | | | X | | | | | | | PROMOTION DATE 10/25/2020 |
| IT | IMELVA WILLIAMS | IT SUPPORT ASSISTANT | 1 | | | X | X | | | | | | | | | | | |
| LIBRARY | EMMA PERRY | LIBRARY PAGE | 1 | | X | | X | | | | | | | | | | | |
| LIBRARY | KATHY MALLAT | LIBRARY SUBSTITUTE | 1 | | | X | | | | X | | | | | | | | |
| LIBRARY | KELLY RATTE | LIBRARY SUBSTITUTE | 1 | | | X | | | | X | | | | | | | | |
| POLICE | MATTHEW KIMBALL | PATROL OFFICER | 1 | X | | | | | | | | | | | | | X | RETURN FROM MILITARY DEPLOYMENT |
| POLICE | ELIZABETH TURNER | PATROL SERGEANT | 1 | X | | | | | | | | | | | | | X | EDUCATIONAL INCENTIVE |
| POLICE | ELIZABETH TURNER | PATROL SERGEANT | 1 | X | | | | | | | X | | | | | | | PROMOTION DATE 02/28/2021 |
| POLICE | JOSEPH ROUSSEAU | PATROL OFFICER | 1 | X | | | | | | X | | | | | | | | |
| POLICE | CORY KROCHMAL | PATROL SERGEANT | 1 | X | | | | | | | X | | | | | | | PROMOTION DATE 02/28/2021 |
| POLICE | TIMOTHY RUMMO | PATROL OFFICER | 1 | X | | | | | | | | | | | | | X | RETURN MILITARY DEPLOYMENT |
| RECREATION | KENNETH BILLINGS | REFEREE | 1 | | | X | | X | | | | | | | | | | |
| TAX OFFICE | DEIRDRE ROAF | ADMINISTRATIVE TECHNICIAN I | 1 | | X | | X | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| **Vacant Full time**<br>Assistant City Engineer<br>Deputy Finance Director<br>Police Officer<br>Public Safety Communications<br>Senior Planner<br>Wastewater Pump Station Maintenance<br>MEO<br>Assessor II | **Vacant Part time**<br>School Crossing Guard<br>Evidence Tech<br>Administrative Tech II/ Police Department | | | | | | | | | | | | | | | | | Recruitment involves finding the right people for the City of Rochester. To ensure we maximaize our oppertunities involves finding the best people by using online platforms such as : Indeed, NHMA,our website, UNH and other NH College job boards, professional membership platforms, and networking. We continue to seek other outlets using internal posting and applicable social media platforms. Beyond the accessible outlets to advertise, it is important to work with hiring managers to assses the best oppertunity to engage with prospective candidates, this may take some networking with professional peers and job fairs. HR takes pride in the committment it takes to strategically plan and sucesfully recruit for the City of Rochester. Actively in process of interviewing Admin Tech II- Police Department, Police Officers- Police Department, and Communications- Police Department |

Appointments Committee Minutes
February 15, 2022
City Hall Chambers – Conference Room
5:30 PM

**Committee Members Present**
James Gray, Chair
Laura Hainey, Vice Chair
Dana Berlin
Ashley Desrochers (Arrived at 5:35 PM)
Amy Malone
Mayor Paul Callaghan

**Others present:**
Councilor Rice
Councilor Larochelle
Councilor Hamann

Minutes

The meeting was called to order at 5:30 PM on February 15, 2022.

The Chair made a motion to go into non-public session per RSA 91-A:3 II(c) under reputation, seconded by Vice Chair Hainey. The **MOTION CARRIED** by a unanimous roll call vote with Councilors Hainey, Berlin, Malone, and Gray voting in favor (Councilor Desrochers arrived after the vote was taken). The Committee entered non-public session at 5:33 PM.

After a brief discussion of the process to be used, including assurance that the statements of interest would be included in the meeting minutes, the following individuals were interviewed and answered questions about their statement of interest:

| | |
|---|---|
| James Hayden - | Planning Board, Alternate Member |
| Tim Jones - | Economic Development Commission, Regular Member |
| James Connor - | Historic District Commission Alternate Member and Zoning Board of Adjustments Alternate Member |

Mr. Jones is the Chief Executive Officer at Frisbie Memorial Hospital. He described relevant background information.

The committee also reviewed the following statements of interest:
Samantha Gee - Ward 2 Library Trustee, Regular Member re-appointment
Susan Rice - Planning Board
David Walker - Planning Board
Keith Fitts - Planning Board
Matthew Richardson - Planning Board
Michael McQuade - Planning Board

Councilor Desrochers **MOVED** to come out of non-public session at 6:15 PM. Seconded by Councilor Malone. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Berlin **MOVED** to recommend Susan Rice and Keith Fitts as regular members of the Planning Board with terms to expire 1/2/2024 and 1/2/2023 respectively, Seconded by Councilor Malone. The **MOTION CARRIED** by a majority vote of 4 - 2 for Susan Rice (term to expire 1/2/2024) and a vote of 5 – 1 for Keith Fitts (term to expire 1/2/2023).

Vice Chair Hainey **MOVED** to recommend James Connor as an alternate member of the Historic District Commission with a term to expire 1/2/2025. Seconded by Councilor Malone. The **MOTION CARRIED** by a unanimous vote of 6 – 0

Councilor Berlin **MOVED** to recommend Tim Jones as a regular member of the Economic Development Commission with a term to expire 1/2/2023. Seconded by Vice Chair Hainey. Councilor Rice stated that he had contacted the City Attorney and the Attorney confirmed that one additional member of the Economic Development Commission can reside outside of the City. The **MOTION CARRIED** by a majority vote of 5 - 1.

Vice Chair Hainey **MOVED** to recommend Samantha Gee as the regular member of the Library Trustees for ward 2, with a term to expire 1/2/2025. Councilor Malone seconded the motion. The **MOTION CARRIED** by a unanimous vote of 6-0.

Councilor Gray **MOVED** to **RECESS** the Appointments Committee Meeting at 6:28 PM. Councilor Hainey seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

The Committee reconvened to continue discussions at 8:45 PM following the adjournment of the City Council Workshop meeting. Councilor Desrochers and Mayor Callaghan were excused.

Councilor Berlin **MOVED** to recommend to the Council the following appointments to the Planning Board as alternate members, seconded by Councilor Malone.

James Hayden, *term to expire 1/2/2025*
Michael McQuade, *term to expire 1/2/2023*
Matthew Richardson, *term to expire 1/2/2024*
David Walker, *term to expire 1/2/2025*

The **MOTION CARRIED** by a unanimous vote of 4 – 0.

Councilor Berlin **MOVED** to recommend James Connor as a Zoning Board of Adjustments Alternate Member with a term to expire 1/2/2024. Seconded by Councilor Malone. The **MOTION CARRIED** by a unanimous vote of 4 – 0.

Councilor Gray **ADJOURNED** the Appointments Committee meeting at 9:06 PM.

Respectfully submitted,

James Gray, Chair

City of Rochester, New Hampshire
**OFFICE OF THE CITY CLERK**
31 Wakefield Street • Rochester, NH 03867
FAX (603) 509-1915 PHONE (603) 332-2130

**STATEMENT OF INTEREST**
**BOARD AND COMMISSION MEMBERSHIP**

**POSITION DESIRED:** Planning Board

NEW X RE-APPOINTMENT _____ REGULAR X ALTERNATE _____

NAME: Susan J. Rice

STREET ADDRESS: 159 Ten Rod Road

ZIP 03867

TELEPHONE:(H) _____ (W) 234-3991 E-MAIL ricesusanj@yahoo.com

**REGISTERED VOTER:** (CIRCLE ONE) YES ✓ NO _____ **WARD** 5

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

I understand that: (1) this application will be presented to the Rochester City Council only for the position specified above and not for subsequent vacancies on the same board; (2) the Mayor and/or City Council may nominate someone who has not filed a similar application; and (3) this application will be available for public inspection.

I certify that I am 18 years of age or older: Susan J Rice

Susan J. Rice
159 Ten Rod Road
Ward 5

Professional Work Experience

Atkinson, NH Planning Board/Board of Adjustment 2 years-Secretary*

Newton, NH Planning Board 7 years Administrative Assistant

Sandown, NH Planning Board 17 years Administrative/Planner*

Sandown, NH Board of Adjustment

East Kingston, NH Planning Board 2 years Administrative

East Kingston, NH Board of Adjustment

*Court Cases/Assisted

Lewis Builders v. Town of Atkinson, NH

"Numerous Builders" v. Town of Sandown, NH

(Growth Management/Building Permit/Impact Fees)

Personal/Professional

Administrative work with area southern NH builders completing various projects in the planning process as well as residential/commercial construction. Property Management and land use development projects.

Elective Offices Held

Newton, NH Library Trustee, Cemetery Trustee, Supervisor of the Checklist

Volunteer Municipal

Newton, NH Conservation Commission

Current

President of Bartlettyarns, Inc.; celebrating 200 years in the woolen yarn business.

City of Rochester, New Hampshire
**OFFICE OF THE CITY CLERK**
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**STATEMENT OF INTEREST**
**BOARD AND COMMISSION MEMBERSHIP**

**POSITION DESIRED:** Planning Board

NEW _____ RE-APPOINTMENT_____ REGULAR X ALTERNATE _____

NAME: Keith Fitts

STREET ADDRESS: 14 Eisenhower Dr

ZIP 03867

TELEPHONE:(H) 774-766-2367 (W)_____ E-MAIL kfitts96@gmail.com

**REGISTERED VOTER:** (CIRCLE ONE) YES X NO _____ **WARD** 4

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

Currently a planning board alternate looking to become a regular member.

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I certify that I am 18 years of age or older: Keith Fitts

City of Rochester, New Hampshire
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**STATEMENT OF INTEREST**
**BOARD AND COMMISSION MEMBERSHIP**

**POSITION DESIRED:** Planning Board

NEW _____ RE-APPOINTMENT _____ REGULAR _____ ALTERNATE x

NAME: James Hayden

STREET ADDRESS: 10 Eisenhower Drive

ZIP 03867

TELEPHONE:(H) _____ (W) 603-953-3049 E-MAIL jamesfhayden@gmail.com

**REGISTERED VOTER:** (CIRCLE ONE) YES x NO _____ **WARD** 4

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

I work for an engineering & surveying firm as a project manager and engineering technician. I currently serve as a member on the Rochester Zoning Board and wish to further my service to the City. I believe that my experience in land development will be a great asset for the Planning Board

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.
N/A

I understand that: (1) this application will be presented to the Rochester City Council only for the position specified above and not for subsequent vacancies on the same board; (2) the Mayor and/or City Council may nominate someone who has not filed a similar application; and (3) this application will be available for public inspection.

I certify that I am 18 years of age or older: Yes

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**STATEMENT OF INTEREST**
**BOARD AND COMMISSION MEMBERSHIP**

**POSITION DESIRED:** PLANNING BOARD

NEW X RE-APPOINTMENT ____ REGULAR X ALTERNATE ____

NAME: MICHAEL MCQUADE

STREET ADDRESS: 2 ASHWOOD DR. ROCHESTER NH.

ZIP 03867

TELEPHONE:(H) 603-970-3715 (W) ____ E-MAIL MVRB@METROCAST.NET

**REGISTERED VOTER:** (CIRCLE ONE) YES X NO ____ **WARD** 6

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

SEE ATTACHED

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

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I certify that I am 18 years of age or older: [signature]

FROM THE DESK OF

# MICHAEL MCQUADE

December 8, 2021

City of Rochester
31 Wakefield St
Rochester, NH 03867

Letter of Interest for City of Rochester Planning Board

Honorable Mayor:

I would like to formally submit interest of consideration for an appointment to the City Planning Board

I have been a Rochester resident from 1983-1986 and again from1993 to present. I am a graduate of Spaulding High School and served 10 years as a Police Officer with the Rochester Police Department. I have recently retired as a Lieutenant with the New Hampshire State Police after serving 18 years as a Trooper.

Throughout my career, I have represented the Rochester Police Department and the Division of State Police in many community functions and understand the importance of this role along with embracing this role and commitment to the community.

If selected for this position, I will provide an unbiased review of all matters brought before the board and vote in what I believe to be the best interest of the City.

Respectfully submitted

Michael J. McQuade

2 Ashwood Drive

Rochester, NH 03867

(603) 978-3715

City of Rochester, New Hampshire
**OFFICE OF THE CITY CLERK**
31 Wakefield Street • Rochester, NH 03867
FAX (603) 509-1915 PHONE (603) 332-2130

**STATEMENT OF INTEREST**
**BOARD AND COMMISSION MEMBERSHIP**

**POSITION DESIRED:** Planning Board

NEW ✓ RE-APPOINTMENT _____ REGULAR _____ ALTERNATE _____

NAME: Matthew Richardson

STREET ADDRESS: 15 Spruce St. Rochester NH

ZIP 03867

TELEPHONE:(H) 603-833-1044 (W) 603-330-9899 E-MAIL matt@lowbudgetauto.net

**REGISTERED VOTER:** (CIRCLE ONE) YES _____ NO _____ **WARD** 6

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

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I certify that I am 18 years of age or older: _____

City of Rochester, New Hampshire
**OFFICE OF THE CITY CLERK**
31 Wakefield Street • Rochester, NH 03867
FAX (603) 509-1915 PHONE (603) 332-2130

RECEIVED
NOV 12 2021
CITY CLERK'S OFFICE
ROCHESTER, NH

**STATEMENT OF INTEREST**
**BOARD AND COMMISSION MEMBERSHIP**

**POSITION DESIRED:** Planning Board

NEW _____ RE-APPOINTMENT _____ REGULAR ✓ ALTERNATE _____

NAME: David Walker

STREET ADDRESS: 34 Brook ST

ZIP 03867

TELEPHONE:(H) 335.2878 (W) _____ E-MAIL dmwalker@metrocast.net

**REGISTERED VOTER:** (CIRCLE ONE) YES ✓ NO _____ **WARD** 4

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

10 years prior board member as Council Rep.
Would like appointment as Regular Member
Familiar with Zoning Regulations
20 years City Council experience

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

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I certify that I am 18 years of age or older: D Walker

RECEIVED
NOV 10 2021
CITY CLERK'S OFFICE
ROCHESTER, NH

City of Rochester, New Hampshire
**OFFICE OF THE CITY CLERK**
31 Wakefield Street • Rochester, NH 03867
FAX (603) 509-1915 PHONE (603) 332-2130

**STATEMENT OF INTEREST**
**BOARD AND COMMISSION MEMBERSHIP**

**POSITION DESIRED:** Historis District Commission

NEW X RE-APPOINTMENT ____ REGULAR ____ ALTERNATE X

NAME: James Connor

STREET ADDRESS: 11 Gagne Street, Rochester, NH.

ZIP 03867

TELEPHONE:(H) 603-834-5427 (W) ____ E-MAIL Jungle@metrocast.net

**REGISTERED VOTER:** (CIRCLE ONE) YES ____ NO ____ **WARD** 4

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

I would like to help preserve the beauty of Rochester and maintain the Architectural look of our City buildings.

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

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I certify that I am 18 years of age or older: James Connor

RECEIVED
NOV 10 2021
CITY CLERK'S OFFICE
ROCHESTER, NH

City of Rochester, New Hampshire
**OFFICE OF THE CITY CLERK**
31 Wakefield Street • Rochester, NH 03867
FAX (603) 509-1915 PHONE (603) 332-2130

**STATEMENT OF INTEREST**
**BOARD AND COMMISSION MEMBERSHIP**

**POSITION DESIRED:** Zoning Board of Adjustment

NEW X RE-APPOINTMENT ____ REGULAR X ALTERNATE ____

NAME: James Connor

STREET ADDRESS: 11 Gagne Street Rochester, NH

ZIP 03867

TELEPHONE:(H) 603-874 5427 (W) ____ E-MAIL Jungle@metrocast.net

**REGISTERED VOTER:** (CIRCLE ONE) YES ____ NO ____ **WARD** 4

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

I would like to be part of bring businesses and residents into Rochester. To hold Rochester to grow into a greater city.

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

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I certify that I am 18 years of age or older: James Connor

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**STATEMENT OF INTEREST**
**BOARD AND COMMISSION MEMBERSHIP**

**POSITION DESIRED:** Rochester Economic Development Commission Board Member

NEW ✓ RE-APPOINTMENT _____ REGULAR _____ ALTERNATE _____

NAME: Timothy Jones

STREET ADDRESS: 201 Cocheco Court Dover, NH 03820

ZIP 03820

TELEPHONE:(H) 508 494 4280 E-MAIL timothy.jones3@hcahealthcare.com

**REGISTERED VOTER:** (CIRCLE ONE) YES _____ NO ✓ **WARD** _____

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

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I certify that I am 18 years of age or older: _____

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**STATEMENT OF INTEREST**
**BOARD AND COMMISSION MEMBERSHIP**

**POSITION DESIRED:** Library Trustee

NEW _____ RE-APPOINTMENT ✓ REGULAR _____ ALTERNATE _____

NAME: Samantha Gee

STREET ADDRESS: 11 Hillcrest Dr. Rochester, NH

ZIP 03867

TELEPHONE:(H) 973-2520 (W) 332-6487 E-MAIL smerchant913@gmail.com

**REGISTERED VOTER:** (CIRCLE ONE) YES ✓ NO _____ **WARD** 2

Statement of Interest/Experience/Background/Qualifications, Etc. (This section need not be completed, but any information provided will be given to all City Councilors and will be available for public inspection). (Additional sheets/information may be attached, if desired; please do not write on the back of this form.)

If this is an application for reappointment to a position, please list all training sessions you have attended relative to your appointed position.

I joined the board in 2021. I plan to attend upcoming training through United for Libraries this spring.

I understand that: (1) this application will be presented to the Rochester City Council only for the position specified above and not for subsequent vacancies on the same board; (2) the Mayor and/or City Council may nominate someone who has not filed a similar application; and (3) this application will be available for public inspection.

I certify that I am 18 years of age or older: Samantha A. Gee

**Codes and Ordinances Committee**
Councilor Peter Lachapelle, Chair
Councilor Skip Gilman
Councilor Ashley Desrochers
Councilor Steve Beaudoin
Councilor Tim Fontneau (excused)

**Others Present**
Mayor Paul Callaghan
Terence O'Rourke, City Attorney
City Councilor Chris Rice
City Councilor John Larochelle
City Councilor Don Hamann
Jenn Marsh, Asst. Director of Economic Development
Robert Benoit, Mitchell Hill BBQ
Marc Saxby, Collectiques

**CODES AND ORDINANCES COMMITTEE**
Of the Rochester City Council
**Thursday, February 3, 2022**
**Council Chambers**
**6:00 PM**

**Minutes**

## 1. Call to Order

Chair Lachapelle called the Codes & Ordinances meeting to order at 6:00 PM. Deputy City Clerk Cassie Givara took a silent roll call. All Councilors were present except for Councilor Fontneau, who was excused. Additionally, Mayor Callaghan, Councilor Larochelle, and Councilor Rice were present.

## 2. Public Input

Robert Benoit, owner of Mitchell Hill BBQ, addressed the Committee in regards to outdoor dining. Mr. Benoit spoke about the amount of money his business spent in order to accommodate comfortable and safe outdoor dining for patrons. He spoke in support of extending or making permanent the provisions which had been put into place by the City to allow outdoor dining in front of establishments.

Marc Saxby, owner of Collectiques, spoke in support of the permanent establishment of outdoor dining. He suggested that the removal of the trees lining the street downtown would allow plenty of room for sidewalk dining in addition to room for pedestrians and ADA

compliance.

Chair Lachapelle stated that he supported outdoor dining downtown and outlined the process which could be taken with the suggestions made this evening.

Councilor Rice spoke about the countless hours of work and discussion which had gone into the outdoor dining ordinance; both by City Staff and and the Codes & Ordinances Committee over the past couple years. He agreed that outdoor dining brings charm and vibrancy to the downtown area and emphasized the need to continue the discussion on the issue.

**3. Acceptance of the Minutes**

**3.1 December 2, 2021** ***motion to approve***

Councilor Beaudoin **MOVED** to accept the minutes of the December 2, 2022 Codes & Ordinances Committee meeting. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**4. Discussion: Chapter 80 – Outdoor Dining ordinance**

Jenn Marsh, Assistance Director of Economic Development, stated that she had reached out to the downtown businesses to get an idea of their outlook on outdoor dining and to inform them that it would be discussed at this meeting. Ms. Marsh gave an overview of the work that had taken place over the past several years in regards to outdoor dining. She stated that the majority of businesses wanted to continue with outdoor dining; however, some businesses had felt that outdoor dining utilizing the areas originally intended for parking spaces had been a lot of work and instead wanted to try using the sidewalks if possible. She stated that the dining within the parking spaces was something new that had come about due to COVID, however, there is nothing prohibiting its continuation. She reported that 28 restaurants, both those using public and private property, had taken part in outdoor dining since it began. Ms. Marsh clarified that private properties do not fall under this ordinance and they would instead need to submit project narratives and go through the process of a site review or City approval. She stated that the majority of other non-food related businesses downtown had been supportive of outdoor dining; although several had expressed concerns with patrons needing to walk longer distances to reach their establishments due to the dining areas taking up parking spaces.

Ms. Marsh stated that applications for outdoor dining are due by March 1st for staff review before going to the City Manager for approval.

Chair Lachapelle asked if any changes would be needed to the Outdoor Dining ordinance in order to allow a restaurant to place tables on the sidewalks. Ms. Marsh indicated that there would be no changes necessary to the ordinance to allow for this use. She did report, however, that the liquor commission would be doing inspections this year in addition to the existing City inspections.

Ms. Marsh summarized a couple things that could potentially be changed within the ordinance: She suggested that the definition of "barrier" be included. She also suggested that

there be clarification on the height restrictions of barriers. Currently in the ordinance, there is a minimum of 30" and a maximum of 36"; however, it could be clarified whether this height is for the barrier alone or if it could include decorative elements or planters along the top of said barriers. Ms. Marsh stated that City staff wanted to include a requirement for a special events permit for not only outdoor entertainment, but also for outdoor games in order for staff to be able to review these activities. She also stated that the Fire Department had given input that if there is outdoor dining on the sidewalks, there should not be allowance for open flames or heaters due to the limited space. Mayor Callaghan asked if it would be suggested that a business receive a special events permit each time they wanted to offer a game, such as corn hole, or if it would be a one-time application. Assistant Director Marsh said that with the outdoor entertainment, it had been suggested that the permit be applied for and issued monthly, and she said the outdoor games permit was envisioned in the same way. She stated that the special events permit application has no associated fees and is very simple to complete.

Chair Lachapelle asked Assistant Director Marsh if she would be able to bring recommendations back to the committee in regards to height requirements. He agreed with Mr. Saxby's comments during public input that there could be a special committee formed to evaluate the downtown for opportunity for improvements.

Councilor Beaudoin inquired about the requirement in the ordinance for a 5-foot radius of clear space in front of a restaurants front door as well as a 36" sidewalk width, and questioned if that would prohibit the placements of tables in front of establishments due to limited space. Ms. Marsh stated that her understanding of this stipulation was that it was a requirement in case of emergencies for entering and exiting the establishment unobstructed, as well as for handicap access; however, outside that radius, tables could be placed on the sidewalk. Councilor Beaudoin asked if "barriers" were defined within the document. Ms. Marsh said that there is mention of "enclosure systems" but they are not defined which should be rectified.

Councilor Desrochers spoke in support of accommodating the future of outdoor dining in Rochester and expressed interest in serving on the aforementioned committee.

Chair Lachapelle asked for clarification on the sidewalk width requirement and whether it was 36" as stated earlier, or if the law required 48". City Attorney O'Rourke indicated that the ordinance references the ADA requirements as opposed to a specific height, so that is the information which would be deferred to as needed. Councilor Rice read the ADA specifications for sidewalk dimensions.

Councilor Beaudoin referenced the 36" minimum height which had been discussed by Mr. Benoit during public input. He stated that in the City ordinances it requires a 36" *maximum* height. He suggested this be revised for clarity. Councilor Rice stated that the State liquor commission has requirements for enclosures and space surrounding outdoor dining areas, and these requirements would need to be written into the ordinance. Ms. Marsh reported that the ordinance does already include requirements to comply with State liquor licensing and food licensing. Councilor Rice reiterated that the City should ensure the correct measurements are listed within the ordinance to prevent any future issues.

**5. Review of the City Council Rules of Order**

City Attorney O'Rourke directed the Committee to the portion of the Rules of Order regarding remote participation. He stated that in the current format, there is quite a bit of technical language, but City staff had felt that there should be more practical direction for those needing to connect remotely. He stated that the portions which were suggested to be removed referenced entire sections of the State RSA, which would be followed without question because it is already the law and it is not necessary to state this within the Rules of Order.

Councilor Beaudoin directed the Committee to page 2, section C, subsection 1, which starts "with the exception of an emergency…" in regards to why a member may need to connect remotely and the time requirement for said member to notify the Chair. He stated that the term "emergency" is not defined and, the reasons given for connecting remotely, if considered emergencies, could be too broad. There was a discussion of the wording and it was clarified that members would need to notify the Committee Chair of an absence at least two days prior *except* in the case of an emergency. Attorney O'Rourke said that, if needed, the Chair could suspend the rules to allow any other exceptions.

Councilor Hamann asked if there was a limit to the number of members who would be able to connect remotely for any one meeting. Attorney O'Rourke stated that in the absence of a declared emergency, there would just need to be a quorum physically present; depending on the board or committee, there could be multiple members permitted to connect remotely.

Councilor Beaudoin referenced the use of the word "impractical" as used in subsection 6 and felt that it should be changed to "impracticable." Attorney O'Rourke stated that the State RSA uses the word "impractical" which is why it was used in the Rules of Order.

Councilor Desrochers suggested that there be a ninth permissible reason added to the list for remote connections, which would state "At the discretion of the Chair." Attorney O'Rourke said that using the verbiage "As determined by the Chair" would be keeping with the RSA and could be added as an additional reason if the Committee desires.

Chair Lachapelle asked for a motion to accept the changes and deletions of section 1.4 "Remote Participation during Council and Board Meetings." Councilor Desrochers **MOVED** to recommend the changes in section 1.4, as discussed above, to full Council. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Attorney O'Rourke directed the Committee to section 1.5 "Order of Business." He stated that in review of many other NH communities' order of business, there was not an agenda item for "other" and it does not seem to be defined anywhere to give direction on which items should be covered under this section. He suggested removing "other" from the order of business to eliminate the Chair of a committee needing to determine, without notice, the terms of what should be discussed under "other." He clarified that there is already a process in place for Committee member to add items to the agenda. This process should be followed for the sake of transparency and to avoid something substantive from being brought up without prior notice to allow other members and the public to attend and respond. Attorney O'Rourke said the more minor items such as school fundraisers and similar announcements, which occasionally occur under "other", could be brought up under "Communications from the City Manager" or

"Communications from the Mayor." Chair Lachapelle pointed out that if the item qualifies, it can also be submitted ahead of time to be placed under "Presentation of Petitions and Council Correspondence."

Councilor Beaudoin questioned the submission date for meeting materials, which is being moved from 7 days prior to a meeting to 11 days prior to the meeting, which would potentially make items being submitted for the agenda (which would have previously fallen under "other") more onerous. He felt it was a disservice to constituents, whose concerns voiced to a Councilor past the submission date, would need to wait until the next months' meeting to be addressed on the agenda. He also stated that in order to call for a Special Meeting and receive a 2/3 vote of Council, the time to do so would be under "other." Chair Lachapelle clarified that to call for a Special Meeting, the request would need to be submitted in writing to the City Clerk's office with signatures by a 2/3 majority of Council.

Chair Lachapelle stated that he felt that submitting items for the agenda instead of utilizing "other" would allow more adequate time to research the issue, confer with department heads, and potentially refer the item to an appropriate committee for review prior to coming to City Council. Councilor Beaudoin acknowledged that for motions requiring Council action, items could be raised under "New Business," however for discussion items there would not be opportunity if "other" were removed.

Attorney O'Rourke referenced section 4.1 "Agenda Preparation" which stipulates when submission would need to be received to appear on the agenda. He explained how other communities formatted their agendas to allow discussion items and action to be placed under the name of the Council member submitting the issue. This would allow supporting documentation to be disseminated for review prior to a meeting, which is not currently the case with items brought up without notice under "other."

Councilor Larochelle acknowledged that "other" is potentially used to air grievances and bring up items that could be addressed in a more efficient manner. He suggested that Councilors bring these discussions to the appropriate Committee meetings where there can be a more open dialogue, and at which time recommendations can be made to full Council. Mayor Callaghan stated that if there were last minute concerns or announcements, if he is notified prior to the meeting he would allow these items to be discussed under "Communications from the Mayor."

Councilor Rice stated that his understanding of "Council correspondence" is communications coming to Council from constituents or outside sources, not correspondence being conveyed by a Councilor. He suggested that item 8 in the order of business could be changed to "Presentation of Petition ~~and,~~ Council Correspondence, *and Announcements.*"

Councilor Hamann asked if the removal of "other" would be for subcommittees as well as City Council. Attorney O'Rourke indicated that subcommittees typically follow the Council Rules of Order. Councilor Hamann stated that at the Committee level, "Other" is utilized much more regularly, giving each member an opportunity to bring up items that may have been received from constituents and to open discussions. Attorney O'Rourke stated that each board and commission would have the ability to vote on their own order of business and maintain "other" if desired. Councilor Larochelle stated that the City Council would still be able to utilize

"other" if the rules were suspended and it received a 2/3 majority vote.

Councilor Beaudoin **MOVED** to recommend to full Council the removal of #14 "Other" under section 1.5 "Order of Business." Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Rice reiterated the potential of adding "Announcements" to order of business #8, "Presentation of Petition and Council Correspondence." It was clarified that, as proposed, any announcements could be approved by the mayor or city manager prior to the meeting and stated under their communications on the agenda.

Councilor Beaudoin referenced the fact that the agenda is being created 11 days prior to the meeting and asked, if he had an item which came up after the creation of the agenda, if it could be submitted to the Mayor to be handled under "Communications." Attorney O'Rourke said if the item required Council action, it would require a 2/3 majority vote to be added to the agenda. Otherwise, discussion items and announcements could be brought up by the Mayor or City Manager.

Attorney O'Rourke directed the Committee to section 4.1 "Agenda Preparation" and the change, referenced by Councilor Beaudoin earlier in the meeting, which will require agenda items to be submitted eleven days prior to the meeting as opposed to 7 days. It was explained that this proposed change was due to scheduling conflicts with members of the agenda settings committee. Councilor Rice suggested a change to have the agenda and packet distributed to Councilors seven days prior to the meeting as opposed to five days. He said that this would allow Councilors picking up paper versions of the packet from City Hall more time to obtain the packet and review. Chair Lachapelle and the City Attorney stated that the City Clerk's office is often waiting on department reports and other backup in order to complete and post the packet; it would likely not be plausible to complete the process any sooner. Councilor Rice stated that the City Manager could enforce these submission guidelines in order to rectify these delays. Mayor Callaghan stated that the City Manager is implementing a new uniform report format for some of the department's reports, and this may alleviate some of these delays. Attorney O'Rourke advised that, rather than voting changes into the Rules of Order regarding deadlines for submissions, this should be addressed by the Mayor and City Manager with City staff. If the policy is changed by the City Manager, these changes for the Rules of Order could potentially be voted on in the future. Councilor Rice questioned the requirement for Councilors to submit items 11 days prior to a meeting if they do not receive the packet until 5 days prior.

Councilor Desrochers referenced edits to the Rules of Order which had been submitted by a constituent, one of which asked for clarity on whether number of days when an item is due are calendar days or business days. Attorney O'Rourke stated that the way the law is written, "days" are presumed to be calendar days unless otherwise specified. Councilor Beaudoin **MOVED** to change the wording to "calendar days" in two sentences in section 4.1 "Agenda Preparation" and to change the meeting submission deadline from seven days to eleven days. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Attorney O'Rourke directed the Committee to section 4.12 "Ordinances and Resolutions."

He explained that the practice of the Council is to read resolutions by title only; rarely are they read in their entirety. The recommendation being made is that, in order for a resolution to be read in its entirety, there would need to be a motion and a 2/3 vote in order to do so. Otherwise the presumption would be that it is being read by title only. With this process, the Mayor would read the resolution title as it appears consecutively on the agenda without a motion to do so by Council. It would then be seconded by a Councilor and voted upon. Councilor Desrochers **MOVED** to recommend the addition of the paragraph to section 4.12 as detailed by the City Attorney above. Councilor Gilman seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Attorney O'Rourke recommended that section 4.13 "Codes and Ordinances Committee, Ordinance Enrollment" be removed in its entirety. He reported that this is not a process that has taken place for many years and detailed why it is no longer necessary to retain this verbiage. It was discussed how, with many of these changes, there would need to be revisions made to numbering and format. Councilor Desrochers **MOVED** to delete section 4.13 "Codes and Ordinances Committee, Ordinance Enrollment" in its entirety. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Chair Lachapelle directed the Committee to section 1.1 "Regular Meetings." He made a recommendation that the start time of the meetings be moved from 6:30 PM to 6:00 PM. He said that although there had been a request from a Councilor to move the start time later, to 7:00 PM, he felt that it would be more beneficial for City Staff facilitating and working at the meetings to have an earlier start after the end of their work day. Councilor Rice agreed that a 6:00 PM start was likely better for City staff and it could potentially alleviate late adjournments after longer meetings. Chair Lachapelle **MOVED** to recommend the revision to section 1.1 "Regular Meetings" to change the start time of meetings from 6:30 PM to 6:00 PM. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Councilor Beaudoin said that it was beneficial for Councilors to receive backup documentation for the non-public sessions; however, it would be better to receive these materials at the same time the Council receives the public meeting packet, 5 days prior to the meeting, in order to have adequate time to review and research. He read the following suggested verbiage for addition:

> "Non-public sessions shall be held in strict adherence to the requirements of NHRSA 91-A:3. Items being considered for action in a non-public session shall be submitted and dealt with in accordance with Council Rules of Order sections 4.1, 4.2, and 4.3. Therefore, any supporting documentation, contracts, or proposals being considered during non-public session shall be submitted to council members at least five days in advance of consideration. Such documentation shall be placed in a sealed envelope separate from the normal agenda and clearly marked "confidential material not for public disclosure." This requirement shall not apply to non-public session held for emergency actions pursuant to NH RSA 91-A:3, I (i)

It was discussed that the above section may need some additional editing, as the portions referencing the RSA are unnecessary because these laws are already followed. Additionally, it was stated that the verbiage should specify "calendar days" in this section as well. Attorney

O'Rourke suggested that this verbiage could be interspersed as the new section 1.3 "Non Public Session." Councilor Hamann stated that often times, non-public sessions are held to handle items requiring immediate action and may have only come up within a day or two prior to the meeting; therefore, there would be no way to distribute the materials 5 days in advance. Chair Lachapelle stated that, when needed, the Council could suspend the rules for these situations. Councilor Beaudoin **MOVED** to recommend the addition of a new section 1.3 as listed above. Councilor Desrochers seconded the motion. Councilor Larochelle expressed concern that if this requirement is put into place, the Council could potentially receive *less* information if City staff is rushing to gather materials to meet the deadline. Chair Lachapelle reiterated that there could be a suspension of the rules for urgent matters that need to be added past the submission deadline. Otherwise, if there is a known item for non-public session planned for the agenda, staff could adhere to these submission deadlines.

Councilor Beaudoin requested that the Deputy City Clerk re-read the passage so revisions and additions could be made to potentially rectify the concerns raised by Councilor Larochelle. Ms. Givara re-read the previously cited passage. Councilor Beaudoin suggested the following change: "Therefore, ~~any~~ all supporting documentation…." Councilor Larochelle asked if this change would preclude the Council from receiving a PDF version of the packet. Attorney O'Rourke stated that in use of the term "confidential," the definitions would apply regardless of the format of the packet. He further explained how the materials could be appropriately redacted if there were RSA 91:A requests for the associated matters. Councilor Larochelle suggested adding the verbiage "in a confidential manner" to the paragraph. Councilor Rice recommended the following revision: Such documentation shall be ~~placed in a sealed envelope separate from the normal agenda and~~ clearly marked "confidential communications ~~material~~ not for public disclosure." The complete changes appear below:

"~~Non-public sessions shall be held in strict adherence to the requirements of NHRSA 91-A:3.~~ Items being considered for action in a non-public session shall be submitted and dealt with in accordance with Council Rules of Order sections 4.1, 4.2, and 4.3. Therefore, all ~~any~~ supporting documentation, contracts, or proposals being considered during non-public session shall be submitted to council members at least five calendar days in advance of consideration. Such documentation shall ~~be placed in a sealed envelope separate from the normal agenda and clearly marked~~ distributed in a confidential manner ~~material~~ not for public disclosure." ~~This requirement shall not apply to non-public session held for emergency actions pursuant to NH RSA 91-A:3, I (i)~~

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

Councilor Beaudoin stated that Council does not formally accept their non-public meeting minutes. He requested a change to allow Council to review these minutes prior to a vote to release them to the public to ensure accuracy. Attorney O'Rourke summarized why certain meeting minutes are sealed and in which circumstances they may be released. He clarified that this is dictated by State RSA and stated that all the City's non-public meetings which are eligible to be unsealed have been unsealed. Attorney O'Rourke detailed the current process in place for Councilors to review the minutes prior to the vote to unseal.

Chair Lachapelle referenced recommended changes submitted by Councilor Gray, the first

of which is section 1.1 to change the meeting start time from 6:30 PM to 7:00 PM. It was determined that this had already been discussed earlier in the meeting and an alternate recommendation was made. Councilor Gray's second suggestion had been a rewrite of the remote meeting procedures, which had also been covered earlier in the meeting with recommendations from the City Attorney. Councilor Gray's final suggestion was a change to section 2.1 to "define decorum and include word about personal attacks being prohibited." Chair Lachapelle stated that there was a great deal of verbiage regarding definition of decorum in the Code of Ethics, which had been voted down by the previous Council. He cautioned against defining each individual aspect within the Rules of Order and stated that some of these terms are subjective, differing from member to member. Attorney O'Rourke agreed that this information was already included within the Code of Ethics which Committee members and City staff had worked on diligently. He stated that he would distribute a copy of the Code of Ethics to the current Codes and Ordinance Committee and City Council for review and potential recommendations for a future meeting. Councilor Beaudoin reiterated that "decorum" could be a subjective term and Robert's Rules allows for the Chair's discretion in determining and enforcing decorum.

Councilor Rice directed the Committee to section 4.19 "Functions of the Public Safety Committee" which currently reads "Functions shall include: Police, Fire, Parking, Traffic, Street Signs, Animal Control, and Public Health Services." He stated that he would like to add "and Ambulance Services" to the end of the sentence now that there is a contract with Frisbie and the City is receiving a quarterly report from them. He indicated that, as Public Safety Chair, he intends to review this report with the Committee and believes that review of ambulance services should be contained within the Rules of Order. Councilor Beaudoin agreed that having this verbiage in the Rules of Order would allow an appropriate committee for review if the City does opt to look into changing ambulance service in the future. Councilor Beaudoin **MOVED** to recommend the change outlined by Councilor Rice as follows: "Functions shall include: Police, Fire, Parking, Traffic, Street Signs, Animal Control, Public Health Services, and Ambulance Services." Councilor Gilman seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Chair Lachapelle referred the Committee to the document of edits which a constituent named Bill Elwell had submitted. He stated that the large majority of the edits were formatting and grammatical changes which did not need to be reviewed individually. Mr. Elwell had questioned the portion of section 1.2 regarding when the Mayor should be seated and call to order a Special meeting. Mr. Elwell felt this should be the same for a Regular meeting. Attorney O'Rourke clarified that there are potentially non-meetings or subcommittee meetings prior to a Regular meeting, and the Chair may not be able to be seated and call to order at an exact time.

Chair Lachapelle directed the Committee to Mr. Elwell's suggestion on section 1.6 "Public Hearings" subsection 4, regarding adding a five-minute time limitations on public speakers. There was a discussion in Committee regarding the legality of imposing a time limit on speakers. Councilor Larochelle recalled that he had formerly enacted the 5-minute limit during public input of workshops; however, he thought that there could not be limitations within a public hearing setting. Attorney O'Rourke stated that there is no such stipulation in the law that says someone addressing a committee can speak indefinitely; however, the consensus of the Committee was that there should not be time limits imposed on speakers at a public hearing,

regardless of how long they wished to speak and on how many items.

Attorney O'Rourke stated that if the Committee felt it was appropriate, the City Clerk's office could be given the authority to go through the document and make all grammatical and formatting issues within the document so the Committee will not have to spend time going over non-substantive changes. The Committee agreed.

Councilor Rice referenced a suggestion that had previously been raised which would allow a Committee Chair, in the absence of a quorum, to appoint a Council member who may be present at the meeting to sit in as a temporary voting member of said Committee. Chair Lachapelle said that he had initially agreed with that suggestion; however upon further thought he felt that it left room for malfeasance if a member or members potentially did not want to attend a meeting, or preferred a different board or committee to the one they had been appointed. He emphasized the importance for elected officials to perform their due diligence and give their best effort in attendance to serve the constituents who voted for them. Councilor Hamann agreed that allowing non-members to serve temporarily could cause unintended problems.

Councilor Larochelle questioned if the presence of the Mayor, as an ex officio voting member of a committee, would affect the number needed for a quorum; he questioned if the quorum would remain the same number even though the Mayor's presence increases the membership by one, thus potentially increasing the number needed for a quorum.

Councilor Beaudoin inquired if, in the instance of repeated absences from appointed boards/committees, if the Mayor would have the authority to remove and replace a member. Councilor Rice stated that according to Robert's Rules there would need to be a 2/3 majority vote to remove a member in a case of dereliction of duty. The Mayor has the authority to appoint, but not to remove.

**6. Other**

Chair Lachapelle asked for a sense of Committee on whether "other" should be retained on the Codes and Ordinances Committee agendas. Councilor Beaudoin **MOVED** to keep "other" in the Codes and Ordinances order of business moving forward. Councilor Desrochers seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

**7. Adjournment**

Councilor Beaudoin **MOVED** to **ADJOURN** the Codes and Ordinances Committee meeting at 7:50 PM. Councilor Gilman seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

Respectfully Submitted,

Cassie Givara
Deputy City Clerk

# ROCHESTER
# NEW HAMPSHIRE

# 2022~~0~~

# CITY COUNCIL

# RULES OF ORDER

# RULES OF ORDER
# OF THE CITY COUNCIL
# CITY OF ROCHESTER, NEW HAMPSHIRE

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**RULES OF ORDER OF THE**
**CITY COUNCIL**
**CITY OF ROCHESTER, NEW HAMPSHIRE**

# ARTICLE 1
# CITY COUNCIL MEETINGS

## SECTION 1.1 REGULAR MEETINGS

Regular meetings of the City Council shall be held in the Council Chamber in City Hall on the first Tuesday of each month, at ~~6:30~~6:00 o'clock PM, except when a state general election or a regular municipal election is held on said first Tuesday of the month of November. The November meeting date in the year in which a regular municipal election is conducted shall be the Wednesday following said municipal election, in accordance with Section 52 of the City Charter. The November meeting date in the year in which a state general election is conducted shall be the second Tuesday of that month, unless the City Council shall otherwise direct. The inaugural meeting date following the regular municipal election shall be the first Tuesday after January 1. If any such date shall fall upon a legal holiday or upon the day on which a special state or municipal election is conducted the City Council shall vote to conduct said meeting on the day following or on the Tuesday following that holiday or Election Day.

## SECTION 1.2 SPECIAL MEETINGS

The City Clerk shall call a special meeting of the City Council at the written request of the City Manager, the Mayor, or at the written request of a majority of City Council. Special meetings of the City Council shall be held upon written notice being delivered by the City Clerk to each City Councilor at least forty-eight (48) hours prior to said meeting, said notice stating the purpose for which the meeting is called. The Mayor shall take the chair precisely at the hour appointed for the meeting and call the members to order, and within ten minutes or sooner if a quorum be present, shall cause the roll to be called, and the names of the members present to be recorded. The Clerk shall also record the names of the members coming in after the calling of the roll.

## SECTION 1.3 NON-PUBLIC SESSIONS

Items being considered for action in a non-public session shall be submitted and dealt with in accordance with Council Rules of Order sections 4.1, 4.2, and 4.3. Therefore, all supporting documentation, contracts, or proposals being considered during non-public session shall be submitted to council members at least five calendar days in advance of consideration. Such documentation shall be distributed in a confidential manner.

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## SECTION 1.~~3~~ 4 ABSENCE OR DISABILITY OF MAYOR, DEPUTY MAYOR

In the absence or disability of the Mayor, the Deputy Mayor shall take the chair and preside over the meeting and shall act as Mayor during such absence or disability. In the absence or disability of both Mayor and Deputy Mayor, the Clerk shall call the Council to order and shall preside until a chairperson shall be chosen by a roll call vote and plurality of votes, who shall preside and act as Mayor during such absence or disability.

## SECTION 1.~~4 REMOTE~~5 REMOTE PARTICIPATION DURING COUNCIL AND BOARD MEETINGS

**a) INTRODUCTION / PURPOSE**

The City Council strongly encourages board members to be physically present for all board and committee meetings. The Council recognizes, however, that extenuating circumstances may occasionally prevent a member from being physically present at a meeting. Therefore, to promote full participation of board members while ensuring access and transparency for the public as required by NH RSA 91-A:2 Access to Governmental Records and Meetings, the Council authorizes remote participation in board meetings subject to the following procedures and requirements.

**b) PERMISABLE REASONS FOR REMOTE PARTICIPATION**

Remote participation is not to be used solely for a board member's convenience or to avoid attending a particular meeting in person. Any Board member who is unable to physically attend a meeting of the board may make arrangements to remotely participate in the meeting under the following conditions:

1. Personal illness or disability;
2. Out-of-town travel;
3. Unexpected lack of child-care;
4. Family member illness or emergency;
5. Weather conditions;
6. Military service:
7. Employment obligations; or
8. A scheduling conflict.
9. As determined by the Chair

**c) PROCEDURE FOR REMOTE PARTICIPATION**

1. ***With the exception of an emergency***, a member of the board requesting to participate in a meeting remotely shall notify the board chair (the "Chair") as soon as practicable, but in no case less than 2 business days prior to the scheduled meeting.

2. The Chair will contact the board staff liaison as soon as possible and state they have allowed board member to participate remotely (state meeting date) based on criteria laid out in this document.

3. The staff liaison will contact the Government Channel Coordinator or designee to arrange technical logistics, based on currently available technology.

4 Staff liaison, the requesting board member, and the Government Channel Coordinator will arrange for a test prior to said meeting. While technological issues may arise that may be beyond staff control, this will ensure the best possible experience.

5. The remote participant(s) shall join the remote meeting 15 minutes prior to scheduled meeting time.

6. The Chair shall announce the remote participant *prior* to the Call to Order and follow this suggested script: "Board member (name) is participating in this meeting remotely. (name) are you there? (participant– "yes I am here") (name) was it reasonably impractical for you to be physically present at this meeting? (participant) – yes, it was impractical for me to be physically present)."

7. The Chair may decide how to address technical difficulties that arise when utilizing remote participation, but whenever possible, the Chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear, or be heard clearly by all persons present at the meeting location.

8. A member participating remotely shall notify the chair if leaving the meeting before it is adjourned or rejoining the meeting after a period of absence.

9. All votes taken during such a meeting shall be by roll call.

10. Participation by remote communication will be noted in the official board minutes. Any interruption to or discontinuation of the member's participation will also be noted in the minutes.

~~**c) CONDITIONS / Authority**~~

~~**(**State NH RSA 91-A:2**):**~~
~~*III. A public body may, but is not required to, allow one or more members of the body to participate in a meeting by electronic or other means of communication for the benefit of the public and the governing body, subject to the provisions of this paragraph.*~~
~~*(a) A member of the public body may participate in a meeting other than by attendance in person at the location of the meeting only when such attendance is not reasonably practical. Any reason that such attendance is not reasonably practical shall be stated in the minutes of the meeting.*~~

~~*(b) Except in an emergency, a quorum of the public body shall be physically present at the location specified in the meeting notice as the location of the meeting. For purposes of this subparagraph, an "emergency" means that immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action. The determination that an emergency exists shall be made by the chairman or presiding officer of the public body, and the facts upon which that determination is based shall be included in the minutes of the meeting.*~~

~~*(c) Each part of a meeting required to be open to the public shall be audible or otherwise discernable to the public at the location specified in the meeting notice as the location of the meeting. Each member participating electronically or otherwise must be able to simultaneously hear each other and speak to each other during the meeting, and shall be audible or otherwise discernable to the public in attendance at the meeting's location. Any member participating in such fashion shall identify the persons present in the location from which the member is participating. No meeting shall be conducted by electronic mail or any other form of communication that does not permit the public to hear, read, or otherwise discern meeting discussion contemporaneously at the meeting location specified in the meeting notice.*~~

~~*(d) Any meeting held pursuant to the terms of this paragraph shall comply with all of the requirements of this chapter relating to public meetings, and shall not circumvent the spirit and purpose of this chapter as expressed in RSA 91-A:1.*~~

~~*(e) A member participating in a meeting by the means described in this paragraph is deemed to be present at the meeting for purposes of voting. All votes taken during such a meeting shall be by roll call vote.*~~

~~**d) Additional Conditions**~~

~~A board member considered present through remote participation will be permitted to vote on any action item at the meeting except:~~

~~Any item for which the member was not participating remotely during the entire discussion and deliberation of the matter preceding the vote; and~~

~~Any item that was being discussed when an interruption to the electronic communication occurred, if the board's discussion was not suspended during the interruption. A brief loss of simultaneous communication, such as a few seconds, will not disqualify the member from voting on the matter under discussion.~~

~~Per RSA 91-A:1 All votes taken during such a meeting shall be by roll call vote.~~

~~A board member may participate remotely in a closed session of the board provided the member provides assurance to the board that no other person is able to hear, see, or otherwise participate in the closed session from the remote location.~~

~~The City of Rochester staff will not be held liable for failed technology or things beyond our control that would interfere with the remote communication.~~

~~Board member wishing to engage in remote participation shall adhere to following procedures: section (d).~~

~~**e) PROCEDURE FOR REMOTE PARTICIPATION**~~

~~1. *With the exception of an emergency,* a member of the board who desires to participate in a meeting remotely shall notify the board chair at least one week in advance of the meeting.~~

~~2. At the time of this writing, because current mode of phone call in only allows one member at a time, remote participation will be on first come first serve basis, when criteria is met.~~

~~3. Meeting Chair will contact the City Manager's office as soon as possible and state they have allowed board member to participate remotely (state meeting date) based on criteria laid out in this document.~~

~~4. City Manager's office will send participant call in phone number along with a copy of this policy / procedure document and arrange tentative "test date" for phone call. City Manager's office shall notify Government Channel Coordinator.~~

~~5. Previous to the meeting, the Chair will inform board members of the request and intention to allow remote participation of such board member.~~

~~6. A test a few days prior to the meeting should be performed to ensure that the caller's device will suffice, and that they can hear on their device at their remote location. While not always possible, it is recommended a land line phone be used with external speaker.~~

~~7. The participant shall initiate the phone call in to designated phone number at 6:45pm eastern standard time or 15 minutes prior to the meeting start. Caller should be aware of not to be near televised or live streaming audio during the meeting.~~

~~8. The chair shall announce the remote participant after the Call to Order and follow suggested script: "Board member (name) is participating in this meeting by telephone. (name) are you there? (participant – "yes I am here") (name) was it reasonably impractical for you to be physically present at this meeting? (participant) – yes, it was impractical for me to be physically present)."~~

~~9. The meeting chair may decide how to address technical difficulties that arise when utilizing remote participation, but whenever possible, the chair should suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant's ability to hear or be heard clearly by all persons present at the meeting location. If, however, the technical difficulties distract from or impede the orderly progress of the meeting, a majority of the members physically present may vote to end the remote participation.~~

~~9. A member participating remotely shall notify the chair if leaving the meeting before it is adjourned or rejoining the meeting after a period of absence.~~

~~10. All votes taken during such a meeting shall be by roll call.~~

~~11. Remote participant may partake in non-public and non-meetings sessions, but in most cases will require participant to end the call to Council Chambers, call into Council conference room, and call back into Council Chambers, if required to do so per voting reasons of Council rules of Order.~~

~~12. Participation by remote communication will be noted in the official board minutes. Any interruption to or discontinuation of the member's participation will also be noted in the minutes.~~

~~13. Any telephone costs associated with remote participation shall be borne by the remote participant.~~

## SECTION 1.~~5~~ 6 ORDER OF BUSINESS

(a) The order of business for ~~regular~~ Regular meetings of the City Council shall be as follows:

1. Call to order
2. Pledge of Allegiance
3. Prayer
4. Roll Call
5. Approval of the minutes of the previous meeting(s)
6. Communications from the City Manager
7. Communications from the Mayor
8. Presentation of Petitions and Council Correspondence [and Disposal thereof by Reference or Otherwise]
9. Nominations, Appointments and Elections
10. Report of Committees
11. Old Business [Items Remaining from Prior Meetings]
12. Consent Calendar
13. New Business

~~14. Other~~

~~15~~14. Adjournment

(b) New Business: Items requiring Council action may be introduced by any member of the City Council, but may not be acted upon at the meeting in which they are introduced unless the items are properly filed in accordance with Article 4, Section 4.1 herein. The Council may act upon said items if they have not been filed in advance by suspending Council Rules by a two-third (2/3) vote of the City Council.

## SECTION 1.~~6~~ 7 PUBLIC HEARINGS

Public Hearings: To receive citizen input and feedback on certain specific matters that

have been placed on the meeting agenda for consideration and action by the City Council, Public Hearings will be scheduled and held as required by law and/or whenever referred for a public hearing by simple majority vote of Council Members present. Upon being referred by Council vote, Public Hearings will be noticed for and held during a subsequent Regular and/or Special Meeting or Committee Meeting. At the request of the presiding officer, Ordinances or Resolutions scheduled on an agenda for public hearing will be briefly introduced with appropriate explanations by staff. Citizens will then have the opportunity to address the Council speaking to the specific item(s) subject to public hearing, subject to the following guidelines: [6/4/2013]

1. ~~i.~~ All speakers shall be residents of the City of Rochester, property owners in the City of Rochester, and/or designated representatives of recognized civic organizations or businesses located and/or operating in the City of Rochester;

~~ii.~~2. All speakers shall address their comments to the presiding officer and the Council as a body and not to any individual member;

~~iii.~~3. Speakers shall first recite their name and address for the record, and, if applicable, the name and address of the civic organization and/or business they have been designated to represent;

~~iv.~~4. For each public hearing item, a speaker shall be provided a single opportunity for comment;

~~v.~~5. Public Hearings are not intended to be utilized for a two-way dialogue between speaker(s), Council Member(s), and/or the City Manager, or administrative staff; and

~~vi.~~6. The presiding officer shall preserve strict order and decorum for and by all speakers appearing before the Council.

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## ARTICLE 2
## DUTIES AND POWERS OF PRESIDING OFFICER

### SECTION 2.1——PRESIDING OFFICER - DECORUM AND ORDER

The presiding officer shall preserve decorum and order, may speak to points of order in preference to the members, and shall decide all questions of order, subject to an appeal to the Council on motion of any member, and no other business shall be in order until the questions on the appeal shall have been decided.

### SECTION 2.2 PRESIDING OFFICER - DECLARING VOTES

The presiding officer shall declare all votes, but if any member doubts the vote, the presiding officer, without further debate upon the question, shall require a division and shall declare the results.

### SECTION 2.3 PRESIDING OFFICER - ROLL CALL VOTES

When any member shall require a question to be put in the roll call vote, the presiding officer shall so order, if the request is seconded.

### SECTION 2.4 PRESIDING OFFICER - ORDER OF QUESTIONS

The presiding officer shall propound all questions in the order in which they are moved, unless the subsequent motion shall be previous in its nature.

### SECTION 2.5 DISPOSAL OF MOTIONS

After a motion is made and seconded, it shall be considered, and, after it is stated by the presiding officer, it shall be disposed of by vote of the City Council, unless the mover withdraws it before a decision or amendment and the second agrees to withdrawal of the motion.

### SECTION 2.6 MOTION FOR ADJOURNMENT

The presiding officer shall consider a motion to adjourn as always in order, the time of the next meeting having been agreed upon, unless a member has possession of the floor, or any question has been put and not decided. The motion to adjourn, or to lay on the table, or to take from the table, if seconded, shall be decided without debate.

### SECTION 2.7 PRESIDING OFFICER - RECOGNIZING MEMBERS

When two or more members ask to be recognized at the same time, the presiding officer shall name the member who shall speak first.

## SECTION 2.8 COMMITTEE APPOINTMENTS

All Council committees shall be appointed and announced by the presiding officer, who shall designate the chairperson and vice-chairperson thereof. The Mayor shall be Chair of the Finance Committee and an Ex-Officio voting member of all other committees of the Council.

## SECTION 2.9 ROBERT'S RULES OF ORDER

When no other provision is herein made, questions of parliamentary law shall be decided as prescribed in the most recent edition of Robert's Rules of Order.

## ARTICLE 3
## RIGHTS AND DUTIES OF MEMBERS

### SECTION 3.1 COUNCIL MEMBER SPEAKING

When any member is about to speak in debate, or deliver any matter to the Council, the member shall use a raised hand to be recognized, shall remain seated, respectfully address the presiding officer, shall be confined to the question under debate, and shall avoid personalities. The presiding officer shall attempt to allow a particular stream of discussion to be completed prior to allowing a member to change the direction of the debate at hand.

### SECTION 3.2 COUNCIL MEMBER IN DEBATE

Members in debate shall address each other as Councilor or may use a description by the ward represented, or such other designation as may be intelligible and respectful.

### SECTION 3.3 INTERRUPTION OF COUNCIL MEMBER

No member speaking shall be interrupted by another, except to call to order or to correct a mistake. But if any member, in speaking or otherwise, transgresses the Rules of the Council, the member so called to order shall immediately cease speaking unless permitted to explain, and the ~~chair~~ Chair shall decide the question of order. The City Council, if appealed to, shall decide the question with limited debate.

### SECTION 3.4 COUNCIL MEMBER SPEAKING, LIMITATIONS

Upon a motion and 2/3 vote by the council to limit debate, the ~~chair~~ Chair shall limit discussions on any motion before the council. After such vote and if no time limit is set as part of the motion, no member shall speak more than twice on the same question, or more than five minutes at one time, nor more than once, until all other members choosing to speak shall have spoken.

### SECTION 3.5 PRECEDENCE OF MOTIONS

The following motions shall have precedence in the order in which they are arranged:

1. **TO ADJOURN:** A privileged motion to be voted on at once if seconded; not debatable.

2. **TO LAY ON THE TABLE/TO TAKE FROM THE TABLE:**
   Requires a second, not debatable.

3. **TO CALL FOR THE PREVIOUS QUESTION/TO MOVE THE QUESTION (TO CLOSE DEBATE):**
   Requires a second, not debatable.

4. **TO POSTPONE TO A TIME CERTAIN:**
   Requires a second, debatable.

5. **TO REFER:** Requires a second; debatable.

6. **TO AMEND:** Requires a second; debatable.

7. **TO POSTPONE INDEFINITELY:** Requires a second: debatable.

8. **MAIN MOTION:** Requires a second; debatable.

## SECTION 3.6 MOTION REDUCED TO WRITING

Every motion shall be reduced to writing, if the presiding officer directs, or if a member of the Council requests it.

## SECTION 3.7 VOTING ON MOTIONS, ABSTENTIONS

Every member who shall be in the Council Chamber when a question is put shall vote, except that no member may vote on any question in which the member has a direct interest to a degree that may significantly impair the independent and impartial exercise of that member's judgment as a Councilor. If a member takes this rule for purposes of not voting, the member shall inform the City Council before a vote be taken on the motion under consideration.

## SECTION 3.8 MAYORAL VETO - EXERCISE AND VOTE TO OVERRIDE

To be effective, the right of veto accorded to the Mayor under the provisions of Section 10-A of the Rochester City Charter, must be exercised, and notice of such exercise must be communicated in writing to the City Clerk, within one hundred forty-four (144) hours after action by the Council. As soon as practicable after receipt of the Mayor's written notice of exercise of the veto power, and in no event later than seventy-two (72) hours after receipt of such notice, the City Clerk shall inform the Council in writing of the Mayor's exercise of such veto. The Council may override said veto by a two-thirds (2/3) vote of all Councilors (Mayor excluded) serving in office, as provided for in Section 10-A of the Rochester City Charter, no later than the close of the next ~~regular~~ Regular meeting of Council.

## SECTION 3.9 DIVISION OF A QUESTION

The division of a question may be called for when the sense will admit it.

## SECTION 3.10 READING OF A PAPER, OBJECTIONS

When the reading of a paper is called for, and the same is objected to by any Member, it shall be determined by a vote of the Council.

## SECTION 3.11 SUSPENSION, AMENDMENT, AND REPEAL OF RULES

No standing Rule of Order of the Council shall be suspended unless two-thirds (2/3) of the members present shall consent thereto. Nor shall any Rule of Order be

repealed or amended without a motion therefore, made at a previous meeting, nor unless a majority of the whole City Council concur therein. The Rules of Order of the City Council shall be reaffirmed by the new Council following each municipal election. The Rules of the former Council shall not be binding.

## SECTION 3.12 ATTENDANCE OF MEMBERS

Every member shall take notice of the day and hour to which the Council may stand adjourned, and shall give his punctual attendance accordingly.

## ARTICLE 4
## AGENDAS, COMMUNICATIONS, COMMITTEES, REPORTS, RESOLUTIONS

### SECTION 4.1 AGENDA PREPARATION

The agenda for each Council meeting shall be prepared by the Mayor, the Deputy Mayor and the City Manager in conjunction with the City Clerk. Any Councilor may place an item on the agenda provided that the items be submitted in writing or email to the City Clerk, the Mayor, the Deputy Mayor or the City Manager eleven ~~seven~~ (11~~7~~) calendar days prior to the meeting of Council. The City Clerk shall provide Council members with copies of the agenda at least five (5) calendar days prior to the meeting of the Council.

### SECTION 4.2 MEMORIALS AND DOCUMENTS, PRESENTATION

All memorials and other documents addressed to the City Council shall be presented by the presiding officer or by a member in the presiding officer's place, who shall explain the subject thereof; and they shall lie on the table to be taken up in order in which they are presented, unless the Council shall otherwise direct.

### SECTION 4.3 REPORTS AND PAPERS, LEGIBLY WRITTEN OR TYPED

All reports and other papers submitted to the City Council shall be written in fair hand or typewritten. The Clerk shall make copies on any papers to be reported by the committees, at the request of the chairs thereof. At the request of any councilor a digital copy may be provided in place of printed page.

### SECTION 4.4 STANDING COMMITTEES

At the commencement of the new year following the regular municipal election, the following committees shall be appointed by the Mayor:

**Finance:**

Shall consist of seven (7) members including the Mayor who shall serve as chair.

**Public Works and Buildings**:

Shall consist of five (5) members.

**Public Safety:**

Shall consist of five (5) members.

**Codes and Ordinances:**

Shall consist of five (5) members.

**Community Development**:

Shall consist of five (5) members.

**Appointments Review Committee:**

Shall consist of five (5) members.

A. No Council Member shall serve on more than three (3) standing committees, excluding the Finance Committee.

B. All vacancies occurring in any standing committee shall be filled by the Mayor.

## SECTION 4.5 SPECIAL COMMITTEES

Special committees shall consist of three (3) members unless a different number be ordered by the Mayor.

## SECTION 4.6 REMOVAL OF A COMMITTEE MEMBER

A member of any committee may be removed by a two-thirds (2/3) vote of the entire Council.

## SECTION ~~4.7 PUBLIC~~4.7 PUBLIC INPUT AT WORKSHOP OR COMMITTEE MEETINGS

The chair shall call the committee together and no committee shall act by separate consultations, and no report shall be received from any committee unless agreed to in committee actually assembled, and voted upon by a majority of the members thereof.

Public input on any subject appropriate to be brought before the Council shall be allowed at the beginning of every committee meeting or council workshop and shall be placed as the first item of business on the agenda of said meeting. When possible, the chair shall allow for reasonable input from the public during the meeting, to allow citizens to comment on any item appearing on the agenda, except for any items discussed in any non-public session. The chair may limit any public input to insure that the committee is able to complete its work and to provide for the decorum of the meeting.

~~i.~~1. Speakers shall be residents of the City of Rochester, property owners in the City of Rochester, and/or designated representatives of recognized civic organizations or businesses located and/or operating in the City of Rochester;

~~ii.~~2. Speakers shall address their comments to the presiding officer and the Council as a body and not to any individual member;

~~iii.~~3. Speakers shall first recite their name and address for the record, and, if

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applicable, the name and address of the civic organization and/or business the have been designated to represent;

~~iv.~~ 4. Each speaker shall be provided a single opportunity for comment, limited to five (5) minutes with the five (5) minutes beginning after the obligatory statement of named and address by the speaker;

~~v.~~ 5. Public Input shall not be a two-way dialogue between speaker(s), Council Member(s), and/or the City Manager, or administrative staff; with the exception of Committee meetings when allowed by the Chair; and

~~vi.~~ 6. The presiding officer shall preserve strict order and decorum for and by all speakers appearing before the Council.

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## SECTION 4.8 SITTING OF COMMITTEE DURING COUNCIL MEETINGS

No committee shall sit during the meetings of the City Council without special leave.

## SECTION 4.9 COMMITTEE REPORTS

It shall be the duty of every committee of the Council to which any subject may be specially referred to report thereon at the next meeting of the City Council, or to ask for further time.

## SECTION 4.10 COMMITTEE OF THE WHOLE, COUNCIL RULES

The rules of proceedings in Council shall be observed in a committee of the whole so far as they may be applicable, excepting the rules limiting the time speaking.

## SECTION 4.11 AUTHORIZATION OF EXPENDITURES, CITY DEBT

After the annual appropriations shall have been passed, no subsequent expenditure shall be authorized for any object, unless provisions for the same shall be made by a specific transfer from some of the annual appropriations or money in the treasury unappropriated or by expressly creating therefore a City debt; and no City debt shall be created except by a majority vote of the Council in the affirmative.

## SECTION 4.12 ORDINANCES AND RESOLUTIONS

Every Resolution, including those which propose to change the Ordinance, shall be placed on the City Council Agenda in accordance with ~~Rule~~ Section 4.1. Any Resolution shall receive a First Reading during the first meeting in which it appears on the Agenda. Following the First Reading, the Council shall take one of the following actions:

1. Vote to disapprove the Resolution.
2. Refer to a Public Hearing if required by law.
3. Refer to an appropriate standing committee, or to the City Council sitting as a Committee of the Whole, for further review. Any Resolution proposing a change to the Ordinance, which did not originate in the Codes and Ordinances Committee, must be referred to said committee prior to a vote of approval. Resolutions referred to Public Hearing per

action #2 may also be referred to committee.

4. If actions #2 and #3 do not apply to the Resolution, the Council may proceed to a vote of approval.

For a Resolution which is not subject to action #1 or #4, it shall receive a Second Reading at the next meeting during which it appears on the City Council Agenda. Following the Second Reading, for any Resolution referred to a standing committee, the chairperson of said committee shall deliver a report detailing the review of the Resolution. After the committee report is delivered, the City Council shall entertain any motions to amend. Following disposition of the motions to amend, the City Council shall vote on final approval or disapproval of the Resolution.

All Resolutions shall be read by title only for the First and Second Reading. Any Councilor desiring a Resolution to be read in its entirety shall Motion as such and said Motion shall require a second. In order to be successful, said Motion must receive a 2/3 vote of approval from the entire City Council.

**~~SECTION 4.13 CODES AND ORDINANCES COMMITTEE, ORDINANCE ENROLLMENT~~**

~~It shall be the duty of the Codes and Ordinances Committee to examine every ordinance that shall have passed the several readings required, and if found correctly enrolled, officially made part of the general ordinances of the City of Rochester and/or the official record of the City Council and to report the same to the Council.~~

**SECTION 4.~~14~~ 13 ELECTIONS BY BALLOT**

In all elections by ballot on the part of the City Council, blank ballots and all ballots for persons not eligible shall be reported to the Council.. To be elected any person seeking election must receive a majority of the votes of those members present and voting. Tally of the ballots shall be reported to the Council and recorded in the minutes. Unless otherwise directed by the Council all ballots shall be destroyed after being reported.

A. Boards and Commissions appointments shall be elected by ballot of the City Council with the exception of a single candidate. Single candidates upon nominations ceasing will be elected by City Council voice vote that the City Clerk cast one ballot for that candidate.

**SECTION 4.~~15~~ 14 RECORD OF VOTES AND PROCEEDINGS**

The Clerk shall keep a record of the votes and proceedings of the City Council, entering thereon all orders and resolutions, except such as it is necessary to engross; reports, memorials, and other papers submitted to the Council shall be noted only by their titles or a brief description of their purpose, but any accepted reports may be entered at length on said record.

**SECTION 4.~~16~~ 15 FUNCTIONS OF FINANCE COMMITTEE**

Functions shall include: Purchasing, Trust Funds, Operating Budget, Final Capital Budget, Taxes, City Reports, Legal Affairs, Insurance, Audits, Claims, Accounts, Bids, Review of Expenditures, Receipts, Contract Change Orders, Welfare and Grants. The Finance Committee shall present a monthly report of the City accounts to the Council.

**SECTION 4.~~17~~ 16 FUNCTIONS OF CODES AND ORDINANCES COMMITTEE**

Functions shall include: Municipal Elections and Returns, Charter and Ordinances, Council By-Laws, Enrolled Bills, Planning, Zoning, and such other matters as may be directed by the City Council.

**SECTION 4.~~18~~ 17 FUNCTIONS OF PUBLIC WORKS AND BUILDING COMMITTEE**

Functions shall include: Roads, Sewer Systems, Water Systems, Engineering, Public Buildings, Recycling and Solid Waste, Pollution, Water Resources, Space Allocations.

**SECTION 4.~~19~~ 18 FUNCTIONS OF PUBLIC SAFETY COMMITTEE**

Functions shall include: Police, Fire, Parking, Traffic, Street Signs, Street Lights, Animal Control, and Public Health Services.

**SECTION 4.~~20~~ 19 FUNCTIONS OF COMMUNITY DEVELOPMENT COMMITTEE**

Functions shall include: Economic Development, Industrial Development, Land Use Policy, Technology Issues, Chamber of Commerce, Rochester Main Street, Arts and Cultural, Recreation, Parks, Adult & Youth Services, Promotional Activities and Festivals, Public Relations, COAST, CDBG and Human Services Agencies.

**SECTION 4.~~21~~ 20 FUNCTIONS OF THE APPOINTMENTS REVIEW COMMITTEE**

Functions shall include: Interviewing of candidates for Council appointed positions on various boards of the City, including but not exclusive of Planning Board, Zoning Board of Adjustment, Trustees of the Trust Fund, Library Trustees, Arena Commission, Recreation, Parks and Youth Services, Welfare Appeals Board, Utility Advisory Board.

Incumbents of any Committee who have submitted Statements of Interest for reappointment and are running unopposed: the Appointments Committee reserves the right to waive the presence of the candidate.

**SECTION 4.~~22~~ 21 INAUGURAL MEETING, ORDER EXERCISES**

The order of exercises at the meeting held on the first Tuesday after January 1, or

Wednesday, January 2, following the regular municipal election shall be as follows:

1. Call to Order
2. Pledge of Allegiance
3. Prayer
4. Roll Call of Councilors-Elect
5. Mayor takes Oath of Office
6. Councilors-Elect take Oath of Office
7. Roll Call of School Board Members-Elect
8. School Board Members-Elect take Oath of Office
9. Roll Call of Police Commissioners-Elect
10. Police Commissioner-Elect takes Oath of Office
11. Election of Deputy Mayor
12. Inaugural Address
13. Old and/or New Business

## SECTION 4.~~23~~ 22 COUNCIL COMMUNICATIONS

(a) No member shall cause to be mailed, electronically transferred, delivered, or left at City Hall any documents or correspondence for any other member or the City Manager which does not clearly identify the name of the member sending such information and, if possible, the source of such information.

(b) No anonymous correspondence shall be placed in any member's Council mailbox. All mail, electronic media or other correspondence shall clearly identify the sender, source and date it was received.

## SECTION 4.~~24~~ 23 MINUTES

All meetings of the City Council including all standing and special committees of the Council shall take roll call at all committee meetings and record their proceedings and provide minutes of any meeting to the City Clerk's Office in a manner prescribed under NH RSA 91-A (NH Right To Know Law).

## SECTION 4.~~25~~ 24 CANCELLATION OR POSTPONEMENT OF MEETING(S)

(a) The Mayor, Deputy Mayor, and City Manager shall confer and determine if insufficient business or other non-urgent matter warrants postponement or cancellation of a scheduled Council meeting.

(b) The Mayor, Deputy Mayor, and City Manager shall confer and determine if inclement weather or other emergency warrants postponement or cancellation of a scheduled Council meeting.

(c) All such decisions regarding postponement or cancellation shall be made no later than 3:00 PM on the date of the scheduled meeting.

(d) The City Clerk will notify Council members by both email and telephone upon determination of a meeting cancellation or postponement.

(e) The City Clerk shall ensure that notification of any such cancellation or postponement shall immediately post on the City's website and Face book page.

## ***APPENDIX***

REVISED AND ADOPTED BY CITY COUNCIL FEBRUARY 6, 1990 [1]
AMENDED AND REAFFIRMED BY CITY COUNCIL JANUARY 14, 1992 [2]
REAFFIRMED BY CITY COUNCIL JANUARY 11, 1994 [3]
AMENDED BY CITY COUNCIL MARCH 1, 1994 [4]
AMENDED AND REAFFIRMED BY CITY COUNCIL JANUARY 9, 1996 [5]
AMENDED AND ADOPTED BY CITY COUNCIL FEBRUARY 3, 1998 [6]
AMENDED AND ADOPTED BY CITY COUNCIL FEBRUARY 5, 2002 [7]
AMENDED AND ADOPTED BY CITY COUNCIL MARCH 5, 2002 [8]
AMENDED AND ADOPTED BY CITY COUNCIL FEBRUARY 3, 2004 [9]
AMENDED AND ADOPTED BY CITY COUNCIL JANUARY 10, 2006 [10]
AMENDED AND ADOPTED BY CITY COUNCIL JANUARY 15, 2008 [11]
AMENDED AND ADOPTED BY CITY COUNCIL February 2, 2010 [12]
AMENDED AND ADOPTED BY CITY COUNCIL February 7, 2012 (1.4) (3.1) (3.5) and (4.1) [13]
AMENDED AND ADOPTED BY CITY COUNCIL June 4, 2013 (1.3) (1.5) and (4.7) [14]
AMENDED AND ADOPTED BY CITY COUNCIL March 4, 2014 (4.21) and (4.14) [15]
AMENDED AND ADOPTED BY CITY COUNCIL March 1, 2016 (1.4) (3.8) (4.1) and (4.7) [16]
AMENDED AND ADOPTED BY CITY COUNCIL March 6, 2018 (1.4 12&13), (4.25) [17]
AMENDED AND ADOPTED BY CITY COUNCIL October 2, 2018 (Added 1.4, which moved the order of 1.5 & 1.6) [18]
AMENDED AND ADOPTED BY CITY COUNCIL: April 7, 2020 (Amended 1.1 7pm to 6:30pm) (Replaced Section 4.12)

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City Clerk's Office

DRAFT

# Finance Committee

Meeting Information
Date: February 8, 2022
Time: 6:30 P.M.
Location: 31 Wakefield Street

**Committee members present:** Mayor Callaghan, Deputy Mayor Lachapelle, Councilor Beaudoin, Councilor Gray, Councilor Hainey, and Councilor Hamann.

**Committee Members Excused**: Councilor Larochelle.

**City staff present:** Deputy City Manager Katie Ambrose, Deputy Finance Director Mark Sullivan, Michael Scala, Director of Economic Development, and Assistant Director of Economic Development Jenn Marsh.

**Others present:** David Walker, Riverwalk Committee.

Agenda & Minutes

1. **Call to Order**

Mayor Callaghan called the Finance Committee meeting to order at 6:30 PM.

2. **Roll Call**

Ashley Greene, Administrative Assistant II/Planning Department, took the roll call attendance. All Councilors were present, except for Councilor Larochelle who had been excused.

3. **Acceptance of Minutes:** January 11, 2022

Councilor Lachapelle **MOVED** to **ACCEPT** the minutes of the January 11, 2022, Finance Committee meeting. Councilor Beaudoin seconded the motion. The **MOTION CARRIED** by a unanimous voice vote.

4. **Public Input**

Dave Walker, resident, addressed the Committee regarding Agenda Item 6.1.2, the Economic Development Special Reserve Fund.

Deputy City Manager Katie Ambrose read an email from Ray Varney, resident and Trustee of the Trust Fund, regarding several Agenda items: Agenda Item 5 Riverwalk Fundraising, 6.1.1 Utilization of General Fund Unassigned Fund Balance, and lastly 6.1.2 the Economic Development Special Reserve Fund. *(This email is included as an addendum to the packet online)*

*Mayor Callaghan told the Committee that he reached out to Mr. Varney after he received this email. He conveyed that some of the funding for the water and sewer budget (6.1.1) was, in fact, being used to pay for the City's legal fees. He stated that Mr. Varney seemed okay with that fact.*

**5. Unfinished Business**

**Riverwalk Fundraising**

Finance Director Ambrose stated that this item is returning to Committee not necessarily for further action, but as an opportunity to provide additional information as the process moves forward. She clarified that the Riverwalk Fund has enough money to move forward with the planned activities for this current fiscal year.

Ms. Ambrose clarified what is meant by the fundraising "cap" of $5,000. She explained that the Riverwalk Fundraising Committee would have a threshold of $5,000 for donations that could be accepted without Council approval; however, the Committee would be required to come back to the City Council for acceptance of donations once they have reached the $5,000 threshold. She said it is not a limitation on how much can be received in total; rather, it provides for a Council review prior to accepting funds in excess of $5,000.

Ms. Ambrose confirmed that the City will eliminate any solicitation activities for the Riverwalk. She said the Riverwalk Fundraising Committee will seek alternate funding sources, such as grant opportunities and by continuing to accept unsolicited donations. Ms. Ambrose said the City Manager's proposed budget for FY 23 includes an annual operating budget ($2,500) for the Riverwalk.

Councilor Lachapelle asked for clarification that no vote would be taken this evening because the $2,500 on which the Committee has previously voted would be included in the budget adoption process. Ms. Ambrose replied that is correct.

Councilor Beaudoin asked to clarify if the Riverwalk Committee receives a donation for $10,000 if it would be required to be approved through the City Council prior to acceptance. Mayor Callaghan said that is correct. Councilor Beaudoin said he agreed with Councilor Hamann's comments that the cap is not necessary and he suggested the City Council could revisit this decision at some point.

**6. New Business**

**6.1.1. Utilization of General Fund Unassigned Fund Balance**

Finance Director Ambrose said there is a status update and recommendation, which can be found in this evening's packet materials. She gave a brief overview of the City's approach of utilizing the City's Unassigned Fund Balance, the City's ordinances relative to expending funds, and how

much money needed to be retained. Ms. Ambrose outlined the reasons it is important to support a healthy Unassigned Fund Balance. The current Unassigned Fund Balance is at 26.63 %, whereas the City's General Ordinance Policy establishes a reserve threshold of 8% to 17%.

Ms. Ambrose said the Deputy Finance Director identified some expenditures that are in accordance with the City's policy. She listed the projects being proposed for funding through the General Fund/Unassigned Fund Balance, which cannot be appropriated without Council action. (See Exhibit A).

Councilor Lachapelle said by changing the funding source from "bond" to "cash" on these specific CIP projects that the City would save almost $500,000 over a ten-year period. Deputy Finance Director Sullivan agreed. He said the City's Interest Rate on some projects is slightly less than 2.5 %; although, the estimate of savings is based conservatively on an interest rate of 2.5%. This is the rate which the City bases all bond projections.

Mr. Sullivan explained why some of the Water and Sewer Projects are included in this proposal. He said the Water/Sewer Funds have significant pending debt, which has been authorized but remains unissued. This includes approximately $25,000,000 of pending debt for the Sewer Fund and approximately $15,000,000 on the Water Fund. He said this process would relieve that pressure slightly and have a stabilization effect on the user rates. He explained that the older water/sewer projects were chosen due to them being in a taxable bond status. He said the City Council still has the option not to include those projects; however, it is his recommendation that they be included with Exhibit A. Councilor Lachapelle asked if the remaining balances listed on Exhibit A are exact amounts of the balance due. Mr. Sullivan replied yes, that is what remains that would need to be bonded.

Councilor Beaudoin asked if the funds would be held by the Trustees of the Trust Fund. Mr. Sullivan replied that this is a change in funding source. He said all the projects have already been appropriated by the City Council by bond issue and this would reverse that action by changing the funding source to Unassigned Fund Balance.

Councilor Hainey asked to confirm that these are current projects that have already been approved by the City Council. Mr. Sullivan replied that these have been already approved and some projects have been completed as well. He gave some details of the projects chosen.

**6.1.2. Economic Development Special Reserve Fund**

Deputy Finance Director Sullivan stated that all of the Economic Development Fund projects and initiatives have been funded through the Unassigned Fund Balance for at least the past five years and potentially longer. The problem is that the City's General Ordinance section 7.63 stipulates that the Economic Development Special Reserve Fund (SRF) provides a minimum of $100,000 in annual funding from the Waste Management Host Agreement Fees. He said the same ordinance has a provision that allows additional transfers to the SRF from Waste Management Host Fee revenues received in excess of the total annual adopted appropriation. He said the City has been providing the minimum of $100,000 as stipulated; however, the City has not been transferring these excess

fees. The last time excess fees were transferred from the Waste Management Host Fee revenues to the SRF Fund was FY15. Mr. Sullivan said as a result of not transferring these excess fees, the Economic Development projects have all been funded through supplemental appropriations from Unassigned Fund Balance. Mr. Sullivan said the problem is that this is not how the Unassigned Fund Balance is intended to be used. It is meant to be utilized for unanticipated expenses and emergencies. He stated that if the Economic Development Commission and Department of Economic Development sets up projects and activities, then there should be a dedicated fund for that purpose in order for the funding to be tracked in a more efficient manner. Mr. Sullivan said this would give a clear accounting of how funds are being invested and the outcome of these investments. He said currently the City is funding projects on a case-by-case basis with limited information. Setting up such a fund would put the responsibility on the REDC and Economic Development Department to focus on more beneficial projects for the City and to perform due diligence to negotiate a return on investment. He recommended any revenue from land sales be generated back into this fund to show a clear picture of the work being done.

Mr. Sullivan shared that he has spoken to the Director of Economic Development and the Chair of the REDC about the benefit to presenting the City Council with a 3 to 5 year plan and then periodically report back to the City Council on these projects.

Councilor Beaudoin asked if this method would comply with NH State RSA 47:1 (b) Special Revenue Funds, which stipulates that Economic Development Funds must be approved specifically and individually by the City Council. Mr. Sullivan confirmed that it does comply with the referenced RSA.

Councilor Lachapelle asked if all projects, regardless of size and scope, would need to come before the City Council for approval. Mr. Sullivan explained that this is not set up for smaller projects but rather for land purchases and Economic Development Initiatives. He said there is an operating budget for regular operation expenditures and small projects. The proposed fund would be solely for large scope items.

Councilor Hainey asked if the intention is to wait to see the plan prior to transfer the money. Mr. Sullivan said his recommendation is to transfer the funding with the follow-up plan to be presented to the City Council. He reiterated that the funds cannot be expended without Council approval. Councilor Hainey asked if the intent of this fund would be solely for land purchases. Mr. Sullivan said not necessarily, it could be to fund Economic Development initiatives/activity; however, all expenditures must be approved by the City Council.

Councilor Beaudoin wished to clarify that establishing this account could make it possible to provide the City Council with a full accounting of the account on a quarterly basis. Mr. Sullivan replied yes, the information would be easily accessible to staff.

Councilor Hamann **MOVED** to move forward with this process. Councilor Beaudoin seconded the motion. Ms. Ambrose clarified the motion: **to recommend to the full City Council to transfer $1,084,000 from the Unassigned Fund Balance to the Economic Development Special Reserve Fund**.

Councilor Beaudoin stated his initial hesitation about approving this idea; however he stated that Deputy Finance Director Sullivan provided clear guidance of how the City Council will have a better understanding of the money being spent and will have full control over expenditures.

Councilor Lachapelle asked if this would bring the level of funding up to the $1.5 million. Mr. Sullivan replied that is correct. He said the Special Revenue fund currently has a balance of $316,000 and by virtue of the ordinance it is set to receive another $100,000 from the Waste Management Host Fees in July 2022.

Mayor Callaghan called for a vote on the motion. The **MOTION CARRIED** by a unanimous voice vote.

**6.1.3. ARPA Projects**

Finance Director Ambrose gave a brief overview and status update of the ARPA projects and the process to date.

Ms. Ambrose said up to this point, the Finance Committee had recommended expenditure of over $3.6 million in APRA Projects, of which $916,000 was to establish the Community Health Coordinator Position. She added that the City Council voted to move forward with the job description of the Community Health Coordinator Position; however, the funding for that position has not been adopted by Council. Ms. Ambrose said the Personnel Advisory Board is scheduled to meet soon in order to review the job description/classification. Once the job description and classification has been through the Personnel Advisory Committee it will be sent to the Finance Committee.

Ms. Ambrose said the prior City Council's approach to the APRA funds was to first review the City Manager's list of "included" proposals as the priority. Ms. Ambrose said, excluding the funding for the Community Health Coordinator position, there is an uncommitted balance of $3,417,687 in APRA Funds available. She stated it is up to the Finance Committee now to follow the same approach as the previous City Council or to take a different approach. Ms. Ambrose clarified that the City Council must allocate any funds by the end of 2024 and expend the funds by the end of 2026.

Councilor Beaudoin inquired how the projects are funded and the funding sources. Ms. Ambrose replied that the Treasury has set up guidelines for permissible use of the funds. She said the final guidelines have been recently released and all the projects listed under the City Manager's proposal do meet those guidelines. She said it is up the Finance Committee to look at these recommendations or pursue other projects so long as they meet the Federal guidelines.

Councilor Lachapelle said the Finance Committee has time to review these projects thoroughly. He indicated that he is interested in seeing the final job description for the Community Health Coordinator. He stated that he did not have any recommendations on specific projects this evening. He suggested sending the matter to a workshop setting to include the entire City Council in the discussions.

Councilor Lachapelle asked if this ARPA project document is available to the full City Council. Mr. Sullivan replied that it is available on the City's website or through the Finance office.

Councilor Lachapelle reiterated that it might save time to have the full discussion at a workshop setting. Councilor Gray agreed; however, he said that a lot of thought went into the City Manager's proposed items to ensure that tax cap requirements could be met further down the road if certain items, such as staff positions, were approved. He further explained that the exception to that rule would have been the Community Health Coordinator, which would have an impact on future budgets.

Mayor Callaghan stated he would discuss the ARPA funds with the Agenda Setting Committee and potentially place it on a Workshop agenda within the next few months.

Mr. Sullivan asked for clarification that the Committee had taken action on the proposed projects contained in category (C) under 6.1.1; however, the other two categories (A) and (B) were kept in Committee. Mayor Callaghan confirmed that this is correct.

**6.1.4. Impact Fees-Return of Fund-Review**

Mr. Sullivan said he completed a full assessment of the Impact Fees refunds with the Assessing Director. Mr. Sullivan said per the City Ordinance, any Impact Fee refunds must be returned to the property owner of record. He gave a brief overview of the discussions that took place by the planning board and a previous Finance Committee meeting at which time the initial data gathered seemed to indicate there were far fewer developers affected by the Impact Fees, and it was reported that approximately 40% of the Impact Fees collected were from individual property owners. However, a closer look at the data has shown that all but three properties charged impact fees have been sold, which indicates that the activity affected small developers. He said the new data shows that 85% of the Impact Fees collected were developer-related and only three individual homeowners retained the properties on which the impact fee was charged. After further consultation with Deputy City Manager Ambrose and Attorney O'Rourke, it was realized that any refunds sent to the property owner of record is taxable income to the homeowner, requiring the City to reach out to the property owner of record and request a tax ID number to report to the IRS. He stated that to avoid any chance of fraud or the appearance of fraud, the City should develop another approach to resolve this issue. This is why the Finance Department has not moved forward with sending notices to individuals impacted by the fees. He speculated that the City may even be required to take a certain percentage of withholdings and suggested that this information should also be forwarded to the Planning Board.

Councilor Beaudoin explained that he felt that these taxes were already paid upfront and wondered what a Tax Attorney would advise in regards to whether or not these refunds are taxable. Mr. Sullivan replied that this decision is pending further discussion with the Tax Attorney to determine how to move forward.

Councilor Hainey asked how many people would receive refunds and what the average

refund would be. Mr. Sullivan replied that approximately 14 property owners were eligible and they would receive refunds with an average of $4,500 each. Councilor Hainey asked what percentage of would be withheld for taxes. Mr. Sullivan said that if it turns out to be taxable income, the City would withhold 25%.

Mayor Callaghan questioned if the majority of the refunds would be given to individuals or developers. Mr. Sullivan confirmed that the majority of the Impact Fees being refunded would be sent back to the property owner of record, not the developer of the property. Councilor Gray suggested thinking outside the box and gave ideas about possibly depositing the refunds directly towards the tax bill, *or future tax bill*, of the property owner of record. Mr. Sullivan said the manner in which the refunds are returned must follow the City's General Ordinances for Impact Fees, although more discussion could take place about the method in which the refunds are returned. Councilor Gray commented that the City Council could amend its ordinances as well.

**Reports from Finance Administration**

**6.2.1 Monthly Financial Report Summary- January 31, 2022**

Deputy Finance Director Sullivan reported that the General Fund non-property tax revenues remain strong. Waste Management host fees remain strong as well. The only soft area of note is interest income. General Fund expenses are trending slightly above budget. Special Revenue funds are improving over the prior month, including the Arena fund which has increased revenue, although their expenses are slightly over budget. Councilor Lachapelle noted that much of the expense reported from the Arena Fund was due to the ice malfunction that occurred last year.

Councilor Hamann referenced item 6.1.1 regarding Utilization of General Fund Unassigned Fund Balance and stated that there were two items on which the Committee has not voted:

A. List of Capital Improvement Projects
B. List of Capital Reserve Projects

Finance Director Ambrose confirmed that the first two items discussed were remaining in Committee; however, the Committee could vote on the items referenced by Councilor Hamann.

Councilor Gray **MOVED** to recommend to the full City Council that the two Sewer Items be approved: Sewer System Master Plan ($300,000) & NPDES Permit Tech Legal Assist ($300,000), for a total of $600,000. He said he felt it would have a positive impact on the sewer rates and offset expenses of the taxpayers. Councilor Lachapelle seconded the motion. Councilor Hainey asked if the proposed action would impact the sewer rate. Mr. Sullivan replied yes. He added the remaining items will have an impact on the amount of money needed to be raised by taxes when the bonds are issued.

Councilor Beaudoin asked if the items in section A had already been approved by Council. It was confirmed that they had been approved. He inquired, if the funding source was not changed to unassigned fund balance, they would be kept as bonded debt. Mr. Sullivan said that is correct. The

Committee briefly discussed the matter. Councilor Beaudoin **MOVED** to **AMEND** the prior motion to include the remaining items listed on section A of the proposed list with a total of $3,710,641 and a savings of over $510,000. Councilor Hainey seconded the motion.

Councilor Gray explained that he had not included the two fire department items in his motion in order to continue that conversation with full Council during the upcoming budget process due to the total cost of over $2,000,000. Mr. Sullivan clarified that the Fire Apparatus Replacement ($345,000) has already been adopted, funded, and the department has received the truck. He said it is still in a pending/ authorized but unissued status. He added that the other item: Apparatus Replacement Program ($1,940,000) includes a pumper truck and a ladder truck, for which some funds have already been expended. Delivery is due in May at which point the balance will be owed. He clarified that these items will have no impact on the FY 23 budget request.

Councilor Gray discussed past practice of staggering the purchase of large apparatus over multiple years. He also stated that historically, these large purchases have been temporarily funded through Unassigned Fund Balance pending collection of the bond. This would avoid the expense raised by Councilor Beaudoin earlier because the item would not be bonded. Councilor Beaudoin clarified that the City is already obligated for the $1.9 million for the two trucks referenced. Mr. Sullivan confirmed that these purchased have already been approved and the trucks are being built currently for May delivery. The **MOTION CARRIED to AMEND** by a majority voice vote. The amended **MOTION CARRIED** to recommend inclusion of the entirety of Exhibit A to full Council by a unanimous voice vote.

Finance Director Ambrose summarized that the only item which had not been acted upon is the Capital Reserves. These would all be new funds not yet established and they would need a recommendation for funding as well as a recommendation to go to Council for the establishment itself.

Councilor Beaudoin asked if the referenced monies are held by the Trustees of the Trust Fund; he said he thought all reserve funds which are not labeled for appropriation are held by the Trust Fund. Finance Director Ambrose stated that unassigned fund balance is not held by the Trustees of the Trust Fund but rather is unappropriated in the General Fund. However; if the Capital Reserve Funds were established and funded by unassigned fund balance, then they would be under the custody of the Trustees as Capital Reserve Funds. Councilor Beaudoin asked, if the Council decided not approve the three projects being discussed, if the money could be used for other purposes. Ms. Ambrose stated that if not approved, this money would remain as unassigned fund balance and appropriated for other purposes. Councilor Beaudoin suggested that the Trustees be given a timeline of when funds will be needed in order to best invest the monies. Ms. Ambrose stated that this is already part of the process followed by the Trustees. Councilor Hamann suggested the Committee determine the amount of interest which will be accrued on these funds and whether this interest will be equaled or exceeded by the cost of maintaining the fund. Deputy Finance Director Sullivan stated that the City's liquid investment account is 18 basis point to maintain, which is 18/10ths of a percent; so if the money was invested by the Trustees it would likely be more beneficial as far as interest is concerned.

Councilor Hainey inquired if the Trustees of the Trust Fund have looked into other options

besides Charter Trust, which is the company which currently facilitates the investments of the funds. Ms. Ambrose said that in the past the Trustees have explored other options and stated that she would reach out to them for more information for the Committee.

The Capital Reserve Fund item was kept in committee.

**7. Other**

Councilor Beaudoin referenced the Riverwalk discussion from earlier in the agenda. He suggested that charities are subject to numerous laws and regulations through the state to which they need to adhere and there is a great deal of oversight by the Attorney General; however, the process of establishing a charity is not difficult. He suggested that if there is a Riverwalk Charity formed, it would take the responsibility off the City Council. Councilor Beaudoin stated that in this scenario, the Riverwalk Committee would not need to continuously come to Council for approval of activities and appropriations unless they involve use of public lands, and they would manage their own funds. He requested that the City Attorney investigate this further and determine what would be involved in establishing such a charity.

Deputy Finance Director Sullivan clarified that in his previous summary, he was not stating that a charity could not be formed but rather that it could not be formed by the City of Rochester or the Finance Department, which is not equipped for such a venture. However; if the Riverwalk Committee wanted to independently form a charity and use financial management systems outside of the City of Rochester's systems, they could do so. He questioned whether the Riverwalk Committee would need to become a separate entity to do so, as it is currently a mayor's committee. He suggested the City Attorney look into this. Councilor Lachapelle agreed that the Riverwalk Committee establishing a charity might be a good option and the City Attorney should investigate; however, the Riverwalk Committee should give input regarding whether establishing their own charity is something they even want to do. Dave Walker, Riverwalk Chair, stated that if the City Attorney felt a charity was plausible, he would discuss the potential with the Riverwalk Committee.

Councilor Hainey inquired about grants through the Governor's office that are available for police department body camera purchases. She asked if the Rochester police department had applied for any of these grants and if it could offset the cost of the body camera purchase discussed at the prior Finance Committee meeting. Finance Director Ambrose confirmed that the police department is applying for grants; although the grant funding would not cover the entire cost of the purchase and there is still question on whether a department is eligible to receive funding if the appropriation for the purchase has already been approved in the City budget.

**8. Adjournment**

Mayor Callaghan **ADJOURNED** the Finance Committee meeting at 7:01 PM

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City Clerk's Office

**Resolution Authorizing Change of Funding from Bond to General Fund Unassigned Fund Balance in the amount of $3,710,641**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER**:
That the amount of Three Million Seven Hundred Ten Thousand Six Hundred Forty One Dollars ($3,710,641) is hereby authorized as a change of funding from previously adopted Bonding authority to General Fund Unassigned Fund Balance. Thirteen (13) capital improvement projects have been identified (Exhibit A attached) for funding change.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. All projects will be assigned a unique account number for tracking and reported purposes.

| EXHIBIT A | | |
|---|---|---|
| **CAPITAL IMPROVEMENT PROJECTS** | | |
| **CIP Project** | **Location** | **Amount** |
| Portland St Reconstruction | Public Works | $59,247 |
| Arena Dasher Boards Replacement | Arena | $25,000 |
| Network Upgrade & Expansion | IT | $17,244 |
| Apparatus Replacement Program | Fire | $345,000 |
| Apparatus Replacement Program | Fire | $1,940,000 |
| **Subtotal City General Fund** | | **$2,386,491** |
| | | |
| Alarm Panels DW | School | $20,000 |
| Asbestos Abatement | School | $75,000 |
| Door Hardware Upgrade | School | $125,000 |
| HVAC Upgrades | School | $350,000 |
| **Subtotal School Dept** | | **$570,000** |
| | | |
| Pump Station Maint Upgrades | Water | $54,150 |
| Water Distribution System Upgrade | Water | $100,000 |
| **Subtotal Water Dept** | | **$154,150** |
| | | |
| Sewer System Master Plan | Sewer | $300,000 |
| NPDES Permit Tech Legal Assist | Sewer | $300,000 |
| **Subtotal Sewer Dept** | | **$600,000** |
| | | |
| **Subtotal CIP's City-School-Water-Sewer** | | **$3,710,641** |

# City of Rochester Formal Council Meeting

## AGENDA BILL

**NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.**

| |
|---|
| AGENDA SUBJECT : Changing funding source from Bond to General Unassigned Fund Balance-(13) projects |

| | |
|---|---|
| COUNCIL ACTION ITEM ☐ X<br>INFORMATION ONLY ☐ | FUNDING REQUIRED? YES ☐ NO ☐<br>* IF YES ATTACH A FUNDING RESOLUTION FORM |
| RESOLUTION REQUIRED? YES X ☐ NO ☐ | FUNDING RESOLUTION FORM? YES ☐ NO ☐ |

| | | |
|---|---|---|
| AGENDA DATE | March 1, 2022 | |
| DEPT. HEAD SIGNATURE | Mark Sullivan-Deputy Finance Director | |
| DATE SUBMITTED | 2-14-22 | |
| ATTACHMENTS YES ☐ NO ☐ | * IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED | 2 |

**COMMITTEE SIGN-OFF**

| | |
|---|---|
| COMMITTEE-Finance Committee | On 2-8-22 Finance Committee voted 5-1 to endorse the contemplated change in funding recommendation. |
| CHAIR PERSON | |

**DEPARTMENT APPROVALS**

| | |
|---|---|
| DEPUTY CITY MANAGER | |
| CITY MANAGER | |

**FINANCE & BUDGET INFORMATION**

| | |
|---|---|
| FINANCE OFFICE APPROVAL | |
| SOURCE OF FUNDS | General Fund Unassigned Fund Balance |
| ACCOUNT NUMBER | (13) bonded capital improvement projects |
| AMOUNT | $3,710,641 |
| APPROPRIATION REQUIRED YES ☐ NO ☐x | NO |

**LEGAL AUTHORITY**

City Council

**SUMMARY STATEMENT**

**Change Funding of bonded Capital Improvement Projects (CIP) to Unassigned Fund Balance:** Recommended funding change is $3,710,641. The itemized project list is attached (Exhibit A) and includes City, School, Water & Sewer CIP projects. The anticipated interest savings by avoiding bond issues of these projects is estimated at $510,000. Savings based on 10 year bond at 2.5% interest.

**EXHIBIT A**

| CAPITAL IMPROVEMENT PROJECTS | | |
|---|---|---|
| **CIP Project** | **Location** | **Amount** |
| Portland St Reconstruction | Public Works | $59,247 |
| Arena Dasher Boards Replacement | Arena | $25,000 |
| Network Upgrade & Expansion | IT | $17,244 |
| Apparatus Replacement Program | Fire | $345,000 |
| Apparatus Replacement Program | Fire | $1,940,000 |
| **Subtotal City General Fund** | | **$2,386,491** |
| | | |
| Alarm Panels DW | School | $20,000 |
| Asbestos Abatement | School | $75,000 |
| Door Hardware Upgrade | School | $125,000 |
| HVAC Upgrades | School | $350,000 |
| **Subtotal School Dept.** | | **$570,000** |
| | | |
| Pump Station Maint Upgrades | Water | $54,150 |
| Water Distribution System Upgrade | Water | $100,000 |
| **Subtotal Water Dept.** | | **$154,150** |
| | | |
| Sewer System Master Plan | Sewer | $300,000 |
| NPDES Permit Tech Legal Assist | Sewer | $300,000 |
| **Subtotal Sewer Dept.** | | **$600,000** |
| | | |
| **Subtotal CIP's City-School-Water-Sewer** | | **$3,710,641** |

**RECOMMENDED ACTION**

Council Approve Recommendation

**Resolution Authorizing Transfer of General Fund Unassigned Fund Balance in the amount of $1,000,084 to the Economic Development Special Reserve Fund**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF ROCHESTER**:
That the amount of One Million Eight Four Thousand Dollars ($1,000,084) is hereby authorized to be transferred from the General Fund Unassigned Fund Balance to the Economic Development Special Reserve Fund. The funds are hereby appropriated exclusively for economic development activity. Ineligible use of funds are ancillary administrative, marketing, conference, or travel expenses that may be related to the primary economic development activity.

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. All projects will be assigned a unique account number for tracking and reported purposes.

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City Clerk's Office

# City of Rochester Formal Council Meeting

## AGENDA BILL

**NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.**

AGENDA SUBJECT **Transferring $1,000,084 of General Fund Unassigned Fund Balance to Economic Development Special Reserve Fund**

| | |
|---|---|
| COUNCIL ACTION ITEM ☐ x<br>INFORMATION ONLY ☐ | FUNDING REQUIRED? YES ☐ NO ☐x<br>* IF YES ATTACH A FUNDING RESOLUTION FORM |
| RESOLUTION REQUIRED? YES x☐ NO ☐ | FUNDING RESOLUTION FORM? YES ☐ NO ☐ |

| | | |
|---|---|---|
| AGENDA DATE | March 1, 2022 | |
| DEPT. HEAD SIGNATURE | Mark Sullivan-Deputy Finance Director | |
| DATE SUBMITTED | 2-14-22 | |
| ATTACHMENTS YES ☐ NO ☐ | * IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED | 3 |

**COMMITTEE SIGN-OFF**

| | |
|---|---|
| COMMITTEE-Finance Committee | On 2-8-22 Finance Committee voted 6-0 to endorse the contemplated transaction |
| CHAIR PERSON | |

**DEPARTMENT APPROVALS**

| | |
|---|---|
| DEPUTY CITY MANAGER | |
| CITY MANAGER | |

**FINANCE & BUDGET INFORMATION**

| | |
|---|---|
| FINANCE OFFICE APPROVAL | |
| SOURCE OF FUNDS | General Fund Unassigned Fund Balance |
| ACCOUNT NUMBER | Economic Development Special Reserve Fund |
| AMOUNT | $1,000,084 |
| APPROPRIATION REQUIRED YES ☐ NO ☐x | NO |

**LEGAL AUTHORITY**

City Council

**SUMMARY STATEMENT**

Allow transfer of General Fund Unassigned Fund balance of $1,000,084 to the Economic Development Special Reserve Fund. This request was presented to the Finance Committee on 2-8-22, and was endorsed by a vote of 6-0. The funds will capitalize the Economic Development Special Reserve Fund to a more adequate level. Expenditure of any funds still require Council approval. The Economic Development Department & REDC are required to submit to Council a short term action plan for use of funds. The action plan must be submitted prior to any expenditures being approved. In addition, administrative, marketing, conference and travel expenses are declared to be ineligible uses of these funds.

The Economic Development Special Reserve Fund has a current balance of $316,000. This transfer, and the FY23 recurring transfer from Waste Management Host Fee revenues of $100,000, will capitalize the fund to $1,500,000. This capitalization will reduce ad hoc Economic Development project funding requests for use of General Fund Unassigned Fund Balance, which Council has been reviewing on a case by case basis. The case by case basis is not a best practice approach to utilizing and controlling General Fund Unassigned Fund Balance.

**RECOMMENDED ACTION**

Council Approval Recommended

# FINANCE COMMITTEE
# Agenda Item

02/24/2022

**Agenda Item Name:** Economic Development Fund

**Meeting Date Requested: 2-8-22**

**Name of Person Submitting Item:** Mark Sullivan Deputy Finance Director

**E-mail Address:** mark.sullivan@rochesternh.net

**Issue Summary:** City Ordinance 7-63 Economic Development Special Reserve Fund (SRF) provides a minimum of $100,000 in annual funding directly from Waste Management Host Fees. In addition, ordinance 7-63 includes a provision that allows additional transfers to the Economic Development SRF from Waste Management Host Fee revenues received in excess of the total annual adopted appropriation. For example; Waste Management Host Fee Revenues appropriated $3,000,000, actual received $3,500,000, unappropriated $500,000 eligible for transfer. The City Council may direct any portion of the excess to the Economic Development SRF, The last fiscal year that an excess transfer was executed was FY15 in the amount of $49,604.

The below chart identifies the last (5) years of Waste Management Host Fee Revenue activity, and the fiscal year end unappropriated surplus, which is slightly over $3.2 million. The unappropriated surplus has flowed to General Fund Unassigned Fund balance for each period.

| DESCRIPTION | FY21 AMOUNT | FY20 AMOUNT | FY19 AMOUNT | FY18 AMOUNT | FY17 AMOUNT |
|---|---|---|---|---|---|
| **Uses** | | | | | |
| Projects | | - | - | - | - |
| Gen Fund - City | $2,000,000 | $2,080,000 | $1,821,873 | $2,000,000 | $535,000 |
| Gen Fund - School | $878,127 | $878,127 | $878,127 | $0 | $0 |
| Econ Dev Fund | $0 | $0 | $0 | $0 | $0 |
| **Total Budgeted** | **$2,878,127** | **$2,958,127** | **$2,700,000** | **$2,000,000** | **$535,000** |
| | | | | | |
| **Host Fees** | | | | | |
| #1 - (WM Qtr * Apr - Jun) | $862,438.79 | $1,040,341.50 | $913,159.35 | $731,176.39 | $183,924.32 |
| #2 - (WM Qtr * Jul - Sep) | $1,045,093.82 | $812,746.27 | $979,499.50 | $723,594.18 | $220,805.43 |
| #3 - (WM Qtr * Oct - Dec) | $922,723.18 | $783,486.86 | $914,387.84 | $565,014.50 | $135,053.34 |
| #4 - (WM Qtr * Jan - Mar) | $806,506.89 | $922,218.00 | $825,707.04 | $622,576.62 | $314,438.53 |
| Recycle Check | $2,925.78 | $0.00 | $493.82 | $5,648.59 | $5,597.37 |
| **Total** | **$3,639,688.46** | **$3,558,792.63** | **$3,633,247.55** | **$2,648,010.28** | **$859,818.99** |
| | | | | | |
| **Over(Short)** | **$761,561.46** | **$600,665.63** | **$933,247.55** | **$648,010.28** | **$324,818.99** |

No action has been taken over the period to transfer any portion of excess Waste Management Host fees to the Economic Development SRF. As a result, the majority of economic development related projects have been funded by General Fund Unassigned Fund balance. Subsequently, the fund balance in the Economic Development SRF is not capitalized properly to react to opportunities, or initiate any new economic development programs.

More importantly relying 100% on General Fund Unassigned fund balance for economic development projects has several negative aspects. The City Council does not have any budgetary reference to economic development plans, project scope, or importance and priority of projects. The City Council deliberates projects on a case by case basis. Although this methodology has worked it is not ideal because it doesn't hold Economic Development Department & REDC to any established budgetary amounts and programs. This can enable a "buy high-sell low" environment with little financial examination.

An established program and budgetary amounts will assure thorough due diligence occurs on both buying and selling transactions. The arrangement will also establish a more centralized process for economic development activities. Additional funding from General Fund Unassigned Fund balance can be requested when absolutely necessary. Furthermore, utilizing General Fund Unassigned Fund balance in this manner doesn't take into consideration existing commitments approved for City & School operations. This increases the risks of over committing use of General Fund Unassigned Fund balance.

The below chart is last (5) five years of activity on economic development activities.

| Project Description | Type | Amount | Source | Fiscal Year |
|---|---|---|---|---|
| 294 Rochester Hill Rd | Land Purchase | $450,000 | GF Unassigned FB | 2017 |
| 296 Rochester Hill Rd | Land Purchase | $250,000 | GF Unassigned FB | 2017 |
| 0 Rochester Hill Rd | Land Purchase-64% | $102,066 | GF Unassigned FB | 2017 |
| Granite State Business Park-Water Loop | Infrastructure | $600,000 | GF Unassigned FB | 2019 |
| 55 North Main St | Land-Building Purchase | $351,273 | GF Unassigned FB | 2020 |
| Downtown Revitalization Fund | Land-Building Development | $300,000 | GF Unassigned FB | 2020 |
| 8 Amarosa Drive | Land Development | $270,000 | GF Unassigned FB | 2021 |
| 11 Barker Court Purchase & Demo | Land Development | $365,000 | GF Unassigned FB | 2021 |
| **Sub Total General Unassigned FB** | | **$2,688,339** | | |
| | | | | |
| 145 Airport Rd | Land Purchase | $225,000 | GSBP Fund Balance | 2020 |
| Innvovation Drive-Prep Partners Waterline | Infrastructure | $132,000 | GSBP Fund Balance | 2021 |
| **Sub Total GSBP TIF 162K** | | **$357,000** | | |
| | | | | |
| Wayfinding | Infrastructure | $100,000 | ED Fund Balance | 2020 |
| 10 North Main St | Land-Building Purchase | $111,914 | ED Fund Balance | 2018 |
| 0 Rochester Hill Rd | Land Purchase-36% | $57,934 | ED Fund Balance | 2017 |
| **Sub Total Econ Dev Fund** | | **$269,848** | | |
| | | | | |
| **All Total** | | **$3,315,187** | | |

During the last (5) five year period the Economic Development SRF received the $100,000 annual contribution except for FY17. No funds were transferred to the fund in FY17.

**Recommended Action:** Capitalize the Economic Development Fund at an appropriate level, and reduce direct case by case dependency on General Fund Unassigned Fund balance.

The recommended capitalization threshold is $1,500,000. The Economic Development Fund is currently carrying a fund balance of $316,000. FY23 will add another $100,000, the difference required is $1,084,000. The $1,084,000 would be a re-capitalization transfer from General Fund Unassigned Fund Balance to the Economic Development SRF.

In addition, it is recommended that the $1,500,000 be transferred into a separate liquid savings account at the highest yield available. The annual $100,000 contributions to the Economic Development SRF shall continue, and Council may elect to increase annually based on activity and results. Furthermore, allow the revenue from all sales of city property to flow back into the Economic Development SRF. Except for the 162-K TIFS, which shall continue to operate independently. Lastly, Economic Development Department & REDC shall submit a three year development plan and establish categories and programs for use of funds.

Economic Development Department & REDEC shall submit a resolution to Council each time funds are requested to be drawn for a specific project. At the end of each fiscal year the City Council shall be presented with a summary of all activity in the Economic Development SRF.

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City Clerk's Office

# City of Rochester Planning Board

Monday February 7, 2022
City Hall Council Chambers
31 Wakefield Street, Rochester, NH 03867
*(These minutes were approved on February , 2022)*

*Members Present*
Mark Collopy, *Chair*
Peter Bruckner
A.Terese Dwyer
Paul Giuliano
Don Hamann
Mark Sullivan

*Members Absent*
Ashley Desrochers
Keith Fitts, *excused*
Robert May, *excused*

*Alternate Members Present*

Staff: Ashley Greene, *Administrative Assistant II*
Shanna B. Saunders, Planning Director

(These are the legal minutes of the meeting and are in the format of an overview of the meeting. A recording of the meeting will be on file in the City Clerk's office for reference purposes. It may be copied for a fee.)

## I. Call to Order

Mark Collopy called the meeting to order at 7:00 p.m.

## II. Roll Call

The recording secretary, Ashley Greene, took roll call.

## III. Seating of Alternates

There were no alternates present to seat.

## IV. Communications from the Chair

Mr. Collopy informed the Board that Councilor Ashley Desrochers is the new Alternate Council member. Paul Giuliano has been elevated to a regular Planning Board member and Robert May's Planning Board membership has been extended.

## V. Approval of minutes for January 3, 2022

*Terry Dwyer made a motion to approve the minutes from January 3, 2022. The motion was seconded by Don Hamann. The motion carried by a unanimous voice vote.*

## VI. Opening Discussion/Comments (up to 30 minutes)

### A. Public comment

Mr. Collopy opened the floor for public comment. There was no public comment; Mr. Collopy brought it back to the board.

### B. Discussion of general planning issues

No general planning issues to be discussed.

## VII. Consent Agenda:

**A. Richard Bedrosian, New England Gaming, LLC, 7 Milton Road** (by Arcadia Construction) Request for an extension to meet precedent conditions for an approved 20,000 sf function hall/charitable gaming operation.
Case# 222 – 94 – HC – 21 ***EXTENSION***

*Mr. Hamann made a motion to approve the extension for New England Gaming, LLC until August 7, 2022. The motion was seconded by Ms. Dwyer. The motion carried by a unanimous voice vote.*

## VIII. Continued Applications:

**A. Groen Construction, 29 Wadleigh Road** (by Jones & Beach Engineers, Inc.) Site plan and conditional use permit to construct a 52-unit 17,455 s.f. apartment building. Case# 137 – 35-1 – HC -21 ***REQUEST FOR CONTINUANCE***

Shanna B. Saunders discussed the need for a continuance. Ms. Saunders stated there are a few issues to be resolved regarding utilities. The applicant has asked for a continuance until the regular meeting on March 7, 2022.

*Peter Bruckner made a motion to approve the continuance request for 29 Wadleigh Road. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

## IX. New Applications:

**A. Robert Williams, Grand View Camping Area, 11 & 51 Four Rod Road** (by James M. O'Neil, LLC) Lot Line Revision. Case# 217&220 – 4&34 – A – 22
**Public Hearing *ACCEPTANCE/FINAL ACTION****

Applicant was not present at 7:04 p.m., Mr. Collopy proceeded with the public hearing anyway as members of the public were present.

Patricia Ahern, resides in Nashua NH, but has an abutting property to Grand View Camping Area. Ms. Ahearn stated that she has two frontage on Ten Rod Road which are both essentially two 100 feet road entrances. Ms. Ahern stated that she also has 1200 feet of frontage on Baxter Lake. Ms. Ahern stated that she is concerned about the marsh area and wetlands. Ms. Ahern stated that she wants to make sure that everything goes through the Department of Environmental Services (DES). Ms. Ahern asked if the owner of Grand View Campground will be planning to extend the camping area.

Christopher Rice, 159 Ten Rod Road, Ward 5 Councilor, speaking as an abutter, Chairman of Public Safety, and a representative for Ward 5 residents. Mr. Rice discussed his concerns about traffic and if the lot line revision is approved and Grand View Campground expands with upwards to 100 camp sites. Mr. Rice stated that campgrounds per our ordinance are a nonconforming use, and if they continue to expand does the nonconforming use get transferred to the new lot? Mr. Rice stated that it is a peaceful community with farms, and the sanctity would be disturbed but allowing the lot line revision. Mr. Rice discussed the water and sewage usage and his concern for it not being City Water and Sewage. Mr. Rice discussed his concerns about Baxter Lake and milfoil.

James Miliner, 48 Four Rod Road, stated that he lives directly across from the main entrance of the Grand View Campground. Mr. Miliner discussed his concerns for the future plans with the owner and Grand View Campground. Mr. Miliner discussed the campsites that are out of conformity with the lot line, and the farm road located on 51 Four Rod Road. Mr. Miliner discussed the number of lots that the owner was approved for and how many there actually are. Mr. Miliner discussed the campgrounds septic system, and how many people there are at the campground. Mr. Miliner discussed the number of boats that come in and out of Baxter Lake and the number of boats that could increase with time.

Lisa Stanley, 133 Sampson Road, not a direct abutter but lives around the corner. Ms. Stanley discussed that per the ordinance that campgrounds are not allowed within the City unless a Special Exception is granted. Ms. Stanley urged the board to do research on the property before approving the lot line revision. Ms. Stanley addressed the letter that was submitted with the application and how some of the information given seems deceptive. Ms. Stanley discussed her recollection of the process that occurred with the campsites that are encroaching on the lot line. Ms. Stanley discussed her concerns with allowing the lot line adjustment to receive 14 acres of mostly wetlands.

The applicant arrived.

James M. O'Neil, licensed surveyor and presenting on behalf of the owner Robert Williams. Mr. O'Neil gave an overview of the history of the Grandview Campground. Mr. O'Neil stated that the

campground was purchased by Mr. Williams around 2005, and at that time most of the sites that were in question were already in place. Mr. O'Neil stated there were a large amount of blow down and when that was cleaned up, that became the storage/maintenance area. Mr. O'Neil stated that the old farm road has been there for many years before Mr. Williams purchased the property. Mr. O'Neil stated that the road was minorly upgraded and the road and culverts were certified by a wetland scientist. Mr. O'Neil stated that with this lot line revision they are looking to get the campsites and the maintenance area onto the Grandview property.

Ms. Saunders discussed the application and that staff recommend accepting this application as complete as it has sufficient information to allow the board to make an informed decision.

*Paul Giuliano made a motion to accept the application as complete. Mr. Bruckner seconded the motion. The motion carried by a unanimous voice vote.*

Ms. Saunders discussed the review by the Technical Review Group (TRG) and discussed the existing encroachment of the campground area and the stockpile and trailer parking area being very close to the wetlands. Ms. Saunders stated that the Campground file is very thin, but plans were located with the campsites going back to 1991. Ms. Saunders stated that it is determined that the site were proposed and approved. In 2004 and 2005 era plans were found regarding enforcement of the trailer parking area, although the file was incomplete and it was difficult to tell if there was ever an approval letter. Ms. Saunders stated that staff is recommending a note be added to the plan to identify the wetland scientist, indicate the date of the wetlands flagging, and to also add to the plan that there can not be any expansion of these areas without further wetland permits. Ms. Saunders stated that other than those conditions, there were the usual conditions, and staff has recommended approval of the lot line revision.

Mr. Collopy brought it to the board for discussion.

Mark Sullivan asked about the structures located on Map 217 Lot 34 and when the encroachment occurred. Ms. Saunders stated that there was nothing in the file that indicated when those campsites were placed. Mr. Sullivan asked why the applicant needs 14 acres with their lot line revision when there is only a small area of campsites encroaching on the lot line.

Mr. O'Neil stated that there are about two to three acres that the campsites encumber. Mr. O'Neil stated that there are about nine acres of wetlands after the campsites. Mr. O'Neil discussed adjusting the lot line to also include the storage/maintenance area which is approximately two acres.

Mr. Giuliano asked if the applicant could keep the storage/maintenance area on Map 217 Lot 34? Ms. Saunders stated that staff would recommend cross easements incase the properties ever change hands of ownership. Ms. Saunders stated that staff would not recommend that this is the cleanest way to clean up the encroachments.

Mr. Giuliano asked about the encroachment on the Scribner residence located at 33 Four Rod Road. Mr. O'Neil stated that a work order is currently in place to restore that area back to its natural state. Mr. O'Neil stated that Mr. Williams was unaware that it was an encroachment. Giuliano stated that he would like that encroachment addressed for 33 Four Rod Road. Ms. Saunders stated that it can be added as a condition.

Mr. Sullivan asked what the process would be if they decided to expand the campground? Ms. Saunders stated they would have to go before the Zoning Board of Adjustment and request a Special Exception.

Mr. Collopy asked if the work zone area existed before the purchase of the property by Mr. Williams. Mr. O'Neil stated that it was created by a blow down from an ice storm. Mr. Collopy stated that any activity that occurs, other than what is already existing, needs to go through the proper channels and receive the proper approvals. Mr. O'Neil stated that the applicant is in agreement with that condition.

Ms. Dwyer stated that she can't support doing the lot line revision for all 14 acres. Ms. Dwyer stated that she can support doing a lot line revision for just the campsites and the storage area. Ms. Dwyer requests that there be plans in writing of the encroachment being fixed on 33 Four Rod Road.

Mr. Collopy asked if the owner of 33 Four Rod Road was present and wished to speak on the encroachment on her property.

Marilyn Scribner, 33 Four Rod Road, spoke regarding the tote road and how it has been used for some time now. Ms. Scribner discussed her concerns about incorporating the wetlands in the lot line revision and her concerns about what will come of the campground if the lot line revision is approved. Ms. Scribner discussed her concerns about the constant fireworks during the summer months.

Mr. Collopy opened the floor for any additional public comments.

Ms. Ahern reapproached and discussed her concerns about her property being diminished in value.

Mr. Miliner reapproached and discussed the "tote" road and how it was built by Mr. Williams. Mr. Miliner discussed the blow down that occurred to create the storage yard.

Mr. Rice reapproached and discussed the campsites and the storage area and how they were created intentionally. Mr. Rice asked if a timber permit was applied for when creating the storage yard. Mr. Rice urged the board to not approve the lot line revision and to request easements instead.

Mr. Collopy brought the discussion back to the board.

Mr. Hamann stated that he has a problem with the encroachment being mistakenly done on 2-3 acres. Mr. Hamann stated that he would be open to revising the lot line around that piece of land with the campsite and the area for the storage/maintenance yard. Mr. Hamann stated that he can't support the lot line revision for 14 acres.

Mr. Sullivan asked if Mr. Williams could just go to before the Zoning Board of Adjustment and ask for a Special Exception to allow more camp sites. Ms. Saunders stated that would be the process.

Ms. Saunders stated that as long as the lot line adjustment meets the City Ordinance; appropriate frontage and square footage on each lot, and no structures are within the setbacks, then there is no legal reason to stop that lot line adjustment. Ms. Saunders stated that the board could take the position that the encroachments were not done correctly, then require the applicant to go in front of

the Zoning Board of Adjustment and the Conservation Commission to get the proper permissions, retroactively. We would then table this item until that is complete and then we can complete the lot line adjustment.

Mr. Collopy stated that a Site Walk could also be conducted before approving the application. Mr. Collopy discussed his concerns about his issues with the 1-2 acres of storage/maintenance area right in next to the wetlands. Mr. Collopy suggested possibly a sky view.

Mr. O'Neil reiterated that the wetlands were delineated by a wetlands scientist and the storage area was the result of the blow down. Mr. O'Neil stated that per the ordinance the applicant is trying to clean up the lot lines and there are no plans for any future expansion of the campground. Mr. O'Neil stated that if there are expansion plans the applicant understands he has to go in front of the ZBA and Conservation Commission.

*Mr. Sullivan made a motion to table the application and have the applicant go to for the retroactive Zoning Board of Adjustment Special Exception and Conservation Commission if needed. Mr. Hamann seconded the motion. The motion carried by a unanimous voice vote.*

**B. Great Woods Development, LLC & William Gregory, Bailey Drive** (by Norway Plains Associates, Inc.) Lot Line Revision.
Case# 224 – 324-37&324-38&324-48 – R1 – 22
**Public Hearing *ACCEPTANCE/FINAL ACTION****

Ms. Dwyer recused.

Joel Runnals, presented on behalf of Great Woods Development and William Gregory. Mr. Runnals stated the subdivision was approved in 2007 and a condition was requested for a 20 foot strip left between the two lots. The applicants are requesting to remove the 20 foot strip between the two lots. Ownership will go back to the abutting lot owners.

Mr. Collopy opened the floor for public input. None seen, brought it back to the board.

Ms. Saunders stated that staff recommendation is to accept the application as complete.

*Mr. Hamann made a motion to accept the application as complete. Mr. Bruckner seconded the motion. The motion carried by a unanimous voice vote.*

Ms. Saunders stated that this application went through TRG and there were no additional plan notes needed other than final drawings upon approval. Staff understands the request to remove the 20-foot strip as it currently does not connect to anything.

*Mr. Bruckner made a motion to approve the lot line revision application. Mr. Giuliano seconded the motion. The motion carried by a unanimous voice vote.*

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## X. Other Business

### A. Appointment of Planning Board Member to the Parking Review Group

Mr. Collopy discussed the need for the Planning Board Member, requested by the City Manager, along many other city members to assist in the Parking Review Group.

Ms. Saunders stated that the purpose of the group is to look at the parking study that was completed by the Planning Department last year.

Ms. Dwyer asked if there was a timeline of the Parking Review Group. Ms. Saunders stated there is no timeline this group.

*Ms. Dwyer nominated Keith Fitts for the position. Mr. Giuliano seconded the motion.*

Mr. Collopy requested someone from the Board volunteer for the Minor Site Plan Committee. Mr. Collopy stated that he would be the alternate.

Ms. Saunders stated that it is a position for the Minor Site Review and Special Downtown Review. The committee meets typically once a month at 2:00 p.m. on Wednesdays. Ms. Saunders stated it is an expediated application process but abutters are still notified so it is a public hearing.

Mr. Bruckner volunteered to serve on the Minor Site Review Committee.

### B. Planning Update

Ms. Saunders addressed the continuance on 29 Wadleigh Road. Ms. Saunders stated that the delay involves coordinated third party reviews for sewer, water, and traffic with 19 Old Gonic Road. Ms. Saunders stated to plan to have both projects at one Planning Board meeting.

Ms. Saunders stated the Sofield apartments are coming up for redevelopment. Ms. Saunders stated Sofield coming up for redevelopment brought up the need to look at the avaiation overlay district and the airport did draft up an amended overlay district. Ms. Saunders stated that it will be brought to the board for review and recommendation to Council.

Mr. Bruckner discussed the importance of the aviation overlay district and that it is mainly there to protect the people and not the airport. Mr. Bruckner stated he plans to come with a presentation and address to the board why it is so large.

Mr. Giuliano asked if the PDA would be giving their blessing on the aviation overlay before it comes to the Planning Board.

Mr. Hamann asked how much input the board and the Council has.

Ms. Saunders stated that the zone is completely the decision of the board but the ramifications of the decision that would be made needs to be understood.

Mr. Bruckner discussed addressing the requirements of the FAA. Mr. Bruckner stated that our zone may or may not be larger than the requirements.

### C. Other

None at this time.

## XI. Adjournment

*Ms. Dwyer made a motion to adjourn the meeting at 8:22 p.m. Mr. Giuliano seconded the motion. The motion carried by a unanimous voice vote.*

Respectfully submitted,

| | | |
|---|---|---|
| Ashley Greene | and | Shanna B. Saunders |
| Administrative Assistant II | | Director of Planning & Development |

# Public Safety Committee
# Draft Meeting Minutes
# February 16, 2022
# 6:00 PM
# Council Chambers

| **Members Present** | **Others Present** |
|---|---|
| Councilor Chris Rice, Chair | Councilor John LaRochelle |
| Councilor Peter Lachapelle, Vice Chair | Councilor Steve Beaudoin |
| Councilor Dana Berlin | Deputy Chief Jason Thomas, PD |
| Councilor Skip Gilman | Interim Fire Chief Perry Plummer, FD |
| Councilor Amy Malone | Michael Bezanson, PE, City Engineer |
| | Dan Camara, GIS Asset Mgmt. Technician |
| | Bob Mayrand, 514 Salmon Falls Road |
| | Ken Partridge, 7 Katie Lane |
| | Steven Heon, 507 Salmon Falls Road |
| | Larry Cossette, 93 Chestnut Hill Road |

## Minutes

Councilor Rice brought the meeting to order at 6:00 PM.

1. **Approve Minutes from January 19, 2022 Public Safety Meeting.** ***Councilor Lachapelle made a motion to approve the minutes from January 19, 2022. The motion was seconded by Councilor Malone. Unanimous voice vote carried the motion.***

2. **Public Input**
   Members of the public were present for items that were on the agenda.

3. **Salmon Falls Road Traffic Issues**
   Councilor Rice asked the Committee if Item 5 could be moved up on the agenda, as members of the public were present for this item. Mr. Mayrand of 514 Salmon Falls Road was present to talk about the traffic issues in this area. He stated that he lives 3 houses from Portland Street and is at the corner of Katie Lane. He presented the Committee with a short video of the ongoing issues, which included a proposal consisting of three parts, a description of the offensive drivers with video examples, recommended solutions with examples and illustrations and cost effective way to monitor traffic conditions that provides compliance to posted speed limits and local City ordinances. Mr. Mayrand stated that there is excessive motorcycle noise and speed violations. From the stop sign at the intersection of Salmon Falls Road and Portland Street defiant motorcycle riders purposely rev their engines with their loud illegal exhaust pipes on a regular basis. They also sprint off the stop line and blast off like vehicles on a drag strip. He stated this was against the law and he referenced some local ordinances.

61.7 (revised to Chapter 254-8) Unnecessary Noise:
No person shall operate any vehicle on any traveled way so as to make any loud, unusual or other unnecessary noise as hereinafter defined.
61.8 (revised to Chapter 254-9) Misuse of Power:
No person shall operate any vehicle on any traveled way so as to misuse the power of that vehicle as hereinafter defined.
61.9 (revised to Chapter 254-10) Definitions:
The words "loud unusual or other unnecessary noise" or "misuse of power" [are defined as]… C. Rapid acceleration by means of quick shifting of transmission gears with either a clutch and manual transmission or automatic transmission; D. Rapid deceleration by means of quick downshifting of transmission gears with either a clutch and manual transmission or automatic transmission; E. Racing of engines by manipulation of the accelerator, gas pedal, carburetor, or gear selector, whether the vehicle is either in motion or standing still.
Mr. Mayrand said that Boston common was having trouble and a commissioner was hired; enforcement of the law and the noise problem did get better. He said the primary concern is to bring attention to the traffic conditions, not argue speed and noise calculations. Some of his suggestions were to lower the speed limit from 35 to 25 for the first mile of Salmon Falls Road from Portland Street south and install warning signs for motorcycles to drive quietly. Install warning signs one mile south of Portland Street on Salmon Falls Road in the north bound lane announcing the 25 mph speed limit which includes warning signs for tractor trailer trucks prohibiting jake brake usage in residential areas and signs that say caution do not tailgate. Mr. Mayrand said that Highway regulations RSA 236:130 is a state regulation that needs to be changed; it prohibits video surveillance and New Hampshire is 1 of 6 States that it is prohibited in, but they do have video surveillance at toll booths. He said they can do it in Rochester they said there is a line in the ordinance that will allow it "on a case-by-case basis in the investigation of a particular violation, misdemeanor, or felony"; he said that Salmon Falls Road meets this criteria. Councilor Rice said he understands this is a serious issue, not just for this neighborhood, but others as well like Ten Rod Road. Ken Partridge of 7 Katie Lane was also present to talk about this issue; he said that the sound you heard on the video doesn't do it justice, and that this is the sound from inside the house. Councilor Lachapelle said thank you to Mr. Mayrand for summarizing this; and, he sympathizes with him. He said it happens in other places as well. He said the presentation he put together is great. Councilor Lachapelle also stated that signs will help a little for good people, but for the people breaking the law they won't help. Police presence will help, but right now the Police Department is down 8 officers; he also said that certain requests would have to go to the State House. Councilor Beaudoin said that having been a State legislator when that statue was actually enacted, it is exactly that, a case by case basis if someone is being investigated; so, going to the State Legislature is the right thing to do. Councilor LaRochelle asked if he could have the presentation sent to him. Steven Heon of 507 Salmon Falls Road said he lives across the street from Mr. Mayrand and he said he knows right from wrong; and, what is happening on Salmon Falls Road is wrong and unsafe and something needs to be done. Vehicles are using the area

as a runway and something needs to be done. Councilor Rice said in January the Police Department briefed them on the trailer-mounted portable signs. He reiterated that the Police Department is down officers. Councilor Berlin asked about the removal speed bumps. Councilor Lachapelle said this has come up on a number of occasions and said other neighborhoods would want them; DPW would have to install and then remove them in the fall and that takes time. Councilor Rice said he looked into this issue and said ½ of the road is considered 1 section and 1 section cost approximately $5,000 and you would need 2 sections so that would be $10,000; and, if one street gets it, others will want it as well. Councilor Lachapelle sympathizes with the issue and besides directed patrols he would like to get the perspective of the Chief and talk to the City's Legal Department about what can be done. Councilor Rice asked if there is anything in the MUCTD that would help. Mr. Bezanson said he would look into it and see if there are any signs that would pertain to this issue. Councilor Berlin asked at what point you may have to do something; just because other neighborhoods may want it shouldn't keep the City from acting. If there is an issue, something needs to be done and it should be done on a case-by-case basis. Councilor Rice said this will be kept in committee and do some research and everyone come back with possible solutions. Councilor Rice thanked the citizens for coming to the meeting; the Committee often doesn't know about these sorts of issues until they are brought to their attention.

4. **Flat Rock Bride Road/ Salmon Falls Road Intersection Safety Concerns (kept in committee)**
   Councilor Rice summarized the issue. Mr. Bezanson said there was no update this month. Councilor Rice asked if there was any call for service regarding snow piles or anything like that. Deputy Chief Thomas said they have not received any calls for service in this area.

5. **197 Columbus Avenue-Requesting Handicap Spot (kept in committee)**
   Councilor Rice summarized the issue. He said that he drafted a letter to be sent to the property owner requesting them install a handicap sign on their property.

6. **Q4 Frisbie Report**
   Councilor Rice said that he wanted to include this information in the agenda packet, so if anybody had any questions he would like questions to be written down and forwarded through the Fire Chief back to Frisbie to address.

7. **Concern of Traffic around William Allen School (resident sent email to City Manager)**
   Councilor Rice summarized the issue. An email was sent to the City Manager regarding traffic issues near the William Allen School. Coming down Charles Street from the TD Bank intersection end and as they approached Granite Street, there was a long line of cars in the middle of the road waiting to turn down Granite Street once William Allen School let out. This line of cars was blocking the roadway and they could not go around them because there was a car legally parked along

the street to the right-hand side. Councilor Rice said this issue has been dealt with many times. A couple of things that were discussed in the Committee were addressed with to the Superintendent of Schools and the Principal. Councilor Lachapelle said there is a project happening in the area. He said that this school was not designed for this vehicle traffic. There is a joint committee with School Board and councilors. If you close the little schools and build one good sized one, it will alleviate some of the issues like this and what has happened at Maple Street School. Mr. Bezanson said the City has just received bids for a project in this area on streets such as Charles, Woodman and Myrtle Streets. A couple of aspects to this project are to address some parking issues and change the traffic flow on some roadways to one-way only. Councilor Rice asked if these changes had been made already. Mr. Bezanson said that the traffic flow changes had come before the Public Safety Committee previously and would be implemented with this project. This project won't necessarily solve the problem of vehicles lining up for school drop off and pick up, though. Councilor Rice said he went to the area of 38 Charles Street and he witnessed people lining up on Charles Street at 2:15 PM and school doesn't get out until 3:00 PM. The vehicles were blocking driveways, fire hydrants and crosswalks. The vehicles were standing on Charles Street, blinkers on, in park, foot off the brakes, and that was preventing busses from getting by to get to the school. One of the options talked about previously was the "nuclear option", in which the Police Department would issue summons; he said he personally wouldn't want to see that right off the bat. Councilor Rice said that he is working on a project; he has been in touch with the Superintendent and School Board Chair to set up meeting with the PTA to go over some of the concerns with the neighbors in the area and will report back to the Committee. Councilor Lachapelle asked when construction will begin. Mr. Bezanson said construction will probably begin by early summer and will have a duration of a couple of years. Councilor Beaudoin said he brought this issue up when he was first elected. He said the short term solution would be to post "no parking" on the southbound and northbound sides to accommodate traffic around the standing vehicles. Councilor Lachapelle said they tried "no parking" on Granite and the residents were affected. Councilor Berlin said maybe a lottery for different drop off and pick up times would work. Councilor Rice said this was explored before, but the problem is that the parents may have more than one child; and the other problem is teacher unions and contract language regarding work hours. Councilor Berlin envisioned a scenario that wouldn't increase the amount of time that teachers needed to be at the school. Councilor Rice said you can't tell the parents what to do, if they want to bring their kids to school. This was kept in committee and Councilor Rice will pursue a meeting with the PTA.

**8. Sidewalk Request on Hansonville Road (email was sent to Councilor Lachapelle)**

Councilor Rice summarized the issue. Councilor Lachapelle asked how far down on Oak Street with the sidewalk. Mr. Bezanson said they will be going all the way to Tessier with the sidewalk rehabilitation of existing sidewalk. Mr. Bezanson said there is a TAP Grant project for a Portland Street sidewalk connection included in

the draft State Ten Year Plan that should be approved later this year. He said that the Department has requested funding in the FY23 Budget for extending sidewalks where there currently are none; the Budget is currently being reviewed by the City Manager. Councilor Lachapelle asked if Hansonville Road would warrant a sidewalk. Mr. Bezanson said that with the increased number of housing units in the area it is now used more heavily by pedestrians and there is not a lot of space along the road shoulder to get out of the traveled way; it is certainly a candidate. DPW would have to evaluate the roadway for drainage, and ledge removal would be costly. (kept in committee)

**9. Safety Issue Crosswalk Columbus Avenue near KFC (Route 125) (request was sent by Councilor Berlin)**

Councilor Rice summarized the issue. Councilor Berlin said he has observed an issue with the crosswalk across Columbus Avenue; it sneaks up on you in either direction especially at night. There are streetlights beyond the crosswalk, but not at the crosswalk. The closest streetlight is near May Street. He asked what would be less expensive, streetlights or a flashing pedestrian sign. Mr. Bezanson said proper lighting is important at a crosswalk; the proper lighting would be installed on the approach to the crosswalk in both directions. Councilor Berlin questioned whether there were lights out along the pedestrian pathway. Councilor Rice said he went out to look and there are lights in the parking lot, but there is a stretch from the walkway to Village Pizza with no lights; there are no utility poles on that side of the street. Mr. Bezanson made a comparison to the crosswalk at 105 North Main Street. The original design for the North Main Street crossing was proper lighting and hardwired rectangular rapid flashing beacons (RRFB); due to budget constraints, solar RRFBs ended up being installed at this location. He stated that solar RRFBs would probably be the most cost effective solution on Columbus Avenue as well. Councilor Rice said he would like a policy, or document in place as the Committee considers installation of RRFBs around the City in the future to give the Committee something to go by. This was kept in committee for Mr. Bezanson to research crosswalk safety policies and get back to the Committee. Mr. Bezanson said that the Department had also requested funding in the FY23 Budget for pedestrian safety improvements, suggesting a program with regular funding every year.

**10. E911 Update**

There was no E911 update this month.

**11. Emergency Management Update**

Interim Fire Chief Plummer said they participated in the drill for Seabrook Nuclear Power Plant with the 13 communities, emergency planning zone and 3 host communities and for 1 day in participation of a graded drill. Councilor Rice explained to the new members what the host communities do. . Rochester is a host community and takes in towns that are affected if there is a problem with the plant. Interim Chief Plummer said there are 3 host communities, Rochester, Dover and Manchester.

**12. Other**

Councilor Rice said before they get to "other" on the agenda they wanted to take a vote to see if the committee wanted to keep "other" on the Agenda**.** ***Councilor Lachapelle made a motion to keep "other" has an agenda item. The motion was seconded by Councilor Malone. Unanimous voice vote carried the motion.***

**141 Columbus Avenue Parking**

Councilor Beaudoin said that he had constituent come to him about the sale of 141 Columbus Avenue with 38 Hanson Street the commercial building; people use that municipal lot for parking, but now it has been sold. It was suggested to remove the 2 hour parking restriction on Hanson Street. Councilor Rice suggested to have cards placed in the cars for permission to park in the spaces, they would be in the businesses to pass out. Councilor Malone said that would be added responsibility for the businesses and it should be kept simple. ***Councilor Lachapelle made a motion to remove the "two hour parking" restriction on Hanson Street from Columbus Avenue to 38 Hanson Street. Councilor Berlin seconded the motion. Unanimous voice vote carried the motion.***

**93 Chestnut Hill Road Speeding Concerns**

Councilor Rice summarized the issue, as he had an email submitted. Larry Cossette of 93 Chestnut Hill Road was also present to discuss his concerns. He stated that he has lived there for around 50 years; and, for the last three years there have been 3 or 4 trucks a day hauling loads of gravel and they make a loud noise with every manhole cover that is hit. It is difficult to hold a conversation with all of the traffic noise. There is also excessive speed and the noise is no longer tolerable. Another issue is young drivers driving to school, jobs, and sports activities with excessive speed and turning "doughnuts" on the road near the turnpike overpass, as well as modified exhaust systems that may not meet regulations. Councilor Lachapelle said there will be more police presence up and down the road because of the new DPW facility where they will be fueling up. Councilor Rice said the Police Department personnel work awfully hard and they will make sure the speed trailer is placed on this roadway in the spring. Councilor Rice reiterated that there will be more police presence due to the new DPW facility that is on Chestnut Hill Road and that is where the police fill up and they are on 24 hours a day. Deputy Chief Thomas also said that in the spring they will have the speed trailer placed in the area.

**Councilor Rice adjourned the meeting at 7:31 PM.**

***The minutes were respectfully submitted by Laura J. McDormand, Admin. Assistant II.***

# Public Works and Buildings Committee
# City Hall Council Chambers
# Meeting Minutes
# February 17, 2022

**MEMBERS PRESENT**

Councilor Donald Hamann, Chairman
Councilor Jim Gray- Vice Chairman
Councilor Chris Rice
Councilor John Larochelle
Councilor Steve Beaudoin

**OTHERS PRESENT**

Peter C. Nourse PE, Director of City Service
Lisa J. Clark, Administrative Supervisor
Britt Eckstrom, PE Wright-Pierce Engineers
Richard Davee, PE Wright-Pierce Engineers

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## MINUTES

Councilor Hamann called the Public Works and Building Committee to order at 7PM

1. **Approval of December 16, 2021 Meeting Minutes**
   **Councilor Rice made a motion to accept the minutes as presented. Councilor Beaudoin seconded the motion. The motion passed unanimously.**
2. **Public Input**
   No Public Input. Mr. Nourse stated that City Policy 1.019 states that Public Committees must post agendas in two public places. He stated that those two places per the policy are City Hall and the Library unless stipulated by the Chairman of the Committee. Mr. Nourse noted that currently the Public Works and Building Committee agendas are posted at the Department of Public Works Facility (DPW) and City Hall, and he asked if the Chair would like to continue with this practice or change it. Councilor Hamann asked if the department's current practice works best for staff. Ms. Clark noted that City Hall and DPW work best as the Meter Technicians are handling the posting on their trips to City Hall. Councilor Larochelle asked if the City Website posting counted as one of those location. Mr. Nourse stated that it is an additional internal requirement. Councilor Beaudoin discussed that the Public Works Facility and City Hall seemed appropriate. Councilor Gray said it only takes an email to send it to the Library. Councilor Hamann stated he would like postings at Public Works Facility and City Hall, but to also send it to the Library to post.
3. **Supply Chain Shortages**
   Mr. Nourse stated that in 2019 he had previously appraised the Council of the Construction Index increase of 20% nationwide. He stated that since then we have had supply and source issues due to the Covid 19 Pandemic and inflation associated with those issues. Mr. Nourse stated that he had included the Department of Administrative

Services PowerPoint presentation in the Public Works & Building Committee (PWC) packet to keep the City Council informed of the issues facing all City purchasing and bid costs. Mr. Nourse asked if the Committee had the chance to review or if they would like him to summarize the presentation for the viewing public. Councilors Rice and Beaudoin stated that they were all set as they had reviewed the packet. Councilor Gray suggested Mr. Nourse review the slides for the viewing public's benefit. Councilor Larochelle noted that the presentation is available in the PWC Agenda Packet on line. Mr. Nourse had the PowerPoint shown on the monitor and discussed the slides. He noted that they included information regarding the increase in cost for goods imported from China and other Countries. He mentioned that the increases are due to the problems with supply and transportation. The slides explained the CPI has increased by 5%, which is the highest increase in 13 years and it discussed raw materials shortages, labor shortages, fuel price increases and the transportation capacity constraints. Mr. Nourse explained that this all impacts the City and City operations and he stated that the report includes advice on how to lessen the impacts of these issues. Mr. Nourse stated that the DPW has previously used some of these recommendations. He noted that previous pavement bids included price variability indexes due to fluctuation of pavement cost in long term contracts and he stated now considerations for steel, plastic and cast iron pipe and other materials are being factored in. Councilor Rice asked that the PowerPoint be attached to the minutes for the benefit of the full City Council. (SEE ATTACHED)

4. **Proposed FY22 Road Surface Program**

   Mr. Nourse displayed the recommended pavement rehabilitation list on the monitors. He briefly describe the Pavement Conditions Index (PCI) program that is used to determine which roads to pave each year. He stated that this program categorizes the roads and selects the most cost effective way to keep good roads in good condition based on the amount of funding that is approved annually. He stated based on that plan roads have been paved that may have been paved more recently than some that are in very poor condition, but those roads will eventually come up. He stated that Estes Road is one of those heavily traveled roads in poor condition that finally came up this year. He listed the following streets as included in the recommendation: Estes Road from Washington Street (202) to 202A, Howard Brook Drive, Jessica Drive, Sandina Drive, Marcy Drive and McNeil Drive. Mr. Nourse stated that the City Council had approved $1 million for the FY 2022 Pavement plan and that there was $275,000 remaining from the FY2021. . Mr. Nourse stated he would need a motion to recommend that the full City Council approve these roads for the paving. Councilor Gray noted Sandina Drive on the list. He asked what year this street was accepted and asked if it was built to the City's satisfaction or is there something we can learn from during the inspection and acceptance process. Mr. Nourse stated he would get back to the Committee on the Sandina Drive history and conditions of the pavement there.

   **Councilor Rice made a motion to recommend that the full City Council approve Estes Road, Howard Brook Drive, Jessica Drive, Sandina Drive, Marcy Drive and McNeil Drive for the 2022 Paving Rehabilitation Program as presented by the DPW. The Motion was seconded by Councilor Gray. The motion passed unanimously.**

5. **Woodman Area Infrastructure Improvement Project**

   Mr. Nourse gave a brief description of this construction project. He discussed roadway,

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sidewalks, water, sewer, drainage and parking area improvements. He stated that the project has gone out to bid and the opening was held on February 9th. Mr. Nourse noted that this project had been reviewed and approved by the Public Safety Committee, Public Works & Buildings Committee, the Planning Board, the Historic Commission and the City Council. Mr. Nourse stated that he understood that there are many new Councilors and he has brought in the project Consultants from Wright-Pierce Engineers to give a brief presentation of the project and to answer any questions the City Councilors might have. He introduced Britt Eckstrom and Richard Davee from Wright-Pierce. Britt Eckstrom displayed a PowerPoint Presentation on the monitors. She explained the streets included in the project as Congress Street, Myrtle Street, Woodman Street, Davyanne Locke Lane, Ela Court, Beaudoin Court and a portion of Charles Street. She noted that at the request of the PWC and City Staff some alternates were to be included for consideration. Those alternates included Alternate A- Water Work on Charles Street, Alternate B – Liberty Street which includes a parking lot with 27 spaces, Alternate C – Academy Street Reconstruction, and Alternate D – for a small parking lot on Congress Street. Ms. Eckstrom discussed the previous project of Catherine and Sheridan that ties into this area. She explained in detail the included changes to the sidewalks, traffic patterns, parking and the improvements to the Woodman Park. Ms. Eckstrom explained that the base project is expected to start in the spring of 2022 and to last 2 years. She noted that if all alternates are approved an additional 6 months should be expected. Ms. Eckstrom stated there will be considerable coordination necessary with the school department and the intent is to do as much work in the school area as possible when school is not in session. Councilor Gray asked about the next neighborhood construction project. He stated his preference is that the next project be the Winter Street and Western Avenue area as discussed several years ago. Mr. Nourse stated that he didn't recall the exact schedule for that project and noted that we are in the process of developing a Sewer System Master Plan that will prioritize our schedule into the future. Councilor Beaudoin asked about the ownership of the 9 spots on Congress Street. He believe the Rochester Housing Authority (RHA) owned that land. Councilor Rice stated that he believe the City Staff was working on an agreement with RHA for that property. Councilor Rice asked that the presentation be emailed to him. Mr. Nourse explained that the Bid solicitation included a base bid, which is the core work of the project and he discussed that there were 4 alternates. He stated that the alternates could all be completed or the Council could select or remove any alternate as they preferred. He stated that the bids included price adjustment allowances as discussed previously. He stated those allowance pertain to hot mix asphalt, plastic pipe and ductile iron pipe. Mr. Nourse stated that there were three (3) bidders and the low bid was 30% lower than the high bid. He stated that the low bid including all alternates was $8,260,554.00. Mr. Nourse explained that to complete the base bid and all alternates we have insufficient funds in the general fund and the water fund. He stated that the deficit with the construction engineering and a 5% contingency on the alternates is approximately $2,800,000.00 ($1,562,812.14 General and $1,228, 337.63 Water Fund). Mr. Nourse stated that he had discussed the funding with the Finance Department and as this is a Clean Water State Revolving Fund Loan (CWSRF) Project in the amount of $4.9 million dollars they did not have a problem with cash flows or the ability of the City to support the project. Mr. Nourse explained that the bid documents require the contractor to hold their price for 75 days, which give us to

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April 25th award. He stated that if a supplemental appropriation is approved to proceed with the base or the preferred alternates he would need a motion for full City Council approval for a Supplemental Appropriation with the first reading at the March 1st Regular City Council Meeting with a referral to a Public Hearing in conjunction with the March 15th City Council Workshop, and the 2nd reading and adoption at the April Meeting. Councilor Hamann and Councilor Rice stated that it was the preference of the previous City Council that this project with all alternatives be completed. Councilor Gray suggested sending the issue to the Finance Committee and the possibility of funding the cost with Surplus Funds to lessen the tax burden. Ms. Clark stated that the schedule for the supplemental had been discussed as the time frame for award may be jeopardized, and suggested that an alternate funding source could be discussed if Councilor Gray was so inclined at the City Council Meeting.

**Councilor Gray made a motion to recommend the full City Council approve a supplemental appropriation from the General Fund and the Water Fund for the Woodman Area Reconstruction base bid and all alternates. Councilor Beaudoin seconded the motion. The motion passed unanimously.**

6. **Rt 202A Water Main Extension & Tank Project**

Mr. Nourse stated that this project construction had started up in December and a Public Meeting was held January 25, 2022 with approximately 100 residents in attendance. Click here to watch meeting video. Mr. Nourse informed the Committee that approximately 2000 feet of water main has been installed on Winkley Farm Lane and he expects the service work to the property lines to start up next month. Mr. Nourse informed the Committee that approximately 80% of the homeowners on Winkley Farm Lane have expressed interest in tying into water and have requested cost estimates. He stated that the Construction Administration Engineer will be meeting with individuals in the coming month or so to provide them with cost estimates. Mr. Nourse noted that the City will provide two ledge probes per property. He explained that these probes are used to determine the amount of ledge that may be in the path of the installation. He stated that homeowners could have additional probes installed at a cost of $50 each. He explained that additional probes will assist in getting a more accurate estimate. Mr. Nourse stated that the probes will be place in March, estimates will be provided by mid-April, and residents will need to make a commitment to tie in by mid-May. Mr. Nourse stated that the temporary road from Eisenhower Drive to the new tank site has been roughed in and he displayed pictures of the progress. He also discussed poor soil conditions may require a geo fabric in addition to the gravel that was planned. He stated the fabric may be necessary due to the large construction vehicles that will be used to construct the tank.

7. **DPW Facility**

Mr. Nourse stated that the building is about 98% complete. He stated that there was a punch list of about 200 items and that those are nearly completed. He mention that the contractor has demobilized from the site and the City's insurance, Primex, is in place. Mr. Nourse stated that the contractor will be coming back to complete the remaining items at the appropriate times and they will be in touch as needed and make repairs for the 12 month warranty period. Mr. Nourse stated that there are several trainings that still need to take place and the Fuel System Software has not been installed. He stated that the delay was due to vendor and City IT Department discussions and request for

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information. He stated that he believes that IT is now comfortable with the information received and he expects the system to be up and running soon. Mr. Nourse stated that Highway, Utilities and Buildings and Grounds divisions are in the process of moving in. He displayed several building pictures and a video taken from a drone fly over. Councilor Gray suggested that street light may be necessary at the entrance. Mr. Nourse stated he would take a look at it.

8. **Winter Roadway Operations**
   Mr. Nourse summarized that RSA 262:32 authorizes the removal of vehicles from the Right of Way for snow removal or highway maintenance, and 262:33 stipulates that the vehicle may be removed and stored in suitable place and that the cost for towing will be borne by the vehicle owner. Mr. Nourse stated that the Winter Operations Policy is on the website and the City Council has previously authorized the use of winter parking bans. He stated that there are two types of parking bans, one is for plowing operations and it is Citywide for all City streets, and the other is for Downtown Snow Removal and it is for specific streets that are listed in the posting and the map can be found on the City Website if needed. Mr. Nourse explained that residents without off street parking can apply to the Police Department for exemption and if approved they will be assigned a parking spot in a City parking lot to get them off the streets during storms. Mr. Nourse stated that this season we have seen a significant increase in vehicles that are left on the street and this is hindering plowing operations. He stated the department is also receiving an increase in neighbor concerns that cars aren't removed and their streets not getting cleaned up properly. Mr. Nourse stated that previously the Police Departments policy was to make attempts to notify residents prior to towing cars. They would do this by running the plates and calling owners or going to the door to make them move. Mr. Nourse stated the Police Department does not have the staff resources to do this each storm. He said that recently the Police Chief had gone to the Police Commission to discuss towing without notice and they did receive the support of the Commission to do that. Mr. Nourse stated he is bringing this to the Committee to inform them that they may here more concerns about vehicles being towed. He stated that the DPW is making significant efforts to tag vehicles in the areas where they see the most problems. He stated they are using the message boards to notify when there is a storm residents should monitor the City's website for Parking Ban information. Councilor Beaudoin asked where the information is available and where to look for notification. Mr. Nourse stated that the postings are on the City's Website and it is recommended that anyone who typically parks street side should subscribe to the e-alert system for "News & Announcements" and they will automatically receive an email when there is either type of ban. Ms. Clark stated that it is also sent out to all local radio stations and WMUR and it is typically reported and posted by them as well. Councilor Larochelle asked if the ticketing process has been used. Mr. Nourse stated he is unaware of the Police Departments use of ticketing. The Committee supported the use of immediate towing.
9. **Councilor Email Inquiry – NPDES Permit**
   Councilor Larochelle had sent an email offering his assistance with reviewing the science in regards to the permit. Councilor Larochelle stated that the Deputy Finance Director, Katie Ambrose has asked that he participate in group that is being formed. He also offered to assistance the Director with asphalt inspection and monitoring.
10. **Other**:,

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**Public Works Committee Meeting Times** – Councilor Hamann asked the Committee if they had a preference for the meeting time. Councilor Rice stated he would like meeting at 6PM. Councilor Beaudoin agreed that 6PM would be better and noted that would be better during times of lengthy agendas. Councilor Gray noted that there are times it is difficult for him to get to the meeting at 7PM and preferred keeping it at 7PM. Mr. Nourse stated that either time would be ok with Staff. Councilor Larochelle stated that it should be kept at 7PM if that is what is needed for Councilor Gray. The Committee agreed on the 7PM start time.

**Commons Play Ground –** Councilor Rice stated that he had met a constituent that gave the City praise on the new playground turf at the Common. The Constituent relayed that his 2 year old grandson had fallen and the new softer turf seemed much safer as the little one bounced right back up without injury. He stated he wanted to pass that compliment on to Staff.

***Councilor Hamann adjourned the meeting at 8:28pm.***

Minutes respectfully submitted by Lisa J. Clark, City of Rochester Administration and Utility Billing Supervisor.

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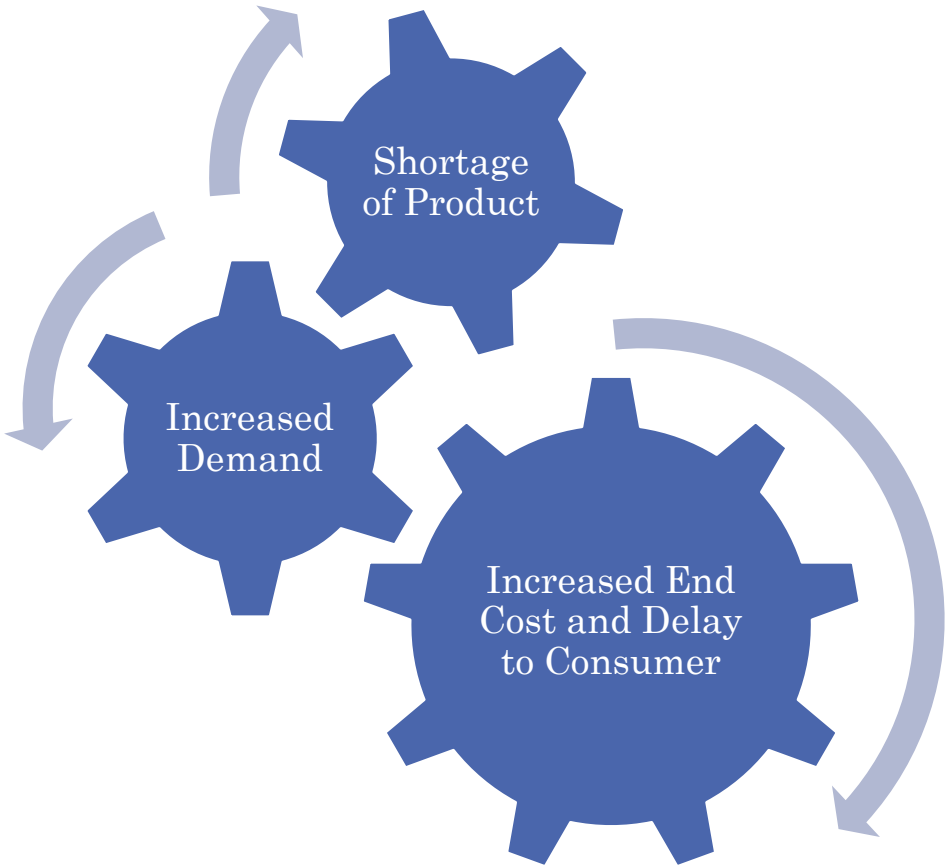
# Comprehensive Market Analysis

Supply Chain Shortages Affecting Daily Business for Public Sector

# Global Supply Chain Increasingly Dependent upon Imports from Asia




- Imported goods from China exceeds 20% in 2021 an 8% increase from 2020
- Power outages and staffing shortages at Chinese factories, lead to shipment delays in the US
- Consumer Price Index (CPI) reflects a 5% increase from prior year, highest inflation rate in 13 years
- Raw material shortages, labor shortages, fuel price increases and transportation capacity constrained

# Major Impacts to Supply Chain

Due to a heavier reliance on Asian supply coupled with domestic and international labor shortages, the supply chain has been compromised resulting in significant price increases and extended delivery times. This shift in the market is forecasted to extend into fiscal year 2023.

**Raw Materials (↑cost%)**

- Steel (↑ 200%)
- Copper (↑ 90%)
- Aluminum (↑ 60%)
- Lumber (↑ 300%)
- Rubber (↑ 30%)
- Cotton (↑ 30%)
- Crude Oil (↑ 60%)

**Manufactured Goods**

- Micro-Chips
- Wood Pulp
- Tires
- Fabrics
- Diesel Fuel

**Finished Goods**

- IT Hardware
- Electrical Equipment
- Paper
- Linens
- Vehicles

# Increases in Oceanic Freight Cost

- Global Container Index (GCI) : weighted average of 12 shipping routes between US, Asia, Europe, and South America
- GCI: $1,325 on Nov 2019 increased to $10,321 Nov 2021 (per container)
- Record High GCI $10,380 Aug 2021
- GCI Asia to West Coast USA $17,478
  GCI West Coast USA to Asia $1,068
- Increased freight cost conveyed to manufacturers and consumers

GCI As Reported by Freightos Data

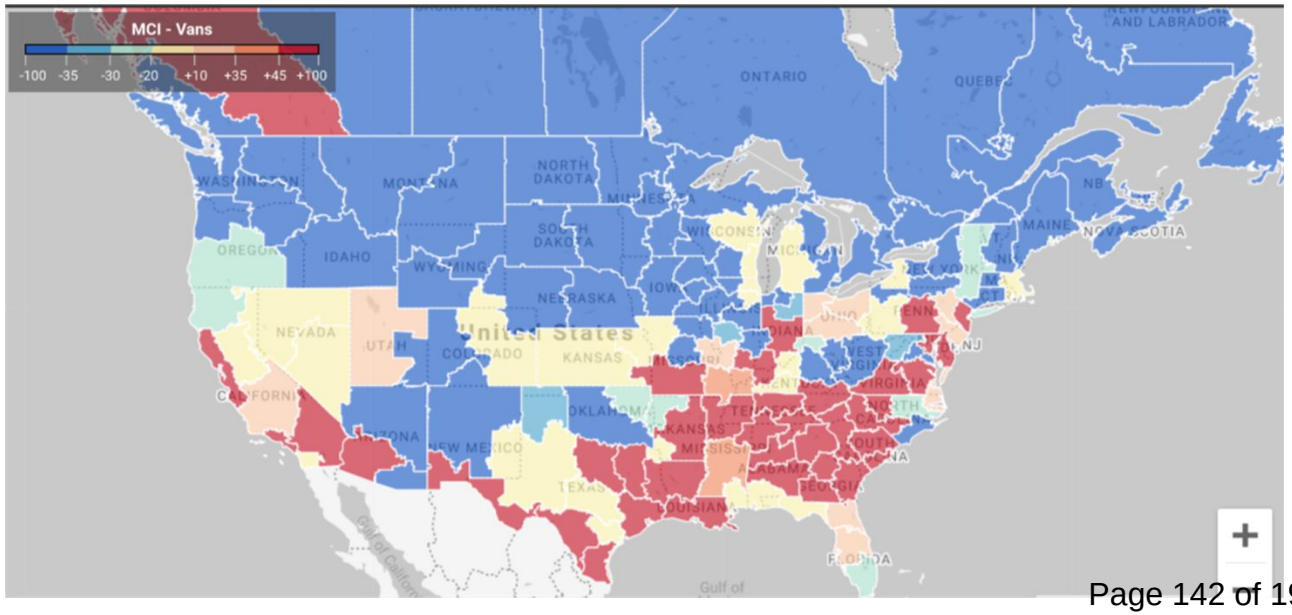
# Port Congestion Contributing to Inventory Shortfalls

- Sept 2021, more than 100 cargo vessels anchored at California ports; over 20 at Georgia as consumer demand grows
- US anticipates receipt of 26M containers in 2021, a 18% or 2M increase from 2020
- Increase in port operations time to 24/7 ineffectual due to labor/drivers shortages

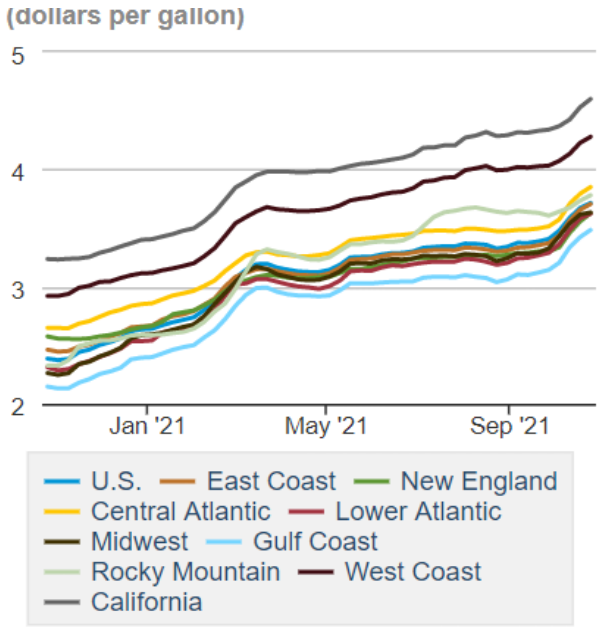
# Market Condition Index (MCI) : Overwhelmed Trucking Logistics

- US Ground freight currently 17:1 load to available truck ratio
- Steel and microchip shortage is affecting vehicle availability
- Diesel fuel prices continue to increase due to crude oil shortage
- CDL driver shortages

MCI Trucking Demand/Freight Congestion

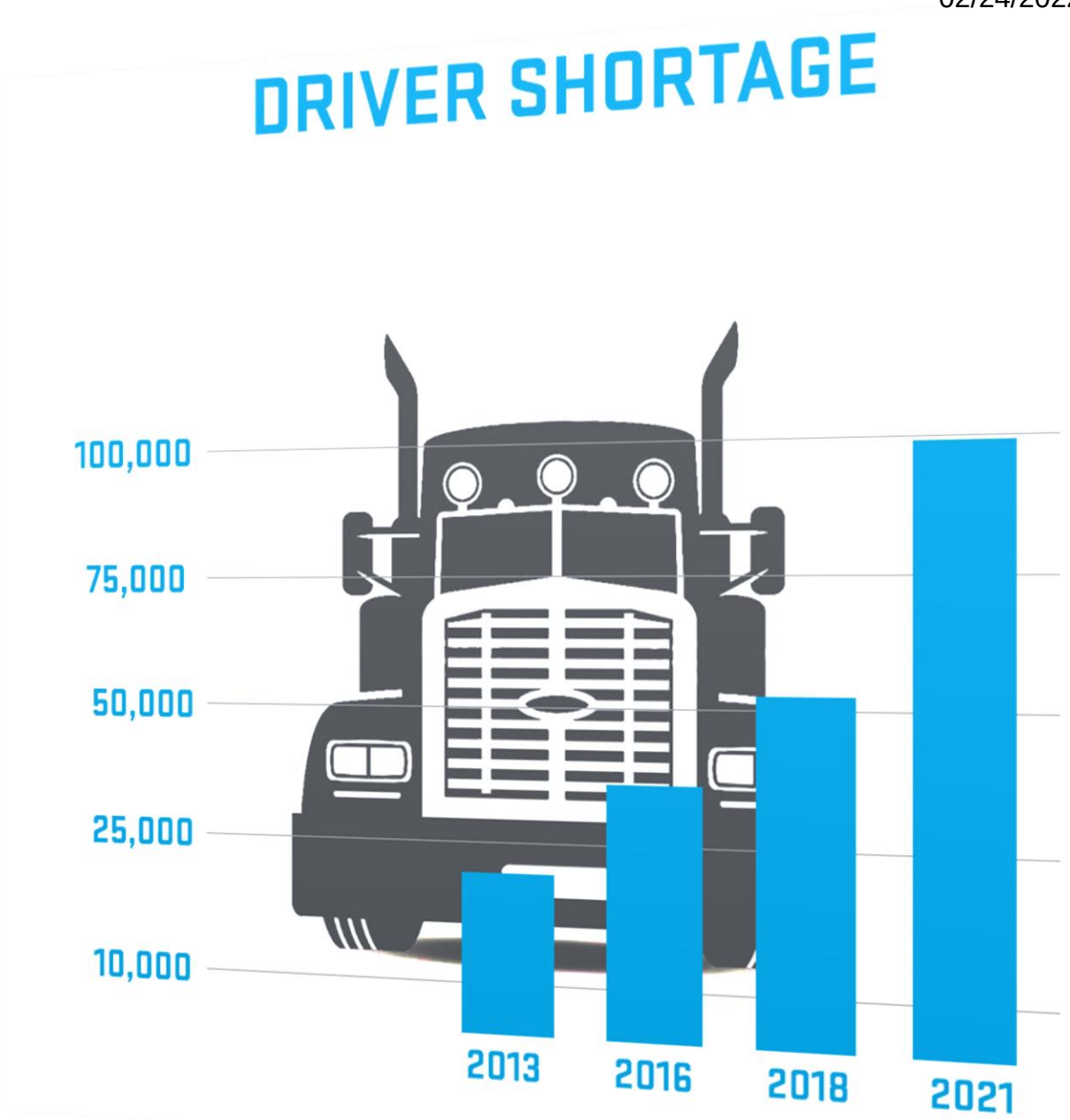



On-Highway Diesel Fuel Prices



# Labor Shortage

- Millions of Americans sluggish to return to workforce leaving companies short staffed, and creating further delays in the supply chain
- Labor shortage; hardest hit industries: transportation, manufacturing, and construction
- Transportation industry shortage of 60-80K drivers, expected to double in next 5 years
- Manufacturing industry reports current shortage of 500K workers



# How will this affect my Agency's Procurement Needs?

## Challenges

- Inflation projected to continue through fiscal year 2023
- Increased costs, budget impact
- Continued delays on most products and services
- Limited preferred product availability
- Contractors unwilling to engage in firm fixed price contracts

## Strategies

- Leverage DAS Procurement resources and Statewide contract partners
- Maintain market awareness, and remain nimble
- Plan for cost increases during budget process
- Identify viable alternatives
- Weigh cost to repair vs replace
- Consider deferring acquisitions until market conditions normalize

Contact the Bureau of Purchase & Property with any questions or concerns regarding State Contracting and State Procurement Guidance

**State of New Hampshire**
**Department of Administrative Services**
**Division of Procurement & Support Services**

**Bureau of Purchase & Property** PRCH.web@das.nh.gov 603.271.2201

# Resource Index


Supply Chain Bottlenecks Will Likely Continue for the Remainder of the Year | Poole Thought Leadership (ncsu.edu)

Steel prices 2021 chart: Price of steel up 200%. When will the bubble pop? | Fortune

Why Are Prices Skyrocketing in Wire & Cable Products? | News (lapptannehill.com)

Lumber prices 2021 chart: Why is price of lumber up 288% even with U.S. wood production at its highest levels since 2007? | Fortune

Freight Rate Index / Freightos Baltic Container Index

Port Congestion Intensifies, Likely to Continue Into 2022 (asicentral.com)

Port Congestion: An Economic Threat (ncbfaa.org)

Gasoline and Diesel Fuel Update - U.S. Energy Information Administration (EIA)

Market Conditions Index - DAT

Low labor force participation is holding back N.H.'s economy - THE JOSIAH BARTLETT CENTER FOR PUBLIC POLICY (jbartlett.org)

$ 2021 Economic Analysis Report -times new roman.indd (nh.gov)

Wanted: 80,000 truck drivers to help fix the supply chain – CNN

40+ Must-Know Trucking Industry Statistics in 2021 - JW Surety Bonds Blog

truck driver shortage 2021 statistics by us state - Bing images

Small Business And The Staffing Shortage By Industry (forbes.com)

American factories are desperate for workers. It's a $1 trillion problem – CNN

What Does the US Import from China? Import Data & 2021 Statistics (junglescout.com)

# FY22 CIP Proposed Pavement Rehabilitation

| Road Name | From | To | PCI | Rehabilitation Type | Estimated Cost | Running Total Cost |
|---|---|---|---|---|---|---|
| Estes Road | Washington Street (Rte. 202) | Crown Point Rd./ Walnut St. (Rte. 202A) | 29-37 | Reclaim and Pave | $610,000 | $610,000 |
| Howard Brook Drive | Estes Road | End | 31 | Reclaim and Pave | $240,000 | $850,000 |
| Jessica Drive | Hansonville Road | End | 27 | Reclaim and Pave | $190,000 | $1,040,000 |
| Sandina Drive | Autumn Street | End | 30-38 | Reclaim and Pave | $90,000 | $1,130,000 |
| Marcy Drive | Sandina Drive | End | 40 | Reclaim and Pave | $40,000 | $1,170,000 |
| McNeil Drive | Portland Street | End | 46 | Reclaim and Pave | $100,000 | $1,270,000 |

| | |
|---|---|
| Available Carryover Budget: | $275,000 |
| FY22 Budget Appropriation: | $1,000,000 |
| **Total Available Budget for FY22 Work:** | **$1,275,000** |

# Woodman Area Improvements

## Public Works Committee Meeting

February 17, 2022

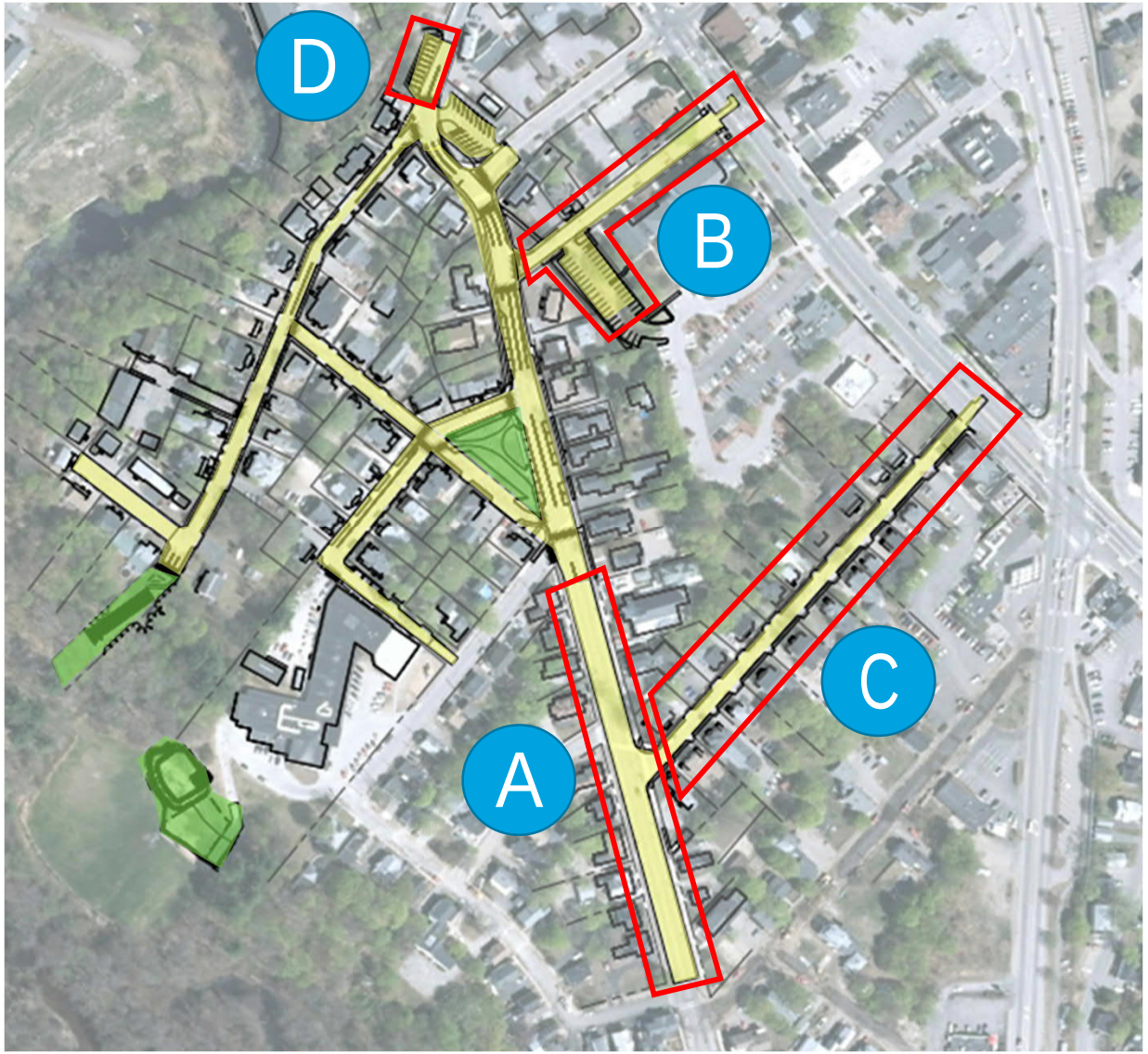
Peter Nourse, PE, Director of City Services
Michael Bezanson, PE, City Engineer
Dana Webber, PE, Assistant City Engineer

Britt Eckstrom, PE, Wright-Pierce
Richard Davee, PE, Wright-Pierce

WRIGHT-PIERCE
Engineering a Better Environment

# Woodman Area Improvements Overview






## Base Project

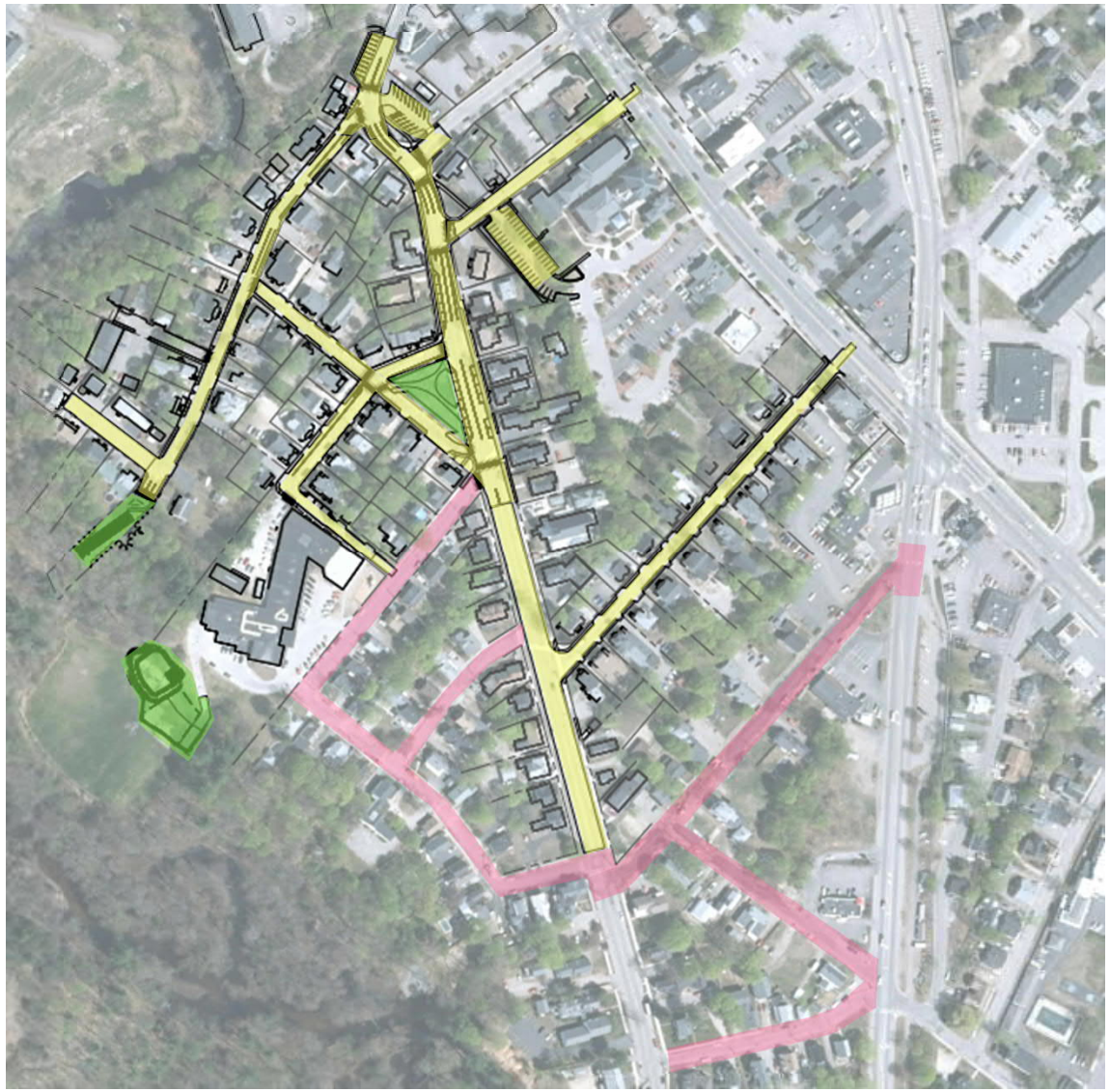
- Charles St (portion)
- Congress St
- Myrtle St
- Woodman St
- Davyanne Locke Ln
- Ela Court
- Beaudoin Ave

## Project Alternates

- A - Charles St (portion)
- B - Liberty St
- C - Academy St
- D - Congress St Parking

# Connection to Catherine St/Sheridan Ave/Knight St Area Improvements





- Granite St/Davyanne Locke Ln
- Granite St/Myrtle St
- Glen St/Charles St
- Catherine St/Charles St

# Community and Staff Input Process



## Project Meetings/Presentations

- Public Meeting
  - November 2019
- Public Works Committee
  - June 2019 & October 2019 with Presentation
  - November 2019
- City Council
  - Approval December 2019
- Public Safety Committee
  - July 2019, November 2019 & July 2020
- Planning Board
  - November 2020

## Coordination with City Departments

- William Allen School Superintendent, Principal and Facilities Staff
- Conservation Commission
- Historic District Commission
- Technical Review Group (TRG)

## Project Reviews/Permitting

- Clean Water State Revolving Fund (CWSRF)
- Alteration of Terrain (AOT)
- NHDES Wetland Permit
  - NHDHR Review
- NHDES Shoreland Permit
- Review by USACE (Self-verification GP-2)

# Key Project Highlights



Roadway and Sidewalk Reconstruction

- Focused intersection improvements
- Roadway modifications
- Focus on pedestrian and crosswalk improvements
- Parking Upgrades and redefined parking
  - Added parking at Congress Street

Infrastructure Improvements

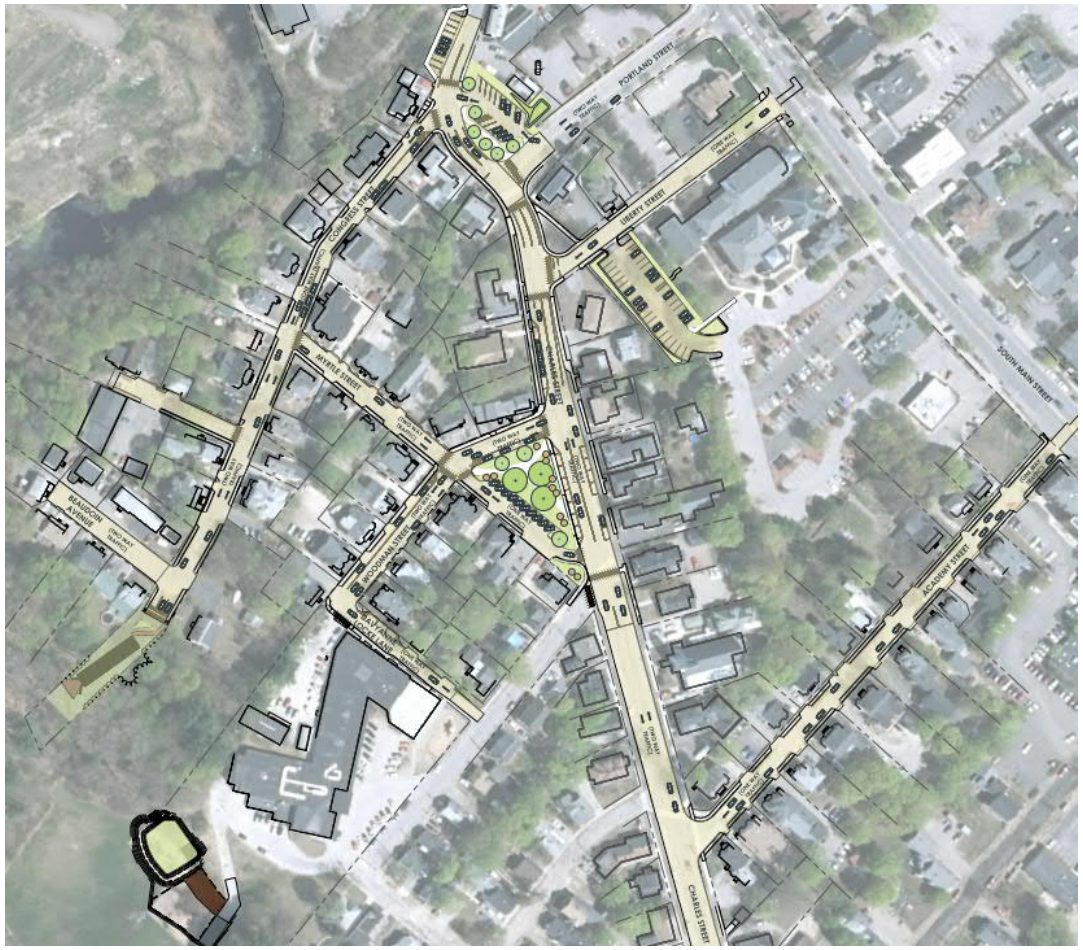
- Upgrades to water, sewer and storm drainage

Green Space Improvements

- Woodman Park
- Lower Congress Street

Stormwater Management Upgrades

- Stormwater treatment



# Traffic Movement/Intersections/Parking

## Charles St/Congress St Improvements

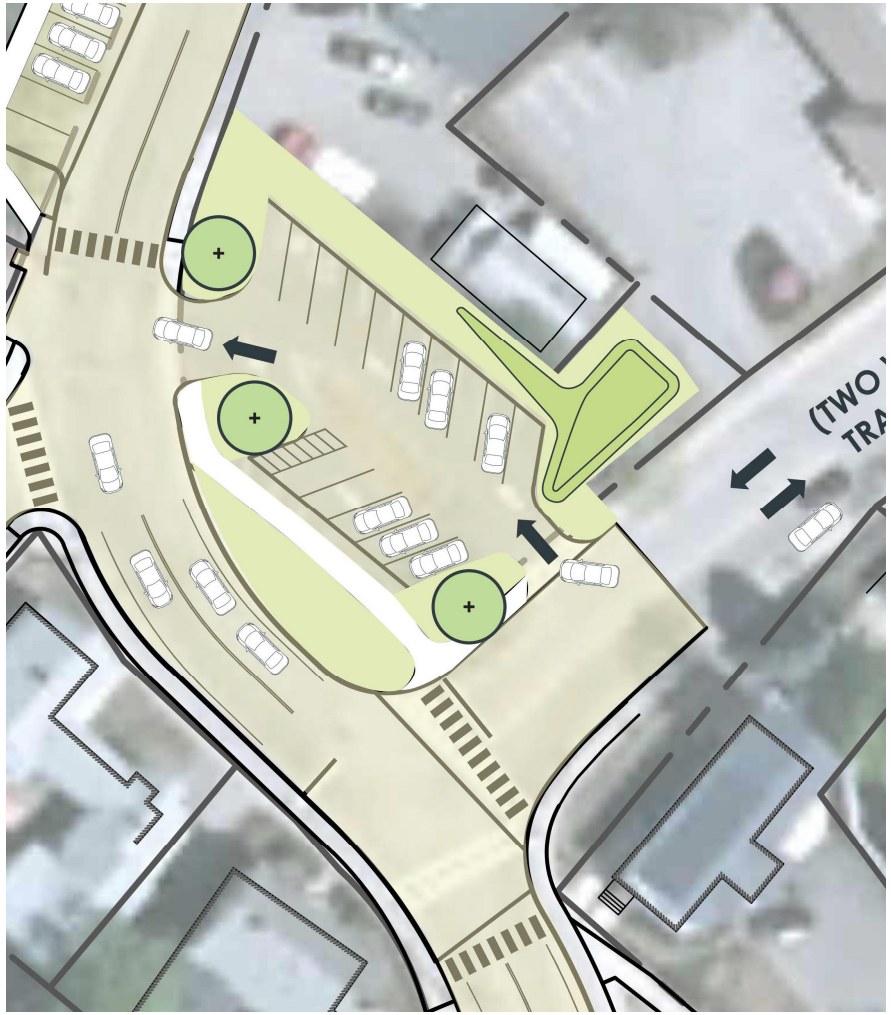
- Convert Congress St (Charles to Myrtle) to one-way
  - 12’ travel lane and 8’ parking lane
  - Maintain sidewalk both sides of road
- Upgrades to sidewalk layout, crosswalk and on-street parking
- Upgraded Lighting along Charles

## Congress Street Parking

- 9 Additional Spaces
- Add downtown parking options

# Parking Improvements

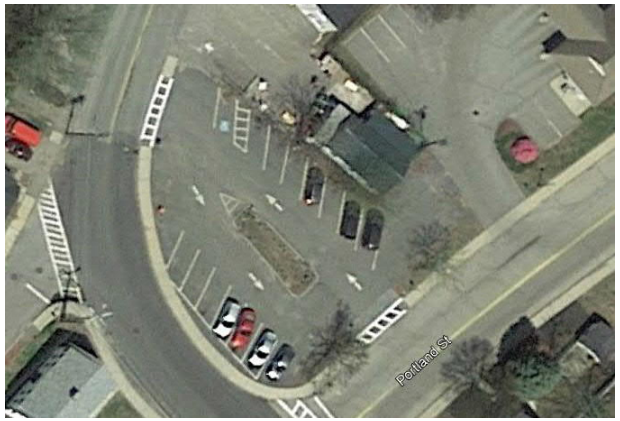





Project Design

## Municipal Lot

- Upgraded parking lot = reduced pavement
- Better maneuvering in parking lot
- Reconstruct bioretention basin
- Relocate sidewalk provide green space along Charles Street




Existing Conditions

# Parking Improvements

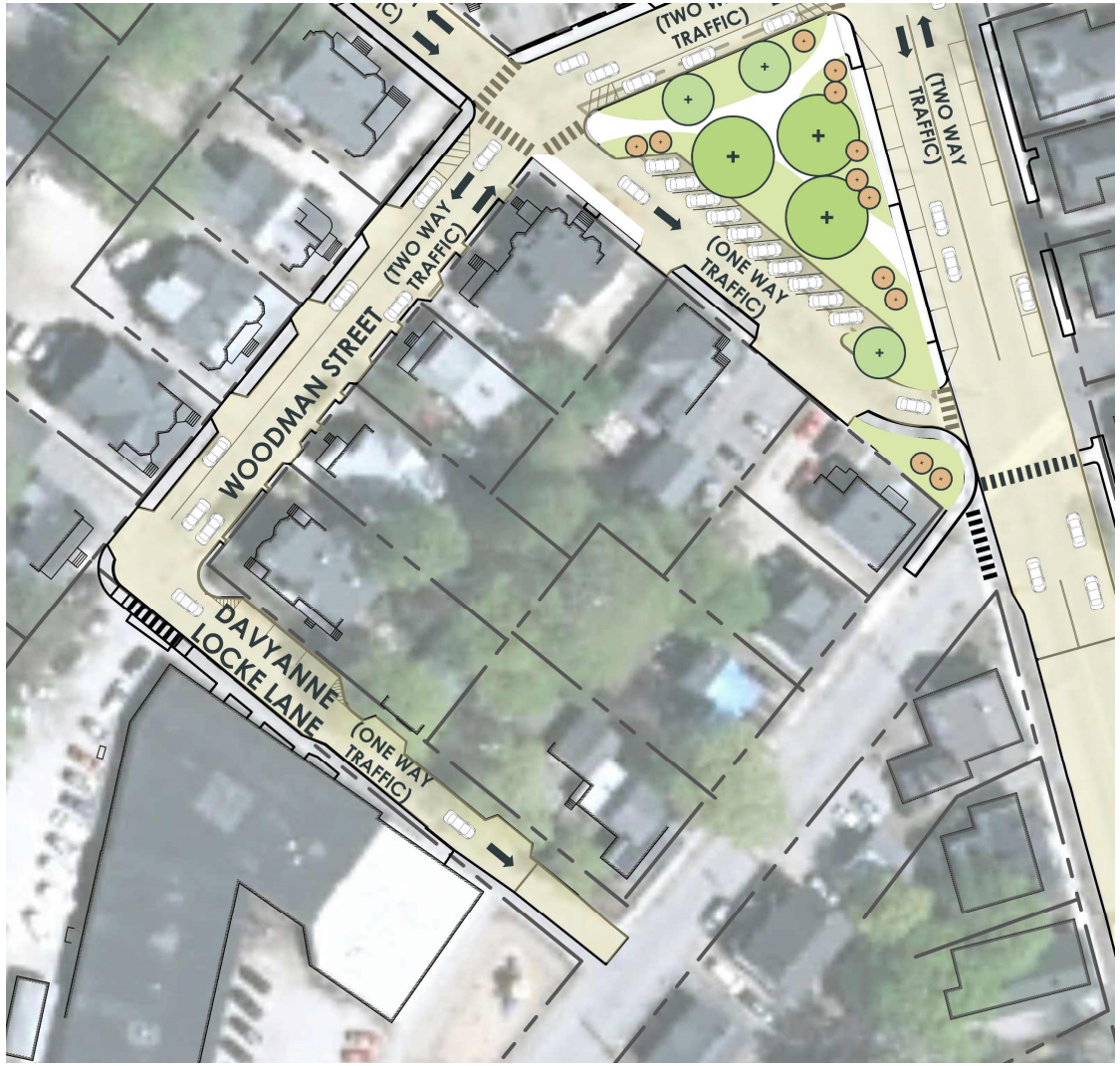
Project Design

## Liberty Street Lot

- Alternate B
- Provides 27 parking spaces
- Bioretention filter

# Traffic Movement/Intersections/Parking






## Woodman St

- Maintain two-way traffic
  - 11’ travel lanes, 8’ parking lane
- Eliminate sidewalk on southern side of Woodman
- 6-foot sidewalk – north side of road

## Davyanne Locke Ln

- Upgrade sidewalk at intersection with Woodman St & Davyanne Locke
- Provide bus parking location at intersection

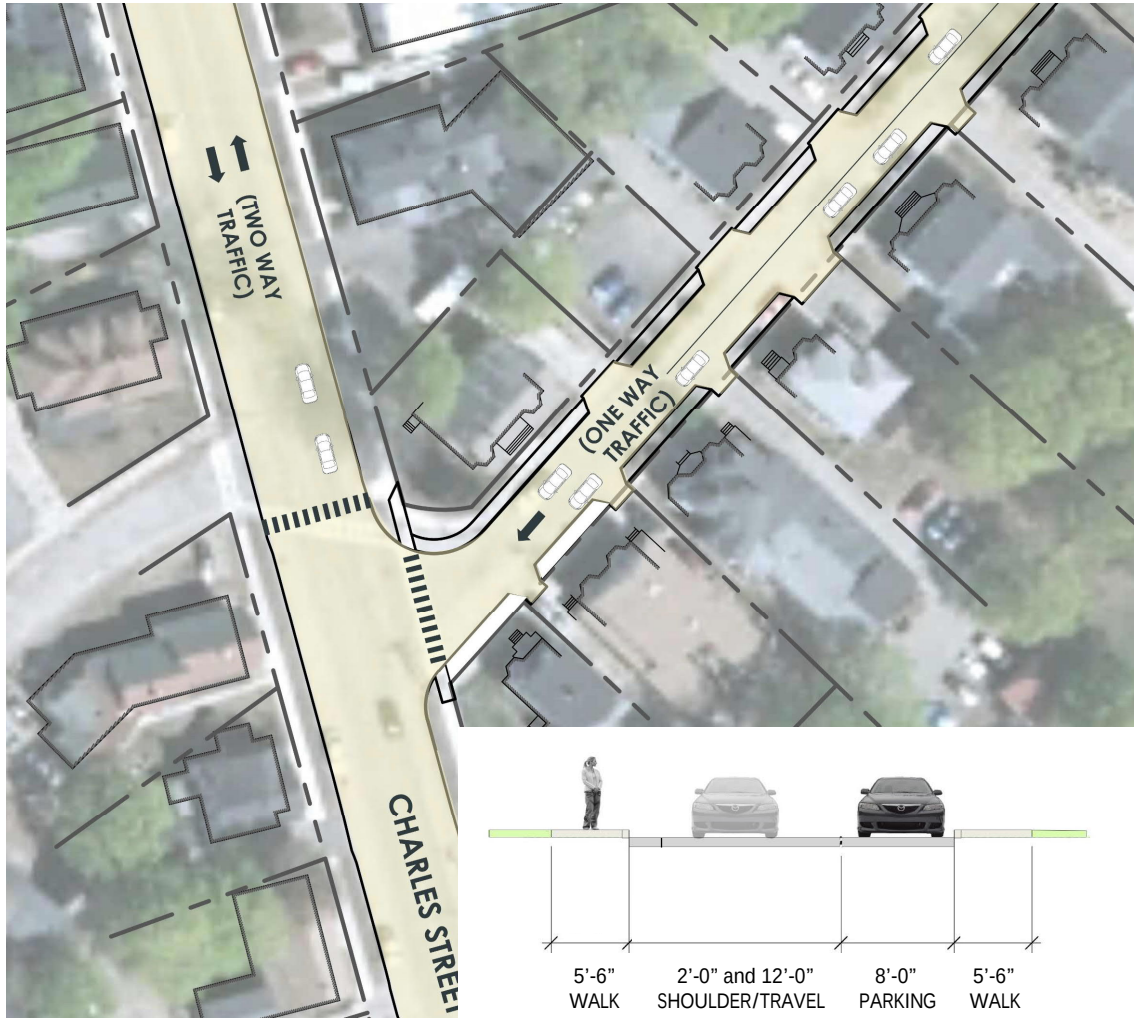
# Traffic Movement/Intersections/Parking

## Woodman Street/Myrtle Street Area

- Transition Myrtle Street (from Woodman to Charles) to one-way traffic
- Add parking along Woodman Park/Myrtle Street
- Revitalize Woodman Park

# Roadway Improvements






Project Design

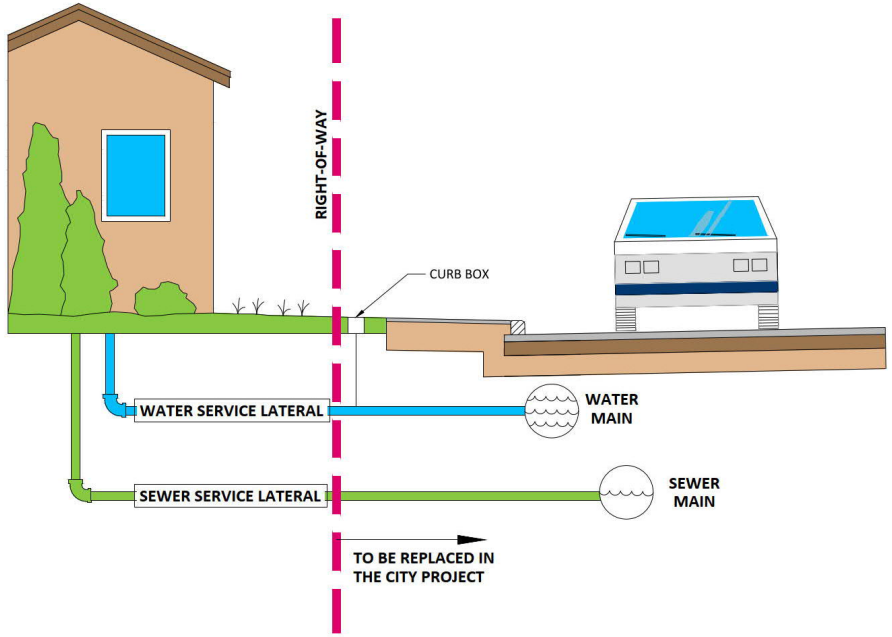
## Academy Street

- Maintain one-way travel (South Main Street to Charles Street)
- Eliminate esplanades
- Provide dedicated parking lane on south side of roadway

Existing Conditions

# Utility Upgrades





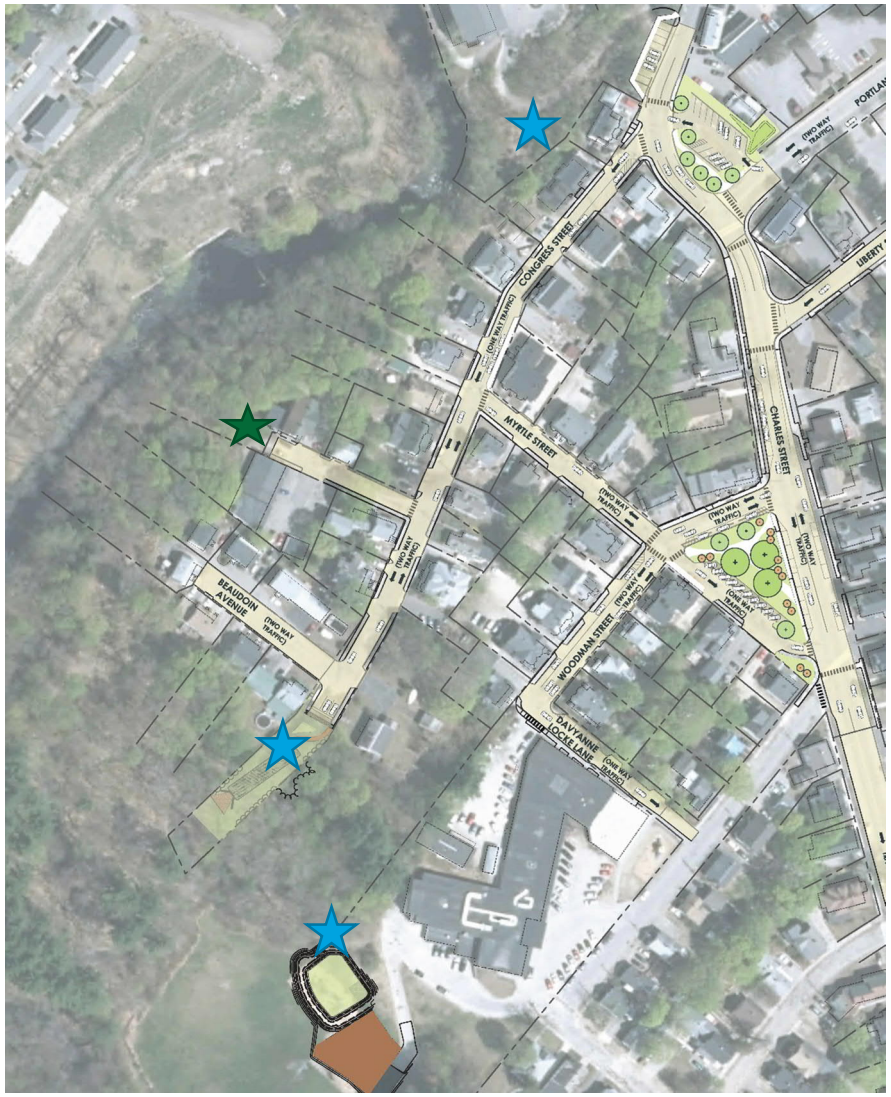

- Water Main and Services
- Sewer Main and Service

  *services installed to ROW
- Home Inspections for inflow and lead services
- Updated Stormwater Infrastructure
- Stormwater Treatment to improve water quality
- Tie into previously updated infrastructure south of project area.

# Stormwater Improvements



- Upgrade to existing outfalls
  - Discontinued use of outfall at Ela Court
- Incorporation of bioretention basins at multiple locations
- Underdrain soil filter at William Allen School
- Improve stormwater quality at outfalls



# Green Space/Parks: Woodman Park



## Existing Aerial & Photo

## Historical Significance

To Anne May from Florence Smith
February 10, 1995

WOODMAN SQUARE

Woodman Square Park was so ugly in 1900 that the people in the neighborhood were calling it Ragweed Park.

In his inaugural address in 1903, Mayor Charles Bickford remarked that Woodman Square should have curbing and that trees and shrubs should be set out to beautify it. The next year granite curbing was in place and a concrete sidewalk was all around the square.

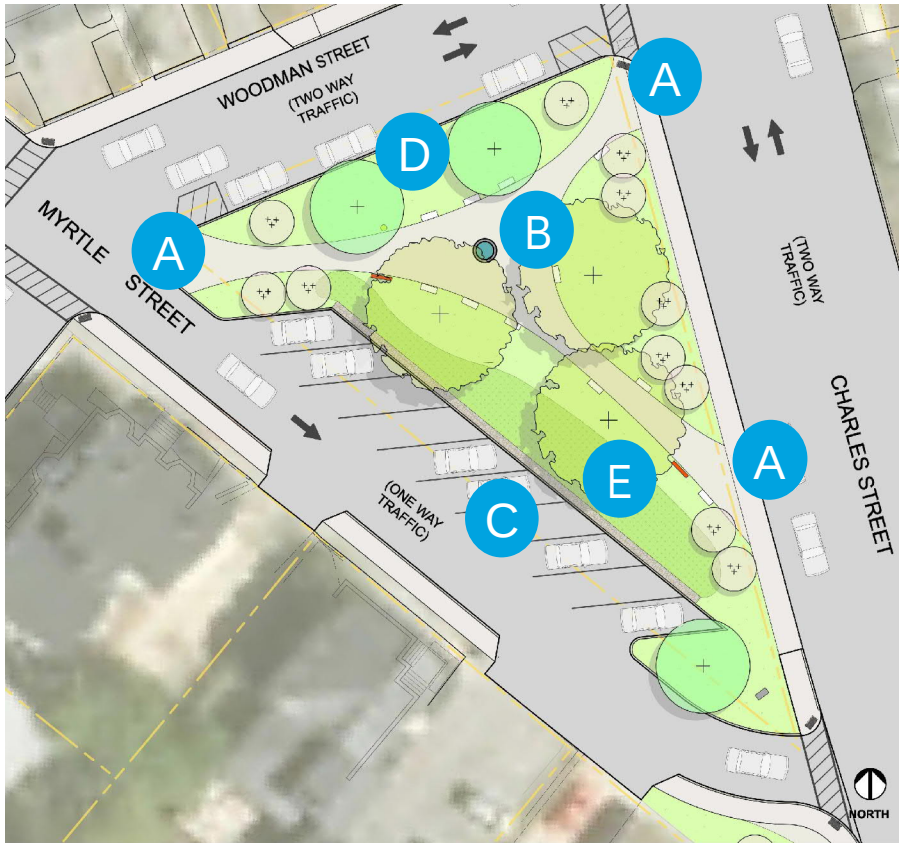
By 1905 the lawn was raised on grade and seeded. Trees arranged around the park included "Norway Ash, Silver Maples, and Pin Oaks. Japanese Quince and Weigelas were also set out.

Mayor Joseph Warren in 1910 found Woodman Square most attractive and said great praise should be given to the residents around the square for the interst, time and money they expended.

I am not sure when the fountain was installed but most likely before 1910.It was pictured on a postcard in 1912.

# Woodman Park: Design






- **A** • Access/walking paths from residential intersections
  - Meeting point for William Allen School walkers
- **B** • Centralized focal point
- **C** • Added parking
- **D** • Site Amenities
  - Seating
  - Pet Waste Stations
  - Lighting
- **E** • Stormwater Treatment
- • Upgraded Landscaping

WRIGHT-PIERCE
Engineering a Better Environment

# Construction Timelines



- Construction bids received Feb. 9th
- Construction start Spring 2022
- 2-year construction project (2022-2023)
- Additional 6 months for alternates
- Maximize work in/around school during the summer
  - Communication with school and parents
- Project Coordination
  - Traffic Control Planning
  - Erosion and Sedimentation Controls

02/24/2022

02/24/2022

**Resolution Authorizing Supplemental Appropriation to the General Fund Capital Improvement Project (CIP) Fund in the amount of $1,565,000.00 and to the Water Fund CIP Fund in the amount of $1,235,000.00 for the so-called Woodman Area Reconstruction Project and Borrowing Authority Pursuant to RSA 33:9**

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

That the sum of One Million Five Hundred Sixty Five Thousand Dollars ($1,565,000.00) be, and hereby is, appropriated as a supplemental appropriation to the General Fund CIP Fund and One Million Two Hundred Thirty Five Thousand Dollars ($1,235,000.00) to the Water Fund CIP Fund for the purpose of providing funds necessary to pay costs and/or expenditures with respect to the so-called Woodman Area Reconstruction Project.

Further, that the Mayor and City Council of the City of Rochester hereby resolve that, in accordance with the provisions of RSA 33:9, the City Treasurer, with the approval of the City Manager, be, and hereby are authorized to borrow the sum of Two Million Eight Hundred Thousand Dollars ($2,800,000.00), through the issuance of bonds and/or notes, and/or through other legal form(s), for the purposes of funding the expenditures incident to the implementation of the Project outlined, and referred to, in the preceding paragraph, such borrowing to be on such terms and conditions as the said Treasurer and City Manager may deem to be in the best interest of the City of Rochester. Such borrowing is authorized subject to compliance with the provisions of RSA 33:9 and Section 45 of the Rochester City Charter to the extent required, necessary and/or appropriate

To the extent not otherwise provided for in this Resolution, the Finance Director is hereby authorized to establish and/or designate such multi-year, non-lapsing accounts and or account numbers as are necessary to implement the transactions contemplated in this Resolution. All projects will be assigned a unique account number for tracking and reported purposes.

# *Intentionally left blank…*

City Clerk's Office

# City of Rochester Formal Council Meeting

## AGENDA BILL

**NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.**

| AGENDA SUBJECT |
|---|
| Supplemental Appropriation- Woodman Area Reconstruction-Water & General Fund |

| | |
|---|---|
| COUNCIL ACTION ITEM ☒<br>INFORMATION ONLY ☐ | FUNDING REQUIRED? YES ☒ NO ☐<br>* IF YES ATTACH A FUNDING RESOLUTION FORM |
| RESOLUTION REQUIRED? YES ☒ NO ☐ | FUNDING RESOLUTION FORM? YES ☒ NO ☐ |

| | | |
|---|---|---|
| AGENDA DATE | | |
| DEPT. HEAD SIGNATURE | Peter C. Nourse, PE signature on File City clerks office | |
| DATE SUBMITTED | | |
| ATTACHMENTS YES ☒ NO ☒<br>AB-FRF | * IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED | 1 |

**COMMITTEE SIGN-OFF**

| | |
|---|---|
| COMMITTEE | Public Works Committee |
| CHAIR PERSON | |

**DEPARTMENT APPROVALS**

| | |
|---|---|
| DEPUTY CITY MANAGER | |
| CITY MANAGER | |

**FINANCE & BUDGET INFORMATION**

| | |
|---|---|
| FINANCE OFFICE APPROVAL | |
| SOURCE OF FUNDS | |
| ACCOUNT NUMBER | |
| AMOUNT | |
| APPROPRIATION REQUIRED YES ☒ NO ☐ | |

**LEGAL AUTHORITY**

City Council Resolution

**SUMMARY STATEMENT**

This agenda bill request a supplemental appropriation as follows:
General Fund $1,565,000.00
Water Fund $1,235,000.00
Total $2,800,000.00
The Woodman Area Reconstruction Project Bids have been received. This supplemental is for additional funding needed to award Base bid plus all alternates to the lowest bidder. The funding source will be borrowing.
The total project cost will be borrowing at $9,363,223. See the attached spreadsheet.

The borrowing includes a percentage of the General Fund and Sewer Fund expenses that are eligible for Clean Water State Revolving Fund Loan (CWSRF) with an amount not to exceed amount of$4,9000,000.00. All remaining expenses will be bonded.

**RECOMMENDED ACTION**

1. A Resolution authorizing borrowing authority for a supplemental appropriation from the General Fund in the amount of $1,565,000.00 and the Water Fund in the amount of $1,235,000.00.

| Woodman Area Reconstruction Cost & Funding Breakdown | | | | | |
|---|---|---|---|---|---|
| | | General Fund | Water | Sewer | Total |
| Base Bid | $5,915,170.00 | $3,228,445.00 | $1,659,140.00 | $1,027,585.00 | $5,915,170.00 |
| CA Base Bid | $733,400.00 | $400,300.00 | $205,700.00 | $127,400.00 | $733,400.00 |
| Total Base & CA | **$6,648,570.00** | **$3,628,745.00** | **$1,864,840.00** | **$1,154,985.00** | **$6,648,570.00** |
| | | | | | |
| Available Funds | | $3,115,827.86 | $1,820,708.37 | $1,824,708.36 | $6,761,244.59 |
| Base Short/surplus | | **($512,917.14)** | **($44,131.63)** | **$669,723.36** | |
| | | | | | |
| Alt A Charles St | $492,385.00 | $84,711.00 | $407,674.00 | $0.00 | $492,385.00 |
| Alt A CA | $47,600.00 | $8,200.00 | $39,400.00 | $0.00 | $47,600.00 |
| Alt A 5% Cont | $24,620.00 | $4,236.00 | $20,384.00 | $0.00 | $24,620.00 |
| | **$564,605.00** | **$97,147.00** | **$467,458.00** | **$0.00** | **$564,605.00** |
| | | | | | |
| | | | | | |
| Alt B Liberty St | $567,874.00 | $348,945.00 | $218,929.00 | $0.00 | $567,874.00 |
| Alt B CA | $58,700.00 | $36,100.00 | $22,600.00 | $0.00 | $58,700.00 |
| Alt B 5% Cont | $28,393.00 | $17,447.00 | $10,946.00 | $0.00 | $28,393.00 |
| | **$654,967.00** | **$402,492.00** | **$252,475.00** | **$0.00** | **$654,967.00** |
| | | | | | |
| Alt C Academy St | $1,212,600.00 | $399,719.00 | $399,403.00 | $413,478.00 | $1,212,600.00 |
| Alt C CA | $136,200.00 | $44,900.00 | $44,900.00 | $46,400.00 | $136,200.00 |
| Alt C 5% Cont | $60,630.00 | $19,986.00 | $19,970.00 | $20,674.00 | $60,630.00 |
| | **$1,409,430.00** | **$464,605.00** | **$464,273.00** | **$480,552.00** | **$1,409,430.00** |
| | | | | | |
| Alt D Congress St Pkg lot | $72,525.00 | $72,525.00 | $0.00 | $0.00 | $72,525.00 |
| Alt D CA | $9,500.00 | $9,500.00 | | | $9,500.00 |
| Alt D 5% Cont | $3,626.00 | $3,626.00 | | | $3,626.00 |
| | **$85,651.00** | **$85,651.00** | **$0.00** | **$0.00** | **$85,651.00** |
| | | | | | |
| Total Base +ABCD | **$9,363,223.00** | **$4,678,640.00** | **$3,049,046.00** | **$1,635,537.00** | **$9,363,223.00** |
| Current Available Funds | | **$3,115,827.86** | **$1,820,708.37** | **$1,824,708.36** | |
| Short/surpluss | | **($1,562,812.14)** | **($1,228,337.63)** | **$189,171.36** | |
| | | | | | |

| | | |
|---|---|---|
| Short | $2,791,149.77 | |
| General Fund Supplemental Request | | $1,565,000.00 |
| Water Fund Supplemental Request | | $1,235,000.00 |
| Total Request | | $2,800,000.00 |

# AGENDA BILL - FUNDING RESOLUTION

## EXHIBIT

Project Name: Woodman Area Reconstruction Project

Date: 3/1/2022

Fiscal Year: FY2022

Fund (select):

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| GF | | Water | | Sewer | | Arena | |
| CIP | X | Water CIP | X | Sewer CIP | | Arena CIP | |
| | | Special Revenue | | | | | |

Fund Type: Lapsing [ ] Non-Lapsing [X]

**Deauthorization**

| | Org # | Object # | Project # | Fed Amount $ | State Amount $ | Local Amount $ |
|---|---|---|---|---|---|---|
| 1 | | | | - | - | - |
| 2 | | | | - | - | - |
| 3 | | | | - | - | - |
| 4 | | | | - | - | - |

**Appropriation**

| | Org # | Object # | Project # | Fed Amount $ | State Amount $ | Local Amount $ |
|---|---|---|---|---|---|---|
| 1 | 15013010 | 771000 | 22XXX | - | - | $1,565,000.00 - |
| 2 | 55016010 | 771000 | 22XXX | - | - | $1,235,000 - |
| 3 | | | | - | - | - |
| 4 | | | | - | - | - |

**Revenue**

| | Org # | Object # | Project # | Fed Amount $ | State Amount $ | Local Amount $ |
|---|---|---|---|---|---|---|
| 1 | | | | - | - | - |
| 2 | | | | - | - | - |
| 3 | | | | - | - | - |
| 4 | | | | - | - | - |

DUNS # [ ] CFDA # #66.458

Grant # [ ] Grant Period: From [ ] To [ ]

If de-authorizing Grant Funding appropriations: (select one)

Reimbursement Request will be reduced [ ] Funds will be returned [ ]

**Resolution Authorizing Acceptance of Granite Shield 2021 Substance Abuse Reduction Initiative Grant in the amount of $5,000.00 and Supplemental Appropriation in Connection Therewith**

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

WHEREAS, that the Granite Shield 2021 Substance Abuse Reduction Initiative Grant in the amount of Five Thousand Dollars ($5,000.00) awarded to the City of Rochester is hereby accepted by the City of Rochester;

FURTHER, that the sum of Five Thousand Dollars ($5,000.00) be, and hereby is, appropriated to the Police Department operating budget with the entirety of the supplemental appropriation being derived from the forfeiture; and

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

*Intentionally left blank…*

City Clerk's Office

# City of Rochester Formal Council Meeting

## AGENDA BILL

**NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.**

| AGENDA SUBJECT |
|---|
| Seeking permission from Council to accept Granite Shield 2021 Substance Abuse Reduction Initiative Grant funds through the Strafford County Sheriff's Department. |

| | |
|---|---|
| COUNCIL ACTION ITEM ☒<br>INFORMATION ONLY ☐ | FUNDING REQUIRED? YES ☒ NO ☐<br>* IF YES ATTACH A FUNDING RESOLUTION FORM |
| RESOLUTION REQUIRED? YES ☒ NO ☐ | FUNDING RESOLUTION FORM? YES ☒ NO ☐ |

| | | |
|---|---|---|
| AGENDA DATE | Next November 2021 meeting | |
| DEPT. HEAD SIGNATURE | | |
| DATE SUBMITTED | 11/5/21 | |
| ATTACHMENTS YES ☐ NO ☒ | * IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED | |

**COMMITTEE SIGN-OFF**

| | |
|---|---|
| COMMITTEE | |
| CHAIR PERSON | |

**DEPARTMENT APPROVALS**

| | |
|---|---|
| DEPUTY CITY MANAGER | |
| CITY MANAGER | |

**FINANCE & BUDGET INFORMATION**

| | |
|---|---|
| FINANCE OFFICE APPROVAL | |
| SOURCE OF FUNDS | State |
| ACCOUNT NUMBER | Fund 6128 Project 225XX |
| AMOUNT | $5,000.00 |
| APPROPRIATION REQUIRED YES ☒ NO ☐ | |

**LEGAL AUTHORITY**

Council action required.

**SUMMARY STATEMENT**

Seeking permission from Council to accept Granite Shield 2021 Substance Abuse Reduction Initiative Grant funds through the Strafford County Sheriff's Department. Strafford County has received $70,000.00 through a State grant for the purpose of drug investigations throughout the County. We are seeking permission to utilize portions of this grant funding to complete drug investigations in conjunction with the County Task Force as well as Federal Agencies within the City of Rochester. At this point we are estimating our share to be approximately $5,000.00.

**RECOMMENDED ACTION**

Accept funds in the amount of $5,000.00.

# AGENDA BILL - FUNDING RESOLUTION

## EXHIBIT

Project Name: Requesting Council accept the 2021 Granite Shield Substance Abuse Reduction Initiative Grant.

Date: 11/5/21

Fiscal Year: FY22

Fund (select):

| | | | |
|---|---|---|---|
| GF | Water | Sewer | Arena |
| CIP | Water CIP | Sewer CIP | Arena CIP |
| | Special Revenue X | | |

Fund Type: Lapsing X Non-Lapsing

**Deauthorization**

| | Org # | Object # | Project # | Fed Amount $ | State Amount $ | Local Amount $ |
|---|---|---|---|---|---|---|
| 1 | | | | - | - | - |
| 2 | | | | - | - | - |
| 3 | | | | - | - | - |
| 4 | | | | - | - | - |

**Appropriation**

| | Org # | Object # | Project # | Fed Amount $ | State Amount $ | Local Amount $ |
|---|---|---|---|---|---|---|
| 1 | 61282010 | Multiple | 225XX | - | $5,000.00 - | - |
| 2 | | | | - | - | - |
| 3 | | | | - | - | - |
| 4 | | | | - | - | - |

**Revenue**

| | Org # | Object # | Project # | Fed Amount $ | State Amount $ | Local Amount $ |
|---|---|---|---|---|---|---|
| 1 | 6128002 | 402148 | 225XX | - | $5,000.00 - | - |
| 2 | | | | - | - | - |
| 3 | | | | - | - | - |
| 4 | | | | - | - | - |

DUNS # N/A

CFDA # N/A

Grant # N/A

Grant Period: From October 28, 2021
To June 30, 2022

If de-authorizing Grant Funding appropriations: (select one)

Reimbursement Request will be reduced

Funds will be returned

# *Intentionally left blank…*

City Clerk's Office

**RESOLUTION AUTHORIZING THE SUBMITTAL OF AN APPLICATION FOR AN ECONOMIC DEVELOPMENT AGENCY (EDA) AMERICAN RESCUE PLAN (ARPA) CONSTRUCTION GRANT IN THE AMOUNT OF $2,500,000.00**

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

WHEREAS, the City desires to apply for an EDA ARPA grant in the amount of Two Million Five Hundred Thousand Dollars ($2,500,000.00) to construct a road off of Innovation Drive within the Granite State Business Park. This road would provide access to a new proposed sewer pump station, as well as provide frontage and water and sewer infrastructure for the lot(s) located at 91 Innovation Drive, and is hereby accepted by the City of Rochester;

WHEREAS, the aforesaid grant requires a 20% cash match by the City of Rochester in the amount of Five Hundred Thousand Dollars ($500,000.00), to the EDA ARPA grant by the City of Rochester;

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

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

# *Intentionally left blank…*

City Clerk's Office

# City of Rochester Formal Council Meeting

## AGENDA BILL

**NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.**

| AGENDA SUBJECT |
|---|
| EDA ARPA Grant |

| | |
|---|---|
| COUNCIL ACTION ITEM ☒ INFORMATION ONLY ☐ Update | FUNDING REQUIRED? YES ☐ NO ☒ * IF YES ATTACH A FUNDING RESOLUTION FORM |
| RESOLUTION REQUIRED? YES ☒ NO ☐ | FUNDING RESOLUTION FORM? YES ☐ NO ☒ |

| | | |
|---|---|---|
| AGENDA DATE | March 1, 2022 | |
| DEPT. HEAD SIGNATURE | | |
| DATE SUBMITTED | February 17, 2022 | |
| ATTACHMENTS YES ☒ NO ☐ | * IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED | 1 |

**COMMITTEE SIGN-OFF**

| | |
|---|---|
| COMMITTEE | |
| CHAIR PERSON | |

**DEPARTMENT APPROVALS**

| | |
|---|---|
| DEPUTY CITY MANAGER | |
| CITY MANAGER | |

**FINANCE & BUDGET INFORMATION**

| | |
|---|---|
| FINANCE OFFICE APPROVAL | |
| SOURCE OF FUNDS | |
| ACCOUNT NUMBER | |
| AMOUNT | |
| APPROPRIATION REQUIRED YES ☐ NO ☒ | |

**LEGAL AUTHORITY**

n/a

**SUMMARY STATEMENT**

The Department of Economic Development is requesting authorization to apply for a grant from the Economic Development Agency (EDA) in the amount of $2,500,000 for the construction of a road off of Innovation Drive within the Granite State Business Park.

This road would create street frontage for the city-owned lot at 91 Innovation Drive which would allow for the future sale and business development within that parcel.

This road would also allow access to a future sewer pump station slated to replace the two temporary pump stations currently in service.

This road would also provide a connection to additional land adjacent to 91 Innovation for envisioned future expansion of the GSBP.

This grant requires an 80/20 match, and if awarded in the full amount, would require a city contribution of $500,000.

**RECOMMENDED ACTION**

First reading and Consideration for Approval

**RESOLUTION AUTHORIZING ACCEPTANCE AND APPROPRIATION OF AMERICAN RESCUE PLAN ACT VICTIM SERVICES GRANT AWARD IN AN AMOUNT OF $25,836.00 FOR FY 2023**

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

WHEREAS, that an American Rescue Plan Act Victim Services grant in the amount of Twenty-Five Thousand Eight Hundred and Thirty-Six Dollars ($25,836.00) awarded to the City of Rochester's Legal Department is hereby accepted by the City of Rochester;

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

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

FURTHER, that the transfer of Six Thousand Four Hundred Fifty Nine Dollars ($6,459.00) from the FY 2022 Legal Department Operating Budget to the non-lapsing Special Revenue fund stipulated above is hereby authorized;

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

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

# *Intentionally left blank…*

City Clerk's Office

# City of Rochester Formal Council Meeting

## AGENDA BILL

**NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.**

| AGENDA SUBJECT |
|---|
| Acceptance of and Appropriation of Funds for FY 2023 American Rescue Plan Act Victim Services Grant |

| | |
|---|---|
| COUNCIL ACTION ITEM ☒<br>INFORMATION ONLY ☐ | FUNDING REQUIRED? YES ☒ NO ☐<br>* IF YES ATTACH A FUNDING RESOLUTION FORM |
| RESOLUTION REQUIRED? YES ☒ NO ☐ | FUNDING RESOLUTION FORM? YES ☒ NO ☐ |

| | | |
|---|---|---|
| AGENDA DATE | March 1, 2022 | |
| DEPT. HEAD SIGNATURE | Michael Scala, on file | |
| DATE SUBMITTED | 2/7/2021 | |
| ATTACHMENTS YES ☒ NO ☐ | * IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED | 4 |

**COMMITTEE SIGN-OFF**

| | |
|---|---|
| COMMITTEE | |
| CHAIR PERSON | |

**DEPARTMENT APPROVALS**

| | |
|---|---|
| DEPUTY CITY MANAGER | |
| CITY MANAGER | |

**FINANCE & BUDGET INFORMATION**

| | |
|---|---|
| FINANCE OFFICE APPROVAL | |
| SOURCE OF FUNDS | NH Dept. of Justice / general City funds |
| ACCOUNT NUMBER | TBD |
| AMOUNT | |
| APPROPRIATION REQUIRED YES ☒ NO ☐ | $25,836 (grant) / $6,459 (match) |

**LEGAL AUTHORITY**

City Charter.

**SUMMARY STATEMENT**

The Legal Department has been awarded a NH Department of Justice American Rescue Plan Act Victim Services grant in order to fund the continuing Victim-Witness Advocate position in the amount of $25,836.00. A non-Federal match of $6,459.00 is required by the grant and is included in the Legal Department's FY 2023 budget.

**RECOMMENDED ACTION**

Accept the grant, appropriate the necessary funds, and authorize the City Manager to enter into a grant agreement with the NH Department of Justice.

# AGENDA BILL - FUNDING RESOLUTION

## EXHIBIT

Project Name: Acceptance of and Appropriation of Funds for FY 2023 ARPA Victim Services Grant

Date: March 1, 2022

Fiscal Year: FY 2023

Fund (select):

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| GF | | Water | | Sewer | | Arena | |
| CIP | | Water CIP | | Sewer CIP | | Arena CIP | |
| | | Special Revenue | xx | | | | |

Fund Type: Lapsing [ ] Non-Lapsing [xx]

**Deauthorization**

| | Org # | Object # | Project # | Fed Amount $ | State Amount $ | Local Amount $ |
|---|---|---|---|---|---|---|
| 1 | | | | - | - | - |
| 2 | | | | - | - | - |
| 3 | | | | - | - | - |
| 4 | | | | - | - | - |

**Appropriation**

| | Org # | Object # | Project # | Fed Amount $ | State Amount $ | Local Amount $ |
|---|---|---|---|---|---|---|
| 1 | TBD | TBD | TBD | 25,836.00 - | - | 6,459.00 - |
| 2 | | | | - | - | - |
| 3 | | | | - | - | - |
| 4 | | | | - | - | - |

**Revenue**

| | Org # | Object # | Project # | Fed Amount $ | State Amount $ | Local Amount $ |
|---|---|---|---|---|---|---|
| 1 | TBD | TBD | TBD | 25,836.00 - | - | 6,459.00 - |
| 2 | | | | - | - | - |
| 3 | | | | - | - | - |
| 4 | | | | - | - | - |

DUNS # 073960874 CFDA # 16.575

Grant # 2023-VA-GX-0044 Grant Period: From 07/01/2022 To 06/30/2023

If de-authorizing Grant Funding appropriations: (select one)

Reimbursement Request will be reduced [ ] Funds will be returned [ ]

# *Intentionally left blank…*

City Clerk's Office

# City of Rochester Formal Council Meeting

## AGENDA BILL

**NOTE: Agenda Bills are due by 10 AM on the Monday the week before the City Council Meeting.**

| AGENDA SUBJECT |
|---|
| 154 Milton Road Lot Restoration M0205-L0109 |

| | |
|---|---|
| COUNCIL ACTION ITEM ☒<br>INFORMATION ONLY ☐ | FUNDING REQUIRED? YES ☐ NO ☒<br>* IF YES ATTACH A FUNDING RESOLUTION FORM |
| RESOLUTION REQUIRED? YES ☐ NO ☒ | FUNDING RESOLUTION FORM? YES ☐ NO ☒ |

| | | |
|---|---|---|
| AGENDA DATE | asap | |
| DEPT. HEAD SIGNATURE | | |
| DATE SUBMITTED | February 17th, 2022 | |
| ATTACHMENTS YES ☒ NO ☐ | * IF YES, ENTER THE TOTAL NUMBER OF PAGES ATTACHED | |

**COMMITTEE SIGN-OFF**

| | |
|---|---|
| COMMITTEE | |
| CHAIR PERSON | |

**DEPARTMENT APPROVALS**

| | |
|---|---|
| DEPUTY CITY MANAGER | |
| CITY MANAGER | |

**FINANCE & BUDGET INFORMATION**

| | |
|---|---|
| FINANCE OFFICE APPROVAL | |
| SOURCE OF FUNDS | |
| ACCOUNT NUMBER | |
| AMOUNT | |
| APPROPRIATION REQUIRED YES ☒ NO ☐ | |

**LEGAL AUTHORITY**

Per RSA 674:39-aa Lots or parcels that were involuntarily merged prior to September 18, 2010 by the municipality shall, at the request of the property owner, be restored to their pre-merger status provided that:

(a) The request is submitted to the governing body;
(b) No owner in the chain of title voluntarily merged his or her lots.

In addition, it is advised that the municipality recognize that by restoring the lots, no structures are made non-conforming

**SUMMARY STATEMENT**

In the case before you at 154 Milton Road, M0205-L0109, it appears the two lots that were merged have 100 and 175 ft of frontage respectively. When restored, the dividing lot line of the 100 ft frontage lot will need to be located 10 feet from the existing structure to make sure that structure does not become non-conforming to the side setback line.

As long as that detail is made a condition of approval, the Planning Department recommends the restoration of these lots.

Please see attached map.

**RECOMMENDED ACTION**

Recommend approval with condition that the dividing lot line of the 100 ft frontage lot will need to be located 10 feet from the existing structure to make sure that structure does not become non-conforming to the side setback line.

**PLANNING & DEVELOPMENT DEPARTMENT**
**City Hall Annex**
**33 Wakefield Street,**
**Rochester, New Hampshire 03867-1917**
**(603) 335-1338 - Fax (603) 330-0023**
**Web Site: www.rochesternh.net**

**Planning Board**
**Conservation Commission**
**Historic District Commission**
**Arts and Culture Commission**

# Memo

To: Mayor Callahan and the City Council
From: Shanna B. Saunders, Director, Planning and Development
Date: February 14, 2022
Re: Milton Road Lot Restoration

Per RSA 674:39-aa Lots or parcels that were involuntarily merged prior to September 18, 2010by the municipality shall, at the request of the property owner, be restored to their pre-merger status provided that:

(a) The request is submitted to the governing body;
(b) No owner in the chain of title voluntarily merged his or her lots.

In addition, it is advised that the municipality recognize that by restoring the lots, no structures are made non-conforming.

In the case before you at 154 Milton Road, M0205-L0109, it appears the two lots that were merged have 100 and 175 ft of frontage respectively. When restored, the dividing lot line of the 100 ft frontage lot will need to be located 10 feet from the existing structure to make sure that structure does not become non-conforming to the side setback line.

As long as that detail is made a condition of approval, the Planning Department recommends the restoration of these lots.

November 19, 2021

I Brianne MacIver request that the city of Rochester separate the 2 lots from the deed book 1965 page 346 in the Strafford County Registry of Deeds, map 205 lot 109 Rochester Tax Assessor. These lots were an involuntary merger and I would like them restored to their premerger status.

Thank you,

Brianne MacIver

# THE STATE OF NEW HAMPSHIRE
## JUDICIAL BRANCH
NH CIRCUIT COURT

7th Circuit - Probate Division - Dover
259 County Farm Road, Suite 203
Dover NH 03820

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
http://www.courts.state.nh.us

## CERTIFICATE OF APPOINTMENT
(Letter of Appointment)

Case Name: **Estate of Steve MacIver**

Case Number: **319-2020-ET-00576**

On October 06, 2020, the following person(s) was/were appointed to administer the estate of Steve MacIver. The named executor(s) accepted this responsibility.

Executor(s)

Brianne MacIver — 6 Hunter Court, Rochester NH 03867 — Home: 603-866-1670

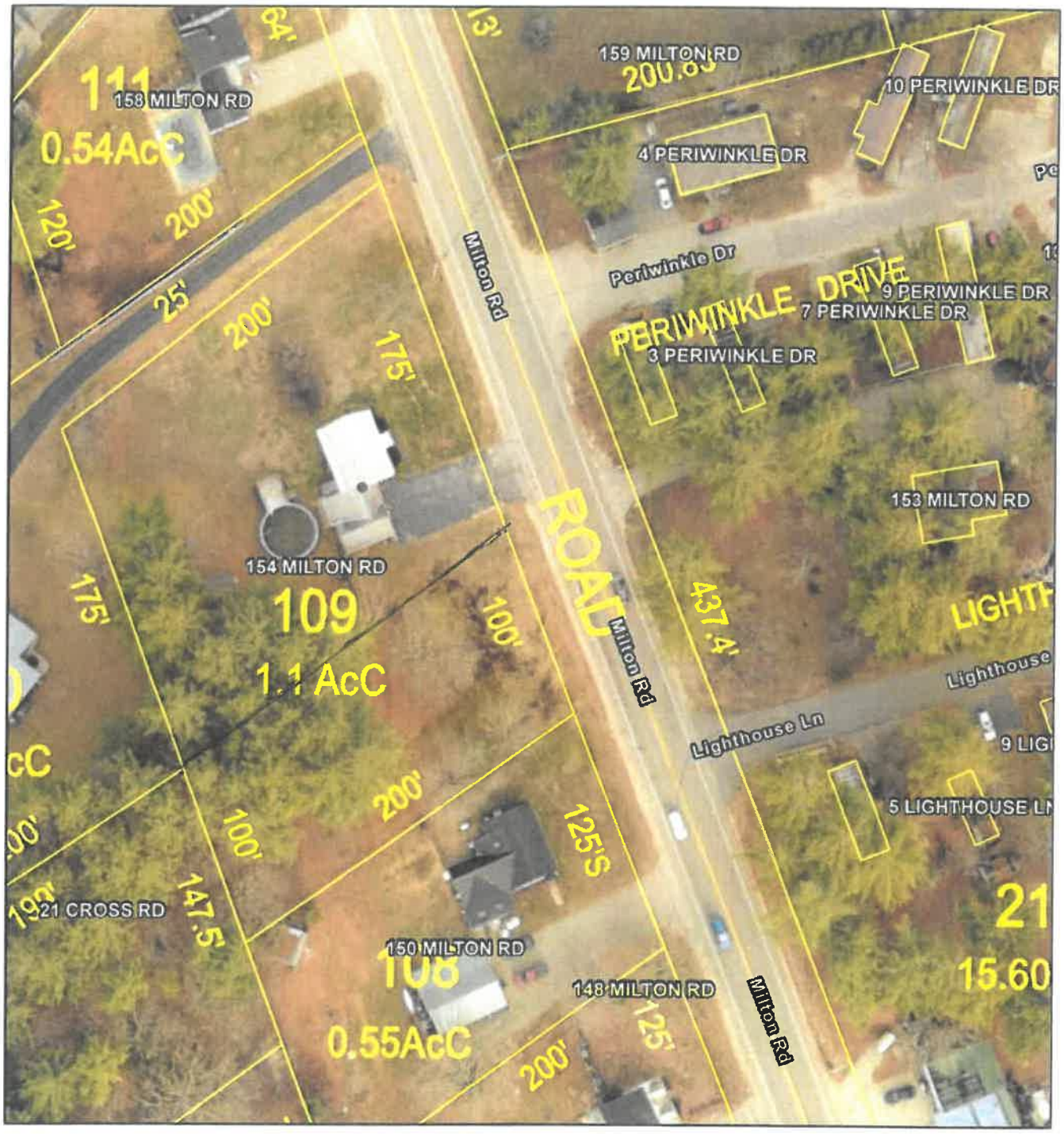
This document, when signed under seal, certifies that this appointment did occur as stated and remains in effect as dated below.

October 06, 2020

/s/ Cheryll-Ann Andrews
Clerk of Court
State of New Hampshire
Strafford County

This electronic certification stamp meets the statutory requirement for certified or attested documents pursuant to Supplemental Rules of the Circuit Court of New Hampshire for Electronic Filing.

# ArcGIS Web AppBuilder




11/17/2021, 11:22:59 AM

Tax Parcels

1:1,128

0 0.01 0.01 0.02 mi

0 0.01 0.02 0.04 km

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ArcGIS Online - Rochester NH-Web GIS